City of Flowery Branch
City Council Meeting
Thursday, February 5, 2026, 6:00 PM
5410 Pine Street
Flowery Branch, GA 30542

Call Work Session to Order:

Pledge of Allegiance:

Adoption of Agenda:

Awards & Recognitions:

Public Hearing:

a. Public Hearing to Consider First Reading of Ordinance 774 for Annexation of 4651 and 4665 Hog Mountain Road

b. Public Hearing to Consider First Reading of Ordinance 775 for Rezoning of 4651 and 4665 Hog Mountain Road

c. Public Hearing to Consider First Reading of Ordinance 776 Variances at 4651 and 4665 Hog Mountain Road

d. Public Hearing to Consider First Reading of Ordinance 777 Variances at 4651 and 4665 Hog Mountain Road

Unfinished Business - Work Session:

a. Consider Resolution 25-014 to Accept Public Right-of-Way at Pod Z - Sterling on the Lake

New Business - Work Session:

a. Consider Awarding Contract to Yellowstone Landscape, LLC for Landscaping Services

Department Reports:

a. City Manager Report

b. City Clerk Report

c. Department of Fun Report

d. Finance Department Report

e. Human Resources Report

f. Planning Department Report

g. Police Department Report

h. Public Utilities Report

i. Public Works Report

j. Attorney Report

k. Council Report

Adjournment Work Session:

Voting Session Agenda

Call Voting Session to Order:

Public Comments:
Please limit to two minutes

Consent Agenda:

a. Consider January 15, 2026 City Council Meeting Minutes

Unfinished Business - Voting Session:

a. Consider Resolution 25-014 to Accept Public Right-of-Way at Pod Z - Sterling on the Lake

New Business - Voting Session:

a. Consider Awarding Contract to Yellowstone Landscape, LLC for Landscaping Services

b. Consider First Reading of Ordinance 774 for Annexation of 4651 and 4665 Hog Mountain Road

c. Consider First Reading of Ordinance 775 for Rezoning of 4651 and 4665 Hog Mountain Road

d. Consider First Reading of Ordinance 776 Variances at 4651 and 4665 Hog Mountain Road

e. Consider First Reading of Ordinance 777 Variances at 4651 and 4665 Hog Mountain Road

Executive Session:
As needed for discussion of personnel, litigation, or property.

Adjournment:

If you have a disability or impairment and need special assistance, please contact the City Clerk prior to the meeting at 770-967-6371 - Meeting agenda is subject to change.

ORDINANCE NO. 774

AN ORDINANCE TO ANNEX AND BRING WITHIN THE CORPORATE LIMITS OF THE CITY OF FLOWERY BRANCH, STATE OF GEORGIA, REAL PROPERTY TOTALING 19.398 +/- ACRES OF LAND, OWNED BY CDII PROPERTIES, LLC, IDENTIFIED AS 4651 & 4665 HOG MOUNTAIN ROAD, HALL COUNTY TAX PARCELS 15046 000008B AND 15046 000008 AND AS SHOWN AND DESCRIBED ON ATTACHED EXHIBIT "A", PROVIDING FOR CERTIFICATION AND FILING BY THE CITY CLERK, PROVIDING FOR SEVERABILITY, REPEALING CONFLICTING ORDINANCES, PROVIDING FOR AN EFFECTIVE DATE AND FOR ALL OTHER LAWFUL PURPOSES.

WHEREAS, CDII Properties, LLC owns the subject parcels of land identified as Hall County Tax Parcel Identification No. 15046 000008B and 15046 000008 as shown and described on Exhibit "A"; and

WHEREAS, the City Council of the City of Flowery Branch has considered the application of CDII Properties, LLC and in conjunction with the standards set forth in O.C.G.A. §§ 36-36-1 through 36-36-110, O.C.G.A.§ 36-60-111, and the City of Flowery Branch Community Agenda for annexation into the City's corporate limits; and

WHEREAS, said parcels of land identified as Hall County Tax Parcel Identification No. 15046 000008B and 15046 000008 are within the unincorporated area of Hall County, State of Georgia, and are contiguous to the existing corporate limits of the City of Flowery Branch, Georgia at this time; and

WHEREAS, CDII Properties, LLC has submitted to the City Council of Flowery Branch, Georgia, a written application and affidavit signed by all the owners of the land evidencing their desire to have their property annexed, and whereas a survey and complete description of the subject parcel being considered to be annexed, is included in the application; and

WHEREAS, the City Council held a public hearing at the meeting on February 5th, 2026, duly noticed as prescribed by law and published in the Gainesville Times, regarding said application, as shall be set forth in the minutes of said meeting.

NOW THEREFORE, THE COUNCIL OF THE CITY OF FLOWERY BRANCH HEREBY ORDAINS AS FOLLOWS:

SECTION 1. RECITALS.

All of the foregoing recitals of this Ordinance are incorporated by reference as if fully set forth herein and are made part of this annexation ordinance.

SECTION 2. ANNEXATION.

The City Council of Flowery Branch, Georgia, does hereby annex and include within the

corporate limits of the City of Flowery Branch, Georgia real parcels of land known as Hall County Tax Parcel Identification No. 15046 000008B and 15046 000008 as shown and described on Exhibit "A". Said Exhibit is incorporated by reference as if fully set forth herein.

SECTION 3. CERTIFICATION BY THE CITY CLERK

The City Council of Flowery Branch, Georgia, authorizes and directs the City Clerk of Flowery Branch, Georgia to certify this Ordinance and attached Exhibit and have a certified copy of this Ordinance and its Exhibits filed with the Department of Community Affairs and any other public official or agencies as required by law.

SECTION 4. SEVERABILITY.

Should any section or provision of this Ordinance be declared invalid or unconstitutional by any court of competent jurisdiction, such declaration shall not affect the validity of this Ordinance as a whole or any part thereof which is not specifically declared to be invalid or unconstitutional.

SECTION 5. EFFECTIVE DATE.

The effective date of this Ordinance shall be March 5th, 2026.

SECTION 6. REPEALER.

All ordinances and parts of ordinances in conflict herewith are hereby repealed to the extent of the conflict.

Approved this _____ day of _____, 2026.

_____
Oliver McClellan, Mayor

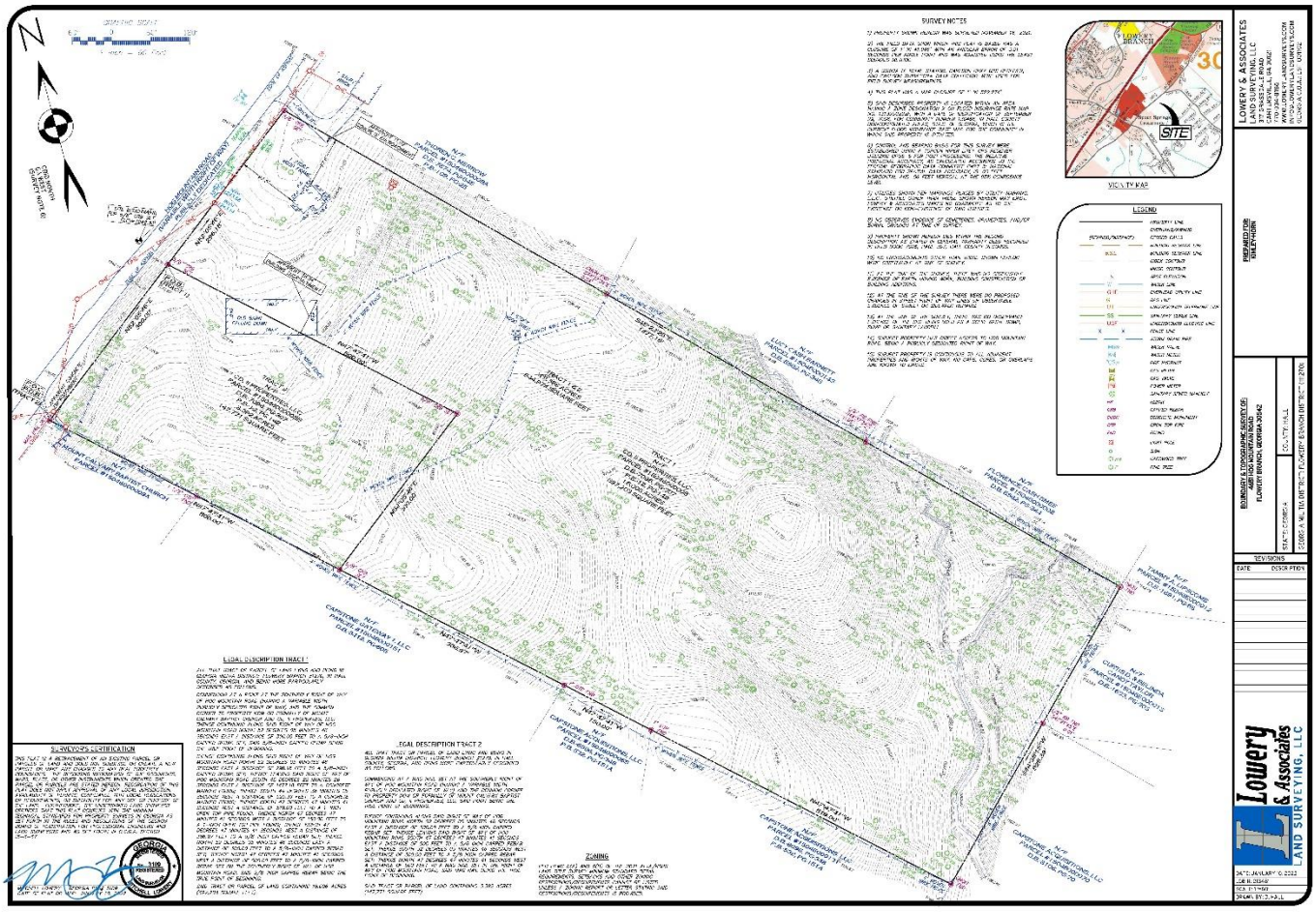
ATTEST

_____
Shelia R. Cooper, City Clerk

APPROVED AS TO FORM

_____
Ted C. Baggett, City Attorney

Exhibit A


SURVEY NOTES
VICINITY MAP
SITE
LEGEND
LEGAL DESCRIPTION TRACT 1
LEGAL DESCRIPTION TRACT 2
ZONING
SURVEYOR'S CERTIFICATION
LOWERY & ASSOCIATES
LAND SURVEYING, LLC
Lowery & Associates
LAND SURVEYING, LLC

LEGAL DESCRIPTION TRACT 1

ALL THAT TRACT OR PARCEL OF LAND LYING AND BEING IN GEORGIA MILITIA DISTRICT: FLOWERY BRANCH #1270, IN HALL COUNTY, GEORGIA, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT A POINT AT THE SOUTHERLY RIGHT OF WAY OF HOG MOUNTAIN ROAD (HAVING A VARIABLE WIDTH, PUBLICLY DEDICATED RIGHT OF WAY) AND THE COMMON CORNER TO PROPERTY NOW OR FORMALLY OF MOUNT CALVARY BAPTIST CHURCH AND CD, II PROPERTIES, LLC; THENCE CONTINUING ALONG SAID RIGHT OF WAY OF HOG MOUNTAIN ROAD NORTH 52 DEGREES 05 MINUTES 46 SECONDS EAST A DISTANCE OF 300.00 FEET TO A 5/8–INCH CAPPED REBAR SET, SAID 5/8–INCH CAPPED REBAR BEING THE TRUE POINT OF BEGINNING.

THENCE CONTINUING ALONG SAID RIGHT OF WAY OF HOG MOUNTAIN ROAD NORTH 52 DEGREES 05 MINUTES 46 SECONDS EAST A DISTANCE OF 296.18 FEET TO A 5/8–INCH CAPPED REBAR SET; THENCE LEAVING SAID RIGHT OF WAY OF HOG MOUNTAIN ROAD SOUTH 45 DEGREES 22 MINUTES 26 SECONDS EAST A DISTANCE OF 1477.18 FEET TO A CONCRETE MARKER FOUND; THENCE SOUTH 44 DEGREES 38 MINUTES 15 SECONDS WEST A DISTANCE OF 525.39 FEET TO A CONCRETE MARKER FOUND; THENCE NORTH 47 DEGREES 47 MINUTES 41 SECONDS WEST A DISTANCE OF 519.00 FEET TO A 1–INCH OPEN TOP PIPE FOUND; THENCE NORTH 47 DEGREES 47 MINUTES 41 SECONDS WEST A DISTANCE OF 150.00 FEET TO A 1–INCH OPEN TOP PIPE FOUND; THENCE NORTH 47 DEGREES 47 MINUTES 41 SECONDS WEST A DISTANCE OF 386.97 FEET TO A 5/8–INCH CAPPED REBAR SET; THENCE NORTH 52 DEGREES 05 MINUTES 46 SECONDS EAST A DISTANCE OF 300.00 FEET TO A 5/8–INCH CAPPED REBAR SET; THENCE NORTH 47 DEGREES 47 MINUTES 41 SECONDS WEST A DISTANCE OF 500.00 FEET TO A 5/8–INCH CAPPED REBAR SET ON THE SOUTHERLY RIGHT OF WAY OF HOG MOUNTAIN ROAD, SAID 5/8–INCH CAPPED REBAR BEING THE TRUE POINT OF BEGINNING.

SAID TRACT OR PARCEL OF LAND CONTAINING 16.006 ACRES (697,203 SQUARE FEET).

LEGAL DESCRIPTION TRACT 2

ALL THAT TRACT OR PARCEL OF LAND LYING AND BEING IN GEORGIA MILITIA DISTRICT: FLOWERY BRANCH #1270, IN HALL COUNTY, GEORGIA, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT A MAG NAIL SET AT THE SOUTHERLY RIGHT OF WAY OF HOG MOUNTAIN ROAD (HAVING A VARIABLE WIDTH, PUBLICLY DEDICATED RIGHT OF WAY) AND THE COMMON CORNER TO PROPERTY NOW OR FORMALLY OF MOUNT CALVARY BAPTIST CHURCH AND CD, II PROPERTIES, LLC, SAID POINT BEING THE TRUE POINT OF BEGINNING.

THENCE CONTINUING ALONG SAID RIGHT OF WAY OF HOG MOUNTAIN ROAD NORTH 52 DEGREES 05 MINUTES 46 SECONDS EAST A DISTANCE OF 300.00 FEET TO A 5/8 INCH CAPPED REBAR SET. THENCE LEAVING SAID RIGHT OF WAY OF HOG MOUNTAIN ROAD SOUTH 47 DEGREES 47 MINUTES 41 SECONDS EAST A DISTANCE OF 500 FEET TO A 5/8 INCH CAPPED REBAR SET; THENCE SOUTH 52 DEGREES 05 MINUTES 46 SECONDS WEST A DISTANCE OF 300.00 FEET TO A 5/8 INCH CAPPED REBAR SET; THENCE NORTH 47 DEGREES 47 MINUTES 41 SECONDS WEST A DISTANCE OF 500 FEET TO A MAG NAIL SET IN THE RIGHT OF WAY OF HOG MOUNTAIN ROAD, SAID MAG NAIL BEING THE TRUE POINT OF BEGINNING.

SAID TRACT OR PARCEL OF LAND CONTAINING 3.392 ACRES (147,771 SQUARE FEET).

Memorandum

To: City of Flowery Branch, City Manager, and City Council

From: Chris McCrary, Planning and Community Development Director

Date: February 5, 2025

Subject: Annexation, Rezoning, and Variances

Applicant: Highpoint Development
1776 Peachtree Street
Atlanta, GA 30309
502-386-7022

Owner: CD II Properties, LLC
P.O. Box 99
Demorest, GA 30535
502-386-7022

Existing Zoning: AR-1 – Agricultural – Residential & R-1 Residential, Unincorporated Hall County.

Location and Size:

4651 Hog Mountain Road; Parcel 15046 000008; 16.0 Acres
4665 Hog Mountain Road; Parcel 15046 000008B; 3.398
Toal Area: 19.398 Acres

Proposed Annexation:

The applicant proposes the annexation of the above-referenced parcels (19.398 Acres) from unincorporated Hall County into the City limits of Flowery Branch.

Proposed Zoning:

The applicant is proposing to rezone the property from AR-1 (Agricultural-Residential) and R-1 (Residential) in unincorporated Hall County to Traditional Neighborhood Development (TND) in the City of Flowery Branch.

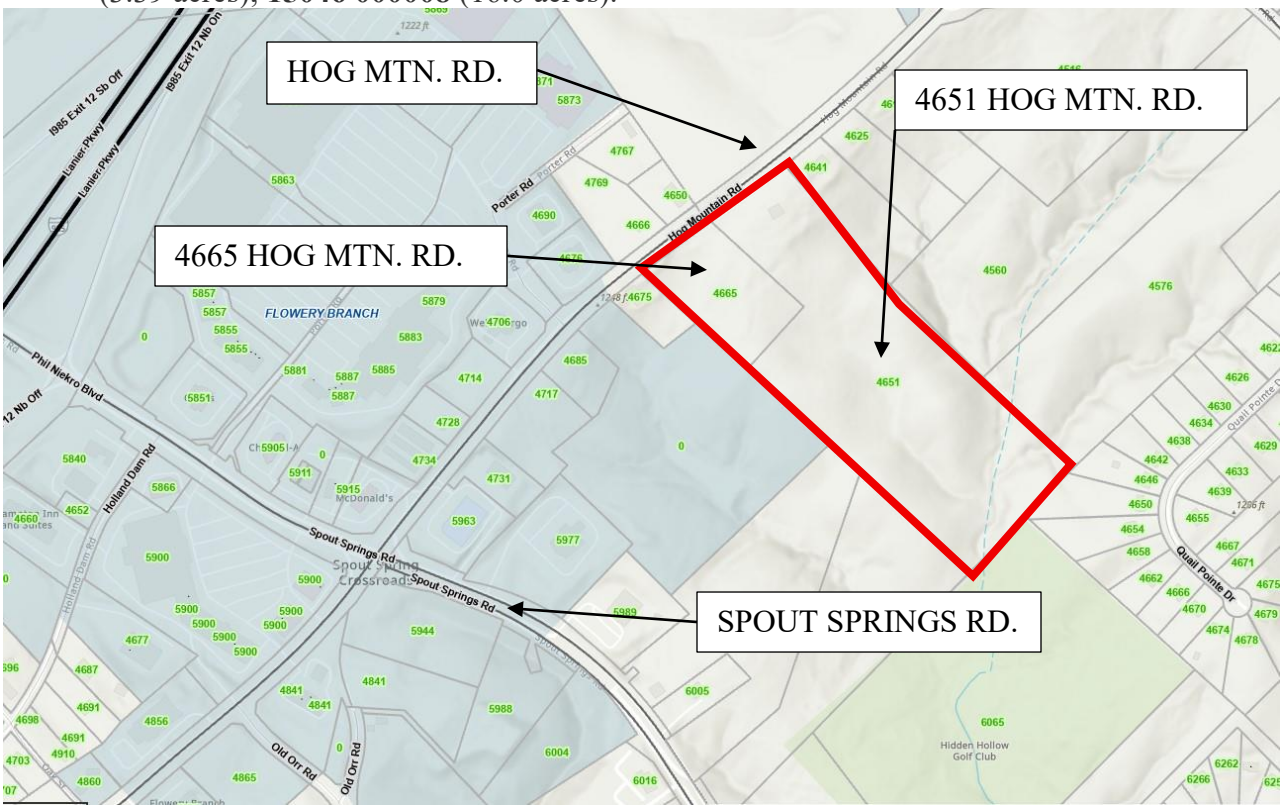
The applicant is proposing single-family detached dwellings with 81 lots. The two parcels are proposed to be rezoned from Hall County AR-1 (Agricultural-Residential) and R-1 (Residential) in unincorporated Hall County to Traditional Neighborhood Development (TND) in the City of Flowery Branch. The applicant is requesting concurrent variances within the TND requirements and dimensional standards.

Concurrent Variances:

1. Variance from **Section 1014, Table 10.1** radius of curvature of the center line from 275' to 48'. The applicant states the hardship for the centerline radius curvature is due to topography. A GIS review of the site confirms the site is an undeveloped wooded site with significant topography. The variance request could be considered for approval with an alternative solution, but no alternative design was provided with the application submittal.
2. Variance **to Sec. 12.6. - Townhouses.** The applicant requested a variance from Sec. 12.6 however, the correct request should reference **Sec 12.7(b)1 – Single-Family Detached Dwellings**, Entrance Features. The porch shall be at least **6 feet deep** (not including steps, if applicable) and **40% of the width of the front façade or 11 feet**, whichever is greater. The applicant is requesting a **reduction** to this section to allow for **4' x 7.5'** covered porch. The applicant can avoid a variance due to the code allowing for stoops if the front façade is fully brick or stone. The applicant's stated hardship is due to "architectural style". The variance application does not demonstrate a hardship peculiar to the property, which is beyond the control of the applicant.
3. Variance **to Sec. 7.4 Tabel 7.2** a reduction to the minimum lot size from 6,700 square feet in the TND zoning category. The application requests a reduction to a minimum lot size of 5,500 square feet. The site plan provided by the applicant lists a total of 81 lots but does not provide individual square footage for each lot and thus, the total number of lots that would be below 6,700 square feet cannot be adequately determined at this time. The applicant did not demonstrate a hardship peculiar to the property, which is beyond the control of the applicant.
4. Variance **to Sec. 1021.c** Residential Street Design with streets more than 360 feet in length shall have at least 25 feet of lateral deviation from a straight course. The applicant seeks to remove the 25-foot deviation from straight course requirements. The applicant's site plan indicated locations for center landscape islands to break up the straight street but did not include consistent drive lane width through bulb-outs which could pose a danger to the motoring public. The variance could be approved if a safe and effective traffic-calming alternative is provided. While many well-engineered traffic calming solutions exist, the one currently proposed does not meet acceptable safety standards.

Location:

- 4665 and 4651 Hog Mountain Road; tax parcel identification numbers **15046 000008B** (3.39 acres); **15046 000008** (16.0 acres).



Architectural Concepts:

The applicant submitted conceptual renderings of the proposed single-family detached architecture. However, without detailed floor plans and a materials list, staff are unable to verify compliance with the City's established architectural treatment and dimensional standards. To facilitate a thorough review, the applicant must provide complete architectural drawings, including architectural material details and floor-plan details, in order to confirm that all requirements are met. A detailed review is done by staff following Article 40 prior to the issuance of permits. The design concepts provided are for illustrative purposes only and were submitted as part of the rezoning case.

All TND zone homes are to have side- or rear- entry garages. The applicant provided architectural examples of front-entry garages. No variance application was submitted for front-entry garages in TND zoning.



ARCHITECTURAL FEATURES:

The achitecture leans toward a mountain bungalow style, with forms and finishes that feel sturdy, familiar, and tied to the landscape. Dark charcoal accents sharpen the earthy palette, while carriage-style garage doors and well-placed sconces add character without slipping into ornament. Matching metal gutters bring a clean outline to the façades, and the porch roof extending across the front-facing garage helps keep everything at a comfortable, human scale. The result is a street presence that feels connected, warm, and intentionally crafted—neighbors, not statements.



COLOR PALETTE:

The three offered schemes—light, mid-tone, and dark—are drawn from the muted, earthy tones of the North Georgia landscape. Each palette reflects the surrounding ridge and creek setting, favoring natural hues: soft mineral whites, weathered wood browns, and deeper charcoal colors that echo stone, soil, and shaded canopy. Together, they provide variation without discord, allowing homes to feel individually tailored yet quietly unified within the broader landscape.









ARCHITECTURAL FEATURES:

Details stay simple and purposeful. Porch brackets and extended overhangs provide clear structure and shade without excess. Gable vents, occasional gable windows, and selectively used shutters add just enough dimension to the façades, keeping each home grounded and consistent without feeling repetitive.

Open Space Analysis:

Pursuant to Article 10 – Development Requirements and Guidelines, Sec. 10.22 – Open Space Requirements, any proposed residential development is required to provide a total minimum of 15% open space, derived from a combination of Civic Space options (10%) and Amenity Space options (5%).
The site data table provided by the applicant lists a total of 21.2% open space with location details shown on the site plan:



Site Data Table	Required	Provided
Acres	-	19.398
Gross Density	-	4.18
Net Density	6	4.29
Exterior Buffer	-	-
Sidewalks	5', One Side	5', Two Side
Parking	2-Enclosed	2-Enclosed
Minimum Lot Area	6,700	5,500
Average Lot Area	-	6,700
Minimum Lot Width	40	40
Minimum Lot Depth	80	106
Minimum Heated Floor Area Per Dwelling Unit (SF)	1,200	2,200
Minimum Front Yard Setback From Lot Line (FT)	-	-
Minimum Side Setback, Interior Lot Line or Corner Lot, All Principle Buildings (FT)	5	5
Minimum Rear Setback, All Principle Buildings (FT)	25	25
Maximum Coverage of Impervious Surface (Percent of Lot)	45%	Less than 45%
Civic Space	10% Minimum	15.1%
Amenity Space	5% Minimum	6.1%

GROSS DENSITY = 81 LOTS / 19.398 AC =	4.18	Lots/AC
NET AREA = GROSS AREA - 50% of STREAM BUFFERS =	18.873	AC
NET DENSITY = 81 LOTS / 18.873 AC =	4.29	Lots/AC

The majority of the open space provided on the site plan is concentrated in the rear of the subdivision and proposes a mixture of hardscaped walking trail areas, mulched trails through the wooded section of the parcel, as well as seating/viewing areas around the detention pond and a communal pavilion and fire pit area. The site plan also shows a pocket park area near the entrance to the subdivision. The current site plan does not contemplate the location of a mail kiosk, which could impact the proposed open space shown on the site plan. While the proposed open space exceeds the minimum required by code, the proposed location for the majority of the open space raises concerns regarding lack of a centralized location and equitable use for all residents.

The applicant provided the following conceptual images of amenity spaces and trail features:



Traffic Impacts, Vehicular Flow, and Entrances/Exits

The Conceptual Site Plan for the proposed development indicates 81 residential single-family detached units.

1. Site Access

- A single entrance is proposed off Hog Mountain Road.
- The entrance must include both a right-turn and left-turn lane in. The exit shall include both a left and right dedicated lane. These turn lanes will help to alleviate congestion during peak demand periods and maintain the flow of through traffic. All roadway designs shall be in accordance with the GDOT Driveway Manual.

2. Sight Distance

- The driveway design must meet the minimum sight-distance requirements specified in the GDOT Driveway Manual. The engineer shall verify that both stopping-sight distance (SSD) and operational-sight distance (OSD) criteria are satisfied under existing field conditions.

3. Utility Coordination

- Any utilities located beneath the proposed deceleration or turn-lane pavement must be relocated outside of the pavement area.
- All costs associated with utility relocation shall be borne by the developer and coordination with the respective utility owners must be completed prior to construction.

4. Traffic Impact Study

- The current Traffic Study by A&R Engineering dated May 7, 2025, was prepared for the initially proposed townhome development using ITE Land Use Category 215 – Single-Family Attached Housing. It needs to be revised for the current proposed development of single-family detached houses by using category 210 for Single-Family Detached Housing which generates significantly more trips per unit.
- The traffic study should also be revised to include the intersection of Spout Springs Road and the entrance to Stonebridge Village.

All design elements shall comply with GDOT standards. Coordination with Hall County DOT, City of Flowery Branch, and affected utility providers should occur early in the design process to avoid delays.

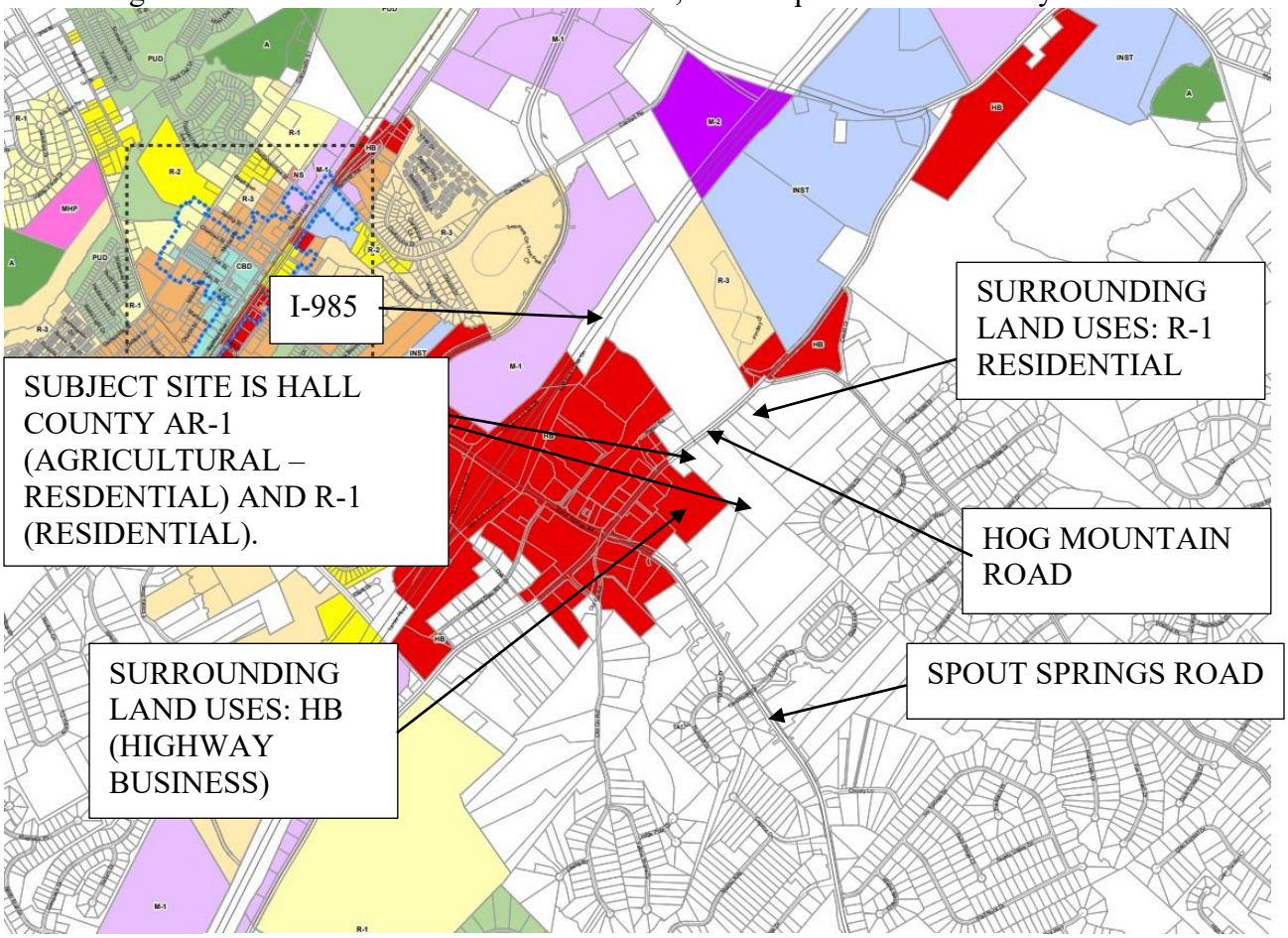
Sewer Design and Capacity Impacts

The proposed development of 81 residential units will generate a peak sanitary sewer demand of **22,275** gallons per day, based on the City's standard rate of 275 gallons per unit. Given the City's current peak capacity of **727,798** gallons per day, bringing these units online would reduce available capacity to approximately **705,523** gallons per day.

Because of the site's topographic constraints, one or more sanitary sewer lift stations will be required; the Engineer of Record must work closely with the Public Utility Department throughout the design process. All pump station plans must comply with Chapter 50 (Utilities), Article II (Standard Specifications), Division 2 (Construction), Subdivision VII (Pump Stations), as well as any additional criteria established by the Public Utilities Director.

Zoning Map:

AR-1 – Agricultural – Residential & R-1 Residential, Unincorporated Hall County.



