



**City of Flowery Branch
City Council Meeting
Thursday, December 19, 2024, 6:00 PM
City of Flowery Branch City Hall
5410 Pine Street, Flowery Branch, GA 30542**



CALL WORK SESSION TO ORDER:

PLEDGE OF ALLEGIANCE:

ADOPTION OF AGENDA:

AWARDS & RECOGNITIONS:

PUBLIC HEARING:

UNFINISHED BUSINESS - WORK SESSION:

- Consider the Second Reading of Ordinance 724 for a Variance Request at 4627 Atlanta Highway.
[Ordinance 724 - 12-19- 2024.pdf](#)
[VarianceApplication Revised.pdf](#)
[Variance Report 4627 Atlanta Highway final.pdf](#)
[4627 Atl Hwy - Front and Side Elevations.pdf](#)
[Traffic Calcs for Left Turn Lane 12-12-241.pdf](#)
[Truck Template for Loading 12-12-24.pdf](#)
- Consider the Second Reading of Ordinance 727 for a Conditional Use Permit at 5540 Atlanta Highway for the Operation of a Micro-Distillery.
[CUP Report 5540 Atlanta Highway Micro Distillery final.pdf](#)
[Ordinance 727 CUP for 5540 Atlanta Highway.pdf](#)
[Letter of Intent - CityFloweryBranch.pdf](#)
[Application.pdf](#)
[Site Survey.pdf](#)

NEW BUSINESS -WORK SESSION:

- Consider an Amendment to the Development Agreement with Flowery Branch Partners, LLC. for the Repair of Infrastructure at Summit Lake Subdivision.
[ES - Amend to Dev Agreement FB Partners.pdf](#)
[SCotter Pro241211192700.pdf](#)
- Consider Resolution # 24-012 to Accept Roads and Stormwater Infrastructure in Summit Lake Subdivision.
[ES - Dedication & Acceptance of Roads - Summit Lake.pdf](#)
[Resolution 24-012 Road Dedication Acceptance Summit Lake.pdf](#)
[Summit Lake Road Dedication email 3-10-23.pdf](#)

DEPARTMENT REPORTS:

- a. City Manager Report
- b. City Clerk Report

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

ADJOURNMENT WORK SESSION:

VOTING SESSION AGENDA

CALL VOTING SESSION TO ORDER:

PUBLIC COMMENTS:

Please limit to two minutes

CONSENT AGENDA:

- Consider December 5, 2024 City Council Meeting Minutes
[Unofficial December 5, 2024 City Council Meeting Minutes.pdf](#)

UNFINISHED BUSINESS - VOTING SESSION:

- Consider the Second Reading of Ordinance 724 for a Variance Request at 4627 Atlanta Highway
[Ordinance 724 - 12-19- 2024.pdf](#)
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[Letter of Intent - CityFloweryBranch.pdf](#)
[Application.pdf](#)
[Site Survey.pdf](#)

NEW BUSINESS - VOTING SESSION:

- Consider a First Amendment to the Lease Agreement for 5509 Main Street with Nicholas St. Clair.
[Executive Summary Nicholas St.Clair First Amendment.pdf](#)
[First Amendment Nicholas St. Clair .pdf](#)
- Consider an Amendment to the Development Agreement with Flowery Branch Partners, LLC. for the Repair of Infrastructure at Summit Lake Subdivision.
[ES - Amend to Dev Agreement FB Partners.pdf](#)
[SCotter Pro241211192700.pdf](#)
- Consider Resolution # 24-012 to Accept Roads and Stormwater Infrastructure in Summit

Lake Subdivision.

[ES - Dedication & Acceptance of Roads - Summit Lake.pdf](#)

[Resolution 24-012 Road Dedication Acceptance Summit Lake.pdf](#)

[Summit Lake Road Dedication email 3-10-23.pdf](#)

EXECUTIVE SESSION:

ADJOURNMENT:

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



FLOWERY BRANCH CITY COUNCIL



EXECUTIVE SUMMARY

SUBJECT: Consider the Second Reading of Ordinance 724 for a Variance Request at 4627 Atlanta Highway.

COUNCIL MEETING DATE: December 19, 2024

HISTORY:

Ordinance was tabled to December 19, 2024

FACTS AND ISSUES:

The applicant is seeking to develop four office/warehouse buildings totaling 41,450 sq.ft., including associated parking and utilities, on a property limited in depth due to a state water creek adjacent to Atlanta Highway. To accommodate the necessary depth for warehousing and tractor trailer truck movement, the applicant is requesting encroachments into the City's 75-foot impervious setback and 50-foot undisturbed stream buffer, which are necessary to meet industry standards for the proposed buildings.

OPTIONS:

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

No

AMOUNT AND SOURCE OF FUNDS:

RECOMMENDATION:

Approve Ordinance 724 with conditions

SAMPLE MOTION:

I make a motion to approve Ordinance 724 with the following conditions:

1. The Land Disturbance Permit shall be substantially similar to the plan provided with the variance application including the limits of the encroachment into the impervious setback and the City's stream buffer.
2. The area of preservation shall be substantially similar to the area in size and location shown on the site plan provided with the Variance Application.
3. In the areas where disturbance occurs within the 50' undisturbed buffer, the applicant shall provide a replanting plan using a native mixture of species of trees and shrubs. The plan shall be sealed by a Georgia registered Landscape Architect. The final plan shall be approved by the Community Development Director.
4. Prior to the issuance of Certificate of Occupancy, the owner shall provide the City an as-built survey of the development including the encroachment areas and preservation area.
 - a. The area of encroachment into the impervious setback shall not exceed 1,045 SF.

- b. The area of encroachment into the 50-foot Undisturbed Stream Buffer shall not exceed 3,715 SF.
c. The area of undisturbed preservation shall be no less than 7,323 SF.

COLLABORATING DEPARTMENT:

Planning

DEPARTMENT: Planning

Prepared by: Shelia Cooper

ATTACHMENTS

- [Ordinance 724 - 12-19- 2024.pdf](#)
- [VarianceApplication Revised.pdf](#)
- [Variance Report 4627 Atlanta Highway final.pdf](#)
- [4627 Atl Hwy - Front and Side Elevations.pdf](#)
- [Traffic Calcs for Left Turn Lane 12-12-241.pdf](#)
- [Truck Template for Loading 12-12-24.pdf](#)

Public Hearing Published 10/9/2024
Public Hearing 11/21/2024

First Reading 11/21/2024
Second Read 12/19/2024

ORDINANCE 724

4627 Atlanta Highway Variance Request

AN ORDINANCE GRANTING A VARIANCE FROM THE REQUIREMENTS SET FORTH IN THE CITY OF FLOWERY BRANCH ZONING ORDINANCE Article 26, Section 26.7, Stream Buffer Protection: Buffer and Setback Requirements, 4627 Atlanta Highway, TAX PARCEL IDENTIFICATION NO. 08092 000008, OWNED BY West Avenue Partners Group, LLC; AS SHOWN ON EXHIBIT "A", DESCRIBED ON EXHIBIT "B", AND SUBJECT TO THE CONDITIONS SET FORTH IN EXHIBIT "C"; PROVIDING FOR SEVERABILITY; REPEALING CONFLICTING ORDINANCES; PROVIDING FOR AN EFFECTIVE DATE; AND FOR ALL OTHER LAWFUL PURPOSES.

WHEREAS, William Stark, agent for owner has submitted a written and signed application to the City of Flowery Branch, Georgia requesting a specific variance for property located at 4627 Atlanta Highway; and

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

WHEREAS, the City Council of the City of Flowery Branch, Georgia held a public hearing on 11/21/2024, to consider the application, which was duly noticed as prescribed by law and published in the Gainesville Times, as shall be set forth in the minutes of said meeting; and

WHEREAS, the City Council of the City of Flowery Branch, Georgia has considered the subject variance application of William Stark, agent for owner in conjunction with the standards set forth in Article 26, Section 26.7 Stream Buffer Protection: Buffer and Setback Requirements of the Zoning Ordinance.

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

SECTION 1. FINDINGS:

The City Council finds that the proposed variance from the City of Flowery Branch Zoning Ordinance Article 26, Section 26.7 is consistent with the adopted standards for governing the exercise of the zoning power consistent with O.C.G.A. § 36-66-5 and requirements of Article 37, Section 37.5 of the City of Flowery Branch Zoning Ordinance as identified below.

Sec. 37.5. Criteria for Granting Variances.

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

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

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

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

The properties as shown in attached Exhibit "A" and as legally described in Exhibit "B" shall be granted the following variance from the requirements set forth in the Flowery Branch Zoning Ordinance Article 26, Section 26.7 Stream Buffer Protection: Buffer and Setback Requirements:

All land development activity subject to this ordinance shall meet the following requirements. Any land development activity within a buffer established in this Article or any impervious cover within a setback established in this Article is prohibited unless exempted, grandfather, or a variance is granted pursuant to this zoning ordinance.

- (a) Buffer. An undisturbed natural vegetative buffer shall be maintained for 50 feet, measured horizontally, on both banks (as applicable) of the stream as measured from the top of the stream bank.
- (b) Additional setback. An additional setback shall be maintained for 25 feet, measured horizontally, beyond the undisturbed natural vegetative buffer, in which all impervious cover shall be prohibited. Grading, filling and earthmoving shall be minimized within the setback.

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

SECTION 3. SEVERABILITY.

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

Public Hearing Published 10/9/2024
Public Hearing 11/21/2024

First Reading 11/21/2024
Second Read 12/19/2024

SECTION 4. EFFECTIVE DATE.

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

SECTION 5. REPEALER.

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

Adopted this 5th day of December 2024.

Edward R. Asbridge, Mayor

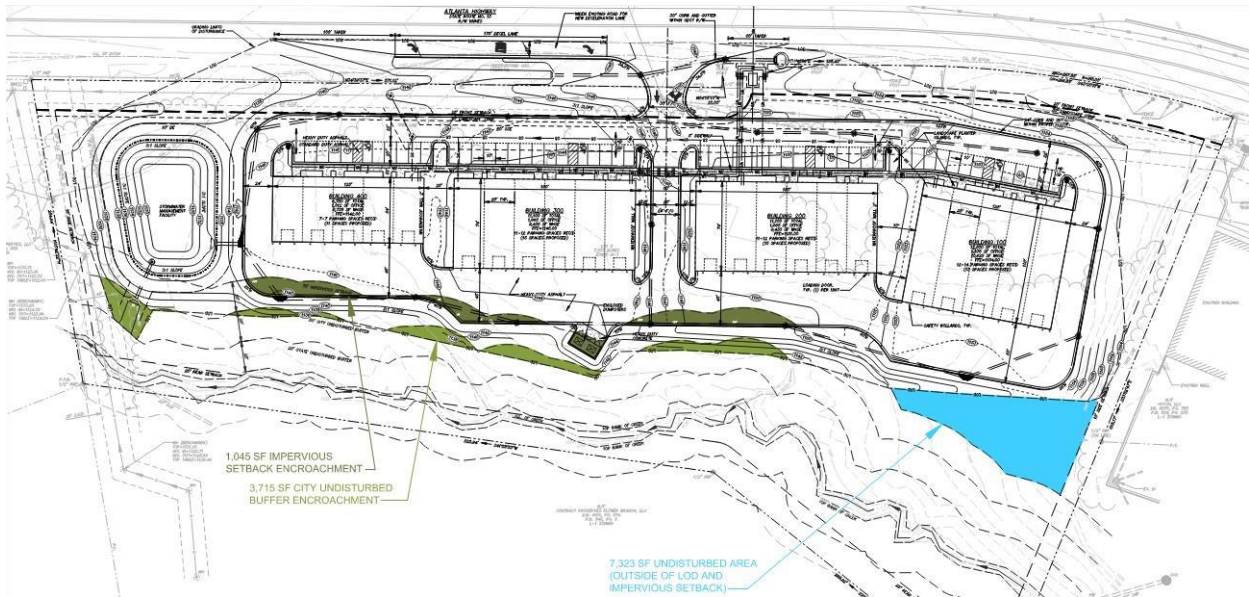
ATTEST:

Shelia R. Cooper, City Clerk

APPROVED AS TO FORM:

Ted C. Baggett, City Attorney

Exhibit "A"



Public Hearing Published 10/9/2024
Public Hearing 11/21/2024

First Reading 11/21/2024
Second Read 12/19/2024

Exhibit "B"

Legal Description

All that tract or parcel of land lying and being in Land Lot 98, 8th Land District, Hall County, Georgia, being Lot 5 as shown on a survey for South Hall Business Park, dated September 20, 2001, last revised October 3, 2001, prepared by Rochester & Associates, Inc., Georgia Registered Land Surveyors and recorded in Plat Slide 805, page 105A of the Hall County, Georgia Plat Records, last revised at Plat Book 845, page 3 of the Hall County, Georgia Plat Records. Said plat and the record thereof are incorporated by reference for a more complete description of said property.

Exhibit "C"

1. The Land Disturbance Permit shall be substantially similar to the plan provided with the variance application including the limits of the encroachment into the impervious setback and the City's stream buffer.
2. The area of preservation shall be substantially similar to the area in size and location shown on the site plan provided with the Variance Application.
3. In the areas where disturbance occurs within the 50' undisturbed buffer, the applicant shall provide a replanting plan using a native mixture of species of trees and shrubs. The plan shall be sealed by a Georgia registered Landscape Architect. The final plan shall be approved by the Community Development Director.
4. Prior to the issuance of Certificate of Occupancy, the owner shall provide the City an as built survey of the development including the encroachment areas and preservation area.
 - a. The area of encroachment into the impervious setback shall not exceed 1,045 SF.
 - b. The area of encroachment into the 50-foot Undisturbed Stream Buffer shall not exceed 3,715 SF.
 - c. The area of undisturbed preservation shall be no less than 7,323 SF.



VARIANCE APPLICATION

Address of Request:

4627 Atlanta Highway, Flowery Branch, GA 30542

Type of Variance Requested

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

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

Due to the shape of the property and location of the stream, an unnecessary hardship is created when strictly adhering to the requirements outlined in Article 26, Section 26.7 of the Flowery Branch Zoning Ordinance. In accordance with Article 26, Section 26.13, a variance is requested to reduce the required buffer width.

Applicant: William B Stark

Address: 5316 Railroad Avenue Flowery Branch, GA 30542

E-mail address: billstarkproperties@gmail.com

Phone number: (678) 960-3333

Signature: William B Stark Authorized Agent

Notary Seal:

Meredith Pierce
11/20/24



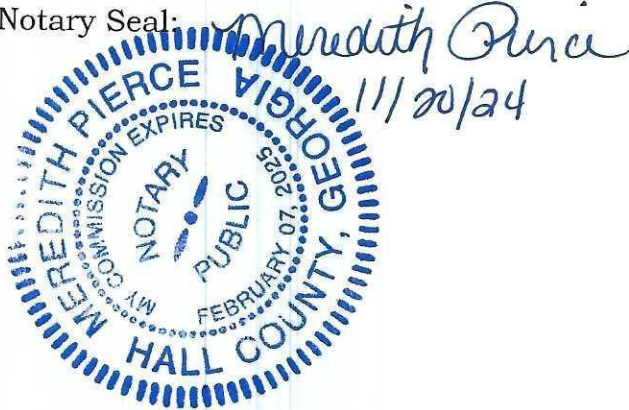


Property owner information (if different than the applicant)

Property owner (please print): West Avenue Partners, LLC

Signature of property owner: William B Stark Authorized Agent

Notary Seal:



Please provide the following at time of submittal:

- Legal description – one hard copy and on a flash drive
- Current survey of property – one hard copy and on a flash drive
- Site plan – one hard copy and on a flash drive
- Detailed description of request
- Conflict of interest disclosure (attached)
- Disclosure of campaign contributions (attached)



Memorandum

To: City of Flowery Branch, City Manager, and City Council

From: Chris McCrary, Community Development and Planning Director

Date: October 14th, 2024

Subject: Stream Buffer and Impervious Setback Encroachment Variance

Applicant: William Stark
5316 Railroad Avenue
Flowery Branch, GA 30542
770-231-3829

Existing Zoning: M – 1 – Manufacturing & Industrial Light

Location:

- 4627 Atlanta Highway; tax parcel identification number **08092 000008**,

Variance Request:

The applicant is seeking to develop four office/warehouse buildings totaling 41,450 sq.ft., including associated parking and utilities, on a property limited in depth due to a state water creek adjacent to Atlanta Highway. To accommodate the necessary depth for warehousing and tractor trailer truck movement, the applicant is requesting encroachments into the City's 75-foot impervious setback and 50-foot undisturbed stream buffer, which are necessary to meet industry standards for the proposed buildings.



Code Section:

Article 26. – Stream Buffer Protection:

Section 26.7. – Buffer and Setback Requirements.

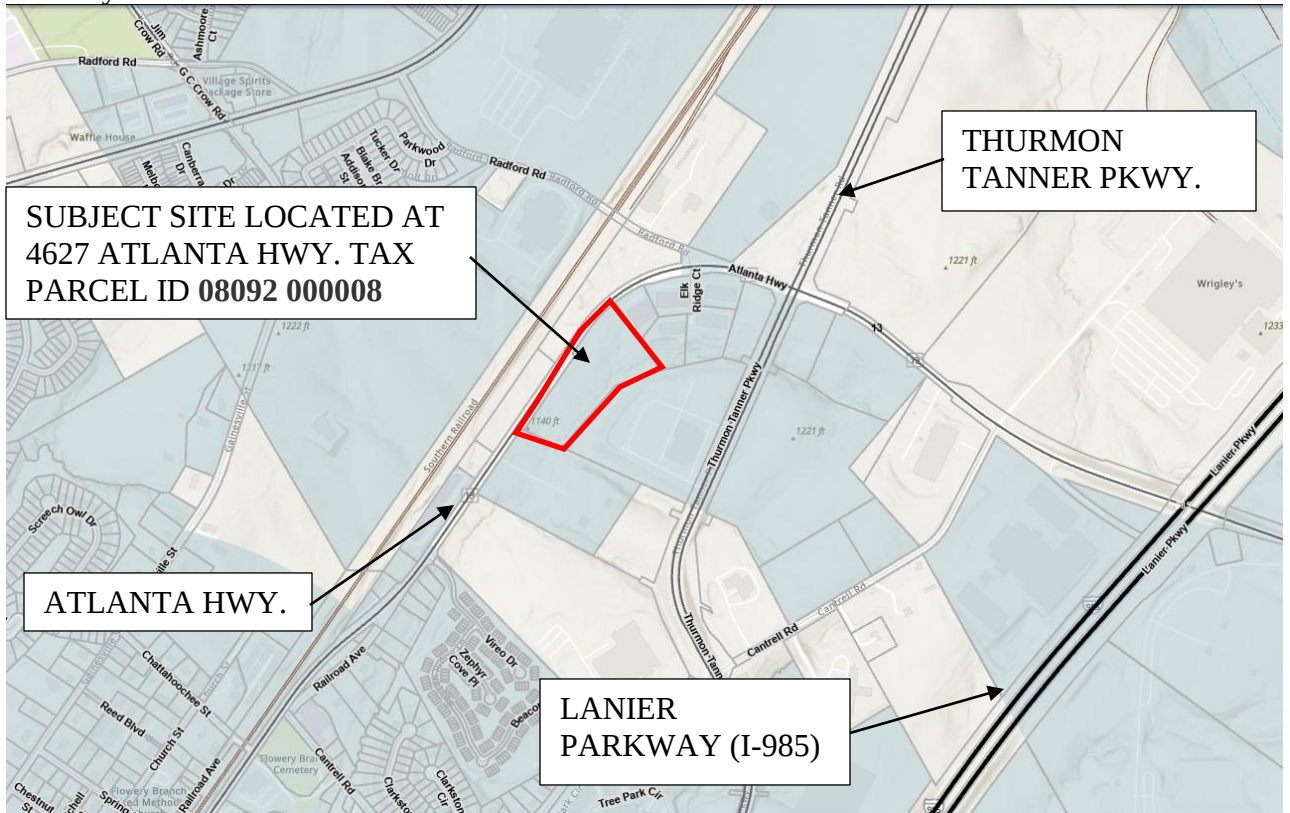
All land development activity subject to this ordinance shall meet the following requirements. Any land development activity within a buffer established in this Article or any impervious cover within a setback established in this Article is prohibited unless exempted, grandfather, or a variance is granted pursuant to this zoning ordinance.

- a) Buffer. An undisturbed natural vegetative buffer shall be maintained for **50 feet**, measured horizontally, on both banks (as applicable) of the stream as measured from the top of the stream bank.
- b) Additional setback. An additional setback shall be maintained for **25 feet** (*measured 75 feet from stream bank*), measured horizontally, beyond the undisturbed natural vegetative buffer, in which all impervious cover shall be prohibited. Grading, filling and earthmoving shall be minimized within the setback.



Location Map:

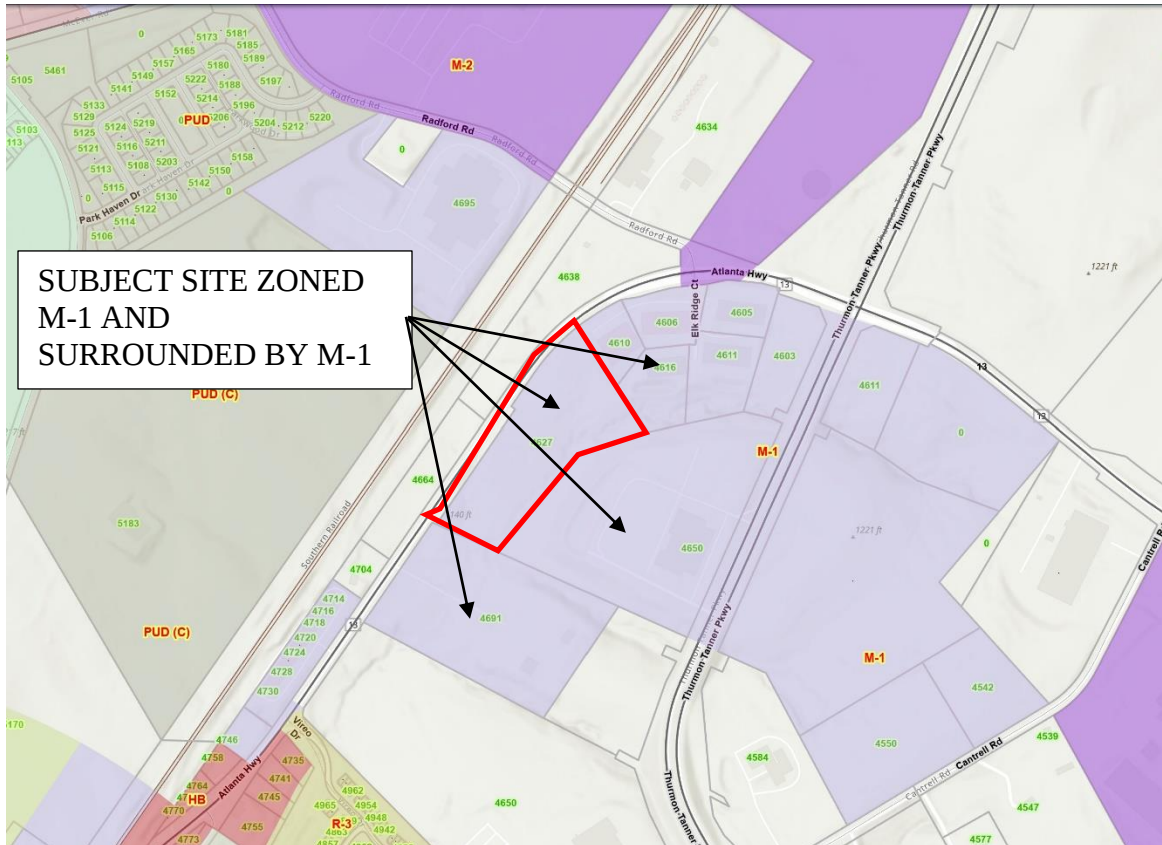
The subject site is located at 4627 Atlanta Highway near the intersection of Thurmon Tanner Parkway.





Zoning Map:

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



Legend

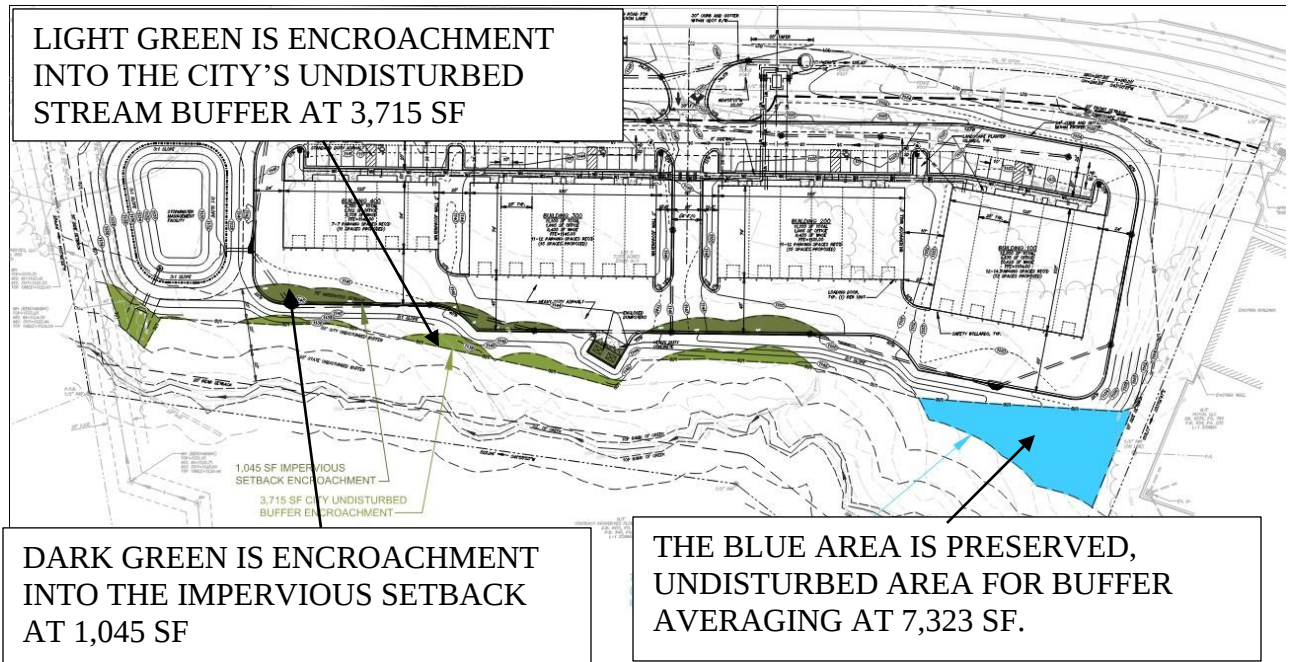
Zoning Districts

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



Site Plan:

The applicant's engineer provided a site plan that is color coded showing the areas of the stream buffer and impervious setback encroachment. A full-size site plan / encroachment plan will be available for better review.





