



**City of Flowery Branch
City Council Meeting
Thursday, February 01, 2024, 6:00 PM
City of Flowery Branch City Hall
5410 Pine Street, Flowery Branch, GA 30542**



CALL WORK SESSION TO ORDER:

PLEDGE OF ALLEGIANCE:

ADOPTION OF AGENDA:

AWARDS & RECOGNITIONS:

PUBLIC HEARING:

- Public Hearing for a request for a Conditional Use Permit for a Crematory Addition submitted by Mr. Kevin Wetzel.
[Memorial Park South \(Crematory\) 1-29-23-1.pdf](#)
[4121 Falcon Pkwy-Crematory Addition-Memorial Park App Package.pdf](#)
[Crematorium Timeline.pdf](#)

UNFINISHED BUSINESS - WORK SESSION:

- Consider the Second Reading of Ordinance 702 for a Rezoning Request submitted by Edge City Properties.
[01 Edge City Zoning Package 14.158 Acres 10.20.2023.pdf](#)
[Staff Report 5416 and 5408 Gainesville Street_Comments.pdf](#)
[Ordinance 702 - Rezoning 5416 & 5408 Gainesville Street - Edge City Properties.pdf](#)

NEW BUSINESS -WORK SESSION:

- Consider Accepting an Agreement Between the State of Georgia and the City of Flowery Branch.
[Executive Summary on the agreement with the State of Georgia and the City of Flowery Branch](#)
[Statewide Mutual Aid and Assistance Agreement.pdf](#)
[FAQs Statewide Mutual Aid Agreement.pdf](#)
- Consider the First Reading of Ordinance 704 Amending the Charter of the City of Flowery Branch giving the Mayor authority to administer oaths.
[Ordinance 704 - Charter Amendment Mayoral Powers.pdf](#)
- Consider the First Reading of Ordinance 706 for a Annexation Request submitted by PR Land Investment.
[01 Piedmont Residential Annexation App - 5170 Church St.pdf](#)
[03 5170 Church st GIS map.pdf](#)
[04 Church Street 3D Renderings 11.8.2023\(43636486.1\).pdf](#)
[05 Letter to Hall County.pdf](#)
[06 Church Street Site Rendering 11-14-2023.pdf](#)
[Staff Report 5170 Church St.pdf](#)

[Ordinance 706 – Annexation to Piedmont Residential at 5170 Church Street.pdf](#)

- Consider the First Reading of Ordinance 707 for a Rezoning Request submitted by PR Land Investment.

[02 Piedmont Residential Rezoning App - 5170 Church st..pdf](#)

[03 5170 Church st GIS map.pdf](#)

[04 Church Street 3D Renderings 11.8.2023\(43636486.1\).pdf](#)

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[06 Church Street Site Rendering 11-14-2023.pdf](#)

[Staff Report 5170 Church St.pdf](#)

[Ordinance 707 – Rezoning to Piedmont Residential at 5170 Church Street.pdf](#)

DEPARTMENT REPORTS: - a. City Manager Report

b. City Clerk Report

c. Department of Fun Report

d. Finance Department Report

e. Human Resources Report

f. Planning Department Report

g. Police Department Report

h. Public Works & Utilities Report

i. Attorney Report

j. Council Report

ADJOURNMENT WORK SESSION:

VOTING SESSION AGENDA

CALL VOTING SESSION TO ORDER:

PUBLIC COMMENTS: - Please limit to two minutes

CONSENT AGENDA:

- Consider January 6, 2024 City Council Retreat Minutes
[Unofficial January 6, 2024 City Council Retreat Minutes.pdf](#)
- Consider January 18, 2024 City Council Meeting Minutes
[Unofficial January 18, 2024 City Council Meeting Minutes.pdf](#)
- Consider January 18, 2024 Executive Session Minutes

UNFINISHED BUSINESS - VOTING SESSION:

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[Ordinance 702 - Rezoning 5416 & 5408 Gainesville Street - Edge City Properties.pdf](#)
- Consider the Second Reading of Ordinance 703 for a Conditional Use Permit Request submitted by Park Mini-Storage, LLC.
[1. Completed CUP Application Flowery Branch Carwash.pdf](#)

[2. CUP Exhibit.pdf](#)

[Satffreview_Conditional use analysis and description \(REV\).pdf](#)

[Ordinance 703_4728 & 4734 Hog Mountain Cook Car Wash.pdf](#)

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EXECUTIVE SESSION:

ADJOURNMENT:

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



FLOWERY BRANCH CITY COUNCIL

EXECUTIVE SUMMARY



SUBJECT: Public Hearing for a request for a Conditional Use Permit for a Crematory Addition submitted by Mr. Kevin Wetzel.

COUNCIL MEETING DATE: February 1, 2024

HISTORY:

The business owner/operator was notified by city staff a conditional use permit is required for crematory addition use in 2021. The crematory was built and operated without conditional use permit being granted.

FACTS AND ISSUES:

The Conditional Use Permit request submitted by Mr. Kevin Wetzel, is to operate a Crematory Addition in a Highway Business zoned property. The property is known as 4121 Falcon Pkwy, Flowery Branch, Ga. 30542 and is also identified as tax parcel 15044A002023.

OPTIONS:

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

No

AMOUNT AND SOURCE OF FUNDS:

RECOMMENDATION:

Public hearing, no vote this time

SAMPLE MOTION:

COLLABORATING DEPARTMENT:

DEPARTMENT: Planning

Prepared by: Shelia Cooper

ATTACHMENTS

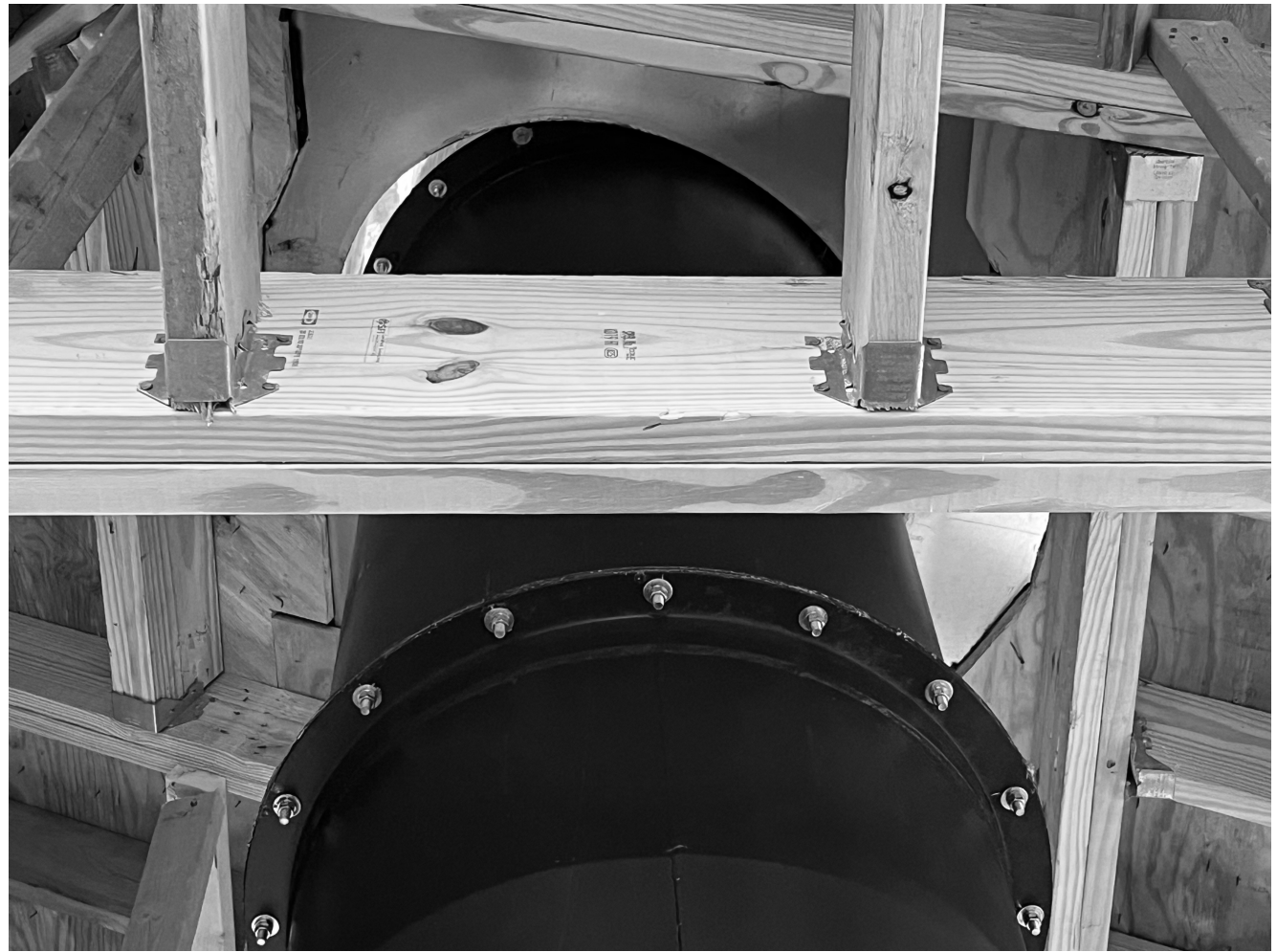
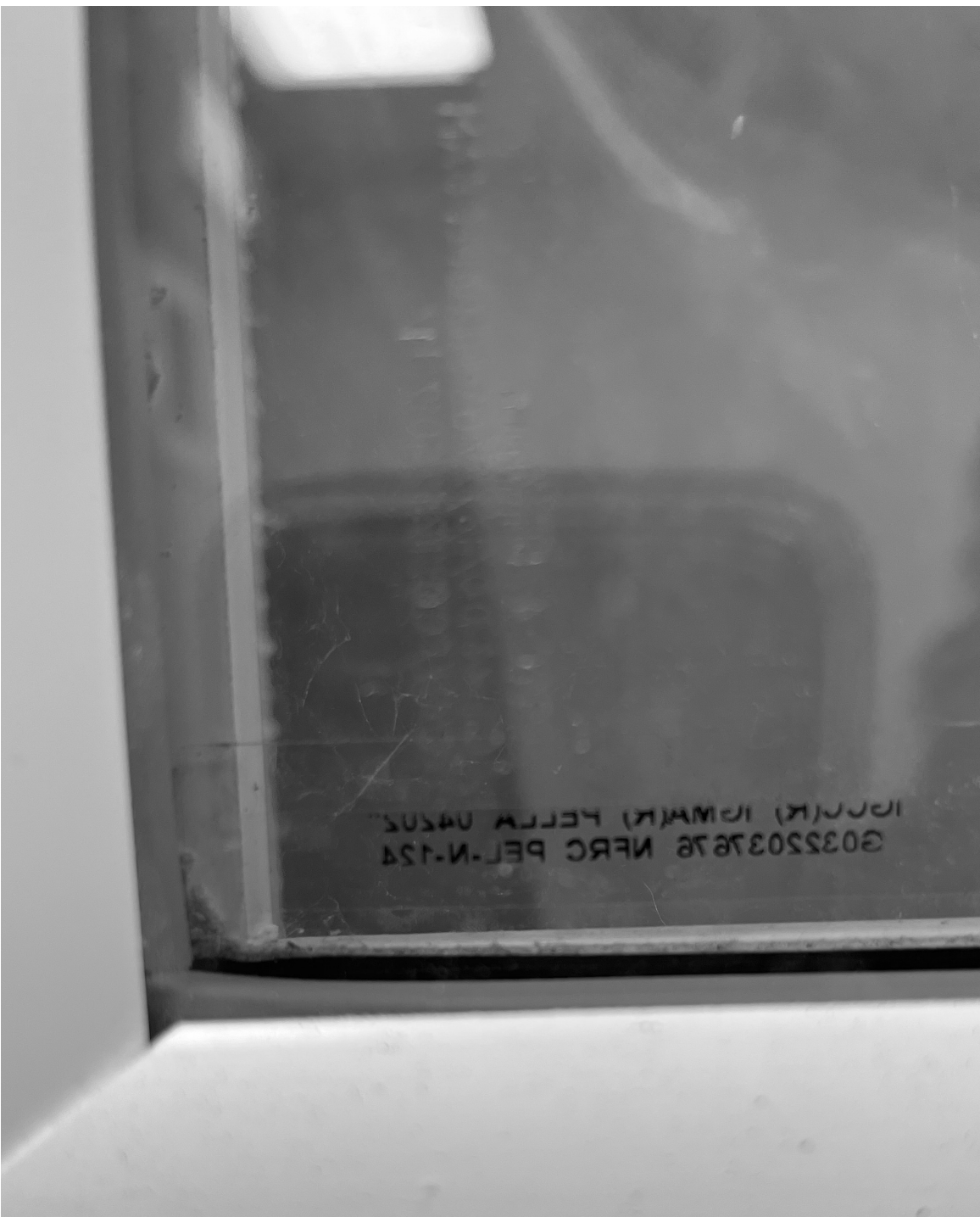
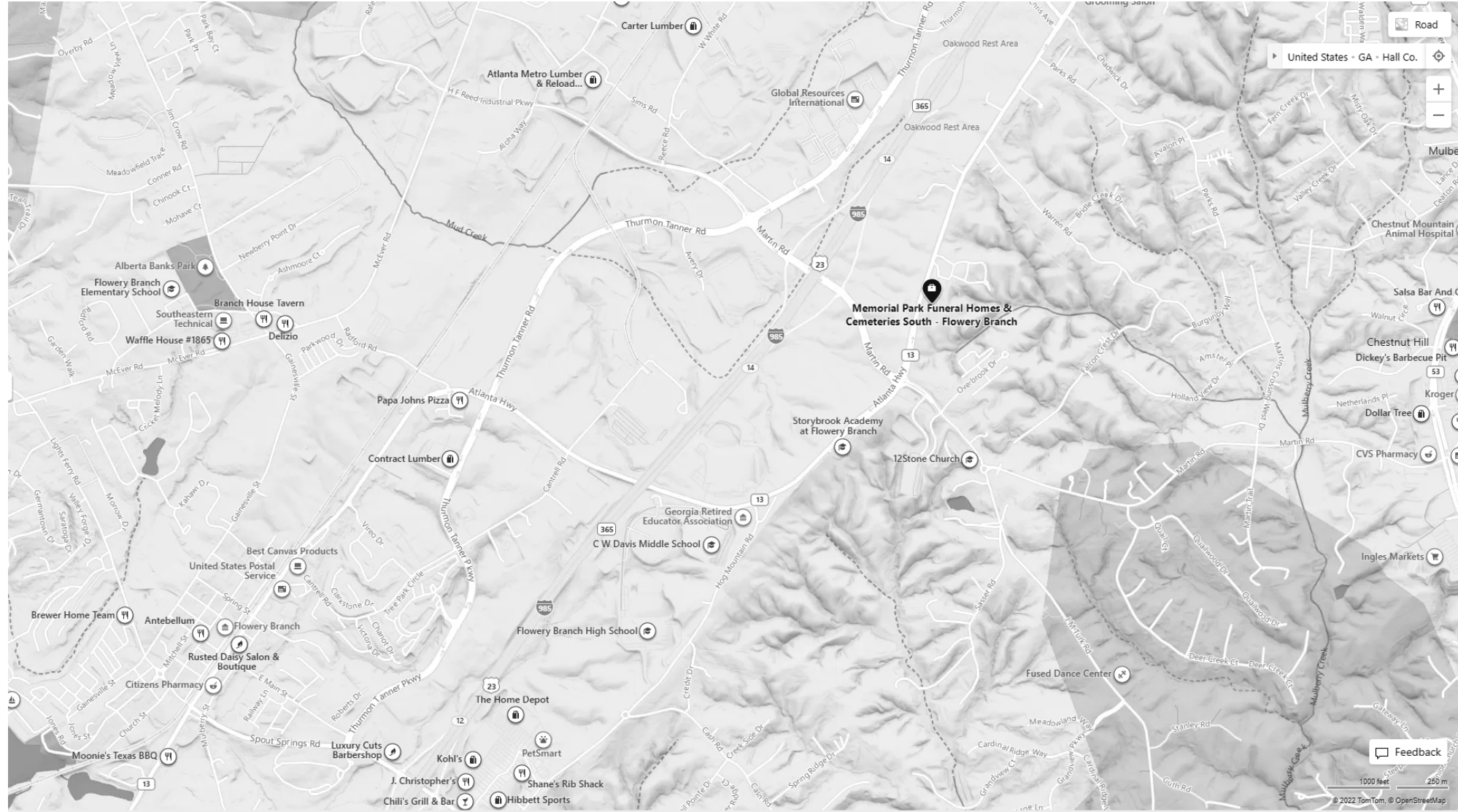
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1) ALL CONSTRUCTION TO BE IN ACCORDANCE WITH ALL APPLICABLE CODES 2) IT IS THE RESPONSIBILITY OF THE CONTRACTOR/BUILDER/ OWNER TO CHECK FOR ANY ERROR OR OMISSIONS TO THE PLANS. WRITTEN DIMENSIONS HAVE PRECEDENCE OVER SCALED DIMENSIONS. 3) VERIFY LOCATION OF ALL ELECTRICAL FIXTURES AND OUTLETS. 4) VERIFY ALL BEAM SIZES AND LOCATIONS. 5) VERIFY GIRDER TRUSS LOCATION AND POINT LOADS. 6) VERIFY ALL FOOTING PAD LOCATIONS AND SIZES.

SQUARE FOOTAGE OF NEW CREMATORY ADDITION

504 Sq. Ft. of HTD space
413 Sq. Ft. of new patio



RELEASED FOR CONSTRUCTION 1-26-2023

Project: Memorial Park South
Crematory Addition
4121 Falcon Parkway
Flowery Branch, Ga. 30542
Drawn for : Sparks Bowers

Cover Sheet

DRAWINGS PROVIDED BY:
DARREN SMITH
VISUAL BUILDING PLANS
GAINESVILLE, GA. 30506
878-467-0734
darren@visualbuildingplans.com

DATE:

2/2/2023

SCALE:

1/4" = 1' - 0"
Unless Noted
Otherwise

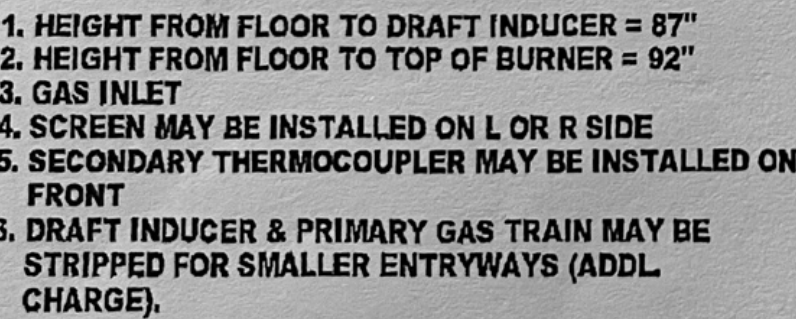
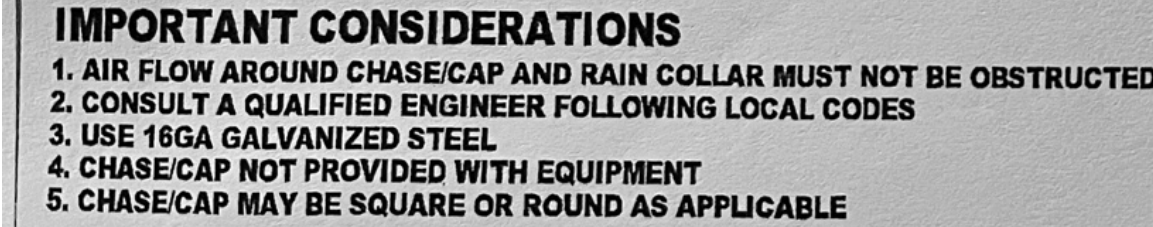
SHEET:

A-1

Revision Table	
Number	Description
1	6/16/2022 Darren SmithAdd MEP's / Final

To the best of my knowledge these plans are drawn to comply with owner's and / or builder's specifications and any changes made on them after prints are made will be done at the owner's and / or builder's expense and responsibility. The contractor shall verify all dimensions and enclosed drawing. VISUAL BUILDING PLANS is not liable for errors once construction has begun. While every effort has been made in the preparation of this plan to avoid mistakes, the maker can not guarantee against human error. The contractor of the job must check all dimensions and other details prior to construction and be solely responsible thereafter.

Spec Sheets are on File @ Memorial Park South



Revision Table		
Number	Date	Revised By Description
1	6/16/2022	Darren SmithAdd MEP's / Final

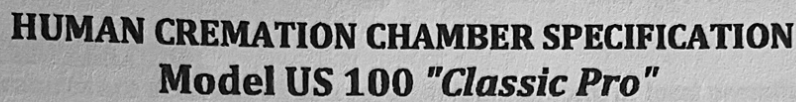
Drawn for : Sparks Bowers

DRAWINGS PROVIDED BY:

VISUAL BUILDING PLANS
GAINESVILLE, GA. 30506
878 467 0724

378-467-0734
darren@visualbuildingplans.com

A-2



U.S. Cremation Equipment, a division of American Incinerators Corporation -
Multiple Chambered Human Cremator; Natural Gas, Propane (LP) or Oil fired.

U.S. Cremation Equipment a division of American Incinerators Corporation

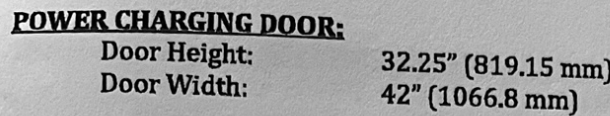
The cremator shall be constructed of U.L. /CSA listed components and will meet or exceed nationally accepted incinerator construction standards as originally established per the Incinerator Institute of America (IIA) publication guidelines; i.e.:

- A. Primary chamber will not exceed 60% of total furnace volumes. Flue connection shall not be considered part of furnace volume.
- B. Flame supervision through continuous ultraviolet scanning flame detectors on all burners.
- C. High temperature refractory construction with air-cooled walls to prevent excessive heat radiation.
- D. Exhaust gas temperature reduction.

Underwriters Laboratories (UL) listed appliance File number MH47704.

Chamber volumes: Primary – 65.3 CF (1.85 CM)
 Secondary – 74.1 CF (2.1 CM)
Primary Chamber: 94" L x 40" W x 31" H (2389 mm x 1016 mm x 787.4 mm)
Structural footprint: 169" L x 65" W (4293 mm x 1651 mm)
 178" L x 75" W (w/ touch screen & electrical panel)
 (4521.2 mm x 1905 mm)

Height: Stripped: 80" H (2032 mm)
To Inducer: 87" H (2209.8 mm)
To Burner: 92" H (2336.8 mm)
To Hood: 101" H (2565.4 mm)



Roof Arch Height: 31" (787.4 mm) @ High Point - 25.5" (647.7 mm) @ Low point

Temperatures are determined as a result of federal, state or local permitting authority operating standards.

In excess of 1 second.

Single load capacity of 800 lbs. (363 kg) per cremation cycle. Burn Rate of 200 lbs./hr. (91kg)

Induced via refractory lined draft inducer.

27,000 lbs. (12,247kg)

The U. S. Cremation Equipment cremator shall meet or exceed federal, state/province and local environmental regulations.

Secondary chamber equipped with one, 1,500,000 BTU/HR burner. Also equipped with an electronic exhaust gas scanner system which temporarily suspends operation of the primary chamber burner if the opacity of the exhaust gases reaches the maximum locally authorized level.

A. The structure to be heavy 3" steel angle, square tube; 3/8" steel plate, seal welded construction.

- B. Subfloor to be 3/16" steel plate, seal welded construction.
- C. The exterior shell to be 14-gauge steel removable panels.
- D. Interior shell to be 12-gauge steel, seal welded construction.

A. Hot Hearth: 3000°F (1650°C) abrasion resistant cast refractory monolithic cast 7" - 13" thick, 1-1/2" recessed top and rounded, stressed arched bottom.

- B. Chamber Floors: 3000°F (1650°C) abrasion resistant cast refractory, 5" thick on top of 2" 2400°F (1316°C) light weight insulating castable.
- C. Chamber Ceilings: 3000°F (1650°C) cast refractory, monolithic cast, rounded, stressed arched, 5"-9" thick, topped by 2", 2400°F (1360°C) light weight insulating castable.
- D. Interior Walls: 2800°F (1538°C) alumina-silicate firebrick, 2 1/2" x 4 1/2" x 9", all chambers are backed by 4" of 1900°F (1038°C) ceramic fiber insulation.
- E. Stack: Lined with 2-3" of 2200°F (1205°C) insulating refractory.

Integral dual casing, completely air-cooled design to prevent excessive heat radiation.

A. Combustion Air - One (1) Single or 3 phase, 208-230/460V, 17-15.5/7.6 amp, 7.5 hp air blower motor (1 700 CFM (158 CMM) or 5 hp Eclipse Blower.

- B. Primary Chamber - One 500,000 BTU/hr nozzle mix, gas-fired burner; Eclipse, North American, or equal.
- C. Secondary Chamber - One, 1,500,000 BTU/HR modulating, nozzle mix, gas-fired Burner; Eclipse, North American, or equal.
- D. Burner Flame Safeguard - Control supervision on each burner via a flame safeguard relay and ultra-violet light detector.
- E. Low Air Pressure Safety Switch - Interlocked to all burners.

Exhaust duct operating exit temperature: 900°F (482°C)

10-gauge carbon steel, high temperature 3" refractory lining including ¼ inch insulating paper (51-76 mm), pre-drilled Outside Diameter, 26" (711 mm) (29" at flanges, 12 bolt patter).

A. GAS:

1. Pressure:
a) Natural Gas: 7-9" W.C. (178-228 mm)
b) Propane: 11-14" W.C. (288-355 mm)

2. Flow Rate: 2,000,000 BTU/hr

B. ELECTRICAL:

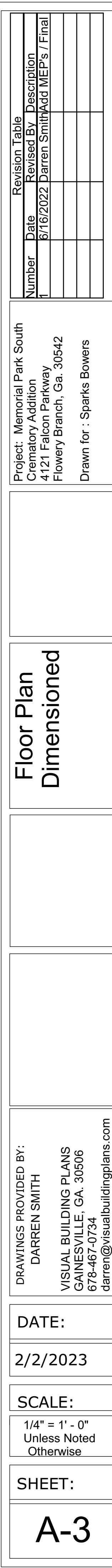
Voltage: 220 Volts
Phase: Single or 3 Phase
Frequency: 50/60Hz
Amperage: 70Amp for Single Phase - 40Amp for 3 Phase

Hydraulically operated, refractory lined, upward movement guillotine style door with view port. It is a front loading-front cleanout design with cremated remains collection cooling hopper and removal system. The hydraulic system pump is a 1.5 HP with a capacity of 15 liters per minute or equivalent system.

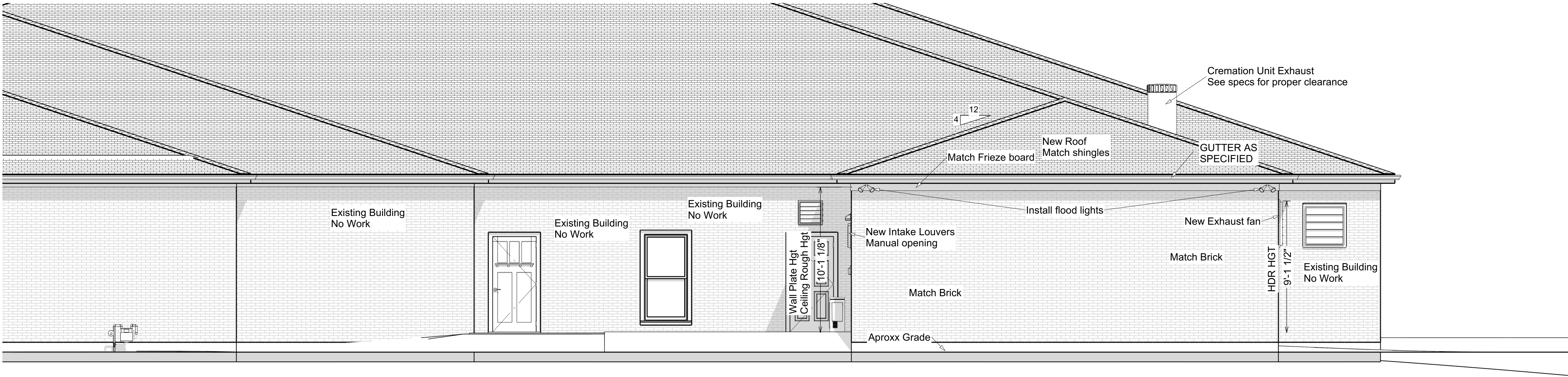
The cremation cycle is controlled by a programmable logic control (PLC) system. Visual confirmation of the system status is provided through a Color Touch Screen Panel, which displays temperatures, elapsed time, burner operation and other functions. Continuous fuel and air modulation are automatically controlled by a time/temperature actuated system. Operator interface performed through the Color Touch Screen. The Temperature Chart Recorder (if applicable) is a single or dual pen.

The top and rear compartments are finished with two coats of high-temperature, textured, black polyurethane. The front and side panels are powder coated in a dark grey color. The cremator is trimmed in stainless steel.

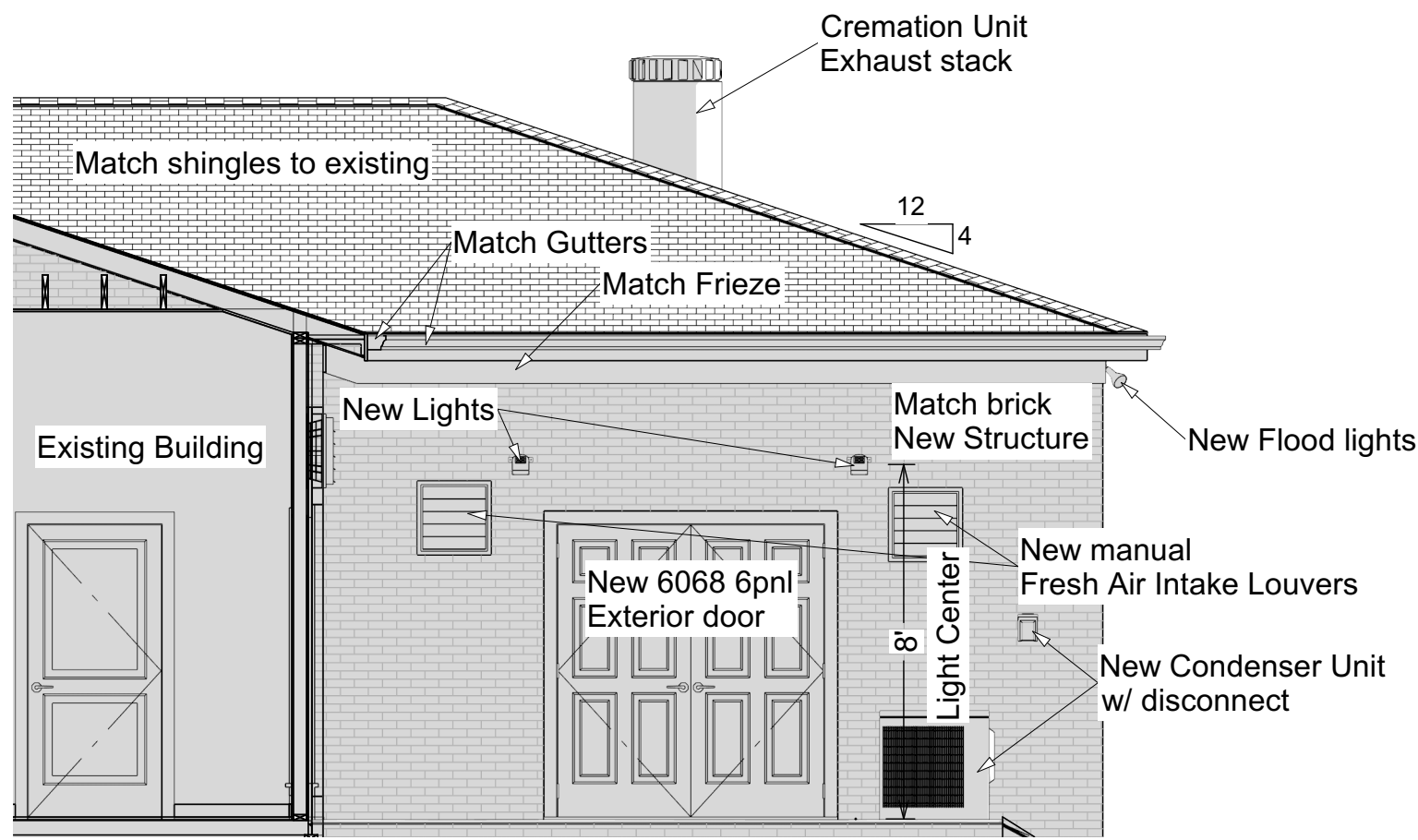
The tools consist of a steel wire brush and rake with long handles, and a short handle rake. A trigger Hand Magnet for removal of metal is also included.



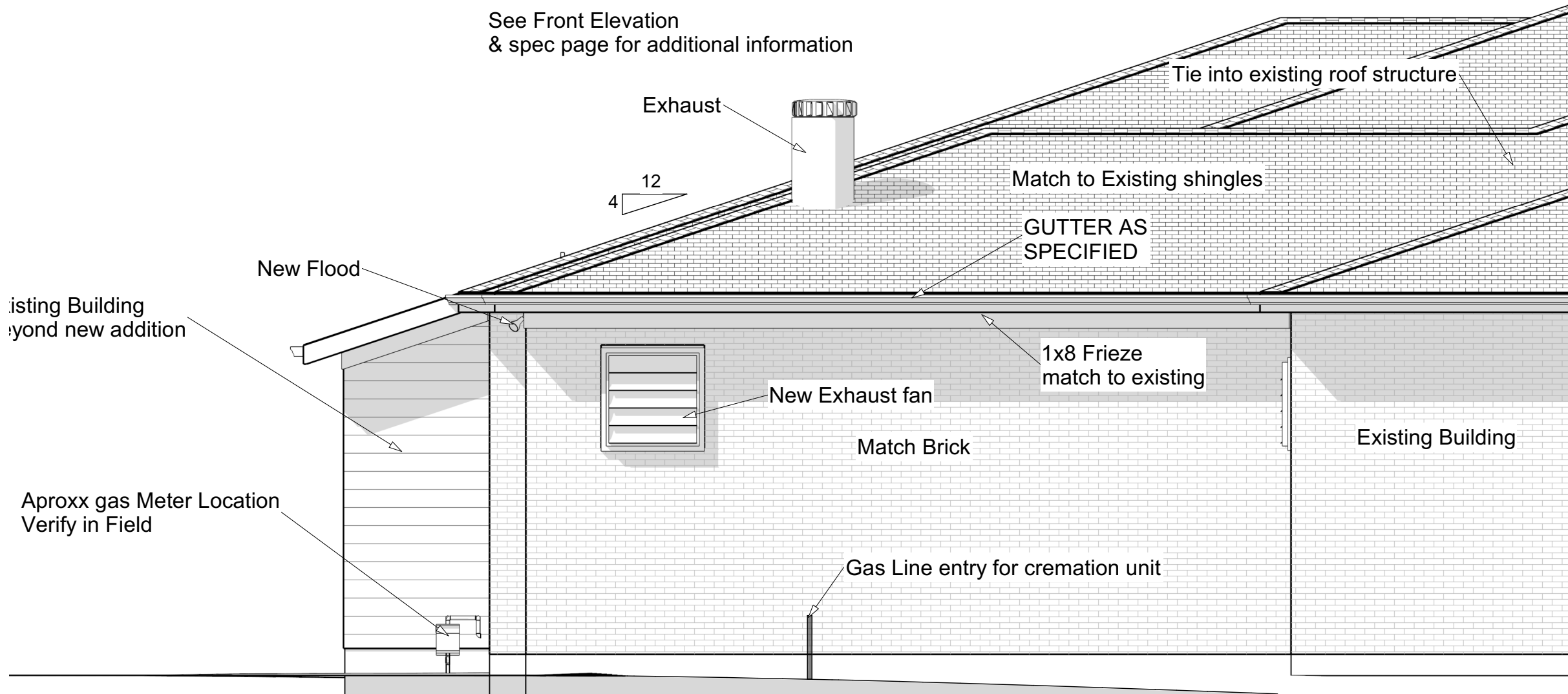
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Exterior Elevation Front



Exterior Elevation Left



Exterior Elevation Right

RELEASED FOR CONSTRUCTION 1-26-2023

Revision Table		Revised By		Description	
Number	Date				

Project: Memorial Park South
Crematory Addition
4121 Falcon Parkway
Flowery Branch, Ga. 30542
Drawn for : Sparks Bowers

Elevations

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DATE:

2/2/2023

SCALE:

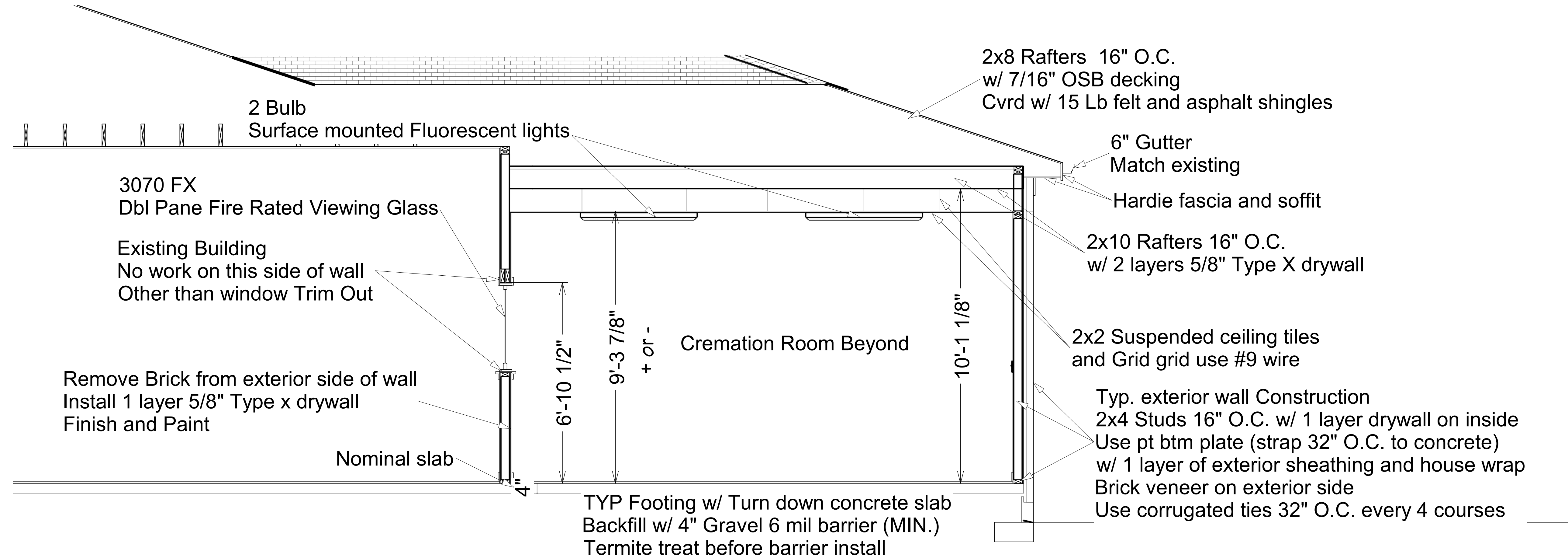
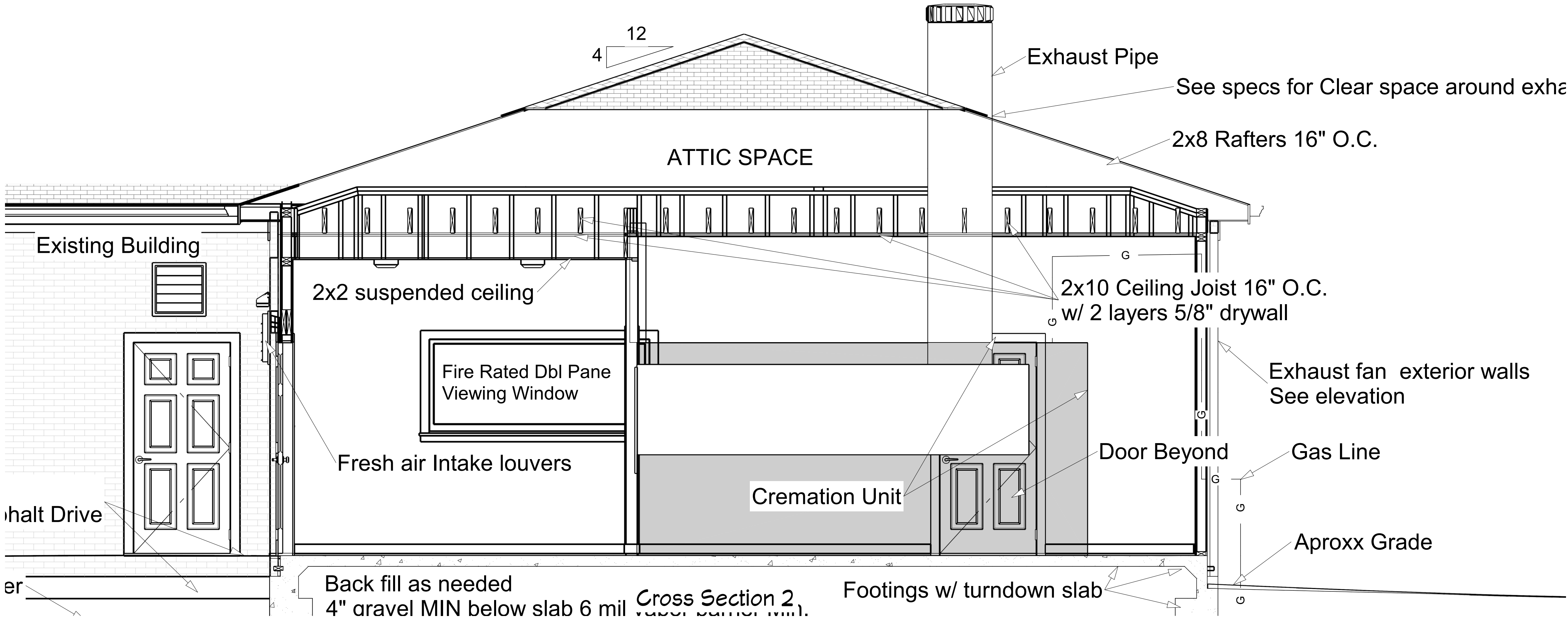
1/4" = 1' - 0"
Unless Noted
Otherwise

SHEET:

A-4

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See specs for all information and guidelines for cremation unit
See section 1 for additional information



Cross Section 1

This Page Scale Is 1/2" = 1' - 0"

RELEASED FOR CONSTRUCTION 1-26-2023

Number	Date	Revised By	Description
1	6/16/2022	Darren Smith	Add MEP's Final

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Crematory Addition
4121 Falcon Parkway
Flowery Branch, Ga. 30542
Drawn for : Sparks Bowers

Sections /
Details

DRAWINGS PROVIDED BY:
DARREN SMITH
VISUAL BUILDING PLANS
GAINESVILLE, GA. 30506
678-467-0734
darren@visualbuildingplans.com

DATE:

2/2/2023

SCALE:

1/4" = 1' - 0"
Unless Noted
Otherwise

SHEET:

A-5



CONDITIONAL USE PERMIT APPLICATION

City Provided Permit #

Date: 12-6-2023

Address of Request:

4121 Falcon Parkway
Flower Branch, Georgia 30542

Tax Map # 15044A002023 Current Zoning: H-B

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

Currently a conforming use? N/A

Any conditions of zoning, CUP's, etc.? N/A

Applicant Information

Applicant: Kevin Wetzel - owner

Address: 4121 Falcon Parkway
Flower Branch, Georgia 30542

E-mail address: mparksouth@gmail.com

Phone number: 770-967-5555

Signature: [Signature]

Notary Seal:



**Property owner Information**

Property owner (please print): Memorial Estate planners

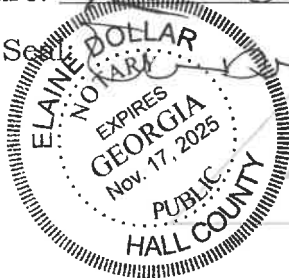
Address: PO Box 3400
Gainesville, GA 30503

E-mail address: mparksouth@gmail.com

Phone number: 770-967-5555

Signature: [Handwritten Signature]

Notary Seal: [Handwritten Signature]

**Applicant Information Required at Time of Submittal**

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

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



Conflict of Interest Disclosure

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

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

n/A

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

n/A

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

n/A

Disclosure of Campaign Contributions

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

Elected Officials Name

Amount of Description of Gift

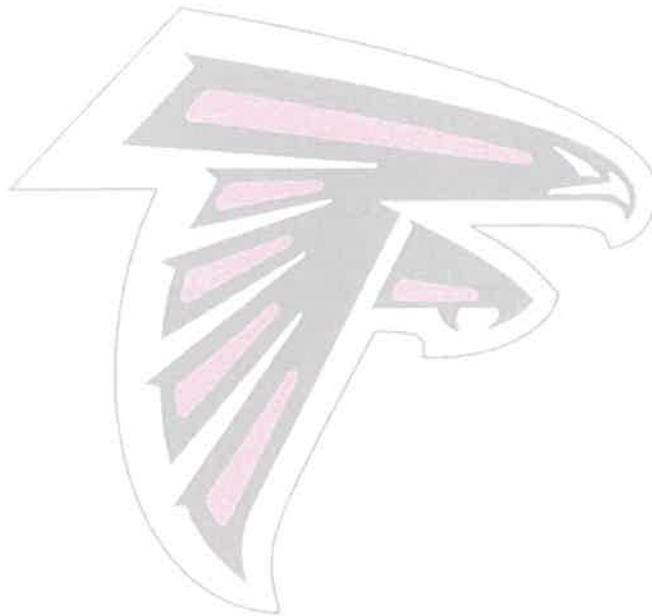
n/A



Received by City of Flowery Branch Staff on _____

Name: _____

Title _____



000555

Georgia, Hall County, Clerk Superior Court
 Filed in office, this 1 day of Oct
 19 99 at 4:30 P m. Recorded in
 Book 3565 Page(s) 555-556
 this 21 day of Oct, 19 99
 DWIGHT S. WOOD, CLERK, by: SK
15773, 1578 + .20 Cash

HALL COUNTY, Georgia
 Real Estate Transfer Tax

Paid \$ 128.40
 Date 10-1-99
 DWIGHT S. WOOD
 Clerk Superior Court
 By SK

AFTER RECORDING PLEASE RETURN TO:
 Hulsey, Oliver & Mahar
 P. O. Box 1457
 Gainesville, GA 30503
 ATTENTION: Jane A. Range

031670

TRUSTEE'S DEED

STATE OF GEORGIA
COUNTY OF HALL.

THIS INDENTURE is made as of the 30th day of September, 1999, between Jane Wood Banks and Regions Bank, successor by merger to the First National Bank of Gainesville, as Co-Trustees of the Testamentary Trust of Rafe Banks, Jr. (hereinafter referred to as "Grantor") and Memorial Estate Planners, Inc. (hereinafter referred to as "Grantee") ("Grantor" and "Grantee" to include their respective heirs, successors, executors, administrators, legal representatives, and assigns where the context requires or permits).

WITNESSETH

GRANTOR, acting under and by virtue of the power and authority contained in Item IV of The Will of Rafe Banks, Jr., for and in consideration of the sum of Ten Dollars and /100 (\$10.00) in hand paid at and before the sealing and delivery of these presents, the receipt of which is hereby acknowledged, has granted, bargained, sold and conveyed, and by these presents does grant, bargain, sell and convey unto Grantee,

A one-third interest in and to all that tract or parcel of land lying and being in the Flowery Branch G.M.D. 1270 and the Morgan G.M.D. 385, Hall County, Georgia and being 27.80 acres as shown as two tracts on a plat of survey dated June 28, 1999 and prepared for Memorial Park Funeral Home by Henry Bailey, Georgia Professional Registered Land Surveyor No. 1586. Being more particularly described as follows:

Tract 1 (25.000 acres):

BEGINNING at a 1/2" rebar set on the easterly right of way of U.S. Highway 23 (60' ROW), which rebar is South 22°16'31" West 1704.00' from the centerline intersection of U.S. Highway

000556

23 and Pauline Drive; thence North 77°13'21" East 1048.76' to a ½" rebar set; thence South 40°12'59" East 544.86' to a concrete monument and a ¾" crimped top pin found; thence South 50°00'08" West 1240.00' to a ½" rebar set; thence North 75°34'58" West 136.20' to a ½" rebar set; thence North 17°03'44" East 199.98' to a ½" rebar set; thence North 75°34'58" West 609.73' to a ½" rebar set on the easterly right of way of U.S. Highway 23; thence along the easterly right of way of U.S. Highway 23 the following courses and distances: a curve with a radius of 4054.91'; an arc length of 611.07' and a chord bearing North 19°57'59" East 610.49'; North 21°56'58" East 238.93' to the point of beginning.

Tract 2 (2.800 acres):

To find the true point of beginning, begin at a ½" rebar set on the easterly right of way of U.S. Highway 23 (60' ROW), which rebar is South 22°16'31" West 1704.00' from the centerline intersection of U.S. Highway 23 and Pauline Drive, thence South 21°56'58" West 238.93'; thence a curve with a radius of 4054.91', an arc length of 611.07' and a chord bearing South 19°57'59" West 610.49' to a ½" rebar set on the easterly right of way of U.S. Highway 23, which is THE TRUE POINT OF BEGINNING; thence South 75°34'58" East 609.73' to a ½" rebar set; thence South 17°03'44" West 199.98' to a ½" rebar set; thence North 75°34'58" West 609.73' to a ½" rebar set on the easterly right of way of U.S. Highway 23, thence along said right of way a curve with a radius of 4054.91', an arc length of 200.00' and a chord bearing North 17°03'44" East 199.98' to THE TRUE POINT OF BEGINNING.

A copy of said plat is recorded in Plat Slide 775, page 130 A, Hall County, Georgia Plat Records and is incorporated herein by reference for a more complete description of said property.

TO HAVE AND TO HOLD, the land with all and singular the rights, members and appurtenances thereof, to the same being, belonging, or in anywise appertaining, to the only proper use, benefit and behoof of Grantee forever, **IN FEE SIMPLE**.

EXECUTED under seal of as of the date above.

Signed and subscribed before me this
30th day of September, 1999.

Jarvis C. Bryant
Witness

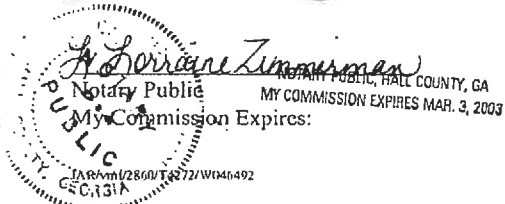
Jane Wood Banks (SEAL)
Jane Wood Banks, as Co-Trustee of the
Testamentary Trust of Rafe Banks, Jr.

Regions Bank, successor by merger to the
First National Bank of Gainesville, as Co-
Trustee of the Testamentary Trust of Rafe
Banks, Jr.

By: Ben H. Carter, Jr.
Name: BEN H. CARTER, JR.
Title: VICE PRESIDENT

AFFIX CORPORATE SEAL

ATTEST Richard A. Lullwood
V. V.



000557

Georgia, Hall County, Clerk Superior Court
 Filed in office, this 1 day of Oct
 19 99 at 4:30P m. Recorded in
 Book 3565 Page(s) 557-558
 this 4 day of Oct, 19 99
 DWIGHT S. WOOD, CLERK, by: DD

HALL COUNTY, Georgia
 Real Estate Transfer Tax

Paid \$ 128.40
 Date 10-1-99
 DWIGHT S. WOOD
 Clerk Superior Court
 By DD

AFTER RECORDING PLEASE RETURN TO:
 Hulsey, Oliver & Mahar
 P. O. Box 1457
 Gainesville, GA 30503
 ATTENTION: Jane A. Range

031671

WARRANTY DEED

GEORGIA, HALL COUNTY:

This deed made by and between The McCrary Family Partnership, L.P., a Georgia Limited Partnership, Grantor, and Memorial Estate Planners, Inc., Grantee,

WITNESSETH, that the said Grantor, for and in consideration of Ten (\$10.00) Dollars and other valuable consideration in hand paid at and before the sealing and delivery of these presents, the receipt and sufficiency whereof is hereby acknowledged, has granted, bargained, sold and conveyed, and by these presents does grant, bargain, sell and convey unto the Grantee,

A one third interest in and to all that tract or parcel of land lying and being in the Flowery Branch G.M.D. 1270 and the Morgan G.M.D. 385, Hall County, Georgia and being 27.80 acres as shown as two tracts on a plat of survey dated June 28, 1999 and prepared for Memorial Park Funeral Home by Henry Bailey, Georgia Professional Registered Land Surveyor No. 1586. Being more particularly described as follows:

Tract 1 (25.000 acres):

BEGINNING at a ½" rebar set on the easterly right of way of U.S. Highway 23 (60' ROW), which rebar is South 22° 16' 31" West 1704.00' from the centerline intersection of U.S. Highway 23 and Pauline Drive; thence North 77° 13' 21" East 1048.76' to a ½" rebar set; thence South 40° 12' 59" East 544.86' to a concrete monument and a ¾" crimped top pin found; thence South 50° 00' 08" West 1240.00' to a ½" rebar set; thence North 75° 34' 58" West 136.20' to a ½" rebar set; thence North 17° 03' 44" East 199.98' to a ½" rebar set; thence North 75° 34' 58" West 609.73' to a ½" rebar set on the easterly right of way of U.S. Highway 23; thence along the easterly right of way of U.S. Highway 23 the following courses and distances: a curve with a radius of 4054.91'; an arc length of 611.07' and a chord bearing North 19° 57' 59" East 610.49'; North 21° 56' 58" East 238.93' to the

000558

point of beginning.

Tract 2 (2.800 acres):

To find the true point of beginning, begin at a ½" rebar set on the easterly right of way of U.S. Highway 23 (60' ROW), which rebar is South 22° 16' 31" West 1704.00' from the centerline intersection of U.S. Highway 23 and Pauline Drive, thence South 21° 56' 58" West 238.93'; thence a curve with a radius of 4054.91', an arc length of 611.07' and a chord bearing South 19° 57' 59" West 610.49' to a ½" rebar set on the easterly right of way of U.S. Highway 23, which is THE TRUE POINT OF BEGINNING; thence South 75° 34' 58" East 609.73' to a ½" rebar set; thence South 17° 03' 44" West 199.98' to a ½" rebar set; thence North 75° 34' 58" West 609.73' to a ½" rebar set on the easterly right of way of U.S. Highway 23, thence along said right of way a curve with a radius of 4054.91', an arc length of 200.00' and a chord bearing North 17° 03' 44" East 199.98' to THE TRUE POINT OF BEGINNING.

A copy of said plat is recorded in Plat Slide 775, page 130A, Hall County, Georgia Plat Records and is incorporated herein by reference for a more complete description of said property.

TO HAVE AND TO HOLD the said premises, together with all rights and appurtenances unto the said Grantee, forever in **FEE SIMPLE**, and the Grantor **WARRANTS** the title to the same against the lawful claims of all persons whomever.

Whenever there is a reference herein to the Grantor or the Grantee, the singular includes the plural and the masculine includes the feminine and the neuter, and said terms include and bind the heirs, executors, administrators, successors and assigns of the parties hereto.

In witness whereof, the Grantor has hereunto set his hand and affixed his seal this 27 day of September, 1999.

Signed, sealed and delivered this
27 day of September, 1999.

W. B. McCrary
Witness

Jessie H. H. H.
Notary Public

My Commission Expires: 1-9-2003.

The McCrary Family Partnership, L.P., a
Georgia Limited Partnership

By: Rex B. McCrary
Rex B. McCrary, General Partner

000559

Georgia, Hall County, Clerk Superior Court
 Filed in office, this 1 day of Oct
 19 99 at 4:30 P M. Recorded in
 Book 3565 Page(s) 559-560
 this 4 day of Oct, 19 99
 DWIGHT S. WOOD, CLERK, by: DA
20

HALL COUNTY, Georgia
 Real Estate Transfer Tax

Paid \$ 128.40
 Date 10-1-99
 DWIGHT S. WOOD
 Clerk Superior Court
 By DA

AFTER RECORDING PLEASE RETURN TO:

Hulsey, Oliver & Mahar
 P. O. Box 1457
 Gainesville, GA 30503
 ATTENTION: Jane A. Range

031672

WARRANTY DEED

GEORGIA, HALL COUNTY:

This deed made by and between Burwell Investments, Ltd., an Alabama limited partnership, Grantor, and Memorial Estate Planners, Inc., Grantee,

WITNESSETH, that the said Grantor, for and in consideration of Ten (\$10.00) Dollars and other valuable consideration in hand paid at and before the sealing and delivery of these presents, the receipt and sufficiency whereof is hereby acknowledged, has granted, bargained, sold and conveyed, and by these presents does grant, bargain, sell and convey unto the Grantee,

A one-third interest in and to all that tract or parcel of land lying and being in the Flowery Branch G.M.D. 1270 and the Morgan G.M.D. 385, Hall County, Georgia and being 27.80 acres as shown as two tracts on a plat of survey dated June 28, 1999 and prepared for Memorial Park Funeral Home by Henry Bailey, Georgia Professional Registered Land Surveyor No. 1586. Being more particularly described as follows:

Tract 1 (25.000 acres):

BEGINNING at a ½" rebar set on the easterly right of way of U.S. Highway 23 (60' ROW), which rebar is South 22°16'31" West 1704.00' from the centerline intersection of U.S. Highway 23 and Pauline Drive; thence North 77°13'21" East 1048.76' to a ½" rebar set; thence South 40°12'59" East 544.86' to a concrete monument and a ¾" crimped top pin found; thence South 50°00'08" West 1240.00' to a ½" rebar set; thence North 75°34'58" West 136.20' to a ½" rebar set; thence North 17°03'44" East 199.98' to a ½" rebar set; thence North 75°34'58" West 609.73' to a ½" rebar set on the easterly right of way of U.S. Highway 23; thence along the easterly right of way of U.S. Highway 23 the following courses and distances: a curve with a radius of 4054.91'; an arc length of 611.07' and a chord bearing North 19°57'59" East 610.49'; North 21°56'58" East 238.93' to the

27.800 ACRES

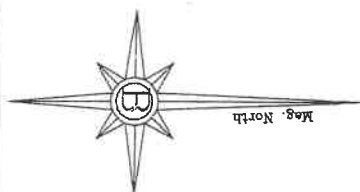
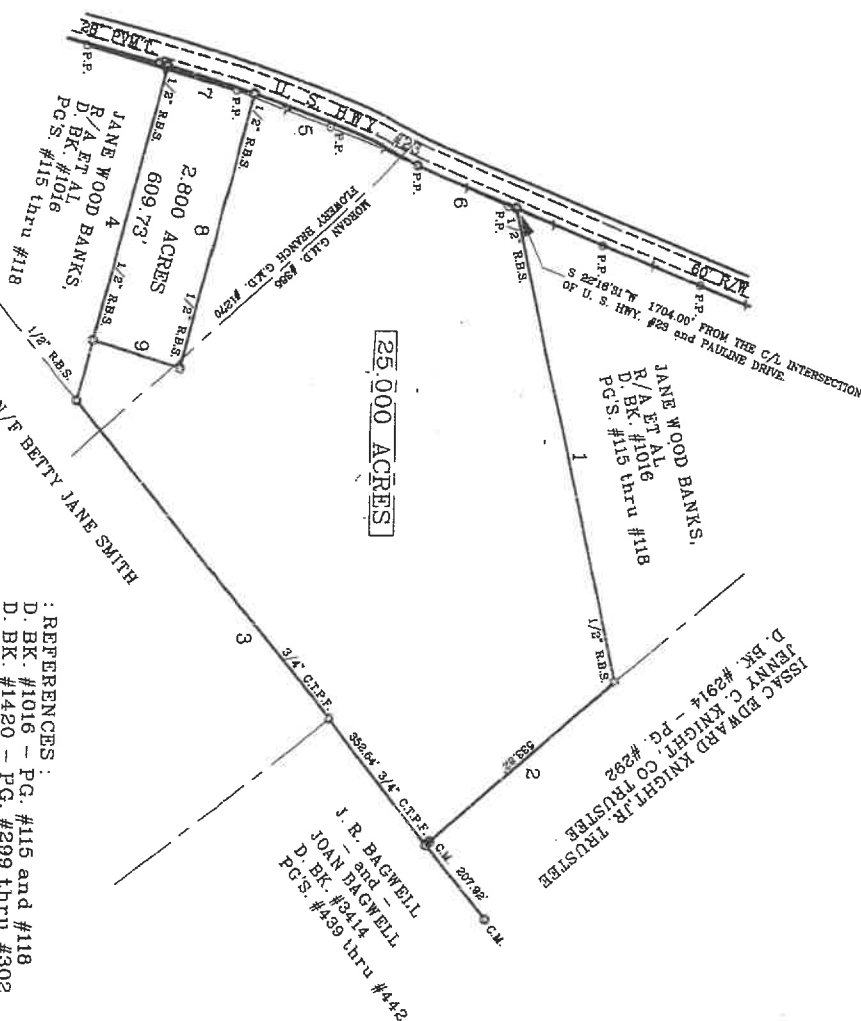
RECORDING PERMIT

GRAPHIC SCALE - FEET

MEMORIAL PARK FUNERAL HOME
FLOWERY BRANCH G.M.D. #1270
10001 W. 13th Ave. Suite 100
Denver, CO 80202

JUNE 28, 1999 - SCALE 1" = 200'

: REFERENCES:
D. BK. #1016 - PG. #115 and #118
D. BK. #1420 - PG. #299 thru #302
P. BK. #114 - PG. #12



4.L.P.	ANGLE ROCK POINT
B.C.	BANK OF CLUB
R.S.I.	BRAUN CREEK ON BRICH
C.H.	CABLE TV
C.H.	CENTER BAY
C/L	CENTERS LINE
C.H.	CONCRETE MONUMENT
C.M.P.	CONSOLIDATED METAL PIPE
C.T.P.	CRIMP TOP PIPE POINT
D.B.	DEEP BOOK
D.	DISORDER ENGAGEMENT
D.H.	DONALDSON
R.M.H.	ELECTRONIC MONITOR
-X-	FAVOR LANE
H.C.	FIRE BRIGADE
H.C.	GEORGE
G.M.D.	GEORGE ALFRED DISTRICT
H.C.	HANDICAPPED PARKING
INTER	INTERSECTION
L.C.	LAND LOT CORNER
L.L.	LAND LOT LINE
L.P.	LIGHT POLE
A/P	LOS ANGELES
O.T.P.	OPEN TOP FOR FOUND
P.O.	OPEN TOP FOR FOUND
P.M.	PLAY BOOK
P.S.	PLAT SLOPE
P.S.	POWER POLE
P.	POWER POLE
P/L	PROPERTY LINE
R.B.T.	REAR POINT
R.H.	REAR SIDE
R/W	RAILROAD WAY
R.S.I.	SANITARY SERVICE LINE
S.L.	SALVAGE DECK
S.P.	SERVICE POLE
S.D.H.	SOLID DOWN FOR POUND
S.D.H.	STONED DOWN POUND
R/O	STONED DOWN POUND
T.M.L.	THUNDERSTORM
T.M.L.	THUNDERSTORM MONUMENT
T.P.	TELEPHONE MONUMENT
T.L.	TELEPHONE POLE
W.L.	WATER LANE
W.L.	WATER LANE

Summary

Parcel Number 15044A002023
 Location Address 4121 FALCON PKWY
 Legal Description ATLANTA HWY
 (Note: Not to be used on legal documents)
 Class C3-Commercial
 (Note: This is for tax purposes only. Not to be used for zoning.)
 Zoning H-B
 (Note: Refer to map zoning layer for official zoning.)
 Tax District FLOWERY BRANCH (District 03)
 Millage Rate 31.952
 Acres 2.78
 Neighborhood Commercial - Hotels, Clubs, Dormitories (40011)
 Homestead Exemption No (50-)
 Landlot/District N/A

[View Map](#)



Owner

[MEMORIAL ESTATE PLANNERS INC](#)
 2030 MEMORIAL PARK ROAD
 GAINESVILLE, GA 30501

Linked Personal Property

[158957](#)

Land

Type	Description	Calculation Method	Square Footage	Frontage	Depth	Acres	Lots
Commercial	Comm-Falcon Pkwy	Acres	121,191	199	609	2.78	1

Commercial Improvement Information

Description Mortuaries-4
 Value \$1,026,500
 Actual Year Built 2001
 Effective Year Built 2006
 Square Feet 14416
 Wall Height 10
 Wall Frames
 Exterior Wall
 Roof Cover
 Interior Walls
 Floor Construction
 Floor Finish
 Ceiling Finish
 Lighting
 Heating
 Number of Buildings 1

Accessory Information

Description	Year Built	Dimensions/Units	Identical Units	Value
Commercial Site Value LC	2002	1x0 / 1	1	\$8,000
Paving - Concrete	2002	2055x1 / 0	1	\$2,600
Paving - Asphalt	2002	20115x1 / 0	1	\$20,900
Light Fixtures Parking Lot	2001	0x0 / 0	6	\$2,800
Light Poles Parking Lot	2001	0x0 / 0	6	\$2,800

[What are Homesteads?](#)

Permits

Permit Date	Permit Number	Type	Description
11/06/2019	000422	MISC	CONSTRUCTION OF BRICK SIGN FRAME WITH DIGITAL INSERT
11/06/2019	000422	MISC	CONSTRUCTION OF BRICK SIGN FRAME WITH DIGITAL INSERT
10/30/2013	2013-00138	OUTBUILDING	CITY OF FLOWERY BRANCH - PAVILLION (12 X 22) ACTUAL SIZE IS 16 X 20 (320 S.F.)
09/21/2001	00678	NEW CONSTRUCT	

Sales

Sale Date	Deed Book / Page	Plat Book / Page	Sale Price	Reason	Grantor	Grantee
9/30/1999	3565 555		\$0	VALID IMPROVED PROPERTY	FIRST NATIONAL BANK OF GAINESVILLE	MEMORIAL ESTATE PLANNERS INC

	2021	2020	2019
Previous Value	\$1,550,100	\$1,438,900	\$1,438,90C
Land Value	\$486,500	\$486,500	\$375,30C
+ Improvement Value	\$1,026,500	\$1,026,500	\$1,026,50C
+ Accessory Value	\$37,100	\$37,100	\$37,10C
= Current Value	\$1,550,100	\$1,550,100	\$1,438,90C

Assessment Notice

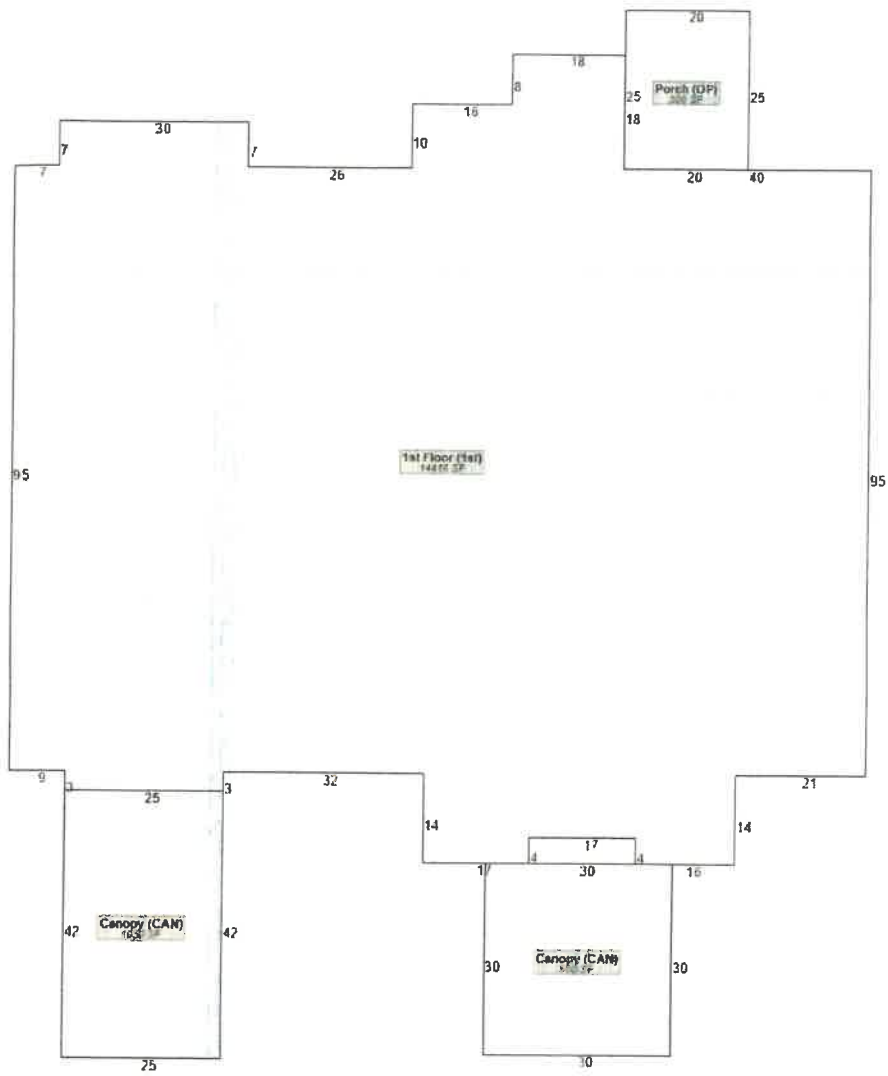
NO DOCUMENTATION FILED

NO DOCUMENTATION FILED

Photos



Sketches



No data available for the following modules: Rural Land, Conservation Use Rural Land, Residential Improvement Information, Mobile Homes, Prebill Mobile Homes.



GEORGIA STATE BOARD OF FUNERAL SERVICE
237 COLISEUM DRIVE
MACON, GA 31217
404-424-9966
www.sos.ga.gov

ZONING CERTIFICATION

(required for initial licensure, reinstatement, name change, and location change)

THIS IS TO CERTIFY THAT

Memorial Park South crematory

Crematory Establishment Name

4121 Falcon Parkway, Flowery Branch, GA 30542

Street Address, City, State, Zip

Kevin Wetzel

Owner(s)

has met all zoning standards that are required to operate the proposed crematory establishment in

Flowery Branch

City

Hall

County

SIGNATURE OF ZONING COMMISSIONER

PRINT NAME OF ZONING COMMISSIONER

SWORN TO AND SUBSCRIBED BEFORE ME THIS

____ DAY OF _____, _____

NOTARY PUBLIC

My Commission Expires _____

NOTARY SEAL



FIELD EVALUATION REPORT

2660 White Sulphur Road ♦ Gainesville, Georgia 30501 ♦ 770.536.5220 phone ♦ office@southerngeotech.com
14476 Duval Place West ♦ Suite 803 ♦ Jacksonville, Florida 32218 ♦ 904.374.2252

PROJECT NAME:	Memorial Park South Crematorium Addition	DATE OF EVALUATION:	August 1, 2023
EVALUATED BY:	Rodney Clark	PROJECT NO:	13884G
WEATHER CONDITIONS:	Sunny	REPORT NO:	112013
CLIENT:	Memorial Park		Page 1 of 2

WE NOTE THE FOLLOWING:

A representative of our firm visited the site on August 1, 2023 to perform evaluations on the structure addition. The City of Flowery Branch Inspection Department requested information on the building components utilized during construction for the structure and evaluations included framing and foundations. The structure consists of a integrated slab on grade and turn-down footings and wood framed walls and roof.

With regards to the framing of the structure, the framing members were spaced on 16-inch centers for the walls and roof supports.

The existing foundation is constructed utilizing a turn-down monolithic slab and footings. The building was constructed on foundations for the support of the building loads.

The strength of the concrete used in the foundation and construction was tested by using a Schmidt Hammer. The hammer measures the rebound of a spring-loaded mass impacting against the surface of the sample. The test hammer will hit the concrete at a defined energy. Its rebound is dependent on the hardness of the concrete and is measured by the test equipment. The measured strength of the footings, walls and slab exceeded 3,000 psi.

As evaluated, the existing foundation is satisfactory for support of the structure and the structure framing is in compliance with International Building Code (IBC) with Georgia 2020 Amendments.



This report has been prepared for the exclusive use of our client and their designees for specific application to this project. Furthermore, we note that the results presented relate only to the items evaluated and/or tested, and variations can be present outside areas that were tested and/or evaluated. As such, no other warranty is expressed or implied. Last, this report shall not be reproduced, except in full, without the written approval of SGC, LLC.

Rodney Clark

Note that by electronic signature above, the SGC personnel confirms that the findings of this report are free from any commercial, financial, or other pressures including trade organizations rules that might adversely affect the independence, judgment, and/or integrity of the results provided.



FIELD EVALUATION REPORT

2660 White Sulphur Road ♦ Gainesville, Georgia 30501 ♦ 770.536.5220 phone ♦ office@southerngeotech.com
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Page 2 of 2

CONTINUED:



This report has been prepared for the exclusive use of our client and their designees for specific application to this project. Furthermore, we note that the results presented relate only to the items evaluated and/or tested, and variations can be present outside areas that were tested and/or evaluated. As such, no other warranty is expressed or implied. Last, this report shall not be reproduced, except in full, without the written approval of SGC, LLC.

Rodney Clark

Note that by electronic signature above, the SGC personnel confirms that the findings of this report are free from any commercial, financial, or other pressures including trade organizations rules that might adversely affect the independence, judgment, and/or integrity of the results provided.

Memorial Park South Crematorium

12/15/2021 Received an e-mail from Mr. Sparks Bowers requesting a meeting to discuss adding a crematorium to the funeral home.

12/16/2021 Staff met with Mr. Bowers informing him that by our zoning ordinance a conditional use permit (CUP) would be required if he wishes to pursue building and operating a crematorium.

12/26/2021 Mr. Bowers formally requests a CUP application.

12/28/2021 Application and City Council schedule are sent to Mr. Bowers.

Application is never completed or formally submitted.

XX/XX/2023 Ms. Parish and staff tour the completed crematorium.

02/10/2023 Building plans are submitted to City of Flowery Branch and Hall County Fire Marshall

02/13/2023 Fire Marshall issues the following statement via e-mail:

To follow up with the email sent from Fire Marshal Vieira the Hall County Fire Marshal's office will require the following documents before any plan review and final inspection for occupancy can be completed.

- 1) Crematory zoning approval letter from the City of Flowery, required for review.
- 2) Passing Inspection report from the Georgia State Board of Crematory Licensure or confirmation that an application to the board for licensure has been completed and sent in for review approval.
- 3) 3 sets of architectural drawings for the crematory addition that have been stamped for approval by flowery branch. No digital copies, paper sets required.
- 4) Copy of the building permit issued from the City of Flowery Branch.
- 5) Complete attached plan review submittal form with review fee, make check payable to Hall County Fire Rescue.
- 6) Submit package to the Hall County Fire Marshal's Office at 470 Crescent Dr. Gainesville, Ga. 30501

03/XX/2023 Staff sends e-mail reiterating that a CUP must be acquired, and the building must somehow acquire a certificate of completion/occupancy from Hall County Fire Marshall and the City of Flowery

Branch. Staff is unable to see a clear path on how to satisfy the inspection requirements on a building that was already completed without any inspections.

11/14/2023 Mr. Bowers e-mails City Manager Ms. Parrish and asks what he needs to do to be able to move forward with the crematorium.

Staff send the following e-mail the same day:

...we are talking about two different issues at play here from Flowery Branch's point of view. First off, is the actual physical structure that was never permitted. That needs to be addressed. I'm not sure precisely how this will be handled since the project is completed but a set of plans to begin looking at is definitely a good place to start. Secondly, the use itself requires a conditional use permit through Flowery Branch. I was hopeful that this was not the case, but the code is pretty clear on this. Please let us know if there are any additional questions.

12/08/2023 Conditional Use Permit application is submitted.



FLOWERY BRANCH CITY COUNCIL

EXECUTIVE SUMMARY



SUBJECT: Consider the Second Reading of Ordinance 702 for a Rezoning Request submitted by Edge City Properties.

COUNCIL MEETING DATE: February 1, 2024

HISTORY:

Rezone a 14.158 +/- acre tract of land known as 5416 and 5408 Gainesville Street and described as tax parcel identification numbers 08112 027026 and 08112 027044 from Residential, Detached Single Family, Low-Density District (R-1) to Residential, Detached Single Family(R-2) with the intent to develop and construct forty (40) single family detached homes. The request to rezone to R-2 also includes variance requests.

FACTS AND ISSUES:

Rezone a 14.158 +/- acre tract of land known as 5416 and 5408 Gainesville Street and described as tax parcel identification numbers 08112 027026 and 08112 027044 from Residential, Detached Single Family, Low-Density District (R-1) to Residential, Detached Single Family(R-2) with the intent to develop and construct forty (40) single family detached homes. The request to rezone to R-2 also includes variance requests.

OPTIONS:

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

No

AMOUNT AND SOURCE OF FUNDS:

RECOMMENDATION:

Work Session and Second Read and Vote

SAMPLE MOTION:

COLLABORATING DEPARTMENT:

DEPARTMENT: Planning

Prepared by: Shelia Cooper

ATTACHMENTS

- [01 Edge City Zoning Package 14.158 Acres 10.20.2023.pdf](#)
- [Staff Report 5416 and 5408 Gainesville Street_Comments.pdf](#)
- [Ordinance 702 - Rezoning 5416 & 5408 Gainesville Street - Edge City Properties.pdf](#)



REZONING APPLICATION

Date: October 17, 2023

Address of Request:

5416 and 5408 Gainesville Street, Flowery Branch, GA 30542

Tax Map # 08112 027026, 08112 027044 **Current Zoning:** R-1

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

Currently a conforming use? Yes

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

Applicant Information

Name: Edge City Properties, Inc., C/O Kenneth J. Wood at Planners and Engineers Collaborative, Inc.

Address: 350 Research Court, Peachtree Corners, GA 30092

E-mail address: kwood@pec.plus

Phone number: 770-451-2741

Signature: 

Notary:



Ken Wood
6/17/2023



Property owner information (if different than the applicant)

Property owner (please print): The Evelyn Bagwell Revocable Trust

Signature of property owner: Nedra Ann Jones Executor

Notary:



Ashley Nichole Young

Property Information

Tax Map Number: 0811 2 027026

Current Zoning: R-1 Total Acres: +/-13.68

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

Proposed City of Flowery Branch Zoning: R-2

Current Use: R-1

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

Please provide the following at time of submittal in (one hard copy and digitally):

- Legal description
- Current survey of property



Property owner information (if different than the applicant)

Property owner (please print): Evelyn B. Jones

Signature of property owner: Nedra Ann Jones Executor

Notary:



Property Information

Tax Map Number: 08112 027044

Current Zoning: R-1 Total Acres: +/-0.49

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

Proposed City of Flowery Branch Zoning: R-2

Current Use: R-1

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

Please provide the following at time of submittal in (one hard copy and digitally):

- Current survey of property



- Site plan shall meet the requirements of the Flowery Branch Code of Ordinances; Appendix C, "Zoning Ordinance", Article 34 sections 34.5
- Development statistics per the Flowery Branch Code of Ordinances; Appendix C, "Zoning Ordinance", Article 34 sections 34.6
- Analysis requirements per the Flowery Branch Code of Ordinances; Appendix C, "Zoning Ordinance", Article 34 sections 34.7
- Detailed description of request
- Conflict of interest disclosure (attached)
- Disclosure of campaign contributions (attached)
- Names and addresses of adjoining property owners
- Reasons for requesting rezoning
- Signed statement authorizing City of Flowery Branch staff and/or City Council to inspect the subject property

Conflict of Interest Disclosure

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

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

None

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

None

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

None



Disclosure of Campaign Contributions

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

Elected Officials Name

Amount of Description of Gift

NONE

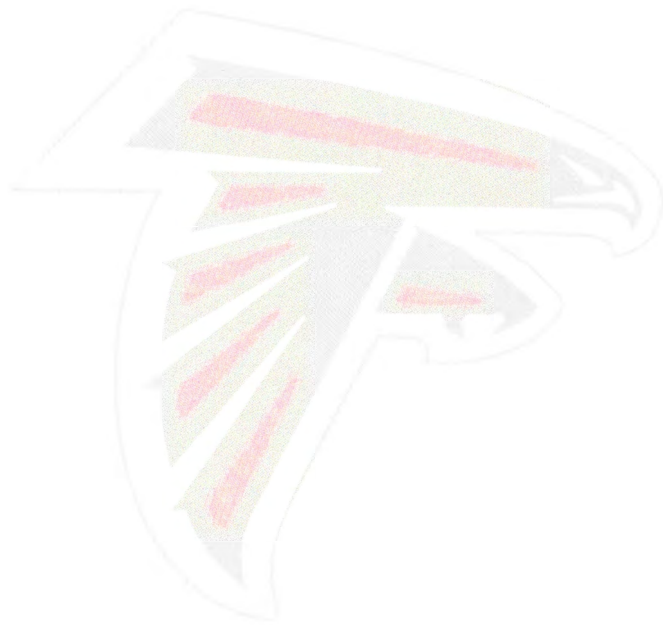
NONE

_____	_____
_____	_____

CITY STAFF ONLY

Application Received By: _____

Date: _____ Total Fee: _____





October 17, 2023

Rich Atkinson, Director
Planning & Community Development
City of Flowery Branch
5410 Pine Street
Flowery Branch, GA 30542

Re: LETTER OF INTENT FOR REZONING APPLICATION FOR 5416 and 5408 GAINESVILLE STREET (Parcel 08112 027026 and 08112 027044)

Dear Director Atkinson:

Edge City Properties, Inc. (the "Applicant") submits this Letter of Intent and attached Rezoning Application (the Application) for the purpose of rezoning to the R-2, Residential, Detached Single Family District zoning classification +/- 14.158 acres of land (the "Property") situated on Gainesville Street at Spring Street. The acreage is two combined parcels on the west side Gainesville Street in the southwestern portion of Hall County in the City of Flowery Branch. The Property has a residential home with the remaining portion being mostly pasture and is currently zoned R-1 with convenient access to the downtown area of Flowery Branch.

The Applicant proposes to develop the Property to contain a single-family residential community including a total of 40 detached single-family homes at a size, quality and price commensurate with or exceeding existing homes in the surrounding area. The Property is adjacent to a PUD residential development on three sides to the west, north and south and further surrounded by R-1 residential uses on small lots.

The proposed homes will include a mixture of two-story detached homes including two-car garages. The homes would be a mixture of front entry and rear entry garages to compliment the site topography. The front façade of the proposed homes would be constructed of a mixture of brick, stone, and/or fiber-cement shake/siding (including board and batten). The proposed development would also contain a pocket park and green space area for the use of the residents. The proposed development is in the Suburban Residential character area of the City of Flowery Branch Comprehensive Plan 2041. The site is bordered by the Old Town Character area to the south which encourages higher densities to support the downtown revitalization. A more dense residential housing supply will provide critical economic support to downtown shops and restaurants.

The proposed development would be a quality development that is compatible with development in the surrounding area. The homes proposed would contain a minimum of 2,000 square feet. The proposed development will preserve important state waters which border the property to the west in a rapidly-growing area in the City of Flowery Branch. The Gainesville

Street frontage will have sidewalks installed to further advance the Comprehensive Plan by increasing the walkability of the area into the City's downtown area.

Further, surrounding development and existing uses would not face major negative impacts as a result of the proposed development in part because of the substantial buffering and setback requirement of the City's Zoning Resolution.

The Applicant and its representatives welcome the opportunity to meet with staff of the City of Flowery Branch to answer any questions or to address any concerns relating to the matters set forth in this letter or in the Rezoning Application filed herewith.

The Applicant respectfully request your approval of this Application.

Sincerely,



Michael K. Dye
President
Edge City Properties, Inc. as Applicant

**City of Flowery Branch Rezoning Application
REQUEST FOR STATISTICAL INFORMATION
5416 and 5408 Gainesville Street Rezoning
Application**

1. Value of improvements at buildout:
 - Single Family Detached Homes 40 x \$600,000 = \$24,000,000
 - Total Value of Development \$24,000,000
2. Property tax revenue at buildout: (based on 40% of Total Value is \$9,600,000)
 - Hall County - \$ 236,832 (millage rate of 24.67)
 - City of Flowery Branch - \$31,334 (millage rate of 3.264)
3. Schedule of construction:
 - Design/Permitting: 1/1/2024 to 6/30/2024
 - Land Development/Plat: 7/1/2024 to 1/1/2025
 - Home Construction and Sales 1/1/2025 to 6/30/2026
4. Anticipated total square footage per unit:
 - 2,000 sf minimum
5. Total acreage to be developed:
 - 11.89 acres in total
6. The Single Family Tract will contain approximately 2.31 +/- acres private roads and utility easements.
7. The Single Family Tract will contain approximately 4.75 +/- acres of open space/common area to be maintained by the HOA to be established.
8. The Single Family Tract will contain approximately TBD acres of buffer and watershed protection.
 - A) The impervious buffer is applicable to this tract.
 - B) No property lines may extend into the undisturbed stream buffer.
 - C) The developer intends to utilize private streets to conform to the City's development code for front entry homes. The developer will dedicate storm sewer easements to the City of Flowery Branch as appropriate.
9. Transportation alternatives:
 - The Single Family Tract will have sidewalks along the frontage along Gainesville Street to utilize walkability to the City's downtown area.

10. Amenities for Single Family tract total approximately 3.02 +/- acres and will include the following:
 - Pocket Park
 - Green Space Area
11. A minimum of TBD are planned for the Single Family Tract with a maximum spacing of 150 feet.
12. The Single Family Tract will include approximately 4,100 linear feet of sidewalk containing approximately 447 cubic yards of concrete.
13. Homes in the Single Family Tract will have access to high speed internet to the extent available from the service provider.
14. The Single Family Tract will contain areas for providing detention, water quality and stream protection.
15. A traffic study has not yet been commissioned.
16. There are no provisions for utilization and storage of reuse water in this plan.
17. The Single Family Tract, as proposed, will generate approximately 14,000 (350 gpd x 40 units) gallons per day of wastewater flow.
18. The maximum daily water consumption is approximately 14,000 gallons per day. Low flow fixtures are required by the development.
19. A preliminary design has been completed in order to evaluate the proposed density. The site does not contain slopes 24% or greater.
20. Public safety requirements related to life safety codes have been considered in the concept design.
21. The Hall County school system will be provided density and build out projections for the entirety of the community.
22. Copies of master covenants and guidelines will be filed and recorded prior to recordation of the initial final plat.

Sec. 34.7. - Analysis Requirements.

- (a) Whether the proposal will permit a use that is suitable in view of the use and development of adjacent and nearby property. The proposed rezoning will permit a use that is suitable in view of the use and development of adjacent and nearby properties. The proposed development is a single-family residential neighborhood that will conserve important natural areas.
- (b) Whether the proposal will adversely affect the existing use or usability of adjacent or nearby property. The proposed rezoning will not adversely affect the existing use or usability of any of the nearby properties. The proposed development is compatible with surrounding development.
- (c) Whether the property to be affected by the proposal can be used in accordance with the existing regulations and has a reasonable economic use as currently zoned. The current R-1 zoning is not a reasonable economic use.
- (d) Whether the proposal will result in a use which will or could cause an excessive or burdensome use of existing streets, transportation facilities, utilities, or schools. The proposed rezoning will not result in an excessive or burdensome use of the infrastructure. The subject property is located on Gainesville Street with access to all utilities. Further, the relatively low development density will not overly burden the infrastructure system.
- (e) Whether the proposal is in conformity with the policy and intent of the comprehensive plan including but not limited to the character area map and future land use plan map. The proposed rezoning should be appropriate when reviewing the Future Land Use character area of the Property. In addition, the adjacent parcel contiguous to the south are part of the Old Town Character Area and should allow a more intensive zoning. The installation of sidewalks along Gainesville Street will increase walkability to the City's downtown area which is a theme goal in the Comprehensive Plan.
- (f) Whether there are other existing or changing conditions affecting the use and development of the property which give supporting grounds for either approval or disapproval of the proposal. The proposed rezoning is in conformity with the policy and intent of the City's Comprehensive Plan. The low-density R-1 zoning is no longer appropriate, and the property is well served as a single-family residential use and is adjacent to a higher density PUD.
- (g) Existing use(s) and zoning of the subject property and nearby properties. The existing use is a single-family home. The property is predominately surrounded by a PUD (to the west, north and south) and R-1 on the Gainesville Street frontage.
- (h) Existing value of the property under the existing zoning district classification, the extent to which the property value of the subject property is diminished by the existing zoning district, and the value of the property under the proposed zoning district; if such information is provided by the applicant or can be discerned. This consideration may include the length of time the property has been vacant or unused as currently zoned and efforts taken by the property owner(s) to use the property or sell the property under the existing zoning district classification. The current R-1 zoning is not a reasonable economic use. The Property is one of the larger tracts in the area and not appropriate for the larger lot sizes and lower density of R-1.
- (i) Whether a proposed zoning map amendment or conditional use approval will be a deterrent to the value or improvement of development of adjacent property in accordance with existing regulations. The proposed rezoning is appropriate with surrounding uses and should be eligible for a higher density given its proximity to the Old Town Character Area which encourages higher densities and increases the viability of the downtown redevelopment.
- (j) The possible creation of an isolated zoning district unrelated to adjacent and nearby districts. The proposed rezoning will not create an isolated zoning district and will complement the surrounding uses.

- (k) Possible effects of the change in zoning district map, or change in use, on the character of a zoning district. *The proposed rezoning will not negatively impact the character area of the zoning district.*
- (l) The possible impact on the environment, including but not limited to, drainage, soil erosion and sedimentation, flooding, air quality and water quality. *The proposed rezoning use will not negatively impact the environment and will produce a quality residential use with careful consideration given to responsibly develop with no negative impact on the environment.*
- (m) The relation that the proposed map amendment or conditional use bears to the purpose of the overall zoning scheme and the purposes of this Zoning Ordinance. *The proposed rezoning is in full compliance with the overall zoning scheme and purposes of the Zoning Ordinance. This proposal will protect and appreciate the surrounding properties while increasing the quality of the City's housing supply.*

**Adjacent Property Owners to 5416 and 5408 Gainesville Street: Source Hall County
qPublic.net and City of Flowery Branch Official Zoning Map dated 2016**

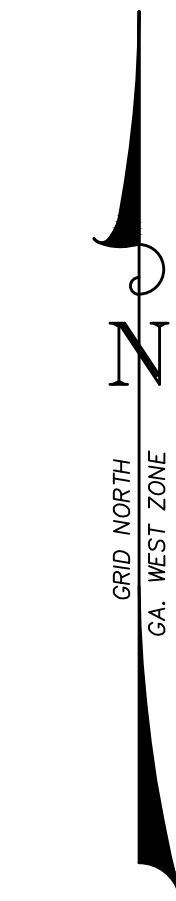
1. [SUMMIT LAKE HOMEOWNERS ASSOCIATION, INC.](#)
1630 MILITARY CUT-OFF ROAD
SUITE 218
WILMINGTON, NC 28403
PUD
2. EDWIN ANDRES QUITIAN RUIZ
6030 TRUMPET FLOWER AVENUE
FLOWERY BRANCH, GA 30542
PUD
3. LINDSAY MARIE COLE
KEMP, JEAN E. & COLE, CHANDLER BROOKS
6034 TRUMPET FLOWER AVENUE
FLOWERY BRANCH, GA 30542
PUD
4. WESLEY AARON NEWTON
NEWTON MARILYN MONTEMAYOR
6038 TRUMPET FLOWER AVENUE
FLOWERY BRANCH, GA 30542
PUD
5. ETHAN PEARCE HEISEY
HEISEY, MEGAN NICOLE
6042 TRUMPET FLOWER AVENUE
FLOWERY BRANCH, GA 30542
PUD
6. CHARLES NORMAND WILSON
TENNIS, KATIE ELIZABETH
6046 TRUMPET FLOWER AVENUE
FLOWERY BRANCH, GA 30542
PUD
7. LISA MADELEINE COZZA
COZZA ROBERT JUDE
6050 TRUMPET FLOWER AVENUE
FLOWERY BRANCH, GA 30542
PUD
8. WIDJAJA SULISTIO
TJIPTOKUSUMO DEVI YONASIS
6054 TRUMPET FLOWER AVENUE
FLOWERY BRANCH, GA 30542
PUD
9. ANTHONY RICHARD BARRIOS PINA
PINERO LISBETH M ARRIETA
6058 TRUMPET FLOWER AVENUE
FLOWERY BRANCH, GA 30542
PUD

10. DEIVI ALFREDO VILLEG ROSADO
6062 TRUMPET FLOWER AVENUE
FLOWERY BRANCH, GA 30542
PUD
11. [MAOQIAO YANG](#)
XUE, JIA
5765 BRIDLETON CROSSING
SUWANEE, GA 30024
PUD
12. MARIA M. BELLO HERNANDEZ
HERNANDEZ PRICE, MARIA M.
6070 TRUMPET FLOWER AVE
FLOWERY BRANCH, GA 30542
PUD
13. CALVIN ARTHUR TANNER
5504 GAINESVILLE STREET
GAINESVILLE, GA 30542
R-1
14. [JERRY DAVID TANNER](#)
TANNER SUE A
5504 GAINESVILLE ST
FLOWERY BRANCH, GA 30542
R-1
15. FREDERICK PETER PHEIL
P. O. BOX 338
RUBY, SC 29741
R-1
16. HARVEY FAMILY HOLDINGS, LLC
4940 BOWMAN PARK POINT
CUMMING, GA 30041
PUD

Authorization to Inspect Property

I hereby authorize the City of Flowery Branch Staff and/or City Council to inspect the Property located at 5416 and 5408 Gainesville Street, Flowery Branch, Georgia for the purpose of a evaluating a Rezoning Application.

Nedra Ann Jones Executor
THE EVELYN BAGWELL REVOCABLE TRUST
Nedra Ann Jones Executor
EVELYN B. JONES

[illegible]

BOUNDARY SURVEY FOR:
EDGE CITY PROPERTIES, INC.

LOCATED IN LAND LOT 112
8th DISTRICT
CITY OF FLOWERY BRANCH
HALL COUNTY, GEORGIA
JULY 13, 2022

Z Y
 - E
 Z V
 Z R
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 G S



DRAWN BY: JZC
CHECKED BY: ZRW

PROJECT NO. 22016

<i>SHEET</i>	<i>OF</i>
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1	1
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Legal Description – Gainesville Street 5416

All that tract or parcel of land lying and being in Land Lot 112 of the 8th District, City of Flowery Branch, Hall County, Georgia, and being more particularly described as follows:

BEGINNING at a 7/8" open-top pipe found at the southernmost corner of Lot 315 of Summit Lake Subdivision Phase 2, as recorded in Plat Book 879, Page 291 of Hall County, Georgia records;
Thence South 47 Degrees 11 Minutes 34 Seconds West a distance of 12.12 feet to a 1-1/2" open-top pipe found;
Thence South 56 Degrees 43 Minutes 56 Seconds East a distance of 428.58 feet to a point at the northwesterly right of way of Gainesville Street (40' R/W);
Thence along said right of way the following courses and distances:
South 34 Degrees 47 Minutes 24 Seconds West a distance of 89.96 feet to a point;
South 34 Degrees 03 Minutes 03 Seconds West a distance of 205.02 feet to a 1/2" rebar set;
Thence leaving said right of way North 55 Degrees 23 Minutes 46 Seconds West a distance of 245.63 feet to a 1" crimped-top pipe found;
Thence South 34 Degrees 45 Minutes 05 Seconds West a distance of 116.68 feet to a 1" crimped-top pipe found;
Thence North 54 Degrees 29 Minutes 24 Seconds West a distance of 41.81 feet to a 1-1/2" open-top pipe found;
Thence South 47 Degrees 05 Minutes 07 Seconds West a distance of 81.36 feet to a 1" open-top pipe found;
Thence North 72 Degrees 29 Minutes 07 Seconds West a distance of 242.41 feet to a 1/2" rebar found;
Thence North 43 Degrees 30 Minutes 24 Seconds West a distance of 95.73 feet to a 1/2" rebar found;
Thence North 32 Degrees 22 Minutes 01 Seconds West a distance of 138.08 feet to a 1/2" rebar found;
Thence North 37 Degrees 39 Minutes 04 Seconds West a distance of 77.21 feet to a 1/2" rebar found;
Thence North 30 Degrees 22 Minutes 11 Seconds West a distance of 102.03 feet to a 1/2" rebar found;
Thence North 31 Degrees 48 Minutes 07 Seconds West a distance of 51.86 feet to a 1/2" rebar found (bent);
Thence North 31 Degrees 32 Minutes 31 Seconds West a distance of 76.93 feet to a 1/2" rebar found;
Thence North 30 Degrees 29 Minutes 06 Seconds West a distance of 83.60 feet to a 1" open-top pipe found;
Thence North 33 Degrees 11 Minutes 02 Seconds East a distance of 710.40 feet to a 1" open-top pipe found;
Thence South 27 Degrees 31 Minutes 23 Seconds East a distance of 800.42 feet to a 7/8" open-top pipe found, said point being the **TRUE POINT OF BEGINNING**.