Legend

Zoning Districts

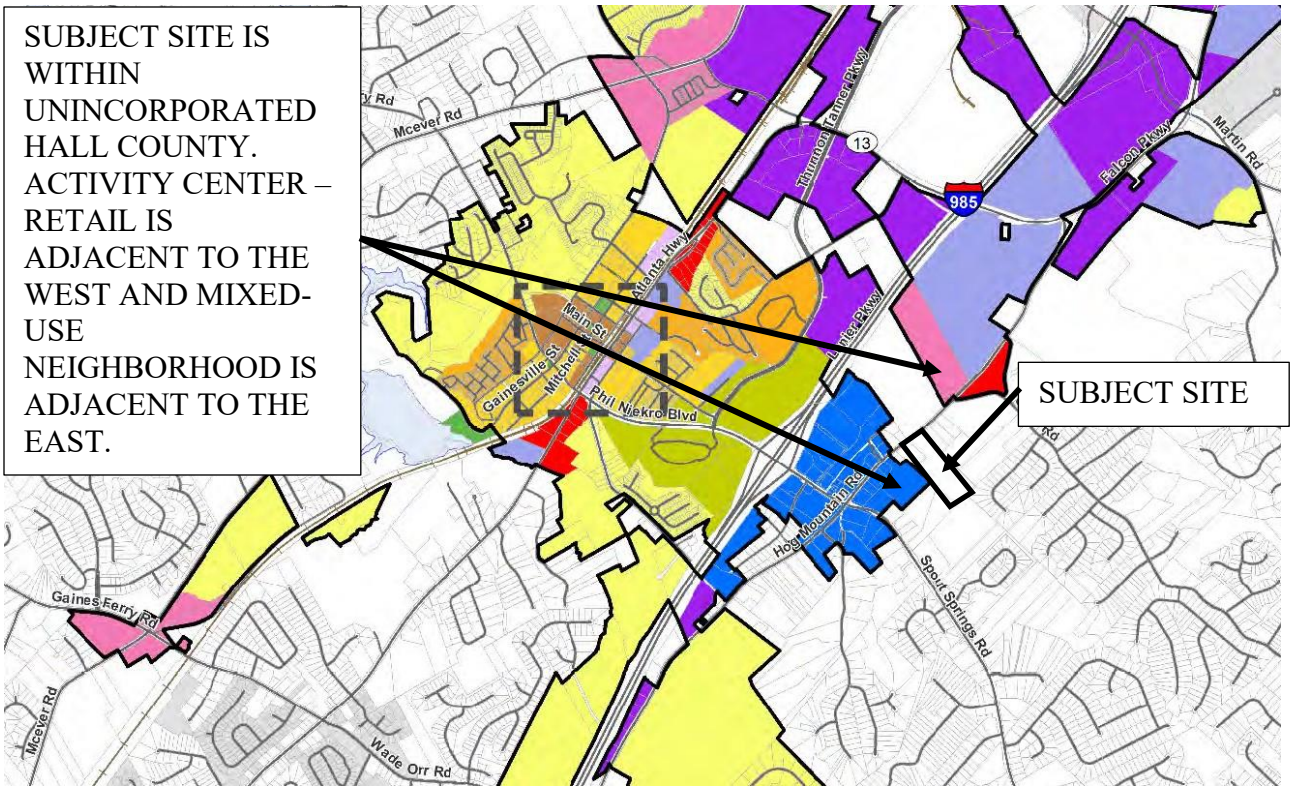
- Residential Low Density (R-1)
- Residential Moderate Density (R-2)
- Residential Multi-family (R-3)
- Traditional Neighborhood Development (TND)
- Planned Unit Development (PUD)
- Manufactured Home Park (MHP)
- Central Business District (CBD)
- Neighborhood Shopping (NS)
- Highway Business (HB)
- Institutional (INST)
- Manufacturing & Industrial, Light (M-1)
- Manufacturing & Industrial, Heavy (M-2)
- Agriculture (A)

Historic Districts

- Local Historic District

Future Development Plan:

SUBJECT SITE IS WITHIN UNINCORPORATED HALL COUNTY. ACTIVITY CENTER – RETAIL IS ADJACENT TO THE WEST AND MIXED-USE NEIGHBORHOOD IS ADJACENT TO THE EAST.



Other City Limits

CHARACTER AREA

- CONSERVATION
- SUBURBAN RESIDENTIAL
- TRADITIONAL NEIGHBORHOOD
- URBAN DENSITY COMMUNITY
- OLD TOWN
- MIXED USE - DOWNTOWN
- MIXED USE - NEIGHBORHOOD
- NEIGHBORHOOD COMMERCIAL
- ACTIVITY CENTER
- ACTIVITY CENTER - RETAIL
- INDUSTRIAL EMPLOYMENT
- INSTITUTIONAL CAMPUS

Site Plan:

The applicant is proposing 81 single-family detached lots on 19.398 acres.



The site is located on Hog Mountain Road north of the intersection with Spout Springs Road. The site is an undeveloped wooded lot with state waters located on the eastern side of the site.

Site Data Table	Required	Provided
Acres	-	19.398
Gross Density	-	4.18
Net Density	6	4.29
Exterior Buffer	-	-
Sidewalks	5', One Side	5', Two Side
Parking	2-Enclosed	2-Enclosed
Minimum Lot Area	6,700	5,500
Average Lot Area	-	6,700
Minimum Lot Width	40	40
Minimum Lot Depth	80	106
Minimum Heated Floor Area Per Dwelling Unit (SF)	1,200	2,200
Minimum Front Yard Setback From Lot Line (FT)	-	-
Minimum Side Setback, Interior Lot Line or Corner Lot, All Principle Buildings (FT)	5	5
Minimum Rear Setback, All Principle Buildings (FT)	25	25
Maximum Coverage of Impervious Surface (Percent of Lot)	45%	Less than 45%
Civic Space	10% Minimum	15.1%
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GROSS DENSITY = 81 LOTS / 19.398 AC =	4.18	Lots/AC
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NET DENSITY = 81 LOTS / 18.873 AC =	4.29	Lots/AC





ARTICLE 2
Section 2.2. Design-Related Definitions.

Density: The number of families, individuals, dwelling units or housing structures per unit of land. Gross density is determined by dividing the number of families, individuals, dwelling units or housing structures by the gross area of the land (i.e. all land within the boundaries of the particular area excluding nothing). Net density is determined by subtracting from the gross area the following conditions identified on the land:

- 50 percent of any land identified as a wetland; and
- 50 percent of any land identified waters of the state including the buffer zones; and
- 50 percent of any land identified as a flood hazard boundary; and
- 50 percent of any land within an electricity transmission easement or right-of-way; and
- 50 percent of any land within a gas transmission easement or right-of-way.

The result of this calculation is the net acreage. The net acreage is divided into the number of units to determine the net density. The applicant provided a net density number but did not provide the areas of the wetlands, state water buffer zones, flood hazard or electric / gas transmission easements or right-of-way.

Sec. 34.7. - Analysis Requirements for Rezoning

Applications to amend the official zoning map shall provide a written analysis comparing the proposed action with the criteria in this Section. A zoning map amendment or conditional use application may be justified only if it bears a reasonable relationship to the public health, safety, morality, or general welfare, and after consideration of the analysis requirements which may in individual cases be considered criteria relevant to the Zoning Administrator in making recommendations and by the City Council in the decision-making process.

a) *Whether the proposal will permit a use that is suitable in view of the use and development of adjacent and nearby property.*
The development of residential single-family detached homes is a suitable use in view of the use and development of adjacent and nearby property.

b) *Whether the proposal will adversely affect the existing use or usability of adjacent or nearby property.*
The proposed use will not adversely affect the existing use or usability of adjacent or nearby property.

c) *Whether the property to be affected by the proposal can be used in accordance with the existing regulations and has reasonable economic use as currently zoned.*
Annexation is necessary to connect the site to Flowery Branch's sanitary sewer system, while rezoning is required to align the site with the city's zoning designations.

d) *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.*
Input from the City's engineer was provided in this staff report.

e) *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 development is directly adjacent to the Activity Center – Retail character area. Mixed Use character area is located adjacent to the northeast on Hog Mountain Road. The proposed residential development would be a transitional zoning from retail to residential.

f) *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 concurrent variances do not demonstrate hardships peculiar to the property which are beyond the applicant's control.

g) *Existing use(s) and zoning of the subject property and nearby properties.*
The proposed development is for detached single-family and no other similar developments are nearby.

h) *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.*
Staff has no information to provide on the value of the subject property.

i) *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.*
Staff has no information to provide on the value of the adjacent property.

j) *The possible creation of an isolated zoning district unrelated to adjacent and nearby districts.*
There are no TND zoning designations in the area. This zoning would create an isolated zoning district.

k) *Possible effects of the change in zoning district map, or change in use, on the character of a zoning district.*
The proposed use is not similar to nearby development.

l) *The possible impact on the environment, including but not limited to, drainage, soil erosion and sedimentation, flooding, air quality and water quality.*
The subsequent LDP will be required to be compliant with all erosion and stormwater regulations.

m) *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 proposed rezoning will have impacts on the purpose of the overall zoning scheme and the purposes of this Zoning Ordinance due to the isolated zoning to TND in this area.

Sec. 37.5. - Criteria for Granting Variances.

Any applicant requesting consideration of a variance to any provision of the zoning ordinance shall provide a written justification that one or more of the following condition(s) exist. The City Council shall not approve a variance application unless it shall have adopted findings that one or more of the following conditions exist:

(a) There are extraordinary and exceptional conditions or practical difficulties pertaining to the particular piece of property in question because of its size, shape or topography that are not applicable to other lands or structures in the same district;

1. Variance Request **Section 1014, Table 10.1** radius of curvature: Topography could be considered a hardship. The variance request could be considered for approval with an alternative solution but was not provided with the application submittal.
2. Variance **Sec 12.7(b)1 – Single-Family Detached Dwellings**. Reduction in minimal porch depth and width: The applicant's stated hardship is due to "architectural style". The variance application does not demonstrate a hardship because of size, shape or topography that is not applicable to other lands or structures in the same district.
3. Variance **to Sec. 7.4 Tabel 7.2** a reduction to the minimum lot size from 6,700 sq.ft. to 5,500 sq.ft. The variance application does not demonstrate a hardship because of size, shape or topography that is not applicable to other lands or structures in the same district.
4. Variance **to Sec. 1021.c** Residential Street Design with streets more than 360 feet in length shall have at least 25 feet of lateral deviation from a straight course: Topography could be considered a hardship. The variance could be approved if a safe and effective traffic-calming alternative is provided. While many well-engineered traffic calming solutions exist, the one currently proposed does not meet acceptable safety standards.

(b) A literal interpretation of the provisions of this ordinance would effectively deprive the applicant of rights commonly enjoyed by other properties of the district in which the property is located;
A literal interpretation of the provisions of this ordinance would not effectively deprive the applicant of rights commonly enjoyed by other properties of the district in which the property is located.

(c) Granting the variance requested will not confer upon the property of the applicant any special privileges that are denied to other properties of the district in which the applicant's property is located;

Each variance request is unique to the proposed development and property. No similar variances were granted or denied similar to the current request on other applicants' property in the district.

(d) The requested variance will be in harmony with the purpose and intent of this ordinance and will not be injurious to the neighborhood or to the general welfare;
Variances 1 and 4 could be considered for approval with alternative design elements.
Variances 2 and 3 will not be in harmony with the purpose and intent of this ordinance due to the lack of hardships peculiar to the property, which is beyond the control of the applicant.

(e) The special circumstances are not the result of the actions of the applicant;
Variances 1 and 4 could be considered for approval with alternative design elements due to the special circumstances that are not the result of the actions of the applicant. However, alternative design elements must be provided for review of the City Engineer.
Variances 2 and 3 do not include special circumstances.

(f) The variance requested is the minimum variance that will make possible the proposed use of the land, building, or structure in the use district proposed; and
Variances 1 and 4 could be considered for approval with alternative design elements showing the variance is the minimum variance that will make possible the proposed use of land, building, or structure in the use district proposed.
Variances 2 and 3 are not the minimum variances that will make possible the proposed use of the land, building, or structure in the use district proposed. The applicant could provide floor plans that meet the requirements of the code and reduce the total number of lots by making every lot a minimum of 6,700 sq.ft.

(g) The variance shall not permit a use of land, buildings or structures, which is not permitted by right in the zoning district or overlay district involved.
With annexation and rezoning to the proper zoning category, residential dwellings would be permitted uses.

Staff Recommendation for Annexation, Rezoning, and Variances

Recommendation:

There are three applications proposed at 4651 and 4665 Hog Mountain Road, parcels **15046 000008B** (3.39 acres); **15046 000008** (16.0 acres). The first consideration for the City Council is the proposed annexation of both parcels. With annexation, the subject site must be rezoned from Hall County AR-1 – Agricultural & Residential - R-1- Residential to a Flowery

Branch zoning category. The applicant is proposing to rezone the property to Traditional Neighborhood Development (TND).

Variance Details:

1. Variance from **Section 1014, Table 10.1** radius of curvature of the center line from 275' to 48'. The applicant states the hardship for the centerline radius curvature is due to topography. A GIS review of the site confirms the site is an undeveloped wooded site with significant topography. The variance request could be considered for approval with an alternative solution.
2. Variance **to Sec. 12.6. - Townhouses.** The applicant requested a variance from Sec. 12.6 however, the correct request should reference **Sec 12.7(b)1 – Single-Family Detached Dwellings**, Entrance Features. The porch shall be at least **6 feet deep** (not including steps, if applicable) and **40% of the width of the front façade or 11 feet**, whichever is greater. The applicant is requesting a **reduction** to this section to allow for **4' x 7.5'** covered porch. The applicant can avoid a variance due to the code allowing for stoops if the front façade is fully brick or stone. The applicant's stated hardship is due to "architectural style". The variance application does not demonstrate a hardship peculiar to the property, which is beyond the control of the applicant.
3. Variance **to Sec. 7.4 Tabel 7.2** a reduction to the minimum lot size from 6,700 square feet in the TND zoning category. The application requests a reduction to a minimum lot size of 5,500 square feet. The site plan provided by the applicant lists a total of 81 lots but does not provide individual square footage for each lot and thus, the total number of lots that would be below 6,700 square feet cannot be adequately determined at this time. The applicant did not demonstrate a hardship peculiar to the property, which is beyond the control of the applicant.
4. Variance **to Sec. 1021.c** Residential Street Design with streets more than 360 feet in length shall have at least 25 feet of lateral deviation from a straight course. The applicant seeks to remove the 25-foot deviation from straight course requirements. The applicant's site plan indicated locations for center landscape islands to break up the straight street but did not include consistent drive lane width through bulb-outs which could pose a danger to the motoring public. The variance could be approved if a safe and effective traffic-calming alternative is provided. While many well-engineered traffic calming solutions exist, the one currently proposed does not meet acceptable safety standards.

Variance Recommendations:

A variance from the Subdivisions Ordinance, Article 10 – Access and Design Requirements for Roads, Sec. 1014 – Road Right-of-Way Widths and Miters, Table 10.1 recommended for approval to reduce radius of curvature of the center line from 275’ to 48’ with a condition that the applicant revise the site plan to show two-way stops in areas that can accommodate to reduce the amount of radii needing a variance. The final alternative design shall be approved by the City Engineer.

A variance from the Zoning Ordinance, Article 12 – Requirements for Specific Residential Principal Buildings and Uses, Sec 12.7(b)1 – Single-Family Detached Dwellings, Entrance Features. The porch is reduced from be 6 feet deep (not including steps, if applicable) and 40% of the width of the front façade or 11 feet, whichever is greater to 4 feet deep and 7.5 feet wide porch is recommended for approval with a condition that the façade of buildings with the porch dimensional reductions shall be have a front façade that is 100% brick or stone. Final elevations shall be approved by the Director of Planning and Community Development Director.

A variance from the Zoning Ordinance, Article 7 – TND, Traditional Neighborhood Development, Sec. 7.4 – Dimensional Requirements, Table 7.2, to reduce minimum lot size from 6,700 to 5,500 square feet is recommended for denial. However, if approval is considered it is recommended that no more than 20% of the total number of lots shall have an area less than 6,700 square feet, and no lot shall have an area less than 5,500 square feet.

A variance from the Zoning Ordinance, Article 10 – Development Requirements and Guidelines, Sec. 10.21(c) – Residential Street Design Requirements, to remove the requirement of all streets more than 360 feet in length shall have at least 25 feet of lateral deviation from a straight course is recommended for approval with a condition that engineering standard traffic calming devices are proposed on a revised site plan. Additionally, each home shall be offset from the front building setback by at least five (5) feet from the neighboring home. The traffic calming devices used, their location and the placement of the homes on each site shall be approved by the City Engineer.

Staff recommends **approval of the Annexation and Rezoning** applications with the conditions provided.

Recommended Conditions of Approval of Annexation and Rezoning:

Please find below the proffered conditions for the proposed rezoning, organized by discipline and drafted to ensure consistency with the submitted concept materials and to protect the public interest:

1. **General Development**
    a. Building Locations and Scope:
    The total number of residential lots within the detached townhome development shall not exceed 81.
    b. Density Measurement:
    Density shall be calculated on a net basis, in accordance with the definition of *Net Density* set forth in Article 2, Section 2.2 (Design-Related Definitions). The applicant is to provide the areas of wetlands, state water buffer zones, flood hazard or electric / gas transmission easements or right-of-way.
    c. Maximum net density shall not exceed 6 units per acre.
2. **Civil Site Engineering**
    a. The final site-grading, stormwater, and utility plans shall be in substantial conformity with the Rezoning Concept Plan, including all delineated amenities, open spaces, and public gathering areas.
    b. No grading, filling, or earthmoving shall occur within the 75-foot impervious setback from state waters without prior approval of the Director of Planning & Community Development; such activities shall be minimized in accordance with Code § 27.6(b).
    c. No residential lot shall contain stream buffers, impervious setbacks or amenity trails.
3. **Building Design**
    a. Exterior elevations shall comply with design requirements in Article 12 of the Flowery Branch Zoning Ordinance.
    b. All buildings shall include a side or rear entry garage per TND standards.
    c. Where brick veneer is shown, only authentic brick or natural stone shall be utilized.
    d. All building facades shall be approved through the Design Review process per Article 40 and shall meet the design requirements in Article 10 and Article 12.
4. **Streets, Sidewalks & Stormwater Facilities**

a. All internal streets and sidewalks shall be public to City design standards and be dedicated at the conclusion of the Final Plat. Stormwater management systems shall remain private and be maintained at the HOA's expense.

5. **Signage, Landscaping & Lighting**
    a. An overall signage program, a detailed landscape plan sealed by a Georgia-registered landscape architect, and a comprehensive site-lighting plan shall be submitted to the Department of Community Development for review and approval.
    b. The landscape plan shall include high-quality treatments for open spaces, trails, pathways, and amenities.
6. **Transportation Improvements**
    a. The developer will prepare and implement a Transportation Improvement Plan to address impacts on Hog Mountain Road. The Transportation Improvement Plan shall be approved by the City Engineer.
    b. The entrance on Hog Mountain Road shall include:
        i. A right-turn deceleration lane, designed per GDOT Driveway Manual Table 4-8 for 45 mph (175 ft full-width storage plus 100 ft taper), constructed at no cost to the City.
        ii. A left-turn lane into the site, built to GDOT Driveway & Encroachment Control Manual standards, also at no cost to the City.
        iii. Exit shall include dedicated lanes for both left and right turns.
        iv. Dedication of all necessary right-of-way for these improvements, conveyed by the developer at no cost.
        v. Relocation of any utilities currently beneath the proposed deceleration lane, at the developer's expense.
    c. Sidewalks shall be located on both sides of the internal streets and along the road frontage of Hog Mountain Road.
7. **Variances**
    a. Approval of the annexation, rezoning and variance applications shall not constitute the granting of any variance from applicable local, state, or federal standards, except as expressly described herein.
    b. A variance from the Subdivisions Ordinance, Article 10 – Access and Design Requirements for Roads, Sec. 1014 – Road Right-of-Way Widths and Miters, Table 10.1 recommended for approval to reduce radius of curvature of the center line from 275' to 48' with a condition that the applicant revise the site plan to show two-way stops in areas that can accommodate to reduce the amount of radii needing a variance. The final alternative design shall be approved by the City Engineer.

c. A variance from article 12 -Requirements for Specific Residential Principal Buildings and Uses, Sec 12.7(b)1 – Single-Family Detached Dwellings, Entrance Features. The porch is reduced from be 6 feet deep (not including steps, if applicable) and 40% of the width of the front façade or 11 feet, whichever is greater to 4 feet deep and 7.5 feet wide porch is recommended for approval with a condition that the façade of buildings with the porch dimensional reductions shall be have a front façade that is 100% brick or stone. Final elevations shall be approved by the Director of Planning and Community Development Director.
d. A variance from the Zoning Ordinance, Article 7 – TND, Traditional Neighborhood Development, Sec. 7.4 – Dimensional Requirements, Table 7.2, to reduce minimum lot size from 6,700 to 5,500 square feet is recommended for approval with a condition that no more than 20% of the total lots shall be less than 6,700 sq. ft. and no lot shall be less than 5,500 sq. ft.
e. A variance from Article 10 – Development Requirements and Guidelines, Sec. 10.21(c) – Residential Street Design Requirements, to remove the requirement of all streets more than 360 feet in length shall have at least 25 feet of lateral deviation from a straight course is recommended for approval with a condition that engineering standard traffic calming devices are proposed on a revised site plan. Additionally, each home shall be offset from the front building setback by at least five (5) feet from the neighboring home. The traffic calming devices used, their location and the placement of the homes on each site shall be approved by the City Engineer.

8. **Public Utilities**
   a. Because of the site's topographic constraints, sanitary sewer lift station(s) are likely required; the Engineer of Record must work closely with the Public Utility Department throughout the design process. All pump station plans must comply with Chapter 50 (Utilities), Article II (Standard Specifications), Division 2 (Construction), Subdivision VII (Pump Stations), as well as any additional criteria established by the Director of Public Utilities.
9. **Open Space**
   a. All Open Space requirements shall meet the minimum requirements of Section 10.22.
   b. The subdivision shall include a conveniently accessible mail kiosk for both motorists and pedestrians.
   c. The mail kiosk area is not included in the open space calculations.
   d. The open space components shall be substantially similar to the examples provided in the application and shown in the staff report.
   e. All walking trail surfaces are to be mulch, compacted crushed rock, or other material approved by the director and be maintained in safe conditions by the HOA.

f. All trails are to maintain a minimum width of 48-inches.
g. A clearly visible sign shall be installed at each point where the amenity trails connect to the public sidewalks, stating that the trail amenity is not designed or constructed to ADA standards.

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770-967-6378

ANNEXATION COMPLETENESS CHECKLIST

Please review each line item on the Completeness Checklist prior to submitting an application to the City of Flowery Branch. Please initial **each line item** (numerical and alphabetical sub lists) in the initial blocks provided in the left-hand column. Initialed checklist must be included with the completed application and all other required documentation at time of submittal. **All requirements must be provided in digital format via file sharing or on a flash drive.**

Applicant Name: Highpoint Development **Project Name:** The Ridge at Lott Creek

X	1.	Completed annexation application with all signatures and notary stamps present and all fields filled out and in compliance with all requirements. (Article 44, Sec. 44.4) Completed concurrent rezoning application with all signatures and notary stamps present and all fields filled out and in compliance with all requirements. (Article 34, Sec. 34.8)
X	2.	Legal description of property.
X	3.	Current survey of the property.
X	4.	Site plan of the property in accordance with the requirements of the Flowery Branch Code of Ordinances (Article 34, Sec 34.4 & 34.5):
		a) Uses an appropriate engineering scale
		b) Shows proposed use and relevant information regarding proposed improvements
		c) All existing AND proposed buildings and/or structures
		d) Parking and internal circulation
		e) Proposed landscaping
		f) Buffers, where required
		g) Other information as required by the Zoning Administrator
X	5.	Detailed description of the request.
X	6.	Required development statistics (Article 34, Sec 34.6) (separate document):
		a) Maximum and proposed height of any structure
		b) Maximum and proposed gross square footage of the building area (nonresidential only)
		c) Color rendering of any and all proposed structure(s)
		d) Material list (with percentages) of any and all proposed structure(s)
		e) Maximum and proposed number of dwelling units and minimum and proposed square footage of heated floor area for any dwelling unit (residential only)
		f) Maximum and proposed lot coverage of building area (square feet and percent)
		g) Minimum and proposed square footage of landscaped area (square feet and percent)
		h) Minimum, maximum and proposed number of parking spaces

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5512 Main St
Flowery Branch, GA, 30542
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ANNEXATION COMPLETENESS CHECKLIST

		i) Other dimensional information as may be required by the Zoning Administrator
x JH	7.	Written Analysis Requirements (Article 34, Sec. 34.7) (separate document):
		a) Whether the proposal will permit a use that is suitable in view of the use and development of adjacent and nearby properties.
		b) Whether the proposal will adversely affect the existing use or usability of adjacent or nearby properties.
		c) 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.
		d) 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.
		e) 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.
		f) 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.
		g) 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.
		h) 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.
		i) Whether a proposed zoning map amendment or conditional use approval will be a deterrent to the value or improvement of the development of adjacent property in accordance with existing regulations.
		j) The possible creation of an isolated zoning district unrelated to adjacent and nearby districts.
		k) Possible effects of the change in zoning district map, or change in use, on the character of a zoning district.
		l) The possible impact on the environment, including but not limited to, drainage, soil erosion and sedimentation, flooding, air quality and water quality.

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ANNEXATION COMPLETENESS CHECKLIST

		m) 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.
X JF	8.	Conflict of interest disclosure (in body of application).
X JF	9.	Disclosure of campaign contributions (in body of application).
X JF	10.	Names and addresses of adjoining property owners. (separate document)
X JF	11.	Reasons for requesting annexation/rezoning. (separate document)
X JF	12.	Signed statement authorizing City of Flowery Branch staff and/or City Council to inspect subject property. (separate document)
N/A	13.	Annexations > 100 acres of land require an official request to amend the character area and future land use map designation for the subject property.
X JF	14.	Letter of intent describing the proposed use of the property or other action requested. (separate document)
X JF	15.	Hard copy of application with wet seals & signatures

The undersigned does hereby attest that all requirements in the above checklist have been met and that all required documentation has been provided at the time of submittal. The undersigned acknowledges that any application found to be incomplete upon review will be returned to the applicant for completion.

Name (print): HIGHPOINT DEVELOPMENT JAKE FRENCH

Signature: _____

Date: 12/11/2025

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ANNEXATION APPLICATION

Date: 12/11/2025

Address of Request:
4651 & 4665 Hog Mountain 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_____

Applicant Information:

Name: Highpoint Development

Address: 1776 Peachtree Street NW, Atlanta, GA 30309

E-mail address: jfrench@hpdev.com

Phone number: 502-386-7022

Signature: _____ Title (if applicable):_____

Print Name: Jake French

Notary Signature: _____

Notary Seal:

HANNAH HURLEY
Notary Public - State of Georgia
Gwinnett County
My Commission Expires Mar 14, 2028

FLOWERY BRANCH

Property owner information (if different than the applicant)

Property owner (please print): CD II Properties, LLC

Address: P.O. Box 99, Demorest, GA 30535

E-mail address: _____

Phone number: _____

Signature: _____

Notary Seal: _____

HANNAH HURLEY
Notary Public - State of Georgia
Gwinnett County
My Commission Expires Mar 14, 2028

Property Information

Tax Map Number: 15406 000008 & 15046 000008B

Current Zoning: R-1 & AR-1 (Hall County) Total Acres: 19.398

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

Proposed City of Flowery Branch Zoning: TND

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.

FLOWERY BRANCH

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

None to the best of our knowledge

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

None to the best of our knowldedge

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

None to the best of our knowledge

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
NONE	

FLOWERY BRANCH
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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
_____	_____
_____	_____

CITY STAFF ONLY

Application Received By: _____

Date: _____ Total Fee: _____

City of Flowery Branch Community Development Office
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ANNEXATION/REZONING COMPLETENESS CHECKLIST

Please review each line item on the Completeness Checklist prior to submitting an application to the City of Flowery Branch. Please initial **each line item** (numerical and alphabetical sub lists) in the initial blocks provided in the left-hand column. Initialed checklist must be included with the completed application and all other required documentation at time of submittal. **All requirements must be provided in hard copy form and digital form on a flash drive.**

Applicant Name: Highpoint Development **Project Name:** The Ridge at Lott Creek

X gf	1.	Completed annexation application with all signatures and notary stamps present and all fields filled out and in compliance with all requirements. (Article 44, Sec. 44.4) Completed concurrent rezoning application with all signatures and notary stamps present and all fields filled out and in compliance with all requirements. (Article 34, Sec. 34.8)
X gf	2.	Legal description of property.
X gf	3.	Current survey of the property.
X gf	4.	Site plan of the property in accordance with the requirements of the Flowery Branch Code of Ordinances (Article 34, Sec 34.4 & 34.5):
		a) Uses an appropriate engineering scale
		b) Shows proposed use and relevant information regarding proposed improvements
		c) All existing AND proposed buildings and/or structures
		d) Parking and internal circulation
		e) Proposed landscaping
		f) Buffers, where required
		g) Other information as required by the Zoning Administrator
X gf	5.	Detailed description of the request.
X gf	6.	Required development statistics (Article 34, Sec 34.6) (separate document):
		a) Maximum and proposed height of any structure
		b) Maximum and proposed gross square footage of the building area (nonresidential only)
		c) Color rendering of any and all proposed structure(s)
		d) Material list (with percentages) of any and all proposed structure(s)
		e) Maximum and proposed number of dwelling units and minimum and proposed square footage of heated floor area for any dwelling unit (residential only)
		f) Maximum and proposed lot coverage of building area (square feet and percent)
		g) Minimum and proposed square footage of landscaped area (square feet and percent)
		h) Minimum, maximum and proposed number of parking spaces

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ANNEXATION/REZONING COMPLETENESS CHECKLIST

		i) Other dimensional information as may be required by the Zoning Administrator
x JH	7.	Written Analysis Requirements (Article 34, Sec. 34.7) (separate document):
		a) Whether the proposal will permit a use that is suitable in view of the use and development of adjacent and nearby properties.
		b) Whether the proposal will adversely affect the existing use or usability of adjacent or nearby properties.
		c) 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.
		d) 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.
		e) 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.
		f) 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.
		g) 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.
		h) 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.
		i) Whether a proposed zoning map amendment or conditional use approval will be a deterrent to the value or improvement of the development of adjacent property in accordance with existing regulations.
		j) The possible creation of an isolated zoning district unrelated to adjacent and nearby districts.
		k) Possible effects of the change in zoning district map, or change in use, on the character of a zoning district.
		l) The possible impact on the environment, including but not limited to, drainage, soil erosion and sedimentation, flooding, air quality and water quality.

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ANNEXATION/REZONING COMPLETENESS CHECKLIST

		m) 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.
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X JT	9.	Disclosure of campaign contributions (in body of application).
X JT	10.	Names and addresses of adjoining property owners. (separate document)
X JT	11.	Reasons for requesting annexation/rezoning. (separate document)
X JT	12.	Signed statement authorizing City of Flowery Branch staff and/or City Council to inspect subject property. (separate document)
N/A	13.	Annexations > 100 acres of land require an official request to amend the character area and future land use map designation for the subject property.
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The undersigned does hereby attest that all requirements in the above checklist have been met and that all required documentation has been provided at the time of submittal. The undersigned acknowledges that any application found to be incomplete upon review will be returned to the applicant for completion.

Name (print): HIGHPOINT DEVELOPMENT JAKE FRENCH

Signature: [signature]

Date: 12/11/2025

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REZONING APPLICATION

Date: 12/11/2025

Address of Request:

4651 & 4665 Hog Mountain Road, Flowery Branch GA 30542

Tax Map # 15046 000008 & 15046 000008B Current Zoning: R-1 & AR-1

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: Highpoint Development

Address: 1776 Peachtree Street NW. Suite 250, Atlanta, GA, 30309

E-mail address: jfrench@hpdev.com

Phone number: 502-386-7022

Signature: _____ Title (if applicable): _____

Print Name: Jake French

Notary Signature: _____

Notary Seal:

HANNAH HURLEY
Notary Public - State of Georgia
Gwinnett County
My Commission Expires Mar 14, 2028

FLOWERY BRANCH

Property owner information (if different than the applicant)

Property owner (please print): CD II Properties, LLC

Address: P.O. Box 99, Demorest, GA 30535

E-mail address: _____

Phone number: _____

Signature: _____

Notary Seal: _____

HANNAH HURLEY
Notary Public - State of Georgia
Gwinnett County
My Commission Expires Mar 14, 2028

Property Information

Tax Map Number: 15406 000008 & 15046 000008B

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

Proposed City of Flowery Branch Zoning: TND

Current Use: Vacant

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FLOWERY BRANCH

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

None to the best of our knowledge

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

None to the best of our knowldedge

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

None to the best of our knowledge

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
NONE	

FLOWERY BRANCH

CITY STAFF ONLY

Application Received By: _____

Date: _____ Total Fee: _____

City of Flowery Branch Community Development Office
5512 Main St
Flowery Branch, GA, 30542
770-967-6378
VARIANCE COMPLETENESS CHECKLIST

Please review each line item on the Completeness Checklist prior to submitting an application to the City of Flowery Branch. Please initial **each line item** (numerical and alphabetical sub lists) in the initial blocks provided in the left-hand column. Initialed checklist must be included with the completed application and all other required documentation at time of submittal. **All requirements must be provided in hard copy form and digital form on a flash drive.**

Applicant Name: Highpoint Development **Project Name:** The Ridge at Lott Creek

JT	1.	Completed application with all signatures and notary seals present and all fields filled out and all supplementary requirements and documents attached. (Article 37, Sec. 37.3)
JT	2.	Legal description of the property. (separate document)
JT	3.	Current survey of property sealed by a Georgia registered land surveyor. (separate document)
JT	4.	Letter of intent describing the proposed use of the property or other action requested. (separate document)
JT	5.	Site plan of the property at an appropriate engineering scale which shows: (Sec. 37.4) (separate document)
		a) Existing and proposed buildings and structures,
		b) Relevant information regarding proposed improvements,
		c) Other information as required by Zoning Administrator.
JT	6.	Detailed description of the request. (in body of application but can be attached as separate document)
JT	7.	Statistics regarding the proposed project or development. (separate document)
JT	8.	Written analysis of how the proposed action compares to decision criteria specified for deciding on the subject type of application. (separate document)
JT	9.	Description of any special conditions voluntarily made a part of the request.
JT	10.	Conflict of interest disclosure. (in body of application)
JT	11.	Disclosure of campaign contributions. (in body of application)
JT	12.	Narrative demonstrating that criteria for granting variances has been met: (Article 37, Sec. 37.5) (separate document)
		a) There are extraordinary and exceptional conditions or practical difficulties pertaining to the particular piece of property in question because of its size, shape, or topography that are not applicable to other lands or structures in the same district;
		b) A literal interpretation of the provisions of this ordinance would effectively deprive the applicant of rights commonly enjoyed by other properties of the district in which the property is located;

City of Flowery Branch Community Development Office
5512 Main St
Flowery Branch, GA, 30542
770-967-6378
VARIANCE COMPLETENESS CHECKLIST

		c) Granting the variance requested will not confer upon the property of the applicant any special privileges that are denied to other properties of the district in which the applicant's property is located;
		d) The requested variance will be in harmony with the purpose and intent of this ordinance and will not be injurious to the neighborhood of to the general welfare;
		e) The special circumstances are not the result of the actions of the applicant;
		f) The variance requested is the minimum variance that will make possible the proposed use of the land, building, or structure in the use district proposed; and
		g) The variance shall not permit a use of land, buildings, or structures which is not permitted by right in the zoning district or overlay district involved.

