



**City of Flowery Branch
City Council Meeting
Thursday, January 07, 2021, 6:00 PM
City of Flowery Branch City Hall
5410 West Pine Street, Flowery Branch GA, 30542**



CALL PUBLIC HEARING TO ORDER:

PLEDGE OF ALLEGIANCE:

CONNECTION TO MEETING: - Thu, Jan 7, 2021 5:30 PM - 8:30 PM (EST)

Please join my meeting from your computer, tablet or smartphone.
<https://global.gotomeeting.com/join/805722741>

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United States: +1 (872) 240-3412

Access Code: 805-722-741

PUBLIC HEARING:

- Consider a Conditional Use Permit (CUP) submitted by Jeremy Crosby, JPC design and Construction, LLC. to build and operate a car wash in the Highway Business District zoning district.
[Application January 7 CC.pdf](#)
[Staff report.pdf](#)
[Resolution 200-027.pdf](#)
[Staff Report - VARIANCE.pdf](#)
- Consider First Reading of Ordinance #2020-623 a rezoning application submitted by Mr. Bret Clark.
[FB McEver Concept & Elevations Compressed.pdf](#)
[Combined Files Bret Clark.pdf](#)
[Staff Report Bret Clark McEver Mixed-Use.pdf](#)

UNFINISHED BUSINESS - WORK SESSION:

- Consider Second Reading of Ordinance #20-621 a rezoning request submitted by Eberly & Associates.
[20201221_Scannell Falcon Pkwy_RinRout Exhibit.pdf](#)
[20201221_Scannell Falcon Pkwy_Full Movement Exhibit.pdf](#)
[Staff Report .pdf](#)
[Rezoning Ordinance 20-621.pdf](#)
- Consider Second Reading of Ordinance #20-622 a rezoning request submitted by Eberly &

Associates.

[20201221_Scannell Falcon Pkwy_Full Movement Exhibit.pdf](#)

[20201221_Scannell Falcon Pkwy_RinRout Exhibit.pdf](#)

[Staff Report .pdf](#)

[Rezoning Ordinance 20-622.pdf](#)

- Consider approval of New Operations Development Charge
[Operations Fee Charge Technical Memorandum Sept 23 2020.pdf](#)
[20-020 WS Rates Final Ordinance passed 8-20-2020.pdf](#)
[FB Operations Fee TM November 16 2020.pdf.pdf](#)
[Flowery Branch Council Presentation Jan 7 2021 w notes.pdf](#)

NEW BUSINESS -WORK SESSION:

- 2021 Regulatory Event Dates
[2021 Regulatory dates.docx](#)
- Consider a Conditional Use Permit (CUP) submitted by Jeremy Crosby, JPC design and Construction, LLC. to build and operate a car wash in the Highway Business District zoning district.
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[Staff Report Bret Clark McEver Mixed-Use.pdf](#)
- Consider an Intergovernmental Agreement (IGA) between Hall County and the City concerning geographic information services (GIS).
[GIS IGA.pdf](#)
[GIS_IGA Jan 2021 Exec. Summary.pdf](#)
- Consider- 1st Reading of Ordinance 624 - Publishing of 2021 General Election Qualifying Fees
[Executive Summary Ordinance 624.docx](#)
[624 - 2021 Ordinance - Call for Election.docx](#)

DEPARTMENT REPORTS: -

- a. City Manager Report
- b. City Clerk Report
- c. Finance Director Report
- d. Planning Department Report
- e. Police Report
- f. Attorney Report
- g. Council Report

ADJOURNMENT WORK SESSION:

VOTING SESSION AGENDA

CALL VOTING SESSION TO ORDER:

PUBLIC COMMENTS: - Please limit to two minutes

CONSENT AGENDA:

- Consider Vehicles to Surplus and Auction through Gov Deals
[Vehicle Inspection Forms.pdf](#)
[Photos.pdf](#)

UNFINISHED BUSINESS - VOTING SESSION:

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EXECUTIVE SESSION:**ADJOURNMENT:**

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



FLOWERY BRANCH CITY COUNCIL

EXECUTIVE SUMMARY



SUBJECT: Consider a Conditional Use Permit (CUP) submitted by Jeremy Crosby, JPC design and Construction, LLC. to build and operate a car wash in the Highway Business District zoning district.

COUNCIL MEETING DATE: January 7, 2021

HISTORY:

A variance (see attached "staff report - VARIANCE") was applied for and granted by Council in October of 2018. This was a request to allow the gas pumps to be located in the front of the primary structure. During the variance process Council was shown a site plan detailing the proposed development. The development included a convenience store, gas pumps, a Burger King, and a car wash. The car wash requires a conditional use permit (CUP) in Highway Business (HB) zoning. This is the CUP request for the car wash portion of the project. The project is currently in the land development phase and has submitted and received approval for the convenience store/Burger King building.

FACTS AND ISSUES:

OPTIONS:

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

No

AMOUNT AND SOURCE OF FUNDS:

RECOMMENDATION:

It is staff's recommendation the CUP request to construct and operate a car wash submitted by Mr. Jeremy Crosby should be approved.

SAMPLE MOTION:

No vote at this time.

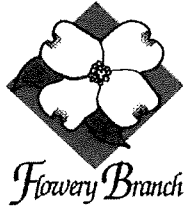
COLLABORATING DEPARTMENT:

DEPARTMENT: Planning

Prepared by: Vickie Short

ATTACHMENTS

- [Application January 7 CC.pdf](#)
- [Staff report.pdf](#)
- [Resolution 200-027.pdf](#)
- [Staff Report - VARIANCE.pdf](#)



CONDITIONAL USE PERMIT APPLICATION

City Provided Permit #

Date: 11-11-2020

Address of Request:

#5846 Phil Niekro Blvd., Flowery Branch,
GA 30542

Tax Map # 08114 002025 and 002030 Current Zoning: HB

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

Currently a conforming use? yes

Any conditions of zoning, CUP's, etc.? NO, Variance - yes

Applicant Information

Applicant: Jeremy Crosby, JPC Design and Construction, LLC

Address: P.O. Box 710, Jackson, GA 30233

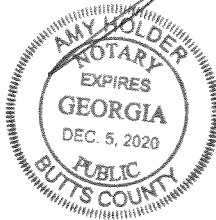
E-mail address: jcrosby@jonespetroleum.com

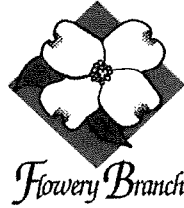
Phone number: 770-775-2386 office, 770-560-3527 cell

Signature: _____

Notary Seal:

Amy Holder





Property owner Information

Property owner (please print): William B. Jones

Address: 264 Alabama Blvd., Jackson GA 30233

E-mail address: bjones@jonespetroleum.com

Phone number: 770 - 775 - 2386

Signature: [Handwritten Signature]

Notary Seal:

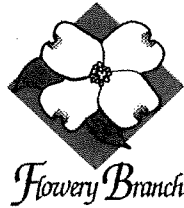
Dana Knight



Applicant Information Required at Time of Submittal

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

- Payment of \$350.00
- Legal description – one hard copy and on a flash drive
- Current survey of property – one hard copy and on a flash drive
- Site plan – one hard copy and on a flash drive
- Site plan shall meet the requirements of the Flowery Branch Code of Ordinances; Appendix C, "Zoning Ordinance", Article 34 sections 34.5
- Detailed description of request
- Development statistics per the Flowery Branch Code of Ordinances; Appendix C, "Zoning Ordinance", Article 34 sections 34.6
- Analysis requirements per the Flowery Branch Code of Ordinances; Appendix C, "Zoning Ordinance", Article 34 sections 34.7
- Conflict of interest disclosure (attached)
- Disclosure of campaign contributions (attached)



Conflict of Interest Disclosure

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

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

N/A

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

N/A

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

N/A

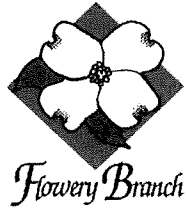
Disclosure of Campaign Contributions

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

Elected Officials Name

Amount of Description of Gift

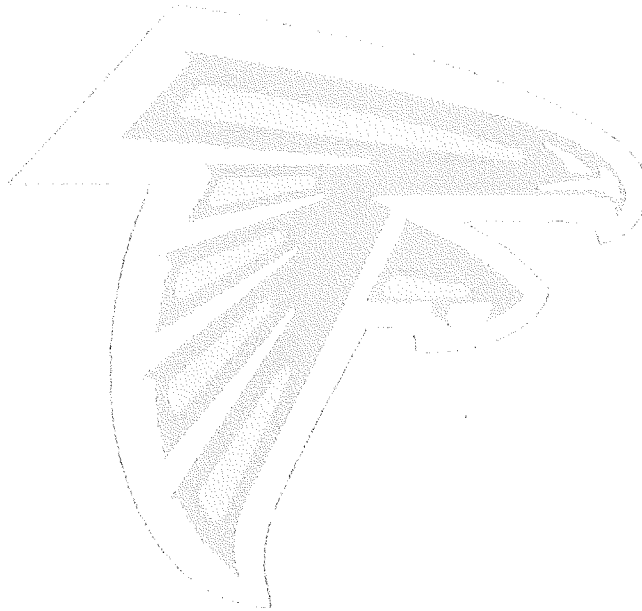
N/A



Received by City of Flowery Branch Staff on _____

Name: _____

Title _____



JPC Design and Construction, LLC
264 Alabama Blvd.
P.O. 710
Jackson, Georgia 30233

11/11/20

Mr. Rich Atkinson, Director
City of Flowery Branch Planning and Community Development
PO Box 757
5410 Pine St.
Flowery Branch, Georgia 30542

RE: Conditional Use Written Analysis and Detailed Description, Car Wash, 5840 Phil Niekro Blvd., Flowery Branch, Georgia.

Mr. Atkinson,

In consideration of Conditional Use for a Car Wash located at 5840 Phil Niekro Blvd., we ask that you consider these factors as they bear a reasonable relationship to the public health, safety, morality, and general welfare to the City of Flowery Branch.

We are proposing a Car Wash adjacent to the Jones Petroleum Convenience Store and Burger King. The Car Wash will have a proposed 3,400 SF building with 17 parking spaces with vacuum and detail stations. There will be access to enter the car wash from the front of the property, and the exit of the car wash will be in the rear of the property. We will adhere to all City Ordinances and Regulations, and all buildings will be architecturally compatible with the other buildings on our property.

Attached are criteria for consideration for the Zoning Administrator to make recommendations for the Governing Body.

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

The existing uses of the adjacent and nearby properties are mixed highway commercial in general. The current zoning of our property is HB with a proposed convenience store and gas station with a Burger King attached and an out parcel for a future Car Wash. We are located directly at the intersection of I-985, which is a major commercial intersection. This Conditional Use should be suitable in view of the use and development of adjacent properties. The proposed building will be architecturally compatible with the convenience store and Burger King currently under construction.

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

The proposal will not adversely affect the existing use or usability of adjacent or nearby property. The proposal has adequate setback and inter parcel access and vehicular circulation into and out of the site, both in the front and rear of the property. There will be vacuum and detail stations on site as well. Vehicles will be able to enter the car wash in the front access and exit in the rear and there is a travel lane that circles behind the convenience store and Burger King where vehicles can exit onto Holland Dam Rd.

- 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.

A Conditional Use permit is required by the City of Flowery Branch in order to have a car wash use on the site. The site lends itself very well for the layout of the car wash. It is a small site, so commercial uses are limited for the parcel.

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

The proposed use will not cause excessive or burdensome use of streets, as there is adequate interior circulation on site to handle traffic flow. There are three access points into and out of the property already, as well as an existing red light at the intersection of Phil Niekro Blvd. and Holland Dam Rd. All utilities are available to the site as well. And there should be no impact on schools, as the request is commercial in nature.

- E. Whether the proposal is in conformity with the policy and intent of the comprehensive plan including but not limited to the character area map and future land use plan map.

The proposal is in conformity with the policy and intent of the comprehensive plan. The Character area map shows this site as an Activity Center with retail business, services, and complimentary uses being allowed. A car wash would meet this requirement and a service and complimentary use. Also we will adhere to all regulations and City Design Standards.

- 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.

- G. Existing use(s) and zoning of the subject property and nearby properties.

Existing zoning of the property and nearby properties are all HB (highway business). Existing uses of the subject property are a convenience store and Burger King and an undeveloped commercial parcel. There is a hotel to the south, and commercial shopping centers with retail business and restaurant uses to the north and east of the property.

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

The property is currently zoned HB and had an existing Marathon Station with Subway on it. The property has been redeveloped to include a new Jones Petroleum convenience store with Burger King and now a proposed car wash. This has all been done to enhance the property and bring it to current development standards with adjoining property.

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

We do not feel that the conditional use approval will place a negative impact on adjacent property. It should have a positive impact.

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

This does not apply.

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

There is no change in zoning requested.

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

The current convenience store and Burger King has been designed to handle all storm water drainage for the entire property, including the proposed car wash. There will be minimal impact on the environment, as we will adhere to all of the City's sediment and erosion control ordinances during and after construction in complete.

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

We feel that the request is compatible with the overall zoning scheme and purpose of the Zoning Ordinance.

Your consideration in this proposal is greatly appreciated.

Respectfully,

A handwritten signature in black ink, appearing to read 'Mike Horne', followed by a long horizontal line extending to the right.

Mike Horne, Project Manager
JPC Design and Construction, LLC

03854
0243

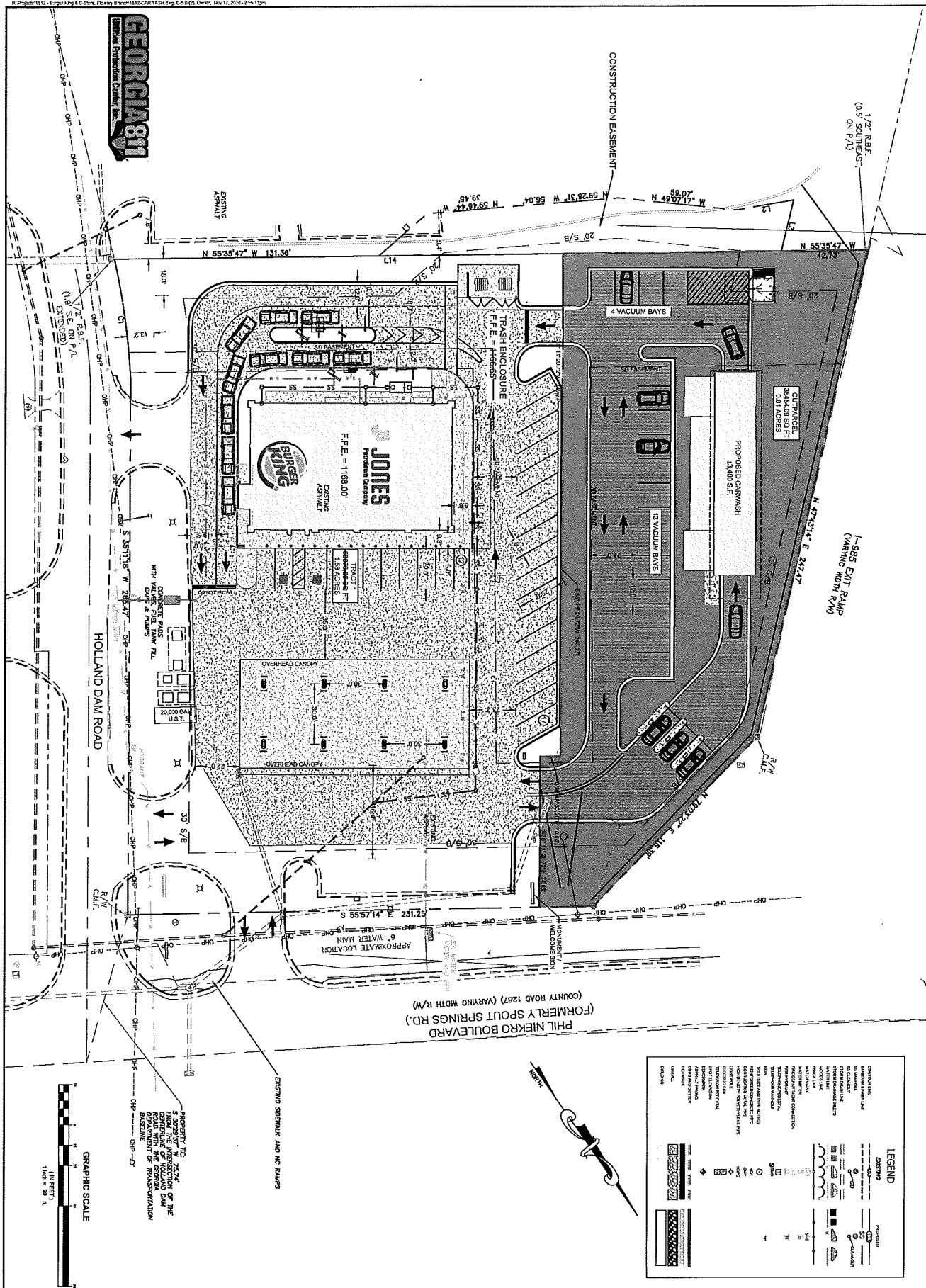
000243

TRACT D

BEGINNING at an iron pin running in a direction South 26 degrees 08' 11" West a distance 0.86 feet, thence North 52 degrees 13' 35" West a distance 130.91 feet, thence North 57 degrees 36' 27" East a distance 21.26 feet, thence South 52 degrees 13' 35' East a distance 120.08 feet rounding a curvature of 368.49' in Radius, 19.46' in Length, Chord of 19.46', and a CH. Bearing of South 27 degrees 34' 21" West to said point of beginning. Said tract containing 0.058 acres.

This property is made subject to all easements, right-of-ways, set backs, ordinances, and restrictions of record.

docno.12073





Applicant: Jeremy Crosby, JPC Design and Construction, LLC.

Property Owner: William B. Jones

Subject Property: 5840 Phil Niekro Blvd.; Parcel # 08114 002025 & #08114 002030

Request: Conditional Use Permit (CUP) to construct and operate a car wash in HB zoning

Current Use: Vacant with an approved LDP and building permit for a Burger King/gas station

Character Area: Activity Center

Code:

Per the City of Flowery Branch Zoning Ordinance an HB zoned property who wishes to operate a car wash is required to obtain a conditional use permit.

Sec. 9.4. - HB, Highway Business District.

Purpose and Description . This zoning district is intended to implement the "commercial" designation of the future land use plan contained within the comprehensive plan of the City of Flowery Branch. It is also intended to implement the "activity center" and "mixed use" character areas established in the comprehensive plan. Centered at the interchange of Spout Springs Road and I-985, and also extending north and south along Hog Mountain Road, this zoning district will be an accessible center of businesses, services, and complementary uses, which may include traditional neighborhood development and mixed-use developments, contributing extensively to the economic base of the city.

Character . This district is dominated by commercial uses but also intended to accommodate mixed-use developments. A grid block pattern of streets (connected local network) is provided, along with sidewalks and street trees. Pedestrian accessibility is promoted, although most activity is via the automobile for access. Entrances, frontages, and building facades are softened with landscaping and low-lying identification signs.

Permitted and Conditional Uses . Permitted and conditional uses shall be as provided in Table 9.1, "Permitted and Conditional Uses in Nonresidential Zoning Districts." The widest possible range of uses is contemplated in this zoning district, except for industry and single-family, detached or manufactured homes. This character area is the proper place for big box retail, shopping centers, lodging and auto-related uses.

Dimensional Requirements . Dimensional requirements shall be as provided in Table 9.2, "Dimensional Requirements in Nonresidential Zoning Districts."



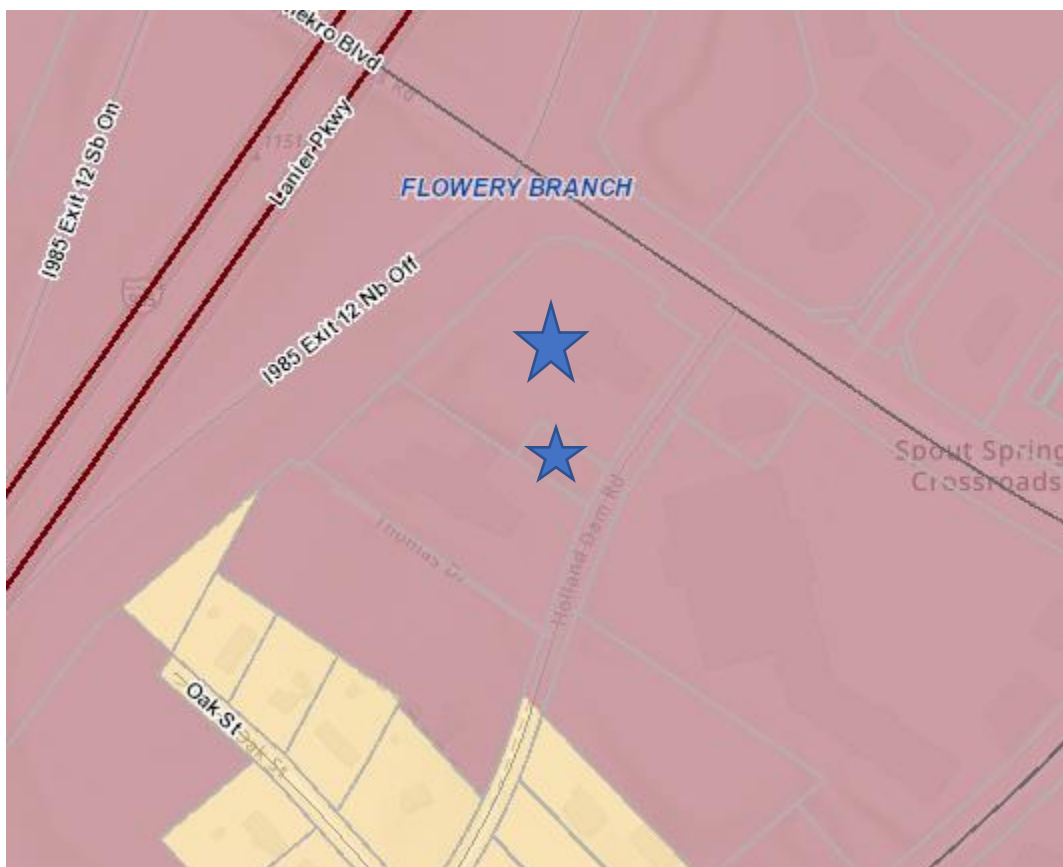
Table 9.1
Permitted and Conditional Uses in Nonresidential Zoning Districts
(P = Permitted Use C = Conditional Use X = Prohibited)

Use	O-P	INST	NS	HB	CBD	M-1	M-2
Accessory building, structure, or use	P	P	P	P	P	P	P
Adaptive reuse of a detached single-family dwelling for a personal service establishment or enclosed retail establishment	C	C	P	P	P	X	X
Adult business (see Adult Entertainment of Code of Ordinances No. 360)	X	X	X	X	X	P	P
Agricultural processing	X	X	X	X	X	X	C
Aircraft landing area	X	X	X	X	X	X	C
Animal hospital or veterinary clinic	P	P	P	P	X	X	X
Animal rendering, slaughtering, and recycling plant	X	X	X	X	X	X	X
Animal shelter	X	P	X	C	X	P	P
Apparel manufacturing	X	X	X	X	X	P	P
Art gallery	P	P	P	P	P	X	X
Asphalt plant	X	X	X	X	X	X	C
Auction house or auction yard (excluding livestock)	X	X	X	X	X	P	P
Auction house or auction yard (including livestock)	X	X	X	X	X	X	P
Automated teller machines (accessory use)	P	P	P	P	X	P	P
Automobile sales and service establishment	X	X	X	P	X	X	X
Automobile sales without service	X	X	X	P	X	X	X
Automobile service establishment without sales	X	X	X	P	X	P	P
Bank or financial institution	P	P	P	P	P	X	X
Batching plant	X	X	X	X	X	X	C
Bed and breakfast inn	P	P	P	P	P	X	X
Big box commercial building	X	X	X	C	X	C	C
Borrow site	X	C	X	C	X	X	P
Botanical garden	P	P	P	C	X	X	X
Bottling or canning plant	X	X	X	X	X	C	P
Brewery or distillery	X	X	X	X	X	P	P
Broadcasting studio	P	P	P	P	X	P	P
Building material sales	X	X	X	C	X	P	P
Building sales establishment	X	X	X	C	X	P	P
Bulk storage	X	X	X	X	X	X	P
Business service establishment, not exceeding 2,500 square feet of gross floor area	C	C	P	P	P	P	P
Business service establishment, more than 2,500 square feet of gross floor area	X	X	X	P	P	P	P
Camp or campground	X	C	X	C	X	X	X
Car wash	X	X	X	C	X	P	P
Caretaker's residence	X	X	X	C	C	P	P
Carnival	X	X	X	C	X	X	P
Cemetery or mausoleum	X	P	X	C	X	P	P
Church, temple, synagogue, or place of worship, including specified accessory uses (see Sect. 14.3) (Ord. 348-11)	P	P	C	P	X	C	C
Clinic	P	P	P	P	X	X	X
Club or lodge, nonprofit, sponsored by a civic or similar organization	P	P	C	P	X	C	C
Club, private (Ord. 348-11)	X	C	X	C	X	X	X
Cold storage plant or frozen food locker	X	X	X	X	X	P	P



Property:

The subject property is located at 5840 Phil Niekro Blvd; tax parcel identification numbers 08114 002025 & 08114 002030. The property is currently zoned Highway Business (HB).





Previous case for this site approved on October 4, 2018.

VARIANCE STAFF REPORT

Applicant is JPC Design and Construction/Steven Rowland of Rowland Engineering.

Variance from the requirements set forth in the City of Flowery Branch Zoning Ordinance; Article 10, Development Requirements and Guidelines section 10.9 (f):
Convenience stores shall locate gas pumps behind the principal structure in order to effectively screen the pumps from view of the street.

Applicant believes they meet the criteria for granting a variance per Article 37, section 37.5 of the Flowery Branch Zoning Ordinance (see attached application).

Staff believes if Mayor and Council decides to grant the request allowing the gas pumps to be located in front of the principal structure the following conditions should be applied:

1. Landscaping plan shall be submitted to staff for review. A heavy buffer shall be provided along Phil Niekro Boulevard.
2. Lighting plan shall be submitted to staff for review.
3. Comprehensive sign plan for the entire site. Staff and applicant shall agree upon specific monument sign design that will include space for, or include, a "Welcome to Flowery Branch" message.
4. Stormwater shall be provided and shall be underground as submitted and approved via the Flowery Branch land disturbance requirements.
5. Principal structure shall be predominately brick.
6. Dumpster screening shall be consistent with the principal structure.
7. Gas canopies shall be designed to match the principal structure.
8. Secondary business (car wash) shall be designed to match the principal structure.
9. Plans shall include all conditions as set forth by City Council clearly printed on the front page with the date of Council approval.



Car wash proposed location and layout:





CUP Requirements:

Sec. 34.7. Analysis Requirements.

Applications to amend the official zoning map and applications for conditional uses shall provide a written analysis comparing the proposed action with the criteria in this Section. A zoning map amendment or conditional use application may be justified only if it bears a reasonable relationship to the public health, safety, morality, or general welfare, and after consideration of the analysis requirements which may in individual cases be considered criteria relevant to Zoning Administrator in making recommendations and by the City Council in the decision-making process.

- (a) Whether the proposal will permit a use that is suitable in view of the use and development of adjacent and nearby property. *The subject property lies within a commercially zoned area. The use (car wash) is suitable for the area.*
- (b) Whether the proposal will adversely affect the existing use or usability of adjacent or nearby property. *A commercial use at this location is suitable and will not adversely affect nearby properties.*
- (c) Whether the property to be affected by the proposal can be used in accordance with the existing regulations and has a reasonable economic use as currently zoned. *Currently zoned HB (Highway Business) many commercial uses are suitable. The property has a reasonable economic use with or without the issuance of this CUP.*
- (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. *No, the use would not be burdensome on infrastructure or the school system.*
- (e) Whether the proposal is in conformity with the policy and intent of the comprehensive plan including but not limited to the character area map and future land use plan map. *The current character area for this site is "Activity Center". A car wash, in this instance, is in conformity with the comprehensive plan.*
- (f) Whether there are other existing or changing conditions affecting the use and development of the property which give supporting grounds for either approval or disapproval of the proposal. *The site is approved for a Burger King/Gas Station and the addition of a car wash would be acceptable for the site and may be a welcomed addition to the area.*
- (g) Existing use(s) and zoning of the subject property and nearby properties. *The subject property is surrounded by commercially zoned properties.*



- (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. **N/A**
- (i) Whether a proposed zoning map amendment or conditional use approval will be a deterrent to the value or improvement of development of adjacent property in accordance with existing regulations. **The use should not be a deterrent in any manner to the adjacent properties.**
- (j) The possible creation of an isolated zoning district unrelated to adjacent and nearby districts **A CUP does not create a new zoning designation.**
- (k) Possible effects of the change in zoning district map, or change in use, on the character of a zoning district. **None.**
- (l) The possible impact on the environment, including but not limited to, drainage, soil erosion and sedimentation, flooding, air quality and water quality. **None. It will be designed and built to current standards.**
- (m) The relation that the proposed map amendment or conditional use bears to the purpose of the overall zoning scheme and the purposes of this Zoning Ordinance **The use meets the intent of the zoning ordinance.**

Staff Recommendation:

It is staff's recommendation that the CUP request to construct and operate a car wash submitted by Mr. Jeremy Crosby should be approved.

RESOLUTION NO.20-027

A RESOLUTION OF THE CITY OF FLOWERY BRANCH CITY COUNCIL APPROVING A CONDITIONAL USE PERMIT TO OPERATE A CAR WASH AT 5840 PHIL NIEKRO PARKWAY; ALSO KNOWN AS TAX PARCELS 08114 002025 AND 08114 002030. A CUP IS REQUIRED TO OPERATE A CAR WASH IN HIGHWAY BUSINESS (HB) ZONING DISTRICTS.

WHEREAS, the City of Flowery Branch Code of Ordinances, specifically Article 9, Section 9.4 of the Zoning Ordinance, requires a conditional use permit to be approved by City Council for specific uses in the Highway Business (HB) District; and

WHEREAS, the City of Flowery Branch code requires said conditional use permit for the use (car wash) requested by the applicant; and

WHEREAS, the City of Flowery Branch desires to adhere to the requirements of all City codes; and

WHEREAS, Mr. Jeremy Crosby, JPC Design and Construction, LLC. has submitted a complete and accurate conditional use permit to the City; and

WHEREAS, City staff and City Council have reviewed the application and the accompanying documentation associated with said application; and

NOW THEREFORE BE IT RESOLVED, that the governing authority of the City of Flowery Branch, Georgia, hereby grants the applicant a conditional use permit to operate a car wash at 5840 Phil Niekro Boulevard as shown on Exhibit "A" which is attached hereto and incorporated by reference herein. All resolutions or parts of resolutions in conflict with this resolution are repealed to the extent of the conflict. This resolution shall become effective on the date approved by the city council.

RESOLUTION NO. 20-027

Page 2

RESOLVED this _ day of ____ 2020.

James M. Miller, Mayor

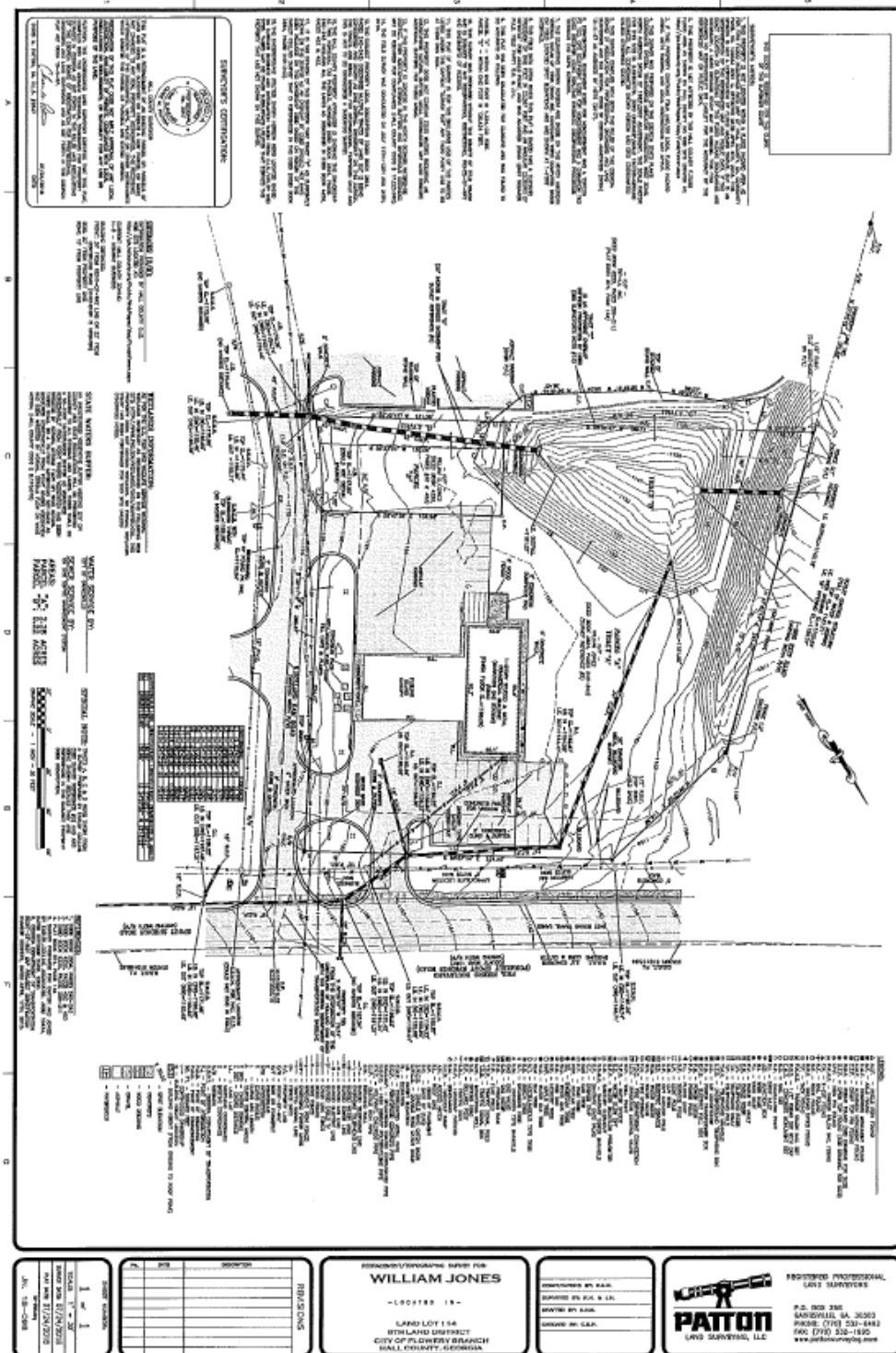
ATTEST

Vickie Short, City Clerk

APPROVED AS TO FORM

E. Ronald Bennett, Jr., City Attorney

Exhibit "A"





VARIANCE
5840 Phil Niekro Boulevard

Applicant is JPC Design and Construction/Steven Rowland of Rowland Engineering.

Variance from the requirements set forth in the City of Flowery Branch Zoning Ordinance; Article 10, Development Requirements and Guidelines section 10.9 (f):

Convenience stores shall locate gas pumps behind the principal structure in order to effectively screen the pumps from view of the street.

Applicant believes they meet the criteria for granting a variance per Article 37, section 37.5 of the Flowery Branch Zoning Ordinance (see attached application).

Staff believes if Mayor and Council decides to grant the request allowing the gas pumps to be located in front of the principal structure the following conditions should be applied:

1. Landscaping plan shall be submitted to staff for review. A heavy buffer shall be provided along Phil Niekro Boulevard.
2. Lighting plan shall be submitted to staff for review.
3. Comprehensive sign plan for the entire site. Staff and applicant shall agree upon specific monument sign design that will include space for, or include, a "Welcome to Flowery Branch" message.
4. Stormwater shall be provided and shall be underground as submitted and approved via the Flowery Branch land disturbance requirements.
5. Principal structure shall be predominately brick.
6. Dumpster screening shall be consistent with the principal structure.
7. Gas canopies shall be designed to match the principal structure.
8. Secondary business (car wash) shall be designed to match the principal structure.
9. Plans shall include all conditions as set forth by City Council clearly printed on the front page with the date of Council approval.



FLOWERY BRANCH CITY COUNCIL

EXECUTIVE SUMMARY



SUBJECT: Consider First Reading of Ordinance #2020-623 a rezoning application submitted by Mr. Bret Clark.

COUNCIL MEETING DATE: January 7, 2021

HISTORY:

Mr. Bret Clark (who was approved and is currently working on the McEver self-storage project) has submitted an application to rezone 5519 McEver Road from A (Agriculture) to HB (Highway Business) and R-3 (Multi-family) with the intent to construct a townhome/commercial mixed-use project. The parcel is approximately 11.34 acres and is currently vacant.

FACTS AND ISSUES:

Mr. Clark and staff are working through the proposed design and layout. Attached please see Mr. Clark's original proposal (Combined Bret Clark Files) and a proposed alternate design that Mr. Adam Williams of TSW did for the City (FB McEver Concept and Elevations). Mr. Clark was pleased with the TSW proposal and is working with his engineer to see if it will work with the topography.

Staff is in full support of the project and is confident a final design will be agreed upon prior to the final read and vote of this ordinance.

OPTIONS:

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

No

AMOUNT AND SOURCE OF FUNDS:

RECOMMENDATION:

Public hearing - no vote

SAMPLE MOTION:

No vote at this time.

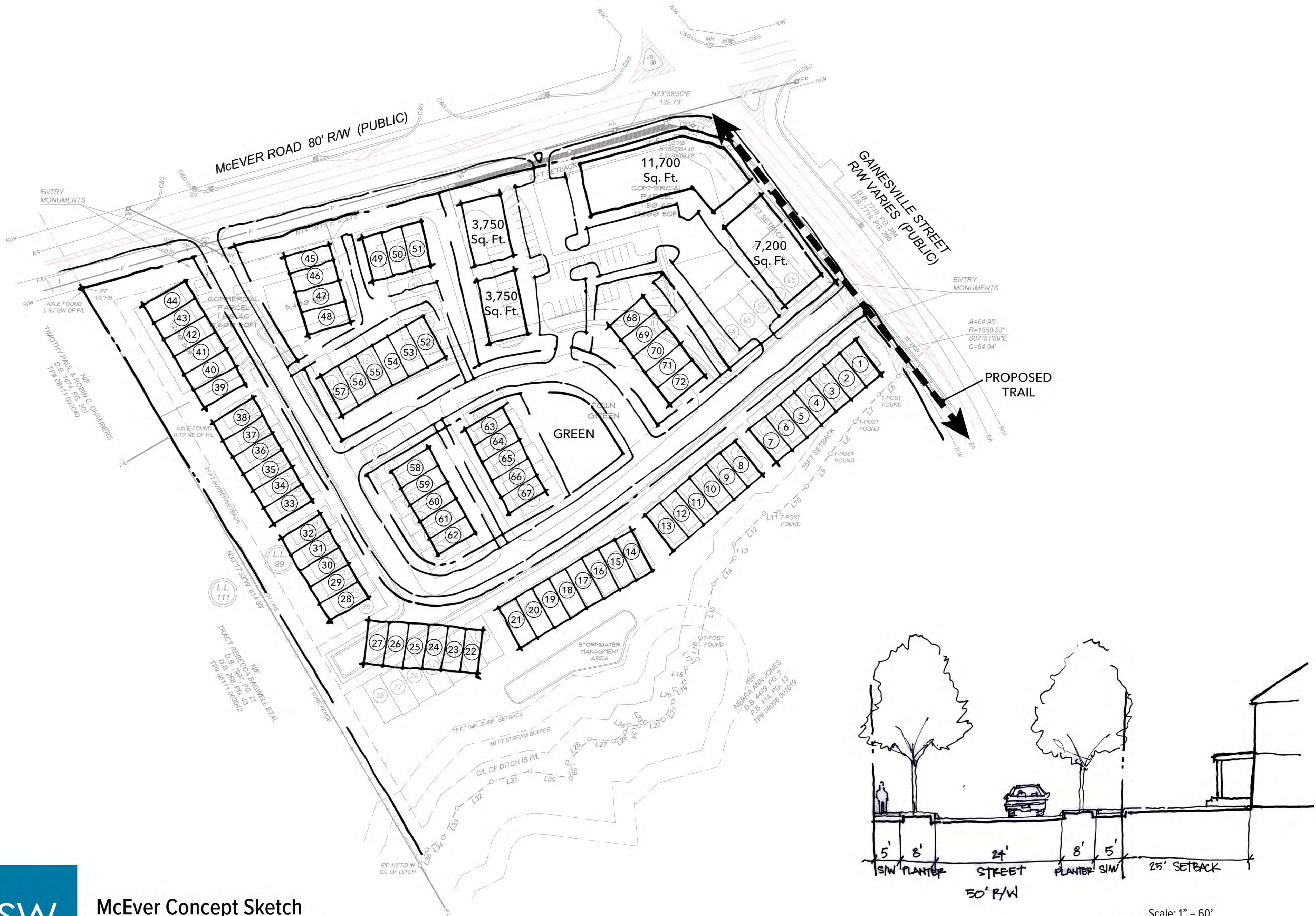
COLLABORATING DEPARTMENT:

DEPARTMENT: Planning

Prepared by: Vickie Short

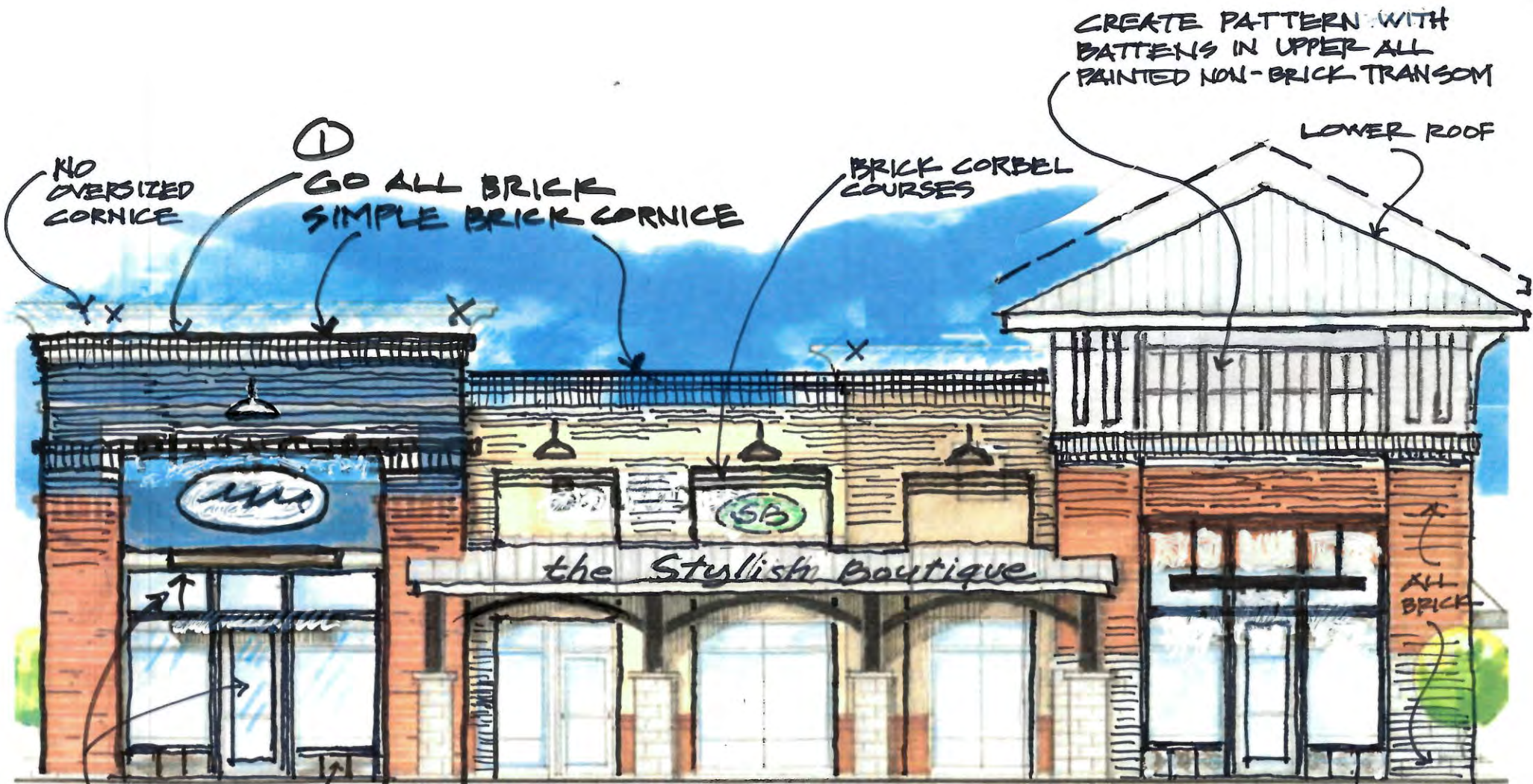
ATTACHMENTS

- [FB McEver Concept & Elevations Compressed.pdf](#)
- [Combined Files Bret Clark.pdf](#)
- [Staff Report Bret Clark McEver Mixed-Use.pdf](#)





retail C front elevatic₃₀₁



②
RAISE CANOPY;
USE 8' DOOR

18-20" HIGH
WINDOW "BASE"

TSW SUGGESTIONS retail C front elevation

J. SPANGLER AIA
TSW

GENERAL COMMENTS: 12/17/2020

1. TOO BUSY - GO WITH 3 VOLUMES INSTEAD OF 4
2. GO MOSTLY BRICK FOR NON-GLASS AREAS
3. TRY FOR TALLER DOORS & WINDOWS AS SHOWN
4. USE GOOSE NECK INDUSTRIAL LIGHTS AS SHOWN





TH #1

1. GO WITH 100% WALL SHAKES INSTEAD OF MIXING SHAKES & HORIZ. SIDING
2. FIND WAY TO RAISE MAIN ROOF RIDGE

TH #2

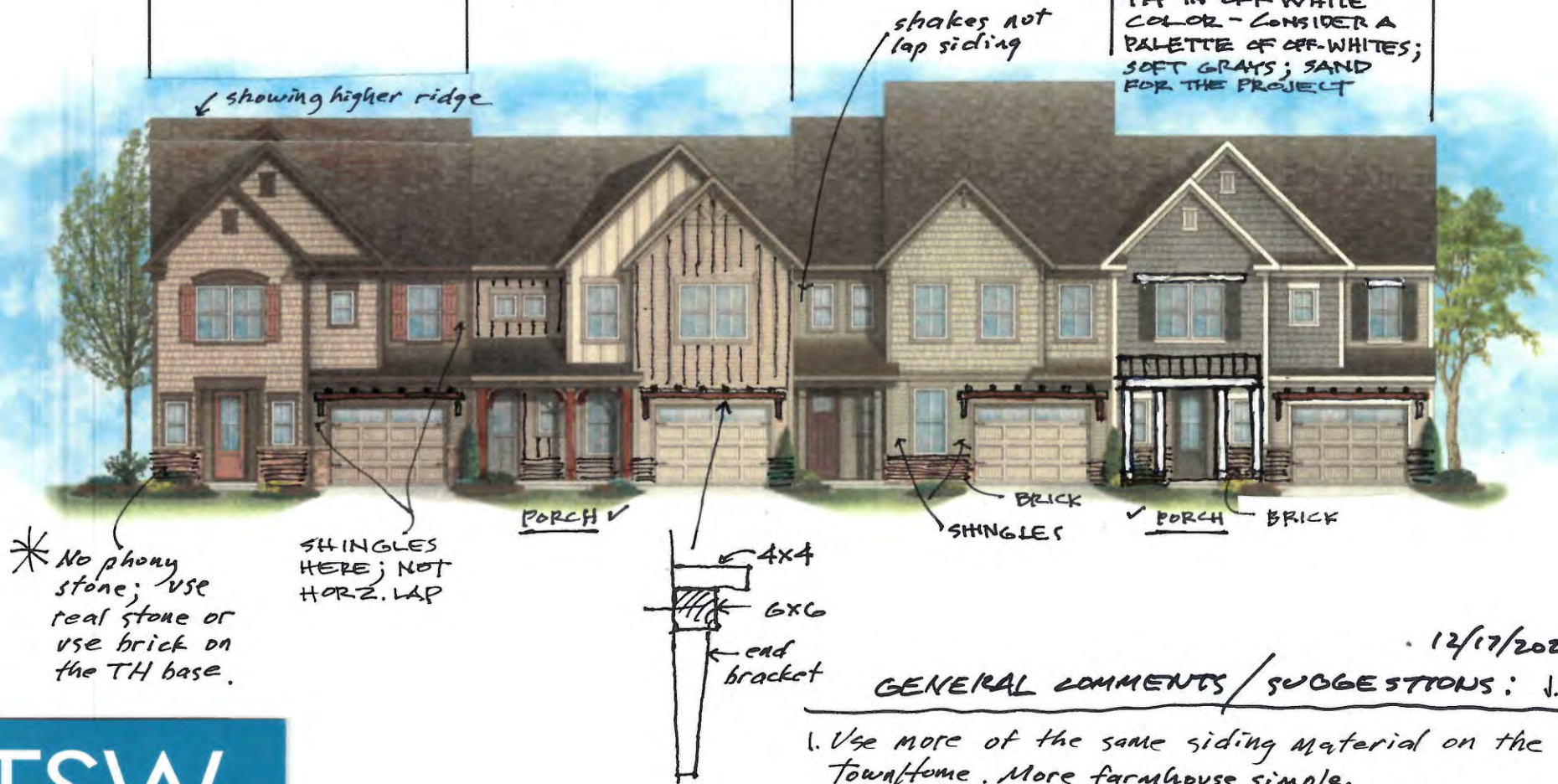
1. GO 100% BOARD & BATTEN
2. ADD BRICK OR REAL STONE "BASE".
3. COLOR CHANGES ON THE DIFFERENT VOLUMES OK.