Buffer Averaging

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

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

The preserved area serves multiple purposes:

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

In summary, the approach taken by the engineer to preserve more area than is disturbed, demonstrates a commitment to effective stormwater management while also complying with environmental regulations and promoting ecological sustainability. This strategy not only mitigates the direct impacts of encroachment but also enhances the overall functioning of the watershed and surrounding ecosystem.



Flowery Branch Code Section 26.13 – Variances

Variances to the provisions of this Article may be filed and shall be processed in accordance with the requirements of Article 37 of this zoning ordinance. All variance applications must include information identified by the "Stream Buffer Variance" application form as provided by the Zoning Administrator. Variances will be considered only in the following cases:

- a) When a property's shape, topography or other physical conditions existing at the time of the adoption of this ordinance prevents land development unless a buffer variance is granted.
- b) Unusual circumstances when strict adherence to the minimal buffer requirements in the ordinance would create an extreme hardship.

Variances will not be considered when actions of any property owner of a given property have created conditions of a hardship on that property. The following factors will be considered in determining whether to issue a stream buffer variance:

a) The shape, size, topography, slope, soils, vegetation and other physical characteristics of the property.

The parcel shape and topography create challenges to development of an office / warehouse buildings. The property is wide parallel to Atlanta Highway but is limited in depth. The stream runs parallel to Atlanta Highway and limits the depth. The topography drops from the street to the back of the property.

b) The locations of all streams on the property, including along property boundaries.

The applicant's engineer provided a drawing clearly showing the stream on the property including along property boundaries.

c) The location and extent of the proposed buffer or setback intrusion.

The applicant's engineer provided a drawing clearly showing the stream buffers and encroachments into the impervious setback and stream buffer.



d) Whether alternative designs are possible which require less intrusion or no intrusion.

An alternative design would be a challenge due to the limited depth of the parcel due to the need to move tractor trailers to the back of the buildings where the delivery roll up doors are located.

e) The long-term and construction water-quality impacts of the proposed variance.

The land development civil engineering plans are required to provide stormwater detention and water-quality measure per the existing development regulations. The engineer also provided buffer averaging to help mitigate the encroachment with preserved, undisturbed portions on the property.

f) Whether issuance of the variance is at least as protective of natural resources and the environment.

Preservation of an undisturbed area outside of the impervious setback and stream buffers larger than the area of encroachment mitigates the stormwater runoff in the encroachment area and provides protection of natural resources and the environment.

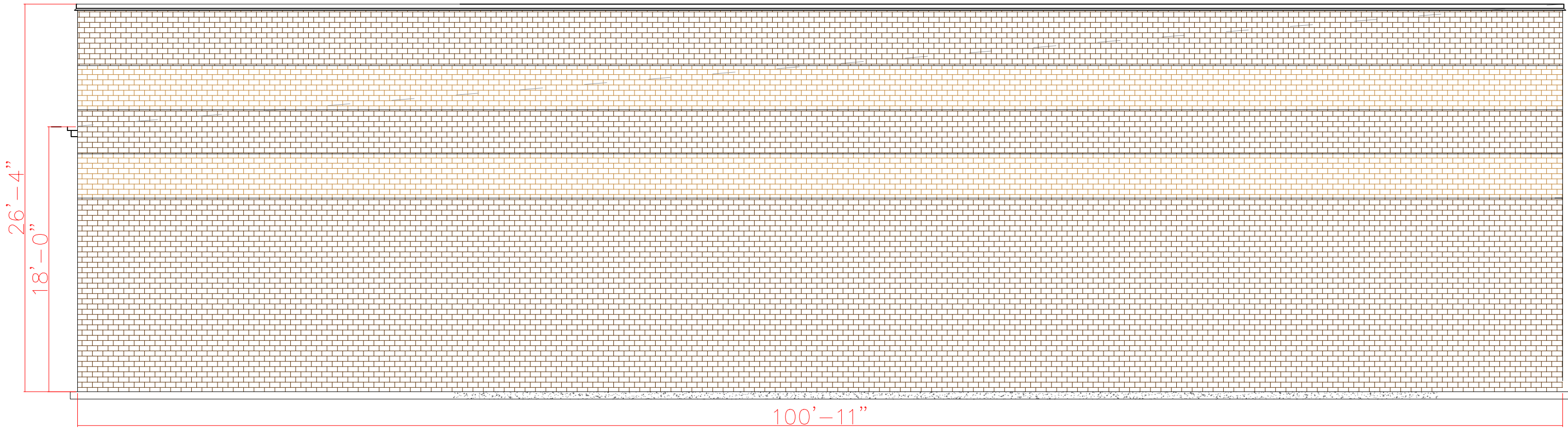
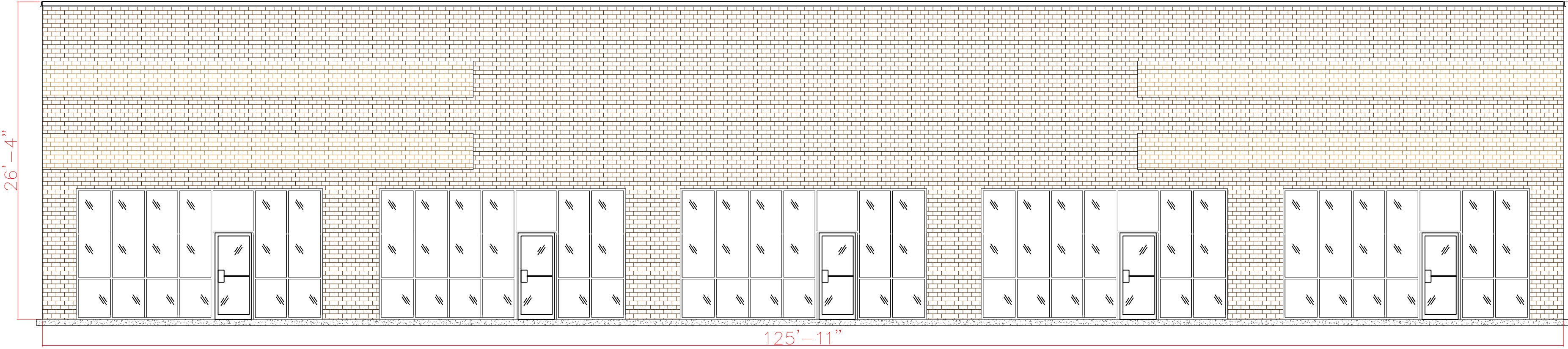


Recommendation:

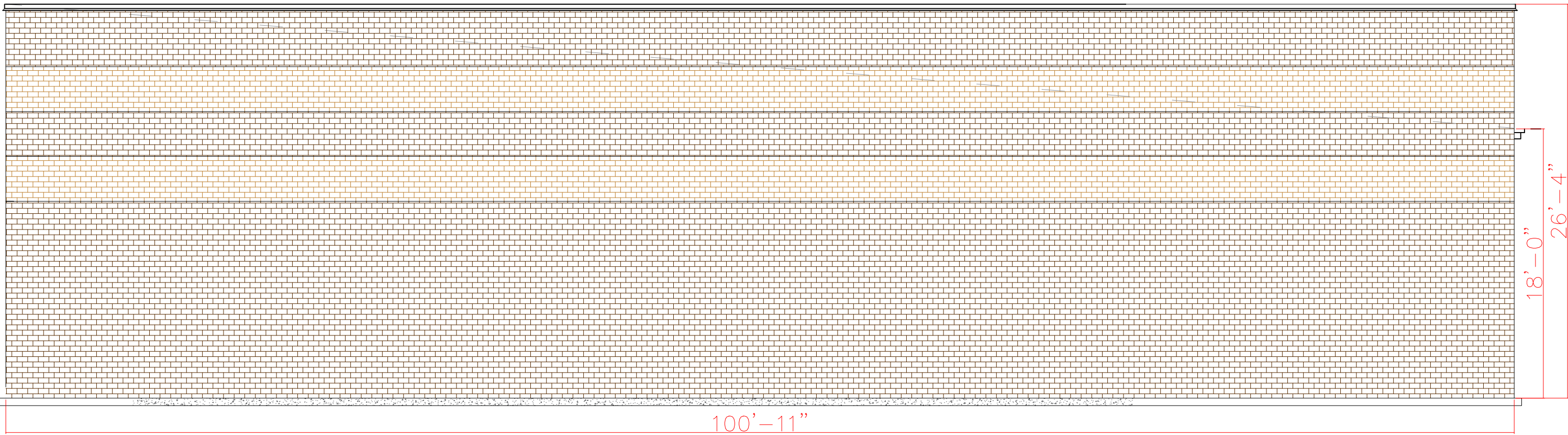
Staff recommends the **APPROVAL** of the proposed variance application for the encroachment into the required impervious setback and the City's undisturbed stream buffer per Code Section 26.7 with the following conditions:

1. The Land Disturbance Permit shall be substantially similar to the plan provided with the variance application including the limits of the encroachment into the impervious setback and the City's stream buffer.
2. The area of preservation shall be substantially similar to the area in size and location shown on the site plan provided with the Variance Application.
3. In the areas where disturbance occurs within the 50' undisturbed buffer, the applicant shall provide a replanting plan using a native mixture of species of trees and shrubs. The plan shall be sealed by a Georgia registered Landscape Architect. The final plan shall be approved by the Community Development Director.
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 - c. The area of undisturbed preservation shall be no less than 7,323 SF.

BUILDING 100

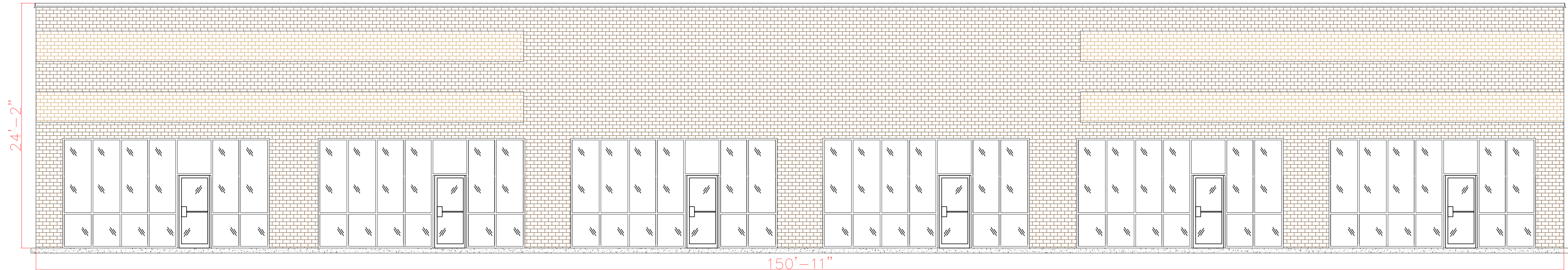


PROPOSED RIGHT ELEVATION
SCALE 1/8" = 1'-0"

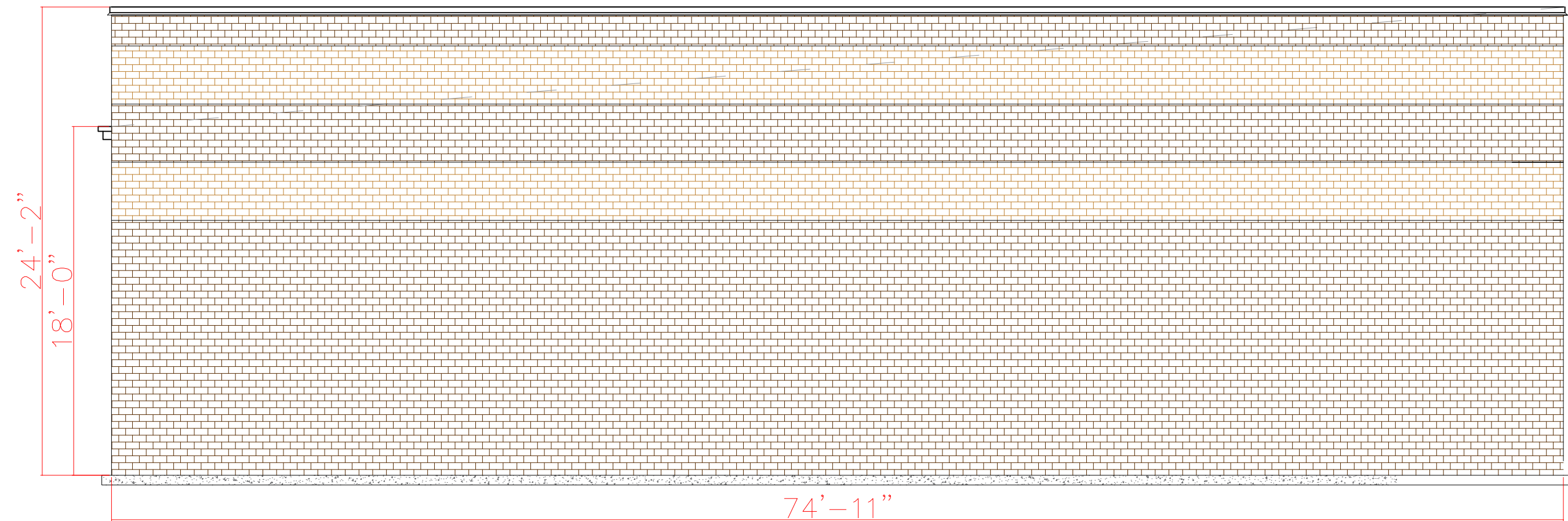


PROPOSED LEFT ELEVATION
SCALE 1/8" = 1'-0"

BUILDING 200



PROPOSED FRONT ELEVATION
SCALE 1/8" = 1'-0"

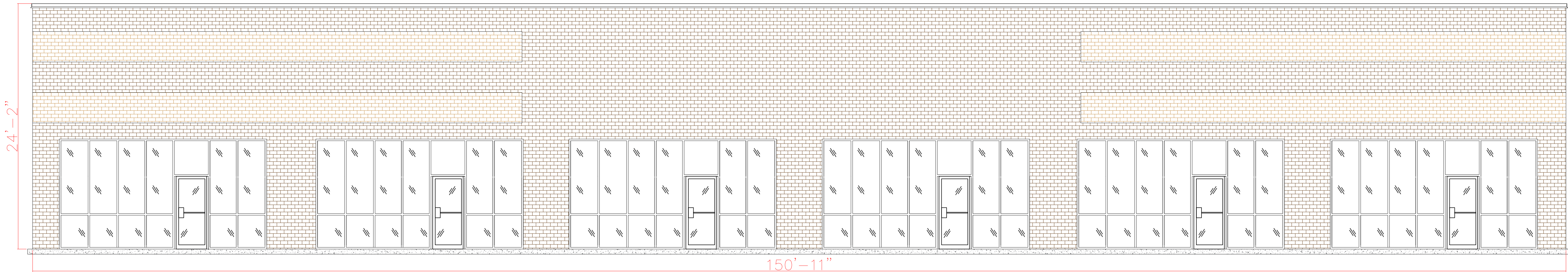


PROPOSED RIGHT ELEVATION
SCALE 1/8" = 1'-0"



PROPOSED LEFT ELEVATION
SCALE 1/8" = 1'-0"

BUILDING 300



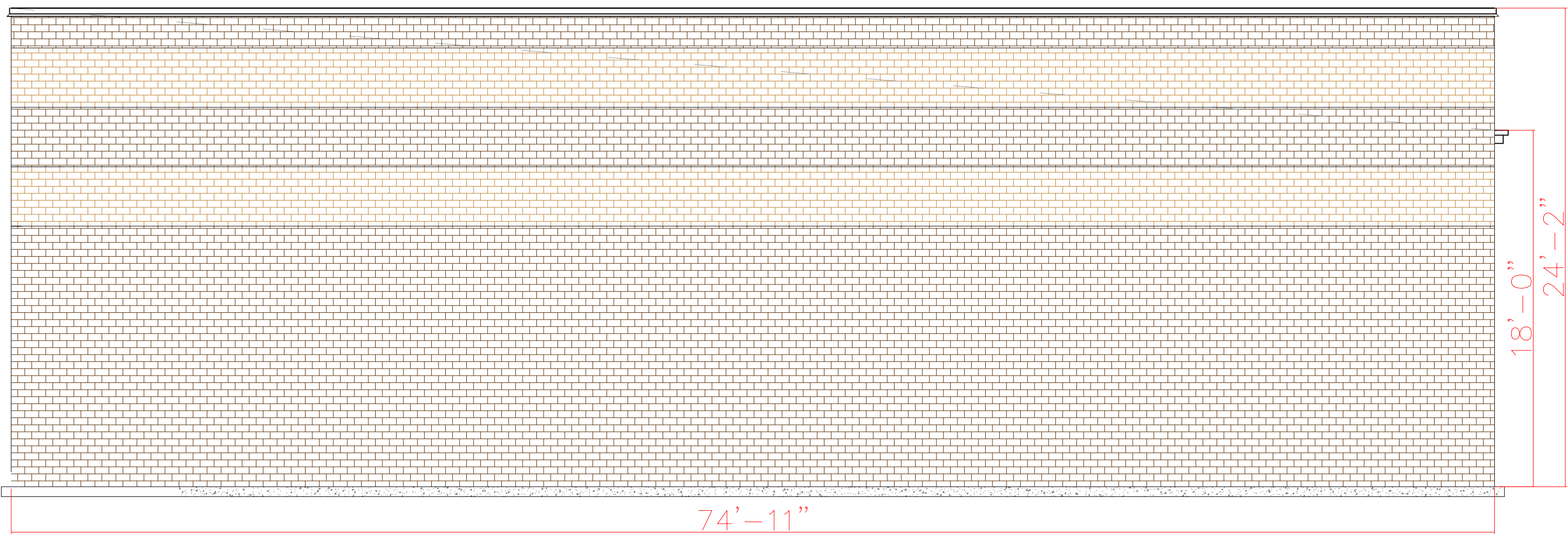
PROPOSED FRONT ELEVATION

SCALE 1/8" = 1'-0"



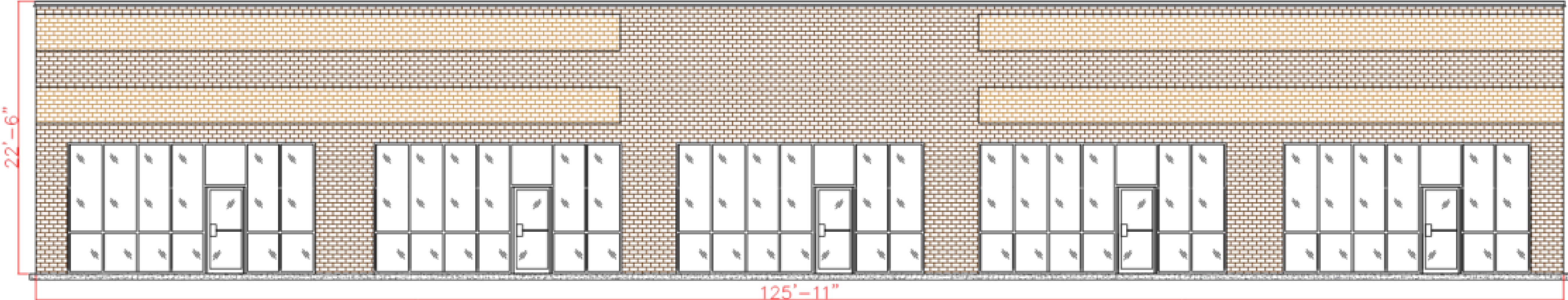
PROPOSED RIGHT ELEVATION

SCALE 1/8" = 1'-0"

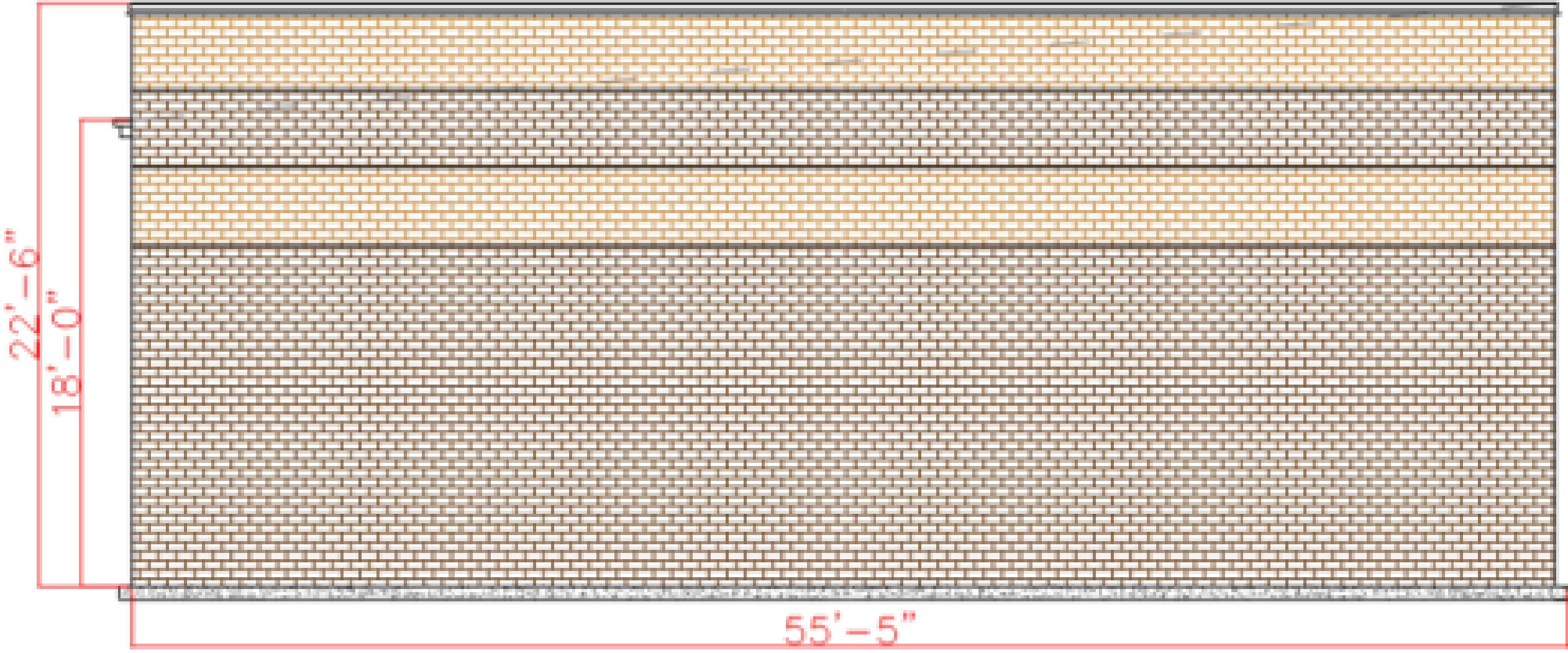


PROPOSED LEFT ELEVATION

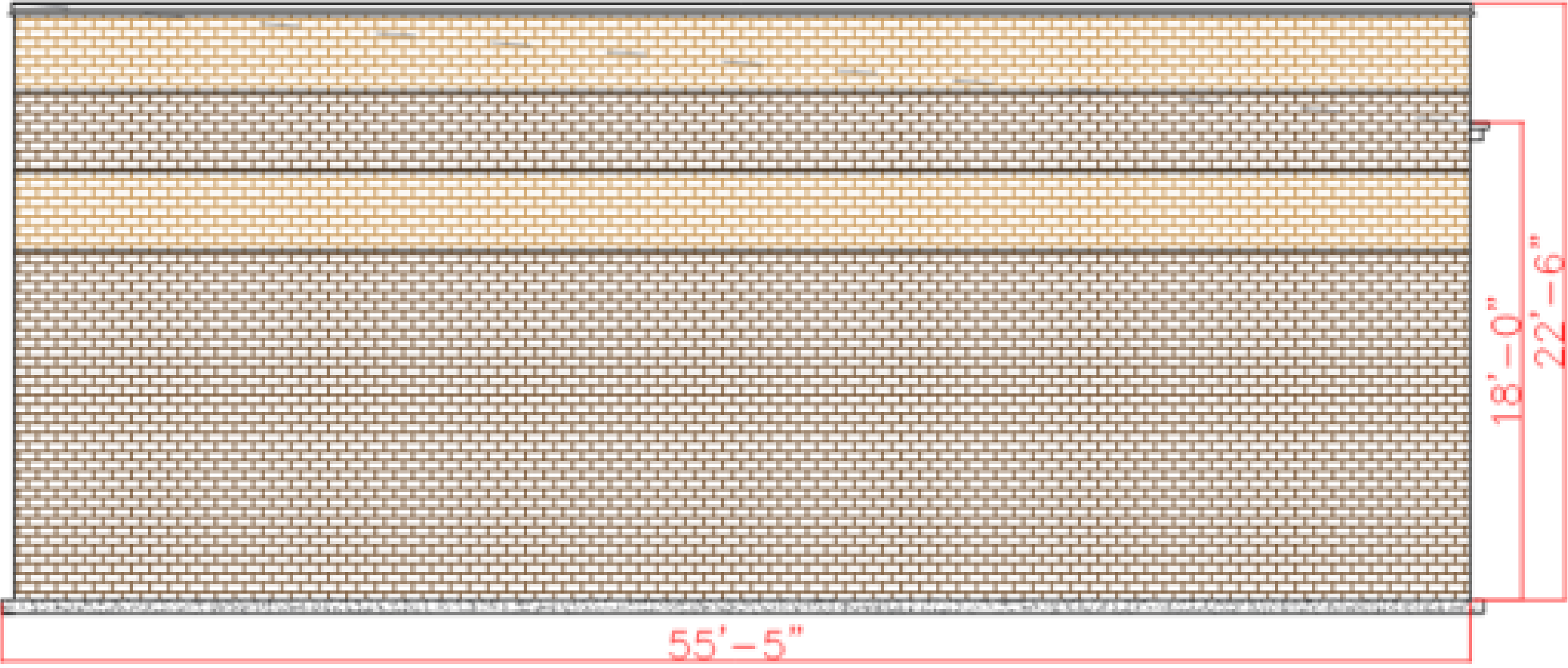
BUILDING 400



125'-11"
PROPOSED FRONT ELEVATION
SCALE 1/8" = 1'-0"



PROPOSED RIGHT ELEVATION
SCALE 1/8" = 1'-0"



PROPOSED LEFT ELEVATION
SCALE 1/8" = 1'-0"

South Hall Business Park

Flowery Branch, Georgia

Tax Parcel 08092 000008

7.01 Acres

Traffic Calculations for a Left Turn Lane

Introduction

The subject property is located at 4327 Atlanta Highway and is undergoing a variance application with the City of Flowery Branch. The proposed development consists of 40,950 SF office and warehouse space with associated utilities.

Existing Traffic Conditions

GDOT conducted a traffic study approximately 3,600' southwest of the subject property in August, 2022. According to the data provided through GDOT's Traffic Analysis and Data Application, the total traffic count over 24 hours was 7,432 trips.

Traveling North Bound: 3,916 trips (52.7%)

Traveling South Bound: 3,516 trips (47.3%)

Total Trip Count: 7,432 trips

Traffic Impact

Based on the calculations shown below, it is assumed that traffic from this proposed development does not warrant a left turn lane into this site. It is understood that other road improvements may be deemed necessary and required by the City of Flowery Branch and GDOT.

