



# FLOWERY BRANCH CITY COUNCIL AGENDA REQUEST



All items requiring action by the City Council must be presented first at a work session. The following information should be provided for each item. No item will be considered for a work session until the Department has received authorization on the item by the City Manager.

Department: **Planning and Community Development**

Submitted By: **James Riker**

Date Submitted: **1-26-10**

Item of Business: **Annexation and rezoning of a 43.97± acre site – 6401 McEver Road. Applicant is requesting annexation and a zoning designation of HB (Highway Business) and M-1 (Manufacturing & Industrial); and**

**Annexation and rezoning of a 1.49± acre site – 0 McEver Road. Applicant is requesting annexation and a zoning designation of HB (Highway Business); and**

**Rezoning of a 31.49± acre site – 6353 McEver Road. Applicant is requesting a zoning designation of M-1 (Manufacturing & Industrial)**

(see attached Staff Report dated 2/4/10).

**Attach an Executive Summary fully describing all elements of the item of business.**

**THE ITEM IS FOR:**

**Work Session presentation only**  
(no action needed)

OR  **City Council Action Needed.**

Is there a deadline on this item? If so, Explain: **No.**

**See attached "Executive Summary" and attached "Staff Report" dated 2/4/10.**

**Department Recommendation: Hold first reading of Ordinance No. 426 through No. 430 and schedule February 18, 2010, for second reading and final adoption of said ordinances.**

If the action involves a Resolution, Ordinance, Contract, Agreement, etc. has it been reviewed by the City Attorney?

**Yes** Explain: **Ordinance No. 426, 427, 428, 429 and 430 have been reviewed by the City Attorney**

**No**

If funding is involved, are funds approved within the current budget? **If Yes, Finance Authorization is Required Below.**

**Yes** Explain: \_\_\_\_\_

**No**

Amount:

Source of Funds:

Administration Staff Authorization

Finance Dept. Authorization: **N/A**

Budgeted Amount: **N/A**

Authorized for Work Session: ***Bill Anderson***

Work Session Date: ***2/4/10***

Comments:

**FLOWERY BRANCH CITY COUNCIL  
EXECUTIVE SUMMARY**

**SUBJECT:**

ANNEXATION AND REZONING OF A 43.97± ACRE SITE – 6401 MCEVER ROAD. APPLICANT IS REQUESTING ANNEXATION AND A ZONING DESIGNATION OF HB (HIGHWAY BUSINESS) AND M-1 (MANUFACTURING & INDUSTRIAL); AND

ANNEXATION AND REZONING OF A 1.49± ACRE SITE – 0 MCEVER ROAD. APPLICANT IS REQUESTING ANNEXATION AND A ZONING DESIGNATION OF HB (HIGHWAY BUSINESS); AND

REZONING OF A 31.49± ACRE SITE – 6353 MCEVER ROAD. APPLICANT IS REQUESTING A ZONING DESIGNATION OF M-1 (MANUFACTURING & INDUSTRIAL).

(SEE ATTACHED STAFF REPORT DATED 2/4/10).

**DATE:** 1/26/10

**RECOMMENDATION**  
 **POLICY DISCUSSION**  
 **STATUS REPORT**  
 **OTHER**

**BUDGET INFORMATION:**

ANNUAL-  
CAPITAL-

**COUNCIL ACTION REQUESTED ON: 2/4/10**

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**PURPOSE:** Brian Rochester, on behalf of Stonebridge LLC, and Kelly Family Investments, has filed applications for annexation and rezoning of properties totaling 43.97± and 1.49± acres respectively, at 6401 and 0 McEver Road. The applicant has also filed a rezoning application for a 31.49± acre property at 6353 McEver Road (See attached staff report for Zoning Designation Map). All properties are currently vacant and undeveloped with the exception of landscaping and subdivision monument signs on a portion of 6401 and 0 McEver Road. The applicant is currently marketing the properties for commercial purposes. Approval of the annexation and rezoning applications will allow for future connection to the City's proposed sanitary sewer system.

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**FACTS AND ISSUES:** See attached staff report dated 2/4/10

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**OPTIONS:** Approve, deny and/or make modifications to proposed Ordinance Nos. 426, 427, 428, 429, and 430.

