



**CITY OF FLOWERY BRANCH**  
**Public Hearing**  
**Meeting Minutes**  
**Thursday February 4, 2010**  
**6:00 P.M.**



**CALL TO ORDER:**

Mayor Hirling called the meeting to order at 6:03 p.m.

**IN ATTENDANCE:**

Mayor Diane Hirling and Council Members Craig Lutz, Chris Fetterman, Kris Yardley, Mike Miller and Tara Richards. Also in attendance were City Manager Bill Andrew, City Clerk Melissa McCain, Assistant City Clerk Lou Camiscioni, City Planner James Riker and City Attorney Ron Bennett.

**PLEDGE OF ALLEGIANCE:**

Boy Scout Troop 228 presented the flags and led the pledge of allegiance.

Planner Riker reviewed the procedures for a public hearing.

**PUBLIC HEARING:**

Planner Riker inquired if all five items could be heard together as they all relate to each other.

Mayor Hirling approved all items being review at one time.

Planner Riker then stated that each item is allowed discussion for and against at a time limit of ten (10) minutes; with these items being heard together, fifty (50) minutes would be given to those opposing and fifty (50) minutes would be given to those in favor of the project.

Public Hearing #1 - Annexation and Rezoning of 3 properties located at McEver Road and Gaines Ferry Road, Flowery Branch.

- Ordinance 426 – Annexation 6401 McEver Road
- Ordinance 427 – Rezoning of 6401 McEver Road
- Ordinance 428 – Annexation of 0 McEver Road
- Ordinance 429 – Rezoning of 0 McEver Road
- Ordinance 430 – Rezoning of 6353 McEver Road

Planner Riker reviewed the applications and maps of the locations. This included the current zoning and the proposed zoning.

Planner Riker advised that all the proper annexation notifications were sent out with no objections from Hall County pertaining to the annexation within the time limits for such objection (30 days). A letter was received on today's date from Randy Knight, Hall County Planning, and County Representative Bobby Banks, to postpone this hearing and vote until a later date.

Planner Riker advised that there were five (5) meetings held with various HOA groups and concerned citizens and because of those meetings the City has restricted uses in its Manufacturing and Industrial District for this property so that the area remains consistent with light industrial.

Planner Riker further stated that there was a judgment made by Georgia Mountains Regional Development that the site does not require a regional impact report for development but advised the City, that if the development got to a certain threshold a DRI would be required.

The City zoning code requires if 100 trips at any peak hour or 1000 trips in a day are expected from a development a traffic impact study is required. This property does not currently have a development going in but it is indicated in the ordinance that the Gainesville- Hall County Metropolitan Planning Organization Traffic Plan does show the intersection of McEver Road and Gaines Ferry Road as needing improvement so a condition has been added to indicate that that intersection will need to be upgraded with the development of the properties.

### **PUBLIC COMMENTS:**

[Brian Rochester, Rochester & Associates – 425 Oak Street, Gainesville, Ga. 30501](#)

Mr. Rochester advised that he is representing the applicants Stonebridge LLC and the Kelly Family.

Mr. Rochester advised that the applicant has reviewed all the conditions as proposed by the City and that the applicant is willing to follow those conditions. The applicant would like "Light Industrial" designation but since the City does not have that designation, conditions have been instilled to the Manufacturing District to remove the uses that would be classified as heavy industrial.

Mr. Rochester reviewed the history of the property and advised that at one time the property was slated for a sewer treatment plant and that the corners have been zoned commercial for a very long time.

The County has a long range comprehensive plan and on how they see the future of the County lands. The plan before the City now is consistent with the Hall County Comprehensive Plan.

Mr. Rochester advised that McEver Road is an extension of Peachtree Industrial Blvd and is an arterial roadway. The property is sandwiched between a major roadway and a railroad line which makes this prime property for industrial use.

Further, Mr. Rochester spoke about the current Hall County Comprehensive Plan and indicated the areas discussed on the actual map. Mr. Rochester reviewed surrounding zoning districts including Oakwood and Buford zoning along the boundaries.

Continuing, Mr. Rochester stated that the State of Georgia has a process called site ready which means that in order for the State of Georgia Economic Development team to consider your property the site has to be ready to go. This means the utilities need to be installed or planned.

Tim Evans – Greater Hall County Chamber of Commerce Vice President Economic Development.

Mr. Evans advised that this site has been looked at before, but the site needs zoning and utilities for a serious developer to come in. The utilities and zoning make the property more desirable for developers. A German firm looked at the property a couple years ago for a plastics plant but withdrew because it was not ready with infrastructure or zoning.

Jim Gimotty – 6643 Sweetwater Point, Flowery Branch, Ga. 30542.