Said tract or parcel of land containing 14.158 Acres.

JUSTIFICATION FOR REZONING APPLICATION OF
EDGE CITY PROPERTIES, INC.

The portions of the Zoning Resolution of the City of Flowery Branch (the “ZR”) which classify or may classify the property (the 'Property') which is the subject of the rezoning application submitted herewith (the “Application”) into any less intensive zoning classification other than as requested by the Applicant, or that prohibit the development of the Property as set forth in the Application, are or would be unconstitutional in that they would destroy the Applicant's property rights without first paying fair, adequate and just compensation for such rights, in violation of Article I, Section I, Paragraph II of the Constitution of the State of Georgia of 1983, and the Due Process Clause of the Fourteenth Amendment to the Constitution of the United States.

The application of the ZR as applied to the subject Property, which restricts its use to the present zoning classification is unconstitutional, illegal, null and void, constituting a taking of the Applicant's and the Owner's property in violation of the Just Compensation Clause of the Fifth Amendment and the Due Process Clause of the Fourteenth Amendment to the Constitution of the United States, Article I, Section I, Paragraph I, and Article I, Section I, Paragraph II of the Constitution of the State of Georgia of 1983, and the Equal Protection Clause of the Fourteenth Amendment to the Constitution of the United States denying the Applicant an economically viable use of its land while not substantially advancing legitimate state interests.

The Property is presently suitable for development under the R-2 zoning classification as requested by the Applicant and is not economically suitable for development under the present R-1 zoning classification of the City of Flowery Branch. A denial of the Application would constitute an arbitrary and capricious act by the Mayor and City Council members of the City of Flowery Branch without any rational basis therefore, constituting an abuse of discretion in violation of Article I, Section I, Paragraph I and Article I, Section I, Paragraph II of the Constitution of the State of Georgia of 1983, and the Due Process Clause of the Fourteenth Amendment to the Constitution of the United States.

A refusal by the City of Flowery Branch Mayor and City Council Members to rezone the Property to the R-2 classification as set forth in the Application with such conditions as agreed to by the Applicant, so as to permit the only feasible economic use of the Property, would be unconstitutional and discriminate in an arbitrary, capricious and unreasonable manner between the Applicant and owners of similarly situated property in violation of Article I, Section I, Paragraph II of the Constitution of the State of Georgia of 1983 and the Equal Protection Clause of the Fourteenth Amendment to the Constitution of the United States. Any rezoning of the subject Property to the R-2 classification subject to conditions which are different from the conditions by which the Applicant may amend its application, to the extent such different conditions would have the effect of further restricting the Applicant's and the Owner's utilization of the subject Property, would also constitute an arbitrary, capricious and discriminatory act in zoning the Property to an unconstitutional classification and would likewise violate each of the provisions of the State and Federal Constitutions set forth hereinabove.

Likewise, a refusal by the City of Flowery Branch's Mayor and City Council Members to permit the Applicant to withdraw the Application without prejudice would be an arbitrary and capricious act by the City of Flowery Branch's Mayor and City Council Members without any rational basis therefore, constituting an abuse of discretion in violation of Article I, Section 1, Paragraph I and Article I, Section I, Paragraph II of the Constitution of the State of Georgia of 1983, and the Due Process Clause of the Fourteenth Amendment to the Constitution of the United States.

Accordingly, the Applicant respectfully requests that the rezoning application submitted by the Applicant relative to the Property be granted and that the Property be rezoned to the zoning classification as shown on the respective application.

This 17 day of October 2023

Respectfully submitted,

EDGE CITY PROPERTIES, INC., As Applicant



Michael K. Dye
President



**Staff Report
Edge City Properties
Rezoning Request
Ordinance
December 2023**

Request

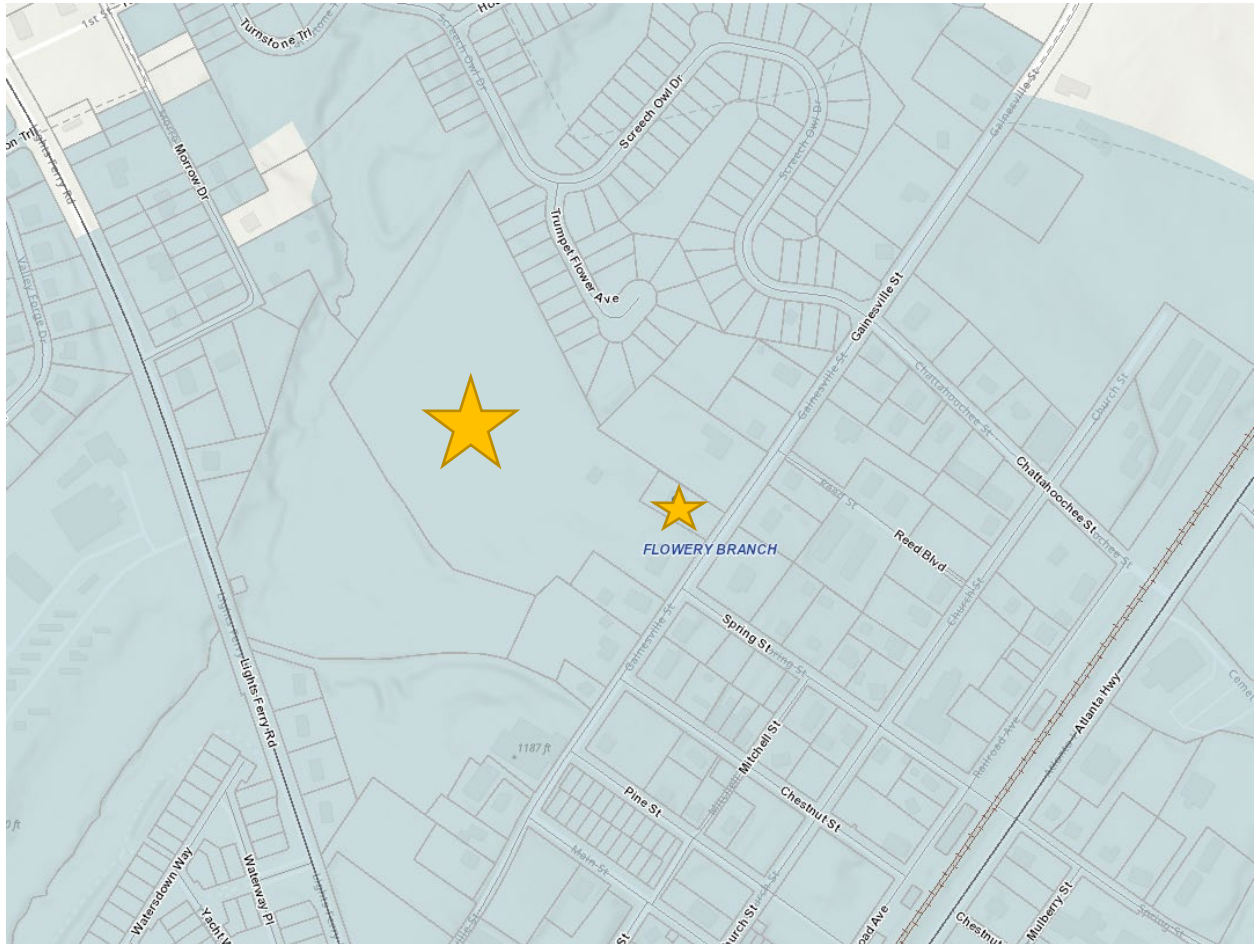
Rezone a 14.158 +/- acre tract of land known as 5416 and 5408 Gainesville Street and described as tax parcel identification numbers 08112 027026 and 08112 027044 from Residential, Detached Single Family, Low-Density District (R-1) to Residential, Detached Single Family(R-2) with the intent to develop and construct forty (40) single family detached homes. The request to rezone to R-2 also includes variance requests.

The variance requests are as follows:

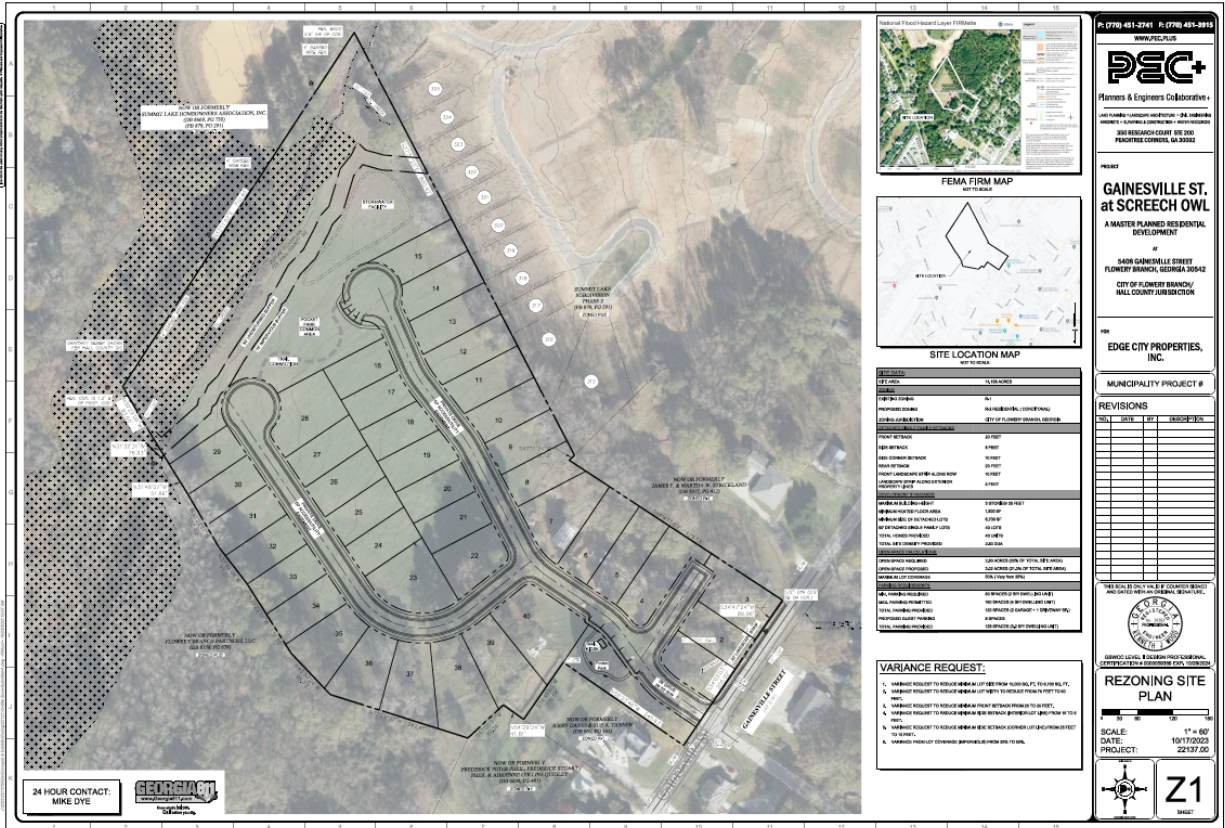
1. VARIANCE REQUEST TO REDUCE MINIMUM LOT SIZE FROM 15,000 SQ. FT. TO 6,700 SQ. FT.
2. VARIANCE REQUEST TO REDUCE MINIMUM LOT WIDTH TO REDUCE FROM 75 FEET TO 60 FEET.
3. VARIANCE REQUEST TO REDUCE MINIMUM FRONT SETBACK FROM 25 TO 20 FEET.
4. VARIANCE REQUEST TO REDUCE MINIMUM SIDE SETBACK (INTERIOR LOT LINE) FROM 15 TO 5 FEET.
5. VARIANCE REQUEST TO REDUCE MINIMUM SIDE SETBACK (CORNER LOT LINE) FROM 25 FEET TO 10 FEET.
6. VARIANCE FROM LOT COVERAGE (IMPERVIOUS) FROM 35% TO 50%.



GIS Map:



Proposed Layout:





<u>SITE DATA:</u>	
SITE AREA	14.158 ACRES
<u>ZONING</u>	
EXISTING ZONING	R-1
PROPOSED ZONING	R-2 RESIDENTIAL (CONDITONAL)
ZONING JURISDICTION	CITY OF FLOWERY BRANCH, GEORGIA
<u>DETACHED SINGLE FAMILY SETBACKS</u>	
FRONT SETBACK	20 FEET
SIDE SETBACK	5 FEET
SIDE CORNER SETBACK	10 FEET
REAR SETBACK	20 FEET
FRONT LANDSCAPE STRIP ALONG ROW	10 FEET
LANDSCAPE STRIP ALONG EXTERIOR PROPERTY LINES	5 FEET
<u>DEVELOPMENT STANDARDS</u>	
MAXIMUM BUILDING HEIGHT	3 STORIES/ 35 FEET
MINIMUM HEATED FLOOR AREA	1,800 SF
MINIMUM SIZE OF DETACHED LOTS	6,700 SF
60' DETACHED SINGLE FAMILY LOTS	40 LOTS
TOTAL HOMES PROVIDED	40 UNITS
TOTAL SITE DENSITY PROVIDED	2.83 DUA
<u>OPEN SPACE CALCULATIONS</u>	
OPEN SPACE REQUIRED	2.83 ACRES (20% OF TOTAL SITE AREA)
OPEN SPACE PROPOSED	3.02 ACRES (21.3% OF TOTAL SITE AREA)
MAXIMUM LOT COVERAGE	50% (Vary from 35%)
<u>PARKING REQUIREMENTS</u>	
MIN. PARKING REQUIRED	80 SPACES (2 SP/ DWELLING UNIT)
MAX. PARKING PERMITTED	160 SPACES (4 SP/ DWELLING UNIT)
TOTAL PARKING PROVIDED	120 SPACES (2 GARAGE + 1 DRIVEWAY SP.)
PROPOSED GUEST PARKING	8 SPACES
TOTAL PARKING PROVIDED	128 SPACES (3.2 SP/ DWELLING UNIT)



Proposed Schedule

December 7, 2023 – Public Hearing
December 21, 2023 - Work Session (if requested)
January 4, 2023 – First Read and First Vote
January 19, 2023 – Work Session (if requested)
February 2, 2023- Second Read and Final Vote

Comprehensive Plan



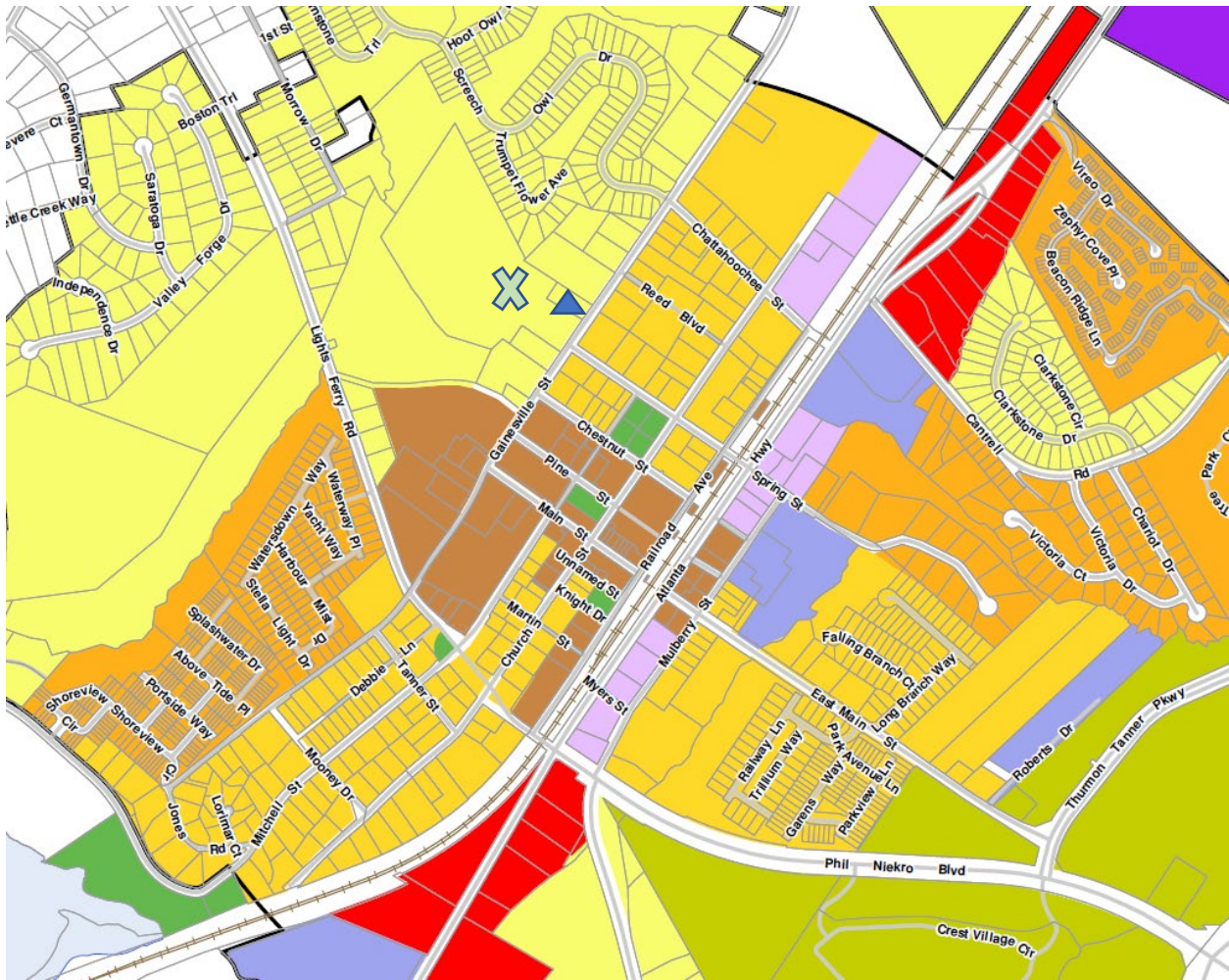


Purpose of the Comprehensive Plan

The *Flowery Branch Comprehensive Plan* is the City's policy guide for growth and development, as expressed by a vision statement, Future Development Map, character area policies, and supporting implementation strategies. The plan is most commonly used in the review and decision-making process by staff and City Council for rezoning requests, when proposals are evaluated for consistency with the Future Development Map and supporting text in this document.

The Comprehensive Plan also outlines the overall strategy for achieving the City's vision for future development by identifying a 5-year Community Work Program (CWP) with a prioritized 'to-do' list. The CWP should be consulted by staff and City Council on an annual basis when developing annual department-level work programs and the City budget.

In addition, this plan serves the purpose of meeting the intent and requirements of the Georgia Department of Community Affairs' (DCA) "Standards and Procedures for Local Comprehensive Planning," as amended on October 1, 2018. Preparation of a comprehensive plan in accordance with these standards is an essential requirement for maintaining status as a Qualified Local Government (QLG). QLG status allows Georgia cities and counties to be eligible for financial incentives from DCA, the Department of Natural Resources (DNR), the Georgia Environmental Finance Authority (GEFA), and the OneGeorgia Authority. This plan update allows the City of Flowery Branch to retain its QLG status.



▲ X Proposed parcel

Future Development Map

Other City Limits	MIXED USE - DOWNTOWN
CHARACTER AREA	MIXED USE - NEIGHBORHOOD
CONSERVATION	NEIGHBORHOOD COMMERCIAL
SUBURBAN RESIDENTIAL	ACTIVITY CENTER
TRADITIONAL NEIGHBORHOOD	ACTIVITY CENTER - RETAIL
URBAN DENSITY COMMUNITY	INDUSTRIAL EMPLOYMENT
OLD TOWN	INSTITUTIONAL CAMPUS



Suburban Residential

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

Vision

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

Design Principles

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

Land Uses

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

Zoning

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

Implementation Strategies

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

Illustrative Photos





The proposed development generally meets the requirements of the Suburban-Residential character area of the Comprehensive Plan. The variance requests would boost downtown redevelopment by accommodating more citizens with a close proximity to downtown area.

Analysis

Flowerly Branch Zoning Ordinance Article 37 Rezoning and Conditional Use Applications

Sec. 34.7. - Analysis Requirements.

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

Applicant comment

Staff Response

- (a) Whether the proposal will permit a use that is suitable in view of the use and development of adjacent and nearby property.
The proposed rezoning will permit a use that is suitable in view of the use and development of adjacent and nearby properties. The proposed development is a single-family residential neighborhood that will conserve important natural areas.
Yes, residential use is appropriate for this site and the surrounding area.
- (b) Whether the proposal will adversely affect the existing use or usability of adjacent or nearby property.
The proposed rezoning will not adversely affect the existing use or usability of any of the nearby properties. The proposed development is compatible with surrounding development.
The development will not adversely affect the area.
- (c) Whether the property to be affected by the proposal can be used in accordance with the existing regulations and has a reasonable economic use as currently zoned.
The current R-1 zoning is not a reasonable economic use.
Yes, the current zoning of R-1 may be economically feasible with the potential growth in the downtown area.
- (d) Whether the proposal will result in a use which will or could cause an excessive or burdensome use of existing streets, transportation facilities, utilities, or schools.



The proposed rezoning will not result in an excessive or burdensome use of the infrastructure. The subject property is located on Gainesville Street with access to all utilities. Further, the relatively low development density will not overly burden the infrastructure system.

It is staff's opinion that the use will not create any unnecessary burdens.

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

The proposed rezoning should be appropriate when reviewing the Future Land Use character area of the Property. In addition, the adjacent parcel contiguous to the south are part of the Old Town Character Area and should allow a more intensive zoning. The installation of sidewalks along Gainesville Street will increase walkability to the City's downtown area which is a theme goal in the Comprehensive Plan.

Agree

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

The proposed rezoning is in conformity with the policy and intent of the City's Comprehensive Plan. The low-density R-1 zoning is no longer appropriate, and the property is well served as a single-family residential use and is adjacent to a higher density PUD.

Not to staff's knowledge, no.

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

The existing use is a single-family home. The property is predominately surrounded by a PUD (to the west, north and south) and R-1 on the Gainesville Street frontage.

Agree

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

The current R-1 zoning is not a reasonable economic use. The Property is one of the larger tracts in the area and not appropriate for the larger lot sizes and lower density of R-1.

The R-1 is feasible but the requested R-2 zoning designation is more appropriate as the subject property is close to the downtown area. Please also review applicant's response as part of attached "Exhibit C".

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

The proposed rezoning is appropriate with surrounding uses and should be eligible for a higher density given its proximity to the Old Town Character Area which encourages higher densities and increases the viability of the downtown redevelopment.

Agree. Staff does not feel that the proposed will be a deterrent but rather an enhancement to the surrounding area.

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

The proposed rezoning will not create an isolated zoning district and will complement the surrounding uses.

Agree.



- (k) Possible effects of the change in zoning district map, or change in use, on the character of a zoning district.
The proposed rezoning will not negatively impact the character area of the zoning district
The proposed use will enhance the character of the existing district and surrounding area in staff's opinion.
- (l) The possible impact on the environment, including but not limited to, drainage, soil erosion and sedimentation, flooding, air quality and water quality.
The proposed rezoning use will not negatively impact the environment and will produce a quality residential use with careful consideration given to responsibly develop with no negative impact on the environment.
The development, if approved, will need to go through all the required development reviews to ensure all applicable codes and requirements are met.
- (m) The relation that the proposed map amendment or conditional use bears to the purpose of the overall zoning scheme and the purposes of this Zoning Ordinance.
The proposed rezoning is in full compliance with the overall zoning scheme and purposes of the Zoning Ordinance. This proposal will protect and appreciate the surrounding properties while increasing the quality of the City's housing supply.
The proposed development will enhance the surrounding area and meets the intent of the Zoning Ordinance.



**City of Flowery Branch Rezoning Application
REQUEST FOR STATISTICAL INFORMATION
5416 and 5408 Gainesville Street Rezoning
Application**

1. Value of improvements at buildout:
 - Single Family Detached Homes 40 x \$600,000 = \$24,000,000
 - Total Value of Development \$24,000,000
2. Property tax revenue at buildout: (based on 40% of Total Value is \$9,600,000)
 - Hall County - \$ 236,832 (millage rate of 24.67)
 - City of Flowery Branch - \$31,334 (millage rate of 3.264)
3. Schedule of construction:
 - Design/Permitting: 1/1/2024 to 6/30/2024
 - Land Development/Plat: 7/1/2024 to 1/1/2025
 - Home Construction and Sales 1/1/2025 to 6/30/2026
4. Anticipated total square footage per unit:
 - 2,000 sf minimum
5. Total acreage to be developed:
 - 11.89 acres in total
6. The Single Family Tract will contain approximately 2.31 +/- acres private roads and utility easements.
7. The Single Family Tract will contain approximately 4.75 +/- acres of open space/common area to be maintained by the HOA to be established.
8. The Single Family Tract will contain approximately TBD acres of buffer and watershed protection.
 - A) The impervious buffer is applicable to this tract.
 - B) No property lines may extend into the undisturbed stream buffer.
 - C) The developer intends to utilize private streets to conform to the City's development code for front entry homes. The developer will dedicate storm sewer easements to the City of Flowery Branch as appropriate.
9. Transportation alternatives:
 - The Single Family Tract will have sidewalks along the frontage along Gainesville Street to utilize walkability to the City's downtown area.



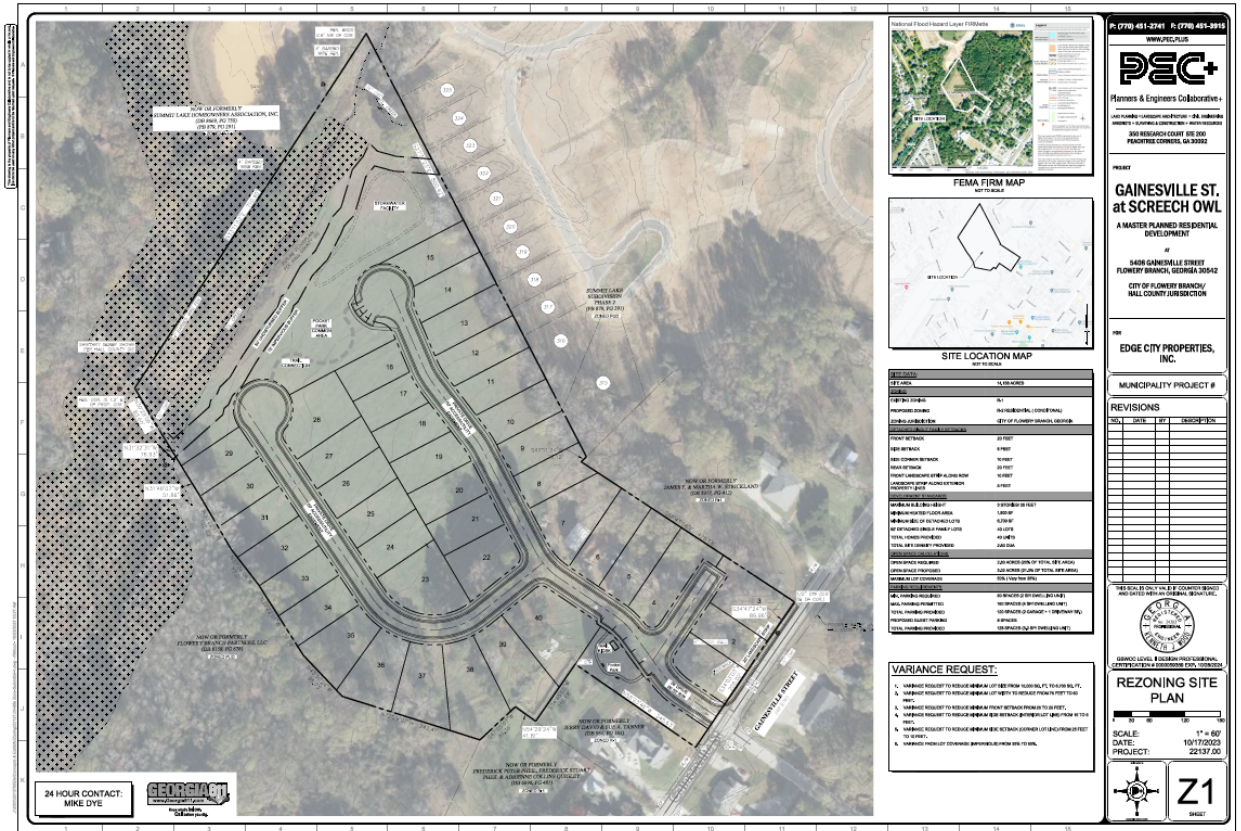
10. Amenities for Single Family tract total approximately 3.02 +/- acres and will include the following:
 - Pocket Park
 - Green Space Area
11. A minimum of TBD are planned for the Single Family Tract with a maximum spacing of 150 feet.
12. The Single Family Tract will include approximately 4,100 linear feet of sidewalk containing approximately 447 cubic yards of concrete.
13. Homes in the Single Family Tract will have access to high speed internet to the extent available from the service provider.
14. The Single Family Tract will contain areas for providing detention, water quality and stream protection.
15. A traffic study has not yet been commissioned.
16. There are no provisions for utilization and storage of reuse water in this plan.
17. The Single Family Tract, as proposed, will generate approximately 14,000 (350 gpd x 40 units) gallons per day of wastewater flow.
18. The maximum daily water consumption is approximately 14,000 gallons per day. Low flow fixtures are required by the development.
19. A preliminary design has been completed in order to evaluate the proposed density. The site does not contain slopes 24% or greater.
20. Public safety requirements related to life safety codes have been considered in the concept design.
21. The Hall County school system will be provided density and build out projections for the entirety of the community.
22. Copies of master covenants and guidelines will be filed and recorded prior to recordation of the initial final plat.



Recommendation

Approve the request as submitted with the following conditions:

1. Development shall significantly adhere to the site plan as shown below:



2. Landscaping
 - A. Typical lot landscaping design: identify type and size of trees and bushes
 - B.
3. Homes shall meet all R2 and current design and architectural requirements.
4. 8' sidewalk is required along Gainesville Street.
5. Streets shall be private



6. A fence around the exterior of the property to separate it from the neighbors shall be required. Said fence will be decorative in nature and shall be approved by staff.

ORDINANCE NO. 702

AN ORDINANCE AMENDING THE ZONING MAP OF THE CITY OF FLOWERY BRANCH, GEORGIA, BY REZONING TWO PARCELS OF REAL PROPERTY OF LAND TOTALING 14.158 +/- ACRES OF LAND, OWNED BY THE EVELYN BAGWELL REVOCABLE TRUST AND EVELYN B. JONES, IDENTIFIED AS 5416 AND 5408 GAINESVILLE STREET, TAX PARCEL 08112 027026 AND 08112 027044, TO BE REZONED FROM RESIDENTIAL, DETACHED SINGLE FAMILY, LOW-DENSITY DISTRICT (R-1) TO RESIDENTIAL, DETACHED SINGLE FAMILY(R-2) AS SHOWN ON ATTACHED EXHIBIT “A”, AND AS DESCRIBED ON ATTACHED EXHIBIT “B”, AND AS CONDITIONED ON ATTACHED EXHIBIT “C”, PROVIDING FOR SEVERABILITY, REPEALING CONFLICTING ORDINANCES, PROVIDING FOR AN EFFECTIVE DATE AND FOR ALL OTHER LAWFUL PURPOSES.

WHEREAS, The Evelyn Bagwell Revocable Trust owns the subject parcel of land identified as Parcel Tax Identification No. 08112 027026 and Evelyn B. Jones owns the subject parcel of land identified as Parcel Tax Identification No. 08112 027044, as shown on Exhibit “A”, and as described on Exhibit “B”; and

WHEREAS, The Evelyn Bagwell Revocable Trust and Evelyn B. Jones submitted to the City of Flowery Branch, Georgia, a written and signed application and affidavit showing consent to being rezoned, and whereas a survey and complete description of the land to be rezoned is included in the application; and

WHEREAS, the City Council held a public hearing at the meeting of December 7, 2023, duly noticed as prescribed by law and published in the Gainesville Times, regarding said application, as shall be set forth in the minutes of said meeting.

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

SECTION 1. FINDINGS.

The City Council finds that the proposed rezoning from Residential, Detached Single Family, Low-Density District (R-1) to Residential, Detached Single Family(R-2) is consistent with the adopted standards for governing the exercise of the zoning power consistent with O.C.G.A. § 36-66-5 and requirements of the Zoning Ordinance as identified below.

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

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

SECTION 2. REZONING.

The subject parcel, as shown on Exhibit “A” and as legally described in Exhibit “B”, is hereby rezoned from Residential, Detached Single Family, Low-Density District (R-1) to Residential, Detached Single Family(R-2) and conditioned and with variances granted as shown on attached Exhibit “C”. Said Exhibits are incorporated.

SECTION 3. AMENDMENT OF THE ZONING MAP.

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

SECTION 4. SEVERABILITY.

Public Hearing Published 10/28/2023
Public Hearing 12/07/2023

First Reading 01/04/2024
Adopted 02/01/2024

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 February 1, 2024.

SECTION 6. REPEALER.

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

Approved this 1st day of February 2024.

Edward R. Asbridge, Mayor

Shelia R. Cooper, City Clerk

APPROVED AS TO FORM

Ted C. Baggett, City Attorney

Public Hearing Published
Public Hearing

10/28/2023
12/07/2023

First Reading 01/04/2024
Adopted 02/01/2024

Exhibit "A"

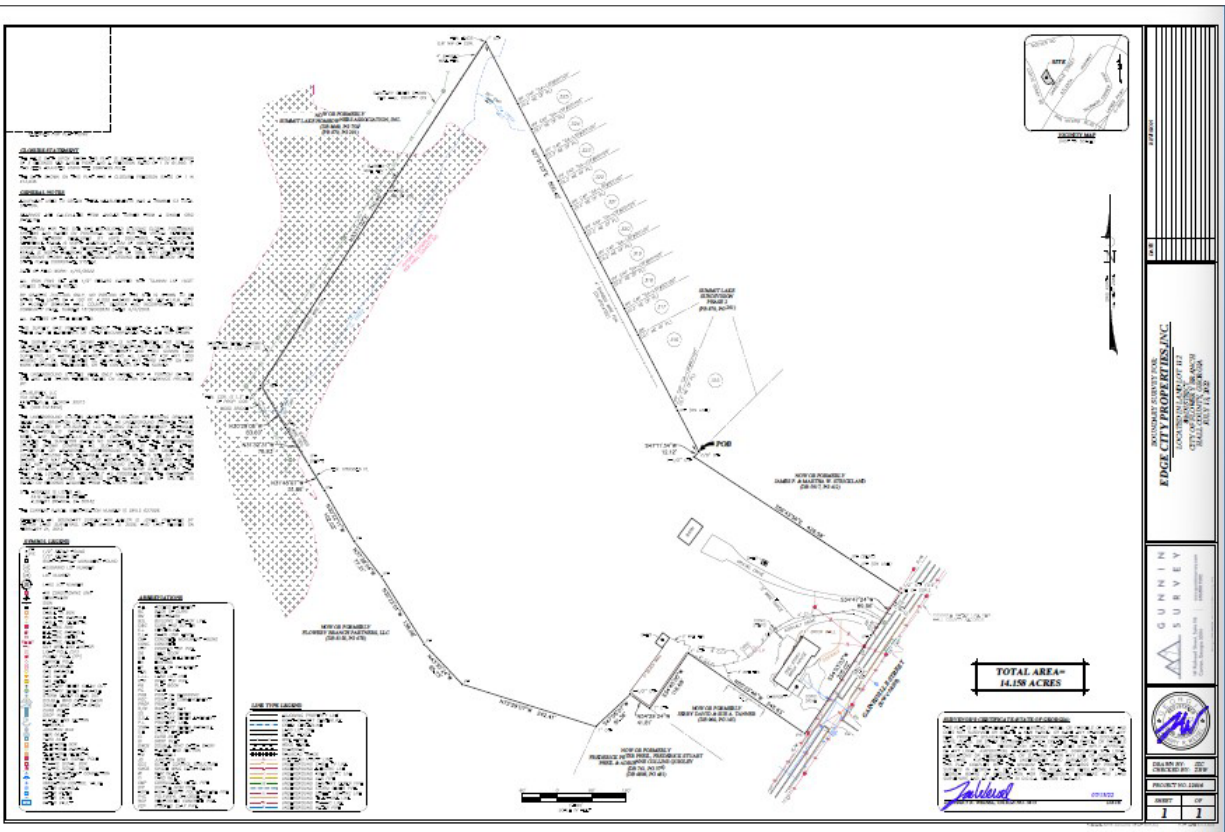


Exhibit "B"

Legal Description – Gainesville Street 5416

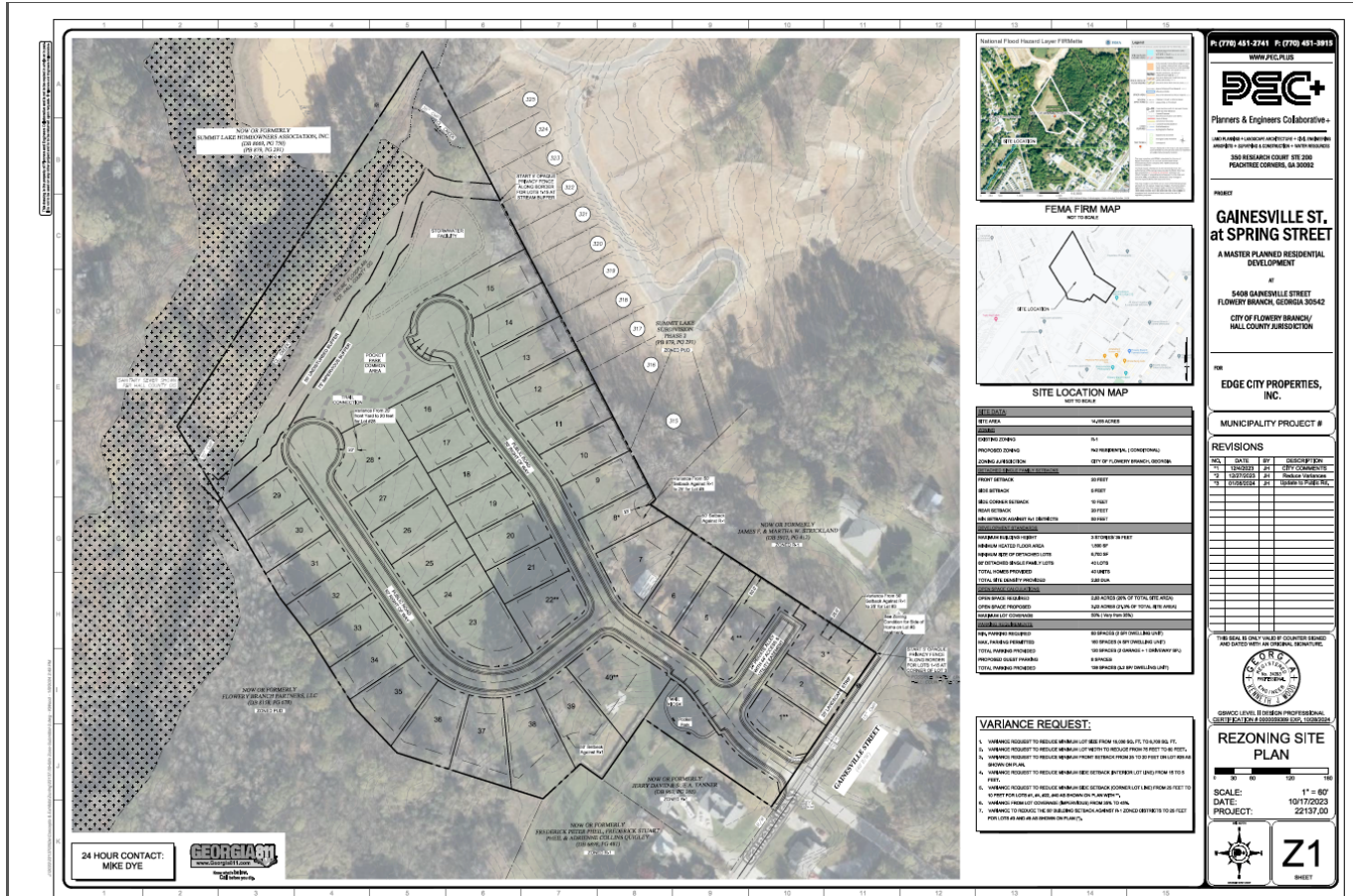
All that tract or parcel of land lying and being in Land Lot 112 of the 8th District, City of Flowery Branch, Hall County, Georgia, and being more particularly described as follows:

BEGINNING at a 7/8" open-top pipe found at the southernmost corner of Lot 315 of Summit Lake Subdivision Phase 2, as recorded in Plat Book 879, Page 291 of Hall County, Georgia records;
Thence South 47 Degrees 11 Minutes 34 Seconds West a distance of 12.12 feet to a 1-1/2" open-top pipe found;
Thence South 56 Degrees 43 Minutes 56 Seconds East a distance of 428.58 feet to a point at the northwesterly right of way of Gainesville Street (40' R/W);
Thence along said right of way the following courses and distances:
South 34 Degrees 47 Minutes 24 Seconds West a distance of 89.96 feet to a point;
South 34 Degrees 03 Minutes 03 Seconds West a distance of 205.02 feet to a 1/2" rebar set;
Thence leaving said right of way North 55 Degrees 23 Minutes 46 Seconds West a distance of 245.63 feet to a 1" crimped-top pipe found;
Thence South 34 Degrees 45 Minutes 05 Seconds West a distance of 116.68 feet to a 1" crimped-top pipe found;
Thence North 54 Degrees 29 Minutes 24 Seconds West a distance of 41.81 feet to a 1-1/2" open-top pipe found;
Thence South 47 Degrees 05 Minutes 07 Seconds West a distance of 81.36 feet to a 1" open-top pipe found;
Thence North 72 Degrees 29 Minutes 07 Seconds West a distance of 242.41 feet to a 1/2" rebar found;
Thence North 43 Degrees 30 Minutes 24 Seconds West a distance of 95.73 feet to a 1/2" rebar found;
Thence North 32 Degrees 22 Minutes 01 Seconds West a distance of 138.08 feet to a 1/2" rebar found;
Thence North 37 Degrees 39 Minutes 04 Seconds West a distance of 77.21 feet to a 1/2" rebar found;
Thence North 30 Degrees 22 Minutes 11 Seconds West a distance of 102.03 feet to a 1/2" rebar found;
Thence North 31 Degrees 48 Minutes 07 Seconds West a distance of 51.86 feet to a 1/2" rebar found (bent);
Thence North 31 Degrees 32 Minutes 31 Seconds West a distance of 76.93 feet to a 1/2" rebar found;
Thence North 30 Degrees 29 Minutes 06 Seconds West a distance of 83.60 feet to a 1" open-top pipe found;
Thence North 33 Degrees 11 Minutes 02 Seconds East a distance of 710.40 feet to a 1" open-top pipe found;
Thence South 27 Degrees 31 Minutes 23 Seconds East a distance of 800.42 feet to a 7/8" open-top pipe found, said point being the **TRUE POINT OF BEGINNING**.

Said tract or parcel of land containing 14.158 Acres.

Exhibit "C"

1. Development shall significantly adhere to the site plan dated 10.17.2023 and as shown below:



2. The development shall adhere to the following requirements as designated by the site plan:

SITE DATA:	
SITE AREA	14.158 ACRES
ZONING	
EXISTING ZONING	R-1
PROPOSED ZONING	R-2 RESIDENTIAL (CONDITONAL)
ZONING JURISDICTION	CITY OF FLOWERY BRANCH, GEORGIA
DETACHED SINGLE FAMILY SETBACKS	
FRONT SETBACK	20 FEET
SIDE SETBACK	5 FEET
SIDE CORNER SETBACK	10 FEET
REAR SETBACK	20 FEET
MIN SETBACK AGAINST R-1 DISTRICTS	50 FEET
DEVELOPMENT STANDARDS	
MAXIMUM BUILDING HEIGHT	3 STORIES/ 35 FEET
MINIMUM HEATED FLOOR AREA	1,800 SF
MINIMUM SIZE OF DETACHED LOTS	6,700 SF
60' DETACHED SINGLE FAMILY LOTS	40 LOTS
TOTAL HOMES PROVIDED	40 UNITS
TOTAL SITE DENSITY PROVIDED	2.83 DUA
OPEN SPACE CALCULATIONS	
OPEN SPACE REQUIRED	2.83 ACRES (20% OF TOTAL SITE AREA)
OPEN SPACE PROPOSED	3.02 ACRES (21.3% OF TOTAL SITE AREA)
MAXIMUM LOT COVERAGE	50% (Vary from 35%)
PARKING REQUIREMENTS	
MIN. PARKING REQUIRED	80 SPACES (2 SP/ DWELLING UNIT)
MAX. PARKING PERMITTED	160 SPACES (4 SP/ DWELLING UNIT)
TOTAL PARKING PROVIDED	120 SPACES (2 GARAGE + 1 DRIVEWAY SP.)
PROPOSED GUEST PARKING	8 SPACES
TOTAL PARKING PROVIDED	128 SPACES (3.2 SP/ DWELLING UNIT)

3. Variance is permitted and limited to:
 1. VARIANCE REQUEST TO REDUCE MINIMUM LOT SIZE FROM 15,000 SQ. FT. TO 6,700 SQ. FT.

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2. VARIANCE REQUEST TO REDUCE MINIMUM LOT WIDTH TO REDUCE FROM 75 FEET TO 60 FEET.
3. VARIANCE REQUEST TO REDUCE MINIMUM FRONT SETBACK FROM 25 TO 20 FEET ON LOT

#28 AS SHOWN ON PLAN.

4. VARIANCE REQUEST TO REDUCE MINIMUM SIDE SETBACK (INTERIOR LOT LINE) FROM 15 TO 5 FEET.

5. VARIANCE REQUEST TO REDUCE MINIMUM SIDE SETBACK (CORNER LOT LINE) FROM 25 FEET TO 10 FEET FOR LOTS #1, #4, #22, #40 AS SHOWN ON PLAN WITH **.

6. VARIANCE FROM LOT COVERAGE (IMPERVIOUS) FROM 35% TO 45%.

7. VARIANCE TO REDUCE THE 50' BUILDING SETBACK AGAINST R-1 ZONED DISTRICTS TO 25 FEET FOR LOTS #3 AND #8 AS SHOWN ON PLAN (*).

4. A mandatory homeowner's association shall be established.

A. Alleys shall be private owned and maintained by the homeowner's association.

B. Roads shall be public.

C. The development shall be fee-simple homes for sale.

The homeowner's association must have in their bylaws that no more than ten percent (10%) of the total homes will be rental units or a rule of no more than two houses owned by one owner in the development and the owner must occupy one of the two. Homeowners can apply to the HOA for a "hardship" exception rental to exceed this amount in the event market conditions require a homeowner to vacate a home and rent due to extenuating circumstances.

D. Amenities are included but not limited to trails and pocket parks shall be owned and maintained by homeowner's association.

5. Landscaping

A. A full landscape plan shall be submitted at the time of land disturbance review.

B. Typical lot landscaping design shall be submitted at the time of land disturbance review.: identifying type and size of trees and bushed

C. Pond shall be fenced:

a. 3 or 4 rail

b. Black horse rail fencing

c. Squared boards

d. the fence design shall significantly adhere to the design as shown below:



D. Trail base can be mulch or crushed stone. Trails design shall significantly adhere to the design as

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First Reading 01/04/2024
Adopted 02/01/2024

shown below:

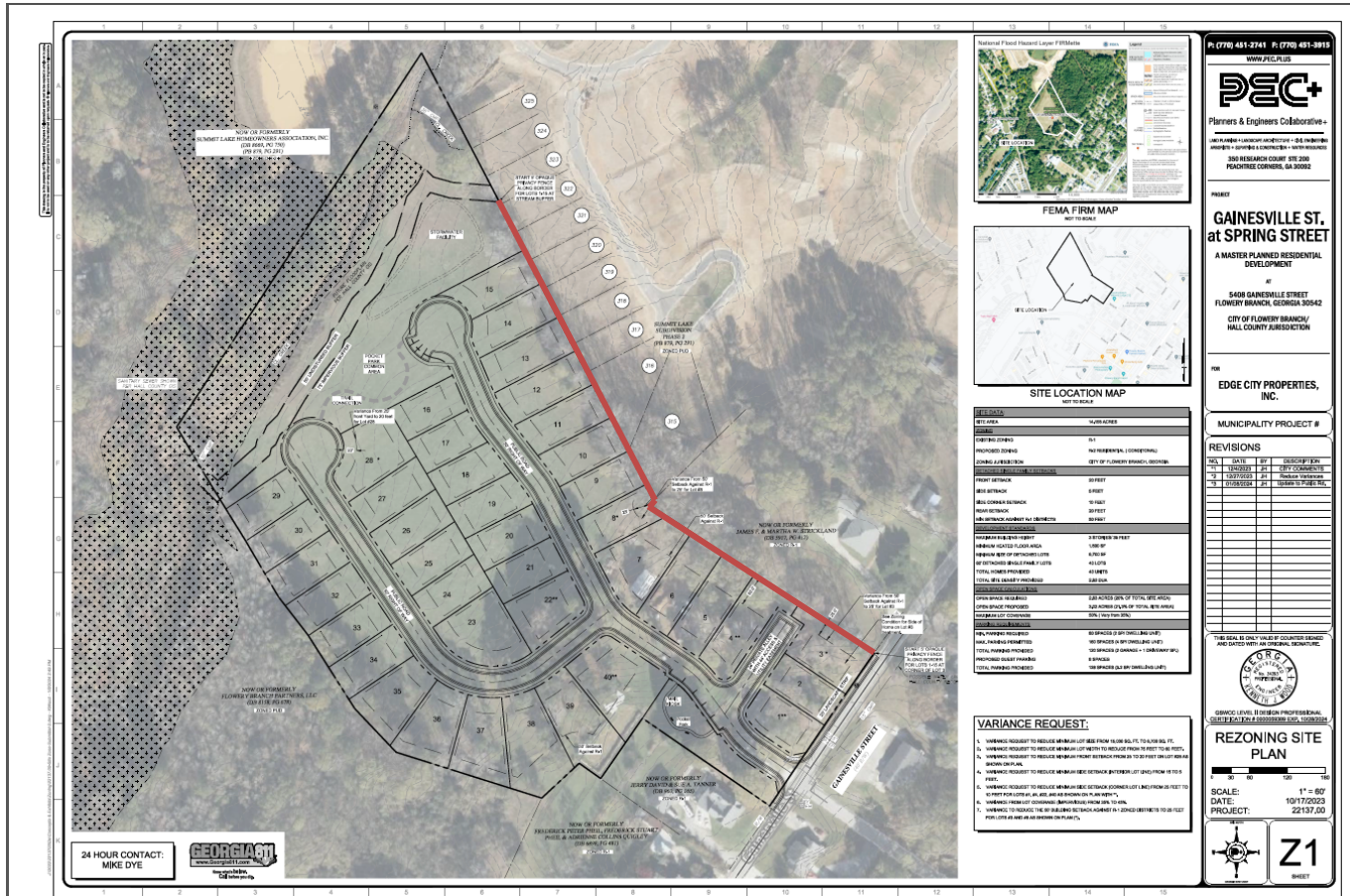
Public Hearing Published 10/28/2023
Public Hearing 12/07/2023

First Reading 01/04/2024
Adopted 02/01/2024





6. Homes shall meet all R2 and current design and architectural requirements.
7. Any major changes to the development will require City Council approval. For this ordinance, the following shall be classified as major:
 - A. A request to increase or decrease by three (2) or more the number of single-family detached homes (40).
 - B. Any reduction in the designated single family detached lot size (6,700 S.F)
8. 8' sidewalk is required along Gainesville Street.
9. A fence along Lots 3 to 15 shall be required. Said fence will be five-foot wooden privacy, decorative in nature and shall be approved by staff. Fenced area should be but not limited to red line area as below:



10. Architectural design:

- A. Developer agrees to incorporate additional architectural elements on the side elevations of the homes located on Lot 1 and 3. These homes shall be three story, the first story shall be brick, the remaining levels shall have architectural elements to include the addition of side shutters, two cementitious siding material variations (either horizontal, shake and/or board and batten). In addition, Developer may also choose to wrap the porch around the south side (Lot 1) and/or north side (Lot 3) of the side elevation to enhance the architectural look.



FLOWERY BRANCH CITY COUNCIL

EXECUTIVE SUMMARY



SUBJECT: Consider Accepting an Agreement Between the State of Georgia and the City of Flowery Branch.

COUNCIL MEETING DATE: February 1, 2024

HISTORY:

Each year the City of Flowery Branch enters an agreement with the State of Georgia (GEMA) and Homeland Security (HS) in case of an emergency, disaster, technological hazard, human caused disaster, civil emergency, community disorders, insurgency, enemy attack, acts of terrorism, other significant events or homeland security activity.

FACTS AND ISSUES:

FACTS AND ISSUES:

This agreement will help to ensure the timely provisions of mutual aid assistance and the reimbursement of costs incurred by the City of Flowery Branch during such assistance.

OPTIONS:

1. Accept the agreement provided
2. Let the current agreement expire on March 1, 2024

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

No

AMOUNT AND SOURCE OF FUNDS:

RECOMMENDATION:

Accept the agreement provided.

SAMPLE MOTION:

I make motion to accept the agreement between the City of Flowery Branch and the State of Georgia.

COLLABORATING DEPARTMENT:

DEPARTMENT: Police

Prepared by: Shelia Cooper

ATTACHMENTS

- Executive Summary on the agreement with the State of Georgia and the City of Flowery Branch
- Statewide Mutual Aid and Assistance Agreement.pdf
- FAQs Statewide Mutual Aid Agreement.pdf

FLOWERY BRANCH CITY COUNCIL

EXECUTIVE SUMMARY

SUBJECT: State of Georgia Statewide Mutual Aid and Assistance Agreement

DATE: February 1, 2024

☒ **RECOMMENDATION**

☐ **POLICY DISCUSSION**

BUDGET INFORMATION:

☐ **STATUS REPORT**

ANNUAL- N/A

☐ **OTHER**

CAPITAL- N/A

COUNCIL ACTION REQUESTED ON: Accept the agreement between State of Georgia and the Flowery Branch Police Department.

PURPOSE: Provide the framework to support mutual assistance if an emergency or disaster occurs. Another purpose of this agreement is to identify the Authorized Representative of the City of Flowery Branch.

HISTORY: Each year the City of Flowery Branch enters an agreement with the State of Georgia (GEMA) and Homeland Security (HS) in case of an emergency, disaster, technological hazard, human caused disaster, civil emergency, community disorders, insurgency, enemy attack, acts of terrorism, other significant events or homeland security activity.

FACTS AND ISSUES:

This agreement will help to ensure the timely provisions of mutual aid assistance and the reimbursement of costs incurred by the City of Flowery Branch during such assistance.

OPTIONS: Accept the agreement provided or let the current agreement expire on March 1, 2024.

RECOMMENDED SAMPLE MOTION: I make motion to accept the agreement between the City of Flowery Branch and the State of Georgia.

DEPARTMENT: City of Flowery Branch Government

Prepared by: Chief Christopher Hulsey

ATTACHMENTS:

STATEWIDE MUTUAL AID AND ASSISTANCE AGREEMENT

County/Municipality: _____

The State of Georgia is vulnerable to a wide range of natural and man-made disasters and emergencies. The Georgia Emergency Management Act, as amended (The Act) gives the local governments of the State the authority to make agreements for mutual aid assistance in emergencies. Pre-existing agreements for mutual aid assistance in emergencies help to ensure the timely provision of mutual aid assistance and the reimbursement of costs incurred by those parties who render such assistance.

This mutual aid agreement is entered pursuant to authorities contained in Articles I through III, Chapter 3, Title 38, Official Code of Georgia Annotated.

ARTICLE I STATEMENT OF AGREEMENT, DEFINITIONS AND AUTHORITIES

This Agreement is made and entered into between the participating political subdivisions, which approve and execute this Agreement, hereinafter called "Participating Parties" and the Georgia Emergency Management and Homeland Security Agency (GEMA/HS). For purposes of this Agreement, the following terms and expressions shall apply:

- (1) "Agreement" means this agreement, generally referred to as the "Statewide Mutual Aid Agreement" (SWMAA).
- (2) "Assistance" includes personnel, equipment, facilities, services, supplies and other resources furnished to a Requesting Party pursuant to this Agreement during an emergency or disaster.
- (3) "Assisting Party" means a party that provides assistance pursuant to this Agreement during an emergency or disaster.
- (4) "Authorized Representative" means a Participating Party's elected or appointed official or employee who has been authorized in writing by that party to request, to offer, or otherwise to provide mutual aid assistance.
- (5) "Participating Party" means a county or municipality of the State of Georgia that has become party to this Agreement by its approval and execution of this agreement.
- (6) "Participating Parties" means the combination of counties and municipalities that have become parties to this Agreement by their approval and execution of this Agreement.
- (7) "Requesting Party" means a party that requests assistance pursuant to this Agreement during an emergency or disaster.

Any term or expression not defined in this Agreement shall have the meaning specified in the Georgia Emergency Management Act, as amended (the Act) and rules promulgated thereunder, unless used in a context that clearly suggests a different meaning.

ARTICLE II GENERAL PURPOSE

The purpose of this Agreement is to:

1. Provide the framework to support mutual assistance in managing an emergency or disaster occurring within any political subdivision that is a Participating Party, whether arising from natural disaster, technological hazard, human caused disaster, civil emergency, community disorders, insurgency, enemy attack, acts of terrorism, other significant events or homeland security activity; and
2. Identify those persons who are authorized to act on behalf of the Participating Party signing this Agreement as their Authorized Representative(s) concerning the provision of mutual aid resources and requests for mutual aid resources related to any mutual aid assistance sought from another Participating Party, or from or through the State of Georgia. Appendix A of this Agreement shall contain the name(s) of the Participating Party's Authorized Representative for purposes of this Agreement. Appendix A can be amended by the authorizing Participating Party as needed with no effect on the entire Agreement. All such amendments to Appendix A shall be done in writing and the Participating Party shall notify GEMA/HS and all other Participating Parties of such amendment within thirty (30) days.

ARTICLE III ACKNOWLEDGEMENT OF PRINCIPLES

The prompt, full and effective utilization of resources of the Participating Parties, including any resources on hand or available from the State or Federal Government or any other source, that are essential to the safety, care and welfare of the people shall be the underlying principle on which all articles of this Agreement shall be understood.

In the event of a conflict between any provision of this Agreement and any existing intrastate mutual aid agreement affecting a Participating Party, the provisions of this Agreement shall be controlling.

On behalf of the governing authority of each political subdivision of this State participating in the Agreement, the director of emergency management of such political subdivision will be responsible for formulation of the appropriate mutual aid plans and procedures necessary to implement this Agreement.

ARTICLE IV PARTICIPATING PARTY RESPONSIBILITIES

(a) It shall be the responsibility of each Participating Party to formulate procedures and programs for intergovernmental cooperation in the performance of the responsibilities listed in this Article. In formulating such plans, and in carrying them out, each Participating Party, insofar as practical, shall:

- (1) Protect and assure uninterrupted delivery of services, medicines, water, food, energy and fuel, search and rescue, and critical lifeline equipment, services, and resources, both human and material; and

(2) Inventory and set procedures for the loan and delivery of human and material resources, together with procedures for reimbursement.

(b) Whenever a Participating Party requires mutual aid assistance from another Participating Party and/or the State of Georgia, the Requesting Party may request assistance by:

(1) Contacting the Participating Party who is the owner/operator/employer of the supplies, equipment and/or personnel being sought for mutual aid assistance (the Assisting Party); or

(2) Contacting GEMA/HS to serve as the facilitator of such request for those resources being sought for mutual aid that are owned/operated/employed by Participating Parties (where such Participating Parties have submitted a record of those resources to GEMA/HS for such use); and/or, when such resources being sought for mutual aid are owned/operated/employed directly by the State of Georgia.

The provisions of this Agreement shall only apply to requests for assistance made by an Authorized Representative. Requests may be verbal or in writing. If verbal, the request must be confirmed in writing within 30 days of the verbal request. Requests shall provide the following information:

(1) A description of the emergency service function for which assistance is needed, such as but not limited to fire services, law enforcement, emergency medical, transportation, communications, public works and engineering, building inspection, planning and information assistance, mass care, resource support, health and medical services, damage assessment, volunteer and donated goods and search and rescue; and

(2) The amount and type of personnel, equipment, materials and supplies needed, and a reasonable estimate of the length of time each will be needed; and

(3) The specific place and time for staging of the Assisting Party's response and a point of contact at that location.

The Assisting Party will (a) maintain daily personnel time records, material records and a log of equipment hours (or miles, if appropriate) and (b) report work progress to the Requesting Party at mutually agreed upon intervals.

ARTICLE V LIMITATIONS

Any Participating Party requested to render mutual aid shall take such action as is necessary to provide and make available the resources covered by this Agreement in accordance with the terms hereof; provided that it is understood that the Participating Party who is asked to render aid may withhold resources to the extent necessary to meet the current or anticipated needs of the Participating Party's own political subdivision to remain in compliance with such Participating Party's policy, rule or law.

The Assisting Party's mutual aid resources will continue under the command and control of their own

supervisors, but the organizational units will be under the operational control of the emergency services authorities of the Requesting Party unless the Assisting Party approves an alternative.

In the event the Governor should declare a State of Emergency, any and all provisions of this Agreement which may conflict with the declared State of Emergency shall be superseded by the terms and conditions contained within the State of Emergency.

ARTICLE VI LIABILITY AND IMMUNITY

(a) In accordance with O.C.G.A. § 38-3-35(a), no political subdivision of the state, nor the agents or representatives of the state or any political subdivision thereof, shall be liable for personal injury or property damage sustained by any person appointed or acting as a volunteer emergency management worker or member of any agency engaged in emergency management activity. The foregoing shall not affect the right of any person to receive benefits or compensation to which he might otherwise be entitled under Chapter 9 of Title 34, Code Section 38-3-30, any pension law, or any act of Congress.

(b) In accordance with O.C.G.A. § 38-3-35(b), no political subdivision of the state nor, except in cases of willful misconduct, gross negligence, or bad faith, the employees, agents, or representatives of the state or any political subdivision thereof, nor any volunteer or auxiliary emergency management worker or member of any agency engaged in any emergency management activity complying with or reasonably attempting to comply with Articles 1 through 3, Chapter 3, Title 38, Official Code of Georgia Annotated; or any order, rule, or regulation promulgated pursuant to Articles 1 through 3 of title, or pursuant to any ordinance relating to precautionary measures enacted by any political provisions of Articles 1 through 3 of said chapter and title, or pursuant to any ordinance relating to precautionary measures enacted by any political subdivision of the state shall be liable for the death of or the injury to person or for damage to property as a result of any such activity.

(c) It is the express intent of the parties that the immunities specified in accordance with O.C.G.A. § 38-3-35 shall apply in addition to any other immunity provided by statute or case law.

ARTICLE VII RIGHTS AND PRIVILEGES

In accordance with O.C.G.A. § 38-3-30(a), whenever the employees of any Assisting Party or political subdivision are rendering outside aid pursuant to this agreement and the authority contained in Code Section 38-3-27, the employees shall have the same powers, duties, rights, privileges and immunities as if they were performing their duties in the political subdivisions in which they are normally employed.

ARTICLE VIII REIMBURSEMENT

In accordance with O.C.G.A. § 38-3-30(b), The Requesting Party shall be liable for any loss of or damage to equipment used or placed within the jurisdiction of the Requesting Party and shall pay any expense incurred in the operation and maintenance thereof. No claim for the loss, damage or expense shall be allowed unless, within 60 days after the same is sustained or incurred, an itemized notice of

the claim under oath is served by mail or otherwise upon the designated fiscal officer of the Requesting Party. Appendix B of this Agreement shall contain the name(s) of the Participating Party's designated fiscal officer for purposes of this Agreement. Appendix B can be amended by the authorizing Participating Party as needed with no effect on the entire Agreement. Appendix B can be amended by the authorizing Participating Party as needed with no effect on the entire Agreement. All such amendments to Appendix B shall be done in writing and the Participating Party shall notify GEMA/HS and all other Participating Parties of such amendment within thirty (30) days.

The Requesting Party shall also pay and reimburse the Assisting Party for the compensation paid to employees furnished by the Assisting Party during the time of the rendition of the aid, as well as the actual travel and per diem expenses of such employees while they are rendering the aid. The reimbursement shall include any amounts paid or due for compensation due to personal injury or death while the employees are engaged in rendering the aid. The term "employee," as used herein, shall mean, and this provision shall apply with equal effect to, paid, volunteer and auxiliary employees and emergency management workers.

Expenses to be reimbursed by the Requesting Party shall include the following:

- (1) Labor costs, which shall include all usual wages, salaries, compensation for hours worked, mobilization and demobilization, the Assisting Party's portion of payroll taxes (as employer), insurance, accrued paid leave and other fringe benefits, but not those amounts paid or due as a benefit to the Assisting Parties personnel under the terms of the Georgia Workers Compensation Act; and
- (2) Equipment costs, which shall include the fair rental value, the cost of fuel and other consumable supplies, service and repairs. If the equipment is damaged while in use under this Agreement and the Assisting Party receives payment for such damage under any contract for insurance, the Requesting Party may deduct such payment from any item or items invoiced; and
- (3) Material costs, which shall include the total reasonable cost for the use and consumption of any and all consumable supplies delivered by the Assisting Party for the benefit of the Requesting Party; and
- (4) Meals, lodging and other related expenses, which shall include charges for meals, lodging and other expenses relating to the provision of assistance pursuant to this Agreement shall be the actual and reasonable costs incurred by the Assisting Party.

The Assisting Party shall maintain records and submit invoices within 60 days for reimbursement as specified hereinabove and the Requesting Party shall pay the invoice no later than 30 days following the invoice date.

ARTICLE IX IMPLEMENTATION

This Agreement shall become operative immediately upon its approval and execution by GEMA/HS and any two political subdivisions of this State; thereafter, this Agreement shall become effective as to any other political subdivision of this State upon its approval and execution by such political subdivision.

Any Participating Party may withdraw from this Agreement by mailing notice of withdrawal, approved by the governing authority of such political subdivision, but no such withdrawal shall take effect until 30 days after the governing authority of the withdrawing political subdivision has given notice in writing of such withdrawal to the governing authorities of all other Participating Parties. Such action shall not relieve the withdrawing political subdivision from obligations assumed hereunder prior to the effective date of withdrawal.

Copies of this Agreement shall, at the time of their approval, be deposited with each of the respective Participating Parties and with GEMA/HS.

ARTICLE X
TERM OF AGREEMENT

This Agreement, once executed, is valid until March 1, 2028. Agreement of the Participating Parties to extend the term of this agreement at any time during the last year of its original term or the last year of any subsequent four-year term shall extend the term of this agreement for four years. Each four-year extension shall constitute a separate agreement.

ARTICLE XI
VALIDITY

If any provision of this Agreement is declared unconstitutional, or the applicability thereof to any person or circumstances is held invalid, the constitutionality of the remainder of this Agreement and the applicability thereof to other persons and circumstances shall not be affected thereby.

Agreed:

Chief Executive Officer - Signature

Chief Executive Officer – Print Name

County/Municipality: _____

Date: _____/_____/_____

GEMA/HS Director – Signature

GEMA/HS Director – Print Name

Date: _____/_____/_____

APPENDIX A
AUTHORIZED REPRESENTATIVE

The below named individual(s), in addition to the chief executive officer, is/are the “Authorized Representative(s)” for _____ (county/municipality), and are authorized to request, offer, or otherwise provide and coordinate mutual aid assistance on behalf of the above-named county/municipality:

Print Name

Job Title/Position

Signature of Above Individual

Print Name

Job Title/Position

Signature of Above Individual

Print Name

Job Title/Position

Signature of Above Individual

Chief Executive Officer - Signature

Date: ____/____/____

Chief Executive Officer – Print Name

APPENDIX B
DESIGNATED FISCAL OFFICER(S)

The below named individual(s) is/are the “designated fiscal officer(s)” for _____

(county/municipality) for the purpose of reimbursement sought for mutual aid:

Print Name

Job Title/Position

Signature of Above Individual

Print Name

Job Title/Position

Signature of Above Individual

Print Name

Job Title/Position

Signature of Above Individual

Chief Executive Officer - Signature

Date: _____/_____/_____

Chief Executive Officer – Print Name

Statewide Mutual Aid Agreement (SWMAA)

FAQs

Why do I need to do this?

Pre-existing agreements for mutual aid assistance in emergencies help to ensure the timely provision of mutual aid assistance and reimbursement of costs incurred by those parties who render such assistance. This agreement also provides the framework to support mutual assistance in managing an emergency or disaster occurring within any political subdivision that is a Participating Party, whether arising from natural disaster, technological hazard, human caused disaster, civil emergency, community disorders, insurgency, enemy attack, acts of terrorism, or other significant events or homeland security activities.

What other jurisdictions are involved?

Participating Party means a county or municipality of the State of Georgia that has become party to this Agreement by its approval and execution of this agreement. Your GEMA/HS EM Field Coordinator can assist you with this.

What kind of assistance are we talking about?

"Assistance" includes personnel, equipment, facilities, services, supplies and other resources furnished to a Requesting Party pursuant to this Agreement during an emergency or disaster.

Who will our resources be working for?

The Assisting Party's mutual aid resources will continue under the command and control of their own supervisors, but the organizational units will be under the operational control of the emergency services authorities of the Requesting Party unless the Assisting Party approves an alternative.

What if my jurisdiction doesn't want to send resources?

A jurisdiction may withhold resources to the extent necessary to meet the current or anticipated needs of the jurisdiction's own political subdivision.

What about liability and reimbursement?

Those issues are covered in Article VI Liability and Immunity, and Article VIII Reimbursement in the Agreement.

What if my jurisdiction wants to withdraw from this agreement?

Any Participating Party may withdraw from this Agreement by mailing notice of withdrawal, approved by the governing authority of such political subdivision, but no such withdrawal shall take effect until 30 days after the governing authority of the withdrawing political subdivision has given notice in writing of such withdrawal to the governing authorities of all other Participating Parties. Such action shall not relieve the withdrawing political subdivision from obligations assumed hereunder prior to the effective date of withdrawal.



FLOWERY BRANCH CITY COUNCIL

EXECUTIVE SUMMARY



SUBJECT: Consider the First Reading of Ordinance 704 Amending the Charter of the City of Flowery Branch giving the Mayor authority to administer oaths.

COUNCIL MEETING DATE: February 1, 2024

HISTORY:

FACTS AND ISSUES:

The City Council expects the highest level of professional service from those appointed or hired to perform official duties on behalf of the city. Those performing official duties on behalf of the city may be required by law to swear or affirm to an oath; and the City Council wishes to clarify that the Mayor may administer the oath to those required to swear or affirm oaths of office in order to perform official duties on behalf of the City.

OPTIONS:

1. Amend the charter of the City of Flowery Branch.
2. Do not amend the charter.

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

No

AMOUNT AND SOURCE OF FUNDS:

RECOMMENDATION:

SAMPLE MOTION:

I make a motion to approve the first reading of Ordinance 704 amending the charter of the City of Flowery Branch to give the Mayor authority to administer oaths.

COLLABORATING DEPARTMENT:

DEPARTMENT: Administration

Prepared by: Shelia Cooper

ATTACHMENTS

- [Ordinance 704 - Charter Amendment Mayoral Powers.pdf](#)

ORDINANCE NO. 704
AN ORDINANCE TO AMEND THE CHARTER OF THE CITY OF
FLOWERY BRANCH

AN ORDINANCE BY THE MAYOR AND CITY COUNCIL FOR THE CITY OF FLOWERY BRANCH, GEORGIA FOR THE PURPOSE OF AMENDING THE FLOWERY BRANCH CITY CHARTER RELATING TO THE POWERS OF THE OFFICE OF MAYOR TO PROVIDE THAT SAID MAYOR SHALL BE AUTHORIZED TO ADMINISTER THE OATH OF OFFICE TO NON-ELECTED PERSONNEL, EMPLOYEES, AND AGENTS OF THE CITY; AND FOR OTHER PURPOSES.

WHEREAS, the City Council expects the highest level of professional service from those appointed or hired to perform official duties on behalf of the city; and

WHEREAS, those performing official duties on behalf of the city may be required by law to swear or affirm to an oath; and

WHEREAS, the City Council wishes to clarify that the Mayor may administer the oath to those required to swear or affirm oaths of office in order to perform official duties on behalf of the City; and

WHEREAS, changes to the City Charter may be made by the Mayor and City Council under the Home Rule Powers of a municipality as set forth in Chapter 35 of Title 36 of the O.C.G.A.; and

WHEREAS, in accordance with O.C.G.A. § 36-35-6(b)(1), a notice containing a synopsis of the proposed amendment was published in the official organ of the county or in a newspaper of general circulation in the municipal corporation once a week for three weeks within a period of 60 days immediately preceding its final adoption; and

WHEREAS, municipal charters may be amended by ordinances duly adopted at two regular consecutive meetings of the municipal governing authority, not less than seven nor more than 60 days apart; and

WHEREAS, the City of Flowery Branch adopted this amendment by an ordinance duly adopted at two regular consecutive meetings of the municipal governing authority;

NOW THEREFORE, the City Council of the City of Flowery Branch hereby ordains to amend the city charter as follows:

SECTION ONE

By renumbering subsection (d) as subsection (e) and adding a new subsection (d) of Section 2.4 to read as follows:

- “(d) To administer the oath of office to all non-elected personnel, employees, or agents of the City,
and
(e) To fulfill such other duties as authorized by the city council.”

SECTION TWO

The amendments to the Charter described herein shall become effective upon approval of this ordinance and upon a copy of the amendment, the required notice of publication, and an affidavit of a duly authorized representative of the newspaper in which the notice was published, is filed with the Secretary of State and in the office of the Clerk of the Superior Court of Hall County as required by O.C.G.A. § 36-35-5. The City Clerk is hereby authorized to make such filings.

Adopted this 15th day of February, 2024.

Edward R. Asbridge, Mayor

Shelia R. Cooper, City Clerk

APPROVED AS TO FORM:

Ted C. Baggett, City Attorney



FLOWERY BRANCH CITY COUNCIL

EXECUTIVE SUMMARY



SUBJECT: Consider the First Reading of Ordinance 706 for a Annexation Request submitted by PR Land Investment.

COUNCIL MEETING DATE: February 1, 2024

HISTORY:

.

FACTS AND ISSUES:

annexation and rezoning of 10.73 +/- acres of the remaining unincorporated portion of land known as 5170 Church Street and described as tax parcel identification number 08112 012001, from Hall County Agricultural Residential (AR-III) to Flowery Branch Traditional Neighborhood Development (TND). If annexed, it is requested to rezone the 12.57 +/- acres of the incorporated portion of land known as 5170 Church Street and described as tax parcel identification number 08112 012001 from Residential, Detached Single Family, Low-Density District (R-1) and Light Manufacturing and Industrial District (M-1) to Traditional Neighborhood Development (TND) and construct 117 detached single -family homes.

OPTIONS:

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

No

AMOUNT AND SOURCE OF FUNDS:

RECOMMENDATION:

Work Session and First Read and Vote

SAMPLE MOTION:

Work Session and First Read and Vote

COLLABORATING DEPARTMENT:

Planning

DEPARTMENT: Planning

Prepared by: Shelia Cooper

ATTACHMENTS

- 01 Piedmont Residential Annexation App - 5170 Church St.pdf
- 03 5170 Church st GIS map.pdf
- 04 Church Street 3D Renderings 11.8.2023(43636486.1).pdf
- 05 Letter to Hall County.pdf
- 06 Church Street Site Rendering 11-14-2023.pdf
- Staff Report 5170 Church St.pdf
- Ordinance 706 – Annexation to Piedmont Residential at 5170 Church Street.pdf



ANNEXATION APPLICATION

Date: 10.20.2023

Address of Request:

5170 Church Street, Flowery Branch, GA 30542

Submitted to the City Clerk per The Flowery Branch Code of Ordinances;
Appendix C, "Zoning Ordinance", Article 44; Section 44.4 on

City Clerk Signature

Applicant Information

Name: PR Land Investments, LLC, c/o Kirk R. Fjelstul - Smith, Gambrell,
and Russell, LLP

Address:

1105 W. Peachtree St. NE, Suite 1000, Atlanta, GA 30309

E-mail address: kfjelstul@sgrlaw.com

Phone number: 404.815.3740

Signature:

Kirk R. Fjelstul - Smith, Gambrell, and Russell, LLP

Property owner information (if different than the applicant)

Property owner (please print): See attached Owner signature page

Signature of property owner: See attached Owner signature page



ANNEXATION APPLICATION

Date: _____

Address of Request:

5170 Church St.
Flowery Branch, GA 30542

Submitted to the City Clerk per The Flowery Branch Code of Ordinances;
Appendix C, "Zoning Ordinance", Article 44; Section 44.4 on

City Clerk Signature _____

Applicant Information

Name: PR Land Investments, LLC, c/o Kirk R. Fjelstul - Smith, Gambrell,
and Russell, LLP

Address:
1105 W. Peachtree St. NE, Suite 1000, Atlanta, GA 30309

E-mail address: kfjelstul@sgrlaw.com

Phone number: 404.815.3740

Signature: See attached Applicant signature page
(Authorized Agent for PR Land Investments, LLC)

Property owner information (if different than the applicant)

Property owner (please print): Kathy S. Taylor

Signature of property owner: Kathy S. Taylor



ANNEXATION APPLICATION

Date: _____

Address of Request:

Submitted to the City Clerk per The Flowery Branch Code of Ordinances;
Appendix C, "Zoning Ordinance", Article 44; Section 44.4 on

City Clerk Signature _____

Applicant Information

Name: PR Land Investments, LLC, c/o Kirk R. Fjelstul - Smith, Gambrell,
and Russell, LLP

Address: _____
1105 W. Peachtree St. NE, Suite 1000, Atlanta, GA 30309

E-mail address: kfjelstul@sgrlaw.com

Phone number: 404.815.3740

Signature: _____
(Authorized Agent for PR Land Investments, LLC)

Property owner information (if different than the applicant)

Property owner (please print): See attached Owner signature page

Signature of property owner: See attached Owner signature page



Property Information

Tax Map Number: 08112 012001

Current Zoning: AR-III, R-1 and M-1 Total site area: 23.3 acres,
Total Acres: Area being annexed: 10.73 acres

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

Proposed City of Flowery Branch Zoning: TND

Proposed City of Flowery Branch Character Area: Traditional Neighborhood

Current Use: Single-Family detached dwelling and accessory structures

Per the Flowery Branch Code of Ordinances; Appendix C, "Zoning Ordinance", Article 36; Does this property potentially require a **DRI** (Development of Regional Impact) study? No DRI required

Voting Rights Act Information

Resident Population: _____ Housing Units: _____ Other Buildings: _____

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

Please provide the following at time of submittal in (one hard copy and digitally):

- Legal description
- Current survey of property
- Detailed description of request
- Conflict of interest disclosure (attached)
- Disclosure of campaign contributions (attached)
- Zoning application
- Annexation $\geq$ 100 acres of land requires an official request to amend the character area and future land use map designation for the subject property
- Names and addresses of adjoining property owners
- Reasons for requesting annexation
- Signed statement authorizing City of Flowery Branch staff and/or City Council to inspect the subject property

Disclosures



Conflict of Interest Disclosure

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

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

N/A

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

N/A

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

N/A

Disclosure of Campaign Contributions

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

Elected Officials Name

Amount of Description of Gift

N/A



Conflict of Interest Disclosure

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

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

No

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

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N/A

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Amount of Description of Gift

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Elected Officials Name

Amount of Description of Gift

N/A

N/A



Conflict of Interest Disclosure

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

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

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

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Disclosure of Campaign Contributions

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

Elected Officials Name

Amount of Description of Gift

N/A

N/A

Legal Description

Overall Acreage of Property

Survey Legal Description for Parcel 08112 012001:

All that tract or parcel of land, together with improvements thereon, lying and being in Land Lot 112 / 8th District, Hall County, Georgia, containing 23.302 acres of land, more or less, and being more particularly described as:

COMMENCING at a nail at the centerline intersection of Gainesville Street (60' R/W) and Chattahoochee Street, thence North 44 degrees 33 minutes 53 seconds East with a distance of 175.88 feet to an iron pin set on the southerly right-of-way of Gainesville Street, said pin being the TRUE POINT OF BEGINNING.

Thence following along said right-of-way, North 34 degrees 39 minutes 58 seconds East with a distance of 157.22 feet to a point;

thence North 34 degrees 26 minutes 30 seconds East with a distance of 107.22 feet to an 1/2" iron pin set;

thence leaving said right-of-way and following a course bounded by the property now or formerly of Zachary Douglas Swansey, South 56 degrees 49 minutes 50 seconds East with a distance of 244.61 feet to an 1/2" iron pin set;

thence North 33 degrees 16 minutes 52 seconds East with a distance of 244.82 feet to an 1/2" iron pin set;

thence North 56 degrees 47 minutes 35 seconds West with a distance of 241.04 feet to an 1/2" iron pin set on the southerly right-of-way of Gainesville Street;

thence leaving said course and following along said right-of-way, North 33 degrees 36 minutes 27 seconds East with a distance of 98.38 feet to a point;

thence North 33 degrees 25 minutes 45 seconds East with a distance of 148.37 feet to a point;

thence following along an arc of a curve to the left, said curve having a radius of 1148.40 feet, having a chord bearing of North 25 degrees 26 minutes 55 seconds East and a chord distance of 359.88 feet, and an arc length of 361.37 feet to a point;

thence North 17 degrees 22 minutes 06 seconds East with a distance of 397.10 feet to an iron axle found;

thence leaving said right-of-way and following a course bounded by the property now or formerly of Nedra Ann Jones, South 30 degrees 22 minutes 58 seconds East with a distance of 1236.04 feet to a point on Southern Railway (200' R/W);

thence leaving said course and following along the northerly right-of-way of said railway, South 34 degrees 56 minutes 24 seconds West with a distance of 605.45 feet to an 1/2" iron pin found;

thence leaving said course and following a course bounded by the property now or formerly of Show House Design LLC., North 54 degrees 55 minutes 01 seconds West with a distance of 252.65 feet to an 1/2" iron pin found on the Easterly right-of-way of Church Street (40' R/W);

thence leaving said course and following said right-of-way, North 54 degrees 55 minutes 01 seconds West with a distance of 40.00 feet to an 1/2" iron pin set;

thence South 35 degrees 36 minutes 08 seconds West with a distance of 444.19 feet to an 1/2" iron pin found;

thence leaving said right-of-way and following a course bounded by the property now or formerly of FB Ever Ready LLC., North 45 degrees 30 minutes 40 seconds West with a distance of 102.20 feet to an 1/2" iron pin found;

thence leaving said course and following a course bounded by the property now or formerly of Coggins to an unspecified point, thence leaving said course and following a course bounded by the property now or formerly of Hutson, North 45 degrees 30 minutes 40 seconds West with a distance of 339.73 feet to an 1/2" iron pin set;
thence leaving said course and following a course bounded by the property now or formerly of Millwood, North 48 degrees 46 minutes 08 seconds West with a distance of 200.72 feet to the TRUE POINT OF BEGINNING.

Portion of property to be Annexed

Survey Legal Description for Parcel 08112 012001 Within Zone AR-III:

All that tract or parcel of land, together with improvements thereon, lying and being in Land Lot 112 / 8th District, Hall County, Georgia, containing 10.731 acres of land, more or less, and being more particularly described as:

COMMENCING at a nail at the centerline intersection of Gainesville Street (60' R/W) and Chattahoochee Street, thence North 44 degrees 33 minutes 53 seconds East with a distance of 175.88 feet to an iron pin set on the southerly right-of-way of Gainesville Street;
thence following along said right-of-way, North 34 degrees 39 minutes 58 seconds East with a distance of 157.22 feet to a point;
thence North 34 degrees 26 minutes 30 seconds East with a distance of 107.22 feet to an 1/2" iron pin set;
thence North 34 degrees 11 minutes 24 seconds East with a distance of 225.02 feet to an 1/2" iron pin set;
thence North 33 degrees 36 minutes 27 seconds East with a distance of 98.38 feet to a point;
thence North 33 degrees 25 minutes 43 seconds East with a distance of 13.16 feet to a point within Hall County limits (Zoned AR-III), said point being the TRUE POINT OF BEGINNING.

Thence North 33 degrees 25 minutes 45 seconds East with a distance of 135.22 feet to a point;
thence following along an arc of a curve to the left, said curve having a radius of 1148.40 feet, having a chord bearing of North 25 degrees 26 minutes 55 seconds East and a chord distance of 359.88 feet, and an arc length of 361.37 feet to a point;
thence North 17 degrees 22 minutes 06 seconds East with a distance of 397.10 feet to an iron axle found;
thence leaving said right-of-way and following a course bounded by the property now or formerly of Nedra Ann Jones, South 30 degrees 22 minutes 58 seconds East with a distance of 1236.04 feet to a point on Southern Railway (200' R/W);
thence leaving said course and following along the northerly right-of-way of said railway, South 34 degrees 56 minutes 24 seconds West with a distance of 169.13 feet to a point;
thence leaving said right-of-way and following a course bounded by the City Limits of Flowery Branch (Zoned M1), along an arc of a curve to the left, said curve having a radius of 2597.33 feet, having a chord bearing of North 58 degrees 25 minutes 06 seconds West and a chord distance of 266.83 feet, and an arc length of 266.94 feet to a point;
thence leaving said course and following a course bounded by the City Limits of Flowery Branch (Zoned R1), along an arc of a curve to the left, said curve having a radius of 2597.33 feet, having a chord bearing of North 69 degrees 02 minutes 48 seconds West and a chord distance of 694.59 feet, and an arc length of 696.68 feet to the TRUE POINT OF BEGINNING.

Survey

Hall County, GA



Site Plan

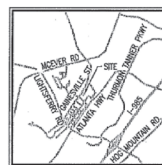


W&A
Engineering

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ECONOMIC DEVELOPMENT

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Athens, GA 30601
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ALL DRAWINGS SHALL REMAIN THE PROPERTY OF W&A ENGINEERING. THESE INSTRUMENTS OF SERVICE ARE TO BE USED SOLELY FOR THE SPECIFIC PROJECT. W&A ENGINEERING SHALL RETAIN ALL LEGAL RIGHTS TO THE USE OF THE INSTRUMENTS OF SERVICE AND SHALL RETAIN FULL PROTECTION UNDER UNITED STATES COPYRIGHT LAW.



ZONING & ANNEXATION PLAN

CITY OF FLOWERY BRANCH, GEORGIA
GAINESVILLE STREET - 23.30 ACRES

**Know what's below.
Call before you dig.**

REVISIONS

[illegible]

INITIAL SUB. DATE: _____

ISSUANCE DATE: 9/20/2023



W&A PROJECT #: 220442

CONCEPT B

CP01

Letter of Intent

STATEMENT OF INTENT
IMPACT ANALYSIS

and

Other Material Required by
The City of Flowery Branch, Georgia Zoning Code
for the Annexation and Rezoning Application

of

PIEDMONT RESIDENTIAL, LLC

Application

Total area to be Rezoned to Traditional Neighborhood Design (TND): ± 23.3 Acres

Consisting of

Flowery Branch portion: 9.93 Acres zoned R-1 and 2.64 Acres zoned M-1

Hall County portion: 10.73 Acres zoned AR-3 and proposed for annexation

Parcel ID 08112 012001

Located along Gainesville Street

Submitted for Applicant by:

Kirk Fjelstul
Smith, Gambrell & Russell, LLP
1105 W. Peachtree Street, NE
Atlanta, Georgia 30309
404-815-3500

I. INTRODUCTION

This application seeks to rezone ±23.3 acres of land (“Property”) to a Traditional Neighborhood Development (TND) classification. The Property is “split zoned” into three zoning classifications and a portion of the Property is in unincorporated Hall County. 12.57 acres of the are in the City of Flowery Branch, of which 9.93 acres to the northwest are zoned R-1 and 2.64 acres to the southwest are zoned M-1.

The portion of the Property that is in unincorporated Hall County is the subject of the annexation application. It consists of 10.73 acres, is zoned AR-3 under the County’s ordinance and generally is the east side of the Property. It is virtually an unincorporated island, entirely surrounded by the City to the north (fronting Gainesville St.), west, and east. A small segment of the southern boundary connects to the rest of the unincorporated County through a thin sliver along the railroad.

The proposed development as shown on the site plan (“Development”) consists of up to 117 single family homes at an overall density of 5 units/acre, with amenities such as a pickleball court, dog park, and passive park. Consistent with the proposed TND zoning, the Development incorporates smaller lots with the homes located close to the street, and rear entry garages that are accessed through the use of alleys. The 5 units/acre density is well below the 6.5 units/acre maximum.

It should be noted that while the Development is consistent with both the zoning and the Character Area classification in the Comprehensive Plan, there are differences from the TND that are the result of feedback from the City, rather than the original design of the site plan. Those differences largely stem from a desire for curvilinear streets instead of block faces. The curvilinear streets result in differences from some of TND design standards and also require variances. Staff

is aware and advised the Applicant to identify variances with a chart on the site plan.

The Property has its frontage along Gainesville Street, approximately three-tenths of a mile from the Central Business District. There are two Comprehensive Plan Character Area designations for the portion of the Property that is in Flowery Branch. More than ten acres is designated as Traditional Neighborhood (TN) and the remaining two plus acres is designated as Mixed Use-Downtown. The Character Area Map shows the section of TN that includes this Property as a consistent zone along Gainesville Street all the way to the downtown business district. That is consistent with the Comprehensive Plan statement that TN is suited to in-town residential areas near the downtown. TN is also intended to be next to other residential and is designed for in-fill development. The Property in this case includes surrounding uses and zoning that are almost all residential. The residential zoning designations and uses represent a mix, ranging from R-1 to Planned Use Development (PUD), once again consistent with TN.

The design principals for the TN Character Area emphasize little, if any, building setbacks and the principles call for porches, rear-entry garages, and smaller lots with higher density. Land uses in the TN Character Area include single-family detached dwellings and the only compatible zoning is TND. As a result, the Development and the proposed zoning are both consistent with the Comprehensive Plan.

This document is submitted as an analysis of the standards in the City's ordinance for rezonings. It also includes the statements required to preserve constitutional rights.

II. ANALYSIS OF ZONING STANDARDS

A.

WHETHER THE PROPOSAL WILL PERMIT A USE THAT IS SUITABLE IN VIEW OF THE USE AND DEVELOPMENT OF ADJACENT AND NEARBY PROPERTY.

Piedmont ("Applicant") seeks to develop the Property for 117 detached single family

homes (approx. 5 units/acre). The Development is compatible with the adjacent and nearby uses, which includes a mix of single family residential uses ranging from R-1 to PUD.

It is contemplated that property along Gainesville Street close to downtown will redevelop as the town continues with its vision. The Property is in a TN Character Area designation in the Comprehensive Plan and the TN text provides that TND zoning is consistent with the TN Character Area. In fact, TND is the only zoning classification contemplated in the TN Comprehensive Plan Character Area. The current R-1 zoning is not listed as a compatible zoning.

The Comprehensive Plan provides that TND zoning is designed for development around other residential uses and is particularly suited for infill development near the downtown. The R-1 and AR-3 zoning classifications are meant for low density development and agricultural use. Other R-1 property in the area has already been developed and is being used as residential. The current Property includes 23 acres that is undeveloped and the only buildings are a home, a well house, four sheds and a barn. The Property has no economic use as agricultural land and can't be developed at R-1 density, and there is no market for a two-acre M-1 use at the rear of the Property.

B.

WHETHER THE PROPOSAL WILL ADVERSELY AFFECT THE EXISTING USE OR USABILITY OF ADJACENT OR NEARBY PROPERTY.

The proposal will not adversely affect adjacent or nearby property. All of the adjacent and nearby properties along Gainesville Street are zoned and used as single family residential, ranging from R-1 to PUD. The TND zoning is consistent with the Comprehensive Plan's TN Character Area designation for this Property, and the Development density of 5 units/acre is well

below the maximum. In accordance with the Comprehensive Plan, TND zoning is designed for smaller lots around other residential uses and is particularly suited for infill development near the downtown.

C.

WHETHER THE PROPERTY TO BE AFFECTED BY THE PROPOSAL CAN BE USED IN ACCORDANCE WITH THE EXISTING REGULATIONS AND HAS A REASONABLE ECONOMIC USE AS CURRENTLY ZONED.

The Property does not have a reasonable economic use as zoned. First, the Property is located both in the City and in the unincorporated County. The unincorporated portion is a virtual unincorporated island, which causes problems for the provision of services, regulation, and infrastructure. Second, the Property now has three different zoning designations and is regulated by two jurisdictions. Third, the R-1, AR-3, and M-1 zoning designations have no economic use at this location and in area in or near Flowery Branch. They cannot be developed at the restricted density in those residential classifications and there is no Market for M-1 at the back portion of this Property.

D.

WHETHER THE PROPOSAL WILL RESULT IN A USE WHICH WILL OR COULD CAUSE AN EXCESSIVE OR BURDENSOME USE OF EXISTING STREETS, TRANSPORTATION FACILITIES, UTILITIES, OR SCHOOLS.

Applicant will supplement this item with a memo demonstrating that there is not an excessive burden on infrastructure.

E.

WHETHER THE PROPOSAL IS IN CONFORMITY WITH THE POLICY AND INTENT OF THE COMPREHENSIVE PLAN INCLUDING BUT NOT LIMITED TO THE CHARACTER AREA MAP AND FUTURE LAND USE PLAN MAP.

The Property is in a TN Character Area designation in the Comprehensive Plan and the

TN text provides that TND is a consistent zoning. The Comprehensive Plan provides that TND zoning is designed for development around other residential uses and is particularly suited for infill development near the downtown. In fact, TND is the only zoning classification contemplated in the TN Comprehensive Plan Character Area and the current zoning is not listed.

**F.
WHETHER THERE ARE OTHER EXISTING OR CHANGING CONDITIONS
AFFECTING THE USE AND DEVELOPMENT OF THE PROPERTY WHICH GIVE
SUPPORTING GROUNDS FOR EITHER APPROVAL OR DISAPPROVAL OF THE
PROPOSAL.**

It is contemplated that property along Gainesville Street close to downtown will redevelop as the town continues with its vision. The Property is in a TN Character Area designation in the Comprehensive Plan and the TN text provides that TND zoning is consistent with the TN Character Area. In fact, TND is the only zoning classification contemplated in the TN Comprehensive Plan Character Area. The current R-1 zoning is not listed as a compatible zoning. The Comprehensive Plan provides that TND zoning is designed for development around other residential uses and is particularly suited for infill development near the downtown.

The R-1 and AR-3 zoning classifications are meant for low density development and agricultural use. Other R-1 property in the area has already been developed and is being used as residential. The current Property includes 23 acres that is undeveloped and the only buildings are a home, a well house, four sheds and a barn. The Property has no economic use as agricultural land and can't be developed at R-1 density. Finally, there is no market for a two-acre M-1 use at the rear of the Property. As a result, TND is the only appropriate zoning classification.

G.
EXISTING USE(S) AND ZONING OF THE SUBJECT PROPERTY AND NEARBY PROPERTIES.

The Property has its frontage along Gainesville Street, approximately three-tenths of a mile from the Central Business District. There are two Comprehensive Plan Character Area designations for the portion of the Property that is in Flowery Branch. More than ten acres is designated as Traditional Neighborhood (TN) and the remaining two plus acres is designated as Mixed Use-Downtown. The Character Area Map shows the section of TN that includes this Property as a consistent designation along Gainesville Street all the way to the downtown business district. That is consistent with the Comprehensive Plan statement that TN is suited to intown residential areas near the downtown. TN is also intended to be next to other residential and is designed for in-fill development. The Property in this case includes surrounding uses and zoning that are almost all residential. The residential zoning designations and uses represent a mix, ranging from R-1 to Planned Use Development (PUD), once again consistent with the TN Character Area.

