



**City of Flowery Branch  
City Council Meeting  
Thursday, January 20, 2022, 6:00 PM  
City of Flowery Branch City Hall  
5410 West Pine Street, Flowery Branch, GA 30542**



**CALL WORK SESSION TO ORDER:**

**PLEDGE OF ALLEGIANCE:**

**PUBLIC HEARING:**

- Public Hearing and Consideration of a Rezoning Application submitted by NNP-Looper Lake, LLC. to Rezone tax parcel 15047 000885 from Planned Unit Development (PUD) to Planned Unit Development (PUD) with modified conditions.  
[Townes at Capitola - Two Story - Renduring.pdf](#)
- Public Hearing and Consideration of a Variance Request submitted by McEver Site, LLC. for relief 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.

[ORDINANCE 659.pdf](#)

**UNFINISHED BUSINESS - WORK SESSION:**

- Consider Second Reading of Ordinances 625-630, a request from Stark Land Development for the Rezoning of six (6) parcels of land totaling 118 +/- acres of land from M-1 (Light Industrial) to R3 (Residential Multi-Family).  
[20085 - 500 Site Plan-Conceptual Land Plan 02102021\[36677\] BOTH PHASES.pdf](#)  
[Combined Jan 20 Ordinances.pdf](#)

**NEW BUSINESS -WORK SESSION:**

- Request Adoption of Proposed FY2023 Budget Calendar  
[FY2023 Budger Calendar - Executive Summary.pdf](#)  
[FY2023 Proposed Budget Calendar.pdf](#)
- Consider Approval of Renewal Maintenance Contract for City Printers  
  
[PSK Maintenance Agreement Renewal 1-20-2022.pdf](#)  
[Executive Summary Renewal Maintenance Agreement.pdf](#)
- Consider Beer, Wine, and Distilled Spirits Alcohol License for Village Spirits located at 5462 McEver Road.  
[Village Spirits 5462 McEver Road.pdf](#)

**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 January 6, 2022 Council Meeting Minutes  
[January 6, 2022 Council Meeting Minutes.pdf](#)
- Consider Beer, Wine, and Distilled Spirits Alcohol License for Village Spirits located at 5462 McEver Road.  
[Village Spirits 5462 McEver Road.pdf](#)

**UNFINISHED BUSINESS - VOTING SESSION:**

- Consider Second Reading of Ordinances 625-630, a request from Stark Land Development for the Rezoning of six (6) parcels of land totaling 118 +/- acres of land from M-1 (Light Industrial) to R3 (Residential Multi-Family).  
[20085 - 500 Site Plan-Conceptual Land Plan 02102021\[36677\] BOTH PHASES.pdf](#)  
[Combined Jan 20 Ordinances.pdf](#)

**NEW BUSINESS - VOTING SESSION:**

- Request Adoption of Proposed FY2023 Budget Calendar  
[FY2023 Budger Calendar - Executive Summary.pdf](#)  
[FY2023 Proposed Budget Calendar.pdf](#)
- Consider Approval of Renewal Maintenance Contract for City Printers  
  
[PSK Maintenance Agreement Renewal 1-20-2022.pdf](#)  
[Executive Summary Renewal Maintenance Agreement.pdf](#)

**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:** Public Hearing and Consideration of a Rezoning Application submitted by NNP-Looper Lake, LLC. to Rezone tax parcel 15047 000885 from Planned Unit Development (PUD) to Planned Unit Development (PUD) with modified conditions.

**COUNCIL MEETING DATE:** January 20, 2022

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#### HISTORY:

This is a proposal to alter an approved PUD zoned project (Sterling on the Lake) by rezoning said project from PUD to PUD with modified conditions of zoning. The ordinances were originally approved as 239 and 240. Each additional request to alter the original approval retains the original ordinance number adding letters alphabetically to ease in the tracking of this project and its many changes over the years. The ordinances will be 239-L & 240-L.

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#### FACTS AND ISSUES:

This is a proposal to alter the approved Sterling on the Lake subdivision by rezoning said project from PUD to PUD with modified conditions of zoning. The proposed modification would decrease the size of the current commercial/retail portion from 12+/- acres to 4 +/- acres allowing for the construction of 65 townhomes on the approximate 8 acre tract.

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#### OPTIONS:

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

No

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#### AMOUNT AND SOURCE OF FUNDS:

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#### RECOMMENDATION:

Applicant has requested to Table the Public Hearing until the March 17, 2022 City Council Meeting.

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#### SAMPLE MOTION:

Motion to table the request to the March 17, 2022 City Council meeting.

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#### COLLABORATING DEPARTMENT:

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**DEPARTMENT:** Planning

**Prepared by:** Shelia Cooper

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## **ATTACHMENTS**

- [Townes at Capitola - Two Story - Renduring.pdf](#)





BY  
NEWLAND



DISCLAIMER: THESE DRAWINGS ARE CONCEPTUAL AND SUBJECT TO CHANGE, NOT INTENDED FOR CONSTRUCTION.







BY  
NEWLAND



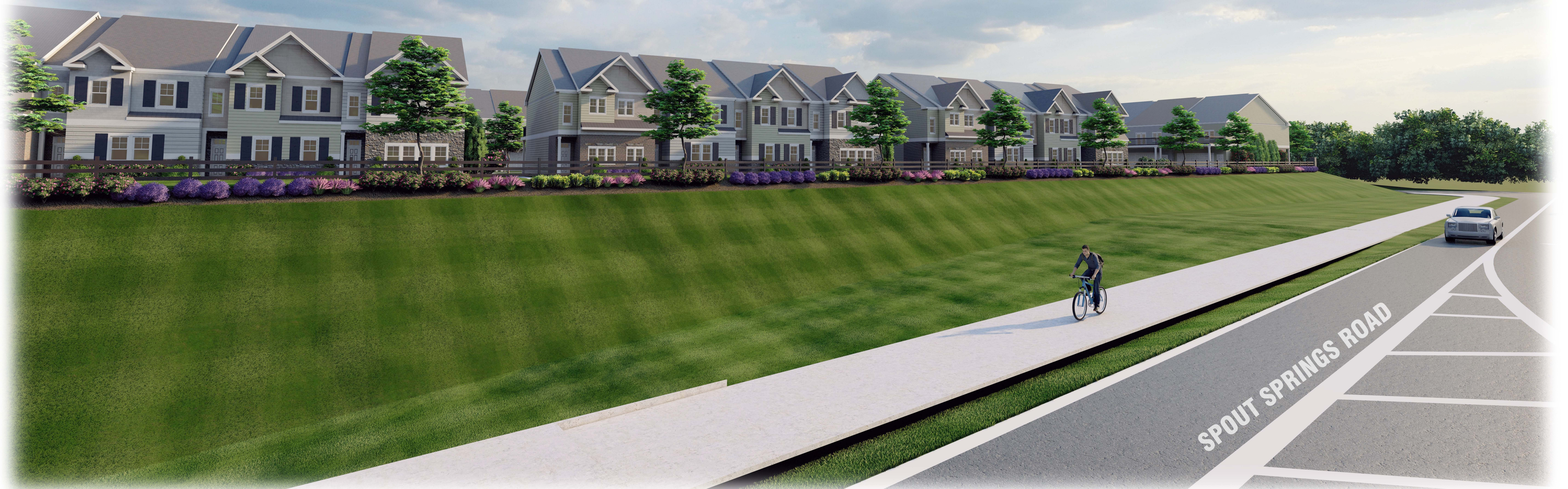
DISCLAIMER: THESE DRAWINGS ARE CONCEPTUAL AND SUBJECT TO CHANGE, NOT INTENDED FOR CONSTRUCTION.







BY  
NEWLAND



DISCLAIMER: THESE DRAWINGS ARE CONCEPTUAL AND SUBJECT TO CHANGE, NOT INTENDED FOR CONSTRUCTION.







## FLOWERY BRANCH CITY COUNCIL

### EXECUTIVE SUMMARY



**SUBJECT:** Public Hearing and Consideration of a Variance Request submitted by McEver Site, LLC. for relief 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.

**COUNCIL MEETING DATE:** January 20, 2022

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#### HISTORY:

The corner of Gaines Ferry and McEver Road and the surrounding area has seen growth over the last few years. A gas station on the southeast corner is in review for a land disturbance permit, just up from the southwest corner the 199 single family development known as "The Beacon" is under construction, the northeast corner is the approved mixed-use site known as "The Farm", and farther south on McEver there is an approved townhome development and a large warehouse project. (in Buford). Additionally, there is more warehousing being constructed on the corner of McEver Road and Friendship Road.

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#### FACTS AND ISSUES:

The property is located on the corner of Gaines Ferry Road and McEver Road in front of the Four Seasons subdivision and is currently zoned Highway Business (HB). The use (gas station) is inherently allowed in the Highway Business (HB) zoning district but the applicant wishes relief from 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.

Schedule:

January 20th public hearing

February 3rd work session (if requested)

February 17 first vote

March 3 work session (if requested)

March 17 second vote

Staff recommends approval with conditions.

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#### OPTIONS:

No vote at this time.

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

No

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**AMOUNT AND SOURCE OF FUNDS:**

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**RECOMMENDATION:**

No action at this time as this is the public hearing only.

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**SAMPLE MOTION:**

No motion required at this time .

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**COLLABORATING DEPARTMENT:**

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**DEPARTMENT:** Planning

**Prepared by:** Shelia Cooper

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**ATTACHMENTS**

- [ORDINANCE 659.pdf](#)

Public Hearing Published 12/01/2021  
Public Hearing 01/20/2022

First Reading 02/17/2022  
Adopted 03/17/2022

#### **ORDINANCE 659**

**AN ORDINANCE GRANTING A VARIANCE FROM THE REQUIREMENTS OF ARTICLE 10, SECTION 10.9.(G) OF THE FLOWERY BRANCH ZONING ORDINANCE TO 0 MCEVER ROAD, TAX PARCEL IDENTIFICATION NO. 08140 000215, OWNED BY THE KELLY FAMILY INVESTMENTS, LLC. SHOWN ON EXHIBIT "A", DESCRIBED ON EXHIBIT "B", AND SUBJECT TO THE CONDITIONS SET FORTH IN EXHIBIT "C", BY ALLOWING FUEL PUMPS TO BE LOCATED IN FRONT OF THE PRIMARY STRUCTURE; PROVIDING FOR SEVERABILITY; REPEALING CONFLICTING ORDINANCES; PROVIDING FOR AN EFFECTIVE DATE; AND FOR ALL OTHER LAWFUL PURPOSES.**

WHEREAS, McEver Site, LLC. has submitted a written and signed application to the City of Flowery Branch, Georgia requesting a specific variance for property located at 0 McEver Road; and

WHEREAS, a survey and complete description of the property subject to the requested variance is included in the application; and

WHEREAS, the City Council of the City of Flowery Branch, Georgia held a public hearing on January 20, 2022, to consider the application, which was duly noticed as prescribed by law and published in the Gainesville Times, as shall be set forth in the minutes of said meeting; and

WHEREAS, the City Council of the City of Flowery Branch, Georgia has considered the subject variance application of The McEver Site, LLC. in conjunction with the standards set forth in Article 37, Section 37.5 of the Zoning Ordinance.

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

#### **SECTION 1. FINDINGS:**

The City Council finds that the proposed variance from the City of Flowery Branch Zoning Ordinance Article 10, Section 10.9.(g) is consistent with the adopted standards for governing the exercise of the zoning power consistent with O.C.G.A. § 36-66-5 and requirements of Article 37, Section 37.5 of the City of Flowery Branch Zoning Ordinance as identified below.

#### **Sec. 37.5. Criteria for Granting Variances.**

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

- (a) There are extraordinary and exceptional conditions or practical difficulties pertaining to the particular piece of property in question because of its size, shape or topography that are not applicable to other lands or structures in the same district;

|                          |            |               |            |
|--------------------------|------------|---------------|------------|
| Public Hearing Published | 12/01/2021 | First Reading | 02/17/2022 |
| Public Hearing           | 01/20/2022 | Adopted       | 03/17/2022 |

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

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

The properties as shown in attached Exhibit "A" and as legally described in Exhibit "B" shall be granted the following variance from the requirements set forth in the Flowery Branch Zoning Ordinance Article 10, Section 10.9.(g):

1. Fuel pumps shall be allowed to be placed in front of the primary structure

Conditions set forth in Exhibit "C" are imposed on said property. Said Exhibits are incorporated by reference as if fully set forth herein.

## SECTION 3. SEVERABILITY.

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

Public Hearing Published 12/01/2021  
Public Hearing 01/20/2022

First Reading 02/17/2022  
Adopted 03/17/2022

SECTION 4. EFFECTIVE DATE.

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

SECTION 5. REPEALER.

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

Adopted this 17<sup>th</sup> day of March 2022.

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Edward R. Asbridge, Mayor

ATTEST:

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Shelia R. Cooper, City Clerk

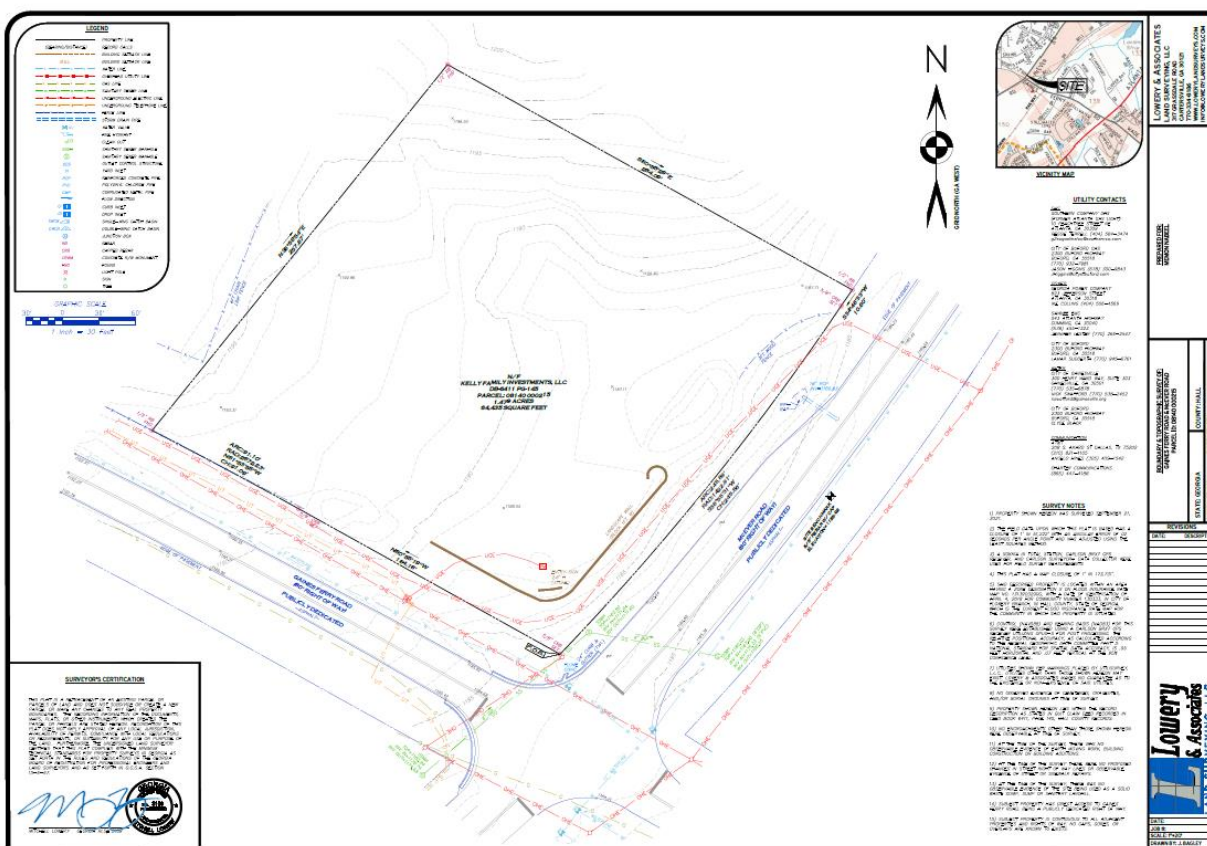
APPROVED AS TO FORM:

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E. Ronald Bennett, Jr., City Attorney



Exhibit "A"





Public Hearing Published 12/01/2021  
Public Hearing 01/20/2022

First Reading 02/17/2022  
Adopted 03/17/2022

Exhibit "B"

ALL THAT TRACT OR PARCEL OF LAND LYING AND BEING IN LAND LOT 140, 8<sup>TH</sup> DISTRICT, HALL COUNTY, GEORGIA, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

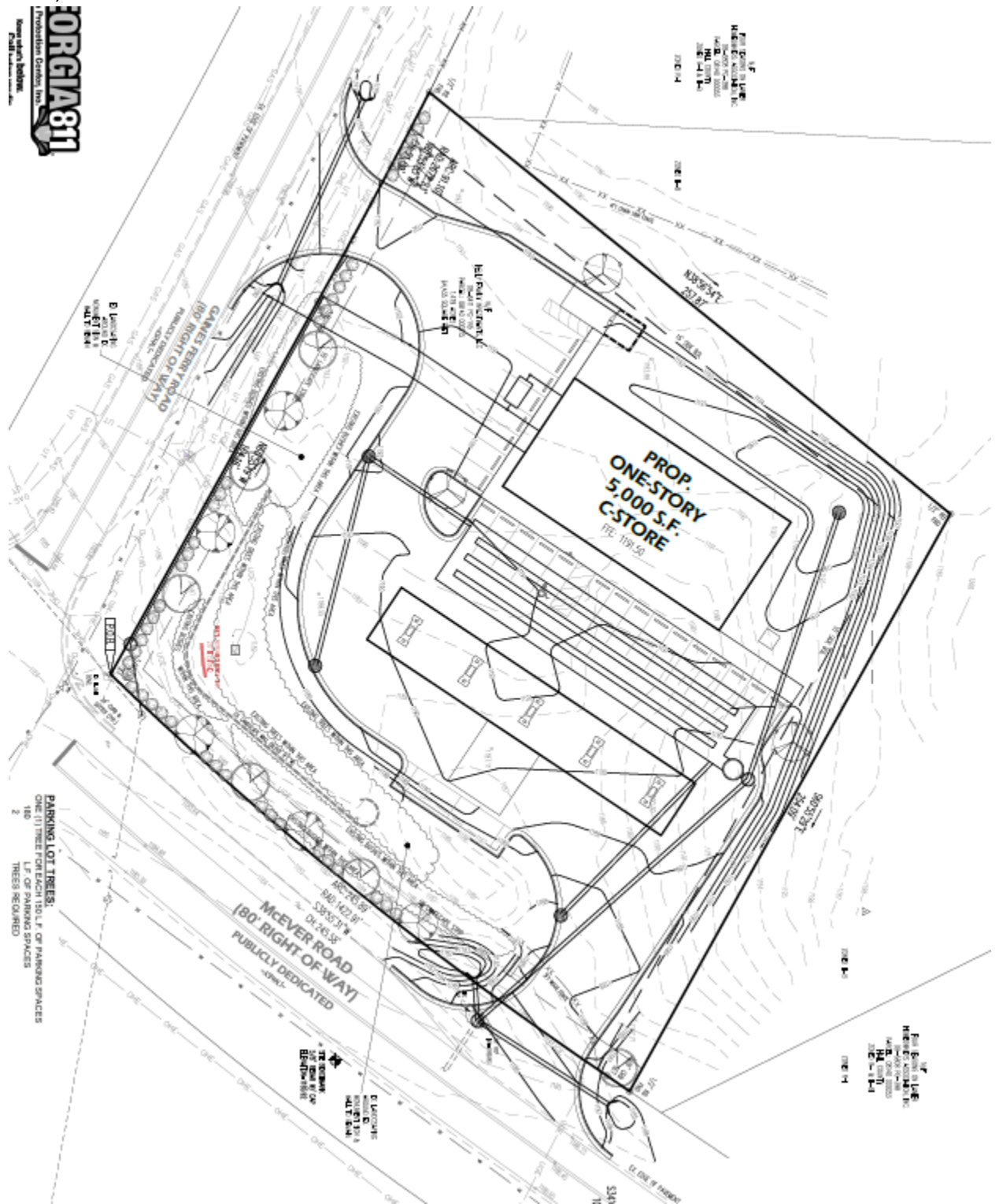
BEGINNING AT THE INTERSECTION OF THE NORTHWEST RIGHT-OF-WAY OF MCEVER ROAD (80' RIGHT-OF-WAY) WITH THE NORTHEAST RIGHT-OF-WAY OF GAINES FERRY ROAD (80' RIGHT-OF-WAY); THENCE ALONG THE NORTHEAST RIGHT-OF-WAY OF GAINES FERRY ROAD NORTH 60°52'02" WEST, A DISTANCE OF 164.16 FEET TO A POINT; THENCE 90.97 FEET ALONG A CURVE, SAID CURVE HAVING A CHORD OF NORTH 61°45'06" WEST 90.96 FEET AND A RADIUS OF 2947.11 FEET TO AN IRON PIN FOUND (1/2" REBAR); THENCE LEAVING SAID RIGHT-OF-WAY NORTH 38°58'58" EAST, A DISTANCE OF 257.71 FEET TO AN IRON PIN SET (1/2" REBAR); THENCE SOUTH 60°52'03" EAST, A DISTANCE FO 253.94 FEET TO AN IRON PIN FOUND (1/2" REBAR) ON THE NORTHWEST RIGHT-OF-WAY OF MCEVER ROAD; THENCE ALONG SAID RIGHT-OF-WAY SOUTH 34°01'14" WEST, A DISTANCE OF 10.58 FEET TO A POINT; THENCE 245.89 FEET ALONG A CURVE, SAID CURVE HAVING A CHORD OF SOUTH 38°58'58" WEST 245.59 FEET AND A RADIUS OF 1422.60 FEET TO THE POINT OF BEGINNING.

SAID TRACT CONTAINS 1.498 ACRES.



Exhibit "C"

1. The project shall conform to the site plan as submitted by the applicant on December 30, 2021, and as shown below:











## FLOWERY BRANCH CITY COUNCIL

### EXECUTIVE SUMMARY



**SUBJECT:** Consider Second Reading of Ordinances 625-630, a request from Stark Land Development for the Rezoning of six (6) parcels of land totaling 118 +/- acres of land from M-1 (Light Industrial) to R3 (Residential Multi-Family).

**COUNCIL MEETING DATE:** January 20, 2022

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**HISTORY:**

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**FACTS AND ISSUES:**

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**OPTIONS:**

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

No

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**AMOUNT AND SOURCE OF FUNDS:**

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**RECOMMENDATION:**

Approve as submitted and conditioned.

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**SAMPLE MOTION:**

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**COLLABORATING DEPARTMENT:**

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**DEPARTMENT:** Planning

**Prepared by:** Shelia Cooper

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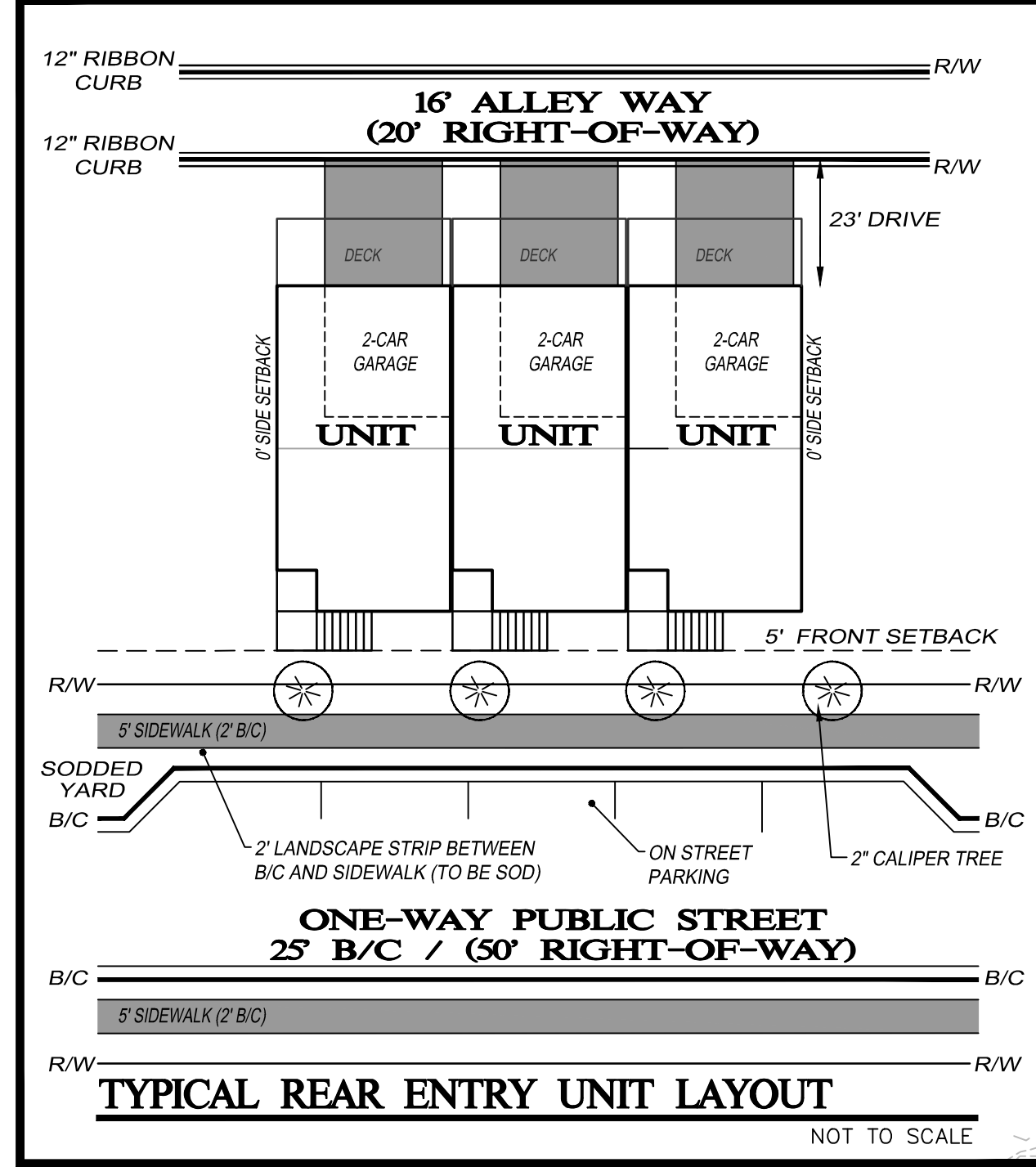
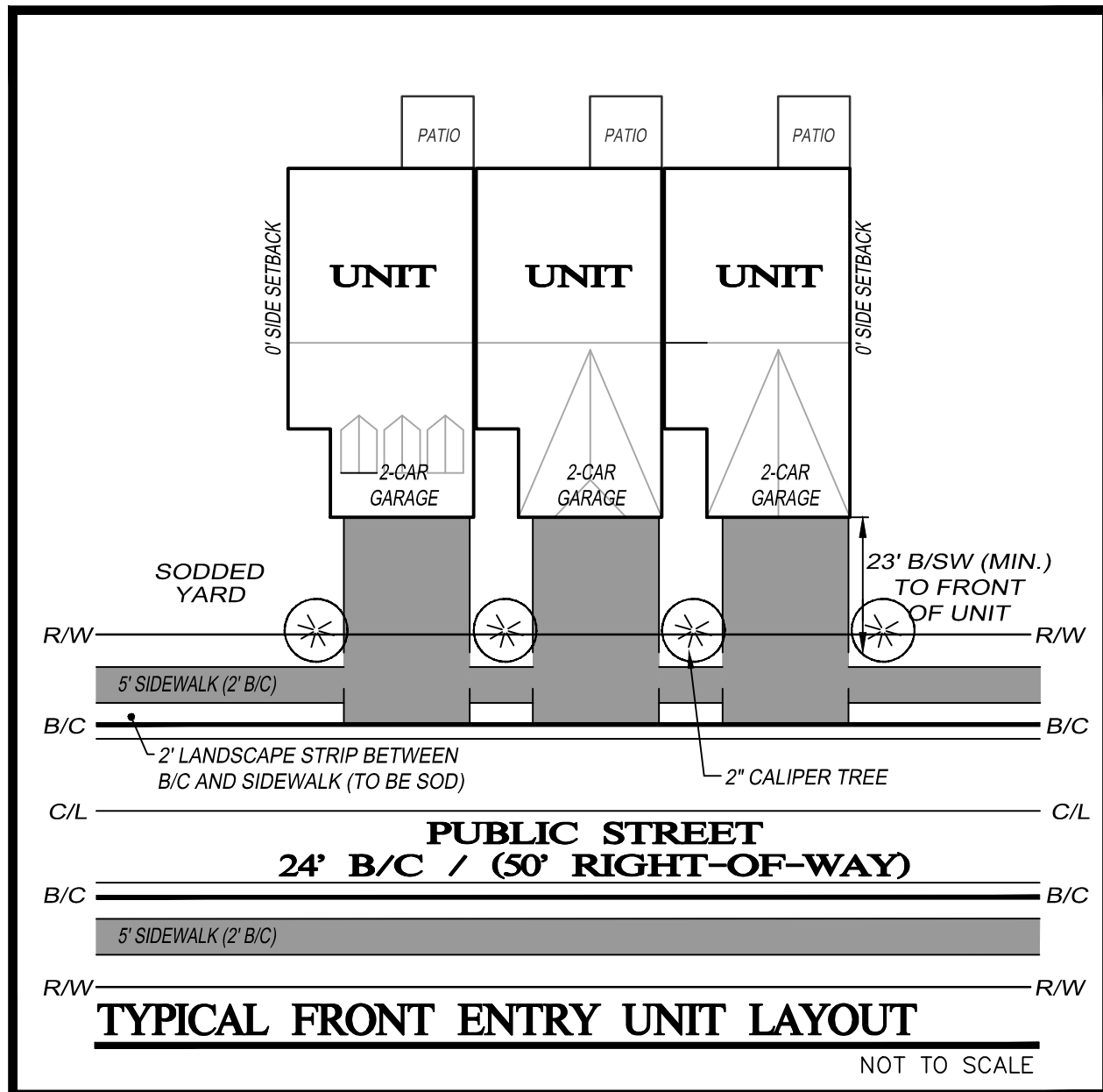
**ATTACHMENTS**

- [20085 - 500 Site Plan-Conceptual Land Plan 02102021\[36677\] BOTH PHASES.pdf](#)
- [Combined Jan 20 Ordinances.pdf](#)



DEVELOPMENT SUMMARY

- EXISTING BOUNDARY ACREAGE: ±117.962 ACRES
- TAX PARCEL: 08117 002008A, 08117 002016D, 08117 002016B, 08117 002061, 08117 002001 and 08134 000006
- EXISTING ZONING: M1
- PROPOSED ZONING: R3
- PHASE 1 DEVELOPMENT SUMMARY:  
BOUNDARY ACREAGE: ±48.156 ACRES  
TOTAL No. PROPOSED SINGLE-FAMILY DETACHED LOTS: 49  
TOTAL No. PROPOSED TOWNHOME UNITS: 140  
GROSS DENSITY: 3.92 LOTS/ACRE  
NET DENSITY: 4.19 LOTS/ACRE (±6.17 AC. FLOODPLAIN)  
OPEN SPACE/Common Area Provided = ±19 AC. (39%)  
TOTAL LENGTH OF STREETS: ±5,850 L.F.
- PHASE 2 DEVELOPMENT SUMMARY:  
BOUNDARY ACREAGE: ±69.806 ACRES  
TOTAL No. PROPOSED SINGLE-FAMILY DETACHED LOTS: 138 (LOT #'S 100-237)  
GROSS/NET DENSITY: 1.97 LOTS/ACRE  
OPEN SPACE/Common Area Provided = ±34 AC. (49%)  
TOTAL LENGTH OF STREETS: ±6,775 L.F.
- MINIMUM SINGLE-FAMILY DETACHED LOT SIZE: (SEE TYPICAL LOT DETAIL)
- PROPOSED SETBACKS SINGLE-FAMILY DETACHED:  
FRONT - 20'  
REAR - 25'  
SIDE - 5'
- BOUNDARY INFORMATION BASED ON SURVEY PROVIDED BY CLIENT.
- A PORTION OF THE SUBJECT PROPERTY IS LOCATED WITHIN A FLOOD HAZARD AREA AS PER CITY OF FLOWERY BRANCH F.I.R.M. COMMUNITY PANEL NO. 13139C0291G, DATED APRIL 4, 2018.
- TOPOGRAPHIC AND UTILITY INFORMATION BASED ON HALL COUNTY GIS. DATUM IS MEAN SEA LEVEL.
- WATER AND SANITARY SEWER SERVICE TO BE PROVIDED BY THE CITY OF FLOWERY BRANCH.
- ALL PROPOSED UTILITIES SHALL BE UNDERGROUND.
- SITE PLAN IS CONCEPTUAL IN NATURE AND IS SUBJECT TO CHANGE BASED ON ACTUAL FIELD CONDITIONS.



PHASE 1 DEVELOPMENT

PROPOSED REAR ENTRY UNIT  
22' x 55' FOOTPRINT

PROPOSED PHASE II SEWER ACCESS

PROPOSED FRONT ENTRY UNIT  
24' x 50' FOOTPRINT

PHASE 2 DEVELOPMENT

PROPOSED GREEN ISLANDS (TYP.)

PROPOSED GREEN SPACE

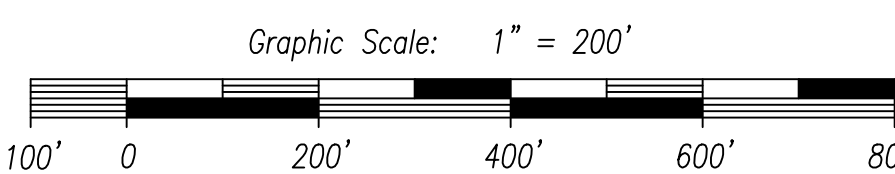
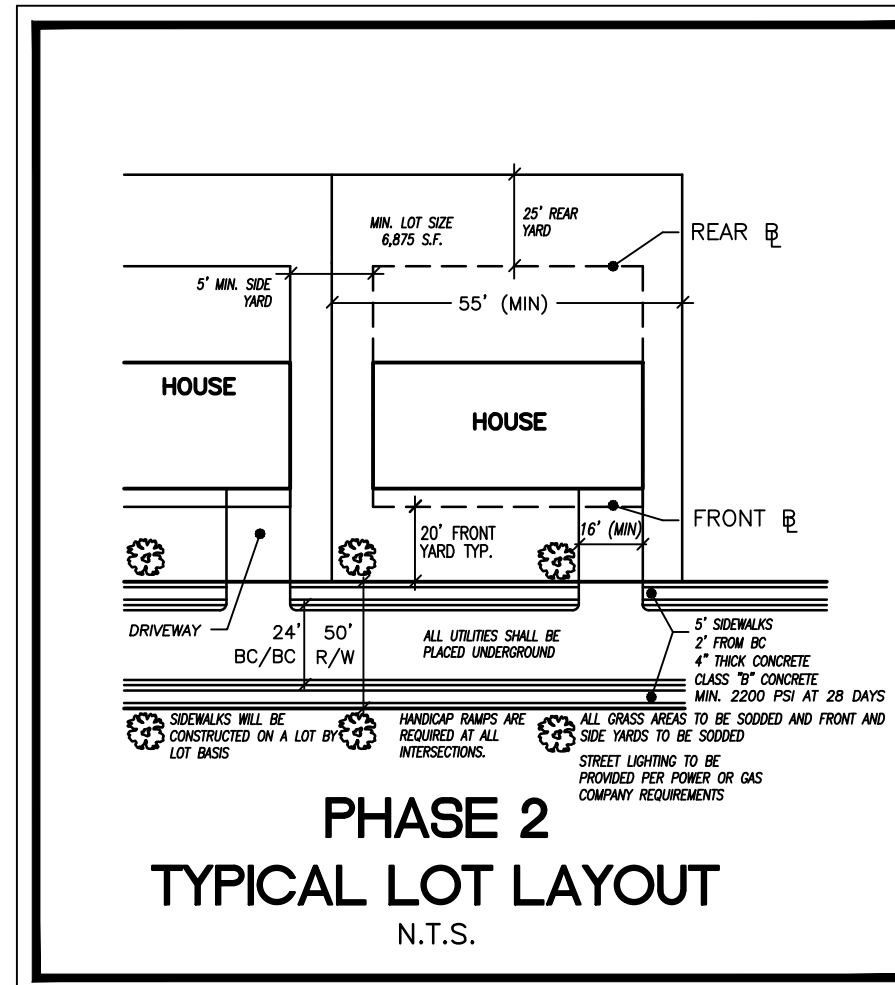
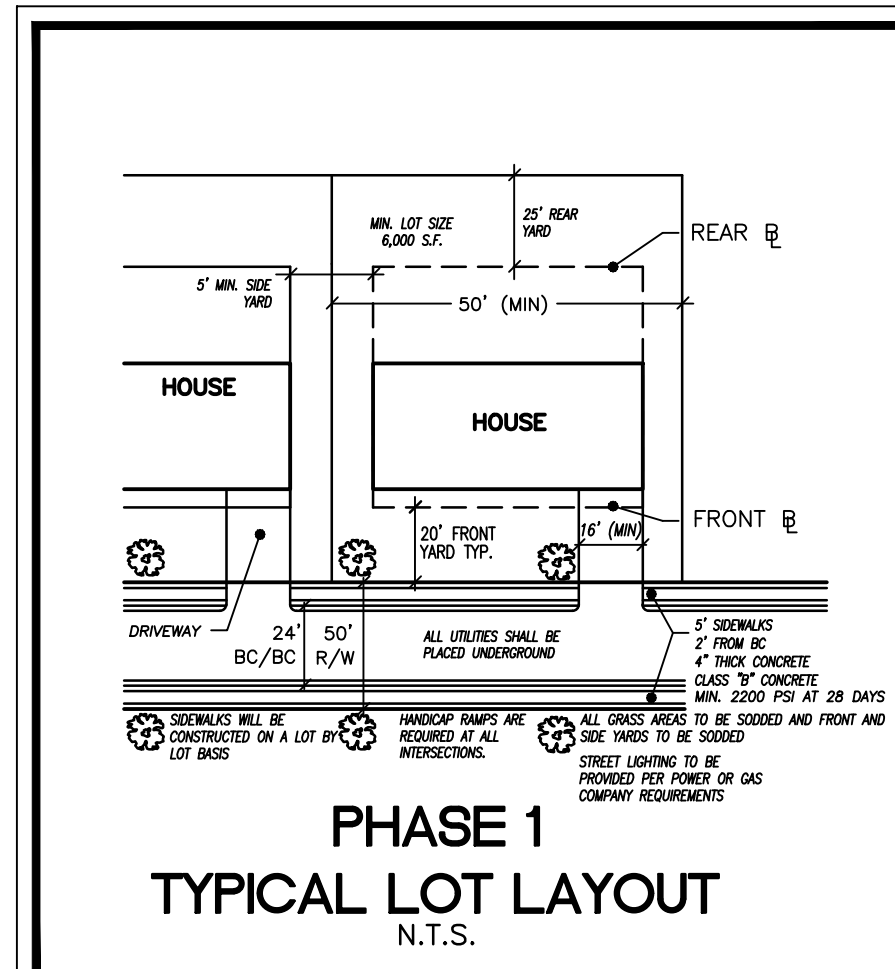
PROPOSED PHASE 2 ENTRANCE

R-3 BUFFER REDUCTIONS:

- REMOVE 40' NATURAL BUFFER ADJACENT TO PARCEL'S 08117 002016E, 08117 002050, 08117 002051, 08117 002052, 08117 002053.

R-3 VARIANCE REQUESTED:

- BUILDING SETBACKS PER TYPICAL SINGLE-FAMILY DETACHED LOT LAYOUTS.
- NO MINIMUM SETBACKS REQUIRED FOR TOWNHOMES. TOWNHOMES PER TYPICAL LAYOUT DETAIL PROVIDED.



5074 BRISTOL INDUSTRIAL WAY  
SUITE A  
BUFORD, GEORGIA 30518  
(770) 271-2868  
www.dpengr.com

PREPARED FOR:

**STARK LAND DEVELOPMENT**  
3719 WINDER HWY.  
FLOWERY BRANCH  
GEORGIA 30542

PROJECT NAME:

**MULBERRY STREET**

TASK:

**CONCEPTUAL LAND PLAN**

PROJECT INFORMATION:

MULBERRY STREET  
Project Name  
20-085  
Project Number  
MULBERRY STREET  
Project Address  
116 AND 117  
Land Lot No.(s)  
District  
CITY OF FLOWERY BRANCH  
HALL COUNTY, GA  
County, State

| DATE       | REVISION | Address Conceptual Land Plan Comments |
|------------|----------|---------------------------------------|
| 02/09/2021 |          |                                       |
| No.        | 1.       | 2.                                    |
|            | 3.       | 4.                                    |
|            | 5.       |                                       |

| DESIGN    | AS SHOWN SCALE |
|-----------|----------------|
| KWB DRAWN | 1 of 1         |
| CHECKED   | SHEET          |
| 12/02/20  | 20-085         |
| DATE      | PROJECT No.    |



## **ORDINANCE 625**

**AN ORDINANCE AMENDING THE ZONING MAP OF THE CITY OF FLOWERY BRANCH, GEORGIA, BY REZONING A 9.8+/- ACRE TRACT OF LAND OWNED BY ADVENTURES IN REAL ESTATE LLC. COMMONLY KNOWN AS 5558 MULBERRY STREET, IDENTIFIED AS TAX PARCEL 08117 002008A AS SHOWN ON ATTACHED EXHIBIT “A”, AS DESCRIBED ON EXHIBIT “B”, FROM M-1 (LIGHT INDUSTRIAL) TO R-3 (MULTI-FAMILY RESIDENTIAL) SUBJECT TO THE CONDITIONS SET FORTH IN EXHIBIT “C”; PROVIDING FOR SEVERABILITY, REPEALING CONFLICTING ORDINANCES, PROVIDING FOR AN EFFECTIVE DATE AND FOR ALL OTHER LAWFUL PURPOSES.**

**WHEREAS**, Stark Land Development, LLC. desires to develop the 9.8. +/- acre tract of land identified as tax parcel 08117 002008A; shown on Exhibit “A”; and legally described on Exhibit “B”; and

**WHEREAS**, specific conditions shall be placed on subject property are shown on attached exhibit “C”; and

**WHEREAS**, the City Council of the City of Flowery Branch has considered the rezoning application of Stark Land Development, LLC. in conjunction with the standards set forth in Article 34 - Section 34.7 of Zoning Ordinance No. 348 of the City of Flowery Branch, Georgia; and

**WHEREAS**, Stark Land Development, 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 January 6, 2022, duly noticed as prescribed by law and published in the Gainesville Times, regarding said application, as shall be set forth in the minutes of said meeting.

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

### **SECTION 1. FINDINGS.**

The City Council finds that the proposed rezoning of the parcel from Flowery Branch M-1 (Light Industrial) to Flowery Branch R-3 (Residential Multi-Family) 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 shall be used in accordance with the existing regulations and has a reasonable economic use as currently zoned.
4. The development if approved and constructed is not expected to result in a use which will or could cause an excessive or burdensome use of existing streets, transportation facilities, utilities, or schools.
5. The proposal is in conformity with the policy and intent of the comprehensive plan and 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 M-1(Light Industrial) as opposed to the proposed R-3 (Residential Multi-Family).
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 changes to the R-3 zoning district.
10. Development as proposed is not expected to impact on the environment, including but not limited to, drainage, soil erosion and sedimentation, flooding, air quality and water quality. Compliance with city subdivision and land development regulations will be required, which include but are not limited to soil erosion and sedimentation, stormwater, and flood damage prevention.

## **SECTION 2. LEGAL DESCRIPTION AND CONDITIONS.**

The property as shown in attached Exhibit “A” and as legally described in Exhibit “B” shall be rezoned to R-3 (Residential Multi-Family). Conditions are set forth in Exhibit “C”. Said Exhibits are incorporated by reference as if fully set forth herein.

## **SECTION 3. AMENDMENT OF THE ZONING MAP.**

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



**SECTION 4. SEVERABILITY.**

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

**SECTION 5. EFFECTIVE DATE.**

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

**SECTION 6. REPEALER.**

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

Adopted this 20<sup>th</sup> day of January 2022.

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Edward R. Asbridge, Mayor

ATTEST:

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Shelia R. Cooper, City Clerk

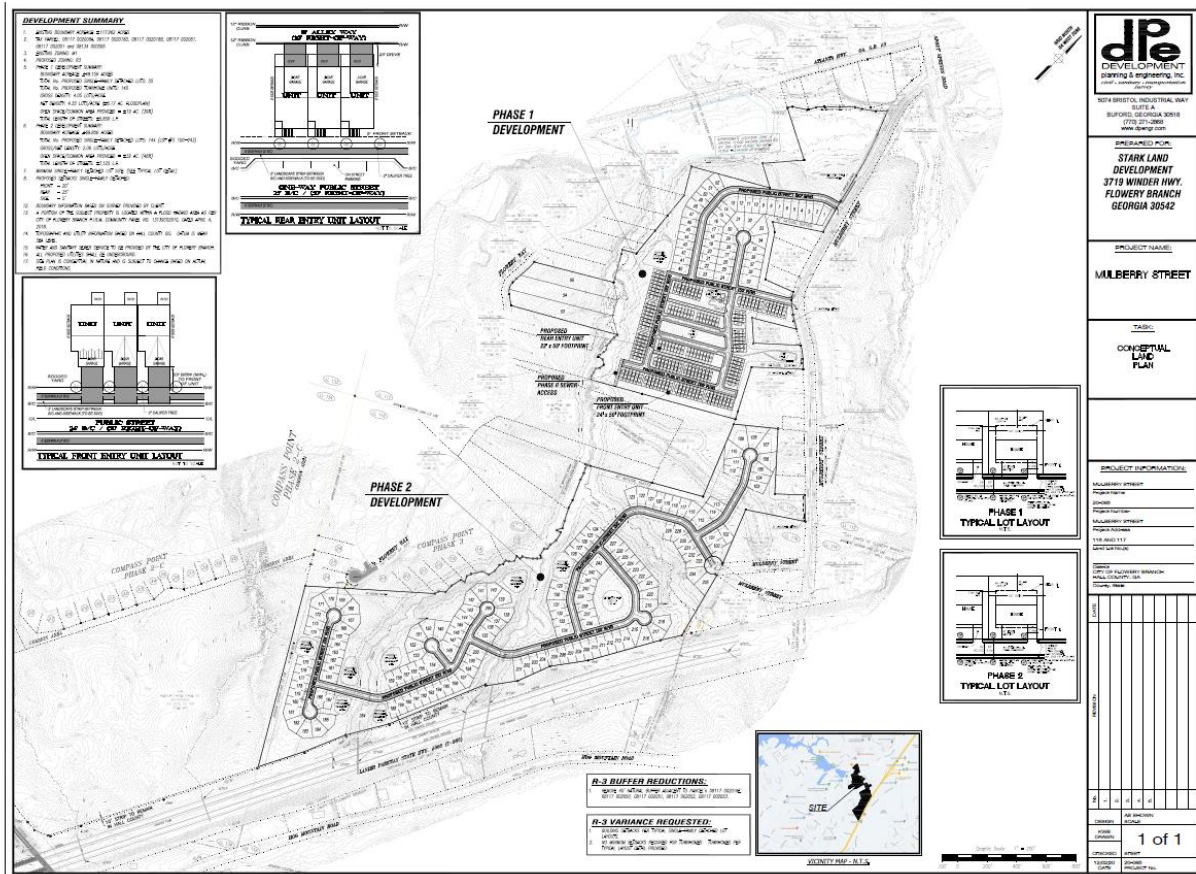
APPROVED AS TO FORM:

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E. Ronald Bennett, Jr., City Attorney



# Exhibit "A"





## Exhibit "B"

All that tract or parcel of land lying and being in Land Lot 117 of the 8th District, City of Flowery Branch, Hall County, Georgia and being more particularly described as follows.

Beginning at the Land Lot Corner common to Land Lots 116, 117, 133 and 134; THENCE North 15 degrees 02 minutes 30 seconds East for a distance of 1214.17 feet to a point on the easterly right-of-way of Flowery Way ( 50' r/w), said point being THE TRUE POINT OF BEGINNING;

THENCE North 54 degrees 28 minutes 51 seconds West a distance of 79.88 feet to a point;

THENCE along a curve to the right for an arc length of 83.93 feet, having a radius of 97.73 feet, being subtended by a chord bearing North 27 degrees 50 minutes 09 seconds West, for a distance of 81.37 feet to a point;

THENCE North 00 degrees 37 minutes 14 seconds East a distance of 37.65 feet to a point;

THENCE along a curve to the left for an arc length of 161.59 feet, having a radius of 1062.34 feet, being subtended by a chord bearing North 02 degrees 23 minutes 32 seconds East, for a distance of 161.43 feet to a point;

THENCE North 59 degrees 21 minutes 52 seconds East a distance of 550.94 feet to a point;

THENCE North 29 degrees 41 minutes 03 seconds West a distance of 227.76 feet to a point;

THENCE North 60 degrees 06 minutes 17 seconds East a distance of 95.98 feet to a point;

THENCE North 05 degrees 32 minutes 20 seconds West a distance of 505.00 feet to a point;

THENCE North 30 degrees 48 minutes 47 seconds West a distance of 200.02 feet to a point;

THENCE North 60 degrees 07 minutes 29 seconds East a distance of 546.35 feet to a point;

THENCE North 61 degrees 45 minutes 30 seconds West a distance of 170.77 feet to a point;

THENCE North 40 degrees 21 minutes 09 seconds East a distance of 281.72 feet to a point;

THENCE North 62 degrees 53 minutes 14 seconds West a distance of 366.82 feet to a point;

THENCE North 08 degrees 38 minutes 44 seconds West a distance of 3.72 feet to a point;

THENCE North 34 degrees 56 minutes 31 seconds East a distance of 32.42 feet to a point;

THENCE North 56 degrees 32 minutes 25 seconds East a distance of 104.80 feet to a point;

THENCE North 27 degrees 43 minutes 17 seconds East a distance of 60.76 feet to a point;

THENCE North 39 degrees 43 minutes 06 seconds East a distance of 52.39 feet to a point;

THENCE North 46 degrees 23 minutes 29 seconds East a distance of 104.80 feet to a point;

THENCE North 45 degrees 36 minutes 51 seconds East a distance of 102.84 feet to a point;

THENCE North 60 degrees 29 minutes 30 seconds East a distance of 49.12 feet to a point;

THENCE North 54 degrees 07 minutes 44 seconds East a distance of 93.75 feet to a point;

THENCE North 42 degrees 33 minutes 43 seconds East a distance of 80.31 feet to a point located on the westerly right-of-way of Mulberry Street;

THENCE South 21 degrees 44 minutes 30 seconds East a distance of 175.25 feet along said right-of-way to a point;

THENCE along a curve to the right for an arc length of 313.04 feet, having a radius of 2200.00 feet, being subtended by a chord bearing South 17 degrees 39 minutes 56 seconds East, for a distance of 312.77 feet along said right-of-way to a point;

THENCE South 13 degrees 35 minutes 21 seconds East a distance of 195.20 feet along said right-of-way to a point;

THENCE along a curve to the left for an arc length of 57.05 feet, having a radius of 2300.00 feet, being subtended by a chord bearing South 14 degrees 18 minutes 00 seconds East, for a distance of 57.05 feet along said right-of-way along said right-of-way to a point;



THENCE South 15 degrees 10 minutes 26 seconds East a distance of 185.01 feet along said right-of-way to a point;  
 THENCE South 56 degrees 37 minutes 14 seconds West a distance of 346.80 feet leaving said right-of-way to a point;  
 THENCE South 58 degrees 04 minutes 45 seconds East a distance of 70.72 feet to a point;  
 THENCE South 33 degrees 41 minutes 04 seconds East a distance of 326.98 feet to a point;  
 THENCE North 68 degrees 43 minutes 53 seconds East a distance of 204.17 feet to a point located on the southwesterly right-of-way of Mulberry Street;  
 THENCE South 34 degrees 22 minutes 19 seconds East a distance of 56.13 feet along said right-of-way to a point;  
 THENCE South 50 degrees 07 minutes 20 seconds East a distance of 100.00 feet along said right-of-way to a point;  
 THENCE South 59 degrees 48 minutes 22 seconds East a distance of 100.00 feet along said right-of-way to a point;  
 THENCE South 59 degrees 21 minutes 30 seconds West a distance of 309.92 feet leaving said right-of-way to a point;  
 THENCE South 48 degrees 30 minutes 26 seconds East a distance of 170.07 feet to a point;  
 THENCE North 47 degrees 46 minutes 21 seconds East a distance of 318.84 feet to a point located on the southwesterly right-of-way of Mulberry Street;  
 THENCE along a curve to the right for an arc length of 94.92 feet, having a radius of 425.00 feet, being subtended by a chord bearing South 53 degrees 05 minutes 41 seconds East, for a distance of 94.72 feet along said right-of-way to a point;  
 THENCE South 46 degrees 41 minutes 47 seconds East a distance of 67.27 feet along said right-of-way to a point;  
 THENCE South 47 degrees 35 minutes 36 seconds West a distance of 347.20 feet leaving said right-of-way to a point;  
 THENCE South 27 degrees 38 minutes 32 seconds East a distance of 367.62 feet to a point;  
 THENCE South 60 degrees 15 minutes 22 seconds West a distance of 649.98 feet to a point;  
 THENCE South 60 degrees 16 minutes 13 seconds West a distance of 352.85 feet to a point;  
 THENCE North 48 degrees 12 minutes 16 seconds West a distance of 30.32 feet to a point;  
 THENCE North 02 degrees 53 minutes 11 seconds West a distance of 24.24 feet to a point;  
 THENCE North 24 degrees 11 minutes 12 seconds West a distance of 30.92 feet to a point;  
 THENCE North 40 degrees 44 minutes 55 seconds East a distance of 27.08 feet to a point;  
 THENCE North 07 degrees 29 minutes 14 seconds East a distance of 37.47 feet to a point;  
 THENCE North 56 degrees 00 minutes 04 seconds West a distance of 35.03 feet to a point;  
 THENCE South 78 degrees 44 minutes 58 seconds West a distance of 37.19 feet to a point;  
 THENCE North 10 degrees 05 minutes 48 seconds West a distance of 14.68 feet to a point;  
 THENCE North 11 degrees 22 minutes 48 seconds East a distance of 35.30 feet to a point;  
 THENCE North 06 degrees 31 minutes 58 seconds East a distance of 20.38 feet to a point;  
 THENCE North 39 degrees 32 minutes 23 seconds West a distance of 28.59 feet to a point;  
 THENCE North 04 degrees 29 minutes 41 seconds West a distance of 33.89 feet to a point;  
 THENCE North 00 degrees 17 minutes 51 seconds West a distance of 39.43 feet to a point;  
 THENCE North 04 degrees 15 minutes 12 seconds East a distance of 30.56 feet to a point;  
 THENCE South 60 degrees 19 minutes 46 seconds West a distance of 742.04 feet to a point, said point being THE TRUE POINT OF BEGINNING.

Said tract contains an area of 48.156 acres more or less.



Together with:

All that tract or parcel of land lying and being in Land Lot 116 and 117 of the 8th District, City of Flowery Branch, Hall County, Georgia and being more particularly described as follows.

