



City of Flowery Branch
City Council Meeting
Thursday, September 4, 2025, 6:00 PM
5410 Pine Street
Flowery Branch, GA 30542



Call Work Session to Order:

Pledge of Allegiance:

Adoption of Agenda:

Awards & Recognitions:

Public Hearing:

- a. Public Hearing and First Reading to Consider Ordinance 761 for McEver Road and Gaines Ferry Road Convenience Store Conditional Use Permit.
- b. Public Hearing and First Reading to Consider Ordinance 762 for McEver Road and Gaines Ferry Road Convenience Store Variance.

Unfinished Business - Work Session:

- a. Consider Second Reading of Ordinance 747 for the Annexation of the Jones Road Tract.
- b. Consider Second Reading of Ordinance 748 for the Rezoning and Approval of Variances for the Jones Road Tract.

New Business - Work Session:

- a. Consider Ordinance 764 – To Establish the Millage Rate for Tax Year 2025; Fiscal Year 2026.
- b. Consider Resolution 25-011 Surplus of Water Tank Located on Roberts Drive, Flowery Branch, Georgia 30542.
- c. Consideration of Approval of Release for Property Damage.
- d. Consider a Micro Distillery License for Remedy Distillery LLC

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 Utilities Report
- i. Public Works Report

j. Attorney Report

k. Council Report

Adjournment Work Session:

Voting Session Migration

Call Voting Session to Order:

Public Comments:

Please limit to two minutes

Consent Agenda:

- a. Consider Mayor Asbridge August 2025 Per Diem

Unfinished Business - Voting Session:

- a. Consider Second Reading of Ordinance 747 for the Annexation of the Jones Road Tract.
- b. Consider Second Reading of Ordinance 748 for the Rezoning and Approval of Variances for the Jones Road Tract.
- c. Consider Second Reading of Ordinance 757 for the Annexation of Hall County Tax Parcel Identification No. 15048 000045, 5623 Hog Mountain Rd.
- d. Consider Second Reading of Ordinance 758 for the Rezoning of Hall County Tax Parcel Identification No. 15048 000045, 5623 Hog Mountain Rd.
- e. Consider Second Reading of Ordinance 755 Rezoning at 5250 Hog Mountain Road
- f. Consider Second Reading of Ordinance 756 Rezoning at 5238 Hog Mountain Road

New Business - Voting Session:

- a. Consider Ordinance 764 – To Establish the Millage Rate for Tax Year 2025; Fiscal Year 2026.
- b. Consider Resolution 25-011 Surplus of Water Tank Located on Roberts Drive, Flowery Branch, Georgia 30542.
- c. Consideration of approval of Release for Property Damage.
- d. First Read and Public Hearing to consider Ordinance 761 for McEver Road and Gaines Ferry Road Convenience Store Conditional Use Permit.
- e. First Read and Public Hearing to consider Ordinance 762 for McEver Road and Gaines Ferry Road Convenience Store Variance.
- f. Consider a Micro Distillery License for Remedy Distillery LLC

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.



Memorandum

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

From: Planning and Community Development

Date: September 4th, 2025

Subject: Proposed Convenience Store with Gas Pumps at Gaines Ferry Road and McEver Road; Tax Parcel 08140 000215. Cases include **Conditional Use Permit (CUP)** for a Convenience Store in HB zoning, and a **Variance** request to allow gas canopy in the front of the primary building.

Applicant: Epic Group of Companies
1943 Pleasant Hill Road
Duluth, GA 30006

Owner: Kelly Family Investments, LLC
14260 Saddle Springs Ln
Milton, GA, 30004

Existing Zoning: HB – Highway Business

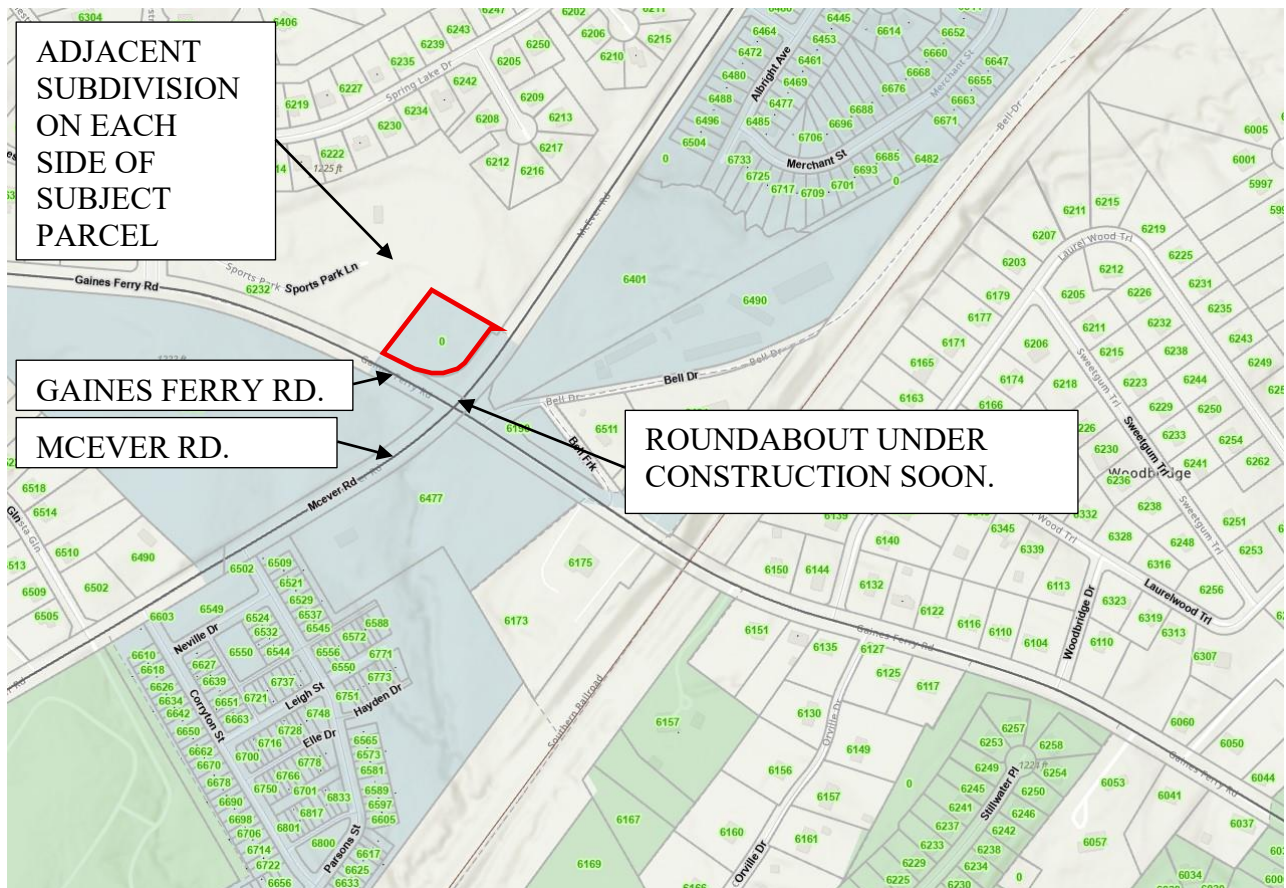
Location: 0 McEver Road, tax parcel identification number **08140 000215**. North quadrant of the intersection.

Development Summary: The applicant is proposing a 6,900 square foot building that will contain a 4,200 square foot convenience store, 1,200 square foot drive-thru restaurant and a 1,500 square foot unit with no use designation on the plans. The site plan also includes a gas canopy in front of the building. Included in the site plan is an area labeled as “Boat Washing Area”. Detention is proposed to be provided with an underground detention system.



Location Map:

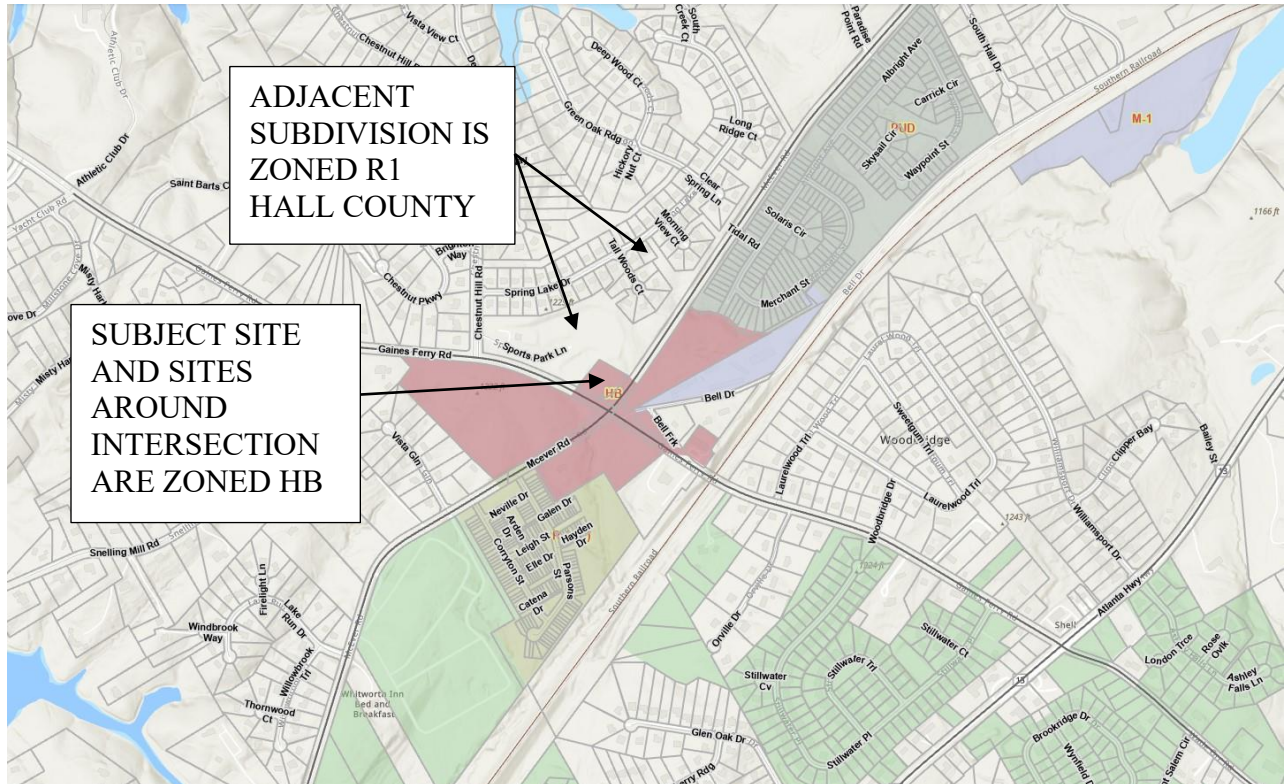
The subject parcel is located at 0 McEver Road, tax parcel identification number **08140 000215**.





Zoning Map:

The subject property is zoned **HB** – Highway Business with surrounding parcels zoned residential and **HB**.



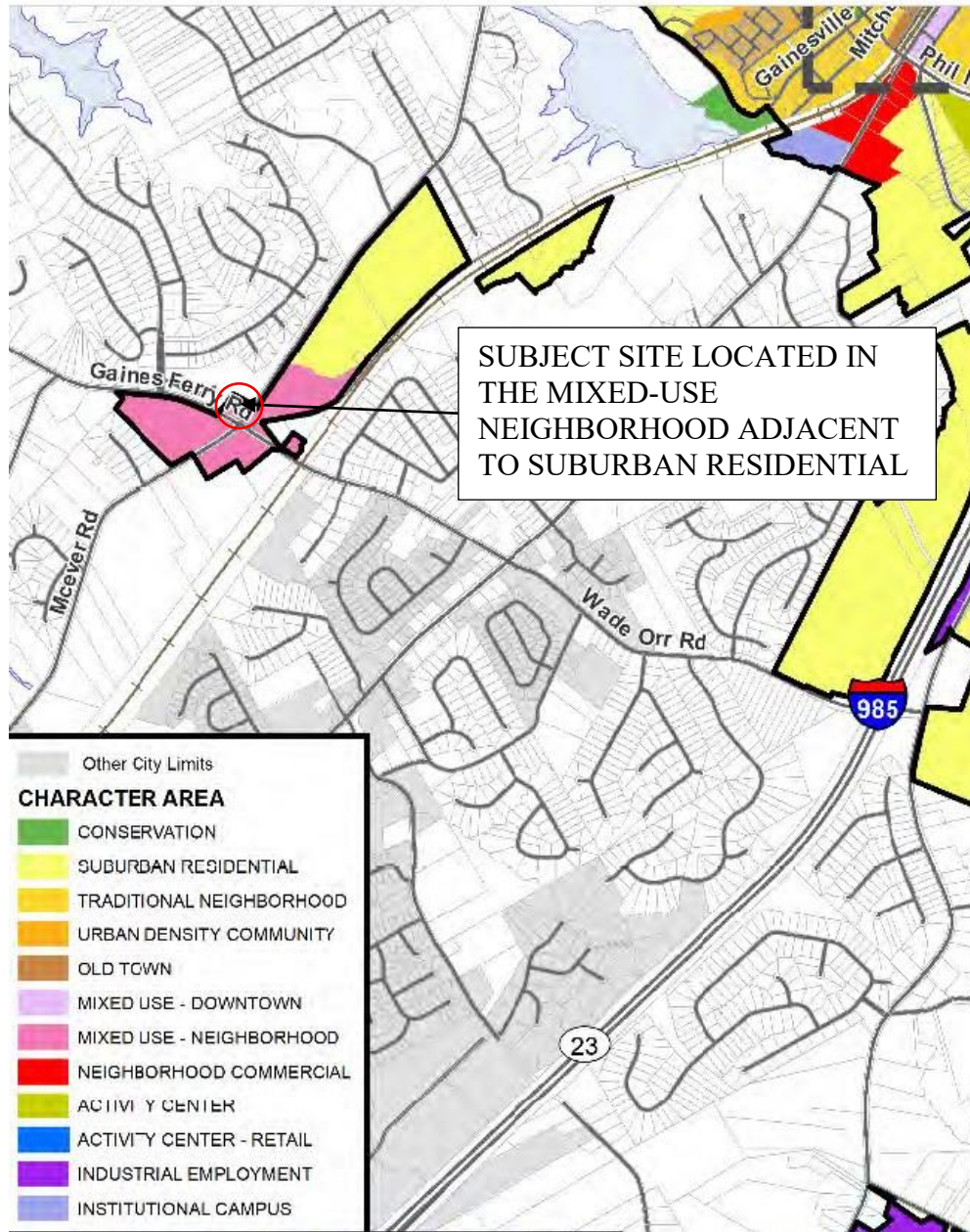
HB – Highway Business allows for convenience stores with an approved Conditional Use Permit.

Convenience store, with or without gasoline pumps	X	X	X	C	X	X	X
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HIGHWAY BUSINESS
CONDITIONAL USE



Future Land Use Map (Comprehensive Plan)





Mixed Use Neighborhood Character Area

Mixed Use - Neighborhood

Mixed Use – Neighborhood areas are located around the McEver Road intersections with Gaines Ferry Road, Gainesville Street and Radford Road.

Vision

Commercial development at significant intersections that serves surrounding neighborhoods, with consideration given to mixed use developments having commercial uses or open space/recreation (in response to market conditions) that are oriented to existing public streets.

Design Principles

- Connectivity between uses and developments
- Automobile and pedestrian accessibility
- Enclosed buildings with no outside storage and limited outdoor display of goods and merchandise
- Integration of open space as an attractive design element and functional component in mixed use development
- High quality building materials and site features

Land Uses

- Small-scale neighborhood commercial uses
- Residential in the context of a mixed use development
- Open space / recreation

Zoning

- NS, Neighborhood Shopping District
- PUD, Planned Unit Development District

Implementation Strategies

Assess existing Architectural Guidelines and Pedestrian Retail design standards to ensure desired quality of development can be achieved.

Comprehensive Plan Review:

The subject site is in the Character Area of the Mixed-Use Neighborhood. The proposed convenience store does not align with the Character Area's Vision, Design Principles, Land Uses and Zoning Category.

Illustrative Photos





Proposed Site Plan

PRINCIPAL BUILDING INCLUDES CONVENIENCE STORE, DRIVE-THRU RESTAURANT, AND A RETAIL UNIT.

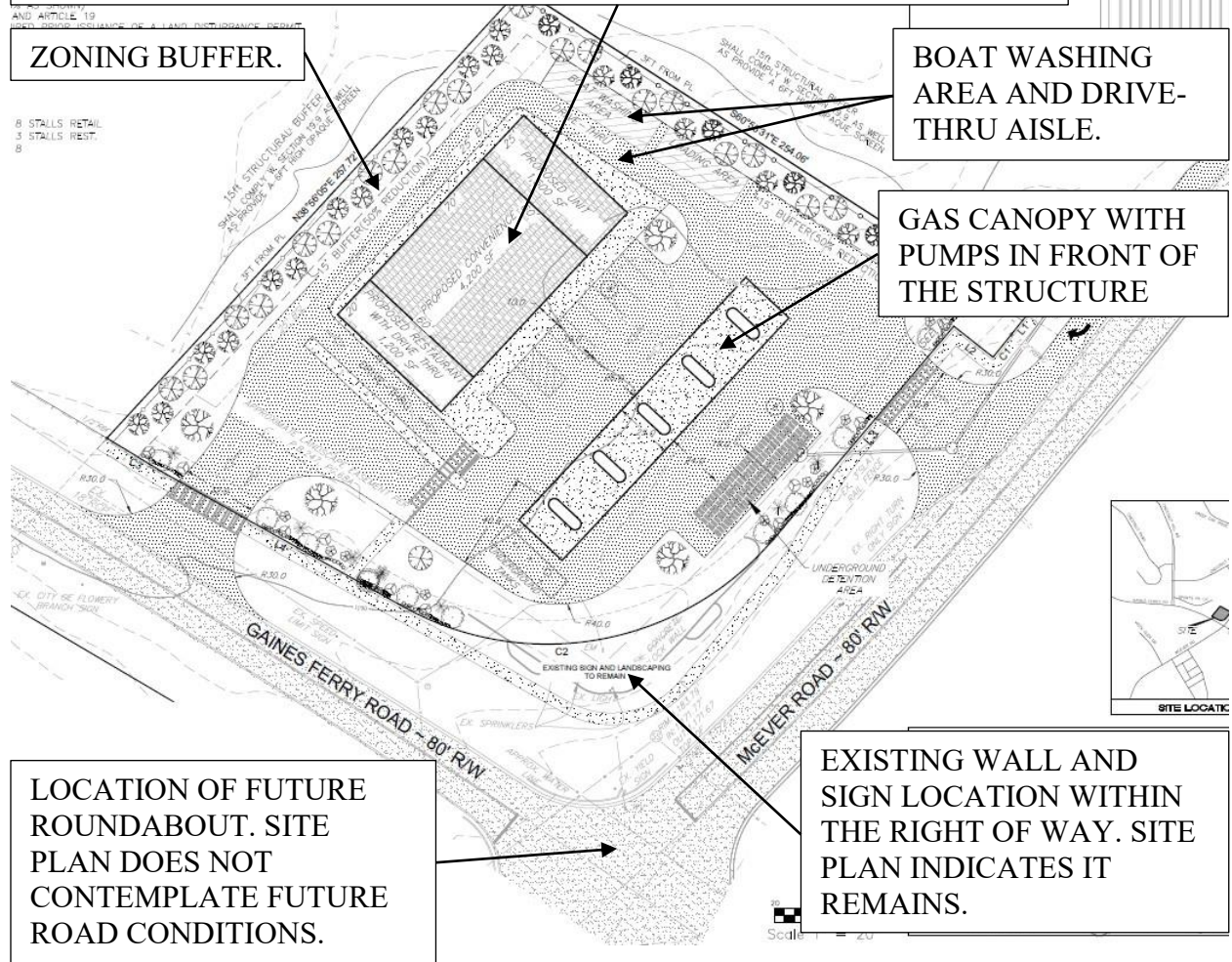
ZONING BUFFER.

BOAT WASHING AREA AND DRIVE-THRU AISLE.

GAS CANOPY WITH PUMPS IN FRONT OF THE STRUCTURE

LOCATION OF FUTURE ROUNDABOUT. SITE PLAN DOES NOT CONTEMPLATE FUTURE ROAD CONDITIONS.

EXISTING WALL AND SIGN LOCATION WITHIN THE RIGHT OF WAY. SITE PLAN INDICATES IT REMAINS.



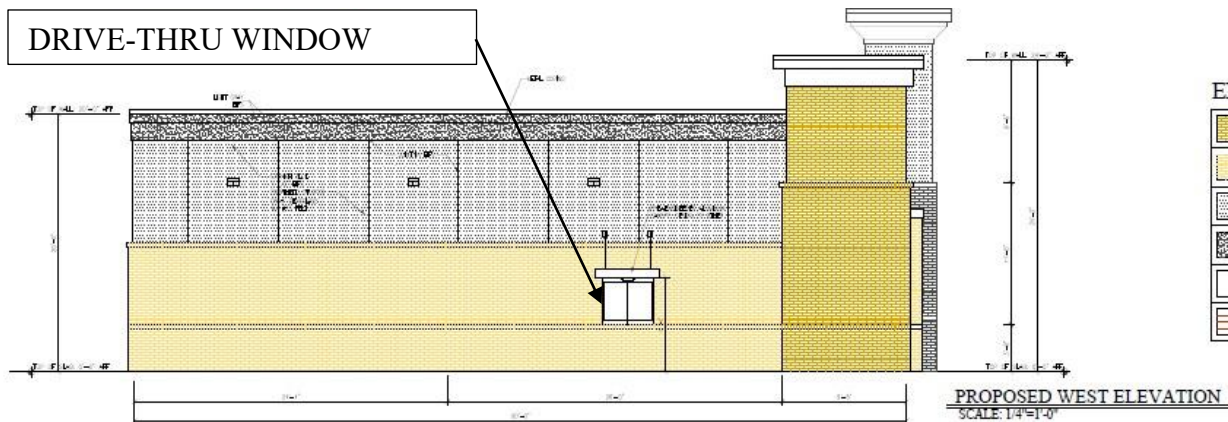


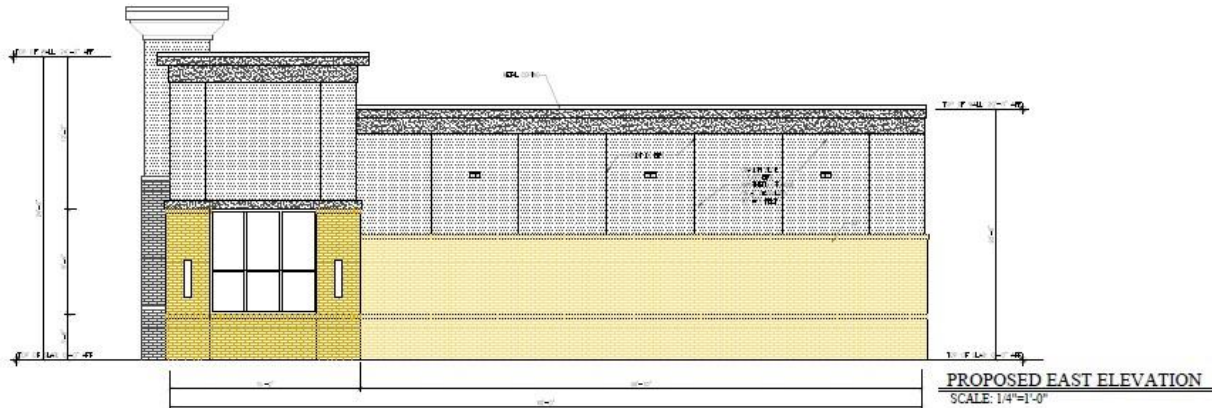
Proposed Building Concept:

The applicant provided building elevations with a materials list. Per code, some of the materials are prohibited. A condition of approval will reemphasize prohibited materials such as brick veneer, synthetic stucco, and EFIS. Materials that can be used from the materials list are fiber cement board and standing seal metal roof tile.

EXTERIOR FINISH SCHEDULE

	DARK BROWN BRICK VANNER
	LIGHT BROWN BRICK VANNER
	GRAYISH BLUE EIFS (SYNTHETIC STUCCO)
	LIGHT GREY EFIS
	DARK GRAY STANDING SEAL METAL ROOF TILE
	RED WOOD FIBER CEMENT FIBER BOARD





Applicant did not provide a rear elevation

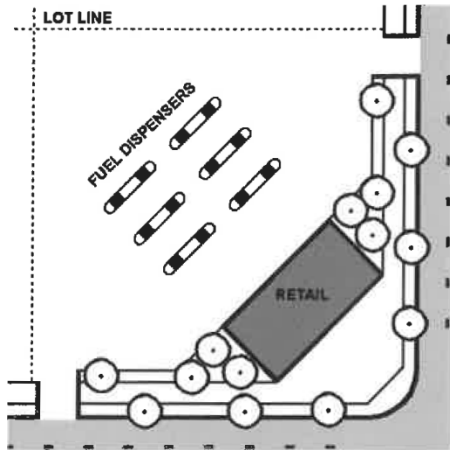
Variance request: The applicant proposes a variance to allow the gas canopy and pumps to be in front of the proposed building between the roadway and building.

The applicant states in their application:

*The City Zoning Ordinance, last updated on December 22, 2020, states the following:
 "Convenience stores should locate gas pumps behind the principal structure in order to effectively screen the pumps from view from the street. However, if fuel pumps are not located in the rear of the building, the additional landscaping should be required ... "
 According to the ordinance, the proposed canopy location would not require a variance, only additional screening. However, the applicant has the intention of providing additional screening along the frontages of the property if the proposed location is permitted.*

This statement by the applicant is incorrect. There have been five Zoning Code supplements since December 22, 2020. Additionally, the applicant stating the canopy location would not require a variance is flawed, as it relies on an erroneous interpretation of the code. If the claimed hardship is primarily based on this misinterpretation, the variance request lacks a valid foundation.

The actual Zoning Code reads as follows: **Article 10, Section 10.0 (f): Convenience stores shall locate gas pumps behind the principal structure in order to effectively screen the pumps from view of the street.**



Positioning gas canopies and pumps behind the primary building of a convenience store offers several benefits, based on practical design and operational considerations:

- **Improved Traffic Flow and Safety:** Placing pumps behind the building reduces congestion at the store's front entrance, where pedestrian traffic is typically higher. This separation minimizes conflicts between vehicles and foot traffic, enhancing safety for customers entering or exiting the store.
- **Aesthetic Appeal and Branding:** Keeping the front of the store free of pumps creates a cleaner, more inviting appearance. The store's facade can showcase signage, promotions, or architectural features, making it more attractive to customers and emphasizing the convenience store as the primary draw rather than the fuel station.
- **Space Optimization:** Locating pumps at the rear maximizes parking space in front of the store, making it easier for non-fueling customers to access the entrance. This is particularly beneficial for smaller lots where space is limited, ensuring efficient use of the property.
- **Noise and Fume Reduction:** Gas pumps and vehicle activity generate noise and exhaust fumes. Positioning them behind the building reduces exposure to these nuisances at the store's entrance, creating a more pleasant environment for customers and employees.

Variance Justification and Hardship

The applicant did not provide an alternative site plan showing the configuration of a layout where the gas pumps and canopy are behind the primary building.

For example, the applicant states: *"The future traffic circle really chokes down the buildable area on this site, and having the canopy in the rear puts it right next to the neighboring property, which is undesirable"*.



The claim lacks substance without a scaled drawing showing the site's limited buildable area. It may be plausible that a 4,200 sq. ft. convenience store, a 1,200 sq. ft. restaurant with a drive-thru, a 1,400 sq. ft. retail space, a boat washing station, and gas pumps with a canopy exceed the site's capacity. However, this claim does not constitute a hardship unless supported by an alternative design.

A hardship that justifies a variance to zoning codes is a unique condition or circumstance specific to a property that prevents reasonable use of the land under the existing zoning regulations, where strict compliance would cause undue difficulty or burden to the property owner. Below are key points that define a valid hardship and examples relevant to zoning variances:

Characteristics of a Valid Hardship

- **Unique to the Property:** The hardship must arise from specific physical or topographical features of the property, such as irregular shape, size, slope, soil conditions, or environmental constraints (e.g., wetlands or flood zones), that are not shared by neighboring properties.
- **Not Self-Created:** The hardship cannot result from actions taken by the property owner, such as subdividing the lot in a way that creates non-compliance or purchasing the property knowing the zoning restrictions.
- **Prevents Reasonable Use:** The zoning restriction must significantly limit or prevent the owner from using the property in a manner consistent with its intended purpose under the zoning code.
- **Not Merely Financial:** While financial difficulty may be considered, a hardship is typically not justified solely by economic loss or inconvenience (e.g., inability to maximize profit). The hardship must relate to the property's physical constraints.
- **Minimal Deviation:** The variance requested should be the minimum necessary to alleviate the hardship while still aligning with the public interest and the intent of the zoning code.



Flowery Branch Code Section 34.7 – Conditional Use Permit Analysis Requirements

- a) **The proposal will permit a use that is suitable in view of the use and development of adjacent and nearby property.**

The proposal will not permit a use that is suitable in view of the use and development of adjacent and nearby property.

- b) **The proposal is not expected to adversely affect the existing use or usability of adjacent or nearby property.**

The proposal will adversely affect the existing use or usability of adjacent or nearby property with the amount of uses on a relatively small sight adjacent on two sides to residential uses.

- c) **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.**

The subject site is in the Character Area of the Mixed-Use Neighborhood. The proposed convenience store does not align with the Character Area's Vision, Design Principles, Land Uses, and Zoning Category. The applicant provided no alternative plan to consider. An alternative plan could align with the Character Area's vision, design principles, land uses, and zoning categories.

- d) **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.**

The plan design will be in conflict with the upcoming roundabout. The entrances shown will likely need adjustments and limits on incoming and outgoing travel. For example, both entrances will need to be right in – right out with a curbed median to avoid illegal left turns out of the site if approved.

- e) **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.**

The proposal is not in conformity with the comprehensive plan's character area criteria.



- f) **The proposal is considered appropriate in view of existing use(s) and zoning of the subject property and nearby properties.**

The subject property is zoned Highway Business (HB), but the comprehensive plan designates it as a Mixed-Use Neighborhood character area. This designation includes a Vision, Design Principles, Land Uses, and Zoning Categories that do not support a convenience store with additional uses such as a restaurant, drive-thru, boat wash, and gas pumps. These uses are not pedestrian-oriented and do not align with the character area's goal of serving the surrounding neighborhood.

- g) **No determination has been made by staff with regard to the value differential between a development with or without a conditional use permit.**

Staff does not have data to support a valuation differential.

- h) **A proposed development will not be a deterrent to the value or improvement of development of adjacent property in accordance with existing regulations.**

Staff does not have data to support a valuation or improvement to adjacent property.

- i) **There are no known adverse effects that would result from the issuance of a conditional use permit on the character of a zoning district.**

The subject property is zoned Highway Business (H-B), but the comprehensive plan designates it as a Mixed-Use Neighborhood character area. This designation includes a Vision, Design Principles, Land Uses, and Zoning Categories that do not support a convenience store with additional uses such as a restaurant, drive-thru, boat wash, and gas pumps. These uses are not pedestrian-oriented and do not align with the character area's goal of serving the surrounding neighborhood.

- j) **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.**

If developed, the engineer of record must provide all required design requirements that comply with our soil erosion and sedimentation, stormwater, and flood damage prevention ordinances prior to the approval of any land disturbance permits.



Flowery Branch Code Section 37.5 – Criteria for Granting Variances

(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;

The applicant states the proposed roundabout limits the size of the property to justify the variance request. However, it would be reasonable to believe that a 4,200 sq. ft. convenience store, a 1,200 sq. ft. restaurant with a drive-thru, a 1,400 sq. ft. retail space, a boat washing station, and gas pumps with a canopy exceed the site's capacity. Reducing the number and area of the various uses could eliminate the need for a variance.

There are no 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;

Implementing the ordinance's provisions would not prevent the operation of a convenience store with gas pumps but would instead regulate the layout of the building, parking, gas pumps, and drive aisles.

(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;

Following the provisions of the ordinance regulating the layout of the site would not confer upon the property of the applicant any special privileges.

(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;

The ordinance code section is specific about the configuration of gas pumps in relation to the building and street frontage. Approving the variance is a removal of Article 10, Section 10.0 (f).

(e) The special circumstances are not the result of the actions of the applicant;



There are no special circumstances on the site that limit compliance with Article 10, Section 10.0 (f).

(f) The variance requested is the minimum variance that will make possible the proposed use of the land, building, or structure in the use district proposed; and

It is unclear if the applicant is requesting the minimum variance required as an alternative site plan was not provided.

(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.

The requested variances do not permit any nonconforming uses of the property according to zoning district.

Recommendation:

Staff recommends **DENIAL** of the Variance request due to the applicant's inability to demonstrate hardships associated with the configuration of site components.

Staff recommends **DENIAL** of the Conditional Use Permit for the convenience store, as it conflicts with the Comprehensive Plan's Future Land Use Map and Character Area. If the Council chooses to approve the permit, staff suggests the following conditions:

1. Site Design and Layout Requirements:

- a. Gas Pump Placement:** Convenience stores with fuel pumps must locate gas pumps behind the principal structure to minimize visual impact and ensure safety, as specified in Article 10, Section 10.9(f) of the Flowery Branch Zoning Ordinance.
- b. Use:** The site is limited to one 1,200 sq. ft. restaurant unit, 4,200 sq. ft. convenience store unit and one 1,500 sq. ft. retail unit.
- c. Building Orientation:** The store must be oriented to face McEver Road with setbacks per Table 9.2 to maintain aesthetic and functional compatibility with surrounding areas. Final building orientation to be approved by the Planning and Community Development Director.
- d. Dumpsters:** Dumpsters must be placed in the rear yard, outside of any buffer zones. They must be completely enclosed with full masonry walls constructed from real brick or stone, matching the building's material.
- e. Outdoor storage:** Outdoor storage of inventory, materials or equipment shall be prohibited.



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- c. A complete site lighting plan shall be provided including sign details, foot candle spread, and location of signs. All lighting fixtures are to face downwards and not to face any nearby residential.
- 4. **Operational Restrictions:**
 - a. **Hours of Operation:** To minimize disturbance in nearby residential areas, the store is restricted to operating between the hours of 6:00 AM to 11:00 PM.
 - b. **Noise Control:** No outdoor speakers or music systems on site.
- 5. **Architectural and Aesthetic Standards:**
 - a. **Facade Design:** The store's exterior and gas canopy columns must comply with Article 10 (Development Requirements and Guidelines), requiring real brick with no more than 20% of real three coat stucco or fiber cement board on all four elevations match. Brick veneer, EFIS or synthetic stucco shall be prohibited. Building plans must follow the procedures in Article 40. Final building elevations shall be approved by the Director of Planning and Community Development.
 - b. **Lighting:** Outdoor lighting must follow Article 23, ensuring that light fixtures are directed downward to prevent spillover into adjacent properties.
- 6. **Environmental and Infrastructure Conditions:**
 - a. **Stormwater Management:** The developer must submit a stormwater management concept plan to the City Engineer prior to submitting any subsequent permit applications.
 - b. **Traffic Impact Study:** The applicant is to produce a traffic impact study to assess impacts and propose mitigation.
 - c. **Utility Connections:** The developer must ensure adequate water and sewer connections, potentially upgrading infrastructure at their expense, to support the store's operations.

ORDINANCE NO. 761

AN ORDINANCE APPROVING A CONDITIONAL USE PERMIT (CUP) TO ALLOW A CONVENIENCE STORE WITH FUELING STATIONS ON A PARCEL OF REAL PROPERTY OWNED BY KELLY FAMILY INVESTMENTS, LLC, IDENTIFIED AS 0 MCEVER ROAD., TAX PARCEL 08140 000215, TOTALING +/-1.316 ACRES AND AS SHOWN AND DESCRIBED 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, Kelly Family Investments, LLC, owns a parcel of land totaling +/-1.316 acres, identified as Parcel Tax Identification No. 08140 000215, as shown and described on Exhibit “A”; and

WHEREAS, the subject property is zoned HB – Highway Business District, and development of a convenience store with fuel pumps is proposed, thus requiring a Conditional Use Permit (CUP); and

WHEREAS, Kelly Family Investments, LLC, has submitted to the City Council of Flowery Branch, Georgia, a written and signed application requesting a Conditional Use Permit (CUP) to develop a convenience store with fuel pumps; and

WHEREAS, the City Council held a public hearing at the meeting of September 4, 2025, 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 (CUP) request is consistent, any staff recommendations to the contrary notwithstanding, 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 (CUP) to develop a convenience store with fuel pumps is hereby granted for the subject parcel, as shown and described 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. 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 4. EFFECTIVE DATE.

The effective date of this Ordinance shall be September 4th, 2025.

SECTION 5. REPEALER.

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

Approved this ____ day of _____, 2025.

Edward R. Asbridge, Mayor

ATTEST:

Shelia R. Cooper, City Clerk

APPROVED AS TO FORM

Ted C. Baggett, City Attorney

Site plan for the intersection of Gaines Ferry Rd and Huever Rd, showing proposed and existing features, easements, and survey data.

Proposed Features:

- Proposed 1/2" R/F (Right of Way) lines.
- Proposed 1/4" R/F (Right of Way) lines.
- Proposed 1/8" R/F (Right of Way) lines.
- Proposed 1/16" R/F (Right of Way) lines.
- Proposed 1/32" R/F (Right of Way) lines.
- Proposed 1/64" R/F (Right of Way) lines.
- Proposed 1/128" R/F (Right of Way) lines.
- Proposed 1/256" R/F (Right of Way) lines.
- Proposed 1/512" R/F (Right of Way) lines.
- Proposed 1/1024" R/F (Right of Way) lines.
- Proposed 1/2048" R/F (Right of Way) lines.
- Proposed 1/4096" R/F (Right of Way) lines.
- Proposed 1/8192" R/F (Right of Way) lines.
- Proposed 1/16384" R/F (Right of Way) lines.
- Proposed 1/32768" R/F (Right of Way) lines.
- Proposed 1/65536" R/F (Right of Way) lines.
- Proposed 1/131072" R/F (Right of Way) lines.
- Proposed 1/262144" R/F (Right of Way) lines.
- Proposed 1/524288" R/F (Right of Way) lines.
- Proposed 1/1048576" R/F (Right of Way) lines.
- Proposed 1/2097152" R/F (Right of Way) lines.
- Proposed 1/4194304" R/F (Right of Way) lines.
- Proposed 1/8388608" R/F (Right of Way) lines.
- Proposed 1/16777216" R/F (Right of Way) lines.
- Proposed 1/33554432" R/F (Right of Way) lines.
- Proposed 1/67108864" R/F (Right of Way) lines.
- Proposed 1/134217728" R/F (Right of Way) lines.
- Proposed 1/268435456" R/F (Right of Way) lines.
- Proposed 1/536870912" R/F (Right of Way) lines.
- Proposed 1/1073741824" R/F (Right of Way) lines.
- Proposed 1/2147483648" R/F (Right of Way) lines.
- Proposed 1/4294967296" R/F (Right of Way) lines.
- Proposed 1/8589934592" R/F (Right of Way) lines.
- Proposed 1/17179869184" R/F (Right of Way) lines.
- Proposed 1/34359738368" R/F (Right of Way) lines.
- Proposed 1/68719476736" R/F (Right of Way) lines.
- Proposed 1/137438953472" R/F (Right of Way) lines.
- Proposed 1/274877907344" R/F (Right of Way) lines.
- Proposed 1/549755814688" R/F (Right of Way) lines.
- Proposed 1/1099511629376" R/F (Right of Way) lines.
- Proposed 1/2199023258752" R/F (Right of Way) lines.
- Proposed 1/4398046517504" R/F (Right of Way) lines.
- Proposed 1/8796093035008" R/F (Right of Way) lines.
- Proposed 1/17592186070016" R/F (Right of Way) lines.
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- Proposed 1/288230376571142144" R/F (Right of Way) lines.
- Proposed 1/576460753142284288" R/F (Right of Way) lines.
- Proposed 1/1152921506284568576" R/F (Right of Way) lines.
- Proposed 1/2305843012569137152" R/F (Right of Way) lines.
- Proposed 1/4611686025138274304" R/F (Right of Way) lines.
- Proposed 1/9223372050276548608" R/F (Right of Way) lines.
- Proposed 1/18446744100553097216" R/F (Right of Way) lines.
- Proposed 1/36893488201106194432" R/F (Right of Way) lines.
- Proposed 1/73786976402212388864" R/F (Right of Way) lines.
- Proposed 1/14757395280442477728" R/F (Right of Way) lines.
- Proposed 1/29514790560884955456" R/F (Right of Way) lines.
- Proposed 1/59029581121769910912" R/F (Right of Way) lines.
- Proposed 1/118059162243539821824" R/F (Right of Way) lines.
- Proposed 1/236118324487079643648" R/F (Right of Way) lines.
- Proposed 1/472236648974159287296" R/F (Right of Way) lines.
- Proposed 1/944473297948318574592" R/F (Right of Way) lines.
- Proposed 1/1888946595896637149184" R/F (Right of Way) lines.
- Proposed 1/3777893191793274298368" R/F (Right of Way) lines.
- Proposed 1/7555786383586548596736" R/F (Right of Way) lines.
- Proposed 1/15111572767173097193472" R/F (Right of Way) lines.
- Proposed 1/30223145534346194386944" R/F (Right of Way) lines.
- Proposed 1/60446291068692388773888" R/F (Right of Way) lines.
- Proposed 1/120892582137384777547776" R/F (Right of Way) lines.
- Proposed 1/241785164274769555095552" R/F (Right of Way) lines.
- Proposed 1/483570328549539110191104" R/F (Right of Way) lines.
- Proposed 1/967140657099078220382208" R/F (Right of Way) lines.
- Proposed 1/1934281314198156440764416" R/F (Right of Way) lines.
- Proposed 1/3868562628396312881528832" R/F (Right of Way) lines.
- Proposed 1/7737125256792625763057664" R/F (Right of Way) lines.
- Proposed 1/15474250513585251526115328" R/F (Right of Way) lines.
- Proposed 1/30948501027170503052230656" R/F (Right of Way) lines.
- Proposed 1/61897002054341006104461312" R/F (Right of Way) lines.
- Proposed 1/123794004108682012208922624" R/F (Right of Way) lines.
- Proposed 1/247588008217364024417845248" R/F (Right of Way) lines.
- Proposed 1/495176016434728048835690496" R/F (Right of Way) lines.
- Proposed 1/990352032869456097671380992" R/F (Right of Way) lines.
- Proposed 1/1980704065738912195342761984" R/F (Right of Way) lines.
- Proposed 1/3961408131477824390685523968" R/F (Right of Way) lines.
- Proposed 1/7922816262955648781371047936" R/F (Right of Way) lines.
- Proposed 1/15845632525911297562742095872" R/F (Right of Way) lines.
- Proposed 1/31691265051822595125484191744" R/F (Right of Way) lines.
- Proposed 1/63382530103645190250968383488" R/F (Right of Way) lines.
- Proposed 1/126765060207290380501936766976" R/F (Right of Way) lines.
- Proposed 1/253530120414580761003873533952" R/F (Right of Way) lines.
- Proposed 1/507060240829161522007747067904" R/F (Right of Way) lines.
- Proposed 1/1014120481658323044015494135808" R/F (Right of Way) lines.
- Proposed 1/2028240963316646088030988271616" R/F (Right of Way) lines.
- Proposed 1/4056481926633292176061976543232" R/F (Right of Way) lines.
- Proposed 1/8112963853266584352123953086464" R/F (Right of Way) lines.
- Proposed 1/16225927706533168704247906172928" R/F (Right of Way) lines.
- Proposed 1/32451855413066337408495812345856" R/F (Right of Way) lines.
- Proposed 1/64903710826132674816991624691712" R/F (Right of Way) lines.
- Proposed 1/1298074216522

All that tract or parcel of land lying and being in Land Lot 140 of the 8th Land District, City of Flowery Branch, Hall County, Georgia and being more particularly described as follows:

THENCE following along the Westerly Right-of-Way of McEver Road (apparent Right-of-Way varies), along a curve turning to the right having a radius of 125.00 feet and an arc length of 72.02 feet being subtended by a chord South 76 degrees 00 minutes 43 seconds West, for a distance of 158.76 feet to a Point along the Easterly Right-of-Way of Gaines Ferry Road (apparent Right-of-Way varies); THENCE following along the Easterly Right-of-Way of Gaines Ferry Road (apparent Right-of-Way varies) for the next two (2) calls, North 54 degrees 33 minutes 57 seconds West for a distance of 114.66 feet to a Point; THENCE THENCE along a curve turning to the left having a radius of 3037.26 feet and an arc length of 29.00 feet being subtended by a chord North 62 degrees 28 minutes 31 seconds West, for a distance of 29.00 feet to a 1/2" Rebar Found; THENCE leaving said Right-of-Way, North 38 degrees 56 minutes 05 seconds East for a distance of 257.72 feet to a 1/2" Rebar Found; THENCE South 60 degrees 55 minutes 31 seconds East for a distance of 254.06 feet to a 1/2" Rebar Found along the Westerly Right-of-Way of McEver Road; THENCE following along the Westerly Right-of-Way of McEver Road for the next four (4) calls, South 34 degrees 55 minutes 09 seconds West for a distance of 10.51 feet to a 1/2" Rebar with a Cap; THENCE along a curve turning to the right having a radius of 1765.35 feet and an arc length of 12.26 feet being subtended by a chord South 35 degrees 21 minutes 42 seconds West, for a distance of 12.26 feet to a Point; THENCE North 55 degrees 31 minutes 40 seconds West for a distance of 21.06 feet to a Point; THENCE South 36 degrees 35 minutes 23 seconds West for a distance of 117.79 feet to a Point, said Point Is the True Point of Beginning

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Exhibit "B"

Conditions of Conditional Use Permit

1. Site Design and Layout Requirements:

- a. **Gas Pump Placement:** Convenience stores with fuel pumps must locate gas pumps behind the principal structure to minimize visual impact and ensure safety, as specified in Article 10, Section 10.9(f) of the Flowery Branch Zoning Ordinance.
- b. **Use:** The site is limited to one 1,200 sq. ft. restaurant unit, 4,200 sq. ft. convenience store unit and one 1,500 sq. ft. retail unit.
- c. **Building Orientation:** The store must be oriented to face McEver Road with setbacks per Table 9.2 to maintain aesthetic and functional compatibility with surrounding areas. Final building orientation to be approved by the Planning and Community Development Director.
- d. **Dumpsters:** Dumpsters must be placed in the rear yard, outside of any buffer zones. They must be completely enclosed with full masonry walls constructed from real brick or stone, matching the building's material.
- e. **Outdoor storage:** Outdoor storage of inventory, materials or equipment shall be prohibited.
- f. **Lot Coverage:** Maximum lot coverage of impervious surface shall not exceed 50% per Table 9.2.
- g. **Parking and Access:** A minimum number of parking spaces must be provided per the zoning ordinance (Article 21).
 - i. Retail minimum 1 space per 275 square feet. (required 21 spaces)
 - ii. Restaurant minimum 1 space per 125 square feet. (required 10 spaces)
 - iii. Drive-through shall include one 10 ft. bypass lane.
 - iv. Both entrances are to include right turn lanes in and be limited to right in and right out only. Final entrance designs shall be reviewed and approved by the City Engineer.

2. Landscaping and Buffers:

- a. **Buffer Zones:** A natural undisturbed landscaped buffer of 30 feet is required along property lines adjacent to residential zones to reduce noise and visual impacts, as outlined in Article 19 of the Zoning Ordinance. Where existing vegetation is sparse, the buffer is to be replanted with a dense combination of evergreen trees and shrubs. The enhance buffer landscaping plan shall be sealed by a Georgia Registered Landscape Architect and be approved by the Director of Planning and Community Development.
- b. **Landscape Strip Planting:** The landscape strip shall provide enhanced landscaping and cover the entire length of the road frontage. The landscape strip design shall not contemplate the existing sign and right of way to remain. 100% of the landscape strip area shall be installed with trees, shrubs and ground cover. The enhance landscape strip landscaping plan shall be sealed by a Georgia Registered Landscape Architect and be approved by the Director of Planning and Community Development.
- c. **Parking Lot Plantings:** The end of each parking row shall be a planted island no less than 200 square feet in area. 100% of the parking lot island area shall be installed with trees, shrubs, and ground cover. The enhance parking lot island landscaping plan shall be sealed by a Georgia Registered Landscape Architect and be approved by the Director of Planning and Community Development.

3. Signage and Lighting:

- a. **Signage Compliance:** Signs must adhere to Article 24 of the Zoning Ordinance, limiting size, height, and illumination. All signs are to be non-flashing, non-animation, low-intensity lighting to reduce light pollution. Wall signs shall be in compliance to Article 24

- b. Prohibited Signs: prohibited signs include digital or standard billboards or temporary banners.
- c. A complete site lighting plan shall be provided including sign details, foot candle spread, and location of signs. All lighting fixtures are to face downwards and not to face any nearby residential.

a. **Hours of Operation:** To minimize disturbance in nearby residential areas, the store is restricted to operating between the hours of 6:00 AM to 11:00 PM.

5. Architectural and Aesthetic Standards:

b. Lighting: Outdoor lighting must follow Article 23, ensuring that light fixtures are directed downward to prevent spillover into adjacent properties.

a. Stormwater Management: The developer must submit a stormwater management concept plan to the City Engineer prior to submitting any subsequent permit applications.

c. Utility Connections: The developer must ensure adequate water and sewer connections, potentially upgrading infrastructure at their expense, to support the store's operations.

THIS BLOCK RESERVED FOR THE CLERK OF THE SUPERIOR COURT

1) OWNER OF RECORD: KELLY FAMILY INVESTMENTS
14260 SADDLESPRINGS LANE

- 1) OWNER OF RECORD-DEEDS FAMILY MEMBERS
- 2) THIS SURVEY WAS MADE WHIHOOT THE BENEFIT OF CURRENT TITLE COMMITMENT, EASEMENTS AND ENCUMBRANCES MAY EXIST WHICH BENEFIT OR AFFECT THE PROPERTY. MATTERS OF TITLE ARE EXCEPTED.
- 3) SITE ELEVATIONS BASED ON LOCAL 88 BY 60 RECORD DATA.
- 4) R/W OBTAINED BY MEANS OF AAD GPS NETWORK, AND RECORD DRAWING.
- 5) LAND DEVELOPMENT STOREDORS, INC. IS NOT PROVIDING THIS INFORMATION AS IT IS NOT THE ZONING INFORMATION AND INTERPRETATION AS PROVIDED HEREIN. THIS INFORMATION IS OBTAINED USING ON-LINE SOURCES, ETC. AND CANNOT BE GUARANTEED.
- 6) THAT THE CLIENT OR USER OF THIS DATA VERIFY THIS INFORMATION WITH THE ISSUING AUTHORITY. NO PARKING SPACES ON SITE.

BEARINGS AND ELEVATIONS SHOWN HEREON ARE BASED ON GPS OBSERVATIONS USING CARLSON GNSS ROVER EQUIPMENT AND TRIMBLE, INC. REAL TIME NETWORK ADJUSTMENT AT DATE OF FIELD WORK.

THIS SURVEY WAS PREPARED UTILIZING A DUAL FREQUENCY GPS RECEIVER. NETWORK RTK CORRECTIONS WERE RECEIVED VIA CELLULAR MODEM. THE BASE STATION NETWORK IS OPERATED AND MAINTAINED BY TRIMBLE, INC.

THE RELATIVE POSITIONAL ACCURACY AS CALCULATED ACCORDING TO THE FEDERAL GEOGRAPHIC DATA COMMITTEE PART 3, NATIONAL STANDARD FOR SPATIAL DATA ACCURACY IS 0.04 FT. HORIZONTAL AND 0.07 FT. VERTICAL AT A 95% CONFIDENCE LEVEL.

THE FIELD SURVEY WAS COMPLETED ON 7/8/25.

THIS PLAT HAS BEEN CALCULATED FOR CLOSURE & IS ACCURATE WITHIN ONE FOOT IN 119,651 FEET, AND CONTAINS A TOTAL OF 1.316 ACRES.

BY GRAPHICAL PLOTTING ONLY, NO PORTION OF THE SURVEYED AREA LIES WITHIN A 100 YEAR FLOOD HAZARD AREA, PER FIRM PANEL 13139C0290G, DATED APRIL 4, 2018

BY GRAPHICAL PLOTTING ONLY, NO PORTION OF THE SURVEYED AREA LIES WITHIN A 100 YEAR FLOOD HAZARD AREA, PER FIRM PANEL 13139C0290G, DATED APRIL 4, 2018

THIS OPINION IS NOT A CERTIFICATION OF FLOOD HAZARD STATUS, BUT IS AN INTERPRETATION OF THE REFERENCED MAP AND PUBLIC DATA. IF THE EXACT LOCATION OF ELEVATION(S) OF FLOOD HAZARD BOUNDARIES ARE NECESSARY, A MORE DETAILED STUDY MAY BE NEEDED. THIS FIRM ASSUMES NO RESPONSIBILITY OR LIABILITY FOR THE ACCURACY OF THE ABOVE REFERENCED MAP OR PUBLIC DATA.

1) PLAT BOOK 247, PAGE 68A
2) DEED BOOK 6411, PAGE(S) 145-146
3) DEED BOOK 9556, PAGE(S) 433-435
4) DEED BOOK 9556, PAGE(S) 474-476

LINE TABLE			
LINE	BEARING	DISTANCE	
L1	S24°55'03"N	10.51	
L2	N53°31'43"E	21.06	
L3	S36°33'43"W	11.79	
L4	N101°00'W	4.925	
L5	N59°23'22"E	15.42*	
L6	N19°33'58"E	156.35	

CURVE TABLE			
CURVE	LENGTH	RADIUS	BEARING
C1	176°55'35"	N55°21'42"E	12.66*
C2	12°02"	S25°00'43"W	156.76*
C3	25°00'	S30°32'46"	N6°28'31"W
C4	62°10'	S30°32'46"	N6°28'31"W

THIS PLAT WAS PREPARED FOR THE EXCLUSIVE USE OF THE PERSON, PERSONS, OR ENTITY NAMED IN THE CERTIFICATE HEREON. SAID CERTIFICATE DOES NOT EXTEND TO ANY UNNAMED PERSON WITHOUT AN EXPRESS RECERTIFICATION BY THE SURVEYOR NAMING SAID PERSON.

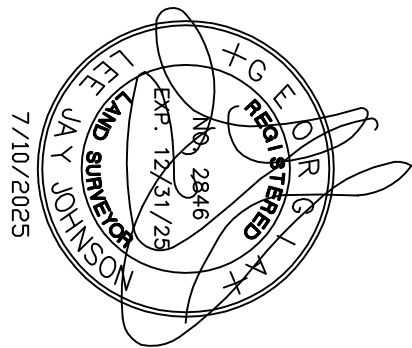
INFORMATION REGARDING THE REPIYED PRESENCE, SIZE, CHARACTER AND LOCATION OF EXISTING UNDERGROUND UTILITIES AND STRUCTURES IS SHOWN HEREON, THERE IS NO CERTAINTY OF THE ACCURACY OF THIS INFORMATION, AND IT SHALL BE CONSIDERED IN THAT LIGHT BY THOSE USING THIS DRAWING. THE LOCATION AND ARRANGEMENT OF UNDERGROUND UTILITIES AND STRUCTURES SHOWN HEREON MAY BE INACCUATE AND UTILITIES AND STRUCTURES NOT SHOWN MAY BE ENCOUNTERED. THE OWNER, HIS EMPLOYEES, HIS CONSULTANTS AND HIS CONTRACTORS SHALL HEREBY DISTINGUISHLY UNDERSTAND THAT THE SURETOR IS NOT RESPONSIBLE FOR THE CORRECTNESS OR SUFFICIENCY OF THIS INFORMATION.

THE TERM "CERTIFICATION" OR TO "CERTIFY" RELATING TO LAND SURVEYING SERVICES SHALL MEAN A SIGNED STATEMENT BASED UPON FACTS AND KNOWLEDGE KNOWN TO THE REGISTRANT AND IS NOT A GUARANTEE OR WARRANTY, EITHER EXPRESSED OR IMPLIED.

THIS IS TO CERTIFY THAT THIS MAP OR PLAT AND THE SURVEY ON WHICH IT IS BASED WERE MADE IN ACCORDANCE WITH THE 2021 MINIMUM STANDARD DETAIL REQUIREMENTS FOR ALTA/NSPS LAND TITLE SURVEYS, JOINTLY ESTABLISHED AND ADOPTED BY ALTA AND NSPS, AND INCLUDES ITEMS 1, 2, 3, 4, 6(b), 8, 9, 11(a), 13 OF TABLE A THEREOF. THE FIELD WORK WAS COMPLETED ON 07/08/2025

SURETORS CERTIFICATION

THIS PLAT IS A RETRADEMENT OF AN EXISTING PARCEL OR PARCELS OF LAND, AND THE SURVEYOR HAS CONDUCTED A NEW PARCEL OR PARCELS SURVEY OF THE EXISTING PARCEL OR PARCELS OF LAND, AND HAS IDENTIFIED THE REAL PROPERTY BOUNDARIES, THE RECORDING INFORMATION OF THE DOCUMENTS, MAPS, PLANS, OR OTHER INSTRUMENTS THAT AFFECT THE EXISTING PARCEL OR PARCELS OF LAND, AND THE RECORDING INFORMATION OF PLATS, MAPS, PLANS, OR OTHER INSTRUMENTS THAT AFFECT THE NEW PARCEL OR PARCELS OF LAND. THE SURVEYOR HAS APPROVED, OR ANY LOCAL JURISDICTION, AVAILABILITY OF PERMITS, COMPLIANCE WITH LOCAL REGULATIONS OR REQUIREMENTS, OR SUBMITTAL FOR ANY USES OR PURPOSES, AND THE SURVEYOR HAS CONDUCTED A VISUAL INSPECTION OF THE SURVEYED LAND, AND HAS DETERMINED THAT THE MINIMUM TECHNICAL STANDARDS FOR PROPERTY SURVEYS IN GEORGIA, AS SET FORTH IN THE RULES AND REGULATIONS OF THE SURVEYING BOARD OF GEORGIA, HAVE BEEN MET BY ENGINEERS AND LAND SURVEYORS WHO AS SET FORTH IN O.C.G.A. SECTION 15-6-67.



VALVE

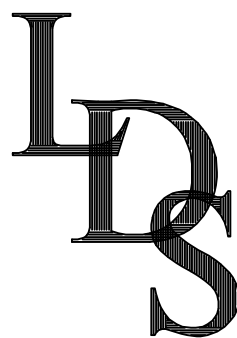
	VALVE
	FENCE
	GAS LINE
	UNDERGROUND TELEPHONE
	POWER
	SANITARY SEWER
	POWER POLE
	SERVICE/GUY POLE
	GUY WIRE
	METER
	SANITARY SEWER MANHOLE
	CLEAN OUT
	BACK OF CURB
	DEAD BOOK, PAGE NUMBER
	EDGE OF PAVEMENT
	IRON PIN FOUND
	NOW OR FORMERLY
	POINT OF BEGINNING
	POINT OF COMMENCEMENT
	UNDERGROUND GAS MARKER
	PLAT BOOK, PAGE NUMBER
	PARCEL IDENTIFICATION NUMBER
	RIGHT-OF-WAY
	REBAR FOUND
	REINFORCED CONCRETE PIPE
	RECORD DISTANCE
	REBAR WITH CAP
	UNDERGROUND TELECOMMUNICATIONS MARKER

All that tract or parcel of land lying and being in Land Lot 140 of the 8th Land District, City of Flowery Branch, Hall County, Georgia and being more particularly described as follows:

DATE	NO	DESCRIPTION

EXEMPTION PLAT FOR		
SHEET TITLE		
FIELD	DRAWN	CHECKED
TJ,JS,JB	TJ	LJJ

EPIC GROUP
PIN: 08140 000215
MCEVER ROAD
LOCATED IN LAND LOT(S) 140 OF THE
8TH LAND DISTRICT, CITY OF FLOWERY BRANCH,
HALL COUNTY, GEORGIA
SCALE: 1"=40'



*Land Development
Surveyors, Inc.*

P.O. BOX 2050
DACULA, GA. 30019
(770) 682-8206
LDSURVEYORS2003@GMAIL.COM
COA LSF#000832

(IN FEET)
1 inch = 40 ft.

- PROJECT AREA: 1.31 AC
- CURRENT ZONING: HB
- PROPOSED STRUCTURE HEIGHT = 28'
- MAX HEIGHT: 60FT
- MAX STORIES: 3FT
- MAX HEATED AREA: 0FT

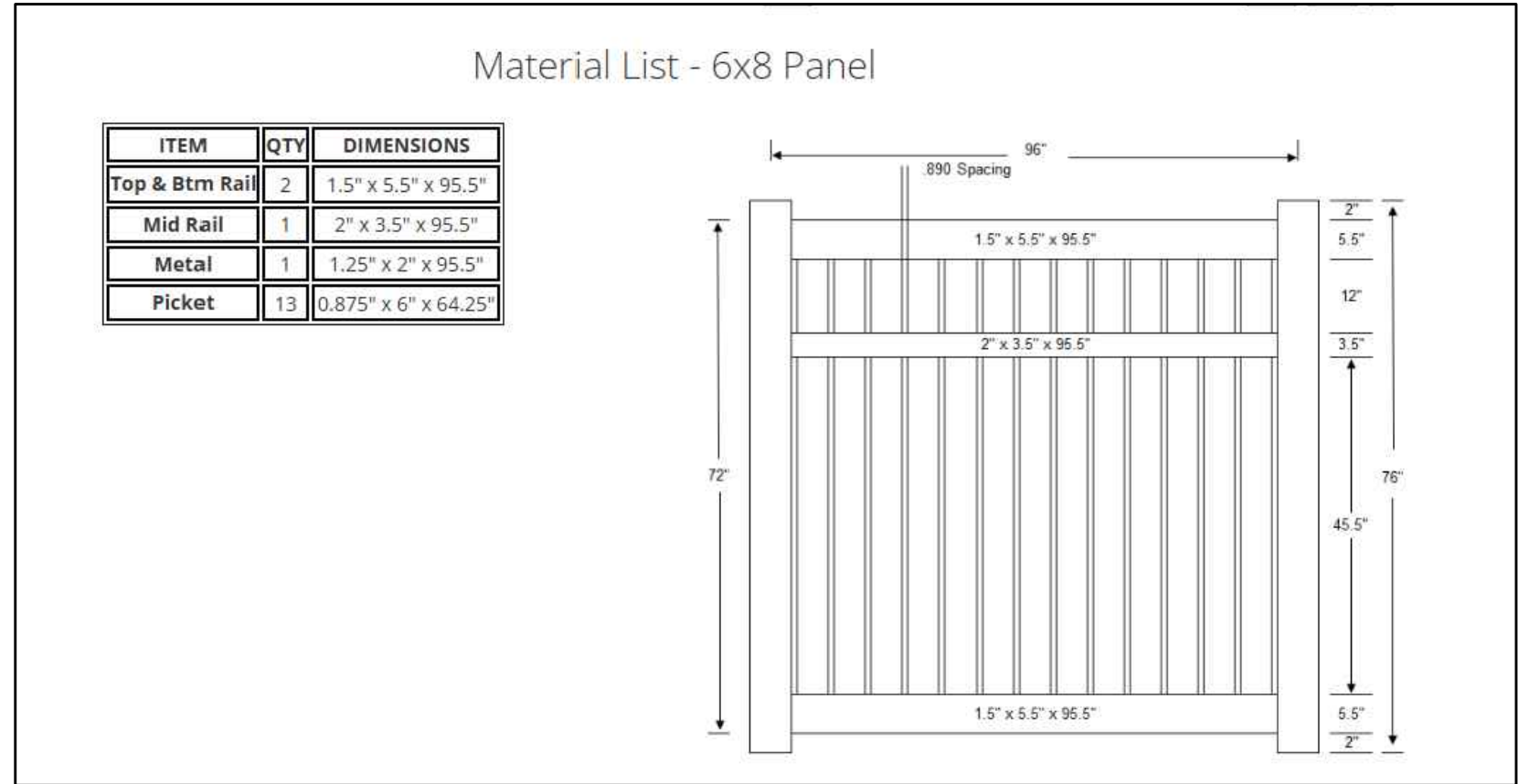
-15' STRUCTURAL BUFFER ABUTTING RESIDENTIAL (7452.74SF/0.17AC)
 -10FT LANDSCAPE STRIP ALONG ROW AND LANDSCAPE EASEMENT (8879.31SF/0.20AC)
 -MIN. 15% LANDSCAPED AREA REQ.: 0.20AC in LANDSCAPE ESMT/1.61AC = 15.2% PROVIDED
 -50% MAXIMUM BUILDING COVERAGE (12.09% AS SHOWN)
 -LANDSCAPING SHALL FOLLOW SEC. 10.13 AND ARTICLE 19
 -A FULL LANDSCAPE PLAN WILL BE REQUIRED PRIOR ISSUANCE OF A LAND DISTURBANCE PERMIT
 -PERCENTAGE OF IMPERVIOUS AREA=

$$\frac{39,745.58\text{SF of IMPERVIOUS AREA}}{43,560} = 0.91\text{ACRES}$$

$$\frac{0.91\text{AC}}{1.31\text{AC}} = 0.69(100) = 69\% \text{ OF IMPERVIOUS AREA}$$

CONVENIENT STORE, GAS STATION:
 1 STALL PER 500 sq. ft.; $(1/500)4,200 = 8$ STALLS RETAIL
 1 STALL PER 500 sq. ft.; $(1/500)1,500 = 3$ STALLS REST.
 1 STALL PER 150 sq. ft.; $(1/150)1,200 = 8$
 THEREFORE,
 19 STALLS REQUIRED
 21 STALLS PROVIDED

FRONT: 0'
INTERIOR SIDE: 10'
CORNER LOT SIDE: 15'
REAR: 25'



6FT HIGH OPAQUE FENCE DETAIL

THE MATERIAL, CONSTRUCTION, AND WORKSMANSHIP ON THIS PROJECT SHALL BE IN STRICT ACCORDANCE WITH THE APPROPRIATE LOCAL SPECIFICATIONS AND REQUIREMENTS. THE CONTRACTOR SHALL BE RESPONSIBLE FOR NOTIFYING ALL UTILITY OWNERS, DETERMINING THE LOCATION OF ALL EXISTING UNDERGROUND UTILITIES, INCLUDING TELEPHONE LINES, AND PROVIDING ADEQUATE PROTECTION TO THESE UTILITIES. THE CONTRACTOR SHALL BE RESPONSIBLE FOR DESIGN CHANGES MADE BY OTHERS.

THE DESIGNER DISCLAIMS ANY RESPONSIBILITY FOR DESIGN CHANGES MADE BY OTHERS. THE CONTRACTOR SHALL CALL THE UTILITIES PROTECTION CENTER THREE WORKING DAYS BEFORE THE START OF THE PROJECT AT (404) 525-5500. THROUGH THE GEORGIA STATE DEPARTMENT OF TRANSPORTATION, (404) 728-7411.

Sullins Engineering, LLC
CONTACT: MATTHEW SULLINS
CIVIL ENGINEERS ~ LAND PLANNERS

26 EAST ATHENS STREET
WINDER, GA. 30680
PHONE: (678) 687-6219

CONCEPTUAL PLAN FOR:
McEVER ROAD
LOCATED IN:
PARCEL: 08140 000215 GMD: 1270
HALL COUNTY, GEORGIA

DATE 7/16/2025 JOB # 3688

SHEET 1



CONDITIONAL USE PERMIT APPLICATION

City Provided Permit #

Date: 4/14/2025

Address of Request:

Parcel #08140 000215

Tax Map # 3 Current Zoning: HB

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

Currently a conforming use? Yes

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

Applicant Information

Applicant: Epic Group of Companies

Address: 1943 Pleasant Hill Rd

Duluth, GA 30096

E-mail address: spanjwani@epicgoc.com

Phone number: (404) 302-7650

Signature: *[Signature]*

Notary Seal: Ana Carolina Castro, notary





Property owner Information

Property owner (please print): Kelly Family Investments, LLC.

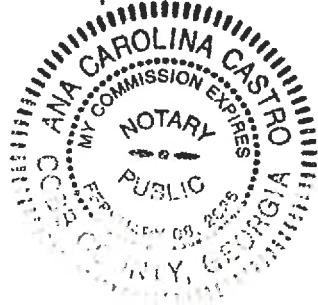
Address: 14260 SADDLESPAINES LN
Milham, GA 30004

E-mail address: KellySR6@Bellsouth.net

Phone number: 404-202-1494

Signature: [Signature]

Notary Seal: Pina Carolina Castro, notary



Please complete the attached Conditional Use Completeness Checklist and provide all supplementary required documents listed therein to this application. Completeness Checklists can also be found on the website, www.flowerybranchga.org, under the "Forms" section.

Conflict of Interest Disclosure

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

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

N/A



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

N/A

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

N/A

Disclosure of Campaign Contributions

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

Elected Officials Name

Amount of Description of Gift

N/A

N/A

N/A

N/A/N/A

Received by City of Flowery Branch Staff on _____

Name: Spilly

Title: MEMBER

City of Flowery Branch Community Development Office

5512 Main St

Flowery Branch, GA, 30542

770-967-6378

CONDITIONAL USE AND/OR REZONING COMPLETENESS CHECKLIST

Please review each line item on the Completeness Checklist prior to submitting an application to the City of Flowery Branch. Please initial **each line item** (numerical and alphabetical sub lists) in the initial blocks provided in the left-hand column. Initialed checklist must be included with the completed application and all other required documentation at time of submittal. **All requirements must be provided in hard copy form and digital form on a flash drive.**

Applicant Name: Epic Group of Companies **Project Name:** Lake Lanier Development

X	1.	Completed application with all signatures and notary stamps present and all fields filled out and in compliance with all requirements. (Article 34, Sec 34.8)
X	2.	Legal description of property.
X	3.	Current survey of the property sealed by a Georgia registered land surveyor.
X	4.	Site plan of the property in accordance with the requirements of the Flowery Branch Code of Ordinances (Article 34, Sec 34.4 & 34.5):
X		a) Uses an appropriate engineering scale
X		b) Shows proposed use and relevant information regarding proposed improvements
X		c) All existing AND proposed buildings and/or structures
X		d) Parking and internal circulation
		e) Proposed landscaping
X		f) Buffers, where required
X		g) Other information as required by the Zoning Administrator
X	5.	Letter of Intent including a detailed description of the request. (separate document)
X	6.	Required development statistics (Article 34, Sec 34.6) (separate document):
X		a) Maximum and proposed height of any structure
X		b) Maximum and proposed gross square footage of the building area (nonresidential only)
X		c) Color rendering of any and all proposed structure(s)
X		d) Material list (with percentages) of any and all proposed structure(s)
N/A		e) Maximum and proposed number of dwelling units and minimum and proposed square footage of heated floor area for any dwelling unit (residential only)
X		f) Maximum and proposed lot coverage of building area (square feet and percent)
X		g) Minimum and proposed square footage of landscaped area (square feet and percent)
X		h) Minimum, maximum and proposed number of parking spaces

City of Flowery Branch Community Development Office

5512 Main St

Flowery Branch, GA, 30542

770-967-6378

CONDITIONAL USE AND/OR REZONING COMPLETENESS CHECKLIST

X		i) Other dimensional information as may be required by the Zoning Administrator
X	7.	Written Analysis Requirements (Article 34, Sec. 34.7) (separate document):
X		a) Whether the proposal will permit a use that is suitable in view of the use and development of adjacent and nearby properties.
X		b) Whether the proposal will adversely affect the existing use or usability of adjacent or nearby properties.
X		c) Whether the property to be affected by the proposal can be used in accordance with the existing regulations and has a reasonable economic use as currently zoned.
X		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.
X		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.
X		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.
X		g) 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.
X		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.
X		i) Whether a proposed zoning map amendment or conditional use approval will be a deterrent to the value or improvement of the development of adjacent property in accordance with existing regulations.
X		j) The possible creation of an isolated zoning district unrelated to adjacent and nearby districts.
X		k) Possible effects of the change in zoning district map, or change in use, on the character of a zoning district.
X		l) The possible impact on the environment, including but not limited to, drainage, soil erosion and sedimentation, flooding, air quality and water quality.
X		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.

City of Flowery Branch Community Development Office

5512 Main St

Flowery Branch, GA, 30542

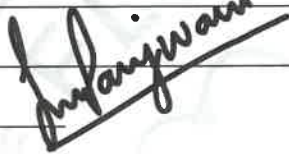
770-967-6378

CONDITIONAL USE AND/OR REZONING COMPLETENESS CHECKLIST

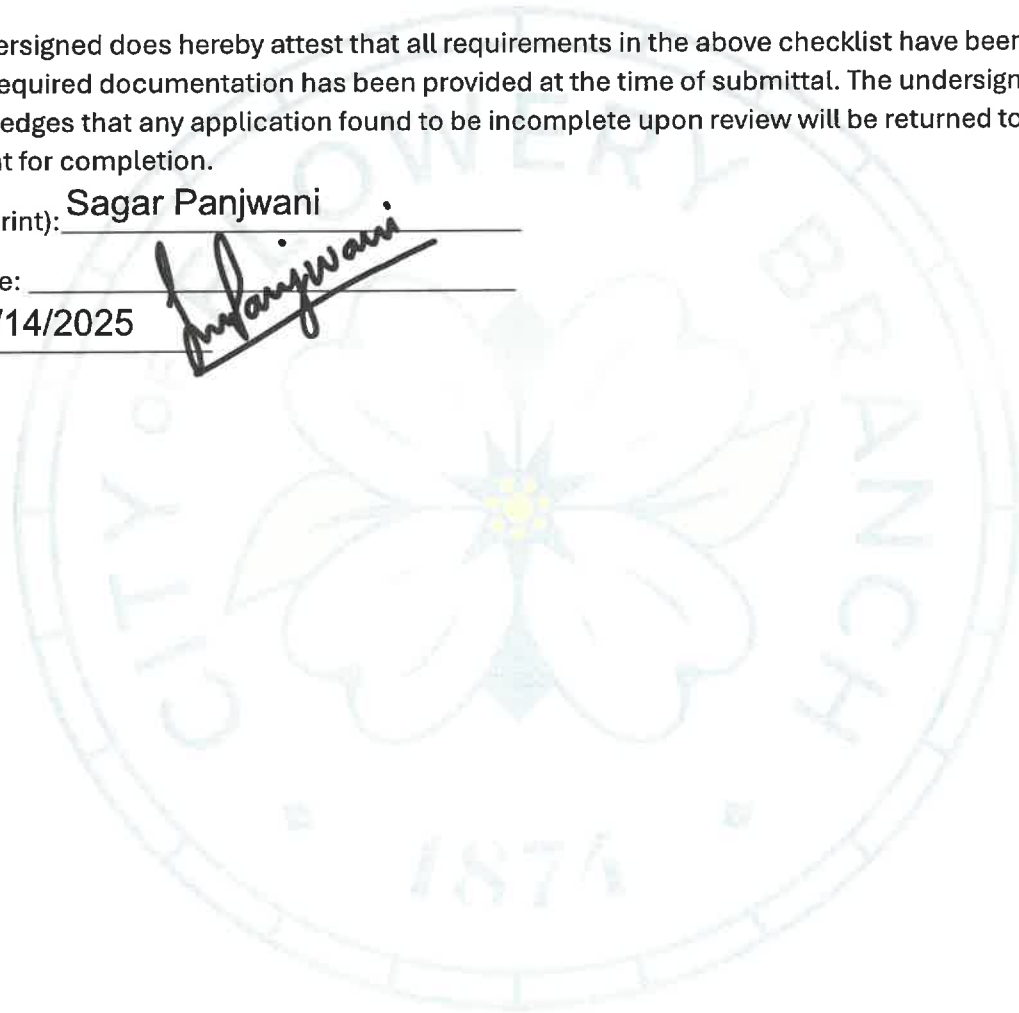
X	8.	Conflict of interest disclosure (in body of application).
X	9.	Disclosure of campaign contributions (in body of application).
X	10.	Names and addresses of adjoining property owners. (separate document)
X	11.	Reasons for requesting conditional use/rezoning. (separate document, can be part of/included in letter of intent)
	12.	Signed statement authorizing City of Flowery Branch staff and/or City Council to inspect subject property. (separate document)

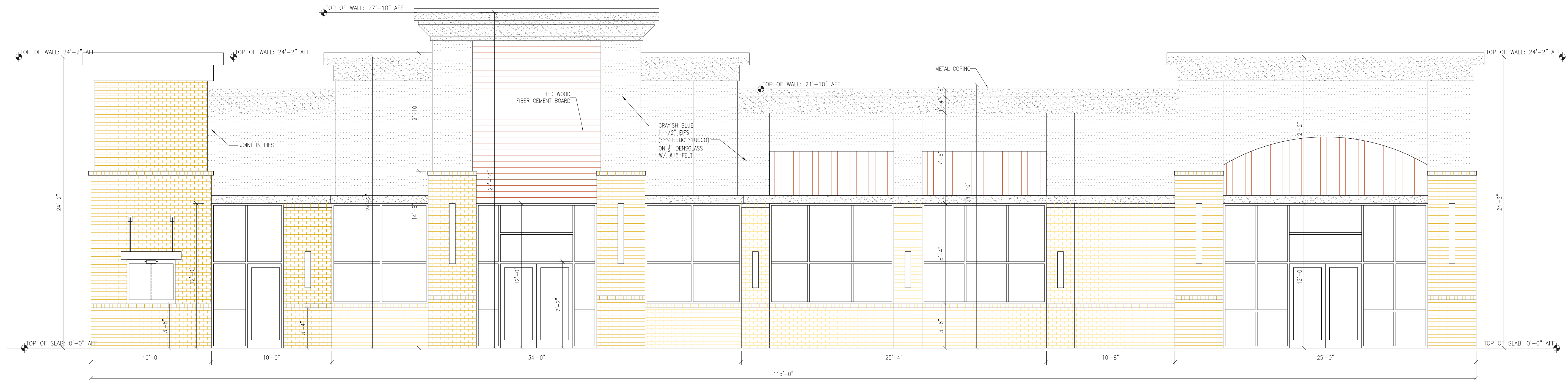
The undersigned does hereby attest that all requirements in the above checklist have been met and that all required documentation has been provided at the time of submittal. The undersigned acknowledges that any application found to be incomplete upon review will be returned to the applicant for completion.

Name (print): Sagar Panjwani

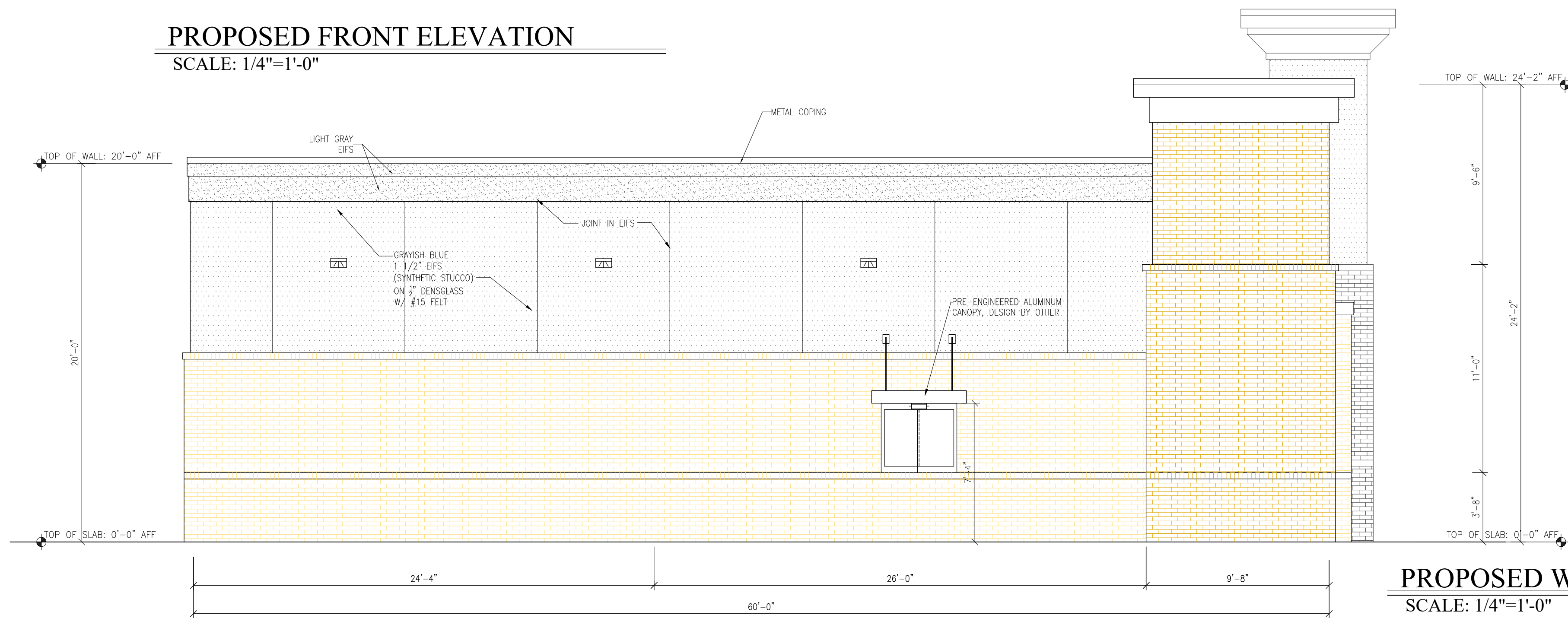
Signature: 

Date: 4/14/2025





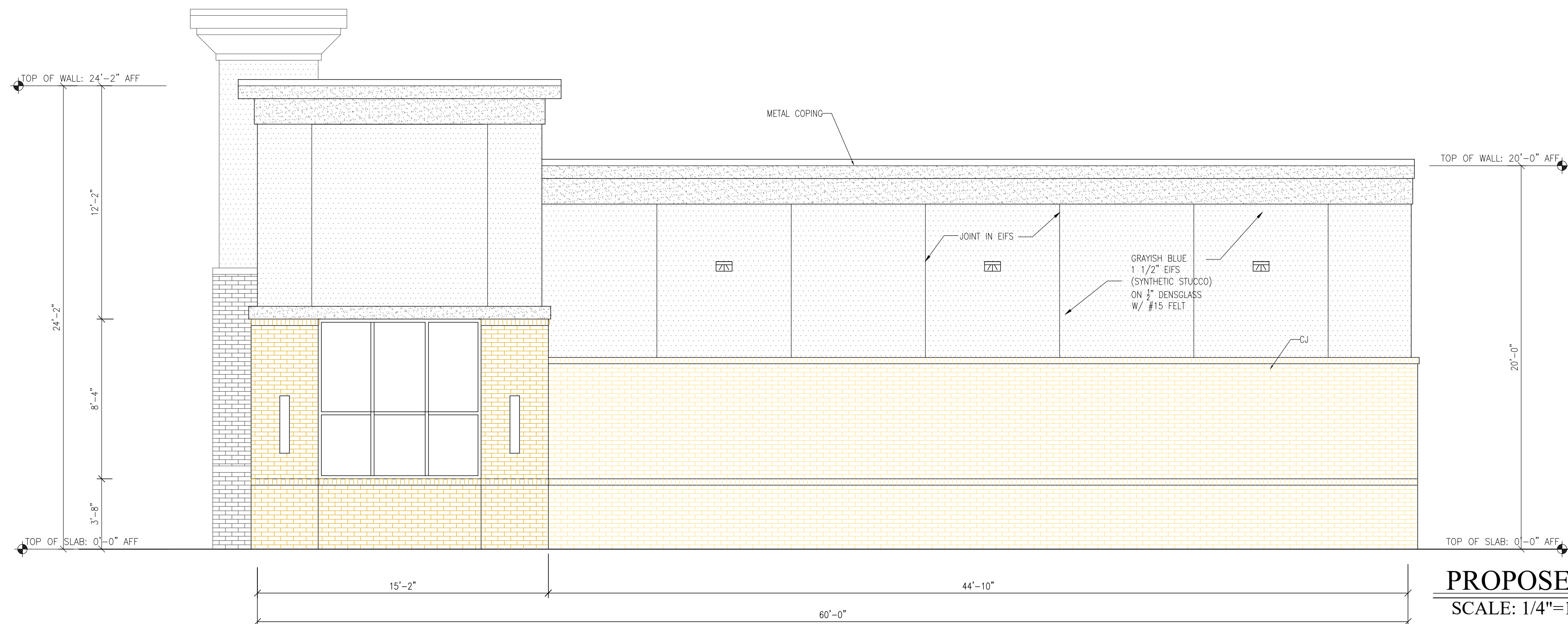
PROPOSED FRONT ELEVATION
SCALE: 1/4"=1'-0"



PROPOSED WEST ELEVATION
SCALE: 1/4"=1'-0"

EXTERIOR FINISH SCHEDULE

	DARK BROWN BRICK VENNER
	LIGHT BROWN BRICK VENNER
	GRAYISH BLUE EIFS (SYNTHETIC STUCCO)
	LIGHT GRAY EIFS
	DARK GRAY STANDING SEAL METAL ROOF TILE
	RED WOOD FIBER CEMENT BOARD



PROPOSED EAST ELEVATION
SCALE: 1/4"=1'-0"

FIRM NAME AND ADDRESS

NEW SPACE DESIGN, INC.

3331 NORTH BERKELEY LAKE ROAD

SUITE 200

DULUTH, GA 30096

Phone: (404) 217-3458

Fax: (770) 783-2978

Email: newspace@gmail.com

REVISIONS

PROJECT NAME AND ADDRESS

BUILDING DESIGN FOR

LAKE LANIER CONVENIENCE STORE

DATE

04/17/25

SHEET TITLE

SHEET NUMBER

MCEVER ROAD AND
GAINES FERRY ROAD
ROUND-A-BOUT
FOR THE
CITY OF FLOWERY BRANCH

REVISONS	NO.	DESCRIPTION	DATE

CHECK SET

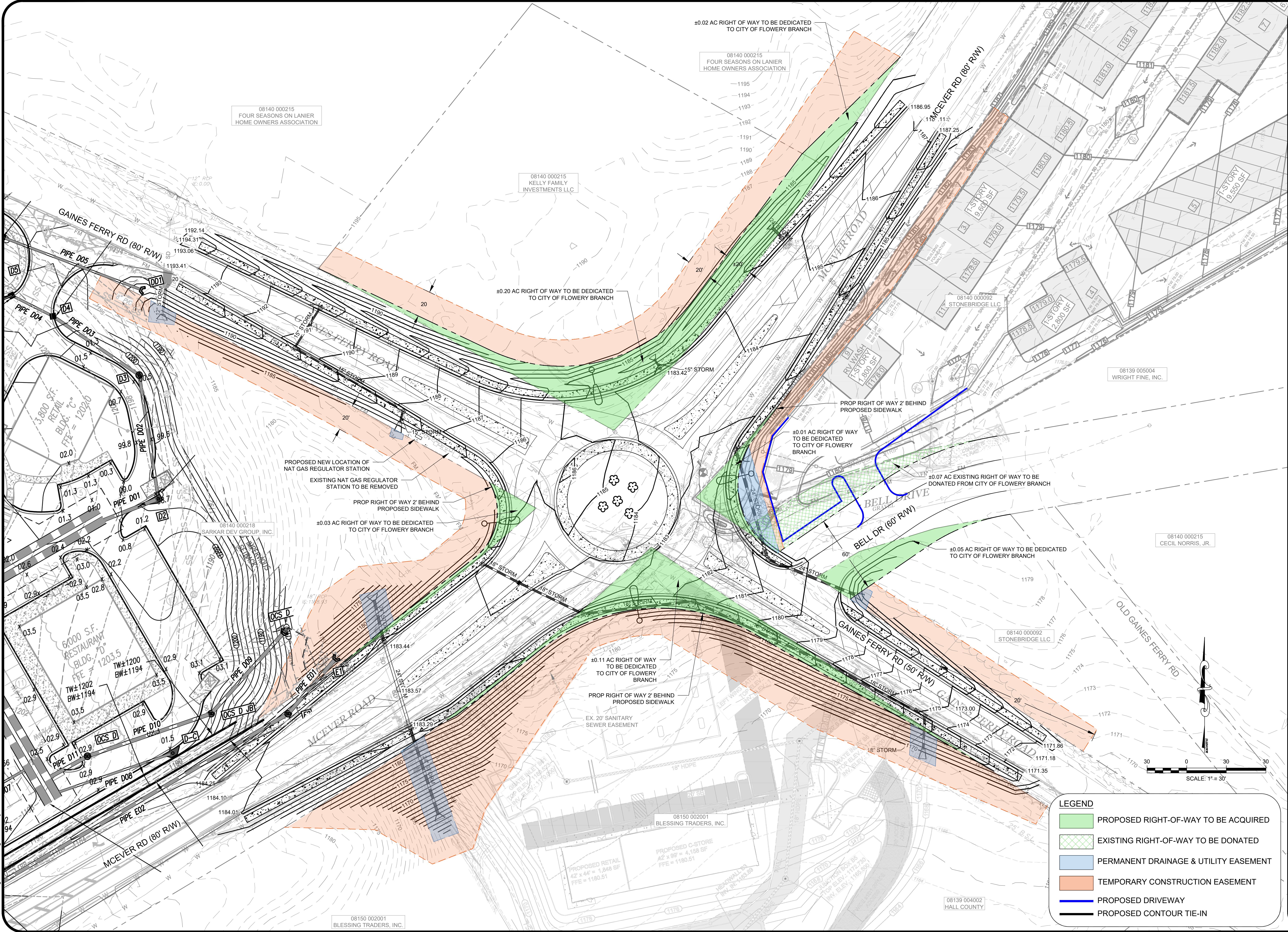
PRELIMINARY
NOT FOR
CONSTRUCTION

DRAWN BY: CHF
CHECKED BY: AWS
DATE: SEPT 2023
SCALE: 1" = 30'

CONTENT:
RIGHT-OF-WAY EXHIBIT

SHEET NO:

1/1



- LEGEND
- PROPOSED RIGHT-OF-WAY TO BE ACQUIRED
 - EXISTING RIGHT-OF-WAY TO BE DONATED
 - PERMANENT DRAINAGE & UTILITY EASEMENT
 - TEMPORARY CONSTRUCTION EASEMENT
 - PROPOSED DRIVEWAY
 - PROPOSED CONTOUR TIE-IN

Jacob Bolton
Senior Civil Designer
Sullins Engineering
26 E Athens Street
Winder, GA 30680
jbolton@sullinsengineering.com
(404) 542-4175

April 15, 2025

City of Flowery Branch Planning and Community Development Department
5512 Main Street
Flowery Branch, GA 30542

Letter of Intent

(Parcel #08140 000215 – Highway Business Zoning)

To Whom It May Concern,

On behalf of our client, I am submitting this Letter of Intent in support of a proposed gas station development located on Parcel #08140 000215 in the City of Flowery Branch, GA. The property is zoned Highway Business (HB), and we are respectfully requesting a variance to allow the fuel canopy to be located in front of the principal building, as well as a conditional use permit for the gas station.

The project includes the construction of a gas station with five (5) fuel pump stations beneath a covered canopy and a convenience store structure, as well as a drive thru on one side and a separate suite on the other side. The overall design is consistent with commercial development patterns in the area and aligns with current demand for well-located fueling and service stations.

The requested variance is based on the following justification:

- Site Circulation and Functionality: Placing the canopy in front of the building allows for optimal traffic flow throughout the site, ensuring safer and more efficient ingress and egress for vehicles.
- Aesthetic and Contextual Alignment: This layout reflects the established design of other gas stations in the area, providing a consistent streetscape along this corridor.
- Site Constraints: Strict adherence to building-forward placement would limit vehicular

maneuverability and diminish the functional layout of the development.

While this request pertains specifically to the canopy location, all other requirements of the City of Flowery Branch Zoning Regulations and development standards will be met or exceeded. A professionally prepared site plan and accompanying documents are included with this submission to support the variance application.

Please feel free to contact me directly at (404) 542-4175 or jbolton@sullinsengineering.com with any questions or requests for additional information.

Thank you for your consideration.

Criteria for Granting a Variance

(Parcel #08140 000215 – Highway Business Zoning)

- **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**

The future traffic circle really chokes down the buildable area on this site, and having the canopy in the rear puts it right next to the neighboring property, which is undesirable.

- **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**

Correct, most convenience stores in the area have a canopy located in front of the principal structure.

- **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**

Correct, most convenience stores in the area have a canopy located in front of the principal structure.

- **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**

The requested variance will not be injurious to the neighborhood or to general welfare. The proposed development will provide great and convenient service to the community.

- **The special circumstances are not the result of the actions of the applicant**

The City Zoning Ordinance, last updated on December 22, 2020, states the following: "Convenience stores should locate gas pumps behind the principal structure in order to effectively screen the pumps from view from the street. However, if fuel pumps are not located in the rear of the building, the additional landscaping should be required..."

According to the ordinance, the proposed canopy location would not require a variance, only additional screening. However, the applicant has the intention of providing additional screening along the frontages of the property if the proposed location is permitted.

- **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.**

The proposed use, convenience store with fuel pumps and restaurant, is permitted use in the HB zoning district.

Conditional Use Completeness

(Parcel #08140 000215 – Highway Business Zoning)

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

Yes

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

No

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

Yes

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

No

- 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.

Yes

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

No

- Existing 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 future traffic circle would make any other development not as ideal as the proposed.

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

No

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

No

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

No

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

None

- 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.

Yes



Memorandum

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

From: Planning and Community Development

Date: September 4th, 2025

Subject: Proposed Convenience Store with Gas Pumps at Gaines Ferry Road and McEver Road; Tax Parcel 08140 000215. Cases include **Conditional Use Permit (CUP)** for a Convenience Store in HB zoning, and a **Variance** request to allow gas canopy in the front of the primary building.

Applicant: Epic Group of Companies
1943 Pleasant Hill Road
Duluth, GA 30006

Owner: Kelly Family Investments, LLC
14260 Saddle Springs Ln
Milton, GA, 30004

Existing Zoning: HB – Highway Business

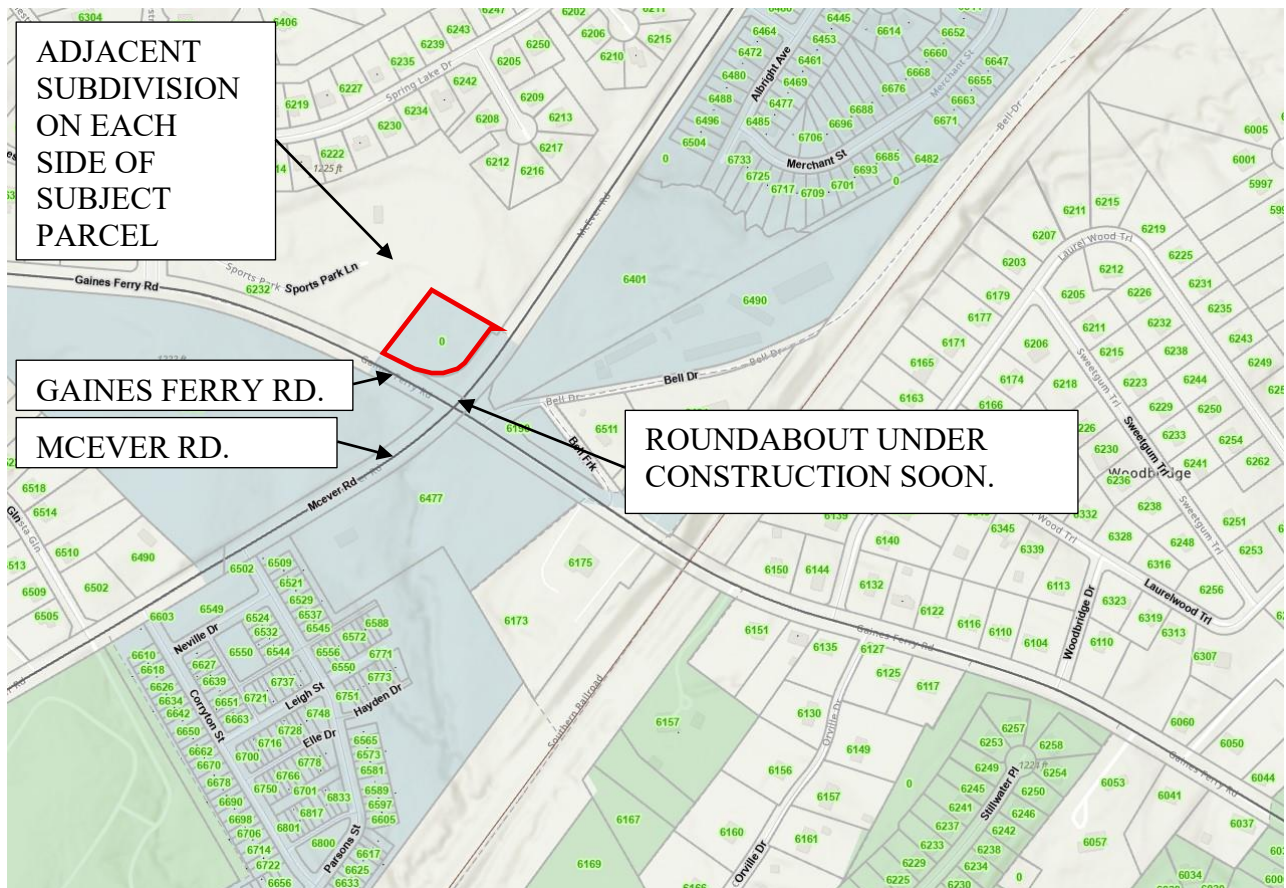
Location: 0 McEver Road, tax parcel identification number **08140 000215**. North quadrant of the intersection.

Development Summary: The applicant is proposing a 6,900 square foot building that will contain a 4,200 square foot convenience store, 1,200 square foot drive-thru restaurant and a 1,500 square foot unit with no use designation on the plans. The site plan also includes a gas canopy in front of the building. Included in the site plan is an area labeled as “Boat Washing Area”. Detention is proposed to be provided with an underground detention system.



Location Map:

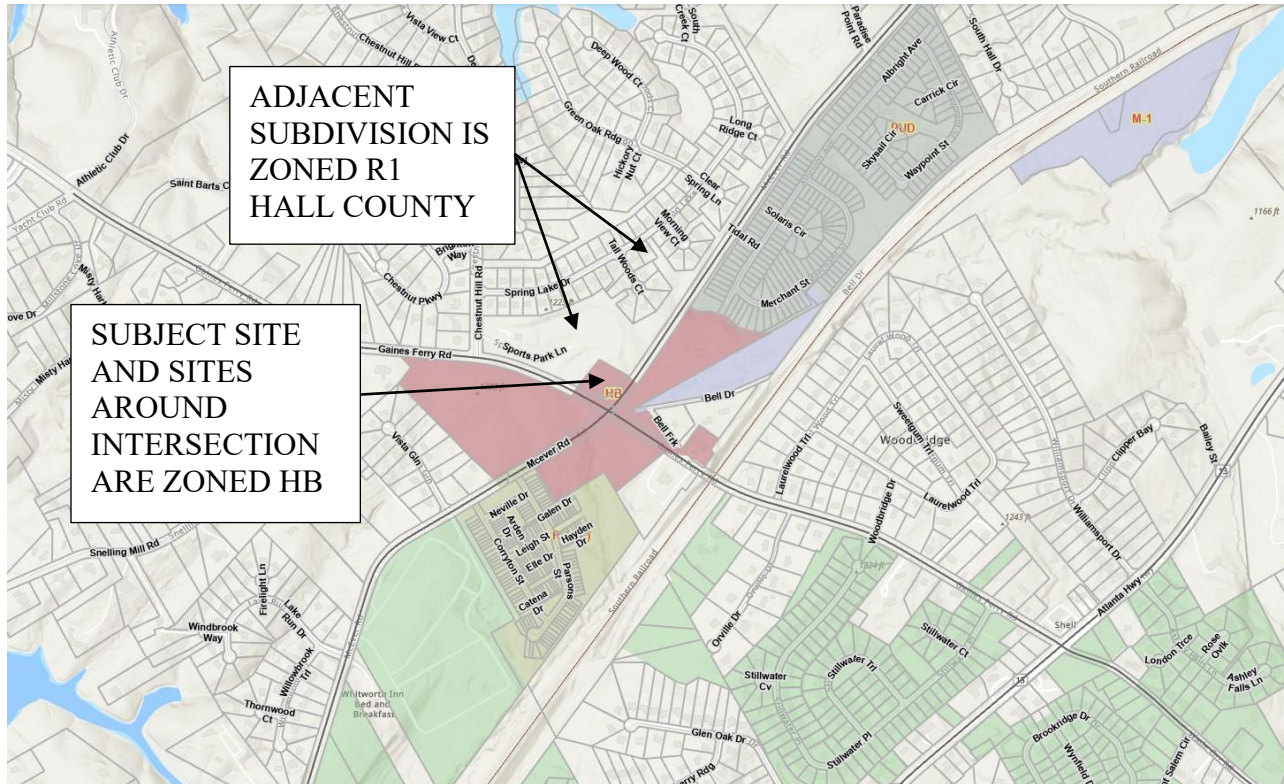
The subject parcel is located at 0 McEver Road, tax parcel identification number **08140 000215**.





Zoning Map:

The subject property is zoned **HB** – Highway Business with surrounding parcels zoned residential and **HB**.



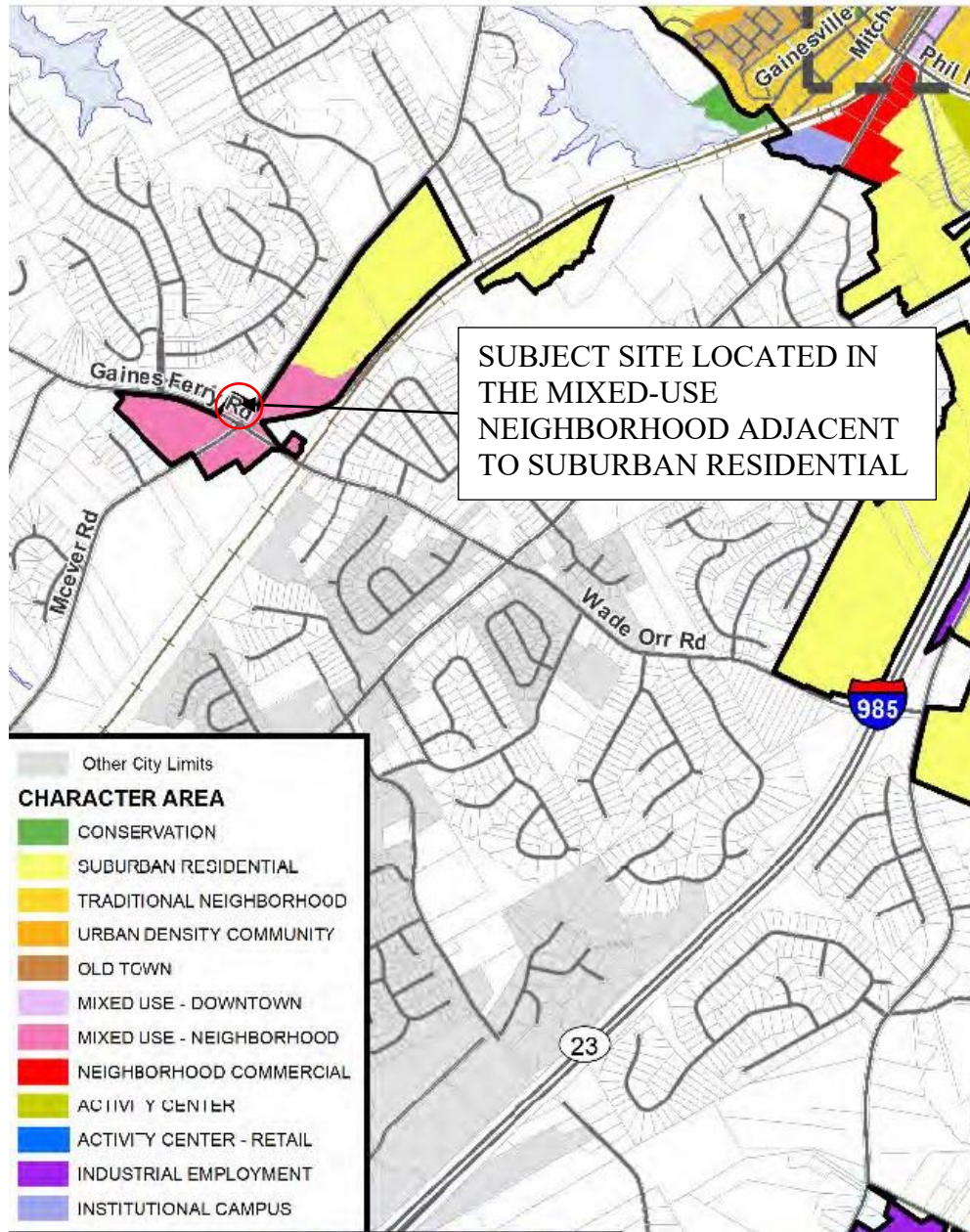
HB – Highway Business allows for convenience stores with an approved Conditional Use Permit.

Convenience store, with or without gasoline pumps	X	X	X	C	X	X	X
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HIGHWAY BUSINESS
CONDITIONAL USE



Future Land Use Map (Comprehensive Plan)





Mixed Use Neighborhood Character Area

Mixed Use - Neighborhood

Mixed Use – Neighborhood areas are located around the McEver Road intersections with Gaines Ferry Road, Gainesville Street and Radford Road.

Vision

Commercial development at significant intersections that serves surrounding neighborhoods, with consideration given to mixed use developments having commercial uses or open space/recreation (in response to market conditions) that are oriented to existing public streets.

Design Principles

- Connectivity between uses and developments
- Automobile and pedestrian accessibility
- Enclosed buildings with no outside storage and limited outdoor display of goods and merchandise
- Integration of open space as an attractive design element and functional component in mixed use development
- High quality building materials and site features

Land Uses

- Small-scale neighborhood commercial uses
- Residential in the context of a mixed use development
- Open space / recreation

Zoning

- NS, Neighborhood Shopping District
- PUD, Planned Unit Development District

Implementation Strategies

Assess existing Architectural Guidelines and Pedestrian Retail design standards to ensure desired quality of development can be achieved.

Comprehensive Plan Review:

The subject site is in the Character Area of the Mixed-Use Neighborhood. The proposed convenience store does not align with the Character Area's Vision, Design Principles, Land Uses and Zoning Category.

Illustrative Photos



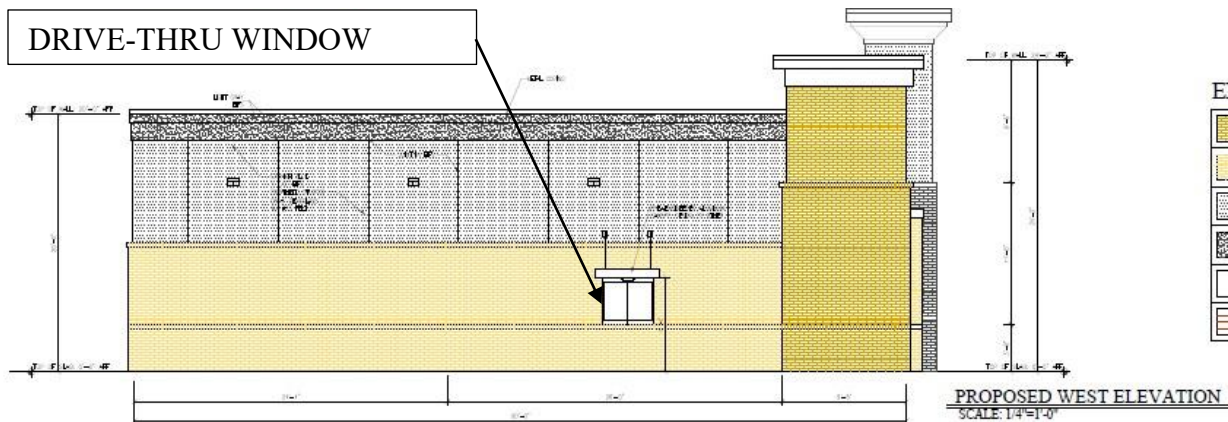


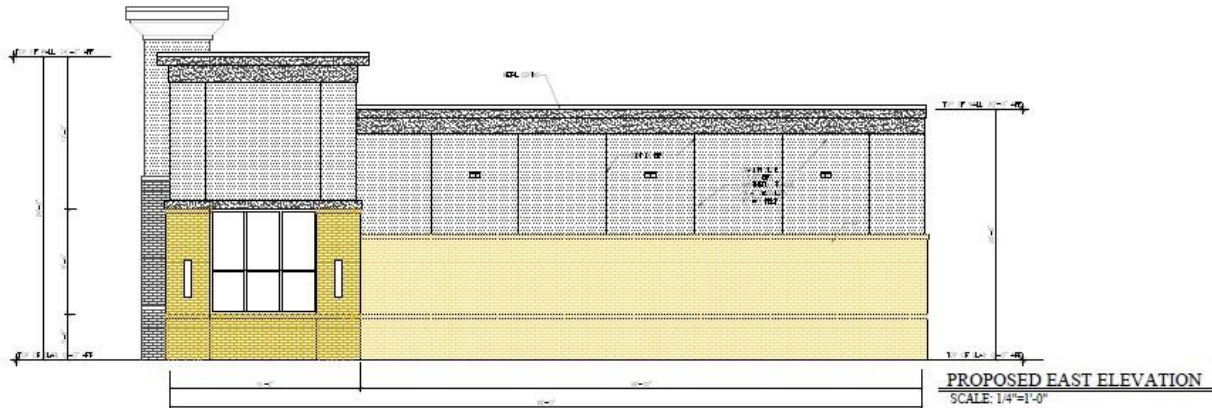
Proposed Building Concept:

The applicant provided building elevations with a materials list. Per code, some of the materials are prohibited. A condition of approval will reemphasize prohibited materials such as brick veneer, synthetic stucco, and EFIS. Materials that can be used from the materials list are fiber cement board and standing seal metal roof tile.

EXTERIOR FINISH SCHEDULE

	DARK BROWN BRICK VANNER
	LIGHT BROWN BRICK VANNER
	GRAYISH BLUE EIFS (SYNTHETIC STUCCO)
	LIGHT GREY EFIS
	DARK GRAY STANDING SEAL METAL ROOF TILE
	RED WOOD FIBER CEMENT FIBER BOARD





Applicant did not provide a rear elevation

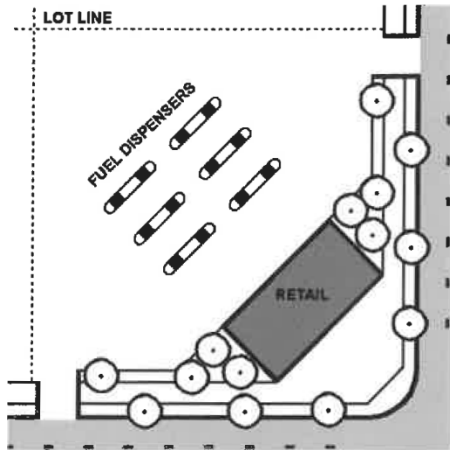
Variance request: The applicant proposes a variance to allow the gas canopy and pumps to be in front of the proposed building between the roadway and building.

The applicant states in their application:

*The City Zoning Ordinance, last updated on December 22, 2020, states the following:
"Convenience stores should locate gas pumps behind the principal structure in order to effectively screen the pumps from view from the street. However, if fuel pumps are not located in the rear of the building, the additional landscaping should be required ... "
According to the ordinance, the proposed canopy location would not require a variance, only additional screening. However, the applicant has the intention of providing additional screening along the frontages of the property if the proposed location is permitted.*

This statement by the applicant is incorrect. There have been five Zoning Code supplements since December 22, 2020. Additionally, the applicant stating the canopy location would not require a variance is flawed, as it relies on an erroneous interpretation of the code. If the claimed hardship is primarily based on this misinterpretation, the variance request lacks a valid foundation.

The actual Zoning Code reads as follows: **Article 10, Section 10.0 (f): Convenience stores shall locate gas pumps behind the principal structure in order to effectively screen the pumps from view of the street.**



Positioning gas canopies and pumps behind the primary building of a convenience store offers several benefits, based on practical design and operational considerations:

- **Improved Traffic Flow and Safety:** Placing pumps behind the building reduces congestion at the store's front entrance, where pedestrian traffic is typically higher. This separation minimizes conflicts between vehicles and foot traffic, enhancing safety for customers entering or exiting the store.
- **Aesthetic Appeal and Branding:** Keeping the front of the store free of pumps creates a cleaner, more inviting appearance. The store's facade can showcase signage, promotions, or architectural features, making it more attractive to customers and emphasizing the convenience store as the primary draw rather than the fuel station.
- **Space Optimization:** Locating pumps at the rear maximizes parking space in front of the store, making it easier for non-fueling customers to access the entrance. This is particularly beneficial for smaller lots where space is limited, ensuring efficient use of the property.
- **Noise and Fume Reduction:** Gas pumps and vehicle activity generate noise and exhaust fumes. Positioning them behind the building reduces exposure to these nuisances at the store's entrance, creating a more pleasant environment for customers and employees.