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**RECOMMENDED SAMPLE MOTION:**

Approve first reading of Ordinance No. 426 and schedule February 18, 2010, for second reading and final adoption of said ordinance; and

Approve first reading of Ordinance No. 427 and schedule February 18, 2010, for second reading and final adoption of said ordinance; and

Approve first reading of Ordinance No. 428 and schedule February 18, 2010, for second reading and final adoption of said ordinance; and

Approve first reading of Ordinance No. 429 and schedule February 18, 2010, for second reading and final adoption of said ordinance; and

Approve first reading of Ordinance No. 430 and schedule February 18, 2010, for second reading and final adoption of said ordinance.

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**DEPARTMENT: Planning**

Prepared by: James Riker

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## PLANNING & ZONING STAFF REPORT

**To:** Mayor and City Council

**From:** City Planner

**Meeting Date:** February 4, 2010

**Subject:** COMBINED PUBLIC HEARINGS

**APPLICATION 1**

ANNEXATION AND REZONING OF A 43.97± ACRE SITE – 6401 MCEVER ROAD. APPLICANT IS REQUESTING ANNEXATION AND A ZONING DESIGNATION OF HB (HIGHWAY BUSINESS) AND M-1 (MANUFACTURING & INDUSTRIAL); AND

**APPLICATION 2**

ANNEXATION AND REZONING OF A 1.49± ACRE SITE – 0 MCEVER ROAD. APPLICANT IS REQUESTING ANNEXATION AND A ZONING DESIGNATION OF HB (HIGHWAY BUSINESS); AND

**APPLICATION 3**

REZONING OF A 31.49± ACRE SITE – 6353 MCEVER ROAD. APPLICANT IS REQUESTING A ZONING DESIGNATION OF M-1 (MANUFACTURING & INDUSTRIAL)

**Project Location:** 6401, 0 and 6353 McEver Road (See Application Request Map - Page 4)

**Applicant:** Brian Rochester  
Rochester & Associates, Inc.  
425 Oak Street, NW  
Gainesville, GA 30501

**APPLICATION SUMMARIES**

**Application 1:** Annexation and Rezoning 43.97± acres

**Owner:** Stonebridge LLC, 820 Broad Street, Market Center, Suite 400, Chattanooga, TN 37402

**Acreage:** Total site is 43.97± acres. Applicant is seeking to annex and rezone the property to the following designations of HB (Highway Business) and M-1 (Manufacturing & Industrial). A table indicating the existing and proposed zoning designations is below (See Zoning Designation Map on Page 5 and Surrounding Zoning Designation Map on Page 6).

<b>6401 McEver Road</b>			
<b>Area</b>	<b>Acreage</b>	<b>Existing Zoning for Hall County</b>	<b>Proposed Zoning for Flowery Branch</b>
Tract 1	16.09±	HB (Highway Business)	HB (Highway Business)
Tract 3	6.84±	AR-III (Agricultural)	HB (Highway Business)
Tract 4	20.10±	AR-III (Agricultural)	M-1 (Manufacturing & Industrial)
Tract 6	.94±	AR-III (Agricultural)	HB (Highway Business)

**Application 2:** Annexation and Rezoning 1.49± acres

**Owner:** Kelly Family Investments, 14260 Saddle Springs Lane, Alpharetta, GA 30004

**Acreage:** Total site is 1.49± acres. Applicant is seeking to annex and rezone the property to the following designation of HB (Highway Business). A table indicating the existing and proposed zoning designation is below (See Zoning Designation Map on Page 5 and Surrounding Zoning Designation Map on Page 6).

<b>0 McEver Road</b>			
<b>Area</b>	<b>Acreage</b>	<b>Existing Zoning for Hall County</b>	<b>Proposed Zoning for Flowery Branch</b>
Tract 2	1.49±	HB (Highway Business)	HB (Highway Business)

**Application 3:** Rezoning 31.49± acres

**Owner:** Stonebridge LLC, 820 Broad Street, Market Center, Suite 400, Chattanooga, TN 37402

**Acreage:** Total site is 31.49± acres. Applicant is seeking to rezone the property to the following designation M-1 (Manufacturing & Industrial). A table indicating the existing and proposed zoning designation is below (See Zoning Designation Map on Page 5 and Surrounding Zoning Designation Map on Page 6).

