



**CITY OF FLOWERY BRANCH
JOINT PUBLIC HEARING
CITY COUNCIL FLOWERY BRANCH &
HISTORIC PRESERVATION COMMISSION
Meeting Minutes
Thursday June 12, 2008
6:00 P.M.**



CALL TO ORDER:

Mayor Hirling opened the public hearing at 6:02 p.m.

IN ATTENDANCE:

Mayor Diane Hirling and Council Members Pat Zalewski, Mary Jones, Craig Lutz, Chris Fetterman and Allen Bryans. Also in attendance were City Manager Bill Andrew, City Clerk Melissa McCain, City Planner James Riker, and City Attorney Ron Bennett.

Historic Commission Members Tara Malone, Sue Kilgore, Randy Dill, Mary Jones (City Council Member) and Dinah Wayne were also present.

PUBLIC HEARING # 1:

Ordinance 376 - An Ordinance Designating Local Historic Boundaries within the City of Flowery Branch

Planner Riker advised that the adoption of the Comprehensive Plan identified the need to reconsider the Historic District Boundaries. With that direction, the City has been working with Jerry Weitz and Associates and the Jaeger Company to update the City's Historic District Boundaries.

Planner Riker advised that he had received one letter from Roger Brown and Allen Carter indicating that they were not interested in being included in the Historic District.

Further, Planner Riker noted that tonight's public hearing would be one of two with the second hearing being held on July 10th, 2008 at 6:00 pm at the Historic Train Depot

Dale Jaeger and Keyes Williamson presented a summary with a power point exhibit.

Items discussed include but were not limited to the following:

- Inventories
- What's Historic
- What resources exist
- What is a contributing property and what is the criteria
- How are Historic boundaries established

- Map exhibits
- 131 communities have Historic preservation District ordinances.
- Benefits of having and being included in a Historic District.

Planner Riker advised that all the information reviewed was available for review on the website as well as at City Hall and the City Planning Department.

Councilman Lutz inquired on the burden imposed on a developer with restrictions set on properties.

Ms. Jaeger advised that it is important that a developer and a City have informal discussions to review the options with the developer prior to any work beginning. Further, it may be a cost savings as restrictions may require certain portions of the property to remain as is and not rebuilt or remodeled.

Planner Riker further advised that once a certificate of appropriateness is submitted the Commission has 45 days to approve or reject the request.

Councilman Fetterman inquired if there were industry standards.

Ms. Jaeger advised that the U.S. Department of Interior as well as the Department of Natural Resources Historic Preservation Division has documented standards and regulations that are utilized.

PUBLIC COMMENTS:

Peter Pheil – 5514 Gainesville Street, Flowery Branch, Ga. 30542

Mr. Pheil approached the Council and inquired on the advantages of being included within a Historic District and if he was going to be told he can't paint his house whatever color he wants.

Planner Riker advised that Mr. Pheil could paint his house any color he would like as color is not regulated only material changes.

Mr. Pheil expressed concerns with not having the ability to control his property as he wants to control it. Further, Mr. Pheil inquired what the compensation for giving up the right to do with his property what he wants would be.

Planner Riker advised that if Mr. Pheil had a request denied to do a project on his property he had the ability to appeal to the Council and if he still felt the decision was inaccurate he could appeal to the courts.

Mr. Pheil inquired if there was a tax break for a property located in the Historic District.

Ms. Jaeger advised that there are state programs that give property owners discounts if included in the National District of Historic properties.

Mr. Pheil advised that he would like his property excluded from the Historic District.

William Roberts – 7059 Beldon Bridge Road, Lula 30552
Subject properties – 5304, 5314 Church St., 5410 Chestnut St. Flowery Branch, Ga. 30542

Mr. Roberts approached the Council and requested that his properties be excluded from the Historic District.

Bryan Puckette – 5105 Atlanta Highway, Flowery Branch, Ga.

Mr. Puckette approached the Council and pointed out the members of the Historic Preservation Commission and made a point that the members of the Commission did not have property that would be affected by the proposed Historic District Boundaries.

It was noted that Ms. Tara Malone, who sits on the Historic District Commission, does not own a home in the proposed district but that she owns a business in the proposed Historic District.

