



**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:

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

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

Also present were City Manager Tonya Parrish, City Clerk Shelia Cooper, Finance Director Matthew Hamby, Planning and Community Development Director Chris McCrary, Public Works & Utilities Director Bill Whidden, Human Resources Director Krystle Hightower, Deputy Police Chief Todd Templeton, 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: William McDaniel

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

NAYS: None

Motion carried

AWARDS & RECOGNITIONS: There were no awards or recognitions.

PUBLIC HEARING: There were no public hearings.

UNFINISHED BUSINESS - WORK SESSION:

Consider the Second Reading of Ordinance 724 for 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 recommend 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.

Christian Stark, 5316 Railroad Avenue, Flowery Branch, Georgia spoke with Council regarding the variance request.

Richard Breedlove, Senior Engineer at Dovetail Civil Design, 3651 Mars Hill Road, Watkinsville, Georgia held a discussion with Council regarding traffic concerns.

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

Director McCrary presented the second 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 striped 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.

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.

City Manager Parrish presented a consideration for an amendment to the Development Agreement with Flowery Branch Partners LLC for the repair of infrastructure at Summit Lake Subdivision. A development agreement was signed on April 16, 2021, between the City of Flowery Branch and Flowery Branch 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. Staff has worked extensively with the builder, developer, and president of the Summit Lake Homeowners Association since March 2023. Flowery Branch Partners has demonstrated they wish for a cooperative partnership with the City of Flowery Branch and has signed 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.

Council held a discussion with City Manager Parrish.

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

City Manager Parrish presented Resolution 24-012 to accept roads and stormwater infrastructure in Summit Lake Subdivision.

DEPARTMENT REPORTS:

City Clerk Report:

City Clerk Cooper read a thank you from Meals on Wheels that read the following: We want to express our deepest gratitude to all the wonderful locations that welcomed our Secret Santa donation boxes for socks and blankets. Your generosity and support have made an incredible difference this holiday season.

Planning Department Report:

Director McCrary advised the planning department is scheduled to be audited by the EPD in March.

ADJOURNMENT WORK SESSION:

Mayor Asbridge adjourned the work session at 6:30 p.m.

VOTING SESSION AGENDA

CALL VOTING SESSION TO ORDER:

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

PUBLIC COMMENTS:

Elizabeth Marshall, 6300 Gaines Ferry Road, Flowery Branch, Georgia.

Ms. Marshall is opposed to the variance request at 4627 Atlanta Highway, Flowery Branch, Georgia. She expressed her concerns about covering too much land with cement.

Bill Moats, 5780 Screech Owl Drive, Flowery Branch, Georgia.

Mr. Moats wanted to express his thanks to Council, City Manager Parrish, Director Whidden and the Police Department for getting the roads accepted into the City.

Mark Weber, 6114 Stell Light Drive, Flowery Branch, Georgia.

Mr. Weber wanted to express his thanks to City Manager Parrish and Director McCrary for their quick actions when he had a concern come up in the city.

CONSENT AGENDA:

- Consider December 5, 2024 City Council Meeting Minutes

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

MOTION: Oliver McClellan

SECOND: Chris Mundy

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

NAYS: None

Motion carried

UNFINISHED BUSINESS - VOTING SESSION:

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

City Clerk Cooper read the caption for Ordinance 724 for a variance request at 4627 Atlanta Highway. Ordinance 724 is 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, owned by West Avenue Partners Group, LLC; as shown on exhibit "A", described on exhibit "B", and subject to the conditions as set forth in exhibit "C"; providing for severability; repealing conflicting ordinances; providing for an effective date; and for all other lawful purposes.

There was a motion made to Table the second reading of Ordinance 724 until January 16, 2025 City Council Meeting to give the applicant more time to look at issues surrounding traffic.

MOTION: Joe Anglin

SECOND: Joseph Mezzanotte

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

NAYS: None

Motion carried

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

City Clerk Cooper read the caption for Ordinance 727 for a Conditional Use Permit at 5540 Atlanta Highway for the Operation of a Micro-Distillery. Ordinance 727 is 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, 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.

There was a motion made to approve Ordinance 727 with the specified conditions.

MOTION: Oliver McClellan

SECOND: William McDaniel

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

NAYS: None

Motion carried

NEW BUSINESS - VOTING SESSION:

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

There was a motion made to approve the first amendment to the lease agreement with Nicholas St. Clair for 5509 Main Street, Flowery Branch, Georgia 30542.

MOTION: Chris Mundy

SECOND: Oliver McClellan

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

NAYS: None

Motion carried

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

There was a motion made to approve the amendment to the development agreement with FB Partners, LLC.

MOTION: Oliver McClellan

SECOND: Joseph Mezzanotte

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

NAYS: None

Motion carried

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

City Clerk Cooper read the caption for Resolution 24-012 to accept roads and stormwater infrastructure in Summit Lake Subdivision. Resolution 24-012 is 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".

There was a motion made to approve Resolution 24-012.

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 6:40 p.m.

MOTION: Chris Mundy

SECOND: Joe Anglin

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 7:11 p.m.

MOTION: Joe Anglin

SECOND: William McDaniel

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 7:11 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