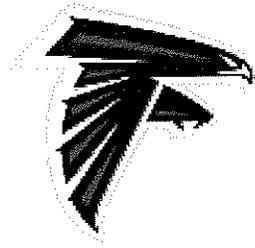


CITY OF FLOWERY BRANCH
Council Meeting Minutes
PUBLIC HEARING
Thursday October 30th, 2008
6:00 pm



CALL TO ORDER:

Mayor Hirling called the meeting to order at 6:04 pm.

IN ATTENDANCE:

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

PUBLIC COMMENTS:

There were no public comments prior to the hearings.

HEARING #1 & HEARING #2 HEARING #3

Hearings 1, 2 & 3 were presented together for discussion.

Amendment of the conceptual site plan and original conditions of approval of Ordinance 239 & 240 for Sterling on the Lake, Annexation and Rezoning of 77.71 ± acre site known as the "Honeycutt Tract" , Annexation and Rezoning of a 26.97 ± acre site known as the "Knutson Tract"

Planner Riker advised that the applicant, Newland Communities, is seeking certain additional changes to the approved PUD zoning, as amended. These include the addition of approximately 26.97± acres (i.e., the Knutson Tract) and 77.71± acres (i.e., the Honeycutt Tract) of residential land to the master planned community, and additional commercial development consisting of approximately 4.2± acres and 1.1± acres, respectively.

Planner Riker further advised that the original PUD approval and its amendments never reflected the fact that Hall County constructed a library within the PUD boundaries.

Furthermore, the Planning Department has an interest, for purposes of administrative ease, in eliminating now-obsolete conditions of approval and exhibits, and integrating the three prior amendments into one overall, coherent set of conditions and exhibits of PUD approval. In summary, the proposed changes include:

Planner Riker reviewed some issues with the applications as well as site plan density, development layouts, environmental conditions, storm water, wastewater and water, commercial land uses, and transportation issues. Included in this review were 40 conditions of zoning approval.

Planner Riker advised that there had been some concerns with the type of occupant on the commercial site and advised that businesses such as tattoo parlors, message parlors and body piercing would be prohibited. Permitted uses for the interior property would be businesses such as a Daycare Facility, not more than 17 children, Business Office, Art Gallery, School of the Arts, Financial Business, Real Estate Office, Insurance Office or Museum.

Hours of operation were requested by the public to be 7:00 am – 7:00 pm. This may not be suitable for a daycare center that may need to apply for a Special Use Permit to operate alternative hours.

Public Comments:

Patrick Clark representing Newland Communities was present for any questions.

Tara Richards – 7433 Fireside Lane, Flowery Branch, Ga. 30542

Ms. Richards approached the Council and expressed concerns regarding the commercial uses of the property within the community. She wants to see a business that will not only benefit the community but a business that will reside long term at that location.

Ms. Richards further inquired on why only 17 children would be allowed if the property became a daycare.

Mark Staley – 7282 Tacosa Drive.

Mr. Staley approached the Council and expressed the following concerns:

- Lack of infrastructure and road conditions along Spout Springs Road. Currently rush hour backs up to Hog Mountain Road. Further backups occur in Braselton at the intersection of Spout Springs Road and Thompson Mill Road.

Continuing, Mr. Staley advised that traffic will also increase due to the new school being built.

- Water resources. Currently in drought conditions, if more people and businesses are allowed then is the City going to keep water restriction permanent.
- Over abundance of commercial on Spout Springs.

Ed Lezaj – 5612 Newberry Point Dr. Flowery Branch, Ga. 30542

Mr. Lezaj approached the Council and expressed concerns with the roadway and the infrastructure on Spout Springs Road currently and with the additional commercial properties.

Mr. Lezaj suggested that the City consider the commercial properties entering and exiting off of Lake Sterling Blvd. and Capitola. Also Prince of Peace is going to have a school and traffic flows need to be considered. The City should coordinate with the County regarding the intersections and roadways.

Sterling Bell – 7320 Bird Song Place, Flowery Branch, Ga. 30542

Mr. Bell expressed concerns with the already heavy traffic on Spout Springs Road and suggested that the City consider anticipated growth and traffic density.

Mr. Bell suggested a list be provided with the types of businesses that could locate within community and expressed concerns with the business being so close to residential properties.

Mr. Bell felt the developer should coordinate a meeting with the residents to discuss the uses allowed in the proposed commercial site within the community.

Mr. Bell suggested that the proposed commercial site within the community not be rezoned to commercial and be transformed from a sales office to a residential residence.

Chris Hartnett – 7940 Benchmark, Flowery Branch, Ga. 30542

Mr. Hartnett advised that part of the attraction to the Sterling on the Lake neighborhood is the beautiful entrance. Mr. Hartnett's concern was if a commercial property was allowed at the entrance to the subdivision it would greatly diminish the aesthetic value of the neighborhood.

Mr. Hartnett expressed concerns with the already overcrowded intersection and traffic flows on Spout Springs Road.

Mr. Hartnett suggested that all commercial be located across from the current shell station or behind the library.

