



**City of Flowery Branch
City Council Meeting
Thursday, October 2, 2025, 6:00 PM
5410 Pine Street
Flowery Branch, GA 30542**



Call Work Session to Order:

Pledge of Allegiance:

Adoption of Agenda:

Awards & Recognitions:

Public Hearing:

- a. Public Hearing to Consider First Reading of Ordinance 759 for Rezoning of 6167 Wade Orr Road
- b. Public Hearing to Consider First Reading of Ordinance 760 for Approval of a Master Concept Plan at 6167 Wade Orr Road

Unfinished Business - Work Session:

New Business - Work Session:

- a. Capital Projects Update
- b. Consider a Second Amendment to Red Oak Sanitation, Inc. Agreement

Department Reports:

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

Adjournment Work Session:

Voting Session Migration

Call Voting Session to Order:

Public Comments:

Please limit to two minutes

Consent Agenda:

- a. Consider September 4, 2025 City Council Meeting Minutes
- b. Consider September 18, 2025 City Council Meeting Minutes
- c. Consider Mayor Asbridge September 2025 Per Diem
- d. Consider Joseph Mezzanotte September 2025 Per Diem

Unfinished Business - Voting Session:**New Business - Voting Session:**

- a. Consider First Reading of Ordinance 759 for Rezoning of 6167 Wade Orr Road
- b. Consider First Reading of Ordinance 760 for Approval of a Master Concept Plan at 6167 Wade Orr Road
- c. Consider a Second Amendment to Red Oak Sanitation, Inc. Agreement

Executive Session:**Adjournment:**

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



Memorandum

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

From: Planning and Community Development

Date: October 2nd, 2025

Subject: City Initiated Rezoning

Applicant: Tonya Parrish
City Manager
City of Flowery Branch
5410 Pine Street, Flowery Branch, GA 30542
770-967-6371

Existing Zoning: M-1 – Manufacturing & Industrial, Light

Proposed Zoning: R-2 – Residential Moderate Density

Location: 6167 Wade Orr Road, Flowery Branch, GA 30542, tax map parcel #08134 000002, totaling +/- 59 acres.

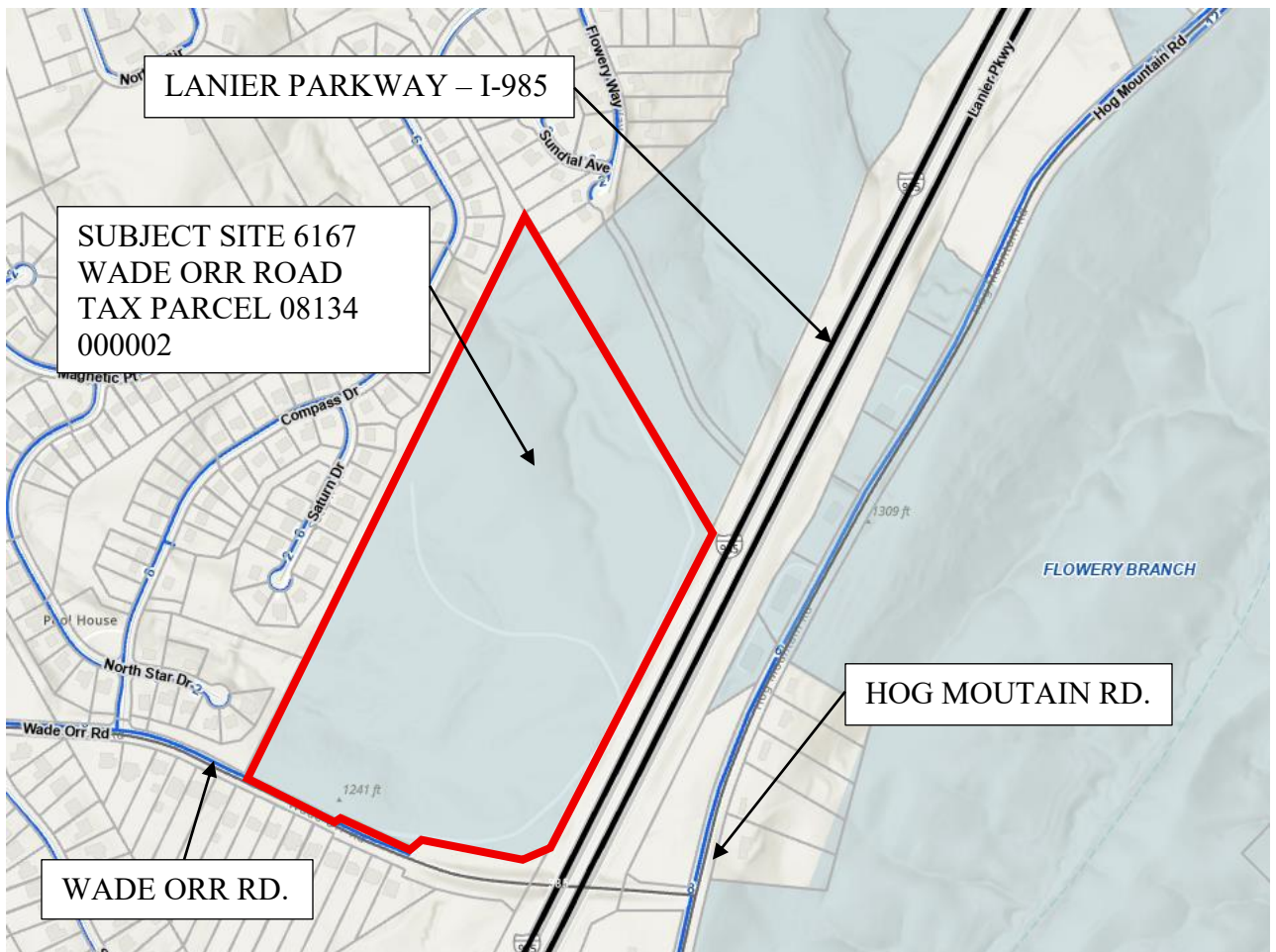
Proposed Action:

The City of Flowery Branch is initiating a rezoning from M-1 – Manufacturing & Industrial, Light to R-2 – Residential Moderate Density for the property located at 6167 Wade Orr Rd, tax map parcel #08134 000002. Total parcel assemblage is +/- 59 acres and is located within the Suburban Residential Character Area of the City of Flowery Branch Comprehensive Plan.



Location Map:

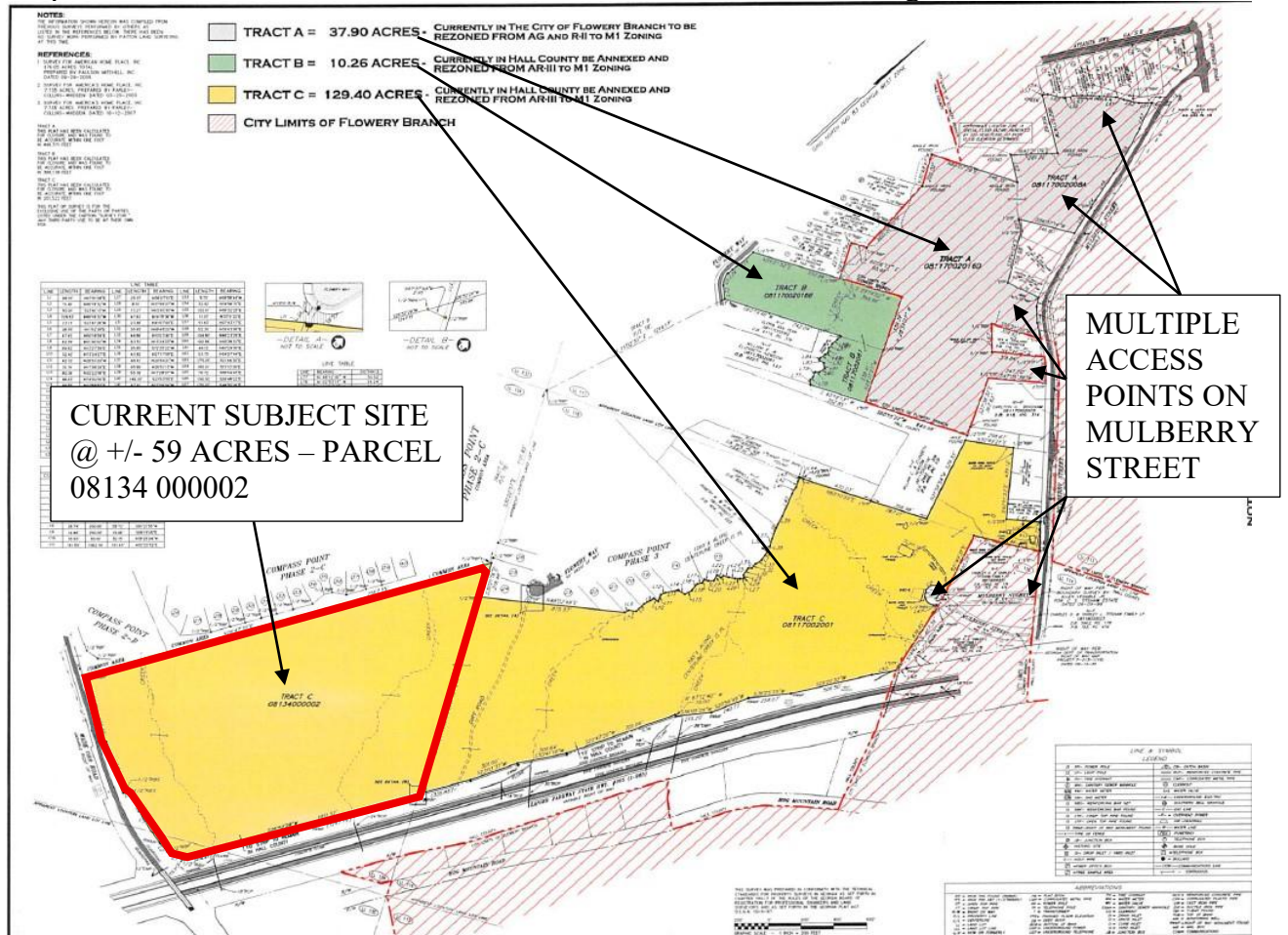
The subject parcel is located on Wade Orr Rd. and borders I-985 to the east and several residential subdivisions to the west and north.





Zoning History:

The subject property was previously part of a larger area for annexation and rezoning from Hall County AR-III - Agricultural - Residential to City of Flowery Branch M-1 – Manufacturing & Industrial, Light. Ordinances 502 and 503 held a Public Hearing on October 10th, 2014, and was adopted on October 16th, 2014. The total area of annexation and rezoning was +/- 139.66 acres.



Ordinance 503's rezoning approval for the development site required City Council acceptance of a Master Plan before issuing any building or disturbance permits. At the time of review, the entire tract had frontage on multiple roads, including Wade Orr Road. The applicant did not submit a concept master plan for City Council to evaluate impacts on traffic, the environment, or adjacent property owners. Condition 2 deferred this requirement to a later date.



REZONING CONDITIONS

1. Rear Building Setback

The minimum rear building setback abutting any residential district within or outside of the City of Flowery Branch will include a 60' setback. This will include a 50' natural buffer as part of the 60' setback.

2. Master Site Plan

No land disturbance or building permit will be issued without the acceptance by City Council of a comprehensive master site plan.

3. Traffic Impact Studies

In order to issue a land disturbance or building permit, a traffic impact study shall be required to determine the most appropriate road improvements, including driveway locations, and as a basis for determining improvements required to the road system. Prior to development approval, additional road right-of-way for a local road or frontage road may be needed at intersections or at other locations fronting the property where turning lanes, storage lanes, medians, or realignments are required for traffic safety, and where the existing right-of-way would be inadequate to accommodate the road, drainage, and utility, and other improvements necessitated by the development.

4. Access

Excepting local deliveries, signage will direct truck traffic to utilize Hog Mountain Road for access to Interstate I-985 from Wade Orr Road.

5. Land Uses

Land uses identified within Article 9 Table 9.1 M-1 shall be permitted as indicated within the table and as subject to any necessary Conditional Use Permit or development standards, except that the following uses shall not be permitted uses within the M-1 (Manufacturing & Industrial) designation.

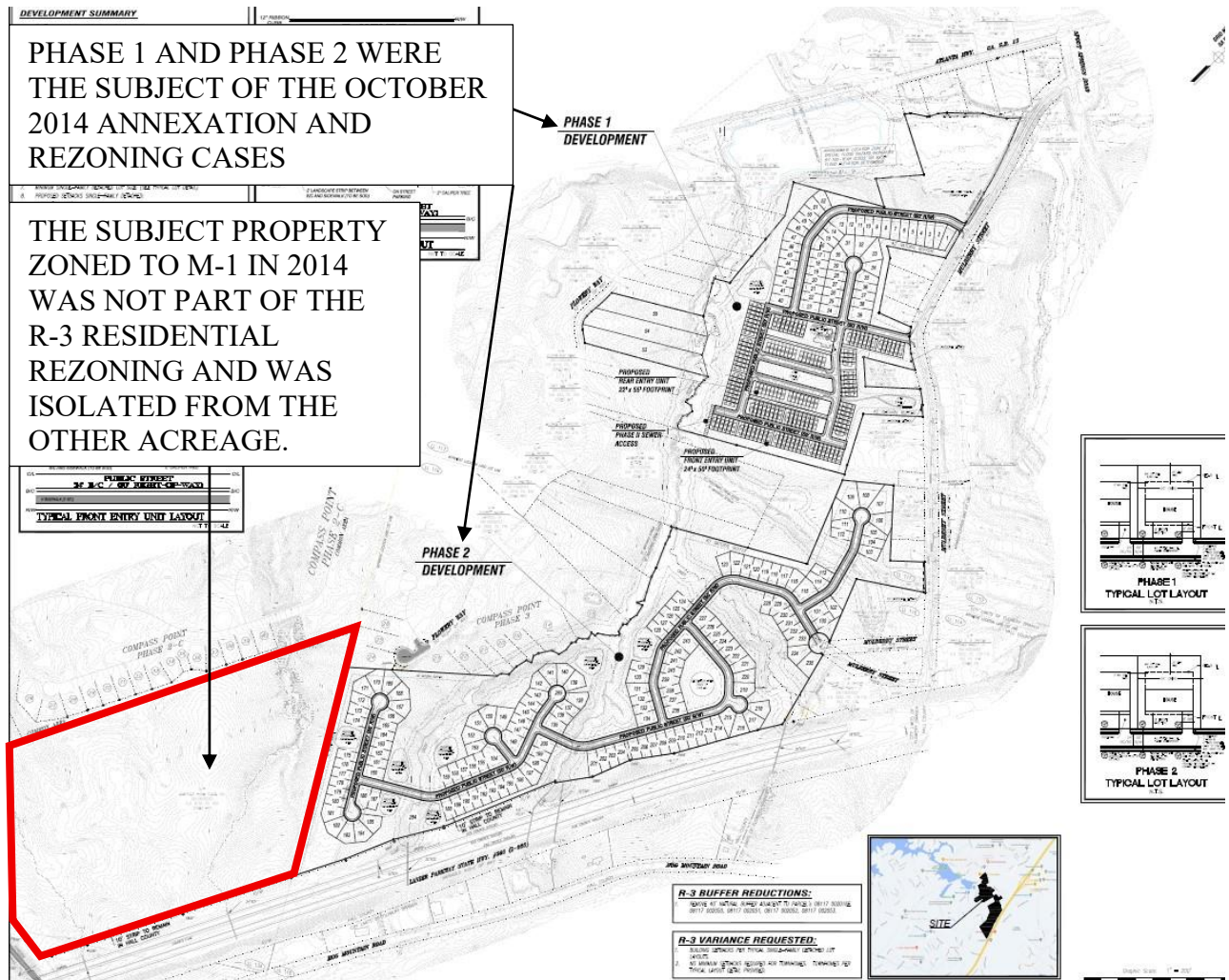
Cemetery or mausoleum
Cold storage plant or frozen food locker
Convenience store, with or without gasoline pumps
Crematorium in conjunction with a funeral home or mortuary (Ord. 348-13)
Distribution center, including truck terminals
Fairgrounds
Fuel oil distributor
Funeral Home or mortuary
Service and fuel-filling station
Tow service

6. Adult Business

The owner shall prohibit Adult Business by private covenant which shall run with the land.



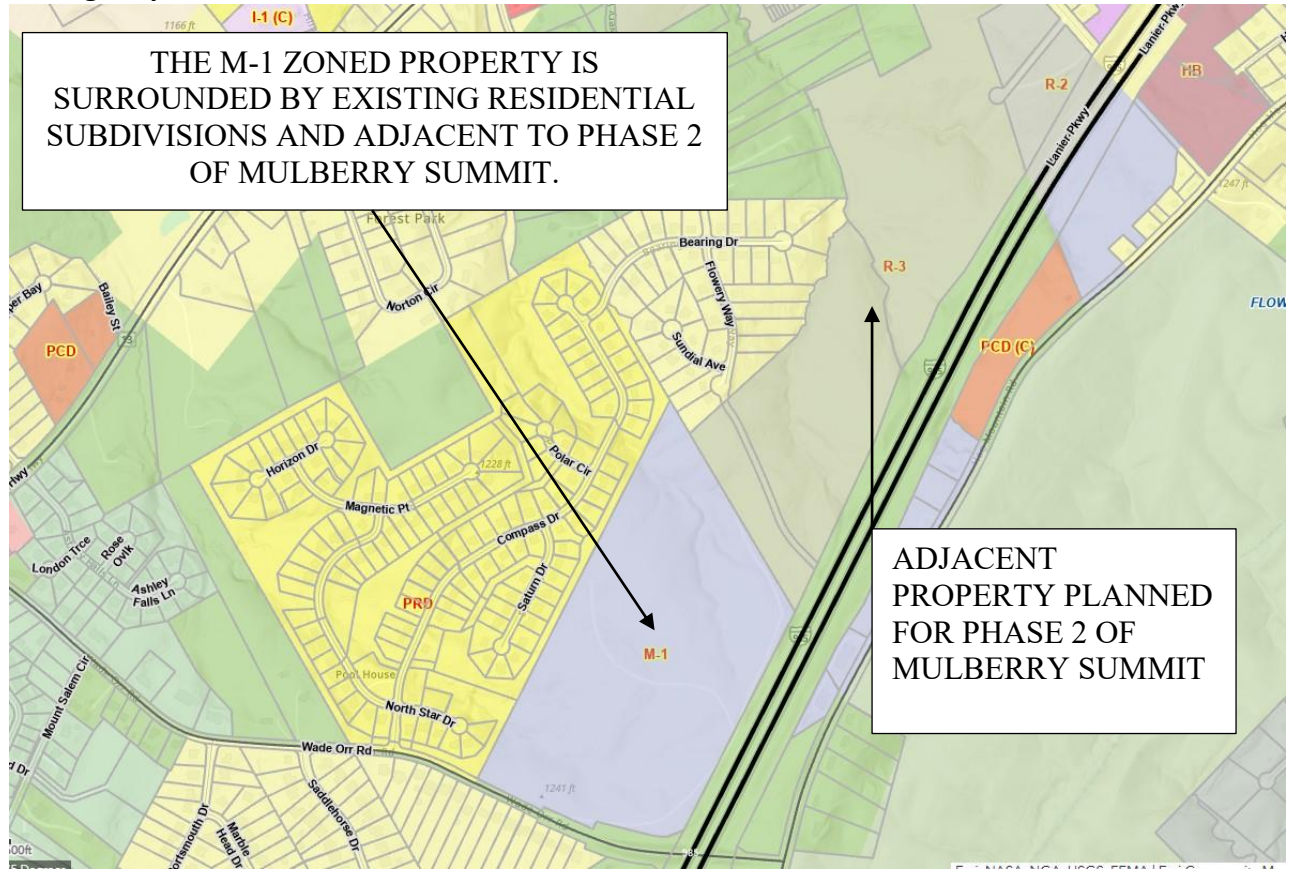
On January 20th, 2022, Stark Land Development, LLC, received approval for rezoning most of the area, previously annexed and zoned M-1 – Manufacturing & Industrial, Light, to R-3 – Residential Multi Family. Ordinances 625 through 630 were approved for two phases of residential development near Mulberry Street. The first phase, named Mulberry Summit, is under construction.



Following the rezoning of Mulberry Summit development from M-1 – Manufacturing & Industrial, Light to R-3 – Residential Multi Family, the remaining parcel became an isolated industrial zoning parcel, accessible only via Wade Orr Road. Surrounded entirely by residential developments, the site falls within the Suburban Residential Character Area of the Comprehensive Plan. Rezoning the parcel to R-2 – Residential Moderate Density would align it with the Comprehensive Plan’s Future Development Plan and ensure consistency with the surrounding residential character.



Zoning Map



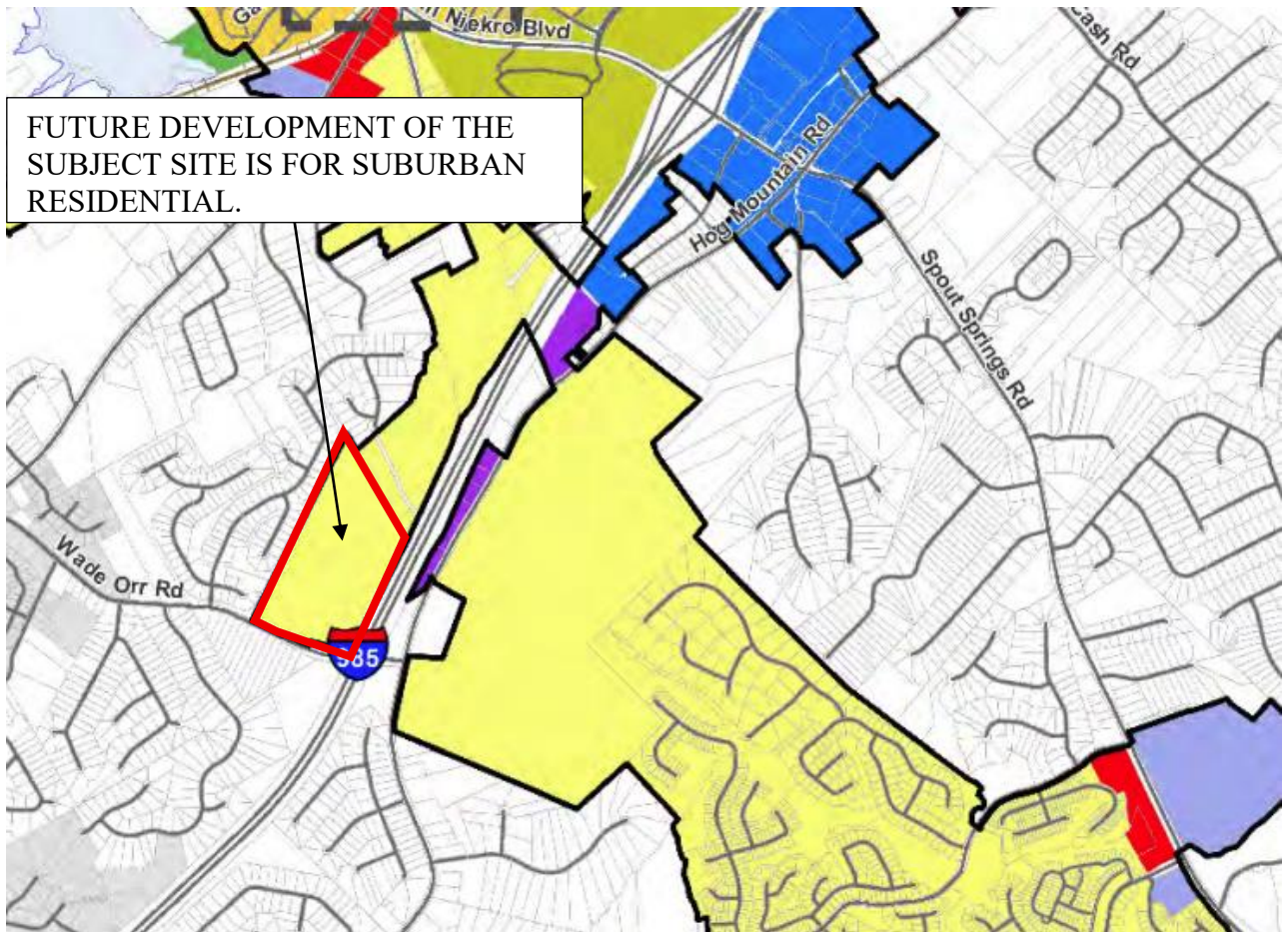
Legend

Zoning Districts

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



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 be 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





Comprehensive Plan Assessment

The Flowery Branch Comprehensive Plan Future Development Map indicates the subject parcel falls within the Suburban Residential Character Area. The proposed zoning to R-2 is 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 Residential, 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 existing zoning M-1– Manufacturing & Industrial, Light is not a listed zoning in the Suburban Residential Character area. Therefore, the existing zoning is not in harmony with the Flowery Branch Comprehensive Plan Future Development Map. It's reasonable to believe that rezoning the subject site brings the area into the intended zoning based on the Future Development Map.



Transportation Assessment: Development Challenges

Developing a large distribution warehouse on the subject site, currently zoned M-1 – Manufacturing & Industrial, Light, presents significant transportation challenges. Existing zoning conditions restrict all tractor-trailer traffic to the intersection of Wade Orr Road and Hog Mountain Road. A weight-limited bridge, located between the proposed development and this intersection, prohibits trucks with more than three axles in order to prevent structural damage and ensure the safety of passenger vehicles, as confirmed by GDOT District Traffic Engineer Jonathan Peevy, P.E.

Furthermore, the intersection of Wade Orr Road and Hog Mountain Road currently operates at unacceptable levels of service during peak AM and PM hours. Improvements would be necessary to mitigate worsening traffic conditions. The intersection falls within Hall County's right-of-way, and any modifications would require approval from the Hall County Transportation Department. According to Hall County Engineer Brent Cook, an all-way stop is not supported, though alternative solutions, such as a roundabout, could improve operational efficiency. However, implementing such improvements would necessitate acquiring additional right-of-way.

These constraints—restricted truck access due to the bridge's weight limit, poor intersection performance, and the need for costly right-of-way acquisition—pose significant barriers to developing a distribution warehouse. No straightforward solutions exist to accommodate tractor-trailer traffic for the proposed industrial development.







Environmental Challenges for Developing a ~60-Acre Industrial Warehouse

Developing a ~60-acre industrial warehouse presents multiple environmental challenges that must be addressed to comply with regulations, minimize ecological impacts, and ensure sustainable development. Below is an analysis of key challenges, tailored to the context of the site and its potential development as an M-1 Industrial use.

1. Stream and Wetland Impacts

- **Challenge:** The presence of multiple streams on the site likely indicates jurisdictional waters regulated under the Clean Water Act (CWA) Section 404 by the U.S. Army Corps of Engineers (USACE) and state environmental agencies (e.g., Georgia Environmental Protection Division (EPD)). Construction activities, such as grading, filling, or redirecting streams, could degrade or destroy these aquatic resources.
- **Implications:**
 - A delineation study is required to identify the extent of streams, wetlands, and their buffers.
 - Any impacts to streams or wetlands require a Section 404 permit from USACE and a corresponding Section 401 water quality certification from the state.
 - Mitigation (e.g., stream restoration or off-site compensation) may be required, increasing project costs and timelines.
- **Industrial vs. Residential:** Industrial development typically involves larger impervious surfaces (e.g., warehouses, parking lots), increasing the risk of stream degradation compared to residential development, which may incorporate green spaces or lower-density layouts.

2. Stormwater Management and Water Quality

- **Challenge:** A 60-acre industrial warehouse would generate significant impervious surface, increasing stormwater runoff and the risk of water quality degradation in streams.
- **Implications:**
 - Runoff may carry pollutants (e.g., oils, heavy metals from trucks) into streams, violating National Pollutant Discharge Elimination System (NPDES) standards.



- Compliance with local stormwater ordinances and Georgia's Erosion and Sedimentation Act requires robust stormwater management plans, including detention ponds, bioswales, or permeable pavements.
- Streams may be sensitive to increased runoff volume, leading to erosion, sedimentation, and habitat loss for aquatic species.
- **Industrial vs. Residential:** Residential development typically produces less intense runoff due to smaller impervious areas and landscaping requirements, potentially reducing water quality impacts.

3. Floodplain and Hydrologic Impacts

- Challenge: Streams on the site may be associated with floodplains, regulated under FEMA's National Flood Insurance Program and local floodplain ordinances.
- Implications:
 - Development within or near floodplains requires a Floodplain Development Permit and adherence to elevation or flood-proofing standards.
 - Altering stream channels or floodplains could increase flood risks downstream, necessitating costly hydrologic studies and mitigation measures.
 - Industrial facilities may require larger land disturbances, increasing the likelihood of floodplain encroachment compared to residential layouts designed to avoid flood zones.
- **Industrial vs. Residential:** Residential zoning (e.g., R-2) may allow for cluster development that preserves floodplains as open space, whereas industrial development often requires extensive land clearing.

4. Habitat and Biodiversity Impacts

- Challenge: Streams and their riparian zones likely support diverse flora and fauna, including protected species under the Endangered Species Act (ESA) or state regulations.
- Implications:
 - A biological assessment may be required to identify protected species (e.g., fish, amphibians, or plants) in or near the streams.
 - Disturbance to habitats could trigger consultation with the U.S. Fish and Wildlife Service or state agencies, potentially requiring habitat restoration or mitigation.



- Industrial activities, such as noise, lighting, and chemical runoff, pose greater risks to aquatic and terrestrial ecosystems than residential uses.

- **Industrial vs. Residential:** Residential development may integrate greenways or conservation areas to protect habitats, whereas industrial warehouses typically prioritize maximized land use, increasing ecological disruption.

5. Erosion and Sedimentation Control

- Challenge: Construction on a 60-acre site with streams increases the risk of erosion and sedimentation, particularly during land disturbance activities.
- Implications:
 - Compliance with Georgia's Erosion and Sedimentation Act requires a detailed erosion control plan, including silt fences, sediment basins, and regular inspections.
 - Failure to control sedimentation can harm stream ecosystems, violate water quality standards, and result in fines or project delays.
 - Industrial construction, with larger disturbed areas, may pose higher erosion risks than residential development with phased or smaller-scale grading.
- **Industrial vs. Residential:** Residential projects may incorporate landscaping and vegetative buffers earlier in development, reducing erosion compared to industrial sites with extensive impervious surfaces.

6. Contamination Risks from Industrial Activities

- Challenge: Industrial warehouse operations (e.g., storage, distribution) may involve hazardous materials, increasing the risk of spills or leaks into streams.
- Implications:
 - A Phase I Environmental Site Assessment is needed to evaluate past industrial uses and potential contamination (e.g., from prior M-1 zoning activities).
 - Ongoing operations require spill prevention and response plans under EPA's Spill Prevention, Control, and Countermeasure (SPCC) regulations.
 - Contamination risks could degrade stream water quality, affecting downstream communities and ecosystems.
- **Industrial vs. Residential:** Residential development poses minimal contamination risks, as it typically involves fewer hazardous materials than industrial operations.

7. Regulatory and Permitting Delays



- Challenge: The presence of streams triggers multiple environmental regulations, leading to complex permitting processes.
- Implications:
 - Federal, state, and local permits (e.g., CWA Section 404, NPDES, floodplain permits) require extensive documentation, public comment periods, and agency reviews, potentially delaying the project by months or years.
 - Industrial projects may face stricter scrutiny due to their environmental footprint compared to residential developments, which are often viewed as less impactful.
- **Industrial vs. Residential:** Residential rezoning (e.g., to R-2) may streamline permitting by aligning with the Comprehensive Plan's Suburban Residential Character Area, reducing regulatory conflicts.

Mitigation Strategies

To address these challenges, the following measures could be implemented:

- Stream Buffers: Maintain or expand undisturbed vegetative buffers (e.g., 25-50 feet) to protect streams and reduce runoff.
- Low-Impact Development (LID): Use permeable pavements, rain gardens, or green roofs to minimize impervious surfaces and manage stormwater.
- Erosion Control: Implement robust erosion control measures during construction, such as silt fences and sediment traps.
- Habitat Preservation: Designate stream corridors as conservation areas or greenways to protect biodiversity.
- Floodplain Avoidance: Site the warehouse (or residential units) outside floodplain boundaries to reduce flood risks and permit requirements.

Industrial vs. Residential Development

Rezoning the site to R-2 – Moderate Density Residential, as proposed in the context of the Comprehensive Plan's Suburban Residential Character Area, would likely reduce environmental challenges compared to industrial development:

- Smaller Footprint: Residential development typically involves less impervious surface area, reducing runoff and stream impacts.



- Lower Pollution Risk: Residential uses generate fewer hazardous materials, minimizing contamination risks to streams.
- Compatibility with Comprehensive Plan: Residential zoning aligns with the surrounding residential character and the Comprehensive Plan, potentially simplifying environmental permitting.
- Community Benefits: Residential projects can incorporate green spaces, trails, or parks along streams, enhancing ecological and public value.

