



City of Flowery Branch
City Council Meeting
Thursday, August 21, 2025, 6:00 PM
5410 Pine Street
Flowery Branch, GA 30542



Call Work Session to Order:

Pledge of Allegiance:

Executive Session:

Adoption of Agenda:

Awards & Recognitions:

Unfinished Business - Work Session:

- a. Discussion Only of Ordinance 747 for an Annexation Request at 6300 Jones Road.
- b. Discussion Only of Ordinance 748 for a Rezoning Request and Variance Request at 6300 Jones Road

New Business -Work Session:

- a. Consider the Purchase and Sale Agreement for Purchasing a Parcel of Land on Thurmon Tanner Parkway

Department Reports:

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

Adjournment Work Session:

Voting Session Migration

Call Voting Session to Order:

Public Comments:

Please limit to two minutes

Consent Agenda:

- a. Consider Mayor Asbridge July 2025 Per Diem

- b. Consider July 26, 2025 Special Called City Council Meeting Minutes
- c. Consider August 7, 2025 City Council Meeting Minutes

Unfinished Business - Voting Session:

- a. Second Reading to Consider Ordinance 749 for a Conditional Use Permit and Variance Request for the Vines Assisted Living at 5111 Spring Street.
- b. Second Reading to Consider Ordinance 750 Regarding Variances at 5572 and 5578 Mulberry Street.
- c. Second Reading to Consider Ordinance 751 to Add Farm Winery Tasting Rooms to the Use Table and Place Dimensional Standards in CBD Zoning.

New Business - Voting Session:

- a. Consider the Purchase and Sale Agreement for Purchasing a Parcel of Land on Thurmon Tanner Parkway

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.



Executive Summary

Annexation, Rezoning, and Variances for:

- 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**
- Toal Area: +/- 22.14 Acres.

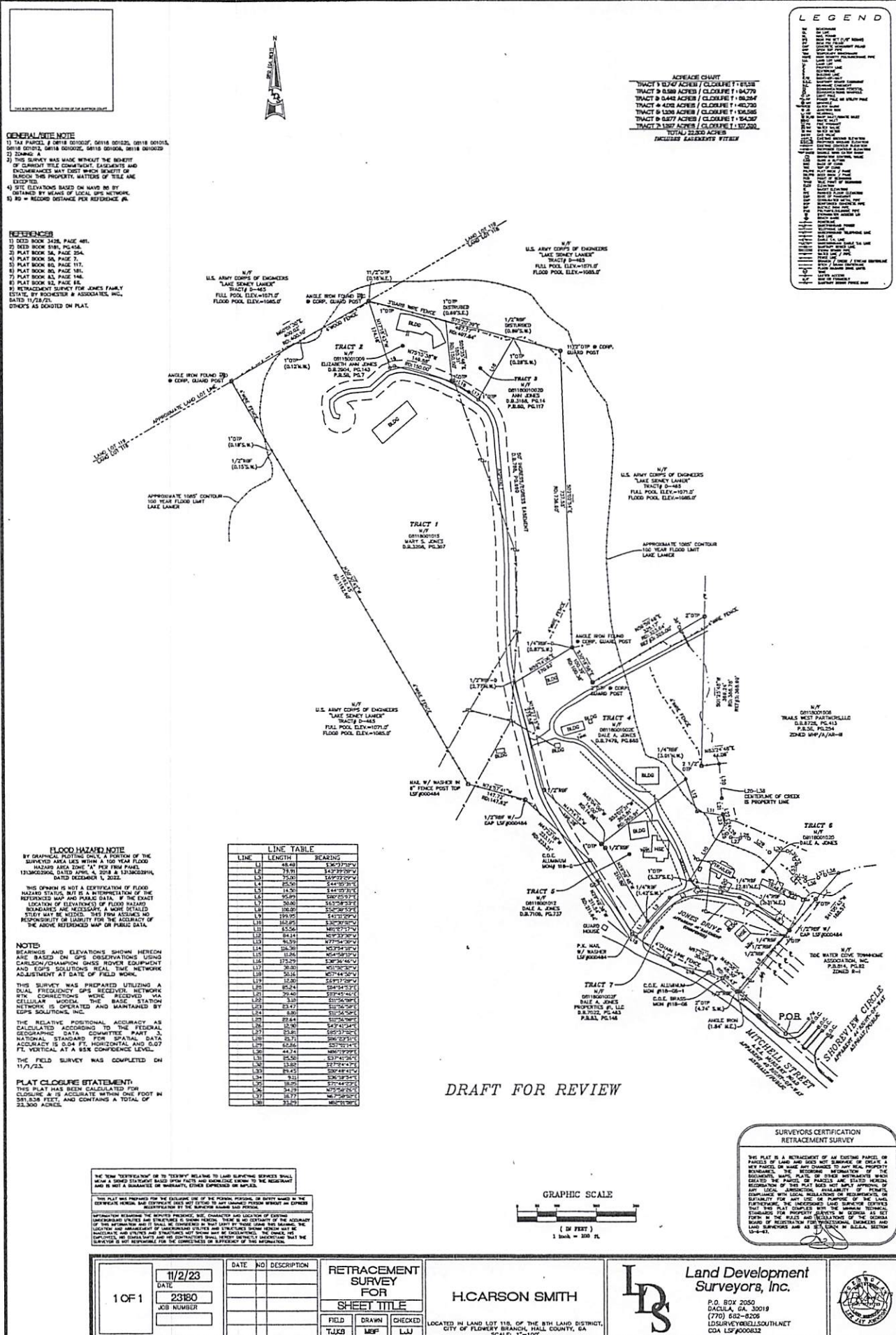
Heritage Group Homes, LLC is applying for an annexation of a portion of 08118 001015 (0.854 acres) and rezoning of all parcels listed above from Hall County **V-C** (Vacation Cottage), Flowery Branch **R-1** (Residential, Detached Single-Family, Low-Density District) and **A** (Agricultural) to **R-2-**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

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. The proposed development is 3.41 net density units per acre.

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.

(Multiple concurrent variances are being requested as part of the annexation and rezoning, including reductions in setbacks, lot sizes, and porch dimensions. See Staff Report for details on all concurrent variances.)

EXHIBIT A



- 1) TAX PARCEL # 08118 001002F, 08118 001020, 08118 00101S, 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.

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.

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.

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	50.11	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	

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.

GRAPHIC SCALE



(IN FEET)
1 inch = 100 ft.

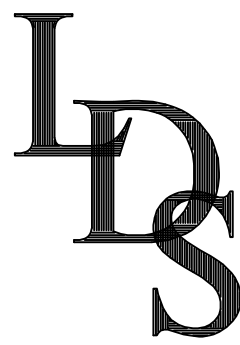
THIS PLAT IS A RETRACEMENT OF AN EXISTING PARCEL OR PARCELS OF LAND AND DOES NOT SUBDIVIDE OR CREATE A NEW PARCEL OR MAKE ANY CHANGES TO ANY REAL PROPERTY INTERESTS. THE SURVEYOR HAS REVIEWED THE RECORDING DOCUMENTS, MAPS, PLATS, OR OTHER INSTRUMENTS WHICH CREATED THE PARCEL OR PARCELS ARE STATED HEREON. THE SURVEYOR HAS REVIEWED THE RECORDING DOCUMENTS WITHIN HIS LOCAL JURISDICTION, AVAILABILITY OF PERMITS, COMPLIANCE WITH LOCAL REGULATIONS OR REQUIREMENTS, OR THE RECORDS FOR THE PARCEL OR PARCELS STATED HEREON. FURTHERMORE, THE UNDERSIGNED LAND SURVEYOR CERTIFIES THAT THIS PLAT COMPLIES WITH THE MINIMUM TECHNICAL REQUIREMENTS FOR THE PREPARATION OF PLATS SET FORTH IN THE RULES AND REGULATIONS OF THE GEORGIA BOARD OF REGISTRATION FOR PROFESSIONAL ENGINEERS AND SURVEYORS AND AS SET FORTH O.G.C.A. SECTION 15-6-67.

1 OF 1	11/2/23
	DATE
	23180
	JOB NUMBER

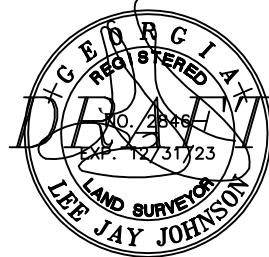
DATE	NO	DESCRIPTION

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'



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



Written Analysis Requirement:

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

The proposed use is suitable in view and use of adjacent and nearby properties and is surrounded by a marina, townhome development and a trailer park.

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

The proposed use will not adversely affect the existing use or usability of adjacent or nearby properties since we are proposing single family detached dwellings and the property is surrounded by more intensive uses.

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.

Due to the economic climate and cost of construction the property does not have 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.

The proposed 74 single family community will not result in a use which would cause an excessive or burdensome use of existing streets, transportation facilities, utilities, or schools since there is already a commercial marina and townhome development on the street.

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 single family community 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.

The City of Flowery Branch has done an excellent job of revitalizing the downtown area and the property is located next to Lake Lanier which is an area that appeals to many future homeowners.

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.

The current property owners are a family that have owned the property for many years and wish to sell the property in order to move for retirement.

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

The property has been occupied by members of the Jones family for many years, and they have decided to move from the family houses and farm. The R1 zoning classification is not a viable zoning for a single family detached subdivision.

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.

Not applicable

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

The adjacent zoning districts are MHP (mobile home park), R3 (adjacent Townhomes) and a commercial marina in unincorporated Hall County.

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

The proposed zoning of R1 would be less intensive than the surrounding zoning districts.

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

All environmental permits, if any will be obtained prior to the issuance of a development permit.

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.

Not applicable



ANNEXATION APPLICATION

Date: 5.12.2025

Address of Request:
6300 Jones Road

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: Chris Hill/ Heritage Group Homes LLC

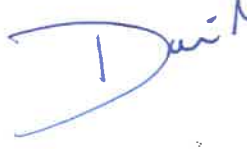
Address: PO Box 1929
Buford, Georgia 30515

E-mail address: chris@hillgrovehomes.com

Phone number: 770.822.2499

Signature: 

Notary Seal: 


DANIELLE M NASH
NOTARY PUBLIC
Hall County
State of Georgia
My Comm. Expires February 20, 2026



Property owner information (if different than the applicant)

Property owner (please print): Mary S. Jones

Address: 6300 Jones Road

E-mail address: jonescuttinghorses@yahoo.com

Phone number: (404)550-2882

Signature: Elizabeth C. Jones EXECUTRIX OF THE ESTATE OF MARY S. JONES

Notary Seal:

Kim Bowman
X: 8-7-27



Property Information

Tax Map Number: 08118 001015 (portion of)

Current Zoning: V-C Total Acres: .854

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

Proposed City of Flowery Branch Zoning: R2

Proposed City of Flowery Branch Character Area: _____

Current Use: Single Family

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: 0 Housing Units: 0 Other Buildings: 0

Race Population %: White 0 Black 0 Hispanic 0 Other 0



Conflict of Interest Disclosure

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

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

None that we aware of

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

None that we aware of

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

None that we aware of

Disclosure of Campaign Contributions

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

Elected Officials Name

Amount of Description of Gift

None



CITY STAFF ONLY

Application Received By: Chin McCreary
Date: 6/9/2025 Total Fee: 0.00 FOR ANNEXATION

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.



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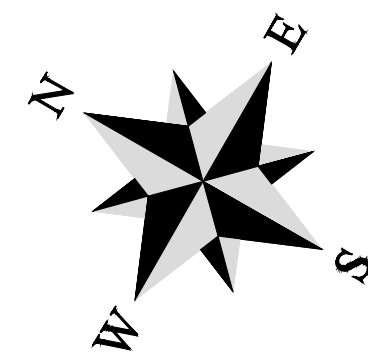
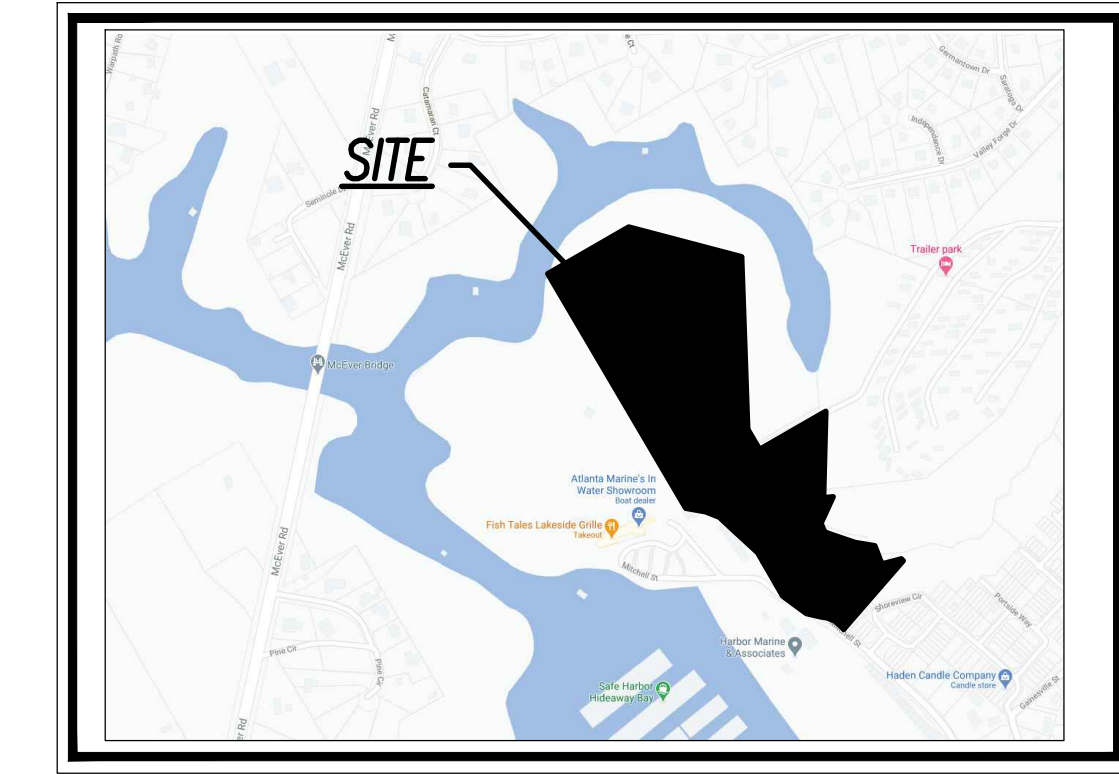
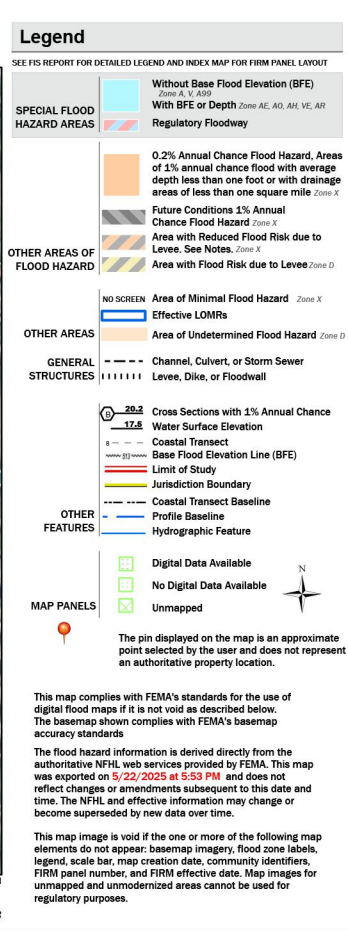
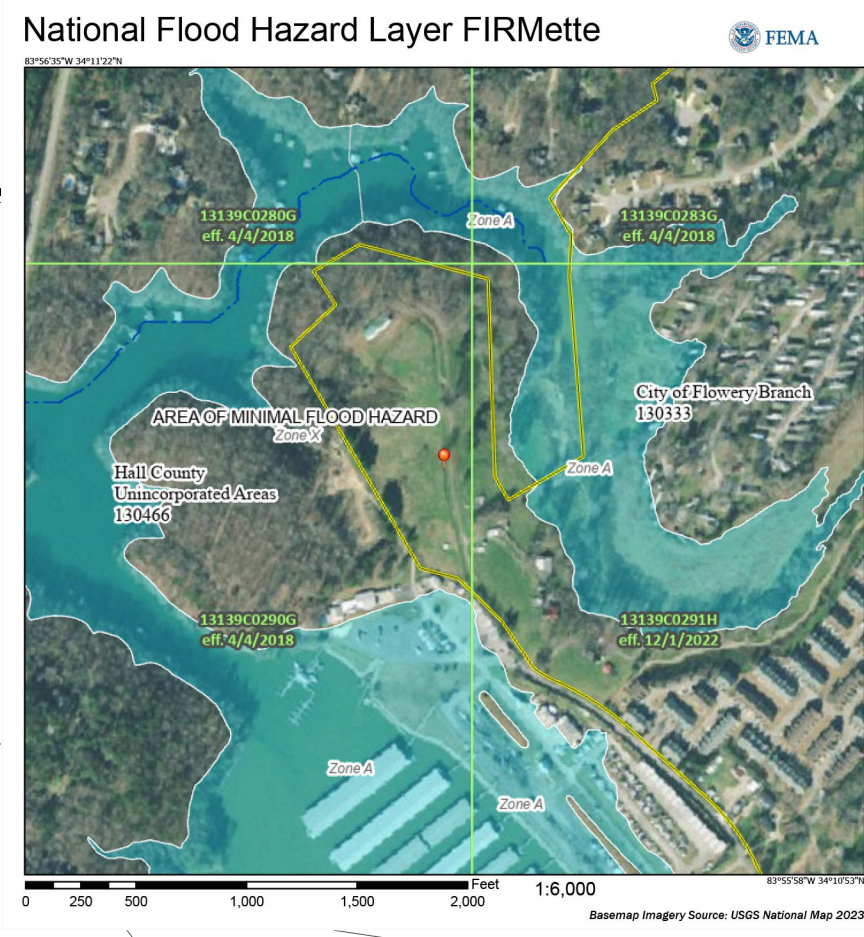
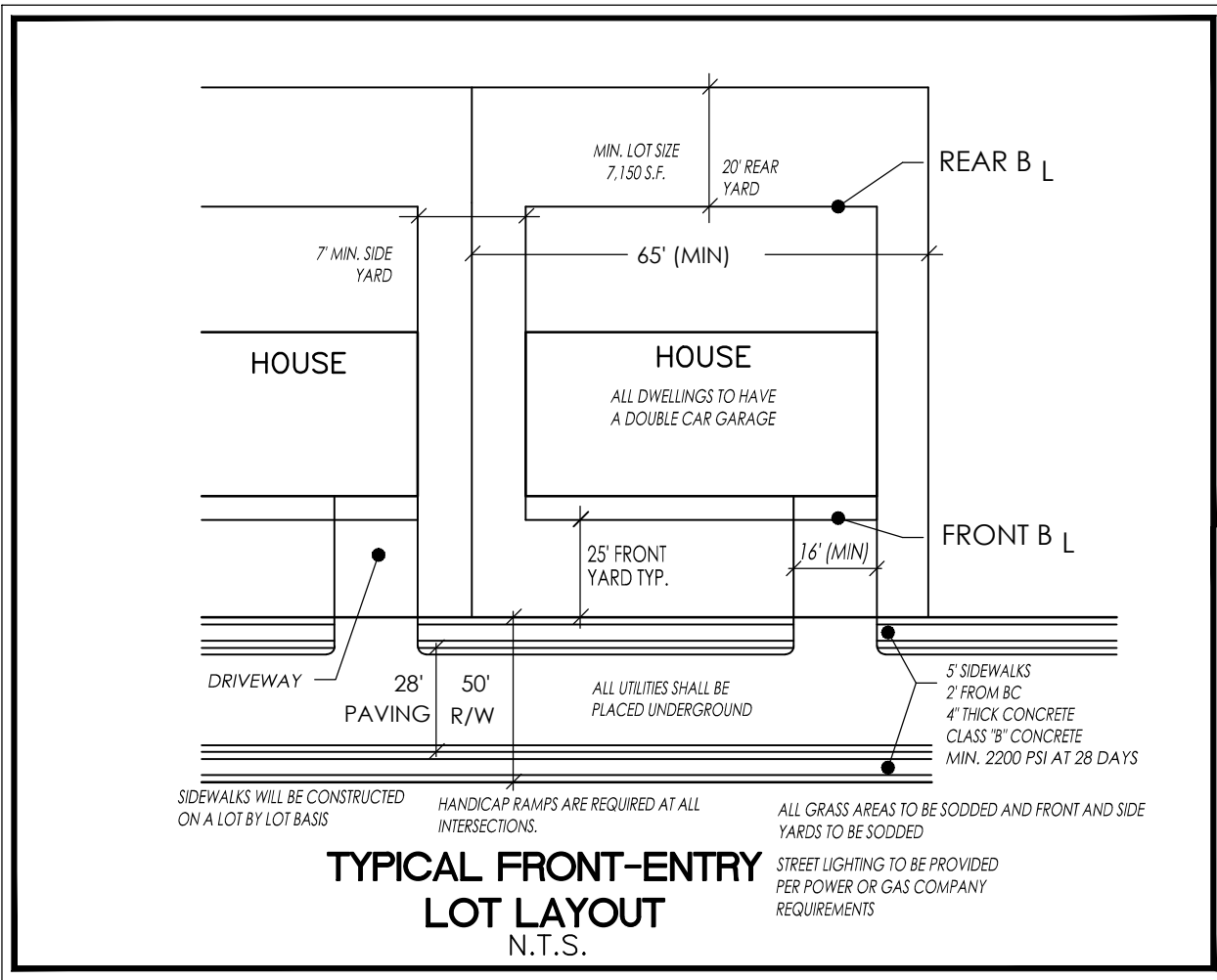
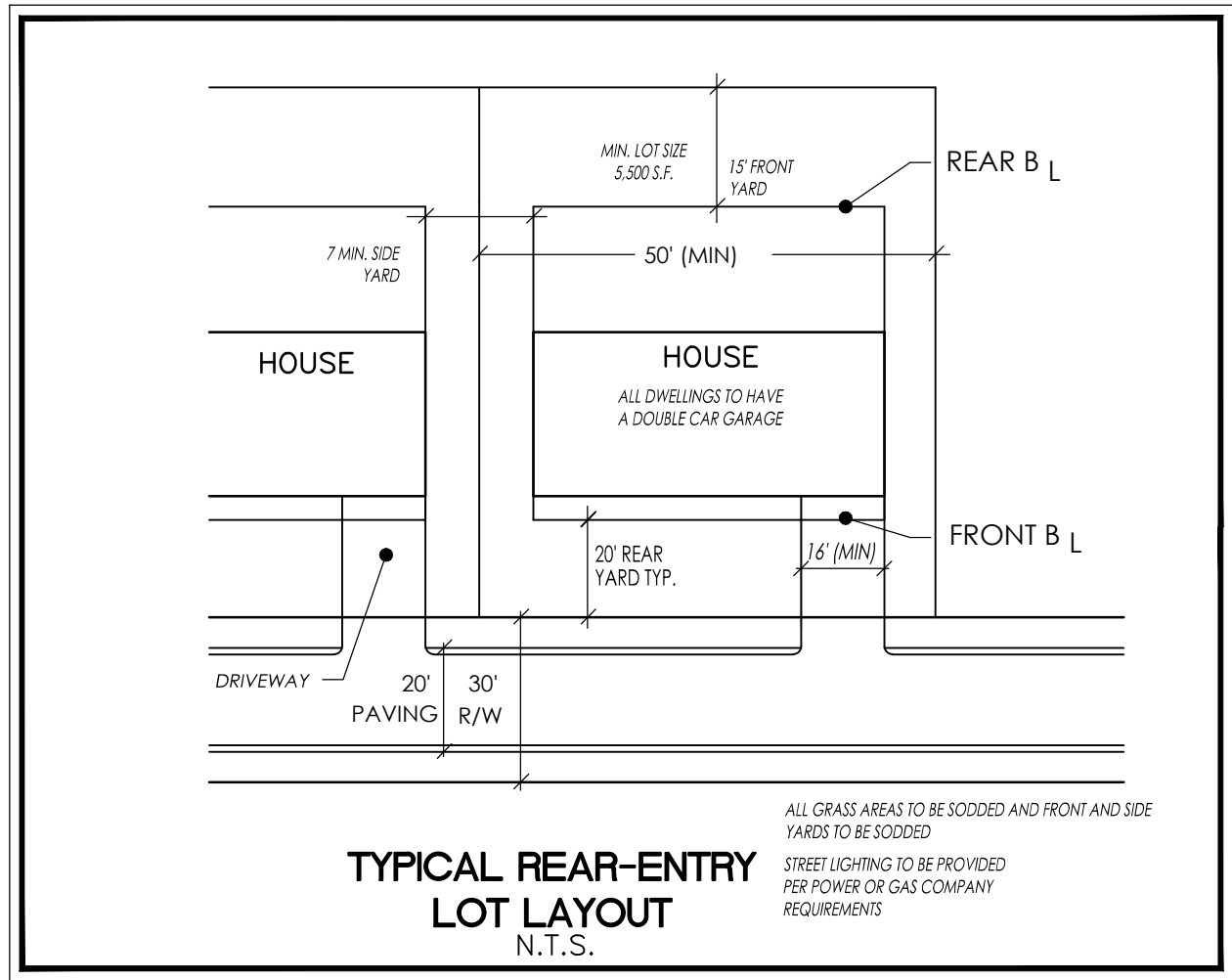
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Rear-entry dimensions are shown to be 50 feet in width and 5,500 square feet. Front-entry lots are shown as 65 feet and 7,150 square feet.

(Multiple concurrent variances are being requested as part of the annexation and rezoning, including reductions in setbacks, lot sizes, and porch dimensions. See Staff Report for details on all concurrent variances.)

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: ±3,742 LF.
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 13139C02806, 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:

THOMAS & HUTTON

5074 Bristol Industrial Way • Suite A
Buford, GA 30518 • 770-271-2868

www.thomasandhutton.com

JOB NO: J-20071.00DE	DATE: 05/22/2023
DRAWN:	SCALE: 1" = 60'
REVIEWED:	SHEET: ---

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



REZONING ADDITIONAL INFORMATION REQUIREMENT

Date: 5.19.2025

Address of Request:
Multiple Addresses: 6300 Jones Road, 6294 Jones Road, 6290 Jones Road,
6246 Jones Road, 6258 Jones Road, 6270 Jones Road, 6249 Jones Road

Tax Map # 08118001015, Current Zoning: R1

Please submit an analysis of the proposed project including: 001009,001002D,001002E,
001012,001020,001002F

1. Value of improvements upon complete build out. \$600,000 x 74=44,400,000
2. Property tax valuation based upon existing millage rate (indicate total tax expectation if project is phased).
3. Schedule of the total build out (showing a timeline of construction in months/years if project is phased). Building Homes Fall 2026
4. Anticipated total square footage (heated) to be built in the requested number of units. 2100 Square Feet minimum x 74 homes: 155,400 square feet minimum
5. Total acreage developed with units. 22.17
6. Total acreage for right of way and roads. 3.9 Acres ROW and Roads/ 1.95 Roads only
7. Total acreage of open space/common area (include plan for maintenance of open space/common area). 4.84 including Stormwater Pond
3.92 excluding Pond
8. Acreage required for buffer and watershed protection.
 - Does the buffer comply with the current City ordinance? Yes, Stream Buffer
 - Do individual property lines for lots extend into the buffer? Lots 4 & 5
 - Does the Developer intend to dedicate any of the site area to the City? If so, for what purpose? No
9. Does your proposal consider Multi Transportation alternatives? (Please describe in detail) Providing Sidewalks throughout



10. Please identify all amenities and total number of acres they incorporate by complete description. Open space with Fire Pits and Pavilion
11. Number of street lights and separation table as proposed on your site plan.
12. Will Technology Development be included in this development? Yes, Fiber
13. List the total linear feet and cubic yards for sidewalks. 5,887 linear feet
363 cubic yards
14. Are appropriate storm water controls provided in your proposal? Are these controls completely and accurately reflected on all drawings and plans? Stormwater pond has not been sized or designed/ Location & Size is approximate
15. Has a transportation/traffic study been done to predict the impact of anticipated traffic? Has the project been reviewed by all appropriate County and State agencies relating to transportation issues? Yes By City
16. Does the proposal provide for utilization of "reuse" water? Is this depicted on the plans? Do the plans provide for storage of "reuse" water? No
17. What is the total capacity for daily Wastewater Management? 270 GPD
18. What is the anticipated maximum daily water consumption? Are low flow fixtures required by the development? 19,980 Gallons Per Day (GPD)
19. Has a slope and grade study been done on this development? Does the study reflect density placement? No
20. Please identify what public safety needs are being considered for the project? 74 House
21. Has the Hall County School System been notified of the proposed density for this project? Will Provide
22. Please provide a copy of all private covenants and/or architectural guidelines to be filed regarding this development. Will Provide a sample
23. Information as required under Ordinance No. 349 for preliminary plat approval if rezoning involves subdivision. Ordinance No. 349 can be found at www.flowerybranchga.org Provided





Property owner information (if different than the applicant)

Property owner (please print): Dale A. Jones

Address: 6246 Jones Road, 6258 Jones Road, 6270 Jones Road

E-mail address: hadajones@aol.com

Phone number: 770.718.7253

Signature: Dale Jones

Notary Seal:

Parcel 08118 001002E/ 6270 Jones Road

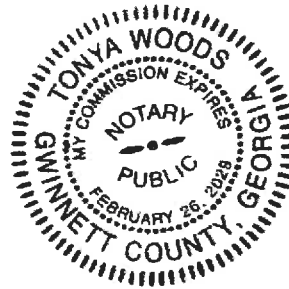
3.93 Acres

Parcel 08118 001012/6258 Jones Road

1.20 Acres

Parcel 08118 001020/6246 Jones Road

1.16



Property Information

Tax Map Number: Parcels: 08118 001002E, 08118 001012, 08118 001020

Current Zoning: R1 Total Acres: See above

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

Proposed City of Flowery Branch Zoning: R2

Current Use: Single Family

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

None that we aware of

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

None that we aware of

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

None that we aware of

Disclosure of Campaign Contributions

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

Elected Officials Name

Amount of Description of Gift

None



CITY STAFF ONLY

Application Received By: _____

Date: _____ Total Fee: _____



REZONING APPLICATION

Date: 5.19.2025

Address of Request:
6249 Jones Road

Tax Map # 08118 001002F Current Zoning: R1

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

Currently a conforming use? Yes

Any conditions of zoning, CUP's, etc.? Yes/ City Initiated Zoning 9/2024

Applicant Information

Name: Chris Hill/ Heritage Group Homes LLC

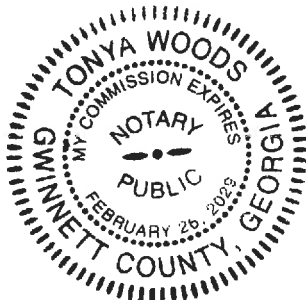
Address: PO Box 1929
Buford, Georgia 30515

E-mail address: chris@hillgrovehomes.com

Phone number: 770.822.2499

Signature: 

Notary Seal:





Property owner information (if different than the applicant)

Property owner (please print): Dale A Jones Properties #1 LLC

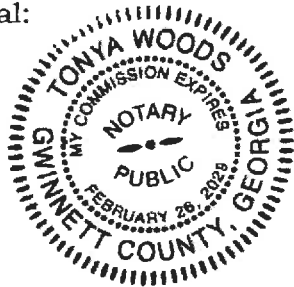
Address: 6249 Jones Road

E-mail address: hadajones@aol.com

Phone number: 770.718.7253

Signature: Dale Jones, owner, president

Notary Seal:



Property Information

Tax Map Number: Parcel: 08118 001002F

Current Zoning: R1 Total Acres: 1.30 Acres

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

Proposed City of Flowery Branch Zoning: R2

Current Use: Single Family

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.



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Elected Officials Name

Amount of Description of Gift

None



CITY STAFF ONLY

Application Received By: _____

Date: _____ Total Fee: _____



REZONING APPLICATION

Date: 5.19.2025

Address of Request:

6294 Jones Road

Tax Map # _____ Parcel: 08118 001009 Current Zoning: R 1

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

Currently a conforming use? _____

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

Applicant Information

Name: Chris Hill/ Heritage Group Homes LLC

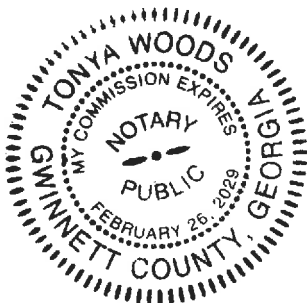
Address: PO Box 1929
Buford, Georgia 30515

E-mail address: chris@hillgrovehomes.com

Phone number: 770.822.2499

Signature: 

Notary Seal:





Property owner information (if different than the applicant)

Property owner (please print): Elizabeth Ann Jones

Address: 6294 Jones Road

E-mail address: Jonescuttinghorses@yahoo.com

Phone number: (404) 550-2882

Signature: Elizabeth Ann Jones

Notary Seal: K. Bowmar
X: 8-7-27



Property Information

Tax Map Number: Parcel: 08118 001009

Current Zoning: R1 Total Acres: .45 Acres

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

Proposed City of Flowery Branch Zoning: R2

Current Use: Single Family

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.



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Elected Officials Name

Amount of Description of Gift

None



CITY STAFF ONLY

Application Received By: _____

Date: _____ Total Fee: _____



REZONING APPLICATION

Date: 5.19.2025

Address of Request:

6290 Jones Road

Tax Map # _____ Parcel: 8118 001002D Current Zoning: R 1

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

Currently a conforming use? _____

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

Applicant Information

Name: Chris Hill/ Heritage Group Homes LLC

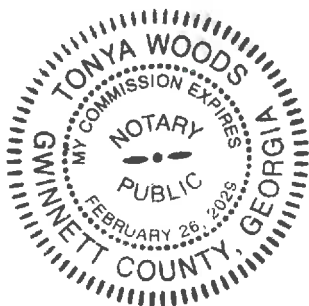
Address: PO Box 1929
Buford, Georgia 30515

E-mail address: chris@hillgrovehomes.com

Phone number: 770.822.2499

Signature: 

Notary Seal:





Property owner information (if different than the applicant)

Property owner (please print): Ann Jones

Address: 6290 Jones Road

E-mail address: Jonescuttinghorses@yahoo.com

Phone number: (404) 550-2882

Signature: *Ann Jones*

Notary Seal:

K. Bowmar
x: 8/7/27



Property Information

Tax Map Number: Parcel: 08118 001002D

Current Zoning: R1 Total Acres: .32 Acres

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

Proposed City of Flowery Branch Zoning: R2

Current Use: Single Family

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.