Mr. Puckette compared a newspaper article to Ordinance 375. The newspaper quoted Mr. Riker in saying that minor work does not require approval. Pg 16 of Ordinance 375 indicates that not only is an application needed a sign needs to be posted at least 10 days prior to a meeting for any minor work.

Mr. Puckette reviewed other aspects of Ordinance 375 such as the process for major work on a building within the Historic District and advised that the guidelines are too stringent.

Mr. Puckette further advised that on Jan 15, 1999 there was a public hearing held by Dinah Wayne and that at that time, certified mailings were required to be sent out per the Zoning Ordinance to all property owners affected by the zoning changes. There is no evidence of any certified mailings notifying any of the affected homeowners, there was no Council present at the meeting and there was no public present to speak at the meeting.

Mr. Puckette further advised that the current notification states to call Ms. Wayne with any questions. He stated that he called earlier this week and has not received a phone call back from Ms. Wayne. Mr. Puckette felt that if Ms. Wayne is getting paid with our tax dollars she should be returning phone calls.

Continuing, Mr. Puckette advised that December 23rd, 1999 was the date scheduled for the public hearing according to the public hearing notice directly copied from the newspaper. Ordinance 191 was adopted January 5 2000. When the minutes are pulled from December 23, 1999 there are no public hearing meeting minutes. The meeting did not take place and the Historic Preservation District Ordinance is not valid.

Then in December we all received a letter again, not certified, stating there was going to be a public hearing on the Historic Districts, which was refereeing to the old maps. When the community came to the scheduled meeting there was a note on the door that the public hearing was cancelled due to the inclement weather. (Sleet Storm) This meeting was never rescheduled and no notifications made. The Public Hearing was rescheduled for January 18, 2001. The public hearing was held but it is invalid but they adopted the districts on Jan, 23rd 2001.

Further, Mr. Puckette advised that in the last 7 years he had at least 5 potential buyers on his properties and that they were told by Mr. Riker or Ms. Wayne that there would be issues with tearing down the houses because they were located in the Historic Preservation District. Mr. Puckette advised that he felt his property, as well as all the properties on Atlanta Hwy, should be excluded from the Historic District. The City will benefit more to have these homes tore down and commercial property built to increase sales tax revenue.

Finally, Mr. Puckette expressed concerns and stated that he felt Ms. Wayne had a conflict of interest serving in the capacity she does as her and her family own a lot of property on Thurmond Tanner Road and this is a way to steer business to that area as there are no restrictions.

Burley Roberts – 308 Hickory Cove Drive, Canton Georgia 30115
Subject Property – 5305 Atlanta Hwy

Mr. Roberts approached the Council and advised that he has renovated buildings at 5324, 5526 Railroad Avenue and 5627 Church Street. Mr. Roberts stated that the value to redevelop and renovate these old properties is that there were little restrictions on the renovation.

Mr. Roberts advised that he had a potential buyer tell him that he was not interested in purchasing property that was located in the Historic District due to all the restrictions imposed on the buildings.

Mr. Roberts further expressed concerns with items such as the installation of thermal pane windows.

Ms. Jaeger advised that her mother wanted to replace her windows also and that she had to go to the Historic Preservation Commission for approval. Those window replacements were approved for replacement with only a few requests.

Mr. Roberts suggested that new buildings along Atlanta Highway would be more beneficial then refurbishing old buildings.

Mr. Roberts further stated that he did not want his property located in the Historic District.

Dennis Chadwick – 5114 Railroad Avenue, Flowery Branch, Ga.

Mr. Chadwick approached the Council and advised that he did not want to be located within the Historic District.

Jim & Linda Hewitt – 4022 Flat Creek Road, Oakwood Georgia
Subject Property 5124 Railroad Ave

Mr. Hewitt advised that he would like his property excluded from the Historic Preservation District Boundaries.

Mr. Hewitt further informed the Council and advised that he did not like being told what he could or could not do with his property.

Mr. Hewitt requested information on who began the work on the Historic Districts, who wanted it and who did not want it.

Ms. Hewitt advised that they did not receive the mailing regarding the districts.

Mr. & Mrs. Hewitt expressed concerns with the requirement to have architectural drawings and stamped plans if work was to be done on their home.

