

STATE OF GEORGIA

COUNTY OF HALL

**RESOLUTION OBJECTING TO THE CITY OF FLOWERY BRANCH'S
ANNEXATION OF PROPERTY OWNED BY S.P. MCKIBBON, SR., LLP.,
KNOWN AS HALL COUNTY TAX PARCEL 15044 000040**

WHEREAS, Hall County has received a notice of filing by the City of Flowery Branch of a petition for annexation of property owned by S.P. McKibbon Sr., LLP., located at 0 Sasser Road, Flowery Branch, Georgia 30542 and bearing Hall County Tax Parcel Number 105044 000040 (the "Subject Property"); and

WHEREAS, the annexation petition seeks to rezone the Subject Property from Hall County's designation of Planned Residential Development (PRD) to the City of Flowery Branch's designation of Single Family Attached Townhome (SF-TH); and

WHEREAS, the proposed annexation and rezoning of the Subject Property, constituting 95.842± acres, for the development of a 198-unit residential subdivision on the Subject Property, represents a substantially more intense and significantly different use of the property than allowed by Hall County's existing residential zoning of the property; and

WHEREAS, the proposed annexation, rezoning, and proposed use of the Subject Property as a 198-unit residential subdivision would cause a substantial increase in the intensity of the use of the Subject Property; and

WHEREAS, the proposed annexation, rezoning, and proposed use of the Subject Property as a 198-unit residential subdivision would cause a significant deviation from the current low to moderate density of development in the immediate area; and

WHEREAS, the proposed annexation, rezoning, and proposed use of the Subject Property as Single Family Attached Townhome subdivision would create a significant increase in the demand on local infrastructure; and

WHEREAS, the Hall County Board of Commissioners has carefully reviewed the annexation and rezoning request, and the Board has determined that annexation, rezoning, and the proposed use of the Subject Property as a Single Family Attached Townhome subdivision is not in the best interest of the residents of Hall County; and

WHEREAS, the Official Code of Georgia Annotated provides a procedure for resolving annexation disputes (O.C.G.A. § 36-36-110 et seq.); and

WHEREAS, the Board of Commissioners wishes to avail itself of the remedies provided by the annexation dispute resolution process as a result of its objection to this annexation and rezoning request;

NOW, THEREFORE, THE BOARD OF COMMISSIONERS OF HALL COUNTY DOES HEREBY OBJECT to the City of Flowery Branch's annexation and rezoning of Hall County Tax Parcel 15044 000040, as requested by the applicant, Rochester DCCM (Bradley Dunckel), and the property owner, S.P. McKibbon Sr., LLP. This objection is based upon a material increase in burden on Hall County's infrastructure demands, an increase in density in the local area, and deviation from the current use of the Subject Property directly related to the proposed change in zoning and land use.

Based upon the information presented in the application for annexation provided to Hall County, the County specifically objects to the proposed change in zoning and land use that would result from the annexation as follows:

The application for annexation of the Subject Property, approximately 95.842 ± acres, describes a rezoning from Hall County's Planned Residential Development (PRD) to the City of Flowery Branch's Single Family Attached Townhome (SF-TH) for the development of a 198 unit residential subdivision. Hall County attaches Flowery Branch's Notice of Intent to Annexation, the application for annexation and rezoning, and the supporting documents served upon Hall County. *See Exhibit A.* The Subject Property is bordered on the north by properties zoned as City of Flowery Branch Institutional, City of Flowery Branch Agriculture, and Hall County Agricultural residential 1 (AR-1). The Subject Property is bordered on the south by Hall County's AR-1 district. The Subject Property is bordered on the east by property zoned as City of Flowery Branch Highway Business (HB) and Hall County's AR-1 district, and the Subject Property is bordered on the west Hall County's AR-1 district.

The proposed residential subdivision to be developed on the Subject Property would directly contrast with the surrounding and existing uses permitted by Hall County. The County's existing PRD zoning of the property permits uses at a low density (2 units per acre), as shown in Section 6.1 of Hall County's Uniform Development Code, Appendix A of the Official Code of Hall County. *See Exhibit B.* The County's current recommended density for the Subject Property of 2 dwelling units per acre would be increased by the proposed annexation and rezoning of the property to the City of Flowery Branch's SF-TH, which would allow a maximum of five (5) units per acre as shown in Article 8 of Flowery Branch's Zoning Ordinance, Appendix C of the City's Code of Ordinances. *See Exhibit C.* Per the site plan provided by the applicant, Rochester DCCM (Bradley Dunckel), the proposed residential subdivision would feature a density average of 2.07 units per acre. The rise in density would result in substantially increased traffic on local roads in the immediate vicinity of the Subject Property. The applicant has not proposed any road improvements that would sufficiently ameliorate the increase in traffic volume and the related infrastructure costs associated with increased road congestion. The proposed annexation and subsequently development described

in the application for annexation would create a large material increase in burden upon Hall County directly related to the proposed change in zoning and land use.

Finally, the proposed change in zoning and land use as described in the application for annexation of the Subject Property would result in a substantial increase in the intensity of the use of the property. An aerial photograph of the area immediately surrounding the proposed annexation shows that there are no high-density residential subdivisions near the Subject Property. *See* Exhibit D.

For the foregoing reasons, the members of the Board of Commissioners have executed this objection to the annexation petition of Rochester DCCM (Bradley Dunckel) and S.P. McKibbon, Sr., LLP., regarding Hall County Tax Parcel 15044 000040 this the ____ day of July, 2025.

[SIGNATURES ON FOLLOWING PAGE]

HALL COUNTY BOARD OF COMMISSIONERS

By: _____
David Gibbs, Chairman

By: _____
Kathy Cooper, Commissioner, District 1

By: _____
Billy Powell, Commissioner, District 2

By: _____
Gregg Poole, Commissioner, District 3

By: _____
Jeff Stowe, Commissioner, District 4

ATTEST:

By: _____
Jennifer Rivera, Commission Clerk

(SEAL)

APPROVED AS TO FORM:

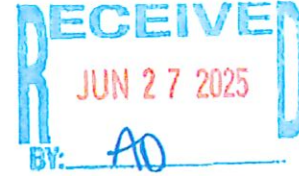
By: _____
Justin Lawhon, Interim County Attorney



EXHIBIT A

June 23rd, 2025

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



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

Honorable Members of the Hall County Board of Commissioners:

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. § 36-36-9 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 are described as follows:

0 Sasser Road, tax parcel identification number **15044 000040**

Pursuant to O.C.G.A. § 36-36-111, a complete copy of the annexation and rezoning applications are 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
June 23rd, 2025
Page 2 of 2

Consideration of the Annexation and Rezoning pursuant to O.C.G.A § 36-66-4 a public hearing on zoning of the property to be considered for annexation and rezoning as Flowery Branch SF-TH (Single Family Townhome) will be held on Thursday, August 7th, 2025, 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 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,
Chris McCrary
Director of Planning and Community Development
City of Flowery Branch
cmccrary@flowerybranchga.org
CM/

Enclosures: Survey, Legal Description, Concept Plan of property to be considered for Annexation and Rezoning.
Annexation and Rezoning Applications.



ANNEXATION APPLICATION

Date: 5/21/25

Address of Request:

0 Sasser Road

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: Rochester | DCCM (Bradley Dunkel)

Address: 425 Oak Street, Gainesville, GA 30501

E-mail address: bdunckel@dccm.com

Phone number: 770-363-1997

Signature:

Notary Seal:





Property owner information (if different than the applicant)

Property owner (please print): S.P. McKibbon, Sr. LLLP

Address: P.O. Box 896, Gainesville, GA 30503

E-mail address: stevemckibbon@gmail.com

Phone number: 770-865-1256

Signature: [Signature]

Notary Seal:

State of Wyoming

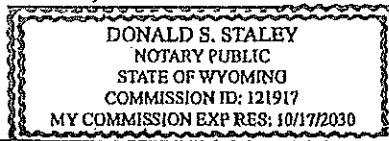
County of Lincoln

Subscribed before me this 15th Day of May 2005 by Steve McKibbon

[Signature]

Property Information

Tax Map Number: 15044 000040



Current Zoning: PRD (Hall County)

Total Acres: 95.842 +/-

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

Proposed City of Flowery Branch Zoning: SF-TH

Proposed City of Flowery Branch Character Area: N/A

Current Use: Vacant

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

Voting Rights Act Information

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

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



REZONING APPLICATION

Date: 5/21/25

Address of Request:

0 Sasser Road

Tax Map # 15044 00040 **Current Zoning:** PRD (Hall)

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: Rochester | DCCM

Address: 425 Oak Street, Gainesville, GA 30501

E-mail address: bdunckel@dccm.com

Phone number: 770-363-1997

Signature: *B. L. Dunckel*

Notary Seal:





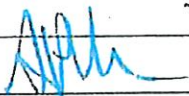
Property owner information (if different than the applicant)

Property owner (please print): S.P. McKibbon Sr. LLLP

Address: P.O. Box 896, Gainesville, GA 30503

E-mail address: stevemckibbon@gmail.com

Phone number: 770-865-1256

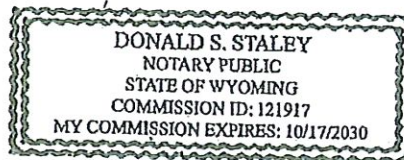
Signature: 

Notary Seal:

State of Wyoming
County of Lincoln

Scribed Before me this 15th Day of May 2025 By Steve McKibbon


Notary



Property Information

Tax Map Number: 15044 000040

Current Zoning: PRD (Hall County) Total Acres: 95.842 +/-

Is this property located within the city-limits of Flowery Branch? No

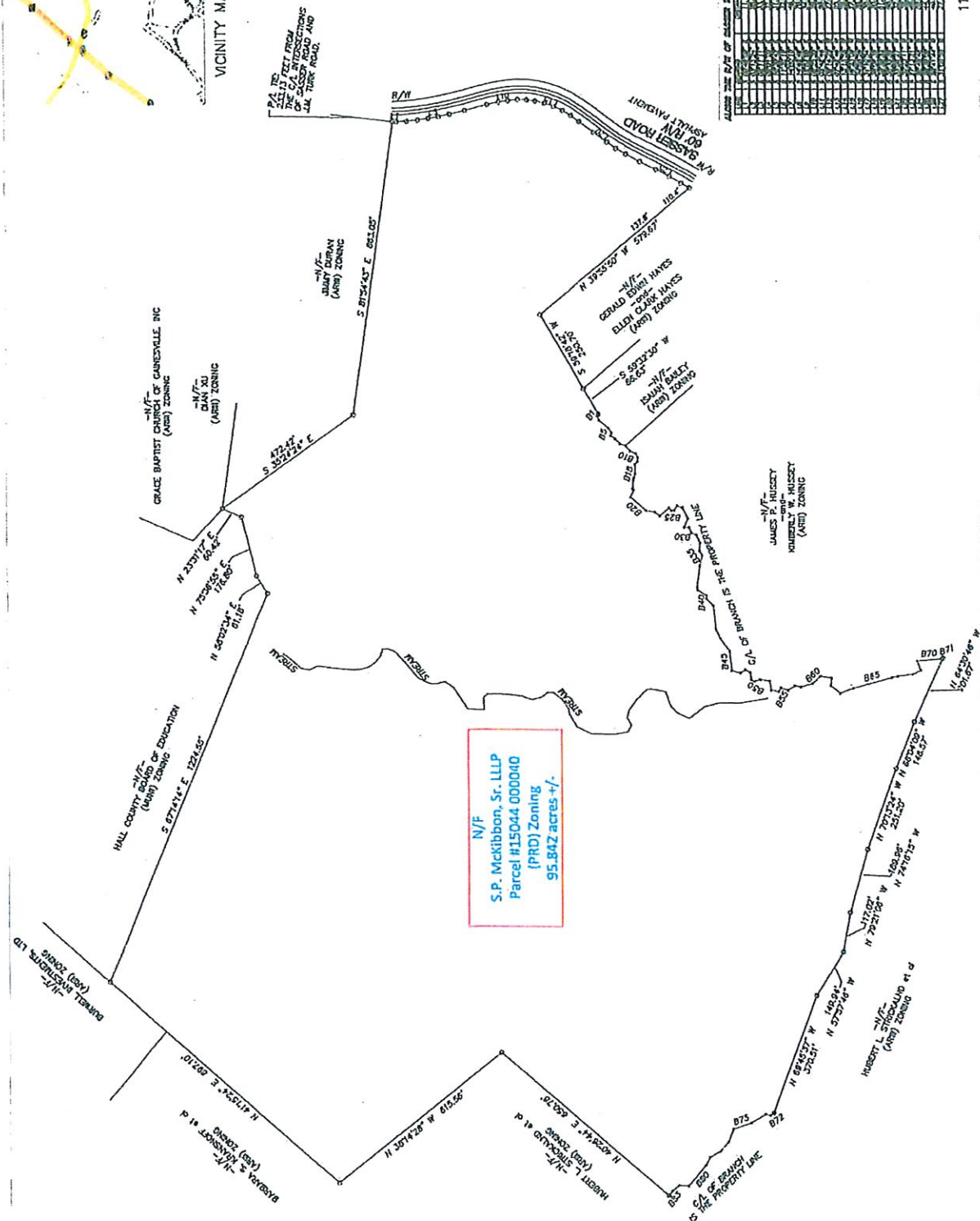
Proposed City of Flowery Branch Zoning: SF-TH