The undersigned does hereby attest that all requirements in the above checklist have been met and that all required documentation has been provided at the time of submittal. The undersigned acknowledges that any application found to be incomplete upon review will be returned to the applicant for completion.

Name (print): HIGHPOINT DEVELOPMENT JAKE FRENCH

Signature:

Date: 12/11/25

FLOWERY BRANCH
Always Blooming!

VARIANCE APPLICATION

Address of Request:
4651 & 4665 Hog Mountain Road, Flowery Branch, GA 30542

Type of Variance Requested

Complete requirements for variances can be found in the Flowery Branch Code of Ordinances; Appendix C, "Zoning Ordinance", Article 37;

Please verify all the requirements of the Flowery Branch Code of Ordinances; Appendix C, "Zoning Ordinance", Article 37, section 37.5 are being met. Explain below:

1. Variance from SECTION 1014 ROW Table 10.1 Radius of curvature of the center line, minimum (feet) Local Street for a reduced radius
2. Variance from SECTION 10.21.c Residential Street Design Requirements to remove 25ft deviation from straight course requirements
3. Variance from Section 7.4 Dimensional Requirements Table 7.2 Minimum lot size requirements
4. Variance from Section 12.6.p.1 to reduce the width & length of the usable covered porch

Applicant: Highpoint Development

Address: 1776 Peachtree Street NW. Suite 250, Atlanta, GA 30309

E-mail address: jfrench@hpdev.com

Phone number: 502-386-7022

Signature:

Notary Seal:

HANNAH HURLEY
Notary Public - State of Georgia
Gwinnett County
My Commission Expires Mar 14, 2028

FLOWERY BRANCH

Property owner information (if different than the applicant)

Property owner (please print): CD II Properties, LLC

Address: P.O. Box 99, Demorest, GA 30535

E-mail address: _____

Phone number: _____

Signature: _____

Notary Seal:

HANNAH HURLEY
Notary Public - State of Georgia
Gwinnett County
My Commission Expires Mar 14, 2028

Property Information

Tax Map Number: 15406 000008 & 15046 000008B

Current Zoning: R-1 & AR-1 (Hall County) Total Acres: 19.398

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

Proposed City of Flowery Branch Zoning: TND

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.

FLOWERY BRANCH

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

None to the best of our knowledge

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

None to the best of our knowldedge

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

None to the best of our knowledge

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
NONE	

Criteria for Granting Variances

1. There are extraordinary and exceptional conditions or practical difficulties pertaining to the particular piece of property in question because of its size, shape, or topography that are not applicable to other lands or structures in the same district;

- Minimum road radius variance is related to the topography of the property and the dimensional restrictions with narrow width across. We will need a variance to a minimum radius of 48' in order to have a viable travel way for residents.
- Streets deviation variance is related to the topography of the site and the width constraints. We understand the concern with line of sight, so we plan to provide varying offsets for homes, different use of materials to break line of sight, and small landscape islands in the road center to provide speed reduction and break in view.
- Minimum lot size is related to the topography of the site and the width constraints. We plan to provide an average lot size of 6,700sf. The minimum lot size will be 5,500sf with only 30% of lots conforming to the minimum lot size.
- The porch size variance is related to achieving an architectural style that relates to the front-loaded garages given the topography and width constraints. We will propose an extending the roof overhang above the garage to extend across to the porch to give the feel of an extended porch. We will also utilize design code relief in Section 12.7 to allow for stoops so that we can use different materials to create architectural relief and provide a truly unique community.

2. A literal interpretation of the provisions of this ordinance would effectively deprive the applicant of rights commonly enjoyed by other properties of the district in which the property is located;

- Similar minimum road radius exists within other single-family communities within the City.
- Similar streets extend longer than 360' without deviation within the City.
- Similar lot sizes exist within other single-family communities within the City.
- Similar porch sizes exist within other single-family communities within the City.

3. Granting the variance requested will not confer upon the property of the applicant any special privileges that are denied to other properties of the district in which the applicant's property is located;

- Based on other existing single-family communities and existing travel ways within the City, it would not appear that these variances would be considered as a special privilege.

4. The requested variance will be in harmony with the purpose and intent of this ordinance and will not be injurious to the neighborhood or to the general welfare;

- The variances will primarily be visible to those living within the community and therefore should not have any injurious impact on others.

5. The special circumstances are not the result of the actions of the applicant;

- The circumstances are requested for the specific product architecture and site plan layout necessary for the community's success due to the extreme constraints of the land.

6. The variance requested is the minimum variance that will make possible the proposed use of the land, building, or structure in the use district proposed; and

- These requests have been studied extensively for over a year and have been minimized to the least impactful magnitude achievable.

7. The variance shall not permit a use of land, buildings, or structures which is not permitted by right in the zoning district or overlay district involved.

- The variances have been noted in other single-family communities and/or existing travel ways within the City and do not convey uses that are not permitted currently.

8. The variances requested do not change the use of the property or the function of any buildings or structures.

- Nothing in the requested variances will impact the use of the property or the function of the single-family community.

December 11, 2025

TO: City of Flowery Branch Community Development Office
FROM: Highpoint Development, Jake French (Applicant)
DATE: December 11, 2025
SUBJECT: 4651 & 4665 Hog Mountain Road Annexation and Rezoning Application

Applicant hereby grants permission to City of Flowery Branch Elected Officials and Staff to enter and inspect property as needed for the purpose of reviewing the request referenced above.

Jake French
Development Lead

LEGAL DESCRIPTION

All that tract or parcel of land lying and being in Georgia Militia District: Flowery Branch #1270, in Hall County, Georgia, and being more particularly described as follows:

Commencing at a mag nail set at the Southerly right of way of Hog Mountain Road (having a variable width, publicly dedicated right of way) and the common corner to property now or formally of Mount Calvary Baptist Church and CD, ii Properties, LLC, said point being the TRUE POINT OF BEGINNING.

Thence continuing along said right of way of Hog Mountain Road the following courses and distances: North 52 degrees 05 minutes 46 seconds East a distance of 300.00 feet to a 5/8 inch capped rebar set; North 52 degrees 05 minutes 46 seconds East a distance of 296.18 feet to a 5/8-inch capped rebar set; Thence leaving said right of way of Hog Mountain Road South 45 degrees 22 minutes 26 seconds East a distance of 1477.18 feet to a concrete marker found; Thence South 44 degrees 38 minutes 15 seconds West a distance of 525.39 feet to a concrete marker found; Thence North 47 degrees 47 minutes 41 seconds West a distance of 519.00 feet to a 1-inch open top pipe found; Thence North 47 degrees 47 minutes 41 seconds West a distance of 150.00 feet to a 1-invh open top pipe found; Thence North 47 degrees 47 minutes 41 seconds West a distance of 386.97 feet to a 5/8-inch capped rebar set; Thence North 47 degrees 47 minutes 41 seconds West a distance of 500.00 feet to a mag nail set at the Southerly right of way of Hog Mountain Road, said mag nail being the TRUE POINT OF BEGINNING.

Said tract or parcel of land containing 19.398 acres (844,974 square feet).


GRAPHIC SCALE
60' 0 60' 120'
1 Inch = 60 Feet
GRID NORTH
GA WEST
(SURVEY NOTE 6)
HOG MOUNTAIN ROAD
(VARIABLE WIDTH RIGHT OF WAY)
PUBLICLY DEDICATED
EDGE OF ASPHALT
SITE BENCHMARK
TOP S/8" CRB SET
ELEV=1242.83
P.O.C. TRACT 2
P.O.B. TRACT 1
APPARENT CONCRETE ENCROACHMENT
MAG NAIL SET
OHE
N52°05'46"E 300.00'
N52°05'46"E 296.18'
N47°47'41"W 500.00'
N47°47'41"W 386.97'
N47°47'41"W 150.00'
N47°47'41"W 519.00'
S44°38'15"W 525.39'
S45°22'26"E 147.18'
TRACT 1
N/F
MOUNT CALVARY BAPTIST CHURCH
PARCEL #1504600009A
D.B.-, PG.-
WOVEN WIRE FENCE
1 1/2" OTP FND
5/8" CRB SET
1/2" RB FND
CMON FND
CAPSTONE GATEWAY 1, LLC
PARCEL #1504600015I
D.B.-8412, PG-605
CAPSTONE ACQUISITIONS, LLC
PARCEL #1504600013A
D.B.-8096, PG-348
D.B.-532, PG-151A
CAPSTONE ACQUISITIONS, LLC
PARCEL #1504600070
D.B.-8106, PG-70
N/F
CURTIS D. & BELINDA CANDY TAYLOR
PARCEL #1504600013
D.B.-1633, PG-303
N/F
TAMMY A. LIPSCOMB
PARCEL #1504600012
D.B.-1691, PG-65
N/F
FLORENCE CASH SMEE
PARCEL #1504600002
D.B.-5562, PG-344
N/F
LUCY CASH BARNETT
PARCEL #1504600143
D.B.-5562, PG-346
N/F
THOREN C. MERROW
PARCEL #1504600008A
D.B.-7874, PG-109, PG-625
P.B.-109, PG-625
TRACT 1, 82
16.398 ACRES
844974 SQUARE FEET
CP II PROPERTIES, LLC
PARCEL #1504600008
D.B.:7096, PG-142
P.B.:12, PG-307
16.006 ACRES
697,203 SQUARE FEET
TRACT 1
N/F
CP II PROPERTIES, LLC
PARCEL #1504600008
D.B.:7096, PG-142
P.B.:12, PG-307
3.392 ACRES
147,771 SQUARE FEET
TRACT 2
N/F
MOUNT CALVARY BAPTIST CHURCH
PARCEL #1504600009A
D.B.-, PG.-
OLD BARN FALLING DOWN
APPARENT ENCROACHMENT
BUILDING ENCROACHMENT
CONCRETE ENCROACHMENT
1 STORY WOOD FRAME
1 STORY BRICK
WOOD SHED
WOOD SIGN
ROAD WORK SIGN
TRAFFIC SIGN
EDGE OF ASPHALT
~CONCRETE~
5/8" CRB SET
10'
9.3'
77.6'
54.0'
140.4'
140.7'
63.9'
NW= 1243.14
NW= 1243.88
1242.82
1247.78
1247.76
1244.66
1238.65
1228.54
1230.07
1232.18
1232.24
1236.31
1204.10
1202.12
1203.08
1203.2
1198.31
1183.91
1198.19
1196.83
1195.82
1193.93
1190.56
1189.63
1176.63
1161.96
1152.21
1149.50
1158.42
1164.44
1172.73
1180.64
1186.73
1187.80
1191.68
1193.58
1121.72
1122.16
1119.91
1119.68
1119.91
1117.59
1116.67
1118.67
1128.55
1125.12
1151.96
1150.15
1155.12
1158.57
1158.91
1162.57
1164.62-1155
1166.82
1168.64
1169.37
1171.12
1172.80
1174.12
1175.64
1178.46
1181.57
1182.34
1183.73
1185.64
1186.50
1189.05
1190.36
1192.73
1194.65
1195.46
1196.98
1197.93
1199.45
1100.88
1102.46
1104.65
1105.10
1107.34
1108.45
1109.44
1111.38
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1114.12
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1117.60
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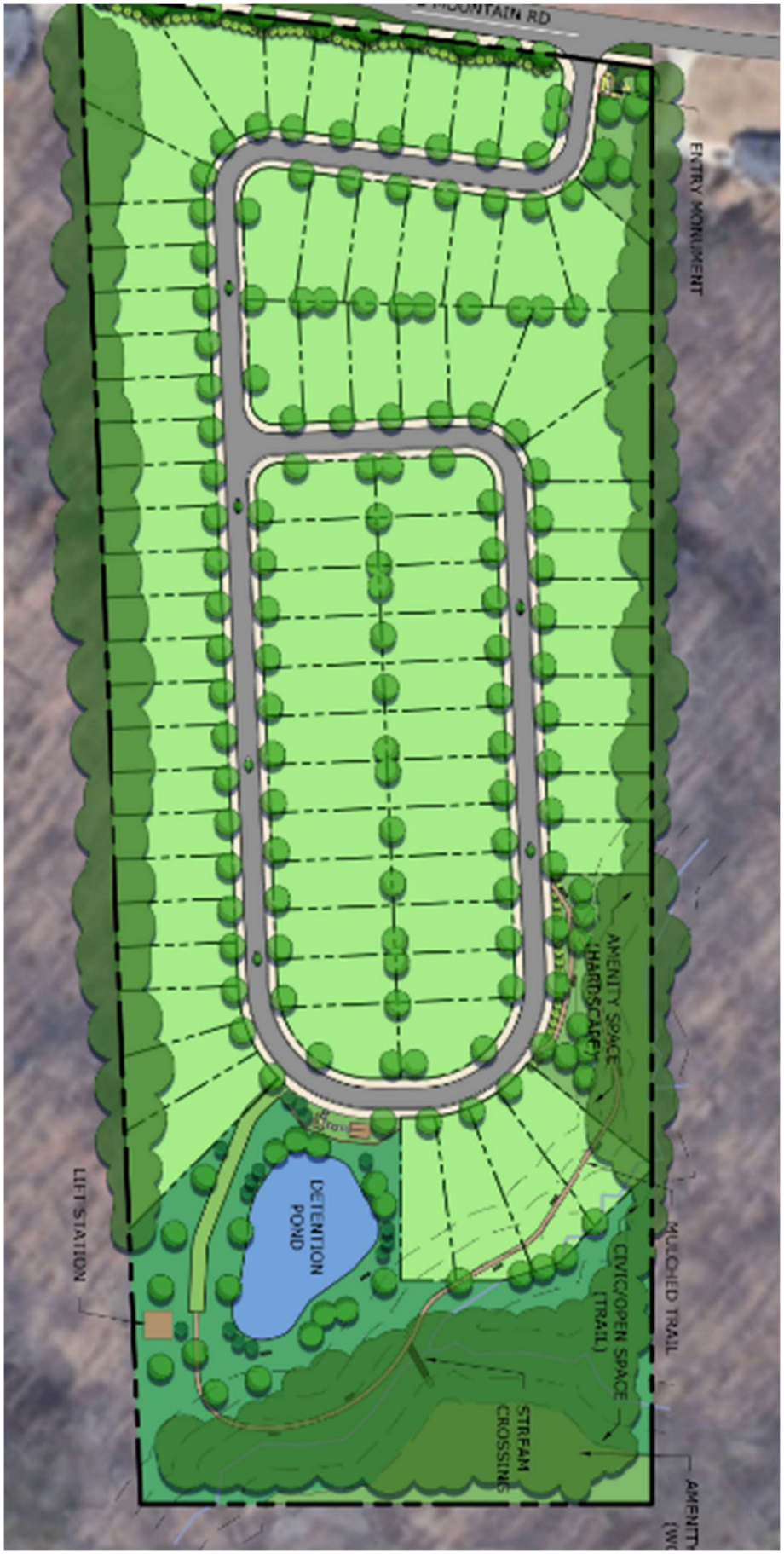
1123.54
1124.59
1125.55
1126.65
1128.34
1130.37
1132.21
1133.59
1134.95
1136.46
1138.42
1139.64
1141.67
1143.28
1144.62
1146.50
1148.44
1150.74
1152.21
1153.82
1155.12
1156.37
1157.64
1158.82
1160.47
1161.96
1163.44
1165.19
1166.31
1167.82
1169.67
1171.50
1173.25
1174.67
1176.63
1178.25
1179.93
1181.67
1183.91
1185.33
1186.98
1188.24
1189.98
1191.68
1193.34
1195.24
1196.98
1198.65
1200.24
1202.24
1204.10
1205.98
1207.74
1209.57
1211.38
1213.24
1215.05
1216.82
1218.65
1220.47
1222.24
1224.10
1225.87
1227.74
1229.57
1231.38
1233.20
1235.00
1236.82
1238.65
1240.47
1242.24
1244.10
1245.87
1247.74
1249.57
1251.38
1253.20
1255.00
1256.82
1258.65
1260.47
1262.24
1264.10
1265.87
1267.74
1269.57
1271.38
1273.20
1275.00

THE RIDGE

AT LOTT CREEK



Project Narrative for Hog Mountain Road Tract

LOCATION – 4651 & 4665 Road, Flowery Branch, GA 30542
ACREAGE – 19.398 acres +/-
APPLICANT – Highpoint Development
PROPOSED ZONING – TND

Summary

The accompanying application seeks annexation and zoning district change from AR-I in Hall County to TND in Flowery Branch for a 19.398-acre tract, consisting of Parcel #'s 15046 000008 & 15046 000008B. The property appears to have been vacant for a number of years. The location is on Hog Mountain Road in south Hall approximately 1300 LF north of Spout Springs Road. The intent is to develop up to 81 units of quality housing (single-family) along with an extensive amount of undeveloped natural area. At least 15% of the site will be maintained as open space. Although not specifically identified, the property is located adjacent to the "Retail Activity Center" Character Area of the 2041 Comprehensive Plan. We believe this property could serve as a transitional use from the retail area to south and the lower density subdivisions to the north and east.

Site Description

The property has approximately 640 LF of frontage along Hog Mountain Road, rectangular and approximately 1,500 LF deep. The site is undeveloped with several dilapidated out buildings and contains a mix of trees and vegetation. A jurisdictional stream (Lott Creek) is located near the rear of the property and appears to be a tributary of Mulberry Creek. Domestic water (24") is provided by the City of Gainesville and is located on the northwest side of Hog Mountain Road. Flowery Branch will provide sanitary Sewer through a new, on-site pump station and force main to nearby gravity lines located within the Stonebridge Village retail center. All other dry utilities are located within a reasonable distance for service extensions.

Adjacencies

The property is surrounded by Hall County residential zonings, AR-III, PRD and R-1 and a small HB property on the west side of Hog Mountain Road. Adjacent Flowery Branch zoning is HB.

Access

Access to the property is proposed from a driveway on Hog Mountain Road approximately 1,800 LF north of Spout Springs Road. The nearest cross street is Cash Road, located approximately 900 LF northeast of the property.

Proximity to Other Uses

- Nearest distance to undeveloped commercial property – parcel #15046 000151-zoned HB located adjacent to southwestern boundary.
- Nearest distance to developed commercial property – parcel #08096 000014 zoned H-B, directly across at 4650 Hog Mountain Road.

- Nearest distance to a single-family home – a single-family home at 4641 Hog Mountain Road is located within 40’ of the northeastern boundary.
- Nearest distance to a subdivision – Hunters Landing S/D is located 0.6 miles away.

Aerial View



Comprehensive Plan Consistency

Since the subject property is currently located in unincorporated Hall County, the Flowery Branch Comprehensive Plan does not specifically identify the future land use for this property. With Retail/Commercial uses directly to the south of the subject property and lower density residential uses to the north, it would be reasonable to assume that the subject property could provide a transitional use and density between the uses identified. Although this specific property is not included in the Comprehensive Plan Future Development Map, it does lie adjacent to the "Activity Center – Retail" character area. It is our opinion that the slightly higher densities offered under the TND zoning district, and the specific use for attached single-family homes, would be applicable for this property.

Traffic Impact Study

A Traffic Impact Study has not been requested by the City but was recommended. We have completed a Traffic Impact Study as a courtesy. The following recommendations were made:

- One entering lane and one exiting lane
- Stop sign controlled on the driveway approach with Hog Mountain Rd remaining free flow
- A right turn lane for entering traffic
- No recommendation for the need of a left turn lane in

Development Strategy

The Concept Plan includes traditional front entry single family homes. The architectural style of the homes will be influenced by the mountain bungalow style to feel more rooted in the community and within the TND design intent. The single-family homes located along the Hog Mountain Road frontage will be facing interior to the development and we will have elevated facades on the rear of these homes to provide a grand appearance along Hog Mountain Rd. We will provide a desirable streetscape for the project's entrance including a professionally landscaped monument sign. The single-family homes will all have front-loaded garages. The community will have amenities including walking trails, a creek bridge crossing, a community gathering pavilion, and a firepit communal area with chairs.

Architectural Materials & Site Improvements

Single-family homes will follow the requirements of Section 12.6.i at a minimum with a general design theme that would include:

- Two-car garages
- Front facades with a combination of masonry and hardi-plank siding materials
- Side & Rear facades with hardi-plank siding, glazing & trim
- Architectural weight shingles
- Sodded yards (4 sides)
- One tree per lot (minimum 2 ½" caliper)
- Variance Requested –
    - Road radius min. at 48'
    - Street deviation distance req. to 850' w/ concessions
    - Minimum lot size avg 6,700sf w/ 30% min lots of 5,500sf
    - Reduce front porch size requirement

Entrance Monumentation

The entrance may include the items listed below with at least one central mail kiosk provided subject to USPS review and approval.

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

Amenities

The community amenities, at a minimum, will contain the following items:

- Pocket Park
- Walking Trails
- Creek Crossing
- Park Benches
- Community gathering pavilion
- Communal firepit with seating

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 Hog Mountain Road.

Model Home Permits

Applicant requests that up to twelve (12) 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 Developer. The HOA will manage the overall management of the property including maintenance, architectural controls and financial management.

Annexation

Hall County has given verbal confirmation they would approve the annexation into Flowery Branch assuming the adjacent parcels are not attempting to annex at the same time.

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.

Project Dimensional Standards

Proposed Dimensional Standards	
Acres	19.398
Number of Lots	81
Gross Density	4.18
Exterior Buffer	-
Height (Feet)	30
Minimum Lot Size (SF)*	5,500
Minimum Lot Width (Ft)	40
Minimum Lot Depth (Ft)	80
Minimum Heated Floor Area (SF)	1,200
Front Yard Setback from Lot Line (Ft)	-
Side Setback, Interior Lot Line or Corner Lot (Ft)	5
Rear Setback (Ft)	25
Maximum Coverage of Impervious Surface	45%
Sidewalks	5', Both Sides
Civic Space	15%
Amenity Space	6%
Parking	2 - Enclosed
**Requires variance approval*	

THE RIDGE
AT LOTT CREEK





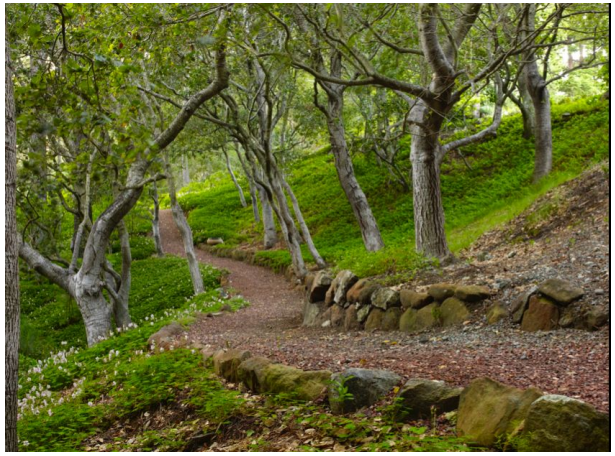


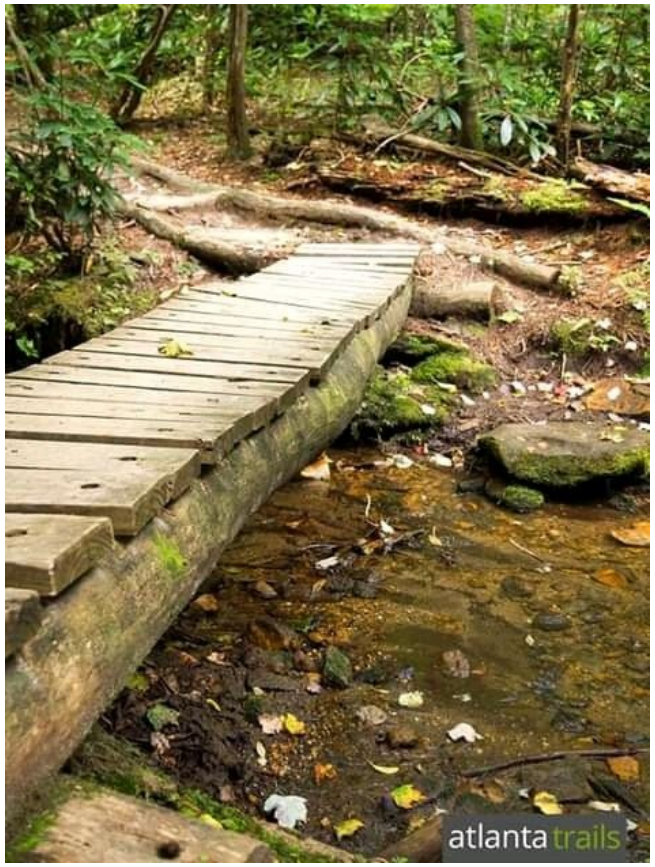
ENTRY GATE IDEAS

The entry conveys a quiet sense of welcome, shaped with natural stone and native plantings that feel authentically tied to Hog Mountain and the creek below. Materials sit comfortably in the landscape, offering a sense of belonging rather than display, creating an approach that is both dignified and genuinely rooted in place.

THE RIDGE
AT LOTT CREEK









AMENITIES

Amenities are designed to feel close to the landscape and quietly integrated. A communal fire pit and pavilion overlooks the stream, and a soft mulched trail guides residents through the trees to a modest wooden bridge across Lott Creek. The experience is simple and welcoming, inviting time outdoors without overshadowing the natural character of the place.

THE RIDGE

AT LOTT CREEK



COLOR PALETTE:

The three offered schemes—light, mid-tone, and dark—are drawn from the muted, earthy tones of the North Georgia landscape. Each palette reflects the surrounding ridge and creek setting, favoring natural hues: soft mineral whites, weathered wood browns, and deeper charcoal colors that echo stone, soil, and shaded canopy. Together, they provide variation without discord, allowing homes to feel individually tailored yet quietly unified within the broader landscape.

THE RIDGE
AT LOTT CREEK





ARCHITECTURAL FEATURES:

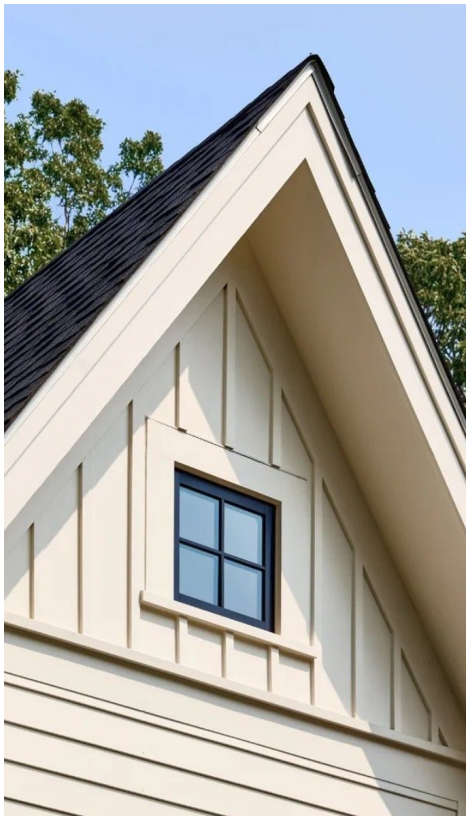
The achitecture leans toward a mountain bungalow style, with forms and finishes that feel sturdy, familiar, and tied to the landscape. Dark charcoal accents sharpen the earthy palette, while carriage-style garage doors and well-placed sconces add character without slipping into ornament. Matching metal gutters bring a clean outline to the façades, and the porch roof extending across the front-facing garage helps keep everything at a comfortable, human scale. The result is a street presence that feels connected, warm, and intentionally crafted—neighbors, not statements.

THE RIDGE
AT LOTT CREEK









ARCHITECTURAL FEATURES:

Details stay simple and purposeful. Porch brackets and extended overhangs provide clear structure and shade without excess. Gable vents, occasional gable windows, and selectively used shutters add just enough dimension to the façades, keeping each home grounded and consistent without feeling repetitive.

Analysis of the Hog Mountain Road Annexation Request

(a) Whether the proposal will permit a use that is suitable in view of the use and development of adjacent and nearby property.

- The requested use is for a residential and is consistent with the many undeveloped nearby properties. The suitability for more intense uses is limited by the property's topography.

(b) Whether the proposal will adversely affect the existing use or usability of adjacent or nearby property.

- The proposed residential use of the property will not negatively impact any adjacent property as there are both commercial and residential uses nearby.

(c) 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.

- The property has been marketed under its current zoning for a number of years and has generated very little interest. Without annexation into Flowery Branch, sewer will not be available.

(d) 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.

- Other than a small increased school impact, the proposed residential use will have minimal impact to the existing infrastructure.

(e) 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.

- Although not specifically identified, the property is located adjacent to the "Retail Activity Center" Character Area of the 2041 Comprehensive Plan. We believe this property could serve as a transitional use from the retail area to south and the lower density subdivisions to the north and east.

(f) 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 availability of suitable land for development is becoming more limited while the demand for residential use in this area continues to increase. The topography of the property is more suitable for residential than for any retail/commercial uses.

(g) Existing use(s) and zoning of the subject property and nearby properties.

- The property is surrounded by Hall County residential zonings, AR-III, PRD and R-1 and a small HB property on the west side of Hog Mountain Road. Adjacent Flowery Branch zoning is HB.

(h) 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.

- Under the existing zoning districts (AR-I & R-1) in Hall County, the property value (2024 Tax Assessment - $363,300) is diminished by the lack of sewer access and the limited development potential. Annexation and rezoning to TND would create a value in excess of $2,000,000. The current property owner has owned the property since 2012 and has been unsuccessful under the current zoning.

(i) 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 change of use is more compatible with the existing single-family development to the north and will have no impact on the other adjacent uses.

(j) The possible creation of an isolated zoning district unrelated to adjacent and nearby districts.

- The property is adjacent to an existing single-family home to the north and therefore would not create an isolated use.

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

- The character of this area already includes residential uses so there should be no impact on the general character of the district.

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

- Residential development is generally less intensive in its impact on the environmental issues mentioned as opposed to adjacent HB zoned uses.

(m) 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.

- This change of use will not be harmful to the overall zoning scheme as other residential uses currently exist adjacent to the property.