Variance Justification and Hardship

The applicant did not provide an alternative site plan showing the configuration of a layout where the gas pumps and canopy are behind the primary building.

For example, the applicant states: *"The future traffic circle really chokes down the buildable area on this site, and having the canopy in the rear puts it right next to the neighboring property, which is undesirable"*.



The claim lacks substance without a scaled drawing showing the site's limited buildable area. It may be plausible that a 4,200 sq. ft. convenience store, a 1,200 sq. ft. restaurant with a drive-thru, a 1,400 sq. ft. retail space, a boat washing station, and gas pumps with a canopy exceed the site's capacity. However, this claim does not constitute a hardship unless supported by an alternative design.

A hardship that justifies a variance to zoning codes is a unique condition or circumstance specific to a property that prevents reasonable use of the land under the existing zoning regulations, where strict compliance would cause undue difficulty or burden to the property owner. Below are key points that define a valid hardship and examples relevant to zoning variances:

Characteristics of a Valid Hardship

- **Unique to the Property:** The hardship must arise from specific physical or topographical features of the property, such as irregular shape, size, slope, soil conditions, or environmental constraints (e.g., wetlands or flood zones), that are not shared by neighboring properties.
- **Not Self-Created:** The hardship cannot result from actions taken by the property owner, such as subdividing the lot in a way that creates non-compliance or purchasing the property knowing the zoning restrictions.
- **Prevents Reasonable Use:** The zoning restriction must significantly limit or prevent the owner from using the property in a manner consistent with its intended purpose under the zoning code.
- **Not Merely Financial:** While financial difficulty may be considered, a hardship is typically not justified solely by economic loss or inconvenience (e.g., inability to maximize profit). The hardship must relate to the property's physical constraints.
- **Minimal Deviation:** The variance requested should be the minimum necessary to alleviate the hardship while still aligning with the public interest and the intent of the zoning code.



Flowery Branch Code Section 34.7 – Conditional Use Permit Analysis Requirements

- a) **The proposal will permit a use that is suitable in view of the use and development of adjacent and nearby property.**

The proposal will not permit a use that is suitable in view of the use and development of adjacent and nearby property.

- b) **The proposal is not expected to adversely affect the existing use or usability of adjacent or nearby property.**

The proposal will adversely affect the existing use or usability of adjacent or nearby property with the amount of uses on a relatively small sight adjacent on two sides to residential uses.

- c) **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.**

The subject site is in the Character Area of the Mixed-Use Neighborhood. The proposed convenience store does not align with the Character Area's Vision, Design Principles, Land Uses, and Zoning Category. The applicant provided no alternative plan to consider. An alternative plan could align with the Character Area's vision, design principles, land uses, and zoning categories.

- d) **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.**

The plan design will be in conflict with the upcoming roundabout. The entrances shown will likely need adjustments and limits on incoming and outgoing travel. For example, both entrances will need to be right in – right out with a curbed median to avoid illegal left turns out of the site if approved.

- e) **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.**

The proposal is not in conformity with the comprehensive plan's character area criteria.



- f) **The proposal is considered appropriate in view of existing use(s) and zoning of the subject property and nearby properties.**

The subject property is zoned Highway Business (HB), but the comprehensive plan designates it as a Mixed-Use Neighborhood character area. This designation includes a Vision, Design Principles, Land Uses, and Zoning Categories that do not support a convenience store with additional uses such as a restaurant, drive-thru, boat wash, and gas pumps. These uses are not pedestrian-oriented and do not align with the character area's goal of serving the surrounding neighborhood.

- g) **No determination has been made by staff with regard to the value differential between a development with or without a conditional use permit.**

Staff does not have data to support a valuation differential.

- h) **A proposed development will not be a deterrent to the value or improvement of development of adjacent property in accordance with existing regulations.**

Staff does not have data to support a valuation or improvement to adjacent property.

- i) **There are no known adverse effects that would result from the issuance of a conditional use permit on the character of a zoning district.**

The subject property is zoned Highway Business (H-B), but the comprehensive plan designates it as a Mixed-Use Neighborhood character area. This designation includes a Vision, Design Principles, Land Uses, and Zoning Categories that do not support a convenience store with additional uses such as a restaurant, drive-thru, boat wash, and gas pumps. These uses are not pedestrian-oriented and do not align with the character area's goal of serving the surrounding neighborhood.

- j) **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.**

If developed, the engineer of record must provide all required design requirements that comply with our soil erosion and sedimentation, stormwater, and flood damage prevention ordinances prior to the approval of any land disturbance permits.



Flowery Branch Code Section 37.5 – Criteria for Granting Variances

(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;

The applicant states the proposed roundabout limits the size of the property to justify the variance request. However, it would be reasonable to believe that a 4,200 sq. ft. convenience store, a 1,200 sq. ft. restaurant with a drive-thru, a 1,400 sq. ft. retail space, a boat washing station, and gas pumps with a canopy exceed the site's capacity. Reducing the number and area of the various uses could eliminate the need for a variance.

There are no 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;

Implementing the ordinance's provisions would not prevent the operation of a convenience store with gas pumps but would instead regulate the layout of the building, parking, gas pumps, and drive aisles.

(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;

Following the provisions of the ordinance regulating the layout of the site would not confer upon the property of the applicant any special privileges.

(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;

The ordinance code section is specific about the configuration of gas pumps in relation to the building and street frontage. Approving the variance is a removal of Article 10, Section 10.0 (f).

(e) The special circumstances are not the result of the actions of the applicant;



There are no special circumstances on the site that limit compliance with Article 10, Section 10.0 (f).

(f) The variance requested is the minimum variance that will make possible the proposed use of the land, building, or structure in the use district proposed; and

It is unclear if the applicant is requesting the minimum variance required as an alternative site plan was not provided.

(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.

The requested variances do not permit any nonconforming uses of the property according to zoning district.

Recommendation:

Staff recommends **DENIAL** of the Variance request due to the applicant's inability to demonstrate hardships associated with the configuration of site components.

Staff recommends **DENIAL** of the Conditional Use Permit for the convenience store, as it conflicts with the Comprehensive Plan's Future Land Use Map and Character Area. If the Council chooses to approve the permit, staff suggests the following conditions:

1. Site Design and Layout Requirements:

- a. Gas Pump Placement:** Convenience stores with fuel pumps must locate gas pumps behind the principal structure to minimize visual impact and ensure safety, as specified in Article 10, Section 10.9(f) of the Flowery Branch Zoning Ordinance.
- b. Use:** The site is limited to one 1,200 sq. ft. restaurant unit, 4,200 sq. ft. convenience store unit and one 1,500 sq. ft. retail unit.
- c. Building Orientation:** The store must be oriented to face McEver Road with setbacks per Table 9.2 to maintain aesthetic and functional compatibility with surrounding areas. Final building orientation to be approved by the Planning and Community Development Director.
- d. Dumpsters:** Dumpsters must be placed in the rear yard, outside of any buffer zones. They must be completely enclosed with full masonry walls constructed from real brick or stone, matching the building's material.
- e. Outdoor storage:** Outdoor storage of inventory, materials or equipment shall be prohibited.



- Page 55 of 468



- c. A complete site lighting plan shall be provided including sign details, foot candle spread, and location of signs. All lighting fixtures are to face downwards and not to face any nearby residential.
- 4. **Operational Restrictions:**
 - a. **Hours of Operation:** To minimize disturbance in nearby residential areas, the store is restricted to operating between the hours of 6:00 AM to 11:00 PM.
 - b. **Noise Control:** No outdoor speakers or music systems on site.
- 5. **Architectural and Aesthetic Standards:**
 - a. **Facade Design:** The store's exterior and gas canopy columns must comply with Article 10 (Development Requirements and Guidelines), requiring real brick with no more than 20% of real three coat stucco or fiber cement board on all four elevations match. Brick veneer, EFIS or synthetic stucco shall be prohibited. Building plans must follow the procedures in Article 40. Final building elevations shall be approved by the Director of Planning and Community Development.
 - b. **Lighting:** Outdoor lighting must follow Article 23, ensuring that light fixtures are directed downward to prevent spillover into adjacent properties.
- 6. **Environmental and Infrastructure Conditions:**
 - a. **Stormwater Management:** The developer must submit a stormwater management concept plan to the City Engineer prior to submitting any subsequent permit applications.
 - b. **Traffic Impact Study:** The applicant is to produce a traffic impact study to assess impacts and propose mitigation.
 - c. **Utility Connections:** The developer must ensure adequate water and sewer connections, potentially upgrading infrastructure at their expense, to support the store's operations.

ORDINANCE NO. 762

AN ORDINANCE APPROVING A VARIANCE TO ALLOW A CONVENIENCE STORE FUELING STATIONS AND GAS CANOPY IN FRONT OF THE PRIMARY STRUCTURE ON A PARCEL OF REAL PROPERTY OWNED BY KELLY FAMILY INVESTMENTS, LLC, IDENTIFIED AS 0 MCEVER ROAD., TAX PARCEL 08140 000215, TOTALING +/-1.316 ACRES AND AS SHOWN AND DESCRIBED 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, Kelly Family Investments, LLC, owns a parcel of land totaling +/-1.316 acres, identified as Parcel Tax Identification No. 08140 000215, as shown and described on Exhibit “A”; and

WHEREAS, the subject property is zoned HB – Highway Business District, and development of a convenience store with fuel pumps and fuel canopy in front of the primary structure is proposed, thus requiring a Variance to Article 10, Section 10(f); and

WHEREAS, Kelly Family Investments, LLC, has submitted to the City Council of Flowery Branch, Georgia, a written and signed application requesting a Variance to develop a convenience store with fuel pumps and canopy in front of the primary structure; and

WHEREAS, the City Council held a public hearing at the meeting of September 4, 2025, 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 Variance request is consistent, any staff recommendations to the contrary notwithstanding, 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. 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;
2. 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;

3. 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;
4. 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;
5. The special circumstances are not the result of the actions of the applicant;
6. The variance requested is the minimum variance that will make possible the proposed use of the land, building, or structure in the use district proposed; and
7. 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. APPROVAL OF VARIANCE AND LEGAL DESCRIPTIONS.

A Variance to develop a convenience store with fuel pumps is hereby granted for the subject parcel, as shown and described 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. 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 4. EFFECTIVE DATE.

The effective date of this Ordinance shall be September 4th, 2025.

SECTION 5. REPEALER.

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

Approved this ____ day of _____, 2025.

Edward R. Asbridge, Mayor

ATTEST:

Shelia R. Cooper, City Clerk

APPROVED AS TO FORM

Ted C. Baggett, City Attorney

[illegible]

All that tract or parcel of land lying and being in Land Lot 140 of the 8th Land District, City of Flowery Branch, Hall County, Georgia and being more particularly described as follows:

THENCE following along the Westerly Right-of-Way of McEver Road (apparent Right-of-way varies), along a curve turning to the right having a radius of 125.00 feet and an arc length of 172.02 feet being subtended by a chord South 76 degrees 00 minutes 43 seconds West, for a distance of 158.75 feet to a Point; along the Easterly Right-of-Way of Gaines Ferry Road (apparent Right-of-way varies) THENCE following along the Easterly Right-of-Way of Gaines Ferry Road (apparent Right-of-way varies) for the next two (2) calls, North 54 degrees 33 minutes 57 seconds West for a distance of 114.66 feet to a Point; THENCE along a curve turning to the left having a radius of 3037.26 feet and an arc length of 29.00 feet being subtended by a chord North 62 degrees 28 minutes 31 seconds West, for a distance of 29.00 feet to a 1/2" Rebar Found; THENCE leaving said Right-of-Way, North 38 degrees 56 minutes 05 seconds East for a distance of 257.72 feet to a 1/2" Rebar Found; THENCE South 60 degrees 55 minutes 31 seconds East for a distance of 254.06 feet to a 1/2" Rebar Found along the Westerly Right-of-Way of McEver Road; THENCE following along the Westerly Right-of-Way of McEver Road for the next Four (4) calls, South 34 degrees 55 minutes 09 seconds West for a distance of 10.51 feet to a 1/2" Rebar with a Cap; THENCE along a curve turning to the right having a radius of 1765.35 feet and an arc length of 12.26 feet being subtended by a chord South 35 degrees 21 minutes 42 seconds West, for a distance of 12.26 feet to a Point; THENCE North 55 degrees 31 minutes 40 seconds West for a distance of 21.06 feet to a Point; THENCE South 36 degrees 35 minutes 23 seconds West for a distance of 117.79 feet to a Point, said Point Is the True Point of Beginning.

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Exhibit “B”

Conditions of Conditional Use Permit

1. Site Design and Layout Requirements:

- a. **Gas Pump Placement:** Convenience stores with fuel pumps must locate gas pumps behind the principal structure to minimize visual impact and ensure safety, as specified in Article 10, Section 10.9(f) of the Flowery Branch Zoning Ordinance.
- b. **Use:** The site is limited to one 1,200 sq. ft. restaurant unit, 4,200 sq. ft. convenience store unit and one 1,500 sq. ft. retail unit.
- c. **Building Orientation:** The store must be oriented to face McEver Road with setbacks per Table 9.2 to maintain aesthetic and functional compatibility with surrounding areas. Final building orientation to be approved by the Planning and Community Development Director.
- d. **Dumpsters:** Dumpsters must be placed in the rear yard, outside of any buffer zones. They must be completely enclosed with full masonry walls constructed from real brick or stone, matching the building's material.
- e. **Outdoor storage:** Outdoor storage of inventory, materials or equipment shall be prohibited.
- f. **Lot Coverage:** Maximum lot coverage of impervious surface shall not exceed 50% per Table 9.2.
- g. **Parking and Access:** A minimum number of parking spaces must be provided per the zoning ordinance (Article 21).
 - i. Retail minimum 1 space per 275 square feet. (required 21 spaces)
 - ii. Restaurant minimum 1 space per 125 square feet. (required 10 spaces)
 - iii. Drive-through shall include one 10 ft. bypass lane.
 - iv. Both entrances are to include right turn lanes in and be limited to right in and right out only. Final entrance designs shall be reviewed and approved by the City Engineer.

2. Landscaping and Buffers:

- a. **Buffer Zones:** A natural undisturbed landscaped buffer of 30 feet is required along property lines adjacent to residential zones to reduce noise and visual impacts, as outlined in Article 19 of the Zoning Ordinance. Where existing vegetation is sparse, the buffer is to be replanted with a dense combination of evergreen trees and shrubs. The enhance buffer landscaping plan shall be sealed by a Georgia Registered Landscape Architect and be approved by the Director of Planning and Community Development.
- b. **Landscape Strip Planting:** The landscape strip shall provide enhanced landscaping and cover the entire length of the road frontage. The landscape strip design shall not contemplate the existing sign and right of way to remain. 100% of the landscape strip area shall be installed with trees, shrubs and ground cover. The enhance landscape strip landscaping plan shall be sealed by a Georgia Registered Landscape Architect and be approved by the Director of Planning and Community Development.
- c. **Parking Lot Plantings:** The end of each parking row shall be a planted island no less than 200 square feet in area. 100% of the parking lot island area shall be installed with trees, shrubs, and ground cover. The enhance parking lot island landscaping plan shall be sealed by a Georgia Registered Landscape Architect and be approved by the Director of Planning and Community Development.

3. Signage and Lighting:

- a. **Signage Compliance:** Signs must adhere to Article 24 of the Zoning Ordinance, limiting size, height, and illumination. All signs are to be non-flashing, non-animation, low-intensity lighting to reduce light pollution. Wall signs shall be in compliance to Article 24

- b. Prohibited Signs: prohibited signs include digital or standard billboards or temporary banners.
- c. A complete site lighting plan shall be provided including sign details, foot candle spread, and location of signs. All lighting fixtures are to face downwards and not to face any nearby residential.

a. Hours of Operation: To minimize disturbance in nearby residential areas, the store is restricted to operating between the hours of 6:00 AM to 11:00 PM.

5. Architectural and Aesthetic Standards:

b. Lighting: Outdoor lighting must follow Article 23, ensuring that light fixtures are directed downward to prevent spillover into adjacent properties.

a. Stormwater Management: The developer must submit a stormwater management concept plan to the City Engineer prior to submitting any subsequent permit applications.

c. Utility Connections: The developer must ensure adequate water and sewer connections, potentially upgrading infrastructure at their expense, to support the store's operations.



VARIANCE APPLICATION

Address of Request:
Parcel #08140 000215

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:

Requesting a variance for the gas pumps and canopy to be in front of the building, as we have the canopy in front of the building.

Applicant: Epic Group of Companies

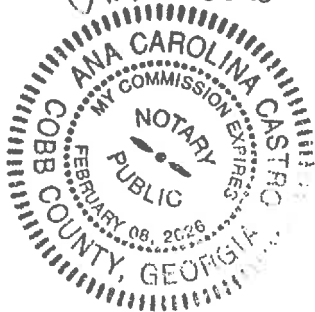
Address: 1943 Pleasant Hill Rd
Duluth, GA 30096

E-mail address: spanjwani@epicgoc.com

Phone number: (404) 302-7650

Signature: 

Notary Seal: Ana Carolina Castro, notary





Property owner information (if different than the applicant)

Property owner (please print): Kelly Family Investments, LLC.

Address: 14260 JACOBS PRAIRIES LN
MILITARY, GA 30004

E-mail address: KellySR6@Bellsouth.net

Phone number: 404-202-1994

Signature: [Signature]

Notary Seal: Ana Carolina Castro, notary



Please complete the attached Variance Completeness Checklist and attach all supplementary required documents listed therein to this application. Completeness Checklists can also be found on the website, www.flowerybranchga.org, under the "Forms" section.

Conflict of Interest Disclosure

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

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

N/A



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

N/A

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

N/A

Disclosure of Campaign Contributions

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

Elected Officials Name

Amount of Description of Gift

N/A

N/A

N/A

N/A

City of Flowery Branch Community Development Office

5512 Main St

Flowery Branch, GA, 30542

770-967-6378

VARIANCE COMPLETENESS CHECKLIST

Please review each line item on the Completeness Checklist prior to submitting an application to the City of Flowery Branch. Please initial **each line item** (numerical and alphabetical sub lists) in the initial blocks provided in the left-hand column. Initialed checklist must be included with the completed application and all other required documentation at time of submittal. **All requirements must be provided in hard copy form and digital form on a flash drive.**

Applicant Name: Epic Group of Companies

Project Name: Lake Lanier Development

X	1.	Completed application with all signatures and notary seals present and all fields filled out and all supplementary requirements and documents attached. (Article 37, Sec. 37.3)
	2.	Legal description of the property. (separate document)
X	3.	Current survey of property sealed by a Georgia registered land surveyor. (separate document)
X	4.	Letter of intent describing the proposed use of the property or other action requested. (separate document)
X	5.	Site plan of the property at an appropriate engineering scale which shows: (Sec. 37.4) (separate document)
X		a) Existing and proposed buildings and structures,
X		b) Relevant information regarding proposed improvements,
X		c) Other information as required by Zoning Administrator.
X	6.	Detailed description of the request. (in body of application but can be attached as separate document)
X	7.	Statistics regarding the proposed project or development. (separate document)
X	8.	Written analysis of how the proposed action compares to decision criteria specified for deciding on the subject type of application. (separate document)
X	9.	Description of any special conditions voluntarily made a part of the request.
X	10.	Conflict of interest disclosure. (in body of application)
X	11.	Disclosure of campaign contributions. (in body of application)
X	12.	Narrative demonstrating that criteria for granting variances has been met: (Article 37, Sec. 37.5) (separate document)
X		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;
X		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;

City of Flowery Branch Community Development Office

5512 Main St

Flowery Branch, GA, 30542

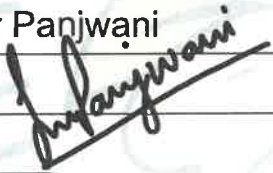
770-967-6378

VARIANCE COMPLETENESS CHECKLIST

X		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;
X		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;
X		e) The special circumstances are not the result of the actions of the applicant;
X		f) The variance requested is the minimum variance that will make possible the proposed use of the land, building, or structure in the use district proposed; and
X		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.

The undersigned does hereby attest that all requirements in the above checklist have been met and that all required documentation has been provided at the time of submittal. The undersigned acknowledges that any application found to be incomplete upon review will be returned to the applicant for completion.

Name (print): Sagar Panjwani

Signature: 

Date: 4/14/2025

Criteria for Granting a Variance

(Parcel #08140 000215 – Highway Business Zoning)

- **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**

The future traffic circle really chokes down the buildable area on this site, and having the canopy in the rear puts it right next to the neighboring property, which is undesirable.

- **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**

Correct, most convenience stores in the area have a canopy located in front of the principal structure.

- **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**

Correct, most convenience stores in the area have a canopy located in front of the principal structure.

- **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**

The requested variance will not be injurious to the neighborhood or to general welfare. The proposed development will provide great and convenient service to the community.

- **The special circumstances are not the result of the actions of the applicant**

The City Zoning Ordinance, last updated on December 22, 2020, states the following: "Convenience stores should locate gas pumps behind the principal structure in order to effectively screen the pumps from view from the street. However, if fuel pumps are not located in the rear of the building, the additional landscaping should be required..."

According to the ordinance, the proposed canopy location would not require a variance, only additional screening. However, the applicant has the intention of providing additional screening along the frontages of the property if the proposed location is permitted.

- **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.**

The proposed use, convenience store with fuel pumps and restaurant, is permitted use in the HB zoning district.

Conditional Use Completeness

(Parcel #08140 000215 – Highway Business Zoning)

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

Yes

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

No

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

Yes

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

No

- 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.

Yes

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

No

- Existing 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 future traffic circle would make any other development not as ideal as the proposed.

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

No

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

No

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

No

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

None

- 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.

Yes

THE BLOCK RESERVED FOR THE CLERK OF THE SUPERIOR COURT

- GENERAL SITE NOTES:**
- 1) OWNER OF RECORD: KELLY FAMILY INVESTMENTS
 - 2) 14260 STABLESPRINGS LANE, SUITE 100, FLOWERY BRANCH, GA 30804
 - 3) THIS SURVEY WAS MADE WITHOUT THE BENEFIT OF CURRENT TITLE COMMITMENT, EASEMENTS, AND ENCUMBRANCES, EXCEPT WHERE SHOWN OR EXCEPTED.
 - 4) SITE ELEVATIONS BASED ON NAVD 88 BY REMOTE SENSING DATA.
 - 5) LAND DEVELOPMENT SURVEYORS, INC. IS NOT RESPONSIBLE FOR AND DOES NOT WARRANT THE ACCURACY OF ANY INFORMATION OBTAINED FROM ANY SOURCE, INCLUDING BUT NOT LIMITED TO, PUBLIC RECORDS, AERIAL PHOTOGRAPHS, AND OTHER SOURCES, ETC., AND CANNOT GUARANTEE ITS ACCURACY. IT IS RECOMMENDED THAT THE CLIENT CONSULT WITH AN ATTORNEY FOR THIS INFORMATION WITH THE ISSUING AUTHORITY.
 - 6) NO PARKING SPACES ON SITE.

NOTE:
ELEVATIONS AND ELEVATIONS SHOWN HEREON ARE BASED ON GPS OBSERVATIONS USING CARLSON GNSS ROVER EQUIPMENT AND TRIMBLE, INC. REAL TIME NETWORK ADJUSTMENT AT DATE OF FIELD WORK.

THIS SURVEY WAS PREPARED UTILIZING A DUAL FREQUENCY GPS RECEIVER. NETWORK RTK CORRECTIONS WERE RECEIVED VIA CELLULAR NETWORK. THE BASE STATION NETWORK IS OPERATED AND MAINTAINED BY TRIMBLE, INC.

THE RELATIVE POSITIONAL ACCURACY AS CALCULATED FROM THE GPS DATA IS APPROXIMATELY 0.04 HORIZONTAL AND 0.04 VERTICAL. THE NATIONAL STANDARD FOR SPATIAL DATA ACCURACY IS 0.04 FT. HORIZONTAL AND 0.07 FT. VERTICAL AT A 95% CONFIDENCE LEVEL.

THE FIELD SURVEY WAS COMPLETED ON 7/8/25.

PLAT CLOSURE STATEMENT:

THIS PLAT HAS BEEN CALCULATED FOR CLOSURE & IS ACCURATE TO WITHIN ONE INCH. THE TOTAL AREA OF THE PLAT IS 1.316 ACRES.

FLOOD HAZARD NOTE

BY COMPARISON TO THE FLOOD HAZARD MAP OF THE SURVEYED AREA, THE SURVEYED AREA IS NOT A FLOOD HAZARD AREA. PER FIRM PANEL 1313602200C, DATED APRIL 4, 2018.

THIS SURVEY IS NOT A CERTIFICATION OF FLOOD HAZARD STATUS BUT IS A REPRESENTATION OF THE REFERENCED MAP AND PUBLIC DATA. IF THE EXACT LOCATION OF ELEVATION(S) OF FLOOD HAZARD BOUNDARIES ARE NECESSARY, THE CLIENT SHOULD CONSULT WITH THE SURVEYOR FOR FURTHER INFORMATION. THE SURVEYOR ASSUMES NO LIABILITY FOR THE ACCURACY OF THE ABOVE REFERENCED MAP OR PUBLIC DATA.

REFERENCES

- 1) PLAT BOOK 247, PAGE 68A
 - 2) DEED BOOK 6411, PAGE(S) 145-146
 - 3) DEED BOOK 9556, PAGE(S) 433-435
 - 4) DEED BOOK 9556, PAGE(S) 474-476
- *OTHERS, AS DENOTED ON PLAT

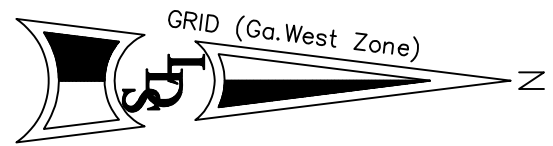
LINE	BEARING	DISTANCE
L1	S34°55'09"W	10.51'
L2	N55°31'40"W	21.06'
L3	S36°55'23"W	11.79'
L4	N11°06'02"W	44.25'
L5	N11°06'02"W	44.25'
L6	N59°23'22"W	163.42'
L7	N12°33'58"E	158.35'

CURVE	LENGTH	RADIUS	BEARING	CHORD
C1	12.26'	1765.35'	N35°21'42"E	12.26'
C2	172.02'	125.00'	S76°00'43"W	158.76'
C3	29.00'	3037.26'	N62°28'31"W	29.00'
C4	62.10'	3037.26'	N61°36'58"W	62.10'

THIS PLAT WAS PREPARED FOR THE PURPOSES OF THE RECORDING ACT AND IS NOT A GUARANTEE OR WARRANTY, EITHER EXPRESSED OR IMPLIED.

INFORMATION REGARDING THE REPUTED PRESENCE, SIZE, CHARACTER AND LOCATION OF EXISTING UNDERGROUND UTILITIES AND STRUCTURES IS SHOWN HEREON. THE SURVEYOR HAS CONSIDERED THE LOCATION AND ARRANGEMENT OF UNDERGROUND UTILITIES AND STRUCTURES SHOWN HEREON MAY BE INACCURATE AND UTILITIES EMPLOYED BY THE CLIENT SHOULD BE LOCATED BY THE CLIENT OR HIS CONSULTANTS AND HIS CONTRACTORS SHALL HEREBY DISTINGUISH AND UNDERSTAND THAT THE SURVEYOR IS NOT RESPONSIBLE FOR THE CORRECTNESS OR SUPERFICIENCY OF THIS INFORMATION.

THE TERM "CERTIFICATION" OR TO "CERTIFY" RELATING TO LAND SURVEYING SERVICES SHALL MEAN A SIGNED STATEMENT BASED UPON FACTS AND KNOWLEDGE KNOWN TO THE REGISTRANT AND IS NOT A GUARANTEE OR WARRANTY, EITHER EXPRESSED OR IMPLIED.

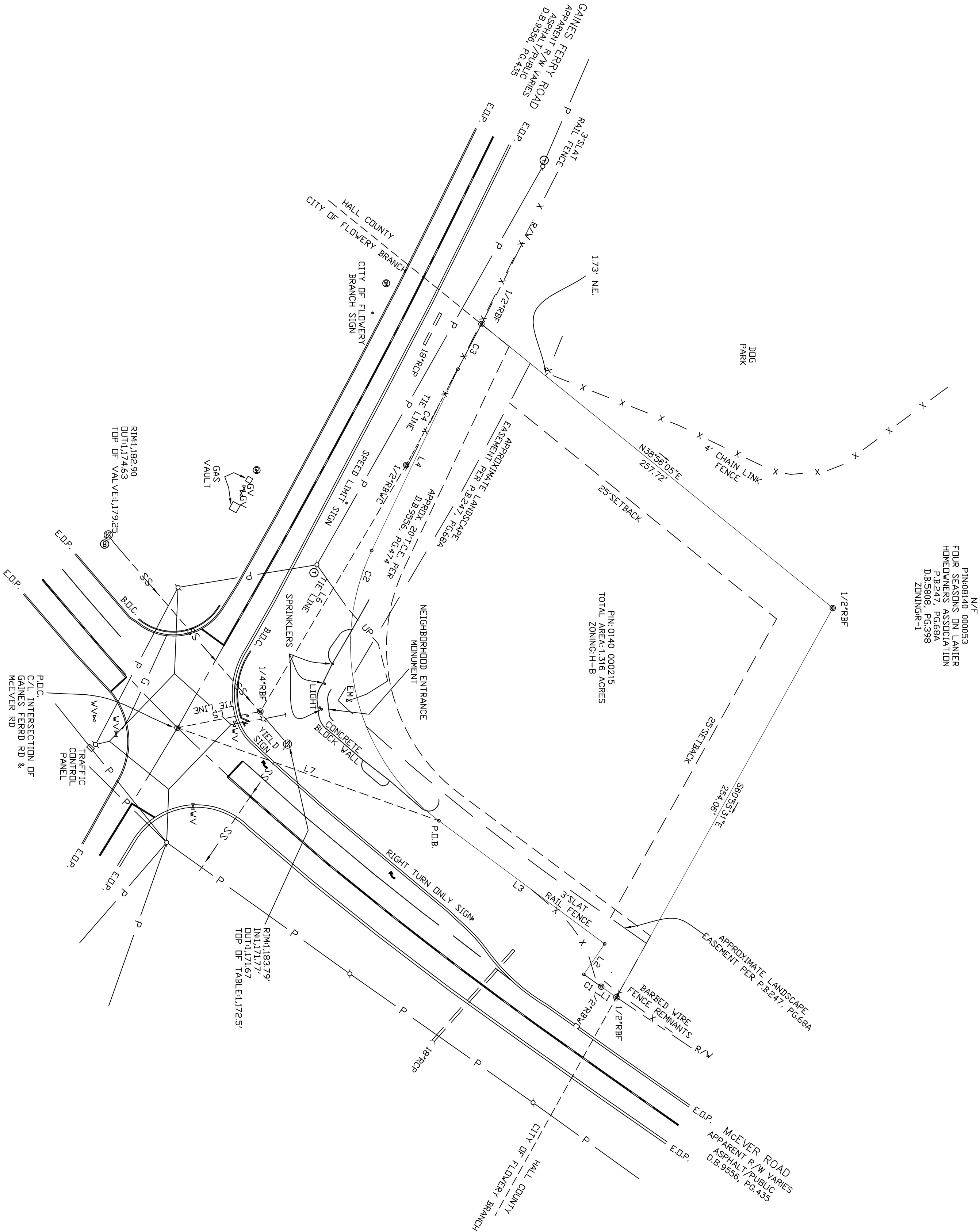
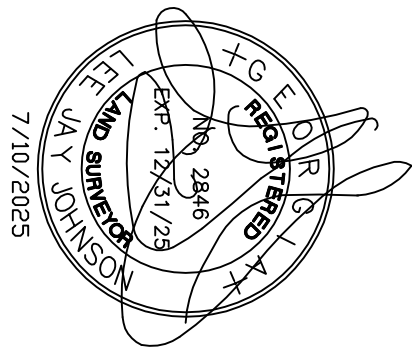


ALTAIR CERTIFICATION

THIS IS TO CERTIFY THAT THIS MAP OR PLAT AND THE SURVEY ON WHICH IT IS BASED WERE MADE IN ACCORDANCE WITH THE RULES AND REGULATIONS OF THE BOARD OF SURVEYING AND MAPPING OF THE STATE OF GEORGIA, AND ADOPTED BY THE BOARD OF SURVEYING AND MAPPING OF THE STATE OF GEORGIA, AND ADOPTED BY THE FIELD WORK WAS COMPLETED ON 7/8/2025.

SURVEYORS CERTIFICATION

THIS PLAT IS A RETRACEMENT OF AN EXISTING PARCEL OR NEW PARCEL, OR MAKE ANY CHANGES TO ANY REAL PROPERTY BOUNDARIES. THE RECORDING INFORMATION OF THE DOCUMENTS, MAPS, PLATS, OR OTHER INSTRUMENTS HEREON, INCLUDING THE INFORMATION CONTAINED HEREIN, IS FOR THE PURPOSE OF RECORDATION OF THIS PLAT DOES NOT IMPLY APPROVAL OF ANY LOCAL JURISDICTION, AVAILABILITY OF RECORDS, OR SUITABILITY FOR ANY USE OR PURPOSE OF THE LAND. FURTHERMORE, THE UNDERSIGNED LAND SURVEYOR CERTIFIES THAT THIS PLAT COMPLIES WITH THE RULES AND REGULATIONS OF THE BOARD OF SURVEYING AND MAPPING OF THE STATE OF GEORGIA, AND ADOPTED BY THE FIELD WORK WAS COMPLETED ON 7/8/2025.



LEGEND

SS	SS	VALVE
— X — X —		FENCE
— G —		GAS LINE
— UT —		UNDERGROUND TELEPHONE
		POWER
		SANITARY SEWER
— SS — SS —		SANITARY SEWER MANHOLE
—		CLEAN OUT
—		BACK OF CURB
DB/PG		DEED BOOK, PAGE NUMBER
E.O.P.		EDGE OF PAVEMENT
IPF		IRON PIN FOUND
N/F		NOW OR FORMERLY
P.O.B.		POINT OF BEGINNING
P.O.C.		POINT OF COMMENCEMENT
⊙		UNDERGROUND GAS MARKER
PB/PG		PLAT BOOK, PAGE NUMBER
PN		PARCEL IDENTIFICATION NUMBER
R/W		RIGHT-OF-WAY
RBF		REBAR FOUND
ROP		REINFORCED CONCRETE PIPE
RD		RECORD DISTANCE
RBWC		REBAR WITH CAP
Ⓢ		UNDERGROUND TELECOMMUNICATIONS MARKER

LEGAL DESCRIPTION

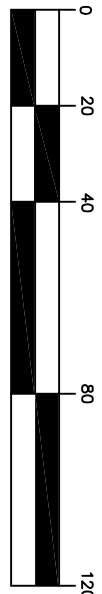
All that tract or parcel of land lying and being in Land Lot 10 of the 8th Land District, City of Flowery Branch, Hall County, Georgia, and being more particularly described as follows:

Beginning at a Point formed by the Conterminous Intersection of the Gaines Ferry Road (apparent Right-of-Way varies) and of Mciever Road (apparent Right-of-Way varies); THENCE North 19 degrees 33 minutes 30 seconds East for a distance of 19 feet to the Western Right-of-Way of Mciever Road (apparent Right-of-Way varies); said Point is the True Point of Beginning;

THENCE following along the Western Right-of-Way of Mciever Road (apparent Right-of-Way varies) along a curve turning to the right, having a radius of 1250.00 feet, subtended by a central angle of 172.02 degrees, 43 minutes 43 seconds West, for a distance of 158.76 feet to a Point along the Eastern Right-of-Way of Gaines Ferry Road (apparent Right-of-Way varies); THENCE along a curve turning to the left, having a radius of 3037.26 feet, and an arc length of 29.00 feet, being subtended by a chord North 32.00 degrees, 28 minutes 05 seconds East for a distance of 29.00 feet; THENCE following along the Eastern Right-of-Way of Mciever Road (apparent Right-of-Way varies) along a curve turning to the left, having a radius of 1765.35 feet, subtended by a central angle of 12.26 degrees, 42 minutes 09 seconds East for a distance of 12.26 feet to a Point; THENCE North 25 degrees, 31 minutes 15 seconds West for a distance of 21.06 feet, being subtended by a chord South 35 degrees, 21 minutes 42 seconds West for a distance of 21.06 feet; THENCE North 11 degrees, 06 minutes 02 seconds West for a distance of 44.25 feet to a Point; said Point is the True Point of Beginning.

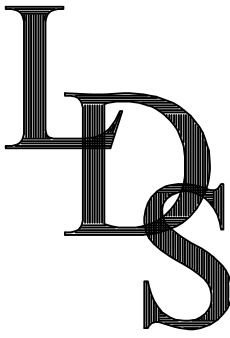
Said property contains 1.316 acres including all easements within.

GRAPHIC SCALE



Land Development Surveyors, Inc.

P.O. BOX 2050
Dacula, GA 30019
(770) 882-8206
LDSURVEYORS2003@GMAIL.COM
COA LSF#000832



EPIC GROUP
PIN: 08140 000215
MCEIVER ROAD
LOCATED IN LAND LOT(S) 140 OF THE
8TH LAND DISTRICT, CITY OF FLOWERY BRANCH,
HALL COUNTY, GEORGIA
SCALE: 1"=40'

EXEMPTION PLAT FOR		
SHEET TITLE		
FIELD	DRAWN	CHECKED
TJ,JS,JB	TJ	LJJ

DATE	NO	DESCRIPTION

7/10/2025
DATE
25201
JOB NUMBER

1 OF 1

- PROJECT AREA: 1.31 AC
- CURRENT ZONING: HB
- PROPOSED STRUCTURE HEIGHT = 28'
- MAX HEIGHT: 60FT
- MAX STORIES: 3FT
- MAX HEATED AREA: 0FT

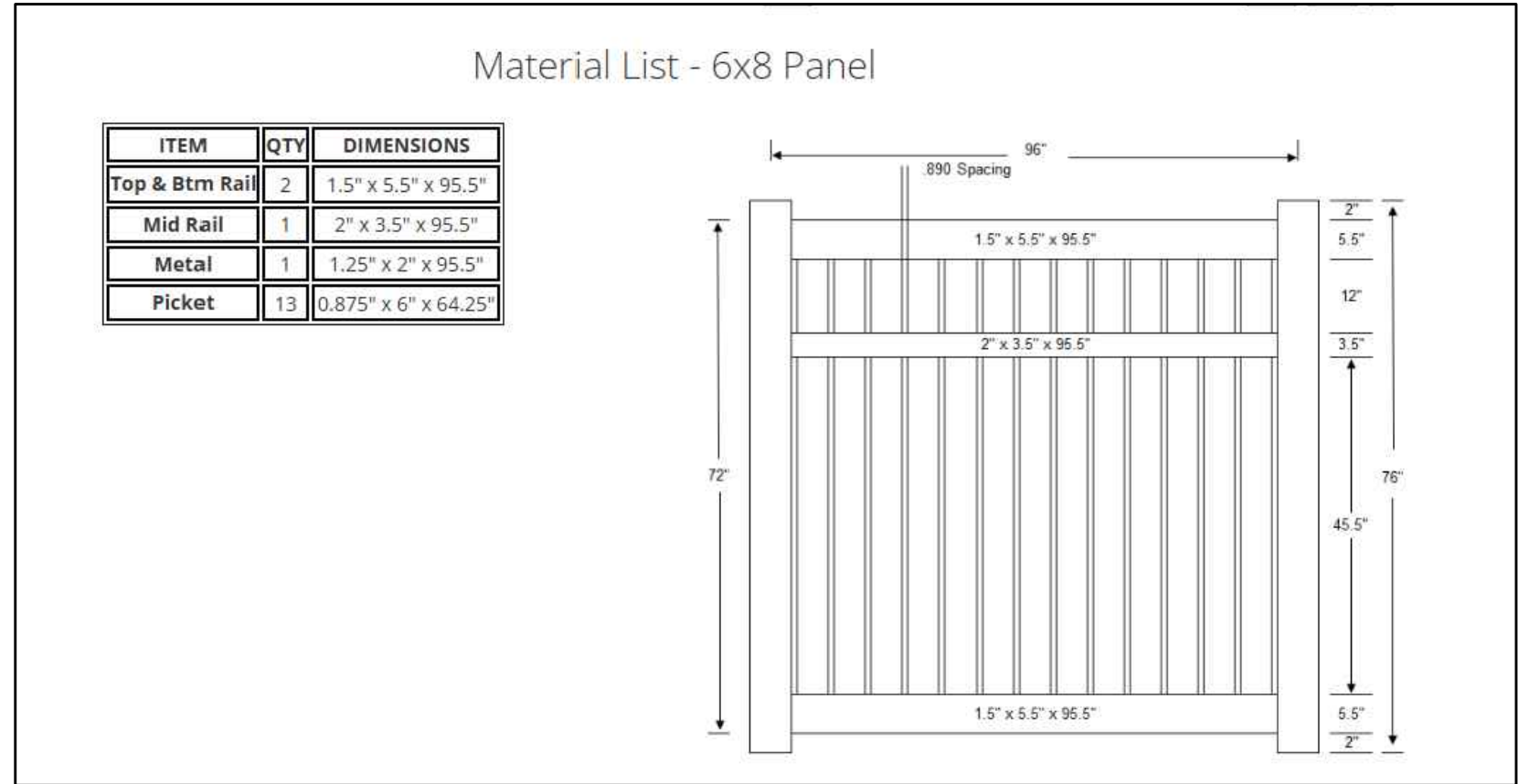
-15' STRUCTURAL BUFFER ABUTTING RESIDENTIAL (7452.74SF/0.17AC)
 -10FT LANDSCAPE STRIP ALONG ROW AND LANDSCAPE EASEMENT (8879.31SF/0.20AC)
 -MIN. 15% LANDSCAPED AREA REQ.: 0.20AC in LANDSCAPE ESMT/1.61AC = 15.2% PROVIDED
 -50% MAXIMUM BUILDING COVERAGE (12.09% AS SHOWN)
 -LANDSCAPING SHALL FOLLOW SEC. 10.13 AND ARTICLE 19
 -A FULL LANDSCAPE PLAN WILL BE REQUIRED PRIOR ISSUANCE OF A LAND DISTURBANCE PERMIT
 -PERCENTAGE OF IMPERVIOUS AREA=

$$\frac{39,745.58\text{SF of IMPERVIOUS AREA}}{43,560} = 0.91\text{ACRES}$$

$$\frac{0.91\text{AC}}{1.31\text{AC}} = 0.69(100) = 69\% \text{ OF IMPERVIOUS AREA}$$

CONVENIENT STORE, GAS STATION:
 1 STALL PER 500 sq. ft.; $(1/500)4,200 = 8$ STALLS RETAIL
 1 STALL PER 500 sq. ft.; $(1/500)1,500 = 3$ STALLS REST.
 1 STALL PER 150 sq. ft.; $(1/150)1,200 = 8$
 THEREFORE,
 19 STALLS REQUIRED
 21 STALLS PROVIDED

FRONT: 0'
INTERIOR SIDE: 10'
CORNER LOT SIDE: 15'
REAR: 25'



6FT HIGH OPAQUE FENCE DETAIL

THE MATERIAL, CONSTRUCTION, AND WORKSMANSHIP ON THIS PROJECT SHALL BE IN STRICT ACCORDANCE WITH THE APPROPRIATE LOCAL SPECIFICATIONS AND REQUIREMENTS. THE CONTRACTOR SHALL BE RESPONSIBLE FOR NOTIFYING ALL UTILITY OWNERS, DETERMINING THE LOCATION OF ALL EXISTING UNDERGROUND UTILITIES, INCLUDING TELEPHONE, CABLE, GAS, WATER, AND SEWER, PRIOR TO CONSTRUCTION AND SHALL BE RESPONSIBLE FOR MARKING THE UTILITIES TO BE PROTECTED.

THE DESIGNER DISCLAIMS ANY RESPONSIBILITY FOR DESIGN CHANGES MADE BY OTHERS. THE CONTRACTOR SHALL CALL THE UTILITIES PROTECTION CENTER THREE WORKING DAYS PRIOR TO CONSTRUCTION AT METCALFE HALL, DALLAS, TEXAS 75203, THROUGH TELEPHONE (214) 283-8741.

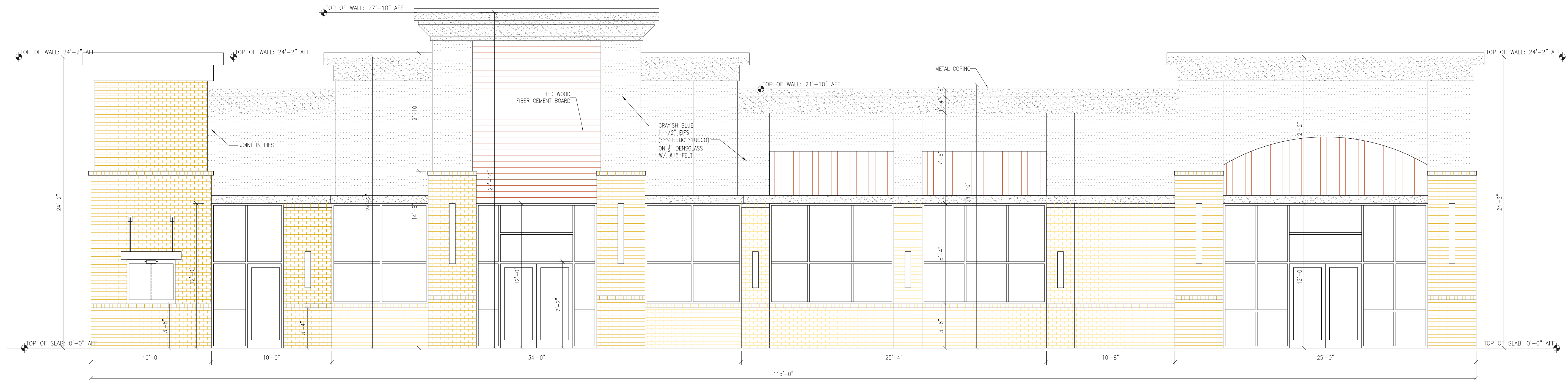
Sullins Engineering, LLC
CONTACT: MATTHEW SULLINS
CIVIL ENGINEERS ~ LAND PLANNERS

26 EAST ATHENS STREET
WINDER, GA. 30680
PHONE: (678) 687-6219

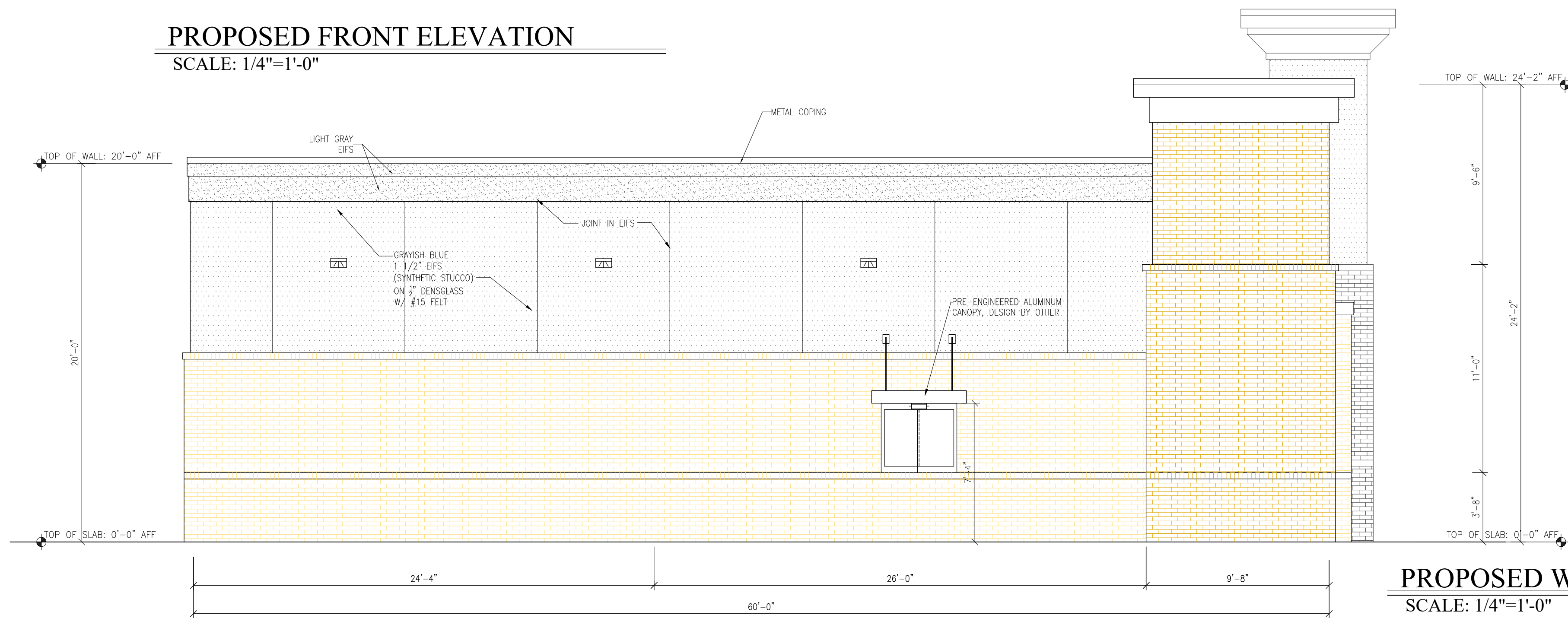
CONCEPTUAL PLAN FOR:
MCNEVER ROAD
LOCATED IN:
PARCEL: 08140 000215 GMD: 1270
HALL COUNTY, GEORGIA

DATE 7/16/2025 JOB # 3688

SHEET 1



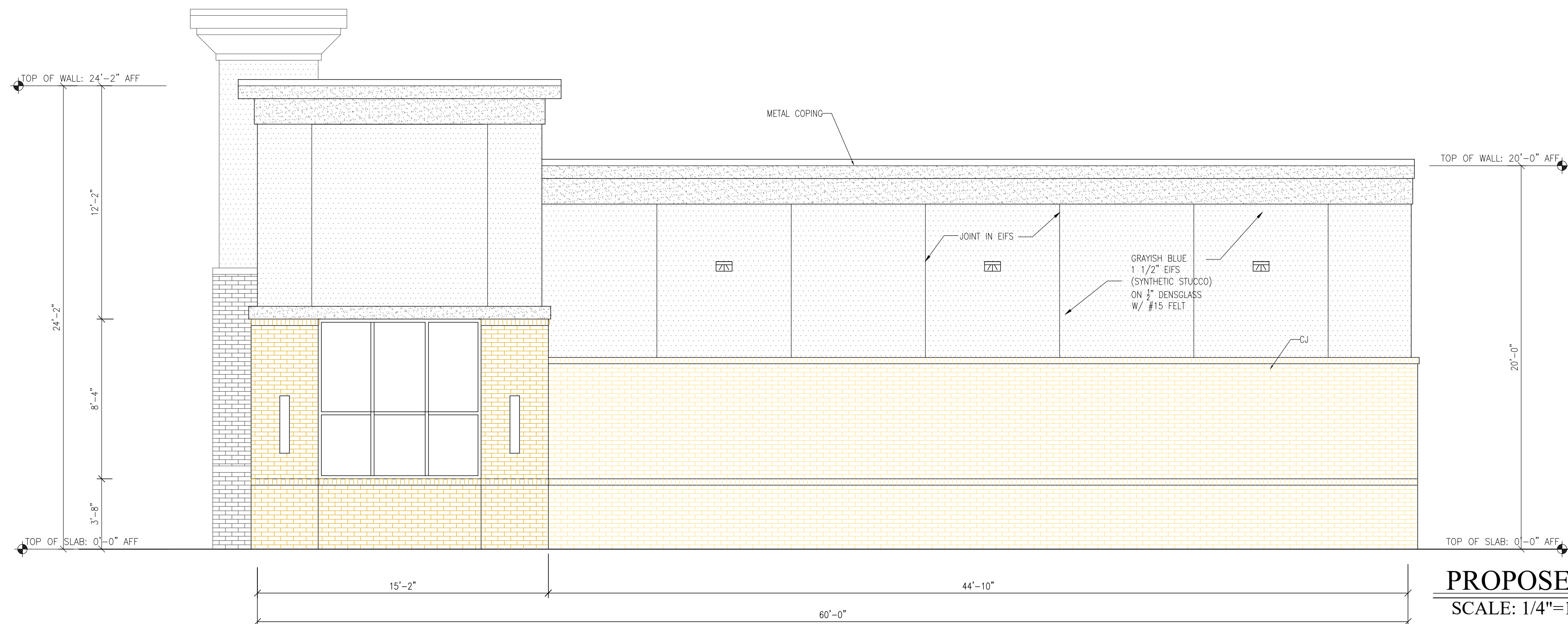
PROPOSED FRONT ELEVATION
SCALE: 1/4"=1'-0"



PROPOSED WEST ELEVATION
SCALE: 1/4"=1'-0"

EXTERIOR FINISH SCHEDULE

	DARK BROWN BRICK VENNER
	LIGHT BROWN BRICK VENNER
	GRAYISH BLUE EIFS (SYNTHETIC STUCCO)
	LIGHT GRAY EIFS
	DARK GRAY STANDING SEAL METAL ROOF TILE
	RED WOOD FIBER CEMENT BOARD



PROPOSED EAST ELEVATION
SCALE: 1/4"=1'-0"

FIRM NAME AND ADDRESS

NEW SPACE DESIGN, INC.

3331 NORTH BERKELEY LAKE ROAD

SUITE 200

DULUTH, GA 30096

Phone: (404) 217-3458

Fax: (770) 783-2978

Email: newspace@gmail.com

REVISIONS

PROJECT NAME AND ADDRESS

BUILDING DESIGN FOR

LAKE LANIER CONVENIENCE STORE

DATE

04/17/25

SHEET TITLE

SHEET NUMBER

MCEVER ROAD AND
GAINES FERRY ROAD
ROUND-A-BOUT
FOR THE
CITY OF FLOWERY BRANCH

REVISONS	NO.	DESCRIPTION	DATE

CHECK SET

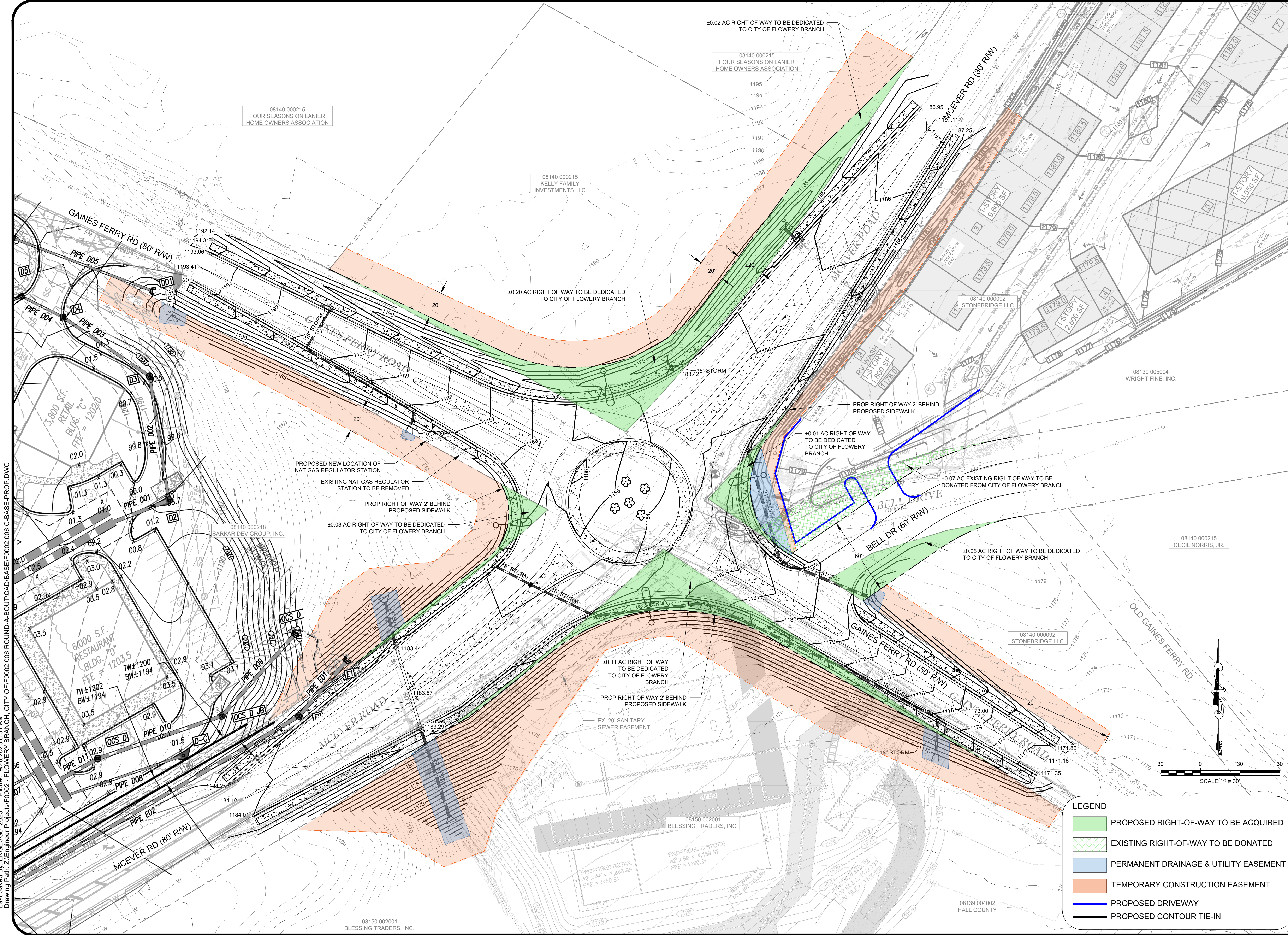
PRELIMINARY
NOT FOR
CONSTRUCTION

DRAWN BY: CHF
CHECKED BY: AWS
DATE: SEPT 2023
SCALE: 1" = 30'

CONTENT:
RIGHT-OF-WAY EXHIBIT

SHEET NO:

1/1



LEGEND

- PROPOSED RIGHT-OF-WAY TO BE ACQUIRED
- EXISTING RIGHT-OF-WAY TO BE DONATED
- PERMANENT DRAINAGE & UTILITY EASEMENT
- TEMPORARY CONSTRUCTION EASEMENT
- PROPOSED DRIVEWAY
- PROPOSED CONTOUR TIE-IN

Last Saved By: ENGESC012023 Plotted: 9/28/2023 8:51 AM
Drawing Path: Z:\Engineer Projects\F0002 - FLOWERY BRANCH, CITY OF F0002.006 ROUND-A-BOUT\CAD\BASE\F0002.006 C-BASE-PROP.DWG

Jacob Bolton
Senior Civil Designer
Sullins Engineering
26 E Athens Street
Winder, GA 30680
jbolton@sullinsengineering.com
(404) 542-4175

April 15, 2025

City of Flowery Branch Planning and Community Development Department
5512 Main Street
Flowery Branch, GA 30542

Letter of Intent

(Parcel #08140 000215 – Highway Business Zoning)

To Whom It May Concern,

On behalf of our client, I am submitting this Letter of Intent in support of a proposed gas station development located on Parcel #08140 000215 in the City of Flowery Branch, GA. The property is zoned Highway Business (HB), and we are respectfully requesting a variance to allow the fuel canopy to be located in front of the principal building, as well as a conditional use permit for the gas station.

The project includes the construction of a gas station with five (5) fuel pump stations beneath a covered canopy and a convenience store structure, as well as a drive thru on one side and a separate suite on the other side. The overall design is consistent with commercial development patterns in the area and aligns with current demand for well-located fueling and service stations.

The requested variance is based on the following justification:

- Site Circulation and Functionality: Placing the canopy in front of the building allows for optimal traffic flow throughout the site, ensuring safer and more efficient ingress and egress for vehicles.
- Aesthetic and Contextual Alignment: This layout reflects the established design of other gas stations in the area, providing a consistent streetscape along this corridor.
- Site Constraints: Strict adherence to building-forward placement would limit vehicular

maneuverability and diminish the functional layout of the development.

While this request pertains specifically to the canopy location, all other requirements of the City of Flowery Branch Zoning Regulations and development standards will be met or exceeded. A professionally prepared site plan and accompanying documents are included with this submission to support the variance application.

Please feel free to contact me directly at (404) 542-4175 or jbolton@sullinsengineering.com with any questions or requests for additional information.

Thank you for your consideration.

Criteria for Granting a Variance

(Parcel #08140 000215 – Highway Business Zoning)

- **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**

The future traffic circle really chokes down the buildable area on this site, and having the canopy in the rear puts it right next to the neighboring property, which is undesirable.

- **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**

Correct, most convenience stores in the area have a canopy located in front of the principal structure.

- **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**

Correct, most convenience stores in the area have a canopy located in front of the principal structure.

- **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**

The requested variance will not be injurious to the neighborhood or to general welfare. The proposed development will provide great and convenient service to the community.

- **The special circumstances are not the result of the actions of the applicant**

The City Zoning Ordinance, last updated on December 22, 2020, states the following: "Convenience stores should locate gas pumps behind the principal structure in order to effectively screen the pumps from view from the street. However, if fuel pumps are not located in the rear of the building, the additional landscaping should be required..."

According to the ordinance, the proposed canopy location would not require a variance, only additional screening. However, the applicant has the intention of providing additional screening along the frontages of the property if the proposed location is permitted.

- **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.**

The proposed use, convenience store with fuel pumps and restaurant, is permitted use in the HB zoning district.

Conditional Use Completeness

(Parcel #08140 000215 – Highway Business Zoning)

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

Yes

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

No

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

Yes

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

No

- 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.

Yes

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

No

- Existing 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 future traffic circle would make any other development not as ideal as the proposed.

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

No

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

No

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

No

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

None

- 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.

Yes

ORDINANCE NO. 747

AN ORDINANCE TO ANNEX AND BRING WITHIN THE CORPORATE LIMITS OF THE CITY OF FLOWERY BRANCH, STATE OF GEORGIA, REAL PROPERTY TOTALING 0.854 +/- ACRES OF LAND, OWNED BY MARY S. JONES, IDENTIFIED AS 6300 JONES ROAD A PORTION OF TAX PARCEL 08118 001015 AND AS SHOWN ON ATTACHED EXHIBIT “A”, PROVIDING FOR SEVERABILITY, REPEALING CONFLICTING ORDINANCES, PROVIDING FOR AN EFFECTIVE DATE AND FOR ALL OTHER LAWFUL PURPOSES.

WHEREAS, Mary S. Jones owns the subject parcel of land identified as Hall County Tax Parcel Identification No. 08118 001015 as shown and described on Exhibit “A”; and

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

WHEREAS, said parcels of land identified as Hall County Tax Parcel Identification No. 0118 001015 is within the unincorporated area of Hall County, State of Georgia, and is contiguous to the existing corporate limits of the City of Flowery Branch, Georgia at this time; and

WHEREAS, Mary S. Jones has submitted to the City Council of Flowery Branch, Georgia, a written and signed application and affidavit showing consent to being annexed, and whereas a survey and complete description of the subject parcel being considered to be annexed, is included in the application; and

WHEREAS, the City Council held a public hearing at the meeting on July 17th, 2025, duly noticed as prescribed by law and published in the Gainesville Times, regarding said application, as shall be set forth in the minutes of said meeting.

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

SECTION 1. RECITALS.

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

SECTION 2. ANNEXATION.

The City Council of Flowery Branch, Georgia, does hereby annex and include within the corporate limits of the City of Flowery Branch, Georgia real parcel of land known as Hall County Tax Parcel Identification No. 08118 001015 as shown and described on Exhibit “A”. Said Exhibit is incorporated by reference as if fully set forth herein.

SECTION 3. CERTIFICATION BY THE CITY CLERK

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

SECTION 4. SEVERABILITY.

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

SECTION 5. EFFECTIVE DATE.

The effective date of this Ordinance shall be as provided for by law.

SECTION 6. REPEALER.

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

Approved this ____ day of _____ 2025.

Edward R. Asbridge, Mayor

Shelia R. Cooper, City Clerk

APPROVED AS TO FORM

Ted C. Baggett, City Attorney

Exhibit A



PORTION OF PROPERTY TO BE ANNEXED

All that tract or parcel of land lying and being in Land Lot 118, 8th District, Hall County, Georgia and being more particularly described as followed:

To find the True Point of Beginning, begin at a point at the intersection along the South Westerly Right-of-Way of Shoreview Circle (apparent 44' Right-of-Way) and the South Easterly Right-of-Way of Mitchell Street (apparent 40' Right-of-Way); THENCE from said point and following along the North Westerly Right-of-Way of Mitchell Street (apparent 40' Right-of-Way) for the next nine (9) calls and distances, North 48 degrees 51 minutes 14 seconds West for a distance of 161.27 feet to a ½" Rebar Found; THENCE North 48 degrees 58 minutes 34 seconds West for a distance of 48.30 feet to an Army Corp of Engineers Brass Monument #118-G6; THENCE North 67 degrees 51 minutes 39 seconds West for a distance of 35.86 feet to an Army Corp of Engineers Aluminum Monument #118-G6-1; THENCE North 77 degrees 54 minutes 30 seconds West for a distance of 91.59 feet to a Point; THENCE North 53 degrees 04 minutes 18 seconds West for a distance of 116.38 feet to a Point; THENCE North 54 degrees 58 minutes 10 seconds West for a distance of 11.26 feet to a P.K. Nail with a Washer (LSF #000484); THENCE North 29 degrees 49 minutes 36 seconds West for a distance of 211.54 feet to an Army Corp of Engineers Aluminum Monument #118-G; THENCE North 47 degrees 23 minutes 18 seconds West for a distance of 223.11 feet to a ½" Rebar Found with a Cap (LSF #000484); THENCE North 74 degrees 57 minutes 41 seconds West for a distance of 147.72 feet to a Nail with a Washer in a 6-inch Fence Post Top (LSF #000484); THENCE leaving said Right-of-Way, North 30 degrees 30 minutes 42 seconds West for a distance of 962.99 feet to a Point, said Point being the TRUE POINT OF BEGINNING;

THENCE from said point thus established, North 30 degrees 30 minutes 42 seconds West for a distance of 199.46 foot to an Angle Iron Found at Army Corp of Engineers Guard Post 119/118D; THENCE North 60 degrees 01 minutes 30 seconds East for a distance of 200.39 feet to a Point; THENCE South 39 degrees 59 minutes 58 seconds East for a distance of 149.69 feet to a 1" Open Top Pipe; THENCE South 46 degrees 58 minutes 31 seconds West for a distance of 230.53 feet to a Point, said Point being the TRUE POINT OF BEGINNING.

Said property contains 0.854 acres.

Including Easements within.



Memorandum

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

From: Chris McCrary, Planning and Community Development Director

Date: September 4th, 2025

Subject: Annexation of a portion of 6300 Jones Road; Rezoning of 6300, 6294, 6290, 6270, 6258, 6246, 6249 Jones Road

Applicant: Chris Hill
Heritage Group Homes, LLC
P.O. Box 1929
Buford, GA 30515
770-822-2499

Existing Zoning: Flowery Branch **R-1** (Residential, Detached Single-Family, Low-Density District) and Hall County **V-C** (Vacation Cottage)

Proposed Zoning: Flowery Branch **R-2** (Detached Single-Family, Moderate-Density District).

Location:

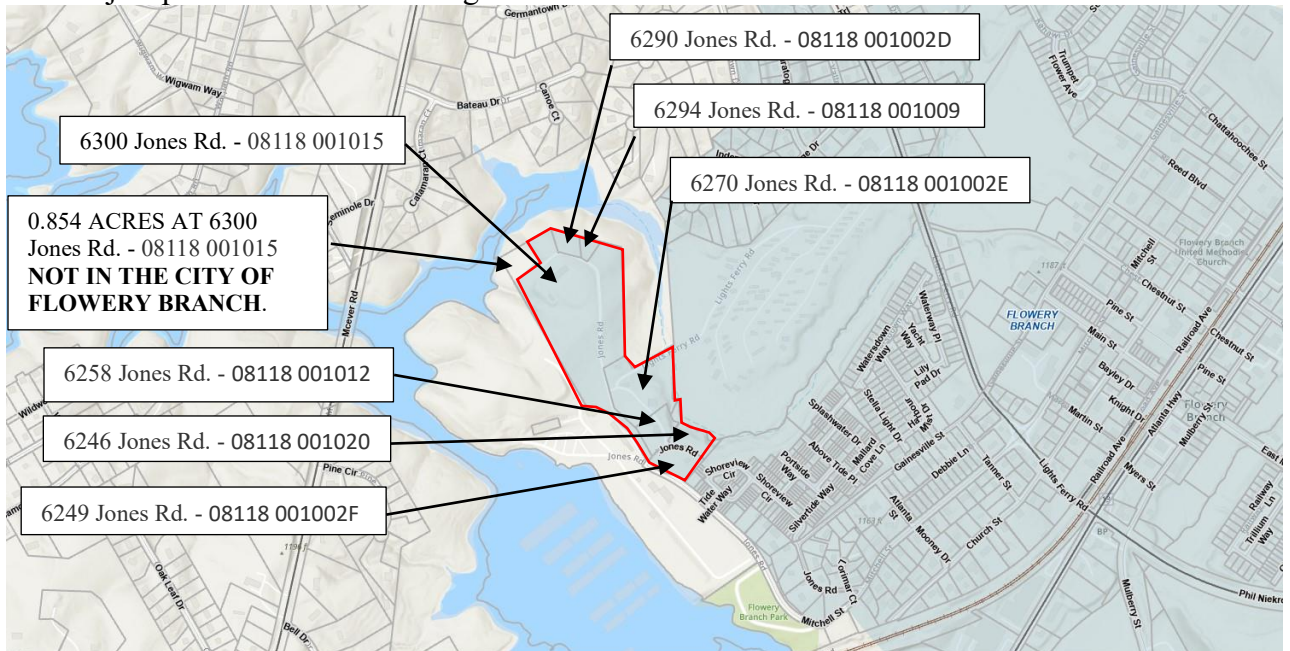
- 6300 Jones Road, tax parcel identification number **08118 001015**,
- 6294 Jones Road, tax parcel identification number **08118 001009**,
- 6290 Jones Road, tax parcel identification number **08118 001002D**,
- 6270 Jones Road, tax parcel identification number **08118 001002E**,
- 6258 Jones Road, tax parcel identification number **08118 001012**,
- 6246 Jones Road, tax parcel identification number **08118 001020**,
- 6249 Jones Road, tax parcel identification number **08118 001002F**

Heritage Group Homes, LLC is applying for an annexation of a portion of 08118 001015 (0.854 acres) and rezoning of all parcels listed above from Hall County **V-C** (Vacation Cottage), Flowery Branch **R-1** (Residential, Detached Single-Family, Low-Density District) and **A** (Agricultural) to **R-2**- (Detached Single-Family, Moderate-Density District). Total development acreage is +/- 22.14.



Location Map:

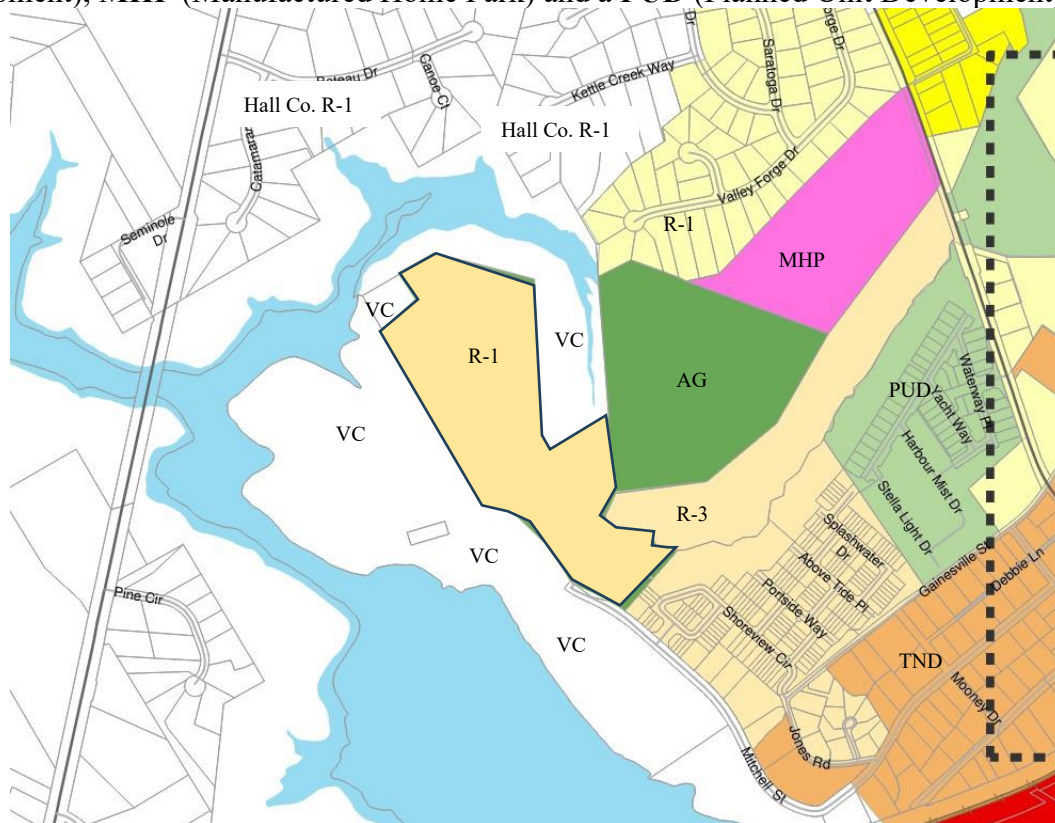
The subject parcels are located along Jones Road near Mitchell Street





Zoning Map:

The subject property is currently zoned Hall County **V-C** (Vacation Cottages) and **R-1** (Residential, Detached Single-Family, Low-Density District). Proposed zoning is Flowery Branch **R-2** (Detached Single-Family, Moderate-Density District). The surrounding properties are zoned Flowery Branch **A** (Agricultural), **R-3** (Residential Multi-family) and the majority of surrounding parcels are zoned Hall County **V-C** (Vacation Cottages). Nearby uses not directly adjacent to the subject site include Hall County **R-1** (Low-Density Residential) and Flowery Branch **R-1** (Residential, Detached Single-Family, Low-Density District), **TND** (Traditional Neighborhood Development), **MHP** (Manufactured Home Park) and a **PUD** (Planned Unit Development).



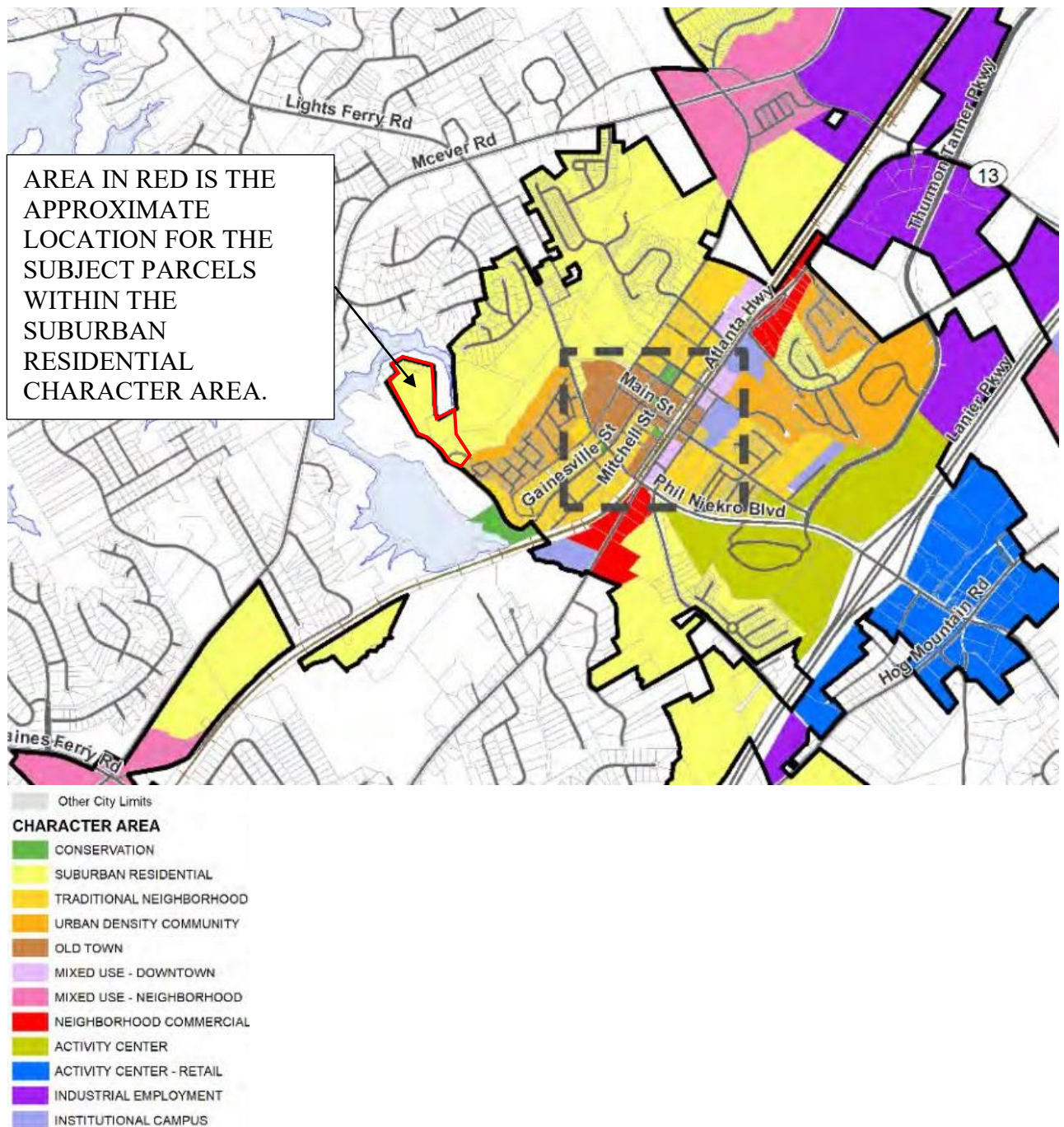
Legend

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)	



Future Development Map





Suburban Residential

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

Vision

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

Design Principles

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

Land Uses

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

Zoning

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

Implementation Strategies

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

Illustrative Photos





The Future Development Map from the City of Flowery Branch Comprehensive Plan indicates that the subject parcels fall within the Suburban Residential Character Area. The proposed zoning to **R-2** (Detached Single-Family, Moderate-Density District) falls in harmony with the Suburban Residential Character Area based on the following criteria:

Land Use:

- Single-Family Detached Residential

Zoning:

- **R-2** (Detached Single-Family, Moderate-Density District)

Design Principles:

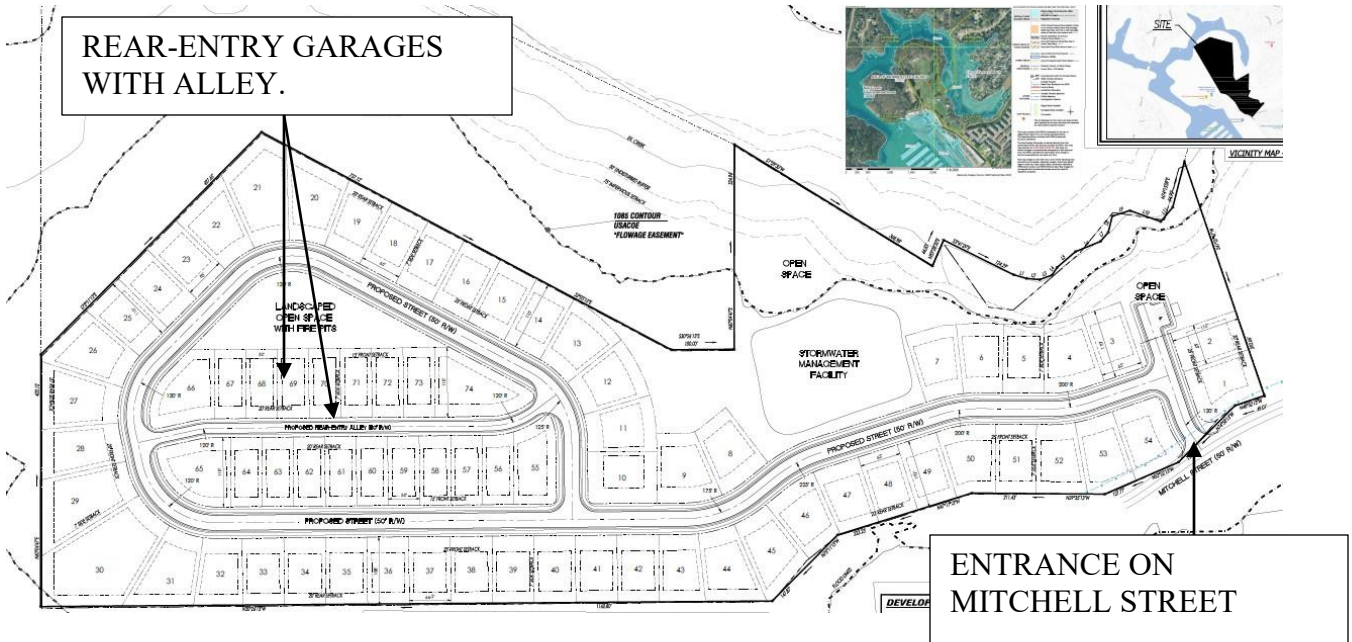
- Larger lots (1/3 to 1 acre) with houses set back from the road,
- Cul-de-sacs and curvilinear streets (that are relatively wide when compared to traditional neighborhoods) with sidewalks,
- Use of high-quality exterior cladding materials (that are consistent on each level of the home),
- Diverse architectural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

The proposed zoning of **R-2** is a listed zoning category in the Suburban Residential Character area. It's reasonable to believe that rezoning the subject site brings the area into the intended zoning based on the Future Development Map.

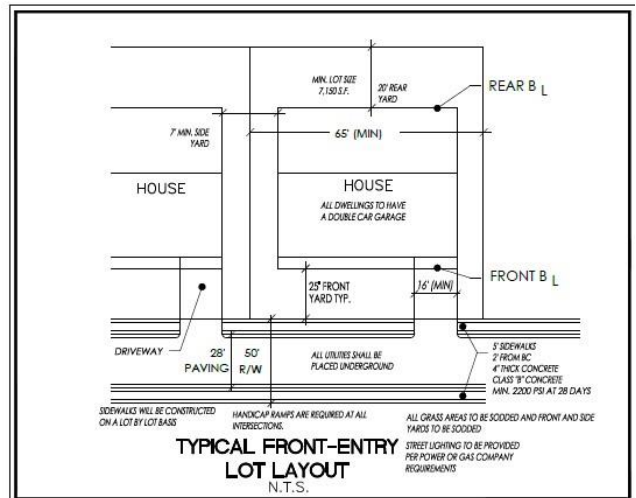
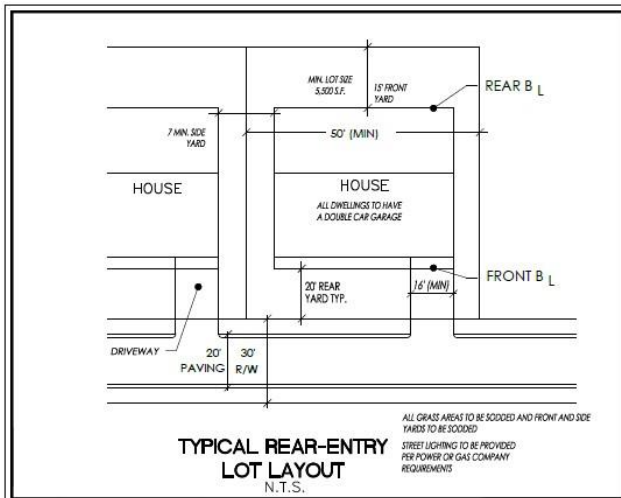
Sewer Design and Capacity Impacts

The proposed development of 74 residential units will generate a peak sanitary sewer demand of **20,350** gallons per day, based on the City's standard rate of 275 gallons per unit. Given the City's current peak capacity of **727,798** gallons per day, bringing these units online would reduce available capacity to approximately **707,448** gallons per day.

Because of the site's location, the sanitary sewer will rely on an existing lift station and the lift station will be required to be upgraded with the added capacity; the Engineer of Record must work closely with the Public Utility Department throughout the design process. All pump station plans must comply with Chapter 50 (Utilities), Article II (Standard Specifications), Division 2 (Construction), Subdivision VII (Pump Stations), as well as any additional criteria established by the Public Utilities Director.



The proposed subdivision is on 22.17 acres and contains a total of 74 single-family residential homes. Proposed 54 units with front-entry garages and 20 units with rear-entry garages.



Rear-entry dimensions are shown to be 50 feet in width and 5,500 square feet. Front-entry lots are shown as 65 feet and 7,150 square feet.



DEVELOPMENT SUMMARY

1. EXISTING BOUNDARY ACREAGE: ± 22.17 ACRES
2. TAX PARCELS: 08118 001015, 001009, 001002D, 001002E, 001012, 001020, AND 001002F.
3. EXISTING ZONING: R1, AR3 AND VC
4. TOTAL No. PROPOSED UNITS: 74
FRONT-ENTRY: 54 UNITS
REAR-ENTRY: 20 UNITS
GROSS DENSITY: ± 3.34 UNITS/ACRE
NET DENSITY: ± 3.41 UNITS/ACRE
5. OPEN SPACE REQUIRED = 3.33 ACRES (15%)
6. OPEN SPACE PROVIDED = ± 4.86 ACRES (INCLUDING STORM WATER MANAGEMENT FACILITIES)
= ± 3.94 ACRES (EXCLUDING STORM WATER MANAGEMENT FACILITIES)
7. PROPOSED SETBACKS: (SEE TYPICAL LOT DETAIL)
MAXIMUM BUILDING HEIGHT: 35 FT. (14' BUILDING SEPARATION)
8. TOTAL LENGTH OF STREETS: $\pm 3,742$ L.F.
9. BOUNDARY INFORMATION BASED ON HALL COUNTY GIS.
10. TOPOGRAPHIC AND UTILITY INFORMATION BASED ON HALL COUNTY GIS. DATUM IS MEAN SEA LEVEL.
11. WATER AND SANITARY SEWER SERVICE TO BE PROVIDED BY THE CITY OF FLOWERY BRANCH.
12. ALL CONSTRUCTION SHALL CONFORM TO THE CITY OF FLOWERY BRANCH'S STANDARDS AND SPECIFICATIONS.
13. ALL PROPOSED UTILITIES SHALL BE UNDERGROUND.
14. SITE PLAN IS CONCEPTUAL IN NATURE AND IS SUBJECT TO CHANGE BASED ON ACTUAL FIELD CONDITIONS.
15. PORTIONS OF THE PROPERTY LIE WITHIN A 100-YEAR FLOOD PLAIN (ZONE "A" OR "AE") AS DESIGNATED ON F.I.R.M. FLOOD PANELS 13139C0280G, 13139C0283G, & 13139C0290G DATED APRIL 4TH, 2018, AND FLOOD PANEL 13139C0291H DATED DECEMBER 1ST, 2022.



The applicant is proposing to rezone the site to **R-2** with concurrent variances. The following variances are proposed with the rezoning case:

Variances to Table 6.1:

- Reduction in required side building setbacks for all units from 15-feet to 7-feet.
- Reduction in required front building setbacks for rear-entry garage units from 25-feet to 15-feet.
- Lot size reduction from 15,000 square feet to 7,150 square feet for front-entry garage units and 5,500 square feet for rear-entry garage units.
- Lot width reductions from 75-feet to 65-feet for front entry garages units and 50-feet for rear-entry garage units.

The following variance justification is from the applicant's submittal:

Setbacks: We are building larger footprint homes, including some ranch homes that require smaller setbacks. We are maintaining the required 25-foot front setback and 20-foot rear setback on the front entry homes and maintaining the 20-foot rear setback on the rear entry homes. Since we are providing front entry and rear entry product types, we request the side setbacks of 7 feet (maintaining 14 feet between homes) and a front setback of 15 feet for rear entry homes, to create an enhanced streetscape.

Lot Size and Lot Width: We are requesting a lot width reduction from 75 feet to 65 feet for front entry homes and 55 feet on rear entry homes to accommodate the larger houses. A lot size reduction from 15,000 square feet to 7,150 square feet for front entry and 5,500 square feet for rear entry. This allows for both home types to be constructed with average lot width for front entry homes of 69 feet and slightly over 55 feet for rear entry homes.



Variance to Section 12.7

The primary entrance to a residence must be emphasized through the use of an unenclosed roofed porch, veranda or terrace that is a minimum of: six (6) feet deep (not including the steps); and, 40% of the width of the front façade or 11 feet, whichever is greater.

The applicant is requesting the front porch dimensions be six (6) feet deep (not including the steps) and 11 feet wide. The request would eliminate the percentage portion of the code requirement for front porches which reads, “40% of the width of the façade **or** 11 feet, **whichever is greater**”, adjusting the requirement so that the front porches carry solely the requirement of a minimum of six (6) feet deep (not including the steps) and eleven (11) feet wide.

The following variance justification is from the applicant’s submittal:

Front Porches: We are requesting to eliminate the 40 percent of front façade requirement and comply with front porches of at least 11 feet in width and 6 feet in depth. Our homes are a larger footprint with greater widths and the 40 percent would require a porch that would create a proportional issue with the two car garages and the front facades of the homes.

Variance to Appendix B – Subdivision Regulations – Article 10 – Access and Design Requirements for Road – Table 10.1

Radius of curvature of the center line, minimum 275 feet. The applicant is requesting a reduction to the centerline curvature radius to 120 feet.

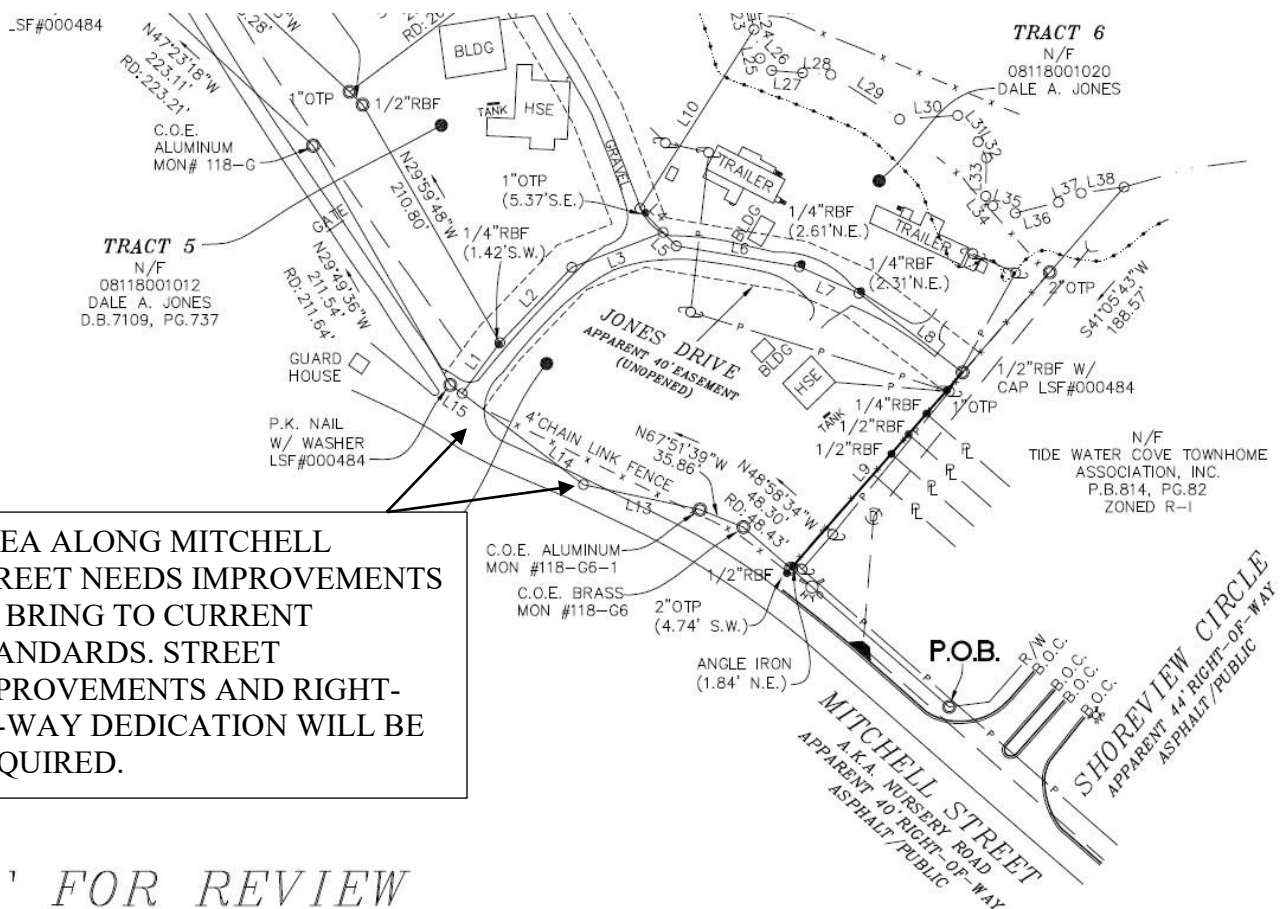
The following variance justification is from the applicant’s submittal:

Street radius of 275 feet of curvature of center line: We are requesting a reduction in the requirement of 275 feet radius to a minimum of 120-foot radius in order to provide a safer street layout. Smaller radius and horizontal curves serve as traffic calming devices aim to reduce speeds and improve safety by making curves more visible, providing advance warning, and potentially altering the road’s geometry to encourage slower, more deliberate driving. Larger radiuses encourage street designs with longer and straighter roads that can lead to cars traveling at higher speeds than posted.



Road Access

The proposed subdivision will be accessed from Mitchell Street. Mitchell Street is not to current design standards concerning right-of-way width and street design.





Road and Right-of-way widths are less than the minimal standards. Curb and gutter, including sidewalks, are required along Mitchell Street at the development.

1. Site Access

- A single entrance is proposed from Mitchell Street.
- The entrance must be to City Standards with street widths and radius returns.
- Mitchell Street must be improved to current standards from Tidewater to the subdivision entrance.
- The remainder of Mitchell Street to Jones Street is a Hall County Road. The city cannot make improvements beyond the development's road frontage unless it is a city street. Ideally the City would study the non-standard portion of Mitchell Street by a Professional Engineer to provide an opinion of probable construction cost (OPCC). The applicant could commit to paying a percentage of the cost of improvement to Mitchell Street based on the engineer's OPCC.

2. Sight Distance

- The entrance design must meet the minimum sight-distance requirements specified in the GDOT Driveway Manual. The engineer shall verify that both stopping-sight distance (SSD) and operational-sight distance (OSD) criteria are satisfied under existing field conditions.



3. Utility Coordination

- Any utilities located within the street improvements must be relocated outside of the pavement area.
- All costs associated with utility relocation shall be borne by the developer and coordination with the respective utility owners must be completed prior to construction.

All design elements shall comply with GDOT standards. Coordination with Hall County DOT, City of Flowery Branch, and affected utility providers should occur early in the design process to avoid delays.

Open Space: Civic and Amenity spaces

The applicant submitted a conceptual site plan and labeled some common areas as open space. However, Article 10, Section 10.22 Open Space Requirements requires more detail to show compliance. For residential developments the code requires 10% of the project area to be Civic Space and 5% of the project area to be Amenity Space. The applicant will be required to provide details of the amenity and civic spaces.

Civic Space:

- 1) *Park*. An open space available for structured or unstructured recreation. A park may be independent of surrounding buildings at its edges. Its landscape may consist of paths and trails, meadows and lawns, water bodies, runoff reduction measures such as bioretention areas, swales, cisterns, and woodlands. Recreation fields and courts may also be included. The minimum size for a park is one acre.
- 2) *Square*. An open space available for unstructured recreation and civic purposes. A square is spatially defined by building or streets at its edges. Its landscape must consist of paths and trees and may also include runoff reduction measures such as bioretention areas and cisterns, lawns and non-asphalt paved surfaces. The minimum size for a square is one-half acre.
- 3) *Plaza*. An open space, available for civic purposes and commercial activities. A plaza must be spatially defined by building or streets at its edges. Its landscape must consist primarily of non-asphalt paved surfaces and trees, and may include runoff reduction measures such as bioretention areas and cisterns. The minimum size for a plaza is one-quarter acre.
- 4) *Pocket Park*. An open space, available for unstructured recreation. A pocket park may be spatially defined by buildings or streets at its edges. Its landscape must consist of lawn and trees and may include runoff reduction measures such as bioretention areas and cisterns. There is no minimum size for pocket parks.
- 5) *Playground*. An open space designed and equipped for the recreation of children. A playground must be fenced and may include an open shelter. Playgrounds must be



- interspersed within residential areas, may be placed within a block, and may be included in parks and greens. There is no minimum size for playgrounds. Playgrounds may include runoff reduction measures such as bioretention and underground detention.
- 6) *Performance Venues*. An open space available for outdoor performances. Performance venues typically include a stage surrounded by formal or informal seating on at least one side. Performance venues may have a combination of landscaped and hardscaped areas. The minimum size for a performance area is one-half acre.
 - 7) *Multi-Use Trails with Potential Connections to Offsite Trails*. A linear open space consisting of a conforming multi-use trail that includes a connection to existing or proposed off-site trails. There is no minimum size for this type of open space.
 - 8) *Park Overlooks*. An open space primarily intended for the viewing of parks and other open spaces. Park overlooks must include seating. There is no minimum size for park overlooks.

Amenity Space

Amenity space is the covered or uncovered, but unenclosed, outdoor areas of at least 100 square feet each for use by the occupants, invitees and guests of the development and specifically excluding Civic Spaces and required sidewalks. Amenity spaces may include, but are not limited to:

- 1) Rooftop decks;
- 2) Balconies (min. 6' x 8');
- 3) Patios and porches;
- 4) Outdoor dining areas;
- 5) Pool areas;
- 6) Tennis courts, basketball courts, and similar uses;
- 7) Yards, lawns, and flower gardens;
- 8) Community gardens;
- 9) Hardscape areas improved for pedestrian enjoyment;
- 10) Wooded areas; and
- 11) Runoff reduction measures such as bioretention areas and cisterns.



Each amenity area approved must be available and accessible as exterior space appropriately improved for pedestrian amenities or for aesthetic appeal, subject to approval by Director of Community Development. Above-ground-cistern design and appearance shall also require approval by the Director.

Additional Open Space Requirements:

- Open space requirements may be met using existing and/or new open space, subject to approval of the Director of Community Development.
- Open space may be privately or publicly owned. Private open space is open space that is owned by a corporation, individual, or homeowners' association. Public open space is open space owned by a governmental agency.
- Wetlands, lakes, ponds, streams, rivers, flood zones, and stream buffers may only be considered open space when located within one of the eight types of civic spaces identified in Section 2.10.C or within an amenity space that conforms Section 2.10.10.D, unless part of an approved stormwater management plan for the site that includes runoff reduction measures.
- No required buffer may be used to satisfy open space requirements, except for stream buffers that are improved with trails and other authorized amenities.
- Stormwater management facilities for the site may be used to satisfy open space requirements if they meet this Chapter's definition of open space. Open space credit may be given at the discretion of the Director of Community Development.
- No areas used for vehicles, except for incidental service, maintenance, or emergency actions, may be used to satisfy open space requirements.



Architectural Concepts

The applicant submitted conceptual renderings of the proposed architecture. However, without detailed floor plans and a materials list, staff is unable to verify compliance with the City's established single family residential architectural treatment and dimensional standards. To facilitate a thorough review, the applicant must provide complete architectural drawings, including architectural material details and floor-plan details, in order to confirm that all requirements are met. A detailed review is done by staff following Article 40 prior to the issuance of permits. The design concepts provided are for illustrative purposes only and were submitted as part of the rezoning case.









Flowery Branch Code Section 34.7 – Analysis Requirements

- a) Whether the proposal will permit a use that is suitable in view of the use and development of adjacent and nearby property.**

Rezoning to **R-2** (Detached Single-Family Residential) will permit a use that is suitable in view of the use and development of adjacent and nearby property.

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

Rezoning to **R-2** (Detached Single-Family, Moderate-Density District) 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 a reasonable economic use as currently zoned.**

It's reasonable to believe that the current zoning of **R-1** (Detached Single-Family Low-Density Residential) does have an economic use due to the trend of residential area development in Flowery Branch.

- 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.**

Rezoning to **R-2** (Detached Single-Family Medium-Density Residential) could have measurable impacts to Mitchel Street. The existing streets are not to Flowery Branch standards. Improvements will be needed to support the additional traffic with the development.

- 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.**

Rezoning to **R-2** Detached Single-Family, Moderate-Density District) is in conformity with the Flowery Branch 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 surrounding properties are zoned **A** (Agricultural), **R-3** (Residential Multi-family) and the majority of zoning surrounding the parcels are Hall County **V-C** (Vacation Cottages). Nearby uses not directly adjacent to the subject site includes Hall County **R-1** (Low-Density Residential), Flowery Branch **R-1** (Low-Density Residential), **TND** (Traditional Neighborhood Development), **MHP** (Manufactured Home Park), and a **PUD** (Planned Unit Development).

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.

It's reasonable to believe that the property value would increase by re-zoning from **R-1** (Detached Single-Family Low-Density Residential) to **R-2** (Detached Single-Family Moderate-Density Residential).

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

The proposed zoning map amendment approval will not be a deterrent to the value of adjacent property in accordance with existing regulations.

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

There are nearby Single-Family developments with higher density in the area.



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

Rezoning to **R-2** (Detached Single-Family Moderate-Density Residential) is in harmony with the future land development of the Comprehensive Plan and will be a positive change aligning with the vision of the City.

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

The City of Flowery Branch will do an extensive review of stormwater management and erosion control, including, but not limited to; drainage, soil erosion and sedimentation, flooding, air quality and water quality on any proposed development to minimize impacts on the environment. In **R-2**, mass grading can be avoided, disturbing areas only for infrastructure, streets, and the construction of homes. Limited grading and more undisturbed areas in the development helps with environmental impacts, specifically in this case due to the proximity to Lake Lanier.

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.

Rezoning to **R-2** (Detached Single-Family Moderate-Density Residential) is in harmony with the future land development of the Comprehensive Plan

Recommendation:

Staff recommends **APPROVAL** of the proposed annexation of the 0.854-acre tract of parcel 08118 001015. Staff recommends the **APPROVAL** of the proposed rezoning from Flowery Branch **R-1** (Detached Single Family Low Density Residential) and Hall County **V-C** (Vacation Cottage) to Flowery Branch **R-2** (Detached Single-Family Moderate-Density Residential) for the following parcels:

- 6300 Jones Road (including the portion of the parcel in unincorporated Hall County to be annexed into Flowery Branch); tax parcel identification number **08118 001015**,
- 6294 Jones Road, tax parcel identification number **08118 001009**,
- 6290 Jones Road, tax parcel identification number **08118 001002D**,
- 6270 Jones Road, tax parcel identification number **08118 001002E**,
- 6258 Jones Road, tax parcel identification number **08118 001012**,
- 6246 Jones Road, tax parcel identification number **08118 001020**,
- 6249 Jones Road, tax parcel identification number **08118 001002F**



Conditions of Approval:

Please find below the proffered conditions for the proposed rezoning, organized by discipline and drafted to ensure consistency with the submitted concept materials and to protect the public interest:

1. General Development

- a. The total number of residential lots within the development shall not exceed 74.
- b. The development design shall be substantially similar to the concept plan provided with the zoning application.
- c. Density Measurement:
Density shall be calculated on a net basis, in accordance with the definition of “Net Density” set forth in Article 2, Section 2.2 (Design-Related Definitions).
- d. Maximum net density shall not exceed 4 units per acre.
- e. Open Spaces must be compliant with Code Section 10.22 concerning Civic and Amenity space percentages. Civic and Amenity spaces must be in relatively flat areas for public use. Walking trails shall be designed in a manner to avoid steep slopes. Final review and approval of all Open Spaces shall be by the Director of Planning and Community Development.
- f. A mandatory Homeowners Association shall be established.
- g. The developer shall incorporate a provision in the HOA bylaws restricting the number of homes rented within the subdivision to no more than 15% of the total homes.

2. Civil Site Engineering

- a. The final site-grading, stormwater, and utility plans shall be in substantial conformity with the Rezoning Concept Plan, including all delineated amenities, open spaces, and public gathering areas.
- b. No grading, filling, or earthmoving shall occur within the 75-foot impervious setback from state waters without prior approval of the Director of Planning & Community Development; such activities shall be minimized in accordance with Code § 27.6(b).

3. Building Design

- a. Exterior elevations shall comply with design requirements in Article 12 of the Flowery Branch Zoning Ordinance.
- b. Only authentic brick or natural stone shall be utilized.
- c. All building facades shall be approved through the Design Review process per Article 40 and shall meet the design requirements in Article 10 and Article 12 unless specific variance(s) are approved.

4. Streets, Sidewalks & Stormwater Facilities



- a. All internal streets and sidewalks shall be public to City design standards and be dedicated at the conclusion of the Final Plat. Stormwater management systems shall remain private and be maintained at the HOA's expense.

5. Signage, Landscaping & Lighting

- a. An overall signage program, a detailed landscape plan sealed by a Georgia-registered landscape architect, and a comprehensive site-lighting plan shall be submitted to the Department of Community Development for review and approval.
- b. The landscape plan shall include high-quality treatments for the entrance, open spaces, trails, pathways, and amenities.

6. Transportation Improvements

- a. The entrance must be to City Standards with street widths and radius returns.
- b. Mitchell Street must be improved to current standards from Tidewater to the remainder of the subdivision's road frontage.

7. Variances

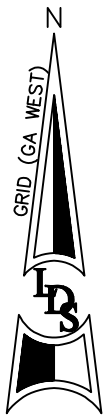
- a. Unless otherwise stated in Conditions 7, approval of this rezoning does not grant any variances from local, state, or federal standards. Any such request must be submitted through the formal variance process to the appropriate jurisdiction.
- b. Approval of the following variances to Table 6.1,
 - i. Reduction in the required side building setbacks for all units from 15 feet to 7 feet.
 - ii. Reduction in required front building setbacks for rear entry garage units from 25-feet to 15-feet.
 - iii. Lot size reduction from 15,000 square feet to 7,150 square feet for front entry garage units and 5,500 square feet for rear entry garage units.
 - iv. Lot width reductions from 75 feet to 65 feet for front entry garages units and 50 feet for rear entry garage units.
- c. Approval of the following variance to Section 12.7.
 - i. The porch dimensions shall be six (6) feet deep (not including the steps); and 11 feet wide without considering 40% of the façade width.
- d. Approval of the following variance to Appendix B – Subdivision Regulations – Article 10 – Access and Design Requirements for Roads – Table 10.1.
 - i. A reduction of the radius curvature of the center line of the road from 275 feet to 120 feet.

8. Public Utilities

- a. Due to the site's location, the sanitary sewer will depend on an existing lift station, which must be upgraded to accommodate the increased capacity. The Engineer of Record shall collaborate closely with the Public Utility Department during the design process. All pump station plans must adhere to Chapter 50 (Utilities), Article II (Standard Specifications), Division 2 (Construction), Subdivision VII (Pump Stations), and any additional requirements set by the Public Utilities Director.



THIS BLOCK RESERVED FOR THE CLERK OF THE SUPERIOR COURT



GENERAL/SITE NOTE

- 1) TAX PARCEL # 08118 001002F, 08118 001020, 08118 001015, 08118 001012, 08118 001002E, 08118 001009, 08118 001002D
- 2) ZONING: A
- 3) THIS SURVEY WAS MADE WITHOUT THE BENEFIT OF CURRENT TITLE COMMITMENT. EASEMENTS AND ENCUMBRANCES MAY EXIST WHICH BENEFIT OR BURDEN THIS PROPERTY. MATTERS OF TITLE ARE EXCEPTED.
- 4) SITE ELEVATIONS BASED ON NAVD 88 BY OBTAINED BY MEANS OF LOCAL GPS NETWORK.
- 5) RD = RECORD DISTANCE PER REFERENCE #9.

REFERENCES

- 1) DEED BOOK 3428, PAGE 481.
- 2) DEED BOOK 5181, PG.456.
- 3) PLAT BOOK 56, PAGE 254.
- 4) PLAT BOOK 58, PAGE 7.
- 5) PLAT BOOK 60, PAGE 117.
- 6) PLAT BOOK 80, PAGE 181.
- 7) PLAT BOOK 83, PAGE 148.
- 8) PLAT BOOK 92, PAGE 68.
- 9) RETRACEMENT SURVEY FOR JONES FAMILY ESTATE, BY ROCHESTER & ASSOCIATES, INC., DATED 11/28/21.
- OTHER'S AS DENOTED ON PLAT.

FLOOD HAZARD NOTE

BY GRAPHICAL PLOTTING ONLY, A PORTION OF THE SURVEYED AREA LIES WITHIN A 100 YEAR FLOOD HAZARD AREA ZONE "A" PER FIRM PANEL 13139C0290G, DATED APRIL 4, 2018 & 13139C0291H, DATED DECEMBER 1, 2022.

THIS OPINION IS NOT A CERTIFICATION OF FLOOD HAZARD STATUS, BUT IS A INTERPRETATION OF THE REFERENCED MAP AND PUBLIC DATA. IF THE EXACT LOCATION OF ELEVATION(S) OF FLOOD HAZARD BOUNDARIES ARE NECESSARY, A MORE DETAILED STUDY MAY BE NEEDED. THIS FIRM ASSUMES NO RESPONSIBILITY OR LIABILITY FOR THE ACCURACY OF THE ABOVE REFERENCED MAP OR PUBLIC DATA.

NOTE:

BEARINGS AND ELEVATIONS SHOWN HEREON ARE BASED ON GPS OBSERVATIONS USING CARLSON/CHAMPION GNSS ROVER EQUIPMENT AND EOPS SOLUTIONS REAL TIME NETWORK ADJUSTMENT AT DATE OF FIELD WORK.

THIS SURVEY WAS PREPARED UTILIZING A DUAL FREQUENCY GPS RECEIVER, NETWORK RTK CORRECTIONS WERE RECEIVED VIA CELLULAR MODEM. THE BASE STATION NETWORK IS OPERATED AND MAINTAINED BY EGPS SOLUTIONS, INC.

THE RELATIVE POSITIONAL ACCURACY AS CALCULATED ACCORDING TO THE FEDERAL GEOGRAPHIC DATA COMMITTEE PART 3, NATIONAL STANDARD FOR A SPATIAL DATA ACCURACY IS 0.04 FT. HORIZONTAL AND 0.07 FT. VERTICAL AT A 95% CONFIDENCE LEVEL.

THE FIELD SURVEY WAS COMPLETED ON 11/1/23.

PLAT CLOSURE STATEMENT:

THIS PLAT HAS BEEN CALCULATED FOR CLOSURE & IS ACCURATE WITHIN ONE FOOT IN 561,838 FEET, AND CONTAINS A TOTAL OF 22.300 ACRES.

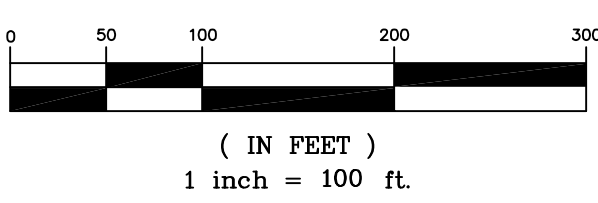
LINE TABLE		
LINE	LENGTH	BEARING
L1	48.48	S36°37'10"W
L2	79.91	S43°39'28"W
L3	75.00	S69°03'29"W
L4	25.50	S44°05'31"E
L5	14.50	S44°05'31"E
L6	95.89	S80°25'07"E
L7	50.00	S65°58'53"E
L8	100.00	S52°38'53"E
L9	199.95	S41°11'29"W
L10	162.85	S32°30'02"W
L11	65.56	N81°27'17"W
L12	84.14	N19°33'30"W
L13	91.59	N77°54'30"W
L14	116.38	N53°04'18"W
L15	11.26	N54°58'10"W
L16	175.29	S30°36'46"W
L17	30.00	N51°02'32"W
L18	50.16	N57°44'50"W
L19	12.00	S69°17'28"W
L20	85.24	S04°04'53"E
L21	39.40	S03°45'46"E
L22	3.10	S11°56'08"E
L23	23.47	S11°56'50"E
L24	0.00	S11°56'50"E
L25	22.64	S11°56'08"E
L26	12.90	S43°41'34"E
L27	23.81	S85°37'02"E
L28	21.71	S86°23'51"E
L29	62.86	S57°01'14"E
L30	44.74	N86°19'09"E
L31	25.50	S37°41'36"E
L32	13.82	S27°24'47"E
L33	29.45	S00°48'41"W
L34	9.11	S36°18'54"E
L35	18.05	S71°44'23"E
L36	34.19	N75°58'26"E
L37	18.77	N67°58'02"E
L38	33.29	N82°01'08"E

THE TERM "CERTIFICATION" OR TO "CERTIFY" RELATING TO LAND SURVEYING SERVICES SHALL MEAN A SIGNED STATEMENT BASED UPON FACTS AND KNOWLEDGE KNOWN TO THE REGISTRANT AND IS NOT A GUARANTEE OR WARRANTY, EITHER EXPRESSED OR IMPLIED.