Conclusion

Developing a 60-acre industrial warehouse on a site with multiple streams presents significant environmental challenges, including stream and wetland impacts, stormwater management, floodplain risks, habitat disruption, erosion, contamination, and permitting delays. These issues are compounded by the site's isolation and transportation constraints (e.g., weight-limited bridge, as noted in the prior transportation assessment). Rezoning to R-2 – Residential Moderate Density would likely mitigate many of these challenges by reducing environmental impacts, aligning with the Comprehensive Plan, and better integrating with the surrounding residential context. Any development—industrial or residential—must include robust environmental studies, mitigation measures, and compliance with federal, state, and local regulations.



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 - Residential Moderate Density 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 - Residential Moderate Density 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 M-1 – Manufacturing & Industrial, Light does not have a reasonable 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 - Residential Moderate Density should have no measurable impact on 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.**

Rezoning to R-2 - Residential Moderate Density 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 Agriculture, R-3 Residential Multi-family and the majority of zoning surrounding the parcel is Hall County residential.

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

It's reasonable to believe that the property value would increase by rezoning from M-1 – Manufacturing & Industrial, Light to R-2 - Residential Moderate Density

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.

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

There are nearby Single Family Residential in the area. The existing M-1 – Manufacturing & Industrial, Light zoning is an existing isolated district.

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

Rezoning to R-2 - Residential Moderate Density 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.

k) 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. In R-2, mass grading can be avoided, disturbing areas only for infrastructure, streets, and 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.

l) 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 - Residential Moderate Density is in harmony with the future land development of the Comprehensive Plan

Recommendation:

Staff recommends the **APPROVAL** of the proposed rezoning from M-1 – Manufacturing & Industrial, Light to R-2 - Residential Moderate Density for 6167 Wade Orr Road, Flowery Branch, GA 30542, tax map parcel #08134 000002.

ORDINANCE 759

AN ORDINANCE AMENDING THE ZONING MAP OF THE CITY OF FLOWRY BRANCH, GEORGIA, BY REZONING REAL PROPERTY TOTALING +/- 59.9 ACRES OF LAND, OWNED BY AMERICA'S HOME PLACE, INC., IDENTIFIED AS 6167 WADE ORR ROAD, TAX PARCEL #08134 000002, AND AS SHOWN ON ATTACHED EXHIBIT "A", AND AS DESCRIBED ON ATTACHED EXHIBIT "B"; TO BE REZONED FROM FLOWERY BRANCH M-1 – MANUFACTURING & INDUSTRIAL, LIGHT TO FLOWERY BRANCH R-2 – SINGLE FAMILY RESIDENTIAL MODERATE DENSITY DISTRICT, PROVIDING FOR SEVERABILITY, REPEALING CONFLICTING ORDINANCES, PROVIDING FOR AN EFFECTIVE DATE AND FOR ALL OTHER LAWFUL PURPOSES.

WHEREAS, the City of Flowery Branch, Georgia desires to rezone the property identified as 6167 Wade Orr Road, Tax Parcel #08134 000002 from Flowery Branch M-1 – Manufacturing & Industrial, Light to Flowery Branch R-2 – Single Family Residential Moderate Density District; 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 October 2nd, 2025, to consider the rezoning, which was duly noticed as prescribed by law and published in the Gainesville Times, as shall be set forth in the minutes of said meeting; and

WHEREAS, the City Council of the City of Flowery Branch, Georgia has considered the appropriate zoning classification of the subject property in light of the comprehensive plan.

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

SECTION 1. FINDINGS.

The City Council finds that the proposed rezoning from Flowery Branch M-1 – Manufacturing & Industrial, Light to Flowery Branch R-2 – Single Family Residential Moderate Density is consistent with the adopted standards for governing the exercise of the zoning power consistent with O.C.G.A. § 36-66-5 and requirements of the Zoning Ordinance as identified below.

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

2. The proposal is not expected to adversely affect the existing use or usability of adjacent or nearby property.
3. Use as R-2 is appropriate given residential development trends and it is reasonable to believe the property will have reasonable economic value so zoned.
4. The development if approved and constructed is not expected to result in a use which will or could cause an excessive or burdensome use of existing streets, transportation facilities, utilities, or schools.
5. The proposal is generally in conformity with the policy and intent of the comprehensive plan including the character area map and future land use plan map.
6. The proposal is considered appropriate in view of existing use(s) and zoning of the subject property and nearby properties.
7. No precise determination has been made by staff with regard to the value differential between development under the current zoning as opposed to R-2, although it is reasonable to believe value would increase as a result of the rezoning.
8. A proposed development will not be a deterrent to the value or improvement of development of adjacent property in accordance with existing regulations.
9. There are no known adverse effects that would result from the change in zoning district map, or change in use, on the character of a zoning district.
10. Development as proposed is not expected to impact on the environment, including but not limited to, drainage, soil erosion and sedimentation, flooding, air quality and water quality. Compliance with city subdivision and land development regulations will be required, which include but are not limited to soil erosion and sedimentation, stormwater, and flood damage prevention.

SECTION 2. REZONING.

The subject parcel, as shown on Exhibit “A” and as legally described in Exhibit “B”, are hereby rezoned from Flowery Branch M-1 – Manufacturing & Industrial, Light to Flowery Branch R-2, Single Family Residential Moderate Density.

SECTION 3. AMENDMENT OF THE ZONING MAP.

This Ordinance is enacted as an amendment to the Zoning Map of Flowery Branch,

Public Hearing Published 09/04/2025
Public Hearing 10/02/2025

First Reading 10/02/2025
Second Reading TBD

Georgia. Accordingly, the Zoning Administrator is hereby authorized to update the Official Map consistent with Article 3 of the Zoning Ordinance.

SECTION 4. SEVERABILITY.

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

SECTION 5. EFFECTIVE DATE.

This ordinance shall take effect immediately upon approval.

SECTION 6. REPEALER.

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

Approved this _____ day of _____ 2025.

Edward R. Asbridge, Mayor

Shelia R. Cooper, City Clerk

APPROVED AS TO FORM

Ted C. Baggett, City Attorney

Exhibit "A"

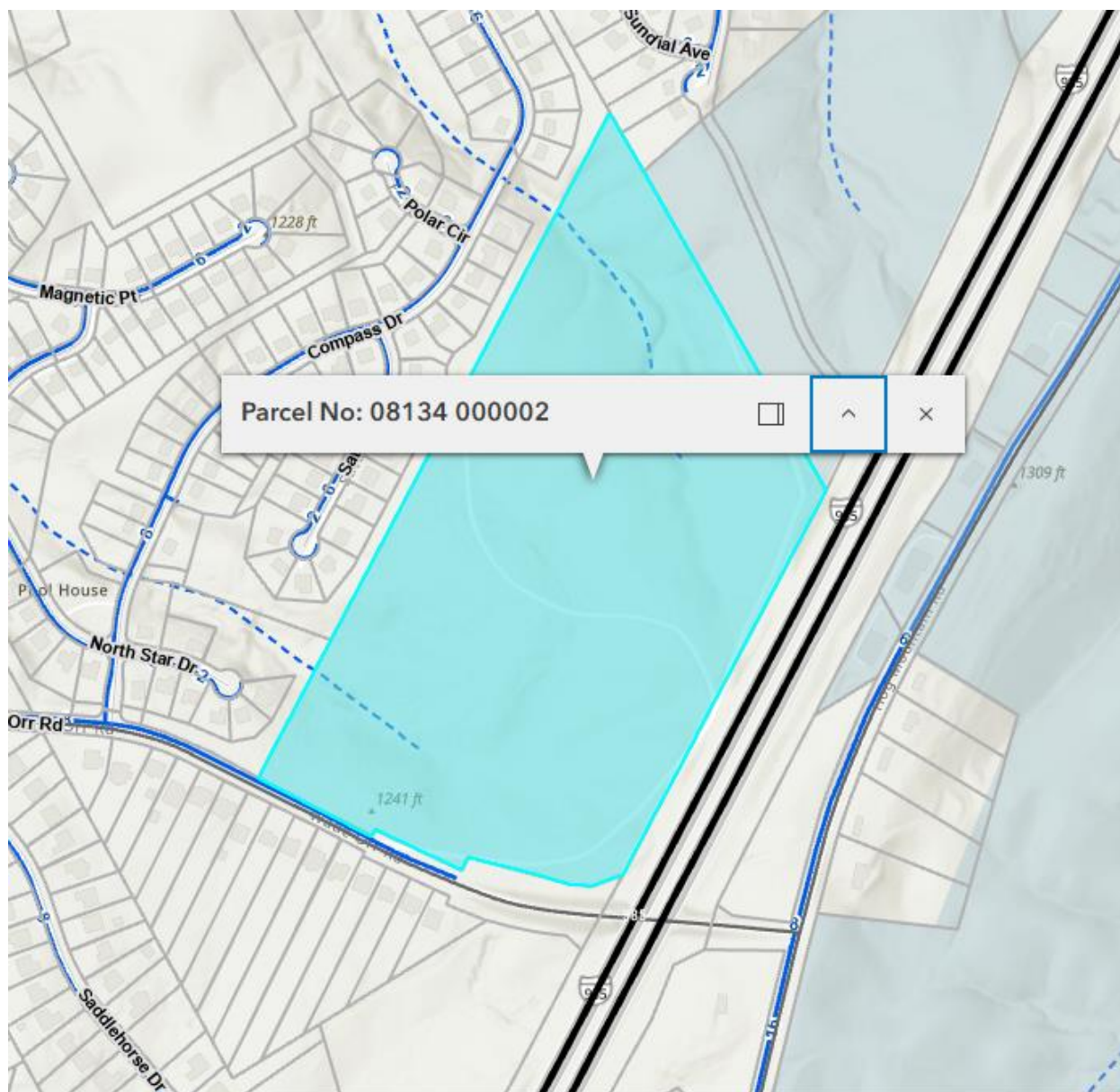


Exhibit "B"

LEGAL DESCRIPTION

All that tract or parcel of land lying and being in Land Lot 134 of the 8th district, City of Flowery Branch, Hall County, Georgia and being more particularly described as follows:

Beginning at a ½" rebar found at the intersection of a line common to Land Lots 116 and 134 of the 8th District, Hall County, Georgia with the western right of way line of Interstate Highway 985 (having an apparent variable width right of way) and thence leaving said point and running with the said right of way line of Interstate Highway 985

1. South 26° 51' 19" West, 1466.72 feet to a point found at the mitered intersection of the said right of way line of Interstate Highway 985 with the northern right of way line of Wade Orr Road (having an apparent variable width right of way); thence, leaving the said right of way of Interstate Highway 985 and running with the said right of way line of Wade Orr Road
2. South 67° 35' 45" West, 112.94 feet to a point; thence,
3. 439.34 feet along the arc of a curve deflecting to the right and having a radius of 1250.00 feet and a chord bearing and distance of North 78° 03' 04" West, 437.08 feet to a point; thence,
4. South 23° 53' 55" West, 49.97 feet to a point; thence,
5. North 66° 14' 52" West, 328.24 feet to a point; thence,
6. South 23° 45' 08" West, 23.00 feet to a point; thence,
7. North 63° 55' 44" West, 428.69 feet to a point; thence, leaving the said right of way line of Wade Orr road
8. North 26° 48' 07" East, 2567.13 feet to a ½" rebar found on the said line common to Land Lots 116 and 134; thence, running with the said line common to Land Lots 116 and 134
9. South 30° 19' 30" East, 218.50 feet to a ½" rebar found; thence,
10. South 30° 21' 41" East, 1289.65 feet to a ½" rebar found at the intersection of the said line common to Land Lots 116 and 134 with the said right of way line of Interstate Highway 985 and the point of beginning, containing 2,613,509 square feet or 59.9979 acres of land, more or less.

The herein described tract or parcel of land is subject to all rights of way and easements, both recorded and unrecorded.



Memorandum

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

From: Planning and Community Development

Date: October 2nd, 2025

Subject: Consideration to Accept the Master Plan

Applicant: Outrigger Industrial
12600 Deerfield Pkwy, Suite 100
Alpharetta, GA 30004
404-317-7438

Existing Zoning: M-1, Manufacturing & Industrial, Light

Location: 6167 Wade Orr Road, Flowery Branch, GA 30542, tax map parcel #08134 000002, totaling 60.41 +/-

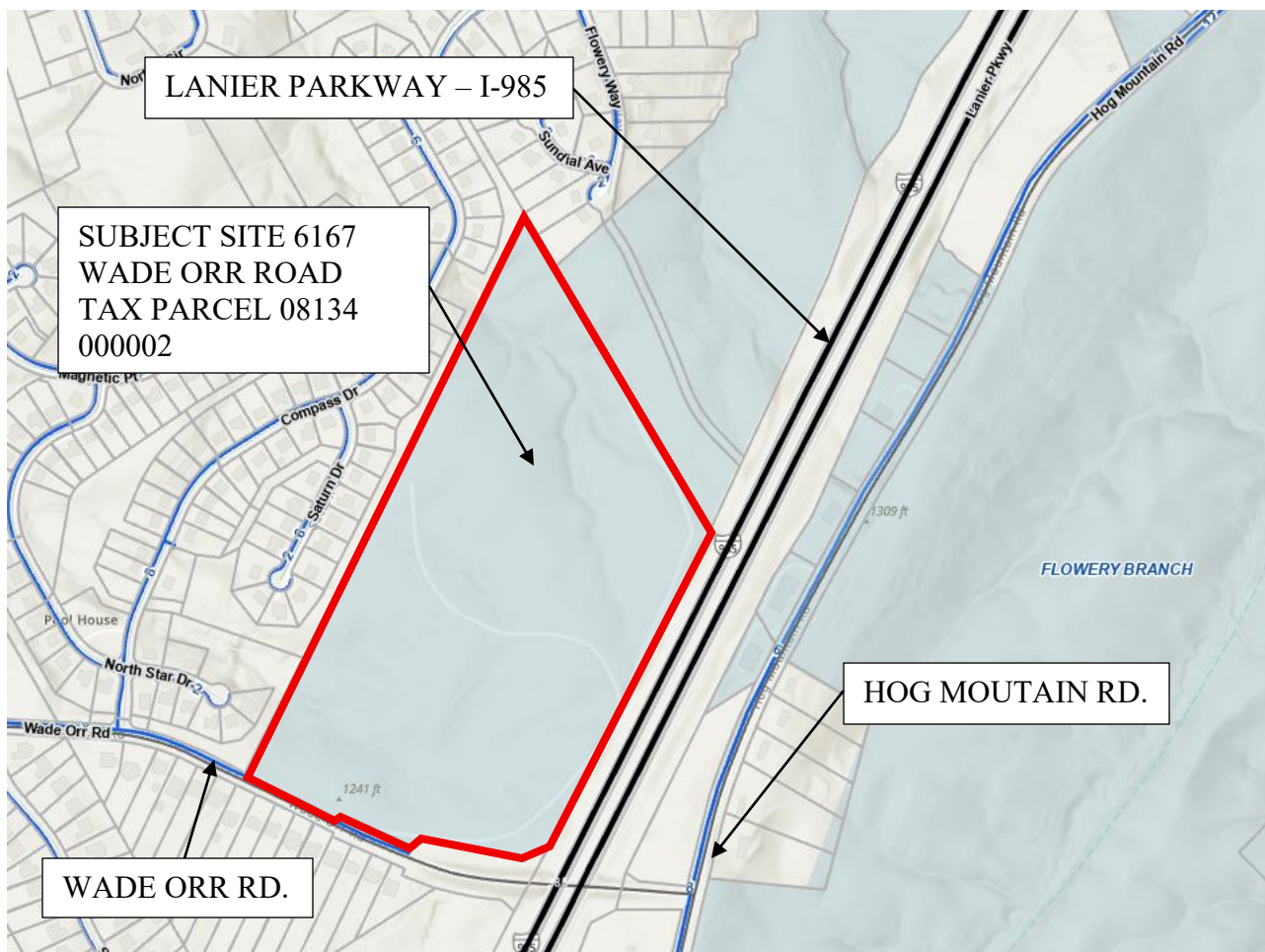
Proposed Action:

The applicant is requesting approval of a master plan for the construction of an industrial development containing two warehouses, one totaling 226,800 SF and the second totaling 346,410SF, along with associated parking, truck court, truck terminals, and detention ponds. Council acceptance of the master plan is a condition of Ordinance 503, adopted on October 16th, 2014, which established a rezoning of the parcel from Hall County AR-III – Agricultural Residential to Flowery Branch M-1 – Manufacturing & Industrial, Light.



Location Map:

The subject parcel is located on Wade Orr Rd. and borders I-985 to the east and residential subdivisions to the north and west.





REZONING CONDITIONS

1. Rear Building Setback

The minimum rear building setback abutting any residential district within or outside of the City of Flowery Branch will include a 60' setback. This will include a 50' natural buffer as part of the 60' setback.

2. Master Site Plan

No land disturbance or building permit will be issued without the acceptance by City Council of a comprehensive master site plan.

3. Traffic Impact Studies

In order to issue a land disturbance or building permit, a traffic impact study shall be required to determine the most appropriate road improvements, including driveway locations, and as a basis for determining improvements required to the road system. Prior to development approval, additional road right-of-way for a local road or frontage road may be needed at intersections or at other locations fronting the property where turning lanes, storage lanes, medians, or realignments are required for traffic safety, and where the existing right-of-way would be inadequate to accommodate the road, drainage, and utility, and other improvements necessitated by the development.

4. Access

Excepting local deliveries, signage will direct truck traffic to utilize Hog Mountain Road for access to Interstate I-985 from Wade Orr Road.

5. Land Uses

Land uses identified within Article 9 Table 9.1 M-1 shall be permitted as indicated within the table and as subject to any necessary Conditional Use Permit or development standards, except that the following uses shall not be permitted uses within the M-1 (Manufacturing & Industrial) designation.

Cemetery or mausoleum
Cold storage plant or frozen food locker
Convenience store, with or without gasoline pumps
Crematorium in conjunction with a funeral home or mortuary (Ord. 348-13)
Distribution center, including truck terminals
Fairgrounds
Fuel oil distributor
Funeral Home or mortuary
Service and fuel-filling station
Tow service

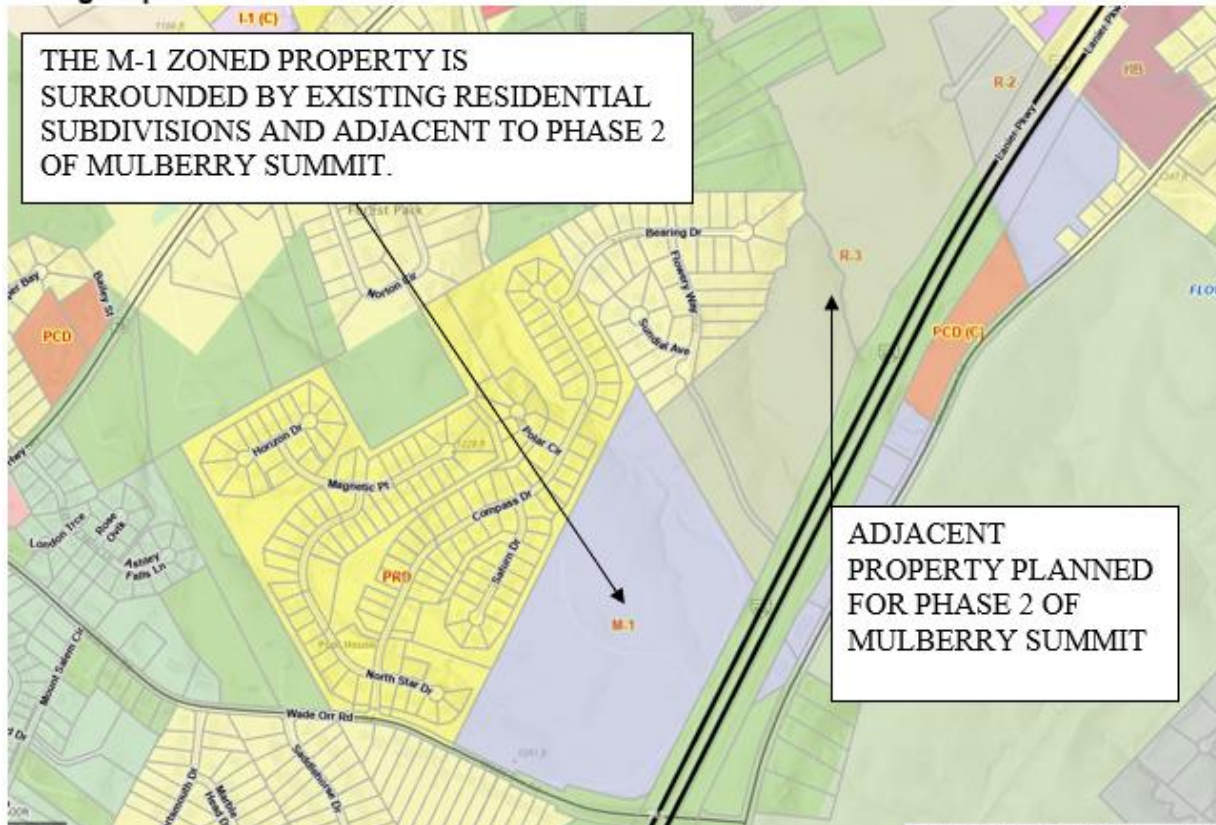
6. Adult Business

The owner shall prohibit Adult Business by private covenant which shall run with the land.



Zoning Map:

The parcel is currently zoned Flowery Branch M-1 – Manufacturing & Industrial, Light with surrounding parcels zoned R-3 – Residential Multi-family (Legacy), and R-1 – Residential Low Density. Surrounding unincorporated parcels are zoned Hall County PRD – Planned Residential Development, R-1 – Residential Single-family, and AR-1 – Agricultural Residential.



Legend

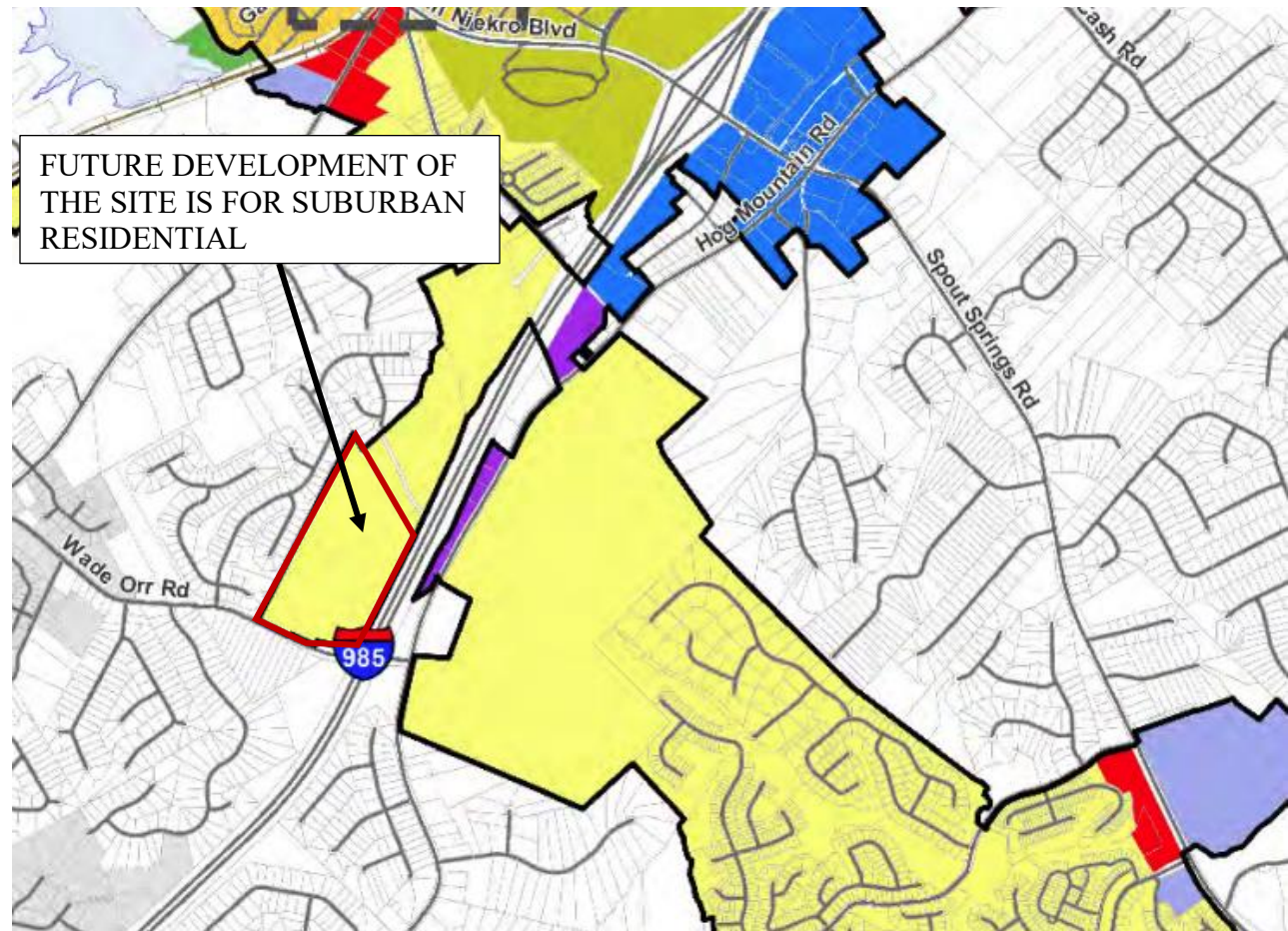
Zoning Districts

	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:

The Comprehensive Plan for the City of Flowery Branch establishes the area as Suburban Residential. The proposed industrial development does not fall in harmony with the criteria of the Suburban Residential Character Area.





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 be 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

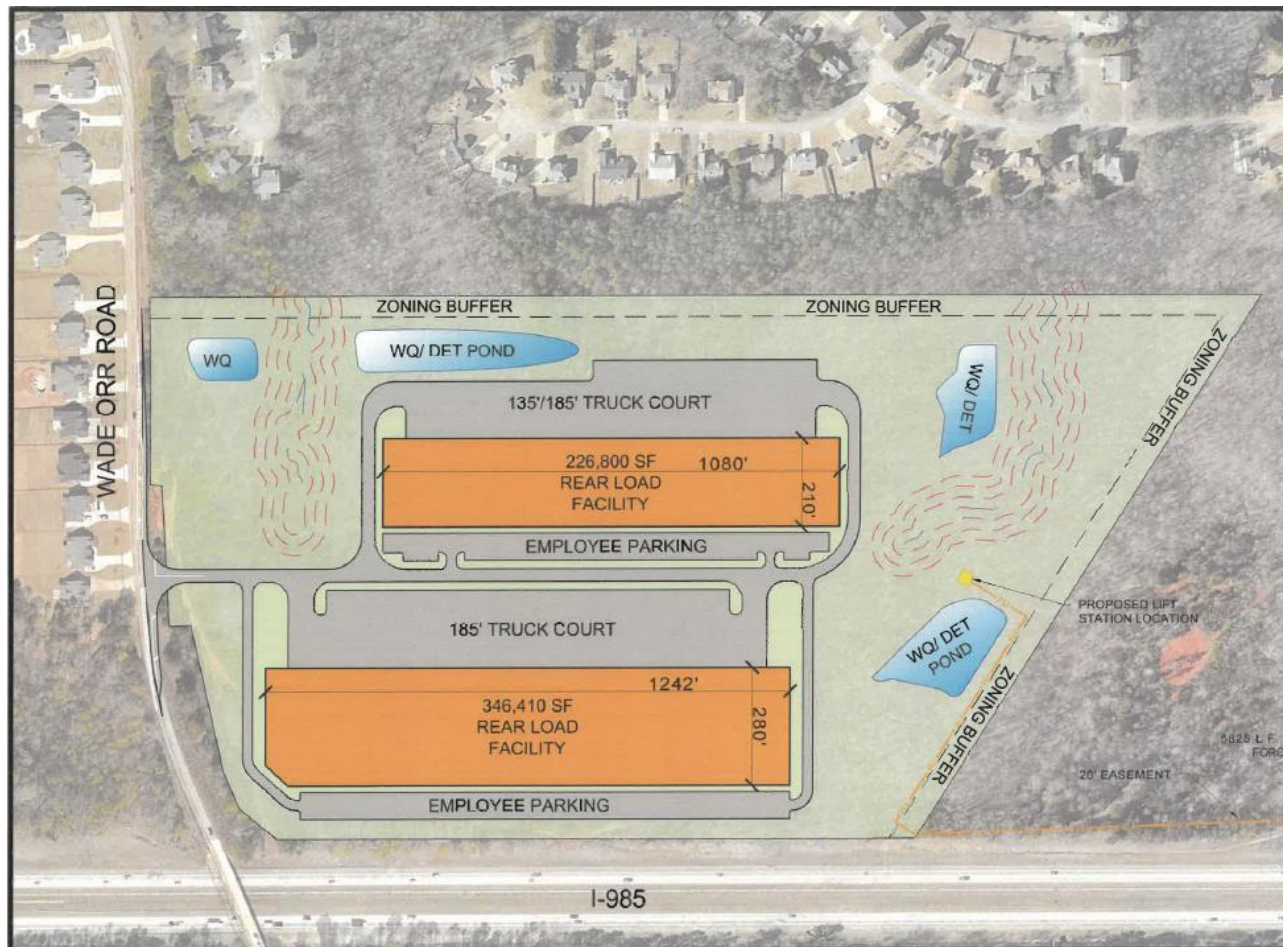
Illustrative Photos





Master Plan:

The applicant provided a master plan for the proposed industrial development. The site plan proposes two warehouses, one totaling 226,800 SF and another totaling 346,410 SF, along with associated parking, truck courts, truck terminals, and detention ponds. The site is largely wooded and contains multiple streams.





Use Analysis:

The rezoning of the property to M-1 under Ordinance No. 503 established a list of prohibited uses for the future development of the land within the established M-1 zoning designation under condition 5:

5. Land Uses

Land uses identified within Article 9 Table 9.1 M-1 shall be permitted as indicated within the table and as subject to any necessary Conditional Use Permit or development standards, except that the following uses shall not be permitted uses within the M-1 (Manufacturing & Industrial) designation.

Cemetery or mausoleum
Cold storage plant or frozen food locker
Convenience store, with or without gasoline pumps
Crematorium in conjunction with a funeral home or mortuary (Ord. 348-13)
Distribution center, including truck terminals
Fairgrounds
Fuel oil distributor
Funeral Home or mortuary
Service and fuel-filling station
Tow service

The conditions of rezoning prohibit the construction of a distribution center, including truck terminals. The applicant states the proposed use of warehousing is distinct from the prohibited “distribution center, including truck terminals” use. However, the definition of warehouse in the code also makes reference to truck terminals, as does the proposed site plan, calling into question the appropriateness of the proposed use. The following definitions are taken from the City of Flowery Branch Code of Ordinances:

Distribution center: A use where goods are received and/or stored for delivery to the ultimate customer at remote locations.

Truck terminal: A facility or premise for the receipt, transfer, short-term storage, and dispatching of goods transported by truck.

Warehouse: A use involving the storage of products, supplies, and equipment, and which typically involve truck or rail transportation to and from the site.



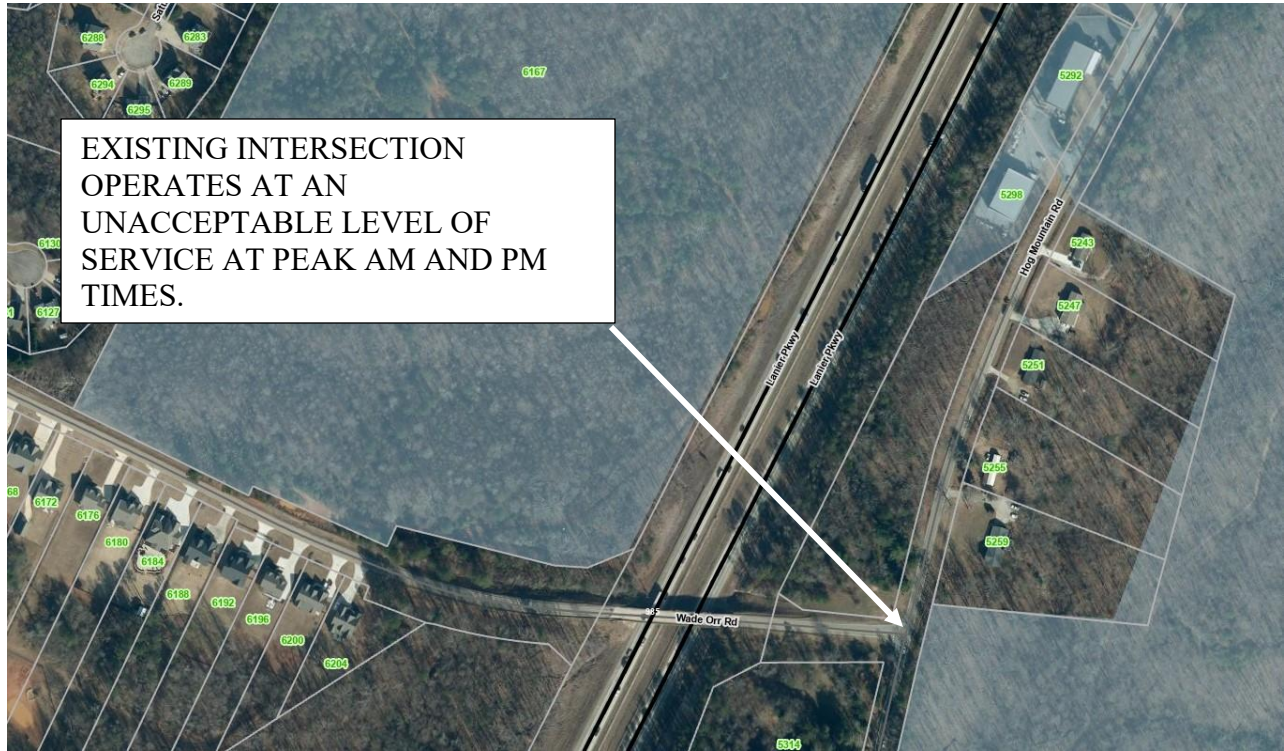
Transportation Assessment: Development Challenges

Developing a large distribution warehouse on the subject site, currently zoned M-1 Industrial & Manufacturing, Light, presents significant transportation challenges. Existing zoning conditions restrict all tractor-trailer traffic to the intersection of Wade Orr Road and Hog Mountain Road. A weight-limited bridge, located between the proposed development and this intersection, prohibits trucks with more than three axles to prevent structural damage and ensure the safety of passenger vehicles, as confirmed by GDOT District Traffic Engineer Jonathan Peevy, P.E.