Beginning at the Land Lot Corner common to Land Lots 116, 117, 133 and 134; THENCE South 30 degrees 22 minutes 57 seconds East for a distance of 1101.65 feet to a point; THENCE South 30 degrees 21 minutes 16 seconds East for a distance of 218.48 feet to a point, said point being THE TRUE POINT OF BEGINNING;

THENCE North 48 degrees 22 minutes 48 seconds East a distance of 875.57 feet to a point;  
THENCE North 11 degrees 52 minutes 38 seconds East a distance of 26.55 feet to a point;  
THENCE North 50 degrees 18 minutes 59 seconds East a distance of 47.92 feet to a point;  
THENCE North 01 degrees 30 minutes 02 seconds West a distance of 62.59 feet to a point;  
THENCE North 13 degrees 27 minutes 39 seconds East a distance of 69.62 feet to a point;  
THENCE North 73 degrees 24 minutes 27 seconds East a distance of 32.42 feet to a point;  
THENCE North 28 degrees 33 minutes 29 seconds West a distance of 42.32 feet to a point;  
THENCE North 17 degrees 38 minutes 29 seconds East a distance of 31.76 feet to a point;  
THENCE North 32 degrees 22 minutes 06 seconds East a distance of 80.36 feet to a point;  
THENCE North 74 degrees 02 minutes 00 seconds East a distance of 46.63 feet to a point;  
THENCE North 12 degrees 58 minutes 57 seconds East a distance of 49.55 feet to a point;  
THENCE North 07 degrees 31 minutes 42 seconds West a distance of 50.45 feet to a point;  
THENCE North 30 degrees 16 minutes 15 seconds East a distance of 26.90 feet to a point;  
THENCE North 10 degrees 19 minutes 38 seconds West a distance of 26.62 feet to a point;  
THENCE North 58 degrees 48 minutes 33 seconds East a distance of 24.02 feet to a point;  
THENCE North 41 degrees 18 minutes 24 seconds East a distance of 34.46 feet to a point;  
THENCE North 16 degrees 53 minutes 06 seconds West a distance of 36.79 feet to a point;  
THENCE North 77 degrees 44 minutes 30 seconds East a distance of 26.19 feet to a point;  
THENCE North 06 degrees 55 minutes 46 seconds East a distance of 19.96 feet to a point;  
THENCE North 58 degrees 22 minutes 20 seconds East a distance of 32.80 feet to a point;  
THENCE North 52 degrees 55 minutes 19 seconds East a distance of 39.42 feet to a point;  
THENCE North 44 degrees 28 minutes 57 seconds East a distance of 28.81 feet to a point;  
THENCE North 38 degrees 27 minutes 51 seconds East a distance of 28.60 feet to a point;  
THENCE North 63 degrees 30 minutes 30 seconds West a distance of 21.24 feet to a point;  
THENCE North 14 degrees 15 minutes 36 seconds West a distance of 47.62 feet to a point;  
THENCE North 41 degrees 07 minutes 00 seconds East a distance of 23.46 feet to a point;  
THENCE North 08 degrees 45 minutes 20 seconds West a distance of 35.65 feet to a point;  
THENCE North 10 degrees 03 minutes 40 seconds East a distance of 44.66 feet to a point;  
THENCE North 13 degrees 34 minutes 23 seconds West a distance of 63.51 feet to a point;  
THENCE South 72 degrees 35 minutes 22 seconds West a distance of 35.85 feet to a point;  
THENCE North 27 degrees 17 minutes 06 seconds East a distance of 43.82 feet to a point;  
THENCE North 29 degrees 54 minutes 21 seconds West a distance of 49.61 feet to a point;  
THENCE North 26 degrees 51 minutes 13 seconds West a distance of 95.89 feet to a point;  
THENCE North 17 degrees 28 minutes 07 seconds West a distance of 55.39 feet to a point;  
THENCE North 23 degrees 53 minutes 55 seconds West a distance of 149.25 feet to a point;  
THENCE North 17 degrees 29 minutes 34 seconds West a distance of 47.91 feet to a point;  
THENCE North 31 degrees 06 minutes 18 seconds West a distance of 33.89 feet to a point;



THENCE North 12 degrees 15 minutes 25 seconds West a distance of 26.69 feet to a point;  
 THENCE North 65 degrees 43 minutes 13 seconds East a distance of 21.21 feet to a point;  
 THENCE North 60 degrees 10 minutes 55 seconds East a distance of 787.01 feet to a point;  
 THENCE North 21 degrees 58 minutes 54 seconds West a distance of 529.33 feet to a point;  
 THENCE North 50 degrees 49 minutes 21 seconds East a distance of 298.67 feet to a point;  
 THENCE South 42 degrees 11 minutes 33 seconds East a distance of 439.12 feet to a point;  
 THENCE North 47 degrees 05 minutes 23 seconds East a distance of 201.10 feet to a point located on  
 the southwesterly right-of-way of Mulberry Street;  
 THENCE South 46 degrees 31 minutes 54 seconds East a distance of 178.61 feet along said right-of-  
 way to a point;  
 THENCE South 56 degrees 13 minutes 11 seconds West a distance of 409.48 feet leaving said right-  
 of-way to a point;  
 THENCE South 21 degrees 49 minutes 31 seconds East a distance of 400.05 feet to a point;  
 THENCE along a curve to the left for an arc length of 289.42 feet, having a radius of 60.00 feet,  
 being subtended by a chord bearing South 09 degrees 09 minutes 33 seconds East, for a distance of  
 80.01 feet to a point;  
 THENCE North 80 degrees 50 minutes 59 seconds East a distance of 12.88 feet to a point;  
 THENCE South 14 degrees 42 minutes 21 seconds East a distance of 467.39 feet to a point located on  
 the northwesterly right-of-way of Lanier Parkway State Hwy. #365 (I-985);  
 THENCE South 31 degrees 59 minutes 20 seconds West a distance of 146.27 feet along said right-of-  
 way to a point;  
 THENCE South 29 degrees 20 minutes 32 seconds West a distance of 506.50 feet along said right-of-  
 way to a point;  
 THENCE South 36 degrees 25 minutes 35 seconds West a distance of 258.07 feet along said right-of-  
 way to a point;  
 THENCE South 20 degrees 56 minutes 49 seconds West a distance of 240.77 feet along said right-of-  
 way to a point;  
 THENCE South 36 degrees 05 minutes 29 seconds West a distance of 215.20 feet along said right-of-  
 way to a point;  
 THENCE North 67 degrees 12 minutes 40 seconds West a distance of 10.00 feet along said right-of-  
 way to a point;  
 THENCE South 22 degrees 47 minutes 20 seconds West a distance of 701.09 feet along said right-of-  
 way to a point;  
 THENCE South 30 degrees 41 minutes 18 seconds West a distance of 300.64 feet along said right-of-  
 way to a point;  
 THENCE South 23 degrees 03 minutes 37 seconds West a distance of 301.00 feet along said right-of-  
 way to a point;  
 THENCE South 26 degrees 52 minutes 28 seconds West a distance of 325.95 feet along said right-of-  
 way to a point;  
 THENCE North 30 degrees 22 minutes 57 seconds West a distance of 1255.51 feet leaving said right-  
 of-way to a point, said point being THE TRUE POINT OF BEGINNING.

Said tract contains an area of 69.806 acres more or less.



## Exhibit "C"

Phase one (parcels 08117 002008A, 08117 002016D, 08117 002016B, and 08117 002061; ordinances 625, 626, 627, & 628) shall be conditioned as follows:

1. Water and sewer shall be provided by the City of Flowery Branch.
2. Site plan shall generally adhere to the plan as shown and described below:





### **DEVELOPMENT SUMMARY**

1. EXISTING BOUNDARY ACREAGE:  $\pm 117.962$  ACRES
2. TAX PARCEL: 08117 002008A, 08117 002016D, 08117 002016B, 08117 002061, 08117 002001 and 08134 000006
3. EXISTING ZONING: M1
4. PROPOSED ZONING: R3
5. PHASE 1 DEVELOPMENT SUMMARY:  
BOUNDARY ACREAGE:  $\pm 48.156$  ACRES  
TOTAL No. PROPOSED SINGLE-FAMILY DETACHED LOTS: 49  
TOTAL No. PROPOSED TOWNHOME UNITS: 140  
GROSS DENSITY: 3.92 LOTS/ACRE  
NET DENSITY: 4.19 LOTS/ACRE ( $\pm 6.17$  AC. FLOODPLAIN)  
OPEN SPACE/Common Area PROVIDED =  $\pm 19$  AC. (39%)  
TOTAL LENGTH OF STREETS:  $\pm 5,850$  L.F.
6. PHASE 2 DEVELOPMENT SUMMARY:  
BOUNDARY ACREAGE:  $\pm 69.806$  ACRES  
TOTAL No. PROPOSED SINGLE-FAMILY DETACHED LOTS: 138 (LOT #S 100-237)  
GROSS/NET DENSITY: 1.97 LOTS/ACRE  
OPEN SPACE/Common Area PROVIDED =  $\pm 34$  AC. (46%)  
TOTAL LENGTH OF STREETS:  $\pm 6,775$  L.F.
7. MINIMUM SINGLE-FAMILY DETACHED LOT SIZE: (SEE TYPICAL LOT DETAIL)
8. PROPOSED SETBACKS SINGLE-FAMILY DETACHED:  
FRONT - 20'  
REAR - 25'  
SIDE - 5'

3. Applicant will revise its Traffic Study dated May 26, 2021, to include (1) a signal warrant analysis at Mulberry Street/Phil Niekro Blvd. intersection and (2) a traffic calming study on Mulberry Street from the proposed subdivision to Phil Niekro Blvd.
  - a. Revised study does NOT need to be completed before zoning approval.
  - b. If a signal is warranted, applicant will NOT be responsible for the cost or installation of the signal.
  - c. Prior to final plat approval, applicant will construct a northbound exclusive right turn lane from Mulberry Street onto Phil Niekro Blvd. City will give Applicant adequate right-of-way to construct the turn lane at no additional cost.
  - d. Prior to final plat approval, Applicant will construct recommended traffic calming measures along Mulberry Street from the proposed development to Phil Niekro Blvd as prescribed by the above revised traffic study.
  - e. Applicant shall install "Do Not Block the Intersection" signs and markings on Phil Niekro Boulevard prior to final plat approval.
4. Prior to the approval of the final plat, the applicant shall pay \$100,000 to City of Flowery Branch for implementation, installation, and construction of any other improvements recommended by the approved traffic impact study. All design and construction, other than improvements on Mulberry Street, shall be the responsibility of the City of Flowery



Branch.

5. Development shall meet all requirements set forth in ordinance 657 adopted on December 16, 2021, except for the following:

**Sec. 12.6. - Townhouses.**

(b) *Lot Size.* The minimum size of a lot for each fee-simple townhouse lot (i.e., the extent of land owned by the owner of the unit) shall be 2,000 square feet in lot area. **A maximum of thirty-three (33) townhomes shall have a minimum lot-size of 1,800 square feet in area.**

(e) *Rear Setbacks.* There shall be a minimum twenty (20) foot rear setback from townhouse lot boundaries for all buildings and structures, except when the rear property line abuts an alley, in which case no setback shall be required. **Rear setback shall be reduced to ten (10) feet to accommodate covered patios.**

6. A Homeowners Association shall be established, and covenants shall be created and submitted to the City prior to formal recording. It shall be the Homeowners Associations responsibility to mandate and enforce a twenty (20) percent limit on homes for lease.



Phase two (parcels 08117 002001 & 08134 000006; ordinances 629 and 630) shall be conditioned as follows:

1. Water and sewer shall be provided by the City of Flowery Branch.
2. Phase II shall be developed in substantial conformity with the Conceptual Land Plan dated 12/02/20 attached hereto as Appendix A and with the following Development Summary.

#### **DEVELOPMENT SUMMARY**

1. EXISTING BOUNDARY ACREAGE: ±117.962 ACRES
2. TAX PARCEL: 08117 002008A, 08117 002016D, 08117 002016B, 08117 002061, 08117 002001 and 08134 000006
3. EXISTING ZONING: M1
4. PROPOSED ZONING: R3
5. PHASE 1 DEVELOPMENT SUMMARY:  
BOUNDARY ACREAGE: ±48.156 ACRES  
TOTAL No. PROPOSED SINGLE-FAMILY DETACHED LOTS: 49  
TOTAL No. PROPOSED TOWNHOME UNITS: 140  
GROSS DENSITY: 3.92 LOTS/ACRE  
NET DENSITY: 4.19 LOTS/ACRE (±6.17 AC. FLOODPLAIN)  
OPEN SPACE/COMMON AREA PROVIDED = ±19 AC. (39%)  
TOTAL LENGTH OF STREETS: ±5,850 L.F.
6. PHASE 2 DEVELOPMENT SUMMARY:  
BOUNDARY ACREAGE: ±69.806 ACRES  
TOTAL No. PROPOSED SINGLE-FAMILY DETACHED LOTS: 138 (LOT #S 100-237)  
GROSS/NET DENSITY: 1.97 LOTS/ACRE  
OPEN SPACE/COMMON AREA PROVIDED = ±34 AC. (46%)  
TOTAL LENGTH OF STREETS: ±6,775 L.F.
7. MINIMUM SINGLE-FAMILY DETACHED LOT SIZE: (SEE TYPICAL LOT DETAIL)
8. PROPOSED SETBACKS SINGLE-FAMILY DETACHED:  
FRONT - 20'  
REAR - 25'  
SIDE - 5'



3. Applicant will revise its Traffic Study dated May 26, 2021, to include (1) a signal warrant analysis at Mulberry Street/Phil Niekro Blvd. intersection and (2) a traffic calming study on Mulberry Street from the proposed subdivision to Phil Niekro Blvd.
  - a. Revised study does NOT need to be completed before zoning approval.
  - b. If a signal is warranted, applicant will NOT be responsible for the cost or installation of the signal.
  - c. If Phase II is initiated prior to Phase I, prior to the issuance of the first certificate of occupancy, applicant will construct a northbound exclusive right turn lane from Mulberry Street onto Phil Niekro Blvd. City will give Applicant adequate right-of-way to construct the turn lane at no additional cost.
  - d. If Phase II is initiated prior to Phase I, prior to final plat approval, Applicant will construct recommended traffic calming measures along Mulberry Street from the proposed development to Phil Niekro Blvd as prescribed by the above revised traffic study.
4. If Phase II is initiated prior to Phase I, prior to the approval of the final plat, the applicant shall pay \$100,000 to City of Flowery Branch for implementation, installation, and construction of any other improvements recommended by the approved traffic impact study. All design and construction, other than improvements on Mulberry Street, shall be the responsibility of the City of Flowery Branch.
5. Prior to issuance of any permit for Phase II, the Developer shall submit a site plan for approval by city staff. If the site plan is not in substantial conformity with the Conceptual Land Plan dated 12/02/20, review and approval by the Mayor and City Council shall be required.
7. Development shall meet all requirements set forth in ordinance 657 adopted on December 16, 2021.
8. A Homeowners Association shall be established, and covenants shall be created and submitted to the City prior to formal recording. It shall be the Homeowners Associations responsibility to mandate and enforce a ten (10) percent limit on homes for lease.



## 14





## **ORDINANCE 626**

**AN ORDINANCE AMENDING THE ZONING MAP OF THE CITY OF FLOWERY BRANCH, GEORGIA, BY REZONING A 28.54+/- ACRE TRACT OF LAND OWNED BY ADVENTURES IN REAL ESTATE LLC. COMMONLY KNOWN AS 0 MULBERRY STREET, IDENTIFIED AS TAX PARCEL 08117 002016D AS SHOWN ON ATTACHED EXHIBIT “A”, AS DESCRIBED ON EXHIBIT “B”, FROM M-1 (LIGHT INDUSTRIAL) TO R-3 (MULTI-FAMILY RESIDENTIAL) SUBJECT TO THE CONDITIONS SET FORTH IN EXHIBIT “C”; PROVIDING FOR SEVERABILITY, REPEALING CONFLICTING ORDINANCES, PROVIDING FOR AN EFFECTIVE DATE AND FOR ALL OTHER LAWFUL PURPOSES.**

**WHEREAS**, Stark Land Development, LLC. desires to develop the 28.54. +/- acre tract of land identified as tax parcel 08117 002016D; shown on Exhibit “A”; and legally described on Exhibit “B”; and

**WHEREAS**, specific conditions shall be placed on subject property are shown on attached exhibit “C”; and

**WHEREAS**, the City Council of the City of Flowery Branch has considered the rezoning application of Stark Land Development, LLC. in conjunction with the standards set forth in Article 34 - Section 34.7 of Zoning Ordinance No. 348 of the City of Flowery Branch, Georgia; and

**WHEREAS**, Stark Land Development, 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 January 6, 2022 duly noticed as prescribed by law and published in the Gainesville Times, regarding said application, as shall be set forth in the minutes of said meeting.

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

### **SECTION 1. FINDINGS.**

The City Council finds that the proposed rezoning of the parcel from Flowery Branch M-1 (Light Industrial) to Flowery Branch R-3 (Residential Multi-Family) 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 shall be used in accordance with the existing regulations and has a reasonable economic use as currently zoned.
4. The development if approved and constructed is not expected to result in a use which will or could cause an excessive or burdensome use of existing streets, transportation facilities, utilities, or schools.
5. The proposal is in conformity with the policy and intent of the comprehensive plan and 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 M-1(Light Industrial) as opposed to the proposed R-3 (Residential Multi-Family).
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 changes to the R-3 zoning district.
10. Development as proposed is not expected to impact on the environment, including but not limited to, drainage, soil erosion and sedimentation, flooding, air quality and water quality. Compliance with city subdivision and land development regulations will be required, which include but are not limited to soil erosion and sedimentation, stormwater, and flood damage prevention.

## **SECTION 2. LEGAL DESCRIPTION AND CONDITIONS.**

The property as shown in attached Exhibit “A” and as legally described in Exhibit “B” shall be rezoned to R-3 (Residential Multi-Family). Conditions are set forth in Exhibit “C”. Said Exhibits are incorporated by reference as if fully set forth herein.

## **SECTION 3. AMENDMENT OF THE ZONING MAP.**

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



**SECTION 4. SEVERABILITY.**

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

**SECTION 5. EFFECTIVE DATE.**

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

**SECTION 6. REPEALER.**

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

Adopted this 20<sup>th</sup> day of January 2022.

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Edward R. Asbridge, Mayor

ATTEST:

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Shelia R. Cooper, City Clerk

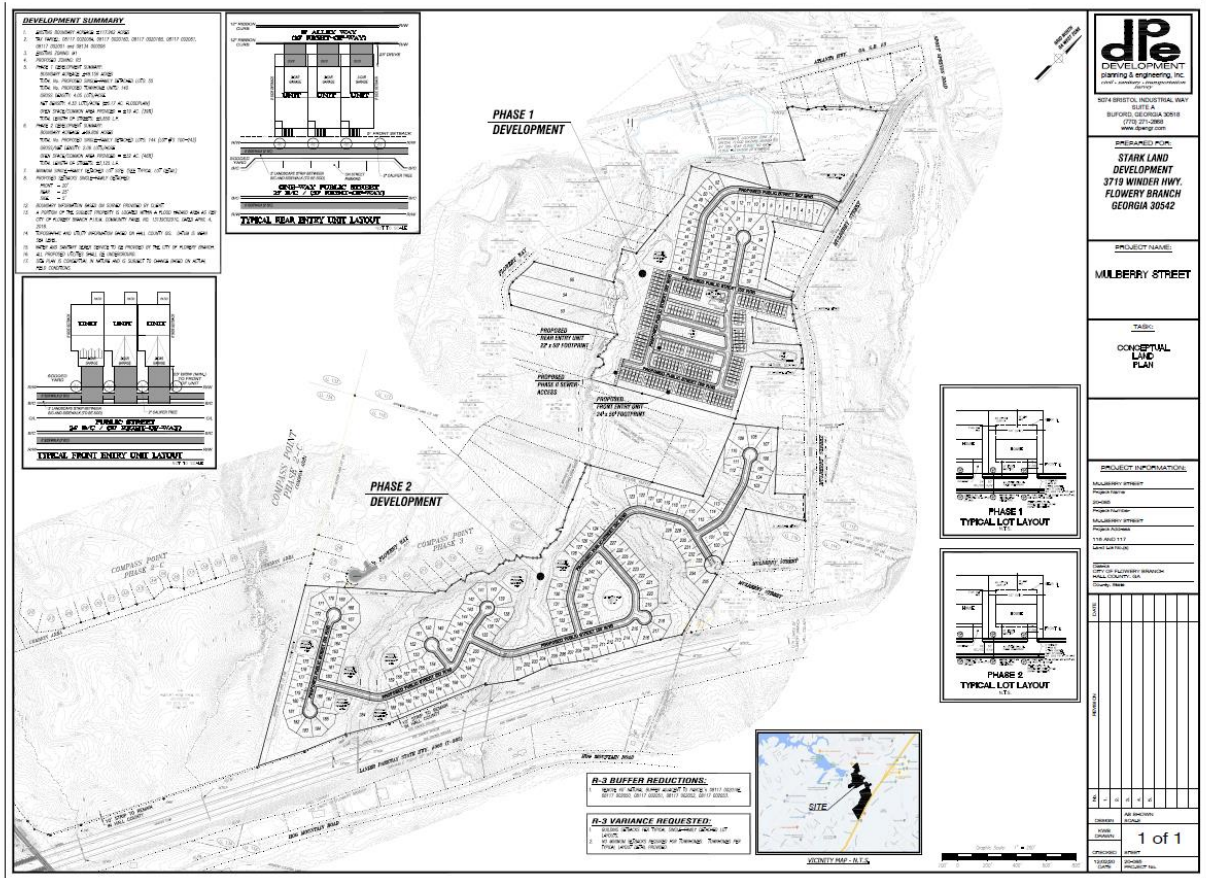
APPROVED AS TO FORM:

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E. Ronald Bennett, Jr., City Attorney



Exhibit "A"





## Exhibit "B"

All that tract or parcel of land lying and being in Land Lot 117 of the 8th District, City of Flowery Branch, Hall County, Georgia and being more particularly described as follows.

Beginning at the Land Lot Corner common to Land Lots 116, 117, 133 and 134; THENCE North 15 degrees 02 minutes 30 seconds East for a distance of 1214.17 feet to a point on the easterly right-of-way of Flowery Way ( 50' r/w), said point being THE TRUE POINT OF BEGINNING;

THENCE North 54 degrees 28 minutes 51 seconds West a distance of 79.88 feet to a point;

THENCE along a curve to the right for an arc length of 83.93 feet, having a radius of 97.73 feet, being subtended by a chord bearing North 27 degrees 50 minutes 09 seconds West, for a distance of 81.37 feet to a point;

THENCE North 00 degrees 37 minutes 14 seconds East a distance of 37.65 feet to a point;

THENCE along a curve to the left for an arc length of 161.59 feet, having a radius of 1062.34 feet, being subtended by a chord bearing North 02 degrees 23 minutes 32 seconds East, for a distance of 161.43 feet to a point;

THENCE North 59 degrees 21 minutes 52 seconds East a distance of 550.94 feet to a point;

THENCE North 29 degrees 41 minutes 03 seconds West a distance of 227.76 feet to a point;

THENCE North 60 degrees 06 minutes 17 seconds East a distance of 95.98 feet to a point;

THENCE North 05 degrees 32 minutes 20 seconds West a distance of 505.00 feet to a point;

THENCE North 30 degrees 48 minutes 47 seconds West a distance of 200.02 feet to a point;

THENCE North 60 degrees 07 minutes 29 seconds East a distance of 546.35 feet to a point;

THENCE North 61 degrees 45 minutes 30 seconds West a distance of 170.77 feet to a point;

THENCE North 40 degrees 21 minutes 09 seconds East a distance of 281.72 feet to a point;

THENCE North 62 degrees 53 minutes 14 seconds West a distance of 366.82 feet to a point;

THENCE North 08 degrees 38 minutes 44 seconds West a distance of 3.72 feet to a point;

THENCE North 34 degrees 56 minutes 31 seconds East a distance of 32.42 feet to a point;

THENCE North 56 degrees 32 minutes 25 seconds East a distance of 104.80 feet to a point;

THENCE North 27 degrees 43 minutes 17 seconds East a distance of 60.76 feet to a point;

THENCE North 39 degrees 43 minutes 06 seconds East a distance of 52.39 feet to a point;

THENCE North 46 degrees 23 minutes 29 seconds East a distance of 104.80 feet to a point;

THENCE North 45 degrees 36 minutes 51 seconds East a distance of 102.84 feet to a point;

THENCE North 60 degrees 29 minutes 30 seconds East a distance of 49.12 feet to a point;

THENCE North 54 degrees 07 minutes 44 seconds East a distance of 93.75 feet to a point;

THENCE North 42 degrees 33 minutes 43 seconds East a distance of 80.31 feet to a point located on the westerly right-of-way of Mulberry Street;

THENCE South 21 degrees 44 minutes 30 seconds East a distance of 175.25 feet along said right-of-way to a point;

THENCE along a curve to the right for an arc length of 313.04 feet, having a radius of 2200.00 feet, being subtended by a chord bearing South 17 degrees 39 minutes 56 seconds East, for a distance of 312.77 feet along said right-of-way to a point;

THENCE South 13 degrees 35 minutes 21 seconds East a distance of 195.20 feet along said right-of-way to a point;

THENCE along a curve to the left for an arc length of 57.05 feet, having a radius of 2300.00 feet, being subtended by a chord bearing South 14 degrees 18 minutes 00 seconds East, for a distance of 57.05 feet along said right-of-way along said right-of-way to a point;



THENCE South 15 degrees 10 minutes 26 seconds East a distance of 185.01 feet along said right-of-way to a point;  
 THENCE South 56 degrees 37 minutes 14 seconds West a distance of 346.80 feet leaving said right-of-way to a point;  
 THENCE South 58 degrees 04 minutes 45 seconds East a distance of 70.72 feet to a point;  
 THENCE South 33 degrees 41 minutes 04 seconds East a distance of 326.98 feet to a point;  
 THENCE North 68 degrees 43 minutes 53 seconds East a distance of 204.17 feet to a point located on the southwesterly right-of-way of Mulberry Street;  
 THENCE South 34 degrees 22 minutes 19 seconds East a distance of 56.13 feet along said right-of-way to a point;  
 THENCE South 50 degrees 07 minutes 20 seconds East a distance of 100.00 feet along said right-of-way to a point;  
 THENCE South 59 degrees 48 minutes 22 seconds East a distance of 100.00 feet along said right-of-way to a point;  
 THENCE South 59 degrees 21 minutes 30 seconds West a distance of 309.92 feet leaving said right-of-way to a point;  
 THENCE South 48 degrees 30 minutes 26 seconds East a distance of 170.07 feet to a point;  
 THENCE North 47 degrees 46 minutes 21 seconds East a distance of 318.84 feet to a point located on the southwesterly right-of-way of Mulberry Street;  
 THENCE along a curve to the right for an arc length of 94.92 feet, having a radius of 425.00 feet, being subtended by a chord bearing South 53 degrees 05 minutes 41 seconds East, for a distance of 94.72 feet along said right-of-way to a point;  
 THENCE South 46 degrees 41 minutes 47 seconds East a distance of 67.27 feet along said right-of-way to a point;  
 THENCE South 47 degrees 35 minutes 36 seconds West a distance of 347.20 feet leaving said right-of-way to a point;  
 THENCE South 27 degrees 38 minutes 32 seconds East a distance of 367.62 feet to a point;  
 THENCE South 60 degrees 15 minutes 22 seconds West a distance of 649.98 feet to a point;  
 THENCE South 60 degrees 16 minutes 13 seconds West a distance of 352.85 feet to a point;  
 THENCE North 48 degrees 12 minutes 16 seconds West a distance of 30.32 feet to a point;  
 THENCE North 02 degrees 53 minutes 11 seconds West a distance of 24.24 feet to a point;  
 THENCE North 24 degrees 11 minutes 12 seconds West a distance of 30.92 feet to a point;  
 THENCE North 40 degrees 44 minutes 55 seconds East a distance of 27.08 feet to a point;  
 THENCE North 07 degrees 29 minutes 14 seconds East a distance of 37.47 feet to a point;  
 THENCE North 56 degrees 00 minutes 04 seconds West a distance of 35.03 feet to a point;  
 THENCE South 78 degrees 44 minutes 58 seconds West a distance of 37.19 feet to a point;  
 THENCE North 10 degrees 05 minutes 48 seconds West a distance of 14.68 feet to a point;  
 THENCE North 11 degrees 22 minutes 48 seconds East a distance of 35.30 feet to a point;  
 THENCE North 06 degrees 31 minutes 58 seconds East a distance of 20.38 feet to a point;  
 THENCE North 39 degrees 32 minutes 23 seconds West a distance of 28.59 feet to a point;  
 THENCE North 04 degrees 29 minutes 41 seconds West a distance of 33.89 feet to a point;  
 THENCE North 00 degrees 17 minutes 51 seconds West a distance of 39.43 feet to a point;  
 THENCE North 04 degrees 15 minutes 12 seconds East a distance of 30.56 feet to a point;  
 THENCE South 60 degrees 19 minutes 46 seconds West a distance of 742.04 feet to a point, said point being THE TRUE POINT OF BEGINNING.

Said tract contains an area of 48.156 acres more or less.



Together with:

All that tract or parcel of land lying and being in Land Lot 116 and 117 of the 8th District, City of Flowery Branch, Hall County, Georgia and being more particularly described as follows.

Beginning at the Land Lot Corner common to Land Lots 116, 117, 133 and 134; THENCE South 30 degrees 22 minutes 57 seconds East for a distance of 1101.65 feet to a point; THENCE South 30 degrees 21 minutes 16 seconds East for a distance of 218.48 feet to a point, said point being THE TRUE POINT OF BEGINNING;

THENCE North 48 degrees 22 minutes 48 seconds East a distance of 875.57 feet to a point;  
THENCE North 11 degrees 52 minutes 38 seconds East a distance of 26.55 feet to a point;  
THENCE North 50 degrees 18 minutes 59 seconds East a distance of 47.92 feet to a point;  
THENCE North 01 degrees 30 minutes 02 seconds West a distance of 62.59 feet to a point;  
THENCE North 13 degrees 27 minutes 39 seconds East a distance of 69.62 feet to a point;  
THENCE North 73 degrees 24 minutes 27 seconds East a distance of 32.42 feet to a point;  
THENCE North 28 degrees 33 minutes 29 seconds West a distance of 42.32 feet to a point;  
THENCE North 17 degrees 38 minutes 29 seconds East a distance of 31.76 feet to a point;  
THENCE North 32 degrees 22 minutes 06 seconds East a distance of 80.36 feet to a point;  
THENCE North 74 degrees 02 minutes 00 seconds East a distance of 46.63 feet to a point;  
THENCE North 12 degrees 58 minutes 57 seconds East a distance of 49.55 feet to a point;  
THENCE North 07 degrees 31 minutes 42 seconds West a distance of 50.45 feet to a point;  
THENCE North 30 degrees 16 minutes 15 seconds East a distance of 26.90 feet to a point;  
THENCE North 10 degrees 19 minutes 38 seconds West a distance of 26.62 feet to a point;  
THENCE North 58 degrees 48 minutes 33 seconds East a distance of 24.02 feet to a point;  
THENCE North 41 degrees 18 minutes 24 seconds East a distance of 34.46 feet to a point;  
THENCE North 16 degrees 53 minutes 06 seconds West a distance of 36.79 feet to a point;  
THENCE North 77 degrees 44 minutes 30 seconds East a distance of 26.19 feet to a point;  
THENCE North 06 degrees 55 minutes 46 seconds East a distance of 19.96 feet to a point;  
THENCE North 58 degrees 22 minutes 20 seconds East a distance of 32.80 feet to a point;  
THENCE North 52 degrees 55 minutes 19 seconds East a distance of 39.42 feet to a point;  
THENCE North 44 degrees 28 minutes 57 seconds East a distance of 28.81 feet to a point;  
THENCE North 38 degrees 27 minutes 51 seconds East a distance of 28.60 feet to a point;  
THENCE North 63 degrees 30 minutes 30 seconds West a distance of 21.24 feet to a point;  
THENCE North 14 degrees 15 minutes 36 seconds West a distance of 47.62 feet to a point;  
THENCE North 41 degrees 07 minutes 00 seconds East a distance of 23.46 feet to a point;  
THENCE North 08 degrees 45 minutes 20 seconds West a distance of 35.65 feet to a point;  
THENCE North 10 degrees 03 minutes 40 seconds East a distance of 44.66 feet to a point;  
THENCE North 13 degrees 34 minutes 23 seconds West a distance of 63.51 feet to a point;  
THENCE South 72 degrees 35 minutes 22 seconds West a distance of 35.85 feet to a point;  
THENCE North 27 degrees 17 minutes 06 seconds East a distance of 43.82 feet to a point;  
THENCE North 29 degrees 54 minutes 21 seconds West a distance of 49.61 feet to a point;  
THENCE North 26 degrees 51 minutes 13 seconds West a distance of 95.89 feet to a point;  
THENCE North 17 degrees 28 minutes 07 seconds West a distance of 55.39 feet to a point;  
THENCE North 23 degrees 53 minutes 55 seconds West a distance of 149.25 feet to a point;  
THENCE North 17 degrees 29 minutes 34 seconds West a distance of 47.91 feet to a point;  
THENCE North 31 degrees 06 minutes 18 seconds West a distance of 33.89 feet to a point;



THENCE North 12 degrees 15 minutes 25 seconds West a distance of 26.69 feet to a point;  
 THENCE North 65 degrees 43 minutes 13 seconds East a distance of 21.21 feet to a point;  
 THENCE North 60 degrees 10 minutes 55 seconds East a distance of 787.01 feet to a point;  
 THENCE North 21 degrees 58 minutes 54 seconds West a distance of 529.33 feet to a point;  
 THENCE North 50 degrees 49 minutes 21 seconds East a distance of 298.67 feet to a point;  
 THENCE South 42 degrees 11 minutes 33 seconds East a distance of 439.12 feet to a point;  
 THENCE North 47 degrees 05 minutes 23 seconds East a distance of 201.10 feet to a point located on  
 the southwesterly right-of-way of Mulberry Street;  
 THENCE South 46 degrees 31 minutes 54 seconds East a distance of 178.61 feet along said right-of-  
 way to a point;  
 THENCE South 56 degrees 13 minutes 11 seconds West a distance of 409.48 feet leaving said right-  
 of-way to a point;  
 THENCE South 21 degrees 49 minutes 31 seconds East a distance of 400.05 feet to a point;  
 THENCE along a curve to the left for an arc length of 289.42 feet, having a radius of 60.00 feet,  
 being subtended by a chord bearing South 09 degrees 09 minutes 33 seconds East, for a distance of  
 80.01 feet to a point;  
 THENCE North 80 degrees 50 minutes 59 seconds East a distance of 12.88 feet to a point;  
 THENCE South 14 degrees 42 minutes 21 seconds East a distance of 467.39 feet to a point located on  
 the northwesterly right-of-way of Lanier Parkway State Hwy. #365 (I-985);  
 THENCE South 31 degrees 59 minutes 20 seconds West a distance of 146.27 feet along said right-of-  
 way to a point;  
 THENCE South 29 degrees 20 minutes 32 seconds West a distance of 506.50 feet along said right-of-  
 way to a point;  
 THENCE South 36 degrees 25 minutes 35 seconds West a distance of 258.07 feet along said right-of-  
 way to a point;  
 THENCE South 20 degrees 56 minutes 49 seconds West a distance of 240.77 feet along said right-of-  
 way to a point;  
 THENCE South 36 degrees 05 minutes 29 seconds West a distance of 215.20 feet along said right-of-  
 way to a point;  
 THENCE North 67 degrees 12 minutes 40 seconds West a distance of 10.00 feet along said right-of-  
 way to a point;  
 THENCE South 22 degrees 47 minutes 20 seconds West a distance of 701.09 feet along said right-of-  
 way to a point;  
 THENCE South 30 degrees 41 minutes 18 seconds West a distance of 300.64 feet along said right-of-  
 way to a point;  
 THENCE South 23 degrees 03 minutes 37 seconds West a distance of 301.00 feet along said right-of-  
 way to a point;  
 THENCE South 26 degrees 52 minutes 28 seconds West a distance of 325.95 feet along said right-of-  
 way to a point;  
 THENCE North 30 degrees 22 minutes 57 seconds West a distance of 1255.51 feet leaving said right-  
 of-way to a point, said point being THE TRUE POINT OF BEGINNING.

Said tract contains an area of 69.806 acres more or less.



## Exhibit "C"

Phase one (parcels 08117 002008A, 08117 002016D, 08117 002016B, and 08117 002061; ordinances 625, 626, 627, & 628) shall be conditioned as follows:

1. Water and sewer shall be provided by the City of Flowery Branch.
2. Site plan shall generally adhere to the plan as shown and described below:





### **DEVELOPMENT SUMMARY**

1. EXISTING BOUNDARY ACREAGE:  $\pm 117.962$  ACRES
2. TAX PARCEL: 08117 002008A, 08117 002016D, 08117 002016B, 08117 002061, 08117 002001 and 08134 000006
3. EXISTING ZONING: M1
4. PROPOSED ZONING: R3
5. PHASE 1 DEVELOPMENT SUMMARY:  
BOUNDARY ACREAGE:  $\pm 48.156$  ACRES  
TOTAL No. PROPOSED SINGLE-FAMILY DETACHED LOTS: 49  
TOTAL No. PROPOSED TOWNHOME UNITS: 140  
GROSS DENSITY: 3.92 LOTS/ACRE  
NET DENSITY: 4.19 LOTS/ACRE ( $\pm 6.17$  AC. FLOODPLAIN)  
OPEN SPACE/Common Area PROVIDED =  $\pm 19$  AC. (39%)  
TOTAL LENGTH OF STREETS:  $\pm 5,850$  L.F.
6. PHASE 2 DEVELOPMENT SUMMARY:  
BOUNDARY ACREAGE:  $\pm 69.806$  ACRES  
TOTAL No. PROPOSED SINGLE-FAMILY DETACHED LOTS: 138 (LOT #S 100-237)  
GROSS/NET DENSITY: 1.97 LOTS/ACRE  
OPEN SPACE/Common Area PROVIDED =  $\pm 34$  AC. (46%)  
TOTAL LENGTH OF STREETS:  $\pm 6,775$  L.F.
7. MINIMUM SINGLE-FAMILY DETACHED LOT SIZE: (SEE TYPICAL LOT DETAIL)
8. PROPOSED SETBACKS SINGLE-FAMILY DETACHED:  
FRONT - 20'  
REAR - 25'  
SIDE - 5'

3. Applicant will revise its Traffic Study dated May 26, 2021, to include (1) a signal warrant analysis at Mulberry Street/Phil Niekro Blvd. intersection and (2) a traffic calming study on Mulberry Street from the proposed subdivision to Phil Niekro Blvd.
  - a. Revised study does NOT need to be completed before zoning approval.
  - b. If a signal is warranted, applicant will NOT be responsible for the cost or installation of the signal.
  - c. Prior to final plat approval, applicant will construct a northbound exclusive right turn lane from Mulberry Street onto Phil Niekro Blvd. City will give Applicant adequate right-of-way to construct the turn lane at no additional cost.
  - d. Prior to final plat approval, Applicant will construct recommended traffic calming measures along Mulberry Street from the proposed development to Phil Niekro Blvd as prescribed by the above revised traffic study.
  - e. Applicant shall install "Do Not Block the Intersection" signs and markings on Phil Niekro Boulevard prior to final plat approval.
4. Prior to the approval of the final plat, the applicant shall pay \$100,000 to City of Flowery Branch for implementation, installation, and construction of any other improvements recommended by the approved traffic impact study. All design and construction, other than improvements on Mulberry Street, shall be the responsibility of the City of Flowery



Branch.

5. Development shall meet all requirements set forth in ordinance 657 adopted on December 16, 2021, except for the following:

**Sec. 12.6. - Townhouses.**

(b) *Lot Size.* The minimum size of a lot for each fee-simple townhouse lot (i.e., the extent of land owned by the owner of the unit) shall be 2,000 square feet in lot area. **A maximum of thirty-three (33) townhomes shall have a minimum lot-size of 1,800 square feet in area.**

(e) *Rear Setbacks.* There shall be a minimum twenty (20) foot rear setback from townhouse lot boundaries for all buildings and structures, except when the rear property line abuts an alley, in which case no setback shall be required. **Rear setback shall be reduced to ten (10) feet to accommodate covered patios.**

6. A Homeowners Association shall be established, and covenants shall be created and submitted to the City prior to formal recording. It shall be the Homeowners Associations responsibility to mandate and enforce a twenty (20) percent limit on homes for lease.



Phase two (parcels 08117 002001 & 08134 000006; ordinances 629 and 630) shall be conditioned as follows:

1. Water and sewer shall be provided by the City of Flowery Branch.
2. Phase II shall be developed in substantial conformity with the Conceptual Land Plan dated 12/02/20 attached hereto as Appendix A and with the following Development Summary.

#### **DEVELOPMENT SUMMARY**

1. EXISTING BOUNDARY ACREAGE: ±117.962 ACRES
2. TAX PARCEL: 08117 002008A, 08117 002016D, 08117 002016B, 08117 002061, 08117 002001 and 08134 000006
3. EXISTING ZONING: M1
4. PROPOSED ZONING: R3
5. PHASE 1 DEVELOPMENT SUMMARY:  
BOUNDARY ACREAGE: ±48.156 ACRES  
TOTAL No. PROPOSED SINGLE-FAMILY DETACHED LOTS: 49  
TOTAL No. PROPOSED TOWNHOME UNITS: 140  
GROSS DENSITY: 3.92 LOTS/ACRE  
NET DENSITY: 4.19 LOTS/ACRE (±6.17 AC. FLOODPLAIN)  
OPEN SPACE/COMMON AREA PROVIDED = ±19 AC. (39%)  
TOTAL LENGTH OF STREETS: ±5,850 L.F.
6. PHASE 2 DEVELOPMENT SUMMARY:  
BOUNDARY ACREAGE: ±69.806 ACRES  
TOTAL No. PROPOSED SINGLE-FAMILY DETACHED LOTS: 138 (LOT #S 100-237)  
GROSS/NET DENSITY: 1.97 LOTS/ACRE  
OPEN SPACE/COMMON AREA PROVIDED = ±34 AC. (46%)  
TOTAL LENGTH OF STREETS: ±6,775 L.F.
7. MINIMUM SINGLE-FAMILY DETACHED LOT SIZE: (SEE TYPICAL LOT DETAIL)
8. PROPOSED SETBACKS SINGLE-FAMILY DETACHED:  
FRONT - 20'  
REAR - 25'  
SIDE - 5'



3. Applicant will revise its Traffic Study dated May 26, 2021, to include (1) a signal warrant analysis at Mulberry Street/Phil Niekro Blvd. intersection and (2) a traffic calming study on Mulberry Street from the proposed subdivision to Phil Niekro Blvd.
  - a. Revised study does NOT need to be completed before zoning approval.
  - b. If a signal is warranted, applicant will NOT be responsible for the cost or installation of the signal.
  - c. If Phase II is initiated prior to Phase I, prior to the issuance of the first certificate of occupancy, applicant will construct a northbound exclusive right turn lane from Mulberry Street onto Phil Niekro Blvd. City will give Applicant adequate right-of-way to construct the turn lane at no additional cost.
  - d. If Phase II is initiated prior to Phase I, prior to final plat approval, Applicant will construct recommended traffic calming measures along Mulberry Street from the proposed development to Phil Niekro Blvd as prescribed by the above revised traffic study.
4. If Phase II is initiated prior to Phase I, prior to the approval of the final plat, the applicant shall pay \$100,000 to City of Flowery Branch for implementation, installation, and construction of any other improvements recommended by the approved traffic impact study. All design and construction, other than improvements on Mulberry Street, shall be the responsibility of the City of Flowery Branch.
5. Prior to issuance of any permit for Phase II, the Developer shall submit a site plan for approval by city staff. If the site plan is not in substantial conformity with the Conceptual Land Plan dated 12/02/20, review and approval by the Mayor and City Council shall be required.
7. Development shall meet all requirements set forth in ordinance 657 adopted on December 16, 2021.
8. A Homeowners Association shall be established, and covenants shall be created and submitted to the City prior to formal recording. It shall be the Homeowners Associations responsibility to mandate and enforce a ten (10) percent limit on homes for lease.



## 14





















## **ORDINANCE 627**

**AN ORDINANCE AMENDING THE ZONING MAP OF THE CITY OF FLOWERY BRANCH, GEORGIA, BY REZONING A 7.63+/- ACRE TRACT OF LAND OWNED BY ADVENTURES IN REAL ESTATE LLC. COMMONLY KNOWN AS 5675 FLOWERY WAY, IDENTIFIED AS TAX PARCEL 08117 002016B AS SHOWN ON ATTACHED EXHIBIT “A”, AS DESCRIBED ON EXHIBIT “B”, FROM M-1 (LIGHT INDUSTRIAL) TO R-3 (MULTI-FAMILY RESIDENTIAL) SUBJECT TO THE CONDITIONS SET FORTH IN EXHIBIT “C”; PROVIDING FOR SEVERABILITY, REPEALING CONFLICTING ORDINANCES, PROVIDING FOR AN EFFECTIVE DATE AND FOR ALL OTHER LAWFUL PURPOSES.**

**WHEREAS**, Stark Land Development, LLC. desires to develop the 7.63+/- acre tract of land identified as tax parcel 08117 002016B; shown on Exhibit “A”; and legally described on Exhibit “B”; and

**WHEREAS**, specific conditions shall be placed on subject property are shown on attached exhibit “C”; and

**WHEREAS**, the City Council of the City of Flowery Branch has considered the rezoning application of Stark Land Development, LLC. in conjunction with the standards set forth in Article 34 - Section 34.7 of Zoning Ordinance No. 348 of the City of Flowery Branch, Georgia; and

**WHEREAS**, Stark Land Development, 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 January 6, 2022, duly noticed as prescribed by law and published in the Gainesville Times, regarding said application, as shall be set forth in the minutes of said meeting.

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

### **SECTION 1. FINDINGS.**

The City Council finds that the proposed rezoning of the parcel from Flowery Branch M-1 (Light Industrial) to Flowery Branch R-3 (Residential Multi-Family) 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 shall be used in accordance with the existing regulations and has a reasonable economic use as currently zoned.
4. The development if approved and constructed is not expected to result in a use which will or could cause an excessive or burdensome use of existing streets, transportation facilities, utilities, or schools.
5. The proposal is in conformity with the policy and intent of the comprehensive plan and 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 M-1(Light Industrial) as opposed to the proposed R-3 (Residential Multi-Family).
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 changes to the R-3 zoning district.
10. Development as proposed is not expected to impact on the environment, including but not limited to, drainage, soil erosion and sedimentation, flooding, air quality and water quality. Compliance with city subdivision and land development regulations will be required, which include but are not limited to soil erosion and sedimentation, stormwater, and flood damage prevention.

## **SECTION 2. LEGAL DESCRIPTION AND CONDITIONS.**

The property as shown in attached Exhibit “A” and as legally described in Exhibit “B” shall be rezoned to R-3 (Residential Multi-Family). Conditions are set forth in Exhibit “C”. Said Exhibits are incorporated by reference as if fully set forth herein.

## **SECTION 3. AMENDMENT OF THE ZONING MAP.**

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



**SECTION 4. SEVERABILITY.**

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

**SECTION 5. EFFECTIVE DATE.**

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

**SECTION 6. REPEALER.**

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

Adopted this 20<sup>th</sup> day of January 2022.

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Edward R. Asbridge, Mayor

ATTEST:

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Shelia R. Cooper City Clerk

APPROVED AS TO FORM:

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E. Ronald Bennett, Jr., City Attorney



## 4





## Exhibit "B"

All that tract or parcel of land lying and being in Land Lot 117 of the 8th District, City of Flowery Branch, Hall County, Georgia and being more particularly described as follows.

Beginning at the Land Lot Corner common to Land Lots 116, 117, 133 and 134; THENCE North 15 degrees 02 minutes 30 seconds East for a distance of 1214.17 feet to a point on the easterly right-of-way of Flowery Way ( 50' r/w), said point being THE TRUE POINT OF BEGINNING;

THENCE North 54 degrees 28 minutes 51 seconds West a distance of 79.88 feet to a point;

THENCE along a curve to the right for an arc length of 83.93 feet, having a radius of 97.73 feet, being subtended by a chord bearing North 27 degrees 50 minutes 09 seconds West, for a distance of 81.37 feet to a point;

THENCE North 00 degrees 37 minutes 14 seconds East a distance of 37.65 feet to a point;

THENCE along a curve to the left for an arc length of 161.59 feet, having a radius of 1062.34 feet, being subtended by a chord bearing North 02 degrees 23 minutes 32 seconds East, for a distance of 161.43 feet to a point;

THENCE North 59 degrees 21 minutes 52 seconds East a distance of 550.94 feet to a point;

THENCE North 29 degrees 41 minutes 03 seconds West a distance of 227.76 feet to a point;

THENCE North 60 degrees 06 minutes 17 seconds East a distance of 95.98 feet to a point;

THENCE North 05 degrees 32 minutes 20 seconds West a distance of 505.00 feet to a point;

THENCE North 30 degrees 48 minutes 47 seconds West a distance of 200.02 feet to a point;

THENCE North 60 degrees 07 minutes 29 seconds East a distance of 546.35 feet to a point;

THENCE North 61 degrees 45 minutes 30 seconds West a distance of 170.77 feet to a point;

THENCE North 40 degrees 21 minutes 09 seconds East a distance of 281.72 feet to a point;

THENCE North 62 degrees 53 minutes 14 seconds West a distance of 366.82 feet to a point;

THENCE North 08 degrees 38 minutes 44 seconds West a distance of 3.72 feet to a point;

THENCE North 34 degrees 56 minutes 31 seconds East a distance of 32.42 feet to a point;

THENCE North 56 degrees 32 minutes 25 seconds East a distance of 104.80 feet to a point;

THENCE North 27 degrees 43 minutes 17 seconds East a distance of 60.76 feet to a point;

THENCE North 39 degrees 43 minutes 06 seconds East a distance of 52.39 feet to a point;

THENCE North 46 degrees 23 minutes 29 seconds East a distance of 104.80 feet to a point;

THENCE North 45 degrees 36 minutes 51 seconds East a distance of 102.84 feet to a point;

THENCE North 60 degrees 29 minutes 30 seconds East a distance of 49.12 feet to a point;

THENCE North 54 degrees 07 minutes 44 seconds East a distance of 93.75 feet to a point;

THENCE North 42 degrees 33 minutes 43 seconds East a distance of 80.31 feet to a point located on the westerly right-of-way of Mulberry Street;

THENCE South 21 degrees 44 minutes 30 seconds East a distance of 175.25 feet along said right-of-way to a point;

THENCE along a curve to the right for an arc length of 313.04 feet, having a radius of 2200.00 feet, being subtended by a chord bearing South 17 degrees 39 minutes 56 seconds East, for a distance of 312.77 feet along said right-of-way to a point;

THENCE South 13 degrees 35 minutes 21 seconds East a distance of 195.20 feet along said right-of-way to a point;

THENCE along a curve to the left for an arc length of 57.05 feet, having a radius of 2300.00 feet, being subtended by a chord bearing South 14 degrees 18 minutes 00 seconds East, for a distance of 57.05 feet along said right-of-way along said right-of-way to a point;



THENCE South 15 degrees 10 minutes 26 seconds East a distance of 185.01 feet along said right-of-way to a point;  
 THENCE South 56 degrees 37 minutes 14 seconds West a distance of 346.80 feet leaving said right-of-way to a point;  
 THENCE South 58 degrees 04 minutes 45 seconds East a distance of 70.72 feet to a point;  
 THENCE South 33 degrees 41 minutes 04 seconds East a distance of 326.98 feet to a point;  
 THENCE North 68 degrees 43 minutes 53 seconds East a distance of 204.17 feet to a point located on the southwesterly right-of-way of Mulberry Street;  
 THENCE South 34 degrees 22 minutes 19 seconds East a distance of 56.13 feet along said right-of-way to a point;  
 THENCE South 50 degrees 07 minutes 20 seconds East a distance of 100.00 feet along said right-of-way to a point;  
 THENCE South 59 degrees 48 minutes 22 seconds East a distance of 100.00 feet along said right-of-way to a point;  
 THENCE South 59 degrees 21 minutes 30 seconds West a distance of 309.92 feet leaving said right-of-way to a point;  
 THENCE South 48 degrees 30 minutes 26 seconds East a distance of 170.07 feet to a point;  
 THENCE North 47 degrees 46 minutes 21 seconds East a distance of 318.84 feet to a point located on the southwesterly right-of-way of Mulberry Street;  
 THENCE along a curve to the right for an arc length of 94.92 feet, having a radius of 425.00 feet, being subtended by a chord bearing South 53 degrees 05 minutes 41 seconds East, for a distance of 94.72 feet along said right-of-way to a point;  
 THENCE South 46 degrees 41 minutes 47 seconds East a distance of 67.27 feet along said right-of-way to a point;  
 THENCE South 47 degrees 35 minutes 36 seconds West a distance of 347.20 feet leaving said right-of-way to a point;  
 THENCE South 27 degrees 38 minutes 32 seconds East a distance of 367.62 feet to a point;  
 THENCE South 60 degrees 15 minutes 22 seconds West a distance of 649.98 feet to a point;  
 THENCE South 60 degrees 16 minutes 13 seconds West a distance of 352.85 feet to a point;  
 THENCE North 48 degrees 12 minutes 16 seconds West a distance of 30.32 feet to a point;  
 THENCE North 02 degrees 53 minutes 11 seconds West a distance of 24.24 feet to a point;  
 THENCE North 24 degrees 11 minutes 12 seconds West a distance of 30.92 feet to a point;  
 THENCE North 40 degrees 44 minutes 55 seconds East a distance of 27.08 feet to a point;  
 THENCE North 07 degrees 29 minutes 14 seconds East a distance of 37.47 feet to a point;  
 THENCE North 56 degrees 00 minutes 04 seconds West a distance of 35.03 feet to a point;  
 THENCE South 78 degrees 44 minutes 58 seconds West a distance of 37.19 feet to a point;  
 THENCE North 10 degrees 05 minutes 48 seconds West a distance of 14.68 feet to a point;  
 THENCE North 11 degrees 22 minutes 48 seconds East a distance of 35.30 feet to a point;  
 THENCE North 06 degrees 31 minutes 58 seconds East a distance of 20.38 feet to a point;  
 THENCE North 39 degrees 32 minutes 23 seconds West a distance of 28.59 feet to a point;  
 THENCE North 04 degrees 29 minutes 41 seconds West a distance of 33.89 feet to a point;  
 THENCE North 00 degrees 17 minutes 51 seconds West a distance of 39.43 feet to a point;  
 THENCE North 04 degrees 15 minutes 12 seconds East a distance of 30.56 feet to a point;  
 THENCE South 60 degrees 19 minutes 46 seconds West a distance of 742.04 feet to a point, said point being THE TRUE POINT OF BEGINNING.

Said tract contains an area of 48.156 acres more or less.



Together with:

All that tract or parcel of land lying and being in Land Lot 116 and 117 of the 8th District, City of Flowery Branch, Hall County, Georgia and being more particularly described as follows.