THIS PLAT WAS PREPARED FOR THE EXCLUSIVE USE OF THE PERSON, PERSONS, OR ENTITY NAMED IN THE CERTIFICATE HEREON. SAID CERTIFICATE DOES NOT EXTEND TO ANY UNNAMED PERSON WITHOUT AN EXPRESS RECERTIFICATION BY THE SURVEYOR NAMING SAID PERSON.

INFORMATION REGARDING THE REPUTED PRESENCE, SIZE, CHARACTER AND LOCATION OF EXISTING UNDERGROUND UTILITIES AND STRUCTURES IS SHOWN HEREON. THERE IS NO CERTAINTY OF THE ACCURACY OF THIS INFORMATION AND IT SHALL BE CONSIDERED IN THAT LIGHT BY THOSE USING THIS DRAWING. THE LOCATION AND ARRANGEMENT OF UNDERGROUND UTILITIES AND STRUCTURES SHOWN HEREON MAY BE INACCURATE AND UTILITIES AND STRUCTURES NOT SHOWN MAY BE ENCOUNTERED. THE OWNER, HIS EMPLOYEES, HIS CONSULTANTS AND HIS CONTRACTORS SHALL HEREBY DISTINCTLY UNDERSTAND THAT THE SURVEYOR IS NOT RESPONSIBLE FOR THE CORRECTNESS OR SUFFICIENCY OF THIS INFORMATION.

GRAPHIC SCALE



SURVEYORS CERTIFICATION
RETRACEMENT SURVEY

THIS PLAT IS A RETRACEMENT OF AN EXISTING PARCEL OR PARCELS OF LAND AND DOES NOT SUBDIVIDE OR CREATE A NEW PARCEL OR MAKE ANY CHANGES TO ANY REAL PROPERTY BOUNDARIES. THE RECORDING INFORMATION OF THE DOCUMENTS, MAPS, PLATS, OR OTHER INSTRUMENTS WHICH CREATED THE PARCEL OR PARCELS ARE STATED HEREON. RECORDATION OF THIS PLAT DOES NOT IMPLY APPROVAL OF ANY LOCAL JURISDICTION, AVAILABILITY OF PERMITS, COMPLIANCE WITH LOCAL REGULATIONS OR REQUIREMENTS, OR SUITABILITY FOR ANY USE OR PURPOSE OF THE LAND. FURTHERMORE, THE UNDERGROUND LAND SURVEYOR CERTIFIES THAT THIS PLAT COMPLIES WITH THE MINIMUM TECHNICAL STANDARDS FOR PROPERTY SURVEYS IN GEORGIA AS SET FORTH IN THE RULES AND REGULATIONS OF THE GEORGIA BOARD OF REGISTRATION FOR PROFESSIONAL ENGINEERS AND LAND SURVEYORS AND AS SET FORTH IN O.C.G.A. SECTION 15-6-67.

1 OF 1

11/2/23
DATE
23180
JOB NUMBER

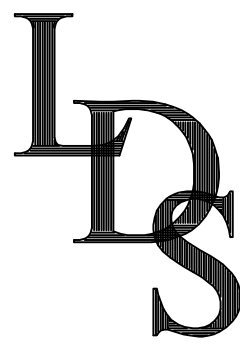
DATE	NO	DESCRIPTION

RETRACEMENT
SURVEY
FOR
SHEET TITLE

FIELD	DRAWN	CHECKED
TJKS	MSF	LJJ

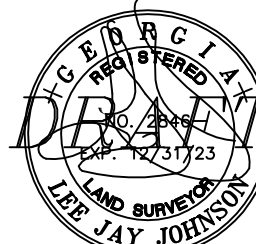
H.CARSON SMITH

LOCATED IN LAND LOT 118, OF THE 8TH LAND DISTRICT,
CITY OF FLOWERY BRANCH, HALL COUNTY, GA
SCALE: 1"=100'



Land Development
Surveyors, Inc.

P.O. BOX 2050
Dacula, GA. 30019
(770) 682-8206
LDSURVEY@BELL.SOUTH.NET
COA LSF#000832



LEGEND

IPF	=	IRON PIN FOUND
IPS	=	1/2" REBAR PIN SET
LL	=	LAND LOT
LLL	=	LAND LOT LINE
P	=	PROPERTY LINE
C	=	CENTERLINE
B	=	BUILDING LINE
R/W	=	RIGHT-OF-WAY
SSE	=	SANITARY SEWER EASEMENT
DE	=	DRAINAGE EASEMENT
MH	=	MANHOLE
CB	=	CATCH BASIN
JB	=	JUNCTION BOX
HW	=	HEADWALL
DI	=	DROP INLET
PP	=	POWER/UTILITY POLE
FH	=	FIRE HYDRANT
IE	=	INVERT ELEVATION
FFE	=	FINISHED FLOOR ELEVATION
BOC	=	BACK OF CURB
EP	=	EDGE OF PAVEMENT
S	=	SANITARY SEWER LINE/PIPE
SS	=	STORM SEWER LINE/PIPE
X-X-X	=	FENCE LINE
.....	=	FLOOD HAZARD ZONE LINE
N/F	=	NOW OR FORMERLY
POC	=	POINT OF COMMENCEMENT
POB	=	POINT OF BEGINNING

GENERAL/SITE NOTE

- 1) TAX PARCEL # 08118 001015
- 2) ZONING: A
- 3) THIS SURVEY WAS MADE WITHOUT THE BENEFIT OF CURRENT TITLE COMMITMENT. EASEMENTS AND ENCUMBRANCES MAY EXIST WHICH BENEFIT OR BURDEN THIS PROPERTY. MATTERS OF TITLE ARE EXCEPTED.
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- 5) RD = RECORD DISTANCE PER REFERENCE #8.



REFERENCES

- 1) DEED BOOK 3428, PAGE 481.
- 2) DEED BOOK 5181, PG.456.
- 3) PLAT BOOK 56, PAGE 254.
- 4) PLAT BOOK 58, PAGE 7.
- 5) PLAT BOOK 60, PAGE 117.
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FLOOD HAZARD NOTE

BY GRAPHICAL PLOTTING ONLY, A PORTION OF THE SURVEYED AREA LIES WITHIN A 100 YEAR FLOOD HAZARD AREA ZONE "A" PER FIRM PANEL 13139C0290G, DATED APRIL 4, 2018 & 13139C0291H, DATED DECEMBER 1, 2022.

THIS OPINION IS NOT A CERTIFICATION OF FLOOD HAZARD STATUS, BUT IS AN INTERPRETATION OF THE REFERENCED MAP AND PUBLIC DATA. IF THE EXACT LOCATION OF ELEVATION(S) OF FLOOD HAZARD BOUNDARIES ARE NECESSARY, A MORE DETAILED STUDY MAY BE NEEDED. THIS FIRM ASSUMES NO RESPONSIBILITY OR LIABILITY FOR THE ACCURACY OF THE ABOVE REFERENCED MAP OR PUBLIC DATA.

NOTE:

BEARINGS AND ELEVATIONS SHOWN HEREON ARE BASED ON GPS OBSERVATIONS USING CARLSON/CHAMPION GNSS ROVER EQUIPMENT AND EGPS SOLUTIONS REAL TIME NETWORK ADJUSTMENT AT DATE OF FIELD WORK.

THIS SURVEY WAS PREPARED UTILIZING A DUAL FREQUENCY GPS RECEIVER NETWORK RTK CORRECTIONS WERE RECEIVED VIA CELLULAR MODEM. THE BASE STATION NETWORK IS OPERATED AND MAINTAINED BY EGPS SOLUTIONS, INC.

THE RELATIVE POSITIONAL ACCURACY AS CALCULATED ACCORDING TO THE FEDERAL GEOGRAPHIC DATA COMMITTEE PART 3, NATIONAL STANDARD FOR SPATIAL DATA ACCURACY IS 0.04 FT. HORIZONTAL AND 0.07 FT. VERTICAL AT A 95% CONFIDENCE LEVEL.

THE FIELD SURVEY WAS COMPLETED ON 11/1/23.

PLAT CLOSURE STATEMENT:

THIS PLAT HAS BEEN CALCULATED FOR CLOSURE & IS ACCURATE WITHIN ONE FOOT IN 118,192 FEET, AND CONTAINS A TOTAL OF 0.854 ACRES.

GRAPHIC SCALE



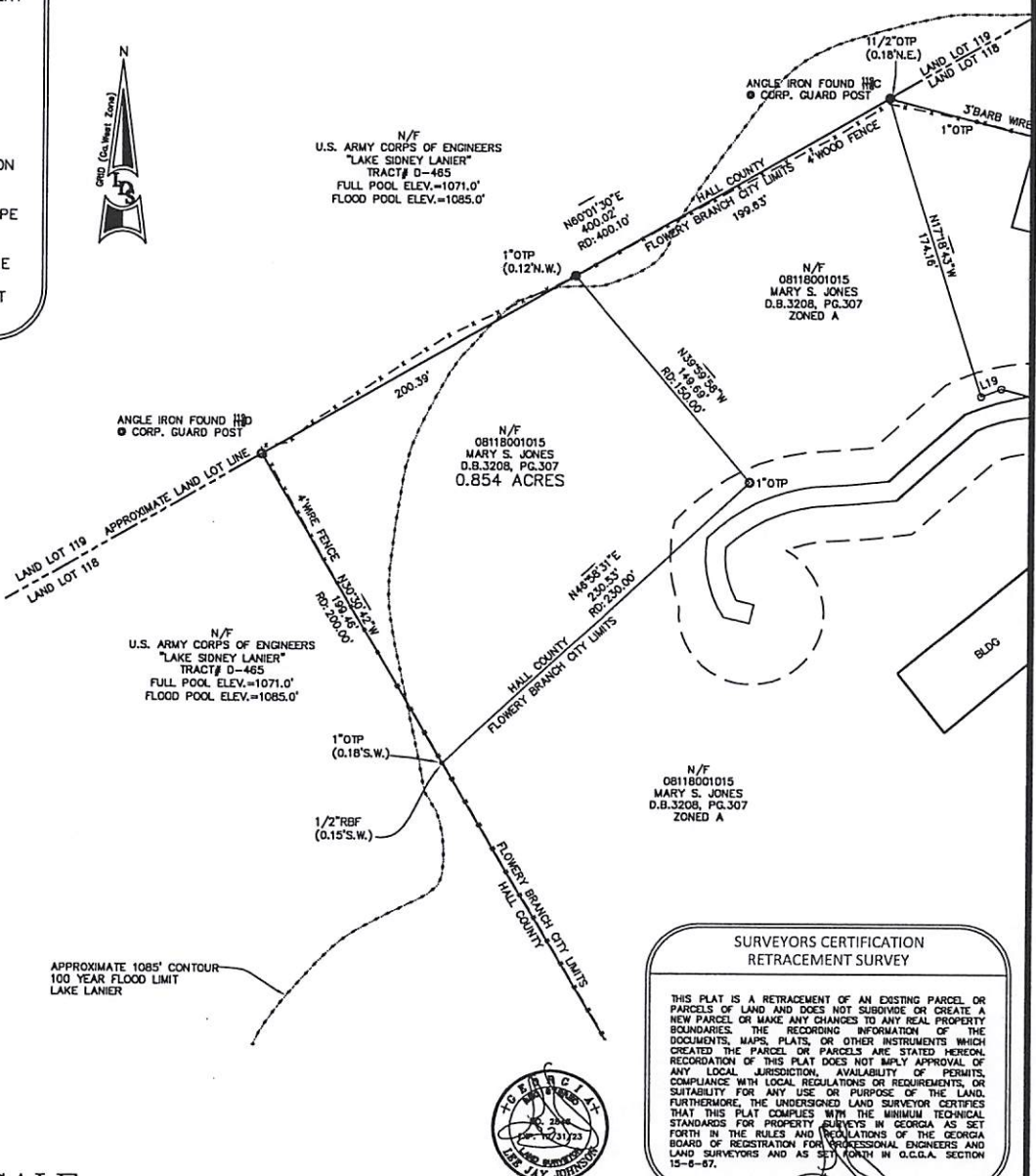
(IN FEET)

1 inch = 50 ft.

THE TERM "CERTIFICATION" OR TO "CERTIFY" RELATING TO LAND SURVEYING SERVICES SHALL MEAN A SIGNED STATEMENT BASED UPON FACTS AND KNOWLEDGE KNOWN TO THE REGISTRANT AND IS NOT A GUARANTEE OR WARRANTY, EITHER EXPRESSED OR IMPLIED.

THIS PLAT WAS PREPARED FOR THE EXCLUSIVE USE OF THE PERSON, PERSONS, OR ENTITY NAMED IN THE CERTIFICATE HEREON. SAID CERTIFICATE DOES NOT EXTEND TO ANY UNNAMED PERSON WITHOUT AN EXPRESS RETRIFICATION BY THE SURVEYOR NAMING SAID PERSON.

INFORMATION REGARDING THE REPUTED PRESENCE, SIZE, CHARACTER AND LOCATION OF EXISTING UNDERGROUND UTILITIES AND STRUCTURES IS SHOWN HEREON. THERE IS NO CERTAINTY OF THE ACCURACY OF THIS INFORMATION AND IT SHALL BE CONSIDERED IN THAT LIGHT BY THOSE USING THIS DRAWING. THE LOCATION AND ARRANGEMENT OF UNDERGROUND UTILITIES AND STRUCTURES SHOWN HEREON MAY BE INACCURATE AND UTILITIES AND STRUCTURES NOT SHOWN MAY BE ENCOUNTERED. THE OWNER, HIS EMPLOYEES, HIS CONSULTANTS AND HIS CONTRACTORS SHALL HEREBY DISTINCTLY UNDERSTAND THAT THE SURVEYOR IS NOT RESPONSIBLE FOR THE CORRECTNESS OR SUFFICIENCY OF THIS INFORMATION.



SURVEYORS CERTIFICATION RETRACEMENT SURVEY

THIS PLAT IS A RETRACEMENT OF AN EXISTING PARCEL OR PARCELS OF LAND AND DOES NOT SUBDIVIDE OR CREATE A NEW PARCEL OR MAKE ANY CHANGES TO ANY REAL PROPERTY BOUNDARIES. THE RECORDING INFORMATION OF THE DOCUMENTS, MAPS, PLATS, OR OTHER INSTRUMENTS WHICH CREATED THE PARCEL OR PARCELS ARE STATED HEREON. RECORDATION OF THIS PLAT DOES NOT IMPLY APPROVAL OF ANY LOCAL JURISDICTION, AVAILABILITY OF PERMITS, COMPLIANCE WITH LOCAL REGULATIONS OR REQUIREMENTS, OR SUITABILITY FOR ANY USE OR PURPOSE OF THE LAND. FURTHERMORE, THE UNDERSIGNED LAND SURVEYOR CERTIFIES THAT THIS PLAT COMPLES WITH THE MINIMUM TECHNICAL STANDARDS FOR PROPERTY SURVEYS IN GEORGIA AS SET FORTH IN THE RULES AND REGULATIONS OF THE GEORGIA BOARD OF REGISTRATION FOR PROFESSIONAL ENGINEERS AND LAND SURVEYORS AND AS SET FORTH IN O.C.G.A. SECTION 15-6-87.

RETRACEMENT SURVEY FOR:

H. CARSON SMITH



**LAND DEVELOPMENT
SURVEYORS, INC.**

P.O. BOX 2050
Dacula, GA. 30019
(770) 882-8206
LDSURVEY@BELLSOUTH.NET
COA LSF#000832

Date: 12/4/23 Land Lot: 118 District: 8th

County: HALL COUNTY, GA Scale: 1"=50'

Proj. Manager: Drawn By: MSF Checked By: LJW

Job Number: 23180 File Number:

Sheet No.

1 of 1



Memorandum

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

From: Chris McCrary, Planning and Community Development Director

Date: September 4th, 2025

Subject: Annexation of a portion of 6300 Jones Road; Rezoning of 6300, 6294, 6290, 6270, 6258, 6246, 6249 Jones Road

Applicant: Chris Hill
Heritage Group Homes, LLC
P.O. Box 1929
Buford, GA 30515
770-822-2499

Existing Zoning: Flowery Branch **R-1** (Residential, Detached Single-Family, Low-Density District) and Hall County **V-C** (Vacation Cottage)

Proposed Zoning: Flowery Branch **R-2** (Detached Single-Family, Moderate-Density District).

Location:

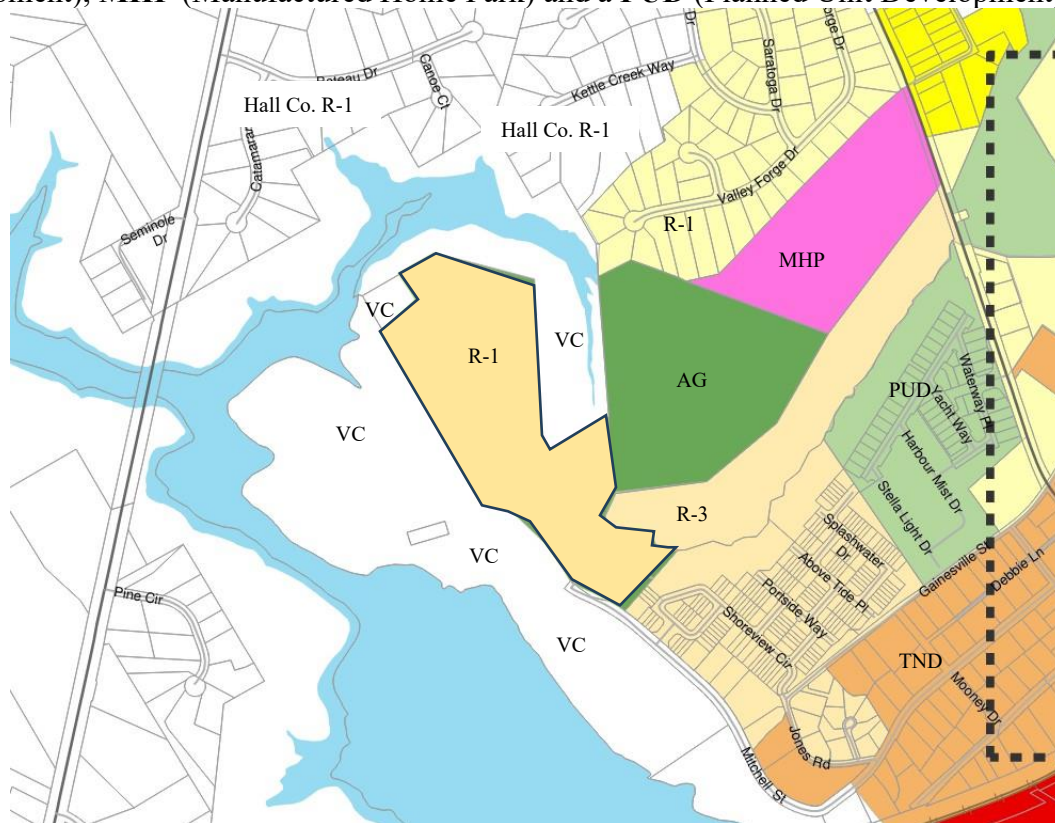
- 6300 Jones Road, tax parcel identification number **08118 001015**,
- 6294 Jones Road, tax parcel identification number **08118 001009**,
- 6290 Jones Road, tax parcel identification number **08118 001002D**,
- 6270 Jones Road, tax parcel identification number **08118 001002E**,
- 6258 Jones Road, tax parcel identification number **08118 001012**,
- 6246 Jones Road, tax parcel identification number **08118 001020**,
- 6249 Jones Road, tax parcel identification number **08118 001002F**

Heritage Group Homes, LLC is applying for an annexation of a portion of 08118 001015 (0.854 acres) and rezoning of all parcels listed above from Hall County **V-C** (Vacation Cottage), Flowery Branch **R-1** (Residential, Detached Single-Family, Low-Density District) and **A** (Agricultural) to **R-2**- (Detached Single-Family, Moderate-Density District). Total development acreage is +/- 22.14.



Zoning Map:

The subject property is currently zoned Hall County **V-C** (Vacation Cottages) and **R-1** (Residential, Detached Single-Family, Low-Density District). Proposed zoning is Flowery Branch **R-2** (Detached Single-Family, Moderate-Density District). The surrounding properties are zoned Flowery Branch **A** (Agricultural), **R-3** (Residential Multi-family) and the majority of surrounding parcels are zoned Hall County **V-C** (Vacation Cottages). Nearby uses not directly adjacent to the subject site include Hall County **R-1** (Low- Density Residential) and Flowery Branch **R-1** (Residential, Detached Single-Family, Low-Density District), **TND** (Traditional Neighborhood Development), **MHP** (Manufactured Home Park) and a **PUD** (Planned Unit Development).



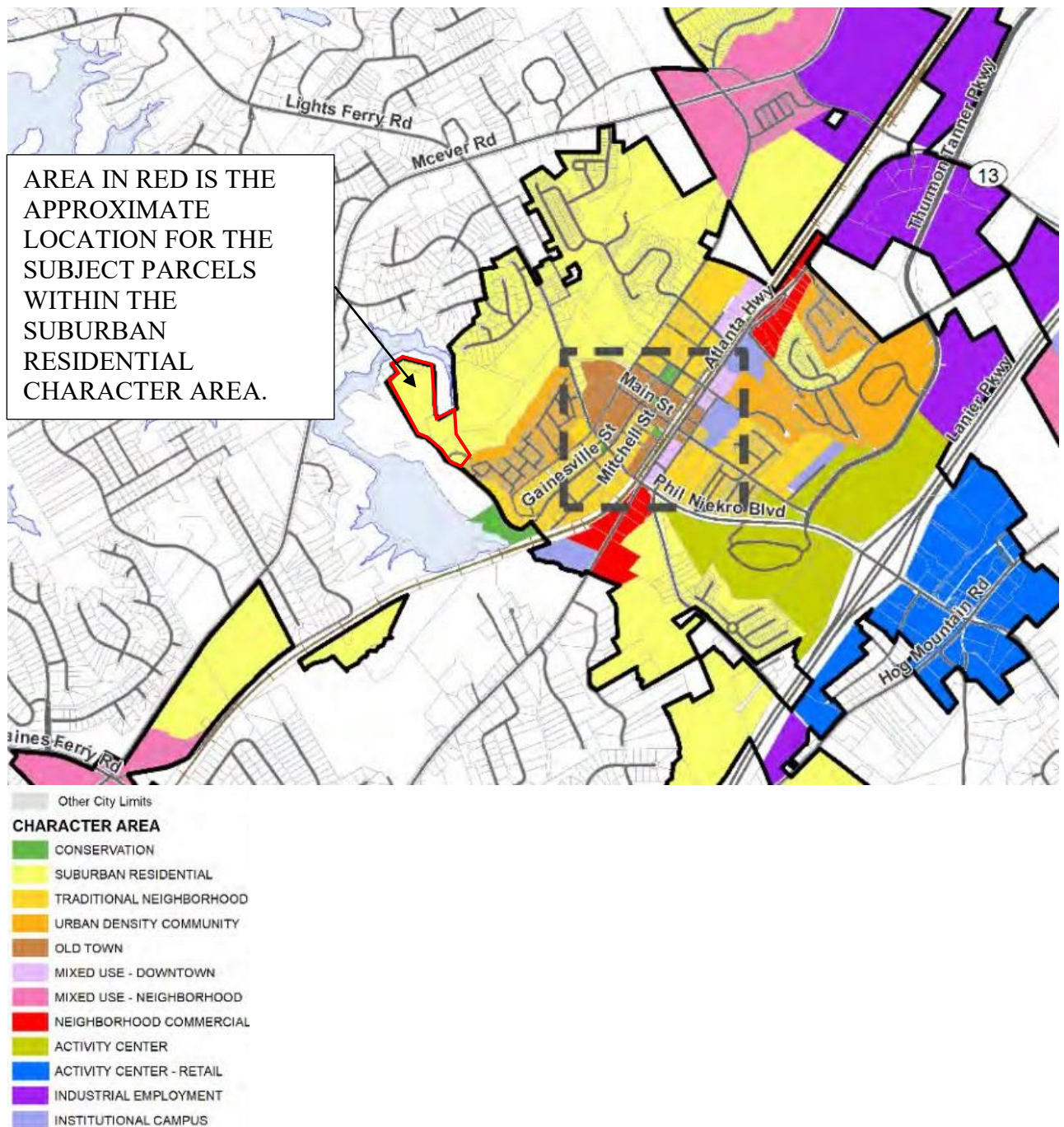
Legend

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)		



Future Development Map





Suburban Residential

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

Vision

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

Design Principles

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

Land Uses

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

Zoning

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

Implementation Strategies

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

Illustrative Photos





The Future Development Map from the City of Flowery Branch Comprehensive Plan indicates that the subject parcels fall within the Suburban Residential Character Area. The proposed zoning to **R-2** (Detached Single-Family, Moderate-Density District) falls in harmony with the Suburban Residential Character Area based on the following criteria:

Land Use:

- Single-Family Detached Residential

Zoning:

- **R-2** (Detached Single-Family, Moderate-Density District)

Design Principles:

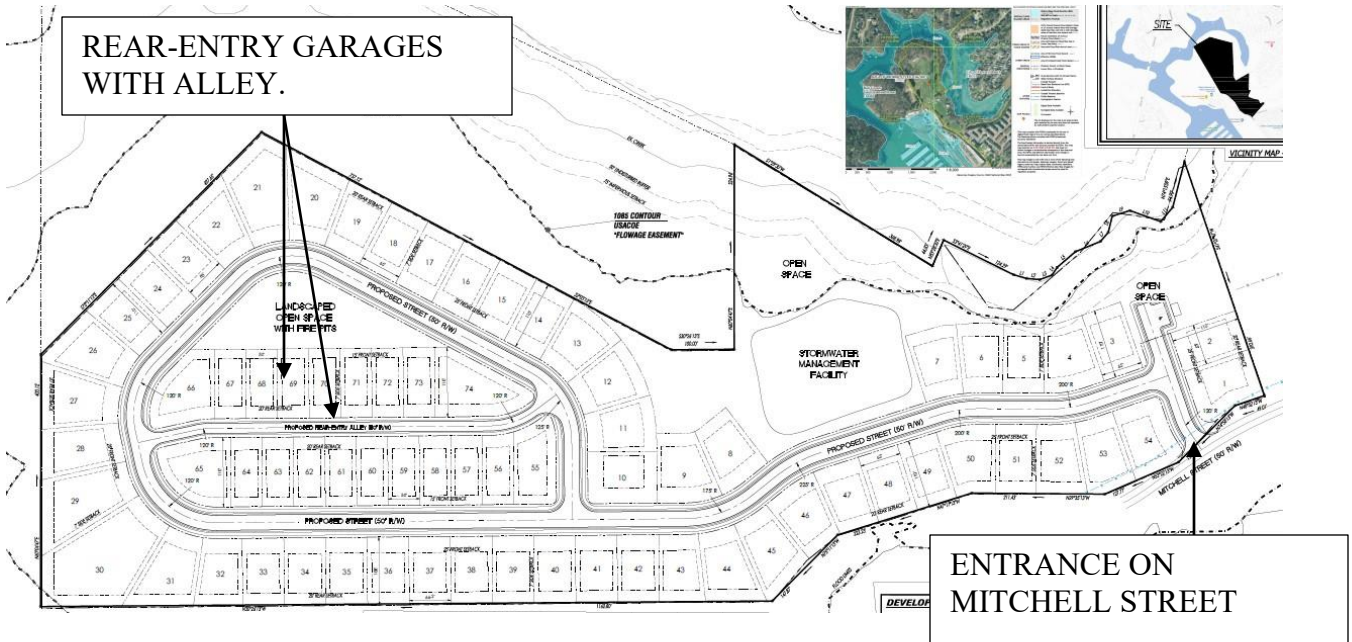
- Larger lots (1/3 to 1 acre) with houses set back from the road,
- Cul-de-sacs and curvilinear streets (that are relatively wide when compared to traditional neighborhoods) with sidewalks,
- Use of high-quality exterior cladding materials (that are consistent on each level of the home),
- Diverse architectural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

The proposed zoning of **R-2** is a listed zoning category in the Suburban Residential Character area. It's reasonable to believe that rezoning the subject site brings the area into the intended zoning based on the Future Development Map.

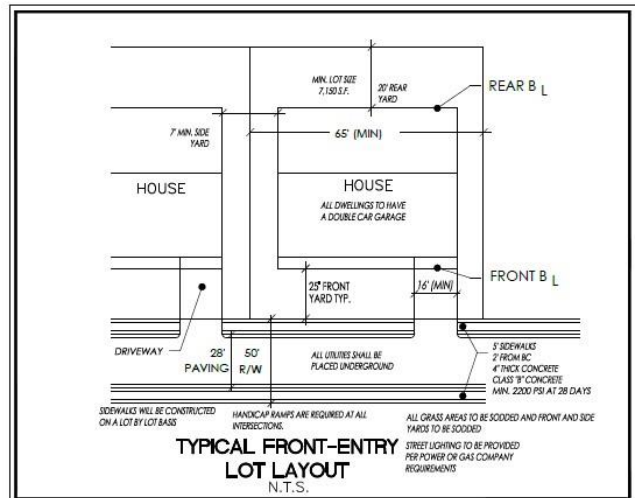
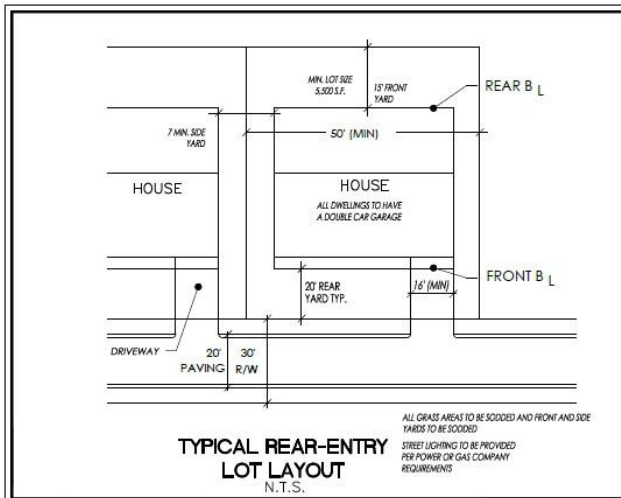
Sewer Design and Capacity Impacts

The proposed development of 74 residential units will generate a peak sanitary sewer demand of **20,350** gallons per day, based on the City's standard rate of 275 gallons per unit. Given the City's current peak capacity of **727,798** gallons per day, bringing these units online would reduce available capacity to approximately **707,448** gallons per day.

Because of the site's location, the sanitary sewer will rely on an existing lift station and the lift station will be required to be upgraded with the added capacity; the Engineer of Record must work closely with the Public Utility Department throughout the design process. All pump station plans must comply with Chapter 50 (Utilities), Article II (Standard Specifications), Division 2 (Construction), Subdivision VII (Pump Stations), as well as any additional criteria established by the Public Utilities Director.



The proposed subdivision is on 22.17 acres and contains a total of 74 single-family residential homes. Proposed 54 units with front-entry garages and 20 units with rear-entry garages.



Rear-entry dimensions are shown to be 50 feet in width and 5,500 square feet. Front-entry lots are shown as 65 feet and 7,150 square feet.



DEVELOPMENT SUMMARY

1. EXISTING BOUNDARY ACREAGE: ± 22.17 ACRES
2. TAX PARCELS: 08118 001015, 001009, 001002D, 001002E, 001012, 001020, AND 001002F.
3. EXISTING ZONING: R1, AR3 AND VC
4. TOTAL No. PROPOSED UNITS: 74
FRONT-ENTRY: 54 UNITS
REAR-ENTRY: 20 UNITS
GROSS DENSITY: ± 3.34 UNITS/ACRE
NET DENSITY: ± 3.41 UNITS/ACRE
5. OPEN SPACE REQUIRED = 3.33 ACRES (15%)
6. OPEN SPACE PROVIDED = ± 4.86 ACRES (INCLUDING STORM WATER MANAGEMENT FACILITIES)
= ± 3.94 ACRES (EXCLUDING STORM WATER MANAGEMENT FACILITIES)
7. PROPOSED SETBACKS: (SEE TYPICAL LOT DETAIL)
MAXIMUM BUILDING HEIGHT: 35 FT. (14' BUILDING SEPARATION)
8. TOTAL LENGTH OF STREETS: $\pm 3,742$ L.F.
9. BOUNDARY INFORMATION BASED ON HALL COUNTY GIS.
10. TOPOGRAPHIC AND UTILITY INFORMATION BASED ON HALL COUNTY GIS. DATUM IS MEAN SEA LEVEL.
11. WATER AND SANITARY SEWER SERVICE TO BE PROVIDED BY THE CITY OF FLOWERY BRANCH.
12. ALL CONSTRUCTION SHALL CONFORM TO THE CITY OF FLOWERY BRANCH'S STANDARDS AND SPECIFICATIONS.
13. ALL PROPOSED UTILITIES SHALL BE UNDERGROUND.
14. SITE PLAN IS CONCEPTUAL IN NATURE AND IS SUBJECT TO CHANGE BASED ON ACTUAL FIELD CONDITIONS.
15. PORTIONS OF THE PROPERTY LIE WITHIN A 100-YEAR FLOOD PLAIN (ZONE "A" OR "AE") AS DESIGNATED ON F.I.R.M. FLOOD PANELS 13139C0280G, 13139C0283G, & 13139C0290G DATED APRIL 4TH, 2018, AND FLOOD PANEL 13139C0291H DATED DECEMBER 1ST, 2022.



The applicant is proposing to rezone the site to **R-2** with concurrent variances. The following variances are proposed with the rezoning case:

Variances to Table 6.1:

- Reduction in required side building setbacks for all units from 15-feet to 7-feet.
- Reduction in required front building setbacks for rear-entry garage units from 25-feet to 15-feet.
- Lot size reduction from 15,000 square feet to 7,150 square feet for front-entry garage units and 5,500 square feet for rear-entry garage units.
- Lot width reductions from 75-feet to 65-feet for front entry garages units and 50-feet for rear-entry garage units.

The following variance justification is from the applicant's submittal:

Setbacks: We are building larger footprint homes, including some ranch homes that require smaller setbacks. We are maintaining the required 25-foot front setback and 20-foot rear setback on the front entry homes and maintaining the 20-foot rear setback on the rear entry homes. Since we are providing front entry and rear entry product types, we request the side setbacks of 7 feet (maintaining 14 feet between homes) and a front setback of 15 feet for rear entry homes, to create an enhanced streetscape.

Lot Size and Lot Width: We are requesting a lot width reduction from 75 feet to 65 feet for front entry homes and 55 feet on rear entry homes to accommodate the larger houses. A lot size reduction from 15,000 square feet to 7,150 square feet for front entry and 5,500 square feet for rear entry. This allows for both home types to be constructed with average lot width for front entry homes of 69 feet and slightly over 55 feet for rear entry homes.



Variance to Section 12.7

The primary entrance to a residence must be emphasized through the use of an unenclosed roofed porch, veranda or terrace that is a minimum of: six (6) feet deep (not including the steps); and, 40% of the width of the front façade or 11 feet, whichever is greater.

The applicant is requesting the front porch dimensions be six (6) feet deep (not including the steps) and 11 feet wide. The request would eliminate the percentage portion of the code requirement for front porches which reads, “40% of the width of the façade **or** 11 feet, **whichever is greater**”, adjusting the requirement so that the front porches carry solely the requirement of a minimum of six (6) feet deep (not including the steps) and eleven (11) feet wide.

The following variance justification is from the applicant’s submittal:

Front Porches: We are requesting to eliminate the 40 percent of front façade requirement and comply with front porches of at least 11 feet in width and 6 feet in depth. Our homes are a larger footprint with greater widths and the 40 percent would require a porch that would create a proportional issue with the two car garages and the front facades of the homes.

Variance to Appendix B – Subdivision Regulations – Article 10 – Access and Design Requirements for Road – Table 10.1

Radius of curvature of the center line, minimum 275 feet. The applicant is requesting a reduction to the centerline curvature radius to 120 feet.

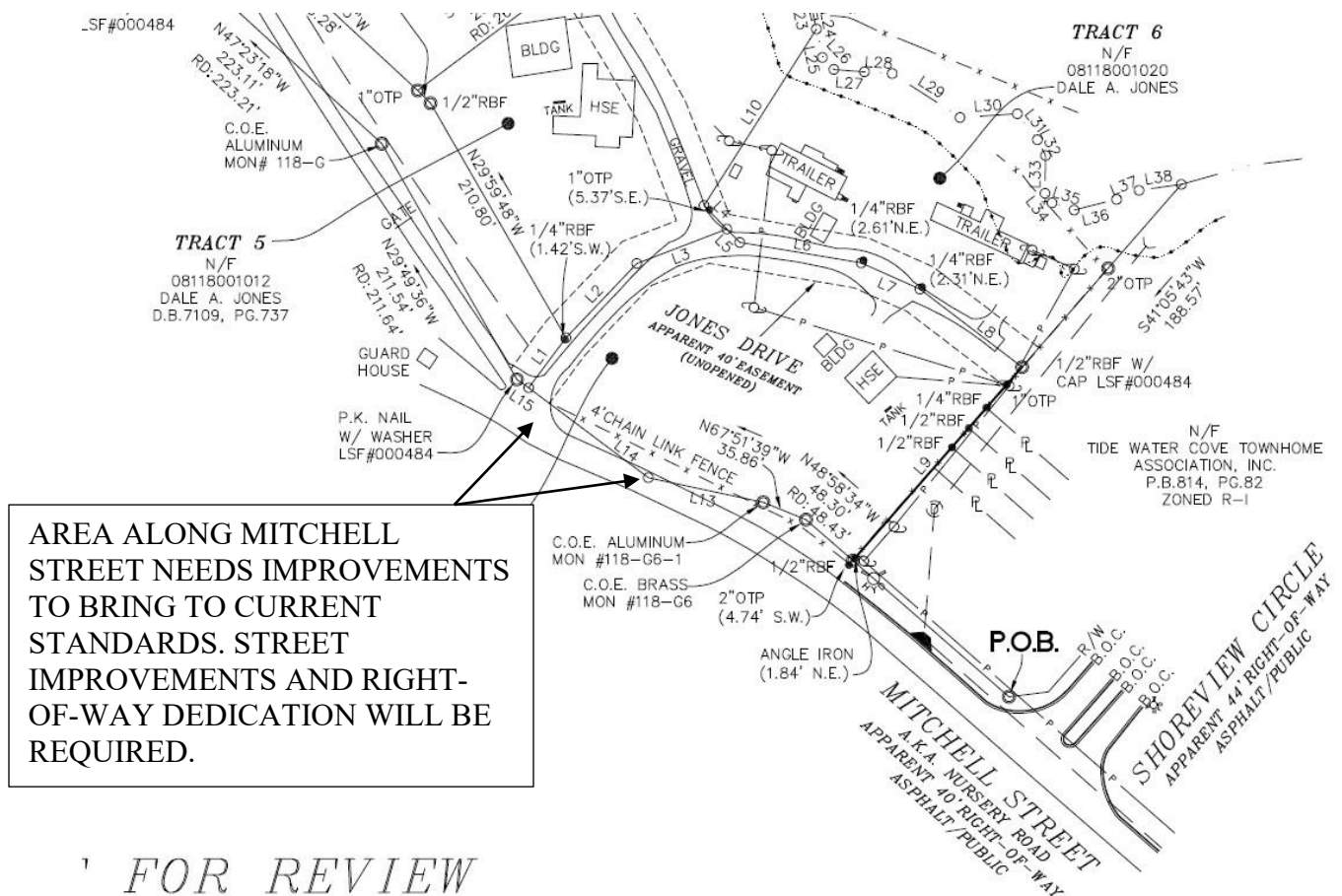
The following variance justification is from the applicant’s submittal:

Street radius of 275 feet of curvature of center line: We are requesting a reduction in the requirement of 275 feet radius to a minimum of 120-foot radius in order to provide a safer street layout. Smaller radius and horizontal curves serve as traffic calming devices aim to reduce speeds and improve safety by making curves more visible, providing advance warning, and potentially altering the road’s geometry to encourage slower, more deliberate driving. Larger radiuses encourage street designs with longer and straighter roads that can lead to cars traveling at higher speeds than posted.



Road Access

The proposed subdivision will be accessed from Mitchell Street. Mitchell Street is not to current design standards concerning right-of-way width and street design.





Road and Right-of-way widths are less than the minimal standards. Curb and gutter, including sidewalks, are required along Mitchell Street at the development.

1. Site Access

- A single entrance is proposed from Mitchell Street.
- The entrance must be to City Standards with street widths and radius returns.
- Mitchell Street must be improved to current standards from Tidewater to the subdivision entrance.
- The remainder of Mitchell Street to Jones Street is a Hall County Road. The city cannot make improvements beyond the development's road frontage unless it is a city street. Ideally the City would study the non-standard portion of Mitchell Street by a Professional Engineer to provide an opinion of probable construction cost (OPCC). The applicant could commit to paying a percentage of the cost of improvement to Mitchell Street based on the engineer's OPCC.

2. Sight Distance

- The entrance design must meet the minimum sight-distance requirements specified in the GDOT Driveway Manual. The engineer shall verify that both stopping-sight distance (SSD) and operational-sight distance (OSD) criteria are satisfied under existing field conditions.



3. Utility Coordination

- Any utilities located within the street improvements must be relocated outside of the pavement area.
- All costs associated with utility relocation shall be borne by the developer and coordination with the respective utility owners must be completed prior to construction.

All design elements shall comply with GDOT standards. Coordination with Hall County DOT, City of Flowery Branch, and affected utility providers should occur early in the design process to avoid delays.

Open Space: Civic and Amenity spaces

The applicant submitted a conceptual site plan and labeled some common areas as open space. However, Article 10, Section 10.22 Open Space Requirements requires more detail to show compliance. For residential developments the code requires 10% of the project area to be Civic Space and 5% of the project area to be Amenity Space. The applicant will be required to provide details of the amenity and civic spaces.

Civic Space:

- 1) *Park*. An open space available for structured or unstructured recreation. A park may be independent of surrounding buildings at its edges. Its landscape may consist of paths and trails, meadows and lawns, water bodies, runoff reduction measures such as bioretention areas, swales, cisterns, and woodlands. Recreation fields and courts may also be included. The minimum size for a park is one acre.
- 2) *Square*. An open space available for unstructured recreation and civic purposes. A square is spatially defined by building or streets at its edges. Its landscape must consist of paths and trees and may also include runoff reduction measures such as bioretention areas and cisterns, lawns and non-asphalt paved surfaces. The minimum size for a square is one-half acre.
- 3) *Plaza*. An open space, available for civic purposes and commercial activities. A plaza must be spatially defined by building or streets at its edges. Its landscape must consist primarily of non-asphalt paved surfaces and trees, and may include runoff reduction measures such as bioretention areas and cisterns. The minimum size for a plaza is one-quarter acre.
- 4) *Pocket Park*. An open space, available for unstructured recreation. A pocket park may be spatially defined by buildings or streets at its edges. Its landscape must consist of lawn and trees and may include runoff reduction measures such as bioretention areas and cisterns. There is no minimum size for pocket parks.
- 5) *Playground*. An open space designed and equipped for the recreation of children. A playground must be fenced and may include an open shelter. Playgrounds must be



- interspersed within residential areas, may be placed within a block, and may be included in parks and greens. There is no minimum size for playgrounds. Playgrounds may include runoff reduction measures such as bioretention and underground detention.
- 6) *Performance Venues*. An open space available for outdoor performances. Performance venues typically include a stage surrounded by formal or informal seating on at least one side. Performance venues may have a combination of landscaped and hardscaped areas. The minimum size for a performance area is one-half acre.
 - 7) *Multi-Use Trails with Potential Connections to Offsite Trails*. A linear open space consisting of a conforming multi-use trail that includes a connection to existing or proposed off-site trails. There is no minimum size for this type of open space.
 - 8) *Park Overlooks*. An open space primarily intended for the viewing of parks and other open spaces. Park overlooks must include seating. There is no minimum size for park overlooks.

Amenity Space

Amenity space is the covered or uncovered, but unenclosed, outdoor areas of at least 100 square feet each for use by the occupants, invitees and guests of the development and specifically excluding Civic Spaces and required sidewalks. Amenity spaces may include, but are not limited to:

- 1) Rooftop decks;
- 2) Balconies (min. 6' x 8');
- 3) Patios and porches;
- 4) Outdoor dining areas;
- 5) Pool areas;
- 6) Tennis courts, basketball courts, and similar uses;
- 7) Yards, lawns, and flower gardens;
- 8) Community gardens;
- 9) Hardscape areas improved for pedestrian enjoyment;
- 10) Wooded areas; and
- 11) Runoff reduction measures such as bioretention areas and cisterns.



Each amenity area approved must be available and accessible as exterior space appropriately improved for pedestrian amenities or for aesthetic appeal, subject to approval by Director of Community Development. Above-ground-cistern design and appearance shall also require approval by the Director.

Additional Open Space Requirements:

- Open space requirements may be met using existing and/or new open space, subject to approval of the Director of Community Development.
- Open space may be privately or publicly owned. Private open space is open space that is owned by a corporation, individual, or homeowners' association. Public open space is open space owned by a governmental agency.
- Wetlands, lakes, ponds, streams, rivers, flood zones, and stream buffers may only be considered open space when located within one of the eight types of civic spaces identified in Section 2.10.C or within an amenity space that conforms Section 2.10.10.D, unless part of an approved stormwater management plan for the site that includes runoff reduction measures.
- No required buffer may be used to satisfy open space requirements, except for stream buffers that are improved with trails and other authorized amenities.
- Stormwater management facilities for the site may be used to satisfy open space requirements if they meet this Chapter's definition of open space. Open space credit may be given at the discretion of the Director of Community Development.
- No areas used for vehicles, except for incidental service, maintenance, or emergency actions, may be used to satisfy open space requirements.



Architectural Concepts

The applicant submitted conceptual renderings of the proposed architecture. However, without detailed floor plans and a materials list, staff is unable to verify compliance with the City's established single family residential architectural treatment and dimensional standards. To facilitate a thorough review, the applicant must provide complete architectural drawings, including architectural material details and floor-plan details, in order to confirm that all requirements are met. A detailed review is done by staff following Article 40 prior to the issuance of permits. The design concepts provided are for illustrative purposes only and were submitted as part of the rezoning case.









Flowery Branch Code Section 34.7 – Analysis Requirements

- a) **Whether the proposal will permit a use that is suitable in view of the use and development of adjacent and nearby property.**

Rezoning to **R-2** (Detached Single-Family Residential) will permit a use that is suitable in view of the use and development of adjacent and nearby property.

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

Rezoning to **R-2** (Detached Single-Family, Moderate-Density District) 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 a reasonable economic use as currently zoned.**

It's reasonable to believe that the current zoning of **R-1** (Detached Single-Family Low-Density Residential) does have an economic use due to the trend of residential area development in Flowery Branch.

- 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.**

Rezoning to **R-2** (Detached Single-Family Medium-Density Residential) could have measurable impacts to Mitchel Street. The existing streets are not to Flowery Branch standards. Improvements will be needed to support the additional traffic with the development.

- 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.**

Rezoning to **R-2** Detached Single-Family, Moderate-Density District) is in conformity with the Flowery Branch 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 surrounding properties are zoned **A** (Agricultural), **R-3** (Residential Multi-family) and the majority of zoning surrounding the parcels are Hall County **V-C** (Vacation Cottages). Nearby uses not directly adjacent to the subject site includes Hall County **R-1** (Low-Density Residential), Flowery Branch **R-1** (Low-Density Residential), **TND** (Traditional Neighborhood Development), **MHP** (Manufactured Home Park), and a **PUD** (Planned Unit Development).

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.

It's reasonable to believe that the property value would increase by re-zoning from **R-1** (Detached Single-Family Low-Density Residential) to **R-2** (Detached Single-Family Moderate-Density Residential).

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

The proposed zoning map amendment approval will not be a deterrent to the value of adjacent property in accordance with existing regulations.

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

There are nearby Single-Family developments with higher density in the area.



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

Rezoning to **R-2** (Detached Single-Family Moderate-Density Residential) is in harmony with the future land development of the Comprehensive Plan and will be a positive change aligning with the vision of the City.

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

The City of Flowery Branch will do an extensive review of stormwater management and erosion control, including, but not limited to; drainage, soil erosion and sedimentation, flooding, air quality and water quality on any proposed development to minimize impacts on the environment. In **R-2**, mass grading can be avoided, disturbing areas only for infrastructure, streets, and the construction of homes. Limited grading and more undisturbed areas in the development helps with environmental impacts, specifically in this case due to the proximity to Lake Lanier.

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.

Rezoning to **R-2** (Detached Single-Family Moderate-Density Residential) is in harmony with the future land development of the Comprehensive Plan

Recommendation:

Staff recommends **APPROVAL** of the proposed annexation of the 0.854-acre tract of parcel 08118 001015. Staff recommends the **APPROVAL** of the proposed rezoning from Flowery Branch **R-1** (Detached Single Family Low Density Residential) and Hall County **V-C** (Vacation Cottage) to Flowery Branch **R-2** (Detached Single-Family Moderate-Density Residential) for the following parcels:

- 6300 Jones Road (including the portion of the parcel in unincorporated Hall County to be annexed into Flowery Branch); tax parcel identification number **08118 001015**,
- 6294 Jones Road, tax parcel identification number **08118 001009**,
- 6290 Jones Road, tax parcel identification number **08118 001002D**,
- 6270 Jones Road, tax parcel identification number **08118 001002E**,
- 6258 Jones Road, tax parcel identification number **08118 001012**,
- 6246 Jones Road, tax parcel identification number **08118 001020**,
- 6249 Jones Road, tax parcel identification number **08118 001002F**



Conditions of Approval:

Please find below the proffered conditions for the proposed rezoning, organized by discipline and drafted to ensure consistency with the submitted concept materials and to protect the public interest:

1. General Development

- a. The total number of residential lots within the development shall not exceed 74.
- b. The development design shall be substantially similar to the concept plan provided with the zoning application.
- c. Density Measurement:
Density shall be calculated on a net basis, in accordance with the definition of “Net Density” set forth in Article 2, Section 2.2 (Design-Related Definitions).
- d. Maximum net density shall not exceed 4 units per acre.
- e. Open Spaces must be compliant with Code Section 10.22 concerning Civic and Amenity space percentages. Civic and Amenity spaces must be in relatively flat areas for public use. Walking trails shall be designed in a manner to avoid steep slopes. Final review and approval of all Open Spaces shall be by the Director of Planning and Community Development.
- f. A mandatory Homeowners Association shall be established.
- g. The development shall be fee-simple homes for sale and the homeowner’s association covenants must contain the following provisions:
 - i. No more than ten percent (10%) of the total homes may be leased.
 - ii. No more than two houses may be owned by one owner in the development, and the owner or the owner’s immediate family member must reside at one of the two homes.
 - iii. A homeowner may apply to the board of directors of the HOA for a “hardship” exception to exceed the 10% lease limit in the event the homeowner can demonstrate the need to lease their home due to extenuating circumstances. A lease permitted under the “hardship” exception shall not exceed one year, after which the owner must reapply for an exception. The granting of hardship exceptions shall be at the discretion of the HOA board of directors.

2. Civil Site Engineering

- a. The final site-grading, stormwater, and utility plans shall be in substantial conformity with the Rezoning Concept Plan, including all delineated amenities, open spaces, and public gathering areas.
- b. No grading, filling, or earthmoving shall occur within the 75-foot impervious setback from state waters without prior approval of the Director of Planning &



Community Development; such activities shall be minimized in accordance with Code § 27.6(b).

3. Building Design

- a. Exterior elevations shall comply with design requirements in Article 12 of the Flowery Branch Zoning Ordinance.
- b. Only authentic brick or natural stone shall be utilized.
- c. All building facades shall be approved through the Design Review process per Article 40 and shall meet the design requirements in Article 10 and Article 12 unless specific variance(s) are approved.

4. Streets, Sidewalks & Stormwater Facilities

- a. All internal streets and sidewalks shall be public to City design standards and be dedicated at the conclusion of the Final Plat. Stormwater management systems shall remain private and be maintained at the HOA's expense.
- a. Internal alley street shall be private and owned and maintained by the HOA.

5. Signage, Landscaping & Lighting

- a. An overall signage program, a detailed landscape plan sealed by a Georgia-registered landscape architect, and a comprehensive site-lighting plan shall be submitted to the Department of Community Development for review and approval.
- b. The landscape plan shall include high-quality treatments for the entrance, open spaces, trails, pathways, and amenities.
- c. As part of the landscape review, the applicant shall submit a typical landscape planting plan for the areas between homes, demonstrating erosion mitigation through landscaping. The final landscape design must be approved by the Director of Planning and Community Development.

6. Transportation Improvements

- a. The entrance must be to City Standards with street widths and radius returns.
- b. Mitchell Street must be improved to current standards from Tidewater to the remainder of the subdivision's road frontage.

7. Variances

- a. Unless otherwise stated in Conditions 7, approval of this rezoning does not grant any variances from local, state, or federal standards. Any such request must be submitted through the formal variance process to the appropriate jurisdiction.
- b. Approval of the following variances to Table 6.1,
 - i. Reduction in the required side building setbacks for all units from 15 feet to 7 feet.
 - ii. Reduction in required front building setbacks for rear entry garage units from 25-feet to 15-feet.
 - iii. Lot size reduction from 15,000 square feet to 7,150 square feet for front entry garage units and 5,500 square feet for rear entry garage units.
 - iv. Lot width reductions from 75 feet to 65 feet for front entry garages units and 50 feet for rear entry garage units.



- c. Approval of the following variance to Section 12.7.
 - i. The porch dimensions shall be six (6) feet deep (not including the steps); and 11 feet wide without considering 40% of the façade width.
- d. Approval of the following variance to Appendix B – Subdivision Regulations – Article 10 – Access and Design Requirements for Roads – Table 10.1.
 - i. A reduction of the radius curvature of the center line of the road from 275 feet to 120 feet.

8. **Public Utilities**

- a. Due to the site's location, the sanitary sewer will depend on an existing lift station, which must be upgraded to accommodate the increased capacity. The Engineer of Record shall collaborate closely with the Public Utility Department during the design process. All pump station plans must adhere to Chapter 50 (Utilities), Article II (Standard Specifications), Division 2 (Construction), Subdivision VII (Pump Stations), and any additional requirements set by the Public Utilities Director.

ORDINANCE 748

AN ORDINANCE AMENDING THE ZONING MAP OF THE CITY OF FLOWERY BRANCH, GEORGIA, BY REZONING REAL PROPERTY TOTALING 21.44+/-ACRES OF LAND, OWNED BY MARY S JONES, ELIZABETH ANN JONES, ANN JONES, DALE A JONES, AND DALE A JONES PROPERTIES #1 LLC, IDENTIFIED AS 6300, 6294, 6290, 6258, 6270, 6246 AND 6249 JONES ROAD, TAX PARCELS 08118 001015, 08118 001009, 08118 001002D, 08118 001002E, 08118 001012, 08118 001020, 08118 001002F AND AS SHOWN ON ATTACHED EXHIBIT “A”, AND AS DESCRIBED ON ATTACHED EXHIBIT “B”; TO BE REZONED FROM UNINCORPORATED HALL COUNTY AGRICULTURAL - RESIDENTIAL (VC) AND CITY OF FLOWERY BRANCH RESIDENTIAL (R-1) TO CITY OF FLOWERY BRANCH SINGLE FAMILY RESIDENTIAL (R-2), AS SHOWN ON ATTACHED EXHIBIT “A”, AND AS DESCRIBED ON ATTACHED EXHIBIT “B”, PROVIDING FOR SEVERABILITY, REPEALING CONFLICTING ORDINANCES, PROVIDING FOR AN EFFECTIVE DATE AND FOR ALL OTHER LAWFUL PURPOSES.

WHEREAS, The owners of 6246 (parcel 08118 001020), 6258 (parcel 08118 001012) and 6270 (parcel 08118 001002E) Jones Road, owned by Dale A. Jones, 6249 Jones Road (parcel 08118 001002f), owned by Dale A. Jones Properties #1 LLC, 6294 Jones Road (parcel 08118 001009), owned by Elizabeth Ann Jones, 6290 Jones Road (parcel 08118 001002d), owned by Ann Jones and 6300 Jones Road (parcel 08118 001015), owned by Mary S. Jones, as shown and described on Exhibit “A” have submitted complete applications for rezoning and variances; and

WHEREAS, a complete description of the subject property being rezoned is included herein; and

WHEREAS, the City Council of the City of Flowery Branch, Georgia held a public hearing on July 17th, 2025, to consider the rezoning, 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 appropriate zoning classification of the subject property in light of the comprehensive plan.

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

SECTION 1. FINDINGS.

The City Council finds that the proposed rezoning from Unincorporated Hall County Vacation Cottage (V-C) and Flowery Branch Residential Low-Density District (R-1) to Flowery Branch Residential Moderate-Density District (R-2) 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. Use as R-2 is appropriate given residential development trends and it is reasonable to believe the property will have reasonable economic value so zoned.
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 precise determination has been made by staff with regard to the value differential between development under the current

zoning as opposed to R-2, although it is reasonable to believe value would increase as a result of the rezoning.

8. A proposed development will not be a deterrent to the value or improvement of development of adjacent property in accordance with existing regulations.
9. There are no known adverse effects that would result from the change in zoning district map, or change in use, on the character of a zoning district.
10. Development as proposed is not expected to impact on the environment, including but not limited to, drainage, soil erosion and sedimentation, flooding, air quality and water quality. Compliance with city subdivision and land development regulations will be required, which include but are not limited to soil erosion and sedimentation, stormwater, and flood damage prevention.

SECTION 2. REZONING.

The subject parcels, as shown on Exhibit “A” and as legally described in Exhibit “B”, are hereby rezoned from Unincorporated Hall County Vacation Cottage (V-C) and Flowery Branch Residential Low-Density District (R-1) to Flowery Branch Residential Moderate-Density District (R-2) conditioned on substantial compliance with the sketch depicted in Exhibit “C” and the Conditions of Approval noted in Exhibit “D”.

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.

This ordinance shall take effect immediately upon approval.

SECTION 6. REPEALER.

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

Approved this ____ day of _____ 2025.

Edward R. Asbridge, Mayor

Shelia R. Cooper, City Clerk

APPROVED AS TO FORM

Ted C. Baggett, City Attorney

Exhibit "A"

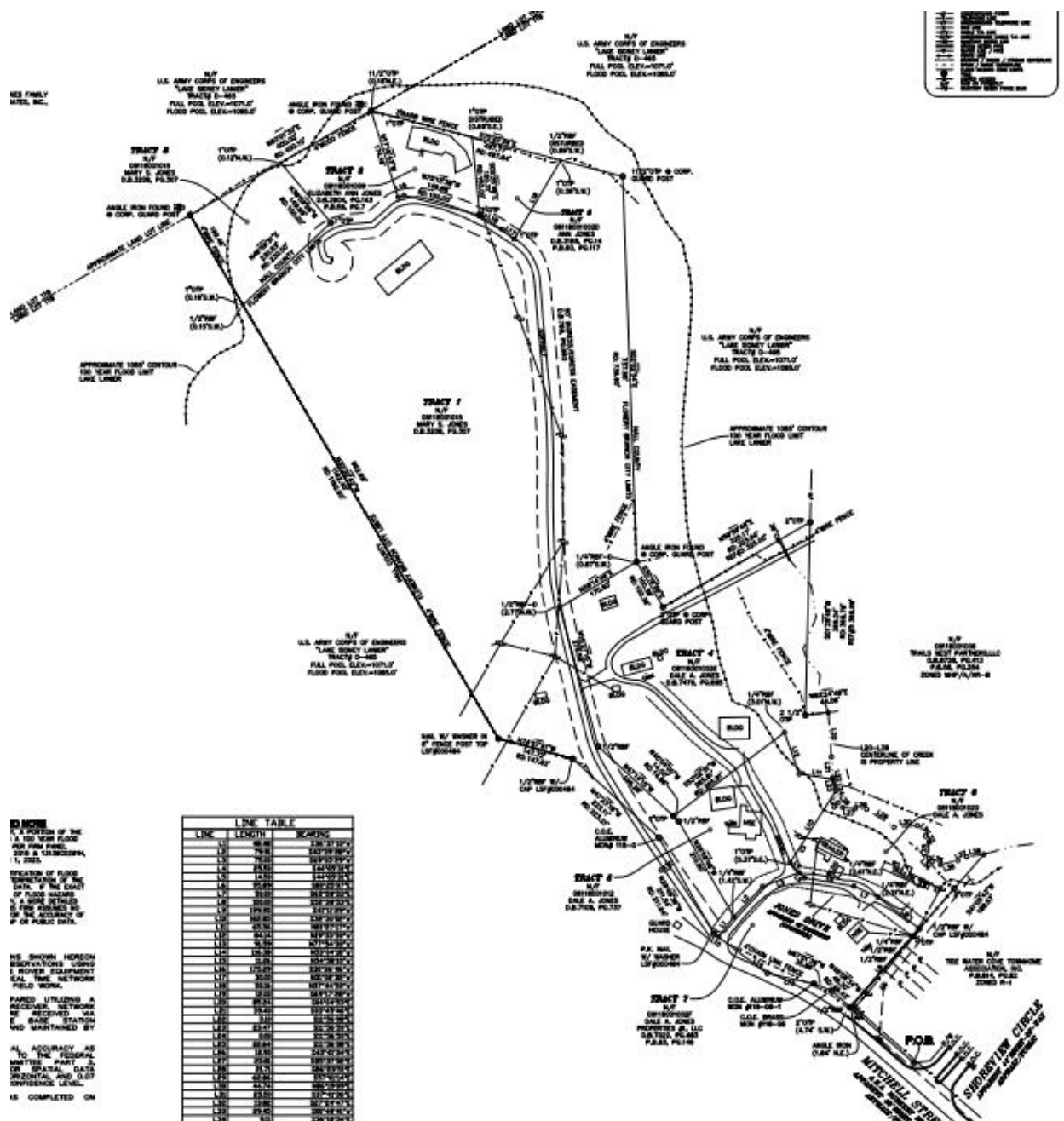


Exhibit "B"

LEGAL DESCRIPTION

OVERALL ACREAGE OF PROPERTY

All that tract or parcel of land lying and being in Land Lot 118, 8th District, City of Flowery Branch, Hall County, Georgia and being more particularly described as followed:

To find the True Point of Beginning, begin at a point at the intersection along the South Westerly Right-of-Way of Shoreview Circle (apparent 44' Right-of-Way) and the South Easterly Right-of-Way of Mitchell Street (apparent 40' Right-of-Way); THENCE from said point and following along the North Westerly Right-of-Way of Mitchell Street (apparent 40' Right-of-Way), North 48 degrees 51 minutes 14 seconds West for a distance of 161.27 feet to a ½" Rebar Found, said 1-2" Rebar Found being the TRUE POINT OF BEGINNING;

THENCE from said ½" Rebar Found and continuing along said Right-of-Way for the next nine (9) calls, North 48 degrees 58 minutes 34 seconds West for a distance of 48.30 feet to an Army Corp of Engineers Brass Monument #118-G6;

THENCE from said Army Corp of Engineers Brass Monument #118-G6, North 67 degrees 51 minutes 39 seconds West for a distance of 35.86 feet to an Army Corp of Engineers Aluminum Monument #118-G6-1;

THENCE from said Army Corp of Engineers Aluminum Monument #118-G6-1, North 77 degrees 54 minutes 30 seconds West for a distance of 91.59 feet to a Point;

THENCE from said Point, North 53 degrees 04 minutes 18 seconds West for a distance of 116.38 feet to a Point;

THENCE from said Point, North 54 degrees 58 minutes 10 seconds West for a distance of 11.26 feet to a P.K. Nail with a Washer (LSF #000484);

THENCE from said P.K. Nail with a Washer (LSF #000484), North 29 degrees 49 minutes 36 seconds West for a distance of 211.54 feet to an Army Corp of Engineers Aluminum Monument #118-G;

THENCE from said Army Corp of Engineers Aluminum Monument #118-G, North 47 degrees 23 minutes 18 seconds West for a distance of 223.11 feet to a ½" Rebar Found with a Cap (LSF #000484);

THENCE from said ½" Rebar Found with a Cap (LSF #000484) N 74°57'41" W for a distance of 147.72 feet to a Nail with a Washer in a 6-inch Fence Post Top (LSF #000484);

THENCE from said Nail with a Washer in a 6-inch Fence Post Top (LSF #000484), North 30 degrees 30 minutes 42 seconds West for a distance of 1162.45 foot to an Angle Iron Found at Army Corp of Engineers Guard Post 119/118D;

THENCE from said Angle Iron Found at Army Corp of Engineers Guard Post 119/118D and leaving said Right-of-Way, North 60 degrees 01 minutes 30 seconds East for a distance of 400.02 feet to an Angle Iron Found at Army Corp of Engineers Guard Post 119/118C;

THENCE from said Angle Iron Found at Army Corp of Engineers Guard Post 119/118C, South 75 degrees 20 minutes 39 seconds East for a distance of 497.77 feet to a ½" Open Top Pipe at an Army Corp of Engineers Guard Post;

THENCE from said ½" Open Top Pipe at an Army Corp of Engineers Guard Post, South 02 degrees 02 minutes 54 seconds East for a distance of 737.55 feet to an Angle Iron Found at an Army Corp. of Engineers Guard Post;

THENCE from said Angle Iron Found at an Army Corp. of Engineers Guard Post, South 30 degrees 16 minutes 56 seconds East for a distance of 100.39 feet to a 2" Open Top Pipe at an Army Corp. of Engineers Guard Post;

THENCE from said 2" Open Top Pipe at an Army Corp. of Engineers Guard Post, North 59 degrees 59 minutes 48 seconds East for a distance of 325.17 feet to a 2" Open Top Pipe;

THENCE from said 2" Open Top Pipe, South 01 degrees 25 minutes 48 seconds West for a distance of 369.24 feet to a 2½" Open Top Pipe;

THENCE from said 2½" Open Top Pipe, North 83 degrees 24 minutes 48 seconds East for a distance of 44.06 feet to a Point;

THENCE from said Point, South 04 degrees 04 minutes 53 seconds East for a distance of 85.24 feet to a Point;

THENCE from said Point, South 03 degrees 45 minutes 46 seconds East for a distance of 39.40 feet to a Point;

THENCE from said Point, South 11 degrees 56 minutes 08 seconds East for a distance of 3.10 feet to a Point;

THENCE from said Point, South 11 degrees 56 minutes 50 seconds East for a distance of 23.47 feet to a Point;

THENCE from said Point, South 11 degrees 56 minutes 08 seconds East for a distance of 22.64 feet to a Point;

THENCE from said Point, South 43 degrees 41 minutes 34 seconds East for a distance of 12.90 feet to a Point;

THENCE from said Point, South 85 degrees 37 minutes 02 seconds East for a distance of 23.81 feet to a Point;

THENCE from said Point, South 86 degrees 23 minutes 51 seconds East for a distance of 21.71 feet to a Point;

THENCE from said Point, South 57 degrees 01 minutes 14 seconds East for a distance of 62.86 feet to a Point;

THENCE from said Point, North 86 degrees 19 minutes 09 seconds East for a distance of 44.74 feet to a Point;

THENCE from said Point, South 37 degrees 41 minutes 36 seconds East for a distance of 25.50 feet to a Point;

THENCE from said Point, South 27 degrees 24 minutes 47 seconds East for a distance of 13.82 feet to a Point;

THENCE from said Point, South 00 degrees 48 minutes 41 seconds West for a distance of 29.45 feet to a Point;

THENCE from said Point, South 36 degrees 18 minutes 54 seconds East for a distance of 9.11 feet to a Point;

THENCE from said Point, South 71 degrees 44 minutes 23 seconds East for a distance of 18.05 feet to a Point;

THENCE from said Point, North 75 degrees 58 minutes 26 seconds East for a distance of 34.19 feet to a Point;

THENCE from said Point, North 67 degrees 58 minutes 02 seconds East for a distance of 18.77 feet to a Point;

THENCE from said Point, North 82 degrees 01 minutes 08 seconds East for a distance of 33.29 feet to a Point;

THENCE from said Point, South 41 degrees 05 minutes 43 seconds West for a distance of 188.57 feet to a ½" Rebar Found with a Cap (LSF #000484);

THENCE from said ½" Rebar Found with a Cap (LSF #000484) ½" Rebar Found, South 41 degrees 11 minutes 29 seconds West for a distance of 199.95 to a ½" Rebar Found along the North Easterly Right-of-Way of Mitch Street (apparent 40' right-of-Way), said ½" Rebar Found being the TRUE POINT OF BEGINNING.

Said property contains 22.300 acres.

Including Easements within.

Exhibit 'C'

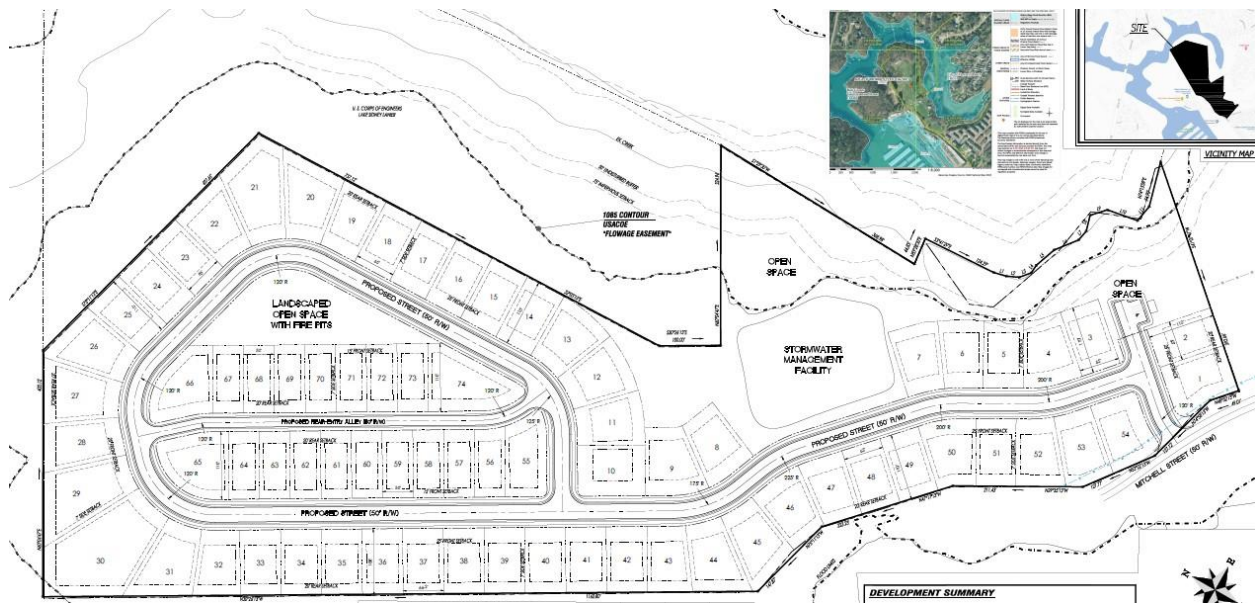


Exhibit 'D'

Conditions of Approval:

1. General Development

- a. The total number of residential lots within the development shall not exceed 74.
- b. The development design shall be substantially similar to the concept plan provided with the zoning application.
- c. Density Measurement:
Density shall be calculated on a net basis, in accordance with the definition of "Net Density" set forth in Article 2, Section 2.2 (Design-Related Definitions).
- d. Maximum net density shall not exceed 4 units per acre.
- e. Open Spaces must be compliant with Code Section 10.22 concerning Civic and Amenity space percentages. Civic and Amenity spaces must be in relatively flat areas for public use. Walking trails shall be designed in a manner to avoid steep slopes. Final review and approval of all Open Spaces shall be by the Director of Planning and Community Development.
- f. A mandatory Homeowners Association shall be established.
- g. The development shall be fee-simple homes for sale and the homeowner's association covenants must contain the following provisions:
 - i. No more than ten percent (10%) of the total homes may be leased

- ii. No more than two houses may be owned by one owner in the development and the owner or the owner's immediate family member must reside at one of the two homes
- iii. A homeowner may apply to the board of directors of the HOA for a "hardship" exception to exceed the 10% lease limit in the event the homeowner can demonstrate the need to lease their home due to extenuating circumstances. A lease permitted under the "hardship" exception shall not exceed one year, after which the owner must reapply for an exception. The granting of hardship exceptions shall be at the discretion of the HOA board of directors.

2. Civil Site Engineering

- a. The final site-grading, stormwater, and utility plans shall be in substantial conformity with the Rezoning Concept Plan, including all delineated amenities, open spaces, and public gathering areas.
- b. No grading, filling, or earthmoving shall occur within the 75-foot impervious setback from state waters without prior approval of the Director of Planning & Community Development; such activities shall be minimized in accordance with Code § 27.6(b).

3. Building Design

- a. Exterior elevations shall comply with design requirements in Article 12 of the Flowery Branch Zoning Ordinance.
- b. Only authentic brick or natural stone shall be utilized.
- c. All building facades shall be approved through the Design Review process per Article 40 and shall meet the design requirements in Article 10 and Article 12 unless specific variance(s) are approved.

4. Streets, Sidewalks & Stormwater Facilities

- a. All internal streets and sidewalks shall be public to City design standards and be dedicated at the conclusion of the Final Plat. Stormwater management systems shall remain private and be maintained at the HOA's expense.
- b. Internal alley street shall be private and owned and maintained by the HOA.

5. Signage, Landscaping & Lighting

- a. An overall signage program, a detailed landscape plan sealed by a Georgia-registered landscape architect, and a comprehensive site-lighting plan shall be submitted to the Department of Community Development for review and approval.
- b. The landscape plan shall include high-quality treatments for the entrance, open spaces, trails, pathways, and amenities.
- c. As part of the landscape review the applicant shall provide a typical landscape planting for the areas between home demonstrating that mitigation erosion in the area through

landscape application. Final landscape design to be approved by the Director of Planning and Community Development.

6. Transportation Improvements

- a. The entrance must be to City / Hall County Standards with street widths and radius returns.
- b. Mitchell Street must be improved to current standards from Tidewater to the remainder of the subdivision's road frontage.

7. Variances

- a. Unless otherwise stated in Conditions 7, approval of this rezoning does not grant any variances from local, state, or federal standards. Any such request must be submitted through the formal variance process to the appropriate jurisdiction.
- b. Approval of the following variances to Table 6.1,
 - i. Reduction in the required side building setbacks for all units from 15 feet to 7 feet.
 - ii. Reduction in required front building setbacks for rear entry garage units from 25-feet to 15-feet.
 - iii. Lot size reduction from 15,000 square feet to 7,150 square feet for front entry garage units and 5,500 square feet for rear entry garage units.
 - iv. Lot width reductions from 75 feet to 65 feet for front entry garages units and 50 feet for rear entry garage units.
- c. Approval of the following variance to Section 12.7.
 - i. The porch dimensions shall be six (6) feet deep (not including the steps); and 11 feet wide without considering 40% of the façade width.
- d. Approval of the following variance to Appendix B – Subdivision Regulations – Article 10 – Access and Design Requirements for Roads – Table 10.1.
 - i. A reduction of the radius curvature of the center line of the road from 275 feet to 120 feet.

8. Public Utilities

- a. Due to the site's location, the sanitary sewer will depend on an existing lift station, which must be upgraded to accommodate the increased capacity. The Engineer of Record shall collaborate closely with the Public Utility Department during the design process. All pump station plans must adhere to Chapter 50 (Utilities), Article II (Standard Specifications), Division 2 (Construction), Subdivision VII (Pump Stations), and any additional requirements set by the Public Utilities Director.

HERITAGE GROUP HOMES, LLC



Heritage
GROUP HOMES



HERITAGE GROUP HOMES, LLC



Heritage
GROUP HOMES



HERITAGE GROUP HOMES, LLC



Heritage
GROUP HOMES



HERITAGE GROUP HOMES, LLC



Heritage
GROUP HOMES



Letter of Intent

May 9, 2025

City of Flowery Branch
5410 Pine Street
Flowery Branch, Georgia 30542

RE: Rezoning & Annexation Application
Jones Road

Rezoning Tax Parcels:

Parcels 08118 001015 (with the inclusion of +/- 0.854 acres of unincorporated Hall Co.)
08118 001009, 08118 001002D, 08118 001002E, 08118 001012, 08118 001020
08118 001002F

Annexation Tax Parcel:

Portion of 08118 001015 (0.854 acres of unincorporated Hall Co.)

To whom it may concern:

Please let this letter serve as the letter of intent to rezone the following properties:

6270 Jones Road, 6258 Jones Road, 6246 Jones Road, 6300 Jones Road, 6294 Jones Road, 6290 Jones Road, & 6249 Jones Road from the existing R1 zoning designation to R2. The proposed project is a 74-lot single family residential subdivision, which includes 50 front entry homes and 24 rear entry homes as shown on the submitted rezoning exhibit.

The City of Flowery Branch 2041 Comprehensive Plan designates this property as suburban residential on the Future Development Map, and Suburban Residential is described as the following "include locations where low- to- moderate density single-family development exists or is likely to based on a property's zoning and surrounding uses." The subject property's surrounding uses are MHP (Mobile Home Park), R3 (Townhome Development), and a commercial marina (unincorporated Hall County), which are all more intensive uses than the proposed R2 zoning designation.

Heritage Group Homes, as the builder and developer, has built many homes in the City of Flowery Branch and surrounding cities and counties. The proposed project will



complement the surrounding area and add much needed housing to the City of Howery Branch.

The following are our proposed development and building standards:

Minimum House Square Footage/Maximum Height	2,100 Square feet/ 35 feet
Architectural Treatments	Combination of Brick, Board & Batten, Concrete Siding (Hardi-plank), and Shake
Garages	Minimum two car garage with decorative doors and hardware
Porches and Stoops	Combination of Porches and Stoops
Sidewalks	Sidewalks minimum 5 feet in width on both sides of Streets (excluding alleys)
Landscaping	All yards will be sodded, and trees will be planted throughout the lots in the development

Variance Requests for Jones Road Tracts

The following are variances that we would like to request during the rezoning and annexation process:

<u>Variance</u> <u>Section Table</u> <u>6.1</u>	<u>Required</u>	<u>Requested Variance</u> <u>Front Entry Homes</u>	<u>Requested Variance</u> <u>Rear Entry Homes</u>
Setbacks	Front setback 25 feet Side Setback 15 Rear Setback 20	Variance Request in bold Front setback 25 feet Side Setback 7 Rear Setback 20	Variances in bold Front setback 15 feet Side Setback 7 Rear Setback 20
Lot Size	15,000 Square Feet	7,150 Square Feet	5,500 Square feet
Lot Width	75 Feet	65 Feet	50 Feet
Front Porches Section 7.5	Porches no less than 40 percent of the width/6 feet depth or 11 feet if greater	Eliminate 40 percent and provide porches no less than 11 feet in width and 6 feet in depth	Eliminate 40 percent and provide porches no less than 11 feet in width and 6 feet in depth

Justification for Variance Requests from 6.1:

Setbacks: We are building larger footprint homes, including some ranch homes that require smaller setbacks. We are maintaining the required 25-foot front setback and 20-foot rear setback on the front entry homes and maintaining the 20-foot rear setback on the rear entry homes. Since we are providing front entry and rear entry product types, we request the side setbacks of 7 feet (maintaining 14 feet between homes) and a front setback of 15 feet for rear entry homes, to create an enhanced streetscape.

Lot Size and Lot Width: We are requesting a lot width reduction from 75 feet to 65 feet for front entry homes and 55 feet on rear entry homes to accommodate the larger houses. A lot size reduction from 15,000 square feet to 7,150 square feet for front entry and 5,500 square feet for rear entry. This allows for both home types to be constructed with average lot width for front entry homes of 69 feet and slightly over 55 feet for rear entry homes.

Front Porches: We are requesting to eliminate the 40 percent of front façade requirement and comply with front porches of at least 11 feet in width and 6 feet in depth. Our homes are a larger footprint with greater widths and the 40 percent would require a porch that would create a proportional issue with the two car garages and the front facades of the homes.

<u>Variance from Standard T10.1</u>	<u>Requested Variance</u>
Street Improvements Requirements 275 Feet radius of curvature of center line	To reduce to 120' Radius

Street radius of 275 feet of curvature of center line: We are requesting a reduction in the requirement of 275 feet radius to a minimum of 120-foot radius in order to provide a safer street layout. Smaller radius and horizontal curves serve as traffic calming devices aim to reduce speeds and improve safety by making curves more visible, providing advance warning, and potentially altering the road's geometry to encourage slower, more deliberate driving. Larger radiuses encourage street designs with longer and straighter roads that can lead to cars traveling at higher speeds than posted.

We appreciate your consideration of these variances requests and please do not hesitate to give me a call if you have any questions.

Sincerely,

Chris Hill

Heritage Group Homes, LLC

See Exhibit A attached

The following are variances that we would like to request during the rezoning and annexation process:

<u>Variance Section Table 6.1</u>	<u>Required</u>	<u>Requested Variance Front Entry Homes</u>	<u>Requested Variance Rear Entry Homes</u>
Setbacks	Front setback 25 feet Side Setback 15 Rear Setback 20	Variance Request in bold Front setback 25 feet Side Setback 7 Rear Setback 20	Variances in bold Front setback 15 feet Side Setback 7 Rear Setback 20
Lot Size	15,000 Square Feet	7,150 Square Feet	5,500 Square feet
Lot Width	75 Feet	65 Feet	50 Feet
Maximum Coverage of Principal and Accessory Buildings Section:	35%	45.5%	50.4%
Front Porches Section 7.5	Porches no less than 40 percent of the width/6 feet depth or 11 feet if greater	Eliminate 40 percent and provide porches no less than 11 feet in width and 6 feet in depth	Eliminate 40 percent and provide porches no less than 11 feet in width and 6 feet in depth

<u>Variance from Standard T10.1</u>	<u>Requested Variance</u>
Street Improvements Requirements 275 Feet radius of curvature of center line	To reduce to 120' Radius

We appreciate your consideration of this annexation and rezoning request and please do not hesitate to give me a call if you have any questions.

Sincerely,

Chris Hill

Heritage Group Homes, LLC

FLOWERY BRANCH CITY COUNCIL
EXECUTIVE SUMMARY

SUBJECT: Ordinance 764 – To Establish the Millage Rate for Tax Year 2025; Fiscal Year 2026.

DATE: 09/04/2025

(X) RECOMMENDATION

() POLICY DISCUSSION

() STATUS REPORT

BUDGET INFORMATION:
ANNUAL-
CAPITAL-

COUNCIL ACTION REQUESTED ON: 09/04/2025

PURPOSE:

Ordinance 764 – To Establish the Millage Rate for Tax Year 2025; Fiscal Year 2026.

HISTORY:

FACTS AND ISSUES:

O.C.G.A. § 36-81-3(b)(1) requires the City of Flowery Branch to adopt and operate under an annual balanced budget for the City’s fiscal year, which runs from July 1st to June 30th of each year. The FY2026 budget was prepared using a millage rate of 3.264, however; a full roll-back millage rate of 3.247 is recommended.

OPTIONS: Ordinance 764 – To Establish the Millage Rate for Tax Year 2025; Fiscal Year 2026.

RECOMMENDED SAMPLE MOTION:

I make a motion to approve Ordinance 764, with a full roll-back, to Establish the Millage Rate for Tax Year 2025; Fiscal Year 2026 at 3.247.

DEPARTMENT: Administration

Prepared by: Matthew Hamby

ORDINANCE NO. 764

AN ORDINANCE TO FIX THE AD VALOREM TAX RATE FOR THE CITY OF FLOWERY BRANCH, GEORGIA FOR THE TAX YEAR 2025 AND THE FISCAL YEAR OF 2026; TO LEVY SAID TAX UPON ALL PROPERTY SUBJECT TO TAXATION BY THE CITY OF FLOWERY BRANCH, GEORGIA; TO PROVIDE FOR THE TIME OF PAYMENT OF SAID TAXES; TO PROVIDE FOR INTEREST AND PENALTIES FOR THE FAILURE TO PAY TAXES; TO PROVIDE FOR AN ADMINISTRATIVE PROCEDURE FOR THE COLLECTION OF DELINQUENT AD VALOREM TAXES; TO PROVIDE AN ADMINISTRATIVE PROCEDURE FOR THE COLLECTION OF DELINQUENT AD VALOREM TAXES FOR YEARS PRIOR TO 2025; TO REPEAL CONFLICTING ORDINANCES TO THE EXTENT OF ANY CONFLICT; FOR SEVERABILITY; AND, FOR ALL OTHER LAWFUL PURPOSES.

WHEREAS the City of Flowery Branch, Georgia is authorized to assess, levy and collect an ad valorem tax for the purpose of raising revenue to defray the costs of operating the city government, providing governmental services, for the repayment of principal and interest on general obligations, and for all other lawful public purposes; and,

WHEREAS the City of Flowery Branch, Georgia is authorized to establish for said tax a millage rate, a due date and in what length of time said tax must be paid; and,

WHEREAS; the City of Flowery Branch, Georgia is authorized to provide for interest and penalties for unpaid taxes and the collection of delinquent taxes.

WHEREAS, the City of Flowery Branch caused the Public Notice required by O.C.G.A. Sec. 48-5-32.1(c)(2) to be advertised in a newspaper of general circulation and on the city's website at least one week prior to each hearing; and

NOW THEREFORE the Council of the City of Flowery Branch hereby ordains as follows:

SECTION 1. GROSS MILLAGE RATE.

The ad valorem tax rate for the City of Flowery Branch, Georgia for the tax year 2025 and for the 2026 fiscal year for the City of Flowery Branch, Georgia based upon an estimated total valuation by the tax assessors of Hall County of property subject to ad valorem taxation by the City of Flowery Branch, Georgia is hereby set at a gross millage of 5.425 mills.

SECTION 2. CALCULATION AND PURPOSE OF NET MILLAGE RATE.

Upon dividing the net property value of \$1,235,792,789 into the total receipts of the local option sales tax for the 2025 tax year, which is \$2,692,087 provides a total roll back of 2.178 mills. Subtracting the total roll back of 2.178 mills from the gross millage rate of 5.425 mills provides for a net millage rate of 3.247 mills to be levied on each \$1,000 of taxable property within the corporate limits for the purpose of raising revenue:

- a) to defray the cost of operating the city government;
- b) to provide governmental services;
- c) for the repayment of principal and interest on general obligations; and/or,
- d) any other public purpose.

SECTION 3. 2024 AD VALOREM TAX LEVY.

There is hereby levied upon all property subject to ad valorem taxation by the City of Flowery Branch, Georgia, an ad valorem tax for the year 2025 of 3.247 mills on each \$1,000 of value of taxable property.

SECTION 4. DUE DATE OF TAX.

The said tax imposed is due and payable upon receipt of a tax notice mailed to each owner of the property subject to taxation. In any event, all taxes due under this Ordinance shall be paid no later than the one hundred twentieth (120th) day after the postmark of said tax bills, without penalty.

SECTION 5. INTEREST AND PENALTIES ASSESSED.

(A) In any instance in which any person willfully fails to pay within 120 days of the date when due, any ad valorem tax owed, such person shall pay, in absence of a specific statutory civil penalty for failure, a penalty of five percent (5%) of the amount of tax due and not paid at the time such penalty is assessed with interest as specified in this section. After 120 days from the imposition of the initial penalty, an additional penalty of five percent (5%) of any tax amount remaining due shall be imposed, together with interest as specified in this section. Should any tax amount remain due 120 days after such date, a penalty of five percent (5%) shall be imposed, together with interest as specified in this section. The aggregate amount of penalties shall not exceed an amount equal to twenty (20%) of the principal amount of the tax originally due. These penalties shall not, however, apply in the case of:

(1) Ad valorem taxes of \$500.00 or less on homestead property as defined in Part 1 of Article 2 of Chapter 5 of Title 48 of the Official Code of Georgia Annotated; or

(2) With respect to tax year 1986 and future tax years, ad valorem taxes of any amount on homestead property as defined in Part 1 of Article 2 of Chapter 5 of Title 48 of the Official Code of Georgia Annotated, if the homestead property was during the tax year acquired by a new owner who did not receive a tax bill for the tax year and who immediately before acquiring the homestead property resided outside the State of Georgia and if the taxes are paid within one year following the due date.

(B) Taxes owed the city shall bear interest at an annual rate equal to the bank prime loan rate as posted by the Board of Governors of the Federal Reserve System in statistical release H. 15 or any publication that may supersede it, plus three percent (3%), to accrue monthly. Such annual interest rate shall be determined for each calendar year based on the first weekly posting of statistical release H. 15 on or after January 1 of each calendar year. Interest shall begin to accrue from the date the tax is due until the date the tax is paid. For the purpose of this section, any period of less than one month shall be considered one month.

SECTION 6. NOTICE, ISSUANCE OF FI. FA. AND LEVY AND SALE TO COLLECT PAST DUE AND DELINQUENT AD VALOREM TAXES.

A past due and delinquent tax notice shall be mailed by the Mayor, City Manager, or other duly authorized agent of the City of Flowery Branch, Georgia to all owners of property subject to taxation who have not paid the tax due on or before the sixty first (61st) day after the postmark on said tax bills. The past due and delinquent tax notice shall be sent by certified or registered mail, return receipt requested. Upon failure to pay the tax due within thirty days of the return receipt of the past due and delinquent tax notice sent by certified or registered mail, the Mayor, the City Manager, or other property duly authorized agent of the City of Flowery Branch, Georgia shall cause a writ of fieri facias to be issued and recorded on the appropriate tax digest of the City of Flowery Branch, Georgia or on the general execution docket of Hall County. **The City of Flowery Branch shall be entitled to assess the expenses of issuing and recording a writ of fieri facias, not to exceed \$30.00, incurred due to the failure of the owner (taxpayer) to pay the ad valorem taxes owed.** All property of a taxpayer subject to said writ shall be subject to levy and sale in accordance with the provisions for sheriff's sales to secure payment of the past due and the delinquent ad valorem taxes, or through any other foreclosure procedure allowed under Georgia Law including, but not limited to the procedure set out by O.C.G.A. Section 48-4-75, et seq. The City of Flowery Branch, Georgia shall also be entitled to assess the expenses of any tax foreclosure sale, including attorney's fees, which the City of Flowery Branch, Georgia incurred due to the failure of the owner (taxpayer) to pay the ad valorem taxes owed.

SECTION 7. PROCEDURE FOR COLLECTION OF PAST DUE AND DELINQUENT AD VALOREM TAXES FOR THE YEARS PRIOR TO 2025.

For all past due and delinquent ad valorem taxes for the years prior to the calendar year 2025, which are due and owing to the City of Flowery Branch, Georgia by delinquent taxpayers, the City of Flowery Branch, Georgia, through a duly authorized agent which may be, but does not have to be, the Mayor, the City Manager, or other authorized agent, shall send a past due and delinquent tax notice by mail to all owners of property subject to taxation for the calendar years. This past due and delinquent tax notice shall be sent to aid delinquent by certified or registered mail, return receipt requested. Upon failure to pay the tax due within sixty (60) days of the return receipt of the past due and delinquent tax notice sent by certified or registered mail, the Mayor, the City Manager, or other properly duly authorized agent of the City of Flowery Branch, Georgia shall cause a writ of fieri facias to be issued and recorded on the appropriate tax

digest of the City of Flowery Branch, Georgia or on the general execution docket of Hall County. All property of a taxpayer subject to said writ shall be subject to levy and sale in accordance with the provisions for sheriff's sales to secure payment of the past due and the delinquent ad valorem taxes, or through any other foreclosure procedure allowed under Georgia Law including, but not limited to the procedure set out by O.C.G.A. Section 48-4-75, et seq. The City of Flowery Branch, Georgia shall also be entitled to assess the expenses of any tax foreclosure sale, including attorney's fees, which the City of Flowery Branch, Georgia incurred due to the failure of the owner (taxpayer) to pay the ad valorem taxes owed."

SECTION 8. REPEAL OF CONFLICTING ORDINANCES TO THE EXTENT OF THE CONFLICT.

Any part of any prior ordinances, in conflict with the terms of this Ordinance, are hereby repealed to the extent of the conflict; but it is hereby provided, that any ordinance or law which may be applicable hereto and aid in carrying out and making effective the intent, purpose and provisions hereof, is hereby adopted as a part hereof and shall be legally construed to be in favor of upholding this Ordinance on behalf of the City of Flowery Branch, Georgia.

SECTION 9. SEVERABILITY.

If any paragraph, subparagraph, sentence, clause, phrase or any portion of this Ordinance shall be declared invalid or unconstitutional by any court of competent jurisdiction or if the provisions of any part of this Ordinance as applied to any particular situation or set of circumstances shall be declared invalid or unconstitutional, such invalidity shall not be construed to affect the portions of this Ordinance not so held to be invalid, or the application of the Ordinance to other circumstances not so held to be invalid. It is hereby declared to be the intent of the City Council of the City of Flowery Branch to provide for separate and divisible parts, and it does hereby adopt any and all parts hereof as may not be held invalid for any reason.

SO ORDAINED this 4th day of September, 2025.

Edward R. Asbridge, Mayor

ATTEST:

Shelia R. Cooper, City Clerk

APPROVED AS TO FORM:

Ted Baggett, City Attorney

FLOWERY BRANCH CITY COUNCIL
EXECUTIVE SUMMARY

SUBJECT: Resolution No. 25-011 Surplus of Water Tank located on Roberts Drive, Flowery Branch, GA. 30542.

DATE: 09/04/2025

(X) RECOMMENDATION

() POLICY DISCUSSION

() STATUS REPORT

BUDGET INFORMATION:

ANNUAL-

CAPITAL-

COUNCIL ACTION REQUESTED ON: 09/04/2025

PURPOSE:

To adopt Resolution No. 25-011 to surplus the water tank located on Roberts Drive, Flowery Branch, GA. 30542

HISTORY:

The City of Flowery Branch is authorized by O.C.G.A § 36-35-3 and Art, VI § 6.13 of the Charter of the City of Flowery Branch to sell and convey any real or personal property owned by the city in accordance with the provisions of O.C.G.A §36-37-6.

FACTS AND ISSUES:

O.C.G.A § 36-35-3 and Art, VI § 6.13 of the Charter of the City of Flowery Branch to sell and convey any real or personal property owned by the city in accordance with the provisions of O.C.G.A §36-37-6. City of Flowery Branch Policy requires that any surplus property be auctioned on the GovDeals website.

OPTIONS: Surplus water tank and auction of GovDeals or do not surplus water tank.

RECOMMENDED SAMPLE MOTION:

I make a motion to approve Resolution No. 25-011 to surplus the water tank located on Roberts Drive and authorized staff to auction the water tank on the GovDeals website.

DEPARTMENT: Administration

Prepared by: Matthew Hamby

**RESOLUTION NO. 25-011 SURPLUS OF WATER TANK LOCATED ON
ROBERTS DRIVE, FLOWERY BRANCH, GA. 30542**

**A RESOLUTION AUTHORIZING AND DIRECTING THE SALE OF CERTAIN
PROPERTY OWNED BY THE CITY OF FLOWERY BRANCH.**

WHEREAS, the City of Flowery Branch is authorized by O.C.G.A § 36-35-3 and Art, VI § 6.13 of the Charter of the City of Flowery Branch to sell and convey any real or personal property owned by the city in accordance with the provisions of O.C.G.A §36-37-6.

NOW THEREFORE BE IT RESOLVED by the Mayor and Council of the City of Flowery Branch, Georgia, that the City of Flowery Branch sell the water tank, located on Roberts Drive, Flowery Branch, GA. 30542, in accordance with the provisions of O.C.G.A §36-37-6.

SO RESOLVED this 4th day of September 2025.

Edward R. Asbridge, Mayor

ATTEST:

Shelia R. Cooper, City Clerk

APPROVED AS TO FORM:

Ted Baggett, City Attorney



CITY OF FLOWERY BRANCH CITY COUNCIL

EXECUTIVE SUMMARY



SUBJECT: Consider approval of Release of Property Damage by ASG Roll Off Company, LLC for damages to the screw conveyor belt system at the Water/Wastewater Treatment Plant.

DATE: September 4, 2025

COUNCIL ACTION REQUESTED ON: September 4, 2025

BUDGET INFORMATION:

N/A

PURPOSE: To consider the approval of a Release for Property Damage Only for ASG Roll Off Company, LLC.

HISTORY: In March 2025, a new screw conveyor belt system was installed at the Water/Wastewater Treatment Plant as part of the early works package. In May, this equipment was damaged by an employee of ASG Roll Off Company, LLC.

FACTS & ISSUES: On March 10, 2025, Charter Machine Company turned the newly installed screw conveyor belt system over to the City of Flowery Branch for use. On May 5, 2025, an employee of ASG Roll Off Company, LLC raised a can onto the back of the roll-off truck while his truck was still under the chute. The employee pulled forward with the can at a 45-degree angle, which would allow the can to clear. Next, he leveled the can out on the truck, causing the back of it to rise, get caught and pull the chute, causing irreparable damage.

Archer Western sent Engineer Thomas Giglio with Charter Machine Company to review the damage. His findings are as follows:

- Conveyor trough is not salvageable.
- Conveyor lid at the split joint is bent and not reusable.
- The electrical appears to be in good order at this time. However, the units cannot be tested at this time.
- The screw is bent to an estimated 15 degrees. (This may flex out but cannot be evaluated without running the screw)

- All the metal supports are bent and not savable (The center support is twisted, the secondary supports mounting to the belt conveyor are bent and bowed.)

The conveyor is a total loss and will need to be completely remade.

The replacement quote was received from Charter Machine Company for full replacement for a total of \$77,666.00, which includes shipping costs. Womack Electric Co., Inc. has provided a quote for the electrical work for a total of \$1,450.00. Total replacement costs are \$79,116.

Lancer Insurance is the insurance representative for ASH Roll Off Company, LLC. They have agreed to issue payment to the City of Flowery Branch in the amount of \$79,116.00 with a release for property damage only relating to the accident which occurred on May 2, 2025.

OPTIONS: 1. Approve the Release for Property Damage Only for ASG Roll Off Company, LLC and accept the sum of \$79,116.00 for repairs to damaged screw conveyor belt system at the water/wastewater treatment plant.
2. Do not approve the Release for Property Damage Only. Provide alternative recommendations to staff.

RECOMMENDED SAMPLE MOTION: I make a motion to approve and authorize the Mayor to sign the Release for Property Damage Only accepting the payment of \$79,116.00 for a replacement screw conveyor belt system with ASG Roll Off Company, LLC.

DEPARTMENT: Human Resources

PREPARED BY: Krystle Hightower, Human Resources Director

Claim #: 1979503

RELEASE FOR PROPERTY DAMAGE ONLY

I, The City of Flowery Branch, for ourselves, our heirs, executors, administrators, successors and assigns in consideration of the payment of **Seventy-nine thousand one hundred sixteen dollars and zero cents** (\$79,116.00), do hereby remise, release and forever ASG Roll Off Company LLC, Logan Stephens, "Lancer Insurance Company, its parent companies, subsidiaries and affiliates (hereinafter collectively referred to as Lancer)" charged or chargeable with responsibility or liability, and their heirs, executors, administrators, successors and assigns from and against all property damage claims, demands, actions and causes of action for damages whensoever and howsoever, arising on account of damage to property (including loss of use thereof), arising out of an accident which occurred on or about 05/02/2025 at or near 5410 Pine Street, Flowery Branch, GA 30542.

The above sum stated as a consideration of this Release is to be paid as follows:

\$ 79,116.00

IT IS FURTHER UNDERSTOOD AND AGREED that neither this Release, nor any payment made pursuant hereto, is to be taken as an admission of liability on the part of any person in whose favor this Release is given.

IN WITNESS WHEREOF, we have signed and sealed this Release at _____
in the State of _____ this _____ day of _____, 2025.

IN THE PRESENCE OF:

Witness x _____ Date _____

Address _____

ANY PERSON WHO KNOWINGLY AND WITH INTENT TO INJURE, DEFRAUD, OR DECEIVE
ANY INSURANCE COMPANY OR FILES A STATEMENT OF CLAIM CONTAINING ANY
FALSE, INCOMPLETE OR MISLEADING INFORMATION IS GUILTY OF A FELONY.



Dewatering Equipment Machines Division
A GEC Subsidiary

DATE: August 4, 2025

TO: The Walsh Group

PROPOSAL: Charter Machine Company (CMC)
Proposal No. 250520-C73Rev2

PROJECT: Flowery Branch GA WWTP

SUBJECT: Replacement Screw Conveyor

We are pleased to offer the following equipment of our manufacture for your consideration.

Charter Machine Company is located in Metuchen NJ (1/2 hour outside of New York City) with a factory of over 100,000 square feet of manufacturing space. **Charter builds all of its own presses, polymer systems, belt conveyors, screw conveyors, thickeners, control panels and much more. Even offering NEW ELODE technology that takes the cake solids from any dewatering equipment and doubles it with just the use of some electric.** Charter houses over \$3,000,000 worth of spare parts with 24 hour delivery service available.

NOTE: This quote is for a Direct Exact Replacement for the damaged conveyor that Charter Machine Co originally supplied.

Item 1

One (1) Charter Machine Company – Sludge Conveyance System,

We are pleased to provide the following:

- One (1) 10" diameter, 20' long, 304 ss trough, Shaftless Screw Conveyor
- Three (3) short Hot Dip Galvanized supports shall be provided.
- Two (2) long Hot Dip Galvanized supports shall be provided.
- One (1) Electric slide gate
- All interconnecting wiring shall be by others.
- Estop on all conveyors

Item 2

The services of a factory trained representative for the purposes of inspection, startup and operator training will be provided for a period not to exceed **two (2) days on-site, and to be completed in one (1) trip**

Additional service may be requested at a rate of \$175 per hour, plus all travel and living expenses.

Please Note:

Except as otherwise noted herein, the following are not included in our offering:

Local, state or federal taxes, permits, or other fees.

Warranty:

CHARTER MACHINE COMPANY shall warranty its equipment to be free from defects in material and workmanship for a period of one (1) year from the date of issuance of the Certificate of Installation by Charter to the owner/contractor, or for a maximum of eighteen (18) months from the date of delivery, whichever occurs first. If a Certificate of Installation is not issued by Charter within eighteen (18) months of the delivery date, this warranty shall be valid for one (1) year from the date of delivery only. This warrantee supersedes any and all Contractor to owner warrantees unless otherwise agreed to in writing prior to purchase order acceptance. If no extended warrantee is listed in this quote, the original Charter Machine Co warrantee as listed above takes precedence over any and all bid package, specifications and contractor contract language without EXCEPTION.

Final Information and Pricing:

We propose to furnish the above described equipment for the Total Lot Net Selling Price of **\$ 77,666.00 U.S.D.**, ***This price includes the shipping cost to the job site or agreed upon location between client and Charter.***

PLEASE NOTE: This pricing has been provided to the best of our ability and knowledge as of today's market. With pending tariffs and steel volatility, the pricing below is only valid for 30 days and is subject to change at any time thereafter.

NOTE: Charter Machine Co. is not authorized to collect or remit any taxes except for in NJ. Contractor is responsible for all taxes, duties, fees.

Purchase Order to be written to:
Charter Machine Co.
55 Wester Ave
Metuchen NJ 08840
Attn: Walter Kuehnrich

Unless otherwise specified our preferred standard payment terms are as follows:

25% - Invoiced upon receipt of purchase order, Net 15 days

30% - Invoiced upon submittal approval and before release to production, Net 15 days

35% - Due upon delivery of equipment and must be paid prior to scheduling start up and training of operating personnel.

10%- Retainage due after Charter Machine's equipment per scope of supply has been started up and Certificate of Substantial Completion has been given.

Charter Machine Company will NOT accept any Contractor deductions or withholdings from the structured Invoiced amount.

Payment terms are negotiable. Other terms and conditions apply per the attached sheet. Late payments shall be subject to a 1.5% per month finance charge.

Unless otherwise specified this proposal is offered for acceptance for (30) thirty days and is subject to review thereafter. Pricing is firm based upon receipt of a Purchase Order within this (30) thirty-day period.

Submittal Schedule (if required):

Charter Machine Company is an Eco-Friendly company and provides submittals in electronic format only. Approval submittals can be forwarded approximately **4-6 weeks** after our receipt and acceptance of your purchase order. Subsequent resubmittals will be returned **2-4 weeks** after receipt of review and based on Charter's engineering load. Reviewed submittals must be returned by engineer/contractor to Charter Machine within **2-4 weeks**.

At the time of acceptance of this contract, Charter Machine Company ("CMC") expresses in our proposal and terms of our contract that timely review and return of submittals is critical as it impacts our ability to order the equipment and material from the CMC suppliers. Any delay in the return of approved submittals precludes CMC from ordering any equipment, and consequently, will possibly result in increased prices from the CMC suppliers. CMC will seek, and is entitled to be reimbursed, the cost of any increase in the supply of the equipment and materials ordered as a result of any delay in reviewing and returning the submittals. A possible change order could be forthcoming once the material orders are placed and any escalation costs are assessed by CMC suppliers. Moreover, please be advised that CMC shall not be responsible for any equipment delivery delays to the Project or costs incurred as a result of the failure to return submittals in accordance with the Contract.

O&M Schedule:

Charter Machine Company is an Eco-Friendly company and provides O&M manuals in electronic format only. O&M manuals shall be provided only after 90% payment has been made.

Delivery Schedule:

Shipment of the equipment can be made approximately **20-28 weeks** after our receipt of approval and your release to manufacture.

X_____ (initial here)

These lead times are based upon typical Engineering and Shop loading, which may vary to some degree.

Offering Basis:

Please note that our offering, as described herein, is based upon Charter Machine's understanding of the process application and meets the intention of the specification for the Flowery Branch WWTP. Should the contents of any addenda (or other applicable documents) have an effect on our offering, we must reserve the right to modify that offering (and pricing) accordingly. We request your assistance in keeping us abreast of any changes. Should the contents of any addenda (or other applicable documents) have an effect on our offering, we must reserve the right to modify that offering (and pricing) accordingly.

1. Hold Harmless / Excusable Event:

Seller shall not have any liability or be considered to be in breach or default of its obligations under the Contract to the extent that performance of such obligations is delayed or prevented, directly or indirectly, due to: (i) causes beyond its reasonable control; or (ii) acts of God, act (or failure to act) of governmental authorities or third parties not engaged by Seller, fires, severe weather conditions, earthquakes, strikes or other labor disturbances, floods, war (declared or undeclared), epidemics, civil unrest, riot, delays in transportation, or car shortages; or (iii) acts (or omissions) of Buyer including failure to promptly perform Buyer's obligations under the Contract or (iv) inability on account of causes beyond the reasonable control of Seller to obtain necessary materials, necessary components or services. Seller shall notify Buyer of any such delay. The date of delivery or of performance shall be extended for a period equal to the time lost by reason of delay, provided that the Contract shall not be extended due to any Excusable Event, unless mutually agreed upon in writing by the parties. Seller shall notify Buyer, as soon as practicable, of any revised delivery date and service resumption date. If Seller is delayed by acts or omissions of Buyer, or by the prerequisite work of Buyer's other contractors or suppliers, Seller shall also be entitled to any equitable price adjustment. If delay excused by and Excusable Event extends for more than one hundred twenty (120) days and the parties have not agreed upon a revised basis for continuing the work at the end of the delay, including the equitable price adjustment, then either party (except where delay is caused by Buyer, in which event only Seller), upon thirty (30) days written notice, may terminate the Contract with respect to undelivered parts to which title has not yet passed and any uncompleted services.

This quote is valid for 30 days. If the project extends longer than that time period without an issuance of a valid Purchase Order or Letter of Intent, Charter has the right to recost the bid based on any extra imposed taxes, duties, fees and cost of living increase from date of bid.

We wish you success on this project and look forward to the opportunity of working with you.

Very truly yours,

Charter Machine Company

A handwritten signature in blue ink, appearing to read "C. Boyd", is shown on a light-colored background.

Christopher Boyd

Director of Sales

732-425-7489

ChrisB@chartermachine.com

Purchase order issuer acknowledges that they have read and understood the Charter Machine scope of supply listed in this quote. Any changes need to be clarified before a purchase order is verified.

X_____ (sign) _____ (print) _____ (date)

**CHARTER MACHINE COMPANY
TERMS AND CONDITIONS OF SALE**

1. **Governing Terms:** These Terms and Conditions shall exclusively govern the sale of equipment, components and related services by Charter Machine to Purchaser. Acceptance of Charter Machine's offer or counteroffer by acknowledgment is expressly limited to the terms and conditions set forth herein and those stated in any specific Charter Machine proposal or acknowledgment. Charter Machine hereby gives notice of objection to any different or additional terms which may be proposed or contained in any document forwarded by Purchaser. No other terms or conditions or modification of these terms shall be binding upon Charter Machine unless specifically accepted in writing by an authorized representative of Charter Machine. Merely signing a purchase order or other document as a condition of payment shall not be deemed a specific acceptance of different terms therein by Charter Machine. In the event of any inconsistency between these terms and conditions and the express terms and conditions of any specific Charter Machine proposal or acknowledgment, the express terms and conditions contained in that specific proposal or acknowledgment shall be controlling. In the event that Charter is forwarding these terms and conditions as part of Charter's acceptance of an offer made by the Purchaser, whether through a Purchase Order or other document, Charter's acceptance of such offer is hereby expressly conditioned upon Purchaser's acceptance of and assent to the terms and conditions set forth herein.
2. **Pricing:** Unless otherwise expressly stated therein, prices set forth in quotations are valid for acceptance within 60 days of a Charter Machine proposal and shipment is to be made within six months from any such acceptance. If Purchaser causes or requests delays in manufacture or shipment such that shipment is not made within six months from acceptance of a Charter Machine proposal, Charter Machine shall be entitled to receive a price increase in the amount of the actual escalation in labor, material, overhead, and component costs incurred by Charter Machine, as well as reasonable costs of shutdown, delay, start-up and storage costs. The price increase shall be affected by an appropriate Change Order, as more specifically set forth in Paragraph 4 of these Terms and Conditions.
3. **Payment Terms:** Subject to a satisfactory credit check and approval by the Charter Machine Credit Department, Charter Machine will extend credit to Purchaser and payment of the full net invoice price shall be due within 30 days of receipt by Purchaser. Should any investigation or other facts made known to or discovered by Charter Machine at any time cause Charter Machine to reasonably deem its ability to recover payment insecure at any time, Charter Machine reserves the right to demand payment terms which adequately assure Charter Machine of Purchaser's ability to make payment and to withhold shipment until such terms are reached or payment is received. Invoice amounts that are not paid within thirty days shall be subject to a 1.5% per month finance charge.
4. **Change Orders:** When Purchaser delivers a signed and approved Change Order, Charter Machine shall make such changes which are within the general scope of these Terms and Conditions and which are set forth in the Change Order. Adjustments in the pricing and time of delivery, if any, resulting from these changes shall be set forth in the agreed upon Change Order. Any adjustment in price shall be an agreed upon lump sum based upon Charter Machine's proposal for the Change Order work.
5. **Payment For Additional Work:** Charter Machine will perform additional work if and when provided a final approved and agreed upon signed Change Order. Purchaser shall pay Charter Machine the amount set forth in the Change Order within thirty days from the date of the completion of the Change Order work.
6. **Taxes:** Purchaser shall be responsible for payment of any and all applicable sales, use, excise or other taxes resulting from any sale made to Purchaser. Charter Machine shall add any applicable sales, use, excise or other tax to the price of equipment, components or related services and remit such tax to the appropriate taxing authority. Purchaser is responsible for and bears the risk of establishment of a valid exemption from any tax, and shall indemnify, defend and hold Charter Machine harmless from any loss, cost or expense relating to exemptions.