6353 McEver Road			
Area	Acreage	Existing Zoning for Flowery Branch	Proposed Zoning for Flowery Branch
Tract 5	31.49±	NS (Neighborhood Shopping)	M-1 (Manufacturing & Industrial)

**Combined Public Hearing:**

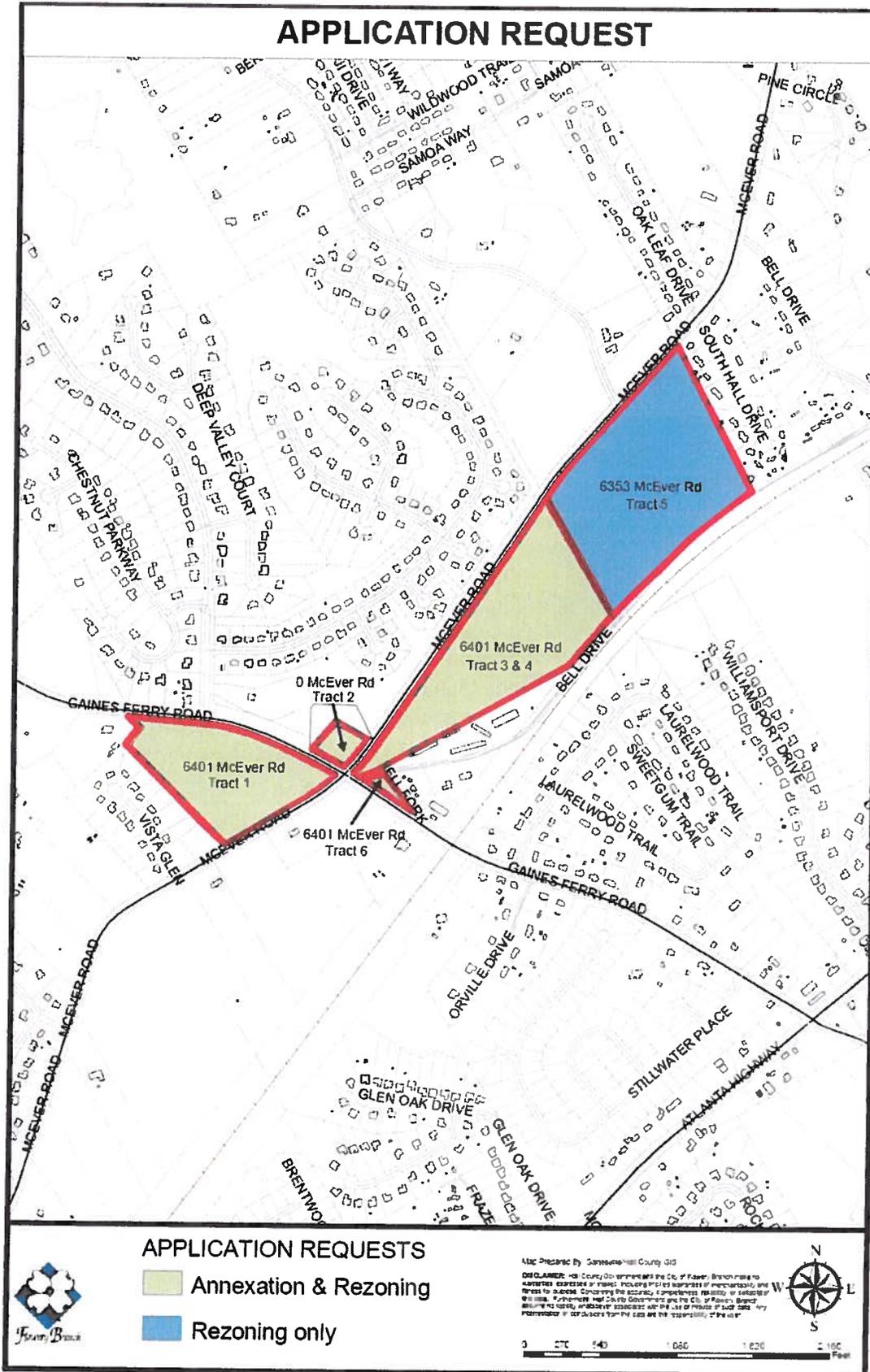
Although the above applications have been submitted by two different owners, the applicant (Brian Rochester) is the same. Article 35 Section 35.3 of the adopted Zoning Code allows for the consideration of one or more applications when proceedings would be efficiently completed in lieu of requiring separate discussion for each application. As a result, staff has prepared a consolidated staff report and visual presentation covering all three applications.