TH #3

1. GO WITH MOSTLY WALL SHAKES
2. CREATE EYEBROW DETAIL OVER GARAGE DOOR

TH #4

1. STICK WITH FLAT WDW HEAD TRIM ON ALL WINDOWS.
2. CONSIDER SMALL 3-BAY PORCH TO ADD VARIETY
3. SEE TSW PHOTO OF OUR TRADITIONAL TH IN OFF WHITE COLOR - CONSIDER A PALETTE OF OFF-WHITES; SOFT GRAYS; SAND FOR THE PROJECT



12/17/2020
GENERAL COMMENTS / SUGGESTIONS: J. Spangler

1. Use more of the same siding material on the Townhome. More farmhouse simple.
2. Your woodland colors look good & work well together. But maybe consider a palette of off whites; grays; ^{as a} fresh look.
3. Consider use of the garage eyebrow detail on all 4 THs as an element of continuity.





City of Flowery Branch Planning and Community Development
5410 Pine Street
Flowery Branch, GA 30542

October 29, 2020

RE: Rezoning request of 5519 McEver Road (TP 08099 000007)

To Whom It May Concern:

Ridgeline Land Planning, Inc. is requesting to rezone 11.338 acres located at 5519 McEver Road from A (Agriculture) to HB and R-3 as shown on the included site plan. The proposed rezoning is to allow development of a mixed-use community consisting of 68 single-family attached townhomes and 35,100 square feet of Neighborhood Commercial space. Site densities are 7.69 units per acre for the residential portion and 0.32 FAR for the commercial area. Residential exterior materials will consist of brick, stone, and cementitious siding. The Commercial materials will match or compliment the residential materials to create a cohesive community design. Residential building height will be a maximum of 35 feet. Commercial building heights will not exceed 40 feet in height.

The subject property lies within the Neighborhood Commercial character area designated in the Comprehensive Plan. Major features of the Neighborhood Commercial character area are "Pedestrian accessibility is promoted via sidewalks connected to nearby neighborhoods". By providing single family attached townhomes to the rear of the subject a walkable mixed-use neighborhood will be created that is consistent with the intent of the comprehensive plan.

Constitutional Objections

Facially and as applied to the Property, the specific portions of the City of Flowery Branch Comprehensive Plan and zoning ordinance which restrict the Property to any zoning classification, conditions, uses, or to any development other than those proposed by the Applicant are unconstitutional because they would abolish or damage the Applicant's property rights without paying adequate, fair, and just compensation for such rights, in violation of the Constitution of the State of Georgia of 1983 and the Due Process Clause of the Fourteenth Amendment to the United States Constitution.

Facially and as applied to the Property, the application of the City of Flowery Branch ordinances or Comprehensive Plan which restrict the Property to any zoning classification, conditions, uses, or to any development other than the proposed by the Applicant is unconstitutional, illegal, null, and void, constituting a taking and/or damaging of Applicant's Property by denying Applicant all

economically viable use of its land while not substantially advancing legitimate state interests in violation of the United States Constitution's Just Compensation Clause of the Fifth Amendment and the Equal Protection and Due Process Clauses of the Fourteenth Amendment and the Constitution of the State of Georgia of 1983.

The denial of this application would be an arbitrary and capricious act by the City of Flowery Branch without any rational basis, thus constituting an abuse of discretion in violation of the Constitution of the State of Georgia of 1983 and Due Process Clauses of the Fourteenth Amendment to the United States Constitution.

A refusal by the City of Flowery Branch to approve this application for the Property would be unconstitutional and discriminate in an arbitrary, capricious, and unreasonable manner between the Applicant and owners of similarly situated property in violation of the Constitution of the State of Georgia of 1983 and the Equal Protection Clause of the Fourteenth Amendment to the United States Constitution.

The applicant and stakeholders respectfully request approval of this application and welcome the opportunity to meet with The City of Flowery Branch Planning and Community Development staff, Planning Commission, and Mayor and Council to discuss any questions or concerns regarding the application.

Respectfully,

Ridgeline Land Planning, Inc.

A handwritten signature in black ink, appearing to read 'Holt Persinger', with a stylized flourish at the end.

Holt Persinger, RLA



Zoning Analysis – 5519 McEver road

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

The proposed use is compatible with the surrounding development

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

The proposed community will be compatible with the adjacent commercial and residential uses.

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

The current agricultural use is not economically viable in relation to the surrounding development.

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

The proposed development would not create an excessive burden on existing infrastructure.

(e) Whether the proposal is in conformity with the policy and intent of the comprehensive plan including but not limited to the character area map and future land use plan map.

The proposal is in conformance with the comprehensive plan and proposed character area.

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

The development of the surrounding area supports the proposal as growth continues along the McEver Road corridor.

(g) Existing use(s) and zoning of the subject property and nearby properties.

Properties North of the subject across McEver Road are zoned NS and are currently under commercial uses. The property to the East across Gainesville street is developed as a residential community.

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

The existing agriculture zoning is not economically viable considering the existing surrounding development.

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

Adjacent properties are mostly developed with compatible uses.

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

The proposal will not create an isolated or unrelated district. The proposed commercial and residential uses blend with the existing commercial and residential at the intersection of McEver Road and Gainesville Street.

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

The proposal is in keeping with the current uses and character of the area.

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

All NPDES guidelines will be implemented during and after development to minimize environmental impacts.

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

The proposal conforms to the character area designated in the Comprehensive plan.



Applicant: Bret Clark

Property Owner: McEver Road, LLC.

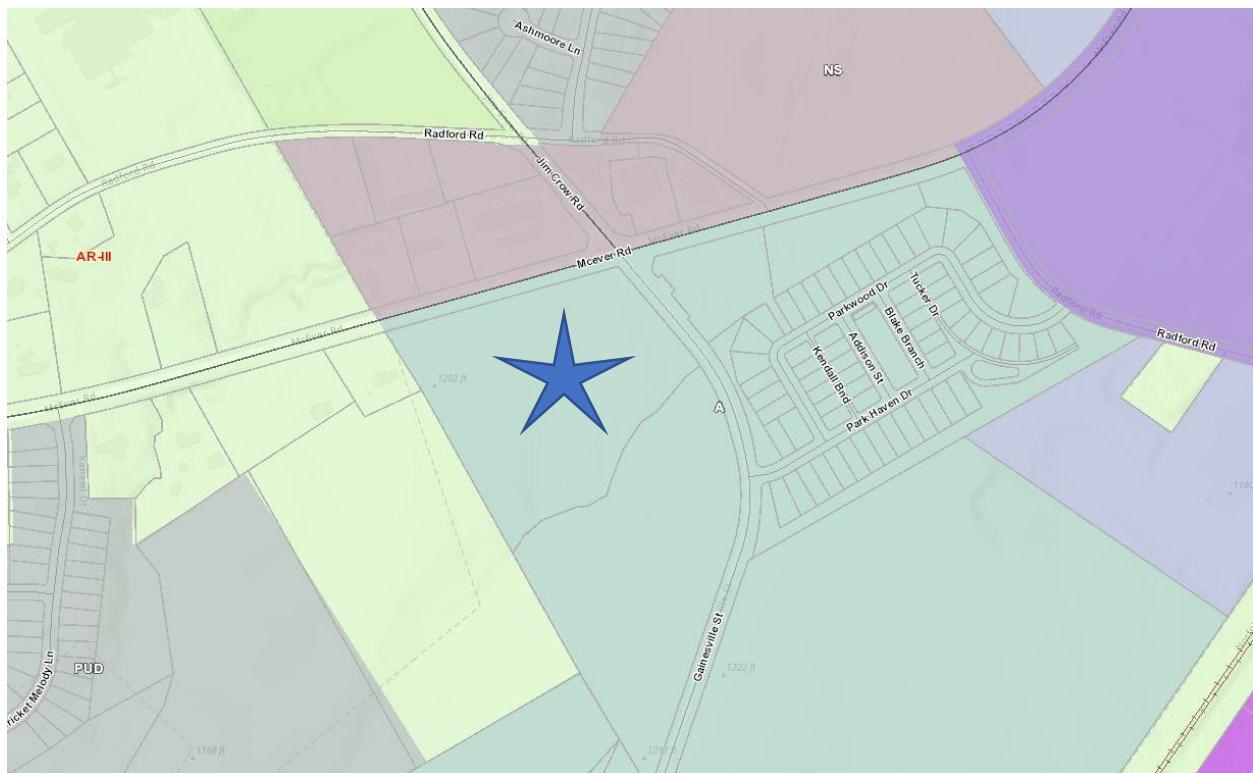
Subject Property: 5519 McEver Road; 08099 000007; 11.34+/- acres

Request: Rezone from A (Agriculture) to HB (Highway Business) and R-3 (Multi-family) proposal is to construct a mixed-use development of townhomes and commercial outparcels

Current Use: Vacant

Character Area: Neighborhood Commercial

5519 McEver Road; currently zoned A (Agriculture):





Neighborhood Commercial

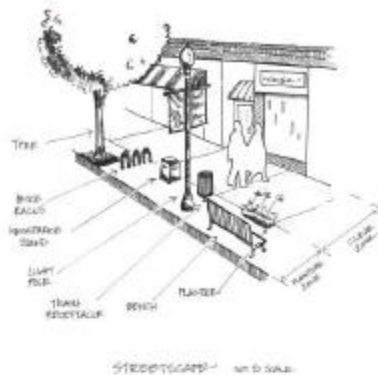
VISION: Attractive, non-auto related neighborhood businesses and services, with distinctive architectural features and a scale compatible with pedestrians and connected to adjacent residential neighborhoods.

USES AND INTENSITIES: Neighborhood-serving commercial intensities are within a range of approximately 10,000 to 15,000 square feet of building space per acre. Business establishments do not generally exceed 25,000 square feet in any one tenant space, to keep the bulk and intensity in scale with the needs of adjacent neighborhoods.

MAJOR FEATURES: Pedestrian accessibility is promoted via sidewalks connected to nearby neighborhoods, but uses are mostly reliant on the automobile for access. Nonetheless, buildings and developments are scaled to be compatible with and promote pedestrian activity. Open space is limited to suburban plazas or small open spaces. Three-story height limit. Entrances, frontages, and building façades are softened with landscaping and low-lying identification signs.

REGULATIONS: This character area will be implemented with a neighborhood commercial zoning district. Design guidelines will be provided, and neighborhood commercial projects will be required to complete design review. Minimum 15 percent of the lot is open space or landscaped.

QUALITY COMMUNITY OBJECTIVES IMPLEMENTED: Appropriate business, employment options, transportation alternatives, sense of place.



Jeffery Wertz & Associates, Inc.
Planning & Development Consultants

Illustrative Pedestrian Features



Outdoor Seating and Attractive Lighting



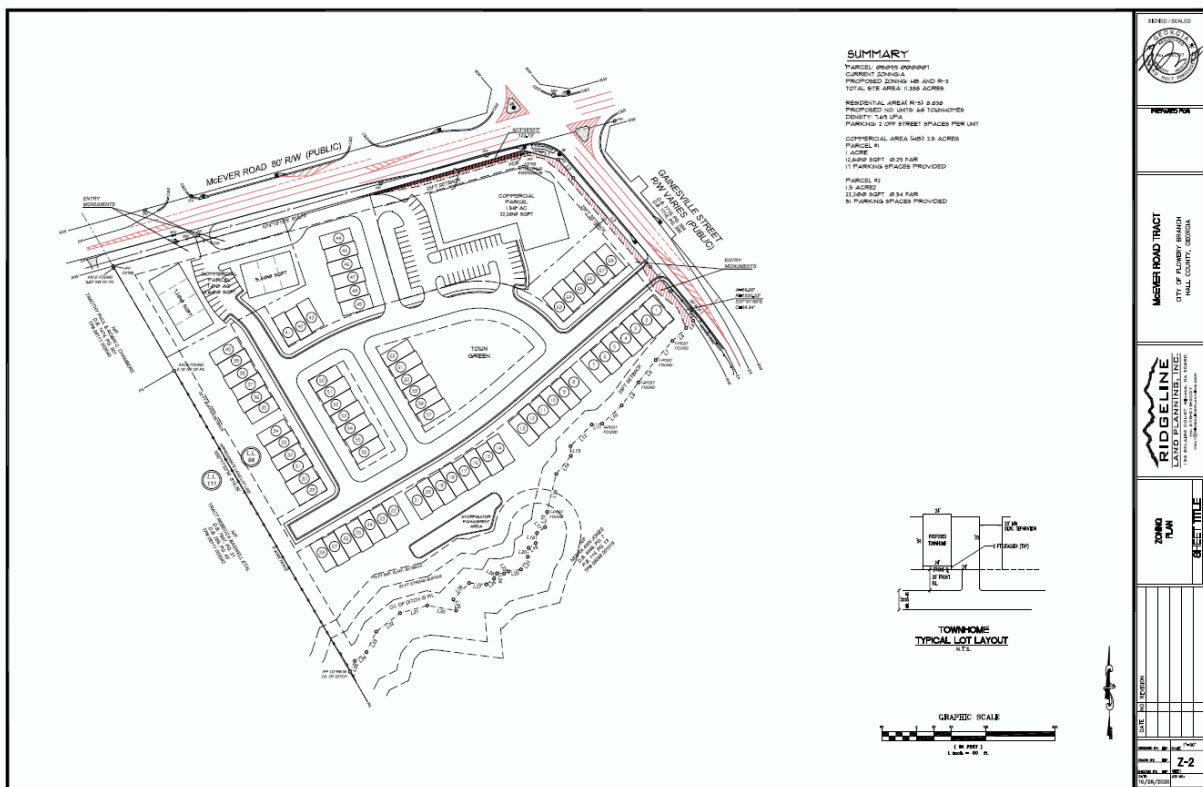
Quality, Compatible Architectural Design Including Signage



The Comprehensive Plan designates this parcel as a Neighborhood Commercial character area. The project includes a commercial component that meets the intent of this character area but adds a townhome component. Staff feels under the current economic climate and the state of retail/commercial building it is unrealistic to envision an 11-acre small scale commercial project on this site. This property is a gateway to our downtown and adding a mixed-use project to this corner will help the continued development of downtown while providing services to the McEver Road corridor.

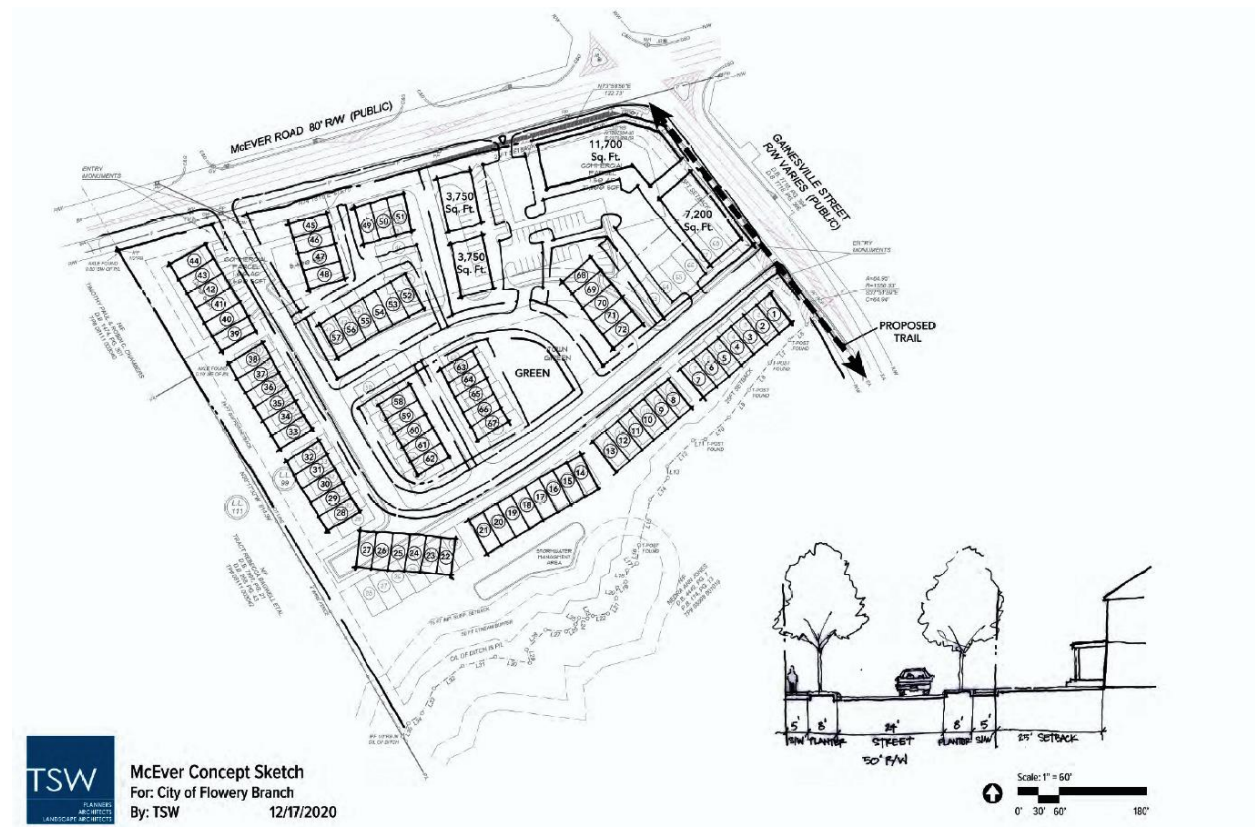
Plan (s)

Bret Clark:





TSW:



Staff Recommendation

The concept of a mixed-use works for this parcel as it provides an attractive gateway project. The ordinance and conditions of zoning will be worked on as we move forward in the process. There is no vote at the January 7th City Council meeting. Staff is confident that a complete plan will be solidified prior to the upcoming vote.



FLOWERY BRANCH CITY COUNCIL

EXECUTIVE SUMMARY



SUBJECT: Consider Second Reading of Ordinance #20-621 a rezoning request submitted by Eberly & Associates.

COUNCIL MEETING DATE: January 7, 2021

HISTORY:

The first read was approved on December 17, 2020 by Council.

FACTS AND ISSUES:

The request is to rezone the majority of two parcels of land (08070 001002 & 08073 000004A) from A (agricultural) to M-1 (Light Industrial). The project calls for 611,200 SF distribution center and a 45,000 SF office space.

Details of the ingress/egress are provided by the applicant (attached below) to answer any questions Council may have.

OPTIONS:

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

No

AMOUNT AND SOURCE OF FUNDS:

RECOMMENDATION:

Approve ordinance #20-621 as submitted and conditioned.

SAMPLE MOTION:

I make a motion to approve ordinance #20-621 as submitted and conditioned.

COLLABORATING DEPARTMENT:

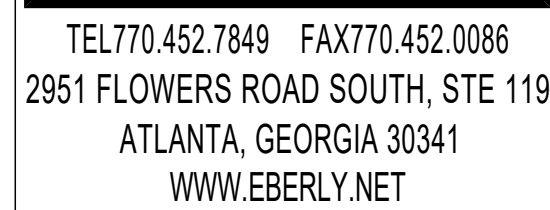
DEPARTMENT: Planning

Prepared by: Vickie Short

ATTACHMENTS

- [20201221_Scannell Falcon Pkwy_RinRout Exhibit.pdf](#)
- [20201221_Scannell Falcon Pkwy_Full Movement Exhibit.pdf](#)
- [Staff Report .pdf](#)

- [Rezoning Ordinance 20-621.pdf](#)



LAND PLANNING
CIVIL ENGINEERING
LANDSCAPE ARCHITECTURE

PROJECT: PROJECT FALCON

LAND LOT 72
8TH DISTRICT
HALL COUNTY, GEORGIA
ADDRESS

REVISIONS:

[illegible]

DRIVEWAY 1 LAYOUT & STAKING PLAN

SCALE:	1"= 20'
DATE:	10/16/20
DRAWN BY:	AP
PROJECT MANAGER:	WILLIAM GREER, P.E.
OA/OC CHECK:	WR

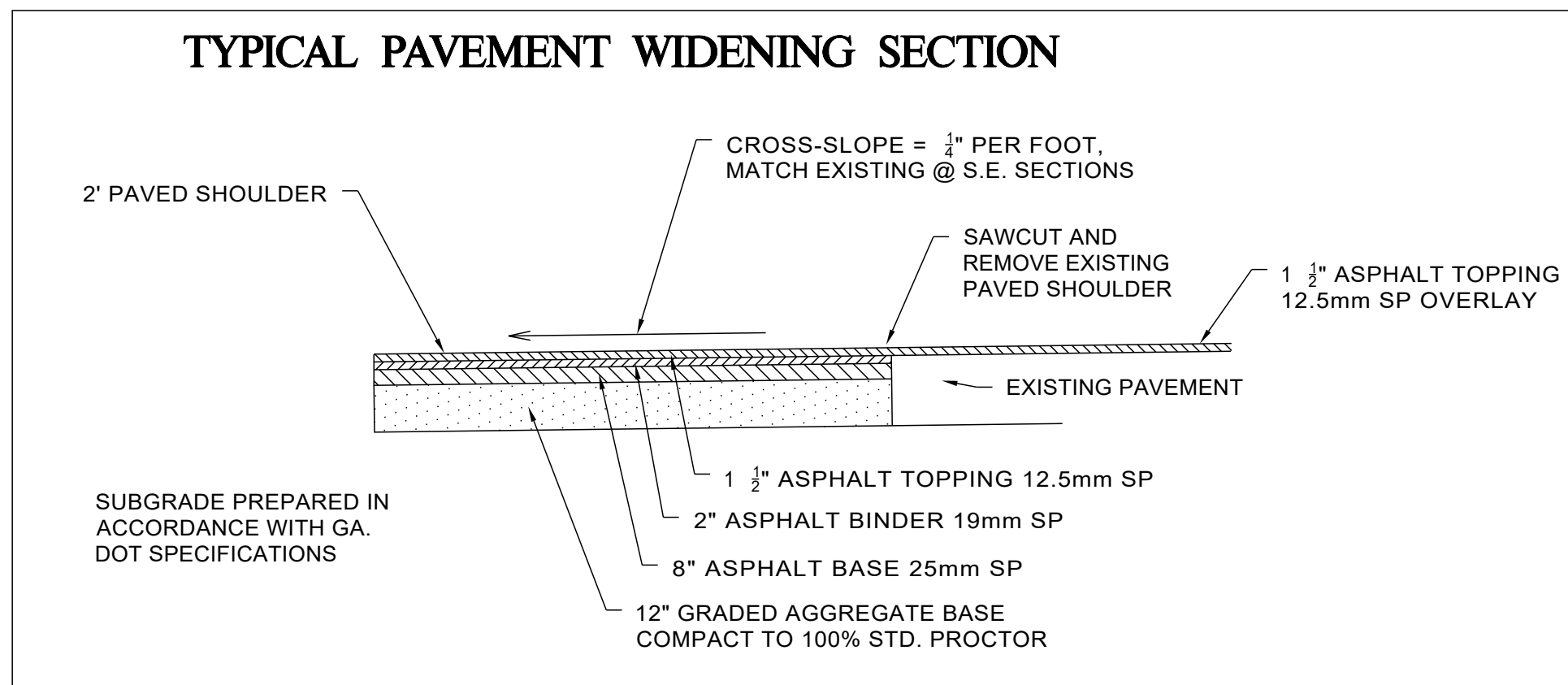
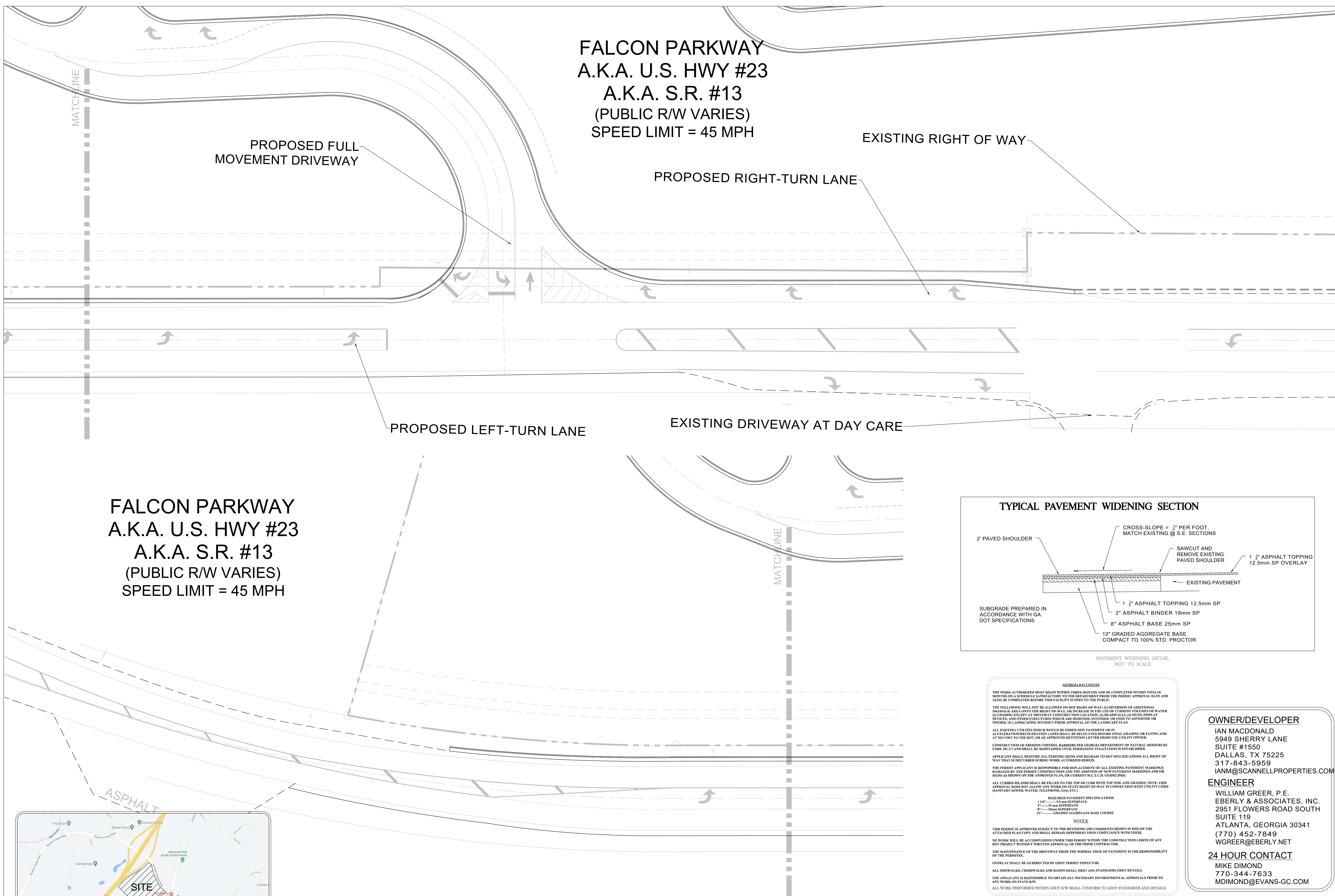
PROJECT NO.

19-036

SHEET NO.

G3.0

NOT ISSUED FOR
CONSTRUCTION

PAVEMENT WIDENING DETAIL
NOT TO SCALE

GEORGIA D.O.T. NOTE

[illegible]

REQUIRED PAVEMENT SPECIFICATIONS

NOTICE

THIS PERMIT IS APPROVED SUBJECT TO THE REVISIONS AND COMMENTS SHOWN IN RED ON THE ATTACHED PLAN COPY AND SHALL REMAIN DEPENDENT UPON COMPLIANCE WITH THESE:

NO WORK WILL BE ACCOMPLISHED UNDER THIS PERMIT WITHIN THE CONSTRUCTION LIMITS OF ANY LOT BOUNDARY WITHOUT WRITTEN APPROVAL OF THE PERMITS CONTRACTOR.

THE MAINTENANCE OF THE DRIVEWAY FROM THE NORMAL EDGE OF PAVEMENT IS THE RESPONSIBILITY OF THE PERMITTEE.

OVERLAY SHALL BE AS DIRECTED BY GDOT PERMIT INSPECTOR.

ALL SIDEWALKS, CROSSLAKES AND RAMPS SHALL MEET ADA STANDARDS GDOT DETAILS.

THE APPLICANT IS RESPONSIBLE TO OBTAIN ALL NECESSARY ENVIRONMENTAL APPROVALS PRIOR TO ANY WORK.

ALL WORK PERFORMED WITHIN GDOT R/W SHALL CONFORM TO GDOT STANDARDS AND DETAILS.

OWNER/DEVELOPER

IAN MACDONALD
5949 SHERRY LANE
SUITE #1550
DALLAS, TX 75225
317-843-5959
IANM@SCANNELLPROPERTIES.COM

ENGINEER

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

24 HOUR CONTACT

MIKE DIMOND
770-344-7633
MDIMOND@EVANS-GC.COM

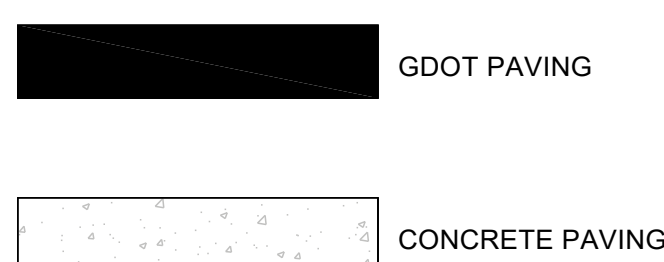
LEFT TURN NOTE

- THE PROPOSED LEFT TURN LANE INTO DRIVEWAY 1 REQUIRES A 270' APPROACH AND DEPARTURE TAPER PER THE GDOT DRIVEWAY AND ENCROACHMENT MANUAL TABLE 4-9. HOWEVER, THIS PROPOSED TAPER MERGES WITH AN EXISTING TAPER FOR AN EXISTING WESTBOUND LEFT-TURN LANE WEST OF THIS PROJECT. THE OVERALL LENGTH OF THE COMBINED TAPERS EXCEEDS THE 270' REQUIREMENT.

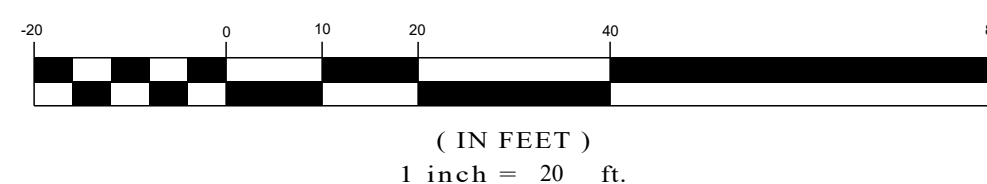
NOTES

1. ALL DIMENSIONS SHOWN ARE FROM FACE OF BUILDING, CURB, OR WALL UNLESS OTHERWISE NOTED.
2. GDOT STATE ROUTE IMPROVEMENTS SET TO INCLUDE PAVING, GRADING, STRIPING DETAILS FOR WORK WITHIN RIGHT-OF-WAY, TO BE APPROVED BY GDOT PRIOR TO ANY COMMENCEMENT OF WORK WITHIN THE RIGHT-OF-WAY.

PAVING LEGEND



GRAPHIC SCALE

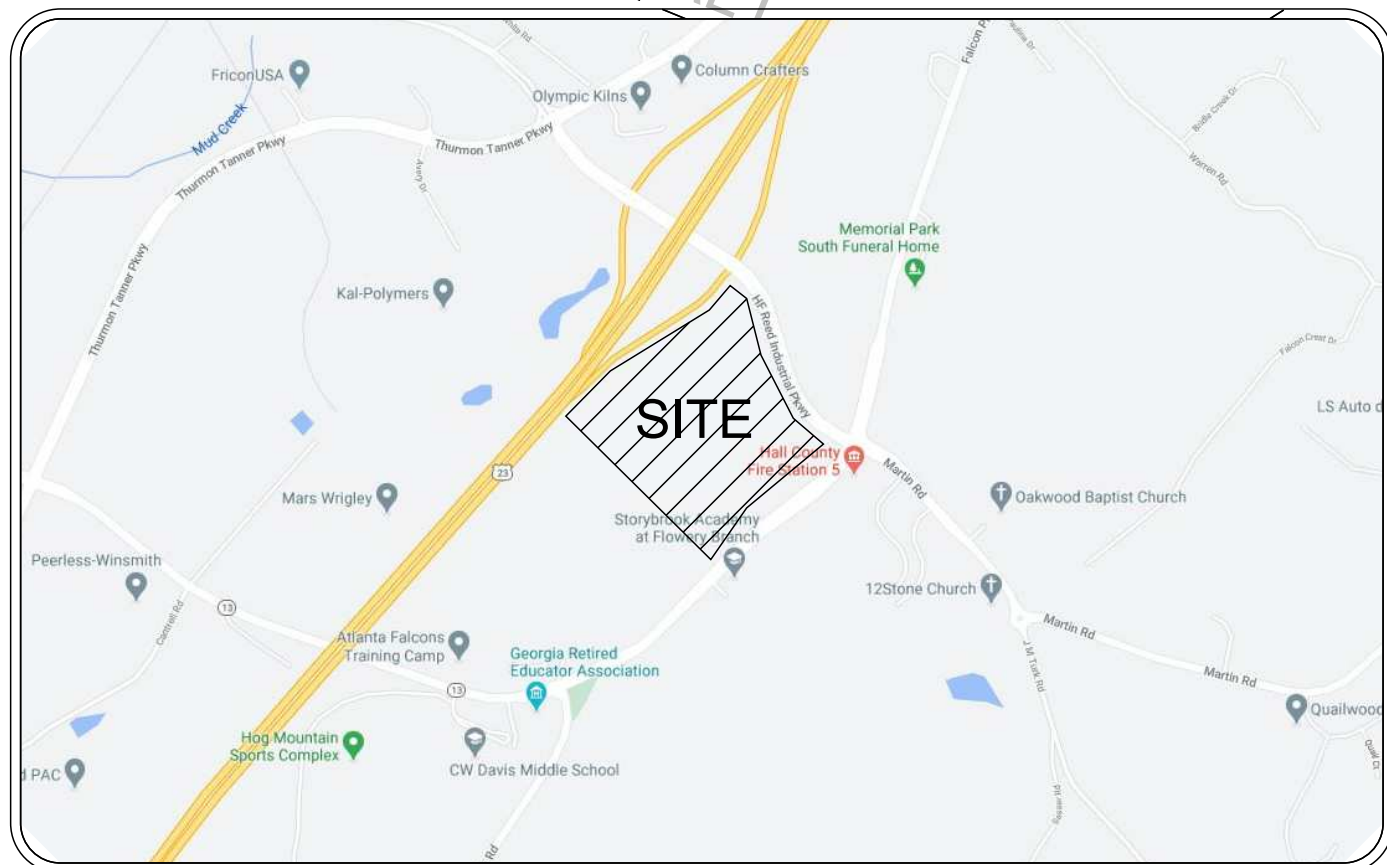


CALL 811
FREE THROUGHOUT
THE U.S.A.
THREE WORKING DAYS
BEFORE YOU DIG.

Know what's below.
Call before you dig



FALCON PARKWAY
A.K.A. U.S. HWY #23
A.K.A. S.R. #13
(PUBLIC R/W VARIES)
SPEED LIMIT = 45 MPH



LOCATION MAP

N.T.S.



Applicant: Eberly & Associates on behalf of Scannell Properties, LLC.

Property Owners: Banks

Subject Property: Portion of 0000 Falcon Parkway; 08070 001002, 69.68 +/- acres
Portion of 0000 Falcon Parkway; 08073 000004A, 11.1 +/- acres

Request: Rezone from A (Agricultural) to M1 (Light Industrial) with the intend to construct a distribution facility and office.

Current Use: Vacant

Character Area: Activity Center

Description of Request:

The request is to rezone both parcels 08070-001002 & 08073-000004A from Agriculture (A) to M-1 (light Manufacturing & Industrial).

The proposed project consists of construction of single distribution facility totaling approximately 611,200 SF, 43,000 SF of dedicated office space, and a 192,000 building pad for future expansion. This facility with include on-site parking lot, landscape areas, and above ground stormwater detention pond.

Below is information on the subject properties proposed to be rezoned:

08070-001002

Owner: Jane Wood R/A Banks
C/O Region Bank Trust Department
PO Box 937
Gainesville, GA 30503-0937
Site Area: 69.676 Acres

08073-000004A

Owner: Dr Rafe Jr Est R/A Banks Et. Al
C/O Region Bank Trust Department
PO Box 937
Gainesville, GA 30503-0937
Site Area: 11.094 Acres





Rezoning Analysis (from applicant):

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

The proposed project consists of construction of a single distribution warehouse facility that totals to approximately 611,200 SF, 43,000 SF of dedicated office space and includes a future bldg. pad of 192,000 for future expansion. This project is accompanied by adjacent employee parking lot, landscape areas, and an above ground stormwater detention facility will be included as well. The rezoning to M-1 (light Manufacturing & Industrial) will permit a use that is suitable in view of the use and development of adjacent & nearby properties. Our subject site will be bordered to the South by the Atlanta Falcons training grounds, bordered to the West, East, and North by existing and future roadways which are currently under construction as part of the Martin Road extension.

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

The zoning proposal will not adversely affect the existing use or usability of adjacent or nearby properties. Development of the project site will abide by City of Flowery Branch standards in regards to setbacks, buffers, etc., to give adequate separation from adjacent parcels, and ensure surround neighborhoods are not adversely affected. Additionally, there are state waters located on-site that will act as natural buffers between our development and neighboring properties.

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

The proposed project can be used in accordance with City of Flowery Branch Regulations, and will be an improvement from an economic standpoint by being rezoned and developed.

- 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.**

No – the current improvements being completed by the Georgia Department of Transportation increases the amount of lanes, adds a signalized intersection, and allows for much desired direct access to Interstate 985. However, it should be noted that the proposed distribution facility will increase the vehicular traffic on Falcon Parkway. The existing areas surrounding the property are heavily wooded, and some undeveloped. The road in and out of the site is not currently a high-volume traffic road. This project will trigger a DRI which will ensure that the future development accounts for traffic volume.



- 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.

No conflict has been indicated between the proposal and the comprehensive plan, including the character area map. Subject properties are not within the limits of any character areas in City of Flowery Branch.

- 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.

No existing or changing conditions is anticipated to affect the use and development of the property.

- g) Existing Use(s) and zoning of the subject property and nearby properties.

The proposed project includes two (2) parcels:

- Parcel 08070-001002 is within City of Flowery Branch City Limits, currently undeveloped, and zoned A (Agricultural).
- Parcel 08073-000004A is within City of Flowery Branch City Limits, currently undeveloped and zoned A (Agricultural).

Two developed parcel border our proposed project:

- Parcel 08093 000006, currently developed and owned by Atlanta Falcons Football Club, LLC, and zoned INST (Institutional)
- Parcel 08070 001003, currently developed and owned by Atlanta Falcons Football Club, LLC, and zoned INST (Institutional)

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

The extent under which the current value being affected by the existing zoning cannot be determined by the applicant at this time. It is assumed that development of the subject properties will not bring down the property value.

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

No deterrence to the value and improvement of adjacent properties is anticipated.

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

There are currently nearby districts with properties that are zoned M-1 (Light Manufacturing & Industrial); therefore, proposed development will not create an isolated zoning district.

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

No adverse effects on the character of the zoning district is anticipated.

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

The proposed zoning request will not adversely impact the environment and surrounding



natural resources. There will be limited disturbance to streams and wetlands on-site. This will require our proposed development to apply for a nationwide permit with the USACE and it will be our intent to pull a nationwide permit prior to obtaining a LDP from the City of Flowerly Branch. Drainage and stormwater flow reduction will be taken into consideration during site design. A detailed Erosion, Sedimentation, and pollution control plan will be designed to protect adjacent parcels from future construction activities, and prevent soil erosion and water quality impact.

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

Zoning proposal will be in compliance with City of Flowerly Branch zoning ordinance, and Comprehensive Plan.

Rezoning Analysis (Staff):

Flowerly Branch Zoning Ordinance Article 37 Rezoning and Conditional Use Applications

Sec. 34.7. - Analysis Requirements.

Applications to amend the official zoning map and applications for conditional uses shall provide a written analysis comparing the proposed action with the criteria in this Section. A zoning map amendment or conditional use application may be justified only if it bears a reasonable relationship to the public health, safety, morality, or general welfare, and after consideration of the analysis requirements which may in individual cases be considered criteria relevant to Zoning Administrator in making recommendations and by the Governing Body in the decision-making process.

Staff Response:

- (a) Whether the proposal will permit a use that is suitable in view of the use and development of adjacent and nearby property. **Yes, an industrial use is appropriate for this site and the surrounding area.**
- (b) Whether the proposal will adversely affect the existing use or usability of adjacent or nearby property. **The development will not adversely affect the area and will in fact enhance it.**
- (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. **Yes, current zoning of A (Agricultural) could be used in accordance with the current rules and regulations of that zoning district.**



- (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. *It is staff's opinion that the use will not create any unnecessary burdens.*
- (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. *Currently, the Comprehensive Plan denotes this area as part of the "Activity Center" character area. The proposed use meets the intent of the Comprehensive Plan.*
- (f) Whether there are other existing or changing conditions affecting the use and development of the property which give supporting grounds for either approval or disapproval of the proposal. *No*
- (g) Existing use(s) and zoning of the subject property and nearby properties. *Currently vacant the proposed use will fit in well with the corridor.*
- (h) Existing value of the property under the existing zoning district classification, the extent to which the property value of the subject property is diminished by the existing zoning district, and the value of the property under the proposed zoning district; if such information is provided by the applicant or can be discerned. This consideration may include the length of time the property has been vacant or unused as currently zoned and efforts taken by the property owner(s) to use the property or sell the property under the existing zoning district classification. *Staff does not have a specific number regarding property value, but the current zoning classification of Agricultural does not allow the proposed light industrial use. The M-1 classification is a more realistic zoning designation for this area*
- (i) Whether a proposed zoning map amendment or conditional use approval will be a deterrent to the value or improvement of development of adjacent property in accordance with existing regulations. *Staff does not feel that the proposed will be a deterrent.*
- (j) The possible creation of an isolated zoning district unrelated to adjacent and nearby districts. *N/A*
- (k) Possible effects of the change in zoning district map, or change in use, on the character of a zoning district. *The proposed use will enhance the character of the existing district in staff's opinion.*
- (l) The possible impact on the environment, including but not limited to, drainage, soil erosion and sedimentation, flooding, air quality and water quality. *The development, if approved, will need to go through all the required development reviews to ensure all applicable codes and requirements are met.*
- (m) The relation that the proposed map amendment or conditional use bears to the purpose of the overall zoning scheme and the purposes of this Zoning Ordinance. *The proposed development will enhance the surrounding area and meet the intent of the Zoning Ordinance.*



Signs posted on 11/20/2020

Ad run on 11/11/2020

Public Hearing Published 11/11/20
Public Hearing 12/17/20

First Reading 12/17/20
Adopted 01/21/21

ORDINANCE NO. 20-621

AN ORDINANCE AMENDING THE ZONING MAP OF THE CITY OF FLOWERY BRANCH, GEORGIA, BY REZONING A PORTION OF A PARCEL OF REAL PROPERTY OWNED BY JANE WOOD R/A BANKS ET AL IDENTIFIED AS 0000 FALCON PARKWAY, TAX PARCEL 08070 001002 TOTALING 69.68 +/- ACRES TO BE REZONED FROM AGRICULTURAL (A) TO LIGHT INDUSTRIAL (M1) AND AS SHOWN ON ATTACHED EXHIBIT “A”, AND AS DESCRIBED ON ATTACHED EXHIBIT “B” AND AS CONDITIONED ON ATTACHED EXHIBIT “C”; PROVIDING FOR SEVERABILITY, REPEALING CONFLICTING ORDINANCES, PROVIDING FOR AN EFFECTIVE DATE AND FOR ALL OTHER LAWFUL PURPOSES.

WHEREAS, Jane Wood R/A Banks Et Al owns all tracts or parcel of land totaling 69.68 +/- acres identified as Parcel Tax Identification No. 08070 001002, as shown on Exhibit “A”, and as described on Exhibit “B”; and

WHEREAS, Mr. William Greer on behalf of Scannell-Falcon Properties, LLC has submitted to the City Council of Flowery Branch, Georgia, a written and signed application requesting to be rezoned and whereas a survey and complete description of the land to be rezoned is included in the application; and

WHEREAS, the City Council held a public hearing at the meeting of December 17, 2020, 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 rezoning from Agricultural (A) to Light Industrial (M1) 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 currently zoned A; 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 development under the current zonings as opposed to M1.
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 DESCRIPTIONS AND CONDITIONS.

The rezoning of the subject parcel, as shown on Exhibit “A” and as legally described in Exhibit “B”, from Agricultural (A) to Light Industrial (M1) and as conditioned in Exhibit “C”. Said Exhibits are incorporated.

SECTION 3. AMENDMENT OF THE ZONING MAP.

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

SECTION 4. SEVERABILITY.

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

SECTION 5. EFFECTIVE DATE.

The effective date of this Ordinance shall be January 21st, 2021.

SECTION 6. REPEALER.

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

Approved this 21st day of January 2021.

James M. Miller, Mayor

Vickie Short, City Clerk

APPROVED AS TO FORM

E. Ronald Bennett, City Attorney

Exhibit "A"

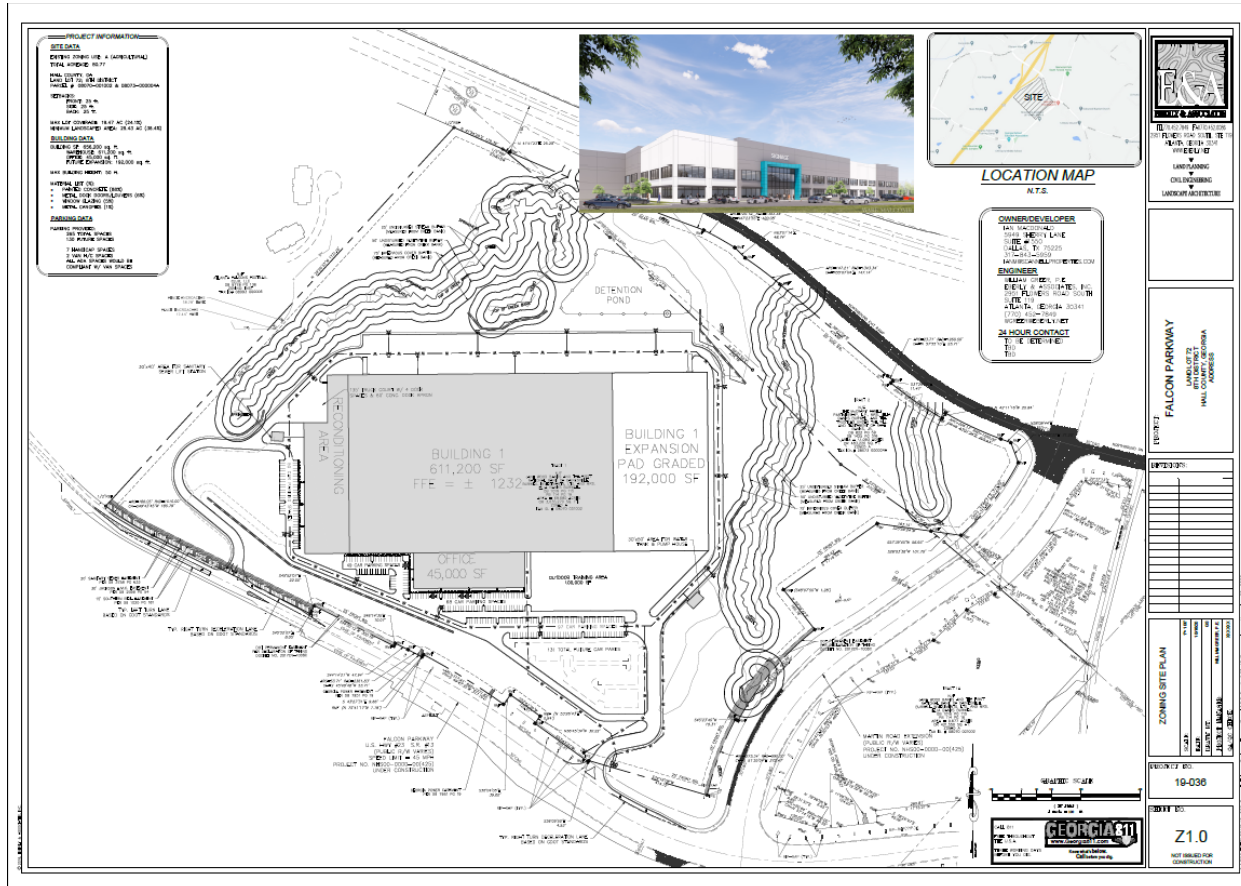


Exhibit "B"

LEGAL DESCRIPTION - TRACT 1

All that tract or parcel of land lying and being in Land Lot 72 of the 8th Land District, City of Flowery Branch, Hall County, Georgia, said tract or parcel of land being more fully shown and designated on a plat of survey prepared by Valentino & Associates, Inc. (Job #19-017; Drawing/File #19-017), bearing the seal of Glenn A. Valentino, Ga. Registered Land Surveyor #2528, and being more particularly described, with bearings relative to Grid North, Georgia West Zone, as follows:

TO FIND THE POINT OF BEGINNING, COMMENCE at a 2" open top pipe found at the common corner of Land Lots 69, 70, 72 and 73;
THENCE South 58 degrees 29 minutes 26 seconds West for a distance of 379.22 feet to a computed point on the northeasterly right-of-way line of Martin Road Extension (public r/w varies);
THENCE South 58 degrees 29 minutes 26 seconds West for a distance of 10.76 feet to a computed point;
THENCE South 57 degrees 52 minutes 05 seconds West for a distance of 237.10 feet to a computed point;
THENCE South 57 degrees 39 minutes 45 seconds West for a distance of 56.93 feet to a concrete r/w monument found on the northwesterly right-of-way line of aforesaid Martin Road Extension, said concrete r/w monument found being the POINT OF BEGINNING.