Beginning at the Land Lot Corner common to Land Lots 116, 117, 133 and 134; THENCE South 30 degrees 22 minutes 57 seconds East for a distance of 1101.65 feet to a point; THENCE South 30 degrees 21 minutes 16 seconds East for a distance of 218.48 feet to a point, said point being THE TRUE POINT OF BEGINNING;

THENCE North 48 degrees 22 minutes 48 seconds East a distance of 875.57 feet to a point;  
THENCE North 11 degrees 52 minutes 38 seconds East a distance of 26.55 feet to a point;  
THENCE North 50 degrees 18 minutes 59 seconds East a distance of 47.92 feet to a point;  
THENCE North 01 degrees 30 minutes 02 seconds West a distance of 62.59 feet to a point;  
THENCE North 13 degrees 27 minutes 39 seconds East a distance of 69.62 feet to a point;  
THENCE North 73 degrees 24 minutes 27 seconds East a distance of 32.42 feet to a point;  
THENCE North 28 degrees 33 minutes 29 seconds West a distance of 42.32 feet to a point;  
THENCE North 17 degrees 38 minutes 29 seconds East a distance of 31.76 feet to a point;  
THENCE North 32 degrees 22 minutes 06 seconds East a distance of 80.36 feet to a point;  
THENCE North 74 degrees 02 minutes 00 seconds East a distance of 46.63 feet to a point;  
THENCE North 12 degrees 58 minutes 57 seconds East a distance of 49.55 feet to a point;  
THENCE North 07 degrees 31 minutes 42 seconds West a distance of 50.45 feet to a point;  
THENCE North 30 degrees 16 minutes 15 seconds East a distance of 26.90 feet to a point;  
THENCE North 10 degrees 19 minutes 38 seconds West a distance of 26.62 feet to a point;  
THENCE North 58 degrees 48 minutes 33 seconds East a distance of 24.02 feet to a point;  
THENCE North 41 degrees 18 minutes 24 seconds East a distance of 34.46 feet to a point;  
THENCE North 16 degrees 53 minutes 06 seconds West a distance of 36.79 feet to a point;  
THENCE North 77 degrees 44 minutes 30 seconds East a distance of 26.19 feet to a point;  
THENCE North 06 degrees 55 minutes 46 seconds East a distance of 19.96 feet to a point;  
THENCE North 58 degrees 22 minutes 20 seconds East a distance of 32.80 feet to a point;  
THENCE North 52 degrees 55 minutes 19 seconds East a distance of 39.42 feet to a point;  
THENCE North 44 degrees 28 minutes 57 seconds East a distance of 28.81 feet to a point;  
THENCE North 38 degrees 27 minutes 51 seconds East a distance of 28.60 feet to a point;  
THENCE North 63 degrees 30 minutes 30 seconds West a distance of 21.24 feet to a point;  
THENCE North 14 degrees 15 minutes 36 seconds West a distance of 47.62 feet to a point;  
THENCE North 41 degrees 07 minutes 00 seconds East a distance of 23.46 feet to a point;  
THENCE North 08 degrees 45 minutes 20 seconds West a distance of 35.65 feet to a point;  
THENCE North 10 degrees 03 minutes 40 seconds East a distance of 44.66 feet to a point;  
THENCE North 13 degrees 34 minutes 23 seconds West a distance of 63.51 feet to a point;  
THENCE South 72 degrees 35 minutes 22 seconds West a distance of 35.85 feet to a point;  
THENCE North 27 degrees 17 minutes 06 seconds East a distance of 43.82 feet to a point;  
THENCE North 29 degrees 54 minutes 21 seconds West a distance of 49.61 feet to a point;  
THENCE North 26 degrees 51 minutes 13 seconds West a distance of 95.89 feet to a point;  
THENCE North 17 degrees 28 minutes 07 seconds West a distance of 55.39 feet to a point;  
THENCE North 23 degrees 53 minutes 55 seconds West a distance of 149.25 feet to a point;  
THENCE North 17 degrees 29 minutes 34 seconds West a distance of 47.91 feet to a point;  
THENCE North 31 degrees 06 minutes 18 seconds West a distance of 33.89 feet to a point;



THENCE North 12 degrees 15 minutes 25 seconds West a distance of 26.69 feet to a point;  
 THENCE North 65 degrees 43 minutes 13 seconds East a distance of 21.21 feet to a point;  
 THENCE North 60 degrees 10 minutes 55 seconds East a distance of 787.01 feet to a point;  
 THENCE North 21 degrees 58 minutes 54 seconds West a distance of 529.33 feet to a point;  
 THENCE North 50 degrees 49 minutes 21 seconds East a distance of 298.67 feet to a point;  
 THENCE South 42 degrees 11 minutes 33 seconds East a distance of 439.12 feet to a point;  
 THENCE North 47 degrees 05 minutes 23 seconds East a distance of 201.10 feet to a point located on  
 the southwesterly right-of-way of Mulberry Street;  
 THENCE South 46 degrees 31 minutes 54 seconds East a distance of 178.61 feet along said right-of-  
 way to a point;  
 THENCE South 56 degrees 13 minutes 11 seconds West a distance of 409.48 feet leaving said right-  
 of-way to a point;  
 THENCE South 21 degrees 49 minutes 31 seconds East a distance of 400.05 feet to a point;  
 THENCE along a curve to the left for an arc length of 289.42 feet, having a radius of 60.00 feet,  
 being subtended by a chord bearing South 09 degrees 09 minutes 33 seconds East, for a distance of  
 80.01 feet to a point;  
 THENCE North 80 degrees 50 minutes 59 seconds East a distance of 12.88 feet to a point;  
 THENCE South 14 degrees 42 minutes 21 seconds East a distance of 467.39 feet to a point located on  
 the northwesterly right-of-way of Lanier Parkway State Hwy. #365 (I-985);  
 THENCE South 31 degrees 59 minutes 20 seconds West a distance of 146.27 feet along said right-of-  
 way to a point;  
 THENCE South 29 degrees 20 minutes 32 seconds West a distance of 506.50 feet along said right-of-  
 way to a point;  
 THENCE South 36 degrees 25 minutes 35 seconds West a distance of 258.07 feet along said right-of-  
 way to a point;  
 THENCE South 20 degrees 56 minutes 49 seconds West a distance of 240.77 feet along said right-of-  
 way to a point;  
 THENCE South 36 degrees 05 minutes 29 seconds West a distance of 215.20 feet along said right-of-  
 way to a point;  
 THENCE North 67 degrees 12 minutes 40 seconds West a distance of 10.00 feet along said right-of-  
 way to a point;  
 THENCE South 22 degrees 47 minutes 20 seconds West a distance of 701.09 feet along said right-of-  
 way to a point;  
 THENCE South 30 degrees 41 minutes 18 seconds West a distance of 300.64 feet along said right-of-  
 way to a point;  
 THENCE South 23 degrees 03 minutes 37 seconds West a distance of 301.00 feet along said right-of-  
 way to a point;  
 THENCE South 26 degrees 52 minutes 28 seconds West a distance of 325.95 feet along said right-of-  
 way to a point;  
 THENCE North 30 degrees 22 minutes 57 seconds West a distance of 1255.51 feet leaving said right-  
 of-way to a point, said point being THE TRUE POINT OF BEGINNING.

Said tract contains an area of 69.806 acres more or less.



## Exhibit "C"

Phase one (parcels 08117 002008A, 08117 002016D, 08117 002016B, and 08117 002061; ordinances 625, 626, 627, & 628) shall be conditioned as follows:

1. Water and sewer shall be provided by the City of Flowery Branch.
2. Site plan shall generally adhere to the plan as shown and described below:





### **DEVELOPMENT SUMMARY**

1. EXISTING BOUNDARY ACREAGE:  $\pm 117.962$  ACRES
2. TAX PARCEL: 08117 002008A, 08117 002016D, 08117 002016B, 08117 002061, 08117 002001 and 08134 000006
3. EXISTING ZONING: M1
4. PROPOSED ZONING: R3
5. PHASE 1 DEVELOPMENT SUMMARY:  
BOUNDARY ACREAGE:  $\pm 48.156$  ACRES  
TOTAL No. PROPOSED SINGLE-FAMILY DETACHED LOTS: 49  
TOTAL No. PROPOSED TOWNHOME UNITS: 140  
GROSS DENSITY: 3.92 LOTS/ACRE  
NET DENSITY: 4.19 LOTS/ACRE ( $\pm 6.17$  AC. FLOODPLAIN)  
OPEN SPACE/Common Area PROVIDED =  $\pm 19$  AC. (39%)  
TOTAL LENGTH OF STREETS:  $\pm 5,850$  L.F.
6. PHASE 2 DEVELOPMENT SUMMARY:  
BOUNDARY ACREAGE:  $\pm 69.806$  ACRES  
TOTAL No. PROPOSED SINGLE-FAMILY DETACHED LOTS: 138 (LOT #S 100-237)  
GROSS/NET DENSITY: 1.97 LOTS/ACRE  
OPEN SPACE/Common Area PROVIDED =  $\pm 34$  AC. (46%)  
TOTAL LENGTH OF STREETS:  $\pm 6,775$  L.F.
7. MINIMUM SINGLE-FAMILY DETACHED LOT SIZE: (SEE TYPICAL LOT DETAIL)
8. PROPOSED SETBACKS SINGLE-FAMILY DETACHED:  
FRONT - 20'  
REAR - 25'  
SIDE - 5'

3. Applicant will revise its Traffic Study dated May 26, 2021, to include (1) a signal warrant analysis at Mulberry Street/Phil Niekro Blvd. intersection and (2) a traffic calming study on Mulberry Street from the proposed subdivision to Phil Niekro Blvd.
  - a. Revised study does NOT need to be completed before zoning approval.
  - b. If a signal is warranted, applicant will NOT be responsible for the cost or installation of the signal.
  - c. Prior to final plat approval, applicant will construct a northbound exclusive right turn lane from Mulberry Street onto Phil Niekro Blvd. City will give Applicant adequate right-of-way to construct the turn lane at no additional cost.
  - d. Prior to final plat approval, Applicant will construct recommended traffic calming measures along Mulberry Street from the proposed development to Phil Niekro Blvd as prescribed by the above revised traffic study.
  - e. Applicant shall install "Do Not Block the Intersection" signs and markings on Phil Niekro Boulevard prior to final plat approval.
4. Prior to the approval of the final plat, the applicant shall pay \$100,000 to City of Flowery Branch for implementation, installation, and construction of any other improvements recommended by the approved traffic impact study. All design and construction, other than improvements on Mulberry Street, shall be the responsibility of the City of Flowery



Branch.

5. Development shall meet all requirements set forth in ordinance 657 adopted on December 16, 2021, except for the following:

**Sec. 12.6. - Townhouses.**

(b) *Lot Size.* The minimum size of a lot for each fee-simple townhouse lot (i.e., the extent of land owned by the owner of the unit) shall be 2,000 square feet in lot area. **A maximum of thirty-three (33) townhomes shall have a minimum lot-size of 1,800 square feet in area.**

(e) *Rear Setbacks.* There shall be a minimum twenty (20) foot rear setback from townhouse lot boundaries for all buildings and structures, except when the rear property line abuts an alley, in which case no setback shall be required. **Rear setback shall be reduced to ten (10) feet to accommodate covered patios.**

6. A Homeowners Association shall be established, and covenants shall be created and submitted to the City prior to formal recording. It shall be the Homeowners Associations responsibility to mandate and enforce a twenty (20) percent limit on homes for lease.

Phase two (parcels 08117 002001 & 08134 000006; ordinances 629 and 630) shall be conditioned as follows:

1. Water and sewer shall be provided by the City of Flowery Branch.
2. Phase II shall be developed in substantial conformity with the Conceptual Land Plan dated 12/02/20 attached hereto as Appendix A and with the following Development Summary.

#### **DEVELOPMENT SUMMARY**

1. EXISTING BOUNDARY ACREAGE: ±117.962 ACRES
2. TAX PARCEL: 08117 002008A, 08117 002016D, 08117 002016B, 08117 002061, 08117 002001 and 08134 000006
3. EXISTING ZONING: M1
4. PROPOSED ZONING: R3
5. PHASE 1 DEVELOPMENT SUMMARY:  
BOUNDARY ACREAGE: ±48.156 ACRES  
TOTAL No. PROPOSED SINGLE-FAMILY DETACHED LOTS: 49  
TOTAL No. PROPOSED TOWNHOME UNITS: 140  
GROSS DENSITY: 3.92 LOTS/ACRE  
NET DENSITY: 4.19 LOTS/ACRE (±6.17 AC. FLOODPLAIN)  
OPEN SPACE/COMMON AREA PROVIDED = ±19 AC. (39%)  
TOTAL LENGTH OF STREETS: ±5,850 L.F.
6. PHASE 2 DEVELOPMENT SUMMARY:  
BOUNDARY ACREAGE: ±69.806 ACRES  
TOTAL No. PROPOSED SINGLE-FAMILY DETACHED LOTS: 138 (LOT #S 100-237)  
GROSS/NET DENSITY: 1.97 LOTS/ACRE  
OPEN SPACE/COMMON AREA PROVIDED = ±34 AC. (46%)  
TOTAL LENGTH OF STREETS: ±6,775 L.F.
7. MINIMUM SINGLE-FAMILY DETACHED LOT SIZE: (SEE TYPICAL LOT DETAIL)
8. PROPOSED SETBACKS SINGLE-FAMILY DETACHED:  
FRONT - 20'  
REAR - 25'  
SIDE - 5'



3. Applicant will revise its Traffic Study dated May 26, 2021, to include (1) a signal warrant analysis at Mulberry Street/Phil Niekro Blvd. intersection and (2) a traffic calming study on Mulberry Street from the proposed subdivision to Phil Niekro Blvd.
  - a. Revised study does NOT need to be completed before zoning approval.
  - b. If a signal is warranted, applicant will NOT be responsible for the cost or installation of the signal.
  - c. If Phase II is initiated prior to Phase I, prior to the issuance of the first certificate of occupancy, applicant will construct a northbound exclusive right turn lane from Mulberry Street onto Phil Niekro Blvd. City will give Applicant adequate right-of-way to construct the turn lane at no additional cost.
  - d. If Phase II is initiated prior to Phase I, prior to final plat approval, Applicant will construct recommended traffic calming measures along Mulberry Street from the proposed development to Phil Niekro Blvd as prescribed by the above revised traffic study.
4. If Phase II is initiated prior to Phase I, prior to the approval of the final plat, the applicant shall pay \$100,000 to City of Flowery Branch for implementation, installation, and construction of any other improvements recommended by the approved traffic impact study. All design and construction, other than improvements on Mulberry Street, shall be the responsibility of the City of Flowery Branch.
5. Prior to issuance of any permit for Phase II, the Developer shall submit a site plan for approval by city staff. If the site plan is not in substantial conformity with the Conceptual Land Plan dated 12/02/20, review and approval by the Mayor and City Council shall be required.
7. Development shall meet all requirements set forth in ordinance 657 adopted on December 16, 2021.
8. A Homeowners Association shall be established, and covenants shall be created and submitted to the City prior to formal recording. It shall be the Homeowners Associations responsibility to mandate and enforce a ten (10) percent limit on homes for lease.

## 14













## ORDINANCE 629

**AN ORDINANCE AMENDING THE ZONING MAP OF THE CITY OF FLOWERY BRANCH, GEORGIA, BY REZONING A 38.84 +/- ACRE TRACT OF LAND OWNED BY ADVENTURES IN REAL ESTATE LLC. COMMONLY KNOWN AS 5692 MULBERRY STREET, IDENTIFIED AS TAX PARCEL 08117 002001 AS SHOWN ON ATTACHED EXHIBIT “A”, AS DESCRIBED ON EXHIBIT “B”, FROM M-1 (LIGHT INDUSTRIAL) TO R-3 (MULTI-FAMILY RESIDENTIAL) SUBJECT TO THE CONDITIONS SET FORTH IN EXHIBIT “C”; PROVIDING FOR SEVERABILITY, REPEALING CONFLICTING ORDINANCES, PROVIDING FOR AN EFFECTIVE DATE AND FOR ALL OTHER LAWFUL PURPOSES.**

**WHEREAS**, Stark Land Development, LLC. desires to develop the 38.84+/- acre tract of land identified as tax parcel 08117 002001; shown on Exhibit “A”; and legally described on Exhibit “B”; and

**WHEREAS**, specific conditions shall be placed on subject property are shown on attached exhibit “C”; and

**WHEREAS**, the City Council of the City of Flowery Branch has considered the rezoning application of Stark Land Development, LLC. in conjunction with the standards set forth in Article 34 - Section 34.7 of Zoning Ordinance No. 348 of the City of Flowery Branch, Georgia; and

**WHEREAS**, Stark Land Development, 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 January 6, 2022, duly noticed as prescribed by law and published in the Gainesville Times, regarding said application, as shall be set forth in the minutes of said meeting.

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

### **SECTION 1. FINDINGS.**

The City Council finds that the proposed rezoning of the parcel from Flowery Branch M-1 (Light Industrial) to Flowery Branch R-3 (Residential Multi-Family) 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 shall be used in accordance with the existing regulations and has a reasonable economic use as currently zoned.
4. The development if approved and constructed is not expected to result in a use which will or could cause an excessive or burdensome use of existing streets, transportation facilities, utilities, or schools.
5. The proposal is in conformity with the policy and intent of the comprehensive plan and 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 M-1(Light Industrial) as opposed to the proposed R-3 (Residential Multi-Family).
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 changes to the R-3 zoning district.
10. Development as proposed is not expected to impact on the environment, including but not limited to, drainage, soil erosion and sedimentation, flooding, air quality and water quality. Compliance with city subdivision and land development regulations will be required, which include but are not limited to soil erosion and sedimentation, stormwater, and flood damage prevention.

## **SECTION 2. LEGAL DESCRIPTION AND CONDITIONS.**

The property as shown in attached Exhibit “A” and as legally described in Exhibit “B” shall be rezoned to R-3 (Residential Multi-Family). Conditions are set forth in Exhibit “C”. Said Exhibits are incorporated by reference as if fully set forth herein.

## **SECTION 3. AMENDMENT OF THE ZONING MAP.**

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

**SECTION 4. SEVERABILITY.**

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

**SECTION 5. EFFECTIVE DATE.**

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

**SECTION 6. REPEALER.**

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

Adopted this 20<sup>th</sup> day of January 2022.

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Edward R. Asbridge, Mayor

ATTEST:

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Shelia R. Cooper, City Clerk

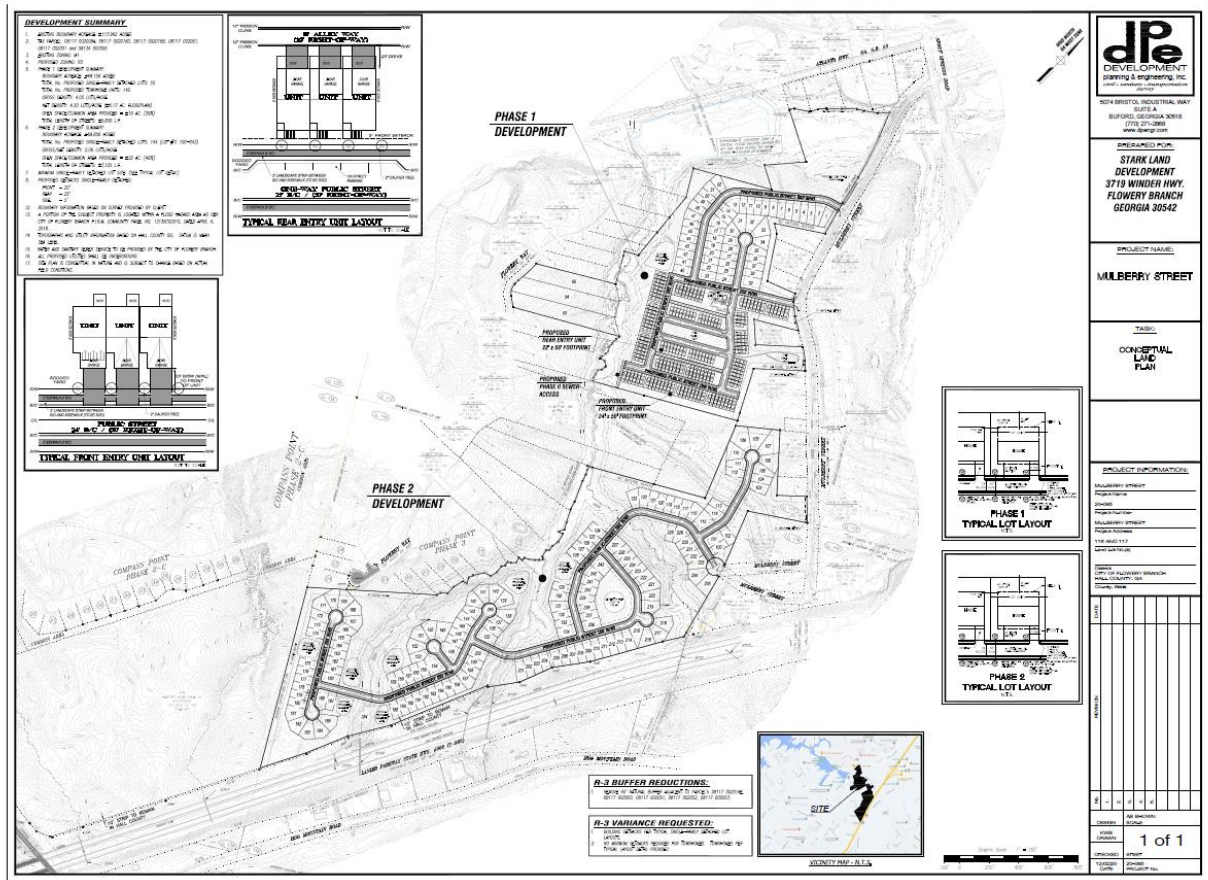
APPROVED AS TO FORM:

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E. Ronald Bennett, Jr., City Attorney



Exhibit "A"



## Exhibit "B"

All that tract or parcel of land lying and being in Land Lot 117 of the 8th District, City of Flowery Branch, Hall County, Georgia and being more particularly described as follows.

Beginning at the Land Lot Corner common to Land Lots 116, 117, 133 and 134; THENCE North 15 degrees 02 minutes 30 seconds East for a distance of 1214.17 feet to a point on the easterly right-of-way of Flowery Way ( 50' r/w), said point being THE TRUE POINT OF BEGINNING;

THENCE North 54 degrees 28 minutes 51 seconds West a distance of 79.88 feet to a point;

THENCE along a curve to the right for an arc length of 83.93 feet, having a radius of 97.73 feet, being subtended by a chord bearing North 27 degrees 50 minutes 09 seconds West, for a distance of 81.37 feet to a point;

THENCE North 00 degrees 37 minutes 14 seconds East a distance of 37.65 feet to a point;

THENCE along a curve to the left for an arc length of 161.59 feet, having a radius of 1062.34 feet, being subtended by a chord bearing North 02 degrees 23 minutes 32 seconds East, for a distance of 161.43 feet to a point;

THENCE North 59 degrees 21 minutes 52 seconds East a distance of 550.94 feet to a point;

THENCE North 29 degrees 41 minutes 03 seconds West a distance of 227.76 feet to a point;

THENCE North 60 degrees 06 minutes 17 seconds East a distance of 95.98 feet to a point;

THENCE North 05 degrees 32 minutes 20 seconds West a distance of 505.00 feet to a point;

THENCE North 30 degrees 48 minutes 47 seconds West a distance of 200.02 feet to a point;

THENCE North 60 degrees 07 minutes 29 seconds East a distance of 546.35 feet to a point;

THENCE North 61 degrees 45 minutes 30 seconds West a distance of 170.77 feet to a point;

THENCE North 40 degrees 21 minutes 09 seconds East a distance of 281.72 feet to a point;

THENCE North 62 degrees 53 minutes 14 seconds West a distance of 366.82 feet to a point;

THENCE North 08 degrees 38 minutes 44 seconds West a distance of 3.72 feet to a point;

THENCE North 34 degrees 56 minutes 31 seconds East a distance of 32.42 feet to a point;

THENCE North 56 degrees 32 minutes 25 seconds East a distance of 104.80 feet to a point;

THENCE North 27 degrees 43 minutes 17 seconds East a distance of 60.76 feet to a point;

THENCE North 39 degrees 43 minutes 06 seconds East a distance of 52.39 feet to a point;

THENCE North 46 degrees 23 minutes 29 seconds East a distance of 104.80 feet to a point;

THENCE North 45 degrees 36 minutes 51 seconds East a distance of 102.84 feet to a point;

THENCE North 60 degrees 29 minutes 30 seconds East a distance of 49.12 feet to a point;

THENCE North 54 degrees 07 minutes 44 seconds East a distance of 93.75 feet to a point;

THENCE North 42 degrees 33 minutes 43 seconds East a distance of 80.31 feet to a point located on the westerly right-of-way of Mulberry Street;

THENCE South 21 degrees 44 minutes 30 seconds East a distance of 175.25 feet along said right-of-way to a point;

THENCE along a curve to the right for an arc length of 313.04 feet, having a radius of 2200.00 feet, being subtended by a chord bearing South 17 degrees 39 minutes 56 seconds East, for a distance of 312.77 feet along said right-of-way to a point;

THENCE South 13 degrees 35 minutes 21 seconds East a distance of 195.20 feet along said right-of-way to a point;

THENCE along a curve to the left for an arc length of 57.05 feet, having a radius of 2300.00 feet, being subtended by a chord bearing South 14 degrees 18 minutes 00 seconds East, for a distance of 57.05 feet along said right-of-way along said right-of-way to a point;



THENCE South 15 degrees 10 minutes 26 seconds East a distance of 185.01 feet along said right-of-way to a point;  
 THENCE South 56 degrees 37 minutes 14 seconds West a distance of 346.80 feet leaving said right-of-way to a point;  
 THENCE South 58 degrees 04 minutes 45 seconds East a distance of 70.72 feet to a point;  
 THENCE South 33 degrees 41 minutes 04 seconds East a distance of 326.98 feet to a point;  
 THENCE North 68 degrees 43 minutes 53 seconds East a distance of 204.17 feet to a point located on the southwesterly right-of-way of Mulberry Street;  
 THENCE South 34 degrees 22 minutes 19 seconds East a distance of 56.13 feet along said right-of-way to a point;  
 THENCE South 50 degrees 07 minutes 20 seconds East a distance of 100.00 feet along said right-of-way to a point;  
 THENCE South 59 degrees 48 minutes 22 seconds East a distance of 100.00 feet along said right-of-way to a point;  
 THENCE South 59 degrees 21 minutes 30 seconds West a distance of 309.92 feet leaving said right-of-way to a point;  
 THENCE South 48 degrees 30 minutes 26 seconds East a distance of 170.07 feet to a point;  
 THENCE North 47 degrees 46 minutes 21 seconds East a distance of 318.84 feet to a point located on the southwesterly right-of-way of Mulberry Street;  
 THENCE along a curve to the right for an arc length of 94.92 feet, having a radius of 425.00 feet, being subtended by a chord bearing South 53 degrees 05 minutes 41 seconds East, for a distance of 94.72 feet along said right-of-way to a point;  
 THENCE South 46 degrees 41 minutes 47 seconds East a distance of 67.27 feet along said right-of-way to a point;  
 THENCE South 47 degrees 35 minutes 36 seconds West a distance of 347.20 feet leaving said right-of-way to a point;  
 THENCE South 27 degrees 38 minutes 32 seconds East a distance of 367.62 feet to a point;  
 THENCE South 60 degrees 15 minutes 22 seconds West a distance of 649.98 feet to a point;  
 THENCE South 60 degrees 16 minutes 13 seconds West a distance of 352.85 feet to a point;  
 THENCE North 48 degrees 12 minutes 16 seconds West a distance of 30.32 feet to a point;  
 THENCE North 02 degrees 53 minutes 11 seconds West a distance of 24.24 feet to a point;  
 THENCE North 24 degrees 11 minutes 12 seconds West a distance of 30.92 feet to a point;  
 THENCE North 40 degrees 44 minutes 55 seconds East a distance of 27.08 feet to a point;  
 THENCE North 07 degrees 29 minutes 14 seconds East a distance of 37.47 feet to a point;  
 THENCE North 56 degrees 00 minutes 04 seconds West a distance of 35.03 feet to a point;  
 THENCE South 78 degrees 44 minutes 58 seconds West a distance of 37.19 feet to a point;  
 THENCE North 10 degrees 05 minutes 48 seconds West a distance of 14.68 feet to a point;  
 THENCE North 11 degrees 22 minutes 48 seconds East a distance of 35.30 feet to a point;  
 THENCE North 06 degrees 31 minutes 58 seconds East a distance of 20.38 feet to a point;  
 THENCE North 39 degrees 32 minutes 23 seconds West a distance of 28.59 feet to a point;  
 THENCE North 04 degrees 29 minutes 41 seconds West a distance of 33.89 feet to a point;  
 THENCE North 00 degrees 17 minutes 51 seconds West a distance of 39.43 feet to a point;  
 THENCE North 04 degrees 15 minutes 12 seconds East a distance of 30.56 feet to a point;  
 THENCE South 60 degrees 19 minutes 46 seconds West a distance of 742.04 feet to a point, said point being THE TRUE POINT OF BEGINNING.

Said tract contains an area of 48.156 acres more or less.

Together with:

All that tract or parcel of land lying and being in Land Lot 116 and 117 of the 8th District, City of Flowery Branch, Hall County, Georgia and being more particularly described as follows.

Beginning at the Land Lot Corner common to Land Lots 116, 117, 133 and 134; THENCE South 30 degrees 22 minutes 57 seconds East for a distance of 1101.65 feet to a point; THENCE South 30 degrees 21 minutes 16 seconds East for a distance of 218.48 feet to a point, said point being THE TRUE POINT OF BEGINNING;

THENCE North 48 degrees 22 minutes 48 seconds East a distance of 875.57 feet to a point;  
THENCE North 11 degrees 52 minutes 38 seconds East a distance of 26.55 feet to a point;  
THENCE North 50 degrees 18 minutes 59 seconds East a distance of 47.92 feet to a point;  
THENCE North 01 degrees 30 minutes 02 seconds West a distance of 62.59 feet to a point;  
THENCE North 13 degrees 27 minutes 39 seconds East a distance of 69.62 feet to a point;  
THENCE North 73 degrees 24 minutes 27 seconds East a distance of 32.42 feet to a point;  
THENCE North 28 degrees 33 minutes 29 seconds West a distance of 42.32 feet to a point;  
THENCE North 17 degrees 38 minutes 29 seconds East a distance of 31.76 feet to a point;  
THENCE North 32 degrees 22 minutes 06 seconds East a distance of 80.36 feet to a point;  
THENCE North 74 degrees 02 minutes 00 seconds East a distance of 46.63 feet to a point;  
THENCE North 12 degrees 58 minutes 57 seconds East a distance of 49.55 feet to a point;  
THENCE North 07 degrees 31 minutes 42 seconds West a distance of 50.45 feet to a point;  
THENCE North 30 degrees 16 minutes 15 seconds East a distance of 26.90 feet to a point;  
THENCE North 10 degrees 19 minutes 38 seconds West a distance of 26.62 feet to a point;  
THENCE North 58 degrees 48 minutes 33 seconds East a distance of 24.02 feet to a point;  
THENCE North 41 degrees 18 minutes 24 seconds East a distance of 34.46 feet to a point;  
THENCE North 16 degrees 53 minutes 06 seconds West a distance of 36.79 feet to a point;  
THENCE North 77 degrees 44 minutes 30 seconds East a distance of 26.19 feet to a point;  
THENCE North 06 degrees 55 minutes 46 seconds East a distance of 19.96 feet to a point;  
THENCE North 58 degrees 22 minutes 20 seconds East a distance of 32.80 feet to a point;  
THENCE North 52 degrees 55 minutes 19 seconds East a distance of 39.42 feet to a point;  
THENCE North 44 degrees 28 minutes 57 seconds East a distance of 28.81 feet to a point;  
THENCE North 38 degrees 27 minutes 51 seconds East a distance of 28.60 feet to a point;  
THENCE North 63 degrees 30 minutes 30 seconds West a distance of 21.24 feet to a point;  
THENCE North 14 degrees 15 minutes 36 seconds West a distance of 47.62 feet to a point;  
THENCE North 41 degrees 07 minutes 00 seconds East a distance of 23.46 feet to a point;  
THENCE North 08 degrees 45 minutes 20 seconds West a distance of 35.65 feet to a point;  
THENCE North 10 degrees 03 minutes 40 seconds East a distance of 44.66 feet to a point;  
THENCE North 13 degrees 34 minutes 23 seconds West a distance of 63.51 feet to a point;  
THENCE South 72 degrees 35 minutes 22 seconds West a distance of 35.85 feet to a point;  
THENCE North 27 degrees 17 minutes 06 seconds East a distance of 43.82 feet to a point;  
THENCE North 29 degrees 54 minutes 21 seconds West a distance of 49.61 feet to a point;  
THENCE North 26 degrees 51 minutes 13 seconds West a distance of 95.89 feet to a point;  
THENCE North 17 degrees 28 minutes 07 seconds West a distance of 55.39 feet to a point;  
THENCE North 23 degrees 53 minutes 55 seconds West a distance of 149.25 feet to a point;  
THENCE North 17 degrees 29 minutes 34 seconds West a distance of 47.91 feet to a point;  
THENCE North 31 degrees 06 minutes 18 seconds West a distance of 33.89 feet to a point;



THENCE North 12 degrees 15 minutes 25 seconds West a distance of 26.69 feet to a point;  
 THENCE North 65 degrees 43 minutes 13 seconds East a distance of 21.21 feet to a point;  
 THENCE North 60 degrees 10 minutes 55 seconds East a distance of 787.01 feet to a point;  
 THENCE North 21 degrees 58 minutes 54 seconds West a distance of 529.33 feet to a point;  
 THENCE North 50 degrees 49 minutes 21 seconds East a distance of 298.67 feet to a point;  
 THENCE South 42 degrees 11 minutes 33 seconds East a distance of 439.12 feet to a point;  
 THENCE North 47 degrees 05 minutes 23 seconds East a distance of 201.10 feet to a point located on  
 the southwesterly right-of-way of Mulberry Street;  
 THENCE South 46 degrees 31 minutes 54 seconds East a distance of 178.61 feet along said right-of-  
 way to a point;  
 THENCE South 56 degrees 13 minutes 11 seconds West a distance of 409.48 feet leaving said right-  
 of-way to a point;  
 THENCE South 21 degrees 49 minutes 31 seconds East a distance of 400.05 feet to a point;  
 THENCE along a curve to the left for an arc length of 289.42 feet, having a radius of 60.00 feet,  
 being subtended by a chord bearing South 09 degrees 09 minutes 33 seconds East, for a distance of  
 80.01 feet to a point;  
 THENCE North 80 degrees 50 minutes 59 seconds East a distance of 12.88 feet to a point;  
 THENCE South 14 degrees 42 minutes 21 seconds East a distance of 467.39 feet to a point located on  
 the northwesterly right-of-way of Lanier Parkway State Hwy. #365 (I-985);  
 THENCE South 31 degrees 59 minutes 20 seconds West a distance of 146.27 feet along said right-of-  
 way to a point;  
 THENCE South 29 degrees 20 minutes 32 seconds West a distance of 506.50 feet along said right-of-  
 way to a point;  
 THENCE South 36 degrees 25 minutes 35 seconds West a distance of 258.07 feet along said right-of-  
 way to a point;  
 THENCE South 20 degrees 56 minutes 49 seconds West a distance of 240.77 feet along said right-of-  
 way to a point;  
 THENCE South 36 degrees 05 minutes 29 seconds West a distance of 215.20 feet along said right-of-  
 way to a point;  
 THENCE North 67 degrees 12 minutes 40 seconds West a distance of 10.00 feet along said right-of-  
 way to a point;  
 THENCE South 22 degrees 47 minutes 20 seconds West a distance of 701.09 feet along said right-of-  
 way to a point;  
 THENCE South 30 degrees 41 minutes 18 seconds West a distance of 300.64 feet along said right-of-  
 way to a point;  
 THENCE South 23 degrees 03 minutes 37 seconds West a distance of 301.00 feet along said right-of-  
 way to a point;  
 THENCE South 26 degrees 52 minutes 28 seconds West a distance of 325.95 feet along said right-of-  
 way to a point;  
 THENCE North 30 degrees 22 minutes 57 seconds West a distance of 1255.51 feet leaving said right-  
 of-way to a point, said point being THE TRUE POINT OF BEGINNING.

Said tract contains an area of 69.806 acres more or less.

## Exhibit "C"

Phase one (parcels 08117 002008A, 08117 002016D, 08117 002016B, and 08117 002061; ordinances 625, 626, 627, & 628) shall be conditioned as follows:

1. Water and sewer shall be provided by the City of Flowery Branch.
2. Site plan shall generally adhere to the plan as shown and described below:





### **DEVELOPMENT SUMMARY**

1. EXISTING BOUNDARY ACREAGE:  $\pm 117.962$  ACRES
2. TAX PARCEL: 08117 002008A, 08117 002016D, 08117 002016B, 08117 002061, 08117 002001 and 08134 000006
3. EXISTING ZONING: M1
4. PROPOSED ZONING: R3
5. PHASE 1 DEVELOPMENT SUMMARY:  
BOUNDARY ACREAGE:  $\pm 48.156$  ACRES  
TOTAL No. PROPOSED SINGLE-FAMILY DETACHED LOTS: 49  
TOTAL No. PROPOSED TOWNHOME UNITS: 140  
GROSS DENSITY: 3.92 LOTS/ACRE  
NET DENSITY: 4.19 LOTS/ACRE ( $\pm 6.17$  AC. FLOODPLAIN)  
OPEN SPACE/Common Area PROVIDED =  $\pm 19$  AC. (39%)  
TOTAL LENGTH OF STREETS:  $\pm 5,850$  L.F.
6. PHASE 2 DEVELOPMENT SUMMARY:  
BOUNDARY ACREAGE:  $\pm 69.806$  ACRES  
TOTAL No. PROPOSED SINGLE-FAMILY DETACHED LOTS: 138 (LOT #S 100-237)  
GROSS/NET DENSITY: 1.97 LOTS/ACRE  
OPEN SPACE/Common Area PROVIDED =  $\pm 34$  AC. (46%)  
TOTAL LENGTH OF STREETS:  $\pm 6,775$  L.F.
7. MINIMUM SINGLE-FAMILY DETACHED LOT SIZE: (SEE TYPICAL LOT DETAIL)
8. PROPOSED SETBACKS SINGLE-FAMILY DETACHED:  
FRONT - 20'  
REAR - 25'  
SIDE - 5'

3. Applicant will revise its Traffic Study dated May 26, 2021, to include (1) a signal warrant analysis at Mulberry Street/Phil Niekro Blvd. intersection and (2) a traffic calming study on Mulberry Street from the proposed subdivision to Phil Niekro Blvd.
  - a. Revised study does NOT need to be completed before zoning approval.
  - b. If a signal is warranted, applicant will NOT be responsible for the cost or installation of the signal.
  - c. Prior to final plat approval, applicant will construct a northbound exclusive right turn lane from Mulberry Street onto Phil Niekro Blvd. City will give Applicant adequate right-of-way to construct the turn lane at no additional cost.
  - d. Prior to final plat approval, Applicant will construct recommended traffic calming measures along Mulberry Street from the proposed development to Phil Niekro Blvd as prescribed by the above revised traffic study.
  - e. Applicant shall install "Do Not Block the Intersection" signs and markings on Phil Niekro Boulevard prior to final plat approval.
4. Prior to the approval of the final plat, the applicant shall pay \$100,000 to City of Flowery Branch for implementation, installation, and construction of any other improvements recommended by the approved traffic impact study. All design and construction, other than improvements on Mulberry Street, shall be the responsibility of the City of Flowery

Branch.

5. Development shall meet all requirements set forth in ordinance 657 adopted on December 16, 2021, except for the following:

**Sec. 12.6. - Townhouses.**

(b) *Lot Size.* The minimum size of a lot for each fee-simple townhouse lot (i.e., the extent of land owned by the owner of the unit) shall be 2,000 square feet in lot area. **A maximum of thirty-three (33) townhomes shall have a minimum lot-size of 1,800 square feet in area.**

(e) *Rear Setbacks.* There shall be a minimum twenty (20) foot rear setback from townhouse lot boundaries for all buildings and structures, except when the rear property line abuts an alley, in which case no setback shall be required. **Rear setback shall be reduced to ten (10) feet to accommodate covered patios.**

6. A Homeowners Association shall be established, and covenants shall be created and submitted to the City prior to formal recording. It shall be the Homeowners Associations responsibility to mandate and enforce a twenty (20) percent limit on homes for lease.



Phase two (parcels 08117 002001 & 08134 000006; ordinances 629 and 630) shall be conditioned as follows:

1. Water and sewer shall be provided by the City of Flowery Branch.
2. Phase II shall be developed in substantial conformity with the Conceptual Land Plan dated 12/02/20 attached hereto as Appendix A and with the following Development Summary.

#### **DEVELOPMENT SUMMARY**

1. EXISTING BOUNDARY ACREAGE: ±117.962 ACRES
2. TAX PARCEL: 08117 002008A, 08117 002016D, 08117 002016B, 08117 002061, 08117 002001 and 08134 000006
3. EXISTING ZONING: M1
4. PROPOSED ZONING: R3
5. PHASE 1 DEVELOPMENT SUMMARY:  
BOUNDARY ACREAGE: ±48.156 ACRES  
TOTAL No. PROPOSED SINGLE-FAMILY DETACHED LOTS: 49  
TOTAL No. PROPOSED TOWNHOME UNITS: 140  
GROSS DENSITY: 3.92 LOTS/ACRE  
NET DENSITY: 4.19 LOTS/ACRE (±6.17 AC. FLOODPLAIN)  
OPEN SPACE/COMMON AREA PROVIDED = ±19 AC. (39%)  
TOTAL LENGTH OF STREETS: ±5,850 L.F.
6. PHASE 2 DEVELOPMENT SUMMARY:  
BOUNDARY ACREAGE: ±69.806 ACRES  
TOTAL No. PROPOSED SINGLE-FAMILY DETACHED LOTS: 138 (LOT #S 100-237)  
GROSS/NET DENSITY: 1.97 LOTS/ACRE  
OPEN SPACE/COMMON AREA PROVIDED = ±34 AC. (46%)  
TOTAL LENGTH OF STREETS: ±6,775 L.F.
7. MINIMUM SINGLE-FAMILY DETACHED LOT SIZE: (SEE TYPICAL LOT DETAIL)
8. PROPOSED SETBACKS SINGLE-FAMILY DETACHED:  
FRONT - 20'  
REAR - 25'  
SIDE - 5'

3. Applicant will revise its Traffic Study dated May 26, 2021, to include (1) a signal warrant analysis at Mulberry Street/Phil Niekro Blvd. intersection and (2) a traffic calming study on Mulberry Street from the proposed subdivision to Phil Niekro Blvd.
  - a. Revised study does NOT need to be completed before zoning approval.
  - b. If a signal is warranted, applicant will NOT be responsible for the cost or installation of the signal.
  - c. If Phase II is initiated prior to Phase I, prior to the issuance of the first certificate of occupancy, applicant will construct a northbound exclusive right turn lane from Mulberry Street onto Phil Niekro Blvd. City will give Applicant adequate right-of-way to construct the turn lane at no additional cost.
  - d. If Phase II is initiated prior to Phase I, prior to final plat approval, Applicant will construct recommended traffic calming measures along Mulberry Street from the proposed development to Phil Niekro Blvd as prescribed by the above revised traffic study.
4. If Phase II is initiated prior to Phase I, prior to the approval of the final plat, the applicant shall pay \$100,000 to City of Flowery Branch for implementation, installation, and construction of any other improvements recommended by the approved traffic impact study. All design and construction, other than improvements on Mulberry Street, shall be the responsibility of the City of Flowery Branch.
5. Prior to issuance of any permit for Phase II, the Developer shall submit a site plan for approval by city staff. If the site plan is not in substantial conformity with the Conceptual Land Plan dated 12/02/20, review and approval by the Mayor and City Council shall be required.
7. Development shall meet all requirements set forth in ordinance 657 adopted on December 16, 2021.
8. A Homeowners Association shall be established, and covenants shall be created and submitted to the City prior to formal recording. It shall be the Homeowners Associations responsibility to mandate and enforce a ten (10) percent limit on homes for lease.



## 14



## ORDINANCE 628

**AN ORDINANCE AMENDING THE ZONING MAP OF THE CITY OF FLOWERY BRANCH, GEORGIA, BY REZONING A 2.52 +/- ACRE TRACT OF LAND OWNED BY ADVENTURES IN REAL ESTATE LLC. COMMONLY KNOWN AS 0 FLOWERY WAY, IDENTIFIED AS TAX PARCEL 08117 002061 AS SHOWN ON ATTACHED EXHIBIT “A”, AS DESCRIBED ON EXHIBIT “B”, FROM M-1 (LIGHT INDUSTRIAL) TO R-3 (MULTI-FAMILY RESIDENTIAL) SUBJECT TO THE CONDITIONS SET FORTH IN EXHIBIT “C”; PROVIDING FOR SEVERABILITY, REPEALING CONFLICTING ORDINANCES, PROVIDING FOR AN EFFECTIVE DATE AND FOR ALL OTHER LAWFUL PURPOSES.**

**WHEREAS**, Stark Land Development, LLC. desires to develop the 2.52+/- acre tract of land identified as tax parcel 08117 002016; shown on Exhibit “A”; and legally described on Exhibit “B”; and

**WHEREAS**, specific conditions shall be placed on subject property are shown on attached exhibit “C”; and

**WHEREAS**, the City Council of the City of Flowery Branch has considered the rezoning application of Stark Land Development, LLC. in conjunction with the standards set forth in Article 34 - Section 34.7 of Zoning Ordinance No. 348 of the City of Flowery Branch, Georgia; and

**WHEREAS**, Stark Land Development, 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 January 6, 2022, duly noticed as prescribed by law and published in the Gainesville Times, regarding said application, as shall be set forth in the minutes of said meeting.

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

### **SECTION 1. FINDINGS.**

The City Council finds that the proposed rezoning of the parcel from Flowery Branch M-1 (Light Industrial) to Flowery Branch R-3 (Residential Multi-Family) 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 shall be used in accordance with the existing regulations and has a reasonable economic use as currently zoned.
4. The development if approved and constructed is not expected to result in a use which will or could cause an excessive or burdensome use of existing streets, transportation facilities, utilities, or schools.
5. The proposal is in conformity with the policy and intent of the comprehensive plan and 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 M-1(Light Industrial) as opposed to the proposed R-3 (Residential Multi-Family).
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 changes to the R-3 zoning district.
10. Development as proposed is not expected to impact on the environment, including but not limited to, drainage, soil erosion and sedimentation, flooding, air quality and water quality. Compliance with city subdivision and land development regulations will be required, which include but are not limited to soil erosion and sedimentation, stormwater, and flood damage prevention.

## **SECTION 2. LEGAL DESCRIPTION AND CONDITIONS.**

The property as shown in attached Exhibit “A” and as legally described in Exhibit “B” shall be rezoned to R-3 (Residential Multi-Family). Conditions are set forth in Exhibit “C”. Said Exhibits are incorporated by reference as if fully set forth herein.

## **SECTION 3. AMENDMENT OF THE ZONING MAP.**

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

**SECTION 4. SEVERABILITY.**

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

**SECTION 5. EFFECTIVE DATE.**

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

**SECTION 6. REPEALER.**

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

Adopted this 20<sup>th</sup> day of January 2022.

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Edward R. Asbridge, Mayor

ATTEST:

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Shelia R. Cooper, City Clerk

APPROVED AS TO FORM:

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E. Ronald Bennett, Jr., City Attorney



## 4



## Exhibit "B"

All that tract or parcel of land lying and being in Land Lot 117 of the 8th District, City of Flowery Branch, Hall County, Georgia and being more particularly described as follows.

Beginning at the Land Lot Corner common to Land Lots 116, 117, 133 and 134; THENCE North 15 degrees 02 minutes 30 seconds East for a distance of 1214.17 feet to a point on the easterly right-of-way of Flowery Way ( 50' r/w), said point being THE TRUE POINT OF BEGINNING;

THENCE North 54 degrees 28 minutes 51 seconds West a distance of 79.88 feet to a point;

THENCE along a curve to the right for an arc length of 83.93 feet, having a radius of 97.73 feet, being subtended by a chord bearing North 27 degrees 50 minutes 09 seconds West, for a distance of 81.37 feet to a point;

THENCE North 00 degrees 37 minutes 14 seconds East a distance of 37.65 feet to a point;

THENCE along a curve to the left for an arc length of 161.59 feet, having a radius of 1062.34 feet, being subtended by a chord bearing North 02 degrees 23 minutes 32 seconds East, for a distance of 161.43 feet to a point;

THENCE North 59 degrees 21 minutes 52 seconds East a distance of 550.94 feet to a point;

THENCE North 29 degrees 41 minutes 03 seconds West a distance of 227.76 feet to a point;

THENCE North 60 degrees 06 minutes 17 seconds East a distance of 95.98 feet to a point;

THENCE North 05 degrees 32 minutes 20 seconds West a distance of 505.00 feet to a point;

THENCE North 30 degrees 48 minutes 47 seconds West a distance of 200.02 feet to a point;

THENCE North 60 degrees 07 minutes 29 seconds East a distance of 546.35 feet to a point;

THENCE North 61 degrees 45 minutes 30 seconds West a distance of 170.77 feet to a point;

THENCE North 40 degrees 21 minutes 09 seconds East a distance of 281.72 feet to a point;

THENCE North 62 degrees 53 minutes 14 seconds West a distance of 366.82 feet to a point;

THENCE North 08 degrees 38 minutes 44 seconds West a distance of 3.72 feet to a point;

THENCE North 34 degrees 56 minutes 31 seconds East a distance of 32.42 feet to a point;

THENCE North 56 degrees 32 minutes 25 seconds East a distance of 104.80 feet to a point;

THENCE North 27 degrees 43 minutes 17 seconds East a distance of 60.76 feet to a point;

THENCE North 39 degrees 43 minutes 06 seconds East a distance of 52.39 feet to a point;

THENCE North 46 degrees 23 minutes 29 seconds East a distance of 104.80 feet to a point;

THENCE North 45 degrees 36 minutes 51 seconds East a distance of 102.84 feet to a point;

THENCE North 60 degrees 29 minutes 30 seconds East a distance of 49.12 feet to a point;

THENCE North 54 degrees 07 minutes 44 seconds East a distance of 93.75 feet to a point;

THENCE North 42 degrees 33 minutes 43 seconds East a distance of 80.31 feet to a point located on the westerly right-of-way of Mulberry Street;

THENCE South 21 degrees 44 minutes 30 seconds East a distance of 175.25 feet along said right-of-way to a point;

THENCE along a curve to the right for an arc length of 313.04 feet, having a radius of 2200.00 feet, being subtended by a chord bearing South 17 degrees 39 minutes 56 seconds East, for a distance of 312.77 feet along said right-of-way to a point;

THENCE South 13 degrees 35 minutes 21 seconds East a distance of 195.20 feet along said right-of-way to a point;

THENCE along a curve to the left for an arc length of 57.05 feet, having a radius of 2300.00 feet, being subtended by a chord bearing South 14 degrees 18 minutes 00 seconds East, for a distance of 57.05 feet along said right-of-way along said right-of-way to a point;



THENCE South 15 degrees 10 minutes 26 seconds East a distance of 185.01 feet along said right-of-way to a point;  
 THENCE South 56 degrees 37 minutes 14 seconds West a distance of 346.80 feet leaving said right-of-way to a point;  
 THENCE South 58 degrees 04 minutes 45 seconds East a distance of 70.72 feet to a point;  
 THENCE South 33 degrees 41 minutes 04 seconds East a distance of 326.98 feet to a point;  
 THENCE North 68 degrees 43 minutes 53 seconds East a distance of 204.17 feet to a point located on the southwesterly right-of-way of Mulberry Street;  
 THENCE South 34 degrees 22 minutes 19 seconds East a distance of 56.13 feet along said right-of-way to a point;  
 THENCE South 50 degrees 07 minutes 20 seconds East a distance of 100.00 feet along said right-of-way to a point;  
 THENCE South 59 degrees 48 minutes 22 seconds East a distance of 100.00 feet along said right-of-way to a point;  
 THENCE South 59 degrees 21 minutes 30 seconds West a distance of 309.92 feet leaving said right-of-way to a point;  
 THENCE South 48 degrees 30 minutes 26 seconds East a distance of 170.07 feet to a point;  
 THENCE North 47 degrees 46 minutes 21 seconds East a distance of 318.84 feet to a point located on the southwesterly right-of-way of Mulberry Street;  
 THENCE along a curve to the right for an arc length of 94.92 feet, having a radius of 425.00 feet, being subtended by a chord bearing South 53 degrees 05 minutes 41 seconds East, for a distance of 94.72 feet along said right-of-way to a point;  
 THENCE South 46 degrees 41 minutes 47 seconds East a distance of 67.27 feet along said right-of-way to a point;  
 THENCE South 47 degrees 35 minutes 36 seconds West a distance of 347.20 feet leaving said right-of-way to a point;  
 THENCE South 27 degrees 38 minutes 32 seconds East a distance of 367.62 feet to a point;  
 THENCE South 60 degrees 15 minutes 22 seconds West a distance of 649.98 feet to a point;  
 THENCE South 60 degrees 16 minutes 13 seconds West a distance of 352.85 feet to a point;  
 THENCE North 48 degrees 12 minutes 16 seconds West a distance of 30.32 feet to a point;  
 THENCE North 02 degrees 53 minutes 11 seconds West a distance of 24.24 feet to a point;  
 THENCE North 24 degrees 11 minutes 12 seconds West a distance of 30.92 feet to a point;  
 THENCE North 40 degrees 44 minutes 55 seconds East a distance of 27.08 feet to a point;  
 THENCE North 07 degrees 29 minutes 14 seconds East a distance of 37.47 feet to a point;  
 THENCE North 56 degrees 00 minutes 04 seconds West a distance of 35.03 feet to a point;  
 THENCE South 78 degrees 44 minutes 58 seconds West a distance of 37.19 feet to a point;  
 THENCE North 10 degrees 05 minutes 48 seconds West a distance of 14.68 feet to a point;  
 THENCE North 11 degrees 22 minutes 48 seconds East a distance of 35.30 feet to a point;  
 THENCE North 06 degrees 31 minutes 58 seconds East a distance of 20.38 feet to a point;  
 THENCE North 39 degrees 32 minutes 23 seconds West a distance of 28.59 feet to a point;  
 THENCE North 04 degrees 29 minutes 41 seconds West a distance of 33.89 feet to a point;  
 THENCE North 00 degrees 17 minutes 51 seconds West a distance of 39.43 feet to a point;  
 THENCE North 04 degrees 15 minutes 12 seconds East a distance of 30.56 feet to a point;  
 THENCE South 60 degrees 19 minutes 46 seconds West a distance of 742.04 feet to a point, said point being THE TRUE POINT OF BEGINNING.

Said tract contains an area of 48.156 acres more or less.

Together with:

All that tract or parcel of land lying and being in Land Lot 116 and 117 of the 8th District, City of Flowery Branch, Hall County, Georgia and being more particularly described as follows.