H.
EXISTING VALUE OF THE PROPERTY UNDER THE EXISTING ZONING DISTRICT CLASSIFICATION, THE EXTENT TO WHICH THE PROPERTY VALUE OF THE SUBJECT PROPERTY IS DIMINISHED BY THE EXISTING ZONING DISTRICT, AND THE VALUE OF THE PROPERTY UNDER THE PROPOSED ZONING DISTRICT; IF SUCH INFORMATION IS PROVIDED BY THE APPLICANT OR CAN BE DISCERNED. THIS CONSIDERATION MAY INCLUDE THE LENGTH OF TIME THE PROPERTY HAS BEEN VACANT OR UNUSED AS CURRENTLY ZONED AND EFFORTS TAKEN BY THE PROPERTY OWNER(S) TO USE THE PROPERTY OR SELL THE PROPERTY UNDER THE EXISTING ZONING DISTRICT CLASSIFICATION.

The Property cannot be developed under the current zoning. The R-1 and AR-3 zoning classifications are meant for low density development and agricultural use. Other R-1 property in the area has already been developed and is being used as residential. The current Property includes 23 acres that is undeveloped and the only buildings are a home, a well house, four sheds

and a barn. The Property has no economic use as agricultural land and can't be developed at R-1 density. Finally, there is no market for a two-acre M-1 use at the rear of the Property.

**I.
WHETHER A PROPOSED ZONING MAP AMENDMENT OR CONDITIONAL USE
APPROVAL WILL BE A DETERRENT TO THE VALUE OR IMPROVEMENT OF
DEVELOPMENT OF ADJACENT PROPERTY IN ACCORDANCE WITH EXISTING
REGULATIONS.**

The proposed zoning will enhance the value of adjacent property. All of the adjacent and nearby properties along Gainesville Street are zoned and used as single family residential, ranging from R-1 to PUD. TND zoning is consistent with the Comprehensive Plan's TN Character Area designation for this Property, and the Development density of 5 units/acre is well below the maximum. Based on the Comprehensive Plan, TND zoning is designed for development around other residential uses and is particularly suited for infill development near the downtown. TND is the only zoning classification contemplated in the TN Comprehensive Plan Character Area and the current zoning is not included.

**J.
THE POSSIBLE CREATION OF AN ISOLATED ZONING DISTRICT UNRELATED
TO ADJACENT AND NEARBY DISTRICTS.**

The proposed rezoning will not create an isolated zoning district. The Property is in a TN Character Area designation in the Comprehensive Plan and the TN text provides that TND zoning is consistent with the TN Character Area. The Comprehensive Plan provides that TND zoning designed for development around other residential uses and is particularly suited for infill development near the downtown. TND is the only zoning classification contemplated in the TN Comprehensive Plan Character Area and the current zoning is not. Surrounding zoning classifications range from R-1 to PUD in this area of Gainesville Street and the proposed zoning and Development are consistent with what is contemplated.

K.
**POSSIBLE EFFECTS OF THE CHANGE IN ZONING DISTRICT MAP, OR CHANGE
IN USE, ON THE CHARACTER OF A ZONING DISTRICT.**

The proposed rezoning is consistent with the zoning map, based on the Comprehensive Plan. The Property is in a TN Character Area designation in the Comprehensive Plan and the TN text provides that TND zoning is consistent with the TN Character Area. The Comprehensive Plan provides that TND zoning designed for development around other residential uses and is particularly suited for infill development near the downtown. TND is the only zoning classification contemplated in the TN Comprehensive Plan Character Area and the current zoning is not included.

L.
**THE POSSIBLE IMPACT ON THE ENVIRONMENT, INCLUDING BUT NOT
LIMITED TO, DRAINAGE, SOIL EROSION AND SEDIMENTATION, FLOODING,
AIR QUALITY AND WATER QUALITY.**

There is no impact to the environment from the Development. The Development will be connected to the public sanitary sewer system. Stormwater quality and detention will be designed in accordance with state and federal requirements.

M.
**THE RELATION THAT THE PROPOSED MAP AMENDMENT OR CONDITIONAL
USE BEARS TO THE PURPOSE OF THE OVERALL ZONING SCHEME AND THE
PURPOSES OF THIS ZONING ORDINANCE.**

The proposed rezoning is consistent with the overall purpose of the zoning ordinance, based on the Comprehensive Plan. The Property is in a TN Character Area designation in the Comprehensive Plan and the TN text provides that TND zoning is consistent with the TN Character Area. The Comprehensive Plan provides that TND zoning is designed for development around other residential uses and is particularly suited for infill development near

the downtown. TND is the only zoning classification contemplated in the TN Comprehensive Plan Character Area and the current zoning is not included.

III. NOTICE OF CONSTITUTIONAL CHALLENGE TO UNDERLYING ZONING AND PRESERVATION OF CONSTITUTIONAL RIGHTS

The Applicant respectfully submits that the current zoning classification of the Subject Property and any proposed intervening district is unconstitutional and that rules relative to the Subject Property owner's right to use the Property established in the City of Flowery Branch County Zoning Ordinance, to the extent they prohibit this use, constitute an arbitrary, irrational abuse of discretion and unreasonable use of the zoning power because they bear no substantial relationship to the public health, safety, morality or general welfare of the public and substantially harm the Applicant in violation of the due process and equal protection rights guaranteed by the Fifth Amendment and Fourteenth Amendment of the Constitution of the United States, and Article I, Section I, Paragraph I and Article I, Section III, Paragraph I of the Constitution of the State of Georgia. Further, the failure to allow this use would constitute a taking of private property without just compensation and without due process in violation of the Fifth Amendment and Fourteenth Amendment of the Constitution of the United States, and Article I, Section I, Paragraph I and Article I, Section III, Paragraph I of the Constitution of the State of Georgia, and would be in violation of the Commerce Clause, Article I, Section 8, Clause 3 of the Constitution of the United States.

The Applicant respectfully submits that not approving the requested rezoning would be unconstitutional and would discriminate in an arbitrary, capricious and unreasonable manner between the Subject Property's owner and owners of similarly situated property in violation of

Article I, Section III, Paragraph I of the Constitution of the State of Georgia and the Equal Protection Clause of the Fourteenth Amendment of the Constitution of the United States.

IV. CONCLUSION

For the foregoing reasons, the Applicant respectfully requests that the proposed rezoning and annexation be approved. The Applicant also invites and welcomes any comments from Staff or other officials of the City.

This 20th day of October, 2023.

Respectfully submitted,



Kirk Fjelstul
Attorney for Applicant

Smith, Gambrell & Russell, LLP
1105 W. Peachtree Street, NE
Atlanta, Georgia 30309
404-815-3500

Adjoining Property Owners

Search Results

19 Results

☐ Show Property Photos

Parcel ID	Owner		Property Address	Map
08098 001019	NEDRA ANN JONES	1	5183 GAINESVILLE ST	Map
08112 012001	MILDRED BLACK BUTLER	Subject	5170 CHURCH ST	Map
08112 012001A	LINDA D MILLWOOD BAUGH D. LINDA		5285 GAINESVILLE ST	Map
08112 012002	ZACHARY DOUGLAS SWANSEY	2	5259 GAINESVILLE ST	Map
08112 012003	VARCHI INNOVATIONS LLC	3	5210 CHATTAHOOCHEE ST	Map
08112 012004	FB EVER READY, LLC	4	5204 CHATTAHOOCHEE ST	Map
08112 012005	DOWNTOWN HOMES 2, LLC	5	5185 CHURCH ST	Map
08112 012006	FLOWERY BRANCH MINI STORAGE SVCS, LLC	6	5175 CHURCH ST	Map
08112 012007	MICHAEL PRENTISS PRENTISS AMANDA MARIE	7	5216 CHATTAHOOCHEE ST	Map
08112 012008	CHATAHOOCHEE HOMES LLC	8	5224 CHATTAHOOCHEE ST	Map
08112 027030	BRENDA K STOUGH HANNA JEFFERY L	9	5280 GAINESVILLE ST	Map
08112 027031	ARNOLD WRIGHT	10	5270 GAINESVILLE ST	Map
08112 027032	JOSEPH D ROARK	11	5260 GAINESVILLE ST	Map
08112 027033	JOE DAVIDSON ROARK	12	5254 GAINESVILLE ST	Map
08112 027034	RUSSEL MORGAN HUDGENS HUDGENS HEATHER ANN	13	5248 GAINESVILLE ST	Map
08112 027035	REBECCA TRACY BAGWELL	14	5234 GAINESVILLE ST	Map
08112 027036	REBECCA TRACY BAGWELL	15	5220 GAINESVILLE ST	Map
08112 027036A	W J COFER COFER MONTEZ B	16	5206 GAINESVILLE ST	Map
		17		



Developed by
 Schneider
GEOSPATIAL

Property Owner Inspection Authorization

Inspection Authorization

Mildred Black Butler
106 Robertson Ct., NW
Dawsonville, GA 30534

08112 012001 (5170 Church Street)

I, Kathy Taylor, administrator of the estate of Mildred Black Butler, hereby affirm that I solely own the above-referenced tax parcel. I also acknowledge that I am aware of the rezoning and annexation requests filed by PR Land Investments, LLC (c/o Kirk R. Fjelstul) related to the referenced property and consent to same. Please allow this document to serve as my authorization of the City of Flowery Branch staff and/or City Council to inspect the subject property.

Kathy S. Taylor

Kathy S. Taylor

Date: Oct. 14-2023

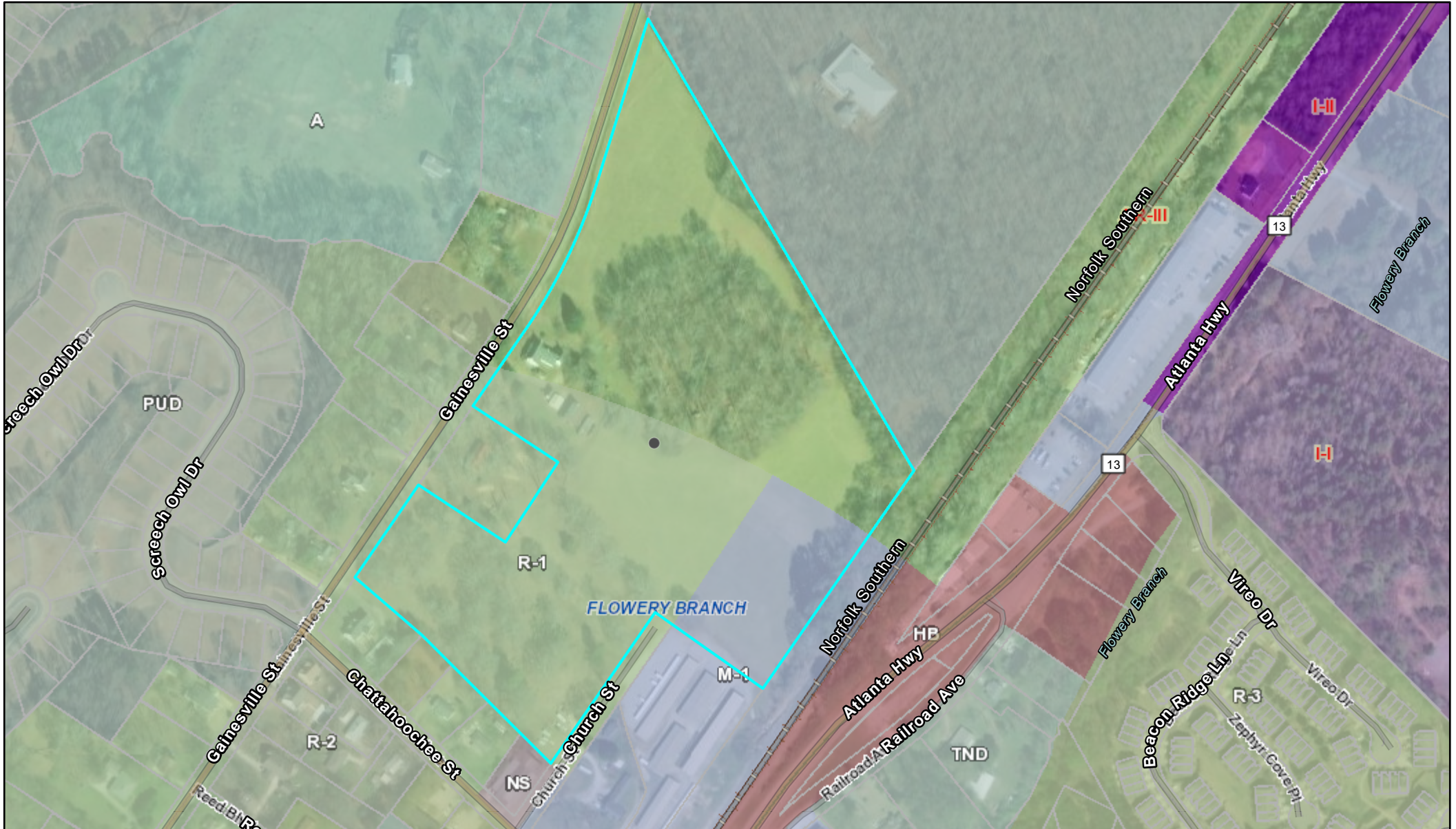
Sworn to and subscribed before me
this 14 day of October, 2023

Vipul Gupta
NOTARY PUBLIC

Commission Exp 02-02-2027

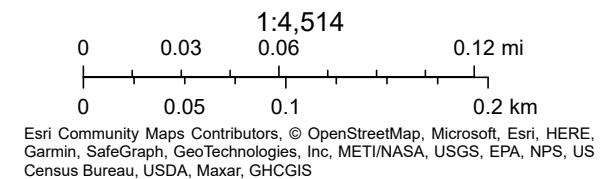


ArcGIS Web Map



10/26/2023, 11:53:13 AM

Oakwood Zoning	PID	Flowery Branch Zoning	NS	AR-IV	PCFD	R-MF	L-I	R-I-A	FLOWERY BRANCH	Arterial-Collector
A-1	POD	A	PUD	H-B	PID	R-TF	N-B	R-II	GAINESVILLE	Interstate
C-1	PRD	CBD	R-1	I-I	POD	S-S	N-C	R-O	GILLSVILLE	Railway
C-2	R-1	HB	R-2	I-II	PRD	V-C	O-I		LULA	Parcel Boundary
M-1	R-2	INST	R-3	MHP	R-I	Gainesville Zoning	PUD		OAKWOOD	
M-2	R-3	M-1	TND	O-I	R-I-L	C-B	R-B	BRASELTON	RESTHAVEN	
O-P	R-4	M-2	PCD	R-II	H-I	G-B	R-I	BUFORD	CLERMONT	Roads
PCD		MHP	AR-III							Local



Church Street

Gainesville Street View
Flowery Branch, GA





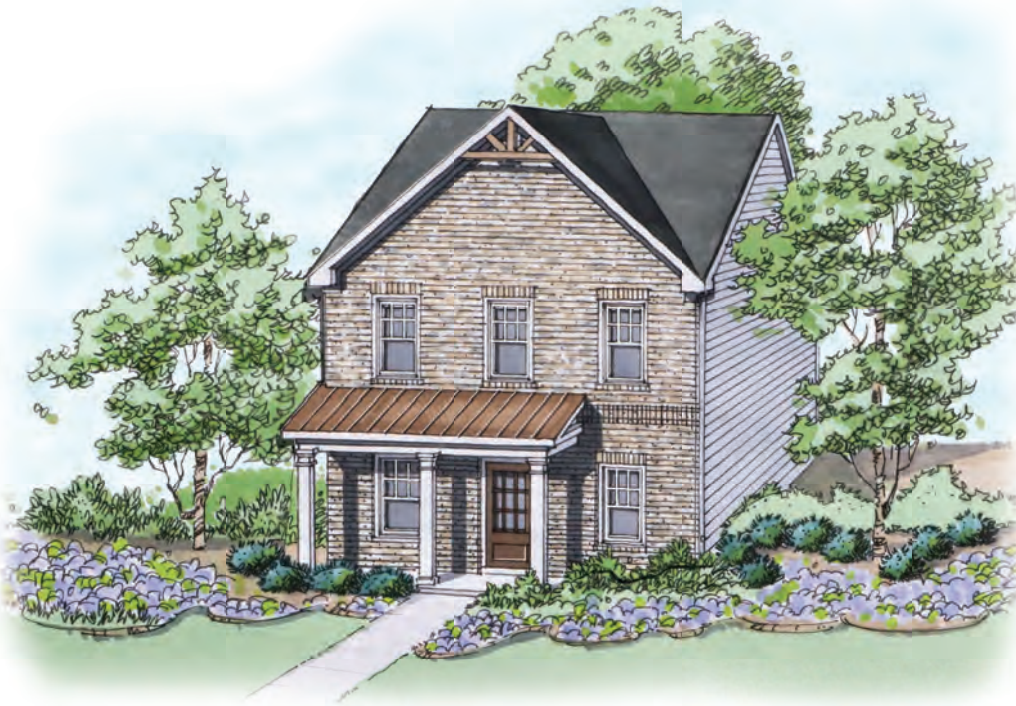
Church Street

Gainesville Street View
Flowery Branch, GA

Church Street

Gainesville Street View
Flowery Branch, GA





FRONT ELEVATION

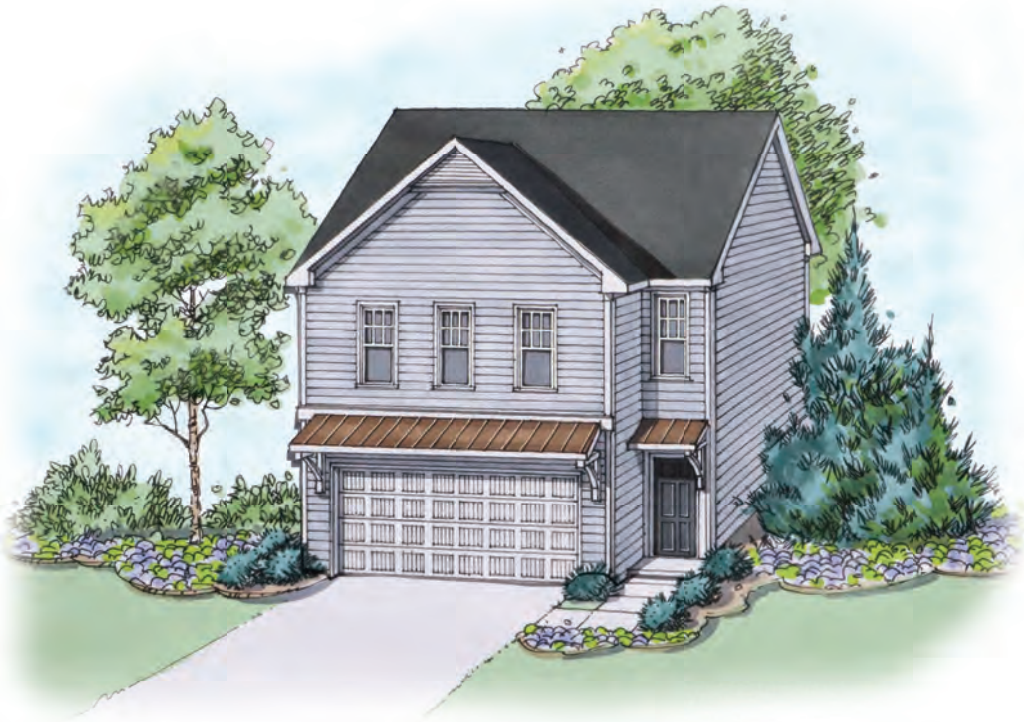


REAR ELEVATION

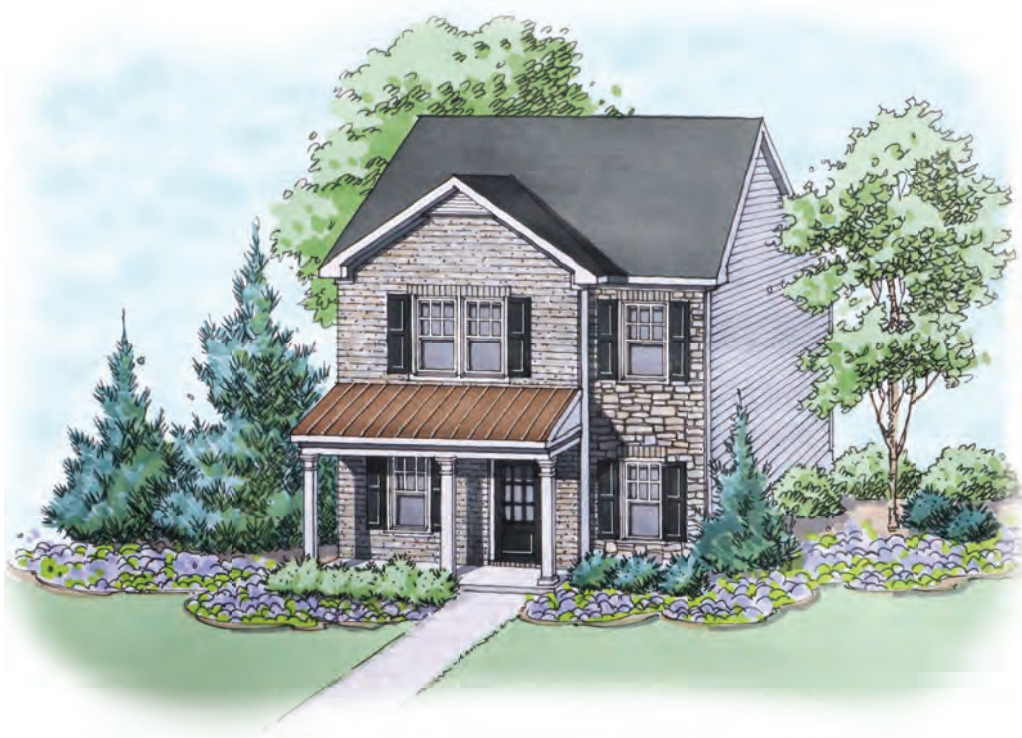
Addison - A



FRONT ELEVATION



REAR ELEVATION



FRONT ELEVATION



REAR ELEVATION

Brookfield - A



FRONT ELEVATION



REAR ELEVATION



FRONT ELEVATION



REAR ELEVATION



FRONT ELEVATION



REAR ELEVATION

Sedona - B



October 27, 2023

Hall County Board of Commissioners
2875 Browns Bridge Road
Gainesville, Georgia 30504
c/o Jennifer Rivera, Commission Clerk

Re: Notification of Intent to Annex and Rezone Land Located in Hall County

Dear Ladies and Gentlemen:

Please be advised that the City of Flowery Branch, Georgia, by the authority vested in the Mayor and City Council of Flowery Branch, Georgia by Article 2 of Chapter 36, Title 36, of the Official Code of Georgia Annotated, intends to annex the property hereinafter described by ordinance at a regular meeting of the Mayor and City Council.

This letter has been sent to you by certified mail, return receipt requested, within thirty (30) business days of acceptance of a complete application for annexation by the City of Flowery Branch, in accordance with O.C.G.A § 36-36-6 and O.C.G.A § 36-36-9 and after receipt of the application for zoning pursuant to O.C.G.A § 36-36-111.

The property to be annexed and rezoned is shown on the enclosed map and is described as follows:
5170 Church Street, tax parcel identification number 08112 012001.

Pursuant to O.C.G.A. § 36-36-111, a complete copy of the annexation and rezoning application is also enclosed.

Pursuant to O.C.G.A § 36-36-7 and O.C.G.A § 36-36-9, you must notify the Mayor and City Council of the City of Flowery Branch, in writing and by certified mail, return receipt requested, or statutory overnight delivery, return receipt requested, of any county facilities or property located within the properties to be annexed, within five (5) business days of receipt of this letter.

Hall County Board of Commissioners
Annexation and Rezoning of 5704 Jim Crow Road
October 27, 2023
Page 2 of 2

Pursuant to O.C.G.A § 36-66-4 a public hearing on zoning of the property to be annexed as Flowery Branch TND (Traditional Neighborhood Development) will be held on Thursday, December 7, 2023, at 6:00 PM in the City of Flowery Branch City Council Chamber located at 5410 Pine Street, Flowery Branch, GA 30542. If the county has a valid objection under O.C.G.A § 36-36-113, in accordance with the objection and resolution process, you must notify the city governing authority within forty-five (45) calendar days of the receipt of this notice. Such notice of objection must be made by verifiable delivery and include documentation of the nature of the objection specifically providing evidence of any financial impact forming the basis of the objection.

Sincerely,

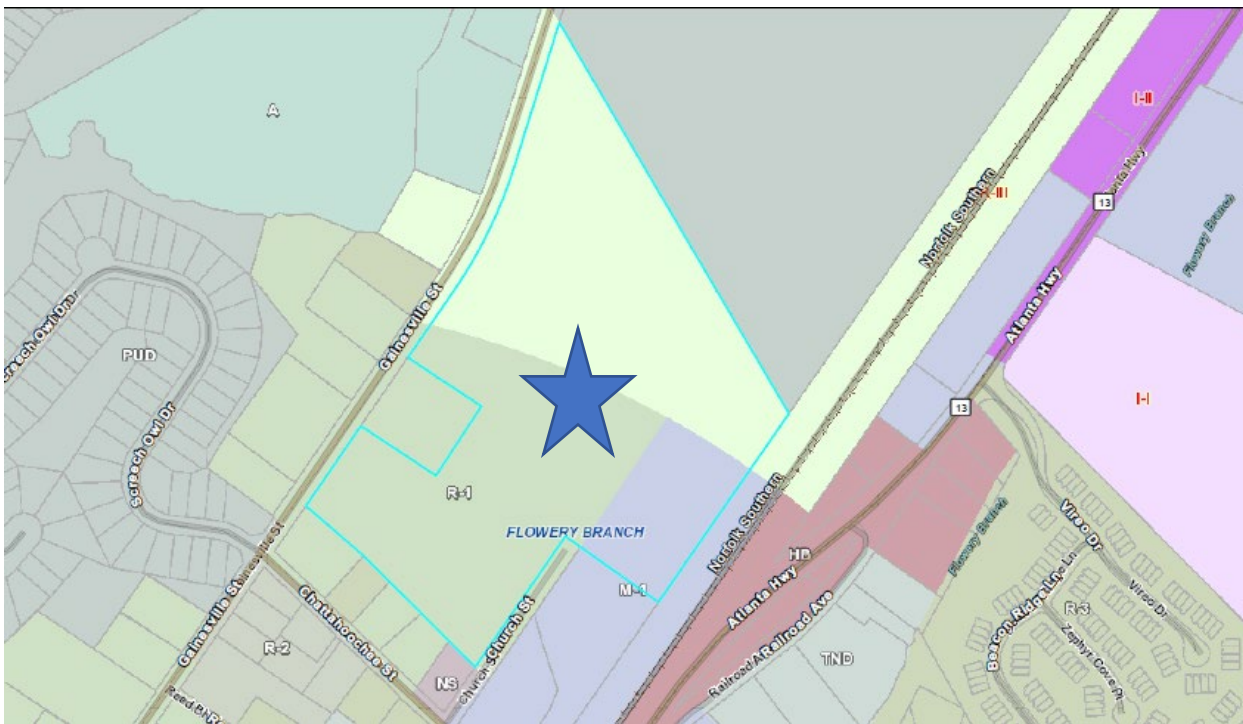
Richard JE Atkinson

Director of Planning and Community Development
City of Flowery Branch
Rich@flowerybranchga.org

RA/

Enclosures: Site Map of Property to Annexed and Rezoned
Annexation and Rezoning Application

cc: William J. Linkous III, County Attorney
Randi Doveton, Director of Planning and Development



Church Street

Community Site Map
Flowery Branch, GA





**Staff Report
5170 Church St
Annexation & Rezoning Request
Ordinances**

Request

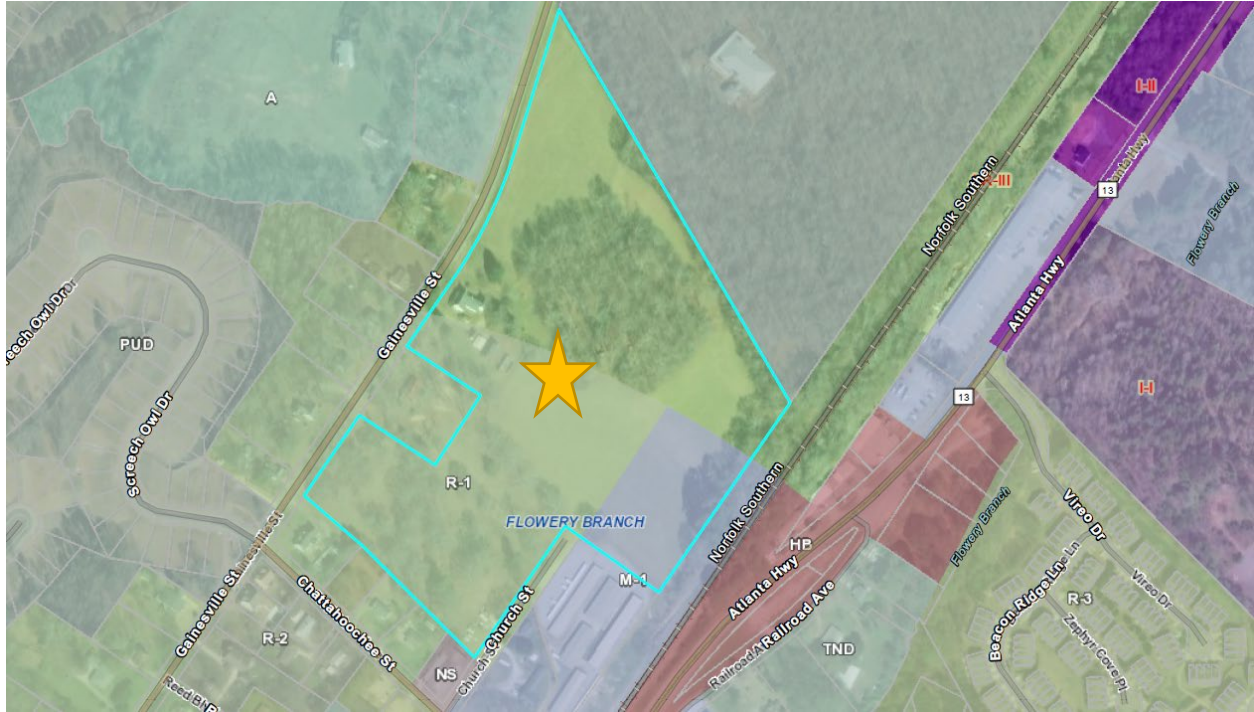
Currently, 5170 Church Street is a 23.3 +/- -acre tract of land that is partially in Hall County and partially within the city-limits of Flowery Branch. The applicant wishes to annex and subsequently rezone the 10.73 +/- acres of the unincorporated portion of the parcel from Hall County Agricultural Residential (AR-III) to Flowery Branch Traditional Neighborhood Development District (TND). If the 10.73 +/- portion of the parcel is annexed, it is requested to rezone the 12.57 +/- acres of the incorporated portion of land be rezoned from Residential, Detached Single Family, Low-Density District (R-1) and Light Manufacturing and Industrial District (M-1) to Traditional Neighborhood Development District (TND). This would result in the entire 23.3 +/- acres of tax parcel 08112 0120001, also known as 5170 Church Street, to lie within the city-limits of Flowery Branch and be zoned Traditional Neighborhood Development District (TND) The applicant wishes to construct a 117 detached single -family homes subdivision. The request includes the following concurrent variance requests:

The reduction of a portion of sidewalk widths from 8 feet to 5 feet.

The increase of impervious allowances as indicated on the accompanying chart.

The decrease of lot area as indicated on the accompanying chart.

13 lots on cul-de-sac will have front entries.





1. REQUEST IS FOR THE REZONING OF SUBJECT PARCEL FROM M-1 AND R-1 TO TND
2. ANNEXATION OF 10.73 ACRES INTO THE CITY OF FLOWERY BRANCH FROM HALL COUNTY.
3. VARIANCES ARE REQUESTED FOR:
THE REDUCTION OF A PORTION OF SIDEWALK WIDTHS FROM 8 FEET TO 5 FEET.
THE INCREASE OF IMPERVIOUS ALLOWANCES AS INDICATED ON THE ACCOMPANYING CHART
THE DECREASE OF LOT AREAS AS INDICATED ON THE ACCOMPANYING CHART.
4. TOTAL ACREAGE = 23.3 ACRES
5. TOTAL AREA REQUEST TO BE REZONED TO TND
M-1 = 2.64 ACRES
R-1 = 10.73 ACRES
6. TOTAL AREA REQUEST FOR ANNEXATION = 10.73 ACRES
7. MAXIMUM ALLOWED UNITS = $(6.5 \text{ UNITS/AC} \times 23.3 = 151 \text{ UNITS})$
8. TOTAL UNITS PROPOSED = 117
9. PARKING PROVIDED:
MAIL KIOSK 6
DOG PARK 7
PAVILION/PICKLE BALL 13
10. TOTAL AREA DEVELOPED WITH UNITS = 17.8 acres
11. TOTAL AREA FOR RIGHT OF WAY AND ROADS = 3.95 ACRES
12. NO AREA OF THIS SITE IS LOCATED IN STREAM BUFFER AREAS
13. MULTI TRANSPORTATION ALTERNATIVES ARE NOT INCLUDED IN THIS REQUEST.
14. THERE IS A TOTAL OF 44,654 SQ. FT. OF PUBLIC SIDEWALK PROPOSED
REQUIRING 546 CU. YDS. OF CONCRETE
15. AMENITIES INCLUDE A 1,196 SQ. FT. COVERED PAVILLION, 3 PICKLEBALL COURTS,
A DOG PARK, AND A PASSIVE RECREATION AREA.
16. 12 STREET LIGHTS ARE PROPOSED.
17. LOT DENSITY WILL NOT BE ADVERSELY AFFECTED BY SITE GRADING.



BLOCK A				
Lot #	Square Footage	% Open	% Coverag	*Variance Req.
1	5,023	49.40%	50.60%	L,I
2	5,020	36.28%	63.72%	L,I
3	5,003	38.07%	61.93%	L,I
4	5,019	44.81%	55.19%	L,I
5	5,618	37.25%	62.75%	L,I
6	6,908	39.82%	60.18%	I
7	7,995	59.96%	40.04%	I
8	8,169	61.90%	38.10%	I
9	6,713	56.82%	43.18%	I
10	8,216	81.69%	18.31%	I
11	7,929	80.15%	19.85%	I
12	12,273	89.26%	10.74%	I
13	7,513	64.54%	35.46%	I
14	6,207	49.82%	50.18%	L,I
15	7,531	50.41%	49.59%	I
16	6,895	51.47%	48.53%	I
17	7,034	51.76%	48.24%	I
18	5,027	43.58%	56.42%	L,I
19	6,425	46.22%	53.78%	L,I
20	7,719	58.74%	41.26%	I
21	6,256	41.07%	58.93%	L,I
22	6,726	48.87%	51.13%	I
23	5,992	44.13%	55.87%	L,I
24	7,592	57.93%	42.07%	I
25	6,194	46.67%	53.33%	L,I
26	5,000	44.27%	55.73%	L,I
27	5,001	39.56%	60.44%	L,I
28	6,898	49.11%	50.89%	I
29	6,397	47.98%	52.02%	L,I
30	6,397	50.64%	49.36%	L,I
31	7,094	49.47%	50.53%	I
32	6,397	47.56%	52.44%	L,I
33	5,751	48.96%	51.04%	L,I
34	5,025	39.97%	60.03%	L,I
35	5,025	39.97%	60.03%	L,I
36	5,025	44.53%	55.47%	L,I
37	5,025	40.10%	59.90%	L,I
38	5,481	42.66%	57.34%	L,I
39	8,319	46.37%	53.63%	I

BLOCK A				
Lot #	Square Footage	% Open Space	% Coverag	*Variance Req.
40	9,746	54.78%	45.22%	
41	6,951	57.10%	42.90%	
42	6,384	59.07%	40.93%	L,I
43	5,276	52.91%	47.09%	L,I
44	5,202	46.50%	53.50%	L,I
45	6,885	58.35%	41.65%	I
46	7,201	74.73%	25.27%	
47	5,503	71.49%	28.51%	L,I
48	6,009	78.26%	21.74%	L,I
49	7,126	81.47%	18.53%	
50	16,408	92.12%	7.88%	
51	24,261	94.66%	5.34%	
52	8,860	85.41%	14.59%	
53	6,786	81.02%	18.98%	
54	8,721	84.95%	15.05%	
55	9,100	74.02%	25.98%	
56	6,325	32.22%	67.78%	L,I
57	6,671	50.64%	49.36%	L,I
58	6,882	54.48%	45.52%	I
59	5,632	49.67%	50.33%	L,I
60	5,612	50.90%	49.10%	L,I
61	5,629	48.00%	52.00%	L,I
62	5,585	51.72%	48.28%	L,I
63	7,250	64.77%	35.23%	I
64	5,347	50.54%	49.46%	L,I
65	5,628	52.14%	47.86%	L,I
66	5,925	50.11%	49.89%	L,I
67	5,025	48.29%	51.71%	L,I
68	5,191	43.11%	56.89%	L,I
69	5,534	47.27%	52.73%	L,I
70	6,068	45.02%	54.98%	L,I
71	9,905	46.97%	53.03%	I
72	5,805	49.38%	50.62%	L,I
73	5,160	47.30%	52.70%	L,I
74	5,862	48.29%	51.71%	L,I
75	5,450	49.62%	50.38%	L,I
76	5,450	45.55%	54.45%	L,I
77	6,760	59.30%	40.70%	I



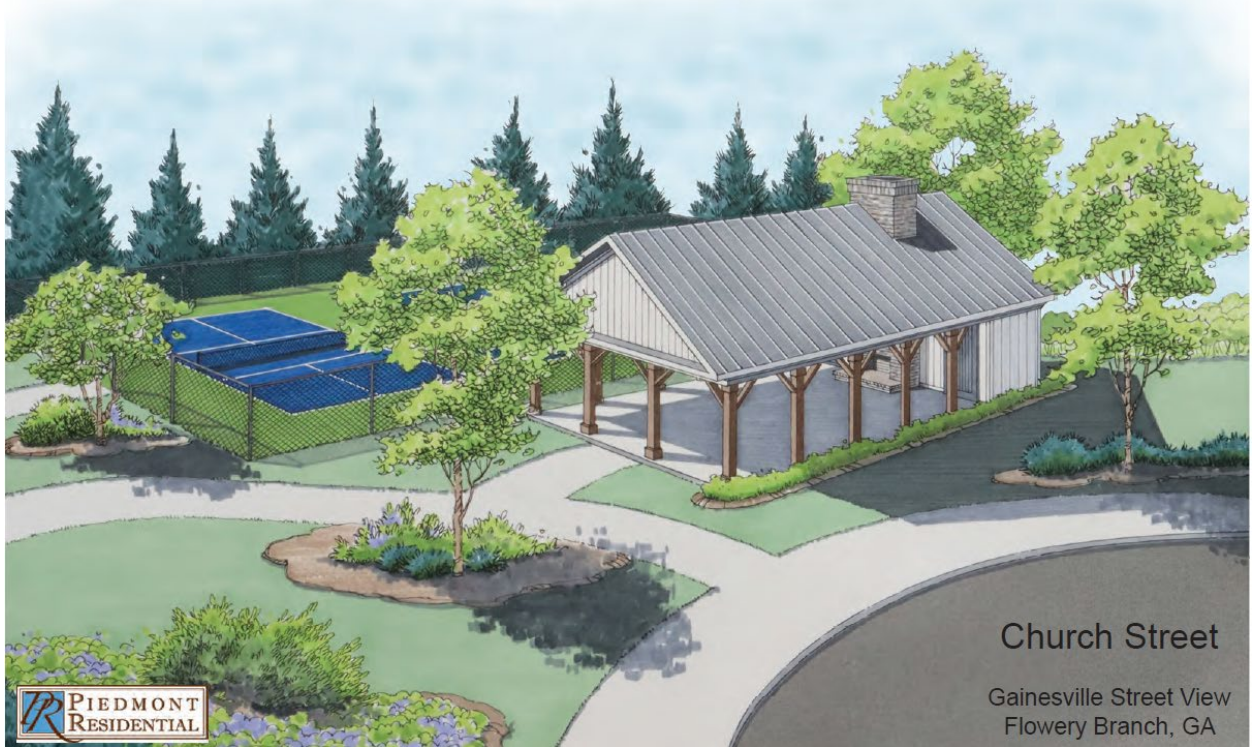
BLOCK B				
Lot #	Square Footage	% Open Space	% Coverag	*Variance Req.
1	5,089	50.05%	49.95%	L,I
2	5,001	42.50%	57.50%	L,I
3	5,041	43.40%	56.60%	L,I
4	5,084	48.16%	51.84%	L,I
5	5,657	29.95%	70.05%	L,I
6	5,317	44.04%	55.96%	L,I
7	5,146	51.35%	48.65%	L,I
8	5,334	58.88%	41.12%	L,I
9	5,621	58.52%	41.48%	L,I
10	5,791	59.35%	40.65%	L,I
11	5,752	58.92%	41.08%	L,I
12	5,903	58.65%	41.35%	L,I
13	6,558	62.93%	37.07%	L,I
14	9,140	71.29%	28.71%	
15	9,085	68.76%	31.24%	
16	7,438	59.92%	40.08%	I
17	9,120	60.83%	39.17%	I
18	5,999	40.78%	59.22%	L,I
19	5,938	39.81%	60.19%	L,I
20	5,877	41.07%	58.93%	L,I
21	7,585	57.93%	42.07%	I
22	7,538	54.25%	45.75%	I
23	7,540	57.17%	42.83%	I
24	10,377	49.60%	50.40%	I
25	7,231	58.73%	41.27%	I
26	5,045	47.54%	52.46%	L,I
27	5,037	43.29%	56.71%	L,I
28	5,389	51.51%	48.49%	L,I

BLOCK C				
Lot #	Square Footage	% Open Space	% Coverag	*Variance Req.
1	5,221	49.53%	50.47%	L,I
2	5,058	45.03%	54.97%	L,I
3	5,238	47.35%	52.65%	L,I
4	5,155	58.90%	41.10%	L,I
5	5,287	55.50%	44.50%	L,I
6	5,134	35.66%	64.34%	L,I
7	5,134	39.00%	61.00%	L,I
8	5,199	52.41%	47.59%	L,I
9	5,691	51.22%	48.78%	L,I
10	5,648	50.52%	49.48%	L,I
11	6,493	52.15%	47.85%	L,I
12	7,768	53.06%	46.94%	I

OUTPARCELS				
Lot #	Square Footage	% Open Space	% Coverag	*Variance Req.
1	21,719	74.22%	25.78%	
2	22,399	85.84%	14.16%	
3	11,298	79.42%	20.58%	
4	14,031	42.84%	57.16%	I

*LOT VARIANCE REQUESTS
 L = LOT REDUCTION
 I = IMPERVIOUS INCREASE

Renderings:





FRONT ELEVATION



REAR ELEVATION



FRONT ELEVATION



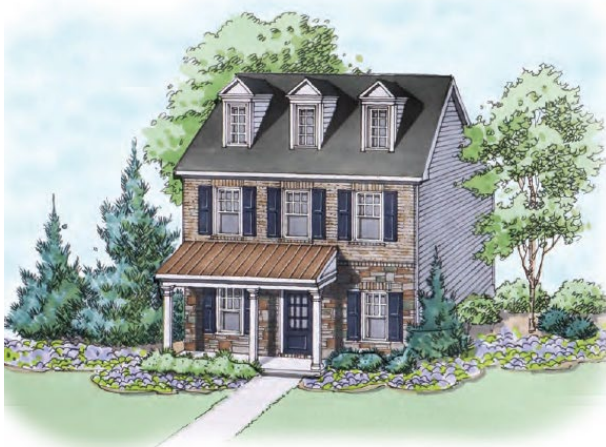
REAR ELEVATION



FRONT ELEVATION



REAR ELEVATION



FRONT ELEVATION



REAR ELEVATION



FRONT ELEVATION



REAR ELEVATION



FRONT ELEVATION



REAR ELEVATION

Proposed Schedule

December 7, 2023 – Public Hearing
December 21, 2023 - Work Session (if requested)
January 4, 2023 – First Read and First Vote
January 18, 2023 – Work Session (if requested)
February 1, 2023- Second Read and Final Vote



Comprehensive Plan

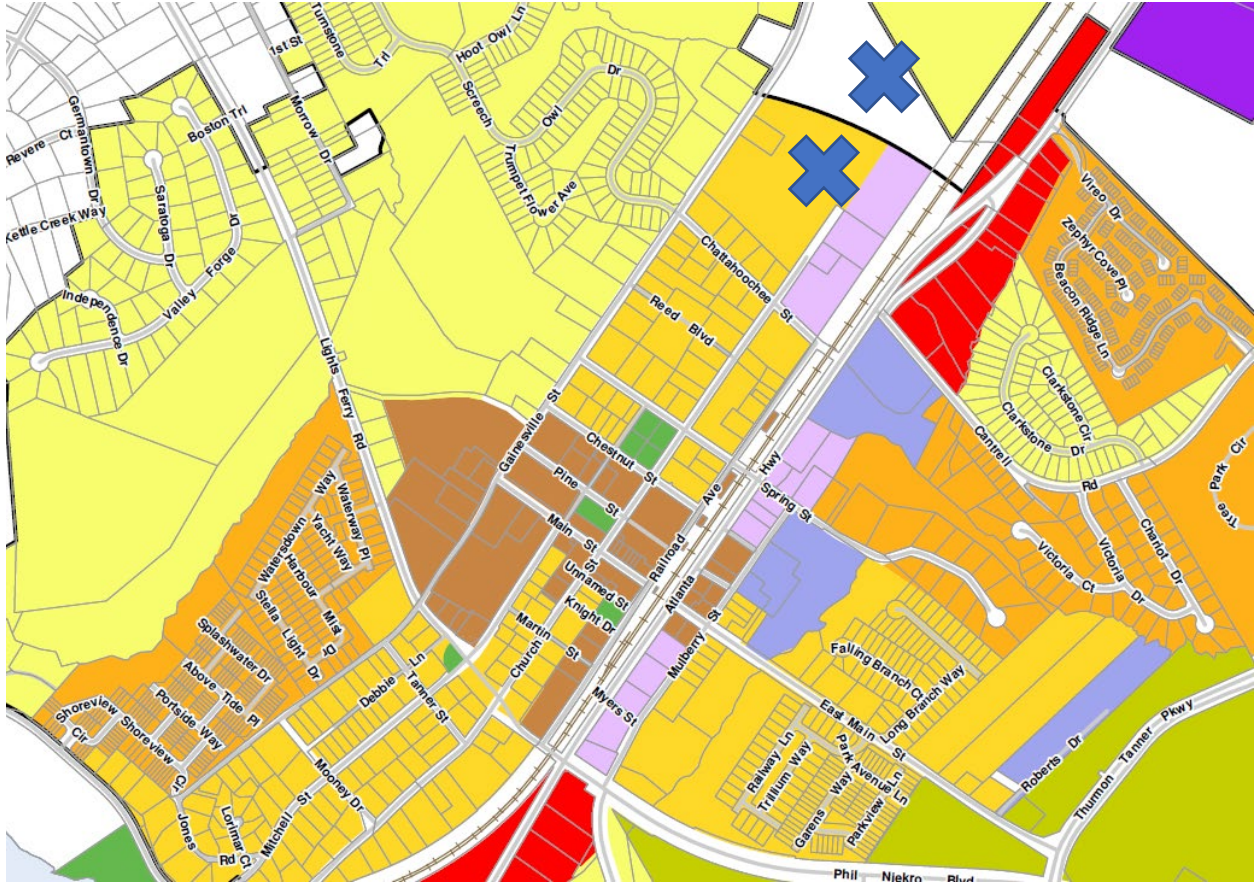


Purpose of the Comprehensive Plan

The *Flowery Branch Comprehensive Plan* is the City's policy guide for growth and development, as expressed by a vision statement, Future Development Map, character area policies, and supporting implementation strategies. The plan is most commonly used in the review and decision-making process by staff and City Council for rezoning requests, when proposals are evaluated for consistency with the Future Development Map and supporting text in this document.

The Comprehensive Plan also outlines the overall strategy for achieving the City's vision for future development by identifying a 5-year Community Work Program (CWP) with a prioritized 'to-do' list. The CWP should be consulted by staff and City Council on an annual basis when developing annual department-level work programs and the City budget.

In addition, this plan serves the purpose of meeting the intent and requirements of the Georgia Department of Community Affairs' (DCA) "Standards and Procedures for Local Comprehensive Planning," as amended on October 1, 2018. Preparation of a comprehensive plan in accordance with these standards is an essential requirement for maintaining status as a Qualified Local Government (QLG). QLG status allows Georgia cities and counties to be eligible for financial incentives from DCA, the Department of Natural Resources (DNR), the Georgia Environmental Finance Authority (GEFA), and the OneGeorgia Authority. This plan update allows the City of Flowery Branch to retain its QLG status.



Traditional Neighborhood



Traditional Neighborhood

The Traditional Neighborhood character area includes the in-town residential areas around the downtown core of Old Town.

Vision

Maintain the character and development pattern of the originally settled neighborhoods of Flowery Branch, with sensitive residential in-fill development and careful improvements where required including new sidewalks, street trees, and other pedestrian-friendly streetscape features.

Design Principles

- Little if any building setbacks from city streets
- Rectangular or square blocks and lots, and block lengths should not exceed 800 feet without intervening (mid-block) pedestrian footpaths
- Narrow streets in a grid-like pattern with shade trees
- Building facades emphasize porches
- Rear entry garage or detached rear garage, with the exception that a garage may be recessed behind the front façade if off-street parking must be directly accessed from the street and directly facing the street
- Wide sidewalks
- Smaller lots/higher density than Suburban Residential
- Provision of public greens or common areas when new neighborhoods are created
- Design review required for compatibility with existing residences

Land Uses

- Primarily single-family detached dwellings
- Townhouses may be allowed
- Greens, plazas, and pocket parks incorporated into development plans

Zoning

- TND, Traditional Neighborhood Development

Illustrative Photos



The proposed development meets the intent of the Comprehensive Plan. The size and scope of the proposed project would blend in with the surrounding area as it is residential in nature.



Analysis

Flowery Branch Zoning Ordinance Article 37 Rezoning and Conditional Use Applications

Sec. 34.7. - Analysis Requirements.

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

Applicant comment

Staff Response:

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

The Development is compatible with the adjacent and nearby uses, which includes a mix of single family residential uses ranging from R-1 to PUD. It is contemplated that property along Gainesville Street close to downtown will redevelop as the town continues with its vision. The Property is in a TN Character Area designation in the Comprehensive Plan and the TN text provides that TND zoning is consistent with the TN Character Area. In fact, TND is the only zoning classification contemplated in the TN Comprehensive Plan Character Area. The current R-1 zoning is not listed as a compatible zoning.

The Comprehensive Plan provides that TND zoning is designed for development around other residential uses and is particularly suited for infill development near the downtown. The R-1 and AR-3 zoning classifications are meant for low density development and agricultural use. Other R-1 property in the area has already been developed and is being used as residential. The current Property includes 23 acres that is undeveloped and the only buildings are a home, a well house, four sheds and a barn. The Property has no economic use as agricultural land and can't be developed at R-1 density, and there is no market for a two-acre M-1 use at the rear of the Property.

Yes, a residential use is appropriate for this site and the surrounding area.

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

The proposal will not adversely affect adjacent or nearby property. All of the adjacent and nearby properties along Gainesville Street are zoned and used as single family residential, ranging from R-1 to PUD. The TND zoning is consistent with the Comprehensive Plan's TND Character Area designation for this Property, and the Development density of 5 units/acre is well below the



maximum. In accordance with the Comprehensive Plan, TND zoning is designed for smaller lots around other residential uses and is particularly suited for infill development near the downtown. **The development will not adversely affect the area.**

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

The Property does not have a reasonable economic use as zoned. First, the Property is located both in the City and in the unincorporated County. The unincorporated portion is a virtual unincorporated island, which causes problems for the provision of services, regulation, and infrastructure. Second, the Property now has three different zoning designations and is regulated by two jurisdictions. Third, the R-1, AR-3, and M-1 zoning designations have no economic use at this location and in area in or near Flowery Branch. They cannot be developed at the restricted density in those residential classifications and there is no Market for M-1 at the back portion of this Property.

The current zoning may not be feasible for the growing economy need.

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

Applicant will supplement this item with a memo demonstrating that there is not an excessive burden on infrastructure.

It is staff's opinion that the use will not create any unnecessary burdens.

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

The Property is in a TN Character Area designation in the Comprehensive Plan and the TN text provides that TND is a consistent zoning. The Comprehensive Plan provides that TND zoning is designed for development around other residential uses and is particularly suited for infill development near the downtown. In fact, TND is the only zoning classification contemplated in the TN Comprehensive Plan Character Area and the current zoning is not listed.

The adjoining area is called by future land use map as "Traditional Neighborhood" character area. This project which is proposed to rezone as TND will meet the general intent of the comprehensive plan.

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

It is contemplated that property along Gainesville Street close to downtown will redevelop as the town continues with its vision. The Property is in a TN Character Area designation in the Comprehensive Plan and the TN text provides that TND zoning is consistent with the TN Character Area. In fact, TND is the only zoning classification contemplated in the TN Comprehensive Plan Character Area. The current R-1 zoning is not listed as a compatible zoning. The Comprehensive Plan provides that TND zoning is designed for development around other residential uses and is particularly suited for infill development near the downtown.

The R-1 and AR-3 zoning classifications are meant for low density development and agricultural use. Other R-1 property in the area has already been developed and is being used as residential. The current Property includes 23 acres that is undeveloped and the only buildings are a home, a well house, four sheds and a barn. The Property has no economic use as agricultural land and can't



be developed at R-1 density. Finally, there is no market for a two-acre M-1 use at the rear of the Property. As a result, TND is the only appropriate zoning classification.

Not to staff's knowledge, no.

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

The Property has its frontage along Gainesville Street, approximately three-tenths of a mile from the Central Business District. There are two Comprehensive Plan Character Area designations for the portion of the Property that is in Flowery Branch. More than ten acres is designated as Traditional Neighborhood (TN) and the remaining two plus acres is designated as Mixed Use-Downtown. The Character Area Map shows the section of TN that includes this Property as a consistent designation along Gainesville Street all the way to the downtown business district. That is consistent with the Comprehensive Plan statement that TN is suited to in-town residential areas near the downtown. TN is also intended to be next to other residential areas and is designed for in-fill development. The Property in this case includes surrounding uses and zoning that are almost all residential. The residential zoning designations and uses represent a mix, ranging from R-1 to Planned Use Development (PUD), once again consistent with the TN Character Area.

Currently vacant, the proposed use will fit in with the surrounding residential uses.

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

The Property cannot be developed under the current zoning. The R-1 and AR-3 zoning classifications are meant for low density development and agricultural use. Other R-1 property in the area has already been developed and is being used as residential. The current Property includes 23 acres that is undeveloped and the only buildings are a home, a well house, four sheds and a barn. The Property has no economic use as agricultural land and can't be developed at R-1 density. Finally, there is no market for a two-acre M-1 use at the rear of the Property.

In staff's opinion, the proposed project will increase the land value and meet the increasing housing needs in this area. By accommodating more residents, it will boost local economic development.

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

The proposed zoning will enhance the value of adjacent property. All of the adjacent and nearby properties along Gainesville Street are zoned and used as single family residential, ranging from R-1 to PUD. TND zoning is consistent with the Comprehensive Plan's TN Character Area



designation for this Property, and the Development density of 5 units/acre is well below the maximum. Based on the Comprehensive Plan, TND zoning is designed for development around other residential uses and is particularly suited for infill development near the downtown. TND is the only zoning classification contemplated in the TN Comprehensive Plan Character Area and the current zoning is not included.

Staff does not feel that the proposed will be a deterrent but rather an enhancement to the surrounding area and will have a positive impact on the housing mix by providing age restricted housing.

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

The proposed rezoning will not create an isolated zoning district. The Property is in a TN Character Area designation in the Comprehensive Plan and the TN text provides that TND zoning is consistent with the TN Character Area. The Comprehensive Plan provides that TND zoning designed for development around other residential uses and is particularly suited for infill development near the downtown. TND is the only zoning classification contemplated in the TN Comprehensive Plan Character Area and the current zoning is not. Surrounding zoning classifications range from R-1 to PUD in this area of Gainesville Street and the proposed zoning and Development are consistent with what is contemplated.

Agree

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

The proposed rezoning is consistent with the zoning map, based on the Comprehensive Plan. The Property is in a TN Character Area designation in the Comprehensive Plan and the TN text provides that TND zoning is consistent with the TN Character Area. The Comprehensive Plan provides that TND zoning is designed for development around other residential uses and is particularly suited for infill development near the downtown. TND is the only zoning classification contemplated in the TN Comprehensive Plan Character Area and the current zoning is not included.

The proposed use will enhance the character of the existing district and surrounding area in staff's opinion.

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

There is no impact to the environment from the Development. The Development will be connected to the public sanitary sewer system. Stormwater quality and detention will be designed in accordance with state and federal requirements.

The development, if approved, will need to go through all the required development reviews to ensure all applicable codes and requirements are met.



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

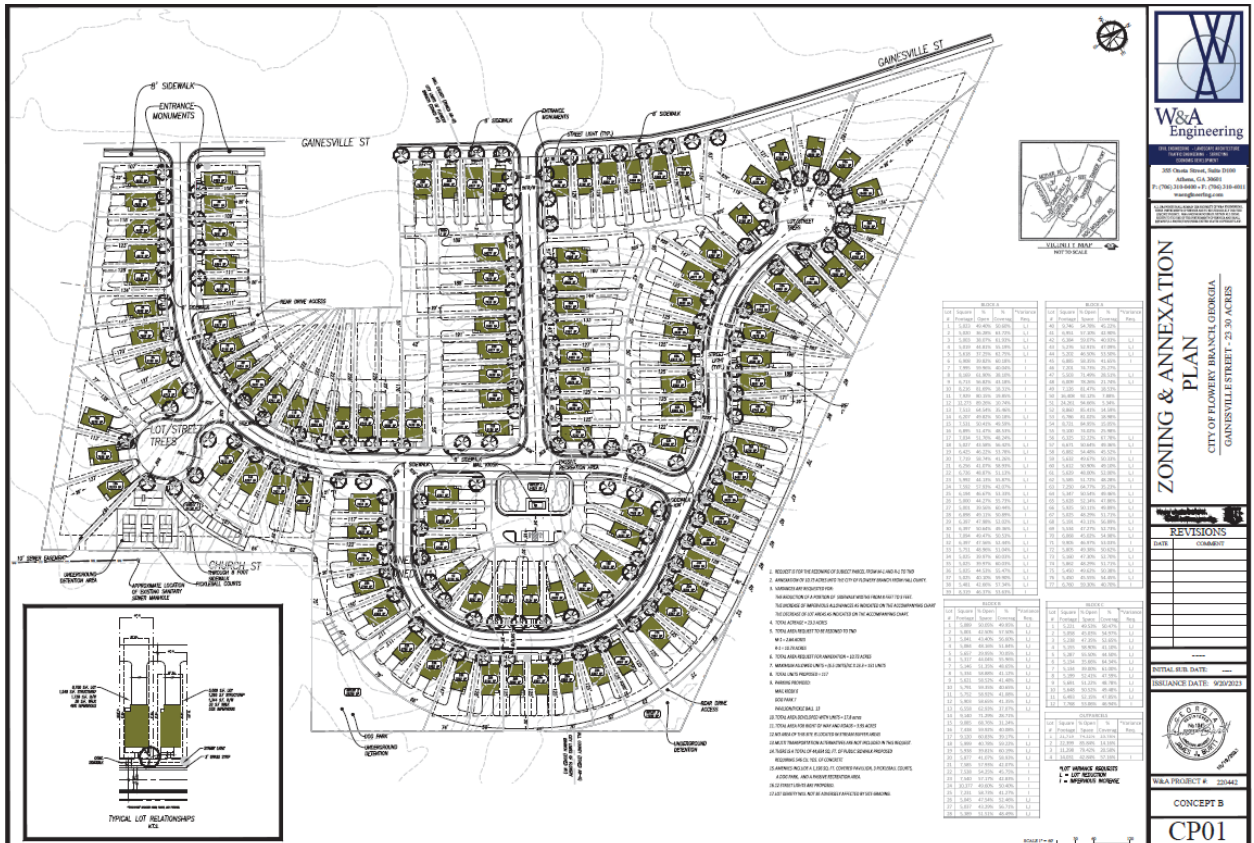
The proposed rezoning is consistent with the overall purpose of the zoning ordinance, based on the Comprehensive Plan. The Property is in a TN Character Area designation in the Comprehensive Plan and the TN text provides that TND zoning is consistent with the TN Character Area. The Comprehensive Plan provides that TND zoning is designed for development around other residential uses and is particularly suited for infill development near the downtown. TND is the only zoning classification contemplated in the TN Comprehensive Plan Character Area and the current zoning is not included.

The proposed development will enhance the surrounding area and meet the intent of the Zoning Ordinance.

Recommendation

Approve the request as submitted with the following conditions:

1. Development shall significantly adhere to the site plan as shown below:



2. Project shall not exceed 117 single-family homes.
3. Landscaping
 - A. Typical lot landscaping design: identify type and size of trees and bushes.
 - B. Full landscape plan shall be submitted and approved by staff prior to the issuance of a land disturbance permit.
 - C. Landscaping must meet all currently adopted codes and standards.
4. Homes shall meet all TND and current design and architectural requirements. 13 lots on cul-de-sac will have front entries as variance.
5. 8' sidewalk is required along Gainesville Street
6. Streets shall be private.
7. A fence around the exterior of the property to separate it from the neighbors shall be required. Said fence will be decorative in nature and shall be approved by staff.
8. A mandatory homeowner's association shall be established.
 - A. Alleys shall be private owned and maintained by the homeowner's association.
 - B. Roads shall be public.
 - C. The development shall be fee-simple homes for sale.

The homeowner's association must have in their bylaws that no more than ten percent (10%) of the total homes will be rental units or a rule of no more than two houses owned by one owner in the development and the owner must occupy one of the two.



- D. Amenities are included but not limited to 3 pickleball courts, a dog park and a passive recreation area shall be owned and maintained by homeowner's association.
- 9.

Public Hearing Published 11/01/2023
Public Hearing 12/07/2023

First Reading 02/01/2024
Adopted 02/15/2024

ORDINANCE NO. 706

AN ORDINANCE TO ANNEX AND BRING WITHIN THE CORPORATE LIMITS OF THE CITY OF FLOWERY BRANCH, STATE OF GEORGIA, REAL PROPERTY TOTALING 10.73 +/- ACRES OF LAND, OWNED BY KATHY S. TAYLOR, IDENTIFIED AS 5170 CHURCH ST, TAX PARCEL 08100 001003A AND AS SHOWN ON ATTACHED EXHIBIT “A”, AND AS DESCRIBED ON ATTACHED EXHIBIT “B”; PROVIDING FOR SEVERABILITY, REPEALING CONFLICTING ORDINANCES, PROVIDING FOR AN EFFECTIVE DATE AND FOR ALL OTHER LAWFUL PURPOSES.

WHEREAS, Kathy S. Taylor owns the subject parcel of land identified as Parcel Tax Identification No. 08112 0120001 as shown on Exhibit “A”, and as described on Exhibit “B”; and

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

WHEREAS, said parcels of land identified as Parcel Tax Identification No. 08112 0120001 is within the unincorporated area of Hall County, State of Georgia, and is contiguous to the existing corporate limits of the City of Flowery Branch, Georgia at this time; and

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

WHEREAS, the City Council held a public hearing at the meeting of December 7, 2023, duly noticed as prescribed by law and published in the Gainesville Times, regarding said application, as shall be set forth in the minutes of said meeting.

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

SECTION 1. RECITALS.

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

SECTION 2. ANNEXATION.

The City Council of Flowery Branch, Georgia, does hereby annex and include within the corporate limits of the City of Flowery Branch, Georgia real parcels of land known as Parcel Tax Identification No. 08112 0120001 as shown on Exhibit “A”, and as described on Exhibit “B”. Said Exhibits are incorporated by reference as if fully set forth herein.

SECTION 3. CERTIFICATION BY THE CITY CLERK

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

SECTION 4. SEVERABILITY.

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

SECTION 5. EFFECTIVE DATE.

The effective date of this Ordinance shall be February 15th, 2024

SECTION 6. REPEALER.

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

Approved this 15th day of February, 2024.

Edward R. Asbridge, Mayor

Shelia R. Cooper, City Clerk

APPROVED AS TO FORM

Ted C. Baggett, City Attorney

3



Exhibit "B"

Overall Acreage of Property

Survey Legal Description for Parcel 08112 012001:

All that tract or parcel of land, together with improvements thereon, lying and being in Land Lot 112 / 8th District, Hall County, Georgia, containing 23.302 acres of land, more or less, and being more particularly described as:

COMMENCING at a nail at the centerline intersection of Gainesville Street (60' R/W) and Chattahoochee Street, thence North 44 degrees 33 minutes 53 seconds East with a distance of 175.88 feet to an iron pin set on the southerly right-of-way of Gainesville Street, said pin being the TRUE POINT OF BEGINNING.

Thence following along said right-of-way, North 34 degrees 39 minutes 58 seconds East with a distance of 157.22 feet to a point;
thence North 34 degrees 26 minutes 30 seconds East with a distance of 107.22 feet to an 1/2" iron pin set;
thence leaving said right-of-way and following a course bounded by the property now or formerly of Zachary Douglas Swansey, South 56 degrees 49 minutes 50 seconds East with a distance of 244.61 feet to an 1/2" iron pin set;
thence North 33 degrees 16 minutes 52 seconds East with a distance of 244.82 feet to an 1/2" iron pin set;
thence North 56 degrees 47 minutes 35 seconds West with a distance of 241.04 feet to an 1/2" iron pin set on the southerly right-of-way of Gainesville Street;
thence leaving said course and following along said right-of-way, North 33 degrees 36 minutes 27 seconds East with a distance of 98.38 feet to a point;
thence North 33 degrees 25 minutes 45 seconds East with a distance of 148.37 feet to a point;
thence following along an arc of a curve to the left, said curve having a radius of 1148.40 feet, having a chord bearing of North 25 degrees 26 minutes 55 seconds East and a chord distance of 359.88 feet, and an arc length of 361.37 feet to a point;
thence North 17 degrees 22 minutes 06 seconds East with a distance of 397.10 feet to an iron axle found;
thence leaving said right-of-way and following a course bounded by the property now or formerly of Nedra Ann Jones, South 30 degrees 22 minutes 58 seconds East with a distance of 1236.04 feet to a point on Southern Railway (200' R/W);
thence leaving said course and following along the northerly right-of-way of said railway, South 34 degrees 56 minutes 24 seconds West with a distance of 605.45 feet to an 1/2" iron pin found;
thence leaving said course and following a course bounded by the property now or formerly of Show House Design LLC., North 54 degrees 55 minutes 01 seconds West with a distance of 252.65 feet to an 1/2" iron pin found on the Easterly right-of-way of Church Street (40' R/W);
thence leaving said course and following said right-of-way, North 54 degrees 55 minutes 01 seconds West with a distance of 40.00 feet to an 1/2" iron pin set;
thence South 35 degrees 36 minutes 08 seconds West with a distance of 444.19 feet to an 1/2" iron pin found;
thence leaving said right-of-way and following a course bounded by the property now or formerly of FB Ever Ready LLC., North 45 degrees 30 minutes 40 seconds West with a distance of 102.20 feet to an 1/2" iron pin found;

thence leaving said course and following a course bounded by the property now or formerly of Coggins to an unspecified point, thence leaving said course and following a course bounded by the property now or formerly of Hutson, North 45 degrees 30 minutes 40 seconds West with a distance of 339.73 feet to an 1/2" iron pin set;
thence leaving said course and following a course bounded by the property now or formerly of Millwood, North 48 degrees 46 minutes 08 seconds West with a distance of 200.72 feet to the TRUE POINT OF BEGINNING.

Portion of property to be Annexed

Survey Legal Description for Parcel 08112 012001 Within Zone AR-III:

All that tract or parcel of land, together with improvements thereon, lying and being in Land Lot 112 / 8th District, Hall County, Georgia, containing 10.731 acres of land, more or less, and being more particularly described as:

COMMENCING at a nail at the centerline intersection of Gainesville Street (60' R/W) and Chattahoochee Street, thence North 44 degrees 33 minutes 53 seconds East with a distance of 175.88 feet to an iron pin set on the southerly right-of-way of Gainesville Street;
thence following along said right-of-way, North 34 degrees 39 minutes 58 seconds East with a distance of 157.22 feet to a point;
thence North 34 degrees 26 minutes 30 seconds East with a distance of 107.22 feet to an 1/2" iron pin set;
thence North 34 degrees 11 minutes 24 seconds East with a distance of 225.02 feet to an 1/2" iron pin set;
thence North 33 degrees 36 minutes 27 seconds East with a distance of 98.38 feet to a point;
thence North 33 degrees 25 minutes 43 seconds East with a distance of 13.16 feet to a point within Hall County limits (Zoned AR-III), said point being the TRUE POINT OF BEGINNING.

Thence North 33 degrees 25 minutes 45 seconds East with a distance of 135.22 feet to a point;
thence following along an arc of a curve to the left, said curve having a radius of 1148.40 feet, having a chord bearing of North 25 degrees 26 minutes 55 seconds East and a chord distance of 359.88 feet, and an arc length of 361.37 feet to a point;
thence North 17 degrees 22 minutes 06 seconds East with a distance of 397.10 feet to an iron axle found;
thence leaving said right-of-way and following a course bounded by the property now or formerly of Nedra Ann Jones, South 30 degrees 22 minutes 58 seconds East with a distance of 1236.04 feet to a point on Southern Railway (200' R/W);
thence leaving said course and following along the northerly right-of-way of said railway, South 34 degrees 56 minutes 24 seconds West with a distance of 169.13 feet to a point;
thence leaving said right-of-way and following a course bounded by the City Limits of Flowery Branch (Zoned M1), along an arc of a curve to the left, said curve having a radius of 2597.33 feet, having a chord bearing of North 58 degrees 25 minutes 06 seconds West and a chord distance of 266.83 feet, and an arc length of 266.94 feet to a point;
thence leaving said course and following a course bounded by the City Limits of Flowery Branch (Zoned R1), along an arc of a curve to the left, said curve having a radius of 2597.33 feet, having a chord bearing of North 69 degrees 02 minutes 48 seconds West and a chord distance of 694.59 feet, and an arc length of 696.68 feet to the TRUE POINT OF BEGINNING.



FLOWERY BRANCH CITY COUNCIL

EXECUTIVE SUMMARY



SUBJECT: Consider the First Reading of Ordinance 707 for a Rezoning Request submitted by PR Land Investment.

COUNCIL MEETING DATE: February 1, 2024

HISTORY:

.

FACTS AND ISSUES:

annexation and rezoning of 10.73 +/- acres of the remaining unincorporated portion of land known as 5170 Church Street and described as tax parcel identification number 08112 012001, from Hall County Agricultural Residential (AR-III) to Flowery Branch Traditional Neighborhood Development (TND). If annexed, it is requested to rezone the 12.57 +/- acres of the incorporated portion of land known as 5170 Church Street and described as tax parcel identification number 08112 012001 from Residential, Detached Single Family, Low-Density District (R-1) and Light Manufacturing and Industrial District (M-1) to Traditional Neighborhood Development (TND) and construct 117 detached single -family homes.

OPTIONS:

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

No

AMOUNT AND SOURCE OF FUNDS:

RECOMMENDATION:

Work Session and First Read and Vote

SAMPLE MOTION:

Work Session and First Read and Vote

COLLABORATING DEPARTMENT:

Planning

DEPARTMENT: Planning

Prepared by: Shelia Cooper

ATTACHMENTS

- 02 Piedmont Residential Rezoning App - 5170 Church st..pdf
- 03 5170 Church st GIS map.pdf
- 04 Church Street 3D Renderings 11.8.2023(43636486.1).pdf
- 05 Letter to Hall County.pdf
- 06 Church Street Site Rendering 11-14-2023.pdf
- Staff Report 5170 Church St.pdf
- Ordinance 707 – Rezoning to Piedmont Residential at 5170 Church Street.pdf



REZONING APPLICATION

Date: 10.4.2023

Address of Request:

5170 Church Street, Flowery Branch, GA 30542

Tax Map # 08112 012001 Current Zoning: AR-III, R-1 and M-1

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

Currently a conforming use? Yes.

Any conditions of zoning, CUP's, etc.? None.

Applicant Information

Name: PR Land Investments, LLC, c/o Kirk R. Fjelstul - Smith, Gambrell,
and Russell, LLP

Address: 1105 W. Peachtree Street, NE, Suite 1000, Atlanta, GA 30309

E-mail address: kfjelstul@sgrlaw.com

Phone number: 404.815.3740

Signature: 

Notary: Kirk R. Fjelstul - Smith, Gambrell, and Russell, LLP







Property owner information (if different than the applicant)

Property owner (please print): Kathy S. Taylor

Signature of property owner: Kathy S. Taylor

Notary:



Wendy Giglia
exp 10/09/2027

Property Information

Tax Map Number: 08112 012001

Current Zoning: AR-III, R-1 and M-1 Total Acres: 23.30

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

Proposed City of Flowery Branch Zoning: TND (Traditional Neighborhood Development)

Current Use: Single-Family detached residential

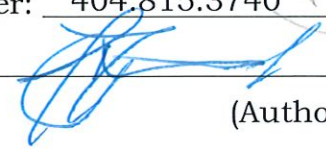
Please review the Flowery Branch Code of Ordinances, Appendix C, "Zoning Ordinance", Article 34, for complete requirements.

Please provide the following at time of submittal in (one hard copy and digitally):

- Legal description
- Current survey of property

**REZONING APPLICATION****Date:** 10.4.2023**Address of Request:**5170 Church Street, Flowery Branch, GA 30542Tax Map # 08112 012001 Current Zoning: AR-III, R-1 and M-1Is this site located within the boundaries of the historic district? No.Currently a conforming use? Yes.Any conditions of zoning, CUP's, etc.? None.**Applicant Information**Name: PR Land Investments, LLC, c/o Kirk R. Fjelstul - Smith, Gambrell,
and Russell, LLP

Address:

1105 W. Peachtree Street, NE, Suite 1000, Atlanta, GA 30309E-mail address: kfjelstul@sgrlaw.comPhone number: 404.815.3740Signature: 

Notary:

(Authorized Agent for PR Land Investments, LLC)



Legal Description

Overall Acreage of Property

Survey Legal Description for Parcel 08112 012001:

All that tract or parcel of land, together with improvements thereon, lying and being in Land Lot 112 / 8th District, Hall County, Georgia, containing 23.302 acres of land, more or less, and being more particularly described as:

COMMENCING at a nail at the centerline intersection of Gainesville Street (60' R/W) and Chattahoochee Street, thence North 44 degrees 33 minutes 53 seconds East with a distance of 175.88 feet to an iron pin set on the southerly right-of-way of Gainesville Street, said pin being the TRUE POINT OF BEGINNING.

Thence following along said right-of-way, North 34 degrees 39 minutes 58 seconds East with a distance of 157.22 feet to a point;

thence North 34 degrees 26 minutes 30 seconds East with a distance of 107.22 feet to an 1/2" iron pin set;

thence leaving said right-of-way and following a course bounded by the property now or formerly of Zachary Douglas Swansey, South 56 degrees 49 minutes 50 seconds East with a distance of 244.61 feet to an 1/2" iron pin set;

thence North 33 degrees 16 minutes 52 seconds East with a distance of 244.82 feet to an 1/2" iron pin set;

thence North 56 degrees 47 minutes 35 seconds West with a distance of 241.04 feet to an 1/2" iron pin set on the southerly right-of-way of Gainesville Street;

thence leaving said course and following along said right-of-way, North 33 degrees 36 minutes 27 seconds East with a distance of 98.38 feet to a point;

thence North 33 degrees 25 minutes 45 seconds East with a distance of 148.37 feet to a point;

thence following along an arc of a curve to the left, said curve having a radius of 1148.40 feet, having a chord bearing of North 25 degrees 26 minutes 55 seconds East and a chord distance of 359.88 feet, and an arc length of 361.37 feet to a point;

thence North 17 degrees 22 minutes 06 seconds East with a distance of 397.10 feet to an iron axle found;

thence leaving said right-of-way and following a course bounded by the property now or formerly of Nedra Ann Jones, South 30 degrees 22 minutes 58 seconds East with a distance of 1236.04 feet to a point on Southern Railway (200' R/W);

thence leaving said course and following along the northerly right-of-way of said railway, South 34 degrees 56 minutes 24 seconds West with a distance of 605.45 feet to an 1/2" iron pin found;

thence leaving said course and following a course bounded by the property now or formerly of Show House Design LLC., North 54 degrees 55 minutes 01 seconds West with a distance of 252.65 feet to an 1/2" iron pin found on the Easterly right-of-way of Church Street (40' R/W);

thence leaving said course and following said right-of-way, North 54 degrees 55 minutes 01 seconds West with a distance of 40.00 feet to an 1/2" iron pin set;

thence South 35 degrees 36 minutes 08 seconds West with a distance of 444.19 feet to an 1/2" iron pin found;

thence leaving said right-of-way and following a course bounded by the property now or formerly of FB Ever Ready LLC., North 45 degrees 30 minutes 40 seconds West with a distance of 102.20 feet to an 1/2" iron pin found;

thence leaving said course and following a course bounded by the property now or formerly of Coggins to an unspecified point, thence leaving said course and following a course bounded by the property now or formerly of Hutson, North 45 degrees 30 minutes 40 seconds West with a distance of 339.73 feet to an 1/2" iron pin set;
thence leaving said course and following a course bounded by the property now or formerly of Millwood, North 48 degrees 46 minutes 08 seconds West with a distance of 200.72 feet to the TRUE POINT OF BEGINNING.

Portion of property to be Annexed

Survey Legal Description for Parcel 08112 012001 Within Zone AR-III:

All that tract or parcel of land, together with improvements thereon, lying and being in Land Lot 112 / 8th District, Hall County, Georgia, containing 10.731 acres of land, more or less, and being more particularly described as:

COMMENCING at a nail at the centerline intersection of Gainesville Street (60' R/W) and Chattahoochee Street, thence North 44 degrees 33 minutes 53 seconds East with a distance of 175.88 feet to an iron pin set on the southerly right-of-way of Gainesville Street;
thence following along said right-of-way, North 34 degrees 39 minutes 58 seconds East with a distance of 157.22 feet to a point;
thence North 34 degrees 26 minutes 30 seconds East with a distance of 107.22 feet to an 1/2" iron pin set;
thence North 34 degrees 11 minutes 24 seconds East with a distance of 225.02 feet to an 1/2" iron pin set;
thence North 33 degrees 36 minutes 27 seconds East with a distance of 98.38 feet to a point;
thence North 33 degrees 25 minutes 43 seconds East with a distance of 13.16 feet to a point within Hall County limits (Zoned AR-III), said point being the TRUE POINT OF BEGINNING.

Thence North 33 degrees 25 minutes 45 seconds East with a distance of 135.22 feet to a point;
thence following along an arc of a curve to the left, said curve having a radius of 1148.40 feet, having a chord bearing of North 25 degrees 26 minutes 55 seconds East and a chord distance of 359.88 feet, and an arc length of 361.37 feet to a point;
thence North 17 degrees 22 minutes 06 seconds East with a distance of 397.10 feet to an iron axle found;
thence leaving said right-of-way and following a course bounded by the property now or formerly of Nedra Ann Jones, South 30 degrees 22 minutes 58 seconds East with a distance of 1236.04 feet to a point on Southern Railway (200' R/W);
thence leaving said course and following along the northerly right-of-way of said railway, South 34 degrees 56 minutes 24 seconds West with a distance of 169.13 feet to a point;
thence leaving said right-of-way and following a course bounded by the City Limits of Flowery Branch (Zoned M1), along an arc of a curve to the left, said curve having a radius of 2597.33 feet, having a chord bearing of North 58 degrees 25 minutes 06 seconds West and a chord distance of 266.83 feet, and an arc length of 266.94 feet to a point;
thence leaving said course and following a course bounded by the City Limits of Flowery Branch (Zoned R1), along an arc of a curve to the left, said curve having a radius of 2597.33 feet, having a chord bearing of North 69 degrees 02 minutes 48 seconds West and a chord distance of 694.59 feet, and an arc length of 696.68 feet to the TRUE POINT OF BEGINNING.

Survey

Site Plan

Letter of Intent

STATEMENT OF INTENT
IMPACT ANALYSIS

and

Other Material Required by
The City of Flowery Branch, Georgia Zoning Code
for the Annexation and Rezoning Application

of

PIEDMONT RESIDENTIAL, LLC

Application

Total area to be Rezoned to Traditional Neighborhood Design (TND): ± 23.3 Acres

Consisting of

Flowery Branch portion: 9.93 Acres zoned R-1 and 2.64 Acres zoned M-1

Hall County portion: 10.73 Acres zoned AR-3 and proposed for annexation

Parcel ID 08112 012001

Located along Gainesville Street

Submitted for Applicant by:

Kirk Fjelstul
Smith, Gambrell & Russell, LLP
1105 W. Peachtree Street, NE
Atlanta, Georgia 30309
404-815-3500

I. INTRODUCTION

This application seeks to rezone ±23.3 acres of land (“Property”) to a Traditional Neighborhood Development (TND) classification. The Property is “split zoned” into three zoning classifications and a portion of the Property is in unincorporated Hall County. 12.57 acres of the are in the City of Flowery Branch, of which 9.93 acres to the northwest are zoned R-1 and 2.64 acres to the southwest are zoned M-1.

The portion of the Property that is in unincorporated Hall County is the subject of the annexation application. It consists of 10.73 acres, is zoned AR-3 under the County’s ordinance and generally is the east side of the Property. It is virtually an unincorporated island, entirely surrounded by the City to the north (fronting Gainesville St.), west, and east. A small segment of the southern boundary connects to the rest of the unincorporated County through a thin sliver along the railroad.

The proposed development as shown on the site plan (“Development”) consists of up to 117 single family homes at an overall density of 5 units/acre, with amenities such as a pickleball court, dog park, and passive park. Consistent with the proposed TND zoning, the Development incorporates smaller lots with the homes located close to the street, and rear entry garages that are accessed through the use of alleys. The 5 units/acre density is well below the 6.5 units/acre maximum.

It should be noted that while the Development is consistent with both the zoning and the Character Area classification in the Comprehensive Plan, there are differences from the TND that are the result of feedback from the City, rather than the original design of the site plan. Those differences largely stem from a desire for curvilinear streets instead of block faces. The curvilinear streets result in differences from some of TND design standards and also require variances. Staff

is aware and advised the Applicant to identify variances with a chart on the site plan.

The Property has its frontage along Gainesville Street, approximately three-tenths of a mile from the Central Business District. There are two Comprehensive Plan Character Area designations for the portion of the Property that is in Flowery Branch. More than ten acres is designated as Traditional Neighborhood (TN) and the remaining two plus acres is designated as Mixed Use-Downtown. The Character Area Map shows the section of TN that includes this Property as a consistent zone along Gainesville Street all the way to the downtown business district. That is consistent with the Comprehensive Plan statement that TN is suited to intown residential areas near the downtown. TN is also intended to be next to other residential and is designed for in-fill development. The Property in this case includes surrounding uses and zoning that are almost all residential. The residential zoning designations and uses represent a mix, ranging from R-1 to Planned Use Development (PUD), once again consistent with TN.

The design principals for the TN Character Area emphasize little, if any, building setbacks and the principles call for porches, rear-entry garages, and smaller lots with higher density. Land uses in the TN Character Area include single-family detached dwellings and the only compatible zoning is TND. As a result, the Development and the proposed zoning are both consistent with the Comprehensive Plan.

This document is submitted as an analysis of the standards in the City's ordinance for rezonings. It also includes the statements required to preserve constitutional rights.

II. ANALYSIS OF ZONING STANDARDS

A.

WHETHER THE PROPOSAL WILL PERMIT A USE THAT IS SUITABLE IN VIEW OF THE USE AND DEVELOPMENT OF ADJACENT AND NEARBY PROPERTY.

Piedmont ("Applicant") seeks to develop the Property for 117 detached single family

homes (approx. 5 units/acre). The Development is compatible with the adjacent and nearby uses, which includes a mix of single family residential uses ranging from R-1 to PUD.

It is contemplated that property along Gainesville Street close to downtown will redevelop as the town continues with its vision. The Property is in a TN Character Area designation in the Comprehensive Plan and the TN text provides that TND zoning is consistent with the TN Character Area. In fact, TND is the only zoning classification contemplated in the TN Comprehensive Plan Character Area. The current R-1 zoning is not listed as a compatible zoning.

The Comprehensive Plan provides that TND zoning is designed for development around other residential uses and is particularly suited for infill development near the downtown. The R-1 and AR-3 zoning classifications are meant for low density development and agricultural use. Other R-1 property in the area has already been developed and is being used as residential. The current Property includes 23 acres that is undeveloped and the only buildings are a home, a well house, four sheds and a barn. The Property has no economic use as agricultural land and can't be developed at R-1 density, and there is no market for a two-acre M-1 use at the rear of the Property.

B.

WHETHER THE PROPOSAL WILL ADVERSELY AFFECT THE EXISTING USE OR USABILITY OF ADJACENT OR NEARBY PROPERTY.

The proposal will not adversely affect adjacent or nearby property. All of the adjacent and nearby properties along Gainesville Street are zoned and used as single family residential, ranging from R-1 to PUD. The TND zoning is consistent with the Comprehensive Plan's TN Character Area designation for this Property, and the Development density of 5 units/acre is well

below the maximum. In accordance with the Comprehensive Plan, TND zoning is designed for smaller lots around other residential uses and is particularly suited for infill development near the downtown.

C.

WHETHER THE PROPERTY TO BE AFFECTED BY THE PROPOSAL CAN BE USED IN ACCORDANCE WITH THE EXISTING REGULATIONS AND HAS A REASONABLE ECONOMIC USE AS CURRENTLY ZONED.

The Property does not have a reasonable economic use as zoned. First, the Property is located both in the City and in the unincorporated County. The unincorporated portion is a virtual unincorporated island, which causes problems for the provision of services, regulation, and infrastructure. Second, the Property now has three different zoning designations and is regulated by two jurisdictions. Third, the R-1, AR-3, and M-1 zoning designations have no economic use at this location and in area in or near Flowery Branch. They cannot be developed at the restricted density in those residential classifications and there is no Market for M-1 at the back portion of this Property.

D.

WHETHER THE PROPOSAL WILL RESULT IN A USE WHICH WILL OR COULD CAUSE AN EXCESSIVE OR BURDENSOME USE OF EXISTING STREETS, TRANSPORTATION FACILITIES, UTILITIES, OR SCHOOLS.

Applicant will supplement this item with a memo demonstrating that there is not an excessive burden on infrastructure.

E.

WHETHER THE PROPOSAL IS IN CONFORMITY WITH THE POLICY AND INTENT OF THE COMPREHENSIVE PLAN INCLUDING BUT NOT LIMITED TO THE CHARACTER AREA MAP AND FUTURE LAND USE PLAN MAP.

The Property is in a TN Character Area designation in the Comprehensive Plan and the

TN text provides that TND is a consistent zoning. The Comprehensive Plan provides that TND zoning is designed for development around other residential uses and is particularly suited for infill development near the downtown. In fact, TND is the only zoning classification contemplated in the TN Comprehensive Plan Character Area and the current zoning is not listed.

**F.
WHETHER THERE ARE OTHER EXISTING OR CHANGING CONDITIONS
AFFECTING THE USE AND DEVELOPMENT OF THE PROPERTY WHICH GIVE
SUPPORTING GROUNDS FOR EITHER APPROVAL OR DISAPPROVAL OF THE
PROPOSAL.**

It is contemplated that property along Gainesville Street close to downtown will redevelop as the town continues with its vision. The Property is in a TN Character Area designation in the Comprehensive Plan and the TN text provides that TND zoning is consistent with the TN Character Area. In fact, TND is the only zoning classification contemplated in the TN Comprehensive Plan Character Area. The current R-1 zoning is not listed as a compatible zoning. The Comprehensive Plan provides that TND zoning is designed for development around other residential uses and is particularly suited for infill development near the downtown.

The R-1 and AR-3 zoning classifications are meant for low density development and agricultural use. Other R-1 property in the area has already been developed and is being used as residential. The current Property includes 23 acres that is undeveloped and the only buildings are a home, a well house, four sheds and a barn. The Property has no economic use as agricultural land and can't be developed at R-1 density. Finally, there is no market for a two-acre M-1 use at the rear of the Property. As a result, TND is the only appropriate zoning classification.

G.
EXISTING USE(S) AND ZONING OF THE SUBJECT PROPERTY AND NEARBY PROPERTIES.

The Property has its frontage along Gainesville Street, approximately three-tenths of a mile from the Central Business District. There are two Comprehensive Plan Character Area designations for the portion of the Property that is in Flowery Branch. More than ten acres is designated as Traditional Neighborhood (TN) and the remaining two plus acres is designated as Mixed Use-Downtown. The Character Area Map shows the section of TN that includes this Property as a consistent designation along Gainesville Street all the way to the downtown business district. That is consistent with the Comprehensive Plan statement that TN is suited to intown residential areas near the downtown. TN is also intended to be next to other residential and is designed for in-fill development. The Property in this case includes surrounding uses and zoning that are almost all residential. The residential zoning designations and uses represent a mix, ranging from R-1 to Planned Use Development (PUD), once again consistent with the TN Character Area.

H.
EXISTING VALUE OF THE PROPERTY UNDER THE EXISTING ZONING DISTRICT CLASSIFICATION, THE EXTENT TO WHICH THE PROPERTY VALUE OF THE SUBJECT PROPERTY IS DIMINISHED BY THE EXISTING ZONING DISTRICT, AND THE VALUE OF THE PROPERTY UNDER THE PROPOSED ZONING DISTRICT; IF SUCH INFORMATION IS PROVIDED BY THE APPLICANT OR CAN BE DISCERNED. THIS CONSIDERATION MAY INCLUDE THE LENGTH OF TIME THE PROPERTY HAS BEEN VACANT OR UNUSED AS CURRENTLY ZONED AND EFFORTS TAKEN BY THE PROPERTY OWNER(S) TO USE THE PROPERTY OR SELL THE PROPERTY UNDER THE EXISTING ZONING DISTRICT CLASSIFICATION.

The Property cannot be developed under the current zoning. The R-1 and AR-3 zoning classifications are meant for low density development and agricultural use. Other R-1 property in the area has already been developed and is being used as residential. The current Property includes 23 acres that is undeveloped and the only buildings are a home, a well house, four sheds

and a barn. The Property has no economic use as agricultural land and can't be developed at R-1 density. Finally, there is no market for a two-acre M-1 use at the rear of the Property.

**I.
WHETHER A PROPOSED ZONING MAP AMENDMENT OR CONDITIONAL USE
APPROVAL WILL BE A DETERRENT TO THE VALUE OR IMPROVEMENT OF
DEVELOPMENT OF ADJACENT PROPERTY IN ACCORDANCE WITH EXISTING
REGULATIONS.**

The proposed zoning will enhance the value of adjacent property. All of the adjacent and nearby properties along Gainesville Street are zoned and used as single family residential, ranging from R-1 to PUD. TND zoning is consistent with the Comprehensive Plan's TN Character Area designation for this Property, and the Development density of 5 units/acre is well below the maximum. Based on the Comprehensive Plan, TND zoning is designed for development around other residential uses and is particularly suited for infill development near the downtown. TND is the only zoning classification contemplated in the TN Comprehensive Plan Character Area and the current zoning is not included.

**J.
THE POSSIBLE CREATION OF AN ISOLATED ZONING DISTRICT UNRELATED
TO ADJACENT AND NEARBY DISTRICTS.**

The proposed rezoning will not create an isolated zoning district. The Property is in a TN Character Area designation in the Comprehensive Plan and the TN text provides that TND zoning is consistent with the TN Character Area. The Comprehensive Plan provides that TND zoning designed for development around other residential uses and is particularly suited for infill development near the downtown. TND is the only zoning classification contemplated in the TN Comprehensive Plan Character Area and the current zoning is not. Surrounding zoning classifications range from R-1 to PUD in this area of Gainesville Street and the proposed zoning and Development are consistent with what is contemplated.

K.
**POSSIBLE EFFECTS OF THE CHANGE IN ZONING DISTRICT MAP, OR CHANGE
IN USE, ON THE CHARACTER OF A ZONING DISTRICT.**

The proposed rezoning is consistent with the zoning map, based on the Comprehensive Plan. The Property is in a TN Character Area designation in the Comprehensive Plan and the TN text provides that TND zoning is consistent with the TN Character Area. The Comprehensive Plan provides that TND zoning designed for development around other residential uses and is particularly suited for infill development near the downtown. TND is the only zoning classification contemplated in the TN Comprehensive Plan Character Area and the current zoning is not included.

L.
**THE POSSIBLE IMPACT ON THE ENVIRONMENT, INCLUDING BUT NOT
LIMITED TO, DRAINAGE, SOIL EROSION AND SEDIMENTATION, FLOODING,
AIR QUALITY AND WATER QUALITY.**

There is no impact to the environment from the Development. The Development will be connected to the public sanitary sewer system. Stormwater quality and detention will be designed in accordance with state and federal requirements.

M.
**THE RELATION THAT THE PROPOSED MAP AMENDMENT OR CONDITIONAL
USE BEARS TO THE PURPOSE OF THE OVERALL ZONING SCHEME AND THE
PURPOSES OF THIS ZONING ORDINANCE.**

The proposed rezoning is consistent with the overall purpose of the zoning ordinance, based on the Comprehensive Plan. The Property is in a TN Character Area designation in the Comprehensive Plan and the TN text provides that TND zoning is consistent with the TN Character Area. The Comprehensive Plan provides that TND zoning is designed for development around other residential uses and is particularly suited for infill development near

the downtown. TND is the only zoning classification contemplated in the TN Comprehensive Plan Character Area and the current zoning is not included.

III. NOTICE OF CONSTITUTIONAL CHALLENGE TO UNDERLYING ZONING AND PRESERVATION OF CONSTITUTIONAL RIGHTS

The Applicant respectfully submits that the current zoning classification of the Subject Property and any proposed intervening district is unconstitutional and that rules relative to the Subject Property owner's right to use the Property established in the City of Flowery Branch County Zoning Ordinance, to the extent they prohibit this use, constitute an arbitrary, irrational abuse of discretion and unreasonable use of the zoning power because they bear no substantial relationship to the public health, safety, morality or general welfare of the public and substantially harm the Applicant in violation of the due process and equal protection rights guaranteed by the Fifth Amendment and Fourteenth Amendment of the Constitution of the United States, and Article I, Section I, Paragraph I and Article I, Section III, Paragraph I of the Constitution of the State of Georgia. Further, the failure to allow this use would constitute a taking of private property without just compensation and without due process in violation of the Fifth Amendment and Fourteenth Amendment of the Constitution of the United States, and Article I, Section I, Paragraph I and Article I, Section III, Paragraph I of the Constitution of the State of Georgia, and would be in violation of the Commerce Clause, Article I, Section 8, Clause 3 of the Constitution of the United States.

The Applicant respectfully submits that not approving the requested rezoning would be unconstitutional and would discriminate in an arbitrary, capricious and unreasonable manner between the Subject Property's owner and owners of similarly situated property in violation of

Article I, Section III, Paragraph I of the Constitution of the State of Georgia and the Equal Protection Clause of the Fourteenth Amendment of the Constitution of the United States.

IV. CONCLUSION

For the foregoing reasons, the Applicant respectfully requests that the proposed rezoning and annexation be approved. The Applicant also invites and welcomes any comments from Staff or other officials of the City.

This 20th day of October, 2023.

