

STATE OF GEORGIA
COUNTY OF HALL

**RESOLUTION OBJECTING TO THE CITY OF FLOWERY BRANCH'S
ANNEXATION OF THE 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., LLLP., located at 0 Sasser Road, Flowery Branch, Georgia 30542 and bearing Hall County Tax Parcel Number 15044 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 approximately 95.84± 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 significant increase in the intensity of the allowable 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 substantial 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 a 198-unit residential subdivision would create a significant increase in 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 the annexation, rezoning, and proposed use of the Subject Property as a Single Family Attached Home 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 under 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 through 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, Tellus Holdings, LLC., and the property owner, S.P. McKibbon Sr., LLLP. 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 a significant 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 95.84± 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 (INST) and City of Flowery Branch Agricultural (A); on the south by Hall County, Agricultural Residential 1 (AR-1); on the east by Hall County, Agricultural Residential 1 (AR-1); and on the west by Hall County, Agricultural Residential 1 (AR-1) and City of Flowery Branch, Highway Business (HB).

The proposed residential subdivision to be developed on the Subject Property would directly contrast 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 two (2) units per acre would be increased by the proposed annexation and rezoning of the properties to the City of Flowery Branch's SF-TH district, which would allow a maximum of six (6) units per acre as shown in Section 6.5 and accompanying tables 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, Tellus Holdings, LLC., 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 road improvements that would sufficiently ameliorate the increase in traffic volume and the related infrastructure costs associated with increased road congestion. Thus, the proposed change in zoning and land use contained in the application for annexation would create a material 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 allowable uses 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 Tellus Holdings, LLC. and S.P. McKibbon Sr., LLLP., regarding Hall County Tax Parcel 15044 000040 this 6th day of April 2026.

[SIGNATURES AND ATTESTATION 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 R. Lawhon, County Attorney



March 3rd, 2026

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
March 3rd, 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, May 7th, 2026, 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.

A handwritten signature in blue ink that reads "Chris McCrary".

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: 2-10-2026

Address of Request: Sasser Road, Flowery Branch, GA 30542

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: *Julia Cooper*

Applicant Information:

Name: Tellus Holdings, LLC

Address: 202 Tribble Gap Road, Suite 200, Cumming, GA 30040

E-mail address: eunderwood@underwoodscoggins.com / nmorris@underwoodscoggins.com

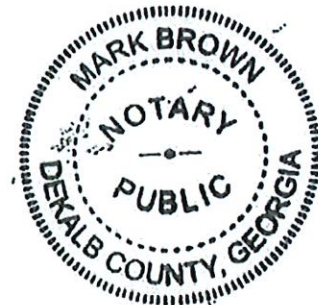
Phone number: 470-995-1776

Signature: *David Patterson* Title (if applicable): Chief Executive Officer

Print Name: David Patterson

Notary Signature: *Mark Brown*

Notary Seal:



Annexation Application



FLOWERY
BRANCH

Property owner information (if different than the applicant):

Name of Owner: S P McKibbon Sr. LLLP

Address: PO BOX 5916
GAINESVILLE, GA 30503

E-mail address: stevemckibbon@gmail.com

Phone number: 770-865-1256

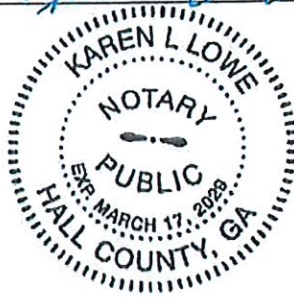
Signature of Owner (Agent if LLC/INC etc.): [Signature]

Title (if applicable): Owner

Signatory Print Name: Price McKibbon

Notary Signature: [Signature] Date: 2-11-20

Notary Seal:



Property Information:

Tax Map Number: _____

Current Zoning: _____ Total Acres: _____

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

Proposed City of Flowery Branch Zoning: _____

Proposed City of Flowery Branch Character Area: _____

Current Use: _____

Annexation Application



Property owner information (if different than the applicant):

Name of Owner: _____

Address: _____

E-mail address: _____

Phone number: _____

Signature of Owner (Agent if LLC/INC etc.): _____

Title (if applicable): _____

Signatory Print Name: _____

Notary Signature: _____ Date: _____

Notary Seal:

Property Information:

Tax Map Number: 15044-000040

Current Zoning: PRD (C) - Planned Residential Development District Total Acres: 95.69

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

Proposed City of Flowery Branch Zoning: SF-TH - Single-Family Attached Townhome District

Proposed City of Flowery Branch Character Area: Urban Density Community

Current Use: Undeveloped



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: N/A Housing Units: N/A Other Buildings: N/A
Race Population %: White N/A Black N/A Hispanic N/A Other N/A

Please provide copies of the Annexation Completeness Checklist and all supplementary required documents listed therein to this application. Completeness Checklists can be found on the website, www.flowerybranchga.org, under the "Forms" section.

Conflict of Interest Disclosure

Identify all members of the City Council of the City of Flowery Branch and Employees of the City of Flowery Branch Community Development Department who

Have a property interest in the real property affected by this request
N/A

Have a financial interest (direct ownership interest) of the total assets or capital stock of a business entity where such ownership interest is more than 10% in any business entity which has a property interest in the real property affected by this request
N/A

Have a member of the family (spouse, mother, father, brother, sister, son or daughter) having a property financial interest as herein defined, in the real property affected by this request
N/A



Disclosure of Campaign Contributions

List below the names of local government officials of the City of Flowery Branch to whom campaign contributions were made, within two (2) years immediately preceding the filing of this application, which campaign contributions total \$250.00 or more or to whom gifts were made having a total value of \$250.00 or more.