According to the *Trip Generation, 8th Edition* manual published by the Institute of Transportation Engineers, for General Office Building (ITE Land Use #710) the average trip generation rate is 11.01 trips per 1,000 sf leasable space per weekday.

Assuming full build-out of 6,142 sf, the proposed traffic impact will be:
 $(6,142 \text{ sf}) (11.01 \text{ daily weekday trips}/1000 \text{ sf}) = 68 \text{ trips/weekday}$

According to the *Trip Generation, 8th Edition* manual published by the Institute of Transportation Engineers, for Warehousing (ITE Land Use #150) the average trip generation rate is 3.56 trips per 1,000 sf leasable space per weekday.

Assuming full build-out of 34,808 sf, the proposed traffic impact will be:
 $(34,808 \text{ sf}) (3.56 \text{ daily trips}/1000 \text{ sf}) = 124 \text{ trips/weekday}$

Using the data provided by the GDOT study, it is assumed that 52.7% of the anticipated traffic generated from this development will travel northbound toward Thurmon Tanner Parkway and 47.3% will travel southbound.

Traveling Northbound: (52.7%) (191.4 trips/weekday) = 101 trips

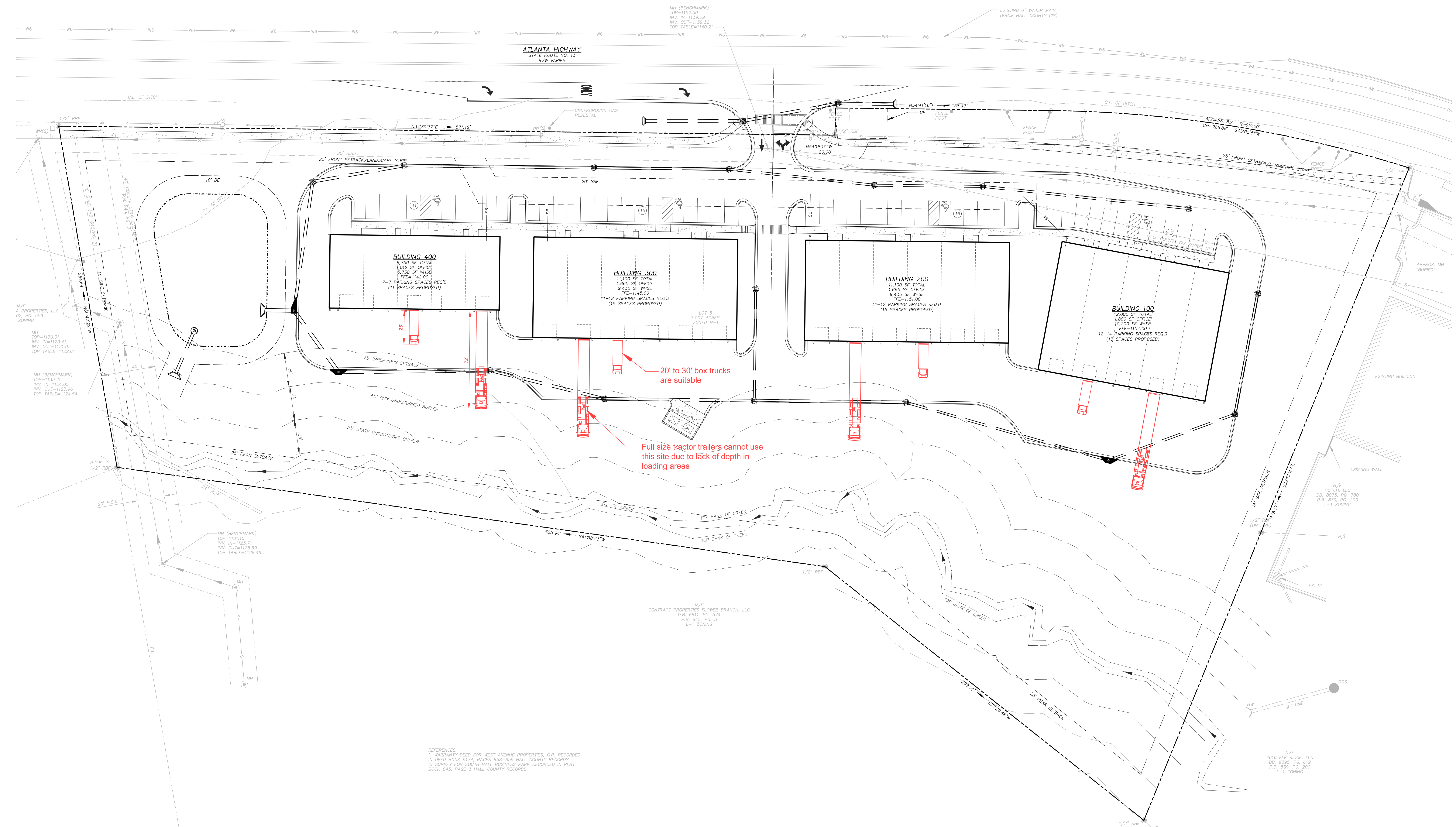
Traveling Southbound: (47.3%) (90.4 trips/weekday) = 91 trips

According to the *Trip Generation, 8th Edition* manual, the directional distribution is 50% entering, 50% leaving for both Warehousing and General Office Building. The left turn lane would be accessible for those traveling southbound. Looking at 50% of the total trips traveling southbound, 46 trips would make a left turn into the property. Based on the table below from the *Regulations for Driveway and Encroachment Control* manual, published by the Georgia Department of Transportation, the requirement for a left turn lane is 175 LTV (left turn volumes) a day. Based on the calculations above, there are 46 LTV a day, showing that the development does not warrant a left turn lane.

Condition 1

LEFT TURN REQUIREMENTS-FULL CONSTRUCTION				
Posted Speed	2 Lane Routes		More than 2 Lanes on Main Road	
	ADT		ADT	
	<6,000	>=6,000	<10,000	>=10,000
35 MPH or Less	300 LTV a day	200 LTV a day	400 LTV a day	300 LTV a day
40 to 50 MPH	250 LTV a day	175 LTV a day	325 LTV a day	250 LTV a day
>= 55 MPH	200 LTV a day	150 LTV a day	250 LTV a day	200 LTV a day

Table 4-7a Minimum Volumes Requiring Left Turn Lanes





FLOWERY BRANCH CITY COUNCIL



EXECUTIVE SUMMARY

SUBJECT: Consider the Second Reading of Ordinance 727 for a Conditional Use Permit at 5540 Atlanta Highway for the Operation of a Micro-Distillery.

COUNCIL MEETING DATE: December 19, 2024

HISTORY:

FACTS AND ISSUES:

The applicant is seeking the approval of a Conditional Use Permit for the operation of a micro-distillery within the existing building located at 5540 Atlanta Highway. The building is ~38,000 square feet and the applicant intends to occupy ~12,000 square feet of the building for the use of a micro-distillery. The applicant proposes an area within the distillery for operational observation, sample tasting, and retail sales within a space of ~1,250 square feet.

OPTIONS:

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

No

AMOUNT AND SOURCE OF FUNDS:

RECOMMENDATION:

Approval of Ordinance 727 with conditions.

SAMPLE MOTION:

I make a motion to approve Ordinance 727 with the following conditions:

1. The Conditional Use Permit is issued to Remedy Distillery, LLC and should the occupant vacate the building, the Conditional Use Permit expires.
 2. Adequate parking spaces shall be provided to support the current uses and the proposed micro-distillery. The applicant shall provide a breakdown of uses existing and proposed to calculate the minimal parking demands. If needed for confirmation, the applicant shall provide the Director of Planning and Community Development Director with a current survey of the property showing all stripped parking spaces.
 3. Entrance to the distillery shall meet all accessibility requirements per ADA standards.
 4. The approval of the Conditional Use Permit does not provide approval of variances to Federal, State, or Local codes and regulations.
 5. The applicant must ensure that proper fire lanes, emergency access routes, and safety measures are in place in accordance with local fire codes and regulations.
-

COLLABORATING DEPARTMENT:

DEPARTMENT: Planning**Prepared by:** Shelia Cooper

ATTACHMENTS

- [CUP Report 5540 Atlanta Highway Micro Distillery final.pdf](#)
- [Ordinance 727 CUP for 5540 Atlanta Highway.pdf](#)
- [Letter of Intent - CityFloweryBranch.pdf](#)
- [Application.pdf](#)
- [Site Survey.pdf](#)



Memorandum

To: City of Flowery Branch, City Manager, and City Council

From: Chris McCrary, Planning and Community Development Director

Date: December 5, 2024

Subject: Conditional Use Permit

Applicant: R. Keith Speed / Remedy Distillery, LLC
989 Old Thompson Mill Road
Winder, GA 30680
404-925-2400

Existing Zoning: HB – Highway Business

Location:

- 5540 Atlanta Highway; tax parcel identification number **08117 005002**

Conditional Use Permit (CUP) Request:

The applicant is seeking the approval of a Conditional Use Permit for the operation of a micro-distillery within the existing building located at 5540 Atlanta Highway. The building is ~38,000 square feet and the applicant intends to occupy ~12,000 square feet of the building for the use of a micro-distillery. The applicant proposes an area within the distillery for operational observation, sample tasting, and retail sales within a space of ~1,250 square feet. The applicant submitted a **Letter of Intent** that provides details of the business operation.



Code Section:

Table 9.1 – Permitted and Conditional Uses in Nonresidential Zoning Districts

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

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

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

Table 21.3 – Minimum and Maximum Number of Off-Street Parking Spaces Required

Use	Minimum Parking Required	Maximum Parking Permitted
Retail store	One per 275 square feet	One per 250 square feet
Warehouse	One per 2,000 square feet	One per 1,500 square feet

The total area to be used for the micro-distillery is 12,000 square feet. The use breakdown will be 10,750 square feet for the storage / distillery use and 1,250 square feet for the retail area.

Warehouse: $10,750 / 2,000 = 6$ parking spaces minimum and $10,750 / 1,500 = 8$ parking spaces maximum

Retail: $1,250 / 275 = 5$ parking spaces minimum and $1,250 / 250 = 5$ parking spaces maximum

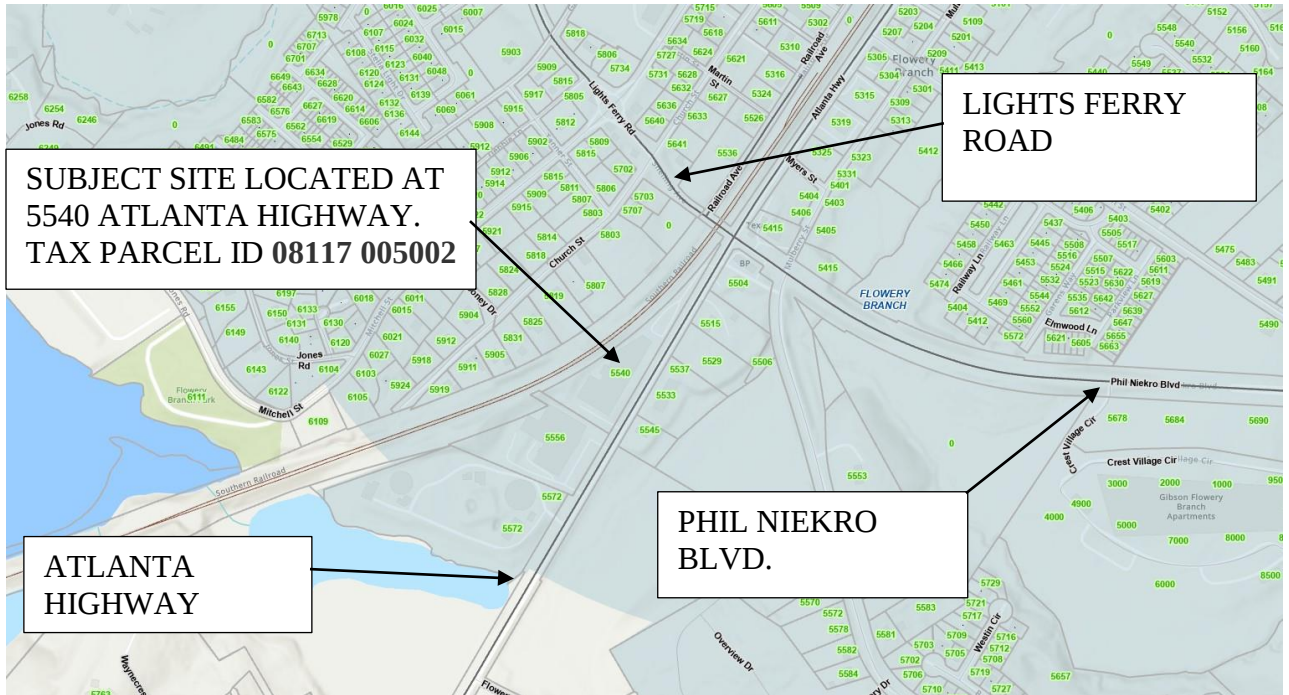
A total of 11 parking spaces minimum and 13 parking spaces maximum.

Prior to the issuance of subsequent permits, the applicant will need to provide an overall use breakdown for the entire 38,000 square foot building area to confirm the existing parking is sufficient for the current uses as well as the micro-distillery. The applicant may need to provide a current survey of the site to confirm the number of existing parking spaces.



Location Map:

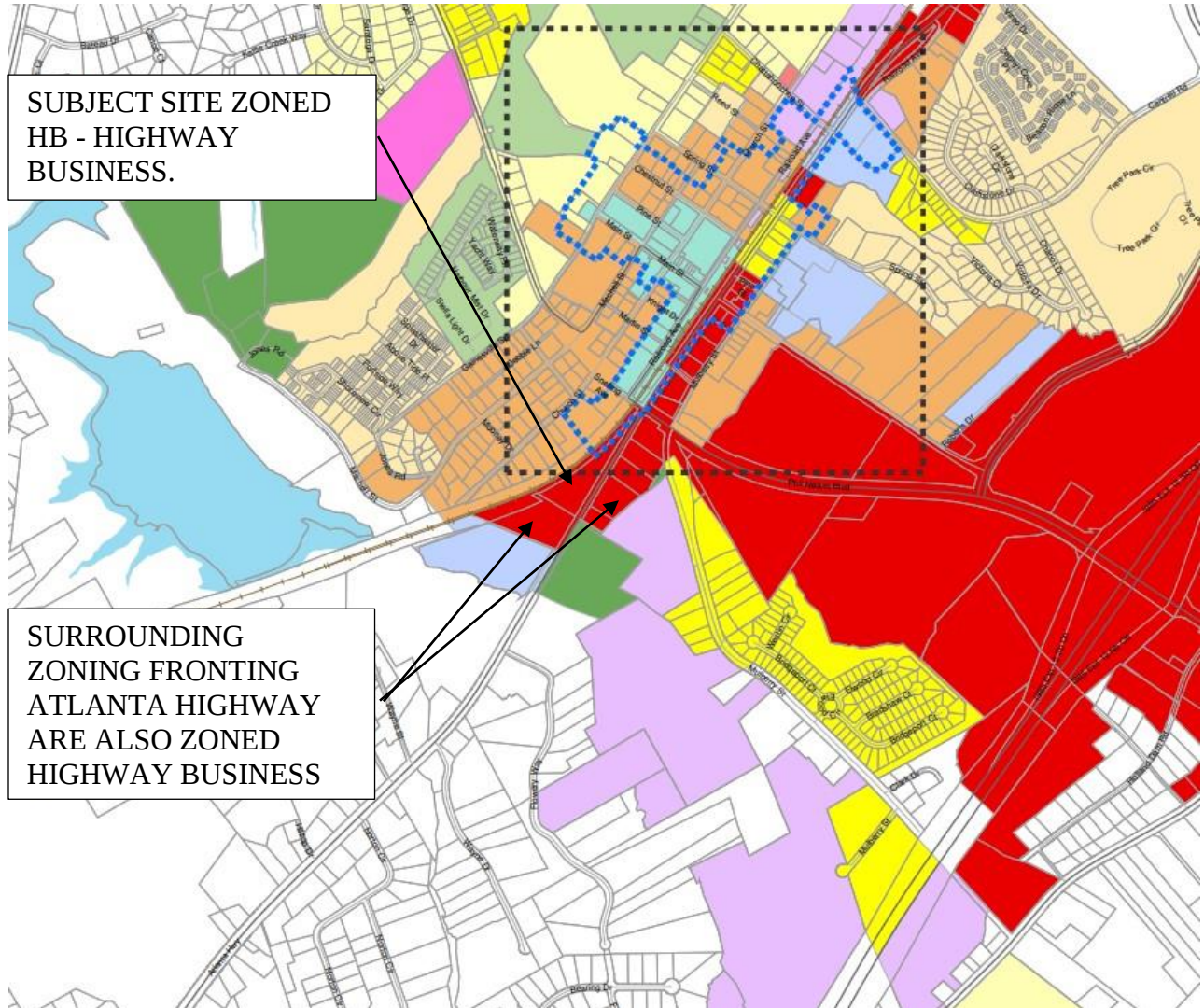
The subject site is located at 5540 Atlanta Highway near the intersection of Lights Ferry Road.





Zoning Map:

The subject property is zoned HB – Highway Business. The surrounding properties are also zoned HB.



Legend

Zoning Districts

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

Historic Districts

- Local Historic District



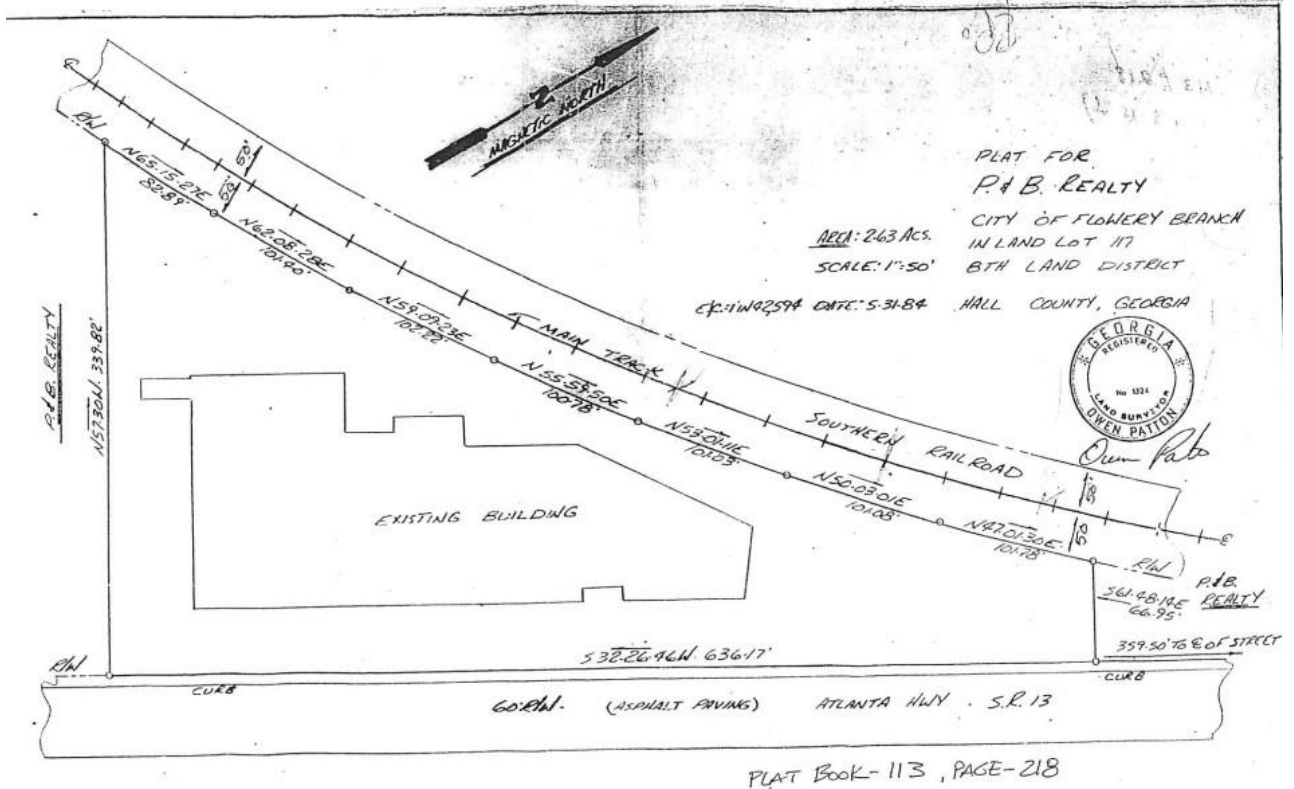
Aireal Plan:





Survey:

The survey provided with the CUP application shows the building relative to the property line but not the parking locations. A more current survey may be required prior to the issuance of permits.



Street View from Atlanta Highway:





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 City Council in the decision-making process.

- a) *Whether the proposal will permit a use that is suitable in view of the use and development of adjacent and nearby property.*
The development of a distillery adjacent and nearby other commercial developments is reasonable.
- b) *Whether the proposal will adversely affect the existing use or usability of adjacent or nearby property.*
The proposed use will not adversely affect the existing use or usability of adjacent or nearby property.
- c) *Whether the property to be affected by the proposal can be used in accordance with the existing regulations and has reasonable economic use as currently zoned.*
The building is only partially occupied. Allowing the CUP would help the building be more economically viable.
- d) *Whether the proposal will result in a use which will or could cause an excessive or burdensome use of existing streets, transportation facilities, utilities, or schools.*
The proposed use will not result in a use which will or could cause an excessive or burdensome use of existing streets, transportation facilities, utilities, or schools.
- e) *Whether the proposal is in conformity with the policy and intent of the comprehensive plan including but not limited to the character area map and future land use plan map.*
The proposed micro-distillery would be in conformity with the policy and 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.*
There are no 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.



- g) *Existing use(s) and zoning of the subject property and nearby properties.*
The micro-distillery will be in harmony with nearby commercial uses.
- h) *Existing value of the property under the existing zoning district classification, the extent to which the property value of the subject property is diminished by the existing zoning district, and the value of the property under the proposed zoning district; if such information is provided by the applicant or can be discerned. This consideration may include the length of time the property has been vacant or unused as currently zoned and efforts taken by the property owner(s) to use the property or sell the property under the existing zoning district classification.*
The applicant did not provide data indicating the change to property value. The applicant did not provide the length of time that the building area has been vacant.
- i) *Whether a proposed zoning map amendment or conditional use approval will be a deterrent to the value or improvement of development of adjacent property in accordance with existing regulations.*
The proposed use should have no impact on the value or improvement of development of adjacent property.
- j) *The possible creation of an isolated zoning district unrelated to adjacent and nearby districts.*
The subject site and surrounding zonings are HB and not isolated.
- k) *Possible effects of the change in zoning district map, or change in use, on the character of a zoning district.*
The proposed use should have no negative effects on the character of the area.
- l) *The possible impact on the environment, including but not limited to, drainage, soil erosion and sedimentation, flooding, air quality and water quality.*
The applicant is not proposing any exterior improvements that would have any impact on the environment.
- m) *The relation that the proposed map amendment or conditional use bears to the purpose of the overall zoning scheme and the purposes of this Zoning Ordinance.*
The proposed CUP will have no impact on the purpose of the overall zoning scheme and the purposes of this Zoning Ordinance.



Staff Recommendation for Conditional Use Permit (CUP)

Recommendation:

Staff recommends **approval** of the proposed **Conditional Use Permit (CUP)** for the operation of a micro-distillery located within the existing building at 5540 Atlanta Highway with the following conditions:

Conditions of Approval:

1. The Conditional Use Permit is issued to Remedy Distillery, LLC and should the occupant vacate the building, the Conditional Use Permit expires.
2. Adequate parking spaces shall be provided to support the current uses and the proposed micro-distillery. The applicant shall provide a breakdown of uses existing and proposed to calculate the minimal parking demands. If needed for confirmation, the applicant shall provide the Director of Planning and Community Development Director with a current survey of the property showing all stripped parking spaces.
3. Entrance to the distillery shall meet all accessibility requirements per ADA standards.
4. The approval of the Conditional Use Permit does not provide approval of variances to Federal, State, or Local codes and regulations.
5. The applicant must ensure that proper fire lanes, emergency access routes, and safety measures are in place in accordance with local fire codes and regulations.

Conclusion:

Staff finds that the proposed CUP for the micro-distillery is consistent with the city's growth and development goals and will provide positive economic impacts while mitigating potential negative effects through the recommended conditions.

Public Hearing Published	11/06/2024	First Reading	12/05/2024
Public Hearing	12/05/2024	Proposed Second Reading	12/19/2024

ORDINANCE NO. 727

AN ORDINANCE APPROVING A CONDITIONAL USE PERMIT (CUP) TO OPERATE A MICRO-DISTILLERY ON A PARCEL OF REAL PROPERTY OWNED BY JW BAILEY FAMILY PARTNERSHIP LLC, IDENTIFIED AS 5540 ATLANTA HIGHWAY, TAX PARCEL 08117 005002, TOTALING 2.69+/- ACRES AND AS SHOWN ON ATTACHED EXHIBIT “A”, AND AS CONDITIONED ON ATTACHED EXHIBIT “B”; PROVIDING FOR SEVERABILITY, REPEALING CONFLICTING ORDINANCES, PROVIDING FOR AN EFFECTIVE DATE AND FOR ALL OTHER LAWFUL PURPOSES.

WHEREAS, JW Bailey Family Partnership, LLC owns a parcel of land totaling 2.69+/- acres identified as Parcel Tax Identification No. 08117 005002, as shown on Exhibit “A”; and

WHEREAS, the subject property is zoned Highway Business and located in the Downtown Overlay District thus requiring a conditional use permit in order to be used as a micro-distillery; and

WHEREAS, JW Bailey Family Partnership, LLC, has submitted to the City Council of Flowery Branch, Georgia, a written and signed application requesting a conditional use permit (CUP) for the operation of a micro-distillery; and

WHEREAS, the City Council held a public hearing at the meeting of December 5, 2024 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 conditional use permit request 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 without the issuance of a conditional use permit 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 a development with or without a conditional use permit.
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 issuance of a conditional use permit 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. APPROVAL OF CUP AND LEGAL DESCRIPTIONS.

A conditional use permit to operate a micro-distillery is hereby granted for the subject parcel, as shown on Exhibit “A”, subject to the conditions set forth in Exhibit “B”. Said Exhibits are incorporated by reference as if fully set forth herein.

SECTION 3. AMENDMENT OF THE ZONING MAP.

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

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 December 19th, 2024.

SECTION 6. REPEALER.

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

Approved this 19th day of December, 2024.