Mr. Gimotty advised that he was not opposed to the highway business zoning and not opposed to the annexation but is concerned with the industrial and manufacturing zoning.

Mr. Gimotty reviewed excerpts from the City of Flowery Branch Zoning Code and advised that the property is located in a heavy residential and lake land area.

Mr. Gimotty reviewed the twelve (12) allowed uses, distribution center including truck terminals, warehouse storage buildings, fuel oil distributors, cold food storage locker, open storage yard, logging yards, dry cleaning plant and lots of uses that he was not fond of.

Further Mr. Gimotty stated that the City's future land use plan does not have industrial indicated in the proposed location and inquired on the good of having a future land use plan if one is not going to follow it. Also Mr. Gimotty said that this would create an island of industrial manufacturing in a rather large residential zoned area.

Michael Mankin, 5047 Flat Creek Rd Hall County.

Mr. Mankin stated that County Representative Bobby Banks did ask for this item to be postponed and he didn't understand why the City would not take this request into consideration.

A free easement is not worth giving them a M1 zoning designation.

Mr. Mankin inquired on the cost to run the sewer line through the property and thought it was not an equal to annex and rezone the property so that the City gets a free easement.

Mr. Mankin stated that Jim Crow Road, Flat Creek and Friendship Road are all commercial so why does the City feel the need to make this intersection commercial. We need to attempt to keep this intersection pristine.

Mr. Mankin advised that he felt this should be postponed and there is no big hurry to approve.

Brian Butts – 6452 Wildwood Trail, Flowery Branch, ga. 30542

Mr. Butts did expressed concerns with the site being site ready. He does not want to see clear cutting as it would leave the property barren and it would ruin the natural feel of the area as well as push wildlife away.

The other point Mr. Butts expressed concerns about was the fact that if the area was cleared then the noise pollution would increase from the trains on the railroad tracks.

Mr. Butts further stated that although it was said there was not a current developer it seems there might be a hidden agenda and a possible buyer or why would it be annexed or rezoned at this time.

#### Brett Barwick – refused to give address

Mr. Barwick advised that he appreciated the time that the City has put into informational meetings.

Mr. Barwick advised that this area deserves extra consideration because of the residential component and recreational uses.

Mr. Barwick stated that the tract being zoned highway business is not the concern; it is the tracts being zoned industrial that are cause for concern.

Mr. Barwick reviewed the mixed use designation from the Hall County Comprehensive Plan - it summarized that there should be a less intensive use that pose as a transitional section between residential and other designations and that it should not allow for incompatible land uses that would create negative land use impacts. To take the full 50 acre piece might have negative land use impacts.

Mr. Barwick read the light industrial definition from the Hall County Comprehensive Plan. Neither the City nor the County contemplated this area as being manufacturing in the future.

Mr. Barwick reviewed the list of allowable uses and requested that the following be conditional use or prohibited; auction house or auction yard, broadcasting studio, cold storage plants or frozen food lockers, crematorium, custom order shop, dry cleaning plant, explosive storage, fair grounds, fuel oil distributors, gas tank sales, logging yards, all manufacturing should be at least conditional if not prohibited.

Mr. Barwick reviewed the uses that are acceptable near a residential development; animal hospital or veterinary clinic, art gallery, bank or financial institution, clinic, finance/insurance agency.

Continuing, Mr. Barwick stated that the council is charged with protecting property rights and increase tax base, this is a huge opportunity for the city or county but you are also in charge of protecting our neighborhoods and make our area more desirable. Please postpone the initial vote to a later date so that we may work with the city and applicants so that we can come up with the best possible result for all.

Mr. Barwick submitted numerous petitions from area residents to zone the area as Highway Business or Neighborhood Shopping until such time a more specific site plan can be developed.

[April MacLeod, 6753 Gaines Ferry, Flowery Branch, Ga, 30542](#)

Mr. MacLeod expressed concerns pertaining to the ingress and egress of the property with the additional traffic.

Further, Ms. MacLeod expressed concerns with property values decreasing with the development of manufacturing type facilities.

[Mike Thompson - 6567 Tahiti Way, Flowery Branch, Ga. 30542](#)

Mr. Thompson approached the council and stated that progress is inevitable. If the use is not seen, such as the concrete towers, and well landscaped he didn't mind it being there.

Mr. Thompson did request that heavy landscaping be included with any development that happens on the property.

Further, Mr. Thompson expressed concerns with the traffic on the bridges at Gaines Ferry and on McEver Road and inquired who would be responsible for upgrading those bridges to support the extra traffic.

[Mike Baker – 6221 Bell Drive, Flowery Branch, Ga. 30542](#)

Mr. Baker approached the Council and expressed concerns pertaining to industrial buildings and all the extra traffic that an industrial development would bring into the area.