Parcel #	Name	Address	Mailing Address
15046 000009A	Mount Calvary Baptist Church	4675 Hog Mountain Road, Flowery Branch, GA 30542	4675 Hog Mountain Road, Flowery Branch, GA 30542
15046 000151	Capstone Gateway 1, LLC	Hog Mountain Road, Flowery Branch, GA 30542	P.O. Box 724, Gainesville, GA 30503
15046 000065	Capstone Acquisitions, LLC	6001 Spout Springs Road, Flowery Branch, GA 30542	P.O. Box 724, Gainesville, GA 30504
15046 000131	Capstone Acquisitions, LLC	6011 Spout Springs Road, Flowery Branch, GA 30542	P.O. Box 724, Gainesville, GA 30505
15046 000070	Capstone Acquisitions, LLC	6065 Spout Springs Road, Flowery Branch, GA 30542	P.O. Box 724, Gainesville, GA 30506
15046E 000013	Blake Alexander Hall	4650 Quail Point Dr., Flowery Branch, GA 30542	4650 Quail Point Dr., Flowery Branch, GA 30542
15046E 000012	Tammy A. Lipscomb	4646 Quail Point Dr., Flowery Branch, GA 30542	4646 Quail Point Dr., Flowery Branch, GA 30542
15046 000002	Florence Cash Smee	4576 Cash Road, Flowery Branch, GA 30542	4576 Cash Road, Flowery Branch, GA 30542
15046 000143	Lucy Cash Barnett	4560 Cash Road, Flowery Branch, GA 30542	4560 Cash Road, Flowery Branch, GA 30542
15046 000008A	Thoren C. Merrow	4666 Hog Mountain Road, Flowery Branch, GA 30542	4646 Hog Mountain Road, Flowery Branch, GA 30542
08096 000008	Pauline Cantrell Roberts	4642 Hog Mountain Road, Flowery Branch, GA 30542	4642 Hog Mountain Road, Flowery Branch, GA 30542
08096 000014	R Squared Rentals, LLC	4650 Hog Mountain Road, Flowery Branch, GA 30542	1406 Mountain Creek Church Road, Pendergrass, GA 30567
08097 000005	Mary Elizabeth Hickman, et al	4560 Hog Mountain Road, Flowery Branch, GA 30542	4847 Parliament Way, Dunwoody, GA 30338

Georgia law and the procedures of Flowery Branch requires the Applicant to raise Federal and State constitutional objections during the TND master plan application process. While the Applicant anticipates a smooth application process, failure to raise constitutional objections at this stage may mean that the Applicant will be barred from raising important legal claims later in the process. Accordingly, the following constitutional objections are stated:

The portions of the Flowery Branch Development Code, facially and as applied to the Property, which restrict the Property to any uses, conditions, land use designations, development standards, or to any zoning district other than that proposed by the Applicant are unconstitutional in that they would destroy the Applicant's property rights without first paying fair, adequate and just compensation for such rights, in violation of Article I, Section I, Paragraph I and Section III, Paragraph I of the Constitution of the State of Georgia of 1983, and the Due Process Clause of the Fourteenth Amendment to the Constitution of the United States.

The application of the Flowery Branch Development Code, facially and as applied to the Property, which restricts the Property to any uses, conditions, land use designations, development standards, or to any zoning district other than in accordance with the application as proposed by the Applicant is unconstitutional, illegal, null and void, constituting a taking of Applicant's Property in violation of the Just Compensation Clause of the Fifth Amendment to the Constitution of the United States; Article I, Section I, Paragraph I, and Section III, Paragraph I of the Constitution of the State of Georgia of 1983; and the Equal Protection and Due Process Clauses of the Fourteenth Amendment to the Constitution of the United States denying the Applicant an economically viable use of its land while not substantially advancing legitimate state interests.

A denial of this Application would be unconstitutional under the Takings Clause of the Fifth Amendment to the Constitution of the United States and the Just Compensation Clause of Article I, Section III, Paragraph I of the Constitution of the State of Georgia of 1983. A refusal by the Flowery Branch City Council to approve the zoning conditions as requested would constitute a taking of the Applicant's property.

A denial of this Application would constitute an arbitrary and capricious act by the Flowery Branch City Council without any rational basis therefore constituting an abuse of discretion in violation of Article I, Section I, Paragraph I and Section III, Paragraph I of the Constitution of the State of Georgia of 1983, and the Due Process Clause of the Fourteenth Amendment to the Constitution of the United States. A refusal to grant the TND zoning request would lack objective justification and would result only from neighborhood opposition, which would constitute an unlawful delegation of the zoning power to non-legislative bodies in violation of the Georgia Constitution, Article IX, Section II, Paragraph 4.

A refusal by the Flowery Branch City Council to approve this Application for the Property in accordance with the criteria as requested by the Applicant would be unconstitutional and discriminate in an arbitrary, capricious and unreasonable manner between the Applicant and owners of the similarly situated property in violation of Article I, Section I, Paragraph II of the Constitution of the State of Georgia of 1983 and the Equal Protection Clause of the Fourteenth Amendment to the Constitution of the United States. Any rezoning of the Property subject to conditions which are different from the conditions requested by the Applicant, to the extent such different conditions would have the effect of further restricting Applicant's utilization of the Property, would also constitute an arbitrary, capricious and discriminatory act in zoning the Property to a unconstitutional classification and would likewise violate each of the provisions of the State and Federal Constitutions set forth hereinabove.

I. CONCLUSION

For the foregoing reasons, the Applicant respectfully requests that this TND master plan application be granted as requested by the Applicant. If there are any questions about this request, you may contact:

Jake French
Highpoint Development
1776 Peachtree Street NW.
Suite 250.
Atlanta, GA 30309
502-386-7022
jfrench@hpdev.com

SURVEYOR'S CERTIFICATION

THIS PLAT IS A RETRACEMENT OF AN EXISTING PARCEL OR PARCELS OF LAND AND DOES NOT SUBDIVIDE OR CREATE A NEW PARCEL OR MAKE ANY CHANGES TO ANY REAL PROPERTY BOUNDARIES. THE RECORDING INFORMATION OF THE DOCUMENTS, MAPS, PLATS, OR OTHER INSTRUMENTS WHICH CREATED THE PARCEL OR PARCELS ARE STATED HEREON. RECORDATION OF THIS PLAT DOES NOT IMPLY APPROVAL OF ANY LOCAL JURISDICTION AVAILABILITY OF PERMITS, COMPLIANCE WITH LOCAL REGULATIONS OR REQUIREMENTS, OR SUITABILITY FOR ANY USE OR PURPOSE OF THE LAND. FURTHERMORE, THE UNDERSIGNED LAND SURVEYOR CERTIFIES THAT THIS PLAT COMPLIES WITH THE MINIMUM TECHNICAL STANDARDS FOR PROPERTY SURVEYS IN GEORGIA AS SET FORTH IN THE RULES AND REGULATIONS OF THE GEORGIA BOARD OF REGISTRATION FOR PROFESSIONAL ENGINEERS AND LAND SURVEYORS AND AS SET FORTH IN O.C.G.A. SECTION 15-6-67.

GEORGIA REGISTERED No. 3109 REGISTERED LAND SURVEYOR MITCHELL LOWERY

MITCHELL LOWERY GEORGIA R.L.# 3109
DATE OF PLAT OR MAP: JANUARY 10, 2022

LEGAL DESCRIPTION TRACT 1

ALL THAT TRACT OR PARCEL OF LAND LYING AND BEING IN GEORGIA MILITIA DISTRICT: FLOWERY BRANCH #1270, IN HALL COUNTY, GEORGIA, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT A POINT AT THE SOUTHERLY RIGHT OF WAY OF MOUNT CALVARY BAPTIST CHURCH AND CO. II PROPERTIES, LLC; PUBLICLY DEDICATED RIGHT OF WAY) AND THE COMMON CORNER TO PROPERTY NOW OR FORMALLY OF MOUNT CALVARY BAPTIST CHURCH AND CO. II PROPERTIES, LLC; SAID POINT BEING THE TRUE POINT OF BEGINNING;

THENCE CONTINUING ALONG SAID RIGHT OF WAY OF HOG MOUNTAIN ROAD NORTH 52 DEGREES 05 MINUTES 46 SECONDS EAST A DISTANCE OF 296.18 FEET TO A 5/8-INCH CAPPED REBAR SET; THENCE LEAVING SAID RIGHT OF WAY OF HOG MOUNTAIN ROAD SOUTH 45 DEGREES 22 MINUTES 26 SECONDS EAST A DISTANCE OF 147.71 FEET TO A CONCRETE MARKER FOUND; THENCE SOUTH 44 DEGREES 38 MINUTES 15 SECONDS WEST A DISTANCE OF 525.39 FEET TO A CONCRETE MARKER FOUND; THENCE NORTH 47 DEGREES 47 MINUTES 41 SECONDS WEST A DISTANCE OF 519.00 FEET TO A 1-INCH OPEN TOP PIPE FOUND; THENCE NORTH 47 DEGREES 47 MINUTES 41 SECONDS WEST A DISTANCE OF 150.00 FEET TO A 1-INCH OPEN TOP PIPE FOUND; THENCE NORTH 47 DEGREES 47 MINUTES 41 SECONDS WEST A DISTANCE OF 386.97 FEET TO A 5/8-INCH CAPPED REBAR SET; THENCE LEAVING SAID RIGHT OF WAY OF HOG MOUNTAIN ROAD NORTH 47 DEGREES 41 SECONDS EAST A DISTANCE OF 500.00 FEET TO A 5/8-INCH CAPPED REBAR SET; THENCE NORTH 47 DEGREES 47 MINUTES 41 SECONDS EAST A DISTANCE OF 519.00 FEET TO A 5/8-INCH CAPPED REBAR SET; THENCE NORTH 47 DEGREES 47 MINUTES 41 SECONDS EAST A DISTANCE OF 150.00 FEET TO A 5/8-INCH CAPPED REBAR SET; THENCE NORTH 47 DEGREES 47 MINUTES 41 SECONDS EAST A DISTANCE OF 386.97 FEET TO A 5/8-INCH CAPPED REBAR SET; THENCE LEAVING SAID RIGHT OF WAY OF HOG MOUNTAIN ROAD SOUTH 47 DEGREES 41 SECONDS EAST A DISTANCE OF 500.00 FEET TO A 5/8-INCH CAPPED REBAR SET; THENCE SOUTH 52 DEGREES 05 MINUTES 46 SECONDS WEST A DISTANCE OF 300.00 FEET TO A 5/8-INCH CAPPED REBAR SET; SAID 5/8-INCH CAPPED REBAR BEING THE TRUE POINT OF BEGINNING.

(697,203 SQUARE FEET).

LEGAL DESCRIPTION TRACT 2

ALL THAT TRACT OR PARCEL OF LAND LYING AND BEING IN GEORGIA MILITIA DISTRICT: FLOWERY BRANCH #1270, IN HALL COUNTY, GEORGIA, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT A MAG NAIL SET AT THE SOUTHERLY RIGHT OF WAY OF HOG MOUNTAIN ROAD (HAVING A VARIABLE WIDTH, PUBLICLY DEDICATED RIGHT OF WAY) AND THE COMMON CORNER TO PROPERTY NOW OR FORMALLY OF MOUNT CALVARY BAPTIST CHURCH AND CO. II PROPERTIES, LLC; SAID POINT BEING THE TRUE POINT OF BEGINNING.

THENCE CONTINUING ALONG SAID RIGHT OF WAY OF HOG MOUNTAIN ROAD NORTH 52 DEGREES 05 MINUTES 46 SECONDS EAST A DISTANCE OF 300.00 FEET TO A 5/8 INCH CAPPED REBAR SET; THENCE LEAVING SAID RIGHT OF WAY OF HOG MOUNTAIN ROAD SOUTH 47 DEGREES 41 SECONDS EAST A DISTANCE OF 500 FEET TO A 5/8 INCH CAPPED REBAR SET; THENCE SOUTH 52 DEGREES 05 MINUTES 46 SECONDS WEST A DISTANCE OF 300.00 FEET TO A 5/8 INCH CAPPED REBAR SET; THENCE NORTH 47 DEGREES 47 MINUTES 41 SECONDS WEST A DISTANCE OF 500 FEET TO A MAG NAIL SET IN THE RIGHT OF WAY OF HOG MOUNTAIN ROAD, SAID MAG NAIL BEING THE TRUE POINT OF BEGINNING.

SAID TRACT OR PARCEL OF LAND CONTAINING 3.392 ACRES (147,771 SQUARE FEET).

ZONING

PER ITEMS 6(A) AND 6(B) OF THE 2021 ALTA/NSPS LAND TITLE SURVEY MINIMUM STANDARD DETAIL REQUIREMENTS, SETBACKS AND OTHER ZONING RESTRICTIONS/REQUIREMENTS CANNOT BE LISTED UNLESS A ZONING REPORT OR LETTER STATING SAID RESTRICTIONS/REQUIREMENTS IS PROVIDED.



SURVEY NOTES

1) PROPERTY SHOWN HEREON WAS SURVEYED NOVEMBER 16, 2021.

2) THE FIELD DATA UPON WHICH THIS PLAT IS BASED HAS A CLOSURE OF 1' IN 41,946' WITH AN ANGULAR ERROR OF 3.21 SECONDS PER ANGLE POINT AND WAS ADJUSTED USING THE LEAST SQUARES METHOD.

3) A SOKKIA IX TOTAL STATION, CARLSON BRX7 GPS RECEIVER, AND CARLSON SURVEYOR+ DATA COLLECTOR WERE USED FOR FIELD SURVEY MEASUREMENTS.

4) THIS PLAT HAS A MAP CLOSURE OF 1' IN 522,274'.

5) SAID DESCRIBED PROPERTY IS LOCATED WITHIN AN AREA HAVING A ZONE DESIGNATION 'X' ON FLOOD INSURANCE RATE MAP NO. 13139C0292F, WITH A DATE OF IDENTIFICATION OF SEPTEMBER 29, 2006, FOR COMMUNITY NUMBER 130466, IN HALL COUNTY UNINCORPORATED AREAS, STATE OF GEORGIA, WHICH IS THE CURRENT FLOOD INSURANCE RATE MAP FOR THE COMMUNITY IN WHICH SAID PROPERTY IS SITUATED.

6) CONTROL AND BEARING BASIS FOR THIS SURVEY WERE ESTABLISHED USING A TOPCON HIPER LITE+ GPS RECEIVER UTILIZING OPUS-S FOR POST PROCESSING. THE RELATIVE POSITIONAL ACCURACY, AS CALCULATED ACCORDING TO THE FEDERAL GEOGRAPHIC DATA COMMITTEE PART 3: NATIONAL STANDARD FOR SPATIAL DATA ACCURACY, IS .03 FEET HORIZONTAL AND .06 FEET VERTICAL AT THE 95% CONFIDENCE LEVEL.

7) UTILITIES SHOWN PER MARKINGS PLACED BY UTILITY-MARKING, L.L.C. UTILITIES OTHER THAN THOSE SHOWN HEREON MAY EXIST. LOWERY & ASSOCIATES MAKES NO GUARANTEE AS TO THE EXISTENCE OR NON-EXISTENCE OF SAID UTILITIES.

8) NO OBSERVED EVIDENCE OF CEMETERIES, GRAVESITES, AND/OR BURIAL GROUNDS AT TIME OF SURVEY.

9) PROPERTY SHOWN HEREON LIES WITHIN THE RECORD DESCRIPTION AS STATED IN GENERAL WARRANTY DEED RECORDED IN DEED BOOK 7096, PAGE 307, HALL COUNTY RECORDS.

10) NO ENCROACHMENTS OTHER THAN THOSE SHOWN HEREON WERE OBSERVABLE AT TIME OF SURVEY.

11) AT THE TIME OF THE SURVEY, THERE WAS NO OBSERVABLE EVIDENCE OF EARTH MOVING WORK, BUILDING CONSTRUCTION OR BUILDING ADDITIONS.

12) AT THE TIME OF THE SURVEY, THERE WERE NO PROPOSED CHANGES IN STREET RIGHT OF WAY LINES OR OBSERVABLE EVIDENCE OF STREET OR SIDEWALK REPAIRS.

13) AT THE TIME OF THE SURVEY, THERE WAS NO OBSERVABLE EVIDENCE OF THE SITE BEING USED AS A SOLID WASTE DUMP, SUMP OR SANITARY LANDFILL.

14) SUBJECT PROPERTY HAS DIRECT ACCESS TO HOG MOUNTAIN ROAD, BEING A PUBLICLY DEDICATED RIGHT OF WAY.

15) SUBJECT PROPERTY IS CONTIGUOUS TO ALL ADJACENT PROPERTIES AND RIGHTS OF WAY. NO GAPS, GORES, OR OVERLAPS ARE KNOWN TO EXISTS.

LEGEND

	PROPERTY LINE
	OVERHANG/AWNING
(BEARING/DISTANCE)	RECORD CALLS
B.S.L.	BUILDING SETBACK LINE
	INDEX CONTOUR
	MINOR CONTOUR
x	SPOT ELEVATION
W	WATER LINE
OHE	OVERHEAD UTILITY LINE
G	GAS LINE
UT	UNDERGROUND TELEPHONE LINE
SS	SANITARY SEWER LINE
UGE	UNDERGROUND ELECTRIC LINE
X X X	FENCE LINE
	STORM DRAIN PIPE
WV	WATER VALVE
WM	WATER METER
FH	FIRE HYDRANT
GM	GAS METER
GV	GAS VALVE
PM	POWER METER
S	SANITARY SEWER MANHOLE
RB	REBAR
CRB	CAPPED REBAR
CMON	CONCRETE MONUMENT
OTP	OPEN TOP PIPE
FND	FOUND
	LIGHT POLE
	SIGN
HW	HARDWOOD TREE
P	PINE TREE

VICINITY MAP

LOWERY & ASSOCIATES
LAND SURVEYING, LLC
317 GRASSDALE ROAD
CARTERSVILLE, GA 30121
770-334-8186
WWW.LOWERYLANDSURVEYS.COM
INFO@LOWERYLANDSURVEYS.COM
GEORGIA C.O.A.: LSF-001102

PREPARED FOR:
KIMLEY-HORN

BOUNDARY & TOPOGRAPHIC SURVEY OF:
4651 HOG MOUNTAIN ROAD
FLOWERY BRANCH, GEORGIA 30542

STATE: GEORGIA | COUNTY: HALL

GEORGIA MILITIA DISTRICT: FLOWERY BRANCH DISTRICT (#1270)

REVISIONS

DATE:	DESCRIPTION

Lowery & Associates
LAND SURVEYING, LLC

DATE: JANUARY 10, 2022
JOB #: 21348I
SCALE: 1"=60'
DRAWN BY: D. HALL

LEGAL DESCRIPTION

All that tract or parcel of land lying and being in Georgia Militia District: Flowery Branch #1270, in Hall County, Georgia, and being more particularly described as follows:

Commencing at a mag nail set at the Southerly right of way of Hog Mountain Road (having a variable width, publicly dedicated right of way) and the common corner to property now or formally of Mount Calvary Baptist Church and CD, ii Properties, LLC, said point being the TRUE POINT OF BEGINNING.

Thence continuing along said right of way of Hog Mountain Road the following courses and distances: North 52 degrees 05 minutes 46 seconds East a distance of 300.00 feet to a 5/8 inch capped rebar set; North 52 degrees 05 minutes 46 seconds East a distance of 296.18 feet to a 5/8-inch capped rebar set; Thence leaving said right of way of Hog Mountain Road South 45 degrees 22 minutes 26 seconds East a distance of 1477.18 feet to a concrete marker found; Thence South 44 degrees 38 minutes 15 seconds West a distance of 525.39 feet to a concrete marker found; Thence North 47 degrees 47 minutes 41 seconds West a distance of 519.00 feet to a 1-inch open top pipe found; Thence North 47 degrees 47 minutes 41 seconds West a distance of 150.00 feet to a 1-invh open top pipe found; Thence North 47 degrees 47 minutes 41 seconds West a distance of 386.97 feet to a 5/8-inch capped rebar set; Thence North 47 degrees 47 minutes 41 seconds West a distance of 500.00 feet to a mag nail set at the Southerly right of way of Hog Mountain Road, said mag nail being the TRUE POINT OF BEGINNING.

Said tract or parcel of land containing 19.398 acres (844,974 square feet).

ORDINANCE NO. 775

AN ORDINANCE TO REZONE, REAL PROPERTY TOTALING 19.398 +/- ACRES OF LAND, OWNED BY CDII PROPERTIES, LLC, IDENTIFIED AS 4651 & 4665 HOG MOUNTAIN ROAD, HALL COUNTY TAX PARCELS 15046 000008B AND 15046 000008 FROM HALL COUNTY RESIDENTIAL 1 (R-1) AND AGRICULTURAL RESIDENTIAL 1 (AR-1) TO FLOWERY BRANCH TRADITIONAL NEIGHBORHOOD DEVELOPMENT (TND) AND AS SHOWN AND DESCRIBED ON ATTACHED EXHIBIT "A", AS CONDITIONED IN EXHIBIT "B", TO AUTHORIZE AN UPDATE TO THE OFFICIAL ZONING MAP, PROVIDING FOR SEVERABILITY, , PROVIDING FOR AN EFFECTIVE DATE, REPEALING CONFLICTING ORDINANCES, AND FOR ALL OTHER LAWFUL PURPOSES.

WHEREAS, CDII Properties LLC owns the subject parcels of land identified as Hall County Tax Parcel Identification No. 15046 000008B and 15046 000008 as shown and described on Exhibit "A"; and

WHEREAS, a complete description of the subject property being rezoned is included herein; and

WHEREAS, the City Council held a public hearing at the meeting on February 5th, 2026, duly noticed as prescribed by law and published in the Gainesville Times, regarding said application, as shall be set forth in the minutes of said meeting; and,

WHEREAS, the City Council of the City of Flowery Branch, Georgia has considered the appropriate zoning classification of the subject property in light of the comprehensive plan,

NOW THEREFORE, THE COUNCIL OF THE CITY OF FLOWERY BRANCH HEREBY ORDAINS AS FOLLOWS:

SECTION 1. FINDINGS.

The City Council finds that the proposed rezoning from Hall County AR-1 & R-1 to City of the Flowery Branch TND is consistent with the adopted standards for governing the exercise of the zoning power consistent with O.C.G.A. § 36-66-5 and requirements of the Zoning Ordinance as identified below.

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

2. The proposal is not expected to adversely affect the existing use or usability of adjacent or nearby property.

3. Use as TND is appropriate given the size of the property and it is reasonable to believe the property will have reasonable economic value so zoned.

4. The development if approved and constructed is not expected to result in a use which will or could cause an excessive or burdensome use of existing streets, transportation facilities, utilities, or schools.

5. The proposal is generally in conformity with the policy and intent of the comprehensive plan including the character area map and future land use plan map.

6. The proposal is considered appropriate in view of existing use(s) and zoning of the subject property and nearby properties.

7. No precise determination has been made by staff with regard to the value differential between development under the current zoning as opposed to TND, although it is reasonable to believe value would increase as a result of the rezoning.

8. A proposed development will not be a deterrent to the value or improvement of development of adjacent property in accordance with existing regulations.

9. There are no known adverse effects that would result from the change in zoning district map, or change in use, on the character of a zoning district.

10. Development as proposed is not expected to impact on the environment, including but not limited to, drainage, soil erosion and sedimentation, flooding, air quality and water quality. Compliance with city subdivision and land development regulations will be required, which include but are not limited to soil erosion and sedimentation, stormwater, and flood damage prevention.

SECTION 2. REZONING.

The subject parcel, as shown and described on Exhibit "A" and as conditioned in Exhibit "B", is hereby rezoned from Hall County AR-1 & R-1 to Flowery Branch TND.

SECTION 3. AMENDMENT OF THE ZONING MAP.

This Ordinance is enacted as an amendment to the Zoning Map of Flowery Branch, Georgia. Accordingly, the Zoning Administrator is hereby authorized to update the Official Map consistent with Article 3 of the Zoning Ordinance.

SECTION 4. SEVERABILITY.

Should any section or provision of this Ordinance be declared invalid or unconstitutional by any court of competent jurisdiction, such declaration shall not affect the validity of this Ordinance as a whole or any part thereof which is not specifically declared to be invalid or unconstitutional.

SECTION 5. EFFECTIVE DATE.

The effective date of this Ordinance shall be March 5th, 2026.

SECTION 6. REPEALER.

All ordinances and parts of ordinances in conflict herewith are hereby repealed to the extent of the conflict.

Approved this _____ day of _____, 2026.

_____
Oliver McClellan, Mayor

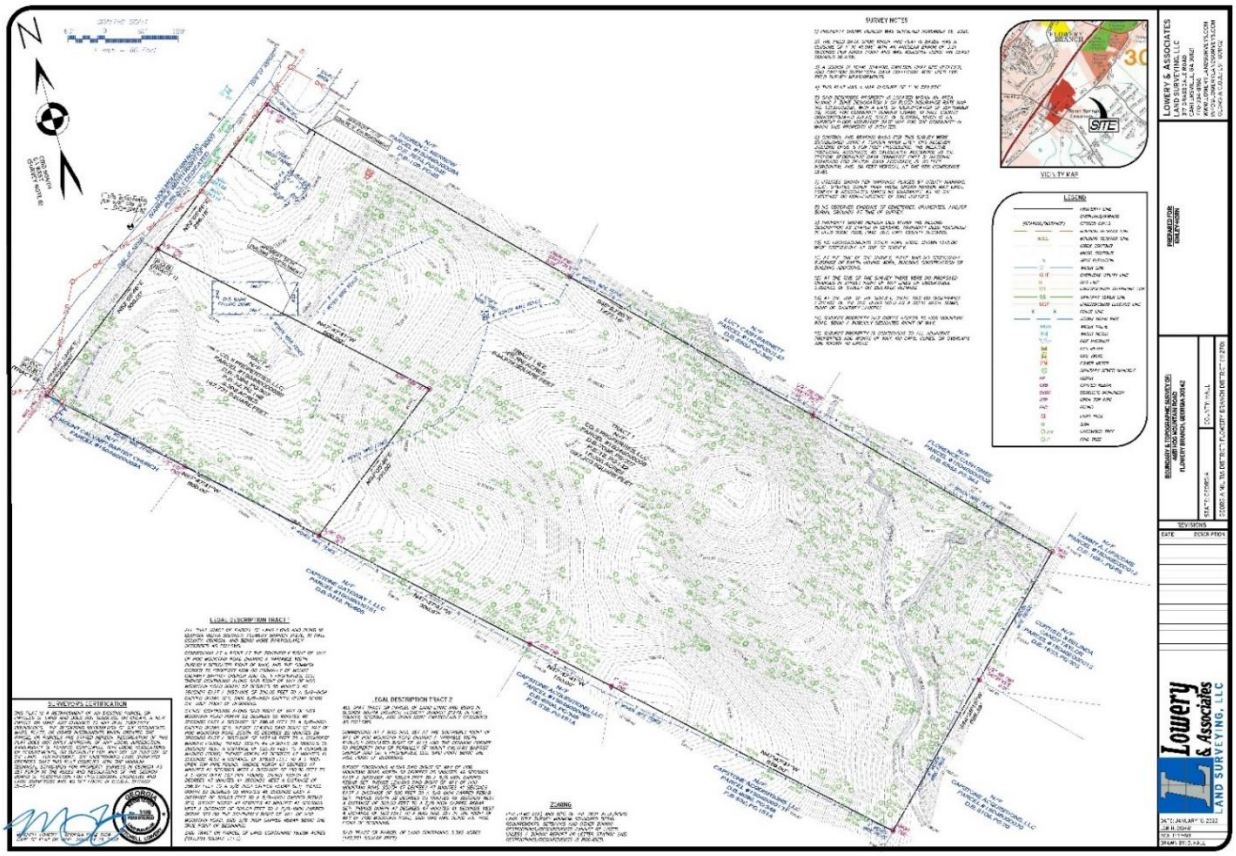
ATTEST

_____
Shelia R. Cooper, City Clerk

APPROVED AS TO FORM

_____
Ted C. Baggett, City Attorney

Exhibit A



LEGAL DESCRIPTION TRACT 1

ALL THAT TRACT OR PARCEL OF LAND LYING AND BEING IN GEORGIA MILITIA DISTRICT: FLOWERY BRANCH #1270, IN HALL COUNTY, GEORGIA, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT A POINT AT THE SOUTHERLY RIGHT OF WAY OF HOG MOUNTAIN ROAD (HAVING A VARIABLE WIDTH, PUBLICLY DEDICATED RIGHT OF WAY) AND THE COMMON CORNER TO PROPERTY NOW OR FORMALLY OF MOUNT CALVARY BAPTIST CHURCH AND CD, II PROPERTIES, LLC; THENCE CONTINUING ALONG SAID RIGHT OF WAY OF HOG MOUNTAIN ROAD NORTH 52 DEGREES 05 MINUTES 46 SECONDS EAST A DISTANCE OF 300.00 FEET TO A 5/8–INCH CAPPED REBAR SET, SAID 5/8–INCH CAPPED REBAR BEING THE TRUE POINT OF BEGINNING.

THENCE CONTINUING ALONG SAID RIGHT OF WAY OF HOG MOUNTAIN ROAD NORTH 52 DEGREES 05 MINUTES 46 SECONDS EAST A DISTANCE OF 296.18 FEET TO A 5/8–INCH CAPPED REBAR SET; THENCE LEAVING SAID RIGHT OF WAY OF HOG MOUNTAIN ROAD SOUTH 45 DEGREES 22 MINUTES 26 SECONDS EAST A DISTANCE OF 1477.18 FEET TO A CONCRETE MARKER FOUND; THENCE SOUTH 44 DEGREES 38 MINUTES 15 SECONDS WEST A DISTANCE OF 525.39 FEET TO A CONCRETE MARKER FOUND; THENCE NORTH 47 DEGREES 47 MINUTES 41 SECONDS WEST A DISTANCE OF 519.00 FEET TO A 1–INCH OPEN TOP PIPE FOUND; THENCE NORTH 47 DEGREES 47 MINUTES 41 SECONDS WEST A DISTANCE OF 150.00 FEET TO A 1–INCH OPEN TOP PIPE FOUND; THENCE NORTH 47 DEGREES 47 MINUTES 41 SECONDS WEST A DISTANCE OF 386.97 FEET TO A 5/8–INCH CAPPED REBAR SET; THENCE NORTH 52 DEGREES 05 MINUTES 46 SECONDS EAST A DISTANCE OF 300.00 FEET TO A 5/8–INCH CAPPED REBAR SET; THENCE NORTH 47 DEGREES 47 MINUTES 41 SECONDS WEST A DISTANCE OF 500.00 FEET TO A 5/8–INCH CAPPED REBAR SET ON THE SOUTHERLY RIGHT OF WAY OF HOG MOUNTAIN ROAD, SAID 5/8–INCH CAPPED REBAR BEING THE TRUE POINT OF BEGINNING.

SAID TRACT OR PARCEL OF LAND CONTAINING 16.006 ACRES (697,203 SQUARE FEET).

LEGAL DESCRIPTION TRACT 2

ALL THAT TRACT OR PARCEL OF LAND LYING AND BEING IN GEORGIA MILITIA DISTRICT: FLOWERY BRANCH #1270, IN HALL COUNTY, GEORGIA, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT A MAG NAIL SET AT THE SOUTHERLY RIGHT OF WAY OF HOG MOUNTAIN ROAD (HAVING A VARIABLE WIDTH, PUBLICLY DEDICATED RIGHT OF WAY) AND THE COMMON CORNER TO PROPERTY NOW OR FORMALLY OF MOUNT CALVARY BAPTIST CHURCH AND CD, II PROPERTIES, LLC, SAID POINT BEING THE TRUE POINT OF BEGINNING.

THENCE CONTINUING ALONG SAID RIGHT OF WAY OF HOG MOUNTAIN ROAD NORTH 52 DEGREES 05 MINUTES 46 SECONDS EAST A DISTANCE OF 300.00 FEET TO A 5/8 INCH CAPPED REBAR SET. THENCE LEAVING SAID RIGHT OF WAY OF HOG MOUNTAIN ROAD SOUTH 47 DEGREES 47 MINUTES 41 SECONDS EAST A DISTANCE OF 500 FEET TO A 5/8 INCH CAPPED REBAR SET; THENCE SOUTH 52 DEGREES 05 MINUTES 46 SECONDS WEST A DISTANCE OF 300.00 FEET TO A 5/8 INCH CAPPED REBAR SET; THENCE NORTH 47 DEGREES 47 MINUTES 41 SECONDS WEST A DISTANCE OF 500 FEET TO A MAG NAIL SET IN THE RIGHT OF WAY OF HOG MOUNTAIN ROAD, SAID MAG NAIL BEING THE TRUE POINT OF BEGINNING.

SAID TRACT OR PARCEL OF LAND CONTAINING 3.392 ACRES (147,771 SQUARE FEET).