Respectfully submitted,



Kirk Fjelstul
Attorney for Applicant

Smith, Gambrell & Russell, LLP
1105 W. Peachtree Street, NE
Atlanta, Georgia 30309
404-815-3500

Disclosures



- Site plan shall meet the requirements of the Flowery Branch Code of Ordinances; Appendix C, "Zoning Ordinance", Article 34 sections 34.5
- Development statistics per the Flowery Branch Code of Ordinances; Appendix C, "Zoning Ordinance", Article 34 sections 34.6
- Analysis requirements per the Flowery Branch Code of Ordinances; Appendix C, "Zoning Ordinance", Article 34 sections 34.7
- Detailed description of request
- Conflict of interest disclosure (attached)
- Disclosure of campaign contributions (attached)
- Names and addresses of adjoining property owners
- Reasons for requesting rezoning
- Signed statement authorizing City of Flowery Branch staff and/or City Council to inspect the subject property

Conflict of Interest Disclosure

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

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

No

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

No

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

No



Disclosure of Campaign Contributions

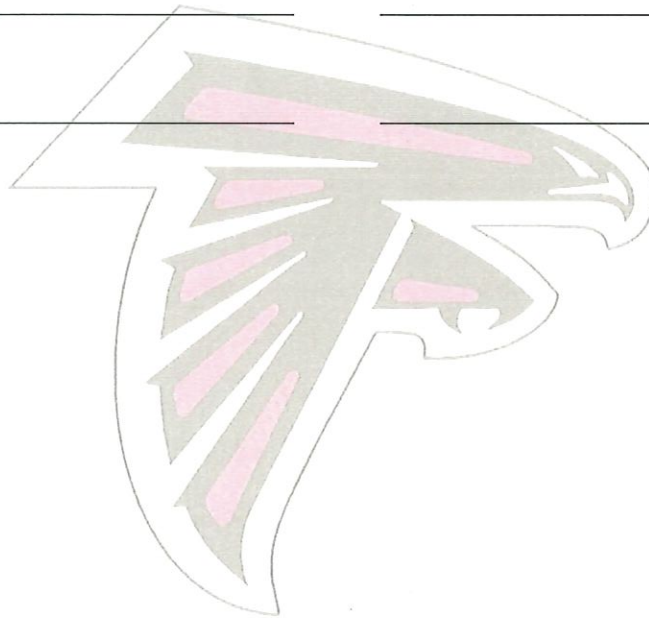
List below the names of local government officials of the City of Flowery Branch to whom campaign contributions were made, within two (2) years immediately preceding the filing of this application, which campaign contributions total \$250.00 or more or to whom gifts were made having a total value of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

Elected Officials Name

Amount of Description of Gift

N/A

N/A



CITY STAFF ONLY

Application Received By: _____

Date: _____ Total Fee: _____



- Site plan shall meet the requirements of the Flowery Branch Code of Ordinances; Appendix C, "Zoning Ordinance", Article 34 sections 34.5
- Development statistics per the Flowery Branch Code of Ordinances; Appendix C, "Zoning Ordinance", Article 34 sections 34.6
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Conflict of Interest Disclosure

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

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

N/A

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

N/A

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

N/A



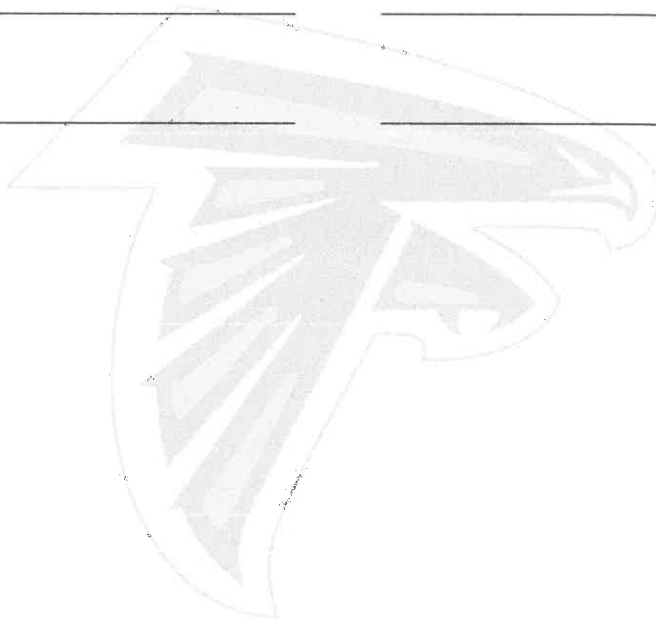
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Elected Officials Name

Amount of Description of Gift

N/A



CITY STAFF ONLY

Application Received By: _____

Date: _____ Total Fee: _____



- Site plan shall meet the requirements of the Flowery Branch Code of Ordinances; Appendix C, “Zoning Ordinance”, Article 34 sections 34.5
- Development statistics per the Flowery Branch Code of Ordinances; Appendix C, “Zoning Ordinance”, Article 34 sections 34.6
- Analysis requirements per the Flowery Branch Code of Ordinances; Appendix C, “Zoning Ordinance”, Article 34 sections 34.7
- Detailed description of request
- Conflict of interest disclosure (attached)
- Disclosure of campaign contributions (attached)
- Names and addresses of adjoining property owners
- Reasons for requesting rezoning
- Signed statement authorizing City of Flowery Branch staff and/or City Council to inspect the subject property

Conflict of Interest Disclosure

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

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

No

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

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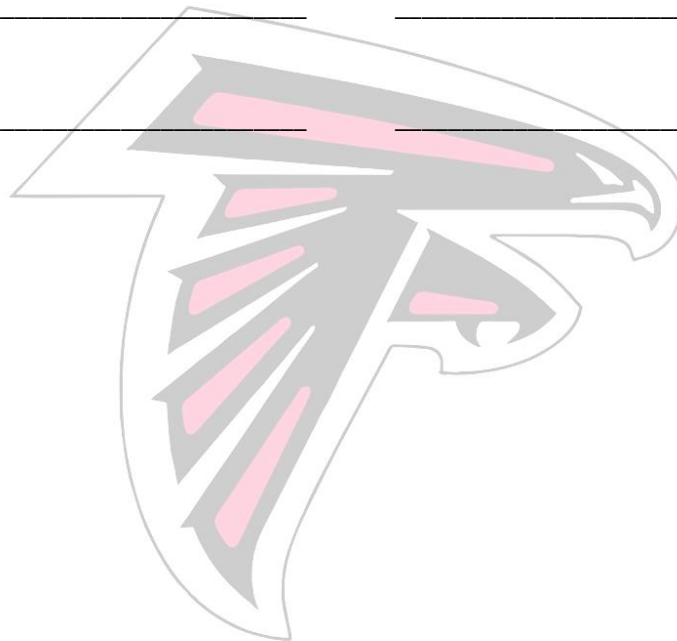
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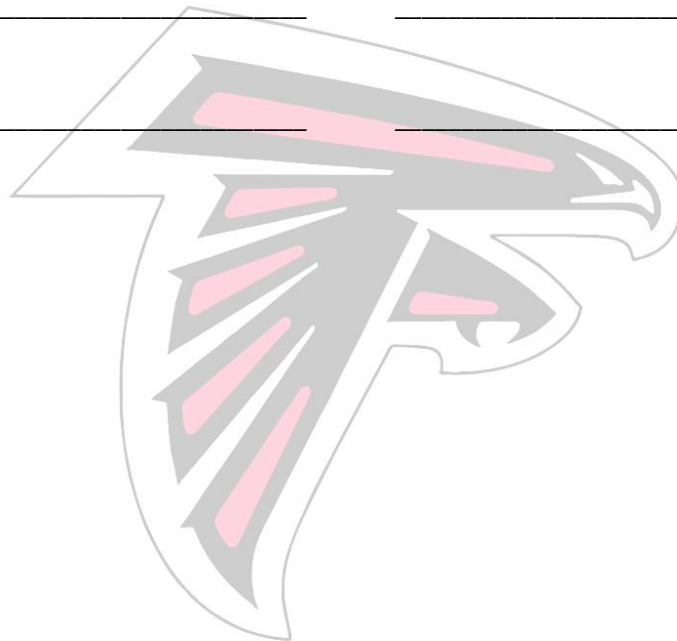
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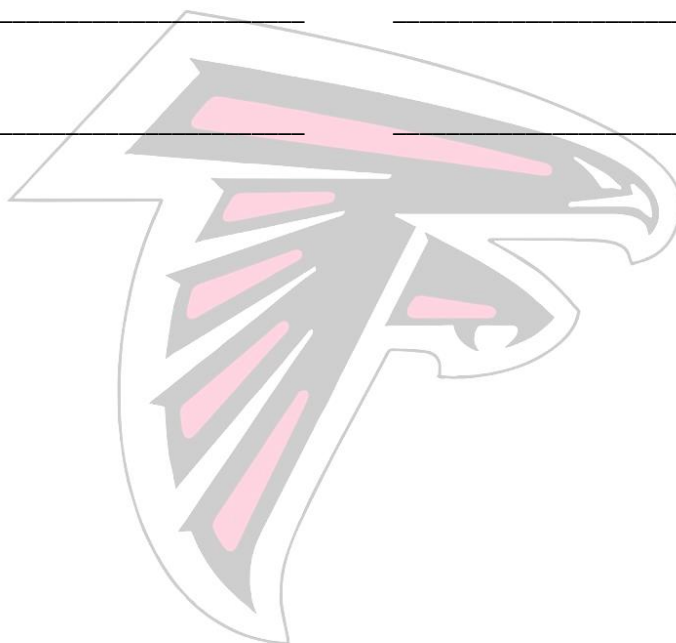
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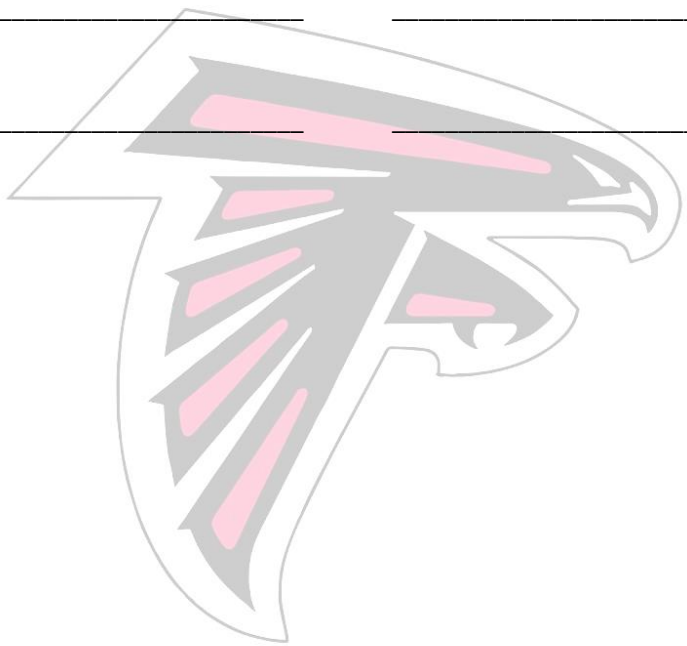
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N/A	
N/A	



CITY STAFF ONLY

Application Received By: _____
Date: _____ Total Fee: _____

Adjoining Property Owners

Search Results

19 Results

☐ Show Property Photos

Parcel ID	Owner		Property Address	Map
08098 001019	NEDRA ANN JONES	1	5183 GAINESVILLE ST	Map
08112 012001	MILDRED BLACK BUTLER	Subject	5170 CHURCH ST	Map
08112 012001A	LINDA D MILLWOOD BAUGH D. LINDA		2	Map
08112 012002	ZACHARY DOUGLAS SWANSEY	3	5259 GAINESVILLE ST	Map
08112 012003	VARCHI INNOVATIONS LLC	4	5210 CHATTAHOOCHEE ST	Map
08112 012004	FB EVER READY, LLC	5	5204 CHATTAHOOCHEE ST	Map
08112 012005	DOWNTOWN HOMES 2, LLC	6	5185 CHURCH ST	Map
08112 012006	FLOWERY BRANCH MINI STORAGE SVCS, LLC	7	5175 CHURCH ST	Map
08112 012007	MICHAEL PRENTISS PRENTISS AMANDA MARIE	8	5216 CHATTAHOOCHEE ST	Map
08112 012008	CHATAHOOCHEE HOMES LLC	9	5224 CHATTAHOOCHEE ST	Map
08112 027030	BRENDA K STOUGH HANNA JEFFERY L	10	5280 GAINESVILLE ST	Map
08112 027031	ARNOLD WRIGHT	11	5270 GAINESVILLE ST	Map
08112 027032	JOSEPH D ROARK	12	5260 GAINESVILLE ST	Map
08112 027033	JOE DAVIDSON ROARK	13	5254 GAINESVILLE ST	Map
08112 027034	RUSSEL MORGAN HUDGENS HUDGENS HEATHER ANN	14	5248 GAINESVILLE ST	Map
08112 027035	REBECCA TRACY BAGWELL	15	5234 GAINESVILLE ST	Map
08112 027036	REBECCA TRACY BAGWELL	16	5220 GAINESVILLE ST	Map
08112 027036A	W J COFER COFER MONTEZ B	17	5206 GAINESVILLE ST	Map



Developed by
 Schneider
GEOSPATIAL

Property Owner Inspection Authorization

Inspection Authorization

Mildred Black Butler
106 Robertson Ct., NW
Dawsonville, GA 30534

08112 012001 (5170 Church Street)

I, Kathy Taylor, administrator of the estate of Mildred Black Butler, hereby affirm that I solely own the above-referenced tax parcel. I also acknowledge that I am aware of the rezoning and annexation requests filed by PR Land Investments, LLC (c/o Kirk R. Fjelstul) related to the referenced property and consent to same. Please allow this document to serve as my authorization of the City of Flowery Branch staff and/or City Council to inspect the subject property.

Kathy S. Taylor

Kathy S. Taylor

Date: Oct. 14-2023

Sworn to and subscribed before me
this 14 day of October, 2023

Vipul Gupta
NOTARY PUBLIC

Commission Exp 02-02-2027



Rezoning Additional Information

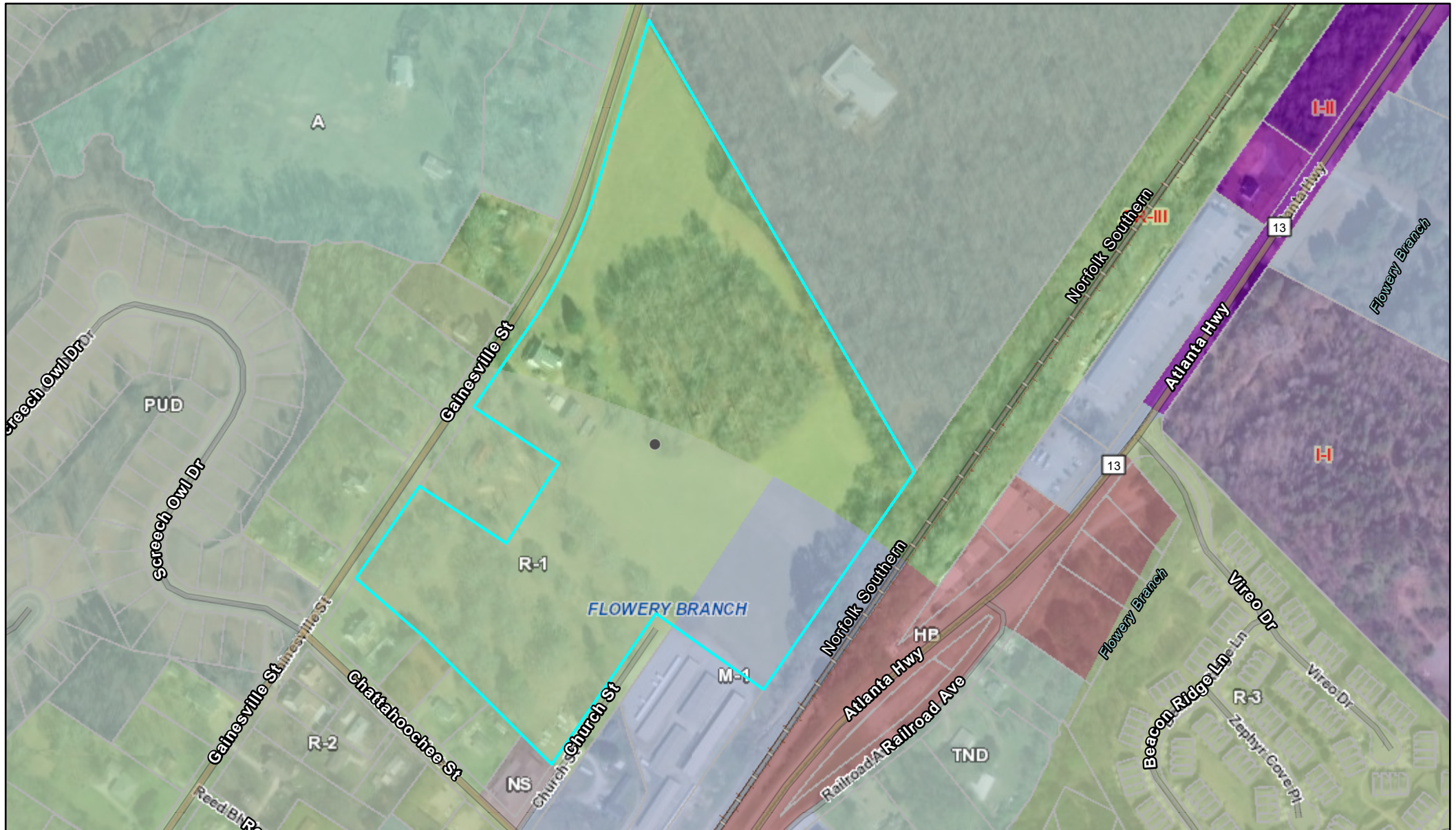
Rezoning Additional Information Requirement

1. Value of improvements upon complete build out.
 - To be determined upon completion of full set of construction plans.
2. Property tax valuation based upon existing millage rate (indicate total tax expectation if project is phased).
 - To be determined upon completion of full set of construction plans.
3. Schedule of the total build out (showing a timeline of construction in months/years if project is phased).
 - To be determined within full set of construction plans.
4. Anticipated total square footage (heated) to be built in the requested number of units.
 - The minimum heated floor area requirement of 1,200 sq.ft. will be met. The exact amount of heated square footage to be built within the requested units will be determined during the engineering phase of the project.
5. Total acreage developed with units.
 - It is anticipated that approximately 17.8 acres of the property will be developed with units.
6. Total acreage for right of way and roads.
 - It is anticipated that approximately 3.95 acres of the property will be developed with right-of-way and roads.
7. Total acreage of open space/common area (include plan for maintenance of open space/common area).
 - It is anticipated that there will be approximately 56,800 sq.ft. of open space throughout the proposed development.
8. Acreage required for buffer and watershed protection.
 - It is not anticipated that any acreage will be necessary for buffer and watershed protection as there are not streams on or adjacent to the property.
 - a. Does the buffer comply with the current City ordinance? **N/A**
 - b. Do individual property lines for lots extend into the buffer? **N/A**
 - c. Does the Developer intend to dedicate any of the site area to the City? If so, for what purpose? **N/A**
9. Does your proposal consider Multi Transportation alternatives? (Please describe in detail)
 - Multi-transportation alternatives have not been included in this request.
10. Please identify all amenities and total number of acres they incorporate by complete description.

- Proposed amenities for the project include an approximate 1,196 sq.ft., covered pavilion, three pickle ball courts, a dog park, and a passive recreation area. Exact square footages will be determined during the engineering phase of the project.
11. Number of street lights and separation table as proposed on your site plan.
- We are proposing 12 streetlights throughout the proposed development.
12. Will Technology Development be included in this development?
- As currently proposed, it is not anticipated that technology development will be included with this project.
13. List the total linear feet and cubic yards for sidewalks.
- There are approximately 44,654 sq.ft. and 546 cubic yards of sidewalks proposed. An exact amount of sidewalk square footage, linear feet, and cubic yardage will be included with the construction plans.
14. Are appropriate storm water controls provided in your proposal? Are these controls completely and accurately reflected on all drawings and plans?
- Storm water controls will be included with the engineering phase of this project. The submitted plans do show where we anticipate detention to be located on the property.
15. Has a transportation/traffic study been done to predict the impact of anticipated traffic? Has the project been reviewed by all appropriate County and State agencies relating to transportation issues?
- A traffic study has not been done to date, but we are happy to execute a traffic memo and/or study per the City's ordinance in conjunction with this application.
16. Does the proposal provide for utilization of "reuse" water? Is this depicted on the plans? Do the plans provide for storage of "reuse" water?
- It is expected that this will be determined during the engineering phase of the project.
17. What is the total capacity for daily Wastewater Management?
- It is expected that this will be determined during the engineering phase of the project.
18. What is the anticipated maximum daily water consumption? Are low flow fixtures required by the development?
- It is expected that this will be determined during the engineering phase of the project.
19. Has a slope and grade study been done on this development? Does the study reflect density placement?
- It is not anticipated that the proposed lot density will be adversely affected by site grading.
20. Please identify what public safety needs are being considered for the project?
- We will comply with safety measures as required by the City. Currently, we are providing pedestrian friendly sidewalks; pedestrian street lights; and traffic calming devices and practices.

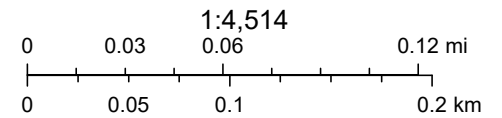
21. Has the Hall County School System been notified of the proposed density for this project?
- The Hall County School System will be notified of the proposed density for this project in conjunction with the submittal of this application.
22. Please provide a copy of all private covenants and/or architectural guidelines to be filed regarding this development.
- A Homeowners Association (HOA) will be formed and filed during the development phase of the project, we will provide covenants, if any, to the City at the time of incorporation.
23. Information as required under Ordinance No. 349 for preliminary plat approval if rezoning involves subdivision. Ordinance No. 349 can be found at www.flowerybranchga.org
- We will comply with Ordinance 349 regarding the preliminary plat process during the development phase of this project.

ArcGIS Web Map



10/26/2023, 11:53:13 AM

Oakwood Zoning			Flowery Branch Zoning			Hall County Zoning			Gainesville Zoning			Other Zoning			Infrastructure		
A-1	PID	A	NS	AR-IV	PCFD	R-MF	L-I	R-I-A	FLOWERY BRANCH	Arterial-Collector							
C-1	POD	CBD	PUD	H-B	PID	R-TF	N-B	R-II	GAINESVILLE	Interstate							
C-2	PRD	HB	R-1	I-I	POD	S-S	N-C	R-O	GILLSVILLE	Railway							
M-1	R-1	INST	R-2	I-II	PRD	V-C	O-I	Counties	LULA	Parcel Boundary							
M-2	R-2	M-1	R-3	MHP	R-I	C-B	R-B	Citylimits	OAKWOOD								
O-P	R-3	M-2	TND	O-I	R-I-L	R-I	R-I	BRASELTON	RESTHAVEN								
PCD	R-4	MHP	AR-III	PCD	R-II	H-I		BUFORD	ROADS								
								CLERMONT	LOCAL								



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Church Street

Gainesville Street View
Flowery Branch, GA





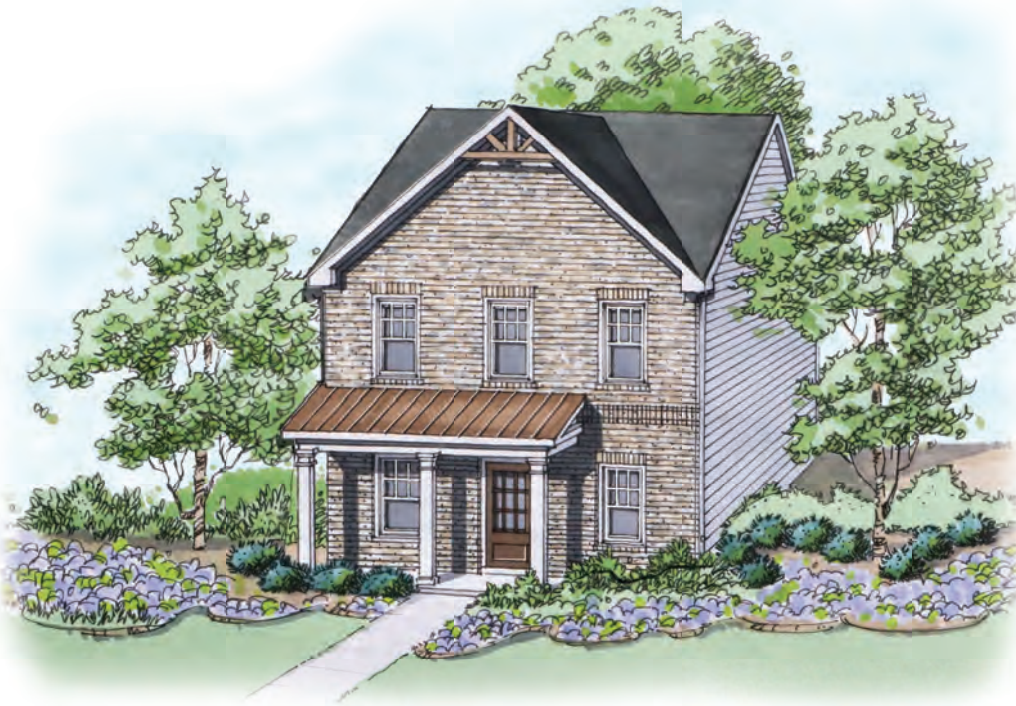
Church Street

Gainesville Street View
Flowery Branch, GA

Church Street

Gainesville Street View
Flowery Branch, GA





FRONT ELEVATION

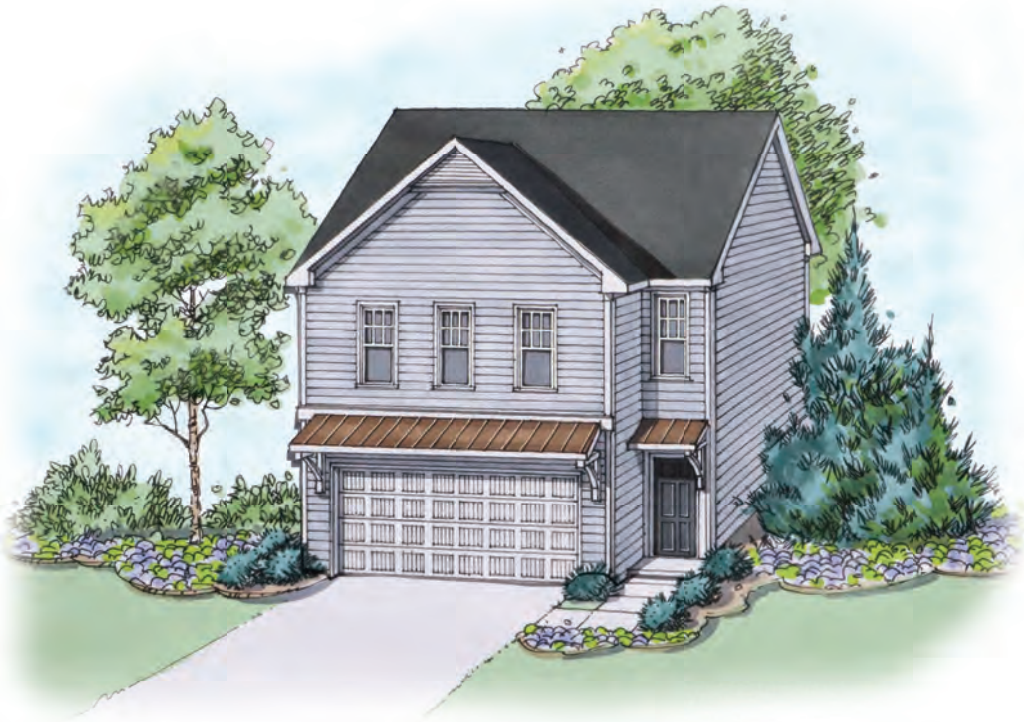


REAR ELEVATION

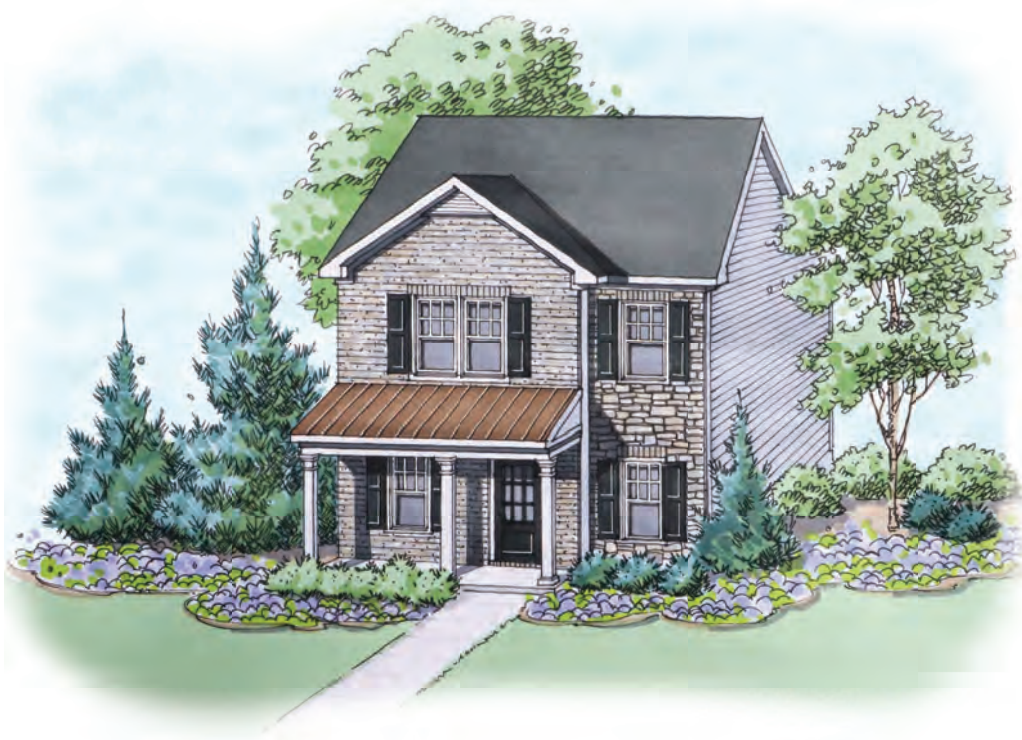
Addison - A



FRONT ELEVATION



REAR ELEVATION



FRONT ELEVATION



REAR ELEVATION

Brookfield - A



FRONT ELEVATION



REAR ELEVATION



FRONT ELEVATION



REAR ELEVATION



Sedona - A



FRONT ELEVATION



REAR ELEVATION

Sedona - B



October 27, 2023

Hall County Board of Commissioners
2875 Browns Bridge Road
Gainesville, Georgia 30504
c/o Jennifer Rivera, Commission Clerk

Re: Notification of Intent to Annex and Rezone Land Located in Hall County

Dear Ladies and Gentlemen:

Please be advised that the City of Flowery Branch, Georgia, by the authority vested in the Mayor and City Council of Flowery Branch, Georgia by Article 2 of Chapter 36, Title 36, of the Official Code of Georgia Annotated, intends to annex the property hereinafter described by ordinance at a regular meeting of the Mayor and City Council.

This letter has been sent to you by certified mail, return receipt requested, within thirty (30) business days of acceptance of a complete application for annexation by the City of Flowery Branch, in accordance with O.C.G.A § 36-36-6 and O.C.G.A § 36-36-9 and after receipt of the application for zoning pursuant to O.C.G.A § 36-36-111.

The property to be annexed and rezoned is shown on the enclosed map and is described as follows:
5170 Church Street, tax parcel identification number 08112 012001.

Pursuant to O.C.G.A. § 36-36-111, a complete copy of the annexation and rezoning application is also enclosed.

Pursuant to O.C.G.A § 36-36-7 and O.C.G.A § 36-36-9, you must notify the Mayor and City Council of the City of Flowery Branch, in writing and by certified mail, return receipt requested, or statutory overnight delivery, return receipt requested, of any county facilities or property located within the properties to be annexed, within five (5) business days of receipt of this letter.

Hall County Board of Commissioners
Annexation and Rezoning of 5704 Jim Crow Road
October 27, 2023
Page 2 of 2

Pursuant to O.C.G.A § 36-66-4 a public hearing on zoning of the property to be annexed as Flowery Branch TND (Traditional Neighborhood Development) will be held on Thursday, December 7, 2023, at 6:00 PM in the City of Flowery Branch City Council Chamber located at 5410 Pine Street, Flowery Branch, GA 30542. If the county has a valid objection under O.C.G.A § 36-36-113, in accordance with the objection and resolution process, you must notify the city governing authority within forty-five (45) calendar days of the receipt of this notice. Such notice of objection must be made by verifiable delivery and include documentation of the nature of the objection specifically providing evidence of any financial impact forming the basis of the objection.

Sincerely,

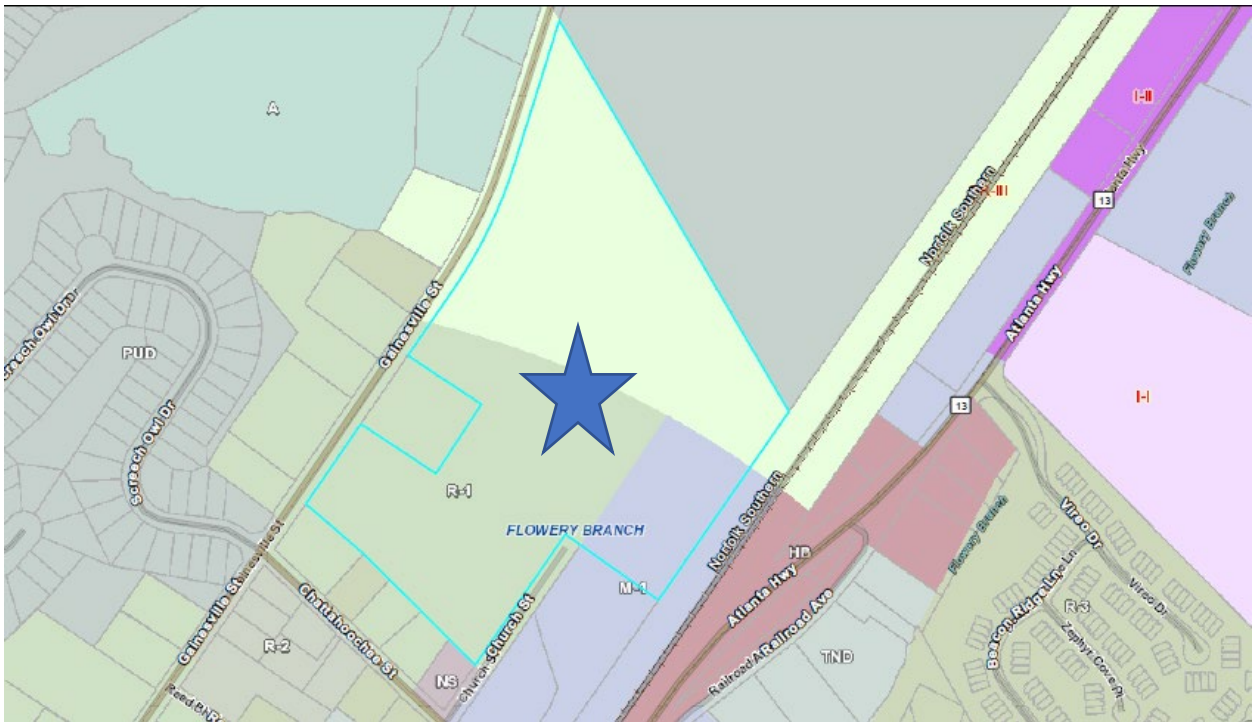
Richard JE Atkinson

Director of Planning and Community Development
City of Flowery Branch
Rich@flowerybranchga.org

RA/

Enclosures: Site Map of Property to Annexed and Rezoned
Annexation and Rezoning Application

cc: William J. Linkous III, County Attorney
Randi Doveton, Director of Planning and Development



Church Street

Community Site Map
Flowery Branch, GA





**Staff Report
5170 Church St
Annexation & Rezoning Request
Ordinances**

Request

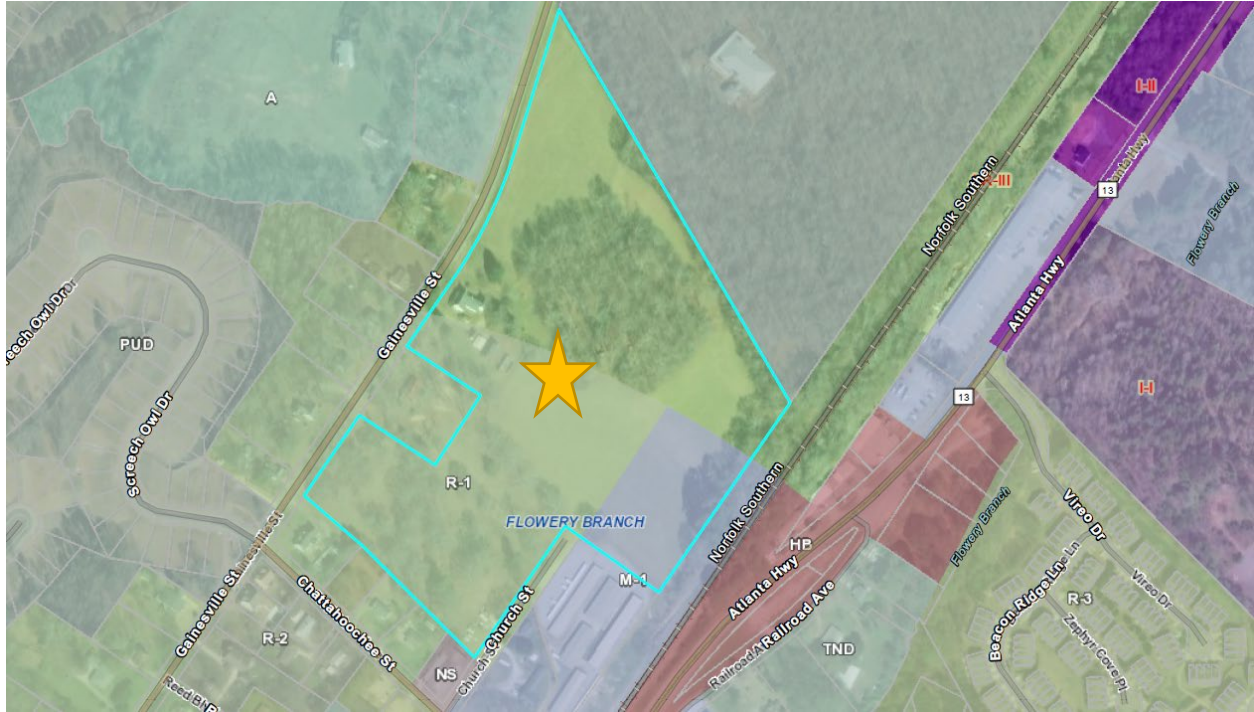
Currently, 5170 Church Street is a 23.3 +/- -acre tract of land that is partially in Hall County and partially within the city-limits of Flowery Branch. The applicant wishes to annex and subsequently rezone the 10.73 +/- acres of the unincorporated portion of the parcel from Hall County Agricultural Residential (AR-III) to Flowery Branch Traditional Neighborhood Development District (TND). If the 10.73 +/- portion of the parcel is annexed, it is requested to rezone the 12.57 +/- acres of the incorporated portion of land be rezoned from Residential, Detached Single Family, Low-Density District (R-1) and Light Manufacturing and Industrial District (M-1) to Traditional Neighborhood Development District (TND). This would result in the entire 23.3 +/- acres of tax parcel 08112 0120001, also known as 5170 Church Street, to lie within the city-limits of Flowery Branch and be zoned Traditional Neighborhood Development District (TND) The applicant wishes to construct a 117 detached single -family homes subdivision. The request includes the following concurrent variance requests:

The reduction of a portion of sidewalk widths from 8 feet to 5 feet.

The increase of impervious allowances as indicated on the accompanying chart.

The decrease of lot area as indicated on the accompanying chart.

13 lots on cul-de-sac will have front entries.





1. REQUEST IS FOR THE REZONING OF SUBJECT PARCEL FROM M-1 AND R-1 TO TND
2. ANNEXATION OF 10.73 ACRES INTO THE CITY OF FLOWERY BRANCH FROM HALL COUNTY.
3. VARIANCES ARE REQUESTED FOR:
THE REDUCTION OF A PORTION OF SIDEWALK WIDTHS FROM 8 FEET TO 5 FEET.
THE INCREASE OF IMPERVIOUS ALLOWANCES AS INDICATED ON THE ACCOMPANYING CHART
THE DECREASE OF LOT AREAS AS INDICATED ON THE ACCOMPANYING CHART.
4. TOTAL ACREAGE = 23.3 ACRES
5. TOTAL AREA REQUEST TO BE REZONED TO TND
M-1 = 2.64 ACRES
R-1 = 10.73 ACRES
6. TOTAL AREA REQUEST FOR ANNEXATION = 10.73 ACRES
7. MAXIMUM ALLOWED UNITS = $(6.5 \text{ UNITS/AC} \times 23.3 = 151 \text{ UNITS})$
8. TOTAL UNITS PROPOSED = 117
9. PARKING PROVIDED:
MAIL KIOSK 6
DOG PARK 7
PAVILION/PICKLE BALL 13
10. TOTAL AREA DEVELOPED WITH UNITS = 17.8 acres
11. TOTAL AREA FOR RIGHT OF WAY AND ROADS = 3.95 ACRES
12. NO AREA OF THIS SITE IS LOCATED IN STREAM BUFFER AREAS
13. MULTI TRANSPORTATION ALTERNATIVES ARE NOT INCLUDED IN THIS REQUEST.
14. THERE IS A TOTAL OF 44,654 SQ. FT. OF PUBLIC SIDEWALK PROPOSED
REQUIRING 546 CU. YDS. OF CONCRETE
15. AMENITIES INCLUDE A 1,196 SQ. FT. COVERED PAVILLION, 3 PICKLEBALL COURTS,
A DOG PARK, AND A PASSIVE RECREATION AREA.
16. 12 STREET LIGHTS ARE PROPOSED.
17. LOT DENSITY WILL NOT BE ADVERSELY AFFECTED BY SITE GRADING.



BLOCK A				
Lot #	Square Footage	% Open	% Coverag	*Variance Req.
1	5,023	49.40%	50.60%	L,I
2	5,020	36.28%	63.72%	L,I
3	5,003	38.07%	61.93%	L,I
4	5,019	44.81%	55.19%	L,I
5	5,618	37.25%	62.75%	L,I
6	6,908	39.82%	60.18%	I
7	7,995	59.96%	40.04%	I
8	8,169	61.90%	38.10%	I
9	6,713	56.82%	43.18%	I
10	8,216	81.69%	18.31%	I
11	7,929	80.15%	19.85%	I
12	12,273	89.26%	10.74%	I
13	7,513	64.54%	35.46%	I
14	6,207	49.82%	50.18%	L,I
15	7,531	50.41%	49.59%	I
16	6,895	51.47%	48.53%	I
17	7,034	51.76%	48.24%	I
18	5,027	43.58%	56.42%	L,I
19	6,425	46.22%	53.78%	L,I
20	7,719	58.74%	41.26%	I
21	6,256	41.07%	58.93%	L,I
22	6,726	48.87%	51.13%	I
23	5,992	44.13%	55.87%	L,I
24	7,592	57.93%	42.07%	I
25	6,194	46.67%	53.33%	L,I
26	5,000	44.27%	55.73%	L,I
27	5,001	39.56%	60.44%	L,I
28	6,898	49.11%	50.89%	I
29	6,397	47.98%	52.02%	L,I
30	6,397	50.64%	49.36%	L,I
31	7,094	49.47%	50.53%	I
32	6,397	47.56%	52.44%	L,I
33	5,751	48.96%	51.04%	L,I
34	5,025	39.97%	60.03%	L,I
35	5,025	39.97%	60.03%	L,I
36	5,025	44.53%	55.47%	L,I
37	5,025	40.10%	59.90%	L,I
38	5,481	42.66%	57.34%	L,I
39	8,319	46.37%	53.63%	I

BLOCK A				
Lot #	Square Footage	% Open Space	% Coverag	*Variance Req.
40	9,746	54.78%	45.22%	
41	6,951	57.10%	42.90%	
42	6,384	59.07%	40.93%	L,I
43	5,276	52.91%	47.09%	L,I
44	5,202	46.50%	53.50%	L,I
45	6,885	58.35%	41.65%	I
46	7,201	74.73%	25.27%	
47	5,503	71.49%	28.51%	L,I
48	6,009	78.26%	21.74%	L,I
49	7,126	81.47%	18.53%	
50	16,408	92.12%	7.88%	
51	24,261	94.66%	5.34%	
52	8,860	85.41%	14.59%	
53	6,786	81.02%	18.98%	
54	8,721	84.95%	15.05%	
55	9,100	74.02%	25.98%	
56	6,325	32.22%	67.78%	L,I
57	6,671	50.64%	49.36%	L,I
58	6,882	54.48%	45.52%	I
59	5,632	49.67%	50.33%	L,I
60	5,612	50.90%	49.10%	L,I
61	5,629	48.00%	52.00%	L,I
62	5,585	51.72%	48.28%	L,I
63	7,250	64.77%	35.23%	I
64	5,347	50.54%	49.46%	L,I
65	5,628	52.14%	47.86%	L,I
66	5,925	50.11%	49.89%	L,I
67	5,025	48.29%	51.71%	L,I
68	5,191	43.11%	56.89%	L,I
69	5,534	47.27%	52.73%	L,I
70	6,068	45.02%	54.98%	L,I
71	9,905	46.97%	53.03%	I
72	5,805	49.38%	50.62%	L,I
73	5,160	47.30%	52.70%	L,I
74	5,862	48.29%	51.71%	L,I
75	5,450	49.62%	50.38%	L,I
76	5,450	45.55%	54.45%	L,I
77	6,760	59.30%	40.70%	I



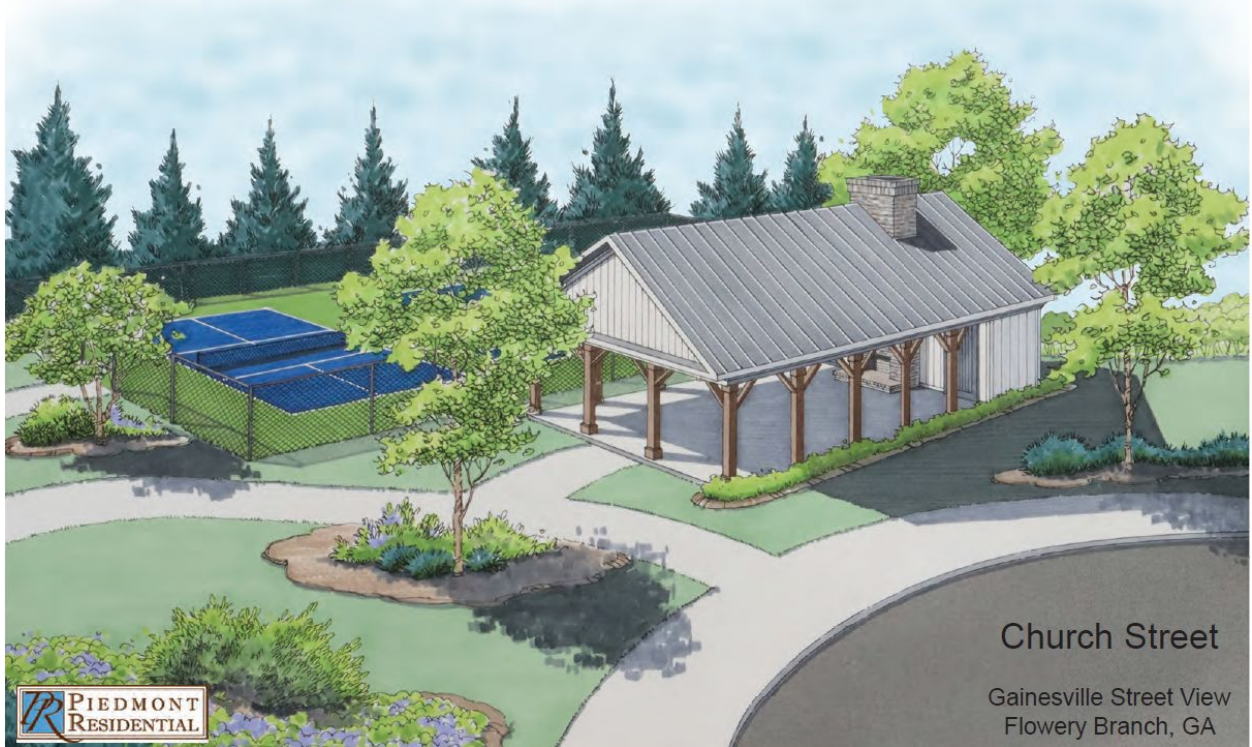
BLOCK B				
Lot #	Square Footage	% Open Space	% Coverag	*Variance Req.
1	5,089	50.05%	49.95%	L,I
2	5,001	42.50%	57.50%	L,I
3	5,041	43.40%	56.60%	L,I
4	5,084	48.16%	51.84%	L,I
5	5,657	29.95%	70.05%	L,I
6	5,317	44.04%	55.96%	L,I
7	5,146	51.35%	48.65%	L,I
8	5,334	58.88%	41.12%	L,I
9	5,621	58.52%	41.48%	L,I
10	5,791	59.35%	40.65%	L,I
11	5,752	58.92%	41.08%	L,I
12	5,903	58.65%	41.35%	L,I
13	6,558	62.93%	37.07%	L,I
14	9,140	71.29%	28.71%	
15	9,085	68.76%	31.24%	
16	7,438	59.92%	40.08%	I
17	9,120	60.83%	39.17%	I
18	5,999	40.78%	59.22%	L,I
19	5,938	39.81%	60.19%	L,I
20	5,877	41.07%	58.93%	L,I
21	7,585	57.93%	42.07%	I
22	7,538	54.25%	45.75%	I
23	7,540	57.17%	42.83%	I
24	10,377	49.60%	50.40%	I
25	7,231	58.73%	41.27%	I
26	5,045	47.54%	52.46%	L,I
27	5,037	43.29%	56.71%	L,I
28	5,389	51.51%	48.49%	L,I

BLOCK C				
Lot #	Square Footage	% Open Space	% Coverag	*Variance Req.
1	5,221	49.53%	50.47%	L,I
2	5,058	45.03%	54.97%	L,I
3	5,238	47.35%	52.65%	L,I
4	5,155	58.90%	41.10%	L,I
5	5,287	55.50%	44.50%	L,I
6	5,134	35.66%	64.34%	L,I
7	5,134	39.00%	61.00%	L,I
8	5,199	52.41%	47.59%	L,I
9	5,691	51.22%	48.78%	L,I
10	5,648	50.52%	49.48%	L,I
11	6,493	52.15%	47.85%	L,I
12	7,768	53.06%	46.94%	I

OUTPARCELS				
Lot #	Square Footage	% Open Space	% Coverag	*Variance Req.
1	21,719	74.22%	25.78%	
2	22,399	85.84%	14.16%	
3	11,298	79.42%	20.58%	
4	14,031	42.84%	57.16%	I

*LOT VARIANCE REQUESTS
 L = LOT REDUCTION
 I = IMPERVIOUS INCREASE

Renderings:





FRONT ELEVATION



REAR ELEVATION



FRONT ELEVATION



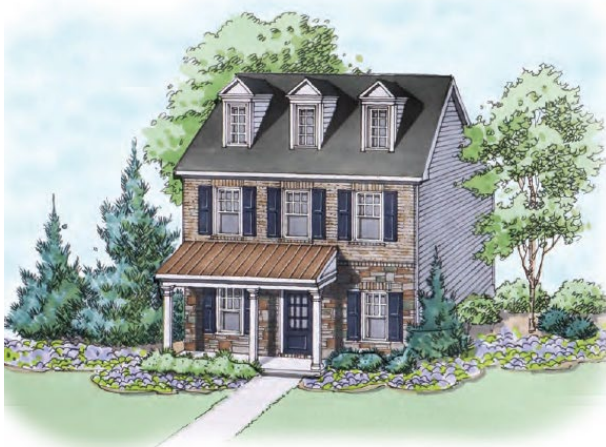
REAR ELEVATION



FRONT ELEVATION



REAR ELEVATION



FRONT ELEVATION



REAR ELEVATION



FRONT ELEVATION



REAR ELEVATION



FRONT ELEVATION



REAR ELEVATION

Proposed Schedule

December 7, 2023 – Public Hearing
December 21, 2023 - Work Session (if requested)
January 4, 2023 – First Read and First Vote
January 18, 2023 – Work Session (if requested)
February 1, 2023- Second Read and Final Vote



Comprehensive Plan

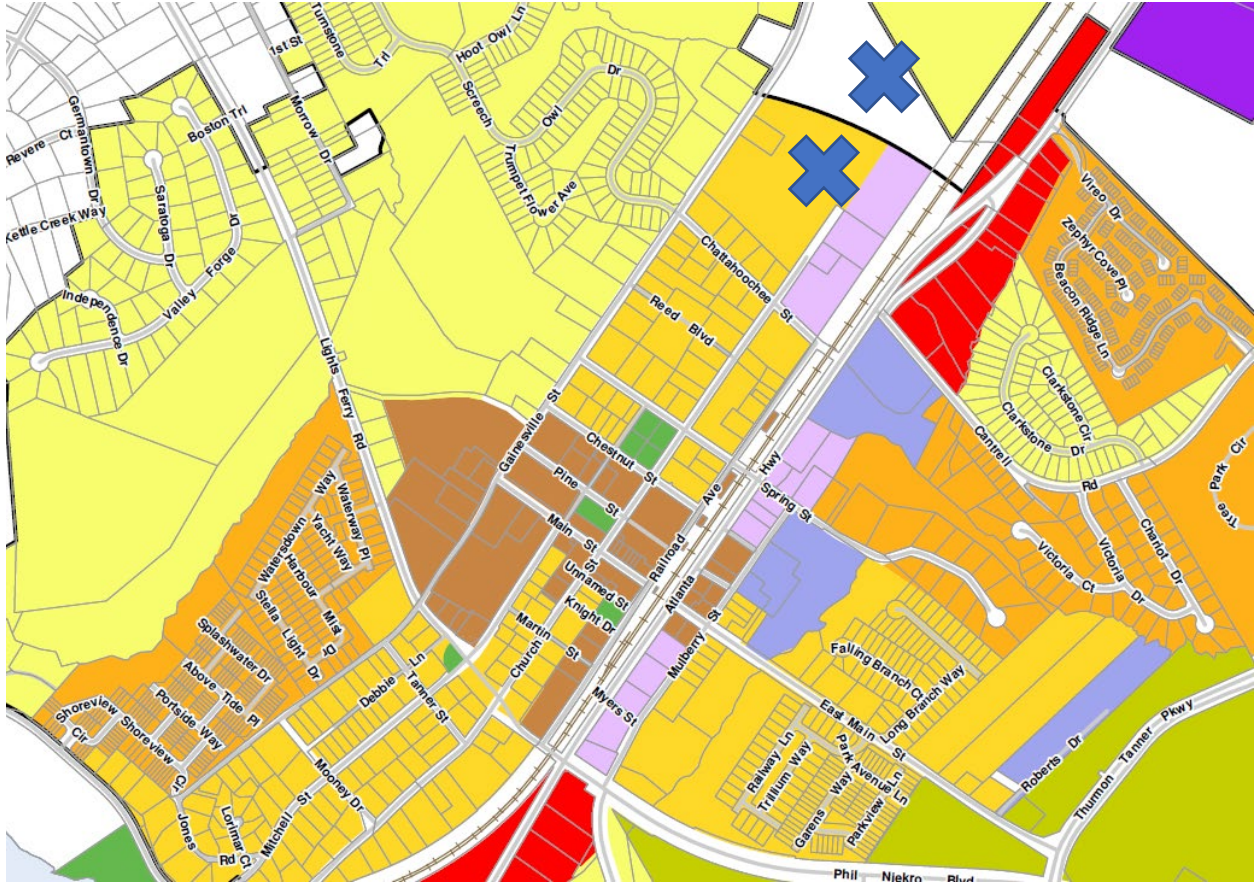


Purpose of the Comprehensive Plan

The *Flowery Branch Comprehensive Plan* is the City's policy guide for growth and development, as expressed by a vision statement, Future Development Map, character area policies, and supporting implementation strategies. The plan is most commonly used in the review and decision-making process by staff and City Council for rezoning requests, when proposals are evaluated for consistency with the Future Development Map and supporting text in this document.

The Comprehensive Plan also outlines the overall strategy for achieving the City's vision for future development by identifying a 5-year Community Work Program (CWP) with a prioritized 'to-do' list. The CWP should be consulted by staff and City Council on an annual basis when developing annual department-level work programs and the City budget.

In addition, this plan serves the purpose of meeting the intent and requirements of the Georgia Department of Community Affairs' (DCA) "Standards and Procedures for Local Comprehensive Planning," as amended on October 1, 2018. Preparation of a comprehensive plan in accordance with these standards is an essential requirement for maintaining status as a Qualified Local Government (QLG). QLG status allows Georgia cities and counties to be eligible for financial incentives from DCA, the Department of Natural Resources (DNR), the Georgia Environmental Finance Authority (GEFA), and the OneGeorgia Authority. This plan update allows the City of Flowery Branch to retain its QLG status.



Traditional Neighborhood



Traditional Neighborhood

The Traditional Neighborhood character area includes the in-town residential areas around the downtown core of Old Town.

Vision

Maintain the character and development pattern of the originally settled neighborhoods of Flowery Branch, with sensitive residential in-fill development and careful improvements where required including new sidewalks, street trees, and other pedestrian-friendly streetscape features.

Design Principles

- Little if any building setbacks from city streets
- Rectangular or square blocks and lots, and block lengths should not exceed 800 feet without intervening (mid-block) pedestrian footpaths
- Narrow streets in a grid-like pattern with shade trees
- Building facades emphasize porches
- Rear entry garage or detached rear garage, with the exception that a garage may be recessed behind the front façade if off-street parking must be directly accessed from the street and directly facing the street
- Wide sidewalks
- Smaller lots/higher density than Suburban Residential
- Provision of public greens or common areas when new neighborhoods are created
- Design review required for compatibility with existing residences

Land Uses

- Primarily single-family detached dwellings
- Townhouses may be allowed
- Greens, plazas, and pocket parks incorporated into development plans

Zoning

- TND, Traditional Neighborhood Development

Illustrative Photos



The proposed development meets the intent of the Comprehensive Plan. The size and scope of the proposed project would blend in with the surrounding area as it is residential in nature.



Analysis

Flowery Branch Zoning Ordinance Article 37 Rezoning and Conditional Use Applications

Sec. 34.7. - Analysis Requirements.

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

Applicant comment

Staff Response:

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

The Development is compatible with the adjacent and nearby uses, which includes a mix of single family residential uses ranging from R-1 to PUD. It is contemplated that property along Gainesville Street close to downtown will redevelop as the town continues with its vision. The Property is in a TN Character Area designation in the Comprehensive Plan and the TN text provides that TND zoning is consistent with the TN Character Area. In fact, TND is the only zoning classification contemplated in the TN Comprehensive Plan Character Area. The current R-1 zoning is not listed as a compatible zoning.

The Comprehensive Plan provides that TND zoning is designed for development around other residential uses and is particularly suited for infill development near the downtown. The R-1 and AR-3 zoning classifications are meant for low density development and agricultural use. Other R-1 property in the area has already been developed and is being used as residential. The current Property includes 23 acres that is undeveloped and the only buildings are a home, a well house, four sheds and a barn. The Property has no economic use as agricultural land and can't be developed at R-1 density, and there is no market for a two-acre M-1 use at the rear of the Property.

Yes, a residential use is appropriate for this site and the surrounding area.

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

The proposal will not adversely affect adjacent or nearby property. All of the adjacent and nearby properties along Gainesville Street are zoned and used as single family residential, ranging from R-1 to PUD. The TND zoning is consistent with the Comprehensive Plan's TND Character Area designation for this Property, and the Development density of 5 units/acre is well below the



maximum. In accordance with the Comprehensive Plan, TND zoning is designed for smaller lots around other residential uses and is particularly suited for infill development near the downtown.
The development will not adversely affect the area.

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

The Property does not have a reasonable economic use as zoned. First, the Property is located both in the City and in the unincorporated County. The unincorporated portion is a virtual unincorporated island, which causes problems for the provision of services, regulation, and infrastructure. Second, the Property now has three different zoning designations and is regulated by two jurisdictions. Third, the R-1, AR-3, and M-1 zoning designations have no economic use at this location and in area in or near Flowery Branch. They cannot be developed at the restricted density in those residential classifications and there is no Market for M-1 at the back portion of this Property.

The current zoning may not be feasible for the growing economy need.

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

Applicant will supplement this item with a memo demonstrating that there is not an excessive burden on infrastructure.

It is staff's opinion that the use will not create any unnecessary burdens.

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

The Property is in a TN Character Area designation in the Comprehensive Plan and the TN text provides that TND is a consistent zoning. The Comprehensive Plan provides that TND zoning is designed for development around other residential uses and is particularly suited for infill development near the downtown. In fact, TND is the only zoning classification contemplated in the TN Comprehensive Plan Character Area and the current zoning is not listed.

The adjoining area is called by future land use map as "Traditional Neighborhood" character area. This project which is proposed to rezone as TND will meet the general intent of the comprehensive plan.

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

It is contemplated that property along Gainesville Street close to downtown will redevelop as the town continues with its vision. The Property is in a TN Character Area designation in the Comprehensive Plan and the TN text provides that TND zoning is consistent with the TN Character Area. In fact, TND is the only zoning classification contemplated in the TN Comprehensive Plan Character Area. The current R-1 zoning is not listed as a compatible zoning. The Comprehensive Plan provides that TND zoning is designed for development around other residential uses and is particularly suited for infill development near the downtown.

The R-1 and AR-3 zoning classifications are meant for low density development and agricultural use. Other R-1 property in the area has already been developed and is being used as residential. The current Property includes 23 acres that is undeveloped and the only buildings are a home, a well house, four sheds and a barn. The Property has no economic use as agricultural land and can't



be developed at R-1 density. Finally, there is no market for a two-acre M-1 use at the rear of the Property. As a result, TND is the only appropriate zoning classification.

Not to staff's knowledge, no.

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

The Property has its frontage along Gainesville Street, approximately three-tenths of a mile from the Central Business District. There are two Comprehensive Plan Character Area designations for the portion of the Property that is in Flowery Branch. More than ten acres is designated as Traditional Neighborhood (TN) and the remaining two plus acres is designated as Mixed Use-Downtown. The Character Area Map shows the section of TN that includes this Property as a consistent designation along Gainesville Street all the way to the downtown business district. That is consistent with the Comprehensive Plan statement that TN is suited to in-town residential areas near the downtown. TN is also intended to be next to other residential areas and is designed for in-fill development. The Property in this case includes surrounding uses and zoning that are almost all residential. The residential zoning designations and uses represent a mix, ranging from R-1 to Planned Use Development (PUD), once again consistent with the TN Character Area.

Currently vacant, the proposed use will fit in with the surrounding residential uses.

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

The Property cannot be developed under the current zoning. The R-1 and AR-3 zoning classifications are meant for low density development and agricultural use. Other R-1 property in the area has already been developed and is being used as residential. The current Property includes 23 acres that is undeveloped and the only buildings are a home, a well house, four sheds and a barn. The Property has no economic use as agricultural land and can't be developed at R-1 density. Finally, there is no market for a two-acre M-1 use at the rear of the Property.

In staff's opinion, the proposed project will increase the land value and meet the increasing housing needs in this area. By accommodating more residents, it will boost local economic development.

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

The proposed zoning will enhance the value of adjacent property. All of the adjacent and nearby properties along Gainesville Street are zoned and used as single family residential, ranging from R-1 to PUD. TND zoning is consistent with the Comprehensive Plan's TN Character Area



designation for this Property, and the Development density of 5 units/acre is well below the maximum. Based on the Comprehensive Plan, TND zoning is designed for development around other residential uses and is particularly suited for infill development near the downtown. TND is the only zoning classification contemplated in the TN Comprehensive Plan Character Area and the current zoning is not included.

Staff does not feel that the proposed will be a deterrent but rather an enhancement to the surrounding area and will have a positive impact on the housing mix by providing age restricted housing.

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

The proposed rezoning will not create an isolated zoning district. The Property is in a TN Character Area designation in the Comprehensive Plan and the TN text provides that TND zoning is consistent with the TN Character Area. The Comprehensive Plan provides that TND zoning designed for development around other residential uses and is particularly suited for infill development near the downtown. TND is the only zoning classification contemplated in the TN Comprehensive Plan Character Area and the current zoning is not. Surrounding zoning classifications range from R-1 to PUD in this area of Gainesville Street and the proposed zoning and Development are consistent with what is contemplated.

Agree

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

The proposed rezoning is consistent with the zoning map, based on the Comprehensive Plan. The Property is in a TN Character Area designation in the Comprehensive Plan and the TN text provides that TND zoning is consistent with the TN Character Area. The Comprehensive Plan provides that TND zoning is designed for development around other residential uses and is particularly suited for infill development near the downtown. TND is the only zoning classification contemplated in the TN Comprehensive Plan Character Area and the current zoning is not included.

The proposed use will enhance the character of the existing district and surrounding area in staff's opinion.

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

There is no impact to the environment from the Development. The Development will be connected to the public sanitary sewer system. Stormwater quality and detention will be designed in accordance with state and federal requirements.

The development, if approved, will need to go through all the required development reviews to ensure all applicable codes and requirements are met.



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

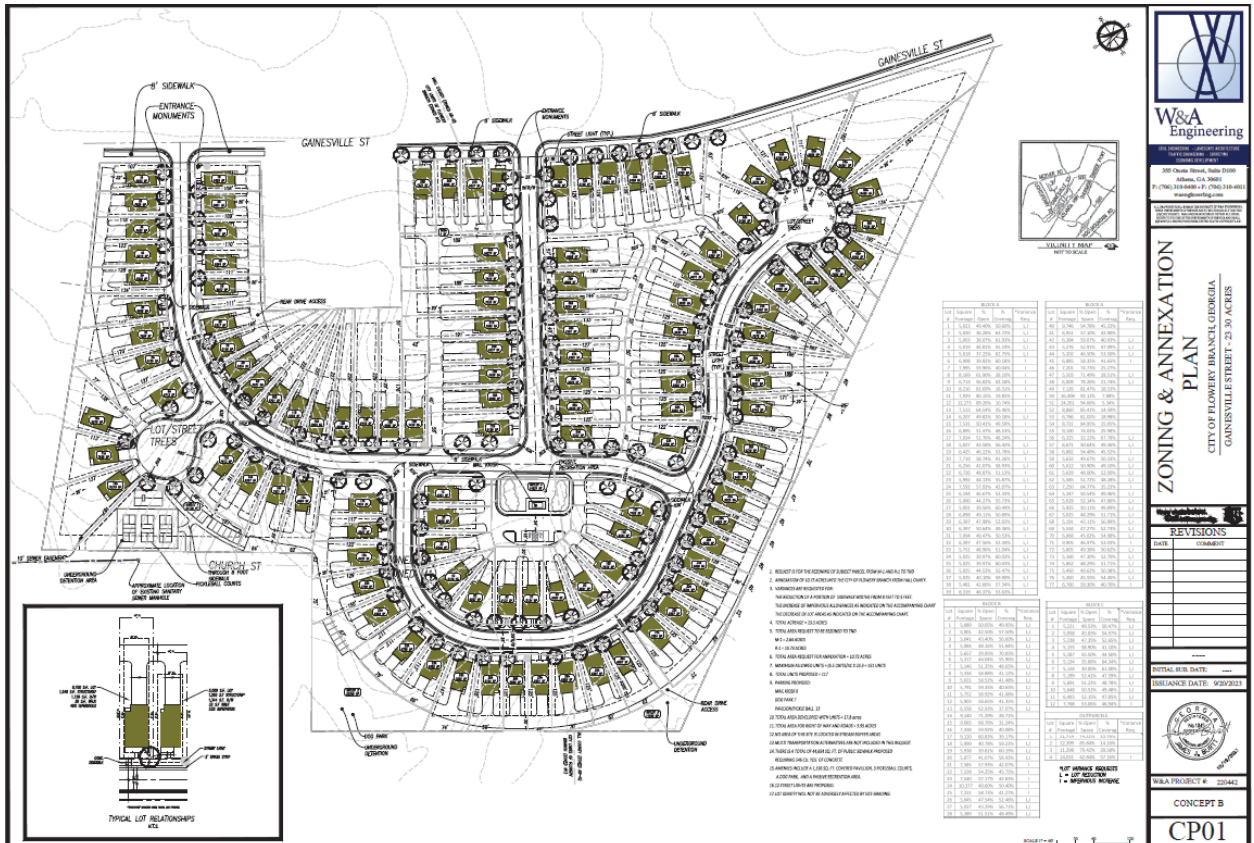
The proposed rezoning is consistent with the overall purpose of the zoning ordinance, based on the Comprehensive Plan. The Property is in a TN Character Area designation in the Comprehensive Plan and the TN text provides that TND zoning is consistent with the TN Character Area. The Comprehensive Plan provides that TND zoning is designed for development around other residential uses and is particularly suited for infill development near the downtown. TND is the only zoning classification contemplated in the TN Comprehensive Plan Character Area and the current zoning is not included.

The proposed development will enhance the surrounding area and meet the intent of the Zoning Ordinance.

Recommendation

Approve the request as submitted with the following conditions:

1. Development shall significantly adhere to the site plan as shown below:



2. Project shall not exceed 117 single-family homes.
3. Landscaping
 - A. Typical lot landscaping design: identify type and size of trees and bushes.
 - B. Full landscape plan shall be submitted and approved by staff prior to the issuance of a land disturbance permit.
 - C. Landscaping must meet all currently adopted codes and standards.
4. Homes shall meet all TND and current design and architectural requirements. 13 lots on cul-de-sac will have front entries as variance.
5. 8' sidewalk is required along Gainesville Street
6. Streets shall be private.
7. A fence around the exterior of the property to separate it from the neighbors shall be required. Said fence will be decorative in nature and shall be approved by staff.
8. A mandatory homeowner's association shall be established.
 - A. Alleys shall be private owned and maintained by the homeowner's association.
 - B. Roads shall be public.
 - C. The development shall be fee-simple homes for sale.

The homeowner's association must have in their bylaws that no more than ten percent (10%) of the total homes will be rental units or a rule of no more than two houses owned by one owner in the development and the owner must occupy one of the two.



- D. Amenities are included but not limited to 3 pickleball courts, a dog park and a passive recreation area shall be owned and maintained by homeowner's association.
- 9.

ORDINANCE NO. 707

AN ORDINANCE AMENDING THE ZONING MAP OF THE CITY OF FLOWERY BRANCH, GEORGIA, BY REZONING REAL PROPERTY TOTALING 10.73+/- ACRES OF LAND, OWNED BY KATHY S. TAYLOR IDENTIFIED AS 5170 CHURCH ST, TAX PARCEL 08100 001003A AND AS SHOWN ON ATTACHED EXHIBIT “A”, AND AS DESCRIBED ON ATTACHED EXHIBIT “B”; TO BE REZONED FROM HALL COUNTY AGRICULTURAL RESIDENTIAL (AR III), FLOWERY BRANCH DETACHED SINGLE FAMILY, LOW-DENSITY DISTRICT (R-1) AND FLOWERY BRANCH LIGHT MANUFACTURING AND INDUSTRIAL DISTRICT (M-1) TO FLOWERY BRANCH TRADITIONAL NEIGHBORHOOD DEVELOPMENT DISTRICT (TND), AS SHOWN ON ATTACHED EXHIBIT “A”, AND AS DESCRIBED ON ATTACHED EXHIBIT “B”, AND AS CONDITIONED ON ATTACHED EXHIBIT “C”, PROVIDING FOR SEVERABILITY, REPEALING CONFLICTING ORDINANCES, PROVIDING FOR AN EFFECTIVE DATE AND FOR ALL OTHER LAWFUL PURPOSES.

WHEREAS, Kathy S. Taylor owns the subject parcel of land identified as Parcel Tax Identification No. 08112 0120001 as shown on Exhibit “A”, and as described on Exhibit “B”; and

WHEREAS Kathy S. Taylor, LLC has submitted to the City of Flowery Branch, Georgia, a written and signed application and affidavit showing consent to being rezoned, and whereas a survey and complete description of the land to be rezoned is included in the application; and

WHEREAS, the City Council held a public hearing at the meeting of December 7th, 2024 duly noticed as prescribed by law and published in the Gainesville Times, regarding said application, as shall be set forth in the minutes of said meeting.

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

SECTION 1. FINDINGS.

The City Council finds that the proposed rezoning from Hall County Agricultural Residential (AR III), Flowery Branch Detached Single Family, Low-Density District (R-1) and Flowery Branch Light Manufacturing and Industrial District (M-1) to Flowery Branch Traditional Neighborhood Development District (TND) is consistent with the adopted standards for governing the exercise of the zoning power consistent with O.C.G.A. § 36-66-5 and requirements of the Zoning Ordinance as identified below.

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

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

SECTION 2. REZONING.

The subject parcels, as shown on Exhibit “A” and as legally described in Exhibit “B”, are hereby rezoned from Hall County Agricultural Residential (AR III) to Flowery Branch Planned Unit Development (PUD) and conditioned as shown on attached Exhibit “C”. Said Exhibits are incorporated.

SECTION 3. AMENDMENT OF THE ZONING MAP.

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

SECTION 4. SEVERABILITY.

Public Hearing Published 11/01/2023
Public Hearing 12/07/2023

First Reading 02/01/2024
Adopted 02/15/2024

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 February 15th, 2024.

SECTION 6. REPEALER.

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

Approved this 15th day of February, 2024.

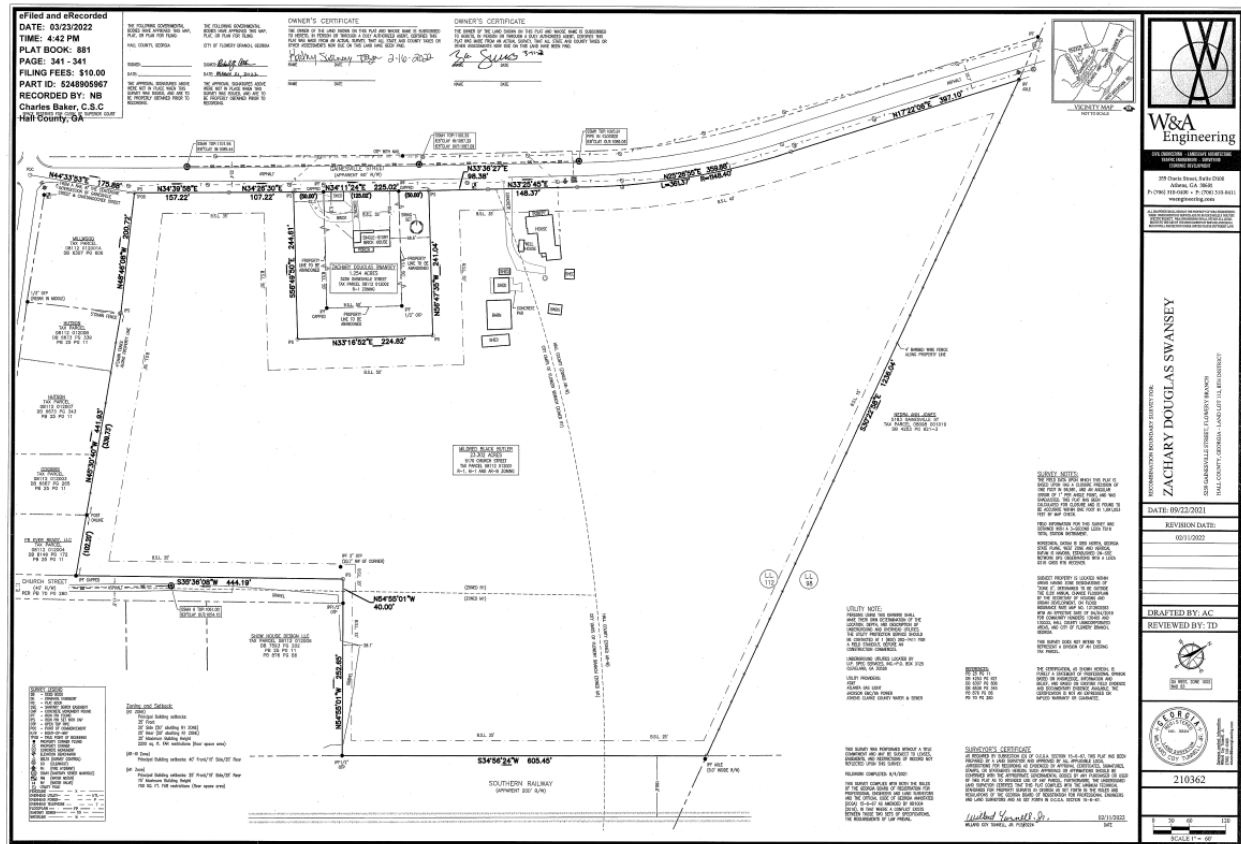
Edward R. Asbridge, Mayor

Shelia R. Cooper, City Clerk

APPROVED AS TO FORM

Ted C. Baggett, City Attorney

Exhibit “A”



Public Hearing Published 11/01/2023
Public Hearing 12/07/2023

First Reading 02/01/2024
Adopted 02/15/2024

Exhibit "B"

Overall Acreage of Property

Survey Legal Description for Parcel 08112 012001:

All that tract or parcel of land, together with improvements thereon, lying and being in Land Lot 112 / 8th District, Hall County, Georgia, containing 23.302 acres of land, more or less, and being more particularly described as:

COMMENCING at a nail at the centerline intersection of Gainesville Street (60' R/W) and Chattahoochee Street, thence North 44 degrees 33 minutes 53 seconds East with a distance of 175.88 feet to an iron pin set on the southerly right-of-way of Gainesville Street, said pin being the TRUE POINT OF BEGINNING.

Thence following along said right-of-way, North 34 degrees 39 minutes 58 seconds East with a distance of 157.22 feet to a point;
thence North 34 degrees 26 minutes 30 seconds East with a distance of 107.22 feet to an 1/2" iron pin set;
thence leaving said right-of-way and following a course bounded by the property now or formerly of Zachary Douglas Swansey, South 56 degrees 49 minutes 50 seconds East with a distance of 244.61 feet to an 1/2" iron pin set;
thence North 33 degrees 16 minutes 52 seconds East with a distance of 244.82 feet to an 1/2" iron pin set;
thence North 56 degrees 47 minutes 35 seconds West with a distance of 241.04 feet to an 1/2" iron pin set on the southerly right-of-way of Gainesville Street;
thence leaving said course and following along said right-of-way, North 33 degrees 36 minutes 27 seconds East with a distance of 98.38 feet to a point;
thence North 33 degrees 25 minutes 45 seconds East with a distance of 148.37 feet to a point;
thence following along an arc of a curve to the left, said curve having a radius of 1148.40 feet, having a chord bearing of North 25 degrees 26 minutes 55 seconds East and a chord distance of 359.88 feet, and an arc length of 361.37 feet to a point;
thence North 17 degrees 22 minutes 06 seconds East with a distance of 397.10 feet to an iron axle found;
thence leaving said right-of-way and following a course bounded by the property now or formerly of Nedra Ann Jones, South 30 degrees 22 minutes 58 seconds East with a distance of 1236.04 feet to a point on Southern Railway (200' R/W);
thence leaving said course and following along the northerly right-of-way of said railway, South 34 degrees 56 minutes 24 seconds West with a distance of 605.45 feet to an 1/2" iron pin found;
thence leaving said course and following a course bounded by the property now or formerly of Show House Design LLC., North 54 degrees 55 minutes 01 seconds West with a distance of 252.65 feet to an 1/2" iron pin found on the Easterly right-of-way of Church Street (40' R/W);
thence leaving said course and following said right-of-way, North 54 degrees 55 minutes 01 seconds West with a distance of 40.00 feet to an 1/2" iron pin set;
thence South 35 degrees 36 minutes 08 seconds West with a distance of 444.19 feet to an 1/2" iron pin found;
thence leaving said right-of-way and following a course bounded by the property now or formerly of FB Ever Ready LLC., North 45 degrees 30 minutes 40 seconds West with a distance of 102.20 feet to an 1/2" iron pin found;

Public Hearing Published 11/01/2023
Public Hearing 12/07/2023

First Reading 02/01/2024
Adopted 02/15/2024

thence leaving said course and following a course bounded by the property now or formerly of Coggins to an unspecified point, thence leaving said course and following a course bounded by the property now or formerly of Hutson, North 45 degrees 30 minutes 40 seconds West with a distance of 339.73 feet to an 1/2" iron pin set;
thence leaving said course and following a course bounded by the property now or formerly of Millwood, North 48 degrees 46 minutes 08 seconds West with a distance of 200.72 feet to the TRUE POINT OF BEGINNING.

Portion of property to be Annexed

Survey Legal Description for Parcel 08112 012001 Within Zone AR-III:

All that tract or parcel of land, together with improvements thereon, lying and being in Land Lot 112 / 8th District, Hall County, Georgia, containing 10.731 acres of land, more or less, and being more particularly described as:

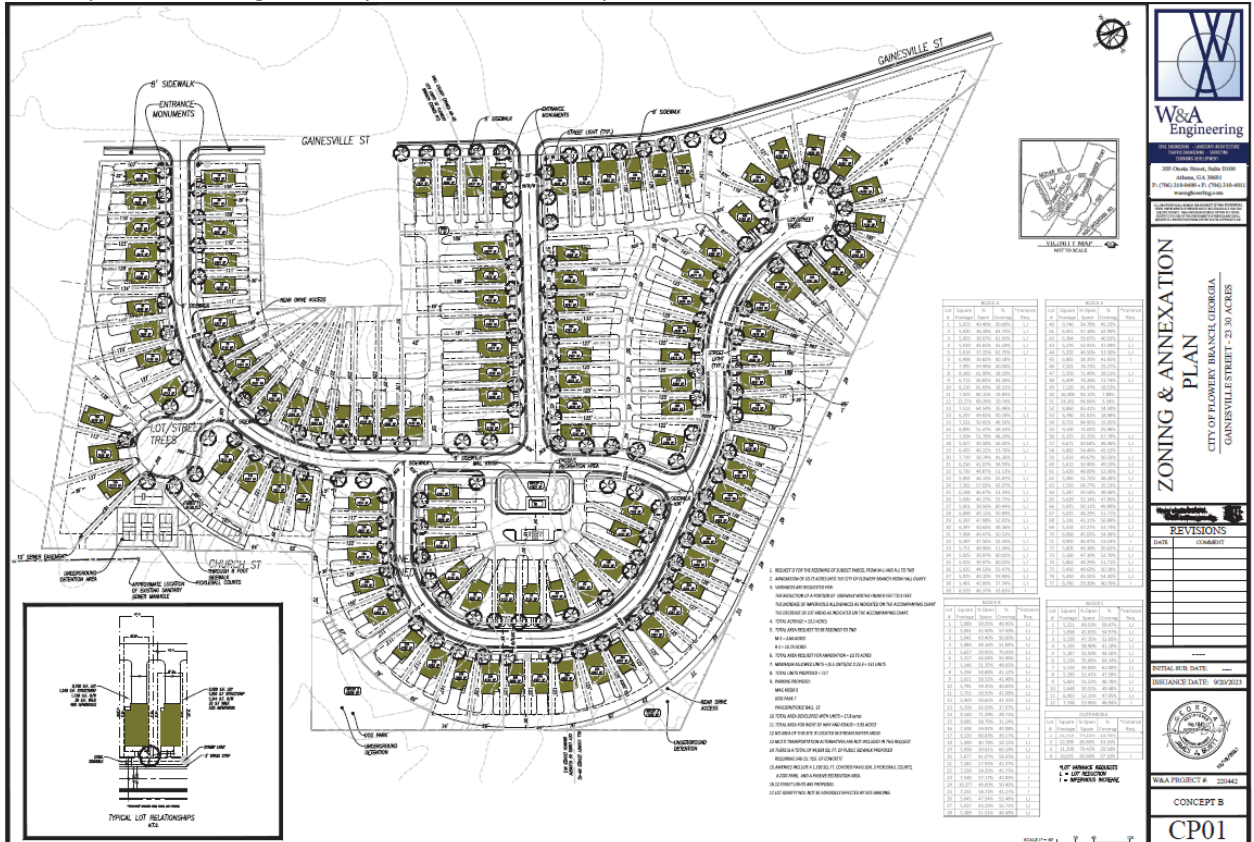
COMMENCING at a nail at the centerline intersection of Gainesville Street (60' R/W) and Chattahoochee Street, thence North 44 degrees 33 minutes 53 seconds East with a distance of 175.88 feet to an iron pin set on the southerly right-of-way of Gainesville Street;
thence following along said right-of-way, North 34 degrees 39 minutes 58 seconds East with a distance of 157.22 feet to a point;
thence North 34 degrees 26 minutes 30 seconds East with a distance of 107.22 feet to an 1/2" iron pin set;
thence North 34 degrees 11 minutes 24 seconds East with a distance of 225.02 feet to an 1/2" iron pin set;
thence North 33 degrees 36 minutes 27 seconds East with a distance of 98.38 feet to a point;
thence North 33 degrees 25 minutes 43 seconds East with a distance of 13.16 feet to a point within Hall County limits (Zoned AR-III), said point being the TRUE POINT OF BEGINNING.

Thence North 33 degrees 25 minutes 45 seconds East with a distance of 135.22 feet to a point;
thence following along an arc of a curve to the left, said curve having a radius of 1148.40 feet, having a chord bearing of North 25 degrees 26 minutes 55 seconds East and a chord distance of 359.88 feet, and an arc length of 361.37 feet to a point;
thence North 17 degrees 22 minutes 06 seconds East with a distance of 397.10 feet to an iron axle found;
thence leaving said right-of-way and following a course bounded by the property now or formerly of Nedra Ann Jones, South 30 degrees 22 minutes 58 seconds East with a distance of 1236.04 feet to a point on Southern Railway (200' R/W);
thence leaving said course and following along the northerly right-of-way of said railway, South 34 degrees 56 minutes 24 seconds West with a distance of 169.13 feet to a point;
thence leaving said right-of-way and following a course bounded by the City Limits of Flowery Branch (Zoned M1), along an arc of a curve to the left, said curve having a radius of 2597.33 feet, having a chord bearing of North 58 degrees 25 minutes 06 seconds West and a chord distance of 266.83 feet, and an arc length of 266.94 feet to a point;
thence leaving said course and following a course bounded by the City Limits of Flowery Branch (Zoned R1), along an arc of a curve to the left, said curve having a radius of 2597.33 feet, having a chord bearing of North 69 degrees 02 minutes 48 seconds West and a chord distance of 694.59 feet, and an arc length of 696.68 feet to the TRUE POINT OF BEGINNING.

Exhibit "C"

Approve the request as submitted with the following conditions:

1. Development shall significantly adhere to the site plan as shown below:



2. Project shall not exceed 117 single-family homes.
3. Variance is permitted and limited to the site plan requested. The development shall adhere to the following requirements as designated by the site plan:

1. REQUEST IS FOR THE REZONING OF SUBJECT PARCEL FROM M-1 AND R-1 TO TND
2. ANNEXATION OF 10.73 ACRES INTO THE CITY OF FLOWERY BRANCH FROM HALL COUNTY.
3. VARIANCES ARE REQUESTED FOR:
THE REDUCTION OF A PORTION OF SIDEWALK WIDTHS FROM 8 FEET TO 5 FEET.
THE INCREASE OF IMPERVIOUS ALLOWANCES AS INDICATED ON THE ACCOMPANYING CHART
THE DECREASE OF LOT AREAS AS INDICATED ON THE ACCOMPANYING CHART.
4. TOTAL ACREAGE = 23.3 ACRES
5. TOTAL AREA REQUEST TO BE REZONED TO TND
M-1 = 2.64 ACRES
R-1 = 10.73 ACRES
6. TOTAL AREA REQUEST FOR ANNEXATION = 10.73 ACRES
7. MAXIMUM ALLOWED UNITS = $(6.5 \text{ UNITS/AC} \times 23.3 = 151 \text{ UNITS})$
8. TOTAL UNITS PROPOSED = 117
9. PARKING PROVIDED:
MAIL KIOSK 6
DOG PARK 7
PAVILION/PICKLE BALL 13
10. TOTAL AREA DEVELOPED WITH UNITS = 17.8 acres
11. TOTAL AREA FOR RIGHT OF WAY AND ROADS = 3.95 ACRES
12. NO AREA OF THIS SITE IS LOCATED IN STREAM BUFFER AREAS
13. MULTI TRANSPORTATION ALTERNATIVES ARE NOT INCLUDED IN THIS REQUEST.
14. THERE IS A TOTAL OF 44,654 SQ. FT. OF PUBLIC SIDEWALK PROPOSED
REQUIRING 546 CU. YDS. OF CONCRETE
15. AMENITIES INCLUDE A 1,196 SQ. FT. COVERED PAVILLION, 3 PICKLEBALL COURTS,
A DOG PARK, AND A PASSIVE RECREATION AREA.
16. 12 STREET LIGHTS ARE PROPOSED.
17. LOT DENSITY WILL NOT BE ADVERSELY AFFECTED BY SITE GRADING.

BLOCK A				
Lot #	Square Footage	% Open	% Coverag	*Variance Req.
1	5,023	49.40%	50.60%	L,I
2	5,020	36.28%	63.72%	L,I
3	5,003	38.07%	61.93%	L,I
4	5,019	44.81%	55.19%	L,I
5	5,618	37.25%	62.75%	L,I
6	6,908	39.82%	60.18%	I
7	7,995	59.96%	40.04%	I
8	8,169	61.90%	38.10%	I
9	6,713	56.82%	43.18%	I
10	8,216	81.69%	18.31%	I
11	7,929	80.15%	19.85%	I
12	12,273	89.26%	10.74%	I
13	7,513	64.54%	35.46%	I
14	6,207	49.82%	50.18%	L,I
15	7,531	50.41%	49.59%	I
16	6,895	51.47%	48.53%	I
17	7,034	51.76%	48.24%	I
18	5,027	43.58%	56.42%	L,I
19	6,425	46.22%	53.78%	L,I
20	7,719	58.74%	41.26%	I
21	6,256	41.07%	58.93%	L,I
22	6,726	48.87%	51.13%	I
23	5,992	44.13%	55.87%	L,I
24	7,592	57.93%	42.07%	I
25	6,194	46.67%	53.33%	L,I
26	5,000	44.27%	55.73%	L,I
27	5,001	39.56%	60.44%	L,I
28	6,898	49.11%	50.89%	I
29	6,397	47.98%	52.02%	L,I
30	6,397	50.64%	49.36%	L,I
31	7,094	49.47%	50.53%	I
32	6,397	47.56%	52.44%	L,I
33	5,751	48.96%	51.04%	L,I
34	5,025	39.97%	60.03%	L,I
35	5,025	39.97%	60.03%	L,I
36	5,025	44.53%	55.47%	L,I
37	5,025	40.10%	59.90%	L,I
38	5,481	42.66%	57.34%	L,I
39	8,319	46.37%	53.63%	I

BLOCK A				
Lot #	Square Footage	% Open Space	% Coverag	*Variance Req.
40	9,746	54.78%	45.22%	
41	6,951	57.10%	42.90%	
42	6,384	59.07%	40.93%	L,I
43	5,276	52.91%	47.09%	L,I
44	5,202	46.50%	53.50%	L,I
45	6,885	58.35%	41.65%	I
46	7,201	74.73%	25.27%	
47	5,503	71.49%	28.51%	L,I
48	6,009	78.26%	21.74%	L,I
49	7,126	81.47%	18.53%	
50	16,408	92.12%	7.88%	
51	24,261	94.66%	5.34%	
52	8,860	85.41%	14.59%	
53	6,786	81.02%	18.98%	
54	8,721	84.95%	15.05%	
55	9,100	74.02%	25.98%	
56	6,325	32.22%	67.78%	L,I
57	6,671	50.64%	49.36%	L,I
58	6,882	54.48%	45.52%	I
59	5,632	49.67%	50.33%	L,I
60	5,612	50.90%	49.10%	L,I
61	5,629	48.00%	52.00%	L,I
62	5,585	51.72%	48.28%	L,I
63	7,250	64.77%	35.23%	I
64	5,347	50.54%	49.46%	L,I
65	5,628	52.14%	47.86%	L,I
66	5,925	50.11%	49.89%	L,I
67	5,025	48.29%	51.71%	L,I
68	5,191	43.11%	56.89%	L,I
69	5,534	47.27%	52.73%	L,I
70	6,068	45.02%	54.98%	L,I
71	9,905	46.97%	53.03%	I
72	5,805	49.38%	50.62%	L,I
73	5,160	47.30%	52.70%	L,I
74	5,862	48.29%	51.71%	L,I
75	5,450	49.62%	50.38%	L,I
76	5,450	45.55%	54.45%	L,I
77	6,760	59.30%	40.70%	I

BLOCK B				
Lot #	Square Footage	% Open Space	% Coverag	*Variance Req.
1	5,089	50.05%	49.95%	L,I
2	5,001	42.50%	57.50%	L,I
3	5,041	43.40%	56.60%	L,I
4	5,084	48.16%	51.84%	L,I
5	5,657	29.95%	70.05%	L,I
6	5,317	44.04%	55.96%	L,I
7	5,146	51.35%	48.65%	L,I
8	5,334	58.88%	41.12%	L,I
9	5,621	58.52%	41.48%	L,I
10	5,791	59.35%	40.65%	L,I
11	5,752	58.92%	41.08%	L,I
12	5,903	58.65%	41.35%	L,I
13	6,558	62.93%	37.07%	L,I
14	9,140	71.29%	28.71%	
15	9,085	68.76%	31.24%	
16	7,438	59.92%	40.08%	I
17	9,120	60.83%	39.17%	I
18	5,999	40.78%	59.22%	L,I
19	5,938	39.81%	60.19%	L,I
20	5,877	41.07%	58.93%	L,I
21	7,585	57.93%	42.07%	I
22	7,538	54.25%	45.75%	I
23	7,540	57.17%	42.83%	I
24	10,377	49.60%	50.40%	I
25	7,231	58.73%	41.27%	I
26	5,045	47.54%	52.46%	L,I
27	5,037	43.29%	56.71%	L,I
28	5,389	51.51%	48.49%	L,I

BLOCK C				
Lot #	Square Footage	% Open Space	% Coverag	*Variance Req.
1	5,221	49.53%	50.47%	L,I
2	5,058	45.03%	54.97%	L,I
3	5,238	47.35%	52.65%	L,I
4	5,155	58.90%	41.10%	L,I
5	5,287	55.50%	44.50%	L,I
6	5,134	35.66%	64.34%	L,I
7	5,134	39.00%	61.00%	L,I
8	5,199	52.41%	47.59%	L,I
9	5,691	51.22%	48.78%	L,I
10	5,648	50.52%	49.48%	L,I
11	6,493	52.15%	47.85%	L,I
12	7,768	53.06%	46.94%	I

OUTPARCELS				
Lot #	Square Footage	% Open Space	% Coverag	*Variance Req.
1	21,719	74.22%	25.78%	
2	22,399	85.84%	14.16%	
3	11,298	79.42%	20.58%	
4	14,031	42.84%	57.16%	I

*LOT VARIANCE REQUESTS
L = LOT REDUCTION
I = IMPERVIOUS INCREASE

4. A mandatory homeowner's association shall be established.
 - A. Alleys shall be private owned and maintained by the homeowner's association.
 - B. Roads shall be public.
 - C. The development shall be fee-simple homes for sale.
The homeowner's association must have in their bylaws that no more than ten percent (10%) of the total homes will be rental units or a rule of no more than two houses owned by one owner in the development and the owner must occupy one of the two.
 - D. Amenities are included but not limited to 3 pickleball courts, a dog park and a passive recreation area shall be owned and maintained by homeowner's association.
5. Landscaping
 - A. Typical lot landscaping design: identify type and size of trees and bushes.

Public Hearing Published 11/01/2023
Public Hearing 12/07/2023

First Reading 02/01/2024
Adopted 02/15/2024

- B. Full landscape plan shall be submitted and approved by staff prior to the issuance of a land disturbance permit.
- C. Landscaping must meet all currently adopted codes and standards.
- 6. Homes shall meet all TND and current design and architectural requirements. 13 lots on cul-de-sac will have front entries as variance.
- 7. 8' sidewalk is required along Gainesville Street.
- 8. A fence around the exterior of the property to separate it from the neighbors shall be required. Said fence will be decorative in nature and shall be approved by staff.



FLOWERY BRANCH CITY COUNCIL

EXECUTIVE SUMMARY



SUBJECT: Consider January 6, 2024 City Council Retreat Minutes

COUNCIL MEETING DATE: February 1, 2024

HISTORY:

FACTS AND ISSUES:

OPTIONS:

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

No

AMOUNT AND SOURCE OF FUNDS:

RECOMMENDATION:

SAMPLE MOTION:

COLLABORATING DEPARTMENT:

DEPARTMENT: Administration

Prepared by: Shelia Cooper

ATTACHMENTS

- [Unofficial January 6, 2024 City Council Retreat Minutes.pdf](#)



City of Flowery Branch
Saturday, January 6, 2024, 8:00AM
City of Flowery Branch City Hall
5410 Pine Street, Flowery Branch, GA 30542



CALL TO ORDER:

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

Also present were City Manager Tonya Parrish, City Clerk Shelia Cooper, Planning & Community Development Director Rich Atkinson, City Planner Yu Peng, and City Attorney Ted Baggett.