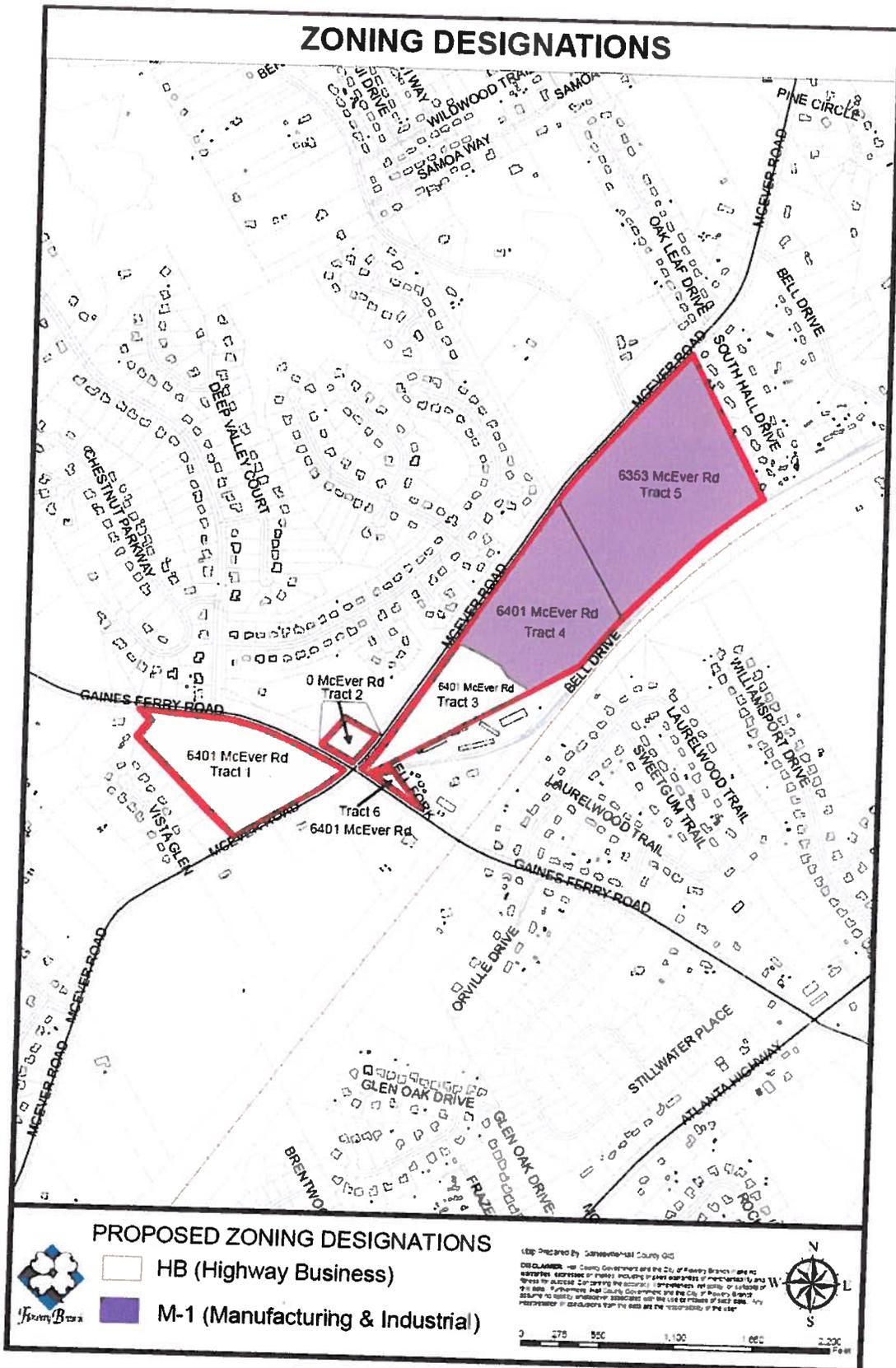
**Background:**

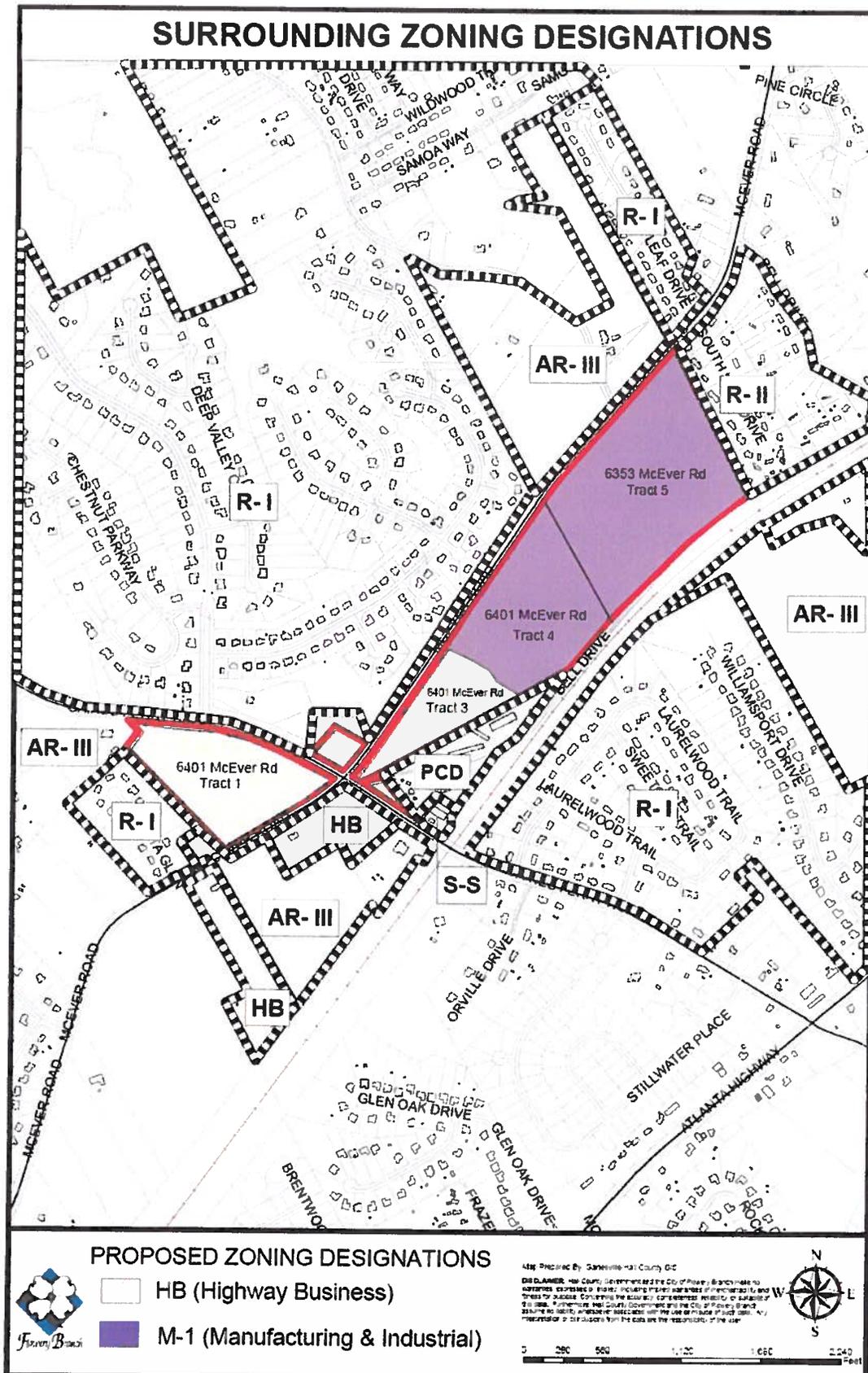
Brian Rochester, on behalf of Stonebridge LLC, and Kelly Family Investments, has filed applications for annexation and rezoning of properties totaling 43.97± and 1.49± acres respectively, at 6401 and 0 McEver Road. The applicant has also filed a rezoning application for a 31.49± acre property at 6353 McEver Road (See Zoning Designation Map Page 5). All properties are currently vacant and undeveloped with the exception of landscaping and subdivision monument signs on a portion of 6401 and 0 McEver Road (see photographs on Page 7). The applicant is currently marketing the properties for commercial purposes. Approval of the annexation and rezoning applications will allow for future connection to the City's proposed sanitary sewer system.

**Annexation:**

Pursuant to O.C.G.A. 36-36-111, the City of Flowery Branch forwarded the proposed annexation and companion rezoning applications to the Hall County Planning Department for comment. Hall County did not raise any objection to the proposals.