Exhibit 'B'

Conditions of Use:

1. **General Development**
   a. Building Locations and Scope:
      The total number of residential lots within the detached townhome development shall not exceed 81.
   b. Density Measurement:
      Density shall be calculated on a net basis, in accordance with the definition of *Net Density* set forth in Article 2, Section 2.2 (Design-Related Definitions). The applicant is to provide the areas of wetlands, state water buffer zones, flood hazard or electric / gas transmission easements or right-of-way.
   c. Maximum net density shall not exceed 6 units per acre.
2. **Civil Site Engineering**
   a. The final site-grading, stormwater, and utility plans shall be in substantial conformity with the Rezoning Concept Plan, including all delineated amenities, open spaces, and public gathering areas.
   b. No grading, filling, or earthmoving shall occur within the 75-foot impervious setback from state waters without prior approval of the Director of Planning & Community Development; such activities shall be minimized in accordance with Code § 27.6(b).
   c. No residential lot shall contain stream buffers, impervious setbacks or amenity trails.
3. **Building Design**
   a. Exterior elevations shall comply with design requirements in Article 12 of the Flowery Branch Zoning Ordinance.
   b. All buildings shall include a side or rear entry garage per TND standards.
   c. Where brick veneer is shown, only authentic brick or natural stone shall be utilized.
   d. All building facades shall be approved through the Design Review process per Article 40 and shall meet the design requirements in Article 10 and Article 12.
4. **Streets, Sidewalks & Stormwater Facilities**
   a. All internal streets and sidewalks shall be public to City design standards, including but not limited to the current standards of the federal Americans with Disabilities Act, and be dedicated at the conclusion of the Final Plat. Stormwater management systems shall remain private and be maintained at the HOA's expense.
5. **Signage, Landscaping & Lighting**
   a. An overall signage program, a detailed landscape plan sealed by a Georgia-registered landscape architect, and a comprehensive site-lighting plan shall be submitted to the Department of Community Development for review and approval.
   b. The landscape plan shall include high-quality treatments for open spaces, trails, pathways, and amenities.
6. **Transportation Improvements**

a. The developer will prepare and implement a Transportation Improvement Plan to address impacts on Hog Mountain Road. The Transportation Improvement Plan shall be approved by the City Engineer.
b. The entrance on Hog Mountain Road shall include:
    i. A right-turn deceleration lane, designed per GDOT Driveway Manual Table 4-8 for 45 mph (175 ft full-width storage plus 100 ft taper), constructed at no cost to the City.
    ii. A left-turn lane into the site, built to GDOT Driveway & Encroachment Control Manual standards, also at no cost to the City.
    iii. Exit shall include dedicated lanes for both left and right turns.
    iv. Dedication of all necessary right-of-way for these improvements, conveyed by the developer at no cost.
    v. Relocation of any utilities currently beneath the proposed deceleration lane, at the developer's expense.
c. Sidewalks shall be located on both sides of the internal streets and along the road frontage of Hog Mountain Road.

7. **Variances**
    a. Approval shall not constitute the granting of any variance from applicable local, state, or federal standards, except as expressly described in Ordinances 776 and 777.
8. **Public Utilities**
    a. Because of the site's topographic constraints, sanitary sewer lift station(s) are likely required; the Engineer of Record must work closely with the Public Utility Department throughout the design process. All pump station plans must comply with Chapter 50 (Utilities), Article II (Standard Specifications), Division 2 (Construction), Subdivision VII (Pump Stations), as well as any additional criteria established by the Director of Public Utilities.
9. **Open Space**
    a. All Open Space requirements shall meet the minimum requirements of Section 10.22.
    b. The subdivision shall include a conveniently accessible mail kiosk for both motorists and pedestrians.
    c. The mail kiosk area is not included in the open space calculations.
    d. The open space components shall be substantially similar to the examples provided in the application and shown in the staff report.
    e. All walking trail surfaces are to be mulch, compacted crushed rock, or other material approved by the director and be maintained in safe conditions by the HOA.
    f. All trails are to maintain a minimum width of 48-inches.

Memorandum

To: City of Flowery Branch, City Manager, and City Council

From: Chris McCrary, Planning and Community Development Director

Date: February 5, 2025

Subject: Annexation, Rezoning, and Variances

Applicant: Highpoint Development
1776 Peachtree Street
Atlanta, GA 30309
502-386-7022

Owner: CD II Properties, LLC
P.O. Box 99
Demorest, GA 30535
502-386-7022

Existing Zoning: AR-1 – Agricultural – Residential & R-1 Residential, Unincorporated Hall County.

Location and Size:

4651 Hog Mountain Road; Parcel 15046 000008; 16.0 Acres
4665 Hog Mountain Road; Parcel 15046 000008B; 3.398
Toal Area: 19.398 Acres

Proposed Annexation:

The applicant proposes the annexation of the above-referenced parcels (19.398 Acres) from unincorporated Hall County into the City limits of Flowery Branch.

Proposed Zoning:

The applicant is proposing to rezone the property from AR-1 (Agricultural-Residential) and R-1 (Residential) in unincorporated Hall County to Traditional Neighborhood Development (TND) in the City of Flowery Branch.

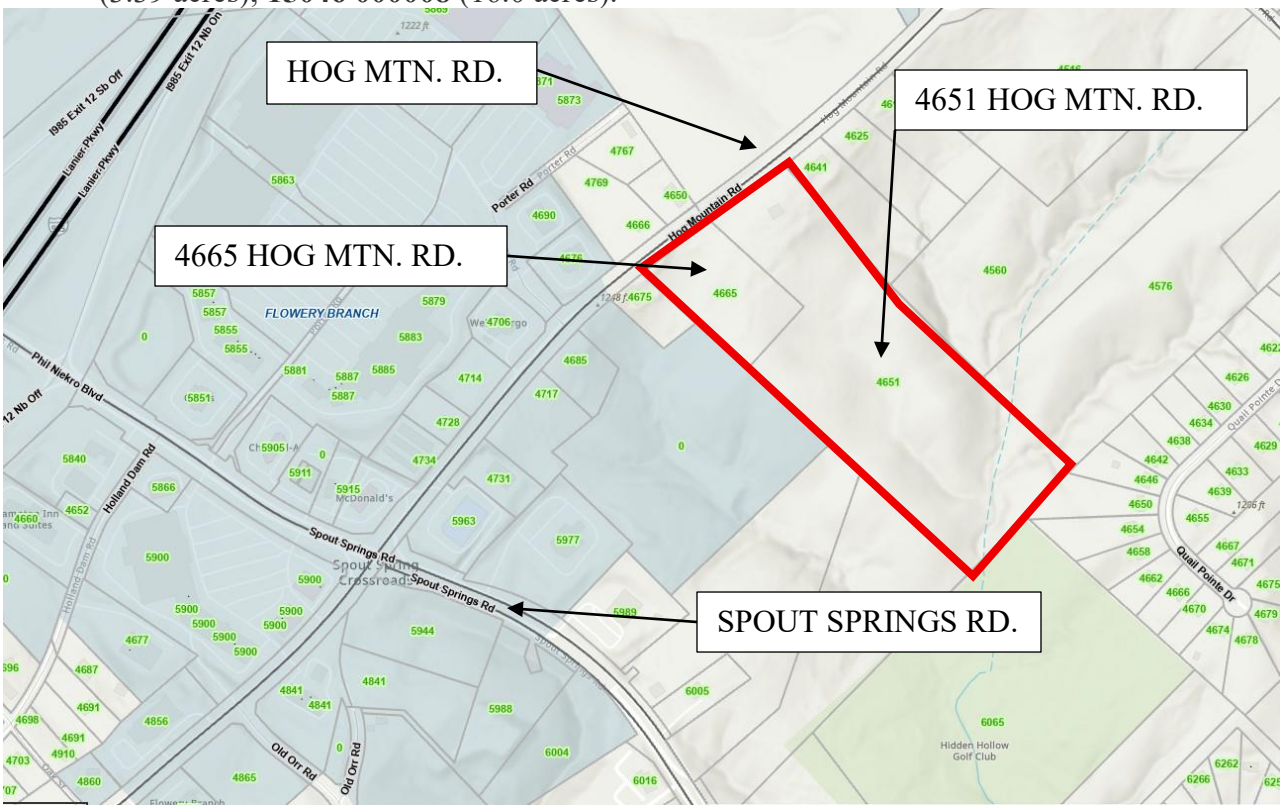
The applicant is proposing single-family detached dwellings with 81 lots. The two parcels are proposed to be rezoned from Hall County AR-1 (Agricultural-Residential) and R-1 (Residential) in unincorporated Hall County to Traditional Neighborhood Development (TND) in the City of Flowery Branch. The applicant is requesting concurrent variances within the TND requirements and dimensional standards.

Concurrent Variances:

1. Variance from **Section 1014, Table 10.1** radius of curvature of the center line from 275' to 48'. The applicant states the hardship for the centerline radius curvature is due to topography. A GIS review of the site confirms the site is an undeveloped wooded site with significant topography. The variance request could be considered for approval with an alternative solution, but no alternative design was provided with the application submittal.
2. Variance **to Sec. 12.6. - Townhouses.** The applicant requested a variance from Sec. 12.6 however, the correct request should reference **Sec 12.7(b)1 – Single-Family Detached Dwellings**, Entrance Features. The porch shall be at least **6 feet deep** (not including steps, if applicable) and **40% of the width of the front façade or 11 feet**, whichever is greater. The applicant is requesting a **reduction** to this section to allow for **4' x 7.5'** covered porch. The applicant can avoid a variance due to the code allowing for stoops if the front façade is fully brick or stone. The applicant's stated hardship is due to "architectural style". The variance application does not demonstrate a hardship peculiar to the property, which is beyond the control of the applicant.
3. Variance **to Sec. 7.4 Tabel 7.2** a reduction to the minimum lot size from 6,700 square feet in the TND zoning category. The application requests a reduction to a minimum lot size of 5,500 square feet. The site plan provided by the applicant lists a total of 81 lots but does not provide individual square footage for each lot and thus, the total number of lots that would be below 6,700 square feet cannot be adequately determined at this time. The applicant did not demonstrate a hardship peculiar to the property, which is beyond the control of the applicant.
4. Variance **to Sec. 1021.c** Residential Street Design with streets more than 360 feet in length shall have at least 25 feet of lateral deviation from a straight course. The applicant seeks to remove the 25-foot deviation from straight course requirements. The applicant's site plan indicated locations for center landscape islands to break up the straight street but did not include consistent drive lane width through bulb-outs which could pose a danger to the motoring public. The variance could be approved if a safe and effective traffic-calming alternative is provided. While many well-engineered traffic calming solutions exist, the one currently proposed does not meet acceptable safety standards.

Location:

- 4665 and 4651 Hog Mountain Road; tax parcel identification numbers **15046 000008B** (3.39 acres); **15046 000008** (16.0 acres).



Architectural Concepts:

The applicant submitted conceptual renderings of the proposed single-family detached architecture. However, without detailed floor plans and a materials list, staff are unable to verify compliance with the City's established architectural treatment and dimensional standards. To facilitate a thorough review, the applicant must provide complete architectural drawings, including architectural material details and floor-plan details, in order to confirm that all requirements are met. A detailed review is done by staff following Article 40 prior to the issuance of permits. The design concepts provided are for illustrative purposes only and were submitted as part of the rezoning case.

All TND zone homes are to have side- or rear- entry garages. The applicant provided architectural examples of front-entry garages. No variance application was submitted for front-entry garages in TND zoning.



ARCHITECTURAL FEATURES:

The achitecture leans toward a mountain bungalow style, with forms and finishes that feel sturdy, familiar, and tied to the landscape. Dark charcoal accents sharpen the earthy palette, while carriage-style garage doors and well-placed sconces add character without slipping into ornament. Matching metal gutters bring a clean outline to the façades, and the porch roof extending across the front-facing garage helps keep everything at a comfortable, human scale. The result is a street presence that feels connected, warm, and intentionally crafted—neighbors, not statements.



COLOR PALETTE:

The three offered schemes—light, mid-tone, and dark—are drawn from the muted, earthy tones of the North Georgia landscape. Each palette reflects the surrounding ridge and creek setting, favoring natural hues: soft mineral whites, weathered wood browns, and deeper charcoal colors that echo stone, soil, and shaded canopy. Together, they provide variation without discord, allowing homes to feel individually tailored yet quietly unified within the broader landscape.






ARCHITECTURAL FEATURES:

Details stay simple and purposeful. Porch brackets and extended overhangs provide clear structure and shade without excess. Gable vents, occasional gable windows, and selectively used shutters add just enough dimension to the façades, keeping each home grounded and consistent without feeling repetitive.

Open Space Analysis:

Pursuant to Article 10 – Development Requirements and Guidelines, Sec. 10.22 – Open Space Requirements, any proposed residential development is required to provide a total minimum of 15% open space, derived from a combination of Civic Space options (10%) and Amenity Space options (5%).
The site data table provided by the applicant lists a total of 21.2% open space with location details shown on the site plan:



Site Data Table	Required	Provided
Acres	-	19.398
Gross Density	-	4.18
Net Density	6	4.29
Exterior Buffer	-	-
Sidewalks	5', One Side	5', Two Side
Parking	2-Enclosed	2-Enclosed
Minimum Lot Area	6,700	5,500
Average Lot Area	-	6,700
Minimum Lot Width	40	40
Minimum Lot Depth	80	106
Minimum Heated Floor Area Per Dwelling Unit (SF)	1,200	2,200
Minimum Front Yard Setback From Lot Line (FT)	-	-
Minimum Side Setback, Interior Lot Line or Corner Lot, All Principle Buildings (FT)	5	5
Minimum Rear Setback, All Principle Buildings (FT)	25	25
Maximum Coverage of Impervious Surface (Percent of Lot)	45%	Less than 45%
Civic Space	10% Minimum	15.1%
Amenity Space	5% Minimum	6.1%

GROSS DENSITY = 81 LOTS / 19.398 AC =	4.18	Lots/AC
NET AREA = GROSS AREA - 50% of STREAM BUFFERS =	18.873	AC
NET DENSITY = 81 LOTS / 18.873 AC =	4.29	Lots/AC

The majority of the open space provided on the site plan is concentrated in the rear of the subdivision and proposes a mixture of hardscaped walking trail areas, mulched trails through the wooded section of the parcel, as well as seating/viewing areas around the detention pond and a communal pavilion and fire pit area. The site plan also shows a pocket park area near the entrance to the subdivision. The current site plan does not contemplate the location of a mail kiosk, which could impact the proposed open space shown on the site plan. While the proposed open space exceeds the minimum required by code, the proposed location for the majority of the open space raises concerns regarding lack of a centralized location and equitable use for all residents.

The applicant provided the following conceptual images of amenity spaces and trail features:



Traffic Impacts, Vehicular Flow, and Entrances/Exits

The Conceptual Site Plan for the proposed development indicates 81 residential single-family detached units.

1. Site Access

- A single entrance is proposed off Hog Mountain Road.
- The entrance must include both a right-turn and left-turn lane in. The exit shall include both a left and right dedicated lane. These turn lanes will help to alleviate congestion during peak demand periods and maintain the flow of through traffic. All roadway designs shall be in accordance with the GDOT Driveway Manual.

2. Sight Distance

- The driveway design must meet the minimum sight-distance requirements specified in the GDOT Driveway Manual. The engineer shall verify that both stopping-sight distance (SSD) and operational-sight distance (OSD) criteria are satisfied under existing field conditions.

3. Utility Coordination

- Any utilities located beneath the proposed deceleration or turn-lane pavement must be relocated outside of the pavement area.
- All costs associated with utility relocation shall be borne by the developer and coordination with the respective utility owners must be completed prior to construction.

4. Traffic Impact Study

- The current Traffic Study by A&R Engineering dated May 7, 2025, was prepared for the initially proposed townhome development using ITE Land Use Category 215 – Single-Family Attached Housing. It needs to be revised for the current proposed development of single-family detached houses by using category 210 for Single-Family Detached Housing which generates significantly more trips per unit.
- The traffic study should also be revised to include the intersection of Spout Springs Road and the entrance to Stonebridge Village.

All design elements shall comply with GDOT standards. Coordination with Hall County DOT, City of Flowery Branch, and affected utility providers should occur early in the design process to avoid delays.

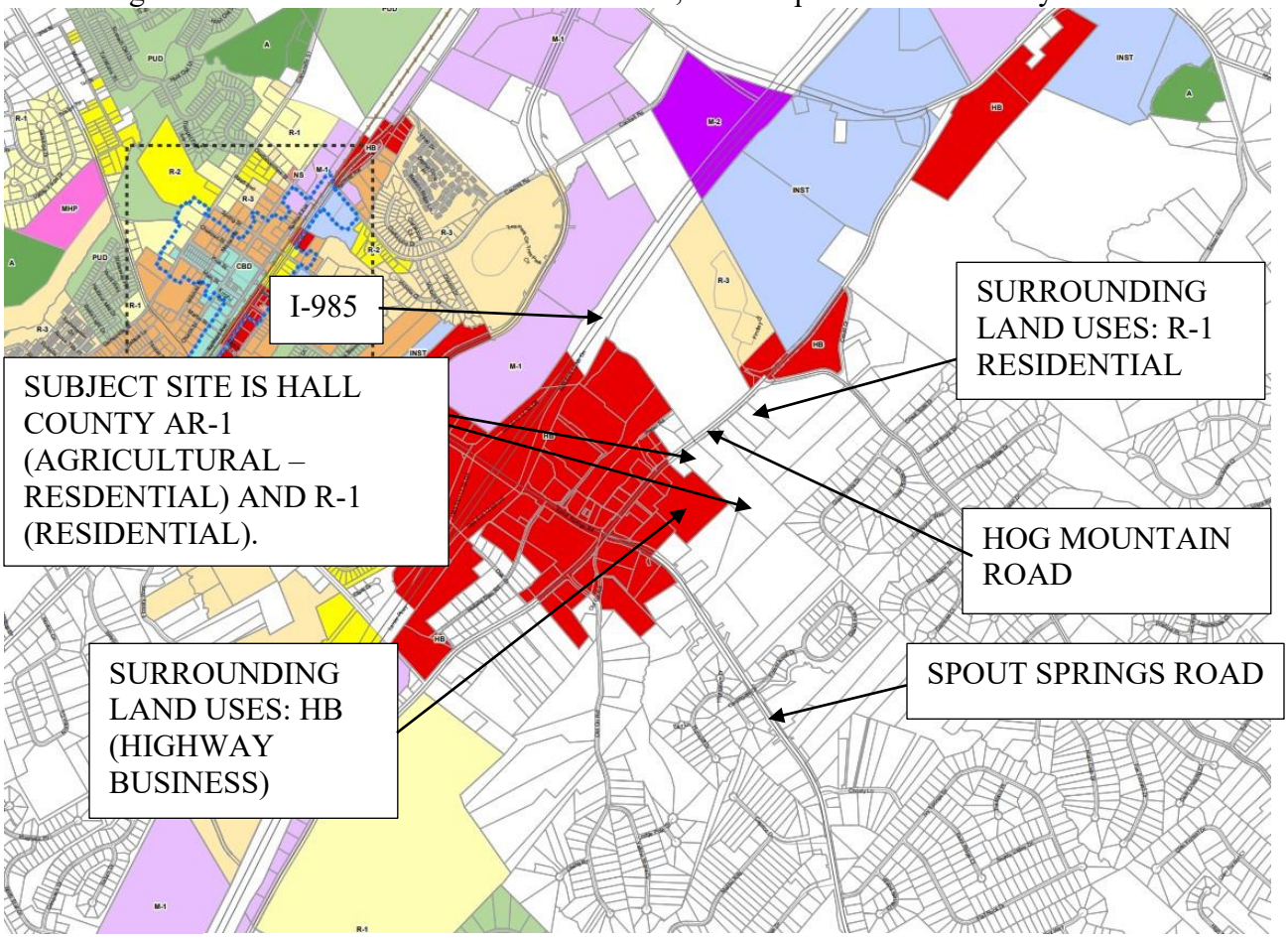
Sewer Design and Capacity Impacts

The proposed development of 81 residential units will generate a peak sanitary sewer demand of **22,275** gallons per day, based on the City's standard rate of 275 gallons per unit. Given the City's current peak capacity of **727,798** gallons per day, bringing these units online would reduce available capacity to approximately **705,523** gallons per day.

Because of the site's topographic constraints, one or more sanitary sewer lift stations will be required; the Engineer of Record must work closely with the Public Utility Department throughout the design process. All pump station plans must comply with Chapter 50 (Utilities), Article II (Standard Specifications), Division 2 (Construction), Subdivision VII (Pump Stations), as well as any additional criteria established by the Public Utilities Director.

Zoning Map:

AR-1 – Agricultural – Residential & R-1 Residential, Unincorporated Hall County.



Legend

Zoning Districts

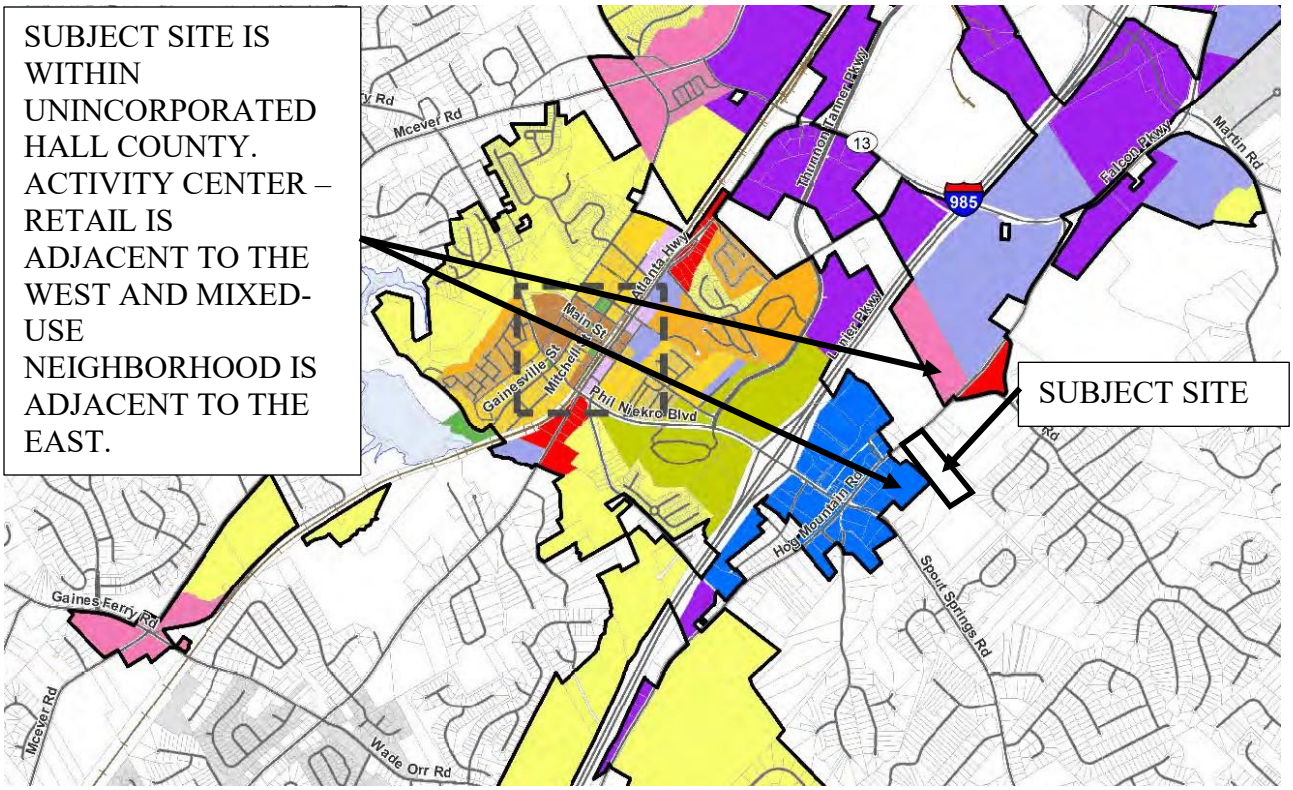
- Residential Low Density (R-1)
- Residential Moderate Density (R-2)
- Residential Multi-family (R-3)
- Traditional Neighborhood Development (TND)
- Planned Unit Development (PUD)
- Manufactured Home Park (MHP)
- Central Business District (CBD)
- Neighborhood Shopping (NS)
- Highway Business (HB)
- Institutional (INST)
- Manufacturing & Industrial, Light (M-1)
- Manufacturing & Industrial, Heavy (M-2)
- Agriculture (A)

Historic Districts

- Local Historic District

Future Development Plan:

SUBJECT SITE IS WITHIN UNINCORPORATED HALL COUNTY. ACTIVITY CENTER – RETAIL IS ADJACENT TO THE WEST AND MIXED-USE NEIGHBORHOOD IS ADJACENT TO THE EAST.



Other City Limits

CHARACTER AREA

- CONSERVATION
- SUBURBAN RESIDENTIAL
- TRADITIONAL NEIGHBORHOOD
- URBAN DENSITY COMMUNITY
- OLD TOWN
- MIXED USE - DOWNTOWN
- MIXED USE - NEIGHBORHOOD
- NEIGHBORHOOD COMMERCIAL
- ACTIVITY CENTER
- ACTIVITY CENTER - RETAIL
- INDUSTRIAL EMPLOYMENT
- INSTITUTIONAL CAMPUS

Site Plan:

The applicant is proposing 81 single-family detached lots on 19.398 acres.



The site is located on Hog Mountain Road north of the intersection with Spout Springs Road. The site is an undeveloped wooded lot with state waters located on the eastern side of the site.

Site Data Table	Required	Provided
Acres	-	19.398
Gross Density	-	4.18
Net Density	6	4.29
Exterior Buffer	-	-
Sidewalks	5', One Side	5', Two Side
Parking	2-Enclosed	2-Enclosed
Minimum Lot Area	6,700	5,500
Average Lot Area	-	6,700
Minimum Lot Width	40	40
Minimum Lot Depth	80	106
Minimum Heated Floor Area Per Dwelling Unit (SF)	1,200	2,200
Minimum Front Yard Setback From Lot Line (FT)	-	-
Minimum Side Setback, Interior Lot Line or Corner Lot, All Principle Buildings (FT)	5	5
Minimum Rear Setback, All Principle Buildings (FT)	25	25
Maximum Coverage of Impervious Surface (Percent of Lot)	45%	Less than 45%
Civic Space	10% Minimum	15.1%
Amenity Space	5% Minimum	6.1%

GROSS DENSITY = 81 LOTS / 19.398 AC =	4.18	Lots/AC
NET AREA = GROSS AREA - 50% of STREAM BUFFERS =	18.873	AC
NET DENSITY = 81 LOTS / 18.873 AC =	4.29	Lots/AC





ARTICLE 2
Section 2.2. Design-Related Definitions.

Density: The number of families, individuals, dwelling units or housing structures per unit of land. Gross density is determined by dividing the number of families, individuals, dwelling units or housing structures by the gross area of the land (i.e. all land within the boundaries of the particular area excluding nothing). Net density is determined by subtracting from the gross area the following conditions identified on the land:

- 50 percent of any land identified as a wetland; and
- 50 percent of any land identified waters of the state including the buffer zones; and
- 50 percent of any land identified as a flood hazard boundary; and
- 50 percent of any land within an electricity transmission easement or right-of-way; and
- 50 percent of any land within a gas transmission easement or right-of-way.

The result of this calculation is the net acreage. The net acreage is divided into the number of units to determine the net density. The applicant provided a net density number but did not provide the areas of the wetlands, state water buffer zones, flood hazard or electric / gas transmission easements or right-of-way.

Sec. 34.7. - Analysis Requirements for Rezoning

Applications to amend the official zoning map shall provide a written analysis comparing the proposed action with the criteria in this Section. A zoning map amendment or conditional use application may be justified only if it bears a reasonable relationship to the public health, safety, morality, or general welfare, and after consideration of the analysis requirements which may in individual cases be considered criteria relevant to the Zoning Administrator in making recommendations and by the City Council in the decision-making process.

a) *Whether the proposal will permit a use that is suitable in view of the use and development of adjacent and nearby property.*
The development of residential single-family detached homes is a suitable use in view of the use and development of adjacent and nearby property.

b) *Whether the proposal will adversely affect the existing use or usability of adjacent or nearby property.*
The proposed use will not adversely affect the existing use or usability of adjacent or nearby property.

c) *Whether the property to be affected by the proposal can be used in accordance with the existing regulations and has reasonable economic use as currently zoned.*
Annexation is necessary to connect the site to Flowery Branch's sanitary sewer system, while rezoning is required to align the site with the city's zoning designations.

d) *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.*
Input from the City's engineer was provided in this staff report.

e) *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 development is directly adjacent to the Activity Center – Retail character area. Mixed Use character area is located adjacent to the northeast on Hog Mountain Road. The proposed residential development would be a transitional zoning from retail to residential.

f) *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 concurrent variances do not demonstrate hardships peculiar to the property which are beyond the applicant's control.

g) *Existing use(s) and zoning of the subject property and nearby properties.*
The proposed development is for detached single-family and no other similar developments are nearby.

h) *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.*
Staff has no information to provide on the value of the subject property.

i) *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.*
Staff has no information to provide on the value of the adjacent property.

j) *The possible creation of an isolated zoning district unrelated to adjacent and nearby districts.*
There are no TND zoning designations in the area. This zoning would create an isolated zoning district.

k) *Possible effects of the change in zoning district map, or change in use, on the character of a zoning district.*
The proposed use is not similar to nearby development.

l) *The possible impact on the environment, including but not limited to, drainage, soil erosion and sedimentation, flooding, air quality and water quality.*
The subsequent LDP will be required to be compliant with all erosion and stormwater regulations.

m) *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 proposed rezoning will have impacts on the purpose of the overall zoning scheme and the purposes of this Zoning Ordinance due to the isolated zoning to TND in this area.

Sec. 37.5. - Criteria for Granting Variances.

Any applicant requesting consideration of a variance to any provision of the zoning ordinance shall provide a written justification that one or more of the following condition(s) exist. The City Council shall not approve a variance application unless it shall have adopted findings that one or more of the following conditions exist:

(a) There are extraordinary and exceptional conditions or practical difficulties pertaining to the particular piece of property in question because of its size, shape or topography that are not applicable to other lands or structures in the same district;

1. Variance Request **Section 1014, Table 10.1** radius of curvature: Topography could be considered a hardship. The variance request could be considered for approval with an alternative solution but was not provided with the application submittal.
2. Variance **Sec 12.7(b)1 – Single-Family Detached Dwellings**. Reduction in minimal porch depth and width: The applicant's stated hardship is due to "architectural style". The variance application does not demonstrate a hardship because of size, shape or topography that is not applicable to other lands or structures in the same district.
3. Variance **to Sec. 7.4 Tabel 7.2** a reduction to the minimum lot size from 6,700 sq.ft. to 5,500 sq.ft. The variance application does not demonstrate a hardship because of size, shape or topography that is not applicable to other lands or structures in the same district.
4. Variance **to Sec. 1021.c** Residential Street Design with streets more than 360 feet in length shall have at least 25 feet of lateral deviation from a straight course: Topography could be considered a hardship. The variance could be approved if a safe and effective traffic-calming alternative is provided. While many well-engineered traffic calming solutions exist, the one currently proposed does not meet acceptable safety standards.

(b) A literal interpretation of the provisions of this ordinance would effectively deprive the applicant of rights commonly enjoyed by other properties of the district in which the property is located;
A literal interpretation of the provisions of this ordinance would not effectively deprive the applicant of rights commonly enjoyed by other properties of the district in which the property is located.

(c) Granting the variance requested will not confer upon the property of the applicant any special privileges that are denied to other properties of the district in which the applicant's property is located;

Each variance request is unique to the proposed development and property. No similar variances were granted or denied similar to the current request on other applicants' property in the district.

(d) The requested variance will be in harmony with the purpose and intent of this ordinance and will not be injurious to the neighborhood or to the general welfare;
Variances 1 and 4 could be considered for approval with alternative design elements.
Variances 2 and 3 will not be in harmony with the purpose and intent of this ordinance due to the lack of hardships peculiar to the property, which is beyond the control of the applicant.

(e) The special circumstances are not the result of the actions of the applicant;
Variances 1 and 4 could be considered for approval with alternative design elements due to the special circumstances that are not the result of the actions of the applicant. However, alternative design elements must be provided for review of the City Engineer.
Variances 2 and 3 do not include special circumstances.

(f) The variance requested is the minimum variance that will make possible the proposed use of the land, building, or structure in the use district proposed; and
Variances 1 and 4 could be considered for approval with alternative design elements showing the variance is the minimum variance that will make possible the proposed use of land, building, or structure in the use district proposed.
Variances 2 and 3 are not the minimum variances that will make possible the proposed use of the land, building, or structure in the use district proposed. The applicant could provide floor plans that meet the requirements of the code and reduce the total number of lots by making every lot a minimum of 6,700 sq.ft.

(g) The variance shall not permit a use of land, buildings or structures, which is not permitted by right in the zoning district or overlay district involved.
With annexation and rezoning to the proper zoning category, residential dwellings would be permitted uses.

Staff Recommendation for Annexation, Rezoning, and Variances

Recommendation:

There are three applications proposed at 4651 and 4665 Hog Mountain Road, parcels **15046 000008B** (3.39 acres); **15046 000008** (16.0 acres). The first consideration for the City Council is the proposed annexation of both parcels. With annexation, the subject site must be rezoned from Hall County AR-1 – Agricultural & Residential - R-1- Residential to a Flowery

Branch zoning category. The applicant is proposing to rezone the property to Traditional Neighborhood Development (TND).