Absent: None

DISCUSSION:

Discussion of various general topics concerning planning, zoning, and land use regulation, including but not limited to council and staff duties and responsibilities in the regular process and potentially updating the City's comprehensive plan and City code.

ADJOURNMENT:

The meeting was adjourned at 3:15 p.m.

Edward R. Asbridge, Mayor

Date

Shelia Cooper, City Clerk



FLOWERY BRANCH CITY COUNCIL

EXECUTIVE SUMMARY



SUBJECT: Consider January 18, 2024 City Council Meeting Minutes

COUNCIL MEETING DATE: February 1, 2024

HISTORY:

FACTS AND ISSUES:

OPTIONS:

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

No

AMOUNT AND SOURCE OF FUNDS:

RECOMMENDATION:

SAMPLE MOTION:

COLLABORATING DEPARTMENT:

DEPARTMENT: Administration

Prepared by: Shelia Cooper

ATTACHMENTS

- [Unofficial January 18, 2024 City Council Meeting Minutes.pdf](#)



**City of Flowery Branch
City Council Meeting
Thursday, January 18, 2024, 6:00 PM
City of Flowery Branch City Hall
5410 Pine Street, Flowery Branch, GA 30542**



CALL WORK SESSION TO ORDER:

Mayor Asbridge called the council meeting to order at 6:01p.m.

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

Also present were City Manager Tonya Parrish, Assistant City Clerk Nancy Rodriguez, Planning and Community Development Director Rich Atkinson, Finance Director Matt Hamby, Human Resources Director Krystle Hightower, Police Chief Chris Hulse, and City Attorney Ted Baggett.

Absent: Council Member William McDaniel

PLEDGE OF ALLEGIANCE:

Mayor Asbridge led the Pledge of Allegiance.

ADOPTION OF AGENDA:

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

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

AWARDS & RECOGNITIONS: There were no awards or recognitions.

NEW BUSINESS -WORK SESSION:

Consider Beer, Wine, and Distilled Spirits Alcohol License for Eat Grt LLC, DBA: Caroline's On Main located at 5518 Main Street.

Court Administrator Kelsey Cash presented a beer, wine and distilled spirits alcohol license for Eat Grt, LLC., dba: Caroline's On Main located at 5518 Main Street. Caroline's on Main has 6 owners, with Nick and Allison St. Clair having majority of the ownership. The St. Clair's own 2

other locations that sell alcohol within the city limits of Flowery Branch and there have been no alcohol violations with either of those locations. The application has been processed and reviewed and everything is in order for Council's approval.

Council held a discussion with Administrator Cash.

DEPARTMENT REPORTS:

Police Department Report: Police Chief Husley reported that Hall County Sheriff's Office called Flowery Branch Police Department to back them on a call at Aqualand Marina for two citizens drowning. Officer McEachern responded and was able to save both citizens by throwing a rope at them. Officer McEachern will be receiving an award for his efforts on this call.

Council Report:

Council Member Anglin reported his Skills USA criminal justice students from Cherokee Bluff School met with some of the Flowery Branch Officers recently and shared his excitement that the students felt meeting the officers and working with the Flowery Branch Explorers Program.

ADJOURNMENT WORK SESSION:

Mayor Asbridge adjourned the work session at 6:09 p.m.

VOTING SESSION AGENDA

CALL VOTING SESSION TO ORDER:

Mayor Asbridge called the voting session to order at 6:09 p.m.

PUBLIC COMMENTS:

Mark Webber, 6114 Stella Lights Drive, Flowery Branch, Georgia

Mr. Weber wanted to discuss the streets in the City. He is concerned about the railroad crossing at Lights Ferry and the condition of the crossing. He is concerned about Gaines Ferry Road with the narrow streets and he would like to see the road widened.

CONSENT AGENDA:

- Consider January 4, 2024 City Council Meeting Minutes
- Consider January 4, 2024 Executive Session Minutes

There was a motion made to approve the consent agenda as presented.

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

NEW BUSINESS - VOTING SESSION:

Consider Beer, Wine, and Distilled Spirits Alcohol License for Eat Grt LLC, DBA: Caroline's On Main located at 5518 Main Street.

There was a motion made to approve the beer, wine, and distilled spirits alcohol license for Eat Grt, LLC, dba: Caroline's On Main located at 5518 Main Street.

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

EXECUTIVE SESSION:

There was a motion made to enter executive session for matters related to pending or potential litigation, matters related to the acquisition/disposition of real estate and for matters related to certain personnel issues at 6:16 p.m.

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

There was a motion made to exit executive session at 6:36 p.m.

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

ADJOURNMENT:

There was a motion made to adjourn the meeting at 6:36 p.m.

MOTION: Chris Mundy

SECOND: Oliver McClellan

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

NAYS: None

Motion carried

Edward R. Asbridge, Mayor

Date

Shelia Cooper, City Clerk



FLOWERY BRANCH CITY COUNCIL

EXECUTIVE SUMMARY



SUBJECT: Consider January 18, 2024 Executive Session Minutes

COUNCIL MEETING DATE: February 1, 2024

HISTORY:

FACTS AND ISSUES:

OPTIONS:

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

No

AMOUNT AND SOURCE OF FUNDS:

RECOMMENDATION:

SAMPLE MOTION:

COLLABORATING DEPARTMENT:

DEPARTMENT: Administration

Prepared by: Shelia Cooper

ATTACHMENTS

•



FLOWERY BRANCH CITY COUNCIL

EXECUTIVE SUMMARY



SUBJECT: Consider the Second Reading of Ordinance 702 for a Rezoning Request submitted by Edge City Properties.

COUNCIL MEETING DATE: February 1, 2024

HISTORY:

Rezone a 14.158 +/- acre tract of land known as 5416 and 5408 Gainesville Street and described as tax parcel identification numbers 08112 027026 and 08112 027044 from Residential, Detached Single Family, Low-Density District (R-1) to Residential, Detached Single Family(R-2) with the intent to develop and construct forty (40) single family detached homes. The request to rezone to R-2 also includes variance requests.

FACTS AND ISSUES:

Rezone a 14.158 +/- acre tract of land known as 5416 and 5408 Gainesville Street and described as tax parcel identification numbers 08112 027026 and 08112 027044 from Residential, Detached Single Family, Low-Density District (R-1) to Residential, Detached Single Family(R-2) with the intent to develop and construct forty (40) single family detached homes. The request to rezone to R-2 also includes variance requests.

OPTIONS:

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

No

AMOUNT AND SOURCE OF FUNDS:

RECOMMENDATION:

Work Session and Second Read and Vote

SAMPLE MOTION:

COLLABORATING DEPARTMENT:

DEPARTMENT: Planning

Prepared by: Shelia Cooper

ATTACHMENTS

- [01 Edge City Zoning Package 14.158 Acres 10.20.2023.pdf](#)
- [Staff Report 5416 and 5408 Gainesville Street_Comments.pdf](#)
- [Ordinance 702 - Rezoning 5416 & 5408 Gainesville Street - Edge City Properties.pdf](#)



REZONING APPLICATION

Date: October 17, 2023

Address of Request:

5416 and 5408 Gainesville Street, Flowery Branch, GA 30542

Tax Map # 08112 027026, 08112 027044 **Current Zoning:** R-1

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

Currently a conforming use? Yes

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

Applicant Information

Name: Edge City Properties, Inc., C/O Kenneth J. Wood at Planners and Engineers Collaborative, Inc.

Address: 350 Research Court, Peachtree Corners, GA 30092

E-mail address: kwood@pec.plus

Phone number: 770-451-2741

Signature: 

Notary:



Ken Wood
6/17/2023



Property owner information (if different than the applicant)

Property owner (please print): The Evelyn Bagwell Revocable Trust

Signature of property owner: Nedra Ann Jones Executor

Notary:



Ashley Nichole Young

Property Information

Tax Map Number: 0811 2 027026

Current Zoning: R-1 Total Acres: +/-13.68

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

Proposed City of Flowery Branch Zoning: R-2

Current Use: R-1

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

Please provide the following at time of submittal in (one hard copy and digitally):

- Legal description
- Current survey of property



Property owner information (if different than the applicant)

Property owner (please print): Evelyn B. Jones

Signature of property owner: Nedra Ann Jones Executor

Notary:



Ashley Nichole Young

Property Information

Tax Map Number: 08112 027044

Current Zoning: R-1 Total Acres: +/-0.49

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

Proposed City of Flowery Branch Zoning: R-2

Current Use: R-1

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

Please provide the following at time of submittal in (one hard copy and digitally):

- Current survey of property



- Site plan shall meet the requirements of the Flowery Branch Code of Ordinances; Appendix C, "Zoning Ordinance", Article 34 sections 34.5
- Development statistics per the Flowery Branch Code of Ordinances; Appendix C, "Zoning Ordinance", Article 34 sections 34.6
- Analysis requirements per the Flowery Branch Code of Ordinances; Appendix C, "Zoning Ordinance", Article 34 sections 34.7
- Detailed description of request
- Conflict of interest disclosure (attached)
- Disclosure of campaign contributions (attached)
- Names and addresses of adjoining property owners
- Reasons for requesting rezoning
- Signed statement authorizing City of Flowery Branch staff and/or City Council to inspect the subject property

Conflict of Interest Disclosure

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

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

None

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

None

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

None



Disclosure of Campaign Contributions

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

Elected Officials Name

Amount of Description of Gift

NONE

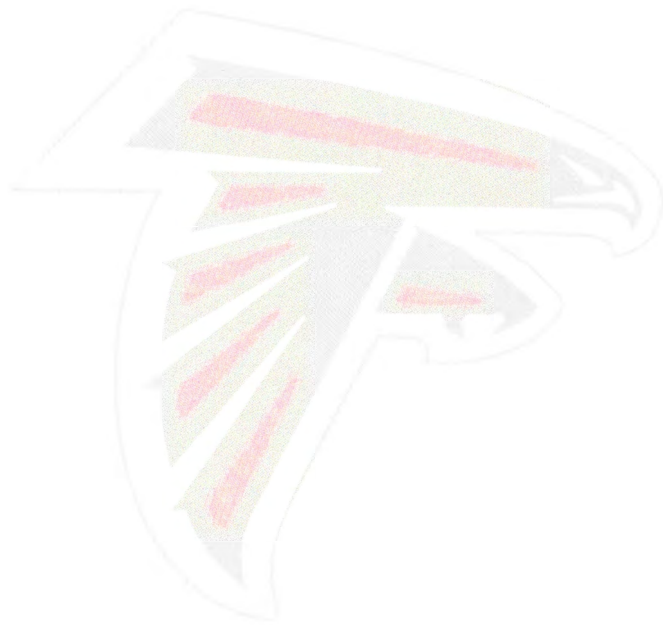
NONE

_____	_____
_____	_____

CITY STAFF ONLY

Application Received By: _____

Date: _____ Total Fee: _____





October 17, 2023

Rich Atkinson, Director
Planning & Community Development
City of Flowery Branch
5410 Pine Street
Flowery Branch, GA 30542

Re: LETTER OF INTENT FOR REZONING APPLICATION FOR 5416 and 5408 GAINESVILLE STREET (Parcel 08112 027026 and 08112 027044)

Dear Director Atkinson:

Edge City Properties, Inc. (the "Applicant") submits this Letter of Intent and attached Rezoning Application (the Application) for the purpose of rezoning to the R-2, Residential, Detached Single Family District zoning classification +/- 14.158 acres of land (the "Property") situated on Gainesville Street at Spring Street. The acreage is two combined parcels on the west side Gainesville Street in the southwestern portion of Hall County in the City of Flowery Branch. The Property has a residential home with the remaining portion being mostly pasture and is currently zoned R-1 with convenient access to the downtown area of Flowery Branch.

The Applicant proposes to develop the Property to contain a single-family residential community including a total of 40 detached single-family homes at a size, quality and price commensurate with or exceeding existing homes in the surrounding area. The Property is adjacent to a PUD residential development on three sides to the west, north and south and further surrounded by R-1 residential uses on small lots.

The proposed homes will include a mixture of two-story detached homes including two-car garages. The homes would be a mixture of front entry and rear entry garages to compliment the site topography. The front façade of the proposed homes would be constructed of a mixture of brick, stone, and/or fiber-cement shake/siding (including board and batten). The proposed development would also contain a pocket park and green space area for the use of the residents. The proposed development is in the Suburban Residential character area of the City of Flowery Branch Comprehensive Plan 2041. The site is bordered by the Old Town Character area to the south which encourages higher densities to support the downtown revitalization. A more dense residential housing supply will provide critical economic support to downtown shops and restaurants.

The proposed development would be a quality development that is compatible with development in the surrounding area. The homes proposed would contain a minimum of 2,000 square feet. The proposed development will preserve important state waters which border the property to the west in a rapidly-growing area in the City of Flowery Branch. The Gainesville

Street frontage will have sidewalks installed to further advance the Comprehensive Plan by increasing the walkability of the area into the City's downtown area.

Further, surrounding development and existing uses would not face major negative impacts as a result of the proposed development in part because of the substantial buffering and setback requirement of the City's Zoning Resolution.

The Applicant and its representatives welcome the opportunity to meet with staff of the City of Flowery Branch to answer any questions or to address any concerns relating to the matters set forth in this letter or in the Rezoning Application filed herewith.

The Applicant respectfully request your approval of this Application.

Sincerely,

A handwritten signature in blue ink, appearing to read "Mike Dye", is positioned above the typed name.

Michael K. Dye
President
Edge City Properties, Inc. as Applicant

**City of Flowery Branch Rezoning Application
REQUEST FOR STATISTICAL INFORMATION
5416 and 5408 Gainesville Street Rezoning
Application**

1. Value of improvements at buildout:
 - Single Family Detached Homes 40 x \$600,000 = \$24,000,000
 - Total Value of Development \$24,000,000
2. Property tax revenue at buildout: (based on 40% of Total Value is \$9,600,000)
 - Hall County - \$ 236,832 (millage rate of 24.67)
 - City of Flowery Branch - \$31,334 (millage rate of 3.264)
3. Schedule of construction:
 - Design/Permitting: 1/1/2024 to 6/30/2024
 - Land Development/Plat: 7/1/2024 to 1/1/2025
 - Home Construction and Sales 1/1/2025 to 6/30/2026
4. Anticipated total square footage per unit:
 - 2,000 sf minimum
5. Total acreage to be developed:
 - 11.89 acres in total
6. The Single Family Tract will contain approximately 2.31 +/- acres private roads and utility easements.
7. The Single Family Tract will contain approximately 4.75 +/- acres of open space/common area to be maintained by the HOA to be established.
8. The Single Family Tract will contain approximately TBD acres of buffer and watershed protection.
 - A) The impervious buffer is applicable to this tract.
 - B) No property lines may extend into the undisturbed stream buffer.
 - C) The developer intends to utilize private streets to conform to the City's development code for front entry homes. The developer will dedicate storm sewer easements to the City of Flowery Branch as appropriate.
9. Transportation alternatives:
 - The Single Family Tract will have sidewalks along the frontage along Gainesville Street to utilize walkability to the City's downtown area.

10. Amenities for Single Family tract total approximately 3.02 +/- acres and will include the following:
 - Pocket Park
 - Green Space Area
11. A minimum of TBD are planned for the Single Family Tract with a maximum spacing of 150 feet.
12. The Single Family Tract will include approximately 4,100 linear feet of sidewalk containing approximately 447 cubic yards of concrete.
13. Homes in the Single Family Tract will have access to high speed internet to the extent available from the service provider.
14. The Single Family Tract will contain areas for providing detention, water quality and stream protection.
15. A traffic study has not yet been commissioned.
16. There are no provisions for utilization and storage of reuse water in this plan.
17. The Single Family Tract, as proposed, will generate approximately 14,000 (350 gpd x 40 units) gallons per day of wastewater flow.
18. The maximum daily water consumption is approximately 14,000 gallons per day. Low flow fixtures are required by the development.
19. A preliminary design has been completed in order to evaluate the proposed density. The site does not contain slopes 24% or greater.
20. Public safety requirements related to life safety codes have been considered in the concept design.
21. The Hall County school system will be provided density and build out projections for the entirety of the community.
22. Copies of master covenants and guidelines will be filed and recorded prior to recordation of the initial final plat.

Sec. 34.7. - Analysis Requirements.

- (a) Whether the proposal will permit a use that is suitable in view of the use and development of adjacent and nearby property. The proposed rezoning will permit a use that is suitable in view of the use and development of adjacent and nearby properties. The proposed development is a single-family residential neighborhood that will conserve important natural areas.
- (b) Whether the proposal will adversely affect the existing use or usability of adjacent or nearby property. The proposed rezoning will not adversely affect the existing use or usability of any of the nearby properties. The proposed development is compatible with surrounding development.
- (c) Whether the property to be affected by the proposal can be used in accordance with the existing regulations and has a reasonable economic use as currently zoned. The current R-1 zoning is not a reasonable economic use.
- (d) Whether the proposal will result in a use which will or could cause an excessive or burdensome use of existing streets, transportation facilities, utilities, or schools. The proposed rezoning will not result in an excessive or burdensome use of the infrastructure. The subject property is located on Gainesville Street with access to all utilities. Further, the relatively low development density will not overly burden the infrastructure system.
- (e) Whether the proposal is in conformity with the policy and intent of the comprehensive plan including but not limited to the character area map and future land use plan map. The proposed rezoning should be appropriate when reviewing the Future Land Use character area of the Property. In addition, the adjacent parcel contiguous to the south are part of the Old Town Character Area and should allow a more intensive zoning. The installation of sidewalks along Gainesville Street will increase walkability to the City's downtown area which is a theme goal in the Comprehensive Plan.
- (f) Whether there are other existing or changing conditions affecting the use and development of the property which give supporting grounds for either approval or disapproval of the proposal. The proposed rezoning is in conformity with the policy and intent of the City's Comprehensive Plan. The low-density R-1 zoning is no longer appropriate, and the property is well served as a single-family residential use and is adjacent to a higher density PUD.
- (g) Existing use(s) and zoning of the subject property and nearby properties. The existing use is a single-family home. The property is predominately surrounded by a PUD (to the west, north and south) and R-1 on the Gainesville Street frontage.
- (h) Existing value of the property under the existing zoning district classification, the extent to which the property value of the subject property is diminished by the existing zoning district, and the value of the property under the proposed zoning district; if such information is provided by the applicant or can be discerned. This consideration may include the length of time the property has been vacant or unused as currently zoned and efforts taken by the property owner(s) to use the property or sell the property under the existing zoning district classification. The current R-1 zoning is not a reasonable economic use. The Property is one of the larger tracts in the area and not appropriate for the larger lot sizes and lower density of R-1.
- (i) Whether a proposed zoning map amendment or conditional use approval will be a deterrent to the value or improvement of development of adjacent property in accordance with existing regulations. The proposed rezoning is appropriate with surrounding uses and should be eligible for a higher density given its proximity to the Old Town Character Area which encourages higher densities and increases the viability of the downtown redevelopment.
- (j) The possible creation of an isolated zoning district unrelated to adjacent and nearby districts. The proposed rezoning will not create an isolated zoning district and will complement the surrounding uses.

- (k) Possible effects of the change in zoning district map, or change in use, on the character of a zoning district. *The proposed rezoning will not negatively impact the character area of the zoning district.*
- (l) The possible impact on the environment, including but not limited to, drainage, soil erosion and sedimentation, flooding, air quality and water quality. *The proposed rezoning use will not negatively impact the environment and will produce a quality residential use with careful consideration given to responsibly develop with no negative impact on the environment.*
- (m) The relation that the proposed map amendment or conditional use bears to the purpose of the overall zoning scheme and the purposes of this Zoning Ordinance. *The proposed rezoning is in full compliance with the overall zoning scheme and purposes of the Zoning Ordinance. This proposal will protect and appreciate the surrounding properties while increasing the quality of the City's housing supply.*

**Adjacent Property Owners to 5416 and 5408 Gainesville Street: Source Hall County
qPublic.net and City of Flowery Branch Official Zoning Map dated 2016**

1. [SUMMIT LAKE HOMEOWNERS ASSOCIATION, INC.](#)
1630 MILITARY CUT-OFF ROAD
SUITE 218
WILMINGTON, NC 28403
PUD
2. EDWIN ANDRES QUITIAN RUIZ
6030 TRUMPET FLOWER AVENUE
FLOWERY BRANCH, GA 30542
PUD
3. LINDSAY MARIE COLE
KEMP, JEAN E. & COLE, CHANDLER BROOKS
6034 TRUMPET FLOWER AVENUE
FLOWERY BRANCH, GA 30542
PUD
4. WESLEY AARON NEWTON
NEWTON MARILYN MONTEMAYOR
6038 TRUMPET FLOWER AVENUE
FLOWERY BRANCH, GA 30542
PUD
5. ETHAN PEARCE HEISEY
HEISEY, MEGAN NICOLE
6042 TRUMPET FLOWER AVENUE
FLOWERY BRANCH, GA 30542
PUD
6. CHARLES NORMAND WILSON
TENNIS, KATIE ELIZABETH
6046 TRUMPET FLOWER AVENUE
FLOWERY BRANCH, GA 30542
PUD
7. LISA MADELEINE COZZA
COZZA ROBERT JUDE
6050 TRUMPET FLOWER AVENUE
FLOWERY BRANCH, GA 30542
PUD
8. WIDJAJA SULISTIO
TJIPTOKUSUMO DEVI YONASIS
6054 TRUMPET FLOWER AVENUE
FLOWERY BRANCH, GA 30542
PUD
9. ANTHONY RICHARD BARRIOS PINA
PINERO LISBETH M ARRIETA
6058 TRUMPET FLOWER AVENUE
FLOWERY BRANCH, GA 30542
PUD

10. DEIVI ALFREDO VILLEG ROSADO
6062 TRUMPET FLOWER AVENUE
FLOWERY BRANCH, GA 30542
PUD
11. [MAOQIAO YANG](#)
XUE, JIA
5765 BRIDLETON CROSSING
SUWANEE, GA 30024
PUD
12. MARIA M. BELLO HERNANDEZ
HERNANDEZ PRICE, MARIA M.
6070 TRUMPET FLOWER AVE
FLOWERY BRANCH, GA 30542
PUD
13. CALVIN ARTHUR TANNER
5504 GAINESVILLE STREET
GAINESVILLE, GA 30542
R-1
14. [JERRY DAVID TANNER](#)
TANNER SUE A
5504 GAINESVILLE ST
FLOWERY BRANCH, GA 30542
R-1
15. FREDERICK PETER PHEIL
P. O. BOX 338
RUBY, SC 29741
R-1
16. HARVEY FAMILY HOLDINGS, LLC
4940 BOWMAN PARK POINT
CUMMING, GA 30041
PUD

Authorization to Inspect Property

I hereby authorize the City of Flowery Branch Staff and/or City Council to inspect the Property located at 5416 and 5408 Gainesville Street, Flowery Branch, Georgia for the purpose of a evaluating a Rezoning Application.

Nedra Ann Jones Executor
THE EVELYN BAGWELL REVOCABLE TRUST
Nedra Ann Jones Executor
EVELYN B. JONES

CLOSURE STATEMENT

THE FIELD DATA UPON WHICH THIS PLAT IS BASED HAS AN ANGULAR ERROR OF 3 SECONDS PER ANGLE POINT AND A PRECISION RATIO OF 1 IN 61,990. IT HAS BEEN ADJUSTED USING THE COMPASS RULE.

THE DATA SHOWN ON THIS PLAT HAS A CLOSURE PRECISION RATIO OF 1 IN 413,936.

GENERAL NOTES

EQUIPMENT USED TO OBTAIN THESE MEASUREMENTS WAS A TRIMBLE S3 TOTAL STATION.

BEARINGS ARE CALCULATED FROM ANGLES TURNED FROM A SINGLE GRID BASELINE.

THE DATUM FOR THIS SITE WAS ESTABLISHED UTILIZING GLOBAL POSITIONING SYSTEMS AND BASED ON POSITIONAL VALUES FOR THE VIRTUAL REFERENCE STATION NETWORK DEVELOPED BY eGPS SOLUTIONS. THE HORIZONTAL REFERENCE FRAME IS NORTH AMERICAN DATUM OF 1983(HARN)-STATE PLANE COORDINATE SYSTEM OF GEORGIA-WEST ZONE. THE VERTICAL REFERENCE FRAME IS NORTH AMERICAN VERTICAL DATUM OF 1988. ANY DIRECTIONS OR DIMENSIONS SHOWN ARE A RECTANGULAR, GROUND LEVEL PROJECTION OF THE STATE PLANE COORDINATE SYSTEM.

DATE OF FIELD WORK: 4/15/2022

ALL IRON PINS SET ARE 1/2" REBARS CAPPED WITH "GUNNIN LSF 1033" UNLESS OTHERWISE NOTED.

BY GRAPHIC PLOTTING ONLY, NO PORTION OF THIS SITE IS SHOWN TO BE WITHIN THE LIMITS OF A 100 YR. FLOOD HAZARD AREA AS PER F.I.R.M. CITY OF FLOWERY BRANCH, HALL COUNTY, GEORGIA AND INCORPORATED AREAS, COMMUNITY PANEL NUMBER 13139C0283G DATED 4/4/2018.

ALL MATTERS OF TITLE EXCEPTED.

THIS SURVEY WAS PREPARED WITHOUT THE BENEFIT OF A TITLE SEARCH. THERE MAY BE EASEMENTS OR OTHER ENCUMBRANCES THAT ARE NOT SHOWN.

THE SURVEY AND PLAT SHOWN HEREON IS NOT INTENDED FOR USE OR RELIANCE BY ANY PARTIES OR ENTITIES NOT SPECIFICALLY LISTED IN THE TITLE. UNAUTHORIZED THIRD PARTIES SHALL INDEMNIFY AND HOLD GUNNIN LAND SURVEYING, LLC HARMLESS AGAINST ANY AND ALL LIABILITY FOR ANY LOSS ARISING OUT OF, OR RELATED TO, RELIANCE BY ANY THIRD PARTY ON ANY WORK PERFORMED THEREUNDER, OR THE CONTENTS OF THE SURVEY.

THE UNDERGROUND UTILITIES WERE ONLY MARKED FOR A PORTION OF THIS SITE AND ARE SHOWN HEREON BASED ON LOCATION OF MARKINGS PROVIDED BY:

UTILISURVEY, LLC
154 GRANT ROAD
FAYETTEVILLE, GEORGIA 30215
TEL. (404.312.6912)

THE UNDERGROUND UTILITIES (EXCEPT THE LOCATION OF EXISTING DRAINAGE, SEWER AND IRRIGATION UTILITIES AS WELL AS UNDERGROUND STORAGE TANKS) WERE LOCATED BY UTILISURVEY, LLC, UTILIZING RADIO FREQUENCY TECHNIQUE. THIS TECHNIQUE IS CAPABLE OF LOCATING METALLIC UTILITIES AND TRACER WIRES. ANY NON-METALLIC UTILITIES (WITHOUT TRACER WIRE) ARE NOT LOCATED. THE SURVEYOR MAKES NO GUARANTEES THAT THE UNDERGROUND UTILITIES SHOWN COMPRISE ALL SUCH UTILITIES IN THE AREA, EITHER IN-SERVICE OR ABANDONED. UNDERGROUND UTILITIES NOT OBSERVED OR LOCATED UTILIZING THIS TECHNIQUE MAY EXIST ON THIS SITE BUT NOT BE SHOWN, AND MAY BE FOUND UPON EXCAVATION. THE SURVEYOR FURTHER DOES NOT WARRANT THAT THE UNDERGROUND UTILITIES SHOWN ARE IN THE EXACT LOCATION INDICATED ALTHOUGH THE SURVEYOR DOES CERTIFY THAT THEY ARE LOCATED AS ACCURATELY AS POSSIBLE FROM THE INFORMATION AVAILABLE. INFORMATION REGARDING MATERIAL AND SIZE OF UTILITIES IS BASED ON RECORDS ACQUIRED FROM THE UTILITY OWNERS.

SITE ADDRESS IS LISTED AS:
5416 GAINESVILLE STREET
FLOWERY BRANCH, GA 30542

THE CURRENT PARCEL IDENTIFICATION NUMBER IS 08112 027026.

REFERENCE #1: BOUNDARY SURVEY FOR EVELYN B. JONES, PREPARED BY PATTON LAND SURVEYING, DATED MARCH 2, 2006, AND LAST REVISED ON FEBRUARY 21, 2012.

SYMBOL LEGEND

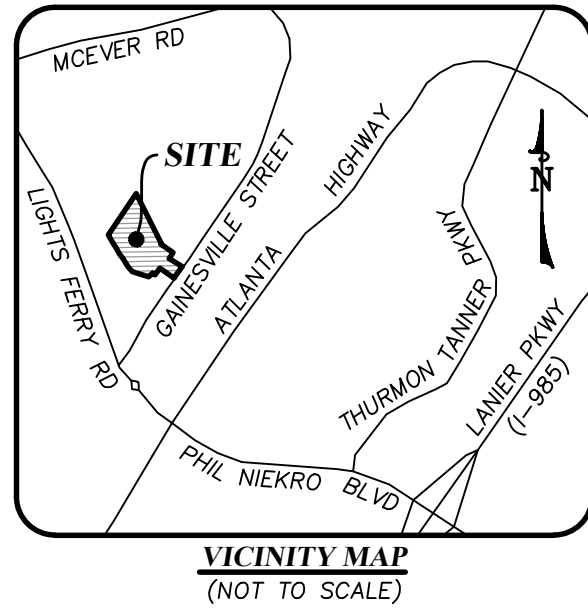
- 1/2" REBAR FOUND
- 1/2" REBAR SET
- RIGHT-OF-WAY MONUMENT FOUND
- ADJOINING LOT NUMBER
- LOT NUMBER
- LAND LOT NUMBER
- AIR CONDITIONING UNIT
- BENCHMARK
- SIGN
- HANDHOLE
- CABLE TV BOX
- CABLE TV MANHOLE
- CABLE TV PEDESTAL
- ELECTRIC BOX
- ELECTRIC MANHOLE
- ELECTRIC METER
- ELECTRIC PEDESTAL
- GUY WIRE AND ANCHOR
- LIGHT POLE (LP)
- POWER POLE (PP)
- SERVICE POLE
- TRANSFORMER
- GAS MANHOLE
- GAS VALVE
- GAS METER
- SANITARY SEWER CLEAN OUT
- SANITARY SEWER MANHOLE
- STORM SEWER CLEAN OUT
- DOUBLE WING CATCH BASIN
- SINGLE WING CATCH BASIN
- CURB INLET
- DROP INLET
- FLARED END SECTION
- HEADWALL
- JUNCTION BOX
- WEIR INLET
- YARD INLET
- TELEPHONE BOX
- TELEPHONE MANHOLE
- TELEPHONE PEDESTAL
- PEDESTRIAN SIGNAL POLE
- TRAFFIC SIGNAL BOX
- TRAFFIC SIGNAL POLE
- FIRE DEPARTMENT CONNECTION
- FIRE HYDRANT
- IRRIGATION CONTROL VALVE
- WATER MANHOLE
- WATER METER
- WATER VALVE
- WATER VAULT

ABBREVIATIONS

- A.E. ACCESS EASEMENT
- B.C. BACK OF CURB
- B.M. BENCHMARK
- B.S.L. BUILDING SETBACK LINE
- C.&G. CURB AND GUTTER
- C.L. CENTERLINE
- C.L.F. CHAIN LINK FENCE
- C.M.F. CONCRETE MONUMENT FOUND
- C.M. CONCRETE
- C.T.P. CRIMPED TOP PIPE
- D.B. DEED BOOK
- D.E. DRAINAGE EASEMENT
- E.X. EXISTING
- E.P. EDGE OF PAVEMENT
- F.E. FENCE
- F.L. LAND LOT LINE
- I.L.L. LAND LOT LINE
- O.T.P. OPEN TOP PIPE
- P.B. PLAT BOOK
- P.G. PAGE
- P.O.B. POINT OF BEGINNING
- P.O.C. POINT OF COMMENCEMENT
- P.R. PROPOSED
- R/W RIGHT OF WAY
- S.S. SANITARY SEWER
- S.S.E. SANITARY SEWER EASEMENT
- P.L. PROPERTY LINE
- S.S.M.H. SANITARY SEWER MANHOLE
- U.E. UTILITY EASEMENT
- C.I. CURB INLET
- D.I. DROP INLET
- D.W.C.B. DOUBLE WING CATCH BASIN
- F.E.S. FLARED END SECTION
- H.W. HEADWALL
- J.B. JUNCTION BOX
- O.C.S. OUTLET CONTROL STRUCTURE
- S.W.C.B. SINGLE WING CATCH BASIN
- W.I. WEIR INLET
- Y.I. YARD INLET
- C.M.P. CORRUGATED METAL PIPE
- D.I.P. DUCTILE IRON PIPE
- H.D.P.E. HIGH DENSITY POLYETHYLENE PIPE
- P.V.C. POLYVINYL CHLORIDE PIPE
- R.C.P. REINFORCED CONCRETE PIPE
- V.C.P. VITRIFIED CLAY PIPE

LINE TYPE LEGEND

- ADJOINING PROPERTY LINE
- RIGHT-OF-WAY CENTERLINE
- CREEK CENTERLINE
- LAND LOT LINE
- METAL FENCE
- WIRE FENCE
- WOOD FENCE
- RAILROAD TRACK
- OVERHEAD UTILITY LINE
- UNDERGROUND CABLE TV LINE
- UNDERGROUND ELECTRIC LINE
- UNDERGROUND FIBER OPTIC LINE
- UNDERGROUND GAS PIPE
- UNDERGROUND SANITARY SEWER PIPE
- UNDERGROUND STORM SEWER PIPE
- UNDERGROUND STREET LIGHTING LINE
- UNDERGROUND TELEPHONE LINE
- UNDERGROUND TRAFFIC LINE
- UNDERGROUND WATER PIPE



BOUNDARY SURVEY FOR:
EDGE CITY PROPERTIES, INC.

LOCATED IN LAND LOT 112
8th DISTRICT
CITY OF FLOWERY BRANCH
HALL COUNTY, GEORGIA
JULY 13, 2022

G U N N I N
S U R V E Y

141 Railroad Street, Suite 116
Canton, Georgia 30114
www.gunninsurvey.com
678.880.7502
Georgia LSF 000035 - Gunnin Land Surveying, LLC



DRAWN BY: JZC
CHECKED BY: ZRW

PROJECT NO. 22016

SHEET 1 OF 1

TOTAL AREA=
14.158 ACRES

SURVEYOR'S CERTIFICATE (STATE OF GEORGIA)

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

ZACHARY R. WEISEL, GA RLS NO. 3473

07/13/22

DATE

Legal Description – Gainesville Street 5416

All that tract or parcel of land lying and being in Land Lot 112 of the 8th District, City of Flowery Branch, Hall County, Georgia, and being more particularly described as follows:

BEGINNING at a 7/8" open-top pipe found at the southernmost corner of Lot 315 of Summit Lake Subdivision Phase 2, as recorded in Plat Book 879, Page 291 of Hall County, Georgia records;
Thence South 47 Degrees 11 Minutes 34 Seconds West a distance of 12.12 feet to a 1-1/2" open-top pipe found;
Thence South 56 Degrees 43 Minutes 56 Seconds East a distance of 428.58 feet to a point at the northwesterly right of way of Gainesville Street (40' R/W);
Thence along said right of way the following courses and distances:
South 34 Degrees 47 Minutes 24 Seconds West a distance of 89.96 feet to a point;
South 34 Degrees 03 Minutes 03 Seconds West a distance of 205.02 feet to a 1/2" rebar set;
Thence leaving said right of way North 55 Degrees 23 Minutes 46 Seconds West a distance of 245.63 feet to a 1" crimped-top pipe found;
Thence South 34 Degrees 45 Minutes 05 Seconds West a distance of 116.68 feet to a 1" crimped-top pipe found;
Thence North 54 Degrees 29 Minutes 24 Seconds West a distance of 41.81 feet to a 1-1/2" open-top pipe found;
Thence South 47 Degrees 05 Minutes 07 Seconds West a distance of 81.36 feet to a 1" open-top pipe found;
Thence North 72 Degrees 29 Minutes 07 Seconds West a distance of 242.41 feet to a 1/2" rebar found;
Thence North 43 Degrees 30 Minutes 24 Seconds West a distance of 95.73 feet to a 1/2" rebar found;
Thence North 32 Degrees 22 Minutes 01 Seconds West a distance of 138.08 feet to a 1/2" rebar found;
Thence North 37 Degrees 39 Minutes 04 Seconds West a distance of 77.21 feet to a 1/2" rebar found;
Thence North 30 Degrees 22 Minutes 11 Seconds West a distance of 102.03 feet to a 1/2" rebar found;
Thence North 31 Degrees 48 Minutes 07 Seconds West a distance of 51.86 feet to a 1/2" rebar found (bent);
Thence North 31 Degrees 32 Minutes 31 Seconds West a distance of 76.93 feet to a 1/2" rebar found;
Thence North 30 Degrees 29 Minutes 06 Seconds West a distance of 83.60 feet to a 1" open-top pipe found;
Thence North 33 Degrees 11 Minutes 02 Seconds East a distance of 710.40 feet to a 1" open-top pipe found;
Thence South 27 Degrees 31 Minutes 23 Seconds East a distance of 800.42 feet to a 7/8" open-top pipe found, said point being the **TRUE POINT OF BEGINNING**.

Said tract or parcel of land containing 14.158 Acres.

JUSTIFICATION FOR REZONING APPLICATION OF
EDGE CITY PROPERTIES, INC.

The portions of the Zoning Resolution of the City of Flowery Branch (the “ZR”) which classify or may classify the property (the 'Property') which is the subject of the rezoning application submitted herewith (the “Application”) into any less intensive zoning classification other than as requested by the Applicant, or that prohibit the development of the Property as set forth in the Application, are or would be unconstitutional in that they would destroy the Applicant's property rights without first paying fair, adequate and just compensation for such rights, in violation of Article I, Section I, Paragraph II of the Constitution of the State of Georgia of 1983, and the Due Process Clause of the Fourteenth Amendment to the Constitution of the United States.

The application of the ZR as applied to the subject Property, which restricts its use to the present zoning classification is unconstitutional, illegal, null and void, constituting a taking of the Applicant's and the Owner's property in violation of the Just Compensation Clause of the Fifth Amendment and the Due Process Clause of the Fourteenth Amendment to the Constitution of the United States, Article I, Section I, Paragraph I, and Article I, Section I, Paragraph II of the Constitution of the State of Georgia of 1983, and the Equal Protection Clause of the Fourteenth Amendment to the Constitution of the United States denying the Applicant an economically viable use of its land while not substantially advancing legitimate state interests.

The Property is presently suitable for development under the R-2 zoning classification as requested by the Applicant and is not economically suitable for development under the present R-1 zoning classification of the City of Flowery Branch. A denial of the Application would constitute an arbitrary and capricious act by the Mayor and City Council members of the City of Flowery Branch without any rational basis therefore, constituting an abuse of discretion in violation of Article I, Section I, Paragraph I and Article I, Section I, Paragraph II of the Constitution of the State of Georgia of 1983, and the Due Process Clause of the Fourteenth Amendment to the Constitution of the United States.

A refusal by the City of Flowery Branch Mayor and City Council Members to rezone the Property to the R-2 classification as set forth in the Application with such conditions as agreed to by the Applicant, so as to permit the only feasible economic use of the Property, would be unconstitutional and discriminate in an arbitrary, capricious and unreasonable manner between the Applicant and owners of similarly situated property in violation of Article I, Section I, Paragraph II of the Constitution of the State of Georgia of 1983 and the Equal Protection Clause of the Fourteenth Amendment to the Constitution of the United States. Any rezoning of the subject Property to the R-2 classification subject to conditions which are different from the conditions by which the Applicant may amend its application, to the extent such different conditions would have the effect of further restricting the Applicant's and the Owner's utilization of the subject Property, would also constitute an arbitrary, capricious and discriminatory act in zoning the Property to an unconstitutional classification and would likewise violate each of the provisions of the State and Federal Constitutions set forth hereinabove.

Likewise, a refusal by the City of Flowery Branch's Mayor and City Council Members to permit the Applicant to withdraw the Application without prejudice would be an arbitrary and capricious act by the City of Flowery Branch's Mayor and City Council Members without any rational basis therefore, constituting an abuse of discretion in violation of Article I, Section 1, Paragraph I and Article I, Section I, Paragraph II of the Constitution of the State of Georgia of 1983, and the Due Process Clause of the Fourteenth Amendment to the Constitution of the United States.

Accordingly, the Applicant respectfully requests that the rezoning application submitted by the Applicant relative to the Property be granted and that the Property be rezoned to the zoning classification as shown on the respective application.

This 17 day of October 2023

Respectfully submitted,

EDGE CITY PROPERTIES, INC., As Applicant



Michael K. Dye
President



**Staff Report
Edge City Properties
Rezoning Request
Ordinance
December 2023**

Request

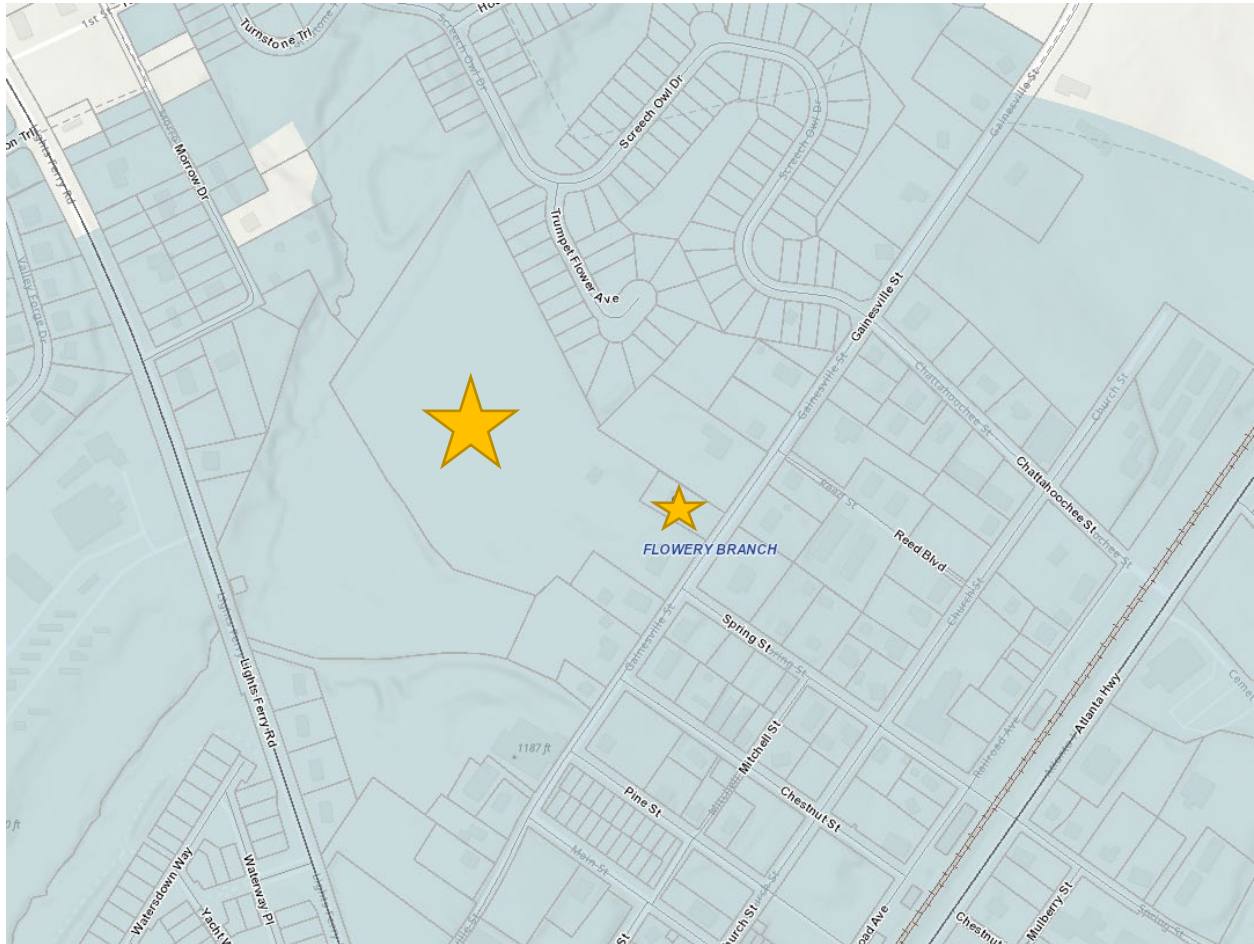
Rezone a 14.158 +/- acre tract of land known as 5416 and 5408 Gainesville Street and described as tax parcel identification numbers 08112 027026 and 08112 027044 from Residential, Detached Single Family, Low-Density District (R-1) to Residential, Detached Single Family(R-2) with the intent to develop and construct forty (40) single family detached homes. The request to rezone to R-2 also includes variance requests.

The variance requests are as follows:

1. VARIANCE REQUEST TO REDUCE MINIMUM LOT SIZE FROM 15,000 SQ. FT. TO 6,700 SQ. FT.
2. VARIANCE REQUEST TO REDUCE MINIMUM LOT WIDTH TO REDUCE FROM 75 FEET TO 60 FEET.
3. VARIANCE REQUEST TO REDUCE MINIMUM FRONT SETBACK FROM 25 TO 20 FEET.
4. VARIANCE REQUEST TO REDUCE MINIMUM SIDE SETBACK (INTERIOR LOT LINE) FROM 15 TO 5 FEET.
5. VARIANCE REQUEST TO REDUCE MINIMUM SIDE SETBACK (CORNER LOT LINE) FROM 25 FEET TO 10 FEET.
6. VARIANCE FROM LOT COVERAGE (IMPERVIOUS) FROM 35% TO 50%.



GIS Map:



Proposed Layout:



<u>SITE DATA:</u>	
SITE AREA	14.158 ACRES
<u>ZONING</u>	
EXISTING ZONING	R-1
PROPOSED ZONING	R-2 RESIDENTIAL (CONDITONAL)
ZONING JURISDICTION	CITY OF FLOWERY BRANCH, GEORGIA
<u>DETACHED SINGLE FAMILY SETBACKS</u>	
FRONT SETBACK	20 FEET
SIDE SETBACK	5 FEET
SIDE CORNER SETBACK	10 FEET
REAR SETBACK	20 FEET
FRONT LANDSCAPE STRIP ALONG ROW	10 FEET
LANDSCAPE STRIP ALONG EXTERIOR PROPERTY LINES	5 FEET
<u>DEVELOPMENT STANDARDS</u>	
MAXIMUM BUILDING HEIGHT	3 STORIES/ 35 FEET
MINIMUM HEATED FLOOR AREA	1,800 SF
MINIMUM SIZE OF DETACHED LOTS	6,700 SF
60' DETACHED SINGLE FAMILY LOTS	40 LOTS
TOTAL HOMES PROVIDED	40 UNITS
TOTAL SITE DENSITY PROVIDED	2.83 DUA
<u>OPEN SPACE CALCULATIONS</u>	
OPEN SPACE REQUIRED	2.83 ACRES (20% OF TOTAL SITE AREA)
OPEN SPACE PROPOSED	3.02 ACRES (21.3% OF TOTAL SITE AREA)
MAXIMUM LOT COVERAGE	50% (Vary from 35%)
<u>PARKING REQUIREMENTS</u>	
MIN. PARKING REQUIRED	80 SPACES (2 SP/ DWELLING UNIT)
MAX. PARKING PERMITTED	160 SPACES (4 SP/ DWELLING UNIT)
TOTAL PARKING PROVIDED	120 SPACES (2 GARAGE + 1 DRIVEWAY SP.)
PROPOSED GUEST PARKING	8 SPACES
TOTAL PARKING PROVIDED	128 SPACES (3.2 SP/ DWELLING UNIT)



Proposed Schedule

December 7, 2023 – Public Hearing
December 21, 2023 - Work Session (if requested)
January 4, 2023 – First Read and First Vote
January 19, 2023 – Work Session (if requested)
February 2, 2023- Second Read and Final Vote

Comprehensive Plan



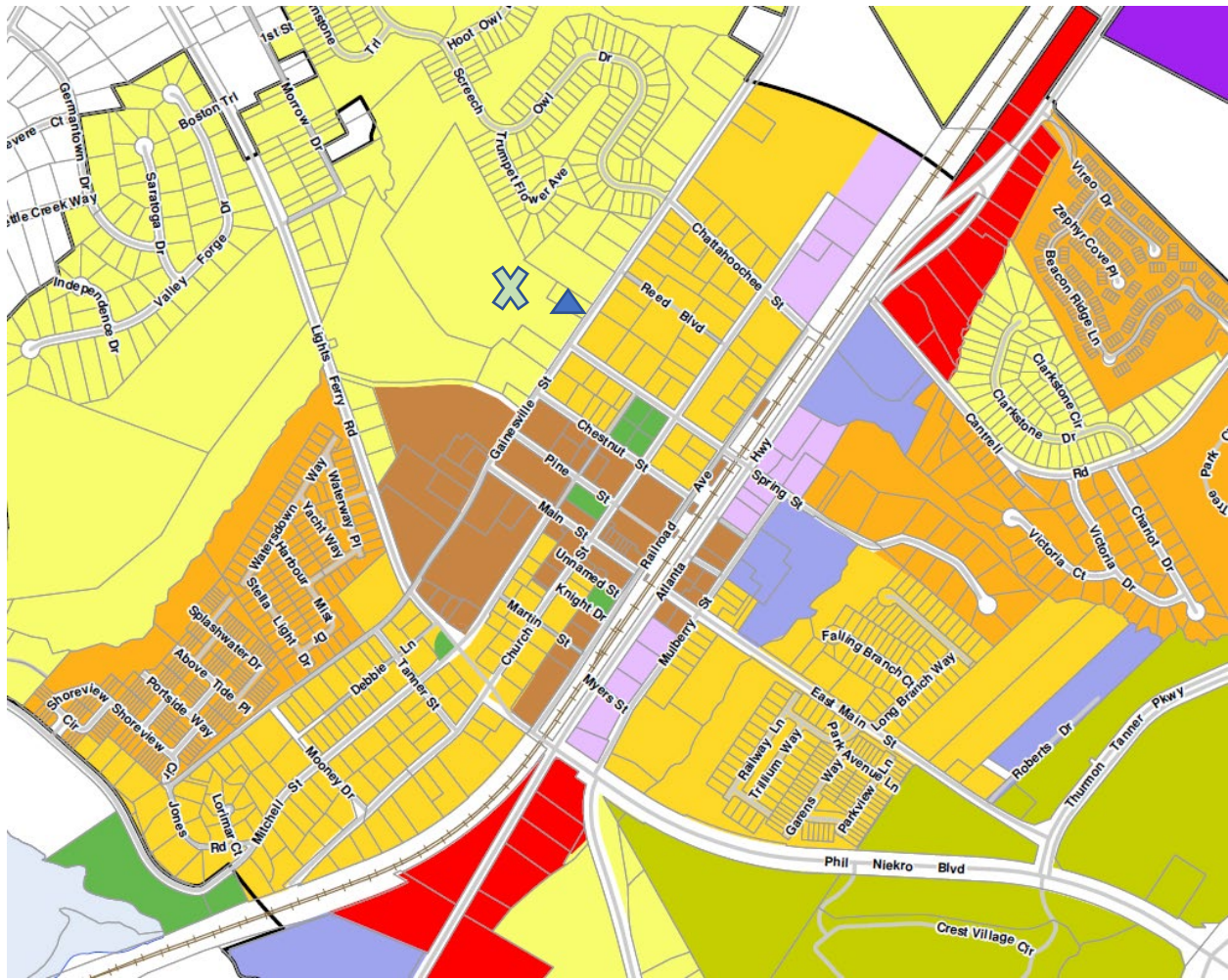


Purpose of the Comprehensive Plan

The *Flowery Branch Comprehensive Plan* is the City's policy guide for growth and development, as expressed by a vision statement, Future Development Map, character area policies, and supporting implementation strategies. The plan is most commonly used in the review and decision-making process by staff and City Council for rezoning requests, when proposals are evaluated for consistency with the Future Development Map and supporting text in this document.

The Comprehensive Plan also outlines the overall strategy for achieving the City's vision for future development by identifying a 5-year Community Work Program (CWP) with a prioritized 'to-do' list. The CWP should be consulted by staff and City Council on an annual basis when developing annual department-level work programs and the City budget.

In addition, this plan serves the purpose of meeting the intent and requirements of the Georgia Department of Community Affairs' (DCA) "Standards and Procedures for Local Comprehensive Planning," as amended on October 1, 2018. Preparation of a comprehensive plan in accordance with these standards is an essential requirement for maintaining status as a Qualified Local Government (QLG). QLG status allows Georgia cities and counties to be eligible for financial incentives from DCA, the Department of Natural Resources (DNR), the Georgia Environmental Finance Authority (GEFA), and the OneGeorgia Authority. This plan update allows the City of Flowery Branch to retain its QLG status.



▲ ✕ Proposed parcel

	Other City Limits		MIXED USE - DOWNTOWN
CHARACTER AREA			MIXED USE - NEIGHBORHOOD
	CONSERVATION		NEIGHBORHOOD COMMERCIAL
	SUBURBAN RESIDENTIAL		ACTIVITY CENTER
	TRADITIONAL NEIGHBORHOOD		ACTIVITY CENTER - RETAIL
	URBAN DENSITY COMMUNITY		INDUSTRIAL EMPLOYMENT
	OLD TOWN		INSTITUTIONAL CAMPUS



Suburban Residential

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

Vision

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

Design Principles

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

Land Uses

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

Zoning

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

Implementation Strategies

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

Illustrative Photos





The proposed development generally meets the requirements of the Suburban-Residential character area of the Comprehensive Plan. The variance requests would boost downtown redevelopment by accommodating more citizens with a close proximity to downtown area.

Analysis

Flowerly Branch Zoning Ordinance Article 37 Rezoning and Conditional Use Applications

Sec. 34.7. - Analysis Requirements.

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

Applicant comment

Staff Response

- (a) Whether the proposal will permit a use that is suitable in view of the use and development of adjacent and nearby property.
The proposed rezoning will permit a use that is suitable in view of the use and development of adjacent and nearby properties. The proposed development is a single-family residential neighborhood that will conserve important natural areas.
Yes, residential use is appropriate for this site and the surrounding area.
- (b) Whether the proposal will adversely affect the existing use or usability of adjacent or nearby property.
The proposed rezoning will not adversely affect the existing use or usability of any of the nearby properties. The proposed development is compatible with surrounding development.
The development will not adversely affect the area.
- (c) Whether the property to be affected by the proposal can be used in accordance with the existing regulations and has a reasonable economic use as currently zoned.
The current R-1 zoning is not a reasonable economic use.
Yes, the current zoning of R-1 may be economically feasible with the potential growth in the downtown area.
- (d) Whether the proposal will result in a use which will or could cause an excessive or burdensome use of existing streets, transportation facilities, utilities, or schools.



The proposed rezoning will not result in an excessive or burdensome use of the infrastructure. The subject property is located on Gainesville Street with access to all utilities. Further, the relatively low development density will not overly burden the infrastructure system.

It is staff's opinion that the use will not create any unnecessary burdens.

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

The proposed rezoning should be appropriate when reviewing the Future Land Use character area of the Property. In addition, the adjacent parcel contiguous to the south are part of the Old Town Character Area and should allow a more intensive zoning. The installation of sidewalks along Gainesville Street will increase walkability to the City's downtown area which is a theme goal in the Comprehensive Plan.

Agree

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

The proposed rezoning is in conformity with the policy and intent of the City's Comprehensive Plan. The low-density R-1 zoning is no longer appropriate, and the property is well served as a single-family residential use and is adjacent to a higher density PUD.

Not to staff's knowledge, no.

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

The existing use is a single-family home. The property is predominately surrounded by a PUD (to the west, north and south) and R-1 on the Gainesville Street frontage.

Agree

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

The current R-1 zoning is not a reasonable economic use. The Property is one of the larger tracts in the area and not appropriate for the larger lot sizes and lower density of R-1.

The R-1 is feasible but the requested R-2 zoning designation is more appropriate as the subject property is close to the downtown area. Please also review applicant's response as part of attached "Exhibit C".

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

The proposed rezoning is appropriate with surrounding uses and should be eligible for a higher density given its proximity to the Old Town Character Area which encourages higher densities and increases the viability of the downtown redevelopment.

Agree. Staff does not feel that the proposed will be a deterrent but rather an enhancement to the surrounding area.

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

The proposed rezoning will not create an isolated zoning district and will complement the surrounding uses.

Agree.



- (k) Possible effects of the change in zoning district map, or change in use, on the character of a zoning district.
The proposed rezoning will not negatively impact the character area of the zoning district
The proposed use will enhance the character of the existing district and surrounding area in staff's opinion.
- (l) The possible impact on the environment, including but not limited to, drainage, soil erosion and sedimentation, flooding, air quality and water quality.
The proposed rezoning use will not negatively impact the environment and will produce a quality residential use with careful consideration given to responsibly develop with no negative impact on the environment.
The development, if approved, will need to go through all the required development reviews to ensure all applicable codes and requirements are met.
- (m) The relation that the proposed map amendment or conditional use bears to the purpose of the overall zoning scheme and the purposes of this Zoning Ordinance.
The proposed rezoning is in full compliance with the overall zoning scheme and purposes of the Zoning Ordinance. This proposal will protect and appreciate the surrounding properties while increasing the quality of the City's housing supply.
The proposed development will enhance the surrounding area and meets the intent of the Zoning Ordinance.



**City of Flowery Branch Rezoning Application
REQUEST FOR STATISTICAL INFORMATION
5416 and 5408 Gainesville Street Rezoning
Application**

1. Value of improvements at buildout:
 - Single Family Detached Homes 40 x \$600,000 = \$24,000,000
 - Total Value of Development \$24,000,000
2. Property tax revenue at buildout: (based on 40% of Total Value is \$9,600,000)
 - Hall County - \$ 236,832 (millage rate of 24.67)
 - City of Flowery Branch - \$31,334 (millage rate of 3.264)
3. Schedule of construction:
 - Design/Permitting: 1/1/2024 to 6/30/2024
 - Land Development/Plat: 7/1/2024 to 1/1/2025
 - Home Construction and Sales 1/1/2025 to 6/30/2026
4. Anticipated total square footage per unit:
 - 2,000 sf minimum
5. Total acreage to be developed:
 - 11.89 acres in total
6. The Single Family Tract will contain approximately 2.31 +/- acres private roads and utility easements.
7. The Single Family Tract will contain approximately 4.75 +/- acres of open space/common area to be maintained by the HOA to be established.
8. The Single Family Tract will contain approximately TBD acres of buffer and watershed protection.
 - A) The impervious buffer is applicable to this tract.
 - B) No property lines may extend into the undisturbed stream buffer.
 - C) The developer intends to utilize private streets to conform to the City's development code for front entry homes. The developer will dedicate storm sewer easements to the City of Flowery Branch as appropriate.
9. Transportation alternatives:
 - The Single Family Tract will have sidewalks along the frontage along Gainesville Street to utilize walkability to the City's downtown area.



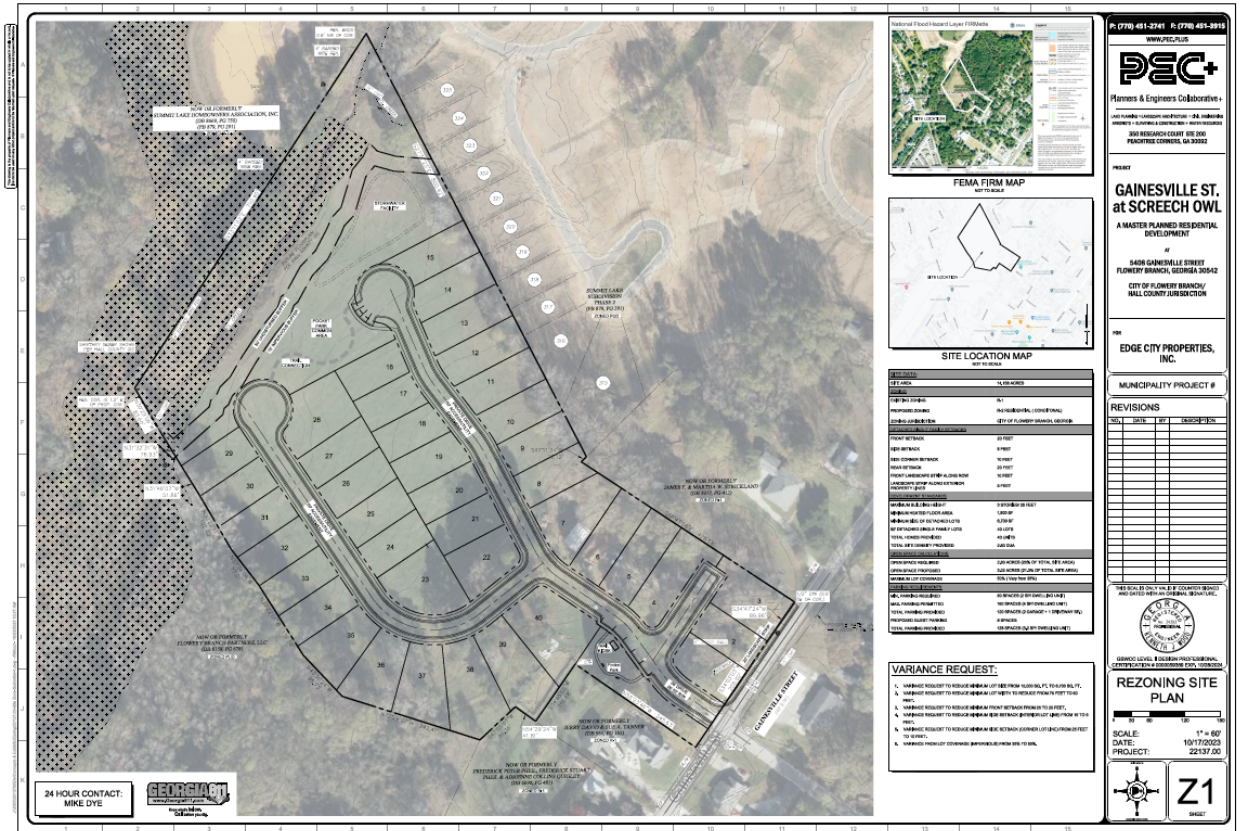
10. Amenities for Single Family tract total approximately 3.02 +/- acres and will include the following:
 - Pocket Park
 - Green Space Area
11. A minimum of TBD are planned for the Single Family Tract with a maximum spacing of 150 feet.
12. The Single Family Tract will include approximately 4,100 linear feet of sidewalk containing approximately 447 cubic yards of concrete.
13. Homes in the Single Family Tract will have access to high speed internet to the extent available from the service provider.
14. The Single Family Tract will contain areas for providing detention, water quality and stream protection.
15. A traffic study has not yet been commissioned.
16. There are no provisions for utilization and storage of reuse water in this plan.
17. The Single Family Tract, as proposed, will generate approximately 14,000 (350 gpd x 40 units) gallons per day of wastewater flow.
18. The maximum daily water consumption is approximately 14,000 gallons per day. Low flow fixtures are required by the development.
19. A preliminary design has been completed in order to evaluate the proposed density. The site does not contain slopes 24% or greater.
20. Public safety requirements related to life safety codes have been considered in the concept design.
21. The Hall County school system will be provided density and build out projections for the entirety of the community.
22. Copies of master covenants and guidelines will be filed and recorded prior to recordation of the initial final plat.



Recommendation

Approve the request as submitted with the following conditions:

1. Development shall significantly adhere to the site plan as shown below:



2. Landscaping
 - A. Typical lot landscaping design: identify type and size of trees and bushes
 - B.
3. Homes shall meet all R2 and current design and architectural requirements.
4. 8' sidewalk is required along Gainesville Street.
5. Streets shall be private



6. A fence around the exterior of the property to separate it from the neighbors shall be required. Said fence will be decorative in nature and shall be approved by staff.

ORDINANCE NO. 702

AN ORDINANCE AMENDING THE ZONING MAP OF THE CITY OF FLOWERY BRANCH, GEORGIA, BY REZONING TWO PARCELS OF REAL PROPERTY OF LAND TOTALING 14.158 +/- ACRES OF LAND, OWNED BY THE EVELYN BAGWELL REVOCABLE TRUST AND EVELYN B. JONES, IDENTIFIED AS 5416 AND 5408 GAINESVILLE STREET, TAX PARCEL 08112 027026 AND 08112 027044, TO BE REZONED FROM RESIDENTIAL, DETACHED SINGLE FAMILY, LOW-DENSITY DISTRICT (R-1) TO RESIDENTIAL, DETACHED SINGLE FAMILY(R-2) AS SHOWN ON ATTACHED EXHIBIT “A”, AND AS DESCRIBED ON ATTACHED EXHIBIT “B”, AND AS CONDITIONED ON ATTACHED EXHIBIT “C”, PROVIDING FOR SEVERABILITY, REPEALING CONFLICTING ORDINANCES, PROVIDING FOR AN EFFECTIVE DATE AND FOR ALL OTHER LAWFUL PURPOSES.

WHEREAS, The Evelyn Bagwell Revocable Trust owns the subject parcel of land identified as Parcel Tax Identification No. 08112 027026 and Evelyn B. Jones owns the subject parcel of land identified as Parcel Tax Identification No. 08112 027044, as shown on Exhibit “A”, and as described on Exhibit “B”; and

WHEREAS, The Evelyn Bagwell Revocable Trust and Evelyn B. Jones submitted to the City of Flowery Branch, Georgia, a written and signed application and affidavit showing consent to being rezoned, and whereas a survey and complete description of the land to be rezoned is included in the application; and

WHEREAS, the City Council held a public hearing at the meeting of December 7, 2023, duly noticed as prescribed by law and published in the Gainesville Times, regarding said application, as shall be set forth in the minutes of said meeting.

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

SECTION 1. FINDINGS.

The City Council finds that the proposed rezoning from Residential, Detached Single Family, Low-Density District (R-1) to Residential, Detached Single Family(R-2) is consistent with the adopted standards for governing the exercise of the zoning power consistent with O.C.G.A. § 36-66-5 and requirements of the Zoning Ordinance as identified below.

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

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

SECTION 2. REZONING.

The subject parcel, as shown on Exhibit “A” and as legally described in Exhibit “B”, is hereby rezoned from Residential, Detached Single Family, Low-Density District (R-1) to Residential, Detached Single Family(R-2) and conditioned and with variances granted as shown on attached Exhibit “C”. Said Exhibits are incorporated.

SECTION 3. AMENDMENT OF THE ZONING MAP.

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

SECTION 4. SEVERABILITY.

Public Hearing Published 10/28/2023
Public Hearing 12/07/2023

First Reading 01/04/2024
Adopted 02/01/2024

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 February 1, 2024.

SECTION 6. REPEALER.

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

Approved this 1st day of February 2024.

Edward R. Asbridge, Mayor

Shelia R. Cooper, City Clerk

APPROVED AS TO FORM

Ted C. Baggett, City Attorney

Public Hearing Published
Public Hearing

10/28/2023
12/07/2023

First Reading 01/04/2024
Adopted 02/01/2024

Exhibit "A"

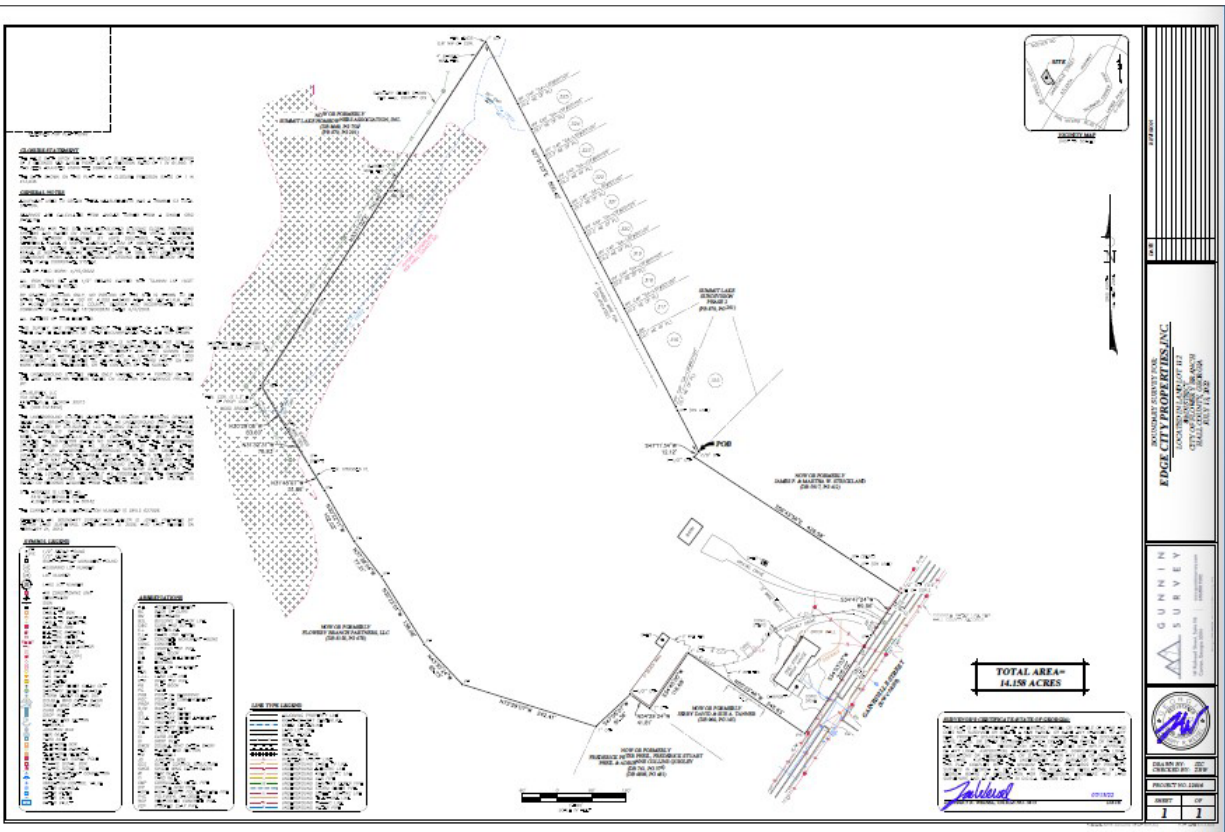


Exhibit "B"

Legal Description – Gainesville Street 5416

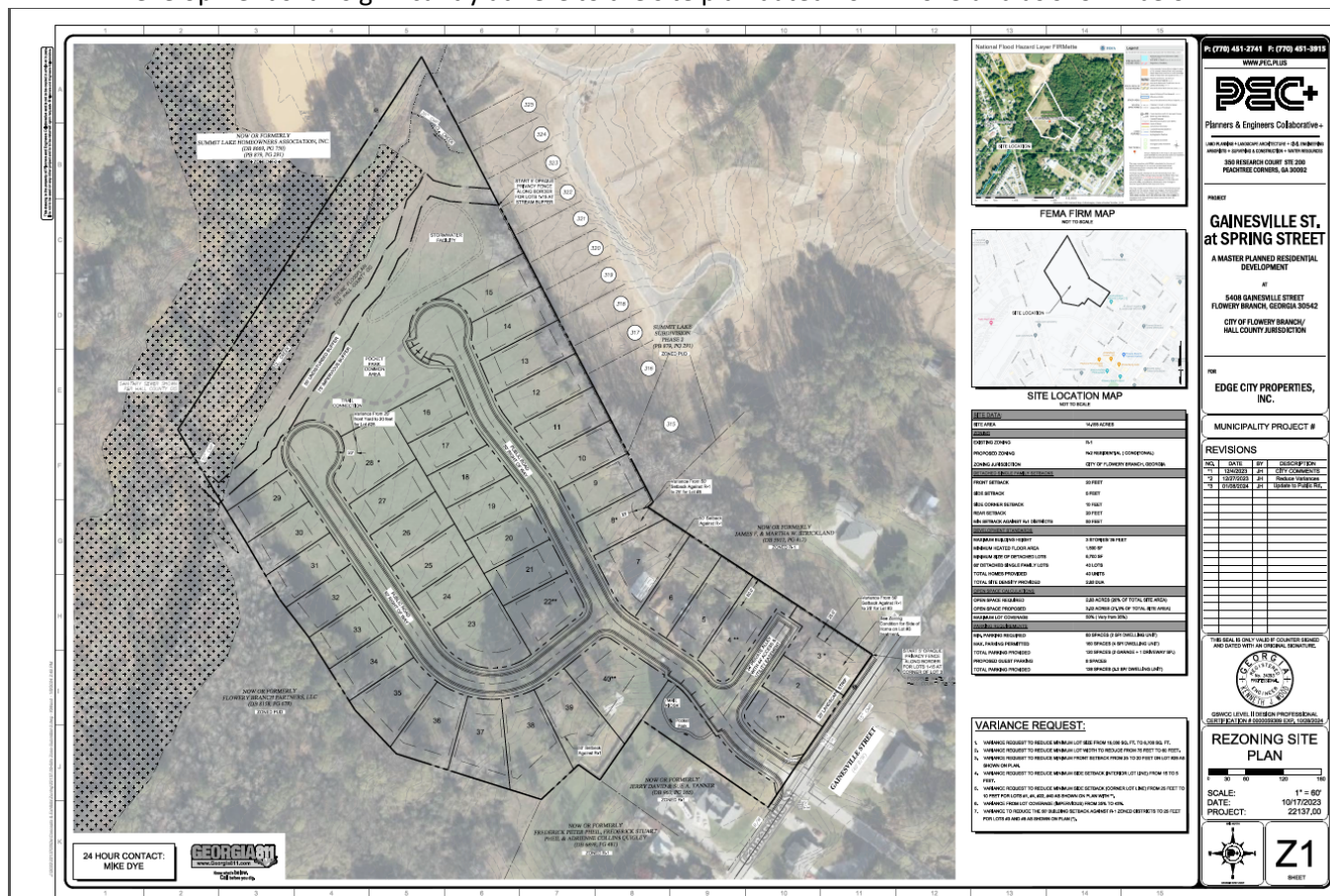
All that tract or parcel of land lying and being in Land Lot 112 of the 8th District, City of Flowery Branch, Hall County, Georgia, and being more particularly described as follows:

BEGINNING at a 7/8" open-top pipe found at the southernmost corner of Lot 315 of Summit Lake Subdivision Phase 2, as recorded in Plat Book 879, Page 291 of Hall County, Georgia records;
Thence South 47 Degrees 11 Minutes 34 Seconds West a distance of 12.12 feet to a 1-1/2" open-top pipe found;
Thence South 56 Degrees 43 Minutes 56 Seconds East a distance of 428.58 feet to a point at the northwesterly right of way of Gainesville Street (40' R/W);
Thence along said right of way the following courses and distances:
South 34 Degrees 47 Minutes 24 Seconds West a distance of 89.96 feet to a point;
South 34 Degrees 03 Minutes 03 Seconds West a distance of 205.02 feet to a 1/2" rebar set;
Thence leaving said right of way North 55 Degrees 23 Minutes 46 Seconds West a distance of 245.63 feet to a 1" crimped-top pipe found;
Thence South 34 Degrees 45 Minutes 05 Seconds West a distance of 116.68 feet to a 1" crimped-top pipe found;
Thence North 54 Degrees 29 Minutes 24 Seconds West a distance of 41.81 feet to a 1-1/2" open-top pipe found;
Thence South 47 Degrees 05 Minutes 07 Seconds West a distance of 81.36 feet to a 1" open-top pipe found;
Thence North 72 Degrees 29 Minutes 07 Seconds West a distance of 242.41 feet to a 1/2" rebar found;
Thence North 43 Degrees 30 Minutes 24 Seconds West a distance of 95.73 feet to a 1/2" rebar found;
Thence North 32 Degrees 22 Minutes 01 Seconds West a distance of 138.08 feet to a 1/2" rebar found;
Thence North 37 Degrees 39 Minutes 04 Seconds West a distance of 77.21 feet to a 1/2" rebar found;
Thence North 30 Degrees 22 Minutes 11 Seconds West a distance of 102.03 feet to a 1/2" rebar found;
Thence North 31 Degrees 48 Minutes 07 Seconds West a distance of 51.86 feet to a 1/2" rebar found (bent);
Thence North 31 Degrees 32 Minutes 31 Seconds West a distance of 76.93 feet to a 1/2" rebar found;
Thence North 30 Degrees 29 Minutes 06 Seconds West a distance of 83.60 feet to a 1" open-top pipe found;
Thence North 33 Degrees 11 Minutes 02 Seconds East a distance of 710.40 feet to a 1" open-top pipe found;
Thence South 27 Degrees 31 Minutes 23 Seconds East a distance of 800.42 feet to a 7/8" open-top pipe found, said point being the **TRUE POINT OF BEGINNING**.

Said tract or parcel of land containing 14.158 Acres.

Exhibit "C"

1. Development shall significantly adhere to the site plan dated 10.17.2023 and as shown below:



2. The development shall adhere to the following requirements as designated by the site plan:

SITE DATA:	
SITE AREA	14.158 ACRES
ZONING	
EXISTING ZONING	R-1
PROPOSED ZONING	R-2 RESIDENTIAL (CONDITONAL)
ZONING JURISDICTION	CITY OF FLOWERY BRANCH, GEORGIA
DETACHED SINGLE FAMILY SETBACKS	
FRONT SETBACK	20 FEET
SIDE SETBACK	5 FEET
SIDE CORNER SETBACK	10 FEET
REAR SETBACK	20 FEET
MIN SETBACK AGAINST R-1 DISTRICTS	50 FEET
DEVELOPMENT STANDARDS	
MAXIMUM BUILDING HEIGHT	3 STORIES/ 35 FEET
MINIMUM HEATED FLOOR AREA	1,800 SF
MINIMUM SIZE OF DETACHED LOTS	6,700 SF
60' DETACHED SINGLE FAMILY LOTS	40 LOTS
TOTAL HOMES PROVIDED	40 UNITS
TOTAL SITE DENSITY PROVIDED	2.83 DUA
OPEN SPACE CALCULATIONS	
OPEN SPACE REQUIRED	2.83 ACRES (20% OF TOTAL SITE AREA)
OPEN SPACE PROPOSED	3.02 ACRES (21.3% OF TOTAL SITE AREA)
MAXIMUM LOT COVERAGE	50% (Vary from 35%)
PARKING REQUIREMENTS	
MIN. PARKING REQUIRED	80 SPACES (2 SP/ DWELLING UNIT)
MAX. PARKING PERMITTED	160 SPACES (4 SP/ DWELLING UNIT)
TOTAL PARKING PROVIDED	120 SPACES (2 GARAGE + 1 DRIVEWAY SP.)
PROPOSED GUEST PARKING	8 SPACES
TOTAL PARKING PROVIDED	128 SPACES (3.2 SP/ DWELLING UNIT)

3. Variance is permitted and limited to:
 1. VARIANCE REQUEST TO REDUCE MINIMUM LOT SIZE FROM 15,000 SQ. FT. TO 6,700 SQ. FT.

Public Hearing Published 10/28/2023
Public Hearing 12/07/2023

First Reading 01/04/2024
Adopted 02/01/2024

2. VARIANCE REQUEST TO REDUCE MINIMUM LOT WIDTH TO REDUCE FROM 75 FEET TO 60 FEET.
3. VARIANCE REQUEST TO REDUCE MINIMUM FRONT SETBACK FROM 25 TO 20 FEET ON LOT

#28 AS SHOWN ON PLAN.

4. VARIANCE REQUEST TO REDUCE MINIMUM SIDE SETBACK (INTERIOR LOT LINE) FROM 15 TO 5 FEET.

5. VARIANCE REQUEST TO REDUCE MINIMUM SIDE SETBACK (CORNER LOT LINE) FROM 25 FEET TO 10 FEET FOR LOTS #1, #4, #22, #40 AS SHOWN ON PLAN WITH **.

6. VARIANCE FROM LOT COVERAGE (IMPERVIOUS) FROM 35% TO 45%.

7. VARIANCE TO REDUCE THE 50' BUILDING SETBACK AGAINST R-1 ZONED DISTRICTS TO 25 FEET FOR LOTS #3 AND #8 AS SHOWN ON PLAN (*).

4. A mandatory homeowner's association shall be established.

A. Alleys shall be private owned and maintained by the homeowner's association.

B. Roads shall be public.

C. The development shall be fee-simple homes for sale.

The homeowner's association must have in their bylaws that no more than ten percent (10%) of the total homes will be rental units or a rule of no more than two houses owned by one owner in the development and the owner must occupy one of the two. Homeowners can apply to the HOA for a "hardship" exception rental to exceed this amount in the event market conditions require a homeowner to vacate a home and rent due to extenuating circumstances.

D. Amenities are included but not limited to trails and pocket parks shall be owned and maintained by homeowner's association.

5. Landscaping

A. A full landscape plan shall be submitted at the time of land disturbance review.

B. Typical lot landscaping design shall be submitted at the time of land disturbance review.: identifying type and size of trees and bushed

C. Pond shall be fenced:

a. 3 or 4 rail

b. Black horse rail fencing

c. Squared boards

d. the fence design shall significantly adhere to the design as shown below:



D. Trail base can be mulch or crushed stone. Trails design shall significantly adhere to the design as

Public Hearing Published 10/28/2023
Public Hearing 12/07/2023

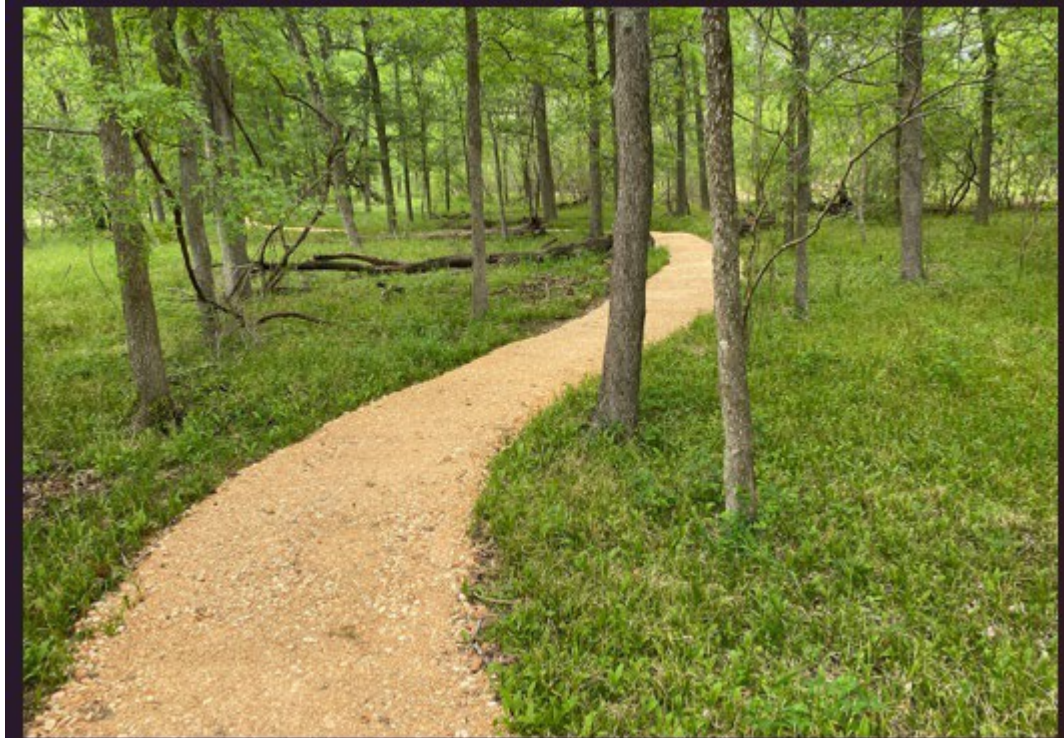
First Reading 01/04/2024
Adopted 02/01/2024

shown below:

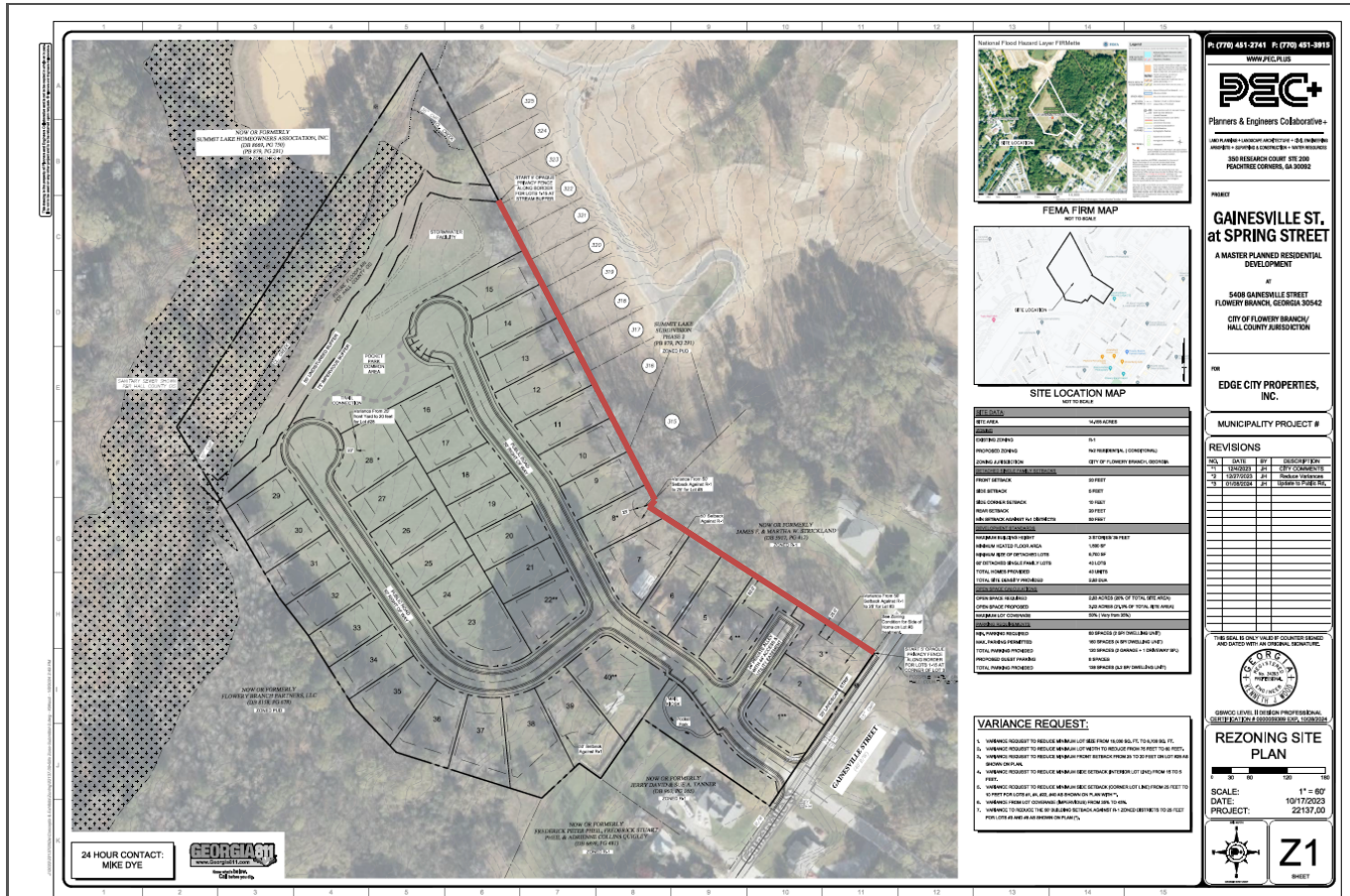
Public Hearing Published 10/28/2023
Public Hearing 12/07/2023

First Reading 01/04/2024
Adopted 02/01/2024





6. Homes shall meet all R2 and current design and architectural requirements.
7. Any major changes to the development will require City Council approval. For this ordinance, the following shall be classified as major:
 - A. A request to increase or decrease by three (2) or more the number of single-family detached homes (40).
 - B. Any reduction in the designated single family detached lot size (6,700 S.F)
8. 8' sidewalk is required along Gainesville Street.
9. A fence along Lots 3 to 15 shall be required. Said fence will be five-foot wooden privacy, decorative in nature and shall be approved by staff. Fenced area should be but not limited to red line area as below:



10. Architectural design:

- A. Developer agrees to incorporate additional architectural elements on the side elevations of the homes located on Lot 1 and 3. These homes shall be three story, the first story shall be brick, the remaining levels shall have architectural elements to include the addition of side shutters, two cementitious siding material variations (either horizontal, shake and/or board and batten). In addition, Developer may also choose to wrap the porch around the south side (Lot 1) and/or north side (Lot 3) of the side elevation to enhance the architectural look.



FLOWERY BRANCH CITY COUNCIL

EXECUTIVE SUMMARY



SUBJECT: Consider the Second Reading of Ordinance 703 for a Conditional Use Permit Request submitted by Park Mini-Storage, LLC.

COUNCIL MEETING DATE: February 1, 2024

HISTORY:

FACTS AND ISSUES:

The request is to apply for a conditional use permit to operate a car wash facility on a parcel totaling 1.34 +/- acres located at 4728 & 4734 Hog Mountain Road. The property is zoned as HB (Highway Business).

OPTIONS:

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

No

AMOUNT AND SOURCE OF FUNDS:

RECOMMENDATION:

Second Read and Vote.

SAMPLE MOTION:

Second Read and Vote.

COLLABORATING DEPARTMENT:

DEPARTMENT: Planning

Prepared by: Shelia Cooper

ATTACHMENTS

- [1. Completed CUP Application Flowery Branch Carwash.pdf](#)
- [2. CUP Exhibit.pdf](#)
- [Satffreview_Conditional use analysis and description \(REV\).pdf](#)
- [Ordinance 703_4728 & 4734 Hog Mountain Cook Car Wash.pdf](#)



CONDITIONAL USE PERMIT APPLICATION

City Provided Permit #

Date: 07/10/2023

Address of Request:

4728 & 4734 Hog Mountain Road, Flowery Branch GA 30542

Tax Map # 08096 000002 & 08096 000016 Current Zoning: HB

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

Currently a conforming use? Yes

Any conditions of zoning, CUP's, etc.? Car Wash SUP

Applicant Information

Applicant: Parkway Mini-Storage, LLC

Address: 3120 Frontage Road, Gainesville GA 30504

E-mail address: keith@cookres.com

Phone number: 770-540-6268

Signature:

Notary Seal:





Property owner Information

Property owner (please print): Parkway Mini-Storage, LLC

Address: 3120 Frontage Road, Gainesville GA 30504

E-mail address: keith@cookres.com

Phone number: 770-540-6268

Signature: 

Notary Seal: 



Application Information Required at Time of Submittal

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

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



Conflict of Interest Disclosure

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

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

none

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

none

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

none

Disclosure of Campaign Contributions

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

Elected Officials Name

Amount of Description of Gift

n/a

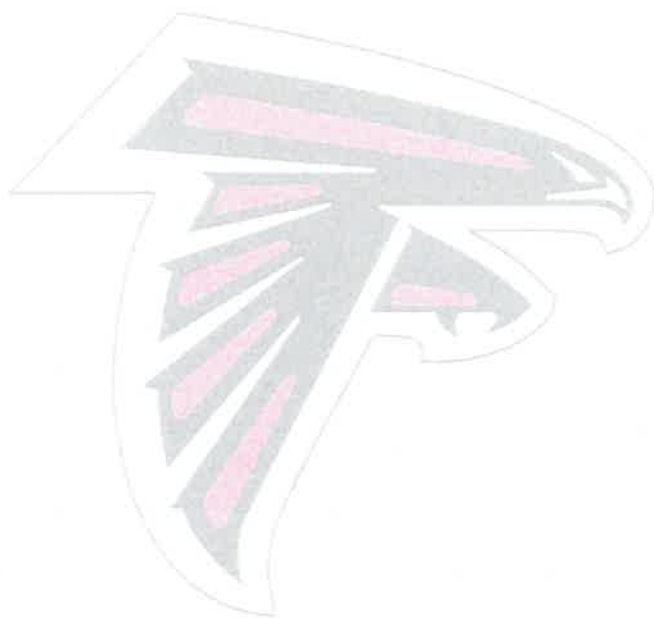
n/a



Received by City of Flowery Branch Staff on _____

Name: _____

Title _____



Hog Mountain Road Boundary Descriptions for the City of Flowery Branch

Parkway Mini Storage Properties **Tract One**

All that tract or parcel of land lying and being in Land Lot 96 of the 8th Land District, also being a part of the Flowery Branch District (G.M.D. 1270), Hall County, Georgia and being more particularly described as follows:

To find the True Point of Beginning, commence at the eastern most end of the mitered intersection of the northern right of way line of Spouts Spring Road (having a variable width right of way) and the western right of way line of Hog Mountain Road (having a variable width right of way) and thence leaving said point and running with the said right of way line of Hog Mountain Road North 37° 51' 20" East, 82.41 feet to a point; thence, North 47° 21' 34" East, 98.75 feet to a point and the True Point of Beginning of the herein described tract or parcel of land. And thence leaving the True Point of Beginning and the said right of way line of Hog Mountain Road and running along the property line now or formerly belonging to Flowery Branch Holdings (as shown in Deed Book 5159, Page 371 of the Hall County Land Records)

North 63° 46' 43" West, 198.92 feet to a ½" rebar; thence, leaving the said Flowery Branch Property and running with the property of Stonebridge Village (as shown in Plat Book 860, Page 39 of the said records)

North 37° 31' 16" East, 107.66 feet to a point; thence,

North 38° 08' 21" East, 91.61 feet to a point; thence, leaving the said property of Stonebridge Village and running with the property now or formerly belonging to Parkway Mini Storage, L.L.C. (as shown in Deed Book 5434, Page 667 of the said records)

South 55° 05' 50" East, 198.78 feet to a point on the said right of way line of Hog Mountain Road; thence, leaving the said property of Parkway Mini Storage, L.L.C. and running with the said right of way line of Hog Mountain Road

South 39° 02' 30" West, 169.43 feet to the True Point of Beginning, containing 36,264 square feet or 0.8325 acres of land, more or less.

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

Parkway Mini Storage Properties
Tract Two

All that tract or parcel of land lying and being in Land Lot 96 of the 8th Land District, also being a part of the Flowery Branch District (G.M.D. 1270), Hall County, Georgia and being more particularly described as follows:

To find the True Point of Beginning, commence at the eastern most end of the mitered intersection of the northern right of way line of Spouts Spring Road (having a variable width right of way) and the western right of way line of Hog Mountain Road (having a variable width right of way) and thence leaving said point and running with the said right of way line of Hog Mountain Road North 37° 51' 20" East, 82.41 feet to a point; thence, North 47° 21' 34" East, 98.75 feet to a point; thence, North 39° 02' 30" East, 169.43 to a point and the True Point of Beginning of the herein described tract or parcel of land. And thence leaving the True Point of Beginning and the said right of way line of Hog Mountain Road and running along the property line now or formerly belonging to Parkway Mini Storage, L.L.C. (as shown in Deed Book 5434, Page 667 of the Hall County Land Records)

North 55° 05' 50" West, 198.78 feet to a point; thence, leaving the said Parkway Mini Storage Property and running with the property of Stonebridge Village (as shown in Plat Book 860, Page 39 of the said records)

North 38° 21' 33" East, 128.08 feet to a ½" rebar; thence,

South 55° 02' 39" East, 200.29 feet to a ½" rebar; thence, leaving the said property of Stonebridge Village and running with the said right of way line of Hog Mountain Road

South 39° 02' 30" West, 128.00 feet to the True Point of Beginning, containing 25,492 square feet or 0.5852 acres of land, more or less.

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

EQUIPMENT USED:
A TOPCON 223 TOTAL STATION WAS USED TO OBTAIN ANGULAR MEASUREMENTS
AND A DISTOMETER WAS USED TO OBTAIN DISTANCE MEASUREMENTS.

[illegible]

STROUPE/STROUPE FILMS

- [illegible]

1. WARRANTY DEED TO PARKWAY MINI BROS/DALE, LLC.
RECORDED IN 03 6434 PG 007 HALL COUNTY RECORD

2. FINAL PLAT FOR STONEMANOR VILLAGE
RECORDED IN PG 880 PG 38, ACREAGE RECORDED

3. WARRANTY DEED TO FLOWERY BRANCH HOLDINGS, LLC
RECORDED IN DB 5158 PG 371, ACREAGE RECORDED

ACCORDING TO THIS "FIRM" (FLOOD INSURANCE RATE MAP) OF HALL COUNTY, FLA/EI NUMBERS 13139C0281F, DATED SEPTEMBER 29, 1999, NO PORTION OF THE

THE SURVEY WAS PREPARED WITHOUT THE BENEFIT OF A TIME REPORT, WHICH COULD REVEAL ENCUMBRANCES NOT SHOWN ON THE SURVEY. SUBJECT PROPERTY HAS ACCESS TO THE PUBLIC RIGHT OF WAY OF RED MOUNTAIN ROAD.