Beginning at the Land Lot Corner common to Land Lots 116, 117, 133 and 134; THENCE South 30 degrees 22 minutes 57 seconds East for a distance of 1101.65 feet to a point; THENCE South 30 degrees 21 minutes 16 seconds East for a distance of 218.48 feet to a point, said point being THE TRUE POINT OF BEGINNING;

THENCE North 48 degrees 22 minutes 48 seconds East a distance of 875.57 feet to a point;  
THENCE North 11 degrees 52 minutes 38 seconds East a distance of 26.55 feet to a point;  
THENCE North 50 degrees 18 minutes 59 seconds East a distance of 47.92 feet to a point;  
THENCE North 01 degrees 30 minutes 02 seconds West a distance of 62.59 feet to a point;  
THENCE North 13 degrees 27 minutes 39 seconds East a distance of 69.62 feet to a point;  
THENCE North 73 degrees 24 minutes 27 seconds East a distance of 32.42 feet to a point;  
THENCE North 28 degrees 33 minutes 29 seconds West a distance of 42.32 feet to a point;  
THENCE North 17 degrees 38 minutes 29 seconds East a distance of 31.76 feet to a point;  
THENCE North 32 degrees 22 minutes 06 seconds East a distance of 80.36 feet to a point;  
THENCE North 74 degrees 02 minutes 00 seconds East a distance of 46.63 feet to a point;  
THENCE North 12 degrees 58 minutes 57 seconds East a distance of 49.55 feet to a point;  
THENCE North 07 degrees 31 minutes 42 seconds West a distance of 50.45 feet to a point;  
THENCE North 30 degrees 16 minutes 15 seconds East a distance of 26.90 feet to a point;  
THENCE North 10 degrees 19 minutes 38 seconds West a distance of 26.62 feet to a point;  
THENCE North 58 degrees 48 minutes 33 seconds East a distance of 24.02 feet to a point;  
THENCE North 41 degrees 18 minutes 24 seconds East a distance of 34.46 feet to a point;  
THENCE North 16 degrees 53 minutes 06 seconds West a distance of 36.79 feet to a point;  
THENCE North 77 degrees 44 minutes 30 seconds East a distance of 26.19 feet to a point;  
THENCE North 06 degrees 55 minutes 46 seconds East a distance of 19.96 feet to a point;  
THENCE North 58 degrees 22 minutes 20 seconds East a distance of 32.80 feet to a point;  
THENCE North 52 degrees 55 minutes 19 seconds East a distance of 39.42 feet to a point;  
THENCE North 44 degrees 28 minutes 57 seconds East a distance of 28.81 feet to a point;  
THENCE North 38 degrees 27 minutes 51 seconds East a distance of 28.60 feet to a point;  
THENCE North 63 degrees 30 minutes 30 seconds West a distance of 21.24 feet to a point;  
THENCE North 14 degrees 15 minutes 36 seconds West a distance of 47.62 feet to a point;  
THENCE North 41 degrees 07 minutes 00 seconds East a distance of 23.46 feet to a point;  
THENCE North 08 degrees 45 minutes 20 seconds West a distance of 35.65 feet to a point;  
THENCE North 10 degrees 03 minutes 40 seconds East a distance of 44.66 feet to a point;  
THENCE North 13 degrees 34 minutes 23 seconds West a distance of 63.51 feet to a point;  
THENCE South 72 degrees 35 minutes 22 seconds West a distance of 35.85 feet to a point;  
THENCE North 27 degrees 17 minutes 06 seconds East a distance of 43.82 feet to a point;  
THENCE North 29 degrees 54 minutes 21 seconds West a distance of 49.61 feet to a point;  
THENCE North 26 degrees 51 minutes 13 seconds West a distance of 95.89 feet to a point;  
THENCE North 17 degrees 28 minutes 07 seconds West a distance of 55.39 feet to a point;  
THENCE North 23 degrees 53 minutes 55 seconds West a distance of 149.25 feet to a point;  
THENCE North 17 degrees 29 minutes 34 seconds West a distance of 47.91 feet to a point;  
THENCE North 31 degrees 06 minutes 18 seconds West a distance of 33.89 feet to a point;



THENCE North 12 degrees 15 minutes 25 seconds West a distance of 26.69 feet to a point;  
 THENCE North 65 degrees 43 minutes 13 seconds East a distance of 21.21 feet to a point;  
 THENCE North 60 degrees 10 minutes 55 seconds East a distance of 787.01 feet to a point;  
 THENCE North 21 degrees 58 minutes 54 seconds West a distance of 529.33 feet to a point;  
 THENCE North 50 degrees 49 minutes 21 seconds East a distance of 298.67 feet to a point;  
 THENCE South 42 degrees 11 minutes 33 seconds East a distance of 439.12 feet to a point;  
 THENCE North 47 degrees 05 minutes 23 seconds East a distance of 201.10 feet to a point located on  
 the southwesterly right-of-way of Mulberry Street;  
 THENCE South 46 degrees 31 minutes 54 seconds East a distance of 178.61 feet along said right-of-  
 way to a point;  
 THENCE South 56 degrees 13 minutes 11 seconds West a distance of 409.48 feet leaving said right-  
 of-way to a point;  
 THENCE South 21 degrees 49 minutes 31 seconds East a distance of 400.05 feet to a point;  
 THENCE along a curve to the left for an arc length of 289.42 feet, having a radius of 60.00 feet,  
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 80.01 feet to a point;  
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 the northwesterly right-of-way of Lanier Parkway State Hwy. #365 (I-985);  
 THENCE South 31 degrees 59 minutes 20 seconds West a distance of 146.27 feet along said right-of-  
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 THENCE South 26 degrees 52 minutes 28 seconds West a distance of 325.95 feet along said right-of-  
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 THENCE North 30 degrees 22 minutes 57 seconds West a distance of 1255.51 feet leaving said right-  
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Said tract contains an area of 69.806 acres more or less.

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2. Site plan shall generally adhere to the plan as shown and described below:





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GROSS DENSITY: 3.92 LOTS/ACRE  
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TOTAL LENGTH OF STREETS:  $\pm 5,850$  L.F.
6. PHASE 2 DEVELOPMENT SUMMARY:  
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TOTAL No. PROPOSED SINGLE-FAMILY DETACHED LOTS: 138 (LOT #S 100-237)  
GROSS/NET DENSITY: 1.97 LOTS/ACRE  
OPEN SPACE/Common Area PROVIDED =  $\pm 34$  AC. (46%)  
TOTAL LENGTH OF STREETS:  $\pm 6,775$  L.F.
7. MINIMUM SINGLE-FAMILY DETACHED LOT SIZE: (SEE TYPICAL LOT DETAIL)
8. PROPOSED SETBACKS SINGLE-FAMILY DETACHED:  
FRONT - 20'  
REAR - 25'  
SIDE - 5'

3. Applicant will revise its Traffic Study dated May 26, 2021, to include (1) a signal warrant analysis at Mulberry Street/Phil Niekro Blvd. intersection and (2) a traffic calming study on Mulberry Street from the proposed subdivision to Phil Niekro Blvd.
  - a. Revised study does NOT need to be completed before zoning approval.
  - b. If a signal is warranted, applicant will NOT be responsible for the cost or installation of the signal.
  - c. Prior to final plat approval, applicant will construct a northbound exclusive right turn lane from Mulberry Street onto Phil Niekro Blvd. City will give Applicant adequate right-of-way to construct the turn lane at no additional cost.
  - d. Prior to final plat approval, Applicant will construct recommended traffic calming measures along Mulberry Street from the proposed development to Phil Niekro Blvd as prescribed by the above revised traffic study.
  - e. Applicant shall install "Do Not Block the Intersection" signs and markings on Phil Niekro Boulevard prior to final plat approval.
4. Prior to the approval of the final plat, the applicant shall pay \$100,000 to City of Flowery Branch for implementation, installation, and construction of any other improvements recommended by the approved traffic impact study. All design and construction, other than improvements on Mulberry Street, shall be the responsibility of the City of Flowery

Branch.

5. Development shall meet all requirements set forth in ordinance 657 adopted on December 16, 2021, except for the following:

**Sec. 12.6. - Townhouses.**

(b) *Lot Size.* The minimum size of a lot for each fee-simple townhouse lot (i.e., the extent of land owned by the owner of the unit) shall be 2,000 square feet in lot area. **A maximum of thirty-three (33) townhomes shall have a minimum lot-size of 1,800 square feet in area.**

(e) *Rear Setbacks.* There shall be a minimum twenty (20) foot rear setback from townhouse lot boundaries for all buildings and structures, except when the rear property line abuts an alley, in which case no setback shall be required. **Rear setback shall be reduced to ten (10) feet to accommodate covered patios.**

6. A Homeowners Association shall be established, and covenants shall be created and submitted to the City prior to formal recording. It shall be the Homeowners Associations responsibility to mandate and enforce a twenty (20) percent limit on homes for lease.



Phase two (parcels 08117 002001 & 08134 000006; ordinances 629 and 630) shall be conditioned as follows:

1. Water and sewer shall be provided by the City of Flowery Branch.
2. Phase II shall be developed in substantial conformity with the Conceptual Land Plan dated 12/02/20 attached hereto as Appendix A and with the following Development Summary.

#### **DEVELOPMENT SUMMARY**

1. EXISTING BOUNDARY ACREAGE: ±117.962 ACRES
2. TAX PARCEL: 08117 002008A, 08117 002016D, 08117 002016B, 08117 002061, 08117 002001 and 08134 000006
3. EXISTING ZONING: M1
4. PROPOSED ZONING: R3
5. PHASE 1 DEVELOPMENT SUMMARY:  
BOUNDARY ACREAGE: ±48.156 ACRES  
TOTAL No. PROPOSED SINGLE-FAMILY DETACHED LOTS: 49  
TOTAL No. PROPOSED TOWNHOME UNITS: 140  
GROSS DENSITY: 3.92 LOTS/ACRE  
NET DENSITY: 4.19 LOTS/ACRE (±6.17 AC. FLOODPLAIN)  
OPEN SPACE/COMMON AREA PROVIDED = ±19 AC. (39%)  
TOTAL LENGTH OF STREETS: ±5,850 L.F.
6. PHASE 2 DEVELOPMENT SUMMARY:  
BOUNDARY ACREAGE: ±69.806 ACRES  
TOTAL No. PROPOSED SINGLE-FAMILY DETACHED LOTS: 138 (LOT #S 100-237)  
GROSS/NET DENSITY: 1.97 LOTS/ACRE  
OPEN SPACE/COMMON AREA PROVIDED = ±34 AC. (46%)  
TOTAL LENGTH OF STREETS: ±6,775 L.F.
7. MINIMUM SINGLE-FAMILY DETACHED LOT SIZE: (SEE TYPICAL LOT DETAIL)
8. PROPOSED SETBACKS SINGLE-FAMILY DETACHED:  
FRONT - 20'  
REAR - 25'  
SIDE - 5'

3. Applicant will revise its Traffic Study dated May 26, 2021, to include (1) a signal warrant analysis at Mulberry Street/Phil Niekro Blvd. intersection and (2) a traffic calming study on Mulberry Street from the proposed subdivision to Phil Niekro Blvd.
  - a. Revised study does NOT need to be completed before zoning approval.
  - b. If a signal is warranted, applicant will NOT be responsible for the cost or installation of the signal.
  - c. If Phase II is initiated prior to Phase I, prior to the issuance of the first certificate of occupancy, applicant will construct a northbound exclusive right turn lane from Mulberry Street onto Phil Niekro Blvd. City will give Applicant adequate right-of-way to construct the turn lane at no additional cost.
  - d. If Phase II is initiated prior to Phase I, prior to final plat approval, Applicant will construct recommended traffic calming measures along Mulberry Street from the proposed development to Phil Niekro Blvd as prescribed by the above revised traffic study.
4. If Phase II is initiated prior to Phase I, prior to the approval of the final plat, the applicant shall pay \$100,000 to City of Flowery Branch for implementation, installation, and construction of any other improvements recommended by the approved traffic impact study. All design and construction, other than improvements on Mulberry Street, shall be the responsibility of the City of Flowery Branch.
5. Prior to issuance of any permit for Phase II, the Developer shall submit a site plan for approval by city staff. If the site plan is not in substantial conformity with the Conceptual Land Plan dated 12/02/20, review and approval by the Mayor and City Council shall be required.
7. Development shall meet all requirements set forth in ordinance 657 adopted on December 16, 2021.
8. A Homeowners Association shall be established, and covenants shall be created and submitted to the City prior to formal recording. It shall be the Homeowners Associations responsibility to mandate and enforce a ten (10) percent limit on homes for lease.



## 14













## ORDINANCE 630

**AN ORDINANCE AMENDING THE ZONING MAP OF THE CITY OF FLOWERY BRANCH, GEORGIA, BY REZONING A 33.15 +/- ACRE TRACT OF LAND OWNED BY ADVENTURES IN REAL ESTATE LLC. COMMONLY KNOWN AS 0 FLOWERY WAY, IDENTIFIED AS TAX PARCEL 08117 000006 AS SHOWN ON ATTACHED EXHIBIT “A”, AS DESCRIBED ON EXHIBIT “B”, FROM M-1 (LIGHT INDUSTRIAL) TO R-3 (MULTI-FAMILY RESIDENTIAL) SUBJECT TO THE CONDITIONS SET FORTH IN EXHIBIT “C”; PROVIDING FOR SEVERABILITY, REPEALING CONFLICTING ORDINANCES, PROVIDING FOR AN EFFECTIVE DATE AND FOR ALL OTHER LAWFUL PURPOSES.**

**WHEREAS**, Stark Land Development, LLC. desires to develop the 33.15+/- acre tract of land identified as tax parcel 08117 00006; shown on Exhibit “A”; and legally described on Exhibit “B”; and

**WHEREAS**, specific conditions shall be placed on subject property are shown on attached exhibit “C”; and

**WHEREAS**, the City Council of the City of Flowery Branch has considered the rezoning application of Stark Land Development, LLC. in conjunction with the standards set forth in Article 34 - Section 34.7 of Zoning Ordinance No. 348 of the City of Flowery Branch, Georgia; and

**WHEREAS**, Stark Land Development, 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 January 6, 2022, duly noticed as prescribed by law and published in the Gainesville Times, regarding said application, as shall be set forth in the minutes of said meeting.

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

### **SECTION 1. FINDINGS.**

The City Council finds that the proposed rezoning of the parcel from Flowery Branch M-1 (Light Industrial) to Flowery Branch R-3 (Residential Multi-Family) 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 shall be used in accordance with the existing regulations and has a reasonable economic use as currently zoned.
4. The development if approved and constructed is not expected to result in a use which will or could cause an excessive or burdensome use of existing streets, transportation facilities, utilities, or schools.
5. The proposal is in conformity with the policy and intent of the comprehensive plan and 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 M-1(Light Industrial) as opposed to the proposed R-3 (Residential Multi-Family).
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 changes to the R-3 zoning district.
10. Development as proposed is not expected to impact on the environment, including but not limited to, drainage, soil erosion and sedimentation, flooding, air quality and water quality. Compliance with city subdivision and land development regulations will be required, which include but are not limited to soil erosion and sedimentation, stormwater, and flood damage prevention.

## **SECTION 2. LEGAL DESCRIPTION AND CONDITIONS.**

The property as shown in attached Exhibit “A” and as legally described in Exhibit “B” shall be rezoned to R-3 (Residential Multi-Family). Conditions are set forth in Exhibit “C”. Said Exhibits are incorporated by reference as if fully set forth herein.

## **SECTION 3. AMENDMENT OF THE ZONING MAP.**

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



**SECTION 4. SEVERABILITY.**

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

**SECTION 5. EFFECTIVE DATE.**

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

**SECTION 6. REPEALER.**

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

Adopted this 20<sup>th</sup> day of January 2022.

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Edward R. Asbridge, Mayor

ATTEST:

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Shelia R. Cooper, City Clerk

APPROVED AS TO FORM:

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E. Ronald Bennett, Jr., City Attorney

## 4





## Exhibit "B"

All that tract or parcel of land lying and being in Land Lot 117 of the 8th District, City of Flowery Branch, Hall County, Georgia and being more particularly described as follows.

Beginning at the Land Lot Corner common to Land Lots 116, 117, 133 and 134; THENCE North 15 degrees 02 minutes 30 seconds East for a distance of 1214.17 feet to a point on the easterly right-of-way of Flowery Way ( 50' r/w), said point being THE TRUE POINT OF BEGINNING;

THENCE North 54 degrees 28 minutes 51 seconds West a distance of 79.88 feet to a point;

THENCE along a curve to the right for an arc length of 83.93 feet, having a radius of 97.73 feet, being subtended by a chord bearing North 27 degrees 50 minutes 09 seconds West, for a distance of 81.37 feet to a point;

THENCE North 00 degrees 37 minutes 14 seconds East a distance of 37.65 feet to a point;

THENCE along a curve to the left for an arc length of 161.59 feet, having a radius of 1062.34 feet, being subtended by a chord bearing North 02 degrees 23 minutes 32 seconds East, for a distance of 161.43 feet to a point;

THENCE North 59 degrees 21 minutes 52 seconds East a distance of 550.94 feet to a point;

THENCE North 29 degrees 41 minutes 03 seconds West a distance of 227.76 feet to a point;

THENCE North 60 degrees 06 minutes 17 seconds East a distance of 95.98 feet to a point;

THENCE North 05 degrees 32 minutes 20 seconds West a distance of 505.00 feet to a point;

THENCE North 30 degrees 48 minutes 47 seconds West a distance of 200.02 feet to a point;

THENCE North 60 degrees 07 minutes 29 seconds East a distance of 546.35 feet to a point;

THENCE North 61 degrees 45 minutes 30 seconds West a distance of 170.77 feet to a point;

THENCE North 40 degrees 21 minutes 09 seconds East a distance of 281.72 feet to a point;

THENCE North 62 degrees 53 minutes 14 seconds West a distance of 366.82 feet to a point;

THENCE North 08 degrees 38 minutes 44 seconds West a distance of 3.72 feet to a point;

THENCE North 34 degrees 56 minutes 31 seconds East a distance of 32.42 feet to a point;

THENCE North 56 degrees 32 minutes 25 seconds East a distance of 104.80 feet to a point;

THENCE North 27 degrees 43 minutes 17 seconds East a distance of 60.76 feet to a point;

THENCE North 39 degrees 43 minutes 06 seconds East a distance of 52.39 feet to a point;

THENCE North 46 degrees 23 minutes 29 seconds East a distance of 104.80 feet to a point;

THENCE North 45 degrees 36 minutes 51 seconds East a distance of 102.84 feet to a point;

THENCE North 60 degrees 29 minutes 30 seconds East a distance of 49.12 feet to a point;

THENCE North 54 degrees 07 minutes 44 seconds East a distance of 93.75 feet to a point;

THENCE North 42 degrees 33 minutes 43 seconds East a distance of 80.31 feet to a point located on the westerly right-of-way of Mulberry Street;

THENCE South 21 degrees 44 minutes 30 seconds East a distance of 175.25 feet along said right-of-way to a point;

THENCE along a curve to the right for an arc length of 313.04 feet, having a radius of 2200.00 feet, being subtended by a chord bearing South 17 degrees 39 minutes 56 seconds East, for a distance of 312.77 feet along said right-of-way to a point;

THENCE South 13 degrees 35 minutes 21 seconds East a distance of 195.20 feet along said right-of-way to a point;

THENCE along a curve to the left for an arc length of 57.05 feet, having a radius of 2300.00 feet, being subtended by a chord bearing South 14 degrees 18 minutes 00 seconds East, for a distance of 57.05 feet along said right-of-way along said right-of-way to a point;

THENCE South 15 degrees 10 minutes 26 seconds East a distance of 185.01 feet along said right-of-way to a point;  
 THENCE South 56 degrees 37 minutes 14 seconds West a distance of 346.80 feet leaving said right-of-way to a point;  
 THENCE South 58 degrees 04 minutes 45 seconds East a distance of 70.72 feet to a point;  
 THENCE South 33 degrees 41 minutes 04 seconds East a distance of 326.98 feet to a point;  
 THENCE North 68 degrees 43 minutes 53 seconds East a distance of 204.17 feet to a point located on the southwesterly right-of-way of Mulberry Street;  
 THENCE South 34 degrees 22 minutes 19 seconds East a distance of 56.13 feet along said right-of-way to a point;  
 THENCE South 50 degrees 07 minutes 20 seconds East a distance of 100.00 feet along said right-of-way to a point;  
 THENCE South 59 degrees 48 minutes 22 seconds East a distance of 100.00 feet along said right-of-way to a point;  
 THENCE South 59 degrees 21 minutes 30 seconds West a distance of 309.92 feet leaving said right-of-way to a point;  
 THENCE South 48 degrees 30 minutes 26 seconds East a distance of 170.07 feet to a point;  
 THENCE North 47 degrees 46 minutes 21 seconds East a distance of 318.84 feet to a point located on the southwesterly right-of-way of Mulberry Street;  
 THENCE along a curve to the right for an arc length of 94.92 feet, having a radius of 425.00 feet, being subtended by a chord bearing South 53 degrees 05 minutes 41 seconds East, for a distance of 94.72 feet along said right-of-way to a point;  
 THENCE South 46 degrees 41 minutes 47 seconds East a distance of 67.27 feet along said right-of-way to a point;  
 THENCE South 47 degrees 35 minutes 36 seconds West a distance of 347.20 feet leaving said right-of-way to a point;  
 THENCE South 27 degrees 38 minutes 32 seconds East a distance of 367.62 feet to a point;  
 THENCE South 60 degrees 15 minutes 22 seconds West a distance of 649.98 feet to a point;  
 THENCE South 60 degrees 16 minutes 13 seconds West a distance of 352.85 feet to a point;  
 THENCE North 48 degrees 12 minutes 16 seconds West a distance of 30.32 feet to a point;  
 THENCE North 02 degrees 53 minutes 11 seconds West a distance of 24.24 feet to a point;  
 THENCE North 24 degrees 11 minutes 12 seconds West a distance of 30.92 feet to a point;  
 THENCE North 40 degrees 44 minutes 55 seconds East a distance of 27.08 feet to a point;  
 THENCE North 07 degrees 29 minutes 14 seconds East a distance of 37.47 feet to a point;  
 THENCE North 56 degrees 00 minutes 04 seconds West a distance of 35.03 feet to a point;  
 THENCE South 78 degrees 44 minutes 58 seconds West a distance of 37.19 feet to a point;  
 THENCE North 10 degrees 05 minutes 48 seconds West a distance of 14.68 feet to a point;  
 THENCE North 11 degrees 22 minutes 48 seconds East a distance of 35.30 feet to a point;  
 THENCE North 06 degrees 31 minutes 58 seconds East a distance of 20.38 feet to a point;  
 THENCE North 39 degrees 32 minutes 23 seconds West a distance of 28.59 feet to a point;  
 THENCE North 04 degrees 29 minutes 41 seconds West a distance of 33.89 feet to a point;  
 THENCE North 00 degrees 17 minutes 51 seconds West a distance of 39.43 feet to a point;  
 THENCE North 04 degrees 15 minutes 12 seconds East a distance of 30.56 feet to a point;  
 THENCE South 60 degrees 19 minutes 46 seconds West a distance of 742.04 feet to a point, said point being THE TRUE POINT OF BEGINNING.

Said tract contains an area of 48.156 acres more or less.



Together with:

All that tract or parcel of land lying and being in Land Lot 116 and 117 of the 8th District, City of Flowery Branch, Hall County, Georgia and being more particularly described as follows.

Beginning at the Land Lot Corner common to Land Lots 116, 117, 133 and 134; THENCE South 30 degrees 22 minutes 57 seconds East for a distance of 1101.65 feet to a point; THENCE South 30 degrees 21 minutes 16 seconds East for a distance of 218.48 feet to a point, said point being THE TRUE POINT OF BEGINNING;

THENCE North 48 degrees 22 minutes 48 seconds East a distance of 875.57 feet to a point;  
THENCE North 11 degrees 52 minutes 38 seconds East a distance of 26.55 feet to a point;  
THENCE North 50 degrees 18 minutes 59 seconds East a distance of 47.92 feet to a point;  
THENCE North 01 degrees 30 minutes 02 seconds West a distance of 62.59 feet to a point;  
THENCE North 13 degrees 27 minutes 39 seconds East a distance of 69.62 feet to a point;  
THENCE North 73 degrees 24 minutes 27 seconds East a distance of 32.42 feet to a point;  
THENCE North 28 degrees 33 minutes 29 seconds West a distance of 42.32 feet to a point;  
THENCE North 17 degrees 38 minutes 29 seconds East a distance of 31.76 feet to a point;  
THENCE North 32 degrees 22 minutes 06 seconds East a distance of 80.36 feet to a point;  
THENCE North 74 degrees 02 minutes 00 seconds East a distance of 46.63 feet to a point;  
THENCE North 12 degrees 58 minutes 57 seconds East a distance of 49.55 feet to a point;  
THENCE North 07 degrees 31 minutes 42 seconds West a distance of 50.45 feet to a point;  
THENCE North 30 degrees 16 minutes 15 seconds East a distance of 26.90 feet to a point;  
THENCE North 10 degrees 19 minutes 38 seconds West a distance of 26.62 feet to a point;  
THENCE North 58 degrees 48 minutes 33 seconds East a distance of 24.02 feet to a point;  
THENCE North 41 degrees 18 minutes 24 seconds East a distance of 34.46 feet to a point;  
THENCE North 16 degrees 53 minutes 06 seconds West a distance of 36.79 feet to a point;  
THENCE North 77 degrees 44 minutes 30 seconds East a distance of 26.19 feet to a point;  
THENCE North 06 degrees 55 minutes 46 seconds East a distance of 19.96 feet to a point;  
THENCE North 58 degrees 22 minutes 20 seconds East a distance of 32.80 feet to a point;  
THENCE North 52 degrees 55 minutes 19 seconds East a distance of 39.42 feet to a point;  
THENCE North 44 degrees 28 minutes 57 seconds East a distance of 28.81 feet to a point;  
THENCE North 38 degrees 27 minutes 51 seconds East a distance of 28.60 feet to a point;  
THENCE North 63 degrees 30 minutes 30 seconds West a distance of 21.24 feet to a point;  
THENCE North 14 degrees 15 minutes 36 seconds West a distance of 47.62 feet to a point;  
THENCE North 41 degrees 07 minutes 00 seconds East a distance of 23.46 feet to a point;  
THENCE North 08 degrees 45 minutes 20 seconds West a distance of 35.65 feet to a point;  
THENCE North 10 degrees 03 minutes 40 seconds East a distance of 44.66 feet to a point;  
THENCE North 13 degrees 34 minutes 23 seconds West a distance of 63.51 feet to a point;  
THENCE South 72 degrees 35 minutes 22 seconds West a distance of 35.85 feet to a point;  
THENCE North 27 degrees 17 minutes 06 seconds East a distance of 43.82 feet to a point;  
THENCE North 29 degrees 54 minutes 21 seconds West a distance of 49.61 feet to a point;  
THENCE North 26 degrees 51 minutes 13 seconds West a distance of 95.89 feet to a point;  
THENCE North 17 degrees 28 minutes 07 seconds West a distance of 55.39 feet to a point;  
THENCE North 23 degrees 53 minutes 55 seconds West a distance of 149.25 feet to a point;  
THENCE North 17 degrees 29 minutes 34 seconds West a distance of 47.91 feet to a point;  
THENCE North 31 degrees 06 minutes 18 seconds West a distance of 33.89 feet to a point;

THENCE North 12 degrees 15 minutes 25 seconds West a distance of 26.69 feet to a point;  
 THENCE North 65 degrees 43 minutes 13 seconds East a distance of 21.21 feet to a point;  
 THENCE North 60 degrees 10 minutes 55 seconds East a distance of 787.01 feet to a point;  
 THENCE North 21 degrees 58 minutes 54 seconds West a distance of 529.33 feet to a point;  
 THENCE North 50 degrees 49 minutes 21 seconds East a distance of 298.67 feet to a point;  
 THENCE South 42 degrees 11 minutes 33 seconds East a distance of 439.12 feet to a point;  
 THENCE North 47 degrees 05 minutes 23 seconds East a distance of 201.10 feet to a point located on  
 the southwesterly right-of-way of Mulberry Street;  
 THENCE South 46 degrees 31 minutes 54 seconds East a distance of 178.61 feet along said right-of-  
 way to a point;  
 THENCE South 56 degrees 13 minutes 11 seconds West a distance of 409.48 feet leaving said right-  
 of-way to a point;  
 THENCE South 21 degrees 49 minutes 31 seconds East a distance of 400.05 feet to a point;  
 THENCE along a curve to the left for an arc length of 289.42 feet, having a radius of 60.00 feet,  
 being subtended by a chord bearing South 09 degrees 09 minutes 33 seconds East, for a distance of  
 80.01 feet to a point;  
 THENCE North 80 degrees 50 minutes 59 seconds East a distance of 12.88 feet to a point;  
 THENCE South 14 degrees 42 minutes 21 seconds East a distance of 467.39 feet to a point located on  
 the northwesterly right-of-way of Lanier Parkway State Hwy. #365 (I-985);  
 THENCE South 31 degrees 59 minutes 20 seconds West a distance of 146.27 feet along said right-of-  
 way to a point;  
 THENCE South 29 degrees 20 minutes 32 seconds West a distance of 506.50 feet along said right-of-  
 way to a point;  
 THENCE South 36 degrees 25 minutes 35 seconds West a distance of 258.07 feet along said right-of-  
 way to a point;  
 THENCE South 20 degrees 56 minutes 49 seconds West a distance of 240.77 feet along said right-of-  
 way to a point;  
 THENCE South 36 degrees 05 minutes 29 seconds West a distance of 215.20 feet along said right-of-  
 way to a point;  
 THENCE North 67 degrees 12 minutes 40 seconds West a distance of 10.00 feet along said right-of-  
 way to a point;  
 THENCE South 22 degrees 47 minutes 20 seconds West a distance of 701.09 feet along said right-of-  
 way to a point;  
 THENCE South 30 degrees 41 minutes 18 seconds West a distance of 300.64 feet along said right-of-  
 way to a point;  
 THENCE South 23 degrees 03 minutes 37 seconds West a distance of 301.00 feet along said right-of-  
 way to a point;  
 THENCE South 26 degrees 52 minutes 28 seconds West a distance of 325.95 feet along said right-of-  
 way to a point;  
 THENCE North 30 degrees 22 minutes 57 seconds West a distance of 1255.51 feet leaving said right-  
 of-way to a point, said point being THE TRUE POINT OF BEGINNING.

Said tract contains an area of 69.806 acres more or less.

## Exhibit "C"

Phase one (parcels 08117 002008A, 08117 002016D, 08117 002016B, and 08117 002061; ordinances 625, 626, 627, & 628) shall be conditioned as follows:

1. Water and sewer shall be provided by the City of Flowery Branch.
2. Site plan shall generally adhere to the plan as shown and described below:





### **DEVELOPMENT SUMMARY**

1. EXISTING BOUNDARY ACREAGE:  $\pm 117.962$  ACRES
2. TAX PARCEL: 08117 002008A, 08117 002016D, 08117 002016B, 08117 002061, 08117 002001 and 08134 000006
3. EXISTING ZONING: M1
4. PROPOSED ZONING: R3
5. PHASE 1 DEVELOPMENT SUMMARY:  
BOUNDARY ACREAGE:  $\pm 48.156$  ACRES  
TOTAL No. PROPOSED SINGLE-FAMILY DETACHED LOTS: 49  
TOTAL No. PROPOSED TOWNHOME UNITS: 140  
GROSS DENSITY: 3.92 LOTS/ACRE  
NET DENSITY: 4.19 LOTS/ACRE ( $\pm 6.17$  AC. FLOODPLAIN)  
OPEN SPACE/Common Area PROVIDED =  $\pm 19$  AC. (39%)  
TOTAL LENGTH OF STREETS:  $\pm 5,850$  L.F.
6. PHASE 2 DEVELOPMENT SUMMARY:  
BOUNDARY ACREAGE:  $\pm 69.806$  ACRES  
TOTAL No. PROPOSED SINGLE-FAMILY DETACHED LOTS: 138 (LOT #S 100-237)  
GROSS/NET DENSITY: 1.97 LOTS/ACRE  
OPEN SPACE/Common Area PROVIDED =  $\pm 34$  AC. (46%)  
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7. MINIMUM SINGLE-FAMILY DETACHED LOT SIZE: (SEE TYPICAL LOT DETAIL)
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REAR - 25'  
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3. Applicant will revise its Traffic Study dated May 26, 2021, to include (1) a signal warrant analysis at Mulberry Street/Phil Niekro Blvd. intersection and (2) a traffic calming study on Mulberry Street from the proposed subdivision to Phil Niekro Blvd.
  - a. Revised study does NOT need to be completed before zoning approval.
  - b. If a signal is warranted, applicant will NOT be responsible for the cost or installation of the signal.
  - c. Prior to final plat approval, applicant will construct a northbound exclusive right turn lane from Mulberry Street onto Phil Niekro Blvd. City will give Applicant adequate right-of-way to construct the turn lane at no additional cost.
  - d. Prior to final plat approval, Applicant will construct recommended traffic calming measures along Mulberry Street from the proposed development to Phil Niekro Blvd as prescribed by the above revised traffic study.
  - e. Applicant shall install "Do Not Block the Intersection" signs and markings on Phil Niekro Boulevard prior to final plat approval.
4. Prior to the approval of the final plat, the applicant shall pay \$100,000 to City of Flowery Branch for implementation, installation, and construction of any other improvements recommended by the approved traffic impact study. All design and construction, other than improvements on Mulberry Street, shall be the responsibility of the City of Flowery

Branch.

5. Development shall meet all requirements set forth in ordinance 657 adopted on December 16, 2021, except for the following:

**Sec. 12.6. - Townhouses.**

(b) *Lot Size.* The minimum size of a lot for each fee-simple townhouse lot (i.e., the extent of land owned by the owner of the unit) shall be 2,000 square feet in lot area. **A maximum of thirty-three (33) townhomes shall have a minimum lot-size of 1,800 square feet in area.**

(e) *Rear Setbacks.* There shall be a minimum twenty (20) foot rear setback from townhouse lot boundaries for all buildings and structures, except when the rear property line abuts an alley, in which case no setback shall be required. **Rear setback shall be reduced to ten (10) feet to accommodate covered patios.**

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Phase two (parcels 08117 002001 & 08134 000006; ordinances 629 and 630) shall be conditioned as follows:

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2. Phase II shall be developed in substantial conformity with the Conceptual Land Plan dated 12/02/20 attached hereto as Appendix A and with the following Development Summary.

#### **DEVELOPMENT SUMMARY**

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3. EXISTING ZONING: M1
4. PROPOSED ZONING: R3
5. PHASE 1 DEVELOPMENT SUMMARY:  
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TOTAL No. PROPOSED TOWNHOME UNITS: 140  
GROSS DENSITY: 3.92 LOTS/ACRE  
NET DENSITY: 4.19 LOTS/ACRE (±6.17 AC. FLOODPLAIN)  
OPEN SPACE/COMMON AREA PROVIDED = ±19 AC. (39%)  
TOTAL LENGTH OF STREETS: ±5,850 L.F.
6. PHASE 2 DEVELOPMENT SUMMARY:  
BOUNDARY ACREAGE: ±69.806 ACRES  
TOTAL No. PROPOSED SINGLE-FAMILY DETACHED LOTS: 138 (LOT #S 100-237)  
GROSS/NET DENSITY: 1.97 LOTS/ACRE  
OPEN SPACE/COMMON AREA PROVIDED = ±34 AC. (46%)  
TOTAL LENGTH OF STREETS: ±6,775 L.F.
7. MINIMUM SINGLE-FAMILY DETACHED LOT SIZE: (SEE TYPICAL LOT DETAIL)
8. PROPOSED SETBACKS SINGLE-FAMILY DETACHED:  
FRONT - 20'  
REAR - 25'  
SIDE - 5'



3. Applicant will revise its Traffic Study dated May 26, 2021, to include (1) a signal warrant analysis at Mulberry Street/Phil Niekro Blvd. intersection and (2) a traffic calming study on Mulberry Street from the proposed subdivision to Phil Niekro Blvd.
  - a. Revised study does NOT need to be completed before zoning approval.
  - b. If a signal is warranted, applicant will NOT be responsible for the cost or installation of the signal.
  - c. If Phase II is initiated prior to Phase I, prior to the issuance of the first certificate of occupancy, applicant will construct a northbound exclusive right turn lane from Mulberry Street onto Phil Niekro Blvd. City will give Applicant adequate right-of-way to construct the turn lane at no additional cost.
  - d. If Phase II is initiated prior to Phase I, prior to final plat approval, Applicant will construct recommended traffic calming measures along Mulberry Street from the proposed development to Phil Niekro Blvd as prescribed by the above revised traffic study.
4. If Phase II is initiated prior to Phase I, prior to the approval of the final plat, the applicant shall pay \$100,000 to City of Flowery Branch for implementation, installation, and construction of any other improvements recommended by the approved traffic impact study. All design and construction, other than improvements on Mulberry Street, shall be the responsibility of the City of Flowery Branch.
5. Prior to issuance of any permit for Phase II, the Developer shall submit a site plan for approval by city staff. If the site plan is not in substantial conformity with the Conceptual Land Plan dated 12/02/20, review and approval by the Mayor and City Council shall be required.
7. Development shall meet all requirements set forth in ordinance 657 adopted on December 16, 2021.
8. A Homeowners Association shall be established, and covenants shall be created and submitted to the City prior to formal recording. It shall be the Homeowners Associations responsibility to mandate and enforce a ten (10) percent limit on homes for lease.

## 14





## FLOWERY BRANCH CITY COUNCIL

### EXECUTIVE SUMMARY



**SUBJECT:** Request Adoption of Proposed FY2023 Budget Calendar

**COUNCIL MEETING DATE:** January 20, 2022

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---

#### HISTORY:

The budget process occurs every year, from November through June. In the past, the Budget Team has not formally requested the adoption of the annual budget calendar. In the future, the annual budget calendar will be presented in November each year for Council review and requested adoption.

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#### FACTS AND ISSUES:

The budget process began in December by distributing the Capital Improvement Plan to the department directors for review. The Capital Improvement Plan meetings have been completed, and we are now finalizing the capital plan. Operational budget planning will begin in February 2022, where each department will meet with the Budget Team to discuss any changes needed for the upcoming fiscal year. The Budget Team consists of the Finance Director, Budget Manager, and City Manager. The Budget Team plans to provide the Mayor and Council with a budget draft during the Retreat in March of 2022. Budget discussions with Mayor and Council are scheduled for April 12, 2022, at 5 pm, and April 14, 2022, at 2 pm. Public Hearings 1 & 2 are scheduled for a special called meeting on June 9, 2022, at 9 am and 6 pm. The 3rd Public Hearing will be held at the regularly scheduled Council Meeting on June 16, 2022, at 6 pm.

NOTE: Three public hearings are required for a millage rate increase.

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#### OPTIONS:

1. Adopt the proposed FY2023 budget calendar as presented.
2. Suggest other alternatives.

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

Yes

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#### AMOUNT AND SOURCE OF FUNDS:

N/A

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#### RECOMMENDATION:

Adopt proposed FY2023 budget calendar as presented.

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#### SAMPLE MOTION:

I make a motion to adopt the proposed FY2023 budget calendar as presented.



OR

I make a motion to adopt the proposed FY2023 with the following revisions: \_\_\_\_\_.

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**COLLABORATING DEPARTMENT:**

Administration

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**DEPARTMENT:** Finance

**Prepared by:** Shelia Cooper

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**ATTACHMENTS**

- [FY2023 Budger Calendar - Executive Summary.pdf](#)
- [FY2023 Proposed Budget Calendar.pdf](#)

**FLOWERY BRANCH CITY COUNCIL**  
**EXECUTIVE SUMMARY**

**SUBJECT:** Request Adoption of Proposed FY2023 Budget Calendar

**DATE:** January 13, 2022

**( X ) RECOMMENDATION**

**( ) POLICY DISCUSSION**

**BUDGET INFORMATION:**

**( ) STATUS REPORT**

**ANNUAL-**

**( ) OTHER**

**CAPITAL-**

**COUNCIL ACTION REQUESTED ON:** January 20, 2022

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**PURPOSE:** The proposed FY2023 Budget Calendar provides a basic plan for preparing, reviewing, and adopting the City of Flowery Branch budget for the upcoming fiscal year.

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**HISTORY:** The budget process occurs every year, from November through June. In the past, the Budget Team has not formally requested the adoption of the annual budget calendar. In the future, the annual budget calendar will be presented in November each year for Council review and requested adoption.

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---

**FACTS AND ISSUES:** The budget process began in December by distributing the Capital Improvement Plan to the department directors for review. The Capital Improvement Plan meetings have been completed, and we are now finalizing the capital plan. Operational budget planning will begin in February 2022, where each department will meet with the Budget Team to discuss any changes needed for the upcoming fiscal year. The Budget Team consists of the Finance Director, Budget Manager, and City Manager. The Budget Team plans to provide the Mayor and Council with a budget draft during the Retreat in March of 2022. Budget discussions with Mayor and Council are scheduled for April 12, 2022, at 5 pm, and April 14, 2022, at 2 pm. Public Hearings 1 & 2 are scheduled for a special called meeting on June 9, 2022, at 9 am and 6 pm. The 3<sup>rd</sup> Public Hearing will be held at the regularly scheduled Council Meeting on June 16, 2022, at 6 pm.

**NOTE:** Three public hearings are required for a millage rate increase.

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**OPTIONS:**

1. Adopt the proposed FY2023 budget calendar as presented.
2. Suggest other alternatives.

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**RECOMMENDED SAMPLE MOTION:** I make a motion to adopt the proposed FY2023 budget calendar as presented.

OR

I make a motion to adopt the proposed FY2023 with the following revisions: \_\_\_\_\_.

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**DEPARTMENT:** Finance

**Prepared by:** Alisha Gamble

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|                                                                         |
|-------------------------------------------------------------------------|
| <b>City of Flowery Branch, Georgia</b><br><b>FY2023 Budget Calendar</b> |
|-------------------------------------------------------------------------|

| <u>Line No.</u> | <u>Activity</u>                                                                                                                       | <u>Date</u>                                                        |
|-----------------|---------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------|
| 1               | Capital Improvement Plan (CIP) review and updates with the Department Directors                                                       | Jan. 4th-14th, 2022                                                |
| 2               | Operational budget reviews with Department Directors                                                                                  | Feb. 1st-11th, 2022                                                |
| 3               | Council Retreat and Strategic Planning<br>*A rough raft of the operating and CIP budget projections to Council for review             | March of 2022                                                      |
| 4               | Budget Discussions with Mayor and Council                                                                                             | Tuesday, Aril 12, 2022 at 5pm<br>Thursday, April 14th, 2022 at 2pm |
| 5               | City will receive the preliminary tax digest from Hall County.                                                                        | April 30th, 2022                                                   |
| 6               | City Manager's draft budget to Mayor and Council for review.                                                                          | Week of May 2, 2022                                                |
| 7               | City will receive the final tax digest from Hall County.                                                                              | June 1, 2022                                                       |
| 8               | Notice of Public Hearings & Adoption on the City Budget and Millage Rate advertised                                                   | June 1, 2022                                                       |
| 9               | City Council Public Hearing 1 on the City's FY2023 Budget and Millage Rate - SPECIAL CALLED MEETING                                   | June 9, 2022 at 9am                                                |
| 10              | City Council Public Hearing 2 on the City's FY2023 Budget and Millage Rate (if an extra meeting is required) - SPECIAL CALLED MEETING | June 9, 2022 at 6pm                                                |
| 11              | City Council Public Hearing 3 and meeting to adopt the City's FY2023 Budget and Millage Rate<br>REGULAR SCHEDULED MEETING             | June 16, 2022 at 6pm                                               |



## FLOWERY BRANCH CITY COUNCIL

### EXECUTIVE SUMMARY



**SUBJECT:** Consider Approval of Renewal Maintenance Contract for City Printers

**COUNCIL MEETING DATE:** January 20, 2022

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#### **HISTORY:**

City charter sections 2.4(c) and 8.1 states the Mayor has the authority to sign contracts, deeds, licenses, fiscal expenditures, and other public documents on behalf of the City of Flowery Branch.

Pricing will remain at \$0.00575 per black and white copy and \$0.05 per color copy.

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#### **FACTS AND ISSUES:**

This signature is needed on the renewal agreement to continue maintenance services, including parts, labor, ink, and toner for all City printers. All printers are now listed under one contract with one vendor, PSK.

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#### **OPTIONS:**

1. Approve for the Mayor to sign the renewal maintenance agreement with PSK.
2. Do not approve for the Mayor to sign the renewal maintenance agreement with PSK.

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

Yes

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#### **AMOUNT AND SOURCE OF FUNDS:**

Each department's operating budget

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#### **RECOMMENDATION:**

Approve signing the renewal printer maintenance contract with PSK, effective January 20, 2022.

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#### **SAMPLE MOTION:**

I motion to approve the Mayor to sign the renewal printer maintenance contract with PSK, effective January 20, 2022.

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#### **COLLABORATING DEPARTMENT:**

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**DEPARTMENT:** Finance

**Prepared by:** Shelia Cooper

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## **ATTACHMENTS**

- [PSK Maintenance Agreement Renewal 1-20-2022.pdf](#)
- [Executive Summary Renewal Maintenance Agreement.pdf](#)



# PSK

## DOCUMENT SOLUTIONS



### PSK MAINTENANCE CONTRACT

# PSK-GA

Sales Representative:

Shannon Kent

DATE

1/12/2022

Customer agrees to purchase and PSK Document Solutions agrees to provide parts, labor, ink, toner, and toner collection containers (the "Maintenance Services") for the equipment listed below in accordance with the terms and conditions of this contract. The Maintenance Services exclude paper, staples and all other parts and services listed under the Exclusion section on page two of the contract. A Connectivity & Security Options Agreement must be attached and executed for Network Integration Support.

#### CUSTOMER INFORMATION

|                                       |                      |                      |                      |
|---------------------------------------|----------------------|----------------------|----------------------|
| Bill to Number:                       |                      | Ship to Number:      |                      |
| Customer Name: City of Flowery Branch |                      | Customer Name:       |                      |
| Billing Address: 5410 Pine Street     |                      | Shipping Address:    |                      |
| Address 2:                            |                      | Address 2:           |                      |
| City: Flowery Branch                  | State: GA Zip: 30542 | City:                | State: Zip:          |
| Phone #: Ext. Fax #:                  | Phone #: Ext. Fax #: | Phone #: Ext. Fax #: | Phone #: Ext. Fax #: |
| Contact:                              | Contact:             | Contact:             | Contact:             |
| eMail:                                | eMail:               | eMail:               | eMail:               |

#### INVOICE / METER COLLECTION INFORMATION

|                                        |                           |                   |                 |
|----------------------------------------|---------------------------|-------------------|-----------------|
| Meter Collection: Automated Meter Read | Electronic Invoicing: Yes | Invoice Location: | Term: 12 Months |
|----------------------------------------|---------------------------|-------------------|-----------------|

#### SPECIAL INSTRUCTIONS

Service cancellation requires a 30 day written notice.

#### TRANSACTION TERMS (Consolidated Minimums Per Pool)

| Pool Description | Type  | Includes | Units  | Minimum Payment | Payment Frequency | Excess Per Unit Charge | Excess Billing Frequency |
|------------------|-------|----------|--------|-----------------|-------------------|------------------------|--------------------------|
| All-Inclusive    | Black |          | Prints | 0.00575         | Monthly           |                        | Monthly                  |
|                  | Color |          | Prints | 0.05            | Monthly           |                        | Monthly                  |
|                  |       |          |        |                 |                   |                        |                          |
|                  |       |          |        |                 |                   |                        |                          |

#### EQUIPMENT AND SUPPLIES

| MAKE/MODEL           | LOCATION | SERIAL NUMBER | ID#    | STARTING METER |
|----------------------|----------|---------------|--------|----------------|
| Konica Minolta c450i |          | AA7R011006440 | GA2944 |                |
| Konica Minolta c450i |          | AA7R011006754 | GA2945 |                |
| Konica Minolta c450i |          | AA7R011006800 | GA2946 |                |
| Konica Minolta 4052  |          | AA1R011001996 | GA1944 |                |
| Konica Minolta c3110 |          | A6DT012106958 | GA1953 |                |
| Konica Minolta 4702  |          | AAFH011010438 | GA2855 |                |

#### DECLINATION

☐ Customer is declining maintenance on the equipment listed above.

|               |            |
|---------------|------------|
| Printed Name: | Signature: |
| Title:        | Date:      |

☐ "See Attached Schedule A for Agreements that Manage Over Six Devices"

#### ACCEPTANCE

THE TERMS AND CONDITIONS HEREOF ARE PART OF THIS SERVICE AGREEMENT. BY SIGNING THIS CONTRACT, THE CUSTOMER ACKNOWLEDGES THAT THEY HAVE READ AND UNDERSTAND THESE TERMS.

Customer agrees to pay the Minimum Payment per transaction terms, plus any Excess Per Unit Charges for the term of this Contract. When this Contract is signed by Customer and PSK, it shall constitute a binding contract and is non-cancelable. This Contract will begin on the date signed by PSK below. You hereby acknowledge and agree that your electronic signature below shall constitute an enforceable and original signature for all purposes.

|                                  |                             |                |                           |
|----------------------------------|-----------------------------|----------------|---------------------------|
| Customer: City of Flowery Branch | PSK Document Solutions      |                |                           |
| Printed Name:                    | Printed Name: Jill Kent     |                |                           |
| Signature:                       | Signature: <i>Jill Kent</i> |                |                           |
| Title:                           | Date:                       | Title: manager | Effective Date: 1/12/2022 |

# PSK

## DOCUMENT SOLUTIONS



PSK MAINTENANCE CONTRACT

# PSK-GA

Sales Representative:

Shannon Kent

DATE

1/12/2022

Customer agrees to purchase and PSK Document Solutions agrees to provide parts, labor, ink, toner, and toner collection containers (the "Maintenance Services") for the equipment listed below in accordance with the terms and conditions of this contract. The Maintenance Services exclude paper, staples and all other parts and services listed under the Exclusion section on page two of the contract. A Connectivity & Security Options Agreement must be attached and executed for Network Integration Support.

**CUSTOMER INFORMATION**

|                                           |                      |
|-------------------------------------------|----------------------|
| Bill to Number:                           | Ship to Number:      |
| Customer Name: City of Flowery Branch     | Customer Name:       |
| Billing Address: 5410 Pine Street         | Shipping Address:    |
| Address 2:                                | Address 2:           |
| City: Flowery Branch State: GA Zip: 30542 | City: State: Zip:    |
| Phone #: Ext. Fax #:                      | Phone #: Ext. Fax #: |
| Contact:                                  | Contact:             |
| eMail:                                    | eMail:               |

**INVOICE / METER COLLECTION INFORMATION**

|                                        |                           |                   |                 |
|----------------------------------------|---------------------------|-------------------|-----------------|
| Meter Collection: Automated Meter Read | Electronic Invoicing: Yes | Invoice Location: | Term: 12 Months |
|----------------------------------------|---------------------------|-------------------|-----------------|

**SPECIAL INSTRUCTIONS**

Service cancellation requires a 30 day written notice.

**TRANSACTION TERMS (Consolidated Minimums Per Pool)**

| Pool Description | Type  | Includes | Units  | Minimum Payment | Payment Frequency | Excess Per Unit Charge | Excess Billing Frequency |
|------------------|-------|----------|--------|-----------------|-------------------|------------------------|--------------------------|
| All-Inclusive    | Black |          | Prints | 0.00575         | Monthly           |                        | Monthly                  |
|                  | Color |          | Prints | 0.05            | Monthly           |                        | Monthly                  |
|                  |       |          |        |                 |                   |                        |                          |
|                  |       |          |        |                 |                   |                        |                          |

**EQUIPMENT AND SUPPLIES**

| MAKE/MODEL            | LOCATION | SERIAL NUMBER | ID#    | STARTING METER |
|-----------------------|----------|---------------|--------|----------------|
| Konica Minolta c3300i |          | AAJT011001704 | GA2816 |                |
| Konica Minolta c3300i |          | AAJT011001767 | GA2814 |                |
| Konica Minolta c4000i |          | AAJR011000541 | GA3363 |                |
| Konica Minolta 5000i  |          | ACF1011001309 | GA3301 |                |
| Konica Minolta 5000i  |          | ACF1011001327 | GA3304 |                |
| Konica Minolta 4700   |          | A63N011024355 | GA3357 |                |

**DECLINATION**

☐ Customer is declining maintenance on the equipment listed above.

Printed Name:

Title:

Date:

Signature:

☐ "See Attached Schedule A for Agreements that Manage Over Six Devices"

**ACCEPTANCE**

THE TERMS AND CONDITIONS HEREOF ARE PART OF THIS SERVICE AGREEMENT. BY SIGNING THIS CONTRACT, THE CUSTOMER ACKNOWLEDGES THAT THEY HAVE READ AND UNDERSTAND THESE TERMS.

Customer agrees to pay the Minimum Payment per transaction terms, plus any Excess Per Unit Charges for the term of this Contract. When this Contract is signed by Customer and PSK, it shall constitute a binding contract and is non-cancelable. This Contract will begin on the date signed by PSK below. You hereby acknowledge and agree that your electronic signature below shall constitute an enforceable and original signature for all purposes.

|                                  |                           |
|----------------------------------|---------------------------|
| Customer: City of Flowery Branch | PSK Document Solutions    |
| Printed Name:                    | Printed Name: Jill Kent   |
| Signature:                       | Signature:                |
| Title:                           | Title: manager            |
| Date:                            | Effective Date: 1/12/2022 |

**FLOWERY BRANCH CITY COUNCIL  
EXECUTIVE SUMMARY**

**SUBJECT:** To Sign Renewal Maintenance Contract for City Printers.

**DATE:** January 18, 2022

**( X ) RECOMMENDATION**

**( ) POLICY DISCUSSION**

**BUDGET INFORMATION:**

**( ) STATUS REPORT**

**ANNUAL-**

**( ) OTHER**

**CAPITAL-**

**COUNCIL ACTION REQUESTED ON:** January 20, 2022

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**PURPOSE:** Mayor to sign renewal maintenance contract, which includes all printers.

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**HISTORY:** City charter sections 2.4(c) and 8.1 states the Mayor has the authority to sign contracts, deeds, licenses, fiscal expenditures, and other public documents on behalf of the City of Flowery Branch.

Pricing will remain at \$0.00575 per black and white copy and \$0.05 per color copy.

---

---

**FACTS AND ISSUES:** This signature is needed on the renewal agreement to continue maintenance services, including parts, labor, ink, and toner for all City printers. All printers are now listed under one contract with one vendor, PSK.

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**OPTIONS:** Sign renewal maintenance contract.

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**RECOMMENDED SAMPLE MOTION:** I motion to approve the Mayor to sign the renewal printer maintenance contract with PSK, effective January 20, 2022.

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**DEPARTMENT:** Finance

**Prepared by:** Alisha Gamble

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## FLOWERY BRANCH CITY COUNCIL

### EXECUTIVE SUMMARY



**SUBJECT:** Consider Beer, Wine, and Distilled Spirits Alcohol License for Village Spirits located at 5462 McEver Road.

**COUNCIL MEETING DATE:** January 20, 2022

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**HISTORY:**

John Choi has sold Village Spirits to Katie Kisun Chae. She is applying for a new alcohol license under her name.

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**FACTS AND ISSUES:**

Katie Kisun Chae is the new owner of Village Spirits. She has submitted her completed application and it has been reviewed and processed and is in order for Council's approval.