Elected Officials Name	Amount of Description of Gift
N/A	

CITY STAFF ONLY

Application Received By: _____

Date: _____ Total Fee: _____



REZONING APPLICATION

Date: 2-10-2026

Address of Request: Sasser Road, Flowery Branch, GA 30542

Tax Map # 15044-000040 Current Zoning: PRD (C)

Is this site located within the boundaries of the historic district? No

Currently a conforming use? Yes

Any conditions of zoning, CUP's, etc.? Yes

Applicant Information:

Name: Tellus Holdings LLC

Address: 202 Tribble Gap Road, Suite 200, Cumming, GA 30040

E-mail address: eunderwood@underwoodscoggins.com / nmorris@underwoodscoggins.com

Phone number: 470-995-1776

Signature: [Signature] Title (if applicable): Chief Executive Officer

Print Name: David Patterson

Notary Signature: [Signature]

Notary Seal:



Rezoning Application



Property owner information (if different than the applicant):

Name of Owner: S P McKibbon Sr. LLLP

Address: PO BOX 896
GAINESVILLE, GA 30503

E-mail address: stevemckibbon@gmail.com

Phone number: 770-865-1256

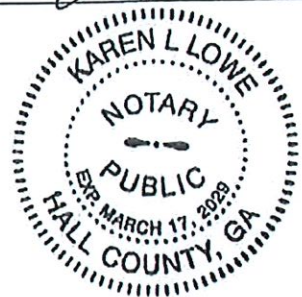
Signature of Owner (Agent if LLC/INC etc.): [Handwritten Signature]

Title (if applicable): Owner

Signatory Print Name: Price McKibbon

Notary Signature: [Handwritten Signature] Date: 2-11-2026

Notary Seal:



Property Information:

Tax Map Number: _____

Current Zoning: _____ Total Acres: _____

Is this property located within the city limits of Flowery Branch? _____

Proposed City of Flowery Branch Zoning: _____

Current Use: _____

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



Property owner information (if different than the applicant):

Name of Owner: _____

Address: _____

E-mail address: _____

Phone number: _____

Signature of Owner (Agent if LLC/INC etc.): _____

Title (if applicable): _____

Signatory Print Name: _____

Notary Signature: _____ Date: _____

Notary Seal:

Property Information:

Tax Map Number: 15044-000040

Current Zoning: PRD (C) - Planned Residential Development District Total Acres: 95.69

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

Proposed City of Flowery Branch Zoning: SF-TH - Single-Family Attached Townhome District

Current Use: Undeveloped

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



Conflict of Interest Disclosure:

Identify all members of the City Council of the City of Flowery Branch and Employees of the City of Flowery Branch Community Development Department who

Have a property interest in the real property affected by this request

N/A

Have a financial interest (direct ownership interest) of the total assets or capital stock of a business entity where such ownership interest is more than 10% in any business entity which has a property interest in the real property affected by this request

N/A

Have a member of the family (spouse, mother, father, brother, sister, son or daughter) having a property financial interest as herein defined, in the real property affected by this request

N/A

Disclosure of Campaign Contributions:

List below the names of local government officials of the City of Flowery Branch to whom campaign contributions were made, within two (2) years immediately preceding the filing of this application, which campaign contributions total \$250.00 or more or to whom gifts were made having a total value of \$250.00 or more.

Elected Officials Name	Amount of Description of Gift
N/A	
_____	_____
_____	_____



J. Ethan Underwood
eunderwood@underwoodscoggins.com

**LETTER OF INTENT REGARDING LAND USE APPLICATION AND STATEMENT OF DEVELOPMENT
STATISTICS**

Applicant:	Tellus Holdings LLC
Subject Property:	95.69 Acres Designated as Hall County Tax Parcel(s): 15044 000040
Current Zoning:	PRD (C) – Planned Residential Development District (Hall County)
Proposed Zoning:	SF-TH – Single-Family Attached Townhome District (City of Flowery Branch)
Proposed Use:	96 Dwellings, Single-Family Detached; 102 Dwellings, Single- Family Attached
Application:	Annexation, Rezoning, and Concurrent Variance
ROW Access:	Falcon Parkway and Sasser Road
Governing Jurisdiction:	City of Flowery Branch, Georgia

This statement is intended to comply with the application procedures established by the Zoning Ordinance of the Governing Jurisdiction (the "Zoning Ordinance"), the Governing Jurisdiction's Petition for Annexation, Application for Zoning, and other applicable Ordinances and Standards. The Applicant incorporates all statements made in the Application for Public Hearing by the Applicant (the "Application"). Any zoning request, special use permit, petition for annexation, and variance application submitted concurrently with the Application is also incorporated herein by this reference. The Application sets forth a preliminary development plan for the Subject Property, to evaluate the proposed development and its zoning classification, based upon factors set forth by the Governing Jurisdiction. The Applicant has provided all required information and has submitted the appropriate application fees. The requested Application meets all judicial and statutory requirements for approval.

Specifically, the Applicant requests the following:

- a) Annex the Subject Property into the City of Flowery Branch.
- b) Rezone the Subject Property from Planned Residential Development District (PRD (C)) (Hall County) to Single-Family Attached Townhome District (SF-TH) (City of Flowery Branch).
- c) Variances:
 1. Reduce the minimum size of each townhome lot from 3,500 square feet to 2,600 square feet [Zoning Ordinance §12.6.c].

STATEMENT OF DEVELOPMENT STATISTICS

The Applicant requests that the following Development Statistics be approved as part of the Application:

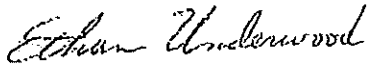
A Development Statistics Matrix is attached and incorporated as "Exhibit A" hereto.

The Site Plan, Survey, and other materials submitted concurrently with the Application are incorporated as part of the Development Statistics.

CONCLUSION

The Applicant respectfully requests that the Application, as requested by the Applicant, be approved. The Applicant also reserves the right to amend this Letter of Intent and the Application by supplementing further responses and documents.