THENCE proceeding along said northwesterly right-of-way line of Martin Road Extension South 25 degrees 59 minutes 24 seconds West for a distance of 183.15 feet to a concrete r/w monument found;
THENCE South 17 degrees 16 minutes 53 seconds East for a distance of 385.63 feet to a computed point, said computed point being witnessed by a concrete r/w monument found lying South 48 degrees 07 minutes 50 seconds West for a distance of 1.28 feet;
THENCE North 69 degrees 59 minutes 42 seconds East for a distance of 169.78 feet to a concrete r/w monument found;
THENCE along a curve to the left having a radius of 980.00 feet for an arc distance of 403.54 feet (said arc being subtended by a chord of South 31 degrees 53 minutes 00 seconds East for a distance of 400.69 feet) to a concrete r/w monument found;
THENCE South 45 degrees 23 minutes 40 seconds West for a distance of 10.31 feet to a concrete r/w monument found;
THENCE along a curve to the left having a radius of 990.00 feet for an arc distance of 273.34 feet (said arc being subtended by a chord of South 51 degrees 35 minutes 04 seconds East for a distance of 272.47 feet) to a 1/2" Iron pin set at the intersection of the northwesterly right-of-way line of Falcon Parkway (S.R. #13, public r/w varies);
THENCE proceeding southwesterly along the northwesterly right-of-way line of said Falcon Parkway South 34 degrees 16 minutes 08 seconds West for a distance of 414.72 feet to a 1/2" Iron pin set;
THENCE South 36 degrees 09 minutes 50 seconds East for a distance of 4.53 feet to a concrete r/w monument found;
THENCE South 53 degrees 43 minutes 37 seconds West for a distance of 220.91 feet to a concrete r/w monument found;
THENCE North 36 degrees 45 minutes 34 seconds West for a distance of 30.22 feet to a computed point, said computed point being witnessed by a concrete r/w monument found lying North 53 degrees 26 minutes 43 seconds East for a distance of 0.94 feet;
THENCE South 53 degrees 42 minutes 30 seconds West for a distance of 122.61 feet to a concrete r/w monument found;
THENCE South 36 degrees 04 minutes 05 seconds East for a distance of 39.60 feet to a concrete r/w monument found;
THENCE along a curve to the left having a radius of 2371.83 feet for an arc distance of 317.93 feet (said arc being subtended by a chord of South 49 degrees 47 minutes 30 seconds West for a distance of 317.70 feet) to a concrete r/w monument found;
THENCE South 43 degrees 27 minutes 31 seconds East for a distance of 9.66 feet to a computed point, said computed point being witnessed by a concrete r/w monument found lying North 75 degrees 41 minutes 17 seconds West for a distance of 1.18 feet;
THENCE along a curve to the left having a radius of 2361.83 feet for an arc distance of 53.71 feet (said arc being subtended by a chord of South 45 degrees 48 minutes 48 seconds West for a distance of 53.71 feet) to a concrete r/w monument found;
THENCE South 44 degrees 14 minutes 21 seconds West for a distance of 47.94 feet to a concrete r/w monument found;
THENCE South 46 degrees 14 minutes 35 seconds East for a distance of 10.07 feet to a concrete r/w monument found;
THENCE South 44 degrees 50 minutes 12 seconds West for a distance of 300.18 feet to a concrete r/w monument found;
THENCE South 45 degrees 52 minutes 07 seconds East for a distance of 22.05 feet to a concrete r/w monument found;
THENCE South 45 degrees 52 minutes 07 seconds East for a distance of 8.05 feet to a 1/2" Iron pin set;
THENCE South 44 degrees 27 minutes 31 seconds West for a distance of 592.97 feet to a 1/2" Iron pin set;
THENCE along a curve to the right having a radius of 1010.00 feet for an arc distance of 186.57 feet (said arc being subtended by a chord of South 49 degrees 42 minutes 52 seconds West for a distance of 186.31 feet) to a 1/2" Iron pin set;
THENCE departing said right-of-way line of Falcon Parkway North 29 degrees 20 minutes 52 seconds West for a distance of 1731.04 feet to a 1/2" Iron pin found on the southeasterly right-of-way line of Interstate 985 (S.R. #365, limited access public r/w varies);
THENCE proceeding northeasterly along said right-of-way line of Interstate 985 North 41 degrees 54 minutes 20 seconds East for a distance of 179.39 feet to a 1/2" rebar found;
THENCE departing said right-of-way line of Interstate 985 North 57 degrees 26 minutes 46 seconds East for a distance of 467.26 feet to a computed point;
THENCE North 61 degrees 32 minutes 17 seconds East for a distance of 421.28 feet to a computed point;
THENCE North 59 degrees 35 minutes 50 seconds East for a distance of 234.18 feet to a computed point;
THENCE North 64 degrees 56 minutes 32 seconds East for a distance of 435.28 feet to a computed point;
THENCE North 53 degrees 08 minutes 22 seconds East for a distance of 272.69 feet to a computed point;
THENCE North 57 degrees 39 minutes 45 seconds East for a distance of 105.28 feet to a concrete r/w monument found on the aforesaid right-of-way line of Martin Road Extension, said concrete r/w monument found being the POINT OF BEGINNING.

Said tract or parcel of land contains 69.680 acres or 3,035,270 square feet.

Conditions of Zoning

- [illegible]

- 61



FLOWERY BRANCH CITY COUNCIL

EXECUTIVE SUMMARY



SUBJECT: Consider Second Reading of Ordinance #20-622 a rezoning request submitted by Eberly & Associates.

COUNCIL MEETING DATE: January 7, 2021

HISTORY:

This is the second read and vote for the rezoning. It was approved at the December 17, 2020 Council meeting.

FACTS AND ISSUES:

Council had questions concerning how the ingress/egress would function for this project. The applicant has supplied some details (attached).

OPTIONS:

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

No

AMOUNT AND SOURCE OF FUNDS:

RECOMMENDATION:

Approve ordinance #20-622

SAMPLE MOTION:

I make a motion to approve ordinance#20-622 as submitted and conditioned by staff.

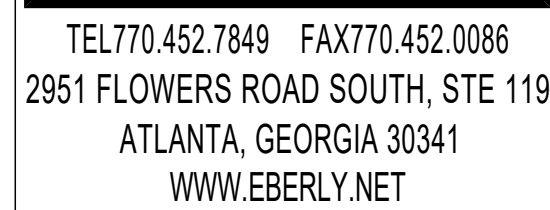
COLLABORATING DEPARTMENT:

DEPARTMENT: Planning

Prepared by: Vickie Short

ATTACHMENTS

- [20201221_Scannell Falcon Pkwy_Full Movement Exhibit.pdf](#)
- [20201221_Scannell Falcon Pkwy_RinRout Exhibit.pdf](#)
- [Staff Report .pdf](#)
- [Rezoning Ordinance 20-622.pdf](#)



LAND PLANNING
CIVIL ENGINEERING
LANDSCAPE ARCHITECTURE

PROJECT: PROJECT FALCON

LAND LOT 72
8TH DISTRICT
HALL COUNTY, GEORGIA
ADDRESS

REVISIONS:

[illegible]

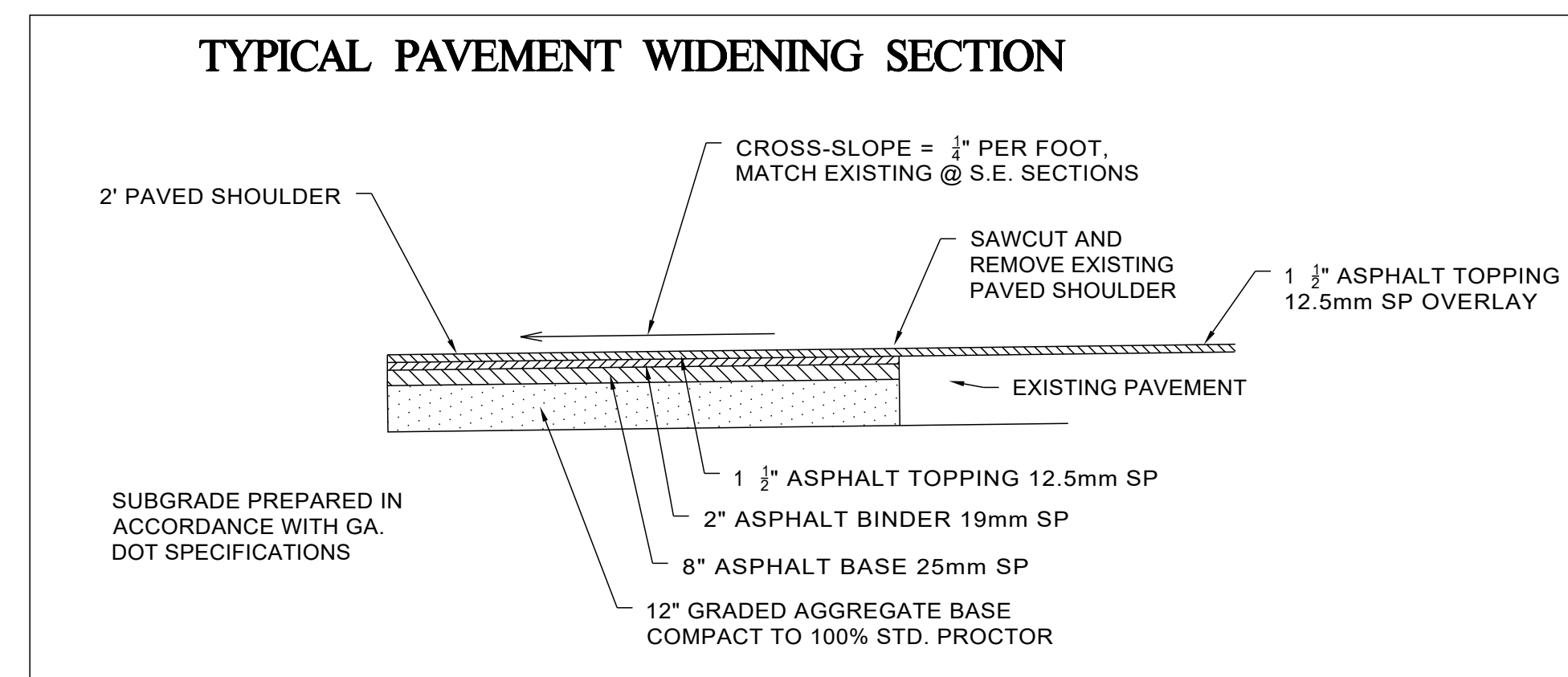
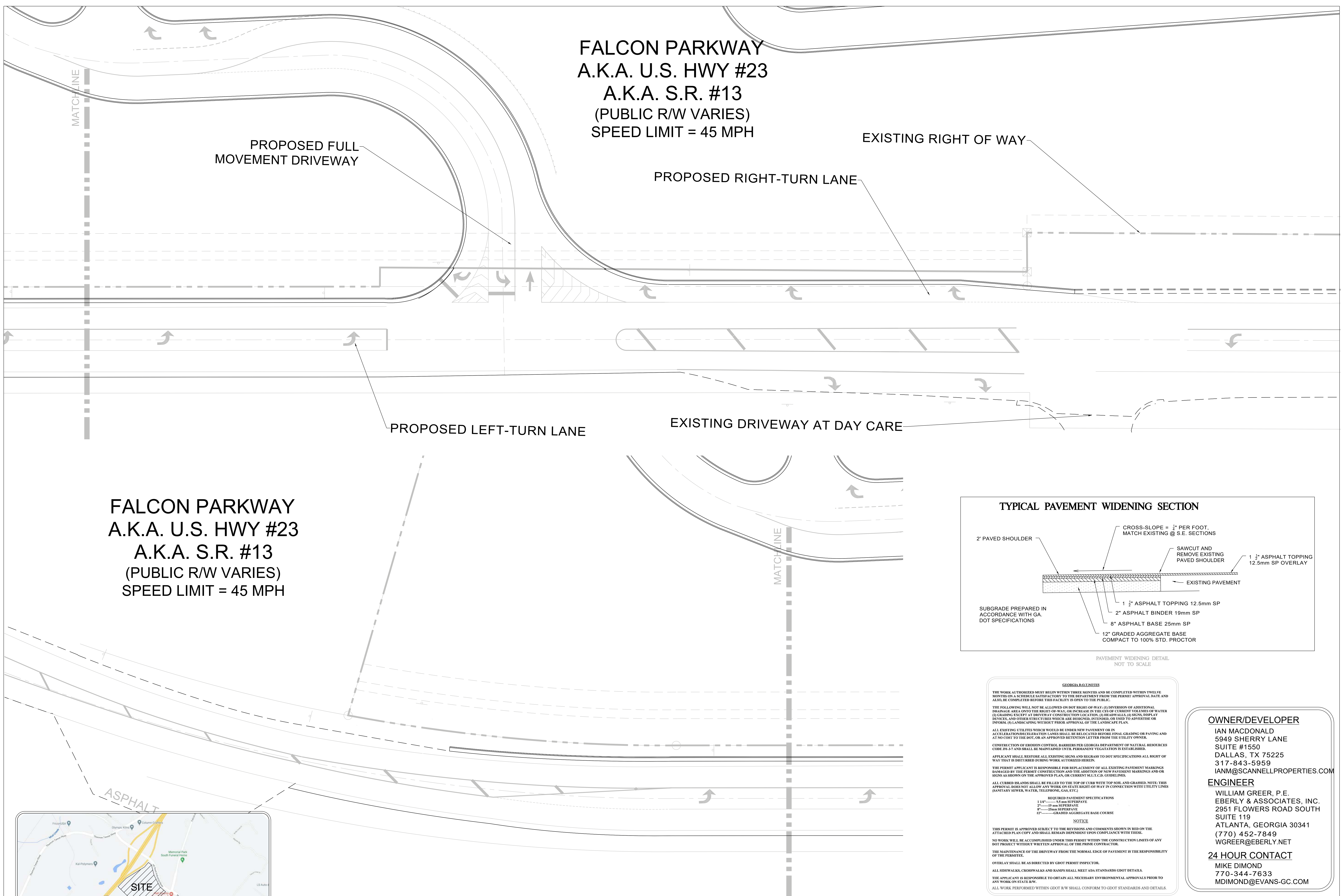
DRIVEWAY 1
LAYOUT & STAKING PLAN

PROJECT NO.	19-036
-------------	--------

SHEET NO.

G3.0

NOT ISSUED FOR
CONSTRUCTION

[illegible]

OWNER/DEVELOPER

IAN MCDONALD
5949 SAGGARDY LANE
SUITE 11550
DALLAS, TX 75225
317-843-5959
IANMQ@SCANNELLPROPERTIES.COM

ENGINEER

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

24 HOUR CONTACT

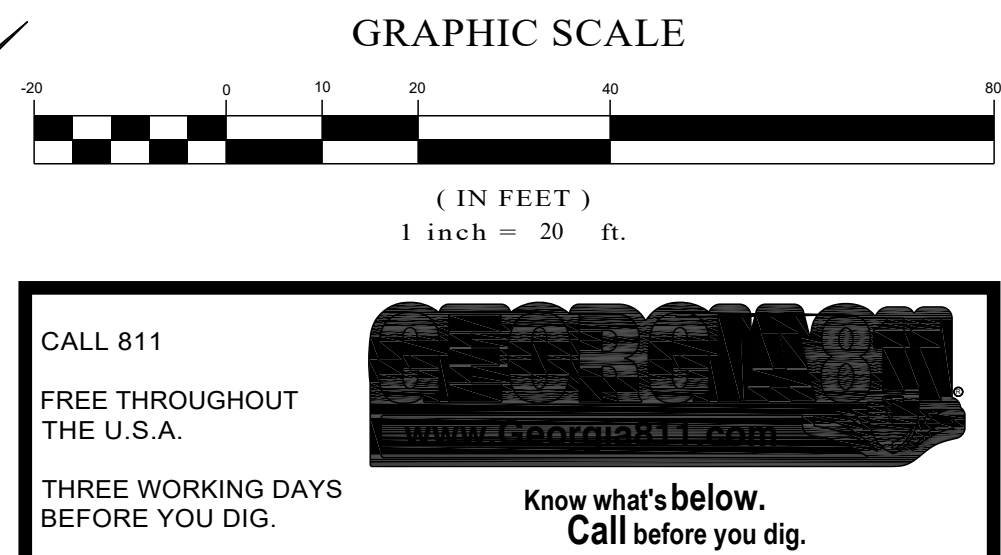
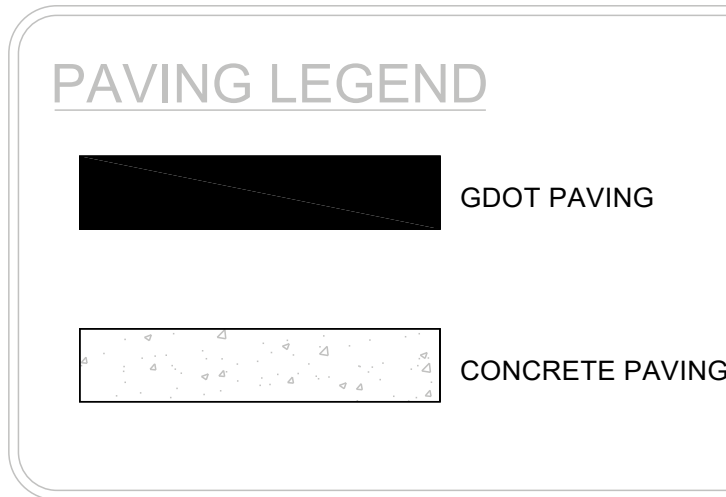
MIKE DIMOND
770-344-7633
MDIMOND@EVANS-GC.COM

LEFT TURN NOTE

- THE PROPOSED LEFT TURN LANE INTO DRIVEWAY 1 REQUIRES A 270' APPROACH AND DEPARTURE TAPER PER THE GDOT DRIVEWAY AND ENCROACHMENT MANUAL TABLE 4-9. HOWEVER, THIS PROPOSED TAPER MERGES WITH AN EXISTING TAPER FOR AN EXISTING WESTBOUND LEFT-TURN LANE WEST OF THIS PROJECT. THE OVERALL LENGTH OF THE COMBINED TAPERS EXCEEDS THE 270' REQUIREMENT.

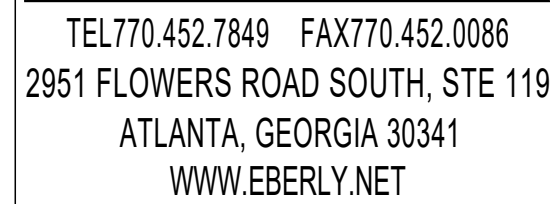
NOTES

1. ALL DIMENSIONS SHOWN ARE FROM FACE OF BUILDING, CURB, OR WALL UNLESS OTHERWISE NOTED.
2. GDOT STATE ROUTE IMPROVEMENTS SET TO INCLUDE PAVING, GRADING, STRIPING DETAILS FOR WORK WITHIN RIGHT-OF-WAY. TO BE APPROVED BY GDOT PRIOR TO ANY COMMENCEMENT OF WORK



FALCON PARKWAY
A.K.A. U.S. HWY #23
A.K.A. S.R. #13
(PUBLIC R/W VARIES)
SPEED LIMIT = 45 MPH

LOCATION MAP
N.T.S.



LAND PLANNING
CIVIL ENGINEERING
LANDSCAPE ARCHITECTURE

PROJECT: PROJECT FALCON

LAND LOT 72
8TH DISTRICT
HALL COUNTY, GEORGIA
ADDRESS

REVISIONS:

[illegible]

DRIVEWAY 2 LAYOUT & STAKING PLAN

SCALE:	1"= 20'
DATE:	10/16/20
DRAWN BY:	AP
PROJECT MANAGER:	WILLIAM GREER, P.E.
QA/QC CHECK:	WR

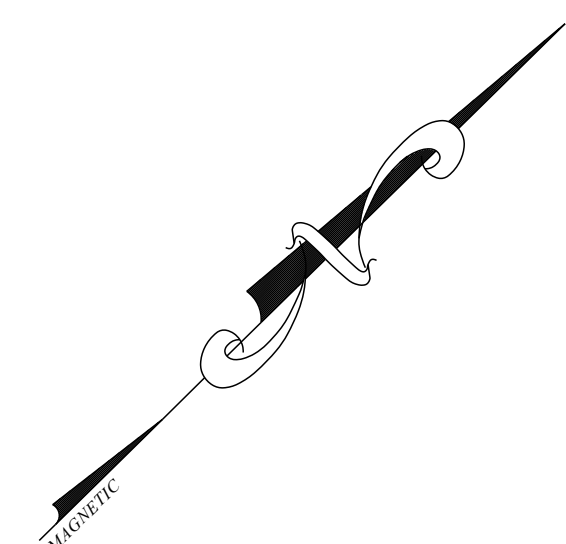
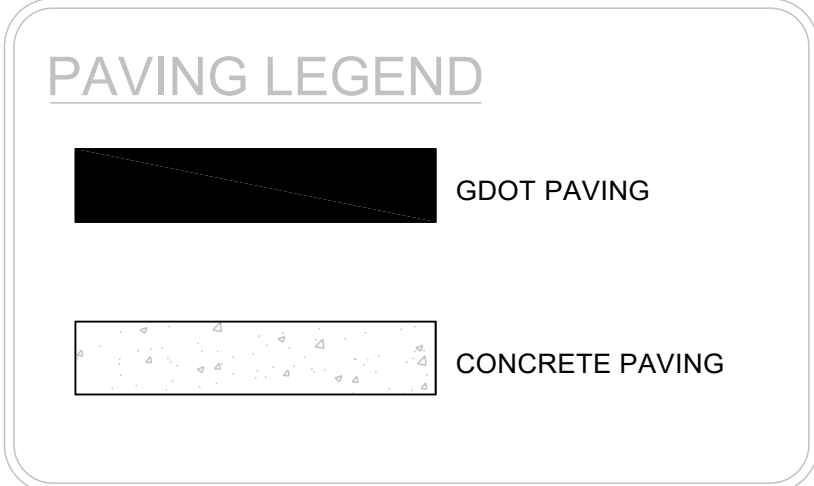
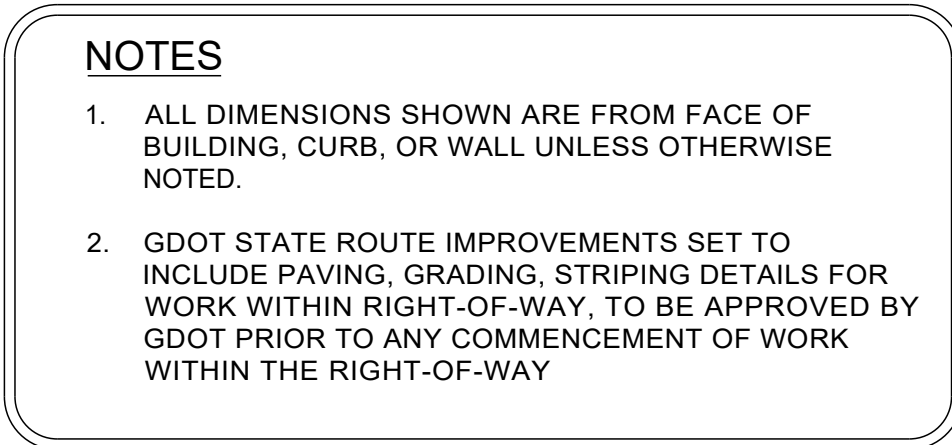
PROJECT NO.

19-036

SHEET NO.

G3.1

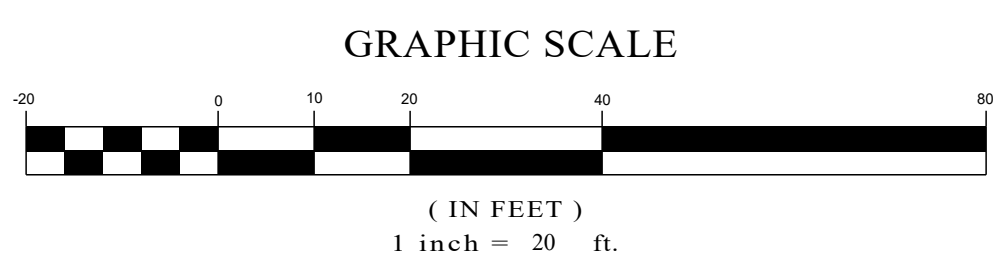
NOT ISSUED FOR
CONSTRUCTION



OWNER/DEVELOPER
IAN MACDONALD
5949 SHERRY LANE
SUITE #1550
DALLAS, TX 75225
317-843-5959
IANM@SCANNELLPROPERTIES.COM

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

24 HOUR CONTACT
MIKE DIMOND
770-344-7633
MDIMOND@EVANS-GC.COM



CALL 811
FREE THROUGHOUT
THE U.S.A.
THREE WORKING DAYS
BEFORE YOU DIG.

Know what's below.
Call before you dig

GEORGIA D.O.T. NOTES

THE WORK AUTHORIZED MUST BEGIN WITHIN THREE MONTHS AND BE COMPLETED WITHIN TWELVE MONTHS ON A SCHEDULE SATISFACTORY TO THE DEPARTMENT FROM THE PERMIT APPROVAL DATE AND ALSO, BE COMPLETED BEFORE THIS FACILITY IS OPEN TO THE PUBLIC.

THE FOLLOWING WILL NOT BE ALLOWED OR NOT BE IN-OF-WAY: (1) DIVERSION OF ADDITIONAL DRAINAGE AREA ONTO THE RIGHT-OF-WAY, OR INCREASE IN THE CPS OF CURRENT VOLUMES OF WATER (2) GRADING EXCEPT AT DRIVEWAY CONSTRUCTION LOCATION, (3) HEADWALLS, (4) SIGNS, DISPLAY DEVICES, AND OTHER STRUCTURES WHICH ARE DESIGNED, INTENDED, OR USED TO ADVERTISE OR INFORM (5) LANDSCAPING WITHOUT PRIOR APPROVAL OF THE LANDSCAPE PLAN.

ALL EXISTING UTILITIES WHICH WOULD BE UNDER NEW PAVEMENT OR IN ACCELERATION/DECLERATION LANES SHALL BE RELOCATED BEFORE FINAL GRADING OR PAVING AND AT NO COST TO THE DOT, OR AN APPROVED RETENTION LETTER FROM THE UTILITY OWNER.

ALL EXISTING UTILITIES WHICH WOULD BE UNDER NEW PAVEMENT OR IN ACCELERATION/DECELERATION LANES SHALL BE RELOCATED BEFORE FINAL GRADING OR PAVING AND AT NO COST TO THE DOT, OR AN APPROVED RETENTION LETTER FROM THE UTILITY OWNER.

CONSTRUCTION OF EROSION CONTROL BARRIERS PER GEORGIA DEPARTMENT OF NATURAL RESOURCES CODE 391-3-7 AND SHALL BE MAINTAINED UNTIL PERMANENT VEGETATION IS ESTABLISHED.

APPLICANT SHALL RESTORE ALL EXISTING SIGNS AND REGRASS TO DOT SPECIFICATIONS ALL RIGHT OF WAY THAT IS DISTURBED DURING WORK AUTHORIZED HEREIN.

THE PERMIT APPLICANT IS RESPONSIBLE FOR REPLACEMENT OF ALL EXISTING PAVEMENT MARKINGS DAMAGED BY THE PERMIT CONSTRUCTION AND THE ADDITION OF NEW PAVEMENT MARKINGS AND OR SIGNS AS SHOWN ON THE APPROVED PLAN, OR CURRENT MUTCD GUIDELINES.

ALL CURBED ISLANDS SHALL BE FILLED TO THE TOP OF CURB WITH TOP SOIL AND GRASSED. NOTE: THIS APPROVAL DOES NOT ALLOW ANY WORK ON STATE RIGHT-OF-WAY IN CONNECTION WITH UTILITY LINE (SANITARY SEWER, WATER, TELEPHONE, GAS, ETC.)

REQUIRED PAVEMENT SPECIFICATIONS

8"-----25mm SUPERPAVE
12"-----GRADED AGGREGATE BASE COURSE

THIS PERMIT IS APPROVED SUBJECT TO THE REVISIONS AND COMMENTS SHOWN IN RED ON THE ATTACHED PLAN COPY AND SHALL REMAIN DEPENDENT UPON COMPLIANCE WITH THESE.

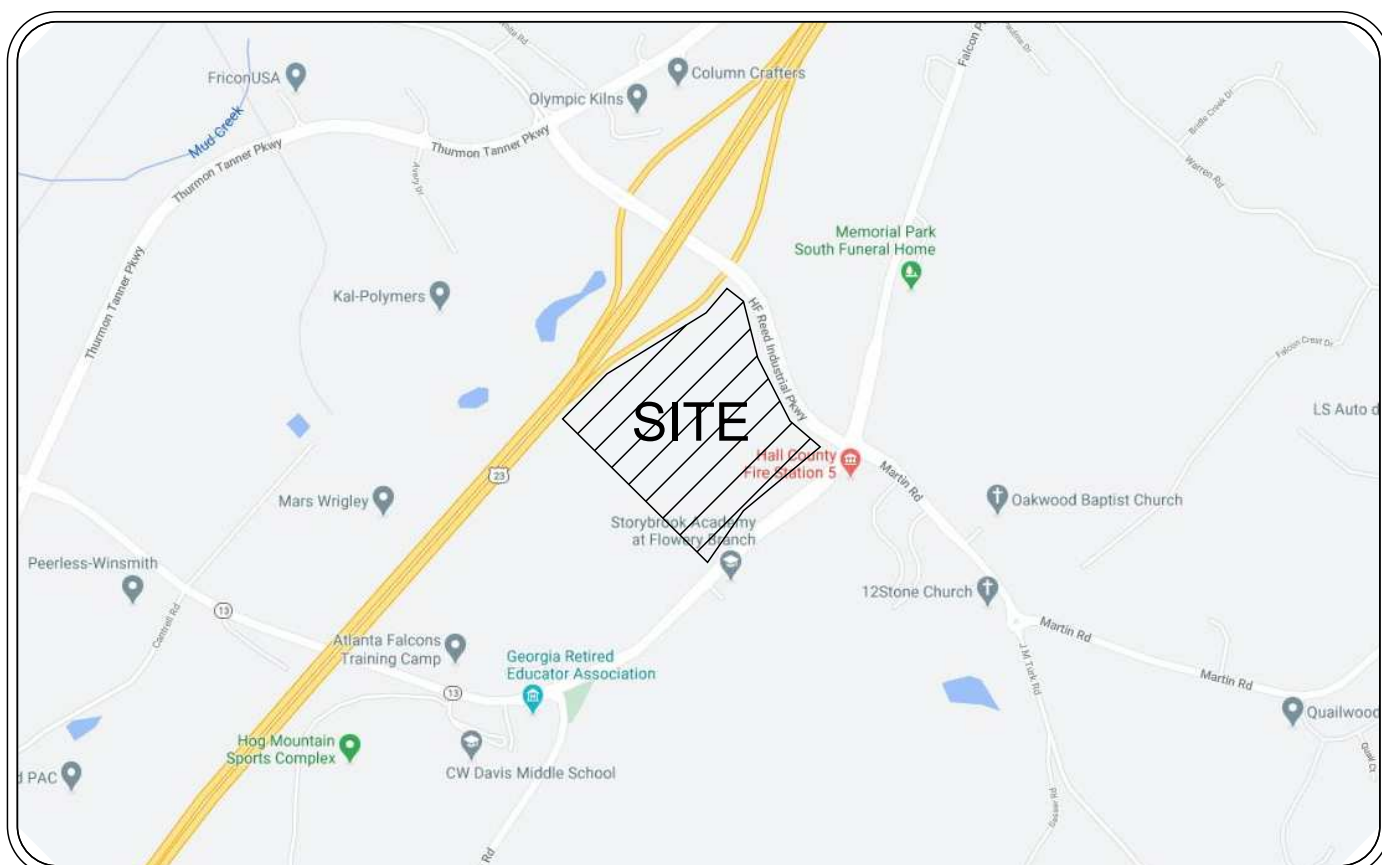
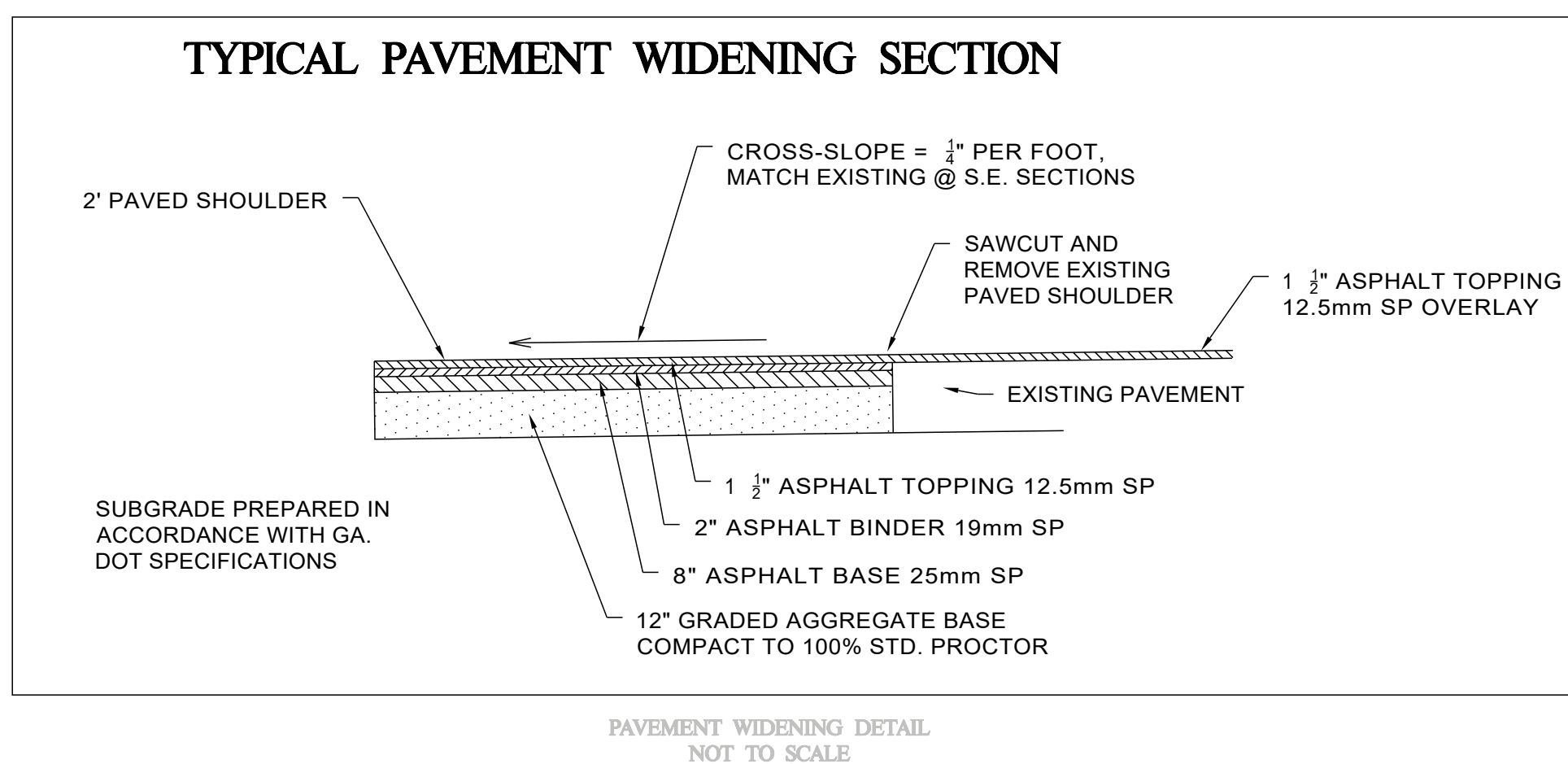
NO WORK WILL BE ACCOMPLISHED UNDER THIS PERMIT WITHIN THE CONSTRUCTION LIMITS OF ANY DOT PROJECT WITHOUT WRITTEN APPROVAL OF THE PRIME CONTRACTOR.

OVERLAY SHALL BE AS DIRECTED BY GDOT PERMIT INSPECTOR.

ALL SIDEWALKS, CROSSWALKS AND RAMPS SHALL MEET ADA STANDARDS GDOT DETAILS.

THE APPLICANT IS RESPONSIBLE TO OBTAIN ALL NECESSARY ENVIRONMENTAL APPROVALS PRIOR TO

ALL WORK PERFORMED WITHIN GDOT R/W SHALL CONFORM TO GDOT STANDARDS AND DETAILS.



LOCATION MAP
N.T.S.



Applicant: Eberly & Associates on behalf of Scannell Properties, LLC.

Property Owners: Banks

Subject Property: Portion of 0000 Falcon Parkway; 08070 001002, 69.68 +/- acres
Portion of 0000 Falcon Parkway; 08073 000004A, 11.1 +/- acres

Request: Rezone from A (Agricultural) to M1 (Light Industrial) with the intend to construct a distribution facility and office.

Current Use: Vacant

Character Area: Activity Center

Description of Request:

The request is to rezone both parcels 08070-001002 & 08073-000004A from Agriculture (A) to M-1 (light Manufacturing & Industrial).

The proposed project consists of construction of single distribution facility totaling approximately 611,200 SF, 43,000 SF of dedicated office space, and a 192,000 building pad for future expansion. This facility with include on-site parking lot, landscape areas, and above ground stormwater detention pond.

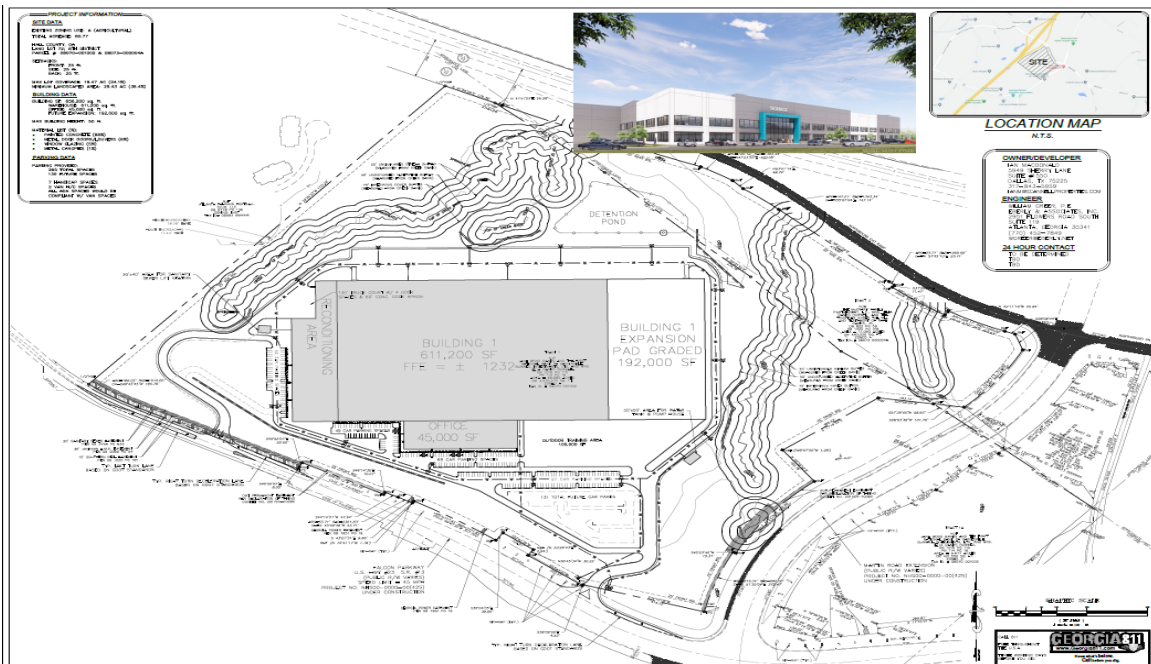
Below is information on the subject properties proposed to be rezoned:

08070-001002

Owner: Jane Wood R/A Banks
C/O Region Bank Trust Department
PO Box 937
Gainesville, GA 30503-0937
Site Area: 69.676 Acres

08073-000004A

Owner: Dr Rafe Jr Est R/A Banks Et. Al
C/O Region Bank Trust Department
PO Box 937
Gainesville, GA 30503-0937
Site Area: 11.094 Acres





Rezoning Analysis (from applicant):

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

The proposed project consists of construction of a single distribution warehouse facility that totals to approximately 611,200 SF, 43,000 SF of dedicated office space and includes a future bldg. pad of 192,000 for future expansion. This project is accompanied by adjacent employee parking lot, landscape areas, and an above ground stormwater detention facility will be included as well. The rezoning to M-1 (light Manufacturing & Industrial) will permit a use that is suitable in view of the use and development of adjacent & nearby properties. Our subject site will be bordered to the South by the Atlanta Falcons training grounds, bordered to the West, East, and North by existing and future roadways which are currently under construction as part of the Martin Road extension.

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

The zoning proposal will not adversely affect the existing use or usability of adjacent or nearby properties. Development of the project site will abide by City of Flowery Branch standards in regards to setbacks, buffers, etc., to give adequate separation from adjacent parcels, and ensure surround neighborhoods are not adversely affected. Additionally, there are state waters located on-site that will act as natural buffers between our development and neighboring properties.

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

The proposed project can be used in accordance with City of Flowery Branch Regulations, and will be an improvement from an economic standpoint by being rezoned and developed.

- 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.**

No – the current improvements being completed by the Georgia Department of Transportation increases the amount of lanes, adds a signalized intersection, and allows for much desired direct access to Interstate 985. However, it should be noted that the proposed distribution facility will increase the vehicular traffic on Falcon Parkway. The existing areas surrounding the property are heavily wooded, and some undeveloped. The road in and out of the site is not currently a high-volume traffic road. This project will trigger a DRI which will ensure that the future development accounts for traffic volume.



- 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.

No conflict has been indicated between the proposal and the comprehensive plan, including the character area map. Subject properties are not within the limits of any character areas in City of Flowery Branch.

- 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.

No existing or changing conditions is anticipated to affect the use and development of the property.

- g) Existing Use(s) and zoning of the subject property and nearby properties.

The proposed project includes two (2) parcels:

- Parcel 08070-001002 is within City of Flowery Branch City Limits, currently undeveloped, and zoned A (Agricultural).
- Parcel 08073-000004A is within City of Flowery Branch City Limits, currently undeveloped and zoned A (Agricultural).

Two developed parcel border our proposed project:

- Parcel 08093 000006, currently developed and owned by Atlanta Falcons Football Club, LLC, and zoned INST (Institutional)
- Parcel 08070 001003, currently developed and owned by Atlanta Falcons Football Club, LLC, and zoned INST (Institutional)

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

The extent under which the current value being affected by the existing zoning cannot be determined by the applicant at this time. It is assumed that development of the subject properties will not bring down the property value.

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

No deterrence to the value and improvement of adjacent properties is anticipated.

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

There are currently nearby districts with properties that are zoned M-1 (Light Manufacturing & Industrial); therefore, proposed development will not create an isolated zoning district.

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

No adverse effects on the character of the zoning district is anticipated.

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

The proposed zoning request will not adversely impact the environment and surrounding



natural resources. There will be limited disturbance to streams and wetlands on-site. This will require our proposed development to apply for a nationwide permit with the USACE and it will be our intent to pull a nationwide permit prior to obtaining a LDP from the City of Flowerly Branch. Drainage and stormwater flow reduction will be taken into consideration during site design. A detailed Erosion, Sedimentation, and pollution control plan will be designed to protect adjacent parcels from future construction activities, and prevent soil erosion and water quality impact.

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

Zoning proposal will be in compliance with City of Flowerly Branch zoning ordinance, and Comprehensive Plan.

Rezoning Analysis (Staff):

Flowerly Branch Zoning Ordinance Article 37 Rezoning and Conditional Use Applications

Sec. 34.7. - Analysis Requirements.

Applications to amend the official zoning map and applications for conditional uses shall provide a written analysis comparing the proposed action with the criteria in this Section. A zoning map amendment or conditional use application may be justified only if it bears a reasonable relationship to the public health, safety, morality, or general welfare, and after consideration of the analysis requirements which may in individual cases be considered criteria relevant to Zoning Administrator in making recommendations and by the Governing Body in the decision-making process.

Staff Response:

- (a) Whether the proposal will permit a use that is suitable in view of the use and development of adjacent and nearby property. **Yes, an industrial use is appropriate for this site and the surrounding area.**
- (b) Whether the proposal will adversely affect the existing use or usability of adjacent or nearby property. **The development will not adversely affect the area and will in fact enhance it.**
- (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. **Yes, current zoning of A (Agricultural) could be used in accordance with the current rules and regulations of that zoning district.**



- (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. *It is staff's opinion that the use will not create any unnecessary burdens.*
- (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. *Currently, the Comprehensive Plan denotes this area as part of the "Activity Center" character area. The proposed use meets the intent of the Comprehensive Plan.*
- (f) Whether there are other existing or changing conditions affecting the use and development of the property which give supporting grounds for either approval or disapproval of the proposal. *No*
- (g) Existing use(s) and zoning of the subject property and nearby properties. *Currently vacant the proposed use will fit in well with the corridor.*
- (h) Existing value of the property under the existing zoning district classification, the extent to which the property value of the subject property is diminished by the existing zoning district, and the value of the property under the proposed zoning district; if such information is provided by the applicant or can be discerned. This consideration may include the length of time the property has been vacant or unused as currently zoned and efforts taken by the property owner(s) to use the property or sell the property under the existing zoning district classification. *Staff does not have a specific number regarding property value, but the current zoning classification of Agricultural does not allow the proposed light industrial use. The M-1 classification is a more realistic zoning designation for this area*
- (i) Whether a proposed zoning map amendment or conditional use approval will be a deterrent to the value or improvement of development of adjacent property in accordance with existing regulations. *Staff does not feel that the proposed will be a deterrent.*
- (j) The possible creation of an isolated zoning district unrelated to adjacent and nearby districts. *N/A*
- (k) Possible effects of the change in zoning district map, or change in use, on the character of a zoning district. *The proposed use will enhance the character of the existing district in staff's opinion.*
- (l) The possible impact on the environment, including but not limited to, drainage, soil erosion and sedimentation, flooding, air quality and water quality. *The development, if approved, will need to go through all the required development reviews to ensure all applicable codes and requirements are met.*
- (m) The relation that the proposed map amendment or conditional use bears to the purpose of the overall zoning scheme and the purposes of this Zoning Ordinance. *The proposed development will enhance the surrounding area and meet the intent of the Zoning Ordinance.*



Signs posted on 11/20/2020

Ad run on 11/11/2020

Public Hearing Published 11/11/20
Public Hearing 12/17/20

First Reading 12/17/20
Adopted 01/21/21

ORDINANCE NO. 20-622

AN ORDINANCE AMENDING THE ZONING MAP OF THE CITY OF FLOWERY BRANCH, GEORGIA, BY REZONING A PORTION OF A PARCEL OF REAL PROPERTY OWNED BY DR. RAFE JR. EST. R/A BANKS ET. AL IDENTIFIED AS 0000 FALCON PARKWAY, TAX PARCEL 08073 000004A TOTALING 11.1 +/- ACRES TO BE REZONED FROM AGRICULTURAL (A) TO LIGHT INDUSTRIAL (M1) AND AS SHOWN ON ATTACHED EXHIBIT “A”, AND AS DESCRIBED ON ATTACHED EXHIBIT “B” AND AS CONDITIONED ON ATTACHED EXHIBIT “C”; PROVIDING FOR SEVERABILITY, REPEALING CONFLICTING ORDINANCES, PROVIDING FOR AN EFFECTIVE DATE AND FOR ALL OTHER LAWFUL PURPOSES.

WHEREAS, Dr. Rafe, Jr. Est. R/A Banks, Et. Al owns all tracts or parcel of land totaling 7.34 +/- acres identified as Parcel Tax Identification No. 08073 000004A as shown on Exhibit “A”, and as described on Exhibit “B”; and

WHEREAS, Mr. William Greer on behalf of Scannell-Falcon Properties, LLC has submitted to the City Council of Flowery Branch, Georgia, a written and signed application requesting to be rezoned and whereas a survey and complete description of the land to be rezoned is included in the application; and

WHEREAS, the City Council held a public hearing at the meeting of December 17, 2020, 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 rezoning from Agricultural (A) to Light Industrial (M1) 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 currently zoned A; 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 development under the current zonings as opposed to M1.
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 DESCRIPTIONS AND CONDITIONS.

The rezoning of the subject parcel, as shown on Exhibit “A” and as legally described in Exhibit “B”, from Agricultural (A) to Light Industrial (M1) and as conditioned in Exhibit “C”. Said Exhibits are incorporated.

SECTION 3. AMENDMENT OF THE ZONING MAP.

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

SECTION 4. SEVERABILITY.

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

SECTION 5. EFFECTIVE DATE.

The effective date of this Ordinance shall be January 21st, 2021.

SECTION 6. REPEALER.

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

Approved this 21st day of January 2021.

James M. Miller, Mayor

Vickie Short, City Clerk

APPROVED AS TO FORM

E. Ronald Bennett, City Attorney

LEGAL DESCRIPTION - TRACT 2

All that tract or parcel of land lying and being in Land Lot 73 of the 8th Land District, City of Flowery Branch, Hall County, Georgia, said tract or parcel of land being more fully shown and designated on a plat of survey prepared by Valentino & Associates, Inc. (Job #19-017; Drawing/File #19-017), bearing the seal of Glenn A. Valentino, Ga. Registered Land Surveyor #2528, and being more particularly described, with bearings relative to Grid North, Georgia West Zone, as follows:

TO FIND THE POINT OF BEGINNING, COMMENCE at a 2" open top pipe found at the common corner of Land Lots 69, 70, 72 and 73;
THENCE South 58 degrees 29 minutes 26 seconds West for a distance of 379.22 feet to a computed point on the northeasterly right-of-way line of Martin Road Extension (public r/w varies);
THENCE South 58 degrees 29 minutes 26 seconds West for a distance of 10.76 feet to a computed point;
THENCE South 57 degrees 52 minutes 05 seconds West for a distance of 237.10 feet to a computed point;
THENCE South 57 degrees 39 minutes 45 seconds West for a distance of 56.93 feet to a concrete r/w monument found on the northwesterly right-of-way line of aforesaid Martin Road Extension, said concrete r/w monument found being the POINT OF BEGINNING.