Ms. Hewitt requested another meeting with all the information so that they can evaluate if they wanted to be included in the Historic District or not.

Planner Riker advised that there was some miss information and that whether a property is in the Historic District or not, structural changes, room additions or new buildings may also require plans submitted and stamped by an architect at time of application for a building permit. Further it was noted by Mr. Riker that the prior speaker advised that the plans submitted were required to be architect drawn when in actuality it could be an Architect, engineer or other design professional.

Ms. Hewitt advised that she would like her property to be excluded from the Historic District.

Richard Harris – 5118 Railroad Avenue, Flowery Branch, Ga.

Mr. Harris approached the Council and advised that he would like to be excluded from the Historic Preservation District.

Barbara Bostwick – 6480 Trudy Drive, Flowery Branch, Ga. 30542
Subject Property - 5007 Atlanta Highway, Flowery Branch, Ga. 30542

Ms. Bostwick approached the Council and advised that she felt all property owners affected by the Historic Preservation District Boundaries should have received a copy of Ordinance 375 prior to the public hearing.

Ms. Bostwick further advised that the citizens want less government control and that she respected the idea of maintaining integrity of community but she felt the residents could maintain that on their own.

Continuing, Ms. Bostwick felt that the proposed ordinance would be a great burden on those owners that own property that are potential commercial properties and for those owners that are on fixed incomes and will have issues with following these restrictions. Being in the Historic District deters buyers and can be detrimental to the City as well as the owner.

Ms. Bostwick advised that if passed, she felt that compensation should be made to those property owners who will be damaged.

Ms. Bostwick requested that her property be excluded as well as all the property on Atlanta Highway from Church Street to East Main Street.

Ms. Bostwick reviewed Ordinance 375 and addressed such items such as window air conditioners, satellite dishes, ramps and she felt these were nit picking issues.

Dan Puckette

Signed up to speak but at time advised he had no comments.

Faye Bashams

Signed up to speak but left before she had time to speak.

Reverend Joshua Carr – 5926 Nacoochee Trail, Flowery Branch, Ga. 30542
Subject Properties - 5237, 5233, 5227 Church Street – 5204 Spring Street – 5130 Railroad Ave

Rev. Carr advised that the Church is currently following strict guidelines as a faith community and that more restriction were not necessary. Rev Carr requested that all the church properties be excluded from the Historic Preservation District.

Pam White – 3637 Woodward Mill Road, Buford, Ga. 30518
Subject Property – Main Street and Gainesville Street, Unable to give exact location

Ms. White was expressing concerns with cutting some trees down on her property. Ms. White requested that her property not be included in the Historic District Boundaries.

** Ms. White was unable to produce an address, Hall County GIS and City Tax records showed no property owned by Ms. White at Gainesville Street and Main Street.**

Jeffery Hills – 6289 Lakeview, Buford, Ga
Subject Property 5510 Church Street, Flowery Branch, Ga. 30542

Mr. Hills approached the Council and advised that he bought his property so as to be located in the Historic Downtown of Flowery Branch. If advised others if they didn't want to be in the Historic District they shouldn't have moved into the Historic District.

Mr. Hills further advised that Flowery Branch is not Gainesville and there needs to be a fine line between residential and commercial property.

Mr. Hills advised that he is in support of making the City look better.

Gene Reed – 5214 Railroad Avenue, Flowery Branch, Ga. 30542

Mr. Reed expressed the need to work together and that he is all for improvements to the Historic District.

Community needs to support the town and give back to the community.

Steve Palenske – 5509 Mitchell Street, Flowery Branch, Ga. 30542

Mr. Palenske advised that he has a 140 year old home on his property that he was asked to tear down due to its condition. Mr. Palenske advised that he hired an engineer who advised it could be restored and he would like to have it restored.

Mr. Palenske requested that the Commission go to the property and view it.

Tom & Karen Collins – 8088 Sleepy Lagoon, Flowery Branch, Ga. 30542
Subject Properties - Mooney Manufacturing Properties

Mr. Collins inquired on how the Historic District is going to help the property. He inquired if there are grants available, or if sewer be provided, and what resources are available to increase the property value.

Ms. Collins expressed concerns that the property being in the Historic District will keep potential buyers away due to the restrictions.