Sincerely,



Ethan Underwood
Attorney for Applicant

EXHIBIT A - DEVELOPMENT STATISTICS MATRIX

	Single Family Attached (SFA) (Townhomes)	Single Family Detached (SFD)
Total Acreage	121.11 Acres	
Site Acreage	95.69 Acres	
Minimum Open Space	15% (14.35 acres)	
Minimum Landscaped Area	39,780 sf / 15%	N/A
Total Lot Count / Units Proposed	198 Units Requested for Approval	
Total Density	2.07 upa	
Net Density	2.68 upa	
Permitted Uses	Townhomes	Single Family Detached
Use Quantity	96 Units	102 Units
Minimum Square Footage of Heated Floor	1,500 sf	1,500 sf
Maximum Lot Coverage	1,950 sf / 75%	5,025 sf / 75%
Minimum Lot Size	2,600 sf	6,700 sf
Minimum Lot Width	26 ft	50 ft
Minimum Setbacks	Front: 30 ft Rear: 20 ft Side: 10 ft Exterior Abutting Residential: 50 ft	Front: 25 ft Rear: 20 ft Side: 20 ft Exterior Abutting Residential: 50 ft
Minimum Exterior Buffers	Standard: 35 ft Buffer Abutting Residential	Standard: 35 ft Buffer Residential
Minimum Building Separation (foundation to foundation)	20 ft between townhouse buildings	20 ft between dwellings
Maximum Townhome per Building	6 units	N/A
Stream Buffers / Impervious Setbacks	50 ft / 75 ft from stream bank, except 0 ft / 0 ft from stream bank in areas depicted on site plan.	50 ft / 75 ft from stream bank, except 0 ft / 0 ft from stream bank in areas depicted on site plan.
Maximum Height	35 ft	35 ft
Maximum Building Coverage	No maximum	No maximum
Parking Requirements	Minimum Garage Size: 2 cars	Minimum Garage Size: 2 cars
Amenity Parking	Minimum Spaces: 33 Maximum Spaces: 41	
Percentage of Front Entry Garages	100%	100%

Requirements	Proposed Streets
Right-of-way, minimum (feet)	50'
Roadway width (feet)	28'
Pavement width, minimum (feet)	22'
Grade, maximum (percent)	12%
Grade, minimum (percent)	1%
Site distance, minimum (feet)	200'
Radius of curvature of the center line, minimum (feet)	275'
Tangent, minimum (feet)	100'
Design speed (miles per hour)	30 miles per hour
Cul-de-sac turnaround radius, back of curb (feet)	42'
Street base, graded aggregate base, (GDOT Sec. 310) (inches)	6 inches
Street base, soil cement Base "B" (GDOT Sec. 301) (inches)	6 inches
Pavement topping, primer (gallons per square yard)	0.25 gallons per square yard
Pavement, binder (inches)	2 1/2 inches B
Pavement topping (inches)	1 1/2 inches E or F
Pavement, total (inches)	4 inches
Curb and gutter (dimensions in inches)	6" x 24"

Legal Description

All that tract or parcel of land lying and being in the Flowery Branch G.M.D. (1270) (General Militia District) of Hall County, Georgia as shown on a survey and plat prepared for Tellus Holdings LLC by Spicer Group, Georgia Registered Land Surveyor No. 3466, Nathan G. Shepard, dated June 6th, 2025 and being more particularly described as follows:

Commencing at a found 1/2" bent rebar located on the Southerly right-of-way of Falcon Parkway; thence leaving said right-of-way S45°-22'-06"E., 242.98 feet to a found 1/2" rebar; thence S45°-20'-41"E., 375.73 feet to a found 1/2" rebar, which is the TRUE POINT OF BEGINNING;

thence N41°-14'-19"E., 224.24 feet to a found 1/2" iron rod;
thence S67°-15'-35"E., 1194.43 feet to a found 1/2" iron rod;
thence S67°-15'-35"E., 33.43 feet to the center of a creek; thence following along the center line of said creek the following 10 courses and distances:
thence N65°-46'-03"E., 12.61 feet;
thence N49°-54'-37"E., 57.23 feet;
thence S81°-51'-55"E., 39.63 feet;
thence N43°-27'-22"E., 20.52 feet;
thence N55°-16'-08"E., 25.86 feet;
thence N87°-52'-39"E., 27.08 feet;
thence N86°-50'-40"E., 53.95 feet;
thence N52°-46'-47"E., 8.03 feet;
thence N09°-42'-01"E., 20.21 feet;
thence N28°-07'-58"E., 45.81 feet;
thence leaving said center line of creek S35°-22'-38"E., 475.49 feet to a found 1/2" rebar;
thence S81°-54'-54"E., 862.92 feet to a found 3/4" rebar located on the Westerly right-of-way of Sasser Road;
thence following said right-of-way along a curve to the left with a radius of 767.81 feet and a length of 206.46 feet, said curve being subtended by a chord bearing S08°-58'-08"E and chord length of 205.84 feet;
thence following along a curve to the right with a radius of 1568.12 feet and a length of 146.65 feet, said curve being subtended by a chord bearing S13°-03'-53"E and a chord bearing 146.60 feet;
thence following along a curve to the right with a radius of 256.49 feet and a length of 130.64 feet, said curve being subtended by a chord bearing S06°-30'-13"W and a chord length of 129.23 feet;
thence following along a curve to the right with a radius of 387.50 feet and a length of 120.78 feet, said curve being subtended by a chord bearing S31°-21'-20"W and a chord length of 120.29 feet;
thence S35°-55'-20"W., 69.71 feet;
thence following along a curve to the left with a radius of 729.61 feet and a length of 131.38 feet, said curve being subtended by a chord bearing S30°-08'-51"W and a chord bearing 131.20 feet;
thence following along a curve to the right with a radius of 1229.58 feet and a length of 151.00 feet, said curve being subtended by a chord bearing S27°-38'-34"W and a chord length of 150.90 feet to a found 1/2" rebar;
thence leaving said right-of-way N39°-56'-18"W., 580.08 feet to a found 1/2" rebar;
thence S59°-21'-40"W., 250.47 feet to a found 1/2" angled rebar;
thence S59°-08'-15"W., 77.14 feet to a found 1" OTP;