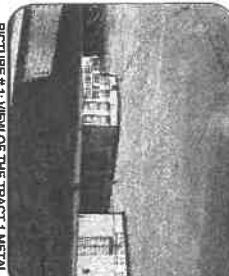
THE UNDERGROUND MAP OF GERMANY, ITALY TO THE BEST OF HIS KNOWLEDGE, INFORMATION AND BELIEF THAT THIS MAP OR PLAN AND THE SURVEY ON WHICH IT IS BASED WERE MADE IN CONNECTION WITH THE ATTEMPTED ASSASSINATION OF THE PRESIDENT OF THE UNITED STATES.

ACCORDANCE WITH MINIMUM STANDARD DIGITAL REQUIREMENTS FOR THE STATE OF GEORGIA AND PURSUANT TO THE ACCURACY STANDARDS AS ADOPTED BY THE STATE OF GEORGIA AND IN EFFECT ON THE DATE OF THIS CERTIFICATION.

1997



STORAGE FACILITIES, LOOKING WEST
FROM ONE #1: VIEW OF THE FACILITY WITH
FACILITY #1



NORTHEAST



REGISTERED NUMBER 3031

**BOUNDARY SURVEY
FOR
THE CITY OF FLOWERY BRANCH
LOCATED IN
LAND LOT 86, 8TH DISTRICT
FLOWERY BRANCH DISTRICT
(G.M.D. 1270)
HALL COUNTY, GEORGIA**

Project No.	2008-037D	No.		Revision		Date	
Survey Crew:	NH&I S&M	#1					
Drawn By:	NH&I S&M	#2					
Approved By:	SCB	#3					
Date:	03-25-2009	#4					
Scale:	1"=60'	#5					



TerraMark Land Surveying, Inc.
260 Old Dunes Village Road
Suite 120
Doraville, Georgia 30034
Phone No. (678) 647-1800
Fax No. (764) 285-8342

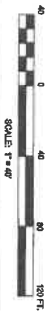
CLOSURE STATEMENT:
THIS PLAY HAS BEEN CALCULATED FOR CLOSURE AND IS ACCURATE
WITHIN ONE FOOT IN 10,000 FEET.

**THE FIELD DATA UPON WHICH THIS PLAY IS BASED HAD A CLOSURE OF ONE FOOT
IN 31,700 FEET, AND AN ANGULAR ERROR OF 4" PER ANGULAR POINT AND WAS
COLLECTED USING THE COMPASS RULE.**

PERMANENTLY RESIDING IN THE UNITED STATES, THE CHAIRMAN AND MEMBERS OF THE BOARD OF DIRECTORS OF THE COMPANY ARE U.S. CITIZENS OR U.S. PERMANENT RESIDENTS. THE COMPANY HAS NO DIRECT OR INDIRECT BENEFICIAL OWNERSHIP OF 10% OR MORE OF ANY CLASS OF THE COMPANY'S COMMON STOCK. THE COMPANY HAS NO DIRECT OR INDIRECT BENEFICIAL OWNERSHIP OF 10% OR MORE OF ANY CLASS OF THE COMMON STOCK OF ANY OTHER COMPANY THAT HAS A CLASS OF SECURITIES LISTED ON A U.S. STOCK EXCHANGE. THE COMPANY HAS NO DIRECT OR INDIRECT BENEFICIAL OWNERSHIP OF 10% OR MORE OF ANY CLASS OF THE COMMON STOCK OF ANY OTHER COMPANY THAT HAS A CLASS OF SECURITIES LISTED ON A FOREIGN STOCK EXCHANGE. THE COMPANY HAS NO DIRECT OR INDIRECT BENEFICIAL OWNERSHIP OF 10% OR MORE OF ANY CLASS OF THE COMMON STOCK OF ANY OTHER COMPANY THAT HAS A CLASS OF SECURITIES LISTED ON A FOREIGN STOCK EXCHANGE.

1. WARRANTY DEED TO PARKWAY MINI STORAGE, LLC, RECORDED IN DB 6454 PG 667 HALL COUNTY RECORDS
2. FINAL PLAT FOR STONECROFT VILLAGE, RECORDED IN PG 980 PG 36, ACONSBAD RECORDS
3. WARRANTY DEED TO FLOWERY BRANCH HOLDINGS, LLC, RECORDED IN DB 6186 PG 571, ACONSBAD RECORDS

ACCORDING TO THE "FIRM" FLOOD INSURANCE RATE MAP OF HALL COUNTY, GEORGIA, 131302201E, DATED SEPTEMBER 29, 2004, NO PORTION OF PROPERTY LIES WITHIN A SPECIAL FLOOD HAZARD AREA.



THE UNDERSIGNED HEREBY CERTIFIES, THAT TO THE BEST OF HIS KNOWLEDGE, INFORMATION AND BELIEF THAT THIS MAP OR PLAN AND THE SURVEY ON WHICH IT IS BASED WERE MADE IN ACCORDANCE WITH MINIMUM STANDARD DETAIL REQUIREMENTS FOR THE STATE OF GEORGIA, AND PURSUANT TO THE ACADEMY STANDARDS AS ADOPTED BY THE STATE OF GEORGIA AND IN EFFECT ON THE DATE OF THIS CERTIFICATION.



SCOTT E. BURMAN, FELS
REGISTERED NUMBER: 3037



LOCATION MAP



PICTURE # 1: VIEW OF THE TRACT 2 RESIDENCE,
LOOKING WEST



PICTURE # 2: VIEW OF THE TRACT 2 METAL SHED,
LOOKING WEST

**BOUNDARY SURVEY
FOR
THE CITY OF FLOWERY BRANCH
LOCATED IN
LAND LOT 86, 8TH DISTRICT
FLOWERY BRANCH DISTRICT
(U.M.D. 1270)
HALL COUNTY, GEORGIA**

Project No.	2008-037D	No.		Revision		Date	
Survey Crew	NH#1 SML	21					
Drawn By:	NH#1 SML	22					
Approved By:	SEB	23					
Date:	03-25-2009	24					
Scale:	1"=60'	25					
		26					
		27					
		28					

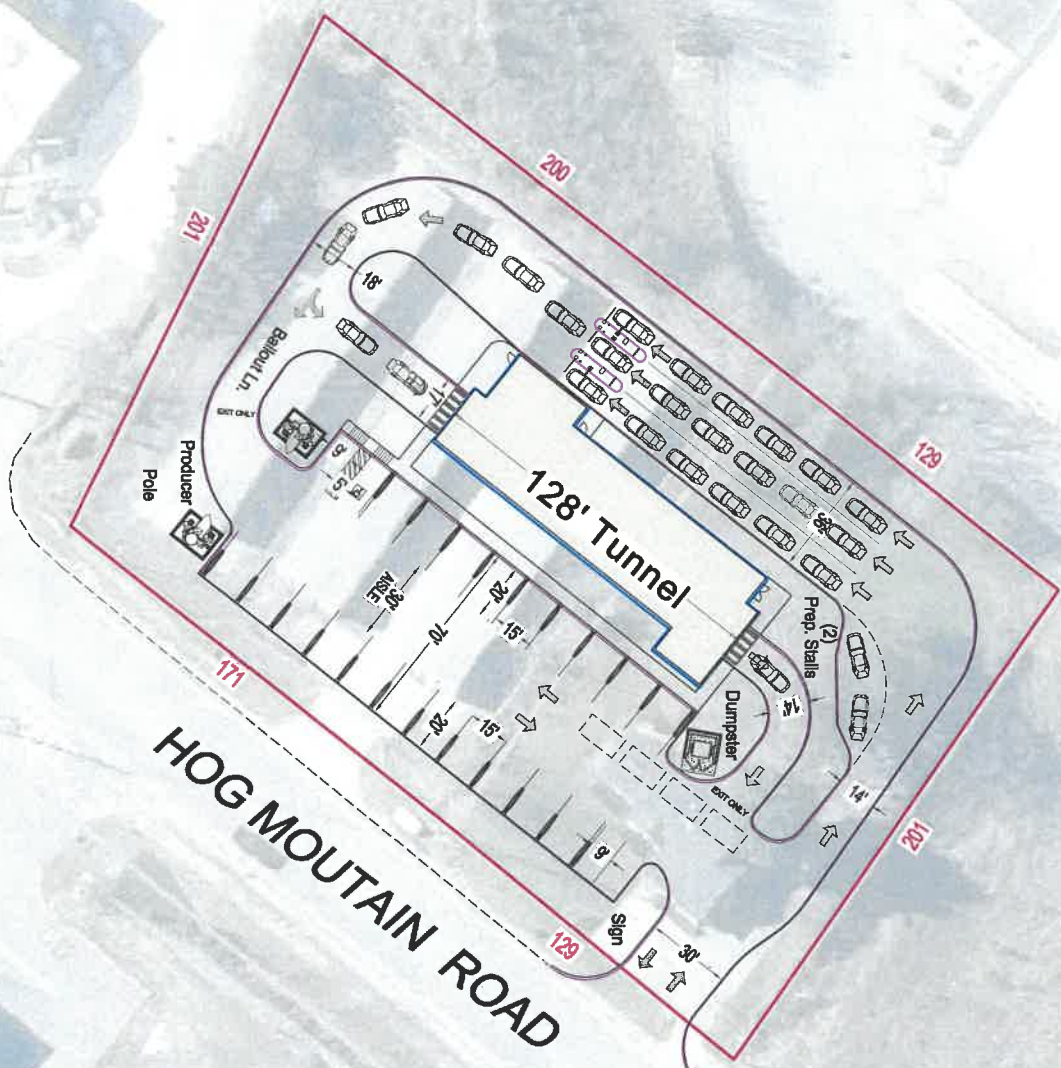


TerraMark Land Surveying, Inc.
200 Old Dawson Village Road
Suite 120
Dawsonville, Georgia 30534
Phone No. (678) 547-1800
Fax No. (706) 285-8342

2 OF 19



Site Plan



FLOWERY BRANCH
GA

4728 Hog Mountain Road
Flowery Branch GA

Site Area

1.34 AC
62,339 SF

Building Area

4,882 SF

Conveyor Length

128'

PARKING
Vacuum Stalls

20

Prep. Stalls

2

Parking Stalls

3

Accessible

1

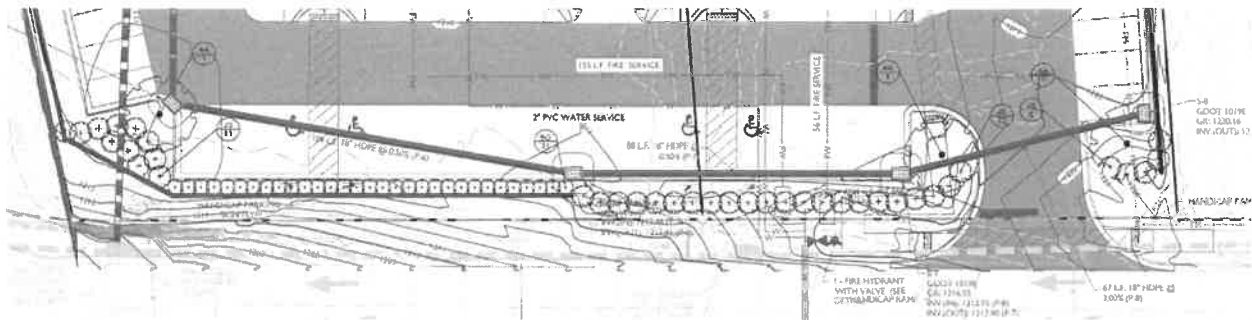
Date

2-1-23



1. Existing and proposed buildings and structures.

- A 10' landscape strip will be provided along the Hog Mountain Road Right-of-Way as required by the City of Flowery Branch. The landscape strip will consist of 3 Autumn Blaze Red Maples / 31 Green Velvet Boxwoods / 38 Sea Green Junipers, consistent with Flowery Branch Standards.



- No buffers are proposed or required for this project. The surrounding properties are commercial property and similar in use.

Development Statistics Requirements per Article 34 Section 6

1. Maximum and proposed height of any structure. one story
2. Maximum and proposed gross square footage of the building area (nonresidential only).
5,000-6,500 square feet
3. Color renderings of any proposed structures. See attached sample renderings & pictures
4. Material list (with percentages) of any proposed structures. 100% brick/stone & metal roof
5. Maximum and proposed lot coverage of building area (square feet and percent)

Maximum Allowed Lot Coverage = (30,800 S.F. / 50%)

Proposed Lot Coverage = (6,000 S.F. / 10%)

6. Minimum and proposed square footage of landscaped area (square feet and percent)

Minimum Required Landscaped Area = 15% (9,263 S.F.)

Proposed Landscaped Area = 20% (12,300 S.F.)

July 10th, 2023

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

RE: Conditional Use Written Analysis and Detailed Description

Mr. Atkinson,

In consideration of Conditional Use for a Car Wash located at 4728 & 4734 Hog Mountain Road, we ask that you consider these factors as they bear a reasonable relationship to the public safety, health, morality, and general welfare to the City of Flowery Branch.

We are proposing a Car Wash at the current location of Parkway Mini-Storage. This parcel is adjacent to McDonalds. The Car Wash will have a proposed 5,000 SF building with 21 parking spaces with vacuum and detail stations. There will be access to enter the car wash from the right side of the property, and exit of the car wash will be in left side of the property. We will adhere to all City Ordinances and Regulations, and all buildings will be architecturally compatible.

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

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

The existing use of the current property is three mini-storage buildings and one older home. This property is zoned Highway Business and is currently being used as a storage facility. The adjacent property is zoned Highway Business and is currently being used as a fast-food facility. Other nearby properties are banks and strip centers. The Conditional Use should be suitable in view of the use and development of adjacent properties. The proposed building will be architecturally compatible with the surrounding properties.

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

The proposal will not adversely affect the existing use or usability of adjacent or nearby properties. The proposal has adequate setbacks with vehicular circulation into and out of the site. There will be vacuum and detail stations on site as well. Vehicles will be able to enter the car wash from the side of the building and able to exit from the other side of the building then onto Hog Mountain Road.

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

A Conditional Use permit is required by the City of Flowery Branch in order to have a car wash use on the site. The site lends itself very well to the layout of the car wash.

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

The proposed use will not cause excessive or burdensome use of streets, as there is adequate circulation on site to handle traffic flow. There is one access point as well as an existing red light at the intersection of Spouts Springs Road and Hog Mountain Road. All utilities are available to the site and no impact on schools will occur.

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

The proposal is in conformity with the policy and intent of the comprehensive plan. The Character area map shows the site as Activity Center - Retail. A car wash would meet the intent of the Future Land Use Map as a commercial use and provide a service to the people of Flowery Branch. Also, we will adhere to all design standards and regulations of The City of Flowery Branch.

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

There are no conditions that would affect the use and development of this property.

- G. Existing uses and zoning of the subject property and nearby properties.

The existing zoning of the adjacent and nearby properties are Highway Business. The surrounding properties are fast-food restaurants or retail strip centers.

- H. Existing value of the property under the existing zoning district classification, the extent to which the property value of the subject property is diminished by the existing zoning district, and the value of the property under the proposed zoning district, if such information is provided by the applicant or can be determined. May include vacancy or unused zoning conditions and/or the efforts taken by the applicant to sell the property.

The value is not diminished by the existing zoning. The owner is seeking to sell the property and has a tremendous amount of interest from many car wash operators.

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

The special use permit would have a positive effect on all nearby properties. The parcel would be getting an impressive new building.

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

No isolated zoning district would be created.

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

The owner is not seeking to change zoning.

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

Erosion, grading, sedimentation, and drainage plan to be approved during the design stage of the project. All will be addressed and approved by the City of Flowery Branch. No downgrade in air or water quality will happen.

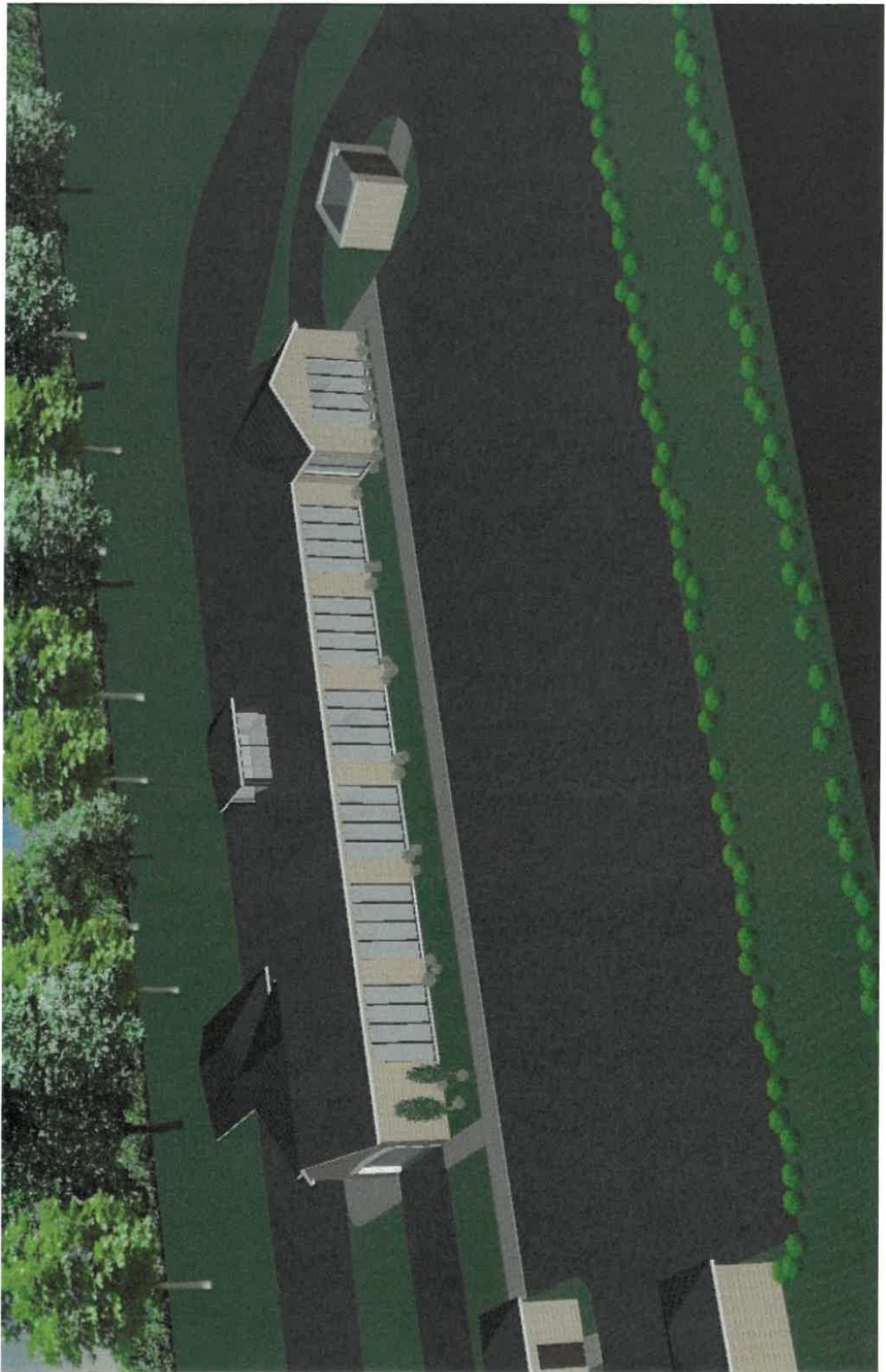
- M. The relation that is proposed map amendment or conditional use bears to the purpose of the overall zoning scheme and the purposes of this Zoning Ordinance.

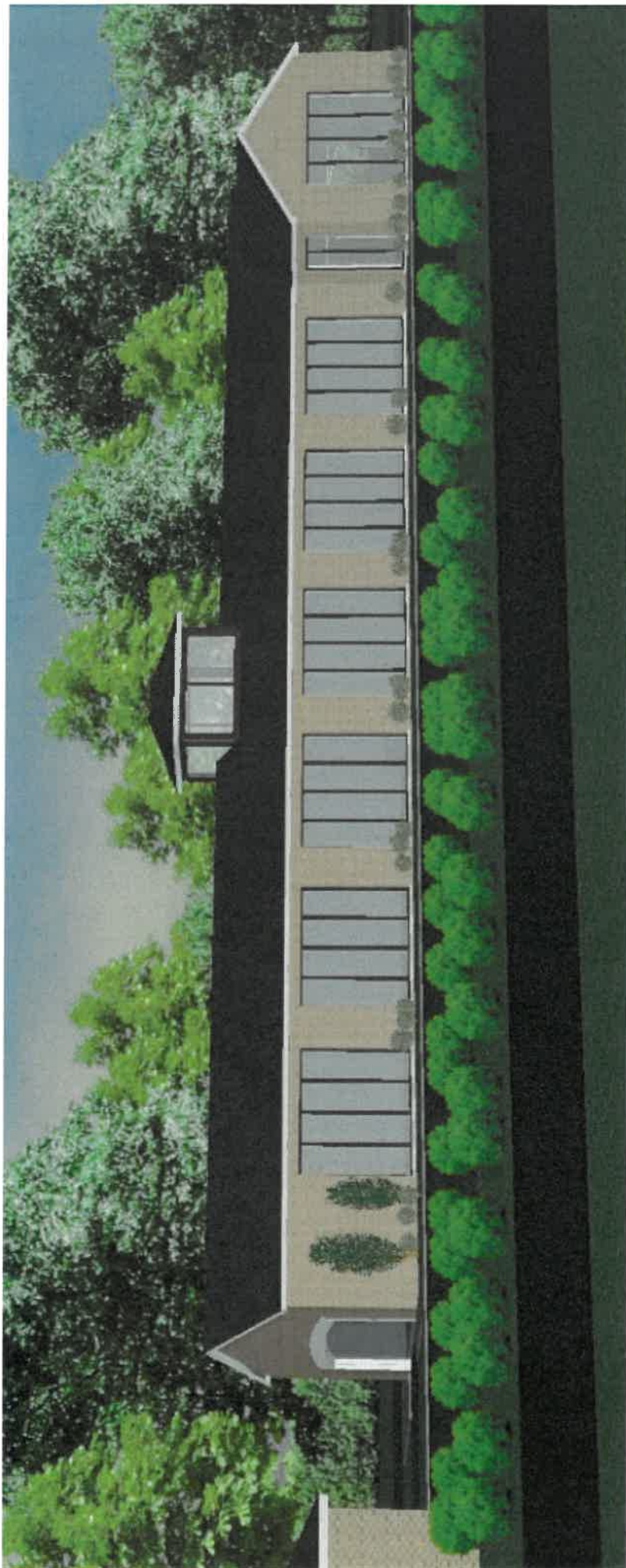
The use will be conforming and fit the overall zoning scheme of Flowery Branch.

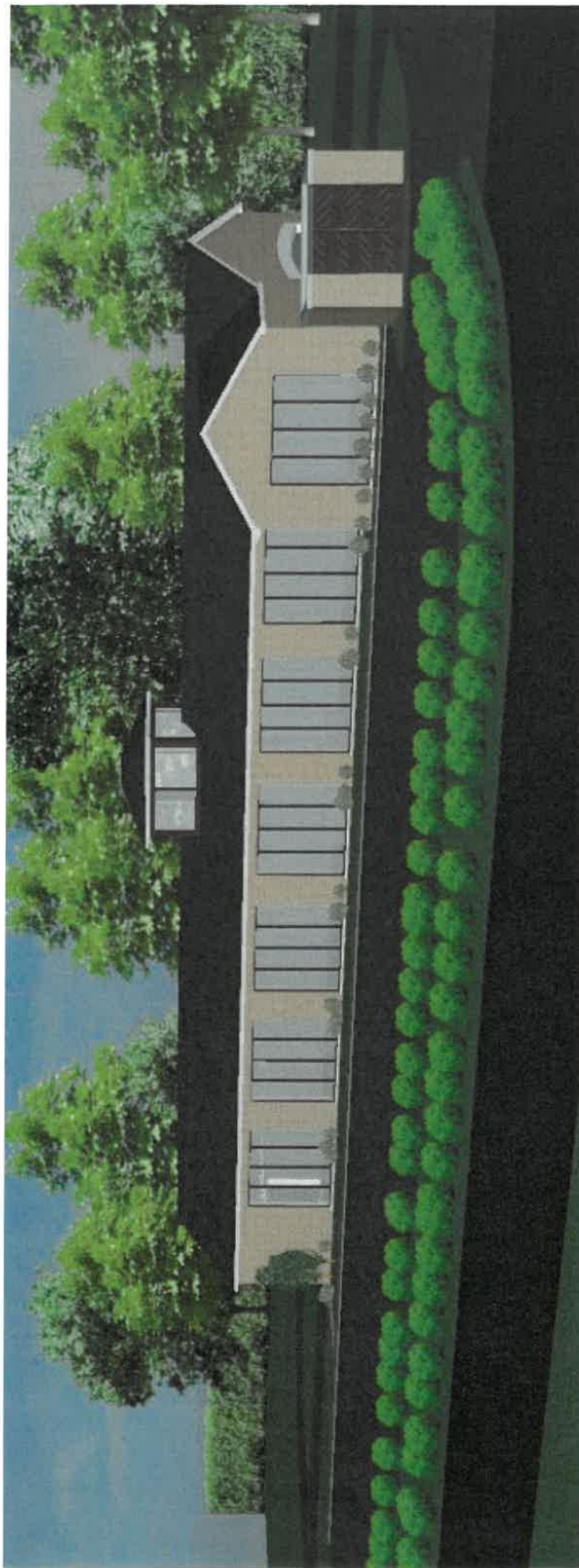
Thank you for your consideration,



Keith Cook
Parkway Mini-Storage, LLC















Parkway Mini Storage LLC
PO Box 581
Oakwood, GA 30566
770-967-6592

SUNTRUST BANK
64-010/610

1771

7/20/2023

PAY TO THE
ORDER OF

City of Flowery Branch

\$ 350.⁰⁰

Three Hundred Fifty Dollars & ⁰⁰/₁₀₀

DOLLARS

MEMO

Special Use Permit Application
4728 & 4734 Hog Mountain Road



⑈001771⑈ ⑈061000104⑈ ⑈000092449254⑈

Parkway Mini Storage LLC

1771

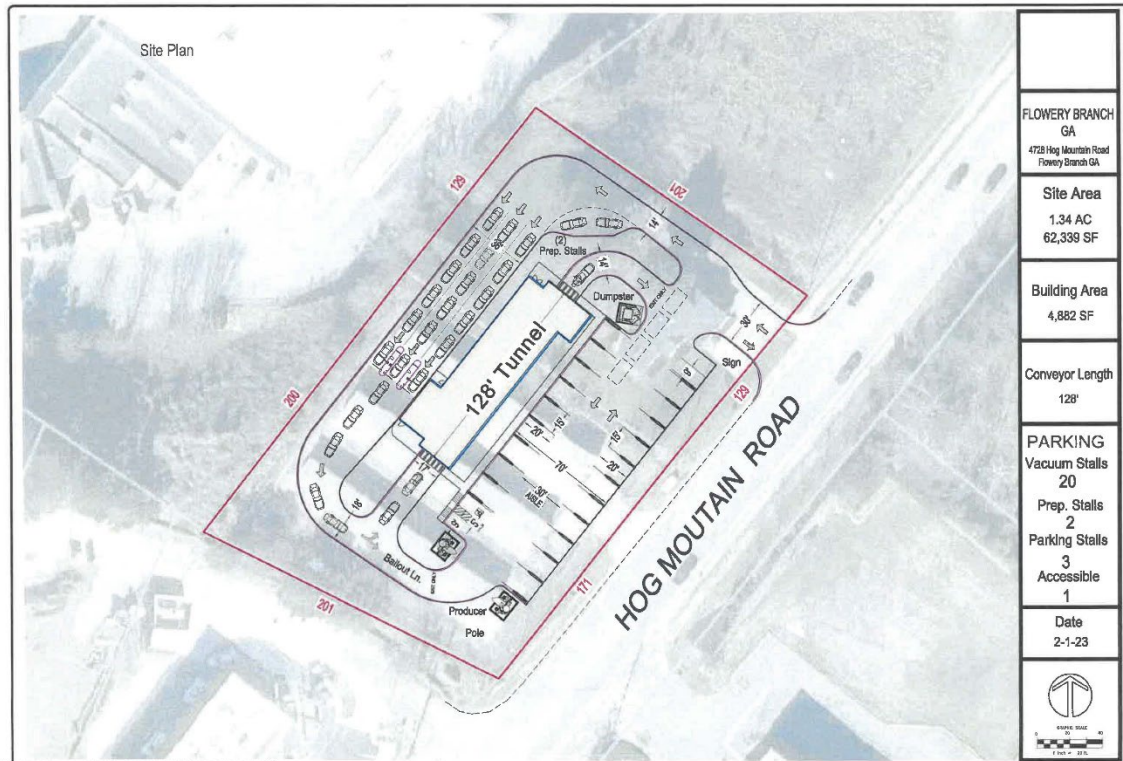
Parkway Mini Storage LLC

1771

PAYMENT
RECORD

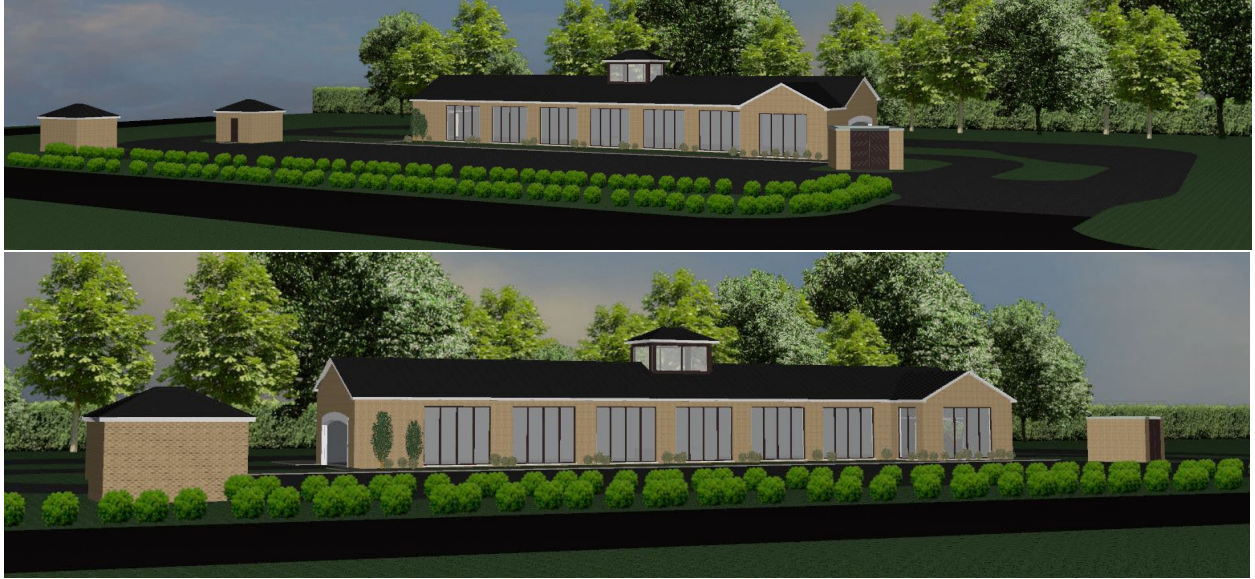
Exhibit
Conditions of Conditional Use Permit

1. The property shall be developed in substantial conformance with the site plan dated 2/1/2023 and submitted to the Flowery Branch Community Development Department on 08/01/2023 and as shown below:



2. Property elevation should be substantially adhere to the rendering picture submitted by applicant on 08/01/2023 and as below:





3. Elevation materials shall adhere to reference pictures submitted by applicant and as below:



July 10th, 2023

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

RE: Conditional Use Written Analysis and Detailed Description

Mr. Atkinson,

In consideration of Conditional Use for a Car Wash located at 4728 & 4734 Hog Mountain Road, we ask that you consider these factors as they bear a reasonable relationship to the public safety, health, morality, and general welfare to the City of Flowery Branch.

We are proposing a Car Wash at the current location of Parkway Mini-Storage. This parcel is adjacent to McDonalds. The Car Wash will have a proposed 5,000 SF building with 21 parking spaces with vacuum and detail stations. There will be access to enter the car wash from the right side of the property, and exit of the car wash will be in left side of the property. We will adhere to all City Ordinances and Regulations, and all buildings will be architecturally compatible.

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

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

The existing use of the current property is three mini-storage buildings and one older home. This property is zoned Highway Business and is currently being used as a storage facility. The adjacent property is zoned Highway Business and is currently being used as a fast-food facility. Other nearby properties are banks and strip centers. The Conditional Use should be suitable in view of the use and development of adjacent properties. The proposed building will be architecturally compatible with the surrounding properties.

Agree. A landscaping site map is required.

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

The proposal will not adversely affect the existing use or usability of adjacent or nearby properties. The proposal has adequate setbacks with vehicular circulation into and out of the site. There will be vacuum and detail stations on site as well. Vehicles will be able to enter the car wash from the side of the building and able to exit from the other side of the building then onto Hog Mountain Road.

Agree.

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

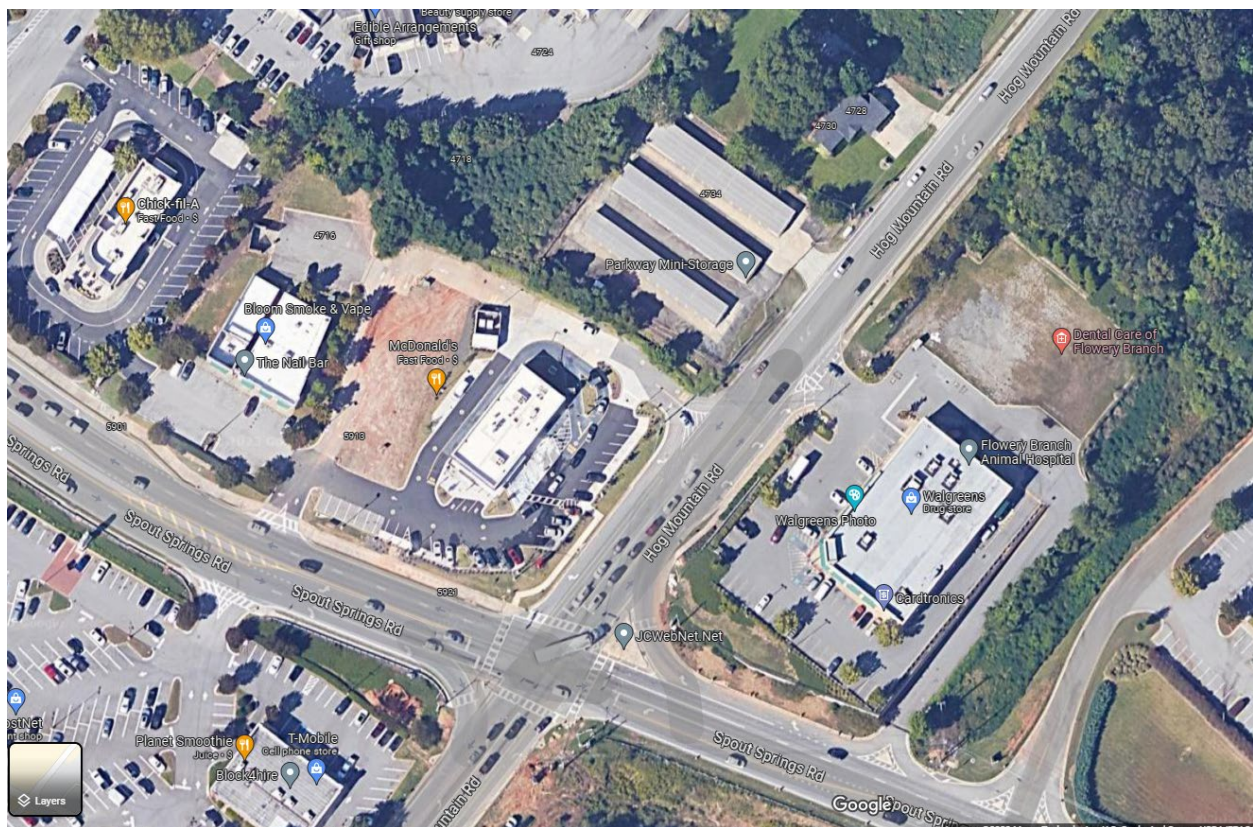
A Conditional Use permit is required by the City of Flowery Branch in order to have a car wash use on the site. The site lends itself very well to the layout of the car wash.

Agree.

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

The proposed use will not cause excessive or burdensome use of streets, as there is adequate circulation on site to handle traffic flow. There is one access point as well as an existing red light at the intersection of Spouts Springs Road and Hog Mountain Road. All utilities are available to the site and no impact on schools will occur.

Traffic condition as below. In and out traffic impact should be considered.



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

The proposal is in conformity with the policy and intent of the comprehensive plan. The Character area map shows the site as Activity Center - Retail. A car wash would meet the intent of the Future Land Use Map as a commercial use and provide a service to the people of Flowery Branch. Also, we will adhere to all design standards and regulations of The City of Flowery Branch.

Agree

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

There are no conditions that would affect the use and development of this property.

Agree

- G. Existing uses and zoning of the subject property and nearby properties.

The existing zoning of the adjacent and nearby properties are Highway Business. The surrounding properties are fast-food restaurants or retail strip centers.

Agree

- H. Existing value of the property under the existing zoning district classification, the extent to which the property value of the subject property is diminished by the existing zoning district, and the value of the property under the proposed zoning district, if such information is provided by the applicant or can be determined. May include vacancy or unused zoning conditions and/or the efforts taken by the applicant to sell the property.

The value is not diminished by the existing zoning. The owner is seeking to sell the property and has a tremendous amount of interest from many car wash operators.

Agree

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

The special use permit would have a positive effect on all nearby properties. The parcel would be getting an impressive new building.

Agree

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

No isolated zoning district would be created.

Agree

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

The owner is not seeking to change zoning.

Agree

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

Erosion, grading, sedimentation, and drainage plan to be approved during the design stage of the project. All will be addressed and approved by the City of Flowery Branch. No downgrade in air or water quality will happen.

Environmental impact should be considered. More information should be provided:

1. Environmental impact statements
2. proper details of chemicals in use
3. car wash water treatment solutions

(Per city code, there is minimum of 50 percent of water utilized must be recycled in an on-site installed recycled water system.)

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

The use will be conforming and fit the overall zoning scheme of Flowery Branch.

Agree

Summary:

Overall, the proposed use is appropriate for this parcel. Environmental impact should be further evaluated.

Thank you for your consideration,

Keith Cook
Parkway Mini-Storage, LLC

Public Hearing Published 10/28/2023
Public Hearing 12/07/2023

First Reading 01/04/2024
Adopted 02/01/2024

ORDINANCE NO. 703

AN ORDINANCE APPROVING A CONDITIONAL USE PERMIT (CUP) TO OPERATE A CAR WASH FACILITY ON A PARCEL OF REAL PROPERTY OWNED BY PARKWAY MINI-STORAGE, LLC, IDENTIFIED AS 4728 & 4734 HOG MOUNTAIN ROAD, TAX PARCEL 08096 000002 & 08096 000016, TOTALING 1.34 +/- ACRES AND AS SHOWN ON ATTACHED EXHIBIT “A”, AND AS DESCRIBED ON ATTACHED EXHIBIT “B” AND AS CONDITIONED ON ATTACHED EXHIBIT “C”; PROVIDING FOR SEVERABILITY, REPEALING CONFLICTING ORDINANCES, PROVIDING FOR AN EFFECTIVE DATE AND FOR ALL OTHER LAWFUL PURPOSES.

WHEREAS, Parkway Mini-Storage LLC owns a parcel of land totaling 1.34 +/- acres identified as Parcel Tax Identification No. 08096 000002 & 08096 000016, as shown on Exhibit “A”, and as described on Exhibit “B”; and

WHEREAS, Mr. Keith Cook, has submitted to the City Council of Flowery Branch, Georgia, a written and signed application requesting a conditional use permit (CUP); and

WHEREAS, the City Council held a public hearing at the meeting of September 21, 2023 duly noticed as prescribed by law and published in the Gainesville Times, regarding said application, as shall be set forth in the minutes of said meeting.

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

SECTION 1. FINDINGS.

The City Council finds that the proposed conditional use permit request is consistent with the adopted standards for governing the exercise of the zoning power consistent with O.C.G.A. § 36-66-5 and requirements of the Zoning Ordinance as identified below.

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

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

SECTION 2. APPROVAL OF CUP AND LEGAL DESCRIPTIONS.

A conditional use permit to operate a self-storage facility is hereby granted for the subject parcel, as shown on Exhibit “A” and as legally described in Exhibit “B”, subject to the conditions 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 February 1st, 2024.

SECTION 6. REPEALER.

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

Approved this February 1st, 2024.

Edward R. Asbridge, Mayor

Shelia R. Cooper, City Clerk

APPROVED AS TO FORM

Ted C. Baggett, City Attorney

Exhibit "A"

Exhibit "B"

Hog Mountain Road Boundary Descriptions for the City of Flowery Branch

**Parkway Mini
Storage Properties
Tract One**

All that tract or parcel of land lying and being in Land _Lot 96 of the 8th Land District, also being a part of the Flowery Branch District (G.M.D. 1270), Hall County, Georgia and being more particularly described as follows:

To find the True Point of Beginning, commence at the eastern most end of the mitered intersection of the northern right of way line of Spouts Spring Road (having a variable width right of way) and the western right of way line of Hog Mountain Road (having a variable width right of way) and thence leaving said point and running with the said right of way line of Hog Mountain Road North 37° 51' 20" East, 82.41 feet to a point; thence, North 47° 21' 34" East, 98.75 feet to a point and the True Point of Beginning of the herein described tract or parcel of land. And thence leaving the True Point of Beginning and the said right of way line of Hog Mountain Road and running along the property line now or formerly belonging to Flowery Branch Holdings (as shown in Deed Book 5159, Page 371 of the Hall County Land Records)

North 63° 46' 43" West, 198.92 feet to a ½" rebar; thence, leaving the said Flowery Branch Property and running with the property of Stonebridge Village (as shown in Plat Book 860, Page 39 of the said records)

North 37° 31' 16" East, 107.66 feet to a point; thence,

North 38° 08' 21" East, 91.61 feet to a point; thence, leaving the said property of Stonebridge Village and running with the property now or formerly belonging to Parkway Mini Storage, L.L.C. (as shown in Deed Book 5434, Page 667 of the said records)

South 55° 05' 50" East, 198.78 feet to a point on the said right of way line of Hog Mountain Road; thence, leaving the said property of Parkway Mini Storage, L.L.C. and running with the said right of way line of Hog Mountain Road

South 39° 02' 30" West, 169.43 feet to the True Point of Beginning, containing 36,264 square feet or 0.8325 acres of land, more or less.

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

Parkway Mini
Storage Properties
Tract Two

All that tract or parcel of land lying and being in Land Lot 96 of the 8th Land District, also being a part of the Flowery Branch District (G.M.D. 1270), Hall County, Georgia and being more particularly described as follows:

To find the True Point of Beginning, commence at the eastern most end of the mitered intersection of the northern right of way line of Spouts Spring Road (having a variable width right of way) and the western right of way line of Hog Mountain Road (having a variable width right of way) and thence leaving said point and running with the said right of way line of Hog Mountain Road North 37° 51' 20" East, 82.41 feet to a point; thence, North 47° 21' 34" East, 98.75 feet to a point; thence, North 39° 02' 30" East, 169.43 to a point and the True Point of Beginning of the herein described tract or parcel of land. And thence leaving the True Point of Beginning and the said right of way line of Hog Mountain Road and running along the property line now or formerly belonging to Parkway Mini Storage, L.L.C. (as shown in Deed Book 5434, Page 667 of the Hall County Land Records)

North 55° 05' 50" West, 198.78 feet to a point; thence, leaving the said Parkway Mini Storage Property and running with the property of Stonebridge Village (as shown in Plat Book 860, Page 39 of the said records)

North 38° 21' 33" East, 128.08 feet to a ½" rebar; thence,

South 55° 02' 39" East, 200.29 feet to a ½" rebar; thence, leaving the said property of Stonebridge Village and running with the said right of way line of Hog Mountain Road

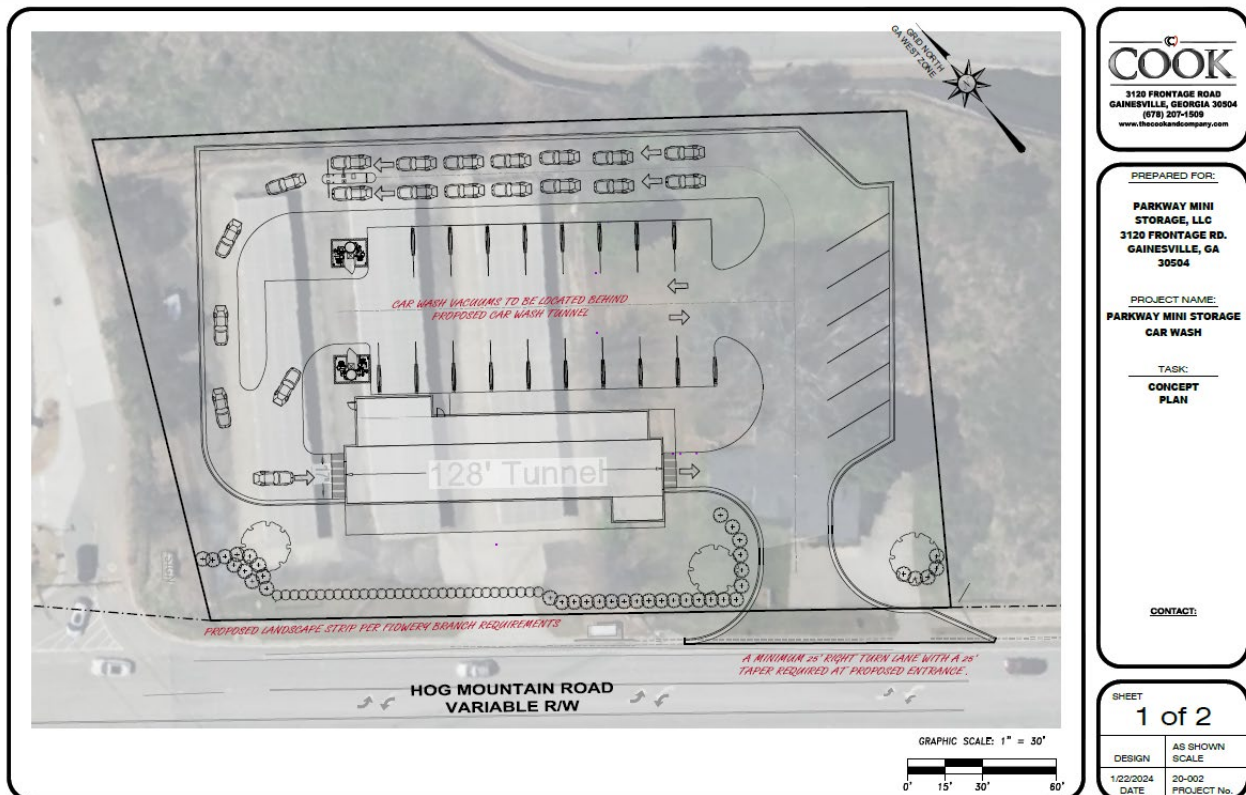
South 39° 02' 30" West, 128.00 feet to the True Point of Beginning, containing 25,492 square feet or 0.5852 acres of land, more or less.

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

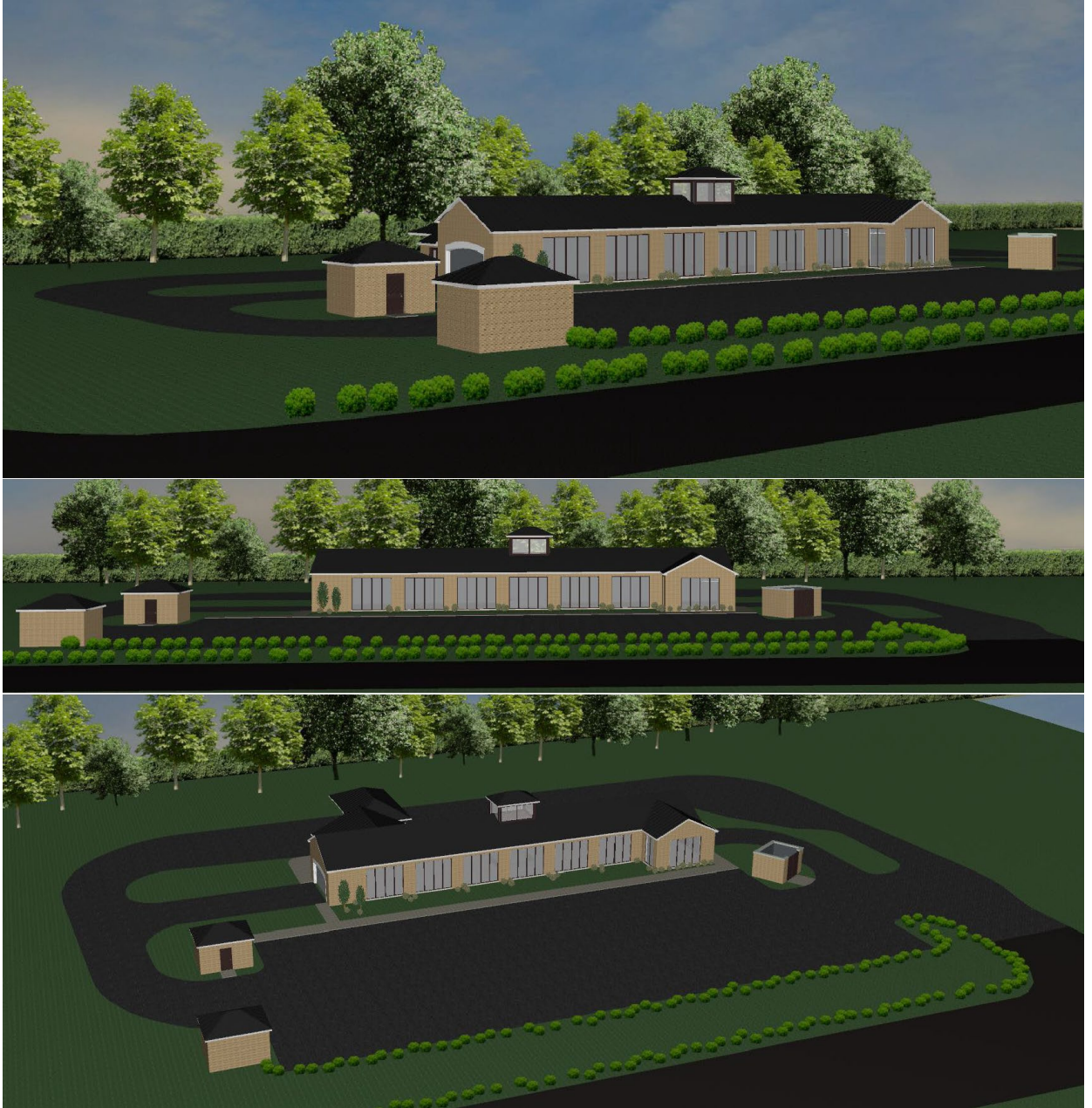
Exhibit "C"

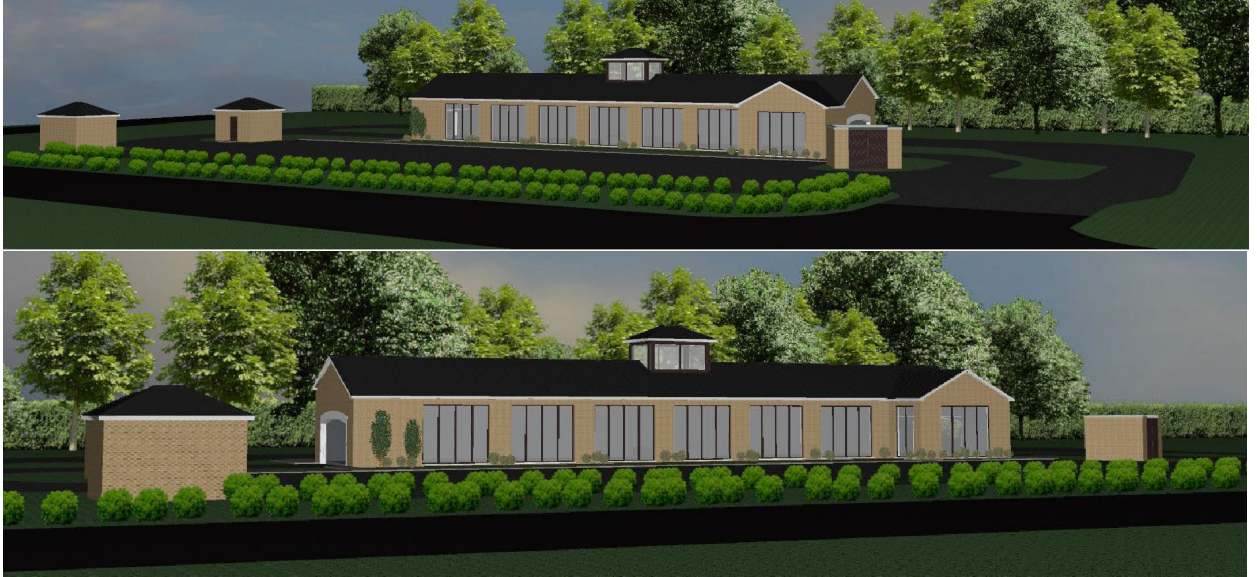
Conditions of Conditional Use Permit

1. The property shall be developed in substantial conformance with the site plan dated 2/1/2023 and submitted to the Flowery Branch Community Development Department on 08/01/2023 and as shown below:



2. Property elevation should be substantially adhere to the rendering picture submitted by applicant on 08/01/2023 and as below:





3. Self-service vacuum vehicle bays to be located behind proposed car wash tunnel as generally shown on the attached reference site plan schematic Prior to the issuance of an LDP, site plan will be sent to planning director to approve final site configuration to ensure general conformance with this condition.





4. 10' landscape strip required between hog mountain right-of-way and front of proposed car wash tunnel.
5. Landscaping plan will be required and reviewed prior to the issuance of an LDP.
6. A minimum 25' right turn lane with a 25' taper required at proposed entrance unless developer provides an approved traffic study showing adequate justification it is not needed.
7. Stacking and ingress/egress design will be reviewed prior to the issuance of an LDP.
8. Elevation materials shall adhere to reference pictures submitted by applicant and as below:





FLOWERY BRANCH CITY COUNCIL

EXECUTIVE SUMMARY



SUBJECT: Consider Accepting an Agreement Between the State of Georgia and the City of Flowery Branch.

COUNCIL MEETING DATE: February 1, 2024

HISTORY:

Each year the City of Flowery Branch enters an agreement with the State of Georgia (GEMA) and Homeland Security (HS) in case of an emergency, disaster, technological hazard, human caused disaster, civil emergency, community disorders, insurgency, enemy attack, acts of terrorism, other significant events or homeland security activity.

FACTS AND ISSUES:

FACTS AND ISSUES:

This agreement will help to ensure the timely provisions of mutual aid assistance and the reimbursement of costs incurred by the City of Flowery Branch during such assistance.

OPTIONS:

1. Accept the agreement provided
2. Let the current agreement expire on March 1, 2024

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

No

AMOUNT AND SOURCE OF FUNDS:

RECOMMENDATION:

Accept the agreement provided.

SAMPLE MOTION:

I make motion to accept the agreement between the City of Flowery Branch and the State of Georgia.

COLLABORATING DEPARTMENT:

DEPARTMENT: Police

Prepared by: Shelia Cooper

ATTACHMENTS

- Executive Summary on the agreement with the State of Georgia and the City of Flowery Branch
- Statewide Mutual Aid and Assistance Agreement.pdf
- FAQs Statewide Mutual Aid Agreement.pdf

FLOWERY BRANCH CITY COUNCIL

EXECUTIVE SUMMARY

SUBJECT: State of Georgia Statewide Mutual Aid and Assistance Agreement

DATE: February 1, 2024

(X) RECOMMENDATION

() POLICY DISCUSSION

BUDGET INFORMATION:

() STATUS REPORT

ANNUAL- N/A

() OTHER

CAPITAL- N/A

COUNCIL ACTION REQUESTED ON: Accept the agreement between State of Georgia and the Flowery Branch Police Department.

PURPOSE: Provide the framework to support mutual assistance if an emergency or disaster occurs. Another purpose of this agreement is to identify the Authorized Representative of the City of Flowery Branch.

HISTORY: Each year the City of Flowery Branch enters an agreement with the State of Georgia (GEMA) and Homeland Security (HS) in case of an emergency, disaster, technological hazard, human caused disaster, civil emergency, community disorders, insurgency, enemy attack, acts of terrorism, other significant events or homeland security activity.

FACTS AND ISSUES:

This agreement will help to ensure the timely provisions of mutual aid assistance and the reimbursement of costs incurred by the City of Flowery Branch during such assistance.

OPTIONS: Accept the agreement provided or let the current agreement expire on March 1, 2024.

RECOMMENDED SAMPLE MOTION: I make motion to accept the agreement between the City of Flowery Branch and the State of Georgia.

DEPARTMENT: City of Flowery Branch Government

Prepared by: Chief Christopher Hulsey

ATTACHMENTS:

STATEWIDE MUTUAL AID AND ASSISTANCE AGREEMENT

County/Municipality: _____

The State of Georgia is vulnerable to a wide range of natural and man-made disasters and emergencies. The Georgia Emergency Management Act, as amended (The Act) gives the local governments of the State the authority to make agreements for mutual aid assistance in emergencies. Pre-existing agreements for mutual aid assistance in emergencies help to ensure the timely provision of mutual aid assistance and the reimbursement of costs incurred by those parties who render such assistance.

This mutual aid agreement is entered pursuant to authorities contained in Articles I through III, Chapter 3, Title 38, Official Code of Georgia Annotated.

ARTICLE I STATEMENT OF AGREEMENT, DEFINITIONS AND AUTHORITIES

This Agreement is made and entered into between the participating political subdivisions, which approve and execute this Agreement, hereinafter called "Participating Parties" and the Georgia Emergency Management and Homeland Security Agency (GEMA/HS). For purposes of this Agreement, the following terms and expressions shall apply:

- (1) "Agreement" means this agreement, generally referred to as the "Statewide Mutual Aid Agreement" (SWMAA).
- (2) "Assistance" includes personnel, equipment, facilities, services, supplies and other resources furnished to a Requesting Party pursuant to this Agreement during an emergency or disaster.
- (3) "Assisting Party" means a party that provides assistance pursuant to this Agreement during an emergency or disaster.
- (4) "Authorized Representative" means a Participating Party's elected or appointed official or employee who has been authorized in writing by that party to request, to offer, or otherwise to provide mutual aid assistance.
- (5) "Participating Party" means a county or municipality of the State of Georgia that has become party to this Agreement by its approval and execution of this agreement.
- (6) "Participating Parties" means the combination of counties and municipalities that have become parties to this Agreement by their approval and execution of this Agreement.
- (7) "Requesting Party" means a party that requests assistance pursuant to this Agreement during an emergency or disaster.

Any term or expression not defined in this Agreement shall have the meaning specified in the Georgia Emergency Management Act, as amended (the Act) and rules promulgated thereunder, unless used in a context that clearly suggests a different meaning.

ARTICLE II GENERAL PURPOSE

The purpose of this Agreement is to:

1. Provide the framework to support mutual assistance in managing an emergency or disaster occurring within any political subdivision that is a Participating Party, whether arising from natural disaster, technological hazard, human caused disaster, civil emergency, community disorders, insurgency, enemy attack, acts of terrorism, other significant events or homeland security activity; and
2. Identify those persons who are authorized to act on behalf of the Participating Party signing this Agreement as their Authorized Representative(s) concerning the provision of mutual aid resources and requests for mutual aid resources related to any mutual aid assistance sought from another Participating Party, or from or through the State of Georgia. Appendix A of this Agreement shall contain the name(s) of the Participating Party's Authorized Representative for purposes of this Agreement. Appendix A can be amended by the authorizing Participating Party as needed with no effect on the entire Agreement. All such amendments to Appendix A shall be done in writing and the Participating Party shall notify GEMA/HS and all other Participating Parties of such amendment within thirty (30) days.

ARTICLE III ACKNOWLEDGEMENT OF PRINCIPLES

The prompt, full and effective utilization of resources of the Participating Parties, including any resources on hand or available from the State or Federal Government or any other source, that are essential to the safety, care and welfare of the people shall be the underlying principle on which all articles of this Agreement shall be understood.

In the event of a conflict between any provision of this Agreement and any existing intrastate mutual aid agreement affecting a Participating Party, the provisions of this Agreement shall be controlling.

On behalf of the governing authority of each political subdivision of this State participating in the Agreement, the director of emergency management of such political subdivision will be responsible for formulation of the appropriate mutual aid plans and procedures necessary to implement this Agreement.

ARTICLE IV PARTICIPATING PARTY RESPONSIBILITIES

(a) It shall be the responsibility of each Participating Party to formulate procedures and programs for intergovernmental cooperation in the performance of the responsibilities listed in this Article. In formulating such plans, and in carrying them out, each Participating Party, insofar as practical, shall:

- (1) Protect and assure uninterrupted delivery of services, medicines, water, food, energy and fuel, search and rescue, and critical lifeline equipment, services, and resources, both human and material; and

(2) Inventory and set procedures for the loan and delivery of human and material resources, together with procedures for reimbursement.

(b) Whenever a Participating Party requires mutual aid assistance from another Participating Party and/or the State of Georgia, the Requesting Party may request assistance by:

(1) Contacting the Participating Party who is the owner/operator/employer of the supplies, equipment and/or personnel being sought for mutual aid assistance (the Assisting Party); or

(2) Contacting GEMA/HS to serve as the facilitator of such request for those resources being sought for mutual aid that are owned/operated/employed by Participating Parties (where such Participating Parties have submitted a record of those resources to GEMA/HS for such use); and/or, when such resources being sought for mutual aid are owned/operated/employed directly by the State of Georgia.

The provisions of this Agreement shall only apply to requests for assistance made by an Authorized Representative. Requests may be verbal or in writing. If verbal, the request must be confirmed in writing within 30 days of the verbal request. Requests shall provide the following information:

(1) A description of the emergency service function for which assistance is needed, such as but not limited to fire services, law enforcement, emergency medical, transportation, communications, public works and engineering, building inspection, planning and information assistance, mass care, resource support, health and medical services, damage assessment, volunteer and donated goods and search and rescue; and

(2) The amount and type of personnel, equipment, materials and supplies needed, and a reasonable estimate of the length of time each will be needed; and

(3) The specific place and time for staging of the Assisting Party's response and a point of contact at that location.

The Assisting Party will (a) maintain daily personnel time records, material records and a log of equipment hours (or miles, if appropriate) and (b) report work progress to the Requesting Party at mutually agreed upon intervals.

ARTICLE V LIMITATIONS

Any Participating Party requested to render mutual aid shall take such action as is necessary to provide and make available the resources covered by this Agreement in accordance with the terms hereof; provided that it is understood that the Participating Party who is asked to render aid may withhold resources to the extent necessary to meet the current or anticipated needs of the Participating Party's own political subdivision to remain in compliance with such Participating Party's policy, rule or law.

The Assisting Party's mutual aid resources will continue under the command and control of their own

supervisors, but the organizational units will be under the operational control of the emergency services authorities of the Requesting Party unless the Assisting Party approves an alternative.

In the event the Governor should declare a State of Emergency, any and all provisions of this Agreement which may conflict with the declared State of Emergency shall be superseded by the terms and conditions contained within the State of Emergency.

ARTICLE VI LIABILITY AND IMMUNITY

(a) In accordance with O.C.G.A. § 38-3-35(a), no political subdivision of the state, nor the agents or representatives of the state or any political subdivision thereof, shall be liable for personal injury or property damage sustained by any person appointed or acting as a volunteer emergency management worker or member of any agency engaged in emergency management activity. The foregoing shall not affect the right of any person to receive benefits or compensation to which he might otherwise be entitled under Chapter 9 of Title 34, Code Section 38-3-30, any pension law, or any act of Congress.

(b) In accordance with O.C.G.A. § 38-3-35(b), no political subdivision of the state nor, except in cases of willful misconduct, gross negligence, or bad faith, the employees, agents, or representatives of the state or any political subdivision thereof, nor any volunteer or auxiliary emergency management worker or member of any agency engaged in any emergency management activity complying with or reasonably attempting to comply with Articles 1 through 3, Chapter 3, Title 38, Official Code of Georgia Annotated; or any order, rule, or regulation promulgated pursuant to Articles 1 through 3 of title, or pursuant to any ordinance relating to precautionary measures enacted by any political provisions of Articles 1 through 3 of said chapter and title, or pursuant to any ordinance relating to precautionary measures enacted by any political subdivision of the state shall be liable for the death of or the injury to person or for damage to property as a result of any such activity.

(c) It is the express intent of the parties that the immunities specified in accordance with O.C.G.A. § 38-3-35 shall apply in addition to any other immunity provided by statute or case law.

ARTICLE VII RIGHTS AND PRIVILEGES

In accordance with O.C.G.A. § 38-3-30(a), whenever the employees of any Assisting Party or political subdivision are rendering outside aid pursuant to this agreement and the authority contained in Code Section 38-3-27, the employees shall have the same powers, duties, rights, privileges and immunities as if they were performing their duties in the political subdivisions in which they are normally employed.

ARTICLE VIII REIMBURSEMENT

In accordance with O.C.G.A. § 38-3-30(b), The Requesting Party shall be liable for any loss of or damage to equipment used or placed within the jurisdiction of the Requesting Party and shall pay any expense incurred in the operation and maintenance thereof. No claim for the loss, damage or expense shall be allowed unless, within 60 days after the same is sustained or incurred, an itemized notice of

the claim under oath is served by mail or otherwise upon the designated fiscal officer of the Requesting Party. Appendix B of this Agreement shall contain the name(s) of the Participating Party's designated fiscal officer for purposes of this Agreement. Appendix B can be amended by the authorizing Participating Party as needed with no effect on the entire Agreement. Appendix B can be amended by the authorizing Participating Party as needed with no effect on the entire Agreement. All such amendments to Appendix B shall be done in writing and the Participating Party shall notify GEMA/HS and all other Participating Parties of such amendment within thirty (30) days.

The Requesting Party shall also pay and reimburse the Assisting Party for the compensation paid to employees furnished by the Assisting Party during the time of the rendition of the aid, as well as the actual travel and per diem expenses of such employees while they are rendering the aid. The reimbursement shall include any amounts paid or due for compensation due to personal injury or death while the employees are engaged in rendering the aid. The term "employee," as used herein, shall mean, and this provision shall apply with equal effect to, paid, volunteer and auxiliary employees and emergency management workers.

Expenses to be reimbursed by the Requesting Party shall include the following:

- (1) Labor costs, which shall include all usual wages, salaries, compensation for hours worked, mobilization and demobilization, the Assisting Party's portion of payroll taxes (as employer), insurance, accrued paid leave and other fringe benefits, but not those amounts paid or due as a benefit to the Assisting Parties personnel under the terms of the Georgia Workers Compensation Act; and
- (2) Equipment costs, which shall include the fair rental value, the cost of fuel and other consumable supplies, service and repairs. If the equipment is damaged while in use under this Agreement and the Assisting Party receives payment for such damage under any contract for insurance, the Requesting Party may deduct such payment from any item or items invoiced; and
- (3) Material costs, which shall include the total reasonable cost for the use and consumption of any and all consumable supplies delivered by the Assisting Party for the benefit of the Requesting Party; and
- (4) Meals, lodging and other related expenses, which shall include charges for meals, lodging and other expenses relating to the provision of assistance pursuant to this Agreement shall be the actual and reasonable costs incurred by the Assisting Party.

The Assisting Party shall maintain records and submit invoices within 60 days for reimbursement as specified hereinabove and the Requesting Party shall pay the invoice no later than 30 days following the invoice date.

ARTICLE IX IMPLEMENTATION

This Agreement shall become operative immediately upon its approval and execution by GEMA/HS and any two political subdivisions of this State; thereafter, this Agreement shall become effective as to any other political subdivision of this State upon its approval and execution by such political subdivision.

Any Participating Party may withdraw from this Agreement by mailing notice of withdrawal, approved by the governing authority of such political subdivision, but no such withdrawal shall take effect until 30 days after the governing authority of the withdrawing political subdivision has given notice in writing of such withdrawal to the governing authorities of all other Participating Parties. Such action shall not relieve the withdrawing political subdivision from obligations assumed hereunder prior to the effective date of withdrawal.

Copies of this Agreement shall, at the time of their approval, be deposited with each of the respective Participating Parties and with GEMA/HS.

ARTICLE X
TERM OF AGREEMENT

This Agreement, once executed, is valid until March 1, 2028. Agreement of the Participating Parties to extend the term of this agreement at any time during the last year of its original term or the last year of any subsequent four-year term shall extend the term of this agreement for four years. Each four-year extension shall constitute a separate agreement.

ARTICLE XI
VALIDITY

If any provision of this Agreement is declared unconstitutional, or the applicability thereof to any person or circumstances is held invalid, the constitutionality of the remainder of this Agreement and the applicability thereof to other persons and circumstances shall not be affected thereby.

Agreed:

Chief Executive Officer - Signature

Chief Executive Officer – Print Name

County/Municipality: _____

Date: _____/_____/_____

GEMA/HS Director – Signature

GEMA/HS Director – Print Name

Date: _____/_____/_____

APPENDIX A
AUTHORIZED REPRESENTATIVE

The below named individual(s), in addition to the chief executive officer, is/are the “Authorized Representative(s)” for _____ (county/municipality), and are authorized to request, offer, or otherwise provide and coordinate mutual aid assistance on behalf of the above-named county/municipality:

Print Name	Job Title/Position
------------	--------------------

Signature of Above Individual

Print Name	Job Title/Position
------------	--------------------

Signature of Above Individual

Print Name	Job Title/Position
------------	--------------------

Signature of Above Individual

Chief Executive Officer - Signature	Date: _____/_____/_____
-------------------------------------	-------------------------

Chief Executive Officer – Print Name

APPENDIX B
DESIGNATED FISCAL OFFICER(S)

The below named individual(s) is/are the “designated fiscal officer(s)” for _____

(county/municipality) for the purpose of reimbursement sought for mutual aid:

Print Name

Job Title/Position

Signature of Above Individual

Print Name

Job Title/Position

Signature of Above Individual

Print Name

Job Title/Position

Signature of Above Individual

Chief Executive Officer - Signature

Date: _____/_____/_____

Chief Executive Officer – Print Name

Statewide Mutual Aid Agreement (SWMAA)

FAQs

Why do I need to do this?

Pre-existing agreements for mutual aid assistance in emergencies help to ensure the timely provision of mutual aid assistance and reimbursement of costs incurred by those parties who render such assistance. This agreement also provides the framework to support mutual assistance in managing an emergency or disaster occurring within any political subdivision that is a Participating Party, whether arising from natural disaster, technological hazard, human caused disaster, civil emergency, community disorders, insurgency, enemy attack, acts of terrorism, or other significant events or homeland security activities.

What other jurisdictions are involved?

Participating Party means a county or municipality of the State of Georgia that has become party to this Agreement by its approval and execution of this agreement. Your GEMA/HS EM Field Coordinator can assist you with this.

What kind of assistance are we talking about?

"Assistance" includes personnel, equipment, facilities, services, supplies and other resources furnished to a Requesting Party pursuant to this Agreement during an emergency or disaster.

Who will our resources be working for?

The Assisting Party's mutual aid resources will continue under the command and control of their own supervisors, but the organizational units will be under the operational control of the emergency services authorities of the Requesting Party unless the Assisting Party approves an alternative.

What if my jurisdiction doesn't want to send resources?

A jurisdiction may withhold resources to the extent necessary to meet the current or anticipated needs of the jurisdiction's own political subdivision.

What about liability and reimbursement?

Those issues are covered in Article VI Liability and Immunity, and Article VIII Reimbursement in the Agreement.

What if my jurisdiction wants to withdraw from this agreement?

Any Participating Party may withdraw from this Agreement by mailing notice of withdrawal, approved by the governing authority of such political subdivision, but no such withdrawal shall take effect until 30 days after the governing authority of the withdrawing political subdivision has given notice in writing of such withdrawal to the governing authorities of all other Participating Parties. Such action shall not relieve the withdrawing political subdivision from obligations assumed hereunder prior to the effective date of withdrawal.



FLOWERY BRANCH CITY COUNCIL

EXECUTIVE SUMMARY



SUBJECT: Consider the First Reading of Ordinance 704 Amending the Charter of the City of Flowery Branch giving the Mayor authority to administer oaths.

COUNCIL MEETING DATE: February 1, 2024

HISTORY:

FACTS AND ISSUES:

The City Council expects the highest level of professional service from those appointed or hired to perform official duties on behalf of the city. Those performing official duties on behalf of the city may be required by law to swear or affirm to an oath; and the City Council wishes to clarify that the Mayor may administer the oath to those required to swear or affirm oaths of office in order to perform official duties on behalf of the City.

OPTIONS:

1. Amend the charter of the City of Flowery Branch.
2. Do not amend the charter.

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

No

AMOUNT AND SOURCE OF FUNDS:

RECOMMENDATION:

SAMPLE MOTION:

I make a motion to approve the first reading of Ordinance 704 amending the charter of the City of Flowery Branch to give the Mayor authority to administer oaths.

COLLABORATING DEPARTMENT:

DEPARTMENT: Administration

Prepared by: Shelia Cooper

ATTACHMENTS

- [Ordinance 704 - Charter Amendment Mayoral Powers.pdf](#)

ORDINANCE NO. 704
AN ORDINANCE TO AMEND THE CHARTER OF THE CITY OF
FLOWERY BRANCH

AN ORDINANCE BY THE MAYOR AND CITY COUNCIL FOR THE CITY OF FLOWERY BRANCH, GEORGIA FOR THE PURPOSE OF AMENDING THE FLOWERY BRANCH CITY CHARTER RELATING TO THE POWERS OF THE OFFICE OF MAYOR TO PROVIDE THAT SAID MAYOR SHALL BE AUTHORIZED TO ADMINISTER THE OATH OF OFFICE TO NON-ELECTED PERSONNEL, EMPLOYEES, AND AGENTS OF THE CITY; AND FOR OTHER PURPOSES.

WHEREAS, the City Council expects the highest level of professional service from those appointed or hired to perform official duties on behalf of the city; and

WHEREAS, those performing official duties on behalf of the city may be required by law to swear or affirm to an oath; and

WHEREAS, the City Council wishes to clarify that the Mayor may administer the oath to those required to swear or affirm oaths of office in order to perform official duties on behalf of the City; and

WHEREAS, changes to the City Charter may be made by the Mayor and City Council under the Home Rule Powers of a municipality as set forth in Chapter 35 of Title 36 of the O.C.G.A.; and

WHEREAS, in accordance with O.C.G.A. § 36-35-6(b)(1), a notice containing a synopsis of the proposed amendment was published in the official organ of the county or in a newspaper of general circulation in the municipal corporation once a week for three weeks within a period of 60 days immediately preceding its final adoption; and

WHEREAS, municipal charters may be amended by ordinances duly adopted at two regular consecutive meetings of the municipal governing authority, not less than seven nor more than 60 days apart; and

WHEREAS, the City of Flowery Branch adopted this amendment by an ordinance duly adopted at two regular consecutive meetings of the municipal governing authority;

NOW THEREFORE, the City Council of the City of Flowery Branch hereby ordains to amend the city charter as follows:

SECTION ONE

By renumbering subsection (d) as subsection (e) and adding a new subsection (d) of Section 2.4 to read as follows:

“(d) To administer the oath of office to all non-elected personnel, employees, or agents of the City, and

(e) To fulfill such other duties as authorized by the city council.”

SECTION TWO

The amendments to the Charter described herein shall become effective upon approval of this ordinance and upon a copy of the amendment, the required notice of publication, and an affidavit of a duly authorized representative of the newspaper in which the notice was published, is filed with the Secretary of State and in the office of the Clerk of the Superior Court of Hall County as required by O.C.G.A. § 36-35-5. The City Clerk is hereby authorized to make such filings.

Adopted this 15th day of February, 2024.

Edward R. Asbridge, Mayor

Shelia R. Cooper, City Clerk

APPROVED AS TO FORM:

Ted C. Baggett, City Attorney



FLOWERY BRANCH CITY COUNCIL

EXECUTIVE SUMMARY



SUBJECT: Consider the First Reading of Ordinance 706 for a Annexation Request submitted by PR Land Investment.

COUNCIL MEETING DATE: February 1, 2024

HISTORY:

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FACTS AND ISSUES:

annexation and rezoning of 10.73 +/- acres of the remaining unincorporated portion of land known as 5170 Church Street and described as tax parcel identification number 08112 012001, from Hall County Agricultural Residential (AR-III) to Flowery Branch Traditional Neighborhood Development (TND). If annexed, it is requested to rezone the 12.57 +/- acres of the incorporated portion of land known as 5170 Church Street and described as tax parcel identification number 08112 012001 from Residential, Detached Single Family, Low-Density District (R-1) and Light Manufacturing and Industrial District (M-1) to Traditional Neighborhood Development (TND) and construct 117 detached single -family homes.

OPTIONS:

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

No

AMOUNT AND SOURCE OF FUNDS:

RECOMMENDATION:

Work Session and First Read and Vote

SAMPLE MOTION:

Work Session and First Read and Vote

COLLABORATING DEPARTMENT:

Planning

DEPARTMENT: Planning

Prepared by: Shelia Cooper

ATTACHMENTS

- 01 Piedmont Residential Annexation App - 5170 Church St.pdf
- 03 5170 Church st GIS map.pdf
- 04 Church Street 3D Renderings 11.8.2023(43636486.1).pdf
- 05 Letter to Hall County.pdf
- 06 Church Street Site Rendering 11-14-2023.pdf
- Staff Report 5170 Church St.pdf
- Ordinance 706 – Annexation to Piedmont Residential at 5170 Church Street.pdf



ANNEXATION APPLICATION

Date: 10.20.2023

Address of Request:

5170 Church Street, Flowery Branch, GA 30542

Submitted to the City Clerk per The Flowery Branch Code of Ordinances;
Appendix C, "Zoning Ordinance", Article 44; Section 44.4 on

City Clerk Signature

Applicant Information

Name: PR Land Investments, LLC, c/o Kirk R. Fjelstul - Smith, Gambrell,
and Russell, LLP

Address:

1105 W. Peachtree St. NE, Suite 1000, Atlanta, GA 30309

E-mail address: kfjelstul@sgrlaw.com

Phone number: 404.815.3740

Signature:

Kirk R. Fjelstul - Smith, Gambrell, and Russell, LLP

Property owner information (if different than the applicant)

Property owner (please print): See attached Owner signature page

Signature of property owner: See attached Owner signature page



ANNEXATION APPLICATION

Date: _____

Address of Request:

5170 Church St.
Flowery Branch, GA 30542

Submitted to the City Clerk per The Flowery Branch Code of Ordinances;
Appendix C, "Zoning Ordinance", Article 44; Section 44.4 on

City Clerk Signature _____

Applicant Information

Name: PR Land Investments, LLC, c/o Kirk R. Fjelstul - Smith, Gambrell,
and Russell, LLP

Address:
1105 W. Peachtree St. NE, Suite 1000, Atlanta, GA 30309

E-mail address: kfjelstul@sgrlaw.com

Phone number: 404.815.3740

Signature: See attached Applicant signature page
(Authorized Agent for PR Land Investments, LLC)

Property owner information (if different than the applicant)

Property owner (please print): Kathy S. Taylor

Signature of property owner: Kathy S. Taylor



ANNEXATION APPLICATION

Date: _____

Address of Request:

Submitted to the City Clerk per The Flowery Branch Code of Ordinances;
Appendix C, "Zoning Ordinance", Article 44; Section 44.4 on

City Clerk Signature _____

Applicant Information

Name: PR Land Investments, LLC, c/o Kirk R. Fjelstul - Smith, Gambrell,
and Russell, LLP

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E-mail address: kfjelstul@sgrlaw.com

Phone number: 404.815.3740

Signature: _____
(Authorized Agent for PR Land Investments, LLC)

Property owner information (if different than the applicant)

Property owner (please print): See attached Owner signature page

Signature of property owner: See attached Owner signature page



Property Information

Tax Map Number: 08112 012001

Current Zoning: AR-III, R-1 and M-1 Total site area: 23.3 acres,
Total Acres: Area being annexed: 10.73 acres

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

Proposed City of Flowery Branch Zoning: TND

Proposed City of Flowery Branch Character Area: Traditional Neighborhood

Current Use: Single-Family detached dwelling and accessory structures

Per the Flowery Branch Code of Ordinances; Appendix C, "Zoning Ordinance", Article 36; Does this property potentially require a **DRI** (Development of Regional Impact) study? No DRI required

Voting Rights Act Information

Resident Population: _____ Housing Units: _____ Other Buildings: _____

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

Please provide the following at time of submittal in (one hard copy and digitally):

- Legal description
- Current survey of property
- Detailed description of request
- Conflict of interest disclosure (attached)
- Disclosure of campaign contributions (attached)
- Zoning application
- Annexation $\geq$ 100 acres of land requires an official request to amend the character area and future land use map designation for the subject property
- Names and addresses of adjoining property owners
- Reasons for requesting annexation
- Signed statement authorizing City of Flowery Branch staff and/or City Council to inspect the subject property

Disclosures



Conflict of Interest Disclosure

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

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

N/A

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

N/A

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

N/A

Disclosure of Campaign Contributions

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

Elected Officials Name

Amount of Description of Gift

N/A



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Elected Officials Name

Amount of Description of Gift

N/A

N/A

Legal Description

Overall Acreage of Property

Survey Legal Description for Parcel 08112 012001:

All that tract or parcel of land, together with improvements thereon, lying and being in Land Lot 112 / 8th District, Hall County, Georgia, containing 23.302 acres of land, more or less, and being more particularly described as:

COMMENCING at a nail at the centerline intersection of Gainesville Street (60' R/W) and Chattahoochee Street, thence North 44 degrees 33 minutes 53 seconds East with a distance of 175.88 feet to an iron pin set on the southerly right-of-way of Gainesville Street, said pin being the TRUE POINT OF BEGINNING.

Thence following along said right-of-way, North 34 degrees 39 minutes 58 seconds East with a distance of 157.22 feet to a point;

thence North 34 degrees 26 minutes 30 seconds East with a distance of 107.22 feet to an 1/2" iron pin set;

thence leaving said right-of-way and following a course bounded by the property now or formerly of Zachary Douglas Swansey, South 56 degrees 49 minutes 50 seconds East with a distance of 244.61 feet to an 1/2" iron pin set;

thence North 33 degrees 16 minutes 52 seconds East with a distance of 244.82 feet to an 1/2" iron pin set;

thence North 56 degrees 47 minutes 35 seconds West with a distance of 241.04 feet to an 1/2" iron pin set on the southerly right-of-way of Gainesville Street;

thence leaving said course and following along said right-of-way, North 33 degrees 36 minutes 27 seconds East with a distance of 98.38 feet to a point;

thence North 33 degrees 25 minutes 45 seconds East with a distance of 148.37 feet to a point;

thence following along an arc of a curve to the left, said curve having a radius of 1148.40 feet, having a chord bearing of North 25 degrees 26 minutes 55 seconds East and a chord distance of 359.88 feet, and an arc length of 361.37 feet to a point;

thence North 17 degrees 22 minutes 06 seconds East with a distance of 397.10 feet to an iron axle found;

thence leaving said right-of-way and following a course bounded by the property now or formerly of Nedra Ann Jones, South 30 degrees 22 minutes 58 seconds East with a distance of 1236.04 feet to a point on Southern Railway (200' R/W);

thence leaving said course and following along the northerly right-of-way of said railway, South 34 degrees 56 minutes 24 seconds West with a distance of 605.45 feet to an 1/2" iron pin found;

thence leaving said course and following a course bounded by the property now or formerly of Show House Design LLC., North 54 degrees 55 minutes 01 seconds West with a distance of 252.65 feet to an 1/2" iron pin found on the Easterly right-of-way of Church Street (40' R/W);

thence leaving said course and following said right-of-way, North 54 degrees 55 minutes 01 seconds West with a distance of 40.00 feet to an 1/2" iron pin set;

thence South 35 degrees 36 minutes 08 seconds West with a distance of 444.19 feet to an 1/2" iron pin found;

thence leaving said right-of-way and following a course bounded by the property now or formerly of FB Ever Ready LLC., North 45 degrees 30 minutes 40 seconds West with a distance of 102.20 feet to an 1/2" iron pin found;

thence leaving said course and following a course bounded by the property now or formerly of Coggins to an unspecified point, thence leaving said course and following a course bounded by the property now or formerly of Hutson, North 45 degrees 30 minutes 40 seconds West with a distance of 339.73 feet to an 1/2" iron pin set;
thence leaving said course and following a course bounded by the property now or formerly of Millwood, North 48 degrees 46 minutes 08 seconds West with a distance of 200.72 feet to the TRUE POINT OF BEGINNING.

Portion of property to be Annexed

Survey Legal Description for Parcel 08112 012001 Within Zone AR-III:

All that tract or parcel of land, together with improvements thereon, lying and being in Land Lot 112 / 8th District, Hall County, Georgia, containing 10.731 acres of land, more or less, and being more particularly described as:

COMMENCING at a nail at the centerline intersection of Gainesville Street (60' R/W) and Chattahoochee Street, thence North 44 degrees 33 minutes 53 seconds East with a distance of 175.88 feet to an iron pin set on the southerly right-of-way of Gainesville Street;
thence following along said right-of-way, North 34 degrees 39 minutes 58 seconds East with a distance of 157.22 feet to a point;
thence North 34 degrees 26 minutes 30 seconds East with a distance of 107.22 feet to an 1/2" iron pin set;
thence North 34 degrees 11 minutes 24 seconds East with a distance of 225.02 feet to an 1/2" iron pin set;
thence North 33 degrees 36 minutes 27 seconds East with a distance of 98.38 feet to a point;
thence North 33 degrees 25 minutes 43 seconds East with a distance of 13.16 feet to a point within Hall County limits (Zoned AR-III), said point being the TRUE POINT OF BEGINNING.

Thence North 33 degrees 25 minutes 45 seconds East with a distance of 135.22 feet to a point;
thence following along an arc of a curve to the left, said curve having a radius of 1148.40 feet, having a chord bearing of North 25 degrees 26 minutes 55 seconds East and a chord distance of 359.88 feet, and an arc length of 361.37 feet to a point;
thence North 17 degrees 22 minutes 06 seconds East with a distance of 397.10 feet to an iron axle found;
thence leaving said right-of-way and following a course bounded by the property now or formerly of Nedra Ann Jones, South 30 degrees 22 minutes 58 seconds East with a distance of 1236.04 feet to a point on Southern Railway (200' R/W);
thence leaving said course and following along the northerly right-of-way of said railway, South 34 degrees 56 minutes 24 seconds West with a distance of 169.13 feet to a point;
thence leaving said right-of-way and following a course bounded by the City Limits of Flowery Branch (Zoned M1), along an arc of a curve to the left, said curve having a radius of 2597.33 feet, having a chord bearing of North 58 degrees 25 minutes 06 seconds West and a chord distance of 266.83 feet, and an arc length of 266.94 feet to a point;
thence leaving said course and following a course bounded by the City Limits of Flowery Branch (Zoned R1), along an arc of a curve to the left, said curve having a radius of 2597.33 feet, having a chord bearing of North 69 degrees 02 minutes 48 seconds West and a chord distance of 694.59 feet, and an arc length of 696.68 feet to the TRUE POINT OF BEGINNING.

Survey

Hall County, GA

BE PROPERLY OBTAINED PRIOR TO
RECORDING.

BE PROPERLY OBTAINED PRIOR TO
RECORDING.

Site Plan



W&A
Engineering

CIVIL ENGINEERING · LANDSCAPE ARCHITECTURE
TRAFFIC ENGINEERING · SURVEYING
ECONOMIC DEVELOPMENT

355 Oneta Street, Suite D100
Athens, GA 30601
P: (706) 310-0400 • F: (706) 310-4011

ALL DRAWINGS SHALL REMAIN THE PROPERTY OF WAA ENGINEERING. THESE INSTRUMENTS OF SERVICE ARE TO BE USED SOLELY FOR THE SPECIFIC PROJECT. WAA ENGINEERING SHALL RETAIN ALL LEGAL RIGHTS TO THE USE OF THE INSTRUMENTS OF SERVICE AND SHALL RETAIN FULL PROTECTION UNDER U.S. PATENT AND COPYRIGHT LAW.

ZONING & ANNEXATION PLAN

CITY OF FLOWERY BRANCH, GEORGIA
GAINESVILLE STREET - 23.30 ACRES

**Know what's below.
Call before you dig.**

REVISIONS

[illegible]

INITIAL SUB. DATE: _____

ISSUANCE DATE: 9/20/2023



W&A PROJECT #: 220442

CONCEPT B

CP01

Letter of Intent

STATEMENT OF INTENT
IMPACT ANALYSIS

and

Other Material Required by
The City of Flowery Branch, Georgia Zoning Code
for the Annexation and Rezoning Application

of

PIEDMONT RESIDENTIAL, LLC

Application

Total area to be Rezoned to Traditional Neighborhood Design (TND): ± 23.3 Acres

Consisting of

Flowery Branch portion: 9.93 Acres zoned R-1 and 2.64 Acres zoned M-1

Hall County portion: 10.73 Acres zoned AR-3 and proposed for annexation

Parcel ID 08112 012001

Located along Gainesville Street

Submitted for Applicant by:

Kirk Fjelstul
Smith, Gambrell & Russell, LLP
1105 W. Peachtree Street, NE
Atlanta, Georgia 30309
404-815-3500

I. INTRODUCTION

This application seeks to rezone ±23.3 acres of land (“Property”) to a Traditional Neighborhood Development (TND) classification. The Property is “split zoned” into three zoning classifications and a portion of the Property is in unincorporated Hall County. 12.57 acres of the are in the City of Flowery Branch, of which 9.93 acres to the northwest are zoned R-1 and 2.64 acres to the southwest are zoned M-1.

The portion of the Property that is in unincorporated Hall County is the subject of the annexation application. It consists of 10.73 acres, is zoned AR-3 under the County’s ordinance and generally is the east side of the Property. It is virtually an unincorporated island, entirely surrounded by the City to the north (fronting Gainesville St.), west, and east. A small segment of the southern boundary connects to the rest of the unincorporated County through a thin sliver along the railroad.

The proposed development as shown on the site plan (“Development”) consists of up to 117 single family homes at an overall density of 5 units/acre, with amenities such as a pickleball court, dog park, and passive park. Consistent with the proposed TND zoning, the Development incorporates smaller lots with the homes located close to the street, and rear entry garages that are accessed through the use of alleys. The 5 units/acre density is well below the 6.5 units/acre maximum.

It should be noted that while the Development is consistent with both the zoning and the Character Area classification in the Comprehensive Plan, there are differences from the TND that are the result of feedback from the City, rather than the original design of the site plan. Those differences largely stem from a desire for curvilinear streets instead of block faces. The curvilinear streets result in differences from some of TND design standards and also require variances. Staff

is aware and advised the Applicant to identify variances with a chart on the site plan.

The Property has its frontage along Gainesville Street, approximately three-tenths of a mile from the Central Business District. There are two Comprehensive Plan Character Area designations for the portion of the Property that is in Flowery Branch. More than ten acres is designated as Traditional Neighborhood (TN) and the remaining two plus acres is designated as Mixed Use-Downtown. The Character Area Map shows the section of TN that includes this Property as a consistent zone along Gainesville Street all the way to the downtown business district. That is consistent with the Comprehensive Plan statement that TN is suited to in-town residential areas near the downtown. TN is also intended to be next to other residential and is designed for in-fill development. The Property in this case includes surrounding uses and zoning that are almost all residential. The residential zoning designations and uses represent a mix, ranging from R-1 to Planned Use Development (PUD), once again consistent with TN.

The design principals for the TN Character Area emphasize little, if any, building setbacks and the principles call for porches, rear-entry garages, and smaller lots with higher density. Land uses in the TN Character Area include single-family detached dwellings and the only compatible zoning is TND. As a result, the Development and the proposed zoning are both consistent with the Comprehensive Plan.

This document is submitted as an analysis of the standards in the City's ordinance for rezonings. It also includes the statements required to preserve constitutional rights.

II. ANALYSIS OF ZONING STANDARDS

A.

WHETHER THE PROPOSAL WILL PERMIT A USE THAT IS SUITABLE IN VIEW OF THE USE AND DEVELOPMENT OF ADJACENT AND NEARBY PROPERTY.

Piedmont ("Applicant") seeks to develop the Property for 117 detached single family

homes (approx. 5 units/acre). The Development is compatible with the adjacent and nearby uses, which includes a mix of single family residential uses ranging from R-1 to PUD.

It is contemplated that property along Gainesville Street close to downtown will redevelop as the town continues with its vision. The Property is in a TN Character Area designation in the Comprehensive Plan and the TN text provides that TND zoning is consistent with the TN Character Area. In fact, TND is the only zoning classification contemplated in the TN Comprehensive Plan Character Area. The current R-1 zoning is not listed as a compatible zoning.

The Comprehensive Plan provides that TND zoning is designed for development around other residential uses and is particularly suited for infill development near the downtown. The R-1 and AR-3 zoning classifications are meant for low density development and agricultural use. Other R-1 property in the area has already been developed and is being used as residential. The current Property includes 23 acres that is undeveloped and the only buildings are a home, a well house, four sheds and a barn. The Property has no economic use as agricultural land and can't be developed at R-1 density, and there is no market for a two-acre M-1 use at the rear of the Property.

B.

WHETHER THE PROPOSAL WILL ADVERSELY AFFECT THE EXISTING USE OR USABILITY OF ADJACENT OR NEARBY PROPERTY.

The proposal will not adversely affect adjacent or nearby property. All of the adjacent and nearby properties along Gainesville Street are zoned and used as single family residential, ranging from R-1 to PUD. The TND zoning is consistent with the Comprehensive Plan's TN Character Area designation for this Property, and the Development density of 5 units/acre is well

below the maximum. In accordance with the Comprehensive Plan, TND zoning is designed for smaller lots around other residential uses and is particularly suited for infill development near the downtown.

C.

WHETHER THE PROPERTY TO BE AFFECTED BY THE PROPOSAL CAN BE USED IN ACCORDANCE WITH THE EXISTING REGULATIONS AND HAS A REASONABLE ECONOMIC USE AS CURRENTLY ZONED.

The Property does not have a reasonable economic use as zoned. First, the Property is located both in the City and in the unincorporated County. The unincorporated portion is a virtual unincorporated island, which causes problems for the provision of services, regulation, and infrastructure. Second, the Property now has three different zoning designations and is regulated by two jurisdictions. Third, the R-1, AR-3, and M-1 zoning designations have no economic use at this location and in area in or near Flowery Branch. They cannot be developed at the restricted density in those residential classifications and there is no Market for M-1 at the back portion of this Property.

D.

WHETHER THE PROPOSAL WILL RESULT IN A USE WHICH WILL OR COULD CAUSE AN EXCESSIVE OR BURDENSOME USE OF EXISTING STREETS, TRANSPORTATION FACILITIES, UTILITIES, OR SCHOOLS.

Applicant will supplement this item with a memo demonstrating that there is not an excessive burden on infrastructure.

E.

WHETHER THE PROPOSAL IS IN CONFORMITY WITH THE POLICY AND INTENT OF THE COMPREHENSIVE PLAN INCLUDING BUT NOT LIMITED TO THE CHARACTER AREA MAP AND FUTURE LAND USE PLAN MAP.

The Property is in a TN Character Area designation in the Comprehensive Plan and the

TN text provides that TND is a consistent zoning. The Comprehensive Plan provides that TND zoning is designed for development around other residential uses and is particularly suited for infill development near the downtown. In fact, TND is the only zoning classification contemplated in the TN Comprehensive Plan Character Area and the current zoning is not listed.