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**OPTIONS:**

Approve or Deny

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

Yes

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**AMOUNT AND SOURCE OF FUNDS:**

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**RECOMMENDATION:**

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**SAMPLE MOTION:**

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**COLLABORATING DEPARTMENT:**

**DEPARTMENT:** Administration

**Prepared by:** Shelia Cooper

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**ATTACHMENTS**

- [Village Spirits 5462 McEver Road.pdf](#)

**FLOWERY BRANCH CITY COUNCIL**  
**EXECUTIVE SUMMARY**

**SUBJECT:** Consider Beer, Wine and Distilled Spirits Alcohol License for Village Spirits located at 5462 McEver Road.

**DATE:** January 20, 2022

**( X ) RECOMMENDATION**

**( ) POLICY DISCUSSION**

**BUDGET INFORMATION:**

**( ) STATUS REPORT**

**ANNUAL- No expenditure – Revenue Only**

**( ) OTHER**

**CAPITAL-**

**COUNCIL ACTION REQUESTED ON:** January 20, 2022

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---

**PURPOSE:** To allow the new owner of Village Spirits located at 5462 McEver Road to sell beer, wine and distilled spirits.

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**HISTORY:** John Choi has sold Village Spirits to Katie Kisun Chae. She is applying for a new alcohol license under her name.

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---

**FACTS AND ISSUES:** Katie Kisun Chae is the new owner of Village Spirits. She has submitted her completed application and it has been reviewed and processed and is in order for Council's approval.

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**OPTIONS:** Approve or Deny

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**RECOMMENDED SAMPLE MOTION:** No motion required – it is on the Consent Agenda

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**DEPARTMENT:** Administration

**Prepared by:** Shelia Cooper

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## FLOWERY BRANCH CITY COUNCIL

### EXECUTIVE SUMMARY



**SUBJECT:** Consider January 6, 2022 Council Meeting Minutes

**COUNCIL MEETING DATE:** January 20, 2022

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**HISTORY:**

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**FACTS AND ISSUES:**

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**OPTIONS:**

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

Yes

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**AMOUNT AND SOURCE OF FUNDS:**

---

---

**RECOMMENDATION:**

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**SAMPLE MOTION:**

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**COLLABORATING DEPARTMENT:**

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**DEPARTMENT:** Administration

**Prepared by:** Shelia Cooper

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#### ATTACHMENTS

- [January 6, 2022 Council Meeting Minutes.pdf](#)



**City of Flowery Branch  
City Council Meeting Minutes  
Thursday, January 6, 2022, 6:00 P.M.  
City of Flowery Branch City Hall  
5410 W. Pine Street, Flowery Branch, GA 30542**



**CALL TO ORDER ORGANIZATIONAL MEETING:**

City Clerk Cooper called the meeting to order at 6:03 p.m.

PRESENT: Mayor Ed Asbridge and Council Members Joe Anglin, Oliver McClellan, William McDaniel, and Chris Mundy.

Also present were Tonya Parrish, City Manager, Shelia Cooper, City Clerk, Alisha Gamble, Finance Director, Rich Atkinson, Planning Director, Chris Hulsey, Interim Police Chief and Ron Bennett, City Attorney.

**PLEDGE OF ALLEGIANCE:**

City Clerk Cooper led the Pledge of Allegiance.

**ADMINISTER OATHS:**

City Clerk Cooper administered oaths to newly-elected Mayor Edward Asbridge, newly-elected Councilman Oliver McClellan, and newly-elected Councilman William McDaniel.

City Clerk Cooper turned the meeting over to Mayor Asbridge.

**ELECTION OF MAYOR PRO-TEM:**

There was a motion made to nominate Council Member Joe Anglin as the Mayor Pro-Tem to coincide with his four-year term.

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

**ADJOURN ORGANIZATIONAL MEETING:**

Mayor Asbridge adjourned the Organizational Meeting at 6:09 p.m.

**EXECUTIVE SESSION:**

There was a motion made to enter executive session at 6:09 pm for matters related to pending or potential litigation.

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

There was a motion made to exit executive session and reconvene open session at 7:24 pm.

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

**CALL WORK SESSION TO ORDER:**

Mayor Asbridge called the work session to order at 7:29 p.m.

**PUBLIC HEARING:**

Public hearing and first read of ordinances 625-630, a request from Stark Land Development for the rezoning of six (6) parcels of land totaling 118 +/- acres of land from M-1 (Light Industrial) to R3 (Residential Multi-Family).

Mr. Atkinson presented the first read of ordinances 625-630, a request from Stark Land Development for the rezoning of six parcels of land totaling 118 +/- acres of land from Light Industrial to Residential Multi-Family. Phase One is on 48 +/- acres with 49 single family detached homes and 140 townhomes. Phase Two is on 69 +/- acres with 138 single family detached homes. New design standards for townhomes and single family detached homes were part of a zoning ordinance update adopted on December 16, 2021. The applicant is aware of the new standards and will meet the requirements. The original elevations previously submitted for review were of a high quality and met many of the recently adopted ordinance requirements.

Against:

Scot Chalmer, 5926 Mitchell Street, Flowery Branch, GA 30542

In favor:

None



Mr. Atkinson added there was a traffic study done and that the applicant has met the requirements of the traffic study.

Public hearing for the rezoning application submitted by NNP-Looper Lake, LLC. to rezone tax parcel 15047 000885 from Planned Unit Development (PUD) to Planned Unit Development (PUD) with modified conditions.

Mr. Atkinson stated that the applicant has asked for this application be tabled until the January 20, 2022 Council Meeting because the applicant would like to make changes to the layout and to the elevations.

There was a motion made to postpone the matter, the Public Hearing and the First Read of a rezoning application submitted by NNP-Looper Lake, LLC, and take it up at the Council Meeting on January 20, 2022 at 6:00 p.m. in Flowery Branch City Hall. The Public Hearing advertised for January 6, 2022 be adjourned and reconvened at that time.

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

Public hearing for ordinance 659, a variance request 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.

Mr. Atkinson stated that the applicant has asked for this variance request be tabled until the January 20, 2022 Council Meeting.

There was a motion made to postpone the matter, the Public Hearing and the First Read of a variance request and take it up at the Council Meeting on January 20, 2022 at 6:00 p.m. in Flowery Branch City Hall. The Public Hearing advertised for January 6, 2022 be adjourned and reconvened at that time.

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

#### **NEW BUSINESS -WORK SESSION:**

Public hearing and first read of ordinances 625-630, a request from Stark Land Development for the rezoning of six (6) parcels of land totaling 118 +/- acres of land from M-1 (Light Industrial) to R3 (Residential Multi-Family).

Mr. Bennett read the caption for Ordinance 625.

There was a motion made to approve the first read of Ordinance 625.

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

Mr. Bennett read the caption for Ordinance 626.

There was a motion made to approve the first read of Ordinance 626.

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

Mr. Bennett read the caption for Ordinance 627.

There was a motion made to approve the first read of Ordinance 627.

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

Mr. Bennett read the caption for Ordinance 628.

There was a motion made to approve the first read of Ordinance 628.

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

Mr. Bennett read the caption for Ordinance 629.

There was a motion made to approve the first read of Ordinance 629.

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

Mr. Bennett read the caption for Ordinance 630.

There was a motion made to approve the first read of Ordinance 630.

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

Public hearing for the rezoning application submitted by NNP-Looper Lake, LLC. to rezone tax parcel 15047 000885 from Planned Unit Development (PUD) to Planned Unit Development (PUD) with modified conditions.

There was no discussion since this item was tabled.

Public hearing for ordinance 659, a variance request 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.

There was no discussion since this item was tabled.

Consider Resolution 21-022 - To Change Signor on All Bank Accounts with the Election of New Mayor.

Mrs. Gamble presented Resolution 21-022.

There were no questions.

Consider Beer and Wine License for Gaines Ferry Business, LLC dba Grocery Express, located at 6168 Gaines Ferry Road, Flowery Branch, GA.

City Clerk Cooper presented the beer and wine license for Grocery Express.



There were no questions.

**DEPARTMENT REPORTS:**

**City Manager Report:**

Mrs. Parrish proposed options and ideas for further discussion regarding the yearly retreat.

**Finance Department Report:**

Mrs. Gamble presented the new audit reports.

**Council Report:**

Councilman Mundy welcomed the newly elected Council Members. He reminded the citizens of the next Flowery Branch Clean Up on January 22, 2022 at 8:30am.

Councilman Anglin welcomed the newly elected Council Members and also welcomed Tonya Parrish as our new City Manager.

**ADJOURNMENT WORK SESSION:**

Mayor Asbridge adjourned the work session at 7:58 p.m.

**VOTING SESSION AGENDA**

**CALL VOTING SESSION TO ORDER:**

Mayor Asbridge called the voting session to order at 7:58 p.m.

**PUBLIC COMMENTS:**

Charles Mull, 5918 Mitchell Street, Flowery Branch, GA 30542

Mr. Mull wanted an update on Mitchell Street.

Councilman Anglin asked Mr. Bennett if we had an update to provide the citizens on Mitchell Street. Mr. Bennett stated that last week we received the last two Georgia Power easements and the last Right of Entry. Those documents were needed before construction could move forward. The next step is to get Georgia Power on location at Mitchell Street to move the poles.

**CONSENT AGENDA:**

Consider December 16, 2021 Council Meeting Minutes

Consider Beer and Wine License for Gaines Ferry Business, LLC dba Grocery Express, located at 6168 Gaines Ferry Road, Flowery Branch, GA.

There was a motion made to approve the consent agenda.

MOTION: Chris Mundy

SECOND: Joe Anglin

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

NAYS: None

Motion carried

**NEW BUSINESS - VOTING SESSION:**

Public hearing and first read of ordinances 625-630, a request from Stark Land Development for the rezoning of six (6) parcels of land totaling 118 +/- acres of land from M-1 (Light Industrial) to R3 (Residential Multi-Family).

Ordinances 625-630 were voted on during the Work Session.

Consider Resolution 21-022 - To Change Signor on All Bank Accounts with the Election of New Mayor.

There was a motion made to approve Resolution 21-022.

MOTION: Joe Anglin

SECOND: Chris Mundy

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

NAYS: None

Motion carried

**EXECUTIVE SESSION:**

There was a motion made to enter executive session at 8:12 p.m. for matters related to certain personnel issues and for matters related to acquisition/disposition of real estate.

MOTION: Joe Anglin

SECOND: Oliver McClellan

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

NAYS: None

Motion carried

There was a motion made to exit executive session and reconvene open session at 8:56 pm.

MOTION: Chris Mundy

SECOND: Oliver McClellan

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

NAYS: None

Motion carried

**ADJOURNMENT:**

There was a motion made to adjourn at 8:56 pm.

MOTION: Chris Mundy

SECOND: Oliver McClellan

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

NAYS: None

Motion carried

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Mayor – Ed Asbridge

---

Date

---

City Clerk – Shelia R. Cooper





## FLOWERY BRANCH CITY COUNCIL



### EXECUTIVE SUMMARY

**SUBJECT:** Consider Beer, Wine, and Distilled Spirits Alcohol License for Village Spirits located at 5462 McEver Road.

**COUNCIL MEETING DATE:** January 20, 2022

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---

**HISTORY:**

John Choi has sold Village Spirits to Katie Kisun Chae. She is applying for a new alcohol license under her name.

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**FACTS AND ISSUES:**

Katie Kisun Chae is the new owner of Village Spirits. She has submitted her completed application and it has been reviewed and processed and is in order for Council's approval.

---

---

**OPTIONS:**

Approve or Deny

---

---

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

Yes

---

---

**AMOUNT AND SOURCE OF FUNDS:**

---

---

**RECOMMENDATION:**

---

---

**SAMPLE MOTION:**

---

---

**COLLABORATING DEPARTMENT:**

**DEPARTMENT:** Administration

**Prepared by:** Shelia Cooper

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**ATTACHMENTS**

- [Village Spirits 5462 McEver Road.pdf](#)

**FLOWERY BRANCH CITY COUNCIL**  
**EXECUTIVE SUMMARY**

**SUBJECT:** Consider Beer, Wine and Distilled Spirits Alcohol License for Village Spirits located at 5462 McEver Road.

**DATE:** January 20, 2022

**( X ) RECOMMENDATION**

**( ) POLICY DISCUSSION**

**BUDGET INFORMATION:**

**( ) STATUS REPORT**

**ANNUAL- No expenditure – Revenue Only**

**( ) OTHER**

**CAPITAL-**

**COUNCIL ACTION REQUESTED ON:** January 20, 2022

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**PURPOSE:** To allow the new owner of Village Spirits located at 5462 McEver Road to sell beer, wine and distilled spirits.

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**HISTORY:** John Choi has sold Village Spirits to Katie Kisun Chae. She is applying for a new alcohol license under her name.

---

---

**FACTS AND ISSUES:** Katie Kisun Chae is the new owner of Village Spirits. She has submitted her completed application and it has been reviewed and processed and is in order for Council's approval.

---

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**OPTIONS:** Approve or Deny

---

---

**RECOMMENDED SAMPLE MOTION:** No motion required – it is on the Consent Agenda

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**DEPARTMENT:** Administration

**Prepared by:** Shelia Cooper

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## FLOWERY BRANCH CITY COUNCIL



### EXECUTIVE SUMMARY

**SUBJECT:** Consider Second Reading of Ordinances 625-630, a request from Stark Land Development for the Rezoning of six (6) parcels of land totaling 118 +/- acres of land from M-1 (Light Industrial) to R3 (Residential Multi-Family).

**COUNCIL MEETING DATE:** January 20, 2022

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---

**HISTORY:**

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---

**FACTS AND ISSUES:**

---

---

**OPTIONS:**

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---

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

No

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---

**AMOUNT AND SOURCE OF FUNDS:**

---

---

**RECOMMENDATION:**

Approve as submitted and conditioned.

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**SAMPLE MOTION:**

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**COLLABORATING DEPARTMENT:**

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**DEPARTMENT:** Planning

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**Prepared by:** Shelia Cooper

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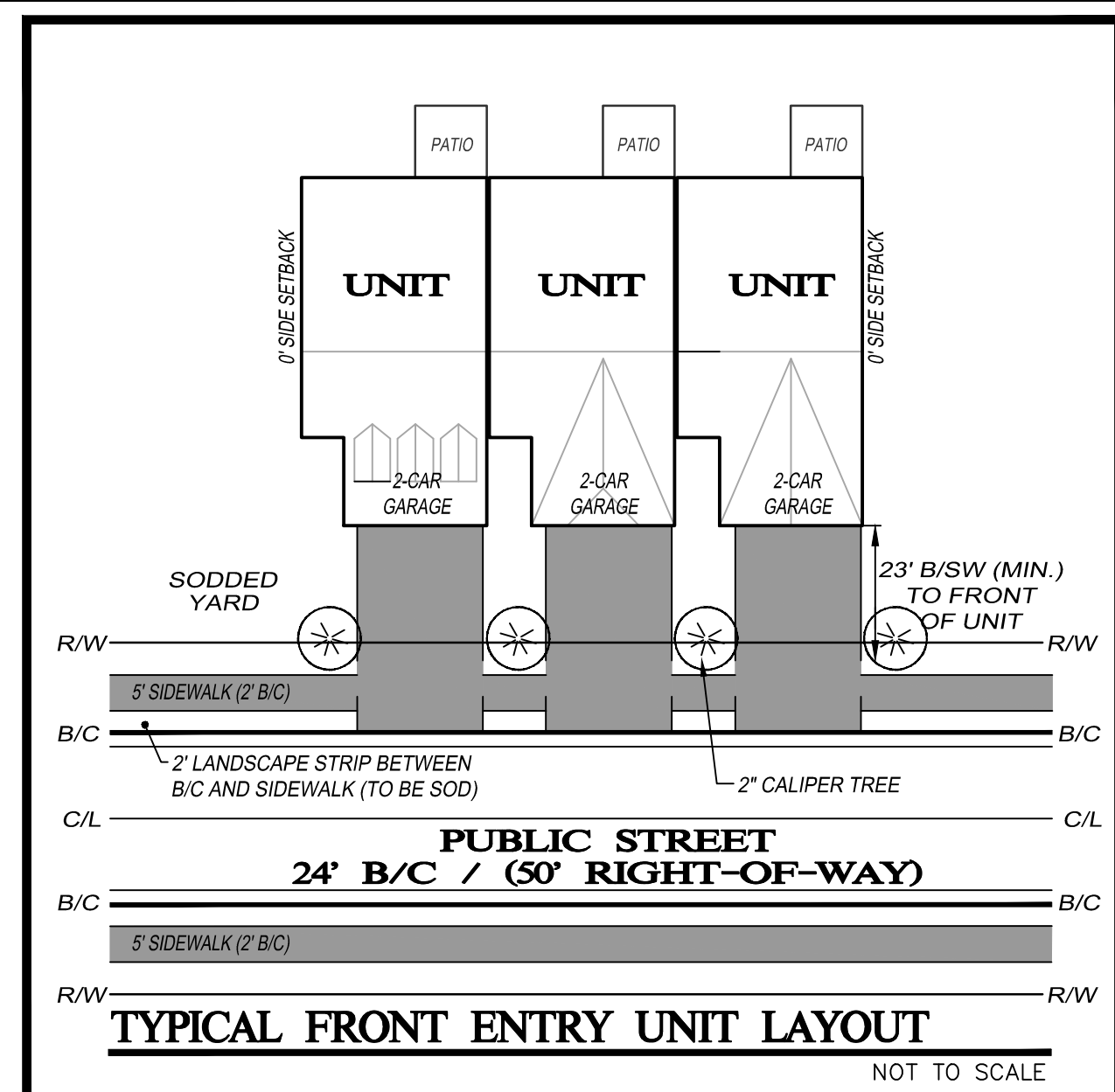
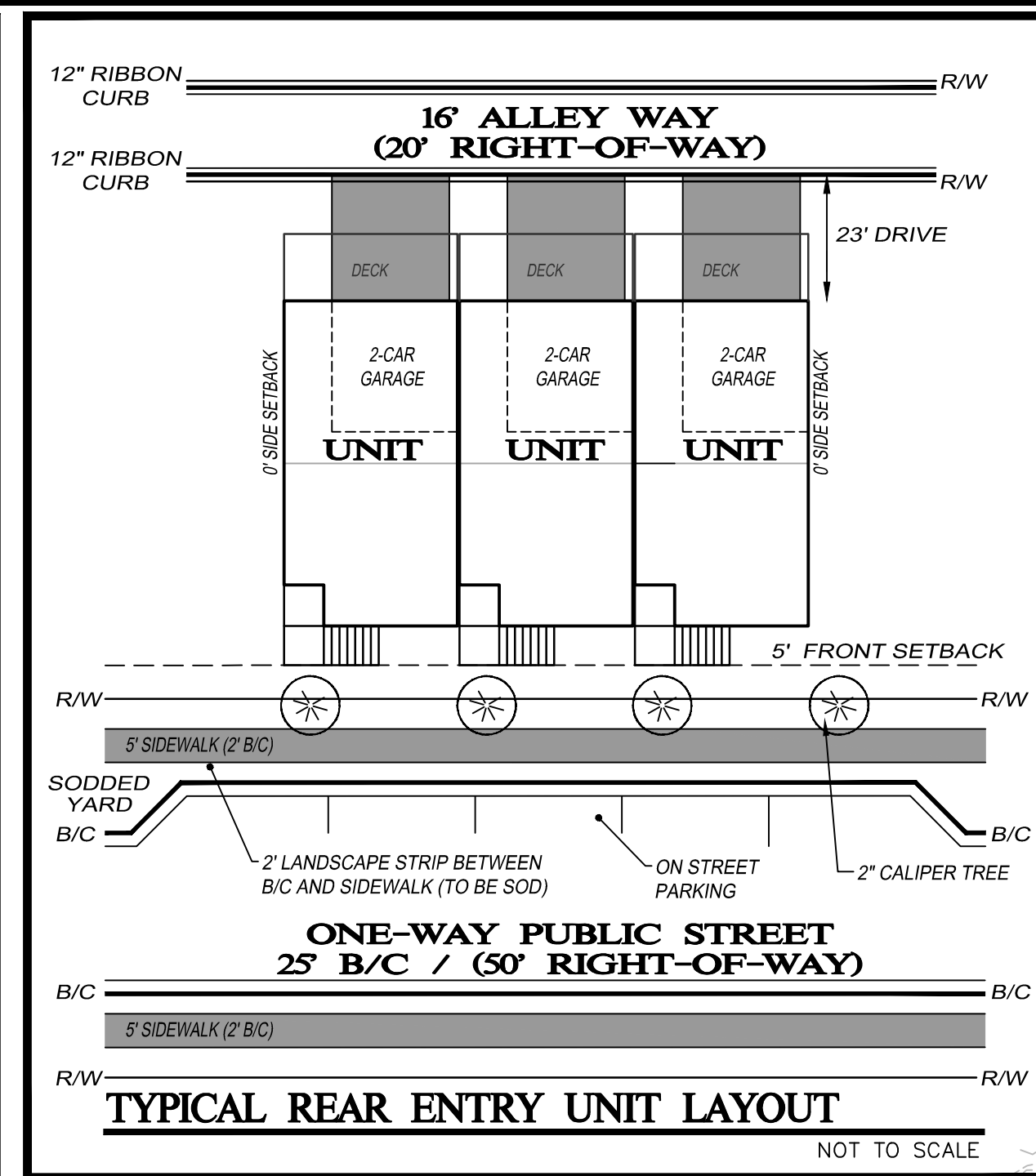
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**ATTACHMENTS**

- [20085 - 500 Site Plan-Conceptual Land Plan 02102021\[36677\] BOTH PHASES.pdf](#)
- [Combined Jan 20 Ordinances.pdf](#)



1. EXISTING BOUNDARY ACRES: ±117,962 ACRES
2. TAX PARCEL: 08117 002008A, 08117 002016D, 08117 002016B, 08117 002061, 08117 002001 and M134 000006
3. EXISTING ZONING: M1
4. PROPOSED ZONING: R3
5. PHASE 1 DEVELOPMENT SUMMARY:
  - BOUNDARY ACRES: ±48.156 ACRES
  - TOTAL No. PROPOSED SINGLE-FAMILY DETACHED LOTS: 49
  - TOTAL No. PROPOSED TOWNHOME UNITS: 140
  - GROSS DENSITY: 3.92 LOTS/ACRE
  - NET DENSITY: 4.19 LOTS/ACRE (±6.17 AC. FLOODPLAIN)
  - OPEN SPACE/Common Area PROVIDED = ±19 AC. (39%)
  - TOTAL LENGTH OF STREETS: ±5,850 L.F.
6. PHASE 2 DEVELOPMENT SUMMARY:
  - BOUNDARY ACRES: ±69,806 ACRES
  - TOTAL No. PROPOSED SINGLE-FAMILY DETACHED LOTS: 138 (LOT #S 100-237)
  - GROSS/NET DENSITY: 1.97 LOTS/ACRE
  - OPEN SPACE/Common Area PROVIDED = ±34 AC. (49%)
  - TOTAL LENGTH OF STREETS: ±6,775 L.F.
7. MINIMUM SINGLE-FAMILY DETACHED LOT SIZE: (SEE TYPICAL LOT DETAIL)
8. PROPOSED SETBACKS SINGLE-FAMILY DETACHED:
  - FRONT - 20'
  - REAR - 25'
  - SIDE - 5'
12. BOUNDARY INFORMATION BASED ON SURVEY PROVIDED BY CLIENT.
  - 13. A PORTION OF THE SUBJECT PROPERTY IS LOCATED WITHIN A FLOOD HAZARD AREA AS PER CITY OF FLOWERY BRANCH F.I.R.M. COMMUNITY PANEL NO. 13139C0291G, DATED APRIL 4, 2018.
14. TOPOGRAPHIC AND UTILITY INFORMATION BASED ON HALL COUNTY GIS. DATUM IS MEAN SEA LEVEL.
15. WATER AND SANITARY SEWER SERVICE TO BE PROVIDED BY THE CITY OF FLOWERY BRANCH.
16. ALL PROPOSED UTILITIES SHALL BE UNDERGROUND.
17. SITE PLAN IS CONCEPTUAL IN NATURE AND IS SUBJECT TO CHANGE BASED ON ACTUAL FIELD CONDITIONS.



**DEVELOPMENT SUMMARY**

- EXISTING BOUNDARY ACREAGE: ±117.962 ACRES
- TAX PARCEL: 08117 002008A, 08117 002016D, 08117 002016B, 08117 002061, 08117 002001 and 08134 000006
- EXISTING ZONING: M1
- PROPOSED ZONING: R3
- PHASE 1 DEVELOPMENT SUMMARY:
  - BOUNDARY ACREAGE: ±48.156 ACRES
  - TOTAL No. PROPOSED SINGLE-FAMILY DETACHED LOTS: 49
  - TOTAL No. PROPOSED TOWNHOME UNITS: 140
  - GROSS DENSITY: 3.92 LOTS/ACRE
  - NET DENSITY: 4.19 LOTS/ACRE (±6.17 AC. FLOODPLAIN)
  - OPEN SPACE/COMMON AREA PROVIDED = ±19 AC. (39%)
  - TOTAL LENGTH OF STREETS: ±5,850 L.F.
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- ALL PROPOSED UTILITIES SHALL BE UNDERGROUND.
- SITE PLAN IS CONCEPTUAL IN NATURE AND IS SUBJECT TO CHANGE BASED ON ACTUAL FIELD CONDITIONS.

**TYPICAL REAR ENTRY UNIT LAYOUT**

16' ALLEY WAY (20' RIGHT-OF-WAY)

23' DRIVE

2 CAR GARAGE

UNIT

5' FRONT SETBACK

2' LANDSCAPE STRIP BETWEEN B/C AND SIDEWALK (TO BE SOD)

ON STREET PARKING

2' CALIPER TREE

ONE-WAY PUBLIC STREET 25' B/C / (50' RIGHT-OF-WAY)

5' SIDEWALK (2' B/C)

NOT TO SCALE

**TYPICAL FRONT ENTRY UNIT LAYOUT**

PATIO

UNIT

2 CAR GARAGE

23' B/SW (MIN.) TO FRONT OF UNIT

5' SIDEWALK (2' B/C)

2' LANDSCAPE STRIP BETWEEN B/C AND SIDEWALK (TO BE SOD)

2' CALIPER TREE

PUBLIC STREET 24' B/C / (50' RIGHT-OF-WAY)

5' SIDEWALK (2' B/C)

NOT TO SCALE

**PHASE 1 DEVELOPMENT**

PROPOSED REAR ENTRY UNIT 22' x 55' FOOTPRINT

PROPOSED PHASE II SEWER ACCESS

PROPOSED FRONT ENTRY UNIT 24' x 50' FOOTPRINT

**PHASE 2 DEVELOPMENT**

COMPASS POINT PHASE 2-C COMMON AREA

PROPOSED GREEN ISLANDS (TYP.)

PROPOSED GREEN SPACE

10' STRIP TO REMAIN IN HALL COUNTY

LANIER PARKWAY STATE HWY. #365 (I-985)

HOG MOUNTAIN ROAD

**R-3 BUFFER REDUCTIONS:**

- REMOVE 40' NATURAL BUFFER ADJACENT TO PARCEL'S 08117 002016E, 08117 002050, 08117 002051, 08117 002052, 08117 002053.

**R-3 VARIANCE REQUESTED:**

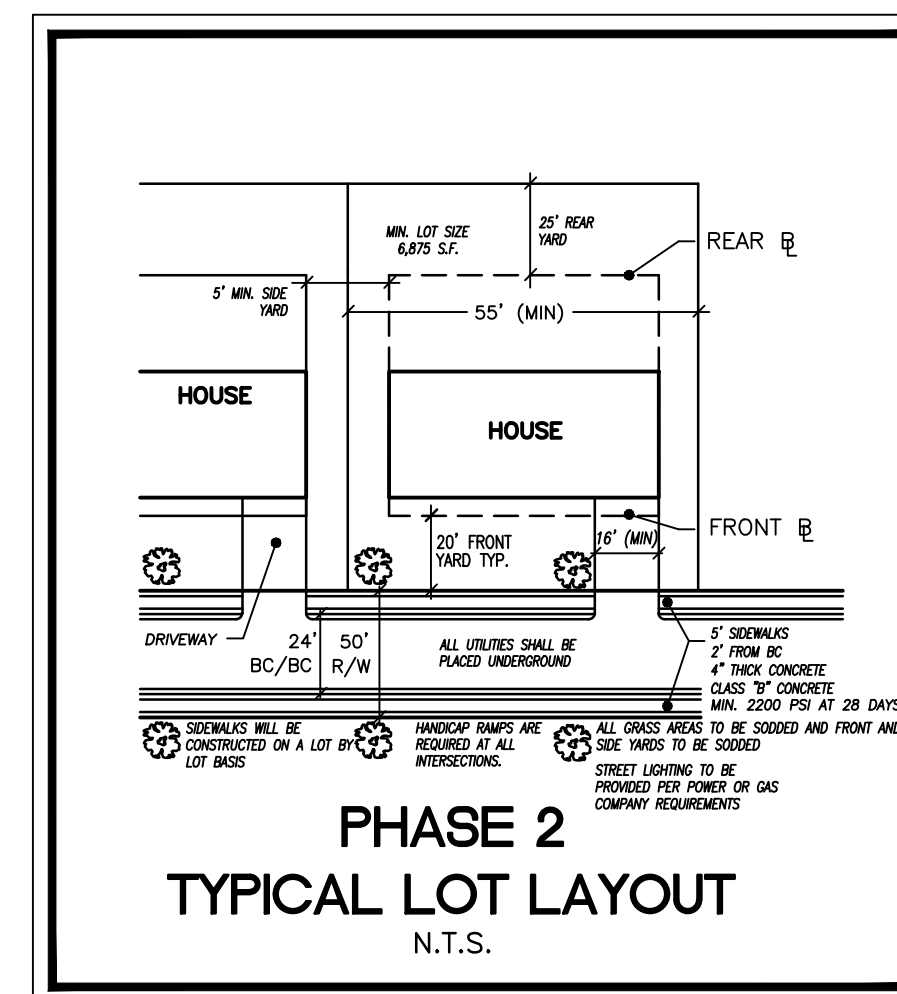
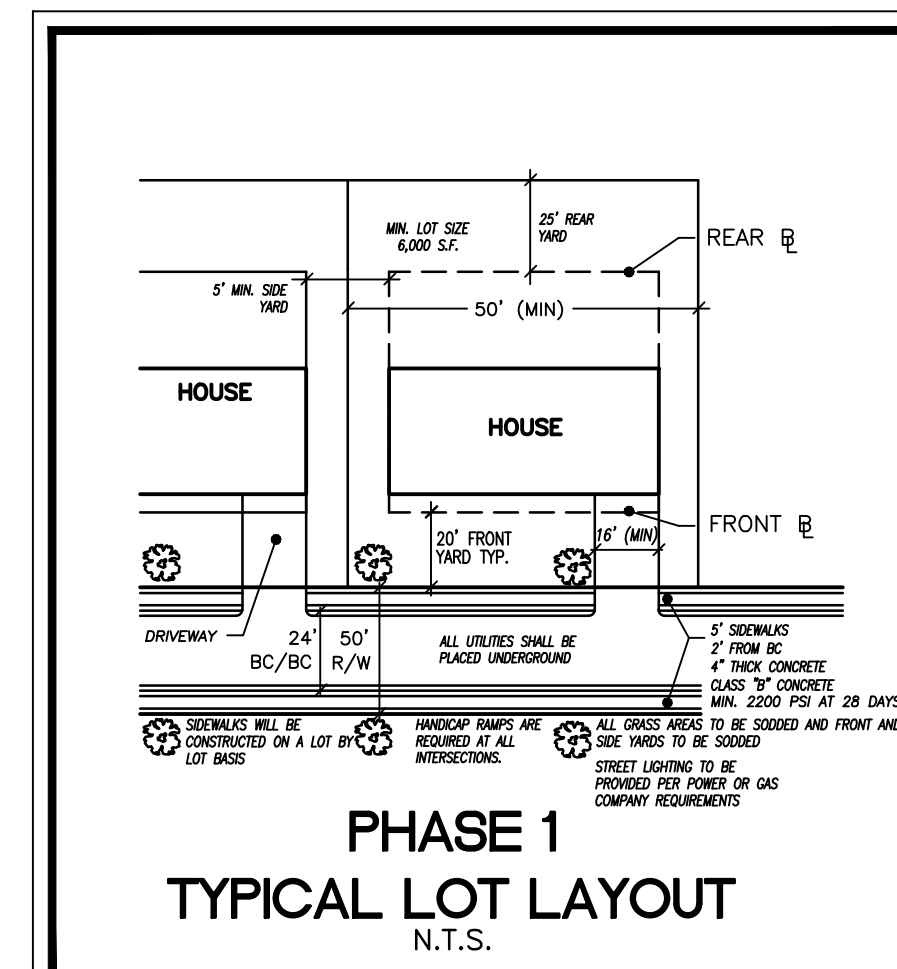
- BUILDING SETBACKS PER TYPICAL SINGLE-FAMILY DETACHED LOT LAYOUTS.
- NO MINIMUM SETBACKS REQUIRED FOR TOWNHOMES. TOWNHOMES PER TYPICAL LAYOUT DETAIL PROVIDED.

**PHASE 1 TYPICAL LOT LAYOUT N.T.S.**

**PHASE 2 TYPICAL LOT LAYOUT N.T.S.**

**VICINITY MAP - N.T.S.**

Graphic Scale: 1" = 200'

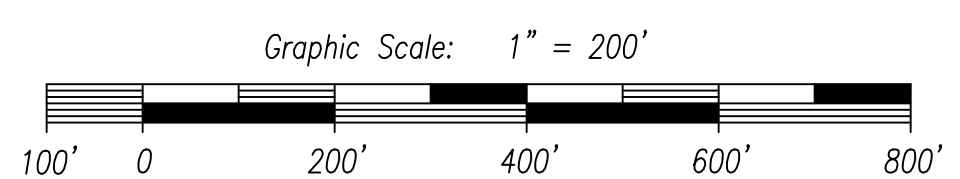


1. REMOVE 40' NATURAL BUFFER ADJACENT TO PARCEL's 08117 002016E  
08117 002050, 08117 002051, 08117 002052, 08117 002053.

1. BUILDING SETBACKS PER TYPICAL SINGLE-FAMILY DETACHED LOT LAYOUTS.
2. NO MINIMUM SETBACKS REQUIRED FOR TOWNHOMES. TOWNHOMES PER TYPICAL LAYOUT DETAIL PROVIDED.



VICINITY MAP - N.T.S.



**dp**  
**e**  
**DEVELOPMENT**  
planning & engineering, inc.  
*civil • sanitary • transportation*  
*survey*

5074 BRISTOL INDUSTRIAL WAY  
SUITE A  
BUFORD, GEORGIA 30518  
(770) 271-2868  
[www.dpengr.com](http://www.dpengr.com)

PREPARED FOR:  
**STARK LAND  
DEVELOPMENT  
3719 WINDER HWY.  
FLOWERY BRANCH  
GEORGIA 30542**

PROJECT NAME:

MULBERRY STREET

TASK:

CONCEPTUAL  
LAND  
PLAN

## PROJECT INFORMATION:

|                        |
|------------------------|
| MULBERRY STREET        |
| Project Name           |
| 20-085                 |
| Project Number         |
| MULBERRY STREET        |
| Project Address        |
| 116 AND 117            |
| Land Lot No.(s)        |
|                        |
| District               |
| CITY OF FLOWERY BRANCH |
| HALL COUNTY, GA        |
| County, State          |

[illegible]



## ORDINANCE 625

**AN ORDINANCE AMENDING THE ZONING MAP OF THE CITY OF FLOWERY BRANCH, GEORGIA, BY REZONING A 9.8+/- ACRE TRACT OF LAND OWNED BY ADVENTURES IN REAL ESTATE LLC. COMMONLY KNOWN AS 5558 MULBERRY STREET, IDENTIFIED AS TAX PARCEL 08117 002008A AS SHOWN ON ATTACHED EXHIBIT “A”, AS DESCRIBED ON EXHIBIT “B”, FROM M-1 (LIGHT INDUSTRIAL) TO R-3 (MULTI-FAMILY RESIDENTIAL) SUBJECT TO THE CONDITIONS SET FORTH IN EXHIBIT “C”; PROVIDING FOR SEVERABILITY, REPEALING CONFLICTING ORDINANCES, PROVIDING FOR AN EFFECTIVE DATE AND FOR ALL OTHER LAWFUL PURPOSES.**

**WHEREAS**, Stark Land Development, LLC. desires to develop the 9.8. +/- acre tract of land identified as tax parcel 08117 002008A; shown on Exhibit “A”; and legally described on Exhibit “B”; and

**WHEREAS**, specific conditions shall be placed on subject property are shown on attached exhibit “C”; and

**WHEREAS**, the City Council of the City of Flowery Branch has considered the rezoning application of Stark Land Development, LLC. in conjunction with the standards set forth in Article 34 - Section 34.7 of Zoning Ordinance No. 348 of the City of Flowery Branch, Georgia; and

**WHEREAS**, Stark Land Development, 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 January 6, 2022, duly noticed as prescribed by law and published in the Gainesville Times, regarding said application, as shall be set forth in the minutes of said meeting.

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

### **SECTION 1. FINDINGS.**

The City Council finds that the proposed rezoning of the parcel from Flowery Branch M-1 (Light Industrial) to Flowery Branch R-3 (Residential Multi-Family) 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 shall be used in accordance with the existing regulations and has a reasonable economic use as currently zoned.
4. The development if approved and constructed is not expected to result in a use which will or could cause an excessive or burdensome use of existing streets, transportation facilities, utilities, or schools.
5. The proposal is in conformity with the policy and intent of the comprehensive plan and 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 M-1(Light Industrial) as opposed to the proposed R-3 (Residential Multi-Family).
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 changes to the R-3 zoning district.
10. Development as proposed is not expected to impact on the environment, including but not limited to, drainage, soil erosion and sedimentation, flooding, air quality and water quality. Compliance with city subdivision and land development regulations will be required, which include but are not limited to soil erosion and sedimentation, stormwater, and flood damage prevention.

## **SECTION 2. LEGAL DESCRIPTION AND CONDITIONS.**

The property as shown in attached Exhibit “A” and as legally described in Exhibit “B” shall be rezoned to R-3 (Residential Multi-Family). Conditions are set forth in Exhibit “C”. Said Exhibits are incorporated by reference as if fully set forth herein.

## **SECTION 3. AMENDMENT OF THE ZONING MAP.**

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



**SECTION 4. SEVERABILITY.**

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

**SECTION 5. EFFECTIVE DATE.**

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

**SECTION 6. REPEALER.**

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

Adopted this 20<sup>th</sup> day of January 2022.

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Edward R. Asbridge, Mayor

ATTEST:

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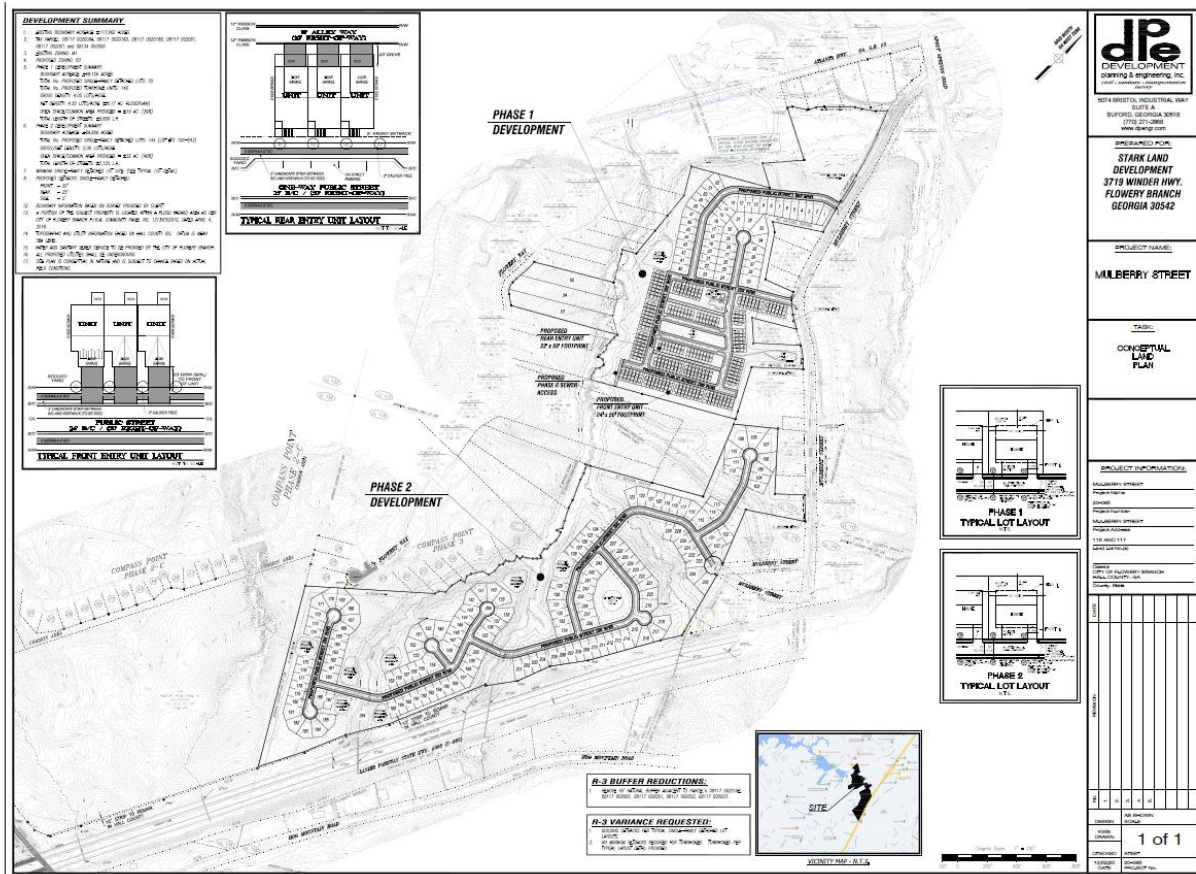
Shelia R. Cooper, City Clerk

APPROVED AS TO FORM:

---

E. Ronald Bennett, Jr., City Attorney

# Exhibit "A"



## Exhibit "B"

All that tract or parcel of land lying and being in Land Lot 117 of the 8th District, City of Flowery Branch, Hall County, Georgia and being more particularly described as follows.

Beginning at the Land Lot Corner common to Land Lots 116, 117, 133 and 134; THENCE North 15 degrees 02 minutes 30 seconds East for a distance of 1214.17 feet to a point on the easterly right-of-way of Flowery Way ( 50' r/w), said point being THE TRUE POINT OF BEGINNING;

THENCE North 54 degrees 28 minutes 51 seconds West a distance of 79.88 feet to a point;

THENCE along a curve to the right for an arc length of 83.93 feet, having a radius of 97.73 feet, being subtended by a chord bearing North 27 degrees 50 minutes 09 seconds West, for a distance of 81.37 feet to a point;

THENCE North 00 degrees 37 minutes 14 seconds East a distance of 37.65 feet to a point;

THENCE along a curve to the left for an arc length of 161.59 feet, having a radius of 1062.34 feet, being subtended by a chord bearing North 02 degrees 23 minutes 32 seconds East, for a distance of 161.43 feet to a point;

THENCE North 59 degrees 21 minutes 52 seconds East a distance of 550.94 feet to a point;

THENCE North 29 degrees 41 minutes 03 seconds West a distance of 227.76 feet to a point;

THENCE North 60 degrees 06 minutes 17 seconds East a distance of 95.98 feet to a point;

THENCE North 05 degrees 32 minutes 20 seconds West a distance of 505.00 feet to a point;

THENCE North 30 degrees 48 minutes 47 seconds West a distance of 200.02 feet to a point;

THENCE North 60 degrees 07 minutes 29 seconds East a distance of 546.35 feet to a point;

THENCE North 61 degrees 45 minutes 30 seconds West a distance of 170.77 feet to a point;

THENCE North 40 degrees 21 minutes 09 seconds East a distance of 281.72 feet to a point;

THENCE North 62 degrees 53 minutes 14 seconds West a distance of 366.82 feet to a point;

THENCE North 08 degrees 38 minutes 44 seconds West a distance of 3.72 feet to a point;

THENCE North 34 degrees 56 minutes 31 seconds East a distance of 32.42 feet to a point;

THENCE North 56 degrees 32 minutes 25 seconds East a distance of 104.80 feet to a point;

THENCE North 27 degrees 43 minutes 17 seconds East a distance of 60.76 feet to a point;

THENCE North 39 degrees 43 minutes 06 seconds East a distance of 52.39 feet to a point;

THENCE North 46 degrees 23 minutes 29 seconds East a distance of 104.80 feet to a point;

THENCE North 45 degrees 36 minutes 51 seconds East a distance of 102.84 feet to a point;

THENCE North 60 degrees 29 minutes 30 seconds East a distance of 49.12 feet to a point;

THENCE North 54 degrees 07 minutes 44 seconds East a distance of 93.75 feet to a point;

THENCE North 42 degrees 33 minutes 43 seconds East a distance of 80.31 feet to a point located on the westerly right-of-way of Mulberry Street;

THENCE South 21 degrees 44 minutes 30 seconds East a distance of 175.25 feet along said right-of-way to a point;

THENCE along a curve to the right for an arc length of 313.04 feet, having a radius of 2200.00 feet, being subtended by a chord bearing South 17 degrees 39 minutes 56 seconds East, for a distance of 312.77 feet along said right-of-way to a point;

THENCE South 13 degrees 35 minutes 21 seconds East a distance of 195.20 feet along said right-of-way to a point;

THENCE along a curve to the left for an arc length of 57.05 feet, having a radius of 2300.00 feet, being subtended by a chord bearing South 14 degrees 18 minutes 00 seconds East, for a distance of 57.05 feet along said right-of-way along said right-of-way to a point;



THENCE South 15 degrees 10 minutes 26 seconds East a distance of 185.01 feet along said right-of-way to a point;  
 THENCE South 56 degrees 37 minutes 14 seconds West a distance of 346.80 feet leaving said right-of-way to a point;  
 THENCE South 58 degrees 04 minutes 45 seconds East a distance of 70.72 feet to a point;  
 THENCE South 33 degrees 41 minutes 04 seconds East a distance of 326.98 feet to a point;  
 THENCE North 68 degrees 43 minutes 53 seconds East a distance of 204.17 feet to a point located on the southwesterly right-of-way of Mulberry Street;  
 THENCE South 34 degrees 22 minutes 19 seconds East a distance of 56.13 feet along said right-of-way to a point;  
 THENCE South 50 degrees 07 minutes 20 seconds East a distance of 100.00 feet along said right-of-way to a point;  
 THENCE South 59 degrees 48 minutes 22 seconds East a distance of 100.00 feet along said right-of-way to a point;  
 THENCE South 59 degrees 21 minutes 30 seconds West a distance of 309.92 feet leaving said right-of-way to a point;  
 THENCE South 48 degrees 30 minutes 26 seconds East a distance of 170.07 feet to a point;  
 THENCE North 47 degrees 46 minutes 21 seconds East a distance of 318.84 feet to a point located on the southwesterly right-of-way of Mulberry Street;  
 THENCE along a curve to the right for an arc length of 94.92 feet, having a radius of 425.00 feet, being subtended by a chord bearing South 53 degrees 05 minutes 41 seconds East, for a distance of 94.72 feet along said right-of-way to a point;  
 THENCE South 46 degrees 41 minutes 47 seconds East a distance of 67.27 feet along said right-of-way to a point;  
 THENCE South 47 degrees 35 minutes 36 seconds West a distance of 347.20 feet leaving said right-of-way to a point;  
 THENCE South 27 degrees 38 minutes 32 seconds East a distance of 367.62 feet to a point;  
 THENCE South 60 degrees 15 minutes 22 seconds West a distance of 649.98 feet to a point;  
 THENCE South 60 degrees 16 minutes 13 seconds West a distance of 352.85 feet to a point;  
 THENCE North 48 degrees 12 minutes 16 seconds West a distance of 30.32 feet to a point;  
 THENCE North 02 degrees 53 minutes 11 seconds West a distance of 24.24 feet to a point;  
 THENCE North 24 degrees 11 minutes 12 seconds West a distance of 30.92 feet to a point;  
 THENCE North 40 degrees 44 minutes 55 seconds East a distance of 27.08 feet to a point;  
 THENCE North 07 degrees 29 minutes 14 seconds East a distance of 37.47 feet to a point;  
 THENCE North 56 degrees 00 minutes 04 seconds West a distance of 35.03 feet to a point;  
 THENCE South 78 degrees 44 minutes 58 seconds West a distance of 37.19 feet to a point;  
 THENCE North 10 degrees 05 minutes 48 seconds West a distance of 14.68 feet to a point;  
 THENCE North 11 degrees 22 minutes 48 seconds East a distance of 35.30 feet to a point;  
 THENCE North 06 degrees 31 minutes 58 seconds East a distance of 20.38 feet to a point;  
 THENCE North 39 degrees 32 minutes 23 seconds West a distance of 28.59 feet to a point;  
 THENCE North 04 degrees 29 minutes 41 seconds West a distance of 33.89 feet to a point;  
 THENCE North 00 degrees 17 minutes 51 seconds West a distance of 39.43 feet to a point;  
 THENCE North 04 degrees 15 minutes 12 seconds East a distance of 30.56 feet to a point;  
 THENCE South 60 degrees 19 minutes 46 seconds West a distance of 742.04 feet to a point, said point being THE TRUE POINT OF BEGINNING.

Said tract contains an area of 48.156 acres more or less.

Together with:

All that tract or parcel of land lying and being in Land Lot 116 and 117 of the 8th District, City of Flowery Branch, Hall County, Georgia and being more particularly described as follows.

Beginning at the Land Lot Corner common to Land Lots 116, 117, 133 and 134; THENCE South 30 degrees 22 minutes 57 seconds East for a distance of 1101.65 feet to a point; THENCE South 30 degrees 21 minutes 16 seconds East for a distance of 218.48 feet to a point, said point being THE TRUE POINT OF BEGINNING;

THENCE North 48 degrees 22 minutes 48 seconds East a distance of 875.57 feet to a point;  
THENCE North 11 degrees 52 minutes 38 seconds East a distance of 26.55 feet to a point;  
THENCE North 50 degrees 18 minutes 59 seconds East a distance of 47.92 feet to a point;  
THENCE North 01 degrees 30 minutes 02 seconds West a distance of 62.59 feet to a point;  
THENCE North 13 degrees 27 minutes 39 seconds East a distance of 69.62 feet to a point;  
THENCE North 73 degrees 24 minutes 27 seconds East a distance of 32.42 feet to a point;  
THENCE North 28 degrees 33 minutes 29 seconds West a distance of 42.32 feet to a point;  
THENCE North 17 degrees 38 minutes 29 seconds East a distance of 31.76 feet to a point;  
THENCE North 32 degrees 22 minutes 06 seconds East a distance of 80.36 feet to a point;  
THENCE North 74 degrees 02 minutes 00 seconds East a distance of 46.63 feet to a point;  
THENCE North 12 degrees 58 minutes 57 seconds East a distance of 49.55 feet to a point;  
THENCE North 07 degrees 31 minutes 42 seconds West a distance of 50.45 feet to a point;  
THENCE North 30 degrees 16 minutes 15 seconds East a distance of 26.90 feet to a point;  
THENCE North 10 degrees 19 minutes 38 seconds West a distance of 26.62 feet to a point;  
THENCE North 58 degrees 48 minutes 33 seconds East a distance of 24.02 feet to a point;  
THENCE North 41 degrees 18 minutes 24 seconds East a distance of 34.46 feet to a point;  
THENCE North 16 degrees 53 minutes 06 seconds West a distance of 36.79 feet to a point;  
THENCE North 77 degrees 44 minutes 30 seconds East a distance of 26.19 feet to a point;  
THENCE North 06 degrees 55 minutes 46 seconds East a distance of 19.96 feet to a point;  
THENCE North 58 degrees 22 minutes 20 seconds East a distance of 32.80 feet to a point;  
THENCE North 52 degrees 55 minutes 19 seconds East a distance of 39.42 feet to a point;  
THENCE North 44 degrees 28 minutes 57 seconds East a distance of 28.81 feet to a point;  
THENCE North 38 degrees 27 minutes 51 seconds East a distance of 28.60 feet to a point;  
THENCE North 63 degrees 30 minutes 30 seconds West a distance of 21.24 feet to a point;  
THENCE North 14 degrees 15 minutes 36 seconds West a distance of 47.62 feet to a point;  
THENCE North 41 degrees 07 minutes 00 seconds East a distance of 23.46 feet to a point;  
THENCE North 08 degrees 45 minutes 20 seconds West a distance of 35.65 feet to a point;  
THENCE North 10 degrees 03 minutes 40 seconds East a distance of 44.66 feet to a point;  
THENCE North 13 degrees 34 minutes 23 seconds West a distance of 63.51 feet to a point;  
THENCE South 72 degrees 35 minutes 22 seconds West a distance of 35.85 feet to a point;  
THENCE North 27 degrees 17 minutes 06 seconds East a distance of 43.82 feet to a point;  
THENCE North 29 degrees 54 minutes 21 seconds West a distance of 49.61 feet to a point;  
THENCE North 26 degrees 51 minutes 13 seconds West a distance of 95.89 feet to a point;  
THENCE North 17 degrees 28 minutes 07 seconds West a distance of 55.39 feet to a point;  
THENCE North 23 degrees 53 minutes 55 seconds West a distance of 149.25 feet to a point;  
THENCE North 17 degrees 29 minutes 34 seconds West a distance of 47.91 feet to a point;  
THENCE North 31 degrees 06 minutes 18 seconds West a distance of 33.89 feet to a point;

THENCE North 12 degrees 15 minutes 25 seconds West a distance of 26.69 feet to a point;  
 THENCE North 65 degrees 43 minutes 13 seconds East a distance of 21.21 feet to a point;  
 THENCE North 60 degrees 10 minutes 55 seconds East a distance of 787.01 feet to a point;  
 THENCE North 21 degrees 58 minutes 54 seconds West a distance of 529.33 feet to a point;  
 THENCE North 50 degrees 49 minutes 21 seconds East a distance of 298.67 feet to a point;  
 THENCE South 42 degrees 11 minutes 33 seconds East a distance of 439.12 feet to a point;  
 THENCE North 47 degrees 05 minutes 23 seconds East a distance of 201.10 feet to a point located on  
 the southwesterly right-of-way of Mulberry Street;  
 THENCE South 46 degrees 31 minutes 54 seconds East a distance of 178.61 feet along said right-of-  
 way to a point;  
 THENCE South 56 degrees 13 minutes 11 seconds West a distance of 409.48 feet leaving said right-  
 of-way to a point;  
 THENCE South 21 degrees 49 minutes 31 seconds East a distance of 400.05 feet to a point;  
 THENCE along a curve to the left for an arc length of 289.42 feet, having a radius of 60.00 feet,  
 being subtended by a chord bearing South 09 degrees 09 minutes 33 seconds East, for a distance of  
 80.01 feet to a point;  
 THENCE North 80 degrees 50 minutes 59 seconds East a distance of 12.88 feet to a point;  
 THENCE South 14 degrees 42 minutes 21 seconds East a distance of 467.39 feet to a point located on  
 the northwesterly right-of-way of Lanier Parkway State Hwy. #365 (I-985);  
 THENCE South 31 degrees 59 minutes 20 seconds West a distance of 146.27 feet along said right-of-  
 way to a point;  
 THENCE South 29 degrees 20 minutes 32 seconds West a distance of 506.50 feet along said right-of-  
 way to a point;  
 THENCE South 36 degrees 25 minutes 35 seconds West a distance of 258.07 feet along said right-of-  
 way to a point;  
 THENCE South 20 degrees 56 minutes 49 seconds West a distance of 240.77 feet along said right-of-  
 way to a point;  
 THENCE South 36 degrees 05 minutes 29 seconds West a distance of 215.20 feet along said right-of-  
 way to a point;  
 THENCE North 67 degrees 12 minutes 40 seconds West a distance of 10.00 feet along said right-of-  
 way to a point;  
 THENCE South 22 degrees 47 minutes 20 seconds West a distance of 701.09 feet along said right-of-  
 way to a point;  
 THENCE South 30 degrees 41 minutes 18 seconds West a distance of 300.64 feet along said right-of-  
 way to a point;  
 THENCE South 23 degrees 03 minutes 37 seconds West a distance of 301.00 feet along said right-of-  
 way to a point;  
 THENCE South 26 degrees 52 minutes 28 seconds West a distance of 325.95 feet along said right-of-  
 way to a point;  
 THENCE North 30 degrees 22 minutes 57 seconds West a distance of 1255.51 feet leaving said right-  
 of-way to a point, said point being THE TRUE POINT OF BEGINNING.