Edward R. Asbridge, Mayor

ATTEST:

Shelia R. Cooper, City Clerk

APPROVED AS TO FORM

Ted C. Baggett, City Attorney

Exhibit A



Exhibit B

Conditions of Conditional Use Permit

1. The Conditional Use Permit is issued to Remedy Distillery, LLC and should the occupant vacate the building, the Conditional Use Permit expires.
2. Adequate parking spaces shall be provided to support the current uses and the proposed micro-distillery. The applicant shall provide a breakdown of uses existing and proposed to calculate the minimal parking demands. If needed for confirmation, the applicant shall provide the Director of Planning and Community Development Director with a current survey of the property showing all stripped parking spaces.
3. Entrance to the distillery shall meet all accessibility requirements per ADA standards.
4. The approval of the Conditional Use Permit does not provide approval of variances to Federal, State, or Local codes and regulations.
5. The applicant must ensure that proper fire lanes, emergency access routes, and safety measures are in place in accordance with local fire codes and regulations.

Letter of intent

Remedy Distillery, LLC

R. Keith Speed

989 Old Thompson Mill Rd
Winder, GA 30680

Dear Mayor and City Council of Flowery Branch;

My name is Keith Speed. I own Remedy Distillery, currently located in Gainesville. It is my intent to move Remedy Distillery from Gainesville to the City of Flowery Branch. At the distillery, we bring in barrels of bourbon and some barrels of whiskey and totes of unaged whiskeys. All the alcohol is stored until we are ready to process or bottle our products. We are storing and ageing barrels of bourbon for the next few years, until ready to bottle. All the bourbon and whiskey barrels are 53-gallon white oak barrels. The totes are 270 gallons which contain unaged whiskey. Our distilling for our bourbon is being done offsite mostly at a non-disclosed location nearby in Georgia. We have other sources for our unaged whiskey that we bring in house.

When we process our bourbon, we dump a single barrel into stainless steel 400-ltr or 500-ltr tanks to proof down by mixing with Georgia's own spring mountain water. Once the desired proof is reached, currently 90 proof, the bourbon is ready to be bottled. Using a pneumatic pump, we pump the bourbon to a bottling tank, and by gravity we fill the 750ml bottles. After the bottles are labeled and sealed, they are packed into 6 bottles per case.

Our whiskey products are blended whiskeys also dumped into stainless steel tanks for mixing. They are currently mixed and proofed at 70 or 80 proof. Afterward, they are also bottled then packed into cases of 6 bottles each.

All of our cases contain six 750ml bottles. The cases are palletized at 20 cases per row and 6 rows max height. This makes our full pallets 120 cases per pallet max. Our distributor from Atlanta usually picks product up from Remedy on average of about once a month. Our focus is growing our distribution throughout the State of Georgia and getting our products into neighboring states.

Under state law and being a micro-distillery, Remedy is allowed to have a tasting room. With a tasting room, guests are allowed to sample our products and purchase bottles and cocktails made with our products only. It is my intent not to have a so-called bar, but a place where guests can come see who we (Remedy) are, what we do, and sample or try our products. Local business and traffic helps Remedy survive as we grow our distribution channels. I have been doing this for over 8.5 years and can confidently say we have a very good bourbon and the best tasting flavored bourbon and whiskey products in the market.

I believe our hours will be determined based on customer demand. We are considering Wednesdays and Thursdays hours open to the public- 4:00pm to 9:00 pm, and Fridays & Saturdays 12:00 pm to 10:00 pm. It is my intention that the distillery itself will be operating 6 days a week.... closed on Sundays. This is subject to change, as mentioned. If there is a public demand to open on Sundays, I would consider a time frame of 1:00 pm to 5:00 pm.

I appreciate your support and confidence that Remedy Distillery will be a great asset and bring business to the City of Flowery Branch. Likewise, the City of Flowery Branch will be a great asset to help Remedy Distillery thrive.

Thank you for this opportunity!

Sincerely,

R. Keith Speed - Founder



CONDITIONAL USE PERMIT APPLICATION

City Provided Permit #

Date: Oct. 24, 2024

Address of Request: 5540 Atlanta Hwy
Flowery Branch, GA 30542

Tax Map # _____ Current Zoning: HB

Is this site located within the boundaries of the historic district? _____

Currently a conforming use? _____

Any conditions of zoning, CUP's, etc.? _____

Applicant Information

Applicant: R. Keith Speed / Remedy Distillery, LLC

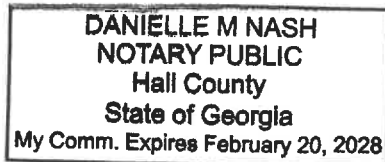
Address: 989 Old Thompson Mill Rd.
Winder, GA 30680

E-mail address: kspeed@remedydistillery.com

Phone number: c. 404-925-2400

Signature: R. Keith Speed

Notary Seal:





Property owner Information

Property owner (please print): John Bailey

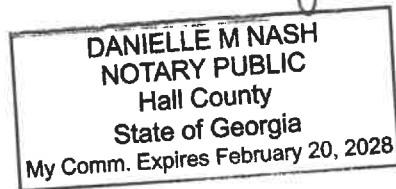
Address: 5540 Atlanta Hwy
Flowery Branch, GA 30542

E-mail address: john.bailey1BG@Gmail.com

Phone number: 770-652-5398

Signature: John Bailey

Notary Seal:



Applicant Information Required at Time of Submittal

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

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



Conflict of Interest Disclosure

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

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

None

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

None

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

None

Disclosure of Campaign Contributions

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

Elected Officials Name

Amount of Description of Gift

NA

0

NA

0



Received by City of Flowery Branch Staff on 10/24/24 [Signature] DN
Name: Dani M. Nash
Title: Admin. Coordinator

RECEIPT

DATE 10/24/89

NO. 483904

RECEIVED FROM

One Thousand

00/100

DOLLARS

FOR RENT

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3-11



FLOWERY BRANCH CITY COUNCIL



EXECUTIVE SUMMARY

SUBJECT: Consider an Amendment to the Development Agreement with Flowery Branch Partners, LLC. for the Repair of Infrastructure at Summit Lake Subdivision.

COUNCIL MEETING DATE: December 19, 2024

HISTORY:

A development agreement was signed on April 16, 2021, between the City of Flowery Branch and FB Partners. The subdivision was built and several years later the developer asked for the roads of the subdivision to be dedicated to the city, as it was always planned for the roads to be public roads. On March 10, 2023, the developer formally requested that the roads be dedicated to the City of Flowery Branch. At that point, staff began inspecting roads, curbs and infrastructure to ensure that all were up to city standards to be accepted. However, after the curbs and roads were corrected, there was an issue in correcting apparent failures in the stormwater infrastructure.

FACTS AND ISSUES:

Staff has worked extensively with the builder, developer, and president of the Summit Lake Homeowners Association (Bill Moats) since March 2023. Doug Cotter, with FB Partners has demonstrated his wishes for a cooperative partnership with the City of Flowery Branch and has signed the Development Agreement presented agreeing to participate in the funding of the stormwater structure repair in the amount of \$25,000 to be withheld from their TAD payment in 2025.

OPTIONS:

- 1) Approve the amendment to the development agreement.
- 2) Do not approve the amendment to the development agreement.

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

Yes

AMOUNT AND SOURCE OF FUNDS:

This is a source of funds.

RECOMMENDATION:

Approve an amendment to the development agreement with FB Partners, LLC. (FB Partners) to ensure funding is in place for the repair of stormwater infrastructure.

SAMPLE MOTION:

I move to approve the amendment to the development agreement with Flowery Branch Partners, LLC.

COLLABORATING DEPARTMENT:

DEPARTMENT: Administration

Prepared by: Shelia Cooper

ATTACHMENTS

- [ES - Amend to Dev Agreement FB Partners.pdf](#)
- [SCotter Pro241211192700.pdf](#)



FLOWERY BRANCH CITY COUNCIL EXECUTIVE SUMMARY

SUBJECT: Consider an Amendment to the Development Agreement with Flowery Branch Partners, LLC. for the Repair of Infrastructure at Summit Lake Subdivision.

DATE: December 13, 2024

☒ **RECOMMENDATION**

☐ **POLICY DISCUSSION**

BUDGET INFORMATION:

☐ **STATUS REPORT**

ANNUAL - N/A

☐ **OTHER**

CAPITAL - Funding Source (\$25,000)

COUNCIL ACTION REQUESTED ON: December 19, 2024

PURPOSE: To approve an amendment to the development agreement with FB Partners, LLC. (FB Partners) to ensure funding is in place for the repair of stormwater infrastructure.

HISTORY: A development agreement was signed on April 16, 2021, between the City of Flowery Branch and FB Partners. The subdivision was built and several years later the developer asked for the roads of the subdivision to be dedicated to the city, as it was always planned for the roads to be public roads. On March 10, 2023, the developer formally requested that the roads be dedicated to the City of Flowery Branch. At that point, staff began inspecting roads, curbs and infrastructure to ensure that all were up to city standards to be accepted. However, after the curbs and roads were corrected, there was an issue in correcting apparent failures in the stormwater infrastructure.

FACTS AND ISSUES:

Staff has worked extensively with the builder, developer, and president of the Summit Lake Homeowners Association (Bill Moats) since March 2023. Doug Cotter, with FB Partners has demonstrated his wishes for a cooperative partnership with the City of Flowery Branch and has signed the Development Agreement presented agreeing to participate in the funding of the stormwater structure repair in the amount of \$25,000 to be withheld from their TAD payment in 2025.

OPTIONS:

- 1) Approve the amendment to the development agreement.
- 2) Do not approve the amendment to the development agreement.

RECOMMENDED SAMPLE MOTION:

I move to approve the amendment to the development agreement with Flowery Branch Partners, LLC.

DEPARTMENT: Administration

Prepared by: Tonya Parrish

AMENDMENT TO DEVELOPMENT AGREEMENT

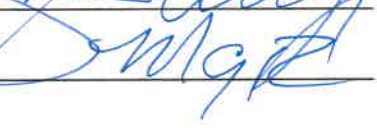
This development agreement between the City of Flowery Branch ("City") and Flowery Branch Partners, LLC, its successors and assigns ("FB Partners") entered into on April 16, 2021 is hereby amended this 11th day of Dec, 2024 as follows:

FB Partners wishes to demonstrate its cooperative partnership with the City by assisting the City with the financing of repairs to storm drain infrastructure located within the Summit Lakes development. The parties therefore agree that twenty-five thousand (\$25,000) will be withheld from the outstanding balance of City TAD payments to FB Partners as a contribution towards said repairs. The parties further agree that FB Partners is hereby released from any and all further obligations to the City regarding the Summit Lakes public infrastructure to be maintained by City.

In witness whereof, the parties hereto have caused this instrument to be duly executed.

Flowery Branch Partners, LLC

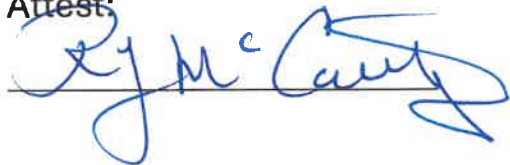
By: 

Its: 

City of Flowery Branch

By: _____

Attest:





FLOWERY BRANCH CITY COUNCIL



EXECUTIVE SUMMARY

SUBJECT: Consider Resolution # 24-012 to Accept Roads and Stormwater Infrastructure in Summit Lake Subdivision.

COUNCIL MEETING DATE: December 19, 2024

HISTORY:

On March 10, 2023, the developer formally requested that the roads be dedicated to the City of Flowery Branch via email (attached). Staff began inspecting roads, curbs and infrastructure to ensure that all were up to city standards to be accepted. However, after the curbs and roads were corrected, there was an issue in correcting apparent failures in the stormwater infrastructure which caused a significant delay in the dedication of the roads.

FACTS AND ISSUES:

Staff has worked extensively with the builder, developer, and president of the Summit Lake Homeowners Association (Bill Moats) since March 2023. Doug Cotter, with FB Partners has demonstrated his wishes for a cooperative partnership with the City of Flowery Branch and has signed the Amendment to the Development Agreement agreeing to participate in the funding of the stormwater structure repair in the amount of \$25,000 to be withheld from their TAD payment in 2025. With the adopted amendment to the development agreement, the City of Flowery Branch can now accept the roads and infrastructure and can repair the stormwater failures in the subdivision.

OPTIONS:

- 1) Approve Resolution 24-012 accepting roads and infrastructure in the right-of way.
- 2) Do not approve Resolution 24-012.

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

No

AMOUNT AND SOURCE OF FUNDS:

Funding is not approved for this stormwater capital project. The city's share will be approximately \$25,000. Funding is available in the Local Resources Fund.

RECOMMENDATION:

Adopt a resolution accepting roads and stormwater infrastructure in the City of Flowery Branch right-of-way in Summit Lake Subdivision.

SAMPLE MOTION:

I move to approve Resolution #24-012 accepting roads and stormwater infrastructure in the City of Flowery Branch right-of-way in Summit Lake Subdivision.

COLLABORATING DEPARTMENT:

DEPARTMENT: Administration**Prepared by:** Shelia Cooper

ATTACHMENTS

- [ES - Dedication & Acceptance of Roads - Summit Lake.pdf](#)
- [Resolution 24-012 Road Dedication Acceptance Summit Lake.pdf](#)
- [Summit Lake Road Dedication email 3-10-23.pdf](#)



FLOWERY BRANCH CITY COUNCIL EXECUTIVE SUMMARY

SUBJECT: Consider Resolution # 24-012 to Accept Roads and Stormwater Infrastructure in Summit Lake Subdivision.

DATE: December 13, 2024

(X)RECOMMENDATION

() POLICY DISCUSSION

BUDGET INFORMATION:

() STATUS REPORT

ANNUAL - N/A

() OTHER

CAPITAL - N/A

COUNCIL ACTION REQUESTED ON: December 19, 2024

PURPOSE: To adopt a resolution accepting roads and stormwater infrastructure in the City of Flowery Branch right-of-way in Summit Lake Subdivision.

HISTORY: On March 10, 2023, the developer formally requested that the roads be dedicated to the City of Flowery Branch via email (attached). Staff began inspecting roads, curbs and infrastructure to ensure that all were up to city standards to be accepted. However, after the curbs and roads were corrected, there was an issue in correcting apparent failures in the stormwater infrastructure which caused a significant delay in the dedication of the roads.

FACTS AND ISSUES:

Staff has worked extensively with the builder, developer, and president of the Summit Lake Homeowners Association (Bill Moats) since March 2023. Doug Cotter, with FB Partners has demonstrated his wishes for a cooperative partnership with the City of Flowery Branch and has signed the Amendment to the Development Agreement agreeing to participate in the funding of the stormwater structure repair in the amount of \$25,000 to be withheld from their TAD payment in 2025. With the adopted amendment to the development agreement, the City of Flowery Branch can now accept the roads and infrastructure and can repair the stormwater failures in the subdivision.

OPTIONS:

- 1) Approve Resolution 24-012 accepting roads and infrastructure in the right-of way.
- 2) Do not approve Resolution 24-012.

RECOMMENDED SAMPLE MOTION:

I move to approve Resolution #24-012 accepting roads and stormwater infrastructure in the City of Flowery Branch right-of-way in Summit Lake Subdivision.

DEPARTMENT: Administration

Prepared by: Tonya Parrish

RESOLUTION NO. 24-012

A RESOLUTION OF THE CITY OF FLOWERY BRANCH CITY COUNCIL ACCEPTING THE DEDICATION OF ROADWAYS AND STORMWATER STRUCTURES THEREIN LOCATED WITHIN THE SUMMIT LAKE DEVELOPMENT, FROM FLOWERY BRANCH PARTNERS LLC, FOR PUBLIC PURPOSES. THE ROADWAYS AND STORMWATER STRUCTURES THEREIN ARE IDENTIFIED AS BEING 2.1907 MILES; SAID ROADWAYS AND STORMWATER STRUCTURES THEREIN ARE IDENTIFIED IN EXHIBIT "A".

WHEREAS, the City Council of the City of Flowery Branch reviewed roadway dedications and all related aspects of the proposal as required by the Flowery Branch Subdivision and Land Development Regulations at the meeting of December 19, 2024.

NOW THEREFORE BE IT RESOLVED that the governing authority of the City of Flowery Branch, Georgia hereby accepts the following roadways from Flowery Branch Partners, LLC, for public purposes and hereby places them into the city's maintenance program: the roadways are identified as being 2.1907 miles within Summit Lake Subdivision and any stormwater structures located within any portion of the right-of-way of said accepted roadways in Exhibit "A". Said exhibit is incorporated by reference as if fully set forth herein.

Approved this 19th day of December 2024.

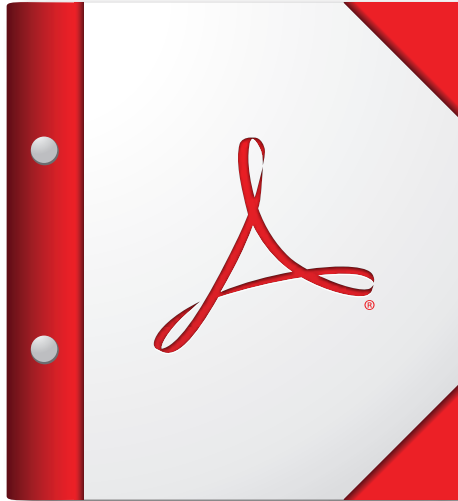
Edward R. Asbridge, Mayor

ATTEST:

Shelia R. Cooper, City Clerk

APPROVED AS TO FORM:

Ted Baggett, City Attorney



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FLOWERY BRANCH CITY COUNCIL



EXECUTIVE SUMMARY

SUBJECT: Consider December 5, 2024 City Council Meeting Minutes

COUNCIL MEETING DATE: December 19, 2024

HISTORY:

FACTS AND ISSUES:

OPTIONS:

IF FUNDING IS INVOLVED, ARE FUNDS APPROVED IN THE CURRENT BUDGET:
No

AMOUNT AND SOURCE OF FUNDS:

RECOMMENDATION:

SAMPLE MOTION:

COLLABORATING DEPARTMENT:

DEPARTMENT: Administration

Prepared by: Shelia Cooper

ATTACHMENTS

- [Unofficial December 5, 2024 City Council Meeting Minutes.pdf](#)



**City of Flowery Branch
City Council Meeting
Thursday, December 5, 2024, 6:00 PM
City of Flowery Branch City Hall
5410 Pine Street, Flowery Branch, GA 30542**



CALL WORK SESSION TO ORDER:

Mayor Asbridge called the meeting to order at 6:00 p.m.

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

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

Absent: None

PLEDGE OF ALLEGIANCE:

Mayor Asbridge led the Pledge of Allegiance.

ADOPTION OF AGENDA:

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

MOTION: Chris Mundy

SECOND: Joe Anglin

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

NAYS: None

Motion carried

AWARDS & RECOGNITIONS:

The City of Flowery Branch recognized and honored Cherokee Bluff High School Competition Cheerleading Team along with Coaches Rebekah Cooper and Amanda Bellew for winning the school's first State Championship on November 16, 2024, at the Macon Coliseum. Mayor Asbridge and Council Members Joe Anglin, Oliver McClellan, William McDaniel, Joseph Mezzanotte, and Chris Mundy presented a Proclamation to the team and coaches.



PUBLIC HEARING:

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

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

Staff recommends the approval of the proposed variance application for the encroachment into the required impervious setback and the city's undisturbed stream buffer per Code Section 26.7 with the following conditions:

1. The Land Disturbance Permit shall be substantially similar to the plan provided with the variance application, including the limits of the encroachment into the impervious setback and the city's stream buffer.
2. The area of preservation shall be substantially similar to the area in size and location shown on the site plan provided with the variance application.
3. In the areas where disturbance occurs within the 50' undisturbed buffer, the applicant shall provide a replanting plan using a native mixture of species of trees and shrubs. The plan shall be sealed by a Georgia registered landscape architect. The final plan shall be approved by the community development director.

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

Council held a discussion with Director McCrary.

There being no one to speak in favor or against the request, Mayor Asbridge closed the public hearing at 6:22 p.m.

Public Hearing and First Reading of Ordinance 727 to Consider a Conditional Use Permit at 5540 Atlanta Highway for the operation of a micro-distillery.

Director McCrary presented the first reading of Ordinance 727 to consider a conditional use permit at 5540 Atlanta Highway for the operation of a micro-distillery. The applicant is seeking the approval of a Conditional Use Permit for the operation of a micro-distillery within the existing building located at 5540 Atlanta Highway. The building is ~38,000 square feet and the applicant intends to occupy ~12,000 square feet of the building for the use of a micro-distillery. The applicant proposes an area within the distillery for operational observation, sample tasting, and retail sales within a space of ~1,250 square feet.

Staff recommend approval of the proposed Conditional Use Permit (CUP) for the operation of a micro-distillery located within the existing building at 5540 Atlanta Highway with the following conditions:

1. The Conditional Use Permit is issued to Remedy Distillery, LLC and should the occupant vacate the building, the Conditional Use Permit expires.
2. Adequate parking spaces shall be provided to support the current uses and the proposed micro-distillery. The applicant shall provide a breakdown of uses existing and proposed to calculate the minimal parking demands. If needed for confirmation, the applicant shall provide the director of planning and community development with a current survey of the property showing all stripped parking spaces.
3. Entrance to the distillery shall meet all accessibility requirements per ADA standards.
4. The approval of the Conditional Use Permit does not provide approval of variances to federal, state, or local codes and regulations.
5. The applicant must ensure that proper fire lanes, emergency access routes, and safety measures are in place in accordance with local fire codes and regulations.

There being no one to speak in favor or against the request, Mayor Asbridge closed the public hearing at 6:27 p.m.

UNFINISHED BUSINESS - WORK SESSION:

Wastewater Reclamation Facility Update

Mr. Pavel Mayfield presented a construction progress update on the wastewater reclamation facility. There have been zero safety incidents since the project began to date and there have been no quality incidents from the project beginning to date. The project design is 100% complete. The project permits are 95% complete and the structural excavation is complete. The yard piping, concrete and site electrical are ongoing. Mechanical has not been started but there have been zero interruptions to plant operations.





Progress Photos



Project Site



8/15/24



11/22/24



Progress Photos



Bioreactor Basin



11/22/24



Progress Photos



Headworks Facility



11/22/24



Progress Photos



Concrete Paving at Dewatering Building



11/22/24



Progress Photos



Work Inside EQ Tank Aeration Equipment



11/22/24



11/22/24



Progress Photos





Progress Photos



Progress Photos





Project Financials



Billings

Project Financials	Total Budget	Previous Invoices	November 2024 PayApp	To Date Total	To Date % Complete	Balance to complete
Early Work Package	\$ 2,656,430.00	\$ 950,633.55	\$ 215,807.60	\$ 1,166,441.15	43.9%	\$ 1,489,988.85
Main Construction Phase	\$ 43,311,101.00	\$ 2,523,885.25	\$ 1,187,813.15	\$ 3,711,698.40	8.6%	\$ 39,599,402.60

Allowances & Contingencies Use

Early Work Package						
Description	Original Budget	Approved to Date	Remaining Amount	Pending	Remaining Amount (Including Pending)	% Remaining
Owner Allowances	\$199,190.00	\$0.00	\$199,190.00	\$37,557.00	\$161,633.00	81.15%
Owner Contingency	\$99,711.00	\$6,406.13	\$93,304.87	\$45,000.00	\$48,304.87	48.44%
CMAR Contingency	\$99,711.00	\$44,099.57	\$55,611.43	\$0.00	\$55,611.43	55.77%

Main Construction Phase						
Description	Original Budget	Approved to Date	Remaining Amount	Pending	Remaining Amount (Including Pending)	% Remaining
Owner Contingency	\$900,000.00	\$0.00	\$900,000.00	\$0.00	\$900,000.00	100.00%
CMAR Contingency	\$1,600,000.00	\$0.00	\$1,600,000.00	\$0.00	\$1,600,000.00	100.00%

NEW BUSINESS -WORK SESSION:

Consider Master Services Agreement with ESG Engineering, Inc.

City Manager Parrish presented a consideration for a new Master Services Agreement with ESG Engineering, Inc. The city entered into a Master Agreement with ESG Engineering in 2022 that governs the terms and conditions of subsequent projects and tasks. It identifies the rate schedule for hourly projects, the legal terms and conditions, and provides a certificate of insurance that protects the city. The Master Agreement does not trigger any fiscal liability, it merely establishes the terms and conditions for subsequent projects. Because municipalities cannot enter into multiyear service agreements, an update to the 2022 agreement is needed. In accordance with O.C.G.A. Section 36-60-13, the agreement provides for automatic annual renewals to these terms unless either party gives advance written notice of non-renewal. The agreement also allows either party to terminate the agreement with 30 days' notice.

Council held a discussion with City Manager Parrish.

Consider Construction Manager Contract with ESG Engineering, Inc.

City Manager Parrish presented a consideration for a Construction Manager Contract with ESG Engineering, Inc. The construction manager/inspection role was discussed as a future task in the original ESG Engineering, Inc. design task order with a scope and fee to be determined once the construction schedule was defined and field work was ready to begin. The level of construction oversight has been optimized to only the amount required to complete proper construction

inspection and engineering review of submittals, requests for information (RFI), and other design related support as part of the CMAR construction phase. The scope of support will provide a single highly qualified construction manager who will not only handle all construction documentation activities, but also site inspection and quality assurance for the duration of the project. The construction manager's role will be to serve as an interface between the existing facility's operational staff and the construction team to ensure the construction activities do not hinder the operations staff from continuing to produce high quality effluent during the duration of the project. Any required field coordination will be managed by the onsite construction manager. In addition to the onsite services, the design engineers will provide design support to help respond to engineering questions as well as review equipment product submittals to ensure compliance with the specifications. Included in the office engineering effort is all support related to the land disturbance, building permit, and DOT permitting processes. It is anticipated that the construction of the Flowery Branch WRF will take approximately two years to complete. To be in compliance with Georgia Environmental Finance Authority (GEFA) and EPD, staff requests approval of this contract.

Council held a discussion with Chris Carr, Senior Vice President, ESG Engineering, Inc.

Consider Resolution 24-010 to authorize the City to Participate in an Amicus Brief Supporting the Reversal of the Chang v. City of Milton Decision

City Attorney Ted Baggett presented a consideration of Resolution 24-010 to authorize the city to participate in an amicus brief supporting the reversal of the Chang v. the City of Milton decision. A jury in the State Court of Fulton County rendered a verdict of \$35,000,000 against the City of Milton, Georgia in a case stemming from an automobile accident in 2016. The city appealed that ruling to the Georgia Court of Appeals which affirmed the trial court verdict. The city now seeks to have the Georgia Supreme Court exercise its discretion to review the decision of the Court of Appeals and to overturn the ruling based on the doctrine of sovereign immunity.

The facts of the case were essentially that a driver died after their car left the roadway by virtue of colliding with a masonry planter in the city's right-of-way that had been in place for decades without incident. The Court determined that merely having the planter in the right-of-way constituted a failure of the city to perform a ministerial duty sufficient to hold the city responsible. Amicus briefs ("friend of the Court") are often filed by parties other than those directly involved in litigation at the appellate level in order to advise the court of the significance of the issues and their potential impact on others similarly situated. The City of Milton has encouraged multiple cities to agree to be a part of an amicus brief aimed at stressing the implications of the decision of the trial court and Court of Appeals in the Chang case. The brief is being authored by one of the attorneys working for the City of Milton and will be circulated for review to the city attorneys for the participating cities.

Council held a discussion with City Attorney Baggett.