Patrick Clark, Newland Communities addressed the concerns of the citizens and made the following summary;

If the interior commercial was opened as a daycare the current regulations regarding parking and size allow for only 17 students. Although Newland would like to see more students, by law it is not allowed at this location.

The infrastructure issues are hard to address but all developments have to go through a DRI and are required to build infrastructure in stages, as needed.

Water and Drought concerns are being addressed as the developer continues to research the use of re-use water where possible, with a significantly lower cost rate.

Pertaining to the lists of what the interior proposed commercial could be it is limited to approximately five types of business. The use will be a soft use and consist of one of the following, daycare, dentist, real estate office, hair care etc.

Regarding the request to keep the property as a residential unit the building is not designed or laid out to be a residential dwelling.

Planner Riker added that the City of Flowery Branch only owns a small portion of Spout Springs Road and the funding for a project of this magnitude is scarce.

Continuing, Planner Riker advised that Spout Springs is contemplated to be a four lane highway. The City is required to obtain all right-of-way necessary as well as conduct and provide preliminary plans. This must be done prior to submitting the request to the State. The cost is estimated at 44-58 million dollars. Hall County has slotted 1 million dollars for the project.

Planner Riker advised that these items were scheduled to be heard at the November 5, 2008 Council Meeting for a first reading at 9:30 am.

Mayor Hirling ended the Public Hearing for items 1, 2 and 3 at 7:04 pm.

Hearing #4

Comprehensive Plan Amendment

Planner Riker stated that pursuant to state rules for local plans, municipalities are required to process a major amendment when they propose a cumulative increase in land area greater than 100 acres or more. Accordingly, the proposed amendment is required as a result of the annexation and rezoning applications, filed by Patrick Clark of Newland Communities, for two tracts of land totaling 104± acres. The annexation and rezoning applications include a 77.71± acre property located at 6675 Capitola Farm Road and a 26.97± acre property located at 6596 Capitola Farm Road. Both properties are near the intersection of Capitola Farm Road and Bragg Road. The applicant is seeking to annex and rezone the property from Hall County AR-III to Flowery Branch PUD (Planned Unit Development).

The amendment relates to modifications of the “Population Element”, “Housing Element”, and the Character Area and Future Land Use Maps. The amendment will also include changes to other elements to accomplish consistency with the above modifications.

Public Comments:

There were no public comments.

Planner Riker advised that this item would be considered at the November 5, 2008 Council Meeting at 9:30 am. for a first reading.

Mayor Hirling ended the Public Hearing for item 4 at 7:08 pm.

Hearing #5, 6 & 7

Annexation and Rezoning of a 9.11 ±acre site – 4331 Thurmond Tanner Parkway, Annexation & rezoning of a 6.102 ± acre site – 4300 Thurmond Tanner Parkway, Annexation and rezoning of a 4.032 ± acre site – 4280 Thurmond Tanner Parkway

Planner Riker informed the Council that Mr. Victor Bowers, on behalf of Avita Community Partners, had filed an application for annexation and rezoning of a 9.11± acre property located at 4331 Thurmon Tanner Parkway. Following annexation, the applicant is requesting a zoning designation of M-1(Manufacturing and Industrial). The property is located within Hall County and has an I-I (Light Industrial) designation. The Hall County Future Land Use Map identifies the property as “industrial.”

Currently, the site is developed with a two story professional office building. Although the applicant has not expressed immediate plans to expand the building, he has expressed interest in a future connection to the City’s sanitary sewer system.

Continuing, Planner Riker advised that Mr. W.J. Carlson, on behalf of Viking Enterprises, had filed an application for annexation and rezoning of a 6.102± acre property located at 4300 Thurmon Tanner Parkway (see vicinity map). Following annexation, the applicant is requesting a zoning designation of M-1(Manufacturing and Industrial). The property is located within Hall County and currently has an I-I (Light Industrial) and I-II (Heavy Industrial) designation. The Hall County Future Land Use Map identifies the property as “industrial.”

The site is currently developed with single story brick manufacturing building. Although the applicant has not expressed immediate plans to expand the building, he has expressed interest in a future connection to the City’s sanitary sewer system.

Planner Riker further stated that Mr. Steven Carlson, on behalf of Tunco Manufacturing, had filed an application for annexation and rezoning of a 4.032± acre property located at 4280 Thurmon Tanner Parkway (see vicinity map). Following annexation, the applicant is requesting a zoning designation of M-1(Manufacturing and Industrial). The property is located within Hall County and has an I-I (Light Industrial) designation. The Hall County Future Land Use Map identifies the property as “industrial.”

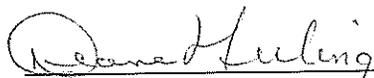
Currently the site is undeveloped. Although the applicant has not expressed immediate plans to develop the property, he has expressed interest in a future connection to the City’s sanitary sewer system.

Public Comments:

There were no public comments.

Planner Riker advised that these items would be considered at the November 5, 2008 Council Meeting for a first reading.

Mayor Hirling ended the Public Hearing for items 5, 6 and 7 at 7:19 pm.



Mayor Diane Hirling

11-19-08
Date



City Clerk Melissa McCain