**F.
WHETHER THERE ARE OTHER EXISTING OR CHANGING CONDITIONS
AFFECTING THE USE AND DEVELOPMENT OF THE PROPERTY WHICH GIVE
SUPPORTING GROUNDS FOR EITHER APPROVAL OR DISAPPROVAL OF THE
PROPOSAL.**

It is contemplated that property along Gainesville Street close to downtown will redevelop as the town continues with its vision. The Property is in a TN Character Area designation in the Comprehensive Plan and the TN text provides that TND zoning is consistent with the TN Character Area. In fact, TND is the only zoning classification contemplated in the TN Comprehensive Plan Character Area. The current R-1 zoning is not listed as a compatible zoning. The Comprehensive Plan provides that TND zoning is designed for development around other residential uses and is particularly suited for infill development near the downtown.

The R-1 and AR-3 zoning classifications are meant for low density development and agricultural use. Other R-1 property in the area has already been developed and is being used as residential. The current Property includes 23 acres that is undeveloped and the only buildings are a home, a well house, four sheds and a barn. The Property has no economic use as agricultural land and can't be developed at R-1 density. Finally, there is no market for a two-acre M-1 use at the rear of the Property. As a result, TND is the only appropriate zoning classification.

G.
EXISTING USE(S) AND ZONING OF THE SUBJECT PROPERTY AND NEARBY PROPERTIES.

The Property has its frontage along Gainesville Street, approximately three-tenths of a mile from the Central Business District. There are two Comprehensive Plan Character Area designations for the portion of the Property that is in Flowery Branch. More than ten acres is designated as Traditional Neighborhood (TN) and the remaining two plus acres is designated as Mixed Use-Downtown. The Character Area Map shows the section of TN that includes this Property as a consistent designation along Gainesville Street all the way to the downtown business district. That is consistent with the Comprehensive Plan statement that TN is suited to intown residential areas near the downtown. TN is also intended to be next to other residential and is designed for in-fill development. The Property in this case includes surrounding uses and zoning that are almost all residential. The residential zoning designations and uses represent a mix, ranging from R-1 to Planned Use Development (PUD), once again consistent with the TN Character Area.

H.
EXISTING VALUE OF THE PROPERTY UNDER THE EXISTING ZONING DISTRICT CLASSIFICATION, THE EXTENT TO WHICH THE PROPERTY VALUE OF THE SUBJECT PROPERTY IS DIMINISHED BY THE EXISTING ZONING DISTRICT, AND THE VALUE OF THE PROPERTY UNDER THE PROPOSED ZONING DISTRICT; IF SUCH INFORMATION IS PROVIDED BY THE APPLICANT OR CAN BE DISCERNED. THIS CONSIDERATION MAY INCLUDE THE LENGTH OF TIME THE PROPERTY HAS BEEN VACANT OR UNUSED AS CURRENTLY ZONED AND EFFORTS TAKEN BY THE PROPERTY OWNER(S) TO USE THE PROPERTY OR SELL THE PROPERTY UNDER THE EXISTING ZONING DISTRICT CLASSIFICATION.

The Property cannot be developed under the current zoning. The R-1 and AR-3 zoning classifications are meant for low density development and agricultural use. Other R-1 property in the area has already been developed and is being used as residential. The current Property includes 23 acres that is undeveloped and the only buildings are a home, a well house, four sheds

and a barn. The Property has no economic use as agricultural land and can't be developed at R-1 density. Finally, there is no market for a two-acre M-1 use at the rear of the Property.

**I.
WHETHER A PROPOSED ZONING MAP AMENDMENT OR CONDITIONAL USE
APPROVAL WILL BE A DETERRENT TO THE VALUE OR IMPROVEMENT OF
DEVELOPMENT OF ADJACENT PROPERTY IN ACCORDANCE WITH EXISTING
REGULATIONS.**

The proposed zoning will enhance the value of adjacent property. All of the adjacent and nearby properties along Gainesville Street are zoned and used as single family residential, ranging from R-1 to PUD. TND zoning is consistent with the Comprehensive Plan's TN Character Area designation for this Property, and the Development density of 5 units/acre is well below the maximum. Based on the Comprehensive Plan, TND zoning is designed for development around other residential uses and is particularly suited for infill development near the downtown. TND is the only zoning classification contemplated in the TN Comprehensive Plan Character Area and the current zoning is not included.

**J.
THE POSSIBLE CREATION OF AN ISOLATED ZONING DISTRICT UNRELATED
TO ADJACENT AND NEARBY DISTRICTS.**

The proposed rezoning will not create an isolated zoning district. The Property is in a TN Character Area designation in the Comprehensive Plan and the TN text provides that TND zoning is consistent with the TN Character Area. The Comprehensive Plan provides that TND zoning designed for development around other residential uses and is particularly suited for infill development near the downtown. TND is the only zoning classification contemplated in the TN Comprehensive Plan Character Area and the current zoning is not. Surrounding zoning classifications range from R-1 to PUD in this area of Gainesville Street and the proposed zoning and Development are consistent with what is contemplated.

K.
**POSSIBLE EFFECTS OF THE CHANGE IN ZONING DISTRICT MAP, OR CHANGE
IN USE, ON THE CHARACTER OF A ZONING DISTRICT.**

The proposed rezoning is consistent with the zoning map, based on the Comprehensive Plan. The Property is in a TN Character Area designation in the Comprehensive Plan and the TN text provides that TND zoning is consistent with the TN Character Area. The Comprehensive Plan provides that TND zoning designed for development around other residential uses and is particularly suited for infill development near the downtown. TND is the only zoning classification contemplated in the TN Comprehensive Plan Character Area and the current zoning is not included.

L.
**THE POSSIBLE IMPACT ON THE ENVIRONMENT, INCLUDING BUT NOT
LIMITED TO, DRAINAGE, SOIL EROSION AND SEDIMENTATION, FLOODING,
AIR QUALITY AND WATER QUALITY.**

There is no impact to the environment from the Development. The Development will be connected to the public sanitary sewer system. Stormwater quality and detention will be designed in accordance with state and federal requirements.

M.
**THE RELATION THAT THE PROPOSED MAP AMENDMENT OR CONDITIONAL
USE BEARS TO THE PURPOSE OF THE OVERALL ZONING SCHEME AND THE
PURPOSES OF THIS ZONING ORDINANCE.**

The proposed rezoning is consistent with the overall purpose of the zoning ordinance, based on the Comprehensive Plan. The Property is in a TN Character Area designation in the Comprehensive Plan and the TN text provides that TND zoning is consistent with the TN Character Area. The Comprehensive Plan provides that TND zoning is designed for development around other residential uses and is particularly suited for infill development near

the downtown. TND is the only zoning classification contemplated in the TN Comprehensive Plan Character Area and the current zoning is not included.

III. NOTICE OF CONSTITUTIONAL CHALLENGE TO UNDERLYING ZONING AND PRESERVATION OF CONSTITUTIONAL RIGHTS

The Applicant respectfully submits that the current zoning classification of the Subject Property and any proposed intervening district is unconstitutional and that rules relative to the Subject Property owner's right to use the Property established in the City of Flowery Branch County Zoning Ordinance, to the extent they prohibit this use, constitute an arbitrary, irrational abuse of discretion and unreasonable use of the zoning power because they bear no substantial relationship to the public health, safety, morality or general welfare of the public and substantially harm the Applicant in violation of the due process and equal protection rights guaranteed by the Fifth Amendment and Fourteenth Amendment of the Constitution of the United States, and Article I, Section I, Paragraph I and Article I, Section III, Paragraph I of the Constitution of the State of Georgia. Further, the failure to allow this use would constitute a taking of private property without just compensation and without due process in violation of the Fifth Amendment and Fourteenth Amendment of the Constitution of the United States, and Article I, Section I, Paragraph I and Article I, Section III, Paragraph I of the Constitution of the State of Georgia, and would be in violation of the Commerce Clause, Article I, Section 8, Clause 3 of the Constitution of the United States.

The Applicant respectfully submits that not approving the requested rezoning would be unconstitutional and would discriminate in an arbitrary, capricious and unreasonable manner between the Subject Property's owner and owners of similarly situated property in violation of

Article I, Section III, Paragraph I of the Constitution of the State of Georgia and the Equal Protection Clause of the Fourteenth Amendment of the Constitution of the United States.

IV. CONCLUSION

For the foregoing reasons, the Applicant respectfully requests that the proposed rezoning and annexation be approved. The Applicant also invites and welcomes any comments from Staff or other officials of the City.

This 20th day of October, 2023.

Respectfully submitted,



Kirk Fjelstul
Attorney for Applicant

Smith, Gambrell & Russell, LLP
1105 W. Peachtree Street, NE
Atlanta, Georgia 30309
404-815-3500

Adjoining Property Owners

Search Results

19 Results

☐ Show Property Photos

Parcel ID	Owner		Property Address	Map
08098 001019	NEDRA ANN JONES	1	5183 GAINESVILLE ST	Map
08112 012001	MILDRED BLACK BUTLER	Subject	5170 CHURCH ST	Map
08112 012001A	LINDA D MILLWOOD BAUGH D. LINDA		5285 GAINESVILLE ST	Map
08112 012002	ZACHARY DOUGLAS SWANSEY	2	5259 GAINESVILLE ST	Map
08112 012003	VARCHI INNOVATIONS LLC	3	5210 CHATTAHOOCHEE ST	Map
08112 012004	FB EVER READY, LLC	4	5204 CHATTAHOOCHEE ST	Map
08112 012005	DOWNTOWN HOMES 2, LLC	5	5185 CHURCH ST	Map
08112 012006	FLOWERY BRANCH MINI STORAGE SVCS, LLC	6	5175 CHURCH ST	Map
08112 012007	MICHAEL PRENTISS PRENTISS AMANDA MARIE	7	5216 CHATTAHOOCHEE ST	Map
08112 012008	CHATAHOOCHEE HOMES LLC	8	5224 CHATTAHOOCHEE ST	Map
08112 027030	BRENDA K STOUGH HANNA JEFFERY L	9	5280 GAINESVILLE ST	Map
08112 027031	ARNOLD WRIGHT	10	5270 GAINESVILLE ST	Map
08112 027032	JOSEPH D ROARK	11	5260 GAINESVILLE ST	Map
08112 027033	JOE DAVIDSON ROARK	12	5254 GAINESVILLE ST	Map
08112 027034	RUSSEL MORGAN HUDGENS HUDGENS HEATHER ANN	13	5248 GAINESVILLE ST	Map
08112 027035	REBECCA TRACY BAGWELL	14	5234 GAINESVILLE ST	Map
08112 027036	REBECCA TRACY BAGWELL	15	5220 GAINESVILLE ST	Map
08112 027036A	W J COFER COFER MONTEZ B	16	5206 GAINESVILLE ST	Map
		17		



Developed by
 Schneider
GEOSPATIAL

Property Owner Inspection Authorization

Inspection Authorization

Mildred Black Butler
106 Robertson Ct., NW
Dawsonville, GA 30534

08112 012001 (5170 Church Street)

I, Kathy Taylor, administrator of the estate of Mildred Black Butler, hereby affirm that I solely own the above-referenced tax parcel. I also acknowledge that I am aware of the rezoning and annexation requests filed by PR Land Investments, LLC (c/o Kirk R. Fjelstul) related to the referenced property and consent to same. Please allow this document to serve as my authorization of the City of Flowery Branch staff and/or City Council to inspect the subject property.

Kathy S. Taylor

Kathy S. Taylor

Date: Oct. 14-2023

Sworn to and subscribed before me
this 14 day of October, 2023

Vipul Gupta
NOTARY PUBLIC

Commission Exp 02-02-2027

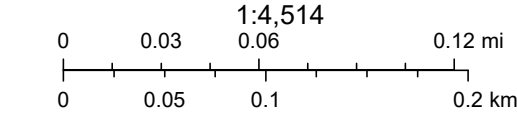


ArcGIS Web Map



10/26/2023, 11:53:13 AM

Oakwood Zoning			Flowery Branch Zoning			Gainesville Zoning			City Limits			County			Roads		
A-1	POD	A	NS	PUD	AR-IV	PCFD	R-MF	L-I	R-I-A	FLOWERY BRANCH	Arterial-Collector	Arterial-Collector	Interstate	Railway	Parcel Boundary		
C-1	POD	A	PUD	R-1	H-B	PID	R-TF	N-B	R-II	GAINESVILLE							
C-2	PRD	CBD	R-1	R-2	I-I	POD	S-S	N-C	R-O	GILLSVILLE							
M-1	R-1	HB	R-2	R-3	I-II	PRD	V-C	O-I	Cities	LULA							
M-2	R-2	INST	R-3	TND	MHP	R-I	C-B	PUD	BRASELTON	OAKWOOD							
O-P	R-3	M-1	R-4	AR-III	O-I	R-I-L	G-B	R-B	BUFORD	RESTHAVEN							
PCD	R-4	MHP			PCD	R-II	H-I	R-I	CLERMONT								



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Church Street

Gainesville Street View
Flowery Branch, GA





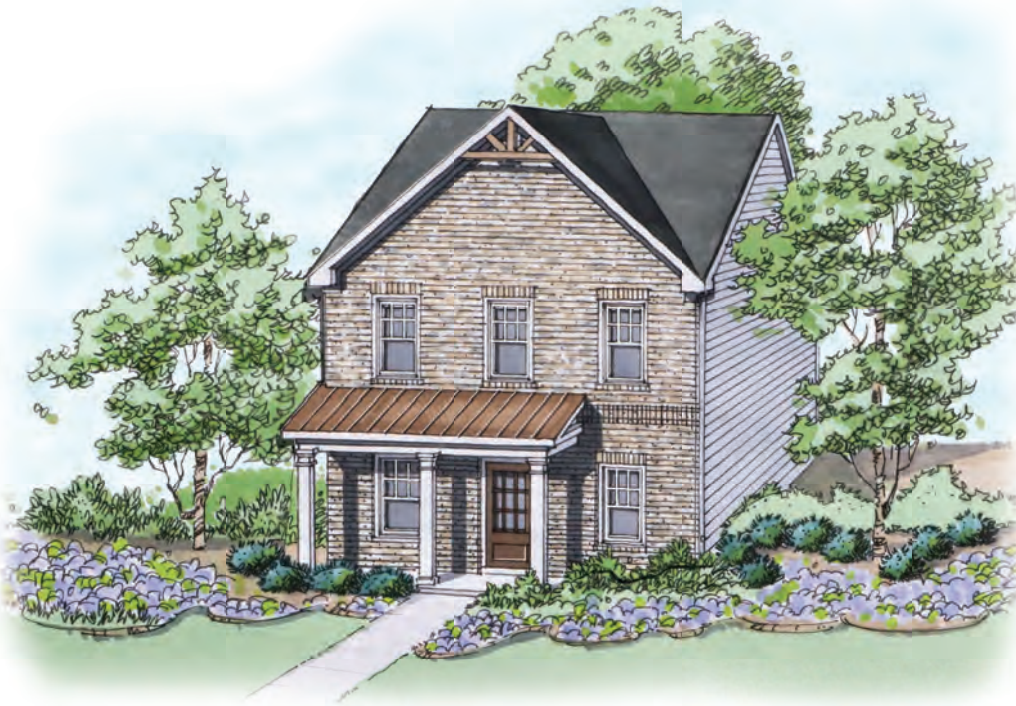
Church Street

Gainesville Street View
Flowery Branch, GA

Church Street

Gainesville Street View
Flowery Branch, GA





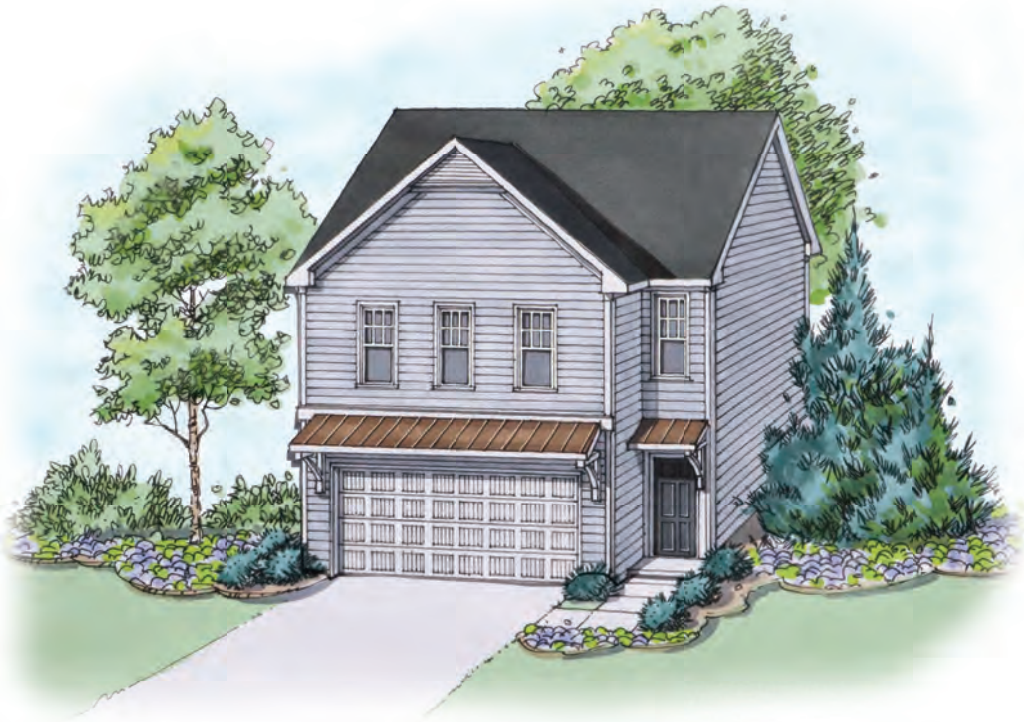
FRONT ELEVATION



REAR ELEVATION



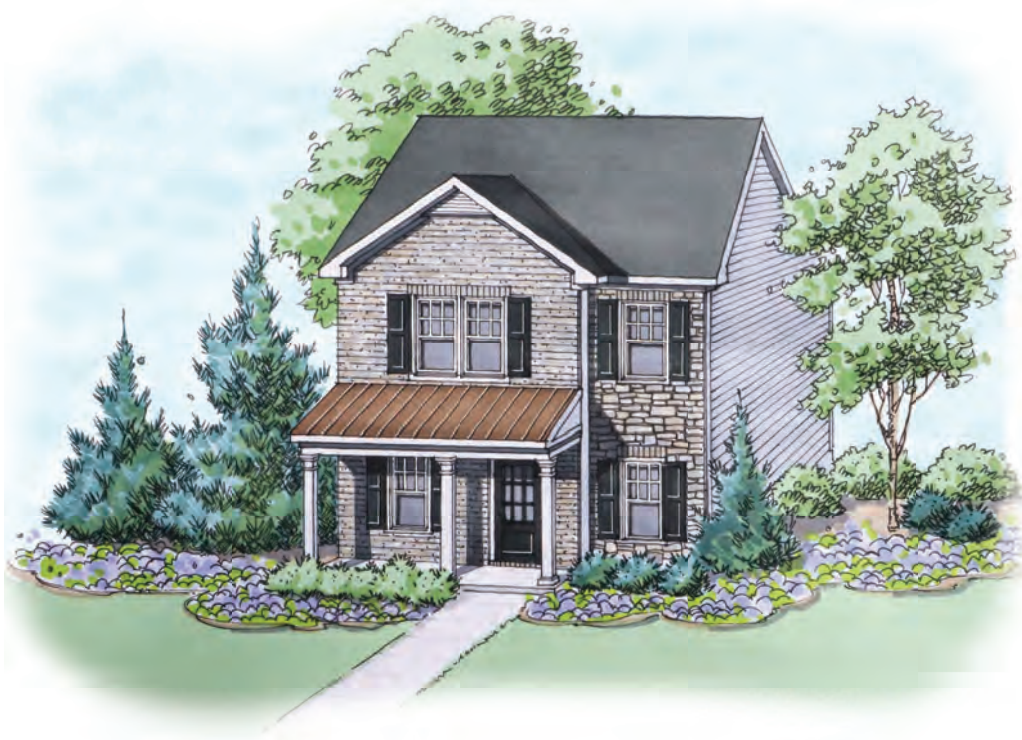
FRONT ELEVATION



REAR ELEVATION



Addison - B



FRONT ELEVATION



REAR ELEVATION



Brookfield - A



FRONT ELEVATION



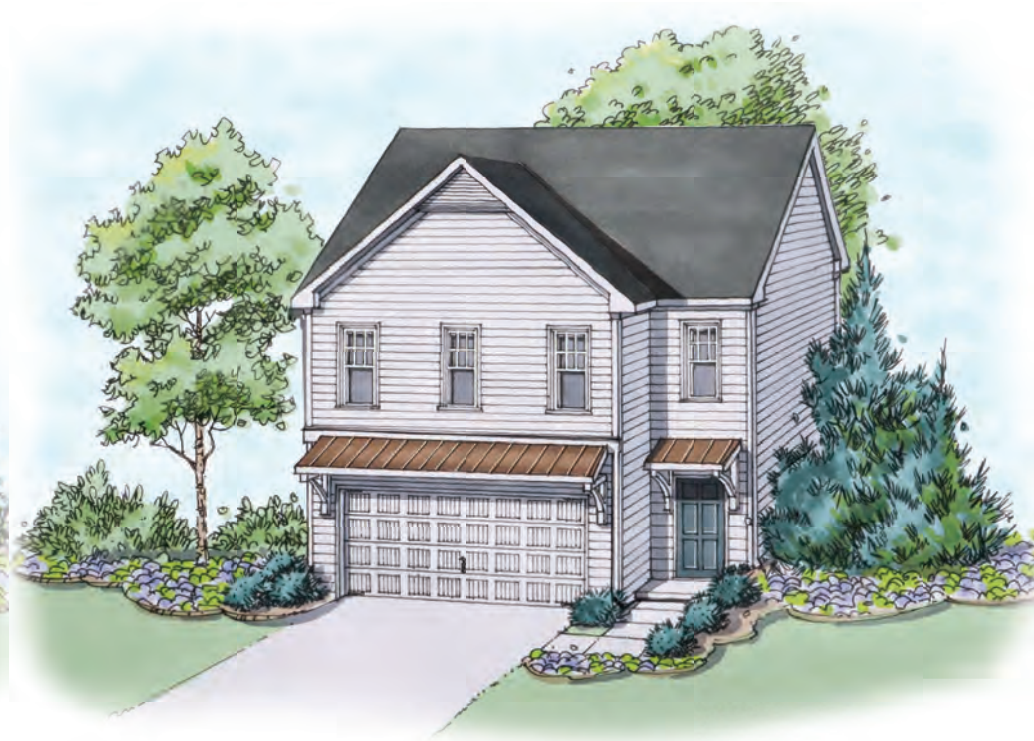
REAR ELEVATION



Brookfield - B



FRONT ELEVATION



REAR ELEVATION



Sedona - A



FRONT ELEVATION



REAR ELEVATION

Sedona - B



October 27, 2023

Hall County Board of Commissioners
2875 Browns Bridge Road
Gainesville, Georgia 30504
c/o Jennifer Rivera, Commission Clerk

Re: Notification of Intent to Annex and Rezone Land Located in Hall County

Dear Ladies and Gentlemen:

Please be advised that the City of Flowery Branch, Georgia, by the authority vested in the Mayor and City Council of Flowery Branch, Georgia by Article 2 of Chapter 36, Title 36, of the Official Code of Georgia Annotated, intends to annex the property hereinafter described by ordinance at a regular meeting of the Mayor and City Council.

This letter has been sent to you by certified mail, return receipt requested, within thirty (30) business days of acceptance of a complete application for annexation by the City of Flowery Branch, in accordance with O.C.G.A § 36-36-6 and O.C.G.A § 36-36-9 and after receipt of the application for zoning pursuant to O.C.G.A § 36-36-111.

The property to be annexed and rezoned is shown on the enclosed map and is described as follows:
5170 Church Street, tax parcel identification number 08112 012001.

Pursuant to O.C.G.A. § 36-36-111, a complete copy of the annexation and rezoning application is also enclosed.

Pursuant to O.C.G.A § 36-36-7 and O.C.G.A § 36-36-9, you must notify the Mayor and City Council of the City of Flowery Branch, in writing and by certified mail, return receipt requested, or statutory overnight delivery, return receipt requested, of any county facilities or property located within the properties to be annexed, within five (5) business days of receipt of this letter.

Hall County Board of Commissioners
Annexation and Rezoning of 5704 Jim Crow Road
October 27, 2023
Page 2 of 2

Pursuant to O.C.G.A § 36-66-4 a public hearing on zoning of the property to be annexed as Flowery Branch TND (Traditional Neighborhood Development) will be held on Thursday, December 7, 2023, at 6:00 PM in the City of Flowery Branch City Council Chamber located at 5410 Pine Street, Flowery Branch, GA 30542. If the county has a valid objection under O.C.G.A § 36-36-113, in accordance with the objection and resolution process, you must notify the city governing authority within forty-five (45) calendar days of the receipt of this notice. Such notice of objection must be made by verifiable delivery and include documentation of the nature of the objection specifically providing evidence of any financial impact forming the basis of the objection.

Sincerely,

Richard JE Atkinson

Director of Planning and Community Development
City of Flowery Branch
Rich@flowerybranchga.org

RA/

Enclosures: Site Map of Property to Annexed and Rezoned
Annexation and Rezoning Application

cc: William J. Linkous III, County Attorney
Randi Doveton, Director of Planning and Development

Church Street

Community Site Map
Flowery Branch, GA





**Staff Report
5170 Church St
Annexation & Rezoning Request
Ordinances**

Request

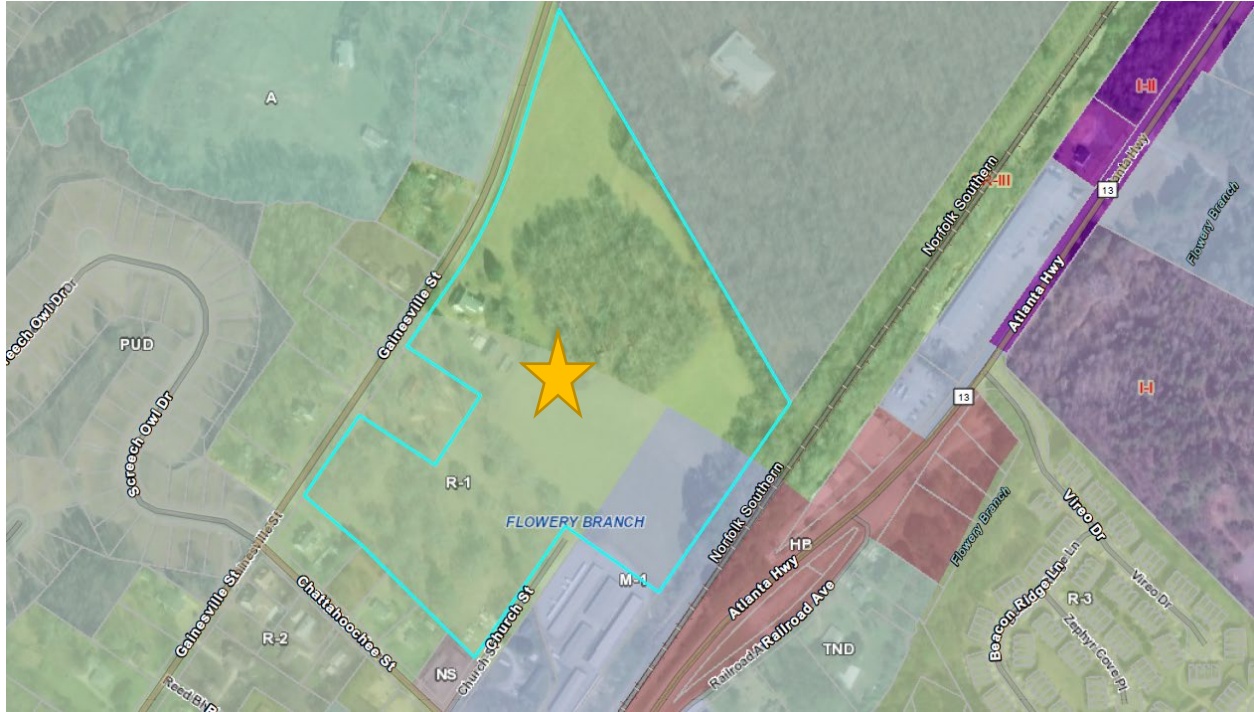
Currently, 5170 Church Street is a 23.3 +/- -acre tract of land that is partially in Hall County and partially within the city-limits of Flowery Branch. The applicant wishes to annex and subsequently rezone the 10.73 +/- acres of the unincorporated portion of the parcel from Hall County Agricultural Residential (AR-III) to Flowery Branch Traditional Neighborhood Development District (TND). If the 10.73 +/- portion of the parcel is annexed, it is requested to rezone the 12.57 +/- acres of the incorporated portion of land be rezoned from Residential, Detached Single Family, Low-Density District (R-1) and Light Manufacturing and Industrial District (M-1) to Traditional Neighborhood Development District (TND). This would result in the entire 23.3 +/- acres of tax parcel 08112 0120001, also known as 5170 Church Street, to lie within the city-limits of Flowery Branch and be zoned Traditional Neighborhood Development District (TND) The applicant wishes to construct a 117 detached single -family homes subdivision. The request includes the following concurrent variance requests:

The reduction of a portion of sidewalk widths from 8 feet to 5 feet.

The increase of impervious allowances as indicated on the accompanying chart.

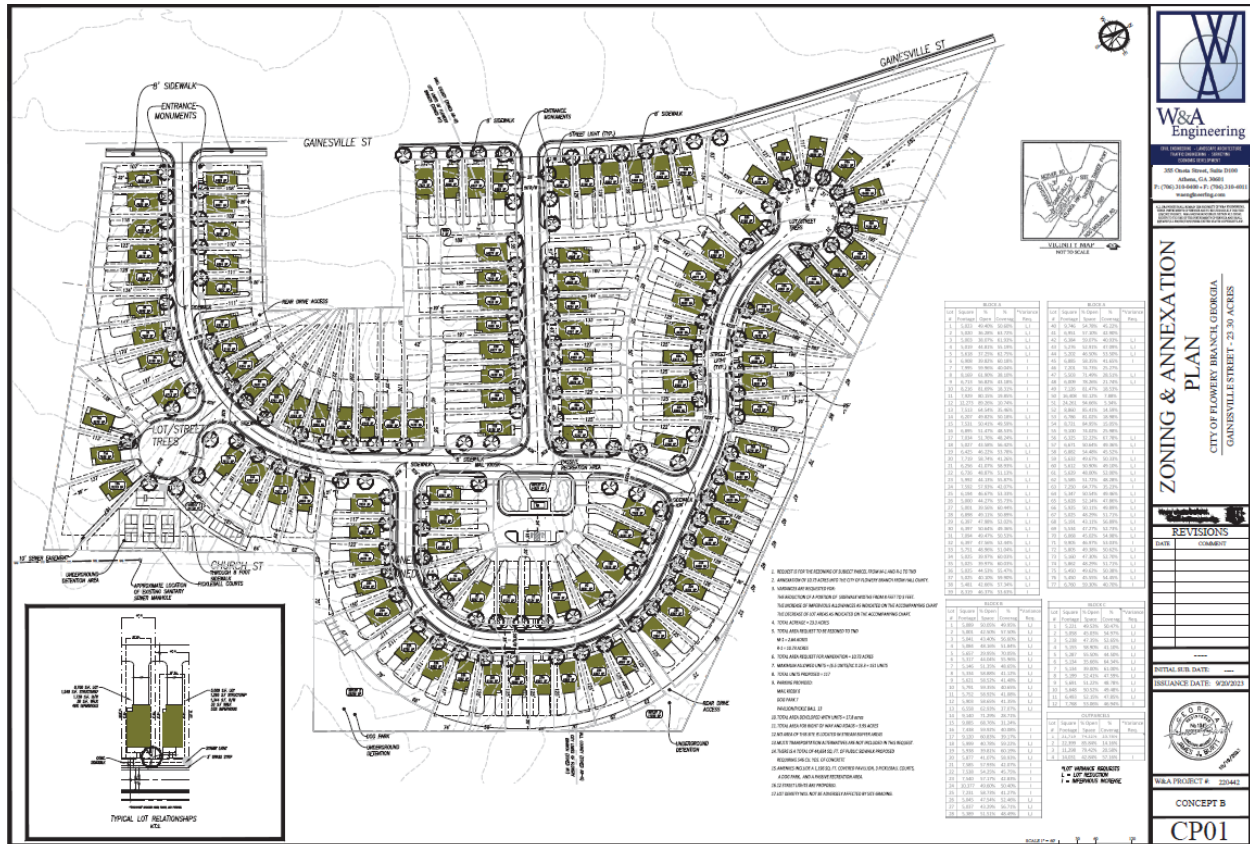
The decrease of lot area as indicated on the accompanying chart.

13 lots on cul-de-sac will have front entries.





Proposed Layout:



Site Information:



1. REQUEST IS FOR THE REZONING OF SUBJECT PARCEL FROM M-1 AND R-1 TO TND
2. ANNEXATION OF 10.73 ACRES INTO THE CITY OF FLOWERY BRANCH FROM HALL COUNTY.
3. VARIANCES ARE REQUESTED FOR:
THE REDUCTION OF A PORTION OF SIDEWALK WIDTHS FROM 8 FEET TO 5 FEET.
THE INCREASE OF IMPERVIOUS ALLOWANCES AS INDICATED ON THE ACCOMPANYING CHART
THE DECREASE OF LOT AREAS AS INDICATED ON THE ACCOMPANYING CHART.
4. TOTAL ACREAGE = 23.3 ACRES
5. TOTAL AREA REQUEST TO BE REZONED TO TND
M-1 = 2.64 ACRES
R-1 = 10.73 ACRES
6. TOTAL AREA REQUEST FOR ANNEXATION = 10.73 ACRES
7. MAXIMUM ALLOWED UNITS = $(6.5 \text{ UNITS/AC} \times 23.3 = 151 \text{ UNITS})$
8. TOTAL UNITS PROPOSED = 117
9. PARKING PROVIDED:
MAIL KIOSK 6
DOG PARK 7
PAVILION/PICKLE BALL 13
10. TOTAL AREA DEVELOPED WITH UNITS = 17.8 acres
11. TOTAL AREA FOR RIGHT OF WAY AND ROADS = 3.95 ACRES
12. NO AREA OF THIS SITE IS LOCATED IN STREAM BUFFER AREAS
13. MULTI TRANSPORTATION ALTERNATIVES ARE NOT INCLUDED IN THIS REQUEST.
14. THERE IS A TOTAL OF 44,654 SQ. FT. OF PUBLIC SIDEWALK PROPOSED
REQUIRING 546 CU. YDS. OF CONCRETE
15. AMENITIES INCLUDE A 1,196 SQ. FT. COVERED PAVILLION, 3 PICKLEBALL COURTS,
A DOG PARK, AND A PASSIVE RECREATION AREA.
16. 12 STREET LIGHTS ARE PROPOSED.
17. LOT DENSITY WILL NOT BE ADVERSELY AFFECTED BY SITE GRADING.



BLOCK A				
Lot #	Square Footage	% Open	% Coverag	*Variance Req.
1	5,023	49.40%	50.60%	L,I
2	5,020	36.28%	63.72%	L,I
3	5,003	38.07%	61.93%	L,I
4	5,019	44.81%	55.19%	L,I
5	5,618	37.25%	62.75%	L,I
6	6,908	39.82%	60.18%	I
7	7,995	59.96%	40.04%	I
8	8,169	61.90%	38.10%	I
9	6,713	56.82%	43.18%	I
10	8,216	81.69%	18.31%	I
11	7,929	80.15%	19.85%	I
12	12,273	89.26%	10.74%	I
13	7,513	64.54%	35.46%	I
14	6,207	49.82%	50.18%	L,I
15	7,531	50.41%	49.59%	I
16	6,895	51.47%	48.53%	I
17	7,034	51.76%	48.24%	I
18	5,027	43.58%	56.42%	L,I
19	6,425	46.22%	53.78%	L,I
20	7,719	58.74%	41.26%	I
21	6,256	41.07%	58.93%	L,I
22	6,726	48.87%	51.13%	I
23	5,992	44.13%	55.87%	L,I
24	7,592	57.93%	42.07%	I
25	6,194	46.67%	53.33%	L,I
26	5,000	44.27%	55.73%	L,I
27	5,001	39.56%	60.44%	L,I
28	6,898	49.11%	50.89%	I
29	6,397	47.98%	52.02%	L,I
30	6,397	50.64%	49.36%	L,I
31	7,094	49.47%	50.53%	I
32	6,397	47.56%	52.44%	L,I
33	5,751	48.96%	51.04%	L,I
34	5,025	39.97%	60.03%	L,I
35	5,025	39.97%	60.03%	L,I
36	5,025	44.53%	55.47%	L,I
37	5,025	40.10%	59.90%	L,I
38	5,481	42.66%	57.34%	L,I
39	8,319	46.37%	53.63%	I

BLOCK A				
Lot #	Square Footage	% Open Space	% Coverag	*Variance Req.
40	9,746	54.78%	45.22%	
41	6,951	57.10%	42.90%	
42	6,384	59.07%	40.93%	L,I
43	5,276	52.91%	47.09%	L,I
44	5,202	46.50%	53.50%	L,I
45	6,885	58.35%	41.65%	I
46	7,201	74.73%	25.27%	
47	5,503	71.49%	28.51%	L,I
48	6,009	78.26%	21.74%	L,I
49	7,126	81.47%	18.53%	
50	16,408	92.12%	7.88%	
51	24,261	94.66%	5.34%	
52	8,860	85.41%	14.59%	
53	6,786	81.02%	18.98%	
54	8,721	84.95%	15.05%	
55	9,100	74.02%	25.98%	
56	6,325	32.22%	67.78%	L,I
57	6,671	50.64%	49.36%	L,I
58	6,882	54.48%	45.52%	I
59	5,632	49.67%	50.33%	L,I
60	5,612	50.90%	49.10%	L,I
61	5,629	48.00%	52.00%	L,I
62	5,585	51.72%	48.28%	L,I
63	7,250	64.77%	35.23%	I
64	5,347	50.54%	49.46%	L,I
65	5,628	52.14%	47.86%	L,I
66	5,925	50.11%	49.89%	L,I
67	5,025	48.29%	51.71%	L,I
68	5,191	43.11%	56.89%	L,I
69	5,534	47.27%	52.73%	L,I
70	6,068	45.02%	54.98%	L,I
71	9,905	46.97%	53.03%	I
72	5,805	49.38%	50.62%	L,I
73	5,160	47.30%	52.70%	L,I
74	5,862	48.29%	51.71%	L,I
75	5,450	49.62%	50.38%	L,I
76	5,450	45.55%	54.45%	L,I
77	6,760	59.30%	40.70%	I



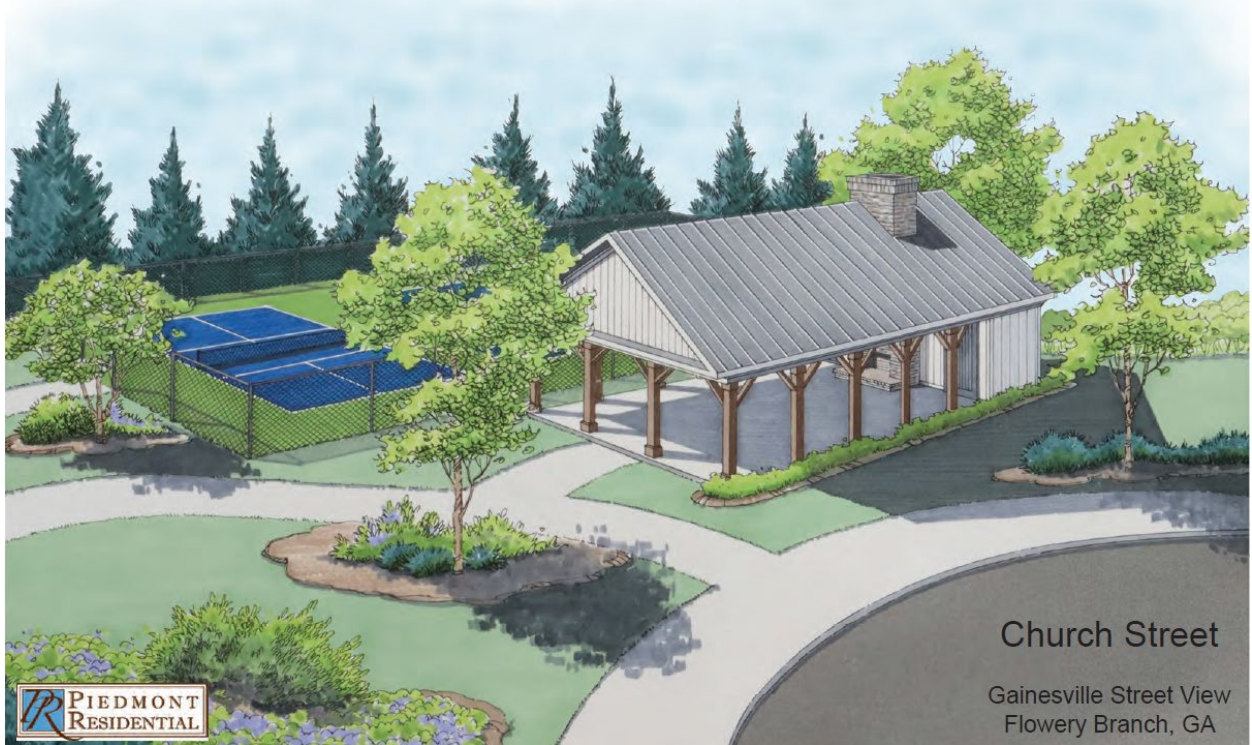
BLOCK B				
Lot #	Square Footage	% Open Space	% Coverag	*Variance Req.
1	5,089	50.05%	49.95%	L,I
2	5,001	42.50%	57.50%	L,I
3	5,041	43.40%	56.60%	L,I
4	5,084	48.16%	51.84%	L,I
5	5,657	29.95%	70.05%	L,I
6	5,317	44.04%	55.96%	L,I
7	5,146	51.35%	48.65%	L,I
8	5,334	58.88%	41.12%	L,I
9	5,621	58.52%	41.48%	L,I
10	5,791	59.35%	40.65%	L,I
11	5,752	58.92%	41.08%	L,I
12	5,903	58.65%	41.35%	L,I
13	6,558	62.93%	37.07%	L,I
14	9,140	71.29%	28.71%	
15	9,085	68.76%	31.24%	
16	7,438	59.92%	40.08%	I
17	9,120	60.83%	39.17%	I
18	5,999	40.78%	59.22%	L,I
19	5,938	39.81%	60.19%	L,I
20	5,877	41.07%	58.93%	L,I
21	7,585	57.93%	42.07%	I
22	7,538	54.25%	45.75%	I
23	7,540	57.17%	42.83%	I
24	10,377	49.60%	50.40%	I
25	7,231	58.73%	41.27%	I
26	5,045	47.54%	52.46%	L,I
27	5,037	43.29%	56.71%	L,I
28	5,389	51.51%	48.49%	L,I

BLOCK C				
Lot #	Square Footage	% Open Space	% Coverag	*Variance Req.
1	5,221	49.53%	50.47%	L,I
2	5,058	45.03%	54.97%	L,I
3	5,238	47.35%	52.65%	L,I
4	5,155	58.90%	41.10%	L,I
5	5,287	55.50%	44.50%	L,I
6	5,134	35.66%	64.34%	L,I
7	5,134	39.00%	61.00%	L,I
8	5,199	52.41%	47.59%	L,I
9	5,691	51.22%	48.78%	L,I
10	5,648	50.52%	49.48%	L,I
11	6,493	52.15%	47.85%	L,I
12	7,768	53.06%	46.94%	I

OUTPARCELS				
Lot #	Square Footage	% Open Space	% Coverag	*Variance Req.
1	21,719	74.22%	25.78%	
2	22,399	85.84%	14.16%	
3	11,298	79.42%	20.58%	
4	14,031	42.84%	57.16%	I

*LOT VARIANCE REQUESTS
 L = LOT REDUCTION
 I = IMPERVIOUS INCREASE

Renderings:





FRONT ELEVATION



REAR ELEVATION



FRONT ELEVATION



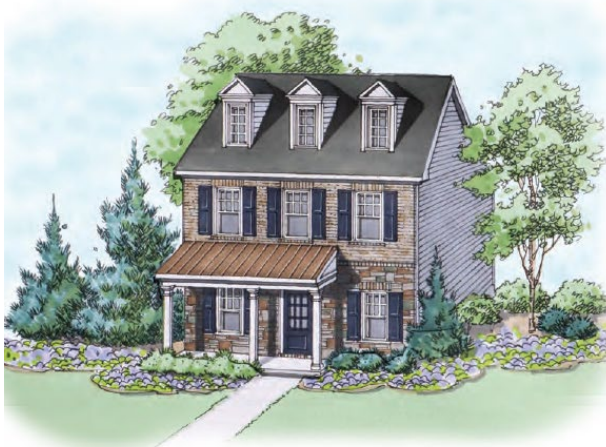
REAR ELEVATION



FRONT ELEVATION



REAR ELEVATION



FRONT ELEVATION



REAR ELEVATION



FRONT ELEVATION



REAR ELEVATION



FRONT ELEVATION



REAR ELEVATION

Proposed Schedule

December 7, 2023 – Public Hearing
December 21, 2023 - Work Session (if requested)
January 4, 2023 – First Read and First Vote
January 18, 2023 – Work Session (if requested)
February 1, 2023- Second Read and Final Vote



Comprehensive Plan

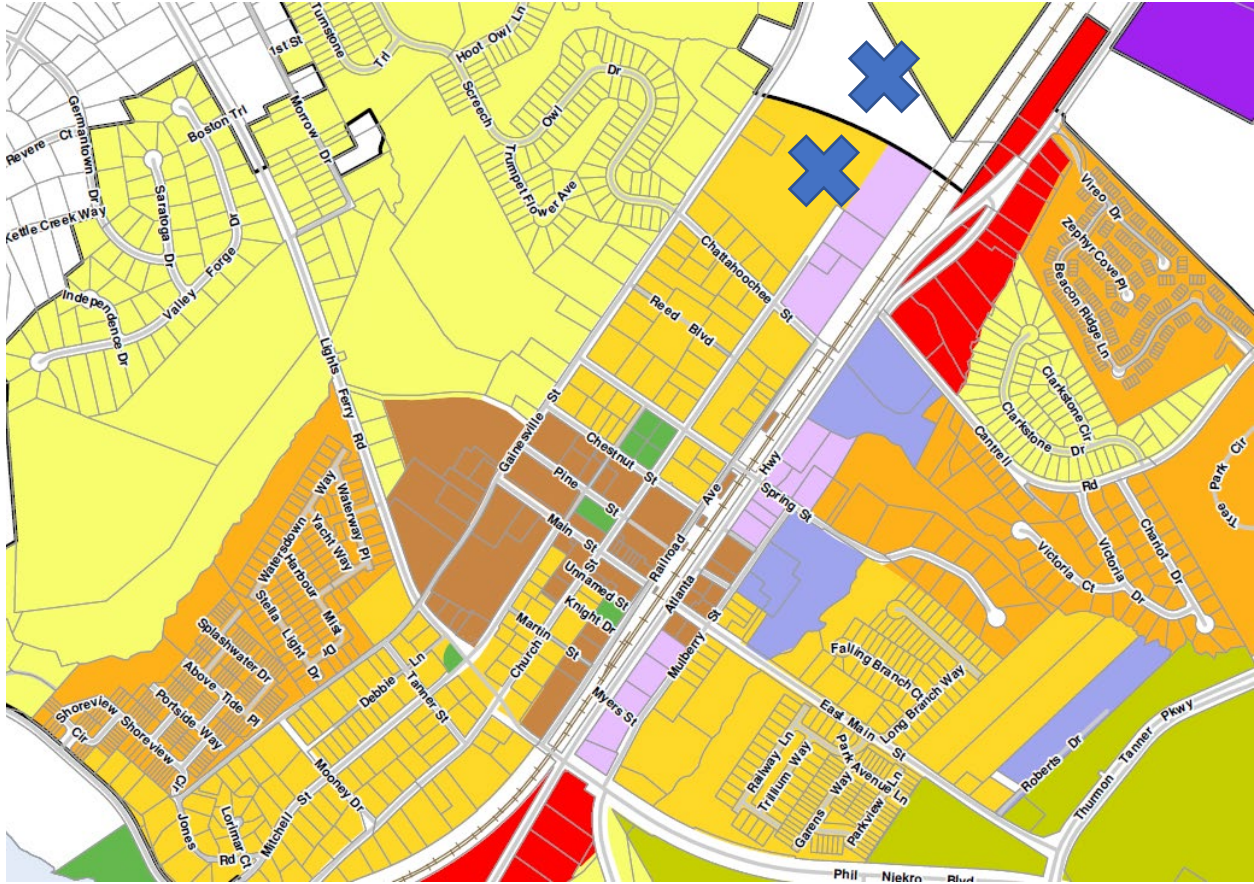


Purpose of the Comprehensive Plan

The *Flowery Branch Comprehensive Plan* is the City's policy guide for growth and development, as expressed by a vision statement, Future Development Map, character area policies, and supporting implementation strategies. The plan is most commonly used in the review and decision-making process by staff and City Council for rezoning requests, when proposals are evaluated for consistency with the Future Development Map and supporting text in this document.

The Comprehensive Plan also outlines the overall strategy for achieving the City's vision for future development by identifying a 5-year Community Work Program (CWP) with a prioritized 'to-do' list. The CWP should be consulted by staff and City Council on an annual basis when developing annual department-level work programs and the City budget.

In addition, this plan serves the purpose of meeting the intent and requirements of the Georgia Department of Community Affairs' (DCA) "Standards and Procedures for Local Comprehensive Planning," as amended on October 1, 2018. Preparation of a comprehensive plan in accordance with these standards is an essential requirement for maintaining status as a Qualified Local Government (QLG). QLG status allows Georgia cities and counties to be eligible for financial incentives from DCA, the Department of Natural Resources (DNR), the Georgia Environmental Finance Authority (GEFA), and the OneGeorgia Authority. This plan update allows the City of Flowery Branch to retain its QLG status.



Traditional Neighborhood



Traditional Neighborhood

The Traditional Neighborhood character area includes the in-town residential areas around the downtown core of Old Town.

Vision

Maintain the character and development pattern of the originally settled neighborhoods of Flowery Branch, with sensitive residential in-fill development and careful improvements where required including new sidewalks, street trees, and other pedestrian-friendly streetscape features.

Design Principles

- Little if any building setbacks from city streets
- Rectangular or square blocks and lots, and block lengths should not exceed 800 feet without intervening (mid-block) pedestrian footpaths
- Narrow streets in a grid-like pattern with shade trees
- Building facades emphasize porches
- Rear entry garage or detached rear garage, with the exception that a garage may be recessed behind the front façade if off-street parking must be directly accessed from the street and directly facing the street
- Wide sidewalks
- Smaller lots/higher density than Suburban Residential
- Provision of public greens or common areas when new neighborhoods are created
- Design review required for compatibility with existing residences

Land Uses

- Primarily single-family detached dwellings
- Townhouses may be allowed
- Greens, plazas, and pocket parks incorporated into development plans

Zoning

- TND, Traditional Neighborhood Development

Illustrative Photos



The proposed development meets the intent of the Comprehensive Plan. The size and scope of the proposed project would blend in with the surrounding area as it is residential in nature.



Analysis

Flowery Branch Zoning Ordinance Article 37 Rezoning and Conditional Use Applications

Sec. 34.7. - Analysis Requirements.

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

Applicant comment

Staff Response:

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

The Development is compatible with the adjacent and nearby uses, which includes a mix of single family residential uses ranging from R-1 to PUD. It is contemplated that property along Gainesville Street close to downtown will redevelop as the town continues with its vision. The Property is in a TN Character Area designation in the Comprehensive Plan and the TN text provides that TND zoning is consistent with the TN Character Area. In fact, TND is the only zoning classification contemplated in the TN Comprehensive Plan Character Area. The current R-1 zoning is not listed as a compatible zoning.

The Comprehensive Plan provides that TND zoning is designed for development around other residential uses and is particularly suited for infill development near the downtown. The R-1 and AR-3 zoning classifications are meant for low density development and agricultural use. Other R-1 property in the area has already been developed and is being used as residential. The current Property includes 23 acres that is undeveloped and the only buildings are a home, a well house, four sheds and a barn. The Property has no economic use as agricultural land and can't be developed at R-1 density, and there is no market for a two-acre M-1 use at the rear of the Property.

Yes, a residential use is appropriate for this site and the surrounding area.

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

The proposal will not adversely affect adjacent or nearby property. All of the adjacent and nearby properties along Gainesville Street are zoned and used as single family residential, ranging from R-1 to PUD. The TND zoning is consistent with the Comprehensive Plan's TND Character Area designation for this Property, and the Development density of 5 units/acre is well below the



maximum. In accordance with the Comprehensive Plan, TND zoning is designed for smaller lots around other residential uses and is particularly suited for infill development near the downtown. **The development will not adversely affect the area.**

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

The Property does not have a reasonable economic use as zoned. First, the Property is located both in the City and in the unincorporated County. The unincorporated portion is a virtual unincorporated island, which causes problems for the provision of services, regulation, and infrastructure. Second, the Property now has three different zoning designations and is regulated by two jurisdictions. Third, the R-1, AR-3, and M-1 zoning designations have no economic use at this location and in area in or near Flowery Branch. They cannot be developed at the restricted density in those residential classifications and there is no Market for M-1 at the back portion of this Property.

The current zoning may not be feasible for the growing economy need.

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

Applicant will supplement this item with a memo demonstrating that there is not an excessive burden on infrastructure.

It is staff's opinion that the use will not create any unnecessary burdens.

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

The Property is in a TN Character Area designation in the Comprehensive Plan and the TN text provides that TND is a consistent zoning. The Comprehensive Plan provides that TND zoning is designed for development around other residential uses and is particularly suited for infill development near the downtown. In fact, TND is the only zoning classification contemplated in the TN Comprehensive Plan Character Area and the current zoning is not listed.

The adjoining area is called by future land use map as "Traditional Neighborhood" character area. This project which is proposed to rezone as TND will meet the general intent of the comprehensive plan.

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

It is contemplated that property along Gainesville Street close to downtown will redevelop as the town continues with its vision. The Property is in a TN Character Area designation in the Comprehensive Plan and the TN text provides that TND zoning is consistent with the TN Character Area. In fact, TND is the only zoning classification contemplated in the TN Comprehensive Plan Character Area. The current R-1 zoning is not listed as a compatible zoning. The Comprehensive Plan provides that TND zoning is designed for development around other residential uses and is particularly suited for infill development near the downtown.

The R-1 and AR-3 zoning classifications are meant for low density development and agricultural use. Other R-1 property in the area has already been developed and is being used as residential. The current Property includes 23 acres that is undeveloped and the only buildings are a home, a well house, four sheds and a barn. The Property has no economic use as agricultural land and can't



be developed at R-1 density. Finally, there is no market for a two-acre M-1 use at the rear of the Property. As a result, TND is the only appropriate zoning classification.

Not to staff's knowledge, no.

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

The Property has its frontage along Gainesville Street, approximately three-tenths of a mile from the Central Business District. There are two Comprehensive Plan Character Area designations for the portion of the Property that is in Flowery Branch. More than ten acres is designated as Traditional Neighborhood (TN) and the remaining two plus acres is designated as Mixed Use-Downtown. The Character Area Map shows the section of TN that includes this Property as a consistent designation along Gainesville Street all the way to the downtown business district. That is consistent with the Comprehensive Plan statement that TN is suited to in-town residential areas near the downtown. TN is also intended to be next to other residential areas and is designed for in-fill development. The Property in this case includes surrounding uses and zoning that are almost all residential. The residential zoning designations and uses represent a mix, ranging from R-1 to Planned Use Development (PUD), once again consistent with the TN Character Area.

Currently vacant, the proposed use will fit in with the surrounding residential uses.

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

The Property cannot be developed under the current zoning. The R-1 and AR-3 zoning classifications are meant for low density development and agricultural use. Other R-1 property in the area has already been developed and is being used as residential. The current Property includes 23 acres that is undeveloped and the only buildings are a home, a well house, four sheds and a barn. The Property has no economic use as agricultural land and can't be developed at R-1 density. Finally, there is no market for a two-acre M-1 use at the rear of the Property.

In staff's opinion, the proposed project will increase the land value and meet the increasing housing needs in this area. By accommodating more residents, it will boost local economic development.

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

The proposed zoning will enhance the value of adjacent property. All of the adjacent and nearby properties along Gainesville Street are zoned and used as single family residential, ranging from R-1 to PUD. TND zoning is consistent with the Comprehensive Plan's TN Character Area



designation for this Property, and the Development density of 5 units/acre is well below the maximum. Based on the Comprehensive Plan, TND zoning is designed for development around other residential uses and is particularly suited for infill development near the downtown. TND is the only zoning classification contemplated in the TN Comprehensive Plan Character Area and the current zoning is not included.

Staff does not feel that the proposed will be a deterrent but rather an enhancement to the surrounding area and will have a positive impact on the housing mix by providing age restricted housing.

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

The proposed rezoning will not create an isolated zoning district. The Property is in a TN Character Area designation in the Comprehensive Plan and the TN text provides that TND zoning is consistent with the TN Character Area. The Comprehensive Plan provides that TND zoning designed for development around other residential uses and is particularly suited for infill development near the downtown. TND is the only zoning classification contemplated in the TN Comprehensive Plan Character Area and the current zoning is not. Surrounding zoning classifications range from R-1 to PUD in this area of Gainesville Street and the proposed zoning and Development are consistent with what is contemplated.

Agree

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

The proposed rezoning is consistent with the zoning map, based on the Comprehensive Plan. The Property is in a TN Character Area designation in the Comprehensive Plan and the TN text provides that TND zoning is consistent with the TN Character Area. The Comprehensive Plan provides that TND zoning is designed for development around other residential uses and is particularly suited for infill development near the downtown. TND is the only zoning classification contemplated in the TN Comprehensive Plan Character Area and the current zoning is not included.

The proposed use will enhance the character of the existing district and surrounding area in staff's opinion.

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

There is no impact to the environment from the Development. The Development will be connected to the public sanitary sewer system. Stormwater quality and detention will be designed in accordance with state and federal requirements.

The development, if approved, will need to go through all the required development reviews to ensure all applicable codes and requirements are met.



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

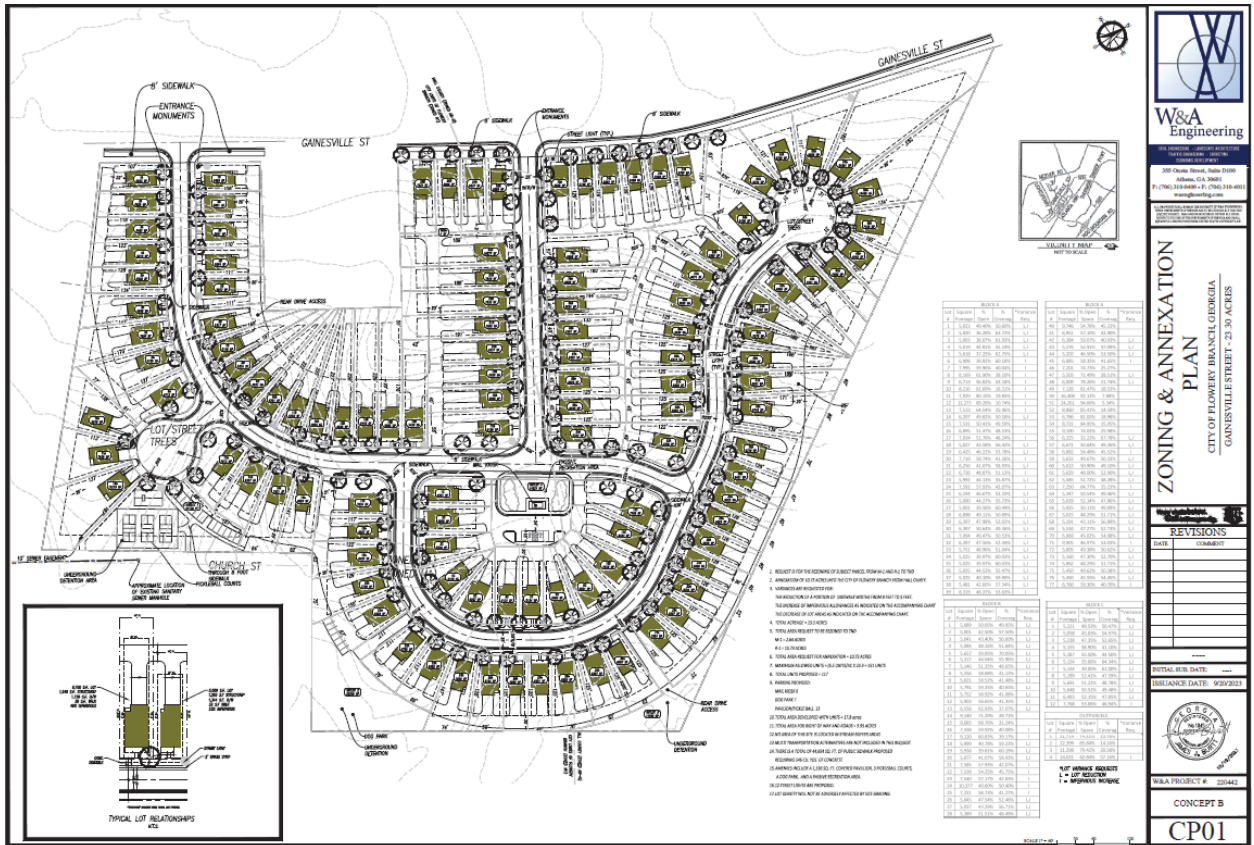
The proposed rezoning is consistent with the overall purpose of the zoning ordinance, based on the Comprehensive Plan. The Property is in a TN Character Area designation in the Comprehensive Plan and the TN text provides that TND zoning is consistent with the TN Character Area. The Comprehensive Plan provides that TND zoning is designed for development around other residential uses and is particularly suited for infill development near the downtown. TND is the only zoning classification contemplated in the TN Comprehensive Plan Character Area and the current zoning is not included.

The proposed development will enhance the surrounding area and meet the intent of the Zoning Ordinance.

Recommendation

Approve the request as submitted with the following conditions:

1. Development shall significantly adhere to the site plan as shown below:



- 19



- D. Amenities are included but not limited to 3 pickleball courts, a dog park and a passive recreation area shall be owned and maintained by homeowner's association.
- 9.

Public Hearing Published 11/01/2023
Public Hearing 12/07/2023

First Reading 02/01/2024
Adopted 02/15/2024

ORDINANCE NO. 706

AN ORDINANCE TO ANNEX AND BRING WITHIN THE CORPORATE LIMITS OF THE CITY OF FLOWERY BRANCH, STATE OF GEORGIA, REAL PROPERTY TOTALING 10.73 +/- ACRES OF LAND, OWNED BY KATHY S. TAYLOR, IDENTIFIED AS 5170 CHURCH ST, TAX PARCEL 08100 001003A AND AS SHOWN ON ATTACHED EXHIBIT “A”, AND AS DESCRIBED ON ATTACHED EXHIBIT “B”; PROVIDING FOR SEVERABILITY, REPEALING CONFLICTING ORDINANCES, PROVIDING FOR AN EFFECTIVE DATE AND FOR ALL OTHER LAWFUL PURPOSES.

WHEREAS, Kathy S. Taylor owns the subject parcel of land identified as Parcel Tax Identification No. 08112 0120001 as shown on Exhibit “A”, and as described on Exhibit “B”; and

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

WHEREAS, said parcels of land identified as Parcel Tax Identification No. 08112 0120001 is within the unincorporated area of Hall County, State of Georgia, and is contiguous to the existing corporate limits of the City of Flowery Branch, Georgia at this time; and

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

WHEREAS, the City Council held a public hearing at the meeting of December 7, 2023, duly noticed as prescribed by law and published in the Gainesville Times, regarding said application, as shall be set forth in the minutes of said meeting.

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

SECTION 1. RECITALS.

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

SECTION 2. ANNEXATION.

The City Council of Flowery Branch, Georgia, does hereby annex and include within the corporate limits of the City of Flowery Branch, Georgia real parcels of land known as Parcel Tax Identification No. 08112 0120001 as shown on Exhibit “A”, and as described on Exhibit “B”. Said Exhibits are incorporated by reference as if fully set forth herein.

SECTION 3. CERTIFICATION BY THE CITY CLERK

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

SECTION 4. SEVERABILITY.

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

SECTION 5. EFFECTIVE DATE.

The effective date of this Ordinance shall be February 15th, 2024

SECTION 6. REPEALER.

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

Approved this 15th day of February, 2024.

Edward R. Asbridge, Mayor

Shelia R. Cooper, City Clerk

APPROVED AS TO FORM

Ted C. Baggett, City Attorney

3



Exhibit "B"

Overall Acreage of Property

Survey Legal Description for Parcel 08112 012001:

All that tract or parcel of land, together with improvements thereon, lying and being in Land Lot 112 / 8th District, Hall County, Georgia, containing 23.302 acres of land, more or less, and being more particularly described as:

COMMENCING at a nail at the centerline intersection of Gainesville Street (60' R/W) and Chattahoochee Street, thence North 44 degrees 33 minutes 53 seconds East with a distance of 175.88 feet to an iron pin set on the southerly right-of-way of Gainesville Street, said pin being the TRUE POINT OF BEGINNING.

Thence following along said right-of-way, North 34 degrees 39 minutes 58 seconds East with a distance of 157.22 feet to a point;
thence North 34 degrees 26 minutes 30 seconds East with a distance of 107.22 feet to an 1/2" iron pin set;
thence leaving said right-of-way and following a course bounded by the property now or formerly of Zachary Douglas Swansey, South 56 degrees 49 minutes 50 seconds East with a distance of 244.61 feet to an 1/2" iron pin set;
thence North 33 degrees 16 minutes 52 seconds East with a distance of 244.82 feet to an 1/2" iron pin set;
thence North 56 degrees 47 minutes 35 seconds West with a distance of 241.04 feet to an 1/2" iron pin set on the southerly right-of-way of Gainesville Street;
thence leaving said course and following along said right-of-way, North 33 degrees 36 minutes 27 seconds East with a distance of 98.38 feet to a point;
thence North 33 degrees 25 minutes 45 seconds East with a distance of 148.37 feet to a point;
thence following along an arc of a curve to the left, said curve having a radius of 1148.40 feet, having a chord bearing of North 25 degrees 26 minutes 55 seconds East and a chord distance of 359.88 feet, and an arc length of 361.37 feet to a point;
thence North 17 degrees 22 minutes 06 seconds East with a distance of 397.10 feet to an iron axle found;
thence leaving said right-of-way and following a course bounded by the property now or formerly of Nedra Ann Jones, South 30 degrees 22 minutes 58 seconds East with a distance of 1236.04 feet to a point on Southern Railway (200' R/W);
thence leaving said course and following along the northerly right-of-way of said railway, South 34 degrees 56 minutes 24 seconds West with a distance of 605.45 feet to an 1/2" iron pin found;
thence leaving said course and following a course bounded by the property now or formerly of Show House Design LLC., North 54 degrees 55 minutes 01 seconds West with a distance of 252.65 feet to an 1/2" iron pin found on the Easterly right-of-way of Church Street (40' R/W);
thence leaving said course and following said right-of-way, North 54 degrees 55 minutes 01 seconds West with a distance of 40.00 feet to an 1/2" iron pin set;
thence South 35 degrees 36 minutes 08 seconds West with a distance of 444.19 feet to an 1/2" iron pin found;
thence leaving said right-of-way and following a course bounded by the property now or formerly of FB Ever Ready LLC., North 45 degrees 30 minutes 40 seconds West with a distance of 102.20 feet to an 1/2" iron pin found;

thence leaving said course and following a course bounded by the property now or formerly of Coggins to an unspecified point, thence leaving said course and following a course bounded by the property now or formerly of Hutson, North 45 degrees 30 minutes 40 seconds West with a distance of 339.73 feet to an 1/2" iron pin set;

thence leaving said course and following a course bounded by the property now or formerly of Millwood, North 48 degrees 46 minutes 08 seconds West with a distance of 200.72 feet to the TRUE POINT OF BEGINNING.

Portion of property to be Annexed

Survey Legal Description for Parcel 08112 012001 Within Zone AR-III:

All that tract or parcel of land, together with improvements thereon, lying and being in Land Lot 112 / 8th District, Hall County, Georgia, containing 10.731 acres of land, more or less, and being more particularly described as:

COMMENCING at a nail at the centerline intersection of Gainesville Street (60' R/W) and Chattahoochee Street, thence North 44 degrees 33 minutes 53 seconds East with a distance of 175.88 feet to an iron pin set on the southerly right-of-way of Gainesville Street;
thence following along said right-of-way, North 34 degrees 39 minutes 58 seconds East with a distance of 157.22 feet to a point;
thence North 34 degrees 26 minutes 30 seconds East with a distance of 107.22 feet to an 1/2" iron pin set;
thence North 34 degrees 11 minutes 24 seconds East with a distance of 225.02 feet to an 1/2" iron pin set;
thence North 33 degrees 36 minutes 27 seconds East with a distance of 98.38 feet to a point;
thence North 33 degrees 25 minutes 43 seconds East with a distance of 13.16 feet to a point within Hall County limits (Zoned AR-III), said point being the TRUE POINT OF BEGINNING.

Thence North 33 degrees 25 minutes 45 seconds East with a distance of 135.22 feet to a point;
thence following along an arc of a curve to the left, said curve having a radius of 1148.40 feet, having a chord bearing of North 25 degrees 26 minutes 55 seconds East and a chord distance of 359.88 feet, and an arc length of 361.37 feet to a point;
thence North 17 degrees 22 minutes 06 seconds East with a distance of 397.10 feet to an iron axle found;
thence leaving said right-of-way and following a course bounded by the property now or formerly of Nedra Ann Jones, South 30 degrees 22 minutes 58 seconds East with a distance of 1236.04 feet to a point on Southern Railway (200' R/W);
thence leaving said course and following along the northerly right-of-way of said railway, South 34 degrees 56 minutes 24 seconds West with a distance of 169.13 feet to a point;
thence leaving said right-of-way and following a course bounded by the City Limits of Flowery Branch (Zoned M1), along an arc of a curve to the left, said curve having a radius of 2597.33 feet, having a chord bearing of North 58 degrees 25 minutes 06 seconds West and a chord distance of 266.83 feet, and an arc length of 266.94 feet to a point;
thence leaving said course and following a course bounded by the City Limits of Flowery Branch (Zoned R1), along an arc of a curve to the left, said curve having a radius of 2597.33 feet, having a chord bearing of North 69 degrees 02 minutes 48 seconds West and a chord distance of 694.59 feet, and an arc length of 696.68 feet to the TRUE POINT OF BEGINNING.



FLOWERY BRANCH CITY COUNCIL

EXECUTIVE SUMMARY



SUBJECT: Consider the First Reading of Ordinance 707 for a Rezoning Request submitted by PR Land Investment.

COUNCIL MEETING DATE: February 1, 2024

HISTORY:

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FACTS AND ISSUES:

annexation and rezoning of 10.73 +/- acres of the remaining unincorporated portion of land known as 5170 Church Street and described as tax parcel identification number 08112 012001, from Hall County Agricultural Residential (AR-III) to Flowery Branch Traditional Neighborhood Development (TND). If annexed, it is requested to rezone the 12.57 +/- acres of the incorporated portion of land known as 5170 Church Street and described as tax parcel identification number 08112 012001 from Residential, Detached Single Family, Low-Density District (R-1) and Light Manufacturing and Industrial District (M-1) to Traditional Neighborhood Development (TND) and construct 117 detached single -family homes.

OPTIONS:

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

No

AMOUNT AND SOURCE OF FUNDS:

RECOMMENDATION:

Work Session and First Read and Vote

SAMPLE MOTION:

Work Session and First Read and Vote

COLLABORATING DEPARTMENT:

Planning

DEPARTMENT: Planning

Prepared by: Shelia Cooper

ATTACHMENTS

- 02 Piedmont Residential Rezoning App - 5170 Church st..pdf
- 03 5170 Church st GIS map.pdf
- 04 Church Street 3D Renderings 11.8.2023(43636486.1).pdf
- 05 Letter to Hall County.pdf
- 06 Church Street Site Rendering 11-14-2023.pdf
- Staff Report 5170 Church St.pdf
- Ordinance 707 – Rezoning to Piedmont Residential at 5170 Church Street.pdf



REZONING APPLICATION

Date: 10.4.2023

Address of Request:

5170 Church Street, Flowery Branch, GA 30542

Tax Map # 08112 012001 Current Zoning: AR-III, R-1 and M-1

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

Currently a conforming use? Yes.

Any conditions of zoning, CUP's, etc.? None.

Applicant Information

Name: PR Land Investments, LLC, c/o Kirk R. Fjelstul - Smith, Gambrell,
and Russell, LLP

Address: 1105 W. Peachtree Street, NE, Suite 1000, Atlanta, GA 30309

E-mail address: kfjelstul@sgrlaw.com

Phone number: 404.815.3740

Signature: 

Notary: Kirk R. Fjelstul - Smith, Gambrell, and Russell, LLP







Property owner information (if different than the applicant)

Property owner (please print): Kathy S. Taylor

Signature of property owner: Kathy S. Taylor

Notary:



Wendy Giglia
exp 10/09/2027

Property Information

Tax Map Number: 08112 012001

Current Zoning: AR-III, R-1 and M-1 Total Acres: 23.30

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

Proposed City of Flowery Branch Zoning: TND (Traditional Neighborhood Development)

Current Use: Single-Family detached residential

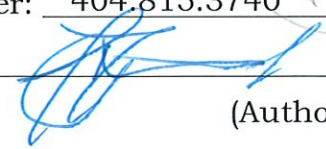
Please review the Flowery Branch Code of Ordinances, Appendix C, "Zoning Ordinance", Article 34, for complete requirements.

Please provide the following at time of submittal in (one hard copy and digitally):

- Legal description
- Current survey of property

**REZONING APPLICATION****Date:** 10.4.2023**Address of Request:**5170 Church Street, Flowery Branch, GA 30542Tax Map # 08112 012001 Current Zoning: AR-III, R-1 and M-1Is this site located within the boundaries of the historic district? No.Currently a conforming use? Yes.Any conditions of zoning, CUP's, etc.? None.**Applicant Information**Name: PR Land Investments, LLC, c/o Kirk R. Fjelstul - Smith, Gambrell,
and Russell, LLP

Address:

1105 W. Peachtree Street, NE, Suite 1000, Atlanta, GA 30309E-mail address: kfjelstul@sgrlaw.comPhone number: 404.815.3740Signature: 

Notary:

(Authorized Agent for PR Land Investments, LLC)



Legal Description

Overall Acreage of Property

Survey Legal Description for Parcel 08112 012001:

All that tract or parcel of land, together with improvements thereon, lying and being in Land Lot 112 / 8th District, Hall County, Georgia, containing 23.302 acres of land, more or less, and being more particularly described as:

COMMENCING at a nail at the centerline intersection of Gainesville Street (60' R/W) and Chattahoochee Street, thence North 44 degrees 33 minutes 53 seconds East with a distance of 175.88 feet to an iron pin set on the southerly right-of-way of Gainesville Street, said pin being the TRUE POINT OF BEGINNING.

Thence following along said right-of-way, North 34 degrees 39 minutes 58 seconds East with a distance of 157.22 feet to a point;

thence North 34 degrees 26 minutes 30 seconds East with a distance of 107.22 feet to an 1/2" iron pin set;

thence leaving said right-of-way and following a course bounded by the property now or formerly of Zachary Douglas Swansey, South 56 degrees 49 minutes 50 seconds East with a distance of 244.61 feet to an 1/2" iron pin set;

thence North 33 degrees 16 minutes 52 seconds East with a distance of 244.82 feet to an 1/2" iron pin set;

thence North 56 degrees 47 minutes 35 seconds West with a distance of 241.04 feet to an 1/2" iron pin set on the southerly right-of-way of Gainesville Street;

thence leaving said course and following along said right-of-way, North 33 degrees 36 minutes 27 seconds East with a distance of 98.38 feet to a point;

thence North 33 degrees 25 minutes 45 seconds East with a distance of 148.37 feet to a point;

thence following along an arc of a curve to the left, said curve having a radius of 1148.40 feet, having a chord bearing of North 25 degrees 26 minutes 55 seconds East and a chord distance of 359.88 feet, and an arc length of 361.37 feet to a point;

thence North 17 degrees 22 minutes 06 seconds East with a distance of 397.10 feet to an iron axle found;

thence leaving said right-of-way and following a course bounded by the property now or formerly of Nedra Ann Jones, South 30 degrees 22 minutes 58 seconds East with a distance of 1236.04 feet to a point on Southern Railway (200' R/W);

thence leaving said course and following along the northerly right-of-way of said railway, South 34 degrees 56 minutes 24 seconds West with a distance of 605.45 feet to an 1/2" iron pin found;

thence leaving said course and following a course bounded by the property now or formerly of Show House Design LLC., North 54 degrees 55 minutes 01 seconds West with a distance of 252.65 feet to an 1/2" iron pin found on the Easterly right-of-way of Church Street (40' R/W);

thence leaving said course and following said right-of-way, North 54 degrees 55 minutes 01 seconds West with a distance of 40.00 feet to an 1/2" iron pin set;

thence South 35 degrees 36 minutes 08 seconds West with a distance of 444.19 feet to an 1/2" iron pin found;

thence leaving said right-of-way and following a course bounded by the property now or formerly of FB Ever Ready LLC., North 45 degrees 30 minutes 40 seconds West with a distance of 102.20 feet to an 1/2" iron pin found;

thence leaving said course and following a course bounded by the property now or formerly of Coggins to an unspecified point, thence leaving said course and following a course bounded by the property now or formerly of Hutson, North 45 degrees 30 minutes 40 seconds West with a distance of 339.73 feet to an 1/2" iron pin set;
thence leaving said course and following a course bounded by the property now or formerly of Millwood, North 48 degrees 46 minutes 08 seconds West with a distance of 200.72 feet to the TRUE POINT OF BEGINNING.

Portion of property to be Annexed

Survey Legal Description for Parcel 08112 012001 Within Zone AR-III:

All that tract or parcel of land, together with improvements thereon, lying and being in Land Lot 112 / 8th District, Hall County, Georgia, containing 10.731 acres of land, more or less, and being more particularly described as:

COMMENCING at a nail at the centerline intersection of Gainesville Street (60' R/W) and Chattahoochee Street, thence North 44 degrees 33 minutes 53 seconds East with a distance of 175.88 feet to an iron pin set on the southerly right-of-way of Gainesville Street;
thence following along said right-of-way, North 34 degrees 39 minutes 58 seconds East with a distance of 157.22 feet to a point;
thence North 34 degrees 26 minutes 30 seconds East with a distance of 107.22 feet to an 1/2" iron pin set;
thence North 34 degrees 11 minutes 24 seconds East with a distance of 225.02 feet to an 1/2" iron pin set;
thence North 33 degrees 36 minutes 27 seconds East with a distance of 98.38 feet to a point;
thence North 33 degrees 25 minutes 43 seconds East with a distance of 13.16 feet to a point within Hall County limits (Zoned AR-III), said point being the TRUE POINT OF BEGINNING.

Thence North 33 degrees 25 minutes 45 seconds East with a distance of 135.22 feet to a point;
thence following along an arc of a curve to the left, said curve having a radius of 1148.40 feet, having a chord bearing of North 25 degrees 26 minutes 55 seconds East and a chord distance of 359.88 feet, and an arc length of 361.37 feet to a point;
thence North 17 degrees 22 minutes 06 seconds East with a distance of 397.10 feet to an iron axle found;
thence leaving said right-of-way and following a course bounded by the property now or formerly of Nedra Ann Jones, South 30 degrees 22 minutes 58 seconds East with a distance of 1236.04 feet to a point on Southern Railway (200' R/W);
thence leaving said course and following along the northerly right-of-way of said railway, South 34 degrees 56 minutes 24 seconds West with a distance of 169.13 feet to a point;
thence leaving said right-of-way and following a course bounded by the City Limits of Flowery Branch (Zoned M1), along an arc of a curve to the left, said curve having a radius of 2597.33 feet, having a chord bearing of North 58 degrees 25 minutes 06 seconds West and a chord distance of 266.83 feet, and an arc length of 266.94 feet to a point;
thence leaving said course and following a course bounded by the City Limits of Flowery Branch (Zoned R1), along an arc of a curve to the left, said curve having a radius of 2597.33 feet, having a chord bearing of North 69 degrees 02 minutes 48 seconds West and a chord distance of 694.59 feet, and an arc length of 696.68 feet to the TRUE POINT OF BEGINNING.

Survey

Hall County, GA



GA WEST, ZONE 1002
HND 83



Shoreline Land Surveyors
Walter Coy, Jr., P.E.
(770) 335-0400
walcoy@shorelandsurvey.com

210362

Site Plan

Letter of Intent

STATEMENT OF INTENT
IMPACT ANALYSIS

and

Other Material Required by
The City of Flowery Branch, Georgia Zoning Code
for the Annexation and Rezoning Application

of

PIEDMONT RESIDENTIAL, LLC

Application

Total area to be Rezoned to Traditional Neighborhood Design (TND): ± 23.3 Acres

Consisting of

Flowery Branch portion: 9.93 Acres zoned R-1 and 2.64 Acres zoned M-1

Hall County portion: 10.73 Acres zoned AR-3 and proposed for annexation

Parcel ID 08112 012001

Located along Gainesville Street

Submitted for Applicant by:

Kirk Fjelstul
Smith, Gambrell & Russell, LLP
1105 W. Peachtree Street, NE
Atlanta, Georgia 30309
404-815-3500

I. INTRODUCTION

This application seeks to rezone ±23.3 acres of land (“Property”) to a Traditional Neighborhood Development (TND) classification. The Property is “split zoned” into three zoning classifications and a portion of the Property is in unincorporated Hall County. 12.57 acres of the are in the City of Flowery Branch, of which 9.93 acres to the northwest are zoned R-1 and 2.64 acres to the southwest are zoned M-1.

The portion of the Property that is in unincorporated Hall County is the subject of the annexation application. It consists of 10.73 acres, is zoned AR-3 under the County’s ordinance and generally is the east side of the Property. It is virtually an unincorporated island, entirely surrounded by the City to the north (fronting Gainesville St.), west, and east. A small segment of the southern boundary connects to the rest of the unincorporated County through a thin sliver along the railroad.

The proposed development as shown on the site plan (“Development”) consists of up to 117 single family homes at an overall density of 5 units/acre, with amenities such as a pickleball court, dog park, and passive park. Consistent with the proposed TND zoning, the Development incorporates smaller lots with the homes located close to the street, and rear entry garages that are accessed through the use of alleys. The 5 units/acre density is well below the 6.5 units/acre maximum.

It should be noted that while the Development is consistent with both the zoning and the Character Area classification in the Comprehensive Plan, there are differences from the TND that are the result of feedback from the City, rather than the original design of the site plan. Those differences largely stem from a desire for curvilinear streets instead of block faces. The curvilinear streets result in differences from some of TND design standards and also require variances. Staff

is aware and advised the Applicant to identify variances with a chart on the site plan.

The Property has its frontage along Gainesville Street, approximately three-tenths of a mile from the Central Business District. There are two Comprehensive Plan Character Area designations for the portion of the Property that is in Flowery Branch. More than ten acres is designated as Traditional Neighborhood (TN) and the remaining two plus acres is designated as Mixed Use-Downtown. The Character Area Map shows the section of TN that includes this Property as a consistent zone along Gainesville Street all the way to the downtown business district. That is consistent with the Comprehensive Plan statement that TN is suited to intown residential areas near the downtown. TN is also intended to be next to other residential and is designed for in-fill development. The Property in this case includes surrounding uses and zoning that are almost all residential. The residential zoning designations and uses represent a mix, ranging from R-1 to Planned Use Development (PUD), once again consistent with TN.

The design principals for the TN Character Area emphasize little, if any, building setbacks and the principles call for porches, rear-entry garages, and smaller lots with higher density. Land uses in the TN Character Area include single-family detached dwellings and the only compatible zoning is TND. As a result, the Development and the proposed zoning are both consistent with the Comprehensive Plan.

This document is submitted as an analysis of the standards in the City's ordinance for rezonings. It also includes the statements required to preserve constitutional rights.

II. ANALYSIS OF ZONING STANDARDS

A.

WHETHER THE PROPOSAL WILL PERMIT A USE THAT IS SUITABLE IN VIEW OF THE USE AND DEVELOPMENT OF ADJACENT AND NEARBY PROPERTY.

Piedmont ("Applicant") seeks to develop the Property for 117 detached single family

homes (approx. 5 units/acre). The Development is compatible with the adjacent and nearby uses, which includes a mix of single family residential uses ranging from R-1 to PUD.

It is contemplated that property along Gainesville Street close to downtown will redevelop as the town continues with its vision. The Property is in a TN Character Area designation in the Comprehensive Plan and the TN text provides that TND zoning is consistent with the TN Character Area. In fact, TND is the only zoning classification contemplated in the TN Comprehensive Plan Character Area. The current R-1 zoning is not listed as a compatible zoning.

The Comprehensive Plan provides that TND zoning is designed for development around other residential uses and is particularly suited for infill development near the downtown. The R-1 and AR-3 zoning classifications are meant for low density development and agricultural use. Other R-1 property in the area has already been developed and is being used as residential. The current Property includes 23 acres that is undeveloped and the only buildings are a home, a well house, four sheds and a barn. The Property has no economic use as agricultural land and can't be developed at R-1 density, and there is no market for a two-acre M-1 use at the rear of the Property.

B.

WHETHER THE PROPOSAL WILL ADVERSELY AFFECT THE EXISTING USE OR USABILITY OF ADJACENT OR NEARBY PROPERTY.

The proposal will not adversely affect adjacent or nearby property. All of the adjacent and nearby properties along Gainesville Street are zoned and used as single family residential, ranging from R-1 to PUD. The TND zoning is consistent with the Comprehensive Plan's TN Character Area designation for this Property, and the Development density of 5 units/acre is well

below the maximum. In accordance with the Comprehensive Plan, TND zoning is designed for smaller lots around other residential uses and is particularly suited for infill development near the downtown.

C.

WHETHER THE PROPERTY TO BE AFFECTED BY THE PROPOSAL CAN BE USED IN ACCORDANCE WITH THE EXISTING REGULATIONS AND HAS A REASONABLE ECONOMIC USE AS CURRENTLY ZONED.

The Property does not have a reasonable economic use as zoned. First, the Property is located both in the City and in the unincorporated County. The unincorporated portion is a virtual unincorporated island, which causes problems for the provision of services, regulation, and infrastructure. Second, the Property now has three different zoning designations and is regulated by two jurisdictions. Third, the R-1, AR-3, and M-1 zoning designations have no economic use at this location and in area in or near Flowery Branch. They cannot be developed at the restricted density in those residential classifications and there is no Market for M-1 at the back portion of this Property.

D.

WHETHER THE PROPOSAL WILL RESULT IN A USE WHICH WILL OR COULD CAUSE AN EXCESSIVE OR BURDENSOME USE OF EXISTING STREETS, TRANSPORTATION FACILITIES, UTILITIES, OR SCHOOLS.

Applicant will supplement this item with a memo demonstrating that there is not an excessive burden on infrastructure.

E.

WHETHER THE PROPOSAL IS IN CONFORMITY WITH THE POLICY AND INTENT OF THE COMPREHENSIVE PLAN INCLUDING BUT NOT LIMITED TO THE CHARACTER AREA MAP AND FUTURE LAND USE PLAN MAP.

The Property is in a TN Character Area designation in the Comprehensive Plan and the

TN text provides that TND is a consistent zoning. The Comprehensive Plan provides that TND zoning is designed for development around other residential uses and is particularly suited for infill development near the downtown. In fact, TND is the only zoning classification contemplated in the TN Comprehensive Plan Character Area and the current zoning is not listed.

**F.
WHETHER THERE ARE OTHER EXISTING OR CHANGING CONDITIONS
AFFECTING THE USE AND DEVELOPMENT OF THE PROPERTY WHICH GIVE
SUPPORTING GROUNDS FOR EITHER APPROVAL OR DISAPPROVAL OF THE
PROPOSAL.**

It is contemplated that property along Gainesville Street close to downtown will redevelop as the town continues with its vision. The Property is in a TN Character Area designation in the Comprehensive Plan and the TN text provides that TND zoning is consistent with the TN Character Area. In fact, TND is the only zoning classification contemplated in the TN Comprehensive Plan Character Area. The current R-1 zoning is not listed as a compatible zoning. The Comprehensive Plan provides that TND zoning is designed for development around other residential uses and is particularly suited for infill development near the downtown.

The R-1 and AR-3 zoning classifications are meant for low density development and agricultural use. Other R-1 property in the area has already been developed and is being used as residential. The current Property includes 23 acres that is undeveloped and the only buildings are a home, a well house, four sheds and a barn. The Property has no economic use as agricultural land and can't be developed at R-1 density. Finally, there is no market for a two-acre M-1 use at the rear of the Property. As a result, TND is the only appropriate zoning classification.

G.
EXISTING USE(S) AND ZONING OF THE SUBJECT PROPERTY AND NEARBY PROPERTIES.

The Property has its frontage along Gainesville Street, approximately three-tenths of a mile from the Central Business District. There are two Comprehensive Plan Character Area designations for the portion of the Property that is in Flowery Branch. More than ten acres is designated as Traditional Neighborhood (TN) and the remaining two plus acres is designated as Mixed Use-Downtown. The Character Area Map shows the section of TN that includes this Property as a consistent designation along Gainesville Street all the way to the downtown business district. That is consistent with the Comprehensive Plan statement that TN is suited to intown residential areas near the downtown. TN is also intended to be next to other residential and is designed for in-fill development. The Property in this case includes surrounding uses and zoning that are almost all residential. The residential zoning designations and uses represent a mix, ranging from R-1 to Planned Use Development (PUD), once again consistent with the TN Character Area.

H.
EXISTING VALUE OF THE PROPERTY UNDER THE EXISTING ZONING DISTRICT CLASSIFICATION, THE EXTENT TO WHICH THE PROPERTY VALUE OF THE SUBJECT PROPERTY IS DIMINISHED BY THE EXISTING ZONING DISTRICT, AND THE VALUE OF THE PROPERTY UNDER THE PROPOSED ZONING DISTRICT; IF SUCH INFORMATION IS PROVIDED BY THE APPLICANT OR CAN BE DISCERNED. THIS CONSIDERATION MAY INCLUDE THE LENGTH OF TIME THE PROPERTY HAS BEEN VACANT OR UNUSED AS CURRENTLY ZONED AND EFFORTS TAKEN BY THE PROPERTY OWNER(S) TO USE THE PROPERTY OR SELL THE PROPERTY UNDER THE EXISTING ZONING DISTRICT CLASSIFICATION.

The Property cannot be developed under the current zoning. The R-1 and AR-3 zoning classifications are meant for low density development and agricultural use. Other R-1 property in the area has already been developed and is being used as residential. The current Property includes 23 acres that is undeveloped and the only buildings are a home, a well house, four sheds

and a barn. The Property has no economic use as agricultural land and can't be developed at R-1 density. Finally, there is no market for a two-acre M-1 use at the rear of the Property.

**I.
WHETHER A PROPOSED ZONING MAP AMENDMENT OR CONDITIONAL USE
APPROVAL WILL BE A DETERRENT TO THE VALUE OR IMPROVEMENT OF
DEVELOPMENT OF ADJACENT PROPERTY IN ACCORDANCE WITH EXISTING
REGULATIONS.**

The proposed zoning will enhance the value of adjacent property. All of the adjacent and nearby properties along Gainesville Street are zoned and used as single family residential, ranging from R-1 to PUD. TND zoning is consistent with the Comprehensive Plan's TN Character Area designation for this Property, and the Development density of 5 units/acre is well below the maximum. Based on the Comprehensive Plan, TND zoning is designed for development around other residential uses and is particularly suited for infill development near the downtown. TND is the only zoning classification contemplated in the TN Comprehensive Plan Character Area and the current zoning is not included.

**J.
THE POSSIBLE CREATION OF AN ISOLATED ZONING DISTRICT UNRELATED
TO ADJACENT AND NEARBY DISTRICTS.**

The proposed rezoning will not create an isolated zoning district. The Property is in a TN Character Area designation in the Comprehensive Plan and the TN text provides that TND zoning is consistent with the TN Character Area. The Comprehensive Plan provides that TND zoning designed for development around other residential uses and is particularly suited for infill development near the downtown. TND is the only zoning classification contemplated in the TN Comprehensive Plan Character Area and the current zoning is not. Surrounding zoning classifications range from R-1 to PUD in this area of Gainesville Street and the proposed zoning and Development are consistent with what is contemplated.

K.
**POSSIBLE EFFECTS OF THE CHANGE IN ZONING DISTRICT MAP, OR CHANGE
IN USE, ON THE CHARACTER OF A ZONING DISTRICT.**

The proposed rezoning is consistent with the zoning map, based on the Comprehensive Plan. The Property is in a TN Character Area designation in the Comprehensive Plan and the TN text provides that TND zoning is consistent with the TN Character Area. The Comprehensive Plan provides that TND zoning designed for development around other residential uses and is particularly suited for infill development near the downtown. TND is the only zoning classification contemplated in the TN Comprehensive Plan Character Area and the current zoning is not included.

L.
**THE POSSIBLE IMPACT ON THE ENVIRONMENT, INCLUDING BUT NOT
LIMITED TO, DRAINAGE, SOIL EROSION AND SEDIMENTATION, FLOODING,
AIR QUALITY AND WATER QUALITY.**

There is no impact to the environment from the Development. The Development will be connected to the public sanitary sewer system. Stormwater quality and detention will be designed in accordance with state and federal requirements.

M.
**THE RELATION THAT THE PROPOSED MAP AMENDMENT OR CONDITIONAL
USE BEARS TO THE PURPOSE OF THE OVERALL ZONING SCHEME AND THE
PURPOSES OF THIS ZONING ORDINANCE.**

The proposed rezoning is consistent with the overall purpose of the zoning ordinance, based on the Comprehensive Plan. The Property is in a TN Character Area designation in the Comprehensive Plan and the TN text provides that TND zoning is consistent with the TN Character Area. The Comprehensive Plan provides that TND zoning is designed for development around other residential uses and is particularly suited for infill development near

the downtown. TND is the only zoning classification contemplated in the TN Comprehensive Plan Character Area and the current zoning is not included.

III. NOTICE OF CONSTITUTIONAL CHALLENGE TO UNDERLYING ZONING AND PRESERVATION OF CONSTITUTIONAL RIGHTS

The Applicant respectfully submits that the current zoning classification of the Subject Property and any proposed intervening district is unconstitutional and that rules relative to the Subject Property owner's right to use the Property established in the City of Flowery Branch County Zoning Ordinance, to the extent they prohibit this use, constitute an arbitrary, irrational abuse of discretion and unreasonable use of the zoning power because they bear no substantial relationship to the public health, safety, morality or general welfare of the public and substantially harm the Applicant in violation of the due process and equal protection rights guaranteed by the Fifth Amendment and Fourteenth Amendment of the Constitution of the United States, and Article I, Section I, Paragraph I and Article I, Section III, Paragraph I of the Constitution of the State of Georgia. Further, the failure to allow this use would constitute a taking of private property without just compensation and without due process in violation of the Fifth Amendment and Fourteenth Amendment of the Constitution of the United States, and Article I, Section I, Paragraph I and Article I, Section III, Paragraph I of the Constitution of the State of Georgia, and would be in violation of the Commerce Clause, Article I, Section 8, Clause 3 of the Constitution of the United States.

The Applicant respectfully submits that not approving the requested rezoning would be unconstitutional and would discriminate in an arbitrary, capricious and unreasonable manner between the Subject Property's owner and owners of similarly situated property in violation of

Article I, Section III, Paragraph I of the Constitution of the State of Georgia and the Equal Protection Clause of the Fourteenth Amendment of the Constitution of the United States.

IV. CONCLUSION

For the foregoing reasons, the Applicant respectfully requests that the proposed rezoning and annexation be approved. The Applicant also invites and welcomes any comments from Staff or other officials of the City.

This 20th day of October, 2023.