Picture of subdivision identification sign (northwest corner of McEver Road/Gaines Ferry Road)



Picture of subdivision identification sign (southwest corner of McEver Road/Gaines Ferry Road)

**Comprehensive Plan & Zoning Code:**

The subject properties are primarily located around the intersection of Gaines Ferry Road and McEver Road. As stated above, the City contacted Hall County Government regarding the annexation of 6401 and 0 McEver Road (6353 McEver Road is already located within the City of Flowery Branch). Even though the County did not provide comment regarding these applications, the City's adopted Zoning Code recommends the Council consider future land plans when evaluating rezonings. Given that a portion of the properties are being rezoned from Hall County to Flowery Branch with the same HB (Highway Business) designation, staff's evaluation focused on the M-1 (Manufacturing & Industrial) portion of the applications.

Specifically, the applicant is requesting a zoning designation of M-1 (Manufacturing & Industrial) for 6353 McEver Road and a portion of 6401 McEver Road. The adopted Hall County Future Land Use Map, identifies this general area as "Mixed Use." According to page 48 of the County's Comprehensive Plan, "Mixed Use" is generally defined as areas containing or planned for a mixture of light industrial and office based employment, retail activities and institutional uses. The County Plan further identifies office/business parks, including flex offices and warehousing, research and development facilities, light industrial and warehousing as acceptable uses. The City's Comprehensive Plan identifies the area as "Commercial" and both plans speak of the need to allow for commercial development within the general area.

After considering the criteria of both the City's and County's Comprehensive Plan, staff is recommending a condition be included, for those applications where M-1 (Manufacturing & Industrial) zoning is requested, **limiting uses to light industrial only** (see Page 9 *Land Use Considerations*). Inclusion of this condition in the approval Ordinances will assure compliance and consistency with the spirit and intent of both the Hall County and Flowery Branch Comprehensive Plans.

**Development of Regional Impact Report (DRI):**

According to rules identified in Chapter 110-12-3 of the Georgia Department of Community Affairs, speculative commercial and/or industrial properties of a certain size, may require preparation of a Development of Regional Impact Report (DRI). For clarification on the applicability of the DRI Rules, staff contacted the Georgia Mountains Regional Development Center (GMRDC) to determine if the project applications require a DRI Report. The GMRDC responded that because the applications were too speculative they did not require preparation of a DRI prior to action by the City Council. However, GMRDC staff asked that the Council include certain conditions in the rezoning ordinances requiring DRI compliance if development plans change (see attached letter from GMRDC and Page 11 *DRI Compliance*).

**Analysis:**

**LAND USE CONSIDERATION**

The Hall County Comprehensive Plan identifies a portion of 6401 McEver Road as being “Mixed Use”, with the expectation that the area would be developed in a combination of light industrial and retail uses. Given that the City has only one industrial land use classification and that the category covers both light and heavy industrial uses, staff is recommending that a condition be included in the ordinances for both 6353 McEver Road and 6401 McEver Road to limit the uses to those more consistent with the light industrial definition identified within the County’s Comprehensive Plan. Accordingly, staff is recommending that the following condition be made part of the Rezoning Ordinance for both 6353 and 6401 McEver Road.

- *Staff Recommendation:* Land Uses identified within Article 9 Table 9.1 M-1 shall be permitted as indicated within the table and as subject to any necessary Conditional Use Permit or development standards, except that the following uses shall not be permitted uses within the M-1 (Manufacturing & Industrial) designation for either 6353 McEver Road or 6401 McEver Road.

**USES PROHIBITED AT 6353 OR 6401 MCEVER ROAD FOR M-1 (MANUFACTURING & INDUSTRIAL) DESIGNATIONS ONLY**

Adult business (see Adult Entertainment of Code of Ordinances No. 360)
Agricultural processing
Aircraft landing area
Animal hospital or veterinary clinic
Animal rendering, slaughtering, and recycling plant
Art gallery
Asphalt plant
Automobile sales and service establishment
Automobile sales without service
Bank or financial institution
Batching plant
Bed and breakfast inn
Borrow site
Botanical garden
Bottling or canning plant
Bulk storage
Camp or campground
Carnival
Church, temple, synagogue, or place of worship, including cemetery as accessory use