Furthermore, the intersection of Wade Orr Road and Hog Mountain Road currently operates at unacceptable levels of service during peak AM and PM hours. Improvements would be necessary to mitigate worsening traffic conditions. The intersection falls within Hall County's right-of-way, and any modifications would require approval from the Hall County Transportation Department. According to Hall County Engineer Brent Cook, an all-way stop is not supported, though alternative solutions, such as a roundabout, could improve operational efficiency. However, implementing such improvements would necessitate acquiring additional right-of-way.

These constraints—restricted truck access due to the bridge's weight limit, poor intersection performance, and the need for costly right-of-way acquisition—pose significant barriers to developing a distribution warehouse. No straightforward solutions exist to accommodate tractor-trailer traffic for the proposed industrial development.







Traffic Impact Study:

The applicant provided a traffic impact study that provides analysis of peak AM and PM trips for the intersections located at Wade Orr Rd and Atlanta Hwy (SR-13) and Wade Orr Rd. and Hog Mountain Rd. along with the projected traffic at the proposed site driveway entrance. The tables provided below illustrate existing conditions (Table 2), projected conditions if the project is not constructed with applied growth rate (Table 3), and projected conditions with applied growth rate if the industrial development moves forward (Table 4).

Table 2: Existing Capacity Analysis

ID	Intersection	Control	Movement	AM		PM	
				LOS	Delay	LOS	Delay
1	Hog Mtn & Wade Orr Rd	Side Street Stop Control	NBL	A	7.8	A	8.3
			EB L/T/R	A	20.8	E	40.9
2	SR 13 & Wade Orr Rd	Signalized	Overall	A	9.8	B	11.6
			EB	B	10.3	B	13.9
			WB	B	10.5	B	13.2
			NB	A	9.1	B	10.9
			SB	A	9.4	A	9.4

Table 3: 2027 No-Build Capacity Analysis

ID	Intersection	Control	Movement	AM		PM	
				LOS	Delay	LOS	Delay
1	Hog Mtn & Wade Orr Rd	Side Street Stop Control	NBL	A	7.8	A	8.3
			EB L/T/R	C	22.2	E	47.7
2	SR 13 & Wade Orr Rd	Signalized	Overall	A	9.9	B	11.9
			EB	B	10.4	B	14.4
			WB	B	10.7	B	13.6
			NB	A	9.2	B	11.2
			SB	A	9.5	A	9.6



Table 4: 2027 Build Capacity Analysis

ID	Intersection	Control	Movement	AM		PM	
				LOS	Delay	LOS	Delay
1	Hog Mtn & Wade Orr Rd	Side Street Stop Control	NBL	A	7.9	A	8.4
			EB L/T/R	D	25.1	F	64.4
2	SR 13 & Wade Orr Rd	Signalized	Overall	B	10.2	B	12.5
			EB	B	10.5	B	15.1
			WB	B	10.9	B	14.9
			NB	A	9.7	B	11.4
			SB	A	9.8	A	10.0
3	Wade Orr Rd & Site Driveway	Driveway Stop Control	EB L	A	7.8	A	8.0
			EB L/R	B	10.8	B	12.8

The study concludes that the proposed industrial development at Wade Orr Rd. would generate a net total of 944 daily trips, with increases at peak AM and PM times. Furthermore, the study recognizes that there will be increased general growth in traffic in the area due to surrounding residential developments that will also have an impact on the intersections. While the projected Levels of Service (LOS) at the listed intersections are anticipated to remain consistent across the Build and No Build projections, the eastbound movement of traffic at the intersection of Hog Mountain Rd. and Wade Orr Rd. is projected to degrade from LOS D to LOS E during AM peak hours and from LOS E to LOS F during PM peak hours. The analysis concludes that improvements to the intersection may be necessary to mitigate the project's impact and recommends upgrading the intersection to an All-Way Stop Control. Such action could upgrade the intersection to LOS C if recommended improvements are made. As mentioned before, Hall County Engineering would not support an all-way stop control at this intersection.

The DRI findings summarized traffic concerns as well stating the following:

- The site is located in southern Flowery Branch, along Wade Orr Road and adjacent to I-985. There is no immediate access to I-985, however, as Wade Orr crosses over the highway. Freight traffic wishing to access the highway would need to travel along Wade Orr to either Hog Mountain Road (on the east side of I-985) or to SR 13/ Gainesville Hwy. to the west. Both of those roads travel north-south along the interstate and would offer connections to the interchanges at Exit 12 (Phil Niekro Blvd.) or Exit 8 (Lanier Islands Parkway).
- The proposed site plan shows one entry point along Wade Orr Road, currently positioned To be opposite a pair of residential driveways. Traffic analyses provided indicate a



projected 944 daily trips generated by the development, with peak hour traffic at roughly 92 AM and 95 PM trips. As a result, the study indicates improvements at the intersection of Wade Orr Road and Hog Mountain Road “*may be necessary.*”

- Traffic generation for this project is in line with comparable uses, but may be out of sorts for the Wade Road corridor, for which the only freight traffic is that end-destination delivery service. Should an industrial use be permitted for the location, additional measures designed to mitigate the heavier category of vehicles and additional congestion may be needed. The GMRC recommends additional access lanes and a lefthand turn lane at the project’s entry off Wade Orr Road, at a minimum. Additional measures at Gainesville Highway may also be needed. The GHMPO and GDOT should be consulted in these regards. Further, while the area does not currently employ sidewalks or trails and does not have a social or commercial destination within walking distance of the project site, the City may consider long-term plans for pedestrian infrastructure that would assist in minimizing traffic loading.

In conclusion, the submitted master plan does not incorporate many of the recommendations from GRMC in the DRI. The recommendations for the right turn lane and left turn lane cannot be confirmed from the scale of the provided master plan. It is not known at this time if the applicant has worked with GDOT as recommended by GRMC.



Hall County Opposition:

Hall County provided a letter of opposition to the project citing concerns regarding both traffic impacts as well as a lack of harmony with the surrounding residential land uses, stating that the proposed industrial development is significantly out of character with current zoning and land use, letter attached for reference.



POST OFFICE DRAWER 1435
GAINESVILLE, GA 30503

t: 770.531.6809 | f: 770.531.3902

PLANNING AND ZONING
DIRECTOR
Beth Garmon



Hall County Government

COMMUNITY DEVELOPMENT & INFRASTRUCTURE
PLANNING AND ZONING

To: Adam Hazell, Planning Director, GMRC

From: Beth Garmon, Director of Planning & Zoning

Date: June 23, 2025

Subject: DRI #4468 – 6167 Wade Orr Road, Flowery Branch
Development of two industrial warehouses

On June 3, Hall County received notice of a Development of Regional Impact (DRI) for 6167 Wade Orr Road, located within the city limits of Flowery Branch. The property is zoned Light Industrial (M-1), and the proposed development does not require any zoning action.

This project appears to be significantly out of character for this area based on current zoning and existing development. The surrounding properties are zoned and developed predominantly for single-family residential use. Although the subject property is adjacent to Lanier Parkway/I-985, there is no direct access to the interstate from Wade Orr Road. Wade Orr Road is currently maintained by Hall County and exclusively serves residentially-zoned properties. The M-1 zoning appears to date back to 2014, with the 60 acre tract being part of a larger annexation/rezoning request. No specific site plan was included with that project.

Along with this memo, please find the following documents:

1. Screenshot of current zoning map
2. Screenshot of Hall County Future Land Use map

Thank you for the opportunity to review the proposal and provide comments.

Beth Garmon
Director of Planning & Zoning
Hall County



Environmental Challenges for Developing a ~60-Acre Industrial Warehouse

Developing a ~60-acre industrial warehouse presents multiple environmental challenges that must be addressed to comply with regulations, minimize ecological impacts, and ensure sustainable development. Below is an analysis of key challenges, tailored to the context of the site and its potential development as an M-1 Industrial use.

1. Stream and Wetland Impacts

- **Challenge:** The presence of multiple streams on the site likely indicates jurisdictional waters regulated under the Clean Water Act (CWA) Section 404 by the U.S. Army Corps of Engineers (USACE) and state environmental agencies (e.g., Georgia Environmental Protection Division (EPD)). Construction activities, such as grading, filling, or redirecting streams, could degrade or destroy these aquatic resources.
- **Implications:**
 - A delineation study is required to identify the extent of streams, wetlands, and their buffers.
 - Any impacts to streams or wetlands require a Section 404 permit from USACE and a corresponding Section 401 water quality certification from the state.
 - Mitigation (e.g., stream restoration or off-site compensation) may be required, increasing project costs and timelines.
- **Industrial vs. Residential:** Industrial development typically involves larger impervious surfaces (e.g., warehouses, parking lots), increasing the risk of stream degradation compared to residential development, which may incorporate green spaces or lower-density layouts.

2. Stormwater Management and Water Quality

- **Challenge:** A 60-acre industrial warehouse would generate significant impervious surfaces, increasing stormwater runoff and the risk of water quality degradation in streams.
- **Implications:**
 - Runoff may carry pollutants (e.g., oils, heavy metals from trucks) into streams, violating National Pollutant Discharge Elimination System (NPDES) standards.



- Compliance with local stormwater ordinances and Georgia’s Erosion and Sedimentation Act requires robust stormwater management plans, including detention ponds, bioswales, or permeable pavements.
- Streams may be sensitive to increased runoff volume, leading to erosion, sedimentation, and habitat loss for aquatic species.
- **Industrial vs. Residential:** Residential development typically produces less intense runoff due to smaller impervious areas and landscaping requirements, potentially reducing water quality impacts.

3. Floodplain and Hydrologic Impacts

- Challenge: Streams on the site may be associated with floodplains, regulated under FEMA’s National Flood Insurance Program and local floodplain ordinances.
- Implications:
 - Development within or near floodplains requires a Floodplain Development Permit and adherence to elevation or flood-proofing standards.
 - Altering stream channels or floodplains could increase flood risks downstream, necessitating costly hydrologic studies and mitigation measures.
 - Industrial facilities may require larger land disturbances, increasing the likelihood of floodplain encroachment compared to residential layouts designed to avoid flood zones.
- **Industrial vs. Residential:** Residential zoning (e.g., R-2) may allow for cluster development that preserves floodplains as open space, whereas industrial development often requires extensive land clearing.

4. Habitat and Biodiversity Impacts

- Challenge: Streams and their riparian zones likely support diverse flora and fauna, including protected species under the Endangered Species Act (ESA) or state regulations.
- Implications:
 - A biological assessment may be required to identify protected species (e.g., fish, amphibians, or plants) in or near the streams.
 - Disturbance to habitats could trigger consultation with the U.S. Fish and Wildlife Service or state agencies, potentially requiring habitat restoration or mitigation.



- Industrial activities, such as noise, lighting, and chemical runoff, pose greater risks to aquatic and terrestrial ecosystems than residential uses.
- **Industrial vs. Residential:** Residential development may integrate greenways or conservation areas to protect habitats, whereas industrial warehouses typically prioritize maximized land use, increasing ecological disruption.

5. Erosion and Sedimentation Control

- **Challenge:** Construction on a 60-acre site with streams increases the risk of erosion and sedimentation, particularly during land disturbance activities.
- **Implications:**
 - Compliance with Georgia's Erosion and Sedimentation Act requires a detailed erosion control plan, including silt fences, sediment basins, and regular inspections.
 - Failure to control sedimentation can harm stream ecosystems, violate water quality standards, and result in fines or project delays.
 - Industrial construction, with larger disturbed areas, may pose higher erosion risks than residential development with phased or smaller-scale grading.
- **Industrial vs. Residential:** Residential projects may incorporate landscaping and vegetative buffers earlier in development, reducing erosion compared to industrial sites with extensive impervious surfaces.

6. Contamination Risks from Industrial Activities

- **Challenge:** Industrial warehouse operations (e.g., storage, distribution) may involve hazardous materials, increasing the risk of spills or leaks into streams.
- **Implications:**
 - A Phase I Environmental Site Assessment is needed to evaluate past industrial uses and potential contamination (e.g., from prior M-1 zoning activities).
 - Ongoing operations require spill prevention and response plans under EPA's Spill Prevention, Control, and Countermeasure (SPCC) regulations.
 - Contamination risks could degrade stream water quality, affecting downstream communities and ecosystems.
- **Industrial vs. Residential:** Residential development poses minimal contamination risks, as it typically involves fewer hazardous materials than industrial operations.

7. Regulatory and Permitting Delays



- Challenge: The presence of streams triggers multiple environmental regulations, leading to complex permitting processes.
- Implications:
 - Federal, state, and local permits (e.g., CWA Section 404, NPDES, floodplain permits) require extensive documentation, public comment periods, and agency reviews, potentially delaying the project by months or years.
 - Industrial projects may face stricter scrutiny due to their environmental footprint compared to residential developments, which are often viewed as less impactful.
- **Industrial vs. Residential:** Residential rezoning (e.g., to R-2) may streamline permitting by aligning with the Comprehensive Plan's Suburban Residential Character Area, reducing regulatory conflicts.

Mitigation Strategies

To address these challenges, the following measures could be implemented:

- Stream Buffers: Maintain or expand undisturbed vegetative buffers (e.g., 25-50 feet) to protect streams and reduce runoff.
- Low-Impact Development (LID): Use permeable pavements, rain gardens, or green roofs to minimize impervious surfaces and manage stormwater.
- Erosion Control: Implement robust erosion control measures during construction, such as silt fences and sediment traps.
- Habitat Preservation: Designate stream corridors as conservation areas or greenways to protect biodiversity.
- Floodplain Avoidance: Site the warehouse (or residential units) outside floodplain boundaries to reduce flood risks and permitting requirements.

Industrial vs. Residential Development

Rezoning the site to R-2 Moderate Density Residential, as proposed in the context of the Comprehensive Plan's Suburban Residential Character Area, would likely reduce environmental challenges compared to industrial development:



- **Smaller Footprint:** Residential development typically involves less impervious surface area, reducing runoff and stream impacts.
- **Lower Pollution Risk:** Residential uses generate fewer hazardous materials, minimizing contamination risks to streams.
- **Compatibility with Comprehensive Plan:** Residential zoning aligns with the surrounding residential character and the Comprehensive Plan, potentially simplifying environmental permitting.
- **Community Benefits:** Residential projects can incorporate green spaces, trails, or parks along streams, enhancing ecological and public value.

Conclusion

Developing a 60-acre industrial warehouse on a site with multiple streams presents significant environmental challenges, including stream and wetland impacts, stormwater management, floodplain risks, habitat disruption, erosion, contamination, and permitting delays. These issues are compounded by the site's isolation and transportation constraints (e.g., weight-limited bridge, as noted in the prior transportation assessment). Rezoning to R-2 Residential would likely mitigate many of these challenges by reducing environmental impacts, aligning with the Comprehensive Plan, and better integrating with the surrounding residential context. Any development - industrial or residential—must include robust environmental studies, mitigation measures, and compliance with federal, state, and local regulations.

Recommendation:

Staff recommends **NOT TO ACCEPT** the proposed master plan for the subject parcel located at 6167 Wade Orr Road based on the analysis provided above in the staff report.

ORDINANCE NO. 760

AN ORDINANCE APPROVING A CHANGE IN CONDITIONS TO ORDINANCE 503, REZONING CONDITION 2. CONSIDER APPROVAL OF A MASTER SITE PLAN, ON A PARCEL OF REAL PROPERTY TOTALING 59+/- ACRES OWNED BY AMERICA'S HOME PLACE, INC., IDENTIFIED AS 6167 WADE ORR ROAD, TAX PARCEL # 08134 000002, AND AS SHOWN ON ATTACHED EXHIBIT "A", AND AS DESCRIBED ON ATTACHED EXHIBIT "B", ORDINANCE #503 FOR REFERENCE ON EXHIBIT "C" AND MASTER SITE PLAN ON EXHIBIT "D"; PROVIDING FOR SEVERABILITY, REPEALING CONFLICTING ORDINANCES, PROVIDING FOR AN EFFECTIVE DATE AND FOR ALL OTHER LAWFUL PURPOSES.

WHEREAS, America's Home Place, Inc. owns a parcel of land totaling 59+/- acres identified as Parcel Tax Parcel #08134 000002, as shown on Exhibit "A" and described in Exhibit "B"; and

WHEREAS, the subject property is subject to the Conditions of rezoning Ordinance 503, thus requiring a Change in Conditions in order to satisfy Condition 2 by consideration of approval of a Master Site Plan; and

WHEREAS, Outrigger Industrial, has submitted to the City Council of Flowery Branch, Georgia, a written and signed application requesting a Change in Conditions for the consideration of a Master Site Plan per Condition 2 of Ordinance 503; and

WHEREAS, the City Council held a public hearing at the meeting of October 2nd, 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 Change in Conditions 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 CHANGE IN CONDITIONS AND LEGAL DESCRIPTIONS.

A Change in Condition to consider approval of a Master Site Plan is hereby granted for the subject parcel, as shown on Exhibit "A" and as described on Exhibit "B", Ordinance #503 for reference on Exhibit "C" and Master Site Plan on Exhibit "D". Said Exhibits are incorporated by reference as if fully set forth herein.

SECTION 3. SEVERABILITY.

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

SECTION 4. EFFECTIVE DATE.

The effective date of this Ordinance shall be _____.

SECTION 5. REPEALER.

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

Approved this _____ day of _____, 2025.

Edward R. Asbridge, Mayor

ATTEST:

Shelia R. Cooper, City Clerk

APPROVED AS TO FORM

Ted C. Baggett, City Attorney

Exhibit “A”

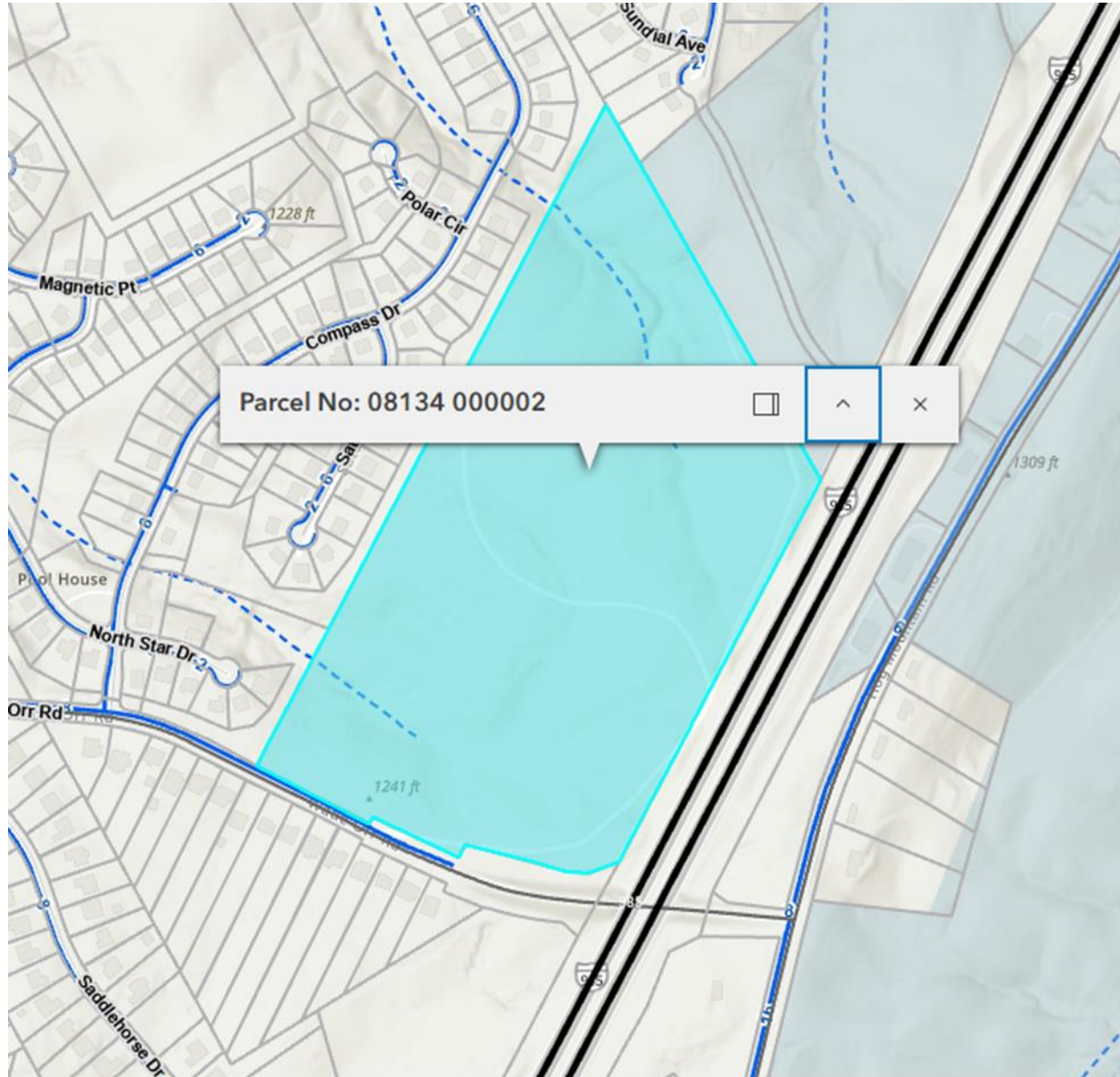


Exhibit "B"
Legal Description

All that tract or parcel of land lying and being in Land Lot 134 of the 8th district, City of Flowery Branch, Hall County, Georgia and being more particularly described as follows:

Beginning at a ½" rebar found at the intersection of a line common to Land Lots 116 and 134 of the 8th District, Hall County, Georgia with the western right of way line of Interstate Highway 985 (having an apparent variable width right of way) and thence leaving said point and running with the said right of way line of Interstate Highway 985

1. South 26° 51' 19" West, 1466.72 feet to a point found at the mitered intersection of the said right of way line of Interstate Highway 985 with the northern right of way line of Wade Orr Road (having an apparent variable width right of way); thence, leaving the said right of way of Interstate Highway 985 and running with the said right of way line of Wade Orr Road
2. South 67° 35' 45" West, 112.94 feet to a point; thence,
3. 439.34 feet along the arc of a curve deflecting to the right and having a radius of 1250.00 feet and a chord bearing and distance of North 78° 03' 04" West, 437.08 feet to a point; thence,
4. South 23° 53' 55" West, 49.97 feet to a point; thence,
5. North 66° 14' 52" West, 328.24 feet to a point; thence,
6. South 23° 45' 08" West, 23.00 feet to a point; thence,
7. North 63° 55' 44" West, 428.69 feet to a point; thence, leaving the said right of way line of Wade Orr road
8. North 26° 48' 07" East, 2567.13 feet to a ½" rebar found on the said line common to Land Lots 116 and 134; thence, running with the said line common to Land Lots 116 and 134
9. South 30° 19' 30" East, 218.50 feet to a ½" rebar found; thence,
10. South 30° 21' 41" East, 1269.65 feet to a ½" rebar found at the intersection of the said line common to Land Lots 116 and 134 with the said right of way line of Interstate Highway 985 and the point of beginning, containing 2,613,509 square feet or 59.9979 acres of land, more or less.

The herein described tract or parcel of land is subject to all rights of way and easements, both recorded and unrecorded.

Exhibit “C”
Reference to Ordinance 503

Public Hearing Published	9/16/14	First Reading	10/2/14
Public Hearing	10/2/14	Adopted	

ORDINANCE NO. 503

AN ORDINANCE AMENDING THE ZONING MAP OF THE CITY OF FLOWERY BRANCH, GEORGIA, BY ZONING A PARCEL OF REAL PROPERTY OWNED BY AMERICA’S HOMEPLACE INC., BEING 93.22± ACRES IDENTIFIED AS PARCEL TAX IDENTIFICATION NO. 08117-000002 (6167 WADE ORR ROAD), AS SHOWN ON THE BOUNDARY SURVEY ATTACHED AS EXHIBIT “A” AND AS DESCRIBED ON ATTACHED AS EXHIBIT “B”, FROM AR-III (AGRICULTURAL RESIDENTIAL) TO M-1 (LIGHT MANUFACTURING AND INDUSTRIAL); PROVIDING FOR FINDINGS, SEVERABILITY, REPEALING CONFLICTING ORDINANCES, AND FOR ALL OTHER LAWFUL PURPOSES.

WHEREAS, America’s Home Place, Inc., owns all that tract or parcel of land totaling 9.78± acres identified as Parcel Tax Identification No. 08117-000002 (6167 Wade Orr Road), as shown on Exhibit “A”, and as described on Exhibit “B”; and

WHEREAS, the City Council of the City of Flowery Branch has considered the application of America’s Home Place, Inc. in conjunction with the standards set forth in Article 34 - Section 34.7 of Zoning Ordinance No. 348 of the City of Flowery Branch, Georgia; and

WHEREAS, the City Council held a public hearing at the meeting of October 2, 2014, 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 DOES HEREBY ORDAIN AS FOLLOWS:

SECTION 1. FINDINGS.

The City Council finds that the proposed rezoning from AR-III (Agricultural Residential) to M-1 (Light Manufacturing and Industrial) is consistent with the adopted standards for governing the exercise of the zoning power consistent with O.C.G.A. § 36-66-5 and requirements of the Zoning Ordinance as identified below.

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

Ordinance No. 503
Page 2 of 6

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

SECTION 2. LEGAL DESCRIPTION AND CONDITIONS.

The rezoning of the subject parcel, as shown on Exhibit “A” and as legally described in Exhibit “B”, from AR-III (Agricultural Residential) to M-1 (Light Manufacturing and Industrial). Conditions are attached as Exhibit “C.” 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.

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Page 3 of 6

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

SECTION 6. REPEALER.

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

Adopted this 16th day of October 2014.


James M. Miller, Mayor

ATTEST

Melissa McCain, City Clerk

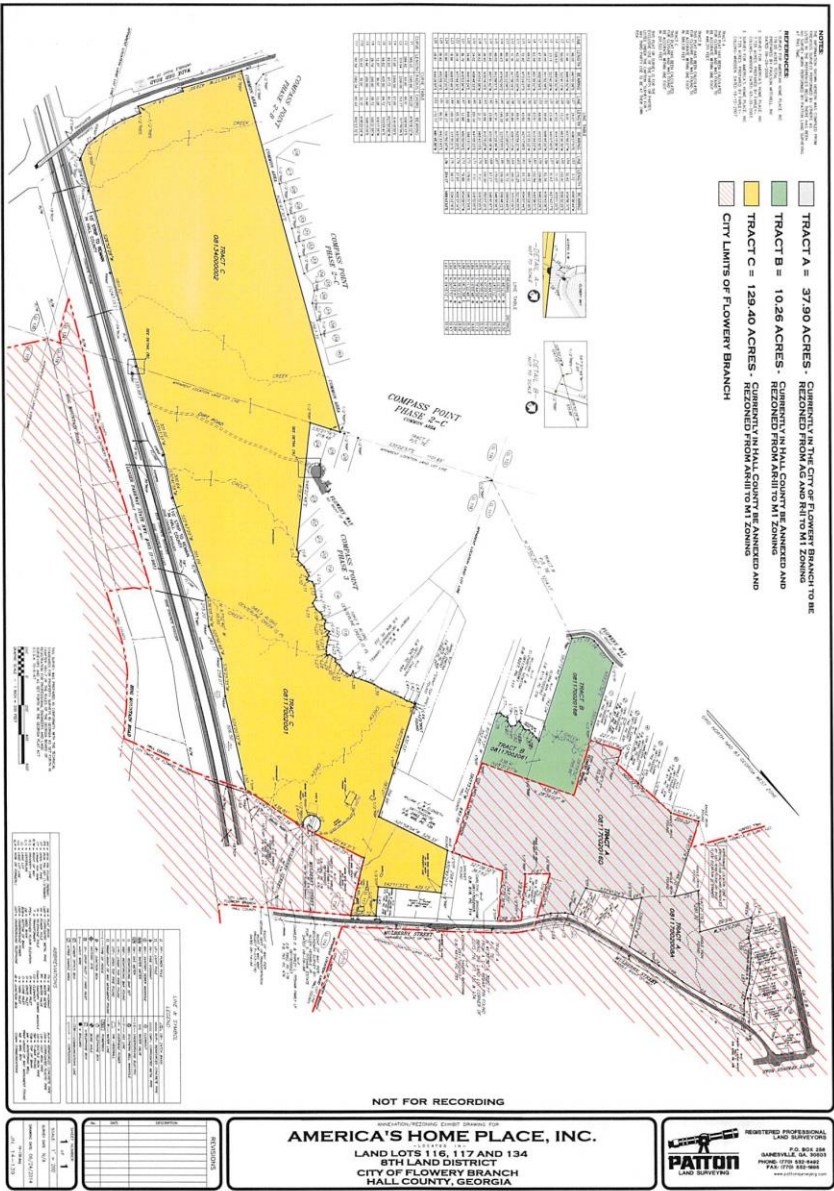
APPROVED AS TO FORM

E. Ronald Bennett, Jr., City Attorney



Ordinance No. 503
Page 4 of 6

EXHIBIT "A"



Ordinance No. 503
Page 5 of 6

EXHIBIT "B"
LEGAL DESCRIPTION

L E G A L D E S C R I P T I O N
TAX PARCEL 08 134 000 002

All that tract or parcel of land lying and being in Land Lots 116 and 134, 8th Land District, Hall County, Georgia.

To locate the POINT OF BEGINNING commence at a 1/2 inch rebar found and being the Land Lot Corner of Land Lots 116, 117 and 134 of the 8th Land District. Proceed Thence South 30 degrees 22 minutes 57 seconds East for a distance of 1,101.65 feet to a 1/2 inch rebar pin found and said point being the POINT OF BEGINNING.