Consider Resolution 24-011: To Become a Member of the Georgia Interlocal Risk Management Agency (GIRMA) and Participate in One or More of GIRMA's Funds.

Human Resources Director Krystle Hightower presented Resolution 24-011 to become a member of the Georgia Interlocal Risk Management Agency (GIRMA) and participate in one or more of GIRMA's funds.

House Bill 451, The Ashley Wilson Act, becomes effective January 1, 2025. This Act requires all public entities in Georgia to offer a supplemental benefit program for eligible first responders diagnosed with post-traumatic stress disorder (PTSD) resulting from exposure to line of duty traumatic events. It creates two once-per-lifetime financial safety nets to assist with uninsured costs associated with PTSD treatment and recovery. A first responder may access the benefits quickly and confidentially without worrying over stigma or job loss. The Act does not impact employer health plans, which are required to provide coverage for PTSD and other mental health conditions. However, health plans do not cover all costs associated with treatment and recovery such as deductibles, co-pays, and out-of-network treatment costs.

A public entity pays the costs of the program on behalf of its first responders. The Act defines public entity as a department, agency, board, bureau, commission, authority, or instrumentality of the State of Georgia, any local government or authority, including a county, municipality, or consolidated government in this state, or any other political division in this state. Such term includes a school district, independent school district, or other local school system in this state.

DEPARTMENT REPORTS:

Department of Fun Report:

Director Carden noted upcoming events.

Police Department Report:

Police Chief Hulsey updated Council on the Police Department. He shared an awesome new police recruitment video that can be viewed on the City of Flowery Branch website. The Flowery Branch Police Department is a 24-hour full service law enforcement agency committed to protecting and serving the residents and visitors of Flowery Branch. There is a focus on community-oriented policing, the department strives to foster relationships with community members, ensuring a safe and secure environment for all. The Flowery Branch Police Department Mission Statement is "We vow to protect and serve the City of Flowery Branch through dedication, professionalism, and community-oriented policing by using active cooperation as well as effective, proven standards of excellence with a positive, progressive attitude". Chief Hulsey stated he wanted to brag about some items that came in after the video was produced such as the new drone that the police department has recently acquired, a rifle shield which is used to protect officers, and a ballistic vest that officers wear for protection from high powered shells. He also thanked Mayor Asbridge and Council for their support of the police department.

Council Report:

Council Member Mezzanotte thanked Police Chief Hulsey and the entire police department for all they do daily.

Council Member McClellan wanted to give a “shout out” to the new website and encouraged residents to give it a look.

Mayor Asbridge reported that our police department is very active in our community, and it is amazing how they interact with the citizens.

ADJOURNMENT WORK SESSION:

Mayor Asbridge adjourned the work session at 7:11 p.m.

VOTING SESSION AGENDA

CALL VOTING SESSION TO ORDER:

Mayor Asbridge called the voting session to order at 7:11 p.m.

PUBLIC COMMENTS: There were no public comments.

CONSENT AGENDA:

- Consider 2025 City Council Meeting Dates
- Consider November 2024 Per Diem for Mayor Asbridge
- Consider November 21, 2024 City Council Meeting Minutes

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

MOTION: Chris Mundy

SECOND: William McDaniel

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

NAYS: None

Motion carried

UNFINISHED BUSINESS - VOTING SESSION:

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

City Clerk Cooper read the caption for Ordinance 724.

There was a motion made to Table Ordinance 724 Second Reading until December 19, 2024, City Council Meeting.

MOTION: Joseph Mezzanotte

SECOND: Oliver McClellan

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

NAYS: None

Motion carried

NEW BUSINESS - VOTING SESSION:

Consider Master Services Agreement with ESG Engineering, Inc.

There was a motion made to approve the Master Services Agreement with ESG Engineering, Inc. as presented.

MOTION: Oliver McClellan

SECOND: William McDaniel

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

NAYS: None

Motion carried

Consider Construction Manager Contract with ESG Engineering, Inc.

There was a motion made to approve the Construction Manager Contract with ESG Engineering, Inc. in an amount not to exceed \$988,650.00.

MOTION: Joe Anglin

SECOND: Chris Mundy

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

NAYS: None

Motion carried

Consider Resolution 24-010 to authorize the City to Participate in an Amicus Brief Supporting the Reversal of the Chang v. City of Milton Decision

There was a motion made to approve Resolution 24-010 authorizing the City to be named as an amicus party, along with other cities, in a brief to the Georgia Supreme Court, seeking to overturn the Chang decision.

MOTION: Chris Mundy

SECOND: Joe Anglin

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

NAYS: None

Motion carried

Consider Resolution 24-011: To Become a Member of the Georgia Interlocal Risk Management Agency (GIRMA) and Participate in One or More of GIRMA's Funds.

There was a motion made to approve Resolution 24-011 to become a member of the Georgia Interlocal Risk Management Agency (GIRMA) and participate in one or more of GIRMA's Funds and to authorize the Mayor and staff to execute necessary documents to accept the policy quote and initiate coverage.

MOTION: Oliver McClellan

SECOND: Joseph Mezzanotte

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

NAYS: None

Motion carried

First Reading of Ordinance 727 to Consider a Conditional Use Permit at 5540 Atlanta Highway for the Operation of a Micro-Distillery.

City Clerk Cooper read the caption for Ordinance 727.

There was a motion made to approve Ordinance 727.

MOTION: Joe Anglin

SECOND: William McDaniel

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

NAYS: None

Motion carried

EXECUTIVE SESSION:

There was a motion made to enter an executive session for matters related to the acquisition/disposition of real estate, for matters related to certain personnel issues, and for matters related to pending or potential litigation at 7:17 p.m.

MOTION: Joe Anglin

SECOND: Chris Mundy

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

NAYS: None

Motion carried

There was a motion made to exit the executive session at 7:54 p.m.

MOTION: Joe Anglin

SECOND: Oliver McClellan

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

NAYS: None

Motion carried

ADJOURNMENT:

There was a motion made to adjourn the meeting at 7:54 p.m.

MOTION: Oliver McClellan

SECOND: Joe Anglin

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

NAYS: None

Motion carried

Edward R. Asbridge, Mayor

Date

Shelia Cooper, City Clerk



FLOWERY BRANCH CITY COUNCIL



EXECUTIVE SUMMARY

SUBJECT: Consider the Second Reading of Ordinance 724 for a Variance Request at 4627 Atlanta Highway

COUNCIL MEETING DATE: December 19, 2024

HISTORY:

Ordinance was tabled to December 19, 2024

FACTS AND ISSUES:

The applicant is seeking to develop four office/warehouse buildings totaling 41,450 sq.ft., including associated parking and utilities, on a property limited in depth due to a state water creek adjacent to Atlanta Highway. To accommodate the necessary depth for warehousing and tractor trailer truck movement, the applicant is requesting encroachments into the City's 75-foot impervious setback and 50-foot undisturbed stream buffer, which are necessary to meet industry standards for the proposed buildings.

OPTIONS:

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

No

AMOUNT AND SOURCE OF FUNDS:

RECOMMENDATION:

Approve Ordinance 724 with conditions

SAMPLE MOTION:

I make a motion to approve Ordinance 724 with the following conditions:

1. The Land Disturbance Permit shall be substantially similar to the plan provided with the variance application including the limits of the encroachment into the impervious setback and the City's stream buffer.
2. The area of preservation shall be substantially similar to the area in size and location shown on the site plan provided with the Variance Application.
3. In the areas where disturbance occurs within the 50' undisturbed buffer, the applicant shall provide a replanting plan using a native mixture of species of trees and shrubs. The plan shall be sealed by a Georgia registered Landscape Architect. The final plan shall be approved by the Community Development Director.
4. Prior to the issuance of Certificate of Occupancy, the owner shall provide the City an as-built survey of the development including the encroachment areas and preservation area.
 - a. The area of encroachment into the impervious setback shall not exceed 1,045 SF.

- b. The area of encroachment into the 50-foot Undisturbed Stream Buffer shall not exceed 3,715 SF.
c. The area of undisturbed preservation shall be no less than 7,323 SF.

COLLABORATING DEPARTMENT:

Planning

DEPARTMENT: Planning

Prepared by: Shelia Cooper

ATTACHMENTS

- [Ordinance 724 - 12-19- 2024.pdf](#)
- [VarianceApplication Revised.pdf](#)
- [Variance Report 4627 Atlanta Highway final.pdf](#)
- [4627 Atl Hwy - Front and Side Elevations.pdf](#)
- [Traffic Calcs for Left Turn Lane 12-12-241.pdf](#)
- [Truck Template for Loading 12-12-24.pdf](#)

Public Hearing Published 10/9/2024
Public Hearing 11/21/2024

First Reading 11/21/2024
Second Read 12/19/2024

ORDINANCE 724

4627 Atlanta Highway Variance Request

AN ORDINANCE GRANTING A VARIANCE FROM THE REQUIREMENTS SET FORTH IN THE CITY OF FLOWERY BRANCH ZONING ORDINANCE Article 26, Section 26.7, Stream Buffer Protection: Buffer and Setback Requirements, 4627 Atlanta Highway, TAX PARCEL IDENTIFICATION NO. 08092 000008, OWNED BY West Avenue Partners Group, LLC; AS SHOWN ON EXHIBIT "A", DESCRIBED ON EXHIBIT "B", AND SUBJECT TO THE CONDITIONS SET FORTH IN EXHIBIT "C"; PROVIDING FOR SEVERABILITY; REPEALING CONFLICTING ORDINANCES; PROVIDING FOR AN EFFECTIVE DATE; AND FOR ALL OTHER LAWFUL PURPOSES.

WHEREAS, William Stark, agent for owner has submitted a written and signed application to the City of Flowery Branch, Georgia requesting a specific variance for property located at 4627 Atlanta Highway; and

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

WHEREAS, the City Council of the City of Flowery Branch, Georgia held a public hearing on 11/21/2024, to consider the application, which was duly noticed as prescribed by law and published in the Gainesville Times, as shall be set forth in the minutes of said meeting; and

WHEREAS, the City Council of the City of Flowery Branch, Georgia has considered the subject variance application of William Stark, agent for owner in conjunction with the standards set forth in Article 26, Section 26.7 Stream Buffer Protection: Buffer and Setback Requirements of the Zoning Ordinance.

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

SECTION 1. FINDINGS:

The City Council finds that the proposed variance from the City of Flowery Branch Zoning Ordinance Article 26, Section 26.7 is consistent with the adopted standards for governing the exercise of the zoning power consistent with O.C.G.A. § 36-66-5 and requirements of Article 37, Section 37.5 of the City of Flowery Branch Zoning Ordinance as identified below.

Sec. 37.5. Criteria for Granting Variances.

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

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

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

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

The properties as shown in attached Exhibit "A" and as legally described in Exhibit "B" shall be granted the following variance from the requirements set forth in the Flowery Branch Zoning Ordinance Article 26, Section 26.7 Stream Buffer Protection: Buffer and Setback Requirements:

All land development activity subject to this ordinance shall meet the following requirements. Any land development activity within a buffer established in this Article or any impervious cover within a setback established in this Article is prohibited unless exempted, grandfather, or a variance is granted pursuant to this zoning ordinance.

- (a) Buffer. An undisturbed natural vegetative buffer shall be maintained for 50 feet, measured horizontally, on both banks (as applicable) of the stream as measured from the top of the stream bank.
- (b) Additional setback. An additional setback shall be maintained for 25 feet, measured horizontally, beyond the undisturbed natural vegetative buffer, in which all impervious cover shall be prohibited. Grading, filling and earthmoving shall be minimized within the setback.

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

SECTION 3. SEVERABILITY.

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

Public Hearing Published 10/9/2024
Public Hearing 11/21/2024

First Reading 11/21/2024
Second Read 12/19/2024

SECTION 4. EFFECTIVE DATE.

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

SECTION 5. REPEALER.

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

Adopted this 5th day of December 2024.

Edward R. Asbridge, Mayor

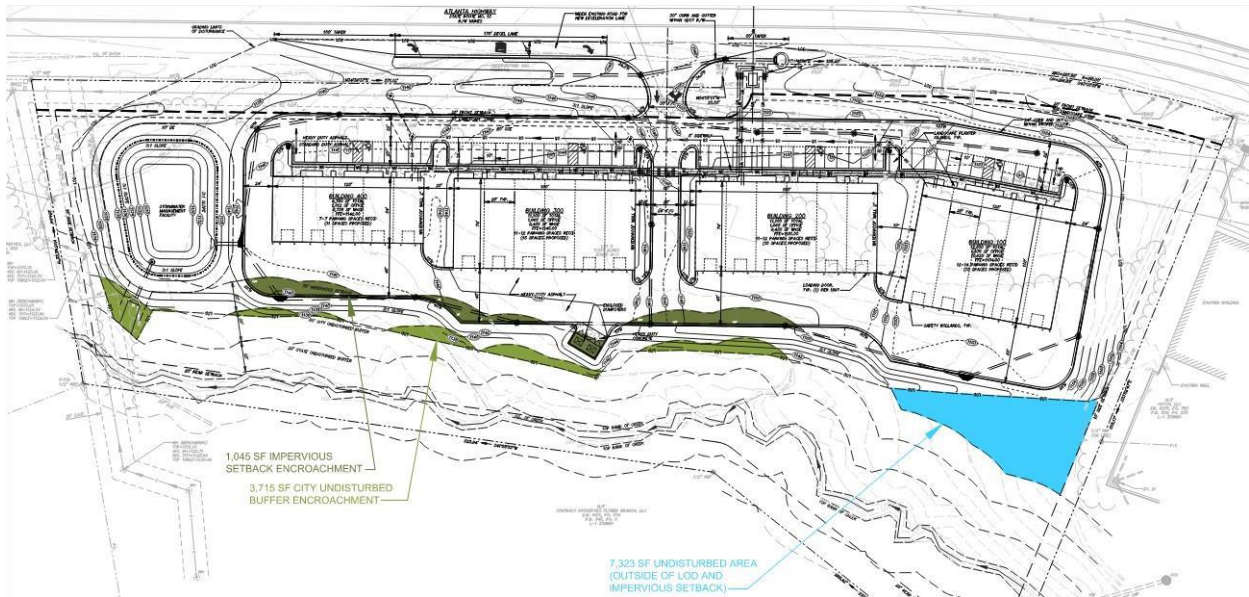
ATTEST:

Shelia R. Cooper, City Clerk

APPROVED AS TO FORM:

Ted C. Baggett, City Attorney

Exhibit "A"



Public Hearing Published 10/9/2024
Public Hearing 11/21/2024

First Reading 11/21/2024
Second Read 12/19/2024

Exhibit "B"

Legal Description

All that tract or parcel of land lying and being in Land Lot 98, 8th Land District, Hall County, Georgia, being Lot 5 as shown on a survey for South Hall Business Park, dated September 20, 2001, last revised October 3, 2001, prepared by Rochester & Associates, Inc., Georgia Registered Land Surveyors and recorded in Plat Slide 805, page 105A of the Hall County, Georgia Plat Records, last revised at Plat Book 845, page 3 of the Hall County, Georgia Plat Records. Said plat and the record thereof are incorporated by reference for a more complete description of said property.

Exhibit "C"

1. The Land Disturbance Permit shall be substantially similar to the plan provided with the variance application including the limits of the encroachment into the impervious setback and the City's stream buffer.
2. The area of preservation shall be substantially similar to the area in size and location shown on the site plan provided with the Variance Application.
3. In the areas where disturbance occurs within the 50' undisturbed buffer, the applicant shall provide a replanting plan using a native mixture of species of trees and shrubs. The plan shall be sealed by a Georgia registered Landscape Architect. The final plan shall be approved by the Community Development Director.
4. Prior to the issuance of Certificate of Occupancy, the owner shall provide the City an as built survey of the development including the encroachment areas and preservation area.
 - a. The area of encroachment into the impervious setback shall not exceed 1,045 SF.
 - b. The area of encroachment into the 50-foot Undisturbed Stream Buffer shall not exceed 3,715 SF.
 - c. The area of undisturbed preservation shall be no less than 7,323 SF.



VARIANCE APPLICATION

Address of Request:

4627 Atlanta Highway, Flowery Branch, GA 30542

Type of Variance Requested

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

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

Due to the shape of the property and location of the stream, an unnecessary hardship is created when strictly adhering to the requirements outlined in Article 26, Section 26.7 of the Flowery Branch Zoning Ordinance. In accordance with Article 26, Section 26.13, a variance is requested to reduce the required buffer width.

Applicant: William B Stark

Address: 5316 Railroad Avenue Flowery Branch, GA 30542

E-mail address: billstarkproperties@gmail.com

Phone number: (678) 960-3333

Signature: William B Stark Authorized Agent

Notary Seal:

Meredith Pierce
11/20/24



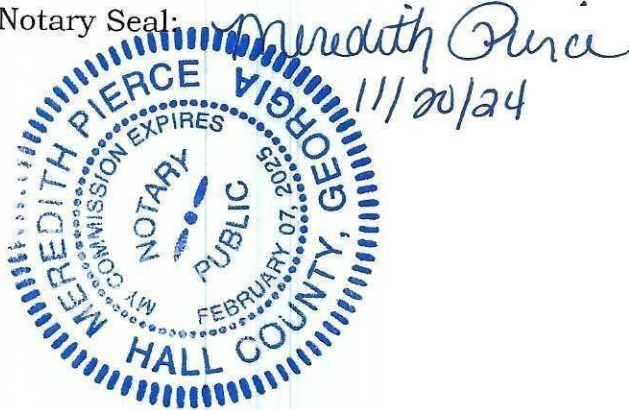


Property owner information (if different than the applicant)

Property owner (please print): West Avenue Partners, LLC

Signature of property owner: William B Stark Authorized Agent

Notary Seal:



Please provide the following at time of submittal:

- Legal description – one hard copy and on a flash drive
- Current survey of property – one hard copy and on a flash drive
- Site plan – one hard copy and on a flash drive
- Detailed description of request
- Conflict of interest disclosure (attached)
- Disclosure of campaign contributions (attached)



Memorandum

To: City of Flowery Branch, City Manager, and City Council

From: Chris McCrary, Community Development and Planning Director

Date: October 14th, 2024

Subject: Stream Buffer and Impervious Setback Encroachment Variance

Applicant: William Stark
5316 Railroad Avenue
Flowery Branch, GA 30542
770-231-3829

Existing Zoning: M – 1 – Manufacturing & Industrial Light

Location:

- 4627 Atlanta Highway; tax parcel identification number **08092 000008**,

Variance Request:

The applicant is seeking to develop four office/warehouse buildings totaling 41,450 sq.ft., including associated parking and utilities, on a property limited in depth due to a state water creek adjacent to Atlanta Highway. To accommodate the necessary depth for warehousing and tractor trailer truck movement, the applicant is requesting encroachments into the City's 75-foot impervious setback and 50-foot undisturbed stream buffer, which are necessary to meet industry standards for the proposed buildings.



Code Section:

Article 26. – Stream Buffer Protection:

Section 26.7. – Buffer and Setback Requirements.

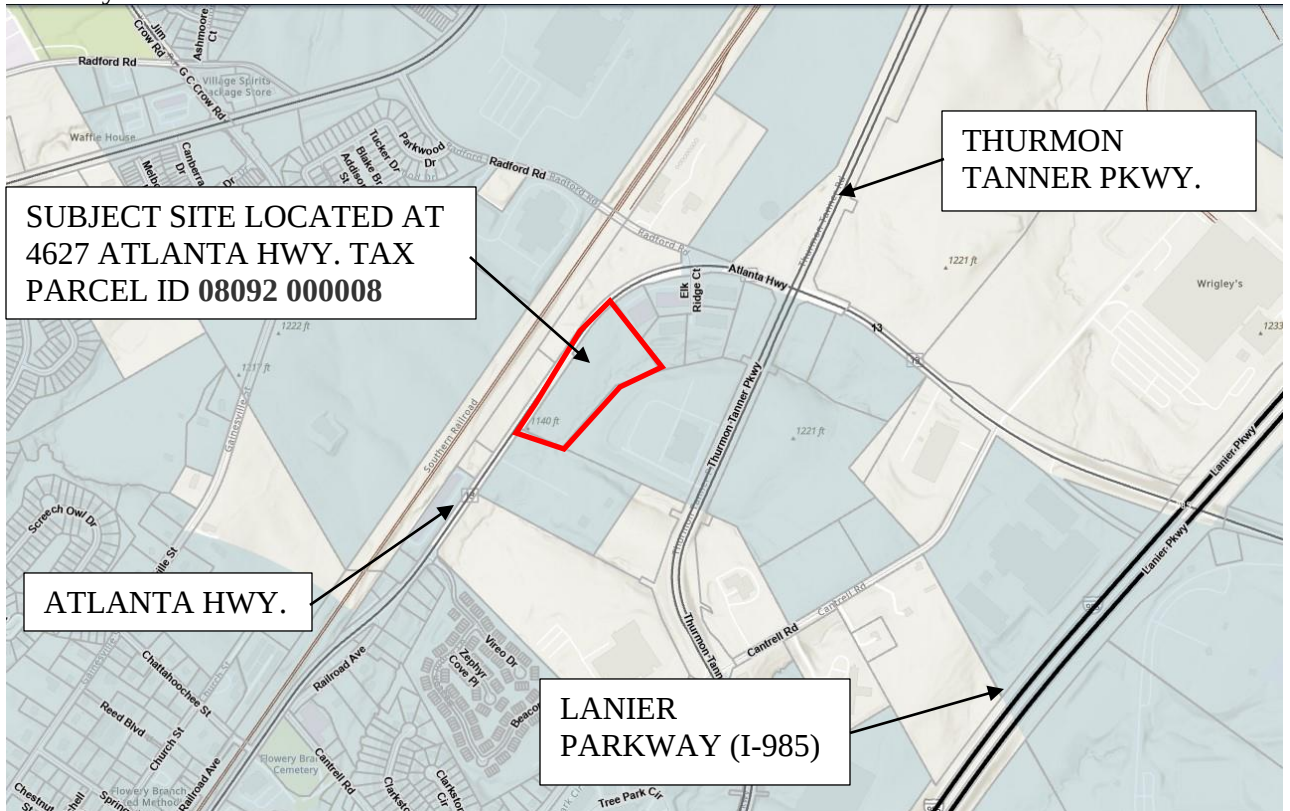
All land development activity subject to this ordinance shall meet the following requirements. Any land development activity within a buffer established in this Article or any impervious cover within a setback established in this Article is prohibited unless exempted, grandfather, or a variance is granted pursuant to this zoning ordinance.

- a) Buffer. An undisturbed natural vegetative buffer shall be maintained for **50 feet**, measured horizontally, on both banks (as applicable) of the stream as measured from the top of the stream bank.
- b) Additional setback. An additional setback shall be maintained for **25 feet** (*measured 75 feet from stream bank*), measured horizontally, beyond the undisturbed natural vegetative buffer, in which all impervious cover shall be prohibited. Grading, filling and earthmoving shall be minimized within the setback.



Location Map:

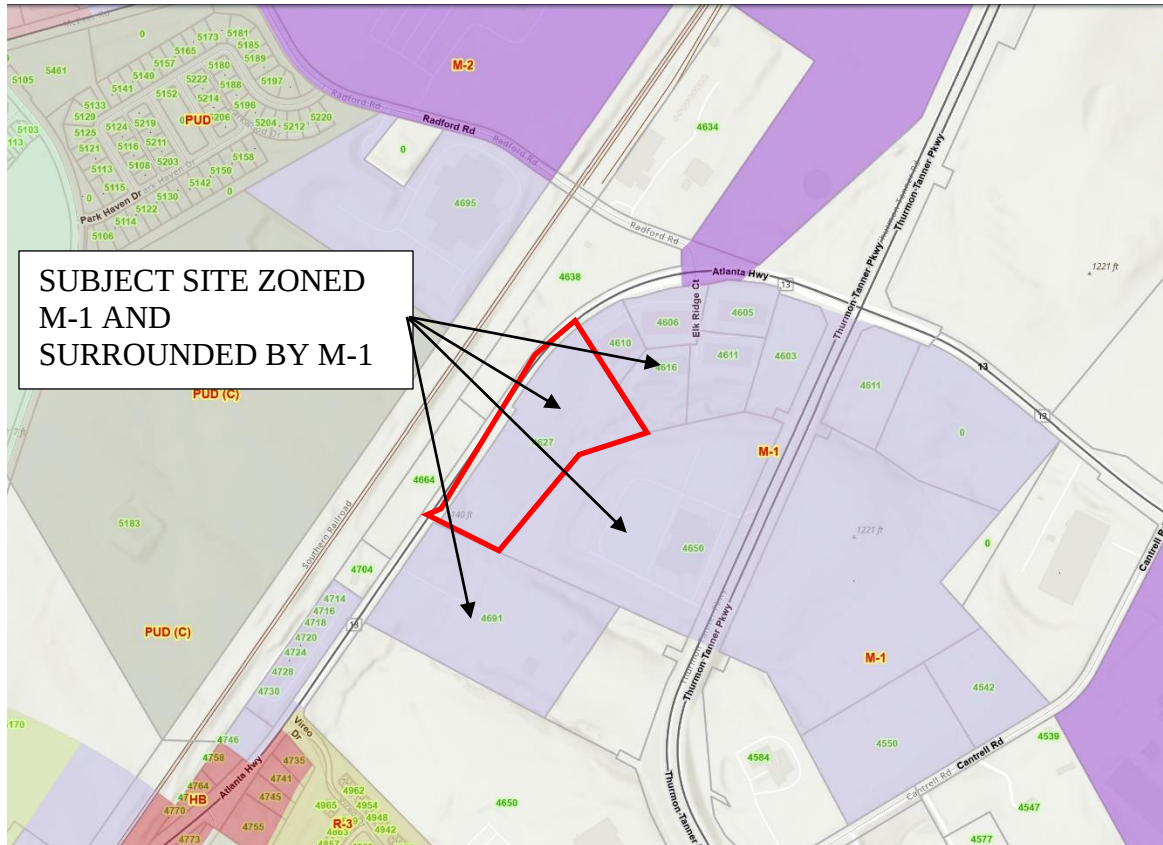
The subject site is located at 4627 Atlanta Highway near the intersection of Thurmon Tanner Parkway.