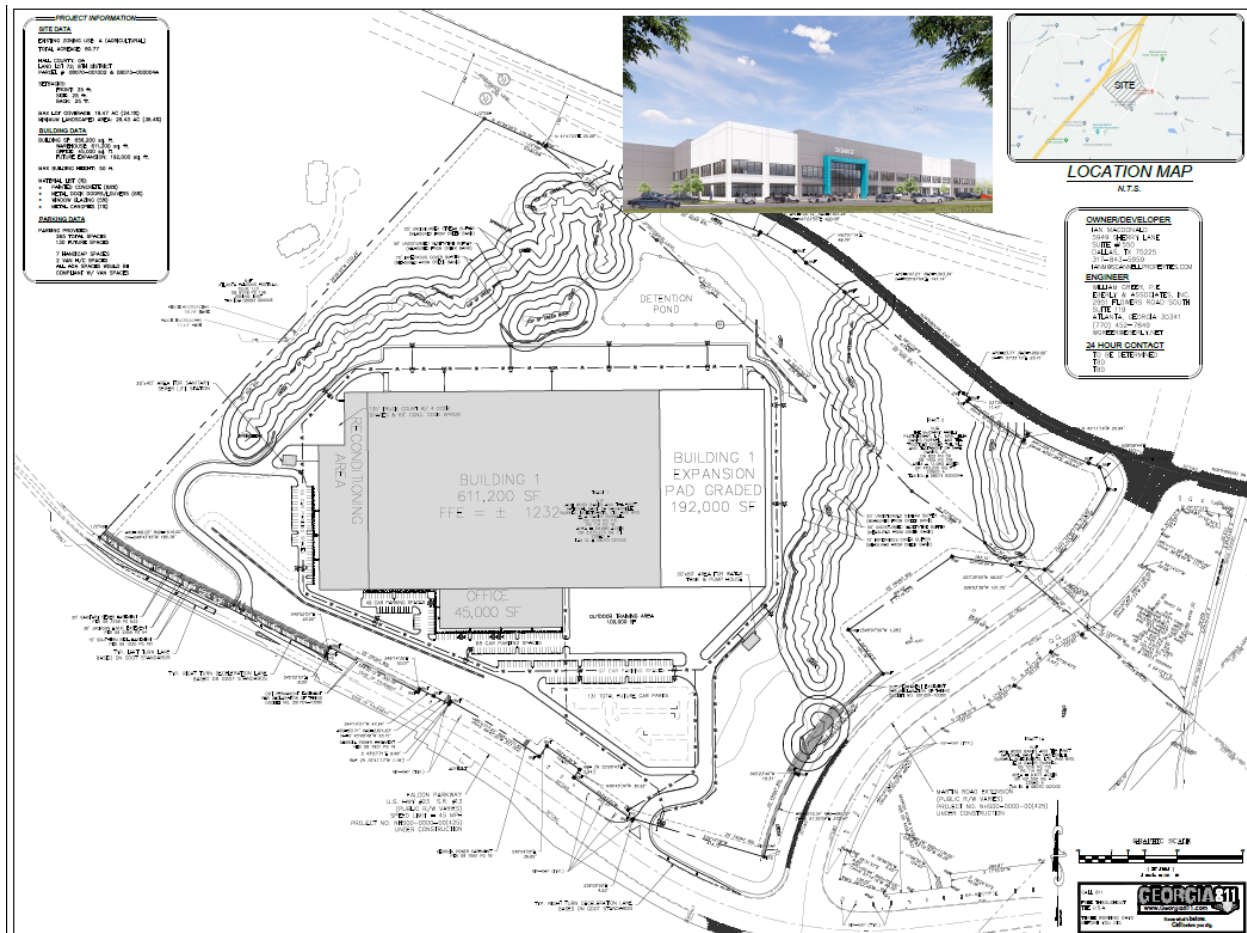
THENCE South 57 degrees 39 minutes 45 seconds West for a distance of 105.28 feet to a computed point;
THENCE South 53 degrees 08 minutes 22 seconds West for a distance of 272.69 feet to a computed point;
THENCE South 64 degrees 56 minutes 32 seconds West for a distance of 435.28 feet to a computed point;
THENCE South 59 degrees 35 minutes 50 seconds West for a distance of 234.18 feet to a computed point;
THENCE South 61 degrees 32 minutes 17 seconds West for a distance of 421.28 feet to a computed point;
THENCE South 57 degrees 26 minutes 46 seconds West for a distance of 467.26 feet to a 1/2" rebar found on the southeasterly right-of-way line of Interstate 985 (S.R. #365, limited access public r/w varies);
THENCE proceeding northeasterly along said right-of-way line of Interstate 985 North 41 degrees 41 minutes 23 seconds East for a distance of 25.59 feet to a concrete r/w monument found;
THENCE along a curve to the left having a radius of 11457.89 feet for an arc distance of 704.56 feet (said arc being subtended by a chord of North 39 degrees 51 minutes 03 seconds East for a distance of 704.45 feet) to a concrete r/w monument found;
THENCE along a curve to the right having a radius of 1343.34 feet for an arc distance of 120.12 feet (said arc being subtended by a chord of North 47 degrees 23 minutes 55 seconds East for a distance of 120.08 feet) to a concrete r/w monument found;
THENCE North 63 degrees 01 minutes 14 seconds East for a distance of 48.74 feet to a concrete r/w monument found;
THENCE along a curve to the right having a radius of 1333.34 feet for an arc distance of 147.21 feet (said arc being subtended by a chord of North 55 degrees 07 minutes 04 seconds East for a distance of 147.14 feet) to a concrete r/w monument found;
THENCE North 58 degrees 21 minutes 06 seconds East for a distance of 475.88 feet to a concrete r/w monument found;
THENCE along a curve to the left having a radius of 1260.00 feet for an arc distance of 23.71 feet (said arc being subtended by a chord of North 57 degrees 55 minutes 10 seconds East for a distance of 23.71 feet) to a concrete r/w monument found;
THENCE South 31 degrees 26 minutes 06 seconds East for a distance of 11.47 feet to a concrete r/w monument found;
THENCE along a curve to the left having a radius of 1271.36 feet for an arc distance of 210.45 feet (said arc being subtended by a chord of North 52 degrees 28 minutes 33 seconds East for a distance of 210.21 feet) to a concrete r/w monument found;
THENCE North 42 degrees 11 minutes 16 seconds West for a distance of 20.84 feet to a concrete r/w monument found;
THENCE along a curve to the left having a radius of 1250.00 feet for an arc distance of 206.42 feet (said arc being subtended by a chord of North 42 degrees 59 minutes 55 seconds East for a distance of 206.19 feet) to a 1/2" iron pin set;
THENCE North 38 degrees 16 minutes 04 seconds East for a distance of 36.08 feet to a concrete r/w monument found;
THENCE North 87 degrees 26 minutes 37 seconds East for a distance of 71.20 feet to a concrete r/w monument found at the intersection with the southwesterly right-of-way line of aforesaid Martin Road Extension;
THENCE along a curve to the right having a radius of 870.00 feet for an arc distance of 313.68 feet (said arc being subtended by a chord of South 33 degrees 46 minutes 11 seconds East for a distance of 311.99 feet) to a concrete r/w monument found;
THENCE South 26 degrees 03 minutes 38 seconds West for a distance of 101.79 feet to a concrete r/w monument found, said concrete r/w monument found being the POINT OF BEGINNING.

Said tract or parcel of land contains 11.093 acres or 483,220 square feet.

Exhibit “C”

Conditions of Zoning

1. Development shall generally adhere to the site plan as submitted but must comply with all standard Federal, state, and local codes



2. Sewer shall be provided by the City of Flowery Branch
3. Landscape plan is required at time of land disturbance permit review
4. Lighting plan is due prior to the issuance of a building permit
5. Uniform sign plan is required prior to the issuance of a certificate of occupancy
6. An easement for a 12'-14' bicycle/pedestrian path shall be provided prior to the issuance of a building permit; said easement shall run the length of the subject property and shall be submitted and approved by City of Flowery Branch staff



FLOWERY BRANCH CITY COUNCIL

EXECUTIVE SUMMARY



SUBJECT: Consider approval of New Operations Development Charge

COUNCIL MEETING DATE: January 7, 2021

HISTORY:

The purpose of this technical memorandum (TM) is to provide documentation on the calculation of the Flowery Branch Water and Wastewater systems' proposed operations development charge (ODC).

Flowery Branch is experiencing significant new development that will require the expansion of water and wastewater capacity in order to maintain sufficient levels of service. A system development charge (SDC) is applied to new development to recover the cost of the new infrastructure. The ODC is being proposed for new development to pay for the fair share of expected operations cost over a 10-year period. The ODC will be based on fixed operating costs only and divided by the capacity of the systems to get a per gallon cost. These fixed operational costs are partly recovered from active customers monthly base charge. New customers in developments that have paid an ODC will be provided a base charge credit that will expire at the end of the 10-year period it covers.

FACTS AND ISSUES:

The provision of water and wastewater service is a benefit to new development. Specifically, municipal water and wastewater service provides for higher density and increased marketability of new development. Currently, the cost of providing sufficient staff to operate the systems has been allocated to existing customers only. These fixed costs are recovered by a monthly base charge and a portion of the unit rate for water and wastewater. Given the benefit in terms of increased density and marketability of new development, a 10-year contract for providing these services is warranted. Further, the calculated ODC should be reasonably related to the fair share of the fixed cost of operating the system.

See Technical Memorandum for ODC Calculation.

OPTIONS:

Approve for staff to create and addendum to Resolution 20-020 approved August 20, 2020, adding the new Operations Development Charge as presented, or no do approve.

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

No

AMOUNT AND SOURCE OF FUNDS:

N/A

RECOMMENDATION:

For discussion to consider approval of New Operations Development Charge

SAMPLE MOTION:

I make a motion to approve for staff to create and addendum to Resolution 20-020 approved August 20, 2020, adding the new Operations Development Charge as presented, effective _(enter date)_____.

COLLABORATING DEPARTMENT:

Administration

DEPARTMENT: Finance

Prepared by: Vickie Short

ATTACHMENTS

- [Operations Fee Charge Technical Memorandum Sept 23 2020.pdf](#)
- [20-020 WS Rates Final Ordinance passed 8-20-2020.pdf](#)
- [FB Operations Fee TM November 16 2020.pdf.pdf](#)
- [Flowery Branch Council Presentation Jan 7 2021 w notes.pdf](#)



Technical Memorandum

DATE: *September 24, 2020*

PREPARED FOR: *Ms. Alisha Gamble*

COPIES TO: *Mr. Bill Andrew*
Mr. Ron Bennett

PREPARED BY: *Mr. Bobby Sills, AICP*

SUBJECT: *Operations Development Charge*

PROJECT: *Flowery Branch General Services – FY21*

Purpose

The purpose of this technical memorandum (TM) is to provide documentation on the calculation of the Flowery Branch Water and Wastewater systems' proposed operations development charge (ODC).

Background Information

Flowery Branch is experiencing significant new development that will require the expansion of water and wastewater capacity in order to maintain sufficient levels of service. A system development charge (SDC) is applied to new development to recover the cost of the new infrastructure. The ODC is being proposed for new development to pay for the fair share of expected operations cost over a 10-year period. The ODC will be based on fixed operating costs only and divided by the capacity of the systems to get a per gallon cost. These fixed operational costs are partly recovered from active customers monthly base charge. New customers in developments that have paid an ODC will be provided a base charge credit that will expire at the end of the 10-year period it covers.

Rational Nexus

The provision of water and wastewater service is a benefit to new development. Specifically, municipal water and wastewater service provides for higher density and increased marketability of new development. Currently, the cost of providing sufficient staff to operate the systems has been allocated to existing customers only. These fixed costs are recovered by a monthly base charge and a portion of the unit rate for water and wastewater. Given the benefit in terms of increased density and marketability of new development, a 10-year contract for providing these services is warranted. Further, the calculated ODC should be reasonably related to the fair share of the fixed cost of operating the system.

ODC Calculation

The ODC can be calculated by taking the projected 10-year operating costs after accounting for variable cost components and dividing by the capacity of the systems. This would provide a cost per gallon of service for both existing and future customers. The following table includes operating costs for the water and wastewater system for FY20. It excludes depreciation and any capital cost including debt payments and new projects.

Table 1
FY20 Operating Costs

Description	FY20 Actual Cost	Comments
Water Variable	\$51,569	Electrical/Chemical/Fuel
Fixed	\$530,129	Staffing/Supplies
Total	\$581,698	
Wastewater Variable	\$316,798	Electrical/Chemical/Fuel/Sludge
Fixed	\$508,604	Staffing/Supplies
Total	\$825,402	
Admin/Fixed	\$195,244	Shared 50/50 Water and Wastewater
Water Fixed	\$627,751	92% of total operations
Water Total	\$679,320	
Wastewater Fixed	\$606,226	66% of total operations
Wastewater Total	\$923,024	

Table 1 is used to determine the percentage of fixed cost to total costs for both the water and wastewater system. Administrative cost is considered fixed and allocated to water and wastewater at 50/50. The resulting fixed cost percentage for water is 92%. The high fixed cost is associated with water systems supplied by ground water where minimal treatment is required. The fixed cost for wastewater is 66% and related to the additional variable costs associated with the treatment of wastewater prior to discharge into Lake Lanier.

Table 2 takes the projected 10-year operational cost and divides by the system capacity for both water and wastewater. System capacity in gallons is also provided in terms of equivalent dwelling unit (EDU). The EDU for water is 231 gallons and for wastewater is 180 gallons for a typical household. The cost per EDU is then multiplied by a fixed cost factor (rounded to 90% and 60% for water and wastewater) to arrive at the cost per a typical home for a 10-year period.

Table 2
ODC Calculation

Water Operational Cost FY22-FY31	Capacity	EDU's	Cost/EDU	Fixed Cost Factor	ODC per EDU	FY22 - FY31 Base Charge Reduction (new subdivisions only)
\$6,284,384	1,500,000	6,494	\$967.80	90%	\$871.02	\$7.26
Wastewater Operational Cost FY22-FY31	Capacity	EDU's	Cost/EDU	Fixed Cost Factor	ODC per EDU	FY22 - FY31 Base Charge Reduction (new subdivisions only)
\$10,349,253	2,200,000	12,222	\$846.76	60%	\$508.05	\$4.23

The resulting ODC is \$871 for water and \$508 for wastewater per typical household (EDU). A credit to the monthly base charge would be provided to new customers for the duration of the 10-year ODC contract period. Thus, an ODC paid by new development in year 2021 would result in new customers within the development to have a lower base charge until 2031.

Recommendations

Nelsnick recommends rounding down the ODC to the nearest \$100 dollars. This will ensure that any operating efficiencies of the new plant would be accounted for in future calculations of the ODC. The ODC should be recalculated every 5-years to be sure developers are paying a fair share of projected fixed operational costs.

The following would result in a \$6.67 reduction in the monthly base charge. Larger meter customers would see a reduction based on the capacity ratio of the larger meter to the ¾" meter. The resulting projected revenues over the 10-year period is provided in the following table.

Table 2
ODC Calculation

Recommended ODC per EDU	FY22 - FY31 Base Charge Reduction (new subdivisions only)	Total Revenues Expected
\$800.00	\$6.67	\$3,463,203
Recommended ODC per EDU	FY22 - FY31 Base Charge Reduction (new subdivisions only)	Total Revenues Expected
\$500.00	\$4.17	\$3,333,333

RESOLUTION NO. 20-020

A RESOLUTION ESTABLISHING THE USE RATES FOR WATER AND SEWER SERVICE'S, THE CONNECTION FEES FOR WATER SERVICE AND THE CONNECTION/CAPACITY FEES FOR SEWER SERVICE

WHEREAS, the City of Flowery Branch is authorized by Art. IX, §II, ¶ III of the Constitution of the State of Georgia, O.C.G.A. § 36-35-3 and Art. VI, § 6.6 of the Charter of the City of Flowery Branch to assess and collect fees, charges and tolls for sewer, sanitary, health services or any other services within and without the corporate limits of the city for the total cost to the city of providing such services; and

WHEREAS, Ordinance No. 100-F authorizes the City Council of the City of Flowery Branch to set the rates for water and sewer services, connection fees for water service and connection/capacity fees for sewer service by resolution.

NOW THEREFORE BE IT RESOLVED by the City Council of the City of Flowery Branch that the rates for water and sewer services, the connection/capacity fees for water service and the connection/capacity fees for sewer service shall be as follows:

Section 1 - Water and Sewer Services Rates

Section 1.1 Within the Corporate Limits – Customers whose service address is within the city limits of Flowery Branch will be charged the inside city rates, fees, and charges.

Section 1.2 Water System Monthly Charges – Customers shall pay a monthly base charge for maintenance and renewal of capacity of the water system. Additionally, an account servicing fee of **\$1.75** shall be charged for meter reading, billing, and customer service costs regardless of meter size. The following table provides the monthly charges based on meter size. *The account servicing fee is only charged once for customers with both water and wastewater services.*

Inside City Residential Water Monthly Charges

Descriptions	Base Charge	Account Servicing Fee	Total
3/4"	\$7.00	\$1.75	\$8.75
1"	\$17.50	\$1.75	\$19.25
1 1/2"	\$35.00	\$1.75	\$36.75
2"	\$56.00	\$1.75	\$57.75
3"	\$112.00	\$1.75	\$113.75
4"	\$175.00	\$1.75	\$176.75
6"	\$350.00	\$1.75	\$351.75
8"	\$560.00	\$1.75	\$561.75

Inside City Non-Residential Water Monthly Charges

Descriptions	Base Charge	Account Servicing Fee	Total
3/4"	\$14.00	\$1.75	\$15.75
1"	\$35.00	\$1.75	\$36.75
1 1/2"	\$70.00	\$1.75	\$71.75
2"	\$112.00	\$1.75	\$113.75
3"	\$224.00	\$1.75	\$225.75
4"	\$350.00	\$1.75	\$351.75
6"	\$700.00	\$1.75	\$701.75
8"	\$1,120.00	\$1.75	\$1,121.75

Section 1.3 Multi-unit development monthly charges - Water customers in multi-unit developments shall pay the above base charge and account servicing fee for each meter individually read and billed by Flowery Branch or if applicable the property management or owner of the multi-unit development shall pay the base charge and account servicing fee for each master meter read and billed by Flowery Branch. Property management or owner of multi-unit developments served by master meters are responsible for billing the individual units per State law requirements.

Section 1.4 Water System Commodity Charges – Customers shall pay for all water metered using an increasing block rate structure (conservation-based rate structure) based on the following customer classes:

Section 1.4.1 Single-Family Residential (SFR) Water Users – Customers that primary water use for a single-family detached home.

SFR Inside City Water Volume Charges

Descriptions	Volume Range (Gallons)	Unit Charge per 1,000 Gallons
Tier 1	0 - 2,500	\$5.60
Tier 2	2,501 - 4,500	\$7.56
Tier 3	Above 4,500	\$11.20

Section 1.4.2 Multi-Family Residential (MFR) Water Users – Customers that primary water use is for a single unit of a multi-unit residential complex and is read directly by Flowery Branch staff.

MFR Inside City Water Volume Charges

Descriptions	Volume Range (Gallons)	Unit Charge per 1,000 Gallons
Tier 1	0 - 2,500	\$5.60
Tier 2	2,501 - 4,500	\$7.56
Tier 3	Above 4,500	\$11.20

Section 1.4.3 Multi-Family Residential Water Users (master-metered) –

Customers that primary water use is for a multi-unit residential complex served by a master meter. Flowery Branch shall bill the master meter only with the invoice allocated to the individual units by the property management per State law requirements. The Tier volume range will be the SFR Tier ranges multiplied by the number of units served by the master meter.

MFR Inside City Water Volume Charges (Master-metered)

Descriptions	Volume Range (Gallons)	Unit Charge per 1,000 Gallons
Tier 1	0 - 2,500 x number of units	\$5.60
Tier 2	2,501 - 4,500 x number of units	\$7.56
Tier 3	Above 4,500 x number of units	\$11.20

Section 1.4.4 Non-Residential (NR) Water Users – All other uses not provided above and typically includes industrial, commercial, office, hotels and motels and other uses not dedicated for long-term residential domicile.

NR Inside City Water Volume Charges

Descriptions	Volume Range (Gallons)	Unit Charge per 1,000 Gallons
Tier 1	0 - 4,500	\$4.95
Tier 2	4,501 - 60,000	\$6.19
Tier 3	Above 60,000	\$7.43

Section 1.5 Wastewater System Monthly Charges – Customers shall pay a monthly base charge for maintenance and renewal of capacity of the wastewater system. Additionally, an account servicing fee of **\$1.75** shall be charged for meter reading, billing, and customer service costs regardless of meter size. The following table provides the monthly charges based on water meter size. *The account servicing fee is only charged once for customers with both water and wastewater services.*

Inside City Residential Wastewater Monthly Charges

Descriptions	Base Charge	Account Servicing Fee	Total
3/4"	\$7.00	\$1.75	\$8.75
1"	\$17.50	\$1.75	\$19.25
1 1/2"	\$35.00	\$1.75	\$36.75
2"	\$56.00	\$1.75	\$57.75
3"	\$112.00	\$1.75	\$113.75
4"	\$175.00	\$1.75	\$176.75
6"	\$350.00	\$1.75	\$351.75
8"	\$560.00	\$1.75	\$561.75

Inside City Non-Residential Wastewater Monthly Charges

Descriptions	Base Charge	Account Servicing Fee	Total
3/4"	\$14.00	\$1.75	\$15.75
1"	\$35.00	\$1.75	\$36.75
1 1/2"	\$70.00	\$1.75	\$71.75
2"	\$112.00	\$1.75	\$113.75
3"	\$224.00	\$1.75	\$225.75
4"	\$350.00	\$1.75	\$351.75
6"	\$700.00	\$1.75	\$701.75
8"	\$1,120.00	\$1.75	\$1,121.75

Section 1.6 Multi-unit development monthly charges - Wastewater customers in multi-unit developments shall pay the above base charge and account servicing fee for each water meter individually read and billed by Flowery Branch or if applicable the property management or owner of the multi-unit development shall pay the base charge and account servicing fee for each master meter read and billed by Flowery Branch. Property management or owner of multi-unit developments served by master meters are responsible for billing the individual units per State law requirements.

Section 1.7 Wastewater System Commodity Charges – Customers shall pay for all wastewater based on water metered using a uniform rate structure for all customer.

Inside City Single-Family Wastewater Volume Charges

Descriptions	Volume Range (Gallons)	Unit Charge per 1,000 Gallons
Uniform Rate	All Volume	\$8.93

Inside City Multi-Family Wastewater Volume Charges

Descriptions	Volume Range (Gallons)	Unit Charge per 1,000 Gallons
Uniform Rate	All Volume	\$7.25

Inside City Non-Residential Wastewater Volume Charges

Descriptions	Volume Range (Gallons)	Unit Charge per 1,000 Gallons
Uniform Rate	All Volume	\$6.10

Section 1.8 Outside the Corporate Limits – Customers whose service address is outside the city limits of Flowery Branch will be charged the outside city rates, fees, and charges. The outside city rates reflect the additional cost in serving outside customer including additional pumping cost, travel, and risks associated with serving outside jurisdictional customer.

Section 1.9 Water System Monthly Charges – Customers shall pay a monthly base charge for maintenance and renewal of capacity of the water system. Additionally, an account servicing fee of \$1.75 shall be charged for meter reading, billing, and customer service costs regardless of meter size. The following table provides the monthly charges based on meter size. *The account servicing fee is only charged once for customers with both water and wastewater services.*

Outside City Residential Water Monthly Charges

Descriptions	Base Charge	Account Servicing Fee	Total
3/4"	\$8.75	\$1.75	\$10.50
1"	\$21.88	\$1.75	\$23.63
1 1/2"	\$43.75	\$1.75	\$45.50
2"	\$70.00	\$1.75	\$71.75
3"	\$140.00	\$1.75	\$141.75
4"	\$218.75	\$1.75	\$220.50
6"	\$437.50	\$1.75	\$439.25
8"	\$700.00	\$1.75	\$701.75

Outside City Non-Residential Water Monthly Charges

Descriptions	Base Charge	Account Servicing Fee	Total
3/4"	\$17.50	\$1.75	\$19.25
1"	\$43.75	\$1.75	\$45.50
1 1/2"	\$87.50	\$1.75	\$89.25
2"	\$140.00	\$1.75	\$141.75
3"	\$280.00	\$1.75	\$281.75
4"	\$437.50	\$1.75	\$439.25
6"	\$875.00	\$1.75	\$876.75
8"	\$1,400.00	\$1.75	\$1,401.75

Section 1.10 Multi-unit development monthly charges - Water customers in multi-unit developments shall pay the above base charge and account servicing fee for each meter individually read and billed by Flowery Branch or if applicable the property management or owner of the multi-unit development shall pay the base charge and account servicing fee for each master meter read and billed by Flowery Branch. Property management or owner of multi-unit developments served by master meters are responsible for billing the individual units per

State law requirements.

Section 1.11 Water System Commodity Charges – Customers shall pay for all water metered using an increasing block rate structure (conservation-based rate structure) based on the following customer classes.

Section 1.11.1 Single- Family Residential (SFR) Water Users – Customers that primary water use for a single-family detached home.

SFR Outside City Water Volume Charges

Descriptions	Volume Range (Gallons)	Unit Charge per 1,000 Gallons
Tier 1	0 - 2,500	\$7.00
Tier 2	2,501 - 4,500	\$8.75
Tier 3	Above 4,500	\$14.00

Section 1.11.2 Multi-Family Residential (MFR) Water Users – Customers that primary water use is for a single unit of a multi-unit residential complex and is read directly by Flowery Branch staff.

MFR Outside City Water Volume Charges

Descriptions	Volume Range (Gallons)	Unit Charge per 1,000 Gallons
Tier 1	0 - 2,500	\$7.00
Tier 2	2,501 - 4,500	\$8.75
Tier 3	Above 4,500	\$14.00

Section 1.11.3 Multi-Family Residential Water Users – Customers that primary water use is for a multi-unit residential complex served by a master meter. Flowery Branch shall bill the master meter only with the invoice allocated to the individual units by the property management per State law requirements. The Tier volume range will be the SFR Tier ranges multiplied by the number of units served by the master meter.

MFR Outside City Water Volume Charges (Master-metered)

Descriptions	Volume Range (Gallons)	Unit Charge per 1,000 Gallons
Tier 1	0 - 2,500 x number of units	\$7.00
Tier 2	2,501 - 4,500 x number of units	\$8.75
Tier 3	Above 4,500 x number of units	\$14.00

Section 1.11.4 Non-Residential (NR) Water Users – All other uses not provided above and typically includes industrial, commercial, office, hotels and motels and other uses not dedicated for long-term residential domicile.

NR Outside City Volume Charges

Descriptions	Volume Range (Gallons)	Unit Charge per 1,000 Gallons
Tier 1	0 - 4,500	\$6.19
Tier 2	4,501 - 60,000	\$7.74
Tier 3	Above 60,000	\$9.29

Section 1.12 Wastewater System Monthly Charges – Customers shall pay a monthly base charge for maintenance and renewal of capacity of the wastewater system. Additionally, an account servicing fee of **\$1.75** shall be charged for meter reading, billing, and customer service costs regardless of meter size. The following table provides the monthly charges based on water meter size. *The account servicing fee is only charged once for customers with both water and wastewater services.*

Outside City Residential Wastewater Monthly Charges

Descriptions	Base Charge	Account Servicing Fee	Total
3/4"	\$8.75	\$1.75	\$10.50
1"	\$21.88	\$1.75	\$23.63
1 1/2"	\$43.75	\$1.75	\$45.50
2"	\$70.00	\$1.75	\$71.75
3"	\$140.00	\$1.75	\$141.75
4"	\$218.75	\$1.75	\$220.50
6"	\$437.50	\$1.75	\$439.25
8"	\$700.00	\$1.75	\$701.75

Outside City Non-Residential Wastewater Monthly Charges

Descriptions	Base Charge	Account Servicing Fee	Total
3/4"	\$17.50	\$1.75	\$19.25
1"	\$54.69	\$1.75	\$56.44
1 1/2"	\$109.38	\$1.75	\$111.13
2"	\$175.00	\$1.75	\$176.75
3"	\$350.00	\$1.75	\$351.75
4"	\$546.88	\$1.75	\$548.63
6"	\$1,093.75	\$1.75	\$1,095.50
8"	\$1,400.00	\$1.75	\$1,401.75

Section 1.13 Multi-unit development monthly charges - Wastewater customers in multi-unit developments shall pay the above base charge and account servicing fee for each water meter individually read and billed by Flowery Branch or if applicable the property management or owner of the multi-unit development shall pay the base charge and account servicing fee for each master meter read and billed by Flowery Branch. Property management or owner of multi-unit developments served by master meters are responsible for billing the individual units per State law requirements.

Section 1.14 Wastewater System Commodity Charges – Customers shall pay wastewater volume based on water metered using a uniform rate structure for all customers.

Outside City Single-Family Wastewater Volume Charges

Descriptions	Volume Range (Gallons)	Unit Charge per 1,000 Gallons
Uniform Rate	All Volume	\$11.16

Outside City Multi-Family Wastewater Volume Charges

Descriptions	Volume Range (Gallons)	Unit Charge per 1,000 Gallons
Uniform Rate	All Volume	\$9.06

**Outside City Non-Residential Wastewater Volume
Charges**

Descriptions	Volume Range (Gallons)	Unit Charge per 1,000 Gallons
Uniform Rate	All Volume	\$7.62

Section 1.15 Irrigation Meters Unit Charges – Inside City Customers shall pay the Inside City SFR Tier 3 volume rate for all water metered through an irrigation meter. Outside City Customers shall pay the Outside City SFR Tier 3 volume rate for all water metered through an irrigation meter.

Section 2 Gainesville Water System Customers Wastewater Charges

Customers utilizing the Flower Branch sewer system but receiving water service from the City of Gainesville shall be billed directly by the City of Gainesville using the following schedule. Please note, all units of sewage are billed based on the water meter reading and are in 100 cubic feet (CCF). There are approximately 748 gallons in 1 CCF.

Gainesville-Flowery Branch Sewer			
Inside City			
Description	Base	Unit (CCF)	Note
Residential	\$8.00	\$6.75	no volume in base
Multi-Family	\$8.00	\$6.75	no volume in base
Commercial	\$8.00	\$6.75	no volume in base
Industrial	\$8.00	\$6.75	no volume in base
Outside City			
Description	Base	Unit (CCF)	Note
Residential	\$9.00	\$8.30	no volume in base
Multi-Family	\$9.00	\$8.30	no volume in base
Commercial	\$9.00	\$8.30	no volume in base
Industrial	\$9.00	\$8.30	no volume in base

Section 3 Hardship Rates

SENIOR CITIZENS: Upon making written application on such forms as provided by the City Manager, customers billed directly by Flowery Branch may receive a discount of \$5.00 for water service and \$5.00 for wastewater service provided by Flowery Branch applied monthly to residential accounts in which the head of the household is 65 years of age or older. The applicant must also verify through their latest tax return that total household income is less than 125% of the City's Poverty Rate as determined by the US Census Bureau. The discount will be applied for up to two years for accounts that remain in good standing. Prior to expiration an account holder may apply for a two-year extension.

This discount may be provided to multi-family properties billed by Flowery Branch on a per unit basis provided each eligible owner/renter submits and maintains an application and that the discount is provided directly to eligible participants by the property management.

DISABLED: Upon making written application on such forms as provided by the City Manager, customers billed directly by Flowery Branch may receive a discount of \$5.00 for water service and \$5.00 for wastewater service provided by Flowery Branch applied monthly to residential accounts in which the head of the household has been declared disabled by the US Social Security Administration or the US Department of Veterans Affairs. The applicant must also verify through their latest tax return that total household income is less than 125% of the City's Poverty Rate as determined by the US Census Bureau. The discount will be applied for up to two years for accounts that remain in good standing. Prior to expiration an account holder may apply for a two-year extension.

This discount may be provided to multi-family properties billed by Flowery Branch on a per unit basis provided each eligible owner/renter submits and maintains an application and that the discount is provided directly to eligible participants by the property management.

Section 4 One-Time Water Leak Adjustment

Upon repairing a leak, a customer may receive an adjustment to the water bill or bills (two consecutive months) that covered the time of the leak. The customer remains responsible for their regular bills reduced by the leak amount. The leak amount will be calculated by subtracting the average month usage of the last 3 months (or less if 3-month data unavailable) from the impacted bills (2 months maximum). It is important that the customer understands that the onetime leak adjustment is available for an account holder only one time. The customer must provide either a copy of the plumber bill or copies of receipts for the repair to be given the one-time water leak adjustment.

Only Single-Family Residential customers are eligible for the One Time Leak Adjustment Policy. It does not apply to Commercial accounts.

It is important to note that the one-time water leak adjustment limit **does not** apply to sewer billings for a leak that **did not go into the sewer**. If the water leaked prior to entering the sewer line, you can give the customer an adjustment for the sewer portion of the bill. You may adjust the bill back to the customer's normal sewer billing. A sewer credit can be issued once a year for a maximum of three consecutive months (this is to encourage the customer to make the necessary repairs). The type of customer (residential or commercial) is not relevant to determine if the customer is eligible for the sewer adjustment. All classes of customers are eligible for the sewer credit.

Section 5 Tampering and Disconnection Fees

Service that has been scheduled for disconnection or has been disconnected for non-payment of a utility bill or evidence of meter tampering will be restored only after the past month and current month bill is paid in full and a \$30.00 (disconnection fee) service charge paid. A lock will be placed on the meter until the account is paid in full. Additionally, if the meter is damaged due to tampering, the cost of installing a new meter will be charged (See meter set fee later in ordinance).

Evidence of removing or damaging a lock that has been placed on a meter for non-payment of service will require the City of Flowery Branch to remove the meter from the service address. Service will be restored only after the past month and current month bill is paid in full, a \$50.00 tampering fee is paid in full, a \$20.00 lock replacement fee is paid in full and a \$30.00 (disconnection fee) service charge paid in full. Additionally, if the meter is damaged due to tampering, the cost of installing a new meter will be charged (See meter set fee later in ordinance).

Section 6 Water Connection Fees.

The Water Connection Fee includes four components as follow:

- 1) Tap Fee - the cost of tapping into the water main and providing a service main and meter box,
- 2) Meter Set Fee - the meter installation cost including backflow protection and data transmitter,
- 3) System Development Charge (SDC) – the fair share cost of infrastructure including system pipe size, elevated storage, water supply/treatment and pumping to provide peak day water capacity based on requested water capacity or by meter size, and
- 4) Administrative fee – to recover cost for customer service and tracking information related to the service connection.

Section 6.1 Tapping and Meter Set Fees - The water connection installation fee recovers the cost of labor, materials, and equipment for providing a connection from the water main to the property boundary including the cost of the meter box/vault. **This differs from the SDC in the next section which recovers the fair share cost of the distribution and treatment facilities based on requested capacity.** The meter set fee recovers the cost of labor, materials, and equipment for providing the meter, backflow, and data transmitter. Tapping Fees and Meter Set Fees apply to all connections performed by Flowery Branch staff including the installation of master meters, direct service to individual units, and irrigation meters. Developers that install the tap and meter box to Flowery Branch specifications shall only pay the meter set fee. Developers that purchase meters/backflow and transmitter from Flowery Branch and install meter shall only pay the cost of materials.

Water Connection Installation Fee

Descriptions	Tap Fee	Meter Set Fee	Total
3/4" Short	\$693	\$580	\$1,273
1" Short	\$593	\$750	\$1,343
2" and larger	At Cost	At Cost	At Cost

Section 6.2 System Development Charge and Admin Fee - The System Development Charge for water service recovers the fair share value of system capacity being requested. The total gallons needed shall be based on typical peak day capacity needed to serve the development. The following schedule can be used for the Water SDC and Administration Fee. Attached multi-unit developments typically use less water than detached units. A 70% factor is applied to the SDC to account for this reduced water use and vacancy rates. This is already included in the chart below under the capacity ratios column. The capacity ratio is a factor applied to a typical ¾" meter based on the American Water Works Association (AWWA) flow capacity. Based on the latest connection fee study, a single-family home using a ¾" meter will use **231.2** gallons for a typical peak day. Therefore, an equivalent dwelling unit (EDU) is considered to require 231.2 gallons of capacity from the water distribution and treatment plant.

An administrative fee to recover the cost of application/plan review, customer service, data collection/tracking and SDC calculation is added per dwelling unit or business unit. The admin fee is **\$23** for multi-family attached developments for each unit, **\$33** for ¾" detached developments and multi-unit commercial developments and **\$50** for developments (detached or attached) requiring a meter 1" or larger. The SDC and admin fee is charged for each unit in the

development.

Water Connection System Development Charge and Admin Fee

Meter Size (in inches)	Capacity Ratios	Water SDC	Admin	Total
3/4" Meters used in Multiunit Attached Developments	0.7	\$773	\$23	\$796
3/4" Detached Single Family and individual businesses	1	\$1,104	\$33	\$1,137
1"	2.5	\$2,760	\$50	\$2,810
1 1/2"	5	\$5,520	\$50	\$5,570
2"	8	\$8,832	\$50	\$8,882
3"	16	\$17,664	\$50	\$17,714
4"	25	\$27,600	\$50	\$27,650
6"	50	\$55,200	\$50	\$55,250
8"	80	\$88,320	\$50	\$88,370

Section 6.3 Irrigation Meters - A 3/4" irrigation meter will use approximately 600 gallons per application assuming 30 minutes and 20 gallons per minute (3/4" meter) or over twice the single-family home domestic meter, as such, an irrigation meter shall be charged an SDC two times the SDC rate of a non-irrigation meter of equivalent size. i.e. the SDC for a 1" irrigation meter would be **2 X \$2,760 = \$5520** plus any installation costs (labor, equipment and materials). No administrative fee would be applied to an irrigation meter for existing or new non-irrigation customer connections. To encourage water conservation, residential units are prohibited to have an irrigation meter with all water metered being charged the appropriate water Tiered rate plus if applicable sewer unit charges.

Water Irrigation Meter System Development Charge

Irrigation Meter Size (in inches)	Capacity Ratio	Water SDC	Total
3/4"	2	\$1,104 x 2	\$2,208
1"	5	\$2,760 x 2	\$5,520
1 1/2"	10	\$5,520 x 2	\$11,040
2"	16	\$8,832 x 2	\$17,664
3"	32	\$17,664 x 2	\$35,328
4"	50	\$27,600 x 2	\$55,200
6"	100	\$55,200 x 2	\$110,400
8"	160	\$88,320 x 2	\$176,640

Section 6.4 Multi-unit Development served by a master-meter - Multi-unit developments that install sub-metering¹ to individual units shall provide connection to the Flowery Branch water system and meter boxes per Flowery Branch specification for each master meter required to serve the development. Developer shall only pay the meter set fees for the master meters, and SDC and admin fees for each sub-metered unit. The meter set fee will be based on meter size of the master meters installed by Flowery Branch and include labor, materials and equipment associated with the meter, backflow protection and data transmitter as applicable (see Section 6.1). The SDC and Admin fee will be based on the sub-meter size based on the following table.

Water System Development Charge and Admin Fee (Master-metered)

Sub-meter Size	Meter Equivalency Ratios	SDC	Admin	Total
3/4" or smaller Attached Units	0.7	\$773	\$23	\$796 x # of units
3/4" Single Family/Business Detached	1	\$1,104	\$33	\$1,137 x # of units
1"	2.5	\$2,760	\$50	\$2,810 x # of units
1 1/2"	5	\$5,520	\$50	\$5,570 x # of units
2"	8	\$8,832	\$50	\$8,882 x # of units
3"	16	\$17,664	\$50	\$17,714 x # of units
4"	25	\$27,600	\$50	\$27,650 x # of units
6"	50	\$55,200	\$50	\$55,250 x # of units
8"	80	\$88,320	\$50	\$88,370 x # of units

Section 6.5 Mixed Use/Special Developments - Each use in a development that has a mixture of attached and detached units and/or residential and non-residential uses and/or use of master-metering shall identify the number of units by type and apply the appropriate schedules. In the event that the developer requires a different capacity other than provided in the SDC tables, the typical peak day gallons shall be provided by a Professional Engineer or Architect registered in Georgia. This capacity needs calculation and methodology shall be approved by Flowery Branch engineering staff or consultant for reasonableness. The cost for capacity (SDC) is **\$4.78** per peak day gallon plus the appropriate admin fees by meter size for each unit. **The service main and/or meter size capacity to the Flowery Branch water system shall not exceed the requested capacity.**

Section 6.6 Connections for Fire Suppression – Any building requiring fire suppression/sprinklers shall pay for the capacity based on the pipe diameter size using the capacity ratios and multiplying by the 3/4" water system development charge. Developers that provide public access fire hydrants within their development and dedicate to the City of Flowery Branch shall be exempt from the Fire Suppression System Development Charge.

¹ Georgia state law now requires all new multi-unit developments to individually meter each unit within the development. Water charges based on the master meter are to be fairly allocated to the individual units based on usage. Flowery Branch shall only be responsible for billing at the master meter level.

Section 6.7 Example Situation

Section 6.7.1 Single Family ¾" water meter installed by Flowery Branch staff

The owner/developer will pay \$1,273 for the Tap and Meter Set fees and \$1,137 for the SDC and admin fee or a total of \$2,410.

Section 6.7.2 Single Family detached Subdivision with ¾" water meter installed by Flowery Branch staff and developer providing water tap and meter box for 25 homes. Also, a 1" irrigation meter is requested to be installed by Flowery Branch for a common area to be the responsibility of a homeowners association.

The owner/developer will pay \$580 in Meter Set fees and \$1,137 in SDC and admin fees for each home or 25 x 1,717 a total of \$42,925. The irrigation meter would be \$5,520 plus any installation costs performed by Flowery Branch. Please note; irrigation meters are prohibited to single family dwellings to promote water conservation but are available for non-residential entities that would be responsible for billing.

Section 6.7.3 Multiunit development served by two 2" master meters for two 5-unit condo buildings with each unit sub-metered. Also, an addition 1" meter is installed by the developer for a clubhouse to be the responsibility of a homeowner's association.

The owner/developer will pay Meter Set fees for each master meter at cost. The owner/developer will also pay \$796 in SDC and admin fees for each unit or 10 x \$796 or a total of \$7,960. The 1" clubhouse meter installed by the developer purchased at-cost from Flowery Branch will add \$2,810 to the total fee.

Section 7 Sewer Connection/Capacity Fees

The Wastewater Connection Fee includes two components as follows:

- 1) System Development Charge (SDC) – the fair share cost of infrastructure including system pipe size, lift stations and treatment to provide peak day sewer capacity based on requested flow capacity or water meter size, and
- 2) Administrative fee – to recover cost for customer service and tracking information related to the service connection.

The cost of installation of the sewer connection is the responsibility of the developer/owner.

Section 7.1 System Development Charge and Admin Fee - The System Development Charge for wastewater service recovers the fair share value of system capacity being requested. The total gallons needed shall be based on typical peak day capacity needed to serve the development. The following schedule can be used for the Wastewater SDC and Administration Fee. Attached multiunit developments typically use less water than detached units. A 90% factor is applied to the SDC to account for this reduced water use and vacancy rates. This is already included in the chart below under the capacity ratios column. The capacity ratio is a factor applied to a typical ¾" meter based on the American Water Works Association (AWWA) flow capacity. Based on the latest connection fee study, a single-family home using a ¾" meter will return **180.3** gallons of wastewater to Flowery Branch for a typical peak day. Therefore, an equivalent dwelling unit (EDU) is considered to require 180.3 gallons of capacity from the wastewater collection and treatment plant.

An administrative fee to recover the cost of application/plan review, customer service, data collection/tracking and SDC calculation is added per dwelling unit or business unit. The admin fee is **\$36** for multi-family attached developments for each unit, **\$50** for ¾" detached developments and multi-unit non-residential developments and **\$50** for developments (detached or attached) requiring a meter 1" or larger. The SDC and admin fee is charged for each unit in the development

Wastewater Connection System Development Charge and Admin Fee

Water Meter Size* (in inches)	Meter Equivalency Ratios	Wastewater SDC	Admin	Total
¾" Meters used in Multiunit Attached Developments	0.7	\$1,932	\$36	\$1,968
¾" Detached Single Family and individual businesses	1	\$2,760	\$50	\$2,810
1"	2.5	\$6,900	\$50	\$6,950
1 1/2"	5	\$13,800	\$50	\$13,850
2"	8	\$22,080	\$50	\$22,130
3"	16	\$44,160	\$50	\$44,210
4"	25	\$69,000	\$50	\$69,050
6"	50	\$138,000	\$50	\$138,050
8"	80	\$220,800	\$50	\$220,850

*Irrigation meters should be excluded from capacity requests and system development charges.

Section 7.2 Mixed Use/Special Developments - Each use in a development that has a mixture of attached and detached units and/or residential and non-residential uses and/or use of master-metering shall identify the number of units by type and apply the appropriate SDC schedule. In the event that the developer requires a different capacity other than provided in the SDC schedules, the typical peak day gallons shall be provided by a Professional Engineer or Architect registered in Georgia. This capacity needs calculation and methodology shall be approved by Flowery Branch engineering staff and/or consultant for reasonableness. The cost for wastewater capacity (SDC) is **\$15.53** per peak day gallon plus the appropriate admin fees by meter size for each unit.

Section 8. Oakwood Sewer. Gainesville water customers with City of Oakwood sewer service with treatment provided by Flowery Branch shall be billed for wastewater at 100% of water metered. The billed volume is provided by the Gainesville Department of Water Resources at \$1.00 per month per account. The billed amount is collected by Flowery Branch and a share is provided to the City of Oakwood for sewer service. Customers seeking Oakwood sewer service will pay any connection related fees directly to the City of Oakwood. Customers should contact the City of Oakwood for latest rates, fees and charges related to this sewer service.

Section 9. Moratoriums. If new development is estimated to exceed the capacity of water supply or distribution system capacity or wastewater collection or treatment, the City of Flowery Branch may place a temporary moratorium on new development until such capacity is added. Such moratorium may be system-wide or to specific geographic locations of the service area depending on the situation. A separate ordinance will be voted on by City Council at the recommendation of the City Manager as to the time and scope of the moratorium.

Section 10. Landlord Agreement. Landlords may request continuous water service for newly unoccupied rental units by using the latest landlord agreement form provided by the Water/Wastewater Department. A turn-on fee of **\$30** will be charged each time when the account is re-established in the Landlord's name at the time that a tenant requests service disconnection OR tenant account is closed for non-payment and service is transferred to the landlord. The landlord will be responsible for all billed water volume and monthly fees of the unoccupied rental unit during this time. A **\$60** administration fee and refundable deposit of **\$120** per rental unit shall be required for the duration of the landlord agreement. The maximum deposit shall not exceed **\$1,080**.

Each time a new tenant applies for service for any of the service addresses listed on the landlord agreement form said account will be final billed. However, should the landlord for any reason, request that the water service be disconnected once the agreement is established and no tenant has applied for water/sewer service, the appropriate charges will be billed, and this agreement will be null and void.

Landlord's requesting to participate in this agreement must have a good payment history. The Landlord's deposit will remain on the account until the Landlord requests the account be taken off of Landlord status and the account is closed. If any accounts on this agreement fall into delinquent status, this agreement will be considered null and void.

Section 12. Miscellaneous Fees. The following are additional fees for specific services provided by Flowery Branch.

- **\$120 for Water and Sewer Deposit Fee** – This is charged for new application for water and sewer service. The deposit will be used for the final bill and any

potential balance refunded to a customer.

- \$65 for Sewer Only Deposit Fee – This is charged for new application for sewer only service. The deposit will be used for the final bill and any potential balance refunded to a customer.
- \$60 admin fee for new service applications – The administrative cost of establishing an account and turning on the water meter.
- \$60 cut off fee – The administrative cost of closing an account and turning off the water meter. This applies to all accounts 30 days past due.
- \$30.00 Return Check Fee – A fee will be charged on checks or bank drafts returned for any reason, and water service may be subject to disconnect.
- \$30 turn-on fee – This fee is charged to turn the water service on for existing connections.
- Sewer Inspection Fee – TBD
- Water Inspection Fee – TBD

Section 13. Debt Collections. Accounts that are not fully paid after 90 days shall be turned over to a collection agency for processing. An additional service fee of may be applied to cover the cost of collection agency.

Section 13. Repeal of Conflicting Resolutions. Any part of any prior resolutions in conflict with the terms of this Resolution, are hereby repealed to the extent of the conflict; but it is hereby provided, that any resolution, ordinance or law which may be applicable hereto and aid in carrying out and making effective the intent, purpose and provisions hereof, is hereby adopted as a part hereof and shall be legally construed to be in favor of upholding this Resolution on behalf of the City of Flowery Branch.

Section 14. Severability. If any paragraph, subparagraph, sentence, clause, phrase or any portion of this Resolution shall be declared invalid or unconstitutional by any court or competent jurisdiction or if the provisions of any part of this Resolution as applied to any particular situation or set of circumstance shall be declared invalid or unconstitutional, such invalidity shall not be construed to affect the portions of this Resolution not so held to be invalid, or the application of the Resolution to other circumstances no so held to be invalid. It is hereby declared to be the intent of the City Council of the City of Flowery Branch to provide for separate and divisible parts, and it does hereby adopt all parts hereof as may not be held invalid for any reason.

Section 15. Brochure and Other Guides Conflicts. The City of Flowery Branch provides brochures and guides to assist customers on the rates, fees and charges of the Flowery Branch water and wastewater systems. If any information from these documents conflict with the latest Council approved ordinance, the ordinance shall prevail.

Section 15. Effective Date. This Resolution shall become effective the date of August 20, 2020 once it is adopted by the Council of the City of Flowery Branch.

SO, RESOLVED this 20th day of August 2020.


James Miller, Mayor

ATTEST:


Vickie Short, City Clerk

APPROVED AS TO FORM:


Ron Bennett, City Attorney





Technical Memorandum

DATE: *November 16, 2020*

PREPARED FOR: *Ms. Alisha Gamble*

COPIES TO: *Mr. Bill Andrew*
Mr. Ron Bennett

PREPARED BY: *Mr. Bobby Sills, AICP*

SUBJECT: *Operations Development Charge*

PROJECT: *Flowery Branch General Services – FY21*

Purpose

The purpose of this technical memorandum (TM) is to provide documentation on the calculation of the Flowery Branch Water and Wastewater systems' proposed operations development charge (ODC).

Background Information

Flowery Branch is experiencing significant new development that will require the expansion of water and wastewater capacity in order to maintain sufficient levels of service. A system development charge (SDC) is applied to new development to recover the cost of the new infrastructure. The ODC is being proposed for new development to pay for the fair share of expected operations cost over a 10-year period. The ODC will be based on fixed operating costs only and divided by the capacity of the systems to get a per gallon cost. These fixed operational costs are partly recovered from active customers monthly base charge. New customers in developments that have paid an ODC will be provided a base charge credit that will expire at the end of the 10-year period it covers.

Rational Nexus

The provision of water and wastewater service is a benefit to new development. Specifically, municipal water and wastewater service provides for higher density and increased marketability of new development. Currently, the cost of providing sufficient staff to operate the systems has been allocated to existing customers only. These fixed costs are recovered by a monthly base charge and a portion of the unit rate for water and wastewater. Given the benefit in terms of increased density and marketability of new development, a 10-year contract for providing these services is warranted. Further, the calculated ODC should be reasonably related to the fair share of the fixed cost of operating the system.