Thence South 30 degrees 21 minutes 16 seconds East for a distance of 218.48 feet to a 1/2 inch rebar found;

Thence North 48 degrees 22 minutes 48 seconds East for a distance of 875.57 feet to a point located in the center of a creek;

Thence following along the center of the creek the following courses:

Thence North 11 degrees 52 minutes 38 seconds East for a distance of 26.55 feet to a point;

Thence North 50 degrees 18 minutes 59 seconds East for a distance of 47.92 feet to a point;

Thence North 01 degrees 30 minutes 02 seconds West for a distance of 62.59 feet to a point;

Thence North 13 degrees 27 minutes 39 seconds East for a distance of 69.62 feet to a point;

Thence North 73 degrees 24 minutes 27 seconds East for a distance of 32.42 feet to a point;

Thence North 28 degrees 33 minutes 29 seconds West for a distance of 42.32 feet to a point;

Thence North 17 degrees 38 minutes 29 seconds East for a distance of 31.76 feet to a point;

Thence North 32 degrees 22 minutes 06 seconds East for a distance of 80.36 feet to a point;

Thence North 74 degrees 02 minutes 00 seconds East for a distance of 46.63 feet to a point;

Thence North 12 degrees 58 minutes 57 seconds East for a distance of 49.55 feet to a point;

Thence North 07 degrees 31 minutes 42 seconds West for a distance of 50.45 feet to a point;

Thence North 30 degrees 16 minutes 15 seconds East for a distance of 26.90 feet to a point;

Thence North 10 degrees 19 minutes 38 seconds West for a distance of 26.62 feet to a point;

Thence North 58 degrees 48 minutes 33 seconds East for a distance of 24.02 feet to a point;

Thence North 41 degrees 18 minutes 24 seconds East for a distance of 34.46 feet to a point;

Thence North 16 degrees 53 minutes 06 seconds West for a distance of 36.79 feet to a point;

Thence North 77 degrees 44 minutes 30 seconds East for a distance of 26.19 feet to a point;

Thence North 06 degrees 55 minutes 46 seconds East for a distance
of 19.96 feet to a point;
Thence North 58 degrees 22 minutes 20 seconds East for a distance
of 32.80 feet to a point;
Thence North 52 degrees 55 minutes 19 seconds East for a distance
of 39.42 feet to a point;
Thence North 44 degrees 28 minutes 57 seconds East for a distance
of 28.81 feet to a point;
Thence North 38 degrees 27 minutes 51 seconds East for a distance
of 25.07 feet to a point;
Thence North 37 degrees 56 minutes 27 seconds West for a distance
of 8.01 feet to a point;
Thence North 72 degrees 30 minutes 52 seconds East for a distance
of 15.41 feet to a point;
Thence South 38 degrees 08 minutes 07 seconds East for a distance
of 28.24 feet to a point;
Thence South 18 degrees 38 minutes 28 seconds East for a distance
of 33.56 feet to a point;
Thence South 59 degrees 25 minutes 35 seconds East for a distance
of 22.52 feet to a point;
Thence South 31 degrees 02 minutes 20 seconds East for a distance
of 18.16 feet to a point;
Thence South 69 degrees 23 minutes 50 seconds East for a distance
of 17.67 feet to a point;
Thence South 17 degrees 03 minutes 17 seconds East for a distance
of 14.38 feet to a point;
Thence South 21 degrees 43 minutes 34 seconds West for a distance
of 17.64 feet to a point;
Thence South 39 degrees 27 minutes 04 seconds East for a distance
of 46.23 feet to a point;
Thence South 29 degrees 51 minutes 56 seconds East for a distance
of 74.63 feet to a point;
Thence South 36 degrees 39 minutes 10 seconds East for a distance
of 20.48 feet to a point;
Thence South 38 degrees 01 minutes 12 seconds West for a distance
of 34.00 feet to a point;
Thence South 47 degrees 38 minutes 44 seconds East for a distance
of 36.33 feet to a point;
Thence South 03 degrees 50 minutes 43 seconds East for a distance
of 19.33 feet to a point;
Thence South 51 degrees 14 minutes 54 seconds East for a distance
of 17.91 feet to a point;
Thence South 01 degrees 36 minutes 22 seconds West for a distance
of 12.52 feet to a point;
Thence South 65 degrees 46 minutes 21 seconds East for a distance
of 42.53 feet to a point;
Thence South 30 degrees 51 minutes 12 seconds East for a distance
of 43.14 feet to a point;
Thence South 46 degrees 29 minutes 00 seconds East for a distance
of 16.99 feet to a point;
Thence South 09 degrees 28 minutes 59 seconds West for a distance
of 50.94 feet to a point;
Thence South 38 degrees 56 minutes 17 seconds West for a distance
of 43.68 feet to a point;
Thence South 02 degrees 49 minutes 30 seconds West for a distance
of 47.85 feet to a point;

Thence South 53 degrees 55 minutes 53 seconds East for a distance of 19.52 feet to a point;
Thence South 18 degrees 13 minutes 00 seconds East for a distance of 24.02 feet to a point;
Thence South 08 degrees 38 minutes 48 seconds East for a distance of 46.67 feet to a point;
Thence South 09 degrees 42 minutes 00 seconds West for a distance of 42.55 feet to a point;
Thence South 75 degrees 33 minutes 09 seconds East for a distance of 22.10 feet to a point;
Thence South 21 degrees 31 minutes 01 seconds East for a distance of 26.78 feet to a point;
Thence South 41 degrees 23 minutes 13 seconds East for a distance of 29.72 feet to a point;
Thence South 12 degrees 59 minutes 21 seconds East for a distance of 35.03 feet to a point;
Thence South 12 degrees 59 minutes 04 seconds West for a distance of 33.84 feet to a point;
Thence South 33 degrees 09 minutes 23 seconds East for a distance of 59.07 feet to a point;
Thence South 23 degrees 13 minutes 04 seconds East for a distance of 39.37 feet to a point;
Thence North 77 degrees 40 minutes 29 seconds East for a distance of 31.30 feet to a point located in the centerline of a creek and the western right of way of I-985, State Route No. 365, a/k/a Lanier Parkway (right of way varies);

Thence following along the right of way of I-985, State Route No. 365, a/k/a Lanier Parkway the following courses:

Thence South 36 degrees 05 minutes 29 seconds West for a distance of 38.36 feet to a point located in the centerline of a creek and the western right of way of I-985, State Route No. 365, A/K/A Lanier Parkway (right of way varies);

Thence leaving aforesaid road right of way the following courses:

Thence North 67 degrees 12 minutes 40 seconds West for a distance of 10.00 feet to a point;
Thence South 22 degrees 47 minutes 20 seconds West for a distance of 701.09 feet to a point;
Thence South 30 degrees 41 minutes 18 seconds West for a distance of 300.64 feet to a point;
Thence South 23 degrees 03 minutes 37 seconds West for a distance of 301.00 feet to a point;
Thence South 25 degrees 52 minutes 28 seconds West for a distance of 1811.52 feet to a point located on the northern right of way of Wade Orr Road (right of way varies);

Thence following along the northern right of way of Wade Orr Road the following courses:

Thence South 67 degrees 01 minutes 08 seconds West for a distance of 98.05 feet to a 1/2 inch rebar found;
Thence North 86 degrees 18 minutes 32 seconds West for a distance of 71.46 feet to a right of way monument found;
Thence along a curve to the right having a radius of 1045.94 feet and an arc length of 365.10 feet, being subtended by a chord

of North 76 degrees 18 minutes 32 seconds West for a distance of
363.25 feet to a 1/2 inch rebar set;

Thence South 23 degrees 41 minutes 13 seconds West for a distance
of 50.00 feet to a 1/2 inch rebar set;
Thence North 66 degrees 18 minutes 32 seconds West for a distance
of 328.53 feet to a point;
Thence South 23 degrees 41 minutes 28 seconds West for a distance
of 23.13 feet to a point;
Thence North 64 degrees 06 minutes 17 seconds West for a distance
of 429.60 feet to a 1/2 inch rebar found;

Thence leaving the right of way of Wade Orr Road the following courses:
Thence North 26 degrees 47 minutes 30 seconds East for a distance
of 2567.35 feet to a 1/2 inch rebar found and said point being the
POINT OF BEGINNING.

Together with and subject to covenants, easements, and
restrictions of record.

Said property contains 92.36 acres more or less.

Ordinance No. 503
Page 6 of 6

EXHIBIT "C"
CONDITIONS

REZONING CONDITIONS

1. Rear Building Setback

The minimum rear building setback abutting any residential district within or outside of the City of Flowery Branch will include a 60' setback. This will include a 50' natural buffer as part of the 60' setback.

2. Master Site Plan

No land disturbance or building permit will be issued without the acceptance by City Council of a comprehensive master site plan.

3. Traffic Impact Studies

In order to issue a land disturbance or building permit, a traffic impact study shall be required to determine the most appropriate road improvements, including driveway locations, and as a basis for determining improvements required to the road system. Prior to development approval, additional road right-of-way for a local road or frontage road may be needed at intersections or at other locations fronting the property where turning lanes, storage lanes, medians, or realignments are required for traffic safety, and where the existing right-of-way would be inadequate to accommodate the road, drainage, and utility, and other improvements necessitated by the development.

4. Access

Excepting local deliveries, signage will direct truck traffic to utilize Hog Mountain Road for access to Interstate I-985 from Wade Orr Road.

5. Land Uses

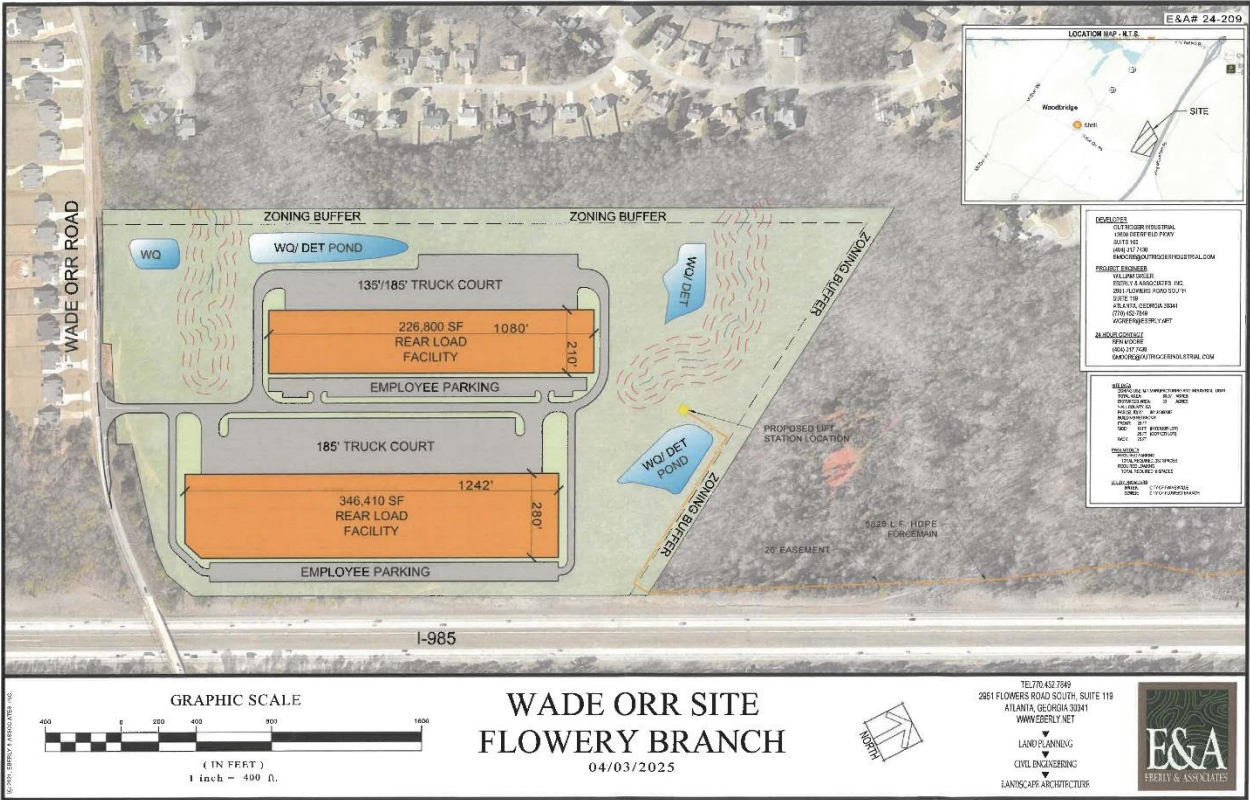
Land uses identified within Article 9 Table 9.1 M-1 shall be permitted as indicated within the table and as subject to any necessary Conditional Use Permit or development standards, except that the following uses shall not be permitted uses within the M-1 (Manufacturing & Industrial) designation.

Cemetery or mausoleum
Cold storage plant or frozen food locker
Convenience store, with or without gasoline pumps
Crematorium in conjunction with a funeral home or mortuary (Ord. 348-13)
Distribution center, including truck terminals
Fairgrounds
Fuel oil distributor
Funeral Home or mortuary
Service and fuel-filling station
Tow service

6. Adult Business

The owner shall prohibit Adult Business by private covenant which shall run with the land.

Exhibit “D”
Master Site Plan





DEVELOPER
OUTRIGGER INDUSTRIAL
12800 DEERFIELD PKWY
SUITE 100
(404) 317 7438
BMOORE@OUTRIGGERINDUSTRIAL.COM

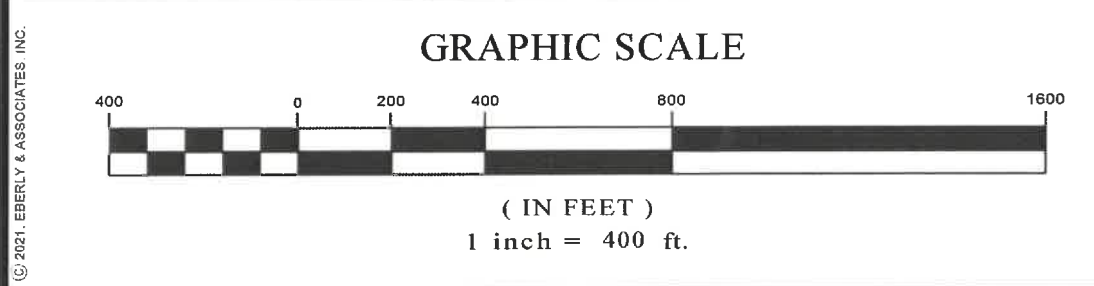
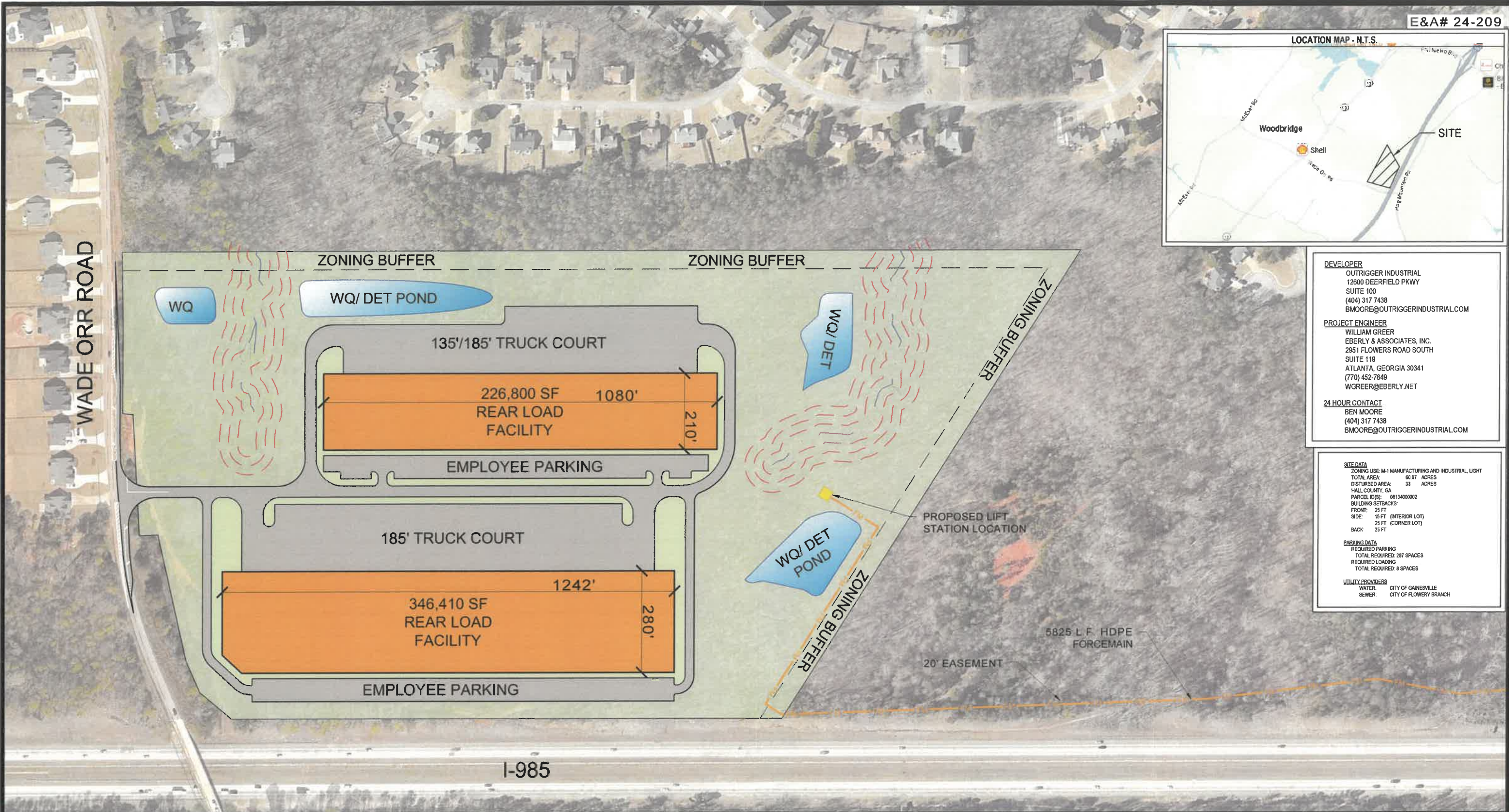
PROJECT ENGINEER
WILLIAM GREER
EBERLY & ASSOCIATES, INC.
2951 FLOWERS ROAD SOUTH
SUITE 119
ATLANTA, GEORGIA 30341
(770) 452-7849
WGREER@EBERLY.NET

24 HOUR CONTACT
BEN MOORE
(404) 317 7438
BMOORE@OUTRIGGERINDUSTRIAL.COM

SITE DATA
ZONING USE: M-1 MANUFACTURING AND INDUSTRIAL LIGHT
TOTAL AREA: 60.07 ACRES
DISTURBED AREA: 33 ACRES
HALL COUNTY, GA
PARCEL ID(S): 06134000002
BUILDING SETBACKS:
FRONT: 25 FT
SIDE: 15 FT (INTERIOR LOT)
25 FT (CORNER LOT)
BACK: 25 FT

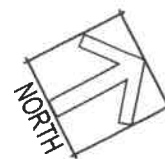
PARKING DATA
REQUIRED PARKING:
TOTAL REQUIRED: 287 SPACES
REQUIRED LOADING:
TOTAL REQUIRED: 8 SPACES

UTILITY PROVIDERS
WATER: CITY OF GAINESVILLE
SEWER: CITY OF FLOWERY BRANCH



WADE ORR SITE FLOWERY BRANCH

04/03/2025



TEL 770.452.7849
2951 FLOWERS ROAD SOUTH, SUITE 119
ATLANTA, GEORGIA 30341
WWW.EBERLY.NET

LAND PLANNING
CIVIL ENGINEERING
LANDSCAPE ARCHITECTURE





CITY OF FLOWERY BRANCH CITY COUNCIL

EXECUTIVE SUMMARY



SUBJECT: Second Amendment to Red Oak Agreement

DATE: October 2, 2025

COUNCIL ACTION REQUESTED ON: October 2, 2025

BUDGET INFORMATION:

N/A

PURPOSE: To renew the contract with Red Oak Sanitation, Inc. for the price for residents of the City of Flowery Branch.

HISTORY: On May 1, 2020, the City of Flowery Branch entered into an agreement with Red Oak Sanitation, Inc. for residential waste removal service, recycling, yard trimmings, and bulk items. The rate was \$12 per month per home for one can, \$6 per additional can, \$8 per cubic yard of yard waste that exceeds 1.5 cubic yards (7 bags or rolls) per week, and an additional charge of \$4 per month for recycling services. On July 1, 2022, the first amendment to that agreement was signed, which allowed for \$16 per month per home for one can, \$6 per additional can, \$25 per item for bulk pickup, and an additional \$8 per month for recycling.

FACTS & ISSUES: The current agreement expired in June 2025, but both parties wish to continue the agreement. By signing the second amendment, the same pricing will remain in effect. Red Oak Sanitation handles all billing, customer accounts, customer service, etc. The City of Flowery Branch simply negotiated the terms of the agreement stating that Red Oak would be the sole provider of sanitation removal for residential customers within the city limits as well as the pricing associated with the services being provided. The contract will renew annually as described in the agreement unless either party desires to terminate the contract and may do so with the provisions in the contract.

OPTIONS: 1) Sign the second amendment.
2) Do not sign the second amendment.

RECOMMENDED SAMPLE MOTION: I move to approve the second amendment to the residential waste services agreement with Red Oak Sanitation, Inc.

DEPARTMENT: Administration

PREPARED BY: Tonya Parrish, City Manager

SECOND AMENDMENT TO THE RESIDENTIAL WASTE SERVICES AGREEMENT BY AND
BETWEEN THE CITY OF FLOWERY BRANCH, GEORGIA AND RED OAK SANITATION, INC.

THIS SECOND AMENDMENT TO THE RESIDENTIAL WASTE SERVICES AGREEMENT BY
AND BETWEEN THE CITY OF FLOWERY BRANCH, GEORGIA AND RED OAK SANITATION, INC.
("Second "Amendment"), is made and entered into effective this ____ day of _____, 2025,
by and between the City of Flowery Branch, Georgia (hereinafter "City") and Red Oak
Sanitation, Inc., a Georgia Corporation, (hereinafter "Contractor").

WHEREAS, the City and Contractor entered into that certain residential waste
services agreement dated May 1, 2020 (the "Original Agreement") and the City and
Contractor amended the Original Agreement in writing effective July 1, 2022 to reflect
changes to certain terms (the "Original Agreement as First Amended"); and

WHEREAS, the City wishes to exercise its governmental powers to renew an exclusive
franchise for residential sanitation services with Contractor and Contractor wishes to
continue to provide said services to City residents.

NOW THEREFORE, the Original Agreement as First Amended is hereby amended as
follows:

1. Recitals. Each of the foregoing recitals and representations of this Amendment
form a material part of this Amendment and are incorporated herein by this
reference, and such recitals and representations and the Original Agreement as
First Amended are hereby ratified.
2. Term. The terms provisions of the Original Agreement as First Amended are hereby
deleted and replaced to read as follows: "The term of this Agreement shall be for
a period beginning on November 1, 2025 and ending on June 30, 2026. The
Agreement shall automatically renew on July 1, 2026 for a one-year term which
shall end on June 30, 2027. Thereafter, the Agreement shall automatically renew
for three (3) successive one-year terms which shall run concurrent with the City's
fiscal year. Any of the aforementioned one-year renewal periods shall not
automatically renew if either party provides written notice to the other in writing
within 60 days of the end of the then existing contract year of its determination not
to renew."
3. Termination. Either party may terminate the Agreement by providing 90 days
written notice to the other, provided that if the City determines that Contractor

cannot meet its obligations and that resulting emergency conditions make it necessary to exercise its governmental powers in order to protect the public health, welfare, and safety, it may do so notwithstanding any written notice of termination to Contractor.

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

IN WITNESS WHEREOF, City and Contractor have carefully read and reviewed this Amendment and each term and provisions contained herein, and by the execution of this Amendment shows their informed and voluntary consent thereto. The parties hereby agree that, at the time this Amendment is executed, the terms of this Amendment are commercially reasonable and effectuate the intent and purpose of City and Contractor with respect to residential waste services.

This amendment may be executed in two or more counterparts, each of which shall be deemed an original, but all of which together shall constitute one and the same instrument.

The undersigned hereby acknowledge they possess the authority to bind the respective parties to this Amendment.

This ____ day of _____, 2025.

CITY OF FLOWERY BRANCH, GEORGIA

By: _____
Ed Asbridge, Mayor

ATTEST:

Shelia Copper, City Clerk

APPROVED AS TO FORM:

Ted Baggett, City Attorney

CONTRACTOR: RED OAK SANITATION, INC.

By: Sheryl Lynn Luce

Printed Name: Sheryl Lynn Luce

Title: CEO

Date: 9/26/2025



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



Call Work Session to Order:

Mayor Asbridge called the meeting to order at 6:05 p.m.

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

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

Absent: City Manager Tonya Parrish

Pledge of Allegiance:

Mayor Asbridge led the Pledge of Allegiance.

Adoption of Agenda:

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

Motion: Chris Mundy
Second: William McDaniel
Ayes: Joe Anglin, Oliver McClellan, William McDaniel, Joseph Mezzanotte, Chris Mundy
Nays: None
Result: Motion carried

Awards & Recognitions: There were no awards or recognitions.

Public Hearing:

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

Director McCrary presented a consideration of Ordinance 761 and Ordinance 762 for McEver Road and Gaines Ferry Road Convenience Store Conditional Use Permit. The applicant is applying for a required Conditional Use Permit to develop a convenience store

in HB – Highway Business and a concurrent variance to allow a gas canopy and pumps in the front of the structure. The site plan proposes a 6,900-square foot building that will contain a 4,200-square foot convenience store, 1,200-square foot drive-thru restaurant, and a 1,500-square foot unit with no use designation on the plans. The site plan also includes a gas canopy in front of the building. Included in the site plan is an area labeled as the Boat Washing Area. Detention is proposed to be provided with an underground detention system. Staff recommends denial of the Variance Request due to the applicant's inability to demonstrate hardships associated with the configuration of site components. Staff recommends denial of the Conditional Use Permit for the convenience store, as it conflicts with the Comprehensive Plan's Future Land Use Map and Character Area.

In Favor of Ordinance 761 & Ordinance 762:

Jacob Bolton, Senior Civil Designer with Sullins Engineering, 26 E. Athens, Street,
Winder, Georgia 30680
Developing Group

In Opposition of Ordinance 761 & Ordinance 762:

Harley Jones, 6490 Deep Valley Court, Flowery Branch, Georgia 30542
Wendy Frazier, 6216 Tall Woods Court, Flowery Branch, Georgia 30542
Jeff Melton, 6412 Winter Harbor Drive, Flowery Branch, Georgia 30542
Cathy Forte, 6363 Green Oak Ridge, Flowery Branch, Georgia 30542
Mary Willis, 6219 Spring Lake Drive, Flowery Branch, Georgia 30542

Mayor Asbridge gave Mr. Bolton the remaining time for rebuttal.

Mayor Asbridge closed the Public Hearing at 6:34 p.m.

Unfinished Business - Work Session:

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

Director McCrary presented Ordinance 747 and Ordinance 748 for the Annexation, Rezoning and Variance Request of the Jones Road Tract. Heritage Group Homes, LLC is applying for an annexation of a +/- .854 acre portion of 6300 Jones Rd. and rezoning seven contiguous parcels (6300, 6294, 6290, 6270, 6258, 6246, 6249 Jones Rd.) from Hall County V-C, Flowery Branch R-1, and Flowery Branch A to Flowery Branch R-2 for a proposed +/- 22.14 acres subdivision. The proposed subdivision would contain a total of 74 single-family, detached residential homes with a mixture of front-entry and rear-entry garages. Several concurrent variances are being requested, including reductions in setbacks, lot sizes, and porch dimensions.

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

Chris Hill, 5915 Fairway Park Lane, Jefferson, Georgia presented the request for annexation, rezoning, and variance requests for the Jones Road tract.

Council held a discussion with Mr. Hill, Reid Parker, and Brandon Bowen. Mr. Dales Jones requested approval of the Ordinances.

New Business - Work Session:

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

Director Hamby presented Ordinance 764 to establish the millage rate for tax year 2025; fiscal year 2026 with a full rollback rate of 3.247.

- b. Consider Resolution 25-011 Surplus of Water Tank Located on Roberts Drive, Flowery Branch, Georgia 30542.

Director Hamby presented Resolution 25-011 to surplus the water tank located on Roberts Drive, Flowery Branch, Georgia.

- c. Consideration of Approval of Release for Property Damage.

Director Woerner and Director Hightower presented a consideration of approving a release for property damage that occurred in May 2025 by an employee of ASG Roll Off Company, LLC. ASG Roll Off Company has agreed to issue payment to the City of Flowery Branch in the amount of \$79,116.

Council held a discussion with Director Hightower and Director Woerner.

- d. Consider a Micro Distillery License for Remedy Distillery LLC

Kelsey Cash, Police Administrator, presented a Micro Distillery License for Remedy Distillery, LLC to sell distilled spirits at 5540 Atlanta Highway, Suite C, Flowery Branch, Georgia. The proposed operation is a distillery specializing in the production of bourbon

and flavored whiskey. All whiskey will be created, proofed, and bottled on-site at the distillery. The finished products will then be sold to a licensed distributor for distribution within the State of Georgia. In addition, the facility will feature a tasting room where patrons may sample products, purchase beverages for on-site consumption, and buy bottled products to take home.

Council held a discussion with Mrs. Cash.

Department Reports:

c. Department of Fun Report

Director Carden noted upcoming events.

f. Planning Department Report

Director McCrary reported that he will be starting the Comprehensive Plan update soon and emails will be going out soon.

k. Council Report

Council Member Mezzanotte gave his appreciation to Director McCrary for all the tasks he has worked on thus far. He appreciates that he is working on the Comprehensive Plan update.

Mayor Asbridge congratulated Mr. Peter Lena and Mr. Charles Vanderbilt on being elected for City Council.

Adjournment Work Session:

Mayor Asbridge adjourned the work session at 7:10 p.m.

Voting Session Migration

Call Voting Session to Order:

Mayor Asbridge called the voting session to order at 7:10 p.m.

Public Comments:

Tiffany Frazier, 6334 Mitchell Street, Flowery Branch, Georgia
Ms. Frazier would like easement documentation.

Laurie Whitener, 6626 Splashwater Drive, Flowery Branch, Georgia
Ms. Whitener is against the proposed development for Jones Road.

Darlene Runner, 6232 Shoreview Circle, Flowery Branch, Georgia
Ms. Runner has concerns about Mitchell Street.

Charles Mull, 5918 Mitchell Street, Flowery Branch, Georgia

Mr. Mull expressed that Mr. Hill's projects are quality projects but suggested improvements to the street and sidewalks on Mitchell Street.

Jacob Bolton, 26 E. Athens Street, Winder, Georgia

Jacob Bolton, Senior Civil Designer with Sullins Engineering, asked Council to Table Ordinance 761 and Ordinance 762 for a Conditional Use Permit and Variance Request for a Convenience Store on McEver Road and Gaines Ferry Road.

At the conclusion of the Public Comments, Council Member Joe Anglin, asked Director McCrary to research easement details for Mitchell Street.

Consent Agenda:

- *Consider Mayor Asbridge August 2025 Per Diem*

There was a motion made to approve the Consent Agenda.

First: Chris Mundy
Second: William McDaniel
Ayes: Joe Anglin, Oliver McClellan, William McDaniel, Joseph Mezzanotte, Chris Mundy
Nays: None
Result: Passed

Unfinished Business - Voting Session:

- a. *Consider Second Reading of Ordinance 747 for the Annexation of the Jones Road Tract.*

City Clerk Cooper read the caption for Ordinance 747 for the Annexation of the Jones Road Tract.

There was a motion made to Table Ordinance 747 until September 18, 2025, City Council Meeting.

Motion: Joseph Mezzanotte
Second: Joe Anglin
Ayes: Joe Anglin, Oliver McClellan, William McDaniel, Joseph Mezzanotte, Chris Mundy
Nays: None
Result: Motion carried

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

City Clerk Cooper read the caption for Ordinance 748 for Rezoning and Approval of Variances for the Jones Road Tract.

There was a motion made to Table Ordinance 748 until September 18, 2025, City Council Meeting.

Motion: Joseph Mezzanotte
Second: Oliver McClellan
Ayes: Joe Anglin, Oliver McClellan, William McDaniel, Joseph Mezzanotte, Chris Mundy
Nays: None
Result: Motion carried

c. Consider Second Reading of Ordinance 757 for the Annexation of Hall County Tax Parcel Identification No. 15048 000045, 5623 Hog Mountain Rd.

City Clerk Cooper read the caption for Ordinance 757 for the Annexation of Hall County Tax Parcel Identification No. 15048 000045, 5623 Hog Mountain Road.

There was a motion made to Approve Ordinance 757.

Motion: Oliver McClellan
Second: William McDaniel
Ayes: Joe Anglin, Oliver McClellan, William McDaniel, Joseph Mezzanotte, Chris Mundy
Nays: None
Result: Passed

Council led a brief discussion to understand the use of this annexation at 5623 Hog Mountain Road. Director McCrary advised this annexation is to support the stormwater system.

d. Consider Second Reading of Ordinance 758 for the Rezoning of Hall County Tax Parcel Identification No. 15048 000045, 5623 Hog Mountain Rd.

City Clerk Cooper read the caption for Ordinance 758 for the Rezoning of Hall County Tax Parcel Identification No. 15048 000045, 5623 Hog Mountain Road.

There was a motion made to approve Ordinance 758.

Motion: Chris Mundy
Second: Oliver McClellan
Ayes: Joe Anglin, Oliver McClellan, William McDaniel, Joseph Mezzanotte, Chris Mundy
Nays: None
Result: Passed

e. Consider Second Reading of Ordinance 755 Rezoning at 5250 Hog Mountain Road

City Clerk Cooper read the caption for Ordinance 755 for the Rezoning at 5250 Hog Mountain Road.

There was a motion made to approve Ordinance 755.

Motion: Oliver McClellan
Second: William McDaniel
Ayes: Joe Anglin, Oliver McClellan, William McDaniel, Joseph Mezzanotte, Chris Mundy
Nays: None
Result: Passed

f. Consider Second Reading of Ordinance 756 Rezoning at 5238 Hog Mountain Road

City Clerk Cooper read the caption for Ordinance 756 for the Rezoning at 5238 Hog Mountain Road.

There was a motion made to approve Ordinance 756.

Motion: William McDaniel
Second: Oliver McClellan
Ayes: Joe Anglin, Oliver McCellan, William McDaniel, Joseph Mezzanotte, Chris Mundy
Nays: None
Result: Passed

New Business - Voting Session:

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

City Clerk Cooper read the caption for Ordinance 764 which will establish the Millage Rate for Tax Year 2025; Fiscal Year 2026.

There was a motion made to approve Ordinance 764.