Zoning Map:

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



Legend

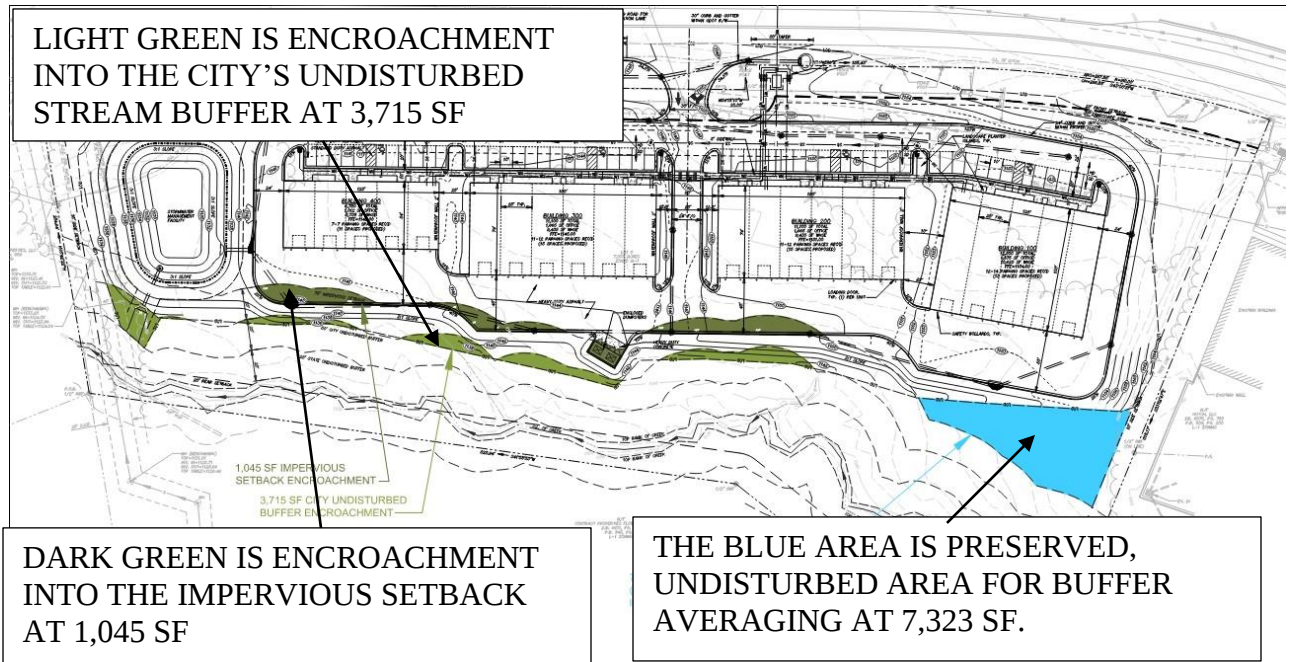
Zoning Districts

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



Site Plan:

The applicant's engineer provided a site plan that is color coded showing the areas of the stream buffer and impervious setback encroachment. A full-size site plan / encroachment plan will be available for better review.





Buffer Averaging

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

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

The preserved area serves multiple purposes:

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

In summary, the approach taken by the engineer to preserve more area than is disturbed, demonstrates a commitment to effective stormwater management while also complying with environmental regulations and promoting ecological sustainability. This strategy not only mitigates the direct impacts of encroachment but also enhances the overall functioning of the watershed and surrounding ecosystem.



Flowery Branch Code Section 26.13 – Variances

Variances to the provisions of this Article may be filed and shall be processed in accordance with the requirements of Article 37 of this zoning ordinance. All variance applications must include information identified by the "Stream Buffer Variance" application form as provided by the Zoning Administrator. Variances will be considered only in the following cases:

- a) When a property's shape, topography or other physical conditions existing at the time of the adoption of this ordinance prevents land development unless a buffer variance is granted.
- b) Unusual circumstances when strict adherence to the minimal buffer requirements in the ordinance would create an extreme hardship.

Variances will not be considered when actions of any property owner of a given property have created conditions of a hardship on that property. The following factors will be considered in determining whether to issue a stream buffer variance:

a) The shape, size, topography, slope, soils, vegetation and other physical characteristics of the property.

The parcel shape and topography create challenges to development of an office / warehouse buildings. The property is wide parallel to Atlanta Highway but is limited in depth. The stream runs parallel to Atlanta Highway and limits the depth. The topography drops from the street to the back of the property.

b) The locations of all streams on the property, including along property boundaries.

The applicant's engineer provided a drawing clearly showing the stream on the property including along property boundaries.

c) The location and extent of the proposed buffer or setback intrusion.

The applicant's engineer provided a drawing clearly showing the stream buffers and encroachments into the impervious setback and stream buffer.



d) Whether alternative designs are possible which require less intrusion or no intrusion.

An alternative design would be a challenge due to the limited depth of the parcel due to the need to move tractor trailers to the back of the buildings where the delivery roll up doors are located.

e) The long-term and construction water-quality impacts of the proposed variance.

The land development civil engineering plans are required to provide stormwater detention and water-quality measure per the existing development regulations. The engineer also provided buffer averaging to help mitigate the encroachment with preserved, undisturbed portions on the property.

f) Whether issuance of the variance is at least as protective of natural resources and the environment.

Preservation of an undisturbed area outside of the impervious setback and stream buffers larger than the area of encroachment mitigates the stormwater runoff in the encroachment area and provides protection of natural resources and the environment.

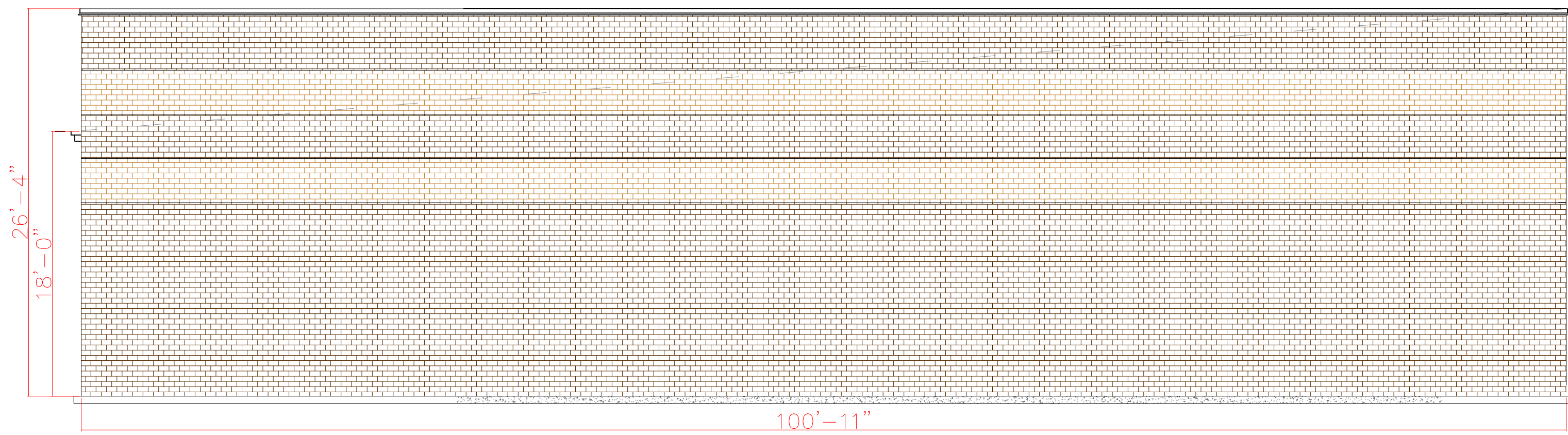
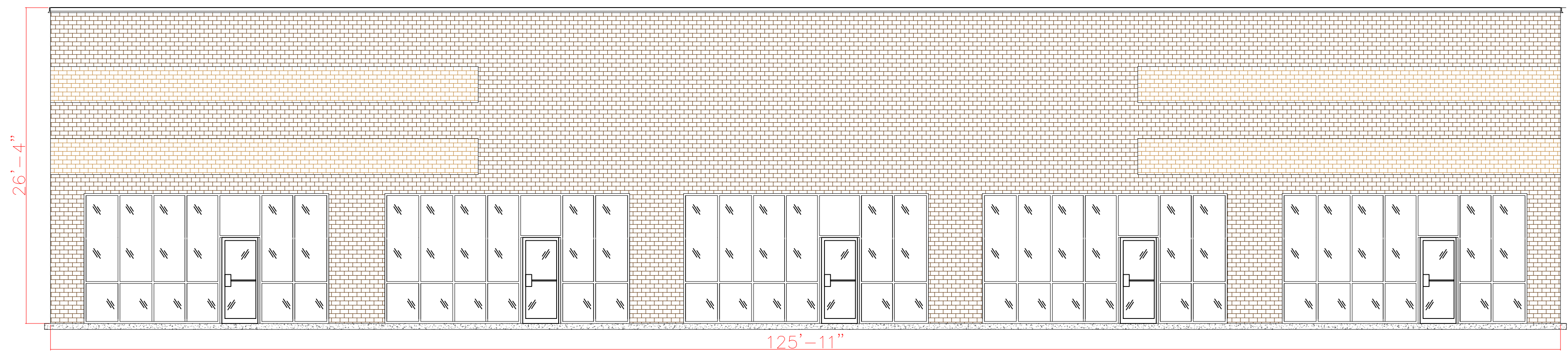


Recommendation:

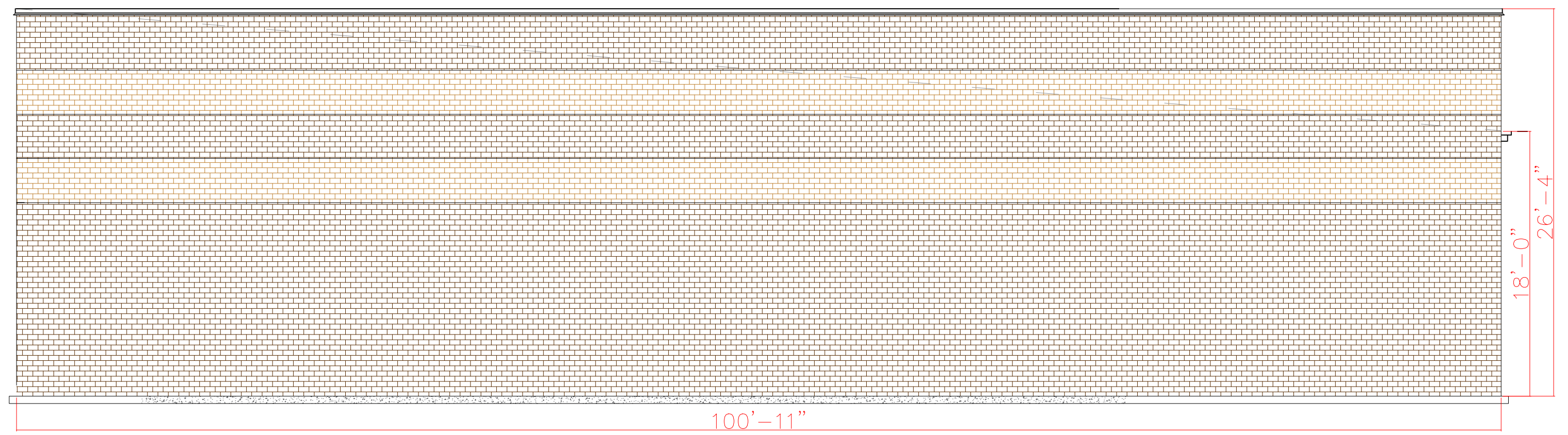
Staff recommends the **APPROVAL** of the proposed variance application for the encroachment into the required impervious setback and the City's undisturbed stream buffer per Code Section 26.7 with the following conditions:

1. The Land Disturbance Permit shall be substantially similar to the plan provided with the variance application including the limits of the encroachment into the impervious setback and the City's stream buffer.
2. The area of preservation shall be substantially similar to the area in size and location shown on the site plan provided with the Variance Application.
3. In the areas where disturbance occurs within the 50' undisturbed buffer, the applicant shall provide a replanting plan using a native mixture of species of trees and shrubs. The plan shall be sealed by a Georgia registered Landscape Architect. The final plan shall be approved by the Community Development Director.
4. Prior to the issuance of Certificate of Occupancy, the owner shall provide the City an as-built survey of the development including the encroachment areas and preservation area.
 - a. The area of encroachment into the impervious setback shall not exceed 1,045 SF.
 - b. The area of encroachment into the 50-foot Undisturbed Stream Buffer shall not exceed 3,715 SF.
 - c. The area of undisturbed preservation shall be no less than 7,323 SF.

BUILDING 100

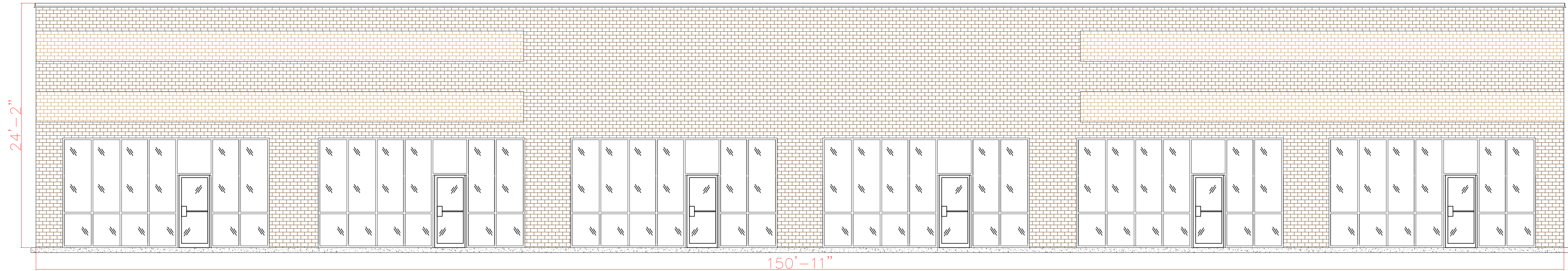


PROPOSED RIGHT ELEVATION
SCALE 1/8" = 1'-0"

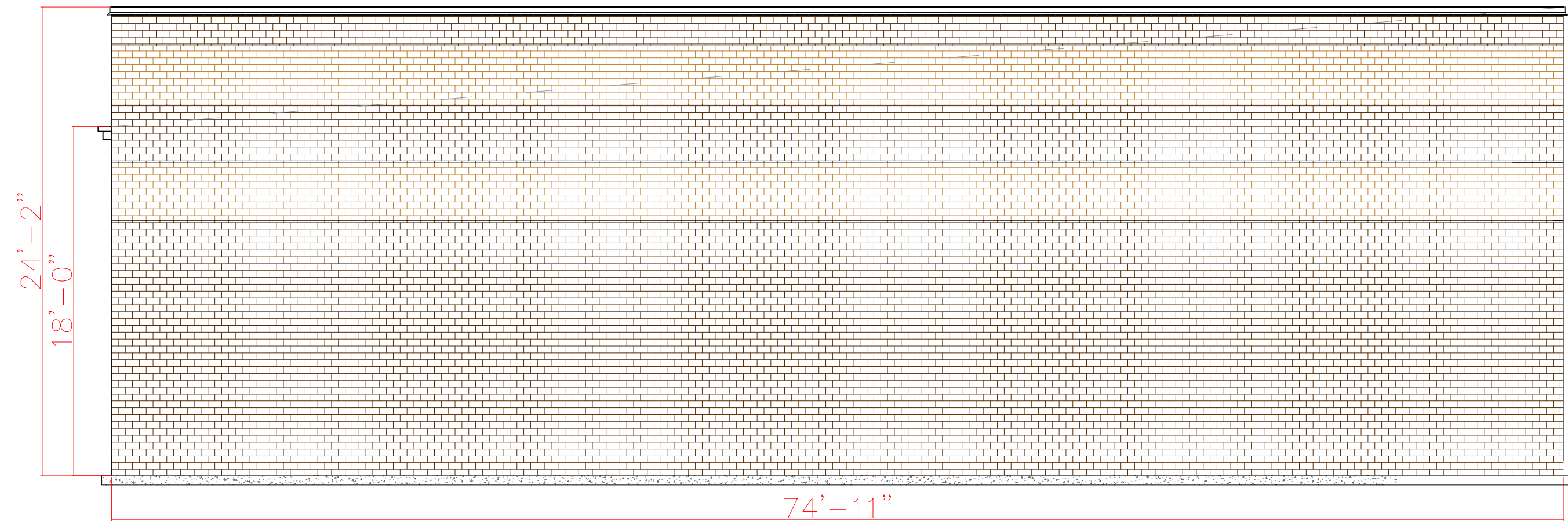


PROPOSED LEFT ELEVATION
SCALE 1/8" = 1'-0"

BUILDING 200



PROPOSED FRONT ELEVATION
SCALE 1/8" = 1'-0"

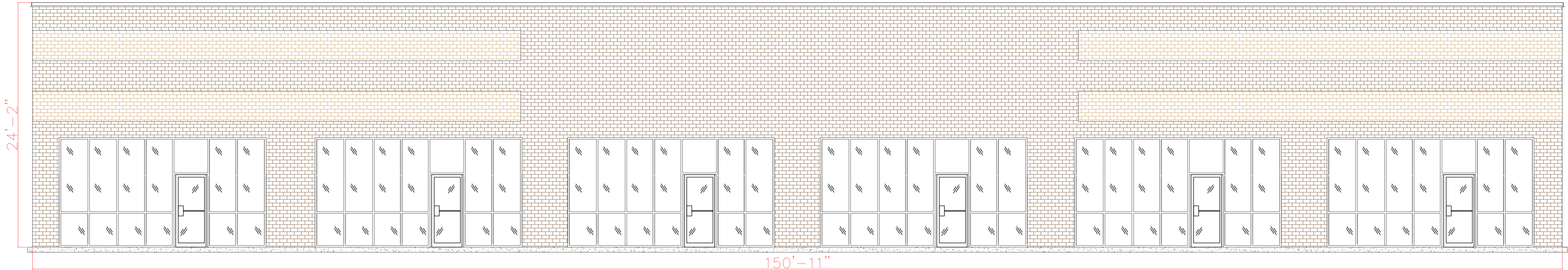


PROPOSED RIGHT ELEVATION
SCALE 1/8" = 1'-0"



PROPOSED LEFT ELEVATION
SCALE 1/8" = 1'-0"

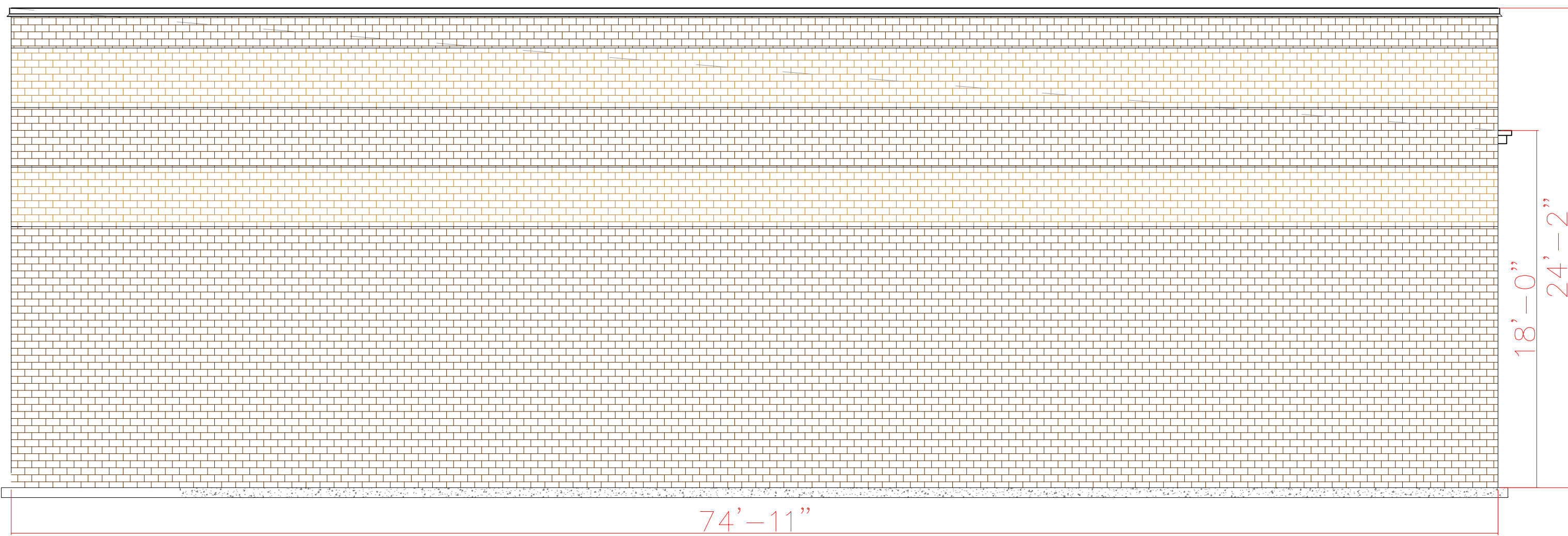
BUILDING 300



150'-11"
PROPOSED FRONT ELEVATION
SCALE 1/8" = 1'-0"

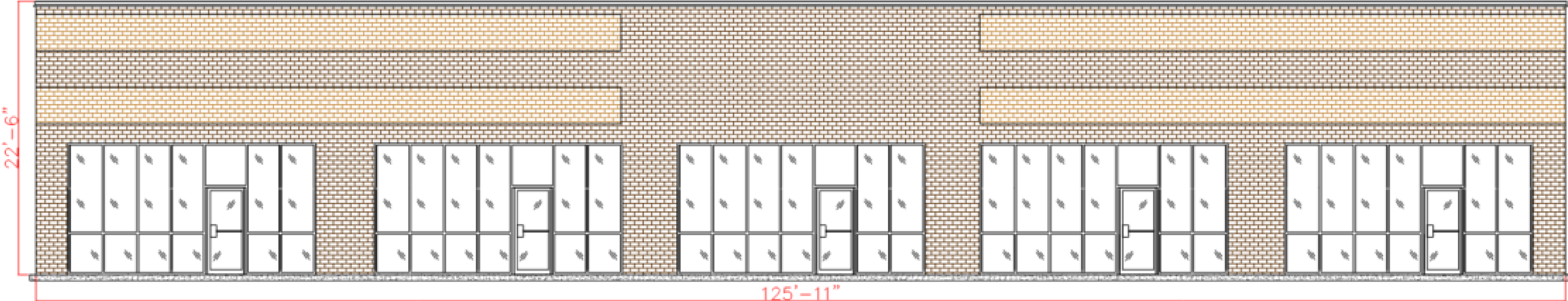


74'-11"
PROPOSED RIGHT ELEVATION
SCALE 1/8" = 1'-0"

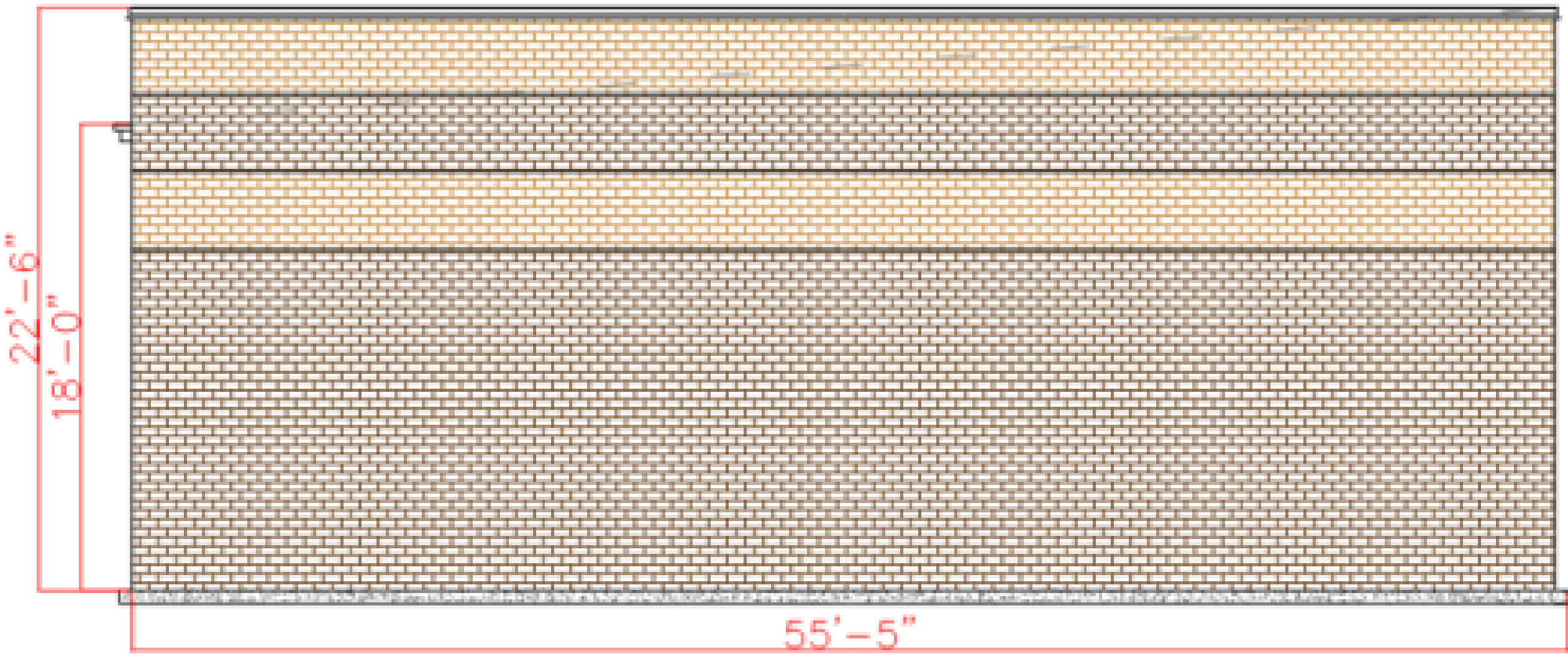


74'-11"
PROPOSED LEFT ELEVATION

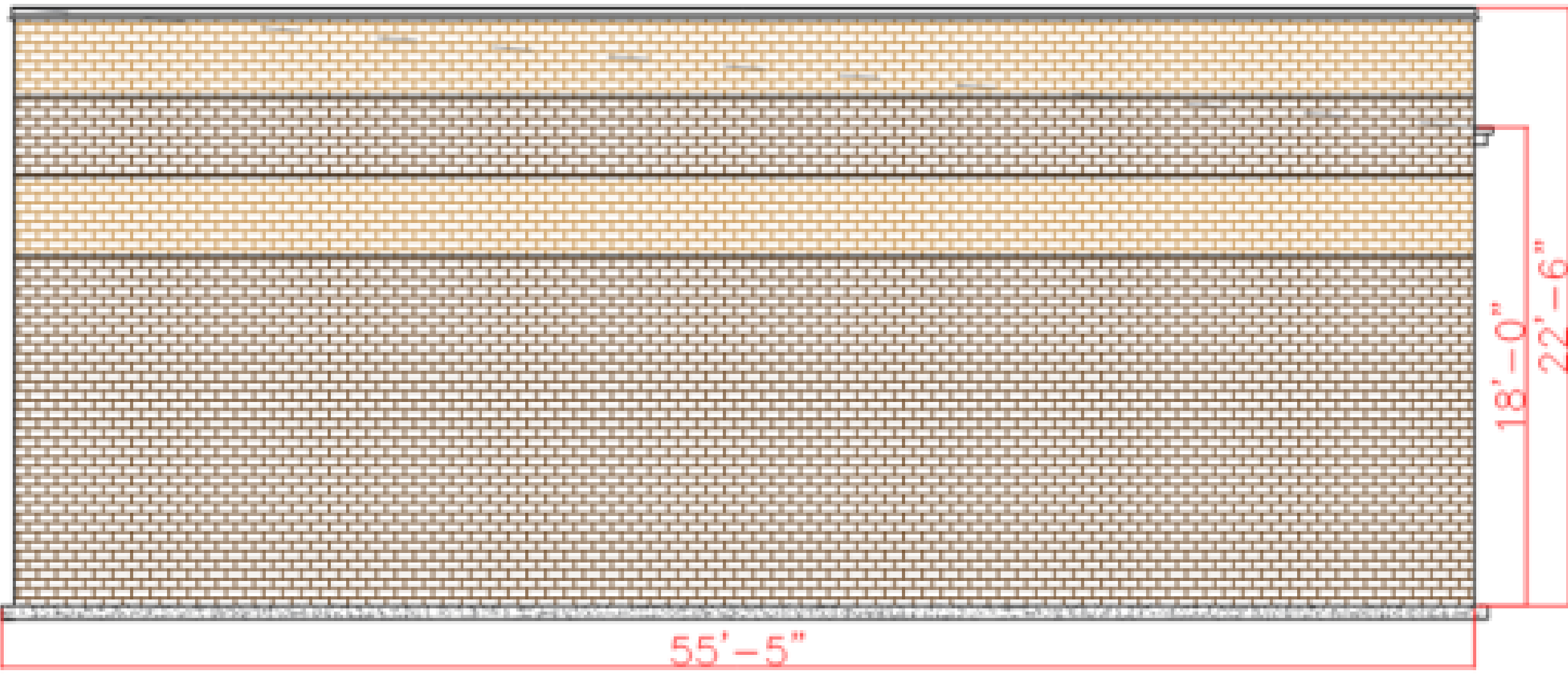
BUILDING 400



125'-11"
PROPOSED FRONT ELEVATION
SCALE 1/8" = 1'-0"



PROPOSED RIGHT ELEVATION
SCALE 1/8" = 1'-0"



PROPOSED LEFT ELEVATION
SCALE 1/8" = 1'-0"

South Hall Business Park

Flowery Branch, Georgia

Tax Parcel 08092 000008

7.01 Acres

Traffic Calculations for a Left Turn Lane

Introduction

The subject property is located at 4327 Atlanta Highway and is undergoing a variance application with the City of Flowery Branch. The proposed development consists of 40,950 SF office and warehouse space with associated utilities.