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Elected Officials Name

Amount of Description of Gift

None



CITY STAFF ONLY

Application Received By: _____

Date: _____ Total Fee: _____



REZONING APPLICATION

Date: 5.19.2025

Address of Request:

6300 Jones Road

Tax Map # _____ Parcel: 08118 001015 (Portion of) _____ Current Zoning: R 1

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

Currently a conforming use? Yes

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

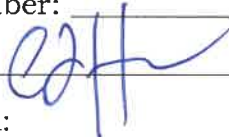
Applicant Information

Name: Chris Hill/ Heritage Group Homes LLC

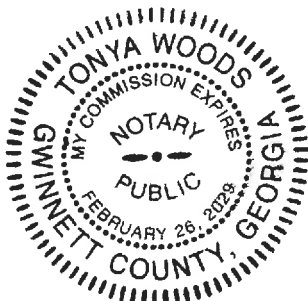
Address: PO Box 1929
Buford, Georgia 30515

E-mail address: chris@hillgrovehomes.com

Phone number: 770.822.2499

Signature: 

Notary Seal:





Property owner information (if different than the applicant)

Property owner (please print): Mary S. Jones

Address: 6300 Jones Road

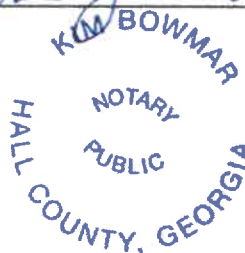
E-mail address: jonescuttinghorses@yahoo.com

Phone number: (404)550-2882

Signature: Elizabeth C. Jones EXECUTRIX OF THE ESTATE OF MARY S. JONES

Notary Seal:

Kim Bowman
X: 8-7-27



Property Information

Tax Map Number: 08118 001015 (portion of)

Current Zoning: R1 Total Acres: .854

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

Proposed City of Flowery Branch Zoning: R2

Proposed City of Flowery Branch Character Area: _____

Current Use: Single Family

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: 0 Housing Units: 0 Other Buildings: 0

Race Population %: White 0 Black 0 Hispanic 0 Other 0



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Elected Officials Name

Amount of Description of Gift

None



CITY STAFF ONLY

Application Received By: _____

Date: _____ Total Fee: _____



Memorandum

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

From: Chris McCrary, Planning and Community Development Director

Date: July 17th, 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:

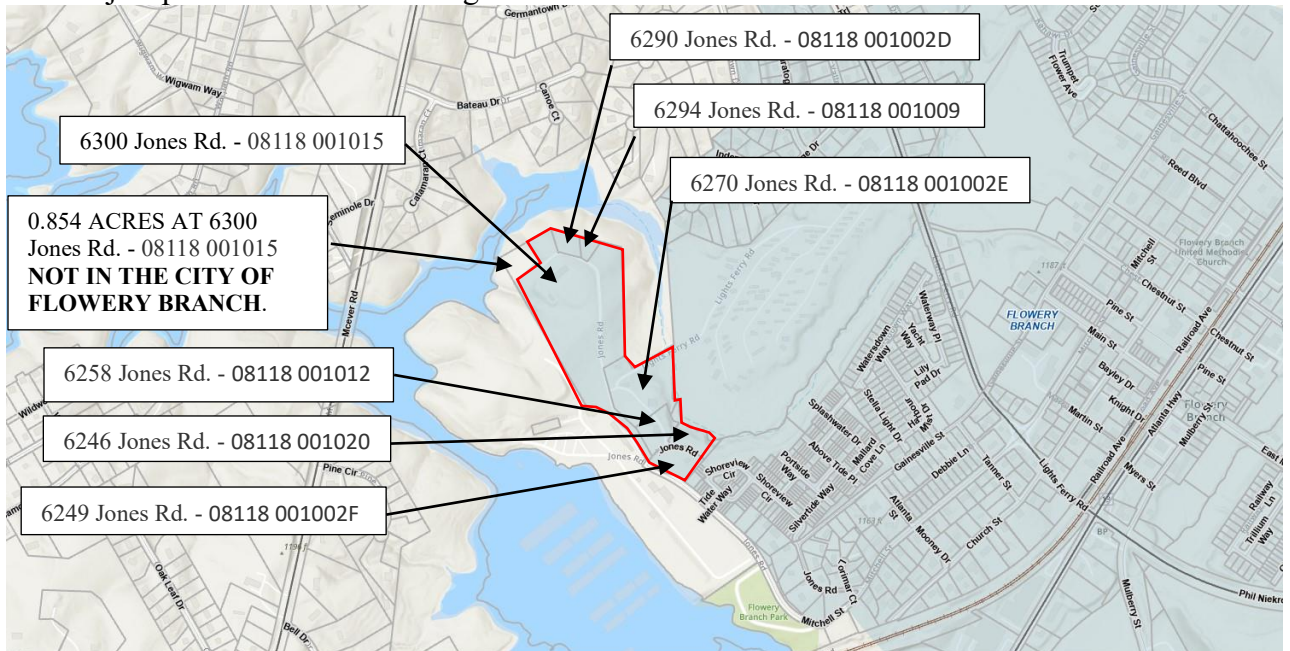
- 6300 Jones Road, tax parcel identification number **08118 001015**,
- 6294 Jones Road, tax parcel identification number **08118 001009**,
- 6290 Jones Road, tax parcel identification number **08118 001002D**,
- 6270 Jones Road, tax parcel identification number **08118 001002E**,
- 6258 Jones Road, 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:

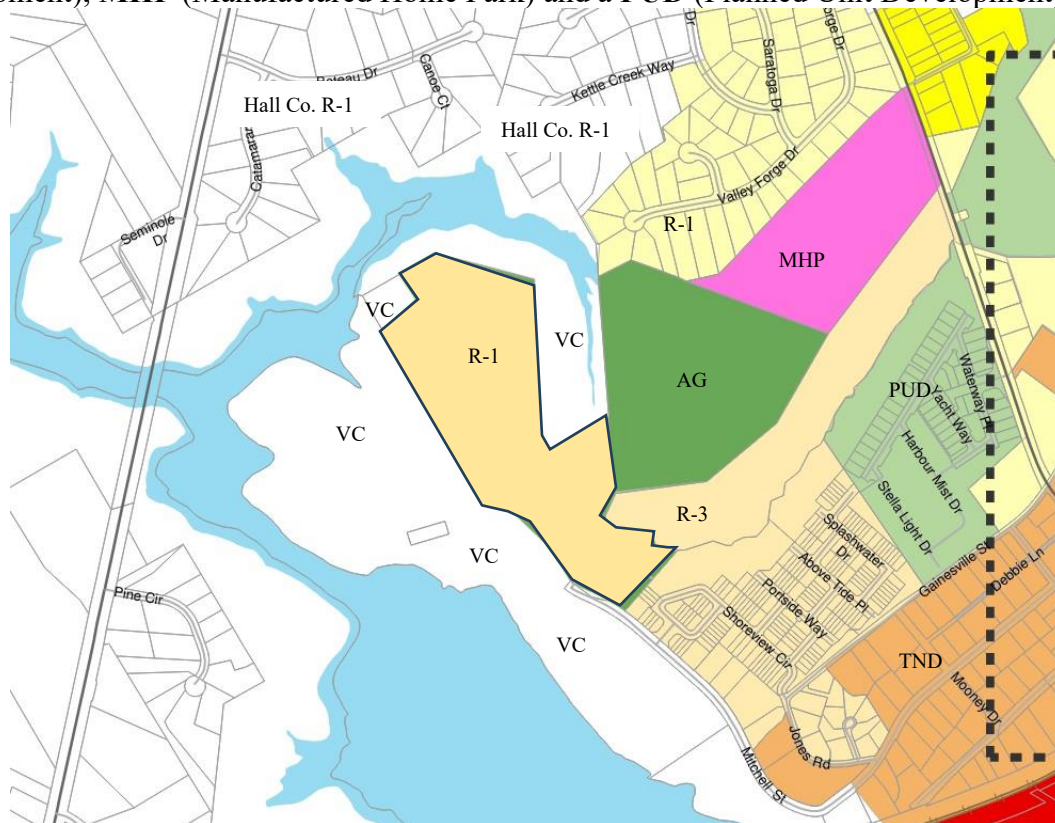
The subject parcels are located along Jones Road near Mitchell Street





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).



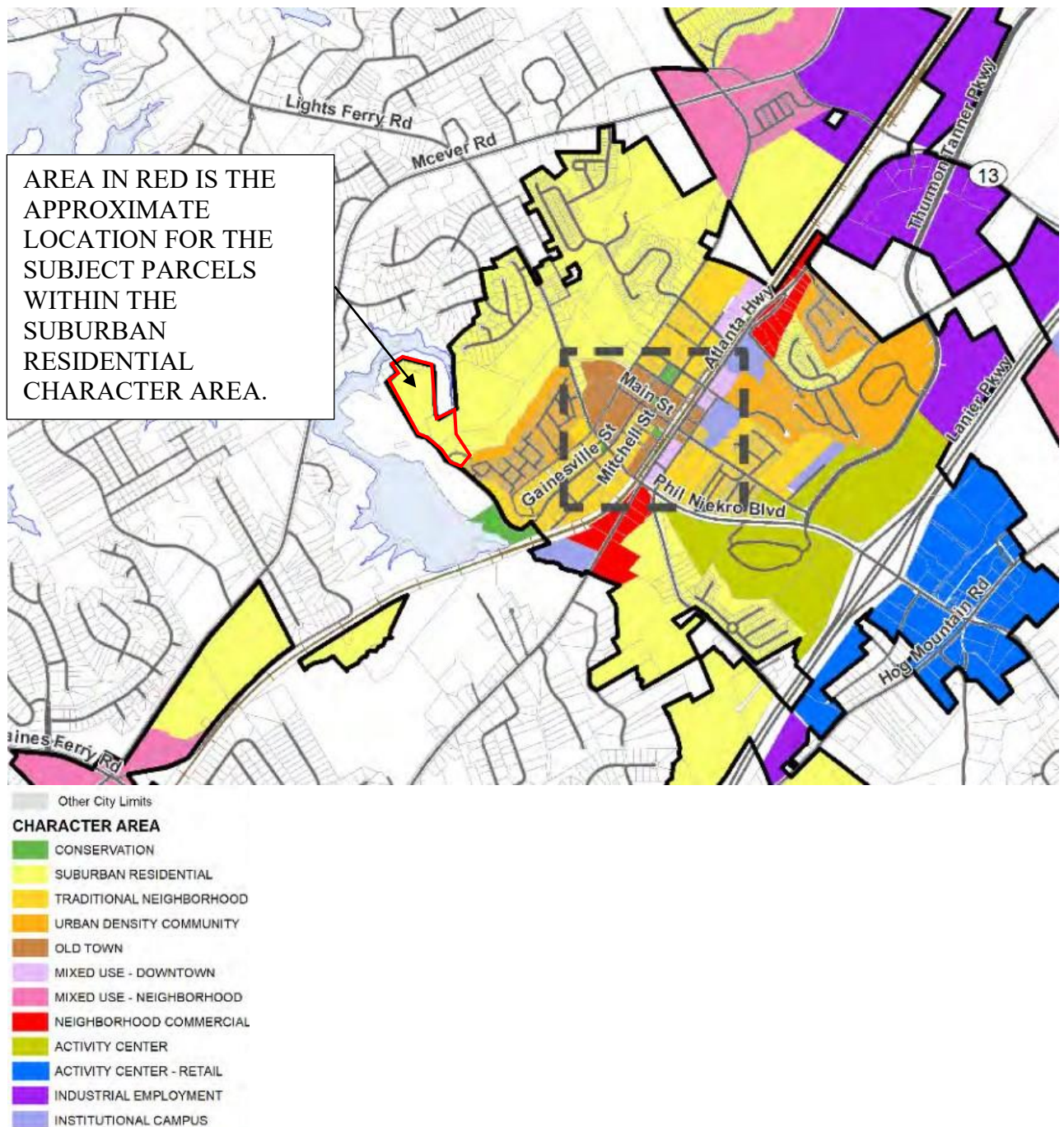
Legend

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:

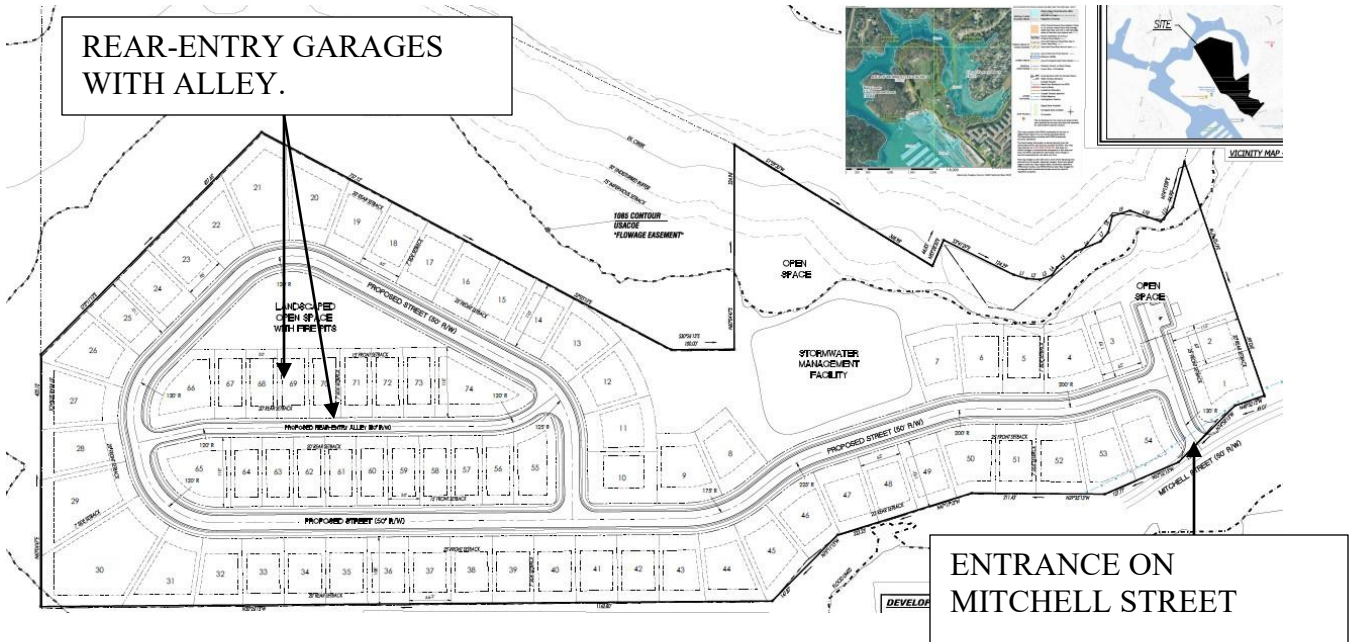
- Larger lots (1/3 to 1 acre) with houses set back from the road,
- Cul-de-sacs and curvilinear streets (that are relatively wide when compared to traditional neighborhoods) with sidewalks,
- Use of high-quality exterior cladding materials (that are consistent on each level of the home),
- Diverse architectural 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.

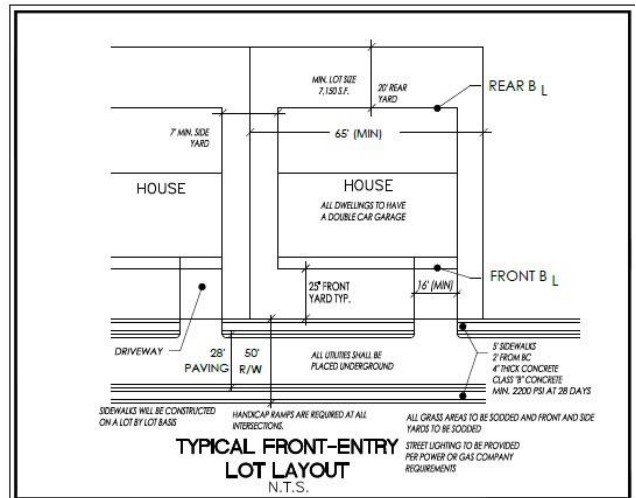
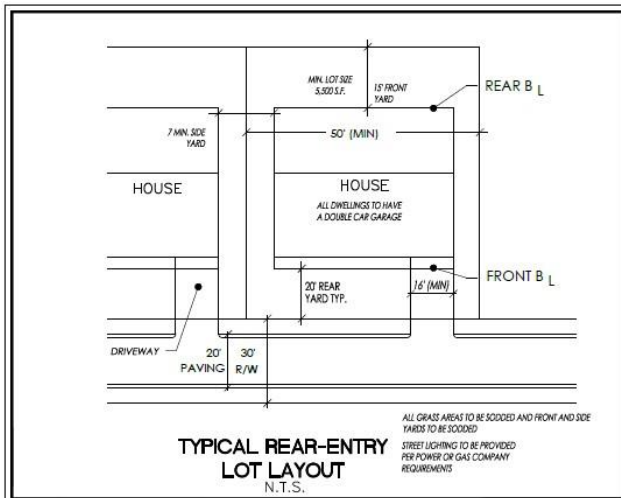
Sewer Design and Capacity Impacts

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 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.

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.

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 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.

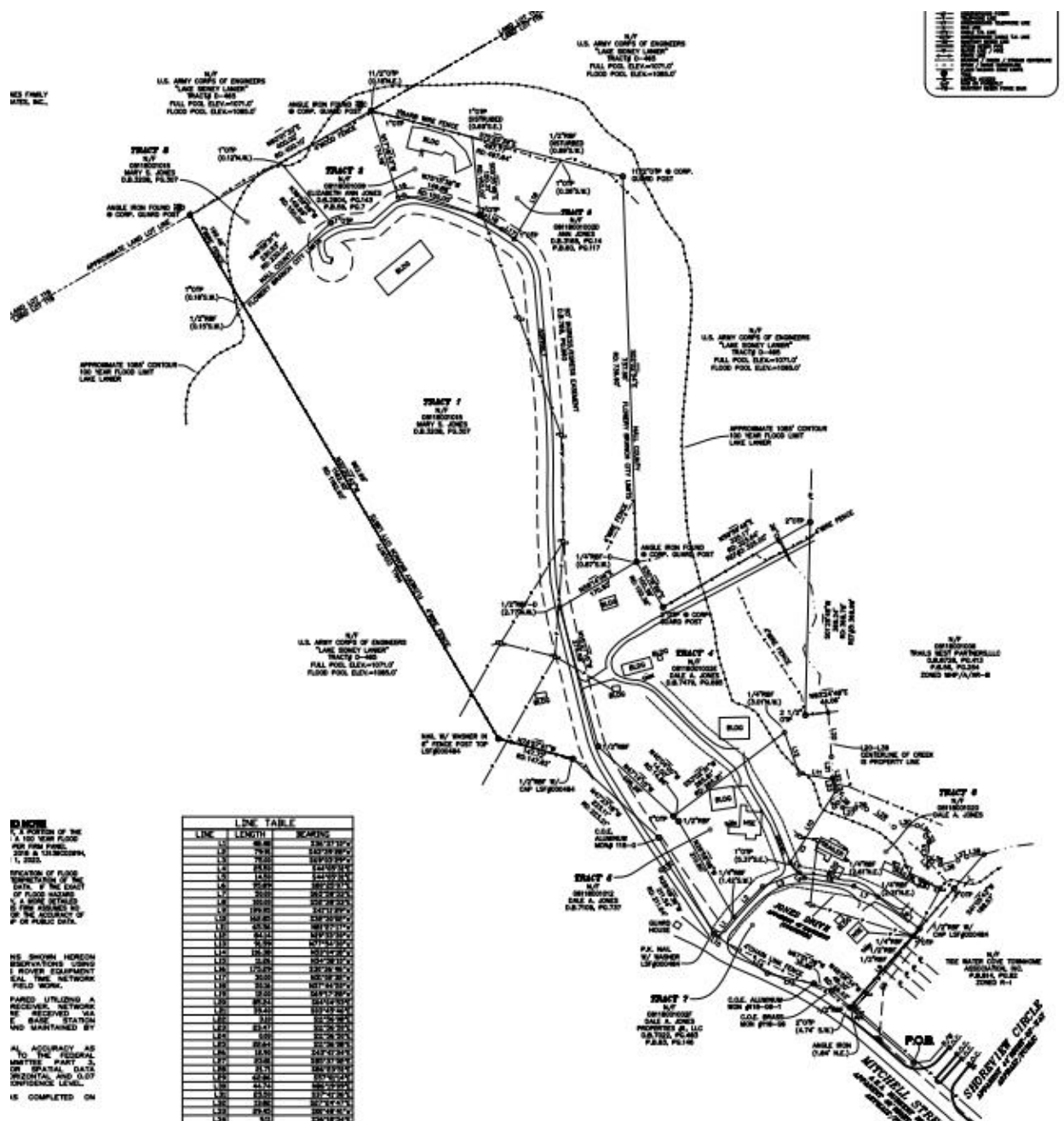
Edward R. Asbridge, Mayor

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	TBD

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'

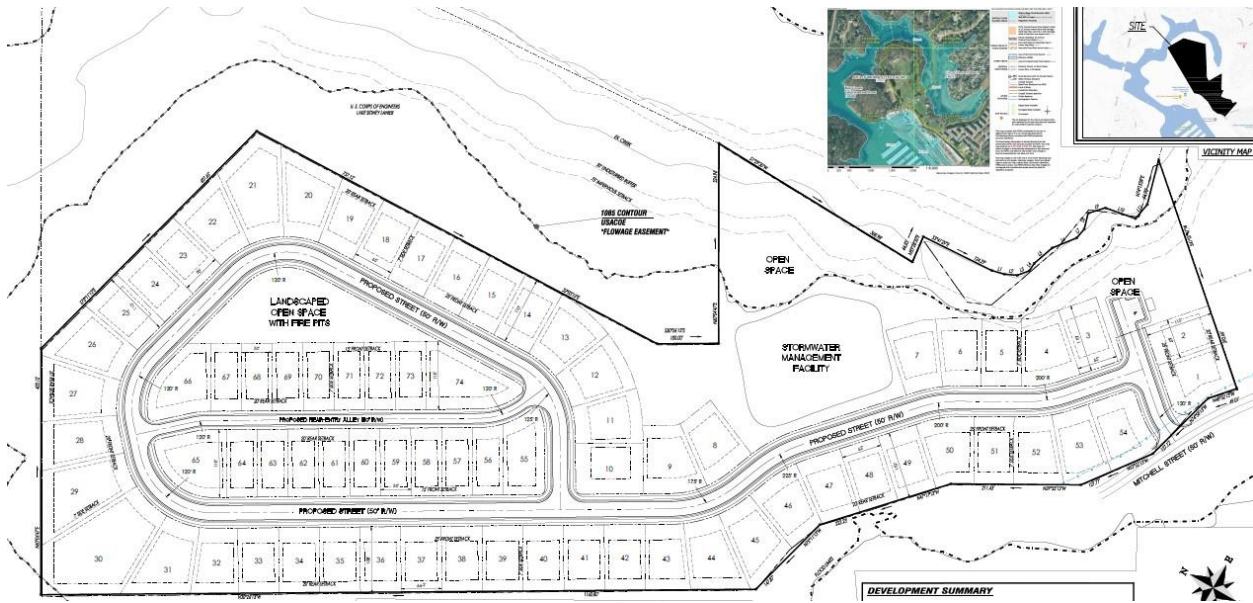


Exhibit 'D'

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.

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.



**FLOWERY BRANCH CITY COUNCIL
EXECUTIVE SUMMARY**

SUBJECT: Consider the Purchase and Sale Agreement for Purchasing a Parcel of Land on Thurmon Tanner Parkway.

DATE: August 15, 2025

(X)RECOMMENDATION

() POLICY DISCUSSION

BUDGET INFORMATION:

() STATUS REPORT

ANNUAL- N/A

() OTHER

CAPITAL- \$1,975,000

COUNCIL ACTION REQUESTED ON: August 21, 2025

PURPOSE: Approve the purchase and sale agreement for purchasing a parcel of land on Thurmon Tanner Parkway.

HISTORY: The City of Flowery Branch has grown in population and in staff over the past several years. Employees moved into the current City Hall building in March 2018 with Administration and Community Development upstairs and the Police Department downstairs. The Police Department has outgrown the space downstairs in City Hall.

FACTS AND ISSUES: As the City of Flowery Branch grows, council has explored options for additional space for various departments. The parcel on Thurmon Tanner was identified as a potential site for a future public safety building, and the parties have come to an agreement for the terms of the purchase.

OPTIONS:

- 1) Approve the purchase and sale agreement.
 - 2) Do not approve the purchase and sale agreement.
-
-

RECOMMENDED SAMPLE MOTION:

I move to approve the purchase and sale agreement for a parcel of land on Thurmon Tanner Parkway.

DEPARTMENT: Administration

Prepared by: Tonya Parrish

CONTRACT FOR PURCHASE AND SALE

STATE OF GEORGIA

HALL COUNTY

THIS IS A CONTRACT for the purchase and sale of certain real estate by and between **Atlanta One Limited Partnership**, a Michigan Limited Partnership (hereinafter called "Seller"), and **City of Flowery Branch, Georgia**, a Georgia Municipal Corporation (hereinafter called "Buyer").

In consideration of the amounts set forth herein, the mutual covenants herein contained, and other good and valuable considerations, the receipt and sufficiency of which is hereby acknowledged, the parties hereby agree as follows:

1. Agreement to Buy and Sell.

- a) Seller hereby agrees to sell, and Buyer hereby agrees to buy approximately 6.67 acres identified as the "Remaining Tract" on the plat attached hereto as Exhibit A and the adjacent tract containing approximately .51 acres of property known as Hall County Tax Parcel 08113002014 together with all rights, members, appurtenances and improvements thereto set forth herein. (the Property).

2. Purchase Price.

- a) The purchase price for the Property shall be One Million Nine Hundred Seventy-Five Thousand Dollars (\$1,975,000.00).
- b) The purchase price shall be paid in all cash or federal wired funds at closing. Buyer shall receive credit for the earnest money paid hereunder.

3. Seller's Warranties and Representations.

- a) Seller hereby warrants and represents that to the actual knowledge of the Seller, without any independent investigation (which warranties and representations shall be effective as of the date of Closing) the following: That
 - i) Seller will have good, insurable and marketable title to the Property, free and clear of all liens, encumbrances and restrictive covenants other than zoning ordinances affecting said Property and recorded general utility easements, restrictions and covenants serving or affecting the Property.
 - ii) There are no special assessments against or relating to the Property.

iii) No goods or services have been contracted for or furnished to the Property which might give rise to any mechanic's liens affecting all or any part of the Property.

iv) Seller has not entered into any outstanding agreements of sale, leases, options, or other rights of third parties to acquire an interest in the Property other than disclosed herein.

Seller shall not further encumber the Property or allow an encumbrance upon the title to the Property or modify the terms or conditions of any existing leases, contracts or encumbrances, if any, without the written consent of Buyer. Buyer acknowledges that Seller may encumber the Property provided that the encumbrance contains a provision that the Property will be released free and clear of encumbrance at or before closing for an amount less than the Purchase Price.

v) Seller has not entered into any agreements with any state, county or local governmental authority or agency which are not of record with respect to the Property, other than those approved in writing by Buyer.

vi) There are no encroachments upon the Property.

vii) To the best of Seller's knowledge, there are no deed restrictions or covenants that affect or apply to the Property.

viii) Seller has full power to sell, convey, transfer and assign the Property on behalf of all parties having an interest therein.

ix) Seller has disclosed to Buyer any and all known conditions of a material nature known to Seller with respect to the Property which may affect the health or safety of any tenant or occupant of the Property or the use of the Property for the purposes intended by Buyer.

x) To the best of Seller's knowledge, no investigation, administrative order, consent order or agreement, litigation or settlement with respect to hazardous materials or hazardous materials contamination is proposed, threatened, anticipated, or in existence with respect to the Property Seller has not received any notice of violation or any laws, rules or regulations regulating hazardous materials or any request for information from any federal, state or local governmental authority concerning hazardous materials and hazardous materials contamination on the Property. The Property neither is currently on, nor has the Property ever been on, any federal or state "Superfund"

or "Superlien" list.

- xi) To the best of Seller's knowledge, the Property contains no burial ground, burial object or cemetery as defined in O.C.G.A. § 36-72-2 which would subject the Property to the provisions of the Abandoned Cemeteries and Burial Grounds Act (O.C.G.A. § 36-72-1 et seq.). There are no burial grounds, burial objects, cemeteries, sites or structures of historical significance located on the Property that development of the Property would be restricted or require any special approval.
- xii) The execution nor delivery of this Agreement or the consummation of the transactions completed by this Agreement will not (i) conflict with or result in a breach of the terms, conditions, or provisions of or constitute a default under any agreement or instrument to which Seller is a party; or (ii) violate any restriction to which Seller is subject; or (iii) result in the creation of any lien, charge, or encumbrance on the Property.

The purchase of the Property is contingent upon the substantial accuracy of the Seller's material representations and warranties.

4. Inspection and Deliverables.

For a period of one hundred twenty (120) days from the Effective Date of this Agreement, Buyer and Buyer's engineers, surveyors, agents and representatives shall have the right to go on the Property to inspect, examine, and survey the same and otherwise do what is reasonably necessary to determine the boundaries of the Property and to make all necessary tests to verify the accuracy of the warranties of Seller with respect to the condition of the Property and to determine the suitability of the Property for Buyer's intended use. Prior to any entry on the Property, Buyer shall provide Seller with a certificate of insurance naming Seller as an additional insured thereon and evidencing liability and contractual liability coverage reasonably satisfactory to Seller for Buyer's inspection activities. To the extent permitted by law, if any, Buyer shall indemnify and hold Seller harmless from all losses, claims, damages, and suits resulting from Buyer or Buyer's agents inspecting or testing the Property pursuant to this paragraph. This period shall be deemed the Inspection Period. The Buyer may cancel this Contract at any time during the Inspection Period by providing written notice to Seller and upon said notice Buyer shall be entitled to the return of any Earnest Money paid in accordance with terms of this Contract.

5. Objections to Title.

Buyer shall obtain (a) a commitment for title insurance on the Property (the "Title Commitment") issued by Chicago Title Insurance Company (the "Title Company") together with copies of all items shown as exceptions on the Title Commitment, and (b) a survey of the Property (the "Survey"), which shall be prepared by a surveyor selected by the Buyer.

On or before the end of the Inspection Period, Buyer shall deliver to Seller a

statement of any objections to Seller's title and Seller shall have a reasonable period of time, not to exceed ten (10) days, to notify Buyer in writing which objections, if any, Seller intends to cure (it being acknowledged that Seller shall have no obligation to cure any objections). In the event that Seller fails or refuses to cure such objections at least five (5) days prior to closing, Buyer may terminate this Agreement by providing written notice to Seller and Buyer may recover the earnest money or waive the objections and proceed to close. Marketability of the title herein required to be conveyed by the Seller shall be determined in accordance with Georgia law as supplemented by the Title Standards of the State Bar of Georgia.

6. Closing.

a) The purchase and sale hereunder shall be closed no later than fifteen (15) days after the end of the Inspection Period, time being expressly made of the essence of this Contract. The closing shall be conducted in Lawrenceville, Georgia, or such other place as may be agreed to by the parties. Seller may elect to have the transaction closed via an escrow arrangement with R. Matthew Short, Esq. on behalf of Chicago Title Insurance Company.

b) At closing, Seller shall execute and deliver or cause to be delivered to Buyer the following original documents:

- i) A good and marketable limited warranty deed.
- ii) Owner's Affidavit and additional documents as may be required in such form as is necessary to enable the Buyer to remove any liens and parties in possession exceptions. The affidavit or such additional documents shall run to the benefit of the Buyer and Buyer's Attorney and/or Title Company, be in such form and content acceptable to Seller, Buyer and Buyer's Attorney and/or Title Company and contain without limitation the following information: That:
 - a) There are no outstanding unrecorded contracts of sale, options, leases or other arrangements with respect to the Property to any person other than Buyer.
 - b) The Property is being conveyed unencumbered except for the Permitted Exceptions (listed in the title commitment or otherwise applicable to the Property), if any.
 - c) No construction or repairs have been made by Seller nor any work done to or on the Property by Seller which have not been fully paid for, nor any contract entered into, nor anything done the consequence of which could result in a lien or a claim of lien to be made against the Property.
 - d) There are no parties other than Seller in possession of the Property being conveyed, other than any tenants which have

been approved by Buyer.

- e) There are no filings in the office of the Clerk of the Courts of Hall County, nor in the office of the Secretary of State which indicate a lien or security interest in, on or under the Property which will not be released or terminated at Closing.
- iii) Affidavit in compliance with the Foreign Investment in Real Property Tax Act of 1980, as amended, affirming that the Seller is not a "foreign person" as defined by the Internal Revenue Code.
- iv) All other documents as may be reasonably required to be executed and delivered to complete this transaction as contemplated hereunder.
 - (f) Ad valorem taxes and fees shall be prorated as of date of closing.
 - (g) All closing costs involved in the purchase of the Property (other than attorney's fees incurred by Seller), including, without limitation, any transfer tax and the cost of the title policy, shall be paid by Buyer.

7. Conditions to Closing.

The obligation of Buyer under this Agreement to purchase the Property is hereby expressly made subject to the truth and accuracy as of the date of this Agreement and as of the date of closing of each and every warranty or representation herein made by Seller, and the suitability of the inspections and tests set forth in Paragraph 4. If the results of the inspections and tests indicate any difficulty of Buyer to develop the Property, including rock, sewer, water, environmental hazards, hazardous materials, hazardous materials contamination, asbestos or other problems, then this Agreement shall be null and void and initial earnest money shall be refunded to Buyer. Buyer must furnish Seller written notice of cancellation by the end of the Inspection Period if Buyer desires to cancel the contract based on this condition. If Buyer determines that any of Seller's representations and warranties with respect to the Property are incorrect or false, Buyer may elect to terminate this Agreement and obtain a refund of its deposit as its sole remedy.

8. Earnest Money.

Within three business days of the Effective Date of this Agreement, Buyer shall deposit as Earnest Money the sum of Twenty- Five Thousand Dollars (\$25,000.00) with R. Matthew Short, Esq. At the closing hereunder all Earnest Money shall be applied against the purchase price provided herein. If Seller refuses to or cannot convey unencumbered marketable fee simple title to the Property as provided herein, or in the event any condition set forth herein is not met within the time provided, such condition not having been waived by Buyer, then said Earnest Money shall be returned to Buyer and this Contract shall terminate. Should Sellers refuse to close and Buyer desires to close, Buyer shall have the right to pursue specific performance as Buyer's sole remedy. If the purchase and sale hereunder is not closed due to default hereunder by Buyer, the Earnest Money shall

be paid to Seller as Seller's sole remedy as full and complete liquidated damages for such default. The parties acknowledge damages caused by the default of the Buyer would be difficult or impossible to ascertain and agree that the payment of the Earnest Money represents a fair and equitable remedy for the Seller.

9. Broker.

Seller is being represented in this transaction by Radial Property Group, LLC. (herein after called Broker) Broker shall be entitled to a real estate commission equal to three per cent (3%) of the purchase price. Seller shall be solely responsible for any commission or fees owed to the Broker and the Broker shall provide a broker's affidavit at closing confirming that all fees or commissions have been paid in full. No brokers are involved in this transaction on behalf of the Buyer. To the extent allowed by law, Buyer and Seller agree to indemnify and hold the other party harmless against any claim, suit, or action for a real estate brokerage commission as a result of their actions in the sale and purchase of the Property, including reasonable attorney's fees and costs.