Motion: Joseph Mezzanotte
Second: William McDaniel
Ayes: Joe Anglin, Oliver McClellan, William McDaniel, Joseph Mezzanotte, Chris Mundy
Nays: None
Result: Passed

b. Consider Resolution 25-011 Surplus of Water Tank Located on Roberts Drive, Flowery Branch, Georgia 30542.

City Clerk Cooper read the caption for Resolution 25-011 Surplus of Water Tank Located on Roberts Drive, Flowery Branch, Georgia 30542.

There was a motion made to approve Resolution 25-011.

Motion: Joe Anglin
Second: Oliver McClellan
Ayes: Joe Anglin, Oliver McClellan, William McDaniel, Joseph Mezzanotte, Chris Mundy
Nays: None
Result: Passed

c. Consideration of approval of Release for Property Damage.

There was a motion made to approve and authorize the Mayor to sign the Release for Property Damage accepting the payment of \$79,116 for a replacement screw conveyor belt system with ASG Roll Off Company, LLC.

Motion: Oliver McClellan
Second: William McDaniel
Ayes: Joe Anglin, Oliver McClellan, William McDaniel, Joseph Mezzanotte, Chris Mundy
Nays: None
Result: Passed

d. First Read and Public Hearing to consider Ordinance 761 for McEver Road and Gaines Ferry Road Convenience Store Conditional Use Permit.

City Clerk Cooper read the caption for Ordinance 761 for McEver Road and Gaines Ferry Road Convenience Store Conditional Use Permit

There was a motion made to Deny Ordinance 761.

Motion: Oliver McClellan
Second: William McDaniel
Ayes: Joe Anglin, Oliver McClellan, William McDaniel, Joseph Mezzanotte, Chris Mundy
Nays: None
Result: Motion carried

e. First Read and Public Hearing to consider Ordinance 762 for McEver Road and Gaines Ferry Road Convenience Store Variance.

City Clerk Cooper read the caption for Ordinance 762 for McEver Road and Gaines Ferry Road Convenience Store Variance.

There was a motion made to Deny Ordinance 762.

Motion: Joe Anglin
Second: Chris Mundy
Ayes: Joe Anglin, Oliver McClellan, William McDaniel, Joseph Mezzanotte,
Chris Mundy
Nays: None
Result: Motion carried

f. Consider a Micro Distillery License for Remedy Distillery LLC

There was a motion made to Approve a Micro Distillery License for Remedy Distillery, LLC.

Motion: Chris Mundy
Second: Joseph Mezzanotte
Ayes: Joe Anglin, Oliver McClellan, William McDaniel, Joseph Mezzanotte,
Chris Mundy
Nays: None
Result: Passed

Adjournment:

There was a motion made to adjourn the meeting at 7:35 p.m.

Motion: Oliver McClellan
Second: Chris Mundy
Ayes: Joe Anglin, Oliver McCellan, Willliam McDaniel, Joseph Mezzanotte, Chris
Mundy
Nays: None
Result: Motion carried

Edward R. Asbridge
Mayor

Date

Shelia Cooper
City Clerk



City of Flowery Branch
City Council Meeting
Thursday, September 18, 2025, 6:00 PM
5410 Pine Street
Flowery Branch, GA 30542



Call Work Session to Order:

Mayor Asbridge called the meeting to order at 6:01 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, Planning and Community Development Director Chris McCrary, Public Works Director Bill Whidden, Human Resources Director Krystle Hightower, and City Attorney Ted Baggett.

Absent: Council Member Joe Anglin

Pledge of Allegiance:

Mayor Asbridge led the Pledge of Allegiance.

Adoption of Agenda:

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

Motion: Chris Mundy
Second: Oliver McClellan
Ayes: Oliver McClellan, William McDaniel, Joseph Mezzanotte, Chris Mundy
Nays: None
Result: Passed

Awards & Recognitions: There were no awards or recognitions.

Public Hearing: There were no public hearings held.

Unfinished Business - Work Session:

a. Discussion of Jones Tract Annexation Ordinance 747 and Rezoning Ordinance 748.

Director McCrary presented a discussion regarding an annexation and rezoning request from Heritage Group Homes, LLC for a +/- .854 acre portion of 6300 Jones Rd. and rezoning of seven contiguous parcels (6300, 6294, 6290, 6270, 6258, 6246, 6249 Jones Rd.) from Hall County V-C, Flowery Branch R-1, and Flowery Branch A to Flowery Branch R-2 for a proposed +/- 22.14 acres subdivision. The proposed subdivision would contain a total of 74 single-family, detached residential homes with a mixture of front-entry and rear-entry garages. Several concurrent variances are being requested, including

reductions in setbacks, lot sizes, and porch dimensions. 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.

Council held a discussion with Director McCrary.

Chris Hill of Heritage Group Homes, LLC led a brief discussion regarding the proposed development.

New Business - Work Session:

- a. Presentation and Discussion Only for a Proposed Downtown Residential Townhome Development for Chestnut Street Block.

Director McCrary presented Mr. Austin Sweat, 5908 Park Bend Avenue, Braselton, Georgia. Mr. Sweat presented a concept plan for The Chestnut Commons. The plan would be a twenty-unit condominium development on Chestnut Street within an easy walking distance to downtown Flowery Branch.

Council held a discussion with Mr. Sweat.

Department Reports:

- c. Department of Fun Report

City Clerk Cooper noted upcoming events.

- k. Council Report

Council Member Mundy invited citizens to come out for the Keep Flowery Branch Beautiful Clean Up Day on Saturday, October 4, 2025, at 8 a.m. at City Hall.

Council Member Mezzanotte also invited residents out for the cleanup day on October 4th.

Adjournment Work Session:

Mayor Asbridge adjourned the work session at 6:35 p.m.

Voting Session Migration

Call Voting Session to Order:

Mayor Asbridge called the voting session to order at 6:35 p.m.

Public Comments:

Please limit to two minutes

Jerry Smith, 6268 Shoreview Circle, Flowery Branch, Georgia

Mr. Smith wanted to speak against the Jones Tract Development.

George Streitenberger, 6647 Splashwater Drive, Flowery Branch, Georgia

Mr. Streitenberger stated Mitchell Road needs improvements and cannot serve more vehicles from a new development. He is opposed to the development before Mitchell Road receives improvements.

Ed Chamberlain, 6283 Shoreview Circle, Flowery Branch, Georgia

Mr. Chamberlain wanted to speak to Council about Mitchell Street, taxes and quality of life and school issues.

Consent Agenda:

- Consider July 2025 Per Diem for Council Member Oliver McClellan
- Consider August 2025 Per Diem for Council Member Oliver McClellan
- Consider August 2025 Per Diem for Council Member Joseph Mezzanotte
- Consider August 21, 2025 City Council Meeting Minutes

There was a motion made to approve the consent agenda.

Motion: Chris Mundy
Second: William McDaniel
Ayes: Oliver McClellan, William McDaniel, Joseph Mezzanotte, Chris Mundy
Nays: None
Result: Passed

Unfinished Business - Voting Session:

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

City Clerk Cooper read the caption for Ordinance 764 to establish the Millage Rate for Tax Year 2025; Fiscal Year 2026.

There was a motion made to approve Ordinance 764.

Motion: Chris Mundy
Second: William McDaniel
Ayes: Oliver McClellan, William McDaniel, Joseph Mezzanotte, Chris Mundy
Nays: None
Result: Passed

b. Consider the Second Reading of Ordinance 747 for Annexation of the Jones Tract Development.

City Clerk Cooper read the caption for Ordinance 747 for Annexation of the Jones Tract Development.

There was a motion made to approve Ordinance 747.

Motion: Oliver McClellan
Second: Chris Mundy

Mayor Asbridge gave a discussion on the history of the Jones Road Tract.

Ayes: Oliver McClellan, William McDaniel, Joseph Mezzanotte, Chris Mundy
Nays: None
Result: Passed

c. Consider the Second Reading of Ordinance 748 for Rezoning and Variances of the Jones Tract Development.

City Clerk Cooper read the caption for Ordinance 748 for Rezoning and Variances of the Jones Tract Development.

There was a motion made to approve Ordinance 748.

Motion: Oliver McClellan
Second: Chris Mundy

There was a discussion held by council.

There was a motion made to amend Ordinance 748 to remove the granting of the requested variances.

Motion: Joseph Mezzanotte
Second:

Due to the lack of a second, the motion to amend Ordinance 748 to remove the granting of the requested variances dies.

The vote for the motion to approve Ordinance 748

Ayes: Oliver McClellan, Joseph Mezzanotte, Chris Mundy
Nays: William McDaniel
Result: Passed

New Business - Voting Session: There was no New Business – Voting Session.

Executive Session:

There was a motion made to enter an executive session for matters related to the acquisition/disposition of real estate, for matters related to certain personnel issues, and for matters related to pending or potential litigation at 7:01 p.m.

Motion: Chris Mundy
Second: William McDaniel
Ayes: Oliver McClellan, William McDaniel, Joseph Mezzanotte, Chris Mundy
Nays: None
Result: Passed

There was a motion made to exit executive session at 7:29 p.m.

Motion: Chris Mundy
Second: William McDaniel
Ayes: Oliver McClellan, William McDaniel, Joseph Mezzanotte, Chris Mundy
Nays: None
Result: Passed

Adjournment:

There was a motion made to adjourn the meeting at 7:33 p.m.

Motion: Chris Mundy
Second: William McDaniel
Ayes: Oliver McClellan, William McDaniel, Joseph Mezzanotte, Chris Mundy
Nays: None
Result: Passed

Edward R. Asbridge
Mayor

Date

Shelia Cooper
City Clerk



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

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

Meeting Date	Description of Meeting
9-9 6PM	SPLOST MEETING. City Hall
9-17 9-17 8PM	CLAMMER ISSUE'S COM TOUR OF SEWER PLANT
9-16 7	SPLOSH MEETING
9-20	GRAND OPENING TRAINZ
9-19	GRAND OPENING UNITED PIPE

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

Total of \$ 250.00

Edward R. Asbridge
Signature



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

Name: Joseph Mezzanotte Month/Year: September/2025

Meeting Date	Description of Meeting
9/9	G/HCC - Small business - Cybersecurity
9/9	Hall County SPLOST - City Hall
9/16	Small Business Coalition - Michelin Raceway
9/16	Hall County SPLOST - Sterling Clubhouse
9/17	Hall County Issues - Parks and Recreation

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

Total of \$ 250.00

Joseph Mezzanotte
Signature



Memorandum

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

From: Planning and Community Development

Date: October 2nd, 2025

Subject: City Initiated Rezoning

Applicant: Tonya Parrish
City Manager
City of Flowery Branch
5410 Pine Street, Flowery Branch, GA 30542
770-967-6371

Existing Zoning: M-1 – Manufacturing & Industrial, Light

Proposed Zoning: R-2 – Residential Moderate Density

Location: 6167 Wade Orr Road, Flowery Branch, GA 30542, tax map parcel #08134 000002, totaling +/- 59 acres.

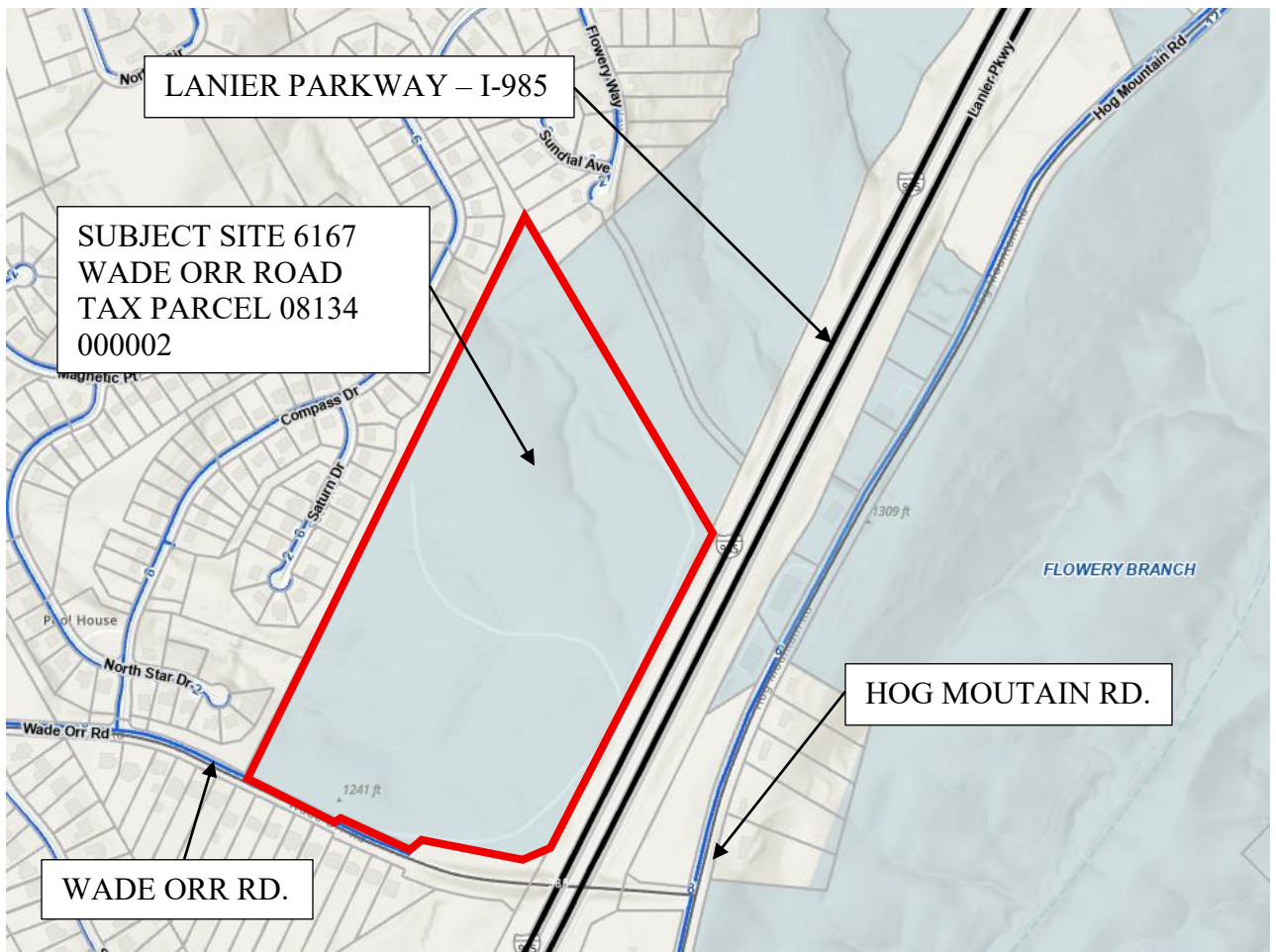
Proposed Action:

The City of Flowery Branch is initiating a rezoning from M-1 – Manufacturing & Industrial, Light to R-2 – Residential Moderate Density for the property located at 6167 Wade Orr Rd, tax map parcel #08134 000002. Total parcel assemblage is +/- 59 acres and is located within the Suburban Residential Character Area of the City of Flowery Branch Comprehensive Plan.



Location Map:

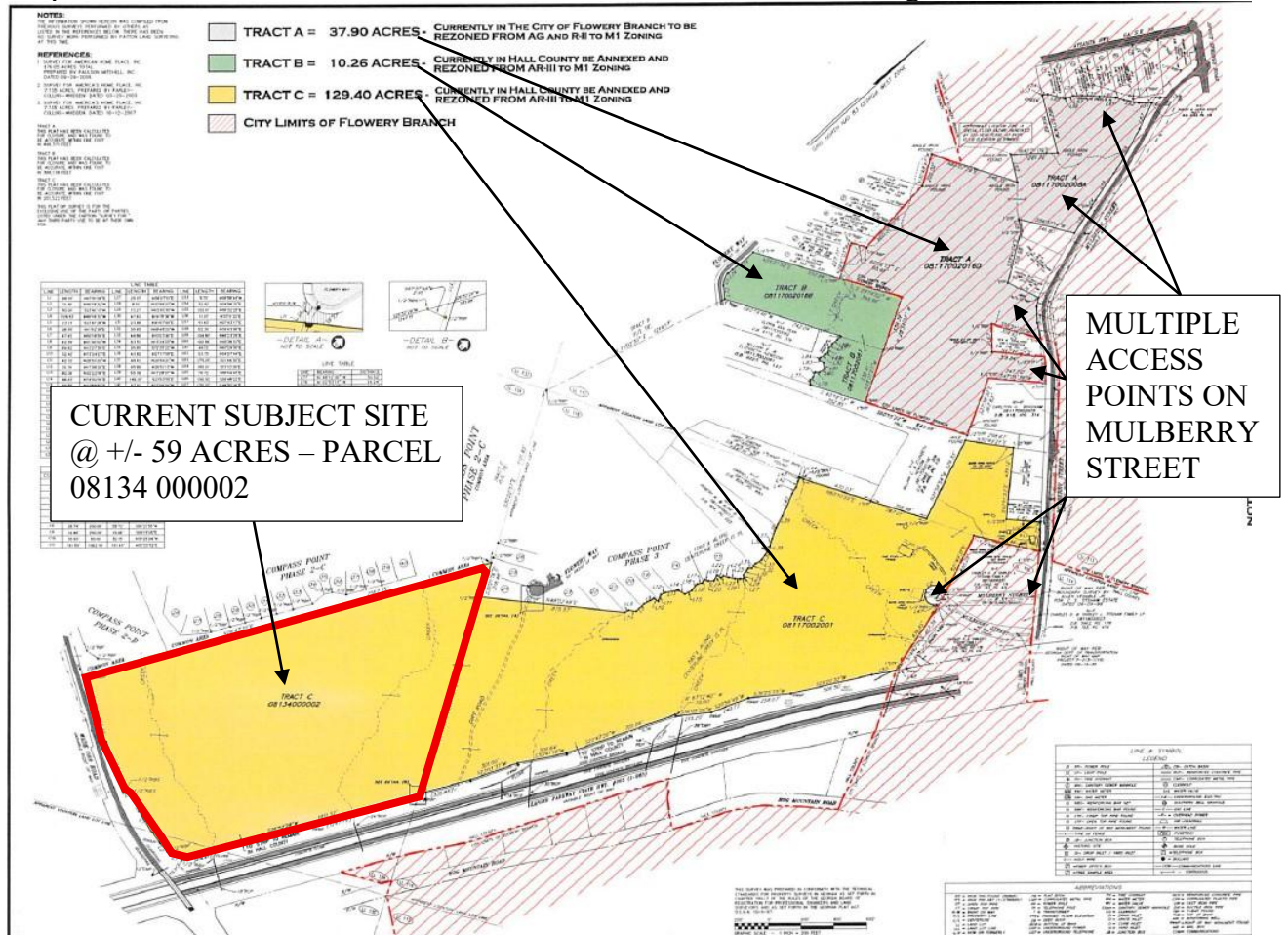
The subject parcel is located on Wade Orr Rd. and borders I-985 to the east and several residential subdivisions to the west and north.





Zoning History:

The subject property was previously part of a larger area for annexation and rezoning from Hall County AR-III - Agricultural - Residential to City of Flowery Branch M-1 – Manufacturing & Industrial, Light. Ordinances 502 and 503 held a Public Hearing on October 10th, 2014, and was adopted on October 16th, 2014. The total area of annexation and rezoning was +/- 139.66 acres.



Ordinance 503's rezoning approval for the development site required City Council acceptance of a Master Plan before issuing any building or disturbance permits. At the time of review, the entire tract had frontage on multiple roads, including Wade Orr Road. The applicant did not submit a concept master plan for City Council to evaluate impacts on traffic, the environment, or adjacent property owners. Condition 2 deferred this requirement to a later date.



REZONING CONDITIONS

1. Rear Building Setback

The minimum rear building setback abutting any residential district within or outside of the City of Flowery Branch will include a 60' setback. This will include a 50' natural buffer as part of the 60' setback.

2. Master Site Plan

No land disturbance or building permit will be issued without the acceptance by City Council of a comprehensive master site plan.

3. Traffic Impact Studies

In order to issue a land disturbance or building permit, a traffic impact study shall be required to determine the most appropriate road improvements, including driveway locations, and as a basis for determining improvements required to the road system. Prior to development approval, additional road right-of-way for a local road or frontage road may be needed at intersections or at other locations fronting the property where turning lanes, storage lanes, medians, or realignments are required for traffic safety, and where the existing right-of-way would be inadequate to accommodate the road, drainage, and utility, and other improvements necessitated by the development.

4. Access

Excepting local deliveries, signage will direct truck traffic to utilize Hog Mountain Road for access to Interstate I-985 from Wade Orr Road.

5. Land Uses

Land uses identified within Article 9 Table 9.1 M-1 shall be permitted as indicated within the table and as subject to any necessary Conditional Use Permit or development standards, except that the following uses shall not be permitted uses within the M-1 (Manufacturing & Industrial) designation.

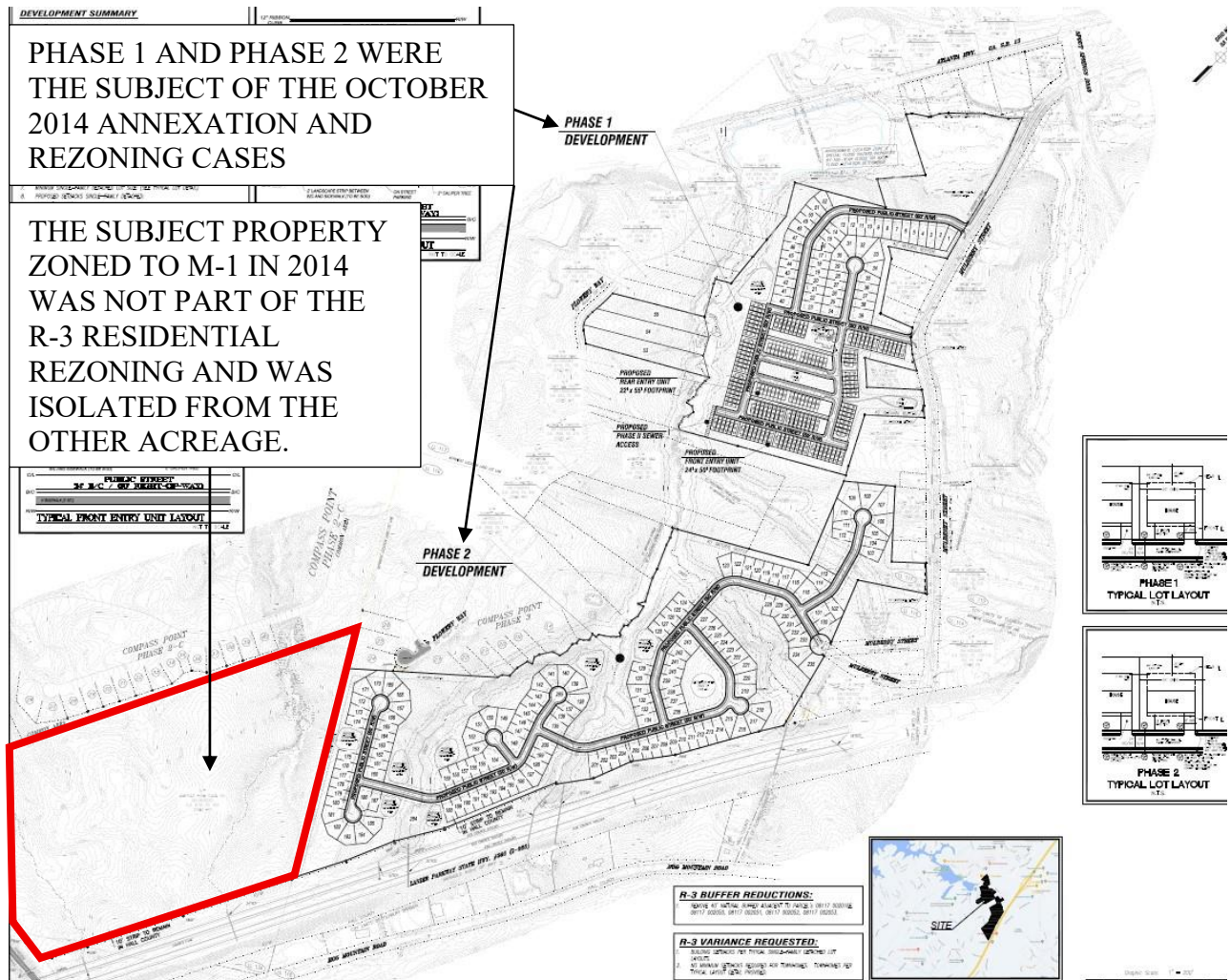
Cemetery or mausoleum
Cold storage plant or frozen food locker
Convenience store, with or without gasoline pumps
Crematorium in conjunction with a funeral home or mortuary (Ord. 348-13)
Distribution center, including truck terminals
Fairgrounds
Fuel oil distributor
Funeral Home or mortuary
Service and fuel-filling station
Tow service

6. Adult Business

The owner shall prohibit Adult Business by private covenant which shall run with the land.



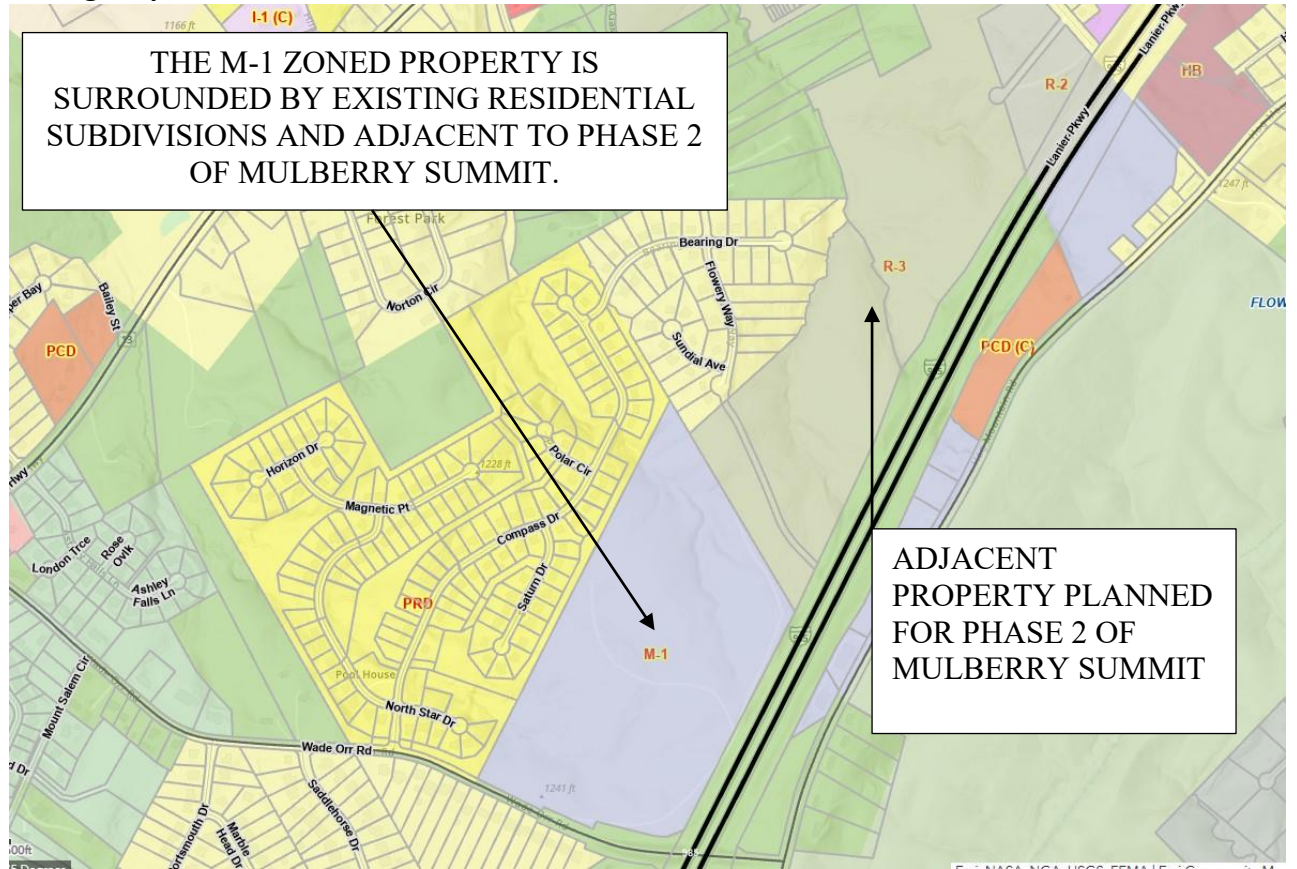
On January 20th, 2022, Stark Land Development, LLC, received approval for rezoning most of the area, previously annexed and zoned M-1 – Manufacturing & Industrial, Light, to R-3 – Residential Multi Family. Ordinances 625 through 630 were approved for two phases of residential development near Mulberry Street. The first phase, named Mulberry Summit, is under construction.



Following the rezoning of Mulberry Summit development from M-1 – Manufacturing & Industrial, Light to R-3 – Residential Multi Family, the remaining parcel became an isolated industrial zoning parcel, accessible only via Wade Orr Road. Surrounded entirely by residential developments, the site falls within the Suburban Residential Character Area of the Comprehensive Plan. Rezoning the parcel to R-2 – Residential Moderate Density would align it with the Comprehensive Plan’s Future Development Plan and ensure consistency with the surrounding residential character.



Zoning Map



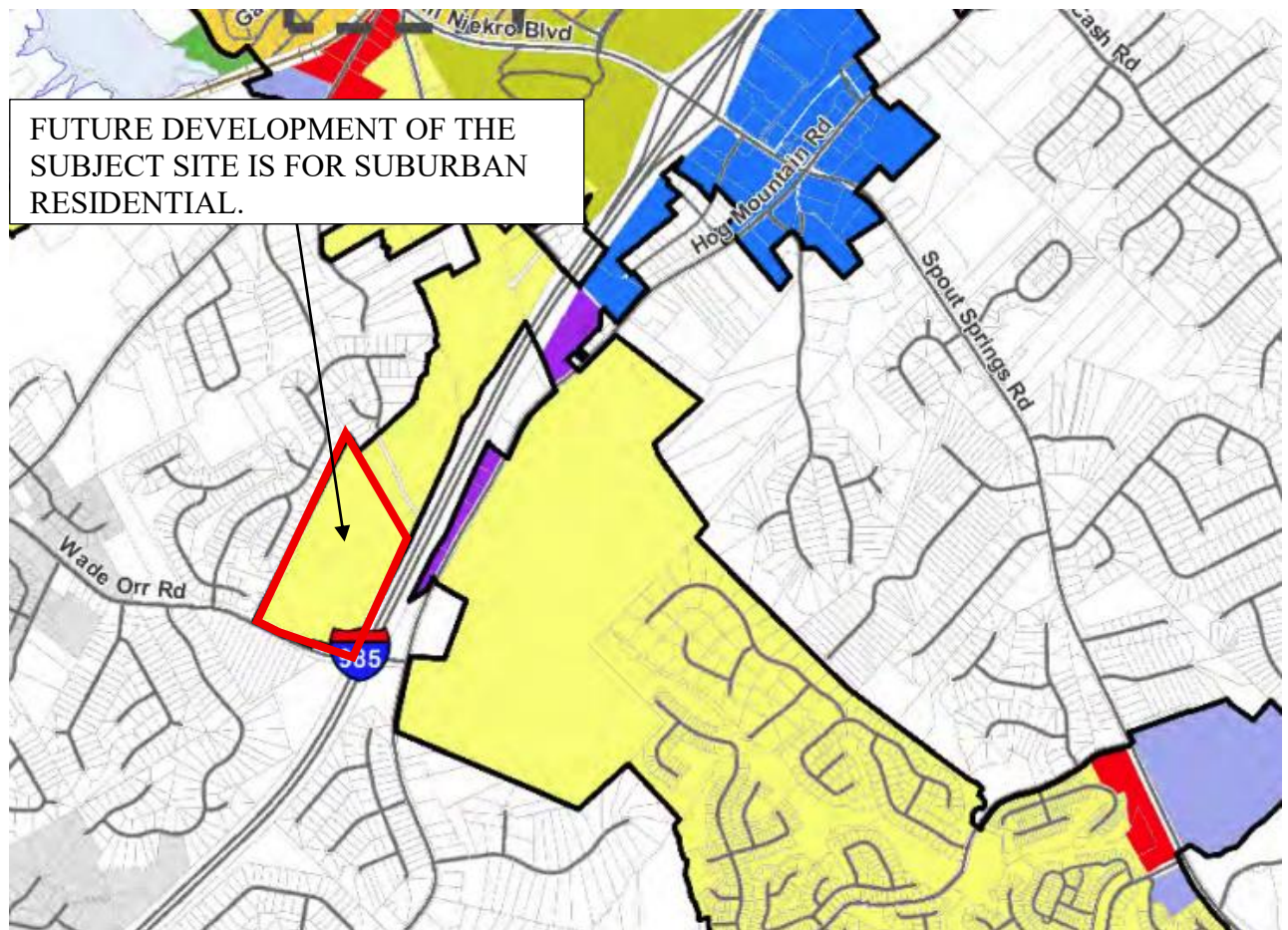
Legend

Zoning Districts

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



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 be 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

Houses set back from the road with sidewalk & side entry garage



Varied architecture & materials but consistent scale and height, with garages to the rear



Emphasis on pedestrian entrance with recessed garage





Comprehensive Plan Assessment

The Flowery Branch Comprehensive Plan Future Development Map indicates the subject parcel falls within the Suburban Residential Character Area. The proposed zoning to R-2 is 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 Residential, 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 existing zoning M-1– Manufacturing & Industrial, Light is not a listed zoning in the Suburban Residential Character area. Therefore, the existing zoning is not in harmony with the Flowery Branch Comprehensive Plan Future Development Map. It's reasonable to believe that rezoning the subject site brings the area into the intended zoning based on the Future Development Map.