Further Ms. Collins advised that her father was a very well respected man in the community and donated a lot of property to the City and his memory should be considered and respected.

The affected owners need the pros and cons so they can make a decision on whether they want to be in District or not.

Tara Malone – 7912 Keepsake Lane, Flowery Branch, Ga. 30542
Subject Property 5524 Railroad Avenue, Flowery Branch, Ga. 30542

Ms. Malone advised that she is a volunteer for the City and moved to the City because it was a beautiful and charming City. Ms. Malone advised that she met with Gwinnett County, Snellville, Lawrenceville, and spoke to the planners regarding her business. All these cities slammed doors in her face because her business was not large enough. When she came to Flowery Branch she chose a property in the Historic District. The Charm of the Historic District brings business in and does not deter business.

The guidelines are not to control what you can do; it is to preserve what you have. That is the point of this ordinance to preserve the charm of this town. This ordinance further protects from a building being erected that is out of place for the area.

Ms. Malone further advised that this is not a burden, builders need to come to the Planning Department for a permit whether in the historic district or not. This will just mandate that the new buildings will be proper and blend with the other properties in the area.

Mr. Bryan Puckett advised that Ordinance 376 needed to be available to the public for review.

Peter Pheil suggested that the City send out a questioner to see who wants to be in the district or not.

Attorney Bennett advised that he felt it was an unnecessary expense.

Mayor Hirling advised that Ordinance 375 needs to be available to the public.

Planner Riker advised that all the letters indicated that all information is available to the public at City Hall or online.

Planner Riker advised that Ordinance 376 only creates the district and the map is equivalent and Ordinance 375 is available on line. Ordinance 376 will be available the Friday before the voting session on July 16th.

Chris Fetterman - Citizens can come to City and pick up copies at City Hall, View on the Internet or call and request a copy from the Clerk.

Kellin Dobbs – 7635 Tenspeed Court, Flowery Branch, Ga. 30542
Subject Properties – 11 properties within Historic District

Currently proposing a mixed use development on the old Country Craft Property. Mr. Dobbs advised that he has been part of the community his entire life so he has a vested interest in this district.

Mr. Dobbs further advised that he, as a developer, was not deterred because of the Historic District. The first submittal of the development was not characteristic of a Historic District. With the help of the Commission and the City the development that is proposed will be very attractive and have a historic character. If trying to create a community with historic values this will be a draw for those developers.

Ms. Puckette approached the Clerk and requested that 5011 Atlanta Highway be excluded from the Historic Preservation District.

ADJOURNMENT:

With no other questions Mayor Hirling closed the public hearing at 7:58 p.m.

PUBLIC HEARING CON'T
JUNE 12, 2008

PUBLIC HEARING #2:

Annexation and Rezoning of 2.78+ Acre Property Located at 5963 Spout Springs Road/4731 Hog Mountain Road.

Mr. Ron and Georgia Guerieri were present as the owners of the property.

Planner Riker reviewed the request to annex into the City limits and construct a Walgreens Drug Store at the locations. The developer is willing to work with the City so that the development compliments the Stonebridge Village site as well.

Planner Riker advised that he had notified the County of the request and to date has had no comments from Hall County.

Further, Planner Riker advised that the transportation plan has been through Hall County.

Mr. Guerieri approached the Council and introduced himself and his father and advised if all goes as planned the closing on the property will be July 28th, 2008.

Councilman Fetterman inquired if the building was going to be below grade as is the Blockbuster property.

Mr. Guerieri advised that the building will be at grade level and not in a hole as blockbuster.

Councilman Bryans inquired on how sewer was going to be provided to the property.

Planner Riker advised that there is currently sewer on the west side of Spout Springs and along Hog Mountain Road.

Councilman Bryans inquired if a lift station would be needed.

Mr. Guerieri advised that if a lift station was needed he would have it installed.

Planner Riker advised that this item would have a first reading on June 18 at 10:00 am and that a second reading would be held on July 2nd, 2008 at 9:30 am.

ADJOURNMENT:

With no other questions or concerns the Mayor closed the Public Hearing at 8:32 p.m.

Mayor – Diane Hirling

Date

City Clerk Melissa McCain