Said tract contains an area of 69.806 acres more or less.



## Exhibit "C"

Phase one (parcels 08117 002008A, 08117 002016D, 08117 002016B, and 08117 002061; ordinances 625, 626, 627, & 628) shall be conditioned as follows:

1. Water and sewer shall be provided by the City of Flowery Branch.
2. Site plan shall generally adhere to the plan as shown and described below:



### **DEVELOPMENT SUMMARY**

1. EXISTING BOUNDARY ACREAGE:  $\pm 117.962$  ACRES
2. TAX PARCEL: 08117 002008A, 08117 002016D, 08117 002016B, 08117 002061, 08117 002001 and 08134 000006
3. EXISTING ZONING: M1
4. PROPOSED ZONING: R3
5. PHASE 1 DEVELOPMENT SUMMARY:  
BOUNDARY ACREAGE:  $\pm 48.156$  ACRES  
TOTAL No. PROPOSED SINGLE-FAMILY DETACHED LOTS: 49  
TOTAL No. PROPOSED TOWNHOME UNITS: 140  
GROSS DENSITY: 3.92 LOTS/ACRE  
NET DENSITY: 4.19 LOTS/ACRE ( $\pm 6.17$  AC. FLOODPLAIN)  
OPEN SPACE/Common Area PROVIDED =  $\pm 19$  AC. (39%)  
TOTAL LENGTH OF STREETS:  $\pm 5,850$  L.F.
6. PHASE 2 DEVELOPMENT SUMMARY:  
BOUNDARY ACREAGE:  $\pm 69.806$  ACRES  
TOTAL No. PROPOSED SINGLE-FAMILY DETACHED LOTS: 138 (LOT #S 100-237)  
GROSS/NET DENSITY: 1.97 LOTS/ACRE  
OPEN SPACE/Common Area PROVIDED =  $\pm 34$  AC. (46%)  
TOTAL LENGTH OF STREETS:  $\pm 6,775$  L.F.
7. MINIMUM SINGLE-FAMILY DETACHED LOT SIZE: (SEE TYPICAL LOT DETAIL)
8. PROPOSED SETBACKS SINGLE-FAMILY DETACHED:  
FRONT - 20'  
REAR - 25'  
SIDE - 5'

3. Applicant will revise its Traffic Study dated May 26, 2021, to include (1) a signal warrant analysis at Mulberry Street/Phil Niekro Blvd. intersection and (2) a traffic calming study on Mulberry Street from the proposed subdivision to Phil Niekro Blvd.
  - a. Revised study does NOT need to be completed before zoning approval.
  - b. If a signal is warranted, applicant will NOT be responsible for the cost or installation of the signal.
  - c. Prior to final plat approval, applicant will construct a northbound exclusive right turn lane from Mulberry Street onto Phil Niekro Blvd. City will give Applicant adequate right-of-way to construct the turn lane at no additional cost.
  - d. Prior to final plat approval, Applicant will construct recommended traffic calming measures along Mulberry Street from the proposed development to Phil Niekro Blvd as prescribed by the above revised traffic study.
  - e. Applicant shall install "Do Not Block the Intersection" signs and markings on Phil Niekro Boulevard prior to final plat approval.
4. Prior to the approval of the final plat, the applicant shall pay \$100,000 to City of Flowery Branch for implementation, installation, and construction of any other improvements recommended by the approved traffic impact study. All design and construction, other than improvements on Mulberry Street, shall be the responsibility of the City of Flowery

Branch.

5. Development shall meet all requirements set forth in ordinance 657 adopted on December 16, 2021, except for the following:

**Sec. 12.6. - Townhouses.**

(b) *Lot Size.* The minimum size of a lot for each fee-simple townhouse lot (i.e., the extent of land owned by the owner of the unit) shall be 2,000 square feet in lot area. **A maximum of thirty-three (33) townhomes shall have a minimum lot-size of 1,800 square feet in area.**

(e) *Rear Setbacks.* There shall be a minimum twenty (20) foot rear setback from townhouse lot boundaries for all buildings and structures, except when the rear property line abuts an alley, in which case no setback shall be required. **Rear setback shall be reduced to ten (10) feet to accommodate covered patios.**

6. A Homeowners Association shall be established, and covenants shall be created and submitted to the City prior to formal recording. It shall be the Homeowners Associations responsibility to mandate and enforce a twenty (20) percent limit on homes for lease.



Phase two (parcels 08117 002001 & 08134 000006; ordinances 629 and 630) shall be conditioned as follows:

1. Water and sewer shall be provided by the City of Flowery Branch.
2. Phase II shall be developed in substantial conformity with the Conceptual Land Plan dated 12/02/20 attached hereto as Appendix A and with the following Development Summary.

#### **DEVELOPMENT SUMMARY**

1. EXISTING BOUNDARY ACREAGE: ±117.962 ACRES
2. TAX PARCEL: 08117 002008A, 08117 002016D, 08117 002016B, 08117 002061, 08117 002001 and 08134 000006
3. EXISTING ZONING: M1
4. PROPOSED ZONING: R3
5. PHASE 1 DEVELOPMENT SUMMARY:  
BOUNDARY ACREAGE: ±48.156 ACRES  
TOTAL No. PROPOSED SINGLE-FAMILY DETACHED LOTS: 49  
TOTAL No. PROPOSED TOWNHOME UNITS: 140  
GROSS DENSITY: 3.92 LOTS/ACRE  
NET DENSITY: 4.19 LOTS/ACRE (±6.17 AC. FLOODPLAIN)  
OPEN SPACE/COMMON AREA PROVIDED = ±19 AC. (39%)  
TOTAL LENGTH OF STREETS: ±5,850 L.F.
6. PHASE 2 DEVELOPMENT SUMMARY:  
BOUNDARY ACREAGE: ±69.806 ACRES  
TOTAL No. PROPOSED SINGLE-FAMILY DETACHED LOTS: 138 (LOT #S 100-237)  
GROSS/NET DENSITY: 1.97 LOTS/ACRE  
OPEN SPACE/COMMON AREA PROVIDED = ±34 AC. (46%)  
TOTAL LENGTH OF STREETS: ±6,775 L.F.
7. MINIMUM SINGLE-FAMILY DETACHED LOT SIZE: (SEE TYPICAL LOT DETAIL)
8. PROPOSED SETBACKS SINGLE-FAMILY DETACHED:  
FRONT - 20'  
REAR - 25'  
SIDE - 5'

3. Applicant will revise its Traffic Study dated May 26, 2021, to include (1) a signal warrant analysis at Mulberry Street/Phil Niekro Blvd. intersection and (2) a traffic calming study on Mulberry Street from the proposed subdivision to Phil Niekro Blvd.
  - a. Revised study does NOT need to be completed before zoning approval.
  - b. If a signal is warranted, applicant will NOT be responsible for the cost or installation of the signal.
  - c. If Phase II is initiated prior to Phase I, prior to the issuance of the first certificate of occupancy, applicant will construct a northbound exclusive right turn lane from Mulberry Street onto Phil Niekro Blvd. City will give Applicant adequate right-of-way to construct the turn lane at no additional cost.
  - d. If Phase II is initiated prior to Phase I, prior to final plat approval, Applicant will construct recommended traffic calming measures along Mulberry Street from the proposed development to Phil Niekro Blvd as prescribed by the above revised traffic study.
4. If Phase II is initiated prior to Phase I, prior to the approval of the final plat, the applicant shall pay \$100,000 to City of Flowery Branch for implementation, installation, and construction of any other improvements recommended by the approved traffic impact study. All design and construction, other than improvements on Mulberry Street, shall be the responsibility of the City of Flowery Branch.
5. Prior to issuance of any permit for Phase II, the Developer shall submit a site plan for approval by city staff. If the site plan is not in substantial conformity with the Conceptual Land Plan dated 12/02/20, review and approval by the Mayor and City Council shall be required.
7. Development shall meet all requirements set forth in ordinance 657 adopted on December 16, 2021.
8. A Homeowners Association shall be established, and covenants shall be created and submitted to the City prior to formal recording. It shall be the Homeowners Associations responsibility to mandate and enforce a ten (10) percent limit on homes for lease.

## 14





## **ORDINANCE 626**

**AN ORDINANCE AMENDING THE ZONING MAP OF THE CITY OF FLOWERY BRANCH, GEORGIA, BY REZONING A 28.54+/- ACRE TRACT OF LAND OWNED BY ADVENTURES IN REAL ESTATE LLC. COMMONLY KNOWN AS 0 MULBERRY STREET, IDENTIFIED AS TAX PARCEL 08117 002016D AS SHOWN ON ATTACHED EXHIBIT “A”, AS DESCRIBED ON EXHIBIT “B”, FROM M-1 (LIGHT INDUSTRIAL) TO R-3 (MULTI-FAMILY RESIDENTIAL) SUBJECT TO THE CONDITIONS SET FORTH IN EXHIBIT “C”; PROVIDING FOR SEVERABILITY, REPEALING CONFLICTING ORDINANCES, PROVIDING FOR AN EFFECTIVE DATE AND FOR ALL OTHER LAWFUL PURPOSES.**

**WHEREAS**, Stark Land Development, LLC. desires to develop the 28.54. +/- acre tract of land identified as tax parcel 08117 002016D; shown on Exhibit “A”; and legally described on Exhibit “B”; and

**WHEREAS**, specific conditions shall be placed on subject property are shown on attached exhibit “C”; and

**WHEREAS**, the City Council of the City of Flowery Branch has considered the rezoning application of Stark Land Development, LLC. in conjunction with the standards set forth in Article 34 - Section 34.7 of Zoning Ordinance No. 348 of the City of Flowery Branch, Georgia; and

**WHEREAS**, Stark Land Development, 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 January 6, 2022 duly noticed as prescribed by law and published in the Gainesville Times, regarding said application, as shall be set forth in the minutes of said meeting.

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

### **SECTION 1. FINDINGS.**

The City Council finds that the proposed rezoning of the parcel from Flowery Branch M-1 (Light Industrial) to Flowery Branch R-3 (Residential Multi-Family) 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 shall be used in accordance with the existing regulations and has a reasonable economic use as currently zoned.
4. The development if approved and constructed is not expected to result in a use which will or could cause an excessive or burdensome use of existing streets, transportation facilities, utilities, or schools.
5. The proposal is in conformity with the policy and intent of the comprehensive plan and 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 M-1(Light Industrial) as opposed to the proposed R-3 (Residential Multi-Family).
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 changes to the R-3 zoning district.
10. Development as proposed is not expected to impact on the environment, including but not limited to, drainage, soil erosion and sedimentation, flooding, air quality and water quality. Compliance with city subdivision and land development regulations will be required, which include but are not limited to soil erosion and sedimentation, stormwater, and flood damage prevention.

## **SECTION 2. LEGAL DESCRIPTION AND CONDITIONS.**

The property as shown in attached Exhibit “A” and as legally described in Exhibit “B” shall be rezoned to R-3 (Residential Multi-Family). Conditions are set forth in Exhibit “C”. Said Exhibits are incorporated by reference as if fully set forth herein.

## **SECTION 3. AMENDMENT OF THE ZONING MAP.**

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

**SECTION 4. SEVERABILITY.**

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

**SECTION 5. EFFECTIVE DATE.**

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

**SECTION 6. REPEALER.**

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

Adopted this 20<sup>th</sup> day of January 2022.

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Edward R. Asbridge, Mayor

ATTEST:

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Shelia R. Cooper, City Clerk

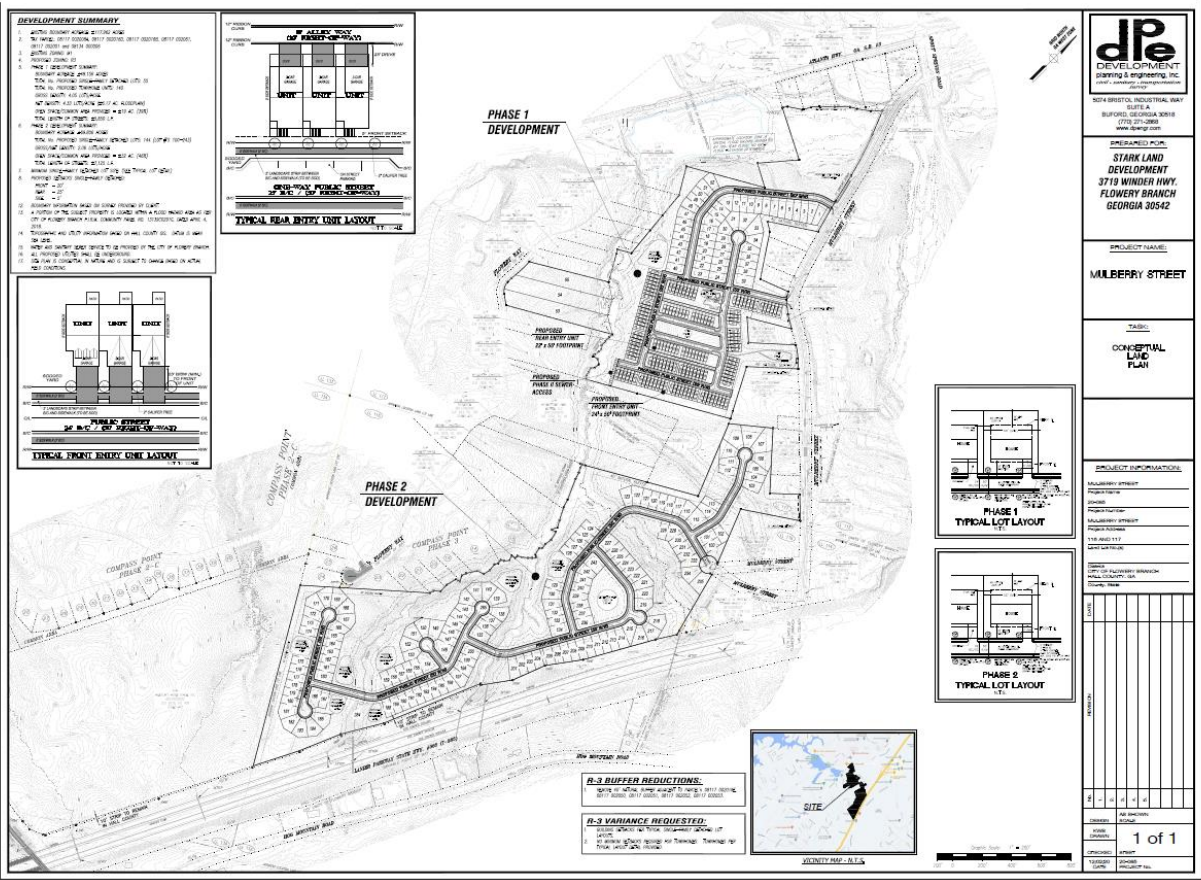
APPROVED AS TO FORM:

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E. Ronald Bennett, Jr., City Attorney



Exhibit "A"



## Exhibit "B"

All that tract or parcel of land lying and being in Land Lot 117 of the 8th District, City of Flowery Branch, Hall County, Georgia and being more particularly described as follows.

Beginning at the Land Lot Corner common to Land Lots 116, 117, 133 and 134; THENCE North 15 degrees 02 minutes 30 seconds East for a distance of 1214.17 feet to a point on the easterly right-of-way of Flowery Way ( 50' r/w), said point being THE TRUE POINT OF BEGINNING;

THENCE North 54 degrees 28 minutes 51 seconds West a distance of 79.88 feet to a point;

THENCE along a curve to the right for an arc length of 83.93 feet, having a radius of 97.73 feet, being subtended by a chord bearing North 27 degrees 50 minutes 09 seconds West, for a distance of 81.37 feet to a point;

THENCE North 00 degrees 37 minutes 14 seconds East a distance of 37.65 feet to a point;

THENCE along a curve to the left for an arc length of 161.59 feet, having a radius of 1062.34 feet, being subtended by a chord bearing North 02 degrees 23 minutes 32 seconds East, for a distance of 161.43 feet to a point;

THENCE North 59 degrees 21 minutes 52 seconds East a distance of 550.94 feet to a point;

THENCE North 29 degrees 41 minutes 03 seconds West a distance of 227.76 feet to a point;

THENCE North 60 degrees 06 minutes 17 seconds East a distance of 95.98 feet to a point;

THENCE North 05 degrees 32 minutes 20 seconds West a distance of 505.00 feet to a point;

THENCE North 30 degrees 48 minutes 47 seconds West a distance of 200.02 feet to a point;

THENCE North 60 degrees 07 minutes 29 seconds East a distance of 546.35 feet to a point;

THENCE North 61 degrees 45 minutes 30 seconds West a distance of 170.77 feet to a point;

THENCE North 40 degrees 21 minutes 09 seconds East a distance of 281.72 feet to a point;

THENCE North 62 degrees 53 minutes 14 seconds West a distance of 366.82 feet to a point;

THENCE North 08 degrees 38 minutes 44 seconds West a distance of 3.72 feet to a point;

THENCE North 34 degrees 56 minutes 31 seconds East a distance of 32.42 feet to a point;

THENCE North 56 degrees 32 minutes 25 seconds East a distance of 104.80 feet to a point;

THENCE North 27 degrees 43 minutes 17 seconds East a distance of 60.76 feet to a point;

THENCE North 39 degrees 43 minutes 06 seconds East a distance of 52.39 feet to a point;

THENCE North 46 degrees 23 minutes 29 seconds East a distance of 104.80 feet to a point;

THENCE North 45 degrees 36 minutes 51 seconds East a distance of 102.84 feet to a point;

THENCE North 60 degrees 29 minutes 30 seconds East a distance of 49.12 feet to a point;

THENCE North 54 degrees 07 minutes 44 seconds East a distance of 93.75 feet to a point;

THENCE North 42 degrees 33 minutes 43 seconds East a distance of 80.31 feet to a point located on the westerly right-of-way of Mulberry Street;

THENCE South 21 degrees 44 minutes 30 seconds East a distance of 175.25 feet along said right-of-way to a point;

THENCE along a curve to the right for an arc length of 313.04 feet, having a radius of 2200.00 feet, being subtended by a chord bearing South 17 degrees 39 minutes 56 seconds East, for a distance of 312.77 feet along said right-of-way to a point;

THENCE South 13 degrees 35 minutes 21 seconds East a distance of 195.20 feet along said right-of-way to a point;

THENCE along a curve to the left for an arc length of 57.05 feet, having a radius of 2300.00 feet, being subtended by a chord bearing South 14 degrees 18 minutes 00 seconds East, for a distance of 57.05 feet along said right-of-way along said right-of-way to a point;

THENCE South 15 degrees 10 minutes 26 seconds East a distance of 185.01 feet along said right-of-way to a point;  
 THENCE South 56 degrees 37 minutes 14 seconds West a distance of 346.80 feet leaving said right-of-way to a point;  
 THENCE South 58 degrees 04 minutes 45 seconds East a distance of 70.72 feet to a point;  
 THENCE South 33 degrees 41 minutes 04 seconds East a distance of 326.98 feet to a point;  
 THENCE North 68 degrees 43 minutes 53 seconds East a distance of 204.17 feet to a point located on the southwesterly right-of-way of Mulberry Street;  
 THENCE South 34 degrees 22 minutes 19 seconds East a distance of 56.13 feet along said right-of-way to a point;  
 THENCE South 50 degrees 07 minutes 20 seconds East a distance of 100.00 feet along said right-of-way to a point;  
 THENCE South 59 degrees 48 minutes 22 seconds East a distance of 100.00 feet along said right-of-way to a point;  
 THENCE South 59 degrees 21 minutes 30 seconds West a distance of 309.92 feet leaving said right-of-way to a point;  
 THENCE South 48 degrees 30 minutes 26 seconds East a distance of 170.07 feet to a point;  
 THENCE North 47 degrees 46 minutes 21 seconds East a distance of 318.84 feet to a point located on the southwesterly right-of-way of Mulberry Street;  
 THENCE along a curve to the right for an arc length of 94.92 feet, having a radius of 425.00 feet, being subtended by a chord bearing South 53 degrees 05 minutes 41 seconds East, for a distance of 94.72 feet along said right-of-way to a point;  
 THENCE South 46 degrees 41 minutes 47 seconds East a distance of 67.27 feet along said right-of-way to a point;  
 THENCE South 47 degrees 35 minutes 36 seconds West a distance of 347.20 feet leaving said right-of-way to a point;  
 THENCE South 27 degrees 38 minutes 32 seconds East a distance of 367.62 feet to a point;  
 THENCE South 60 degrees 15 minutes 22 seconds West a distance of 649.98 feet to a point;  
 THENCE South 60 degrees 16 minutes 13 seconds West a distance of 352.85 feet to a point;  
 THENCE North 48 degrees 12 minutes 16 seconds West a distance of 30.32 feet to a point;  
 THENCE North 02 degrees 53 minutes 11 seconds West a distance of 24.24 feet to a point;  
 THENCE North 24 degrees 11 minutes 12 seconds West a distance of 30.92 feet to a point;  
 THENCE North 40 degrees 44 minutes 55 seconds East a distance of 27.08 feet to a point;  
 THENCE North 07 degrees 29 minutes 14 seconds East a distance of 37.47 feet to a point;  
 THENCE North 56 degrees 00 minutes 04 seconds West a distance of 35.03 feet to a point;  
 THENCE South 78 degrees 44 minutes 58 seconds West a distance of 37.19 feet to a point;  
 THENCE North 10 degrees 05 minutes 48 seconds West a distance of 14.68 feet to a point;  
 THENCE North 11 degrees 22 minutes 48 seconds East a distance of 35.30 feet to a point;  
 THENCE North 06 degrees 31 minutes 58 seconds East a distance of 20.38 feet to a point;  
 THENCE North 39 degrees 32 minutes 23 seconds West a distance of 28.59 feet to a point;  
 THENCE North 04 degrees 29 minutes 41 seconds West a distance of 33.89 feet to a point;  
 THENCE North 00 degrees 17 minutes 51 seconds West a distance of 39.43 feet to a point;  
 THENCE North 04 degrees 15 minutes 12 seconds East a distance of 30.56 feet to a point;  
 THENCE South 60 degrees 19 minutes 46 seconds West a distance of 742.04 feet to a point, said point being THE TRUE POINT OF BEGINNING.

Said tract contains an area of 48.156 acres more or less.



Together with:

All that tract or parcel of land lying and being in Land Lot 116 and 117 of the 8th District, City of Flowery Branch, Hall County, Georgia and being more particularly described as follows.

Beginning at the Land Lot Corner common to Land Lots 116, 117, 133 and 134; THENCE South 30 degrees 22 minutes 57 seconds East for a distance of 1101.65 feet to a point; THENCE South 30 degrees 21 minutes 16 seconds East for a distance of 218.48 feet to a point, said point being THE TRUE POINT OF BEGINNING;

THENCE North 48 degrees 22 minutes 48 seconds East a distance of 875.57 feet to a point;  
THENCE North 11 degrees 52 minutes 38 seconds East a distance of 26.55 feet to a point;  
THENCE North 50 degrees 18 minutes 59 seconds East a distance of 47.92 feet to a point;  
THENCE North 01 degrees 30 minutes 02 seconds West a distance of 62.59 feet to a point;  
THENCE North 13 degrees 27 minutes 39 seconds East a distance of 69.62 feet to a point;  
THENCE North 73 degrees 24 minutes 27 seconds East a distance of 32.42 feet to a point;  
THENCE North 28 degrees 33 minutes 29 seconds West a distance of 42.32 feet to a point;  
THENCE North 17 degrees 38 minutes 29 seconds East a distance of 31.76 feet to a point;  
THENCE North 32 degrees 22 minutes 06 seconds East a distance of 80.36 feet to a point;  
THENCE North 74 degrees 02 minutes 00 seconds East a distance of 46.63 feet to a point;  
THENCE North 12 degrees 58 minutes 57 seconds East a distance of 49.55 feet to a point;  
THENCE North 07 degrees 31 minutes 42 seconds West a distance of 50.45 feet to a point;  
THENCE North 30 degrees 16 minutes 15 seconds East a distance of 26.90 feet to a point;  
THENCE North 10 degrees 19 minutes 38 seconds West a distance of 26.62 feet to a point;  
THENCE North 58 degrees 48 minutes 33 seconds East a distance of 24.02 feet to a point;  
THENCE North 41 degrees 18 minutes 24 seconds East a distance of 34.46 feet to a point;  
THENCE North 16 degrees 53 minutes 06 seconds West a distance of 36.79 feet to a point;  
THENCE North 77 degrees 44 minutes 30 seconds East a distance of 26.19 feet to a point;  
THENCE North 06 degrees 55 minutes 46 seconds East a distance of 19.96 feet to a point;  
THENCE North 58 degrees 22 minutes 20 seconds East a distance of 32.80 feet to a point;  
THENCE North 52 degrees 55 minutes 19 seconds East a distance of 39.42 feet to a point;  
THENCE North 44 degrees 28 minutes 57 seconds East a distance of 28.81 feet to a point;  
THENCE North 38 degrees 27 minutes 51 seconds East a distance of 28.60 feet to a point;  
THENCE North 63 degrees 30 minutes 30 seconds West a distance of 21.24 feet to a point;  
THENCE North 14 degrees 15 minutes 36 seconds West a distance of 47.62 feet to a point;  
THENCE North 41 degrees 07 minutes 00 seconds East a distance of 23.46 feet to a point;  
THENCE North 08 degrees 45 minutes 20 seconds West a distance of 35.65 feet to a point;  
THENCE North 10 degrees 03 minutes 40 seconds East a distance of 44.66 feet to a point;  
THENCE North 13 degrees 34 minutes 23 seconds West a distance of 63.51 feet to a point;  
THENCE South 72 degrees 35 minutes 22 seconds West a distance of 35.85 feet to a point;  
THENCE North 27 degrees 17 minutes 06 seconds East a distance of 43.82 feet to a point;  
THENCE North 29 degrees 54 minutes 21 seconds West a distance of 49.61 feet to a point;  
THENCE North 26 degrees 51 minutes 13 seconds West a distance of 95.89 feet to a point;  
THENCE North 17 degrees 28 minutes 07 seconds West a distance of 55.39 feet to a point;  
THENCE North 23 degrees 53 minutes 55 seconds West a distance of 149.25 feet to a point;  
THENCE North 17 degrees 29 minutes 34 seconds West a distance of 47.91 feet to a point;  
THENCE North 31 degrees 06 minutes 18 seconds West a distance of 33.89 feet to a point;

THENCE North 12 degrees 15 minutes 25 seconds West a distance of 26.69 feet to a point;  
 THENCE North 65 degrees 43 minutes 13 seconds East a distance of 21.21 feet to a point;  
 THENCE North 60 degrees 10 minutes 55 seconds East a distance of 787.01 feet to a point;  
 THENCE North 21 degrees 58 minutes 54 seconds West a distance of 529.33 feet to a point;  
 THENCE North 50 degrees 49 minutes 21 seconds East a distance of 298.67 feet to a point;  
 THENCE South 42 degrees 11 minutes 33 seconds East a distance of 439.12 feet to a point;  
 THENCE North 47 degrees 05 minutes 23 seconds East a distance of 201.10 feet to a point located on  
 the southwesterly right-of-way of Mulberry Street;  
 THENCE South 46 degrees 31 minutes 54 seconds East a distance of 178.61 feet along said right-of-  
 way to a point;  
 THENCE South 56 degrees 13 minutes 11 seconds West a distance of 409.48 feet leaving said right-  
 of-way to a point;  
 THENCE South 21 degrees 49 minutes 31 seconds East a distance of 400.05 feet to a point;  
 THENCE along a curve to the left for an arc length of 289.42 feet, having a radius of 60.00 feet,  
 being subtended by a chord bearing South 09 degrees 09 minutes 33 seconds East, for a distance of  
 80.01 feet to a point;  
 THENCE North 80 degrees 50 minutes 59 seconds East a distance of 12.88 feet to a point;  
 THENCE South 14 degrees 42 minutes 21 seconds East a distance of 467.39 feet to a point located on  
 the northwesterly right-of-way of Lanier Parkway State Hwy. #365 (I-985);  
 THENCE South 31 degrees 59 minutes 20 seconds West a distance of 146.27 feet along said right-of-  
 way to a point;  
 THENCE South 29 degrees 20 minutes 32 seconds West a distance of 506.50 feet along said right-of-  
 way to a point;  
 THENCE South 36 degrees 25 minutes 35 seconds West a distance of 258.07 feet along said right-of-  
 way to a point;  
 THENCE South 20 degrees 56 minutes 49 seconds West a distance of 240.77 feet along said right-of-  
 way to a point;  
 THENCE South 36 degrees 05 minutes 29 seconds West a distance of 215.20 feet along said right-of-  
 way to a point;  
 THENCE North 67 degrees 12 minutes 40 seconds West a distance of 10.00 feet along said right-of-  
 way to a point;  
 THENCE South 22 degrees 47 minutes 20 seconds West a distance of 701.09 feet along said right-of-  
 way to a point;  
 THENCE South 30 degrees 41 minutes 18 seconds West a distance of 300.64 feet along said right-of-  
 way to a point;  
 THENCE South 23 degrees 03 minutes 37 seconds West a distance of 301.00 feet along said right-of-  
 way to a point;  
 THENCE South 26 degrees 52 minutes 28 seconds West a distance of 325.95 feet along said right-of-  
 way to a point;  
 THENCE North 30 degrees 22 minutes 57 seconds West a distance of 1255.51 feet leaving said right-  
 of-way to a point, said point being THE TRUE POINT OF BEGINNING.

Said tract contains an area of 69.806 acres more or less.

## Exhibit "C"

Phase one (parcels 08117 002008A, 08117 002016D, 08117 002016B, and 08117 002061; ordinances 625, 626, 627, & 628) shall be conditioned as follows:

1. Water and sewer shall be provided by the City of Flowery Branch.
2. Site plan shall generally adhere to the plan as shown and described below:





### **DEVELOPMENT SUMMARY**

1. EXISTING BOUNDARY ACREAGE:  $\pm 117.962$  ACRES
2. TAX PARCEL: 08117 002008A, 08117 002016D, 08117 002016B, 08117 002061, 08117 002001 and 08134 000006
3. EXISTING ZONING: M1
4. PROPOSED ZONING: R3
5. PHASE 1 DEVELOPMENT SUMMARY:  
BOUNDARY ACREAGE:  $\pm 48.156$  ACRES  
TOTAL No. PROPOSED SINGLE-FAMILY DETACHED LOTS: 49  
TOTAL No. PROPOSED TOWNHOME UNITS: 140  
GROSS DENSITY: 3.92 LOTS/ACRE  
NET DENSITY: 4.19 LOTS/ACRE ( $\pm 6.17$  AC. FLOODPLAIN)  
OPEN SPACE/Common Area Provided =  $\pm 19$  AC. (39%)  
TOTAL LENGTH OF STREETS:  $\pm 5,850$  L.F.
6. PHASE 2 DEVELOPMENT SUMMARY:  
BOUNDARY ACREAGE:  $\pm 69.806$  ACRES  
TOTAL No. PROPOSED SINGLE-FAMILY DETACHED LOTS: 138 (LOT #S 100-237)  
GROSS/NET DENSITY: 1.97 LOTS/ACRE  
OPEN SPACE/Common Area Provided =  $\pm 34$  AC. (46%)  
TOTAL LENGTH OF STREETS:  $\pm 6,775$  L.F.
7. MINIMUM SINGLE-FAMILY DETACHED LOT SIZE: (SEE TYPICAL LOT DETAIL)
8. PROPOSED SETBACKS SINGLE-FAMILY DETACHED:  
FRONT - 20'  
REAR - 25'  
SIDE - 5'

3. Applicant will revise its Traffic Study dated May 26, 2021, to include (1) a signal warrant analysis at Mulberry Street/Phil Niekro Blvd. intersection and (2) a traffic calming study on Mulberry Street from the proposed subdivision to Phil Niekro Blvd.
  - a. Revised study does NOT need to be completed before zoning approval.
  - b. If a signal is warranted, applicant will NOT be responsible for the cost or installation of the signal.
  - c. Prior to final plat approval, applicant will construct a northbound exclusive right turn lane from Mulberry Street onto Phil Niekro Blvd. City will give Applicant adequate right-of-way to construct the turn lane at no additional cost.
  - d. Prior to final plat approval, Applicant will construct recommended traffic calming measures along Mulberry Street from the proposed development to Phil Niekro Blvd as prescribed by the above revised traffic study.
  - e. Applicant shall install "Do Not Block the Intersection" signs and markings on Phil Niekro Boulevard prior to final plat approval.
4. Prior to the approval of the final plat, the applicant shall pay \$100,000 to City of Flowery Branch for implementation, installation, and construction of any other improvements recommended by the approved traffic impact study. All design and construction, other than improvements on Mulberry Street, shall be the responsibility of the City of Flowery

Branch.

5. Development shall meet all requirements set forth in ordinance 657 adopted on December 16, 2021, except for the following:

**Sec. 12.6. - Townhouses.**

(b) *Lot Size.* The minimum size of a lot for each fee-simple townhouse lot (i.e., the extent of land owned by the owner of the unit) shall be 2,000 square feet in lot area. **A maximum of thirty-three (33) townhomes shall have a minimum lot-size of 1,800 square feet in area.**

(e) *Rear Setbacks.* There shall be a minimum twenty (20) foot rear setback from townhouse lot boundaries for all buildings and structures, except when the rear property line abuts an alley, in which case no setback shall be required. **Rear setback shall be reduced to ten (10) feet to accommodate covered patios.**

6. A Homeowners Association shall be established, and covenants shall be created and submitted to the City prior to formal recording. It shall be the Homeowners Associations responsibility to mandate and enforce a twenty (20) percent limit on homes for lease.

Phase two (parcels 08117 002001 & 08134 000006; ordinances 629 and 630) shall be conditioned as follows:

1. Water and sewer shall be provided by the City of Flowery Branch.
2. Phase II shall be developed in substantial conformity with the Conceptual Land Plan dated 12/02/20 attached hereto as Appendix A and with the following Development Summary.

#### **DEVELOPMENT SUMMARY**

1. EXISTING BOUNDARY ACREAGE: ±117.962 ACRES
2. TAX PARCEL: 08117 002008A, 08117 002016D, 08117 002016B, 08117 002061, 08117 002001 and 08134 000006
3. EXISTING ZONING: M1
4. PROPOSED ZONING: R3
5. PHASE 1 DEVELOPMENT SUMMARY:  
BOUNDARY ACREAGE: ±48.156 ACRES  
TOTAL No. PROPOSED SINGLE-FAMILY DETACHED LOTS: 49  
TOTAL No. PROPOSED TOWNHOME UNITS: 140  
GROSS DENSITY: 3.92 LOTS/ACRE  
NET DENSITY: 4.19 LOTS/ACRE (±6.17 AC. FLOODPLAIN)  
OPEN SPACE/COMMON AREA PROVIDED = ±19 AC. (39%)  
TOTAL LENGTH OF STREETS: ±5,850 L.F.
6. PHASE 2 DEVELOPMENT SUMMARY:  
BOUNDARY ACREAGE: ±69.806 ACRES  
TOTAL No. PROPOSED SINGLE-FAMILY DETACHED LOTS: 138 (LOT #S 100-237)  
GROSS/NET DENSITY: 1.97 LOTS/ACRE  
OPEN SPACE/COMMON AREA PROVIDED = ±34 AC. (46%)  
TOTAL LENGTH OF STREETS: ±6,775 L.F.
7. MINIMUM SINGLE-FAMILY DETACHED LOT SIZE: (SEE TYPICAL LOT DETAIL)
8. PROPOSED SETBACKS SINGLE-FAMILY DETACHED:  
FRONT - 20'  
REAR - 25'  
SIDE - 5'



3. Applicant will revise its Traffic Study dated May 26, 2021, to include (1) a signal warrant analysis at Mulberry Street/Phil Niekro Blvd. intersection and (2) a traffic calming study on Mulberry Street from the proposed subdivision to Phil Niekro Blvd.
  - a. Revised study does NOT need to be completed before zoning approval.
  - b. If a signal is warranted, applicant will NOT be responsible for the cost or installation of the signal.
  - c. If Phase II is initiated prior to Phase I, prior to the issuance of the first certificate of occupancy, applicant will construct a northbound exclusive right turn lane from Mulberry Street onto Phil Niekro Blvd. City will give Applicant adequate right-of-way to construct the turn lane at no additional cost.
  - d. If Phase II is initiated prior to Phase I, prior to final plat approval, Applicant will construct recommended traffic calming measures along Mulberry Street from the proposed development to Phil Niekro Blvd as prescribed by the above revised traffic study.
4. If Phase II is initiated prior to Phase I, prior to the approval of the final plat, the applicant shall pay \$100,000 to City of Flowery Branch for implementation, installation, and construction of any other improvements recommended by the approved traffic impact study. All design and construction, other than improvements on Mulberry Street, shall be the responsibility of the City of Flowery Branch.
5. Prior to issuance of any permit for Phase II, the Developer shall submit a site plan for approval by city staff. If the site plan is not in substantial conformity with the Conceptual Land Plan dated 12/02/20, review and approval by the Mayor and City Council shall be required.
7. Development shall meet all requirements set forth in ordinance 657 adopted on December 16, 2021.
8. A Homeowners Association shall be established, and covenants shall be created and submitted to the City prior to formal recording. It shall be the Homeowners Associations responsibility to mandate and enforce a ten (10) percent limit on homes for lease.

## 14















## **ORDINANCE 627**

**AN ORDINANCE AMENDING THE ZONING MAP OF THE CITY OF FLOWERY BRANCH, GEORGIA, BY REZONING A 7.63+/- ACRE TRACT OF LAND OWNED BY ADVENTURES IN REAL ESTATE LLC. COMMONLY KNOWN AS 5675 FLOWERY WAY, IDENTIFIED AS TAX PARCEL 08117 002016B AS SHOWN ON ATTACHED EXHIBIT “A”, AS DESCRIBED ON EXHIBIT “B”, FROM M-1 (LIGHT INDUSTRIAL) TO R-3 (MULTI-FAMILY RESIDENTIAL) SUBJECT TO THE CONDITIONS SET FORTH IN EXHIBIT “C”; PROVIDING FOR SEVERABILITY, REPEALING CONFLICTING ORDINANCES, PROVIDING FOR AN EFFECTIVE DATE AND FOR ALL OTHER LAWFUL PURPOSES.**

**WHEREAS**, Stark Land Development, LLC. desires to develop the 7.63+/- acre tract of land identified as tax parcel 08117 002016B; shown on Exhibit “A”; and legally described on Exhibit “B”; and

**WHEREAS**, specific conditions shall be placed on subject property are shown on attached exhibit “C”; and

**WHEREAS**, the City Council of the City of Flowery Branch has considered the rezoning application of Stark Land Development, LLC. in conjunction with the standards set forth in Article 34 - Section 34.7 of Zoning Ordinance No. 348 of the City of Flowery Branch, Georgia; and

**WHEREAS**, Stark Land Development, 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 January 6, 2022, duly noticed as prescribed by law and published in the Gainesville Times, regarding said application, as shall be set forth in the minutes of said meeting.

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

### **SECTION 1. FINDINGS.**

The City Council finds that the proposed rezoning of the parcel from Flowery Branch M-1 (Light Industrial) to Flowery Branch R-3 (Residential Multi-Family) 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 shall be used in accordance with the existing regulations and has a reasonable economic use as currently zoned.
4. The development if approved and constructed is not expected to result in a use which will or could cause an excessive or burdensome use of existing streets, transportation facilities, utilities, or schools.
5. The proposal is in conformity with the policy and intent of the comprehensive plan and 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 M-1(Light Industrial) as opposed to the proposed R-3 (Residential Multi-Family).
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 changes to the R-3 zoning district.
10. Development as proposed is not expected to impact on the environment, including but not limited to, drainage, soil erosion and sedimentation, flooding, air quality and water quality. Compliance with city subdivision and land development regulations will be required, which include but are not limited to soil erosion and sedimentation, stormwater, and flood damage prevention.

## **SECTION 2. LEGAL DESCRIPTION AND CONDITIONS.**

The property as shown in attached Exhibit “A” and as legally described in Exhibit “B” shall be rezoned to R-3 (Residential Multi-Family). Conditions are set forth in Exhibit “C”. Said Exhibits are incorporated by reference as if fully set forth herein.

## **SECTION 3. AMENDMENT OF THE ZONING MAP.**

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

**SECTION 4. SEVERABILITY.**

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

**SECTION 5. EFFECTIVE DATE.**

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

**SECTION 6. REPEALER.**

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

Adopted this 20<sup>th</sup> day of January 2022.

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Edward R. Asbridge, Mayor

ATTEST:

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Shelia R. Cooper City Clerk

APPROVED AS TO FORM:

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E. Ronald Bennett, Jr., City Attorney



## 4



## Exhibit "B"

All that tract or parcel of land lying and being in Land Lot 117 of the 8th District, City of Flowery Branch, Hall County, Georgia and being more particularly described as follows.

Beginning at the Land Lot Corner common to Land Lots 116, 117, 133 and 134; THENCE North 15 degrees 02 minutes 30 seconds East for a distance of 1214.17 feet to a point on the easterly right-of-way of Flowery Way ( 50' r/w), said point being THE TRUE POINT OF BEGINNING;

THENCE North 54 degrees 28 minutes 51 seconds West a distance of 79.88 feet to a point;

THENCE along a curve to the right for an arc length of 83.93 feet, having a radius of 97.73 feet, being subtended by a chord bearing North 27 degrees 50 minutes 09 seconds West, for a distance of 81.37 feet to a point;

THENCE North 00 degrees 37 minutes 14 seconds East a distance of 37.65 feet to a point;

THENCE along a curve to the left for an arc length of 161.59 feet, having a radius of 1062.34 feet, being subtended by a chord bearing North 02 degrees 23 minutes 32 seconds East, for a distance of 161.43 feet to a point;

THENCE North 59 degrees 21 minutes 52 seconds East a distance of 550.94 feet to a point;

THENCE North 29 degrees 41 minutes 03 seconds West a distance of 227.76 feet to a point;

THENCE North 60 degrees 06 minutes 17 seconds East a distance of 95.98 feet to a point;

THENCE North 05 degrees 32 minutes 20 seconds West a distance of 505.00 feet to a point;

THENCE North 30 degrees 48 minutes 47 seconds West a distance of 200.02 feet to a point;

THENCE North 60 degrees 07 minutes 29 seconds East a distance of 546.35 feet to a point;

THENCE North 61 degrees 45 minutes 30 seconds West a distance of 170.77 feet to a point;

THENCE North 40 degrees 21 minutes 09 seconds East a distance of 281.72 feet to a point;

THENCE North 62 degrees 53 minutes 14 seconds West a distance of 366.82 feet to a point;

THENCE North 08 degrees 38 minutes 44 seconds West a distance of 3.72 feet to a point;

THENCE North 34 degrees 56 minutes 31 seconds East a distance of 32.42 feet to a point;

THENCE North 56 degrees 32 minutes 25 seconds East a distance of 104.80 feet to a point;

THENCE North 27 degrees 43 minutes 17 seconds East a distance of 60.76 feet to a point;

THENCE North 39 degrees 43 minutes 06 seconds East a distance of 52.39 feet to a point;

THENCE North 46 degrees 23 minutes 29 seconds East a distance of 104.80 feet to a point;

THENCE North 45 degrees 36 minutes 51 seconds East a distance of 102.84 feet to a point;

THENCE North 60 degrees 29 minutes 30 seconds East a distance of 49.12 feet to a point;

THENCE North 54 degrees 07 minutes 44 seconds East a distance of 93.75 feet to a point;

THENCE North 42 degrees 33 minutes 43 seconds East a distance of 80.31 feet to a point located on the westerly right-of-way of Mulberry Street;

THENCE South 21 degrees 44 minutes 30 seconds East a distance of 175.25 feet along said right-of-way to a point;

THENCE along a curve to the right for an arc length of 313.04 feet, having a radius of 2200.00 feet, being subtended by a chord bearing South 17 degrees 39 minutes 56 seconds East, for a distance of 312.77 feet along said right-of-way to a point;

THENCE South 13 degrees 35 minutes 21 seconds East a distance of 195.20 feet along said right-of-way to a point;

THENCE along a curve to the left for an arc length of 57.05 feet, having a radius of 2300.00 feet, being subtended by a chord bearing South 14 degrees 18 minutes 00 seconds East, for a distance of 57.05 feet along said right-of-way along said right-of-way to a point;

THENCE South 15 degrees 10 minutes 26 seconds East a distance of 185.01 feet along said right-of-way to a point;  
 THENCE South 56 degrees 37 minutes 14 seconds West a distance of 346.80 feet leaving said right-of-way to a point;  
 THENCE South 58 degrees 04 minutes 45 seconds East a distance of 70.72 feet to a point;  
 THENCE South 33 degrees 41 minutes 04 seconds East a distance of 326.98 feet to a point;  
 THENCE North 68 degrees 43 minutes 53 seconds East a distance of 204.17 feet to a point located on the southwesterly right-of-way of Mulberry Street;  
 THENCE South 34 degrees 22 minutes 19 seconds East a distance of 56.13 feet along said right-of-way to a point;  
 THENCE South 50 degrees 07 minutes 20 seconds East a distance of 100.00 feet along said right-of-way to a point;  
 THENCE South 59 degrees 48 minutes 22 seconds East a distance of 100.00 feet along said right-of-way to a point;  
 THENCE South 59 degrees 21 minutes 30 seconds West a distance of 309.92 feet leaving said right-of-way to a point;  
 THENCE South 48 degrees 30 minutes 26 seconds East a distance of 170.07 feet to a point;  
 THENCE North 47 degrees 46 minutes 21 seconds East a distance of 318.84 feet to a point located on the southwesterly right-of-way of Mulberry Street;  
 THENCE along a curve to the right for an arc length of 94.92 feet, having a radius of 425.00 feet, being subtended by a chord bearing South 53 degrees 05 minutes 41 seconds East, for a distance of 94.72 feet along said right-of-way to a point;  
 THENCE South 46 degrees 41 minutes 47 seconds East a distance of 67.27 feet along said right-of-way to a point;  
 THENCE South 47 degrees 35 minutes 36 seconds West a distance of 347.20 feet leaving said right-of-way to a point;  
 THENCE South 27 degrees 38 minutes 32 seconds East a distance of 367.62 feet to a point;  
 THENCE South 60 degrees 15 minutes 22 seconds West a distance of 649.98 feet to a point;  
 THENCE South 60 degrees 16 minutes 13 seconds West a distance of 352.85 feet to a point;  
 THENCE North 48 degrees 12 minutes 16 seconds West a distance of 30.32 feet to a point;  
 THENCE North 02 degrees 53 minutes 11 seconds West a distance of 24.24 feet to a point;  
 THENCE North 24 degrees 11 minutes 12 seconds West a distance of 30.92 feet to a point;  
 THENCE North 40 degrees 44 minutes 55 seconds East a distance of 27.08 feet to a point;  
 THENCE North 07 degrees 29 minutes 14 seconds East a distance of 37.47 feet to a point;  
 THENCE North 56 degrees 00 minutes 04 seconds West a distance of 35.03 feet to a point;  
 THENCE South 78 degrees 44 minutes 58 seconds West a distance of 37.19 feet to a point;  
 THENCE North 10 degrees 05 minutes 48 seconds West a distance of 14.68 feet to a point;  
 THENCE North 11 degrees 22 minutes 48 seconds East a distance of 35.30 feet to a point;  
 THENCE North 06 degrees 31 minutes 58 seconds East a distance of 20.38 feet to a point;  
 THENCE North 39 degrees 32 minutes 23 seconds West a distance of 28.59 feet to a point;  
 THENCE North 04 degrees 29 minutes 41 seconds West a distance of 33.89 feet to a point;  
 THENCE North 00 degrees 17 minutes 51 seconds West a distance of 39.43 feet to a point;  
 THENCE North 04 degrees 15 minutes 12 seconds East a distance of 30.56 feet to a point;  
 THENCE South 60 degrees 19 minutes 46 seconds West a distance of 742.04 feet to a point, said point being THE TRUE POINT OF BEGINNING.

Said tract contains an area of 48.156 acres more or less.



Together with:

All that tract or parcel of land lying and being in Land Lot 116 and 117 of the 8th District, City of Flowery Branch, Hall County, Georgia and being more particularly described as follows.

Beginning at the Land Lot Corner common to Land Lots 116, 117, 133 and 134; THENCE South 30 degrees 22 minutes 57 seconds East for a distance of 1101.65 feet to a point; THENCE South 30 degrees 21 minutes 16 seconds East for a distance of 218.48 feet to a point, said point being THE TRUE POINT OF BEGINNING;

THENCE North 48 degrees 22 minutes 48 seconds East a distance of 875.57 feet to a point;  
THENCE North 11 degrees 52 minutes 38 seconds East a distance of 26.55 feet to a point;  
THENCE North 50 degrees 18 minutes 59 seconds East a distance of 47.92 feet to a point;  
THENCE North 01 degrees 30 minutes 02 seconds West a distance of 62.59 feet to a point;  
THENCE North 13 degrees 27 minutes 39 seconds East a distance of 69.62 feet to a point;  
THENCE North 73 degrees 24 minutes 27 seconds East a distance of 32.42 feet to a point;  
THENCE North 28 degrees 33 minutes 29 seconds West a distance of 42.32 feet to a point;  
THENCE North 17 degrees 38 minutes 29 seconds East a distance of 31.76 feet to a point;  
THENCE North 32 degrees 22 minutes 06 seconds East a distance of 80.36 feet to a point;  
THENCE North 74 degrees 02 minutes 00 seconds East a distance of 46.63 feet to a point;  
THENCE North 12 degrees 58 minutes 57 seconds East a distance of 49.55 feet to a point;  
THENCE North 07 degrees 31 minutes 42 seconds West a distance of 50.45 feet to a point;  
THENCE North 30 degrees 16 minutes 15 seconds East a distance of 26.90 feet to a point;  
THENCE North 10 degrees 19 minutes 38 seconds West a distance of 26.62 feet to a point;  
THENCE North 58 degrees 48 minutes 33 seconds East a distance of 24.02 feet to a point;  
THENCE North 41 degrees 18 minutes 24 seconds East a distance of 34.46 feet to a point;  
THENCE North 16 degrees 53 minutes 06 seconds West a distance of 36.79 feet to a point;  
THENCE North 77 degrees 44 minutes 30 seconds East a distance of 26.19 feet to a point;  
THENCE North 06 degrees 55 minutes 46 seconds East a distance of 19.96 feet to a point;  
THENCE North 58 degrees 22 minutes 20 seconds East a distance of 32.80 feet to a point;  
THENCE North 52 degrees 55 minutes 19 seconds East a distance of 39.42 feet to a point;  
THENCE North 44 degrees 28 minutes 57 seconds East a distance of 28.81 feet to a point;  
THENCE North 38 degrees 27 minutes 51 seconds East a distance of 28.60 feet to a point;  
THENCE North 63 degrees 30 minutes 30 seconds West a distance of 21.24 feet to a point;  
THENCE North 14 degrees 15 minutes 36 seconds West a distance of 47.62 feet to a point;  
THENCE North 41 degrees 07 minutes 00 seconds East a distance of 23.46 feet to a point;  
THENCE North 08 degrees 45 minutes 20 seconds West a distance of 35.65 feet to a point;  
THENCE North 10 degrees 03 minutes 40 seconds East a distance of 44.66 feet to a point;  
THENCE North 13 degrees 34 minutes 23 seconds West a distance of 63.51 feet to a point;  
THENCE South 72 degrees 35 minutes 22 seconds West a distance of 35.85 feet to a point;  
THENCE North 27 degrees 17 minutes 06 seconds East a distance of 43.82 feet to a point;  
THENCE North 29 degrees 54 minutes 21 seconds West a distance of 49.61 feet to a point;  
THENCE North 26 degrees 51 minutes 13 seconds West a distance of 95.89 feet to a point;  
THENCE North 17 degrees 28 minutes 07 seconds West a distance of 55.39 feet to a point;  
THENCE North 23 degrees 53 minutes 55 seconds West a distance of 149.25 feet to a point;  
THENCE North 17 degrees 29 minutes 34 seconds West a distance of 47.91 feet to a point;  
THENCE North 31 degrees 06 minutes 18 seconds West a distance of 33.89 feet to a point;

THENCE North 12 degrees 15 minutes 25 seconds West a distance of 26.69 feet to a point;  
 THENCE North 65 degrees 43 minutes 13 seconds East a distance of 21.21 feet to a point;  
 THENCE North 60 degrees 10 minutes 55 seconds East a distance of 787.01 feet to a point;  
 THENCE North 21 degrees 58 minutes 54 seconds West a distance of 529.33 feet to a point;  
 THENCE North 50 degrees 49 minutes 21 seconds East a distance of 298.67 feet to a point;  
 THENCE South 42 degrees 11 minutes 33 seconds East a distance of 439.12 feet to a point;  
 THENCE North 47 degrees 05 minutes 23 seconds East a distance of 201.10 feet to a point located on  
 the southwesterly right-of-way of Mulberry Street;  
 THENCE South 46 degrees 31 minutes 54 seconds East a distance of 178.61 feet along said right-of-  
 way to a point;  
 THENCE South 56 degrees 13 minutes 11 seconds West a distance of 409.48 feet leaving said right-  
 of-way to a point;  
 THENCE South 21 degrees 49 minutes 31 seconds East a distance of 400.05 feet to a point;  
 THENCE along a curve to the left for an arc length of 289.42 feet, having a radius of 60.00 feet,  
 being subtended by a chord bearing South 09 degrees 09 minutes 33 seconds East, for a distance of  
 80.01 feet to a point;  
 THENCE North 80 degrees 50 minutes 59 seconds East a distance of 12.88 feet to a point;  
 THENCE South 14 degrees 42 minutes 21 seconds East a distance of 467.39 feet to a point located on  
 the northwesterly right-of-way of Lanier Parkway State Hwy. #365 (I-985);  
 THENCE South 31 degrees 59 minutes 20 seconds West a distance of 146.27 feet along said right-of-  
 way to a point;  
 THENCE South 29 degrees 20 minutes 32 seconds West a distance of 506.50 feet along said right-of-  
 way to a point;  
 THENCE South 36 degrees 25 minutes 35 seconds West a distance of 258.07 feet along said right-of-  
 way to a point;  
 THENCE South 20 degrees 56 minutes 49 seconds West a distance of 240.77 feet along said right-of-  
 way to a point;  
 THENCE South 36 degrees 05 minutes 29 seconds West a distance of 215.20 feet along said right-of-  
 way to a point;  
 THENCE North 67 degrees 12 minutes 40 seconds West a distance of 10.00 feet along said right-of-  
 way to a point;  
 THENCE South 22 degrees 47 minutes 20 seconds West a distance of 701.09 feet along said right-of-  
 way to a point;  
 THENCE South 30 degrees 41 minutes 18 seconds West a distance of 300.64 feet along said right-of-  
 way to a point;  
 THENCE South 23 degrees 03 minutes 37 seconds West a distance of 301.00 feet along said right-of-  
 way to a point;  
 THENCE South 26 degrees 52 minutes 28 seconds West a distance of 325.95 feet along said right-of-  
 way to a point;  
 THENCE North 30 degrees 22 minutes 57 seconds West a distance of 1255.51 feet leaving said right-  
 of-way to a point, said point being THE TRUE POINT OF BEGINNING.