Transportation Assessment: Development Challenges

Developing a large distribution warehouse on the subject site, currently zoned M-1 – Manufacturing & Industrial, Light, presents significant transportation challenges. Existing zoning conditions restrict all tractor-trailer traffic to the intersection of Wade Orr Road and Hog Mountain Road. A weight-limited bridge, located between the proposed development and this intersection, prohibits trucks with more than three axles in order to prevent structural damage and ensure the safety of passenger vehicles, as confirmed by GDOT District Traffic Engineer Jonathan Peevy, P.E.

Furthermore, the intersection of Wade Orr Road and Hog Mountain Road currently operates at unacceptable levels of service during peak AM and PM hours. Improvements would be necessary to mitigate worsening traffic conditions. The intersection falls within Hall County’s right-of-way, and any modifications would require approval from the Hall County Transportation Department. According to Hall County Engineer Brent Cook, an all-way stop is not supported, though alternative solutions, such as a roundabout, could improve operational efficiency. However, implementing such improvements would necessitate acquiring additional right-of-way.

These constraints—restricted truck access due to the bridge’s weight limit, poor intersection performance, and the need for costly right-of-way acquisition—pose significant barriers to developing a distribution warehouse. No straightforward solutions exist to accommodate tractor-trailer traffic for the proposed industrial development.







Environmental Challenges for Developing a ~60-Acre Industrial Warehouse

Developing a ~60-acre industrial warehouse presents multiple environmental challenges that must be addressed to comply with regulations, minimize ecological impacts, and ensure sustainable development. Below is an analysis of key challenges, tailored to the context of the site and its potential development as an M-1 Industrial use.

1. Stream and Wetland Impacts

- **Challenge:** The presence of multiple streams on the site likely indicates jurisdictional waters regulated under the Clean Water Act (CWA) Section 404 by the U.S. Army Corps of Engineers (USACE) and state environmental agencies (e.g., Georgia Environmental Protection Division (EPD)). Construction activities, such as grading, filling, or redirecting streams, could degrade or destroy these aquatic resources.
- **Implications:**
 - A delineation study is required to identify the extent of streams, wetlands, and their buffers.
 - Any impacts to streams or wetlands require a Section 404 permit from USACE and a corresponding Section 401 water quality certification from the state.
 - Mitigation (e.g., stream restoration or off-site compensation) may be required, increasing project costs and timelines.
- **Industrial vs. Residential:** Industrial development typically involves larger impervious surfaces (e.g., warehouses, parking lots), increasing the risk of stream degradation compared to residential development, which may incorporate green spaces or lower-density layouts.

2. Stormwater Management and Water Quality

- **Challenge:** A 60-acre industrial warehouse would generate significant impervious surface, increasing stormwater runoff and the risk of water quality degradation in streams.
- **Implications:**
 - Runoff may carry pollutants (e.g., oils, heavy metals from trucks) into streams, violating National Pollutant Discharge Elimination System (NPDES) standards.



- Compliance with local stormwater ordinances and Georgia's Erosion and Sedimentation Act requires robust stormwater management plans, including detention ponds, bioswales, or permeable pavements.
- Streams may be sensitive to increased runoff volume, leading to erosion, sedimentation, and habitat loss for aquatic species.
- **Industrial vs. Residential:** Residential development typically produces less intense runoff due to smaller impervious areas and landscaping requirements, potentially reducing water quality impacts.

3. Floodplain and Hydrologic Impacts

- Challenge: Streams on the site may be associated with floodplains, regulated under FEMA's National Flood Insurance Program and local floodplain ordinances.
- Implications:
 - Development within or near floodplains requires a Floodplain Development Permit and adherence to elevation or flood-proofing standards.
 - Altering stream channels or floodplains could increase flood risks downstream, necessitating costly hydrologic studies and mitigation measures.
 - Industrial facilities may require larger land disturbances, increasing the likelihood of floodplain encroachment compared to residential layouts designed to avoid flood zones.
- **Industrial vs. Residential:** Residential zoning (e.g., R-2) may allow for cluster development that preserves floodplains as open space, whereas industrial development often requires extensive land clearing.

4. Habitat and Biodiversity Impacts

- Challenge: Streams and their riparian zones likely support diverse flora and fauna, including protected species under the Endangered Species Act (ESA) or state regulations.
- Implications:
 - A biological assessment may be required to identify protected species (e.g., fish, amphibians, or plants) in or near the streams.
 - Disturbance to habitats could trigger consultation with the U.S. Fish and Wildlife Service or state agencies, potentially requiring habitat restoration or mitigation.



- Industrial activities, such as noise, lighting, and chemical runoff, pose greater risks to aquatic and terrestrial ecosystems than residential uses.

- **Industrial vs. Residential:** Residential development may integrate greenways or conservation areas to protect habitats, whereas industrial warehouses typically prioritize maximized land use, increasing ecological disruption.

5. Erosion and Sedimentation Control

- Challenge: Construction on a 60-acre site with streams increases the risk of erosion and sedimentation, particularly during land disturbance activities.
- Implications:
 - Compliance with Georgia's Erosion and Sedimentation Act requires a detailed erosion control plan, including silt fences, sediment basins, and regular inspections.
 - Failure to control sedimentation can harm stream ecosystems, violate water quality standards, and result in fines or project delays.
 - Industrial construction, with larger disturbed areas, may pose higher erosion risks than residential development with phased or smaller-scale grading.
- **Industrial vs. Residential:** Residential projects may incorporate landscaping and vegetative buffers earlier in development, reducing erosion compared to industrial sites with extensive impervious surfaces.

6. Contamination Risks from Industrial Activities

- Challenge: Industrial warehouse operations (e.g., storage, distribution) may involve hazardous materials, increasing the risk of spills or leaks into streams.
- Implications:
 - A Phase I Environmental Site Assessment is needed to evaluate past industrial uses and potential contamination (e.g., from prior M-1 zoning activities).
 - Ongoing operations require spill prevention and response plans under EPA's Spill Prevention, Control, and Countermeasure (SPCC) regulations.
 - Contamination risks could degrade stream water quality, affecting downstream communities and ecosystems.
- **Industrial vs. Residential:** Residential development poses minimal contamination risks, as it typically involves fewer hazardous materials than industrial operations.

7. Regulatory and Permitting Delays



- Challenge: The presence of streams triggers multiple environmental regulations, leading to complex permitting processes.
- Implications:
 - Federal, state, and local permits (e.g., CWA Section 404, NPDES, floodplain permits) require extensive documentation, public comment periods, and agency reviews, potentially delaying the project by months or years.
 - Industrial projects may face stricter scrutiny due to their environmental footprint compared to residential developments, which are often viewed as less impactful.
- **Industrial vs. Residential:** Residential rezoning (e.g., to R-2) may streamline permitting by aligning with the Comprehensive Plan's Suburban Residential Character Area, reducing regulatory conflicts.

Mitigation Strategies

To address these challenges, the following measures could be implemented:

- Stream Buffers: Maintain or expand undisturbed vegetative buffers (e.g., 25-50 feet) to protect streams and reduce runoff.
- Low-Impact Development (LID): Use permeable pavements, rain gardens, or green roofs to minimize impervious surfaces and manage stormwater.
- Erosion Control: Implement robust erosion control measures during construction, such as silt fences and sediment traps.
- Habitat Preservation: Designate stream corridors as conservation areas or greenways to protect biodiversity.
- Floodplain Avoidance: Site the warehouse (or residential units) outside floodplain boundaries to reduce flood risks and permit requirements.

Industrial vs. Residential Development

Rezoning the site to R-2 – Moderate Density Residential, as proposed in the context of the Comprehensive Plan's Suburban Residential Character Area, would likely reduce environmental challenges compared to industrial development:

- Smaller Footprint: Residential development typically involves less impervious surface area, reducing runoff and stream impacts.



- Lower Pollution Risk: Residential uses generate fewer hazardous materials, minimizing contamination risks to streams.
- Compatibility with Comprehensive Plan: Residential zoning aligns with the surrounding residential character and the Comprehensive Plan, potentially simplifying environmental permitting.
- Community Benefits: Residential projects can incorporate green spaces, trails, or parks along streams, enhancing ecological and public value.

Conclusion

Developing a 60-acre industrial warehouse on a site with multiple streams presents significant environmental challenges, including stream and wetland impacts, stormwater management, floodplain risks, habitat disruption, erosion, contamination, and permitting delays. These issues are compounded by the site's isolation and transportation constraints (e.g., weight-limited bridge, as noted in the prior transportation assessment). Rezoning to R-2 – Residential Moderate Density would likely mitigate many of these challenges by reducing environmental impacts, aligning with the Comprehensive Plan, and better integrating with the surrounding residential context. Any development—industrial or residential—must include robust environmental studies, mitigation measures, and compliance with federal, state, and local regulations.



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 - Residential Moderate Density 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 - Residential Moderate Density 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 M-1 – Manufacturing & Industrial, Light does not have a reasonable 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 - Residential Moderate Density should have no measurable impact on 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.**

Rezoning to R-2 - Residential Moderate Density 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 Agriculture, R-3 Residential Multi-family and the majority of zoning surrounding the parcel is Hall County residential.

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

It's reasonable to believe that the property value would increase by rezoning from M-1 – Manufacturing & Industrial, Light to R-2 - Residential Moderate Density

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.

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

There are nearby Single Family Residential in the area. The existing M-1 – Manufacturing & Industrial, Light zoning is an existing isolated district.

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

Rezoning to R-2 - Residential Moderate Density 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.

k) 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. In R-2, mass grading can be avoided, disturbing areas only for infrastructure, streets, and 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.

l) 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 - Residential Moderate Density is in harmony with the future land development of the Comprehensive Plan

Recommendation:

Staff recommends the **APPROVAL** of the proposed rezoning from M-1 – Manufacturing & Industrial, Light to R-2 - Residential Moderate Density for 6167 Wade Orr Road, Flowery Branch, GA 30542, tax map parcel #08134 000002.

ORDINANCE 759

AN ORDINANCE AMENDING THE ZONING MAP OF THE CITY OF FLOWERY BRANCH, GEORGIA, BY REZONING REAL PROPERTY TOTALING +/- 59.9 ACRES OF LAND, OWNED BY AMERICA'S HOME PLACE, INC., IDENTIFIED AS 6167 WADE ORR ROAD, TAX PARCEL #08134 000002, AND AS SHOWN ON ATTACHED EXHIBIT "A", AND AS DESCRIBED ON ATTACHED EXHIBIT "B"; TO BE REZONED FROM FLOWERY BRANCH M-1 – MANUFACTURING & INDUSTRIAL, LIGHT TO FLOWERY BRANCH R-2 – SINGLE FAMILY RESIDENTIAL MODERATE DENSITY DISTRICT, PROVIDING FOR SEVERABILITY, REPEALING CONFLICTING ORDINANCES, PROVIDING FOR AN EFFECTIVE DATE AND FOR ALL OTHER LAWFUL PURPOSES.

WHEREAS, the City of Flowery Branch, Georgia desires to rezone the property identified as 6167 Wade Orr Road, Tax Parcel #08134 000002 from Flowery Branch M-1 – Manufacturing & Industrial, Light to Flowery Branch R-2 – Single Family Residential Moderate Density District; 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 October 2nd, 2025, to consider the rezoning, which was duly noticed as prescribed by law and published in the Gainesville Times, as shall be set forth in the minutes of said meeting; and

WHEREAS, the City Council of the City of Flowery Branch, Georgia has considered the appropriate zoning classification of the subject property in light of the comprehensive plan.

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

SECTION 1. FINDINGS.

The City Council finds that the proposed rezoning from Flowery Branch M-1 – Manufacturing & Industrial, Light to Flowery Branch R-2 – Single Family Residential Moderate Density is consistent with the adopted standards for governing the exercise of the zoning power consistent with O.C.G.A. § 36-66-5 and requirements of the Zoning Ordinance as identified below.

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

2. The proposal is not expected to adversely affect the existing use or usability of adjacent or nearby property.
3. Use as R-2 is appropriate given residential development trends and it is reasonable to believe the property will have reasonable economic value so zoned.
4. The development if approved and constructed is not expected to result in a use which will or could cause an excessive or burdensome use of existing streets, transportation facilities, utilities, or schools.
5. The proposal is generally in conformity with the policy and intent of the comprehensive plan including the character area map and future land use plan map.
6. The proposal is considered appropriate in view of existing use(s) and zoning of the subject property and nearby properties.
7. No precise determination has been made by staff with regard to the value differential between development under the current zoning as opposed to R-2, although it is reasonable to believe value would increase as a result of the rezoning.
8. A proposed development will not be a deterrent to the value or improvement of development of adjacent property in accordance with existing regulations.
9. There are no known adverse effects that would result from the change in zoning district map, or change in use, on the character of a zoning district.
10. Development as proposed is not expected to impact on the environment, including but not limited to, drainage, soil erosion and sedimentation, flooding, air quality and water quality. Compliance with city subdivision and land development regulations will be required, which include but are not limited to soil erosion and sedimentation, stormwater, and flood damage prevention.

SECTION 2. REZONING.

The subject parcel, as shown on Exhibit “A” and as legally described in Exhibit “B”, are hereby rezoned from Flowery Branch M-1 – Manufacturing & Industrial, Light to Flowery Branch R-2, Single Family Residential Moderate Density.

SECTION 3. AMENDMENT OF THE ZONING MAP.

This Ordinance is enacted as an amendment to the Zoning Map of Flowery Branch,

Georgia. Accordingly, the Zoning Administrator is hereby authorized to update the Official Map consistent with Article 3 of the Zoning Ordinance.

SECTION 4. SEVERABILITY.

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

SECTION 5. EFFECTIVE DATE.

This ordinance shall take effect immediately upon approval.

SECTION 6. REPEALER.

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

Approved this _____ day of _____ 2025.

Edward R. Asbridge, Mayor

Shelia R. Cooper, City Clerk

APPROVED AS TO FORM

Ted C. Baggett, City Attorney

Exhibit "A"

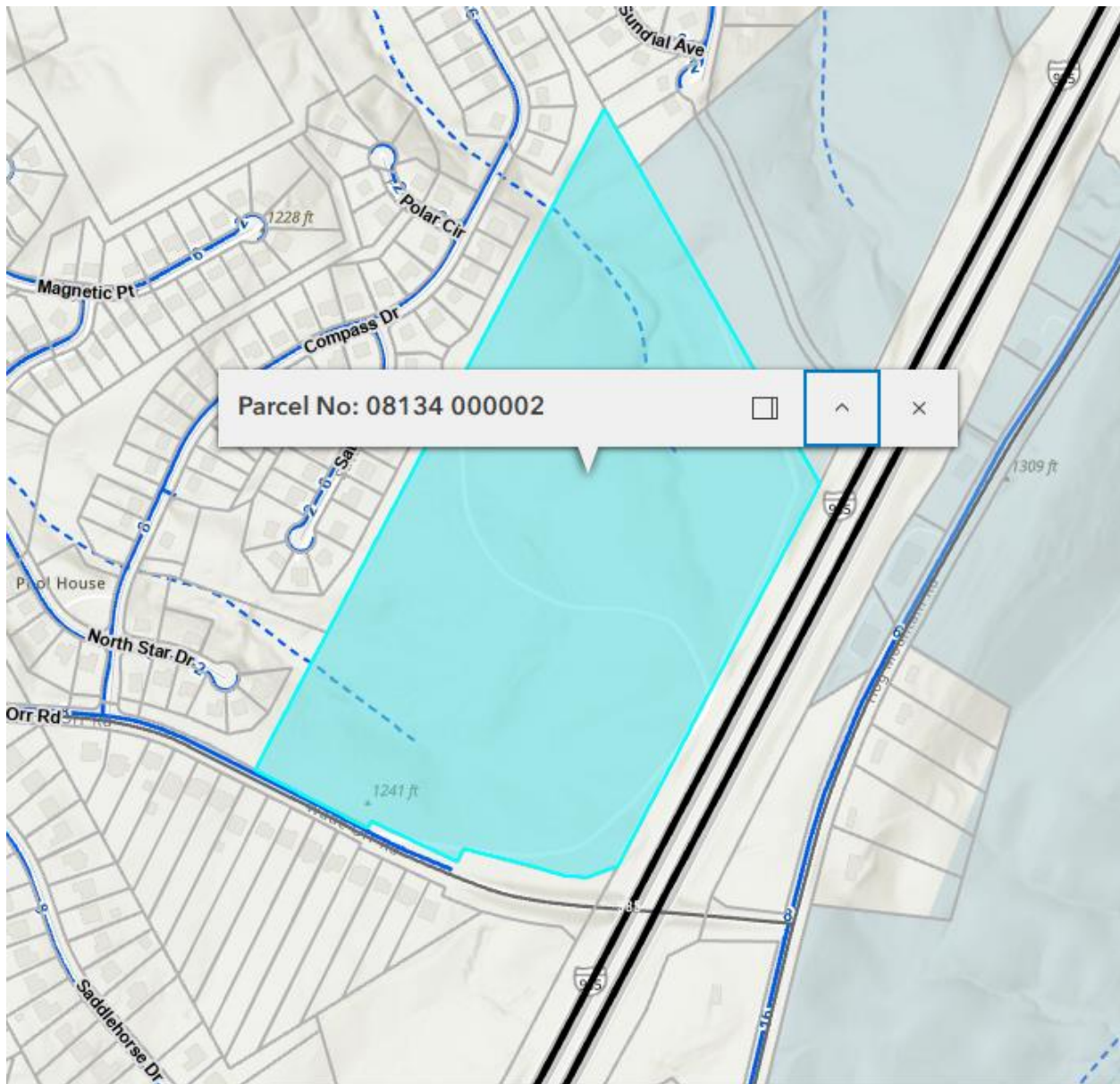


Exhibit "B"

LEGAL DESCRIPTION

All that tract or parcel of land lying and being in Land Lot 134 of the 8th district, City of Flowery Branch, Hall County, Georgia and being more particularly described as follows:

Beginning at a ½" rebar found at the intersection of a line common to Land Lots 116 and 134 of the 8th District, Hall County, Georgia with the western right of way line of Interstate Highway 985 (having an apparent variable width right of way) and thence leaving said point and running with the said right of way line of Interstate Highway 985

1. South 26° 51' 19" West, 1466.72 feet to a point found at the mitered intersection of the said right of way line of Interstate Highway 985 with the northern right of way line of Wade Orr Road (having an apparent variable width right of way); thence, leaving the said right of way of Interstate Highway 985 and running with the said right of way line of Wade Orr Road
2. South 67° 35' 45" West, 112.94 feet to a point; thence,
3. 439.34 feet along the arc of a curve deflecting to the right and having a radius of 1250.00 feet and a chord bearing and distance of North 78° 03' 04" West, 437.08 feet to a point; thence,
4. South 23° 53' 55" West, 49.97 feet to a point; thence,
5. North 66° 14' 52" West, 328.24 feet to a point; thence,
6. South 23° 45' 08" West, 23.00 feet to a point; thence,
7. North 63° 55' 44" West, 428.69 feet to a point; thence, leaving the said right of way line of Wade Orr road
8. North 26° 48' 07" East, 2567.13 feet to a ½" rebar found on the said line common to Land Lots 116 and 134; thence, running with the said line common to Land Lots 116 and 134
9. South 30° 19' 30" East, 218.50 feet to a ½" rebar found; thence,
10. South 30° 21' 41" East, 1289.65 feet to a ½" rebar found at the intersection of the said line common to Land Lots 116 and 134 with the said right of way line of Interstate Highway 985 and the point of beginning, containing 2,613,509 square feet or 59.9979 acres of land, more or less.

The herein described tract or parcel of land is subject to all rights of way and easements, both recorded and unrecorded.



Memorandum

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

From: Planning and Community Development

Date: October 2nd, 2025

Subject: Consideration to Accept the Master Plan

Applicant: Outrigger Industrial
12600 Deerfield Pkwy, Suite 100
Alpharetta, GA 30004
404-317-7438

Existing Zoning: M-1, Manufacturing & Industrial, Light

Location: 6167 Wade Orr Road, Flowery Branch, GA 30542, tax map parcel #08134 000002, totaling 60.41 +/-

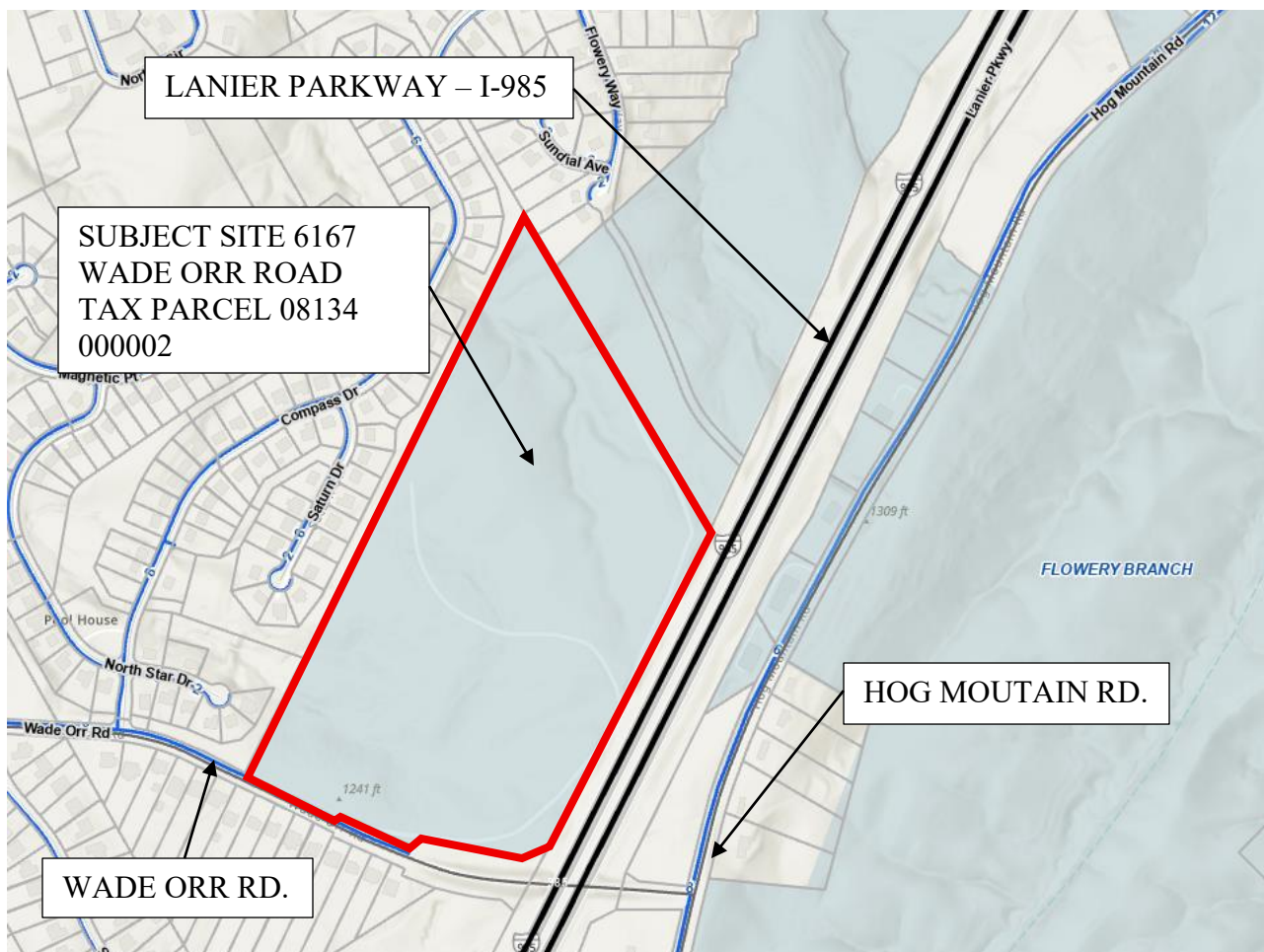
Proposed Action:

The applicant is requesting approval of a master plan for the construction of an industrial development containing two warehouses, one totaling 226,800 SF and the second totaling 346,410SF, along with associated parking, truck court, truck terminals, and detention ponds. Council acceptance of the master plan is a condition of Ordinance 503, adopted on October 16th, 2014, which established a rezoning of the parcel from Hall County AR-III – Agricultural Residential to Flowery Branch M-1 – Manufacturing & Industrial, Light.



Location Map:

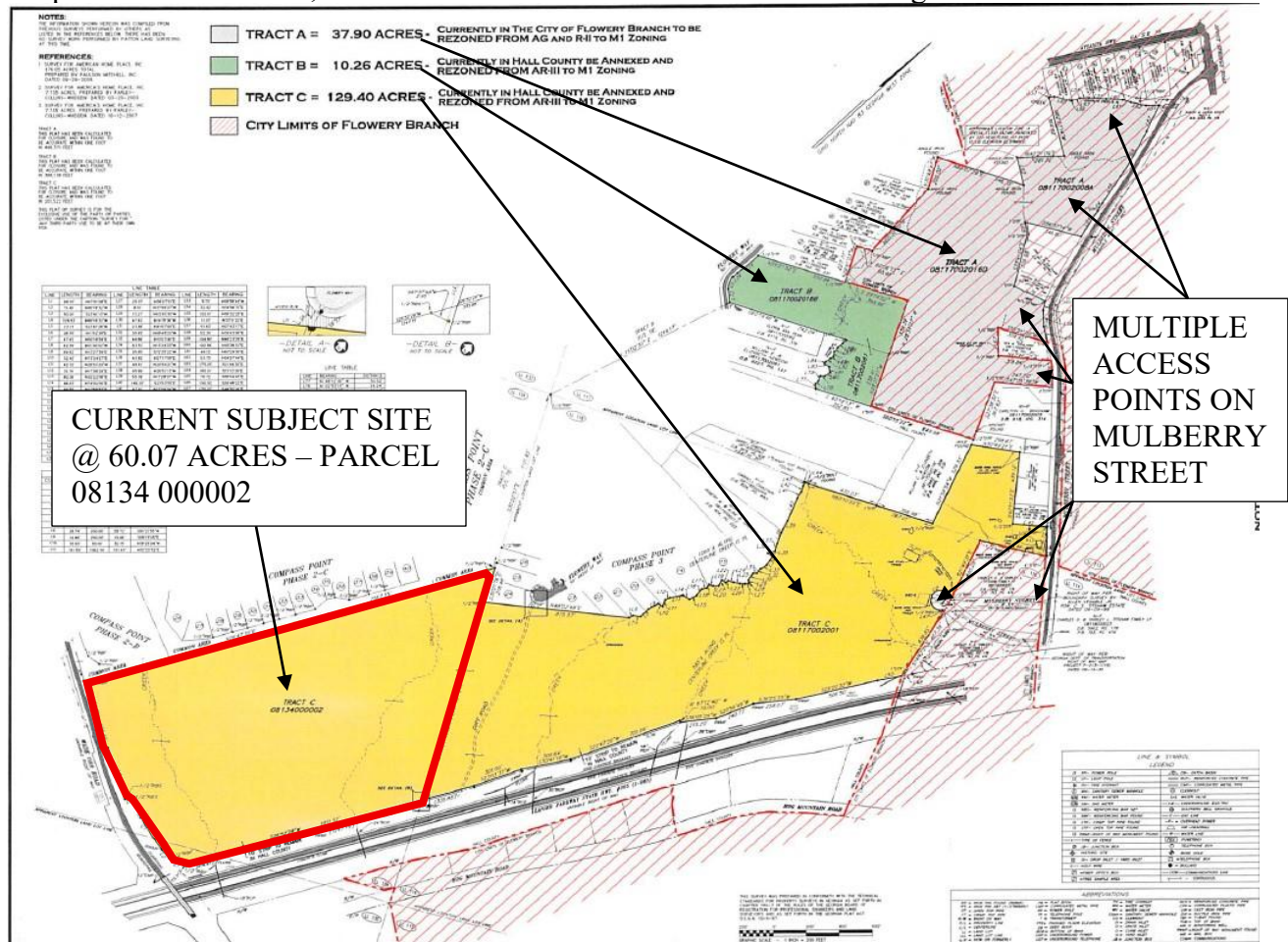
The subject parcel is located on Wade Orr Rd. and borders I-985 to the east and residential subdivisions to the north and west.





Zoning History:

The subject property was previously part of a larger area for annexation and rezoning from Hall County AR-III Agricultural - Residential to City of Flowery Branch M-1 – Manufacturing & Industrial, Light. Ordinances 502 and 503 held a Public Hearing on October 10th, 2014, and was adopted on October 16th, 2014. The total area of annexation and rezoning was +/- 139.66 acres.



Ordinance 503's rezoning approval for the development site required City Council acceptance of a Master Plan before issuing any building or land disturbance permits. At the time of review, the entire tract had frontage on multiple roads, including Wade Orr Road. The applicant did not submit a concept master plan for City Council to evaluate impacts on traffic, the environment, or adjacent property owners. Condition 2 deferred this requirement to a later date.



REZONING CONDITIONS

1. Rear Building Setback

The minimum rear building setback abutting any residential district within or outside of the City of Flowery Branch will include a 60' setback. This will include a 50' natural buffer as part of the 60' setback.

2. Master Site Plan

No land disturbance or building permit will be issued without the acceptance by City Council of a comprehensive master site plan.

3. Traffic Impact Studies

In order to issue a land disturbance or building permit, a traffic impact study shall be required to determine the most appropriate road improvements, including driveway locations, and as a basis for determining improvements required to the road system. Prior to development approval, additional road right-of-way for a local road or frontage road may be needed at intersections or at other locations fronting the property where turning lanes, storage lanes, medians, or realignments are required for traffic safety, and where the existing right-of-way would be inadequate to accommodate the road, drainage, and utility, and other improvements necessitated by the development.

4. Access

Excepting local deliveries, signage will direct truck traffic to utilize Hog Mountain Road for access to Interstate I-985 from Wade Orr Road.

5. Land Uses

Land uses identified within Article 9 Table 9.1 M-1 shall be permitted as indicated within the table and as subject to any necessary Conditional Use Permit or development standards, except that the following uses shall not be permitted uses within the M-1 (Manufacturing & Industrial) designation.

Cemetery or mausoleum
Cold storage plant or frozen food locker
Convenience store, with or without gasoline pumps
Crematorium in conjunction with a funeral home or mortuary (Ord. 348-13)
Distribution center, including truck terminals
Fairgrounds
Fuel oil distributor
Funeral Home or mortuary
Service and fuel-filling station
Tow service

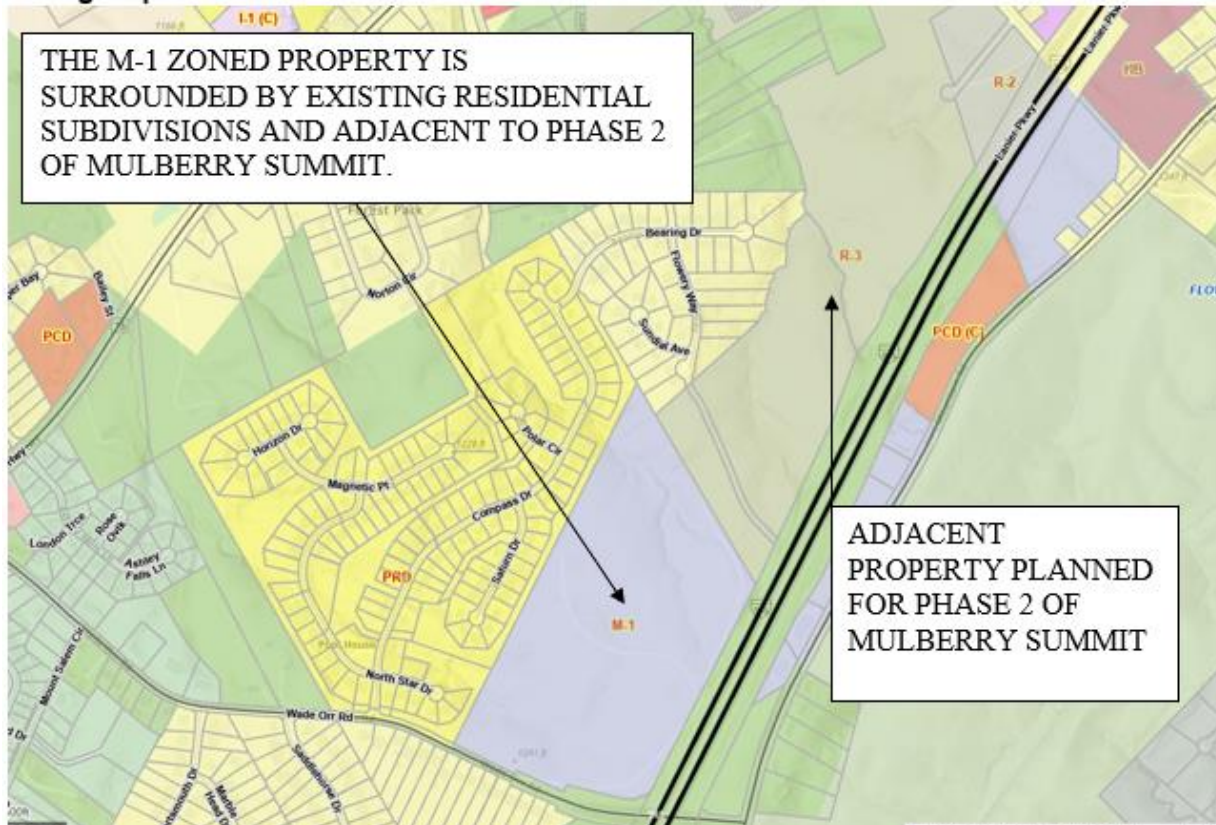
6. Adult Business

The owner shall prohibit Adult Business by private covenant which shall run with the land.