Existing Traffic Conditions

GDOT conducted a traffic study approximately 3,600' southwest of the subject property in August, 2022. According to the data provided through GDOT's Traffic Analysis and Data Application, the total traffic count over 24 hours was 7,432 trips.

Traveling North Bound: 3,916 trips (52.7%)

Traveling South Bound: 3,516 trips (47.3%)

Total Trip Count: 7,432 trips

Traffic Impact

Based on the calculations shown below, it is assumed that traffic from this proposed development does not warrant a left turn lane into this site. It is understood that other road improvements may be deemed necessary and required by the City of Flowery Branch and GDOT.

According to the *Trip Generation, 8th Edition* manual published by the Institute of Transportation Engineers, for General Office Building (ITE Land Use #710) the average trip generation rate is 11.01 trips per 1,000 sf leasable space per weekday.

Assuming full build-out of 6,142 sf, the proposed traffic impact will be:
 $(6,142 \text{ sf}) (11.01 \text{ daily weekday trips}/1000 \text{ sf}) = 68 \text{ trips/weekday}$

According to the *Trip Generation, 8th Edition* manual published by the Institute of Transportation Engineers, for Warehousing (ITE Land Use #150) the average trip generation rate is 3.56 trips per 1,000 sf leasable space per weekday.

Assuming full build-out of 34,808 sf, the proposed traffic impact will be:
 $(34,808 \text{ sf}) (3.56 \text{ daily trips}/1000 \text{ sf}) = 124 \text{ trips/weekday}$

Using the data provided by the GDOT study, it is assumed that 52.7% of the anticipated traffic generated from this development will travel northbound toward Thurmon Tanner Parkway and 47.3% will travel southbound.

Traveling Northbound: (52.7%) (191.4 trips/weekday) = 101 trips

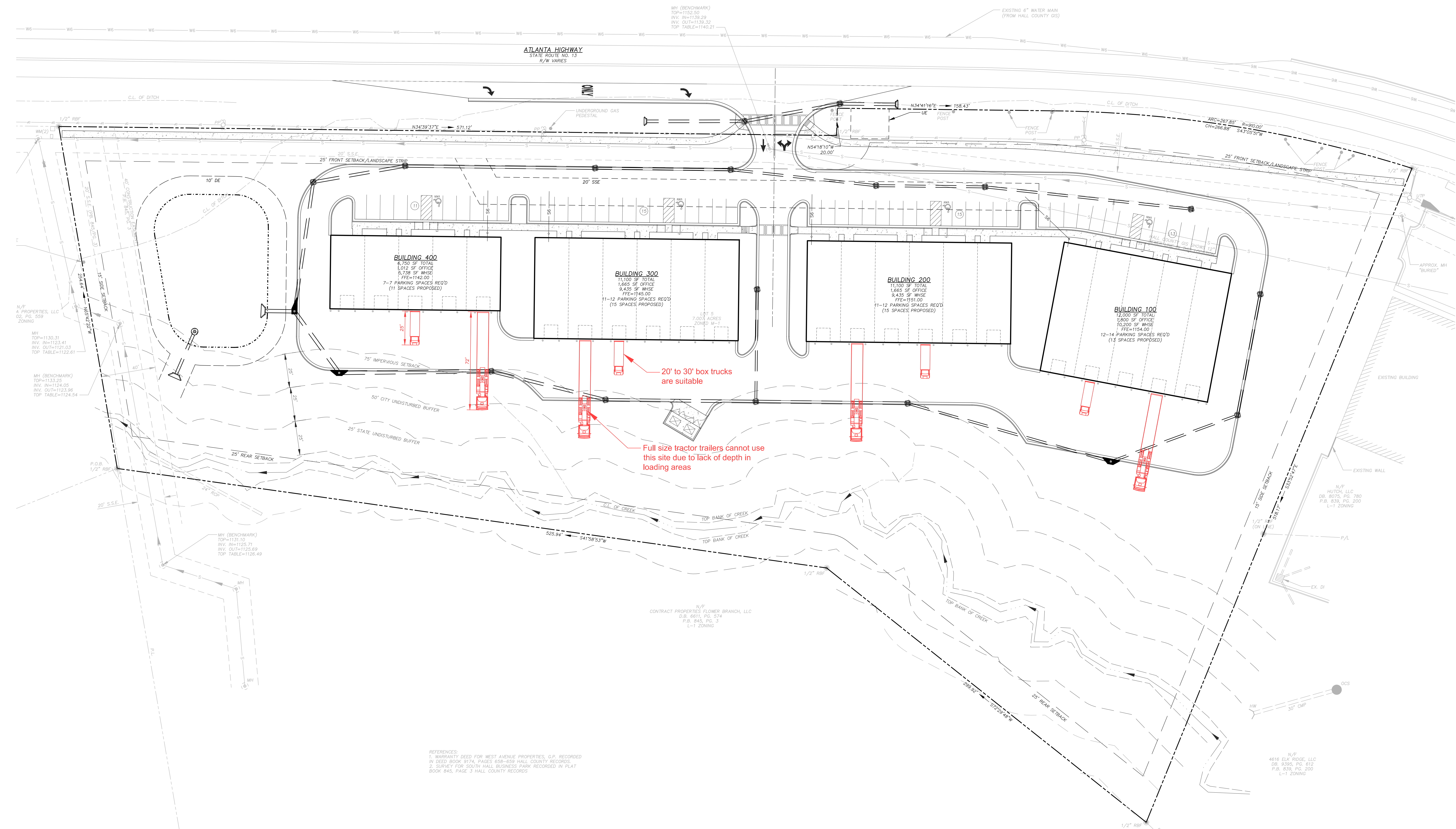
Traveling Southbound: (47.3%) (90.4 trips/weekday) = 91 trips

According to the *Trip Generation, 8th Edition* manual, the directional distribution is 50% entering, 50% leaving for both Warehousing and General Office Building. The left turn lane would be accessible for those traveling southbound. Looking at 50% of the total trips traveling southbound, 46 trips would make a left turn into the property. Based on the table below from the *Regulations for Driveway and Encroachment Control* manual, published by the Georgia Department of Transportation, the requirement for a left turn lane is 175 LTV (left turn volumes) a day. Based on the calculations above, there are 46 LTV a day, showing that the development does not warrant a left turn lane.

Condition 1

LEFT TURN REQUIREMENTS-FULL CONSTRUCTION				
Posted Speed	2 Lane Routes		More than 2 Lanes on Main Road	
	ADT		ADT	
	<6,000	>=6,000	<10,000	>=10,000
35 MPH or Less	300 LTV a day	200 LTV a day	400 LTV a day	300 LTV a day
40 to 50 MPH	250 LTV a day	175 LTV a day	325 LTV a day	250 LTV a day
>= 55 MPH	200 LTV a day	150 LTV a day	250 LTV a day	200 LTV a day

Table 4-7a Minimum Volumes Requiring Left Turn Lanes





FLOWERY BRANCH CITY COUNCIL



EXECUTIVE SUMMARY

SUBJECT: Consider the Second Reading of Ordinance 727 for a Conditional Use Permit at 5540 Atlanta Highway for the Operation of a Micro-Distillery.

COUNCIL MEETING DATE: December 19, 2024

HISTORY:

FACTS AND ISSUES:

The applicant is seeking the approval of a Conditional Use Permit for the operation of a micro-distillery within the existing building located at 5540 Atlanta Highway. The building is ~38,000 square feet and the applicant intends to occupy ~12,000 square feet of the building for the use of a micro-distillery. The applicant proposes an area within the distillery for operational observation, sample tasting, and retail sales within a space of ~1,250 square feet.

OPTIONS:

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

No

AMOUNT AND SOURCE OF FUNDS:

RECOMMENDATION:

Approval of Ordinance 727 with conditions.

SAMPLE MOTION:

I make a motion to approve Ordinance 727 with the following conditions:

1. The Conditional Use Permit is issued to Remedy Distillery, LLC and should the occupant vacate the building, the Conditional Use Permit expires.
 2. Adequate parking spaces shall be provided to support the current uses and the proposed micro-distillery. The applicant shall provide a breakdown of uses existing and proposed to calculate the minimal parking demands. If needed for confirmation, the applicant shall provide the Director of Planning and Community Development Director with a current survey of the property showing all stripped parking spaces.
 3. Entrance to the distillery shall meet all accessibility requirements per ADA standards.
 4. The approval of the Conditional Use Permit does not provide approval of variances to Federal, State, or Local codes and regulations.
 5. The applicant must ensure that proper fire lanes, emergency access routes, and safety measures are in place in accordance with local fire codes and regulations.
-

COLLABORATING DEPARTMENT:

DEPARTMENT: Planning**Prepared by:** Shelia Cooper

ATTACHMENTS

- [CUP Report 5540 Atlanta Highway Micro Distillery final.pdf](#)
- [Ordinance 727 CUP for 5540 Atlanta Highway.pdf](#)
- [Letter of Intent - CityFloweryBranch.pdf](#)
- [Application.pdf](#)
- [Site Survey.pdf](#)



Memorandum

To: City of Flowery Branch, City Manager, and City Council

From: Chris McCrary, Planning and Community Development Director

Date: December 5, 2024

Subject: Conditional Use Permit

Applicant: R. Keith Speed / Remedy Distillery, LLC
989 Old Thompson Mill Road
Winder, GA 30680
404-925-2400

Existing Zoning: HB – Highway Business

Location:

- 5540 Atlanta Highway; tax parcel identification number **08117 005002**

Conditional Use Permit (CUP) Request:

The applicant is seeking the approval of a Conditional Use Permit for the operation of a micro-distillery within the existing building located at 5540 Atlanta Highway. The building is ~38,000 square feet and the applicant intends to occupy ~12,000 square feet of the building for the use of a micro-distillery. The applicant proposes an area within the distillery for operational observation, sample tasting, and retail sales within a space of ~1,250 square feet. The applicant submitted a **Letter of Intent** that provides details of the business operation.



Code Section:

Table 9.1 – Permitted and Conditional Uses in Nonresidential Zoning Districts

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

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

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

Table 21.3 – Minimum and Maximum Number of Off-Street Parking Spaces Required

Use	Minimum Parking Required	Maximum Parking Permitted
Retail store	One per 275 square feet	One per 250 square feet
Warehouse	One per 2,000 square feet	One per 1,500 square feet

The total area to be used for the micro-distillery is 12,000 square feet. The use breakdown will be 10,750 square feet for the storage / distillery use and 1,250 square feet for the retail area.

Warehouse: $10,750 / 2,000 = 6$ parking spaces minimum and $10,750 / 1,500 = 8$ parking spaces maximum

Retail: $1,250 / 275 = 5$ parking spaces minimum and $1,250 / 250 = 5$ parking spaces maximum

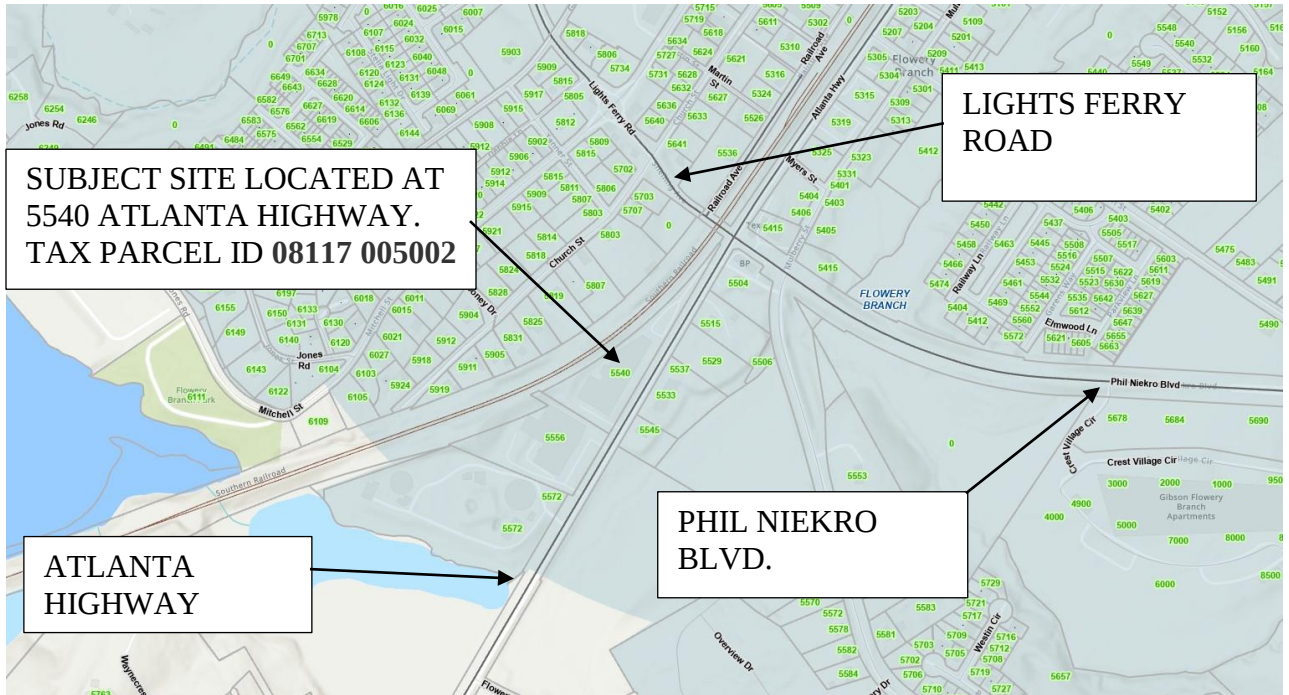
A total of 11 parking spaces minimum and 13 parking spaces maximum.

Prior to the issuance of subsequent permits, the applicant will need to provide an overall use breakdown for the entire 38,000 square foot building area to confirm the existing parking is sufficient for the current uses as well as the micro-distillery. The applicant may need to provide a current survey of the site to confirm the number of existing parking spaces.



Location Map:

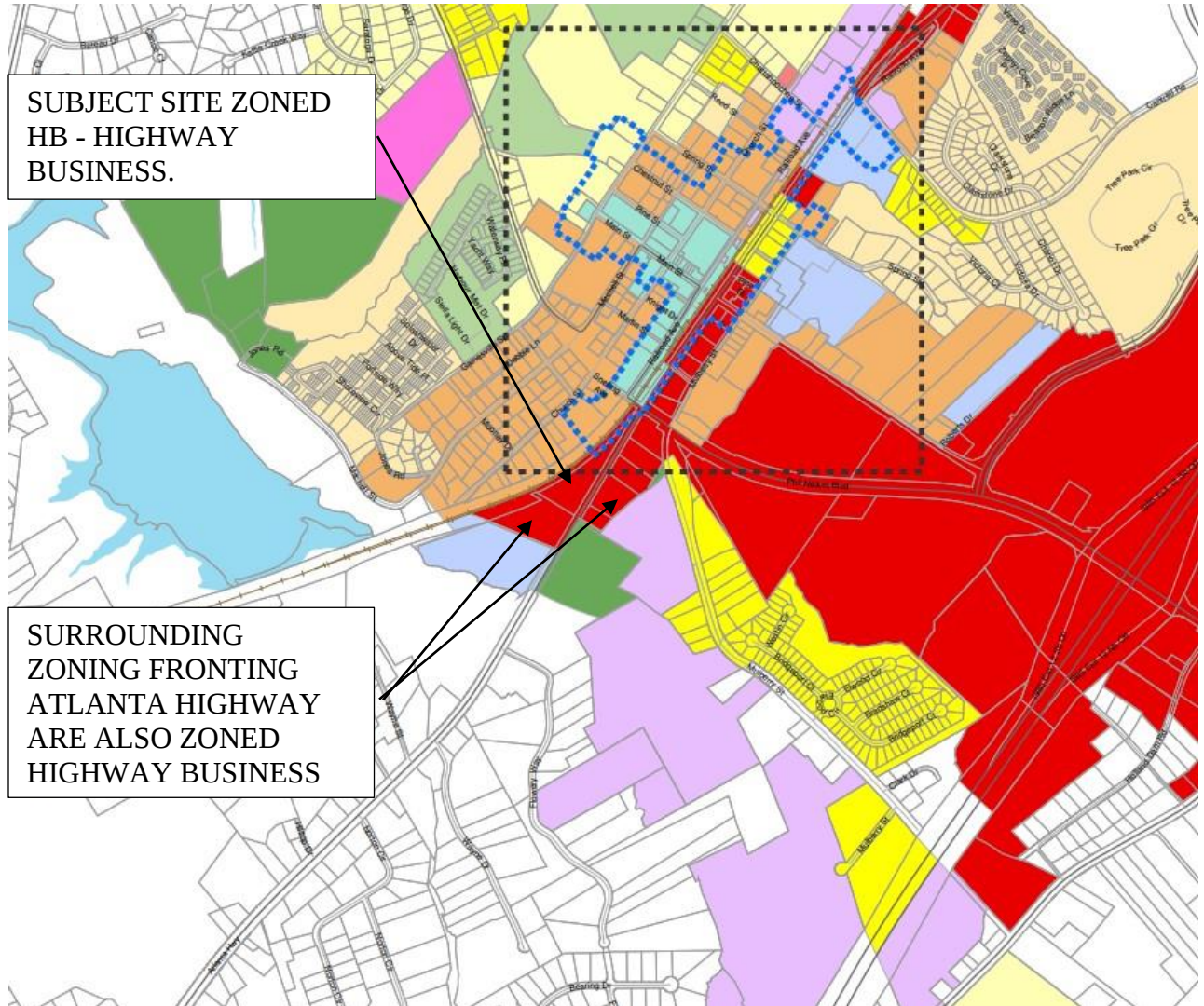
The subject site is located at 5540 Atlanta Highway near the intersection of Lights Ferry Road.





Zoning Map:

The subject property is zoned HB – Highway Business. The surrounding properties are also zoned HB.



Legend

Zoning Districts

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



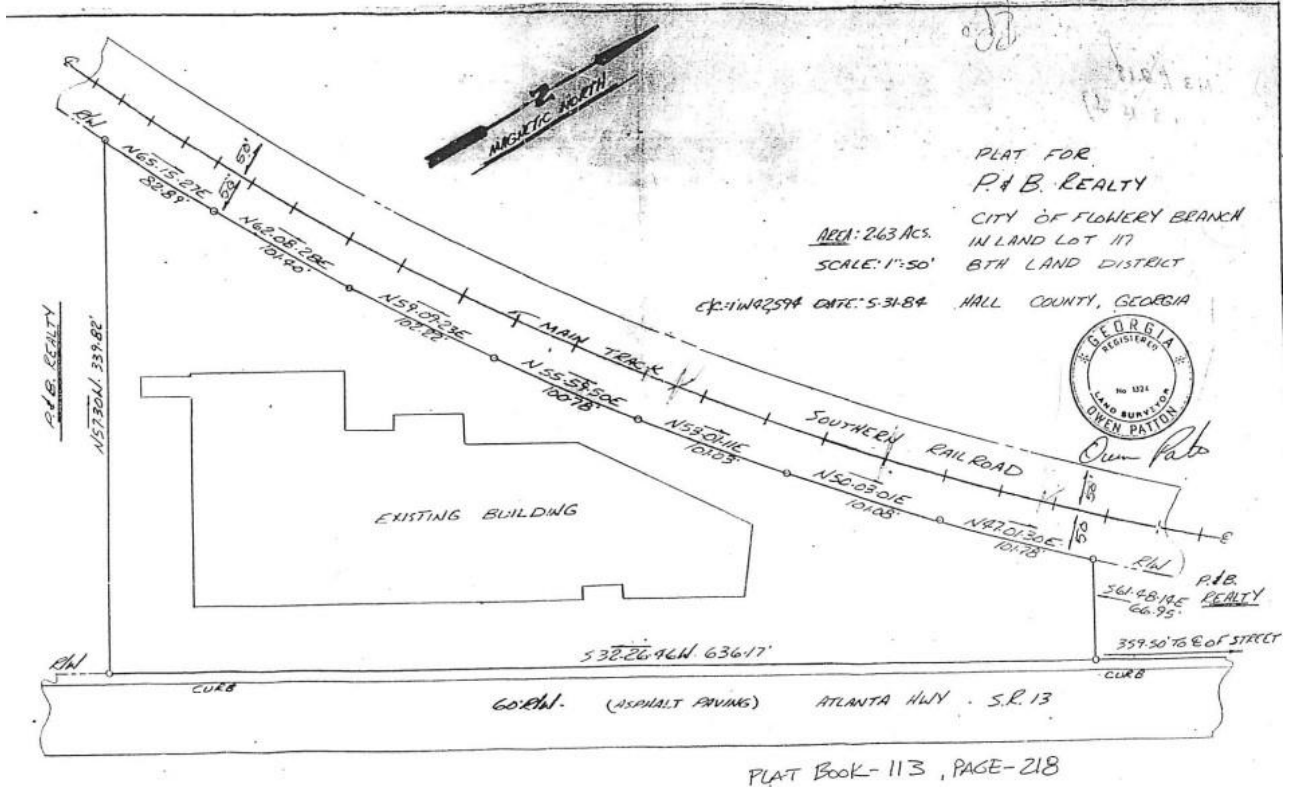
Aireal Plan:





Survey:

The survey provided with the CUP application shows the building relative to the property line but not the parking locations. A more current survey may be required prior to the issuance of permits.



Street View from Atlanta Highway:





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 City Council in the decision-making process.

- a) *Whether the proposal will permit a use that is suitable in view of the use and development of adjacent and nearby property.*
The development of a distillery adjacent and nearby other commercial developments is reasonable.
- b) *Whether the proposal will adversely affect the existing use or usability of adjacent or nearby property.*
The proposed use will not adversely affect the existing use or usability of adjacent or nearby property.
- c) *Whether the property to be affected by the proposal can be used in accordance with the existing regulations and has reasonable economic use as currently zoned.*
The building is only partially occupied. Allowing the CUP would help the building be more economically viable.
- d) *Whether the proposal will result in a use which will or could cause an excessive or burdensome use of existing streets, transportation facilities, utilities, or schools.*
The proposed use will not result in a use which will or could cause an excessive or burdensome use of existing streets, transportation facilities, utilities, or schools.
- e) *Whether the proposal is in conformity with the policy and intent of the comprehensive plan including but not limited to the character area map and future land use plan map.*
The proposed micro-distillery would be in conformity with the policy and 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.*
There are no 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.



- g) *Existing use(s) and zoning of the subject property and nearby properties.*
The micro-distillery will be in harmony with nearby commercial uses.
- h) *Existing value of the property under the existing zoning district classification, the extent to which the property value of the subject property is diminished by the existing zoning district, and the value of the property under the proposed zoning district; if such information is provided by the applicant or can be discerned. This consideration may include the length of time the property has been vacant or unused as currently zoned and efforts taken by the property owner(s) to use the property or sell the property under the existing zoning district classification.*
The applicant did not provide data indicating the change to property value. The applicant did not provide the length of time that the building area has been vacant.
- i) *Whether a proposed zoning map amendment or conditional use approval will be a deterrent to the value or improvement of development of adjacent property in accordance with existing regulations.*
The proposed use should have no impact on the value or improvement of development of adjacent property.
- j) *The possible creation of an isolated zoning district unrelated to adjacent and nearby districts.*
The subject site and surrounding zonings are HB and not isolated.
- k) *Possible effects of the change in zoning district map, or change in use, on the character of a zoning district.*
The proposed use should have no negative effects on the character of the area.
- l) *The possible impact on the environment, including but not limited to, drainage, soil erosion and sedimentation, flooding, air quality and water quality.*
The applicant is not proposing any exterior improvements that would have any impact on the environment.
- m) *The relation that the proposed map amendment or conditional use bears to the purpose of the overall zoning scheme and the purposes of this Zoning Ordinance.*
The proposed CUP will have no impact on the purpose of the overall zoning scheme and the purposes of this Zoning Ordinance.



Staff Recommendation for Conditional Use Permit (CUP)

Recommendation:

Staff recommends **approval** of the proposed **Conditional Use Permit (CUP)** for the operation of a micro-distillery located within the existing building at 5540 Atlanta Highway with the following conditions:

Conditions of Approval:

1. The Conditional Use Permit is issued to Remedy Distillery, LLC and should the occupant vacate the building, the Conditional Use Permit expires.
2. Adequate parking spaces shall be provided to support the current uses and the proposed micro-distillery. The applicant shall provide a breakdown of uses existing and proposed to calculate the minimal parking demands. If needed for confirmation, the applicant shall provide the Director of Planning and Community Development Director with a current survey of the property showing all stripped parking spaces.
3. Entrance to the distillery shall meet all accessibility requirements per ADA standards.
4. The approval of the Conditional Use Permit does not provide approval of variances to Federal, State, or Local codes and regulations.
5. The applicant must ensure that proper fire lanes, emergency access routes, and safety measures are in place in accordance with local fire codes and regulations.

Conclusion:

Staff finds that the proposed CUP for the micro-distillery is consistent with the city's growth and development goals and will provide positive economic impacts while mitigating potential negative effects through the recommended conditions.