Respectfully submitted,



Kirk Fjelstul
Attorney for Applicant

Smith, Gambrell & Russell, LLP
1105 W. Peachtree Street, NE
Atlanta, Georgia 30309
404-815-3500

Disclosures



- Site plan shall meet the requirements of the Flowery Branch Code of Ordinances; Appendix C, "Zoning Ordinance", Article 34 sections 34.5
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- Detailed description of request
- Conflict of interest disclosure (attached)
- Disclosure of campaign contributions (attached)
- Names and addresses of adjoining property owners
- Reasons for requesting rezoning
- Signed statement authorizing City of Flowery Branch staff and/or City Council to inspect the subject property

Conflict of Interest Disclosure

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

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

No

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

No

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

No



Disclosure of Campaign Contributions

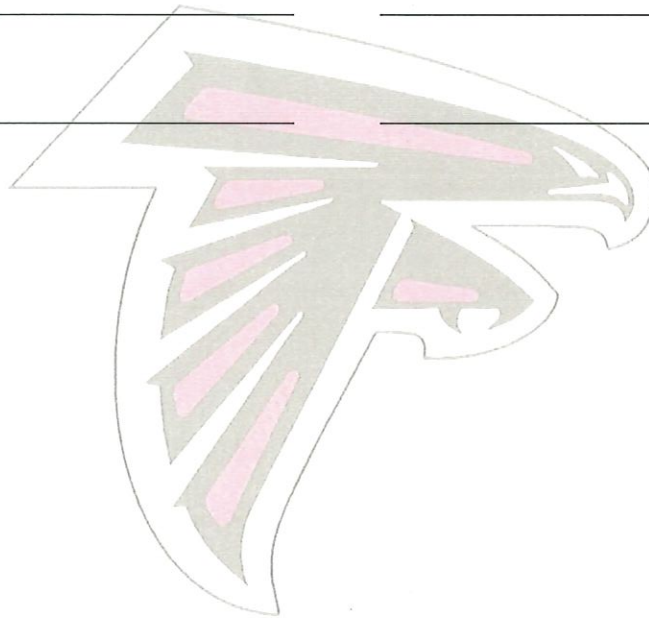
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Elected Officials Name

Amount of Description of Gift

N/A

N/A



CITY STAFF ONLY

Application Received By: _____

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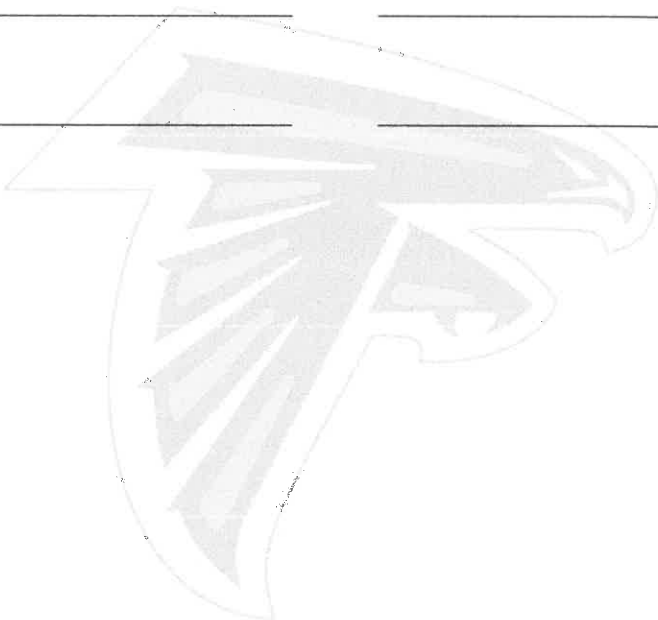
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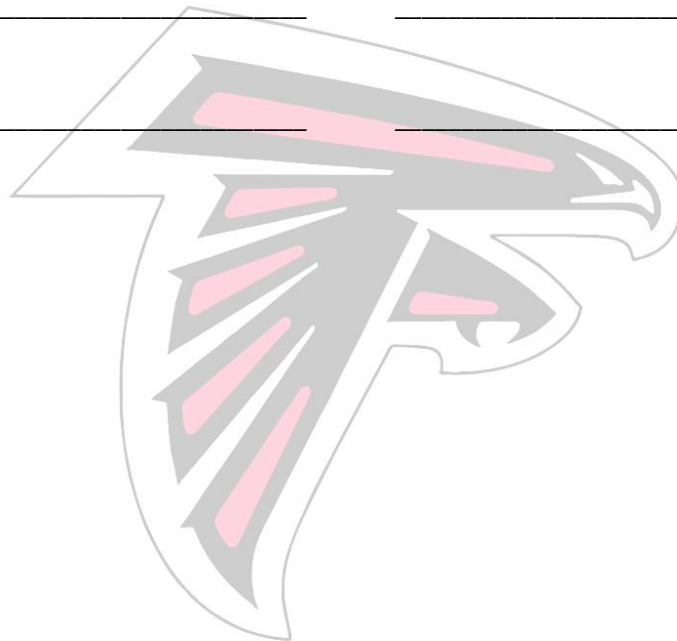
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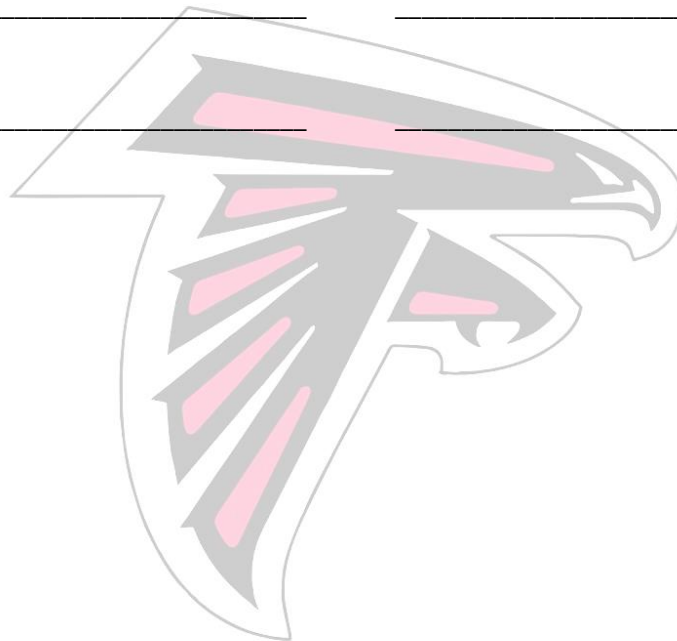
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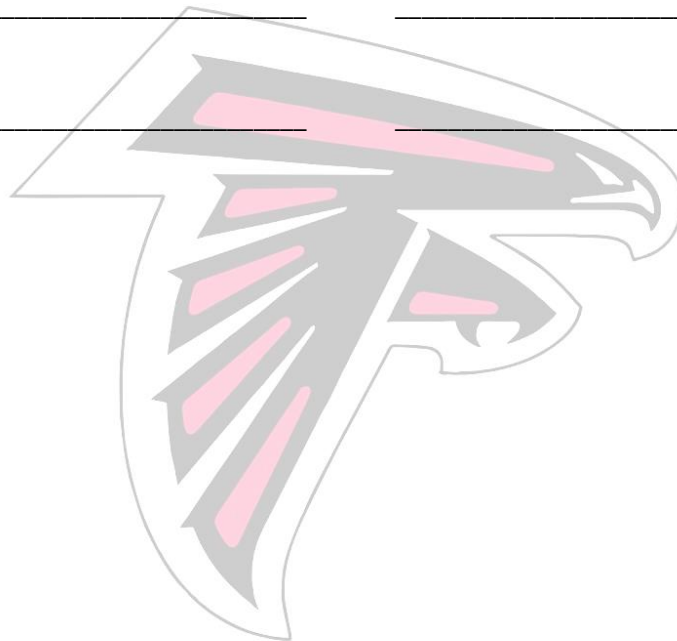
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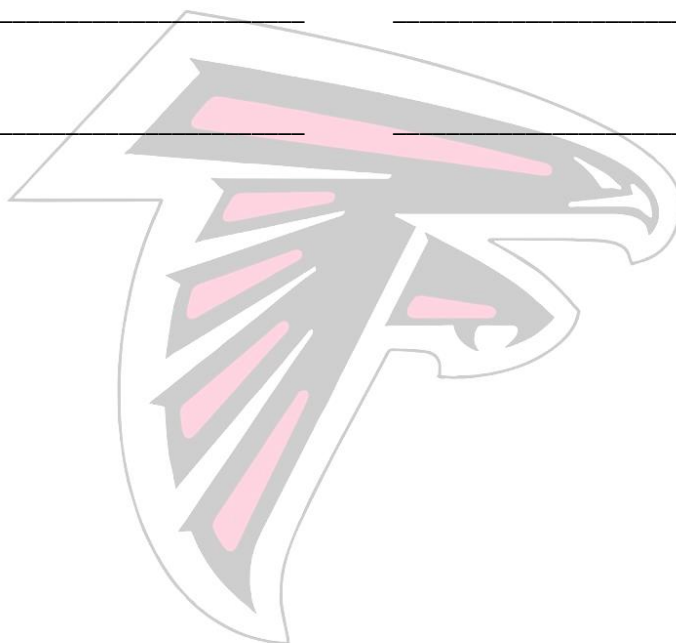
No



Disclosure of Campaign Contributions

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

Elected Officials Name	Amount of Description of Gift
N/A	
N/A	



CITY STAFF ONLY

Application Received By: _____

Date: _____ Total Fee: _____

Adjoining Property Owners

Search Results

19 Results

☐ Show Property Photos

Parcel ID	Owner		Property Address	Map
08098 001019	NEDRA ANN JONES	1	5183 GAINESVILLE ST	Map
08112 012001	MILDRED BLACK BUTLER	Subject	5170 CHURCH ST	Map
08112 012001A	LINDA D MILLWOOD BAUGH D. LINDA		5285 GAINESVILLE ST	Map
08112 012002	ZACHARY DOUGLAS SWANSEY	2	5259 GAINESVILLE ST	Map
08112 012003	VARCHI INNOVATIONS LLC	3	5210 CHATTAHOOCHEE ST	Map
08112 012004	FB EVER READY, LLC	4	5204 CHATTAHOOCHEE ST	Map
08112 012005	DOWNTOWN HOMES 2, LLC	5	5185 CHURCH ST	Map
08112 012006	FLOWERY BRANCH MINI STORAGE SVCS, LLC	6	5175 CHURCH ST	Map
08112 012007	MICHAEL PRENTISS PRENTISS AMANDA MARIE	7	5216 CHATTAHOOCHEE ST	Map
08112 012008	CHATAHOOCHEE HOMES LLC	8	5224 CHATTAHOOCHEE ST	Map
08112 027030	BRENDA K STOUGH HANNA JEFFERY L	9	5280 GAINESVILLE ST	Map
08112 027031	ARNOLD WRIGHT	10	5270 GAINESVILLE ST	Map
08112 027032	JOSEPH D ROARK	11	5260 GAINESVILLE ST	Map
08112 027033	JOE DAVIDSON ROARK	12	5254 GAINESVILLE ST	Map
08112 027034	RUSSEL MORGAN HUDGENS HUDGENS HEATHER ANN	13	5248 GAINESVILLE ST	Map
08112 027035	REBECCA TRACY BAGWELL	14	5234 GAINESVILLE ST	Map
08112 027036	REBECCA TRACY BAGWELL	15	5220 GAINESVILLE ST	Map
08112 027036A	W J COFER COFER MONTEZ B	16	5206 GAINESVILLE ST	Map
		17		



Developed by
 Schneider
GEOSPATIAL

Property Owner Inspection Authorization

Inspection Authorization

Mildred Black Butler
106 Robertson Ct., NW
Dawsonville, GA 30534

08112 012001 (5170 Church Street)

I, Kathy Taylor, administrator of the estate of Mildred Black Butler, hereby affirm that I solely own the above-referenced tax parcel. I also acknowledge that I am aware of the rezoning and annexation requests filed by PR Land Investments, LLC (c/o Kirk R. Fjelstul) related to the referenced property and consent to same. Please allow this document to serve as my authorization of the City of Flowery Branch staff and/or City Council to inspect the subject property.

Kathy S. Taylor

Kathy S. Taylor

Date: Oct. 14-2023

Sworn to and subscribed before me
this 14 day of October, 2023

Vipul Gupta
NOTARY PUBLIC

Commission Exp 02-02-2027



Rezoning Additional Information

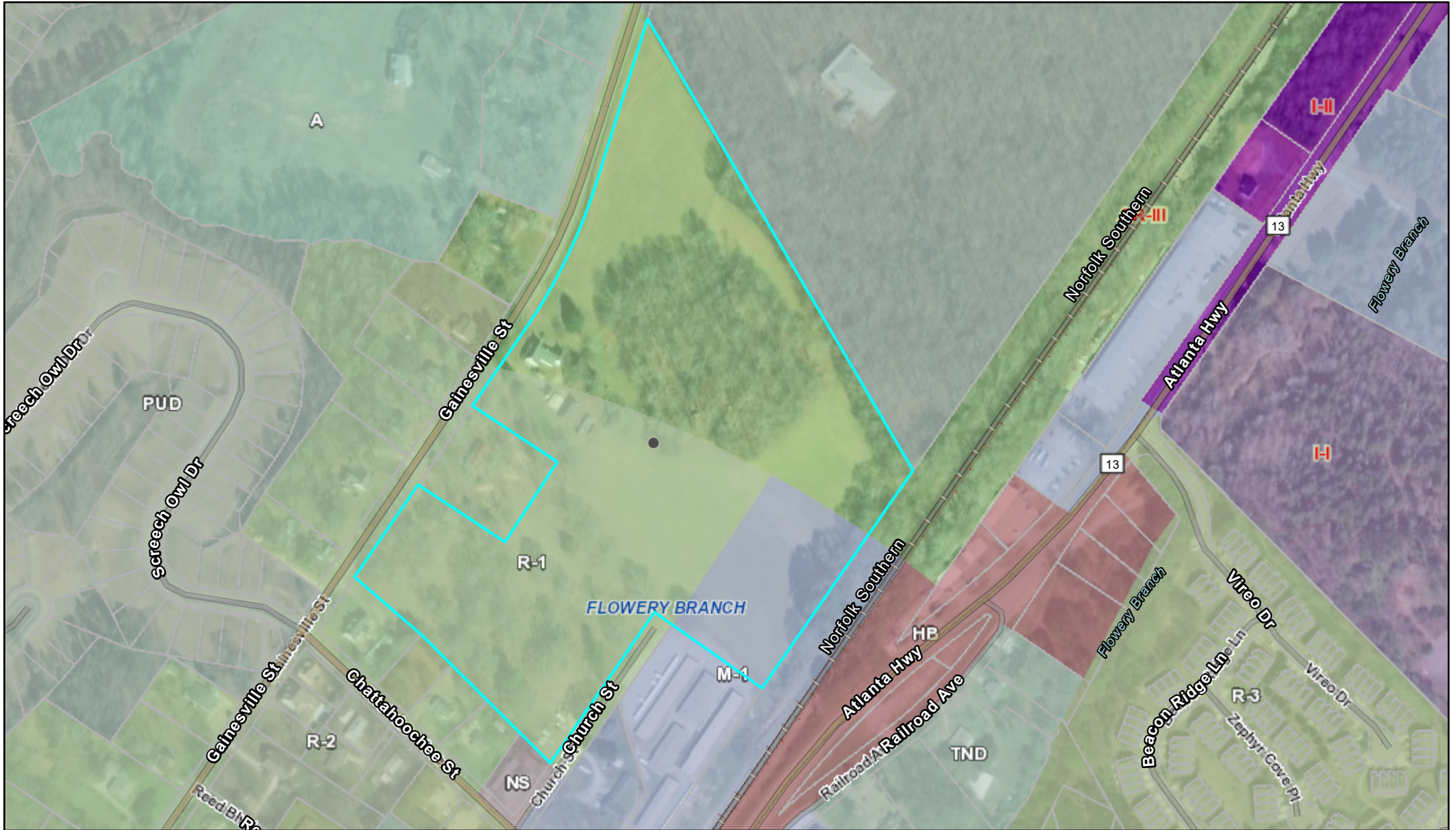
Rezoning Additional Information Requirement

1. Value of improvements upon complete build out.
 - To be determined upon completion of full set of construction plans.
2. Property tax valuation based upon existing millage rate (indicate total tax expectation if project is phased).
 - To be determined upon completion of full set of construction plans.
3. Schedule of the total build out (showing a timeline of construction in months/years if project is phased).
 - To be determined within full set of construction plans.
4. Anticipated total square footage (heated) to be built in the requested number of units.
 - The minimum heated floor area requirement of 1,200 sq.ft. will be met. The exact amount of heated square footage to be built within the requested units will be determined during the engineering phase of the project.
5. Total acreage developed with units.
 - It is anticipated that approximately 17.8 acres of the property will be developed with units.
6. Total acreage for right of way and roads.
 - It is anticipated that approximately 3.95 acres of the property will be developed with right-of-way and roads.
7. Total acreage of open space/common area (include plan for maintenance of open space/common area).
 - It is anticipated that there will be approximately 56,800 sq.ft. of open space throughout the proposed development.
8. Acreage required for buffer and watershed protection.
 - It is not anticipated that any acreage will be necessary for buffer and watershed protection as there are not streams on or adjacent to the property.
 - a. Does the buffer comply with the current City ordinance? **N/A**
 - b. Do individual property lines for lots extend into the buffer? **N/A**
 - c. Does the Developer intend to dedicate any of the site area to the City? If so, for what purpose? **N/A**
9. Does your proposal consider Multi Transportation alternatives? (Please describe in detail)
 - Multi-transportation alternatives have not been included in this request.
10. Please identify all amenities and total number of acres they incorporate by complete description.

- Proposed amenities for the project include an approximate 1,196 sq.ft., covered pavilion, three pickle ball courts, a dog park, and a passive recreation area. Exact square footages will be determined during the engineering phase of the project.
11. Number of street lights and separation table as proposed on your site plan.
- We are proposing 12 streetlights throughout the proposed development.
12. Will Technology Development be included in this development?
- As currently proposed, it is not anticipated that technology development will be included with this project.
13. List the total linear feet and cubic yards for sidewalks.
- There are approximately 44,654 sq.ft. and 546 cubic yards of sidewalks proposed. An exact amount of sidewalk square footage, linear feet, and cubic yardage will be included with the construction plans.
14. Are appropriate storm water controls provided in your proposal? Are these controls completely and accurately reflected on all drawings and plans?
- Storm water controls will be included with the engineering phase of this project. The submitted plans do show where we anticipate detention to be located on the property.
15. Has a transportation/traffic study been done to predict the impact of anticipated traffic? Has the project been reviewed by all appropriate County and State agencies relating to transportation issues?
- A traffic study has not been done to date, but we are happy to execute a traffic memo and/or study per the City's ordinance in conjunction with this application.
16. Does the proposal provide for utilization of "reuse" water? Is this depicted on the plans? Do the plans provide for storage of "reuse" water?
- It is expected that this will be determined during the engineering phase of the project.
17. What is the total capacity for daily Wastewater Management?
- It is expected that this will be determined during the engineering phase of the project.
18. What is the anticipated maximum daily water consumption? Are low flow fixtures required by the development?
- It is expected that this will be determined during the engineering phase of the project.
19. Has a slope and grade study been done on this development? Does the study reflect density placement?
- It is not anticipated that the proposed lot density will be adversely affected by site grading.
20. Please identify what public safety needs are being considered for the project?
- We will comply with safety measures as required by the City. Currently, we are providing pedestrian friendly sidewalks; pedestrian street lights; and traffic calming devices and practices.

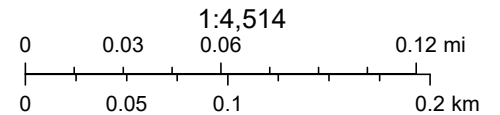
21. Has the Hall County School System been notified of the proposed density for this project?
- The Hall County School System will be notified of the proposed density for this project in conjunction with the submittal of this application.
22. Please provide a copy of all private covenants and/or architectural guidelines to be filed regarding this development.
- A Homeowners Association (HOA) will be formed and filed during the development phase of the project, we will provide covenants, if any, to the City at the time of incorporation.
23. Information as required under Ordinance No. 349 for preliminary plat approval if rezoning involves subdivision. Ordinance No. 349 can be found at www.flowerybranchga.org
- We will comply with Ordinance 349 regarding the preliminary plat process during the development phase of this project.

ArcGIS Web Map



10/26/2023, 11:53:13 AM

Oakwood Zoning	PID	Flowery Branch Zoning	NS	AR-IV	PCFD	R-MF	L-I	R-I-A	FLOWERY BRANCH	Arterial-Collector
A-1	POD	A	PUD	H-B	PID	R-TF	N-B	R-II	GAINESVILLE	Interstate
C-1	PRD	CBD	R-1	I-I	POD	S-S	N-C	R-O	GILLSVILLE	Railway
C-2	R-1	HB	R-2	I-II	PRD	V-C	O-I	Counties	LULA	Parcel Boundary
M-1	R-2	INST	R-3	MHP	R-I	Gainesville Zoning	PUD	Citylimits	OAKWOOD	
M-2	R-3	M-1	TND	O-I	R-L-L	C-B	R-B	BRASELTON	RESTHAVEN	
O-P	R-4	M-2	Hall County Zoning	PCD	R-II	G-B	R-I	BUFFORD	Roads	
PCD	MHP	AR-III				H-I		CLERMONT	Local	



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Church Street

Gainesville Street View
Flowery Branch, GA





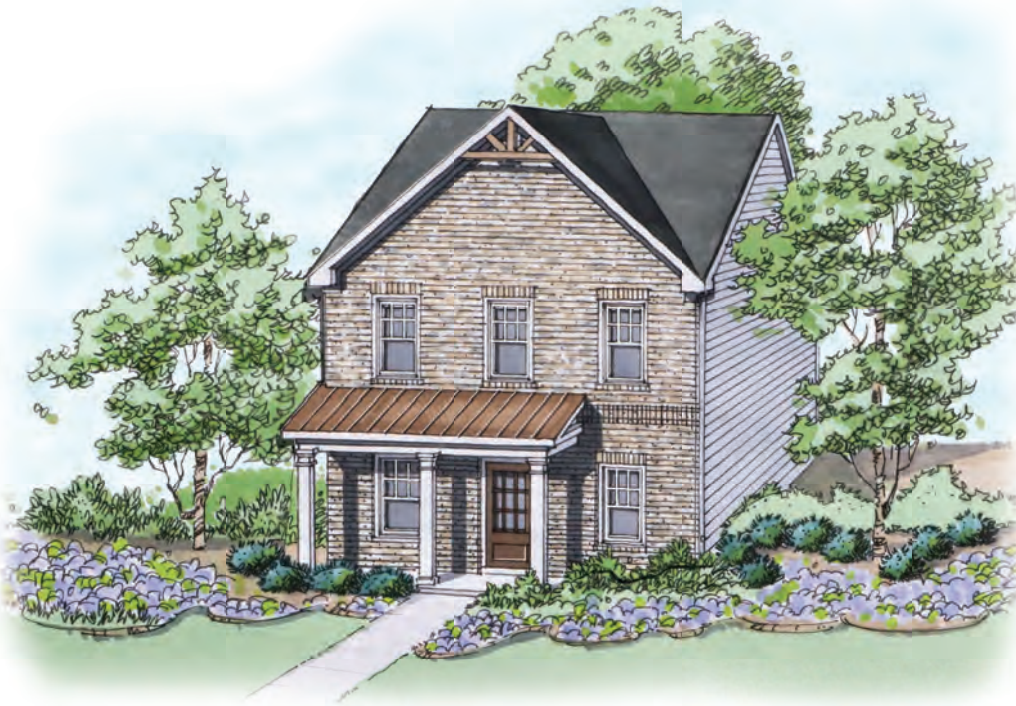
Church Street

Gainesville Street View
Flowery Branch, GA

Church Street

Gainesville Street View
Flowery Branch, GA





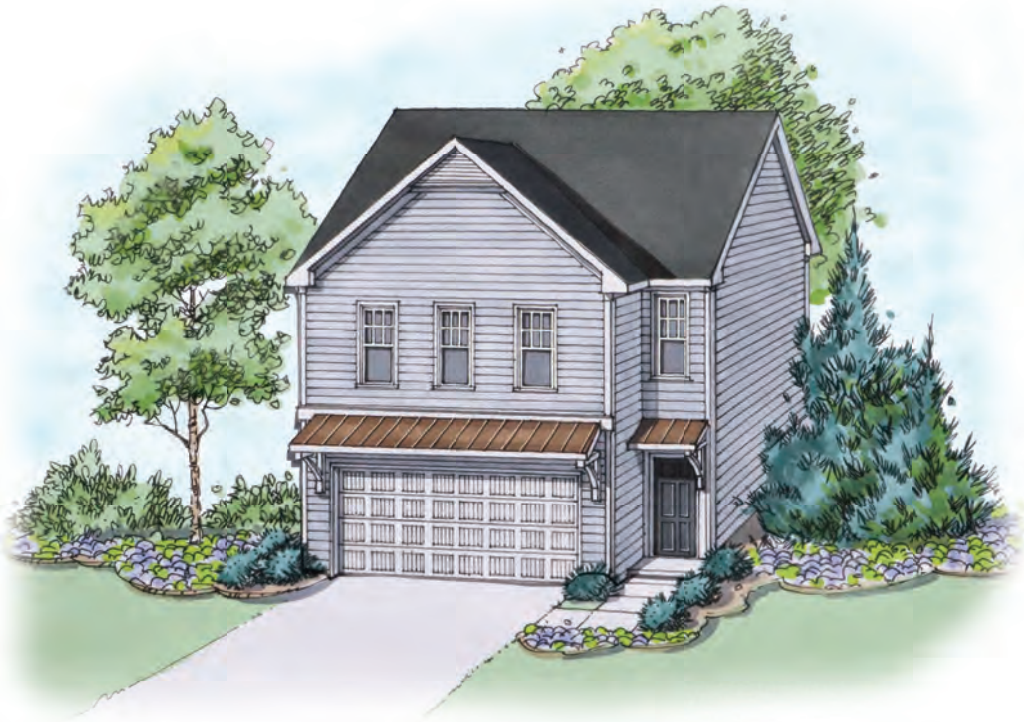
FRONT ELEVATION



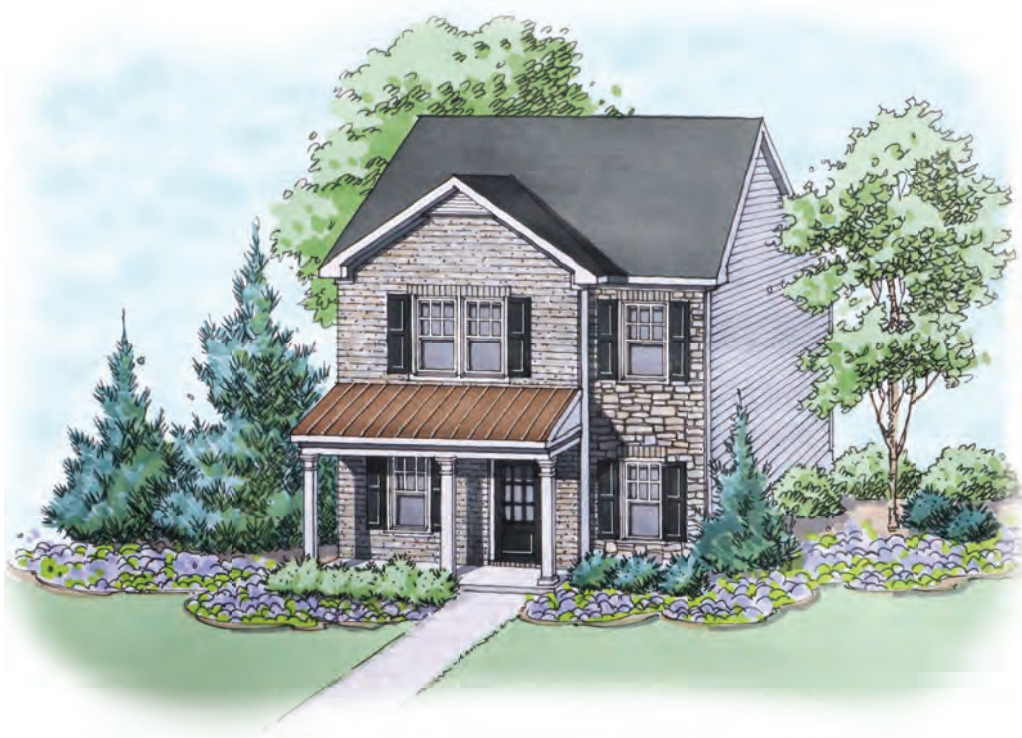
REAR ELEVATION



FRONT ELEVATION



REAR ELEVATION



FRONT ELEVATION



REAR ELEVATION

Brookfield - A



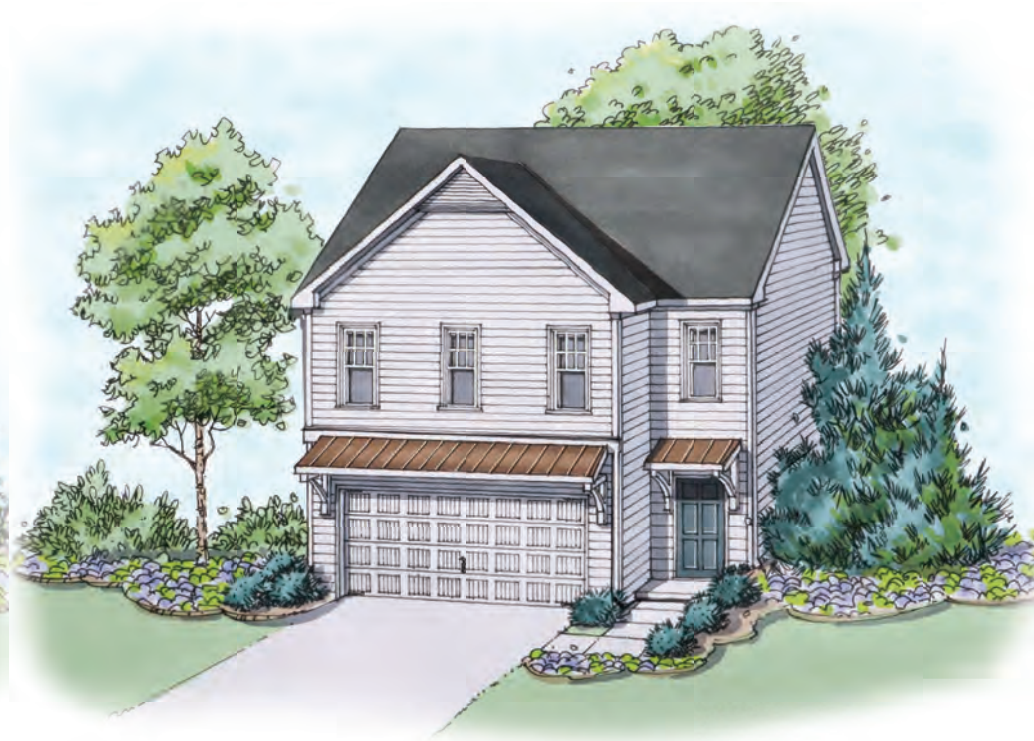
FRONT ELEVATION



REAR ELEVATION



FRONT ELEVATION



REAR ELEVATION



FRONT ELEVATION



REAR ELEVATION

Sedona - B



October 27, 2023

Hall County Board of Commissioners
2875 Browns Bridge Road
Gainesville, Georgia 30504
c/o Jennifer Rivera, Commission Clerk

Re: Notification of Intent to Annex and Rezone Land Located in Hall County

Dear Ladies and Gentlemen:

Please be advised that the City of Flowery Branch, Georgia, by the authority vested in the Mayor and City Council of Flowery Branch, Georgia by Article 2 of Chapter 36, Title 36, of the Official Code of Georgia Annotated, intends to annex the property hereinafter described by ordinance at a regular meeting of the Mayor and City Council.

This letter has been sent to you by certified mail, return receipt requested, within thirty (30) business days of acceptance of a complete application for annexation by the City of Flowery Branch, in accordance with O.C.G.A § 36-36-6 and O.C.G.A § 36-36-9 and after receipt of the application for zoning pursuant to O.C.G.A § 36-36-111.

The property to be annexed and rezoned is shown on the enclosed map and is described as follows:
5170 Church Street, tax parcel identification number 08112 012001.

Pursuant to O.C.G.A. § 36-36-111, a complete copy of the annexation and rezoning application is also enclosed.

Pursuant to O.C.G.A § 36-36-7 and O.C.G.A § 36-36-9, you must notify the Mayor and City Council of the City of Flowery Branch, in writing and by certified mail, return receipt requested, or statutory overnight delivery, return receipt requested, of any county facilities or property located within the properties to be annexed, within five (5) business days of receipt of this letter.

Hall County Board of Commissioners
Annexation and Rezoning of 5704 Jim Crow Road
October 27, 2023
Page 2 of 2

Pursuant to O.C.G.A § 36-66-4 a public hearing on zoning of the property to be annexed as Flowery Branch TND (Traditional Neighborhood Development) will be held on Thursday, December 7, 2023, at 6:00 PM in the City of Flowery Branch City Council Chamber located at 5410 Pine Street, Flowery Branch, GA 30542. If the county has a valid objection under O.C.G.A § 36-36-113, in accordance with the objection and resolution process, you must notify the city governing authority within forty-five (45) calendar days of the receipt of this notice. Such notice of objection must be made by verifiable delivery and include documentation of the nature of the objection specifically providing evidence of any financial impact forming the basis of the objection.

Sincerely,

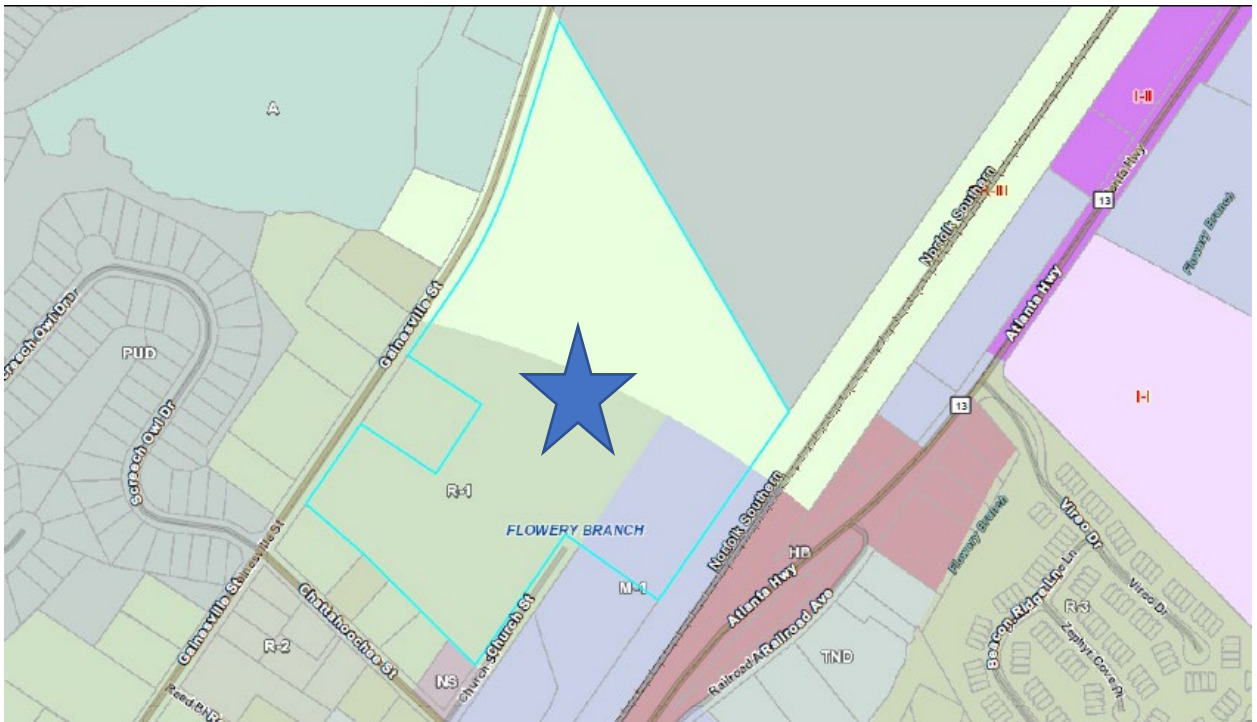
Richard JE Atkinson

Director of Planning and Community Development
City of Flowery Branch
Rich@flowerybranchga.org

RA/

Enclosures: Site Map of Property to Annexed and Rezoned
Annexation and Rezoning Application

cc: William J. Linkous III, County Attorney
Randi Doveton, Director of Planning and Development



Church Street

Community Site Map
Flowery Branch, GA





**Staff Report
5170 Church St
Annexation & Rezoning Request
Ordinances**

Request

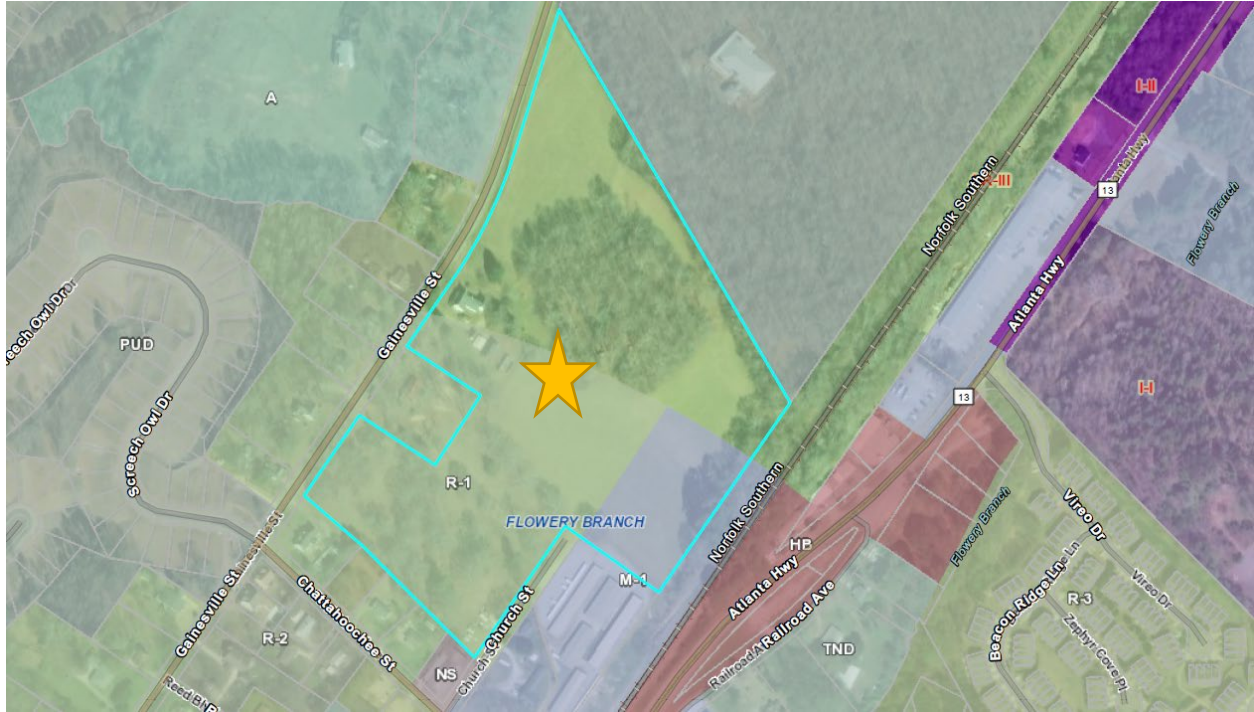
Currently, 5170 Church Street is a 23.3 +/- -acre tract of land that is partially in Hall County and partially within the city-limits of Flowery Branch. The applicant wishes to annex and subsequently rezone the 10.73 +/- acres of the unincorporated portion of the parcel from Hall County Agricultural Residential (AR-III) to Flowery Branch Traditional Neighborhood Development District (TND). If the 10.73 +/- portion of the parcel is annexed, it is requested to rezone the 12.57 +/- acres of the incorporated portion of land be rezoned from Residential, Detached Single Family, Low-Density District (R-1) and Light Manufacturing and Industrial District (M-1) to Traditional Neighborhood Development District (TND). This would result in the entire 23.3 +/- acres of tax parcel 08112 0120001, also known as 5170 Church Street, to lie within the city-limits of Flowery Branch and be zoned Traditional Neighborhood Development District (TND) The applicant wishes to construct a 117 detached single -family homes subdivision. The request includes the following concurrent variance requests:

The reduction of a portion of sidewalk widths from 8 feet to 5 feet.

The increase of impervious allowances as indicated on the accompanying chart.

The decrease of lot area as indicated on the accompanying chart.

13 lots on cul-de-sac will have front entries.





1. REQUEST IS FOR THE REZONING OF SUBJECT PARCEL FROM M-1 AND R-1 TO TND
2. ANNEXATION OF 10.73 ACRES INTO THE CITY OF FLOWERY BRANCH FROM HALL COUNTY.
3. VARIANCES ARE REQUESTED FOR:
THE REDUCTION OF A PORTION OF SIDEWALK WIDTHS FROM 8 FEET TO 5 FEET.
THE INCREASE OF IMPERVIOUS ALLOWANCES AS INDICATED ON THE ACCOMPANYING CHART
THE DECREASE OF LOT AREAS AS INDICATED ON THE ACCOMPANYING CHART.
4. TOTAL ACREAGE = 23.3 ACRES
5. TOTAL AREA REQUEST TO BE REZONED TO TND
M-1 = 2.64 ACRES
R-1 = 10.73 ACRES
6. TOTAL AREA REQUEST FOR ANNEXATION = 10.73 ACRES
7. MAXIMUM ALLOWED UNITS = $(6.5 \text{ UNITS/AC} \times 23.3 = 151 \text{ UNITS})$
8. TOTAL UNITS PROPOSED = 117
9. PARKING PROVIDED:
MAIL KIOSK 6
DOG PARK 7
PAVILION/PICKLE BALL 13
10. TOTAL AREA DEVELOPED WITH UNITS = 17.8 acres
11. TOTAL AREA FOR RIGHT OF WAY AND ROADS = 3.95 ACRES
12. NO AREA OF THIS SITE IS LOCATED IN STREAM BUFFER AREAS
13. MULTI TRANSPORTATION ALTERNATIVES ARE NOT INCLUDED IN THIS REQUEST.
14. THERE IS A TOTAL OF 44,654 SQ. FT. OF PUBLIC SIDEWALK PROPOSED
REQUIRING 546 CU. YDS. OF CONCRETE
15. AMENITIES INCLUDE A 1,196 SQ. FT. COVERED PAVILLION, 3 PICKLEBALL COURTS,
A DOG PARK, AND A PASSIVE RECREATION AREA.
16. 12 STREET LIGHTS ARE PROPOSED.
17. LOT DENSITY WILL NOT BE ADVERSELY AFFECTED BY SITE GRADING.



BLOCK A				
Lot #	Square Footage	% Open	% Coverag	*Variance Req.
1	5,023	49.40%	50.60%	L,I
2	5,020	36.28%	63.72%	L,I
3	5,003	38.07%	61.93%	L,I
4	5,019	44.81%	55.19%	L,I
5	5,618	37.25%	62.75%	L,I
6	6,908	39.82%	60.18%	I
7	7,995	59.96%	40.04%	I
8	8,169	61.90%	38.10%	I
9	6,713	56.82%	43.18%	I
10	8,216	81.69%	18.31%	I
11	7,929	80.15%	19.85%	I
12	12,273	89.26%	10.74%	I
13	7,513	64.54%	35.46%	I
14	6,207	49.82%	50.18%	L,I
15	7,531	50.41%	49.59%	I
16	6,895	51.47%	48.53%	I
17	7,034	51.76%	48.24%	I
18	5,027	43.58%	56.42%	L,I
19	6,425	46.22%	53.78%	L,I
20	7,719	58.74%	41.26%	I
21	6,256	41.07%	58.93%	L,I
22	6,726	48.87%	51.13%	I
23	5,992	44.13%	55.87%	L,I
24	7,592	57.93%	42.07%	I
25	6,194	46.67%	53.33%	L,I
26	5,000	44.27%	55.73%	L,I
27	5,001	39.56%	60.44%	L,I
28	6,898	49.11%	50.89%	I
29	6,397	47.98%	52.02%	L,I
30	6,397	50.64%	49.36%	L,I
31	7,094	49.47%	50.53%	I
32	6,397	47.56%	52.44%	L,I
33	5,751	48.96%	51.04%	L,I
34	5,025	39.97%	60.03%	L,I
35	5,025	39.97%	60.03%	L,I
36	5,025	44.53%	55.47%	L,I
37	5,025	40.10%	59.90%	L,I
38	5,481	42.66%	57.34%	L,I
39	8,319	46.37%	53.63%	I

BLOCK A				
Lot #	Square Footage	% Open Space	% Coverag	*Variance Req.
40	9,746	54.78%	45.22%	
41	6,951	57.10%	42.90%	
42	6,384	59.07%	40.93%	L,I
43	5,276	52.91%	47.09%	L,I
44	5,202	46.50%	53.50%	L,I
45	6,885	58.35%	41.65%	I
46	7,201	74.73%	25.27%	
47	5,503	71.49%	28.51%	L,I
48	6,009	78.26%	21.74%	L,I
49	7,126	81.47%	18.53%	
50	16,408	92.12%	7.88%	
51	24,261	94.66%	5.34%	
52	8,860	85.41%	14.59%	
53	6,786	81.02%	18.98%	
54	8,721	84.95%	15.05%	
55	9,100	74.02%	25.98%	
56	6,325	32.22%	67.78%	L,I
57	6,671	50.64%	49.36%	L,I
58	6,882	54.48%	45.52%	I
59	5,632	49.67%	50.33%	L,I
60	5,612	50.90%	49.10%	L,I
61	5,629	48.00%	52.00%	L,I
62	5,585	51.72%	48.28%	L,I
63	7,250	64.77%	35.23%	I
64	5,347	50.54%	49.46%	L,I
65	5,628	52.14%	47.86%	L,I
66	5,925	50.11%	49.89%	L,I
67	5,025	48.29%	51.71%	L,I
68	5,191	43.11%	56.89%	L,I
69	5,534	47.27%	52.73%	L,I
70	6,068	45.02%	54.98%	L,I
71	9,905	46.97%	53.03%	I
72	5,805	49.38%	50.62%	L,I
73	5,160	47.30%	52.70%	L,I
74	5,862	48.29%	51.71%	L,I
75	5,450	49.62%	50.38%	L,I
76	5,450	45.55%	54.45%	L,I
77	6,760	59.30%	40.70%	I



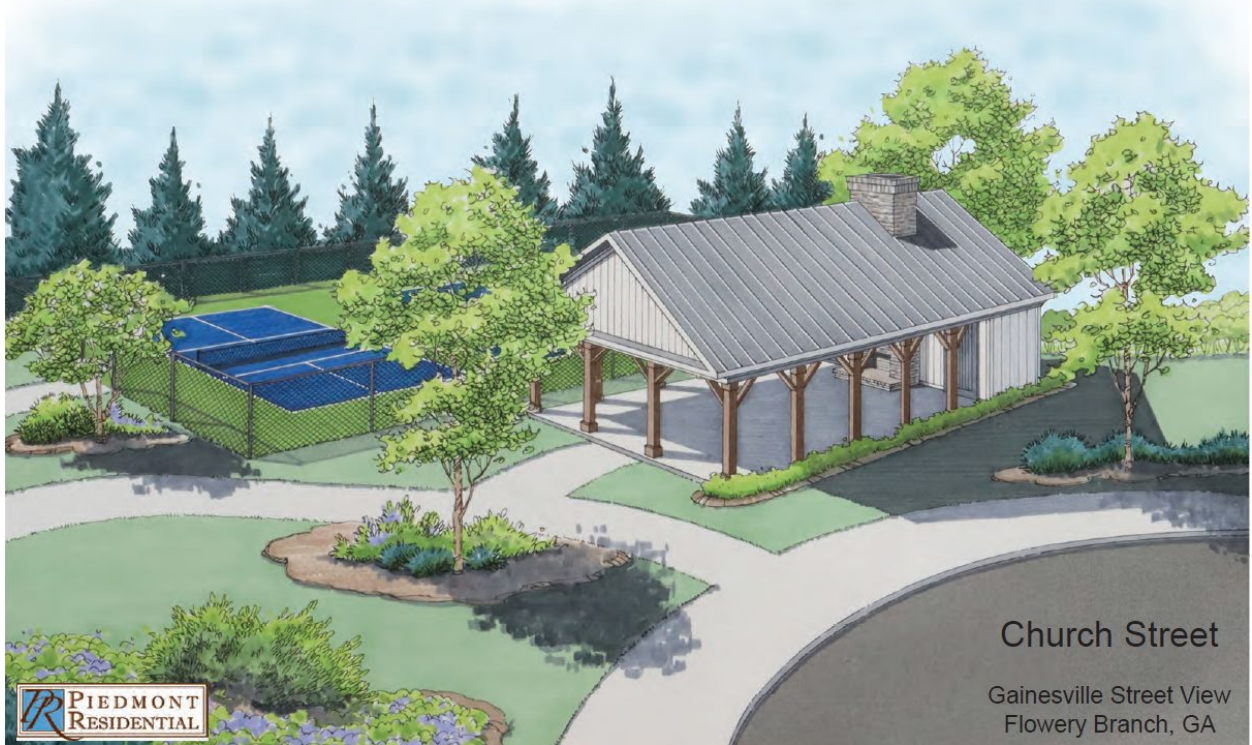
BLOCK B				
Lot #	Square Footage	% Open Space	% Coverag	*Variance Req.
1	5,089	50.05%	49.95%	L,I
2	5,001	42.50%	57.50%	L,I
3	5,041	43.40%	56.60%	L,I
4	5,084	48.16%	51.84%	L,I
5	5,657	29.95%	70.05%	L,I
6	5,317	44.04%	55.96%	L,I
7	5,146	51.35%	48.65%	L,I
8	5,334	58.88%	41.12%	L,I
9	5,621	58.52%	41.48%	L,I
10	5,791	59.35%	40.65%	L,I
11	5,752	58.92%	41.08%	L,I
12	5,903	58.65%	41.35%	L,I
13	6,558	62.93%	37.07%	L,I
14	9,140	71.29%	28.71%	
15	9,085	68.76%	31.24%	
16	7,438	59.92%	40.08%	I
17	9,120	60.83%	39.17%	I
18	5,999	40.78%	59.22%	L,I
19	5,938	39.81%	60.19%	L,I
20	5,877	41.07%	58.93%	L,I
21	7,585	57.93%	42.07%	I
22	7,538	54.25%	45.75%	I
23	7,540	57.17%	42.83%	I
24	10,377	49.60%	50.40%	I
25	7,231	58.73%	41.27%	I
26	5,045	47.54%	52.46%	L,I
27	5,037	43.29%	56.71%	L,I
28	5,389	51.51%	48.49%	L,I

BLOCK C				
Lot #	Square Footage	% Open Space	% Coverag	*Variance Req.
1	5,221	49.53%	50.47%	L,I
2	5,058	45.03%	54.97%	L,I
3	5,238	47.35%	52.65%	L,I
4	5,155	58.90%	41.10%	L,I
5	5,287	55.50%	44.50%	L,I
6	5,134	35.66%	64.34%	L,I
7	5,134	39.00%	61.00%	L,I
8	5,199	52.41%	47.59%	L,I
9	5,691	51.22%	48.78%	L,I
10	5,648	50.52%	49.48%	L,I
11	6,493	52.15%	47.85%	L,I
12	7,768	53.06%	46.94%	I

OUTPARCELS				
Lot #	Square Footage	% Open Space	% Coverag	*Variance Req.
1	21,719	74.22%	25.78%	
2	22,399	85.84%	14.16%	
3	11,298	79.42%	20.58%	
4	14,031	42.84%	57.16%	I

*LOT VARIANCE REQUESTS
 L = LOT REDUCTION
 I = IMPERVIOUS INCREASE

Renderings:





FRONT ELEVATION



REAR ELEVATION



FRONT ELEVATION



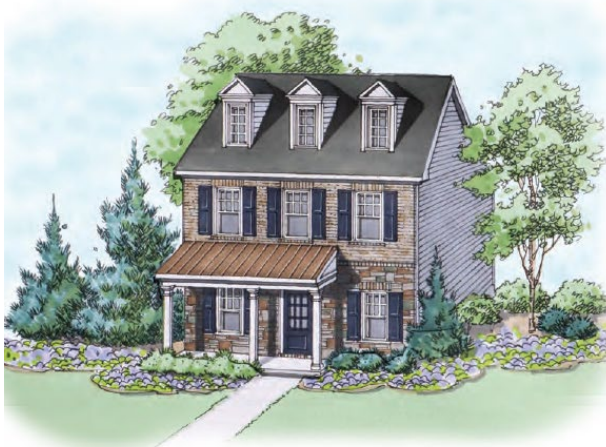
REAR ELEVATION



FRONT ELEVATION



REAR ELEVATION



FRONT ELEVATION



REAR ELEVATION



FRONT ELEVATION



REAR ELEVATION



FRONT ELEVATION



REAR ELEVATION

Proposed Schedule

December 7, 2023 – Public Hearing
December 21, 2023 - Work Session (if requested)
January 4, 2023 – First Read and First Vote
January 18, 2023 – Work Session (if requested)
February 1, 2023- Second Read and Final Vote



Comprehensive Plan

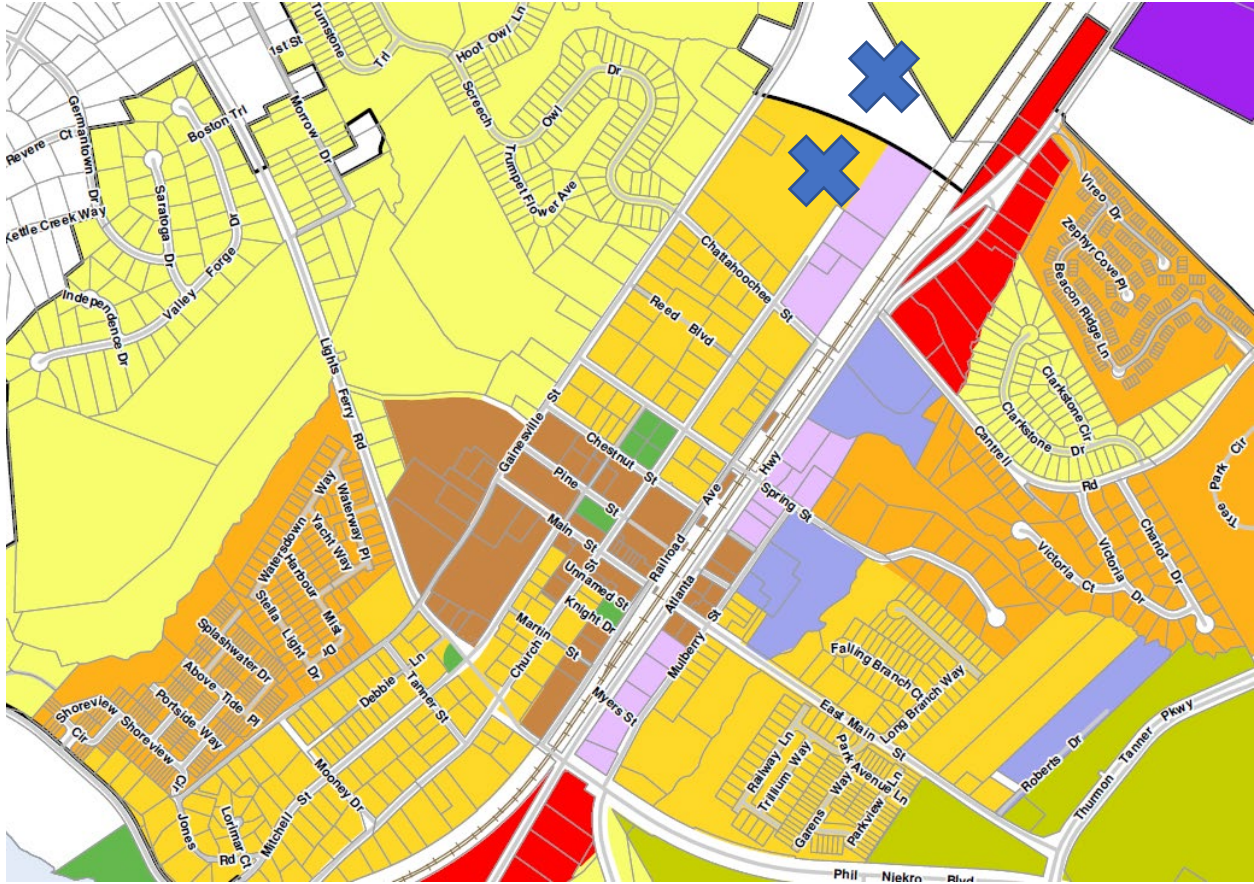


Purpose of the Comprehensive Plan

The *Flowery Branch Comprehensive Plan* is the City's policy guide for growth and development, as expressed by a vision statement, Future Development Map, character area policies, and supporting implementation strategies. The plan is most commonly used in the review and decision-making process by staff and City Council for rezoning requests, when proposals are evaluated for consistency with the Future Development Map and supporting text in this document.

The Comprehensive Plan also outlines the overall strategy for achieving the City's vision for future development by identifying a 5-year Community Work Program (CWP) with a prioritized 'to-do' list. The CWP should be consulted by staff and City Council on an annual basis when developing annual department-level work programs and the City budget.

In addition, this plan serves the purpose of meeting the intent and requirements of the Georgia Department of Community Affairs' (DCA) "Standards and Procedures for Local Comprehensive Planning," as amended on October 1, 2018. Preparation of a comprehensive plan in accordance with these standards is an essential requirement for maintaining status as a Qualified Local Government (QLG). QLG status allows Georgia cities and counties to be eligible for financial incentives from DCA, the Department of Natural Resources (DNR), the Georgia Environmental Finance Authority (GEFA), and the OneGeorgia Authority. This plan update allows the City of Flowery Branch to retain its QLG status.



Traditional Neighborhood



Traditional Neighborhood

The Traditional Neighborhood character area includes the in-town residential areas around the downtown core of Old Town.

Vision

Maintain the character and development pattern of the originally settled neighborhoods of Flowery Branch, with sensitive residential in-fill development and careful improvements where required including new sidewalks, street trees, and other pedestrian-friendly streetscape features.

Design Principles

- Little if any building setbacks from city streets
- Rectangular or square blocks and lots, and block lengths should not exceed 800 feet without intervening (mid-block) pedestrian footpaths
- Narrow streets in a grid-like pattern with shade trees
- Building facades emphasize porches
- Rear entry garage or detached rear garage, with the exception that a garage may be recessed behind the front façade if off-street parking must be directly accessed from the street and directly facing the street
- Wide sidewalks
- Smaller lots/higher density than Suburban Residential
- Provision of public greens or common areas when new neighborhoods are created
- Design review required for compatibility with existing residences

Land Uses

- Primarily single-family detached dwellings
- Townhouses may be allowed
- Greens, plazas, and pocket parks incorporated into development plans

Zoning

- TND, Traditional Neighborhood Development

Illustrative Photos



The proposed development meets the intent of the Comprehensive Plan. The size and scope of the proposed project would blend in with the surrounding area as it is residential in nature.



Analysis

Flowery Branch Zoning Ordinance Article 37 Rezoning and Conditional Use Applications

Sec. 34.7. - Analysis Requirements.

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

Applicant comment

Staff Response:

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

The Development is compatible with the adjacent and nearby uses, which includes a mix of single family residential uses ranging from R-1 to PUD. It is contemplated that property along Gainesville Street close to downtown will redevelop as the town continues with its vision. The Property is in a TN Character Area designation in the Comprehensive Plan and the TN text provides that TND zoning is consistent with the TN Character Area. In fact, TND is the only zoning classification contemplated in the TN Comprehensive Plan Character Area. The current R-1 zoning is not listed as a compatible zoning.

The Comprehensive Plan provides that TND zoning is designed for development around other residential uses and is particularly suited for infill development near the downtown. The R-1 and AR-3 zoning classifications are meant for low density development and agricultural use. Other R-1 property in the area has already been developed and is being used as residential. The current Property includes 23 acres that is undeveloped and the only buildings are a home, a well house, four sheds and a barn. The Property has no economic use as agricultural land and can't be developed at R-1 density, and there is no market for a two-acre M-1 use at the rear of the Property.

Yes, a residential use is appropriate for this site and the surrounding area.

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

The proposal will not adversely affect adjacent or nearby property. All of the adjacent and nearby properties along Gainesville Street are zoned and used as single family residential, ranging from R-1 to PUD. The TND zoning is consistent with the Comprehensive Plan's TND Character Area designation for this Property, and the Development density of 5 units/acre is well below the



maximum. In accordance with the Comprehensive Plan, TND zoning is designed for smaller lots around other residential uses and is particularly suited for infill development near the downtown.
The development will not adversely affect the area.

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

The Property does not have a reasonable economic use as zoned. First, the Property is located both in the City and in the unincorporated County. The unincorporated portion is a virtual unincorporated island, which causes problems for the provision of services, regulation, and infrastructure. Second, the Property now has three different zoning designations and is regulated by two jurisdictions. Third, the R-1, AR-3, and M-1 zoning designations have no economic use at this location and in area in or near Flowery Branch. They cannot be developed at the restricted density in those residential classifications and there is no Market for M-1 at the back portion of this Property.

The current zoning may not be feasible for the growing economy need.

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

Applicant will supplement this item with a memo demonstrating that there is not an excessive burden on infrastructure.

It is staff's opinion that the use will not create any unnecessary burdens.

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

The Property is in a TN Character Area designation in the Comprehensive Plan and the TN text provides that TND is a consistent zoning. The Comprehensive Plan provides that TND zoning is designed for development around other residential uses and is particularly suited for infill development near the downtown. In fact, TND is the only zoning classification contemplated in the TN Comprehensive Plan Character Area and the current zoning is not listed.

The adjoining area is called by future land use map as "Traditional Neighborhood" character area. This project which is proposed to rezone as TND will meet the general intent of the comprehensive plan.

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

It is contemplated that property along Gainesville Street close to downtown will redevelop as the town continues with its vision. The Property is in a TN Character Area designation in the Comprehensive Plan and the TN text provides that TND zoning is consistent with the TN Character Area. In fact, TND is the only zoning classification contemplated in the TN Comprehensive Plan Character Area. The current R-1 zoning is not listed as a compatible zoning. The Comprehensive Plan provides that TND zoning is designed for development around other residential uses and is particularly suited for infill development near the downtown.

The R-1 and AR-3 zoning classifications are meant for low density development and agricultural use. Other R-1 property in the area has already been developed and is being used as residential. The current Property includes 23 acres that is undeveloped and the only buildings are a home, a well house, four sheds and a barn. The Property has no economic use as agricultural land and can't



be developed at R-1 density. Finally, there is no market for a two-acre M-1 use at the rear of the Property. As a result, TND is the only appropriate zoning classification.

Not to staff's knowledge, no.

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

The Property has its frontage along Gainesville Street, approximately three-tenths of a mile from the Central Business District. There are two Comprehensive Plan Character Area designations for the portion of the Property that is in Flowery Branch. More than ten acres is designated as Traditional Neighborhood (TN) and the remaining two plus acres is designated as Mixed Use-Downtown. The Character Area Map shows the section of TN that includes this Property as a consistent designation along Gainesville Street all the way to the downtown business district. That is consistent with the Comprehensive Plan statement that TN is suited to in-town residential areas near the downtown. TN is also intended to be next to other residential areas and is designed for in-fill development. The Property in this case includes surrounding uses and zoning that are almost all residential. The residential zoning designations and uses represent a mix, ranging from R-1 to Planned Use Development (PUD), once again consistent with the TN Character Area.

Currently vacant, the proposed use will fit in with the surrounding residential uses.

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

The Property cannot be developed under the current zoning. The R-1 and AR-3 zoning classifications are meant for low density development and agricultural use. Other R-1 property in the area has already been developed and is being used as residential. The current Property includes 23 acres that is undeveloped and the only buildings are a home, a well house, four sheds and a barn. The Property has no economic use as agricultural land and can't be developed at R-1 density. Finally, there is no market for a two-acre M-1 use at the rear of the Property.

In staff's opinion, the proposed project will increase the land value and meet the increasing housing needs in this area. By accommodating more residents, it will boost local economic development.

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

The proposed zoning will enhance the value of adjacent property. All of the adjacent and nearby properties along Gainesville Street are zoned and used as single family residential, ranging from R-1 to PUD. TND zoning is consistent with the Comprehensive Plan's TN Character Area



designation for this Property, and the Development density of 5 units/acre is well below the maximum. Based on the Comprehensive Plan, TND zoning is designed for development around other residential uses and is particularly suited for infill development near the downtown. TND is the only zoning classification contemplated in the TN Comprehensive Plan Character Area and the current zoning is not included.

Staff does not feel that the proposed will be a deterrent but rather an enhancement to the surrounding area and will have a positive impact on the housing mix by providing age restricted housing.

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

The proposed rezoning will not create an isolated zoning district. The Property is in a TN Character Area designation in the Comprehensive Plan and the TN text provides that TND zoning is consistent with the TN Character Area. The Comprehensive Plan provides that TND zoning designed for development around other residential uses and is particularly suited for infill development near the downtown. TND is the only zoning classification contemplated in the TN Comprehensive Plan Character Area and the current zoning is not. Surrounding zoning classifications range from R-1 to PUD in this area of Gainesville Street and the proposed zoning and Development are consistent with what is contemplated.

Agree

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

The proposed rezoning is consistent with the zoning map, based on the Comprehensive Plan. The Property is in a TN Character Area designation in the Comprehensive Plan and the TN text provides that TND zoning is consistent with the TN Character Area. The Comprehensive Plan provides that TND zoning is designed for development around other residential uses and is particularly suited for infill development near the downtown. TND is the only zoning classification contemplated in the TN Comprehensive Plan Character Area and the current zoning is not included.

The proposed use will enhance the character of the existing district and surrounding area in staff's opinion.

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

There is no impact to the environment from the Development. The Development will be connected to the public sanitary sewer system. Stormwater quality and detention will be designed in accordance with state and federal requirements.

The development, if approved, will need to go through all the required development reviews to ensure all applicable codes and requirements are met.



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

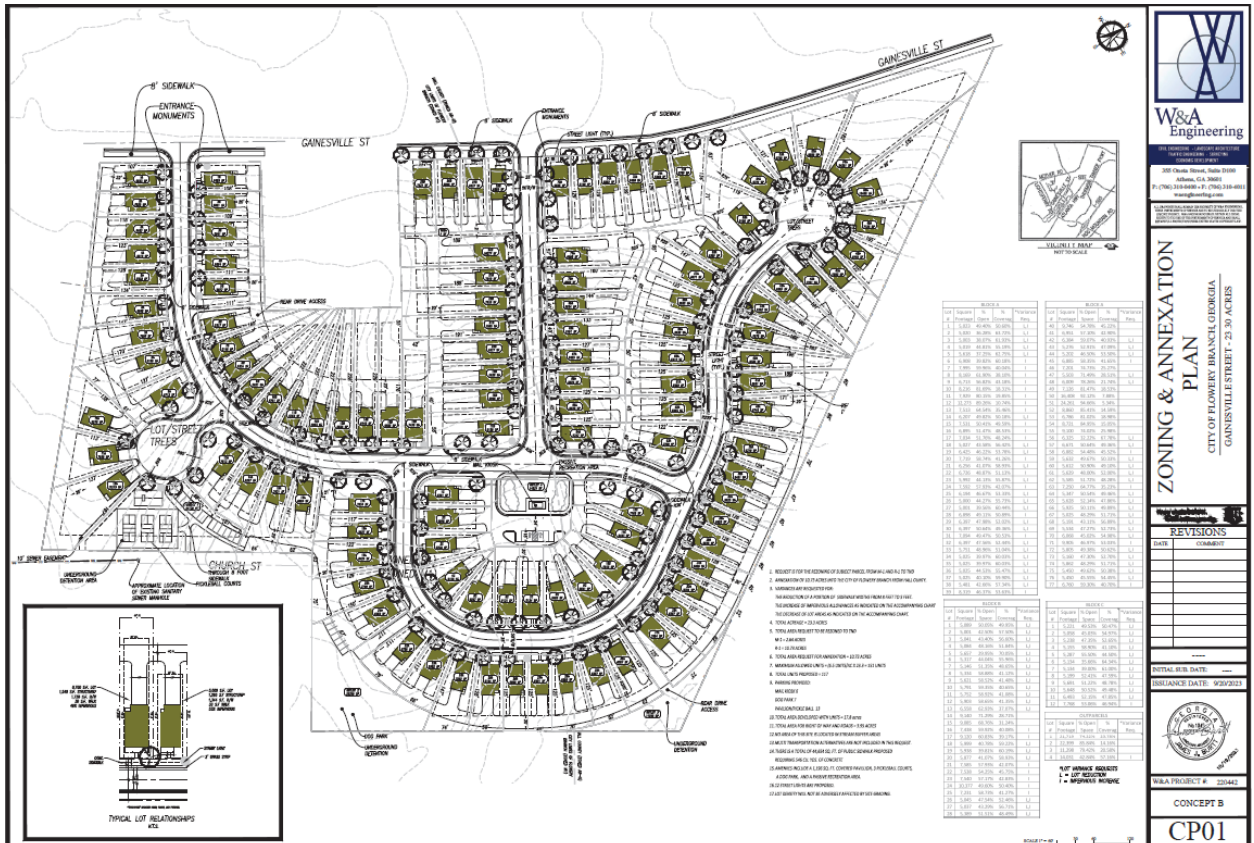
The proposed rezoning is consistent with the overall purpose of the zoning ordinance, based on the Comprehensive Plan. The Property is in a TN Character Area designation in the Comprehensive Plan and the TN text provides that TND zoning is consistent with the TN Character Area. The Comprehensive Plan provides that TND zoning is designed for development around other residential uses and is particularly suited for infill development near the downtown. TND is the only zoning classification contemplated in the TN Comprehensive Plan Character Area and the current zoning is not included.

The proposed development will enhance the surrounding area and meet the intent of the Zoning Ordinance.

Recommendation

Approve the request as submitted with the following conditions:

1. Development shall significantly adhere to the site plan as shown below:



2. Project shall not exceed 117 single-family homes.
3. Landscaping
 - A. Typical lot landscaping design: identify type and size of trees and bushes.
 - B. Full landscape plan shall be submitted and approved by staff prior to the issuance of a land disturbance permit.
 - C. Landscaping must meet all currently adopted codes and standards.
4. Homes shall meet all TND and current design and architectural requirements. 13 lots on cul-de-sac will have front entries as variance.
5. 8' sidewalk is required along Gainesville Street
6. Streets shall be private.
7. A fence around the exterior of the property to separate it from the neighbors shall be required. Said fence will be decorative in nature and shall be approved by staff.
8. A mandatory homeowner's association shall be established.
 - A. Alleys shall be private owned and maintained by the homeowner's association.
 - B. Roads shall be public.
 - C. The development shall be fee-simple homes for sale.

The homeowner's association must have in their bylaws that no more than ten percent (10%) of the total homes will be rental units or a rule of no more than two houses owned by one owner in the development and the owner must occupy one of the two.



- D. Amenities are included but not limited to 3 pickleball courts, a dog park and a passive recreation area shall be owned and maintained by homeowner's association.
- 9.

ORDINANCE NO. 707

AN ORDINANCE AMENDING THE ZONING MAP OF THE CITY OF FLOWERY BRANCH, GEORGIA, BY REZONING REAL PROPERTY TOTALING 10.73+/- ACRES OF LAND, OWNED BY KATHY S. TAYLOR IDENTIFIED AS 5170 CHURCH ST, TAX PARCEL 08100 001003A AND AS SHOWN ON ATTACHED EXHIBIT “A”, AND AS DESCRIBED ON ATTACHED EXHIBIT “B”; TO BE REZONED FROM HALL COUNTY AGRICULTURAL RESIDENTIAL (AR III), FLOWERY BRANCH DETACHED SINGLE FAMILY, LOW-DENSITY DISTRICT (R-1) AND Flowery Branch LIGHT MANUFACTURING AND INDUSTRIAL DISTRICT (M-1) TO FLOWERY BRANCH TRADITIONAL NEIGHBORHOOD DEVELOPMENT DISTRICT (TND), AS SHOWN ON ATTACHED EXHIBIT “A”, AND AS DESCRIBED ON ATTACHED EXHIBIT “B”, AND AS CONDITIONED ON ATTACHED EXHIBIT “C”, PROVIDING FOR SEVERABILITY, REPEALING CONFLICTING ORDINANCES, PROVIDING FOR AN EFFECTIVE DATE AND FOR ALL OTHER LAWFUL PURPOSES.

WHEREAS, Kathy S. Taylor owns the subject parcel of land identified as Parcel Tax Identification No. 08112 0120001 as shown on Exhibit “A”, and as described on Exhibit “B”; and

WHEREAS Kathy S. Taylor, LLC has submitted to the City of Flowery Branch, Georgia, a written and signed application and affidavit showing consent to being rezoned, and whereas a survey and complete description of the land to be rezoned is included in the application; and

WHEREAS, the City Council held a public hearing at the meeting of December 7th, 2024 duly noticed as prescribed by law and published in the Gainesville Times, regarding said application, as shall be set forth in the minutes of said meeting.

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

SECTION 1. FINDINGS.

The City Council finds that the proposed rezoning from Hall County Agricultural Residential (AR III), Flowery Branch Detached Single Family, Low-Density District (R-1) and Flowery Branch Light Manufacturing and Industrial District (M-1) to Flowery Branch Traditional Neighborhood Development District (TND) is consistent with the adopted standards for governing the exercise of the zoning power consistent with O.C.G.A. § 36-66-5 and requirements of the Zoning Ordinance as identified below.

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

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

SECTION 2. REZONING.

The subject parcels, as shown on Exhibit “A” and as legally described in Exhibit “B”, are hereby rezoned from Hall County Agricultural Residential (AR III) to Flowery Branch Planned Unit Development (PUD) and conditioned as shown on attached Exhibit “C”. Said Exhibits are incorporated.

SECTION 3. AMENDMENT OF THE ZONING MAP.

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

SECTION 4. SEVERABILITY.

Public Hearing Published 11/01/2023
Public Hearing 12/07/2023

First Reading 02/01/2024
Adopted 02/15/2024

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 February 15th, 2024.

SECTION 6. REPEALER.

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

Approved this 15th day of February, 2024.

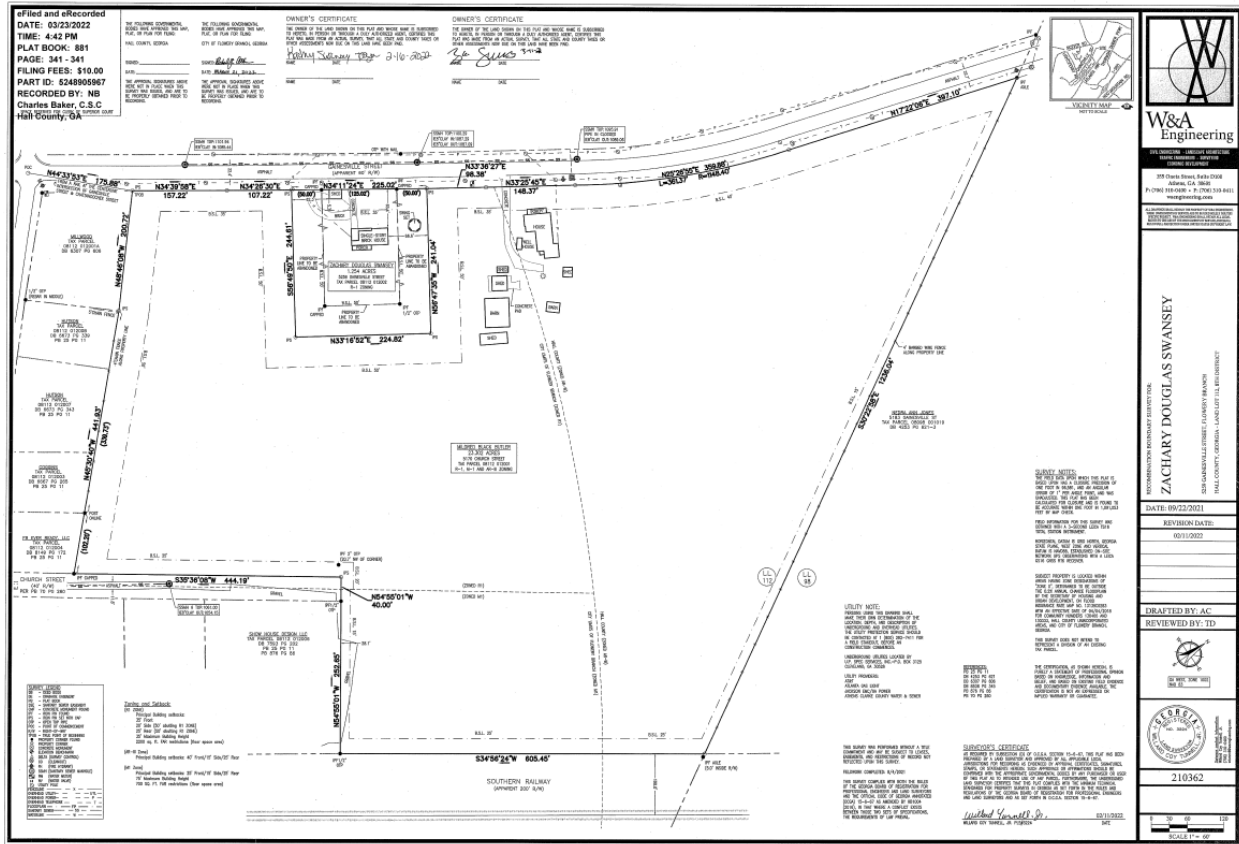
Edward R. Asbridge, Mayor

Shelia R. Cooper, City Clerk

APPROVED AS TO FORM

Ted C. Baggett, City Attorney

Exhibit "A"



Public Hearing Published 11/01/2023
Public Hearing 12/07/2023

First Reading 02/01/2024
Adopted 02/15/2024

Exhibit “B”

Overall Acreage of Property

Survey Legal Description for Parcel 08112 012001:

All that tract or parcel of land, together with improvements thereon, lying and being in Land Lot 112 / 8th District, Hall County, Georgia, containing 23.302 acres of land, more or less, and being more particularly described as:

COMMENCING at a nail at the centerline intersection of Gainesville Street (60' R/W) and Chattahoochee Street, thence North 44 degrees 33 minutes 53 seconds East with a distance of 175.88 feet to an iron pin set on the southerly right-of-way of Gainesville Street, said pin being the TRUE POINT OF BEGINNING.

Thence following along said right-of-way, North 34 degrees 39 minutes 58 seconds East with a distance of 157.22 feet to a point;
thence North 34 degrees 26 minutes 30 seconds East with a distance of 107.22 feet to an 1/2" iron pin set;
thence leaving said right-of-way and following a course bounded by the property now or formerly of Zachary Douglas Swansey, South 56 degrees 49 minutes 50 seconds East with a distance of 244.61 feet to an 1/2" iron pin set;
thence North 33 degrees 16 minutes 52 seconds East with a distance of 244.82 feet to an 1/2" iron pin set;
thence North 56 degrees 47 minutes 35 seconds West with a distance of 241.04 feet to an 1/2" iron pin set on the southerly right-of-way of Gainesville Street;
thence leaving said course and following along said right-of-way, North 33 degrees 36 minutes 27 seconds East with a distance of 98.38 feet to a point;
thence North 33 degrees 25 minutes 45 seconds East with a distance of 148.37 feet to a point;
thence following along an arc of a curve to the left, said curve having a radius of 1148.40 feet, having a chord bearing of North 25 degrees 26 minutes 55 seconds East and a chord distance of 359.88 feet, and an arc length of 361.37 feet to a point;
thence North 17 degrees 22 minutes 06 seconds East with a distance of 397.10 feet to an iron axle found;
thence leaving said right-of-way and following a course bounded by the property now or formerly of Nedra Ann Jones, South 30 degrees 22 minutes 58 seconds East with a distance of 1236.04 feet to a point on Southern Railway (200' R/W);
thence leaving said course and following along the northerly right-of-way of said railway, South 34 degrees 56 minutes 24 seconds West with a distance of 605.45 feet to an 1/2" iron pin found;
thence leaving said course and following a course bounded by the property now or formerly of Show House Design LLC., North 54 degrees 55 minutes 01 seconds West with a distance of 252.65 feet to an 1/2" iron pin found on the Easterly right-of-way of Church Street (40' R/W);
thence leaving said course and following said right-of-way, North 54 degrees 55 minutes 01 seconds West with a distance of 40.00 feet to an 1/2" iron pin set;
thence South 35 degrees 36 minutes 08 seconds West with a distance of 444.19 feet to an 1/2" iron pin found;
thence leaving said right-of-way and following a course bounded by the property now or formerly of FB Ever Ready LLC., North 45 degrees 30 minutes 40 seconds West with a distance of 102.20 feet to an 1/2" iron pin found;

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Public Hearing 12/07/2023

First Reading 02/01/2024
Adopted 02/15/2024

thence leaving said course and following a course bounded by the property now or formerly of Coggins to an unspecified point, thence leaving said course and following a course bounded by the property now or formerly of Hutson, North 45 degrees 30 minutes 40 seconds West with a distance of 339.73 feet to an 1/2" iron pin set;
thence leaving said course and following a course bounded by the property now or formerly of Millwood, North 48 degrees 46 minutes 08 seconds West with a distance of 200.72 feet to the TRUE POINT OF BEGINNING.

Portion of property to be Annexed

Survey Legal Description for Parcel 08112 012001 Within Zone AR-III:

All that tract or parcel of land, together with improvements thereon, lying and being in Land Lot 112 / 8th District, Hall County, Georgia, containing 10.731 acres of land, more or less, and being more particularly described as:

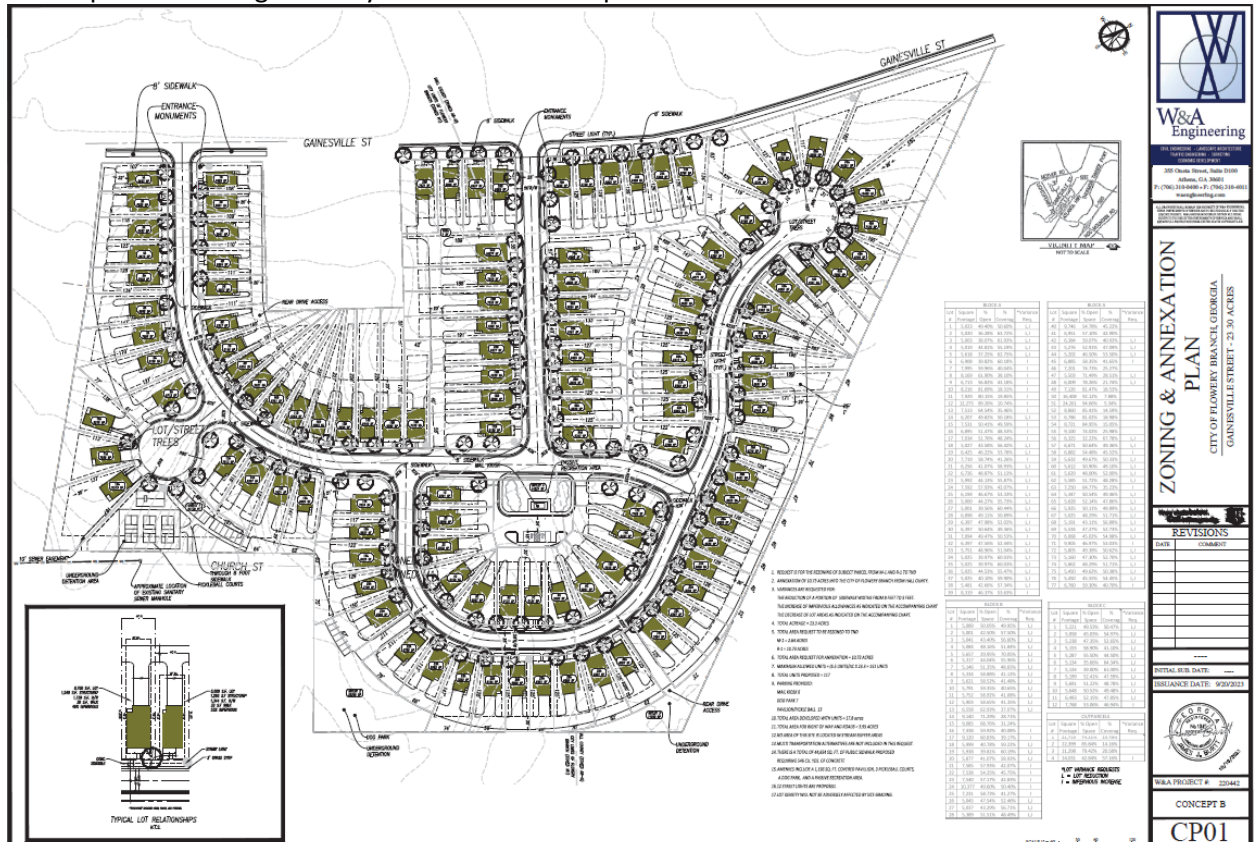
COMMENCING at a nail at the centerline intersection of Gainesville Street (60' R/W) and Chattahoochee Street, thence North 44 degrees 33 minutes 53 seconds East with a distance of 175.88 feet to an iron pin set on the southerly right-of-way of Gainesville Street;
thence following along said right-of-way, North 34 degrees 39 minutes 58 seconds East with a distance of 157.22 feet to a point;
thence North 34 degrees 26 minutes 30 seconds East with a distance of 107.22 feet to an 1/2" iron pin set;
thence North 34 degrees 11 minutes 24 seconds East with a distance of 225.02 feet to an 1/2" iron pin set;
thence North 33 degrees 36 minutes 27 seconds East with a distance of 98.38 feet to a point;
thence North 33 degrees 25 minutes 43 seconds East with a distance of 13.16 feet to a point within Hall County limits (Zoned AR-III), said point being the TRUE POINT OF BEGINNING.

Thence North 33 degrees 25 minutes 45 seconds East with a distance of 135.22 feet to a point;
thence following along an arc of a curve to the left, said curve having a radius of 1148.40 feet, having a chord bearing of North 25 degrees 26 minutes 55 seconds East and a chord distance of 359.88 feet, and an arc length of 361.37 feet to a point;
thence North 17 degrees 22 minutes 06 seconds East with a distance of 397.10 feet to an iron axle found;
thence leaving said right-of-way and following a course bounded by the property now or formerly of Nedra Ann Jones, South 30 degrees 22 minutes 58 seconds East with a distance of 1236.04 feet to a point on Southern Railway (200' R/W);
thence leaving said course and following along the northerly right-of-way of said railway, South 34 degrees 56 minutes 24 seconds West with a distance of 169.13 feet to a point;
thence leaving said right-of-way and following a course bounded by the City Limits of Flowery Branch (Zoned M1), along an arc of a curve to the left, said curve having a radius of 2597.33 feet, having a chord bearing of North 58 degrees 25 minutes 06 seconds West and a chord distance of 266.83 feet, and an arc length of 266.94 feet to a point;
thence leaving said course and following a course bounded by the City Limits of Flowery Branch (Zoned R1), along an arc of a curve to the left, said curve having a radius of 2597.33 feet, having a chord bearing of North 69 degrees 02 minutes 48 seconds West and a chord distance of 694.59 feet, and an arc length of 696.68 feet to the TRUE POINT OF BEGINNING.

Exhibit "C"

Approve the request as submitted with the following conditions:

1. Development shall significantly adhere to the site plan as shown below:



2. Project shall not exceed 117 single-family homes.
3. Variance is permitted and limited to the site plan requested. The development shall adhere to the following requirements as designated by the site plan:

1. REQUEST IS FOR THE REZONING OF SUBJECT PARCEL FROM M-1 AND R-1 TO TND
2. ANNEXATION OF 10.73 ACRES INTO THE CITY OF FLOWERY BRANCH FROM HALL COUNTY.
3. VARIANCES ARE REQUESTED FOR:
THE REDUCTION OF A PORTION OF SIDEWALK WIDTHS FROM 8 FEET TO 5 FEET.
THE INCREASE OF IMPERVIOUS ALLOWANCES AS INDICATED ON THE ACCOMPANYING CHART
THE DECREASE OF LOT AREAS AS INDICATED ON THE ACCOMPANYING CHART.
4. TOTAL ACREAGE = 23.3 ACRES
5. TOTAL AREA REQUEST TO BE REZONED TO TND
M-1 = 2.64 ACRES
R-1 = 10.73 ACRES
6. TOTAL AREA REQUEST FOR ANNEXATION = 10.73 ACRES
7. MAXIMUM ALLOWED UNITS = $(6.5 \text{ UNITS/AC} \times 23.3 = 151 \text{ UNITS})$
8. TOTAL UNITS PROPOSED = 117
9. PARKING PROVIDED:
MAIL KIOSK 6
DOG PARK 7
PAVILION/PICKLE BALL 13
10. TOTAL AREA DEVELOPED WITH UNITS = 17.8 acres
11. TOTAL AREA FOR RIGHT OF WAY AND ROADS = 3.95 ACRES
12. NO AREA OF THIS SITE IS LOCATED IN STREAM BUFFER AREAS
13. MULTI TRANSPORTATION ALTERNATIVES ARE NOT INCLUDED IN THIS REQUEST.
14. THERE IS A TOTAL OF 44,654 SQ. FT. OF PUBLIC SIDEWALK PROPOSED
REQUIRING 546 CU. YDS. OF CONCRETE
15. AMENITIES INCLUDE A 1,196 SQ. FT. COVERED PAVILLION, 3 PICKLEBALL COURTS,
A DOG PARK, AND A PASSIVE RECREATION AREA.
16. 12 STREET LIGHTS ARE PROPOSED.
17. LOT DENSITY WILL NOT BE ADVERSELY AFFECTED BY SITE GRADING.

BLOCK A				
Lot #	Square Footage	% Open	% Coverag	*Variance Req.
1	5,023	49.40%	50.60%	L,I
2	5,020	36.28%	63.72%	L,I
3	5,003	38.07%	61.93%	L,I
4	5,019	44.81%	55.19%	L,I
5	5,618	37.25%	62.75%	L,I
6	6,908	39.82%	60.18%	I
7	7,995	59.96%	40.04%	I
8	8,169	61.90%	38.10%	I
9	6,713	56.82%	43.18%	I
10	8,216	81.69%	18.31%	I
11	7,929	80.15%	19.85%	I
12	12,273	89.26%	10.74%	I
13	7,513	64.54%	35.46%	I
14	6,207	49.82%	50.18%	L,I
15	7,531	50.41%	49.59%	I
16	6,895	51.47%	48.53%	I
17	7,034	51.76%	48.24%	I
18	5,027	43.58%	56.42%	L,I
19	6,425	46.22%	53.78%	L,I
20	7,719	58.74%	41.26%	I
21	6,256	41.07%	58.93%	L,I
22	6,726	48.87%	51.13%	I
23	5,992	44.13%	55.87%	L,I
24	7,592	57.93%	42.07%	I
25	6,194	46.67%	53.33%	L,I
26	5,000	44.27%	55.73%	L,I
27	5,001	39.56%	60.44%	L,I
28	6,898	49.11%	50.89%	I
29	6,397	47.98%	52.02%	L,I
30	6,397	50.64%	49.36%	L,I
31	7,094	49.47%	50.53%	I
32	6,397	47.56%	52.44%	L,I
33	5,751	48.96%	51.04%	L,I
34	5,025	39.97%	60.03%	L,I
35	5,025	39.97%	60.03%	L,I
36	5,025	44.53%	55.47%	L,I
37	5,025	40.10%	59.90%	L,I
38	5,481	42.66%	57.34%	L,I
39	8,319	46.37%	53.63%	I

BLOCK A				
Lot #	Square Footage	% Open Space	% Coverag	*Variance Req.
40	9,746	54.78%	45.22%	
41	6,951	57.10%	42.90%	
42	6,384	59.07%	40.93%	L,I
43	5,276	52.91%	47.09%	L,I
44	5,202	46.50%	53.50%	L,I
45	6,885	58.35%	41.65%	I
46	7,201	74.73%	25.27%	
47	5,503	71.49%	28.51%	L,I
48	6,009	78.26%	21.74%	L,I
49	7,126	81.47%	18.53%	
50	16,408	92.12%	7.88%	
51	24,261	94.66%	5.34%	
52	8,860	85.41%	14.59%	
53	6,786	81.02%	18.98%	
54	8,721	84.95%	15.05%	
55	9,100	74.02%	25.98%	
56	6,325	32.22%	67.78%	L,I
57	6,671	50.64%	49.36%	L,I
58	6,882	54.48%	45.52%	I
59	5,632	49.67%	50.33%	L,I
60	5,612	50.90%	49.10%	L,I
61	5,629	48.00%	52.00%	L,I
62	5,585	51.72%	48.28%	L,I
63	7,250	64.77%	35.23%	I
64	5,347	50.54%	49.46%	L,I
65	5,628	52.14%	47.86%	L,I
66	5,925	50.11%	49.89%	L,I
67	5,025	48.29%	51.71%	L,I
68	5,191	43.11%	56.89%	L,I
69	5,534	47.27%	52.73%	L,I
70	6,068	45.02%	54.98%	L,I
71	9,905	46.97%	53.03%	I
72	5,805	49.38%	50.62%	L,I
73	5,160	47.30%	52.70%	L,I
74	5,862	48.29%	51.71%	L,I
75	5,450	49.62%	50.38%	L,I
76	5,450	45.55%	54.45%	L,I
77	6,760	59.30%	40.70%	I

BLOCK B				
Lot #	Square Footage	% Open Space	% Coverag	*Variance Req.
1	5,089	50.05%	49.95%	L,I
2	5,001	42.50%	57.50%	L,I
3	5,041	43.40%	56.60%	L,I
4	5,084	48.16%	51.84%	L,I
5	5,657	29.95%	70.05%	L,I
6	5,317	44.04%	55.96%	L,I
7	5,146	51.35%	48.65%	L,I
8	5,334	58.88%	41.12%	L,I
9	5,621	58.52%	41.48%	L,I
10	5,791	59.35%	40.65%	L,I
11	5,752	58.92%	41.08%	L,I
12	5,903	58.65%	41.35%	L,I
13	6,558	62.93%	37.07%	L,I
14	9,140	71.29%	28.71%	
15	9,085	68.76%	31.24%	
16	7,438	59.92%	40.08%	I
17	9,120	60.83%	39.17%	I
18	5,999	40.78%	59.22%	L,I
19	5,938	39.81%	60.19%	L,I
20	5,877	41.07%	58.93%	L,I
21	7,585	57.93%	42.07%	I
22	7,538	54.25%	45.75%	I
23	7,540	57.17%	42.83%	I
24	10,377	49.60%	50.40%	I
25	7,231	58.73%	41.27%	I
26	5,045	47.54%	52.46%	L,I
27	5,037	43.29%	56.71%	L,I
28	5,389	51.51%	48.49%	L,I

BLOCK C				
Lot #	Square Footage	% Open Space	% Coverag	*Variance Req.
1	5,221	49.53%	50.47%	L,I
2	5,058	45.03%	54.97%	L,I
3	5,238	47.35%	52.65%	L,I
4	5,155	58.90%	41.10%	L,I
5	5,287	55.50%	44.50%	L,I
6	5,134	35.66%	64.34%	L,I
7	5,134	39.00%	61.00%	L,I
8	5,199	52.41%	47.59%	L,I
9	5,691	51.22%	48.78%	L,I
10	5,648	50.52%	49.48%	L,I
11	6,493	52.15%	47.85%	L,I
12	7,768	53.06%	46.94%	I

OUTPARCELS				
Lot #	Square Footage	% Open Space	% Coverag	*Variance Req.
1	21,719	74.22%	25.78%	
2	22,399	85.84%	14.16%	
3	11,298	79.42%	20.58%	
4	14,031	42.84%	57.16%	I

*LOT VARIANCE REQUESTS
L = LOT REDUCTION
I = IMPERVIOUS INCREASE

4. A mandatory homeowner's association shall be established.
 - A. Alleys shall be private owned and maintained by the homeowner's association.
 - B. Roads shall be public.
 - C. The development shall be fee-simple homes for sale.
The homeowner's association must have in their bylaws that no more than ten percent (10%) of the total homes will be rental units or a rule of no more than two houses owned by one owner in the development and the owner must occupy one of the two.
 - D. Amenities are included but not limited to 3 pickleball courts, a dog park and a passive recreation area shall be owned and maintained by homeowner's association.
5. Landscaping
 - A. Typical lot landscaping design: identify type and size of trees and bushes.

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- B. Full landscape plan shall be submitted and approved by staff prior to the issuance of a land disturbance permit.
- C. Landscaping must meet all currently adopted codes and standards.
- 6. Homes shall meet all TND and current design and architectural requirements. 13 lots on cul-de-sac will have front entries as variance.
- 7. 8' sidewalk is required along Gainesville Street.
- 8. A fence around the exterior of the property to separate it from the neighbors shall be required. Said fence will be decorative in nature and shall be approved by staff.