thence S59°-08'-15"W., 50.50 feet to the center of a creek; thence following along the centerline of said creek the following 75 courses and distances:

thence S35°-19'-42"W., 8.41 feet;
thence S18°-25'-11"W., 9.39 feet;
thence N88°-49'-45"W., 15.78 feet;
thence S38°-00'-03"W., 8.50 feet;
thence S44°-01'-06"W., 32.77 feet;
thence S36°-27'-19"W., 42.16 feet;
thence S22°-31'-22"W., 17.14 feet;
thence N84°-37'-30"W., 15.78 feet;
thence N57°-13'-05"W., 16.94 feet;
thence S83°-37'-46"W., 17.88 feet;
thence N78°-03'-20"W., 29.61 feet;
thence N83°-52'-00"W., 48.18 feet;
thence S40°-18'-27"W., 31.24 feet;
thence S26°-17'-12"W., 59.59 feet;
thence S15°-34'-46"E., 16.69 feet;
thence S30°-29'-36"E., 18.56 feet;
thence S22°-22'-11"W., 10.92 feet;
thence S23°-56'-03"W., 2.63 feet;
thence S52°-07'-10"E., 18.57 feet;
thence S04°-51'-36"W., 4.43 feet;
thence S21°-50'-08"W., 12.98 feet;
thence S64°-03'-31"W., 33.82 feet;
thence N79°-06'-15"W., 28.86 feet;
thence S02°-27'-41"W., 7.30 feet;
thence S54°-28'-31"W., 16.22 feet;
thence S25°-43'-41"W., 23.70 feet;
thence S79°-20'-58"W., 16.05 feet;
thence S81°-23'-32"W., 48.97 feet;
thence N81°-48'-33"W., 47.50 feet;
thence N80°-02'-01"W., 37.70 feet;
thence N86°-20'-23"W., 7.47 feet;
thence S44°-02'-51"W., 6.51 feet;
thence S37°-09'-41"W., 23.86 feet;
thence S68°-14'-52"W., 7.14 feet;
thence S76°-52'-39"W., 6.02 feet;
thence S40°-40'-25"W., 24.83 feet;
thence S84°-05'-06"W., 74.39 feet;
thence S63°-59'-03"W., 22.12 feet;
thence S58°-17'-46"W., 30.72 feet;
thence S62°-42'-47"W., 36.25 feet;
thence S84°-31'-32"W., 42.68 feet;
thence S04°-46'-32"W., 29.94 feet;
thence S52°-52'-36"E., 6.10 feet;
thence S29°-38'-22"E., 7.01 feet;
thence S36°-03'-47"W., 23.19 feet;
thence N78°-38'-37"W., 5.09 feet;
thence N85°-57'-32"W., 9.92 feet;
thence S53°-17'-12"W., 14.81 feet;

thence S28°-44'-12"E., 20.07 feet;
thence S14°-56'-37"W., 23.36 feet;
thence S32°-02'-25"W., 13.03 feet;
thence S53°-12'-38"W., 25.08 feet;
thence S24°-47'-50"E., 14.39 feet;
thence S07°-17'-25"E., 5.67 feet;
thence S02°-38'-34"W., 19.82 feet;
thence S37°-43'-30"E., 17.06 feet;
thence S08°-37'-28"W., 21.00 feet;
thence S12°-56'-20"E., 26.19 feet;
thence S38°-49'-20"E., 36.40 feet;
thence S05°-33'-24"W., 22.29 feet;
thence S47°-13'-49"W., 15.94 feet;
thence S67°-19'-37"W., 17.18 feet;
thence S62°-32'-11"W., 15.43 feet;
thence S13°-18'-16"W., 12.55 feet;
thence S00°-57'-49"W., 22.95 feet;
thence S32°-08'-09"E., 22.85 feet;
thence S28°-54'-00"E., 13.92 feet;
thence S13°-05'-01"E., 81.91 feet;
thence S17°-31'-48"E., 36.34 feet;
thence S04°-36'-58"E., 41.39 feet;
thence S21°-28'-28"E., 32.95 feet;
thence N42°-47'-34"E., 25.32 feet;
thence S61°-14'-25"E., 14.04 feet;
thence S06°-56'-07"E., 17.34 feet;
thence S02°-01'-12"W., 52.67 feet;
thence S25°-41'-16"E., 7.63 feet;
thence leaving said creek center line N64°-31'-56"W., 199.54 feet to a found 1/2" rebar;
thence N69°-29'-19"W., 157.64 feet to a found PK Nail;
thence N69°-21'-25"W., 241.83 feet to a found 1/2" bent rebar;
thence N74°-18'-15"W., 190.03 feet to a found 1/2" rebar;
thence N79°-26'-37"W., 116.97 feet to a found 1/2" bent rebar;
thence N57°-55'-25"W., 150.09 feet to a found 1/2" rebar;
thence N69°-44'-49"W., 359.66 feet to a found 1/2" rebar;
thence N69°-44'-49"W., 9.04 feet to the center of a creek;
thence following along the center line of said creek the following 18 courses and distances:
thence N29°-21'-38"W., 22.53 feet;
thence N01°-08'-04"W., 18.84 feet;
thence N62°-57'-47"W., 6.91 feet;
thence N22°-00'-06"W., 23.23 feet;
thence N35°-23'-33"W., 10.96 feet;
thence N19°-32'-31"W., 23.62 feet;
thence N21°-21'-07"W., 25.18 feet;
thence N63°-50'-13"W., 37.95 feet;
thence N44°-20'-34"W., 22.38 feet;
thence N56°-08'-30"W., 16.44 feet;
thence N26°-36'-36"W., 34.23 feet;
thence N63°-10'-16"W., 41.35 feet;
thence N51°-07'-39"W., 45.28 feet;

thence N39°-13'-19"W., 21.27 feet;
thence N02°-08'-22"W., 27.69 feet;
thence N49°-03'-35"W., 14.35 feet;
thence N14°-27'-39"W., 8.95 feet;
thence N67°-35'-04"W., 19.44 feet;
thence leaving the center line of said creek N40°-26'-16"E., 656.14 feet to a found 1/2" rebar
under a fallen tree;
thence N38°-13'-48"W., 615.50 feet to a found 1/2" rebar;
thence N41°-14'-19"E., 671.76 feet to a found 1/2" rebar, which is the TRUE POINT OF
BEGINNING.