Current Use: Vacant

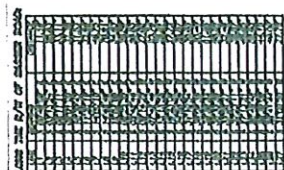
Please complete the attached Rezoning Completeness Checklist and attach all supplementary required documents listed therein to this application. Completeness Checklists can also be found on the website, www.flowerybranchga.org, under the "Forms" section.



VICINITY MAP (N.T.S.)



11" X 17" N.T.S.



LEGAL DESCRIPTION

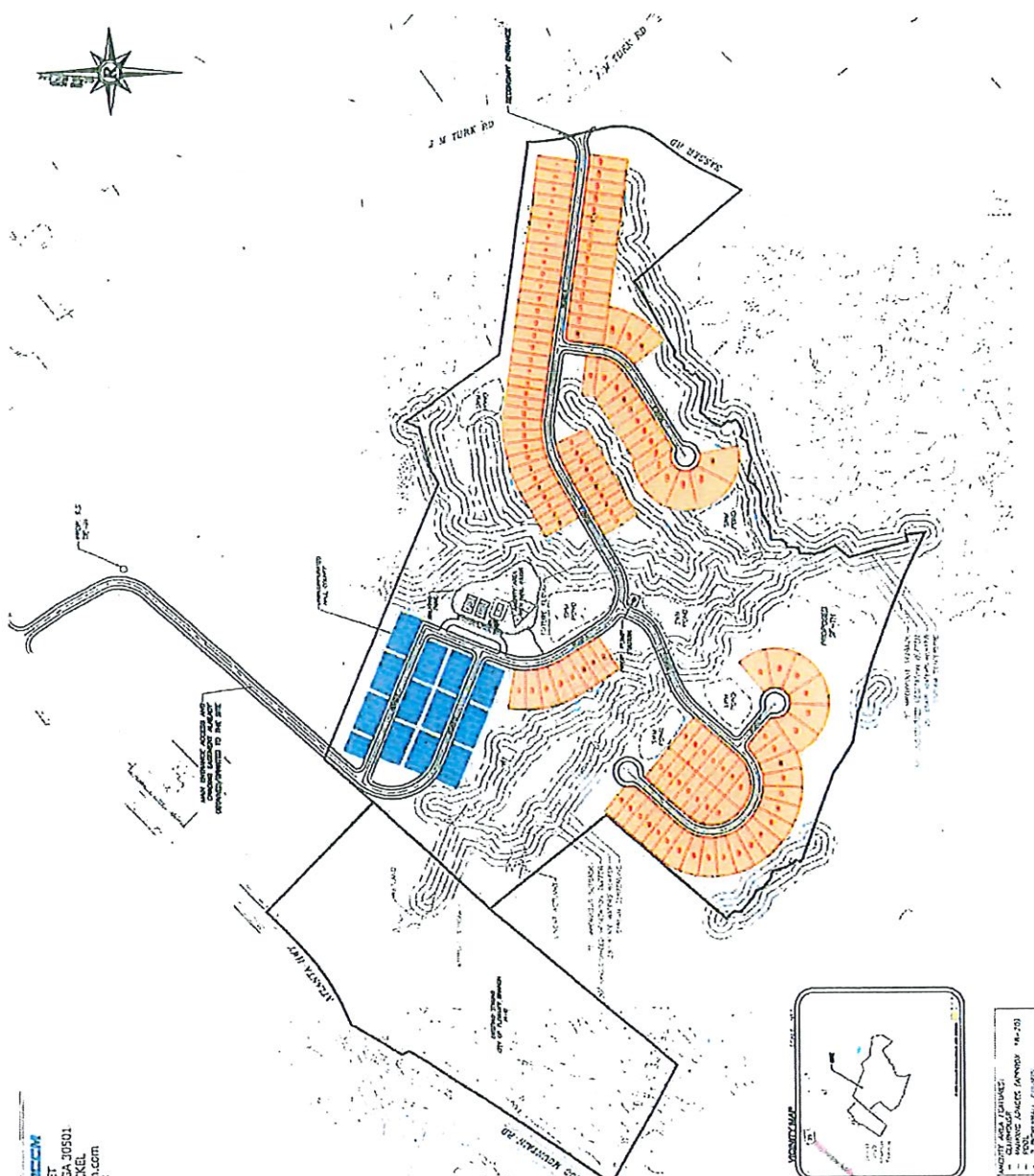
ALL THAT TRACT OR PARCEL OF LAND LYING AND BEING IN G.M.D. 1270, HALL COUNTY, GEORGIA, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE WEST RIGHT OF WAY OF SASSER ROAD (60' RIGHT OF WAY) LYING 233.13 FEET FROM THE CENTERLINE INTERSECTION OF SASSER ROAD AND J.M. TURK ROAD; THENCE ALONG THE WEST RIGHT OF WAY OF SASSER ROAD THE FOLLOWING COURSES AND DISTANCES: SOUTH 02°38'46" EAST, 13.54 FEET TO A POINT; THENCE 172.09 FEET ALONG A CURVE TO THE LEFT, SAID CURVE HAVING A CHORD OF SOUTH 08°33'37" EAST 171.78 FEET AND A RADIUS OF 833.58 FEET TO A POINT; THENCE SOUTH 14°28'28" EAST, 129.39 FEET TO A POINT; THENCE 243.67 FEET ALONG A CURVE TO THE RIGHT, SAID CURVE HAVING A CHORD OF SOUTH 10°43'50" WEST 235.88 FEET AND A RADIUS OF 276.95 FEET TO A POINT; THENCE SOUTH 35°56'07" WEST, 147.22 FEET TO A POINT; THENCE 29.42 FEET ALONG A CURVE TO THE LEFT, SAID CURVE HAVING A CHORD OF SOUTH 31°16'49" WEST 29.39 FEET AND A RADIUS OF 181.07 FEET TO A POINT; THENCE SOUTH 26°37'30" WEST, 166.84 FEET TO A POINT; THENCE SOUTH 30°16'09" WEST, 54.09 FEET TO A POINT; THENCE LEAVING THE WEST RIGHT OF WAY OF SASSER ROAD THE FOLLOWING COURSES AND DISTANCES: NORTH 39°55'35" WEST, 580.03 FEET TO A POINT; THENCE SOUTH 59°18'42" WEST, 250.70 FEET TO A POINT; THENCE SOUTH 59°32'30" WEST, 86.63 FEET TO A POINT; THENCE ALONG THE CENTERLINE OF A CREEK THE FOLLOWING COURSES AND DISTANCES: NORTH 57°07'24" WEST, 6.81 FEET TO A POINT; THENCE SOUTH 65°01'11" WEST, 13.11 FEET TO A POINT; THENCE SOUTH 38°31'03" WEST, 35.39 FEET TO A POINT; THENCE SOUTH 56°19'48" WEST, 15.94 FEET TO A POINT; THENCE NORTH 73°16'11" WEST, 9.29 FEET TO A POINT; THENCE SOUTH 31°39'13" WEST, 17.09 FEET TO A POINT; THENCE SOUTH 45°58'54" WEST, 20.59 FEET TO A POINT; THENCE SOUTH 17°37'29" WEST, 15.70 FEET TO A POINT; THENCE SOUTH 49°34'52" WEST, 21.64 FEET TO A POINT; THENCE SOUTH 20°37'08" WEST, 16.67 FEET TO A POINT; THENCE SOUTH 61°07'54" WEST, 12.91 FEET TO A POINT; THENCE NORTH 85°17'47" WEST, 14.31 FEET TO A POINT; THENCE NORTH 47°21'55" WEST, 9.74 FEET TO A POINT; THENCE SOUTH 89°19'37" WEST, 26.34 FEET TO A POINT; THENCE NORTH 73°42'26" WEST, 14.34 FEET TO A POINT; THENCE NORTH 72°46'51" WEST, 7.42 FEET TO A POINT; THENCE NORTH 87°00'20" WEST, 23.84 FEET TO A POINT; THENCE SOUTH 52°32'37" WEST, 4.98 FEET TO A POINT; THENCE NORTH 67°02'19" WEST, 22.75 FEET TO A POINT; THENCE SOUTH 41°22'03" WEST, 59.48 FEET TO A POINT; THENCE SOUTH 09°55'27" WEST, 25.71 FEET TO A POINT; THENCE SOUTH 36°18'46" WEST, 18.14 FEET TO A POINT; THENCE SOUTH 39°35'45" EAST, 35.38 FEET TO A POINT; THENCE SOUTH 39°11'45" WEST, 10.85 FEET TO A POINT; THENCE SOUTH 01°43'12" WEST, 7.44 FEET TO A POINT; THENCE SOUTH