10. Notices.

Any notices required or permitted to be given under this Contract to Seller or to the Buyer shall be in writing. The notice may be sent by registered or certified mail, postage pre-paid, or by documented overnight delivery by courier of choice. A courtesy copy of any notice may be sent by electronic mail (e-mail). The notice shall be delivered based on the information set forth below:

Buyer: City of Flowery Branch, Georgia
5410 Pine Street
Flowery Branch, Georgia 30542
Attention: Tonya Parrish, City Manager
Email: tonya@flowerybranchga.org

Copy To: Pereira, Kirby, Kinsinger & Nguyen, LLP
P.O. Box 1250
690 Longleaf Drive
Lawrenceville, GA 30046
Attention: Lawrenceville City Attorney
Email: tcb@pkknlaw.com and lthompson@pkknlaw.com

SELLER: Atlanta One Limited Partnership
2111 Woodward Avenue, Suite 910
Detroit, Michigan 48201
Attn: Alyn Thomas
Email: gravel51@aol.com

Copy To: Maddin, Hauser, Roth & Heller, P.C.
One Town Square, 5th Floor
Southfield, Michigan 48076

Attn: Mark Hauser
Email: MarkHauser@maddinhauser.com

Broker: Radial Property group, LLC
5634 Atlanta Hwy
Flowery Branch, Georgia 30542
Attn: Daren C. Wayne
Email: daren@wayne-trading.com

11. Miscellaneous.

- a) Interpretation. In this Agreement, the neuter gender includes the feminine and masculine and the singular number includes the plural, and the words “person” and “party” include corporation, partnership, individual, form, trust, or association wherever the context so requires.
- b) Attorney’s Fees. In the event it becomes necessary for either Buyer or Seller to bring an action at law or other proceeding to enforce any of the terms, covenants or conditions of this Contract, the prevailing party in any such action or proceeding shall be entitled to recover its costs and expenses incurred in such action from the other party, including without limitations reasonable attorney’s fees as determined by the court without a jury. As used herein, the term “prevailing party” shall mean as to the plaintiff, obtaining substantially all relief sought, and such term shall mean as to the defendant, denying the obtaining of substantially all relief sought by the plaintiff.
- c) Time of Essence. Buyer and Seller hereby agree that this Agreement was entered into with the understanding that time is of the essence.
- d) Severability. In the event any provision, or any portion of any provision, of this Contract shall be deemed to be invalid, illegal or unenforceable by a court of competent jurisdiction, such invalid, illegal or unenforceable provision shall not alter the remaining portion of any provision or any other provision, as each provision of this Agreement shall be deemed to be severable from all other provisions.
- e) Inurement. This Agreement shall be binding upon and inure to the benefit of the successors and assigns, if any, of the respective parties hereto.
- f) Effective Date. The Effective Date of the Agreement shall be the date the last party signs a fully executed copy of the Contract for Purchase and Sale.

- g) Governing Law. This Agreement shall be governed by the laws of the State of Georgia.

12. Modification of Contract.

No modification of this Agreement shall be deemed effective unless in writing and signed by the parties hereto, and any waiver granted shall not be deemed effective except for the instance and in the circumstances particularly specified therein and unless in writing and executed by the party against whom enforcement of the waiver is sought.

13. Entire Contract.

This Agreement constitutes the entire agreement between the parties for the purchase and sale of the Property. All terms and conditions contained in any other writings previously executed by the parties regarding the Property shall be deemed to be superseded.

14. Mutual Drafting.

Each party has participated in the drafting of this Agreement and the provisions of this Agreement shall not be construed against or in favor of either party.

15. Survival of Contract.

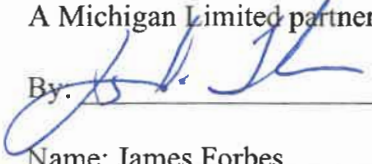
This Agreement shall merge into the documents executed at the closing, and any representations and warranties shall not survive the closing.

16. Special Stipulations

This Contract is contingent on the final approval of this Contract, prior to execution of the Inspection Period, in a public meeting by the Buyer in accordance with the provisions of the Georgia Open Meetings Act and compliance with all purchase and sale procedures of the Buyer. Buyer shall provide Seller with timely notice of such approval or lack thereof.

This Contract is agreed to this
9th day of August, 2025.

Atlanta One Limited Partnership,
A Michigan Limited partnership

By: 

Name: James Forbes

Title: General Partner

SELLER

This Contract is agreed to this
____ day of _____, 2025.

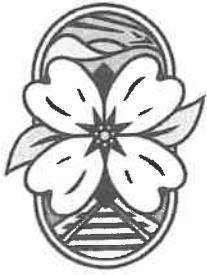
City of Flowery Branch, Georgia

By: _____

Name: _____

Title: _____

BUYER



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

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

Meeting Date	Description of Meeting
7-16	Chamber - Issues Committee
7-26	SPLOST Meeting
7-22	Braswell's Meet + Grant

My signature certifies that I am eligible to be paid for 3 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 \$ 150⁰⁰

Edward R. Asbridge
Signature



**City of Flowery Branch
Special Called City Council Meeting
Saturday, July 26, 2025, 12:00 PM
Georgia Mountains Regional Center
1310 West Ridge Road, Gainesville, GA 30501**



CALL WORK SESSION TO ORDER:

Mayor Asbridge called the meeting to order at 12:03 p.m.

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

Also present were City Manager Tonya Parrish, City Clerk Shelia Cooper, Planning and Community Development Director Chris McCrary, and City Attorney Ted Baggett.

EXECUTIVE SESSION:

There was a motion made to enter executive session for matters related to the acquisition/disposition of real estate, for matters related to certain personnel issues, and for matters related to pending or potential litigation at 12:04 p.m.

MOTION: Oliver McClellan
SECOND: William McDaniel
AYES: Joe Anglin, Oliver McClellan, William McDaniel, Joseph Mezzanotte, Chris Mundy
NAYS: None
Motion carried

There was a motion made to exit the executive session at 12:31 p.m.

MOTION: Chris Mundy
SECOND: William McDaniel
AYES: Joe Anglin, Oliver McClellan, William McDaniel, Joseph Mezzanotte, Chris Mundy
NAYS: None
Motion carried

DISCUSSIONS:

Downtown Parking Plan

Trey Gavin and Andrew Swicegood from ESG Engineering presented options for a downtown parking plan. ESG Engineering took a previous traffic study from Stantec and discussed additional

options based on Stantec's recommended maps. ESG Engineering considered factors such as price, proximity to downtown, and right-of-way acquisitions.

Tax Allocation District

Gary Mongeon from KB Advisory Group discussed options for the Tax Allocation District with allowed uses from TAD proceeds.

Millage Rate

City Manager Parrish discussed the preliminary tax digest and the possibility of a rollback of the millage based on the preliminary tax digest.

Development Authority

There was no discussion on Development Authority due to time constraints.

SPLOST IX Projects

City Manager Parrish discussed the needs of city departments for potential future SPLOST IX projects.

Public Roads

City Manager Parrish discussed the current state of city roads.

Crosswalks in Sterling on the Lake

City Manager Parrish discussed the possibility of lighted crosswalks in Sterling on the Lake Subdivision. There have been concerns with some of the residents requesting lighted crosswalks.

EXECUTIVE SESSION:

There was a motion made to enter executive session for matters related to the acquisition/disposition of real estate, for matters related to certain personnel issues, and for matters related to pending or potential litigation at 4:00 p.m.

MOTION: Chris Mundy

SECOND: William McDaniel

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

NAYS: None

Motion carried

There was a motion made to exit the executive session at 4:13 p.m.

MOTION: Chris Mundy

SECOND: Oliver McClellan

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

NAYS: None

Motion carried

ADJOURNMENT:

There was a motion made to adjourn the meeting at 4:13 p.m.

MOTION: Chris Mundy

SECOND: Oliver McClellan

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

NAYS: None

Motion carried

Edward R. Asbridge, Mayor

Date

Shelia Cooper, City Clerk



**City of Flowery Branch
City Council Meeting
Thursday, August 7, 2025, 6:00 PM
City of Flowery Branch City Hall
5410 Pine Street, Flowery Branch, GA 30542**



CALL WORK SESSION TO ORDER:

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

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

Also present were City Manager Tonya Parrish, City Clerk Shelia Cooper, Finance Director Matthew Hamby, Department of Fun Director Renee Carden, Human Resources Director Krystle Hightower, Planning and Community Development Director Chris McCrary, Planner Dani Nash, Public Utilities Director Peter Woerner, and City Attorney Ted Baggett.

Absent: Council Member Joe Anglin

PLEDGE OF ALLEGIANCE:

Mayor Asbridge led the Pledge of Allegiance.

AWARDS & RECOGNITIONS: There were no awards or recognitions.

ADOPTION OF AGENDA:

There was a motion made to adopt the agenda as presented.

MOTION: Chris Mundy

SECOND: William McDaniel

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

NAYS: None

Motion carried

PUBLIC HEARING:

Public Hearing and First Reading to Consider Ordinance 750 regarding variances at 5572 and 5578 Mulberry Street.

Planner Nash presented Ordinance 750 regarding variances at 5572 and 5578 Mulberry Street. The applicant originally applied for a minor subdivision of a property containing two address points under one tax map parcel number 08117 002006. Upon review of the proposed minor subdivision

plat, nonconformities outside of the control of the applicant related to lot width and side setbacks were discovered. The lot is zoned R-2 which requires a minimum lot width of 75' and minimum side setbacks of 15'. The proposed property line creates two lots of +/- 72' in width, with the existing structure on tract two (2) encroaching into the side setback by 5'. The requested variances attempt to reconcile both lots as closely as possible to the code requirements for R-2.

Staff recommend approval of the variances for 5572 & 5578 Mulberry Street, tax map parcel #08117 002006 as requested. Any future proposed exterior alterations to either structure will be subject to all zoning and design code requirements.

Council held a discussion with Planner Nash.

Mayor Asbridge called for those wishing to speak in favor of the request:

Michael Fowler, 6650 Garrett Road, Buford, Georgia.

There being no one who wished to speak in opposition, Mayor Asbridge closed the public hearing at 6:08 p.m.

Public Hearing and First Reading to Consider Ordinance 753 for Annexation of 0 Sasser Road.

Director McCrary presented Ordinance 753 for an annexation request at 0 Sasser Road. The annexation includes a total of 95.842 acres of undeveloped wooded land. The site in Hall County is currently zoned as Planned Residential Development (PRD).

Mayor Asbridge called for those wishing to speak in favor of the request:

Bradley Dunkel, Rochester DCCM, 425 Oak Street, Gainesville, Georgia.

Mayor Asbridge called for those wishing to speak in opposition to the request:

Mark Fall, 4567 Stanley Road, Flowery Branch, Georgia.

Dan Raatjes, 4360 JM Turk Road, Flowery Branch, Georgia.

Darlene Long, 4655 Quail Wood Drive, Flowery Branch, Georgia.

Kimberly Hussey, 4436 Sasser Road, Flowery Branch, Georgia.

There being no one else who wished to speak in opposition, Mayor Asbridge allowed the applicant his remaining time for rebuttal.

Mayor Asbridge closed the public hearing at 6:22 p.m.

Public Hearing and First Reading to Consider Ordinance 754 for a Rezoning Request of 0 Sasser Road.

Director McCrary presented Ordinance 754. The applicant seeks to rezone the subject parcel to Single-Family Town Home (SF-TH) to develop 198 lots, comprising 123 single-family lots and

75 townhome units. The proposed single-family detached lots will be 50 feet and/or 40 feet wide, with lot areas of 6,700 sq.ft., while the townhome units will be 26 feet wide with lot areas of 2,000 sq.ft. The development's dimensional standards and building setbacks comply with the applicable code at the time of the application.

Mayor Asbridge called for those wishing to speak in favor of the request:

Bradley Dunkel, Rochester DCCM, 425 Oak Street, Gainesville, Georgia.

Mayor Asbridge called for those wishing to speak in opposition to the request:

Dan Raatjes, 4360 JM Turk Road, Flowery Branch, Georgia.

Maureen Catherine Davis, 4432 Sasser Road, Flowery Branch, Georgia.

Patrick Horn, 4436 Sasser Road, Flowery Branch, Georgia.

There being no one else who wished to speak in opposition, Mayor Asbridge allowed the applicant his remaining time for rebuttal.

Mayor Asbridge closed the public hearing at 6:51 p.m.

Public Hearing and First Reading to Consider Ordinance 751 to Add Farm Winery Tasting Rooms to Use Table and Place Dimensional Standards in CBD Zoning.

Director McCrary presented Ordinance 751 to add farm winery tasting rooms to the Use Table and Place Dimensional Standards in CBD Zoning. The text amendment to Table 9.1 – Permitted and Conditional Uses, will add “Farm Winery Tasting Rooms” to the existing use chart in Article 9 – Nonresidential Zoning Districts. The use will be permitted by right in the Central Business District and require a conditional use permit in Highway Business. The amendment also seeks to amend Table 9.2 – Dimensional Requirements for Nonresidential Zoning Districts, to reconcile contradictory dimensional standards under the Central Business District zoning category.

There being no one who wished to speak in favor or in opposition to the request, Mayor Asbridge closed the public hearing at 6:55 p.m.

Public Hearing and First Reading to Consider Ordinance 755 to Rezone 5250 Hog Mountain Road.

Director McCrary presented Ordinance 755 to rezone 5250 Hog Mountain Road. 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.

Staff recommends approval of the Rezoning at 5250 Hog Mountain Road, Tax Parcel ID 08116 000017 from M-1 – Manufacturing & Industrial, Light to H-B - Highway Business with the conditions provided.

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.

Council held a discussion with Director McCrary.

Mayor Asbridge called for those wishing to speak in favor of the request:

Dani Blumenthal of Gaskins + LeGraw, 1266 Powder Springs Road, Marietta, Georgia.

There being no one who wished to speak in opposition to the request, Mayor Asbridge closed the public hearing at 7:04 p.m.

Public Hearing and First Reading to Consider Ordinance 756 to Rezone 5238 Hog Mountain Road.

Director McCrary presented Ordinance 756 to rezone 5238 Hog Mountain Road. 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 proposed rezoning to O-P aligns with the intended use and supports compliance with current zoning regulations.

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.

Council held a discussion with Director McCrary.

Mayor Asbridge called for those wishing to speak in favor of the request:

Dani Blumenthal of Gaskins + LeGraw, 1266 Powder Springs Road, Marietta, Georgia.

Meghan Simmons, Project Manager of Gaskins + LeGraw, 3475 Corporate Way, Duluth, Georgia.

Kathy Bodnar, Design Project Manager of Gaskins + LeGraw, 1511 Hillson Court, Dacula, Georgia.

There being no one who wished to speak in opposition to the request, Mayor Asbridge closed the public hearing at 7:15 p.m.

Public Hearing and First Reading to Consider Ordinance 757 for a Rezoning Request at 5238 Hog Mountain Road.

Director McCrary presented Ordinance 757 for a rezoning request at 5238 Hog Mountain Road. The applicant is requesting the annexation and rezoning of 5623 Hog Mountain Road 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.

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 Manufacturing & Industrial, Heavy (M-2) with conditions of approval.

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.

Council held a discussion with Director McCrary.

Mayor Asbridge called for those wishing to speak in favor of the request:

Lolita Jackson, Vulcan Materials, Flowery Branch, Georgia.

There being no one else who wished to speak in opposition, Mayor Asbridge closed the public hearing at 7:24 p.m.

Public Hearing and First Reading to Consider Ordinance 758 for Rezoning of 5623 Hog Mountain Road.

Director McCrary presented Ordinance 758 for consideration of rezoning 5623 Hog Mountain Road. The applicant is requesting the annexation and rezoning of 5623 Hog Mountain Road 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.

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 Manufacturing & Industrial, Heavy (M-2) with conditions of approval.

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.

Council held a discussion with Director McCrary.

Mayor Asbridge called for those wishing to speak in favor of the request:

Wes Robinson on behalf of Vulcan Materials.

There being no one who wished to speak in opposition, Mayor Asbridge closed the public hearing at 7:33 p.m.

UNFINISHED BUSINESS - WORK SESSION:

Discussion of Waste Water Treatment Plant Expansion

Addison Shealy, Assistant Project Manager with Archer Western, presented an update on the construction of the Wastewater Treatment Plant expansion. There have been zero safety incidents or quality incidents from the project beginning to date. The Early Works project is complete. All the project permits including the GDOT permit are complete. The sitework, yard pipping, concrete, site electrical, and mechanical are ongoing.



Progress Photos



Project Site



8/01/25



Progress Photos



Project Site



03/14/25

08/01/25

Consider Second Reading of Ordinance 752 to Amend Alcoholic Beverage Code.

City Attorney Ted Baggett presented Ordinance 752 to Amend Alcoholic Beverage Code. This ordinance modifies provisions related to licensing of brew pub establishments and farm winery tasting rooms.

Council held a discussion with City Attorney Baggett.

NEW BUSINESS -WORK SESSION:

Consider Resolution 25-010 of the City of Flowery Branch, Georgia adopting the Safety Survey and Inspection Program.

City Manager Parrish presented Resolution 25-010 to formally adopt the Flowery Branch Safety Survey and Inspection Program. This program sets forth the City's commitment to a goal of zero workplace injuries, accidents, and incidents, reinforcing the City's ongoing prioritization of employee safety and proactive risk management. Under the guidance of the newly appointed Safety Coordinator, Mr. Paul Jennison, the City has enhanced its efforts in developing a formalized safety inspection and survey program. Mr. Jennison has worked extensively with LGRMS representatives to conduct comprehensive audits of City worksites and to establish updated safety policies and procedures.

Consider Awarding a Contract for Bid 25-008 Dewatered Sludge and Waste Removal to Waste Eliminator, LLC.

City Manager Parrish presented a contract for Bid 25-008 Dewatered Sludge and Waste Removal to Waste Eliminator, LLC. The purpose of this agenda item is to help lower operating costs at the City's Wastewater Treatment Plant. Dewatered sludge and waste (Screens and Grit) are one of the biggest budget items to operate the plant. Waste Eliminator, LLC. is the most responsive, responsible bidder for an estimated total of \$56,868.00

Consider Awarding a Contract for Bid 25-012 Job Classification and Compensation Plan Study to Evergreen Solutions, LLC.

Director Hightower presented awarding a contract for Bid 25-012 Job Classification and Compensation Plan Study to Evergreen Solutions, LLC. Job classification and compensation plan studies are typically performed every five (5) years. The last one performed for the City of Flowery Branch was August of 2018. To ensure we have fair and competitive pay practices, we issued an RFP to solicit bids for the study. The City received nine (9) submittals with pricing from \$24,000 to \$72,100.00 and a timeframe of completion from three (3) months to six (6) months. The top three scoring bidders were interviewed, and Evergreen Solutions LLC received the most interview points from the committee. Evergreen Solutions, LLC. provided a cost proposal of \$32,500 and a timeline of four (4) months for completion. Evergreen Solutions, LLC is a national consulting firm that specializes in working with the public sector. Their approach is tailored to meet the City of Flowery Branch's specific needs. Their list of clients includes more than fifty (50) cities and counties within Georgia, many with similar projects to the City of Flowery Branch.

DEPARTMENT REPORTS:

City Clerk Report:

City Clerk Cooper advised that the 2025 Municipal Election Qualifying Packets are now available for pickup. The qualifying period will start on Monday, August 18th through Wednesday, August 20th with the hours of qualifying from 8:30 a.m. until 4:30 p.m. The General Election will be held on Tuesday, November 4, 2025, from 7:00 a.m. to 7:00 p.m. with the place of said election being at your assigned Hall County polling place. Early voting will take place at your assigned Hall County polling place.

Department of Fun Report:

Director Carden provided an update on the Department of Fun activities and events.

Amazing Events
with some
Amazing Guest!!



Ribbon Cuttings & Ground Breakings

We welcomed 5 new business to the
City of Flowery Branch

- Skintini's The Beauty Bar
- Tiny Threads Children's Boutique
- Lucky Goat Coffee – Spout Springs
- Mulberry Summit
- Around the Pickle



Finance Department Report:

Director Hamby provided updates on the millage rate.

Public Utilities Report:

Director Woerner thanked Addison Shealy for the update on the sewer plant, and he reported the expensive rental blowers are no longer needed and have been returned to the rental company.

City Attorney Report:

City Attorney Baggett reported the City of Flowery Branch; along with eighty-five other cities that are part of an Amicus Brief, were submitted to the Georgia Supreme Court seeking to overturn the Chang vs. City of Milton decision.

ADJOURNMENT WORK SESSION:

Mayor Asbridge adjourned the work session at 8:08 p.m.

VOTING SESSION AGENDA

CALL VOTING SESSION TO ORDER:

Mayor Asbridge called the voting session to order at 8:08 p.m.

PUBLIC COMMENTS:

Darlene Runner, 6232 Shoreview Circle, Flowery Branch, Georgia.

Ms. Runner is concerned about the traffic flow on Mitchell Street with a proposed development.

Marat Gumerova, 6583 Above Tide Place, Flowery Branch, Georgia.

Mr. Gumerova is concerned about the traffic flow on Mithcell Street with a proposed development.

There was a request made by Council Member McClellan to remove the Wine & Beer License for Clipper Petroleum, Inc from the Consent Agenda to allow for discussion of this item.

CONSENT AGENDA:

- Consider July 17, 2025 City Council Meeting Minutes
- Consider Council Member McClellan May 2025 Per Diem
- Consider Council Member McClellan June 2025 Per Diem
- Consider Council Member Mezzanotte July 2025 Per Diem
- Consider the Third Amendment to Flowery Branch Main Street, A Master Condominium Shopping Center Lease Agreement with Nicolas St. Clair, Roland Stanely, Gustavo Godinez, Jr. and Craig Tabor.

There was a motion made to approve the consent agenda without Wine & Beer License for Clipper Petroleum, Inc. to allow for discussion of this item.

MOTION: Oliver McCellan

SECOND: Chris Mundy

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

NAYS: None

Motion carried

NEW BUSINESS - VOTING SESSION:

Police Administrator Kelsey Cash presented a consideration of a wine and beer license for Clipper Petroleum, Inc.

Consider Wine & Beer License for Clipper Petroleum, Inc.

MOTION: Oliver McClellan

SECOND: William McDaniel

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

NAYS: None

Motion carried

UNFINISHED BUSINESS - VOTING SESSION:

Consider the Second Reading of Ordinance 746 for a Text Amendment to Article 12, Section 12.6

City Clerk Cooper read the caption for Ordinance 746.

There was a motion made to approve the second reading of Ordinance 746 for a text amendment to Article 12, Section 12.6.

MOTION: Chris Mundy
SECOND: Joseph Mezzanotte
AYES: Oliver McClellan, William McDaniel, Joseph Mezzanotte, Chris Mundy
NAYS: None
Motion carried

Consider the Second Reading of Ordinance 752 to Amend Alcoholic Beverage Code

City Clerk Cooper read the caption for Ordinance 752.

There was a motion made to amend Ordinance 752 to add a Section 3 to read as follows: “The hours of operation for any establishment licensed pursuant to Division 5 (Brew Pubs), Division 6 (Micro-Breweries), Division 7 (Micro-Distilleries), and Division 8 (Farm Winery Tasting Rooms) shall be the same as those permitted for licensees for retail consumption on the premises under Division 2 of this Article” and to renumber the remaining sections of the ordinance accordingly.

There was a motion made to approve Ordinance 752 as amended.

MOTION: Chris Mundy
SECOND: Oliver McClellan
AYES: Oliver McClellan, William McDaniel, Joseph Mezzanotte, Chris Mundy
NAYS: None
Motion carried

NEW BUSINESS - VOTING SESSION:

Consider Resolution 25-010 of the City of Flowery Branch, Georgia adopting the Safety Survey and Inspection Program.

City Clerk Cooper read the caption for Resolution 25-010.

There was a motion made to approve Resolution 25-010 adopting the Safety Survey and Inspection Program.

MOTION: William McDaniel

SECOND: Chris Mundy

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

NAYS: None

Motion carried

Consider the First Reading of Ordinance 750 regarding variances at 5572 and 5578 Mulberry Street.

City Clerk Cooper read the caption for Ordinance 750.

There was a motion made to approve the first reading of Ordinance 750 regarding variances at 5572 and 5578 Mulberry Street.

MOTION: Oliver McClellan

SECOND: William McDaniel

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

NAYS: None

Motion carried

Consider the First Reading of Ordinance 753 for Annexation of 0 Sasser Road.

City Clerk Cooper read the caption for Ordinance 753.

There was a motion made to deny Ordinance 753.

MOTION: Joseph Mezzanotte

SECOND: William McDaniel

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

NAYS: None

Motion carried

Consider the First Reading of Ordinance 754 for Rezoning of 0 Sasser Road.

City Clerk Cooper read the caption for Ordinance 754.

There was a motion made to deny Ordinance 754 for rezoning 0 Sasser Road.

MOTION: Chris Mundy

SECOND: Joseph Mezzanotte

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

NAYS: None

Motion carried

Consider the First Reading to Consider Ordinance 751 to Add Farm Winery Tasting Rooms to Use Table and Place Dimensional Standards in CBD Zoning.

City Clerk Cooper read the caption for Ordinance 751.

There was a motion made to approve the first reading of Ordinance 751 to add Farm Winery Tasting Rooms to Use Table and Place Dimensional Standards in CBD Zoning.

MOTION: Oliver McClellan
SECOND: William McDaniel
AYES: Oliver McClellan, William McDaniel, Joseph Mezzanotte, Chris Mundy
NAYS: None
Motion carried

Consider the First Reading to Consider Ordinance 755 to Rezone 5250 Hog Mountain Road.

City Clerk Cooper read the caption for Ordinance 755 to rezone 5250 Hog Mountain Road.

There was a motion made to approve the first reading of Ordinance 755 to rezone 5250 Hog Mountain Road.

MOTION: Chris Mundy
SECOND: William McDaniel
AYES: Oliver McClellan, William McDaniel, Joseph Mezzanotte, Chris Mundy
NAYS: None
Motion carried

Consider the First Reading to Consider Ordinance 756 to Rezone 5238 Hog Mountain Road.

City Clerk Cooper read the caption for Ordinance 756.

There was a motion made to approve the first reading of Ordinance 756 to rezone 5238 Hog Mountain Road.

MOTION: William McDaniel
SECOND: Chris Mundy
AYES: Oliver McClellan, William McDaniel, Joseph Mezzanotte, Chris Mundy
NAYS: None
Motion carried

Consider the First Reading to Consider Ordinance 757 for the Annexation of 5623 Hog Mountain Road.

City Clerk Cooper read the caption for Ordinance 757.

There was a motion made to approve the first reading of Ordinance 757 to annex 5623 Hog Mountain Road.

MOTION: Chris Mundy
SECOND: William McDaniel
AYES: Oliver McClellan, William McDaniel, Joseph Mezzanotte, Chris Mundy
NAYS: None
Motion carried

Consider the First Reading to Consider Ordinance 758 for Rezoning of 5623 Hog Mountain Road from Hall County AR-1 to City of Flowery Branch M-2 Manufacturing & Industrial, Heavy

City Clerk Cooper read the caption for Ordinance 758.

There was a motion made to approve the first reading of Ordinance 758 to rezone 5623 Hog Mountain Road.

MOTION: Joseph Mezzanotte
SECOND: Chris Mundy
AYES: Oliver McClellan, William McDaniel, Joseph Mezzanotte, Chris Mundy
NAYS: None
Motion carried

Consider Awarding a Contract for Bid 25-008 Dewatered Sludge and Waste Removal to Waste Eliminator, LLC.

There was a motion made to award the contract for Bid 25-008 Dewatered Sludge and Waste Removal to Waste Eliminator, LLC.

MOTION: Oliver McClellan
SECOND: William McDaniel
AYES: Oliver McClellan, William McDaniel, Joseph Mezzanotte, Chris Mundy
NAYS: None
Motion carried

Consider Awarding Bid 25-012 Job Classification and Compensation Plan Study to Evergreen Solutions, LLC.

There was a motion made to award the contract for Bid 25-012 Job Classification and Compensation Plan Study to Evergreen Solutions, LLC.

MOTION: Oliver McClellan
SECOND: Joseph Mezzanotte
AYES: Oliver McClellan, William McDaniel, Joseph Mezzanotte, Chris Mundy
NAYS: None
Motion carried

EXECUTIVE SESSION: There was no executive session.

ADJOURNMENT:

There was a motion made to adjourn the meeting at 8:35 p.m.

MOTION: Chris Mundy

SECOND: Oliver McClellan

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

NAYS: None

Motion carried

Edward R. Asbridge, Mayor

Date

Shelia Cooper, City Clerk



Executive Summary

Conditional Use Permit and Variance for:

- 5111 Spring Street, tax parcel identification number **08112 008015**,
Toal Area: +/- 4.37 Acres.

Vine Senior Care, LLC is applying for a Conditional Use Permit for a change in conditions to Resolution 12-004 for a proposed extension to an existing residential care facility. The applicant is requesting a concurrent variance for a reduction in the zoning buffer.

The applicant is proposing the expansion of an existing Institutional Residential Living & Care Facility at 5111 Spring Street. The original approval of the living & care facility was on February 7th, 2013, under Resolution 13-004. Total site is 4.236 acres with an existing building of +/- 4,651 square feet and the proposed expansion of 2,764 square feet for a total building footprint of 7,415 square feet.

Resolution 13-004 carried conditions of approval. Condition 4 limits the number of residents in the facility to 20. The expansion would bring the total number of beds to 27. The applicant states 3 of the beds will be for staff use.

The applicant is seeking a concurrent variance for a reduction in the zoning buffer. The legacy R-3 zoning category required a 40' buffer adjacent to R-1 and R-2 zoning categories. Current conditions of the site, such as the existing building and driveway, encroach the 40' buffer. Included within the application is a request for a variance from the 40-foot natural zoning buffer requirement along a portion of the existing driveway. This variance is necessitated by the geometric limitations of the property and the existing site layout, creating a hardship for strict adherence to the buffer requirement in this specific area

RESOLUTION NO. 13-004

A RESOLUTION OF THE CITY OF FLOWERY BRANCH CITY COUNCIL APPROVING A CONDITIONAL USE PERMIT (CUP) TO ALLOW THE OPERATION OF AN INSTITUTIONAL RESIDENTIAL LIVING AND CARE FACILITY (ASSISTED CARE FACILITY EXCEEDING 18 PERSONS) WITHIN A VACANT DAY CARE BUILDING FOR THE SUBJECT PROPERTY LOCATED AT 5111 SPRING STREET. THE SUBJECT PROPERTY IS APPROXIMATELY 4.236± ACRES IN SIZE AND IS ZONED R-3 (MULTI-FAMILY RESIDENTIAL). THE PROPERTY IS MORE SPECIFICALLY IDENTIFIED AS TAX PARCEL NO. 08112008015, AS SHOWN ON ATTACHED EXHIBIT “A” AND LEGALLY DESCRIBED ON ATTACHED EXHIBIT “B”.

WHEREAS, the City Council of the City of Flowery Branch reviewed the Conditional Use Permit application and related aspects of the proposal as required by the Flowery Branch Zoning Ordinance at their meeting of February 7, 2013; and

WHEREAS, the City Council held a public hearing at the meeting of February 7, 2013, 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 BE IT RESOLVED by the City Council of Flowery Branch, Georgia, that:

SECTION 1. Pursuant to Article No. 34 of the Flowery Branch Zoning Ordinance, the City Council **FINDS** that a Conditional Use Permit application, to allow the operation of an institutional residential living and care facility (assisted care facility exceeding 18 persons) within a previously occupied day care building for the property referenced above and identified on Exhibit “A” and further described on Exhibit “B”, is approved for the following reasons:

- A.** The proposal to allow operation of an institutional residential living and care facility within a former day care building is suitable given the property’s current zoning, surrounding land uses and their corresponding zoning classifications. The adjoining properties are primarily zoned for residential purposes. The adopted Zoning Code allows for “institutional residential living and care facilities” subject to issuance of a Conditional Use Permit. Given the layout of the building, available parking, surrounding uses and former use, the property lends itself to the proposed use.
- B.** The proposal will not adversely affect the usability of surrounding properties, given that the proposed use is residential in nature and will be consistent with

the surrounding land uses. Several conditions are included in the approval to assure that no impact will result from the use. Specifically, conditions requiring seal coating and restriping of the driveway and parking area as well as construction of a trash enclosure will be included in the approval. Also, use of the property for operation of an institutional residential living and care facility is consistent with the zoning district, upon approval of a Conditional Use Permit.

- C.** The subject property is currently zoned R-3 (Multi-family Residential) and as a result operation of an institutional residential living and care facility is a permitted use subject to a Conditional Use Permit. Given that the request does not involve a modification of the property's zoning designation, the proposal does not diminish economic use of the property or surrounding properties. Conditions are also recommended to assure that use of the property will have little impact on the surrounding properties.
- D.** The proposed operation of an institutional residential living and care facility will not cause an excessive burdensome use of streets, transportation facilities, utilities or schools, given that use of the structure is limited to a 20 residents. According to the Institute of Transportation Engineers (ITE), the use is anticipated to generate only 50 vehicle trips per day. Vehicle trips for the proposed use are anticipated to be only 15% of the trips generated by the previous day care use. Given available access and parking, the site is more than adequate to accommodate the use without causing a traffic or parking problem.
- E.** The proposed operation of an institutional residential living and care facility is consistent with goals identified in the city's Comprehensive Land Use Plan. The Comprehensive Plan makes reference to the lack of available institutional living opportunities within the city. The proposed use is also consistent with the requirements of the Zoning Code as they relate to the R-3 (Multi-family Residential) zoned district, pending inclusion of recommended conditions of approval. Specifically, conditions requiring seal coating of the driveway and parking area and construction of a trash enclosure are required. These conditions will help mitigate any adverse impacts on the adjoining properties.
- F.** There are no existing and/or changing conditions affecting the property that support or conflict with the proposed project.
- G.** A proposal to operate an institutional residential living and care facility is suitable given the property's current zoning, surrounding land uses and their corresponding zoning classifications. The adjoining properties are zoned R-3

(Multi-family Residential), TND (Traditional Neighborhood Development) and I (Institutional). The previous use of the property was for a day care center.