Zoning Map:

The parcel is currently zoned Flowery Branch M-1 – Manufacturing & Industrial, Light with surrounding parcels zoned R-3 – Residential Multi-family (Legacy), and R-1 – Residential Low Density. Surrounding unincorporated parcels are zoned Hall County PRD – Planned Residential Development, R-1 – Residential Single-family, and AR-1 – Agricultural Residential.



Legend

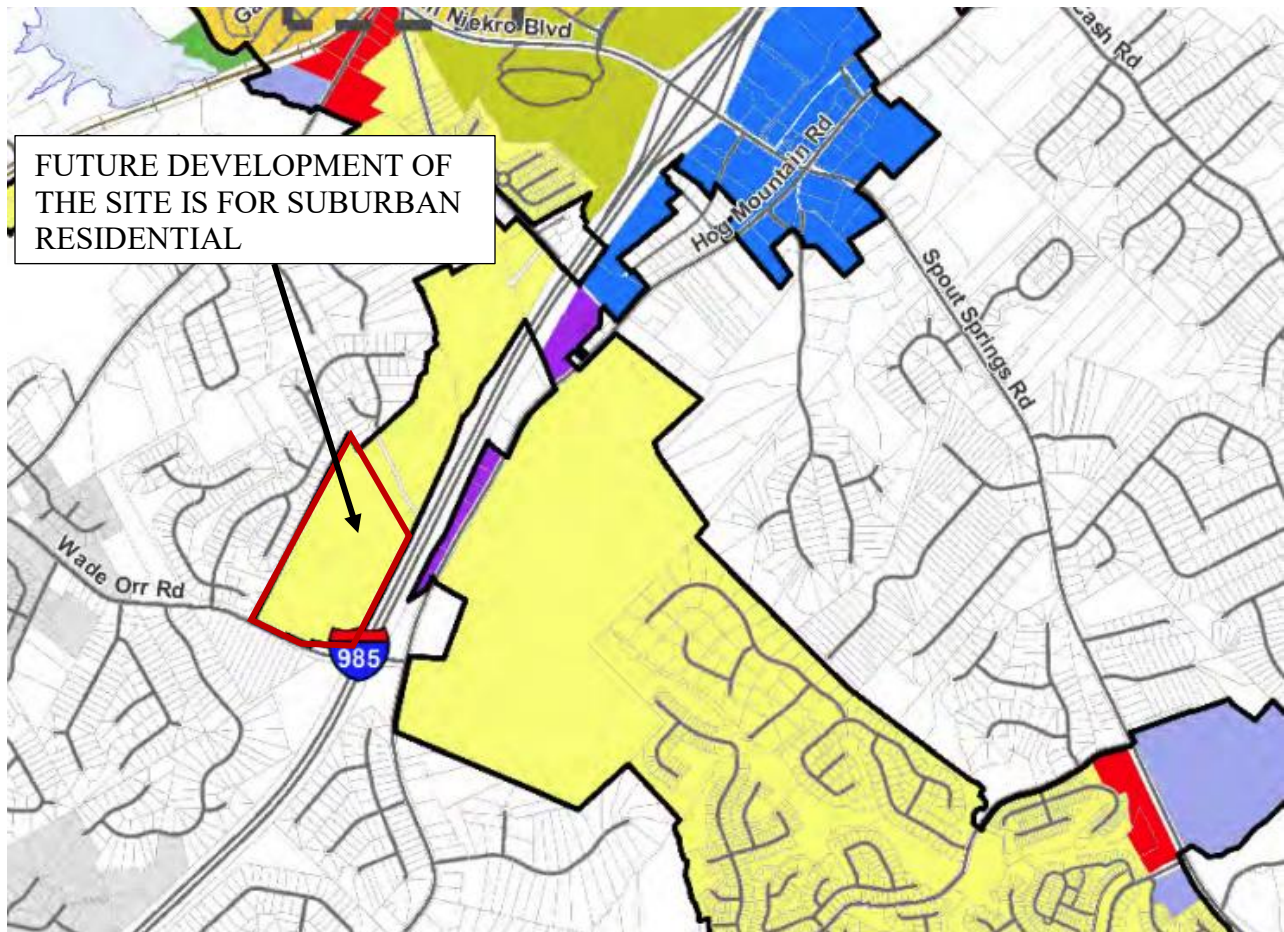
Zoning Districts

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:

The Comprehensive Plan for the City of Flowery Branch establishes the area as Suburban Residential. The proposed industrial development does not fall in harmony with the criteria of the Suburban Residential Character Area.





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 be 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

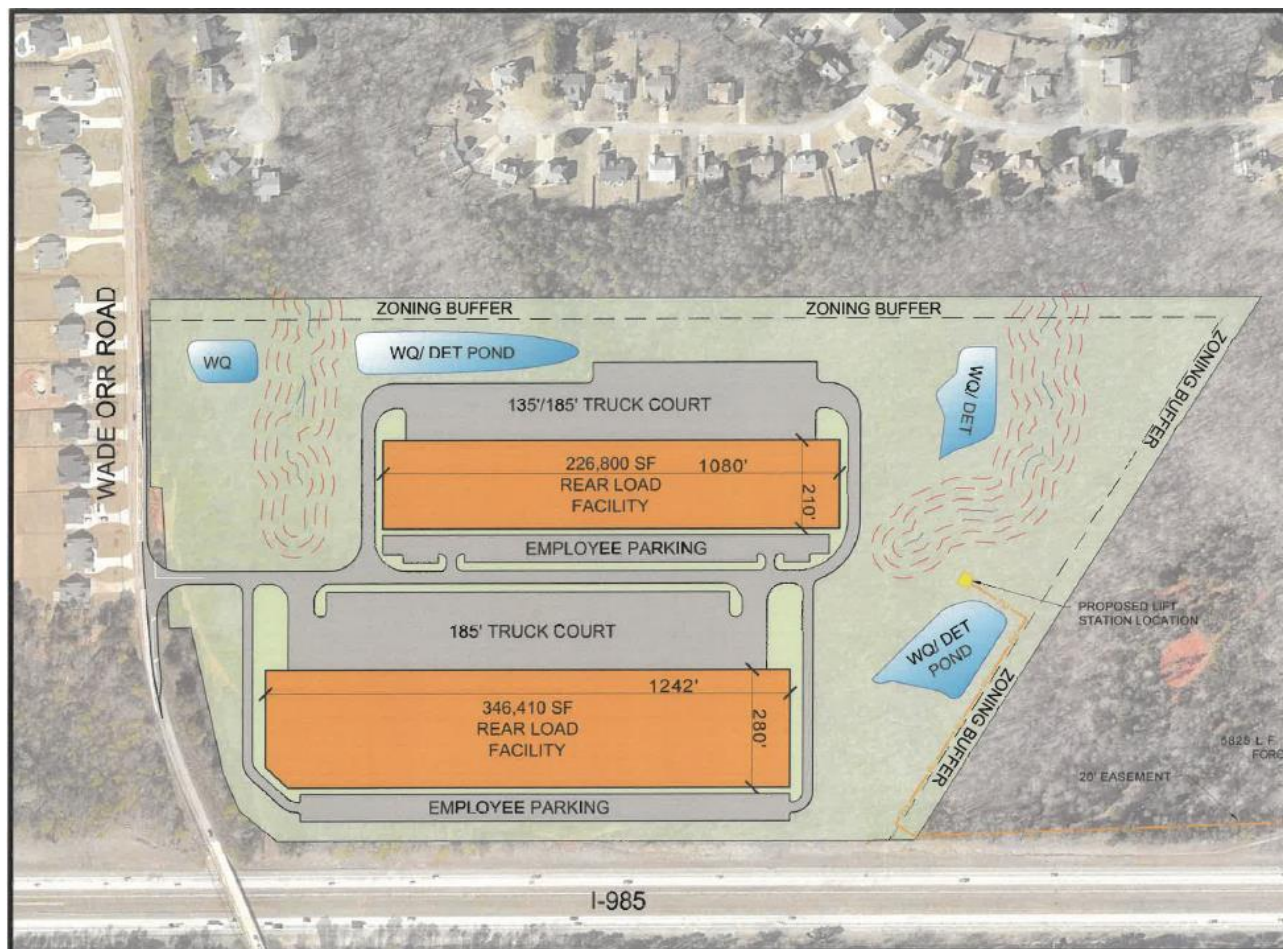
Illustrative Photos





Master Plan:

The applicant provided a master plan for the proposed industrial development. The site plan proposes two warehouses, one totaling 226,800 SF and another totaling 346,410 SF, along with associated parking, truck courts, truck terminals, and detention ponds. The site is largely wooded and contains multiple streams.





Use Analysis:

The rezoning of the property to M-1 under Ordinance No. 503 established a list of prohibited uses for the future development of the land within the established M-1 zoning designation under condition 5:

5. Land Uses

Land uses identified within Article 9 Table 9.1 M-1 shall be permitted as indicated within the table and as subject to any necessary Conditional Use Permit or development standards, except that the following uses shall not be permitted uses within the M-1 (Manufacturing & Industrial) designation.

Cemetery or mausoleum
Cold storage plant or frozen food locker
Convenience store, with or without gasoline pumps
Crematorium in conjunction with a funeral home or mortuary (Ord. 348-13)
Distribution center, including truck terminals
Fairgrounds
Fuel oil distributor
Funeral Home or mortuary
Service and fuel-filling station
Tow service

The conditions of rezoning prohibit the construction of a distribution center, including truck terminals. The applicant states the proposed use of warehousing is distinct from the prohibited “distribution center, including truck terminals” use. However, the definition of warehouse in the code also makes reference to truck terminals, as does the proposed site plan, calling into question the appropriateness of the proposed use. The following definitions are taken from the City of Flowery Branch Code of Ordinances:

Distribution center: A use where goods are received and/or stored for delivery to the ultimate customer at remote locations.

Truck terminal: A facility or premise for the receipt, transfer, short-term storage, and dispatching of goods transported by truck.

Warehouse: A use involving the storage of products, supplies, and equipment, and which typically involve truck or rail transportation to and from the site.



Transportation Assessment: Development Challenges

Developing a large distribution warehouse on the subject site, currently zoned M-1 Industrial & Manufacturing, Light, presents significant transportation challenges. Existing zoning conditions restrict all tractor-trailer traffic to the intersection of Wade Orr Road and Hog Mountain Road. A weight-limited bridge, located between the proposed development and this intersection, prohibits trucks with more than three axles to prevent structural damage and ensure the safety of passenger vehicles, as confirmed by GDOT District Traffic Engineer Jonathan Peevy, P.E.

Furthermore, the intersection of Wade Orr Road and Hog Mountain Road currently operates at unacceptable levels of service during peak AM and PM hours. Improvements would be necessary to mitigate worsening traffic conditions. The intersection falls within Hall County's right-of-way, and any modifications would require approval from the Hall County Transportation Department. According to Hall County Engineer Brent Cook, an all-way stop is not supported, though alternative solutions, such as a roundabout, could improve operational efficiency. However, implementing such improvements would necessitate acquiring additional right-of-way.

These constraints—restricted truck access due to the bridge's weight limit, poor intersection performance, and the need for costly right-of-way acquisition—pose significant barriers to developing a distribution warehouse. No straightforward solutions exist to accommodate tractor-trailer traffic for the proposed industrial development.







Traffic Impact Study:

The applicant provided a traffic impact study that provides analysis of peak AM and PM trips for the intersections located at Wade Orr Rd and Atlanta Hwy (SR-13) and Wade Orr Rd. and Hog Mountain Rd. along with the projected traffic at the proposed site driveway entrance. The tables provided below illustrate existing conditions (Table 2), projected conditions if the project is not constructed with applied growth rate (Table 3), and projected conditions with applied growth rate if the industrial development moves forward (Table 4).

Table 2: Existing Capacity Analysis

ID	Intersection	Control	Movement	AM		PM	
				LOS	Delay	LOS	Delay
1	Hog Mtn & Wade Orr Rd	Side Street Stop Control	NBL	A	7.8	A	8.3
			EB L/T/R	A	20.8	E	40.9
2	SR 13 & Wade Orr Rd	Signalized	Overall	A	9.8	B	11.6
			EB	B	10.3	B	13.9
			WB	B	10.5	B	13.2
			NB	A	9.1	B	10.9
			SB	A	9.4	A	9.4

Table 3: 2027 No-Build Capacity Analysis

ID	Intersection	Control	Movement	AM		PM	
				LOS	Delay	LOS	Delay
1	Hog Mtn & Wade Orr Rd	Side Street Stop Control	NBL	A	7.8	A	8.3
			EB L/T/R	C	22.2	E	47.7
2	SR 13 & Wade Orr Rd	Signalized	Overall	A	9.9	B	11.9
			EB	B	10.4	B	14.4
			WB	B	10.7	B	13.6
			NB	A	9.2	B	11.2
			SB	A	9.5	A	9.6



Table 4: 2027 Build Capacity Analysis

ID	Intersection	Control	Movement	AM		PM	
				LOS	Delay	LOS	Delay
1	Hog Mtn & Wade Orr Rd	Side Street Stop Control	NBL	A	7.9	A	8.4
			EB L/T/R	D	25.1	F	64.4
2	SR 13 & Wade Orr Rd	Signalized	Overall	B	10.2	B	12.5
			EB	B	10.5	B	15.1
			WB	B	10.9	B	14.9
			NB	A	9.7	B	11.4
			SB	A	9.8	A	10.0
3	Wade Orr Rd & Site Driveway	Driveway Stop Control	EB L	A	7.8	A	8.0
			EB L/R	B	10.8	B	12.8

The study concludes that the proposed industrial development at Wade Orr Rd. would generate a net total of 944 daily trips, with increases at peak AM and PM times. Furthermore, the study recognizes that there will be increased general growth in traffic in the area due to surrounding residential developments that will also have an impact on the intersections. While the projected Levels of Service (LOS) at the listed intersections are anticipated to remain consistent across the Build and No Build projections, the eastbound movement of traffic at the intersection of Hog Mountain Rd. and Wade Orr Rd. is projected to degrade from LOS D to LOS E during AM peak hours and from LOS E to LOS F during PM peak hours. The analysis concludes that improvements to the intersection may be necessary to mitigate the project's impact and recommends upgrading the intersection to an All-Way Stop Control. Such action could upgrade the intersection to LOS C if recommended improvements are made. As mentioned before, Hall County Engineering would not support an all-way stop control at this intersection.

The DRI findings summarized traffic concerns as well stating the following:

- The site is located in southern Flowery Branch, along Wade Orr Road and adjacent to I-985. There is no immediate access to I-985, however, as Wade Orr crosses over the highway. Freight traffic wishing to access the highway would need to travel along Wade Orr to either Hog Mountain Road (on the east side of I-985) or to SR 13/ Gainesville Hwy. to the west. Both of those roads travel north-south along the interstate and would offer connections to the interchanges at Exit 12 (Phil Niekro Blvd.) or Exit 8 (Lanier Islands Parkway).
- The proposed site plan shows one entry point along Wade Orr Road, currently positioned To be opposite a pair of residential driveways. Traffic analyses provided indicate a



projected 944 daily trips generated by the development, with peak hour traffic at roughly 92 AM and 95 PM trips. As a result, the study indicates improvements at the intersection of Wade Orr Road and Hog Mountain Road “*may be necessary.*”

- Traffic generation for this project is in line with comparable uses, but may be out of sorts for the Wade Road corridor, for which the only freight traffic is that end-destination delivery service. Should an industrial use be permitted for the location, additional measures designed to mitigate the heavier category of vehicles and additional congestion may be needed. The GMRC recommends additional access lanes and a lefthand turn lane at the project’s entry off Wade Orr Road, at a minimum. Additional measures at Gainesville Highway may also be needed. The GHMPO and GDOT should be consulted in these regards. Further, while the area does not currently employ sidewalks or trails and does not have a social or commercial destination within walking distance of the project site, the City may consider long-term plans for pedestrian infrastructure that would assist in minimizing traffic loading.

In conclusion, the submitted master plan does not incorporate many of the recommendations from GRMC in the DRI. The recommendations for the right turn lane and left turn lane cannot be confirmed from the scale of the provided master plan. It is not known at this time if the applicant has worked with GDOT as recommended by GRMC.



Hall County Opposition:

Hall County provided a letter of opposition to the project citing concerns regarding both traffic impacts as well as a lack of harmony with the surrounding residential land uses, stating that the proposed industrial development is significantly out of character with current zoning and land use, letter attached for reference.



POST OFFICE DRAWER 1435
GAINESVILLE, GA 30503

t: 770.531.6809 | f: 770.531.3902

PLANNING AND ZONING
DIRECTOR
Beth Garmon



Hall County Government

COMMUNITY DEVELOPMENT & INFRASTRUCTURE
PLANNING AND ZONING

To: Adam Hazell, Planning Director, GMRC

From: Beth Garmon, Director of Planning & Zoning

Date: June 23, 2025

Subject: DRI #4468 – 6167 Wade Orr Road, Flowery Branch
Development of two industrial warehouses

On June 3, Hall County received notice of a Development of Regional Impact (DRI) for 6167 Wade Orr Road, located within the city limits of Flowery Branch. The property is zoned Light Industrial (M-1), and the proposed development does not require any zoning action.

This project appears to be significantly out of character for this area based on current zoning and existing development. The surrounding properties are zoned and developed predominantly for single-family residential use. Although the subject property is adjacent to Lanier Parkway/I-985, there is no direct access to the interstate from Wade Orr Road. Wade Orr Road is currently maintained by Hall County and exclusively serves residentially-zoned properties. The M-1 zoning appears to date back to 2014, with the 60 acre tract being part of a larger annexation/rezoning request. No specific site plan was included with that project.

Along with this memo, please find the following documents:

1. Screenshot of current zoning map
2. Screenshot of Hall County Future Land Use map

Thank you for the opportunity to review the proposal and provide comments.

Beth Garmon
Director of Planning & Zoning
Hall County



Environmental Challenges for Developing a ~60-Acre Industrial Warehouse

Developing a ~60-acre industrial warehouse presents multiple environmental challenges that must be addressed to comply with regulations, minimize ecological impacts, and ensure sustainable development. Below is an analysis of key challenges, tailored to the context of the site and its potential development as an M-1 Industrial use.

1. Stream and Wetland Impacts

- **Challenge:** The presence of multiple streams on the site likely indicates jurisdictional waters regulated under the Clean Water Act (CWA) Section 404 by the U.S. Army Corps of Engineers (USACE) and state environmental agencies (e.g., Georgia Environmental Protection Division (EPD)). Construction activities, such as grading, filling, or redirecting streams, could degrade or destroy these aquatic resources.
- **Implications:**
 - A delineation study is required to identify the extent of streams, wetlands, and their buffers.
 - Any impacts to streams or wetlands require a Section 404 permit from USACE and a corresponding Section 401 water quality certification from the state.
 - Mitigation (e.g., stream restoration or off-site compensation) may be required, increasing project costs and timelines.
- **Industrial vs. Residential:** Industrial development typically involves larger impervious surfaces (e.g., warehouses, parking lots), increasing the risk of stream degradation compared to residential development, which may incorporate green spaces or lower-density layouts.

2. Stormwater Management and Water Quality

- **Challenge:** A 60-acre industrial warehouse would generate significant impervious surfaces, increasing stormwater runoff and the risk of water quality degradation in streams.
- **Implications:**
 - Runoff may carry pollutants (e.g., oils, heavy metals from trucks) into streams, violating National Pollutant Discharge Elimination System (NPDES) standards.



- Compliance with local stormwater ordinances and Georgia's Erosion and Sedimentation Act requires robust stormwater management plans, including detention ponds, bioswales, or permeable pavements.
- Streams may be sensitive to increased runoff volume, leading to erosion, sedimentation, and habitat loss for aquatic species.
- **Industrial vs. Residential:** Residential development typically produces less intense runoff due to smaller impervious areas and landscaping requirements, potentially reducing water quality impacts.

3. Floodplain and Hydrologic Impacts

- Challenge: Streams on the site may be associated with floodplains, regulated under FEMA's National Flood Insurance Program and local floodplain ordinances.
- Implications:
 - Development within or near floodplains requires a Floodplain Development Permit and adherence to elevation or flood-proofing standards.
 - Altering stream channels or floodplains could increase flood risks downstream, necessitating costly hydrologic studies and mitigation measures.
 - Industrial facilities may require larger land disturbances, increasing the likelihood of floodplain encroachment compared to residential layouts designed to avoid flood zones.
- **Industrial vs. Residential:** Residential zoning (e.g., R-2) may allow for cluster development that preserves floodplains as open space, whereas industrial development often requires extensive land clearing.

4. Habitat and Biodiversity Impacts

- Challenge: Streams and their riparian zones likely support diverse flora and fauna, including protected species under the Endangered Species Act (ESA) or state regulations.
- Implications:
 - A biological assessment may be required to identify protected species (e.g., fish, amphibians, or plants) in or near the streams.
 - Disturbance to habitats could trigger consultation with the U.S. Fish and Wildlife Service or state agencies, potentially requiring habitat restoration or mitigation.



- Industrial activities, such as noise, lighting, and chemical runoff, pose greater risks to aquatic and terrestrial ecosystems than residential uses.
- **Industrial vs. Residential:** Residential development may integrate greenways or conservation areas to protect habitats, whereas industrial warehouses typically prioritize maximized land use, increasing ecological disruption.

5. Erosion and Sedimentation Control

- **Challenge:** Construction on a 60-acre site with streams increases the risk of erosion and sedimentation, particularly during land disturbance activities.
- **Implications:**
 - Compliance with Georgia's Erosion and Sedimentation Act requires a detailed erosion control plan, including silt fences, sediment basins, and regular inspections.
 - Failure to control sedimentation can harm stream ecosystems, violate water quality standards, and result in fines or project delays.
 - Industrial construction, with larger disturbed areas, may pose higher erosion risks than residential development with phased or smaller-scale grading.
- **Industrial vs. Residential:** Residential projects may incorporate landscaping and vegetative buffers earlier in development, reducing erosion compared to industrial sites with extensive impervious surfaces.

6. Contamination Risks from Industrial Activities

- **Challenge:** Industrial warehouse operations (e.g., storage, distribution) may involve hazardous materials, increasing the risk of spills or leaks into streams.
- **Implications:**
 - A Phase I Environmental Site Assessment is needed to evaluate past industrial uses and potential contamination (e.g., from prior M-1 zoning activities).
 - Ongoing operations require spill prevention and response plans under EPA's Spill Prevention, Control, and Countermeasure (SPCC) regulations.
 - Contamination risks could degrade stream water quality, affecting downstream communities and ecosystems.
- **Industrial vs. Residential:** Residential development poses minimal contamination risks, as it typically involves fewer hazardous materials than industrial operations.

7. Regulatory and Permitting Delays



- Challenge: The presence of streams triggers multiple environmental regulations, leading to complex permitting processes.
- Implications:
 - Federal, state, and local permits (e.g., CWA Section 404, NPDES, floodplain permits) require extensive documentation, public comment periods, and agency reviews, potentially delaying the project by months or years.
 - Industrial projects may face stricter scrutiny due to their environmental footprint compared to residential developments, which are often viewed as less impactful.
- **Industrial vs. Residential:** Residential rezoning (e.g., to R-2) may streamline permitting by aligning with the Comprehensive Plan's Suburban Residential Character Area, reducing regulatory conflicts.

Mitigation Strategies

To address these challenges, the following measures could be implemented:

- Stream Buffers: Maintain or expand undisturbed vegetative buffers (e.g., 25-50 feet) to protect streams and reduce runoff.
- Low-Impact Development (LID): Use permeable pavements, rain gardens, or green roofs to minimize impervious surfaces and manage stormwater.
- Erosion Control: Implement robust erosion control measures during construction, such as silt fences and sediment traps.
- Habitat Preservation: Designate stream corridors as conservation areas or greenways to protect biodiversity.
- Floodplain Avoidance: Site the warehouse (or residential units) outside floodplain boundaries to reduce flood risks and permitting requirements.

Industrial vs. Residential Development

Rezoning the site to R-2 Moderate Density Residential, as proposed in the context of the Comprehensive Plan's Suburban Residential Character Area, would likely reduce environmental challenges compared to industrial development:



- **Smaller Footprint:** Residential development typically involves less impervious surface area, reducing runoff and stream impacts.
- **Lower Pollution Risk:** Residential uses generate fewer hazardous materials, minimizing contamination risks to streams.
- **Compatibility with Comprehensive Plan:** Residential zoning aligns with the surrounding residential character and the Comprehensive Plan, potentially simplifying environmental permitting.
- **Community Benefits:** Residential projects can incorporate green spaces, trails, or parks along streams, enhancing ecological and public value.

Conclusion

Developing a 60-acre industrial warehouse on a site with multiple streams presents significant environmental challenges, including stream and wetland impacts, stormwater management, floodplain risks, habitat disruption, erosion, contamination, and permitting delays. These issues are compounded by the site's isolation and transportation constraints (e.g., weight-limited bridge, as noted in the prior transportation assessment). Rezoning to R-2 Residential would likely mitigate many of these challenges by reducing environmental impacts, aligning with the Comprehensive Plan, and better integrating with the surrounding residential context. Any development - industrial or residential—must include robust environmental studies, mitigation measures, and compliance with federal, state, and local regulations.

Recommendation:

Staff recommends **NOT TO ACCEPT** the proposed master plan for the subject parcel located at 6167 Wade Orr Road based on the analysis provided above in the staff report.

ORDINANCE NO. 760

AN ORDINANCE APPROVING A CHANGE IN CONDITIONS TO ORDINANCE 503, REZONING CONDITION 2. CONSIDER APPROVAL OF A MASTER SITE PLAN, ON A PARCEL OF REAL PROPERTY TOTALING 59+/- ACRES OWNED BY AMERICA'S HOME PLACE, INC., IDENTIFIED AS 6167 WADE ORR ROAD, TAX PARCEL # 08134 000002, AND AS SHOWN ON ATTACHED EXHIBIT "A", AND AS DESCRIBED ON ATTACHED EXHIBIT "B", ORDINANCE #503 FOR REFERENCE ON EXHIBIT "C" AND MASTER SITE PLAN ON EXHIBIT "D"; PROVIDING FOR SEVERABILITY, REPEALING CONFLICTING ORDINANCES, PROVIDING FOR AN EFFECTIVE DATE AND FOR ALL OTHER LAWFUL PURPOSES.

WHEREAS, America's Home Place, Inc. owns a parcel of land totaling 59+/- acres identified as Parcel Tax Parcel #08134 000002, as shown on Exhibit "A" and described in Exhibit "B"; and

WHEREAS, the subject property is subject to the Conditions of rezoning Ordinance 503, thus requiring a Change in Conditions in order to satisfy Condition 2 by consideration of approval of a Master Site Plan; and

WHEREAS, Outrigger Industrial, has submitted to the City Council of Flowery Branch, Georgia, a written and signed application requesting a Change in Conditions for the consideration of a Master Site Plan per Condition 2 of Ordinance 503; and

WHEREAS, the City Council held a public hearing at the meeting of October 2nd, 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 Change in Conditions 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 CHANGE IN CONDITIONS AND LEGAL DESCRIPTIONS.

A Change in Condition to consider approval of a Master Site Plan is hereby granted for the subject parcel, as shown on Exhibit "A" and as described on Exhibit "B", Ordinance #503 for reference on Exhibit "C" and Master Site Plan on Exhibit "D". Said Exhibits are incorporated by reference as if fully set forth herein.

SECTION 3. SEVERABILITY.

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

SECTION 4. EFFECTIVE DATE.

The effective date of this Ordinance shall be _____.

SECTION 5. REPEALER.

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

Approved this _____ day of _____, 2025.

Edward R. Asbridge, Mayor

ATTEST:

Shelia R. Cooper, City Clerk

APPROVED AS TO FORM

Ted C. Baggett, City Attorney

Exhibit “A”

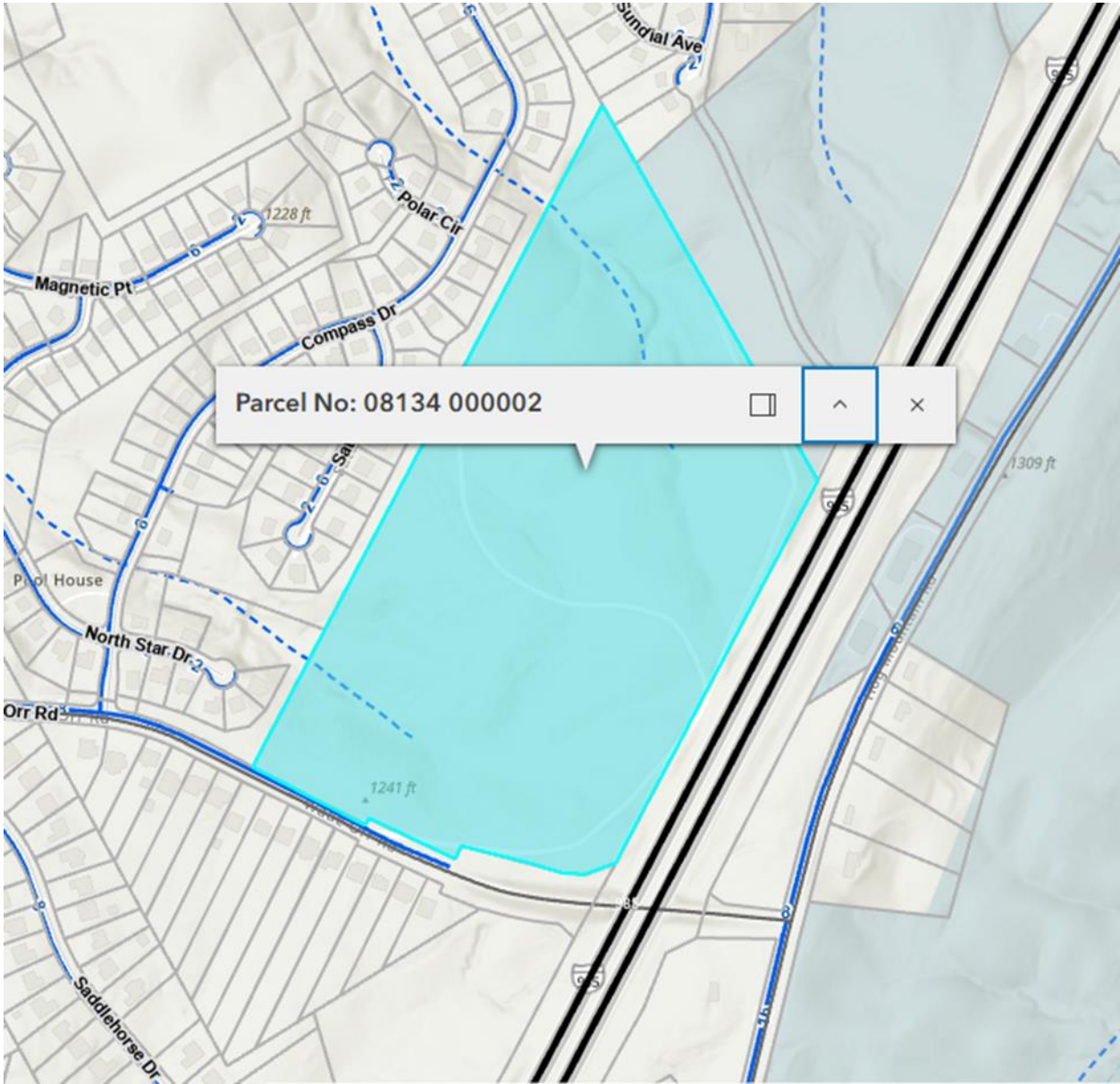


Exhibit "B"
Legal Description

All that tract or parcel of land lying and being in Land Lot 134 of the 8th district, City of Flowery Branch, Hall County, Georgia and being more particularly described as follows:

Beginning at a ½" rebar found at the intersection of a line common to Land Lots 116 and 134 of the 8th District, Hall County, Georgia with the western right of way line of Interstate Highway 985 (having an apparent variable width right of way) and thence leaving said point and running with the said right of way line of Interstate Highway 985

1. South 26° 51' 19" West, 1466.72 feet to a point found at the mitered intersection of the said right of way line of Interstate Highway 985 with the northern right of way line of Wade Orr Road (having an apparent variable width right of way); thence, leaving the said right of way of Interstate Highway 985 and running with the said right of way line of Wade Orr Road
2. South 67° 35' 45" West, 112.94 feet to a point; thence,
3. 439.34 feet along the arc of a curve deflecting to the right and having a radius of 1250.00 feet and a chord bearing and distance of North 78° 03' 04" West, 437.08 feet to a point; thence,
4. South 23° 53' 55" West, 49.97 feet to a point; thence,
5. North 66° 14' 52" West, 328.24 feet to a point; thence,
6. South 23° 45' 08" West, 23.00 feet to a point; thence,
7. North 63° 55' 44" West, 428.69 feet to a point; thence, leaving the said right of way line of Wade Orr road
8. North 26° 48' 07" East, 2567.13 feet to a ½" rebar found on the said line common to Land Lots 116 and 134; thence, running with the said line common to Land Lots 116 and 134
9. South 30° 19' 30" East, 218.50 feet to a ½" rebar found; thence,
10. South 30° 21' 41" East, 1269.65 feet to a ½" rebar found at the intersection of the said line common to Land Lots 116 and 134 with the said right of way line of Interstate Highway 985 and the point of beginning, containing 2,613,509 square feet or 59.9979 acres of land, more or less.