Together with and subject to covenants, easements, and restrictions of record.

Said property contains 95.84 acres more or less.

TOGETHER WITH a perpetual non-exclusive easement for ingress and egress more fully described in an Easement from James C. Duran and Joyce H. Duran to Richard E. McCord dated September 16, 1988, recorded in Deed Book 1525, Page 336 and Deed Book 1574, Page 263, of the Hall County Deed Records.

Said property is more fully described according to the above-referenced plat, which is incorporated herein by this reference.

This legal description is prepared solely for the purpose of facilitating a land use application and should not be relied upon for any other purpose.



J. Ethan Underwood
eunderwood@underwoodscoggins.com

ANALYSIS REQUIREMENTS REGARDING LAND USE APPLICATION

Applicant:	Tellus Holdings LLC
Subject Property:	95.69 Acres Designated as Hall County Tax Parcel(s): 15044 000040
Current Zoning:	PRD (C) – Planned Residential Development District (Hall County)
Proposed Zoning:	SF-TH – Single-Family Attached Townhome District (City of Flowery Branch)
Proposed Use:	96 Dwellings, Single-Family Detached; 102 Dwellings, Single-Family Attached
Application:	Annexation, Rezoning, and Concurrent Variance
ROW Access:	Falcon Parkway and Sasser Road
Governing Jurisdiction:	City of Flowery Branch, Georgia

This statement is intended to comply with the application procedures established by the Zoning Ordinance of the City of Flowery Branch (the "Zoning Ordinance"), the City of Flowery Branch Rezoning Petition, and other City of Flowery Branch Ordinances and Standards. The Applicant incorporates all statements made in the Rezoning Petition for Public Hearing by the Applicant (the "Application") as its analysis requirements required by the City of Flowery Branch.

ANALYSIS REQUIREMENTS

- 1. Whether the proposal will permit a use that is suitable in view of the use and development of adjacent and nearby property.**

The Proposed Use is compatible with surrounding properties and represents a thoughtful transition between institutional/commercial uses to the north and large-lot residential (AR-1) properties to the east, south, and west.

The physical characteristics of the Subject Property make industrial or commercial development impracticable and inconsistent with the land itself. The site contains significant topographic variation, including pronounced ridgelines, valleys, and stream buffers. The proposed residential layout places development primarily along the natural ridges of the site while preserving substantial undisturbed open space, approximately 42.06 acres.

This development pattern is consistent with both the natural terrain and the surrounding uses. The proposal will positively affect the use and value of the surrounding institutional, commercial, and residential uses.

2. Whether the proposal will adversely affect the existing use or usability of adjacent or nearby property.

The Proposed Zoning and Proposed Use will not adversely affect the existing use or usability of adjacent or nearby property. The layout has been intentionally designed to preserve natural buffers along property boundaries and stream corridors. Residential lots back up to preserved open space and undisturbed areas, reducing visual and noise impacts on neighboring AR-1 properties. The development will be adequately landscaped and will comply with applicable stormwater, landscaping, noise, and lighting regulations. As such, the Proposed Zoning and Proposed Use will have no negative impact upon use or usability of adjacent or nearby property.

3. Whether the property to be affected by the proposal can be used in accordance with the existing regulations and has a reasonable economic use as currently zoned.

There is no reasonable use of the Subject Property under any other zoning classification than as requested by the Applicant and no resulting benefit to the public from designation to any other classification would accrue.

4. Whether the proposal will result in a use which will or could cause an excessive or burdensome use of existing streets, transportation facilities, utilities, or schools.

(A) Proposed Construction Phasing Schedule Projected Impact

Construction will occur over approximately 60 months. Upon issuance of Land Disturbance Permit, the Applicant anticipates the first section of the project to be developed within 12 months thereafter, and subsequent sections and houses to be constructed over the following 48 months based upon market demand.

The Applicant estimates there will be 2.86 occupants per unit. Assuming this to be the case, the Applicant expects the population of the new development to be as follows:

Projected Subdivision Population			
Year	New Houses	Total New Households	Population of New Homes
1	0	0	0
2	50	50	143
3	50	100	286
4	50	150	429
5	48	198	566

(B) Public Road System

Permanent access to the development will be provided from Sasser Road and via a private access easement from Falcon Parkway. The access connection from Falcon Parkway will remain private and will not be dedicated as public right-of-way. All internal public streets within the development are proposed to be dedicated to the City as public right-of-way, while individual driveways and other private access drives will be privately owned and maintained.

Traffic generated from the development will be in accordance with expected growth patterns and access to public thoroughfares will be at a location where sight distance is sufficient. All curb cuts shall be coordinated and approved by the Governing Jurisdiction and acceleration and deceleration lanes will be installed as required. All access drives within the development will be constructed to conform to applicable minimum standards. Parking will be provided onsite as required by the Governing Jurisdiction.

(C) County School System

The Table below estimates the number of school children expected to be generated by the project, based upon the ratio of the estimated number of school children in Hall County to the estimated number of households in Hall County, then multiplying the quotient by the number of residential units in the Proposed Use. This method produces a factor of 0.458 students per household.

Projected Student Population Impact:		
Year	Total New Households	Total
1	0	0
2	50	22
3	100	45
4	150	68
5	198	90

The numbers above are a planning factor used to project total student population and plan the need for new school facilities. However, the actual number of students who live in the proposed development may be more or less than the factor above, because the method of calculation uses a total number of households countywide, with some households containing more than the average number of children and others comprised of zero children.