- H.** The approval of a an institutional residential living and care facility on the subject property will likely have no impact on its value or those of the surrounding properties as the use will be primarily conducted inside an existing building and limited to 20 residents. The subject property has adequate parking and access. The subject property has been vacant for over a year and the overall appearance of the property has suffered. Specifically, conditions requiring seal coating and restriping of the driveway and parking area as well as construction of a trash enclosure will be required. These conditions will help mitigate any adverse impacts on the adjoining properties and assist with the overall appearance of the property.
- I.** The project does not involve a rezoning request and thus does not have the ability to create an isolated zoning district. The property is zoned R-3 (Multi-family Residential). Use of the site for the purposes stated in the application is consistent with requirements of the R-3 zoning district and other applicable sections of the Zoning Code, once a Conditional Use Permit is obtained.
- J.** The proposed application is consistent with goals identified in the City's Comprehensive Land Use Plan (Character Area Map). There will be no impact to the City's adopted Character Area Map. The proposed operation of an institutional residential living and care facility is consistent with goals identified in the City's Comprehensive Land Use Plan as the plan makes reference to the lack of these types of residential housing options. The project is also consistent with the requirements of the Zoning Code as they relate to the R-3 (Multi-family Residential) zoned district, pending compliance with certain recommended conditions of approval.
- K.** The proposed project will not impact the environment as it relates to drainage, soil, erosion and sedimentation, flooding, air quality and water quality. The use will be conducted primarily inside an existing building.
- L.** The proposed use is consistent with the City's adopted Comprehensive Plan and Zoning Ordinance for reasons previously identified above.

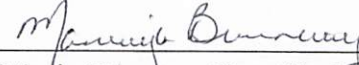
SECTION 2. Accordingly, the City Council hereby **GRANTS** to the 4.23± acre parcel site located at 5111 Spring Street as shown on Exhibit "A", described on Exhibit "B" and a conceptual floor plan shown on Exhibit "C", approval to operate an institutional residential living and care facility subject to the following conditions:

1. Applicant shall be required to seal coat and stripe the driveway and parking area consistent with Section 21.10 of the adopted Zoning Code. Following seal coating, applicant shall stripe a minimum of seven (7) parking spaces, with one (1) space being handicapped accessible. Seal coating and parking striping shall be noted on any submitted building plans.
2. Applicant shall construct a minimum 36 square foot trash enclosure for the property. Trash enclosure shall be located outside of any required setback area and shall be designed consistent with Section 10.7 of the adopted Zoning Code. Trash enclosure shall be noted on any submitted building plans.
3. Applicant shall obtain all necessary permits and approvals from the Flowery Branch Building Department and Hall County Fire Department for interior improvements as shown on attached Exhibit "C", prior to certificate of occupancy issuance.
4. Applicant shall be limited to a maximum of 20 residents for the facility.
5. Applicant and/or facility operator shall provide to the City of Flowery Branch a full and complete copy of all approved state permits required by the Georgia Department of Community Health for operation an assisted living facility. Whenever a revision or renewal of any such state permit is required or sought, the Applicant and/or facility operator shall submit a full and complete copy of all such applications pending along with relevant correspondence from governing state agencies regarding the disposition of the application.
6. Failure to comply with all conditions set forth herein may result in revocation of this approval. Conditions of approval shall apply regardless of ownership.

Approved this 7th day of February, 2013.


James M. Miller, Mayor

ATTEST


Maria Burney, City Clerk

APPROVED AS TO FORM

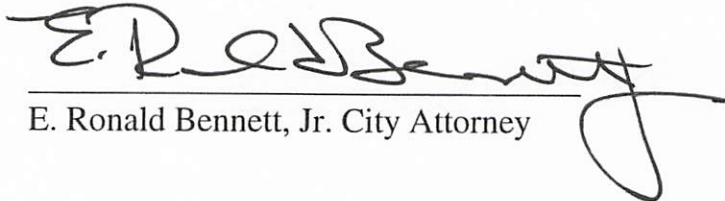

E. Ronald Bennett, Jr. City Attorney



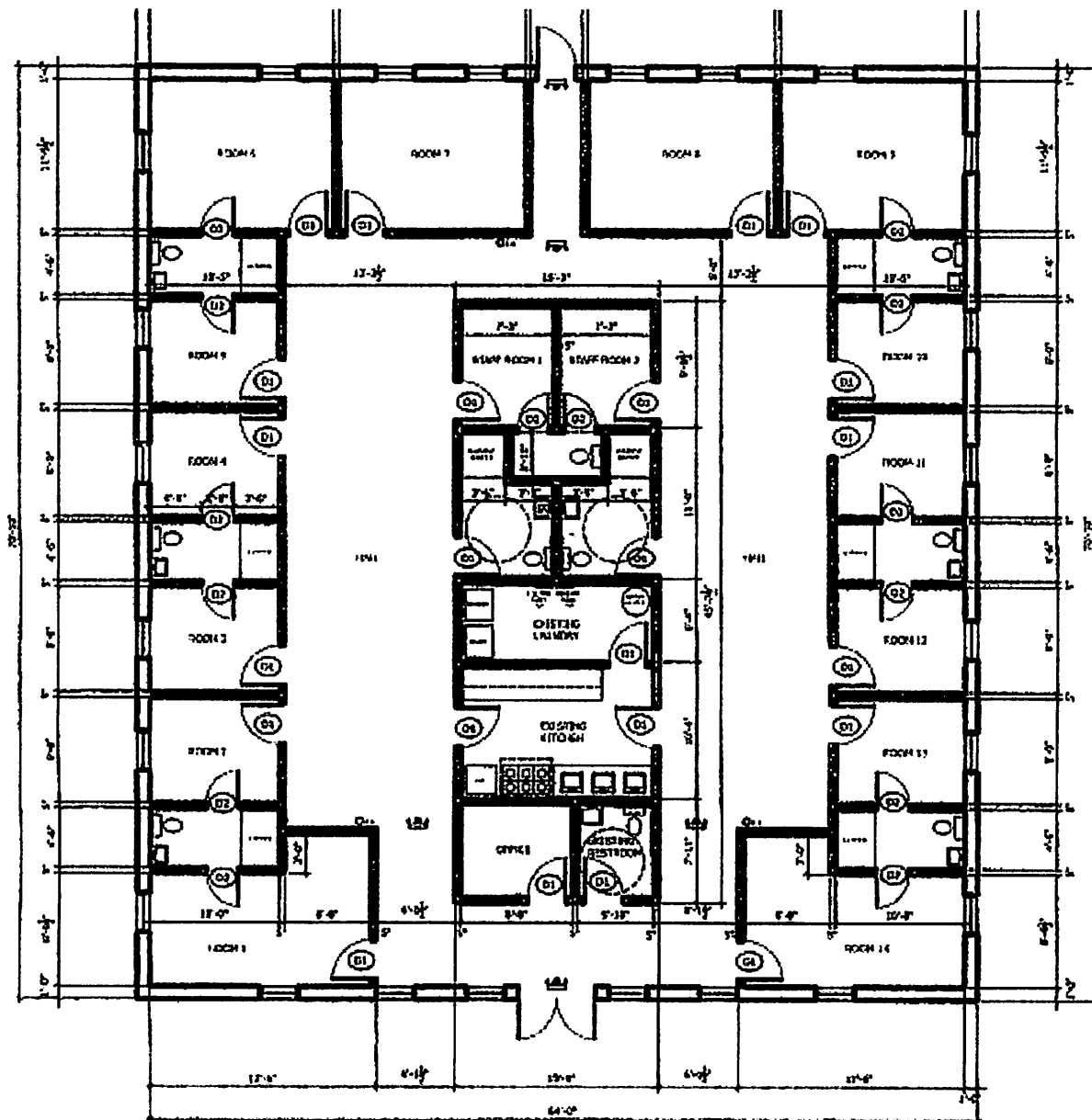
Exhibit "A"



Exhibit "B"

All that tract or parcel land lying or being in Flowery Branch Georgia, and being described as follows; Beginning at an iron pin on the northeastern boundary of the right of way of Spring Street at a point common with property of Mrs. D. B. Simpson thence N 38 01 00 E 219.90 feet to an iron pin; thence N 51 35 00 W 99.52 feet to an iron pin; thence N 33 43 00 E 260.07 feet to an iron pin; thence N 69 53 00 E 46.92 feet to a point; thence S 75 17 00 E 77.68 feet to a point; thence S 65 34 00 E 25.23 feet to a point; thence S 43 48 00 E 50.00 feet to a point; thence S 60 37 00 E 45.99 feet to a point, thence S 27 26 00 E 102.21 feet to a point; thence S 27 32 00 E 39.41 feet to an iron pin; thence S 47 10 00 E 342.62 feet to a sweet gum tree; thence S 35 17 40 E 100.02 feet to a point; thence S 54 11 03 E 60.24 feet to a point; thence N 84 23 38 E 25.97 feet to point; thence S 47 36 30 E 77.92 feet to a point; thence S 26 29 55 E 40.59 feet to a point; thence S 43 50 15 E 78.69 feet to a point; thence S 08 27 50 E 70.08 feet to a point; thence S 33 16 48 E 40.67 feet to a point; thence S 07 33 49 E 29.90 feet to a point; thence S 58 06 01 E 44.21 feet to a point; thence S 48 45 18 N 84.04 feet to a point; thence S 56 11 30 E 70.29 feet to a point; thence S 48 12 00 W 47.26 feet to an iron pin; thence N 42 35 02 W 443.54 feet to iron pin; thence N 52 30 47 W 365.00 feet to an iron pin; thence N 77 50 41 W 246.67 feet to a man hole; thence N 49 16 00 W 186.00 feet to an iron pin; thence S 38 01 00 W 256.82 feet to an iron pin; thence in a westerly direction along the right-of-way of Spring Street to the point of beginning. This property consists of 4.37 acres more or less and is particularly described according to a plat entitled. Plat for J. L. Stargel dated September 9, 1986, prepared by Henry Grady Jarrard, registered surveyor this plat is incorporated by referenced. This is the property conveyed by David W. Cranshaw, Trustees in Bankruptcy of the estate of J. L.. Stargel, to Glenn A. McFall and Donna A. McGall by trustee's deed dated May 13, 1998 and recorded at deed book 1219, page 342.

Exhibit "C" (Conceptual Floor Plan)



1 FLOOR PLAN

SEPARATE DOCUMENT 'A' - Letter of Intent

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

Subject: Letter of Intent for Conditional Use Permit Application - Expansion of Existing Institutional Living Care Facility at 5111 Spring Street

Dear Mr. McCrary,

This letter serves as our formal Letter of Intent to apply for a Conditional Use Permit with the City of Flowery Branch for the proposed expansion of the existing institutional living care facility (nursing home) located at 5111 Spring Street, within the R-3 legacy zoning district.

The existing facility currently encompasses approximately 4,651 square feet and provides essential living care services to the community. **Resolution No. 13-004 currently limits the facility to 20 residents. This application seeks approval for an expansion of approximately 2,800 square feet to not only enhance the facility's capacity but also to increase the approved resident limit from 20 to 27 beds, with 3 of these beds specifically allocated for staff use.** This expansion will allow us to better serve the needs of its residents and support our dedicated staff. As detailed in the accompanying written analysis, we believe that the proposed expansion is consistent with the City's Comprehensive Plan and the intent of the R-3 zoning district, particularly considering the existing conditional use of the property. The analysis demonstrates that the expansion will be suitably integrated within the neighborhood, will not adversely impact adjacent properties, and will not place an undue burden on public infrastructure.

Specifically, the project includes the following key elements:

- **Building Expansion:** The addition of approximately 2,800 square feet to the existing nursing home facility.
- **Increased Capacity:** A request to amend Resolution No. 13-004 to allow for an increase in the maximum number of residents from 20 to 27, which includes 3 beds designated for staff.
- **Stormwater Management:** Implementation of a stormwater management Best Management Practice (BMP) system designed to effectively attenuate any increased runoff quantity and improve runoff quality resulting from the expansion. The onsite stormwater drainage system will be appropriately modified to accommodate the expanded area.
- **Parking:** Adjustment of the number of parking spaces to fully comply with the maximum and minimum parking requirements as outlined in the City of Flowery Branch ordinances.
- **Buffering:** Continued preservation of the existing heavily wooded area along the R-1 district boundary, providing a 40-foot natural buffer. The existing 6-foot tall fence along the R-2 district boundary will also remain.
- **Variance Request:** Included within this application is a request for a variance from the 40-foot natural zoning buffer requirement along a portion of the existing driveway. This variance is necessitated by the geometric limitations of the property and the existing site layout, creating a hardship for strict adherence to the buffer requirement in this specific area. A separate letter detailing this hardship is also enclosed.

We are confident that the proposed expansion will allow the existing institutional living care facility to continue providing valuable services to the community in a manner that is compatible with the surrounding neighborhood and in accordance with the City of Flowery Branch's planning objectives.

We look forward to working with the Planning Department staff to ensure a thorough and successful review of this Conditional Use Permit Application. Please do not hesitate to contact us if you require any further information.

Sincerely,

Young Kwon, P.E.

THIS BOX RESERVED FOR
THE CLERK OF THE SUPERIOR COURT

FIELD DATA:

DATE OF FIELD SURVEY 5-19-21.

EQUIPMENT:
ELECTRONIC TOTAL STATION AND RTK GPS
GPS RECEIVER: TRIMBLE R12i,
SN: 6340F00404 ROVER
6340F00685 BASE
NETWORK: TRIMBLE VRS NOW RTK GNSS

TOTAL AREA: 184,531 SQ FT, 4.236 AC

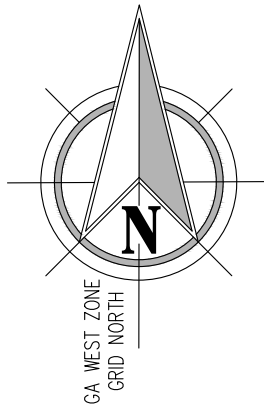
CALCULATED PLAT CLOSURE: 1 FOOT IN 355,563 FEET

SURVEY DATA:

TYPE OF SURVEY: RETRACEMENT
SOURCE OF TITLE DESCRIPTION FOR SUBJECT
PROPERTY: DB 7911 PG 692
PROPERTY OWNER AT TIME OF SURVEY:
VINE SENIOR CARE, LLC
PARCEL NUMBER: 08112 008015

REFERENCE: DB 7911 PG 692

FLOOD HAZARD NOTE: THIS PROPERTY IS
LOCATED IN A FLOOD HAZARD AREA AS
DEFINED BY FIRM MAP OF HALL COUNTY,
GEORGIA 13139C0291H EFFECTIVE DATE
DECEMBER 1, 2022



THIS PLAT IS A RETRACTION 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, PLAT, 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



BOUNDARY SURVEY FOR		
5111 SPRING STREET		
LAND LOTS 112 & 113, 8TH DISTRICT		
CITY OF FLOWERY BRANCH, HALL COUNTY, GEORGIA		
R E V I S I O N S		
1		
2		
3		
4		
5		



CONDITIONAL USE PERMIT FOR ADDITION

VINE SENIOR CARE

5111 SPRING STREET FLOWERY BRANCH, GA 30542



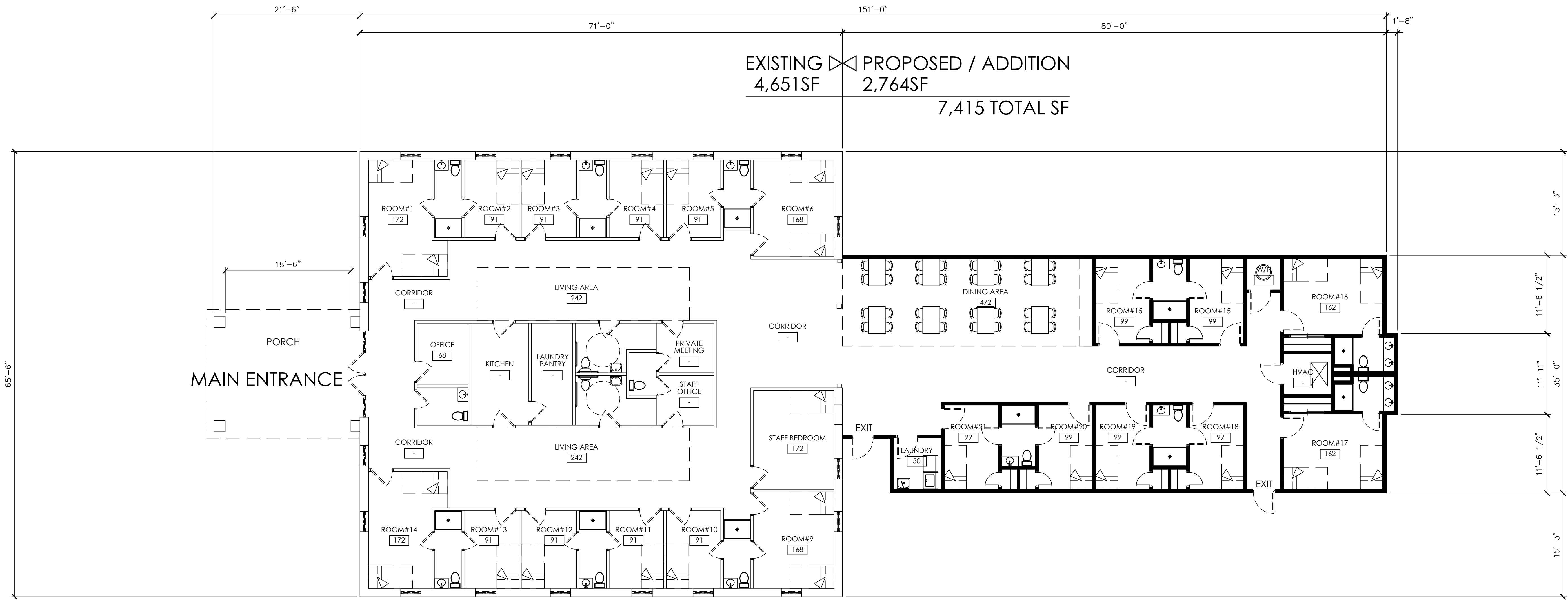
CONDITIONAL USE PERMIT FOR ADDITION
VINE SENIOR CARE
5111 SPRING STREET
FLOWERY BRANCH, GA 30542

DATE APR 25 2025	DRAWN P.S.	CHECKED	JOB NO. 2025EB-004	COVER SHEET
SHEET NUMBER CS1.0	TITLE			

REVISIONS		Description	
No.	Date		
1			
2			
3			
4			
5			
6			
7			
8			
9			
10			

SEAL

ECOBLUE 99



1 FLOOR PLAN

SCALE 1/8" = 1'-0"

EXISTING BUILDING VIEW(FRONT)



EXISTING BUILDING VIEW(REAR)



SITE VIEW(PROPOSED AREA)



CONDITIONAL USE PERMIT FOR ADDITION
VINE SENIOR CARE
5111 SPRING STREET
FLOWERY BRANCH, GA 30542

DATE: APR. 25, 2025
DRAWN: P.S.
SHEET NUMBER

JOB NO.: 2025EB-004
CHECKED:
TITLE

A1.1 FLOOR PLAN

REVISIONS

No. Date Description

SEAL

ECOBLUE 99

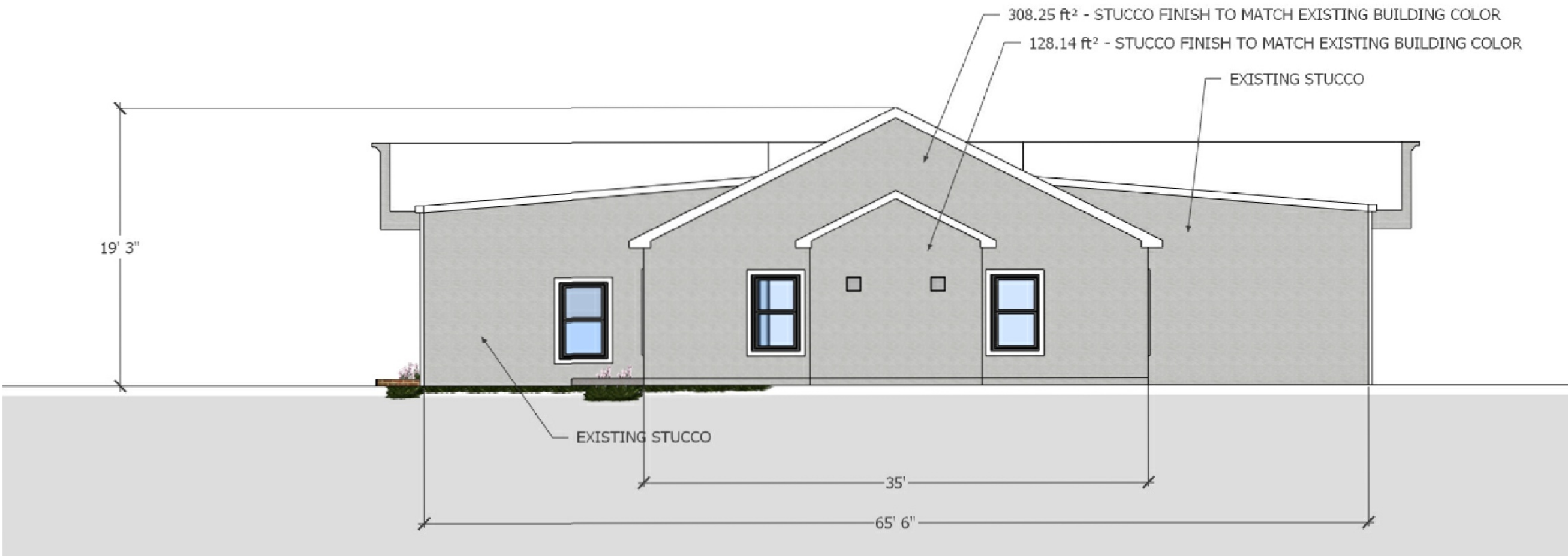


EBPS
2025.04.25



1 FRONT ELEVATION

SCALE 1/8" = 1'-0"



2 REAR ELEVATION

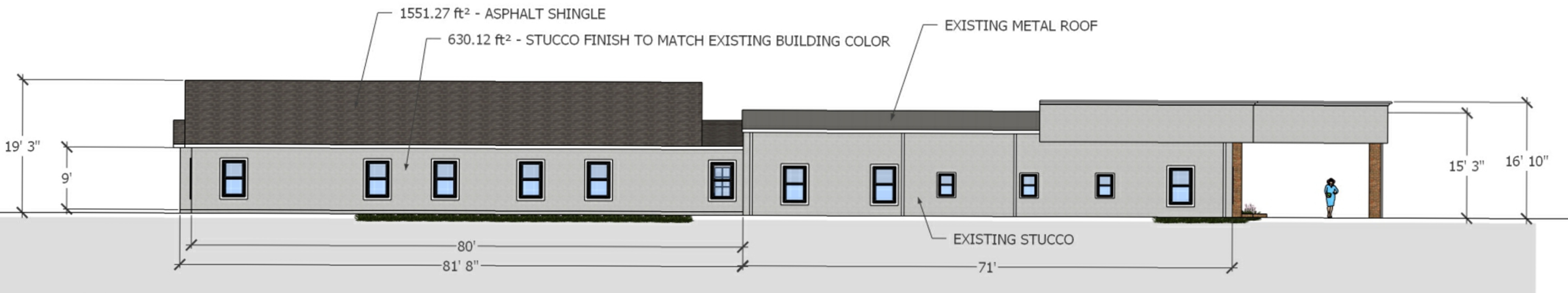
SCALE 1/8" = 1'-0"



3 RIGHT SIDE ELEVATION

SCALE 1/8" = 1'-0"

BUILDING HEIGHT
MAX ALLOWED : 45' / PROPOSED 19-3"



4 LEFT SIDE ELEVATION

SCALE 1/8" = 1'-0"

COLOR NOTES
-STUCCO : ACCESSIBLE BEIGE / SW 7036 / RGB(209,199,184)
FINISH TO MATCH EXISTING BUILDING COLOR
-ASPHALT SHINGLE : GRAY

ECOBLUE 99

SEAL

REVISIONS

No.	Date	Description
1		
2		
3		
4		

CONDITIONAL USE PERMIT FOR ADDITION

VINE SENIOR CARE

5111 SPRING STREET

FLOWERY BRANCH, GA 30542

DATE

APR 25 2025

DRAWN

P.S

CHECKED

JOB NO.