Variance Details:

1. Variance from **Section 1014, Table 10.1** radius of curvature of the center line from 275' to 48'. The applicant states the hardship for the centerline radius curvature is due to topography. A GIS review of the site confirms the site is an undeveloped wooded site with significant topography. The variance request could be considered for approval with an alternative solution.
2. Variance **to Sec. 12.6. - Townhouses.** The applicant requested a variance from Sec. 12.6 however, the correct request should reference **Sec 12.7(b)1 – Single-Family Detached Dwellings**, Entrance Features. The porch shall be at least **6 feet deep** (not including steps, if applicable) and **40% of the width of the front façade or 11 feet**, whichever is greater. The applicant is requesting a **reduction** to this section to allow for **4' x 7.5'** covered porch. The applicant can avoid a variance due to the code allowing for stoops if the front façade is fully brick or stone. The applicant's stated hardship is due to "architectural style". The variance application does not demonstrate a hardship peculiar to the property, which is beyond the control of the applicant.
3. Variance **to Sec. 7.4 Tabel 7.2** a reduction to the minimum lot size from 6,700 square feet in the TND zoning category. The application requests a reduction to a minimum lot size of 5,500 square feet. The site plan provided by the applicant lists a total of 81 lots but does not provide individual square footage for each lot and thus, the total number of lots that would be below 6,700 square feet cannot be adequately determined at this time. The applicant did not demonstrate a hardship peculiar to the property, which is beyond the control of the applicant.
4. Variance **to Sec. 1021.c** Residential Street Design with streets more than 360 feet in length shall have at least 25 feet of lateral deviation from a straight course. The applicant seeks to remove the 25-foot deviation from straight course requirements. The applicant's site plan indicated locations for center landscape islands to break up the straight street but did not include consistent drive lane width through bulb-outs which could pose a danger to the motoring public. The variance could be approved if a safe and effective traffic-calming alternative is provided. While many well-engineered traffic calming solutions exist, the one currently proposed does not meet acceptable safety standards.

Variance Recommendations:

A variance from the Subdivisions Ordinance, Article 10 – Access and Design Requirements for Roads, Sec. 1014 – Road Right-of-Way Widths and Miters, Table 10.1 recommended for approval to reduce radius of curvature of the center line from 275’ to 48’ with a condition that the applicant revise the site plan to show two-way stops in areas that can accommodate to reduce the amount of radii needing a variance. The final alternative design shall be approved by the City Engineer.

A variance from the Zoning Ordinance, Article 12 – Requirements for Specific Residential Principal Buildings and Uses, Sec 12.7(b)1 – Single-Family Detached Dwellings, Entrance Features. The porch is reduced from be 6 feet deep (not including steps, if applicable) and 40% of the width of the front façade or 11 feet, whichever is greater to 4 feet deep and 7.5 feet wide porch is recommended for approval with a condition that the façade of buildings with the porch dimensional reductions shall be have a front façade that is 100% brick or stone. Final elevations shall be approved by the Director of Planning and Community Development Director.

A variance from the Zoning Ordinance, Article 7 – TND, Traditional Neighborhood Development, Sec. 7.4 – Dimensional Requirements, Table 7.2, to reduce minimum lot size from 6,700 to 5,500 square feet is recommended for denial. However, if approval is considered it is recommended that no more than 20% of the total number of lots shall have an area less than 6,700 square feet, and no lot shall have an area less than 5,500 square feet.

A variance from the Zoning Ordinance, Article 10 – Development Requirements and Guidelines, Sec. 10.21(c) – Residential Street Design Requirements, to remove the requirement of all streets more than 360 feet in length shall have at least 25 feet of lateral deviation from a straight course is recommended for approval with a condition that engineering standard traffic calming devices are proposed on a revised site plan. Additionally, each home shall be offset from the front building setback by at least five (5) feet from the neighboring home. The traffic calming devices used, their location and the placement of the homes on each site shall be approved by the City Engineer.

Staff recommends **approval of the Annexation and Rezoning** applications with the conditions provided.

Recommended Conditions of Approval of Annexation and Rezoning:

Please find below the proffered conditions for the proposed rezoning, organized by discipline and drafted to ensure consistency with the submitted concept materials and to protect the public interest:

1. **General Development**
    a. Building Locations and Scope:
    The total number of residential lots within the detached townhome development shall not exceed 81.
    b. Density Measurement:
    Density shall be calculated on a net basis, in accordance with the definition of *Net Density* set forth in Article 2, Section 2.2 (Design-Related Definitions). The applicant is to provide the areas of wetlands, state water buffer zones, flood hazard or electric / gas transmission easements or right-of-way.
    c. Maximum net density shall not exceed 6 units per acre.
2. **Civil Site Engineering**
    a. The final site-grading, stormwater, and utility plans shall be in substantial conformity with the Rezoning Concept Plan, including all delineated amenities, open spaces, and public gathering areas.
    b. No grading, filling, or earthmoving shall occur within the 75-foot impervious setback from state waters without prior approval of the Director of Planning & Community Development; such activities shall be minimized in accordance with Code § 27.6(b).
    c. No residential lot shall contain stream buffers, impervious setbacks or amenity trails.
3. **Building Design**
    a. Exterior elevations shall comply with design requirements in Article 12 of the Flowery Branch Zoning Ordinance.
    b. All buildings shall include a side or rear entry garage per TND standards.
    c. Where brick veneer is shown, only authentic brick or natural stone shall be utilized.
    d. All building facades shall be approved through the Design Review process per Article 40 and shall meet the design requirements in Article 10 and Article 12.
4. **Streets, Sidewalks & Stormwater Facilities**

a. All internal streets and sidewalks shall be public to City design standards and be dedicated at the conclusion of the Final Plat. Stormwater management systems shall remain private and be maintained at the HOA's expense.

5. **Signage, Landscaping & Lighting**
    a. An overall signage program, a detailed landscape plan sealed by a Georgia-registered landscape architect, and a comprehensive site-lighting plan shall be submitted to the Department of Community Development for review and approval.
    b. The landscape plan shall include high-quality treatments for open spaces, trails, pathways, and amenities.
6. **Transportation Improvements**
    a. The developer will prepare and implement a Transportation Improvement Plan to address impacts on Hog Mountain Road. The Transportation Improvement Plan shall be approved by the City Engineer.
    b. The entrance on Hog Mountain Road shall include:
        i. A right-turn deceleration lane, designed per GDOT Driveway Manual Table 4-8 for 45 mph (175 ft full-width storage plus 100 ft taper), constructed at no cost to the City.
        ii. A left-turn lane into the site, built to GDOT Driveway & Encroachment Control Manual standards, also at no cost to the City.
        iii. Exit shall include dedicated lanes for both left and right turns.
        iv. Dedication of all necessary right-of-way for these improvements, conveyed by the developer at no cost.
        v. Relocation of any utilities currently beneath the proposed deceleration lane, at the developer's expense.
    c. Sidewalks shall be located on both sides of the internal streets and along the road frontage of Hog Mountain Road.
7. **Variances**
    a. Approval of the annexation, rezoning and variance applications shall not constitute the granting of any variance from applicable local, state, or federal standards, except as expressly described herein.
    b. A variance from the Subdivisions Ordinance, Article 10 – Access and Design Requirements for Roads, Sec. 1014 – Road Right-of-Way Widths and Miters, Table 10.1 recommended for approval to reduce radius of curvature of the center line from 275' to 48' with a condition that the applicant revise the site plan to show two-way stops in areas that can accommodate to reduce the amount of radii needing a variance. The final alternative design shall be approved by the City Engineer.

c. A variance from article 12 -Requirements for Specific Residential Principal Buildings and Uses, Sec 12.7(b)1 – Single-Family Detached Dwellings, Entrance Features. The porch is reduced from be 6 feet deep (not including steps, if applicable) and 40% of the width of the front façade or 11 feet, whichever is greater to 4 feet deep and 7.5 feet wide porch is recommended for approval with a condition that the façade of buildings with the porch dimensional reductions shall be have a front façade that is 100% brick or stone. Final elevations shall be approved by the Director of Planning and Community Development Director.
d. A variance from the Zoning Ordinance, Article 7 – TND, Traditional Neighborhood Development, Sec. 7.4 – Dimensional Requirements, Table 7.2, to reduce minimum lot size from 6,700 to 5,500 square feet is recommended for approval with a condition that no more than 20% of the total lots shall be less than 6,700 sq. ft. and no lot shall be less than 5,500 sq. ft.
e. A variance from Article 10 – Development Requirements and Guidelines, Sec. 10.21(c) – Residential Street Design Requirements, to remove the requirement of all streets more than 360 feet in length shall have at least 25 feet of lateral deviation from a straight course is recommended for approval with a condition that engineering standard traffic calming devices are proposed on a revised site plan. Additionally, each home shall be offset from the front building setback by at least five (5) feet from the neighboring home. The traffic calming devices used, their location and the placement of the homes on each site shall be approved by the City Engineer.

8. **Public Utilities**
   a. Because of the site's topographic constraints, sanitary sewer lift station(s) are likely required; the Engineer of Record must work closely with the Public Utility Department throughout the design process. All pump station plans must comply with Chapter 50 (Utilities), Article II (Standard Specifications), Division 2 (Construction), Subdivision VII (Pump Stations), as well as any additional criteria established by the Director of Public Utilities.
9. **Open Space**
   a. All Open Space requirements shall meet the minimum requirements of Section 10.22.
   b. The subdivision shall include a conveniently accessible mail kiosk for both motorists and pedestrians.
   c. The mail kiosk area is not included in the open space calculations.
   d. The open space components shall be substantially similar to the examples provided in the application and shown in the staff report.
   e. All walking trail surfaces are to be mulch, compacted crushed rock, or other material approved by the director and be maintained in safe conditions by the HOA.

f. All trails are to maintain a minimum width of 48-inches.
g. A clearly visible sign shall be installed at each point where the amenity trails connect to the public sidewalks, stating that the trail amenity is not designed or constructed to ADA standards.

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770-967-6378

ANNEXATION COMPLETENESS CHECKLIST

Please review each line item on the Completeness Checklist prior to submitting an application to the City of Flowery Branch. Please initial **each line item** (numerical and alphabetical sub lists) in the initial blocks provided in the left-hand column. Initialed checklist must be included with the completed application and all other required documentation at time of submittal. **All requirements must be provided in digital format via file sharing or on a flash drive.**

Applicant Name: Highpoint Development **Project Name:** The Ridge at Lott Creek

XJT	1.	Completed annexation application with all signatures and notary stamps present and all fields filled out and in compliance with all requirements. (Article 44, Sec. 44.4) Completed concurrent rezoning application with all signatures and notary stamps present and all fields filled out and in compliance with all requirements. (Article 34, Sec. 34.8)
XJT	2.	Legal description of property.
XJT	3.	Current survey of the property.
XJT	4.	Site plan of the property in accordance with the requirements of the Flowery Branch Code of Ordinances (Article 34, Sec 34.4 & 34.5):
		a) Uses an appropriate engineering scale
		b) Shows proposed use and relevant information regarding proposed improvements
		c) All existing AND proposed buildings and/or structures
		d) Parking and internal circulation
		e) Proposed landscaping
		f) Buffers, where required
		g) Other information as required by the Zoning Administrator
XJT	5.	Detailed description of the request.
XJT	6.	Required development statistics (Article 34, Sec 34.6) (separate document):
		a) Maximum and proposed height of any structure
		b) Maximum and proposed gross square footage of the building area (nonresidential only)
		c) Color rendering of any and all proposed structure(s)
		d) Material list (with percentages) of any and all proposed structure(s)
		e) Maximum and proposed number of dwelling units and minimum and proposed square footage of heated floor area for any dwelling unit (residential only)
		f) Maximum and proposed lot coverage of building area (square feet and percent)
		g) Minimum and proposed square footage of landscaped area (square feet and percent)
		h) Minimum, maximum and proposed number of parking spaces

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ANNEXATION COMPLETENESS CHECKLIST

		i) Other dimensional information as may be required by the Zoning Administrator
x JH	7.	Written Analysis Requirements (Article 34, Sec. 34.7) (separate document):
		a) Whether the proposal will permit a use that is suitable in view of the use and development of adjacent and nearby properties.
		b) Whether the proposal will adversely affect the existing use or usability of adjacent or nearby properties.
		c) 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.
		d) 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.
		e) 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.
		f) 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.
		g) 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.
		h) 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.
		i) Whether a proposed zoning map amendment or conditional use approval will be a deterrent to the value or improvement of the development of adjacent property in accordance with existing regulations.
		j) The possible creation of an isolated zoning district unrelated to adjacent and nearby districts.
		k) Possible effects of the change in zoning district map, or change in use, on the character of a zoning district.
		l) The possible impact on the environment, including but not limited to, drainage, soil erosion and sedimentation, flooding, air quality and water quality.

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ANNEXATION COMPLETENESS CHECKLIST

		m) 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.
X JF	8.	Conflict of interest disclosure (in body of application).
X JF	9.	Disclosure of campaign contributions (in body of application).
X JF	10.	Names and addresses of adjoining property owners. (separate document)
X JF	11.	Reasons for requesting annexation/rezoning. (separate document)
X JF	12.	Signed statement authorizing City of Flowery Branch staff and/or City Council to inspect subject property. (separate document)
N/A	13.	Annexations > 100 acres of land require an official request to amend the character area and future land use map designation for the subject property.
X JF	14.	Letter of intent describing the proposed use of the property or other action requested. (separate document)
X JF	15.	Hard copy of application with wet seals & signatures

The undersigned does hereby attest that all requirements in the above checklist have been met and that all required documentation has been provided at the time of submittal. The undersigned acknowledges that any application found to be incomplete upon review will be returned to the applicant for completion.

Name (print): HIGHPOINT DEVELOPMENT JAKE FRENCH

Signature: _____

Date: 12/11/2025

FLOWERY BRANCH
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ANNEXATION APPLICATION

Date: 12/11/2025

Address of Request:
4651 & 4665 Hog Mountain 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_____

Applicant Information:

Name: Highpoint Development

Address: 1776 Peachtree Street NW, Atlanta, GA 30309

E-mail address: jfrench@hpdev.com

Phone number: 502-386-7022

Signature: _____ Title (if applicable):_____

Print Name: Jake French

Notary Signature: _____

Notary Seal:

HANNAH HURLEY
Notary Public - State of Georgia
Gwinnett County
My Commission Expires Mar 14, 2028

FLOWERY BRANCH

Property owner information (if different than the applicant)

Property owner (please print): CD II Properties, LLC

Address: P.O. Box 99, Demorest, GA 30535

E-mail address: _____

Phone number: _____

Signature: _____

Notary Seal: _____

HANNAH HURLEY
Notary Public - State of Georgia
Gwinnett County
My Commission Expires Mar 14, 2028

Property Information

Tax Map Number: 15406 000008 & 15046 000008B

Current Zoning: R-1 & AR-1 (Hall County) Total Acres: 19.398

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

Proposed City of Flowery Branch Zoning: TND

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.

FLOWERY BRANCH

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

None to the best of our knowledge

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

None to the best of our knowldedge

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

None to the best of our knowledge

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
NONE	

FLOWERY BRANCH
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Disclosure of Campaign Contributions

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Elected Officials Name	Amount of Description of Gift
_____	_____
_____	_____

CITY STAFF ONLY

Application Received By: _____

Date: _____ Total Fee: _____

City of Flowery Branch Community Development Office
5512 Main St
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ANNEXATION/REZONING COMPLETENESS CHECKLIST

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Applicant Name: Highpoint Development **Project Name:** The Ridge at Lott Creek

X GT	1.	Completed annexation application with all signatures and notary stamps present and all fields filled out and in compliance with all requirements. (Article 44, Sec. 44.4) Completed concurrent rezoning application with all signatures and notary stamps present and all fields filled out and in compliance with all requirements. (Article 34, Sec. 34.8)
X GT	2.	Legal description of property.
X GT	3.	Current survey of the property.
X GT	4.	Site plan of the property in accordance with the requirements of the Flowery Branch Code of Ordinances (Article 34, Sec 34.4 & 34.5):
		a) Uses an appropriate engineering scale
		b) Shows proposed use and relevant information regarding proposed improvements
		c) All existing AND proposed buildings and/or structures
		d) Parking and internal circulation
		e) Proposed landscaping
		f) Buffers, where required
		g) Other information as required by the Zoning Administrator
X GT	5.	Detailed description of the request.
X GT	6.	Required development statistics (Article 34, Sec 34.6) (separate document):
		a) Maximum and proposed height of any structure
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		c) Color rendering of any and all proposed structure(s)
		d) Material list (with percentages) of any and all proposed structure(s)
		e) Maximum and proposed number of dwelling units and minimum and proposed square footage of heated floor area for any dwelling unit (residential only)
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ANNEXATION/REZONING COMPLETENESS CHECKLIST

		i) Other dimensional information as may be required by the Zoning Administrator
x JH	7.	Written Analysis Requirements (Article 34, Sec. 34.7) (separate document):
		a) Whether the proposal will permit a use that is suitable in view of the use and development of adjacent and nearby properties.
		b) Whether the proposal will adversely affect the existing use or usability of adjacent or nearby properties.
		c) 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.
		d) 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.
		e) 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.
		f) 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.
		g) 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.
		h) 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.
		i) Whether a proposed zoning map amendment or conditional use approval will be a deterrent to the value or improvement of the development of adjacent property in accordance with existing regulations.
		j) The possible creation of an isolated zoning district unrelated to adjacent and nearby districts.
		k) Possible effects of the change in zoning district map, or change in use, on the character of a zoning district.
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ANNEXATION/REZONING COMPLETENESS CHECKLIST

		m) 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.
X JT	8.	Conflict of interest disclosure (in body of application).
X JT	9.	Disclosure of campaign contributions (in body of application).
X JT	10.	Names and addresses of adjoining property owners. (separate document)
X JT	11.	Reasons for requesting annexation/rezoning. (separate document)
X JT	12.	Signed statement authorizing City of Flowery Branch staff and/or City Council to inspect subject property. (separate document)
N/A	13.	Annexations > 100 acres of land require an official request to amend the character area and future land use map designation for the subject property.
X JT	14.	Letter of intent describing the proposed use of the property or other action requested. (separate document)

The undersigned does hereby attest that all requirements in the above checklist have been met and that all required documentation has been provided at the time of submittal. The undersigned acknowledges that any application found to be incomplete upon review will be returned to the applicant for completion.

Name (print): HIGHPOINT DEVELOPMENT JAKE FRENCH

Signature: [signature]

Date: 12/11/2025

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REZONING APPLICATION

Date: 12/11/2025

Address of Request:

4651 & 4665 Hog Mountain Road, Flowery Branch GA 30542

Tax Map # 15046 000008 & 15046 000008B Current Zoning: R-1 & AR-1

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: Highpoint Development

Address: 1776 Peachtree Street NW. Suite 250, Atlanta, GA, 30309

E-mail address: jfrench@hpdev.com

Phone number: 502-386-7022

Signature: _____ Title (if applicable): _____

Print Name: Jake French

Notary Signature: _____

Notary Seal:

HANNAH HURLEY
Notary Public - State of Georgia
Gwinnett County
My Commission Expires Mar 14, 2028

FLOWERY BRANCH

Property owner information (if different than the applicant)

Property owner (please print): CD II Properties, LLC

Address: P.O. Box 99, Demorest, GA 30535

E-mail address: _____

Phone number: _____

Signature: _____

Notary Seal: _____

HANNAH HURLEY
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Gwinnett County
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Proposed City of Flowery Branch Zoning: TND

Current Use: Vacant

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FLOWERY BRANCH

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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

None to the best of our knowledge

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

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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

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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
NONE	

FLOWERY BRANCH

CITY STAFF ONLY

Application Received By: _____

Date: _____ Total Fee: _____

City of Flowery Branch Community Development Office
5512 Main St
Flowery Branch, GA, 30542
770-967-6378
VARIANCE COMPLETENESS CHECKLIST

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Applicant Name: Highpoint Development **Project Name:** The Ridge at Lott Creek

JT	1.	Completed application with all signatures and notary seals present and all fields filled out and all supplementary requirements and documents attached. (Article 37, Sec. 37.3)
JT	2.	Legal description of the property. (separate document)
JT	3.	Current survey of property sealed by a Georgia registered land surveyor. (separate document)
JT	4.	Letter of intent describing the proposed use of the property or other action requested. (separate document)
JT	5.	Site plan of the property at an appropriate engineering scale which shows: (Sec. 37.4) (separate document)
		a) Existing and proposed buildings and structures,
		b) Relevant information regarding proposed improvements,
		c) Other information as required by Zoning Administrator.
JT	6.	Detailed description of the request. (in body of application but can be attached as separate document)
JT	7.	Statistics regarding the proposed project or development. (separate document)
JT	8.	Written analysis of how the proposed action compares to decision criteria specified for deciding on the subject type of application. (separate document)
JT	9.	Description of any special conditions voluntarily made a part of the request.
JT	10.	Conflict of interest disclosure. (in body of application)
JT	11.	Disclosure of campaign contributions. (in body of application)
JT	12.	Narrative demonstrating that criteria for granting variances has been met: (Article 37, Sec. 37.5) (separate document)
		a) There are extraordinary and exceptional conditions or practical difficulties pertaining to the particular piece of property in question because of its size, shape, or topography that are not applicable to other lands or structures in the same district;
		b) A literal interpretation of the provisions of this ordinance would effectively deprive the applicant of rights commonly enjoyed by other properties of the district in which the property is located;

City of Flowery Branch Community Development Office
5512 Main St
Flowery Branch, GA, 30542
770-967-6378
VARIANCE COMPLETENESS CHECKLIST

		c) Granting the variance requested will not confer upon the property of the applicant any special privileges that are denied to other properties of the district in which the applicant's property is located;
		d) The requested variance will be in harmony with the purpose and intent of this ordinance and will not be injurious to the neighborhood of to the general welfare;
		e) The special circumstances are not the result of the actions of the applicant;
		f) The variance requested is the minimum variance that will make possible the proposed use of the land, building, or structure in the use district proposed; and
		g) The variance shall not permit a use of land, buildings, or structures which is not permitted by right in the zoning district or overlay district involved.

The undersigned does hereby attest that all requirements in the above checklist have been met and that all required documentation has been provided at the time of submittal. The undersigned acknowledges that any application found to be incomplete upon review will be returned to the applicant for completion.

Name (print): HIGHPOINT DEVELOPMENT JAKE FRENCH

Signature:

Date: 12/11/25

FLOWERY BRANCH
Always Blooming!

VARIANCE APPLICATION

Address of Request:
4651 & 4665 Hog Mountain Road, Flowery Branch, GA 30542

Type of Variance Requested

Complete requirements for variances can be found in the Flowery Branch Code of Ordinances; Appendix C, "Zoning Ordinance", Article 37;

Please verify all the requirements of the Flowery Branch Code of Ordinances; Appendix C, "Zoning Ordinance", Article 37, section 37.5 are being met. Explain below:

1. Variance from SECTION 1014 ROW Table 10.1 Radius of curvature of the center line, minimum (feet) Local Street for a reduced radius
2. Variance from SECTION 10.21.c Residential Street Design Requirements to remove 25ft deviation from straight course requirements
3. Variance from Section 7.4 Dimensional Requirements Table 7.2 Minimum lot size requirements
4. Variance from Section 12.6.p.1 to reduce the width & length of the usable covered porch

Applicant: Highpoint Development

Address: 1776 Peachtree Street NW. Suite 250, Atlanta, GA 30309

E-mail address: jfrench@hpdev.com

Phone number: 502-386-7022

Signature:

Notary Seal:

HANNAH HURLEY
Notary Public - State of Georgia
Gwinnett County
My Commission Expires Mar 14, 2028

FLOWERY BRANCH

Property owner information (if different than the applicant)

Property owner (please print): CD II Properties, LLC

Address: P.O. Box 99, Demorest, GA 30535

E-mail address: _____

Phone number: _____

Signature: _____

Notary Seal:

HANNAH HURLEY
Notary Public - State of Georgia
Gwinnett County
My Commission Expires Mar 14, 2028

Property Information

Tax Map Number: 15406 000008 & 15046 000008B

Current Zoning: R-1 & AR-1 (Hall County) Total Acres: 19.398

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

Proposed City of Flowery Branch Zoning: TND

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.

FLOWERY BRANCH

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

None to the best of our knowledge

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

None to the best of our knowldedge

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

None to the best of our knowledge

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
NONE	

Criteria for Granting Variances

1. There are extraordinary and exceptional conditions or practical difficulties pertaining to the particular piece of property in question because of its size, shape, or topography that are not applicable to other lands or structures in the same district;

- Minimum road radius variance is related to the topography of the property and the dimensional restrictions with narrow width across. We will need a variance to a minimum radius of 48' in order to have a viable travel way for residents.
- Streets deviation variance is related to the topography of the site and the width constraints. We understand the concern with line of sight, so we plan to provide varying offsets for homes, different use of materials to break line of sight, and small landscape islands in the road center to provide speed reduction and break in view.
- Minimum lot size is related to the topography of the site and the width constraints. We plan to provide an average lot size of 6,700sf. The minimum lot size will be 5,500sf with only 30% of lots conforming to the minimum lot size.
- The porch size variance is related to achieving an architectural style that relates to the front-loaded garages given the topography and width constraints. We will propose an extending the roof overhang above the garage to extend across to the porch to give the feel of an extended porch. We will also utilize design code relief in Section 12.7 to allow for stoops so that we can use different materials to create architectural relief and provide a truly unique community.

2. A literal interpretation of the provisions of this ordinance would effectively deprive the applicant of rights commonly enjoyed by other properties of the district in which the property is located;

- Similar minimum road radius exists within other single-family communities within the City.
- Similar streets extend longer than 360' without deviation within the City.
- Similar lot sizes exist within other single-family communities within the City.
- Similar porch sizes exist within other single-family communities within the City.

3. Granting the variance requested will not confer upon the property of the applicant any special privileges that are denied to other properties of the district in which the applicant's property is located;

- Based on other existing single-family communities and existing travel ways within the City, it would not appear that these variances would be considered as a special privilege.

4. The requested variance will be in harmony with the purpose and intent of this ordinance and will not be injurious to the neighborhood or to the general welfare;

- The variances will primarily be visible to those living within the community and therefore should not have any injurious impact on others.

5. The special circumstances are not the result of the actions of the applicant;

- The circumstances are requested for the specific product architecture and site plan layout necessary for the community's success due to the extreme constraints of the land.

6. The variance requested is the minimum variance that will make possible the proposed use of the land, building, or structure in the use district proposed; and

- These requests have been studied extensively for over a year and have been minimized to the least impactful magnitude achievable.

7. The variance shall not permit a use of land, buildings, or structures which is not permitted by right in the zoning district or overlay district involved.

- The variances have been noted in other single-family communities and/or existing travel ways within the City and do not convey uses that are not permitted currently.

8. The variances requested do not change the use of the property or the function of any buildings or structures.

- Nothing in the requested variances will impact the use of the property or the function of the single-family community.

December 11, 2025

TO: City of Flowery Branch Community Development Office
FROM: Highpoint Development, Jake French (Applicant)
DATE: December 11, 2025
SUBJECT: 4651 & 4665 Hog Mountain Road Annexation and Rezoning Application

Applicant hereby grants permission to City of Flowery Branch Elected Officials and Staff to enter and inspect property as needed for the purpose of reviewing the request referenced above.

Jake French
Development Lead

LEGAL DESCRIPTION

All that tract or parcel of land lying and being in Georgia Militia District: Flowery Branch #1270, in Hall County, Georgia, and being more particularly described as follows:

Commencing at a mag nail set at the Southerly right of way of Hog Mountain Road (having a variable width, publicly dedicated right of way) and the common corner to property now or formally of Mount Calvary Baptist Church and CD, ii Properties, LLC, said point being the TRUE POINT OF BEGINNING.

Thence continuing along said right of way of Hog Mountain Road the following courses and distances: North 52 degrees 05 minutes 46 seconds East a distance of 300.00 feet to a 5/8 inch capped rebar set; North 52 degrees 05 minutes 46 seconds East a distance of 296.18 feet to a 5/8-inch capped rebar set; Thence leaving said right of way of Hog Mountain Road South 45 degrees 22 minutes 26 seconds East a distance of 1477.18 feet to a concrete marker found; Thence South 44 degrees 38 minutes 15 seconds West a distance of 525.39 feet to a concrete marker found; Thence North 47 degrees 47 minutes 41 seconds West a distance of 519.00 feet to a 1-inch open top pipe found; Thence North 47 degrees 47 minutes 41 seconds West a distance of 150.00 feet to a 1-invh open top pipe found; Thence North 47 degrees 47 minutes 41 seconds West a distance of 386.97 feet to a 5/8-inch capped rebar set; Thence North 47 degrees 47 minutes 41 seconds West a distance of 500.00 feet to a mag nail set at the Southerly right of way of Hog Mountain Road, said mag nail being the TRUE POINT OF BEGINNING.

Said tract or parcel of land containing 19.398 acres (844,974 square feet).



SURVEYOR'S CERTIFICATION

THIS PLAT IS A RETRACEMENT OF AN EXISTING PARCEL OR PARCELS OF LAND AND DOES NOT SUBDIVIDE OR CREATE A NEW PARCEL OR MAKE ANY CHANGES TO ANY REAL PROPERTY BOUNDARIES. THE RECORDING INFORMATION OF THE DOCUMENTS, MAPS, PLATS, OR OTHER INSTRUMENTS WHICH CREATED THE PARCEL OR PARCELS ARE STATED HEREON. RECORDATION OF THIS PLAT DOES NOT IMPLY APPROVAL OF ANY LOCAL JURISDICTION, AVAILABILITY OF PERMITS, COMPLIANCE WITH LOCAL REGULATIONS OR REQUIREMENTS, OR SUITABILITY FOR ANY USE OR PURPOSE OF THE LAND. FURTHERMORE, THE UNDERSIGNED, LAND SURVEYOR CERTIFIES THAT THIS PLAT COMPLIES WITH THE MINIMUM TECHNICAL STANDARDS FOR PROPERTY SURVEYS IN GEORGIA AS SET FORTH IN THE RULES AND REGULATIONS OF THE GEORGIA BOARD OF REGISTRATION FOR PROFESSIONAL ENGINEERS AND LAND SURVEYORS AND AS SET FORTH IN O.C.G.A. SECTION 15-6-67.

MITCHELL LOWERY GEORGIA R.L.S. #3109
DATE OF PLAT OR MAP: JANUARY 10, 2022

GEORGIA REGISTERED No. 3109 REGISTERED LAND SURVEYOR MITCHELL LOWERY

LEGAL DESCRIPTION TRACT 1

ALL THAT TRACT OR PARCEL OF LAND LYING AND BEING IN GEORGIA MILITIA DISTRICT: FLOWERY BRANCH #1270, IN HALL COUNTY, GEORGIA, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT A POINT AT THE SOUTHERLY RIGHT OF WAY OF HOG MOUNTAIN ROAD (HAVING A VARIABLE WIDTH, PUBLICLY DEDICATED RIGHT OF WAY) AND THE COMMON CORNER OF HOG MOUNTAIN ROAD AND CALVARY BAPTIST CHURCH AND CO. II PROPERTIES, LLC; SAID POINT BEING THE PUBLICLY DEDICATED RIGHT OF WAY NOW OR FORMALLY OF MOUNT CALVARY BAPTIST CHURCH AND CO. II PROPERTIES, LLC; THENCE CONTINUING ALONG SAID RIGHT OF WAY OF HOG MOUNTAIN ROAD NORTH 52 DEGREES 05 MINUTES 46 SECONDS EAST A DISTANCE OF 296.18 FEET TO A 5/8-INCH CAPPED REBAR SET; THENCE LEAVING SAID RIGHT OF WAY OF HOG MOUNTAIN ROAD SOUTH 45 DEGREES 22 MINUTES 26 SECONDS EAST A DISTANCE OF 147.18 FEET TO A CONCRETE MARKER FOUND; THENCE SOUTH 44 DEGREES 38 MINUTES 15 SECONDS WEST A DISTANCE OF 525.39 FEET TO A CONCRETE MARKER FOUND; THENCE NORTH 47 DEGREES 47 MINUTES 41 SECONDS WEST A DISTANCE OF 519.00 FEET TO A 1-INCH OPEN TOP PIPE FOUND; THENCE NORTH 47 DEGREES 47 MINUTES 41 SECONDS WEST A DISTANCE OF 150.00 FEET TO A 5/8-INCH CAPPED REBAR SET; THENCE NORTH 47 DEGREES 47 MINUTES 41 SECONDS WEST A DISTANCE OF 386.97 FEET TO A 5/8-INCH CAPPED REBAR SET; THENCE NORTH 52 DEGREES 05 MINUTES 46 SECONDS EAST A DISTANCE OF 300.00 FEET TO A 5/8-INCH CAPPED REBAR SET; THENCE NORTH 47 DEGREES 47 MINUTES 41 SECONDS WEST A DISTANCE OF 500.00 FEET TO A 5/8-INCH CAPPED REBAR SET; THENCE NORTH 52 DEGREES 05 MINUTES 46 SECONDS EAST A DISTANCE OF 300.00 FEET TO A 5/8-INCH CAPPED REBAR SET; SAID 5/8-INCH CAPPED REBAR BEING THE TRUE POINT OF BEGINNING.