55°12'41" EAST, 16.59 FEET TO A POINT; THENCE SOUTH 19°21'33" WEST, 15.98 FEET TO A POINT; THENCE SOUTH 62°41'18" WEST, 35.02 FEET TO A POINT; THENCE NORTH 67°40'34" WEST, 28.42 FEET TO A POINT; THENCE SOUTH 04°31'07" WEST, 14.18 FEET TO A POINT; THENCE SOUTH 66°51'37" WEST, 17.75 FEET TO A POINT; THENCE SOUTH 20°02'41" WEST, 15.25 FEET TO A POINT; THENCE SOUTH 66°04'43" WEST, 25.90 FEET TO A POINT; THENCE NORTH 84°13'30" WEST, 23.47 FEET TO A POINT; THENCE SOUTH 56°47'38" WEST, 15.79 FEET TO A POINT; THENCE NORTH 76°45'14" WEST, 31.41 FEET TO A POINT; THENCE NORTH 82°54'53" WEST, 63.53 FEET TO A POINT; THENCE SOUTH 78°17'00" WEST, 8.46 FEET TO A POINT; THENCE SOUTH 31°37'26" WEST, 30.32 FEET TO A POINT; THENCE SOUTH 88°44'40" WEST, 10.07 FEET TO A POINT; THENCE SOUTH 45°03'43" WEST, 28.34 FEET TO A POINT; THENCE SOUTH 84°08'00" WEST, 69.62 FEET TO A POINT; THENCE SOUTH 64°32'40" WEST, 30.05 FEET TO A POINT; THENCE SOUTH 53°40'11" WEST, 45.65 FEET TO A POINT; THENCE SOUTH 83°35'23" WEST, 57.01 FEET TO A POINT; THENCE SOUTH 15°07'52" WEST, 26.63 FEET TO A POINT; THENCE SOUTH 32°00'26" EAST, 17.87 FEET TO A POINT; THENCE SOUTH 28°46'53" WEST, 16.09 FEET TO A POINT; THENCE SOUTH 81°06'45" WEST, 21.31 FEET TO A POINT; THENCE SOUTH 30°09'28" WEST, 9.46 FEET TO A POINT; THENCE SOUTH 17°01'15" EAST, 18.79 FEET TO A POINT; THENCE SOUTH 10°34'40" WEST, 26.98 FEET TO A POINT; THENCE SOUTH 81°09'14" WEST, 26.32 FEET TO A POINT; THENCE SOUTH 09°13'32" WEST, 24.13 FEET TO A POINT; THENCE SOUTH 60°00'50" EAST, 11.72 FEET TO A POINT; THENCE SOUTH 18°56'06" WEST, 21.90 FEET TO A POINT; THENCE SOUTH 32°11'06" EAST, 24.92 FEET TO A POINT; THENCE SOUTH 14°26'21" WEST, 16.32 FEET TO A POINT; THENCE SOUTH 16°07'29" EAST, 37.10 FEET TO A POINT; THENCE SOUTH 42°12'53" EAST, 30.01 FEET TO A POINT; THENCE SOUTH 08°31'12" WEST, 33.20 FEET TO A POINT; THENCE NORTH 84°01'20" WEST, 21.91 FEET TO A POINT; THENCE SOUTH 38°51'04" WEST, 35.03 FEET TO A POINT; THENCE SOUTH 19°36'27" EAST, 42.51 FEET TO A POINT; THENCE SOUTH 14°49'35" EAST, 117.77 FEET TO A POINT; THENCE SOUTH 11°07'27" EAST, 17.88 FEET TO A POINT; THENCE SOUTH 08°04'31" EAST, 44.11 FEET TO A POINT; THENCE SOUTH 23°27'38" EAST, 27.38 FEET TO A POINT; THENCE NORTH 67°02'13" EAST, 29.65 FEET TO A POINT; THENCE SOUTH 04°19'58" EAST, 70.94 FEET TO A POINT; THENCE SOUTH 19°39'21" EAST, 7.94 FEET TO A POINT; THENCE LEAVING THE CENTERLINE OF A CREEK THE FOLLOWING COURSES AND DISTANCES: NORTH 64°30'46" WEST, 201.67 FEET TO A POINT; THENCE NORTH 68°04'09" WEST, 148.57 FEET TO A POINT; THENCE NORTH 70°13'24" WEST, 251.20 FEET TO A POINT; THENCE NORTH 74°16'15" WEST, 189.96 FEET TO A POINT; THENCE NORTH 79°21'06" WEST, 117.02 FEET TO A POINT; THENCE NORTH 57°57'46" WEST, 149.94 FEET TO A POINT; THENCE NORTH 69°45'37" WEST, 370.51 FEET TO A POINT; THENCE ALONG THE CENTERLINE OF A CREEK THE FOLLOWING COURSES AND DISTANCES: NORTH 35°35'15" WEST, 12.70 FEET TO A POINT; THENCE NORTH

13°03'17" EAST, 14.34 FEET TO A POINT; THENCE NORTH 31°45'04" WEST, 47.48 FEET TO A POINT; THENCE NORTH 18°15'12" WEST, 57.23 FEET TO A POINT; THENCE NORTH 68°15'53" WEST, 39.52 FEET TO A POINT; THENCE NORTH 48°56'57" WEST, 37.51 FEET TO A POINT; THENCE NORTH 28°45'39" WEST, 34.57 FEET TO A POINT; THENCE NORTH 63°29'32" WEST, 25.48 FEET TO A POINT; THENCE NORTH 49°30'24" WEST, 79.79 FEET TO A POINT; THENCE NORTH 02°05'43" EAST, 27.49 FEET TO A POINT; THENCE NORTH 37°02'10" WEST, 25.23 FEET TO A POINT; THENCE NORTH 52°23'54" WEST, 18.32 FEET TO A POINT; THENCE LEAVING THE CENTERLINE OF A CREEK THE FOLLOWING COURSES AND DISTANCES: NORTH 40°26'44" EAST, 650.78 FEET TO A POINT; THENCE NORTH 38°14'28" WEST, 615.56 FEET TO A POINT; THENCE NORTH 41°15'24" EAST, 897.10 FEET TO A POINT; THENCE SOUTH 67°14'14" EAST, 1224.55 FEET TO A POINT; THENCE NORTH 58°02'34" EAST, 61.18 FEET TO A POINT; THENCE NORTH 75°36'55" EAST, 176.80 FEET TO A POINT; THENCE NORTH 23°31'17" EAST, 60.42 FEET TO A POINT; THENCE SOUTH 35°24'24" EAST, 472.42 FEET TO A POINT; THENCE SOUTH 81°54'06" EAST, 863.14 FEET TO THE POINT OF BEGINNING.

SAID TRACT CONTAINS 95.842 ACRES.

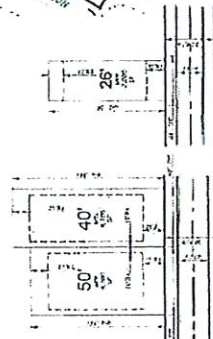


APPLICANT: Rochester | 125 OAK STREET, C
GAINESVILLE, FL 32601
BRADLEY DUNCAN | duncanb@rochester.com
(813) 435-5175

PROPERTY OWNER:
P. MCKIBBON, SR. LLLP
P.O. BOX 396
DANESVILLE, GA 30503
TEVE MCKIBSON
teve.mckibson@gmail.com

DEVELOPER:

ELLUS HOLDINGS, LLC
250 NORTHSIDE PKWY
SUITE 825
TAMPA, GA 30327
DAVID PATTERSON
david@teller-land.com

[illegible]

Project Narrative for Sasser Road Tract

LOCATION – 0 Sasser Road, Flowery Branch, GA 30542

ACREAGE – 95.842 acres +/-

PARCELS – 15044 000040

EXISTING ZONING – PRD (Hall County)

REQUESTED ZONING – SF-TH

APPLICANT – Rochester | DCCM

Summary

The accompanying application seeks annexation and rezoning for 95.842 +/- acres of unimproved property located on Sasser Road in south Flowery Branch approximately 200' south of its intersection with J.M. Turk Road. The intent is to develop up to 191 units of single family attached and detached housing along with an amenity center. Flowery Branch previously zoned the property to SF-TH in October 2005, with twelve conditions. The property is within the City of Flowery Branch's sewer service delivery district and is adjacent to other parcels within the city limits. Since the property is currently in unincorporated Hall County, the 2041 Flowery Branch Comprehensive Plan does not include a character area on the Future Development Map. The property is located adjacent to a parcel designated as "Suburban Residential" and presumably would be consistent with the new "Urban Density Community" character areas and the SF-TH zoning district. Completion of development is anticipated by 2029.

Site Description

The parcel has approximately 950 LF of frontage along Sasser Road, irregular in shape and approximately 3,200 LF deep. The site is undeveloped with a mix of pine and hardwood trees. Several unnamed, jurisdictional streams are located within the property that feed to Mulberry Creek located southeast of the property. Domestic water, provided by the City of Gainesville, is located within 200' of the property on J.M. Turk Road. Sanitary Sewer will be provided by Flowery Branch via an easement to an existing manhole located on property owned by the Flowery Branch Board of Education. All other dry utilities are located within a reasonable distance for service extensions. There are no known impediments to its successful development for the purposes intended.

Adjacencies

The property is surrounded by residential zonings (AR-1 to the southeast & southwest, H-B (Flowery Branch) to the west and Institutional to the north. Flowery Branch Fire Station #5 is located approximately 0.5 miles away.

Access

Access to the property is from Sasser Road approximately 500 L.F south of J.M. Turk Road and from Falcon Parkway (SR 13) approximately 300 L.F south of J.M. Turk Road through an existing easement in parcel #15044 000073, owned by the Flowery Branch Board of Education.

Proximity to Other Uses

- Nearest distance to undeveloped commercial property – parcel #15044A 002017, zoned C-2, 2200' north at 4251 Martin Road.
- Nearest distance to developed commercial property – parcel #15044A 002017C zoned C-2, 3,000' north at 4219 Martin Road.
- Nearest distance to a single family home – parcel #15044 000039E, zoned AR-1, a single-family home at 4408 Sasser Road, located within 55' of the southern boundary.
- Nearest distance to a subdivision – Grandview Estate S/D is located 3400' south of the property on J.M. Turk Road.

Comprehensive Plan Consistency

The project is consistent with the new "Urban Density Community" character area, with allowable densities up to 6 units per acre. The designated land use allows for single family detached and townhomes consistent with the proposed plan

Traffic Impact Study

This request is an increase of less than 10% from the previously approved density and therefor, a new traffic study is not provided.

Development Strategy

The Developer may develop the site for residents that are downsizing and looking for a more maintenance free lifestyle. The combination of traditional detached homes and attached townhomes will provide a variety of choice in size and price point. In addition, the Developer plans an amenity consisting of a cabana with restrooms, pool, pickle ball and walking trails. At least 15% of the property will remain as open space.

Project Dimensional Standards

Proposed Dimensional Standards SF-TH		
	Single Family - Detached	Single Family - Attached
Acreage (Overall)	95.842	95.842
Density (Overall)	2.07	2.07
# of Lots	75	123
Exterior Buffer to Residential	35'	35'
Minimum Open Space (Overall)	15%	15%
Sidewalks	5', both sides	5', both sides
Minimum lot width @ building line	40'	26'
Minimum lot area	6,700 sf	2,000 sf
Maximum height	35'	35'
Front setback	25'	25'
Rear setback	20'	20'
Side setback	10'	10'
Side Separation (foundation to foundation)	10'	20'
Minimum heated floor area	2000 sf	1500 sf

Architectural Materials & Site Improvements

Although a specific builder group has not been identified, at a minimum the homes would follow a design theme that would include:

- Two-car garages
- Front facades with a combination of masonry and hardi-plank materials
- Side & Rear facades with hardi-plank or shake siding
- Architectural weight shingles
- Sodded yards (4 sides)
- One street tree per home (minimum 2 ½" caliper)

Entrance Monumentation

The entrance may be gated and if so, the private streets will be maintained by the Homeowner's Association (HOA). All necessary requirements to allow access for public safety and other services will be provided. At least one central mail kiosk will be provided subject to USPS review and approval. The entrance may include the following structural items:

- Masonry walls
- Wood or PVC fencing
- Gate House
- Operable or Faux Gates
- Illuminated Signage in accordance with the Flowery Branch Sign Ordinance
- Ornamental Sculpture
- Landscaping & Irrigation

Amenities

The community amenities will vary depending on the housing option executed but at a minimum will contain the following items:

- Covered cabana with restrooms
- Pool & decking
- Pickle Ball
- Walking Trails
- Parking Lot

Other amenities, at the sole discretion of the Developer, may include the following items:

- Playground
- Passive Pocket Parks
- Fire Pit
- Basketball (multi-use) Court
- Enclosed Clubhouse

Signage

The Developer and/or Builder shall be allowed to post permanent directional signs and monuments within the Community to direct traffic to sales and recreation centers and to identify differing residential areas. All permanent internal signage must be outside of any Right of Way or Utility Easement with a Landscape and Signage easement recorded on the Final Plat.

Temporary Sales and Marketing signs not exceeding 32 square feet per sign face and 8 feet in height may be used along Sasser Road

Model Home Permits

Applicant requests that up to ten (10) model home permits be issued prior to Final Plat recording provided that hard surface (crusher run) access is provided and fire protection (functioning hydrant) is located within 500 feet of any structure under construction. However, no certificate of occupancy permits (CO) will be issued prior to final plat recording. Model Homes may be utilized as temporary offices.