2025EB-004

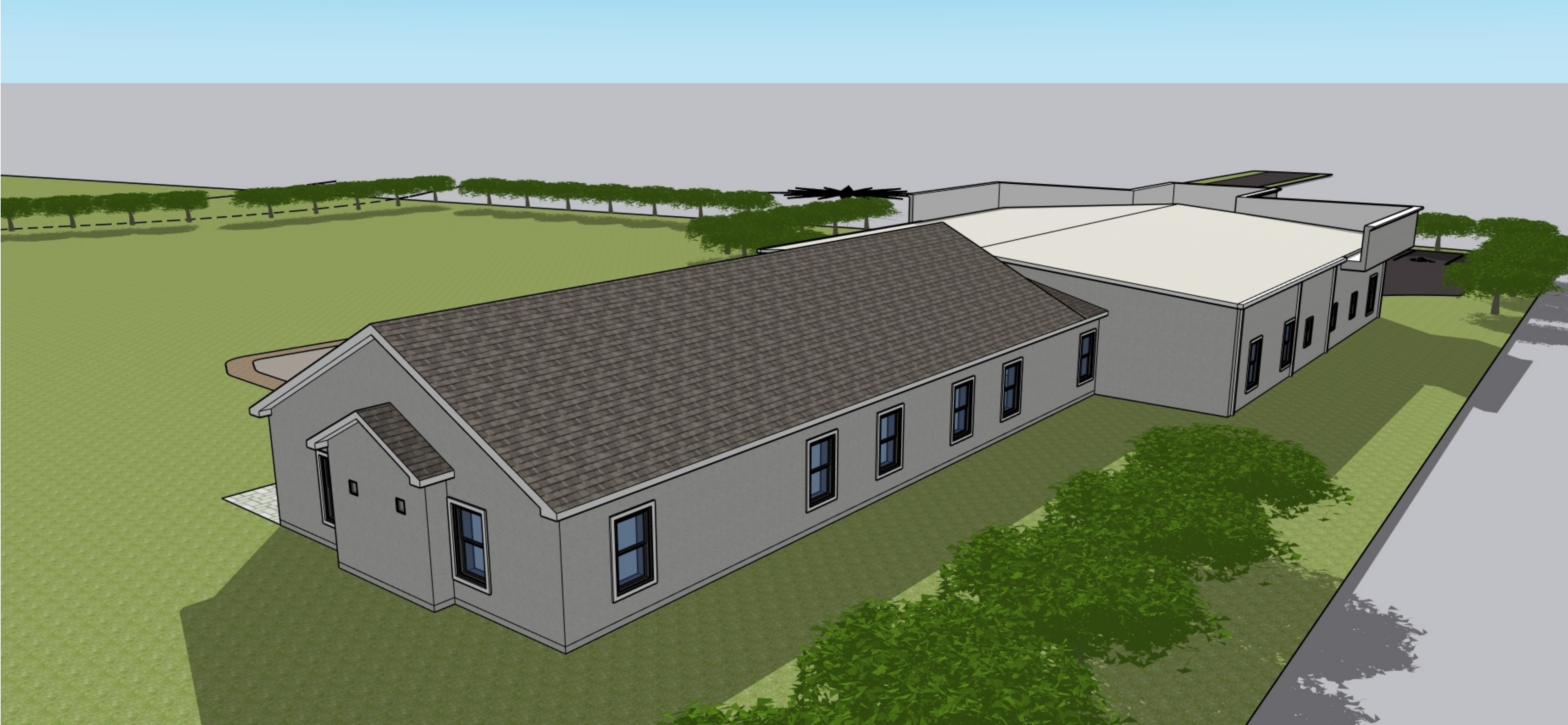
SHEET NUMBER

TITLE

ELEVATIONS

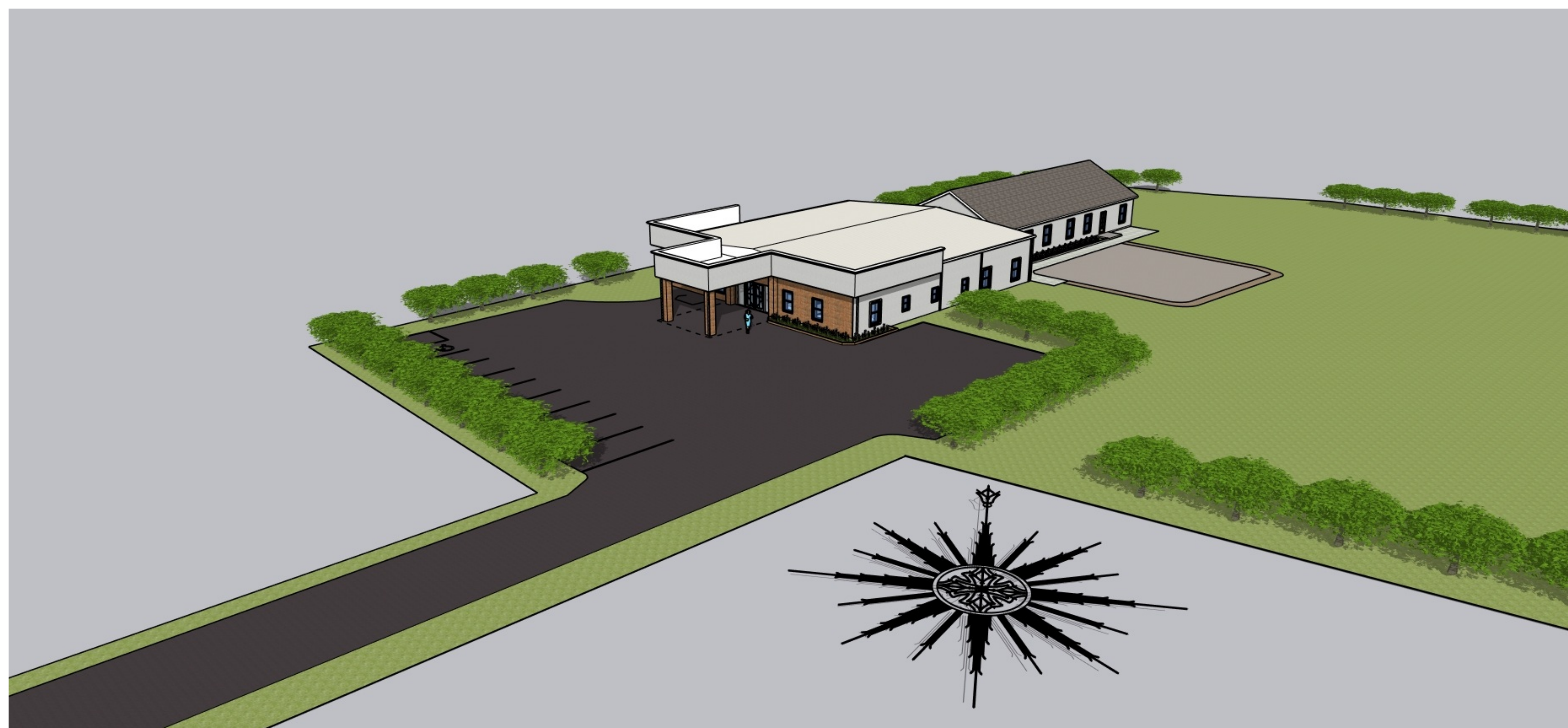
A1.2



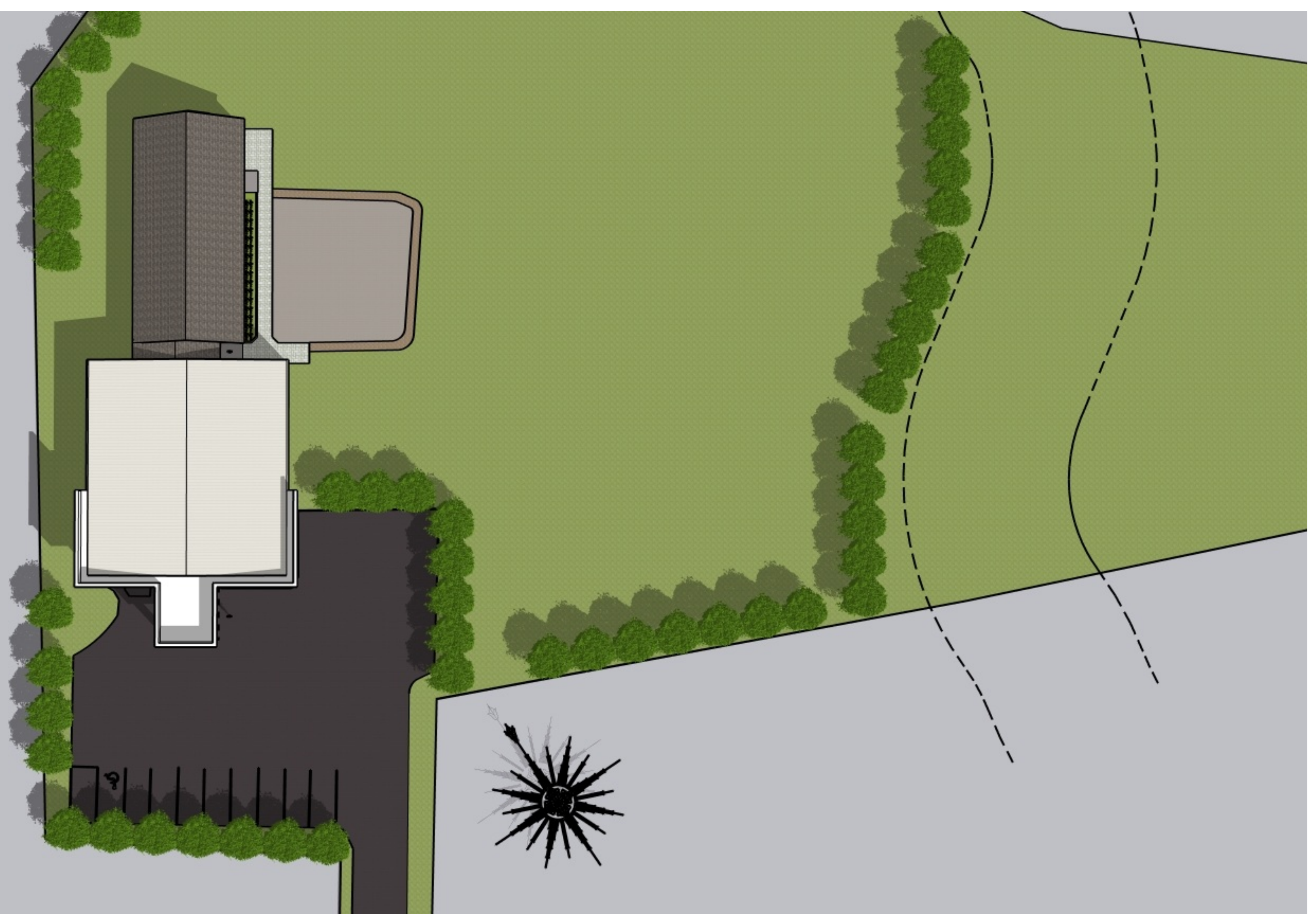






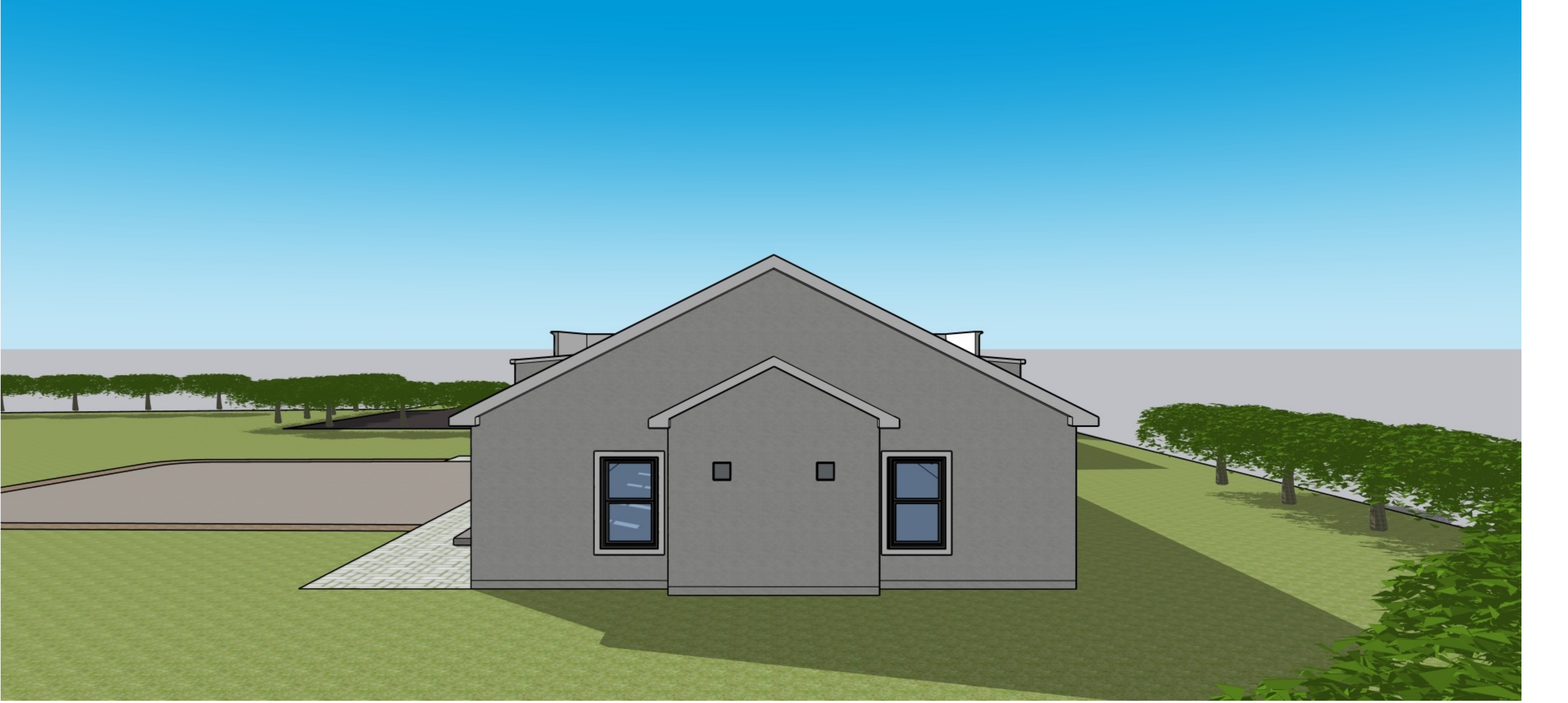


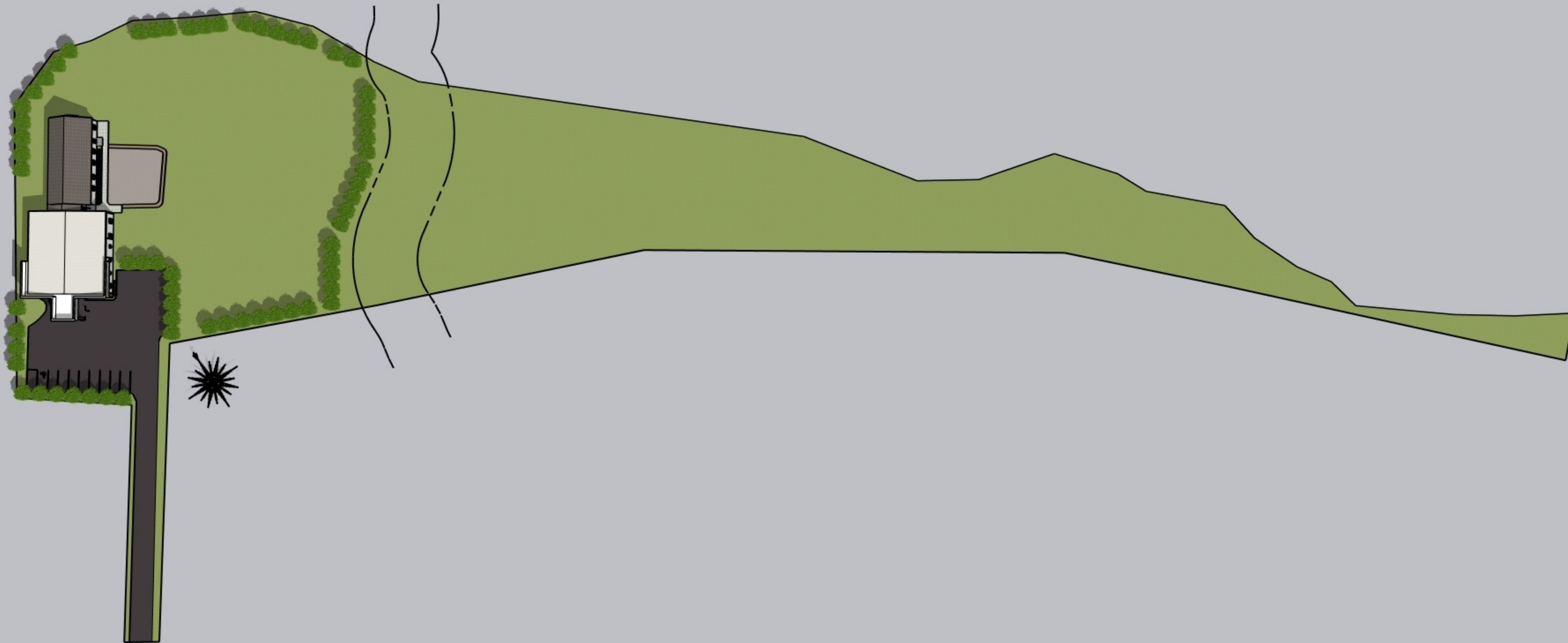
















CONDITIONAL USE PERMIT APPLICATION

City Provided Permit #

Date: May 16th, 2025

Address of Request:

5111 Spring Steet

Flowery Branch, GA 30542

Tax Map # 08112 008015 Current Zoning: R-3

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

Currently a conforming use? Yes

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

Applicant Information

Applicant: YK Engineering, LLC

Address: 4351 Thacker Ln

Suwannee, GA 30024

E-mail address: yk@ykengdesign.com

Phone number: (770) 524-2761

Signature:

Notary Seal:



Name: Cruzita Cruz

Date: 05/16/2025

EXP: 04/24/2029



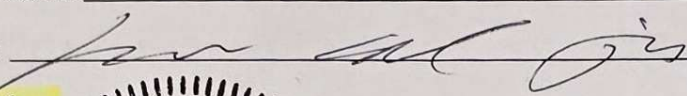
Property owner Information

Property owner (please print): VINE SENIOR CARE, LLC

Address: 5111 SPRING STREET
FLOWERY BRANCH, GA 30542

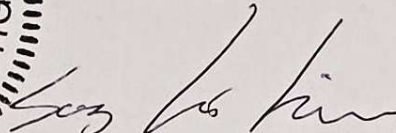
E-mail address: HEASOOK1226@GMAIL.COM

Phone number: _____

Signature: 

Notary Seal:




5/7/2025

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



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

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

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

Received by City of Flowery Branch Staff on 5-30-2025

Name: Chris McCrary 5-30-2025

Title Development Director

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: YK ENGINEERING, LLC **Project Name:** VINE SENIOR CARE CENTER EXPASION

Exhibit 1

SEPARATE
DOC. 'A'

SEPARATE
DOC. 'B'

Y	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)
Y	2.	Legal description of property.
	3.	Current survey of the property sealed by a Georgia registered land surveyor.
Y	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):
Y		a) Uses an appropriate engineering scale
Y		b) Shows proposed use and relevant information regarding proposed improvements
Y		c) All existing AND proposed buildings and/or structures
Y		d) Parking and internal circulation
Y		e) Proposed landscaping
Y		f) Buffers, where required
Y		g) Other information as required by the Zoning Administrator
Y	5.	Letter of Intent including a detailed description of the request. (separate document)
Y	6.	Required development statistics (Article 34, Sec 34.6) (separate document):
Y		a) Maximum and proposed height of any structure
NA		b) Maximum and proposed gross square footage of the building area (nonresidential only)
Y		c) Color rendering of any and all proposed structure(s)
Y		d) Material list (with percentages) of any and all proposed structure(s)
Y		e) Maximum and proposed number of dwelling units and minimum and proposed square footage of heated floor area for any dwelling unit (residential only)
Y		f) Maximum and proposed lot coverage of building area (square feet and percent)
Y		g) Minimum and proposed square footage of landscaped area (square feet and percent)
Y		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

SEPARATE
DOC. 'C'

		i) Other dimensional information as may be required by the Zoning Administrator
Y	7.	Written Analysis Requirements (Article 34, Sec. 34.7) (separate document):
Y		a) Whether the proposal will permit a use that is suitable in view of the use and development of adjacent and nearby properties.
Y		b) Whether the proposal will adversely affect the existing use or usability of adjacent or nearby properties.
Y		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.
Y		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.
Y		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.
Y		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.
Y		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.
Y		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.
Y		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.
Y		j) The possible creation of an isolated zoning district unrelated to adjacent and nearby districts.
Y		k) Possible effects of the change in zoning district map, or change in use, on the character of a zoning district.
Y		l) The possible impact on the environment, including but not limited to, drainage, soil erosion and sedimentation, flooding, air quality and water quality.
Y		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

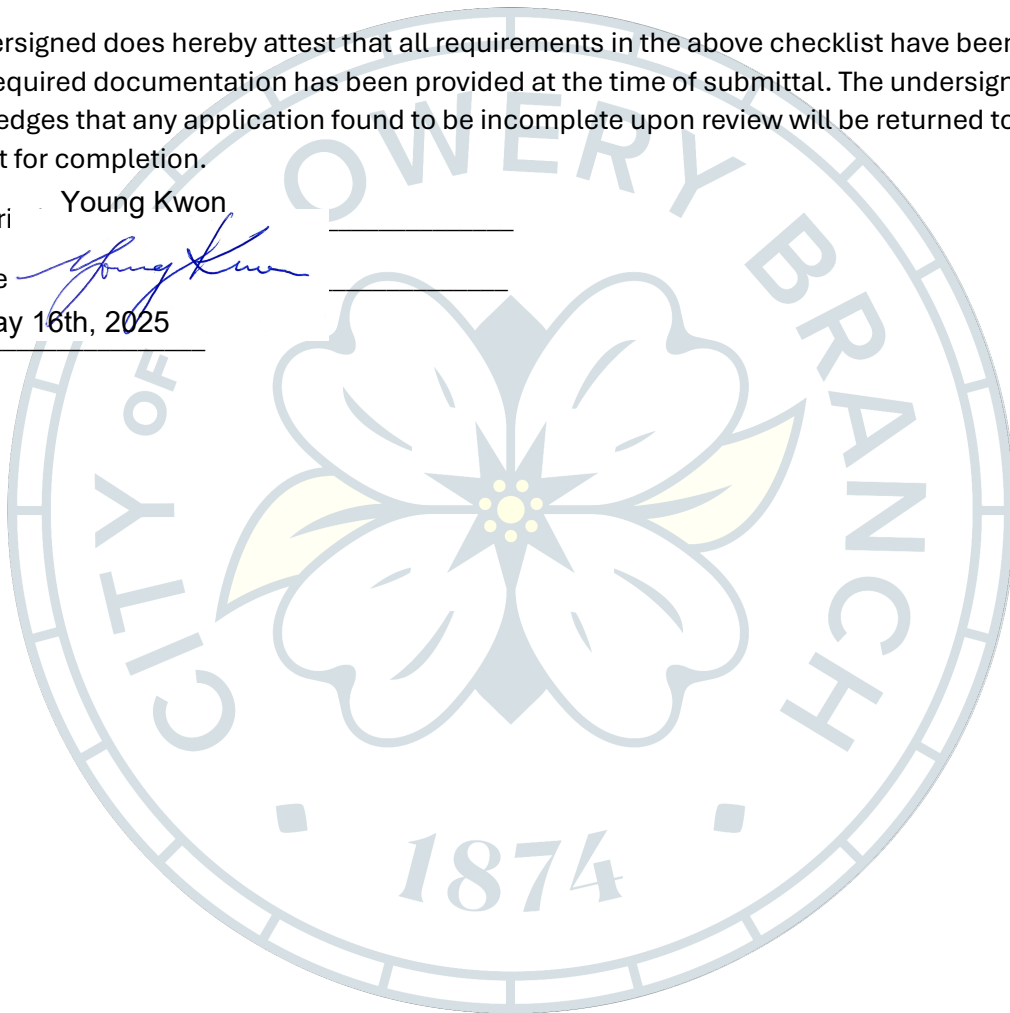
SEPARATE DOC. 'D'		8.	Conflict of interest disclosure (in body of application).
		9.	Disclosure of campaign contributions (in body of application).
	Y	10.	Names and addresses of adjoining property owners. (separate document)
SEPARATE DOC. 'E'	Y	11.	Reasons for requesting conditional use/rezoning. (separate document, can be part of/included in letter of intent)
	Y	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 (pri Young Kwon

Signature 

Date: May 16th, 2025





Memorandum

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

From: Chris McCrary, Planning and Community Development Director

Date: July 17th, 2025

Subject: Request for a Change in Conditions to Resolution 13-004 via a Conditional Use Permit to allow for the expansion of an existing institutional residential living & care facility at 5111 Spring Street. A concurrent Variance request for a reduction in the zoning buffer.

Applicant: Young Kwon
YK Engineering, LLC
4351 Thacker Land
Suwanee, GA 30024
770-524-2761

Owner: Vine Senior Care, LLC
5111 Spring Street
Flowery Branch, GA 30524

Existing Zoning: R-3 (Legacy), Residential Multi-Family District.

Location:

- 5111 Spring Street tax parcel identification number **08112 008015**.

The applicant is proposing the expansion of an existing Institutional Residential Living & Care Facility at 5111 Spring Street. The original approval of the living & care facility was on February 7th, 2013, under Resolution 13-004. Total site is 4.236 acres with an existing building of +/- 4,651 square feet and the proposed expansion of 2,764 square feet for a total building footprint of 7,415 square feet.

Resolution 13-004 carried conditions of approval. Condition 4 limits the number of residents in the facility to 20. The expansion would bring the total number of beds to 27. The applicant states 3 of the beds will be for staff use.



Zoning Map:

The subject property is zoned R-3 (Legacy) Residential Multi-family and surrounding zoning includes R-3, R-2, INST and TND



Permitted and Conditional Uses in Legacy District R-3

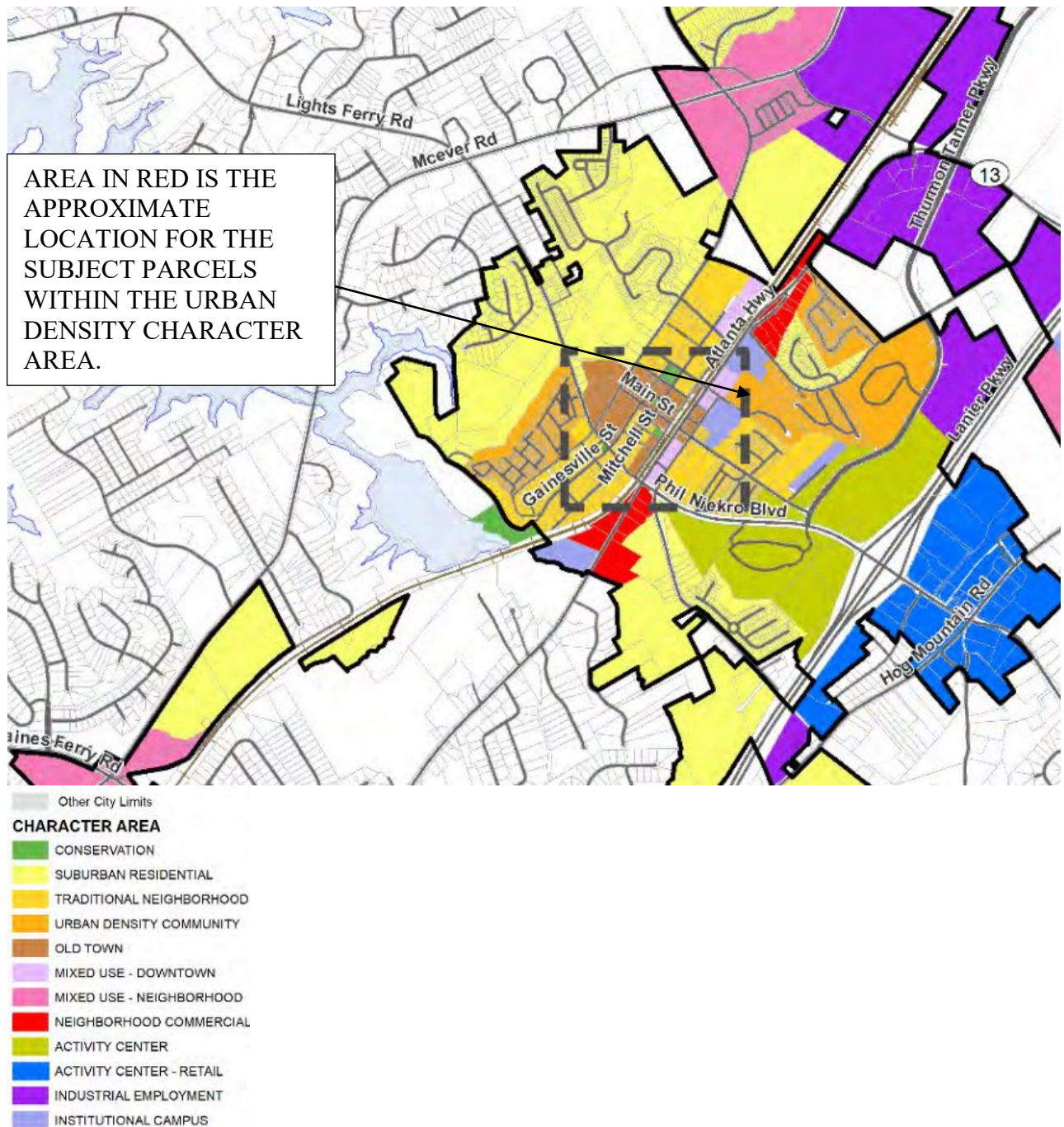
(P = Permitted Use C = Conditional Use X = Prohibited)

Expand

Use	R-3
Institutional residential living and care facility, serving no more than 17 persons	C
Institutional residential living and care facility, serving 18 persons or more	C



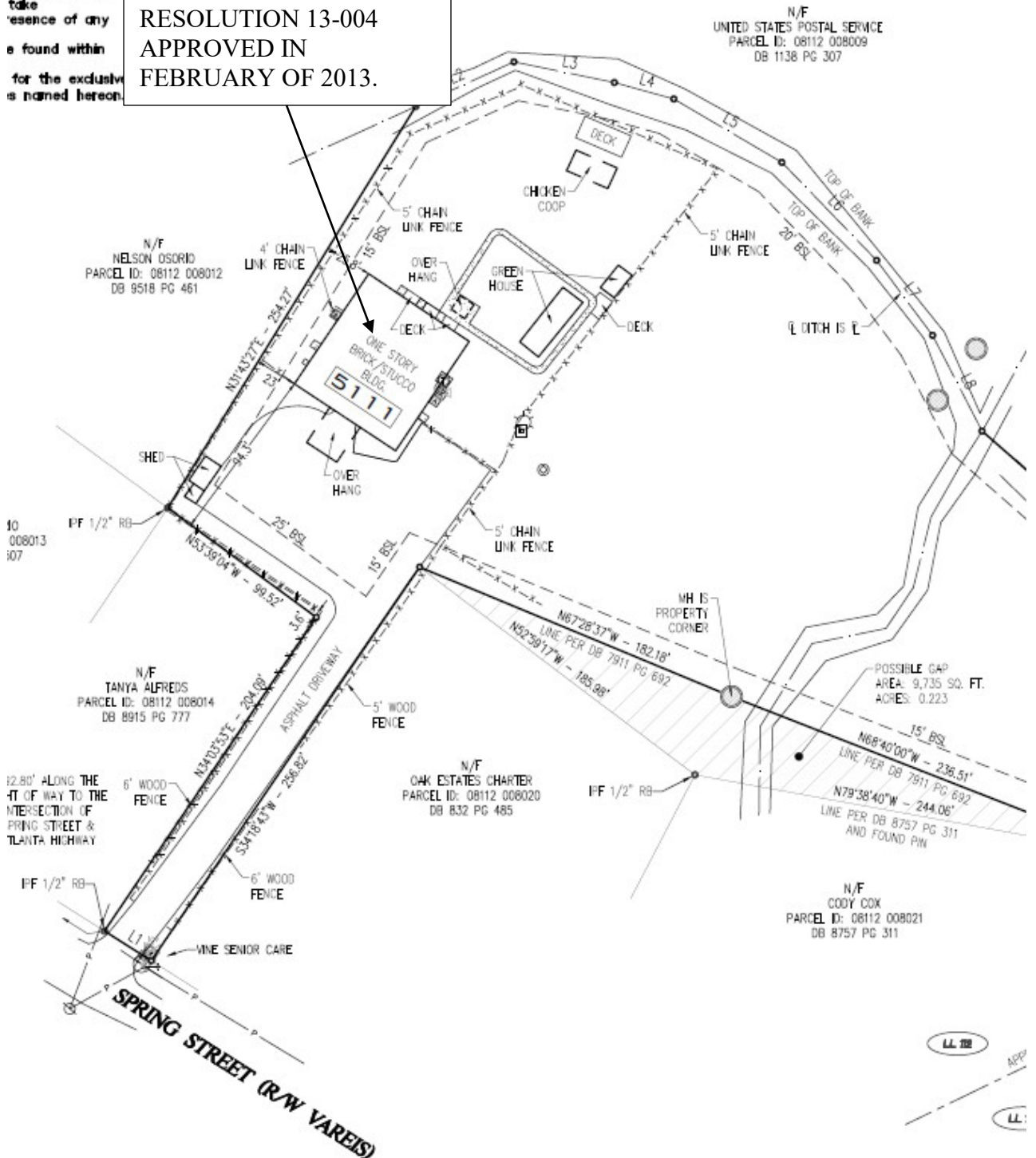
Future Development Map





are not shown o
estrictions,
ctions that may
n.
wh hereon may
take
essence of any
e found within
for the exclusiv
is named hereon

EXISTING BUILDING.
USED AS CARE
FACILITY PER
RESOLUTION 13-004
APPROVED IN
FEBRUARY OF 2013.





RESOLUTION 13-004 WAS APPROVED WITH CONDITIONS OF ZONING:

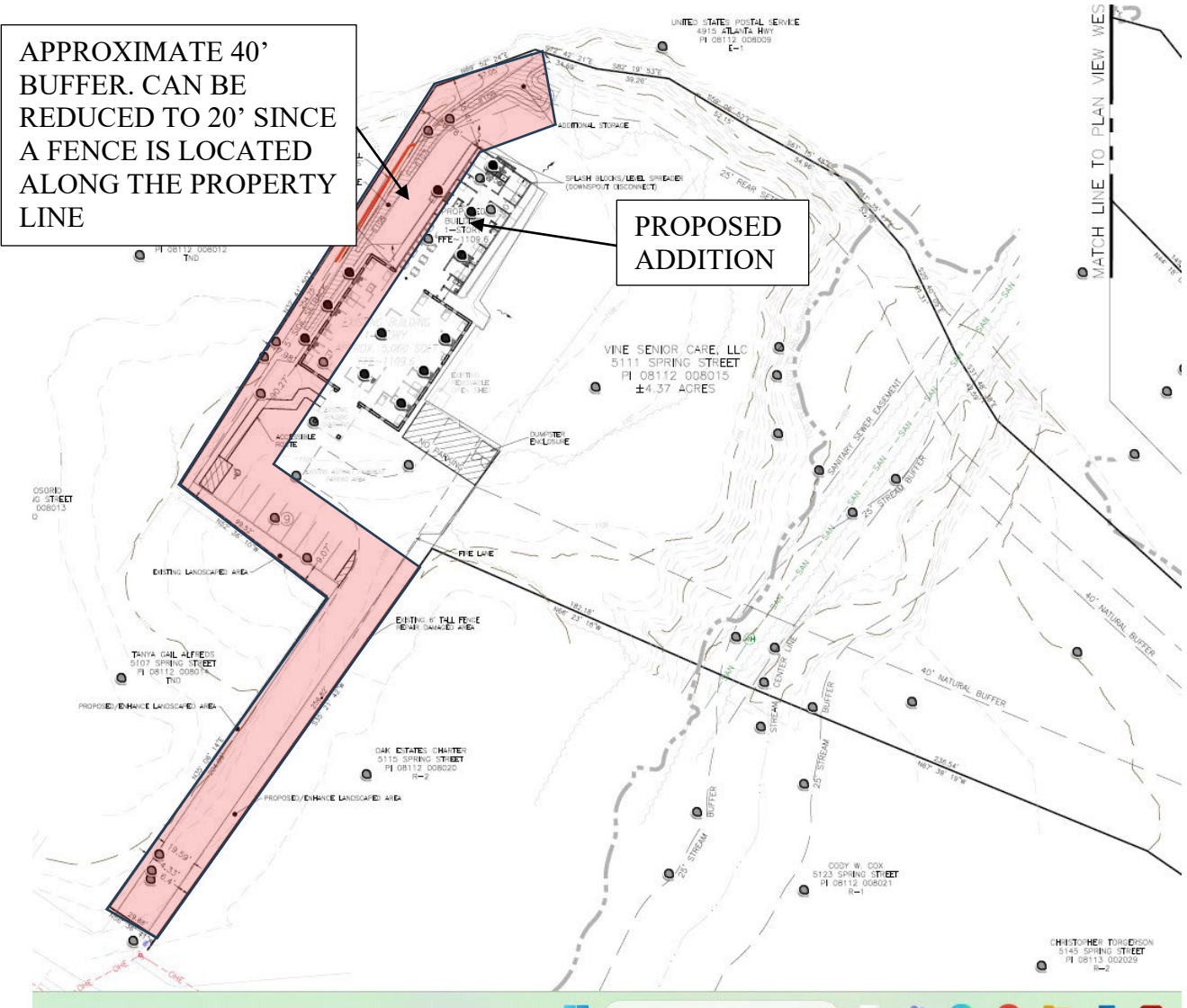
RESOLUTION NO. 13-004

Page 4

1. Applicant shall be required to seal coat and stripe the driveway and parking area consistent with Section 21.10 of the adopted Zoning Code. Following seal coating, applicant shall stripe a minimum of seven (7) parking spaces, with one (1) space being handicapped accessible. Seal coating and parking striping shall be noted on any submitted building plans.
2. Applicant shall construct a minimum 36 square foot trash enclosure for the property. Trash enclosure shall be located outside of any required setback area and shall be designed consistent with Section 10.7 of the adopted Zoning Code. Trash enclosure shall be noted on any submitted building plans.
3. Applicant shall obtain all necessary permits and approvals from the Flowery Branch Building Department and Hall County Fire Department for interior improvements as shown on attached Exhibit "C", prior to certificate of occupancy issuance.
4. Applicant shall be limited to a maximum of 20 residents for the facility.
5. Applicant and/or facility operator shall provide to the City of Flowery Branch a full and complete copy of all approved state permits required by the Georgia Department of Community Health for operation an assisted living facility. Whenever a revision or renewal of any such state permit is required or sought, the Applicant and/or facility operator shall submit a full and complete copy of all such applications pending along with relevant correspondence from governing state agencies regarding the disposition of the application.
6. Failure to comply with all conditions set forth herein may result in revocation of this approval. Conditions of approval shall apply regardless of ownership.

Approved this 7th day of February, 2013.


James M. Miller, Mayor



The applicant is seeking an addition of 2,800 square feet to the existing 4,651 square feet building. The previous resolution limited the number of residents to 20. The current application seeks approval for an expansion of approximately 2,800 square feet to not only enhance the facility's capacity, but also to increase the approved resident limit from 20 to 27 beds, with 3 of these beds specifically allocated for staff use.



Buffers Variance:

The legacy R-3 zoning category required a 40' buffer adjacent to R-1 and R-2 zoning categories. Current conditions of the site, such as the existing building and driveway, encroach the 40' buffer. Included within this application is a request for a variance from the 40-foot natural zoning buffer requirement along a portion of the existing driveway. This variance is necessitated by the geometric limitations of the property and the existing site layout, creating a hardship for strict adherence to the buffer requirement in this specific area.

The applicant variance hardships are provided as follows:

- *Geometric Constraints: The property's configuration in the area of the existing driveway is such that achieving a full 40-foot natural buffer would severely restrict the functionality and safe ingress/egress to the facility. The driveway's current location is essential for providing access for residents, staff, emergency vehicles, and deliveries.*
- *Existing Development: The existing driveway has been in place and utilized for the operation of the institutional living care facility under its existing conditional use. Relocating the driveway to accommodate the full buffer would necessitate significant and costly site work, potentially result in site to be inaccessible.*
- *No Negative Impact: We believe that granting a variance in this specific area of the driveway will not negatively impact on the adjacent properties or the intent of the buffer requirement. Much of the property will maintain the full 40-foot natural buffer, particularly along the abutting R-1 district as outlined in our Conditional Use Permit Application. The existing landscaping along the driveway will be maintained and the existing 6' fence will be repaired to provide visual screening.*



Existing Site Conditions

- The entrance on Spring Street will remain as it is currently.
- The owner will be required to improve the site to be compliant with stormwater management detention. The site plan shows a general area where this can be provided.
- Parking requirements are a minimum of one space per four beds. The total proposed beds are 27. The required parking spaces are seven. The applicant is showing nine parking spaces.





VIEW OF THE FRONT OF THE BUILDING FROM THE PARKING LOT



VIEW OF THE DRIVEWAY FROM SPRING STREET.

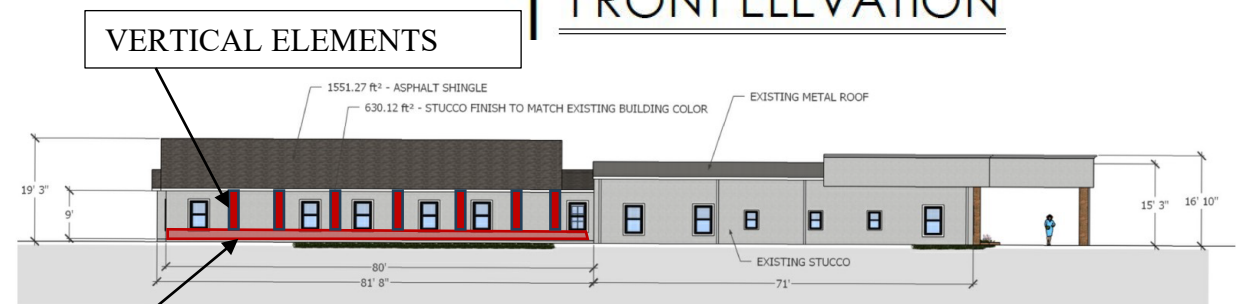


Architectural Concepts

The applicant submitted conceptual renderings of the proposed architecture. The proposed addition is proposing asphalt shingles and stucco finish to match the existing stucco on the current building. 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 Conditional Use Permit application.



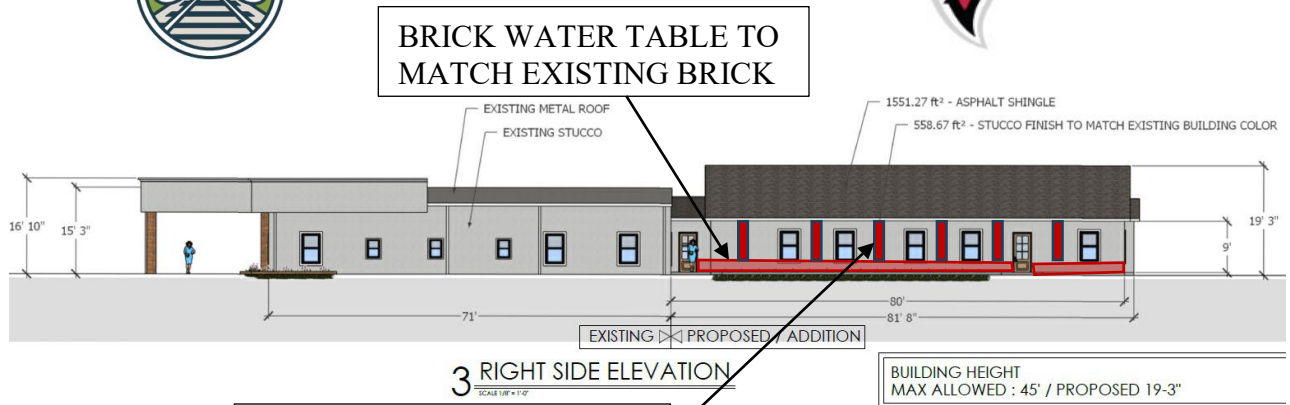
1 FRONT ELEVATION



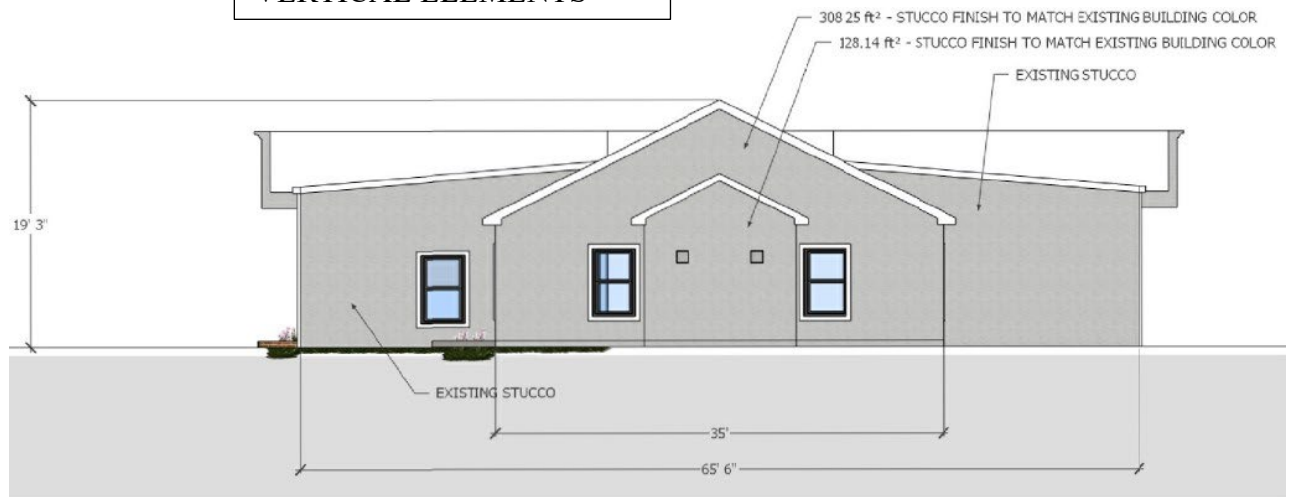
BRICK WATER TABLE TO MATCH EXISTING BRICK

4 LEFT SIDE ELEVATION

COLOR NOTES
 -STUCCO : ACCESSIBLE BEIGE / SW 7036 / RGB(209,199,184)
 FINISH TO MATCH EXISTING BUILDING COLOR
 -ASPHALT SHINGLE : GRAY



VERTICAL ELEMENTS



2 REAR ELEVATION

SCALE 1/8" = 1'-0"

Design Review:

The proposed building addition will not be visible from the public right-of-way. The design review will likely require that the stucco finish matches the existing building's stucco color, adhering to Article 10's requirement for a true three-coat stucco system. However, if the existing stucco has been painted purple then a natural grey color needs to be proposed on the existing to match the proposed grey in the provided elevations. To enhance visual interest, side facades must incorporate elevation breaks using vertical and horizontal elements. This will be achieved through a 24-inch real brick water table and vertical elements to break up the wall plane. At least 50% of the side elevation materials must be brick, which is feasible with the water table and horizontal elements. Since the rear elevation cannot be seen from the right of way, the full façade could be all stucco finish. Final architectural review will occur before building permits are issued.