Said tract contains an area of 69.806 acres more or less.

## Exhibit "C"

Phase one (parcels 08117 002008A, 08117 002016D, 08117 002016B, and 08117 002061; ordinances 625, 626, 627, & 628) shall be conditioned as follows:

1. Water and sewer shall be provided by the City of Flowery Branch.
2. Site plan shall generally adhere to the plan as shown and described below:





### **DEVELOPMENT SUMMARY**

1. EXISTING BOUNDARY ACREAGE:  $\pm 117.962$  ACRES
2. TAX PARCEL: 08117 002008A, 08117 002016D, 08117 002016B, 08117 002061, 08117 002001 and 08134 000006
3. EXISTING ZONING: M1
4. PROPOSED ZONING: R3
5. PHASE 1 DEVELOPMENT SUMMARY:  
BOUNDARY ACREAGE:  $\pm 48.156$  ACRES  
TOTAL No. PROPOSED SINGLE-FAMILY DETACHED LOTS: 49  
TOTAL No. PROPOSED TOWNHOME UNITS: 140  
GROSS DENSITY: 3.92 LOTS/ACRE  
NET DENSITY: 4.19 LOTS/ACRE ( $\pm 6.17$  AC. FLOODPLAIN)  
OPEN SPACE/Common Area PROVIDED =  $\pm 19$  AC. (39%)  
TOTAL LENGTH OF STREETS:  $\pm 5,850$  L.F.
6. PHASE 2 DEVELOPMENT SUMMARY:  
BOUNDARY ACREAGE:  $\pm 69.806$  ACRES  
TOTAL No. PROPOSED SINGLE-FAMILY DETACHED LOTS: 138 (LOT #S 100-237)  
GROSS/NET DENSITY: 1.97 LOTS/ACRE  
OPEN SPACE/Common Area PROVIDED =  $\pm 34$  AC. (46%)  
TOTAL LENGTH OF STREETS:  $\pm 6,775$  L.F.
7. MINIMUM SINGLE-FAMILY DETACHED LOT SIZE: (SEE TYPICAL LOT DETAIL)
8. PROPOSED SETBACKS SINGLE-FAMILY DETACHED:  
FRONT - 20'  
REAR - 25'  
SIDE - 5'

3. Applicant will revise its Traffic Study dated May 26, 2021, to include (1) a signal warrant analysis at Mulberry Street/Phil Niekro Blvd. intersection and (2) a traffic calming study on Mulberry Street from the proposed subdivision to Phil Niekro Blvd.
  - a. Revised study does NOT need to be completed before zoning approval.
  - b. If a signal is warranted, applicant will NOT be responsible for the cost or installation of the signal.
  - c. Prior to final plat approval, applicant will construct a northbound exclusive right turn lane from Mulberry Street onto Phil Niekro Blvd. City will give Applicant adequate right-of-way to construct the turn lane at no additional cost.
  - d. Prior to final plat approval, Applicant will construct recommended traffic calming measures along Mulberry Street from the proposed development to Phil Niekro Blvd as prescribed by the above revised traffic study.
  - e. Applicant shall install "Do Not Block the Intersection" signs and markings on Phil Niekro Boulevard prior to final plat approval.
4. Prior to the approval of the final plat, the applicant shall pay \$100,000 to City of Flowery Branch for implementation, installation, and construction of any other improvements recommended by the approved traffic impact study. All design and construction, other than improvements on Mulberry Street, shall be the responsibility of the City of Flowery

Branch.

5. Development shall meet all requirements set forth in ordinance 657 adopted on December 16, 2021, except for the following:

**Sec. 12.6. - Townhouses.**

(b) *Lot Size.* The minimum size of a lot for each fee-simple townhouse lot (i.e., the extent of land owned by the owner of the unit) shall be 2,000 square feet in lot area. **A maximum of thirty-three (33) townhomes shall have a minimum lot-size of 1,800 square feet in area.**

(e) *Rear Setbacks.* There shall be a minimum twenty (20) foot rear setback from townhouse lot boundaries for all buildings and structures, except when the rear property line abuts an alley, in which case no setback shall be required. **Rear setback shall be reduced to ten (10) feet to accommodate covered patios.**

6. A Homeowners Association shall be established, and covenants shall be created and submitted to the City prior to formal recording. It shall be the Homeowners Associations responsibility to mandate and enforce a twenty (20) percent limit on homes for lease.

Phase two (parcels 08117 002001 & 08134 000006; ordinances 629 and 630) shall be conditioned as follows:

1. Water and sewer shall be provided by the City of Flowery Branch.
2. Phase II shall be developed in substantial conformity with the Conceptual Land Plan dated 12/02/20 attached hereto as Appendix A and with the following Development Summary.

#### **DEVELOPMENT SUMMARY**

1. EXISTING BOUNDARY ACREAGE: ±117.962 ACRES
2. TAX PARCEL: 08117 002008A, 08117 002016D, 08117 002016B, 08117 002061, 08117 002001 and 08134 000006
3. EXISTING ZONING: M1
4. PROPOSED ZONING: R3
5. PHASE 1 DEVELOPMENT SUMMARY:  
BOUNDARY ACREAGE: ±48.156 ACRES  
TOTAL No. PROPOSED SINGLE-FAMILY DETACHED LOTS: 49  
TOTAL No. PROPOSED TOWNHOME UNITS: 140  
GROSS DENSITY: 3.92 LOTS/ACRE  
NET DENSITY: 4.19 LOTS/ACRE (±6.17 AC. FLOODPLAIN)  
OPEN SPACE/COMMON AREA PROVIDED = ±19 AC. (39%)  
TOTAL LENGTH OF STREETS: ±5,850 L.F.
6. PHASE 2 DEVELOPMENT SUMMARY:  
BOUNDARY ACREAGE: ±69.806 ACRES  
TOTAL No. PROPOSED SINGLE-FAMILY DETACHED LOTS: 138 (LOT #S 100-237)  
GROSS/NET DENSITY: 1.97 LOTS/ACRE  
OPEN SPACE/COMMON AREA PROVIDED = ±34 AC. (46%)  
TOTAL LENGTH OF STREETS: ±6,775 L.F.
7. MINIMUM SINGLE-FAMILY DETACHED LOT SIZE: (SEE TYPICAL LOT DETAIL)
8. PROPOSED SETBACKS SINGLE-FAMILY DETACHED:  
FRONT - 20'  
REAR - 25'  
SIDE - 5'



3. Applicant will revise its Traffic Study dated May 26, 2021, to include (1) a signal warrant analysis at Mulberry Street/Phil Niekro Blvd. intersection and (2) a traffic calming study on Mulberry Street from the proposed subdivision to Phil Niekro Blvd.
  - a. Revised study does NOT need to be completed before zoning approval.
  - b. If a signal is warranted, applicant will NOT be responsible for the cost or installation of the signal.
  - c. If Phase II is initiated prior to Phase I, prior to the issuance of the first certificate of occupancy, applicant will construct a northbound exclusive right turn lane from Mulberry Street onto Phil Niekro Blvd. City will give Applicant adequate right-of-way to construct the turn lane at no additional cost.
  - d. If Phase II is initiated prior to Phase I, prior to final plat approval, Applicant will construct recommended traffic calming measures along Mulberry Street from the proposed development to Phil Niekro Blvd as prescribed by the above revised traffic study.
4. If Phase II is initiated prior to Phase I, prior to the approval of the final plat, the applicant shall pay \$100,000 to City of Flowery Branch for implementation, installation, and construction of any other improvements recommended by the approved traffic impact study. All design and construction, other than improvements on Mulberry Street, shall be the responsibility of the City of Flowery Branch.
5. Prior to issuance of any permit for Phase II, the Developer shall submit a site plan for approval by city staff. If the site plan is not in substantial conformity with the Conceptual Land Plan dated 12/02/20, review and approval by the Mayor and City Council shall be required.
7. Development shall meet all requirements set forth in ordinance 657 adopted on December 16, 2021.
8. A Homeowners Association shall be established, and covenants shall be created and submitted to the City prior to formal recording. It shall be the Homeowners Associations responsibility to mandate and enforce a ten (10) percent limit on homes for lease.

## 14











## ORDINANCE 629

**AN ORDINANCE AMENDING THE ZONING MAP OF THE CITY OF FLOWERY BRANCH, GEORGIA, BY REZONING A 38.84 +/- ACRE TRACT OF LAND OWNED BY ADVENTURES IN REAL ESTATE LLC. COMMONLY KNOWN AS 5692 MULBERRY STREET, IDENTIFIED AS TAX PARCEL 08117 002001 AS SHOWN ON ATTACHED EXHIBIT “A”, AS DESCRIBED ON EXHIBIT “B”, FROM M-1 (LIGHT INDUSTRIAL) TO R-3 (MULTI-FAMILY RESIDENTIAL) SUBJECT TO THE CONDITIONS SET FORTH IN EXHIBIT “C”; PROVIDING FOR SEVERABILITY, REPEALING CONFLICTING ORDINANCES, PROVIDING FOR AN EFFECTIVE DATE AND FOR ALL OTHER LAWFUL PURPOSES.**

**WHEREAS**, Stark Land Development, LLC. desires to develop the 38.84+/- acre tract of land identified as tax parcel 08117 002001; shown on Exhibit “A”; and legally described on Exhibit “B”; and

**WHEREAS**, specific conditions shall be placed on subject property are shown on attached exhibit “C”; and

**WHEREAS**, the City Council of the City of Flowery Branch has considered the rezoning application of Stark Land Development, LLC. in conjunction with the standards set forth in Article 34 - Section 34.7 of Zoning Ordinance No. 348 of the City of Flowery Branch, Georgia; and

**WHEREAS**, Stark Land Development, 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 January 6, 2022, duly noticed as prescribed by law and published in the Gainesville Times, regarding said application, as shall be set forth in the minutes of said meeting.

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

### **SECTION 1. FINDINGS.**

The City Council finds that the proposed rezoning of the parcel from Flowery Branch M-1 (Light Industrial) to Flowery Branch R-3 (Residential Multi-Family) 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 shall be used in accordance with the existing regulations and has a reasonable economic use as currently zoned.
4. The development if approved and constructed is not expected to result in a use which will or could cause an excessive or burdensome use of existing streets, transportation facilities, utilities, or schools.
5. The proposal is in conformity with the policy and intent of the comprehensive plan and 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 M-1(Light Industrial) as opposed to the proposed R-3 (Residential Multi-Family).
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 changes to the R-3 zoning district.
10. Development as proposed is not expected to impact on the environment, including but not limited to, drainage, soil erosion and sedimentation, flooding, air quality and water quality. Compliance with city subdivision and land development regulations will be required, which include but are not limited to soil erosion and sedimentation, stormwater, and flood damage prevention.

## **SECTION 2. LEGAL DESCRIPTION AND CONDITIONS.**

The property as shown in attached Exhibit “A” and as legally described in Exhibit “B” shall be rezoned to R-3 (Residential Multi-Family). Conditions are set forth in Exhibit “C”. Said Exhibits are incorporated by reference as if fully set forth herein.

## **SECTION 3. AMENDMENT OF THE ZONING MAP.**

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

**SECTION 4. SEVERABILITY.**

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

**SECTION 5. EFFECTIVE DATE.**

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

**SECTION 6. REPEALER.**

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

Adopted this 20<sup>th</sup> day of January 2022.

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Edward R. Asbridge, Mayor

ATTEST:

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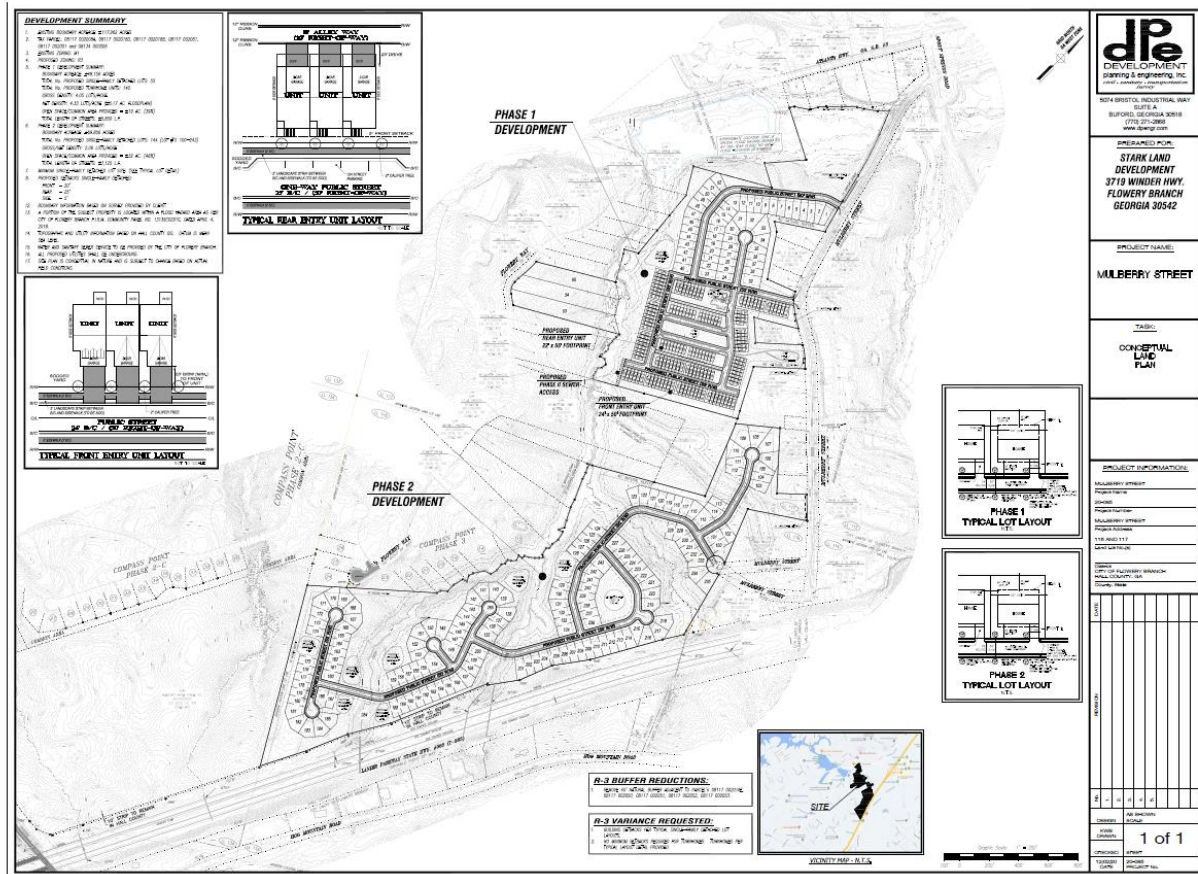
Shelia R. Cooper, City Clerk

APPROVED AS TO FORM:

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E. Ronald Bennett, Jr., City Attorney

# Exhibit "A"



## Exhibit "B"

All that tract or parcel of land lying and being in Land Lot 117 of the 8th District, City of Flowery Branch, Hall County, Georgia and being more particularly described as follows.

Beginning at the Land Lot Corner common to Land Lots 116, 117, 133 and 134; THENCE North 15 degrees 02 minutes 30 seconds East for a distance of 1214.17 feet to a point on the easterly right-of-way of Flowery Way ( 50' r/w), said point being THE TRUE POINT OF BEGINNING;

THENCE North 54 degrees 28 minutes 51 seconds West a distance of 79.88 feet to a point;

THENCE along a curve to the right for an arc length of 83.93 feet, having a radius of 97.73 feet, being subtended by a chord bearing North 27 degrees 50 minutes 09 seconds West, for a distance of 81.37 feet to a point;

THENCE North 00 degrees 37 minutes 14 seconds East a distance of 37.65 feet to a point;

THENCE along a curve to the left for an arc length of 161.59 feet, having a radius of 1062.34 feet, being subtended by a chord bearing North 02 degrees 23 minutes 32 seconds East, for a distance of 161.43 feet to a point;

THENCE North 59 degrees 21 minutes 52 seconds East a distance of 550.94 feet to a point;

THENCE North 29 degrees 41 minutes 03 seconds West a distance of 227.76 feet to a point;

THENCE North 60 degrees 06 minutes 17 seconds East a distance of 95.98 feet to a point;

THENCE North 05 degrees 32 minutes 20 seconds West a distance of 505.00 feet to a point;

THENCE North 30 degrees 48 minutes 47 seconds West a distance of 200.02 feet to a point;

THENCE North 60 degrees 07 minutes 29 seconds East a distance of 546.35 feet to a point;

THENCE North 61 degrees 45 minutes 30 seconds West a distance of 170.77 feet to a point;

THENCE North 40 degrees 21 minutes 09 seconds East a distance of 281.72 feet to a point;

THENCE North 62 degrees 53 minutes 14 seconds West a distance of 366.82 feet to a point;

THENCE North 08 degrees 38 minutes 44 seconds West a distance of 3.72 feet to a point;

THENCE North 34 degrees 56 minutes 31 seconds East a distance of 32.42 feet to a point;

THENCE North 56 degrees 32 minutes 25 seconds East a distance of 104.80 feet to a point;

THENCE North 27 degrees 43 minutes 17 seconds East a distance of 60.76 feet to a point;

THENCE North 39 degrees 43 minutes 06 seconds East a distance of 52.39 feet to a point;

THENCE North 46 degrees 23 minutes 29 seconds East a distance of 104.80 feet to a point;

THENCE North 45 degrees 36 minutes 51 seconds East a distance of 102.84 feet to a point;

THENCE North 60 degrees 29 minutes 30 seconds East a distance of 49.12 feet to a point;

THENCE North 54 degrees 07 minutes 44 seconds East a distance of 93.75 feet to a point;

THENCE North 42 degrees 33 minutes 43 seconds East a distance of 80.31 feet to a point located on the westerly right-of-way of Mulberry Street;

THENCE South 21 degrees 44 minutes 30 seconds East a distance of 175.25 feet along said right-of-way to a point;

THENCE along a curve to the right for an arc length of 313.04 feet, having a radius of 2200.00 feet, being subtended by a chord bearing South 17 degrees 39 minutes 56 seconds East, for a distance of 312.77 feet along said right-of-way to a point;

THENCE South 13 degrees 35 minutes 21 seconds East a distance of 195.20 feet along said right-of-way to a point;

THENCE along a curve to the left for an arc length of 57.05 feet, having a radius of 2300.00 feet, being subtended by a chord bearing South 14 degrees 18 minutes 00 seconds East, for a distance of 57.05 feet along said right-of-way along said right-of-way to a point;



THENCE South 15 degrees 10 minutes 26 seconds East a distance of 185.01 feet along said right-of-way to a point;  
 THENCE South 56 degrees 37 minutes 14 seconds West a distance of 346.80 feet leaving said right-of-way to a point;  
 THENCE South 58 degrees 04 minutes 45 seconds East a distance of 70.72 feet to a point;  
 THENCE South 33 degrees 41 minutes 04 seconds East a distance of 326.98 feet to a point;  
 THENCE North 68 degrees 43 minutes 53 seconds East a distance of 204.17 feet to a point located on the southwesterly right-of-way of Mulberry Street;  
 THENCE South 34 degrees 22 minutes 19 seconds East a distance of 56.13 feet along said right-of-way to a point;  
 THENCE South 50 degrees 07 minutes 20 seconds East a distance of 100.00 feet along said right-of-way to a point;  
 THENCE South 59 degrees 48 minutes 22 seconds East a distance of 100.00 feet along said right-of-way to a point;  
 THENCE South 59 degrees 21 minutes 30 seconds West a distance of 309.92 feet leaving said right-of-way to a point;  
 THENCE South 48 degrees 30 minutes 26 seconds East a distance of 170.07 feet to a point;  
 THENCE North 47 degrees 46 minutes 21 seconds East a distance of 318.84 feet to a point located on the southwesterly right-of-way of Mulberry Street;  
 THENCE along a curve to the right for an arc length of 94.92 feet, having a radius of 425.00 feet, being subtended by a chord bearing South 53 degrees 05 minutes 41 seconds East, for a distance of 94.72 feet along said right-of-way to a point;  
 THENCE South 46 degrees 41 minutes 47 seconds East a distance of 67.27 feet along said right-of-way to a point;  
 THENCE South 47 degrees 35 minutes 36 seconds West a distance of 347.20 feet leaving said right-of-way to a point;  
 THENCE South 27 degrees 38 minutes 32 seconds East a distance of 367.62 feet to a point;  
 THENCE South 60 degrees 15 minutes 22 seconds West a distance of 649.98 feet to a point;  
 THENCE South 60 degrees 16 minutes 13 seconds West a distance of 352.85 feet to a point;  
 THENCE North 48 degrees 12 minutes 16 seconds West a distance of 30.32 feet to a point;  
 THENCE North 02 degrees 53 minutes 11 seconds West a distance of 24.24 feet to a point;  
 THENCE North 24 degrees 11 minutes 12 seconds West a distance of 30.92 feet to a point;  
 THENCE North 40 degrees 44 minutes 55 seconds East a distance of 27.08 feet to a point;  
 THENCE North 07 degrees 29 minutes 14 seconds East a distance of 37.47 feet to a point;  
 THENCE North 56 degrees 00 minutes 04 seconds West a distance of 35.03 feet to a point;  
 THENCE South 78 degrees 44 minutes 58 seconds West a distance of 37.19 feet to a point;  
 THENCE North 10 degrees 05 minutes 48 seconds West a distance of 14.68 feet to a point;  
 THENCE North 11 degrees 22 minutes 48 seconds East a distance of 35.30 feet to a point;  
 THENCE North 06 degrees 31 minutes 58 seconds East a distance of 20.38 feet to a point;  
 THENCE North 39 degrees 32 minutes 23 seconds West a distance of 28.59 feet to a point;  
 THENCE North 04 degrees 29 minutes 41 seconds West a distance of 33.89 feet to a point;  
 THENCE North 00 degrees 17 minutes 51 seconds West a distance of 39.43 feet to a point;  
 THENCE North 04 degrees 15 minutes 12 seconds East a distance of 30.56 feet to a point;  
 THENCE South 60 degrees 19 minutes 46 seconds West a distance of 742.04 feet to a point, said point being THE TRUE POINT OF BEGINNING.

Said tract contains an area of 48.156 acres more or less.

Together with:

All that tract or parcel of land lying and being in Land Lot 116 and 117 of the 8th District, City of Flowery Branch, Hall County, Georgia and being more particularly described as follows.

Beginning at the Land Lot Corner common to Land Lots 116, 117, 133 and 134; THENCE South 30 degrees 22 minutes 57 seconds East for a distance of 1101.65 feet to a point; THENCE South 30 degrees 21 minutes 16 seconds East for a distance of 218.48 feet to a point, said point being THE TRUE POINT OF BEGINNING;

THENCE North 48 degrees 22 minutes 48 seconds East a distance of 875.57 feet to a point;  
THENCE North 11 degrees 52 minutes 38 seconds East a distance of 26.55 feet to a point;  
THENCE North 50 degrees 18 minutes 59 seconds East a distance of 47.92 feet to a point;  
THENCE North 01 degrees 30 minutes 02 seconds West a distance of 62.59 feet to a point;  
THENCE North 13 degrees 27 minutes 39 seconds East a distance of 69.62 feet to a point;  
THENCE North 73 degrees 24 minutes 27 seconds East a distance of 32.42 feet to a point;  
THENCE North 28 degrees 33 minutes 29 seconds West a distance of 42.32 feet to a point;  
THENCE North 17 degrees 38 minutes 29 seconds East a distance of 31.76 feet to a point;  
THENCE North 32 degrees 22 minutes 06 seconds East a distance of 80.36 feet to a point;  
THENCE North 74 degrees 02 minutes 00 seconds East a distance of 46.63 feet to a point;  
THENCE North 12 degrees 58 minutes 57 seconds East a distance of 49.55 feet to a point;  
THENCE North 07 degrees 31 minutes 42 seconds West a distance of 50.45 feet to a point;  
THENCE North 30 degrees 16 minutes 15 seconds East a distance of 26.90 feet to a point;  
THENCE North 10 degrees 19 minutes 38 seconds West a distance of 26.62 feet to a point;  
THENCE North 58 degrees 48 minutes 33 seconds East a distance of 24.02 feet to a point;  
THENCE North 41 degrees 18 minutes 24 seconds East a distance of 34.46 feet to a point;  
THENCE North 16 degrees 53 minutes 06 seconds West a distance of 36.79 feet to a point;  
THENCE North 77 degrees 44 minutes 30 seconds East a distance of 26.19 feet to a point;  
THENCE North 06 degrees 55 minutes 46 seconds East a distance of 19.96 feet to a point;  
THENCE North 58 degrees 22 minutes 20 seconds East a distance of 32.80 feet to a point;  
THENCE North 52 degrees 55 minutes 19 seconds East a distance of 39.42 feet to a point;  
THENCE North 44 degrees 28 minutes 57 seconds East a distance of 28.81 feet to a point;  
THENCE North 38 degrees 27 minutes 51 seconds East a distance of 28.60 feet to a point;  
THENCE North 63 degrees 30 minutes 30 seconds West a distance of 21.24 feet to a point;  
THENCE North 14 degrees 15 minutes 36 seconds West a distance of 47.62 feet to a point;  
THENCE North 41 degrees 07 minutes 00 seconds East a distance of 23.46 feet to a point;  
THENCE North 08 degrees 45 minutes 20 seconds West a distance of 35.65 feet to a point;  
THENCE North 10 degrees 03 minutes 40 seconds East a distance of 44.66 feet to a point;  
THENCE North 13 degrees 34 minutes 23 seconds West a distance of 63.51 feet to a point;  
THENCE South 72 degrees 35 minutes 22 seconds West a distance of 35.85 feet to a point;  
THENCE North 27 degrees 17 minutes 06 seconds East a distance of 43.82 feet to a point;  
THENCE North 29 degrees 54 minutes 21 seconds West a distance of 49.61 feet to a point;  
THENCE North 26 degrees 51 minutes 13 seconds West a distance of 95.89 feet to a point;  
THENCE North 17 degrees 28 minutes 07 seconds West a distance of 55.39 feet to a point;  
THENCE North 23 degrees 53 minutes 55 seconds West a distance of 149.25 feet to a point;  
THENCE North 17 degrees 29 minutes 34 seconds West a distance of 47.91 feet to a point;  
THENCE North 31 degrees 06 minutes 18 seconds West a distance of 33.89 feet to a point;

THENCE North 12 degrees 15 minutes 25 seconds West a distance of 26.69 feet to a point;  
 THENCE North 65 degrees 43 minutes 13 seconds East a distance of 21.21 feet to a point;  
 THENCE North 60 degrees 10 minutes 55 seconds East a distance of 787.01 feet to a point;  
 THENCE North 21 degrees 58 minutes 54 seconds West a distance of 529.33 feet to a point;  
 THENCE North 50 degrees 49 minutes 21 seconds East a distance of 298.67 feet to a point;  
 THENCE South 42 degrees 11 minutes 33 seconds East a distance of 439.12 feet to a point;  
 THENCE North 47 degrees 05 minutes 23 seconds East a distance of 201.10 feet to a point located on  
 the southwesterly right-of-way of Mulberry Street;  
 THENCE South 46 degrees 31 minutes 54 seconds East a distance of 178.61 feet along said right-of-  
 way to a point;  
 THENCE South 56 degrees 13 minutes 11 seconds West a distance of 409.48 feet leaving said right-  
 of-way to a point;  
 THENCE South 21 degrees 49 minutes 31 seconds East a distance of 400.05 feet to a point;  
 THENCE along a curve to the left for an arc length of 289.42 feet, having a radius of 60.00 feet,  
 being subtended by a chord bearing South 09 degrees 09 minutes 33 seconds East, for a distance of  
 80.01 feet to a point;  
 THENCE North 80 degrees 50 minutes 59 seconds East a distance of 12.88 feet to a point;  
 THENCE South 14 degrees 42 minutes 21 seconds East a distance of 467.39 feet to a point located on  
 the northwesterly right-of-way of Lanier Parkway State Hwy. #365 (I-985);  
 THENCE South 31 degrees 59 minutes 20 seconds West a distance of 146.27 feet along said right-of-  
 way to a point;  
 THENCE South 29 degrees 20 minutes 32 seconds West a distance of 506.50 feet along said right-of-  
 way to a point;  
 THENCE South 36 degrees 25 minutes 35 seconds West a distance of 258.07 feet along said right-of-  
 way to a point;  
 THENCE South 20 degrees 56 minutes 49 seconds West a distance of 240.77 feet along said right-of-  
 way to a point;  
 THENCE South 36 degrees 05 minutes 29 seconds West a distance of 215.20 feet along said right-of-  
 way to a point;  
 THENCE North 67 degrees 12 minutes 40 seconds West a distance of 10.00 feet along said right-of-  
 way to a point;  
 THENCE South 22 degrees 47 minutes 20 seconds West a distance of 701.09 feet along said right-of-  
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 THENCE South 30 degrees 41 minutes 18 seconds West a distance of 300.64 feet along said right-of-  
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 THENCE South 26 degrees 52 minutes 28 seconds West a distance of 325.95 feet along said right-of-  
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Said tract contains an area of 69.806 acres more or less.

## Exhibit "C"

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2. Site plan shall generally adhere to the plan as shown and described below:





### **DEVELOPMENT SUMMARY**

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OPEN SPACE/Common Area PROVIDED =  $\pm 19$  AC. (39%)  
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6. PHASE 2 DEVELOPMENT SUMMARY:  
BOUNDARY ACREAGE:  $\pm 69.806$  ACRES  
TOTAL No. PROPOSED SINGLE-FAMILY DETACHED LOTS: 138 (LOT #S 100-237)  
GROSS/NET DENSITY: 1.97 LOTS/ACRE  
OPEN SPACE/Common Area PROVIDED =  $\pm 34$  AC. (46%)  
TOTAL LENGTH OF STREETS:  $\pm 6,775$  L.F.
7. MINIMUM SINGLE-FAMILY DETACHED LOT SIZE: (SEE TYPICAL LOT DETAIL)
8. PROPOSED SETBACKS SINGLE-FAMILY DETACHED:  
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SIDE - 5'

3. Applicant will revise its Traffic Study dated May 26, 2021, to include (1) a signal warrant analysis at Mulberry Street/Phil Niekro Blvd. intersection and (2) a traffic calming study on Mulberry Street from the proposed subdivision to Phil Niekro Blvd.
  - a. Revised study does NOT need to be completed before zoning approval.
  - b. If a signal is warranted, applicant will NOT be responsible for the cost or installation of the signal.
  - c. Prior to final plat approval, applicant will construct a northbound exclusive right turn lane from Mulberry Street onto Phil Niekro Blvd. City will give Applicant adequate right-of-way to construct the turn lane at no additional cost.
  - d. Prior to final plat approval, Applicant will construct recommended traffic calming measures along Mulberry Street from the proposed development to Phil Niekro Blvd as prescribed by the above revised traffic study.
  - e. Applicant shall install "Do Not Block the Intersection" signs and markings on Phil Niekro Boulevard prior to final plat approval.
4. Prior to the approval of the final plat, the applicant shall pay \$100,000 to City of Flowery Branch for implementation, installation, and construction of any other improvements recommended by the approved traffic impact study. All design and construction, other than improvements on Mulberry Street, shall be the responsibility of the City of Flowery

Branch.

5. Development shall meet all requirements set forth in ordinance 657 adopted on December 16, 2021, except for the following:

**Sec. 12.6. - Townhouses.**

(b) *Lot Size.* The minimum size of a lot for each fee-simple townhouse lot (i.e., the extent of land owned by the owner of the unit) shall be 2,000 square feet in lot area. **A maximum of thirty-three (33) townhomes shall have a minimum lot-size of 1,800 square feet in area.**

(e) *Rear Setbacks.* There shall be a minimum twenty (20) foot rear setback from townhouse lot boundaries for all buildings and structures, except when the rear property line abuts an alley, in which case no setback shall be required. **Rear setback shall be reduced to ten (10) feet to accommodate covered patios.**

6. A Homeowners Association shall be established, and covenants shall be created and submitted to the City prior to formal recording. It shall be the Homeowners Associations responsibility to mandate and enforce a twenty (20) percent limit on homes for lease.

Phase two (parcels 08117 002001 & 08134 000006; ordinances 629 and 630) shall be conditioned as follows:

1. Water and sewer shall be provided by the City of Flowery Branch.
2. Phase II shall be developed in substantial conformity with the Conceptual Land Plan dated 12/02/20 attached hereto as Appendix A and with the following Development Summary.

#### **DEVELOPMENT SUMMARY**

1. EXISTING BOUNDARY ACREAGE: ±117.962 ACRES
2. TAX PARCEL: 08117 002008A, 08117 002016D, 08117 002016B, 08117 002061, 08117 002001 and 08134 000006
3. EXISTING ZONING: M1
4. PROPOSED ZONING: R3
5. PHASE 1 DEVELOPMENT SUMMARY:  
BOUNDARY ACREAGE: ±48.156 ACRES  
TOTAL No. PROPOSED SINGLE-FAMILY DETACHED LOTS: 49  
TOTAL No. PROPOSED TOWNHOME UNITS: 140  
GROSS DENSITY: 3.92 LOTS/ACRE  
NET DENSITY: 4.19 LOTS/ACRE (±6.17 AC. FLOODPLAIN)  
OPEN SPACE/COMMON AREA PROVIDED = ±19 AC. (39%)  
TOTAL LENGTH OF STREETS: ±5,850 L.F.
6. PHASE 2 DEVELOPMENT SUMMARY:  
BOUNDARY ACREAGE: ±69.806 ACRES  
TOTAL No. PROPOSED SINGLE-FAMILY DETACHED LOTS: 138 (LOT #S 100-237)  
GROSS/NET DENSITY: 1.97 LOTS/ACRE  
OPEN SPACE/COMMON AREA PROVIDED = ±34 AC. (46%)  
TOTAL LENGTH OF STREETS: ±6,775 L.F.
7. MINIMUM SINGLE-FAMILY DETACHED LOT SIZE: (SEE TYPICAL LOT DETAIL)
8. PROPOSED SETBACKS SINGLE-FAMILY DETACHED:  
FRONT - 20'  
REAR - 25'  
SIDE - 5'

3. Applicant will revise its Traffic Study dated May 26, 2021, to include (1) a signal warrant analysis at Mulberry Street/Phil Niekro Blvd. intersection and (2) a traffic calming study on Mulberry Street from the proposed subdivision to Phil Niekro Blvd.
  - a. Revised study does NOT need to be completed before zoning approval.
  - b. If a signal is warranted, applicant will NOT be responsible for the cost or installation of the signal.
  - c. If Phase II is initiated prior to Phase I, prior to the issuance of the first certificate of occupancy, applicant will construct a northbound exclusive right turn lane from Mulberry Street onto Phil Niekro Blvd. City will give Applicant adequate right-of-way to construct the turn lane at no additional cost.
  - d. If Phase II is initiated prior to Phase I, prior to final plat approval, Applicant will construct recommended traffic calming measures along Mulberry Street from the proposed development to Phil Niekro Blvd as prescribed by the above revised traffic study.
4. If Phase II is initiated prior to Phase I, prior to the approval of the final plat, the applicant shall pay \$100,000 to City of Flowery Branch for implementation, installation, and construction of any other improvements recommended by the approved traffic impact study. All design and construction, other than improvements on Mulberry Street, shall be the responsibility of the City of Flowery Branch.
5. Prior to issuance of any permit for Phase II, the Developer shall submit a site plan for approval by city staff. If the site plan is not in substantial conformity with the Conceptual Land Plan dated 12/02/20, review and approval by the Mayor and City Council shall be required.
7. Development shall meet all requirements set forth in ordinance 657 adopted on December 16, 2021.
8. A Homeowners Association shall be established, and covenants shall be created and submitted to the City prior to formal recording. It shall be the Homeowners Associations responsibility to mandate and enforce a ten (10) percent limit on homes for lease.



## 14



## **ORDINANCE 628**

**AN ORDINANCE AMENDING THE ZONING MAP OF THE CITY OF FLOWERY BRANCH, GEORGIA, BY REZONING A 2.52 +/- ACRE TRACT OF LAND OWNED BY ADVENTURES IN REAL ESTATE LLC. COMMONLY KNOWN AS 0 FLOWERY WAY, IDENTIFIED AS TAX PARCEL 08117 002061 AS SHOWN ON ATTACHED EXHIBIT “A”, AS DESCRIBED ON EXHIBIT “B”, FROM M-1 (LIGHT INDUSTRIAL) TO R-3 (MULTI-FAMILY RESIDENTIAL) SUBJECT TO THE CONDITIONS SET FORTH IN EXHIBIT “C”; PROVIDING FOR SEVERABILITY, REPEALING CONFLICTING ORDINANCES, PROVIDING FOR AN EFFECTIVE DATE AND FOR ALL OTHER LAWFUL PURPOSES.**

**WHEREAS**, Stark Land Development, LLC. desires to develop the 2.52+/- acre tract of land identified as tax parcel 08117 002016; shown on Exhibit “A”; and legally described on Exhibit “B”; and

**WHEREAS**, specific conditions shall be placed on subject property are shown on attached exhibit “C”; and

**WHEREAS**, the City Council of the City of Flowery Branch has considered the rezoning application of Stark Land Development, LLC. in conjunction with the standards set forth in Article 34 - Section 34.7 of Zoning Ordinance No. 348 of the City of Flowery Branch, Georgia; and

**WHEREAS**, Stark Land Development, 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 January 6, 2022, duly noticed as prescribed by law and published in the Gainesville Times, regarding said application, as shall be set forth in the minutes of said meeting.

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

### **SECTION 1. FINDINGS.**

The City Council finds that the proposed rezoning of the parcel from Flowery Branch M-1 (Light Industrial) to Flowery Branch R-3 (Residential Multi-Family) 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 shall be used in accordance with the existing regulations and has a reasonable economic use as currently zoned.
4. The development if approved and constructed is not expected to result in a use which will or could cause an excessive or burdensome use of existing streets, transportation facilities, utilities, or schools.
5. The proposal is in conformity with the policy and intent of the comprehensive plan and 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 M-1(Light Industrial) as opposed to the proposed R-3 (Residential Multi-Family).
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 changes to the R-3 zoning district.
10. Development as proposed is not expected to impact on the environment, including but not limited to, drainage, soil erosion and sedimentation, flooding, air quality and water quality. Compliance with city subdivision and land development regulations will be required, which include but are not limited to soil erosion and sedimentation, stormwater, and flood damage prevention.

## **SECTION 2. LEGAL DESCRIPTION AND CONDITIONS.**

The property as shown in attached Exhibit “A” and as legally described in Exhibit “B” shall be rezoned to R-3 (Residential Multi-Family). Conditions are set forth in Exhibit “C”. Said Exhibits are incorporated by reference as if fully set forth herein.

## **SECTION 3. AMENDMENT OF THE ZONING MAP.**

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

**SECTION 4. SEVERABILITY.**

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

**SECTION 5. EFFECTIVE DATE.**

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

**SECTION 6. REPEALER.**

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

Adopted this 20<sup>th</sup> day of January 2022.

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Edward R. Asbridge, Mayor

ATTEST:

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Shelia R. Cooper, City Clerk

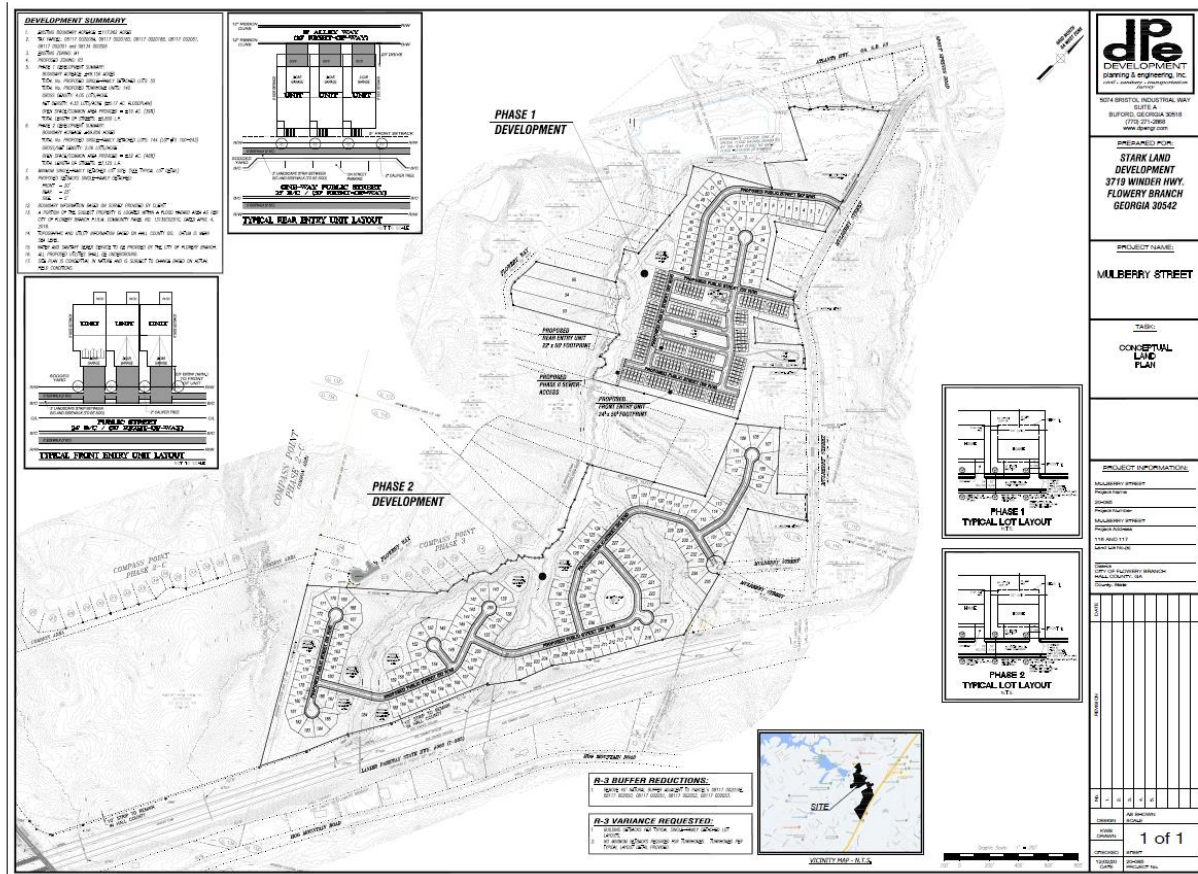
APPROVED AS TO FORM:

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E. Ronald Bennett, Jr., City Attorney



# Exhibit "A"



## Exhibit "B"

All that tract or parcel of land lying and being in Land Lot 117 of the 8th District, City of Flowery Branch, Hall County, Georgia and being more particularly described as follows.

Beginning at the Land Lot Corner common to Land Lots 116, 117, 133 and 134; THENCE North 15 degrees 02 minutes 30 seconds East for a distance of 1214.17 feet to a point on the easterly right-of-way of Flowery Way ( 50' r/w), said point being THE TRUE POINT OF BEGINNING;

THENCE North 54 degrees 28 minutes 51 seconds West a distance of 79.88 feet to a point;

THENCE along a curve to the right for an arc length of 83.93 feet, having a radius of 97.73 feet, being subtended by a chord bearing North 27 degrees 50 minutes 09 seconds West, for a distance of 81.37 feet to a point;

THENCE North 00 degrees 37 minutes 14 seconds East a distance of 37.65 feet to a point;

THENCE along a curve to the left for an arc length of 161.59 feet, having a radius of 1062.34 feet, being subtended by a chord bearing North 02 degrees 23 minutes 32 seconds East, for a distance of 161.43 feet to a point;

THENCE North 59 degrees 21 minutes 52 seconds East a distance of 550.94 feet to a point;

THENCE North 29 degrees 41 minutes 03 seconds West a distance of 227.76 feet to a point;

THENCE North 60 degrees 06 minutes 17 seconds East a distance of 95.98 feet to a point;

THENCE North 05 degrees 32 minutes 20 seconds West a distance of 505.00 feet to a point;

THENCE North 30 degrees 48 minutes 47 seconds West a distance of 200.02 feet to a point;

THENCE North 60 degrees 07 minutes 29 seconds East a distance of 546.35 feet to a point;

THENCE North 61 degrees 45 minutes 30 seconds West a distance of 170.77 feet to a point;

THENCE North 40 degrees 21 minutes 09 seconds East a distance of 281.72 feet to a point;

THENCE North 62 degrees 53 minutes 14 seconds West a distance of 366.82 feet to a point;

THENCE North 08 degrees 38 minutes 44 seconds West a distance of 3.72 feet to a point;

THENCE North 34 degrees 56 minutes 31 seconds East a distance of 32.42 feet to a point;

THENCE North 56 degrees 32 minutes 25 seconds East a distance of 104.80 feet to a point;

THENCE North 27 degrees 43 minutes 17 seconds East a distance of 60.76 feet to a point;

THENCE North 39 degrees 43 minutes 06 seconds East a distance of 52.39 feet to a point;

THENCE North 46 degrees 23 minutes 29 seconds East a distance of 104.80 feet to a point;

THENCE North 45 degrees 36 minutes 51 seconds East a distance of 102.84 feet to a point;

THENCE North 60 degrees 29 minutes 30 seconds East a distance of 49.12 feet to a point;

THENCE North 54 degrees 07 minutes 44 seconds East a distance of 93.75 feet to a point;

THENCE North 42 degrees 33 minutes 43 seconds East a distance of 80.31 feet to a point located on the westerly right-of-way of Mulberry Street;

THENCE South 21 degrees 44 minutes 30 seconds East a distance of 175.25 feet along said right-of-way to a point;

THENCE along a curve to the right for an arc length of 313.04 feet, having a radius of 2200.00 feet, being subtended by a chord bearing South 17 degrees 39 minutes 56 seconds East, for a distance of 312.77 feet along said right-of-way to a point;

THENCE South 13 degrees 35 minutes 21 seconds East a distance of 195.20 feet along said right-of-way to a point;

THENCE along a curve to the left for an arc length of 57.05 feet, having a radius of 2300.00 feet, being subtended by a chord bearing South 14 degrees 18 minutes 00 seconds East, for a distance of 57.05 feet along said right-of-way along said right-of-way to a point;

THENCE South 15 degrees 10 minutes 26 seconds East a distance of 185.01 feet along said right-of-way to a point;  
 THENCE South 56 degrees 37 minutes 14 seconds West a distance of 346.80 feet leaving said right-of-way to a point;  
 THENCE South 58 degrees 04 minutes 45 seconds East a distance of 70.72 feet to a point;  
 THENCE South 33 degrees 41 minutes 04 seconds East a distance of 326.98 feet to a point;  
 THENCE North 68 degrees 43 minutes 53 seconds East a distance of 204.17 feet to a point located on the southwesterly right-of-way of Mulberry Street;  
 THENCE South 34 degrees 22 minutes 19 seconds East a distance of 56.13 feet along said right-of-way to a point;  
 THENCE South 50 degrees 07 minutes 20 seconds East a distance of 100.00 feet along said right-of-way to a point;  
 THENCE South 59 degrees 48 minutes 22 seconds East a distance of 100.00 feet along said right-of-way to a point;  
 THENCE South 59 degrees 21 minutes 30 seconds West a distance of 309.92 feet leaving said right-of-way to a point;  
 THENCE South 48 degrees 30 minutes 26 seconds East a distance of 170.07 feet to a point;  
 THENCE North 47 degrees 46 minutes 21 seconds East a distance of 318.84 feet to a point located on the southwesterly right-of-way of Mulberry Street;  
 THENCE along a curve to the right for an arc length of 94.92 feet, having a radius of 425.00 feet, being subtended by a chord bearing South 53 degrees 05 minutes 41 seconds East, for a distance of 94.72 feet along said right-of-way to a point;  
 THENCE South 46 degrees 41 minutes 47 seconds East a distance of 67.27 feet along said right-of-way to a point;  
 THENCE South 47 degrees 35 minutes 36 seconds West a distance of 347.20 feet leaving said right-of-way to a point;  
 THENCE South 27 degrees 38 minutes 32 seconds East a distance of 367.62 feet to a point;  
 THENCE South 60 degrees 15 minutes 22 seconds West a distance of 649.98 feet to a point;  
 THENCE South 60 degrees 16 minutes 13 seconds West a distance of 352.85 feet to a point;  
 THENCE North 48 degrees 12 minutes 16 seconds West a distance of 30.32 feet to a point;  
 THENCE North 02 degrees 53 minutes 11 seconds West a distance of 24.24 feet to a point;  
 THENCE North 24 degrees 11 minutes 12 seconds West a distance of 30.92 feet to a point;  
 THENCE North 40 degrees 44 minutes 55 seconds East a distance of 27.08 feet to a point;  
 THENCE North 07 degrees 29 minutes 14 seconds East a distance of 37.47 feet to a point;  
 THENCE North 56 degrees 00 minutes 04 seconds West a distance of 35.03 feet to a point;  
 THENCE South 78 degrees 44 minutes 58 seconds West a distance of 37.19 feet to a point;  
 THENCE North 10 degrees 05 minutes 48 seconds West a distance of 14.68 feet to a point;  
 THENCE North 11 degrees 22 minutes 48 seconds East a distance of 35.30 feet to a point;  
 THENCE North 06 degrees 31 minutes 58 seconds East a distance of 20.38 feet to a point;  
 THENCE North 39 degrees 32 minutes 23 seconds West a distance of 28.59 feet to a point;  
 THENCE North 04 degrees 29 minutes 41 seconds West a distance of 33.89 feet to a point;  
 THENCE North 00 degrees 17 minutes 51 seconds West a distance of 39.43 feet to a point;  
 THENCE North 04 degrees 15 minutes 12 seconds East a distance of 30.56 feet to a point;  
 THENCE South 60 degrees 19 minutes 46 seconds West a distance of 742.04 feet to a point, said point being THE TRUE POINT OF BEGINNING.

Said tract contains an area of 48.156 acres more or less.

Together with:

All that tract or parcel of land lying and being in Land Lot 116 and 117 of the 8th District, City of Flowery Branch, Hall County, Georgia and being more particularly described as follows.

Beginning at the Land Lot Corner common to Land Lots 116, 117, 133 and 134; THENCE South 30 degrees 22 minutes 57 seconds East for a distance of 1101.65 feet to a point; THENCE South 30 degrees 21 minutes 16 seconds East for a distance of 218.48 feet to a point, said point being THE TRUE POINT OF BEGINNING;

THENCE North 48 degrees 22 minutes 48 seconds East a distance of 875.57 feet to a point;  
THENCE North 11 degrees 52 minutes 38 seconds East a distance of 26.55 feet to a point;  
THENCE North 50 degrees 18 minutes 59 seconds East a distance of 47.92 feet to a point;  
THENCE North 01 degrees 30 minutes 02 seconds West a distance of 62.59 feet to a point;  
THENCE North 13 degrees 27 minutes 39 seconds East a distance of 69.62 feet to a point;  
THENCE North 73 degrees 24 minutes 27 seconds East a distance of 32.42 feet to a point;  
THENCE North 28 degrees 33 minutes 29 seconds West a distance of 42.32 feet to a point;  
THENCE North 17 degrees 38 minutes 29 seconds East a distance of 31.76 feet to a point;  
THENCE North 32 degrees 22 minutes 06 seconds East a distance of 80.36 feet to a point;  
THENCE North 74 degrees 02 minutes 00 seconds East a distance of 46.63 feet to a point;  
THENCE North 12 degrees 58 minutes 57 seconds East a distance of 49.55 feet to a point;  
THENCE North 07 degrees 31 minutes 42 seconds West a distance of 50.45 feet to a point;  
THENCE North 30 degrees 16 minutes 15 seconds East a distance of 26.90 feet to a point;  
THENCE North 10 degrees 19 minutes 38 seconds West a distance of 26.62 feet to a point;  
THENCE North 58 degrees 48 minutes 33 seconds East a distance of 24.02 feet to a point;  
THENCE North 41 degrees 18 minutes 24 seconds East a distance of 34.46 feet to a point;  
THENCE North 16 degrees 53 minutes 06 seconds West a distance of 36.79 feet to a point;  
THENCE North 77 degrees 44 minutes 30 seconds East a distance of 26.19 feet to a point;  
THENCE North 06 degrees 55 minutes 46 seconds East a distance of 19.96 feet to a point;  
THENCE North 58 degrees 22 minutes 20 seconds East a distance of 32.80 feet to a point;  
THENCE North 52 degrees 55 minutes 19 seconds East a distance of 39.42 feet to a point;  
THENCE North 44 degrees 28 minutes 57 seconds East a distance of 28.81 feet to a point;  
THENCE North 38 degrees 27 minutes 51 seconds East a distance of 28.60 feet to a point;  
THENCE North 63 degrees 30 minutes 30 seconds West a distance of 21.24 feet to a point;  
THENCE North 14 degrees 15 minutes 36 seconds West a distance of 47.62 feet to a point;  
THENCE North 41 degrees 07 minutes 00 seconds East a distance of 23.46 feet to a point;  
THENCE North 08 degrees 45 minutes 20 seconds West a distance of 35.65 feet to a point;  
THENCE North 10 degrees 03 minutes 40 seconds East a distance of 44.66 feet to a point;  
THENCE North 13 degrees 34 minutes 23 seconds West a distance of 63.51 feet to a point;  
THENCE South 72 degrees 35 minutes 22 seconds West a distance of 35.85 feet to a point;  
THENCE North 27 degrees 17 minutes 06 seconds East a distance of 43.82 feet to a point;  
THENCE North 29 degrees 54 minutes 21 seconds West a distance of 49.61 feet to a point;  
THENCE North 26 degrees 51 minutes 13 seconds West a distance of 95.89 feet to a point;  
THENCE North 17 degrees 28 minutes 07 seconds West a distance of 55.39 feet to a point;  
THENCE North 23 degrees 53 minutes 55 seconds West a distance of 149.25 feet to a point;  
THENCE North 17 degrees 29 minutes 34 seconds West a distance of 47.91 feet to a point;  
THENCE North 31 degrees 06 minutes 18 seconds West a distance of 33.89 feet to a point;



THENCE North 12 degrees 15 minutes 25 seconds West a distance of 26.69 feet to a point;  
 THENCE North 65 degrees 43 minutes 13 seconds East a distance of 21.21 feet to a point;  
 THENCE North 60 degrees 10 minutes 55 seconds East a distance of 787.01 feet to a point;  
 THENCE North 21 degrees 58 minutes 54 seconds West a distance of 529.33 feet to a point;  
 THENCE North 50 degrees 49 minutes 21 seconds East a distance of 298.67 feet to a point;  
 THENCE South 42 degrees 11 minutes 33 seconds East a distance of 439.12 feet to a point;  
 THENCE North 47 degrees 05 minutes 23 seconds East a distance of 201.10 feet to a point located on  
 the southwesterly right-of-way of Mulberry Street;  
 THENCE South 46 degrees 31 minutes 54 seconds East a distance of 178.61 feet along said right-of-  
 way to a point;  
 THENCE South 56 degrees 13 minutes 11 seconds West a distance of 409.48 feet leaving said right-  
 of-way to a point;  
 THENCE South 21 degrees 49 minutes 31 seconds East a distance of 400.05 feet to a point;  
 THENCE along a curve to the left for an arc length of 289.42 feet, having a radius of 60.00 feet,  
 being subtended by a chord bearing South 09 degrees 09 minutes 33 seconds East, for a distance of  
 80.01 feet to a point;  
 THENCE North 80 degrees 50 minutes 59 seconds East a distance of 12.88 feet to a point;  
 THENCE South 14 degrees 42 minutes 21 seconds East a distance of 467.39 feet to a point located on  
 the northwesterly right-of-way of Lanier Parkway State Hwy. #365 (I-985);  
 THENCE South 31 degrees 59 minutes 20 seconds West a distance of 146.27 feet along said right-of-  
 way to a point;  
 THENCE South 29 degrees 20 minutes 32 seconds West a distance of 506.50 feet along said right-of-  
 way to a point;  
 THENCE South 36 degrees 25 minutes 35 seconds West a distance of 258.07 feet along said right-of-  
 way to a point;  
 THENCE South 20 degrees 56 minutes 49 seconds West a distance of 240.77 feet along said right-of-  
 way to a point;  
 THENCE South 36 degrees 05 minutes 29 seconds West a distance of 215.20 feet along said right-of-  
 way to a point;  
 THENCE North 67 degrees 12 minutes 40 seconds West a distance of 10.00 feet along said right-of-  
 way to a point;  
 THENCE South 22 degrees 47 minutes 20 seconds West a distance of 701.09 feet along said right-of-  
 way to a point;  
 THENCE South 30 degrees 41 minutes 18 seconds West a distance of 300.64 feet along said right-of-  
 way to a point;  
 THENCE South 23 degrees 03 minutes 37 seconds West a distance of 301.00 feet along said right-of-  
 way to a point;  
 THENCE South 26 degrees 52 minutes 28 seconds West a distance of 325.95 feet along said right-of-  
 way to a point;  
 THENCE North 30 degrees 22 minutes 57 seconds West a distance of 1255.51 feet leaving said right-  
 of-way to a point, said point being THE TRUE POINT OF BEGINNING.