ODC Calculation

The ODC can be calculated by taking the projected 10-year operating costs after accounting for variable cost components and dividing by the capacity of the systems. This would provide a cost per gallon of service for both existing and future customers. The following table includes operating costs for the water and wastewater system for FY20. It excludes depreciation and any capital cost including debt payments and new projects.

Table 1
FY20 Operating Costs

Description	FY20 Actual Cost	Comments
Water Variable	\$59,325	Electrical/Chemical/Fuel
Fixed	\$522,373	Staffing/Supplies
Total	\$581,698	
Wastewater Variable	\$316,798	Electrical/Chemical/Fuel/Sludge
Fixed	\$508,604	Staffing/Supplies
Total	\$825,402	
Admin/Fixed	\$195,244	Shared 50/50 Water and Wastewater
Water Fixed	\$619,995	91% of total operations
Water Total	\$679,320	
Wastewater Fixed	\$606,226	66% of total operations
Wastewater Total	\$923,024	

Table 1 is used to determine the percentage of fixed cost to total costs for both the water and wastewater system. Administrative cost is considered fixed and allocated to water and wastewater at 50/50. The resulting fixed cost percentage for water is 91%. The high fixed cost is associated with water systems supplied by ground water where minimal treatment is required. The fixed cost for wastewater is 66% and related to the additional variable costs associated with the treatment of wastewater prior to discharge into Lake Lanier.

Table 2 takes the projected net present value using a 2% discount rate of the 10-year operational cost and divides by the system capacity for both water and wastewater. System capacity in gallons is also provided in terms of equivalent dwelling unit (EDU). The EDU for water is 231 gallons and for wastewater is 180 gallons for a typical household. The cost per EDU is then multiplied by a fixed cost factor (rounded to 90% and 60% for water and wastewater) to arrive at the cost per a typical home for a 10-year period.

Table 2
ODC Calculation

Water Operational Cost FY22-FY31	Capacity	EDU's	Cost/EDU	Fixed Cost Factor	ODC per EDU	FY22 - FY31 Base Charge Reduction (new subdivisions only)
\$6,474,208	1,500,000	6,494	\$997.03	90%	\$897.33	\$7.48
Wastewater Operational Cost FY22-FY31	Capacity	EDU's	Cost/EDU	Fixed Cost Factor	ODC per EDU	FY22 - FY31 Base Charge Reduction (new subdivisions only)
\$9,170,794	2,200,000	12,222	\$750.34	60%	\$450.20	\$3.75

The resulting ODC is \$897 for water and \$450 for wastewater per typical household (EDU). A credit to the monthly base charge would be provided to new customers for the duration of the 10-year ODC contract period. Thus, an ODC paid by new development in year 2021 would result in new customers within the development to have a lower base charge until 2031.

Recommendations

Nelsnick recommends rounding down the ODC to the nearest \$50 dollars. This will ensure that any operating efficiencies of the new plant would be accounted for in future calculations of the ODC. The ODC should be recalculated every 5-years to be sure developers are paying a fair share of projected fixed operational costs.

The following would result in a \$6.67 reduction in the monthly water base charge and \$3.33 reduction for the wastewater monthly base charge. Larger meter customers would see a reduction based on the capacity ratio of the larger meter to the ¾" meter. The resulting projected revenues over the 10-year period is provided in the following table. These revenues should be placed in the operating reserve and used for fixed operating cost only. The credit should be inflated 2% per year to match the discounted 10-year fixed operations cost used in the calculation in Table 3.

Table 3
ODC Calculation

Recommended ODC per EDU	FY22 Base Charge Reduction (new subdivisions only)*	Total Revenues Expected
\$850.00	\$7.08	\$3,679,654
Recommended ODC per EDU	FY22 Base Charge Reduction (new subdivisions only)*	Total Revenues Expected
\$450.00	\$3.75	\$3,000,000

*Base charge reduction raised 2% per year

Flowery Branch, Georgia

Development Charges 101

January 7, 2021

Presentation Overview

Development Charges

Fair and Equitable Concepts

Levels of Service

Legal Considerations

Infrastructure Cost Related

Operational Cost Related

Recommendations

Fair and Equitable

Equitable

Same fee structure within a customer class

Customer classes generally homogenous

Fairness

Fee is related to service being provided

Affordability

Rate Credit

Levels of Service



Comfort

Speed



Levels of Service

Recoupment

Excess Capacity Only

Increase in Levels of Service

Portion that is Excess Capacity only

Plus, Added Capacity

Case Law

KRUPP CSA LLC v. BRECKENRIDGE SANITATION DISTRICT (2001)

CITY OF GRIFFIN v. McDANIEL et al. (2004)

CITY OF HOSCHTON et al. v. HORIZON COMMUNITIES et al. (2010)

QUALITY BUILT HOMES v. TOWN OF CARTHAGE (2018)

Infrastructure Cost

Capital Projects Scenarios

Increase Level of Service

Increase Capacity

Renewal of Asset (no new capacity or LOS increase)

Renewal of Asset (with new capacity and/or LOS increase)

New Fee Discussion

Operations Development Charge (ODC)

10-Year Service Contract

Recovers Fixed Costs for Operations

Credit to New Customers

Fee Proportionate to Capacity Requested

Fee Calculation

Operating Cost

Staffing/Supplies

No Power/Electrical

No Infrastructure Cost

10-Year Projection using 2% Discount Rate

\$897 per EDU Water

\$450 per EDU Wastewater

Credit Calculation

Total ODC / 120 (12 months 10 years)

Duration of ODC Contract Period

Raised 2% per year

Administrative Issues (Tracking/Notification)

Reduction of Monthly Base Charge

\$7.48 per EDU Water

\$3.75 per EDU Wastewater

Recommendations

Round Down ODC

\$850/EDU - Water

\$450/EDU - Wastewater

Monthly Base Charge Credit

\$7.08/EDU - Water

\$3.75/EDU - Wastewater

Increase credit 2% per year

Recalculate ODC every 5-years

Flowery Branch, Georgia Operations Development Charge

Questions/Comments?



FLOWERY BRANCH CITY COUNCIL

EXECUTIVE SUMMARY



SUBJECT: 2021 Regulatory Event Dates

COUNCIL MEETING DATE: January 7, 2021

HISTORY:

FACTS AND ISSUES:

OPTIONS:

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

No

AMOUNT AND SOURCE OF FUNDS:

RECOMMENDATION:

Approve

SAMPLE MOTION:

I make a motion to approve the dates for the above listed regular events.

COLLABORATING DEPARTMENT:

Administration

DEPARTMENT: Administration

Prepared by: Vickie Short

ATTACHMENTS

- [2021 Regulatory dates.docx](#)

FLOWERY BRANCH CITY COUNCIL
EXECUTIVE SUMMARY

SUBJECT: Approve the dates for annual events

DATE: January 7, 2021

(X) RECOMMENDATION

() POLICY DISCUSSION

BUDGET INFORMATION:

() STATUS REPORT

ANNUAL-

() OTHER

CAPITAL-

COUNCIL ACTION REQUESTED ON: January 7, 2021

PURPOSE:

Approve the dates for the annual events in the City. These dates are tentative due to the ongoing COVID-19 risks. As each event date is approached, the feasibility and safety of hosting or allowing it to go on will be carefully reviewed by City staff prior to approval. With the City's new Main Street Development, staff is recommending the new Events Coordinator position be responsible for planning, coordinating and executing city wide events going forward. For events which have been historically managed by the Masonic Lodge, the Boy Scouts, etc., the Events Coordinator would be charged with developing a uniform set of guidelines or a framework for the events to follow. This framework would help insure we have a higher and more consistent Downtown Event experience.

HISTORY:

In the past the City Clerk has brought each regulatory license to the Council at the time of applications.

FACTS & ISSUES:

The City authorizes certain events that are repeated annually. To streamline the processing and avoid having to bring these events to the Council throughout the year, the regular events are being presented as one item.

Once the Council approves the dates, the City Clerk will be able to issue the license once the official application is received and approved by the Chief of Police and the City Manager.

Any events outside of the normal events listed will be brought to the Council for approval at the time of application.

The timing typically is the same annually. If there is a conflict with the usual date, discretion is required to allow the City Manager to authorize a date within the same month.

Christmas Festival – First weekend in December - Friday

Masonic Lodge Boo Run – Last weekend in October

Boy Scouts Fall Festival – First weekend in October

South Hall Rotary 5k – Last weekend in August

Sterling Fireworks – First weekend in July

Masonic Lodge Spring Fun Run 5k – Third weekend in May

Boy Scouts Spring Festival – First weekend in May

OPTIONS: Approval

RECOMMENDED SAMPLE MOTION:

I make a motion to approve the dates for the above listed regular events.

DEPARTMENT: Administration

Prepared by: Vickie Short



FLOWERY BRANCH CITY COUNCIL

EXECUTIVE SUMMARY



SUBJECT: Consider a Conditional Use Permit (CUP) submitted by Jeremy Crosby, JPC design and Construction, LLC. to build and operate a car wash in the Highway Business District zoning district.

COUNCIL MEETING DATE: January 7, 2021

HISTORY:

A variance (see attached "staff report - VARIANCE") was applied for and granted by Council in October of 2018. This was a request to allow the gas pumps to be located in the front of the primary structure. During the variance process Council was shown a site plan detailing the proposed development. The development included a convenience store, gas pumps, a Burger King, and a car wash. The car wash requires a conditional use permit (CUP) in Highway Business (HB) zoning. This is the CUP request for the car wash portion of the project. The project is currently in the land development phase and has submitted and received approval for the convenience store/Burger King building.

FACTS AND ISSUES:

OPTIONS:

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

No

AMOUNT AND SOURCE OF FUNDS:

RECOMMENDATION:

It is staff's recommendation the CUP request to construct and operate a car wash submitted by Mr. Jeremy Crosby should be approved.

SAMPLE MOTION:

No vote at this time.

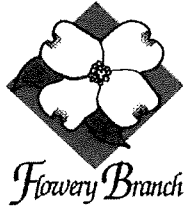
COLLABORATING DEPARTMENT:

DEPARTMENT: Planning

Prepared by: Vickie Short

ATTACHMENTS

- [Application January 7 CC.pdf](#)
- [Staff report.pdf](#)
- [Resolution 200-027.pdf](#)
- [Staff Report - VARIANCE.pdf](#)



CONDITIONAL USE PERMIT APPLICATION

City Provided Permit #

Date: 11-11-2020

Address of Request:

#5846 Phil Niekro Blvd., Flowery Branch,
GA 30542

Tax Map # 08114 002025 and 002030 Current Zoning: HB

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

Currently a conforming use? yes

Any conditions of zoning, CUP's, etc.? cup NO, Variance - yes

Applicant Information

Applicant: Jeremy Crosby, JPC Design and Construction, LLC

Address: P.O. Box 710, Jackson, GA 30233

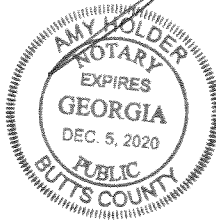
E-mail address: jcrosby@jonespetroleum.com

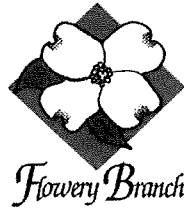
Phone number: 770-775-2386 office, 770-560-3527 cell

Signature: _____

Notary Seal:

Amy Holder





Property owner Information

Property owner (please print): William B. Jones

Address: 264 Alabama Blvd., Jackson GA 30233

E-mail address: bjones@jonespetroleum.com

Phone number: 770 - 775 - 2386

Signature: [Handwritten Signature]

Notary Seal:

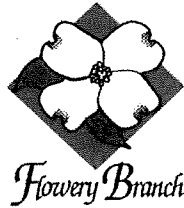
Dana Knight



Applicant Information Required at Time of Submittal

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

- Payment of \$350.00
- Legal description – one hard copy and on a flash drive
- Current survey of property – one hard copy and on a flash drive
- Site plan – one hard copy and on a flash drive
- Site plan shall meet the requirements of the Flowery Branch Code of Ordinances; Appendix C, "Zoning Ordinance", Article 34 sections 34.5
- Detailed description of request
- Development statistics per the Flowery Branch Code of Ordinances; Appendix C, "Zoning Ordinance", Article 34 sections 34.6
- Analysis requirements per the Flowery Branch Code of Ordinances; Appendix C, "Zoning Ordinance", Article 34 sections 34.7
- Conflict of interest disclosure (attached)
- Disclosure of campaign contributions (attached)



Conflict of Interest Disclosure

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

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

N/A

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

N/A

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

N/A

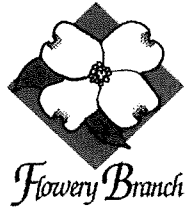
Disclosure of Campaign Contributions

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

Elected Officials Name

Amount of Description of Gift

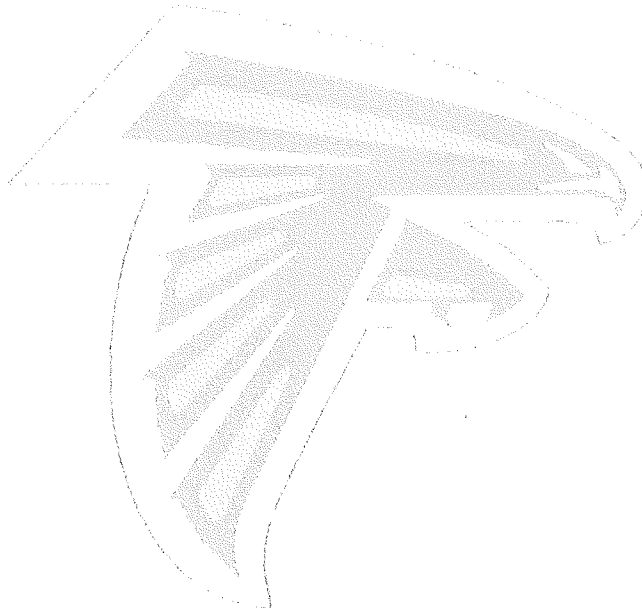
N/A



Received by City of Flowery Branch Staff on _____

Name: _____

Title _____



JPC Design and Construction, LLC
264 Alabama Blvd.
P.O. 710
Jackson, Georgia 30233

11/11/20

Mr. Rich Atkinson, Director
City of Flowery Branch Planning and Community Development
PO Box 757
5410 Pine St.
Flowery Branch, Georgia 30542

RE: Conditional Use Written Analysis and Detailed Description, Car Wash, 5840 Phil Niekro Blvd., Flowery Branch, Georgia.

Mr. Atkinson,

In consideration of Conditional Use for a Car Wash located at 5840 Phil Niekro Blvd., we ask that you consider these factors as they bear a reasonable relationship to the public health, safety, morality, and general welfare to the City of Flowery Branch.

We are proposing a Car Wash adjacent to the Jones Petroleum Convenience Store and Burger King. The Car Wash will have a proposed 3,400 SF building with 17 parking spaces with vacuum and detail stations. There will be access to enter the car wash from the front of the property, and the exit of the car wash will be in the rear of the property. We will adhere to all City Ordinances and Regulations, and all buildings will be architecturally compatible with the other buildings on our property.

Attached are criteria for consideration for the Zoning Administrator to make recommendations for the Governing Body.

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

The existing uses of the adjacent and nearby properties are mixed highway commercial in general. The current zoning of our property is HB with a proposed convenience store and gas station with a Burger King attached and an out parcel for a future Car Wash. We are located directly at the intersection of I-985, which is a major commercial intersection. This Conditional Use should be suitable in view of the use and development of adjacent properties. The proposed building will be architecturally compatible with the convenience store and Burger King currently under construction.

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

The proposal will not adversely affect the existing use or usability of adjacent or nearby property. The proposal has adequate setback and inter parcel access and vehicular circulation into and out of the site, both in the front and rear of the property. There will be vacuum and detail stations on site as well. Vehicles will be able to enter the car wash in the front access and exit in the rear and there is a travel lane that circles behind the convenience store and Burger King where vehicles can exit onto Holland Dam Rd.

- 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.

A Conditional Use permit is required by the City of Flowery Branch in order to have a car wash use on the site. The site lends itself very well for the layout of the car wash. It is a small site, so commercial uses are limited for the parcel.

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

The proposed use will not cause excessive or burdensome use of streets, as there is adequate interior circulation on site to handle traffic flow. There are three access points into and out of the property already, as well as an existing red light at the intersection of Phil Niekro Blvd. and Holland Dam Rd. All utilities are available to the site as well. And there should be no impact on schools, as the request is commercial in nature.

- E. Whether the proposal is in conformity with the policy and intent of the comprehensive plan including but not limited to the character area map and future land use plan map.

The proposal is in conformity with the policy and intent of the comprehensive plan. The Character area map shows this site as an Activity Center with retail business, services, and complimentary uses being allowed. A car wash would meet this requirement and a service and complimentary use. Also we will adhere to all regulations and City Design Standards.

- 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.

- G. Existing use(s) and zoning of the subject property and nearby properties.

Existing zoning of the property and nearby properties are all HB (highway business). Existing uses of the subject property are a convenience store and Burger King and an undeveloped commercial parcel. There is a hotel to the south, and commercial shopping centers with retail business and restaurant uses to the north and east of the property.

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

The property is currently zoned HB and had an existing Marathon Station with Subway on it. The property has been redeveloped to include a new Jones Petroleum convenience store with Burger King and now a proposed car wash. This has all been done to enhance the property and bring it to current development standards with adjoining property.

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

We do not feel that the conditional use approval will place a negative impact on adjacent property. It should have a positive impact.

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

This does not apply.

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

There is no change in zoning requested.

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

The current convenience store and Burger King has been designed to handle all storm water drainage for the entire property, including the proposed car wash. There will be minimal impact on the environment, as we will adhere to all of the City's sediment and erosion control ordinances during and after construction in complete.

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

We feel that the request is compatible with the overall zoning scheme and purpose of the Zoning Ordinance.

Your consideration in this proposal is greatly appreciated.

Respectfully,

A handwritten signature in black ink, appearing to read "Mike Horne", followed by a long horizontal line extending to the right.

Mike Horne, Project Manager
JPC Design and Construction, LLC

03854
0243

000243

TRACT D

BEGINNING at an iron pin running in a direction South 26 degrees 08' 11" West a distance 0.86 feet, thence North 52 degrees 13' 35" West a distance 130.91 feet, thence North 57 degrees 36' 27" East a distance 21.26 feet, thence South 52 degrees 13' 35' East a distance 120.08 feet rounding a curvature of 368.49' in Radius, 19.46' in Length, Chord of 19.46', and a CH. Bearing of South 27 degrees 34' 21" West to said point of beginning. Said tract containing 0.058 acres.

This property is made subject to all easements, right-of-ways, set backs, ordinances, and restrictions of record.

docno.12073



Applicant: Jeremy Crosby, JPC Design and Construction, LLC.

Property Owner: William B. Jones

Subject Property: 5840 Phil Niekro Blvd.; Parcel # 08114 002025 & #08114 002030

Request: Conditional Use Permit (CUP) to construct and operate a car wash in HB zoning

Current Use: Vacant with an approved LDP and building permit for a Burger King/gas station

Character Area: Activity Center

Code:

Per the City of Flowery Branch Zoning Ordinance an HB zoned property who wishes to operate a car wash is required to obtain a conditional use permit.

Sec. 9.4. - HB, Highway Business District.

Purpose and Description . This zoning district is intended to implement the "commercial" designation of the future land use plan contained within the comprehensive plan of the City of Flowery Branch. It is also intended to implement the "activity center" and "mixed use" character areas established in the comprehensive plan. Centered at the interchange of Spout Springs Road and I-985, and also extending north and south along Hog Mountain Road, this zoning district will be an accessible center of businesses, services, and complementary uses, which may include traditional neighborhood development and mixed-use developments, contributing extensively to the economic base of the city.

Character . This district is dominated by commercial uses but also intended to accommodate mixed-use developments. A grid block pattern of streets (connected local network) is provided, along with sidewalks and street trees. Pedestrian accessibility is promoted, although most activity is via the automobile for access. Entrances, frontages, and building facades are softened with landscaping and low-lying identification signs.

Permitted and Conditional Uses . Permitted and conditional uses shall be as provided in Table 9.1, "Permitted and Conditional Uses in Nonresidential Zoning Districts." The widest possible range of uses is contemplated in this zoning district, except for industry and single-family, detached or manufactured homes. This character area is the proper place for big box retail, shopping centers, lodging and auto-related uses.

Dimensional Requirements . Dimensional requirements shall be as provided in Table 9.2, "Dimensional Requirements in Nonresidential Zoning Districts."



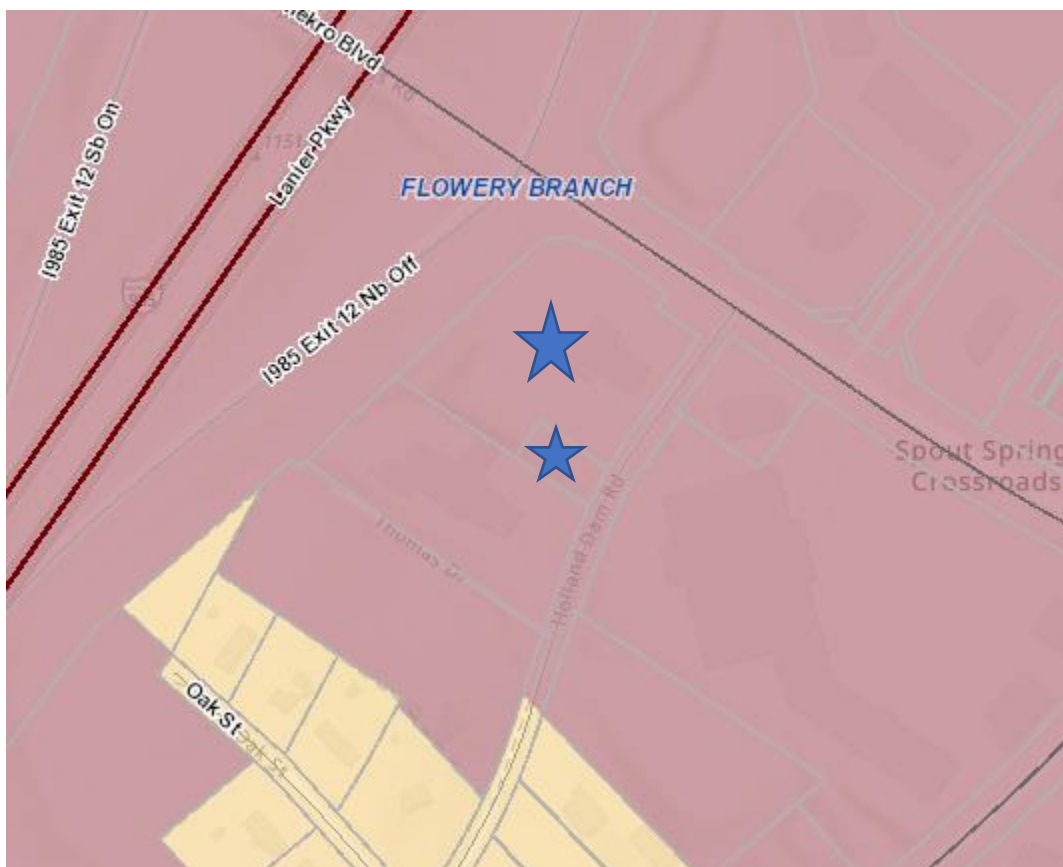
Table 9.1
Permitted and Conditional Uses in Nonresidential Zoning Districts
(P = Permitted Use C = Conditional Use X = Prohibited)

Use	O-P	INST	NS	HB	CBD	M-1	M-2
Accessory building, structure, or use	P	P	P	P	P	P	P
Adaptive reuse of a detached single-family dwelling for a personal service establishment or enclosed retail establishment	C	C	P	P	P	X	X
Adult business (see Adult Entertainment of Code of Ordinances No. 360)	X	X	X	X	X	P	P
Agricultural processing	X	X	X	X	X	X	C
Aircraft landing area	X	X	X	X	X	X	C
Animal hospital or veterinary clinic	P	P	P	P	X	X	X
Animal rendering, slaughtering, and recycling plant	X	X	X	X	X	X	X
Animal shelter	X	P	X	C	X	P	P
Apparel manufacturing	X	X	X	X	X	P	P
Art gallery	P	P	P	P	P	X	X
Asphalt plant	X	X	X	X	X	X	C
Auction house or auction yard (excluding livestock)	X	X	X	X	X	P	P
Auction house or auction yard (including livestock)	X	X	X	X	X	X	P
Automated teller machines (accessory use)	P	P	P	P	X	P	P
Automobile sales and service establishment	X	X	X	P	X	X	X
Automobile sales without service	X	X	X	P	X	X	X
Automobile service establishment without sales	X	X	X	P	X	P	P
Bank or financial institution	P	P	P	P	P	X	X
Batching plant	X	X	X	X	X	X	C
Bed and breakfast inn	P	P	P	P	P	X	X
Big box commercial building	X	X	X	C	X	C	C
Borrow site	X	C	X	C	X	X	P
Botanical garden	P	P	P	C	X	X	X
Bottling or canning plant	X	X	X	X	X	C	P
Brewery or distillery	X	X	X	X	X	P	P
Broadcasting studio	P	P	P	P	X	P	P
Building material sales	X	X	X	C	X	P	P
Building sales establishment	X	X	X	C	X	P	P
Bulk storage	X	X	X	X	X	X	P
Business service establishment, not exceeding 2,500 square feet of gross floor area	C	C	P	P	P	P	P
Business service establishment, more than 2,500 square feet of gross floor area	X	X	X	P	P	P	P
Camp or campground	X	C	X	C	X	X	X
Car wash	X	X	X	C	X	P	P
Caretaker's residence	X	X	X	C	C	P	P
Carnival	X	X	X	C	X	X	P
Cemetery or mausoleum	X	P	X	C	X	P	P
Church, temple, synagogue, or place of worship, including specified accessory uses (see Sect. 14.3) (Ord. 348-11)	P	P	C	P	X	C	C
Clinic	P	P	P	P	X	X	X
Club or lodge, nonprofit, sponsored by a civic or similar organization	P	P	C	P	X	C	C
Club, private (Ord. 348-11)	X	C	X	C	X	X	X
Cold storage plant or frozen food locker	X	X	X	X	X	P	P



Property:

The subject property is located at 5840 Phil Niekro Blvd; tax parcel identification numbers 08114 002025 & 08114 002030. The property is currently zoned Highway Business (HB).





Previous case for this site approved on October 4, 2018.

VARIANCE STAFF REPORT

Applicant is JPC Design and Construction/Steven Rowland of Rowland Engineering.

Variance from the requirements set forth in the City of Flowery Branch Zoning Ordinance; Article 10, Development Requirements and Guidelines section 10.9 (f):
Convenience stores shall locate gas pumps behind the principal structure in order to effectively screen the pumps from view of the street.

Applicant believes they meet the criteria for granting a variance per Article 37, section 37.5 of the Flowery Branch Zoning Ordinance (see attached application).

Staff believes if Mayor and Council decides to grant the request allowing the gas pumps to be located in front of the principal structure the following conditions should be applied:

1. Landscaping plan shall be submitted to staff for review. A heavy buffer shall be provided along Phil Niekro Boulevard.
2. Lighting plan shall be submitted to staff for review.
3. Comprehensive sign plan for the entire site. Staff and applicant shall agree upon specific monument sign design that will include space for, or include, a "Welcome to Flowery Branch" message.
4. Stormwater shall be provided and shall be underground as submitted and approved via the Flowery Branch land disturbance requirements.
5. Principal structure shall be predominately brick.
6. Dumpster screening shall be consistent with the principal structure.
7. Gas canopies shall be designed to match the principal structure.
8. Secondary business (car wash) shall be designed to match the principal structure.
9. Plans shall include all conditions as set forth by City Council clearly printed on the front page with the date of Council approval.



Car wash proposed location and layout:





CUP Requirements:

Sec. 34.7. Analysis Requirements.

Applications to amend the official zoning map and applications for conditional uses shall provide a written analysis comparing the proposed action with the criteria in this Section. A zoning map amendment or conditional use application may be justified only if it bears a reasonable relationship to the public health, safety, morality, or general welfare, and after consideration of the analysis requirements which may in individual cases be considered criteria relevant to Zoning Administrator in making recommendations and by the City Council in the decision-making process.

- (a) Whether the proposal will permit a use that is suitable in view of the use and development of adjacent and nearby property. *The subject property lies within a commercially zoned area. The use (car wash) is suitable for the area.*
- (b) Whether the proposal will adversely affect the existing use or usability of adjacent or nearby property. *A commercial use at this location is suitable and will not adversely affect nearby properties.*
- (c) Whether the property to be affected by the proposal can be used in accordance with the existing regulations and has a reasonable economic use as currently zoned. *Currently zoned HB (Highway Business) many commercial uses are suitable. The property has a reasonable economic use with or without the issuance of this CUP.*
- (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. *No, the use would not be burdensome on infrastructure or the school system.*
- (e) Whether the proposal is in conformity with the policy and intent of the comprehensive plan including but not limited to the character area map and future land use plan map. *The current character area for this site is "Activity Center". A car wash, in this instance, is in conformity with the comprehensive plan.*
- (f) Whether there are other existing or changing conditions affecting the use and development of the property which give supporting grounds for either approval or disapproval of the proposal. *The site is approved for a Burger King/Gas Station and the addition of a car wash would be acceptable for the site and may be a welcomed addition to the area.*
- (g) Existing use(s) and zoning of the subject property and nearby properties. *The subject property is surrounded by commercially zoned properties.*



- (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. **N/A**
- (i) Whether a proposed zoning map amendment or conditional use approval will be a deterrent to the value or improvement of development of adjacent property in accordance with existing regulations. **The use should not be a deterrent in any manner to the adjacent properties.**
- (j) The possible creation of an isolated zoning district unrelated to adjacent and nearby districts **A CUP does not create a new zoning designation.**
- (k) Possible effects of the change in zoning district map, or change in use, on the character of a zoning district. **None.**
- (l) The possible impact on the environment, including but not limited to, drainage, soil erosion and sedimentation, flooding, air quality and water quality. **None. It will be designed and built to current standards.**
- (m) The relation that the proposed map amendment or conditional use bears to the purpose of the overall zoning scheme and the purposes of this Zoning Ordinance **The use meets the intent of the zoning ordinance.**

Staff Recommendation:

It is staff's recommendation that the CUP request to construct and operate a car wash submitted by Mr. Jeremy Crosby should be approved.

RESOLUTION NO.20-027

A RESOLUTION OF THE CITY OF FLOWERY BRANCH CITY COUNCIL APPROVING A CONDITIONAL USE PERMIT TO OPERATE A CAR WASH AT 5840 PHIL NIEKRO PARKWAY; ALSO KNOWN AS TAX PARCELS 08114 002025 AND 08114 002030. A CUP IS REQUIRED TO OPERATE A CAR WASH IN HIGHWAY BUSINESS (HB) ZONING DISTRICTS.

WHEREAS, the City of Flowery Branch Code of Ordinances, specifically Article 9, Section 9.4 of the Zoning Ordinance, requires a conditional use permit to be approved by City Council for specific uses in the Highway Business (HB) District; and

WHEREAS, the City of Flowery Branch code requires said conditional use permit for the use (car wash) requested by the applicant; and

WHEREAS, the City of Flowery Branch desires to adhere to the requirements of all City codes; and

WHEREAS, Mr. Jeremy Crosby, JPC Design and Construction, LLC. has submitted a complete and accurate conditional use permit to the City; and

WHEREAS, City staff and City Council have reviewed the application and the accompanying documentation associated with said application; and

NOW THEREFORE BE IT RESOLVED, that the governing authority of the City of Flowery Branch, Georgia, hereby grants the applicant a conditional use permit to operate a car wash at 5840 Phil Niekro Boulevard as shown on Exhibit "A" which is attached hereto and incorporated by reference herein. All resolutions or parts of resolutions in conflict with this resolution are repealed to the extent of the conflict. This resolution shall become effective on the date approved by the city council.

RESOLUTION NO. 20-027

Page 2

RESOLVED this _ day of ____ 2020.

James M. Miller, Mayor

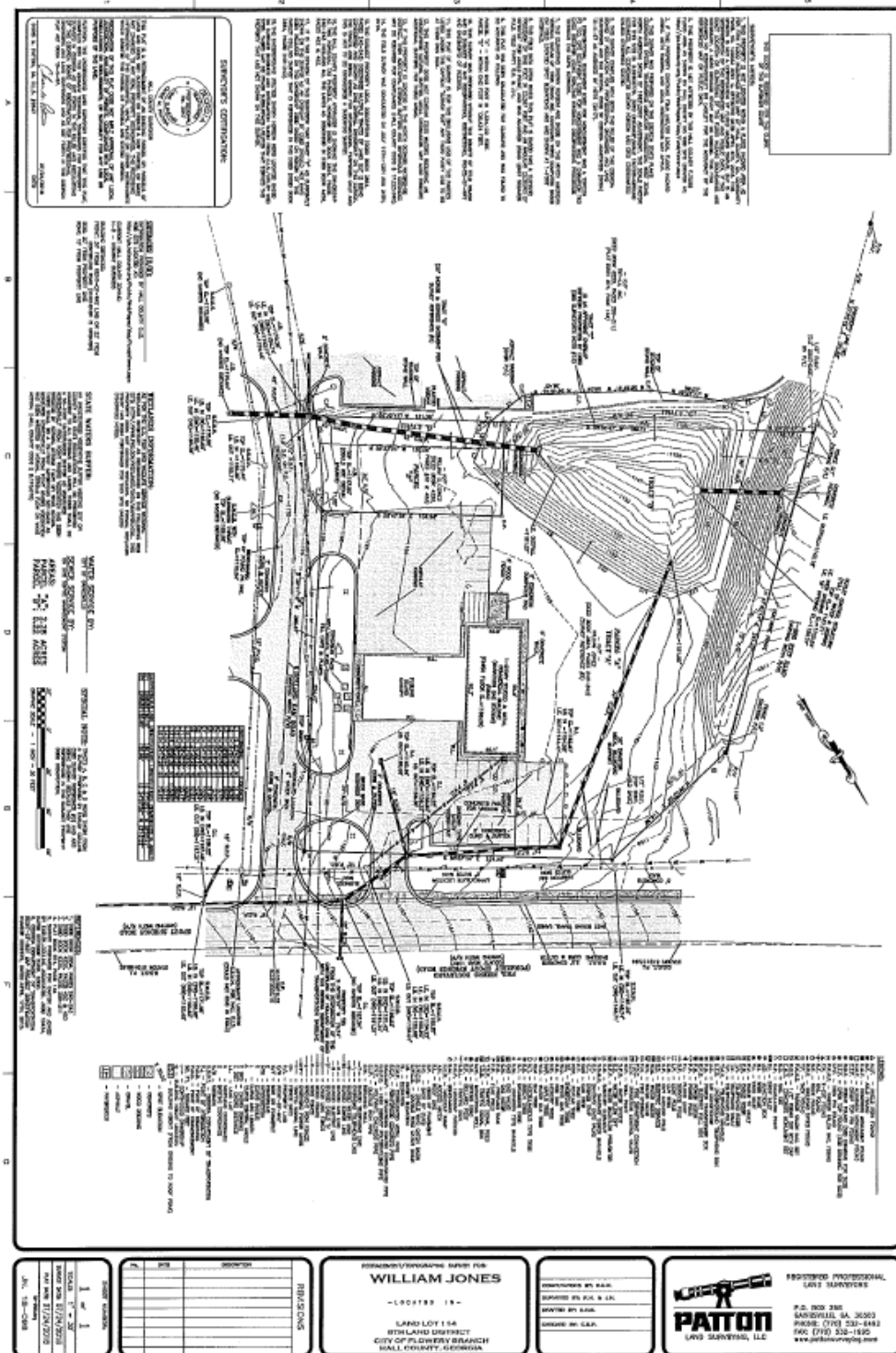
ATTEST

Vickie Short, City Clerk

APPROVED AS TO FORM

E. Ronald Bennett, Jr., City Attorney

Exhibit "A"





VARIANCE
5840 Phil Niekro Boulevard

Applicant is JPC Design and Construction/Steven Rowland of Rowland Engineering.

Variance from the requirements set forth in the City of Flowery Branch Zoning Ordinance; Article 10, Development Requirements and Guidelines section 10.9 (f):

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Applicant believes they meet the criteria for granting a variance per Article 37, section 37.5 of the Flowery Branch Zoning Ordinance (see attached application).

Staff believes if Mayor and Council decides to grant the request allowing the gas pumps to be located in front of the principal structure the following conditions should be applied:

1. Landscaping plan shall be submitted to staff for review. A heavy buffer shall be provided along Phil Niekro Boulevard.
2. Lighting plan shall be submitted to staff for review.
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4. Stormwater shall be provided and shall be underground as submitted and approved via the Flowery Branch land disturbance requirements.
5. Principal structure shall be predominately brick.
6. Dumpster screening shall be consistent with the principal structure.
7. Gas canopies shall be designed to match the principal structure.
8. Secondary business (car wash) shall be designed to match the principal structure.
9. Plans shall include all conditions as set forth by City Council clearly printed on the front page with the date of Council approval.



FLOWERY BRANCH CITY COUNCIL

EXECUTIVE SUMMARY



SUBJECT: Consider First Reading of Ordinance #2020-623 a rezoning application submitted by Mr. Bret Clark.

COUNCIL MEETING DATE: January 7, 2021

HISTORY:

Mr. Bret Clark (who was approved and is currently working on the McEver self-storage project) has submitted an application to rezone 5519 McEver Road from A (Agriculture) to HB (Highway Business) and R-3 (Multi-family) with the intent to construct a townhome/commercial mixed-use project. The parcel is approximately 11.34 acres and is currently vacant.

FACTS AND ISSUES:

Mr. Clark and staff are working through the proposed design and layout. Attached please see Mr. Clark's original proposal (Combined Bret Clark Files) and a proposed alternate design that Mr. Adam Williams of TSW did for the City (FB McEver Concept and Elevations). Mr. Clark was pleased with the TSW proposal and is working with his engineer to see if it will work with the topography.

Staff is in full support of the project and is confident a final design will be agreed upon prior to the final read and vote of this ordinance.

OPTIONS:

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

No

AMOUNT AND SOURCE OF FUNDS:

RECOMMENDATION:

Public hearing - no vote

SAMPLE MOTION:

No vote at this time.

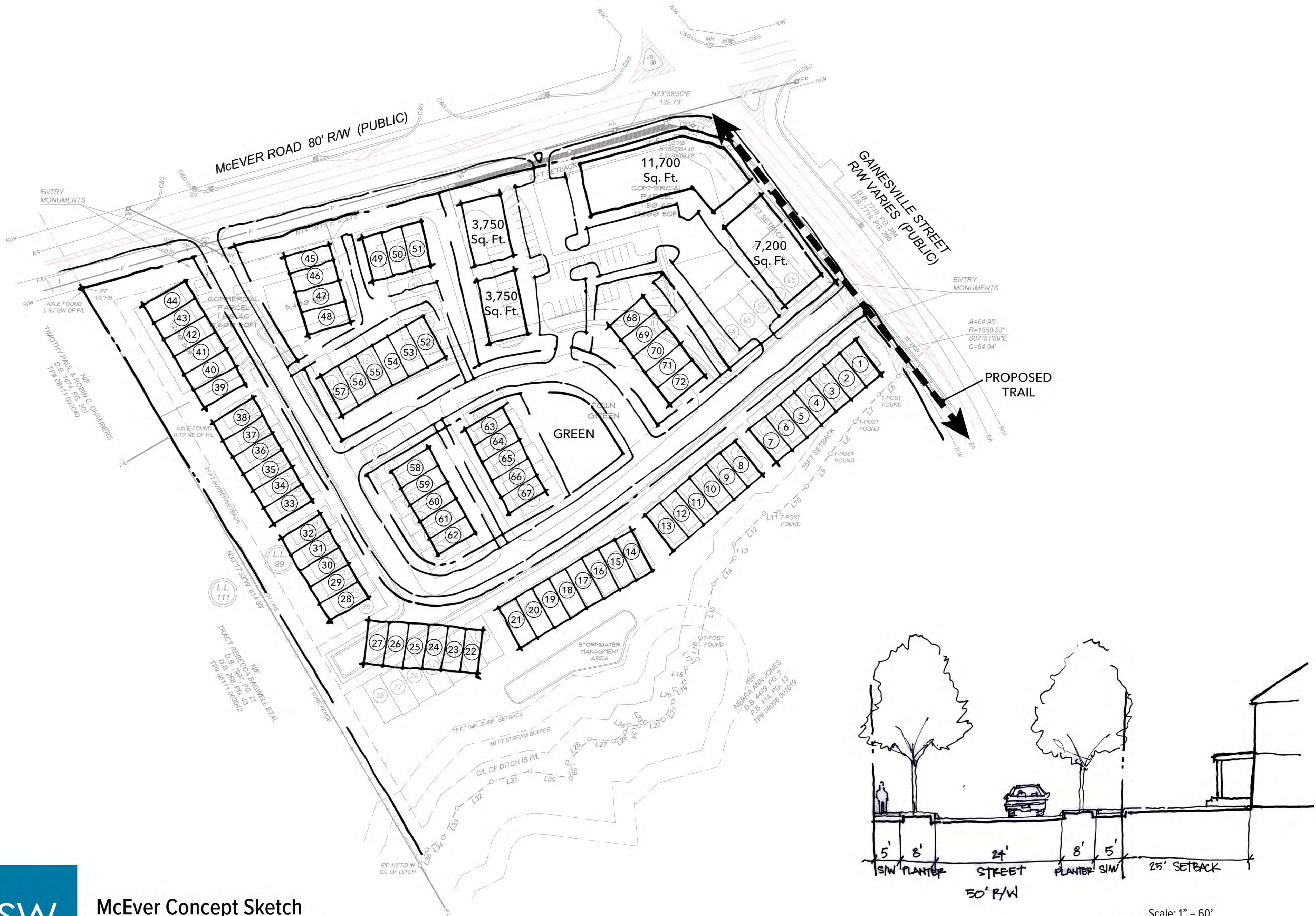
COLLABORATING DEPARTMENT:

DEPARTMENT: Planning

Prepared by: Vickie Short

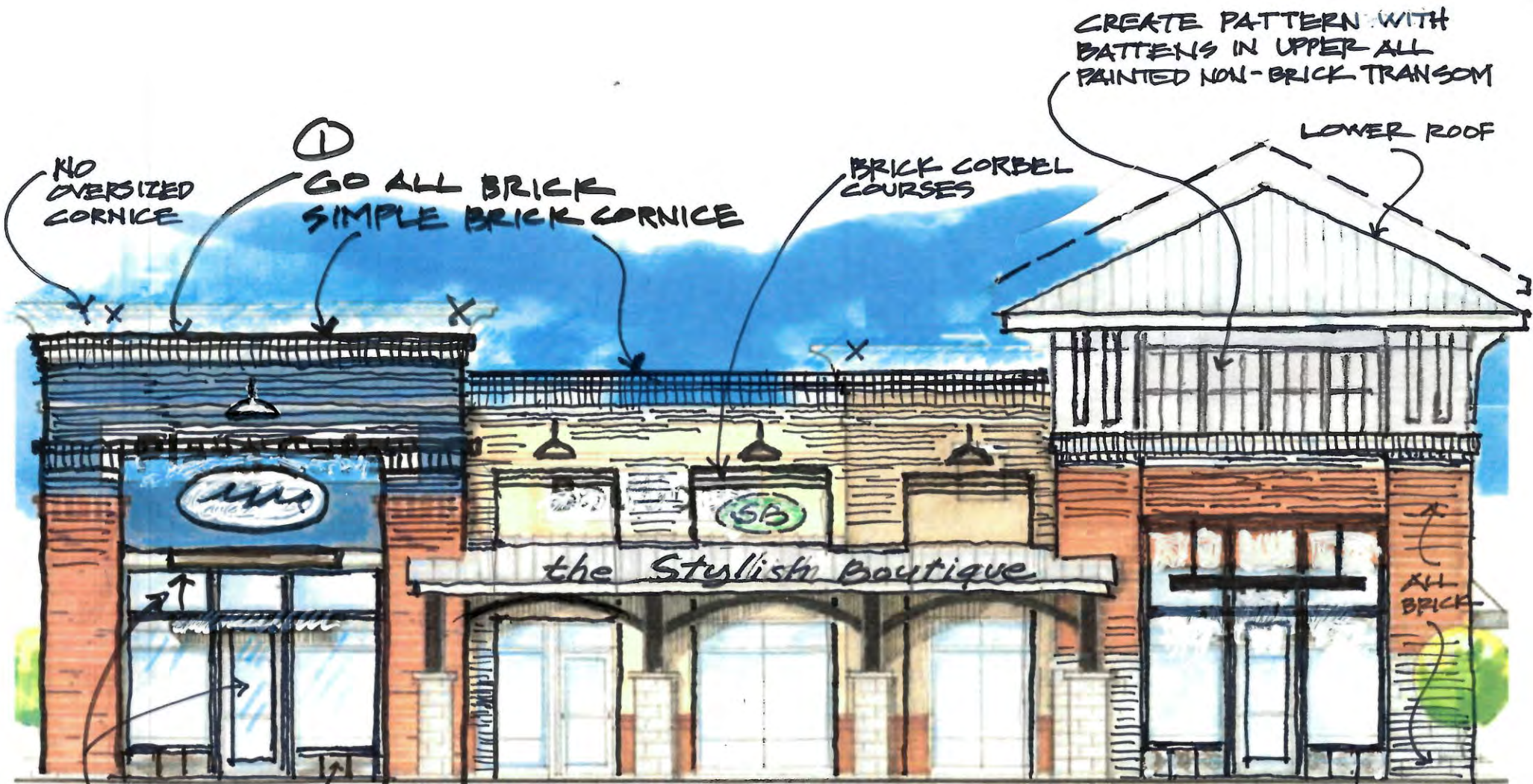
ATTACHMENTS

- [FB McEver Concept & Elevations Compressed.pdf](#)
- [Combined Files Bret Clark.pdf](#)
- [Staff Report Bret Clark McEver Mixed-Use.pdf](#)





retail C front elevati 1461



②
RAISE CANOPY;
USE 8' DOOR

18-20" HIGH
WINDOW "BASE"

TSW SUGGESTIONS retail C front elevation

J. SPANGLER AIA
TSW

GENERAL COMMENTS: 12/17/2020

1. TOO BUSY - GO WITH 3 VOLUMES INSTEAD OF 4
2. GO MOSTLY BRICK FOR NON-GLASS AREAS
3. TRY FOR TALLER DOORS & WINDOWS AS SHOWN
4. USE GOOSE NECK INDUSTRIAL LIGHTS AS SHOWN





TH #1

1. GO WITH 100% WALL SHAKES INSTEAD OF MIXING SHAKES & HORIZ. SIDING
2. FIND WAY TO RAISE MAIN ROOF RIDGE

TH #2

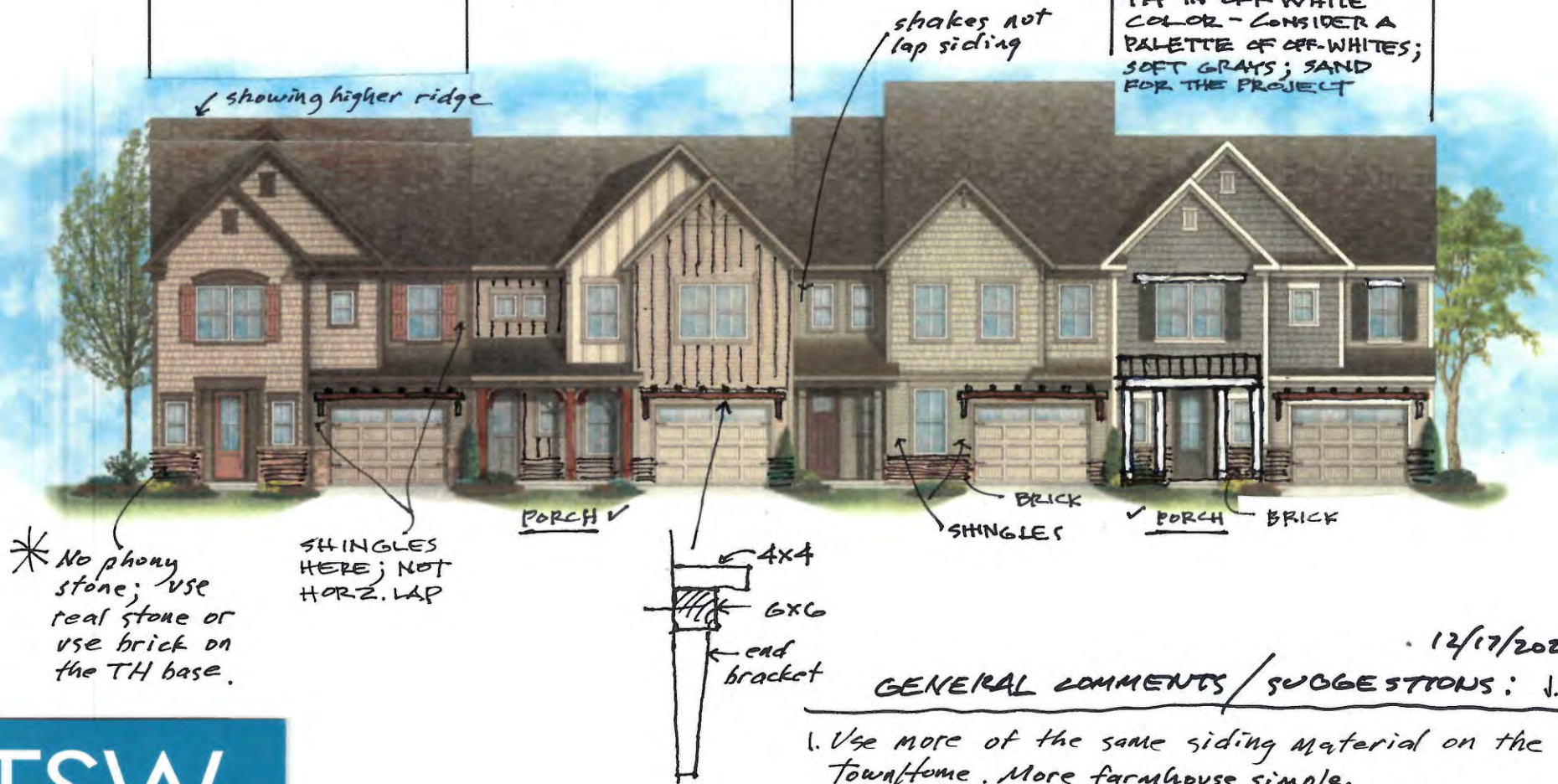
1. GO 100% BOARD & BATTEN
2. ADD BRICK OR REAL STONE "BASE".
3. COLOR CHANGES ON THE DIFFERENT VOLUMES OK.