Mr. Baker requested more time to review the annexations and felt that the signage of the public hearing and rezoning notification was not sufficient and hard to read while you're driving.

Mr. Baker suggested that the industrial areas be left for interstate properties. He further suggested that if there were some commercial businesses that wanted to come into the city let them move to the empty buildings downtown.

[Ken Brown – 6510 Secret Cove Court, Flowery Branch, Ga. 30542](#)

Mr. Brown stated that he was the president of the Four Seasons Homeowners Association and stated that Manufacturing is not an appropriate use for the area and that light industrial is sufficient. Don't know what uses are down the road and a zoning designation of Manufacturing should not be allowed.

[Mike Parker – 6728 Willowbrook Trail, Flowery Branch, Ga. 30542](#)

The role of the government is not to rollover to big business and make bailouts to the Bank of America. The residents of the City are the ones that built this community.

[Kim James – 6700 Willimaport Drive, Flowery Branch, Ga. 30542](#)

Ms. James advised that her property is affected highly by the zoning designation of manufacturing and felt it should not be allowed in any way.

The development of manufacturing would cause noise pollution, light pollution not to mention what it would do to the creeks in the area. If something has to go in there make it office space, don't need more strip malls, make it an upscale development.

Vinnie Mendes – 6655 Woodlake Drive, Flowery Branch, Ga. 30542

Mr. Mendes stated that Mr. Rochester said that the Master Plan was created in 1980 and at that time it was not known that there would be all these residential homes at this location so additional consideration should be taken. There is only a certain amount of land near the water so please don't ruin this property by designating manufacturing.

Harvey Clanton – 6660 Woodlake Drive, Flowery Branch Ga. 30542.

Mr. Clanton stated that there were some conflicts between the zoning of light industrial and manufacturing and felt that a distinction needed to be made pertaining to the property. The City needs to assure that whatever development comes to this property under a zoning designation is sure of what that designation really means; it needs to be defined prior to a development.

Brian Rochester, Rochester & Associates – 425 Oak Street, Gainesville, Ga. 30501

Mr. Rochester stated that there is not currently a buyer for this piece of property but that Tim Evans stated that what needs to be done to recruit quality businesses to the area is the installation of infrastructure and zoning.

Mr. Rochester reviewed Oakwood's Industrial Park and advised that it abuts the residential subdivision of Newberry Point and that those homes have not decreased in value because of this development.

Mr. Rochester stated that his clients still have a huge vested interest in the property as they still own property in the Four Season Subdivision.

Further, Mr. Rochester stated that what is being proposed has lower traffic numbers than if developed as any other zoning designation.

Further Mr. Rochester stated that site ready does not mean clear cut. It is not necessary to have the property void of trees.

Reviewing past applications, Mr. Rochester stated that April 2004 Kathy Steelman had 20 additional petitions to add to 170 petitions that had already been gathered requesting that the City annex the property immediately in the Gaines Ferry/Wade Orr area, to stop Buford from coming any further into Hall County.

This project meets the comprehensive plan and it says mixed use which does not include heavy industrial and the staff at Flowery Branch have adjusted the zoning designation to fit that comprehensive plan.

Mr. Rochester further stated that the owner has the constitutional right to develop his property and if Flowery Branch does not move forward than his client will move forward with the County or another jurisdiction.

Kathy Steelman – 6639 Sweetwater Drive, Flowery Branch, Ga. 30542

Ms. Steelman advised that in the past she did not fight the annexation she fought the fact of Buford annexing any more property in Hall County.

Ms. Steelman advised that she would like more time to review the requests with the City and form a compromise.

Ms. Steelman further informed the public that there are four (4) streams coming through the property and stream setback requirements will need to be followed.

Planner Riker reviewed some of the questions raised by the residents by stating that SPLOST funds are being used to run the sewer line through the properties and depending on the location of the sewer line there could be no cost for an easement if run along the roadway.

Pertaining to policing, Planner Riker stated that the roads would remain the jurisdiction of Hall County as the City would need to own property on both sides of the road to be responsible for policing the area but any annexed property would be policed by the Flowery Branch Police Department.

Planner Riker advise that the bridges are monitored and inspected by Hall County and/or the Army Corps of Engineers and impact studies will be conducted depending on the use that is developed. The intersection upgrade is on the long range plan and the bridges will also be included with this upgrade. The bridges are on county roads and the are responsible for any upgrades.

Planner Riker stated that in 2006 the city updated its zoning code and many of the uses are conditional use permits. Flowery Branch code follows light industrial uses and follows stricter regulations then Hall County.

**ADJOURNMENT:**

Mayor Hirling adjourned the Public Hearing at 7:36 pm