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7. **Shipping:** All equipment and components will ordinarily be shipped in one lot by the lowest cost method in the discretion of Charter Machine. Additional shipments requested by Purchaser shall be subject to additional shipping and handling charges. All shipments shall be F.O.B. Charter Machine's plant. Delivery to the carrier shall constitute delivery to Purchaser for purposes of transfer of risk of loss or damage in transit and meeting Purchaser's schedule. Purchaser is responsible for obtaining cargo insurance and shall pursue any loss or damage claims solely with the carrier.
8. **Delivery Dates:** All delivery dates are approximate and subject to revision due to engineering approval delays, availability of materials and components, and other causes beyond Charter Machine's control, including but not limited to unusual weather conditions, fire, unusual delays in transportation, acts of God or government, accidents, any labor dispute (including lockouts or strikes), damage or breakdown at Charter Machine's plant or any other work stoppage of 30 days or more. Charter Machine will use its best efforts to meet promised delivery dates, but under no circumstances shall Charter Machine be liable for any direct, or indirect, consequential, incidental, liquidated or other damages for delay in delivery. Purchaser will notify Charter Machine within 30 days after order acceptance of the scheduled delivery date. If Purchaser does not notify Charter Machine a delivery date of 6 months after order acceptance is agreed. For any delays which are beyond Charter Machine's responsibility, a finance charge of 1.5% per month will be due.
9. **Field Service:** "Field Service" refers to the services of a Charter Machine factory-trained representative at the site of end-use for initial installation, inspection, start-up observation and operator training and for subsequent investigation of warranty issues, operation difficulties and Purchaser complaints or requests for post-warranty service. Purchaser acknowledges that Charter Machine Field Service representatives shall make all arrangements necessary with labor unions for their presence on the site. No contractual warranty or indemnity relating to Field Service is extended by Charter Machine, nor are its Field Service representatives authorized to bind Charter Machine with any oral or written representations or statements that conflict with or alter the governmental contract terms or any manuals or written instructions provided by Charter Machine. This paragraph shall apply to any and all initial and subsequent Field Service provided by Charter Machine relating to the equipment sold to the Customer. Each project includes a specific number of days of start-up service on site, consisting of not more than 2 separate site visits. Charter Machine is unable and is not required to perform its start-up service unless and until the entire project is ready for start-up. All days for which Purchaser schedules Charter Machine for start-up services, but Charter Machine cannot perform start-up services because of improper installation, the failure of other equipment or the status or operability of any other portion of the project, will be charged against the allotment of start-up services for the project. If the allotted amount of start-up services are exhausted and any additional start-up services are required, all start-up services in excess of the allotted start-up services will require approval of a written Change Order and Purchaser will be required to pay for such additional start-up services at the rates established in that change order.
10. **Cancellation:** Purchaser may not cancel or terminate its order without the written consent of Charter Machine and payment of Charter Machine's incurred costs, overhead, losses and anticipated profit. If Purchaser is subject to a termination for convenience provision in the prime contract, Charter Machine may consider a request to defer payment pending resolution of the Purchaser's claim.
11. **Government Standards:** Charter Machine's equipment will be designed and manufactured to comply with federal government occupational safety, noise, sanitation and health standards. The Purchaser is solely responsible for compliance of the equipment and its operation with any state or local laws, codes, ordinances, or regulations, unless specifically identified by Charter Machine in its proposal.
12. **Limited Warranty:** Charter Machine warrants that the equipment and components furnished will be and remain free from defects in workmanship and materials and perform the general process function intended, solely under the conditions defined by Charter Machine, for a period of (a) 12 months from completion of installation, start-up or acceptance of the equipment, or (b) 18 months from the date of delivery to Purchaser, whichever expires first. Charter Machine will replace, modify or repair, at its sole option, any

such defective component or equipment at no charge provided that Charter Machine is notified promptly in writing of any claimed defect and, if requested by Charter Machine, the claimed defective part or component is returned to Charter Machine, freight pre-paid. If Purchaser fails to promptly notify Charter Machine in writing of any claimed defect, Purchaser waives its right to claim a breach of the warranty with respect to such claimed defects. This warranty does not apply to any defect or malfunction arising out of failure to store, install, operate or maintain the equipment in accordance with instructions by Charter Machine or its operation under conditions other than those defined by Charter Machine. Any unauthorized modification or alteration of the equipment or repair or replacement of components shall void this warranty.

THIS WARRANTY IS EXCLUSIVE AND INTENDED TO BE IN LIEU OF ANY OTHER WARRANTIES, INCLUDING THE IMPLIED WARRANTIES OF MERCHANTABILITY AND FITNESS FOR A PARTICULAR PURPOSE.

13. **Exclusive Remedies:** Purchaser acknowledges that its sole and exclusive remedies for breach of the Limited Warranty shall be replacement or repair by Charter Machine of any defective equipment or component, and payment of the reasonable out-of-pocket costs incurred in connection with replacement or repair if such costs are approved in advance by Charter Machine, or refund of 80% of the purchase price if the equipment cannot be repaired or replaced. This remedy is exclusive and does not include any consequential, incidental, special or other form of damage or extraordinary costs for removal or re-installation, such as crane rental or structural alteration or demolition.
14. **Limitation of Liabilities:** Charter Machine shall not be liable in contract, tort or otherwise for any form of consequential, incidental, punitive, or liquidated damages, loss of use, cost of cover, extraordinary removal or re-installation costs, or governmental fines or penalties arising out of failure of its equipment to perform or be free from defects, late shipment, errors or omissions in Field Service or any other breach or failure to perform whatsoever. Under no circumstances shall Charter Machine's total liability of any type exceed 80% of the purchase price.
15. **Indemnification:** Charter Machine shall indemnify Purchaser from and against any claims, suits, or demands by others for property damage, personal injury or death arising out of the sole fault or neglect of Charter Machine in the manufacture of its equipment, or for damages for patent infringement arising solely out of equipment or components designed and supplied by Charter Machine. This indemnity obligation shall be void unless Purchaser provides prompt written notice to Charter Machine of any occurrence which may require indemnification. Charter Machine shall assume the defense and settlement of any claim, suit or demand, and Purchaser shall cooperate in all respects with Charter Machine in any such defense and settlement.
16. **Title:** Notwithstanding delivery or installation, title to all equipment furnished shall remain solely with Charter Machine until the full purchase price is paid by Purchaser. Until such time, Charter Machine may enter the premises where such equipment is then located and repossess and remove such equipment by any lawful means and as Charter Machine's personal property. Purchaser agrees to perform all acts deemed necessary or desirable or requested by Charter Machine to maintain Charter Machine's rights, in, and title to, such equipment.
17. **Governing Law:** The transaction between Purchaser and Charter Machine shall be deemed to be made under and its terms shall be governed by, construed and enforced in accordance with the laws of the State of New Jersey without regard to its conflict of laws provisions.
18. **Arbitration:** Any controversy or claim arising out of or relating to this contract or its breach shall be settled by binding arbitration conducted in New Jersey in accordance with the Construction Industry Arbitration Rules of the American Arbitration Association and New Jersey law and judgment on the award rendered by the arbitrator(s) may be entered in any court of competent jurisdiction. The party prevailing in the arbitration shall be entitled to recover its attorneys' fees and costs of the arbitration.

19. **Assignment:** Purchaser shall not assign any of its rights or obligations without the express prior written consent of Charter Machine, which consent may be withheld, delayed or conditioned in Charter Machine's sole discretion. The transaction between Purchaser and Charter Machine shall not be construed to confer or create a third-party beneficiary relationship with any other entity.
20. **Severability:** The partial or complete invalidity of any one or more provisions of these Terms and Conditions shall not affect the validity or continuing force and effect of any other provision.
21. **Joint Drafting:** The parties expressly agree that these Terms and Conditions were jointly drafted, and that they both had an opportunity to negotiate its terms and to obtain the assistance of counsel in reviewing its terms prior to execution. These Terms and Conditions therefore shall be construed neither against nor in favor of either party, but shall be construed in a neutral manner.

Flowery Branch Early Design Package : Disconnect and Reconnect Damaged Conveyor

Totals (Summary) - Bid Summary: Default

Material	
Non-Quoted	\$250.00
Quotes	0.00
Sales Tax (0.00%)	0.00
Total Material	\$250.00
Labor	
Direct (12.00 hours @ \$96.88)	\$1,162.56
Non-productive Labor	0.00
Total Labor (12.00 hours)	\$1,162.56
Direct Job Expenses	\$37.44
Warranty	0.00
Subcontracts	0.00
Job Subtotal (Prime Cost)	\$1,450.00
Overhead (0.00%)	0.00
Profit (0.00%)	0.00
Job Total	\$1,450.00

Actual Bid Price	\$1,450.00
------------------	------------

Material to Direct Labor ratio: 0.18	
Prime Cost per square foot	\$0.00
Job Total per square foot	\$0.00
Actual Bid Price per square ft	\$0.00
Labor cost per square foot	\$0.00
Labor hours per square foot	0.00
Gross Profit %	0.00
Gross Profit \$	\$0.00
Net Profit %	0.00

Job Notes:

- Make trip to site, troubleshoot and disconnect motor on damaged conveyor.
- Return to site, re-terminate motor, and run through check out w/ GC and/or manufacturer.

FLOWERY BRANCH CITY COUNCIL
EXECUTIVE SUMMARY

SUBJECT: Consider a micro distillery license for Remedy Distillery LLC

DATE: September 4th, 2025

(X) RECOMMENDATION

() POLICY DISCUSSION

BUDGET INFORMATION:
ANNUAL-

() STATUS REPORT

() OTHER

COUNCIL ACTION REQUESTED ON: August 4th, 2025

PURPOSE: To allow Remedy Distillery DBA: Remedy Distillery LLC to sell distilled spirits at 5540 Atlanta Highway Suite C.

HISTORY: Remedy Distillery is a business located at 5540 Atlanta Highway Suite C. This is a new distillery that just opened in 2025.

FACTS AND ISSUES: Applicant Robert Speed, together with three additional owners, has applied for a microbrewery license. The proposed operation is a distillery specializing in the production of bourbon and flavored whiskey. All whiskey will be created, proofed, and bottled on-site at the distillery. The finished products will then be sold to a licensed distributor for distribution within the State of Georgia. In addition, the facility will feature a tasting room where patrons may sample products, purchase beverages for on-site consumption, and buy bottled products to take home.

The application has been reviewed and processed by the Chief of Police.

OPTIONS: Approve or Deny

RECOMMENDED MOTION: I move to approve the alcohol license issuance for Remedy Distillery for a micro distillery license.

DEPARTMENT: Police Department

Prepared by: Kelsey Cash



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

Name: Mayor Edward R. Asbridge Month/Year: August 2025

Meeting Date		Description of Meeting
8-5	✓	9. P Performance Food Tour
8-13	✓	9-10 Chamber Issues Com.
8-14	✓	8:15-NOON Boothouse - ANDREW CLYDE
8-19	✓	9:30 PANDA Express Ribbon Cutting Chamber
8-28	✓	NOON Chamber BO ADD Meeting

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

Total of \$ ~~500.00~~ ^{\$}250.00

Edward R. Asbridge

Signature

ORDINANCE NO. 747

AN ORDINANCE TO ANNEX AND BRING WITHIN THE CORPORATE LIMITS OF THE CITY OF FLOWERY BRANCH, STATE OF GEORGIA, REAL PROPERTY TOTALING 0.854 +/- ACRES OF LAND, OWNED BY MARY S. JONES, IDENTIFIED AS 6300 JONES ROAD A PORTION OF TAX PARCEL 08118 001015 AND AS SHOWN ON ATTACHED EXHIBIT “A”, PROVIDING FOR SEVERABILITY, REPEALING CONFLICTING ORDINANCES, PROVIDING FOR AN EFFECTIVE DATE AND FOR ALL OTHER LAWFUL PURPOSES.

WHEREAS, Mary S. Jones owns the subject parcel of land identified as Hall County Tax Parcel Identification No. 08118 001015 as shown and described on Exhibit “A”; and

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

WHEREAS, said parcels of land identified as Hall County Tax Parcel Identification No. 0118 001015 is within the unincorporated area of Hall County, State of Georgia, and is contiguous to the existing corporate limits of the City of Flowery Branch, Georgia at this time; and

WHEREAS, Mary S. Jones has submitted to the City Council of Flowery Branch, Georgia, a written and signed application and affidavit showing consent to being annexed, and whereas a survey and complete description of the subject parcel being considered to be annexed, is included in the application; and

WHEREAS, the City Council held a public hearing at the meeting on July 17th, 2025, duly noticed as prescribed by law and published in the Gainesville Times, regarding said application, as shall be set forth in the minutes of said meeting.

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

SECTION 1. RECITALS.

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

SECTION 2. ANNEXATION.

The City Council of Flowery Branch, Georgia, does hereby annex and include within the corporate limits of the City of Flowery Branch, Georgia real parcel of land known as Hall County Tax Parcel Identification No. 08118 001015 as shown and described on Exhibit “A”. Said Exhibit is incorporated by reference as if fully set forth herein.

SECTION 3. CERTIFICATION BY THE CITY CLERK

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

SECTION 4. SEVERABILITY.

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

SECTION 5. EFFECTIVE DATE.

The effective date of this Ordinance shall be as provided for by law.

SECTION 6. REPEALER.

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

Approved this ____ day of _____ 2025.

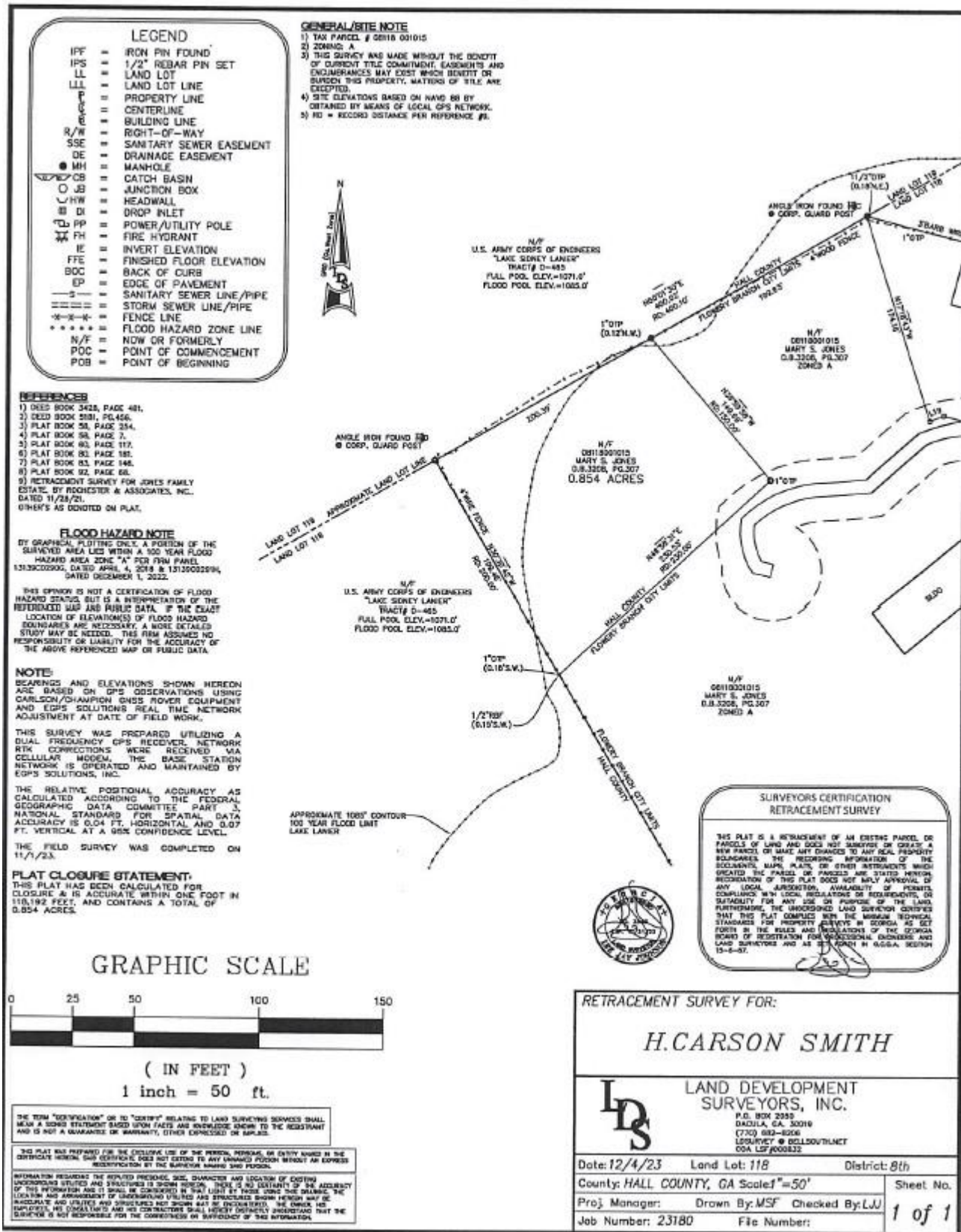
Edward R. Asbridge, Mayor

Shelia R. Cooper, City Clerk

APPROVED AS TO FORM

Ted C. Baggett, City Attorney

Exhibit A



PORTION OF PROPERTY TO BE ANNEXED

All that tract or parcel of land lying and being in Land Lot 118, 8th District, Hall County, Georgia and being more particularly described as followed:

To find the True Point of Beginning, begin at a point at the intersection along the South Westerly Right-of-Way of Shoreview Circle (apparent 44' Right-of-Way) and the South Easterly Right-of-Way of Mitchell Street (apparent 40' Right-of-Way); THENCE from said point and following along the North Westerly Right-of-Way of Mitchell Street (apparent 40' Right-of-Way) for the next nine (9) calls and distances, North 48 degrees 51 minutes 14 seconds West for a distance of 161.27 feet to a ½" Rebar Found; THENCE North 48 degrees 58 minutes 34 seconds West for a distance of 48.30 feet to an Army Corp of Engineers Brass Monument #118-G6; THENCE North 67 degrees 51 minutes 39 seconds West for a distance of 35.86 feet to an Army Corp of Engineers Aluminum Monument #118-G6-1; THENCE North 77 degrees 54 minutes 30 seconds West for a distance of 91.59 feet to a Point; THENCE North 53 degrees 04 minutes 18 seconds West for a distance of 116.38 feet to a Point; THENCE North 54 degrees 58 minutes 10 seconds West for a distance of 11.26 feet to a P.K. Nail with a Washer (LSF #000484); THENCE North 29 degrees 49 minutes 36 seconds West for a distance of 211.54 feet to an Army Corp of Engineers Aluminum Monument #118-G; THENCE North 47 degrees 23 minutes 18 seconds West for a distance of 223.11 feet to a ½" Rebar Found with a Cap (LSF #000484); THENCE North 74 degrees 57 minutes 41 seconds West for a distance of 147.72 feet to a Nail with a Washer in a 6-inch Fence Post Top (LSF #000484); THENCE leaving said Right-of-Way, North 30 degrees 30 minutes 42 seconds West for a distance of 962.99 feet to a Point, said Point being the TRUE POINT OF BEGINNING;

THENCE from said point thus established, North 30 degrees 30 minutes 42 seconds West for a distance of 199.46 foot to an Angle Iron Found at Army Corp of Engineers Guard Post 119/118D; THENCE North 60 degrees 01 minutes 30 seconds East for a distance of 200.39 feet to a Point; THENCE South 39 degrees 59 minutes 58 seconds East for a distance of 149.69 feet to a 1" Open Top Pipe; THENCE South 46 degrees 58 minutes 31 seconds West for a distance of 230.53 feet to a Point, said Point being the TRUE POINT OF BEGINNING.

Said property contains 0.854 acres.

Including Easements within.



Memorandum

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

From: Chris McCrary, Planning and Community Development Director

Date: September 4th, 2025

Subject: Annexation of a portion of 6300 Jones Road; Rezoning of 6300, 6294, 6290, 6270, 6258, 6246, 6249 Jones Road

Applicant: Chris Hill
Heritage Group Homes, LLC
P.O. Box 1929
Buford, GA 30515
770-822-2499

Existing Zoning: Flowery Branch **R-1** (Residential, Detached Single-Family, Low-Density District) and Hall County **V-C** (Vacation Cottage)

Proposed Zoning: Flowery Branch **R-2** (Detached Single-Family, Moderate-Density District).

Location:

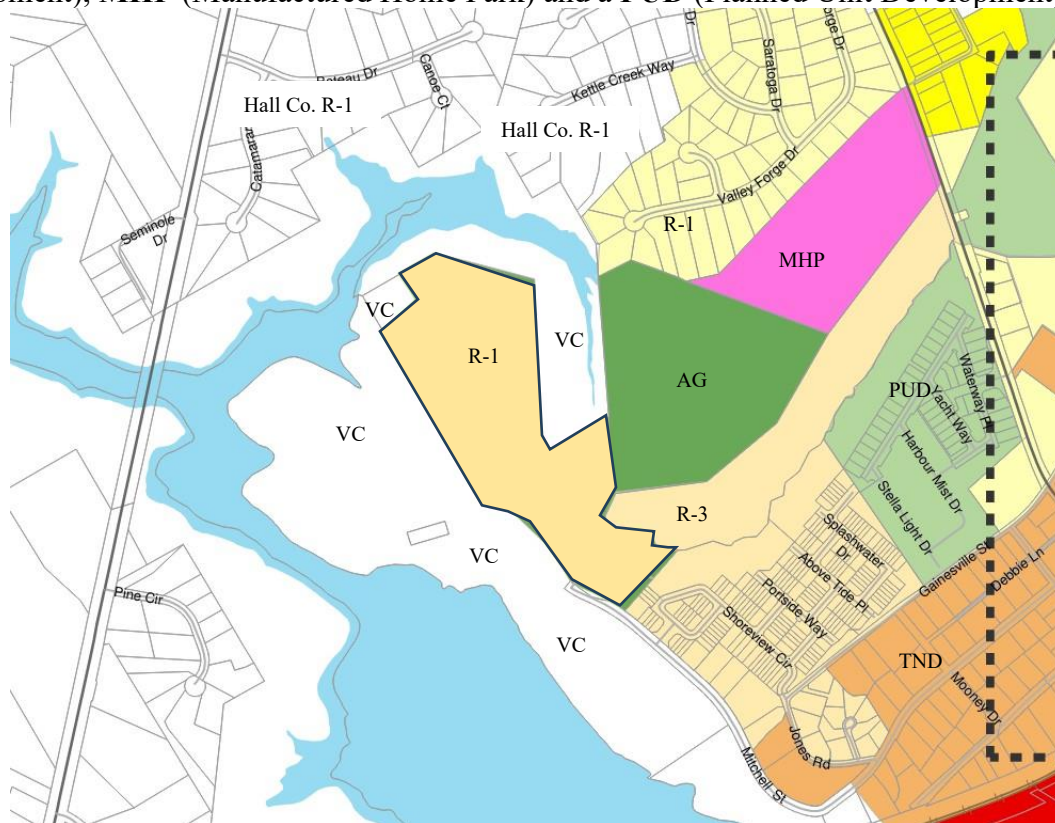
- 6300 Jones Road, tax parcel identification number **08118 001015**,
- 6294 Jones Road, tax parcel identification number **08118 001009**,
- 6290 Jones Road, tax parcel identification number **08118 001002D**,
- 6270 Jones Road, tax parcel identification number **08118 001002E**,
- 6258 Jones Road, tax parcel identification number **08118 001012**,
- 6246 Jones Road, tax parcel identification number **08118 001020**,
- 6249 Jones Road, tax parcel identification number **08118 001002F**

Heritage Group Homes, LLC is applying for an annexation of a portion of 08118 001015 (0.854 acres) and rezoning of all parcels listed above from Hall County **V-C** (Vacation Cottage), Flowery Branch **R-1** (Residential, Detached Single-Family, Low-Density District) and **A** (Agricultural) to **R-2**- (Detached Single-Family, Moderate-Density District). Total development acreage is +/- 22.14.



Zoning Map:

The subject property is currently zoned Hall County **V-C** (Vacation Cottages) and **R-1** (Residential, Detached Single-Family, Low-Density District). Proposed zoning is Flowery Branch **R-2** (Detached Single-Family, Moderate-Density District). The surrounding properties are zoned Flowery Branch **A** (Agricultural), **R-3** (Residential Multi-family) and the majority of surrounding parcels are zoned Hall County **V-C** (Vacation Cottages). Nearby uses not directly adjacent to the subject site include Hall County **R-1** (Low- Density Residential) and Flowery Branch **R-1** (Residential, Detached Single-Family, Low-Density District), **TND** (Traditional Neighborhood Development), **MHP** (Manufactured Home Park) and a **PUD** (Planned Unit Development).



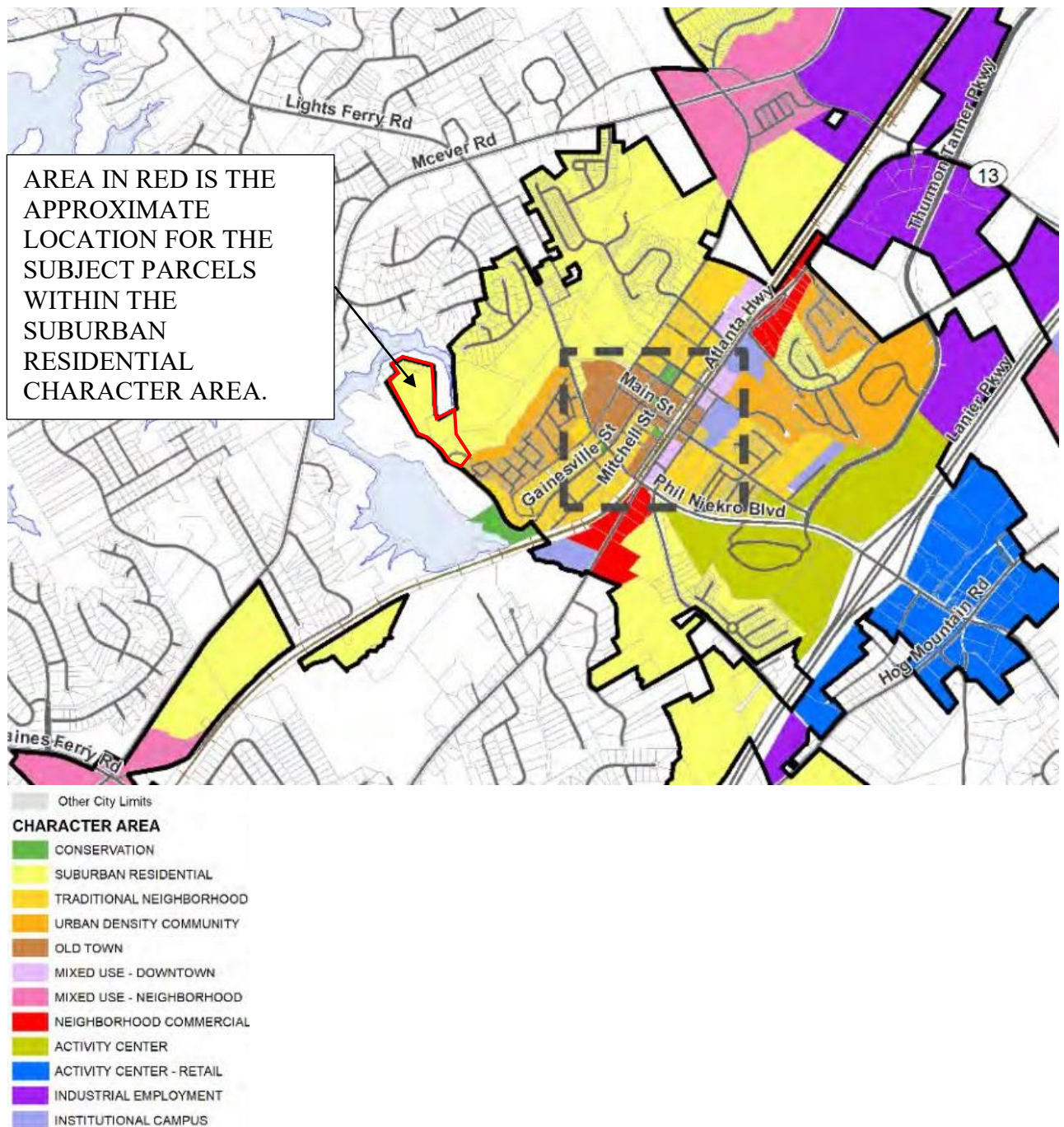
Legend

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)	



Future Development Map





Suburban Residential

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

Vision

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

Design Principles

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

Land Uses

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

Zoning

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

Implementation Strategies

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

Illustrative Photos





The Future Development Map from the City of Flowery Branch Comprehensive Plan indicates that the subject parcels fall within the Suburban Residential Character Area. The proposed zoning to **R-2** (Detached Single-Family, Moderate-Density District) falls in harmony with the Suburban Residential Character Area based on the following criteria:

Land Use:

- Single-Family Detached Residential

Zoning:

- **R-2** (Detached Single-Family, Moderate-Density District)

Design Principles:

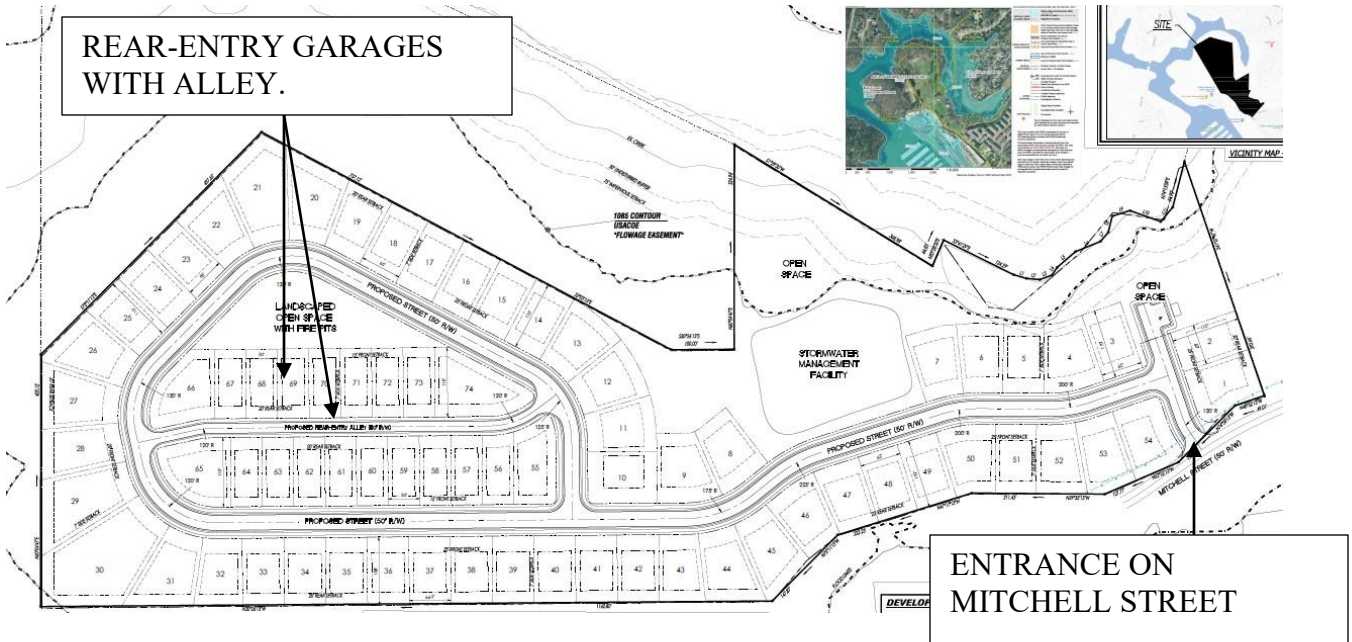
- Larger lots (1/3 to 1 acre) with houses set back from the road,
- Cul-de-sacs and curvilinear streets (that are relatively wide when compared to traditional neighborhoods) with sidewalks,
- Use of high-quality exterior cladding materials (that are consistent on each level of the home),
- Diverse architectural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

The proposed zoning of **R-2** is a listed zoning category in the Suburban Residential Character area. It's reasonable to believe that rezoning the subject site brings the area into the intended zoning based on the Future Development Map.

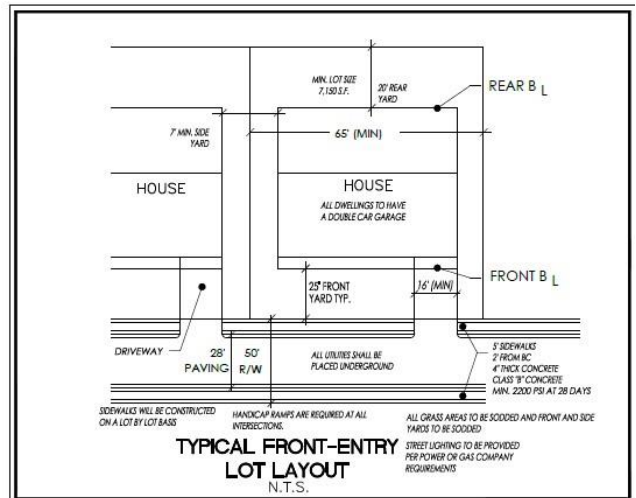
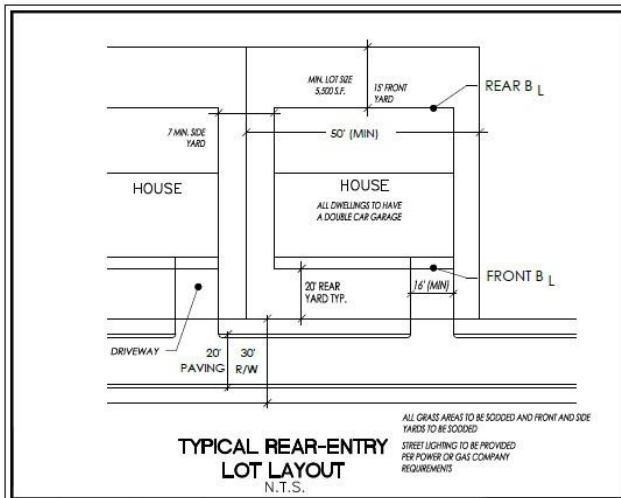
Sewer Design and Capacity Impacts

The proposed development of 74 residential units will generate a peak sanitary sewer demand of **20,350** gallons per day, based on the City's standard rate of 275 gallons per unit. Given the City's current peak capacity of **727,798** gallons per day, bringing these units online would reduce available capacity to approximately **707,448** gallons per day.

Because of the site's location, the sanitary sewer will rely on an existing lift station and the lift station will be required to be upgraded with the added capacity; the Engineer of Record must work closely with the Public Utility Department throughout the design process. All pump station plans must comply with Chapter 50 (Utilities), Article II (Standard Specifications), Division 2 (Construction), Subdivision VII (Pump Stations), as well as any additional criteria established by the Public Utilities Director.



The proposed subdivision is on 22.17 acres and contains a total of 74 single-family residential homes. Proposed 54 units with front-entry garages and 20 units with rear-entry garages.



Rear-entry dimensions are shown to be 50 feet in width and 5,500 square feet. Front-entry lots are shown as 65 feet and 7,150 square feet.



DEVELOPMENT SUMMARY

1. EXISTING BOUNDARY ACREAGE: ± 22.17 ACRES
2. TAX PARCELS: 08118 001015, 001009, 001002D, 001002E, 001012, 001020, AND 001002F.
3. EXISTING ZONING: R1, AR3 AND VC
4. TOTAL No. PROPOSED UNITS: 74
FRONT-ENTRY: 54 UNITS
REAR-ENTRY: 20 UNITS
GROSS DENSITY: ± 3.34 UNITS/ACRE
NET DENSITY: ± 3.41 UNITS/ACRE
5. OPEN SPACE REQUIRED = 3.33 ACRES (15%)
6. OPEN SPACE PROVIDED = ± 4.86 ACRES (INCLUDING STORM WATER MANAGEMENT FACILITIES)
= ± 3.94 ACRES (EXCLUDING STORM WATER MANAGEMENT FACILITIES)
7. PROPOSED SETBACKS: (SEE TYPICAL LOT DETAIL)
MAXIMUM BUILDING HEIGHT: 35 FT. (14' BUILDING SEPARATION)
8. TOTAL LENGTH OF STREETS: $\pm 3,742$ L.F.
9. BOUNDARY INFORMATION BASED ON HALL COUNTY GIS.
10. TOPOGRAPHIC AND UTILITY INFORMATION BASED ON HALL COUNTY GIS. DATUM IS MEAN SEA LEVEL.
11. WATER AND SANITARY SEWER SERVICE TO BE PROVIDED BY THE CITY OF FLOWERY BRANCH.
12. ALL CONSTRUCTION SHALL CONFORM TO THE CITY OF FLOWERY BRANCH'S STANDARDS AND SPECIFICATIONS.
13. ALL PROPOSED UTILITIES SHALL BE UNDERGROUND.
14. SITE PLAN IS CONCEPTUAL IN NATURE AND IS SUBJECT TO CHANGE BASED ON ACTUAL FIELD CONDITIONS.
15. PORTIONS OF THE PROPERTY LIE WITHIN A 100-YEAR FLOOD PLAIN (ZONE "A" OR "AE") AS DESIGNATED ON F.I.R.M. FLOOD PANELS 13139C0280G, 13139C0283G, & 13139C0290G DATED APRIL 4TH, 2018, AND FLOOD PANEL 13139C0291H DATED DECEMBER 1ST, 2022.



The applicant is proposing to rezone the site to **R-2** with concurrent variances. The following variances are proposed with the rezoning case:

Variances to Table 6.1:

- Reduction in required side building setbacks for all units from 15-feet to 7-feet.
- Reduction in required front building setbacks for rear-entry garage units from 25-feet to 15-feet.
- Lot size reduction from 15,000 square feet to 7,150 square feet for front-entry garage units and 5,500 square feet for rear-entry garage units.
- Lot width reductions from 75-feet to 65-feet for front entry garages units and 50-feet for rear-entry garage units.

The following variance justification is from the applicant's submittal:

Setbacks: We are building larger footprint homes, including some ranch homes that require smaller setbacks. We are maintaining the required 25-foot front setback and 20-foot rear setback on the front entry homes and maintaining the 20-foot rear setback on the rear entry homes. Since we are providing front entry and rear entry product types, we request the side setbacks of 7 feet (maintaining 14 feet between homes) and a front setback of 15 feet for rear entry homes, to create an enhanced streetscape.

Lot Size and Lot Width: We are requesting a lot width reduction from 75 feet to 65 feet for front entry homes and 55 feet on rear entry homes to accommodate the larger houses. A lot size reduction from 15,000 square feet to 7,150 square feet for front entry and 5,500 square feet for rear entry. This allows for both home types to be constructed with average lot width for front entry homes of 69 feet and slightly over 55 feet for rear entry homes.



Variance to Section 12.7

The primary entrance to a residence must be emphasized through the use of an unenclosed roofed porch, veranda or terrace that is a minimum of: six (6) feet deep (not including the steps); and, 40% of the width of the front façade or 11 feet, whichever is greater.

The applicant is requesting the front porch dimensions be six (6) feet deep (not including the steps) and 11 feet wide. The request would eliminate the percentage portion of the code requirement for front porches which reads, “40% of the width of the façade **or** 11 feet, **whichever is greater**”, adjusting the requirement so that the front porches carry solely the requirement of a minimum of six (6) feet deep (not including the steps) and eleven (11) feet wide.

The following variance justification is from the applicant’s submittal:

Front Porches: We are requesting to eliminate the 40 percent of front façade requirement and comply with front porches of at least 11 feet in width and 6 feet in depth. Our homes are a larger footprint with greater widths and the 40 percent would require a porch that would create a proportional issue with the two car garages and the front facades of the homes.

Variance to Appendix B – Subdivision Regulations – Article 10 – Access and Design Requirements for Road – Table 10.1

Radius of curvature of the center line, minimum 275 feet. The applicant is requesting a reduction to the centerline curvature radius to 120 feet.

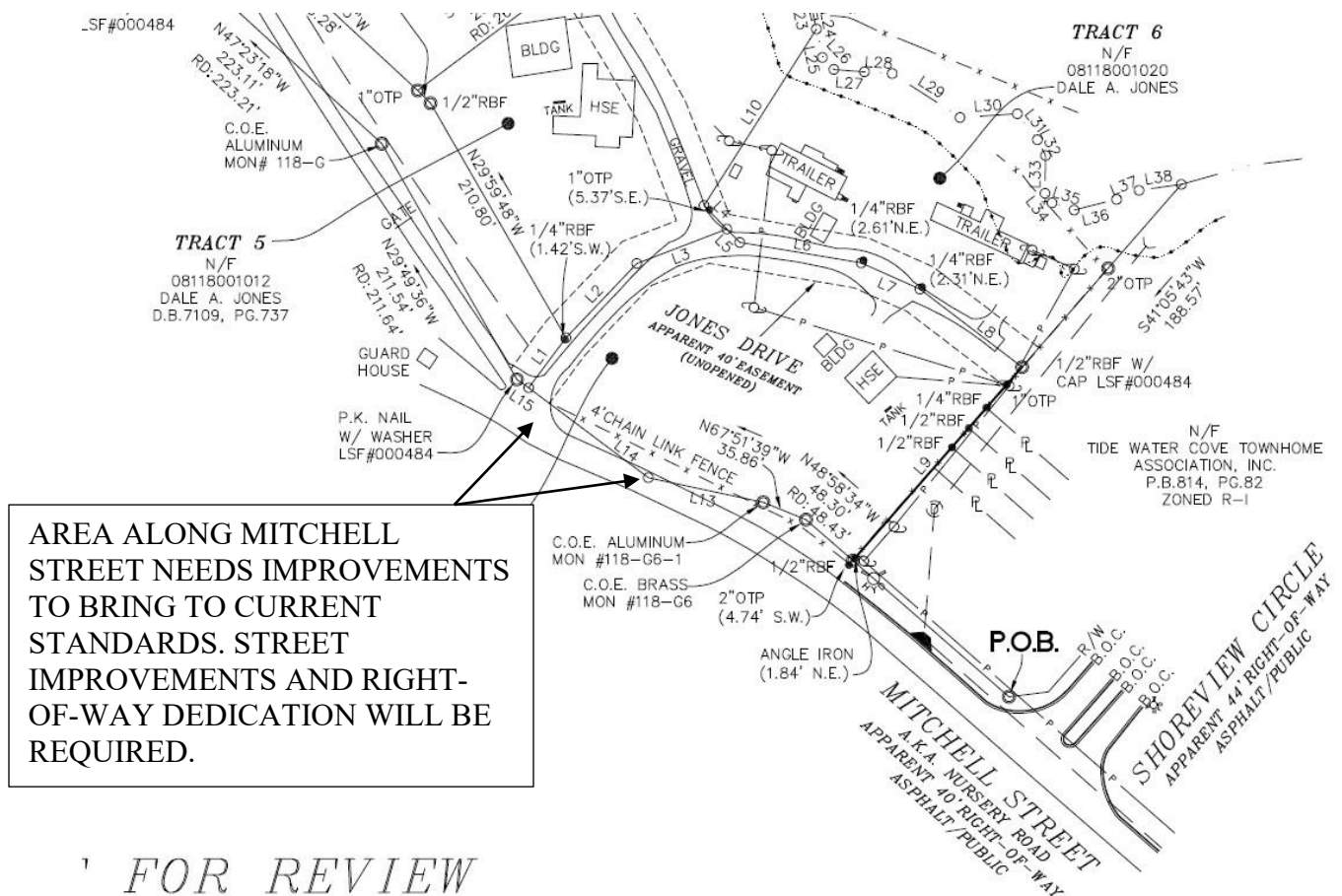
The following variance justification is from the applicant’s submittal:

Street radius of 275 feet of curvature of center line: We are requesting a reduction in the requirement of 275 feet radius to a minimum of 120-foot radius in order to provide a safer street layout. Smaller radius and horizontal curves serve as traffic calming devices aim to reduce speeds and improve safety by making curves more visible, providing advance warning, and potentially altering the road’s geometry to encourage slower, more deliberate driving. Larger radiuses encourage street designs with longer and straighter roads that can lead to cars traveling at higher speeds than posted.



Road Access

The proposed subdivision will be accessed from Mitchell Street. Mitchell Street is not to current design standards concerning right-of-way width and street design.





Road and Right-of-way widths are less than the minimal standards. Curb and gutter, including sidewalks, are required along Mitchell Street at the development.

1. Site Access

- A single entrance is proposed from Mitchell Street.
- The entrance must be to City Standards with street widths and radius returns.
- Mitchell Street must be improved to current standards from Tidewater to the subdivision entrance.
- The remainder of Mitchell Street to Jones Street is a Hall County Road. The city cannot make improvements beyond the development's road frontage unless it is a city street. Ideally the City would study the non-standard portion of Mitchell Street by a Professional Engineer to provide an opinion of probable construction cost (OPCC). The applicant could commit to paying a percentage of the cost of improvement to Mitchell Street based on the engineer's OPCC.

2. Sight Distance

- The entrance design must meet the minimum sight-distance requirements specified in the GDOT Driveway Manual. The engineer shall verify that both stopping-sight distance (SSD) and operational-sight distance (OSD) criteria are satisfied under existing field conditions.



3. Utility Coordination

- Any utilities located within the street improvements must be relocated outside of the pavement area.
- All costs associated with utility relocation shall be borne by the developer and coordination with the respective utility owners must be completed prior to construction.

All design elements shall comply with GDOT standards. Coordination with Hall County DOT, City of Flowery Branch, and affected utility providers should occur early in the design process to avoid delays.

Open Space: Civic and Amenity spaces

The applicant submitted a conceptual site plan and labeled some common areas as open space. However, Article 10, Section 10.22 Open Space Requirements requires more detail to show compliance. For residential developments the code requires 10% of the project area to be Civic Space and 5% of the project area to be Amenity Space. The applicant will be required to provide details of the amenity and civic spaces.

Civic Space:

- 1) *Park*. An open space available for structured or unstructured recreation. A park may be independent of surrounding buildings at its edges. Its landscape may consist of paths and trails, meadows and lawns, water bodies, runoff reduction measures such as bioretention areas, swales, cisterns, and woodlands. Recreation fields and courts may also be included. The minimum size for a park is one acre.
- 2) *Square*. An open space available for unstructured recreation and civic purposes. A square is spatially defined by building or streets at its edges. Its landscape must consist of paths and trees and may also include runoff reduction measures such as bioretention areas and cisterns, lawns and non-asphalt paved surfaces. The minimum size for a square is one-half acre.
- 3) *Plaza*. An open space, available for civic purposes and commercial activities. A plaza must be spatially defined by building or streets at its edges. Its landscape must consist primarily of non-asphalt paved surfaces and trees, and may include runoff reduction measures such as bioretention areas and cisterns. The minimum size for a plaza is one-quarter acre.
- 4) *Pocket Park*. An open space, available for unstructured recreation. A pocket park may be spatially defined by buildings or streets at its edges. Its landscape must consist of lawn and trees and may include runoff reduction measures such as bioretention areas and cisterns. There is no minimum size for pocket parks.
- 5) *Playground*. An open space designed and equipped for the recreation of children. A playground must be fenced and may include an open shelter. Playgrounds must be



- interspersed within residential areas, may be placed within a block, and may be included in parks and greens. There is no minimum size for playgrounds. Playgrounds may include runoff reduction measures such as bioretention and underground detention.
- 6) *Performance Venues*. An open space available for outdoor performances. Performance venues typically include a stage surrounded by formal or informal seating on at least one side. Performance venues may have a combination of landscaped and hardscaped areas. The minimum size for a performance area is one-half acre.
 - 7) *Multi-Use Trails with Potential Connections to Offsite Trails*. A linear open space consisting of a conforming multi-use trail that includes a connection to existing or proposed off-site trails. There is no minimum size for this type of open space.
 - 8) *Park Overlooks*. An open space primarily intended for the viewing of parks and other open spaces. Park overlooks must include seating. There is no minimum size for park overlooks.

Amenity Space

Amenity space is the covered or uncovered, but unenclosed, outdoor areas of at least 100 square feet each for use by the occupants, invitees and guests of the development and specifically excluding Civic Spaces and required sidewalks. Amenity spaces may include, but are not limited to:

- 1) Rooftop decks;
- 2) Balconies (min. 6' x 8');
- 3) Patios and porches;
- 4) Outdoor dining areas;
- 5) Pool areas;
- 6) Tennis courts, basketball courts, and similar uses;
- 7) Yards, lawns, and flower gardens;
- 8) Community gardens;
- 9) Hardscape areas improved for pedestrian enjoyment;
- 10) Wooded areas; and
- 11) Runoff reduction measures such as bioretention areas and cisterns.



Each amenity area approved must be available and accessible as exterior space appropriately improved for pedestrian amenities or for aesthetic appeal, subject to approval by Director of Community Development. Above-ground-cistern design and appearance shall also require approval by the Director.

Additional Open Space Requirements:

- Open space requirements may be met using existing and/or new open space, subject to approval of the Director of Community Development.
- Open space may be privately or publicly owned. Private open space is open space that is owned by a corporation, individual, or homeowners' association. Public open space is open space owned by a governmental agency.
- Wetlands, lakes, ponds, streams, rivers, flood zones, and stream buffers may only be considered open space when located within one of the eight types of civic spaces identified in Section 2.10.C or within an amenity space that conforms Section 2.10.10.D, unless part of an approved stormwater management plan for the site that includes runoff reduction measures.
- No required buffer may be used to satisfy open space requirements, except for stream buffers that are improved with trails and other authorized amenities.
- Stormwater management facilities for the site may be used to satisfy open space requirements if they meet this Chapter's definition of open space. Open space credit may be given at the discretion of the Director of Community Development.
- No areas used for vehicles, except for incidental service, maintenance, or emergency actions, may be used to satisfy open space requirements.



Architectural Concepts

The applicant submitted conceptual renderings of the proposed architecture. However, without detailed floor plans and a materials list, staff is unable to verify compliance with the City's established single family residential architectural treatment and dimensional standards. To facilitate a thorough review, the applicant must provide complete architectural drawings, including architectural material details and floor-plan details, in order to confirm that all requirements are met. A detailed review is done by staff following Article 40 prior to the issuance of permits. The design concepts provided are for illustrative purposes only and were submitted as part of the rezoning case.









Flowery Branch Code Section 34.7 – Analysis Requirements

- a) **Whether the proposal will permit a use that is suitable in view of the use and development of adjacent and nearby property.**

Rezoning to **R-2** (Detached Single-Family Residential) will permit a use that is suitable in view of the use and development of adjacent and nearby property.

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

Rezoning to **R-2** (Detached Single-Family, Moderate-Density District) 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 a reasonable economic use as currently zoned.**

It's reasonable to believe that the current zoning of **R-1** (Detached Single-Family Low-Density Residential) does have an economic use due to the trend of residential area development in Flowery Branch.

- 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.**

Rezoning to **R-2** (Detached Single-Family Medium-Density Residential) could have measurable impacts to Mitchel Street. The existing streets are not to Flowery Branch standards. Improvements will be needed to support the additional traffic with the development.

- 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.**

Rezoning to **R-2** Detached Single-Family, Moderate-Density District) is in conformity with the Flowery Branch 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 surrounding properties are zoned **A** (Agricultural), **R-3** (Residential Multi-family) and the majority of zoning surrounding the parcels are Hall County **V-C** (Vacation Cottages). Nearby uses not directly adjacent to the subject site includes Hall County **R-1** (Low-Density Residential), Flowery Branch **R-1** (Low-Density Residential), **TND** (Traditional Neighborhood Development), **MHP** (Manufactured Home Park), and a **PUD** (Planned Unit Development).

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.

It's reasonable to believe that the property value would increase by re-zoning from **R-1** (Detached Single-Family Low-Density Residential) to **R-2** (Detached Single-Family Moderate-Density Residential).

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

The proposed zoning map amendment approval will not be a deterrent to the value of adjacent property in accordance with existing regulations.

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

There are nearby Single-Family developments with higher density in the area.



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

Rezoning to **R-2** (Detached Single-Family Moderate-Density Residential) is in harmony with the future land development of the Comprehensive Plan and will be a positive change aligning with the vision of the City.

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

The City of Flowery Branch will do an extensive review of stormwater management and erosion control, including, but not limited to; drainage, soil erosion and sedimentation, flooding, air quality and water quality on any proposed development to minimize impacts on the environment. In **R-2**, mass grading can be avoided, disturbing areas only for infrastructure, streets, and the construction of homes. Limited grading and more undisturbed areas in the development helps with environmental impacts, specifically in this case due to the proximity to Lake Lanier.

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.

Rezoning to **R-2** (Detached Single-Family Moderate-Density Residential) is in harmony with the future land development of the Comprehensive Plan

Recommendation:

Staff recommends **APPROVAL** of the proposed annexation of the 0.854-acre tract of parcel 08118 001015. Staff recommends the **APPROVAL** of the proposed rezoning from Flowery Branch **R-1** (Detached Single Family Low Density Residential) and Hall County **V-C** (Vacation Cottage) to Flowery Branch **R-2** (Detached Single-Family Moderate-Density Residential) for the following parcels:

- 6300 Jones Road (including the portion of the parcel in unincorporated Hall County to be annexed into Flowery Branch); tax parcel identification number **08118 001015**,
- 6294 Jones Road, tax parcel identification number **08118 001009**,
- 6290 Jones Road, tax parcel identification number **08118 001002D**,
- 6270 Jones Road, tax parcel identification number **08118 001002E**,
- 6258 Jones Road, tax parcel identification number **08118 001012**,
- 6246 Jones Road, tax parcel identification number **08118 001020**,
- 6249 Jones Road, tax parcel identification number **08118 001002F**



Conditions of Approval:

Please find below the proffered conditions for the proposed rezoning, organized by discipline and drafted to ensure consistency with the submitted concept materials and to protect the public interest:

1. General Development

- a. The total number of residential lots within the development shall not exceed 74.
- b. The development design shall be substantially similar to the concept plan provided with the zoning application.
- c. Density Measurement:
Density shall be calculated on a net basis, in accordance with the definition of “Net Density” set forth in Article 2, Section 2.2 (Design-Related Definitions).
- d. Maximum net density shall not exceed 4 units per acre.
- e. Open Spaces must be compliant with Code Section 10.22 concerning Civic and Amenity space percentages. Civic and Amenity spaces must be in relatively flat areas for public use. Walking trails shall be designed in a manner to avoid steep slopes. Final review and approval of all Open Spaces shall be by the Director of Planning and Community Development.
- f. A mandatory Homeowners Association shall be established.
- g. The developer shall incorporate a provision in the HOA bylaws restricting the number of homes rented within the subdivision to no more than 15% of the total homes.

2. Civil Site Engineering

- a. The final site-grading, stormwater, and utility plans shall be in substantial conformity with the Rezoning Concept Plan, including all delineated amenities, open spaces, and public gathering areas.
- b. No grading, filling, or earthmoving shall occur within the 75-foot impervious setback from state waters without prior approval of the Director of Planning & Community Development; such activities shall be minimized in accordance with Code § 27.6(b).

3. Building Design

- a. Exterior elevations shall comply with design requirements in Article 12 of the Flowery Branch Zoning Ordinance.
- b. Only authentic brick or natural stone shall be utilized.
- c. All building facades shall be approved through the Design Review process per Article 40 and shall meet the design requirements in Article 10 and Article 12 unless specific variance(s) are approved.

4. Streets, Sidewalks & Stormwater Facilities



- a. All internal streets and sidewalks shall be public to City design standards and be dedicated at the conclusion of the Final Plat. Stormwater management systems shall remain private and be maintained at the HOA's expense.

5. Signage, Landscaping & Lighting

- a. An overall signage program, a detailed landscape plan sealed by a Georgia-registered landscape architect, and a comprehensive site-lighting plan shall be submitted to the Department of Community Development for review and approval.
- b. The landscape plan shall include high-quality treatments for the entrance, open spaces, trails, pathways, and amenities.

6. Transportation Improvements

- a. The entrance must be to City Standards with street widths and radius returns.
- b. Mitchell Street must be improved to current standards from Tidewater to the remainder of the subdivision's road frontage.

7. Variances

- a. Unless otherwise stated in Conditions 7, approval of this rezoning does not grant any variances from local, state, or federal standards. Any such request must be submitted through the formal variance process to the appropriate jurisdiction.
- b. Approval of the following variances to Table 6.1,
 - i. Reduction in the required side building setbacks for all units from 15 feet to 7 feet.
 - ii. Reduction in required front building setbacks for rear entry garage units from 25-feet to 15-feet.
 - iii. Lot size reduction from 15,000 square feet to 7,150 square feet for front entry garage units and 5,500 square feet for rear entry garage units.
 - iv. Lot width reductions from 75 feet to 65 feet for front entry garages units and 50 feet for rear entry garage units.
- c. Approval of the following variance to Section 12.7.
 - i. The porch dimensions shall be six (6) feet deep (not including the steps); and 11 feet wide without considering 40% of the façade width.
- d. Approval of the following variance to Appendix B – Subdivision Regulations – Article 10 – Access and Design Requirements for Roads – Table 10.1.
 - i. A reduction of the radius curvature of the center line of the road from 275 feet to 120 feet.

8. Public Utilities

- a. Due to the site's location, the sanitary sewer will depend on an existing lift station, which must be upgraded to accommodate the increased capacity. The Engineer of Record shall collaborate closely with the Public Utility Department during the design process. All pump station plans must adhere to Chapter 50 (Utilities), Article II (Standard Specifications), Division 2 (Construction), Subdivision VII (Pump Stations), and any additional requirements set by the Public Utilities Director.



GENERAL/SITE NOTE
 TAX PARCEL # 08118 001002F, 08118 001020, 08118 001015,
 08118 001012, 08118 001002E, 08118 001009, 08118 001002D
 ZONING: A
 THIS SURVEY WAS MADE WITHOUT THE BENEFIT
 OF CURRENT TITLE COMMITMENT. EASEMENTS AND
 ENCUMBRANCES MAY EXIST WHICH BENEFIT OR
 BURDEN THIS PROPERTY. MATTERS OF TITLE ARE
 EXCEPTED.
 SITE ELEVATIONS BASED ON NAVD 88 BY
 OBTAINED BY MEANS OF LOCAL GPS NETWORK.
 RD = RECORD DISTANCE PER REFERENCE #9.

- 1) DEED BOOK 3428, PAGE 481.
- 2) DEED BOOK 5181, PG.456.
- 3) PLAT BOOK 56, PAGE 254.
- 4) PLAT BOOK 58, PAGE 7.
- 5) PLAT BOOK 60, PAGE 117.
- 6) PLAT BOOK 80, PAGE 181.
- 7) PLAT BOOK 83, PAGE 146.
- 8) PLAT BOOK 92, PAGE 68.
- 9) RETRACEMENT SURVEY FOR JONES FAMILY ESTATE, BY ROCHESTER & ASSOCIATES, INC., DATED 11/28/21.

OTHER'S AS DENOTED ON PLAT.

THIS OPINION IS NOT A CERTIFICATION OF FLOOD HAZARD STATUS, BUT IS AN INTERPRETATION OF THE REFERENCED MAP AND PUBLIC DATA. IF THE EXACT LOCATION OF ELEVATION(S) OF FLOOD HAZARD BOUNDARIES ARE NECESSARY, A MORE DETAILED STUDY MAY BE NEEDED. THIS FIRM ASSUMES NO RESPONSIBILITY OR LIABILITY FOR THE ACCURACY OF THE ABOVE REFERENCED MAP OR PUBLIC DATA.

BEARINGS AND ELEVATIONS SHOWN HEREON
ARE BASED ON GPS OBSERVATIONS USING
CARLSON/CHAMPION GNSS ROVER EQUIPMENT
AND EGPS SOLUTIONS REAL TIME NETWORK
ADJUSTMENT AT DATE OF FIELD WORK.

THIS SURVEY WAS PREPARED UTILIZING A DUAL FREQUENCY GPS RECEIVER. NETWORK RTK CORRECTIONS WERE RECEIVED VIA CELLULAR MODEM. THE BASE STATION NETWORK IS OPERATED AND MAINTAINED BY EGPS SOLUTIONS, INC.

THE RELATIVE POSITIONAL ACCURACY AS CALCULATED ACCORDING TO THE FEDERAL GEOGRAPHIC DATA COMMITTEE PART 3, NATIONAL STANDARD FOR SPATIAL DATA ACCURACY IS 0.04 FT. HORIZONTAL AND 0.07 FT. VERTICAL AT A 95% CONFIDENCE LEVEL.

THE FIELD SURVEY WAS COMPLETED ON
11/1/23.

THIS PLAT HAS BEEN CALCULATED FOR
CLOSURE & IS ACCURATE WITHIN ONE FOOT IN
561,838 FEET, AND CONTAINS A TOTAL OF
22.300 ACRES.

LINE TABLE			
LINE	LENGTH	BEARING	
L1	48.48	S36°37'10"W	
L2	73.91	S43°39'28"W	
L3	75.00	S69°03'29"W	
L4	25.50	S44°05'31"E	
L5	14.50	S44°05'31"E	
L6	95.89	S80°25'07"E	
L7	50.00	S65°58'53"E	
L8	100.00	S52°38'53"E	
L9	199.95	S52°38'53"E	
L10	162.85	S32°30'02"W	
L11	65.56	N81°27'17"W	
L12	84.14	N19°33'30"W	
L13	91.59	N77°54'30"W	
L14	116.38	N53°04'18"W	
L15	11.26	N54°58'10"W	
L16	175.29	S30°36'46"W	
L17	30.00	N51°02°35"W	
L18	50.18	N51°02°35"W	
L19	12.00	S69°17'28"W	
L20	85.24	S04°04'53"E	
L21	39.40	S03°45'46"E	
L22	3.10	S11°56'08"E	
L23	23.47	S11°56'50"E	
L24	0.00	S11°56'50"E	
L25	22.64	S11°56'08"E	
L26	12.96	S37°14'24"E	
L27	23.81	S85°37'02"E	
L28	21.71	S86°23'51"E	
L29	62.86	S57°01'14"E	
L30	44.74	N86°19'09"E	
L31	25.50	S37°14'24"E	
L32	13.82	S27°24'47"E	
L33	29.45	S00°48'41"E	
L34	9.34	S36°18'54"E	
L35	18.05	S71°44'23"E	
L36	34.19	N75°58'26"E	
L37	18.77	N67°58'02"E	
L38	33.29	N82°01'08"E	

INFORMATION REGARDING THE REPUTED PRESENCE, SIZE, CHARACTER AND LOCATION OF EXISTING UNDERGROUND UTILITIES AND STRUCTURES IS SHOWN HEREON. THERE IS NO CERTAINTY OF THE ACCURACY OF THIS INFORMATION AND IT SHALL BE CONSIDERED IN THAT LIGHT BY THOSE USING THIS DRAWING. THE LOCATION AND ARRANGEMENT OF UNDERGROUND UTILITIES AND STRUCTURES SHOWN HEREON MAY BE INACCURATE AND UTILITIES AND STRUCTURES NOT SHOWN MAY BE ENCOUNTERED. THE OWNER, HIS EMPLOYEES, HIS CONSULTANTS AND HIS CONTRACTORS SHALL HEREBY DISTINCTLY UNDERSTAND THAT THE SURVEYOR IS NOT RESPONSIBLE FOR THE CORRECTNESS OR SUFFICIENCY OF THIS INFORMATION.

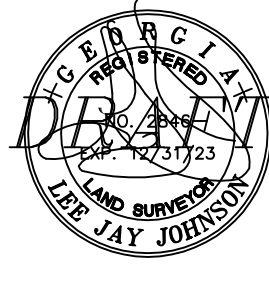
DATE	NO	DESCRIPTION

FIELD	DRAWN	CHECKED
TJ,KS	MSF	LJJ

LOCATED IN LAND LOT 118, OF THE 8TH LAND DISTRICT
CITY OF FLOWERY BRANCH, HALL COUNTY, GA
SCALE: 1"=100'

LD

P.O. BOX 2050
DACULA, GA. 30019
(770) 682-8206
LDSURVEY@BELLSOUTH.NET
COA LSF#000832



THIS PLAN IS A RETRACEMENT OF AN EXISTING PARCEL OR PARCELS OF LAND AND DOES NOT SUBDIVIDE OR CREATE A NEW OR MAKE NEW LOTS OR CHANGES TO EXISTING PROPERTY BOUNDARIES.

THE RECORDING INFORMATION OF THE DOCUMENTS, MAPS, PLATS, OR OTHER INSTRUMENTS WHICH CREATED THE PARCEL OR PARCELS ARE STATED HEREIN.

IN THE ABSENCE OF EVIDENCE TO THE CONTRARY, THE FOLLOWING LOCAL JURISDICTION, AVAILABILITY OF PERMITS, COMPLIANCE WITH LOCAL REGULATIONS OR REQUIREMENTS, OR OTHER FACTORS, ARE NOT NECESSARILY APPLICABLE TO THIS PROJECT. FURTHERMORE, THE UNDERSIGNED LAND SURVEYOR CERTIFIES THAT THIS PLAN COMPLIES WITH THE MINIMUM TECHNICAL REQUIREMENTS OF THE PROFESSIONAL ENGINEERING AND SURVEYING ACT AND THE RULES AND REGULATIONS OF THE GEORGIA BOARD OF REGISTRATION FOR PROFESSIONAL ENGINEERS AND LAND SURVEYORS AND AS SUCH DOES NOT VIOLATE O.C.G.A. SECTION 15-6-67.

(IN FEET)
inch = 100 ft.

- IPF = IRON PIN FOUND
- IPS = 1/2" REBAR PIN SET
- LL = LAND LOT
- LL = LAND LOT LINE
- P = PROPERTY LINE
- C = CENTERLINE
- R/W = BUILDING LINE
- R/W = RIGHT-OF-WAY
- SSE = SANITARY SEWER EASEMENT
- DE = DRAINAGE EASEMENT
- MH = MANHOLE
- CB = CATCH BASIN
- JB = JUNCTION BOX
- HW = HEADWALL
- DI = DROP INLET
- PP = POWER/UTILITY POLE
- GH = FIRE HYDRANT
- IE = INVERT ELEVATION
- FPE = FINISHED FLOOR ELEVATION
- BOC = BACK OF CURB
- EP = EDGE OF PAVEMENT
- S = SANITARY SEWER LINE/PIPE
- == = STORM SEWER LINE/PIPE
- x-x = FENCE LINE
- ... = FLOOD HAZARD ZONE LINE
- N/F = NOW OR FORMERLY
- POC = POINT OF COMMENCEMENT
- POB = POINT OF BEGINNING

- 1) TAX PARCEL # 08118 001015
- 2) ZONING: A
- 3) THIS SURVEY WAS MADE WITHOUT THE BENEFIT OF CURRENT TITLE COMMITMENT. EASEMENTS AND ENCUMBRANCES MAY EXIST WHICH BENEFIT OR BURDEN THIS PROPERTY. MATTERS OF TITLE ARE EXCEPTED.
- 4) SITE ELEVATIONS BASED ON NAVD 88 BY OBTAINED BY MEANS OF LOCAL GPS NETWORK.
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1) DEED BOOK 3428, PAGE 481.
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9) RETRACEMENT SURVEY FOR JONES FAMILY
ESTATE, BY ROCHESTER & ASSOCIATES, INC.,
DATED 11/28/21.
OTHER'S AS DENOTED ON PLAT.

BY GRAPHICAL PLOTTING ONLY, A PORTION OF THE
SURVEYED AREA LIES WITHIN A 100 YEAR FLOOD
HAZARD AREA ZONE "A" PER FIRM PANEL
13139C0290G, DATED APRIL 4, 2018 & 13139C0291H,
DATED DECEMBER 1, 2022.

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THE FIELD SURVEY WAS COMPLETED ON 11/1/23.

TEXT CLOSURE STATEMENT:
THIS PLAT HAS BEEN CALCULATED FOR
CLOSURE & IS ACCURATE WITHIN ONE FOOT IN
118,192 FEET, AND CONTAINS A TOTAL OF
0.854 ACRES.

A horizontal bar chart showing the distribution of scores for the 'Number of children' variable. The x-axis is labeled with scores 0, 25, 50, 100, and 150. The bar is divided into segments of varying lengths and colors (black and white).

$$1 \text{ inch} = 50 \text{ ft.}$$

THE TERM "CERTIFICATION" OR TO "CERTIFY" RELATING TO LAND SURVEYING SERVICES SHALL MEAN A SIGNED STATEMENT BASED UPON FACTS AND KNOWLEDGE KNOWN TO THE REGISTRANT AND IS NOT A GUARANTEE OR WARRANTY, EITHER EXPRESSED OR IMPLIED.

THIS PLAT WAS PREPARED FOR THE EXCLUSIVE USE OF THE PERSON, PERSONS, OR ENTITY NAMED IN THE CERTIFICATE HEREON. SAID CERTIFICATE DOES NOT EXTEND TO ANY UNNAMED PERSON WITHOUT AN EXPRESS RECERTIFICATION BY THE SURVEYOR NAMING SAID PERSON.

INFORMATION REGARDING THE REPUTED PRESENCE, SIZE, CHARACTER AND LOCATION OF EXISTING UNDERGROUND UTILITIES AND STRUCTURES IS SHOWN HEREON. THERE IS NO CERTAINTY OF THE ACCURACY OF THIS INFORMATION AND IT SHALL BE CONSIDERED IN THAT LIGHT BY THOSE USING THIS DRAWING. THE LOCATION AND ARRANGEMENT OF UNDERGROUND UTILITIES AND STRUCTURES SHOWN HEREON MAY BE INACCURATE AND UTILITIES AND STRUCTURES NOT SHOWN MAY BE ENCOUNTERED. THE OWNER, HIS EMPLOYEES, HIS CONSULTANTS AND HIS CONTRACTORS SHALL HEREBY DISTINCTLY UNDERSTAND THAT THE SURVEYOR IS NOT RESPONSIBLE FOR THE CORRECTNESS OR SUFFICIENCY OF THIS INFORMATION.



N/F
U.S. ARMY CORPS OF ENGINEERS
"LAKE SIDNEY LANIER"
TRACT# D-465
FULL POOL ELEV.=1071.0'
FLOOD POOL ELEV.=1085.0'

N/F
08118001015
MARY S. JONES
D.B.3208, PG.307
0.854 ACRES

N/F
U.S. ARMY CORPS OF ENGINEERS
"LAKE SIDNEY LANIER"
TRACT# D-465
FULL POOL ELEV.=1071.0'
FLOOD POOL ELEV.=1085.0'

N/F
08118001015
MARY S. JONES
D.B.3208, PG.307
ZONED A

SURVEYORS CERTIFICATION
RETRACEMENT SURVEY

THIS PLAT IS A RETRACEMENT OF AN EXISTING PARCEL OR PARCELS OF LAND AND DOES NOT SUBDIVIDE OR CREATE A NEW PARCEL OR MAKE ANY CHANGES TO ADJACENT PROPERTY BOUNDARIES. THE RECORDING INFORMATION OF THE DOCUMENTS, MAPS, PLATS, OR OTHER INSTRUMENTS WHICH CREATED THE PARCEL OR PARCELS ARE STATED HEREON. ANY LOCAL, STATE, FEDERAL, OR FEDERAL AGENCY, ANY LOCAL JURISDICTION, AVAILABILITY OF PERMITS, COMPLIANCE WITH LOCAL REGULATIONS OR REQUIREMENTS, OR SUITABILITY FOR ANY USE OR PURPOSE OF THE LAND. FURTHERMORE, THE UNDERSIGNED LAND SURVEYOR CERTIFIES THAT THIS PLAT COMPLIES WITH THE PROFESSIONAL STANDARDS FOR PROPERTY SURVEYS IN GEORGIA AS SET FORTH IN THE RULES AND REGULATIONS OF THE GEORGIA BOARD OF REGISTRATION FOR PROFESSIONAL ENGINEERS AND LAND SURVEYORS AND AS SET FORTH IN O.G.C.A. SECTION 15-6-82.



H. CARSON SMITH

LDS

LAND DEVELOPMENT
SURVEYORS, INC.

P.O. BOX 2050
DACULA, GA. 30019
(770) 682-8206
LDSURVEY @ BELLSOUTH.NET
COA LSF#000832

County: HALL COUNTY, GA Scale: 1"=50'

Sheet No.

Proj. Manager: Drawn By: *MSF* Checked By: *LJJ*

Job Number: 23180 File Number:



Memorandum

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

From: Chris McCrary, Planning and Community Development Director

Date: September 4th, 2025

Subject: Annexation of a portion of 6300 Jones Road; Rezoning of 6300, 6294, 6290, 6270, 6258, 6246, 6249 Jones Road

Applicant: Chris Hill
Heritage Group Homes, LLC
P.O. Box 1929
Buford, GA 30515
770-822-2499

Existing Zoning: Flowery Branch **R-1** (Residential, Detached Single-Family, Low-Density District) and Hall County **V-C** (Vacation Cottage)

Proposed Zoning: Flowery Branch **R-2** (Detached Single-Family, Moderate-Density District).

Location:

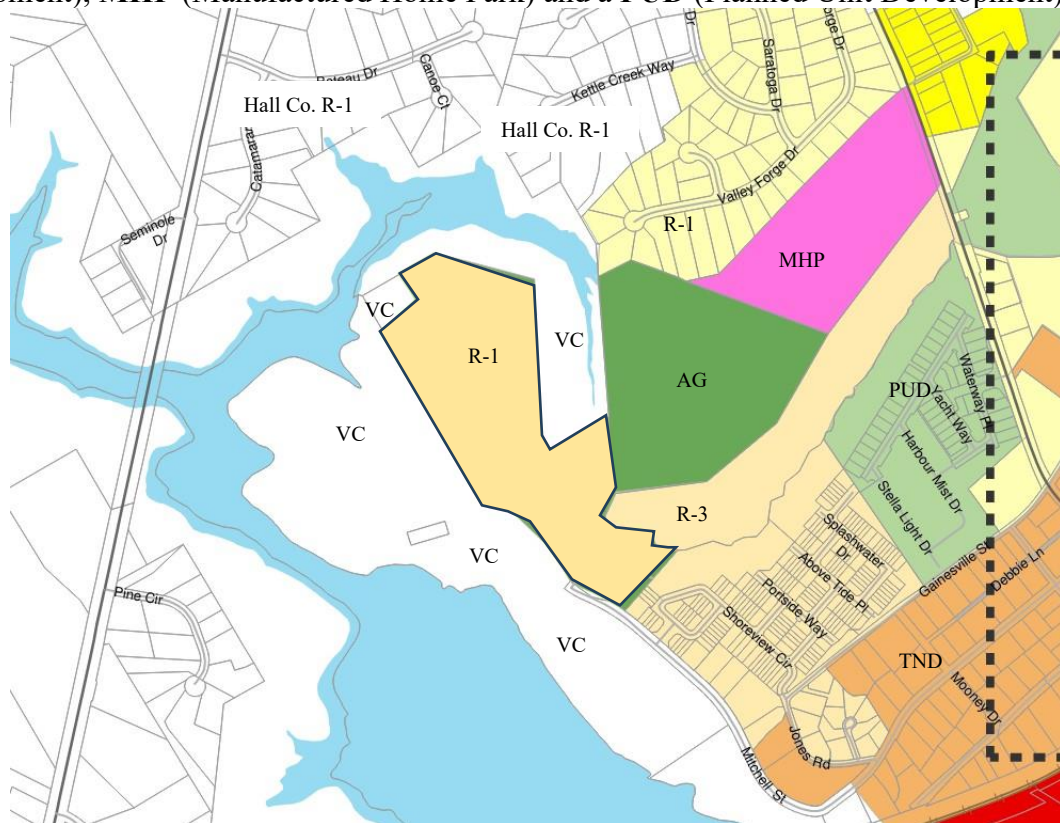
- 6300 Jones Road, tax parcel identification number **08118 001015**,
- 6294 Jones Road, tax parcel identification number **08118 001009**,
- 6290 Jones Road, tax parcel identification number **08118 001002D**,
- 6270 Jones Road, tax parcel identification number **08118 001002E**,
- 6258 Jones Road, tax parcel identification number **08118 001012**,
- 6246 Jones Road, tax parcel identification number **08118 001020**,
- 6249 Jones Road, tax parcel identification number **08118 001002F**

Heritage Group Homes, LLC is applying for an annexation of a portion of 08118 001015 (0.854 acres) and rezoning of all parcels listed above from Hall County **V-C** (Vacation Cottage), Flowery Branch **R-1** (Residential, Detached Single-Family, Low-Density District) and **A** (Agricultural) to **R-2**- (Detached Single-Family, Moderate-Density District). Total development acreage is +/- 22.14.



Zoning Map:

The subject property is currently zoned Hall County **V-C** (Vacation Cottages) and **R-1** (Residential, Detached Single-Family, Low-Density District). Proposed zoning is Flowery Branch **R-2** (Detached Single-Family, Moderate-Density District). The surrounding properties are zoned Flowery Branch **A** (Agricultural), **R-3** (Residential Multi-family) and the majority of surrounding parcels are zoned Hall County **V-C** (Vacation Cottages). Nearby uses not directly adjacent to the subject site include Hall County **R-1** (Low- Density Residential) and Flowery Branch **R-1** (Residential, Detached Single-Family, Low-Density District), **TND** (Traditional Neighborhood Development), **MHP** (Manufactured Home Park) and a **PUD** (Planned Unit Development).



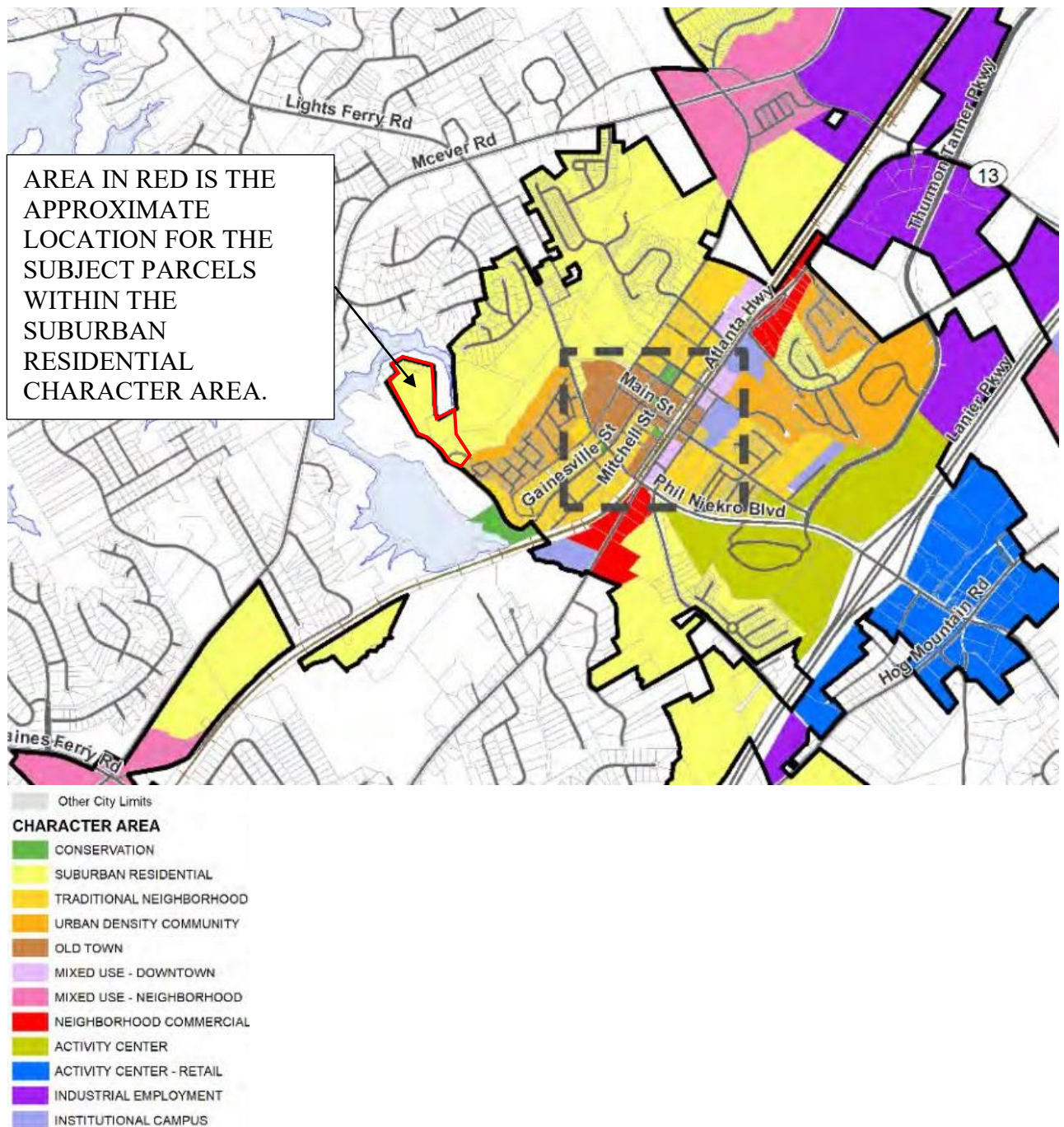
Legend

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)		



Future Development Map





Suburban Residential

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

Vision

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

Design Principles

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

Land Uses

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

Zoning

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

Implementation Strategies

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

Illustrative Photos





The Future Development Map from the City of Flowery Branch Comprehensive Plan indicates that the subject parcels fall within the Suburban Residential Character Area. The proposed zoning to **R-2** (Detached Single-Family, Moderate-Density District) falls in harmony with the Suburban Residential Character Area based on the following criteria:

Land Use:

- Single-Family Detached Residential

Zoning:

- **R-2** (Detached Single-Family, Moderate-Density District)

Design Principles:

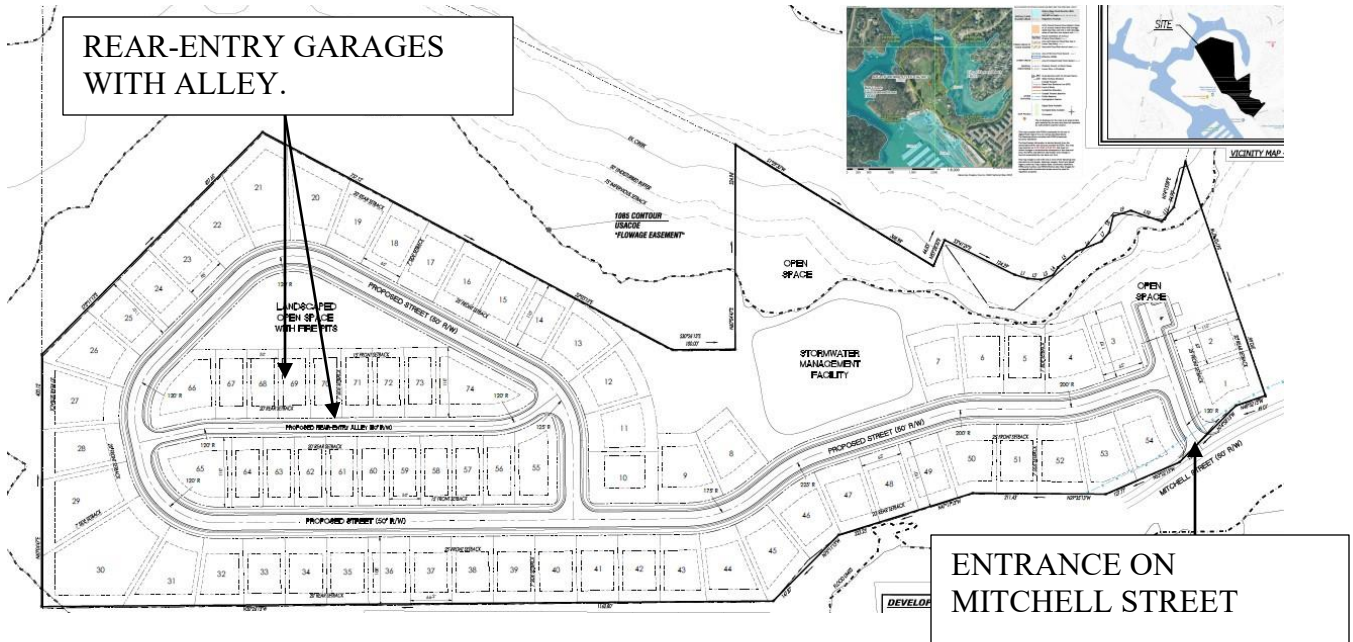
- Larger lots (1/3 to 1 acre) with houses set back from the road,
- Cul-de-sacs and curvilinear streets (that are relatively wide when compared to traditional neighborhoods) with sidewalks,
- Use of high-quality exterior cladding materials (that are consistent on each level of the home),
- Diverse architectural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

The proposed zoning of **R-2** is a listed zoning category in the Suburban Residential Character area. It's reasonable to believe that rezoning the subject site brings the area into the intended zoning based on the Future Development Map.

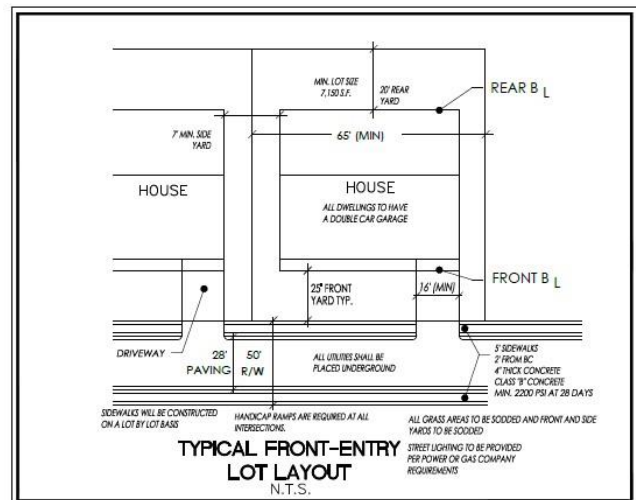
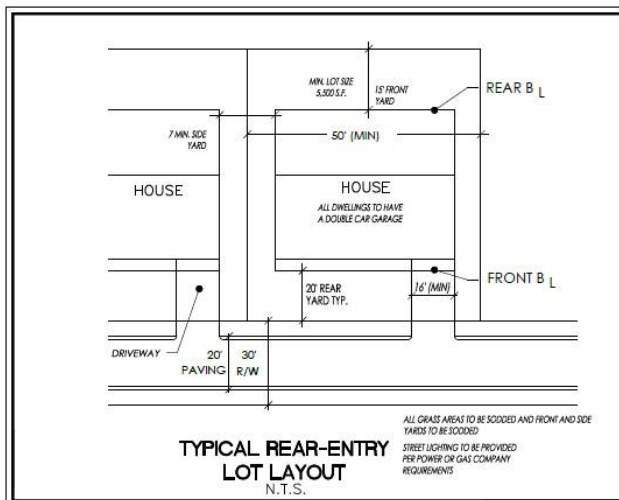
Sewer Design and Capacity Impacts

The proposed development of 74 residential units will generate a peak sanitary sewer demand of **20,350** gallons per day, based on the City's standard rate of 275 gallons per unit. Given the City's current peak capacity of **727,798** gallons per day, bringing these units online would reduce available capacity to approximately **707,448** gallons per day.

Because of the site's location, the sanitary sewer will rely on an existing lift station and the lift station will be required to be upgraded with the added capacity; the Engineer of Record must work closely with the Public Utility Department throughout the design process. All pump station plans must comply with Chapter 50 (Utilities), Article II (Standard Specifications), Division 2 (Construction), Subdivision VII (Pump Stations), as well as any additional criteria established by the Public Utilities Director.



The proposed subdivision is on 22.17 acres and contains a total of 74 single-family residential homes. Proposed 54 units with front-entry garages and 20 units with rear-entry garages.



Rear-entry dimensions are shown to be 50 feet in width and 5,500 square feet. Front-entry lots are shown as 65 feet and 7,150 square feet.



DEVELOPMENT SUMMARY

1. EXISTING BOUNDARY ACREAGE: ± 22.17 ACRES
2. TAX PARCELS: 08118 001015, 001009, 001002D, 001002E, 001012, 001020, AND 001002F.
3. EXISTING ZONING: R1, AR3 AND VC
4. TOTAL No. PROPOSED UNITS: 74
FRONT-ENTRY: 54 UNITS
REAR-ENTRY: 20 UNITS
GROSS DENSITY: ± 3.34 UNITS/ACRE
NET DENSITY: ± 3.41 UNITS/ACRE
5. OPEN SPACE REQUIRED = 3.33 ACRES (15%)
6. OPEN SPACE PROVIDED = ± 4.86 ACRES (INCLUDING STORM WATER MANAGEMENT FACILITIES)
= ± 3.94 ACRES (EXCLUDING STORM WATER MANAGEMENT FACILITIES)
7. PROPOSED SETBACKS: (SEE TYPICAL LOT DETAIL)
MAXIMUM BUILDING HEIGHT: 35 FT. (14' BUILDING SEPARATION)
8. TOTAL LENGTH OF STREETS: $\pm 3,742$ L.F.
9. BOUNDARY INFORMATION BASED ON HALL COUNTY GIS.
10. TOPOGRAPHIC AND UTILITY INFORMATION BASED ON HALL COUNTY GIS. DATUM IS MEAN SEA LEVEL.
11. WATER AND SANITARY SEWER SERVICE TO BE PROVIDED BY THE CITY OF FLOWERY BRANCH.
12. ALL CONSTRUCTION SHALL CONFORM TO THE CITY OF FLOWERY BRANCH'S STANDARDS AND SPECIFICATIONS.
13. ALL PROPOSED UTILITIES SHALL BE UNDERGROUND.
14. SITE PLAN IS CONCEPTUAL IN NATURE AND IS SUBJECT TO CHANGE BASED ON ACTUAL FIELD CONDITIONS.
15. PORTIONS OF THE PROPERTY LIE WITHIN A 100-YEAR FLOOD PLAIN (ZONE "A" OR "AE") AS DESIGNATED ON F.I.R.M. FLOOD PANELS 13139C0280G, 13139C0283G, & 13139C0290G DATED APRIL 4TH, 2018, AND FLOOD PANEL 13139C0291H DATED DECEMBER 1ST, 2022.



The applicant is proposing to rezone the site to **R-2** with concurrent variances. The following variances are proposed with the rezoning case:

Variances to Table 6.1:

- Reduction in required side building setbacks for all units from 15-feet to 7-feet.
- Reduction in required front building setbacks for rear-entry garage units from 25-feet to 15-feet.
- Lot size reduction from 15,000 square feet to 7,150 square feet for front-entry garage units and 5,500 square feet for rear-entry garage units.
- Lot width reductions from 75-feet to 65-feet for front entry garages units and 50-feet for rear-entry garage units.

The following variance justification is from the applicant's submittal:

Setbacks: We are building larger footprint homes, including some ranch homes that require smaller setbacks. We are maintaining the required 25-foot front setback and 20-foot rear setback on the front entry homes and maintaining the 20-foot rear setback on the rear entry homes. Since we are providing front entry and rear entry product types, we request the side setbacks of 7 feet (maintaining 14 feet between homes) and a front setback of 15 feet for rear entry homes, to create an enhanced streetscape.

Lot Size and Lot Width: We are requesting a lot width reduction from 75 feet to 65 feet for front entry homes and 55 feet on rear entry homes to accommodate the larger houses. A lot size reduction from 15,000 square feet to 7,150 square feet for front entry and 5,500 square feet for rear entry. This allows for both home types to be constructed with average lot width for front entry homes of 69 feet and slightly over 55 feet for rear entry homes.



Variance to Section 12.7

The primary entrance to a residence must be emphasized through the use of an unenclosed roofed porch, veranda or terrace that is a minimum of: six (6) feet deep (not including the steps); and, 40% of the width of the front façade or 11 feet, whichever is greater.

The applicant is requesting the front porch dimensions be six (6) feet deep (not including the steps) and 11 feet wide. The request would eliminate the percentage portion of the code requirement for front porches which reads, “40% of the width of the façade **or** 11 feet, **whichever is greater**”, adjusting the requirement so that the front porches carry solely the requirement of a minimum of six (6) feet deep (not including the steps) and eleven (11) feet wide.

The following variance justification is from the applicant’s submittal:

Front Porches: We are requesting to eliminate the 40 percent of front façade requirement and comply with front porches of at least 11 feet in width and 6 feet in depth. Our homes are a larger footprint with greater widths and the 40 percent would require a porch that would create a proportional issue with the two car garages and the front facades of the homes.

Variance to Appendix B – Subdivision Regulations – Article 10 – Access and Design Requirements for Road – Table 10.1

Radius of curvature of the center line, minimum 275 feet. The applicant is requesting a reduction to the centerline curvature radius to 120 feet.

The following variance justification is from the applicant’s submittal:

Street radius of 275 feet of curvature of center line: We are requesting a reduction in the requirement of 275 feet radius to a minimum of 120-foot radius in order to provide a safer street layout. Smaller radius and horizontal curves serve as traffic calming devices aim to reduce speeds and improve safety by making curves more visible, providing advance warning, and potentially altering the road’s geometry to encourage slower, more deliberate driving. Larger radiuses encourage street designs with longer and straighter roads that can lead to cars traveling at higher speeds than posted.



Road and Right-of-way widths are less than the minimal standards. Curb and gutter, including sidewalks, are required along Mitchell Street at the development.

1. Site Access

- A single entrance is proposed from Mitchell Street.
- The entrance must be to City Standards with street widths and radius returns.
- Mitchell Street must be improved to current standards from Tidewater to the subdivision entrance.
- The remainder of Mitchell Street to Jones Street is a Hall County Road. The city cannot make improvements beyond the development's road frontage unless it is a city street. Ideally the City would study the non-standard portion of Mitchell Street by a Professional Engineer to provide an opinion of probable construction cost (OPCC). The applicant could commit to paying a percentage of the cost of improvement to Mitchell Street based on the engineer's OPCC.

2. Sight Distance

- The entrance design must meet the minimum sight-distance requirements specified in the GDOT Driveway Manual. The engineer shall verify that both stopping-sight distance (SSD) and operational-sight distance (OSD) criteria are satisfied under existing field conditions.



3. Utility Coordination

- Any utilities located within the street improvements must be relocated outside of the pavement area.
- All costs associated with utility relocation shall be borne by the developer and coordination with the respective utility owners must be completed prior to construction.

All design elements shall comply with GDOT standards. Coordination with Hall County DOT, City of Flowery Branch, and affected utility providers should occur early in the design process to avoid delays.

Open Space: Civic and Amenity spaces

The applicant submitted a conceptual site plan and labeled some common areas as open space. However, Article 10, Section 10.22 Open Space Requirements requires more detail to show compliance. For residential developments the code requires 10% of the project area to be Civic Space and 5% of the project area to be Amenity Space. The applicant will be required to provide details of the amenity and civic spaces.

Civic Space:

- 1) *Park*. An open space available for structured or unstructured recreation. A park may be independent of surrounding buildings at its edges. Its landscape may consist of paths and trails, meadows and lawns, water bodies, runoff reduction measures such as bioretention areas, swales, cisterns, and woodlands. Recreation fields and courts may also be included. The minimum size for a park is one acre.
- 2) *Square*. An open space available for unstructured recreation and civic purposes. A square is spatially defined by building or streets at its edges. Its landscape must consist of paths and trees and may also include runoff reduction measures such as bioretention areas and cisterns, lawns and non-asphalt paved surfaces. The minimum size for a square is one-half acre.
- 3) *Plaza*. An open space, available for civic purposes and commercial activities. A plaza must be spatially defined by building or streets at its edges. Its landscape must consist primarily of non-asphalt paved surfaces and trees, and may include runoff reduction measures such as bioretention areas and cisterns. The minimum size for a plaza is one-quarter acre.
- 4) *Pocket Park*. An open space, available for unstructured recreation. A pocket park may be spatially defined by buildings or streets at its edges. Its landscape must consist of lawn and trees and may include runoff reduction measures such as bioretention areas and cisterns. There is no minimum size for pocket parks.
- 5) *Playground*. An open space designed and equipped for the recreation of children. A playground must be fenced and may include an open shelter. Playgrounds must be



- interspersed within residential areas, may be placed within a block, and may be included in parks and greens. There is no minimum size for playgrounds. Playgrounds may include runoff reduction measures such as bioretention and underground detention.
- 6) *Performance Venues*. An open space available for outdoor performances. Performance venues typically include a stage surrounded by formal or informal seating on at least one side. Performance venues may have a combination of landscaped and hardscaped areas. The minimum size for a performance area is one-half acre.
 - 7) *Multi-Use Trails with Potential Connections to Offsite Trails*. A linear open space consisting of a conforming multi-use trail that includes a connection to existing or proposed off-site trails. There is no minimum size for this type of open space.
 - 8) *Park Overlooks*. An open space primarily intended for the viewing of parks and other open spaces. Park overlooks must include seating. There is no minimum size for park overlooks.

Amenity Space

Amenity space is the covered or uncovered, but unenclosed, outdoor areas of at least 100 square feet each for use by the occupants, invitees and guests of the development and specifically excluding Civic Spaces and required sidewalks. Amenity spaces may include, but are not limited to:

- 1) Rooftop decks;
- 2) Balconies (min. 6' x 8');
- 3) Patios and porches;
- 4) Outdoor dining areas;
- 5) Pool areas;
- 6) Tennis courts, basketball courts, and similar uses;
- 7) Yards, lawns, and flower gardens;
- 8) Community gardens;
- 9) Hardscape areas improved for pedestrian enjoyment;
- 10) Wooded areas; and
- 11) Runoff reduction measures such as bioretention areas and cisterns.



Each amenity area approved must be available and accessible as exterior space appropriately improved for pedestrian amenities or for aesthetic appeal, subject to approval by Director of Community Development. Above-ground-cistern design and appearance shall also require approval by the Director.

Additional Open Space Requirements:

- Open space requirements may be met using existing and/or new open space, subject to approval of the Director of Community Development.
- Open space may be privately or publicly owned. Private open space is open space that is owned by a corporation, individual, or homeowners' association. Public open space is open space owned by a governmental agency.
- Wetlands, lakes, ponds, streams, rivers, flood zones, and stream buffers may only be considered open space when located within one of the eight types of civic spaces identified in Section 2.10.C or within an amenity space that conforms Section 2.10.10.D, unless part of an approved stormwater management plan for the site that includes runoff reduction measures.
- No required buffer may be used to satisfy open space requirements, except for stream buffers that are improved with trails and other authorized amenities.
- Stormwater management facilities for the site may be used to satisfy open space requirements if they meet this Chapter's definition of open space. Open space credit may be given at the discretion of the Director of Community Development.
- No areas used for vehicles, except for incidental service, maintenance, or emergency actions, may be used to satisfy open space requirements.



Architectural Concepts

The applicant submitted conceptual renderings of the proposed architecture. However, without detailed floor plans and a materials list, staff is unable to verify compliance with the City's established single family residential architectural treatment and dimensional standards. To facilitate a thorough review, the applicant must provide complete architectural drawings, including architectural material details and floor-plan details, in order to confirm that all requirements are met. A detailed review is done by staff following Article 40 prior to the issuance of permits. The design concepts provided are for illustrative purposes only and were submitted as part of the rezoning case.









Flowery Branch Code Section 34.7 – Analysis Requirements

- a) **Whether the proposal will permit a use that is suitable in view of the use and development of adjacent and nearby property.**

Rezoning to **R-2** (Detached Single-Family Residential) will permit a use that is suitable in view of the use and development of adjacent and nearby property.

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

Rezoning to **R-2** (Detached Single-Family, Moderate-Density District) 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 a reasonable economic use as currently zoned.**

It's reasonable to believe that the current zoning of **R-1** (Detached Single-Family Low-Density Residential) does have an economic use due to the trend of residential area development in Flowery Branch.

- 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.**

Rezoning to **R-2** (Detached Single-Family Medium-Density Residential) could have measurable impacts to Mitchel Street. The existing streets are not to Flowery Branch standards. Improvements will be needed to support the additional traffic with the development.

- 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.**

Rezoning to **R-2** Detached Single-Family, Moderate-Density District) is in conformity with the Flowery Branch 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 surrounding properties are zoned **A** (Agricultural), **R-3** (Residential Multi-family) and the majority of zoning surrounding the parcels are Hall County **V-C** (Vacation Cottages). Nearby uses not directly adjacent to the subject site includes Hall County **R-1** (Low-Density Residential), Flowery Branch **R-1** (Low-Density Residential), **TND** (Traditional Neighborhood Development), **MHP** (Manufactured Home Park), and a **PUD** (Planned Unit Development).

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.

It's reasonable to believe that the property value would increase by re-zoning from **R-1** (Detached Single-Family Low-Density Residential) to **R-2** (Detached Single-Family Moderate-Density Residential).

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

The proposed zoning map amendment approval will not be a deterrent to the value of adjacent property in accordance with existing regulations.

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

There are nearby Single-Family developments with higher density in the area.



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

Rezoning to **R-2** (Detached Single-Family Moderate-Density Residential) is in harmony with the future land development of the Comprehensive Plan and will be a positive change aligning with the vision of the City.

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

The City of Flowery Branch will do an extensive review of stormwater management and erosion control, including, but not limited to; drainage, soil erosion and sedimentation, flooding, air quality and water quality on any proposed development to minimize impacts on the environment. In **R-2**, mass grading can be avoided, disturbing areas only for infrastructure, streets, and the construction of homes. Limited grading and more undisturbed areas in the development helps with environmental impacts, specifically in this case due to the proximity to Lake Lanier.

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.

Rezoning to **R-2** (Detached Single-Family Moderate-Density Residential) is in harmony with the future land development of the Comprehensive Plan

Recommendation:

Staff recommends **APPROVAL** of the proposed annexation of the 0.854-acre tract of parcel 08118 001015. Staff recommends the **APPROVAL** of the proposed rezoning from Flowery Branch **R-1** (Detached Single Family Low Density Residential) and Hall County **V-C** (Vacation Cottage) to Flowery Branch **R-2** (Detached Single-Family Moderate-Density Residential) for the following parcels:

- 6300 Jones Road (including the portion of the parcel in unincorporated Hall County to be annexed into Flowery Branch); tax parcel identification number **08118 001015**,
- 6294 Jones Road, tax parcel identification number **08118 001009**,
- 6290 Jones Road, tax parcel identification number **08118 001002D**,
- 6270 Jones Road, tax parcel identification number **08118 001002E**,
- 6258 Jones Road, tax parcel identification number **08118 001012**,
- 6246 Jones Road, tax parcel identification number **08118 001020**,
- 6249 Jones Road, tax parcel identification number **08118 001002F**



Conditions of Approval:

Please find below the proffered conditions for the proposed rezoning, organized by discipline and drafted to ensure consistency with the submitted concept materials and to protect the public interest:

1. General Development

- a. The total number of residential lots within the development shall not exceed 74.
- b. The development design shall be substantially similar to the concept plan provided with the zoning application.
- c. Density Measurement:
Density shall be calculated on a net basis, in accordance with the definition of “Net Density” set forth in Article 2, Section 2.2 (Design-Related Definitions).
- d. Maximum net density shall not exceed 4 units per acre.
- e. Open Spaces must be compliant with Code Section 10.22 concerning Civic and Amenity space percentages. Civic and Amenity spaces must be in relatively flat areas for public use. Walking trails shall be designed in a manner to avoid steep slopes. Final review and approval of all Open Spaces shall be by the Director of Planning and Community Development.
- f. A mandatory Homeowners Association shall be established.
- g. The developer shall incorporate a provision in the HOA bylaws restricting the number of homes rented within the subdivision to no more than 15% of the total homes.

2. Civil Site Engineering

- a. The final site-grading, stormwater, and utility plans shall be in substantial conformity with the Rezoning Concept Plan, including all delineated amenities, open spaces, and public gathering areas.
- b. No grading, filling, or earthmoving shall occur within the 75-foot impervious setback from state waters without prior approval of the Director of Planning & Community Development; such activities shall be minimized in accordance with Code § 27.6(b).

3. Building Design

- a. Exterior elevations shall comply with design requirements in Article 12 of the Flowery Branch Zoning Ordinance.
- b. Only authentic brick or natural stone shall be utilized.
- c. All building facades shall be approved through the Design Review process per Article 40 and shall meet the design requirements in Article 10 and Article 12 unless specific variance(s) are approved.

4. Streets, Sidewalks & Stormwater Facilities



- a. All internal streets and sidewalks shall be public to City design standards and be dedicated at the conclusion of the Final Plat. Stormwater management systems shall remain private and be maintained at the HOA's expense.
- a. Internal alley street shall be private and owned and maintained by the HOA.

5. Signage, Landscaping & Lighting

- a. An overall signage program, a detailed landscape plan sealed by a Georgia-registered landscape architect, and a comprehensive site-lighting plan shall be submitted to the Department of Community Development for review and approval.
- b. The landscape plan shall include high-quality treatments for the entrance, open spaces, trails, pathways, and amenities.
- c. As part of the landscape review, the applicant shall submit a typical landscape planting plan for the areas between homes, demonstrating erosion mitigation through landscaping. The final landscape design must be approved by the Director of Planning and Community Development.

6. Transportation Improvements

- a. The entrance must be to City Standards with street widths and radius returns.
- b. Mitchell Street must be improved to current standards from Tidewater to the remainder of the subdivision's road frontage.

7. Variances

- a. Unless otherwise stated in Conditions 7, approval of this rezoning does not grant any variances from local, state, or federal standards. Any such request must be submitted through the formal variance process to the appropriate jurisdiction.
- b. Approval of the following variances to Table 6.1,
 - i. Reduction in the required side building setbacks for all units from 15 feet to 7 feet.
 - ii. Reduction in required front building setbacks for rear entry garage units from 25-feet to 15-feet.
 - iii. Lot size reduction from 15,000 square feet to 7,150 square feet for front entry garage units and 5,500 square feet for rear entry garage units.
 - iv. Lot width reductions from 75 feet to 65 feet for front entry garages units and 50 feet for rear entry garage units.
- c. Approval of the following variance to Section 12.7.
 - i. The porch dimensions shall be six (6) feet deep (not including the steps); and 11 feet wide without considering 40% of the façade width.
- d. Approval of the following variance to Appendix B – Subdivision Regulations – Article 10 – Access and Design Requirements for Roads – Table 10.1.
 - i. A reduction of the radius curvature of the center line of the road from 275 feet to 120 feet.

8. Public Utilities

- a. Due to the site's location, the sanitary sewer will depend on an existing lift station, which must be upgraded to accommodate the increased capacity. The Engineer of



Record shall collaborate closely with the Public Utility Department during the design process. All pump station plans must adhere to Chapter 50 (Utilities), Article II (Standard Specifications), Division 2 (Construction), Subdivision VII (Pump Stations), and any additional requirements set by the Public Utilities Director.

ORDINANCE 748

AN ORDINANCE AMENDING THE ZONING MAP OF THE CITY OF FLOWERY BRANCH, GEORGIA, BY REZONING REAL PROPERTY TOTALING 21.44+/-ACRES OF LAND, OWNED BY MARY S JONES, ELIZABETH ANN JONES, ANN JONES, DALE A JONES, AND DALE A JONES PROPERTIES #1 LLC, IDENTIFIED AS 6300, 6294, 6290, 6258, 6270, 6246 AND 6249 JONES ROAD, TAX PARCELS 08118 001015, 08118 001009, 08118 001002D, 08118 001002E, 08118 001012, 08118 001020, 08118 001002F AND AS SHOWN ON ATTACHED EXHIBIT “A”, AND AS DESCRIBED ON ATTACHED EXHIBIT “B”; TO BE REZONED FROM UNINCORPORATED HALL COUNTY AGRICULTURAL - RESIDENTIAL (VC) AND CITY OF FLOWERY BRANCH RESIDENTIAL (R-1) TO CITY OF FLOWERY BRANCH SINGLE FAMILY RESIDENTIAL (R-2), AS SHOWN ON ATTACHED EXHIBIT “A”, AND AS DESCRIBED ON ATTACHED EXHIBIT “B”, PROVIDING FOR SEVERABILITY, REPEALING CONFLICTING ORDINANCES, PROVIDING FOR AN EFFECTIVE DATE AND FOR ALL OTHER LAWFUL PURPOSES.

WHEREAS, The owners of 6246 (parcel 08118 001020), 6258 (parcel 08118 001012) and 6270 (parcel 08118 001002E) Jones Road, owned by Dale A. Jones, 6249 Jones Road (parcel 08118 001002f), owned by Dale A. Jones Properties #1 LLC, 6294 Jones Road (parcel 08118 001009), owned by Elizabeth Ann Jones, 6290 Jones Road (parcel 08118 001002d), owned by Ann Jones and 6300 Jones Road (parcel 08118 001015), owned by Mary S. Jones, as shown and described on Exhibit “A” have submitted complete applications for rezoning and variances; and

WHEREAS, a complete description of the subject property being rezoned is included herein; and

WHEREAS, the City Council of the City of Flowery Branch, Georgia held a public hearing on July 17th, 2025, to consider the rezoning, 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 appropriate zoning classification of the subject property in light of the comprehensive plan.

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

SECTION 1. FINDINGS.

The City Council finds that the proposed rezoning from Unincorporated Hall County Vacation Cottage (V-C) and Flowery Branch Residential Low-Density District (R-1) to Flowery Branch Residential Moderate-Density District (R-2) 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. Use as R-2 is appropriate given residential development trends and it is reasonable to believe the property will have reasonable economic value so zoned.
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 precise determination has been made by staff with regard to the value differential between development under the current

zoning as opposed to R-2, although it is reasonable to believe value would increase as a result of the rezoning.

8. A proposed development will not be a deterrent to the value or improvement of development of adjacent property in accordance with existing regulations.
9. There are no known adverse effects that would result from the change in zoning district map, or change in use, on the character of a zoning district.
10. Development as proposed is not expected to impact on the environment, including but not limited to, drainage, soil erosion and sedimentation, flooding, air quality and water quality. Compliance with city subdivision and land development regulations will be required, which include but are not limited to soil erosion and sedimentation, stormwater, and flood damage prevention.

SECTION 2. REZONING.

The subject parcels, as shown on Exhibit “A” and as legally described in Exhibit “B”, are hereby rezoned from Unincorporated Hall County Vacation Cottage (V-C) and Flowery Branch Residential Low-Density District (R-1) to Flowery Branch Residential Moderate-Density District (R-2) conditioned on substantial compliance with the sketch depicted in Exhibit “C” and the Conditions of Approval noted in Exhibit “D”.

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.

This ordinance shall take effect immediately upon approval.

SECTION 6. REPEALER.

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

Approved this ____ day of _____ 2025.