Sales and Construction Trailers

Applicant is requesting permission to install one sales trailer and one construction trailer with associated parking areas in locations to be determined at the time of street paving and possible ahead of final plat approval.

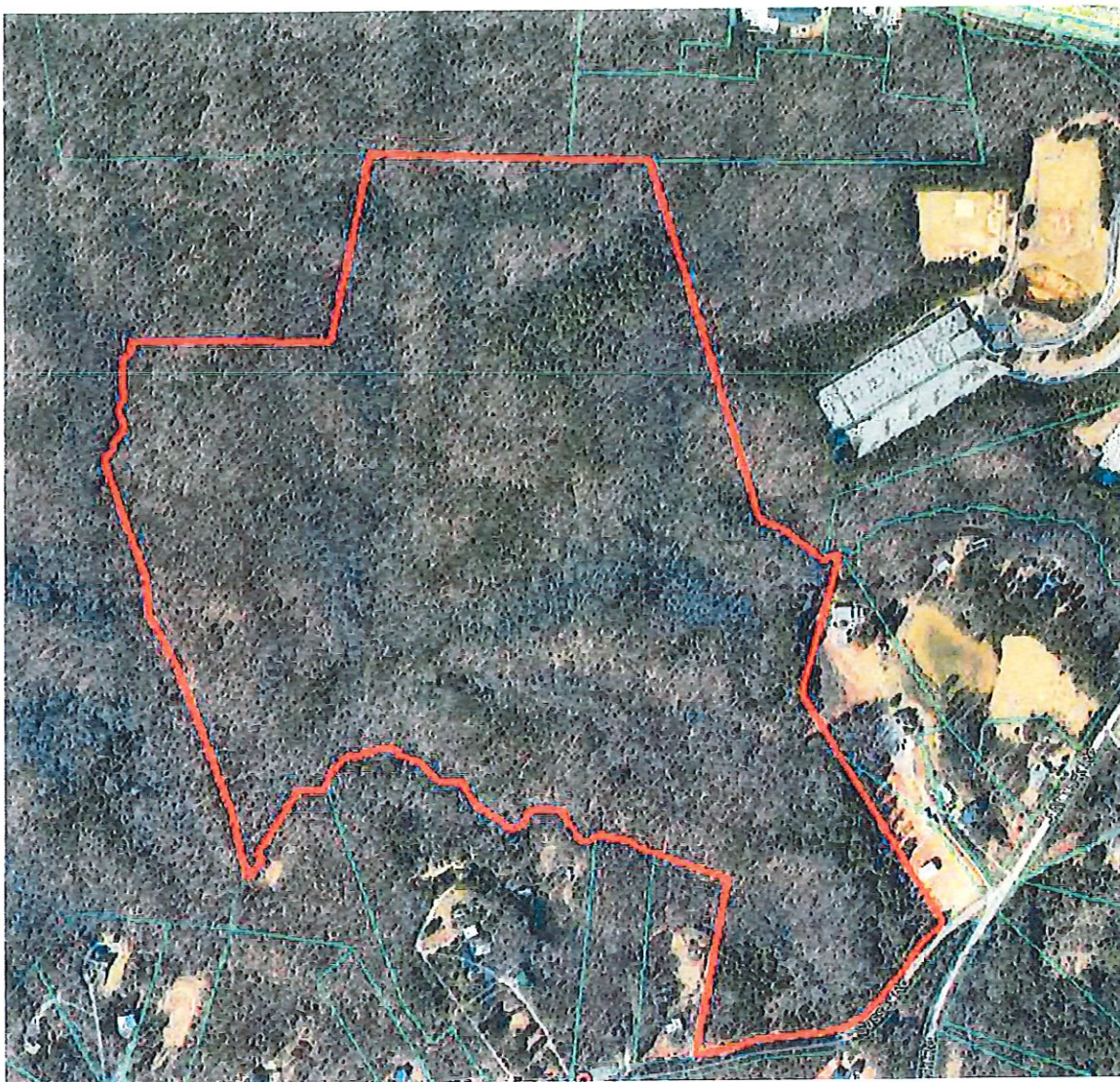
Homeowner's Association

A Homeowner's Association will be created in order to administer the covenants, conditions and restrictions that will be placed on the property by the Applicant. The HOA will manage the overall management of the property including maintenance, architectural controls and financial management.

Conceptual Master Plan

The development of the community shall be controlled by the Conceptual Master Plan (the "Plan") attached as exhibit "A". The plan is considered conceptual in nature, and as such may require minor modifications during the engineering and development process. Modifications to the locations and arrangement of lots, roads, amenities, and other improvements that do not conflict with specific standards and requirements of these conditions may be made by the Developer, so long as such modifications do not change the land use, increase the overall density of the project or reduce any established exterior buffers or setbacks.

Aerial View



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GEORGIA, HALL COUNTY, CLERK
SUPERIOR COURT FILED IN OFFICE
AND RECORDED IN BOOK 5547
PAGE (S) 431-438 THIS 23
DAY OF December 2005 AT 4:42 PM
DWIGHT S. WOOD, CLERK BY BT
3006488

Return to: D. Thomas LeFevre
Stewart, Melvin & Frost, LLP
P.O. Box 3280
Gainesville, Georgia 30503

EASEMENT AGREEMENT

THIS EASEMENT AGREEMENT (hereinafter referred to as this "Agreement"), made and entered into as of the 21st day of December, 2005, by and among Flat Creek Associates, L.P., a Georgia limited partnership (hereinafter referred to as "Flat Creek"), and Hall County Board of Education (hereinafter referred to as "Board of Education"); which are hereinafter sometimes referred to individually as a "Party" and collectively as the "Parties".

WITNESSETH

WHEREAS, Board of Education is the owner of that certain parcel of land more particularly described on Exhibit "A" attached hereto and by this reference made a part hereof (hereinafter referred to as the "Easement Tract"); and

WHEREAS, Flat Creek is the owner a certain parcel of land adjoining the Easement Tract on the South (hereinafter referred to as the "Flat Creek Tract"); and

WHEREAS, The Parties desire to establish an easement, for the benefit of the Flat Creek Tract, for pedestrian and vehicular access, ingress and egress to and from State Route #13 over under and across the Easement Tract and for the installation, inspection, maintenance, and replacement of a sanitary sewer line and the flowage of sewerage through said line from the Flat Creek Tract over and across the Easement Tract and across the property of the Board of Education from the Easement Tract to the manhole nearest the Easement Tract as identified on Exhibit "B" attached hereto and by this reference made a part hereof;

NOW, THEREFORE, for and in consideration of the foregoing premises, the sum of Ten Dollars (\$10.00) and other valuable considerations, the receipt and sufficiency whereof are hereby acknowledged, the Parties agree as follows:

1. Grant of Easement.

The easements granted, conveyed, declared, created, imposed and established by Board of Education shall be as described in Sections 1.1 through 1.3 hereof.

1.1 Grant of Easement. Board of Education, as owner of the Easement Tract, and the property surrounding the Easement Tract, hereby grants, conveys, declares, creates, imposes and

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establishes a perpetual, non-exclusive right-of-way easement for vehicular and pedestrian access, ingress and egress to and from State Route #13 over and across the Easement Tract and for the installation, inspection, maintenance, and replacement of a sanitary sewer line and the flowage of sewerage through said line within the Easement Tract. Board of Education also grants, conveys, declares, creates, imposes and establishes a perpetual, non-exclusive easement 30 feet in width from the Easement Tract to the manhole identified on Exhibit "B" which manhole is located northeast of the Easement Tract. The latter easement is granted for the installation, inspection, maintenance, and replacement of a sanitary sewer line and the flowage of sewerage through said line from the Easement Tract to said manhole.

1.2 **Grant of Slope Easements.** Board of Education does hereby grant to Flat Creek, its successors and assigns the right to execute certain construction over and upon Grantor's land abutting on and adjacent to the Easement Tract (hereinafter "Slope Easements") in such manner as Flat Creek may deem proper to support or accommodate the construction of a road on the Easement Tract, including the right to slope the adjacent ground to tie in with the road elevation, and to construct any required slopes within the Slope Easements which are more particularly described on Exhibits "C-1" and "C-2", attached hereto and by this reference made a part hereof. Slopes will remain in place after construction and Flat Creek shall have the right to maintain the slopes upon completion of the road. Slope Easements shall become effective at the beginning of construction of a road on the Easement Tract and shall be a perpetual non-exclusive easement which shall run with the land and shall not terminate for lack of use.

1.3 **Benefited Parties.** The easements herein granted shall be interpreted to permit joint usage of such easements by (i) the Parties, (ii) the legal representatives, heirs, successors in title, successors and assigns of the Parties, (iii) invitees, licensees, guests, tenants, employees and customers of the Parties, and (iv) all future owners of the Easement Tract and the Flat Creek Tract and their invitees, guests, tenants, employees and customers.

1.4 **Reservation of Rights.** Board of Education hereby expressly reserves for itself, its successors and assigns, all rights and privileges incident to the ownership of the fee simple estate of the Easement Tract which are not inconsistent with the rights and privileges herein granted.

2. Construction and Maintenance of Road, Sewer Facilities and Easement Tract.

The costs of construction and maintenance of any roads, sewer facilities or other improvements that may be constructed pursuant to this agreement shall be as described in Sections 2.1 through 2.3 hereof.

2.1 **Construction.** Flat Creek and its successors and assigns may, at any time construct a road and install sewer facilities on, under, over and across the Easement Tract, and may install sewer facilities on under, over and across that portion of Board of Education's surrounding property as provided in paragraph 1.1 above the costs of which shall be borne by Flat Creek.

2.2 **Maintenance.** Flat Creek or its successors and or assigns shall be responsible for maintaining any Road or sewer facilities constructed within the Easement Tract or over Board of Education's adjoining property pursuant to Section 2.1 above.

2.3 **Duration.** Flat Creek shall have the right to assign its rights and obligations for maintenance and repairs under this Agreement to its successors and assigns.

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3. Miscellaneous Provisions.

3.1 Grants and Agreements. The Parties hereby declare that this Agreement, and all of the provisions contained herein and all of the rights, easements and obligations hereunder, shall be and constitute covenants running with the Easement Tract and the Flat Creek Tract and that portion of Board of Education property burdened with any easement granted hereunder. The grants of easements, rights and privileges in this Agreement are independent of any contractual agreements undertaken by the Parties in this Agreement and a breach by any Party of any such contractual agreements shall not cause or result in a forfeiture or reversion of the easements, rights and privileges granted in this Agreement.

3.2 Recording and Filing. A counterpart of this Agreement shall be recorded in the Office of the Clerk of the Superior Court of the County of Hall, State of Georgia, or in such other office as may at the time be provided by law as the proper place for recordation thereof.

3.3 Waiver. No consent or waiver, express or implied, by any Party to or of any breach or default by any other Party in the performance by such other Party of the obligations thereof under this Agreement shall be deemed or construed to be a consent or waiver to or of any other breach or default in the performance by such other Party of the same or any other obligations of such other Party under this Agreement. Failure on the part of any Party to complain of any act or failure to act of any other Party or to declare such other Party in default, irrespective of how long such failure continues, shall not constitute a waiver of such Party of the rights thereof under this Agreement.

3.4 Severability. If any provision of this Agreement or the application thereof to any entity or circumstances shall be invalid or unenforceable to any extent, the remainder of this Agreement and the application of such provisions to any other entity or circumstance shall not be affected thereby and shall be enforced to the greatest extent permitted by law.

3.5 Amendment. Neither this Agreement nor any provision hereof may be changed, waived, discharged or terminated orally, but only by an instrument in writing signed by the Party against whom enforcement of the change, waiver, discharge or termination is sought.