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.**

The request is for an expansion of an existing use and appears to 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 expansion 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 operation does have an economic use without expansion.

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

The proposed expansion 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 expansion would 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 zoning includes other R-3, R-2, INST, and TND

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 expanding the building and operation capabilities.

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 conditional use 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 related zoning categories and would not be 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.

There is not proposed rezoning or change in use; only an expansion of the existing business.

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 impact on the environment.

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

The Conditional Use Permit would not be a detriment to the future land development of the Comprehensive Plan.

Recommendation:

Staff recommends **APPROVAL** of the proposed Conditional Use Permit of the 4.37 acre tract at parcel **08112 008015** for the expansion of Institutional Living Care Facility at 5111 Spring Street.

Conditions of Approval:

Please find below the proffered conditions for the proposed conditional use permit drafted to ensure consistency with the submitted concept materials and to protect the public interest:

1. General Development

- a. The total number of beds and residents in the facility shall not exceed 27.
- b. 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 of all Open Spaces shall be by the Director of Planning and Community Development.

2. Civil Site Engineering

- a. The final site-grading, stormwater, and utility plans shall be in substantial conformity with the CUP 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 10 of the Flowery Branch Zoning Ordinance.
- b. Only authentic brick or natural stone shall be utilized.
- c. Side elevations shall have 24” brick water tables that match the existing brick color. The side elevations shall also provide vertical elements between windows so no more than 50% of the elevation is the same stucco material.



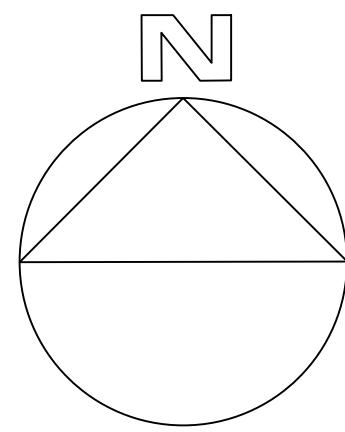
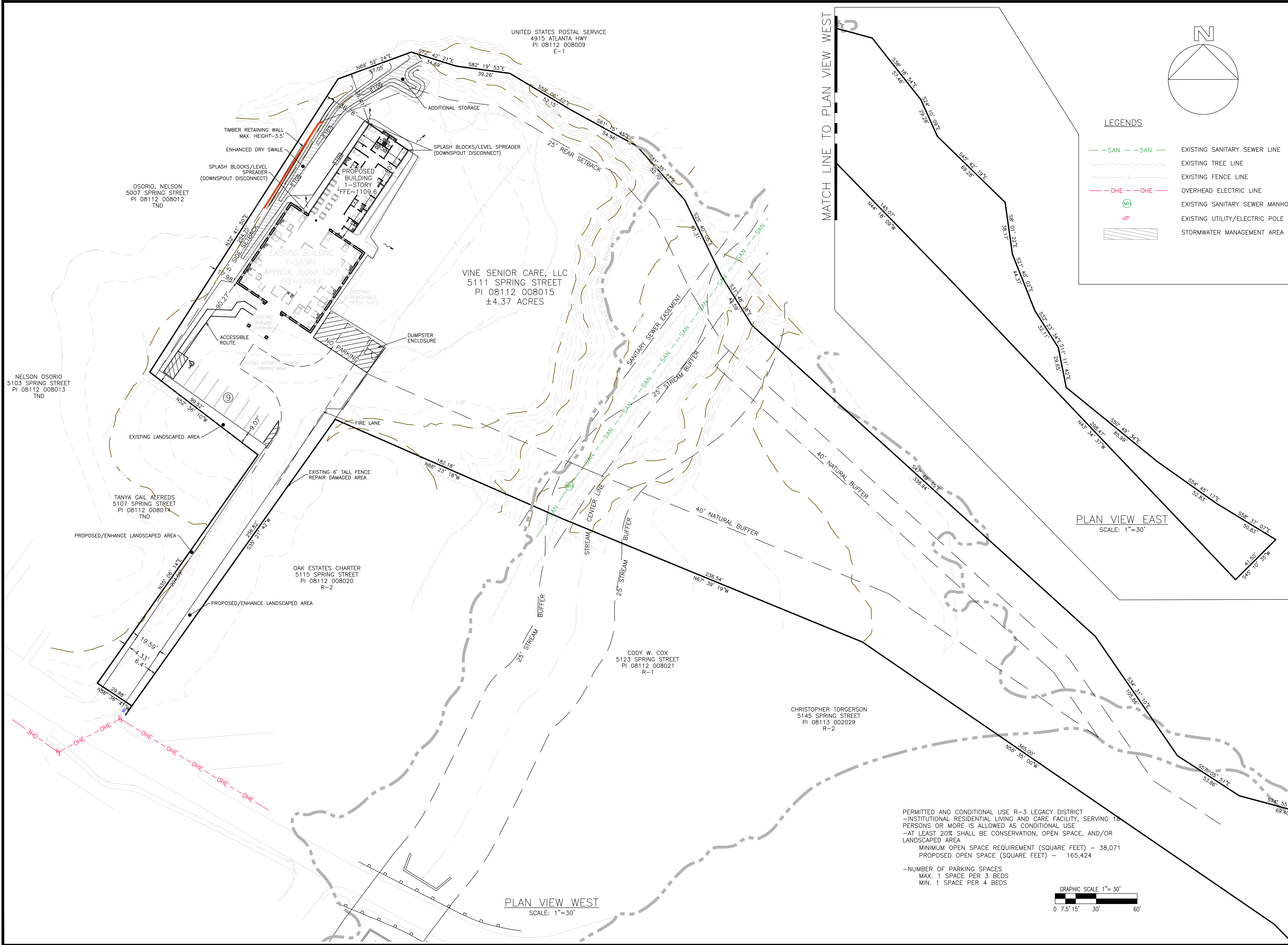
- d. Stucco color shall match the existing stucco color. However, if the existing stucco has been painted purple then a neutral grey color needs to be proposed on the existing to match the proposed grey in the provided elevations.
- e. All stucco to be true three coat stucco.
- f. All building facades shall be approved through the Design Review process per Article 40 and shall meet the design requirements in Article 10 as an institutional building.

4. Variances

- a. Unless otherwise stated, approval of this Conditional Use Permit does not grant any variances from local, state, or federal standards. Any such requests must be submitted through the formal variance process to the appropriate jurisdiction.
- b. The required 40-foot buffer shall be reduced as proposed on the site plan.
- c. The owner shall install privacy fences at the common property line with R-1 and R-2 zoned properties and shall repair any existing fencing on site as needed.

5. Public Utilities

- a. The engineer shall provide the City with a letter of peak demand gpd sewer with the building addition and added residences.

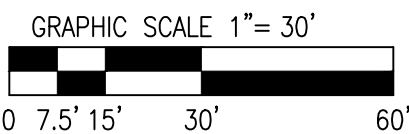


LEGENDS

- SAN --- SAN --- SAN EXISTING SANITARY SEWER LINE
- --- EXISTING TREE LINE
- --- EXISTING FENCE LINE
- OHE --- OHE OVERHEAD ELECTRIC LINE
- (M) EXISTING SANITARY SEWER MANHOLE
- (P) EXISTING UTILITY/ELECTRIC POLE
- STORMWATER MANAGEMENT AREA

PLAN VIEW EAST
SCALE: 1"=30'

PLAN VIEW WEST
SCALE: 1"=30'



PERMITTED AND CONDITIONAL USE R-3 LEGACY DISTRICT
-INSTITUTIONAL RESIDENTIAL LIVING AND CARE FACILITY, SERVING 10 PERSONS OR MORE IS ALLOWED AS CONDITIONAL USE
-AT LEAST 20% SHALL BE CONSERVATION, OPEN SPACE, AND/OR LANDSCAPED AREA
MINIMUM OPEN SPACE REQUIREMENT (SQUARE FEET) - 38,071
PROPOSED OPEN SPACE (SQUARE FEET) - 165,424

-NUMBER OF PARKING SPACES
MAX. 1 SPACE PER 3 BEDS
MIN. 1 SPACE PER 4 BEDS

No	DESCRIPTION	Date
10		
9		
8		
7		
6		
5		
4		
3		
2		
1		

ykleng.

4351 THACKER LANE
SUWANEE, GA 30024
PHONE: (609) 472-1124
yik@yikengdesign.com

CONCEPT SITE PLAN

VINE SENIOR CARE CENTER EXPANSION

EY BRIGHT

FLOWERY BRANCH, GA

031

SCALE: 1"=30'

EXHIBIT 1

SEPARATE DOCUMENT 'C':

Written Analysis for Conditional Use Permit Application

Address of the project site: 5111 Spring Street

Current zoning: R-3 Legacy District

Current Conditional Use of the property: Institutional Living Care Facility more than 18 persons

Proposed Conditional Use of the property: Institutional Living Care Facility more than 18 persons

This analysis addresses the requirements outlined by the City of Flowery Branch for a conditional use permit concerning the proposed expansion of an existing institutional living care facility (nursing home) located within a legacy R-3 zoning district.

a) Suitability of the Proposed Use in Relation to Adjacent and Nearby Properties:

The proposed expansion of the existing institutional living care facility is deemed suitable in view of the use and development of adjacent and nearby properties. To mitigate any potential visual impact on the abutting R-1 district, the existing heavily wooded area will be preserved, providing a substantial 40-foot natural buffer. Furthermore, an existing 6-foot tall fence already serves as a visual screen for the adjacent R-2 district. These measures ensure that the expanded facility will be appropriately buffered from less intensive residential uses, maintaining the character of the surrounding neighborhood.

b) Potential Adverse Effects on Existing Use or Usability of Adjacent or Nearby Properties:

The continued use of the property as an institutional living care facility, with the proposed expansion, is not anticipated to adversely affect the existing use or usability of adjacent or nearby properties. The nature of the use will remain consistent with the current operation, which has presumably been functioning without significant negative impacts on the surrounding area. The buffering and screening measures described in section (a) will further minimize any potential for adverse effects.

c) Reasonable Economic Use Under Existing Zoning:

The property is currently operating as an institutional living care facility under a conditional use within the R-3 zoning district. This indicates that the property can be used in accordance with existing regulations and has reasonable economic use as currently

zoned. The proposed expansion further supports the economic viability of this permitted conditional use.

d) Impact on Public Infrastructure and Services:

The proposed expansion of the existing nursing home facility is not expected to result in excessive or burdensome use of existing streets, transportation facilities, utilities, or schools. The traffic generation associated with a nursing home is typically less intensive than many other permitted uses. Similarly, the demand for utilities is generally predictable and manageable. Schools are unlikely to be significantly impacted by this type of development.

e) Conformity with the Comprehensive Plan:

The proposed continued use and expansion of the institutional living care facility are in conformity with the policy and intent of the City of Flowery Branch's Comprehensive Plan. The property is designated as being within an "Urban Density Community" character area, which the Comprehensive Plan identifies as appropriate for R-3, Planned Unit Developments (PUDs), and Mobile Home Parks (MHPs). The existing and proposed use as an institutional living care facility aligns with the range of housing and care options envisioned within this character area.

f & g) Other Existing or Changing Conditions:

The existing conditional use of the property as an institutional living care facility provides a strong basis for the approval of the proposed expansion. This established use demonstrates the suitability of the property for this type of care facility within the context of the surrounding zoning districts. There are no other known existing or changing conditions that would suggest disapproval of the proposal.

h) Property Value Considerations:

The existing value of the property is established under the current R-3 zoning district with the existing conditional use as an institutional living care facility. The proposed expansion does not represent a change in the underlying zoning district or the conditional use itself. Therefore, the property value of the subject property is not anticipated to be diminished by either the existing or the proposed situation. The continued operation and potential expansion of the existing, viable use suggest that the property is not vacant or unused due to the current zoning.

i) Deterrent to Adjacent Property Development:

The proposed conditional use approval for the expansion is not anticipated to be a deterrent to the value or improvement of the development of adjacent property in accordance with existing regulations. The continued operation of a well-maintained institutional living care facility can often be a stable and compatible neighbor within a mixed-use residential area, as envisioned by the R-3 zoning district and the Comprehensive Plan.

j) Creation of an Isolated Zoning District:

The proposed expansion will not result in the creation of an isolated zoning district. The property will remain zoned R-3 with a conditional use. This zoning designation is consistent with the potential for a mix of dwelling types within the adjacent and nearby districts, preventing the creation of a zoning island.

k) Effects on Zoning District Character:

There are no known effects from the proposed expansion that will negatively alter the character of the R-3 zoning district. The continued operation of an existing conditional use, particularly one that provides a valuable community service, is generally consistent with the intent of allowing a range of housing and neighborhood development options within the district.

l) Environmental Impact:

Based on the information provided, there are no known significant adverse impacts on the environment anticipated from the proposed expansion. This includes considerations for drainage, soil erosion and sedimentation, flooding, air quality, and water quality. It is assumed that the expansion will adhere to all relevant environmental regulations and best management practices.

m) Relation to Overall Zoning Scheme and Zoning Ordinance Purposes:

The proposed conditional use for the expansion of the institutional living care facility bears a consistent relationship to the purpose of the overall zoning scheme and the purposes of the City of Flowery Branch's Zoning Ordinance. The R-3 district is intended to accommodate a mix of dwelling types and neighborhood development. Allowing conditional use such as an institutional living care facility within this district, particularly when it is an existing and established use, aligns with the goal of providing diverse housing and care options within the community. The proposed expansion supports the continued provision of a needed service within an appropriate zoning context.

This written analysis demonstrates that the proposed conditional use for the expansion of the existing institutional living care facility is consistent with the City of Flowery Branch's

zoning regulations, Comprehensive Plan, and will not negatively impact the surrounding properties or infrastructure. Approval of this conditional use permit is therefore respectfully requested.

Public Hearing Published
Public Hearing

06/25/2025
07/17/2025

First Reading
Second Reading

07/17/2025
TBD

ORDINANCE NO. 749

AN ORDINANCE APPROVING A CONDITIONAL USE PERMIT (CUP) TO EXPAND THE MAXIMUM OCCUPANCY OF AN EXISTING RESIDENTIAL CARE FACILITY ON A PARCEL OF REAL PROPERTY OWNED BY VINE SENIOR CARE, LLC, IDENTIFIED AS 5111 SPRING ST., TAX PARCEL 08112 008015, TOTALING 4.29+/- ACRES AND AS SHOWN ON ATTACHED EXHIBIT “A”, AND AS CONDITIONED ON ATTACHED EXHIBIT “B”; PROVIDING FOR SEVERABILITY, REPEALING CONFLICTING ORDINANCES, PROVIDING FOR AN EFFECTIVE DATE AND FOR ALL OTHER LAWFUL PURPOSES.

WHEREAS, Vine Senior Care, LLC owns a parcel of land totaling 4.29+/- acres identified as Parcel Tax Identification No. 08112 008015, as shown and described on Exhibit “A”; and

WHEREAS, the subject property is zoned R-3, Residential Multi-Family District, and has existing conditions from Resolution 13-004, thus requiring a Conditional Use Permit (CUP) in order to request a change in said conditions; and

WHEREAS, Vine Senior Care, LLC, has submitted to the City Council of Flowery Branch, Georgia, a written and signed application requesting a Conditional Use Permit (CUP) for a change in conditions to expand the maximum occupancy of the existing residential care facility; and

WHEREAS, the City Council held a public hearing at the meeting of July 17, 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 request is consistent with the adopted standards for governing the exercise of the zoning power consistent with O.C.G.A. § 36-66-5 and requirements of the Zoning Ordinance as identified below.

1. The proposal will permit a use that is suitable in view of the use and development of adjacent and nearby property.
2. The proposal is not expected to adversely affect the existing use or usability of adjacent or nearby property.
3. The property could be used in accordance with the existing regulations and has a reasonable economic use as without the issuance of a conditional use permit however, an alternative use is appropriately considered.

4. The development if approved and constructed is not expected to result in a use which will or could cause an excessive or burdensome use of existing streets, transportation facilities, utilities, or schools.
5. The proposal is generally in conformity with the policy and intent of the comprehensive plan including the character area map and future land use plan map.
6. The proposal is considered appropriate in view of existing use(s) and zoning of the subject property and nearby properties.
7. No determination has been made by staff with regard to the value differential between a development with or without a conditional use permit.
8. A proposed development will not be a deterrent to the value or improvement of development of adjacent property in accordance with existing regulations.
9. There are no known adverse effects that would result from the issuance of a conditional use permit on the character of a zoning district.
10. Development as proposed is not expected to impact on the environment, including but not limited to, drainage, soil erosion and sedimentation, flooding, air quality and water quality. Compliance with city subdivision and land development regulations will be required, which include but are not limited to soil erosion and sedimentation, stormwater, and flood damage prevention.

SECTION 2. APPROVAL OF CUP AND LEGAL DESCRIPTIONS.

A Conditional Use Permit (CUP) to expand the maximum occupancy of the existing residential care facility 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. 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

ATTEST:

Shelia R. Cooper, City Clerk

APPROVED AS TO FORM

Ted C. Baggett, City Attorney

Exhibit "A"

for absence or presence of any monuments were found within the area. It is been prepared for the exclusive use of the owner named herein.

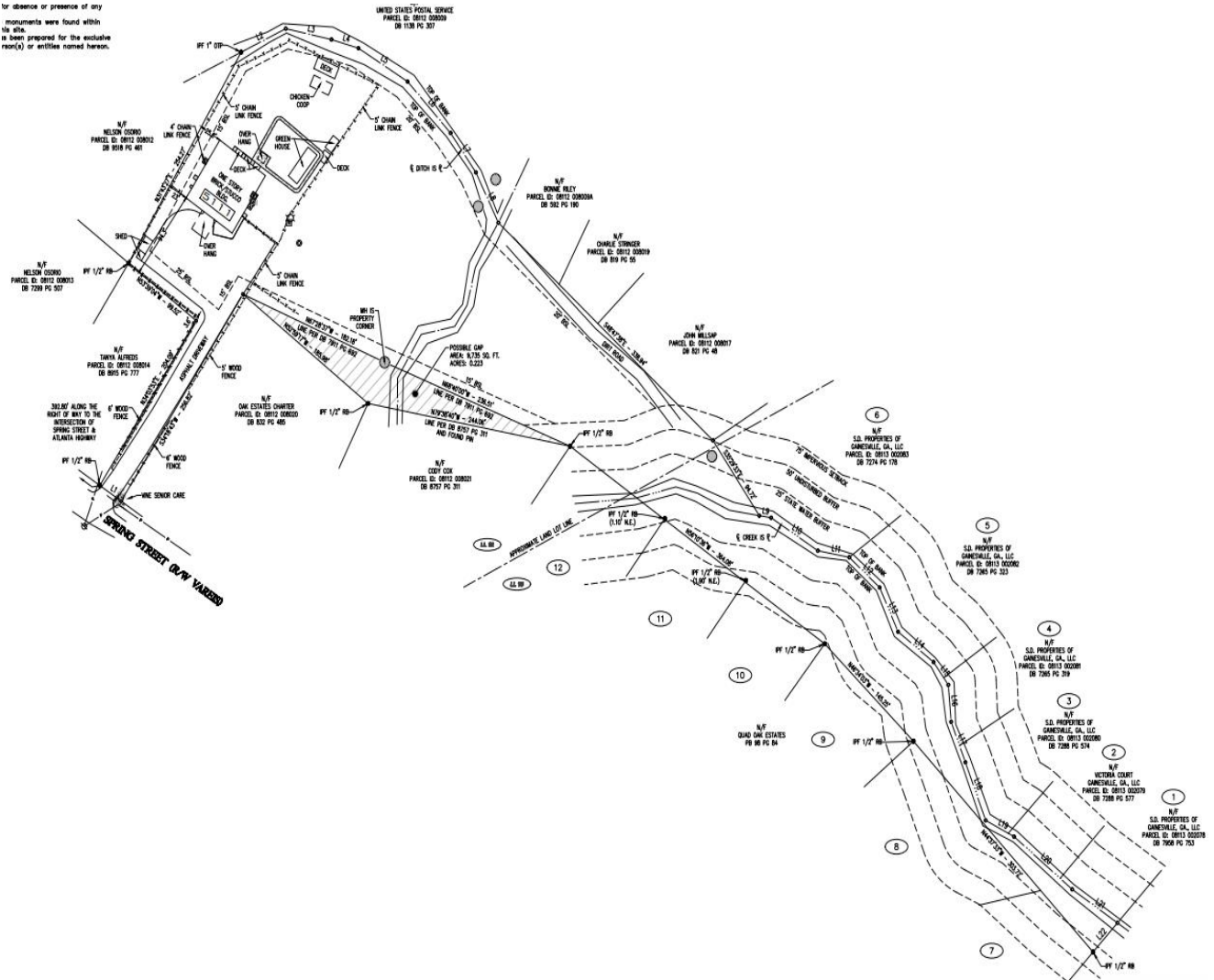


EXHIBIT "A"

LEGAL DESCRIPTION

5111 SPRING STREET, FLOWERY BRANCH, GEORGIA 30542

ALL THAT TRACT OR PARCEL OF LAND lying and being in Land Lots 112 and 113 of the 8th District, Hall County, Georgia as being shown on that certain survey for Senior Care America, LLC, Metro City Bank and Chicago Title Insurance Company, dated June 28, 2013 prepared by Gary L. Cooper, RLS No. 2606 and being more particularly described as follows:

Beginning at an iron pin found on the northeasterly right of way line of Spring Street (right of way varies); said point being 392.80 feet southeasterly from the intersection of the southeasterly right of way line of Atlanta Highway (aka State Highway No. 13) and the northeasterly right of way line of Spring Street; thence leaving the northeasterly right of way line of Spring Street and running the following courses and distances:

North 35 degrees 06 minutes 14 seconds East a distance of 204.09 feet to a point;
North 52 degrees 36 minutes 10 seconds West a distance of 99.52 feet to an iron pin found;
North 32 degrees 41 minutes 50 seconds East a distance of 254.75 feet to an iron pin found;
North 69 degrees 52 minutes 24 seconds East a distance of 57.05 feet to a point;
South 72 degrees 42 minutes 21 seconds East a distance of 34.69 feet to a point;
South 82 degrees 19 minutes 53 seconds East a distance of 39.26 feet to a point;
South 59 degrees 06 minutes 52 seconds East a distance of 52.15 feet to a point;
South 61 degrees 15 minutes 45 seconds East a distance of 54.96 feet to a point;
South 41 degrees 35 minutes 17 seconds East a distance of 52.70 feet to a point;
South 25 degrees 40 minutes 05 seconds East a distance of 61.31 feet to a point;
South 31 degrees 48 minutes 38 seconds East a distance of 42.59 feet to a point;
South 47 degrees 49 minutes 15 seconds East a distance of 338.94 feet to a point;
South 34 degrees 31 minutes 10 seconds East a distance of 105.86 feet to a point located at the centerline of a branch;

Thence running southeasterly along the centerline of a branch and following the traverse thereof the following courses and distances:

South 57 degrees 05 minutes 51 seconds East a distance of 53.86 feet to a point;
South 74 degrees 55 minutes 06 seconds East a distance of 69.40 feet to a point;
South 38 degrees 18 minutes 54 seconds East a distance of 57.46 feet to a point;
South 24 degrees 10 minutes 09 seconds East a distance of 29.28 feet to a point;
South 45 degrees 42 minutes 19 seconds East a distance of 69.28 feet to a point;
South 08 degrees 01 minutes 22 seconds East a distance of 38.17 feet to a point;
South 21 degrees 40 minutes 02 seconds East a distance of 44.37 feet to a point;
South 32 degrees 23 minutes 34 seconds East a distance of 32.11 feet to a point;
South 11 degrees 11 minutes 42 seconds East a distance of 29.65 feet to a point;
South 50 degrees 49 minutes 34 seconds East a distance of 85.99 feet to a point;
South 54 degrees 45 minutes 17 seconds East a distance of 52.83 feet to a point;
South 58 degrees 37 minutes 07 seconds East a distance of 50.83 feet to a point;

EXHIBIT "A" – CONTINUED

Thence leaving the centerline of the branch and running the following courses and distances:

South 45 degrees 10 minutes 35 seconds East a distance of 41.50 feet to an iron pin found;
North 43 degrees 34 minutes 37 seconds West a distance of 298.47 feet to an iron pin found;
North 44 degrees 18 minutes 09 seconds West a distance of 145.07 feet to an iron pin found;
North 55 degrees 35 minutes 00 seconds West a distance of 365.00 feet to an iron pin found;
North 67 degrees 39 minutes 19 seconds West a distance of 236.54 feet to a point;
North 66 degrees 23 minutes 18 seconds West a distance of 182.18 feet to a point;
South 35 degrees 21 minutes 42 seconds West a distance of 256.82 feet to an iron pin found
located on the northeasterly right of way line of Spring Street (right of way varies); thence running
northwesterly along the northeasterly right of way line of Spring Street North 56 degrees 36 minutes
41 seconds West a distance of 29.88 feet to an iron pin found, said point being the POINT OF
BEGINNING;

Containing 4.183 acres and shown as Tract 1 on the survey referenced above and being known
as 5111 Spring Street according to the present system of numbering in Hall County, Georgia.

MAP PARCEL NO. 08112 008015

Exhibit “B”

Conditions of Conditional Use Permit

1. General Development

- a. The total number of beds and residences in the facility shall not exceed 27.
- b. 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 of all Open Spaces shall be by the Director of Planning and Community Development.

2. Civil Site Engineering

- a. The final site-grading, stormwater, and utility plans shall be in substantial conformity with the CUP 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 10 of the Flowery Branch Zoning Ordinance.
- b. Only authentic brick or natural stone shall be utilized.
- c. Side elevations shall have 24” brick water tables that match the existing brick color. The side elevations shall also provide vertical elements between windows so no more than 50% of the elevation is the same stucco material.
- d. Stucco color shall match the existing stucco color. However, if the existing stucco has been painted purple then a neutral grey color needs to be proposed on the existing to match the proposed grey in the provided elevations.
- e. All stucco to be true three coat stucco.
- f. All building facades shall be approved through the Design Review process per Article 40 and shall meet the design requirements in Article 10 as an institutional building.

4. Variances

- a. Unless otherwise stated in, approval of this conditional use permit 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. The required 40-foot buffer shall be reduced as proposed on the site plan.
- c. The owner shall install privacy fences at the common property line with R-1 and R-2 zoned property and shall repair any existing fencing on site as needed.

5. Public Utilities

- a. The engineer shall provide the city a letter of peak demand gpd sewer with the building addition and added residences.

FLOWERY BRANCH CITY COUNCIL

EXECUTIVE SUMMARY

SUBJECT: Variance Application to reduce side setbacks and lot width per R-2 zoning

DATE: August 7th, 2025

☒ **RECOMMENDATION**

☐ **POLICY DISCUSSION**

BUDGET INFORMATION:

☐ **STATUS REPORT**

ANNUAL-

☐ **OTHER**

CAPITAL-

COUNCIL ACTION REQUESTED ON: Initial approval of the Council for variances

PURPOSE: To subdivide a single parcel (#08117 002006) which currently contains two existing single-family homes with two address points, 5572 & 5578 Mulberry Street, to allow for the creation of two distinct lots.

HISTORY: In April of 2025, Patricia Davis approached Community Development with an inquiry regarding subdividing a lot on Mulberry Street with two existing houses into separate lots per address points. A subdivision plat showing existing conditions was requested and submitted. Upon review, the plat revealed nonconformities requiring a variance to proceed. The applicant submitted a complete application for variances in June of 2025.

FACTS AND ISSUES:

- Two address points are currently located on a single parcel. Tax parcel #08117 002006 contains both 5572 & 5578 Mulberry Street.
 - The property is zoned R-2 with a minimum lot width of 75' and a minimum side setback of 15'. Subdividing the plat into two lots creates nonconformities in the minimum side setback and minimum lot width for both lots.
 - The requested variances are required to bring the proposed lots into conformity with current code requirements.
 - The existing structures and lot size and shape represent hardships beyond the applicant's control.
 - Staff recommends approval of the requested variance for reductions in minimum side setbacks and minimum lot width.
-
-

OPTIONS: Approve or Deny

- **RECOMMENDED SAMPLE MOTION:** I move to approve the variance for 5572 & 5578 Mulberry St. as requested.
-
-

DEPARTMENT: Planning & Development

Prepared by: Dani Nash



Memorandum

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

From: Dani Nash, Flowery Branch City Planner

Date: August 7th, 2025

Subject: Request for concurrent variances to reduce minimum lot width and side setbacks in **R-2** in order to subdivide a single parcel with two address points into two individual lots.

Applicant: Patricia C. Davis & Michael R. Fowler
6164 Lake Lanier Heights Rd
Buford, GA 30518
404-660-1241

Owner: Carl N Clark Estate Properties, LLC
6164 Lake Lanier Heights Rd.
Buford, GA 30518

Existing Zoning: **R-2**, Residential Moderate-Density District.

Location:

- 5572 & 5578 Mulberry Street, tax parcel identification number **08117 002006**.

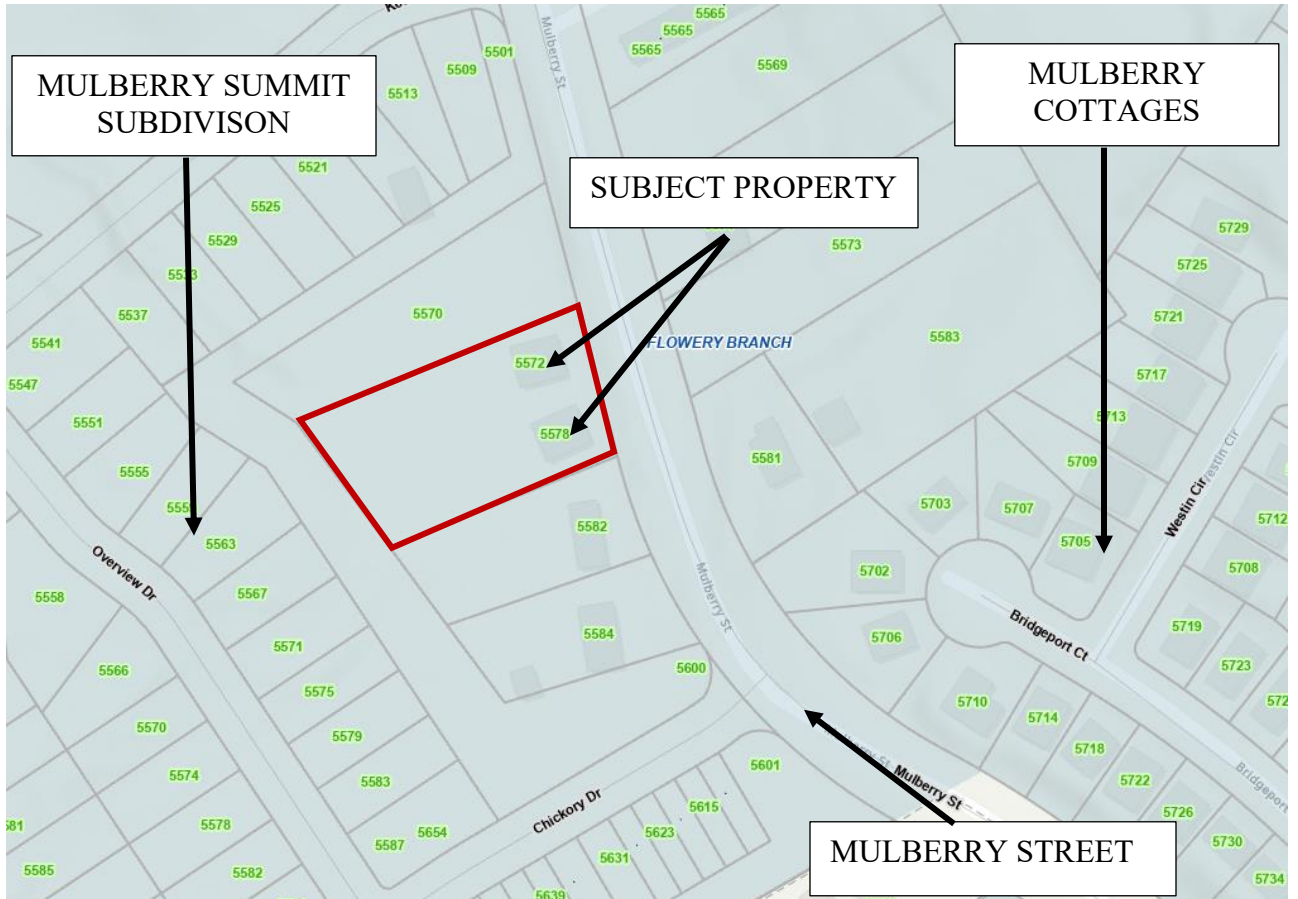
The applicant originally applied for a minor subdivision of a current property containing two address points under one tax map parcel number (**08117 002006**). Upon review of the proposed minor subdivision plat, nonconformities outside of the control of the applicant related to lot width and side setbacks were discovered. The lot is zoned **R-2** which requires a minimum lot width of **75'** and minimum side setbacks of **15'**.

The proposed property line creates two lots of +/- 72' in width, with the existing structure on tract two (2) encroaching into the side setback by 5'. The applicant is applying for concurrent variances in order to ameliorate the nonconformities created by the proposed property line in conjunction with the existing structures. The requested variances attempt to reconcile both lots as closely as possible to code requirements for **R-2**.