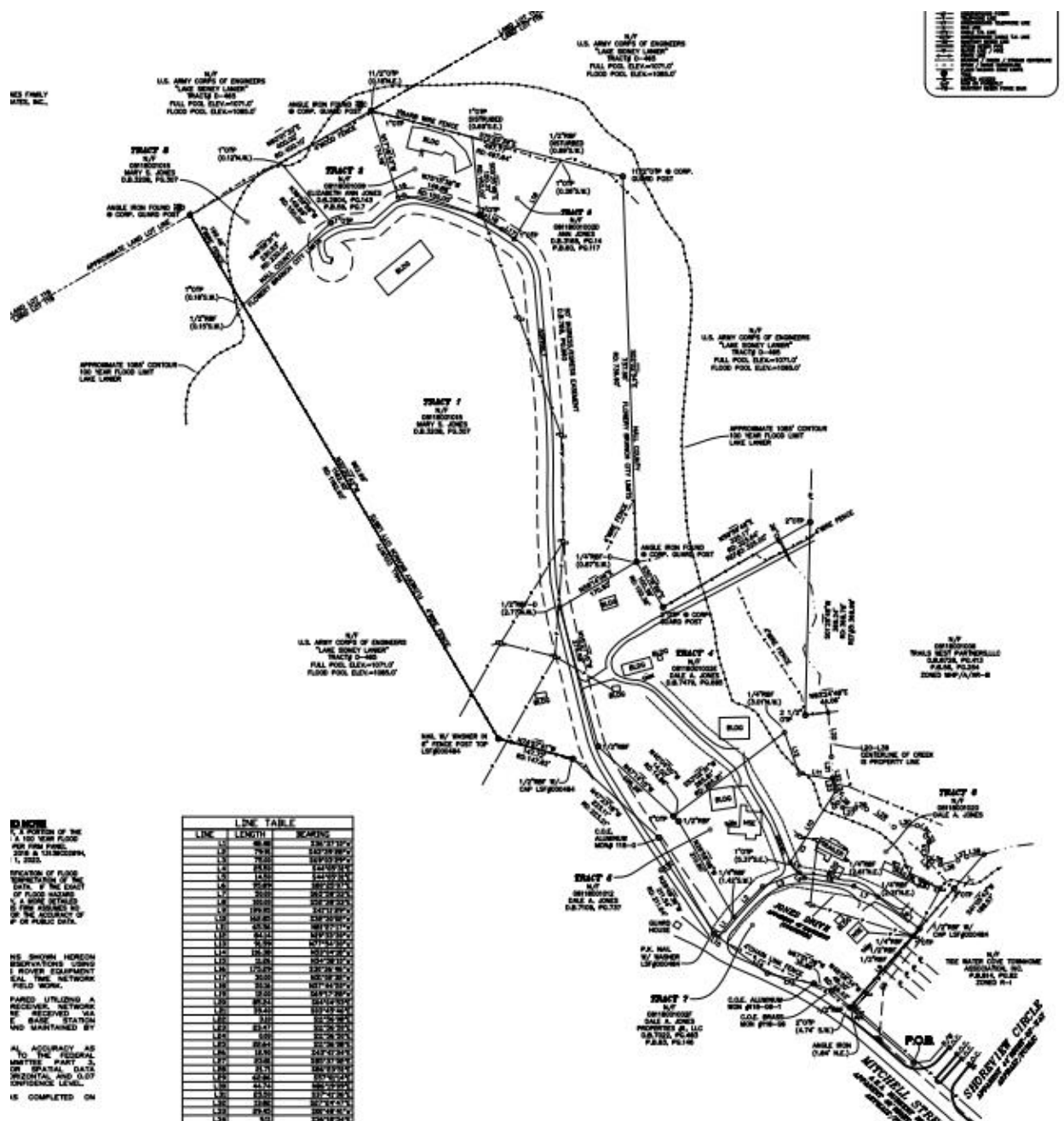
Edward R. Asbridge, Mayor

Shelia R. Cooper, City Clerk

APPROVED AS TO FORM

Ted C. Baggett, City Attorney

Exhibit "A"



Public Hearing Published	06/25/2025
Public Hearing	07/17/2025

First Reading	07/17/2025
Second Reading	09/04/2025

Exhibit "B"

LEGAL DESCRIPTION

OVERALL ACREAGE OF PROPERTY

All that tract or parcel of land lying and being in Land Lot 118, 8th District, City of Flowery Branch, Hall County, Georgia and being more particularly described as followed:

To find the True Point of Beginning, begin at a point at the intersection along the South Westerly Right-of-Way of Shoreview Circle (apparent 44' Right-of-Way) and the South Easterly Right-of-Way of Mitchell Street (apparent 40' Right-of-Way); THENCE from said point and following along the North Westerly Right-of-Way of Mitchell Street (apparent 40' Right-of-Way), North 48 degrees 51 minutes 14 seconds West for a distance of 161.27 feet to a ½" Rebar Found, said 1-2" Rebar Found being the TRUE POINT OF BEGINNING;

THENCE from said ½" Rebar Found and continuing along said Right-of-Way for the next nine (9) calls, North 48 degrees 58 minutes 34 seconds West for a distance of 48.30 feet to an Army Corp of Engineers Brass Monument #118-G6;

THENCE from said Army Corp of Engineers Brass Monument #118-G6, North 67 degrees 51 minutes 39 seconds West for a distance of 35.86 feet to an Army Corp of Engineers Aluminum Monument #118-G6-1;

THENCE from said Army Corp of Engineers Aluminum Monument #118-G6-1, North 77 degrees 54 minutes 30 seconds West for a distance of 91.59 feet to a Point;

THENCE from said Point, North 53 degrees 04 minutes 18 seconds West for a distance of 116.38 feet to a Point;

THENCE from said Point, North 54 degrees 58 minutes 10 seconds West for a distance of 11.26 feet to a P.K. Nail with a Washer (LSF #000484);

THENCE from said P.K. Nail with a Washer (LSF #000484), North 29 degrees 49 minutes 36 seconds West for a distance of 211.54 feet to an Army Corp of Engineers Aluminum Monument #118-G;

THENCE from said Army Corp of Engineers Aluminum Monument #118-G, North 47 degrees 23 minutes 18 seconds West for a distance of 223.11 feet to a ½" Rebar Found with a Cap (LSF #000484);

THENCE from said ½" Rebar Found with a Cap (LSF #000484) N 74°57'41" W for a distance of 147.72 feet to a Nail with a Washer in a 6-inch Fence Post Top (LSF #000484);

THENCE from said Nail with a Washer in a 6-inch Fence Post Top (LSF #000484), North 30 degrees 30 minutes 42 seconds West for a distance of 1162.45 foot to an Angle Iron Found at Army Corp of Engineers Guard Post 119/118D;

THENCE from said Angle Iron Found at Army Corp of Engineers Guard Post 119/118D and leaving said Right-of-Way, North 60 degrees 01 minutes 30 seconds East for a distance of 400.02 feet to an Angle Iron Found at Army Corp of Engineers Guard Post 119/118C;

THENCE from said Angle Iron Found at Army Corp of Engineers Guard Post 119/118C, South 75 degrees 20 minutes 39 seconds East for a distance of 497.77 feet to a ½" Open Top Pipe at an Army Corp of Engineers Guard Post;

THENCE from said ½" Open Top Pipe at an Army Corp of Engineers Guard Post, South 02 degrees 02 minutes 54 seconds East for a distance of 737.55 feet to an Angle Iron Found at an Army Corp. of Engineers Guard Post;

THENCE from said Angle Iron Found at an Army Corp. of Engineers Guard Post, South 30 degrees 16 minutes 56 seconds East for a distance of 100.39 feet to a 2" Open Top Pipe at an Army Corp. of Engineers Guard Post;

THENCE from said 2" Open Top Pipe at an Army Corp. of Engineers Guard Post, North 59 degrees 59 minutes 48 seconds East for a distance of 325.17 feet to a 2" Open Top Pipe;

THENCE from said 2" Open Top Pipe, South 01 degrees 25 minutes 48 seconds West for a distance of 369.24 feet to a 2½" Open Top Pipe;

THENCE from said 2½" Open Top Pipe, North 83 degrees 24 minutes 48 seconds East for a distance of 44.06 feet to a Point;

THENCE from said Point, South 04 degrees 04 minutes 53 seconds East for a distance of 85.24 feet to a Point;

THENCE from said Point, South 03 degrees 45 minutes 46 seconds East for a distance of 39.40 feet to a Point;

THENCE from said Point, South 11 degrees 56 minutes 08 seconds East for a distance of 3.10 feet to a Point;

THENCE from said Point, South 11 degrees 56 minutes 50 seconds East for a distance of 23.47 feet to a Point;

THENCE from said Point, South 11 degrees 56 minutes 08 seconds East for a distance of 22.64 feet to a Point;

THENCE from said Point, South 43 degrees 41 minutes 34 seconds East for a distance of 12.90 feet to a Point;

THENCE from said Point, South 85 degrees 37 minutes 02 seconds East for a distance of 23.81 feet to a Point;

THENCE from said Point, South 86 degrees 23 minutes 51 seconds East for a distance of 21.71 feet to a Point;

THENCE from said Point, South 57 degrees 01 minutes 14 seconds East for a distance of 62.86 feet to a Point;

THENCE from said Point, North 86 degrees 19 minutes 09 seconds East for a distance of 44.74 feet to a Point;

THENCE from said Point, South 37 degrees 41 minutes 36 seconds East for a distance of 25.50 feet to a Point;

THENCE from said Point, South 27 degrees 24 minutes 47 seconds East for a distance of 13.82 feet to a Point;

THENCE from said Point, South 00 degrees 48 minutes 41 seconds West for a distance of 29.45 feet to a Point;

THENCE from said Point, South 36 degrees 18 minutes 54 seconds East for a distance of 9.11 feet to a Point;

THENCE from said Point, South 71 degrees 44 minutes 23 seconds East for a distance of 18.05 feet to a Point;

THENCE from said Point, North 75 degrees 58 minutes 26 seconds East for a distance of 34.19 feet to a Point;

THENCE from said Point, North 67 degrees 58 minutes 02 seconds East for a distance of 18.77 feet to a Point;

THENCE from said Point, North 82 degrees 01 minutes 08 seconds East for a distance of 33.29 feet to a Point;

THENCE from said Point, South 41 degrees 05 minutes 43 seconds West for a distance of 188.57 feet to a ½" Rebar Found with a Cap (LSF #000484);

THENCE from said ½" Rebar Found with a Cap (LSF #000484) ½" Rebar Found, South 41 degrees 11 minutes 29 seconds West for a distance of 199.95 to a ½" Rebar Found along the North Easterly Right-of-Way of Mitch Street (apparent 40' right-of-Way), said ½" Rebar Found being the TRUE POINT OF BEGINNING.

Said property contains 22.300 acres.

Including Easements within.

Exhibit 'C'

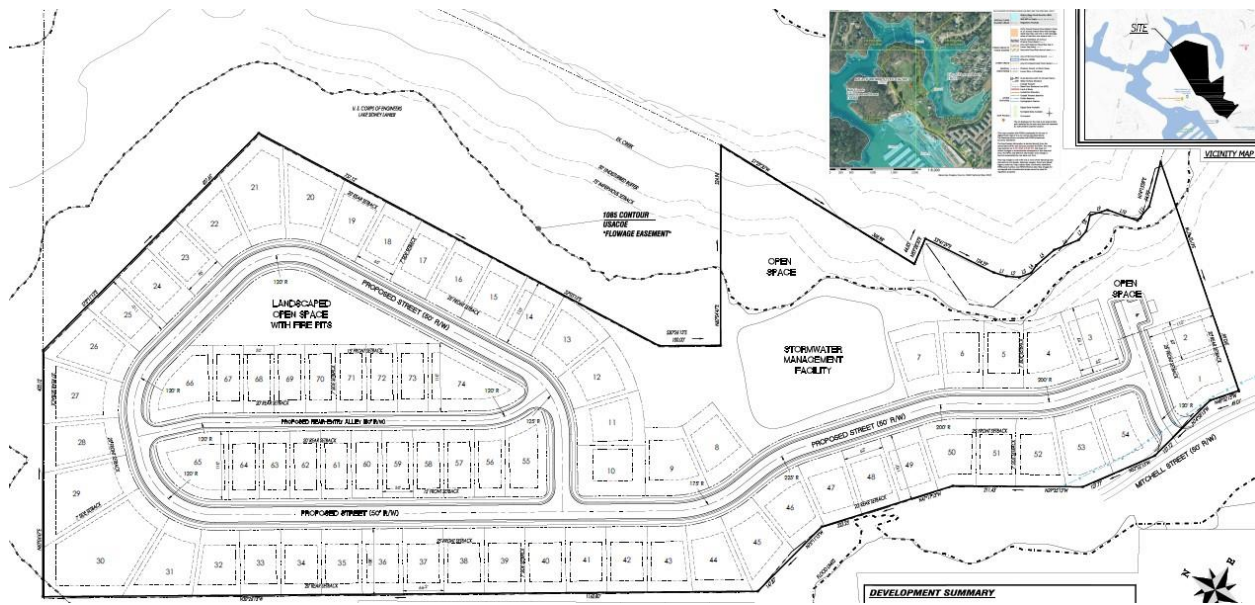


Exhibit 'D'

Conditions of Approval:

1. General Development

- The total number of residential lots within the development shall not exceed 74.
- The development design shall be substantially similar to the concept plan provided with the zoning application.
- Density Measurement:
Density shall be calculated on a net basis, in accordance with the definition of "Net Density" set forth in Article 2, Section 2.2 (Design-Related Definitions).
- Maximum net density shall not exceed 4 units per acre.
- Open Spaces must be compliant with Code Section 10.22 concerning Civic and Amenity space percentages. Civic and Amenity spaces must be in relatively flat areas for public use. Walking trails shall be designed in a manner to avoid steep slopes. Final review and approval of all Open Spaces shall be by the Director of Planning and Community Development.
- A mandatory Homeowners Association shall be established.
- The developer shall incorporate a provision in the HOA bylaws restricting the number of homes rented within the subdivision to no more than 15% of the total homes.

2. Civil Site Engineering

- a. The final site-grading, stormwater, and utility plans shall be in substantial conformity with the Rezoning Concept Plan, including all delineated amenities, open spaces, and public gathering areas.
- b. No grading, filling, or earthmoving shall occur within the 75-foot impervious setback from state waters without prior approval of the Director of Planning & Community Development; such activities shall be minimized in accordance with Code § 27.6(b).

3. Building Design

- a. Exterior elevations shall comply with design requirements in Article 12 of the Flowery Branch Zoning Ordinance.
- b. Only authentic brick or natural stone shall be utilized.
- c. All building facades shall be approved through the Design Review process per Article 40 and shall meet the design requirements in Article 10 and Article 12 unless specific variance(s) are approved.

4. Streets, Sidewalks & Stormwater Facilities

- a. All internal streets and sidewalks shall be public to City design standards and be dedicated at the conclusion of the Final Plat. Stormwater management systems shall remain private and be maintained at the HOA's expense.
- b. Internal alley street shall be private and owned and maintained by the HOA.

5. Signage, Landscaping & Lighting

- a. An overall signage program, a detailed landscape plan sealed by a Georgia-registered landscape architect, and a comprehensive site-lighting plan shall be submitted to the Department of Community Development for review and approval.
- b. The landscape plan shall include high-quality treatments for the entrance, open spaces, trails, pathways, and amenities.
- c. As part of the landscape review the applicant shall provide a typical landscape planting for the areas between home demonstrating that mitigation erosion in the area through landscape application. Final landscape design to be approved by the Director of Planning and Community Development.

6. Transportation Improvements

- a. The entrance must be to City / Hall County Standards with street widths and radius returns.
- b. Mitchell Street must be improved to current standards from Tidewater to the remainder of the subdivision's road frontage.

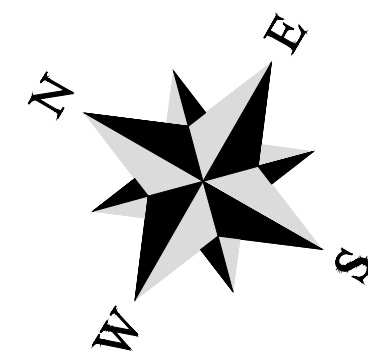
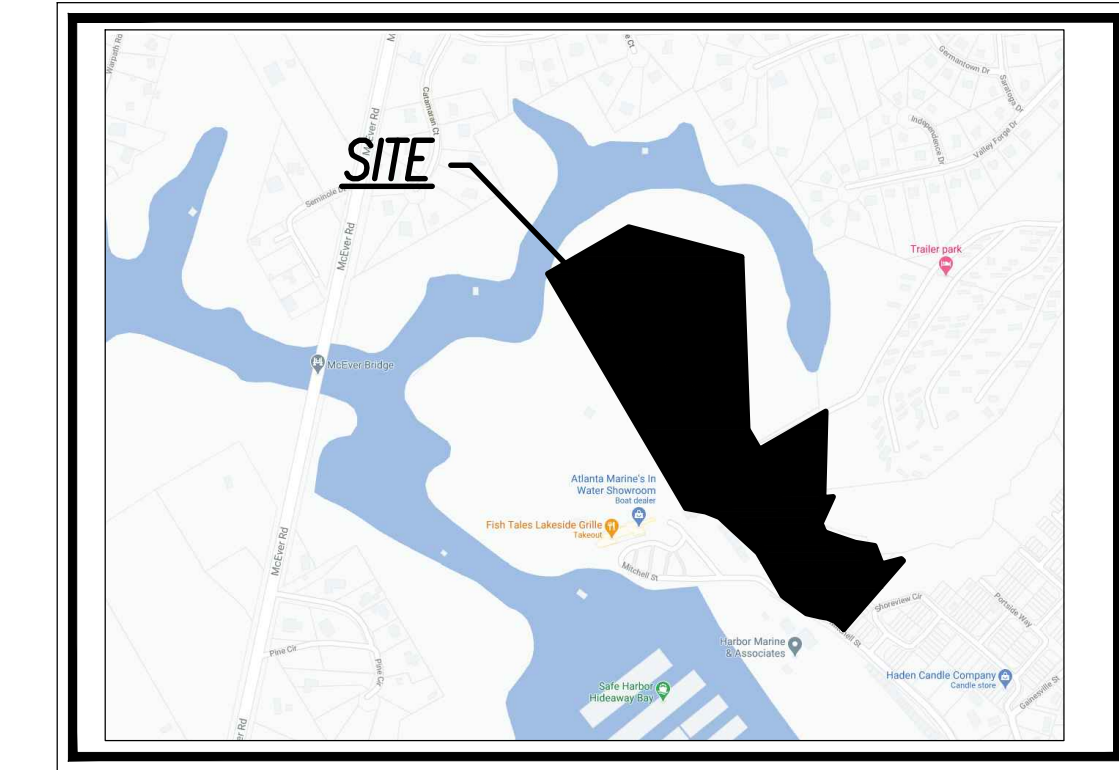
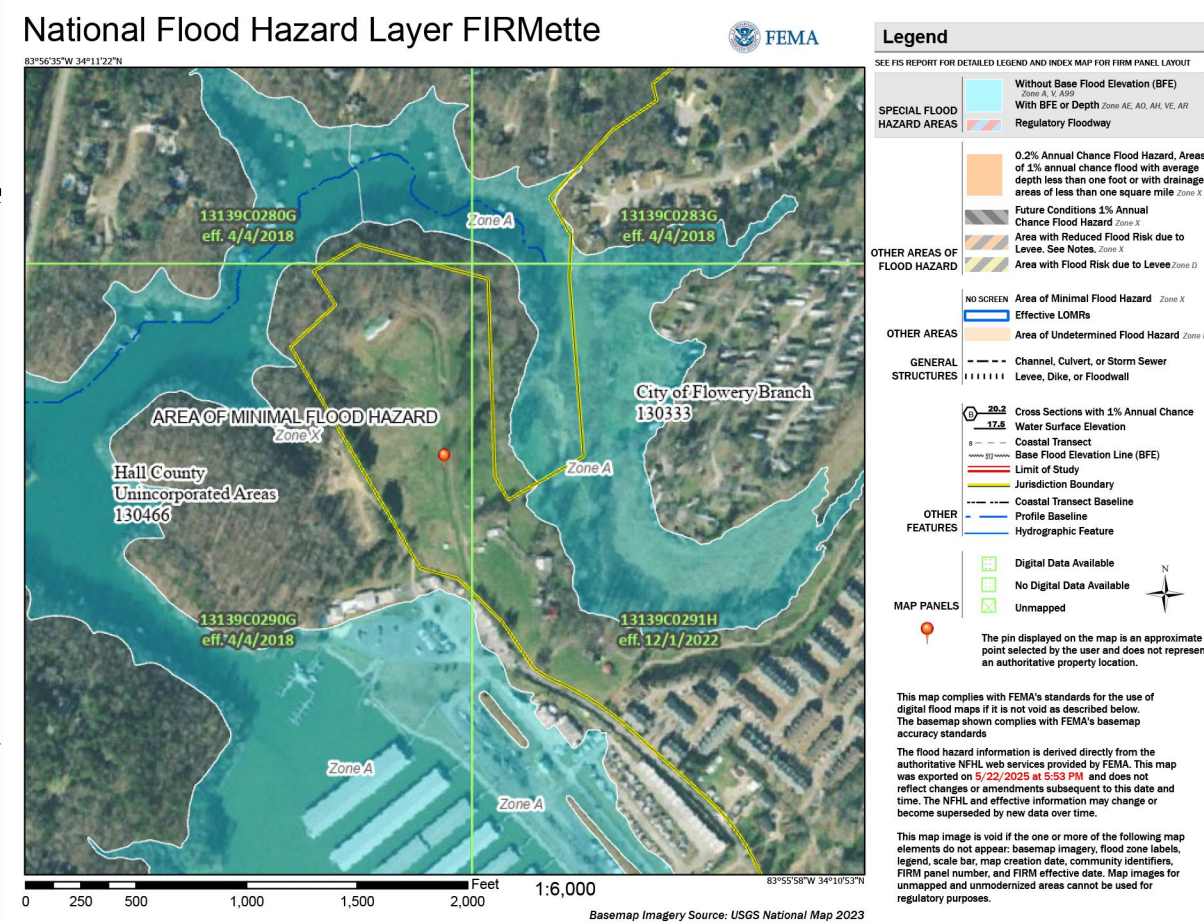
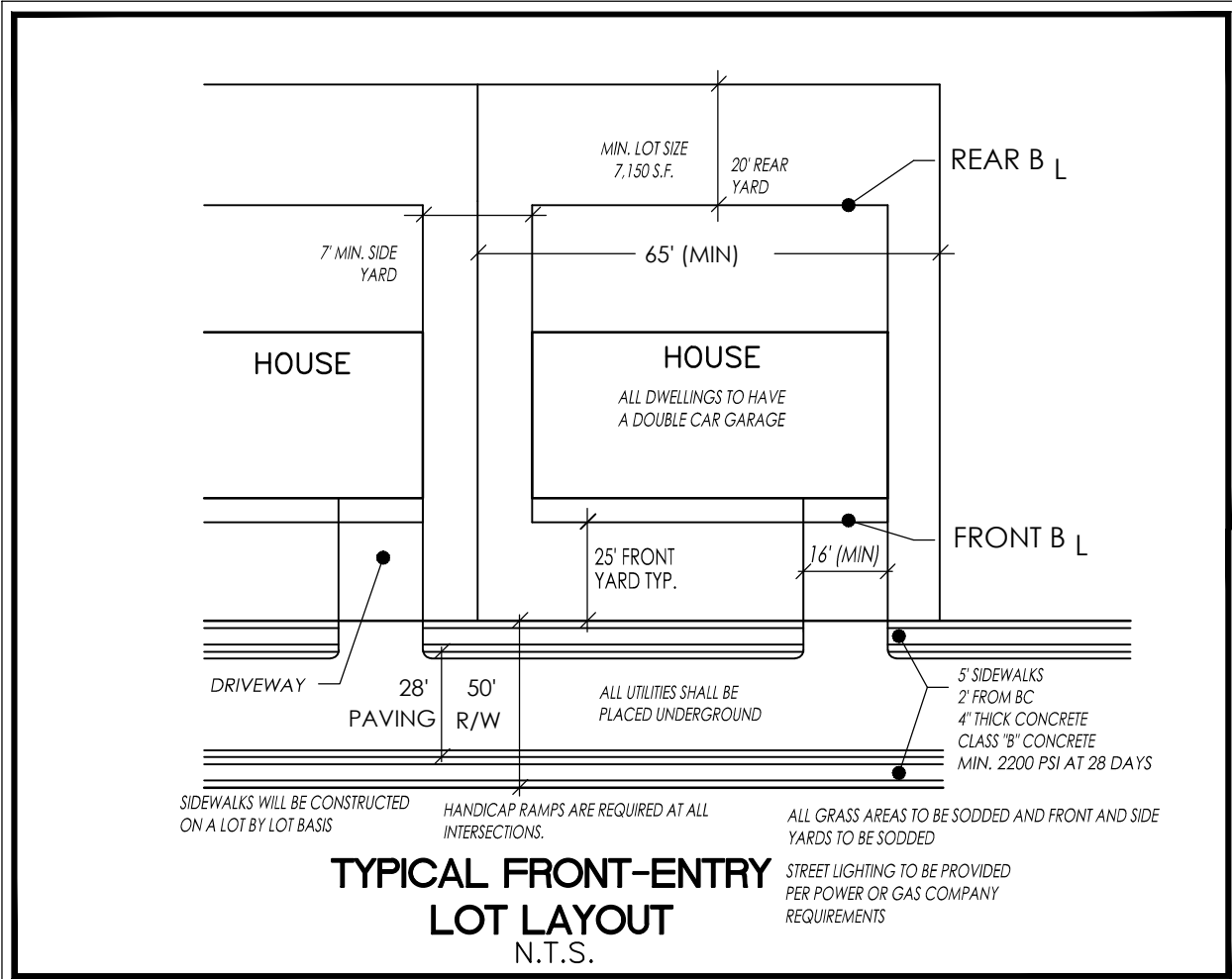
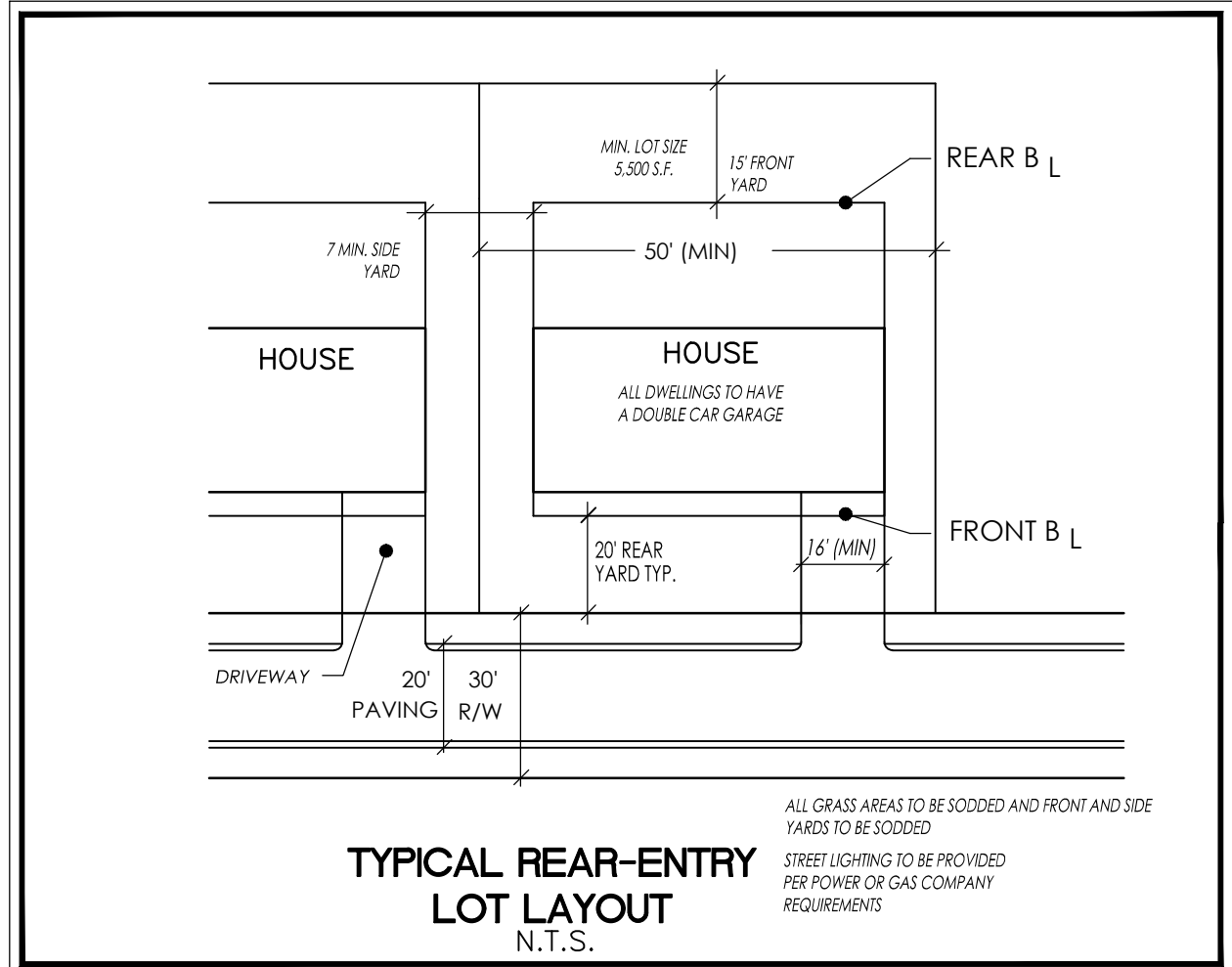
7. Variances

- a. Unless otherwise stated in Conditions 7, approval of this rezoning does not grant any variances from local, state, or federal standards. Any such request must be submitted through the formal variance process to the appropriate jurisdiction.
- b. Approval of the following variances to Table 6.1,
 - i. Reduction in the required side building setbacks for all units from 15 feet to 7 feet.
 - ii. Reduction in required front building setbacks for rear entry garage units from 25-feet to 15-feet.
 - iii. Lot size reduction from 15,000 square feet to 7,150 square feet for front entry garage units and 5,500 square feet for rear entry garage units.
 - iv. Lot width reductions from 75 feet to 65 feet for front entry garages units and 50 feet for rear entry garage units.
- c. Approval of the following variance to Section 12.7.
 - i. The porch dimensions shall be six (6) feet deep (not including the steps); and 11 feet wide without considering 40% of the façade width.
- d. Approval of the following variance to Appendix B – Subdivision Regulations – Article 10 – Access and Design Requirements for Roads – Table 10.1.
 - i. A reduction of the radius curvature of the center line of the road from 275 feet to 120 feet.

8. Public Utilities

- a. Due to the site's location, the sanitary sewer will depend on an existing lift station, which must be upgraded to accommodate the increased capacity. The Engineer of Record shall collaborate closely with the Public Utility Department during the design process. All pump station plans must adhere to Chapter 50 (Utilities), Article II (Standard Specifications), Division 2 (Construction), Subdivision VII (Pump Stations), and any additional requirements set by the Public Utilities Director.

LINE TABLE		
LINE	BEARING	DISTANCE
L1	S 14°03'29" E	21.28'
L2	S 24°40'59" E	20.78'
L3	S 50°10'55" E	21.11'
L4	S 86°11'31" E	14.78'
L5	S 70°35'55" E	38.04'
L6	S 52°14'18" E	43.09'
L7	S 79°01'05" E	18.96'
L8	N 73°32'21" E	26.57'
L9	S 47°36'45" E	29.37'
L10	S 10°21'21" E	52.03'



- ## DEVELOPMENT SUMMARY

- EXISTING BOUNDARY ACREAGE: ± 22.17 ACRES
2. TAX PARCELS: 08118 001015, 001009, 001002D, 001002E, 001012, 001020, AND 001002F.
3. EXISTING ZONING: R1, AR3 AND VC
4. TOTAL No. PROPOSED UNITS: 74
FRONT-ENTRY: 54 UNITS
REAR-ENTRY: 20 UNITS
GROSS DENSITY: ± 3.34 UNITS/ACRE
NET DENSITY: ± 3.41 UNITS/ACRE
5. OPEN SPACE REQUIRED = 3.33 ACRES (15%)
6. OPEN SPACE PROVIDED = ± 4.86 ACRES (INCLUDING STORM WATER MANAGEMENT FACILITIES)
= ± 3.94 ACRES (EXCLUDING STORM WATER MANAGEMENT FACILITIES)
7. PROPOSED SETBACKS: (SEE TYPICAL LOT DETAIL)
MAXIMUM BUILDING HEIGHT: 35 FT. (14' BUILDING SEPARATION)
8. TOTAL LENGTH OF STREETS: $\pm 3,742$ L.F.
9. BOUNDARY INFORMATION BASED ON HALL COUNTY GIS.
10. TOPOGRAPHIC AND UTILITY INFORMATION BASED ON HALL COUNTY GIS. DATUM IS MEAN SEA LEVEL.
11. WATER AND SANITARY SEWER SERVICE TO BE PROVIDED BY THE CITY OF FLOWERY BRANCH.
12. ALL CONSTRUCTION SHALL CONFORM TO THE CITY OF FLOWERY BRANCH'S STANDARDS AND SPECIFICATIONS.
13. ALL PROPOSED UTILITIES SHALL BE UNDERGROUND.
14. SITE PLAN IS CONCEPTUAL IN NATURE AND IS SUBJECT TO CHANGE BASED ON ACTUAL FIELD CONDITIONS.
15. PORTIONS OF THE PROPERTY LIE WITHIN A 100-YEAR FLOOD PLAIN (ZONE "A" OR "AE") AS DESIGNATED ON F.I.R.M. FLOOD PANELS 13139C0280G, 13139C0283G, & 13139C0290G DATED APRIL 4TH, 2018, AND FLOOD PANEL 13139C0291H DATED DECEMBER 1ST, 2022.

CONCEPTUAL SITE PLAN

JONES TRACTS

PREPARED FOR:
ASCOT INVESTMENT
COMPANY, INC.

PREPARED BY:



5074 Bristol Industrial Way • Suite A
Buford, GA 30518 • 770-271-2868

www.thomasandhutton.com

JOB NO: J-20071.00DE	DATE: 05/22/2025
DRAWN:	SCALE: 1" = 60'
REVIEWED:	SHEET: ----

HERITAGE GROUP HOMES, LLC



Heritage
GROUP HOMES



HERITAGE GROUP HOMES, LLC



Heritage
GROUP HOMES



HERITAGE GROUP HOMES, LLC



Heritage
GROUP HOMES



HERITAGE GROUP HOMES, LLC



Heritage
GROUP HOMES



Letter of Intent

May 9, 2025

City of Flowery Branch
5410 Pine Street
Flowery Branch, Georgia 30542

RE: Rezoning & Annexation Application
Jones Road

Rezoning Tax Parcels:

Parcels 08118 001015 (with the inclusion of +/- 0.854 acres of unincorporated Hall Co.)
08118 001009, 08118 001002D, 08118 001002E, 08118 001012, 08118 001020
08118 001002F

Annexation Tax Parcel:

Portion of 08118 001015 (0.854 acres of unincorporated Hall Co.)

To whom it may concern:

Please let this letter serve as the letter of intent to rezone the following properties:

6270 Jones Road, 6258 Jones Road, 6246 Jones Road, 6300 Jones Road, 6294 Jones Road, 6290 Jones Road, & 6249 Jones Road from the existing R1 zoning designation to R2. The proposed project is a 74-lot single family residential subdivision, which includes 50 front entry homes and 24 rear entry homes as shown on the submitted rezoning exhibit.

The City of Flowery Branch 2041 Comprehensive Plan designates this property as suburban residential on the Future Development Map, and Suburban Residential is described as the following "include locations where low- to- moderate density single-family development exists or is likely to based on a property's zoning and surrounding uses." The subject property's surrounding uses are MHP (Mobile Home Park), R3 (Townhome Development), and a commercial marina (unincorporated Hall County), which are all more intensive uses than the proposed R2 zoning designation.

Heritage Group Homes, as the builder and developer, has built many homes in the City of Flowery Branch and surrounding cities and counties. The proposed project will



complement the surrounding area and add much needed housing to the City of Howery Branch.

The following are our proposed development and building standards:

Minimum House Square Footage/Maximum Height	2,100 Square feet/ 35 feet
Architectural Treatments	Combination of Brick, Board & Batten, Concrete Siding (Hardi-plank), and Shake
Garages	Minimum two car garage with decorative doors and hardware
Porches and Stoops	Combination of Porches and Stoops
Sidewalks	Sidewalks minimum 5 feet in width on both sides of Streets (excluding alleys)
Landscaping	All yards will be sodded, and trees will be planted throughout the lots in the development

Variance Requests for Jones Road Tracts

The following are variances that we would like to request during the rezoning and annexation process:

<u>Variance</u> <u>Section Table</u> <u>6.1</u>	<u>Required</u>	<u>Requested Variance</u> <u>Front Entry Homes</u>	<u>Requested Variance</u> <u>Rear Entry Homes</u>
Setbacks	Front setback 25 feet Side Setback 15 Rear Setback 20	Variance Request in bold Front setback 25 feet Side Setback 7 Rear Setback 20	Variances in bold Front setback 15 feet Side Setback 7 Rear Setback 20
Lot Size	15,000 Square Feet	7,150 Square Feet	5,500 Square feet
Lot Width	75 Feet	65 Feet	50 Feet
Front Porches Section 7.5	Porches no less than 40 percent of the width/6 feet depth or 11 feet if greater	Eliminate 40 percent and provide porches no less than 11 feet in width and 6 feet in depth	Eliminate 40 percent and provide porches no less than 11 feet in width and 6 feet in depth

Justification for Variance Requests from 6.1:

Setbacks: We are building larger footprint homes, including some ranch homes that require smaller setbacks. We are maintaining the required 25-foot front setback and 20-foot rear setback on the front entry homes and maintaining the 20-foot rear setback on the rear entry homes. Since we are providing front entry and rear entry product types, we request the side setbacks of 7 feet (maintaining 14 feet between homes) and a front setback of 15 feet for rear entry homes, to create an enhanced streetscape.

Lot Size and Lot Width: We are requesting a lot width reduction from 75 feet to 65 feet for front entry homes and 55 feet on rear entry homes to accommodate the larger houses. A lot size reduction from 15,000 square feet to 7,150 square feet for front entry and 5,500 square feet for rear entry. This allows for both home types to be constructed with average lot width for front entry homes of 69 feet and slightly over 55 feet for rear entry homes.

Front Porches: We are requesting to eliminate the 40 percent of front façade requirement and comply with front porches of at least 11 feet in width and 6 feet in depth. Our homes are a larger footprint with greater widths and the 40 percent would require a porch that would create a proportional issue with the two car garages and the front facades of the homes.

<u>Variance from Standard T10.1</u>	<u>Requested Variance</u>
Street Improvements Requirements 275 Feet radius of curvature of center line	To reduce to 120' Radius

Street radius of 275 feet of curvature of center line: We are requesting a reduction in the requirement of 275 feet radius to a minimum of 120-foot radius in order to provide a safer street layout. Smaller radius and horizontal curves serve as traffic calming devices aim to reduce speeds and improve safety by making curves more visible, providing advance warning, and potentially altering the road's geometry to encourage slower, more deliberate driving. Larger radiuses encourage street designs with longer and straighter roads that can lead to cars traveling at higher speeds than posted.

We appreciate your consideration of these variances requests and please do not hesitate to give me a call if you have any questions.

Sincerely,

Chris Hill

Heritage Group Homes, LLC

See Exhibit A attached

The following are variances that we would like to request during the rezoning and annexation process:

<u>Variance</u> <u>Section Table</u> <u>6.1</u>	<u>Required</u>	<u>Requested Variance</u> <u>Front Entry Homes</u>	<u>Requested Variance</u> <u>Rear Entry Homes</u>
Setbacks	Front setback 25 feet Side Setback 15 Rear Setback 20	Variance Request in bold Front setback 25 feet Side Setback 7 Rear Setback 20	Variances in bold Front setback 15 feet Side Setback 7 Rear Setback 20
Lot Size	15,000 Square Feet	7,150 Square Feet	5,500 Square feet
Lot Width	75 Feet	65 Feet	50 Feet
Maximum Coverage of Principal and Accessory Buildings Section:	35%	45.5%	50.4%
Front Porches Section 7.5	Porches no less than 40 percent of the width/6 feet depth or 11 feet if greater	Eliminate 40 percent and provide porches no less than 11 feet in width and 6 feet in depth	Eliminate 40 percent and provide porches no less than 11 feet in width and 6 feet in depth

<u>Variance from Standard T10.1</u>	<u>Requested Variance</u>
Street Improvements Requirements 275 Feet radius of curvature of center line	To reduce to 120' Radius

We appreciate your consideration of this annexation and rezoning request and please do not hesitate to give me a call if you have any questions.

Sincerely,

Chris Hill

Heritage Group Homes, LLC

ORDINANCE NO. 757

AN ORDINANCE TO ANNEX AND BRING WITHIN THE CORPORATE LIMITS OF THE CITY OF FLOWERY BRANCH, STATE OF GEORGIA, REAL PROPERTY TOTALING 1.18 +/- ACRES OF LAND, OWNED BY VULCAN LANDS, INC., IDENTIFIED AS 5623 HOG MOUNTAIN ROAD, HALL COUNTY TAX PARCEL 15048 000045 AND AS SHOWN ON ATTACHED EXHIBIT “A”, AND AS DESCRIBED ON ATTACHED EXHIBIT “B”, PROVIDING FOR SEVERABILITY, REPEALING CONFLICTING ORDINANCES, PROVIDING FOR AN EFFECTIVE DATE AND FOR ALL OTHER LAWFUL PURPOSES.

WHEREAS, Vulcan Lands, Inc. owns 100% of the subject parcel of land identified as Hall County Tax Parcel Identification No. 15048 000045 as shown and described on Exhibit “A”; and

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

WHEREAS, said parcels of land identified as Hall County Tax Parcel Identification No. 15048 000045 is within the unincorporated area of Hall County, State of Georgia, and is contiguous to the existing corporate limits of the City of Flowery Branch, Georgia at this time; and

WHEREAS, Vulcan Lands, Inc. has submitted to the City Council of Flowery Branch, Georgia, a written and signed application and affidavit showing consent to being annexed, and whereas a survey and complete description of the subject parcel being considered to be annexed, is included in the application; and

WHEREAS, the governing authority of Hall County and the Board of Education of Hall County received timely notice of the City’s acceptance of the owner’s application in accordance with O.C.G.A. § 36-36-111; and

WHEREAS, the City Council held a public hearing at the meeting on August 7th, 2025, duly noticed as prescribed by law and published in the Gainesville Times, regarding said application, as shall be set forth in the minutes of said meeting.

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

SECTION 1. RECITALS.

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

SECTION 2. ANNEXATION.

The City Council of Flowery Branch, Georgia, does hereby annex and include within the corporate limits of the City of Flowery Branch, Georgia real parcel of land known as Hall County Tax Parcel Identification No. 15048 000045 as shown on Exhibit "A" and as described on Exhibit "B". Said Exhibits are incorporated by reference as if fully set forth herein.

SECTION 3. CERTIFICATION BY THE CITY CLERK

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

SECTION 4. SEVERABILITY.

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

SECTION 5. EFFECTIVE DATE.

The effective date of this Ordinance shall be _____, 2025.

SECTION 6. REPEALER.

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

Approved this _____ day of _____ 2025.

Edward R. Asbridge, Mayor

Shelia R. Cooper, City Clerk

APPROVED AS TO FORM

Ted C. Baggett, City Attorney

[illegible]

Exhibit B

Legal Description

A parcel of land lying in Friendship G.M.D. 1419, Hall County, Georgia and being more particularly described as follows:

Commence at the centerline intersection of Hog Mountain Road (50' public right of way) and Blackjack Road (80' public right of way); thence leaving said centerline intersection run South 08 degrees 38 minutes 25 seconds West for a distance of 280.28 feet to a found 1/2 inch rebar lying on the easterly right-of-way of aforementioned Hog Mountain Road; thence run South 24 degrees 39 minutes 54 seconds West along said right-of-way for a distance of 122.29 feet to a found 1/2 inch rebar, said point being the POINT OF BEGINNING of the parcel herein described.

Thence leaving said right-of-way run South 65 degrees 29 minutes 53 seconds East for a distance of 52.91 feet to a found 1/2 inch rod; thence run South 82 degrees 29 minutes 37 seconds East for a distance of 61.20 feet to a found 1 inch open top pipe; thence run North 89 degrees 18 minutes 38 seconds East for a distance of 97.28 feet to a set 5/8 capped rebar (L.S.F. #1390); thence run North 54 degrees 58 minutes 38 seconds East for a distance of 28.00 feet to a set 5/8 capped rebar (L.S.F. #1390); thence run North 43 degrees 15 minutes 38 seconds East for a distance 25.48 feet to a set 5/8 capped rebar (L.S.F. #1390); thence run South 61 degrees 41 minutes 25 seconds East for a distance of 72.90 feet to a found 1/2 inch rebar; thence run South 62 degrees 24 minutes 49 seconds East for a distance of 80.00 feet to a set 5/8 capped rebar (L.S.F. #1390); thence run South 53 degrees 39 minutes 23 seconds West for a distance of 281.51 feet to a set 5/8 capped rebar (L.S.F. #1390); Thence run North 60 degrees 20 minutes 37 seconds West for a distance of 238.67 feet to a set 5/8 capped rebar (L.S.F. #1390) lying on the easterly right-of-way of aforementioned Hog Mountain Road; Thence run North 24 degrees 39 minutes 54 seconds East along said right-of-way for a distance of 126.00 feet to the POINT OF BEGINNING.

Said parcel contains 57,235 square feet or 1.314 acres.



ANNEXATION APPLICATION

Date: June 16, 2025

Address of Request:

5623 Hog Mountain Rd., Flowery Branch, GA 30542

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

City Clerk Signature

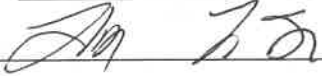
Applicant Information

Name: ~~Vulcan Materials Company~~ vulcan lands, Inc.

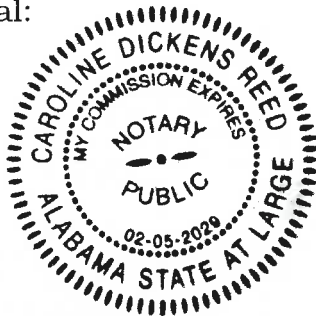
Address: 800 Mount Vernon Highway, N.E. Suite 200 Atlanta, GA 30328

E-mail address: jacksonlo@vmcmail.com

Phone number: 470-650-6020

Signature: 

Notary Seal:





Property owner information (if different than the applicant)

Property owner (please print): N/A

Address: N/A

E-mail address: N/A

Phone number: N/A

Signature: N/A

Notary Seal:

Property Information

Tax Map Number: 15048 000045

Current Zoning: R-3 Residential Total Acres: 1.18

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

Proposed City of Flowery Branch Zoning: M-2 Heavy Manufacturing and Industrial

Proposed City of Flowery Branch Character Area: Industrial Development

Current Use: residential lot

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

Voting Rights Act Information

Resident Population: N/A Housing Units: N/A Other Buildings: N/A

Race Population %: White N/A Black N/A Hispanic N/A Other N/A



Conflict of Interest Disclosure

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

Have a property interest in the real property affected by this request
N/A

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

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

Disclosure of Campaign Contributions

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

Elected Officials Name	Amount of Description of Gift
N/A	N/A
N/A	N/A



CITY STAFF ONLY

Application Received By: _____

Date: _____ Total Fee: _____

City of Flowery Branch Community Development Office

5512 Main St

Flowery Branch, GA, 30542

770-967-6378

ANNEXATION/REZONING COMPLETENESS CHECKLIST

Please review each line item on the Completeness Checklist prior to submitting an application to the City of Flowery Branch. Please initial **each line item** (numerical and alphabetical sub lists) in the initial blocks provided in the left-hand column. Initialed checklist must be included with the completed application and all other required documentation at time of submittal. **All requirements must be provided in hard copy form and digital form on a flash drive.**

Applicant Name: Vulcan Materials Company

Project Name: Vulcan Quarry

1.	Completed annexation application with all signatures and notary stamps present and all fields filled out and in compliance with all requirements. (Article 44, Sec. 44.4) Completed concurrent rezoning application with all signatures and notary stamps present and all fields filled out and in compliance with all requirements. (Article 34, Sec. 34.8)
2.	Legal description of property.
3.	Current survey of the property.
4.	Site plan of the property in accordance with the requirements of the Flowery Branch Code of Ordinances (Article 34, Sec 34.4 & 34.5):
	a) Uses an appropriate engineering scale
	b) Shows proposed use and relevant information regarding proposed improvements
	c) All existing AND proposed buildings and/or structures
	d) Parking and internal circulation
	e) Proposed landscaping
	f) Buffers, where required
	g) Other information as required by the Zoning Administrator
5.	Detailed description of the request.
6.	Required development statistics (Article 34, Sec 34.6) (separate document):
	a) Maximum and proposed height of any structure
	b) Maximum and proposed gross square footage of the building area (nonresidential only)
	c) Color rendering of any and all proposed structure(s)
	d) Material list (with percentages) of any and all proposed structure(s)
	e) Maximum and proposed number of dwelling units and minimum and proposed square footage of heated floor area for any dwelling unit (residential only)
	f) Maximum and proposed lot coverage of building area (square feet and percent)
	g) Minimum and proposed square footage of landscaped area (square feet and percent)
	h) Minimum, maximum and proposed number of parking spaces

City of Flowery Branch Community Development Office

5512 Main St

Flowery Branch, GA, 30542

770-967-6378

ANNEXATION/REZONING COMPLETENESS CHECKLIST

		i) Other dimensional information as may be required by the Zoning Administrator
	7.	Written Analysis Requirements (Article 34, Sec. 34.7) (separate document):
		a) Whether the proposal will permit a use that is suitable in view of the use and development of adjacent and nearby properties.
		b) Whether the proposal will adversely affect the existing use or usability of adjacent or nearby properties.
		c) Whether the property to be affected by the proposal can be used in accordance with the existing regulations and has a reasonable economic use as currently zoned.
		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.
		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.
		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.
		g) 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.
		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.
		i) Whether a proposed zoning map amendment or conditional use approval will be a deterrent to the value or improvement of the development of adjacent property in accordance with existing regulations.
		j) The possible creation of an isolated zoning district unrelated to adjacent and nearby districts.
		k) Possible effects of the change in zoning district map, or change in use, on the character of a zoning district.
		l) The possible impact on the environment, including but not limited to, drainage, soil erosion and sedimentation, flooding, air quality and water quality.

City of Flowery Branch Community Development Office

5512 Main St

Flowery Branch, GA, 30542

770-967-6378

ANNEXATION/REZONING COMPLETENESS CHECKLIST

		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.
	8.	Conflict of interest disclosure (in body of application).
	9.	Disclosure of campaign contributions (in body of application).
	10.	Names and addresses of adjoining property owners. (separate document)
	11.	Reasons for requesting annexation/rezoning. (separate document)
	12.	Signed statement authorizing City of Flowery Branch staff and/or City Council to inspect subject property. (separate document)
	13.	Annexations > 100 acres of land require an official request to amend the character area and future land use map designation for the subject property.
	14.	Letter of intent describing the proposed use of the property or other action requested. (separate document)

The undersigned does hereby attest that all requirements in the above checklist have been met and that all required documentation has been provided at the time of submittal. The undersigned acknowledges that any application found to be incomplete upon review will be returned to the applicant for completion.

Name (print): _____

Signature: _____

Date: June 16, 2025

HULSEY, OLIVER & MAHAR, LLP

EST. 1914

R. DAVID SYFAN
THOMAS L. FITZGERALD
THOMAS D. CALKINS
ABBOTT S. HAYES, JR.
PAUL B. SMART
JASON A. DEAN
T. WESLEY ROBINSON
JASON E. VOYLES
JESSICA M. LUND
VANESSA E. SYKES
MONICA B. HATFIELD
AMANDA L. WARD
BRADFORD A. LORENZ
EMMA S. COURTNEY
CAROLINE M. CAPPS
BENJAMIN A. SIEGEL

ATTORNEYS AT LAW

E.D. KENYON
(1890-1981)
SAMUEL L. OLIVER
(1942-2011)

JULIUS M. HULSEY
(RETIRED)
JAMES E. MAHAR, JR.
(RETIRED)

OF COUNSEL
JANE A. RANGE

June 19, 2025

VIA HAND DELIVERY AND E-MAIL

Mr. Chris McCrary
City of Flowery Branch
5512 Main Street
Flowery Branch, GA 30542

RE: Letter of Intent Submitted with Vulcan Lands, Inc.'s Annexation and Rezoning Applications

Dear Chris:

This firm has been retained to represent Vulcan Lands, Inc. ("Vulcan") in connection with Vulcan's annexation, rezoning and conditional use permit application regarding the following property:

- 5623 Hog Mountain Road, Flowery Branch, GA 30542 (Tax Parcel 15048 000045)

Please accept this letter of intent as being filed simultaneously with the above-referenced applications. The adjacent property has been used for mining and quarry operations for decades. The current proposal will increase the quarry's sustainability by allowing the quarry to retain storm water on site and will allow the continuation of Vulcan's aggregate production, processing and distribution operations on the adjacent property. The proposed use as a retention facility will further buffer the community.

Vulcan Lands, Inc. has acquired tax parcel 15048 000045 in order to incorporate this property into the existing Vulcan quarry. The purchase of this property is key to executing and completing the already authorized Friendship Berm drainage project (1759-00049). This will enable Vulcan to construct an alternative storm water management feature inclusive of retention ponds and an adverse ditch which will allow

onsite overburden storage to be expanded by 3.6MM BCY while maintaining adequate storm water mitigation controls. The additional storage capacity offers a mass balance solution for the next twenty (20) years for operation of the quarry.

This property is specifically needed to construct the diversion swale and one (1) of the two (2) necessary retention ponds to effectively manage 100-year storm events as required by the Surface Mine Land Use Permit for the quarry.

I have also enclosed a check in the amount of \$1,000.00 to cover the filing fees. Upon our review of the enclosed applications and supporting materials, please let me know if you need anything further.

1 (a), and Art. I, Sec. I, Par. 2 of the Constitution of Georgia because the current zoning of the property makes the tract unfeasible to develop. Art. I, Sec. I, Par. 2 of the Constitution of Georgia because the zoning makes the tract unfeasible to develop and thus significantly diminishing its value. The current zoning denies the applicant equal protection under the law. The current zoning is also arbitrary and capricious because the significant detriment suffered by the Applicant is insubstantially related to the health, safety, and morality and welfare of the public.

We appreciate your consideration of Vulcan's rezoning request and encourage the City Council's approval, which will satisfy the objections set forth.

Sincerely,

HULSEY, OLIVER & MAHAR, LLP



T. Wesley Robinson

Enclosure
TWR:alb/18670

Project Description

The purchase of the Ambrose property is key to executing the already authorized Friendship Berm Drainage Project (1759-00049), which enables Vulcan to construct an alternative stormwater management feature inclusive of retention ponds and diversion ditch that will allow on-site overburden storage to be expanded by 3.6MM BCY while maintaining adequate stormwater mitigation controls. The additional storage capacity offers Friendship a mass-balance solution for the next 20 years.

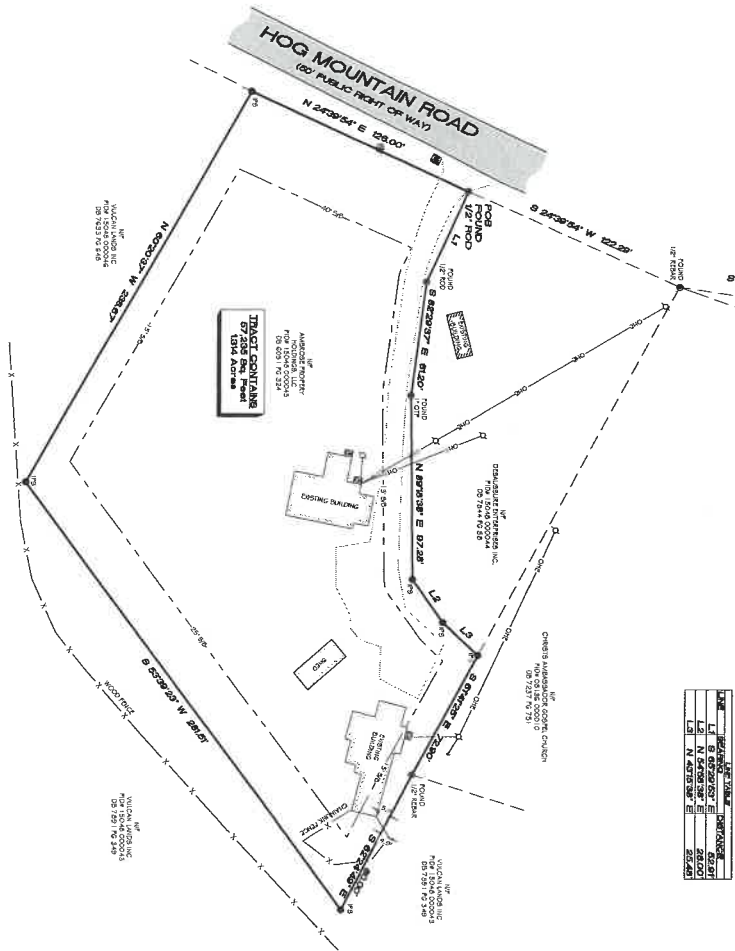
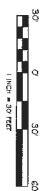
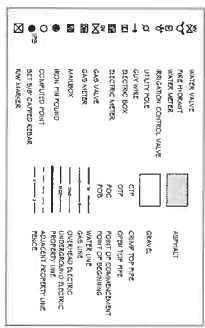
The Ambrose Property is specifically needed to construct the diversion swale and one of the two necessary detention ponds to effectively manage a 100-year storm event as required by the Surface Mine Land Use Permit (SMLUP).

AD SURVIVED LEGAL DETECTION?

EXHIBIT 'A'	TITLE LEGAL DESCRIPTION

[illegible]

1. Identify the **subject**, **problem** or **question** that the text tries to solve. What are the **main** **points** or **conclusions** that the author is trying to make? What are the **main** **arguments** or **evidence** that the author uses to support their conclusions? What are the **main** **conclusions** or **recommendations** that the author makes?
2. Identify the **main** **points** or **conclusions** that the author is trying to make. What are the **main** **arguments** or **evidence** that the author uses to support their conclusions? What are the **main** **conclusions** or **recommendations** that the author makes?
3. Identify the **main** **points** or **conclusions** that the author is trying to make. What are the **main** **arguments** or **evidence** that the author uses to support their conclusions? What are the **main** **conclusions** or **recommendations** that the author makes?
4. Identify the **main** **points** or **conclusions** that the author is trying to make. What are the **main** **arguments** or **evidence** that the author uses to support their conclusions? What are the **main** **conclusions** or **recommendations** that the author makes?
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7. Identify the **main** **points** or **conclusions** that the author is trying to make. What are the **main** **arguments** or **evidence** that the author uses to support their conclusions? What are the **main** **conclusions** or **recommendations** that the author makes?
8. Identify the **main** **points** or **conclusions** that the author is trying to make. What are the **main** **arguments** or **evidence** that the author uses to support their conclusions? What are the **main** **conclusions** or **recommendations** that the author makes?
9. Identify the **main** **points** or **conclusions** that the author is trying to make. What are the **main** **arguments** or **evidence** that the author uses to support their conclusions? What are the **main** **conclusions** or **recommendations** that the author makes?
10. Identify the **main** **points** or **conclusions** that the author is trying to make. What are the **main** **arguments** or **evidence** that the author uses to support their conclusions? What are the **main** **conclusions** or **recommendations** that the author makes?



LINE	DESCRIPTION	QUANTITY
L1	8 6520 63" E	52.91
L2	N 54 68 38" E	28.00
L3	N 40 10 38" E	25.45



SURVEY NOTES

1. The proposed project is aimed at increasing the knowledge and understanding of people with autism and the challenges they face in the workplace.
2. The project will be carried out by a team of experts in the field of autism and employment.
3. The project will involve a series of workshops and seminars for employers and employees.
4. The project will also involve the development of a resource pack for employers and employees.
5. The project will be funded by the Department of Health and Social Security.
6. The project will be completed by the end of 2001.
7. The project will be evaluated by the Department of Health and Social Security.
8. The project will be reported to the Department of Health and Social Security.
9. The project will be published by the Department of Health and Social Security.
10. The project will be available to the public.

SURVEYOR CERTIFICATION

TO: ALIBRE PROPERTY HOLDINGS, LLC, (WILSON LAND) INC. A NEW JERSEY CORPORATION, # FIDELITY NATIONAL TITLE INSURANCE COMPANY.

THIS IS TO CERTIFY THAT THIS MAP OR PLAN, AND THE SURVEY ON WHICH IT IS BASED, WERE MADE IN ACCORDANCE WITH THE 2001 NATIONAL STANDARD CERTIFICATION PROGRAM FOR ALIBRE LAND TITLE SURVEYS, 2001 EDITION, AS ADOPTED BY ALIBRE AND NBTLS, AND INCLUDED THEREIN 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11 AND 19 OF TITLE A, THEREON. THE FIELD WORK WAS COMPLETED DURING THE MONTH OF FEBRUARY OF 2023.

05/16/2025 Date

SURVEYOR CERTIFICATION

01/18/2025
Date

M. Chavez Bell, GA P.L.S. #34625

Know what's below.
Call before you dig.

The Department of Defense, United States Coast Guard, and other federal, state, and local agencies have agreed to make the 811 number the national point of contact for all utility locating requests. Call 811 to report a problem or request information. For more information, visit www.811.org.

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ISSUE:	DATE	DESCRIPTION
INITIAL	04/17/2005	
REV 1	05/14/2005	ADDRESS ATTORNEY COMMENTS
REV 2	05/14/2005	REV THE COMMENT
REV 3		
REV 4		
REV 5		
REV 6		
REV 7		

ALTA/NSPS LAND TITLE SURVEY
OF
AMBROSE PROPERTY
FOR
AMBROSE PROPERTY HOLDINGS, LLC., VULCAN
LANDS INC. A NEW JERSEY CORPORATION, &
FIDELITY NATIONAL TITLE INSURANCE COMPANY

LOCATED IN:
FRIENDSHIP DISTRICT
G.M.D 1419
HALL COUNTY, GEORGIA

LJA SURVEYING INC.
4525 SOUTH LEE STREET
DUFORD, GA 30516 Phone 713.953.5200
LJA No. 1390

Ambrose Legal Description

A parcel of land lying in Friendship G.M.D. 1419, Hall County, Georgia and being more particularly described as follows:

Commence at the centerline intersection of Hog Mountain Road (50' public right of way) and Blackjack Road (80' public right of way); thence leaving said centerline intersection run South 08 degrees 38 minutes 25 seconds West for a distance of 280.28 feet to a found 1/2 inch rebar lying on the easterly right-of-way of aforementioned Hog Mountain Road; thence run South 24 degrees 39 minutes 54 seconds West along said right-of-way for a distance of 122.29 feet to a found 1/2 inch rebar, said point being the POINT OF BEGINNING of the parcel herein described.

Thence leaving said right-of-way run South 65 degrees 29 minutes 53 seconds East for a distance of 52.91 feet to a found 1/2 inch rod; thence run South 82 degrees 29 minutes 37 seconds East for a distance of 61.20 feet to a found 1 inch open top pipe; thence run North 89 degrees 18 minutes 38 seconds East for a distance of 97.28 feet to a set 5/8 capped rebar (L.S.F. #1390); thence run North 54 degrees 58 minutes 38 seconds East for a distance of 28.00 feet to a set 5/8 capped rebar (L.S.F. #1390); thence run North 43 degrees 15 minutes 38 seconds East for a distance 25.48 feet to a set 5/8 capped rebar (L.S.F. #1390); thence run South 61 degrees 41 minutes 25 seconds East for a distance of 72.90 feet to a found 1/2 inch rebar; thence run South 62 degrees 24 minutes 49 seconds East for a distance of 80.00 feet to a set 5/8 capped rebar (L.S.F. #1390); thence run South 53 degrees 39 minutes 23 seconds West for a distance of 281.51 feet to a set 5/8 capped rebar (L.S.F. #1390); Thence run North 60 degrees 20 minutes 37 seconds West for a distance of 238.67 feet to a set 5/8 capped rebar (L.S.F. #1390) lying on the easterly right-of-way of aforementioned Hog Mountain Road; Thence run North 24 degrees 39 minutes 54 seconds East along said right-of-way for a distance of 126.00 feet to the POINT OF BEGINNING.

Said parcel contains 57,235 square feet or 1.314 acres.

ORDINANCE 758

AN ORDINANCE AMENDING THE ZONING MAP OF THE CITY OF FLOWERY BRANCH, GEORGIA, BY REZONING REAL PROPERTY TOTALING 1.18+/- ACRES OF LAND, OWNED BY VULCAN LANDS INC., IDENTIFIED AS 5623 HOG MOUNTAIN ROAD, HALL COUNTY TAX PARCEL 15048 000045, AND AS SHOWN ON ATTACHED EXHIBIT “A”, AND AS DESCRIBED ON ATTACHED EXHIBIT “B”; TO BE REZONED FROM UNINCORPORATED HALL COUNTY AGRICULTURAL - RESIDENTIAL (AR-1) TO CITY OF FLOWERY BRANCH MANUFACTURING & INDUSTRIAL, HEAVY (M-2), AS SHOWN ON ATTACHED EXHIBIT “A”, AND AS DESCRIBED ON ATTACHED EXHIBIT “B”, PROVIDING FOR SEVERABILITY, REPEALING CONFLICTING ORDINANCES, PROVIDING FOR AN EFFECTIVE DATE AND FOR ALL OTHER LAWFUL PURPOSES.

WHEREAS, The owner of 5623 Hog Mountain Road, Vulcan Lands, Inc., as shown and described on Exhibit “A”, has submitted a complete application for rezoning; and

WHEREAS, a complete description of the subject property being rezoned is included herein; and

WHEREAS, the City Council of the City of Flowery Branch, Georgia held a public hearing on August 7th, 2025, to consider the rezoning, 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 appropriate zoning classification of the subject property in light of the comprehensive plan.

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

SECTION 1. FINDINGS.

The City Council finds that the proposed rezoning from Unincorporated Hall County Agricultural - Residential (AR-1) to Flowery Branch Manufacturing & Industrial, Heavy (M-2) 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. Use as R-2 is appropriate given residential development trends and it is reasonable to believe the property will have reasonable economic value so zoned.
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 precise determination has been made by staff with regard to the value differential between development under the current zoning as opposed to R-2, although it is reasonable to believe value would increase as a result of the rezoning.
8. A proposed development will not be a deterrent to the value or improvement of development of adjacent property in accordance with existing regulations.
9. There are no known adverse effects that would result from the change in zoning district map, or change in use, on the character of a zoning district.
10. Development as proposed is not expected to impact on the environment, including but not limited to, drainage, soil erosion and sedimentation, flooding, air quality and water quality. Compliance with city subdivision and land development regulations will be required, which include but are not limited to soil erosion and sedimentation, stormwater, and flood damage prevention.

SECTION 2. REZONING.

The subject parcel, as shown on Exhibit “A” and as legally described in Exhibit “B”, and conditioned in Exhibit “C”, are hereby rezoned from Unincorporated Hall County Agricultural – Residential (AR-1) to Flowery Branch Manufacturing & Industrial, Heavy (M-2).

SECTION 3. AMENDMENT OF THE ZONING MAP.

Public Hearing Published 07/16/2025
Public Hearing 08/07/2025

First Reading 08/07/2025
Second Reading 09/04/2025

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.

This ordinance shall take effect immediately upon approval.

SECTION 6. REPEALER.

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

Approved this _____ day of _____ 2025.

Edward R. Asbridge, Mayor

Shelia R. Cooper, City Clerk

APPROVED AS TO FORM

Ted C. Baggett, City Attorney

Exhibit "A"

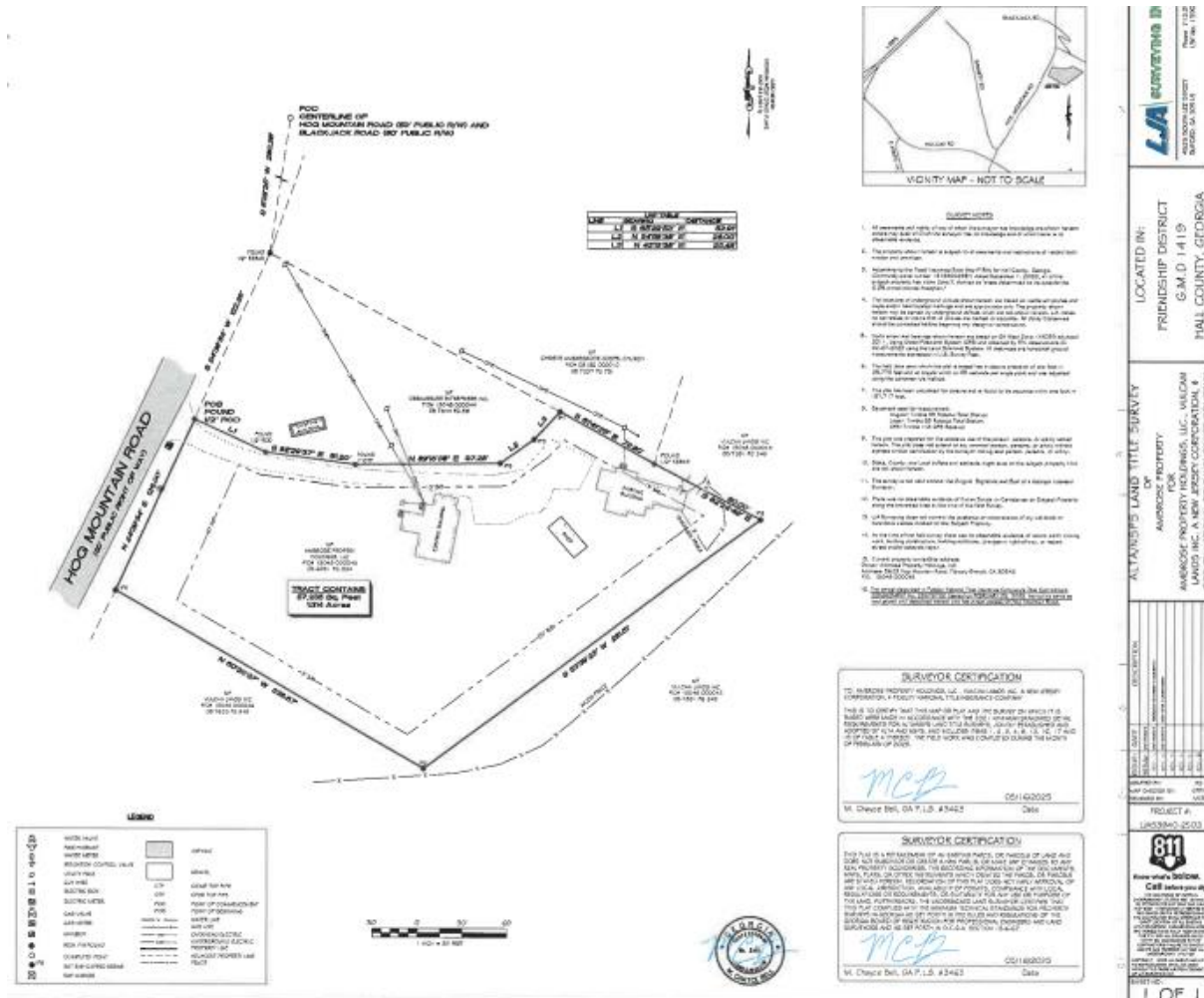


Exhibit "B"

LEGAL DESCRIPTION

A parcel of land lying in Friendship G.M.D. 1419, Hall County, Georgia and being more particularly described as follows:

Commence at the centerline intersection of Hog Mountain Road (50' public right of way) and Blackjack Road (80' public right of way); thence leaving said centerline intersection run South 08 degrees 38 minutes 25 seconds West for a distance of 280.28 feet to a found 1/2 inch rebar lying on the easterly right-of-way of aforementioned Hog Mountain Road; thence run South 24 degrees 39 minutes 54 seconds West along said right-of-way for a distance of 122.29 feet to a found 1/2 inch rebar, said point being the POINT OF BEGINNING of the parcel herein described.

Thence leaving said right-of-way run South 65 degrees 29 minutes 53 seconds East for a distance of 52.91 feet to a found 1/2 inch rod; thence run South 82 degrees 29 minutes 37 seconds East for a distance of 61.20 feet to a found 1 inch open top pipe; thence run North 89 degrees 18 minutes 38 seconds East for a distance of 97.28 feet to a set 5/8 capped rebar (L.S.F. #1390); thence run North 54 degrees 58 minutes 38 seconds East for a distance of 28.00 feet to a set 5/8 capped rebar (L.S.F. #1390); thence run North 43 degrees 15 minutes 38 seconds East for a distance 25.48 feet to a set 5/8 capped rebar (L.S.F. #1390); thence run South 61 degrees 41 minutes 25 seconds East for a distance of 72.90 feet to a found 1/2 inch rebar; thence run South 62 degrees 24 minutes 49 seconds East for a distance of 80.00 feet to a set 5/8 capped rebar (L.S.F. #1390); thence run South 53 degrees 39 minutes 23 seconds West for a distance of 281.51 feet to a set 5/8 capped rebar (L.S.F. #1390); Thence run North 60 degrees 20 minutes 37 seconds West for a distance of 238.67 feet to a set 5/8 capped rebar (L.S.F. #1390) lying on the easterly right-of-way of aforementioned Hog Mountain Road; Thence run North 24 degrees 39 minutes 54 seconds East along said right-of-way for a distance of 126.00 feet to the POINT OF BEGINNING.

Said parcel contains 57,235 square feet or 1.314 acres.

Exhibit “C”

1. The subject site shall be used for the sole purpose of serving as a diversion swale and detention facility. The property shall not be put to any other use, including but not limited to extraction or blasting of any kind.
2. A 50-foot enhanced buffer, planted with diverse evergreen trees and shrubs, shall be established next to 5615 Hog Mountain Road. The final landscape plan requires approval from the Director of Planning and Community Development.
3. Applicant shall maintain all existing berms and buffer areas as previously required. Modification of any berm or buffer shall require prior approval from the Zoning Administrator. The applicant shall provide a detailed berm, landscaping, pathway and decorative fence plan to continue the screening on the newly annexed parcel. Any disturbances of existing berms, trails or fencing shall be repaired.



Memorandum

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

From: Dani Nash, Flowery Branch City Planner

Date: August 7, 2025

Subject: Annexation & Rezoning

Applicant: Vulcan Lands, Inc.
800 Mount Vernon Highway, N.E. Suite 200
Atlanta, GA 30328
470-650-6020

Owner: Same as Applicant

Existing Zoning: Hall County **AR-1** (Agricultural Residential)

Location and Size:

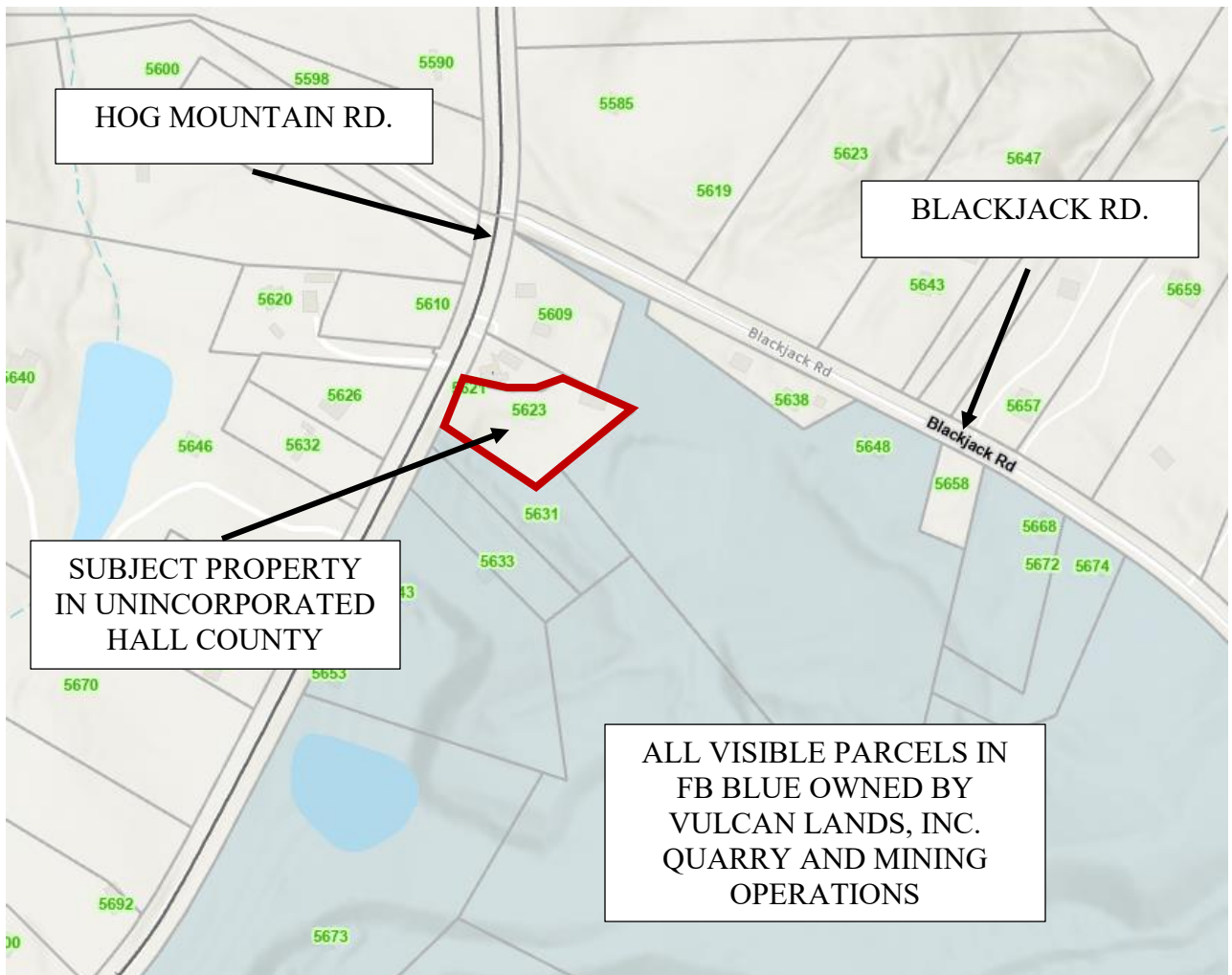
5623 Hog Mountain Rd.; Parcel **15048 000045**; +/- 1.33 Acre

Proposed Zoning: City of Flowery Branch **M-2** (Heavy Manufacturing & Industrial)

The applicant is requesting the annexation and rezoning of 5623 Hog Mountain Rd. from Hall County **AR-1** - Agricultural – Residential to City of Flowery Branch **M-2** – Manufacturing & Industrial, Heavy for the construction of a retention facility. The property will be utilized in the completion of the Friendship Berm drainage project and allow for the construction of alternative storm water management features. A Land Disturbance Permit submittal will be required following the annexation and rezoning of the property.



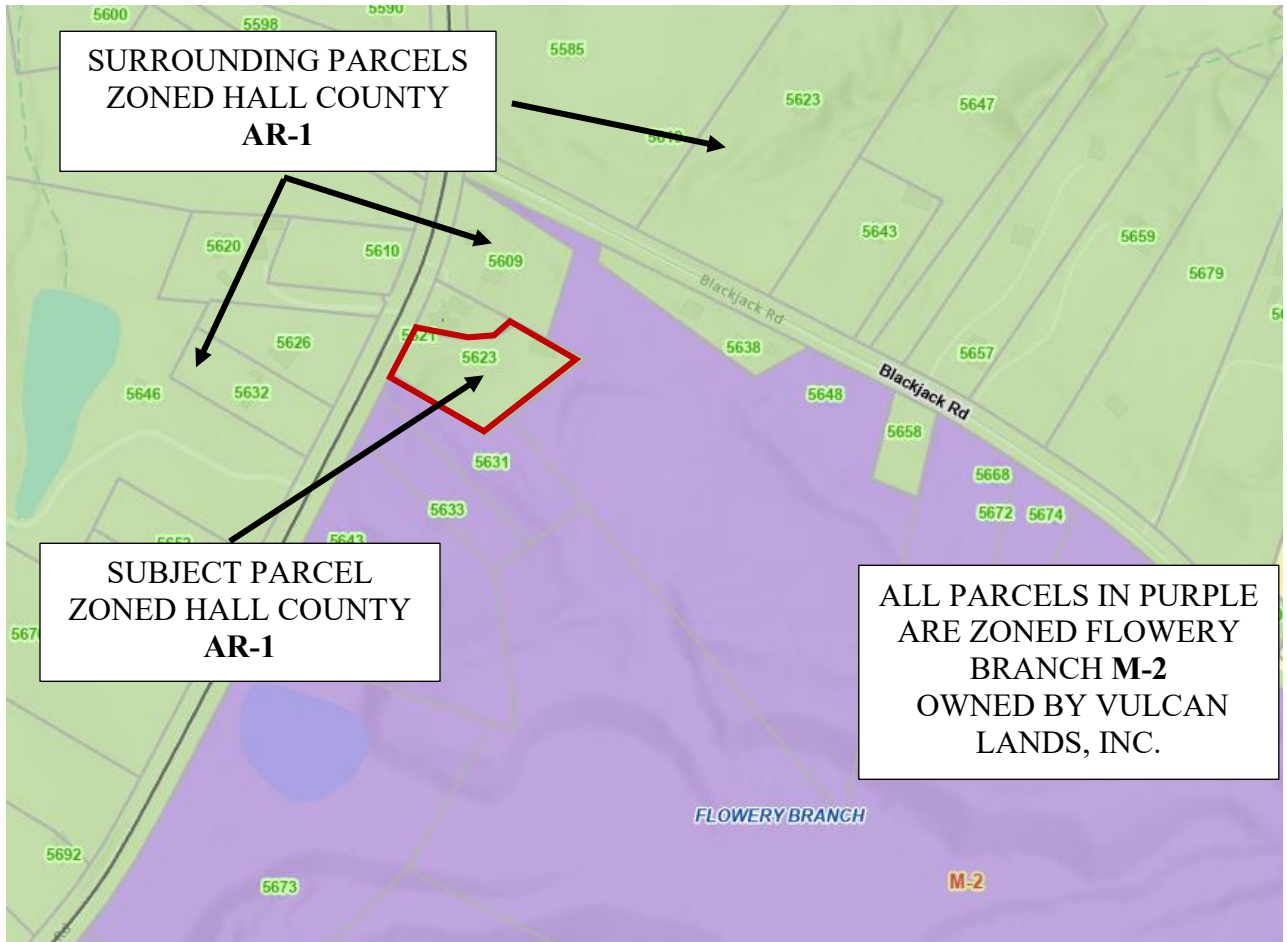
Location: The subject property is located at 5623 Hog Mountain Rd., south of Blackjack Rd. and contiguous with Vulcan Lands Inc. quarry and mining operations.





Zoning Map:

The property is zoned Hall County **AR-1** (Agricultural – Residential), surrounding properties are zoned Hall County **AR-1** and City of Flowery Branch **M-2** (Manufacturing & Industrial, Heavy)



Legend

Zoning Districts

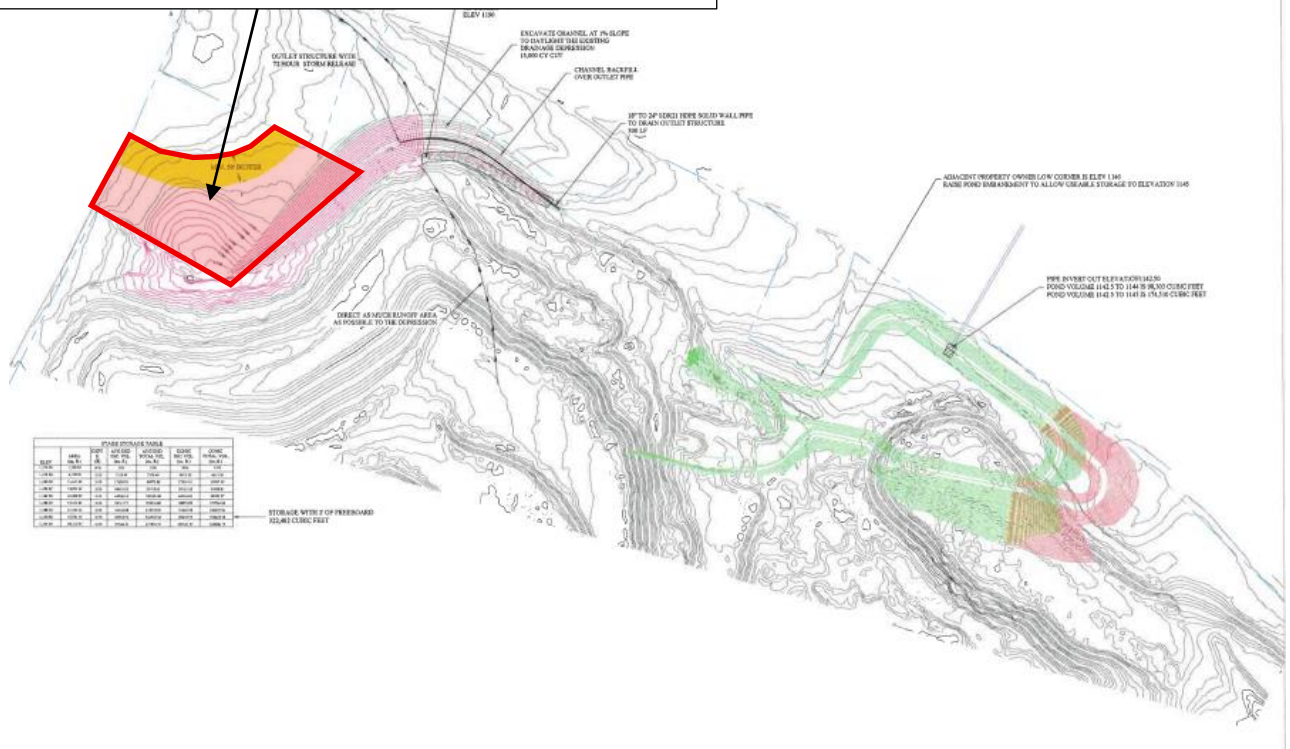
	Residential Low Density (R-1)		Highway Business (HB)
	Residential Moderate Density (R-2)		Institutional (INST)
	Residential Multi-family (R-3)		Manufacturing & Industrial, Light (M-1)
	Traditional Neighborhood Development (TND)		Manufacturing & Industrial, Heavy (M-2)
	Planned Unit Development (PUD)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



Site Plan:

The applicant is proposing the construction of a retention facility including additions to storm water management systems. The site plan provided is difficult to read. The applicant needs to provide a clear plan showing the location of the stormwater system improvements and details of the continuation of the visual berms, walking trails and fencing.

THE SUBJECT SITE WILL EXCLUSIVELY HOUSE A STORMWATER DETENTION SYSTEM, FEATURING ONE OF TWO DETENTION PONDS AND A DIVERSION SWALE.





Previous Conditions:

The following conditions were applied via Resolution 21-014 from 10/21/2021. These conditions have been attached to each annexation / zoning case, occasionally with slight modifications depending on the action requested by the client (i.e. annexation, CUP, rezoning etc.). These past conditions are not applicable to request at hand to install a diversion swale on one detention pond.

1. State Permits. The property owner shall submit to the Manager of Planning and Community Development of the City of Flowery Branch a full and complete copy of all approved state permits required for operation of the quarry, including but not necessarily limited to air quality (for both the quarry operation and any site tenants, i.e., asphalt and concrete plants). Whenever a revision or renewal of any such state permit is required or sought, the property owner shall submit to the Manager of Planning and Community Development of the City of Flowery Branch a full and complete copy of all such applications pending along with relevant correspondence from governing state agencies regarding the disposition of the application for permit revision or renewal.
2. Noise Studies and Sound Level Monitoring. At least once every three years, unless otherwise requested by the Zoning Administrator, beginning no later than the date this CUP is approved, the property owner shall submit to the Manager of Planning and Community Development of the City of Flowery Branch a copy of a noise study meeting specifications and content details of the noise studies referenced in the Planning Evaluation and Staff Report for Ordinance No. 344. The study shall provide specific measurements at multiple locations along the perimeter of the property ownership boundary. Said noise study shall evaluate observed sound levels with noise standards of the City of Flowery Branch as contained in its comprehensive plan and/or zoning ordinance. At any points where sound levels from such noise studies reveal that the acceptable noise threshold of the City of Flowery Branch of operational sounds (as distinguished from off-site, ambient noise) is exceeded, the professional preparing the noise study shall recommend and the property owner shall propose noise mitigation measures and a time frame for their implementation acceptable to the City of Flowery Branch. Mitigation measures may include but shall not be limited to berms and noise attenuation barriers.
3. Hours of Operation. Hours of operation of the quarry and any on-site tenants (i.e., asphalt and concrete plants) shall be limited to 6:00 a.m. to 10:00 p.m., Monday through Saturday, with the exception that: Hours of operation (but not including blasting) may be extended to 24 hour a day and Sunday operations as reasonably necessary for the applicant or any tenant to supply materials to a governmental project. In all such cases the applicant for tenant shall submit a copy of the executed governmental contract for which such extended hours are



- reasonably necessary to the Manager of Planning and Community Development of the City of Flowery Branch within five days of receipt of the contract. Applicant or tenant shall also supply an anticipated schedule of extended operating hours pertaining to the contract to show that such extended hours are authorized by this condition. This exception shall only be permitted for the duration of government contracts only. Outside of authorized operating hours, access to the property shall be controlled by the front gate being locked.
4. Activity Setback. The proposed extraction shall not take place within one hundred (100) feet of a property line.
 5. Stockpiles. Product piles, spoil piles, and other accumulations of by-products shall not be created to a height more than thirty-five (35) feet above the original contour.
 6. Fencing. Applicant shall maintain all existing fencing. Modification of any fencing shall require prior approval from the Zoning Administrator. In submitting any future fencing site plan, the property owner shall indicate where new fencing (and the type of fencing) is proposed. The fencing site plan shall be subject to the approval of the Director of Planning and Community Development of the City of Flowery Branch, and for good cause shown, the Director may disapprove of any site plan that does not provide adequate security of the work of the quarry operation and/or the entire ownership rite.
 7. Tenant Sites. There shall be no tenant sites or tenant operations on the subject properties.
 8. Blasting. The property owner shall be continuously responsible for assuring that blasting meets the Georgia Blasting Standards Act and the safe blasting limit of 2.0 inches per second, peak particle velocity. The property owner shall achieve compliance with this condition by monitoring blast operations. Upon request, the property owner shall submit to the Manager of Planning and Community Development of the City of Flowery Branch a copy of all such monitoring results from a qualified professional. In addition, any correspondence between the property owner and the State Fire Marshall relative to compliance with the Georgia Blasting Standards Act shall be submitted within ten (10) days to the Manager of Planning and Community Development of the City of Flowery Branch.

Blasting on the quarry property shall only be done between the hours of 10:00 a.m. and 5:00 p.m. on weekdays (except on holidays, when no blasting shall be allowed). Blasting shall not be done at other times, except when necessary to detonate a loaded shot that could not be detonated because of adverse weather or other conditions that could not be reasonably foreseen, to maintain blasting safety, or as required to comply with applicable governmental requirements. Vulcan shall notify the Manager of Planning and Community Development of



the City of Flowery Branch of any blast that occurs outside the prescribed times of day and state why such blast occurred outside of such time within 24 hours of such blast.

9. Access Limited. There shall be no access from Blackjack Road, Hog Mountain Road, or Friendship Road to the subject properties.
10. As-built screening conditions and vegetation and stabilization plan for berms and buffers. Applicant shall maintain all existing berms and buffers areas as previously required. Modification of any berm or buffer area shall require prior approval from the Zoning Administrator.
11. Third-Party Monitoring. As long as the quarry is operating, the property owner agrees to contract with, at no cost to the City, a third-party monitoring company to investigate and respond to any written complaints received by the City of Flowery Branch regarding blasting operations at the Friendship Quarry and subject property. The company shall respond within five (5) working days of being notified by the City of a written complaint. Written responses shall be required to be submitted by the third-party monitoring company to the Manager of Planning and Community Development when, in his opinion, the complaint has merit.
12. Community Advisory Council.
 - a. The property owner agrees to continue holding periodic Community Advisory Council meetings in the area of the subject property, such as at Friendship or Cornerstone Baptist Church, or other institution in the area, in order to periodically educate neighbors and residents and business owners in the area, about the operations, the industry generally, and changes to site plans and conditions. Such meetings shall not be held less frequently than one per quarter year.
 - b. At such meetings, the property owner will report the progress made toward compliance with these conditions of zoning, disclose any formal complaints received by the City of Flowery Branch that have been forwarded to the property owner, describe “best practices” for safety, land management, environmental protection, and site operations being implemented or contemplated for implementation, present any special studies required by these conditions of zoning, and explain other appropriate or salient features of the property and its operations.
13. Incorporation of 29.67 +/- acre site. Prior to inclusion of the 29.67 +/- acres of the subject property into the existing quarry, applicant shall submit a revised overall site plan, fencing



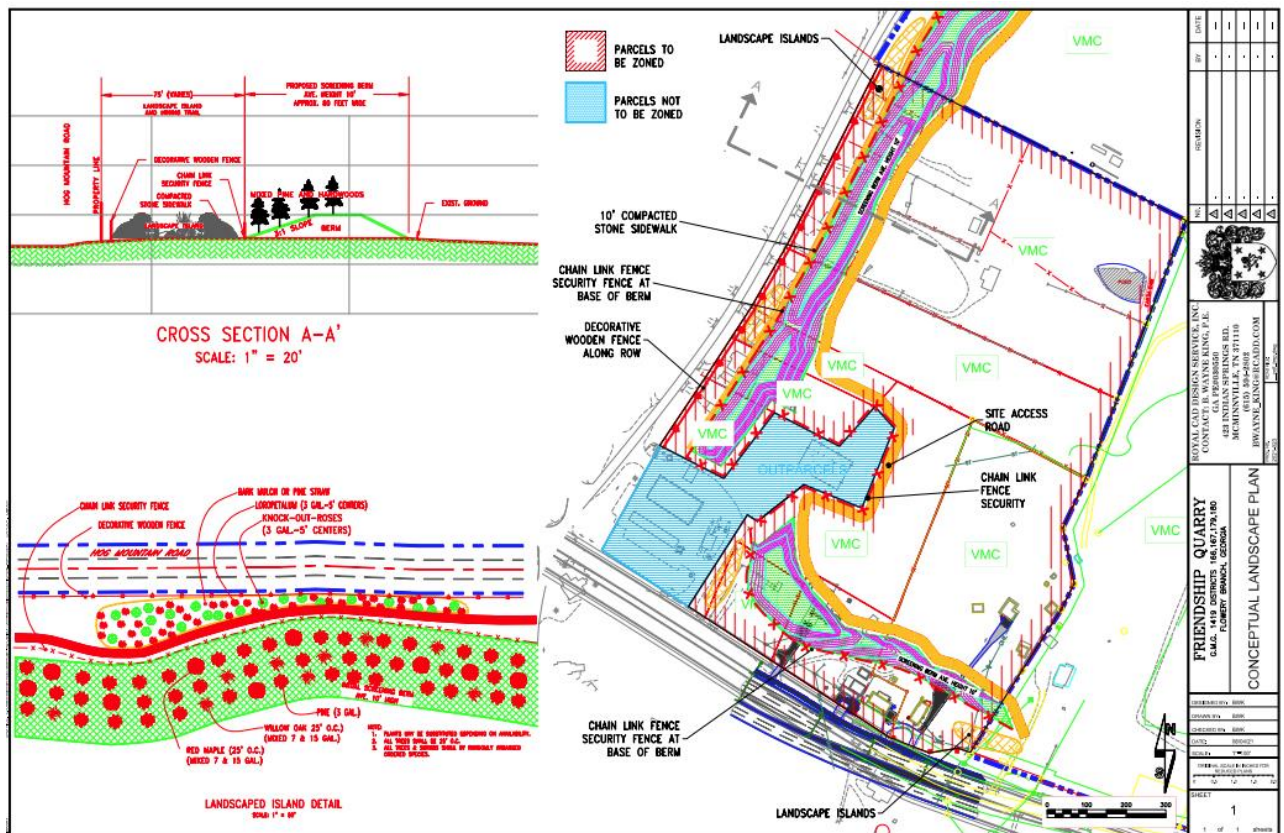
plan and berm plan for the added area. Plan shall indicate appropriate security fencing and required buffers as identified in the above listed conditions and as determined by the Zoning Administrator. In the event that fencing and berms are required, applicant shall construct said fencing and berms within 60 days of including the property into the overall site operations.

14. Conditions. All adopted conditions of approval shall apply regardless of any change of ownership. Failure to comply with any of the conditions contained herein or those identified within Article 14 Section 14.9 of the adopted Zoning Code may result in revocation of this grant.



Friendship Berm:

The applicant shall provide a detailed berm, landscaping, pathway, and decorative fence plan to continue the screening on the newly annexed parcel. Any disturbances of existing berms, trails or fencing shall be noted and repaired. An example of a previous plan is included below:





Sec. 34.7. - Analysis Requirements.

Applications to amend the official zoning map 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 the 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 proposed use permits a use that is suitable in view of the use and development of the adjacent and nearby property. The property is adjacent to the existing Vulcan Quarry. The proposed use is to incorporate this property into the development of that Quarry for the use of a diversion swale and stormwater retention pond

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

The proposed use will not adversely affect adjacent or nearby property. The property adjoins Hog Mountain Road and is surrounded on two of the other sides by the Vulcan Quarry. The property does adjoin one residential tract. The proposed use will not adversely impact that 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 property is not currently in the City of Flowery Branch. Once annexed, it will need to be rezoned. The existing zoning in Hall County is for residential, and the property has a small residential structure located on the property. Due to its close relation to the Quarry, the prospect of further residential use is limited. The property is designated industrial in character in the land use map.

- 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 proposal will not cause any excess use to street 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 use is consistent with the comprehensive plan which designates the character area as industrial as opposed to residential.
- 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.*
Conditions surrounding the Quarry support future industrial use of the property rather than continued residential use.
- g) *Existing use(s) and zoning of the subject property and nearby properties.*
Nearby property located in the City of Flowery Branch are zoned for an industrial use. Neighboring Hall County properties are zoned Agricultural – Residential.
- 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 existing property is undervalued as a residential property. The existing residential use is diminished by the proximity to the existing industrial use. The value would be enhanced by incorporation into the adjoining Quarry.
- 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.*
Allowing the annexation and rezoning of this property so that it may be incorporated into the existing Quarry will not be a deterrent to the value or improvement of development of adjacent properties and will allow Quarry to continue its operation for the next twenty (20) years.
- j) *The possible creation of an isolated zoning district unrelated to adjacent and nearby districts.*
The annexation or zoning of the property does not create an isolated zoning district.
- k) *Possible effects of the change in zoning district map, or change in use, on the character of a zoning district.*



The annexation or rezoning of this property does not change the character of the zoning district or its future use.

- l) *The possible impact on the environment, including but not limited to, drainage, soil erosion and sedimentation, flooding, air quality and water quality.*
Proposed use will not have a negative impact on the environment. The proposed use is to utilize the property for an adequately designed retention pond that will prevent soil erosion, sedimentation, flooding and encourage air and water quality.
- 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.*
Annexation and rezoning of the property and incorporation into the existing Quarry is consistent with the overall zoning scheme and purposes of the zoning ordinance of the City of Flowery Branch.

Staff Recommendation for Annexation & Rezoning

Recommendation:

Staff recommends **approval of the Annexation** of 5623 Hog Mountain Rd.; Parcel **15048 000045** **and Rezoning** from Hall County Agricultural – Residential (AR) to City of Flowery Branch Heavy Industrial (M-2) with conditions of approval.

The annexation and rezoning approval applies solely to 5623 Hog Mountain Rd. (Parcel 15048 000045), and does not alter or remove conditions from prior approvals related to Vulcan Lands Inc.

Conditions of Approval:

Please find below the proffered conditions for the proposed rezoning:

1. The subject site shall be used for a diversion swale and detention facility only.
2. A 50-foot enhanced buffer, planted with diverse evergreen trees and shrubs, shall be established next to 5615 Hog Mountain Road. The final landscape plan requires approval from the Director of Planning and Community Development.
3. Applicant shall maintain all existing berms and buffer areas as previously required. Modification of any berm or buffer shall require prior approval from the Zoning Administrator. The applicant shall provide a detailed berm, landscaping, pathway and decorative fence plan to continue the screening on the newly annexed parcel. Any disturbances of existing berms, trails or fencing shall be repaired.

HULSEY, OLIVER & MAHAR, LLP

EST. 1914

R. DAVID SYFAN
THOMAS L. FITZGERALD
THOMAS D. CALKINS
ABBOTT S. HAYES, JR.
PAUL B. SMART
JASON A. DEAN
T. WESLEY ROBINSON
JASON E. VOYLES
JESSICA M. LUND
VANESSA E. SYKES
MONICA B. HATFIELD
AMANDA L. WARD
BRADFORD A. LORENZ
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(1942-2011)

JULIUS M. HULSEY
(RETIRED)
JAMES E. MAHAR, JR.
(RETIRED)

OF COUNSEL
JANE A. RANGE

June 19, 2025

VIA HAND DELIVERY AND E-MAIL

Mr. Chris McCrary
City of Flowery Branch
5512 Main Street
Flowery Branch, GA 30542

RE: Letter of Intent Submitted with Vulcan Lands, Inc.'s Annexation and Rezoning Applications

Dear Chris:

This firm has been retained to represent Vulcan Lands, Inc. ("Vulcan") in connection with Vulcan's annexation, rezoning and conditional use permit application regarding the following property:

- 5623 Hog Mountain Road, Flowery Branch, GA 30542 (Tax Parcel 15048 000045)

Please accept this letter of intent as being filed simultaneously with the above-referenced applications. The adjacent property has been used for mining and quarry operations for decades. The current proposal will increase the quarry's sustainability by allowing the quarry to retain storm water on site and will allow the continuation of Vulcan's aggregate production, processing and distribution operations on the adjacent property. The proposed use as a retention facility will further buffer the community.

Vulcan Lands, Inc. has acquired tax parcel 15048 000045 in order to incorporate this property into the existing Vulcan quarry. The purchase of this property is key to executing and completing the already authorized Friendship Berm drainage project (1759-00049). This will enable Vulcan to construct an alternative storm water management feature inclusive of retention ponds and an adverse ditch which will allow

onsite overburden storage to be expanded by 3.6MM BCY while maintaining adequate storm water mitigation controls. The additional storage capacity offers a mass balance solution for the next twenty (20) years for operation of the quarry.

This property is specifically needed to construct the diversion swale and one (1) of the two (2) necessary retention ponds to effectively manage 100-year storm events as required by the Surface Mine Land Use Permit for the quarry.

I have also enclosed a check in the amount of \$1,000.00 to cover the filing fees. Upon our review of the enclosed applications and supporting materials, please let me know if you need anything further.

1 (a), and Art. I, Sec. I, Par. 2 of the Constitution of Georgia because the current zoning of the property makes the tract unfeasible to develop. Art. I, Sec. I, Par. 2 of the Constitution of Georgia because the zoning makes the tract unfeasible to develop and thus significantly diminishing its value. The current zoning denies the applicant equal protection under the law. The current zoning is also arbitrary and capricious because the significant detriment suffered by the Applicant is insubstantially related to the health, safety, and morality and welfare of the public.

We appreciate your consideration of Vulcan's rezoning request and encourage the City Council's approval, which will satisfy the objections set forth.

Sincerely,

HULSEY, OLIVER & MAHAR, LLP



T. Wesley Robinson

Enclosure
TWR:alb/18670



REZONING APPLICATION

Date: June 16, 2025

Address of Request:

5623 Hog Mountain Rd, Flowery Branch, GA 30542

Tax Map # 15048 000045 Current Zoning: Residential

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

Currently a conforming use? _____

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

Applicant Information

Name: ~~Vulcan Materials Company~~ vulcan lands, Inc.

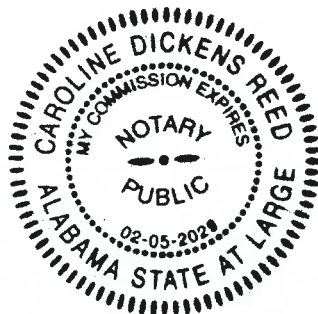
Address: 800 Mount Vernon Highway, NE Suite 200, Atlanta, GA 30328

E-mail address: jacksonlo@vmcmail.com

Phone number: 470-650-6020

Signature: *Ja J. Dr*

Notary Seal:





Property owner information (if different than the applicant)

Property owner (please print): N/A

Address: N/A

E-mail address: N/A

Phone number: N/A

Signature: _____

Notary Seal:

Property Information

Tax Map Number: 15048 000045

Current Zoning: R-3 Residential Total Acres: 1.18

Is this property located within the city-limits of Flowery Branch? To be annexed

Proposed City of Flowery Branch Zoning: M-2 Heavy Manufacturing and Industrial

Current Use: Residential

Please complete the attached Rezoning Completeness Checklist and attach all supplementary required documents listed therein to this application. Completeness Checklists can also be found on the website, www.flowerybranchga.org, under the "Forms" section.



Please complete the attached Annexation Completeness Checklist and attach all supplementary required documents listed therein to this application. Completeness Checklists can also be found on the website, www.flowerybranchga.org, under the “Forms” section.

Conflict of Interest Disclosure

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

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

N/A

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

N/A

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

N/A

Disclosure of Campaign Contributions

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



Elected Officials Name

Amount of Description of Gift

N/A

N/A

N/A

N/A

City of Flowery Branch Community Development Office

5512 Main St

Flowery Branch, GA, 30542

770-967-6378

ANNEXATION/REZONING COMPLETENESS CHECKLIST

Please review each line item on the Completeness Checklist prior to submitting an application to the City of Flowery Branch. Please initial **each line item** (numerical and alphabetical sub lists) in the initial blocks provided in the left-hand column. Initialed checklist must be included with the completed application and all other required documentation at time of submittal. **All requirements must be provided in hard copy form and digital form on a flash drive.**

Applicant Name: Vulcan Materials Company

Project Name: Vulcan Quarry

	1.	Completed annexation application with all signatures and notary stamps present and all fields filled out and in compliance with all requirements. (Article 44, Sec. 44.4) Completed concurrent rezoning application with all signatures and notary stamps present and all fields filled out and in compliance with all requirements. (Article 34, Sec. 34.8)
	2.	Legal description of property.
	3.	Current survey of the property.
	4.	Site plan of the property in accordance with the requirements of the Flowery Branch Code of Ordinances (Article 34, Sec 34.4 & 34.5):
		a) Uses an appropriate engineering scale
		b) Shows proposed use and relevant information regarding proposed improvements
		c) All existing AND proposed buildings and/or structures
		d) Parking and internal circulation
		e) Proposed landscaping
		f) Buffers, where required
		g) Other information as required by the Zoning Administrator
	5.	Detailed description of the request.
	6.	Required development statistics (Article 34, Sec 34.6) (separate document):
		a) Maximum and proposed height of any structure
		b) Maximum and proposed gross square footage of the building area (nonresidential only)
		c) Color rendering of any and all proposed structure(s)
		d) Material list (with percentages) of any and all proposed structure(s)
		e) Maximum and proposed number of dwelling units and minimum and proposed square footage of heated floor area for any dwelling unit (residential only)
		f) Maximum and proposed lot coverage of building area (square feet and percent)
		g) Minimum and proposed square footage of landscaped area (square feet and percent)
		h) Minimum, maximum and proposed number of parking spaces

City of Flowery Branch Community Development Office

5512 Main St

Flowery Branch, GA, 30542

770-967-6378

ANNEXATION/REZONING COMPLETENESS CHECKLIST

		i) Other dimensional information as may be required by the Zoning Administrator
7.		Written Analysis Requirements (Article 34, Sec. 34.7) (separate document):
		a) Whether the proposal will permit a use that is suitable in view of the use and development of adjacent and nearby properties.
		b) Whether the proposal will adversely affect the existing use or usability of adjacent or nearby properties.
		c) Whether the property to be affected by the proposal can be used in accordance with the existing regulations and has a reasonable economic use as currently zoned.
		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.
		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.
		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.
		g) 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.
		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.
		i) Whether a proposed zoning map amendment or conditional use approval will be a deterrent to the value or improvement of the development of adjacent property in accordance with existing regulations.
		j) The possible creation of an isolated zoning district unrelated to adjacent and nearby districts.
		k) Possible effects of the change in zoning district map, or change in use, on the character of a zoning district.
		l) The possible impact on the environment, including but not limited to, drainage, soil erosion and sedimentation, flooding, air quality and water quality.

City of Flowery Branch Community Development Office

5512 Main St

Flowery Branch, GA, 30542

770-967-6378

ANNEXATION/REZONING COMPLETENESS CHECKLIST

		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.
	8.	Conflict of interest disclosure (in body of application).
	9.	Disclosure of campaign contributions (in body of application).
	10.	Names and addresses of adjoining property owners. (separate document)
	11.	Reasons for requesting annexation/rezoning. (separate document)
	12.	Signed statement authorizing City of Flowery Branch staff and/or City Council to inspect subject property. (separate document)
	13.	Annexations > 100 acres of land require an official request to amend the character area and future land use map designation for the subject property.
	14.	Letter of intent describing the proposed use of the property or other action requested. (separate document)

The undersigned does hereby attest that all requirements in the above checklist have been met and that all required documentation has been provided at the time of submittal. The undersigned acknowledges that any application found to be incomplete upon review will be returned to the applicant for completion.

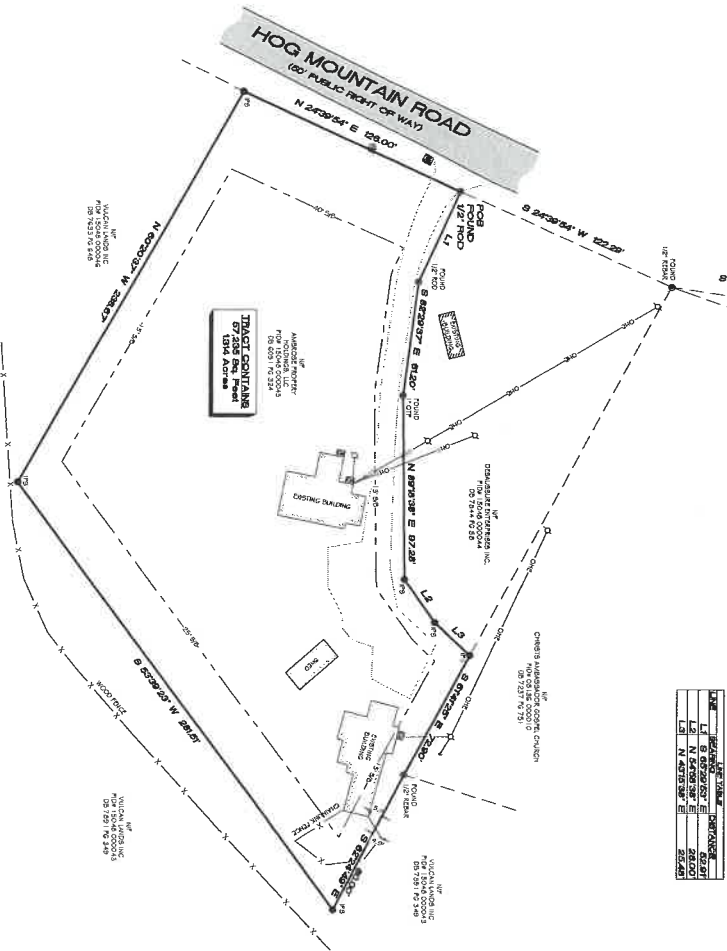
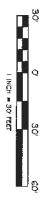
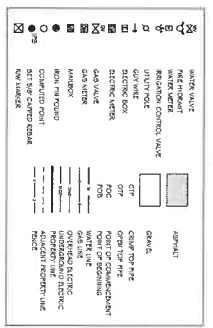
Name (print): _____

Signature: _____

Date: June 16, 2025

AD SURVIVED LEGAL DESCRIPTION

EXPT 'A'
TITLE LEGAL DESCRIPTION

[illegible][illegible]

	LINE	DESCRIPTION	QUANTITY
	L1	8 6529 63" E	52.01
	L2	N 54 08 38" E	28.00
	L3	N 43 10 38" E	25.45



SURVEY NOTES

- [illegible]

SURVEYOR CERTIFICATION

TO: ALIBRE PROPERTY HOLDINGS, LLC, (WILKIN LAND) INC. A NEW JERSEY CORPORATION, # FIDELITY NATIONAL TITLE INSURANCE COMPANY.

THIS IS TO CERTIFY THAT THIS MAP OR PLAN, AND THE SURVEY ON WHICH IT IS BASED, WERE MADE IN ACCORDANCE WITH THE 2001 NATIONAL STANDARD CERTIFICATION PROGRAM FOR SURVEYING AND TITLE SERVICES, 2001 EDITION, AS ADOPTED BY ALTA AND NIST, AND INCLUDED THEREIN 1, 2, 3, 4, 6, 11, 16, 17, A, AND 19 OF TITLE A, THEREON. THE FIELD WORK WAS COMPLETED DURING THE MONTH OF FEBRUARY OF 2023.

104
M. Chaves Ball, CAP, G. #24666

SURVEYOR CERTIFICATION

[illegible]

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PROJECT #:	ISSUED BY	ISSUE: DATE
	MAINTAINED BY	INITIAL: 04/17/2025
	REMOVED BY	REV: 05/14/2025
		REV: 05/16/2025
		REV: 6

DESCRIPTION	ALTANSF5 LAND TITLE SURVEY OF AMBROSE PROPERTY FOR AMBROSE PROPERTY HOLDINGS, LLC., VULCAN LANDS INC. A NEW JERSEY CORPORATION, & FIDELITY NATIONAL LIFE INSURANCE COMPANY
DEEDS ATTORNEY COMMENT:	
BY FIRST COMMITTEE	

LOCATED IN:
FRIENDSHIP DISTRICT
G.M.D 1419
HALL COUNTY, GEORGIA

LJA SURVEYING INC.
4525 SOUTH LEE STREET
DUFORD, GA 30516 Phone 713.953.5200
LJA No. 1390

Written Zoning Analysis

Article 34, § 34.7

- a) Whether the proposal will permit a use that is suitable in view of the use and development of adjacent and nearby property.

The proposed use permits a use that is suitable in view of the use and development of the adjacent and nearby property. The property is adjacent to the existing Vulcan Quarry. The proposed use is to incorporate this property into the development of that Quarry for the use of a diversion swale and storm water retention pond.

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

The proposed use will not adversely affect adjacent or nearby property. The property adjoins Hog Mountain Road and is surrounded on two of the other sides by the Vulcan Quarry. The property does adjoin one residential tract. The proposed use will not adversely impact that property.

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

The property is not currently in the City of Flowery Branch. Once annexed, it will need to be rezoned. The existing zoning in Hall County is for residential, and the property has a small residential structure located on the property. Due to its close relation to the Quarry, the prospect of future residential use is limited. The property is designated industrial in character in the land use map.

- 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 proposal will not cause any excess use to street 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 use is consistent with the comprehensive plan which designates the character area as industrial as opposed to residential.

- 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.

Conditions surrounding the Quarry support future industrial use of the property rather than continued residential use.

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

All nearby property located in the City of Flowery Branch are zoned for an industrial use.

- 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 existing property is undervalued as a residential property. The existing residential use is diminished by the proximity to the existing industrial use. The value would be enhanced by incorporation into the adjoining Quarry.

- 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.

Allowing the annexation and rezoning of this property so that it may be incorporated into the existing Quarry will not be a deterrent to the value or improvement of development of adjacent properties and will allow Quarry to continue its operation for the next twenty (20) years.

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

The annexation or zoning of the property does not create an isolated zoning district.