3.6 Terminology. All personal pronouns used in this Agreement, whether used in the masculine, feminine or neuter gender, shall include all other genders; the singular shall include the plural; and the plural shall include the singular. Titles of Sections of this Agreement are for convenience only, and neither limit nor amplify the provisions of this Agreement, and all references in this Agreement to Sections or Subsections thereof shall refer to the corresponding Section or Subsection of this Agreement unless specific reference is made to the sections or subsections of another document or instrument.

3.7 Counterparts. This Agreement may be executed in any number of counterparts, each of which shall be deemed to be an original and all of which together shall comprise but a single instrument.

3.8 Binding Agreement. The provisions of this Agreement shall apply to, inure to the benefit of and bind the Parties and the respective successors, successors in title and assigns thereof. Whenever in this Agreement a reference to any Party is made, such reference shall be deemed to include a reference to the heirs, executors, legal representatives, successors, successors in title and assigns of such Party.

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3.9 Interpretation. No provision of this Agreement shall be construed against or interpreted to the disadvantage of any Party by any court or other governmental or judicial authority by reason of such Party having or being deemed to have structured or dictated such provision.

3.10 Governing Law. This Agreement and the obligations of the Parties hereunder shall be interpreted, construed and enforced in accordance with the laws of the State of Georgia.

3.11 Relationship of Parties. No express or implied term, provision or condition of this Agreement shall be deemed to constitute the Parties as partners or joint venturers.

IN WITNESS WHEREOF, the Parties have executed this Agreement under seal as of the day and year first above written.

Signed, sealed and delivered in
the presence of:

Flat Creek Associates, L.P.
By: Enota Fund, Inc.,
Its Managing General Partner

By:

Attest:

(CORPORATE SEAL)

Hall County Board of Education

By:

Attest:

(CORPORATE SEAL)

Unofficial Witness

Notary Public
My Commission Expires:
(NOTARIAL SEAL)

Signed, sealed and delivered in
the presence of:

Unofficial Witness

Notary Public
My Commission Expires: 5-4-08
(NOTARIAL SEAL)

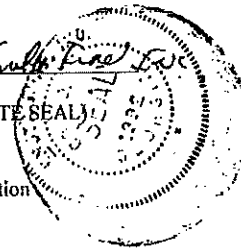
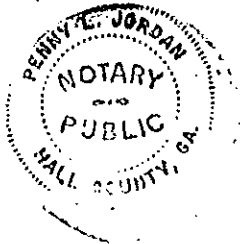


EXHIBIT "A"

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Tract 1

All that tract or parcel of land lying and being in the Flowery Branch (# 1270) Georgia Militia District, Hall County, Georgia as shown on a certain Easement Exhibit prepared for Flat Creek Associates, LP by Rochester & Associates, Inc. dated 1/12/05, being described as "Tract 1", and being more particularly described as follows:

BEGINNING at a point situated South 39°42'16" West, a distance of 532.26 feet from the CL (Centerline) Intersection of State Route 13, aka Atlanta Highway and Martin Road; thence North 73°25'23" East, a distance of 45.14 feet to a point; thence South 54°00'17" West, a distance of 61.99 feet to a point; thence South 09°00'17" West, a distance of 21.47 feet to a point; thence South 35°59'43" East, a distance of 77.38 feet to a point; thence 139.78 feet along a curve, said curve having a chord of South 31°10'15" East 139.61 feet and a radius of 830.00 feet to a point; thence South 26°20'46" East, a distance of 121.93 feet to a point; thence 271.38 feet along a curve, said curve having a chord of South 07°27'19" West 255.91 feet and a radius of 230.00 feet to a point; thence South 41°15'24" West, a distance of 984.29 feet to a point; thence North 67°14'14" West, a distance of 63.27 feet to a point; thence North 41°15'24" East, a distance of 1113.13 feet to a point; thence North 60°00'47" West, a distance of 34.66 feet to a point; thence 91.19 feet along a curve, said curve having a chord of North 10°58'42" West 90.11 feet and a radius of 170.00 feet to a point; thence North 26°20'46" West, a distance of 121.93 feet to a point; thence 129.67 feet along a curve, said curve having a chord of North 31°10'15" West 129.52 feet and a radius of 770.00 feet to a point; thence North 35°59'43" West, a distance of 77.57 feet to a point; thence North 80°59'43" West, a distance of 21.21 feet to a point; thence South 54°00'29" West, a distance of 243.15 feet to a point; thence North 60°00'47" West, a distance of 16.42 feet to a point; thence North 54°00'19" East, a distance of 359.43 feet to the POINT OF BEGINNING.

Said tract contains 2.283 acres or 99442 square feet.

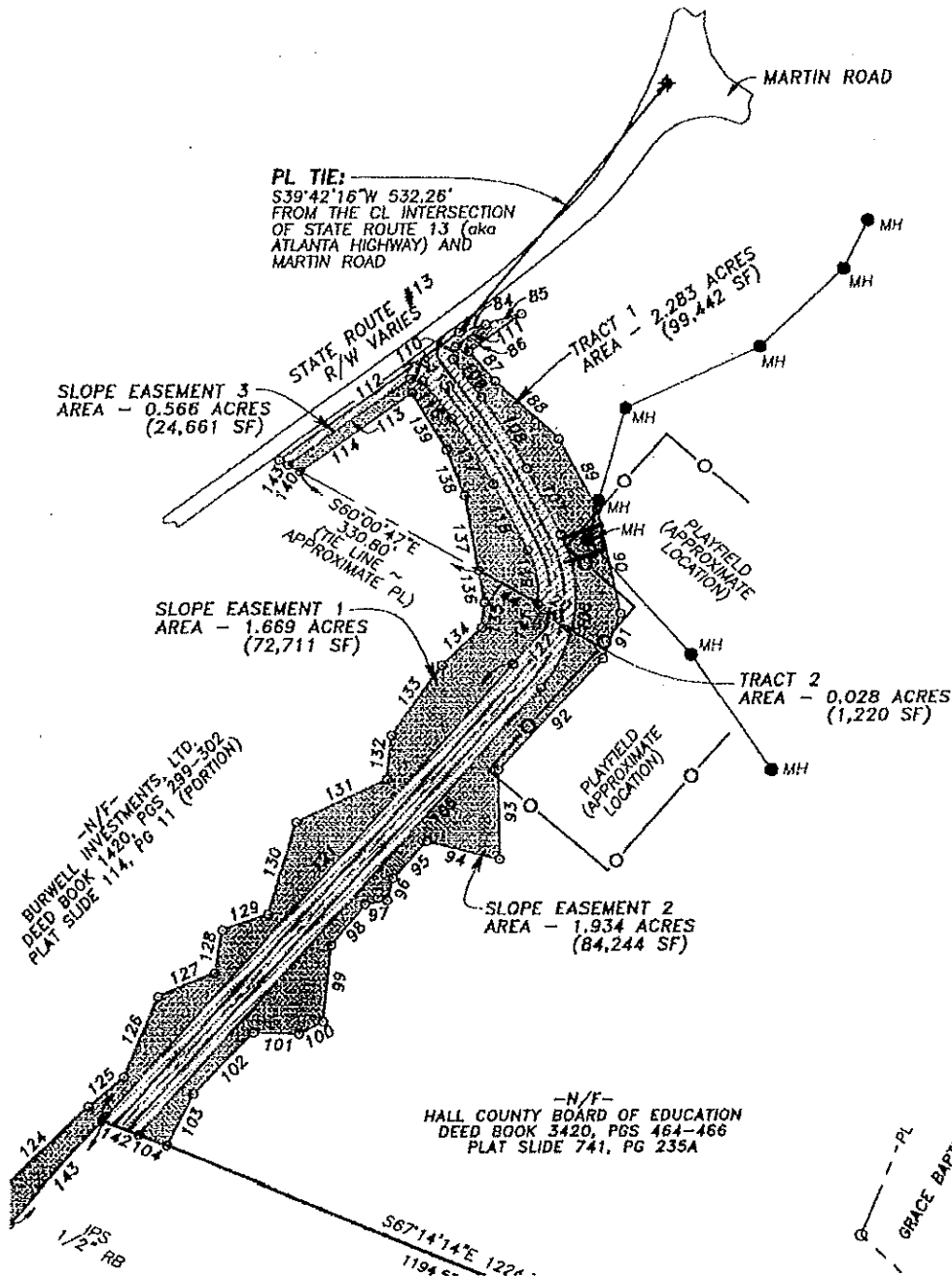


EXHIBIT "C-1"

Slope Easement 2

All that tract or parcel of land lying and being in the Flowery Branch (# 1270) Georgia Militia District, Hall County, Georgia as shown on a certain Easement Exhibit prepared for Flat Creek Associates, LP by Rochester & Associates, Inc. dated 1/12/05, being described as "Slope Easement 2", and being more particularly described as follows:

COMMENCING at a point situated South 39°42'16" West, a distance of 532.26 feet from the CL (Centerline) Intersection of State Route 13, aka Atlanta Highway and Martin Road; thence North 73°25'23" East, a distance of 45.14 feet to the TRUE POINT OF BEGINNING; thence North 73°25'01" East, a distance of 60.17 feet to a point; thence South 54°00'17" West, a distance of 105.76 feet to a point; thence South 41°04'41" East, a distance of 64.76 feet to a point; thence South 46°21'35" East, a distance of 140.60 feet to a point; thence South 26°46'11" East, a distance of 132.70 feet to a point; thence South 12°31'16" East, a distance of 175.47 feet to a point; thence South 21°48'54" West, a distance of 79.46 feet to a point; thence South 42°18'08" West, a distance of 250.03 feet to a point; thence South 00°27'58" East, a distance of 148.02 feet to a point; thence North 75°12'28" West, a distance of 121.71 feet to a point; thence South 42°16'01" West, a distance of 82.77 feet to a point; thence South 13°13'26" West, a distance of 37.54 feet to a point; thence South 79°54'29" West, a distance of 36.43 feet to a point; thence South 38°37'31" West, a distance of 87.33 feet to a point; thence South 06°01'19" West, a distance of 127.37 feet to a point; thence South 62°03'59" West, a distance of 43.52 feet to a point; thence North 88°15'39" West, a distance of 74.18 feet to a point; thence South 43°38'45" West, a distance of 139.06 feet to a point; thence South 25°40'33" West, a distance of 97.16 feet to a point; thence North 67°14'14" West, a distance of 49.02 feet to a point; thence North 41°15'24" East, a distance of 984.29 feet to a point; thence 271.38 feet along a curve, said curve having a chord of North 07°27'19" East 255.91 feet and a radius of 230.00 feet to a point; thence North 26°20'46" West, a distance of 121.93 feet to a point; thence 139.78 feet along a curve, said curve having a chord of North 31°10'15" West 139.61 feet and a radius of 830.00 feet to a point; thence North 35°59'43" West, a distance of 77.38 feet to a point; thence North 09°00'17" East, a distance of 21.47 feet to a point; thence North 54°00'17" East, a distance of 61.99 feet to the TRUE POINT OF BEGINNING.

Said tract contains 1.934 acres or 84244 square feet.