<b>Con't</b>
Clinic
Club or lodge, nonprofit, sponsored by a civic or similar organization
Club, private
Composting facility
Continuing care retirement community
Dwelling, single-family detached, fee-simple
Dwelling, single-family detached, condominium
Dwelling, townhome (single-family attached fee-simple)
Dwelling, multi-family
Dwelling, two-family (duplex)
Dwelling, located within a building containing a nonresidential principal use
Extraction and removal of sand, gravel, top soil, clay, dirt, precious metals, gems, and minerals
Finance, insurance, and real estate establishment, more than 2,500 square feet of gross floor area per establishment
Food processing plant
Group home
Hazardous waste receiving, handling, and/or disposal facility, or volatile organic liquid handling and storage
Incinerator
Institutional residential living and care facility, serving no more than 17 persons
Institutional residential living and care facility, serving 18 persons or more
Junk/salvage yard
Landfill (sanitary, construction/demolition, inert waste)
Lodging service (hotel, motel, motor hotel, inn)
Manufactured home, "Class A"
Manufactured home other than "Class A"
Manufactured home park
Marina
Materials recovery facility
Mixed use building or development
Modular home
Petroleum bulk storage site
Power plant, private

<b>Con't</b>
Rail yard
Railroad freight terminal
Recreational vehicle park
Recovered materials processing facility
Retreat center
Rooming or boarding house
Sawmill
School for the arts
School, private, elementary, middle, or high
School, public
School, professional
School, special
Slaughterhouse
Solid waste handling and/or transfer facility
Special event facility
Taxi cab and limousine service
Truck stop or truck terminal
Water plant or wastewater treatment facility
Wrecked motor vehicle compound

**DRI COMPLIANCE**

Staff received a request from the Georgia Mountains Regional Development Center to include certain conditions relating to compliance with Development of Regional Impact (DRI) Report requirements. Accordingly, staff is recommending the following condition be made part of the approval ordinances.

*Staff Recommendation:*

- Development of tracts/parcels as referenced in this Ordinance, Ordinance No. \_\_\_\_, or Ordinance No. \_\_\_\_ shall not exceed any threshold identified in Table 110-12-3.07 of Chapter 110-12-3 of Rules of Georgia Department of Community Affairs – Developments of Regional Impacts, unless applicant or developer has complied with all requirements for DRI submittals and those identified in Article 36 of the adopted Zoning Code.

**FUTURE TRANSPORTATION CONSIDERATIONS**

Although there are no immediate plans to develop the properties, the intersection of McEver Road and Gaines Ferry Road is identified on the Gainesville-Hall County Metropolitan Planning Organization (GHMPO) Transportation Plan as needing improvement. Accordingly, development of the properties directly adjoining the intersection should account for this improvement. Thus, staff is recommending that the following condition be included in the approval ordinances for 6401 and 0 McEver Road.

*Staff Recommendation:*

- Applicant shall dedicate to the City of Flowery Branch all necessary right-of-way along Gaines Ferry Road and McEver Road to allow for the intersection improvement plan as identified within the Gainesville-Hall County MPO Transportation Plan. Dedication shall occur prior to the development of this site or within 120 days of a written request by the City of Flowery Branch. The applicant shall also dedicate all necessary right-of-way and miters area to allow for installation of any corresponding signalization improvements for said intersection.

**SUBDIVISION REQUESTS**

The property at 6401 McEver Road is currently comprised of 43.97± acres on what is practically three parcels. The applicant is requesting two separate zoning designations (HB) Highway Business) and M-1 (Manufacturing & Industrial) on four portions of the subject property. In order to accurately identify the limits of each zoning designation, staff is recommending that the following subdivision condition be included in the approval ordinance for 6401 McEver Road.

*Staff Recommendation:*

- Within ninety days of this rezoning approval, applicant shall submit all necessary documentation for subdivision of the property to correspond with the designations identified in this Ordinance.

**Recommendation:**

Hold first reading for annexation and rezoning ordinances as identified above. Schedule February 18, 2010, for second reading and final adoption of said ordinances.



James A. Riker  
City Planner

**Attachments:**

Draft Ordinance No. 426  
Draft Ordinance No. 427  
Draft Ordinance No. 428  
Draft Ordinance No. 429  
Draft Ordinance No. 430  
Annexation Applications  
Rezoning Applications  
Letter from GMRDC dated 9/18/09