SAID TRACT OR PARCEL OF LAND CONTAINING 16.006 ACRES (697,203 SQUARE FEET).

LEGAL DESCRIPTION TRACT 2

ALL THAT TRACT OR PARCEL OF LAND LYING AND BEING IN GEORGIA MILITIA DISTRICT: FLOWERY BRANCH #1270, IN HALL COUNTY, GEORGIA, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT A MAG NAIL SET AT THE SOUTHERLY RIGHT OF WAY OF HOG MOUNTAIN ROAD (HAVING A VARIABLE WIDTH, PUBLICLY DEDICATED RIGHT OF WAY) AND THE COMMON CORNER TO PROPERTY NOW OR FORMALLY OF MOUNT CALVARY BAPTIST CHURCH AND CO. II PROPERTIES, LLC; SAID POINT BEING THE TRUE POINT OF BEGINNING.

THENCE CONTINUING ALONG SAID RIGHT OF WAY OF HOG MOUNTAIN ROAD NORTH 52 DEGREES 05 MINUTES 46 SECONDS EAST A DISTANCE OF 300.00 FEET TO A 5/8 INCH CAPPED REBAR SET; THENCE LEAVING SAID RIGHT OF WAY OF HOG MOUNTAIN ROAD SOUTH 47 DEGREES 47 MINUTES 41 SECONDS EAST A DISTANCE OF 500 FEET TO A 5/8 INCH CAPPED REBAR SET; THENCE SOUTH 52 DEGREES 05 MINUTES 46 SECONDS WEST A DISTANCE OF 300.00 FEET TO A 5/8 INCH CAPPED REBAR SET; THENCE NORTH 47 DEGREES 47 MINUTES 41 SECONDS WEST A DISTANCE OF 500 FEET TO A MAG NAIL SET IN THE RIGHT OF WAY OF HOG MOUNTAIN ROAD, SAID MAG NAIL BEING THE TRUE POINT OF BEGINNING.

SAID TRACT OR PARCEL OF LAND CONTAINING 3.392 ACRES (147,771 SQUARE FEET).

ZONING

PER ITEMS 6(A) AND 6(B) OF THE 2021 ALTA/NSPS LAND TITLE SURVEY MINIMUM STANDARD DETAIL REQUIREMENTS, SETBACKS AND OTHER ZONING RESTRICTIONS/REQUIREMENTS CANNOT BE LISTED UNLESS A ZONING REPORT OR LETTER STATING SAID RESTRICTIONS/REQUIREMENTS IS PROVIDED.

SURVEY NOTES

1) PROPERTY SHOWN HEREON WAS SURVEYED NOVEMBER 16, 2021.

2) THE FIELD DATA UPON WHICH THIS PLAT IS BASED HAS A CLOSURE OF 1' IN 41,946' WITH AN ANGULAR ERROR OF 3.21 SECONDS PER ANGLE POINT AND WAS ADJUSTED USING THE LEAST SQUARES METHOD.

3) A SOKKIA IX TOTAL STATION, CARLSON BRX7 GPS RECEIVER, AND CARLSON SURVEYOR+ DATA COLLECTOR WERE USED FOR FIELD SURVEY MEASUREMENTS.

4) THIS PLAT HAS A MAP CLOSURE OF 1' IN 522,274'.

5) SAID DESCRIBED PROPERTY IS LOCATED WITHIN AN AREA HAVING A ZONE DESIGNATION 'X' ON FLOOD INSURANCE RATE MAP NO. 13139C0292F, WITH A DATE OF IDENTIFICATION OF SEPTEMBER 29, 2006, FOR COMMUNITY NUMBER 130466, IN HALL COUNTY UNINCORPORATED AREAS, STATE OF GEORGIA, WHICH IS THE CURRENT FLOOD INSURANCE RATE MAP FOR THE COMMUNITY IN WHICH SAID PROPERTY IS SITUATED.

6) CONTROL AND BEARING BASIS FOR THIS SURVEY WERE ESTABLISHED USING A TOPCON HIPER LITE+ GPS RECEIVER UTILIZING OPUS-S FOR POST PROCESSING. THE RELATIVE POSITIONAL ACCURACY, AS CALCULATED ACCORDING TO THE FEDERAL GEOGRAPHIC DATA COMMITTEE PART 3: NATIONAL STANDARD FOR SPATIAL DATA ACCURACY, IS .03 FEET HORIZONTAL AND .06 FEET VERTICAL AT THE 95% CONFIDENCE LEVEL.

7) UTILITIES SHOWN PER MARKINGS PLACED BY UTILITY-MARKING, L.L.C. UTILITIES OTHER THAN THOSE SHOWN HEREON MAY EXIST. LOWERY & ASSOCIATES MAKES NO GUARANTEE AS TO THE EXISTENCE OR NON-EXISTENCE OF SAID UTILITIES.

8) NO OBSERVED EVIDENCE OF CEMETERIES, GRAVESITES, AND/OR BURIAL GROUNDS AT TIME OF SURVEY.

9) PROPERTY SHOWN HEREON LIES WITHIN THE RECORD DESCRIPTION AS STATED IN GENERAL WARRANTY DEED RECORDED IN DEED BOOK 7096, PAGE 307, HALL COUNTY RECORDS.

10) NO ENCROACHMENTS OTHER THAN THOSE SHOWN HEREON WERE OBSERVABLE AT TIME OF SURVEY.

11) AT THE TIME OF THE SURVEY, THERE WAS NO OBSERVABLE EVIDENCE OF EARTH MOVING WORK, BUILDING CONSTRUCTION OR BUILDING ADDITIONS.

12) AT THE TIME OF THE SURVEY, THERE WERE NO PROPOSED CHANGES IN STREET RIGHT OF WAY LINES OR OBSERVABLE EVIDENCE OF STREET OR SIDEWALK REPAIRS.

13) AT THE TIME OF THE SURVEY, THERE WAS NO OBSERVABLE EVIDENCE OF THE SITE BEING USED AS A SOLID WASTE DUMP, SUMP OR SANITARY LANDFILL.

14) SUBJECT PROPERTY HAS DIRECT ACCESS TO HOG MOUNTAIN ROAD, BEING A PUBLICLY DEDICATED RIGHT OF WAY.

15) SUBJECT PROPERTY IS CONTIGUOUS TO ALL ADJACENT PROPERTIES AND RIGHTS OF WAY. NO GAPS, GORES, OR OVERLAPS ARE KNOWN TO EXISTS.

LEGEND

- PROPERTY LINE
- OVERHANG/AWNING
- (BEARING/DISTANCE)
- RECORD CALLS
- B.S.L. BUILDING SETBACK LINE
- INDEX CONTOUR
- MINOR CONTOUR
- SPOT ELEVATION
- WATER LINE
- OVERHEAD UTILITY LINE
- GAS LINE
- UNDERGROUND TELEPHONE LINE
- SANITARY SEWER LINE
- UNDERGROUND ELECTRIC LINE
- FENCE LINE
- STORM DRAIN PIPE
- WATER VALVE
- WATER METER
- FIRE HYDRANT
- GAS METER
- GAS VALVE
- POWER METER
- SANITARY SEWER MANHOLE
- REBAR
- CAPPED REBAR
- CONCRETE MONUMENT
- OPEN TOP PIPE
- FOUND
- LIGHT POLE
- SIGN
- HARDWOOD TREE
- PINE TREE

VICINITY MAP

BOUNDARY & TOPOGRAPHIC SURVEY OF:
4651 HOG MOUNTAIN ROAD
FLOWERY BRANCH, GEORGIA 30542

STATE: GEORGIA | COUNTY: HALL

GEORGIA MILITIA DISTRICT: FLOWERY BRANCH DISTRICT (#1270)

PREPARED FOR:
KIMLEY-HORN

REVISIONS

DATE:	DESCRIPTION

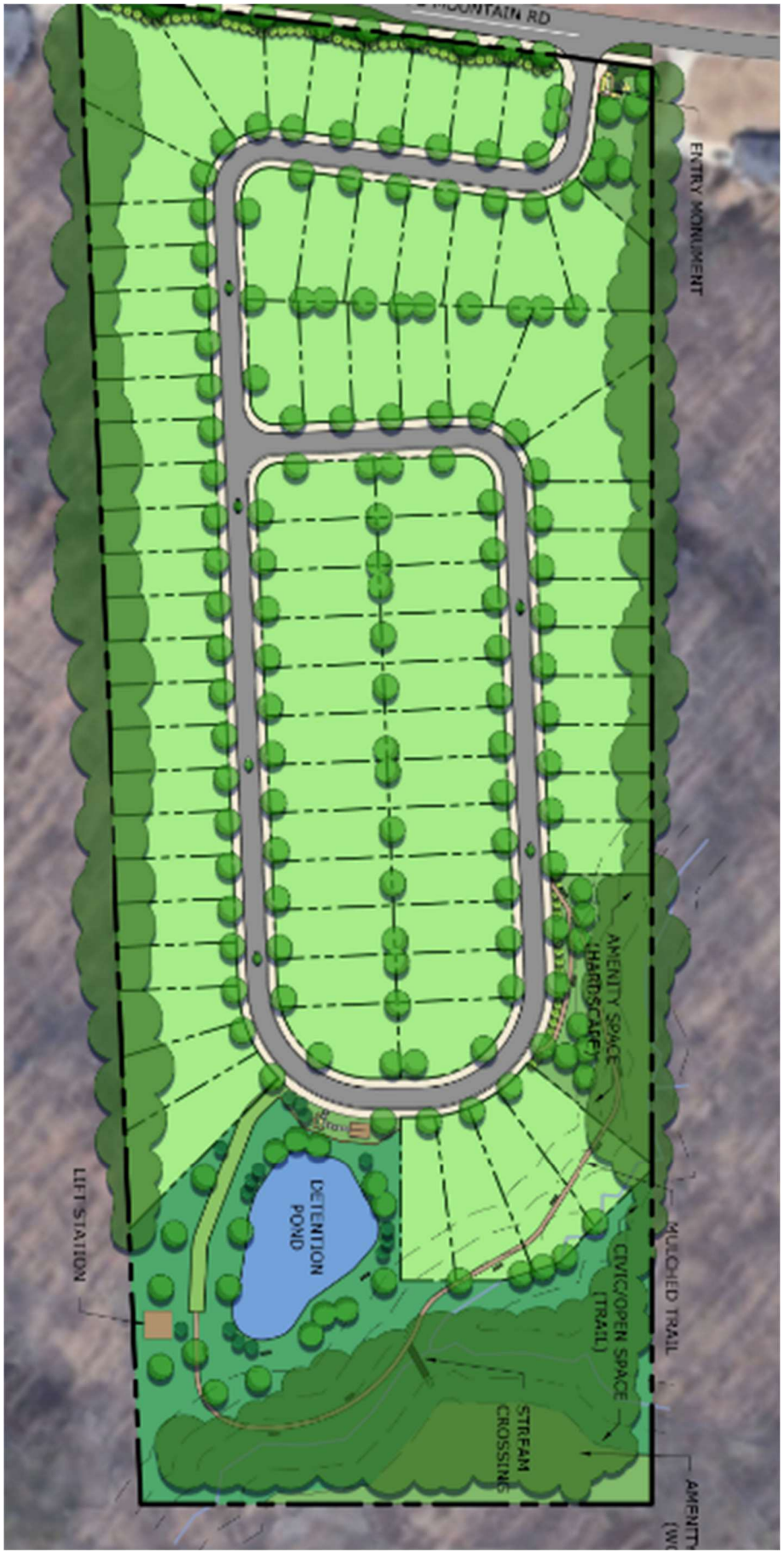
Lowery & Associates
LAND SURVEYING, LLC

DATE: JANUARY 10, 2022
JOB #: 21348I
SCALE: 1"=60'
DRAWN BY: D. HALL

LOWERY & ASSOCIATES
LAND SURVEYING, LLC
317 GRASSDALE ROAD
CARTERSVILLE, GA 30121
770-334-8186
WWW.LOWERYLANDSURVEYS.COM
INFO@LOWERYLANDSURVEYS.COM
GEORGIA C.O.A.: LSF-001102

THE RIDGE

AT LOTT CREEK



Project Narrative for Hog Mountain Road Tract

LOCATION – 4651 & 4665 Road, Flowery Branch, GA 30542
ACREAGE – 19.398 acres +/-
APPLICANT – Highpoint Development
PROPOSED ZONING – TND

Summary

The accompanying application seeks annexation and zoning district change from AR-I in Hall County to TND in Flowery Branch for a 19.398-acre tract, consisting of Parcel #'s 15046 000008 & 15046 000008B. The property appears to have been vacant for a number of years. The location is on Hog Mountain Road in south Hall approximately 1300 LF north of Spout Springs Road. The intent is to develop up to 81 units of quality housing (single-family) along with an extensive amount of undeveloped natural area. At least 15% of the site will be maintained as open space. Although not specifically identified, the property is located adjacent to the "Retail Activity Center" Character Area of the 2041 Comprehensive Plan. We believe this property could serve as a transitional use from the retail area to south and the lower density subdivisions to the north and east.

Site Description

The property has approximately 640 LF of frontage along Hog Mountain Road, rectangular and approximately 1,500 LF deep. The site is undeveloped with several dilapidated out buildings and contains a mix of trees and vegetation. A jurisdictional stream (Lott Creek) is located near the rear of the property and appears to be a tributary of Mulberry Creek. Domestic water (24") is provided by the City of Gainesville and is located on the northwest side of Hog Mountain Road. Flowery Branch will provide sanitary Sewer through a new, on-site pump station and force main to nearby gravity lines located within the Stonebridge Village retail center. All other dry utilities are located within a reasonable distance for service extensions.

Adjacencies

The property is surrounded by Hall County residential zonings, AR-III, PRD and R-1 and a small HB property on the west side of Hog Mountain Road. Adjacent Flowery Branch zoning is HB.

Access

Access to the property is proposed from a driveway on Hog Mountain Road approximately 1,800 LF north of Spout Springs Road. The nearest cross street is Cash Road, located approximately 900 LF northeast of the property.

Proximity to Other Uses

- Nearest distance to undeveloped commercial property – parcel #15046 000151-zoned HB located adjacent to southwestern boundary.
- Nearest distance to developed commercial property – parcel #08096 000014 zoned H-B, directly across at 4650 Hog Mountain Road.

- Nearest distance to a single-family home – a single-family home at 4641 Hog Mountain Road is located within 40’ of the northeastern boundary.
- Nearest distance to a subdivision – Hunters Landing S/D is located 0.6 miles away.

Aerial View



Comprehensive Plan Consistency

Since the subject property is currently located in unincorporated Hall County, the Flowery Branch Comprehensive Plan does not specifically identify the future land use for this property. With Retail/Commercial uses directly to the south of the subject property and lower density residential uses to the north, it would be reasonable to assume that the subject property could provide a transitional use and density between the uses identified. Although this specific property is not included in the Comprehensive Plan Future Development Map, it does lie adjacent to the "Activity Center – Retail" character area. It is our opinion that the slightly higher densities offered under the TND zoning district, and the specific use for attached single-family homes, would be applicable for this property.

Traffic Impact Study

A Traffic Impact Study has not been requested by the City but was recommended. We have completed a Traffic Impact Study as a courtesy. The following recommendations were made:

- One entering lane and one exiting lane
- Stop sign controlled on the driveway approach with Hog Mountain Rd remaining free flow
- A right turn lane for entering traffic
- No recommendation for the need of a left turn lane in

Development Strategy

The Concept Plan includes traditional front entry single family homes. The architectural style of the homes will be influenced by the mountain bungalow style to feel more rooted in the community and within the TND design intent. The single-family homes located along the Hog Mountain Road frontage will be facing interior to the development and we will have elevated facades on the rear of these homes to provide a grand appearance along Hog Mountain Rd. We will provide a desirable streetscape for the project's entrance including a professionally landscaped monument sign. The single-family homes will all have front-loaded garages. The community will have amenities including walking trails, a creek bridge crossing, a community gathering pavilion, and a firepit communal area with chairs.

Architectural Materials & Site Improvements

Single-family homes will follow the requirements of Section 12.6.i at a minimum with a general design theme that would include:

- Two-car garages
- Front facades with a combination of masonry and hardi-plank siding materials
- Side & Rear facades with hardi-plank siding, glazing & trim
- Architectural weight shingles
- Sodded yards (4 sides)
- One tree per lot (minimum 2 ½" caliper)
- Variance Requested –
    - Road radius min. at 48'
    - Street deviation distance req. to 850' w/ concessions
    - Minimum lot size avg 6,700sf w/ 30% min lots of 5,500sf
    - Reduce front porch size requirement

Entrance Monumentation

The entrance may include the items listed below with at least one central mail kiosk provided subject to USPS review and approval.

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

Amenities

The community amenities, at a minimum, will contain the following items:

- Pocket Park
- Walking Trails
- Creek Crossing
- Park Benches
- Community gathering pavilion
- Communal firepit with seating

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 Hog Mountain Road.

Model Home Permits

Applicant requests that up to twelve (12) 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 Developer. The HOA will manage the overall management of the property including maintenance, architectural controls and financial management.

Annexation

Hall County has given verbal confirmation they would approve the annexation into Flowery Branch assuming the adjacent parcels are not attempting to annex at the same time.

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.

Project Dimensional Standards

Proposed Dimensional Standards	
Acres	19.398
Number of Lots	81
Gross Density	4.18
Exterior Buffer	-
Height (Feet)	30
Minimum Lot Size (SF)*	5,500
Minimum Lot Width (Ft)	40
Minimum Lot Depth (Ft)	80
Minimum Heated Floor Area (SF)	1,200
Front Yard Setback from Lot Line (Ft)	-
Side Setback, Interior Lot Line or Corner Lot (Ft)	5
Rear Setback (Ft)	25
Maximum Coverage of Impervious Surface	45%
Sidewalks	5', Both Sides
Civic Space	15%
Amenity Space	6%
Parking	2 - Enclosed
**Requires variance approval*	

THE RIDGE
AT LOTT CREEK





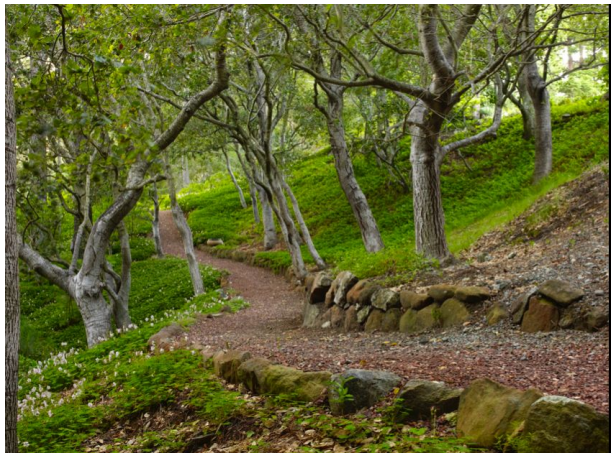


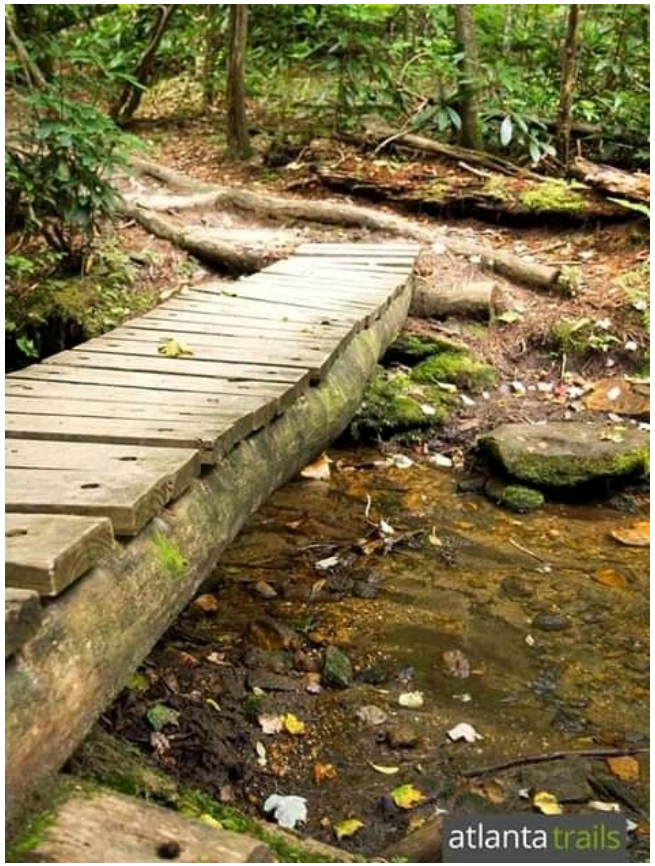
ENTRY GATE IDEAS

The entry conveys a quiet sense of welcome, shaped with natural stone and native plantings that feel authentically tied to Hog Mountain and the creek below. Materials sit comfortably in the landscape, offering a sense of belonging rather than display, creating an approach that is both dignified and genuinely rooted in place.

THE RIDGE
AT LOTT CREEK









AMENITIES

Amenities are designed to feel close to the landscape and quietly integrated. A communal fire pit and pavilion overlooks the stream, and a soft mulched trail guides residents through the trees to a modest wooden bridge across Lott Creek. The experience is simple and welcoming, inviting time outdoors without overshadowing the natural character of the place.

THE RIDGE

AT LOTT CREEK



COLOR PALETTE:

The three offered schemes—light, mid-tone, and dark—are drawn from the muted, earthy tones of the North Georgia landscape. Each palette reflects the surrounding ridge and creek setting, favoring natural hues: soft mineral whites, weathered wood browns, and deeper charcoal colors that echo stone, soil, and shaded canopy. Together, they provide variation without discord, allowing homes to feel individually tailored yet quietly unified within the broader landscape.

THE RIDGE
AT LOTT CREEK







ARCHITECTURAL FEATURES:

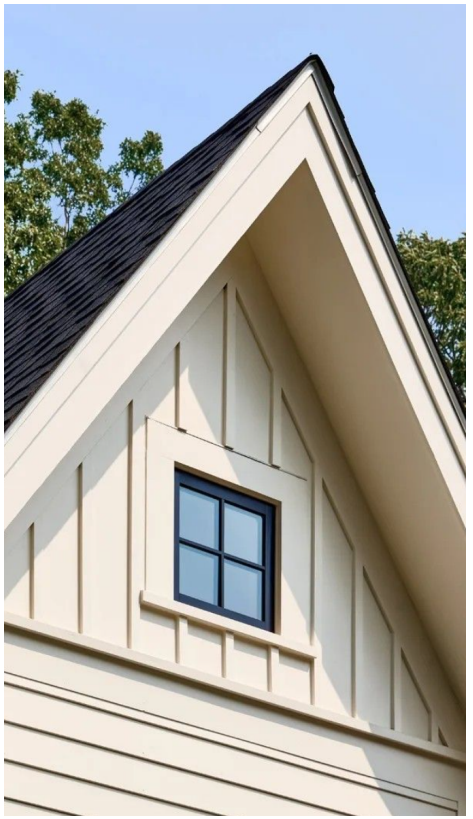
The achitecture leans toward a mountain bungalow style, with forms and finishes that feel sturdy, familiar, and tied to the landscape. Dark charcoal accents sharpen the earthy palette, while carriage-style garage doors and well-placed sconces add character without slipping into ornament. Matching metal gutters bring a clean outline to the façades, and the porch roof extending across the front-facing garage helps keep everything at a comfortable, human scale. The result is a street presence that feels connected, warm, and intentionally crafted—neighbors, not statements.

THE RIDGE
AT LOTT CREEK









ARCHITECTURAL FEATURES:

Details stay simple and purposeful. Porch brackets and extended overhangs provide clear structure and shade without excess. Gable vents, occasional gable windows, and selectively used shutters add just enough dimension to the façades, keeping each home grounded and consistent without feeling repetitive.

Analysis of the Hog Mountain Road Annexation Request

(a) Whether the proposal will permit a use that is suitable in view of the use and development of adjacent and nearby property.

- The requested use is for a residential and is consistent with the many undeveloped nearby properties. The suitability for more intense uses is limited by the property's topography.

(b) Whether the proposal will adversely affect the existing use or usability of adjacent or nearby property.

- The proposed residential use of the property will not negatively impact any adjacent property as there are both commercial and residential uses nearby.

(c) 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.

- The property has been marketed under its current zoning for a number of years and has generated very little interest. Without annexation into Flowery Branch, sewer will not be available.

(d) 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.

- Other than a small increased school impact, the proposed residential use will have minimal impact to the existing infrastructure.

(e) 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.

- Although not specifically identified, the property is located adjacent to the "Retail Activity Center" Character Area of the 2041 Comprehensive Plan. We believe this property could serve as a transitional use from the retail area to south and the lower density subdivisions to the north and east.

(f) 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 availability of suitable land for development is becoming more limited while the demand for residential use in this area continues to increase. The topography of the property is more suitable for residential than for any retail/commercial uses.

(g) Existing use(s) and zoning of the subject property and nearby properties.

- The property is surrounded by Hall County residential zonings, AR-III, PRD and R-1 and a small HB property on the west side of Hog Mountain Road. Adjacent Flowery Branch zoning is HB.

(h) 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.

- Under the existing zoning districts (AR-I & R-1) in Hall County, the property value (2024 Tax Assessment - $363,300) is diminished by the lack of sewer access and the limited development potential. Annexation and rezoning to TND would create a value in excess of $2,000,000. The current property owner has owned the property since 2012 and has been unsuccessful under the current zoning.

(i) 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 change of use is more compatible with the existing single-family development to the north and will have no impact on the other adjacent uses.

(j) The possible creation of an isolated zoning district unrelated to adjacent and nearby districts.

- The property is adjacent to an existing single-family home to the north and therefore would not create an isolated use.

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

- The character of this area already includes residential uses so there should be no impact on the general character of the district.

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

- Residential development is generally less intensive in its impact on the environmental issues mentioned as opposed to adjacent HB zoned uses.

(m) 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.

- This change of use will not be harmful to the overall zoning scheme as other residential uses currently exist adjacent to the property.

Parcel #	Name	Address	Mailing Address
15046 000009A	Mount Calvary Baptist Church	4675 Hog Mountain Road, Flowery Branch, GA 30542	4675 Hog Mountain Road, Flowery Branch, GA 30542
15046 000151	Capstone Gateway 1, LLC	Hog Mountain Road, Flowery Branch, GA 30542	P.O. Box 724, Gainesville, GA 30503
15046 000065	Capstone Acquisitions, LLC	6001 Spout Springs Road, Flowery Branch, GA 30542	P.O. Box 724, Gainesville, GA 30504
15046 000131	Capstone Acquisitions, LLC	6011 Spout Springs Road, Flowery Branch, GA 30542	P.O. Box 724, Gainesville, GA 30505
15046 000070	Capstone Acquisitions, LLC	6065 Spout Springs Road, Flowery Branch, GA 30542	P.O. Box 724, Gainesville, GA 30506
15046E 000013	Blake Alexander Hall	4650 Quail Point Dr., Flowery Branch, GA 30542	4650 Quail Point Dr., Flowery Branch, GA 30542
15046E 000012	Tammy A. Lipscomb	4646 Quail Point Dr., Flowery Branch, GA 30542	4646 Quail Point Dr., Flowery Branch, GA 30542
15046 000002	Florence Cash Smee	4576 Cash Road, Flowery Branch, GA 30542	4576 Cash Road, Flowery Branch, GA 30542
15046 000143	Lucy Cash Barnett	4560 Cash Road, Flowery Branch, GA 30542	4560 Cash Road, Flowery Branch, GA 30542
15046 000008A	Thoren C. Merrow	4666 Hog Mountain Road, Flowery Branch, GA 30542	4646 Hog Mountain Road, Flowery Branch, GA 30542
08096 000008	Pauline Cantrell Roberts	4642 Hog Mountain Road, Flowery Branch, GA 30542	4642 Hog Mountain Road, Flowery Branch, GA 30542
08096 000014	R Squared Rentals, LLC	4650 Hog Mountain Road, Flowery Branch, GA 30542	1406 Mountain Creek Church Road, Pendergrass, GA 30567
08097 000005	Mary Elizabeth Hickman, et al	4560 Hog Mountain Road, Flowery Branch, GA 30542	4847 Parliament Way, Dunwoody, GA 30338

Georgia law and the procedures of Flowery Branch requires the Applicant to raise Federal and State constitutional objections during the TND master plan application process. While the Applicant anticipates a smooth application process, failure to raise constitutional objections at this stage may mean that the Applicant will be barred from raising important legal claims later in the process. Accordingly, the following constitutional objections are stated:

The portions of the Flowery Branch Development Code, facially and as applied to the Property, which restrict the Property to any uses, conditions, land use designations, development standards, or to any zoning district other than that proposed by the Applicant are unconstitutional in that they would destroy the Applicant's property rights without first paying fair, adequate and just compensation for such rights, in violation of Article I, Section I, Paragraph I and Section III, Paragraph I of the Constitution of the State of Georgia of 1983, and the Due Process Clause of the Fourteenth Amendment to the Constitution of the United States.

The application of the Flowery Branch Development Code, facially and as applied to the Property, which restricts the Property to any uses, conditions, land use designations, development standards, or to any zoning district other than in accordance with the application as proposed by the Applicant is unconstitutional, illegal, null and void, constituting a taking of Applicant's Property in violation of the Just Compensation Clause of the Fifth Amendment to the Constitution of the United States; Article I, Section I, Paragraph I, and Section III, Paragraph I of the Constitution of the State of Georgia of 1983; and the Equal Protection and Due Process Clauses of the Fourteenth Amendment to the Constitution of the United States denying the Applicant an economically viable use of its land while not substantially advancing legitimate state interests.

A denial of this Application would be unconstitutional under the Takings Clause of the Fifth Amendment to the Constitution of the United States and the Just Compensation Clause of Article I, Section III, Paragraph I of the Constitution of the State of Georgia of 1983. A refusal by the Flowery Branch City Council to approve the zoning conditions as requested would constitute a taking of the Applicant's property.

A denial of this Application would constitute an arbitrary and capricious act by the Flowery Branch City Council without any rational basis therefore constituting an abuse of discretion in violation of Article I, Section I, Paragraph I and Section III, Paragraph I of the Constitution of the State of Georgia of 1983, and the Due Process Clause of the Fourteenth Amendment to the Constitution of the United States. A refusal to grant the TND zoning request would lack objective justification and would result only from neighborhood opposition, which would constitute an unlawful delegation of the zoning power to non-legislative bodies in violation of the Georgia Constitution, Article IX, Section II, Paragraph 4.

A refusal by the Flowery Branch City Council to approve this Application for the Property in accordance with the criteria as requested by the Applicant would be unconstitutional and discriminate in an arbitrary, capricious and unreasonable manner between the Applicant and owners of the similarly situated property in violation of Article I, Section I, Paragraph II of the Constitution of the State of Georgia of 1983 and the Equal Protection Clause of the Fourteenth Amendment to the Constitution of the United States. Any rezoning of the Property subject to conditions which are different from the conditions requested by the Applicant, to the extent such different conditions would have the effect of further restricting Applicant's utilization of the Property, would also constitute an arbitrary, capricious and discriminatory act in zoning the Property to a unconstitutional classification and would likewise violate each of the provisions of the State and Federal Constitutions set forth hereinabove.