(D) City Water and Waste Water Systems

The community's water and sanitary sewer needs will be served by the City of Flowery Branch.

(E) Utilities

With regard to public utilities, sanitary sewer, water, natural gas, electricity, and cable are available to the Subject Property. The impact on public utilities is anticipated to be in keeping with projected plans and capacity is available to serve the proposed development.

(F) Environmental Impact

The project should also have a minimal impact on the environment. All applicable air quality standards will be met and drainage, soil erosion, and sedimentation controls will be utilized on the site after obtaining all required approvals from the Georgia Department of Natural Resources and Hall County.

The Concept Plan demonstrates that a substantial portion of the property will remain undisturbed open space (approximately 42.06 acres), with development concentrated on the more buildable ridge areas. This approach minimizes grading, preserves natural drainage patterns, and protects stream buffers.

The Applicant will submit plans detailing the development for approval by the Governing Jurisdiction and any other appropriate governmental agencies, based on conformity with subdivision and zoning requirements, as well as other applicable ordinances, statutes, and regulations.

5. Whether the proposal is in conformity with the policy and intent of the comprehensive plan including but not limited to the character area map and future land use plan map.

The Proposed Zoning and Proposed Use complies with the intent of the Comprehensive Plan and Future Development Map (the "Comprehensive Plan") by providing a complementary land use for nearby properties. The Subject Property is depicted in the Comprehensive Plan to be annexed into the City and located within the Industrial Employment Character Area. See Flowery Branch Comprehensive Plan, p. 38.

While the Subject Property is depicted within the Industrial Employment Character Area, the physical characteristics of the site and its adjacency to Suburban Residential areas support residential development as a more appropriate and context-sensitive use. The proposed development serves as a transition between commercial/institutional uses along Falcon Parkway and lower-density residential areas to the south and east.

The Subject Property adjoins other properties to be annexed into the City of Flowery Branch as Suburban Residential Character Area; thus, the Proposed Use would not be out of character for the area. See Flowery Branch Comprehensive Plan, p. 45.

6. Whether there are other existing or changing conditions affecting the use and development of the property which give supporting grounds for either approval or disapproval of the proposal.

The existing conditions affecting the use of the Subject Property give strong support for approval of the Proposed Zoning and Proposed Use. The Subject Property adjoins other properties zoned for a mixture

of institutional, commercial, and residential; thus, the Proposed Use would not be out of character for the area.

The Proposed Use is compatible with the surrounding properties because the surrounding properties are designated on the City's Comprehensive Plan for institutional, industrial, and suburban residential within the City. The adjacent properties to the north are zoned Institutional (INST) and Highway Business (HB) and are located within the City. The properties zoned INST are used as Storybrook Academy at Flowery Branch, Jason Law Enterprises, Hall County Fire Department and Martin Elementary School. The adjacent properties to the east are zoned AR-1 (County), to the south are zoned AR-1 (County), and to the west AR-1 (County). The Proposal to rezone the Subject Property to Proposed Zoning is therefore consistent with the adjacent and nearby uses that either already exist or are anticipated on the surrounding properties. This proposal will positively affect the use and value of the surrounding institutional, commercial, and residential uses.

7. **Existing value of the property under the existing zoning district classification, the extent to which the property value of the subject property is diminished by the existing zoning district, and the value of the property under the proposed zoning district; if such information is provided by the applicant or can be discerned. This consideration may include the length of time the property has been vacant or unused as currently zoned and efforts taken by the property owner(s) to use the property or sell the property under the existing zoning district classification.**

The Subject Property has remained vacant and undeveloped for many years despite the development of the surrounding properties for institutional, commercial, and residential uses. This is strong evidence that there is no reasonable use of the Subject Property under any other zoning classification than as requested by the Applicant and no resulting benefit to the public from designation to any other classification would accrue.

8. **Whether a proposed zoning map amendment or conditional use approval will be a deterrent to the value or improvement of development of adjacent property in accordance with existing regulations.**

The Proposed Zoning and Proposed Use will not adversely affect the existing use or usability of adjacent or nearby property. The development will be adequately landscaped and will comply with applicable stormwater, landscaping, noise, and lighting regulations. As such, the Proposed Zoning and Proposed Use will have no negative impact upon economic values in the surrounding area.

9. **The possible creation of an isolated zoning district unrelated to adjacent and nearby districts.**

The Proposed Zoning will not create an isolated zoning district. The property is bordered by institutional and commercial uses within the City and residential uses in unincorporated Hall County. The proposed residential development provides a logical and compatible land use transition between these districts.

10. Possible effects of the change in zoning district map, or change in use, on the character of a zoning district.

The Subject Property is not currently located within the City of Flowery Branch. The Subject Property is depicted in the Comprehensive Plan to be annexed into the City and located within the Industrial Employment Character Area. See Flowery Branch Comprehensive Plan, p. 38. The Subject Property adjoins other properties to be annexed into the City of Flowery Branch as Suburban Residential Character Area; thus, the Proposed Use would not be out of character for the area. See Flowery Branch Comprehensive Plan, p. 45. The Applicant intends to develop an enhanced product with upgraded architectural detailing, materials, and landscaping consistent with that direction. This commitment further supports compatibility with surrounding properties and the long-term character of the area.

11. The possible impact on the environment, including but not limited to, drainage, soil erosion and sedimentation, flooding, air quality and water quality.

The project should also have a minimal impact on the environment. All applicable air quality standards will be met and drainage, soil erosion, and sedimentation controls will be extensively utilized on the site after obtaining all required approvals from the Georgia Department of Natural Resources and Hall County.

The Concept Plan demonstrates that a substantial portion of the property will remain undisturbed open space (approximately 42.06 acres), with development concentrated on the more buildable ridge areas. This approach minimizes grading, preserves natural drainage patterns, and protects stream buffers.