TH #3

1. GO WITH MOSTLY WALL SHAKES
2. CREATE EYEBROW DETAIL OVER GARAGE DOOR

TH #4

1. STICK WITH FLAT WDW HEAD TRIM ON ALL WINDOWS.
2. CONSIDER SMALL 3-BAY PORCH TO ADD VARIETY
3. SEE TSW PHOTO OF OUR TRADITIONAL TH IN OFF WHITE COLOR - CONSIDER A PALETTE OF OFF-WHITES; SOFT GRAYS; SAND FOR THE PROJECT



- 12/17/2020
1. Use more of the same siding material on the Townhome. More farmhouse simple.
2. Your woodland colors look good & work well together. But maybe consider a palette of off whites; grays; ^{as a} fresh look.
3. Consider use of the garage eyebrow detail on all 4 THs as an element of continuity.



City of Flowery Branch Planning and Community Development
5410 Pine Street
Flowery Branch, GA 30542

October 29, 2020

RE: Rezoning request of 5519 McEver Road (TP 08099 000007)

To Whom It May Concern:

Ridgeline Land Planning, Inc. is requesting to rezone 11.338 acres located at 5519 McEver Road from A (Agriculture) to HB and R-3 as shown on the included site plan. The proposed rezoning is to allow development of a mixed-use community consisting of 68 single-family attached townhomes and 35,100 square feet of Neighborhood Commercial space. Site densities are 7.69 units per acre for the residential portion and 0.32 FAR for the commercial area. Residential exterior materials will consist of brick, stone, and cementitious siding. The Commercial materials will match or compliment the residential materials to create a cohesive community design. Residential building height will be a maximum of 35 feet. Commercial building heights will not exceed 40 feet in height.

The subject property lies within the Neighborhood Commercial character area designated in the Comprehensive Plan. Major features of the Neighborhood Commercial character area are "Pedestrian accessibility is promoted via sidewalks connected to nearby neighborhoods". By providing single family attached townhomes to the rear of the subject a walkable mixed-use neighborhood will be created that is consistent with the intent of the comprehensive plan.

Constitutional Objections

Facially and as applied to the Property, the specific portions of the City of Flowery Branch Comprehensive Plan and zoning ordinance which restrict the Property to any zoning classification, conditions, uses, or to any development other than those proposed by the Applicant are unconstitutional because they would abolish or damage the Applicant's property rights without paying adequate, fair, and just compensation for such rights, in violation of the Constitution of the State of Georgia of 1983 and the Due Process Clause of the Fourteenth Amendment to the United States Constitution.

Facially and as applied to the Property, the application of the City of Flowery Branch ordinances or Comprehensive Plan which restrict the Property to any zoning classification, conditions, uses, or to any development other than the proposed by the Applicant is unconstitutional, illegal, null, and void, constituting a taking and/or damaging of Applicant's Property by denying Applicant all

economically viable use of its land while not substantially advancing legitimate state interests in violation of the United States Constitution's Just Compensation Clause of the Fifth Amendment and the Equal Protection and Due Process Clauses of the Fourteenth Amendment and the Constitution of the State of Georgia of 1983.

The denial of this application would be an arbitrary and capricious act by the City of Flowery Branch without any rational basis, thus constituting an abuse of discretion in violation of the Constitution of the State of Georgia of 1983 and Due Process Clauses of the Fourteenth Amendment to the United States Constitution.

A refusal by the City of Flowery Branch to approve this application for the Property would be unconstitutional and discriminate in an arbitrary, capricious, and unreasonable manner between the Applicant and owners of similarly situated property in violation of the Constitution of the State of Georgia of 1983 and the Equal Protection Clause of the Fourteenth Amendment to the United States Constitution.

The applicant and stakeholders respectfully request approval of this application and welcome the opportunity to meet with The City of Flowery Branch Planning and Community Development staff, Planning Commission, and Mayor and Council to discuss any questions or concerns regarding the application.

Respectfully,

Ridgeline Land Planning, Inc.

A handwritten signature in black ink, appearing to read 'Holt Persinger', with a stylized flourish at the end.

Holt Persinger, RLA



Zoning Analysis – 5519 McEver road

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

The proposed use is compatible with the surrounding development

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

The proposed community will be compatible with the adjacent commercial and residential uses.

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

The current agricultural use is not economically viable in relation to the surrounding development.

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

The proposed development would not create an excessive burden on existing infrastructure.

(e) Whether the proposal is in conformity with the policy and intent of the comprehensive plan including but not limited to the character area map and future land use plan map.

The proposal is in conformance with the comprehensive plan and proposed character area.

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

The development of the surrounding area supports the proposal as growth continues along the McEver Road corridor.

(g) Existing use(s) and zoning of the subject property and nearby properties.

Properties North of the subject across McEver Road are zoned NS and are currently under commercial uses. The property to the East across Gainesville street is developed as a residential community.

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

The existing agriculture zoning is not economically viable considering the existing surrounding development.

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

Adjacent properties are mostly developed with compatible uses.

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

The proposal will not create an isolated or unrelated district. The proposed commercial and residential uses blend with the existing commercial and residential at the intersection of McEver Road and Gainesville Street.

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

The proposal is in keeping with the current uses and character of the area.

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

All NPDES guidelines will be implemented during and after development to minimize environmental impacts.

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

The proposal conforms to the character area designated in the Comprehensive plan.

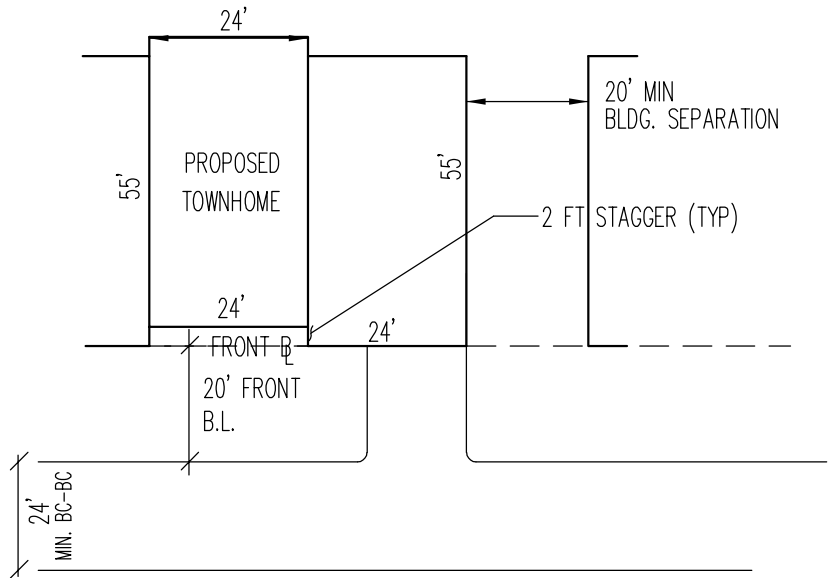
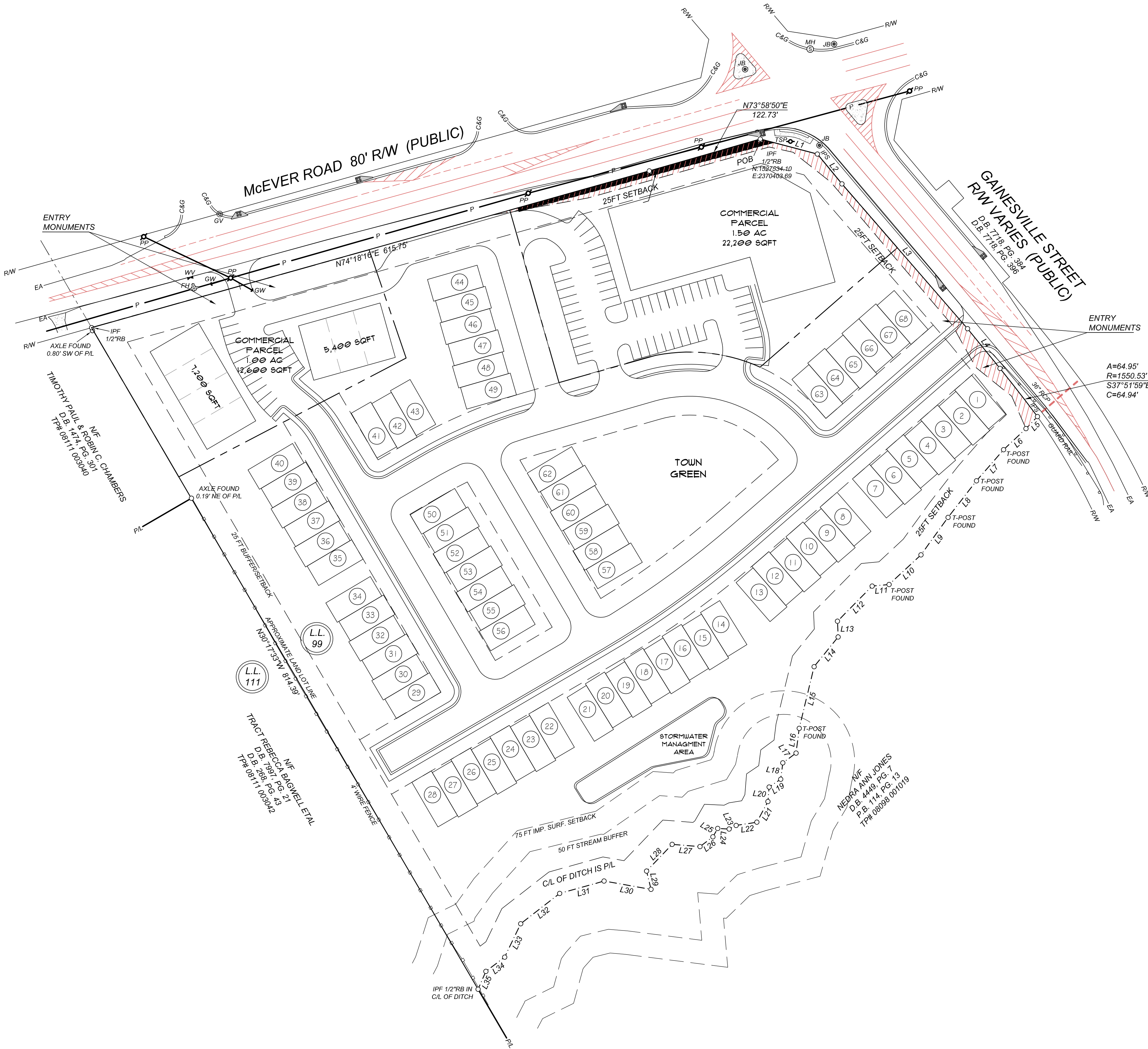
SUMMARY

PARCEL: 00093 000001
CURRENT ZONING: A
PROPOSED ZONING: HB AND R-3
TOTAL SITE AREA: 11.338 ACRES

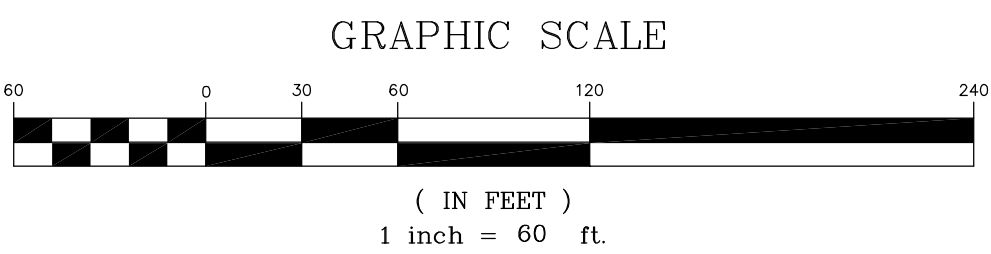
RESIDENTIAL AREA (R-3): 8.838
PROPOSED NO. UNITS: 68 TOWNHOMES
DENSITY: 1.69 UFA
PARKING: 2 OFF STREET SPACES PER UNIT

COMMERCIAL AREA (HB): 2.5 ACRES
PARCEL #1
1 ACRE
12,600 SQFT 0.29 FAR
11 PARKING SPACES PROVIDED

PARCEL #2
1.5 ACRES
22,200 SQFT 0.34 FAR
51 PARKING SPACES PROVIDED



TOWNHOME
TYPICAL LOT LAYOUT
N.T.S.



PREPARED FOR

McEVER ROAD TRACT
CITY OF FLOWERY BRANCH
HALL COUNTY, GEORGIA

RIDGELINE
LAND PLANNING, INC.
196 BELAIRE COURT WINDER, GA 30080
PH: 770-834-2200
FAX: 770-834-2201
HOLT@RIDGELINELANDPLANNING.COM

ZONING
PLAN
SHEET TITLE

DATE	NO	REVISION
DESIGNED BY:	HHP	SCALE
DRAWN BY:	HHP	
CHECKED BY:	HHP	SHEET
DATE:	10/28/2020	JOB NO.:

1"=60'
Z-2



Applicant: Bret Clark

Property Owner: McEver Road, LLC.

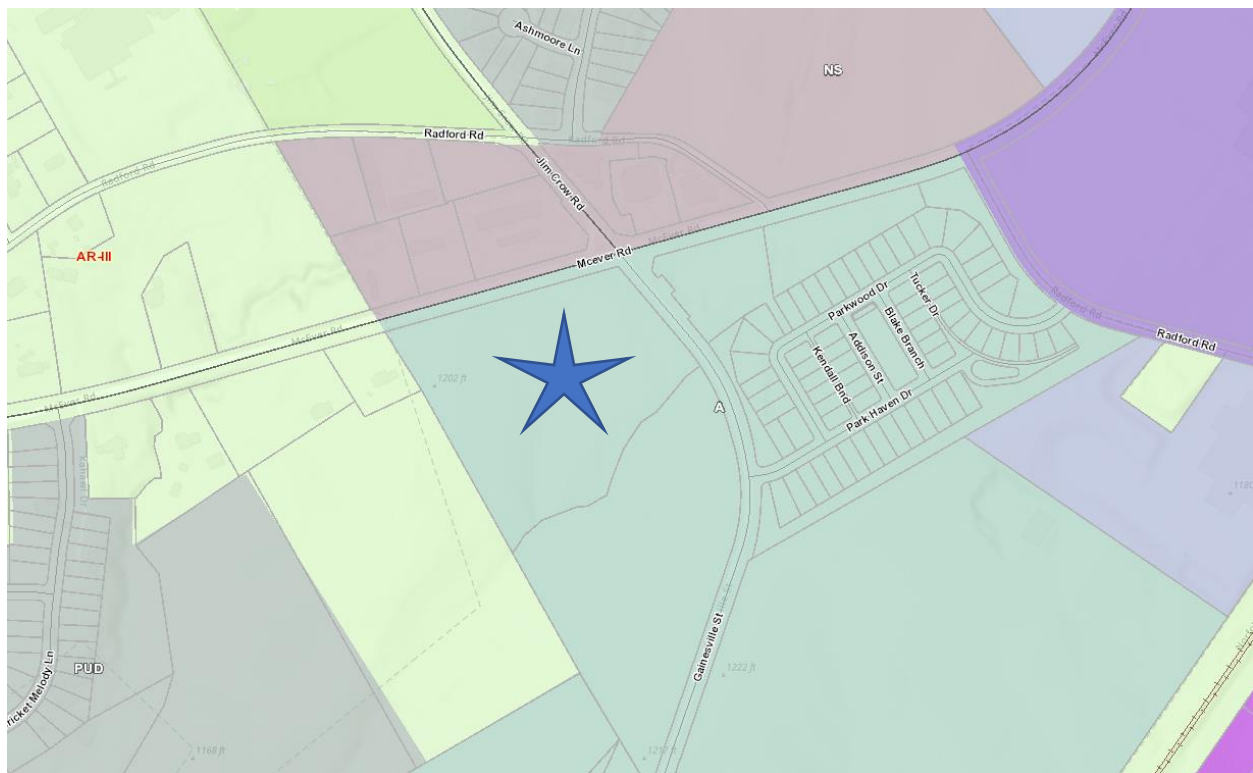
Subject Property: 5519 McEver Road; 08099 000007; 11.34+/- acres

Request: Rezone from A (Agriculture) to HB (Highway Business) and R-3 (Multi-family) proposal is to construct a mixed-use development of townhomes and commercial outparcels

Current Use: Vacant

Character Area: Neighborhood Commercial

5519 McEver Road; currently zoned A (Agriculture):





Neighborhood Commercial

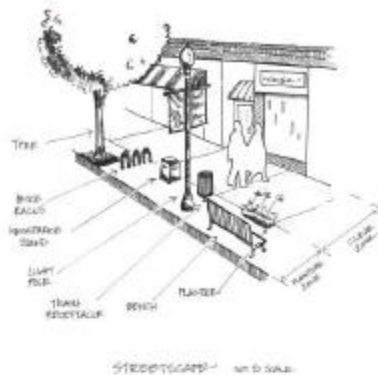
VISION: Attractive, non-auto related neighborhood businesses and services, with distinctive architectural features and a scale compatible with pedestrians and connected to adjacent residential neighborhoods.

USES AND INTENSITIES: Neighborhood-serving commercial intensities are within a range of approximately 10,000 to 15,000 square feet of building space per acre. Business establishments do not generally exceed 25,000 square feet in any one tenant space, to keep the bulk and intensity in scale with the needs of adjacent neighborhoods.

MAJOR FEATURES: Pedestrian accessibility is promoted via sidewalks connected to nearby neighborhoods, but uses are mostly reliant on the automobile for access. Nonetheless, buildings and developments are scaled to be compatible with and promote pedestrian activity. Open space is limited to suburban plazas or small open spaces. Three-story height limit. Entrances, frontages, and building façades are softened with landscaping and low-lying identification signs.

REGULATIONS: This character area will be implemented with a neighborhood commercial zoning district. Design guidelines will be provided, and neighborhood commercial projects will be required to complete design review. Minimum 15 percent of the lot is open space or landscaped.

QUALITY COMMUNITY OBJECTIVES IMPLEMENTED: Appropriate business, employment options, transportation alternatives, sense of place.



© Jerry Wertz & Associates, Inc.
Planning & Development Consultants

Illustrative Pedestrian Features



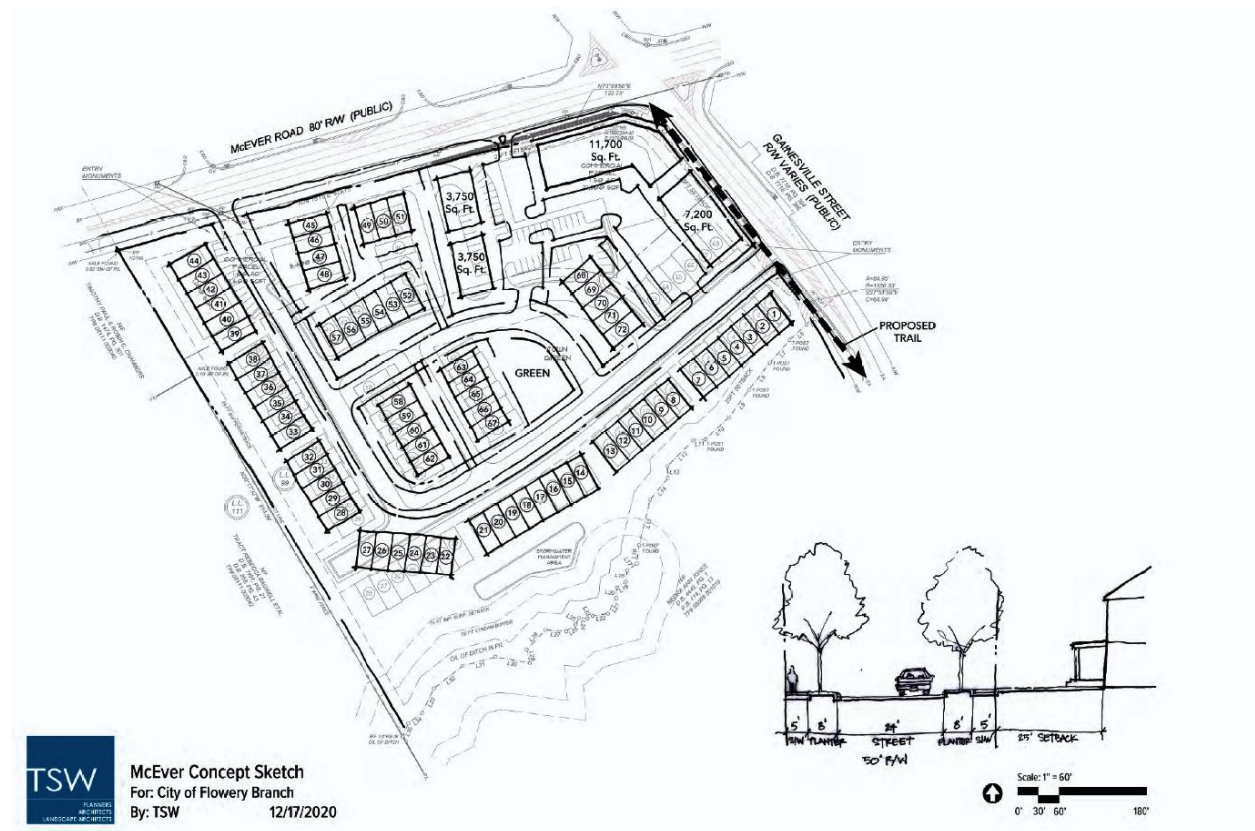
Outdoor Seating and Attractive Lighting



Quality, Compatible Architectural Design Including Signage



TSW:



Staff Recommendation

The concept of a mixed-use works for this parcel as it provides an attractive gateway project. The ordinance and conditions of zoning will be worked on as we move forward in the process. There is no vote at the January 7th City Council meeting. Staff is confident that a complete plan will be solidified prior to the upcoming vote.



FLOWERY BRANCH CITY COUNCIL

EXECUTIVE SUMMARY



SUBJECT: Consider an Intergovernmental Agreement (IGA) between Hall County and the City concerning geographic information services (GIS).

COUNCIL MEETING DATE: January 7, 2021

HISTORY:

Hall County has historically provided GIS services to the City. This is an updated IGA to continue to provide these services.

Below is the ten-year historical actual costs:

FY2011	\$18,746.17
FY2012	\$8,016.13
FY2013	\$11,410.99
FY2014	\$12,361.22
FY2015	\$12,457.73
FY2016	\$14,578.72
FY2017	\$12,267.39
FY2018	\$12,667.39
FY2019	\$30,900.00 (I believe this year they had a system upgrade and hiring of a new employee, which increased the expenses.)
FY2020	\$17,444.31

FACTS AND ISSUES:

The question was posed as to whether or not we still have to pay even if Hall County has been attacked by ransomware and the system is not fully functional or in some cases, not even available? Mr. Bennett responded, "There is no specific provision allow us to withhold payment, but being unable to perform would be a breach. I suppose we could give notice of breach, demand a cure and withhold payment. If HC doesn't cure in a reasonable time, we can terminate on 90 days notice."

OPTIONS:

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

Yes

AMOUNT AND SOURCE OF FUNDS:

\$18,000 is currently budgeted for GIS

RECOMMENDATION:

Approval

SAMPLE MOTION:

I motion for the City Council to authorize the Mayor to sign the Intergovernmental Agreement with Hall County for for Geographic Information System and Property Addressing services.

COLLABORATING DEPARTMENT:

Finance

DEPARTMENT: Planning

Prepared by: Vickie Short

ATTACHMENTS

- [GIS IGA.pdf](#)
- [GIS_IGA Jan 2021 Exec. Summary.pdf](#)

Attached is the GIS Intergovernmental Agreement approved by the Commission on December 10th and signed by the Chairman.

Once the agreement is signed please return it to me and I will forward it to the Commission Clerk.

Thanks

Mark Lane

P O Box 1435

Gainesville, GA 30503

**INTERGOVERNMENTAL AGREEMENT
FOR
GEOGRAPHIC INFORMATION SYSTEM (GIS) SERVICES,
AND PROPERTY ADDRESSING SERVICES**

GEORGIA, HALL COUNTY

This Agreement, made and entered into as of the 10th day of December, 2020, by and between the governing bodies of Hall County, Georgia, hereinafter called "Hall County", and the City of Flowery Branch, Georgia, hereinafter called "Flowery Branch", both of which agree as follows:

WHEREAS, Flowery Branch and Hall County desire to enter into an agreement to provide GIS and Property Addressing services; and

WHEREAS, the funding of these services provided by Hall County and Flowery Branch should reflect an equitable distribution of the costs of the services provided to each jurisdiction; and

NOW, THEREFORE, Hall County and Flowery Branch agree that the services will be provided as follows:

- A. The GIS and Property Addressing services to be provided are fully described in Appendix A.
- B. Flowery Branch agrees to provide 4% of the funding necessary to provide the services described in Appendix A.
- C. Items included in the funding percentage described above include: capital and operational expenditures associated with the services, and salary and benefits for the positions listed in Appendix A.
- D. Revenues collected from these services will be collected by the Hall County Planning Department and allocated to the applicable program to help offset the costs to Flowery Branch and Hall County of funding the services described herein. All billing and accounting for the services will be coordinated by the Hall County and Flowery Branch Finance Departments.
- E. The term of this Agreement shall be for ten years.

Each party to this Agreement has the right to terminate this Agreement without cause. Termination shall be effective on the ninetieth (90th) day after receipt of notification of termination by the other party. In such event the terminating party shall be awarded its portion of inventory of fixed assets in accordance with the funding ration allocation referenced above, provided the terminating party shall only be awarded that property which it contributed to upon commencement of its participation in this Agreement. In the event of termination by Flowery Branch, Hall County agrees to work with Flowery Branch to ensure that Flowery Branch continues to have access to all programs, software, and other related systems that relate to the services set forth in Appendix A.

All notices under this agreement shall be in writing and shall be deemed to have been given by delivering it in person or by certified mail to the following:

As to Flowery Branch:

City Manager
City of Flowery Branch
P O Box 757
5410 W. Pine Street
Flowery Branch, Ga. 30542

As to Hall County:

County Administrator
Hall County
2875 Browns Bridge Road
Gainesville, Georgia 30504

IN WITNESS THEREOF, the parties have set their hand and seals as of the date set forth above.

CITY OF FLOWERY BRANCH, GEORGIA

By: _____
Mike Miller, Mayor

Attest: _____
Vickie Short
City Clerk (SEAL)

Date: _____

Approved as to Form:

City Attorney

HALL COUNTY, GEORGIA

By: _____
Richard Higgins, Chairman
Hall County Board of Commissioners

Attest: _____
Lisa A. Ritchie
County Clerk (SEAL)

Date: December 10, 2020

Approved as to Form:

County Attorney

GEOGRAPHIC INFORMATION SYSTEM (GIS) SERVICES, AND PROPERTY ADDRESSING SERVICES

STAFFING – The following positions within the Hall County Planning Department are assigned to provide the services described in further detail within this document:

- GIS Manager
- GIS Database Administrator
- GIS Analyst – Addressing Coordinator

SERVICES PROVIDED – The following is a description of the services provided by *GIS, Property Addressing, and the Development Management System*.

GIS

- GIS data support will include the acquisition, development, maintenance, updating, processing, and configuration of mapping data used by the City of Flowery Branch. New GIS data will be developed as requested.
- GIS staff will maintain and provide access to ESRI's ArcGIS Enterprise software and web services through ArcGIS Desktop application and web access to ArcGIS Online & ArcGIS Enterprise Portal. Access will be provided to GIS web map sites developed and maintained by GIS staff.
- GIS staff will provide technical support and assistance in the use of GIS software products as requested.
- GIS staff will provide maps and other GIS based reports and products as requested to other city departments and to the public.

Property Addressing

- Maintain the countywide Master Street Address Database including assigning addresses for new commercial & residential development.
- Provide street addresses to the Development Management System for all construction permits and land development projects, including commercial & industrial development, multifamily developments, and new subdivisions.
- Notify various government departments, utility companies, and post offices of street address for new land development projects.



FLOWERY BRANCH CITY COUNCIL

EXECUTIVE SUMMARY



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COUNCIL MEETING DATE: January 7, 2021

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FY2011	\$18,746.17
FY2012	\$8,016.13
FY2013	\$11,410.99
FY2014	\$12,361.22
FY2015	\$12,457.73
FY2016	\$14,578.72
FY2017	\$12,267.39
FY2018	\$12,667.39
FY2019	\$30,900.00 (I believe this year they had a system upgrade and hiring of a new employee, which increased the expenses.)
FY2020	\$17,444.31

FACTS AND ISSUES:

The question was posed as to whether or not we still have to pay even if Hall County has been attacked by ransomware and the system is not fully functional or in some cases, not even available? Mr. Bennett responded, "There is no specific provision allow us to withhold payment, but being unable to perform would be a breach. I suppose we could give notice of breach, demand a cure and withhold payment. If HC doesn't cure in a reasonable time, we can terminate on 90 days notice."

OPTIONS:

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

Yes

AMOUNT AND SOURCE OF FUNDS:

\$18,000 is currently budgeted for GIS

RECOMMENDATION:

Approval

SAMPLE MOTION:

I motion for the City Council to authorize the Mayor to sign the Intergovernmental Agreement with Hall County for for Geographic Information System and Property Addressing services.

COLLABORATING DEPARTMENT:

Finance

DEPARTMENT: Planning

Prepared by: Bill Andrew

ATTACHMENTS

- [GIS IGA.pdf](#)



FLOWERY BRANCH CITY COUNCIL

EXECUTIVE SUMMARY



SUBJECT: Consider-1st Reading of Ordinance 624 - Publishing of 2021 General Election Qualifying Fees

COUNCIL MEETING DATE: January 7, 2021

HISTORY:

First Reading of Ordinance 624-To provide for the 2021 municipal election for the City of Flowery Branch for the following posts-Mayor, Post 3, Post 4 and Post 5-to set qualifying dates and to set the fee for said qualifying

FACTS AND ISSUES:

O.C.G.A. 21-2-131 (a)(1)(A) requires fixing and publishing of the qualifying fees prior to February 1 of an election year.

Seats up for election and qualifying fee for each:

- Mayor \$180.00
- Post #3 \$144.00
- Post #4 \$144.00
- Post #5 \$144.00

Qualifying is proposed to begin the 3rd Monday in August per O.C.G.A. 21-2-132 (3)(A).

Qualifying dates are proposed for Monday, August 16, 2021 at 8:30 am through Wednesday August 21, 2019 at 4:30 pm.

OPTIONS:

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

Yes

AMOUNT AND SOURCE OF FUNDS:

RECOMMENDATION:

Approval of First Read

SAMPLE MOTION:

I make a motion to approve the First Reading of Ordinance 624 as presented.

COLLABORATING DEPARTMENT:

DEPARTMENT: Administration

Prepared by: Vickie Short

ATTACHMENTS

- [Executive Summary Ordinance 624.docx](#)
- [624 - 2021 Ordinance - Call for Election.docx](#)

FLOWERY BRANCH CITY COUNCIL
EXECUTIVE SUMMARY

SUBJECT: 2021 Fixing and Publishing of General Election-Ordinance 624

DATE: January 7, 2021

(X) RECOMMENDATION

() POLICY DISCUSSION

BUDGET INFORMATION:

() STATUS REPORT

ANNUAL-

() OTHER

CAPITAL-

COUNCIL ACTION REQUESTED ON: January 7, 2021

First Reading of Ordinance 624-To provide for the 2021 municipal election for the City of Flowery Branch for the following posts-Mayor, Post 3, Post 4 and Post 5-to set qualifying dates and to set the fee for said qualifying

HISTORY:

In the past O.C.G.A. set qualifying dates for the 3rd Monday in August.

O.C.G.A. 21-2-131 (a)(1)(A) requires fixing and publishing of the qualifying fees prior to February 1 of an election year.

Seats up for election and qualifying fee for each:

- Mayor \$180.00
- Post #3 \$144.00
- Post #4 \$144.00
- Post #5 \$144.00

Qualifying is proposed to begin the 3rd Monday in August per O.C.G.A. 21-2-132 (3)(A).

Qualifying dates are proposed for Monday, August 16, 2021 at 8:30 am through Wednesday August 21, 2019 at 4:30 pm.

OPTIONS: Approval

RECOMMENDED SAMPLE MOTION:

I make a motion to approve the First Reading of Ordinance 624 as presented.

DEPARTMENT: Administration

Prepared by: Vickie Short

First Reading:	January 07, 2021
Second Reading:	January 21, 2021
Passed:	January 21, 2021

ORDINANCE NO. 624

AN ORDINANCE TO PROVIDE FOR THE GENERAL ELECTION FOR THE CITY OF FLOWERY BRANCH, GEORGIA FOR 2021; ESTABLISH AND SET THE DATE AND TIME OF THE GENERAL ELECTION FOR THE CITY OF FLOWERY BRANCH, GEORGIA FOR 2021 FOR MAYOR AND COUNCIL MEMBERS POST 3, POST 4, AND POST 5; PROVIDE A QUALIFYING PERIOD FOR SAID POSITIONS; PROVIDE FOR THE QUALIFYING FEES FOR SAID POSITIONS; PROVIDE FOR A QUALIFYING PROCEDURE; APPOINT ELECTION OFFICIALS; PROVIDE FOR THE OPENING AND CLOSING OF REGISTRATION FOR SAID GENERAL ELECTION; REPEAL CONFLICTING ORDINANCES; PROVIDE FOR SEVERABILITY AND FOR ALL OTHER LAWFUL PURPOSES.

WHEREAS, the City Council of the City of Flowery Branch, Georgia is authorized by Article IX, Section II, Paragraph II of the Constitution of the State of Georgia of 1983, and pursuant to O.C.G.A. Section 21-2-1 et seq., to enact ordinances for the holding of elections and special elections of public officials of the municipality; and

WHEREAS, the terms for the positions of Mayor and Council Members Post 3, Post 4 and Post 5, shall expire on December 31, 2021; and

WHEREAS, the City of Flowery Branch, Georgia desires to conduct a general election to fill these positions, openly and fairly for all duly qualified and registered electors of the City of Flowery Branch, Georgia;

NOW THEREFORE THE CITY COUNCIL OF THE CITY OF FLOWERY BRANCH HEREBY ORDAINS,

Section 1. General Election.

The City of Flowery Branch, Georgia will conduct a general election on Tuesday, November 2, 2021 from 7:00 a.m. to 7:00 p.m. with the place of said election being in the City Hall located at 5410 W. Pine Street, Flowery Branch, Georgia for the positions as indicated in Section 2 of this Ordinance.

Section 2. Positions Open for Election and Terms Thereof.

The general election to be held on the date established by Section 1 of this Ordinance is for filling the following positions:

- a) The position of Mayor which will be elected at large for a four-year term beginning on January 1, 2022 through December 31, 2025.
- b) The position of Council Member Post 3 which will be elected at large for a four-year term beginning on January 1, 2022 through December 31, 2025.

- c) The position of Council Member Post 4 which will be elected at large for a four-year term beginning on January 1, 2022 through December 31, 2025.
- d) The position of Council Member Post 5 which will be elected at large for a four-year term beginning on January 1, 2022 through December 31, 2025.

Section 3. Qualifying Period.

The qualifying period for the election set by Section 1 of this Ordinance to qualify for the positions described in Section 2 of this Ordinance shall be open on Monday August 16, 2021 and will continue day-to-day through Wednesday August 18, 2021. The hours of qualifying each day shall be during the regular business hours of the City of Flowery Branch, Georgia except Monday August 21, 2019 qualifying will begin at 8:30 a.m. as per O.C.G.A. Section 21-2-132. The place of qualifying shall be the office of the City Clerk of the City of Flowery Branch, Georgia, being the office of the Election Superintendent, and being located at City Hall, 5410 W Pine Street, Flowery Branch, Georgia.

Section 4. Qualifying Fee.

(a) The qualifying fee for the Mayor, which is open for election as provided by Section 2 of the Ordinance, shall be \$180.00. The qualifying fee for each Council Member position, which are open for election as provided by Section 2 of the Ordinance, shall be \$144.00. Such fee shall be paid to the Election Superintendent at the time a candidate files the candidate's notice of candidacy.

(b) A pauper's affidavit may be filed in lieu of paying the qualifying fee otherwise required by Section 4(a) of this Ordinance. A candidate filing a pauper's affidavit instead of paying a qualifying fee shall under oath affirm the candidate's poverty and the candidate's resulting inability to pay the qualifying fee otherwise required. The form of the affidavit shall be as prescribed by the Georgia Secretary of State and shall include a financial statement which lists the total income, assets, liabilities and other relevant financial information of the candidate.

The affidavit shall contain an oath that such candidate has neither the assets nor the income to pay the qualifying fee otherwise required. The following warning shall be printed on the affidavit form as prepared by the Georgia Secretary of State, to wit: "WARNING: Any person knowingly making any false statement on this affidavit commits the offense of false swearing and shall be guilty of a felony."

The Election Superintendent shall place on the ballot the name of any candidate who subscribes and swears to an oath that such candidate has neither the assets nor the income to pay the qualifying fee otherwise required.

Section 5. Qualifying Affidavit and Financial Disclosure Statement.

- (a) Each candidate qualifying for the positions described in Section 2 of this Ordinance shall accompany the candidate's notice with an affidavit stating:
 - (1) The candidate's residence, with street and number, if any, and the candidate's post office address;
 - (2) The candidate's profession, business or occupation, if any;
 - (3) The name of post or office sought for election and precinct, if applicable;
 - (4) That the candidate is an elector of the municipality of the candidate's residence and is eligible to vote in the election in which the candidate is running for office;
 - (5) The name of the position that the candidate is seeking;
 - (6) That the candidate is eligible to hold such position;
 - (7) That the candidate has never been convicted and sentenced in any court of competent jurisdiction for fraudulent violation of primary or election laws, malfeasance in office or a felony involving moral turpitude under the laws of this state or any other state or of the United States, of that the candidate's civil rights have been restored and that at least ten years have elapsed from the date of the completion of the sentence without a subsequent conviction of another felony involving moral turpitude; and
 - (8) That the candidate will not knowingly violate any provisions of the "Georgia Municipal Election Code" or any rules and regulations adopted under the "Georgia Municipal Election Code."
- (b) Each person qualifying as a candidate will file a financial disclosure statement prescribed by the laws of the State of Georgia in the form as prescribed therein, no later than the fifteenth (15th) day following the qualifying with the Election Superintendent of the City of Flowery Branch, Georgia.

Section 6. Write-In Candidates.

- (a) In this general election, no person elected on a write-in vote shall be eligible to hold office unless notice of the person's intention of candidacy was given twenty (20) or more days prior to the election by the person to be a write-in candidate or by some other person or group of persons qualified to vote in the election, to the Mayor or the Election Superintendent and by publication in the official newspaper of the City of Flowery Branch, Georgia, said publication currently being "The Times."

(b) In addition to the requirements contained in Section 6(a) of this Ordinance, the person or persons giving notice of intention of candidacy for a write-in candidate shall also file with the Mayor or the Election Superintendent, a copy of the notice as published with an affidavit stating that the notice has been published, with the name of the newspaper and the date of publication, not later than the fifth (5th) day after the deadline for filing and publishing of such notice. The affidavit may be made by the person giving notice or intention of candidacy or by the publisher of the newspaper in which the notice was published or by an employee of the newspaper designated by the publisher.

Section 7. Election Appointments.

(a) The following persons are hereby appointed to act as election officials for the November 2, 2021. General Election:

Election Superintendent	Vickie Short
Chief Registrar	To be announced
Absentee Ballot Clerks	Shelia Cooper, Chere Rucker & Nancy Rodriguez
Poll Manager	Vickie Short
Poll Worker	To be announced
Poll Worker	To be announced

(b) The office of the City Clerk of the City of Flowery Branch, Georgia is hereby declared to be the office of the Election Superintendent for candidates qualifying for the offices open for election as provided by Section 3 of this Ordinance, and also as the office of the Absentee Ballot Clerk.

Section 8. Last Day for Voter Registration.

The last day that an elector/voter may register to vote in the 2020 General Election shall be Monday, October 4, 2021, by 5:00 p.m. at the Hall County Board of Elections and Registration located at 2875 Browns Bridge Road, Gainesville, Georgia, unless said date is a Georgia legal holiday, and then the last day for voter/elector registration shall be the next day by 5:00 p.m.

Section 9. Repealer.

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

Section 10. 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.

Dated this 21st day of January 2021.

James M. Miller, Mayor

ATTEST:

Vickie Short, City Clerk

APPROVED AS TO FORM:

E. Ronald Bennett, Jr., City Attorney



FLOWERY BRANCH CITY COUNCIL

EXECUTIVE SUMMARY



SUBJECT: Consider Vehicles to Surplus and Auction through Gov Deals

COUNCIL MEETING DATE: January 7, 2021

HISTORY:

FACTS AND ISSUES:

OPTIONS:

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

No

AMOUNT AND SOURCE OF FUNDS:

RECOMMENDATION:

Approve

SAMPLE MOTION:

COLLABORATING DEPARTMENT:

DEPARTMENT: Administration

Prepared by: Vickie Short

ATTACHMENTS

- [Vehicle Inspection Forms.pdf](#)
- [Photos.pdf](#)

Vehicle Inspection Form

Inventory ID:	Asset Number:	Fair Market Value:
Short Description: Year <u>07</u> Make <u>Chery</u> Model <u>Impala</u>		
VIN: 2G1WS55R179418018 Title Restriction: ☐ Y ☐ N		
Odometer: ☐ Miles ☐ Kilometers Odometer Accurate ☐ Y ☐ N:		
Long Description: This Vehicle: ☐ Starts ☒ Starts with a Boost & ☐ Runs/Driveable ☐ Engine Runs ☐ Does Not Run ☐ For Parts Only Engine- Type: <u> </u> L, V <u>8</u> ☐ Gas ☐ Diesel Engine ☐ Propane/Natural Gas ☐ Gas/Electric Hybrid Engine Condition: ☒ Runs ☐ Needs repair ☐ is in unknown condition Repairs needed: _____ This vehicle was maintained every _____ ☐ Days ☐ Hours ☐ Miles Date Removed From Service: _____ Maintenance Records: ☐ Available ☐ Not Available For Inspection Transmission: ☒ Automatic ☐ Manual <u> </u> Speed Condition: ☐ Operable ☐ Needs repair ☐ Is Unknown Condition Repairs Needed: _____ Drivetrain: ☒ 2 Wheel Drive ☐ 4 Wheel Drive Condition: _____		
Exterior: Color: <u>Black</u> Windows: ☐ No Cracked Glass ☐ Cracked _____ Minor: ☐ Dents ☒ Scratches ☐ Dings Tire Condition: _____ Tread: _____ #Flat _____ Hubcaps # _____ Major Damage to: _____ Additional Damage: _____ Decals: ☐ None ☐ Have Been Sprayed or ☐ Have been Removed & ☐ Impressions Remain ☐ No Impressions Emergency equip: ☐ None ☐ Has been removed & ☐ There are holes in the exterior ☐ There are no holes		
Interior: Color <u>Gray</u> ☒ Cloth ☐ Vinyl ☐ Leather Damage to Seats: _____ Damage to Dash/Floor: _____ Radio: ☒ Stock or ☐ Brand & Model: _____ ☐ AM ☐ AM/FM ☐ AM/FM Cassette ☒ AM/FM CD ☒ AC (Condition: ☐ Cold ☐ Unknown) ☐ No AC Air Bags: ☐ Driver's Side ☒ Dual ☐ Cruise Control ☐ Tilt Steering ☐ Remote Mirrors ☐ Climate Control Power: ☐ Steering ☐ Windows ☐ Door Locks ☐ Seats		
Additional Equipment: _____ Manufacturer _____ Model _____ Serial # _____ ☐ Tool Box ☐ Light Bar ☐ Ladder Rack ☐ Utility Body: Brand _____ ☐ Hitch: Type _____		
Location of Asset: _____ For more information contact: _____ Reminder: Do not close items on or surrounding a Holiday, on Friday nights, or Weekends. Stagger closing times by 10 minutes.		

Vehicle Inspection Form

Inventory ID:	Asset Number:	Fair Market Value:
Short Description: Year <u>08</u> Make <u>FORD</u> Model <u>F150</u>		
VIN: 1 F T R X 1 4 W 4 8 F A 2 6 2 7 6 Title Restriction: ☐ Y ☐ N		
Odometer: ☐ Miles ☐ Kilometers Odometer Accurate ☒ Y ☐ N: _____		
Long Description: This Vehicle: ☐ Starts ☒ Starts with a Boost & ☐ Runs/Driveable ☐ Engine Runs ☐ Does Not Run ☐ For Parts Only Engine- Type: ☐ L, V <u>8</u> ☒ Gas ☐ Diesel Engine ☐ Propane/Natural Gas ☐ Gas/Electric Hybrid Engine Condition: ☒ Runs ☐ Needs repair ☐ is in unknown condition Repairs needed: _____ This vehicle was maintained every <u>5000</u> ☐ Days ☐ Hours ☒ Miles Date Removed From Service: _____ Maintenance Records: ☐ Available ☒ Not Available For Inspection Transmission: ☒ Automatic ☐ Manual _____ Speed Condition: ☐ Operable ☐ Needs repair ☐ Is Unknown Condition Repairs Needed: _____ Drivetrain: ☒ 2 Wheel Drive ☒ 4 Wheel Drive Condition: _____		
Exterior: Color: <u>White</u> Windows: ☒ No Cracked Glass ☐ Cracked _____ Minor: ☒ Dents ☒ Scratches ☒ Dings Tire Condition: <u>Decent</u> Tread: _____ #Flat _____ Hubcaps # _____ Major Damage to: _____ Additional Damage: _____ Decals: ☐ None ☐ Have Been Sprayed or ☐ Have been Removed & ☐ Impressions Remain ☐ No Impressions Emergency equip: ☐ None ☐ Has been removed & ☐ There are holes in the exterior ☐ There are no holes		
Interior: Color <u>Grey</u> ☐ Cloth ☒ Vinyl ☐ Leather Damage to Seats: <u>Tear Left Seat</u> Damage to Dash/Floor: _____ Radio: ☒ Stock or ☐ Brand & Model: _____ ☐ AM ☐ AM/FM ☐ AM/FM Cassette ☐ AM/FM CD ☒ AC (Condition: ☒ Cold ☐ Unknown) ☐ No AC Air Bags: ☒ Driver's Side ☒ Dual ☐ Cruise Control ☐ Tilt Steering ☐ Remote Mirrors ☐ Climate Control Power: ☒ Steering ☐ Windows ☐ Door Locks ☐ Seats		
Additional Equipment: _____ Manufacturer _____ Model _____ Serial # _____ ☐ Tool Box ☐ Light Bar ☐ Ladder Rack ☐ Utility Body: Brand _____ ☐ Hitch: Type _____		
Location of Asset: _____ For more information contact: _____ Reminder: Do not close items on or surrounding a Holiday, on Friday nights, or Weekends. Stagger closing times by 10 minutes.		

Vehicle Inspection Form

Inventory ID:	Asset Number:	Fair Market Value:
Short Description: Year <u>2006</u> Make <u>FORD</u> Model <u>F350</u>		
VIN: 1FDWX36P66E858281 Title Restriction: ☐ Y ☐ N		
Odometer: 68199 ☐ Miles ☐ Kilometers Odometer Accurate ☒ Y ☐ N:		
Long Description: This Vehicle: ☒ Starts ☐ Starts with a Boost & ☐ Runs/Driveable ☐ Engine Runs ☐ Does Not Run ☐ For Parts Only Engine- Type: <u>L, V 8</u> ☐ Gas ☒ Diesel Engine ☐ Propane/Natural Gas ☐ Gas/Electric Hybrid Engine Condition: ☒ Runs ☐ Needs repair ☐ is in unknown condition Repairs needed: _____ This vehicle was maintained every <u>5000</u> ☐ Days ☐ Hours ☒ Miles Date Removed From Service: _____ Maintenance Records: ☐ Available ☐ Not Available For Inspection Transmission: ☒ Automatic ☐ Manual <u>Speed</u> Condition: ☐ Operable ☐ Needs repair ☐ Is Unknown Condition Repairs Needed: _____ Drivetrain: ☒ 2 Wheel Drive ☐ 4 Wheel Drive Condition: _____ Exterior: Color: <u>White</u> Windows: ☒ No Cracked Glass ☐ Cracked Minor: ☒ Dents ☒ Scratches ☒ Dings Tire Condition: _____ Tread: _____ #Flat _____ Hubcaps # _____ Major Damage to: _____ Additional Damage: _____ Decals: ☐ None ☐ Have Been Sprayed or ☐ Have been Removed & ☐ Impressions Remain ☐ No Impressions Emergency equip: ☒ None ☐ Has been removed & ☐ There are holes in the exterior ☐ There are no holes Interior: Color <u>Gray</u> ☐ Cloth ☒ Vinyl ☐ Leather Damage to Seats: <u>Tears</u> Damage to Dash/Floor: _____ Radio: ☒ Stock or ☐ Brand & Model: _____ ☐ AM ☐ AM/FM ☐ AM/FM Cassette ☐ AM/FM CD ☒ AC (Condition: ☒ Cold ☐ Unknown) ☐ No AC Air Bags: ☐ Driver's Side ☒ Dual ☐ Cruise Control ☒ Tilt Steering ☐ Remote Mirrors ☐ Climate Control Power: ☒ Steering ☐ Windows ☐ Door Locks ☐ Seats Additional Equipment: _____ Manufacturer _____ Model _____ Serial # _____ ☐ Tool Box ☐ Light Bar ☐ Ladder Rack ☐ Utility Body: Brand _____ ☐ Hitch: Type _____		
Location of Asset: _____ For more information contact: _____ Reminder: Do not close items on or surrounding a Holiday, on Friday nights, or Weekends. Stagger closing times by 10 minutes.		