The herein described tract or parcel of land is subject to all rights of way and easements, both recorded and unrecorded.

Exhibit "C"
Reference to Ordinance 503

Public Hearing Published	9/16/14	First Reading	10/2/14
Public Hearing	10/2/14	Adopted	

ORDINANCE NO. 503

AN ORDINANCE AMENDING THE ZONING MAP OF THE CITY OF FLOWERY BRANCH, GEORGIA, BY ZONING A PARCEL OF REAL PROPERTY OWNED BY AMERICA'S HOMEPLACE INC., BEING 93.22± ACRES IDENTIFIED AS PARCEL TAX IDENTIFICATION NO. 08117-000002 (6167 WADE ORR ROAD), AS SHOWN ON THE BOUNDARY SURVEY ATTACHED AS EXHIBIT "A" AND AS DESCRIBED ON ATTACHED AS EXHIBIT "B", FROM AR-III (AGRICULTURAL RESIDENTIAL) TO M-1 (LIGHT MANUFACTURING AND INDUSTRIAL); PROVIDING FOR FINDINGS, SEVERABILITY, REPEALING CONFLICTING ORDINANCES, AND FOR ALL OTHER LAWFUL PURPOSES.

WHEREAS, America's Home Place, Inc., owns all that tract or parcel of land totaling 9.78± acres identified as Parcel Tax Identification No. 08117-000002 (6167 Wade Orr Road), as shown on Exhibit "A", and as described on Exhibit "B"; and

WHEREAS, the City Council of the City of Flowery Branch has considered the application of America's Home Place, Inc. in conjunction with the standards set forth in Article 34 - Section 34.7 of Zoning Ordinance No. 348 of the City of Flowery Branch, Georgia; and

WHEREAS, the City Council held a public hearing at the meeting of October 2, 2014, 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 DOES HEREBY ORDAIN AS FOLLOWS:

SECTION 1. FINDINGS.

The City Council finds that the proposed rezoning from AR-III (Agricultural Residential) to M-1 (Light Manufacturing and Industrial) is consistent with the adopted standards for governing the exercise of the zoning power consistent with O.C.G.A. § 36-66-5 and requirements of the Zoning Ordinance as identified below.

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

Ordinance No. 503
Page 2 of 6

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

SECTION 2. LEGAL DESCRIPTION AND CONDITIONS.

The rezoning of the subject parcel, as shown on Exhibit “A” and as legally described in Exhibit “B”, from AR-III (Agricultural Residential) to M-1 (Light Manufacturing and Industrial). Conditions are attached as Exhibit “C.” 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.

Ordinance No. 503
Page 3 of 6

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

SECTION 6. REPEALER.

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

Adopted this 16th day of October 2014.


James M. Miller, Mayor

ATTEST

Melissa McCain, City Clerk

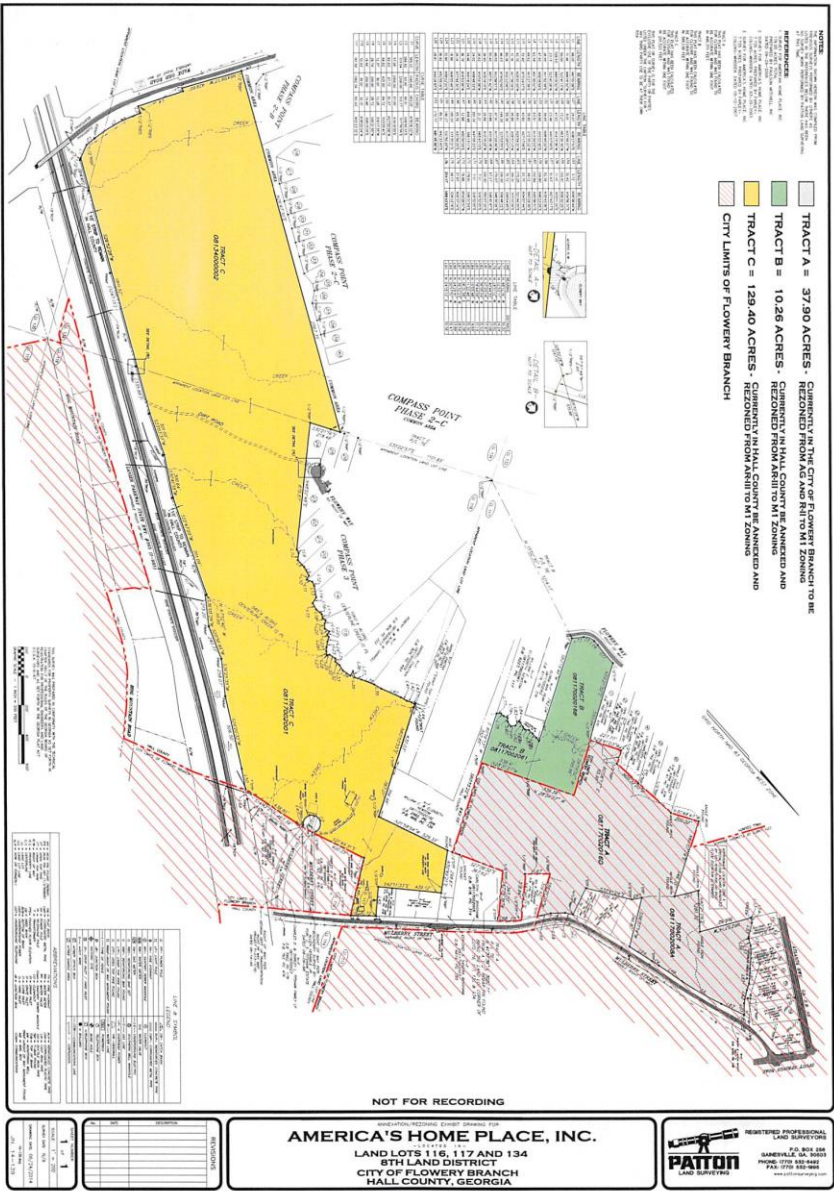
APPROVED AS TO FORM

E. Ronald Bennett, Jr., City Attorney



Ordinance No. 503
Page 4 of 6

EXHIBIT "A"



Ordinance No. 503
Page 5 of 6

EXHIBIT "B"
LEGAL DESCRIPTION

L E G A L D E S C R I P T I O N
TAX PARCEL 08 134 000 002

All that tract or parcel of land lying and being in Land Lots 116 and 134, 8th Land District, Hall County, Georgia.

To locate the POINT OF BEGINNING commence at a 1/2 inch rebar found and being the Land Lot Corner of Land Lots 116, 117 and 134 of the 8th Land District. Proceed Thence South 30 degrees 22 minutes 57 seconds East for a distance of 1,101.65 feet to a 1/2 inch rebar pin found and said point being the POINT OF BEGINNING.

Thence South 30 degrees 21 minutes 16 seconds East for a distance of 218.48 feet to a 1/2 inch rebar found;

Thence North 48 degrees 22 minutes 48 seconds East for a distance of 875.57 feet to a point located in the center of a creek;

Thence following along the center of the creek the following courses:

Thence North 11 degrees 52 minutes 38 seconds East for a distance of 26.55 feet to a point;

Thence North 50 degrees 18 minutes 59 seconds East for a distance of 47.92 feet to a point;

Thence North 01 degrees 30 minutes 02 seconds West for a distance of 62.59 feet to a point;

Thence North 13 degrees 27 minutes 39 seconds East for a distance of 69.62 feet to a point;

Thence North 73 degrees 24 minutes 27 seconds East for a distance of 32.42 feet to a point;

Thence North 28 degrees 33 minutes 29 seconds West for a distance of 42.32 feet to a point;

Thence North 17 degrees 38 minutes 29 seconds East for a distance of 31.76 feet to a point;

Thence North 32 degrees 22 minutes 06 seconds East for a distance of 80.36 feet to a point;

Thence North 74 degrees 02 minutes 00 seconds East for a distance of 46.63 feet to a point;

Thence North 12 degrees 58 minutes 57 seconds East for a distance of 49.55 feet to a point;

Thence North 07 degrees 31 minutes 42 seconds West for a distance of 50.45 feet to a point;

Thence North 30 degrees 16 minutes 15 seconds East for a distance of 26.90 feet to a point;

Thence North 10 degrees 19 minutes 38 seconds West for a distance of 26.62 feet to a point;

Thence North 58 degrees 48 minutes 33 seconds East for a distance of 24.02 feet to a point;

Thence North 41 degrees 18 minutes 24 seconds East for a distance of 34.46 feet to a point;

Thence North 16 degrees 53 minutes 06 seconds West for a distance of 36.79 feet to a point;

Thence North 77 degrees 44 minutes 30 seconds East for a distance of 26.19 feet to a point;

Thence North 06 degrees 55 minutes 46 seconds East for a distance
of 19.96 feet to a point;
Thence North 58 degrees 22 minutes 20 seconds East for a distance
of 32.80 feet to a point;
Thence North 52 degrees 55 minutes 19 seconds East for a distance
of 39.42 feet to a point;
Thence North 44 degrees 28 minutes 57 seconds East for a distance
of 28.81 feet to a point;
Thence North 38 degrees 27 minutes 51 seconds East for a distance
of 25.07 feet to a point;
Thence North 37 degrees 56 minutes 27 seconds West for a distance
of 8.01 feet to a point;
Thence North 72 degrees 30 minutes 52 seconds East for a distance
of 15.41 feet to a point;
Thence South 38 degrees 08 minutes 07 seconds East for a distance
of 28.24 feet to a point;
Thence South 18 degrees 38 minutes 28 seconds East for a distance
of 33.56 feet to a point;
Thence South 59 degrees 25 minutes 35 seconds East for a distance
of 22.52 feet to a point;
Thence South 31 degrees 02 minutes 20 seconds East for a distance
of 18.16 feet to a point;
Thence South 69 degrees 23 minutes 50 seconds East for a distance
of 17.67 feet to a point;
Thence South 17 degrees 03 minutes 17 seconds East for a distance
of 14.38 feet to a point;
Thence South 21 degrees 43 minutes 34 seconds West for a distance
of 17.64 feet to a point;
Thence South 39 degrees 27 minutes 04 seconds East for a distance
of 46.23 feet to a point;
Thence South 29 degrees 51 minutes 56 seconds East for a distance
of 74.63 feet to a point;
Thence South 36 degrees 39 minutes 10 seconds East for a distance
of 20.48 feet to a point;
Thence South 38 degrees 01 minutes 12 seconds West for a distance
of 34.00 feet to a point;
Thence South 47 degrees 38 minutes 44 seconds East for a distance
of 36.33 feet to a point;
Thence South 03 degrees 50 minutes 43 seconds East for a distance
of 19.33 feet to a point;
Thence South 51 degrees 14 minutes 54 seconds East for a distance
of 17.91 feet to a point;
Thence South 01 degrees 36 minutes 22 seconds West for a distance
of 12.52 feet to a point;
Thence South 65 degrees 46 minutes 21 seconds East for a distance
of 42.53 feet to a point;
Thence South 30 degrees 51 minutes 12 seconds East for a distance
of 43.14 feet to a point;
Thence South 46 degrees 29 minutes 00 seconds East for a distance
of 16.99 feet to a point;
Thence South 09 degrees 28 minutes 59 seconds West for a distance
of 50.94 feet to a point;
Thence South 38 degrees 56 minutes 17 seconds West for a distance
of 43.68 feet to a point;
Thence South 02 degrees 49 minutes 30 seconds West for a distance
of 47.85 feet to a point;

Thence South 53 degrees 55 minutes 53 seconds East for a distance of 19.52 feet to a point;
Thence South 18 degrees 13 minutes 00 seconds East for a distance of 24.02 feet to a point;
Thence South 08 degrees 38 minutes 48 seconds East for a distance of 46.67 feet to a point;
Thence South 09 degrees 42 minutes 00 seconds West for a distance of 42.55 feet to a point;
Thence South 75 degrees 33 minutes 09 seconds East for a distance of 22.10 feet to a point;
Thence South 21 degrees 31 minutes 01 seconds East for a distance of 26.78 feet to a point;
Thence South 41 degrees 23 minutes 13 seconds East for a distance of 29.72 feet to a point;
Thence South 12 degrees 59 minutes 21 seconds East for a distance of 35.03 feet to a point;
Thence South 12 degrees 59 minutes 04 seconds West for a distance of 33.84 feet to a point;
Thence South 33 degrees 09 minutes 23 seconds East for a distance of 59.07 feet to a point;
Thence South 23 degrees 13 minutes 04 seconds East for a distance of 39.37 feet to a point;
Thence North 77 degrees 40 minutes 29 seconds East for a distance of 31.30 feet to a point located in the centerline of a creek and the western right of way of I-985, State Route No. 365, a/k/a Lanier Parkway (right of way varies);

Thence following along the right of way of I-985, State Route No. 365, a/k/a Lanier Parkway the following courses:

Thence South 36 degrees 05 minutes 29 seconds West for a distance of 38.36 feet to a point located in the centerline of a creek and the western right of way of I-985, State Route No. 365, A/K/A Lanier Parkway (right of way varies);

Thence leaving aforesaid road right of way the following courses:

Thence North 67 degrees 12 minutes 40 seconds West for a distance of 10.00 feet to a point;
Thence South 22 degrees 47 minutes 20 seconds West for a distance of 701.09 feet to a point;
Thence South 30 degrees 41 minutes 18 seconds West for a distance of 300.64 feet to a point;
Thence South 23 degrees 03 minutes 37 seconds West for a distance of 301.00 feet to a point;
Thence South 25 degrees 52 minutes 28 seconds West for a distance of 1811.52 feet to a point located on the northern right of way of Wade Orr Road (right of way varies);

Thence following along the northern right of way of Wade Orr Road the following courses:

Thence South 67 degrees 01 minutes 08 seconds West for a distance of 98.05 feet to a 1/2 inch rebar found;
Thence North 86 degrees 18 minutes 32 seconds West for a distance of 71.46 feet to a right of way monument found;
Thence along a curve to the right having a radius of 1045.94 feet and an arc length of 365.10 feet, being subtended by a chord

of North 76 degrees 18 minutes 32 seconds West for a distance of
363.25 feet to a 1/2 inch rebar set;

Thence South 23 degrees 41 minutes 13 seconds West for a distance
of 50.00 feet to a 1/2 inch rebar set;
Thence North 66 degrees 18 minutes 32 seconds West for a distance
of 328.53 feet to a point;
Thence South 23 degrees 41 minutes 28 seconds West for a distance
of 23.13 feet to a point;
Thence North 64 degrees 06 minutes 17 seconds West for a distance
of 429.60 feet to a 1/2 inch rebar found;

Thence leaving the right of way of Wade Orr Road the following courses:
Thence North 26 degrees 47 minutes 30 seconds East for a distance
of 2567.35 feet to a 1/2 inch rebar found and said point being the
POINT OF BEGINNING.

Together with and subject to covenants, easements, and
restrictions of record.

Said property contains 92.36 acres more or less.

Ordinance No. 503
Page 6 of 6

EXHIBIT "C"
CONDITIONS

REZONING CONDITIONS

1. Rear Building Setback

The minimum rear building setback abutting any residential district within or outside of the City of Flowery Branch will include a 60' setback. This will include a 50' natural buffer as part of the 60' setback.

2. Master Site Plan

No land disturbance or building permit will be issued without the acceptance by City Council of a comprehensive master site plan.

3. Traffic Impact Studies

In order to issue a land disturbance or building permit, a traffic impact study shall be required to determine the most appropriate road improvements, including driveway locations, and as a basis for determining improvements required to the road system. Prior to development approval, additional road right-of-way for a local road or frontage road may be needed at intersections or at other locations fronting the property where turning lanes, storage lanes, medians, or realignments are required for traffic safety, and where the existing right-of-way would be inadequate to accommodate the road, drainage, and utility, and other improvements necessitated by the development.

4. Access

Excepting local deliveries, signage will direct truck traffic to utilize Hog Mountain Road for access to Interstate I-985 from Wade Orr Road.

5. Land Uses

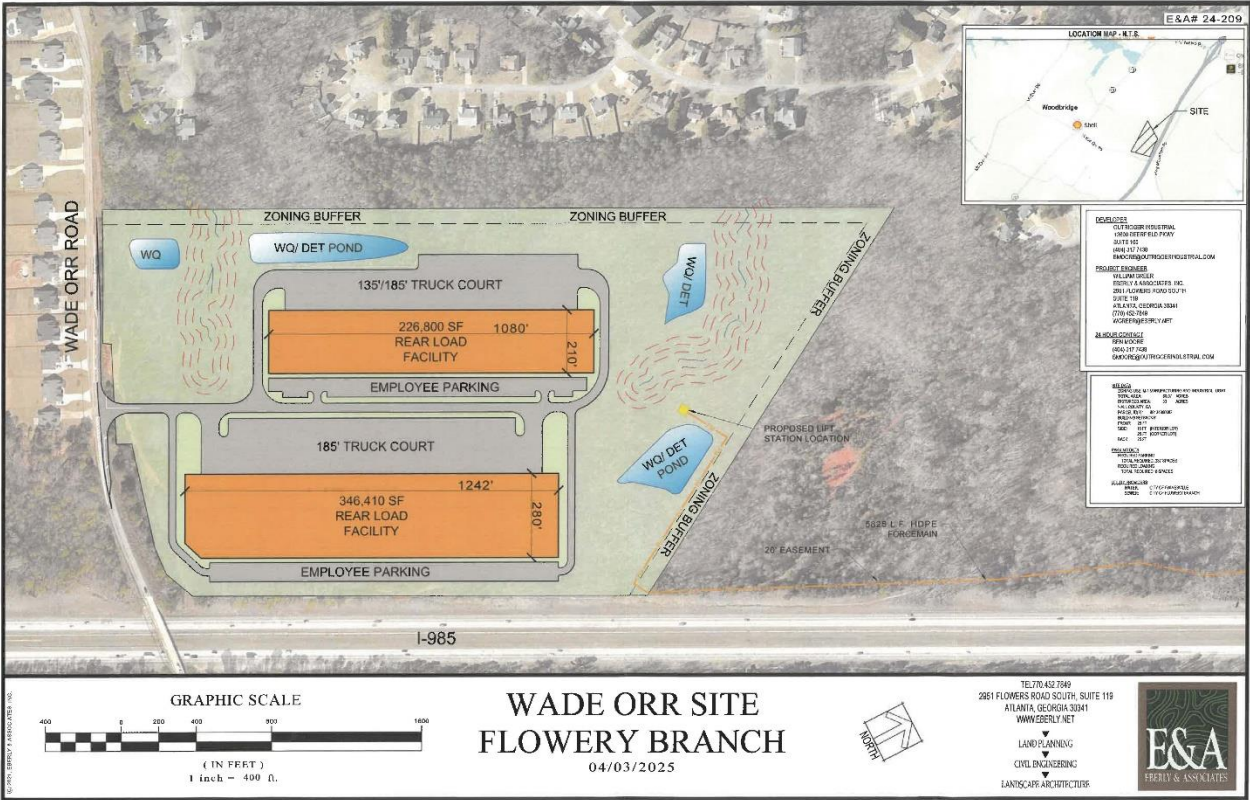
Land uses identified within Article 9 Table 9.1 M-1 shall be permitted as indicated within the table and as subject to any necessary Conditional Use Permit or development standards, except that the following uses shall not be permitted uses within the M-1 (Manufacturing & Industrial) designation.

Cemetery or mausoleum
Cold storage plant or frozen food locker
Convenience store, with or without gasoline pumps
Crematorium in conjunction with a funeral home or mortuary (Ord. 348-13)
Distribution center, including truck terminals
Fairgrounds
Fuel oil distributor
Funeral Home or mortuary
Service and fuel-filling station
Tow service

6. Adult Business

The owner shall prohibit Adult Business by private covenant which shall run with the land.

Exhibit “D”
Master Site Plan





DEVELOPER
OUTRIGGER INDUSTRIAL
12800 DEERFIELD PKWY
SUITE 100
(404) 317 7438
BMOORE@OUTRIGGERINDUSTRIAL.COM

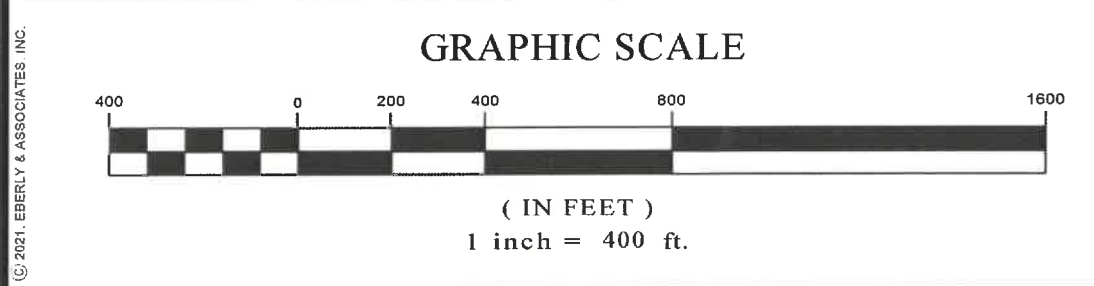
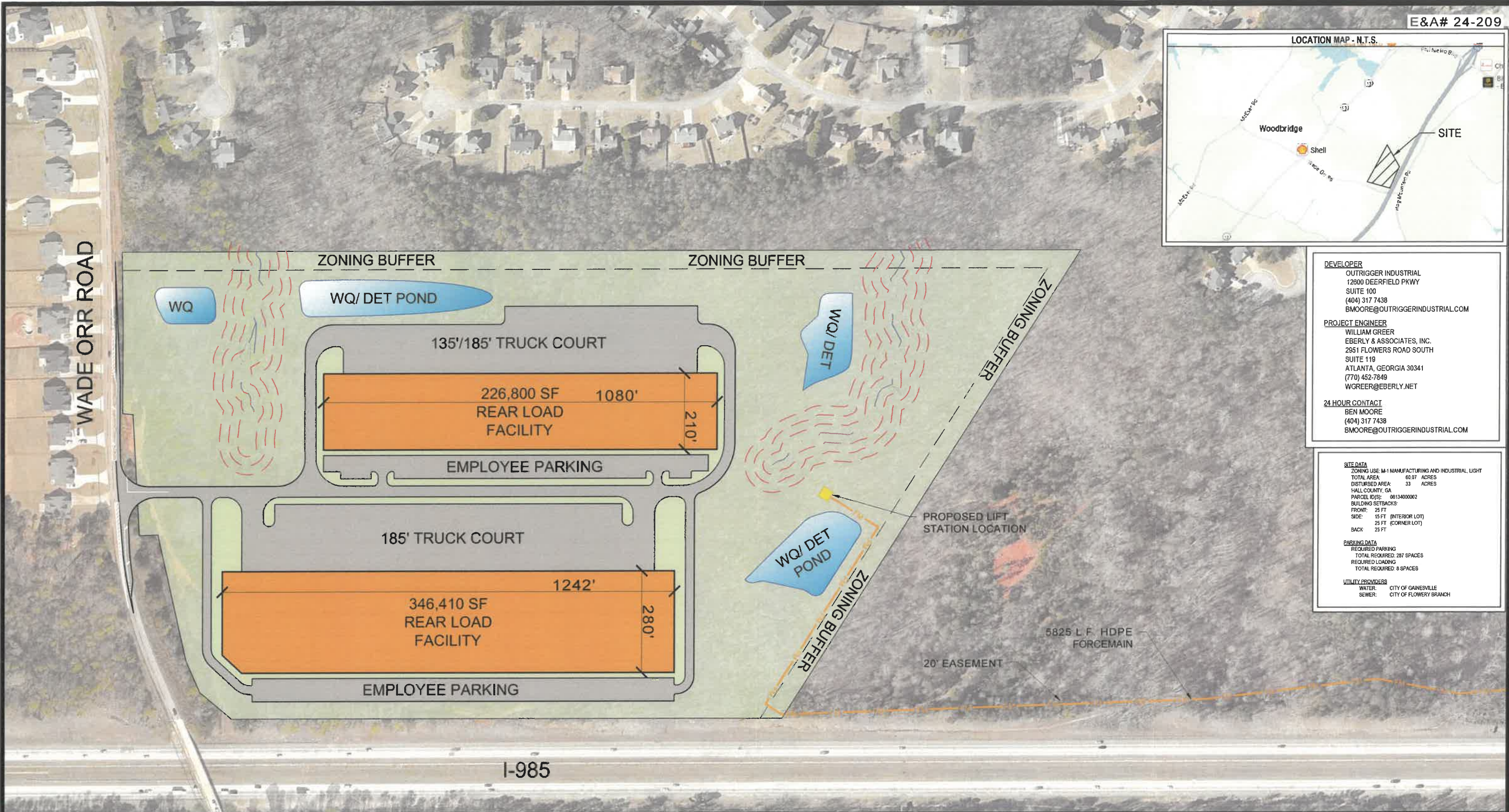
PROJECT ENGINEER
WILLIAM GREER
EBERLY & ASSOCIATES, INC.
2951 FLOWERS ROAD SOUTH
SUITE 119
ATLANTA, GEORGIA 30341
(770) 452-7849
WGREER@EBERLY.NET

24 HOUR CONTACT
BEN MOORE
(404) 317 7438
BMOORE@OUTRIGGERINDUSTRIAL.COM

SITE DATA
ZONING USE: M-1 MANUFACTURING AND INDUSTRIAL LIGHT
TOTAL AREA: 60.07 ACRES
DISTURBED AREA: 33 ACRES
HALL COUNTY, GA
PARCEL ID(S): 06134000002
BUILDING SETBACKS:
FRONT: 25 FT
SIDE: 15 FT (INTERIOR LOT)
25 FT (CORNER LOT)
BACK: 25 FT

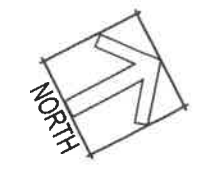
PARKING DATA
REQUIRED PARKING:
TOTAL REQUIRED: 287 SPACES
REQUIRED LOADING:
TOTAL REQUIRED: 8 SPACES

UTILITY PROVIDERS
WATER: CITY OF GAINESVILLE
SEWER: CITY OF FLOWERY BRANCH



WADE ORR SITE FLOWERY BRANCH

04/03/2025



TEL 770.452.7849
2951 FLOWERS ROAD SOUTH, SUITE 119
ATLANTA, GEORGIA 30341
WWW.EBERLY.NET

▼
LAND PLANNING
▼
CIVIL ENGINEERING
▼
LANDSCAPE ARCHITECTURE





CITY OF FLOWERY BRANCH CITY COUNCIL

EXECUTIVE SUMMARY



SUBJECT: Second Amendment to Red Oak Agreement

DATE: October 2, 2025

COUNCIL ACTION REQUESTED ON: October 2, 2025

BUDGET INFORMATION:

N/A

PURPOSE: To renew the contract with Red Oak Sanitation, Inc. for the price for residents of the City of Flowery Branch.

HISTORY: On May 1, 2020, the City of Flowery Branch entered into an agreement with Red Oak Sanitation, Inc. for residential waste removal service, recycling, yard trimmings, and bulk items. The rate was \$12 per month per home for one can, \$6 per additional can, \$8 per cubic yard of yard waste that exceeds 1.5 cubic yards (7 bags or rolls) per week, and an additional charge of \$4 per month for recycling services. On July 1, 2022, the first amendment to that agreement was signed, which allowed for \$16 per month per home for one can, \$6 per additional can, \$25 per item for bulk pickup, and an additional \$8 per month for recycling.

FACTS & ISSUES: The current agreement expired in June 2025, but both parties wish to continue the agreement. By signing the second amendment, the same pricing will remain in effect. Red Oak Sanitation handles all billing, customer accounts, customer service, etc. The City of Flowery Branch simply negotiated the terms of the agreement stating that Red Oak would be the sole provider of sanitation removal for residential customers within the city limits as well as the pricing associated with the services being provided. The contract will renew annually as described in the agreement unless either party desires to terminate the contract and may do so with the provisions in the contract.

OPTIONS: 1) Sign the second amendment.
2) Do not sign the second amendment.

RECOMMENDED SAMPLE MOTION: I move to approve the second amendment to the residential waste services agreement with Red Oak Sanitation, Inc.

DEPARTMENT: Administration

PREPARED BY: Tonya Parrish, City Manager

SECOND AMENDMENT TO THE RESIDENTIAL WASTE SERVICES AGREEMENT BY AND BETWEEN THE CITY OF FLOWERY BRANCH, GEORGIA AND RED OAK SANITATION, INC.

THIS SECOND AMENDMENT TO THE RESIDENTIAL WASTE SERVICES AGREEMENT BY AND BETWEEN THE CITY OF FLOWERY BRANCH, GEORGIA AND RED OAK SANITATION, INC. ("Second "Amendment"), is made and entered into effective this ___ day of _____, 2025, by and between the City of Flowery Branch, Georgia (hereinafter "City") and Red Oak Sanitation, Inc., a Georgia Corporation, (hereinafter "Contractor").

WHEREAS, the City and Contractor entered into that certain residential waste services agreement dated May 1, 2020 (the "Original Agreement") and the City and Contractor amended the Original Agreement in writing effective July 1, 2022 to reflect changes to certain terms (the "Original Agreement as First Amended"); and

WHEREAS, the City wishes to exercise its governmental powers to renew an exclusive franchise for residential sanitation services with Contractor and Contractor wishes to continue to provide said services to City residents.

NOW THEREFORE, the Original Agreement as First Amended is hereby amended as follows:

1. Recitals. Each of the foregoing recitals and representations of this Amendment form a material part of this Amendment and are incorporated herein by this reference, and such recitals and representations and the Original Agreement as First Amended are hereby ratified.
2. Term. The terms provisions of the Original Agreement as First Amended are hereby deleted and replaced to read as follows: "The term of this Agreement shall be for a period beginning on November 1, 2025 and ending on June 30, 2026. The Agreement shall automatically renew on July 1, 2026 for a one-year term which shall end on June 30, 2027. Thereafter, the Agreement shall automatically renew for three (3) successive one-year terms which shall run concurrent with the City's fiscal year. Any of the aforementioned one-year renewal periods shall not automatically renew if either party provides written notice to the other in writing within 60 days of the end of the then existing contract year of its determination not to renew."
3. Termination. Either party may terminate the Agreement by providing 90 days written notice to the other, provided that if the City determines that Contractor

cannot meet its obligations and that resulting emergency conditions make it necessary to exercise its governmental powers in order to protect the public health, welfare, and safety, it may do so notwithstanding any written notice of termination to Contractor.

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

IN WITNESS WHEREOF, City and Contractor have carefully read and reviewed this Amendment and each term and provisions contained herein, and by the execution of this Amendment shows their informed and voluntary consent thereto. The parties hereby agree that, at the time this Amendment is executed, the terms of this Amendment are commercially reasonable and effectuate the intent and purpose of City and Contractor with respect to residential waste services.

This amendment may be executed in two or more counterparts, each of which shall be deemed an original, but all of which together shall constitute one and the same instrument.

The undersigned hereby acknowledge they possess the authority to bind the respective parties to this Amendment.

This ____ day of _____, 2025.

CITY OF FLOWERY BRANCH, GEORGIA

By: _____
Ed Asbridge, Mayor

ATTEST:

Shelia Copper, City Clerk

APPROVED AS TO FORM:

Ted Baggett, City Attorney

CONTRACTOR: RED OAK SANITATION, INC.

By: Sheryl Lynn Luce

Printed Name: Sheryl Lynn Luce

Title: CEO

Date: 9/26/2025