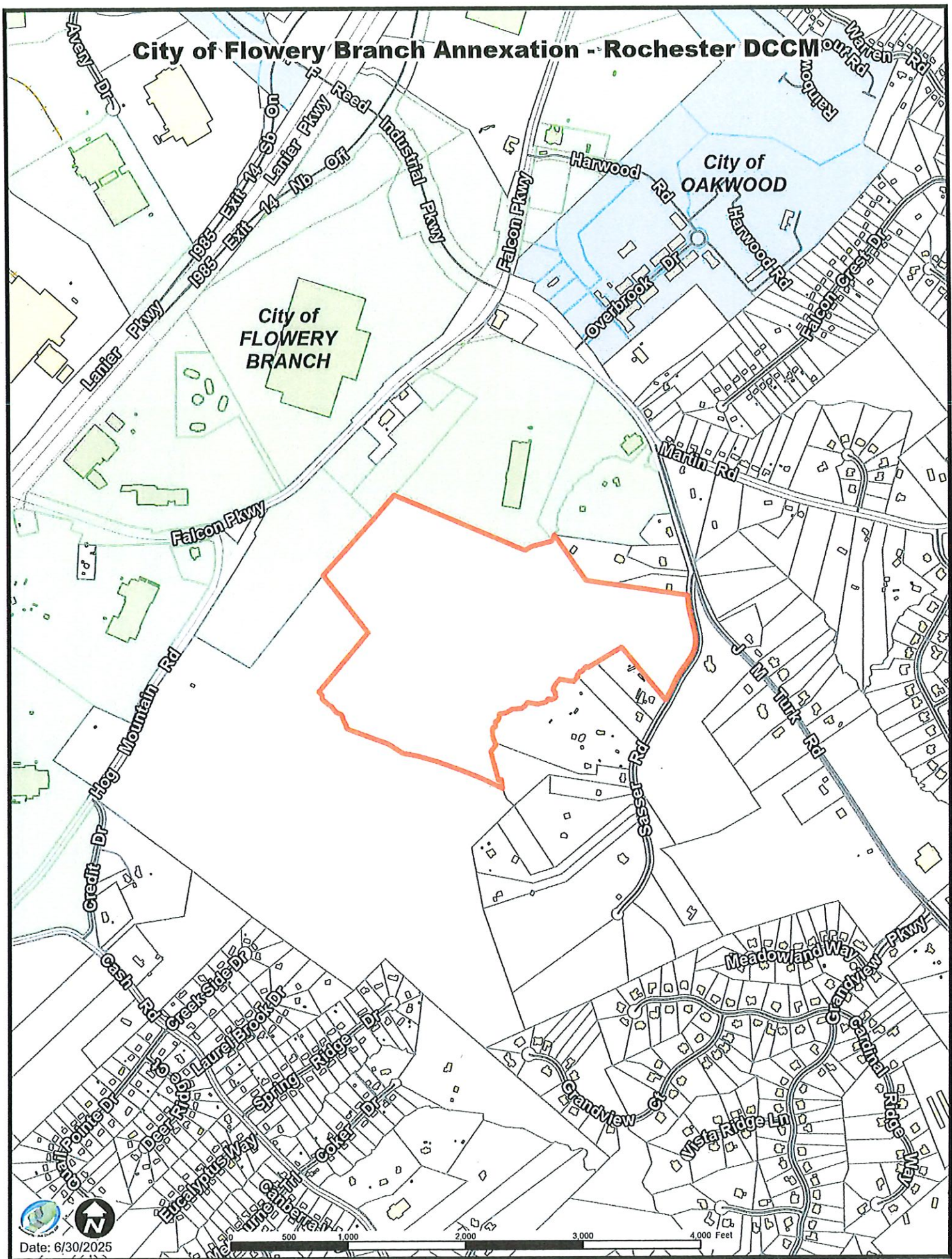
Slope Easement 3

All that tract or parcel of land lying and being in the Flowery Branch (# 1270) Georgia Militia District, Hall County, Georgia as shown on a certain Easement Exhibit prepared for Flat Creek Associates, LP by Rochester & Associates, Inc. dated 1/12/05, being described as "Slope Easement 3", and being more particularly described as follows:

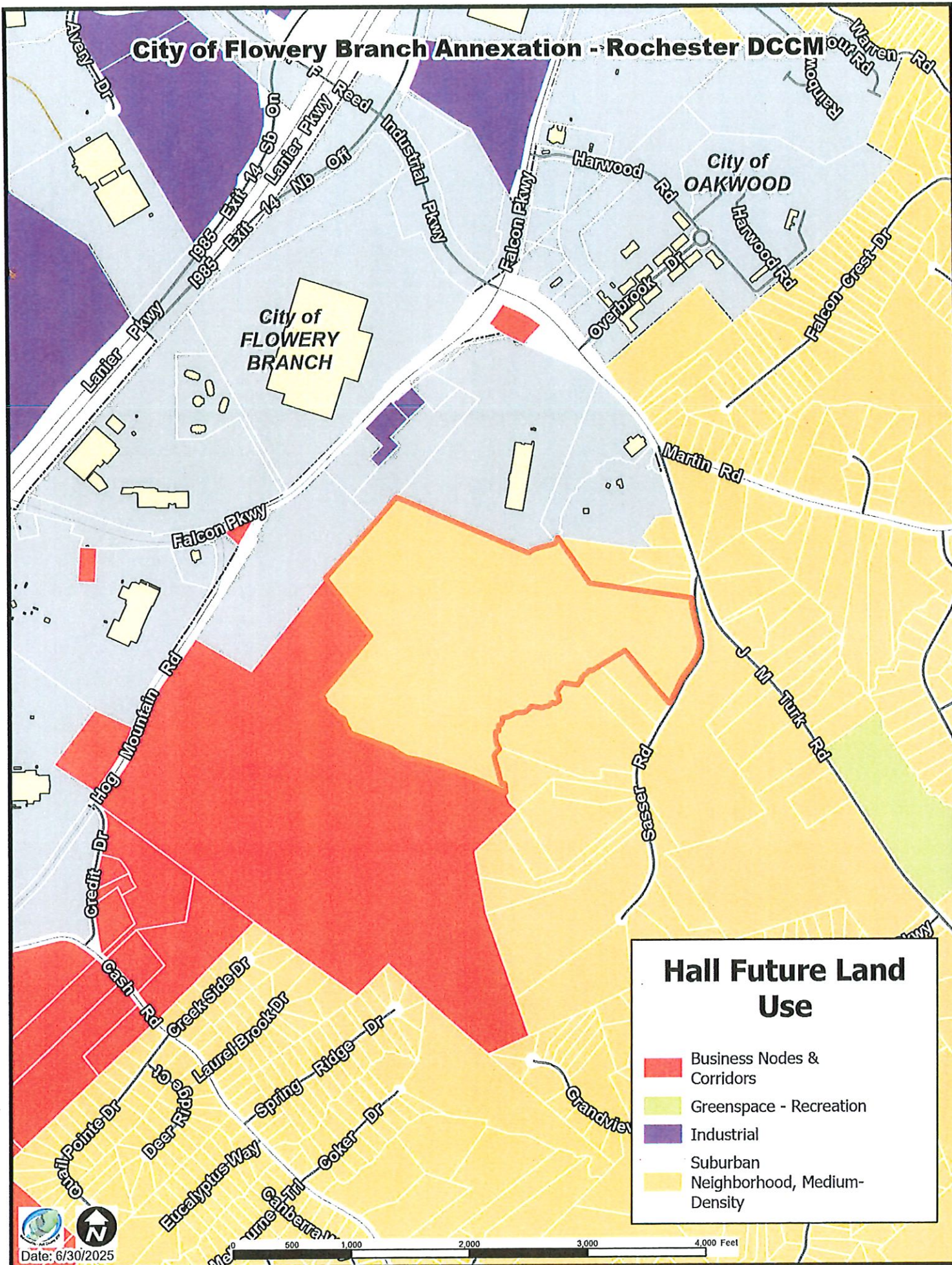
COMMENCING at a point situated South 39°42'16" West, a distance of 532.26 feet from the CL (Centerline) Intersection of State Route 13, aka Atlanta Highway and Martin Road; thence South 54°00'19" West, a distance of 359.43 feet to a point; thence South 60°00'47" East, a distance of 16.42 feet to the TRUE POINT OF BEGINNING; thence North 54°00'29" East, a distance of 243.15 feet to a point; thence South 80°59'43" East, a distance of 21.21 feet to a point; thence South 35°59'43" East, a distance of 77.57 feet to a point; thence 129.67 feet along a curve, said curve having a chord of South 31°10'15" East 129.52 feet and a radius of 770.00 feet to a point; thence South 26°20'46" East, a distance of 121.93 feet to a point; thence 91.19 feet along a curve, said curve having a chord of South 10°58'42" East 90.11 feet and a radius of 170.00 feet to a point; thence North 60°00'48" West, a distance of 110.94 feet to a point; thence North 10°01'46" West, a distance of 125.53 feet to a point; thence North 20°07'52" West, a distance of 82.42 feet to a point; thence North 30°09'52" West, a distance of 110.58 feet to a point; thence South 54°00'22" West, a distance of 223.37 feet to a point; thence North 60°00'47" West, a distance of 21.90 feet to the TRUE POINT OF BEGINNING.

Said tract contains 0.566 acres or 24661 square feet.

City of Flowery Branch Annexation - Rochester DCCM



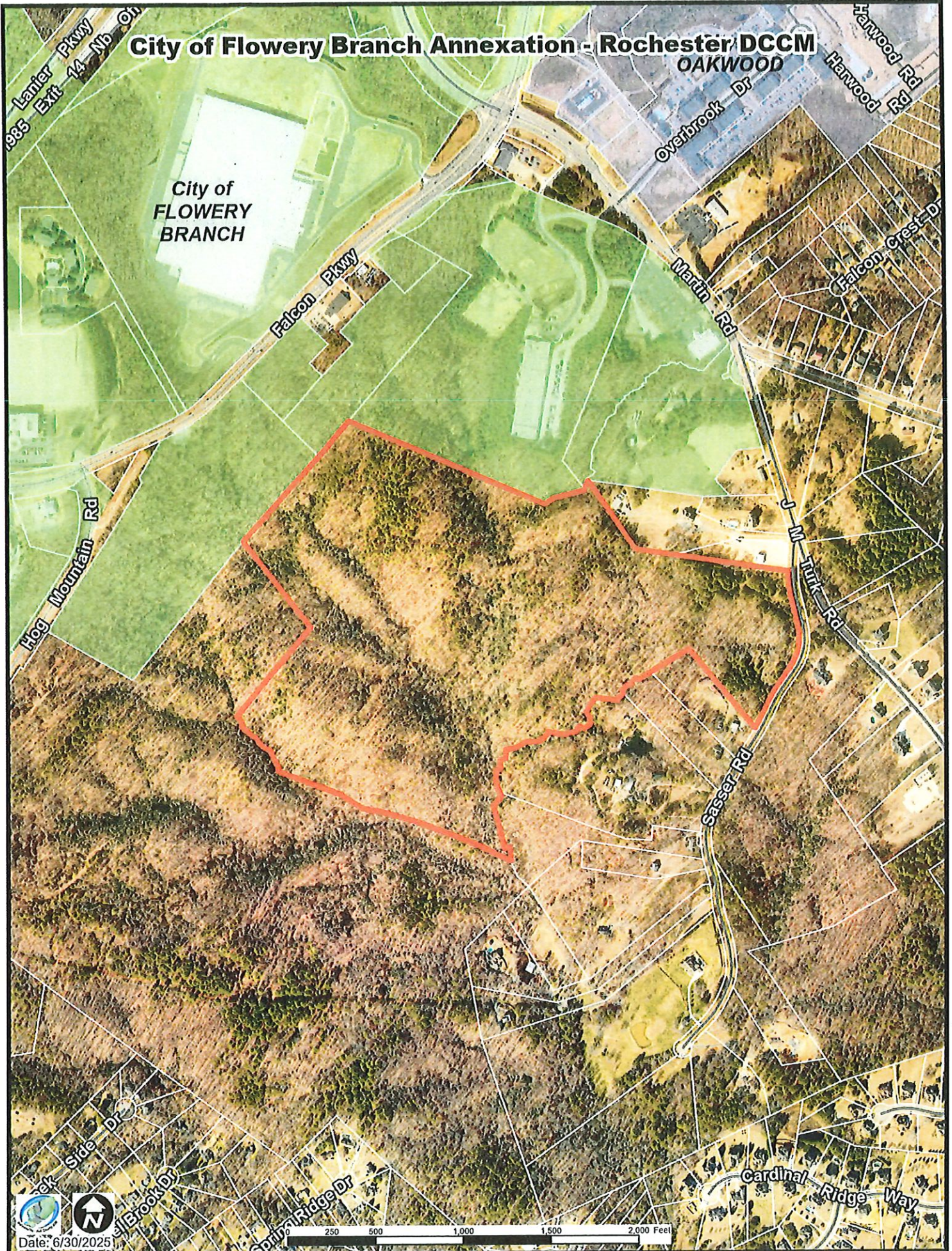
City of Flowery Branch Annexation - Rochester DCCM



City of Flowery Branch Annexation - Rochester DCCM

OAKWOOD

City of
FLOWERY
BRANCH



Sec. 6.1. - Planned Development Districts (PD)

EXHIBIT B**6.1.1. Intent**

- A. To permit for the development of property which:
 - 1. Allows for greater flexibility in development standards and site planning considerations;
 - 2. Is in the best interest of Hall County in terms of its long range development plans; and
 - 3. Encourages a mixture of uses which without proper design and planning might not be compatible with surrounding uses or zoning districts.
- B. Planned development districts are to be utilized as a "floating zone" and will be individually evaluated for designation. These districts are separate zoning districts and follow the same amendment procedures as other districts. Unless otherwise stated in this section, the development standards and the land uses which are presented with the application for amendment will become the standards for the subject property.