Public Hearing Published	11/06/2024	First Reading	12/05/2024
Public Hearing	12/05/2024	Proposed Second Reading	12/19/2024

ORDINANCE NO. 727

AN ORDINANCE APPROVING A CONDITIONAL USE PERMIT (CUP) TO OPERATE A MICRO-DISTILLERY ON A PARCEL OF REAL PROPERTY OWNED BY JW BAILEY FAMILY PARTNERSHIP LLC, IDENTIFIED AS 5540 ATLANTA HIGHWAY, TAX PARCEL 08117 005002, TOTALING 2.69+/- ACRES AND AS SHOWN ON ATTACHED EXHIBIT “A”, AND AS CONDITIONED ON ATTACHED EXHIBIT “B”; PROVIDING FOR SEVERABILITY, REPEALING CONFLICTING ORDINANCES, PROVIDING FOR AN EFFECTIVE DATE AND FOR ALL OTHER LAWFUL PURPOSES.

WHEREAS, JW Bailey Family Partnership, LLC owns a parcel of land totaling 2.69+/- acres identified as Parcel Tax Identification No. 08117 005002, as shown on Exhibit “A”; and

WHEREAS, the subject property is zoned Highway Business and located in the Downtown Overlay District thus requiring a conditional use permit in order to be used as a micro-distillery; and

WHEREAS, JW Bailey Family Partnership, LLC, has submitted to the City Council of Flowery Branch, Georgia, a written and signed application requesting a conditional use permit (CUP) for the operation of a micro-distillery; and

WHEREAS, the City Council held a public hearing at the meeting of December 5, 2024 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 conditional use permit request 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 without the issuance of a conditional use permit 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 a development with or without a conditional use permit.
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 issuance of a conditional use permit 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. APPROVAL OF CUP AND LEGAL DESCRIPTIONS.

A conditional use permit to operate a micro-distillery is hereby granted for the subject parcel, as shown on Exhibit “A”, subject to the conditions set forth in Exhibit “B”. Said Exhibits are incorporated by reference as if fully set forth herein.

SECTION 3. AMENDMENT OF THE ZONING MAP.

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

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 December 19th, 2024.

SECTION 6. REPEALER.

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

Approved this 19th day of December, 2024.

Edward R. Asbridge, Mayor

ATTEST:

Shelia R. Cooper, City Clerk

APPROVED AS TO FORM

Ted C. Baggett, City Attorney

Exhibit A



Exhibit B

Conditions of Conditional Use Permit

1. The Conditional Use Permit is issued to Remedy Distillery, LLC and should the occupant vacate the building, the Conditional Use Permit expires.
2. Adequate parking spaces shall be provided to support the current uses and the proposed micro-distillery. The applicant shall provide a breakdown of uses existing and proposed to calculate the minimal parking demands. If needed for confirmation, the applicant shall provide the Director of Planning and Community Development Director with a current survey of the property showing all stripped parking spaces.
3. Entrance to the distillery shall meet all accessibility requirements per ADA standards.
4. The approval of the Conditional Use Permit does not provide approval of variances to Federal, State, or Local codes and regulations.
5. The applicant must ensure that proper fire lanes, emergency access routes, and safety measures are in place in accordance with local fire codes and regulations.

Letter of intent

Remedy Distillery, LLC

R. Keith Speed

989 Old Thompson Mill Rd
Winder, GA 30680

Dear Mayor and City Council of Flowery Branch;

My name is Keith Speed. I own Remedy Distillery, currently located in Gainesville. It is my intent to move Remedy Distillery from Gainesville to the City of Flowery Branch. At the distillery, we bring in barrels of bourbon and some barrels of whiskey and totes of unaged whiskeys. All the alcohol is stored until we are ready to process or bottle our products. We are storing and ageing barrels of bourbon for the next few years, until ready to bottle. All the bourbon and whiskey barrels are 53-gallon white oak barrels. The totes are 270 gallons which contain unaged whiskey. Our distilling for our bourbon is being done offsite mostly at a non-disclosed location nearby in Georgia. We have other sources for our unaged whiskey that we bring in house.

When we process our bourbon, we dump a single barrel into stainless steel 400-ltr or 500-ltr tanks to proof down by mixing with Georgia's own spring mountain water. Once the desired proof is reached, currently 90 proof, the bourbon is ready to be bottled. Using a pneumatic pump, we pump the bourbon to a bottling tank, and by gravity we fill the 750ml bottles. After the bottles are labeled and sealed, they are packed into 6 bottles per case.

Our whiskey products are blended whiskeys also dumped into stainless steel tanks for mixing. They are currently mixed and proofed at 70 or 80 proof. Afterward, they are also bottled then packed into cases of 6 bottles each.

All of our cases contain six 750ml bottles. The cases are palletized at 20 cases per row and 6 rows max height. This makes our full pallets 120 cases per pallet max. Our distributor from Atlanta usually picks product up from Remedy on average of about once a month. Our focus is growing our distribution throughout the State of Georgia and getting our products into neighboring states.

Under state law and being a micro-distillery, Remedy is allowed to have a tasting room. With a tasting room, guests are allowed to sample our products and purchase bottles and cocktails made with our products only. It is my intent not to have a so-called bar, but a place where guests can come see who we (Remedy) are, what we do, and sample or try our products. Local business and traffic helps Remedy survive as we grow our distribution channels. I have been doing this for over 8.5 years and can confidently say we have a very good bourbon and the best tasting flavored bourbon and whiskey products in the market.

I believe our hours will be determined based on customer demand. We are considering Wednesdays and Thursdays hours open to the public- 4:00pm to 9:00 pm, and Fridays & Saturdays 12:00 pm to 10:00 pm. It is my intention that the distillery itself will be operating 6 days a week.... closed on Sundays. This is subject to change, as mentioned. If there is a public demand to open on Sundays, I would consider a time frame of 1:00 pm to 5:00 pm.

I appreciate your support and confidence that Remedy Distillery will be a great asset and bring business to the City of Flowery Branch. Likewise, the City of Flowery Branch will be a great asset to help Remedy Distillery thrive.

Thank you for this opportunity!

Sincerely,

R. Keith Speed - Founder



CONDITIONAL USE PERMIT APPLICATION

City Provided Permit #

Date: Oct. 24, 2024

Address of Request: 5540 Atlanta Hwy
Flowery Branch, GA 30542

Tax Map # _____ Current Zoning: HB

Is this site located within the boundaries of the historic district? _____

Currently a conforming use? _____

Any conditions of zoning, CUP's, etc.? _____

Applicant Information

Applicant: R. Keith Speed / Remedy Distillery, LLC

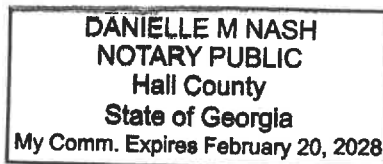
Address: 989 Old Thompson Mill Rd.
Winder, GA 30680

E-mail address: kspeed@remedydistillery.com

Phone number: c. 404-925-2400

Signature: R. Keith Speed

Notary Seal:





Property owner Information

Property owner (please print): John Bailey

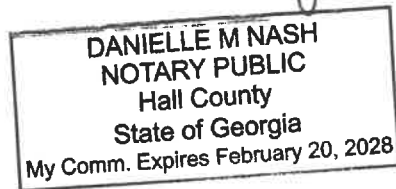
Address: 5540 Atlanta Hwy
Flowery Branch, GA 30542

E-mail address: john.bailey1BG@Gmail.com

Phone number: 770-652-5398

Signature: John Bailey

Notary Seal:



Applicant Information Required at Time of Submittal

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

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



Conflict of Interest Disclosure

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

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

None

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

None

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

None

Disclosure of Campaign Contributions

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

Elected Officials Name

Amount of Description of Gift

NA

0

NA

0



Received by City of Flowery Branch Staff on 10/24/24 [Signature] DN
Name: Dani M. Nash
Title: Admin. Coordinator

RECEIPT

DATE 10/24/89

No. 483904

RECEIVED FROM

One Thousand

FOR RENT

FOR

ACCOUNT

PAYMENT

BAL. DUE

1000

CASH

CHECK

MONEY ORDER

CREDIT CARD

FROM

TO

BY

cup

\$1000

DOLLARS

3-11

130



FLOWERY BRANCH CITY COUNCIL



EXECUTIVE SUMMARY

SUBJECT: Consider a First Amendment to the Lease Agreement for 5509 Main Street with Nicholas St. Clair.

COUNCIL MEETING DATE: December 19, 2024

HISTORY:

Nicholas St. Clair began its lease agreement with the City of Flowery Branch on November 7, 2024 in the Main Street A Master Condominium Shopping Center. The commercial portion is city-owned and the residential is privately owned and leased. This is the former site of the City of Flowery Branch City Hall, Police Station, and various other retail spaces. The entirety of the site was demolished in 2019. In September 2021 the final certificate of occupancy was issued. The apartments are fully occupied, and three of the retail spaces are leased.

FACTS AND ISSUES:

Nicholas St.Clair is asking to add his partners, Roland Stanley, Gustavo Godinez Jr. and Craig Tabor as TenantTMs to the Lease Agreement for 5509 Main Street

Nicholas St. Clair is also asking for a change in the hours of operation for the first 12 months of business. Monday closed

Tuesday – Sunday 11am – 9pm

After the first 12 months Monday – Sunday 11am – 9pm

OPTIONS:

- 1) Authorize the amendment to the existing lease as presented.
- 2) Do not authorize the amendment of the lease as presented and suggest other terms.
- 3) Do not authorize the amendment of the lease.

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

No

AMOUNT AND SOURCE OF FUNDS:

RECOMMENDATION:

The purpose of this agenda item is to request council to amend the original lease agreement with Nicholas St.Clair at 5509 Main St, Flowery Branch, within the Shopping Center on Main Street.

SAMPLE MOTION:

I move to approve the first amendment to the lease agreement with Nicholas St.Clair, 5509 Main Street, Flowery Branch GA 30542

COLLABORATING DEPARTMENT:

DEPARTMENT: Department of Fun**Prepared by:** Shelia Cooper

ATTACHMENTS

- [Executive Summary Nicholas St.Clair First Amendment.pdf](#)
- [First Amendment Nicholas St. Clair .pdf](#)

**FLOWERY BRANCH CITY COUNCIL
EXECUTIVE SUMMARY**

**SUBJECT: FIRST AMENDMENT TO LEASE AGREEMENT FOR 5509 MAIN STREET
WITH NICHOLAS ST.CLAIR**

DATE: DECEMBER 19, 2024

(X) RECOMMENDATION

() POLICY DISCUSSION

BUDGET INFORMATION:

() STATUS REPORT

ANNUAL-

() OTHER

CAPITAL-

COUNCIL ACTION REQUESTED ON: DECEMBER 19, 2024

PURPOSE: The purpose of this agenda item is to request council to amend the original lease agreement with Nicholas St.Claire at 5509 Main Street in Flowery Branch, within the Shopping Center on Main Street.

HISTORY: Nicholas St. Clair began its lease agreement with the City of Flowery Branch on November 7, 2024 in the Main Street A Master Condominium Shopping Center. The commercial portion is city-owned and the residential is privately owned and leased. This is the former site of the City of Flowery Branch City Hall, Police Station, and various other retail spaces. The entirety of the site was demolished in 2019. In September 2021 the final certificate of occupancy was issued. The apartments are fully occupied, and three of the retail spaces are leased.

FACTS AND ISSUES:

Nicholas St.Claire is asking to add his partners, Roland Stanley, Gustavo Godinez Jr. and Craig Tabor as Tenant's to the Lease Agreement for 5509 Main Street

Nicholas St. Clair is also asking for a change in the hours of operation for the first 12 months of business. Monday closed

Tuesday – Sunday 11am – 9pm

After the first 12 months Monday – Sunday 11am – 9pm

OPTIONS: 1) Authorize the amendment to the existing lease as presented.

2) Do not authorize the amendment of the lease as presented and suggest other terms.

3) Do not authorize the amendment of the lease.

RECOMMENDED SAMPLE MOTION: I move to approve the first amendment to the lease agreement with Nicholas St.Clair, 5509 Main Street, Flowery Branch GA 30542

DEPARTMENT: Administration

Prepared by: Renee Carden

FIRST AMENDMENT TO 5509 MAIN STREET
A MASTER CONDOMINIUM SHOPPING CENTER LEASE AGREEMENT

THIS FIRST AMENDMENT TO 5509 MAIN STREET A MASTER CONDOMINIUM SHOPPING CENTER LEASE AGREEMENT (this "Amendment"), is made and entered into effective the 5th day of December 2024, by and between the CITY OF FLOWERY BRANCH (hereinafter referred to as "Landlord") and Nicholas St.Clair Roland Stanley, Gustavo Godinez, Jr., and Craig Tabor (hereinafter referred to as "Tenants in Common").

WHEREAS, Landlord and Tenant Nicholas St.Clair entered into that certain lease agreement dated November 7th, 2024 (the "Original Lease"), for that certain property commonly known as 5509 Main Street, Flowery Branch, Georgia (the "Demised Premises"); and

WHEREAS, Landlord and Tenant desire to amend the Original Lease, on and subject to the terms and conditions set forth herein.

NOW, THEREFORE, AND IN CONSIDERATION of the sum of One and No/100 Dollars (\$1.00), each to the other paid, the receipt and adequacy and sufficiency of which is hereby acknowledge, and the mutual covenants flowing between the parties hereto, the Original Lease is hereby amended as follows:

1. Recitals. Each of the foregoing recitals and representations in this Amendment form a material part of this Amendment and are incorporated herein by this reference, and such recitals and representations and the Original Lease are hereby ratified.
2. Tenant. Section 1.1. D.TENANTS IN COMMON: To the name of Nicholas St.Clair is added the following to be tenants in common with Nicholas St.Clair : " Roland Stanley, Gustavo Godinez Jr. and Craig Tabor”
3. Hours of Operation. Section 1.1 Q. HOURS OF OPERATION: The tenants agree to remain open during standard operating hours for a restaurant (11am to 9pm) on a daily basis (Monday through Sunday) during the lease term and any extensions. Add the following “excluding the first twelve months the business is open, hours of operation will be Closed (Monday) 11am – 9pm (Tuesday through Sunday)

In order for this amendment to be effective, each of the new tenants in common shall provide a personal guarantee of the lease in a form substantially similar to that executed by Nicholas St. Clair.

EXCEPT AS HEREIN PROVIDED, all other terms and conditions of the Original Lease shall remain the same and the parties hereto do hereby ratify the Original Lease.

IN WITNESS WHEREOF, Landlord and Tenant have carefully read and reviewed this Amendment and each term and provision contained herein, and by the execution of this

Amendment shows their informed and voluntary consent thereto. The parties hereby agree that, at the time this Amendment is executed, the terms of this Amendment are commercially reasonable and effectuate the intent and purpose of Landlord and Tenant with respect to the Demised Premises.

This 19th day of December, 2024.

LANDLORD: CITY OF FLOWERY BRANCH,
GEORGIA

By: Edward R. Asbridge, Mayor

ATTEST:

By: Shelia Cooper, City Clerk

TENANTS IN COMMON: Nicholas St. Clair, Roland
Stanley, Gustavo Godinez, Jr., and Craig Tabor

By: Nicholas St.Clair

[City Seal]

By: Roland Stanley

By: Gustavo Godinez Jr.

By: Craig Tabor

Sworn to and subscribed before me
this ____ day of _____ 20__.

NOTARY PUBLIC

[Notary Seal]

My Commission Expires: _____



FLOWERY BRANCH CITY COUNCIL



EXECUTIVE SUMMARY

SUBJECT: Consider an Amendment to the Development Agreement with Flowery Branch Partners, LLC. for the Repair of Infrastructure at Summit Lake Subdivision.

COUNCIL MEETING DATE: December 19, 2024

HISTORY:

A development agreement was signed on April 16, 2021, between the City of Flowery Branch and FB Partners. The subdivision was built and several years later the developer asked for the roads of the subdivision to be dedicated to the city, as it was always planned for the roads to be public roads. On March 10, 2023, the developer formally requested that the roads be dedicated to the City of Flowery Branch. At that point, staff began inspecting roads, curbs and infrastructure to ensure that all were up to city standards to be accepted. However, after the curbs and roads were corrected, there was an issue in correcting apparent failures in the stormwater infrastructure.

FACTS AND ISSUES:

Staff has worked extensively with the builder, developer, and president of the Summit Lake Homeowners Association (Bill Moats) since March 2023. Doug Cotter, with FB Partners has demonstrated his wishes for a cooperative partnership with the City of Flowery Branch and has signed the Development Agreement presented agreeing to participate in the funding of the stormwater structure repair in the amount of \$25,000 to be withheld from their TAD payment in 2025.

OPTIONS:

- 1) Approve the amendment to the development agreement.
- 2) Do not approve the amendment to the development agreement.

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

Yes

AMOUNT AND SOURCE OF FUNDS:

This is a source of funds.

RECOMMENDATION:

Approve an amendment to the development agreement with FB Partners, LLC. (FB Partners) to ensure funding is in place for the repair of stormwater infrastructure.

SAMPLE MOTION:

I move to approve the amendment to the development agreement with Flowery Branch Partners, LLC.

COLLABORATING DEPARTMENT:

DEPARTMENT: Administration

Prepared by: Shelia Cooper

ATTACHMENTS

- [ES - Amend to Dev Agreement FB Partners.pdf](#)
- [SCotter Pro241211192700.pdf](#)



FLOWERY BRANCH CITY COUNCIL EXECUTIVE SUMMARY

SUBJECT: Consider an Amendment to the Development Agreement with Flowery Branch Partners, LLC. for the Repair of Infrastructure at Summit Lake Subdivision.

DATE: December 13, 2024

☒ **RECOMMENDATION**

☐ **POLICY DISCUSSION**

BUDGET INFORMATION:

☐ **STATUS REPORT**

ANNUAL - N/A

☐ **OTHER**

CAPITAL - Funding Source (\$25,000)

COUNCIL ACTION REQUESTED ON: December 19, 2024

PURPOSE: To approve an amendment to the development agreement with FB Partners, LLC. (FB Partners) to ensure funding is in place for the repair of stormwater infrastructure.

HISTORY: A development agreement was signed on April 16, 2021, between the City of Flowery Branch and FB Partners. The subdivision was built and several years later the developer asked for the roads of the subdivision to be dedicated to the city, as it was always planned for the roads to be public roads. On March 10, 2023, the developer formally requested that the roads be dedicated to the City of Flowery Branch. At that point, staff began inspecting roads, curbs and infrastructure to ensure that all were up to city standards to be accepted. However, after the curbs and roads were corrected, there was an issue in correcting apparent failures in the stormwater infrastructure.

FACTS AND ISSUES:

Staff has worked extensively with the builder, developer, and president of the Summit Lake Homeowners Association (Bill Moats) since March 2023. Doug Cotter, with FB Partners has demonstrated his wishes for a cooperative partnership with the City of Flowery Branch and has signed the Development Agreement presented agreeing to participate in the funding of the stormwater structure repair in the amount of \$25,000 to be withheld from their TAD payment in 2025.

OPTIONS:

- 1) Approve the amendment to the development agreement.
- 2) Do not approve the amendment to the development agreement.

RECOMMENDED SAMPLE MOTION:

I move to approve the amendment to the development agreement with Flowery Branch Partners, LLC.

DEPARTMENT: Administration

Prepared by: Tonya Parrish

AMENDMENT TO DEVELOPMENT AGREEMENT

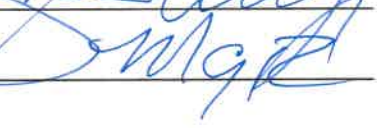
This development agreement between the City of Flowery Branch ("City") and Flowery Branch Partners, LLC, its successors and assigns ("FB Partners") entered into on April 16, 2021 is hereby amended this 11th day of Dec, 2024 as follows:

FB Partners wishes to demonstrate its cooperative partnership with the City by assisting the City with the financing of repairs to storm drain infrastructure located within the Summit Lakes development. The parties therefore agree that twenty-five thousand (\$25,000) will be withheld from the outstanding balance of City TAD payments to FB Partners as a contribution towards said repairs. The parties further agree that FB Partners is hereby released from any and all further obligations to the City regarding the Summit Lakes public infrastructure to be maintained by City.

In witness whereof, the parties hereto have caused this instrument to be duly executed.

Flowery Branch Partners, LLC

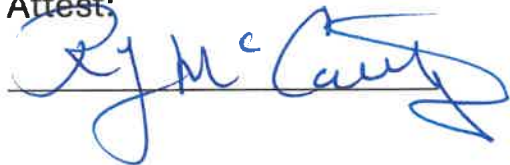
By: 

Its: 

City of Flowery Branch

By: _____

Attest:





FLOWERY BRANCH CITY COUNCIL



EXECUTIVE SUMMARY

SUBJECT: Consider Resolution # 24-012 to Accept Roads and Stormwater Infrastructure in Summit Lake Subdivision.

COUNCIL MEETING DATE: December 19, 2024

HISTORY:

On March 10, 2023, the developer formally requested that the roads be dedicated to the City of Flowery Branch via email (attached). Staff began inspecting roads, curbs and infrastructure to ensure that all were up to city standards to be accepted. However, after the curbs and roads were corrected, there was an issue in correcting apparent failures in the stormwater infrastructure which caused a significant delay in the dedication of the roads.

FACTS AND ISSUES:

Staff has worked extensively with the builder, developer, and president of the Summit Lake Homeowners Association (Bill Moats) since March 2023. Doug Cotter, with FB Partners has demonstrated his wishes for a cooperative partnership with the City of Flowery Branch and has signed the Amendment to the Development Agreement agreeing to participate in the funding of the stormwater structure repair in the amount of \$25,000 to be withheld from their TAD payment in 2025. With the adopted amendment to the development agreement, the City of Flowery Branch can now accept the roads and infrastructure and can repair the stormwater failures in the subdivision.

OPTIONS:

- 1) Approve Resolution 24-012 accepting roads and infrastructure in the right-of way.
- 2) Do not approve Resolution 24-012.

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

No

AMOUNT AND SOURCE OF FUNDS:

Funding is not approved for this stormwater capital project. The city's share will be approximately \$25,000. Funding is available in the Local Resources Fund.

RECOMMENDATION:

Adopt a resolution accepting roads and stormwater infrastructure in the City of Flowery Branch right-of-way in Summit Lake Subdivision.

SAMPLE MOTION:

I move to approve Resolution #24-012 accepting roads and stormwater infrastructure in the City of Flowery Branch right-of-way in Summit Lake Subdivision.

COLLABORATING DEPARTMENT:

DEPARTMENT: Administration**Prepared by:** Shelia Cooper

ATTACHMENTS

- [ES - Dedication & Acceptance of Roads - Summit Lake.pdf](#)
- [Resolution 24-012 Road Dedication Acceptance Summit Lake.pdf](#)
- [Summit Lake Road Dedication email 3-10-23.pdf](#)



FLOWERY BRANCH CITY COUNCIL EXECUTIVE SUMMARY

SUBJECT: Consider Resolution # 24-012 to Accept Roads and Stormwater Infrastructure in Summit Lake Subdivision.

DATE: December 13, 2024

(X)RECOMMENDATION

() POLICY DISCUSSION

BUDGET INFORMATION:

() STATUS REPORT

ANNUAL - N/A

() OTHER

CAPITAL - N/A

COUNCIL ACTION REQUESTED ON: December 19, 2024

PURPOSE: To adopt a resolution accepting roads and stormwater infrastructure in the City of Flowery Branch right-of-way in Summit Lake Subdivision.

HISTORY: On March 10, 2023, the developer formally requested that the roads be dedicated to the City of Flowery Branch via email (attached). Staff began inspecting roads, curbs and infrastructure to ensure that all were up to city standards to be accepted. However, after the curbs and roads were corrected, there was an issue in correcting apparent failures in the stormwater infrastructure which caused a significant delay in the dedication of the roads.

FACTS AND ISSUES:

Staff has worked extensively with the builder, developer, and president of the Summit Lake Homeowners Association (Bill Moats) since March 2023. Doug Cotter, with FB Partners has demonstrated his wishes for a cooperative partnership with the City of Flowery Branch and has signed the Amendment to the Development Agreement agreeing to participate in the funding of the stormwater structure repair in the amount of \$25,000 to be withheld from their TAD payment in 2025. With the adopted amendment to the development agreement, the City of Flowery Branch can now accept the roads and infrastructure and can repair the stormwater failures in the subdivision.

OPTIONS:

- 1) Approve Resolution 24-012 accepting roads and infrastructure in the right-of way.
- 2) Do not approve Resolution 24-012.

RECOMMENDED SAMPLE MOTION:

I move to approve Resolution #24-012 accepting roads and stormwater infrastructure in the City of Flowery Branch right-of-way in Summit Lake Subdivision.

DEPARTMENT: Administration

Prepared by: Tonya Parrish

RESOLUTION NO. 24-012

A RESOLUTION OF THE CITY OF FLOWERY BRANCH CITY COUNCIL ACCEPTING THE DEDICATION OF ROADWAYS AND STORMWATER STRUCTURES THEREIN LOCATED WITHIN THE SUMMIT LAKE DEVELOPMENT, FROM FLOWERY BRANCH PARTNERS LLC, FOR PUBLIC PURPOSES. THE ROADWAYS AND STORMWATER STRUCTURES THEREIN ARE IDENTIFIED AS BEING 2.1907 MILES; SAID ROADWAYS AND STORMWATER STRUCTURES THEREIN ARE IDENTIFIED IN EXHIBIT "A".

WHEREAS, the City Council of the City of Flowery Branch reviewed roadway dedications and all related aspects of the proposal as required by the Flowery Branch Subdivision and Land Development Regulations at the meeting of December 19, 2024.

NOW THEREFORE BE IT RESOLVED that the governing authority of the City of Flowery Branch, Georgia hereby accepts the following roadways from Flowery Branch Partners, LLC, for public purposes and hereby places them into the city's maintenance program: the roadways are identified as being 2.1907 miles within Summit Lake Subdivision and any stormwater structures located within any portion of the right-of-way of said accepted roadways in Exhibit "A". Said exhibit is incorporated by reference as if fully set forth herein.

Approved this 19th day of December 2024.

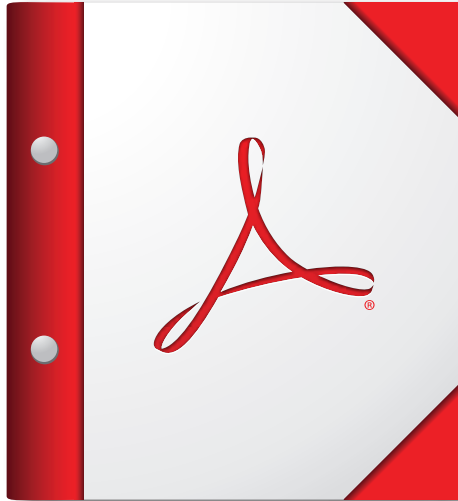
Edward R. Asbridge, Mayor

ATTEST:

Shelia R. Cooper, City Clerk

APPROVED AS TO FORM:

Ted Baggett, City Attorney



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