Said tract contains an area of 69.806 acres more or less.

## Exhibit "C"

Phase one (parcels 08117 002008A, 08117 002016D, 08117 002016B, and 08117 002061; ordinances 625, 626, 627, & 628) shall be conditioned as follows:

1. Water and sewer shall be provided by the City of Flowery Branch.
2. Site plan shall generally adhere to the plan as shown and described below:



### **DEVELOPMENT SUMMARY**

1. EXISTING BOUNDARY ACREAGE:  $\pm 117.962$  ACRES
2. TAX PARCEL: 08117 002008A, 08117 002016D, 08117 002016B, 08117 002061, 08117 002001 and 08134 000006
3. EXISTING ZONING: M1
4. PROPOSED ZONING: R3
5. PHASE 1 DEVELOPMENT SUMMARY:  
BOUNDARY ACREAGE:  $\pm 48.156$  ACRES  
TOTAL No. PROPOSED SINGLE-FAMILY DETACHED LOTS: 49  
TOTAL No. PROPOSED TOWNHOME UNITS: 140  
GROSS DENSITY: 3.92 LOTS/ACRE  
NET DENSITY: 4.19 LOTS/ACRE ( $\pm 6.17$  AC. FLOODPLAIN)  
OPEN SPACE/Common Area PROVIDED =  $\pm 19$  AC. (39%)  
TOTAL LENGTH OF STREETS:  $\pm 5,850$  L.F.
6. PHASE 2 DEVELOPMENT SUMMARY:  
BOUNDARY ACREAGE:  $\pm 69.806$  ACRES  
TOTAL No. PROPOSED SINGLE-FAMILY DETACHED LOTS: 138 (LOT #S 100-237)  
GROSS/NET DENSITY: 1.97 LOTS/ACRE  
OPEN SPACE/Common Area PROVIDED =  $\pm 34$  AC. (46%)  
TOTAL LENGTH OF STREETS:  $\pm 6,775$  L.F.
7. MINIMUM SINGLE-FAMILY DETACHED LOT SIZE: (SEE TYPICAL LOT DETAIL)
8. PROPOSED SETBACKS SINGLE-FAMILY DETACHED:  
FRONT - 20'  
REAR - 25'  
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3. Applicant will revise its Traffic Study dated May 26, 2021, to include (1) a signal warrant analysis at Mulberry Street/Phil Niekro Blvd. intersection and (2) a traffic calming study on Mulberry Street from the proposed subdivision to Phil Niekro Blvd.
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  - b. If a signal is warranted, applicant will NOT be responsible for the cost or installation of the signal.
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  - e. Applicant shall install "Do Not Block the Intersection" signs and markings on Phil Niekro Boulevard prior to final plat approval.
4. Prior to the approval of the final plat, the applicant shall pay \$100,000 to City of Flowery Branch for implementation, installation, and construction of any other improvements recommended by the approved traffic impact study. All design and construction, other than improvements on Mulberry Street, shall be the responsibility of the City of Flowery

Branch.

5. Development shall meet all requirements set forth in ordinance 657 adopted on December 16, 2021, except for the following:

**Sec. 12.6. - Townhouses.**

(b) *Lot Size.* The minimum size of a lot for each fee-simple townhouse lot (i.e., the extent of land owned by the owner of the unit) shall be 2,000 square feet in lot area. **A maximum of thirty-three (33) townhomes shall have a minimum lot-size of 1,800 square feet in area.**

(e) *Rear Setbacks.* There shall be a minimum twenty (20) foot rear setback from townhouse lot boundaries for all buildings and structures, except when the rear property line abuts an alley, in which case no setback shall be required. **Rear setback shall be reduced to ten (10) feet to accommodate covered patios.**

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BOUNDARY ACREAGE: ±69.806 ACRES  
TOTAL No. PROPOSED SINGLE-FAMILY DETACHED LOTS: 138 (LOT #S 100-237)  
GROSS/NET DENSITY: 1.97 LOTS/ACRE  
OPEN SPACE/COMMON AREA PROVIDED = ±34 AC. (46%)  
TOTAL LENGTH OF STREETS: ±6,775 L.F.
7. MINIMUM SINGLE-FAMILY DETACHED LOT SIZE: (SEE TYPICAL LOT DETAIL)
8. PROPOSED SETBACKS SINGLE-FAMILY DETACHED:  
FRONT - 20'  
REAR - 25'  
SIDE - 5'

3. Applicant will revise its Traffic Study dated May 26, 2021, to include (1) a signal warrant analysis at Mulberry Street/Phil Niekro Blvd. intersection and (2) a traffic calming study on Mulberry Street from the proposed subdivision to Phil Niekro Blvd.
  - a. Revised study does NOT need to be completed before zoning approval.
  - b. If a signal is warranted, applicant will NOT be responsible for the cost or installation of the signal.
  - c. If Phase II is initiated prior to Phase I, prior to the issuance of the first certificate of occupancy, applicant will construct a northbound exclusive right turn lane from Mulberry Street onto Phil Niekro Blvd. City will give Applicant adequate right-of-way to construct the turn lane at no additional cost.
  - d. If Phase II is initiated prior to Phase I, prior to final plat approval, Applicant will construct recommended traffic calming measures along Mulberry Street from the proposed development to Phil Niekro Blvd as prescribed by the above revised traffic study.
4. If Phase II is initiated prior to Phase I, prior to the approval of the final plat, the applicant shall pay \$100,000 to City of Flowery Branch for implementation, installation, and construction of any other improvements recommended by the approved traffic impact study. All design and construction, other than improvements on Mulberry Street, shall be the responsibility of the City of Flowery Branch.
5. Prior to issuance of any permit for Phase II, the Developer shall submit a site plan for approval by city staff. If the site plan is not in substantial conformity with the Conceptual Land Plan dated 12/02/20, review and approval by the Mayor and City Council shall be required.
7. Development shall meet all requirements set forth in ordinance 657 adopted on December 16, 2021.
8. A Homeowners Association shall be established, and covenants shall be created and submitted to the City prior to formal recording. It shall be the Homeowners Associations responsibility to mandate and enforce a ten (10) percent limit on homes for lease.

## 14











## ORDINANCE 630

**AN ORDINANCE AMENDING THE ZONING MAP OF THE CITY OF FLOWERY BRANCH, GEORGIA, BY REZONING A 33.15 +/- ACRE TRACT OF LAND OWNED BY ADVENTURES IN REAL ESTATE LLC. COMMONLY KNOWN AS 0 FLOWERY WAY, IDENTIFIED AS TAX PARCEL 08117 000006 AS SHOWN ON ATTACHED EXHIBIT “A”, AS DESCRIBED ON EXHIBIT “B”, FROM M-1 (LIGHT INDUSTRIAL) TO R-3 (MULTI-FAMILY RESIDENTIAL) SUBJECT TO THE CONDITIONS SET FORTH IN EXHIBIT “C”; PROVIDING FOR SEVERABILITY, REPEALING CONFLICTING ORDINANCES, PROVIDING FOR AN EFFECTIVE DATE AND FOR ALL OTHER LAWFUL PURPOSES.**

**WHEREAS**, Stark Land Development, LLC. desires to develop the 33.15+/- acre tract of land identified as tax parcel 08117 00006; shown on Exhibit “A”; and legally described on Exhibit “B”; and

**WHEREAS**, specific conditions shall be placed on subject property are shown on attached exhibit “C”; and

**WHEREAS**, the City Council of the City of Flowery Branch has considered the rezoning application of Stark Land Development, LLC. in conjunction with the standards set forth in Article 34 - Section 34.7 of Zoning Ordinance No. 348 of the City of Flowery Branch, Georgia; and

**WHEREAS**, Stark Land Development, 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 January 6, 2022, duly noticed as prescribed by law and published in the Gainesville Times, regarding said application, as shall be set forth in the minutes of said meeting.

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

### **SECTION 1. FINDINGS.**

The City Council finds that the proposed rezoning of the parcel from Flowery Branch M-1 (Light Industrial) to Flowery Branch R-3 (Residential Multi-Family) 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 shall be used in accordance with the existing regulations and has a reasonable economic use as currently zoned.
4. The development if approved and constructed is not expected to result in a use which will or could cause an excessive or burdensome use of existing streets, transportation facilities, utilities, or schools.
5. The proposal is in conformity with the policy and intent of the comprehensive plan and 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 M-1(Light Industrial) as opposed to the proposed R-3 (Residential Multi-Family).
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 changes to the R-3 zoning district.
10. Development as proposed is not expected to impact on the environment, including but not limited to, drainage, soil erosion and sedimentation, flooding, air quality and water quality. Compliance with city subdivision and land development regulations will be required, which include but are not limited to soil erosion and sedimentation, stormwater, and flood damage prevention.

## **SECTION 2. LEGAL DESCRIPTION AND CONDITIONS.**

The property as shown in attached Exhibit “A” and as legally described in Exhibit “B” shall be rezoned to R-3 (Residential Multi-Family). Conditions are set forth in Exhibit “C”. Said Exhibits are incorporated by reference as if fully set forth herein.

## **SECTION 3. AMENDMENT OF THE ZONING MAP.**

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



**SECTION 4. SEVERABILITY.**

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

**SECTION 5. EFFECTIVE DATE.**

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

**SECTION 6. REPEALER.**

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

Adopted this 20<sup>th</sup> day of January 2022.

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Edward R. Asbridge, Mayor

ATTEST:

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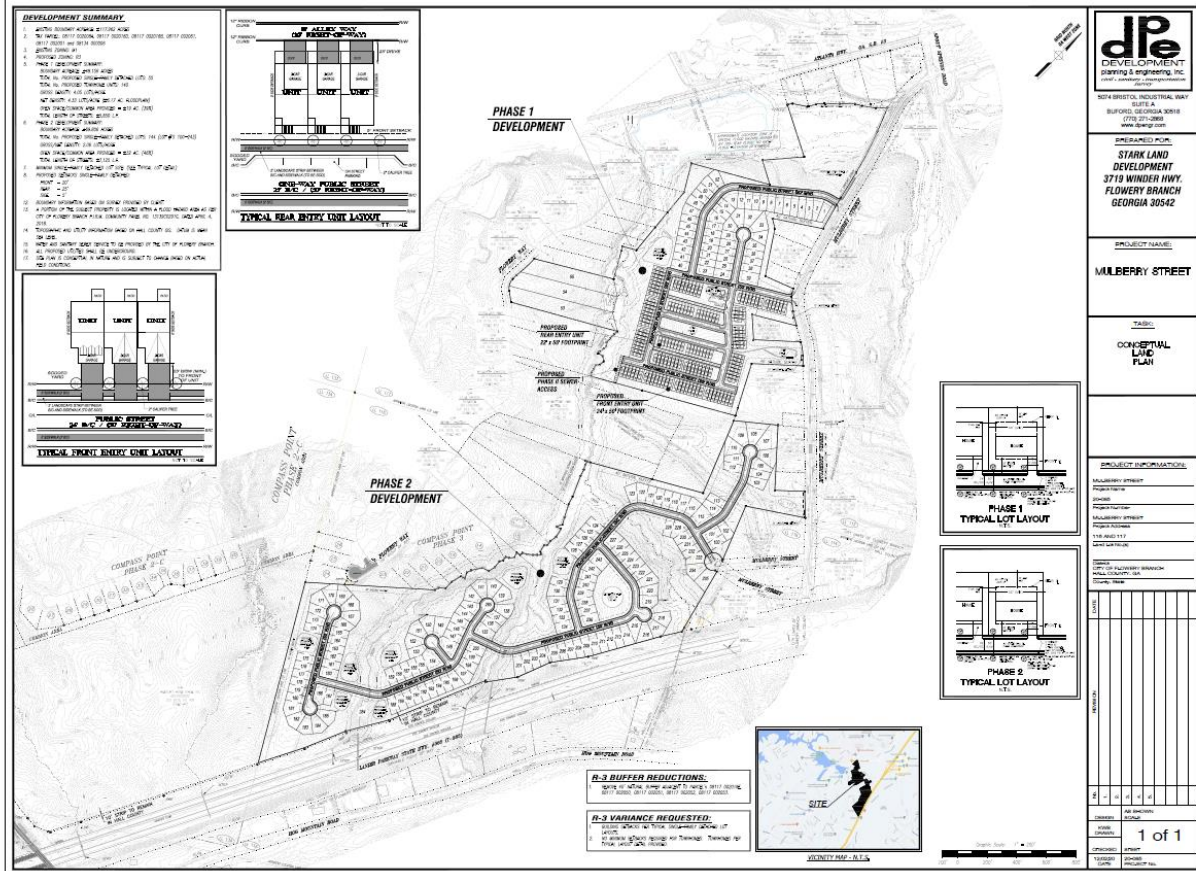
Shelia R. Cooper, City Clerk

APPROVED AS TO FORM:

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E. Ronald Bennett, Jr., City Attorney

# Exhibit "A"



## Exhibit "B"

All that tract or parcel of land lying and being in Land Lot 117 of the 8th District, City of Flowery Branch, Hall County, Georgia and being more particularly described as follows.

Beginning at the Land Lot Corner common to Land Lots 116, 117, 133 and 134; THENCE North 15 degrees 02 minutes 30 seconds East for a distance of 1214.17 feet to a point on the easterly right-of-way of Flowery Way ( 50' r/w), said point being THE TRUE POINT OF BEGINNING;

THENCE North 54 degrees 28 minutes 51 seconds West a distance of 79.88 feet to a point;

THENCE along a curve to the right for an arc length of 83.93 feet, having a radius of 97.73 feet, being subtended by a chord bearing North 27 degrees 50 minutes 09 seconds West, for a distance of 81.37 feet to a point;

THENCE North 00 degrees 37 minutes 14 seconds East a distance of 37.65 feet to a point;

THENCE along a curve to the left for an arc length of 161.59 feet, having a radius of 1062.34 feet, being subtended by a chord bearing North 02 degrees 23 minutes 32 seconds East, for a distance of 161.43 feet to a point;

THENCE North 59 degrees 21 minutes 52 seconds East a distance of 550.94 feet to a point;

THENCE North 29 degrees 41 minutes 03 seconds West a distance of 227.76 feet to a point;

THENCE North 60 degrees 06 minutes 17 seconds East a distance of 95.98 feet to a point;

THENCE North 05 degrees 32 minutes 20 seconds West a distance of 505.00 feet to a point;

THENCE North 30 degrees 48 minutes 47 seconds West a distance of 200.02 feet to a point;

THENCE North 60 degrees 07 minutes 29 seconds East a distance of 546.35 feet to a point;

THENCE North 61 degrees 45 minutes 30 seconds West a distance of 170.77 feet to a point;

THENCE North 40 degrees 21 minutes 09 seconds East a distance of 281.72 feet to a point;

THENCE North 62 degrees 53 minutes 14 seconds West a distance of 366.82 feet to a point;

THENCE North 08 degrees 38 minutes 44 seconds West a distance of 3.72 feet to a point;

THENCE North 34 degrees 56 minutes 31 seconds East a distance of 32.42 feet to a point;

THENCE North 56 degrees 32 minutes 25 seconds East a distance of 104.80 feet to a point;

THENCE North 27 degrees 43 minutes 17 seconds East a distance of 60.76 feet to a point;

THENCE North 39 degrees 43 minutes 06 seconds East a distance of 52.39 feet to a point;

THENCE North 46 degrees 23 minutes 29 seconds East a distance of 104.80 feet to a point;

THENCE North 45 degrees 36 minutes 51 seconds East a distance of 102.84 feet to a point;

THENCE North 60 degrees 29 minutes 30 seconds East a distance of 49.12 feet to a point;

THENCE North 54 degrees 07 minutes 44 seconds East a distance of 93.75 feet to a point;

THENCE North 42 degrees 33 minutes 43 seconds East a distance of 80.31 feet to a point located on the westerly right-of-way of Mulberry Street;

THENCE South 21 degrees 44 minutes 30 seconds East a distance of 175.25 feet along said right-of-way to a point;

THENCE along a curve to the right for an arc length of 313.04 feet, having a radius of 2200.00 feet, being subtended by a chord bearing South 17 degrees 39 minutes 56 seconds East, for a distance of 312.77 feet along said right-of-way to a point;

THENCE South 13 degrees 35 minutes 21 seconds East a distance of 195.20 feet along said right-of-way to a point;

THENCE along a curve to the left for an arc length of 57.05 feet, having a radius of 2300.00 feet, being subtended by a chord bearing South 14 degrees 18 minutes 00 seconds East, for a distance of 57.05 feet along said right-of-way along said right-of-way to a point;

THENCE South 15 degrees 10 minutes 26 seconds East a distance of 185.01 feet along said right-of-way to a point;  
 THENCE South 56 degrees 37 minutes 14 seconds West a distance of 346.80 feet leaving said right-of-way to a point;  
 THENCE South 58 degrees 04 minutes 45 seconds East a distance of 70.72 feet to a point;  
 THENCE South 33 degrees 41 minutes 04 seconds East a distance of 326.98 feet to a point;  
 THENCE North 68 degrees 43 minutes 53 seconds East a distance of 204.17 feet to a point located on the southwesterly right-of-way of Mulberry Street;  
 THENCE South 34 degrees 22 minutes 19 seconds East a distance of 56.13 feet along said right-of-way to a point;  
 THENCE South 50 degrees 07 minutes 20 seconds East a distance of 100.00 feet along said right-of-way to a point;  
 THENCE South 59 degrees 48 minutes 22 seconds East a distance of 100.00 feet along said right-of-way to a point;  
 THENCE South 59 degrees 21 minutes 30 seconds West a distance of 309.92 feet leaving said right-of-way to a point;  
 THENCE South 48 degrees 30 minutes 26 seconds East a distance of 170.07 feet to a point;  
 THENCE North 47 degrees 46 minutes 21 seconds East a distance of 318.84 feet to a point located on the southwesterly right-of-way of Mulberry Street;  
 THENCE along a curve to the right for an arc length of 94.92 feet, having a radius of 425.00 feet, being subtended by a chord bearing South 53 degrees 05 minutes 41 seconds East, for a distance of 94.72 feet along said right-of-way to a point;  
 THENCE South 46 degrees 41 minutes 47 seconds East a distance of 67.27 feet along said right-of-way to a point;  
 THENCE South 47 degrees 35 minutes 36 seconds West a distance of 347.20 feet leaving said right-of-way to a point;  
 THENCE South 27 degrees 38 minutes 32 seconds East a distance of 367.62 feet to a point;  
 THENCE South 60 degrees 15 minutes 22 seconds West a distance of 649.98 feet to a point;  
 THENCE South 60 degrees 16 minutes 13 seconds West a distance of 352.85 feet to a point;  
 THENCE North 48 degrees 12 minutes 16 seconds West a distance of 30.32 feet to a point;  
 THENCE North 02 degrees 53 minutes 11 seconds West a distance of 24.24 feet to a point;  
 THENCE North 24 degrees 11 minutes 12 seconds West a distance of 30.92 feet to a point;  
 THENCE North 40 degrees 44 minutes 55 seconds East a distance of 27.08 feet to a point;  
 THENCE North 07 degrees 29 minutes 14 seconds East a distance of 37.47 feet to a point;  
 THENCE North 56 degrees 00 minutes 04 seconds West a distance of 35.03 feet to a point;  
 THENCE South 78 degrees 44 minutes 58 seconds West a distance of 37.19 feet to a point;  
 THENCE North 10 degrees 05 minutes 48 seconds West a distance of 14.68 feet to a point;  
 THENCE North 11 degrees 22 minutes 48 seconds East a distance of 35.30 feet to a point;  
 THENCE North 06 degrees 31 minutes 58 seconds East a distance of 20.38 feet to a point;  
 THENCE North 39 degrees 32 minutes 23 seconds West a distance of 28.59 feet to a point;  
 THENCE North 04 degrees 29 minutes 41 seconds West a distance of 33.89 feet to a point;  
 THENCE North 00 degrees 17 minutes 51 seconds West a distance of 39.43 feet to a point;  
 THENCE North 04 degrees 15 minutes 12 seconds East a distance of 30.56 feet to a point;  
 THENCE South 60 degrees 19 minutes 46 seconds West a distance of 742.04 feet to a point, said point being THE TRUE POINT OF BEGINNING.

Said tract contains an area of 48.156 acres more or less.



Together with:

All that tract or parcel of land lying and being in Land Lot 116 and 117 of the 8th District, City of Flowery Branch, Hall County, Georgia and being more particularly described as follows.

Beginning at the Land Lot Corner common to Land Lots 116, 117, 133 and 134; THENCE South 30 degrees 22 minutes 57 seconds East for a distance of 1101.65 feet to a point; THENCE South 30 degrees 21 minutes 16 seconds East for a distance of 218.48 feet to a point, said point being THE TRUE POINT OF BEGINNING;

THENCE North 48 degrees 22 minutes 48 seconds East a distance of 875.57 feet to a point;  
THENCE North 11 degrees 52 minutes 38 seconds East a distance of 26.55 feet to a point;  
THENCE North 50 degrees 18 minutes 59 seconds East a distance of 47.92 feet to a point;  
THENCE North 01 degrees 30 minutes 02 seconds West a distance of 62.59 feet to a point;  
THENCE North 13 degrees 27 minutes 39 seconds East a distance of 69.62 feet to a point;  
THENCE North 73 degrees 24 minutes 27 seconds East a distance of 32.42 feet to a point;  
THENCE North 28 degrees 33 minutes 29 seconds West a distance of 42.32 feet to a point;  
THENCE North 17 degrees 38 minutes 29 seconds East a distance of 31.76 feet to a point;  
THENCE North 32 degrees 22 minutes 06 seconds East a distance of 80.36 feet to a point;  
THENCE North 74 degrees 02 minutes 00 seconds East a distance of 46.63 feet to a point;  
THENCE North 12 degrees 58 minutes 57 seconds East a distance of 49.55 feet to a point;  
THENCE North 07 degrees 31 minutes 42 seconds West a distance of 50.45 feet to a point;  
THENCE North 30 degrees 16 minutes 15 seconds East a distance of 26.90 feet to a point;  
THENCE North 10 degrees 19 minutes 38 seconds West a distance of 26.62 feet to a point;  
THENCE North 58 degrees 48 minutes 33 seconds East a distance of 24.02 feet to a point;  
THENCE North 41 degrees 18 minutes 24 seconds East a distance of 34.46 feet to a point;  
THENCE North 16 degrees 53 minutes 06 seconds West a distance of 36.79 feet to a point;  
THENCE North 77 degrees 44 minutes 30 seconds East a distance of 26.19 feet to a point;  
THENCE North 06 degrees 55 minutes 46 seconds East a distance of 19.96 feet to a point;  
THENCE North 58 degrees 22 minutes 20 seconds East a distance of 32.80 feet to a point;  
THENCE North 52 degrees 55 minutes 19 seconds East a distance of 39.42 feet to a point;  
THENCE North 44 degrees 28 minutes 57 seconds East a distance of 28.81 feet to a point;  
THENCE North 38 degrees 27 minutes 51 seconds East a distance of 28.60 feet to a point;  
THENCE North 63 degrees 30 minutes 30 seconds West a distance of 21.24 feet to a point;  
THENCE North 14 degrees 15 minutes 36 seconds West a distance of 47.62 feet to a point;  
THENCE North 41 degrees 07 minutes 00 seconds East a distance of 23.46 feet to a point;  
THENCE North 08 degrees 45 minutes 20 seconds West a distance of 35.65 feet to a point;  
THENCE North 10 degrees 03 minutes 40 seconds East a distance of 44.66 feet to a point;  
THENCE North 13 degrees 34 minutes 23 seconds West a distance of 63.51 feet to a point;  
THENCE South 72 degrees 35 minutes 22 seconds West a distance of 35.85 feet to a point;  
THENCE North 27 degrees 17 minutes 06 seconds East a distance of 43.82 feet to a point;  
THENCE North 29 degrees 54 minutes 21 seconds West a distance of 49.61 feet to a point;  
THENCE North 26 degrees 51 minutes 13 seconds West a distance of 95.89 feet to a point;  
THENCE North 17 degrees 28 minutes 07 seconds West a distance of 55.39 feet to a point;  
THENCE North 23 degrees 53 minutes 55 seconds West a distance of 149.25 feet to a point;  
THENCE North 17 degrees 29 minutes 34 seconds West a distance of 47.91 feet to a point;  
THENCE North 31 degrees 06 minutes 18 seconds West a distance of 33.89 feet to a point;

THENCE North 12 degrees 15 minutes 25 seconds West a distance of 26.69 feet to a point;  
 THENCE North 65 degrees 43 minutes 13 seconds East a distance of 21.21 feet to a point;  
 THENCE North 60 degrees 10 minutes 55 seconds East a distance of 787.01 feet to a point;  
 THENCE North 21 degrees 58 minutes 54 seconds West a distance of 529.33 feet to a point;  
 THENCE North 50 degrees 49 minutes 21 seconds East a distance of 298.67 feet to a point;  
 THENCE South 42 degrees 11 minutes 33 seconds East a distance of 439.12 feet to a point;  
 THENCE North 47 degrees 05 minutes 23 seconds East a distance of 201.10 feet to a point located on  
 the southwesterly right-of-way of Mulberry Street;  
 THENCE South 46 degrees 31 minutes 54 seconds East a distance of 178.61 feet along said right-of-  
 way to a point;  
 THENCE South 56 degrees 13 minutes 11 seconds West a distance of 409.48 feet leaving said right-  
 of-way to a point;  
 THENCE South 21 degrees 49 minutes 31 seconds East a distance of 400.05 feet to a point;  
 THENCE along a curve to the left for an arc length of 289.42 feet, having a radius of 60.00 feet,  
 being subtended by a chord bearing South 09 degrees 09 minutes 33 seconds East, for a distance of  
 80.01 feet to a point;  
 THENCE North 80 degrees 50 minutes 59 seconds East a distance of 12.88 feet to a point;  
 THENCE South 14 degrees 42 minutes 21 seconds East a distance of 467.39 feet to a point located on  
 the northwesterly right-of-way of Lanier Parkway State Hwy. #365 (I-985);  
 THENCE South 31 degrees 59 minutes 20 seconds West a distance of 146.27 feet along said right-of-  
 way to a point;  
 THENCE South 29 degrees 20 minutes 32 seconds West a distance of 506.50 feet along said right-of-  
 way to a point;  
 THENCE South 36 degrees 25 minutes 35 seconds West a distance of 258.07 feet along said right-of-  
 way to a point;  
 THENCE South 20 degrees 56 minutes 49 seconds West a distance of 240.77 feet along said right-of-  
 way to a point;  
 THENCE South 36 degrees 05 minutes 29 seconds West a distance of 215.20 feet along said right-of-  
 way to a point;  
 THENCE North 67 degrees 12 minutes 40 seconds West a distance of 10.00 feet along said right-of-  
 way to a point;  
 THENCE South 22 degrees 47 minutes 20 seconds West a distance of 701.09 feet along said right-of-  
 way to a point;  
 THENCE South 30 degrees 41 minutes 18 seconds West a distance of 300.64 feet along said right-of-  
 way to a point;  
 THENCE South 23 degrees 03 minutes 37 seconds West a distance of 301.00 feet along said right-of-  
 way to a point;  
 THENCE South 26 degrees 52 minutes 28 seconds West a distance of 325.95 feet along said right-of-  
 way to a point;  
 THENCE North 30 degrees 22 minutes 57 seconds West a distance of 1255.51 feet leaving said right-  
 of-way to a point, said point being THE TRUE POINT OF BEGINNING.

Said tract contains an area of 69.806 acres more or less.

## Exhibit "C"

Phase one (parcels 08117 002008A, 08117 002016D, 08117 002016B, and 08117 002061; ordinances 625, 626, 627, & 628) shall be conditioned as follows:

1. Water and sewer shall be provided by the City of Flowery Branch.
2. Site plan shall generally adhere to the plan as shown and described below:



### **DEVELOPMENT SUMMARY**

1. EXISTING BOUNDARY ACREAGE:  $\pm 117.962$  ACRES
2. TAX PARCEL: 08117 002008A, 08117 002016D, 08117 002016B, 08117 002061, 08117 002001 and 08134 000006
3. EXISTING ZONING: M1
4. PROPOSED ZONING: R3
5. PHASE 1 DEVELOPMENT SUMMARY:  
BOUNDARY ACREAGE:  $\pm 48.156$  ACRES  
TOTAL No. PROPOSED SINGLE-FAMILY DETACHED LOTS: 49  
TOTAL No. PROPOSED TOWNHOME UNITS: 140  
GROSS DENSITY: 3.92 LOTS/ACRE  
NET DENSITY: 4.19 LOTS/ACRE ( $\pm 6.17$  AC. FLOODPLAIN)  
OPEN SPACE/Common Area Provided =  $\pm 19$  AC. (39%)  
TOTAL LENGTH OF STREETS:  $\pm 5,850$  L.F.
6. PHASE 2 DEVELOPMENT SUMMARY:  
BOUNDARY ACREAGE:  $\pm 69.806$  ACRES  
TOTAL No. PROPOSED SINGLE-FAMILY DETACHED LOTS: 138 (LOT #S 100-237)  
GROSS/NET DENSITY: 1.97 LOTS/ACRE  
OPEN SPACE/Common Area Provided =  $\pm 34$  AC. (46%)  
TOTAL LENGTH OF STREETS:  $\pm 6,775$  L.F.
7. MINIMUM SINGLE-FAMILY DETACHED LOT SIZE: (SEE TYPICAL LOT DETAIL)
8. PROPOSED SETBACKS SINGLE-FAMILY DETACHED:  
FRONT - 20'  
REAR - 25'  
SIDE - 5'

3. Applicant will revise its Traffic Study dated May 26, 2021, to include (1) a signal warrant analysis at Mulberry Street/Phil Niekro Blvd. intersection and (2) a traffic calming study on Mulberry Street from the proposed subdivision to Phil Niekro Blvd.
  - a. Revised study does NOT need to be completed before zoning approval.
  - b. If a signal is warranted, applicant will NOT be responsible for the cost or installation of the signal.
  - c. Prior to final plat approval, applicant will construct a northbound exclusive right turn lane from Mulberry Street onto Phil Niekro Blvd. City will give Applicant adequate right-of-way to construct the turn lane at no additional cost.
  - d. Prior to final plat approval, Applicant will construct recommended traffic calming measures along Mulberry Street from the proposed development to Phil Niekro Blvd as prescribed by the above revised traffic study.
  - e. Applicant shall install "Do Not Block the Intersection" signs and markings on Phil Niekro Boulevard prior to final plat approval.
4. Prior to the approval of the final plat, the applicant shall pay \$100,000 to City of Flowery Branch for implementation, installation, and construction of any other improvements recommended by the approved traffic impact study. All design and construction, other than improvements on Mulberry Street, shall be the responsibility of the City of Flowery



Branch.

5. Development shall meet all requirements set forth in ordinance 657 adopted on December 16, 2021, except for the following:

**Sec. 12.6. - Townhouses.**

(b) *Lot Size.* The minimum size of a lot for each fee-simple townhouse lot (i.e., the extent of land owned by the owner of the unit) shall be 2,000 square feet in lot area. **A maximum of thirty-three (33) townhomes shall have a minimum lot-size of 1,800 square feet in area.**

(e) *Rear Setbacks.* There shall be a minimum twenty (20) foot rear setback from townhouse lot boundaries for all buildings and structures, except when the rear property line abuts an alley, in which case no setback shall be required. **Rear setback shall be reduced to ten (10) feet to accommodate covered patios.**

6. A Homeowners Association shall be established, and covenants shall be created and submitted to the City prior to formal recording. It shall be the Homeowners Associations responsibility to mandate and enforce a twenty (20) percent limit on homes for lease.

Phase two (parcels 08117 002001 & 08134 000006; ordinances 629 and 630) shall be conditioned as follows:

1. Water and sewer shall be provided by the City of Flowery Branch.
2. Phase II shall be developed in substantial conformity with the Conceptual Land Plan dated 12/02/20 attached hereto as Appendix A and with the following Development Summary.

#### **DEVELOPMENT SUMMARY**

1. EXISTING BOUNDARY ACREAGE: ±117.962 ACRES
2. TAX PARCEL: 08117 002008A, 08117 002016D, 08117 002016B, 08117 002061, 08117 002001 and 08134 000006
3. EXISTING ZONING: M1
4. PROPOSED ZONING: R3
5. PHASE 1 DEVELOPMENT SUMMARY:  
BOUNDARY ACREAGE: ±48.156 ACRES  
TOTAL No. PROPOSED SINGLE-FAMILY DETACHED LOTS: 49  
TOTAL No. PROPOSED TOWNHOME UNITS: 140  
GROSS DENSITY: 3.92 LOTS/ACRE  
NET DENSITY: 4.19 LOTS/ACRE (±6.17 AC. FLOODPLAIN)  
OPEN SPACE/COMMON AREA PROVIDED = ±19 AC. (39%)  
TOTAL LENGTH OF STREETS: ±5,850 L.F.
6. PHASE 2 DEVELOPMENT SUMMARY:  
BOUNDARY ACREAGE: ±69.806 ACRES  
TOTAL No. PROPOSED SINGLE-FAMILY DETACHED LOTS: 138 (LOT #S 100-237)  
GROSS/NET DENSITY: 1.97 LOTS/ACRE  
OPEN SPACE/COMMON AREA PROVIDED = ±34 AC. (46%)  
TOTAL LENGTH OF STREETS: ±6,775 L.F.
7. MINIMUM SINGLE-FAMILY DETACHED LOT SIZE: (SEE TYPICAL LOT DETAIL)
8. PROPOSED SETBACKS SINGLE-FAMILY DETACHED:  
FRONT - 20'  
REAR - 25'  
SIDE - 5'

3. Applicant will revise its Traffic Study dated May 26, 2021, to include (1) a signal warrant analysis at Mulberry Street/Phil Niekro Blvd. intersection and (2) a traffic calming study on Mulberry Street from the proposed subdivision to Phil Niekro Blvd.
  - a. Revised study does NOT need to be completed before zoning approval.
  - b. If a signal is warranted, applicant will NOT be responsible for the cost or installation of the signal.
  - c. If Phase II is initiated prior to Phase I, prior to the issuance of the first certificate of occupancy, applicant will construct a northbound exclusive right turn lane from Mulberry Street onto Phil Niekro Blvd. City will give Applicant adequate right-of-way to construct the turn lane at no additional cost.
  - d. If Phase II is initiated prior to Phase I, prior to final plat approval, Applicant will construct recommended traffic calming measures along Mulberry Street from the proposed development to Phil Niekro Blvd as prescribed by the above revised traffic study.
4. If Phase II is initiated prior to Phase I, prior to the approval of the final plat, the applicant shall pay \$100,000 to City of Flowery Branch for implementation, installation, and construction of any other improvements recommended by the approved traffic impact study. All design and construction, other than improvements on Mulberry Street, shall be the responsibility of the City of Flowery Branch.
5. Prior to issuance of any permit for Phase II, the Developer shall submit a site plan for approval by city staff. If the site plan is not in substantial conformity with the Conceptual Land Plan dated 12/02/20, review and approval by the Mayor and City Council shall be required.
7. Development shall meet all requirements set forth in ordinance 657 adopted on December 16, 2021.
8. A Homeowners Association shall be established, and covenants shall be created and submitted to the City prior to formal recording. It shall be the Homeowners Associations responsibility to mandate and enforce a ten (10) percent limit on homes for lease.

## 14







## FLOWERY BRANCH CITY COUNCIL

### EXECUTIVE SUMMARY



**SUBJECT:** Request Adoption of Proposed FY2023 Budget Calendar

**COUNCIL MEETING DATE:** January 20, 2022

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#### **HISTORY:**

The budget process occurs every year, from November through June. In the past, the Budget Team has not formally requested the adoption of the annual budget calendar. In the future, the annual budget calendar will be presented in November each year for Council review and requested adoption.

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#### **FACTS AND ISSUES:**

The budget process began in December by distributing the Capital Improvement Plan to the department directors for review. The Capital Improvement Plan meetings have been completed, and we are now finalizing the capital plan. Operational budget planning will begin in February 2022, where each department will meet with the Budget Team to discuss any changes needed for the upcoming fiscal year. The Budget Team consists of the Finance Director, Budget Manager, and City Manager. The Budget Team plans to provide the Mayor and Council with a budget draft during the Retreat in March of 2022. Budget discussions with Mayor and Council are scheduled for April 12, 2022, at 5 pm, and April 14, 2022, at 2 pm. Public Hearings 1 & 2 are scheduled for a special called meeting on June 9, 2022, at 9 am and 6 pm. The 3rd Public Hearing will be held at the regularly scheduled Council Meeting on June 16, 2022, at 6 pm.

**NOTE:** Three public hearings are required for a millage rate increase.

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#### **OPTIONS:**

1. Adopt the proposed FY2023 budget calendar as presented.
2. Suggest other alternatives.

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

Yes

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#### **AMOUNT AND SOURCE OF FUNDS:**

N/A

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#### **RECOMMENDATION:**

Adopt proposed FY2023 budget calendar as presented.

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#### **SAMPLE MOTION:**

I make a motion to adopt the proposed FY2023 budget calendar as presented.

OR

I make a motion to adopt the proposed FY2023 with the following revisions: \_\_\_\_\_.

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**COLLABORATING DEPARTMENT:**

Administration

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**DEPARTMENT:** Finance

**Prepared by:** Shelia Cooper

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**ATTACHMENTS**

- [FY2023 Budger Calendar - Executive Summary.pdf](#)
- [FY2023 Proposed Budget Calendar.pdf](#)

**FLOWERY BRANCH CITY COUNCIL**  
**EXECUTIVE SUMMARY**

**SUBJECT:** Request Adoption of Proposed FY2023 Budget Calendar

**DATE:** January 13, 2022

**BUDGET INFORMATION:**

**ANNUAL-  
CAPITAL-**

**( X ) RECOMMENDATION**  
**( ) POLICY DISCUSSION**  
**( ) STATUS REPORT**  
**( ) OTHER**

**COUNCIL ACTION REQUESTED ON:** January 20, 2022

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**PURPOSE:** The proposed FY2023 Budget Calendar provides a basic plan for preparing, reviewing, and adopting the City of Flowery Branch budget for the upcoming fiscal year.

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**HISTORY:** The budget process occurs every year, from November through June. In the past, the Budget Team has not formally requested the adoption of the annual budget calendar. In the future, the annual budget calendar will be presented in November each year for Council review and requested adoption.

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**FACTS AND ISSUES:** The budget process began in December by distributing the Capital Improvement Plan to the department directors for review. The Capital Improvement Plan meetings have been completed, and we are now finalizing the capital plan. Operational budget planning will begin in February 2022, where each department will meet with the Budget Team to discuss any changes needed for the upcoming fiscal year. The Budget Team consists of the Finance Director, Budget Manager, and City Manager. The Budget Team plans to provide the Mayor and Council with a budget draft during the Retreat in March of 2022. Budget discussions with Mayor and Council are scheduled for April 12, 2022, at 5 pm, and April 14, 2022, at 2 pm. Public Hearings 1 & 2 are scheduled for a special called meeting on June 9, 2022, at 9 am and 6 pm. The 3<sup>rd</sup> Public Hearing will be held at the regularly scheduled Council Meeting on June 16, 2022, at 6 pm.

**NOTE:** Three public hearings are required for a millage rate increase.

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**OPTIONS:**

1. Adopt the proposed FY2023 budget calendar as presented.
2. Suggest other alternatives.

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**RECOMMENDED SAMPLE MOTION:** I make a motion to adopt the proposed FY2023 budget calendar as presented.

OR

I make a motion to adopt the proposed FY2023 with the following revisions: \_\_\_\_\_.

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**DEPARTMENT:** Finance

**Prepared by:** Alisha Gamble

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|-------------------------------------------------------------------------|
| <b>City of Flowery Branch, Georgia</b><br><b>FY2023 Budget Calendar</b> |
|-------------------------------------------------------------------------|

| <u>Line No.</u> | <u>Activity</u>                                                                                                                       | <u>Date</u>                                                        |
|-----------------|---------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------|
| 1               | Capital Improvement Plan (CIP) review and updates with the Department Directors                                                       | Jan. 4th-14th, 2022                                                |
| 2               | Operational budget reviews with Department Directors                                                                                  | Feb. 1st-11th, 2022                                                |
| 3               | Council Retreat and Strategic Planning<br>*A rough raft of the operating and CIP budget projections to Council for review             | March of 2022                                                      |
| 4               | Budget Discussions with Mayor and Council                                                                                             | Tuesday, Aril 12, 2022 at 5pm<br>Thursday, April 14th, 2022 at 2pm |
| 5               | City will receive the preliminary tax digest from Hall County.                                                                        | April 30th, 2022                                                   |
| 6               | City Manager's draft budget to Mayor and Council for review.                                                                          | Week of May 2, 2022                                                |
| 7               | City will receive the final tax digest from Hall County.                                                                              | June 1, 2022                                                       |
| 8               | Notice of Public Hearings & Adoption on the City Budget and Millage Rate advertised                                                   | June 1, 2022                                                       |
| 9               | City Council Public Hearing 1 on the City's FY2023 Budget and Millage Rate - SPECIAL CALLED MEETING                                   | June 9, 2022 at 9am                                                |
| 10              | City Council Public Hearing 2 on the City's FY2023 Budget and Millage Rate (if an extra meeting is required) - SPECIAL CALLED MEETING | June 9, 2022 at 6pm                                                |
| 11              | City Council Public Hearing 3 and meeting to adopt the City's FY2023 Budget and Millage Rate<br>REGULAR SCHEDULED MEETING             | June 16, 2022 at 6pm                                               |



## FLOWERY BRANCH CITY COUNCIL

### EXECUTIVE SUMMARY



**SUBJECT:** Consider Approval of Renewal Maintenance Contract for City Printers

**COUNCIL MEETING DATE:** January 20, 2022

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#### **HISTORY:**

City charter sections 2.4(c) and 8.1 states the Mayor has the authority to sign contracts, deeds, licenses, fiscal expenditures, and other public documents on behalf of the City of Flowery Branch.

Pricing will remain at \$0.00575 per black and white copy and \$0.05 per color copy.

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#### **FACTS AND ISSUES:**

This signature is needed on the renewal agreement to continue maintenance services, including parts, labor, ink, and toner for all City printers. All printers are now listed under one contract with one vendor, PSK.

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#### **OPTIONS:**

1. Approve for the Mayor to sign the renewal maintenance agreement with PSK.
2. Do not approve for the Mayor to sign the renewal maintenance agreement with PSK.

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

Yes

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#### **AMOUNT AND SOURCE OF FUNDS:**

Each department's operating budget

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#### **RECOMMENDATION:**

Approve signing the renewal printer maintenance contract with PSK, effective January 20, 2022.

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#### **SAMPLE MOTION:**

I motion to approve the Mayor to sign the renewal printer maintenance contract with PSK, effective January 20, 2022.

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#### **COLLABORATING DEPARTMENT:**

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**DEPARTMENT:** Finance

**Prepared by:** Shelia Cooper

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## **ATTACHMENTS**

- [PSK Maintenance Agreement Renewal 1-20-2022.pdf](#)
- [Executive Summary Renewal Maintenance Agreement.pdf](#)

# PSK

## DOCUMENT SOLUTIONS



### PSK MAINTENANCE CONTRACT

# PSK-GA

Sales Representative:

Shannon Kent

DATE

1/12/2022

Customer agrees to purchase and PSK Document Solutions agrees to provide parts, labor, ink, toner, and toner collection containers (the "Maintenance Services") for the equipment listed below in accordance with the terms and conditions of this contract. The Maintenance Services exclude paper, staples and all other parts and services listed under the Exclusion section on page two of the contract. A Connectivity & Security Options Agreement must be attached and executed for Network Integration Support.

#### CUSTOMER INFORMATION

|                                       |                      |                      |             |
|---------------------------------------|----------------------|----------------------|-------------|
| Bill to Number:                       |                      | Ship to Number:      |             |
| Customer Name: City of Flowery Branch |                      | Customer Name:       |             |
| Billing Address: 5410 Pine Street     |                      | Shipping Address:    |             |
| Address 2:                            |                      | Address 2:           |             |
| City: Flowery Branch                  | State: GA Zip: 30542 | City:                | State: Zip: |
| Phone #: Ext. Fax #:                  |                      | Phone #: Ext. Fax #: |             |
| Contact:                              |                      | Contact:             |             |
| eMail:                                |                      | eMail:               |             |

#### INVOICE / METER COLLECTION INFORMATION

|                                        |                           |                   |                 |
|----------------------------------------|---------------------------|-------------------|-----------------|
| Meter Collection: Automated Meter Read | Electronic Invoicing: Yes | Invoice Location: | Term: 12 Months |
|----------------------------------------|---------------------------|-------------------|-----------------|

#### SPECIAL INSTRUCTIONS

Service cancellation requires a 30 day written notice.

#### TRANSACTION TERMS (Consolidated Minimums Per Pool)

| Pool Description | Type  | Includes | Units  | Minimum Payment | Payment Frequency | Excess Per Unit Charge | Excess Billing Frequency |
|------------------|-------|----------|--------|-----------------|-------------------|------------------------|--------------------------|
| All-Inclusive    | Black |          | Prints | 0.00575         | Monthly           |                        | Monthly                  |
|                  | Color |          | Prints | 0.05            | Monthly           |                        | Monthly                  |
|                  |       |          |        |                 |                   |                        |                          |
|                  |       |          |        |                 |                   |                        |                          |

#### EQUIPMENT AND SUPPLIES

| MAKE/MODEL           | LOCATION | SERIAL NUMBER | ID#    | STARTING METER |
|----------------------|----------|---------------|--------|----------------|
| Konica Minolta c450i |          | AA7R011006440 | GA2944 |                |
| Konica Minolta c450i |          | AA7R011006754 | GA2945 |                |
| Konica Minolta c450i |          | AA7R011006800 | GA2946 |                |
| Konica Minolta 4052  |          | AA1R011001996 | GA1944 |                |
| Konica Minolta c3110 |          | A6DT012106958 | GA1953 |                |
| Konica Minolta 4702  |          | AAFH011010438 | GA2855 |                |

#### DECLINATION

☐ Customer is declining maintenance on the equipment listed above.

Printed Name:

Title:

Date:

Signature:

☐ "See Attached Schedule A for Agreements that Manage Over Six Devices"

#### ACCEPTANCE

THE TERMS AND CONDITIONS HEREOF ARE PART OF THIS SERVICE AGREEMENT. BY SIGNING THIS CONTRACT, THE CUSTOMER ACKNOWLEDGES THAT THEY HAVE READ AND UNDERSTAND THESE TERMS.

Customer agrees to pay the Minimum Payment per transaction terms, plus any Excess Per Unit Charges for the term of this Contract. When this Contract is signed by Customer and PSK, it shall constitute a binding contract and is non-cancelable. This Contract will begin on the date signed by PSK below. You hereby acknowledge and agree that your electronic signature below shall constitute an enforceable and original signature for all purposes.

|                                  |                             |                |                           |
|----------------------------------|-----------------------------|----------------|---------------------------|
| Customer: City of Flowery Branch | PSK Document Solutions      |                |                           |
| Printed Name:                    | Printed Name: Jill Kent     |                |                           |
| Signature:                       | Signature: <i>Jill Kent</i> |                |                           |
| Title:                           | Date:                       | Title: manager | Effective Date: 1/12/2022 |



# PSK

## DOCUMENT SOLUTIONS



PSK MAINTENANCE CONTRACT

# PSK-GA

Sales Representative:

Shannon Kent

DATE

1/12/2022

Customer agrees to purchase and PSK Document Solutions agrees to provide parts, labor, ink, toner, and toner collection containers (the "Maintenance Services") for the equipment listed below in accordance with the terms and conditions of this contract. The Maintenance Services exclude paper, staples and all other parts and services listed under the Exclusion section on page two of the contract. A Connectivity & Security Options Agreement must be attached and executed for Network Integration Support.

**CUSTOMER INFORMATION**

|                                           |                      |
|-------------------------------------------|----------------------|
| Bill to Number:                           | Ship to Number:      |
| Customer Name: City of Flowery Branch     | Customer Name:       |
| Billing Address: 5410 Pine Street         | Shipping Address:    |
| Address 2:                                | Address 2:           |
| City: Flowery Branch State: GA Zip: 30542 | City: State: Zip:    |
| Phone #: Ext. Fax #:                      | Phone #: Ext. Fax #: |
| Contact:                                  | Contact:             |
| eMail:                                    | eMail:               |

**INVOICE / METER COLLECTION INFORMATION**

|                                        |                           |                   |                 |
|----------------------------------------|---------------------------|-------------------|-----------------|
| Meter Collection: Automated Meter Read | Electronic Invoicing: Yes | Invoice Location: | Term: 12 Months |
|----------------------------------------|---------------------------|-------------------|-----------------|

**SPECIAL INSTRUCTIONS**

Service cancellation requires a 30 day written notice.

**TRANSACTION TERMS (Consolidated Minimums Per Pool)**

| Pool Description | Type  | Includes | Units  | Minimum Payment | Payment Frequency | Excess Per Unit Charge | Excess Billing Frequency |
|------------------|-------|----------|--------|-----------------|-------------------|------------------------|--------------------------|
| All-Inclusive    | Black |          | Prints | 0.00575         | Monthly           |                        | Monthly                  |
|                  | Color |          | Prints | 0.05            | Monthly           |                        | Monthly                  |
|                  |       |          |        |                 |                   |                        |                          |
|                  |       |          |        |                 |                   |                        |                          |

**EQUIPMENT AND SUPPLIES**

| MAKE/MODEL            | LOCATION | SERIAL NUMBER | ID#    | STARTING METER |
|-----------------------|----------|---------------|--------|----------------|
| Konica Minolta c3300i |          | AAJT011001704 | GA2816 |                |
| Konica Minolta c3300i |          | AAJT011001767 | GA2814 |                |
| Konica Minolta c4000i |          | AAJR011000541 | GA3363 |                |
| Konica Minolta 5000i  |          | ACF1011001309 | GA3301 |                |
| Konica Minolta 5000i  |          | ACF1011001327 | GA3304 |                |
| Konica Minolta 4700   |          | A63N011024355 | GA3357 |                |

**DECLINATION**

☐ Customer is declining maintenance on the equipment listed above.

Printed Name:

Title:

Date:

Signature:

☐ "See Attached Schedule A for Agreements that Manage Over Six Devices"

**ACCEPTANCE**

THE TERMS AND CONDITIONS HEREOF ARE PART OF THIS SERVICE AGREEMENT. BY SIGNING THIS CONTRACT, THE CUSTOMER ACKNOWLEDGES THAT THEY HAVE READ AND UNDERSTAND THESE TERMS.

Customer agrees to pay the Minimum Payment per transaction terms, plus any Excess Per Unit Charges for the term of this Contract. When this Contract is signed by Customer and PSK, it shall constitute a binding contract and is non-cancelable. This Contract will begin on the date signed by PSK below. You hereby acknowledge and agree that your electronic signature below shall constitute an enforceable and original signature for all purposes.

|                                  |                           |
|----------------------------------|---------------------------|
| Customer: City of Flowery Branch | PSK Document Solutions    |
| Printed Name:                    | Printed Name: Jill Kent   |
| Signature:                       | Signature: [Signature]    |
| Title:                           | Title: manager            |
| Date:                            | Effective Date: 1/12/2022 |

**FLOWERY BRANCH CITY COUNCIL  
EXECUTIVE SUMMARY**

**SUBJECT:** To Sign Renewal Maintenance Contract for City Printers.

**DATE:** January 18, 2022

**( X ) RECOMMENDATION**

**( ) POLICY DISCUSSION**

**BUDGET INFORMATION:**

**( ) STATUS REPORT**

**ANNUAL-**

**( ) OTHER**

**CAPITAL-**

**COUNCIL ACTION REQUESTED ON:** January 20, 2022

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**PURPOSE:** Mayor to sign renewal maintenance contract, which includes all printers.

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**HISTORY:** City charter sections 2.4(c) and 8.1 states the Mayor has the authority to sign contracts, deeds, licenses, fiscal expenditures, and other public documents on behalf of the City of Flowery Branch.

Pricing will remain at \$0.00575 per black and white copy and \$0.05 per color copy.

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**FACTS AND ISSUES:** This signature is needed on the renewal agreement to continue maintenance services, including parts, labor, ink, and toner for all City printers. All printers are now listed under one contract with one vendor, PSK.

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**OPTIONS:** Sign renewal maintenance contract.

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**RECOMMENDED SAMPLE MOTION:** I motion to approve the Mayor to sign the renewal printer maintenance contract with PSK, effective January 20, 2022.

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**DEPARTMENT:** Finance

**Prepared by:** Alisha Gamble

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