6.1.2. Requirements for Rezoning

- A. An area may be considered for rezoning to a planned development district if any one of the following conditions exist:
 - 1. More than one land use is proposed for development on a single parcel;
 - 2. Separate land uses which would not otherwise be permitted to locate within the same zoning district are proposed for development on one or more adjacent parcels under single or separate ownership;
 - 3. Exception or variation from the size, setback, frontage, density, uses or other standards which are required in the other conventional zoning districts are being proposed as part of a comprehensive development plan.
- B. All proposed planned development district applications must adhere to the following specific requirements:
 - 1. The site proposed for a planned development must contain an area of at least five acres. In no case may the minimum tract size be less than the minimum lot area requirements for the comparable conventional district as specified for each planned development classification in this section. The comparable conventional zoning districts listed in the regulations are R-1 for a PRD, O-I for a POD, S-S for a PCD and I-1 for a PID.
 - 2. The site must have frontage along a public street for a distance of at least 100 feet.
 - 3. A suitable plan must be prepared for the development, and this plan must include the following elements where applicable:
 - a.

A plan drawn to scale by a registered engineer, architect, land surveyor or landscape architect showing the exact dimensions of the parcel or parcels of land under consideration and including the following information:

- i. A conceptual site plan drawn to scale and indicating all property dimensions, platting and street systems, proposed building sites, sizes, types of use proposed for buildings, plans for protection of abutting properties, means of ingress and egress, access and circulation arrangements, off-street parking and loading facilities, proposed reservations or dedications for streets and other public facilities and, if requested, a contour map of the site.
 - ii. The name of the developers and of the development (if any).
 - iii. A north arrow and scale.
 - iv. If the proposal includes the subdivision of land for any purpose or for the provision of new public streets, a proposed lot and street layout must be submitted as part of the application. Any proposed variation from the standards set forth in the subdivision regulations must be listed and explained. If the plan is approved, a preliminary plat and final plat must be submitted as provided by the subdivision regulations of Article 9.
- b. A written report must also be submitted which explains the type, nature, size, intent and characteristics of the proposed development. This report must include, where applicable:
 - i. A general description of the proposed development and its location.
 - ii. The proposed standards for development, including restrictions on the use of the property, density standards, yard (setback) requirements and any proposed restrictive covenants.
 - iii. An explanation of why the proposed development standards are necessary if the above proposed standards vary from existing standards in the zoning regulations.
 - iv. Plans for the provision of utilities, including water, sewer and drainage facilities.
 - v. Plans and methods for protection of adjacent properties.
 - vi. Data stating the total number of square feet proposed for each type of land use, including public facilities, within the proposed development.
 - vii. Additional relevant data as may be required by the County.
4. A proposed development schedule and listing of all proposed uses must be submitted as a part of an application for a planned development district.

6.1.3. Administrative Procedures

A.

Any request pertaining to the establishment of a planned development district will be administered and processed in accordance with the regulations set forth in Sec. 11.2.

- B. All data, plans and specifications presented as part of the planned development district application will, if approved, be the standards of development for that particular planned development, but only to the extent that they do not conflict with the provisions of this UDC. To the extent that they conflict with this UDC all data, plans, and specifications become the standards of development for that particular planned development only if they are set forth as a specific condition of zoning or approved as a zoning variance.
- C. To the extent that the approved standards are consistent with this UDC, set forth as specific conditions, or approved as a zoning variance, all further development on the property must conform to the standards adopted for the district regardless of any change in ownership. Any proposed changes to those standards must be considered in accordance with the procedures set forth in Sec. 11.2. Appeals based upon hardship or an alleged misinterpretation of the ordinance or this UDC by the building official will be processed in accordance with procedures set forth in Sec. 11.2. In no case may the approved land uses be appealed.
- D. The violation of any provision of the planned development standards as submitted and approved under the provisions of this UDC will constitute a violation of these regulations.

6.1.4. Application Procedures

- A. Any application for a planned development district must be submitted to the Board of Commissioners through the Director of Planning and Zoning or other designated staff member.
- B. General Requirements
 - 1. All applications for zoning of property to a planned development district must conform to all requirements of Sec. 11.2 except as may otherwise be required by this section. All applications that do not comply with the requirements of Sec. 11.2 will be returned to the applicant unfiled with notice of the deficiency or deficiencies.
 - 2. No application to rezone property to a planned development district may be accepted until after a pre-application meeting is held between the applicant, appropriate staff of the Office of Planning and Development, appropriate staff of the Office of Public Works and Utilities, and any other applicable local or state agencies. Once a pre-application meeting is requested by the applicant, staff must schedule the meeting within ten business days. Failure to meet this timeline by staff would negate the pre-application meeting requirement.

6.1.5. District Classifications

- A.

The following are classified as planned development districts subject to the provisions of this article and to the standards for each district:

- 1. PRD: Planned Residential Development.
- 2. POD: Planned Office Development.
- 3. PCD: Planned Commercial Development.
- 4. PID: Planned Industrial Development.

6.1.6. District Standards

A. Planned Residential Development (PRD)

- 1. **Intent.** A planned residential development is designed to allow for a more flexible placement, arrangement, and orientation of residential structures, the accompanying flexibility in the subdivision of land, and the grouping of open space and accessory facilities such as garages and parking. It may also provide for a mixture of housing types such as single-family, two-family, multi-family, townhomes, cottage court, and live-work according to a carefully designed plan. The proposed residential development should make maximum use of natural features and, through proper site planning measures, should conform to the existing character and development pattern of the surrounding area. Every effort should be made to preserve and protect any existing residential uses from adverse impacts which might result from a higher density development.

Table 6.1.1. PRD Dimensional Standards

Lots (Single-family detached)	
Lot area: (note 1)	8,000 sq. ft. min.
Lot width:	50 ft. min.
Density:	2 dwellings/acre max.
Yards (Single-family detached)	
Front yard:	25 ft. min.
Side yard:	5 ft. min.
Rear yard:	20 ft. min

Lots (Two-family residential)	
Lot area: (note 1)	30,000 sq. ft. min.
Lot width:	60 ft. min.
Yards (Two-family residential)	
Front yard:	30 ft. min.
Side yard:	10 ft. min.
Rear yard:	20 ft. min.
Lots (Single-family attached and multi-family)	
Lot area: (note 2)	35,000 sq. ft. min.
Lot area: (note 3)	40,000 sq. ft. min.
Building Height	
Maximum:	75 ft. max. for multi-family 50 ft. max. for all others
Table Notes: 1. For lots with access to sanitary sewer. The minimum lot area for lots without access to sanitary sewer is determined by the Hall County Environmental Health Department. 2. For multi-family and single-family attached with 3 units. 3. For multi-family and single-family attached with more than 3 units.	

Application Requirements. All the general and special requirements in Secs. 6.1.2 and 6.1.3 for planned developments must be provided. The following special items must be addressed:

- a. The site plan must indicate the proposed size, location, number of units and number of bedrooms of all residential structures.
 - b. All streets and common open spaces not proposed for dedication to the county must have the proposed maintenance and ownership agreements explained in detail.
 - c. The architectural style and proposed siting of all multi-family structures or attached single-family structures must be indicated. Architectural standards for all planned residential developments are as indicated in Sec. 6.1.6.A.8.
 - d. The development controls for the development must be detailed, including lot coverage, setbacks, building heights, and lot sizes.
 - e. Planned developments of at least 5 acres in size may include commercial uses within the development, limited to neighborhood retail intended to serve the needs of the residents of the development unless otherwise specifically approved by the Board of Commissioners. Retail uses must be specified as part of the proposal and are limited to no more than 10,000 square feet of floor area for the entire development site.
3. **Dimensional Standards.** See Table 6.1.1 for district standards and Sec. 2.1 (Measurements and Exceptions) for additional requirements.
4. **Buffers.** A buffer at least 50 feet in width must be established along the perimeter of all property boundaries adjacent to residential and nonresidential districts to ensure that the planned residential development is appropriately screened. Buffers must meet the standards of Sec. 8.2.4.
5. **Landscaping.** In addition to the tree protection requirements of Sec. 8.3, the following standards apply in planned residential developments:
- a. At least two trees per lot must be provided. Trees may be located in the front, side, or rear yard.
 - i. These trees may not be counted towards the developments tree density unit requirement.
 - ii. Trees located within any utility easement, drainage easement, or septic drain field may not count towards the per lot tree requirement.
 - b. The developer is responsible for planting or preserving the individual lot trees prior to issuance of a certificate of occupancy.
6. **Access.** In addition to the requirements of Article 9 (Subdivisions) the following standards apply in all planned residential developments:
- a.

Any PRD with 150 or more lots must include at least two vehicular entrances with access to a city, state, or county maintained public right-of-way. The second entrance must be completed prior to the platting of 150 lots or more.

- b. Any PRD with 400 or more lots must include at least three vehicular entrances with access to a city, state, or county maintained public right-of-way.
 - i. The county may waive the requirement for immediate construction of a third entrance based on the development schedule and phasing plan.
 - c. In addition to the requirements of Sec. 8.4 and any applicable provisions of Article 9, sidewalks must be installed on both sides of any proposed street.
7. **Open Space.** Open space is required in all PRD districts as follows:
- a. Open space must comprise at least 30% of the gross lot area.
 - b. All other standards of Sec. 4.8.7 apply.
8. **Architectural Standards.** The following architectural standards apply to all PRD districts:
- a. **Building materials.** All facades of residential structures and any permitted nonresidential structures must be finished with brick, stone, stucco, wood siding, wood shake, or cementitious siding. Vinyl siding is not permitted.
 - i. The front facade must incorporate a variety in building material, texture or color.
 - b. **Garages.** Garages for single-family detached and two-family structures on lots less than one acre in size must meet one of the following standards.
 - i. **Flush.** Garage doors are oriented towards the street. Garage doors may be positioned flush with the front wall plane of the residence, extending no more than 55 percent of the width of the residence.
 - ii. **Semi-flush.** Garage doors are oriented towards the street. Garage doors may be positioned within 10 feet of flush with the front wall plane of the residence in either direction, extending no more than 55 percent of the width of the residence.
 - iii. **Recessed.** Garage doors are oriented towards the street. Garage doors must be positioned at least 10 feet behind the front wall plane of the residence, extending no more than 55 percent of the width of the residence.
 - iv. **Side-loaded.** Garage doors are oriented perpendicular to the front wall plane of the residence. Any wall of the garage must be located at least 3 feet behind the front wall plane of the residence.
 - v. **Carriage court.** Garage doors are oriented perpendicular to the front wall plane. All garage walls are located entirely in front of the front wall plane of the residence.
 - vi. **Detached.** The garage is placed entirely to the rear of the residence.