Prior to any grading of the site, the developer will be required to submit a hydrology report and site development plan that detains any additional stormwater flow resulting from new impervious surface and will have to design and install stormwater infrastructure that (1) infiltrates the first 1-inch of rainfall into the ground, (2) detains stormwater so that it discharges at a rate no faster than the pre-development rate, and (3) satisfies State and local stormwater standards for water quality. The development will comply with those regulations. If downstream drainage issues directly connected to this property currently exist (prior to development), they should be improved by the stormwater infrastructure installations for this project.

The Applicant will submit plans detailing the development for approval by the Governing Jurisdiction and any other appropriate governmental agencies, based on conformity with subdivision and zoning requirements, as well as other applicable ordinances, statutes, and regulations.

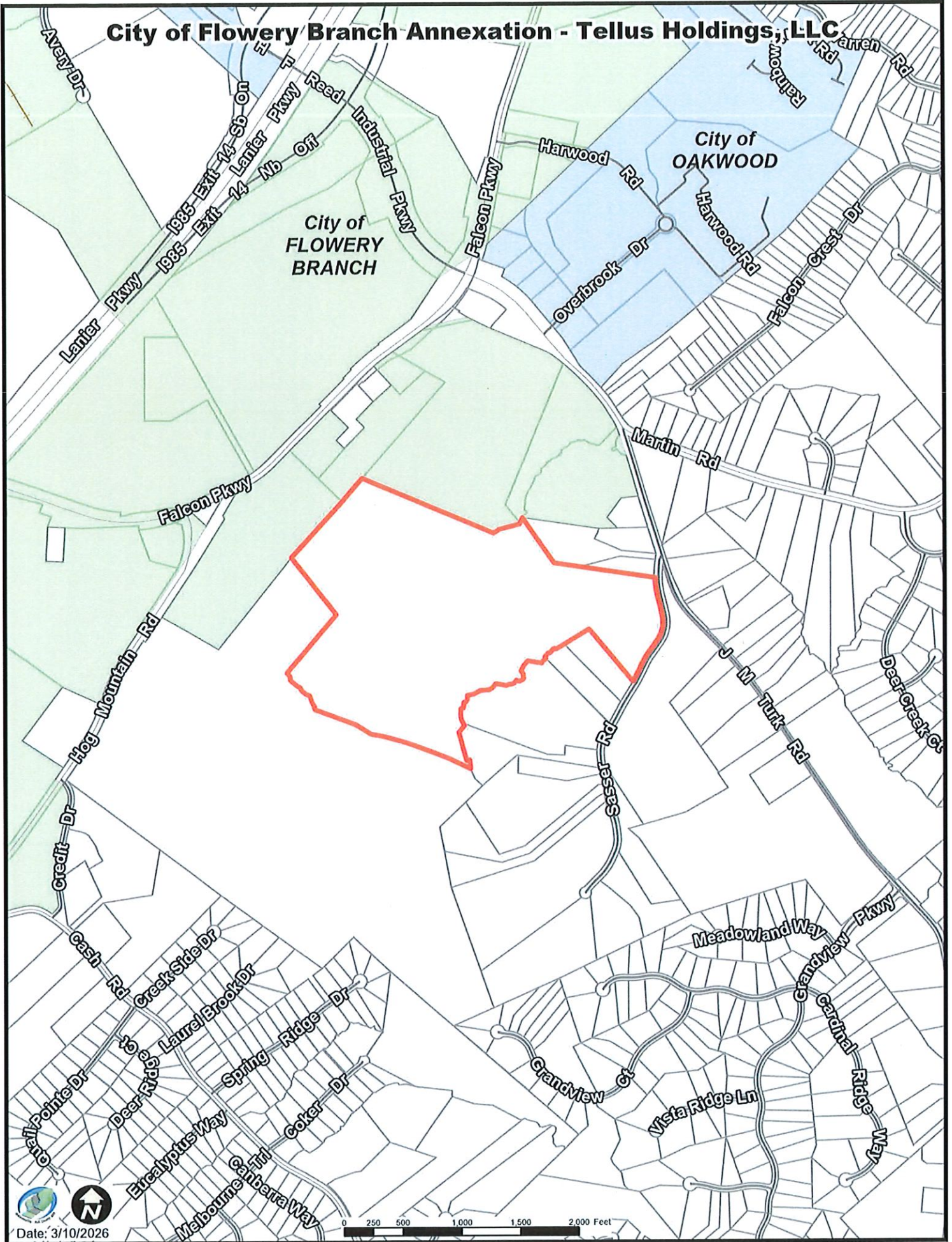
12. The relation that the proposed map amendment or conditional use bears to the purpose of the overall zoning scheme and the purposes of this Zoning Ordinance.

The Subject Property is not currently located within the City of Flowery Branch. The Subject Property is depicted in the Comprehensive Plan to be annexed into the City and located within the Industrial Employment Character Area. See Flowery Branch Comprehensive Plan, p. 38. The Subject Property adjoins other properties to be annexed into the City of Flowery Branch as Suburban Residential Character Area; thus, the Proposed Use would not be out of character for the area by providing a logical land use transition between these districts. See Flowery Branch Comprehensive Plan, p. 45.

CONCLUSION

Because the Applicant's Proposed Use complies with all criteria appropriate for consideration for the Application, the Applicant respectfully requests that this Application, which is incorporated herein by reference, be approved as requested. The Applicant and owner of the Subject Property reserve the right to amend and supplement this statement at any time.

City of Flowery Branch Annexation - Tellus Holdings, LLC



Sec. 6.1. - Planned Development Districts (PD)

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
<p>Table Notes:</p> <ol style="list-style-type: none"> 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 Unites 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.

Sec. 6.5. - SF-TH, Single-Family Attached Townhome District.