Vehicle Inspection Form

Inventory ID: _____	Asset Number: _____	Fair Market Value: _____																
Short Description: Year _____ Make <u>Bandit</u> Model _____																		
VIN: <table border="1" style="display: inline-table; border-collapse: collapse; text-align: center;"> <tr> <td style="width: 20px; height: 20px;">0</td> <td style="width: 20px; height: 20px;">2</td> <td style="width: 20px; height: 20px;">0</td> <td style="width: 20px; height: 20px;">3</td> <td style="width: 20px; height: 20px;">5</td> <td style="width: 20px; height: 20px;">1</td> <td style="width: 20px; height: 20px;"></td> <td style="width: 20px; height: 20px;"></td> <td style="width: 20px; height: 20px;"></td> <td style="width: 20px; height: 20px;"></td> <td style="width: 20px; height: 20px;"></td> <td style="width: 20px; height: 20px;"></td> <td style="width: 20px; height: 20px;"></td> <td style="width: 20px; height: 20px;"></td> <td style="width: 20px; height: 20px;"></td> <td style="width: 20px; height: 20px;"></td> </tr> </table> Title Restriction: ☐ Y ☐ N			0	2	0	3	5	1										
0	2	0	3	5	1													
Odometer: <table border="1" style="display: inline-table; border-collapse: collapse; text-align: center;"> <tr> <td style="width: 20px; height: 20px;"></td> <td style="width: 20px; height: 20px;"></td> <td style="width: 20px; height: 20px;"></td> <td style="width: 20px; height: 20px;"></td> <td style="width: 20px; height: 20px;"></td> <td style="width: 20px; height: 20px;"></td> </tr> </table> ☐ Miles ☐ Kilometers Odometer Accurate ☐ Y ☐ N: _____																		
Long Description: This Vehicle: ☐ Starts ☐ Starts with a Boost & ☐ Runs/Driveable ☐ Engine Runs ☒ Does Not Run ☐ For Parts Only Engine- Type: _____ L, V ☒ Gas ☒ Diesel Engine ☐ Propane/Natural Gas ☐ Gas/Electric Hybrid Engine Condition: ☐ Runs ☐ Needs repair ☐ is in unknown condition Repairs needed: _____ This vehicle was maintained every _____ ☐ Days ☐ Hours ☐ Miles Date Removed From Service: _____ Maintenance Records: ☐ Available ☐ Not Available For Inspection Transmission: ☐ Automatic ☐ Manual _____ Speed Condition: ☐ Operable ☐ Needs repair ☐ Is Unknown Condition Repairs Needed: _____ Drivetrain: ☐ 2 Wheel Drive ☐ 4 Wheel Drive Condition: _____																		
Exterior: Color: <u>yellow</u> Windows: ☐ No Cracked Glass ☐ Cracked _____ Minor: ☐ Dents ☐ Scratches ☐ Dings Tire Condition: _____ Tread: _____ #Flat _____ Hubcaps # _____ Major Damage to: _____ Additional Damage: _____ Decals: ☐ None ☐ Have Been Sprayed or ☐ Have been Removed & ☐ Impressions Remain ☐ No Impressions Emergency equip: ☐ None ☐ Has been removed & ☐ There are holes in the exterior ☐ There are no holes																		
Interior: Color _____ ☐ Cloth ☐ Vinyl ☐ Leather Damage to Seats: _____ Damage to Dash/Floor: _____ Radio: ☐ Stock or ☐ Brand & Model: _____ ☐ AM ☐ AM/FM ☐ AM/FM Cassette ☐ AM/FM CD ☐ AC (Condition: ☐ Cold ☐ Unknown) ☐ No AC Air Bags: ☐ Driver's Side ☐ Dual ☐ Cruise Control ☐ Tilt Steering ☐ Remote Mirrors ☐ Climate Control Power: ☐ Steering ☐ Windows ☐ Door Locks ☐ Seats																		
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Location of Asset: _____ For more information contact: _____ Reminder: Do not close items on or surrounding a Holiday, on Friday nights, or Weekends. Stagger closing times by 10 minutes.																		



Figure 1 F350



Figure 2 F350



Figure 3 F350



Figure 4 Chevy Impala



Figure 5 Chevy Impala



Figure 6 F150



Figure 7 F150



Figure 8 F150



Figure 9 F150





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Boynton Beach, FL	Jacksonville, FL
Clearwater, FL	Orlando, FL
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FLOWERY BRANCH CITY COUNCIL

EXECUTIVE SUMMARY



SUBJECT: Consider Second Reading of Ordinance #20-621 a rezoning request submitted by Eberly & Associates.

COUNCIL MEETING DATE: January 7, 2021

HISTORY:

The first read was approved on December 17, 2020 by Council.

FACTS AND ISSUES:

The request is to rezone the majority of two parcels of land (08070 001002 & 08073 000004A) from A (agricultural) to M-1 (Light Industrial). The project calls for 611,200 SF distribution center and a 45,000 SF office space.

Details of the ingress/egress are provided by the applicant (attached below) to answer any questions Council may have.

OPTIONS:

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

No

AMOUNT AND SOURCE OF FUNDS:

RECOMMENDATION:

Approve ordinance #20-621 as submitted and conditioned.

SAMPLE MOTION:

I make a motion to approve ordinance #20-621 as submitted and conditioned.

COLLABORATING DEPARTMENT:

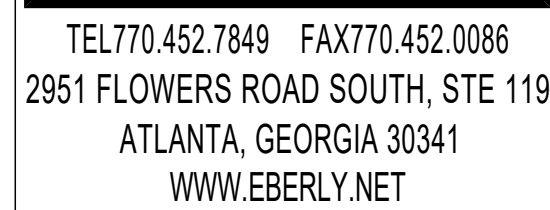
DEPARTMENT: Planning

Prepared by: Vickie Short

ATTACHMENTS

- [20201221_Scannell Falcon Pkwy_RinRout Exhibit.pdf](#)
- [20201221_Scannell Falcon Pkwy_Full Movement Exhibit.pdf](#)
- [Staff Report .pdf](#)

- [Rezoning Ordinance 20-621.pdf](#)



LAND PLANNING
CIVIL ENGINEERING
LANDSCAPE ARCHITECTURE

PROJECT: PROJECT FALCON

LAND LOT 72
8TH DISTRICT
HALL COUNTY, GEORGIA
ADDRESS

REVISIONS:

[illegible]

DRIVEWAY 1 LAYOUT & STAKING PLAN

PROJECT NO.	19-036
-------------	--------

SHEET NO.

G3.0

NOT ISSUED FOR
CONSTRUCTION

OWNER/DEVELOPER

IAN MACDONALD
5949 SHERRY LANE
SUITE #1550
DALLAS, TX 75225
317-843-5959
IANM@SCANNELLPROPERTIES.COM

ENGINEER

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

24 HOUR CONTACT

MIKE DIMOND
770-344-7633
MDIMOND@EVANS-GC.COM

FALCON PARKWAY
A.K.A. U.S. HWY #23
A.K.A. S.R. #13
(PUBLIC R/W VARIES)
SPEED LIMIT = 45 MPH

EXISTING RIGHT OF WAY

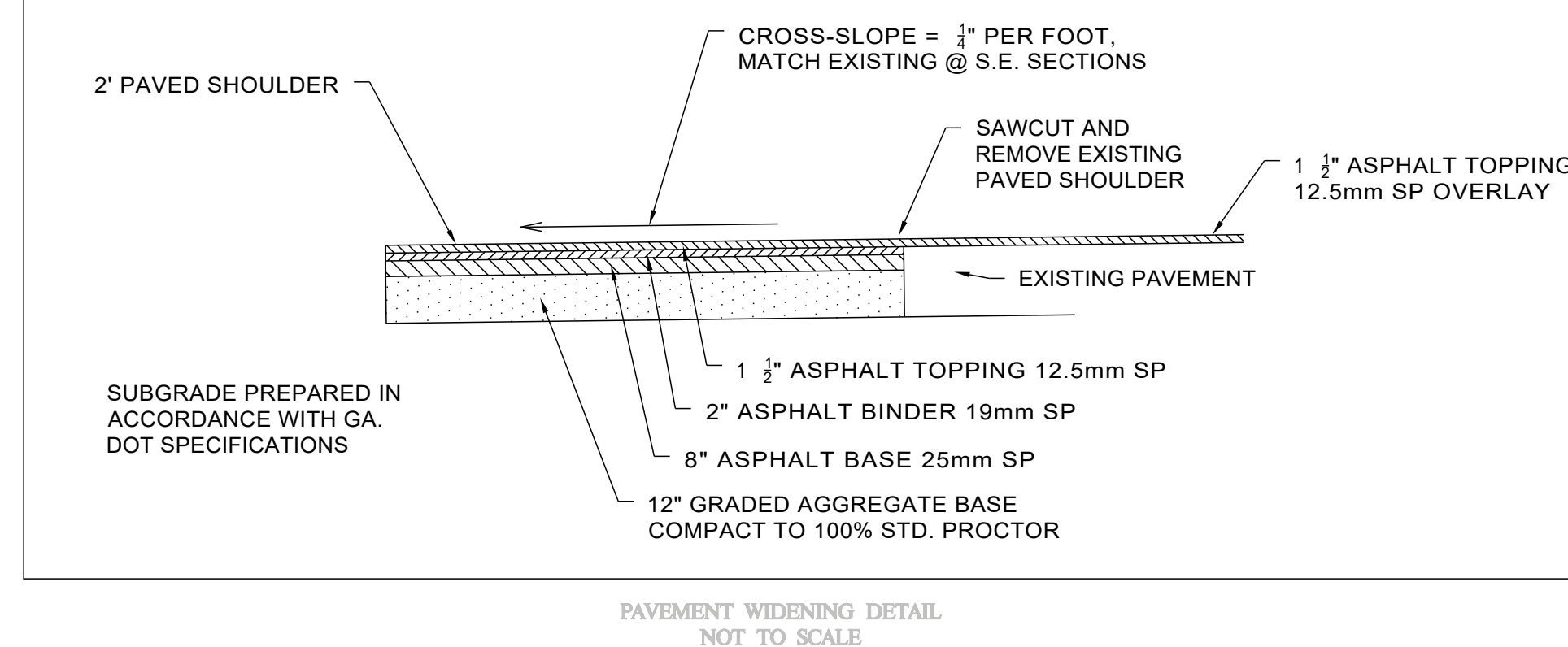
PROPOSED RIGHT-TURN LANE

PROPOSED LEFT-TURN LANE

EXISTING DRIVEWAY AT DAY CARE

FALCON PARKWAY
A.K.A. U.S. HWY #23
A.K.A. S.R. #13
(PUBLIC R/W VARIES)
SPEED LIMIT = 45 MPH

TYPICAL PAVEMENT WIDENING SECTION

PAVEMENT WIDENING DETAIL
NOT TO SCALE

GEORGIA D.O.T. NOTE

THE WORK AUTHORIZED MUST BEGIN WITHIN THREE MONTHS AND BE COMPLETED WITHIN TWELVE MONTHS ON A SCHEDULE SATISFACTORY TO THE DEPARTMENT FROM THE PERMIT APPROVAL DATE AND THE PERMIT SHALL BE MODIFIED TO REFLECT THE SCHEDULE.

THE FOLLOWING WILL NOT BE ALLOWED ON OR RIGHT-OF-WAY: 1) DIVERSION OF ADDITIONAL DRAINAGE AREA ONTO THE RIGHT-OF-WAY, OR INCREASE IN THE CFS OF CURRENT VOLUMES OF WATER FLOWING THROUGH THE RIGHT-OF-WAY; 2) INSTALLATION OF NEW OR EXISTING PUMP-OUT STATIONS, DEVICES, AND OTHER STRUCTURES WHICH ARE DESIGNED, INTENDED, OR USED TO ADVERTISE OR PROMOTE A BUSINESS OR SERVICE; 3) INSTALLATION OF ANY STRUCTURE OR SIGNAGE OF ANY KIND.

ALL EXISTING UTILITIES WHICH WOULD BE UNDER NEW PAYMENT OR IN ACCELERATION/DECELERATION LINES SHALL BE RELOCATED BEFORE FINAL GRADING OR PAVING AND SHALL BE PROTECTED BY AN EROSION CONTROL MEASURE.

CONSTRUCTION OF EROSION CONTROL BARRIERS PER GEORGIA DEPARTMENT OF NATURAL RESOURCES CODE 39-2-37 AND SHALL BE MAINTAINED UNTIL PERMANENT VEGETATION IS ESTABLISHED.

APPLICANT SHALL RESTORE ALL EXISTING SIGNS AND REGARDS TO TOPO SPECIFICATIONS ALL RIGHT-OF-WAY AND ADJACENT PROPERTY TO ORIGINAL CONDITION.

THE PERMIT APPLICANT IS RESPONSIBLE FOR REPLACEMENT OF ALL EXISTING PAVING MARKINGS DAMAGED BY THE PERMIT CONSTRUCTION AND THE ADDITION OF NEW PAVING MARKINGS AND OR ROADWAYS TO THE RIGHT-OF-WAY.

ALL CRUISE DISBURSALS SHALL BE FILLED TO THE TOP OF CURB WITH TOP SOIL, AND CLASSIFIED; NOTE: THIS APPROVAL DOES NOT ALLOW ANY WORK ON STATE RIGHT-OF-WAY IN CONNECTION WITH UTILITY LINE OR CULVERTS.

REQUIRED PAVEMENT SPECIFICATIONS

NOTICE

THIS PERMIT IS APPROVED SUBJECT TO THE REVISIONS AND COMMENTS SHOWN IN RED ON THE ATTACHED PLAN COPY AND SHALL REMAIN DEPENDENT UPON COMPLIANCE WITH THESE:

NO WORK WILL BE COMPLETED UNDER THIS PERMIT WITHIN THE CONSTRUCTION LIMITS OF ANY LOT OR LOT SUBDIVISION UNLESS THE FOLLOWING SPECIAL REQUIREMENTS ARE MET:

THE MAINTENANCE OF THE DRIVEWAY FROM THE NORMAL EDGE OF PAVEMENT IS THE RESPONSIBILITY OF THE PERMITTEE.

OVERLAY SHALL BE AS DIRECTED BY GDOT PERMIT INSPECTOR.

ALL SIDEWALKS, CROWNWALKS AND RAMPS SHALL MEET ADA STANDARDS GDOT DETAILS.

THE APPLICANT IS RESPONSIBLE TO OBTAIN ALL NECESSARY ENVIRONMENTAL APPROVALS PRIOR TO ANY WORK OR STATE ANY.

ALL WORK PERFORMED WITHIN GDOT R/W SHALL CONFORM TO GDOT STANDARDS AND DETAILS.

LEFT TURN NOTE

- THE PROPOSED LEFT TURN LANE INTO DRIVEWAY 1 REQUIRES A 270' APPROACH AND DEPARTURE TAPER PER THE GDOT DRIVEWAY AND ENCROACHMENT MANUAL TABLE 4-9. HOWEVER, THIS PROPOSED TAPER MERGES WITH AN EXISTING TAPER FOR AN EXISTING WESTBOUND LEFT-TURN LANE WEST OF THIS PROJECT. THE OVERALL LENGTH OF THE COMBINED TAPERS EXCEEDS THE 270' REQUIREMENT.

NOTES

1. ALL DIMENSIONS SHOWN ARE FROM FACE OF BUILDING, CURB, OR WALL UNLESS OTHERWISE NOTED.
2. GDOT STATE ROUTE IMPROVEMENTS SET TO INCLUDE PAVING, GRADING, STRIPING DETAILS FOR WORK WITHIN RIGHT-OF-WAY, TO BE APPROVED BY GDOT PRIOR TO ANY COMMENCEMENT OF WORK WITHIN THE RIGHT-OF-WAY.

PAVING LEGEND

CONCRETE PAVING

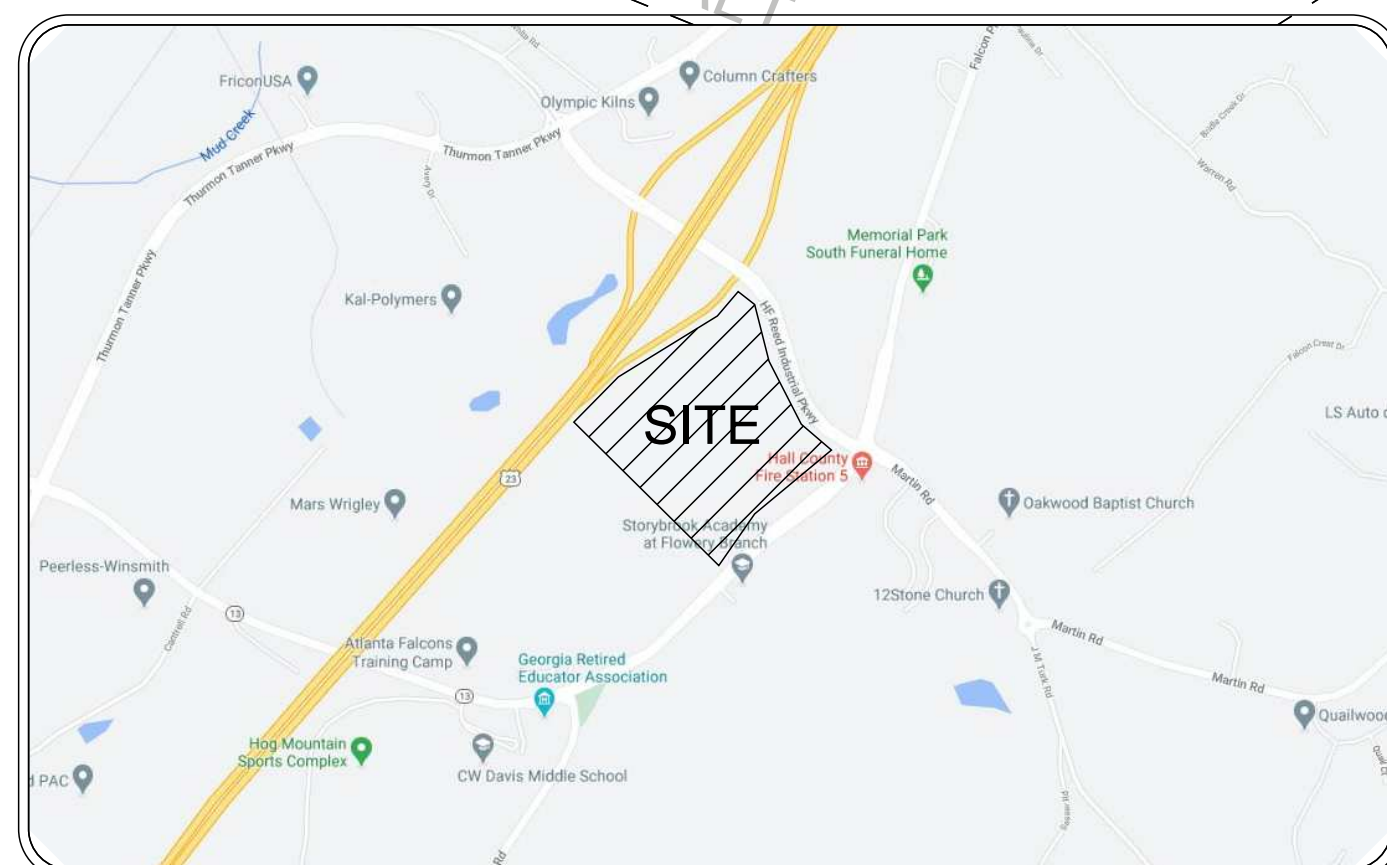
GRAPHIC SCALE

(IN FEET)
1 inch = 20 ft

CALL 811
FREE THROUGHOUT
THE U.S.A.
THREE WORKING DAYS
BEFORE YOU DIG

Know what's below.
Call before you dig.

LOCATION MAP
N.T.S.



G:\PROJECTS\2019\19-036 Scannell Falcons Parkway Flowery Branch\5.0 Drawing\5.6 Old\30x42 Base GDOT Exhibit for M&C.dwg December 21, 2020

19



Applicant: Eberly & Associates on behalf of Scannell Properties, LLC.

Property Owners: Banks

Subject Property: Portion of 0000 Falcon Parkway; 08070 001002, 69.68 +/- acres
Portion of 0000 Falcon Parkway; 08073 000004A, 11.1 +/- acres

Request: Rezone from A (Agricultural) to M1 (Light Industrial) with the intend to construct a distribution facility and office.

Current Use: Vacant

Character Area: Activity Center

Description of Request:

The request is to rezone both parcels 08070-001002 & 08073-000004A from Agriculture (A) to M-1 (light Manufacturing & Industrial).

The proposed project consists of construction of single distribution facility totaling approximately 611,200 SF, 43,000 SF of dedicated office space, and a 192,000 building pad for future expansion. This facility with include on-site parking lot, landscape areas, and above ground stormwater detention pond.

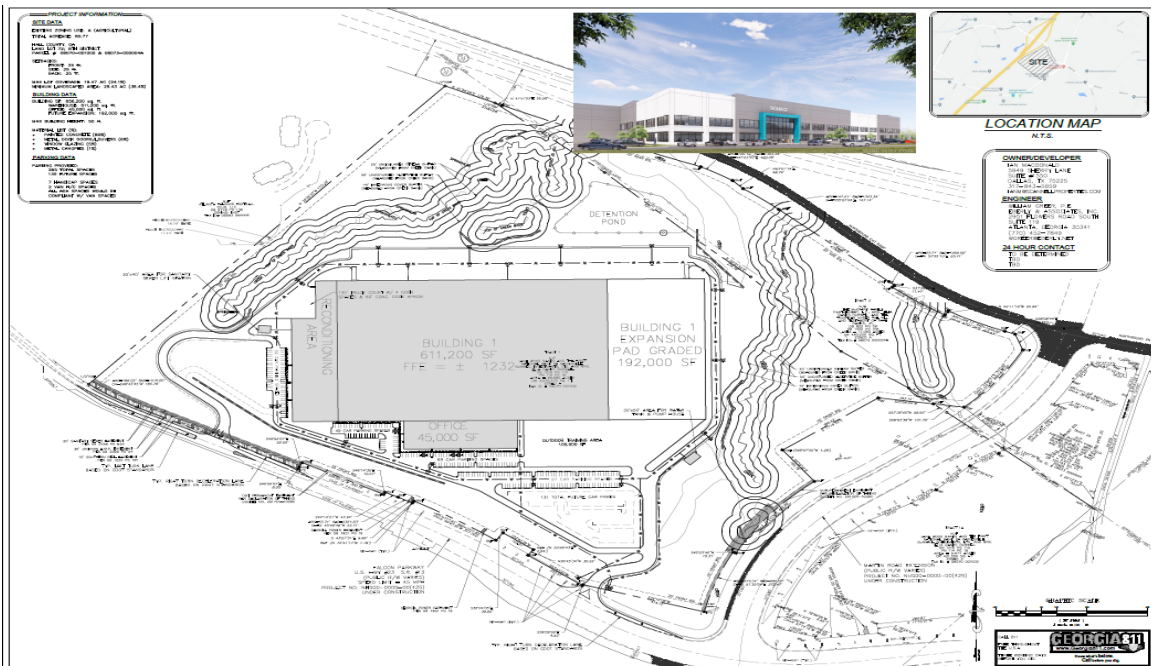
Below is information on the subject properties proposed to be rezoned:

08070-001002

Owner: Jane Wood R/A Banks
C/O Region Bank Trust Department
PO Box 937
Gainesville, GA 30503-0937
Site Area: 69.676 Acres

08073-000004A

Owner: Dr Rafe Jr Est R/A Banks Et. Al
C/O Region Bank Trust Department
PO Box 937
Gainesville, GA 30503-0937
Site Area: 11.094 Acres





Rezoning Analysis (from applicant):

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

The proposed project consists of construction of a single distribution warehouse facility that totals to approximately 611,200 SF, 43,000 SF of dedicated office space and includes a future bldg. pad of 192,000 for future expansion. This project is accompanied by adjacent employee parking lot, landscape areas, and an above ground stormwater detention facility will be included as well. The rezoning to M-1 (light Manufacturing & Industrial) will permit a use that is suitable in view of the use and development of adjacent & nearby properties. Our subject site will be bordered to the South by the Atlanta Falcons training grounds, bordered to the West, East, and North by existing and future roadways which are currently under construction as part of the Martin Road extension.

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

The zoning proposal will not adversely affect the existing use or usability of adjacent or nearby properties. Development of the project site will abide by City of Flowery Branch standards in regards to setbacks, buffers, etc., to give adequate separation from adjacent parcels, and ensure surround neighborhoods are not adversely affected. Additionally, there are state waters located on-site that will act as natural buffers between our development and neighboring properties.

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

The proposed project can be used in accordance with City of Flowery Branch Regulations, and will be an improvement from an economic standpoint by being rezoned and developed.

- 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.**

No – the current improvements being completed by the Georgia Department of Transportation increases the amount of lanes, adds a signalized intersection, and allows for much desired direct access to Interstate 985. However, it should be noted that the proposed distribution facility will increase the vehicular traffic on Falcon Parkway. The existing areas surrounding the property are heavily wooded, and some undeveloped. The road in and out of the site is not currently a high-volume traffic road. This project will trigger a DRI which will ensure that the future development accounts for traffic volume.



- 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.

No conflict has been indicated between the proposal and the comprehensive plan, including the character area map. Subject properties are not within the limits of any character areas in City of Flowery Branch.

- 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.

No existing or changing conditions is anticipated to affect the use and development of the property.

- g) Existing Use(s) and zoning of the subject property and nearby properties.

The proposed project includes two (2) parcels:

- Parcel 08070-001002 is within City of Flowery Branch City Limits, currently undeveloped, and zoned A (Agricultural).
- Parcel 08073-000004A is within City of Flowery Branch City Limits, currently undeveloped and zoned A (Agricultural).

Two developed parcel border our proposed project:

- Parcel 08093 000006, currently developed and owned by Atlanta Falcons Football Club, LLC, and zoned INST (Institutional)
- Parcel 08070 001003, currently developed and owned by Atlanta Falcons Football Club, LLC, and zoned INST (Institutional)

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

The extent under which the current value being affected by the existing zoning cannot be determined by the applicant at this time. It is assumed that development of the subject properties will not bring down the property value.

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

No deterrence to the value and improvement of adjacent properties is anticipated.

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

There are currently nearby districts with properties that are zoned M-1 (Light Manufacturing & Industrial); therefore, proposed development will not create an isolated zoning district.

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

No adverse effects on the character of the zoning district is anticipated.

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

The proposed zoning request will not adversely impact the environment and surrounding



natural resources. There will be limited disturbance to streams and wetlands on-site. This will require our proposed development to apply for a nationwide permit with the USACE and it will be our intent to pull a nationwide permit prior to obtaining a LDP from the City of Flowerly Branch. Drainage and stormwater flow reduction will be taken into consideration during site design. A detailed Erosion, Sedimentation, and pollution control plan will be designed to protect adjacent parcels from future construction activities, and prevent soil erosion and water quality impact.

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

Zoning proposal will be in compliance with City of Flowerly Branch zoning ordinance, and Comprehensive Plan.

Rezoning Analysis (Staff):

Flowerly Branch Zoning Ordinance Article 37 Rezoning and Conditional Use Applications

Sec. 34.7. - Analysis Requirements.

Applications to amend the official zoning map and applications for conditional uses shall provide a written analysis comparing the proposed action with the criteria in this Section. A zoning map amendment or conditional use application may be justified only if it bears a reasonable relationship to the public health, safety, morality, or general welfare, and after consideration of the analysis requirements which may in individual cases be considered criteria relevant to Zoning Administrator in making recommendations and by the Governing Body in the decision-making process.

Staff Response:

- (a) Whether the proposal will permit a use that is suitable in view of the use and development of adjacent and nearby property. **Yes, an industrial use is appropriate for this site and the surrounding area.**
- (b) Whether the proposal will adversely affect the existing use or usability of adjacent or nearby property. **The development will not adversely affect the area and will in fact enhance it.**
- (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. **Yes, current zoning of A (Agricultural) could be used in accordance with the current rules and regulations of that zoning district.**



- (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. *It is staff's opinion that the use will not create any unnecessary burdens.*
- (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. *Currently, the Comprehensive Plan denotes this area as part of the "Activity Center" character area. The proposed use meets the intent of the Comprehensive Plan.*
- (f) Whether there are other existing or changing conditions affecting the use and development of the property which give supporting grounds for either approval or disapproval of the proposal. *No*
- (g) Existing use(s) and zoning of the subject property and nearby properties. *Currently vacant the proposed use will fit in well with the corridor.*
- (h) Existing value of the property under the existing zoning district classification, the extent to which the property value of the subject property is diminished by the existing zoning district, and the value of the property under the proposed zoning district; if such information is provided by the applicant or can be discerned. This consideration may include the length of time the property has been vacant or unused as currently zoned and efforts taken by the property owner(s) to use the property or sell the property under the existing zoning district classification. *Staff does not have a specific number regarding property value, but the current zoning classification of Agricultural does not allow the proposed light industrial use. The M-1 classification is a more realistic zoning designation for this area*
- (i) Whether a proposed zoning map amendment or conditional use approval will be a deterrent to the value or improvement of development of adjacent property in accordance with existing regulations. *Staff does not feel that the proposed will be a deterrent.*
- (j) The possible creation of an isolated zoning district unrelated to adjacent and nearby districts. *N/A*
- (k) Possible effects of the change in zoning district map, or change in use, on the character of a zoning district. *The proposed use will enhance the character of the existing district in staff's opinion.*
- (l) The possible impact on the environment, including but not limited to, drainage, soil erosion and sedimentation, flooding, air quality and water quality. *The development, if approved, will need to go through all the required development reviews to ensure all applicable codes and requirements are met.*
- (m) The relation that the proposed map amendment or conditional use bears to the purpose of the overall zoning scheme and the purposes of this Zoning Ordinance. *The proposed development will enhance the surrounding area and meet the intent of the Zoning Ordinance.*



Signs posted on 11/20/2020

Ad run on 11/11/2020

Public Hearing Published 11/11/20
Public Hearing 12/17/20

First Reading 12/17/20
Adopted 01/21/21

ORDINANCE NO. 20-621

AN ORDINANCE AMENDING THE ZONING MAP OF THE CITY OF FLOWERY BRANCH, GEORGIA, BY REZONING A PORTION OF A PARCEL OF REAL PROPERTY OWNED BY JANE WOOD R/A BANKS ET AL IDENTIFIED AS 0000 FALCON PARKWAY, TAX PARCEL 08070 001002 TOTALING 69.68 +/- ACRES TO BE REZONED FROM AGRICULTURAL (A) TO LIGHT INDUSTRIAL (M1) AND AS SHOWN ON ATTACHED EXHIBIT “A”, AND AS DESCRIBED ON ATTACHED EXHIBIT “B” AND AS CONDITIONED ON ATTACHED EXHIBIT “C”; PROVIDING FOR SEVERABILITY, REPEALING CONFLICTING ORDINANCES, PROVIDING FOR AN EFFECTIVE DATE AND FOR ALL OTHER LAWFUL PURPOSES.

WHEREAS, Jane Wood R/A Banks Et Al owns all tracts or parcel of land totaling 69.68 +/- acres identified as Parcel Tax Identification No. 08070 001002, as shown on Exhibit “A”, and as described on Exhibit “B”; and

WHEREAS, Mr. William Greer on behalf of Scannell-Falcon Properties, LLC has submitted to the City Council of Flowery Branch, Georgia, a written and signed application requesting to be rezoned and whereas a survey and complete description of the land to be rezoned is included in the application; and

WHEREAS, the City Council held a public hearing at the meeting of December 17, 2020, 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 rezoning from Agricultural (A) to Light Industrial (M1) 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 currently zoned A; 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 development under the current zonings as opposed to M1.
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 DESCRIPTIONS AND CONDITIONS.

The rezoning of the subject parcel, as shown on Exhibit “A” and as legally described in Exhibit “B”, from Agricultural (A) to Light Industrial (M1) and as conditioned in Exhibit “C”. Said Exhibits are incorporated.

SECTION 3. AMENDMENT OF THE ZONING MAP.

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

SECTION 4. SEVERABILITY.

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

SECTION 5. EFFECTIVE DATE.

The effective date of this Ordinance shall be January 21st, 2021.

SECTION 6. REPEALER.

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

Approved this 21st day of January 2021.

James M. Miller, Mayor

Vickie Short, City Clerk

APPROVED AS TO FORM

E. Ronald Bennett, City Attorney

Exhibit "A"

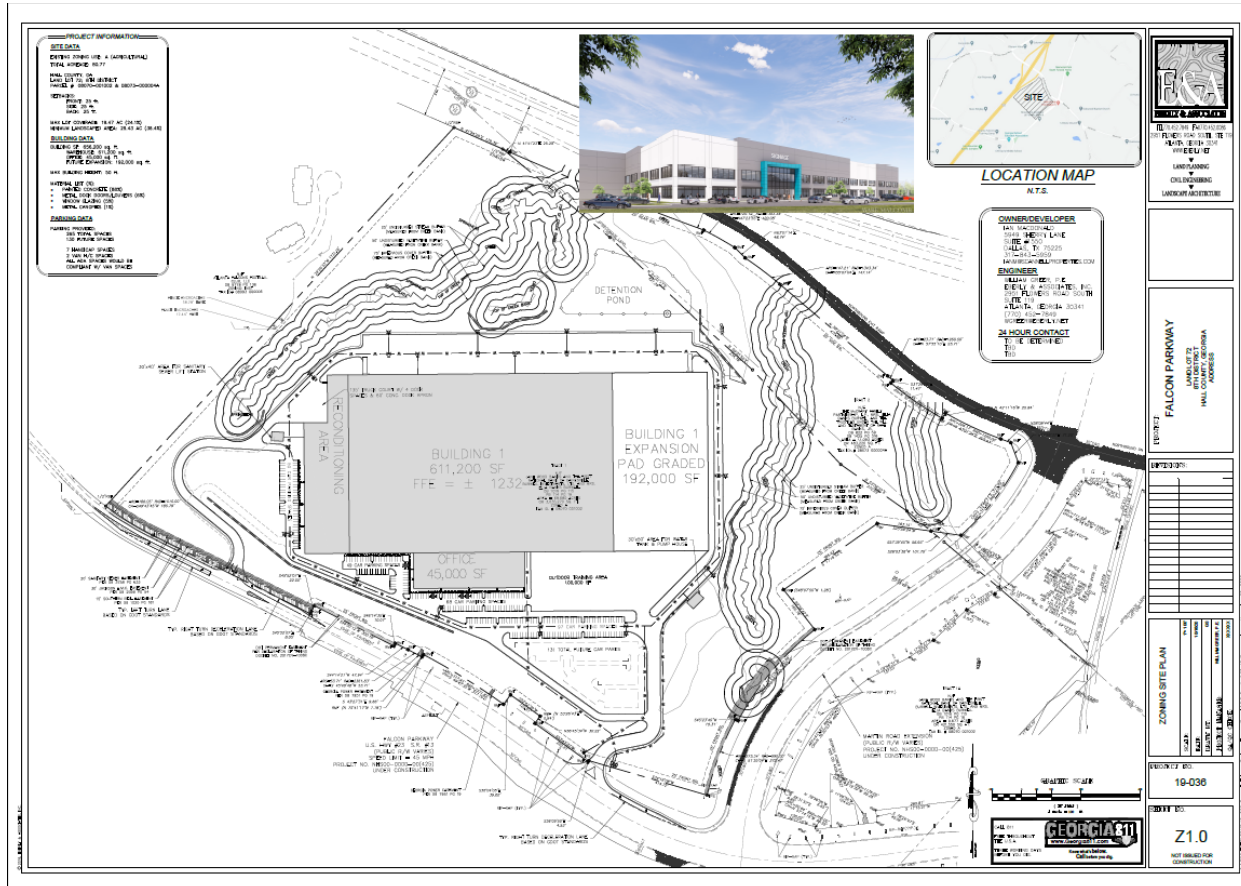


Exhibit "B"

LEGAL DESCRIPTION - TRACT 1

All that tract or parcel of land lying and being in Land Lot 72 of the 8th Land District, City of Flowery Branch, Hall County, Georgia, said tract or parcel of land being more fully shown and designated on a plat of survey prepared by Valentino & Associates, Inc. (Job #19-017; Drawing/File #19-017), bearing the seal of Glenn A. Valentino, Ga. Registered Land Surveyor #2528, and being more particularly described, with bearings relative to Grid North, Georgia West Zone, as follows:

TO FIND THE POINT OF BEGINNING, COMMENCE at a 2" open top pipe found at the common corner of Land Lots 69, 70, 72 and 73;
THENCE South 58 degrees 29 minutes 26 seconds West for a distance of 379.22 feet to a computed point on the northeasterly right-of-way line of Martin Road Extension (public r/w varies);
THENCE South 58 degrees 29 minutes 26 seconds West for a distance of 10.76 feet to a computed point;
THENCE South 57 degrees 52 minutes 05 seconds West for a distance of 237.10 feet to a computed point;
THENCE South 57 degrees 39 minutes 45 seconds West for a distance of 56.93 feet to a concrete r/w monument found on the northwesterly right-of-way line of aforesaid Martin Road Extension, said concrete r/w monument found being the POINT OF BEGINNING.

THENCE proceeding along said northwesterly right-of-way line of Martin Road Extension South 25 degrees 59 minutes 24 seconds West for a distance of 183.15 feet to a concrete r/w monument found;
THENCE South 17 degrees 16 minutes 53 seconds East for a distance of 385.63 feet to a computed point, said computed point being witnessed by a concrete r/w monument found lying South 48 degrees 07 minutes 50 seconds West for a distance of 1.28 feet;
THENCE North 69 degrees 59 minutes 42 seconds East for a distance of 169.78 feet to a concrete r/w monument found;
THENCE along a curve to the left having a radius of 980.00 feet for an arc distance of 403.54 feet (said arc being subtended by a chord of South 31 degrees 53 minutes 00 seconds East for a distance of 400.69 feet) to a concrete r/w monument found;
THENCE South 45 degrees 23 minutes 40 seconds West for a distance of 10.31 feet to a concrete r/w monument found;
THENCE along a curve to the left having a radius of 990.00 feet for an arc distance of 273.34 feet (said arc being subtended by a chord of South 51 degrees 35 minutes 04 seconds East for a distance of 272.47 feet) to a 1/2" Iron pin set at the intersection of the northwesterly right-of-way line of Falcon Parkway (S.R. #13, public r/w varies);
THENCE proceeding southwesterly along the northwesterly right-of-way line of said Falcon Parkway South 34 degrees 16 minutes 08 seconds West for a distance of 414.72 feet to a 1/2" Iron pin set;
THENCE South 36 degrees 09 minutes 50 seconds East for a distance of 4.53 feet to a concrete r/w monument found;
THENCE South 53 degrees 43 minutes 37 seconds West for a distance of 220.91 feet to a concrete r/w monument found;
THENCE North 36 degrees 45 minutes 34 seconds West for a distance of 30.22 feet to a computed point, said computed point being witnessed by a concrete r/w monument found lying North 53 degrees 26 minutes 43 seconds East for a distance of 0.94 feet;
THENCE South 53 degrees 42 minutes 30 seconds West for a distance of 122.61 feet to a concrete r/w monument found;
THENCE South 36 degrees 04 minutes 05 seconds East for a distance of 39.60 feet to a concrete r/w monument found;
THENCE along a curve to the left having a radius of 2371.83 feet for an arc distance of 317.93 feet (said arc being subtended by a chord of South 49 degrees 47 minutes 30 seconds West for a distance of 317.70 feet) to a concrete r/w monument found;
THENCE South 43 degrees 27 minutes 31 seconds East for a distance of 9.66 feet to a computed point, said computed point being witnessed by a concrete r/w monument found lying North 75 degrees 41 minutes 17 seconds West for a distance of 1.18 feet;
THENCE along a curve to the left having a radius of 2361.83 feet for an arc distance of 53.71 feet (said arc being subtended by a chord of South 45 degrees 48 minutes 48 seconds West for a distance of 53.71 feet) to a concrete r/w monument found;
THENCE South 44 degrees 14 minutes 21 seconds West for a distance of 47.94 feet to a concrete r/w monument found;
THENCE South 46 degrees 14 minutes 35 seconds East for a distance of 10.07 feet to a concrete r/w monument found;
THENCE South 44 degrees 50 minutes 12 seconds West for a distance of 300.18 feet to a concrete r/w monument found;
THENCE South 45 degrees 52 minutes 07 seconds East for a distance of 22.05 feet to a concrete r/w monument found;
THENCE South 45 degrees 52 minutes 07 seconds East for a distance of 8.05 feet to a 1/2" Iron pin set;
THENCE South 44 degrees 27 minutes 31 seconds West for a distance of 592.97 feet to a 1/2" Iron pin set;
THENCE along a curve to the right having a radius of 1010.00 feet for an arc distance of 186.57 feet (said arc being subtended by a chord of South 49 degrees 42 minutes 52 seconds West for a distance of 186.31 feet) to a 1/2" Iron pin set;
THENCE departing said right-of-way line of Falcon Parkway North 29 degrees 20 minutes 52 seconds West for a distance of 1731.04 feet to a 1/2" Iron pin found on the southeasterly right-of-way line of Interstate 985 (S.R. #365, limited access public r/w varies);
THENCE proceeding northeasterly along said right-of-way line of Interstate 985 North 41 degrees 54 minutes 20 seconds East for a distance of 179.39 feet to a 1/2" rebar found;
THENCE departing said right-of-way line of Interstate 985 North 57 degrees 26 minutes 46 seconds East for a distance of 467.26 feet to a computed point;
THENCE North 61 degrees 32 minutes 17 seconds East for a distance of 421.28 feet to a computed point;
THENCE North 59 degrees 35 minutes 50 seconds East for a distance of 234.18 feet to a computed point;
THENCE North 64 degrees 56 minutes 32 seconds East for a distance of 435.28 feet to a computed point;
THENCE North 53 degrees 08 minutes 22 seconds East for a distance of 272.69 feet to a computed point;
THENCE North 57 degrees 39 minutes 45 seconds East for a distance of 105.28 feet to a concrete r/w monument found on the aforesaid right-of-way line of Martin Road Extension, said concrete r/w monument found being the POINT OF BEGINNING.

Said tract or parcel of land contains 69.680 acres or 3,035,270 square feet.

Conditions of Zoning

- [illegible]

2. Sewer shall be provided by the City of Flowery Branch
3. Landscape plan is required at time of land disturbance permit review
4. Lighting plan is due prior to the issuance of a building permit
5. Uniform sign plan is required prior to the issuance of a certificate of occupancy
6. An easement for a 12'-14' bicycle/pedestrian path shall be provided prior to the issuance of a building permit; said easement shall run the length of the subject property and shall be submitted and approved by City of Flowery Branch staff



FLOWERY BRANCH CITY COUNCIL

EXECUTIVE SUMMARY



SUBJECT: Consider Second Reading of Ordinance #20-622 a rezoning request submitted by Eberly & Associates.

COUNCIL MEETING DATE: January 7, 2021

HISTORY:

This is the second read and vote for the rezoning. It was approved at the December 17, 2020 Council meeting.

FACTS AND ISSUES:

Council had questions concerning how the ingress/egress would function for this project. The applicant has supplied some details (attached).

OPTIONS:

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

No

AMOUNT AND SOURCE OF FUNDS:

RECOMMENDATION:

Approve ordinance #20-622

SAMPLE MOTION:

I make a motion to approve ordinance#20-622 as submitted and conditioned by staff.

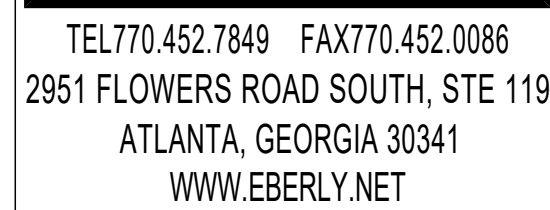
COLLABORATING DEPARTMENT:

DEPARTMENT: Planning

Prepared by: Vickie Short

ATTACHMENTS

- [20201221_Scannell Falcon Pkwy_Full Movement Exhibit.pdf](#)
- [20201221_Scannell Falcon Pkwy_RinRout Exhibit.pdf](#)
- [Staff Report .pdf](#)
- [Rezoning Ordinance 20-622.pdf](#)



LAND PLANNING
CIVIL ENGINEERING
LANDSCAPE ARCHITECTURE

PROJECT: PROJECT FALCON
LAND LOT 72
8TH DISTRICT
HALL COUNTY, GEORGIA
ADDRESS

REVISIONS:

[illegible]

DRIVEWAY 1 LAYOUT & STAKING PLAN

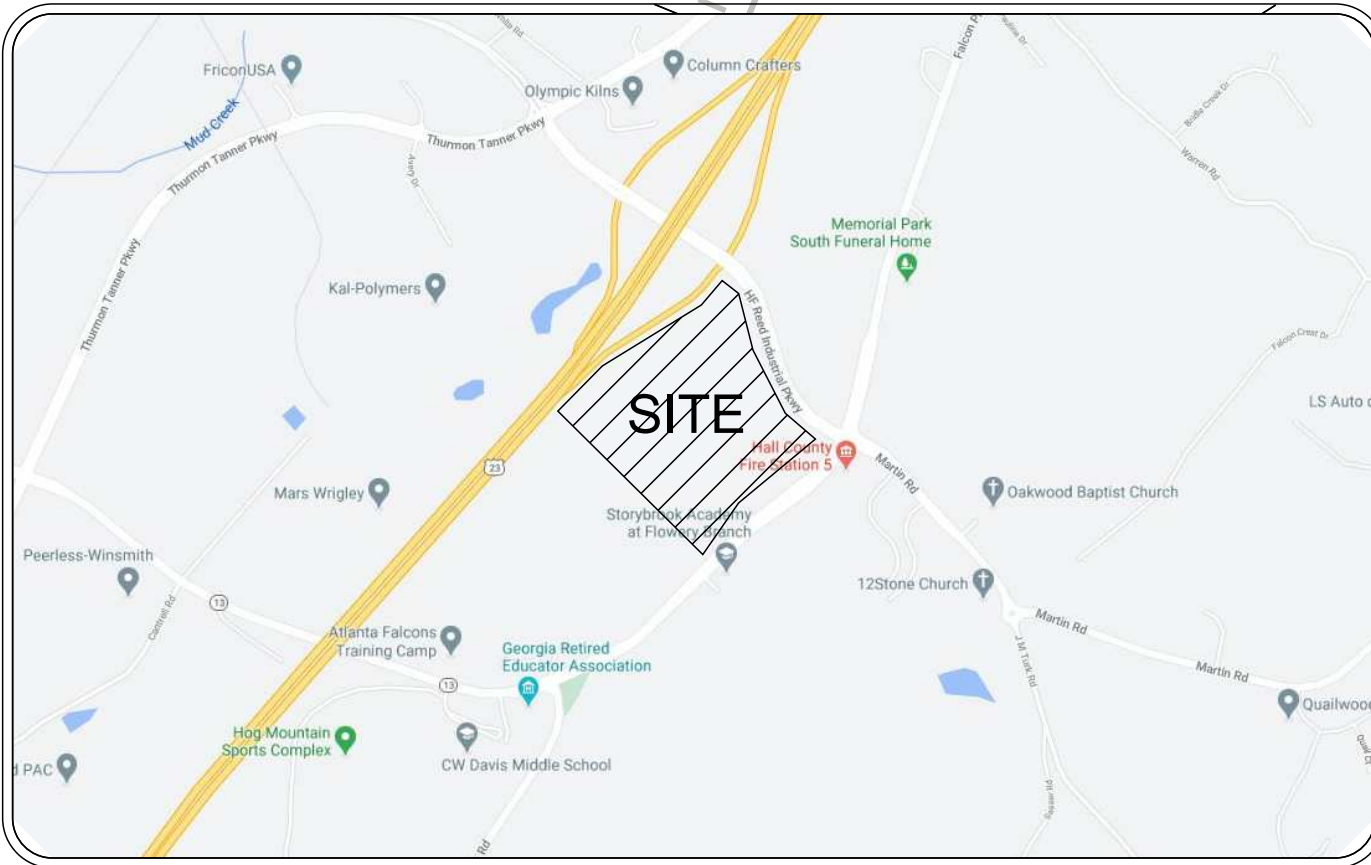
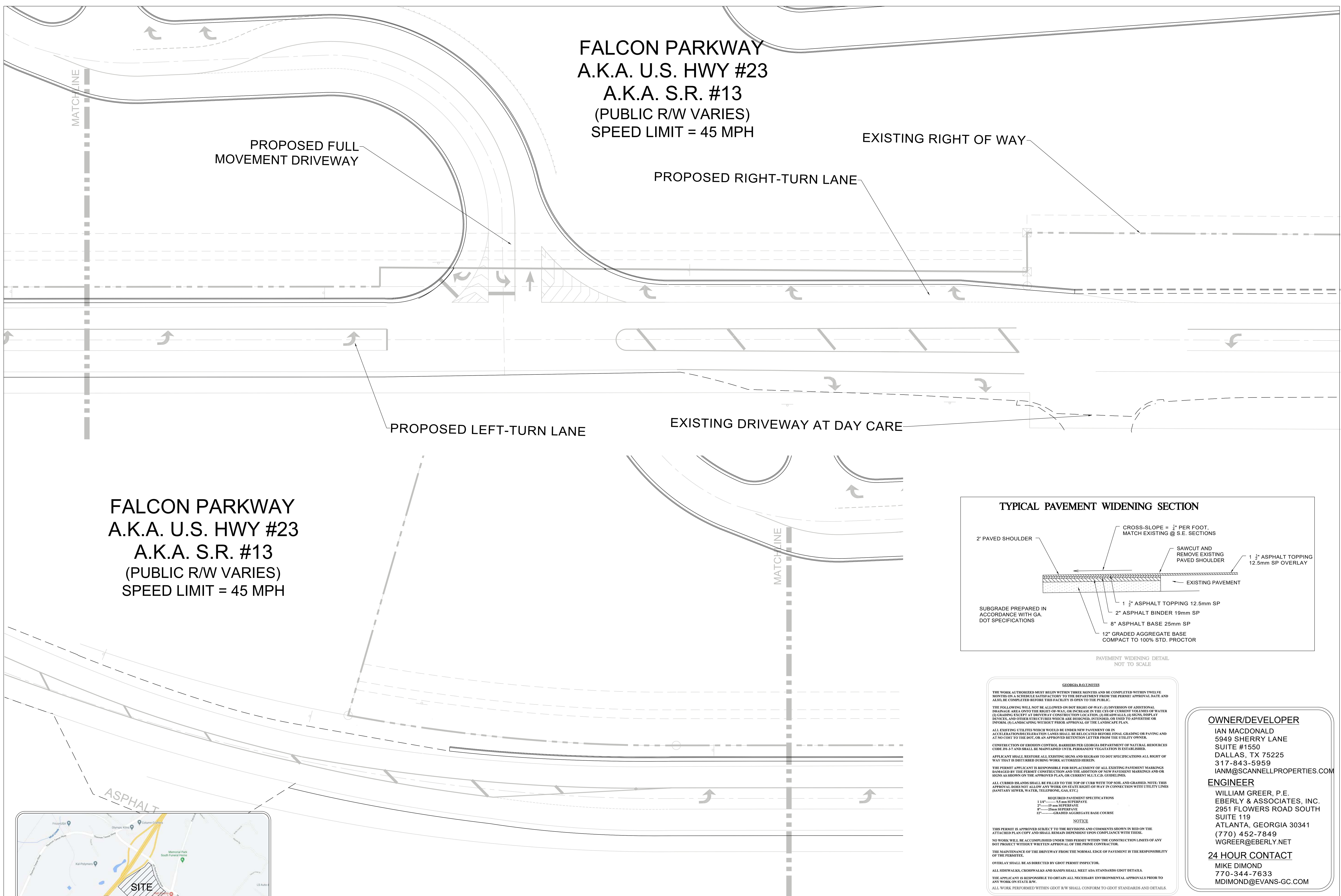
PROJECT NO.