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

The annexation or rezoning of this property does not change the character of the zoning district or its future use.

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

Proposed use will not have negative impact on the environment. The proposed use is to utilize the property for an adequately designed retention pond that will prevent soil erosion, sedimentation, flooding and encourage air and water quality.

- 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.

Annexation and rezoning of this property and incorporation into the existing Quarry is consistent with the overall zoning scheme and purposes of the zoning ordinances of the City of Flowery Branch.

Reasons for Requesting Annexation/Rezoning

Applicant has requested that this property be annexed into the City of Flowery Branch. The applicant owns an extensive quarry adjacent to this property which is located in the City of Flowery Branch. Applicant proposes to incorporate this additional property into the quarry development for use as a retention pond. In order to do so, the property should be annexed into the City of Flowery Branch and rezoned consistent with the quarry as M-1, Heavy Industrial Property.



Memorandum

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

From: Chris McCrary, Planning and Community Development Director

Date: August 7, 2025

Subject: Rezoning

Applicant: Dodson Vet Enterprises LLC (Dr. Vanessa Dodson) C/O Gaskins +
LeCraw
5250 Hog Mountain Road
Flowery Branch, GA 30542
678-546-8100

Owner: Same as Applicant

Existing Zoning: M-1 – Light Industrial

Location and Size:

5250 Hog Mountain Road; Parcel **08116 000017**; 1 Acre

Proposed Zoning:

The existing building at 5250 Hog Mountain Road currently operates as a veterinary clinic. The owner plans to construct a new veterinary clinic at 5238 Hog Mountain Road and convert the existing building into a pet boarding facility. The site is zoned **M-1** – Manufacturing & Industrial, Light where a kennel (pet boarding facility) is prohibited. However, in the **HB** - Highway Business zone, a kennel is permitted by right per Table 9.1. To allow for the proposed change in use, the site must be rezoned from **M-1** to **HB**.



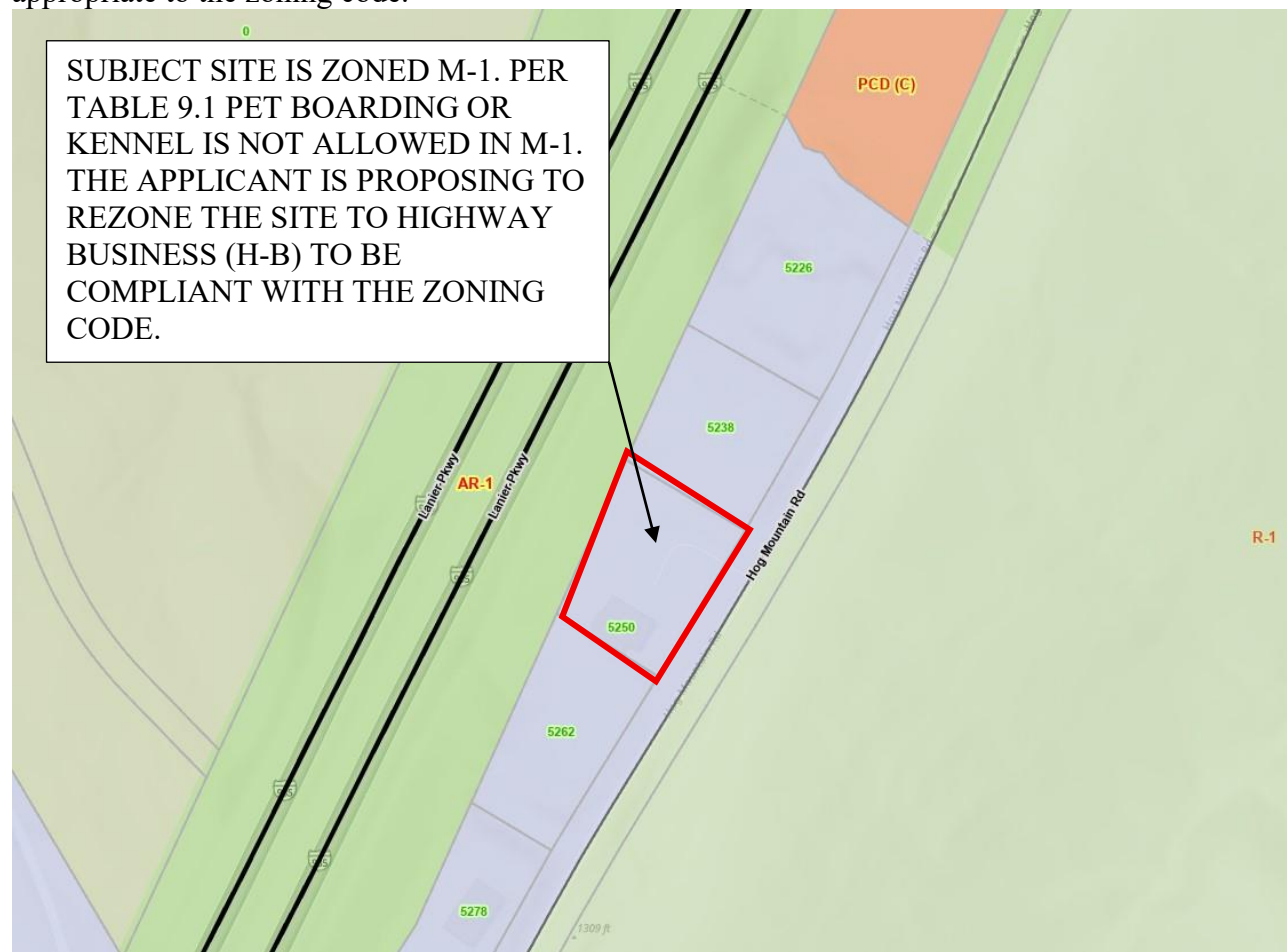
Location: The subject property is located at 5250 Hog Mountain Rd., south of Spout Springs Road and four parcels north of Wade Orr Road.





Zoning Map:

Subject Site located at 5250 Hog Mountain Rd. currently zoned Flowery Branch **M-1** Manufacturing & Industrial, Light. The applicant proposes to rezone Highway Business as appropriate to the zoning code.



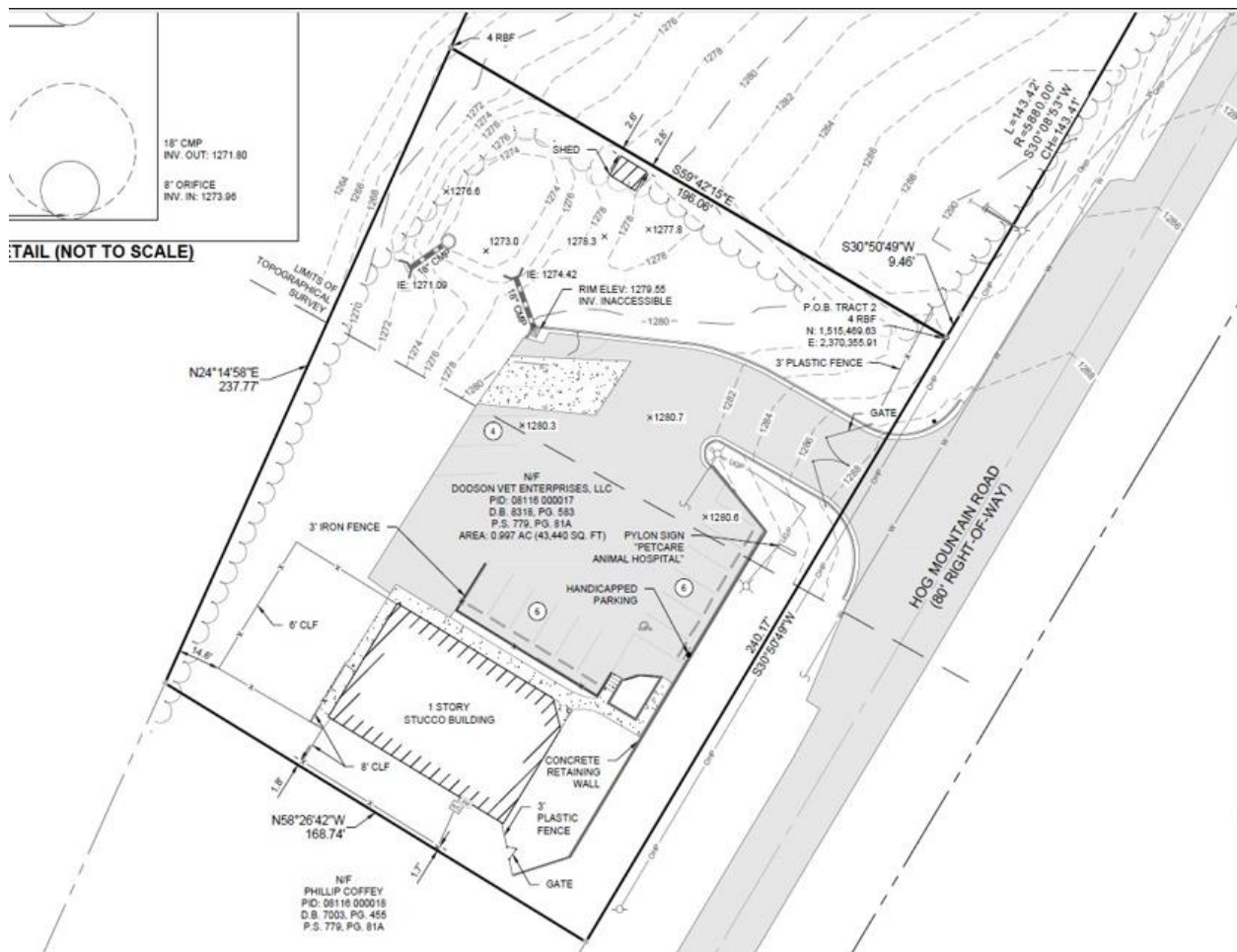


(P= Permitted Use C- Conditional Use X=Prohibited Use)

Use	O-P	INST	NS	HB	CBD	M-1	M-2
Kennel	X	X	X	P	X	P	P

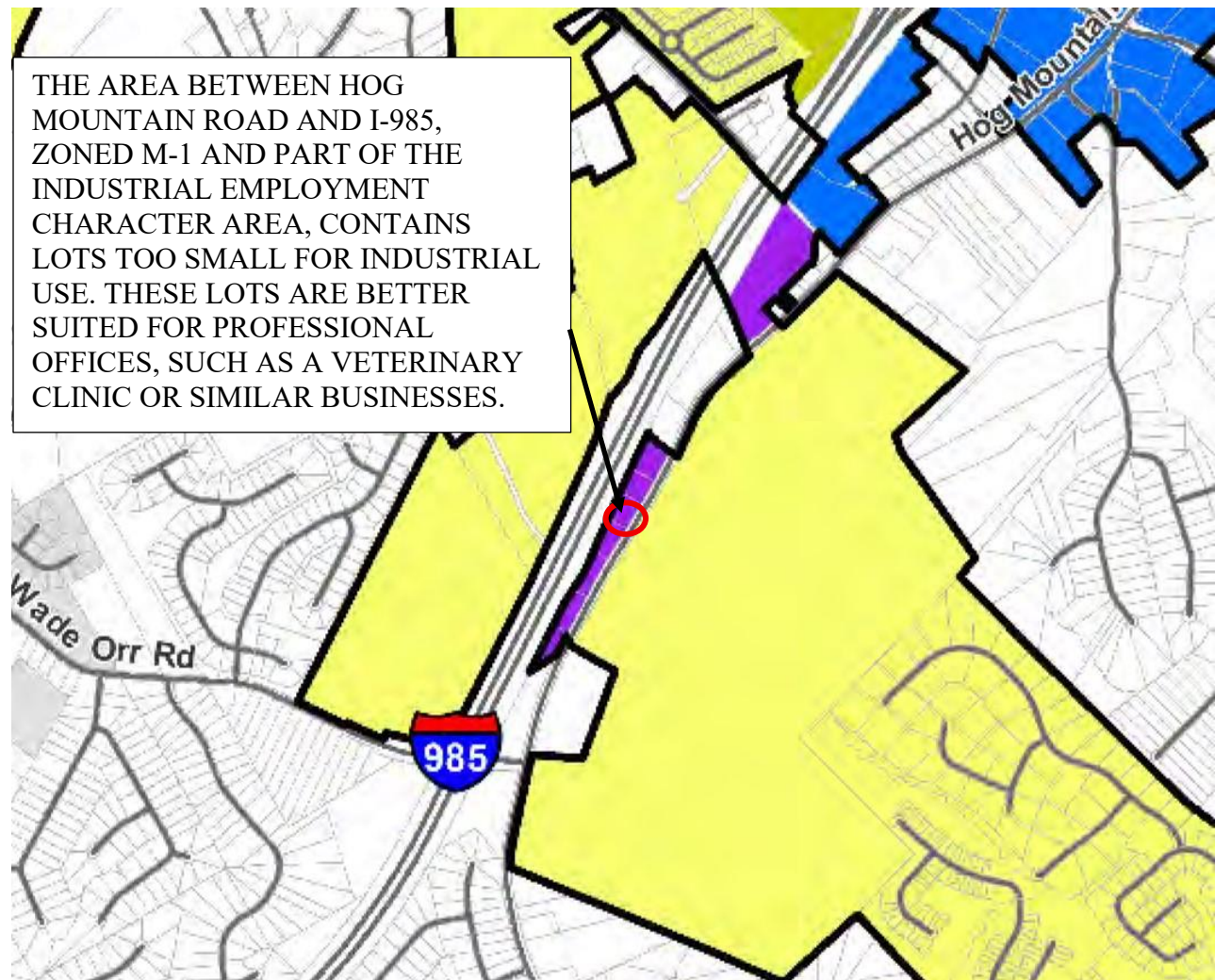
Site Plan:

The applicant is proposing for a change in use to the existing building from the existing veterinary clinic to a pet boarding facility. The building, parking, and stormwater detention are all existing.





Comprehensive Plan – Future Land Use Map





Sec. 34.7. - Analysis Requirements.

Applications to amend the official zoning map 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 the 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 repurposing of an existing building and site will permit a use that is suitable in view of the use and development of adjacent and nearby property.
- 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 subject site and adjacent sites are too small for a typical industrial use. The lots are better suited for offices or smaller businesses.
- 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 proposal will result in a use which would not 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 area between Hog Mountain Road and I-985, zoned M-1 and part of the Industrial Employment Character Area, contains lots too small for industrial use. These lots are better suited for professional offices, such as a veterinary clinic or similar businesses. Upcoming changes to the Comprehensive Plan will likely include changing this area's character area designation.



- 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 City may consider rezoning this area to Office Professional or Highway Business as the small lots would not support industrial buildings and 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.*

Staff has no information to provide on the value of the subject property.

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

Staff has no information to provide on the value of the adjacent property.

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

The City may consider rezoning this area to Office Professional or Highway Business as the small lots would not support industrial buildings and uses.

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

The proposed use is similar to nearby development.

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

The subsequent LDP will be required to be compliant with all erosion and stormwater regulations.



- 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 City may consider rezoning this area to Office Professional or Highway Business as the small lots would not support industrial buildings and uses.

Staff Recommendation for Annexation, Rezoning, and Variances

Recommendation:

Staff recommends **approval of the Rezoning** at 5250 Hog Mountain Road, Tax Parcel ID **08116 000017** from M-1 (Light Industrial) to H-B (Highway Business) with the conditions provided.

Conditions of Approval:

Please find below the proffered conditions for the proposed rezoning, organized by discipline and drafted to ensure consistency with the submitted concept materials and to protect the public interest:

1. General Development

- a. The existing building is to be repurposed for a pet boarding facility.

2. Civil Site Engineering

- a. The building footprint, parking, and detention are to remain as it exists with no proposed improvements to the site. Future improvements to the site or building exterior will require proper permitting.

ORDINANCE 755

AN ORDINANCE AMENDING THE ZONING MAP OF THE CITY OF FLOWERY BRANCH, GEORGIA, BY REZONING REAL PROPERTY TOTALING 1.00+/-ACRES OF LAND, OWNED BY DODSON VET ENTERPRISES LLC, IDENTIFIED AS 5250 HOG MOUNTAIN ROAD, HALL COUNTY TAX PARCEL 08116 000017, AND AS SHOWN ON ATTACHED EXHIBIT “A”, AND AS DESCRIBED ON ATTACHED EXHIBIT “B”, AND AS CONDITIONED ON ATTACHED EXHIBIT “C”; TO BE REZONED FROM FLOWERY BRANCH MANUFACTURING & INDUSTRIAL, LIGHT (M-1) TO CITY OF FLOWERY BRANCH HIGHWAY BUSINESS (HB), PROVIDING FOR SEVERABILITY, REPEALING CONFLICTING ORDINANCES, PROVIDING FOR AN EFFECTIVE DATE AND FOR ALL OTHER LAWFUL PURPOSES.

WHEREAS, The owner of 5250 Hog Mountain Road, owned by Dodson Enterprises LLC, tax parcel 08116 000017, as shown and described on Exhibit “A” have submitted a complete application for rezoning; and

WHEREAS, a complete description of the subject property being rezoned is included herein; and

WHEREAS, the City Council of the City of Flowery Branch, Georgia held a public hearing on August 7th, 2025, to consider the rezoning, 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 appropriate zoning classification of the subject property in light of the comprehensive plan.

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

SECTION 1. FINDINGS.

The City Council finds that the proposed rezoning from Flowery Branch Manufacturing & Industrial (M-1) to Flowery Branch Highway Business (HB) 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. Use as HB is appropriate given the size of the property and it is reasonable to believe the property will have reasonable economic value so zoned.
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 precise determination has been made by staff with regard to the value differential between development under the current zoning as opposed to HB, although it is reasonable to believe value would increase as a result of the rezoning.
8. A proposed development will not be a deterrent to the value or improvement of development of adjacent property in accordance with existing regulations.
9. There are no known adverse effects that would result from the change in zoning district map, or change in use, on the character of a zoning district.
10. Development as proposed is not expected to impact on the environment, including but not limited to, drainage, soil erosion and sedimentation, flooding, air quality and water quality. Compliance with city subdivision and land development regulations will be required, which include but are not limited to soil erosion and sedimentation, stormwater, and flood damage prevention.

SECTION 2. REZONING.

The subject parcel, as shown on Exhibit “A” and as described in Exhibit “B” and conditioned in Exhibit “C”, is hereby rezoned from Flowery Branch Manufacturing & Industrial, Light (M-1) to Flowery Branch Highway Business (HB).

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.

Public Hearing Published 07/16/2025
Public Hearing 08/07/2025

First Reading 08/07/2025
Second Reading 09/04/2025

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.

This ordinance shall take effect immediately upon approval.

SECTION 6. REPEALER.

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

Approved this ____ day of _____ 2025.

Edward R. Asbridge, Mayor

Shelia R. Cooper, City Clerk

APPROVED AS TO FORM

Ted C. Baggett, City Attorney

Exhibit "A"

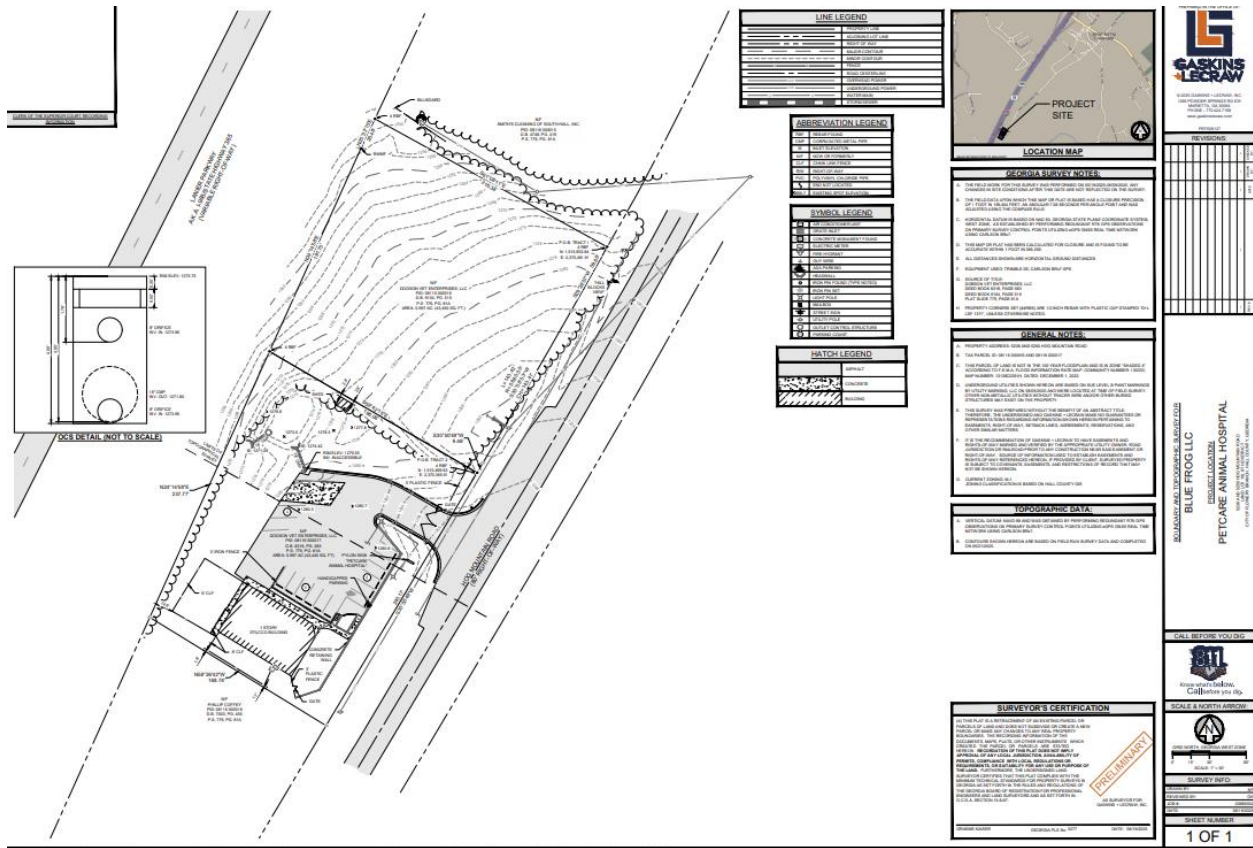


Exhibit "B"

LEGAL DESCRIPTION

PID: 08116 000017

ALL THAT PARCEL OF LAND LYING IN LAND LOT 116, OF THE 8TH DISTRICT OF HALL COUNTY, GEORGIA, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A 1/2" REBAR FOUND ON THE NORTHEASTERLY RIGHT-OF-WAY OF HOG MOUNTAIN ROAD, SAID ROAD HAVING AN 80' RIGHT-OF-WAY AND HAVING GEORGIA WEST STATE PLANE COORDINATES (N=1,515,469.63, E=2,370,355.91), SAID 1/2" REBAR FOUND BEING THE POINT OF BEGINNING;

THENCE ALONG SAID RIGHT-OF-WAY SOUTH 30 DEGREES 50 MINUTES 49 SECONDS WEST 240.17 FEET TO AN IRON PIN SET;

THENCE LEAVING SAID RIGHT-OF-WAY NORTH 58 DEGREES 26 MINUTES 42 SECONDS WEST 168.74 FEET TO AN IRON PIN SET ON THE SOUTHEASTERLY RIGHT-OF-WAY OF LANIER PARKWAY, ALSO KNOWN AS I-985 AND STATE HIGHWAY 365, SAID HIGHWAY HAVING A VARIABLE RIGHT-OF-WAY;

THENCE ALONG SAID RIGHT-OF-WAY NORTH 24 DEGREES 14 MINUTES 58 SECONDS EAST 237.77 FEET TO A 1/2" REBAR FOUND;

THENCE LEAVING SAID RIGHT-OF-WAY SOUTH 59 DEGREES 42 MINUTES 15 SECONDS EAST 196.06 FEET TO A 1/2" REBAR FOUND, SAID 1/2" REBAR FOUND BEING THE TRUE POINT OF BEGINNING.

CONTAINING 43,440 SQUARE FEET OR 0.997 ACRES, MORE OR LESS.

Public Hearing Published 07/16/2025
Public Hearing 08/07/2025

First Reading 08/07/2025
Second Reading 09/04/2025

Exhibit "C"

1. **General Development**

- a. The existing building is to be repurposed for a pet boarding facility.

2. **Civil Site Engineering**

- a. The building footprint, parking, and detention are to remain as it exists with no proposed improvements to the site. Future improvements to the site or building exterior will require proper permitting.

Public Hearing Published	07/16/2025
Public Hearing	08/07/2025

First Reading	08/07/2025
Second Reading	09/04/2025



REZONING APPLICATION

Date: 6/12/2025

Address of Request:

5250 Hog Mountain Road, Flowery Branch, GA 30542

Tax Map # 08116 000017 Current Zoning: M-1

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

Currently a conforming use? No

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

Applicant Information

Name: Dodson Vet Enterprises, LLC (Dr. Vanessa Dodson) c/o Gaskins + LeCraw

Address: 5250 Hog Mountain Road, Flowery Branch, GA 30542

3475 Corporate Way, Suite A, Duluth, GA 30096 (Representative)

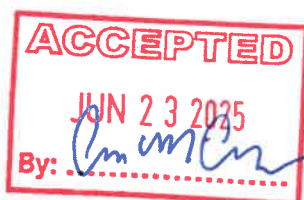
E-mail address: dblumenthal@gaskinslecrow.com (Representative)

Phone number: 678.546.8100 (Representative)

Signature: *Vanessa Dodson* (owner)

Notary Seal:

SEE Attached





REZONING APPLICATION

Date: 6/12/2025

Address of Request:

5250 Hog Mountain Road, Flowery Branch, GA 30542

Tax Map # 08116 000017 Current Zoning: M-1

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

Currently a conforming use? No

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

Applicant Information

Name: Dodson Vet Enterprises, LLC (Dr. Vanessa Dodson) c/o Gaskins + LeCraw

Address: 5250 Hog Mountain Road, Flowery Branch, GA 30542

3475 Corporate Way, Suite A, Duluth, GA 30096 (Representative)

E-mail address: dblumenthal@gaskinslecrow.com (Representative)

Phone number: 678.546.8100 (Representative)

Signature: *Vanessa Dodson* (owner)

Notary Seal:

SEE Attached

GEORGIA NOTARY ACKNOWLEDGMENT

State of Georgia

County of Hall

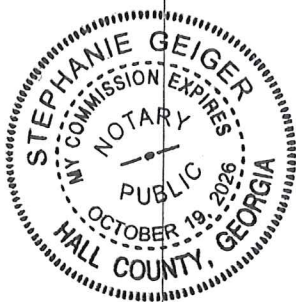
This instrument was acknowledged before me this 13 day of June
(month), 2005 (year), by Vanessa Dodson (name of signer).

 Personally Known

X Produced Identification

Type and # of ID GA Drivers license

(Seal)



Stephanie Geiger

(Signature Notary)

Stephanie Geiger

(Name of Notary Typed, Stamped or Printed)

Notary Public, State of Georgia



Property owner information (if different than the applicant)

Property owner (please print): N/A

Address: _____

E-mail address: _____

Phone number: _____

Signature: _____

Notary Seal:

Property Information

Tax Map Number: 08116 000017

Current Zoning: M-1 Total Acres: _____

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

Proposed City of Flowery Branch Zoning: H-B

Current Use: Veterinary Clinic

Please complete the attached Rezoning Completeness Checklist and attach all supplementary required documents listed therein to this application. Completeness Checklists can also be found on the website, www.flowerybranchga.org, under the "Forms" section.



Conflict of Interest Disclosure

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

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

No

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

No

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

No

Disclosure of Campaign Contributions

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



CITY STAFF ONLY

Application Received By: _____

Date: _____ Total Fee: _____

City of Flowery Branch Community Development Office

5512 Main St

Flowery Branch, GA, 30542

770-967-6378

ANNEXATION/REZONING COMPLETENESS CHECKLIST

Please review each line item on the Completeness Checklist prior to submitting an application to the City of Flowery Branch. Please initial **each line item** (numerical and alphabetical sub lists) in the initial blocks provided in the left-hand column. Initialed checklist must be included with the completed application and all other required documentation at time of submittal. **All requirements must be provided in hard copy form and digital form on a flash drive.**

Dodson Vet Enterprises, LLC (Dr. Vanessa Dodson) c/o Gaskins + LeCraw

Applicant Name: _____

Project Name: PetCare of Flowery Branch

N/A	1.	Completed annexation application with all signatures and notary stamps present and all fields filled out and in compliance with all requirements. (Article 44, Sec. 44.4) Completed concurrent rezoning application with all signatures and notary stamps present and all fields filled out and in compliance with all requirements. (Article 34, Sec. 34.8)
X	2.	Legal description of property.
X	3.	Current survey of the property.
X	4.	Site plan of the property in accordance with the requirements of the Flowery Branch Code of Ordinances (Article 34, Sec 34.4 & 34.5):
X		a) Uses an appropriate engineering scale
X		b) Shows proposed use and relevant information regarding proposed improvements
X		c) All existing AND proposed buildings and/or structures
X		d) Parking and internal circulation
X		e) Proposed landscaping
X		f) Buffers, where required
		g) Other information as required by the Zoning Administrator
	5.	Detailed description of the request.
X	6.	Required development statistics (Article 34, Sec 34.6) (separate document):
X		a) Maximum and proposed height of any structure
X		b) Maximum and proposed gross square footage of the building area (nonresidential only)
X		c) Color rendering of any and all proposed structure(s)
X		d) Material list (with percentages) of any and all proposed structure(s)
X		e) Maximum and proposed number of dwelling units and minimum and proposed square footage of heated floor area for any dwelling unit (residential only)
X		f) Maximum and proposed lot coverage of building area (square feet and percent)
X		g) Minimum and proposed square footage of landscaped area (square feet and percent)
X		h) Minimum, maximum and proposed number of parking spaces

City of Flowery Branch Community Development Office

5512 Main St

Flowery Branch, GA, 30542

770-967-6378

ANNEXATION/REZONING COMPLETENESS CHECKLIST

		i) Other dimensional information as may be required by the Zoning Administrator
	7.	Written Analysis Requirements (Article 34, Sec. 34.7) (separate document):
X		a) Whether the proposal will permit a use that is suitable in view of the use and development of adjacent and nearby properties.
X		b) Whether the proposal will adversely affect the existing use or usability of adjacent or nearby properties.
X		c) Whether the property to be affected by the proposal can be used in accordance with the existing regulations and has a reasonable economic use as currently zoned.
X		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.
X		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.
X		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.
X		g) 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.
X		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.
X		i) Whether a proposed zoning map amendment or conditional use approval will be a deterrent to the value or improvement of the development of adjacent property in accordance with existing regulations.
X		j) The possible creation of an isolated zoning district unrelated to adjacent and nearby districts.
X		k) Possible effects of the change in zoning district map, or change in use, on the character of a zoning district.
X		l) The possible impact on the environment, including but not limited to, drainage, soil erosion and sedimentation, flooding, air quality and water quality.

City of Flowery Branch Community Development Office
5512 Main St
Flowery Branch, GA, 30542
770-967-6378
ANNEXATION/REZONING COMPLETENESS CHECKLIST

X		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.
X	8.	Conflict of interest disclosure (in body of application).
X	9.	Disclosure of campaign contributions (in body of application).
X	10.	Names and addresses of adjoining property owners. (separate document)
X	11.	Reasons for requesting annexation/rezoning. (separate document)
X	12.	Signed statement authorizing City of Flowery Branch staff and/or City Council to inspect subject property. (separate document)
N/A	13.	Annexations > 100 acres of land require an official request to amend the character area and future land use map designation for the subject property.
X	14.	Letter of intent describing the proposed use of the property or other action requested. (separate document)

The undersigned does hereby attest that all requirements in the above checklist have been met and that all required documentation has been provided at the time of submittal. The undersigned acknowledges that any application found to be incomplete upon review will be returned to the applicant for completion.

Name (print): Vanessa Dodson

Signature:  (owner)

Date: 6/12/2025



June 20, 2025

Mayor and City Council
City of Flowery Branch
5410 Pine Street
Flowery Branch, GA 30542

LETTER OF INTENT: Rezoning Application for 5250 Hog Mountain Road

Honorable Mayor and City Council.

On behalf of our client, Dodson Vet Enterprises, LLC (Dr. Vanessa Dodson) (the “Applicant”), please accept this Letter of Intent to rezone 5250 Hog Mountain Road, being Tax Map #08116 000017 (the “Subject Property”) from M-1 (Light Manufacturing and Industrial) to H-B (Heavy Business). The Applicant is seeking to rezone the Subject Property to H-B, so that it can be used for a new pet boarding facility.

The Subject Property is currently being used for a veterinary clinic. The proposed rezoning and associated use are appropriate in view of the use and development of nearby property.

All required documentation is included in this application. We appreciate your consideration of this request.

Sincerely,

Dani Blumenthal

Dani Blumenthal
Entitlements

Danielle.blumenthal@gaskinslecraw.com



Written Analysis

- a) Whether the proposal will permit a use that is suitable in view of the use and development of adjacent and nearby properties.**

The proposal will permit a use that is suitable in view of the use and development of adjacent and nearby properties.

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

The proposal will not adversely affect the existing use or usability of adjacent or nearby properties.

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

- 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.**

To the knowledge of the applicant, the proposal 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 proposal is inconsistent with the 2041 Comprehensive Plan, but the proposed use is compatible with surrounding development. The Subject Property is located within the industrial employment land use area. The Comprehensive Plan states that the vision for the industrial employment land use is for those areas to function as a concentration of employment and job activity. The proposed H-B zoning district allows uses that provide employment opportunities.

NOTICE OF CONSTITUTIONAL ALLEGATIONS AND PRESERVATION OF CONSTITUTIONAL RIGHTS

The portions of City of Flowery Branch Code of Ordinances, facially and as applied to the Subject Property, which restrict or classify or may restrict or classify the Subject Property so as to prohibit its development as proposed by the Applicant are or would be unconstitutional in that they would destroy the Applicant's property rights without first paying fair, adequate and just compensation for such rights, in violation of the Fifth Amendment and Fourteenth Amendment of the Constitutional of the United States and Article I, Section I, Paragraph I of the Constitution of the State of Georgia of 1983, and would be in violation of the Commerce Clause, Article I, Section 8, Clause 3 of the Constitution of the United States.

The application of the City of Flowery Branch Code of Ordinances to the Subject Property which restricts its use to any classification other than proposed by the Applicant is unconstitutional, illegal, null and void, constituting a taking of Applicant's Property in violation of the Just Compensation Clause of the Fifth Amendment to the Constitutional of the United States, Article I, Section I, Paragraph I, and Article I, Section III, Paragraph I of the Constitution of the State of Georgia 1983, and the Equal Protection and Due Process Clauses of the Fourteenth Amendment of the Constitution of the United Staes denying the Applicant and economically viable use of its land while not substantially advancing legitimate state interests.

A denial of this Application would constitute an arbitrary irrational abuse of discretion and unreasonable use of the zoning power because they bear no substantial relationship to the public health, safety, morality or general welfare of the public and substantially harm the Applicant in violation of the due process and equal protection rights guaranteed by the Fifth Amendment and Fourteenth Amendment of the Constitution of the United States, and Article I, Section I, Paragraph I and Article I, Section III, Paragraph I of the Constitution of the State of Georgia.

A refusal by the City of Flowery Branch City Council to amend the land use and/or rezone the Subject Property to the classification as requested by the Applicant would be unconstitutional and discriminate in an arbitrary, capricious and unreasonable manner between the Applicant and owners of similarly situated property in violation of Article I, Section I, Paragraph II of the Constitution of the State of Georgia of 1983 and the Equal Protection Clause of the Fourteenth Amendment to the Constitution of the United States. Any rezoning of the Property subject to conditions which are different from the conditions requested by the Applicant to the extent such different conditions would have the effect of

further restricting Applicant's utilization of the property, would also constitute an arbitrary, capricious and discriminatory act in zoning the Subject Property to an unconstitutional classification and would likewise violate each of the provisions of the State and Federal Constitutions set forth hereinabove.

A refusal to allow the land use amendment and/or rezoning in question would be unjustified from a fact-based standpoint and instead would result only from constituent opposition, which would be an unlawful delegation of authority in violation of Article IX, Section II, Paragraph IV of the Georgia Constitution.

A refusal to allow the land use amendment and/or rezoning in question would be invalid inasmuch as it would be denied pursuant to an ordinance which is in compliance with the Zoning Procedures Law, O.C.G.A Section 36-66/1 seq., due to the manner in which the Ordinance as a whole and its map(s) have been adopted.

The existing land use designation and/or zoning classification on the Subject Property is unconstitutional as it applies to the Subject Property. This notice is being given to comply with the provisions of O.C.G.A Section 36-33-5 to afford the City an opportunity to revise the Property to a constitutional classification. If action is not taken by the City to rectify this unconstitutional land use designation and/or zoning classification within a reasonable time, the Applicant is hereby placing the City on notice that it may elect to file a claim in the Superior Court of Hall County demanding just and adequate compensation under Georgia law for the taking of the Subject Property, diminution of value of the Subject Property, attorney's fees and other damages arising out of the unlawful deprivation of the Applicant's property rights.

For the foregoing reasons, the Applicant respectfully requests that the Rezoning and Administrative Variance at issue be approved. The Applicant also invites and welcomes any comments from Staff or other officials of City of Flowery Branch so that such recommendations or input might be incorporated as conditions of approval of this Application.

This 20th day of June 2025.

Respectfully submitted,

Dani Blumenthal

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

The applicant is unaware of 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 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 Subject Property is undeveloped and the proposed rezoning and associated use are appropriate in view of the use and development of surrounding properties.

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

To the applicant's knowledge, the proposed rezoning will not be a deterrent to the value or improvement of the development of adjacent property in accordance with existing regulations.

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

No adjacent parcels are zoned H-B, but the proposed zoning and associated use are appropriate in view of the use and development of surrounding properties.

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

The applicant is unaware of potential effects of the proposed change in zoning district map.



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

To the applicant's knowledge, the proposal will not impact the site's drainage, soil erosion and sedimentation, flooding, air quality, water quality, or other environmental factors.

- l) The relation that the proposed map amendment or conditional use bears to the purpose of the overall zoning scheme and the purpose of this Zoning Ordinance.**

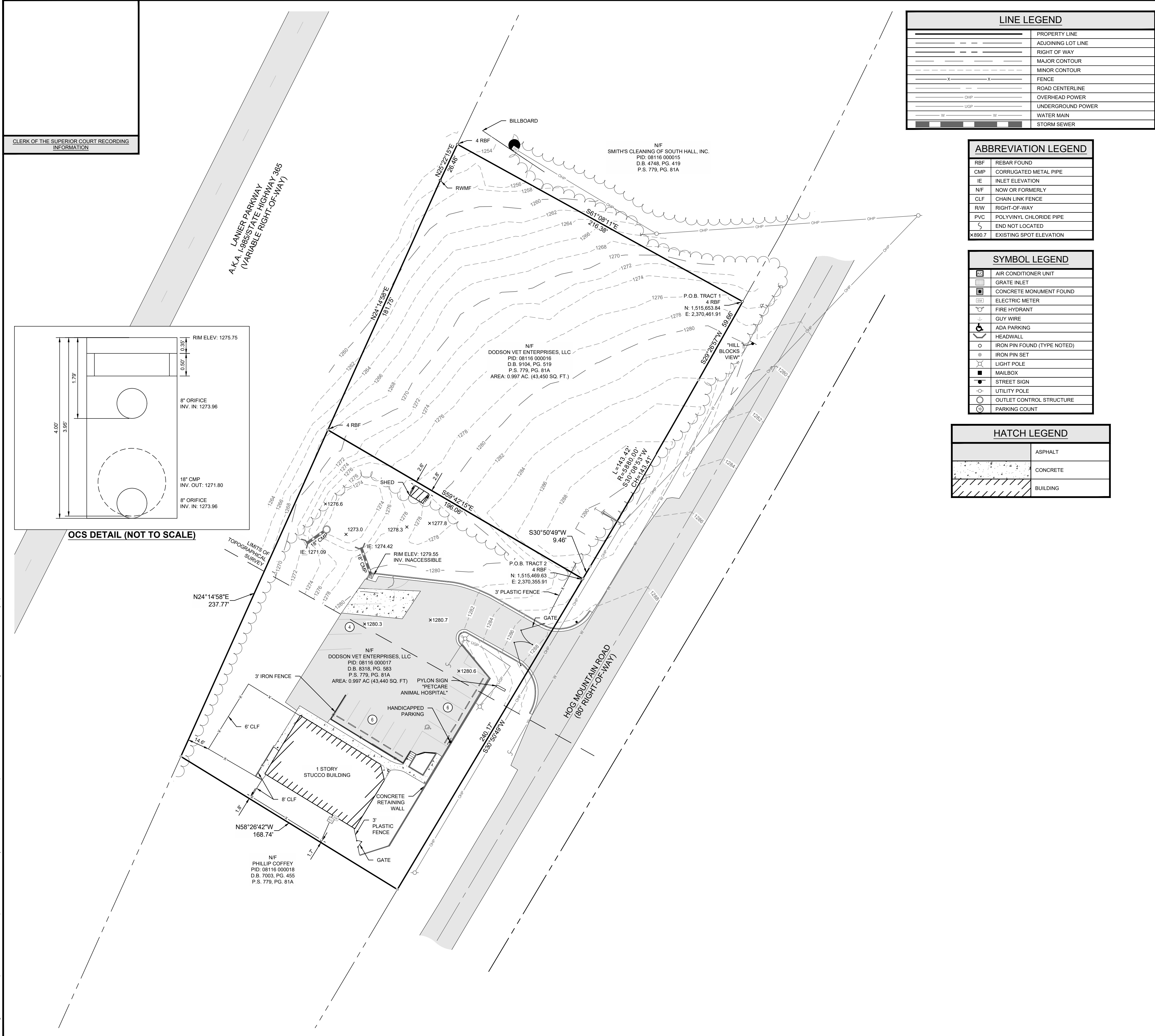
The proposed zoning map amendment will have no impact on the purpose of the overall zoning scheme and the purposes of this Zoning Ordinance.



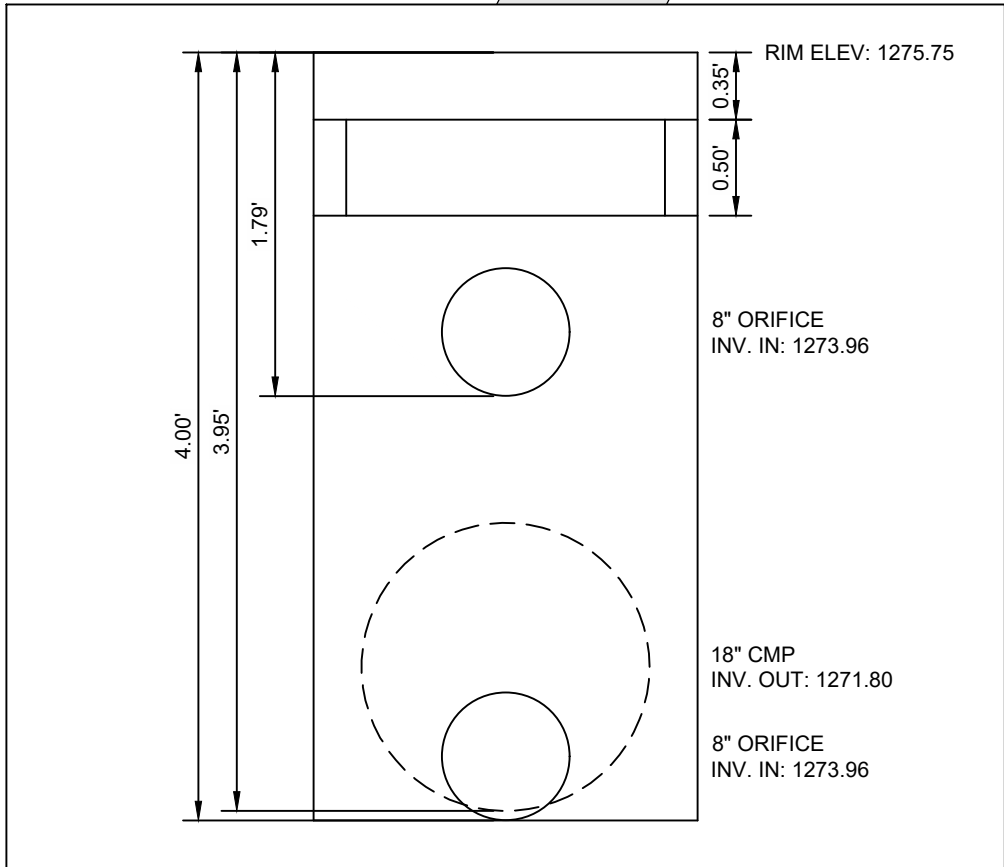
Adjoining Property Owners: Rezoning Application for 5250 Hog Mountain Road

Owner Name	Address
Phillip Coffey	5262 Hog Mountain Road, Flowery Branch, GA 30542
DODSON VET ENTERPRISES LLC (Same as Subject Property)	5238 Hog Mountain Road, Flowery Branch, GA 30542

Drawing name: C:\Users\pact\Gaskins+LeCraw\Dropbox\Shared Folders\Survey\03880002 PetCare Animal Hospital\BNDY\DWG\03880002 PetCare BNDY.dwg 1 Jun 19, 2025 8:22am by npaltz



CLERK OF THE SUPERIOR COURT RECORDING
INFORMATION



OCS DETAIL (NOT TO SCALE)

LINE LEGEND	
	PROPERTY LINE
	ADJOINING LOT LINE
	RIGHT OF WAY
	MAJOR CONTOUR
	MINOR CONTOUR
	FENCE
	ROAD CENTERLINE
	OVERHEAD POWER
	UNDERGROUND POWER
	WATER MAIN
	STORM SEWER

ABBREVIATION LEGEND	
RBF	REBAR FOUND
CMP	CORRUGATED METAL PIPE
IE	INLET ELEVATION
N/F	NOW OR FORMERLY
CLF	CHAIN LINK FENCE
R/W	RIGHT-OF-WAY
PVC	POLYVINYL CHLORIDE PIPE
S	END NOT LOCATED
X890.7	EXISTING SPOT ELEVATION

SYMBOL LEGEND	
	AIR CONDITIONER UNIT
	GRATE INLET
	CONCRETE MONUMENT FOUND
	ELECTRIC METER
	FIRE HYDRANT
	GUY WIRE
	ADA PARKING
	HEADWALL
	IRON PIN FOUND (TYPE NOTED)
	IRON PIN SET
	LIGHT POLE
	MAILBOX
	STREET SIGN
	UTILITY POLE
	OUTLET CONTROL STRUCTURE
	PARKING COUNT

HATCH LEGEND	
	ASPHALT
	CONCRETE
	BUILDING



- GEORGIA SURVEY NOTES:**
- A. THE FIELD WORK FOR THIS SURVEY WAS PERFORMED ON 05/19/2025-06/09/2025. ANY CHANGES IN SITE CONDITIONS AFTER THIS DATE ARE NOT REFLECTED ON THE SURVEY.
- B. THE FIELD DATA UPON WHICH THIS MAP OR PLAT IS BASED HAS A CLOSURE PRECISION OF 1 FOOT IN 159,404 FEET, AN ANGULAR 7.06 SECONDS PER ANGLE POINT AND WAS ADJUSTED USING THE COMPASS RULE.
- C. HORIZONTAL DATUM IS BASED ON NAD 83, GEORGIA STATE PLANE COORDINATE SYSTEM, WEST ZONE, AS ESTABLISHED BY PERFORMING REDUNDANT RTK GPS OBSERVATIONS ON PRIMARY SURVEY CONTROL POINTS UTILIZING gGPS GNSS REAL TIME NETWORK USING CARLSON BR7.
- D. THIS MAP OR PLAT HAS BEEN CALCULATED FOR CLOSURE AND IS FOUND TO BE ACCURATE WITHIN 1 FOOT IN 385,256.
- E. ALL DISTANCES SHOWN ARE HORIZONTAL GROUND DISTANCES.
- F. EQUIPMENT USED: TRIMBLE S5, CARLSON BR7 GPS
- G. SOURCE OF TITLE: DODSON VET ENTERPRISES, LLC DEED BOOK 8318, PAGE 583 DEED BOOK 9104, PAGE 519 PLAT SLIDE 779, PAGE 81A
- H. PROPERTY CORNERS SET (#4RBS) ARE 1/2 INCH REBAR WITH PLASTIC CAP STAMPED "G+L LSF 1371", UNLESS OTHERWISE NOTED.

- GENERAL NOTES:**
- A. PROPERTY ADDRESS: 5238 AND 5250 HOG MOUNTAIN ROAD
- B. TAX PARCEL ID: 08116 000016 AND 08116 000017
- C. THIS PARCEL OF LAND IS NOT IN THE 100 YEAR FLOODPLAIN AND IS IN ZONE "SHADED X" ACCORDING TO F.E.M.A. FLOOD INFORMATION RATE MAP. COMMUNITY NUMBER: 130333, MAP NUMBER: 13139C0291H, DATED: DECEMBER 1, 2022.
- D. UNDERGROUND UTILITIES SHOWN HEREON ARE BASED ON SUE LEVEL B PAINT MARKINGS BY UTILITY MARKING, LLC ON 06/05/2025 AND WERE LOCATED AT TIME OF FIELD SURVEY. OTHER NON-METALLIC UTILITIES WITHOUT TRACER WIRE AND/OR OTHER BURIED STRUCTURES MAY EXIST ON THE PROPERTY.
- E. THIS SURVEY WAS PREPARED WITHOUT THE BENEFIT OF AN ABSTRACT TITLE. THEREFORE, THE UNDERSIGNED AND GASKINS + LECRAW MAKE NO GUARANTEES OR REPRESENTATIONS REGARDING INFORMATION SHOWN HEREON PERTAINING TO EASEMENTS, RIGHT-OF-WAY, SETBACK LINES, AGREEMENTS, RESERVATIONS, AND OTHER SIMILAR MATTERS.
- F. IT IS THE RECOMMENDATION OF GASKINS + LECRAW TO HAVE EASEMENTS AND RIGHTS-OF-WAY MARKED AND VERIFIED BY THE APPROPRIATE UTILITY OWNER, ROAD JURISDICTION OR RAILROAD PRIOR TO ANY CONSTRUCTION NEAR SAID EASEMENT OR RIGHT-OF-WAY. SOURCE OF INFORMATION USED TO ESTABLISH EASEMENTS AND RIGHTS-OF-WAY REFERENCED HEREON, IF PROVIDED BY CLIENT. SURVEYED PROPERTY IS SUBJECT TO COVENANTS, EASEMENTS, AND RESTRICTIONS OF RECORD THAT MAY NOT BE SHOWN HEREON.
- G. CURRENT ZONING: M-1 ZONING CLASSIFICATION IS BASED ON HALL COUNTY GIS

- TOPOGRAPHIC DATA:**
- A. VERTICAL DATUM: NAVD 88 AND WAS OBTAINED BY PERFORMING REDUNDANT RTK GPS OBSERVATIONS ON PRIMARY SURVEY CONTROL POINTS UTILIZING gGPS GNSS REAL TIME NETWORK USING CARLSON BR7.
- B. CONTOURS SHOWN HEREON ARE BASED ON FIELD RUN SURVEY DATA AND COMPLETED ON 05/21/2025.

SURVEYOR'S CERTIFICATION

(iii) THIS PLAT IS A RETRACEMENT OF AN EXISTING PARCEL OR PARCELS OF LAND AND DOES NOT SUBDIVIDE OR CREATE A NEW PARCEL OR MAKE ANY CHANGES TO ANY REAL PROPERTY BOUNDARIES. THE RECORDING INFORMATION OF THE DOCUMENTS, MAPS, PLATS, OR OTHER INSTRUMENTS WHICH CREATED THE PARCEL OR PARCELS ARE STATED HEREON. **RECORDATION OF THIS PLAT DOES NOT IMPLY APPROVAL OF ANY LOCAL JURISDICTION, AVAILABILITY OF PERMITS, COMPLIANCE WITH LOCAL REGULATIONS OR REQUIREMENTS, OR SUITABILITY FOR ANY USE OR PURPOSE OF THE LAND.** FURTHERMORE, THE UNDERSIGNED LAND SURVEYOR CERTIFIES THAT THIS PLAT COMPLIES WITH THE MINIMUM TECHNICAL STANDARDS FOR PROPERTY SURVEYS IN GEORGIA AS SET FORTH IN THE RULES AND REGULATIONS OF THE GEORGIA BOARD OF REGISTRATION FOR PROFESSIONAL ENGINEERS AND LAND SURVEYORS AND AS SET FORTH IN O.C.G.A. SECTION 15-6-67.

AS SURVEYOR FOR
GASKINS + LECRAW, INC.

PRELIMINARY

GRAEME KAISER GEORGIA PLS No. 3277 DATE: 06/19/2025

PREPARED IN THE OFFICE OF:

GASKINS + LECRAW

© 2025 GASKINS + LECRAW, INC.
1266 POWDER SPRINGS RD SW
MARIETTA, GA 30064
PHONE: 770.424.7168
www.gaskinslecraw.com

PEF008127

REVISIONS:

NO.	DATE	BY	REVISION
1			
2			
3			
4			
5			
6			
7			
8			
9			
10			

BOUNDARY AND TOPOGRAPHIC SURVEY FOR
BLUE FROG LLC
PROJECT LOCATION
PETCARE ANIMAL HOSPITAL
5238 AND 5250 HOG MOUNTAIN ROAD
CITY OF FLOWERY BRANCH, HALL COUNTY, GEORGIA

CALL BEFORE YOU DIG

811
Know what's below.
Call before you dig.

SCALE & NORTH ARROW:

GRID NORTH, GEORGIA WEST ZONE
0' 15' 30' 60'
SCALE: 1" = 30'

SURVEY INFO:

DRAWN BY: NP
REVIEWED BY: GK
JOB #: 03880002
DATE: 06/19/2025

SHEET NUMBER
1 OF 1

LEGAL DESCRIPTION

PID: 08116 000017

ALL THAT PARCEL OF LAND LYING IN LAND LOT 116, OF THE 8TH DISTRICT OF HALL COUNTY, GEORGIA, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A 1/2" REBAR FOUND ON THE NORTHEASTERLY RIGHT-OF-WAY OF HOG MOUNTAIN ROAD, SAID ROAD HAVING AN 80' RIGHT-OF-WAY AND HAVING GEORGIA WEST STATE PLANE COORDINATES (N=1,515,469.63, E=2,370,355.91), SAID 1/2" REBAR FOUND BEING THE POINT OF BEGINNING;

THENCE ALONG SAID RIGHT-OF-WAY SOUTH 30 DEGREES 50 MINUTES 49 SECONDS WEST 240.17 FEET TO AN IRON PIN SET;

THENCE LEAVING SAID RIGHT-OF-WAY NORTH 58 DEGREES 26 MINUTES 42 SECONDS WEST 168.74 FEET TO AN IRON PIN SET ON THE SOUTHEASTERLY RIGHT-OF-WAY OF LANIER PARKWAY, ALSO KNOWN AS I-985 AND STATE HIGHWAY 365, SAID HIGHWAY HAVING A VARIABLE RIGHT-OF-WAY;

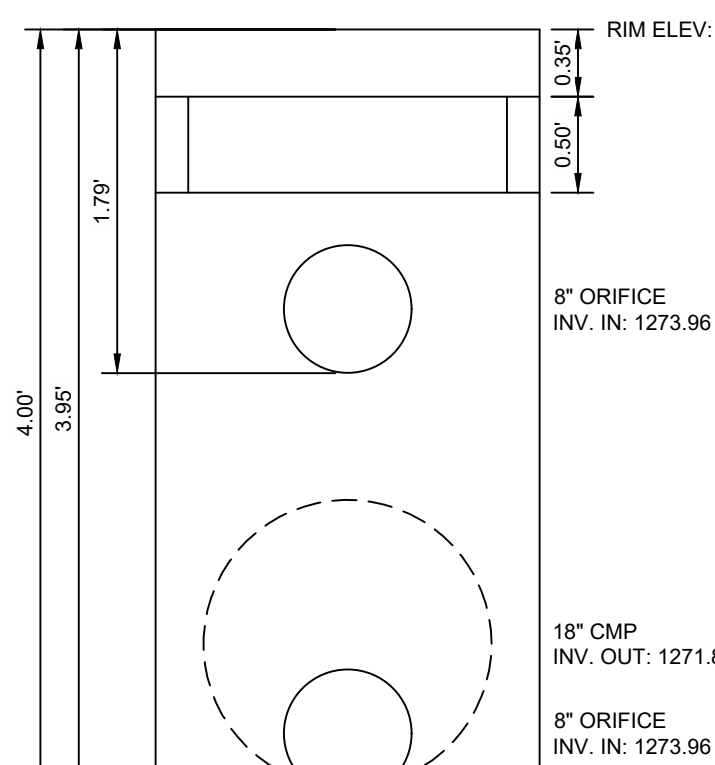
THENCE ALONG SAID RIGHT-OF-WAY NORTH 24 DEGREES 14 MINUTES 58 SECONDS EAST 237.77 FEET TO A 1/2" REBAR FOUND;

THENCE LEAVING SAID RIGHT-OF-WAY SOUTH 59 DEGREES 42 MINUTES 15 SECONDS EAST 196.06 FEET TO A 1/2" REBAR FOUND, SAID 1/2" REBAR FOUND BEING THE TRUE POINT OF BEGINNING.

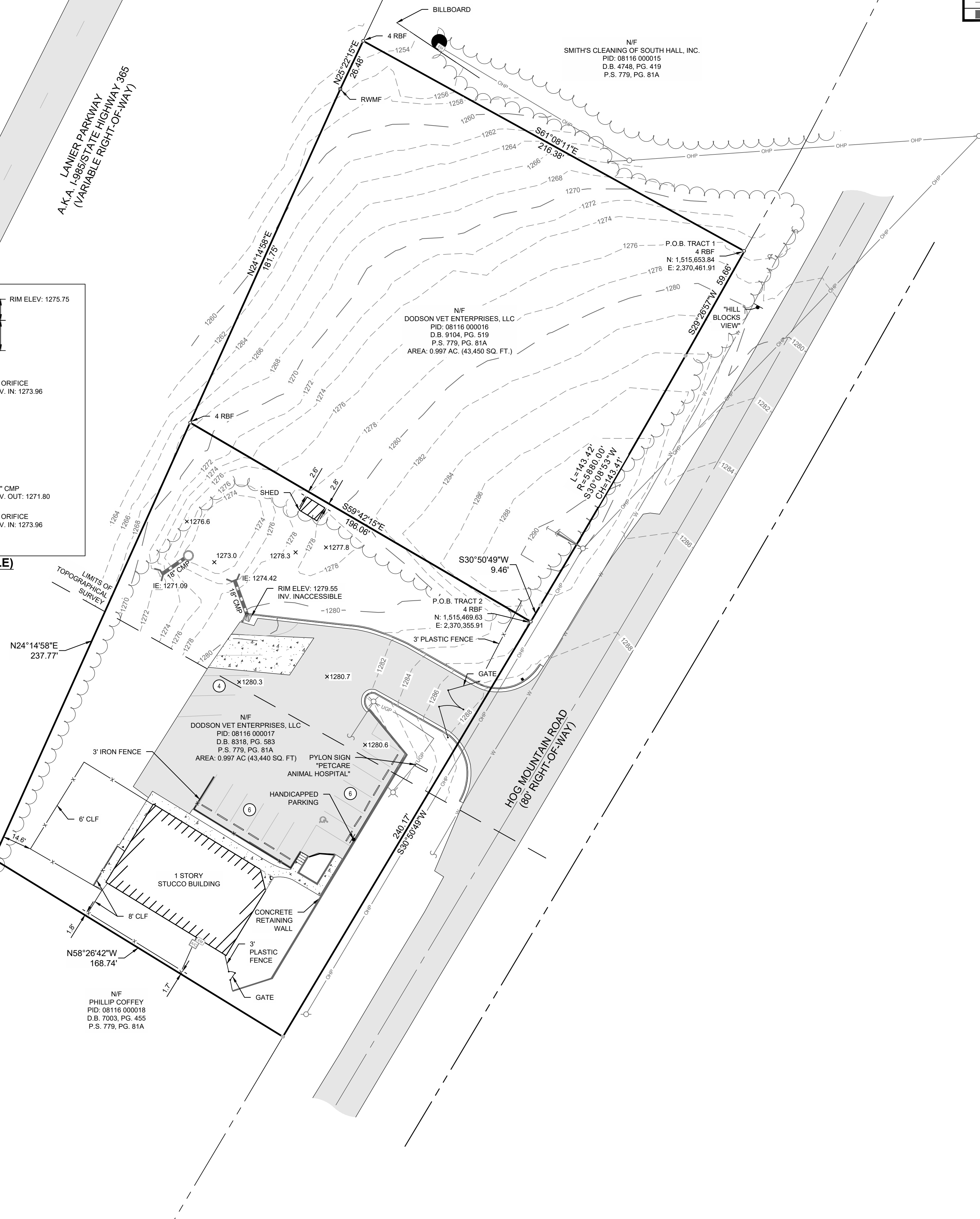
CONTAINING 43,440 SQUARE FEET OR 0.997 ACRES, MORE OR LESS.

CLERK OF THE SUPERIOR COURT RECORDING
INFORMATION

A.K.A. LANIER PARKWAY
(VARIABLE RIGHT-OF-WAY)



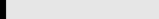
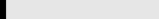
OCS DETAIL (NOT TO SCALE)



LINE LEGEND	
	PROPERTY LINE
	ADJOINING LOT LINE
	RIGHT OF WAY
	MAJOR CONTOUR
	MINOR CONTOUR
	FENCE
	ROAD CENTERLINE
	OVERHEAD POWER
	UNDERGROUND POWER
	WATER MAIN
	STORM SEWER

ABBREVIATION LEGEND	
RBF	REBAR FOUND
CMP	CORRUGATED METAL PIPE
IE	INLET ELEVATION
N/F	NOW OR FORMERLY
CLF	CHAIN LINK FENCE
R/W	RIGHT-OF-WAY
PVC	POLYVINYL CHLORIDE PIPE
S	END NOT LOCATED
X890.7	EXISTING SPOT ELEVATION

SYMBOL LEGEND	
	AIR CONDITIONER UNIT
	GRATE INLET
	CONCRETE MONUMENT FOUND
	ELECTRIC METER
	FIRE HYDRANT
	GUY WIRE
	ADA PARKING
	HEADWALL
	IRON PIN FOUND (TYPE NOTED)
	IRON PIN SET
	LIGHT POLE
	MAILBOX
	STREET SIGN
	UTILITY POLE
	OUTLET CONTROL STRUCTURE
	PARKING COUNT

HATCH LEGEND	
	ASPHALT
	CONCRETE
	BUILDING

**GEORGIA SURVEY NOTES:**

- A. THE FIELD WORK FOR THIS SURVEY WAS PERFORMED ON 05/19/2025-06/09/2025. ANY CHANGES IN SITE CONDITIONS AFTER THIS DATE ARE NOT REFLECTED ON THE SURVEY.
- B. THE FIELD DATA UPON WHICH THIS MAP OR PLAT IS BASED HAS A CLOSURE PRECISION OF 1 FOOT IN 159,404 FEET, AN ANGULAR 7.08 SECONDS PER ANGLE POINT AND WAS ADJUSTED USING THE COMPASS RULE.
- C. HORIZONTAL DATUM IS BASED ON NAD 83. GEORGIA STATE PLANE COORDINATE SYSTEM WEST ZONE, AS ESTABLISHED BY PERFORMING REDUNDANT RTK GPS OBSERVATIONS ON PRIMARY SURVEY CONTROL POINTS UTILIZING eGPS GNSS REAL TIME NETWORK USING CARLSON BRX7.
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- E. ALL DISTANCES SHOWN ARE HORIZONTAL GROUND DISTANCES.
- F. EQUIPMENT USED: TRIMBLE SS, CARLSON BRX7 GPS
- G. SOURCE OF TITLE:
DOBSON VET ENTERPRISES, LLC
DEED BOOK 8318, PAGE 583
DEED BOOK 9104, PAGE 519
PLAT SLIDE 779, PAGE 81A
- H. PROPERTY CORNERS SET (4RBS) ARE 1/2 INCH REBAR WITH PLASTIC CAP STAMPED "GSI LSH 1371", UNLESS OTHERWISE NOTED.

GENERAL NOTES:

- A. PROPERTY ADDRESS: 5238 AND 5250 HOG MOUNTAIN ROAD
- B. TAX PARCEL ID: 08116 000016 AND 08116 000017
- C. THIS PARCEL OF LAND IS NOT IN THE 100 YEAR FLOODPLAIN AND IS IN ZONE "SHADED X" ACCORDING TO F.E.M.A. FLOOD INFORMATION MAP. COMMUNITY NUMBER: 130333, MAP NUMBER: 13139C029H, DATED: DECEMBER 1, 2002.
- D. UNDERGROUND UTILITIES SHOWN HEREON ARE BASED ON SUE LEWEL, B. PAINT MARKINGS BY UTILITY MARKING, LLC ON 06/05/2025 AND WERE LOCATED AT TIME OF FIELD SURVEY. OTHER NON-METALLIC UTILITIES WITHOUT TRACER WIRE AND/OR OTHER BURIED STRUCTURES MAY EXIST ON THE PROPERTY.
- E. THIS SURVEY WAS PREPARED WITHOUT THE BENEFIT OF AN ABSTRACT TITLE. THE UNDERTAKING OF THIS SURVEY BY LECRAW HAS NO GUARANTEES OR REPRESENTATIONS REGARDING INFORMATION SHOWN HEREON PERTAINING TO EASEMENTS, RIGHT-OF-WAY, SETBACK LINES, AGREEMENTS, RESERVATIONS, AND OTHER SIMILAR MATTERS.
- F. IT IS THE RECOMMENDATION OF GASKINS + LECRAW TO HAVE EASEMENTS AND RIGHTS-OF-WAY MARKED AND VERIFIED BY THE APPROPRIATE UTILITY OWNER, ROAD, AIRPORT OR OTHER AGENCY PRIOR TO ANY CONSTRUCTION NEAR SAID EASEMENT OR RIGHT-OF-WAY. SOURCE OF INFORMATION USED TO ESTABLISH EASEMENTS AND RIGHTS-OF-WAY REFERENCED HEREON, IF PROVIDED BY CLIENT, SURVEYED PROPERTY SUBJECT TO COVENANTS, EASEMENTS, AND RESTRICTIONS OF RECORD THAT MAY NOT BE SHOWN HEREON.
- G. CURRENT ZONING: M-1
ZONING CLASSIFICATION IS BASED ON HALL COUNTY GIS

TOPOGRAPHIC DATA:

- A. VERTICAL DATUM: NAVD 88 AND WAS OBTAINED BY PERFORMING REDUNDANT RTK GPS OBSERVATIONS ON PRIMARY SURVEY CONTROL POINTS UTILIZING eGPS GNSS REAL TIME NETWORK USING CARLSON BRx7.
- B. CONTOURS SHOWN HEREON ARE BASED ON FIELD RUN SURVEY DATA AND COMPLETED ON 05/21/2025.

SURVEYOR'S CERTIFICATION

(iii) THIS PLAT IS A RETRACEMENT OF AN EXISTING PARCEL OR PARCELS OF LAND AND DOES NOT SUBDIVIDE OR CREATE A NEW PARCEL OR MAKE ANY CHANGES TO ANY REAL PROPERTY BOUNDARIES. THE RECORDING INFORMATION OF THE PLAT IS FOR DOCUMENTATION PURPOSES ONLY, WHICH CREATED THE PARCEL OR PARCELS ARE STATED HEREON. RECORDATION OF THIS PLAT DOES NOT IMPLY PERMIT, OR ANY LOCAL JURISDICTION, AVAILABILITY OF PERMITS, COMPLIANCE WITH LOCAL REGULATIONS OR REQUIREMENTS, OR LIABILITY FOR ANY USE OR PURPOSE OF THE LAND. FURTHERMORE, THE UNDERSIGNED LAND SURVEYOR CERTIFIES THAT THIS PLAT COMPLIES WITH THE MINIMUM TECHNICAL STANDARDS FOR SURVEYS IN GEORGIA AS SET FORTH IN THE RULES AND REGULATIONS OF THE GEORGIA SURVEYING BOARD AND AS SET FORTH IN PROFESSIONAL ENGINEERS AND LAND SURVEYORS AND AS SET FORTH IN O.C.G.A. SECTION 15-6-67.

PRELIMINARY

AS SURVEYOR FOR
GASKINS + LECRAW, INC.

GRAEME KAISER GEORGIA PLS No. 3277 DATE: 06/19/2025

PREPARED IN THE OFFICE OF:



© 2025 GASKINS + LECRAW, INC.
1266 POWDER SPRINGS RD SW
MARIETTA, GA 30064
PHONE - 770.424.7168
www.gaskinslecrew.com

PEF008123

REVISIONS:

[illegible]

BOUNDARY AND TOPOGRAPHIC SURVEY FOR

BLUE FROG LLC

PROJECT LOCATION

PETCARE ANIMAL HOSPITAL

5238 AND 5250 HOG MOUNTAIN ROAD

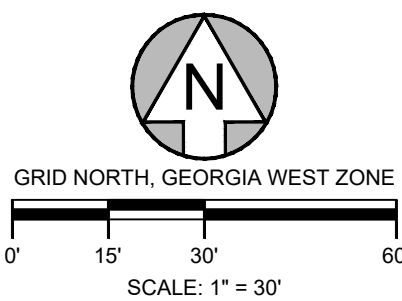
LAND LOT 116, 8TH DISTRICT
CITY OF FLOWERY BRANCH, HALL COUNTY, GEORGIA

CALL BEFORE YOU DIG



Know what's below.
Call before you dig.

SCALE & NORTH ARROW:



SURVEY INFO:

DRAWN BY:	NP
REVIEWED BY:	GK
JOB #:	03880002
DATE:	06/19/2025

SHEET NUMBER

1 OF 1



Memorandum

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

From: Chris McCrary, Planning and Community Development Director

Date: August 7, 2025

Subject: Rezoning

Applicant: Dodson Vet Enterprises LLC (Dr. Vanessa Dodson) C/O Gaskins +
LeCraw
5250 Hog Mountain Road
Flowery Branch, GA 30542
678-546-8100

Owner: Same as Applicant

Existing Zoning: M-1 – Light Industrial

Location and Size:

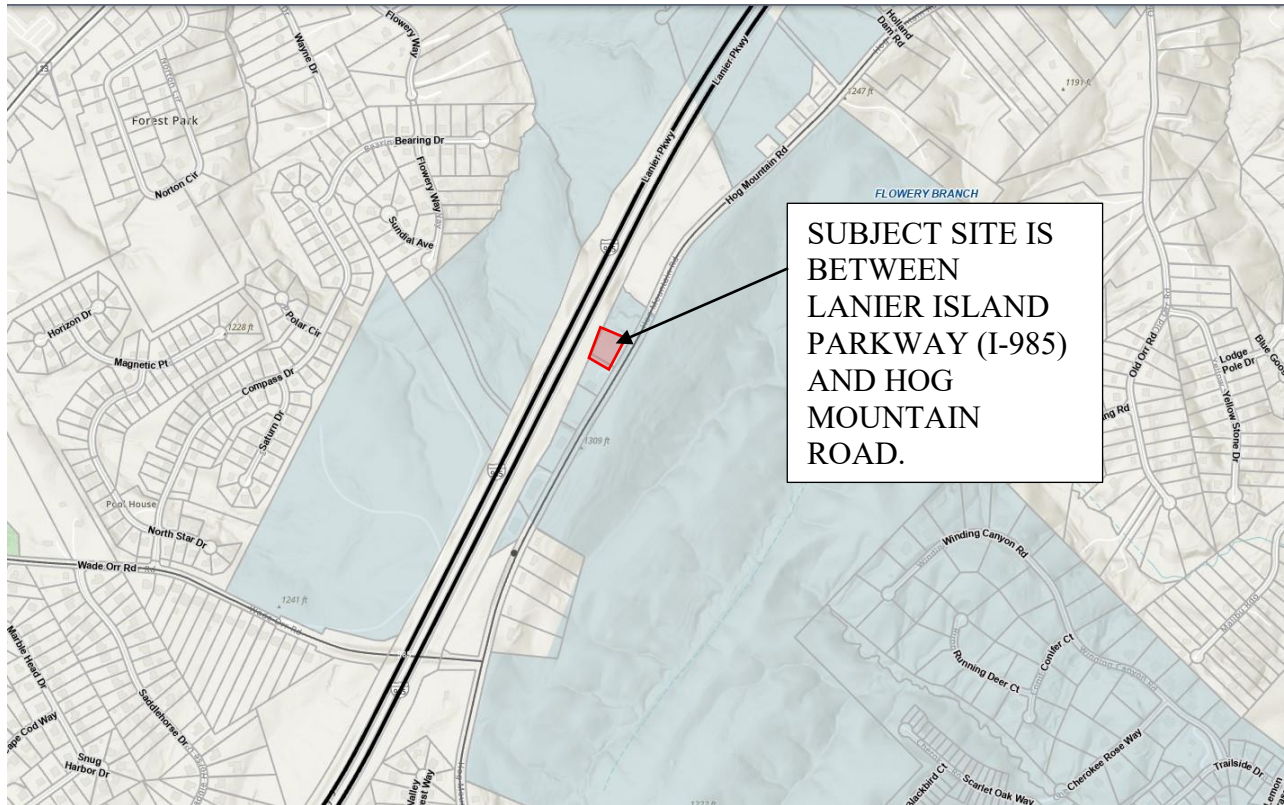
5238 Hog Mountain Road; Parcel **08116 000016**; +/-1 Acre

Proposed Zoning:

The Planning Department have reviewed the applicant's proposal to rezone the subject site from **M-1** (Manufacturing & Industrial, Light) to **O-P** (Office Professional) to facilitate the construction of a new veterinary clinic, including associated parking, and stormwater management facilities. According to Table 9.1 of the zoning ordinance, a veterinary clinic is a prohibited use in the **M-1** zoning district but is permitted by right in the **O-P** zoning district. The existing veterinary clinic at 5250 Hog Mountain Road likely operates under a previous zoning code that permitted such use in **M-1** or was zoned under a different category at the time of its establishment. The proposed rezoning to **O-P** aligns with the intended use and supports compliance with current zoning regulations.



Location: The subject property is located at 5238 Hog Mountain Road, south of Spout Springs Road and four parcels north of Wade Orr Road.





Zoning Map:

Subject Site located at 5238 Hog Mountain Road currently zoned Flowery Branch **M-1** – Manufacturing & Industrial, Light. The applicant proposes to rezone **O-P** – Office Professional as appropriate to the zoning code.

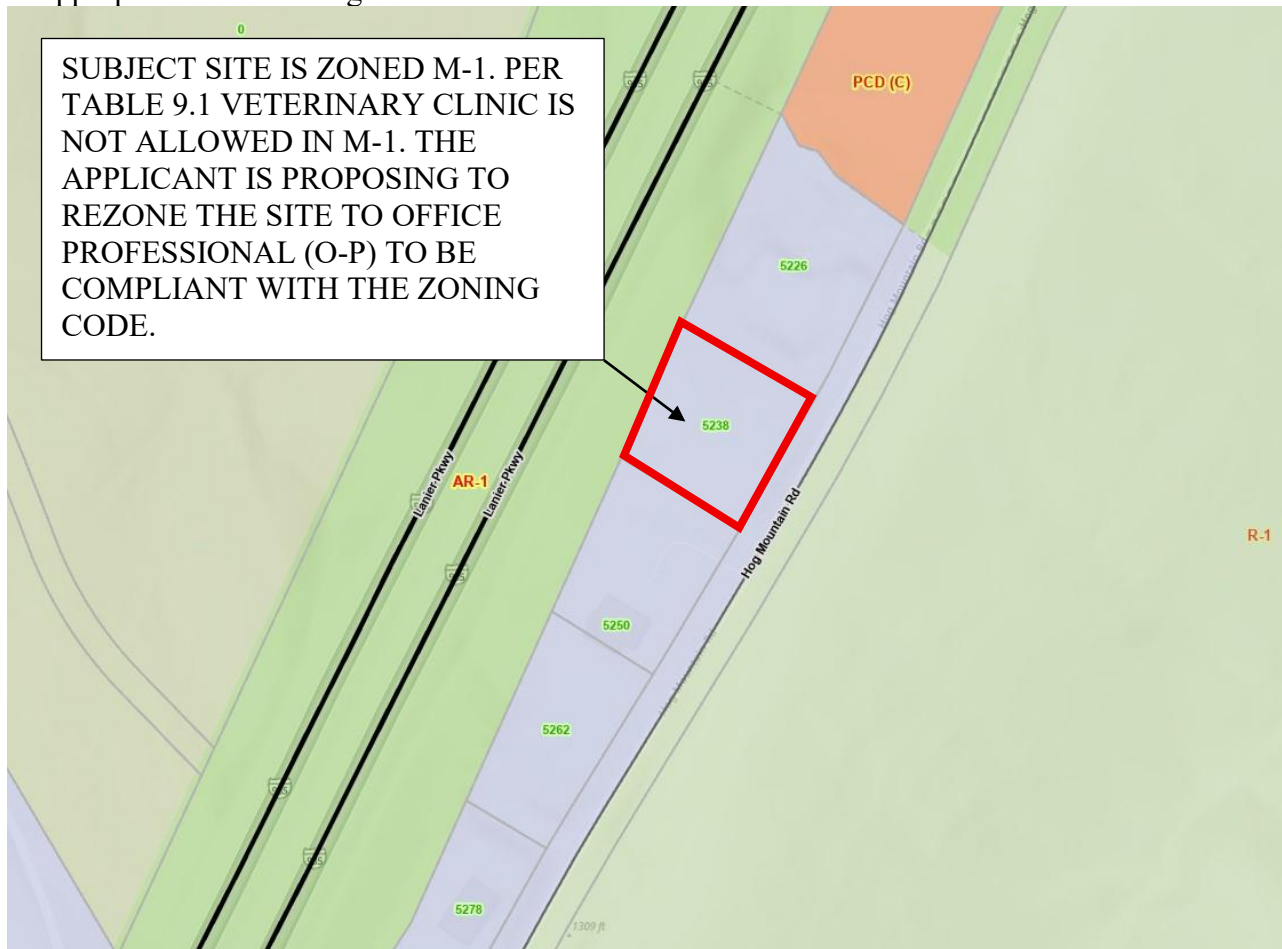


Table 9.1 Permitted and Conditional Uses in Nonresidential Zoning Districts

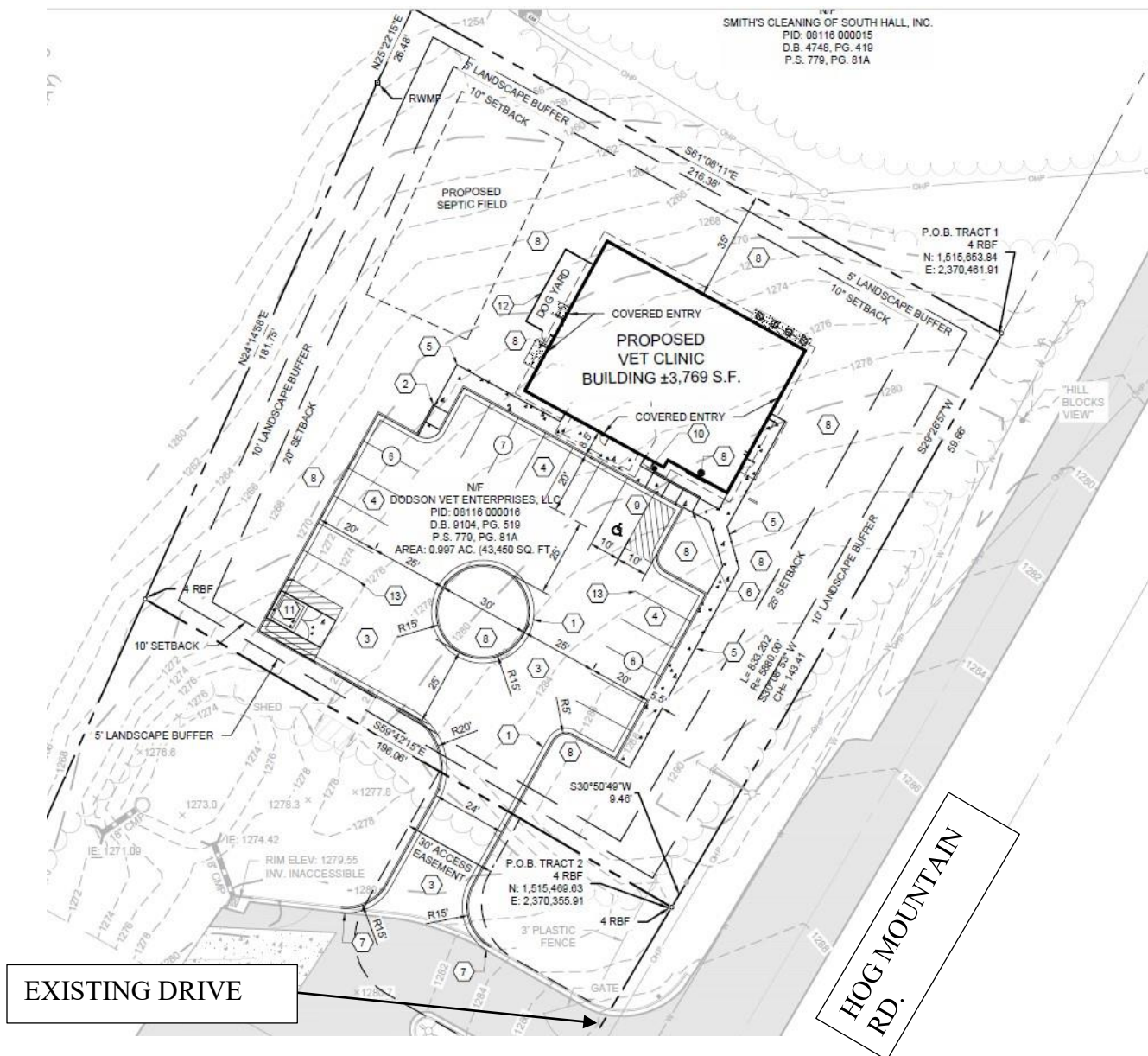
(P= Permitted Use C- Conditional Use X=Prohibited Use)

Use	O-P	INST	NS	HB	CBD	M-1	M-2
Animal hospital or veterinary clinic	P	P	P	P	X	X	X



Site Plan:

The applicant is proposing a new veterinary facility at 5238 Hog Mountain Road. The site is approximately 1 acre. The building is proposed to be +/- 3,769 sq.ft. with associated parking lot, septic field line, and stormwater detention. The entrance will be shared with the existing building at 5250 Hog Mountain Road, so no new roadway construction is needed.





Architectural Renderings



① Perspective 1



② Perspective 2

COLORS AND FINISHES PROVIDED ARE A REPRESENTATION OF THE DESIGN INTENT AND ARE SUBJECT TO MODIFICATIONS DEPENDANT ON THE MATERIAL AVAILBILTY AND FINAL PRODUCT SELECTION.

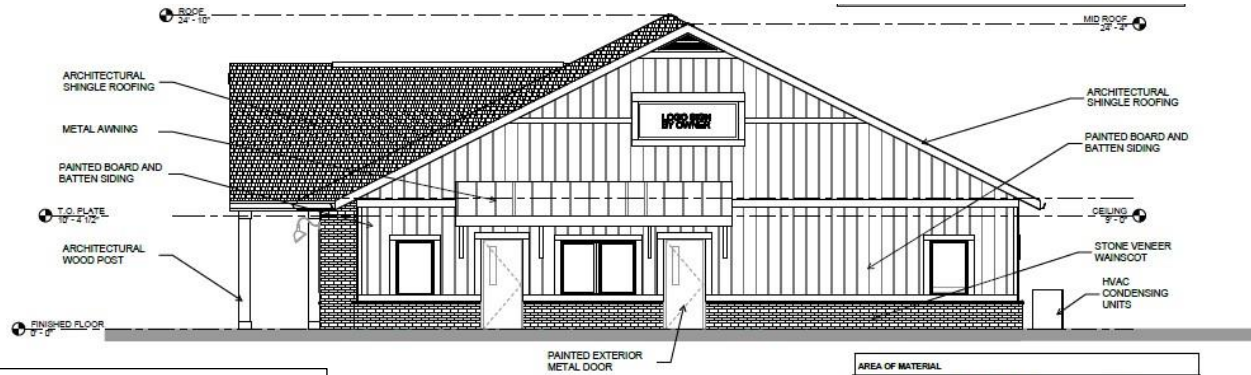
Materials and Treatments (For clarity please review the full-size set provided in the agenda package)





LEFT ELEVATION

AREA OF MATERIAL	
BOARD & BATTEN HARDIE OR SIMILAR SIDING	784 SF
STONE VENEER	106 SF
GLAZING	32 SF
DOORS	48 SF
SIGNAGE	TBD / +/- 38 SF SHOWN



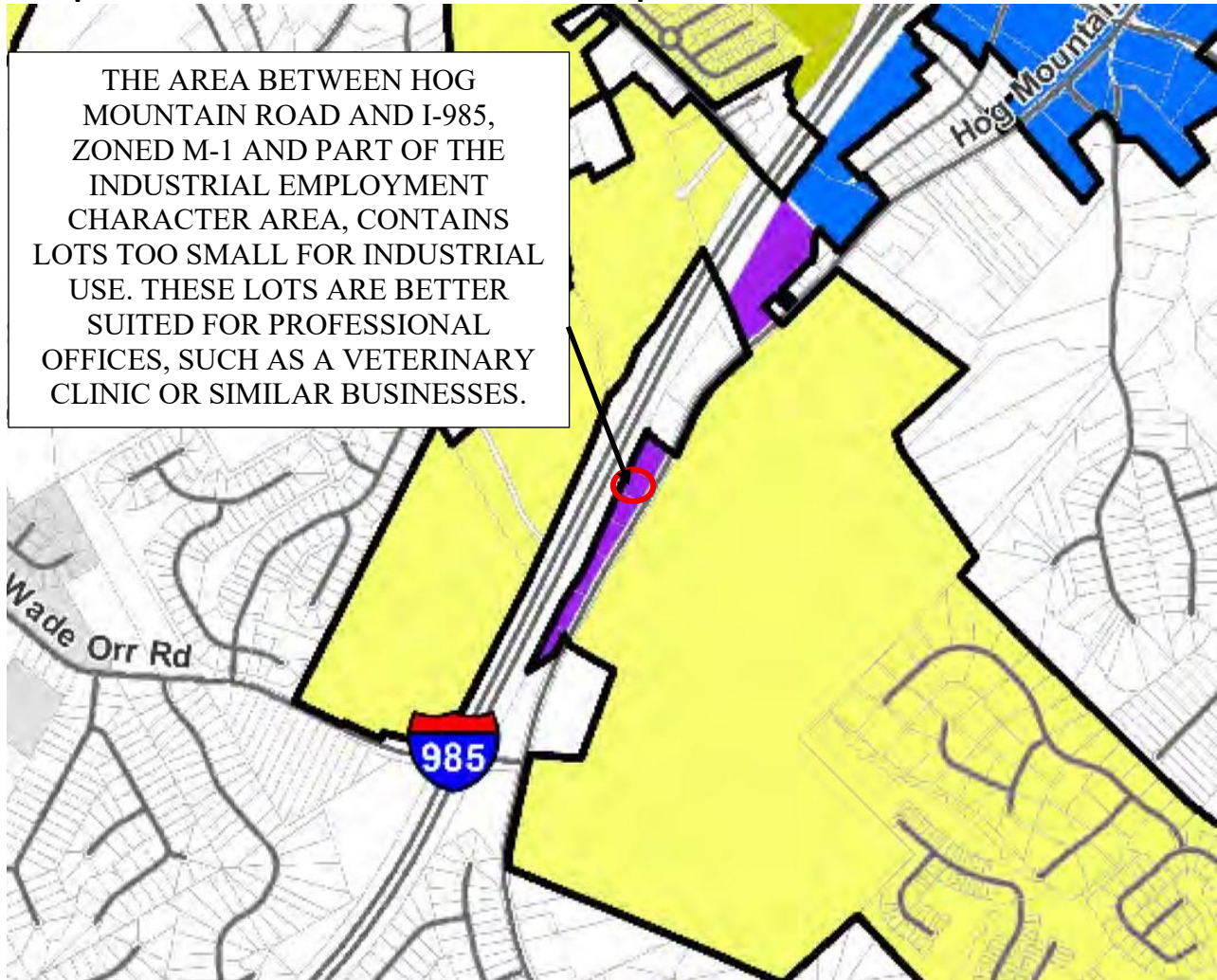
RIGHT ELEVATION

AREA OF MATERIAL	
BOARD & BATTEN HARDIE OR SIMILAR SIDING	691 SF
STONE VENEER	128 SF
GLAZING	51 SF
DOORS	44 SF
SIGNAGE	TBD / +/- 38 SF SHOWN



Comprehensive Plan – Future Land Use Map

THE AREA BETWEEN HOG MOUNTAIN ROAD AND I-985, ZONED M-1 AND PART OF THE INDUSTRIAL EMPLOYMENT CHARACTER AREA, CONTAINS LOTS TOO SMALL FOR INDUSTRIAL USE. THESE LOTS ARE BETTER SUITED FOR PROFESSIONAL OFFICES, SUCH AS A VETERINARY CLINIC OR SIMILAR BUSINESSES.





Sec. 34.7. - Analysis Requirements.

Applications to amend the official zoning map 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 the 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 rezoning to allow for the construction of a new veterinary clinic is suitable in view of the use of adjacent and nearby properties.
- 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 subject site and adjacent sites are too small for a typical industrial use. The lots are better suited for offices or smaller businesses.
- 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 proposal will result in a use which would not 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 area between Hog Mountain Road and I-985, zoned M-1 and part of the Industrial Employment Character Area, contains lots too small for industrial use. These lots are better suited for professional offices, such as a veterinary clinic or similar businesses. Upcoming changes to the Comprehensive Plan will likely include changing this character area designation.



- 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 City may consider rezoning this area to Office Professional or Highway Business as the small lots would not support industrial buildings and 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.*

Staff has no information to provide on the value of the subject property.

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

Staff has no information to provide on the value of the adjacent property.

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

The City may consider rezoning this area to Office Professional or Highway Business as the small lots would not support industrial buildings and uses.

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

The proposed use is similar to nearby development.

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

The subsequent LDP will be required to be compliant with all erosion and stormwater regulations.



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 City may consider rezoning this area to Office Professional or Highway Business as the small lots would not support industrial buildings and uses.

Staff Recommendation for Annexation, Rezoning, and Variances

Recommendation:

Staff recommends **approval of the Rezoning** at 5238 Hog Mountain Road, Tax Parcel ID **08116 000016** from M-1 (Manufacturing & Industrial, Light) to O-P (Office Professional) with the conditions provided.

Conditions of Approval:

Please find below the proffered conditions for the proposed rezoning, organized by discipline and drafted to ensure consistency with the submitted concept materials and to protect the public interest:

1. General Development

- a. The final design shall be substantially similar to the site plan provided with the rezoning application.

2. Civil Site Engineering

- a. The building footprint, parking, and detention are to be substantially similar to the site plan provided.

3. Building Design

- a. Exterior elevations shall be similar to the elevations and materials provided with the rezoning case.
- b. Where brick veneer is shown, only authentic brick or natural stone shall be utilized.
- c. All building facades shall be approved through the Design Review process per Article 40 and shall meet the design requirements in Article 10 and Article 12.

4. Signage, Landscaping & Lighting

- a. An overall signage program, a detailed landscape plan sealed by a Georgia-registered landscape architect, and a comprehensive site-lighting plan shall be submitted to the Department of Community Development for review and approval.
- b. The landscape plan shall include calculations for required open spaces.

5. Variances

- a. Unless otherwise stated, approval of this rezoning does not grant any variances from local, state, or federal standards. Any such request must be submitted through the formal variance process to the appropriate jurisdiction.

ORDINANCE 756

AN ORDINANCE AMENDING THE ZONING MAP OF THE CITY OF FLOWERY BRANCH, GEORGIA, BY REZONING REAL PROPERTY TOTALING 1.00+/-ACRES OF LAND, OWNED BY DODSON VET ENTERPRISES LLC, IDENTIFIED AS 5238 HOG MOUNTAIN ROAD, HALL COUNTY TAX PARCEL 08116 000016, AND AS SHOWN ON ATTACHED EXHIBIT “A”, AND AS DESCRIBED ON ATTACHED EXHIBIT “B”, AND AS CONDITIONED ON ATTACHED EXHIBIT “C”; TO BE REZONED FROM FLOWERY BRANCH MANUFACTURING & INDUSTRIAL, LIGHT (M-1) TO CITY OF FLOWERY BRANCH OFFICE PROFESSIONAL (O-P), PROVIDING FOR SEVERABILITY, REPEALING CONFLICTING ORDINANCES, PROVIDING FOR AN EFFECTIVE DATE AND FOR ALL OTHER LAWFUL PURPOSES.

WHEREAS, The owner of 5232 Hog Mountain Road, Dodson Enterprises LLC, Hall County tax parcel 08116 000016, as shown on Exhibit “A” and described on Exhibit “B” has submitted a complete application for rezoning; and

WHEREAS, a complete description of the subject property being rezoned is included herein; and

WHEREAS, the City Council of the City of Flowery Branch, Georgia held a public hearing on August 7th, 2025, to consider the rezoning, 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 appropriate zoning classification of the subject property in light of the comprehensive plan.

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

SECTION 1. FINDINGS.

The City Council finds that the proposed rezoning from Flowery Branch Manufacturing & Industrial, Light (M-1) to Flowery Branch Office Professional (O-P) 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. Use as O-P is appropriate given the size of the parcel and it is reasonable to believe the property will have reasonable economic value so zoned.
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 precise determination has been made by staff with regard to the value differential between development under the current zoning as opposed to O-P, although it is reasonable to believe value would increase as a result of the rezoning.
8. A proposed development will not be a deterrent to the value or improvement of development of adjacent property in accordance with existing regulations.
9. There are no known adverse effects that would result from the change in zoning district map, or change in use, on the character of a zoning district.
10. Development as proposed is not expected to impact on the environment, including but not limited to, drainage, soil erosion and sedimentation, flooding, air quality and water quality. Compliance with city subdivision and land development regulations will be required, which include but are not limited to soil erosion and sedimentation, stormwater, and flood damage prevention.

SECTION 2. REZONING.

The subject parcel, as shown on Exhibit “A” and as legally described in Exhibit “B”, and as conditioned in Exhibit “C”, is hereby rezoned from Flowery Branch Manufacturing & Industrial, Light (M-1) to Flowery Branch Office Professional (O-P).

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

Public Hearing Published 07/16/2025
Public Hearing 08/07/2025

First Reading 08/07/2025
Second Reading 09/04/2025

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.

This ordinance shall take effect immediately upon approval.

SECTION 6. REPEALER.

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

Approved this _____ day of _____ 2025.

Edward R. Asbridge, Mayor

Shelia R. Cooper, City Clerk

APPROVED AS TO FORM

Ted C. Baggett, City Attorney

Exhibit "A"

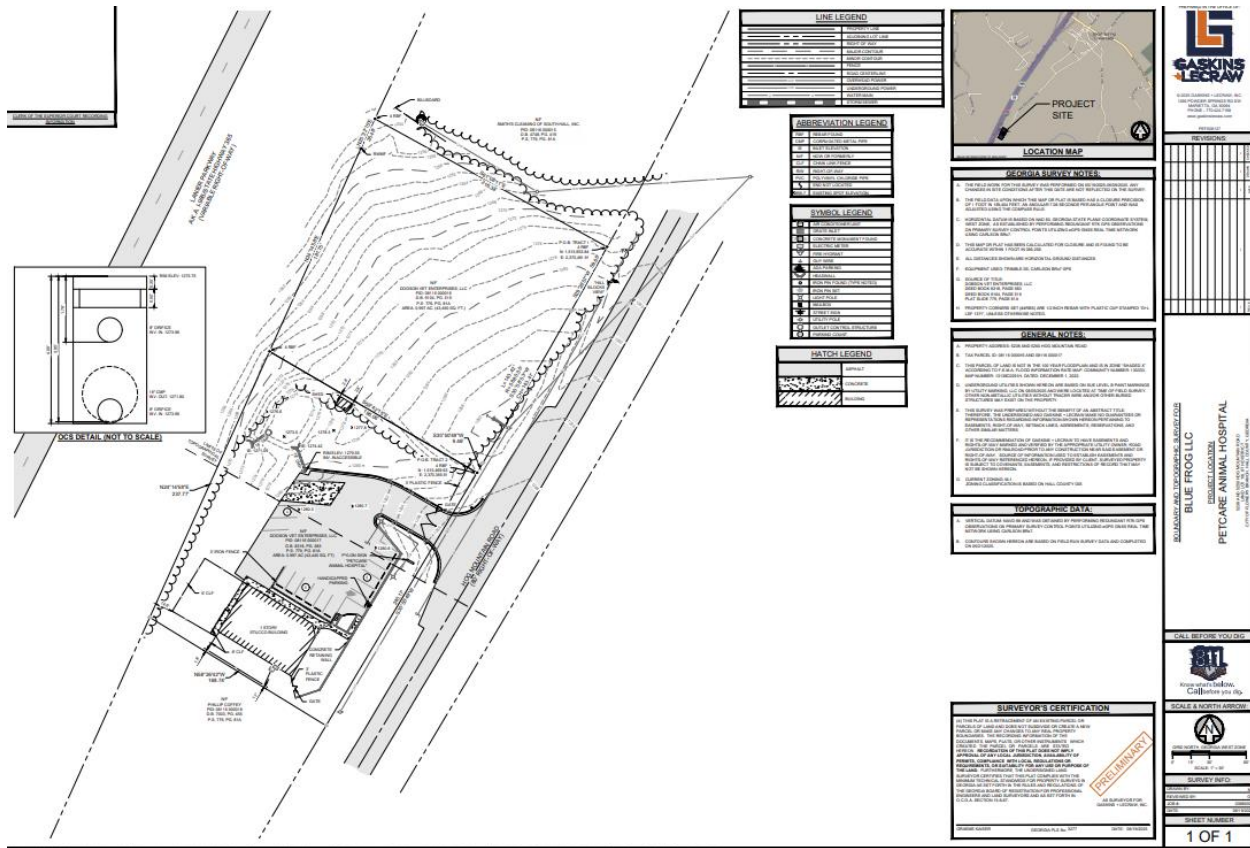


Exhibit "B"

LEGAL DESCRIPTION

PID: 08116 000016

ALL THAT PARCEL OF LAND LYING IN LAND LOT 116, OF THE 8TH DISTRICT OF HALL COUNTY, GEORGIA, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A 1/2" REBAR FOUND ON THE NORTHEASTERLY RIGHT-OF-WAY OF HOG MOUNTAIN ROAD, SAID ROAD HAVING AN 80' RIGHT-OF-WAY AND HAVING GEORGIA WEST STATE PLANE COORDINATES (N=1,515,653.84, E=2,370,461.91), SAID 1/2" REBAR FOUND BEING THE POINT OF BEGINNING;

THENCE ALONG SAID RIGHT-OF-WAY SOUTH 29 DEGREES 26 MINUTES 57 SECONDS WEST 59.66 FEET TO AN IRON PIN SET;

THENCE ALONG SAID RIGHT-OF-WAY ALONG A CURVE TURNING TO THE RIGHT WITH AN ARC LENGTH OF 143.42 FEET, WITH A RADIUS OF 5880.00 FEET, SUBTENDED BY A CHORD OF 143.41 FEET, WITH A CHORD BEARING OF SOUTH 30 DEGREES 08 MINUTES 53 SECONDS WEST TO AN IRON PIN SET;

THENCE ALONG SAID RIGHT-OF-WAY SOUTH 30 DEGREES 50 MINUTES 49 SECONDS WEST 9.46 FEET TO A 1/2" REBAR FOUND;

THENCE LEAVING SAID RIGHT-OF-WAY NORTH 59 DEGREES 42 MINUTES 15 SECONDS WEST 196.06 FEET TO A 1/2" REBAR FOUND ON THE SOUTHEASTERLY RIGHT-OF-WAY OF LANIER PARKWAY, ALSO KNOWN AS I-985 AND STATE HIGHWAY 365, SAID HIGHWAY HAVING A VARIABLE RIGHT-OF-WAY;

THENCE ALONG SAID RIGHT-OF-WAY NORTH 24 DEGREES 14 MINUTES 58 SECONDS EAST 181.75 FEET TO A RIGHT-OF-WAY-MONUMENT;

THENCE ALONG SAID RIGHT-OF-WAY NORTH 25 DEGREES 22 MINUTES 15 SECONDS EAST 26.48 FEET TO A 1/2" REBAR FOUND;

THENCE LEAVING SAID RIGHT-OF-WAY SOUTH 61 DEGREES 08 MINUTES 11 SECONDS EAST 216.38 FEET TO A 1/2" REBAR FOUND, SAID 1/2" REBAR FOUND BEING THE TRUE POINT OF BEGINNING.

CONTAINING 43,450 SQUARE FEET OR 0.997 ACRES, MORE OR LESS.

Exhibit “C”

1. **General Development**

- a. The final design shall be substantially similar to the site plan provided with the rezoning application.

2. **Civil Site Engineering**

- a. The building footprint, parking, and detention are to be substantially similar to the site plan provided.

3. **Building Design**

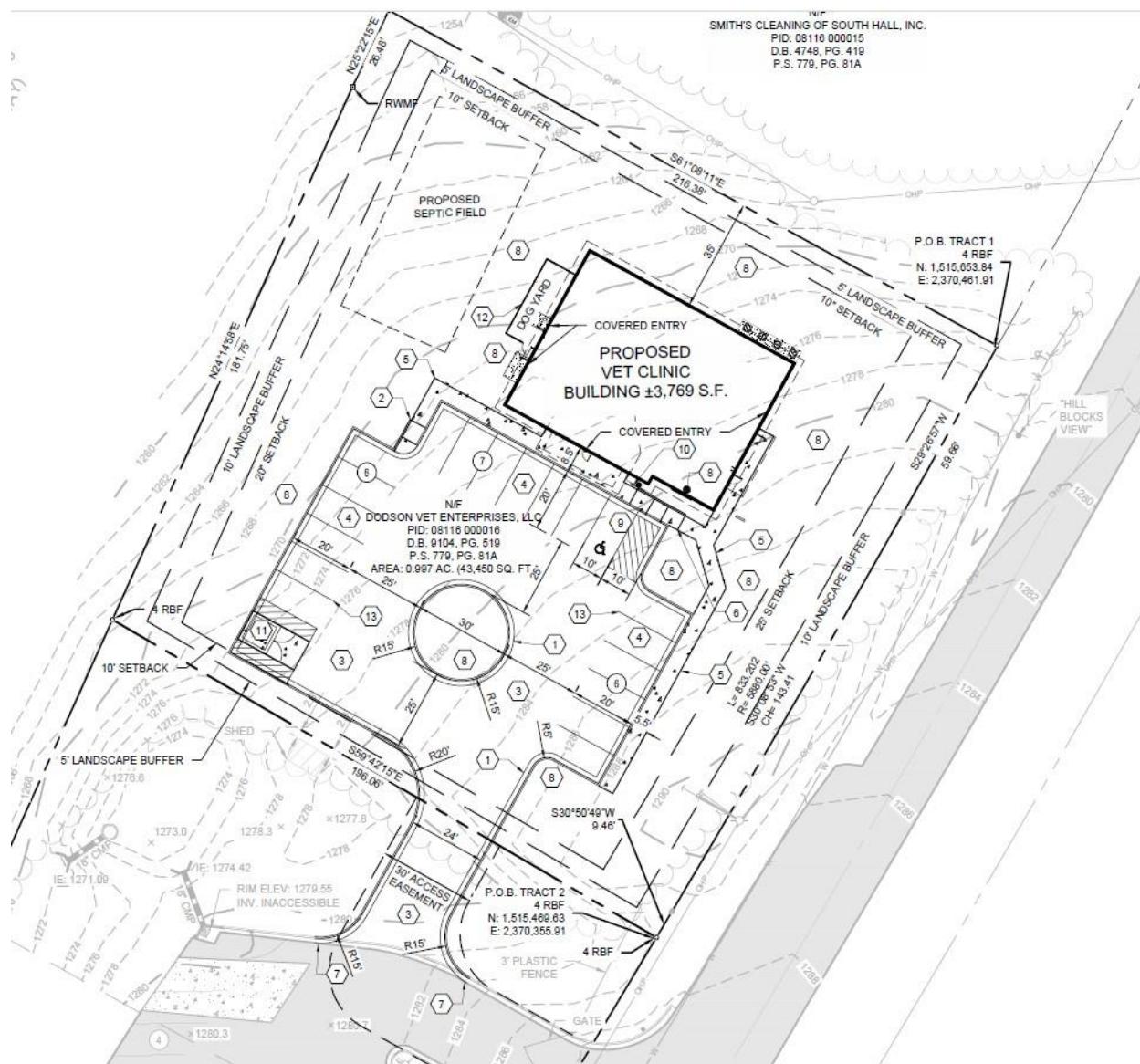
- a. Exterior elevations shall be similar to the elevations and materials provided with the rezoning case.
- b. Where brick veneer is shown, only authentic brick or natural stone shall be utilized.
- c. All building facades shall be approved through the Design Review process per Article 40 and shall meet the design requirements in Article 10 and Article 12.

4. **Signage, Landscaping & Lighting**

- a. An overall signage program, a detailed landscape plan sealed by a Georgia-registered landscape architect, and a comprehensive site-lighting plan shall be submitted to the Department of Community Development for review and approval.
- b. The landscape plan shall include calculations for required open spaces.

5. **Variances**

- a. Unless otherwise stated, approval of this rezoning does not grant any variances from local, state, or federal standards. Any such request must be submitted through the formal variance process to the appropriate jurisdiction.





KEY NOTES

PREPARED IN THE OFFICE OF:



REVISIONS:

CLIENT

BLUE FROG

3011 SUTTON GATE DRIVE, STE 102, SUWANEE, GA 30024

PROJECT

PET CARE ANIMAL HOSPITAL- FLOWERY BRANCH

5238 & 5250 HOG MOUNTAIN ROAD
PID 08116 0000016 & 08116 000017

FLOWERY BRANCH, HALL COUNTY, GEORGIA

SITE NOTES

1) ADMINISTRATIVE VARIANCE IS NEEDED FOR 3 ADDITIONAL PARKING SPACES

1. THE CONCEPT REPRESENTED HEREIN IDENTIFIES A SCHEMATIC DESIGN RESULTING FROM LAYOUT PREFERENCES IDENTIFIED BY THE CLIENT COUPLED WITH A PRELIMINARY REVIEW OF ZONING AND OTHER REGULATIONS THAT MAY AFFECT THE VIABILITY OF THIS PLAN WITH RESPECT TO OBTAINING CITY, COUNTY, STATE AND OTHER APPLICABLE APPROVALS IS NOT WARRANTED AND CAN ONLY BE ASSESSED AFTER FURTHER EXAMINATION OF THE SITE AND VERIFICATION OF THE ZONING ORDINANCES AND DEVELOPMENT REGULATIONS ALONG WITH PROCUREMENT OF APPROPRIATE JURISDICTIONAL APPROVALS.
2. THIS CONCEPT PLAN IS PREPARED FOR CONCEPTUAL PRESENTATION PURPOSES ONLY AND IS NOT INTENDED FOR UTILIZATION AS A ZONING AND/OR CONSTRUCTION DOCUMENT. THE EXISTING CONDITIONS SHOWN HEREON ARE BASED UPON AVAILABLE INFORMATION THAT WAS OBTAINED AT THE TIME OF PREPARATION AND MAY BE SUBJECT TO CHANGE UPON THE AVAILABILITY OF ADDITIONAL INFORMATION.
3. THIS CONCEPT PLAN WAS PREPARED WITHOUT BENEFIT OF A CURRENT SURVEY, GEOTECHNICAL AND/OR ENVIRONMENTAL INVESTIGATION, JURISDICTIONAL DELINEATION OR ARBORIST REPORT. THE LOCATION OF ANY JURISDICTIONAL WATERS, WETLANDS, UNDERGROUND UTILITIES AND/OR SPECIMEN TREES HAS NOT BEEN TAKEN INTO ACCOUNT.



DESIGN INFO:

DRAWN BY:	SOO
DESIGNED BY:	MCS
REVIEWED BY:	MCS
JOB #:	03880002
DATE:	06/20/2025

CONCEPT SITE PLAN

CS-1



Blue Frog, LLC
3011 Sutton Gate Dr.
Suite 120
Suwanee, GA 30024
PHONE: 770-831-4150

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**VERIFY ALL DIMENSIONS AND
EXISTING CONDITIONS AT THE SITE
BEFORE PROCEEDING WITH EACH
PHASE OF THIS WORK.**

**REVIEW PLANS
ONLY!
NOT FOR
CONSTRUCTION**

PetCare Animal Hospital
5238 Hog Mountain Rd
Flowery Branch GA

[illegible]

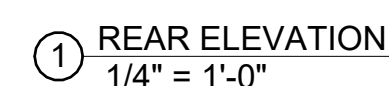
REAR AND LEFT SIDE ELEVATIONS

Project number	BFC22CLEAN
Date Issued	06/19/25
Drawn by	BF ARCH
Checked by	SAR

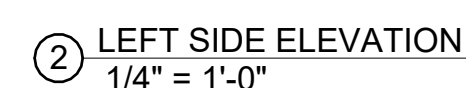
A-6.2

Scale	1/4" = 1'-0"
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Print
Date/Time 6/19/2025 3:03:36 PM
Page 362 of 362



AREA OF MATERIAL	
BOARD & BATTEN HARDIE OR SIMILAR SIDING	510 SF
STONE VENEER	165 SF
GLAZING	8 SF
DOORS	SF
SIGNAGE	



AREA OF MATERIAL	
BOARD & BATTEN HARDIE OR SIMILAR SIDING	784 SF
STONE VENEER	106 SF
GLAZING	32 SF
DOORS	48 SF
SIGNAGE	TBD / +/- 38 SF SHOWN

ARCHITECTURAL SHINGLES



BOARD & BATTEN SIDING



METAL AWNINGS



STONE VENER

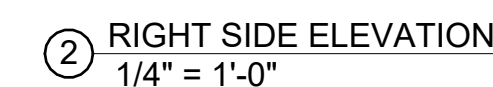
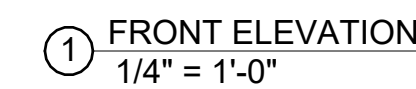
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Blue Frog, LLC
3011 Sutton Gate Dr.
Suite 120
Suwanee, GA 30024
PHONE: 770-831-4150

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PetCare Animal Hospital
5238 Hog Mountain Rd
Flowery Branch GA



COLORS AND FINISHES
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SUBJECT TO MODIFICATIONS
DEPENDANT ON THE
MATERIAL AVAILABILITY AND
FINAL PRODUCT SELECTION.



www.bfrog.net

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PHONE: 770-831-4150

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**VERIFY ALL DIMENSIONS AND
EXISTING CONDITIONS AT THE SITE
BEFORE PROCEEDING WITH EACH
PHASE OF THIS WORK.**

**REVIEW PLANS
ONLY!
NOT FOR
CONSTRUCTION**

PetCare Animal Hospital
5238 Hog Mountain Rd
Flowery Branch GA

PERSPECTIVE ELEVATIONS

Project number	BFC22CLEAN
Date Issued	06/19/25
Drawn by	BF ARCH
Checked by	SAR

A-6.0

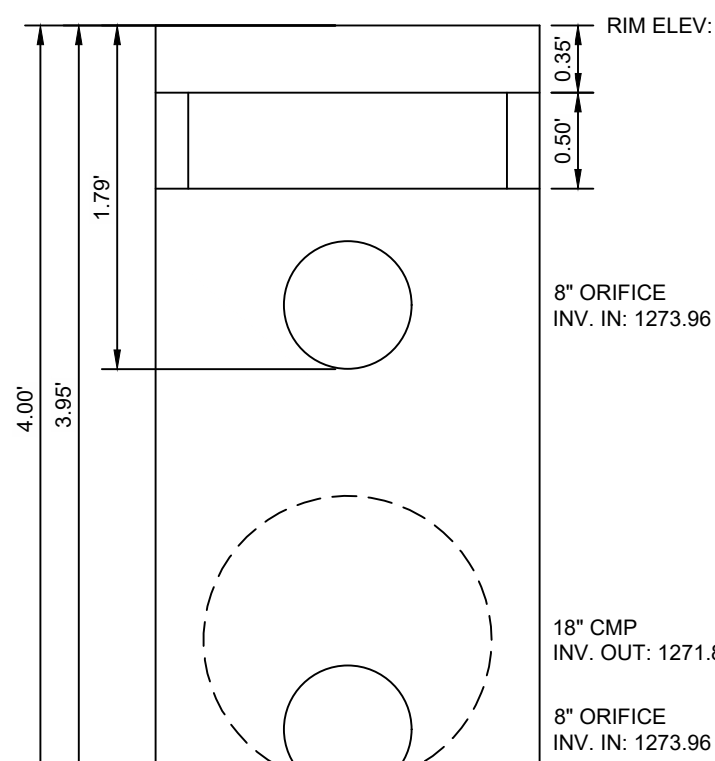
Scale	
Print Date/Time	6/19/2025 3:03:31 PM
	Page 364 of



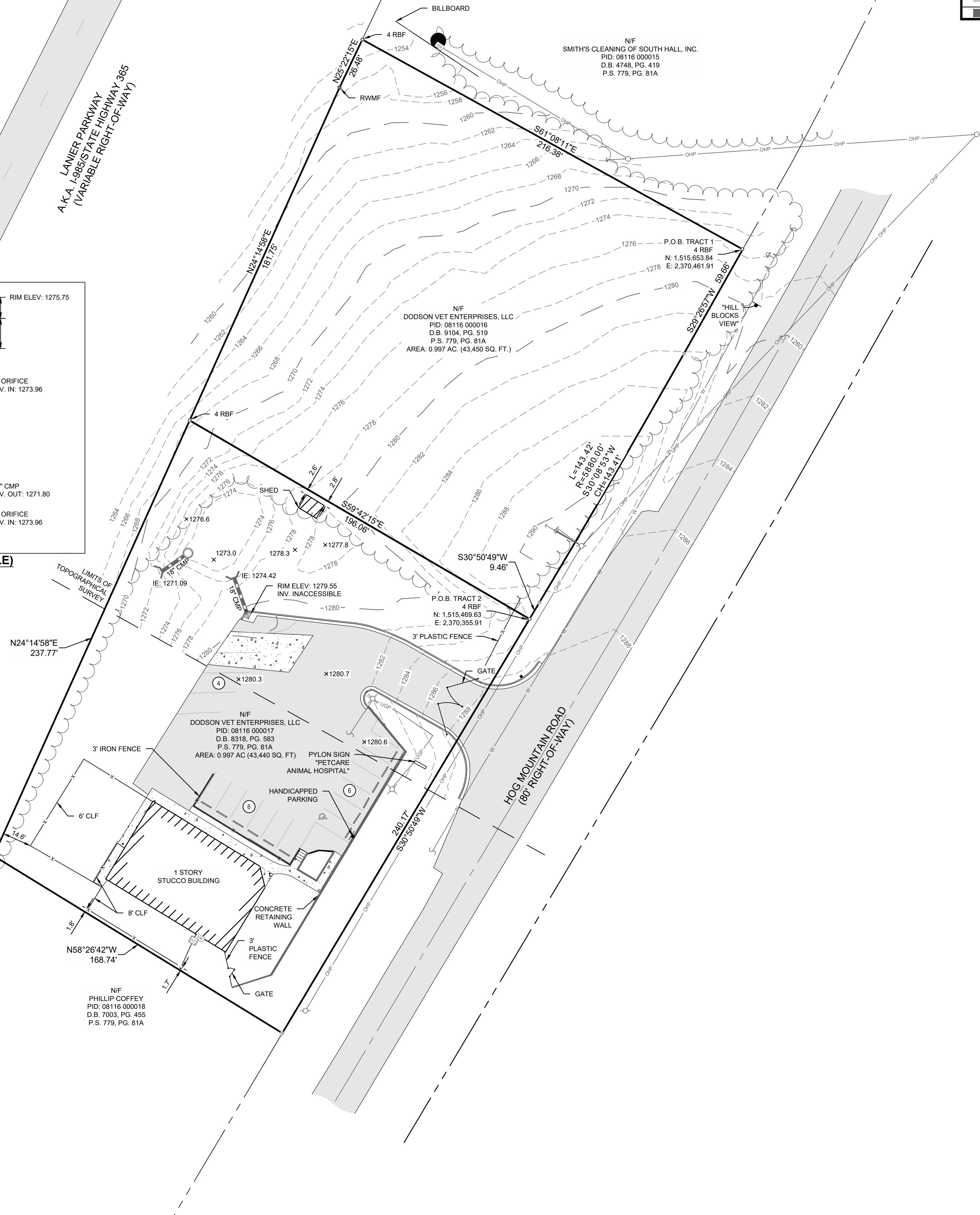
COLORS AND FINISHES PROVIDED ARE A REPRESENTATION OF THE DESIGN INTENT AND ARE SUBJECT TO MOIFICATIONS DEPENDANT ON THE MATERIAL AVAILBILTY AND FINAL PRODUCT SELECTION.