- (a) *Purpose and Description.* This zoning district is intended exclusively for the development and construction of single-family attached townhomes in accordance with the comprehensive plan. This district is also intended to implement the "urban density community" character area established in the comprehensive plan. The regulations that apply to the SF-TH district are designed to encourage the formation and continuance of a stable, healthy, and attractive living environment for its residents.
- (b) *Permitted and Conditional Uses.* Permitted and conditional uses shall be as provided in Table 6.1, "Permitted and Conditional Uses in Agricultural and Conventional Residential Zoning Districts."
- (c) *Dimensional Requirements.* Dimensional requirements shall be as provided in Table 6.2, "Dimensional Requirements in Agricultural and Conventional Residential Zoning Districts."
- (d) *Design Requirements.* See Articles 10, 12, and 40 of this Zoning Ordinance.

(Ord. No. 733, § 1(Exh. A), 3-20-2025)

Use	A	R-1	R-2	MHP	SF-TH	RMU
Accessory apartment, attached	X	X	C	X	X	C
Accessory apartment, detached	X	C	C	X	X	C
Accessory building, structure, or use	P	P	P	P	X	P
Agriculture, production of field crops, fruits, nuts, and vegetables	P	P	X	X	X	X
Agriculture, raising of poultry or livestock	P	C	X	X	X	X
Cemetery	P	C	C	X	X	X
Church, temple, synagogue, or place of worship, including specified accessory uses (see Sec. 14.3) (Ord. 348-11)	C	C	C	X	X	X
Club or lodge, nonprofit, sponsored by a civic or similar organization	C	C	C	X	X	C
Community recreation	P	P	P	P	P	P
Conservation areas and passive recreational facilities	P	P	P	P	P	P
Conservation subdivision	C	C	P	P	X	X
Construction field office (temporary use)	X	X	P	P	P	P

Use	A	R-1	R-2	MHP	SF-TH	RMU
Dwelling, single-family detached, fee-simple	P	P	P	X	P	X
Dwellings, single-family detached, condominium	X	X	X	X	P	X
Dwelling, townhouse (single-family attached, fee-simple)	X	X	X	X	P	X
Dwelling, two-family (duplex); three-family (tri-plex)	X	X	X	X	P	X
Dwelling, multi-family (apartment, attached residential condominium)	X	X	X	X	X	C
Garden, non-commercial, accessory to single-family detached dwelling	P	P	P	X	X	X
Golf course	P	P	P	X	P	C
Guest house (accessory building/use)	P	P	P	X	X	X
Home occupation (Office Use Only)	P	P	P	P	P	P
Horse stables, non-commercial, as accessory to single-family residential use	P	C	X	X	X	X
Leasing or sales office for a subdivision or residential development (accessory or principal use)	P	P	P	P	P	P

Use	A	R-1	R-2	MHP	SF-TH	RMU
Manufactured home, Class A	C	X	X	P	X	X
Model home for single-family subdivision or townhomes (temporary)	P	P	P	X	P	X
Public or semi-public use	P	P	P	X	P	P
School, private, elementary, middle, or high (Ord. 348-11)	C	C	X	X	X	X
School, special	C	X	X	X	X	X
Temporary use	P	P	P	X	P	P

Requirement (measurement unit)	A	R-1	R-2	MHP	SF-TH	RMU
Maximum height (feet)	75	35	35	35	35	55
Maximum height (number of stories)	3	3	3	1	3	3 stories on slab; 3-4 split on a basement construction. Front elevation 3 story.
Maximum density (Net)	0.333*	2.18*	4*	4*	6*	10*
Minimum lot size for detached single-family dwelling (square feet) (1)	130,680	20,000	15,000	10,000	6,700	N/A
Minimum lot size for attached townhome, duplex and triplex (square feet) (1)	N/A	N/A	N/A	N/A	3,500	N/A
Minimum lot size for other uses (square feet) (1)	130,680	43,560	15,000	10,000	10,000	10,000

Requirement (measurement unit)	A	R-1	R-2	MHP	SF-TH	RMU
Minimum lot width for detached single-family. (square feet) (1)	200	90	75	50	40	N/A
Minimum unit width (feet) for single-family attached townhomes, duplex and tri-plex.	N/A	N/A	N/A	N/A	24 wide with rear entry garage; 26 wide with front entry garage.	N/A
Minimum heated floor area per dwelling unit (square feet)	2,500	2,200	2,000	1,000	1,500	1,000
Minimum front yard setback from lot line, all principal buildings, (feet)	80	35	25	25	25 (0 if dwellings are alley accessed with rear entry garages)	25

Requirement (measurement unit)	A	R-1	R-2	MHP	SF-TH	RMU
Minimum side setback, interior lot line, all principal buildings (feet)	25	25	15	20	10 (min. 20 between buildings)	20 (min. 10 between buildings)
Minimum side setback, corner lot, all principal buildings (feet)	60	35	25	20	10	20
Minimum rear setback, all principal buildings (feet)	35	25	20	20	20; minimum distance of 25' from garage to sidewalk or back of curb for rear entry garages.	20
Minimum setback, all principal or accessory buildings and structures abutting residential	Side and rear setbacks shall apply	50	50	100	50	50

Requirement (measurement unit)	A	R-1	R-2	MHP	SF-TH	RMU
Minimum width of natural buffer abutting residential	None			40	35	50
Minimum landscape strip required along rights-of-way for any nonresidential use if permitted (width in feet)	15	15	10	10	20	20
Minimum landscape strip required along rights-of-way for any apartment or condominium (residential multi-unit) use (width in feet)	N/A	N/A	N/A	N/A	N/A	20
Minimum landscape strip required alongside property lines for any nonresidential use if permitted (width in feet)	5	5	5	5	5	5

Requirement (measurement unit)	A	R-1	R-2	MHP	SF-TH	RMU
Maximum coverage of principal and accessory buildings (percent of lot)	25	25	35	50	75	50
Minimum landscaped open space, all principal uses except detached, single- family residential lots (percent)	20	20	15	15	15	20

City of Flowery Branch Annexation - Tellus Holdings, LLC