19-036

SHEET NO.

G3.0

NOT ISSUED FOR
CONSTRUCTION



LOCATION MAP
N.T.S.

LEFT TURN NOTE

- THE PROPOSED LEFT TURN LANE INTO DRIVEWAY 1 REQUIRES A 270° APPROACH AND DEPARTURE TAPER PER THE GDOT DRIVEWAY AND ENCROACHMENT MANUAL TABLE 4-9. HOWEVER, THIS PROPOSED TAPER MERGES WITH AN EXISTING TAPER FOR AN EXISTING WESTBOUND LEFT-TURN LANE WEST OF THIS PROJECT. THE OVERALL LENGTH OF THE COMBINED TAPERS EXCEEDS THE 270° REQUIREMENT.

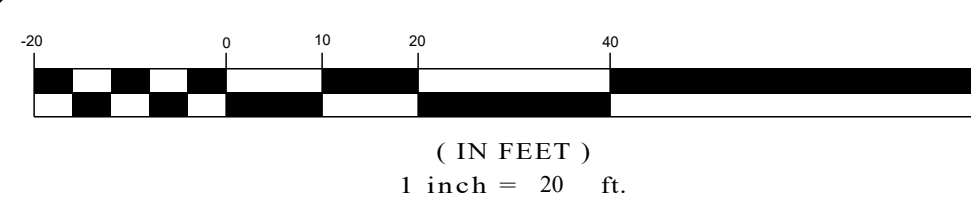
NOTES

1. ALL DIMENSIONS SHOWN ARE FROM FACE OF BUILDING, CURB, OR WALL UNLESS OTHERWISE NOTED.
2. GDOT STATE ROUTE IMPROVEMENTS SET TO INCLUDE PAVING, GRADING, STRIPING DETAILS FOR WORK WITHIN RIGHT-OF-WAY, TO BE APPROVED BY GDOT PRIOR TO ANY COMMENCEMENT OF WORK WITHIN THE RIGHT-OF-WAY

PAVING LEGEND



GRAPHIC SCALE



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Applicant: Eberly & Associates on behalf of Scannell Properties, LLC.

Property Owners: Banks

Subject Property: Portion of 0000 Falcon Parkway; 08070 001002, 69.68 +/- acres
Portion of 0000 Falcon Parkway; 08073 000004A, 11.1 +/- acres

Request: Rezone from A (Agricultural) to M1 (Light Industrial) with the intend to construct a distribution facility and office.

Current Use: Vacant

Character Area: Activity Center

Description of Request:

The request is to rezone both parcels 08070-001002 & 08073-000004A from Agriculture (A) to M-1 (light Manufacturing & Industrial).

The proposed project consists of construction of single distribution facility totaling approximately 611,200 SF, 43,000 SF of dedicated office space, and a 192,000 building pad for future expansion. This facility with include on-site parking lot, landscape areas, and above ground stormwater detention pond.

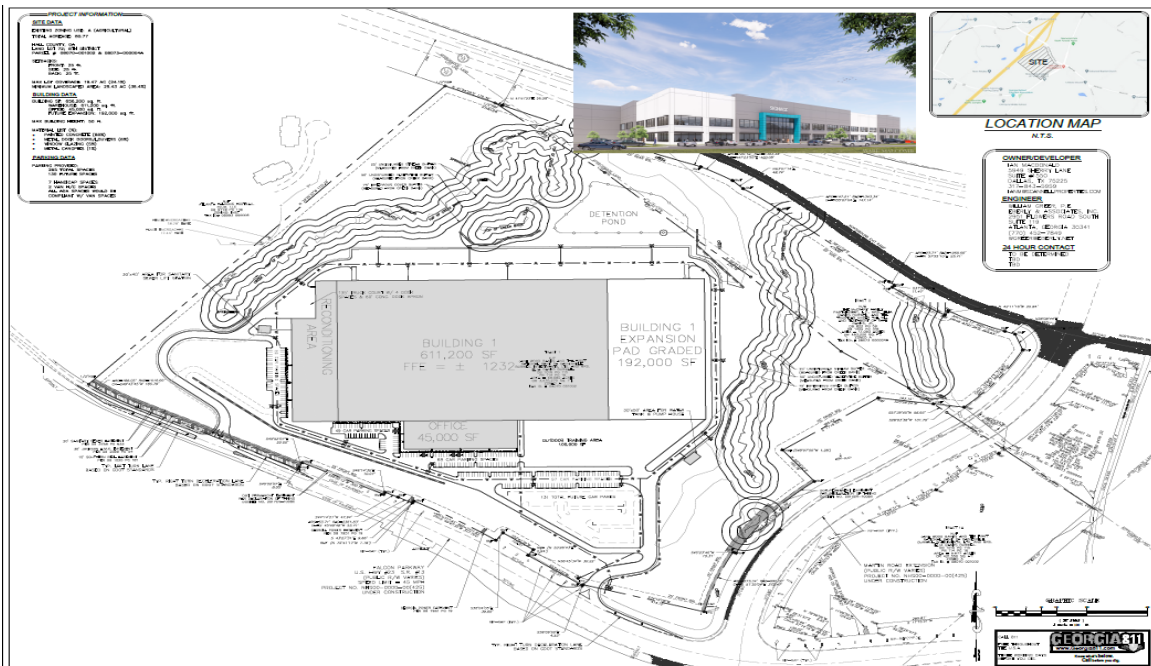
Below is information on the subject properties proposed to be rezoned:

08070-001002

Owner: Jane Wood R/A Banks
C/O Region Bank Trust Department
PO Box 937
Gainesville, GA 30503-0937
Site Area: 69.676 Acres

08073-000004A

Owner: Dr Rafe Jr Est R/A Banks Et. Al
C/O Region Bank Trust Department
PO Box 937
Gainesville, GA 30503-0937
Site Area: 11.094 Acres





Rezoning Analysis (from applicant):

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

The proposed project consists of construction of a single distribution warehouse facility that totals to approximately 611,200 SF, 43,000 SF of dedicated office space and includes a future bldg. pad of 192,000 for future expansion. This project is accompanied by adjacent employee parking lot, landscape areas, and an above ground stormwater detention facility will be included as well. The rezoning to M-1 (light Manufacturing & Industrial) will permit a use that is suitable in view of the use and development of adjacent & nearby properties. Our subject site will be bordered to the South by the Atlanta Falcons training grounds, bordered to the West, East, and North by existing and future roadways which are currently under construction as part of the Martin Road extension.

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

The zoning proposal will not adversely affect the existing use or usability of adjacent or nearby properties. Development of the project site will abide by City of Flowery Branch standards in regards to setbacks, buffers, etc., to give adequate separation from adjacent parcels, and ensure surround neighborhoods are not adversely affected. Additionally, there are state waters located on-site that will act as natural buffers between our development and neighboring properties.

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

The proposed project can be used in accordance with City of Flowery Branch Regulations, and will be an improvement from an economic standpoint by being rezoned and developed.

- 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.**

No – the current improvements being completed by the Georgia Department of Transportation increases the amount of lanes, adds a signalized intersection, and allows for much desired direct access to Interstate 985. However, it should be noted that the proposed distribution facility will increase the vehicular traffic on Falcon Parkway. The existing areas surrounding the property are heavily wooded, and some undeveloped. The road in and out of the site is not currently a high-volume traffic road. This project will trigger a DRI which will ensure that the future development accounts for traffic volume.



- 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.

No conflict has been indicated between the proposal and the comprehensive plan, including the character area map. Subject properties are not within the limits of any character areas in City of Flowery Branch.

- 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.

No existing or changing conditions is anticipated to affect the use and development of the property.

- g) Existing Use(s) and zoning of the subject property and nearby properties.

The proposed project includes two (2) parcels:

- Parcel 08070-001002 is within City of Flowery Branch City Limits, currently undeveloped, and zoned A (Agricultural).
- Parcel 08073-000004A is within City of Flowery Branch City Limits, currently undeveloped and zoned A (Agricultural).

Two developed parcel border our proposed project:

- Parcel 08093 000006, currently developed and owned by Atlanta Falcons Football Club, LLC, and zoned INST (Institutional)
- Parcel 08070 001003, currently developed and owned by Atlanta Falcons Football Club, LLC, and zoned INST (Institutional)

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

The extent under which the current value being affected by the existing zoning cannot be determined by the applicant at this time. It is assumed that development of the subject properties will not bring down the property value.

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

No deterrence to the value and improvement of adjacent properties is anticipated.

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

There are currently nearby districts with properties that are zoned M-1 (Light Manufacturing & Industrial); therefore, proposed development will not create an isolated zoning district.

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

No adverse effects on the character of the zoning district is anticipated.

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

The proposed zoning request will not adversely impact the environment and surrounding



natural resources. There will be limited disturbance to streams and wetlands on-site. This will require our proposed development to apply for a nationwide permit with the USACE and it will be our intent to pull a nationwide permit prior to obtaining a LDP from the City of Flowerly Branch. Drainage and stormwater flow reduction will be taken into consideration during site design. A detailed Erosion, Sedimentation, and pollution control plan will be designed to protect adjacent parcels from future construction activities, and prevent soil erosion and water quality impact.

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

Zoning proposal will be in compliance with City of Flowerly Branch zoning ordinance, and Comprehensive Plan.

Rezoning Analysis (Staff):

Flowerly Branch Zoning Ordinance Article 37 Rezoning and Conditional Use Applications

Sec. 34.7. - Analysis Requirements.

Applications to amend the official zoning map and applications for conditional uses shall provide a written analysis comparing the proposed action with the criteria in this Section. A zoning map amendment or conditional use application may be justified only if it bears a reasonable relationship to the public health, safety, morality, or general welfare, and after consideration of the analysis requirements which may in individual cases be considered criteria relevant to Zoning Administrator in making recommendations and by the Governing Body in the decision-making process.

Staff Response:

- (a) Whether the proposal will permit a use that is suitable in view of the use and development of adjacent and nearby property. **Yes, an industrial use is appropriate for this site and the surrounding area.**
- (b) Whether the proposal will adversely affect the existing use or usability of adjacent or nearby property. **The development will not adversely affect the area and will in fact enhance it.**
- (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. **Yes, current zoning of A (Agricultural) could be used in accordance with the current rules and regulations of that zoning district.**



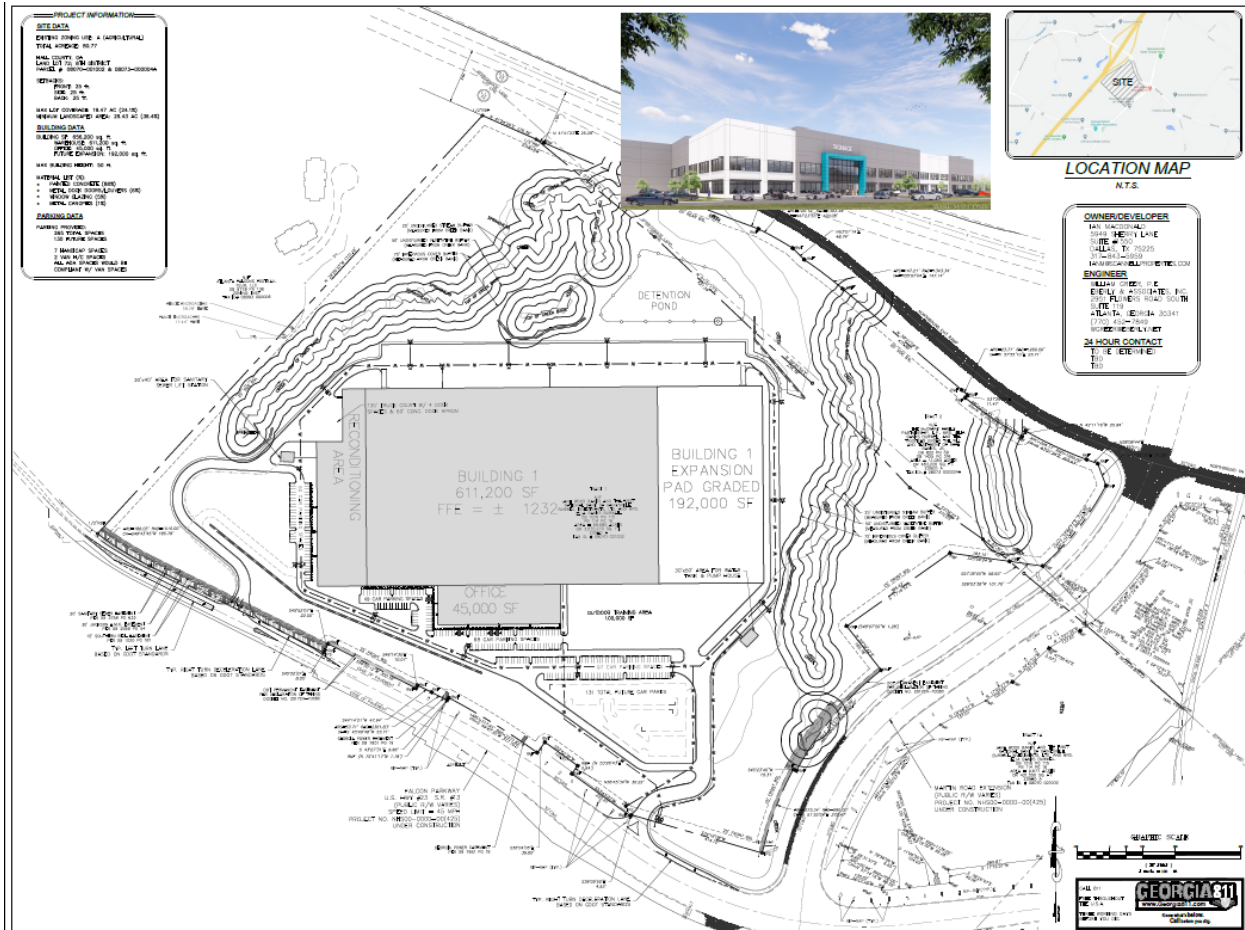
- (d) Whether the proposal will result in a use which will or could cause an excessive or burdensome use of existing streets, transportation facilities, utilities, or schools. *It is staff's opinion that the use will not create any unnecessary burdens.*
- (e) Whether the proposal is in conformity with the policy and intent of the comprehensive plan including but not limited to the character area map and future land use plan map. *Currently, the Comprehensive Plan denotes this area as part of the "Activity Center" character area. The proposed use meets the intent of the Comprehensive Plan.*
- (f) Whether there are other existing or changing conditions affecting the use and development of the property which give supporting grounds for either approval or disapproval of the proposal. *No*
- (g) Existing use(s) and zoning of the subject property and nearby properties. *Currently vacant the proposed use will fit in well with the corridor.*
- (h) Existing value of the property under the existing zoning district classification, the extent to which the property value of the subject property is diminished by the existing zoning district, and the value of the property under the proposed zoning district; if such information is provided by the applicant or can be discerned. This consideration may include the length of time the property has been vacant or unused as currently zoned and efforts taken by the property owner(s) to use the property or sell the property under the existing zoning district classification. *Staff does not have a specific number regarding property value, but the current zoning classification of Agricultural does not allow the proposed light industrial use. The M-1 classification is a more realistic zoning designation for this area*
- (i) Whether a proposed zoning map amendment or conditional use approval will be a deterrent to the value or improvement of development of adjacent property in accordance with existing regulations. *Staff does not feel that the proposed will be a deterrent.*
- (j) The possible creation of an isolated zoning district unrelated to adjacent and nearby districts. *N/A*
- (k) Possible effects of the change in zoning district map, or change in use, on the character of a zoning district. *The proposed use will enhance the character of the existing district in staff's opinion.*
- (l) The possible impact on the environment, including but not limited to, drainage, soil erosion and sedimentation, flooding, air quality and water quality. *The development, if approved, will need to go through all the required development reviews to ensure all applicable codes and requirements are met.*
- (m) The relation that the proposed map amendment or conditional use bears to the purpose of the overall zoning scheme and the purposes of this Zoning Ordinance. *The proposed development will enhance the surrounding area and meet the intent of the Zoning Ordinance.*



Staff Recommendation:

Staff recommends approval of the rezoning with the following conditions:

1. Development shall generally adhere to the site plan as submitted but must comply with all standard Federal, state, and local codes



2. Sewer shall be provided by the City of Flowery Branch
3. Landscape plan is required at time of land disturbance permit review
4. Lighting plan is due prior to the issuance of a building permit
5. Uniform sign plan is required prior to the issuance of a certificate of occupancy
6. An easement for a 12'-14' bicycle/pedestrian path shall be provided prior to the issuance of a building permit; said easement shall run the length of the subject property and shall be submitted and approved by City of Flowery Branch staff



Signs posted on 11/20/2020

Ad run on 11/11/2020

Public Hearing Published 11/11/20
Public Hearing 12/17/20

First Reading 12/17/20
Adopted 01/21/21

ORDINANCE NO. 20-622

AN ORDINANCE AMENDING THE ZONING MAP OF THE CITY OF FLOWERY BRANCH, GEORGIA, BY REZONING A PORTION OF A PARCEL OF REAL PROPERTY OWNED BY DR. RAFE JR. EST. R/A BANKS ET. AL IDENTIFIED AS 0000 FALCON PARKWAY, TAX PARCEL 08073 000004A TOTALING 11.1 +/- ACRES TO BE REZONED FROM AGRICULTURAL (A) TO LIGHT INDUSTRIAL (M1) AND AS SHOWN ON ATTACHED EXHIBIT “A”, AND AS DESCRIBED ON ATTACHED EXHIBIT “B” AND AS CONDITIONED ON ATTACHED EXHIBIT “C”; PROVIDING FOR SEVERABILITY, REPEALING CONFLICTING ORDINANCES, PROVIDING FOR AN EFFECTIVE DATE AND FOR ALL OTHER LAWFUL PURPOSES.

WHEREAS, Dr. Rafe, Jr. Est. R/A Banks, Et. Al owns all tracts or parcel of land totaling 7.34 +/- acres identified as Parcel Tax Identification No. 08073 000004A as shown on Exhibit “A”, and as described on Exhibit “B”; and

WHEREAS, Mr. William Greer on behalf of Scannell-Falcon Properties, LLC has submitted to the City Council of Flowery Branch, Georgia, a written and signed application requesting to be rezoned and whereas a survey and complete description of the land to be rezoned is included in the application; and

WHEREAS, the City Council held a public hearing at the meeting of December 17, 2020, 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 rezoning from Agricultural (A) to Light Industrial (M1) 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 currently zoned A; 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 development under the current zonings as opposed to M1.
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 DESCRIPTIONS AND CONDITIONS.

The rezoning of the subject parcel, as shown on Exhibit “A” and as legally described in Exhibit “B”, from Agricultural (A) to Light Industrial (M1) and as conditioned in Exhibit “C”. Said Exhibits are incorporated.

SECTION 3. AMENDMENT OF THE ZONING MAP.

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

SECTION 4. SEVERABILITY.

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

SECTION 5. EFFECTIVE DATE.

The effective date of this Ordinance shall be January 21st, 2021.

SECTION 6. REPEALER.

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

Approved this 21st day of January 2021.

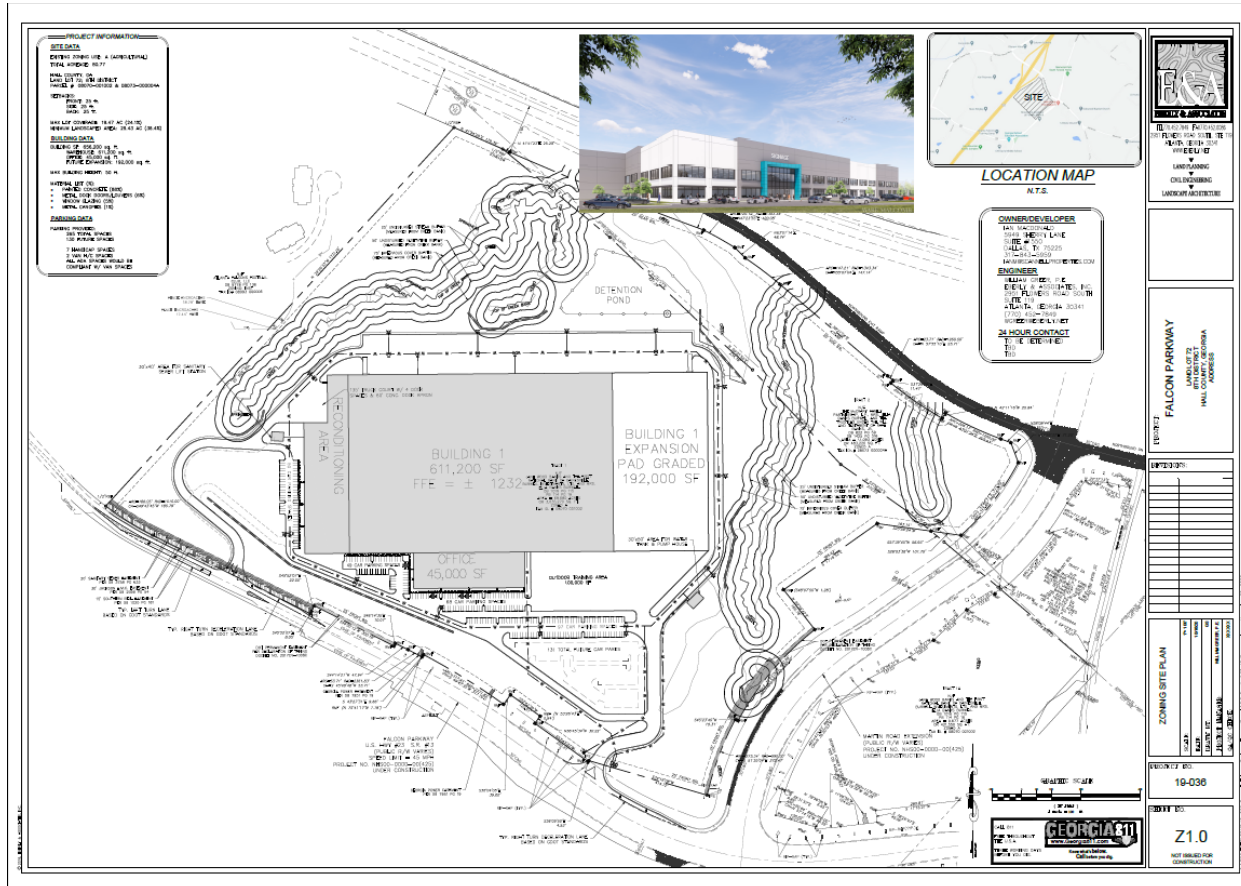
James M. Miller, Mayor

Vickie Short, City Clerk

APPROVED AS TO FORM

E. Ronald Bennett, City Attorney

Exhibit "A"



LEGAL DESCRIPTION - TRACT 2

All that tract or parcel of land lying and being in Land Lot 73 of the 8th Land District, City of Flowery Branch, Hall County, Georgia, said tract or parcel of land being more fully shown and designated on a plat of survey prepared by Valentino & Associates, Inc. (Job #19-017; Drawing/File #19-017), bearing the seal of Glenn A. Valentino, Ga. Registered Land Surveyor #2528, and being more particularly described, with bearings relative to Grid North, Georgia West Zone, as follows:

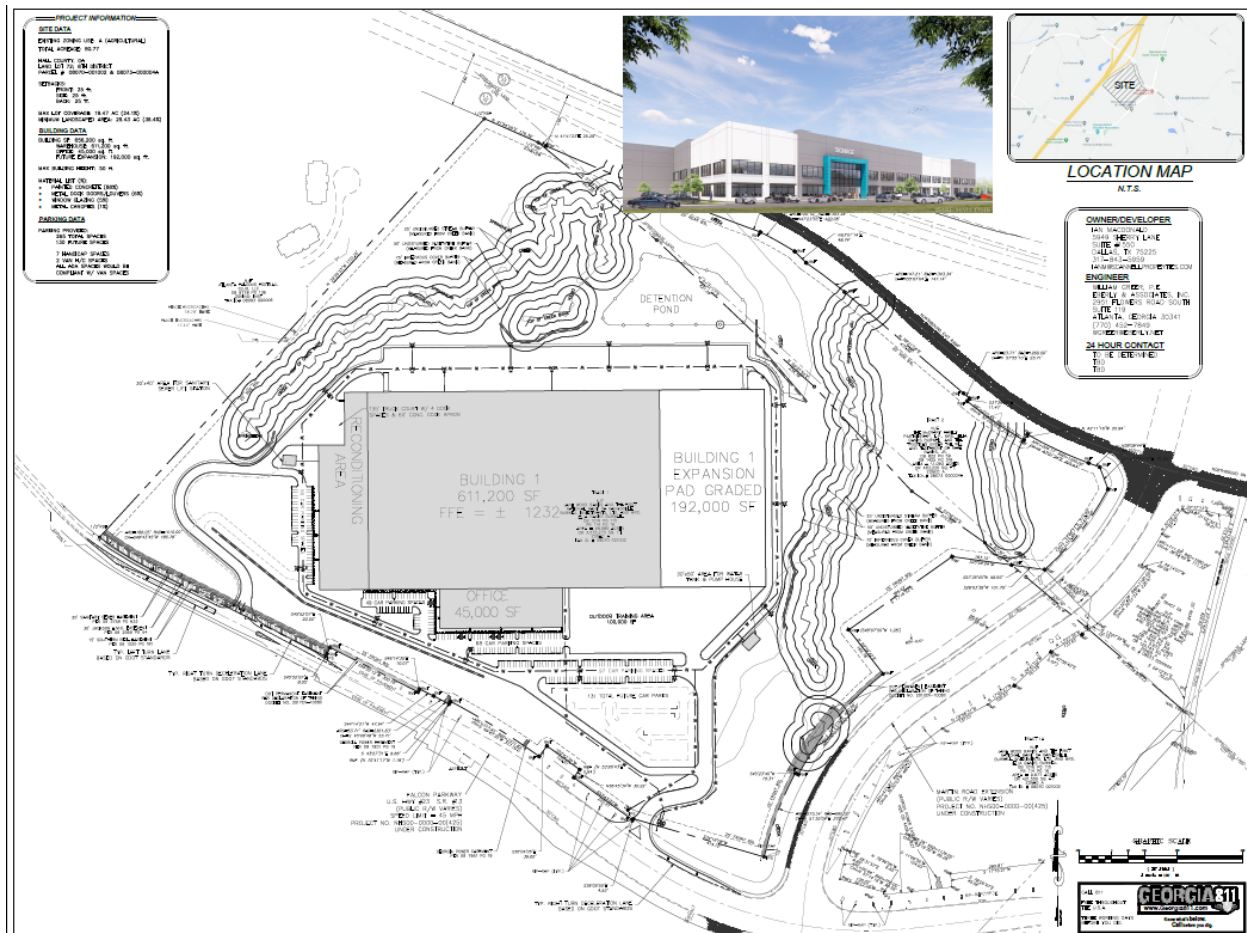
TO FIND THE POINT OF BEGINNING, COMMENCE at a 2" open top pipe found at the common corner of Land Lots 69, 70, 72 and 73;
THENCE South 58 degrees 29 minutes 26 seconds West for a distance of 379.22 feet to a computed point on the northeasterly right-of-way line of Martin Road Extension (public r/w varies);
THENCE South 58 degrees 29 minutes 26 seconds West for a distance of 10.76 feet to a computed point;
THENCE South 57 degrees 52 minutes 05 seconds West for a distance of 237.10 feet to a computed point;
THENCE South 57 degrees 39 minutes 45 seconds West for a distance of 56.93 feet to a concrete r/w monument found on the northwesterly right-of-way line of aforesaid Martin Road Extension, said concrete r/w monument found being the POINT OF BEGINNING.

THENCE South 57 degrees 39 minutes 45 seconds West for a distance of 105.28 feet to a computed point;
THENCE South 53 degrees 08 minutes 22 seconds West for a distance of 272.69 feet to a computed point;
THENCE South 64 degrees 56 minutes 32 seconds West for a distance of 435.28 feet to a computed point;
THENCE South 59 degrees 35 minutes 50 seconds West for a distance of 234.18 feet to a computed point;
THENCE South 61 degrees 32 minutes 17 seconds West for a distance of 421.28 feet to a computed point;
THENCE South 57 degrees 26 minutes 46 seconds West for a distance of 467.26 feet to a 1/2" rebar found on the southeasterly right-of-way line of Interstate 985 (S.R. #365, limited access public r/w varies);
THENCE proceeding northeasterly along said right-of-way line of Interstate 985 North 41 degrees 41 minutes 23 seconds East for a distance of 25.59 feet to a concrete r/w monument found;
THENCE along a curve to the left having a radius of 11457.89 feet for an arc distance of 704.56 feet (said arc being subtended by a chord of North 39 degrees 51 minutes 03 seconds East for a distance of 704.45 feet) to a concrete r/w monument found;
THENCE along a curve to the right having a radius of 1343.34 feet for an arc distance of 120.12 feet (said arc being subtended by a chord of North 47 degrees 23 minutes 55 seconds East for a distance of 120.08 feet) to a concrete r/w monument found;
THENCE North 63 degrees 01 minutes 14 seconds East for a distance of 48.74 feet to a concrete r/w monument found;
THENCE along a curve to the right having a radius of 1333.34 feet for an arc distance of 147.21 feet (said arc being subtended by a chord of North 55 degrees 07 minutes 04 seconds East for a distance of 147.14 feet) to a concrete r/w monument found;
THENCE North 58 degrees 21 minutes 06 seconds East for a distance of 475.88 feet to a concrete r/w monument found;
THENCE along a curve to the left having a radius of 1260.00 feet for an arc distance of 23.71 feet (said arc being subtended by a chord of North 57 degrees 55 minutes 10 seconds East for a distance of 23.71 feet) to a concrete r/w monument found;
THENCE South 31 degrees 26 minutes 06 seconds East for a distance of 11.47 feet to a concrete r/w monument found;
THENCE along a curve to the left having a radius of 1271.36 feet for an arc distance of 210.45 feet (said arc being subtended by a chord of North 52 degrees 28 minutes 33 seconds East for a distance of 210.21 feet) to a concrete r/w monument found;
THENCE North 42 degrees 11 minutes 16 seconds West for a distance of 20.84 feet to a concrete r/w monument found;
THENCE along a curve to the left having a radius of 1250.00 feet for an arc distance of 206.42 feet (said arc being subtended by a chord of North 42 degrees 59 minutes 55 seconds East for a distance of 206.19 feet) to a 1/2" iron pin set;
THENCE North 38 degrees 16 minutes 04 seconds East for a distance of 36.08 feet to a concrete r/w monument found;
THENCE North 87 degrees 26 minutes 37 seconds East for a distance of 71.20 feet to a concrete r/w monument found at the intersection with the southwesterly right-of-way line of aforesaid Martin Road Extension;
THENCE along a curve to the right having a radius of 870.00 feet for an arc distance of 313.68 feet (said arc being subtended by a chord of South 33 degrees 46 minutes 11 seconds East for a distance of 311.99 feet) to a concrete r/w monument found;
THENCE South 26 degrees 03 minutes 38 seconds West for a distance of 101.79 feet to a concrete r/w monument found, said concrete r/w monument found being the POINT OF BEGINNING.

Said tract or parcel of land contains 11.093 acres or 483,220 square feet.

Conditions of Zoning

1. Development shall generally adhere to the site plan as submitted but must comply with all standard Federal, state, and local codes



2. Sewer shall be provided by the City of Flowery Branch
3. Landscape plan is required at time of land disturbance permit review
4. Lighting plan is due prior to the issuance of a building permit
5. Uniform sign plan is required prior to the issuance of a certificate of occupancy
6. An easement for a 12'-14' bicycle/pedestrian path shall be provided prior to the issuance of a building permit; said easement shall run the length of the subject property and shall be submitted and approved by City of Flowery Branch staff



FLOWERY BRANCH CITY COUNCIL

EXECUTIVE SUMMARY



SUBJECT: Consider an Intergovernmental Agreement (IGA) between Hall County and the City concerning geographic information services (GIS).

COUNCIL MEETING DATE: January 7, 2021

HISTORY:

Hall County has historically provided GIS services to the City. This is an updated IGA to continue to provide these services.

Below is the ten-year historical actual costs:

FY2011	\$18,746.17
FY2012	\$8,016.13
FY2013	\$11,410.99
FY2014	\$12,361.22
FY2015	\$12,457.73
FY2016	\$14,578.72
FY2017	\$12,267.39
FY2018	\$12,667.39
FY2019	\$30,900.00 (I believe this year they had a system upgrade and hiring of a new employee, which increased the expenses.)
FY2020	\$17,444.31

FACTS AND ISSUES:

The question was posed as to whether or not we still have to pay even if Hall County has been attacked by ransomware and the system is not fully functional or in some cases, not even available? Mr. Bennett responded, "There is no specific provision allow us to withhold payment, but being unable to perform would be a breach. I suppose we could give notice of breach, demand a cure and withhold payment. If HC doesn't cure in a reasonable time, we can terminate on 90 days notice."

OPTIONS:

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

Yes

AMOUNT AND SOURCE OF FUNDS:

\$18,000 is currently budgeted for GIS

RECOMMENDATION:

Approval

SAMPLE MOTION:

I motion for the City Council to authorize the Mayor to sign the Intergovernmental Agreement with Hall County for for Geographic Information System and Property Addressing services.

COLLABORATING DEPARTMENT:

Finance

DEPARTMENT: Planning

Prepared by: Vickie Short

ATTACHMENTS

- [GIS IGA.pdf](#)
- [GIS_IGA Jan 2021 Exec. Summary.pdf](#)

Attached is the GIS Intergovernmental Agreement approved by the Commission on December 10th and signed by the Chairman.

Once the agreement is signed please return it to me and I will forward it to the Commission Clerk.

Thanks

Mark Lane

P O Box 1435

Gainesville, GA 30503

**INTERGOVERNMENTAL AGREEMENT
FOR
GEOGRAPHIC INFORMATION SYSTEM (GIS) SERVICES,
AND PROPERTY ADDRESSING SERVICES**

GEORGIA, HALL COUNTY

This Agreement, made and entered into as of the 10th day of December, 2020, by and between the governing bodies of Hall County, Georgia, hereinafter called "Hall County", and the City of Flowery Branch, Georgia, hereinafter called "Flowery Branch", both of which agree as follows:

WHEREAS, Flowery Branch and Hall County desire to enter into an agreement to provide GIS and Property Addressing services; and

WHEREAS, the funding of these services provided by Hall County and Flowery Branch should reflect an equitable distribution of the costs of the services provided to each jurisdiction; and

NOW, THEREFORE, Hall County and Flowery Branch agree that the services will be provided as follows:

- A. The GIS and Property Addressing services to be provided are fully described in Appendix A.
- B. Flowery Branch agrees to provide 4% of the funding necessary to provide the services described in Appendix A.
- C. Items included in the funding percentage described above include: capital and operational expenditures associated with the services, and salary and benefits for the positions listed in Appendix A.
- D. Revenues collected from these services will be collected by the Hall County Planning Department and allocated to the applicable program to help offset the costs to Flowery Branch and Hall County of funding the services described herein. All billing and accounting for the services will be coordinated by the Hall County and Flowery Branch Finance Departments.
- E. The term of this Agreement shall be for ten years.

Each party to this Agreement has the right to terminate this Agreement without cause. Termination shall be effective on the ninetieth (90th) day after receipt of notification of termination by the other party. In such event the terminating party shall be awarded its portion of inventory of fixed assets in accordance with the funding ration allocation referenced above, provided the terminating party shall only be awarded that property which it contributed to upon commencement of its participation in this Agreement. In the event of termination by Flowery Branch, Hall County agrees to work with Flowery Branch to ensure that Flowery Branch continues to have access to all programs, software, and other related systems that relate to the services set forth in Appendix A.

All notices under this agreement shall be in writing and shall be deemed to have been given by delivering it in person or by certified mail to the following:

As to Flowery Branch:

City Manager
City of Flowery Branch
P O Box 757
5410 W. Pine Street
Flowery Branch, Ga. 30542

As to Hall County:

County Administrator
Hall County
2875 Browns Bridge Road
Gainesville, Georgia 30504

IN WITNESS THEREOF, the parties have set their hand and seals as of the date set forth above.

CITY OF FLOWERY BRANCH, GEORGIA

By: _____
Mike Miller, Mayor

Attest: _____
Vickie Short
City Clerk (SEAL)

Date: _____

Approved as to Form:

City Attorney

HALL COUNTY, GEORGIA

By: _____
Richard Higgins, Chairman
Hall County Board of Commissioners

Attest: _____
Lisa A. Ritchie
County Clerk (SEAL)

Date: December 10, 2020

Approved as to Form:

County Attorney

GEOGRAPHIC INFORMATION SYSTEM (GIS) SERVICES, AND PROPERTY ADDRESSING SERVICES

STAFFING – The following positions within the Hall County Planning Department are assigned to provide the services described in further detail within this document:

- GIS Manager
- GIS Database Administrator
- GIS Analyst – Addressing Coordinator

SERVICES PROVIDED – The following is a description of the services provided by *GIS, Property Addressing, and the Development Management System*.

GIS

- GIS data support will include the acquisition, development, maintenance, updating, processing, and configuration of mapping data used by the City of Flowery Branch. New GIS data will be developed as requested.
- GIS staff will maintain and provide access to ESRI's ArcGIS Enterprise software and web services through ArcGIS Desktop application and web access to ArcGIS Online & ArcGIS Enterprise Portal. Access will be provided to GIS web map sites developed and maintained by GIS staff.
- GIS staff will provide technical support and assistance in the use of GIS software products as requested.
- GIS staff will provide maps and other GIS based reports and products as requested to other city departments and to the public.

Property Addressing

- Maintain the countywide Master Street Address Database including assigning addresses for new commercial & residential development.
- Provide street addresses to the Development Management System for all construction permits and land development projects, including commercial & industrial development, multifamily developments, and new subdivisions.
- Notify various government departments, utility companies, and post offices of street address for new land development projects.



FLOWERY BRANCH CITY COUNCIL

EXECUTIVE SUMMARY



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OPTIONS:

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

Yes

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Approval

SAMPLE MOTION:

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COLLABORATING DEPARTMENT:

Finance

DEPARTMENT: Planning

Prepared by: Bill Andrew

ATTACHMENTS

- [GIS IGA.pdf](#)



FLOWERY BRANCH CITY COUNCIL

EXECUTIVE SUMMARY



SUBJECT: Consider-1st Reading of Ordinance 624 - Publishing of 2021 General Election Qualifying Fees

COUNCIL MEETING DATE: January 7, 2021

HISTORY:

First Reading of Ordinance 624-To provide for the 2021 municipal election for the City of Flowery Branch for the following posts-Mayor, Post 3, Post 4 and Post 5-to set qualifying dates and to set the fee for said qualifying

FACTS AND ISSUES:

O.C.G.A. 21-2-131 (a)(1)(A) requires fixing and publishing of the qualifying fees prior to February 1 of an election year.

Seats up for election and qualifying fee for each:

- Mayor \$180.00
- Post #3 \$144.00
- Post #4 \$144.00
- Post #5 \$144.00

Qualifying is proposed to begin the 3rd Monday in August per O.C.G.A. 21-2-132 (3)(A).

Qualifying dates are proposed for Monday, August 16, 2021 at 8:30 am through Wednesday August 21, 2019 at 4:30 pm.

OPTIONS:

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

Yes

AMOUNT AND SOURCE OF FUNDS:

RECOMMENDATION:

Approval of First Read

SAMPLE MOTION:

I make a motion to approve the First Reading of Ordinance 624 as presented.

COLLABORATING DEPARTMENT:

DEPARTMENT: Administration

Prepared by: Vickie Short

ATTACHMENTS

- [Executive Summary Ordinance 624.docx](#)
- [624 - 2021 Ordinance - Call for Election.docx](#)

FLOWERY BRANCH CITY COUNCIL
EXECUTIVE SUMMARY

SUBJECT: 2021 Fixing and Publishing of General Election-Ordinance 624

DATE: January 7, 2021

(X) RECOMMENDATION

() POLICY DISCUSSION

BUDGET INFORMATION:

() STATUS REPORT

ANNUAL-

() OTHER

CAPITAL-

COUNCIL ACTION REQUESTED ON: January 7, 2021

First Reading of Ordinance 624-To provide for the 2021 municipal election for the City of Flowery Branch for the following posts-Mayor, Post 3, Post 4 and Post 5-to set qualifying dates and to set the fee for said qualifying

HISTORY:

In the past O.C.G.A. set qualifying dates for the 3rd Monday in August.

O.C.G.A. 21-2-131 (a)(1)(A) requires fixing and publishing of the qualifying fees prior to February 1 of an election year.

Seats up for election and qualifying fee for each:

- Mayor \$180.00
- Post #3 \$144.00
- Post #4 \$144.00
- Post #5 \$144.00

Qualifying is proposed to begin the 3rd Monday in August per O.C.G.A. 21-2-132 (3)(A).

Qualifying dates are proposed for Monday, August 16, 2021 at 8:30 am through Wednesday August 21, 2019 at 4:30 pm.

OPTIONS: Approval

RECOMMENDED SAMPLE MOTION:

I make a motion to approve the First Reading of Ordinance 624 as presented.

DEPARTMENT: Administration

Prepared by: Vickie Short

First Reading:	January 07, 2021
Second Reading:	January 21, 2021
Passed:	January 21, 2021

ORDINANCE NO. 624

AN ORDINANCE TO PROVIDE FOR THE GENERAL ELECTION FOR THE CITY OF FLOWERY BRANCH, GEORGIA FOR 2021; ESTABLISH AND SET THE DATE AND TIME OF THE GENERAL ELECTION FOR THE CITY OF FLOWERY BRANCH, GEORGIA FOR 2021 FOR MAYOR AND COUNCIL MEMBERS POST 3, POST 4, AND POST 5; PROVIDE A QUALIFYING PERIOD FOR SAID POSITIONS; PROVIDE FOR THE QUALIFYING FEES FOR SAID POSITIONS; PROVIDE FOR A QUALIFYING PROCEDURE; APPOINT ELECTION OFFICIALS; PROVIDE FOR THE OPENING AND CLOSING OF REGISTRATION FOR SAID GENERAL ELECTION; REPEAL CONFLICTING ORDINANCES; PROVIDE FOR SEVERABILITY AND FOR ALL OTHER LAWFUL PURPOSES.

WHEREAS, the City Council of the City of Flowery Branch, Georgia is authorized by Article IX, Section II, Paragraph II of the Constitution of the State of Georgia of 1983, and pursuant to O.C.G.A. Section 21-2-1 et seq., to enact ordinances for the holding of elections and special elections of public officials of the municipality; and

WHEREAS, the terms for the positions of Mayor and Council Members Post 3, Post 4 and Post 5, shall expire on December 31, 2021; and

WHEREAS, the City of Flowery Branch, Georgia desires to conduct a general election to fill these positions, openly and fairly for all duly qualified and registered electors of the City of Flowery Branch, Georgia;

NOW THEREFORE THE CITY COUNCIL OF THE CITY OF FLOWERY BRANCH HEREBY ORDAINS,

Section 1. General Election.

The City of Flowery Branch, Georgia will conduct a general election on Tuesday, November 2, 2021 from 7:00 a.m. to 7:00 p.m. with the place of said election being in the City Hall located at 5410 W. Pine Street, Flowery Branch, Georgia for the positions as indicated in Section 2 of this Ordinance.

Section 2. Positions Open for Election and Terms Thereof.

The general election to be held on the date established by Section 1 of this Ordinance is for filling the following positions:

- a) The position of Mayor which will be elected at large for a four-year term beginning on January 1, 2022 through December 31, 2025.
- b) The position of Council Member Post 3 which will be elected at large for a four-year term beginning on January 1, 2022 through December 31, 2025.

- c) The position of Council Member Post 4 which will be elected at large for a four-year term beginning on January 1, 2022 through December 31, 2025.
- d) The position of Council Member Post 5 which will be elected at large for a four-year term beginning on January 1, 2022 through December 31, 2025.

Section 3. Qualifying Period.

The qualifying period for the election set by Section 1 of this Ordinance to qualify for the positions described in Section 2 of this Ordinance shall be open on Monday August 16, 2021 and will continue day-to-day through Wednesday August 18, 2021. The hours of qualifying each day shall be during the regular business hours of the City of Flowery Branch, Georgia except Monday August 21, 2019 qualifying will begin at 8:30 a.m. as per O.C.G.A. Section 21-2-132. The place of qualifying shall be the office of the City Clerk of the City of Flowery Branch, Georgia, being the office of the Election Superintendent, and being located at City Hall, 5410 W Pine Street, Flowery Branch, Georgia.

Section 4. Qualifying Fee.

(a) The qualifying fee for the Mayor, which is open for election as provided by Section 2 of the Ordinance, shall be \$180.00. The qualifying fee for each Council Member position, which are open for election as provided by Section 2 of the Ordinance, shall be \$144.00. Such fee shall be paid to the Election Superintendent at the time a candidate files the candidate's notice of candidacy.

(b) A pauper's affidavit may be filed in lieu of paying the qualifying fee otherwise required by Section 4(a) of this Ordinance. A candidate filing a pauper's affidavit instead of paying a qualifying fee shall under oath affirm the candidate's poverty and the candidate's resulting inability to pay the qualifying fee otherwise required. The form of the affidavit shall be as prescribed by the Georgia Secretary of State and shall include a financial statement which lists the total income, assets, liabilities and other relevant financial information of the candidate.

The affidavit shall contain an oath that such candidate has neither the assets nor the income to pay the qualifying fee otherwise required. The following warning shall be printed on the affidavit form as prepared by the Georgia Secretary of State, to wit: "WARNING: Any person knowingly making any false statement on this affidavit commits the offense of false swearing and shall be guilty of a felony."

The Election Superintendent shall place on the ballot the name of any candidate who subscribes and swears to an oath that such candidate has neither the assets nor the income to pay the qualifying fee otherwise required.

Section 5. Qualifying Affidavit and Financial Disclosure Statement.

- (a) Each candidate qualifying for the positions described in Section 2 of this Ordinance shall accompany the candidate's notice with an affidavit stating:
 - (1) The candidate's residence, with street and number, if any, and the candidate's post office address;
 - (2) The candidate's profession, business or occupation, if any;
 - (3) The name of post or office sought for election and precinct, if applicable;
 - (4) That the candidate is an elector of the municipality of the candidate's residence and is eligible to vote in the election in which the candidate is running for office;
 - (5) The name of the position that the candidate is seeking;
 - (6) That the candidate is eligible to hold such position;
 - (7) That the candidate has never been convicted and sentenced in any court of competent jurisdiction for fraudulent violation of primary or election laws, malfeasance in office or a felony involving moral turpitude under the laws of this state or any other state or of the United States, of that the candidate's civil rights have been restored and that at least ten years have elapsed from the date of the completion of the sentence without a subsequent conviction of another felony involving moral turpitude; and
 - (8) That the candidate will not knowingly violate any provisions of the "Georgia Municipal Election Code" or any rules and regulations adopted under the "Georgia Municipal Election Code."
- (b) Each person qualifying as a candidate will file a financial disclosure statement prescribed by the laws of the State of Georgia in the form as prescribed therein, no later than the fifteenth (15th) day following the qualifying with the Election Superintendent of the City of Flowery Branch, Georgia.

Section 6. Write-In Candidates.

- (a) In this general election, no person elected on a write-in vote shall be eligible to hold office unless notice of the person's intention of candidacy was given twenty (20) or more days prior to the election by the person to be a write-in candidate or by some other person or group of persons qualified to vote in the election, to the Mayor or the Election Superintendent and by publication in the official newspaper of the City of Flowery Branch, Georgia, said publication currently being "The Times."

(b) In addition to the requirements contained in Section 6(a) of this Ordinance, the person or persons giving notice of intention of candidacy for a write-in candidate shall also file with the Mayor or the Election Superintendent, a copy of the notice as published with an affidavit stating that the notice has been published, with the name of the newspaper and the date of publication, not later than the fifth (5th) day after the deadline for filing and publishing of such notice. The affidavit may be made by the person giving notice or intention of candidacy or by the publisher of the newspaper in which the notice was published or by an employee of the newspaper designated by the publisher.

Section 7. Election Appointments.

(a) The following persons are hereby appointed to act as election officials for the November 2, 2021. General Election:

Election Superintendent	Vickie Short
Chief Registrar	To be announced
Absentee Ballot Clerks	Shelia Cooper, Chere Rucker & Nancy Rodriguez
Poll Manager	Vickie Short
Poll Worker	To be announced
Poll Worker	To be announced

(b) The office of the City Clerk of the City of Flowery Branch, Georgia is hereby declared to be the office of the Election Superintendent for candidates qualifying for the offices open for election as provided by Section 3 of this Ordinance, and also as the office of the Absentee Ballot Clerk.

Section 8. Last Day for Voter Registration.

The last day that an elector/voter may register to vote in the 2020 General Election shall be Monday, October 4, 2021, by 5:00 p.m. at the Hall County Board of Elections and Registration located at 2875 Browns Bridge Road, Gainesville, Georgia, unless said date is a Georgia legal holiday, and then the last day for voter/elector registration shall be the next day by 5:00 p.m.

Section 9. Repealer.

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

Section 10. 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.

Dated this 21st day of January 2021.

James M. Miller, Mayor

ATTEST:

Vickie Short, City Clerk

APPROVED AS TO FORM:

E. Ronald Bennett, Jr., City Attorney