CLERK OF THE SUPERIOR COURT RECORDING
INFORMATION

A.K.A. LANIER PARKWAY
(VARIABLE RIGHT-OF-WAY)



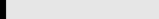
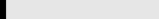
OCS DETAIL (NOT TO SCALE)



LINE LEGEND	
	PROPERTY LINE
	ADJOINING LOT LINE
	RIGHT OF WAY
	MAJOR CONTOUR
	MINOR CONTOUR
	FENCE
	ROAD CENTERLINE
	OVERHEAD POWER
	UNDERGROUND POWER
	WATER MAIN
	STORM SEWER

ABBREVIATION LEGEND	
RBF	REBAR FOUND
CMP	CORRUGATED METAL PIPE
IE	INLET ELEVATION
N/F	NOW OR FORMERLY
CLF	CHAIN LINK FENCE
R/W	RIGHT-OF-WAY
PVC	POLYVINYL CHLORIDE PIPE
S	END NOT LOCATED
X890.7	EXISTING SPOT ELEVATION

SYMBOL LEGEND	
	AIR CONDITIONER UNIT
	GRATE INLET
	CONCRETE MONUMENT FOUND
	ELECTRIC METER
	FIRE HYDRANT
	GUY WIRE
	ADA PARKING
	HEADWALL
	IRON PIN FOUND (TYPE NOTED)
	IRON PIN SET
	LIGHT POLE
	MAILBOX
	STREET SIGN
	UTILITY POLE
	OUTLET CONTROL STRUCTURE
	PARKING COUNT

HATCH LEGEND	
	ASPHALT
	CONCRETE
	BUILDING

**GEORGIA SURVEY NOTES:**

- A. THE FIELD WORK FOR THIS SURVEY WAS PERFORMED ON 05/19/2025/06/09/2025. ANY CHANGES IN SITE CONDITIONS AFTER THIS DATE ARE NOT REFLECTED ON THE SURVEY.
- B. THE FIELD DATA UPON WHICH THIS MAP OR PLAT IS BASED HAS A CLOSURE PRECISION OF 1 FOOT IN 159,404 FEET, AN ANGULAR 7.08 SECONDS PER ANGLE POINT AND WAS ADJUSTED USING THE COMPASS RULE.
- C. HORIZONTAL DATUM IS BASED ON NAD 83, GEORGIA STATE PLANE COORDINATE SYSTEM, WEST ZONE, AS ESTABLISHED BY PERFORMING REDUNDANT RTK GPS OBSERVATIONS ON PRIMARY SURVEY CONTROL POINTS UTILIZING eGPS GNSS REAL TIME NETWORK USING CARLSON BRX7.
- D. THIS MAP OR PLAT HAS BEEN CALCULATED FOR CLOSURE AND IS FOUND TO BE ACCURATE WITHIN 1 FOOT IN 385,256.
- E. ALL DISTANCES SHOWN ARE HORIZONTAL GROUND DISTANCES.
- F. EQUIPMENT USED: TRIMBLE SS, CARLSON BRX7 GPS
- G. SOURCE OF TITLE:
DOBSON VET ENTERPRISES, LLC
DEED BOOK 8318, PAGE 583
DEED BOOK 9104, PAGE 519
PLAT SLIDE 779, PAGE 81A
- H. PROPERTY CORNERS SET (4#RB8) ARE 1/2 INCH REBAR WITH PLASTIC CAP STAMPED "GL-13F 1371", UNLESS OTHERWISE NOTED.

GENERAL NOTES:

- A. PROPERTY ADDRESS: 5238 AND 5250 HOG MOUNTAIN ROAD
- B. TAX PARCEL ID: 08116 000016 AND 08116 000017
- C. THIS PARCEL OF LAND IS NOT IN THE 100 YEAR FLOOD PLAIN AND IS IN ZONE "SHADED X" ACCORDING TO FEMA FLOOD INFORMATION RATE DP. COMMUNITY NUMBER: 130353. MAP NUMBER: 13139C0291.H, DATED: DECEMBER 1, 2022.
- D. UNDERGROUND UTILITY LINES SHOWN HEREON ARE BASED ON SUE LEVEL & B. MARKING BY UTILITY MARKING, LLC ON 06/05/2025 AND WERE LOCATED AT TIME OF FIELD SURVEY. OTHER NON-METALLIC UTILITIES WITHOUT TRACER WIRE AND/OR OTHER BURIED STRUCTURES MAY EXIST ON THE PROPERTY.
- E. THIS SURVEY WAS PREPARED WITHOUT THE BENEFIT OF AN ABSTRACT TITLE. THE UNDERSIGNED HAS NO KNOWLEDGE OF ANY EASEMENTS OR COVENANTS OR REPRESENTATIONS REGARDING INFORMATION SHOWN HEREON PERTAINING TO EASEMENTS, RIGHT-OF-WAY, SETBACK LINES, AGREEMENTS, RESERVATIONS, AND OTHER SIMILAR MATTERS.
- F. IT IS THE RECOMMENDATION OF GASKINS V LECRAW TO HAVE EASEMENTS AND RIGHT-OF-WAY MARKED AND VERIFIED BY THE APPROPRIATE UTILITY OWNER, ROAD JURISDICTION OR RAILROAD PRIOR TO ANY CONSTRUCTION NEAR SAID EASEMENT OR RIGHT-OF-WAY. SOURCE OF INFORMATION USED TO ESTABLISH EASEMENTS AND RIGHTS-OF-WAY REFERENCED HEREON, IF PROVIDED BY CLIENT, SURVEYED PROPERTY IS SUBJECT TO COVENANTS, EASEMENTS, AND RESTRICTIONS OF RECORD THAT MAY NOT BE SHOWN HEREON.
- G. CURRENT ZONING: M-1 ZONING CLASSIFICATION IS BASED ON HALL COUNTY GIS

TOPOGRAPHIC DATA:

- A. VERTICAL DATUM: NAVD 88 AND WAS OBTAINED BY PERFORMING REDUNDANT RTK GPS OBSERVATIONS ON PRIMARY SURVEY CONTROL POINTS UTILIZING eGPS GNSS REAL TIME NETWORK USING CARLOS BRX7.
- B. CONTOURS SHOWN HEREON ARE BASED ON FIELD RUN SURVEY DATA AND COMPLETED ON 05/21/2025.

SURVEYOR'S CERTIFICATION

(iii) THIS PLAT IS A RETRACEMENT OF AN EXISTING PARCEL OR PARCELS OF LAND AND DOES NOT SUBDIVIDE OR CREATE A NEW PARCEL OR MAKE ANY CHANGES TO ANY REAL PROPERTY INTERESTS. THE UNDERSEALED LAND SURVEYOR HAS REVIEWED THE DOCUMENTS, MAPS, PLATS, OR OTHER INSTRUMENTS, IF ANY, WHICH CREATED THE PARCEL OR PARCELS ARE STATED HEREON. RECORDATION OF THIS PLAT DOES NOT IMPLY APPROVAL OF ANY LOCAL JURISDICTION, AVAILABILITY OF PERMITS, OR COMPLIANCE WITH ANY LOCAL REGULATORY REQUIREMENTS, OR SUITABILITY FOR ANY USE OR PURPOSE OF THE LAND. FURTHERMORE, THE UNDERSEALED LAND SURVEYOR CERTIFIES THAT THIS PLAT COMPLIES WITH THE MINIMUM TECHNICAL STANDARDS FOR SURVEYS IN THE GEORGIA SET FORTH IN THE RULES AND REGULATIONS OF THE GEORGIA BOARD OF NEEDED PROFESSIONAL ENGINEERS AND LAND SURVEYORS AND AS SET FORTH IN O.C.G.A. SECTION 15-6-67.

PRELIMINARY

AS SURVEYOR FOR
GASKINS + LECRAW, INC

GRAEME KAISER GEORGIA PLS No. 3277 DATE: 06/19/2025

PREPARED IN THE OFFICE OF:



© 2025 GASKINS + LECRAW, INC.
1266 POWDER SPRINGS RD SW
MARIETTA, GA 30064
PHONE - 770.424.7168
www.gaskinslecrew.com

PEF008123

REVISIONS:

[illegible]

BOUNDARY AND TOPOGRAPHIC SURVEY FOR

BLUE FROG LLC

PROJECT LOCATION

PETCARE ANIMAL HOSPITAL

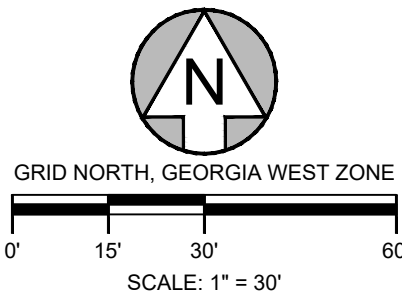
5238 AND 5250 HOG MOUNTAIN ROAD
LAND LOT 116, 8TH DISTRICT
CITY OF FLOWERY BRANCH, HALL COUNTY, GEORGIA

CALL BEFORE YOU DIG



Know what's below.
Call before you dig

SCALE & NORTH ARROW:



SURVEY INFO:

DRAWN BY:	NP
REVIEWED BY:	GK
JOB #:	03880002
DATE:	06/19/2025

SHEET NUMBER

1 OF 1



REZONING APPLICATION

Date: 6/10/25

Address of Request:

5238 Hog Mountain Road, Flowery Branch, GA 30542

Tax Map # 08116 000016 Current Zoning: M-1

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

Currently a conforming use? No

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

Applicant Information

Name: Dodson Vet Enterprises, LLC (Dr. Vanessa Dodson) c/o Gaskins + LeCraw

Address: 5250 Hog Mountain Road, Flowery Branch, GA 30542

3475 Corporate Way, Suite A, Duluth, GA 30096 (Representative)

E-mail address: dblumenthal@gaskinslecraw.com (Representative)

Phone number: 678.546.8100 (Representative)

Signature: *Vanessa R. Dodson* (owner)

Notary Seal: *Justine E Foster*

JUSTINE E FOSTER
NOTARY PUBLIC
Hall County
State of Georgia
My Comm. Expires Sept. 27, 2026



Property owner information (if different than the applicant)

Property owner (please print): N/A

Address: _____

E-mail address: _____

Phone number: _____

Signature: _____

Notary Seal:

Property Information

Tax Map Number: 08116 000017

Current Zoning: M-1 Total Acres: 1.00

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

Proposed City of Flowery Branch Zoning: O-P

Current Use: Vacant

Please complete the attached Rezoning Completeness Checklist and attach all supplementary required documents listed therein to this application. Completeness Checklists can also be found on the website, www.flowerybranchga.org, under the "Forms" section.



Conflict of Interest Disclosure

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

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

No

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

No

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

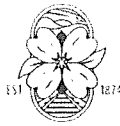
No

Disclosure of Campaign Contributions

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



FLOWERY
• BRANCH •

CITY STAFF ONLY

Application Received By: _____

Date: _____ Total Fee: _____

City of Flowery Branch Community Development Office

5512 Main St

Flowery Branch, GA, 30542

770-967-6378

ANNEXATION/REZONING COMPLETENESS CHECKLIST

Please review each line item on the Completeness Checklist prior to submitting an application to the City of Flowery Branch. Please initial **each line item** (numerical and alphabetical sub lists) in the initial blocks provided in the left-hand column. Initialed checklist must be included with the completed application and all other required documentation at time of submittal. **All requirements must be provided in hard copy form and digital form on a flash drive.**

Applicant Name: Dodson Vet Enterprises, LLC (Dr. Vanessa Dodson) c/o Gaskins + LeCraw

Project Name: PetCare of Flowery Branch

N/A	1.	Completed annexation application with all signatures and notary stamps present and all fields filled out and in compliance with all requirements. (Article 44, Sec. 44.4) Completed concurrent rezoning application with all signatures and notary stamps present and all fields filled out and in compliance with all requirements. (Article 34, Sec. 34.8)
X	2.	Legal description of property.
X	3.	Current survey of the property.
X	4.	Site plan of the property in accordance with the requirements of the Flowery Branch Code of Ordinances (Article 34, Sec 34.4 & 34.5):
X		a) Uses an appropriate engineering scale
X		b) Shows proposed use and relevant information regarding proposed improvements
X		c) All existing AND proposed buildings and/or structures
X		d) Parking and internal circulation
X		e) Proposed landscaping
X		f) Buffers, where required
		g) Other information as required by the Zoning Administrator
	5.	Detailed description of the request.
X	6.	Required development statistics (Article 34, Sec 34.6) (separate document):
X		a) Maximum and proposed height of any structure
X		b) Maximum and proposed gross square footage of the building area (nonresidential only)
X		c) Color rendering of any and all proposed structure(s)
X		d) Material list (with percentages) of any and all proposed structure(s)
X		e) Maximum and proposed number of dwelling units and minimum and proposed square footage of heated floor area for any dwelling unit (residential only)
X		f) Maximum and proposed lot coverage of building area (square feet and percent)
X		g) Minimum and proposed square footage of landscaped area (square feet and percent)
X		h) Minimum, maximum and proposed number of parking spaces

City of Flowery Branch Community Development Office

5512 Main St

Flowery Branch, GA, 30542

770-967-6378

ANNEXATION/REZONING COMPLETENESS CHECKLIST

		i) Other dimensional information as may be required by the Zoning Administrator
	7.	Written Analysis Requirements (Article 34, Sec. 34.7) (separate document):
X		a) Whether the proposal will permit a use that is suitable in view of the use and development of adjacent and nearby properties.
X		b) Whether the proposal will adversely affect the existing use or usability of adjacent or nearby properties.
X		c) Whether the property to be affected by the proposal can be used in accordance with the existing regulations and has a reasonable economic use as currently zoned.
X		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.
X		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.
X		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.
X		g) 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.
X		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.
X		i) Whether a proposed zoning map amendment or conditional use approval will be a deterrent to the value or improvement of the development of adjacent property in accordance with existing regulations.
X		j) The possible creation of an isolated zoning district unrelated to adjacent and nearby districts.
X		k) Possible effects of the change in zoning district map, or change in use, on the character of a zoning district.
X		l) The possible impact on the environment, including but not limited to, drainage, soil erosion and sedimentation, flooding, air quality and water quality.

City of Flowery Branch Community Development Office

5512 Main St

Flowery Branch, GA, 30542

770-967-6378

ANNEXATION/REZONING COMPLETENESS CHECKLIST

X		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.
X	8.	Conflict of interest disclosure (in body of application).
X	9.	Disclosure of campaign contributions (in body of application).
X	10.	Names and addresses of adjoining property owners. (separate document)
X	11.	Reasons for requesting annexation/rezoning. (separate document)
X	12.	Signed statement authorizing City of Flowery Branch staff and/or City Council to inspect subject property. (separate document)
N/A	13.	Annexations > 100 acres of land require an official request to amend the character area and future land use map designation for the subject property.
X	14.	Letter of intent describing the proposed use of the property or other action requested. (separate document)

The undersigned does hereby attest that all requirements in the above checklist have been met and that all required documentation has been provided at the time of submittal. The undersigned acknowledges that any application found to be incomplete upon review will be returned to the applicant for completion.

Name (print): Vanessa Dodson

Signature:  (owner)

Date: 6/10/25



June 20, 2025

Mayor and City Council
City of Flowery Branch
5410 Pine Street
Flowery Branch, GA 30542

LETTER OF INTENT: Rezoning Application for 5238 Hog Mountain Road

Honorable Mayor and City Council.

On behalf of our client, Dodson Vet Enterprises, LLC (Dr. Vanessa Dodson) (the “Applicant”), please accept this Letter of Intent to rezone 5238 Hog Mountain Road, being Tax Map #08116 000016 (the “Subject Property”) from M-1 (Light Manufacturing and Industrial) to O-P (Office Professional). The Applicant is seeking to rezone the Subject Property to O-P, so that it can be used for a new veterinary clinic.

The Subject Property is currently vacant. The proposed rezoning and associated use are appropriate in view of the use and development of nearby property.

All required documentation is included in this application. We appreciate your consideration of this request.

Sincerely,

Dani Blumenthal

Dani Blumenthal
Entitlements

Danielle.blumenthal@gaskinslecraw.com

NOTICE OF CONSTITUTIONAL ALLEGATIONS AND PRESERVATION OF CONSTITUTIONAL RIGHTS

The portions of City of Flowery Branch Code of Ordinances, facially and as applied to the Subject Property, which restrict or classify or may restrict or classify the Subject Property so as to prohibit its development as proposed by the Applicant are or would be unconstitutional in that they would destroy the Applicant's property rights without first paying fair, adequate and just compensation for such rights, in violation of the Fifth Amendment and Fourteenth Amendment of the Constitutional of the United States and Article I, Section I, Paragraph I of the Constitution of the State of Georgia of 1983, and would be in violation of the Commerce Clause, Article I, Section 8, Clause 3 of the Constitution of the United States.

The application of the City of Flowery Branch Code of Ordinances to the Subject Property which restricts its use to any classification other than proposed by the Applicant is unconstitutional, illegal, null and void, constituting a taking of Applicant's Property in violation of the Just Compensation Clause of the Fifth Amendment to the Constitutional of the United States, Article I, Section I, Paragraph I, and Article I, Section III, Paragraph I of the Constitution of the State of Georgia 1983, and the Equal Protection and Due Process Clauses of the Fourteenth Amendment of the Constitution of the United Staes denying the Applicant and economically viable use of its land while not substantially advancing legitimate state interests.

A denial of this Application would constitute an arbitrary irrational abuse of discretion and unreasonable use of the zoning power because they bear no substantial relationship to the public health, safety, morality or general welfare of the public and substantially harm the Applicant in violation of the due process and equal protection rights guaranteed by the Fifth Amendment and Fourteenth Amendment of the Constitution of the United States, and Article I, Section I, Paragraph I and Article I, Section III, Paragraph I of the Constitution of the State of Georgia.

A refusal by the City of Flowery Branch City Council to amend the land use and/or rezone the Subject Property to the classification as requested by the Applicant would be unconstitutional and discriminate in an arbitrary, capricious and unreasonable manner between the Applicant and owners of similarly situated property in violation of Article I, Section I, Paragraph II of the Constitution of the State of Georgia of 1983 and the Equal Protection Clause of the Fourteenth Amendment to the Constitution of the United States. Any rezoning of the Property subject to conditions which are different from the conditions requested by the Applicant to the extent such different conditions would have the effect of

further restricting Applicant's utilization of the property, would also constitute an arbitrary, capricious and discriminatory act in zoning the Subject Property to an unconstitutional classification and would likewise violate each of the provisions of the State and Federal Constitutions set forth hereinabove.

A refusal to allow the land use amendment and/or rezoning in question would be unjustified from a fact-based standpoint and instead would result only from constituent opposition, which would be an unlawful delegation of authority in violation of Article IX, Section II, Paragraph IV of the Georgia Constitution.

A refusal to allow the land use amendment and/or rezoning in question would be invalid inasmuch as it would be denied pursuant to an ordinance which is in compliance with the Zoning Procedures Law, O.C.G.A Section 36-66/1 seq., due to the manner in which the Ordinance as a whole and its map(s) have been adopted.

The existing land use designation and/or zoning classification on the Subject Property is unconstitutional as it applies to the Subject Property. This notice is being given to comply with the provisions of O.C.G.A Section 36-33-5 to afford the City an opportunity to revise the Property to a constitutional classification. If action is not taken by the City to rectify this unconstitutional land use designation and/or zoning classification within a reasonable time, the Applicant is hereby placing the City on notice that it may elect to file a claim in the Superior Court of Hall County demanding just and adequate compensation under Georgia law for the taking of the Subject Property, diminution of value of the Subject Property, attorney's fees and other damages arising out of the unlawful deprivation of the Applicant's property rights.

For the foregoing reasons, the Applicant respectfully requests that the Rezoning and Administrative Variance at issue be approved. The Applicant also invites and welcomes any comments from Staff or other officials of City of Flowery Branch so that such recommendations or input might be incorporated as conditions of approval of this Application.

This 20th day of June 2025.

Respectfully submitted,

Dani Blumenthal



Written Analysis

- a) Whether the proposal will permit a use that is suitable in view of the use and development of adjacent and nearby properties.**

The proposal will permit a use that is suitable in view of the use and development of adjacent and nearby properties.

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

The proposal will not adversely affect the existing use or usability of adjacent or nearby properties.

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

- 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.**

To the knowledge of the applicant, the proposal 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 proposal is inconsistent with the 2041 Comprehensive Plan, but the proposed use is compatible with surrounding development. The Subject Property is located within the industrial employment land use area. The Comprehensive Plan states that the vision for the industrial employment land use is for those areas to function as a concentration of employment and job activity. The proposed O-P zoning district allows uses that provide employment opportunities.



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

The applicant is unaware of 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 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 Subject Property is undeveloped and the proposed rezoning and associated use are appropriate in view of the use and development of surrounding properties.

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

To the applicant's knowledge, the proposed rezoning will not be a deterrent to the value or improvement of the development of adjacent property in accordance with existing regulations.

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

No adjacent parcels are zoned O-P, but the proposed zoning and associated use are appropriate in view of the use and development of surrounding properties.

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

The applicant is unaware of potential effects of the proposed change in zoning district map.



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

To the applicant's knowledge, the proposal will not impact the site's drainage, soil erosion and sedimentation, flooding, air quality, water quality, or other environmental factors.

- l) The relation that the proposed map amendment or conditional use bears to the purpose of the overall zoning scheme and the purpose of this Zoning Ordinance.**

The proposed zoning map amendment will have no impact on the purpose of the overall zoning scheme and the purposes of this Zoning Ordinance.



Adjoining Property Owners: Rezoning Application for 5238 Hog Mountain Road

Owner Name	Address
SMITH'S CLEANING OF SOUTH HALL INC	5226 Hog Mountain Road, Flowery Branch, GA 30542
DODSON VET ENTERPRISES LLC (Same as Subject Property)	5250 Hog Mountain Road, Flowery Branch, GA 30542



KEY NOTES	
①	24" CURB & GUTTER, SEE SHEET C-7.0 FOR DETAIL
②	RAMP FOR ROLLING TRASH BINS TO DUMPSTER
③	HEAVY DUTY PAVEMENT, SEE SHEET C-7.2 FOR PAVEMENT SPECIFICATIONS
④	STANDARD DUTY PAVEMENT, SEE SHEET C-7.2 FOR PAVEMENT SPECIFICATIONS
⑤	CONCRETE SIDEWALK, SEE SHEET C-7.0 FOR DETAIL
⑥	GDOT STANDARD ADA RAMP WITH DETECTABLE WARNING, SEE SHEET C-7.1 FOR DETAIL
⑦	CONTRACTOR TO TIE INTO AND MATCH EXISTING CURB & GUTTER
⑧	LANDSCAPE AREA, SEE SHEET L-1.0 FOR LANDSCAPE PLANTING DESIGN
⑨	ADA PARKING AREA, SEE SHEET C-7.0 FOR DETAIL(S)
⑩	ADA PARKING SIGN, SEE SHEET C-7.0 FOR DETAIL
⑪	DUMPSTER ENCLOSURE, REFER TO ARCHITECTURAL PLANS FOR DETAILS
⑫	PROPOSED FENCE, REFER TO ARCH. PLANS FOR DETAILS
⑬	4" WIDE SINGLE SOLID WHITE LINE (SSWL)

SITE NOTES	
1)	ADMINISTRATIVE VARIANCE IS NEEDED FOR 3 ADDITIONAL PARKING SPACES

PREPARED IN THE OFFICE OF:



**GASKINS
+ LECRAW**

© 2025 GASKINS + LECRAW, INC.
3475 CORPORATE WAY
SUITE A
DULUTH, GA 30096
PHONE - 678.546.8100
www.gaskinslecrow.com

PEF008127

[illegible]

CLIENT
BLUE FROG
3011 SUTTON GATE DRIVE, STE 102, SUWANEE, GA 30024

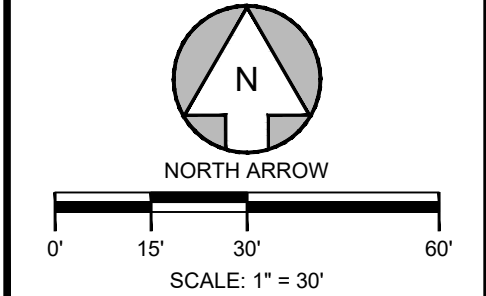
PROJECT
PET CARE ANIMAL HOSPITAL- FLOWERY BRANCH
5238 & 5250 HOG MOUNTAIN ROAD
PID 081116 0000016 & 081116 000017
FLOWERY BRANCH, HALL COUNTY, GEORGIA

SEAL:

CALL BEFORE YOU DIG



SCALE & NORTH ARROW:



DESIGN INFO:

DRAWN BY:	SOO
DESIGNED BY:	MCS
REVIEWED BY:	MCS
JOB #:	03880002
DATE:	06/20/2025

CONCEPT SITE PLAN

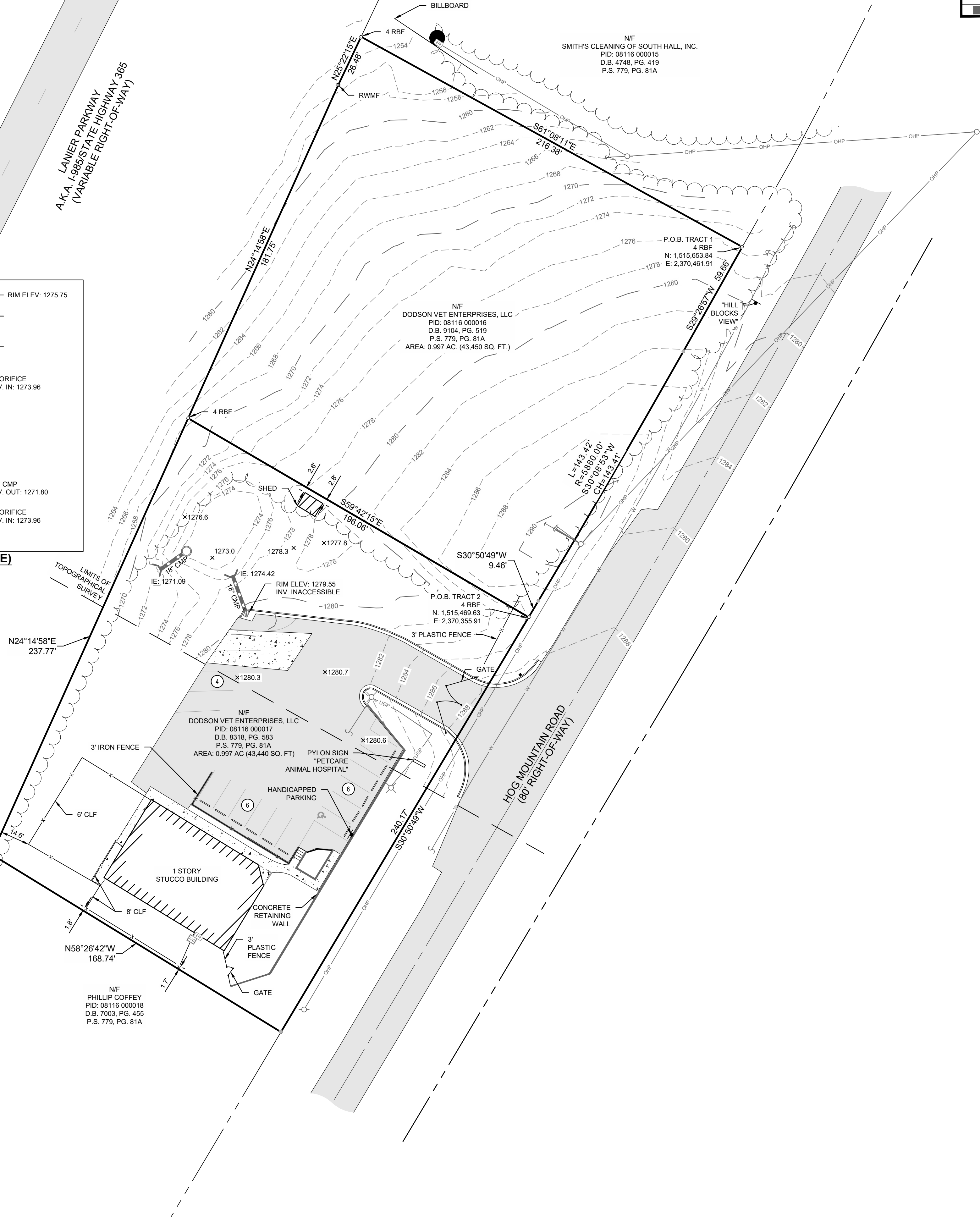
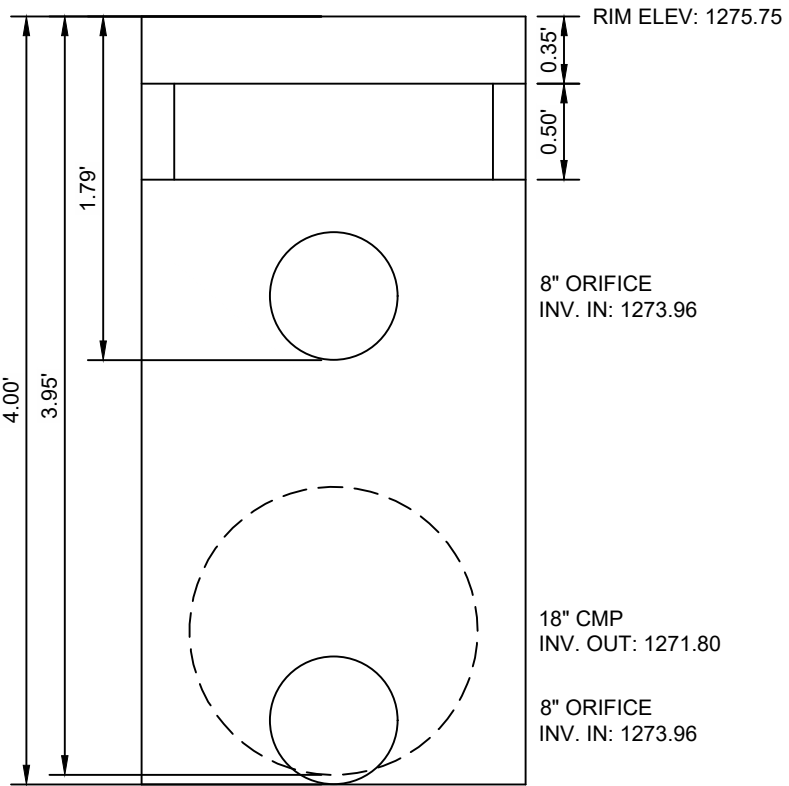
CS-1

Drawing name: C:\Users\pact\Gaskins+LeCraw\Dropbox\Shared Folders\Survey\03880002 PetCare Animal Hospital\BNDY\DWG\03880002 PetCare BNDY.dwg 1 Jun 19, 2025 8:22am by npaltz

CLERK OF THE SUPERIOR COURT RECORDING
INFORMATION

LANIER PARKWAY
A.K.A. I-985 STATE HIGHWAY 365
(VARIABLE RIGHT-OF-WAY)

OCS DETAIL (NOT TO SCALE)



LINE LEGEND	
	PROPERTY LINE
	ADJOINING LOT LINE
	RIGHT OF WAY
	MAJOR CONTOUR
	MINOR CONTOUR
	FENCE
	ROAD CENTERLINE
	OVERHEAD POWER
	UNDERGROUND POWER
	WATER MAIN
	STORM SEWER

ABBREVIATION LEGEND	
RBF	REBAR FOUND
CMP	CORRUGATED METAL PIPE
IE	INLET ELEVATION
N/F	NOW OR FORMERLY
CLF	CHAIN LINK FENCE
R/W	RIGHT-OF-WAY
PVC	POLYVINYL CHLORIDE PIPE
S	END NOT LOCATED
X890.7	EXISTING SPOT ELEVATION

SYMBOL LEGEND	
	AIR CONDITIONER UNIT
	GRATE INLET
	CONCRETE MONUMENT FOUND
	ELECTRIC METER
	FIRE HYDRANT
	GUY WIRE
	ADA PARKING
	HEADWALL
	IRON PIN FOUND (TYPE NOTED)
	IRON PIN SET
	LIGHT POLE
	MAILBOX
	STREET SIGN
	UTILITY POLE
	OUTLET CONTROL STRUCTURE
	PARKING COUNT

HATCH LEGEND	
	ASPHALT
	CONCRETE
	BUILDING



GEORGIA SURVEY NOTES:	
A.	THE FIELD WORK FOR THIS SURVEY WAS PERFORMED ON 05/19/2025-06/09/2025. ANY CHANGES IN SITE CONDITIONS AFTER THIS DATE ARE NOT REFLECTED ON THE SURVEY.
B.	THE FIELD DATA UPON WHICH THIS MAP OR PLAT IS BASED HAS A CLOSURE PRECISION OF 1 FOOT IN 159,404 FEET, AN ANGULAR 7.06 SECONDS PER ANGLE POINT AND WAS ADJUSTED USING THE COMPASS RULE.
C.	HORIZONTAL DATUM IS BASED ON NAD 83, GEORGIA STATE PLANE COORDINATE SYSTEM, WEST ZONE, AS ESTABLISHED BY PERFORMING REDUNDANT RTK GPS OBSERVATIONS ON PRIMARY SURVEY CONTROL POINTS UTILIZING gGPS GNSS REAL TIME NETWORK USING CARLSON BR7.
D.	THIS MAP OR PLAT HAS BEEN CALCULATED FOR CLOSURE AND IS FOUND TO BE ACCURATE WITHIN 1 FOOT IN 385,256.
E.	ALL DISTANCES SHOWN ARE HORIZONTAL GROUND DISTANCES.
F.	EQUIPMENT USED: TRIMBLE S5, CARLSON BR7 GPS
G.	SOURCE OF TITLE: DODSON VET ENTERPRISES, LLC DEED BOOK 8318, PAGE 583 DEED BOOK 9104, PAGE 519 PLAT SLIDE 779, PAGE 81A
H.	PROPERTY CORNERS SET (#4RBS) ARE 1/2 INCH REBAR WITH PLASTIC CAP STAMPED "G+L LSF 1371", UNLESS OTHERWISE NOTED.

GENERAL NOTES:	
A.	PROPERTY ADDRESS: 5238 AND 5250 HOG MOUNTAIN ROAD
B.	TAX PARCEL ID: 08116 000016 AND 08116 000017
C.	THIS PARCEL OF LAND IS NOT IN THE 100 YEAR FLOODPLAIN AND IS IN ZONE "SHADED X" ACCORDING TO F.E.M.A. FLOOD INFORMATION RATE MAP. COMMUNITY NUMBER: 130333, MAP NUMBER: 13139C0291H, DATED: DECEMBER 1, 2022.
D.	UNDERGROUND UTILITIES SHOWN HEREON ARE BASED ON SUE LEVEL B PAINT MARKINGS BY UTILITY MARKING, LLC ON 06/05/2025 AND WERE LOCATED AT TIME OF FIELD SURVEY. OTHER NON-METALLIC UTILITIES WITHOUT TRACER WIRE AND/OR OTHER BURIED STRUCTURES MAY EXIST ON THE PROPERTY.
E.	THIS SURVEY WAS PREPARED WITHOUT THE BENEFIT OF AN ABSTRACT TITLE. THEREFORE, THE UNDERSIGNED AND GASKINS + LECRAW MAKE NO GUARANTEES OR REPRESENTATIONS REGARDING INFORMATION SHOWN HEREON PERTAINING TO EASEMENTS, RIGHT-OF-WAY, SETBACK LINES, AGREEMENTS, RESERVATIONS, AND OTHER SIMILAR MATTERS.
F.	IT IS THE RECOMMENDATION OF GASKINS + LECRAW TO HAVE EASEMENTS AND RIGHTS-OF-WAY MARKED AND VERIFIED BY THE APPROPRIATE UTILITY OWNER, ROAD JURISDICTION OR RAILROAD PRIOR TO ANY CONSTRUCTION NEAR SAID EASEMENT OR RIGHT-OF-WAY. SOURCE OF INFORMATION USED TO ESTABLISH EASEMENTS AND RIGHTS-OF-WAY REFERENCED HEREON, IF PROVIDED BY CLIENT. SURVEYED PROPERTY IS SUBJECT TO COVENANTS, EASEMENTS, AND RESTRICTIONS OF RECORD THAT MAY NOT BE SHOWN HEREON.
G.	CURRENT ZONING: M-1 ZONING CLASSIFICATION IS BASED ON HALL COUNTY GIS

TOPOGRAPHIC DATA:	
A.	VERTICAL DATUM: NAVD 88 AND WAS OBTAINED BY PERFORMING REDUNDANT RTK GPS OBSERVATIONS ON PRIMARY SURVEY CONTROL POINTS UTILIZING gGPS GNSS REAL TIME NETWORK USING CARLSON BR7.
B.	CONTOURS SHOWN HEREON ARE BASED ON FIELD RUN SURVEY DATA AND COMPLETED ON 05/21/2025.

<u>SURVEYOR'S CERTIFICATION</u>	
(iii) THIS PLAT IS A RETRACEMENT OF AN EXISTING PARCEL OR PARCELS OF LAND AND DOES NOT SUBDIVIDE OR CREATE A NEW PARCEL OR MAKE ANY CHANGES TO ANY REAL PROPERTY BOUNDARIES. THE RECORDING INFORMATION OF THE DOCUMENTS, MAPS, PLATS, OR OTHER INSTRUMENTS WHICH CREATED THE PARCEL OR PARCELS ARE STATED HEREON. RECORDATION OF THIS PLAT DOES NOT IMPLY APPROVAL OF ANY LOCAL JURISDICTION, AVAILABILITY OF PERMITS, COMPLIANCE WITH LOCAL REGULATIONS OR REQUIREMENTS, OR SUITABILITY FOR ANY USE OR PURPOSE OF THE LAND. FURTHERMORE, THE UNDERSIGNED LAND SURVEYOR CERTIFIES THAT THIS PLAT COMPLIES WITH THE MINIMUM TECHNICAL STANDARDS FOR PROPERTY SURVEYS IN GEORGIA AS SET FORTH IN THE RULES AND REGULATIONS OF THE GEORGIA BOARD OF REGISTRATION FOR PROFESSIONAL ENGINEERS AND LAND SURVEYORS AND AS SET FORTH IN O.C.G.A. SECTION 15-6-67.	
AS SURVEYOR FOR GASKINS + LECRAW, INC.	
GRAEME KAISER	GEORGIA PLS No. 3277
DATE: 06/19/2025	

PREPARED IN THE OFFICE OF:



© 2025 GASKINS + LECRAW, INC.
1266 POWDER SPRINGS RD SW
MARIETTA, GA 30064
PHONE: 770.424.7168
www.gaskinslecraw.com

PEF008127

REVISIONS:

NO.	DATE	DRAWN BY	CHECKED BY
1			
2			
3			
4			
5			
6			
7			
8			
9			
10			

BOUNDARY AND TOPOGRAPHIC SURVEY FOR

BLUE FROG LLC

PROJECT LOCATION

PETCARE ANIMAL HOSPITAL

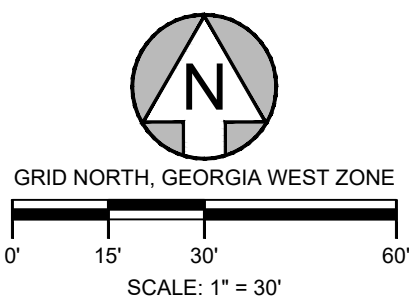
5238 AND 5250 HOG MOUNTAIN ROAD
CITY OF FLOWERY BRANCH, HALL COUNTY, GEORGIA

CALL BEFORE YOU DIG



Know what's below.
Call before you dig.

SCALE & NORTH ARROW:



SURVEY INFO:

DRAWN BY:	NP
REVIEWED BY:	GK
JOB #:	03880002
DATE:	06/19/2025

SHEET NUMBER

1 OF 1

LEGAL DESCRIPTION

PID: 08116 000016

ALL THAT PARCEL OF LAND LYING IN LAND LOT 116, OF THE 8TH DISTRICT OF HALL COUNTY, GEORGIA, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A 1/2" REBAR FOUND ON THE NORTHEASTERLY RIGHT-OF-WAY OF HOG MOUNTAIN ROAD, SAID ROAD HAVING AN 80' RIGHT-OF-WAY AND HAVING GEORGIA WEST STATE PLANE COORDINATES (N=1,515,653.84, E=2,370,461.91), SAID 1/2" REBAR FOUND BEING THE POINT OF BEGINNING;

THENCE ALONG SAID RIGHT-OF-WAY SOUTH 29 DEGREES 26 MINUTES 57 SECONDS WEST 59.66 FEET TO AN IRON PIN SET;

THENCE ALONG SAID RIGHT-OF-WAY ALONG A CURVE TURNING TO THE RIGHT WITH AN ARC LENGTH OF 143.42 FEET, WITH A RADIUS OF 5880.00 FEET, SUBTENDED BY A CHORD OF 143.41 FEET, WITH A CHORD BEARING OF SOUTH 30 DEGREES 08 MINUTES 53 SECONDS WEST TO AN IRON PIN SET;

THENCE ALONG SAID RIGHT-OF-WAY SOUTH 30 DEGREES 50 MINUTES 49 SECONDS WEST 9.46 FEET TO A 1/2" REBAR FOUND;

THENCE LEAVING SAID RIGHT-OF-WAY NORTH 59 DEGREES 42 MINUTES 15 SECONDS WEST 196.06 FEET TO A 1/2" REBAR FOUND ON THE SOUTHEASTERLY RIGHT-OF-WAY OF LANIER PARKWAY, ALSO KNOWN AS I-985 AND STATE HIGHWAY 365, SAID HIGHWAY HAVING A VARIABLE RIGHT-OF-WAY;

THENCE ALONG SAID RIGHT-OF-WAY NORTH 24 DEGREES 14 MINUTES 58 SECONDS EAST 181.75 FEET TO A RIGHT-OF-WAY-MONUMENT;

THENCE ALONG SAID RIGHT-OF-WAY NORTH 25 DEGREES 22 MINUTES 15 SECONDS EAST 26.48 FEET TO A 1/2" REBAR FOUND;

THENCE LEAVING SAID RIGHT-OF-WAY SOUTH 61 DEGREES 08 MINUTES 11 SECONDS EAST 216.38 FEET TO A 1/2" REBAR FOUND, SAID 1/2" REBAR FOUND BEING THE TRUE POINT OF BEGINNING.

CONTAINING 43,450 SQUARE FEET OR 0.997 ACRES, MORE OR LESS.



Blue Frog, LLC
3011 Sutton Gate Dr.
Suite 120
Suwanee, GA 30024
PHONE: 770-831-4150

THIS DRAWING IS THE PROPERTY OF BLUE FROG, LLC.
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THIS DRAWING IS TO BE RETURNED TO BLUE FROG, LLC.
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**VERIFY ALL DIMENSIONS AND
EXISTING CONDITIONS AT THE SITE
BEFORE PROCEEDING WITH EACH
PHASE OF THIS WORK.**

**REVIEW PLANS
ONLY!
NOT FOR
CONSTRUCTION**

PetCare Animal Hospital
5238 Hog Mountain Rd
Flowery Branch GA

PERSPECTIVE ELEVATIONS

Project number	BFC22CLEAN
Date Issued	06/19/25
Drawn by	BF ARCH
Checked by	SAR

A-6.0

Scale
Print
Date/Time 6/19/2025 3:03:31 PM
Page 383 of



COLORS AND FINISHES PROVIDED ARE A REPRESENTATION OF THE DESIGN INTENT AND ARE SUBJECT TO MODIFICATIONS DEPENDANT ON THE MATERIAL AVAILBILTY AND FINAL PRODUCT SELECTION.



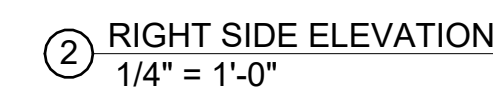
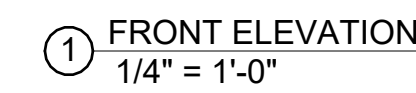
Blue Frog, LLC
3011 Sutton Gate Dr.
Suite 120
Suwanee, GA 30024
PHONE: 770-831-4150

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PetCare Animal Hospital
5238 Hog Mountain Rd
Flowery Branch GA

FRONT AND
RIGHT SIDE
ELEVATIONS

A-6.1



COLORS AND FINISHES
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FINAL PRODUCT SELECTION.



Blue Frog, LLC
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**VERIFY ALL DIMENSIONS AND
EXISTING CONDITIONS AT THE SITE
BEFORE PROCEEDING WITH EACH
PHASE OF THIS WORK.**

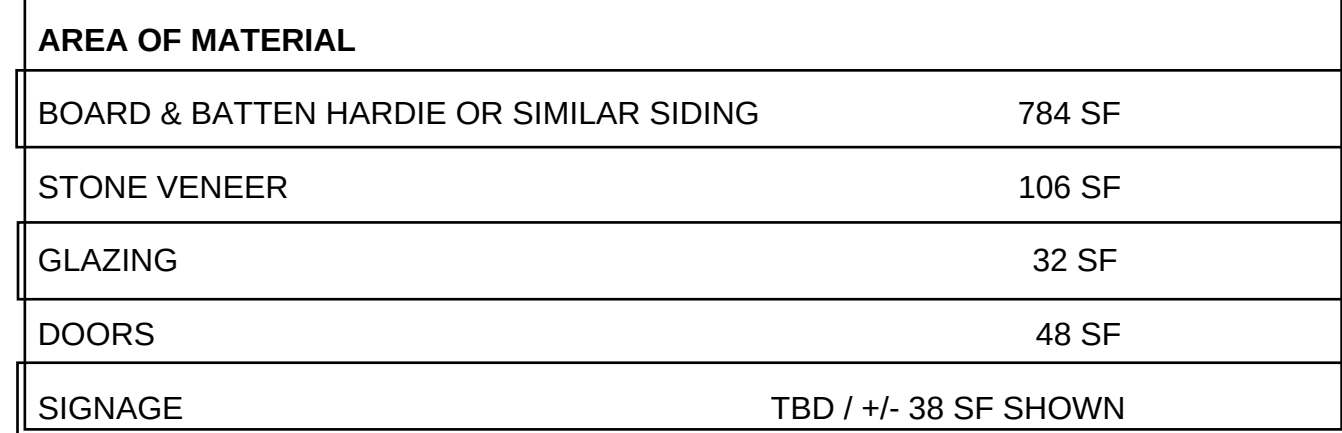
**REVIEW PLANS
ONLY!
NOT FOR
CONSTRUCTION**

PetCare Animal Hospital
5238 Hog Mountain Rd
Flowery Branch GA

REAR AND LEFT SIDE ELEVATIONS

A-6.2

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COLORS AND FINISHES
PROVIDED ARE A
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DESIGN INTENT AND ARE
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DEPENDANT ON THE
MATERIAL AVAILBILTY AND
FINAL PRODUCT SELECTION.

FLOWERY BRANCH CITY COUNCIL
EXECUTIVE SUMMARY

SUBJECT: Ordinance 764 – To Establish the Millage Rate for Tax Year 2025; Fiscal Year 2026.

DATE: 09/04/2025

(X) RECOMMENDATION

() POLICY DISCUSSION

() STATUS REPORT

BUDGET INFORMATION:
ANNUAL-
CAPITAL-

COUNCIL ACTION REQUESTED ON: 09/04/2025

PURPOSE:

Ordinance 764 – To Establish the Millage Rate for Tax Year 2025; Fiscal Year 2026.

HISTORY:

FACTS AND ISSUES:

O.C.G.A. § 36-81-3(b)(1) requires the City of Flowery Branch to adopt and operate under an annual balanced budget for the City's fiscal year, which runs from July 1st to June 30th of each year. The FY2026 budget was prepared using a millage rate of 3.264, however; a full roll-back millage rate of 3.247 is recommended.

OPTIONS: Ordinance 764 – To Establish the Millage Rate for Tax Year 2025; Fiscal Year 2026.

RECOMMENDED SAMPLE MOTION:

I make a motion to approve Ordinance 764, with a full roll-back, to Establish the Millage Rate for Tax Year 2025; Fiscal Year 2026 at 3.247.

DEPARTMENT: Administration

Prepared by: Matthew Hamby

ORDINANCE NO. 764

AN ORDINANCE TO FIX THE AD VALOREM TAX RATE FOR THE CITY OF FLOWERY BRANCH, GEORGIA FOR THE TAX YEAR 2025 AND THE FISCAL YEAR OF 2026; TO LEVY SAID TAX UPON ALL PROPERTY SUBJECT TO TAXATION BY THE CITY OF FLOWERY BRANCH, GEORGIA; TO PROVIDE FOR THE TIME OF PAYMENT OF SAID TAXES; TO PROVIDE FOR INTEREST AND PENALTIES FOR THE FAILURE TO PAY TAXES; TO PROVIDE FOR AN ADMINISTRATIVE PROCEDURE FOR THE COLLECTION OF DELINQUENT AD VALOREM TAXES; TO PROVIDE AN ADMINISTRATIVE PROCEDURE FOR THE COLLECTION OF DELINQUENT AD VALOREM TAXES FOR YEARS PRIOR TO 2025; TO REPEAL CONFLICTING ORDINANCES TO THE EXTENT OF ANY CONFLICT; FOR SEVERABILITY; AND, FOR ALL OTHER LAWFUL PURPOSES.

WHEREAS the City of Flowery Branch, Georgia is authorized to assess, levy and collect an ad valorem tax for the purpose of raising revenue to defray the costs of operating the city government, providing governmental services, for the repayment of principal and interest on general obligations, and for all other lawful public purposes; and,

WHEREAS the City of Flowery Branch, Georgia is authorized to establish for said tax a millage rate, a due date and in what length of time said tax must be paid; and,

WHEREAS; the City of Flowery Branch, Georgia is authorized to provide for interest and penalties for unpaid taxes and the collection of delinquent taxes.

WHEREAS, the City of Flowery Branch caused the Public Notice required by O.C.G.A. Sec. 48-5-32.1(c)(2) to be advertised in a newspaper of general circulation and on the city's website at least one week prior to each hearing; and

NOW THEREFORE the Council of the City of Flowery Branch hereby ordains as follows:

SECTION 1. GROSS MILLAGE RATE.

The ad valorem tax rate for the City of Flowery Branch, Georgia for the tax year 2025 and for the 2026 fiscal year for the City of Flowery Branch, Georgia based upon an estimated total valuation by the tax assessors of Hall County of property subject to ad valorem taxation by the City of Flowery Branch, Georgia is hereby set at a gross millage of 5.425 mills.

SECTION 2. CALCULATION AND PURPOSE OF NET MILLAGE RATE.

Upon dividing the net property value of \$1,235,792,789 into the total receipts of the local option sales tax for the 2025 tax year, which is \$2,692,087 provides a total roll back of 2.178 mills. Subtracting the total roll back of 2.178 mills from the gross millage rate of 5.425 mills provides for a net millage rate of 3.247 mills to be levied on each \$1,000 of taxable property within the corporate limits for the purpose of raising revenue:

- a) to defray the cost of operating the city government;
- b) to provide governmental services;
- c) for the repayment of principal and interest on general obligations; and/or,
- d) any other public purpose.

SECTION 3. 2024 AD VALOREM TAX LEVY.

There is hereby levied upon all property subject to ad valorem taxation by the City of Flowery Branch, Georgia, an ad valorem tax for the year 2025 of 3.247 mills on each \$1,000 of value of taxable property.

SECTION 4. DUE DATE OF TAX.

The said tax imposed is due and payable upon receipt of a tax notice mailed to each owner of the property subject to taxation. In any event, all taxes due under this Ordinance shall be paid no later than the one hundred twentieth (120th) day after the postmark of said tax bills, without penalty.

SECTION 5. INTEREST AND PENALTIES ASSESSED.

(A) In any instance in which any person willfully fails to pay within 120 days of the date when due, any ad valorem tax owed, such person shall pay, in absence of a specific statutory civil penalty for failure, a penalty of five percent (5%) of the amount of tax due and not paid at the time such penalty is assessed with interest as specified in this section. After 120 days from the imposition of the initial penalty, an additional penalty of five percent (5%) of any tax amount remaining due shall be imposed, together with interest as specified in this section. Should any tax amount remain due 120 days after such date, a penalty of five percent (5%) shall be imposed, together with interest as specified in this section. The aggregate amount of penalties shall not exceed an amount equal to twenty (20%) of the principal amount of the tax originally due. These penalties shall not, however, apply in the case of:

(1) Ad valorem taxes of \$500.00 or less on homestead property as defined in Part 1 of Article 2 of Chapter 5 of Title 48 of the Official Code of Georgia Annotated; or

(2) With respect to tax year 1986 and future tax years, ad valorem taxes of any amount on homestead property as defined in Part 1 of Article 2 of Chapter 5 of Title 48 of the Official Code of Georgia Annotated, if the homestead property was during the tax year acquired by a new owner who did not receive a tax bill for the tax year and who immediately before acquiring the homestead property resided outside the State of Georgia and if the taxes are paid within one year following the due date.

(B) Taxes owed the city shall bear interest at an annual rate equal to the bank prime loan rate as posted by the Board of Governors of the Federal Reserve System in statistical release H. 15 or any publication that may supersede it, plus three percent (3%), to accrue monthly. Such annual interest rate shall be determined for each calendar year based on the first weekly posting of statistical release H. 15 on or after January 1 of each calendar year. Interest shall begin to accrue from the date the tax is due until the date the tax is paid. For the purpose of this section, any period of less than one month shall be considered one month.

SECTION 6. NOTICE, ISSUANCE OF FI. FA. AND LEVY AND SALE TO COLLECT PAST DUE AND DELINQUENT AD VALOREM TAXES.

A past due and delinquent tax notice shall be mailed by the Mayor, City Manager, or other duly authorized agent of the City of Flowery Branch, Georgia to all owners of property subject to taxation who have not paid the tax due on or before the sixty first (61st) day after the postmark on said tax bills. The past due and delinquent tax notice shall be sent by certified or registered mail, return receipt requested. Upon failure to pay the tax due within thirty days of the return receipt of the past due and delinquent tax notice sent by certified or registered mail, the Mayor, the City Manager, or other property duly authorized agent of the City of Flowery Branch, Georgia shall cause a writ of fieri facias to be issued and recorded on the appropriate tax digest of the City of Flowery Branch, Georgia or on the general execution docket of Hall County. **The City of Flowery Branch shall be entitled to assess the expenses of issuing and recording a writ of fieri facias, not to exceed \$30.00, incurred due to the failure of the owner (taxpayer) to pay the ad valorem taxes owed.** All property of a taxpayer subject to said writ shall be subject to levy and sale in accordance with the provisions for sheriff's sales to secure payment of the past due and the delinquent ad valorem taxes, or through any other foreclosure procedure allowed under Georgia Law including, but not limited to the procedure set out by O.C.G.A. Section 48-4-75, et seq. The City of Flowery Branch, Georgia shall also be entitled to assess the expenses of any tax foreclosure sale, including attorney's fees, which the City of Flowery Branch, Georgia incurred due to the failure of the owner (taxpayer) to pay the ad valorem taxes owed.

SECTION 7. PROCEDURE FOR COLLECTION OF PAST DUE AND DELINQUENT AD VALOREM TAXES FOR THE YEARS PRIOR TO 2025.

For all past due and delinquent ad valorem taxes for the years prior to the calendar year 2025, which are due and owing to the City of Flowery Branch, Georgia by delinquent taxpayers, the City of Flowery Branch, Georgia, through a duly authorized agent which may be, but does not have to be, the Mayor, the City Manager, or other authorized agent, shall send a past due and delinquent tax notice by mail to all owners of property subject to taxation for the calendar years. This past due and delinquent tax notice shall be sent to aid delinquent by certified or registered mail, return receipt requested. Upon failure to pay the tax due within sixty (60) days of the return receipt of the past due and delinquent tax notice sent by certified or registered mail, the Mayor, the City Manager, or other properly duly authorized agent of the City of Flowery Branch, Georgia shall cause a writ of fieri facias to be issued and recorded on the appropriate tax

digest of the City of Flowery Branch, Georgia or on the general execution docket of Hall County. All property of a taxpayer subject to said writ shall be subject to levy and sale in accordance with the provisions for sheriff's sales to secure payment of the past due and the delinquent ad valorem taxes, or through any other foreclosure procedure allowed under Georgia Law including, but not limited to the procedure set out by O.C.G.A. Section 48-4-75, et seq. The City of Flowery Branch, Georgia shall also be entitled to assess the expenses of any tax foreclosure sale, including attorney's fees, which the City of Flowery Branch, Georgia incurred due to the failure of the owner (taxpayer) to pay the ad valorem taxes owed."

SECTION 8. REPEAL OF CONFLICTING ORDINANCES TO THE EXTENT OF THE CONFLICT.

Any part of any prior ordinances, in conflict with the terms of this Ordinance, are hereby repealed to the extent of the conflict; but it is hereby provided, that any ordinance or law which may be applicable hereto and aid in carrying out and making effective the intent, purpose and provisions hereof, is hereby adopted as a part hereof and shall be legally construed to be in favor of upholding this Ordinance on behalf of the City of Flowery Branch, Georgia.

SECTION 9. SEVERABILITY.

If any paragraph, subparagraph, sentence, clause, phrase or any portion of this Ordinance shall be declared invalid or unconstitutional by any court of competent jurisdiction or if the provisions of any part of this Ordinance as applied to any particular situation or set of circumstances shall be declared invalid or unconstitutional, such invalidity shall not be construed to affect the portions of this Ordinance not so held to be invalid, or the application of the Ordinance to other circumstances not so held to be invalid. It is hereby declared to be the intent of the City Council of the City of Flowery Branch to provide for separate and divisible parts, and it does hereby adopt any and all parts hereof as may not be held invalid for any reason.

SO ORDAINED this 4th day of September, 2025.

Edward R. Asbridge, Mayor

ATTEST:

Shelia R. Cooper, City Clerk

APPROVED AS TO FORM:

Ted Baggett, City Attorney

FLOWERY BRANCH CITY COUNCIL
EXECUTIVE SUMMARY

SUBJECT: Resolution No. 25-011 Surplus of Water Tank located on Roberts Drive, Flowery Branch, GA. 30542.

DATE: 09/04/2025

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

BUDGET INFORMATION:
ANNUAL-
CAPITAL-

COUNCIL ACTION REQUESTED ON: 09/04/2025

PURPOSE:

To adopt Resolution No. 25-011 to surplus the water tank located on Roberts Drive, Flowery Branch, GA. 30542

HISTORY:

The City of Flowery Branch is authorized by O.C.G.A § 36-35-3 and Art, VI § 6.13 of the Charter of the City of Flowery Branch to sell and convey any real or personal property owned by the city in accordance with the provisions of O.C.G.A §36-37-6.

FACTS AND ISSUES:

O.C.G.A § 36-35-3 and Art, VI § 6.13 of the Charter of the City of Flowery Branch to sell and convey any real or personal property owned by the city in accordance with the provisions of O.C.G.A §36-37-6. City of Flowery Branch Policy requires that any surplus property be auctioned on the GovDeals website.

OPTIONS: Surplus water tank and auction of GovDeals or do not surplus water tank.

RECOMMENDED SAMPLE MOTION:

I make a motion to approve Resolution No. 25-011 to surplus the water tank located on Roberts Drive and authorized staff to auction the water tank on the GovDeals website.

DEPARTMENT: Administration

Prepared by: Matthew Hamby

**RESOLUTION NO. 25-011 SURPLUS OF WATER TANK LOCATED ON
ROBERTS DRIVE, FLOWERY BRANCH, GA. 30542**

**A RESOLUTION AUTHORIZING AND DIRECTING THE SALE OF CERTAIN
PROPERTY OWNED BY THE CITY OF FLOWERY BRANCH.**

WHEREAS, the City of Flowery Branch is authorized by O.C.G.A § 36-35-3 and Art, VI § 6.13 of the Charter of the City of Flowery Branch to sell and convey any real or personal property owned by the city in accordance with the provisions of O.C.G.A §36-37-6.

NOW THEREFORE BE IT RESOLVED by the Mayor and Council of the City of Flowery Branch, Georgia, that the City of Flowery Branch sell the water tank, located on Roberts Drive, Flowery Branch, GA. 30542, in accordance with the provisions of O.C.G.A §36-37-6.

SO RESOLVED this 4th day of September 2025.

Edward R. Asbridge, Mayor

ATTEST:

Shelia R. Cooper, City Clerk

APPROVED AS TO FORM:

Ted Baggett, City Attorney



CITY OF FLOWERY BRANCH CITY COUNCIL

EXECUTIVE SUMMARY



SUBJECT: Consider approval of Release of Property Damage by ASG Roll Off Company, LLC for damages to the screw conveyor belt system at the Water/Wastewater Treatment Plant.

DATE: September 4, 2025

COUNCIL ACTION REQUESTED ON: September 4, 2025

BUDGET INFORMATION:

N/A

PURPOSE: To consider the approval of a Release for Property Damage Only for ASG Roll Off Company, LLC.

HISTORY: In March 2025, a new screw conveyor belt system was installed at the Water/Wastewater Treatment Plant as part of the early works package. In May, this equipment was damaged by an employee of ASG Roll Off Company, LLC.

FACTS & ISSUES: On March 10, 2025, Charter Machine Company turned the newly installed screw conveyor belt system over to the City of Flowery Branch for use. On May 5, 2025, an employee of ASG Roll Off Company, LLC raised a can onto the back of the roll-off truck while his truck was still under the chute. The employee pulled forward with the can at a 45-degree angle, which would allow the can to clear. Next, he leveled the can out on the truck, causing the back of it to rise, get caught and pull the chute, causing irreparable damage.

Archer Western sent Engineer Thomas Giglio with Charter Machine Company to review the damage. His findings are as follows:

- Conveyor trough is not salvageable.
- Conveyor lid at the split joint is bent and not reusable.
- The electrical appears to be in good order at this time. However, the units cannot be tested at this time.
- The screw is bent to an estimated 15 degrees. (This may flex out but cannot be evaluated without running the screw)

- All the metal supports are bent and not savable (The center support is twisted, the secondary supports mounting to the belt conveyor are bent and bowed.)

The conveyor is a total loss and will need to be completely remade.

The replacement quote was received from Charter Machine Company for full replacement for a total of \$77,666.00 which includes shipping costs. Womack Electric Co., Inc. has provided a quote for the electrical work for a total of \$1,450.00. Total replacement costs are \$79,116.

Lancer Insurance is the insurance representative for ASH Roll Off Company, LLC. They have agreed to issue payment to the City of Flowery Branch in the amount of \$79,116.00 with a release for property damage only relating to the accident which occurred on May 2, 2025.

OPTIONS: 1. Approve the Release for Property Damage Only for ASG Roll Off Company, LLC and accept the sum of \$79,116.00 for repairs to damaged screw conveyor belt system at the water/wastewater treatment plant.
2. Do not approve the Release for Property Damage Only. Provide alternative recommendations to staff.

RECOMMENDED SAMPLE MOTION: I make a motion to approve and authorize the Mayor to sign the Release for Property Damage Only accepting the payment of \$79,116.00 for a replacement screw conveyor belt system with ASG Roll Off Company, LLC.

DEPARTMENT: Human Resources

PREPARED BY: Krystle Hightower, Human Resources Director

Claim #: 1979503

RELEASE FOR PROPERTY DAMAGE ONLY

I, The City of Flowery Branch, for ourselves, our heirs, executors, administrators, successors and assigns in consideration of the payment of **Seventy-nine thousand one hundred sixteen dollars and zero cents** (\$79,116.00), do hereby remise, release and forever ASG Roll Off Company LLC, Logan Stephens, "Lancer Insurance Company, its parent companies, subsidiaries and affiliates (hereinafter collectively referred to as Lancer)" charged or chargeable with responsibility or liability, and their heirs, executors, administrators, successors and assigns from and against all property damage claims, demands, actions and causes of action for damages whensoever and howsoever, arising on account of damage to property (including loss of use thereof), arising out of an accident which occurred on or about 05/02/2025 at or near 5410 Pine Street, Flowery Branch, GA 30542.

The above sum stated as a consideration of this Release is to be paid as follows:

\$ 79,116.00

IT IS FURTHER UNDERSTOOD AND AGREED that neither this Release, nor any payment made pursuant hereto, is to be taken as an admission of liability on the part of any person in whose favor this Release is given.

IN WITNESS WHEREOF, we have signed and sealed this Release at _____
in the State of _____ this _____ day of _____, 2025.

IN THE PRESENCE OF:

Witness x _____ Date _____

Address _____

ANY PERSON WHO KNOWINGLY AND WITH INTENT TO INJURE, DEFRAUD, OR DECEIVE
ANY INSURANCE COMPANY OR FILES A STATEMENT OF CLAIM CONTAINING ANY
FALSE, INCOMPLETE OR MISLEADING INFORMATION IS GUILTY OF A FELONY.



Dewatering Equipment Machines Division
A GEC Subsidiary

DATE: August 4, 2025

TO: The Walsh Group

PROPOSAL: Charter Machine Company (CMC)
Proposal No. 250520-C73Rev2

PROJECT: Flowery Branch GA WWTP

SUBJECT: Replacement Screw Conveyor

We are pleased to offer the following equipment of our manufacture for your consideration.

Charter Machine Company is located in Metuchen NJ (1/2 hour outside of New York City) with a factory of over 100,000 square feet of manufacturing space. **Charter builds all of its own presses, polymer systems, belt conveyors, screw conveyors, thickeners, control panels and much more. Even offering NEW ELODE technology that takes the cake solids from any dewatering equipment and doubles it with just the use of some electric.** Charter houses over \$3,000,000 worth of spare parts with 24 hour delivery service available.

NOTE: This quote is for a Direct Exact Replacement for the damaged conveyor that Charter Machine Co originally supplied.

Item 1

One (1) Charter Machine Company – Sludge Conveyance System,

We are pleased to provide the following:

- One (1) 10" diameter, 20' long, 304 ss trough, Shaftless Screw Conveyor
- Three (3) short Hot Dip Galvanized supports shall be provided.
- Two (2) long Hot Dip Galvanized supports shall be provided.
- One (1) Electric slide gate
- All interconnecting wiring shall be by others.
- Estop on all conveyors

Item 2

The services of a factory trained representative for the purposes of inspection, startup and operator training will be provided for a period not to exceed **two (2) days on-site, and to be completed in one (1) trip**

Additional service may be requested at a rate of \$175 per hour, plus all travel and living expenses.

Please Note:

Except as otherwise noted herein, the following are not included in our offering:

Local, state or federal taxes, permits, or other fees.

Warranty:

CHARTER MACHINE COMPANY shall warranty its equipment to be free from defects in material and workmanship for a period of one (1) year from the date of issuance of the Certificate of Installation by Charter to the owner/contractor, or for a maximum of eighteen (18) months from the date of delivery, whichever occurs first. If a Certificate of Installation is not issued by Charter within eighteen (18) months of the delivery date, this warranty shall be valid for one (1) year from the date of delivery only. This warrantee supersedes any and all Contractor to owner warrantees unless otherwise agreed to in writing prior to purchase order acceptance. If no extended warrantee is listed in this quote, the original Charter Machine Co warrantee as listed above takes precedence over any and all bid package, specifications and contractor contract language without EXCEPTION.

Final Information and Pricing:

We propose to furnish the above described equipment for the Total Lot Net Selling Price of **\$ 77,666.00 U.S.D.**, ***This price includes the shipping cost to the job site or agreed upon location between client and Charter.***

PLEASE NOTE: This pricing has been provided to the best of our ability and knowledge as of today's market. With pending tariffs and steel volatility, the pricing below is only valid for 30 days and is subject to change at any time thereafter.

NOTE: Charter Machine Co. is not authorized to collect or remit any taxes except for in NJ. Contractor is responsible for all taxes, duties, fees.

Purchase Order to be written to:
Charter Machine Co.
55 Wester Ave
Metuchen NJ 08840
Attn: Walter Kuehnrich

Unless otherwise specified our preferred standard payment terms are as follows:

25% - Invoiced upon receipt of purchase order, Net 15 days

30% - Invoiced upon submittal approval and before release to production, Net 15 days

35% - Due upon delivery of equipment and must be paid prior to scheduling start up and training of operating personnel.

10%- Retainage due after Charter Machine's equipment per scope of supply has been started up and Certificate of Substantial Completion has been given.

Charter Machine Company will **NOT accept any Contractor deductions or withholdings from the structured Invoiced amount.**

Payment terms are negotiable. Other terms and conditions apply per the attached sheet. Late payments shall be subject to a 1.5% per month finance charge.

Unless otherwise specified this proposal is offered for acceptance for (30) thirty days and is subject to review thereafter. Pricing is firm based upon receipt of a Purchase Order within this (30) thirty-day period.

Submittal Schedule (if required):

Charter Machine Company is an Eco-Friendly company and provides submittals in electronic format only. Approval submittals can be forwarded approximately **4-6 weeks** after our receipt and acceptance of your purchase order. Subsequent resubmittals will be returned **2-4 weeks** after receipt of review and based on Charter's engineering load. Reviewed submittals must be returned by engineer/contractor to Charter Machine within **2-4 weeks**.

At the time of acceptance of this contract, Charter Machine Company ("CMC") expresses in our proposal and terms of our contract that timely review and return of submittals is critical as it impacts our ability to order the equipment and material from the CMC suppliers. Any delay in the return of approved submittals precludes CMC from ordering any equipment, and consequently, will possibly result in increased prices from the CMC suppliers. CMC will seek, and is entitled to be reimbursed, the cost of any increase in the supply of the equipment and materials ordered as a result of any delay in reviewing and returning the submittals. A possible change order could be forthcoming once the material orders are placed and any escalation costs are assessed by CMC suppliers. Moreover, please be advised that CMC shall not be responsible for any equipment delivery delays to the Project or costs incurred as a result of the failure to return submittals in accordance with the Contract.

O&M Schedule:

Charter Machine Company is an Eco-Friendly company and provides O&M manuals in electronic format only. O&M manuals shall be provided only after 90% payment has been made.

Delivery Schedule:

Shipment of the equipment can be made approximately **20-28 weeks** after our receipt of approval and your release to manufacture.

X_____ (initial here)

These lead times are based upon typical Engineering and Shop loading, which may vary to some degree.

Offering Basis:

Please note that our offering, as described herein, is based upon Charter Machine's understanding of the process application and meets the intention of the specification for the Flowery Branch WWTP. Should the contents of any addenda (or other applicable documents) have an effect on our offering, we must reserve the right to modify that offering (and pricing) accordingly. We request your assistance in keeping us abreast of any changes. Should the contents of any addenda (or other applicable documents) have an effect on our offering, we must reserve the right to modify that offering (and pricing) accordingly.

1. Hold Harmless / Excusable Event:

Seller shall not have any liability or be considered to be in breach or default of its obligations under the Contract to the extent that performance of such obligations is delayed or prevented, directly or indirectly, due to: (i) causes beyond its reasonable control; or (ii) acts of God, act (or failure to act) of governmental authorities or third parties not engaged by Seller, fires, severe weather conditions, earthquakes, strikes or other labor disturbances, floods, war (declared or undeclared), epidemics, civil unrest, riot, delays in transportation, or car shortages; or (iii) acts (or omissions) of Buyer including failure to promptly perform Buyer's obligations under the Contract or (iv) inability on account of causes beyond the reasonable control of Seller to obtain necessary materials, necessary components or services. Seller shall notify Buyer of any such delay. The date of delivery or of performance shall be extended for a period equal to the time lost by reason of delay, provided that the Contract shall not be extended due to any Excusable Event, unless mutually agreed upon in writing by the parties. Seller shall notify Buyer, as soon as practicable, of any revised delivery date and service resumption date. If Seller is delayed by acts or omissions of Buyer, or by the prerequisite work of Buyer's other contractors or suppliers, Seller shall also be entitled to any equitable price adjustment. If delay excused by and Excusable Event extends for more than one hundred twenty (120) days and the parties have not agreed upon a revised basis for continuing the work at the end of the delay, including the equitable price adjustment, then either party (except where delay is caused by Buyer, in which event only Seller), upon thirty (30) days written notice, may terminate the Contract with respect to undelivered parts to which title has not yet passed and any uncompleted services.

This quote is valid for 30 days. If the project extends longer than that time period without an issuance of a valid Purchase Order or Letter of Intent, Charter has the right to recost the bid based on any extra imposed taxes, duties, fees and cost of living increase from date of bid.

We wish you success on this project and look forward to the opportunity of working with you.

Very truly yours,

Charter Machine Company

A handwritten signature in blue ink, appearing to read "C. Boyd", is shown on a light-colored background.

Christopher Boyd

Director of Sales

732-425-7489

ChrisB@chartermachine.com

Purchase order issuer acknowledges that they have read and understood the Charter Machine scope of supply listed in this quote. Any changes need to be clarified before a purchase order is verified.

X_____ (sign) _____ (print) _____ (date)

**CHARTER MACHINE COMPANY
TERMS AND CONDITIONS OF SALE**

1. **Governing Terms:** These Terms and Conditions shall exclusively govern the sale of equipment, components and related services by Charter Machine to Purchaser. Acceptance of Charter Machine's offer or counteroffer by acknowledgment is expressly limited to the terms and conditions set forth herein and those stated in any specific Charter Machine proposal or acknowledgment. Charter Machine hereby gives notice of objection to any different or additional terms which may be proposed or contained in any document forwarded by Purchaser. No other terms or conditions or modification of these terms shall be binding upon Charter Machine unless specifically accepted in writing by an authorized representative of Charter Machine. Merely signing a purchase order or other document as a condition of payment shall not be deemed a specific acceptance of different terms therein by Charter Machine. In the event of any inconsistency between these terms and conditions and the express terms and conditions of any specific Charter Machine proposal or acknowledgment, the express terms and conditions contained in that specific proposal or acknowledgment shall be controlling. In the event that Charter is forwarding these terms and conditions as part of Charter's acceptance of an offer made by the Purchaser, whether through a Purchase Order or other document, Charter's acceptance of such offer is hereby expressly conditioned upon Purchaser's acceptance of and assent to the terms and conditions set forth herein.
2. **Pricing:** Unless otherwise expressly stated therein, prices set forth in quotations are valid for acceptance within 60 days of a Charter Machine proposal and shipment is to be made within six months from any such acceptance. If Purchaser causes or requests delays in manufacture or shipment such that shipment is not made within six months from acceptance of a Charter Machine proposal, Charter Machine shall be entitled to receive a price increase in the amount of the actual escalation in labor, material, overhead, and component costs incurred by Charter Machine, as well as reasonable costs of shutdown, delay, start-up and storage costs. The price increase shall be affected by an appropriate Change Order, as more specifically set forth in Paragraph 4 of these Terms and Conditions.
3. **Payment Terms:** Subject to a satisfactory credit check and approval by the Charter Machine Credit Department, Charter Machine will extend credit to Purchaser and payment of the full net invoice price shall be due within 30 days of receipt by Purchaser. Should any investigation or other facts made known to or discovered by Charter Machine at any time cause Charter Machine to reasonably deem its ability to recover payment insecurity of payment at any time, Charter Machine reserves the right to demand payment terms which adequately assure Charter Machine of Purchaser's ability to make payment and to withhold shipment until such terms are reached or payment is received. Invoice amounts that are not paid within thirty days shall be subject to a 1.5% per month finance charge.
4. **Change Orders:** When Purchaser delivers a signed and approved Change Order, Charter Machine shall make such changes which are within the general scope of these Terms and Conditions and which are set forth in the Change Order. Adjustments in the pricing and time of delivery, if any, resulting from these changes shall be set forth in the agreed upon Change Order. Any adjustment in price shall be an agreed upon lump sum based upon Charter Machine's proposal for the Change Order work.
5. **Payment For Additional Work:** Charter Machine will perform additional work if and when provided a final approved and agreed upon signed Change Order. Purchaser shall pay Charter Machine the amount set forth in the Change Order within thirty days from the date of the completion of the Change Order work.
6. **Taxes:** Purchaser shall be responsible for payment of any and all applicable sales, use, excise or other taxes resulting from any sale made to Purchaser. Charter Machine shall add any applicable sales, use, excise or other tax to the price of equipment, components or related services and remit such tax to the appropriate taxing authority. Purchaser is responsible for and bears the risk of establishment of a valid exemption from any tax, and shall indemnify, defend and hold Charter Machine harmless from any loss, cost or expense relating to exemptions.

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7. **Shipping:** All equipment and components will ordinarily be shipped in one lot by the lowest cost method in the discretion of Charter Machine. Additional shipments requested by Purchaser shall be subject to additional shipping and handling charges. All shipments shall be F.O.B. Charter Machine's plant. Delivery to the carrier shall constitute delivery to Purchaser for purposes of transfer of risk of loss or damage in transit and meeting Purchaser's schedule. Purchaser is responsible for obtaining cargo insurance and shall pursue any loss or damage claims solely with the carrier.
8. **Delivery Dates:** All delivery dates are approximate and subject to revision due to engineering approval delays, availability of materials and components, and other causes beyond Charter Machine's control, including but not limited to unusual weather conditions, fire, unusual delays in transportation, acts of God or government, accidents, any labor dispute (including lockouts or strikes), damage or breakdown at Charter Machine's plant or any other work stoppage of 30 days or more. Charter Machine will use its best efforts to meet promised delivery dates, but under no circumstances shall Charter Machine be liable for any direct, or indirect, consequential, incidental, liquidated or other damages for delay in delivery. Purchaser will notify Charter Machine within 30 days after order acceptance of the scheduled delivery date. If Purchaser does not notify Charter Machine a delivery date of 6 months after order acceptance is agreed. For any delays which are beyond Charter Machine's responsibility, a finance charge of 1.5% per month will be due.
9. **Field Service:** "Field Service" refers to the services of a Charter Machine factory-trained representative at the site of end-use for initial installation, inspection, start-up observation and operator training and for subsequent investigation of warranty issues, operation difficulties and Purchaser complaints or requests for post-warranty service. Purchaser acknowledges that Charter Machine Field Service representatives shall make all arrangements necessary with labor unions for their presence on the site. No contractual warranty or indemnity relating to Field Service is extended by Charter Machine, nor are its Field Service representatives authorized to bind Charter Machine with any oral or written representations or statements that conflict with or alter the governmental contract terms or any manuals or written instructions provided by Charter Machine. This paragraph shall apply to any and all initial and subsequent Field Service provided by Charter Machine relating to the equipment sold to the Customer. Each project includes a specific number of days of start-up service on site, consisting of not more than 2 separate site visits. Charter Machine is unable and is not required to perform its start-up service unless and until the entire project is ready for start-up. All days for which Purchaser schedules Charter Machine for start-up services, but Charter Machine cannot perform start-up services because of improper installation, the failure of other equipment or the status or operability of any other portion of the project, will be charged against the allotment of start-up services for the project. If the allotted amount of start-up services are exhausted and any additional start-up services are required, all start-up services in excess of the allotted start-up services will require approval of a written Change Order and Purchaser will be required to pay for such additional start-up services at the rates established in that change order.
10. **Cancellation:** Purchaser may not cancel or terminate its order without the written consent of Charter Machine and payment of Charter Machine's incurred costs, overhead, losses and anticipated profit. If Purchaser is subject to a termination for convenience provision in the prime contract, Charter Machine may consider a request to defer payment pending resolution of the Purchaser's claim.
11. **Government Standards:** Charter Machine's equipment will be designed and manufactured to comply with federal government occupational safety, noise, sanitation and health standards. The Purchaser is solely responsible for compliance of the equipment and its operation with any state or local laws, codes, ordinances, or regulations, unless specifically identified by Charter Machine in its proposal.
12. **Limited Warranty:** Charter Machine warrants that the equipment and components furnished will be and remain free from defects in workmanship and materials and perform the general process function intended, solely under the conditions defined by Charter Machine, for a period of (a) 12 months from completion of installation, start-up or acceptance of the equipment, or (b) 18 months from the date of delivery to Purchaser, whichever expires first. Charter Machine will replace, modify or repair, at its sole option, any

such defective component or equipment at no charge provided that Charter Machine is notified promptly in writing of any claimed defect and, if requested by Charter Machine, the claimed defective part or component is returned to Charter Machine, freight pre-paid. If Purchaser fails to promptly notify Charter Machine in writing of any claimed defect, Purchaser waives its right to claim a breach of the warranty with respect to such claimed defects. This warranty does not apply to any defect or malfunction arising out of failure to store, install, operate or maintain the equipment in accordance with instructions by Charter Machine or its operation under conditions other than those defined by Charter Machine. Any unauthorized modification or alteration of the equipment or repair or replacement of components shall void this warranty.

THIS WARRANTY IS EXCLUSIVE AND INTENDED TO BE IN LIEU OF ANY OTHER WARRANTIES, INCLUDING THE IMPLIED WARRANTIES OF MERCHANTABILITY AND FITNESS FOR A PARTICULAR PURPOSE.

13. **Exclusive Remedies:** Purchaser acknowledges that its sole and exclusive remedies for breach of the Limited Warranty shall be replacement or repair by Charter Machine of any defective equipment or component, and payment of the reasonable out-of-pocket costs incurred in connection with replacement or repair if such costs are approved in advance by Charter Machine, or refund of 80% of the purchase price if the equipment cannot be repaired or replaced. This remedy is exclusive and does not include any consequential, incidental, special or other form of damage or extraordinary costs for removal or re-installation, such as crane rental or structural alteration or demolition.
14. **Limitation of Liabilities:** Charter Machine shall not be liable in contract, tort or otherwise for any form of consequential, incidental, punitive, or liquidated damages, loss of use, cost of cover, extraordinary removal or re-installation costs, or governmental fines or penalties arising out of failure of its equipment to perform or be free from defects, late shipment, errors or omissions in Field Service or any other breach or failure to perform whatsoever. Under no circumstances shall Charter Machine's total liability of any type exceed 80% of the purchase price.
15. **Indemnification:** Charter Machine shall indemnify Purchaser from and against any claims, suits, or demands by others for property damage, personal injury or death arising out of the sole fault or neglect of Charter Machine in the manufacture of its equipment, or for damages for patent infringement arising solely out of equipment or components designed and supplied by Charter Machine. This indemnity obligation shall be void unless Purchaser provides prompt written notice to Charter Machine of any occurrence which may require indemnification. Charter Machine shall assume the defense and settlement of any claim, suit or demand, and Purchaser shall cooperate in all respects with Charter Machine in any such defense and settlement.
16. **Title:** Notwithstanding delivery or installation, title to all equipment furnished shall remain solely with Charter Machine until the full purchase price is paid by Purchaser. Until such time, Charter Machine may enter the premises where such equipment is then located and repossess and remove such equipment by any lawful means and as Charter Machine's personal property. Purchaser agrees to perform all acts deemed necessary or desirable or requested by Charter Machine to maintain Charter Machine's rights, in, and title to, such equipment.
17. **Governing Law:** The transaction between Purchaser and Charter Machine shall be deemed to be made under and its terms shall be governed by, construed and enforced in accordance with the laws of the State of New Jersey without regard to its conflict of laws provisions.
18. **Arbitration:** Any controversy or claim arising out of or relating to this contract or its breach shall be settled by binding arbitration conducted in New Jersey in accordance with the Construction Industry Arbitration Rules of the American Arbitration Association and New Jersey law and judgment on the award rendered by the arbitrator(s) may be entered in any court of competent jurisdiction. The party prevailing in the arbitration shall be entitled to recover its attorneys' fees and costs of the arbitration.

19. **Assignment:** Purchaser shall not assign any of its rights or obligations without the express prior written consent of Charter Machine, which consent may be withheld, delayed or conditioned in Charter Machine's sole discretion. The transaction between Purchaser and Charter Machine shall not be construed to confer or create a third-party beneficiary relationship with any other entity.
20. **Severability:** The partial or complete invalidity of any one or more provisions of these Terms and Conditions shall not affect the validity or continuing force and effect of any other provision.
21. **Joint Drafting:** The parties expressly agree that these Terms and Conditions were jointly drafted, and that they both had an opportunity to negotiate its terms and to obtain the assistance of counsel in reviewing its terms prior to execution. These Terms and Conditions therefore shall be construed neither against nor in favor of either party, but shall be construed in a neutral manner.

Flowery Branch Early Design Package : Disconnect and Reconnect Damaged Conveyor

Totals (Summary) - Bid Summary: Default

Material	
Non-Quoted	\$250.00
Quotes	0.00
Sales Tax (0.00%)	0.00
Total Material	\$250.00
Labor	
Direct (12.00 hours @ \$96.88)	\$1,162.56
Non-productive Labor	0.00
Total Labor (12.00 hours)	\$1,162.56
Direct Job Expenses	\$37.44
Warranty	0.00
Subcontracts	0.00
Job Subtotal (Prime Cost)	\$1,450.00
Overhead (0.00%)	0.00
Profit (0.00%)	0.00
Job Total	\$1,450.00

Actual Bid Price	\$1,450.00
------------------	------------

Material to Direct Labor ratio: 0.18	
Prime Cost per square foot	\$0.00
Job Total per square foot	\$0.00
Actual Bid Price per square ft	\$0.00
Labor cost per square foot	\$0.00
Labor hours per square foot	0.00
Gross Profit %	0.00
Gross Profit \$	\$0.00
Net Profit %	0.00

Job Notes:

- Make trip to site, troubleshoot and disconnect motor on damaged conveyor.
- Return to site, re-terminate motor, and run through check out w/ GC and/or manufacturer.



Memorandum

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

From: Planning and Community Development

Date: September 4th, 2025

Subject: Proposed Convenience Store with Gas Pumps at Gaines Ferry Road and McEver Road; Tax Parcel 08140 000215. Cases include **Conditional Use Permit (CUP)** for a Convenience Store in HB zoning, and a **Variance** request to allow gas canopy in the front of the primary building.

Applicant: Epic Group of Companies
1943 Pleasant Hill Road
Duluth, GA 30006

Owner: Kelly Family Investments, LLC
14260 Saddle Springs Ln
Milton, GA, 30004

Existing Zoning: H-B – Highway Business

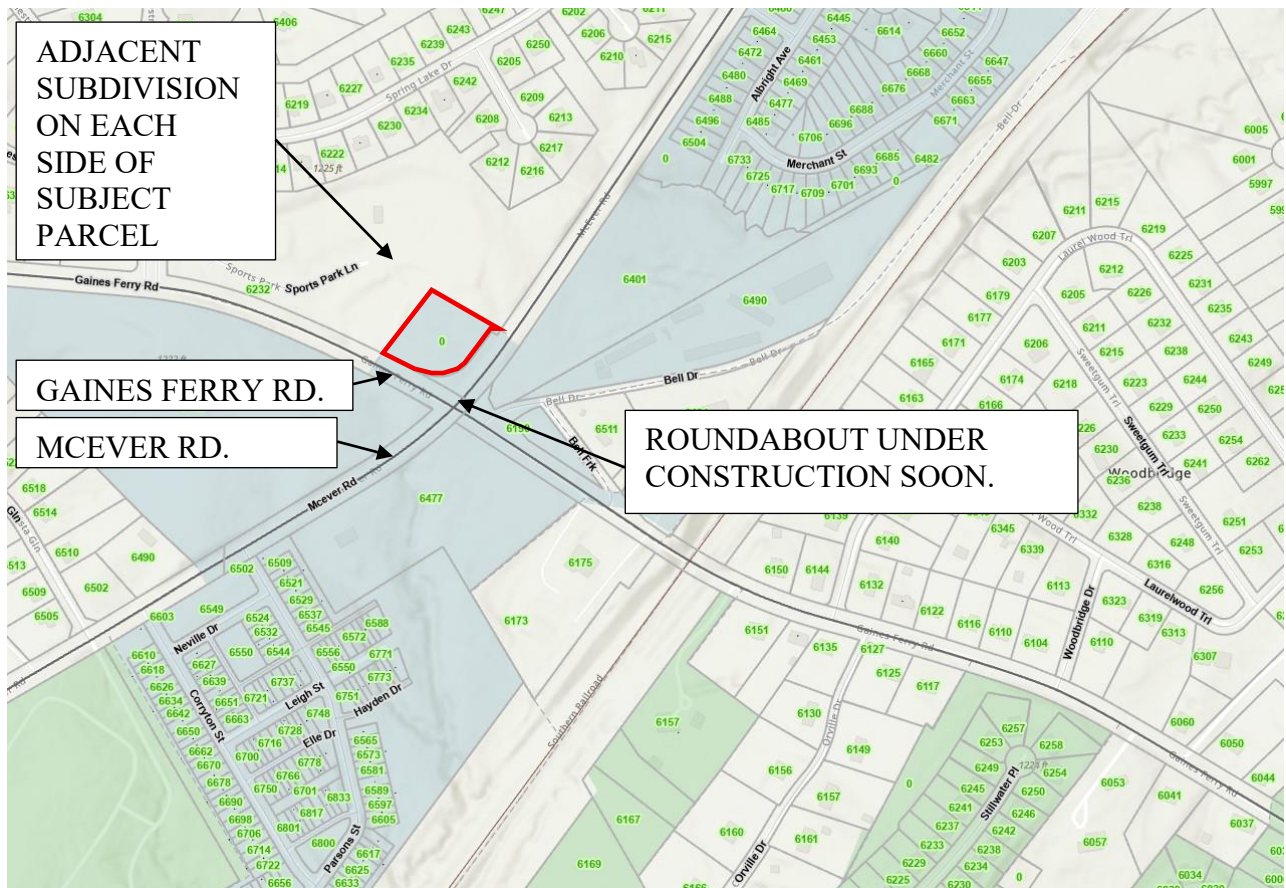
Location: 0 McEver Road, tax parcel identification number **08140 000215**. North quadrant of the intersection.

Development Summary: The applicant is proposing a 6,900 square foot building that will contain a 4,200 square foot convenience store, 1,200 square foot drive-thru restaurant and a 1,500 square foot unit with no use designation on the plans. The site plan also includes a gas canopy in front of the building. Included in the site plan is an area labeled as “Boat Washing Area”. Detention is proposed to be provided with an underground detention system.



Location Map:

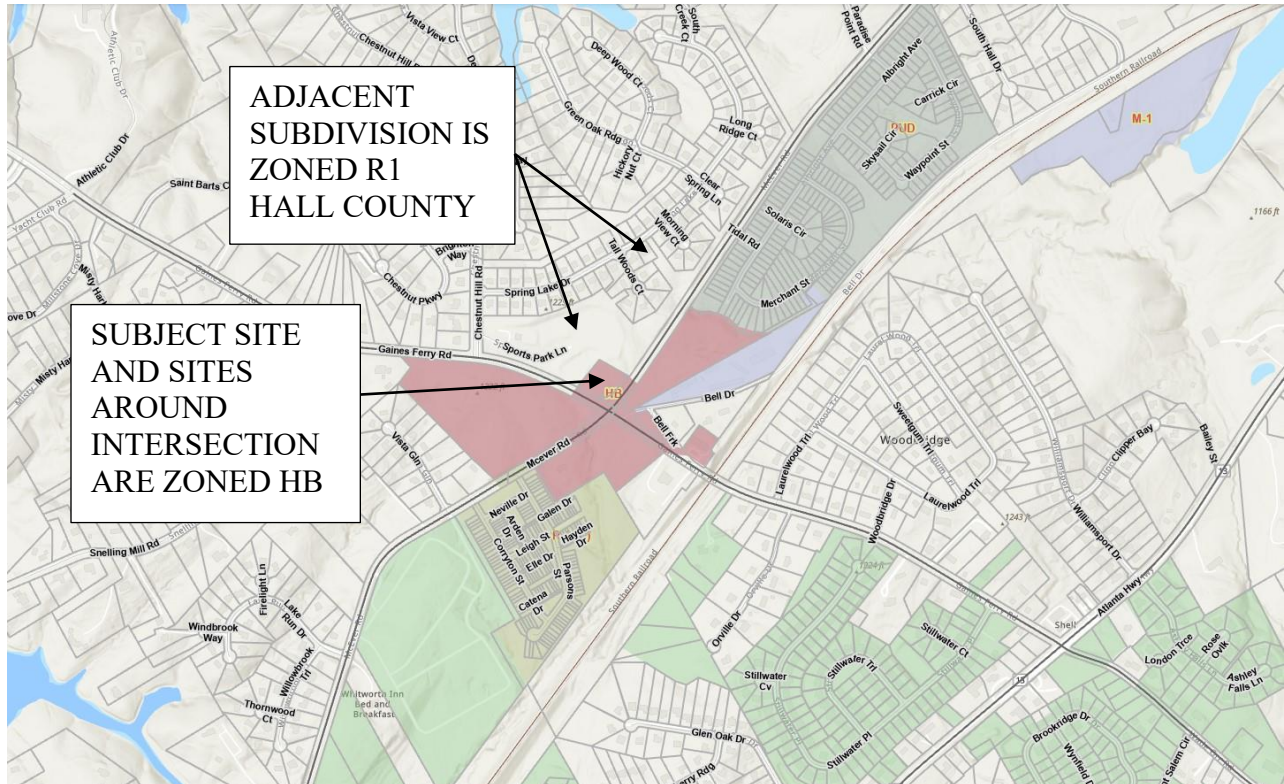
The subject parcel is located at 0 McEver Road, tax parcel identification number **08140 000215**.





Zoning Map:

The subject property is zoned **HB** – Highway Business with surrounding parcels zoned residential and **HB**.



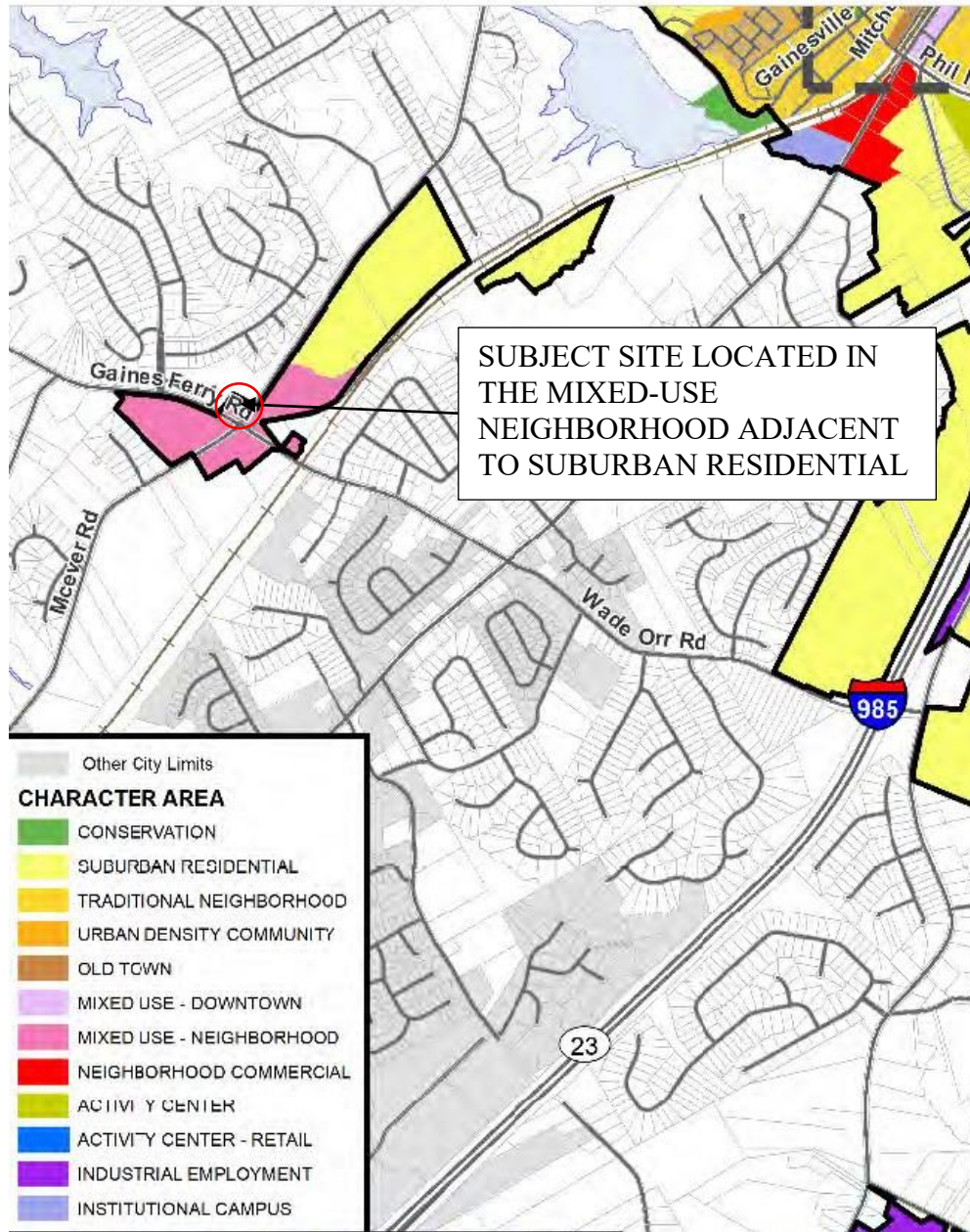
HB – Highway Business allows for convenience stores with an approved Conditional Use Permit.

Convenience store, with or without gasoline pumps	X	X	X	C	X	X	X
---	---	---	---	---	---	---	---

HIGHWAY BUSINESS
CONDITIONAL USE



Future Land Use Map (Comprehensive Plan)





Mixed Use Neighborhood Character Area

Mixed Use - Neighborhood

Mixed Use – Neighborhood areas are located around the McEver Road intersections with Gaines Ferry Road, Gainesville Street and Radford Road.

Vision

Commercial development at significant intersections that serves surrounding neighborhoods, with consideration given to mixed use developments having commercial uses or open space/recreation (in response to market conditions) that are oriented to existing public streets.

Design Principles

- Connectivity between uses and developments
- Automobile and pedestrian accessibility
- Enclosed buildings with no outside storage and limited outdoor display of goods and merchandise
- Integration of open space as an attractive design element and functional component in mixed use development
- High quality building materials and site features

Land Uses

- Small-scale neighborhood commercial uses
- Residential in the context of a mixed use development
- Open space / recreation

Zoning

- NS, Neighborhood Shopping District
- PUD, Planned Unit Development District

Implementation Strategies

Assess existing Architectural Guidelines and Pedestrian Retail design standards to ensure desired quality of development can be achieved.

Comprehensive Plan Review:

The subject site is in the Character Area of the Mixed-Use Neighborhood. The proposed convenience store does not align with the Character Area's Vision, Design Principles, Land Uses and Zoning Category.

Illustrative Photos





Proposed Site Plan

PRINCIPAL BUILDING INCLUDES CONVENIENCE STORE, DRIVE-THRU RESTAURANT, AND A RETAIL UNIT.

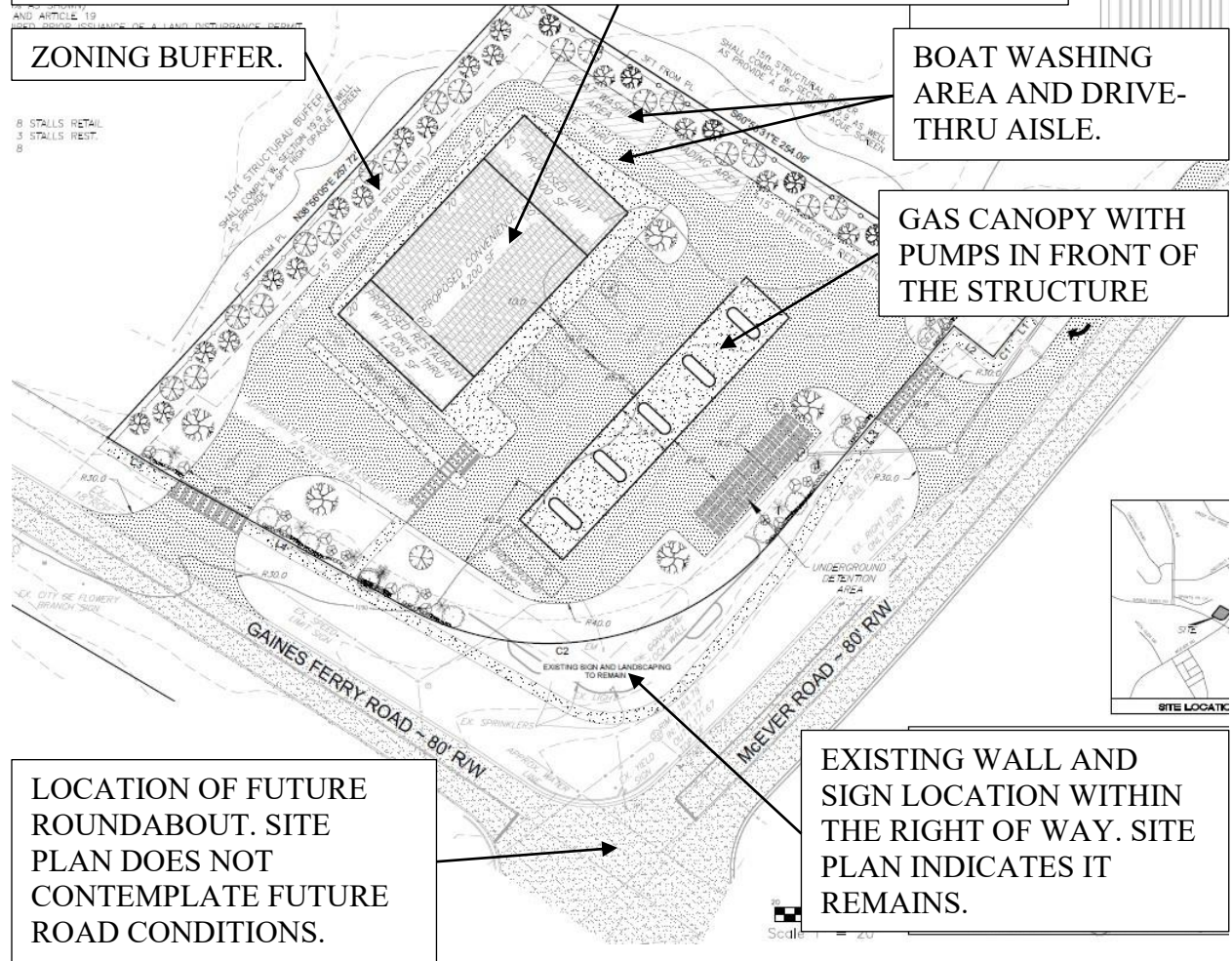
ZONING BUFFER.

BOAT WASHING AREA AND DRIVE-THRU AISLE.

GAS CANOPY WITH PUMPS IN FRONT OF THE STRUCTURE

LOCATION OF FUTURE ROUNDABOUT. SITE PLAN DOES NOT CONTEMPLATE FUTURE ROAD CONDITIONS.

EXISTING WALL AND SIGN LOCATION WITHIN THE RIGHT OF WAY. SITE PLAN INDICATES IT REMAINS.



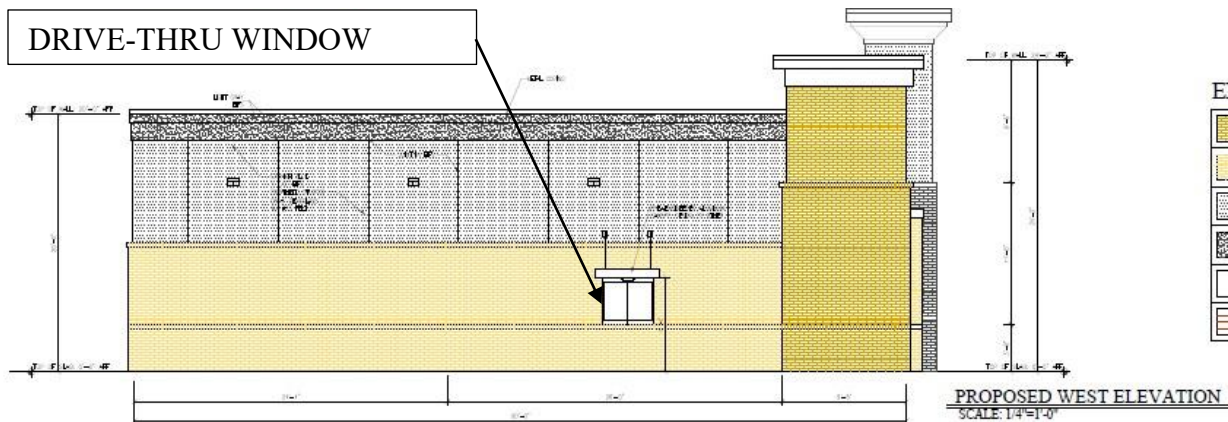


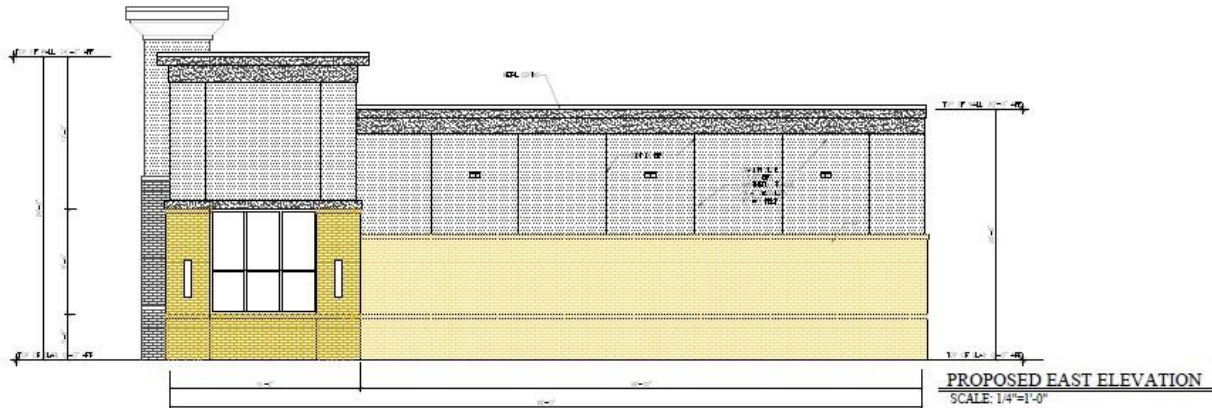
Proposed Building Concept:

The applicant provided building elevations with a materials list. Per code, some of the materials are prohibited. A condition of approval will reemphasize prohibited materials such as brick veneer, synthetic stucco, and EFIS. Materials that can be used from the materials list are fiber cement board and standing seal metal roof tile.

EXTERIOR FINISH SCHEDULE

	DARK BROWN BRICK VANNER
	LIGHT BROWN BRICK VANNER
	GRAYISH BLUE EIFS (SYNTHETIC STUCCO)
	LIGHT GREY EFIS
	DARK GRAY STANDING SEAL METAL ROOF TILE
	RED WOOD FIBER CEMENT FIBER BOARD





Applicant did not provide a rear elevation

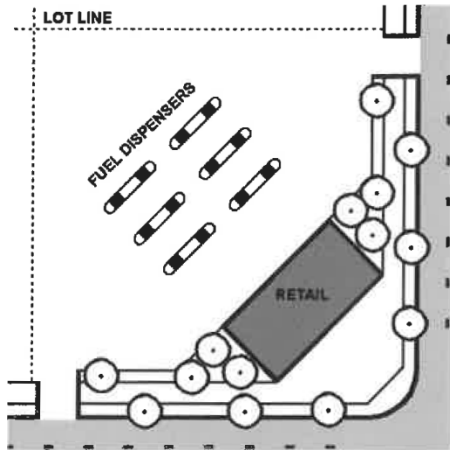
Variance request: The applicant proposes a variance to allow the gas canopy and pumps to be in front of the proposed building between the roadway and building.

The applicant states in their application:

*The City Zoning Ordinance, last updated on December 22, 2020, states the following:
 "Convenience stores should locate gas pumps behind the principal structure in order to effectively screen the pumps from view from the street. However, if fuel pumps are not located in the rear of the building, the additional landscaping should be required ... "
 According to the ordinance, the proposed canopy location would not require a variance, only additional screening. However, the applicant has the intention of providing additional screening along the frontages of the property if the proposed location is permitted.*

This statement by the applicant is incorrect. There have been five Zoning Code supplements since December 22, 2020. Additionally, the applicant stating the canopy location would not require a variance is flawed, as it relies on an erroneous interpretation of the code. If the claimed hardship is primarily based on this misinterpretation, the variance request lacks a valid foundation.