- c. **Townhouses.** For townhouses garage placement must meet the following standards. Townhouses fronting an arterial or collector street must be rear loaded. Townhouses fronting a minor street may be rear-loaded or front-loaded.
 - i. **Rear-loaded.** The garage must be placed entirely to the rear of the townhouse and may be attached or detached. Garage doors must face a rear right-of-way or easement. For detached garages, the garage must be either located 4 feet from the rear right-of-way or easement, or be a minimum of 20 feet from the rear right-of-way or easement.
 - ii. **Front-loaded.** A minimum of 20 feet is required between the garage and the back of sidewalk.
- 9. **Footing Inspections.** At the time of the footing inspection, the contractor must provide the county building official with a certificate from a licensed surveyor certifying building setbacks for all corners of the structure being inspected.
- 10. **Cluster Mailbox Unit (CBU).** Pursuant to United States Postal Service Policy, all new subdivisions and new phases of existing subdivisions are required to provide CBU's for regular mail service delivery. A CBU is a structure or shelter housing multiple mailbox units to serve each residential dwelling of the development for the express purpose of regular mail delivery provided by the USPS. The following standards are for construction and maintenance of CBU's for all planned residential developments.
 - a. The developer is responsible for confirming the logistics of regular mail delivery to CBU's with the USPS. As such, all CBU's are subject to final approval by the USPS.
 - b. **Maintenance.** The county will not assume any responsibility for the maintenance and repairs of CBU's and associated parking areas. The CBU's and associated parking areas are to be maintained by the homeowners' association, managing entity, or collectively by the property owners.
 - c. **Location.** CBU's must be located on their own lot or in an area dedicated for open space or on a public access easement obtained by the developer. The entrance to the proposed vehicular parking area must be located at least 200 feet from the main entrance and at least 60 feet from any street intersection.
 - d. **Parking.** The minimum parking ratios established on Table 6.1.2. must be met for all CBU's:

**Table 6.1.2. PRD Dimensional
Standards**

Number of Mailboxes	Required short-term parking
50 or less	3
51—78	4
79—104	5
105 or more	5 plus 1 for every additional 25 mailboxes

- e. **Property Management.** A person owning or having possession or control of any property within a PRD must meet the following property management standards in addition to any conditions of approval placed upon the development as detailed in Sec. 6.1.3:
- i. Any damaged, dead, diseased or decaying plant materials must be removed and replaced if visible from the public right-of-way.
 - ii. Premises occupied by a residential dwelling must be maintained free from grass, similar vegetation or uncultivated vegetation in excess of 12 inches in height.
 - iii. Fences facing a street or adjacent public right-of-way must be regularly maintained, repaired, and replaced if considered necessary by the building official.

B. Planned Office Development (POD)

1. A Planned Office Development is designed to contain orderly, well-designed office and institutional uses upon a site that results in minimum impact upon the surrounding area. The site plans and building designs should produce a development that can be constructed to achieve maximum utilization of space while maintaining a low-intensity office character protected from more intensive commercial and industrial development and protecting any nearby residential uses.
2. Planned Office Developments may also include a limited number of residential and commercial uses.

3. All the general and special requirements in Secs. 6.1.2 and 6.1.3 for planned developments must be provided. The following special items should also be addressed:
 - a. The site plan must indicate the proposed size, location, and number of stories in each office building.
 - b. The development controls for the district must be detailed, including lot coverage, setbacks, building heights, and lot sizes. If standards are not specifically proposed, then the applicable standards in the Office Institutional (O-I) districts in Sec. 5.1, including screening and buffer requirements, apply.
 - c. If residential uses are proposed in conjunction with the planned office development, then the applicable requirements of the planned residential development district or planned commercial development district must be provided.

C. Planned Commercial Development (PCD)

1. A Planned Commercial Development is designed to provide for the maximum attainable commercial usage of property while employing the best aspects of site planning and development controls to insure:
 - a. Protection of surrounding residential uses;
 - b. Safe access by motorists;
 - c. Minimum traffic congestion; and
 - d. A development which is consistent with long-range plans of the county.
2. A limited number of carefully planned residential uses may also be included in a Planned Commercial Development.
3. All the general and special requirements in Secs. 6.1.2 and 6.1.3 for planned developments must be provided. The following specific items must also be addressed:
 - a. A site plan indicating the proposed site preparation and grading, streets and parking areas, loading zones, storm drainage, water, gas and sewage systems, and all buffer areas.
 - b. The development controls for the district must be detailed, including lot coverage, setbacks, building heights, and lot sizes. If standards are not specifically proposed, then the applicable standards in the Suburban Shopping (S-S) district in Sec. 5.2, including screening and buffer requirements, apply.

D. Planned Industrial Development (PID)

1. A Planned Industrial Development is designed to consist of land which has been designated for a planned, organized and controlled industrial use or for multiple but compatible industrial uses in a planned industrial park. The standards must be designed

to encourage the formation and continuance of a compatible environment for the planned industrial uses and the surrounding land uses.

2. Carefully planned office and commercial uses may be incorporated as part of a Planned Industrial Development.
3. All of the general and special requirements for planned developments in Secs. 6.1.2 and 6.1.3 must be provided. The following specific items must also be addressed:
 - a. A site plan indicating the proposed site preparation and grading, streets and parking areas, loading zones, outdoor storage areas, rail facilities, storm drainage, water, gas and sewage systems and all buffer areas.
 - b. The development controls for the district must be detailed, including lot coverage, setbacks, building heights, and lot sizes. If standards are not specifically proposed, then the applicable standards in the Light Industrial (I-1) district in Sec. 5.5, including screening and buffer requirements, apply.
 - c. If office or commercial uses are proposed in conjunction with the Planned Industrial Development, then the applicable requirements in the POD or PCD district must be provided.

6.1.7. Other Standards

See Article 2 (Rules Common to All Districts) and Article 7 (Use Provisions) and Article 8 (Site Development) for additional standards which may be applicable.

ARTICLE 8. - MIXED-USE DEVELOPMENT DISTRICT

EXHIBIT C

*Footnotes:**--- (6) ---**Editor's note— Ord. No. 694, § 1(Exh. A), adopted June 1, 2023, repealed and readopted Article 8 to read as set out herein.**Former Article 8, §§ 8.1—8.11 pertained to PUD, Planned Unit Development District, and derived from Ord. No. 657, § 1(Exh. A), adopted Dec. 16, 2021.*

Sec. 8.1. - Description and Intent.

This zoning district is intended to implement certain residential and mixed-use developments in a way that meets objectives that cannot necessarily be accomplished by conventional residential zoning districts. It is specifically intended to primarily implement the "mixed use - neighborhood" character area.

(Ord. No. 694, § 1(Exh. A), 6-1-2023)

Sec. 8.2. - Objectives.

The Mixed-Use Development District is intended to meet the following objectives:

- (a) Allow mixes of land uses that are not elsewhere permitted in conventional zoning districts.
- (b) Permit a broader mix of residential housing types, including detached and attached dwellings, and specific commercial uses to be developed in one cohesive development.
- (c) Allow the development of tracts of land as single developments that are planned neighborhoods or communities, including residential and commercial uses that help to make up a community.
- (d) Preserve the natural amenities of the land through maintenance of conservation areas and open spaces within developments.
- (e) Provide a more desirable living environment than would be possible through the strict application of conventional residential zoning requirements.
- (f) Ensure that the design of building forms is interrelated and architecturally harmonious.

(Ord. No. 694, § 1(Exh. A), 6-1-2023)

Sec. 8.3. - Character.

Design of detached single-family neighborhoods and residential communities in the MU district may follow principles of conventional suburban subdivision design which include curvilinear streets with some cul-de-sacs. However, MU districts are intended to differ from conventional subdivisions in that they provide greater pedestrian access and interconnections between and among units of the neighborhood. This district

is primarily envisioned to apply to urban and suburban areas with sanitary sewer and public water service, though it may be used to provide for imaginative site arrangements in rural areas at exurban/rural densities.

Chart 8.1 Permitted Uses

Dwelling, single-family detached, fee simple
Dwelling, townhome, single-family attached
Dwelling, two-family, duplexes
Dwelling, multi-family, apartment, attached residential condominium
Home Occupation (office use only)
Commercial uses as allowed per the Neighborhood Shopping District

Chart 8.2 Dimensional Requirements

Requirement (measurement unit)	MU
Maximum density (units per acre)	50 acres or less - 6 50+ acres - 5
Minimum lot width, single-family detached (feet)	50
Minimum heated floor area per dwelling unit (square feet)	1,200
Minimum width of natural buffer abutting R-1, R-2, or R-3 district (feet)	None
Minimum landscape strip required along rights-of-way for any nonresidential use if permitted (width in feet)	25

Minimum landscape strip required along rights-of-way for any apartment or condominium (multi-family residential) use (width in feet)	25
Minimum landscape strip required along side property lines for any nonresidential use if permitted (width in feet)	25
Minimum landscaped open space	See Article 10

(Ord. No. 694, § 1(Exh. A), 6-1-2023)

Sec. 8.4. - Design Requirements.

The following requirements are a part of the rezoning approval process. Substantial deviation from, or inconsistency with, the guidelines in this Section shall be grounds for denial of a rezoning to the MU district.

- (a) Open spaces. Open spaces such as town greens and public squares, within developed portions of the development, should be located and designed to add to the visual amenities of the development. Greens and squares shall be spatially defined and distributed throughout the development so that no lot is more than a walking distance of 1,500 feet from a green, square, park or open space. Greens and squares should not be less than 8,000 square feet in area. A mix of peripheral as well as internal green space shall be provided. If two MUs are developed next to each other, there should be contiguous open space between the two MU's.
- (b) Greenspace. Preserve patches of high-quality habitat, as large and circular as possible, feathered at the edges, and connected by wildlife corridors. When continuous greenspace corridors cannot be provided or must be broken up for road access or other valid reasons, patches should be retained as "stepping stones" for wildlife corridors.
- (c) Residential portion of the project must include a minimum of 50 percent single-family detached homes.
- (d) A minimum of 50 percent of the residential portion of the project must be served by rear loaded, alley fed, two-car garages.
- (e) All structures are required to meet all design and material requirements of the zoning ordinance.
- (f) Additional requirements when the development exceeds 35 residential units:
 - 1. Outdoor activities space such as neighborhood pocket park(s). Pedestrian-friendly paving should be used.

Placement:

- Outdoor activities space should be designed at a location well connected with most residential units.
- Those semi-public uses should be located adjacent to outdoor activities space.
- Sidewalks shall be constructed at least 8 feet wide but not exceed 15 feet wide.

2. Landscape.

- An additional enhanced landscape area of not less than 3 percent of the total property shall be provided. This area shall consist of accent plant materials including a minimum of 10 percent shrubs and 15 percent annuals or perennials. This area should also achieve 75 percent coverage within 3 years of planting while following nursery recommended spacing.
- Bioswales or any storm water retention solution should be considered as part of landscaping design.
- Fountains, drinking fountains, sculptures or other public art, decorative hardscape feature are encouraged.
- Underground sprinkler systems are required.
- Parking areas and sidewalks shall be illuminated.
- Natural green space should be located to ensure maximum exposure to sunlight.

3. Parking.

- Automobile parking, PTV parking, and bicycle parking, shall be provided.

4. Amenities.

- Outdoor benches shall be provided 1 for every 100 linear feet of sidewalk. It is encouraged to use creative outdoor table set, designer benches, or swing set as outdoor furniture enrichment.
- Trash and recycling cans shall be provided 1 for every 100 linear feet of sidewalk.
- Recreational facilities, dog run/exercise areas and health/fitness facilities should be considered.

(g) See also Article 10 of this Zoning Ordinance.

(Ord. No. 694, § 1(Exh. A), 6-1-2023)

Aerial View