Location Map:

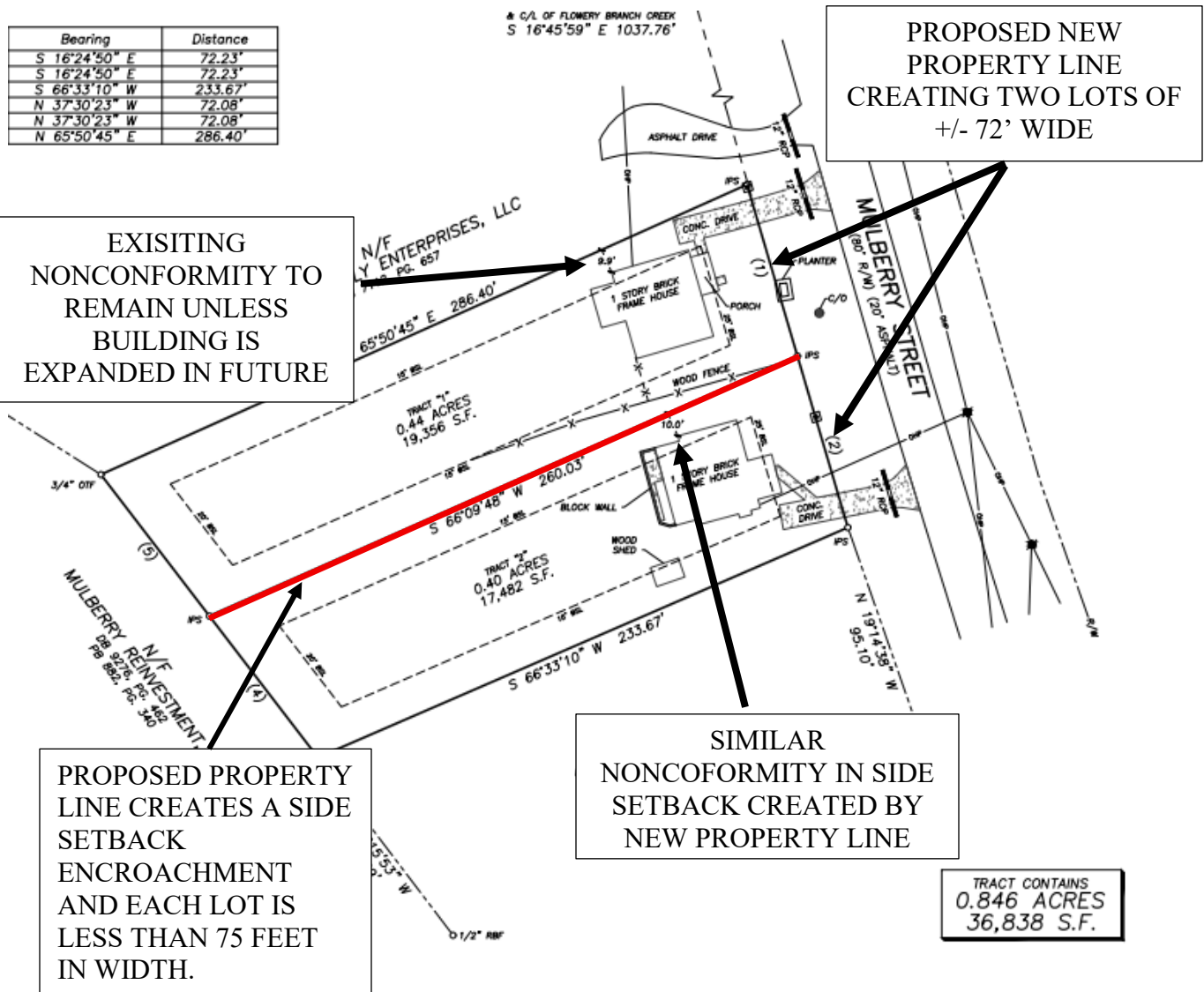
The subject parcel is located at 5572 & 5578 Mulberry Street, tax # **08117 002006**.





Proposed Minor Subdivision Plat:

The applicant is applying for concurrent variances in order to ameliorate the nonconformities of the lot created by the proposed property line in conjunction with the existing structures. The requested variances attempt to reconcile both lots as closely as possible to code requirements for R-2.





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 existing shape of the property and existing structures create practical difficulties in meeting certain minimum requirements for **R-2**

(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;

The property owner is unable to subdivide the parcel without approval of the requested variances.

(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;

Granting of the requested variances will not confer upon the applicant or property 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 requested variances seek to harmonize the proposed lots as closely as possible to the current zoning designation of **R-2**.

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

The circumstances of the lots are not the result of the actions of the applicant.

(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

The applicant is requesting the minimum variances to make the proposed minor subdivision possible.



(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 **APPROVAL** of the variances as requested for tax map parcel **#08117 002006** as requested.

ORDINANCE 750

5572 & 5578 Mulberry Street Variance

AN ORDINANCE GRANTING A VARIANCE FROM THE REQUIREMENTS SET FORTH IN THE CITY OF FLOWERY BRANCH ZONING ORDINANCE ARTICLE 6, TABLE 6.2, DIMENSIONAL REQUIREMENTS FOR AGRICULTURAL AND CONVENTIONAL ZONING DISTRICTS, MINIMUM LOT WIDTH & MINIMUM SIDE SETBACK, INTERIOR LOT LINE, ALL PRINCIPAL BUILDINGS, FOR 5572 & 5578 MULBERRY STREET, TAX PARCEL IDENTIFICATION NO. 08117 002006, OWNED BY CARL N. CLARK ESTATE PROPERTIES, LLC; AS SHOWN ON EXHIBIT “A”, AND AS DESCRIBED ON EXHIBIT “B”, AND AS CONDITIONED IN EXHIBIT “C”; PROVIDING FOR SEVERABILITY; REPEALING CONFLICTING ORDINANCES; PROVIDING FOR AN EFFECTIVE DATE; AND FOR ALL OTHER LAWFUL PURPOSES.

WHEREAS, Patricia C Davis & Michael R. Fowler, agents for owner Carl N. Clark Estate Properties, LLC, have submitted a complete application to the City of Flowery Branch, Georgia requesting a variance for the property located at 5572 & 5578 Mulberry Street, tax parcel 08117 002006, as shown on Exhibit “A” and described on Exhibit “B”; and

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

WHEREAS, the subject property is currently zoned R-2, residential detached single family; and

WHEREAS, the City Council of the City of Flowery Branch, Georgia held a public hearing on August 7th, 2025, to consider the variance, which was duly noticed as prescribed by law and published in the Gainesville Times, as shall be set forth in the minutes of said meeting; and

WHEREAS, the City Council of the City of Flowery Branch, Georgia has considered the subject variance application of Patricia C Davis & Michael R. Fowler, agents for owner, in conjunction with the standards set forth in Article 6, Table 6.2, Dimensional Requirements For Agricultural And Conventional Zoning Districts, Minimum lot width & Minimum side setback, interior lot line, all principal buildings .

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

SECTION 1. FINDINGS:

The City Council finds that the proposed variance from the City of Flowery Branch Zoning Ordinance Article 6, Table 6.2, Dimensional Requirements For Agricultural And Conventional Zoning Districts, Minimum lot width & Minimum side setback, interior lot line, all principal buildings , is consistent with the adopted standards for governing the exercise of the zoning power consistent with O.C.G.A. § 36-66-5 and requirements of Article 37, Section 37.5 of the City of Flowery Branch Zoning Ordinance as identified below.

SECTION 37.5. CRITERIA FOR GRANTING VARIANCES:

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

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

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

The property as shown in attached Exhibit "A" and as legally described in Exhibit "B" shall be granted the following variance from the requirements set forth in the Flowery Branch Zoning Ordinance Article 6, Table 6.2, Dimensional Requirements For Agricultural And Conventional Zoning Districts, Minimum lot width (feet) & Minimum side setback, interior lot line, all principal buildings (feet):

The Minimum lot width of seventy-five (75) feet is reduced to seventy-two (72) feet for Lot 1 & Lot 2.

The Minimum side setback, interior lot line, all principal buildings of fifteen (15) feet is reduced to ten (10) feet for Lot 2.

SECTION 3. SEVERABILITY.

Public Hearing Published 07/16/2025
Public Hearing 08/07/2025

First Reading 08/07/2025
Approved TBD

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 upon adoption by the City Council of the City of Flowery Branch, Georgia.

SECTION 5. REPEALER.

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

Adopted this _____ day of _____ 2025.

Edward R. Asbridge, Mayor

ATTEST:

Shelia R. Cooper, City Clerk

APPROVED AS TO FORM:

Ted C. Baggett, City Attorney

Exhibit “A”

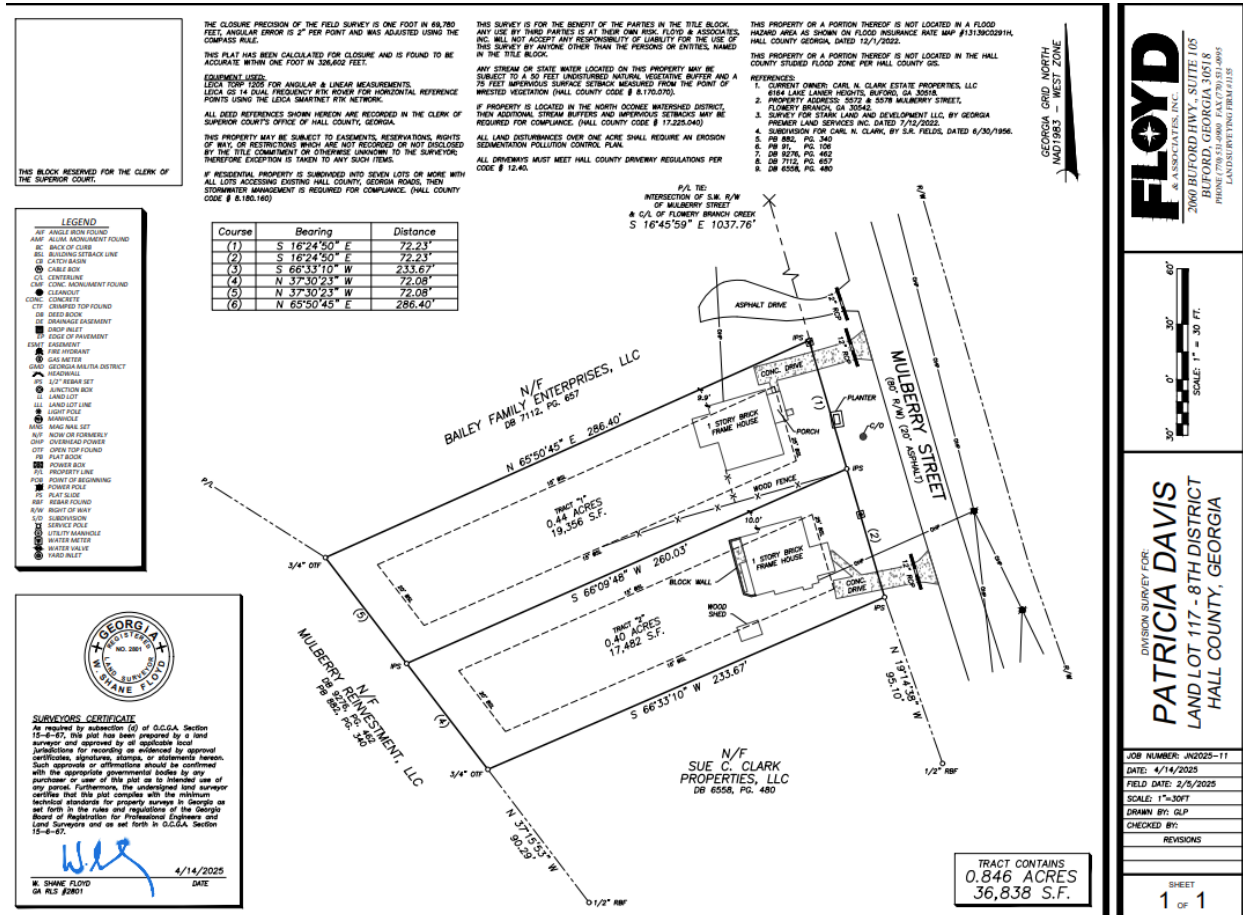


Exhibit "B"

Legal Description

ALL THAT TRACT OR PARCEL OF LAND LYING AND BEING IN LAND LOT NO. 117 IN THE 8TH LAND DISTRICT OF HALL COUNTY, GEORGIA, AND BEING SHOWN AND DELINEATED ON A PLAT OF SURVEY PREPARED BY PATTON-PATTON & ASSOCIATES, GEORGIA REGISTERED LAND SURVEYORS, DATED MAY 24, 1974, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT AN IRON PIN STAKE ON THE SOUTHWESTERLY RIGHT-OF-WAY OF MULBERRY STREET, WHICH IRON PIN STAKE IS LOCATED 1400 FEET FROM THE NEW RIGHT-OF-WAY OF HIGHWAY NO. 23 AS MEASURED ALONG THE WESTERLY RIGHT-OF-WAY OF MULBERRY STREET; THENCE CONTINUING ALONG THE WESTERLY RIGHT-OF-WAY OF MULBERRY STREET, SOUTH 19 DEGREES 41 MINUTES EAST, 99.9 FEET TO A POINT; SOUTH 23 DEGREES 16 MINUTES EAST, 90 FEET TO AN IRON PIN STAKE; THENCE SOUTH 71 DEGREES 53 MINUTES WEST, 184.62 FEET TO AN IRON PIN STAKE; THENCE NORTH 36 DEGREES 40 MINUTES WEST, 179.87 FEET TO AN IRON PIN STAKE; THENCE NORTH 67 DEGREES 11 MINUTES EAST, 231.81 FEET TO AN IRON PIN STAKE AND THE POINT OF BEGINNING.

CONTAINING 0.86 ACRES OF LAND.



FINAL PLAT APPLICATION FORM COMMUNITY DEVELOPMENT

- Date: 4-14-2025
- Tax Map #: 08117 002006
- Project Name: 5572 and 5578 Mulberry St, Flowery Branch, GA 30542

Applicant Information

- Name:
Carl N Clark Estate Properties LLC
- Address:
6164 Lake Lanier Heights, Buford, GA 30518
- E-mail address:
pcd02@bellsouth.net; fowlermr@bellsouth.net
- Phone number:
404 660 1241 / 404 372 6151
- Signature:
Patricia C Davis / M R Fowler *managers*
Patricia C Davis / M R Fowler

Requirements

- Review fee of \$1,000.00
- Final Plat including all conditions of zoning (if any): Digital copy on flash drive for review and at least 3 hard copies for stamping upon approval
- As-builts: Digital copy on flash drive
- All final plats and as-builts must meet specifications listed in Article 8, Section 805 of the Flowery Branch City Code
- Upon approval, applicant must have the final plat recorded with the Clerk of Superior Court and then provide a digital copy of recorded plat to the Community Development Office

THIS BLOCK RESERVED FOR THE CLERK OF THE SUPERIOR COURT.

- LEGEND**
- AIF ANGLE IRON FOUND
 - AMF ALUM. MONUMENT FOUND
 - BC BACK OF CURB
 - BSL BUILDING SETBACK LINE
 - CB CATCH BASIN
 - ☐ CABLE BOX
 - C/L CENTERLINE
 - CMF CONC. MONUMENT FOUND
 - CLEANOUT
 - CONC. CONCRETE
 - CTF CRIMPED TOP FOUND
 - DB DEED BOOK
 - DE DRAINAGE EASEMENT
 - DROP INLET
 - EP EDGE OF PAVEMENT
 - ESMT EASEMENT
 - ⚡ FIRE HYDRANT
 - ⊙ GAS METER
 - GMD GEORGIA MILITIA DISTRICT
 - ⤴ HEADWALL
 - IPS 1/2" REBAR SET
 - ⊙ JUNCTION BOX
 - LL LAND LOT
 - LLL LAND LOT LINE
 - * LIGHT POLE
 - ⊕ MANHOLE
 - MNS MAG NAIL SET
 - N/F NOW OR FORMERLY
 - OHP OVERHEAD POWER
 - OTF OPEN TOP FOUND
 - PB PLAT BOOK
 - ☑ POWER BOX
 - P/L PROPERTY LINE
 - POB POINT OF BEGINNING
 - POWER POLE
 - PS PLAT SLIDE
 - RBF REBAR FOUND
 - R/W RIGHT OF WAY
 - S/D SUBDIVISION
 - ⚡ SERVICE POLE
 - ⊕ UTILITY MANHOLE
 - ⚡ WATER METER
 - ⊕ WATER VALVE
 - ⊕ YARD INLET



SURVEYORS CERTIFICATE

As required by subsection (d) of O.C.G.A. Section 15-6-67, this plat has been prepared by a land surveyor and approved by all applicable local jurisdictions for recording as evidenced by approval certificates, signatures, stamps, or statements hereon. Such approvals or affirmations should be confirmed with the appropriate governmental bodies by any purchaser or user of this plat as to intended use of any parcel. Furthermore, the undersigned land surveyor certifies that this plat complies with the minimum technical standards for property surveys in Georgia as set forth in the rules and regulations of the Georgia Board of Registration for Professional Engineers and Land Surveyors and as set forth in O.C.G.A. Section 15-6-67.

W. SHANE FLOYD
GA RLS #2801

4/14/2025
DATE

THE CLOSURE PRECISION OF THE FIELD SURVEY IS ONE FOOT IN 69,780 FEET, ANGULAR ERROR IS 2" PER POINT AND WAS ADJUSTED USING THE COMPASS RULE.

THIS PLAT HAS BEEN CALCULATED FOR CLOSURE AND IS FOUND TO BE ACCURATE WITHIN ONE FOOT IN 326,602 FEET.

EQUIPMENT USED:
LEICA TCPR 1205 FOR ANGULAR & LINEAR MEASUREMENTS.
LEICA GS 14 DUAL FREQUENCY RTK ROVER FOR HORIZONTAL REFERENCE POINTS USING THE LEICA SMARTNET RTK NETWORK.

ALL DEED REFERENCES SHOWN HEREON ARE RECORDED IN THE CLERK OF SUPERIOR COURT'S OFFICE OF HALL COUNTY, GEORGIA.

THIS PROPERTY MAY BE SUBJECT TO EASEMENTS, RESERVATIONS, RIGHTS OF WAY, OR RESTRICTIONS WHICH ARE NOT RECORDED OR NOT DISCLOSED BY THE TITLE COMMITMENT OR OTHERWISE UNKNOWN TO THE SURVEYOR; THEREFORE EXCEPTION IS TAKEN TO ANY SUCH ITEMS.

IF RESIDENTIAL PROPERTY IS SUBDIVIDED INTO SEVEN LOTS OR MORE WITH ALL LOTS ACCESSING EXISTING HALL COUNTY, GEORGIA ROADS, THEN STORMWATER MANAGEMENT IS REQUIRED FOR COMPLIANCE. (HALL COUNTY CODE § 8.180.160)

THIS SURVEY IS FOR THE BENEFIT OF THE PARTIES IN THE TITLE BLOCK. ANY USE BY THIRD PARTIES IS AT THEIR OWN RISK. FLOYD & ASSOCIATES, INC. WILL NOT ACCEPT ANY RESPONSIBILITY OF LIABILITY FOR THE USE OF THIS SURVEY BY ANYONE OTHER THAN THE PERSONS OR ENTITIES, NAMED IN THE TITLE BLOCK.

ANY STREAM OR STATE WATER LOCATED ON THIS PROPERTY MAY BE SUBJECT TO A 50 FEET UNDISTURBED NATURAL VEGETATIVE BUFFER AND A 75 FEET IMPERVIOUS SURFACE SETBACK MEASURED FROM THE POINT OF WRESTED VEGETATION (HALL COUNTY CODE § 8.170.070).

IF PROPERTY IS LOCATED IN THE NORTH OCONEE WATERSHED DISTRICT, THEN ADDITIONAL STREAM BUFFERS AND IMPERVIOUS SETBACKS MAY BE REQUIRED FOR COMPLIANCE. (HALL COUNTY CODE § 17.225.040)

ALL LAND DISTURBANCES OVER ONE ACRE SHALL REQUIRE AN EROSION SEDIMENTATION POLLUTION CONTROL PLAN.

ALL DRIVEWAYS MUST MEET HALL COUNTY DRIVEWAY REGULATIONS PER CODE § 12.40.

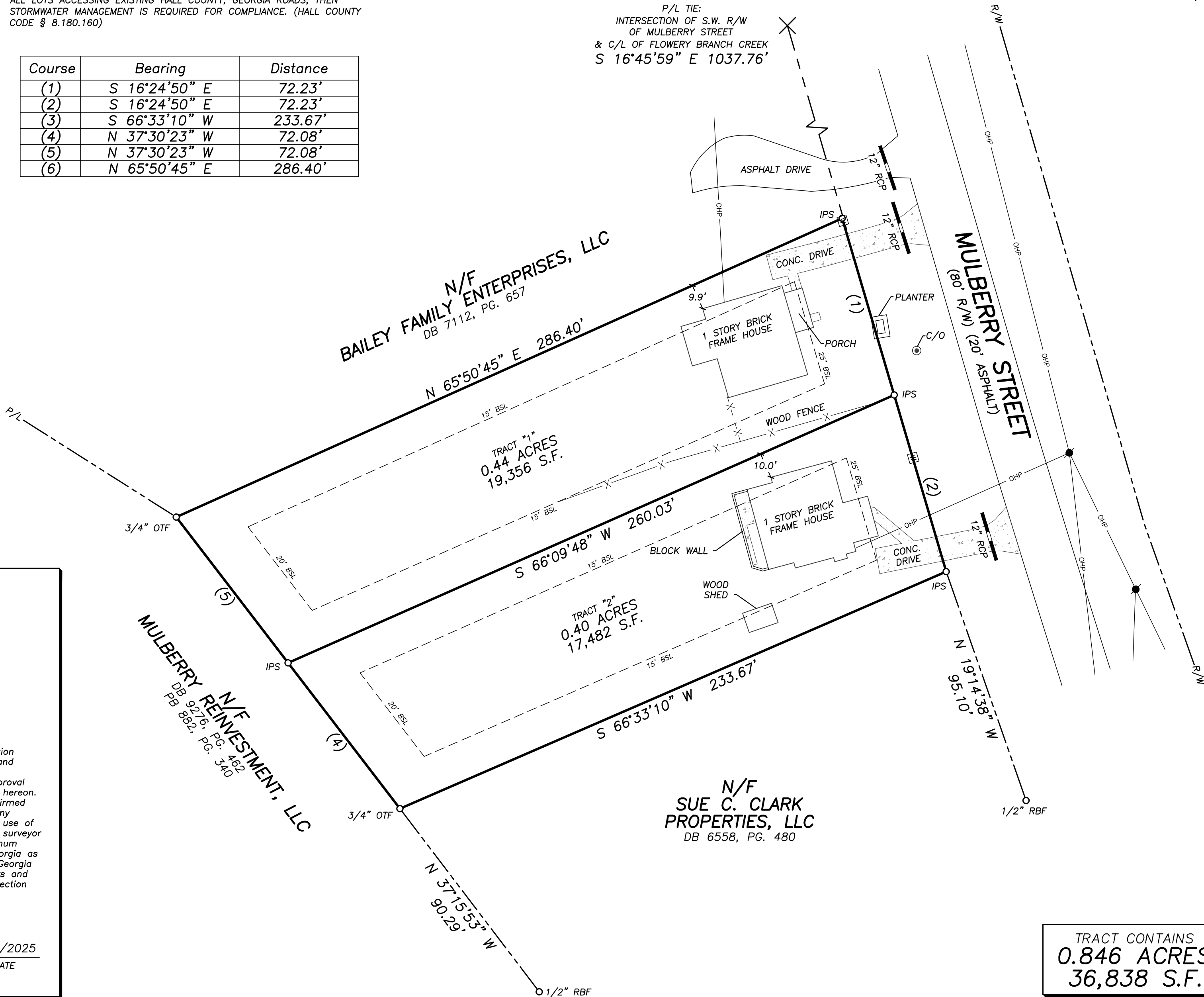
THIS PROPERTY OR A PORTION THEREOF IS NOT LOCATED IN A FLOOD HAZARD AREA AS SHOWN ON FLOOD INSURANCE RATE MAP #13139C0291H, HALL COUNTY GEORGIA, DATED 12/1/2022.

THIS PROPERTY OR A PORTION THEREOF IS NOT LOCATED IN THE HALL COUNTY STUDIED FLOOD ZONE PER HALL COUNTY GIS.

- REFERENCES:**
- CURRENT OWNER: CARL N. CLARK ESTATE PROPERTIES, LLC
6164 LAKE LANIER HEIGHTS, BUFORD, GA 30518.
 - PROPERTY ADDRESS: 5572 & 5578 MULBERRY STREET,
FLOWERY BRANCH, GA 30542.
 - SURVEY FOR STARK LAND AND DEVELOPMENT LLC, BY GEORGIA
PREMIER LAND SERVICES INC. DATED 7/12/2022.
 - SUBDIVISION FOR CARL N. CLARK, BY S.R. FIELDS, DATED 6/30/1956.
 - PB 882, PG. 340
 - PB 91, PG. 106
 - DB 9276, PG. 462
 - DB 7112, PG. 657
 - DB 6558, PG. 480

GEORGIA GRID NORTH
NAD1983 - WEST ZONE

Course	Bearing	Distance
(1)	S 16°24'50" E	72.23'
(2)	S 16°24'50" E	72.23'
(3)	S 66°33'10" W	233.67'
(4)	N 37°30'23" W	72.08'
(5)	N 37°30'23" W	72.08'
(6)	N 65°50'45" E	286.40'



DIVISION SURVEY FOR:
PATRICIA DAVIS
LAND LOT 117 - 8TH DISTRICT
HALL COUNTY, GEORGIA

JOB NUMBER: JN2025-11

DATE: 4/14/2025

FIELD DATE: 2/5/2025

SCALE: 1"=30FT

DRAWN BY: GLP

CHECKED BY:

REVISIONS

SHEET

1 OF 1

FLOYD
& ASSOCIATES, INC.

2060 BUFORD HWY., SUITE 105

BUFORD, GEORGIA 30518

PHONE (770) 531-0900 FAX (770) 531-0995

LAND SURVEYING FIRM #115



FLOWERY BRANCH CITY COUNCIL

EXECUTIVE SUMMARY

SUBJECT: Text amendment to amend Article 9, Table 9.1 and Table 9.2.

DATE: August 7th, 2025

(X) RECOMMENDATION

() POLICY DISCUSSION

BUDGET INFORMATION:

() STATUS REPORT

ANNUAL-

() OTHER

CAPITAL-

COUNCIL ACTION REQUESTED ON: Initial approval of the Council for text amendment

PURPOSE: A text amendment to amend Table 9.1- Permitted and Conditional Uses in Nonresidential Zoning Districts to add “Farm Winery Tasting Room” to use table and to replace Table 9.2 – Dimensional Standards with an updated version of Table 9.2 that reconciles dimensional code contradictions.

HISTORY: The text amendment to Table 9.1 – Permitted and Conditional Uses will add “Farm Winery Tasting Rooms” to the existing use chart in Article 9 – Nonresidential Zoning Districts. The use will be permitted by right in **CBD** – Central Business District and require a conditional use permit in **HB** – Highway Business. The amendment also seeks to amend Table 9.2 – Dimensional Requirements for Nonresidential Zoning Districts to reconcile contradictory dimensional standards under the **CBD** – Central Business District zoning category.

FACTS AND ISSUES:

- Text amendment will make changes to two tables within Article 9 – Nonresidential Zoning Districts.
- Table 9.1 – Permitted and Conditional Uses will gain the use category “Farm Winery Tasting Room” to two nonresidential zoning districts, permitted in **CBD** and conditional in **HB**.
- Table 9.2 – Dimensional Requirements for Nonresidential Zoning Districts will be struck and replaced with a table that reconciles dimensional contradictions in **CBD**.

OPTIONS: Approve or Deny

-
-
- **RECOMMENDED SAMPLE MOTION:** I move to approve the text amendment to Article 9, Table 9.1 & Table 9.2.

DEPARTMENT: Planning & Development

Prepared by: Dani Nash

ORDINANCE NO. 751

AN ORDINANCE AMENDING THE ZONING ORDINANCE OF THE CITY OF FLOWERY BRANCH, GEORGIA, ORDINANCE NO. 751, TO PROVIDE FOR A DEFINITION OF FARM WINERY TASTING ROOM IN SECTION 2.1 OF ARTICLE 2, TO AMEND TABLE 9.1 BY ADDING A FARM WINERY TASTING ROOMS USE, TO STRIKE IN ITS ENTIRETY TABLE 9.2, WITHIN ARTICLE 9 TO BE REPLACED WITH TABLE 9.2 AS SHOWN ON ATTACHED EXHIBIT “A”, TO REFERENCE THE APPLICABLE DIMENSIONAL STANDARDS FOR CERTAIN USES, PROVIDING FOR SEVERABILITY, REPEALING CONFLICTING ORDINANCES, AND FOR ALL OTHER LAWFUL PURPOSES.

WHEREAS, the Zoning Ordinance of the City of Flowery Branch, Georgia, authorizes the amendment of the text of the City of Flowery Branch Zoning Ordinance by the City Council; and

WHEREAS, the Zoning Administrator is authorized, pursuant to Section 33.2 of the Zoning Ordinance, to initiate an amendment to the Zoning Ordinance for consideration by the City Council; and

WHEREAS, it is in the public interest to update existing codes; and

WHEREAS, the changes to the code enhance the health, safety, and overall general welfare of the citizens of Flowery Branch; and

WHEREAS, the City has complied with the Zoning Procedures Law and the requirements of Article 33 of the Zoning Ordinance with regard to text amendments, including the holding of an advertised public hearing; and

NOW THEREFORE, THE CITY COUNCIL OF THE CITY OF FLOWERY BRANCH HEREBY ORDAINS THAT THE FLOWERY BRANCH ZONING ORDINANCE IS AMENDED AS FOLLOWS:

SECTION 1. AMENDMENT.

Add the following definition for “Farm Winery Tasting Room” to the definitions section in Section 2.1 of Article 2: “‘Farm winery tasting room’ means a licensed outlet for the promotion of a farm winery’s wine by providing samples of such wine to the public and for the sale of such wine at retail for consumption on the premises and for sale in closed packages for consumption off the premises. Samples of wine can be given free of charge or for a fee”; Amend Table 9.1 within Article 9 to add a farm winery tasting room use within certain zoning classifications under certain conditions as depicted in Exhibit “A”; Strike Table 9.2 within Article 9 in its entirety and replace with Table 9.2, as shown on Exhibit “A”.

SECTION 2. 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 3. EFFECTIVE DATE.

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

SECTION 4. REPEALER.

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

Approved this 21st day of August 2025.