The actual Zoning Code reads as follows: **Article 10, Section 10.0 (f): Convenience stores shall locate gas pumps behind the principal structure in order to effectively screen the pumps from view of the street.**



Positioning gas canopies and pumps behind the primary building of a convenience store offers several benefits, based on practical design and operational considerations:

- **Improved Traffic Flow and Safety:** Placing pumps behind the building reduces congestion at the store's front entrance, where pedestrian traffic is typically higher. This separation minimizes conflicts between vehicles and foot traffic, enhancing safety for customers entering or exiting the store.
- **Aesthetic Appeal and Branding:** Keeping the front of the store free of pumps creates a cleaner, more inviting appearance. The store's facade can showcase signage, promotions, or architectural features, making it more attractive to customers and emphasizing the convenience store as the primary draw rather than the fuel station.
- **Space Optimization:** Locating pumps at the rear maximizes parking space in front of the store, making it easier for non-fueling customers to access the entrance. This is particularly beneficial for smaller lots where space is limited, ensuring efficient use of the property.
- **Noise and Fume Reduction:** Gas pumps and vehicle activity generate noise and exhaust fumes. Positioning them behind the building reduces exposure to these nuisances at the store's entrance, creating a more pleasant environment for customers and employees.

Variance Justification and Hardship

The applicant did not provide an alternative site plan showing the configuration of a layout where the gas pumps and canopy are behind the primary building.

For example, the applicant states: *"The future traffic circle really chokes down the buildable area on this site, and having the canopy in the rear puts it right next to the neighboring property, which is undesirable"*.



The claim lacks substance without a scaled drawing showing the site's limited buildable area. It may be plausible that a 4,200 sq. ft. convenience store, a 1,200 sq. ft. restaurant with a drive-thru, a 1,400 sq. ft. retail space, a boat washing station, and gas pumps with a canopy exceed the site's capacity. However, this claim does not constitute a hardship unless supported by an alternative design.

A hardship that justifies a variance to zoning codes is a unique condition or circumstance specific to a property that prevents reasonable use of the land under the existing zoning regulations, where strict compliance would cause undue difficulty or burden to the property owner. Below are key points that define a valid hardship and examples relevant to zoning variances:

Characteristics of a Valid Hardship

- **Unique to the Property:** The hardship must arise from specific physical or topographical features of the property, such as irregular shape, size, slope, soil conditions, or environmental constraints (e.g., wetlands or flood zones), that are not shared by neighboring properties.
- **Not Self-Created:** The hardship cannot result from actions taken by the property owner, such as subdividing the lot in a way that creates non-compliance or purchasing the property knowing the zoning restrictions.
- **Prevents Reasonable Use:** The zoning restriction must significantly limit or prevent the owner from using the property in a manner consistent with its intended purpose under the zoning code.
- **Not Merely Financial:** While financial difficulty may be considered, a hardship is typically not justified solely by economic loss or inconvenience (e.g., inability to maximize profit). The hardship must relate to the property's physical constraints.
- **Minimal Deviation:** The variance requested should be the minimum necessary to alleviate the hardship while still aligning with the public interest and the intent of the zoning code.



Flowery Branch Code Section 37.5 – Criteria for Granting Variances

(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;

The applicant states the proposed roundabout limits the size of the property to justify the variance request. However, it would be reasonable to believe that a 4,200 sq. ft. convenience store, a 1,200 sq. ft. restaurant with a drive-thru, a 1,400 sq. ft. retail space, a boat washing station, and gas pumps with a canopy exceed the site's capacity. Reducing the number and area of the various uses could eliminate the need for a variance.

There are no 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;

Implementing the ordinance's provisions would not prevent the operation of a convenience store with gas pumps but would instead regulate the layout of the building, parking, gas pumps, and drive aisles.

(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;

Following the provisions of the ordinance regulating the layout of the site would not confer upon the property of the applicant any special privileges.

(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;

The ordinance code section is specific about the configuration of gas pumps in relation to the building and street frontage. Approving the variance is a removal of Article 10, Section 10.0 (f).



(e) The special circumstances are not the result of the actions of the applicant;

There are no special circumstances on the site that limit compliance with Article 10, Section 10.0 (f).

(f) The variance requested is the minimum variance that will make possible the proposed use of the land, building, or structure in the use district proposed; and

It is unclear if the applicant is requesting the minimum variance required as an alternative site plan was not provided.

(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.

The requested variances do not permit any nonconforming uses of the property according to zoning district.

Recommendation:

Staff recommends **DENIAL** of the Variance request due to the applicant's inability to demonstrate hardships associated with the configuration of site components.

Staff recommends **DENIAL** of the Conditional Use Permit for the convenience store, as it conflicts with the Comprehensive Plan's Future Land Use Map and Character Area. If the Council chooses to approve the permit, staff suggests the following conditions:

1. Site Design and Layout Requirements:

- a. Gas Pump Placement:** Convenience stores with fuel pumps must locate gas pumps behind the principal structure to minimize visual impact and ensure safety, as specified in Article 10, Section 10.9(f) of the Flowery Branch Zoning Ordinance.
- b. Use:** The site is limited to one 1,200 sq. ft. restaurant unit, 4,200 sq. ft. convenience store unit and one 1,500 sq. ft. retail unit.
- c. Building Orientation:** The store must be oriented to face McEver Road with setbacks per Table 9.2 to maintain aesthetic and functional compatibility with surrounding areas. Final building orientation to be approved by the Planning and Community Development Director.
- d. Dumpsters:** Dumpsters must be placed in the rear yard, outside of any buffer zones. They must be completely enclosed with full masonry walls constructed from real brick or stone, matching the building's material.



- e. **Outdoor storage:** Outdoor storage of inventory, materials or equipment shall be prohibited.
 - f. **Lot Coverage:** Maximum lot coverage of impervious surface shall not exceed 50% per Table 9.2.
 - g. **Parking and Access:** A minimum number of parking spaces must be provided per the zoning ordinance (Article 21).
 - i. Retail minimum 1 space per 275 square feet. (required 21 spaces)
 - ii. Restaurant minimum 1 space per 125 square feet. (required 10 spaces)
 - iii. Drive-through shall include one 10 ft. bypass lane.
 - iv. Both entrances are to include right turn lanes in and be limited to right in and right out only. Final entrance designs shall be reviewed and approved by the City Engineer.
2. **Landscaping and Buffers:**
- a. **Buffer Zones:** A natural undisturbed landscaped buffer of 30 feet is required along property lines adjacent to residential zones to reduce noise and visual impacts, as outlined in Article 19 of the Zoning Ordinance. Where existing vegetation is sparse, the buffer is to be replanted with a dense combination of evergreen trees and shrubs. The enhance buffer landscaping plan shall be sealed by a Georgia Registered Landscape Architect and be approved by the Director of Planning and Community Development.
 - b. **Landscape Strip Planting:** The landscape strip shall provide enhanced landscaping and cover the entire length of the road frontage. The landscape strip design shall not contemplate the existing sign and right of way to remain. 100% of the landscape strip area shall be installed with trees, shrubs and ground cover. The enhance landscape strip landscaping plan shall be sealed by a Georgia Registered Landscape Architect and be approved by the Director of Planning and Community Development.
 - c. **Parking Lot Plantings:** The end of each parking row shall be a planted island no less than 200 square feet in area. 100% of the parking lot island area shall be installed with trees, shrubs, and ground cover. The enhance parking lot island landscaping plan shall be sealed by a Georgia Registered Landscape Architect and be approved by the Director of Planning and Community Development.
3. **Signage and Lighting:**
- a. **Signage Compliance:** Signs must adhere to Article 24 of the Zoning Ordinance, limiting size, height, and illumination. All signs are to be non-flashing, non-animation, low-intensity lighting to reduce light pollution. Wall signs shall be in compliance to Article 24 for size and location. Window signs are not to be lighted and only allowed to be 25% of the window surface where the sign is placed.
 - b. **Prohibited Signs:** prohibited signs include digital or standard billboards or temporary banners.



- c. A complete site lighting plan shall be provided including sign details, foot candle spread, and location of signs. All lighting fixtures are to face downwards and not to face any nearby residential.
- 4. **Operational Restrictions:**
 - a. **Hours of Operation:** To minimize disturbance in nearby residential areas, the store is restricted to operating between the hours of 6:00 AM to 11:00 PM.
 - b. **Noise Control:** No outdoor speakers or music systems on site.
- 5. **Architectural and Aesthetic Standards:**
 - a. **Facade Design:** The store's exterior and gas canopy columns must comply with Article 10 (Development Requirements and Guidelines), requiring real brick with no more than 20% of real three coat stucco or fiber cement board on all four elevations match. Brick veneer, EFIS or synthetic stucco shall be prohibited. Building plans must follow the procedures in Article 40. Final building elevations shall be approved by the Director of Planning and Community Development.
 - b. **Lighting:** Outdoor lighting must follow Article 23, ensuring that light fixtures are directed downward to prevent spillover into adjacent properties.
- 6. **Environmental and Infrastructure Conditions:**
 - a. **Stormwater Management:** The developer must submit a stormwater management concept plan to the City Engineer prior to submitting any subsequent permit applications.
 - b. **Traffic Impact Study:** The applicant is to produce a traffic impact study to assess impacts and propose mitigation.
 - c. **Utility Connections:** The developer must ensure adequate water and sewer connections, potentially upgrading infrastructure at their expense, to support the store's operations.

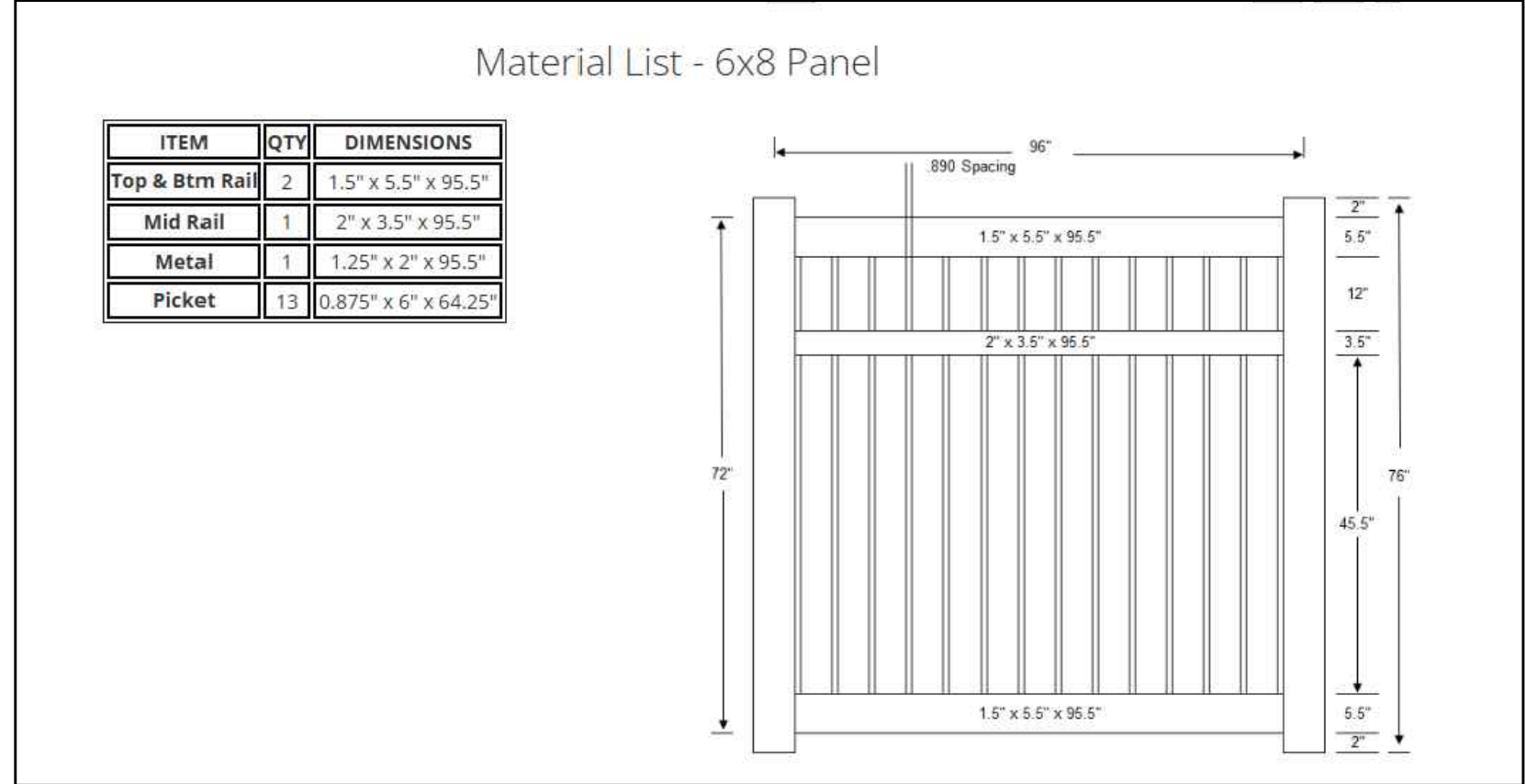
- PROJECT AREA: 1.31 AC
- CURRENT ZONING: HB
- PROPOSED STRUCTURE HEIGHT = 28'
- MAX HEIGHT: 60FT
- MAX STORIES: 3FT
- MAX HEATED AREA: 0FT

- 15' STRUCTURAL BUFFER ABUTTING RESIDENTIAL (7452.74SF/0.17AC)
- 10FT LANDSCAPE STRIP ALONG ROW AND LANDSCAPE EASEMENT (8879.31SF/0.20AC)
- MIN. 15% LANDSCAPED AREA REQ.: 0.20AC in LANDSCAPE ESMT/1.61AC = 15.2% PROVIDED
- 50% MAXIMUM BUILDING COVERAGE (12.09% AS SHOWN)
- LANDSCAPING SHALL FOLLOW SEC. 10.13 AND ARTICLE 19
- A FULL LANDSCAPE PLAN WILL BE REQUIRED PRIOR ISSUANCE OF A LAND DISTURBANCE PERMIT
- PERCENTAGE OF IMPERVIOUS AREA=

39,745.58SF of IMPERVIOUS AREA/43,560= 0.91ACRES
0.91AC/1.31AC= 0.69(100)= 69% OF IMPERVIOUS AREA

CONVENIENT STORE, GAS STATION:
 1 STALL PER 500 sq. ft.; $(1/500)4,200 = 8$ STALLS RETAIL
 1 STALL PER 500 sq. ft.; $(1/500)1,500 = 3$ STALLS REST.
 1 STALL PER 150 sq. ft.; $(1/150)1,200 = 8$
 THEREFORE,
 19 STALLS REQUIRED
 21 STALLS PROVIDED

FRONT: 0'
INTERIOR SIDE: 10'
CORNER LOT SIDE: 15'
REAR: 25'



ALL MATERIAL, CONSTRUCTION, AND WORKMANSHIP ON THIS PROJECT SHALL BE IN ACCORDANCE WITH THE CITY OF ATLANTA'S APPROPRIATE LOCAL ORDINANCES AND REQUIREMENTS AND SHALL BE PERFORMED IN A WORKMANLIKE MANNER.

THE CONTRACTOR SHALL BE RESPONSIBLE FOR NOTIFYING ALL UTILITY OWNERS, DETERMINING THE LOCATION OF ALL EXISTING UNDERGROUND UTILITIES INCLUDING, BUT NOT LIMITED TO, WATER, GAS, AND SEWER, PRIOR TO CONSTRUCTION AND SHALL BE RESPONSIBLE FOR ANY DAMAGES DUE TO THIS OPERATION.

THE DESIGNER DISCLAIMS ANY RESPONSIBILITY FOR DESIGN CHANGES MADE BY OTHERS. THE CONTRACTOR SHALL CALL THE UTILITIES PROTECTION CENTER THREE WORKING DAYS PRIOR TO ANY CONSTRUCTION OF THE PROJECT AT THE FOLLOWING PHONE NUMBER: (404) 226-7411. IN METRO ATLANTA DIAL 404/325-5000. THROUGHOUT GEORGIA, (800) 282-7411.

Sullins Engineering, LLC
CONTACT: MATTHEW SULLINS
CIVIL ENGINEERS ~ LAND PLANNERS

26 EAST ATHENS STREET
WINDER, CA 95690
PHONE: (916) 887-6219

CONCEPTUAL PLAN FOR:

McEVER ROAD

LOCATED IN:

PARCEL: 08140 000215 GMD: 1270
HALL COUNTY, GEORGIA



CONDITIONAL USE PERMIT APPLICATION

City Provided Permit #

Date: 4/14/2025

Address of Request:

Parcel #08140 000215

Tax Map # 3 Current Zoning: HB

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

Currently a conforming use? Yes

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

Applicant Information

Applicant: Epic Group of Companies

Address: 1943 Pleasant Hill Rd

Duluth, GA 30096

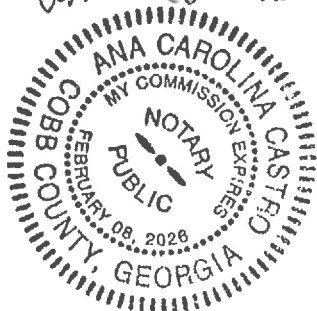
E-mail address: spanjwani@epicgoc.com

Phone number: (404) 302-7650

Signature: *[Signature]*

Notary Seal:

Ana Carolina Castro, notary





Property owner Information

Property owner (please print): Kelly Family Investments, LLC.

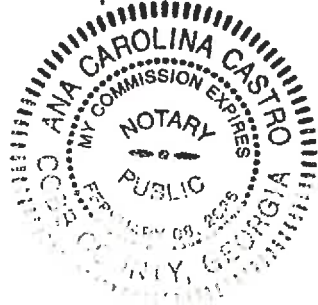
Address: 14260 SADDLES PRINCE LN
Milham, GA 30004

E-mail address: KellySR6@Bellsouth.net

Phone number: 404-202-1494

Signature: [Signature]

Notary Seal: Pina Carolina Castro, notary



Please complete the attached Conditional Use Completeness Checklist and provide all supplementary required documents listed therein to this application. Completeness Checklists can also be found on the website, www.flowerybranchga.org, under the "Forms" section.

Conflict of Interest Disclosure

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

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

N/A



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

N/A

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

N/A

Disclosure of Campaign Contributions

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

Elected Officials Name

Amount of Description of Gift

N/A

N/A

N/A

N/A/N/A

Received by City of Flowery Branch Staff on _____

Name: Spilly

Title: MEMBER

City of Flowery Branch Community Development Office

5512 Main St

Flowery Branch, GA, 30542

770-967-6378

CONDITIONAL USE AND/OR REZONING COMPLETENESS CHECKLIST

Please review each line item on the Completeness Checklist prior to submitting an application to the City of Flowery Branch. Please initial **each line item** (numerical and alphabetical sub lists) in the initial blocks provided in the left-hand column. Initialed checklist must be included with the completed application and all other required documentation at time of submittal. **All requirements must be provided in hard copy form and digital form on a flash drive.**

Applicant Name: Epic Group of Companies **Project Name:** Lake Lanier Development

X	1.	Completed application with all signatures and notary stamps present and all fields filled out and in compliance with all requirements. (Article 34, Sec 34.8)
X	2.	Legal description of property.
X	3.	Current survey of the property sealed by a Georgia registered land surveyor.
X	4.	Site plan of the property in accordance with the requirements of the Flowery Branch Code of Ordinances (Article 34, Sec 34.4 & 34.5):
X		a) Uses an appropriate engineering scale
X		b) Shows proposed use and relevant information regarding proposed improvements
X		c) All existing AND proposed buildings and/or structures
X		d) Parking and internal circulation
		e) Proposed landscaping
X		f) Buffers, where required
X		g) Other information as required by the Zoning Administrator
X	5.	Letter of Intent including a detailed description of the request. (separate document)
X	6.	Required development statistics (Article 34, Sec 34.6) (separate document):
X		a) Maximum and proposed height of any structure
X		b) Maximum and proposed gross square footage of the building area (nonresidential only)
X		c) Color rendering of any and all proposed structure(s)
X		d) Material list (with percentages) of any and all proposed structure(s)
N/A		e) Maximum and proposed number of dwelling units and minimum and proposed square footage of heated floor area for any dwelling unit (residential only)
X		f) Maximum and proposed lot coverage of building area (square feet and percent)
X		g) Minimum and proposed square footage of landscaped area (square feet and percent)
X		h) Minimum, maximum and proposed number of parking spaces

City of Flowery Branch Community Development Office

5512 Main St

Flowery Branch, GA, 30542

770-967-6378

CONDITIONAL USE AND/OR REZONING COMPLETENESS CHECKLIST

X		i) Other dimensional information as may be required by the Zoning Administrator
X	7.	Written Analysis Requirements (Article 34, Sec. 34.7) (separate document):
X		a) Whether the proposal will permit a use that is suitable in view of the use and development of adjacent and nearby properties.
X		b) Whether the proposal will adversely affect the existing use or usability of adjacent or nearby properties.
X		c) Whether the property to be affected by the proposal can be used in accordance with the existing regulations and has a reasonable economic use as currently zoned.
X		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.
X		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.
X		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.
X		g) 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.
X		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.
X		i) Whether a proposed zoning map amendment or conditional use approval will be a deterrent to the value or improvement of the development of adjacent property in accordance with existing regulations.
X		j) The possible creation of an isolated zoning district unrelated to adjacent and nearby districts.
X		k) Possible effects of the change in zoning district map, or change in use, on the character of a zoning district.
X		l) The possible impact on the environment, including but not limited to, drainage, soil erosion and sedimentation, flooding, air quality and water quality.
X		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.

City of Flowery Branch Community Development Office

5512 Main St

Flowery Branch, GA, 30542

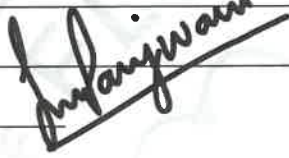
770-967-6378

CONDITIONAL USE AND/OR REZONING COMPLETENESS CHECKLIST

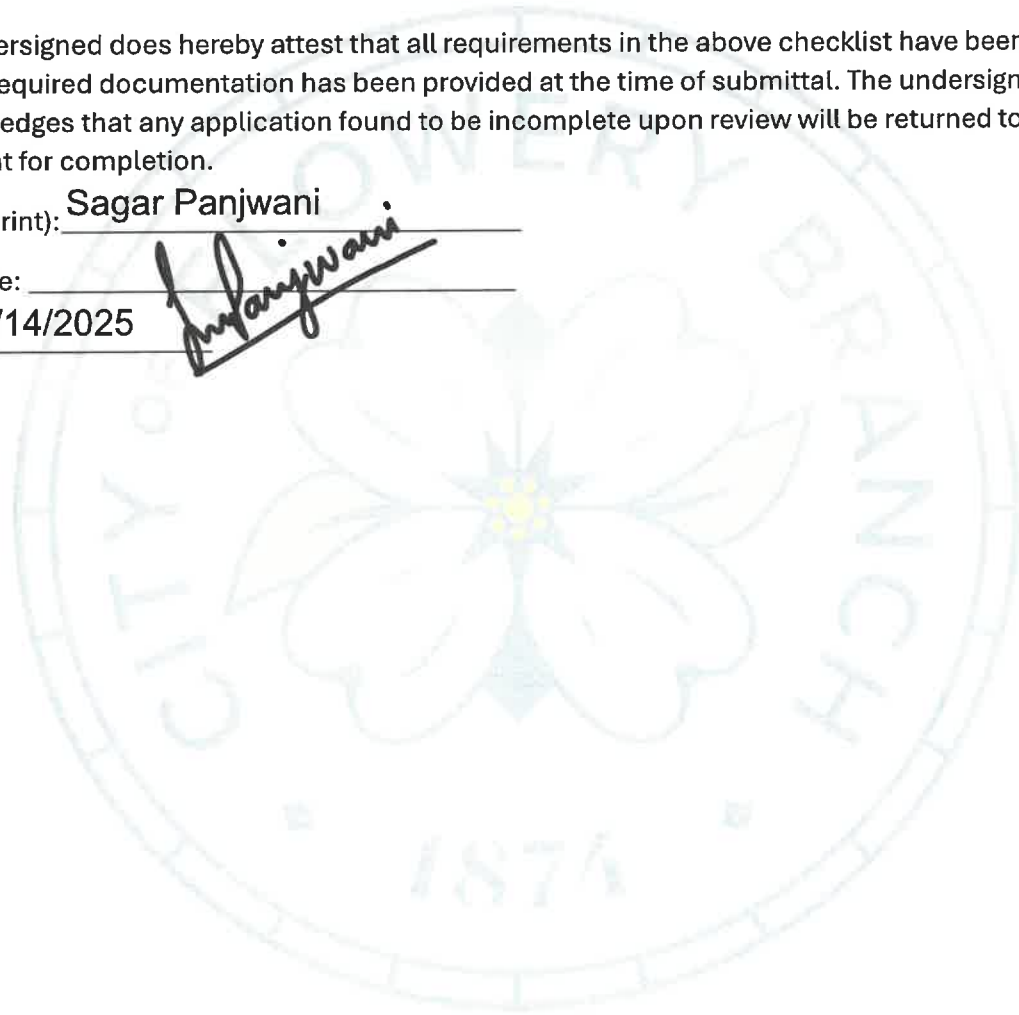
X	8.	Conflict of interest disclosure (in body of application).
X	9.	Disclosure of campaign contributions (in body of application).
X	10.	Names and addresses of adjoining property owners. (separate document)
X	11.	Reasons for requesting conditional use/rezoning. (separate document, can be part of/included in letter of intent)
	12.	Signed statement authorizing City of Flowery Branch staff and/or City Council to inspect subject property. (separate document)

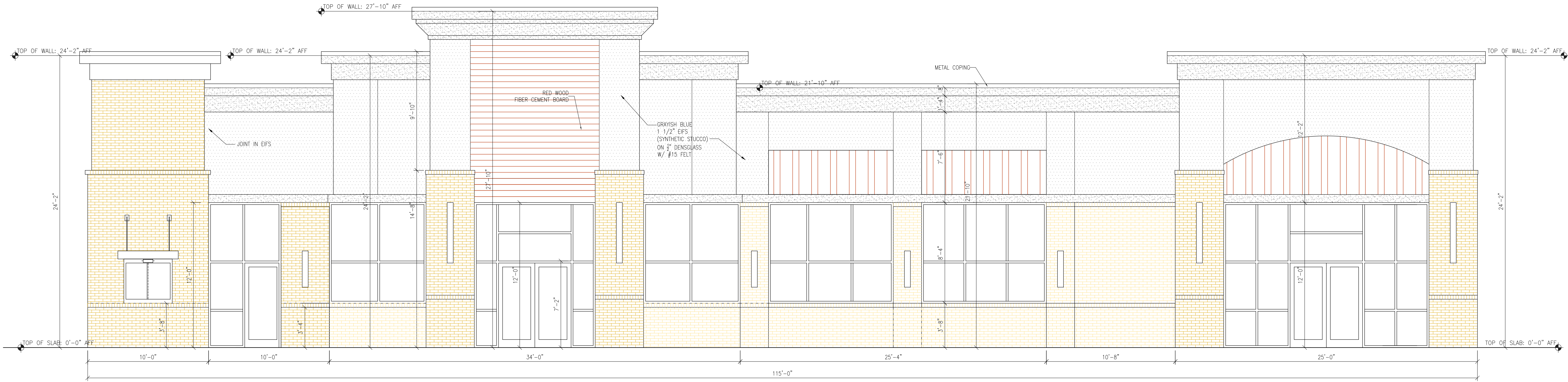
The undersigned does hereby attest that all requirements in the above checklist have been met and that all required documentation has been provided at the time of submittal. The undersigned acknowledges that any application found to be incomplete upon review will be returned to the applicant for completion.

Name (print): Sagar Panjwani

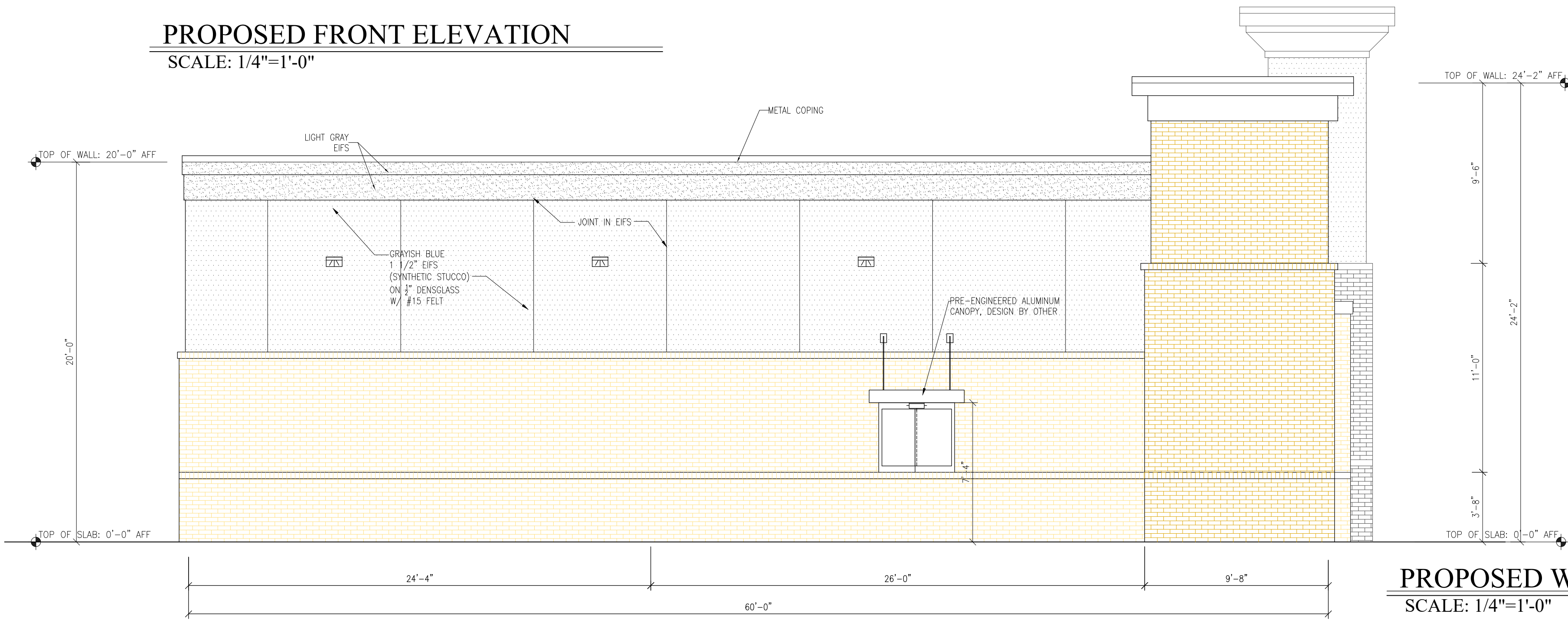
Signature: 

Date: 4/14/2025





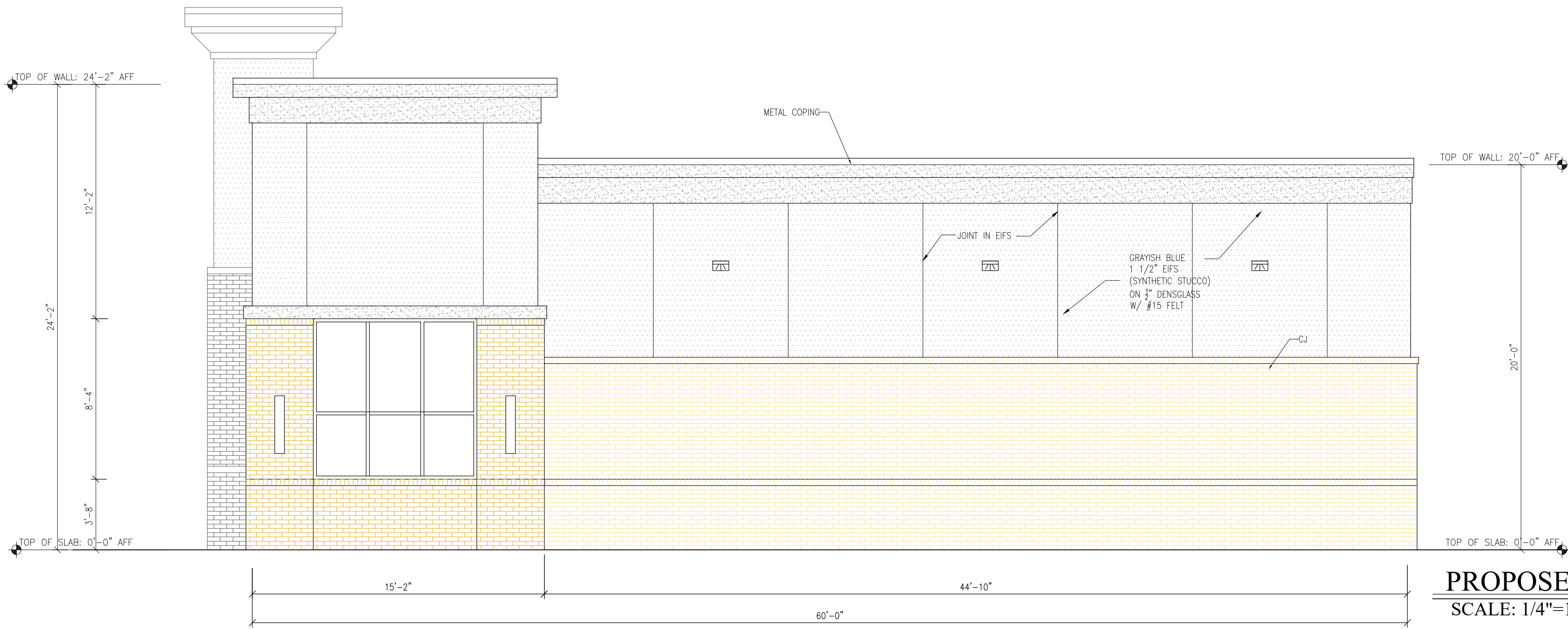
PROPOSED FRONT ELEVATION
SCALE: 1/4"=1'-0"



PROPOSED WEST ELEVATION
SCALE: 1/4"=1'-0"

EXTERIOR FINISH SCHEDULE

	DARK BROWN BRICK VENNER
	LIGHT BROWN BRICK VENNER
	GRAYISH BLUE EIFS (SYNTHETIC STUCCO)
	LIGHT GRAY EIFS
	DARK GRAY STANDING SEAL METAL ROOF TILE
	RED WOOD FIBER CEMENT BOARD



PROPOSED EAST ELEVATION
SCALE: 1/4"=1'-0"

FIRM NAME AND ADDRESS
NEW SPACE DESIGN, INC.
3331 NORTH BERKELEY LAKE ROAD
SUITE 200
DULUTH, GA 30096
Phone: (404) 217-3458
Fax: (770) 783-2978
Email: newspace@gmail.com

REVISIONS

PROJECT NAME AND ADDRESS
**BUILDING DESIGN FOR
LAKE LANIER CONVENIENCE STORE**

DATE
04/17/25

SHEET TITLE
SHEET NUMBER

MCEVER ROAD AND
GAINES FERRY ROAD
ROUND-A-BOUT
FOR THE
CITY OF FLOWERY BRANCH

REVISONS	NO.	DESCRIPTION	DATE

CHECK SET

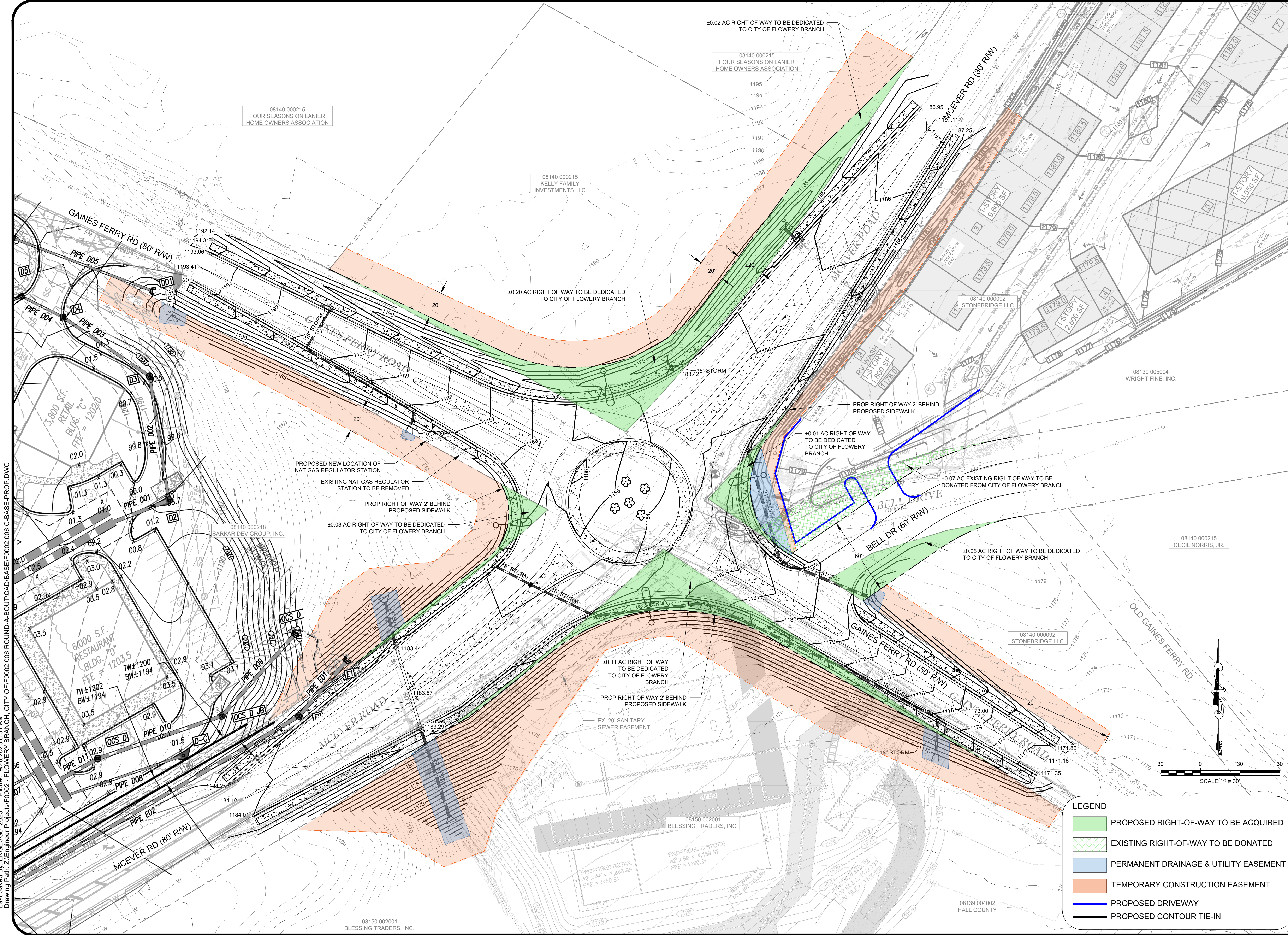
PRELIMINARY
NOT FOR
CONSTRUCTION

DRAWN BY: CHF
CHECKED BY: AWS
DATE: SEPT 2023
SCALE: 1" = 30'

CONTENT:
RIGHT-OF-WAY EXHIBIT

SHEET NO:

1/1



LEGEND

- PROPOSED RIGHT-OF-WAY TO BE ACQUIRED
- EXISTING RIGHT-OF-WAY TO BE DONATED
- PERMANENT DRAINAGE & UTILITY EASEMENT
- TEMPORARY CONSTRUCTION EASEMENT
- PROPOSED DRIVEWAY
- PROPOSED CONTOUR TIE-IN

Jacob Bolton
Senior Civil Designer
Sullins Engineering
26 E Athens Street
Winder, GA 30680
jbolton@sullinsengineering.com
(404) 542-4175

April 15, 2025

City of Flowery Branch Planning and Community Development Department
5512 Main Street
Flowery Branch, GA 30542

Letter of Intent

(Parcel #08140 000215 – Highway Business Zoning)

To Whom It May Concern,

On behalf of our client, I am submitting this Letter of Intent in support of a proposed gas station development located on Parcel #08140 000215 in the City of Flowery Branch, GA. The property is zoned Highway Business (HB), and we are respectfully requesting a variance to allow the fuel canopy to be located in front of the principal building, as well as a conditional use permit for the gas station.

The project includes the construction of a gas station with five (5) fuel pump stations beneath a covered canopy and a convenience store structure, as well as a drive thru on one side and a separate suite on the other side. The overall design is consistent with commercial development patterns in the area and aligns with current demand for well-located fueling and service stations.

The requested variance is based on the following justification:

- Site Circulation and Functionality: Placing the canopy in front of the building allows for optimal traffic flow throughout the site, ensuring safer and more efficient ingress and egress for vehicles.
- Aesthetic and Contextual Alignment: This layout reflects the established design of other gas stations in the area, providing a consistent streetscape along this corridor.
- Site Constraints: Strict adherence to building-forward placement would limit vehicular

maneuverability and diminish the functional layout of the development.

While this request pertains specifically to the canopy location, all other requirements of the City of Flowery Branch Zoning Regulations and development standards will be met or exceeded. A professionally prepared site plan and accompanying documents are included with this submission to support the variance application.

Please feel free to contact me directly at (404) 542-4175 or jbolton@sullinsengineering.com with any questions or requests for additional information.

Thank you for your consideration.

Criteria for Granting a Variance

(Parcel #08140 000215 – Highway Business Zoning)

- **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**

The future traffic circle really chokes down the buildable area on this site, and having the canopy in the rear puts it right next to the neighboring property, which is undesirable.

- **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**

Correct, most convenience stores in the area have a canopy located in front of the principal structure.

- **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**

Correct, most convenience stores in the area have a canopy located in front of the principal structure.

- **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**

The requested variance will not be injurious to the neighborhood or to general welfare. The proposed development will provide great and convenient service to the community.

- **The special circumstances are not the result of the actions of the applicant**

The City Zoning Ordinance, last updated on December 22, 2020, states the following: "Convenience stores should locate gas pumps behind the principal structure in order to effectively screen the pumps from view from the street. However, if fuel pumps are not located in the rear of the building, the additional landscaping should be required..."

According to the ordinance, the proposed canopy location would not require a variance, only additional screening. However, the applicant has the intention of providing additional screening along the frontages of the property if the proposed location is permitted.

- **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.**

The proposed use, convenience store with fuel pumps and restaurant, is permitted use in the HB zoning district.

Conditional Use Completeness

(Parcel #08140 000215 – Highway Business Zoning)

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

Yes

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

No

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

Yes

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

No

- 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.

Yes

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

No

- Existing 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 future traffic circle would make any other development not as ideal as the proposed.

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

No

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

No

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

No

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

None

- 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.

Yes



Memorandum

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

From: Planning and Community Development

Date: September 4th, 2025

Subject: Proposed Convenience Store with Gas Pumps at Gaines Ferry Road and McEver Road; Tax Parcel 08140 000215. Cases include **Conditional Use Permit (CUP)** for a Convenience Store in HB zoning, and a **Variance** request to allow gas canopy in the front of the primary building.

Applicant: Epic Group of Companies
1943 Pleasant Hill Road
Duluth, GA 30006

Owner: Kelly Family Investments, LLC
14260 Saddle Springs Ln
Milton, GA, 30004

Existing Zoning: H-B – Highway Business

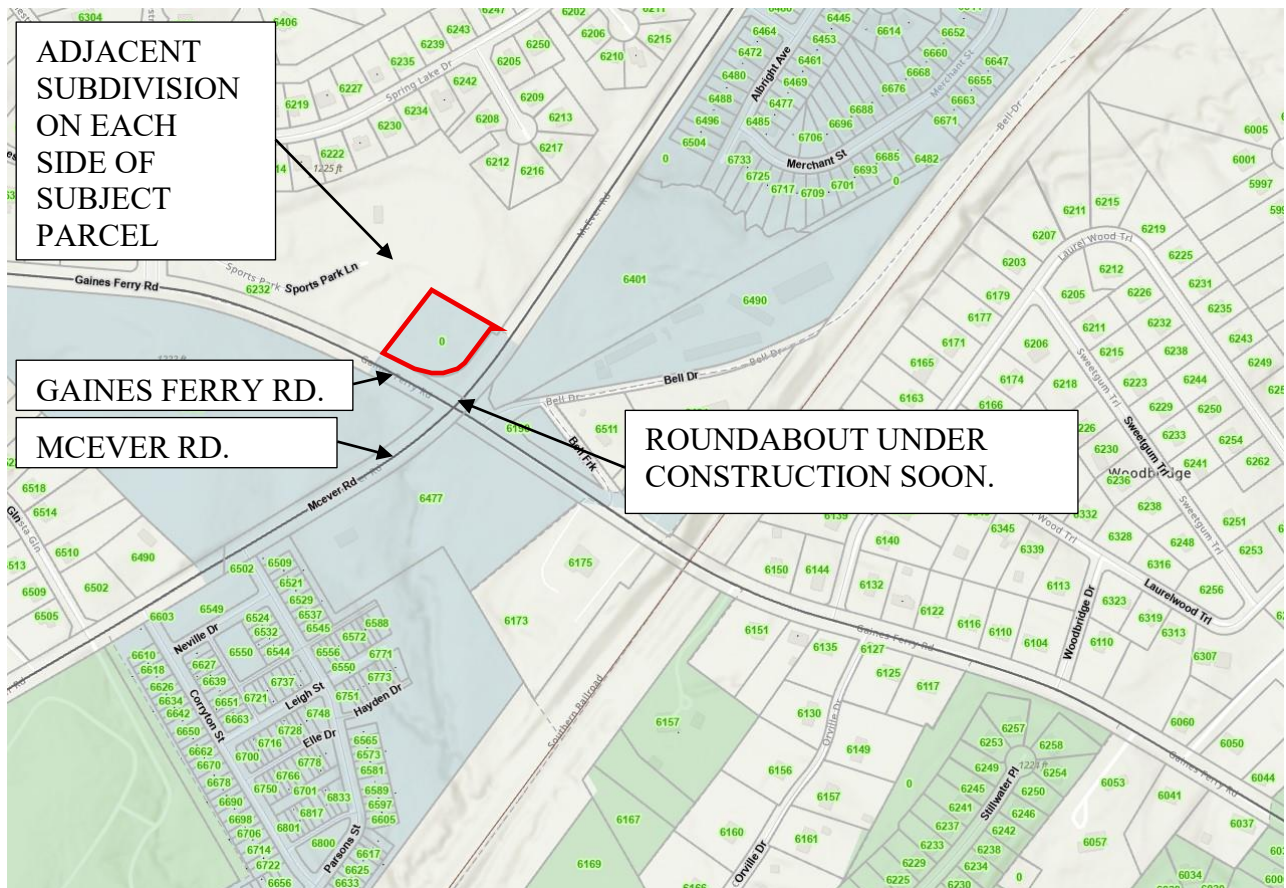
Location: 0 McEver Road, tax parcel identification number **08140 000215**. North quadrant of the intersection.

Development Summary: The applicant is proposing a 6,900 square foot building that will contain a 4,200 square foot convenience store, 1,200 square foot drive-thru restaurant and a 1,500 square foot unit with no use designation on the plans. The site plan also includes a gas canopy in front of the building. Included in the site plan is an area labeled as “Boat Washing Area”. Detention is proposed to be provided with an underground detention system.



Location Map:

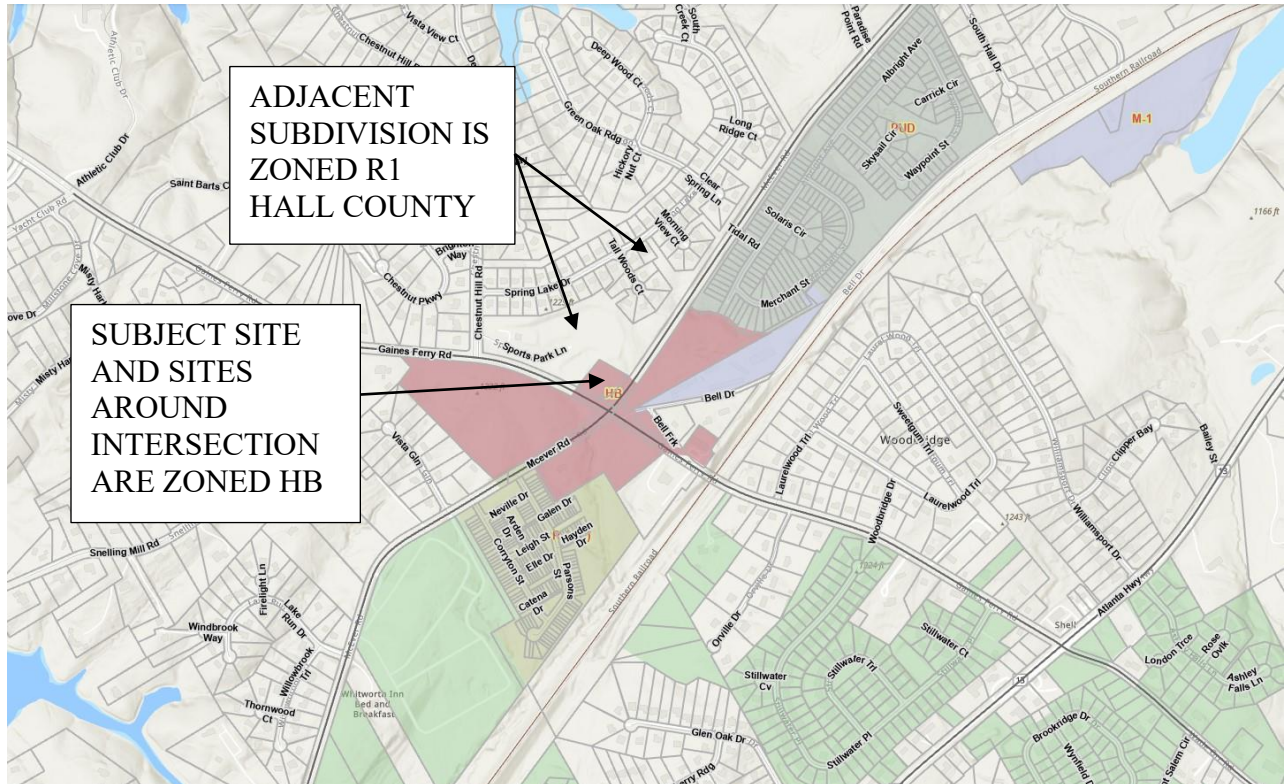
The subject parcel is located at 0 McEver Road, tax parcel identification number **08140 000215**.





Zoning Map:

The subject property is zoned **HB** – Highway Business with surrounding parcels zoned residential and **HB**.



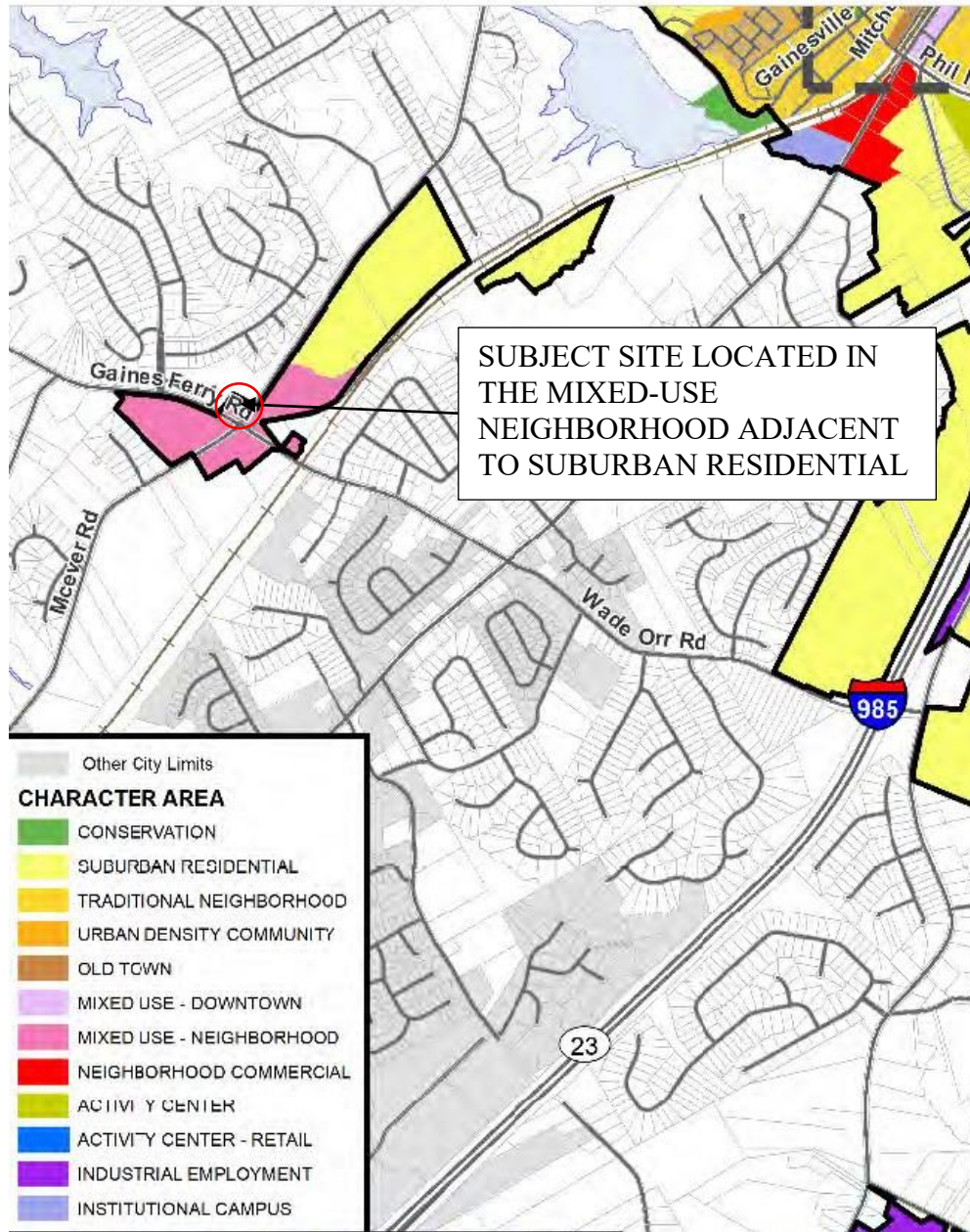
HB – Highway Business allows for convenience stores with an approved Conditional Use Permit.

Convenience store, with or without gasoline pumps	X	X	X	C	X	X	X
---	---	---	---	---	---	---	---

HIGHWAY BUSINESS
CONDITIONAL USE



Future Land Use Map (Comprehensive Plan)





Mixed Use Neighborhood Character Area

Mixed Use - Neighborhood

Mixed Use – Neighborhood areas are located around the McEver Road intersections with Gaines Ferry Road, Gainesville Street and Radford Road.

Vision

Commercial development at significant intersections that serves surrounding neighborhoods, with consideration given to mixed use developments having commercial uses or open space/recreation (in response to market conditions) that are oriented to existing public streets.

Design Principles

- Connectivity between uses and developments
- Automobile and pedestrian accessibility
- Enclosed buildings with no outside storage and limited outdoor display of goods and merchandise
- Integration of open space as an attractive design element and functional component in mixed use development
- High quality building materials and site features

Land Uses

- Small-scale neighborhood commercial uses
- Residential in the context of a mixed use development
- Open space / recreation

Zoning

- NS, Neighborhood Shopping District
- PUD, Planned Unit Development District

Implementation Strategies

Assess existing Architectural Guidelines and Pedestrian Retail design standards to ensure desired quality of development can be achieved.

Comprehensive Plan Review:

The subject site is in the Character Area of the Mixed-Use Neighborhood. The proposed convenience store does not align with the Character Area's Vision, Design Principles, Land Uses and Zoning Category.

Illustrative Photos





Proposed Site Plan

PRINCIPAL BUILDING INCLUDES CONVENIENCE STORE, DRIVE-THRU RESTAURANT, AND A RETAIL UNIT.

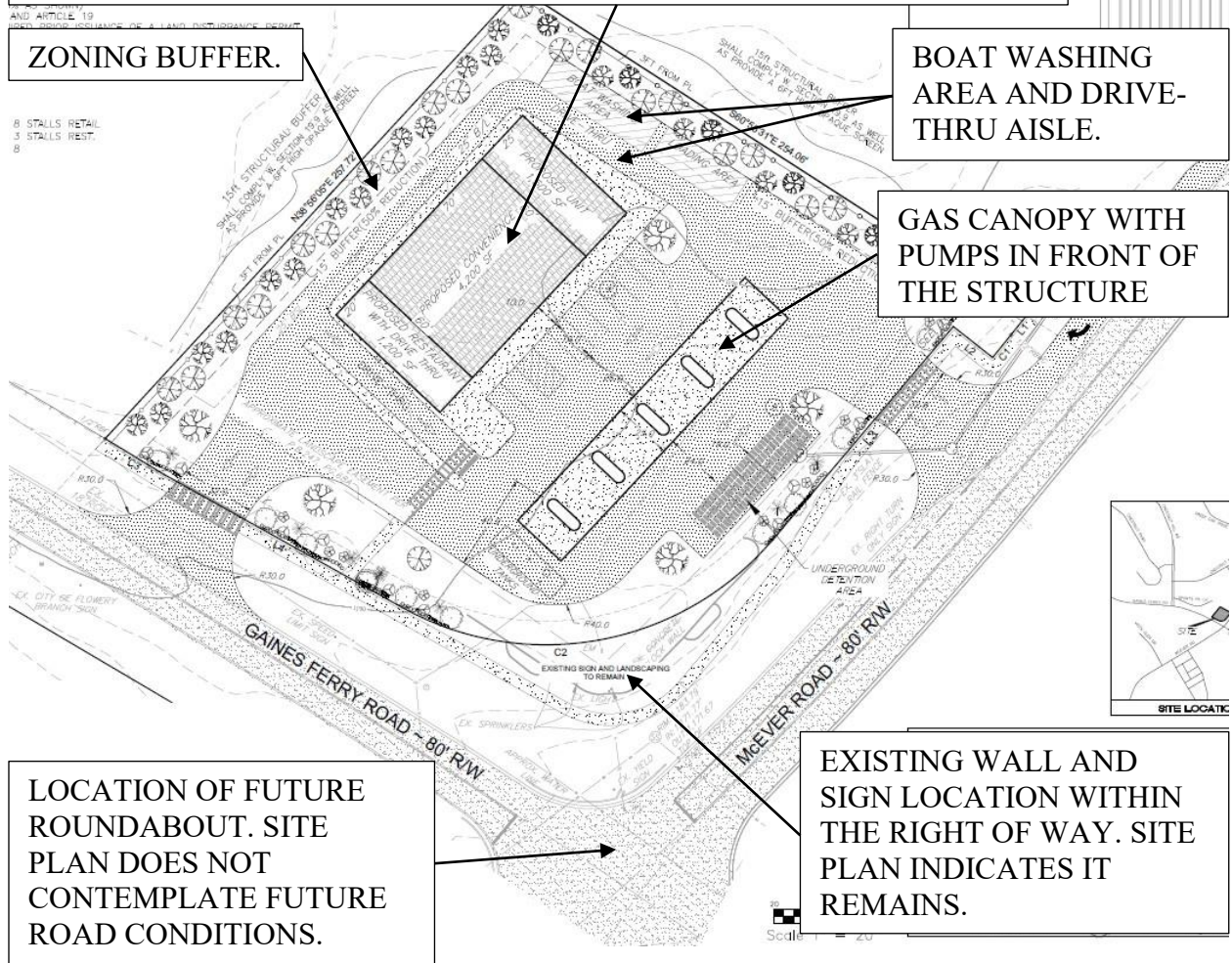
ZONING BUFFER.

BOAT WASHING AREA AND DRIVE-THRU AISLE.

GAS CANOPY WITH PUMPS IN FRONT OF THE STRUCTURE

LOCATION OF FUTURE ROUNDABOUT. SITE PLAN DOES NOT CONTEMPLATE FUTURE ROAD CONDITIONS.

EXISTING WALL AND SIGN LOCATION WITHIN THE RIGHT OF WAY. SITE PLAN INDICATES IT REMAINS.



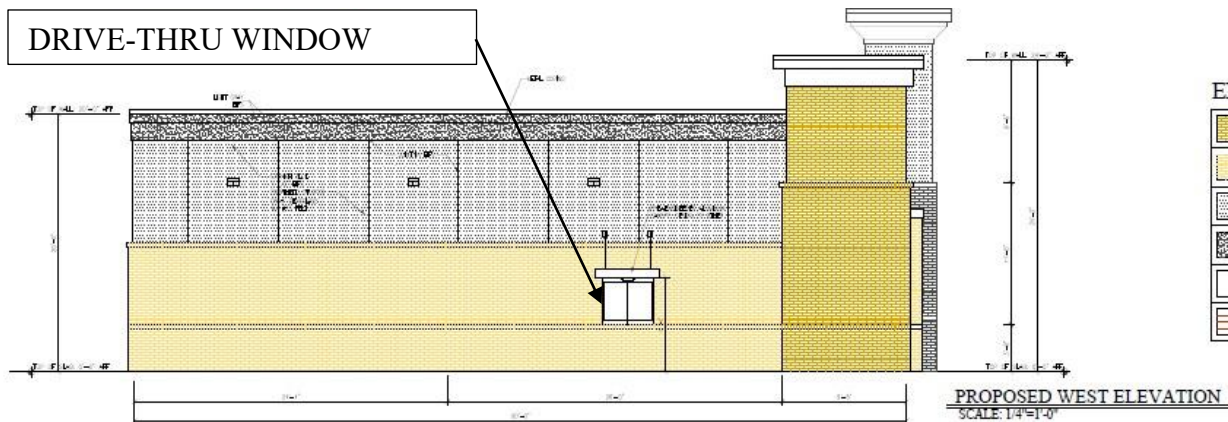


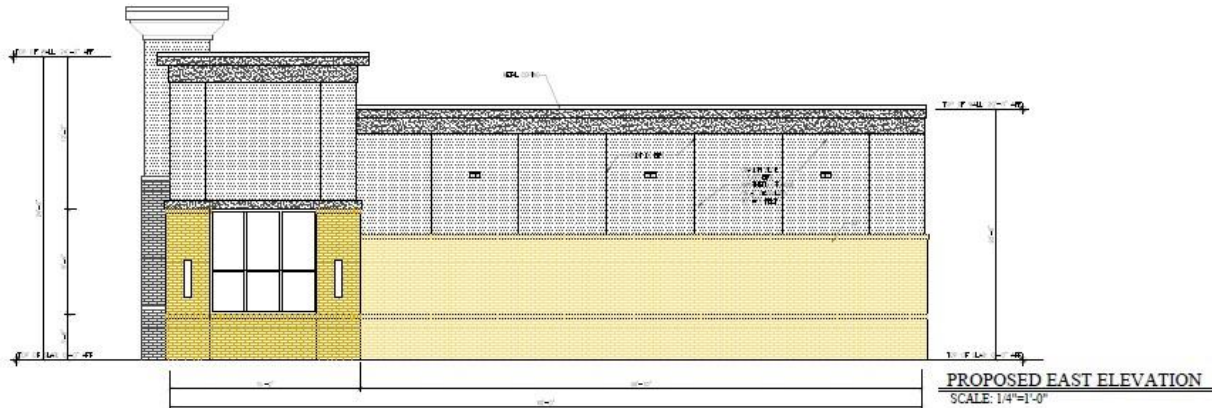
Proposed Building Concept:

The applicant provided building elevations with a materials list. Per code, some of the materials are prohibited. A condition of approval will reemphasize prohibited materials such as brick veneer, synthetic stucco, and EFIS. Materials that can be used from the materials list are fiber cement board and standing seal metal roof tile.

EXTERIOR FINISH SCHEDULE

	DARK BROWN BRICK VANNER
	LIGHT BROWN BRICK VANNER
	GRAYISH BLUE EIFS (SYNTHETIC STUCCO)
	LIGHT GREY EFIS
	DARK GRAY STANDING SEAL METAL ROOF TILE
	RED WOOD FIBER CEMENT FIBER BOARD





Applicant did not provide a rear elevation

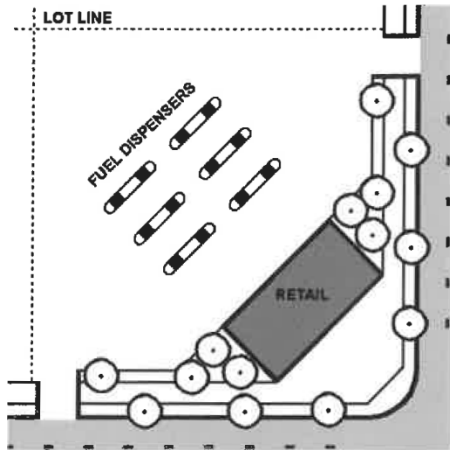
Variance request: The applicant proposes a variance to allow the gas canopy and pumps to be in front of the proposed building between the roadway and building.

The applicant states in their application:

*The City Zoning Ordinance, last updated on December 22, 2020, states the following:
"Convenience stores should locate gas pumps behind the principal structure in order to effectively screen the pumps from view from the street. However, if fuel pumps are not located in the rear of the building, the additional landscaping should be required ... "
According to the ordinance, the proposed canopy location would not require a variance, only additional screening. However, the applicant has the intention of providing additional screening along the frontages of the property if the proposed location is permitted.*

This statement by the applicant is incorrect. There have been five Zoning Code supplements since December 22, 2020. Additionally, the applicant stating the canopy location would not require a variance is flawed, as it relies on an erroneous interpretation of the code. If the claimed hardship is primarily based on this misinterpretation, the variance request lacks a valid foundation.

The actual Zoning Code reads as follows: **Article 10, Section 10.0 (f): Convenience stores shall locate gas pumps behind the principal structure in order to effectively screen the pumps from view of the street.**



Positioning gas canopies and pumps behind the primary building of a convenience store offers several benefits, based on practical design and operational considerations:

- **Improved Traffic Flow and Safety:** Placing pumps behind the building reduces congestion at the store's front entrance, where pedestrian traffic is typically higher. This separation minimizes conflicts between vehicles and foot traffic, enhancing safety for customers entering or exiting the store.
- **Aesthetic Appeal and Branding:** Keeping the front of the store free of pumps creates a cleaner, more inviting appearance. The store's facade can showcase signage, promotions, or architectural features, making it more attractive to customers and emphasizing the convenience store as the primary draw rather than the fuel station.
- **Space Optimization:** Locating pumps at the rear maximizes parking space in front of the store, making it easier for non-fueling customers to access the entrance. This is particularly beneficial for smaller lots where space is limited, ensuring efficient use of the property.
- **Noise and Fume Reduction:** Gas pumps and vehicle activity generate noise and exhaust fumes. Positioning them behind the building reduces exposure to these nuisances at the store's entrance, creating a more pleasant environment for customers and employees.

Variance Justification and Hardship

The applicant did not provide an alternative site plan showing the configuration of a layout where the gas pumps and canopy are behind the primary building.

For example, the applicant states: *"The future traffic circle really chokes down the buildable area on this site, and having the canopy in the rear puts it right next to the neighboring property, which is undesirable"*.



The claim lacks substance without a scaled drawing showing the site's limited buildable area. It may be plausible that a 4,200 sq. ft. convenience store, a 1,200 sq. ft. restaurant with a drive-thru, a 1,400 sq. ft. retail space, a boat washing station, and gas pumps with a canopy exceed the site's capacity. However, this claim does not constitute a hardship unless supported by an alternative design.

A hardship that justifies a variance to zoning codes is a unique condition or circumstance specific to a property that prevents reasonable use of the land under the existing zoning regulations, where strict compliance would cause undue difficulty or burden to the property owner. Below are key points that define a valid hardship and examples relevant to zoning variances:

Characteristics of a Valid Hardship

- **Unique to the Property:** The hardship must arise from specific physical or topographical features of the property, such as irregular shape, size, slope, soil conditions, or environmental constraints (e.g., wetlands or flood zones), that are not shared by neighboring properties.
- **Not Self-Created:** The hardship cannot result from actions taken by the property owner, such as subdividing the lot in a way that creates non-compliance or purchasing the property knowing the zoning restrictions.
- **Prevents Reasonable Use:** The zoning restriction must significantly limit or prevent the owner from using the property in a manner consistent with its intended purpose under the zoning code.
- **Not Merely Financial:** While financial difficulty may be considered, a hardship is typically not justified solely by economic loss or inconvenience (e.g., inability to maximize profit). The hardship must relate to the property's physical constraints.
- **Minimal Deviation:** The variance requested should be the minimum necessary to alleviate the hardship while still aligning with the public interest and the intent of the zoning code.



Flowery Branch Code Section 37.5 – Criteria for Granting Variances

(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;

The applicant states the proposed roundabout limits the size of the property to justify the variance request. However, it would be reasonable to believe that a 4,200 sq. ft. convenience store, a 1,200 sq. ft. restaurant with a drive-thru, a 1,400 sq. ft. retail space, a boat washing station, and gas pumps with a canopy exceed the site's capacity. Reducing the number and area of the various uses could eliminate the need for a variance.

There are no 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;

Implementing the ordinance's provisions would not prevent the operation of a convenience store with gas pumps but would instead regulate the layout of the building, parking, gas pumps, and drive aisles.

(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;

Following the provisions of the ordinance regulating the layout of the site would not confer upon the property of the applicant any special privileges.

(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;

The ordinance code section is specific about the configuration of gas pumps in relation to the building and street frontage. Approving the variance is a removal of Article 10, Section 10.0 (f).



(e) The special circumstances are not the result of the actions of the applicant;

There are no special circumstances on the site that limit compliance with Article 10, Section 10.0 (f).

(f) The variance requested is the minimum variance that will make possible the proposed use of the land, building, or structure in the use district proposed; and

It is unclear if the applicant is requesting the minimum variance required as an alternative site plan was not provided.

(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.

The requested variances do not permit any nonconforming uses of the property according to zoning district.

Recommendation:

Staff recommends **DENIAL** of the Variance request due to the applicant's inability to demonstrate hardships associated with the configuration of site components.

Staff recommends **DENIAL** of the Conditional Use Permit for the convenience store, as it conflicts with the Comprehensive Plan's Future Land Use Map and Character Area. If the Council chooses to approve the permit, staff suggests the following conditions:

1. Site Design and Layout Requirements:

- a. Gas Pump Placement:** Convenience stores with fuel pumps must locate gas pumps behind the principal structure to minimize visual impact and ensure safety, as specified in Article 10, Section 10.9(f) of the Flowery Branch Zoning Ordinance.
- b. Use:** The site is limited to one 1,200 sq. ft. restaurant unit, 4,200 sq. ft. convenience store unit and one 1,500 sq. ft. retail unit.
- c. Building Orientation:** The store must be oriented to face McEver Road with setbacks per Table 9.2 to maintain aesthetic and functional compatibility with surrounding areas. Final building orientation to be approved by the Planning and Community Development Director.
- d. Dumpsters:** Dumpsters must be placed in the rear yard, outside of any buffer zones. They must be completely enclosed with full masonry walls constructed from real brick or stone, matching the building's material.



- e. **Outdoor storage:** Outdoor storage of inventory, materials or equipment shall be prohibited.
 - f. **Lot Coverage:** Maximum lot coverage of impervious surface shall not exceed 50% per Table 9.2.
 - g. **Parking and Access:** A minimum number of parking spaces must be provided per the zoning ordinance (Article 21).
 - i. Retail minimum 1 space per 275 square feet. (required 21 spaces)
 - ii. Restaurant minimum 1 space per 125 square feet. (required 10 spaces)
 - iii. Drive-through shall include one 10 ft. bypass lane.
 - iv. Both entrances are to include right turn lanes in and be limited to right in and right out only. Final entrance designs shall be reviewed and approved by the City Engineer.
2. **Landscaping and Buffers:**
- a. **Buffer Zones:** A natural undisturbed landscaped buffer of 30 feet is required along property lines adjacent to residential zones to reduce noise and visual impacts, as outlined in Article 19 of the Zoning Ordinance. Where existing vegetation is sparse, the buffer is to be replanted with a dense combination of evergreen trees and shrubs. The enhance buffer landscaping plan shall be sealed by a Georgia Registered Landscape Architect and be approved by the Director of Planning and Community Development.
 - b. **Landscape Strip Planting:** The landscape strip shall provide enhanced landscaping and cover the entire length of the road frontage. The landscape strip design shall not contemplate the existing sign and right of way to remain. 100% of the landscape strip area shall be installed with trees, shrubs and ground cover. The enhance landscape strip landscaping plan shall be sealed by a Georgia Registered Landscape Architect and be approved by the Director of Planning and Community Development.
 - c. **Parking Lot Plantings:** The end of each parking row shall be a planted island no less than 200 square feet in area. 100% of the parking lot island area shall be installed with trees, shrubs, and ground cover. The enhance parking lot island landscaping plan shall be sealed by a Georgia Registered Landscape Architect and be approved by the Director of Planning and Community Development.
3. **Signage and Lighting:**
- a. **Signage Compliance:** Signs must adhere to Article 24 of the Zoning Ordinance, limiting size, height, and illumination. All signs are to be non-flashing, non-animation, low-intensity lighting to reduce light pollution. Wall signs shall be in compliance to Article 24 for size and location. Window signs are not to be lighted and only allowed to be 25% of the window surface where the sign is placed.
 - b. **Prohibited Signs:** prohibited signs include digital or standard billboards or temporary banners.



- c. A complete site lighting plan shall be provided including sign details, foot candle spread, and location of signs. All lighting fixtures are to face downwards and not to face any nearby residential.
- 4. **Operational Restrictions:**
 - a. **Hours of Operation:** To minimize disturbance in nearby residential areas, the store is restricted to operating between the hours of 6:00 AM to 11:00 PM.
 - b. **Noise Control:** No outdoor speakers or music systems on site.
- 5. **Architectural and Aesthetic Standards:**
 - a. **Facade Design:** The store's exterior and gas canopy columns must comply with Article 10 (Development Requirements and Guidelines), requiring real brick with no more than 20% of real three coat stucco or fiber cement board on all four elevations match. Brick veneer, EFIS or synthetic stucco shall be prohibited. Building plans must follow the procedures in Article 40. Final building elevations shall be approved by the Director of Planning and Community Development.
 - b. **Lighting:** Outdoor lighting must follow Article 23, ensuring that light fixtures are directed downward to prevent spillover into adjacent properties.
- 6. **Environmental and Infrastructure Conditions:**
 - a. **Stormwater Management:** The developer must submit a stormwater management concept plan to the City Engineer prior to submitting any subsequent permit applications.
 - b. **Traffic Impact Study:** The applicant is to produce a traffic impact study to assess impacts and propose mitigation.
 - c. **Utility Connections:** The developer must ensure adequate water and sewer connections, potentially upgrading infrastructure at their expense, to support the store's operations.



VARIANCE APPLICATION

Address of Request:
Parcel #08140 000215

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:

Requesting a variance for the gas pumps and canopy to be in front of the building, as we have the canopy in front of the building.

Applicant: Epic Group of Companies

Address: 1943 Pleasant Hill Rd
Duluth, GA 30096

E-mail address: spanjwani@epicgoc.com

Phone number: (404) 302-7650

Signature: 

Notary Seal: Ana Carolina Castro, notary





Property owner information (if different than the applicant)

Property owner (please print): Kelly Family Investments, LLC.

Address: 14260 JACOBS PRAIRIES LN
MILITARY, GA 30004

E-mail address: KellySR6@Bellsouth.net

Phone number: 404-202-1994

Signature: [Signature]

Notary Seal: Ana Carolina Castro, notary



Please complete the attached Variance Completeness Checklist and attach all supplementary required documents listed therein to this application. Completeness Checklists can also be found on the website, www.flowerybranchga.org, under the "Forms" section.

Conflict of Interest Disclosure

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

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

N/A



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

N/A

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

N/A

Disclosure of Campaign Contributions

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

Elected Officials Name

Amount of Description of Gift

N/A

N/A

N/A

N/A

City of Flowery Branch Community Development Office

5512 Main St

Flowery Branch, GA, 30542

770-967-6378

VARIANCE COMPLETENESS CHECKLIST

Please review each line item on the Completeness Checklist prior to submitting an application to the City of Flowery Branch. Please initial **each line item** (numerical and alphabetical sub lists) in the initial blocks provided in the left-hand column. Initialed checklist must be included with the completed application and all other required documentation at time of submittal. **All requirements must be provided in hard copy form and digital form on a flash drive.**

Applicant Name: Epic Group of Companies

Project Name: Lake Lanier Development

X	1.	Completed application with all signatures and notary seals present and all fields filled out and all supplementary requirements and documents attached. (Article 37, Sec. 37.3)
	2.	Legal description of the property. (separate document)
X	3.	Current survey of property sealed by a Georgia registered land surveyor. (separate document)
X	4.	Letter of intent describing the proposed use of the property or other action requested. (separate document)
X	5.	Site plan of the property at an appropriate engineering scale which shows: (Sec. 37.4) (separate document)
X		a) Existing and proposed buildings and structures,
X		b) Relevant information regarding proposed improvements,
X		c) Other information as required by Zoning Administrator.
X	6.	Detailed description of the request. (in body of application but can be attached as separate document)
X	7.	Statistics regarding the proposed project or development. (separate document)
X	8.	Written analysis of how the proposed action compares to decision criteria specified for deciding on the subject type of application. (separate document)
X	9.	Description of any special conditions voluntarily made a part of the request.
X	10.	Conflict of interest disclosure. (in body of application)
X	11.	Disclosure of campaign contributions. (in body of application)
X	12.	Narrative demonstrating that criteria for granting variances has been met: (Article 37, Sec. 37.5) (separate document)
X		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;
X		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;

City of Flowery Branch Community Development Office

5512 Main St

Flowery Branch, GA, 30542

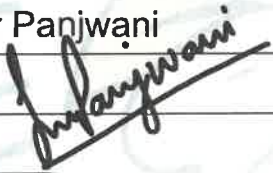
770-967-6378

VARIANCE COMPLETENESS CHECKLIST

X		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;
X		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;
X		e) The special circumstances are not the result of the actions of the applicant;
X		f) The variance requested is the minimum variance that will make possible the proposed use of the land, building, or structure in the use district proposed; and
X		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.

The undersigned does hereby attest that all requirements in the above checklist have been met and that all required documentation has been provided at the time of submittal. The undersigned acknowledges that any application found to be incomplete upon review will be returned to the applicant for completion.

Name (print): Sagar Panjwani

Signature: 

Date: 4/14/2025

Criteria for Granting a Variance

(Parcel #08140 000215 – Highway Business Zoning)

- **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**

The future traffic circle really chokes down the buildable area on this site, and having the canopy in the rear puts it right next to the neighboring property, which is undesirable.

- **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**

Correct, most convenience stores in the area have a canopy located in front of the principal structure.

- **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**

Correct, most convenience stores in the area have a canopy located in front of the principal structure.

- **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**

The requested variance will not be injurious to the neighborhood or to general welfare. The proposed development will provide great and convenient service to the community.

- **The special circumstances are not the result of the actions of the applicant**

The City Zoning Ordinance, last updated on December 22, 2020, states the following: "Convenience stores should locate gas pumps behind the principal structure in order to effectively screen the pumps from view from the street. However, if fuel pumps are not located in the rear of the building, the additional landscaping should be required..."

According to the ordinance, the proposed canopy location would not require a variance, only additional screening. However, the applicant has the intention of providing additional screening along the frontages of the property if the proposed location is permitted.

- **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.**

The proposed use, convenience store with fuel pumps and restaurant, is permitted use in the HB zoning district.

Conditional Use Completeness

(Parcel #08140 000215 – Highway Business Zoning)

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

Yes

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

No

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

Yes

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

No

- 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.

Yes

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

No

- Existing 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 future traffic circle would make any other development not as ideal as the proposed.

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

No

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

No

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

No

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

None

- 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.

Yes

THIS BLOCK RESERVED FOR THE CLERK OF THE SUPERIOR COURT

GENERAL/SITE NOTES:

- 1) OWNER OF RECORD-DEEDS FAMILY MEMBERS
- 2) THIS SURVEY WAS MADE WHIHOOT THE BENEFIT OF CURRENT TITLE COMMITMENT, EASEMENTS AND ENCUMBRANCES MAY EXIST WHICH BENEFIT OR AFFECT THE PROPERTY. MATTERS OF TITLE ARE EXCEPTED.
- 3) SITE ELEVATIONS BASED ON LOCAL 88 BY 60 RECORD DATA.
- 4) INFORMATION OBTAINED BY MEANS OF Aerial GPS NETWORK, 4D+ RECORD DATA.
- 5) LAND DEVELOPMENT STOREDORS, INC. IS NOT PROVIDING THIS INFORMATION AS PART OF THE ZONING INFORMATION AND INTERPRETATION AS PROVIDED HEREIN. THIS INFORMATION IS OBTAINED USING ON-LINE SOURCES, ETC. AND CANNOT BE GUARANTEED.
- 6) THAT THE CLIENT OR USER OF THIS DATA VERIFY THIS INFORMATION WITH THE ISSUING AUTHORITY. NO PARINGS SPACES ON SITE.

NOTE:

BEARINGS AND ELEVATIONS SHOWN HEREON ARE BASED ON GPS OBSERVATIONS USING CARLSON GNSS ROVER EQUIPMENT AND TRIMBLE, INC. REAL TIME NETWORK ADJUSTMENT AT DATE OF FIELD WORK.

THIS SURVIVAL WAS PREPARED UTILIZING A DUAL FREQUENCY GPS RECEIVER. NETWORK RTK CORRECTIONS WERE RECEIVED VIA CELLULAR MODEM. THE BASE STATION NETWORK IS OPERATED AND MAINTAINED BY TRIMBLE, INC.

THE RELATIVE POSITIONAL ACCURACY AS CALCULATED ACCORDING TO THE FEDERAL GEOGRAPHIC DATA COMMITTEE PART 3, NATIONAL STANDARD FOR SPATIAL DATA ACCURACY IS 0.04 FT. HORIZONTAL AND 0.07 FT. VERTICAL AT A 95% CONFIDENCE LEVEL.

THE FIELD SURVEY WAS COMPLETED ON 7/8/25.

PLAT CLOSURE STATEMENT:

THIS PLAT HAS BEEN CALCULATED FOR CLOSURE & IS ACCURATE WITHIN ONE FOOT IN 119,651 FEET, AND CONTAINS A TOTAL OF 1.316 ACRES.

FLOOD HAZARD NOTE

BY GRAPHICAL PLOTTING ONLY, NO PORTION OF THE SURVEYED AREA LIES WITHIN A 100 YEAR FLOOD HAZARD AREA, PER FIRM PANEL 13139C0290G, DATED APRIL 4, 2018

THIS OPINION IS NOT A CERTIFICATION OF FLOOD HAZARD STATUS, BUT IS AN INTERPRETATION OF THE REFERENCED MAP AND PUBLIC DATA. IF THE EXACT LOCATION OF ELEVATION(S) OF FLOOD HAZARD BOUNDARIES ARE NECESSARY, A MORE DETAILED STUDY MAY BE NEEDED. THIS FIRM ASSUMES NO RESPONSIBILITY OR LIABILITY FOR THE ACCURACY OF THE ABOVE REFERENCED MAP OR PUBLIC DATA.

REFERENCES

- 1) PLAT BOOK 247, PAGE 68A
2) DEED BOOK 6411, PAGE(S) 145-146
3) DEED BOOK 9556, PAGE(S) 433-435
4) DEED BOOK 9556, PAGE(S) 474-476

LINE TABLE			
LINE	BEARING	DISTANCE	
L1	S24°55'03"N	10.51	
L2	N53°31'43"E	21.06	
L3	S36°33'43"W	11.79	
L4	N101°00'W	4.925	
L5	N59°23'22"E	15.42	
L6	N19°33'58"E	156.35	

CURVE TABLE			
CURVE	LENGTH	RADIUS	BEARING
C1	176°55'35"	N55°21'42"E	12.66
C2	12°02'	S25°00'43"W	156.76
C3	25°00'	S30°32'46"	29.007
C4	62°10'	S30°32'46"	62.58

THIS PLAT WAS PREPARED FOR THE EXCLUSIVE USE OF THE PERSON, PERSONS, OR ENTITY NAMED IN THE CERTIFICATE HEREON. SAID CERTIFICATE DOES NOT EXTEND TO ANY UNNAMED PERSON WITHOUT AN EXPRESS RECERTIFICATION BY THE SURVEYOR NAMING SAID PERSON.

INFORMATION ENCODING THE REPUTED PRESENCE, SIZE, CHARACTER AND LOCATION OF EXISTING UNDERGROUND UTILITIES AND STRUCTURES IS SHOWN HEREON, THERE IS NO CERTAINTY OF THE ACCURACY OF THIS INFORMATION, AND IT SHALL BE CONSIDERED IN THAT LIGHT BY THOSE USING THIS DRAWING. THE LOCATION AND ARRANGEMENT OF UNDERGROUND UTILITIES AND STRUCTURES SHOWN HEREON MAY BE INACCURATE, AND UTILITIES AND STRUCTURES NOT SHOWN MAY BE ENCOUNTERED. THE OWNER, HIS EMPLOYEES, HIS CONSULTANTS AND HIS CONTRACTORS SHALL HEREBY DISTINCTLY UNDERSTAND THAT THE SURVEYOR IS NOT RESPONSIBLE FOR THE CORRECTNESS OR SUFFICIENCY OF THIS INFORMATION.

THE TERM "CERTIFICATION" OR TO "CERTIFY" RELATING TO LAND SURVEYING SERVICES SHALL MEAN A SIGNED STATEMENT BASED UPON FACTS AND KNOWLEDGE KNOWN TO THE REGISTRANT AND IS NOT A GUARANTEE OR WARRANTY, EITHER EXPRESSED OR IMPLIED.

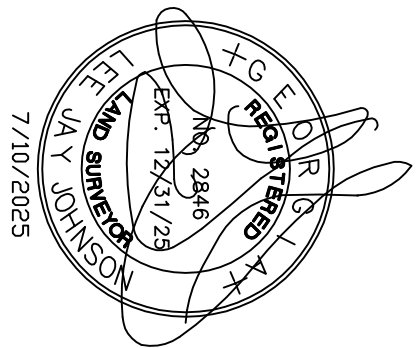
ALT/ANSPS CERTIFICATION

THIS IS TO CERTIFY THAT THIS MAP OR PLAN AND THE SURVEY ON WHICH IT IS BASED WERE MADE IN ACCORDANCE WITH THE 2021 MINIMUM STANDARD DETAIL REQUIREMENTS FOR ALTRANS LAND TITLE SURVEYS, JOINTLY ESTABLISHED AND ADOPTED BY ALTA AND NSPS, AND INCLUDES ITEMS: 1, 2, 3, 4, 6(b), 8, 9, 11(a), 13. THE FIELD WORK WAS COMPLETED ON 07/08/2025.

OF TABLE A THEREOF.

SURVEYORS CERTIFICATION

THIS PLAT IS A RETRACTION OF AN EXISTING PARCEL OR NEW PARCEL OR MADE ANY CHANGES TO THE REAL PROPERTY BOUNDARIES. THE RECORDING INFORMATION OF WHICH CREATED THE PARCELS OR PARCELS ARE NOTED HEREON, RECOGNITION OF THIS PLAT DOES NOT IMPLY PERMITS COMPLIANCE WITH CONSTRUCTION REGULATIONS OR REQUIREMENTS, OR SUITABILITY FOR ANY USE OR PURPOSE. SURVEYOR CERTIFICATES, IF APPLICABLE, THAT COMPLY WITH THE MINIMUM TECHNICAL STANDARD FOR PROPERTY SURVEYS IN GEORGIA SHALL BE REQUIRED BY THE BOARD OF PROFESSIONAL ENGINEERS AND LAND SURVEYORS AND AS SET FORTH IN O.C.G.A. SECTION 14-6-0.



LEGEND

	VALVE
	FENCE
	GAS LINE
	UNDERGROUND TELEPHONE
	POWER
	SANITARY SEWER
	POWER POLE
	SERVICE/GUY POLE
	GUY WIRE
	METER
	SANITARY SEWER MANHOLE
	CLEAN OUT
	BACK OF CURB
	DEED BOOK, PAGE NUMBER
	EDGE OF PAVEMENT
	IRON PIN FOUND
	NOW OR FORMERLY
	POINT OF BEGINNING
	POINT OF COMMENCEMENT
	UNDERGROUND GAS MARKER
	PLAT BOOK, PAGE NUMBER
	PARCEL IDENTIFICATION NUMBER
	RIGHT-OF-WAY
	REBAR FOUND
	REINFORCED CONCRETE PIPE
	RECORD DISTANCE
	REBAR WITH CAP
	UNDERGROUND TELECOMMUNICATIONS MARKER

LEGAL DESCRIPTION

All that tract or parcel of land lying and being in Land Lot 100 of the 8th Land District, City of Flowery Branch, Hall County, Georgia and being more particularly described as follows:

Beginning at a Point formed by the Centeline Intersection of the Gaines Ferry Road (apparent Right-of-Way varies) and of the McNew Road (apparent Right-of-Way varies) and of Section 32 and Apparent Right-of-Way varies East to Point along the West side of the Gaines Ferry Road (apparent Right-of-Way varies);

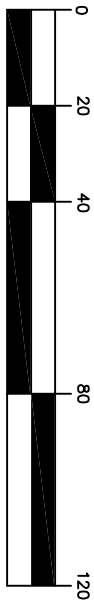
Right-of-Way varies), said Point is the True Point of Beginning;

THEENE Founding along the Western Right-of-Way of McEwen Road for a distance of 125.00 feet and a curve turning to the right having a radius of 125.00 feet and an arc length of 170.02 feet being subdivided by a chord South 76 degrees 42 seconds West for a distance of 158.76 feet to a Point THEENE leaving said Right-of-Way towards THEENE following along the Eastern Right-of-Way of Gates Ferry Road (apparently a 30' wide road) for a distance of 114.65 feet to a Point THEENE leaving said Right-of-Way towards THEENE following along a curve turning to the right having a radius of 303.76 feet and an arc length of 170.02 feet being subdivided by a chord South 76 degrees 42 seconds West for a distance of 158.76 feet to a Point THEENE leaving said Right-of-Way North 38 degrees 56 minutes 31 seconds East for a distance of 259.35 feet to a Point THEENE leaving said Right-of-Way North 38 degrees 56 minutes 31 seconds West for a distance of 293.00 feet to a Point THEENE leaving said Right-of-Way North 38 degrees 56 minutes 31 seconds East for a distance of 243.05 feet to a Point THEENE leaving said Right-of-Way of McEwen Road for the next foot (4) calls, South 34 degrees 12' 30" West for a distance of 10.51 feet to a Point THEENE along a curve turning to the right having a radius of 10.51 feet and an arc length of 12.26 feet being subdivided by a chord South 34 degrees 12' 30" West for a distance of 12.26 feet and a curve turning to the right having a radius of 12.26 feet and an arc length of 16.57 feet being subdivided by a chord South 35 degrees 21 minutes 42 seconds West for a distance of 12.26 feet to a Point THEENE leaving said Right-of-Way South 36 degrees 21 minutes 42 seconds West for a distance of 36.00 feet to a Point THEENE leaving said Right-of-Way South 36 degrees 21 minutes 42 seconds West for a distance of 11.79 feet to a Point, said Point is the True Point of Beginning

Said property contains 1.16 acres

Including all easements within.

GRAPHIC SCALE



- PROJECT AREA: 1.31 AC
- CURRENT ZONING: HB
- PROPOSED STRUCTURE HEIGHT = 28'
- MAX HEIGHT: 60FT
- MAX STORIES: 3FT
- MAX HEATED AREA: 0FT

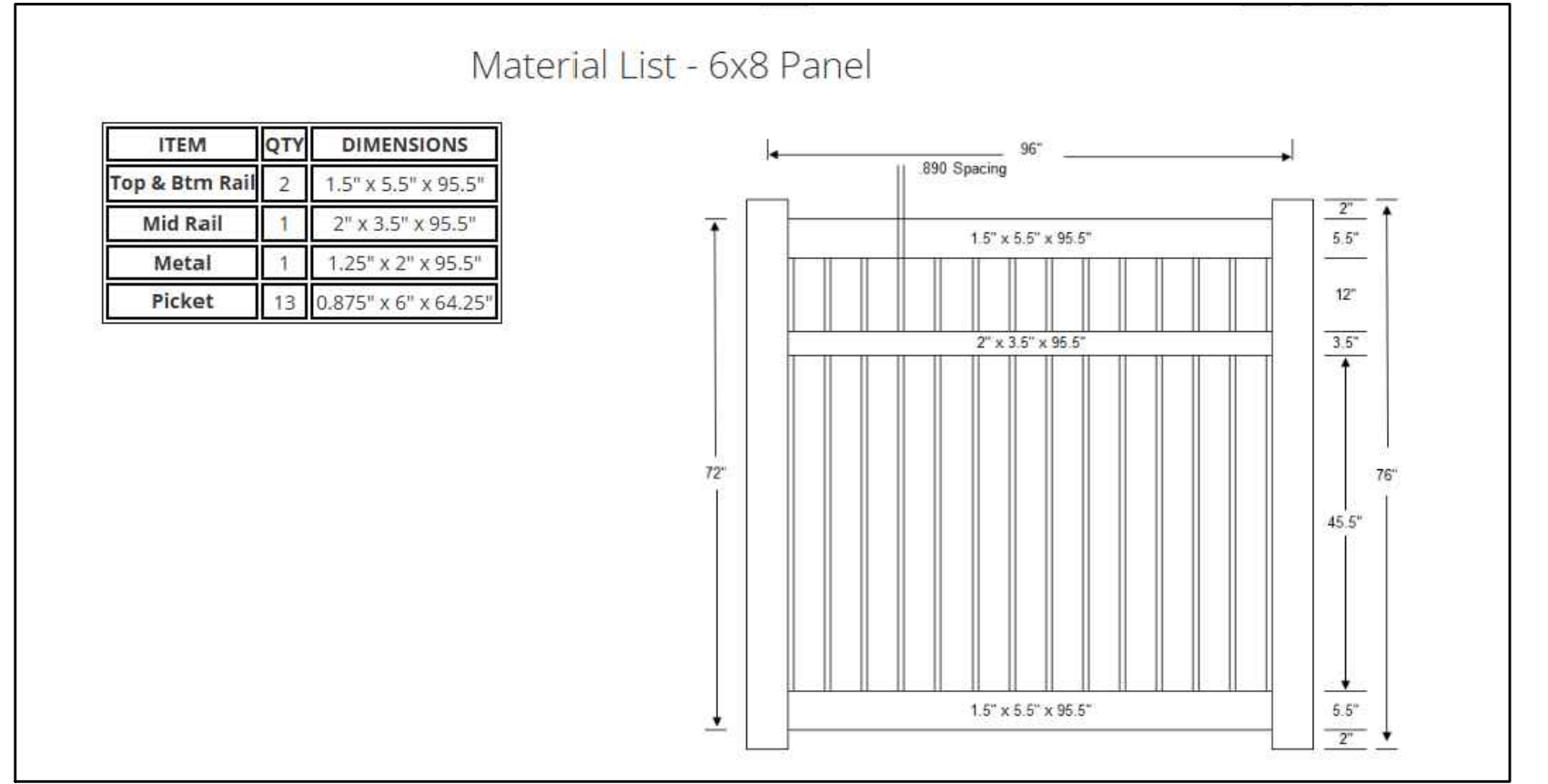
-15' STRUCTURAL BUFFER ABUTTING RESIDENTIAL (7452.74SF/0.17AC)
 -10FT LANDSCAPE STRIP ALONG ROW AND LANDSCAPE EASEMENT (8879.31SF/0.20AC)
 -MIN. 15% LANDSCAPED AREA REQ.: 0.20AC in LANDSCAPE ESMT/1.61AC = 15.2% PROVIDED
 -50% MAXIMUM BUILDING COVERAGE (12.09% AS SHOWN)
 -LANDSCAPING SHALL FOLLOW SEC. 10.13 AND ARTICLE 19
 -A FULL LANDSCAPE PLAN WILL BE REQUIRED PRIOR ISSUANCE OF A LAND DISTURBANCE PERMIT
 -PERCENTAGE OF IMPERVIOUS AREA=

$$\frac{39,745.58\text{SF of IMPERVIOUS AREA}}{43,560} = 0.91\text{ACRES}$$

$$\frac{0.91\text{AC}}{1.31\text{AC}} = 0.69(100) = 69\% \text{ OF IMPERVIOUS AREA}$$

CONVENIENT STORE, GAS STATION:
 1 STALL PER 500 sq. ft; $(1/500)4,200 = 8$ STALLS RETAIL
 1 STALL PER 500 sq. ft; $(1/500)1,500 = 3$ STALLS REST.
 1 STALL PER 150 sq. ft; $(1/150)1,200 = 8$
 THEREFORE,
 19 STALLS REQUIRED
 21 STALLS PROVIDED

FRONT: 0'
INTERIOR SIDE: 10'
CORNER LOT SIDE: 15'
REAR: 25'



6FT HIGH OPAQUE FENCE DETAIL

DATE:	REVISION:

ALL MATERIALS, CONSTRUCTION, AND WORKMANSHIP ON THIS PROJECT SHALL BE IN STRICT ACCORDANCE WITH THE APPROPRIATE LOCAL SPECIFICATIONS AND REQUIREMENTS AND SHALL BE PERFORMED IN A WORKMANLIKE MANNER.

THE CONTRACTOR SHALL BE RESPONSIBLE FOR NOTIFYING ALL UTILITY OWNERS, DETERMINING THE LOCATION OF ALL EXISTING UNDERGROUND UTILITIES, INCLUDING BUT NOT LIMITED TO, WATER, GAS, AND SEWER, PRIOR TO CONSTRUCTION AND SHALL BE RESPONSIBLE FOR ANY DAMAGES DUE TO THIS OPERATION.

THE DESIGNER DISCLAIMS ANY RESPONSIBILITY FOR DESIGN CHANGES MADE BY OTHERS.

THE CONTRACTOR SHALL CALL THE UTILITIES PROTECTION CENTER THREE WORKING DAYS BEFORE DIGGING, IN METRO ATLANTA DIAL 604/325-5500, THROUGHOUT GEORGIA DIAL 800/262-7411.

Sullins Engineering, LLC
 CONTACT: MATTHEW SULLINS
 CIVIL ENGINEERS ~ LAND PLANNERS

26 EAST ATHENS STREET
 WINDER, GA. 30680
 PHONE: (678) 687-6219

CONCEPTUAL PLAN FOR:

McEVER ROAD

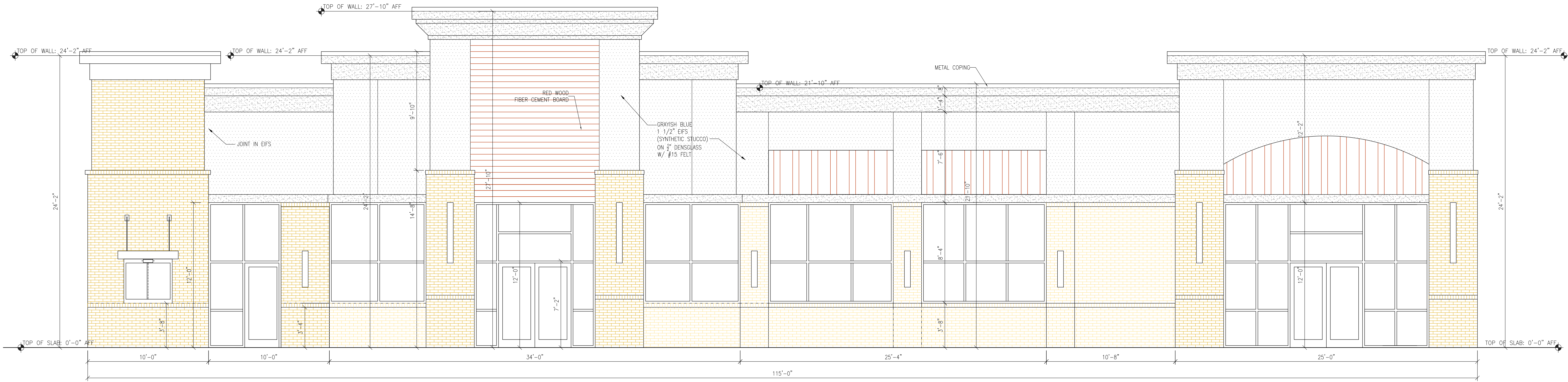
LOCATED IN:

PARCEL: 08140 000215 GMD, 1270

HALL COUNTY, GEORGIA

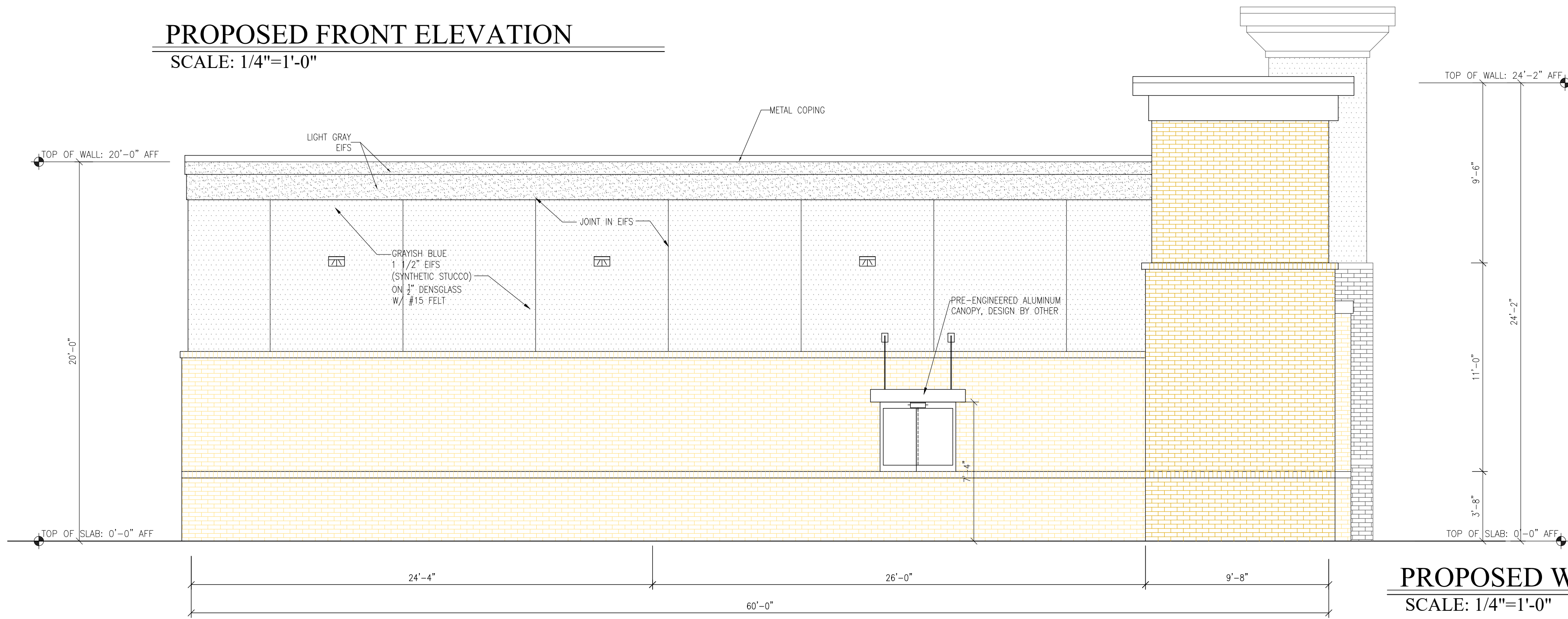
DATE 7/16/2025 JOB # 3688

SHEET 1



PROPOSED FRONT ELEVATION

SCALE: 1/4"=1'-0"

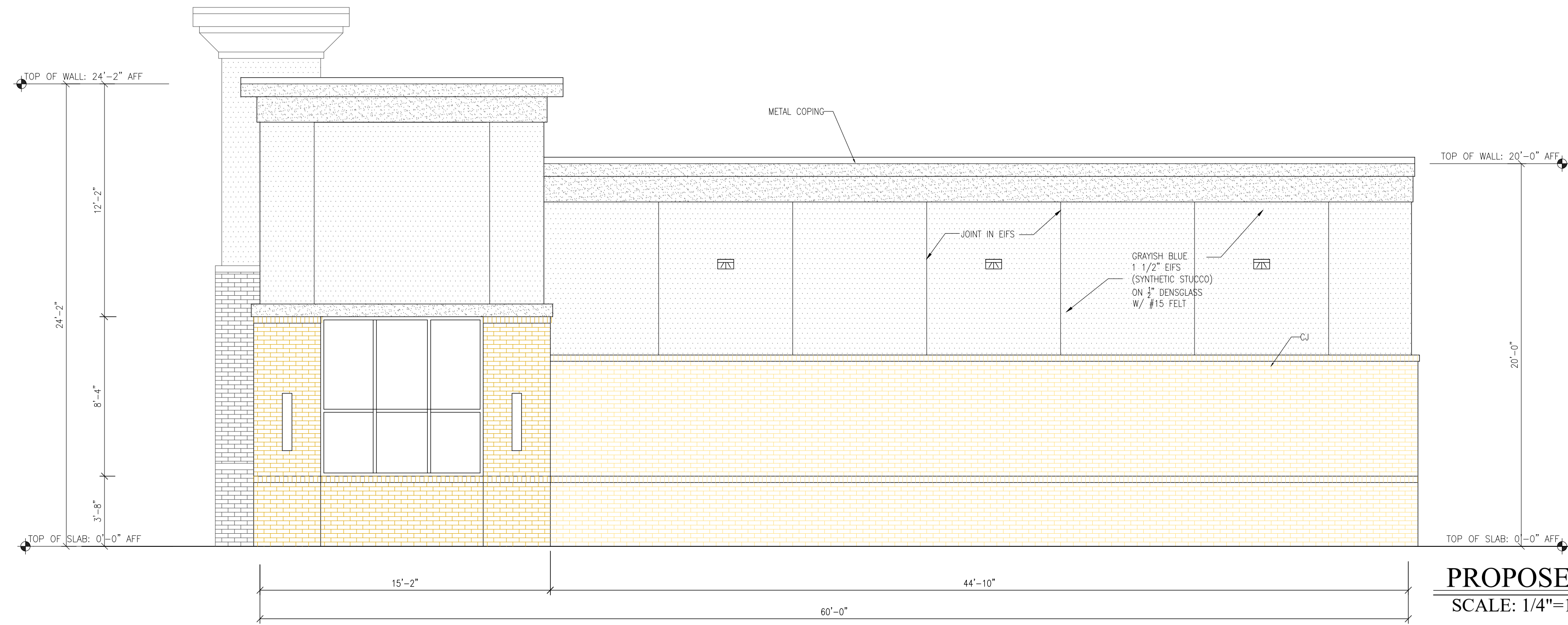


PROPOSED WEST ELEVATION

SCALE: 1/4"=1'-0"

EXTERIOR FINISH SCHEDULE

	DARK BROWN BRICK VENNER
	LIGHT BROWN BRICK VENNER
	GRAYISH BLUE EIFS (SYNTHETIC STUCCO)
	LIGHT GRAY EIFS
	DARK GRAY STANDING SEAL METAL ROOF TILE
	RED WOOD FIBER CEMENT BOARD



PROPOSED EAST ELEVATION

SCALE: 1/4"=1'-0"

FIRM NAME AND ADDRESS

NEW SPACE DESIGN, INC.
3331 NORTH BERKELEY LAKE ROAD
SUITE 200
DULUTH, GA 30096
Phone: (404) 217-3458
Fax: (770) 783-2978
Email: newspace@gmail.com

REVISIONS

PROJECT NAME AND ADDRESS

**BUILDING DESIGN FOR
LAKE LANIER CONVENIENCE STORE**

DATE

04/17/25

SHEET TITLE

SHEET NUMBER

FOR THE

REVISIONS

CHECK SET

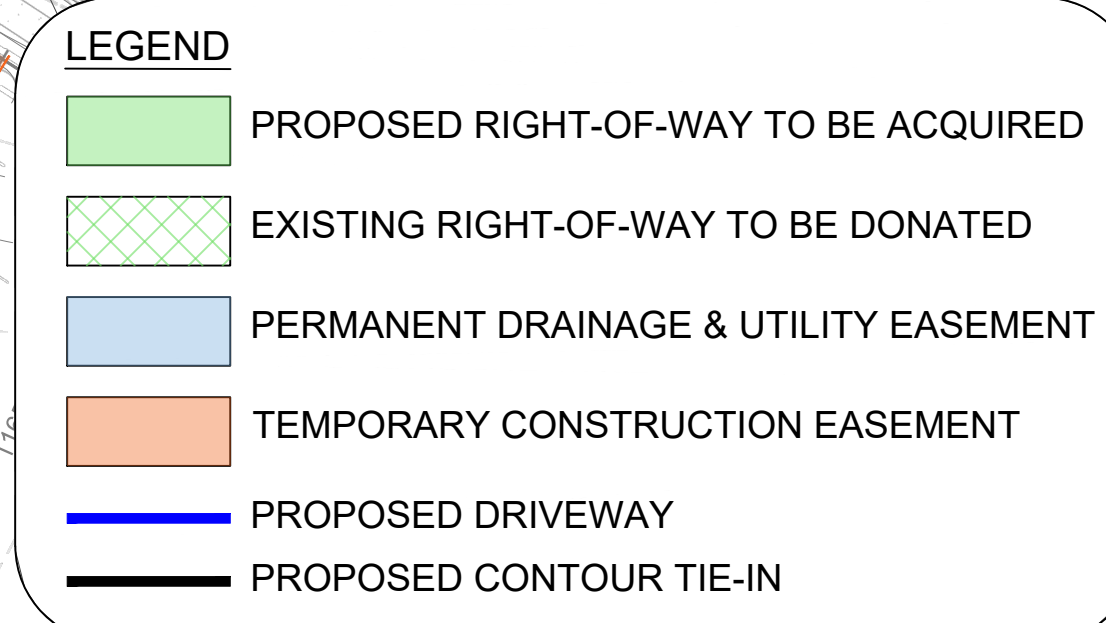
PRELIMINARY
NOT FOR
CONSTRUCTION

DRAWN BY: CHF
CHECKED BY: AWS
DATE: SEPT 2023
SCALE: 1" = 30'

CONTENT:
RIGHT-OF-WAY EXHIBIT

SHEET NO

1/1



Jacob Bolton
Senior Civil Designer
Sullins Engineering
26 E Athens Street
Winder, GA 30680
jbolton@sullinsengineering.com
(404) 542-4175

April 15, 2025

City of Flowery Branch Planning and Community Development Department
5512 Main Street
Flowery Branch, GA 30542

Letter of Intent

(Parcel #08140 000215 – Highway Business Zoning)

To Whom It May Concern,

On behalf of our client, I am submitting this Letter of Intent in support of a proposed gas station development located on Parcel #08140 000215 in the City of Flowery Branch, GA. The property is zoned Highway Business (HB), and we are respectfully requesting a variance to allow the fuel canopy to be located in front of the principal building, as well as a conditional use permit for the gas station.

The project includes the construction of a gas station with five (5) fuel pump stations beneath a covered canopy and a convenience store structure, as well as a drive thru on one side and a separate suite on the other side. The overall design is consistent with commercial development patterns in the area and aligns with current demand for well-located fueling and service stations.

The requested variance is based on the following justification:

- Site Circulation and Functionality: Placing the canopy in front of the building allows for optimal traffic flow throughout the site, ensuring safer and more efficient ingress and egress for vehicles.
- Aesthetic and Contextual Alignment: This layout reflects the established design of other gas stations in the area, providing a consistent streetscape along this corridor.
- Site Constraints: Strict adherence to building-forward placement would limit vehicular

maneuverability and diminish the functional layout of the development.

While this request pertains specifically to the canopy location, all other requirements of the City of Flowery Branch Zoning Regulations and development standards will be met or exceeded. A professionally prepared site plan and accompanying documents are included with this submission to support the variance application.

Please feel free to contact me directly at (404) 542-4175 or jbolton@sullinsengineering.com with any questions or requests for additional information.

Thank you for your consideration.

Criteria for Granting a Variance

(Parcel #08140 000215 – Highway Business Zoning)

- **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**

The future traffic circle really chokes down the buildable area on this site, and having the canopy in the rear puts it right next to the neighboring property, which is undesirable.

- **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**

Correct, most convenience stores in the area have a canopy located in front of the principal structure.

- **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**

Correct, most convenience stores in the area have a canopy located in front of the principal structure.

- **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**

The requested variance will not be injurious to the neighborhood or to general welfare. The proposed development will provide great and convenient service to the community.

- **The special circumstances are not the result of the actions of the applicant**

The City Zoning Ordinance, last updated on December 22, 2020, states the following: "Convenience stores should locate gas pumps behind the principal structure in order to effectively screen the pumps from view from the street. However, if fuel pumps are not located in the rear of the building, the additional landscaping should be required..."

According to the ordinance, the proposed canopy location would not require a variance, only additional screening. However, the applicant has the intention of providing additional screening along the frontages of the property if the proposed location is permitted.

- **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.**

The proposed use, convenience store with fuel pumps and restaurant, is permitted use in the HB zoning district.

Conditional Use Completeness

(Parcel #08140 000215 – Highway Business Zoning)

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

Yes

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

No

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

Yes

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

No

- 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.

Yes

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

No

- Existing 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 future traffic circle would make any other development not as ideal as the proposed.

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

No

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

No

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

No

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

None

- 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.

Yes