Edward R. Asbridge, Mayor

ATTEST:

Shelia R. Cooper, City Clerk

APPROVED AS TO FORM:

Ted Baggett, City Attorney

Exhibit "A"

ARTICLE 9
Table 9.1

Table 9.1
Permitted and Conditional Uses in Nonresidential Zoning Districts
(P = Permitted Use C = Conditional Use X = Prohibited)

Use	O-P	INST	NS	HB	CBD	M-1	M-2
Accessory building, structure, or use	P	P	P	P	P	P	P
Adaptive reuse of a detached single-family dwelling for a personal service establishment or enclosed retail establishment	C	C	P	P	P	X	X
Adult business (see Adult Entertainment of Code of Ordinances No. 360)	X	X	X	X	X	P	P
Agricultural processing	X	X	X	X	X	X	C
Aircraft landing area	X	X	X	X	X	X	C
Animal hospital or veterinary clinic	P	P	P	P	X	X	X
Animal rendering, slaughtering, and recycling plant	X	X	X	X	X	X	X
Animal shelter	X	P	X	C	X	P	P
Apparel manufacturing	X	X	X	X	X	P	P
Art gallery	P	P	P	P	P	X	X
Asphalt plant	X	X	X	X	X	X	C
Auction house or auction yard (excluding livestock)	X	X	X	X	X	P	P
Auction house or auction yard (including livestock)	X	X	X	X	X	X	P
Automated teller machines (accessory use)	P	P	P	P	X	P	P
Automobile sales and service establishment	X	X	X	P	X	X	X
Automobile sales without service	X	X	X	P	X	X	X
Automobile service establishment without sales	X	X	X	P	X	P	P
Bank or financial institution	P	P	P	P	P	X	X
Batching plant	X	X	X	X	X	X	C
Bed and breakfast inn	P	P	P	P	P	X	X
Big box commercial building	X	X	X	C	X	C	C
Borrow site	X	C	X	C	X	X	P
Botanical garden	P	P	P	C	X	X	X
Bottling or canning plant	X	X	X	X	X	C	P
Brew pub	X	C	P	P	P	P	P
Brewery or distillery	X	X	X	X	X	P	P
Broadcasting studio	P	P	P	P	X	P	P
Building material sales	X	X	X	C	X	P	P
Use	O-P	INST	NS	HB	CBD	M-1	M-2
Building sales establishment	X	X	X	C	X	P	P
Bulk Storage	X	X	X	X	X	X	P

Business service establishment, not exceeding 2,500 square feet of gross floor area	C	C	P	P	P	P	P
Business service establishment, more than 2,500 square feet of gross floor area	X	X	X	P	P	P	P
Camp or campground	X	C	X	C	X	X	X
Car wash	X	X	X	C	X	P	P
Caretaker's residence	X	X	X	C	C	P	P
Carnival	X	X	X	C	X	X	P
Cemetery or mausoleum	X	P	X	C	X	P	P
Church, temple, synagogue, or place of worship, including specified accessory uses (see Section 14.3) (Ord. 348-11)	C	P	C	C	X	C	C
Clinic	P	P	P	P	X	X	X
Club or lodge, nonprofit, sponsored by a civic or similar organization	C	P	C	C	X	C	C
Club, private (Ord. 348-11)	X	C	X	C	X	X	X
Cold storage plant or frozen food locker	X	X	X	X	X	P	P
Co-generation facility	X	X	X	X	X	C	C
College or university (Ord. 348-11)	C	P	X	C	X	C	C
Commercial recreational facility, indoor (Ord. 348-11)	X	X	C	P	X	C	C
Commercial recreational facility, outdoor	X	X	X	C	C	C	C
Communication tower and antenna	P	P	X	P	X	P	P
Community recreation area	P	P	P	P	P	P	P
Composting facility	X	X	X	X	X	X	P
Conservation areas and passive recreational facilities	P	P	P	P	P	P	P
Construction field office and/or yard (temporary use)	X	P	X	P	X	P	P
Continuing care retirement community	C	P	X	P	C	X	X
Contractor's establishment	X	X	X	P	X	P	P
Convenience store, with or without gasoline pumps	X	X	X	C	X	X	X
Cottage industry	P	P	P	P	P	P	P
Crematorium in conjunction with a funeral home or mortuary (Ord. 348-13)	X	C	X	C	X	P	P
Crematorium not in conjunction with a funeral home or mortuary (Ord. 348-13)	X	X	X	X	X	X	P
Crisis center	C	P	X	P	X	P	P
Custom order shop	X	X	P	P	P	P	P
Day care center serving no more than 17 persons	P	P	P	P	X	C	C
Day care center serving 18 persons or more	X	P	C	P	X	C	C
Distribution center, including truck terminals	X	X	X	C	X	P	P
Dry cleaning plant	X	X	X	C	X	P	P
Dwelling, single-family detached, fee-simple	X	X	X	X	C	X	X
Dwelling, single-family detached, condominium	X	X	X	X	C	X	X
Use	O-P	INST	NS	HB	CBD	M-1	M-2
Dwelling, townhome (single-family attached fee-simple)	X	X	X	X	C	X	X

Dwelling, multi-family	X	X	X	X	C	X	X
Dwelling, two-family (duplex)	X	X	X	X	X	X	X
Dwelling, located within a building containing a nonresidential principal use	X	X	X	X	X	X	X
Explosives storage	X	X	X	X	X	X	C
Exterminating and pest control business or disinfecting service	X	X	C	P	X	P	P
Extraction and removal of sand, gravel, top soil, clay, dirt, precious metals, gems, and minerals	X	X	X	X	X	X	C
Fairgrounds	X	P	X	X	C	P	P
Farm Winery Tasting Rooms	X	X	X	C	P	X	X
Finance, insurance, and real estate establishment, 2,500 square feet or less of gross floor area per establishment	P	P	P	P	P	P	P
Finance, insurance, and real estate establishment, more than 2,500 square feet of gross floor area per establishment	P	P	P	P	P	X	X
Food processing plant	X	X	X	X	X	X	P
Fuel oil distributor	X	X	X	X	X	P	P
Funeral home or mortuary	X	X	X	C	X	P	P
Gas tank sales	X	X	X	C	X	X	P
Greenhouse (commercial)	X	X	X	P	X	P	P
Group home	C	P	X	P	X	X	X
Growler	X	X	X	P	P	X	X
Gym or exercise facility, not open 24 hours a day	P	P	P	P	P	P	P
Gym or exercise facility open 24 hours a day	P	P	X	P	P	P	P
Hazardous waste receiving, handling, and/or disposal facility, or volatile organic liquid handling and storage	X	X	X	X	X	X	C
Health spa	X	X	X	P	P	P	P
Hospital	C	P	X	P	C	C	C
Incinerator	X	X	X	X	X	X	C
Institutional residential living and care facility, serving no more than 17 persons	P	P	P	P	X	X	X
Institutional residential living and care facility, serving 18 persons or more	C	P	X	P	X	X	X
Junk/salvage yard	X	X	X	X	X	X	C
Kennel	X	X	X	P	X	P	P
Laboratory	P	P	C	P	X	P	P
Landfill (sanitary, construction/demolition, inert waste)	X	X	X	X	X	X	C
Landscaping company	X	X	X	P	X	P	P
Live/work unit	C	X	C	C	P	P	P
Lodging service (hotel, motel, motor hotel, inn)	X	C	X	P	P	X	X
Logging yard	X	X	X	X	X	X	P
Lumber yard	X	X	X	C	X	P	P
Machine shop	X	X	X	P	X	P	P
Use	O-P	INST	NS	HB	CBD	M-1	M-2
Manufactured home, "Class A"	X	X	X	X	X	X	X

Manufactured home other than "Class A"	X	X	X	X	X	X	X
Manufactured home park	X	X	X	X	X	X	X
Manufacturing, ceramics	X	X	X	X	X	C	P
Manufacturing, cosmetics or toiletries	X	X	X	X	X	P	P
Manufacturing, coating of cans, coils, fabrics, vinyl, metal furniture, appliance surfaces, wire, paper, and flat wood paneling	X	X	X	X	X	C	C
Manufacturing, electronics, camera, or photographic or communication equipment	X	X	X	X	X	P	P
Manufacturing, instrument assembly	X	X	X	X	X	P	P
Manufacturing, metal products	X	X	X	X	X	C	P
Manufacturing, pharmaceuticals and medical supplies	X	X	X	X	X	P	P
Manufacturing, textiles	X	X	X	X	X	P	P
Manufacturing, wood products	X	X	X	X	X	P	P
Manufacturing, processing, and assembling, within buildings, not otherwise specified	X	X	X	X	X	C	C
Marina	X	C	X	P	X	X	X
Materials recovery facility	X	X	X	X	X	X	C
Micro-brewery	X	X	X	X ⁽¹⁾	C	X	X
Micro-distillery	X	X	X	X ⁽¹⁾	C	X	X
Museum	P	P	P	P	P	P	P
Office	P	P	P	P	P	P	P
Office-warehouse	X	X	X	C	X	P	P
Open air business	X	X	X	P	C	C	C
Open storage yard (principal use)	X	X	X	C	X	P	P
Package store	X	X	X	P	X	X	X
Parking deck or structures, on-site or off-site	C	C	X	P	C	C	C
Parking lot, off-site	P	P	P	P	C	P	P
Personal service establishment	C	C	P	P	P	P	P
Petroleum bulk storage site	X	X	X	X	X	X	P
Power plant, private	X	X	X	X	X	X	C
Public or semi-public use	P	P	P	P	P	P	P
Rail yard	X	C	X	X	X	X	P
Railroad freight terminal	X	C	X	X	X	X	P
Recreational vehicle park	X	X	X	C	X	X	X
Recovered materials processing facility	X	X	X	X	X	X	C
Recycling center	X	X	X	X	X	C	C
Restaurant, excluding drive-ins or drive through facilities and fast-food restaurants as defined	X	C	P	P	P	P	P
Restaurant, including drive-ins or drive through facilities and fast-food restaurants as defined	X	X	X	P	X	C	C
Retail trade establishment, enclosed	X	X	P	P	P	P	P
Retreat center	P	P	X	P	X	X	X
Riding academy or equestrian center	X	X	X	P	X	C	C
Rooming or boarding house	C	X	X	C	X	X	X
Sawmill	X	X	X	C	X	X	P
Use	O-P	INST	NS	HB	CBD	M-1	M-2
School for the arts (Ord. 348-10; Ord. 348-11)	P	P	C	P	C	C	C

School, private, elementary, middle, or high (Ord. 348-11)	P	P	C	C	X	C	C
School, professional (Ord. 348-11)	P	P	C	P	X	C	C
School, special (Ord. 348-11)	P	P	X	X	X	C	C
School, trade (Ord. 348-11)	C	C	X	X	X	C	C
Self-service storage facility (mini-warehouse)	X	X	X	C	X	P	P
Service and fuel-filling station	X	X	X	P	X	P	P
Showroom	X	X	X	X	X	P	P
Slaughterhouse	X	X	X	X	X	X	C
Solid waste handling and/or transfer facility	X	X	X	X	X	X	C
Special event facility (Ord. 348-11)	C	P	C	P	X	X	X
Taxi cab and limousine service	X	X	X	X	X	X	X
Temporary use approved by the Zoning Administrator	P	P	P	P	P	P	P
Therapeutic camp	X	C	X	X	X	X	X
Tow service	X	X	X	P	X	C	P
Truck stop or truck terminal	X	X	X	C	X	X	P
Utility company	P	P	X	P	X	P	P
Utility company substation	P	P	P	P	P	P	P
Vehicle emission testing facility	X	X	X	P	X	P	P
Warehouse or storage building	X	X	X	C	X	P	P
Water plant or wastewater treatment facility	X	X	X	X	X	X	X
Wholesale trade establishment	X	X	X	C	C	P	P
Wireless telecommunications equipment	X	C	X	C	X	C	C
Wireless telecommunications facility	X	C	X	C	X	C	C
Wrecked motor vehicle compound	X	X	X	C	X	X	P
Yoga Studio	P	P	P	P	P	P	P

Note 1. Building Height and Number of Stories. The maximum height of any building, including those on lots subsequently zoned CBD after the effective date of this zoning ordinance amendment, shall be three stories and 45 feet, except as follows:

The maximum building height shall be four stories and 60 feet for the following city blocks: The city block bounded by Railroad Avenue, Pine Street Extension, Church Street, and Chestnut Street; the city block bounded by Railroad Avenue, Main Street, Church Street, and Pine Street Extension; and the city block bounded by Railroad Avenue, Bailey Drive, Church Street, and Main Street. The building height may project 6 feet above the maximum for purposes of screening roof mounted equipment, safety railings and/or other service equipment.

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

Table 9.2

Dimensional Requirements for Nonresidential Zoning Districts

Dimensional Requirement (measurement unit)	O-P	INST	NS	HB	CBD	M-1	M-2
Maximum height (feet)	35	45	35	60	Note 1	75	75
Maximum height (number of stories)	3	3	3	5	Note 1	4	5
Maximum net density (units per acre)	N/A	N/A	N/A	N/A	None Note 2	N/A	N/A
Minimum lot size for detached single family dwelling (square feet)	N/A	N/A	N/A	N/A	7,000	N/A	N/A
Minimum lot size for other uses (square feet)	10,000	None	None	None	None Note 2	None	None
Minimum lot width (feet)	75	75	90	None	None Note 2	100	100
Minimum heated floor area per dwelling unit (square feet)	N/A	N/A	N/A	N/A	700 1,500	700	700
Maximum heated floor area for other uses (square feet)	None	None	2,500 per tenant space	None	None Note 2	None	None
Minimum front yard setback (feet)	25	40	25	None	None Note 2	25	25
Minimum side setback, interior lot line (feet)	10	40	10	10	None Note 2	15	15
Minimum side setback, corner lot (feet)	15	40	15	15	None Note 2	25	25
Minimum side setback, interior lot line (width in feet) for institutional zones abutting other institutional zones	N/A	10	N/A	N/A	None Note 2	N/A	N/A
Minimum landscape strip required along side property lines for institutional zones abutting other institutional zones (width in feet)	N/A	5	N/A	N/A	None Note 2	N/A	N/A
Minimum rear setback (feet)	20	40	20	25	None Note 2	25	25
Minimum setback abutting residential (feet)	25	50	40	30	None Note 2	60	60
Minimum width of natural buffer abutting residential (feet)	15	40	30	30	None	50	50
Minimum landscape strip required along rights-of-way for any nonresidential or multi-family use (width in feet)	10	25	10	10 (None If built to front lot line)	None Note 2	30	30

Minimum landscape strip required along side property lines for any nonresidential or multi-family use (width in feet)	5	15	5	None	None Note 2	None	None
Maximum lot coverage (percent)	35	40	45	50	None Note 2	None	None
Minimum landscaped open space (percent)	25	20	15	15	None Note 2	10	10

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The maximum building height shall be four stories and 60 feet for the following city blocks: The city block bounded by Railroad Avenue, Pine Street Extension, Church Street, and Chestnut Street; the city block bounded by Railroad Avenue, Main Street, Church Street, and Pine Street Extension; and the city block bounded by Railroad Avenue, Bailey Drive, Church Street, and Main Street. The building height may project 6 feet above the maximum for purposes of screening roof mounted equipment, safety railings and/or other service equipment.

(Ord. No. 348-16, § 1 (Exh. A), 7-19-2018; Ord. No. 657, § 1(Exh. A), 12-16-2021; Ord. No. 714, § 1, 6-20-2024)

Note 2. Townhouse and Multifamily Dwelling Dimensional Requirements

In the Central Business District (CBD) zoning district, the following regulations shall apply:

- **Single-Family Attached Townhouses (Fee-Simple Ownership):** For dwellings classified as single-family attached townhomes, the dimensional standards set forth in Table 6.2 for Single-Family Townhouses (SF-TH) shall govern. Additionally, such dwellings shall comply with the design standards articulated in Articles 10, 12, and 40 of the zoning ordinance.
- **Multifamily Dwellings (Including Condominiums):** For multifamily dwellings, whether comprising attached or detached condominiums, the dimensional standards specified in Table 6.2 for Residential Multi-Units (RMU) shall apply. Such dwellings shall further adhere to the design standards delineated in Articles 10, 12, and 40 of the zoning ordinance.

ORDINANCE NO. ____

AN ORDINANCE AMENDING THE CITY CODE OF THE CITY OF FLOWERY BRANCH, GEORGIA TO MODIFY PROVISIONS RELATED TO LICENSING OF BREW PUB ESTABLISHMENTS, TO PROVIDE DEFINITIONS, TO PROVIDE REASONABLE REGULATIONS RELATED TO FARM WINERY TASTING ROOMS, **TO PROVIDE FOR HOURS OF OPERATION FOR LICENSED ESTABLISHMENTS, TO PROVIDE FOR SEVERABILITY, TO REPEAL CONFLICTING ORDINANCES, TO PROVIDE FOR AN EFFECTIVE DATE AND FOR ALL OTHER LAWFUL PURPOSES.**

WHEREAS, the City Council wishes to allow a variety of prudently regulated establishments that may serve alcoholic beverages in a responsible manner within the city limits; and

WHEREAS, state law has changed in recent years to accommodate various new business models that serve alcoholic beverages; and

WHEREAS, the City Council seeks to provide clarity to current and potential proprietors of local establishments,

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

SECTION 1.

Section 8-170 of the City Code of Flowery Branch is hereby amended to read as follows:

Sec. 8-170. - Brew pubs.

Notwithstanding any other provision of this chapter to the contrary, a limited exception to section 8-131 shall exist for owners and operators of brew pubs provided that:

(1) No individual shall be permitted to own or operate a brew pub without first obtaining a proper brew pub license from the city council. Each brew pub license holder shall comply with all other applicable state and local license requirements. A brew pub license authorizes the holder of such license to

(i) manufacture on the licensed premises not more than 10,000 barrels of beer in a calendar year solely for retail consumption on the premises and solely in draft form;

(ii) operate a restaurant that shall be the sole retail outlet for such beer and may offer for sale any other alcoholic beverages produced by other manufacturers which are authorized for retail sale under this chapter, provided that such alcoholic beverages are purchased from a licensed wholesale dealer for consumption on the premises only and, provided further, in addition to draft beer

manufactured on the premises, each brew pub licensee shall offer for sale commercially available canned or bottled malt beverages purchased from a licensed wholesale dealer; and

(iii) Sell up to a maximum of 5,000 barrels annually of such malt beverages to licensed wholesale dealers; provided that under no circumstances shall such malt beverages be sold by a brewpub licensee to any person holding a retail consumption dealer's license or a retailer's license for the purpose of resale.

(2) Possession of a brew pub license shall not prevent the holder of such license from obtaining any other license available under this chapter for the same premises.

(3) A brew pub license does not authorize the holder of such license to sell alcoholic beverages by the package for consumption off the premises except as authorized by subsection (1)(iii).

(4) A brew pub licensee shall pay all state and local license fees and excise taxes applicable to individuals licensed under this chapter as manufacturers, retailers and, where applicable, wholesale dealers.

(5) Except as set forth in this section, a brew pub license holder shall be subject to all sections of this chapter.

SECTION 2.

A new Division 8 of Article III of Chapter 8 is hereby added, to read as follows:

DIVISION 8. – FARM WINERIES

Section 8-179. - Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

“Farm winery tasting room” means an outlet for the promotion of a farm winery’s wine by providing samples of such wine to the public and for the sale of such wine at retail for consumption on the premises and for sale in closed packages for consumption off the premises. Samples of wine can be given free of charge or for a fee.

Sec. 8-180. – Regulations.

Licenses for farm winery tasting rooms may be issued to qualified applicants provided that:

(1) No individual shall be permitted to own or operate a farm winery tasting room in the city limits of Flowery Branch without obtaining a proper farm winery license from the

State of Georgia and a farm winery tasting room license from the City; each such license holder shall comply with all other applicable state and local license requirements.

(2) All state laws, rules and regulations relating to the manufacture, sale, and distribution of wine, as may be amended from time to time, are hereby incorporated into and made a part of this division as if fully set out in this section.

(3) A farm winery tasting room licensee shall pay all state and local license fees and excise taxes applicable to individuals licensed under this chapter as manufacturers, retailers and, where applicable, wholesale dealers.

(4) Except as set forth in this section, a farm winery tasting room licensee shall be subject to all sections of this chapter.

(5) A farm winery tasting room licensee may only make sales of wine produced by licensed Georgia farm wineries.

SECTION 3.

The hours of operation for any establishment licensed pursuant to Division 5 (Brew Pubs), Division 6 (Micro-Breweries), Division 7 (Micro-Distilleries), and Division 8 (Farm Winery Tasting Rooms) shall be the same as those permitted for licensees for retail consumption on the premises under Division 2 of this Article.

SECTION 4.

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.

This ordinance shall take effect immediately upon approval.

SECTION 6.

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



**FLOWERY BRANCH CITY COUNCIL
EXECUTIVE SUMMARY**

SUBJECT: Consider the Purchase and Sale Agreement for Purchasing a Parcel of Land on Thurmon Tanner Parkway.

DATE: August 15, 2025

(X)RECOMMENDATION

() POLICY DISCUSSION

BUDGET INFORMATION:

() STATUS REPORT

ANNUAL- N/A

() OTHER

CAPITAL- \$1,975,000

COUNCIL ACTION REQUESTED ON: August 21, 2025

PURPOSE: Approve the purchase and sale agreement for purchasing a parcel of land on Thurmon Tanner Parkway.

HISTORY: The City of Flowery Branch has grown in population and in staff over the past several years. Employees moved into the current City Hall building in March 2018 with Administration and Community Development upstairs and the Police Department downstairs. The Police Department has outgrown the space downstairs in City Hall.

FACTS AND ISSUES: As the City of Flowery Branch grows, council has explored options for additional space for various departments. The parcel on Thurmon Tanner was identified as a potential site for a future public safety building, and the parties have come to an agreement for the terms of the purchase.

OPTIONS:

- 1) Approve the purchase and sale agreement.
 - 2) Do not approve the purchase and sale agreement.
-
-

RECOMMENDED SAMPLE MOTION:

I move to approve the purchase and sale agreement for a parcel of land on Thurmon Tanner Parkway.

DEPARTMENT: Administration

Prepared by: Tonya Parrish

CONTRACT FOR PURCHASE AND SALE

STATE OF GEORGIA

HALL COUNTY

THIS IS A CONTRACT for the purchase and sale of certain real estate by and between **Atlanta One Limited Partnership**, a Michigan Limited Partnership (hereinafter called "Seller"), and **City of Flowery Branch, Georgia**, a Georgia Municipal Corporation (hereinafter called "Buyer").

In consideration of the amounts set forth herein, the mutual covenants herein contained, and other good and valuable considerations, the receipt and sufficiency of which is hereby acknowledged, the parties hereby agree as follows:

1. Agreement to Buy and Sell.

- a) Seller hereby agrees to sell, and Buyer hereby agrees to buy approximately 6.67 acres identified as the "Remaining Tract" on the plat attached hereto as Exhibit A and the adjacent tract containing approximately .51 acres of property known as Hall County Tax Parcel 08113002014 together with all rights, members, appurtenances and improvements thereto set forth herein. (the Property).

2. Purchase Price.

- a) The purchase price for the Property shall be One Million Nine Hundred Seventy-Five Thousand Dollars (\$1,975,000.00).
- b) The purchase price shall be paid in all cash or federal wired funds at closing. Buyer shall receive credit for the earnest money paid hereunder.

3. Seller's Warranties and Representations.

- a) Seller hereby warrants and represents that to the actual knowledge of the Seller, without any independent investigation (which warranties and representations shall be effective as of the date of Closing) the following: That
 - i) Seller will have good, insurable and marketable title to the Property, free and clear of all liens, encumbrances and restrictive covenants other than zoning ordinances affecting said Property and recorded general utility easements, restrictions and covenants serving or affecting the Property.
 - ii) There are no special assessments against or relating to the Property.

iii) No goods or services have been contracted for or furnished to the Property which might give rise to any mechanic's liens affecting all or any part of the Property.

iv) Seller has not entered into any outstanding agreements of sale, leases, options, or other rights of third parties to acquire an interest in the Property other than disclosed herein.

Seller shall not further encumber the Property or allow an encumbrance upon the title to the Property or modify the terms or conditions of any existing leases, contracts or encumbrances, if any, without the written consent of Buyer. Buyer acknowledges that Seller may encumber the Property provided that the encumbrance contains a provision that the Property will be released free and clear of encumbrance at or before closing for an amount less than the Purchase Price.

v) Seller has not entered into any agreements with any state, county or local governmental authority or agency which are not of record with respect to the Property, other than those approved in writing by Buyer.

vi) There are no encroachments upon the Property.

vii) To the best of Seller's knowledge, there are no deed restrictions or covenants that affect or apply to the Property.

viii) Seller has full power to sell, convey, transfer and assign the Property on behalf of all parties having an interest therein.

ix) Seller has disclosed to Buyer any and all known conditions of a material nature known to Seller with respect to the Property which may affect the health or safety of any tenant or occupant of the Property or the use of the Property for the purposes intended by Buyer.

x) To the best of Seller's knowledge, no investigation, administrative order, consent order or agreement, litigation or settlement with respect to hazardous materials or hazardous materials contamination is proposed, threatened, anticipated, or in existence with respect to the Property Seller has not received any notice of violation or any laws, rules or regulations regulating hazardous materials or any request for information from any federal, state or local governmental authority concerning hazardous materials and hazardous materials contamination on the Property. The Property neither is currently on, nor has the Property ever been on, any federal or state "Superfund"

or "Superlien" list.

- xi) To the best of Seller's knowledge, the Property contains no burial ground, burial object or cemetery as defined in O.C.G.A. § 36-72-2 which would subject the Property to the provisions of the Abandoned Cemeteries and Burial Grounds Act (O.C.G.A. § 36-72-1 et seq.). There are no burial grounds, burial objects, cemeteries, sites or structures of historical significance located on the Property that development of the Property would be restricted or require any special approval.
- xii) The execution nor delivery of this Agreement or the consummation of the transactions completed by this Agreement will not (i) conflict with or result in a breach of the terms, conditions, or provisions of or constitute a default under any agreement or instrument to which Seller is a party; or (ii) violate any restriction to which Seller is subject; or (iii) result in the creation of any lien, charge, or encumbrance on the Property.

The purchase of the Property is contingent upon the substantial accuracy of the Seller's material representations and warranties.

4. Inspection and Deliverables.

For a period of one hundred twenty (120) days from the Effective Date of this Agreement, Buyer and Buyer's engineers, surveyors, agents and representatives shall have the right to go on the Property to inspect, examine, and survey the same and otherwise do what is reasonably necessary to determine the boundaries of the Property and to make all necessary tests to verify the accuracy of the warranties of Seller with respect to the condition of the Property and to determine the suitability of the Property for Buyer's intended use. Prior to any entry on the Property, Buyer shall provide Seller with a certificate of insurance naming Seller as an additional insured thereon and evidencing liability and contractual liability coverage reasonably satisfactory to Seller for Buyer's inspection activities. To the extent permitted by law, if any, Buyer shall indemnify and hold Seller harmless from all losses, claims, damages, and suits resulting from Buyer or Buyer's agents inspecting or testing the Property pursuant to this paragraph. This period shall be deemed the Inspection Period. The Buyer may cancel this Contract at any time during the Inspection Period by providing written notice to Seller and upon said notice Buyer shall be entitled to the return of any Earnest Money paid in accordance with terms of this Contract.

5. Objections to Title.

Buyer shall obtain (a) a commitment for title insurance on the Property (the "Title Commitment") issued by Chicago Title Insurance Company (the "Title Company") together with copies of all items shown as exceptions on the Title Commitment, and (b) a survey of the Property (the "Survey"), which shall be prepared by a surveyor selected by the Buyer.

On or before the end of the Inspection Period, Buyer shall deliver to Seller a

statement of any objections to Seller's title and Seller shall have a reasonable period of time, not to exceed ten (10) days, to notify Buyer in writing which objections, if any, Seller intends to cure (it being acknowledged that Seller shall have no obligation to cure any objections). In the event that Seller fails or refuses to cure such objections at least five (5) days prior to closing, Buyer may terminate this Agreement by providing written notice to Seller and Buyer may recover the earnest money or waive the objections and proceed to close. Marketability of the title herein required to be conveyed by the Seller shall be determined in accordance with Georgia law as supplemented by the Title Standards of the State Bar of Georgia.

6. Closing.

a) The purchase and sale hereunder shall be closed no later than fifteen (15) days after the end of the Inspection Period, time being expressly made of the essence of this Contract. The closing shall be conducted in Lawrenceville, Georgia, or such other place as may be agreed to by the parties. Seller may elect to have the transaction closed via an escrow arrangement with R. Matthew Short, Esq. on behalf of Chicago Title Insurance Company.

b) At closing, Seller shall execute and deliver or cause to be delivered to Buyer the following original documents:

- i) A good and marketable limited warranty deed.
- ii) Owner's Affidavit and additional documents as may be required in such form as is necessary to enable the Buyer to remove any liens and parties in possession exceptions. The affidavit or such additional documents shall run to the benefit of the Buyer and Buyer's Attorney and/or Title Company, be in such form and content acceptable to Seller, Buyer and Buyer's Attorney and/or Title Company and contain without limitation the following information: That:
 - a) There are no outstanding unrecorded contracts of sale, options, leases or other arrangements with respect to the Property to any person other than Buyer.
 - b) The Property is being conveyed unencumbered except for the Permitted Exceptions (listed in the title commitment or otherwise applicable to the Property), if any.
 - c) No construction or repairs have been made by Seller nor any work done to or on the Property by Seller which have not been fully paid for, nor any contract entered into, nor anything done the consequence of which could result in a lien or a claim of lien to be made against the Property.
 - d) There are no parties other than Seller in possession of the Property being conveyed, other than any tenants which have

been approved by Buyer.

- e) There are no filings in the office of the Clerk of the Courts of Hall County, nor in the office of the Secretary of State which indicate a lien or security interest in, on or under the Property which will not be released or terminated at Closing.
- iii) Affidavit in compliance with the Foreign Investment in Real Property Tax Act of 1980, as amended, affirming that the Seller is not a "foreign person" as defined by the Internal Revenue Code.
- iv) All other documents as may be reasonably required to be executed and delivered to complete this transaction as contemplated hereunder.
 - (f) Ad valorem taxes and fees shall be prorated as of date of closing.
 - (g) All closing costs involved in the purchase of the Property (other than attorney's fees incurred by Seller), including, without limitation, any transfer tax and the cost of the title policy, shall be paid by Buyer.

7. Conditions to Closing.

The obligation of Buyer under this Agreement to purchase the Property is hereby expressly made subject to the truth and accuracy as of the date of this Agreement and as of the date of closing of each and every warranty or representation herein made by Seller, and the suitability of the inspections and tests set forth in Paragraph 4. If the results of the inspections and tests indicate any difficulty of Buyer to develop the Property, including rock, sewer, water, environmental hazards, hazardous materials, hazardous materials contamination, asbestos or other problems, then this Agreement shall be null and void and initial earnest money shall be refunded to Buyer. Buyer must furnish Seller written notice of cancellation by the end of the Inspection Period if Buyer desires to cancel the contract based on this condition. If Buyer determines that any of Seller's representations and warranties with respect to the Property are incorrect or false, Buyer may elect to terminate this Agreement and obtain a refund of its deposit as its sole remedy.

8. Earnest Money.

Within three business days of the Effective Date of this Agreement, Buyer shall deposit as Earnest Money the sum of Twenty- Five Thousand Dollars (\$25,000.00) with R. Matthew Short, Esq. At the closing hereunder all Earnest Money shall be applied against the purchase price provided herein. If Seller refuses to or cannot convey unencumbered marketable fee simple title to the Property as provided herein, or in the event any condition set forth herein is not met within the time provided, such condition not having been waived by Buyer, then said Earnest Money shall be returned to Buyer and this Contract shall terminate. Should Sellers refuse to close and Buyer desires to close, Buyer shall have the right to pursue specific performance as Buyer's sole remedy. If the purchase and sale hereunder is not closed due to default hereunder by Buyer, the Earnest Money shall

be paid to Seller as Seller's sole remedy as full and complete liquidated damages for such default. The parties acknowledge damages caused by the default of the Buyer would be difficult or impossible to ascertain and agree that the payment of the Earnest Money represents a fair and equitable remedy for the Seller.

9. Broker.

Seller is being represented in this transaction by Radial Property Group, LLC. (herein after called Broker) Broker shall be entitled to a real estate commission equal to three per cent (3%) of the purchase price. Seller shall be solely responsible for any commission or fees owed to the Broker and the Broker shall provide a broker's affidavit at closing confirming that all fees or commissions have been paid in full. No brokers are involved in this transaction on behalf of the Buyer. To the extent allowed by law, Buyer and Seller agree to indemnify and hold the other party harmless against any claim, suit, or action for a real estate brokerage commission as a result of their actions in the sale and purchase of the Property, including reasonable attorney's fees and costs.

10. Notices.

Any notices required or permitted to be given under this Contract to Seller or to the Buyer shall be in writing. The notice may be sent by registered or certified mail, postage pre-paid, or by documented overnight delivery by courier of choice. A courtesy copy of any notice may be sent by electronic mail (e-mail). The notice shall be delivered based on the information set forth below:

Buyer: City of Flowery Branch, Georgia
5410 Pine Street
Flowery Branch, Georgia 30542
Attention: Tonya Parrish, City Manager
Email: tonya@flowerybranchga.org

Copy To: Pereira, Kirby, Kinsinger & Nguyen, LLP
P.O. Box 1250
690 Longleaf Drive
Lawrenceville, GA 30046
Attention: Lawrenceville City Attorney
Email: tcb@pkknlaw.com and lthompson@pkknlaw.com

SELLER: Atlanta One Limited Partnership
2111 Woodward Avenue, Suite 910
Detroit, Michigan 48201
Attn: Alyn Thomas
Email: gravel51@aol.com

Copy To: Maddin, Hauser, Roth & Heller, P.C.
One Town Square, 5th Floor
Southfield, Michigan 48076

Attn: Mark Hauser
Email: MarkHauser@maddinhauser.com

Broker: Radial Property group, LLC
5634 Atlanta Hwy
Flowery Branch, Georgia 30542
Attn: Daren C. Wayne
Email: daren@wayne-trading.com

11. Miscellaneous.

- a) Interpretation. In this Agreement, the neuter gender includes the feminine and masculine and the singular number includes the plural, and the words “person” and “party” include corporation, partnership, individual, form, trust, or association wherever the context so requires.
- b) Attorney’s Fees. In the event it becomes necessary for either Buyer or Seller to bring an action at law or other proceeding to enforce any of the terms, covenants or conditions of this Contract, the prevailing party in any such action or proceeding shall be entitled to recover its costs and expenses incurred in such action from the other party, including without limitations reasonable attorney’s fees as determined by the court without a jury. As used herein, the term “prevailing party” shall mean as to the plaintiff, obtaining substantially all relief sought, and such term shall mean as to the defendant, denying the obtaining of substantially all relief sought by the plaintiff.
- c) Time of Essence. Buyer and Seller hereby agree that this Agreement was entered into with the understanding that time is of the essence.
- d) Severability. In the event any provision, or any portion of any provision, of this Contract shall be deemed to be invalid, illegal or unenforceable by a court of competent jurisdiction, such invalid, illegal or unenforceable provision shall not alter the remaining portion of any provision or any other provision, as each provision of this Agreement shall be deemed to be severable from all other provisions.
- e) Inurement. This Agreement shall be binding upon and inure to the benefit of the successors and assigns, if any, of the respective parties hereto.
- f) Effective Date. The Effective Date of the Agreement shall be the date the last party signs a fully executed copy of the Contract for Purchase and Sale.

- g) Governing Law. This Agreement shall be governed by the laws of the State of Georgia.

12. Modification of Contract.

No modification of this Agreement shall be deemed effective unless in writing and signed by the parties hereto, and any waiver granted shall not be deemed effective except for the instance and in the circumstances particularly specified therein and unless in writing and executed by the party against whom enforcement of the waiver is sought.

13. Entire Contract.

This Agreement constitutes the entire agreement between the parties for the purchase and sale of the Property. All terms and conditions contained in any other writings previously executed by the parties regarding the Property shall be deemed to be superseded.

14. Mutual Drafting.

Each party has participated in the drafting of this Agreement and the provisions of this Agreement shall not be construed against or in favor of either party.

15. Survival of Contract.

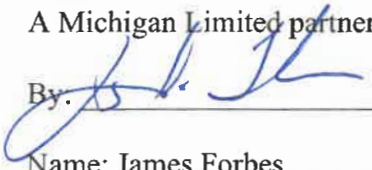
This Agreement shall merge into the documents executed at the closing, and any representations and warranties shall not survive the closing.

16. Special Stipulations

This Contract is contingent on the final approval of this Contract, prior to execution of the Inspection Period, in a public meeting by the Buyer in accordance with the provisions of the Georgia Open Meetings Act and compliance with all purchase and sale procedures of the Buyer. Buyer shall provide Seller with timely notice of such approval or lack thereof.

This Contract is agreed to this
9th day of August, 2025.

Atlanta One Limited Partnership,
A Michigan Limited partnership

By: 

Name: James Forbes

Title: General Partner

SELLER

This Contract is agreed to this
____ day of _____, 2025.

City of Flowery Branch, Georgia

By: _____

Name: _____

Title: _____

BUYER

Record and recorded
DATE: 02/29/2023
TIME: 12:47 PM
PLAT BOOK: 883
PAGE: 177 - 178
PLATTING FEE: \$20.00
PART ID: 473458399
RECORDED BY: EAR
Charles Baker, C.S.C
HALL COUNTY, GA

02/29/2023

02/29/2023

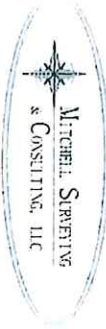
02/29/2023

STANDARD

LIMITS

OWNER: ATLANTA ONE LIMITED PARTNERSHIP
3/1/23
DATE

Minor Subdivision Plat
for
TAX PARCEL #08097 000008
LOCATED IN
LAND LOT 113 ~ 8th DISTRICT
CITY OF FLOWERY BRANCH
HALL COUNTY, GEORGIA
PREPARED BY:



PURPOSE OF THIS SUBDIVISION IS TO SEPARATE TAX PARCELS 08097 000008 INTO 2 NEW PARCELS.

8-
C-1
SITE

OWNER: DEVELOPER
Atlanta One Limited Partnership
2111 Woodward Avenue, Suite 910
Detroit, Michigan 48201

MINOR SUBDIVISION PLAT
TAX PARCEL: 08097 000008
Shaded in
Land Lot 113, 8th District
City of Flowery Branch
Hall County, Georgia

STATE PLANE GRID

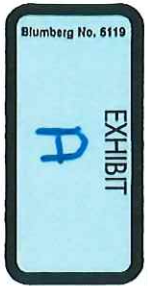


DATE: 02/29/2023
DESCRIPTION: 88097 000008
DRAWN BY: E. BAKER
REVIEWED BY: E. BAKER

DRAWING INFORMATION
DRAWN BY: E. BAKER
REVIEWED BY: E. BAKER
SHEET NAME

COVER

PROJECT: 22097-20 SHEET: OF 2





Case Table				
Case	Length	Ratio	Date	Cost-Benefit
C1	10.24	10.11	10.10	10.10
C2	10.40	10.15	10.15	10.15
C3	10.40	10.15	10.15	10.15
C4	10.40	10.15	10.15	10.15

Page 218 of 218