I. CONCLUSION

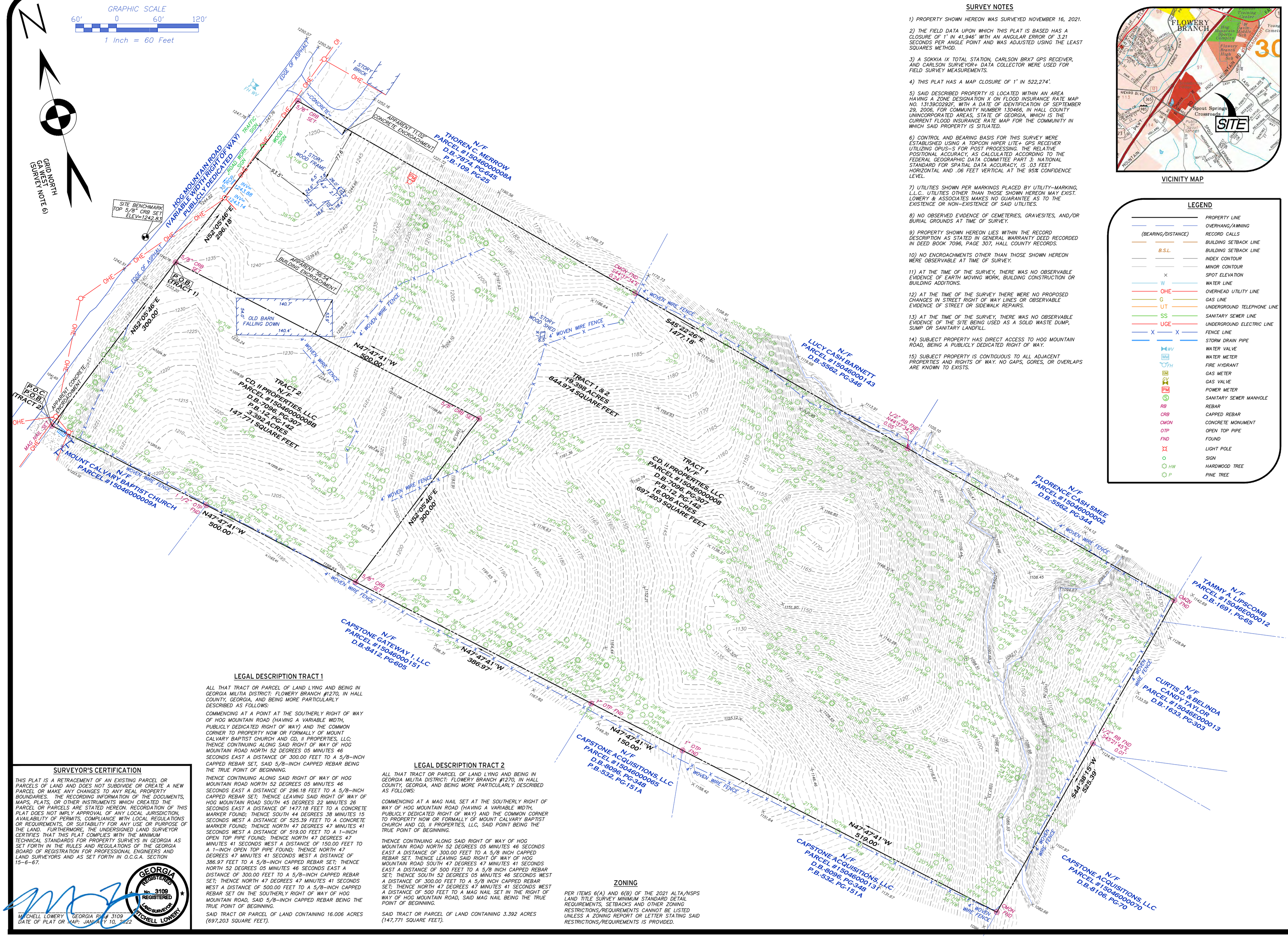
For the foregoing reasons, the Applicant respectfully requests that this TND master plan application be granted as requested by the Applicant. If there are any questions about this request, you may contact:

Jake French
Highpoint Development
1776 Peachtree Street NW.
Suite 250.
Atlanta, GA 30309
502-386-7022
jfrench@hpdev.com

GRAPHIC SCALE
60' 0 60' 120'
1 Inch = 60 Feet

N

GRID NORTH
GA WEST
(SURVEY NOTE 6)



SURVEY NOTES

1) PROPERTY SHOWN HEREON WAS SURVEYED NOVEMBER 16, 2021.

2) THE FIELD DATA UPON WHICH THIS PLAT IS BASED HAS A CLOSURE OF 1' IN 41,946' WITH AN ANGULAR ERROR OF 3.21 SECONDS PER ANGLE POINT AND WAS ADJUSTED USING THE LEAST SQUARES METHOD.

3) A SOKKIA IX TOTAL STATION, CARLSON BRX7 GPS RECEIVER, AND CARLSON SURVEYOR+ DATA COLLECTOR WERE USED FOR FIELD SURVEY MEASUREMENTS.

4) THIS PLAT HAS A MAP CLOSURE OF 1' IN 522,274'.

5) SAID DESCRIBED PROPERTY IS LOCATED WITHIN AN AREA HAVING A ZONE DESIGNATION X ON FLOOD INSURANCE RATE MAP NO. 13139C0292F, WITH A DATE OF IDENTIFICATION OF SEPTEMBER 29, 2006, FOR COMMUNITY NUMBER 130466, IN HALL COUNTY UNINCORPORATED AREAS, STATE OF GEORGIA, WHICH IS THE CURRENT FLOOD INSURANCE RATE MAP FOR THE COMMUNITY IN WHICH SAID PROPERTY IS SITUATED.

6) CONTROL AND BEARING BASIS FOR THIS SURVEY WERE ESTABLISHED USING A TOPCON HIPER LITE+ GPS RECEIVER UTILIZING OPUS-S FOR POST PROCESSING. THE RELATIVE POSITIONAL ACCURACY, AS CALCULATED ACCORDING TO THE FEDERAL GEOGRAPHIC DATA COMMITTEE PART 3: NATIONAL STANDARD FOR SPATIAL DATA ACCURACY, IS .03 FEET HORIZONTAL AND .06 FEET VERTICAL AT THE 95% CONFIDENCE LEVEL.

7) UTILITIES SHOWN PER MARKINGS PLACED BY UTILITY-MARKING, L.L.C.. UTILITIES OTHER THAN THOSE SHOWN HEREON MAY EXIST. LOWERY & ASSOCIATES MAKES NO GUARANTEE AS TO THE EXISTENCE OR NON-EXISTENCE OF SAID UTILITIES.

8) NO OBSERVED EVIDENCE OF CEMETERIES, GRAVESITES, AND/OR BURIAL GROUNDS AT TIME OF SURVEY.

9) PROPERTY SHOWN HEREON LIES WITHIN THE RECORD DESCRIPTION AS STATED IN GENERAL WARRANTY DEED RECORDED IN DEED BOOK 7096, PAGE 307, HALL COUNTY RECORDS.

10) NO ENCROACHMENTS OTHER THAN THOSE SHOWN HEREON WERE OBSERVABLE AT TIME OF SURVEY.

11) AT THE TIME OF THE SURVEY, THERE WAS NO OBSERVABLE EVIDENCE OF EARTH MOVING WORK, BUILDING CONSTRUCTION OR BUILDING ADDITIONS.

12) AT THE TIME OF THE SURVEY THERE WERE NO PROPOSED CHANGES IN STREET RIGHT OF WAY LINES OR OBSERVABLE EVIDENCE OF STREET OR SIDEWALK REPAIRS.

13) AT THE TIME OF THE SURVEY, THERE WAS NO OBSERVABLE EVIDENCE OF THE SITE BEING USED AS A SOLID WASTE DUMP, SUMP OR SANITARY LANDFILL.

14) SUBJECT PROPERTY HAS DIRECT ACCESS TO HOG MOUNTAIN ROAD, BEING A PUBLICLY DEDICATED RIGHT OF WAY.

15) SUBJECT PROPERTY IS CONTIGUOUS TO ALL ADJACENT PROPERTIES AND RIGHTS OF WAY. NO GAPS, GORES, OR OVERLAPS ARE KNOWN TO EXISTS.

FLOWERY BRANCH
Spout Springs Crossroads
SITE
HOG MOUNTAIN RD
MUNDY MILL RD
NIEKRO BLVD
MOUNTAIN RD
CANEY RD
LANIER DR
ATLANTA HWY
Flowery Branch Middle School
Flowery Branch High School
Flowery Branch Elementary School
Flowery Branch Cemetery
Young Cemetery
Flowery Branch Fire Station
Flowery Branch Police Department
Flowery Branch Community Park
Flowery Branch Recreation Center
Flowery Branch Skate Park
Flowery Branch Dog Park
Flowery Branch Splash Pad
Flowery Branch Sports Complex
Flowery Branch Tennis Center
Flowery Branch Pool
Flowery Branch Library
Flowery Branch Post Office
Flowery Branch Baptist Church
Flowery Branch Methodist Church
Flowery Branch United Methodist Church
Flowery Branch Presbyterian Church
Flowery Branch Church of God
Flowery Branch Church of Christ
Flowery Branch Church of the Nazarene
Flowery Branch Church of the Assembly of God
Flowery Branch Church of the Holiness
Flowery Branch Church of the Pentecostal Holiness
Flowery Branch Church of the Apostolic Faith
Flowery Branch Church of the Full Gospel
Flowery Branch Church of the Foursquare Gospel
Flowery Branch Church of the Four Square Gospel
Flowery Branch Church of the Four Square Gospel
Flowery Branch Church of the Four Square

LEGAL DESCRIPTION

All that tract or parcel of land lying and being in Georgia Militia District: Flowery Branch #1270, in Hall County, Georgia, and being more particularly described as follows:

Commencing at a mag nail set at the Southerly right of way of Hog Mountain Road (having a variable width, publicly dedicated right of way) and the common corner to property now or formally of Mount Calvary Baptist Church and CD, ii Properties, LLC, said point being the TRUE POINT OF BEGINNING.

Thence continuing along said right of way of Hog Mountain Road the following courses and distances: North 52 degrees 05 minutes 46 seconds East a distance of 300.00 feet to a 5/8 inch capped rebar set; North 52 degrees 05 minutes 46 seconds East a distance of 296.18 feet to a 5/8-inch capped rebar set; Thence leaving said right of way of Hog Mountain Road South 45 degrees 22 minutes 26 seconds East a distance of 1477.18 feet to a concrete marker found; Thence South 44 degrees 38 minutes 15 seconds West a distance of 525.39 feet to a concrete marker found; Thence North 47 degrees 47 minutes 41 seconds West a distance of 519.00 feet to a 1-inch open top pipe found; Thence North 47 degrees 47 minutes 41 seconds West a distance of 150.00 feet to a 1-invh open top pipe found; Thence North 47 degrees 47 minutes 41 seconds West a distance of 386.97 feet to a 5/8-inch capped rebar set; Thence North 47 degrees 47 minutes 41 seconds West a distance of 500.00 feet to a mag nail set at the Southerly right of way of Hog Mountain Road, said mag nail being the TRUE POINT OF BEGINNING.

Said tract or parcel of land containing 19.398 acres (844,974 square feet).

ORDINANCE NO. 776

AN ORDINANCE GRANTING VARIANCES FROM THE REQUIREMENTS SET FORTH IN THE CITY OF FLOWERY BRANCH SUBDIVISION ORDINANCE, SAID VARIANCE TO BE FROM ARTICLE 10 – ACCESS AND DESIGN REQUIREMENTS FOR ROADS, SEC. 1014 – ROAD RIGHT-OF-WAY WIDTHS AND MITERS, TABLE 10.1, & A VARIANCE FROM THE REQUIREMENTS SET FORTH IN THE ZONING ORDINANCE FROM ARTICLE 10 – DEVELOPMENT REQUIREMENTS AND GUIDELINES, SEC. 10.21C – RESIDENTIAL STREET DESIGN REQUIREMENTS, FOR 4651 & 4665 HOG MOUNTAIN ROAD, HALL COUNTY TAX PARCELS 15046 000008 AND 15046 000008B, OWNED BY CD II PROPERTIES, LLC; AS SHOWN AND DESCRIBED ON ATTACHED EXHIBIT "A", PROVIDING FOR SEVERABILITY, PROVIDING FOR AN EFFECTIVE DATE, REPEALING CONFLICTING ORDINANCES, AND FOR ALL OTHER LAWFUL PURPOSES.

WHEREAS, CDII Properties LLC owns the subject parcel of land identified as Hall County Tax Parcel Identification No. 15046 000008 and 15046 000008B as shown and described on Exhibit "A"; and

WHEREAS, CDII Properties, LLC has submitted to the City Council of Flowery Branch, Georgia, a written and signed application and affidavit showing consent to apply for variances and whereas a survey and complete description of the subject parcel is included in the application; and

WHEREAS, the City Council held a public hearing at the meeting on February 5th, 2026, duly noticed as prescribed by law and published in the Gainesville Times, regarding said application, as shall be set forth in the minutes of said meeting.

NOW THEREFORE, THE COUNCIL OF THE CITY OF FLOWERY BRANCH HEREBY ORDAINS AS FOLLOWS:

SECTION 1. . CRITERIA FOR GRANTING VARIANCES:

a) There are extraordinary and exceptional conditions or practical difficulties pertaining to the particular piece of property in question because of its size, shape or topography that are not applicable to other lands or structures in the same district;
b) A literal interpretation of the provisions of this ordinance would effectively deprive the applicant of rights commonly enjoyed by other properties of the district in which the property is located;

c) Granting the variance requested will not confer upon the property of the applicant any special privileges that are denied to other properties of the district in which the applicant's property is located;
d) The requested variance will be in harmony with the purpose and intent of this ordinance and will not be injurious to the neighborhood or to the general welfare;
e) The special circumstances are not the result of the actions of the applicant;
f) The variance requested is the minimum variance that will make possible the proposed use of the land, building, or structure in the use district proposed; and
g) The variance shall not permit a use of land, buildings or structures, which is not permitted by right in the zoning district or overlay district involved.

SECTION 2. VARIANCES GRANTED, AND CONDITIONS IMPOSED.

A Variance from the Subdivisions Ordinance, Article 10 – Access and Design Requirements for Roads, Sec. 1014 – Road Right-of-Way Widths and Miters, Table 10.1 is hereby granted to reduce radius of curvature of the center line from 275' to 48' with a condition that the applicant revise the site plan to show two-way stops in areas that can accommodate to reduce the amount of radii needing a variance. The final alternative design shall be approved by the City Engineer.

A variance from the Zoning Ordinance, Article 10 – Development Requirements and Guidelines, Sec. 10.21(c) – Residential Street Design Requirements, to remove the requirement of all streets more than 360 feet in length shall have at least 25 feet of lateral deviation from a straight course is hereby granted with a condition that engineering standard traffic calming devices are proposed on a revised site plan. Additionally, each home shall be offset from the front building setback by at least five (5) feet from the neighboring home. The traffic calming devices used, their location and the placement of the homes on each site shall be approved by the City Engineer.

SECTION 3. SEVERABILITY

Should any section or provision of this Ordinance be declared invalid or unconstitutional by any court of competent jurisdiction, such declaration shall not affect the validity of this Ordinance as a whole or any part thereof which is not specifically declared to be invalid or unconstitutional.

SECTION 4. EFFECTIVE DATE.

The effective date of this Ordinance shall be March 5th, 2026.

SECTION 5. REPEALER.

All ordinances and parts of ordinances in conflict herewith are hereby repealed to the extent of the conflict.

Approved this _____ day of _____ 2026.

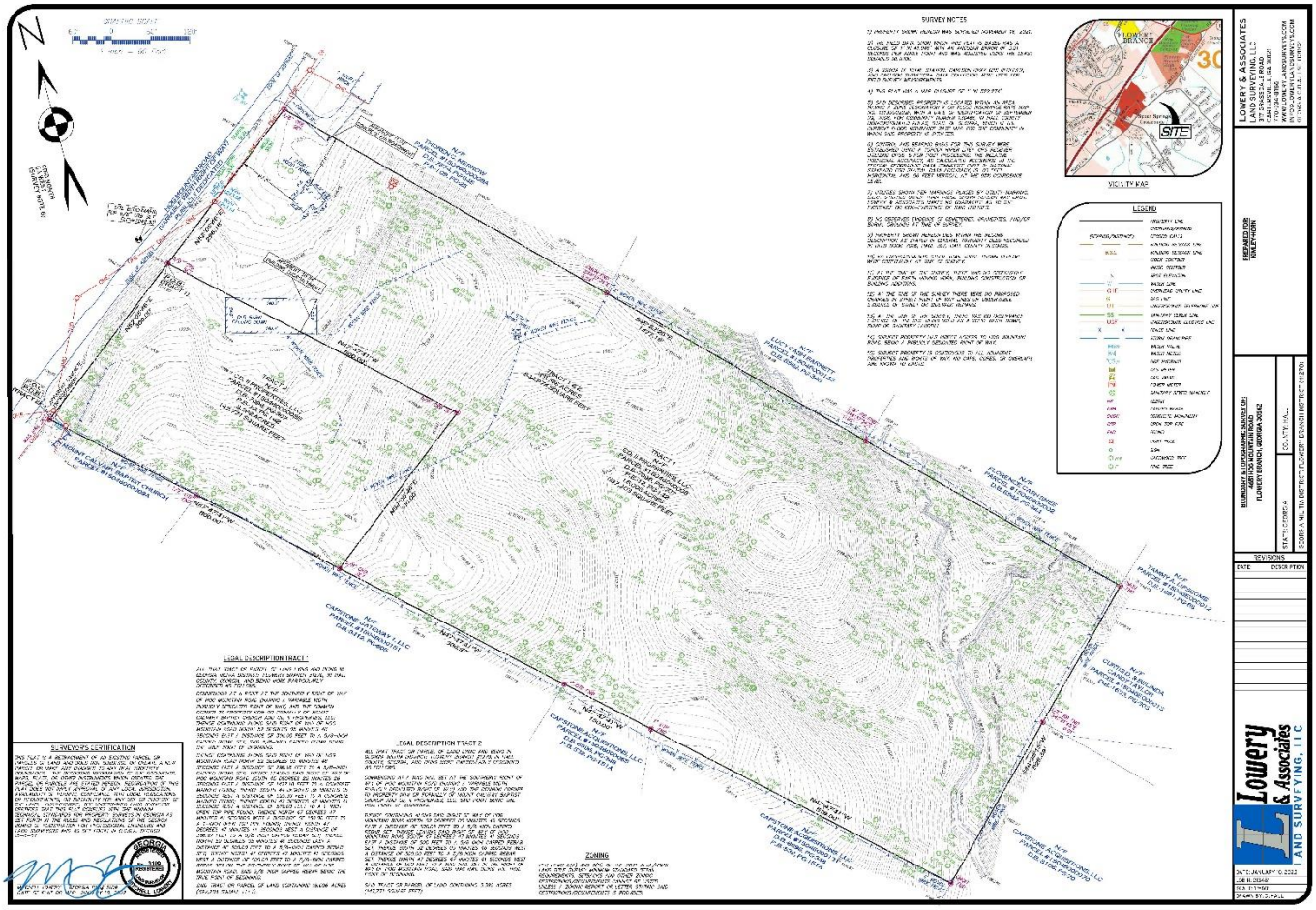
_____
Oliver McClellan, Mayor

_____
Shelia R. Cooper, City Clerk

APPROVED AS TO FORM

_____
Ted C. Baggett, City Attorney

Exhibit A


SURVEY NOTES
VICINITY MAP
SITE
LEGEND
SURVEYOR'S CERTIFICATION
LEGAL DESCRIPTION TRACT 1
LEGAL DESCRIPTION TRACT 2
ZONING
LOWERY & ASSOCIATES
LAND SURVEYING, LLC
Lowery & Associates
LAND SURVEYING, LLC

LEGAL DESCRIPTION TRACT 1

ALL THAT TRACT OR PARCEL OF LAND LYING AND BEING IN GEORGIA MILITIA DISTRICT: FLOWERY BRANCH #1270, IN HALL COUNTY, GEORGIA, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT A POINT AT THE SOUTHERLY RIGHT OF WAY OF HOG MOUNTAIN ROAD (HAVING A VARIABLE WIDTH, PUBLICLY DEDICATED RIGHT OF WAY) AND THE COMMON CORNER TO PROPERTY NOW OR FORMALLY OF MOUNT CALVARY BAPTIST CHURCH AND CD, II PROPERTIES, LLC; THENCE CONTINUING ALONG SAID RIGHT OF WAY OF HOG MOUNTAIN ROAD NORTH 52 DEGREES 05 MINUTES 46 SECONDS EAST A DISTANCE OF 300.00 FEET TO A 5/8–INCH CAPPED REBAR SET, SAID 5/8–INCH CAPPED REBAR BEING THE TRUE POINT OF BEGINNING.

THENCE CONTINUING ALONG SAID RIGHT OF WAY OF HOG MOUNTAIN ROAD NORTH 52 DEGREES 05 MINUTES 46 SECONDS EAST A DISTANCE OF 296.18 FEET TO A 5/8–INCH CAPPED REBAR SET; THENCE LEAVING SAID RIGHT OF WAY OF HOG MOUNTAIN ROAD SOUTH 45 DEGREES 22 MINUTES 26 SECONDS EAST A DISTANCE OF 1477.18 FEET TO A CONCRETE MARKER FOUND; THENCE SOUTH 44 DEGREES 38 MINUTES 15 SECONDS WEST A DISTANCE OF 525.39 FEET TO A CONCRETE MARKER FOUND; THENCE NORTH 47 DEGREES 47 MINUTES 41 SECONDS WEST A DISTANCE OF 519.00 FEET TO A 1–INCH OPEN TOP PIPE FOUND; THENCE NORTH 47 DEGREES 47 MINUTES 41 SECONDS WEST A DISTANCE OF 150.00 FEET TO A 1–INCH OPEN TOP PIPE FOUND; THENCE NORTH 47 DEGREES 47 MINUTES 41 SECONDS WEST A DISTANCE OF 386.97 FEET TO A 5/8–INCH CAPPED REBAR SET; THENCE NORTH 52 DEGREES 05 MINUTES 46 SECONDS EAST A DISTANCE OF 300.00 FEET TO A 5/8–INCH CAPPED REBAR SET; THENCE NORTH 47 DEGREES 47 MINUTES 41 SECONDS WEST A DISTANCE OF 500.00 FEET TO A 5/8–INCH CAPPED REBAR SET ON THE SOUTHERLY RIGHT OF WAY OF HOG MOUNTAIN ROAD, SAID 5/8–INCH CAPPED REBAR BEING THE TRUE POINT OF BEGINNING.

SAID TRACT OR PARCEL OF LAND CONTAINING 16.006 ACRES (697,203 SQUARE FEET).

LEGAL DESCRIPTION TRACT 2

ALL THAT TRACT OR PARCEL OF LAND LYING AND BEING IN GEORGIA MILITIA DISTRICT: FLOWERY BRANCH #1270, IN HALL COUNTY, GEORGIA, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT A MAG NAIL SET AT THE SOUTHERLY RIGHT OF WAY OF HOG MOUNTAIN ROAD (HAVING A VARIABLE WIDTH, PUBLICLY DEDICATED RIGHT OF WAY) AND THE COMMON CORNER TO PROPERTY NOW OR FORMALLY OF MOUNT CALVARY BAPTIST CHURCH AND CD, II PROPERTIES, LLC, SAID POINT BEING THE TRUE POINT OF BEGINNING.

THENCE CONTINUING ALONG SAID RIGHT OF WAY OF HOG MOUNTAIN ROAD NORTH 52 DEGREES 05 MINUTES 46 SECONDS EAST A DISTANCE OF 300.00 FEET TO A 5/8 INCH CAPPED REBAR SET. THENCE LEAVING SAID RIGHT OF WAY OF HOG MOUNTAIN ROAD SOUTH 47 DEGREES 47 MINUTES 41 SECONDS EAST A DISTANCE OF 500 FEET TO A 5/8 INCH CAPPED REBAR SET; THENCE SOUTH 52 DEGREES 05 MINUTES 46 SECONDS WEST A DISTANCE OF 300.00 FEET TO A 5/8 INCH CAPPED REBAR SET; THENCE NORTH 47 DEGREES 47 MINUTES 41 SECONDS WEST A DISTANCE OF 500 FEET TO A MAG NAIL SET IN THE RIGHT OF WAY OF HOG MOUNTAIN ROAD, SAID MAG NAIL BEING THE TRUE POINT OF BEGINNING.

SAID TRACT OR PARCEL OF LAND CONTAINING 3.392 ACRES (147,771 SQUARE FEET).

Memorandum

To: City of Flowery Branch, City Manager, and City Council

From: Chris McCrary, Planning and Community Development Director

Date: February 5, 2025

Subject: Annexation, Rezoning, and Variances

Applicant: Highpoint Development
1776 Peachtree Street
Atlanta, GA 30309
502-386-7022

Owner: CD II Properties, LLC
P.O. Box 99
Demorest, GA 30535
502-386-7022

Existing Zoning: AR-1 – Agricultural – Residential & R-1 Residential, Unincorporated Hall County.

Location and Size:

4651 Hog Mountain Road; Parcel 15046 000008; 16.0 Acres
4665 Hog Mountain Road; Parcel 15046 000008B; 3.398
Toal Area: 19.398 Acres

Proposed Annexation:

The applicant proposes the annexation of the above-referenced parcels (19.398 Acres) from unincorporated Hall County into the City limits of Flowery Branch.

Proposed Zoning:

The applicant is proposing to rezone the property from AR-1 (Agricultural-Residential) and R-1 (Residential) in unincorporated Hall County to Traditional Neighborhood Development (TND) in the City of Flowery Branch.

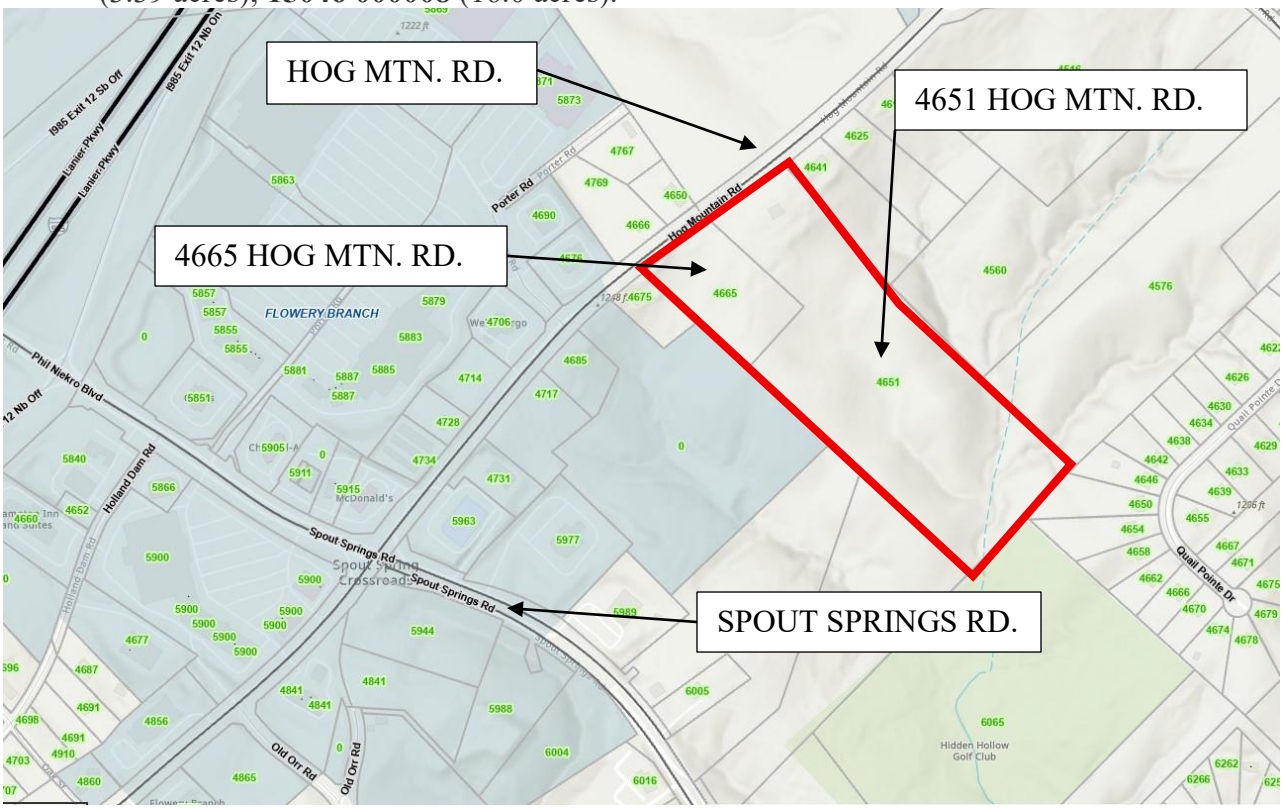
The applicant is proposing single-family detached dwellings with 81 lots. The two parcels are proposed to be rezoned from Hall County AR-1 (Agricultural-Residential) and R-1 (Residential) in unincorporated Hall County to Traditional Neighborhood Development (TND) in the City of Flowery Branch. The applicant is requesting concurrent variances within the TND requirements and dimensional standards.

Concurrent Variances:

1. Variance from **Section 1014, Table 10.1** radius of curvature of the center line from 275' to 48'. The applicant states the hardship for the centerline radius curvature is due to topography. A GIS review of the site confirms the site is an undeveloped wooded site with significant topography. The variance request could be considered for approval with an alternative solution, but no alternative design was provided with the application submittal.
2. Variance **to Sec. 12.6. - Townhouses.** The applicant requested a variance from Sec. 12.6 however, the correct request should reference **Sec 12.7(b)1 – Single-Family Detached Dwellings**, Entrance Features. The porch shall be at least **6 feet deep** (not including steps, if applicable) and **40% of the width of the front façade or 11 feet**, whichever is greater. The applicant is requesting a **reduction** to this section to allow for **4' x 7.5'** covered porch. The applicant can avoid a variance due to the code allowing for stoops if the front façade is fully brick or stone. The applicant's stated hardship is due to "architectural style". The variance application does not demonstrate a hardship peculiar to the property, which is beyond the control of the applicant.
3. Variance **to Sec. 7.4 Tabel 7.2** a reduction to the minimum lot size from 6,700 square feet in the TND zoning category. The application requests a reduction to a minimum lot size of 5,500 square feet. The site plan provided by the applicant lists a total of 81 lots but does not provide individual square footage for each lot and thus, the total number of lots that would be below 6,700 square feet cannot be adequately determined at this time. The applicant did not demonstrate a hardship peculiar to the property, which is beyond the control of the applicant.
4. Variance **to Sec. 1021.c** Residential Street Design with streets more than 360 feet in length shall have at least 25 feet of lateral deviation from a straight course. The applicant seeks to remove the 25-foot deviation from straight course requirements. The applicant's site plan indicated locations for center landscape islands to break up the straight street but did not include consistent drive lane width through bulb-outs which could pose a danger to the motoring public. The variance could be approved if a safe and effective traffic-calming alternative is provided. While many well-engineered traffic calming solutions exist, the one currently proposed does not meet acceptable safety standards.

Location:

- 4665 and 4651 Hog Mountain Road; tax parcel identification numbers **15046 000008B** (3.39 acres); **15046 000008** (16.0 acres).



Architectural Concepts:

The applicant submitted conceptual renderings of the proposed single-family detached architecture. However, without detailed floor plans and a materials list, staff are unable to verify compliance with the City's established architectural treatment and dimensional standards. To facilitate a thorough review, the applicant must provide complete architectural drawings, including architectural material details and floor-plan details, in order to confirm that all requirements are met. A detailed review is done by staff following Article 40 prior to the issuance of permits. The design concepts provided are for illustrative purposes only and were submitted as part of the rezoning case.

All TND zone homes are to have side- or rear- entry garages. The applicant provided architectural examples of front-entry garages. No variance application was submitted for front-entry garages in TND zoning.



ARCHITECTURAL FEATURES:

The achitecture leans toward a mountain bungalow style, with forms and finishes that feel sturdy, familiar, and tied to the landscape. Dark charcoal accents sharpen the earthy palette, while carriage-style garage doors and well-placed sconces add character without slipping into ornament. Matching metal gutters bring a clean outline to the façades, and the porch roof extending across the front-facing garage helps keep everything at a comfortable, human scale. The result is a street presence that feels connected, warm, and intentionally crafted—neighbors, not statements.



COLOR PALETTE:

The three offered schemes—light, mid-tone, and dark—are drawn from the muted, earthy tones of the North Georgia landscape. Each palette reflects the surrounding ridge and creek setting, favoring natural hues: soft mineral whites, weathered wood browns, and deeper charcoal colors that echo stone, soil, and shaded canopy. Together, they provide variation without discord, allowing homes to feel individually tailored yet quietly unified within the broader landscape.






ARCHITECTURAL FEATURES:

Details stay simple and purposeful. Porch brackets and extended overhangs provide clear structure and shade without excess. Gable vents, occasional gable windows, and selectively used shutters add just enough dimension to the façades, keeping each home grounded and consistent without feeling repetitive.

Open Space Analysis:

Pursuant to Article 10 – Development Requirements and Guidelines, Sec. 10.22 – Open Space Requirements, any proposed residential development is required to provide a total minimum of 15% open space, derived from a combination of Civic Space options (10%) and Amenity Space options (5%).
The site data table provided by the applicant lists a total of 21.2% open space with location details shown on the site plan:



Site Data Table	Required	Provided
Acres	-	19.398
Gross Density	-	4.18
Net Density	6	4.29
Exterior Buffer	-	-
Sidewalks	5', One Side	5', Two Side
Parking	2-Enclosed	2-Enclosed
Minimum Lot Area	6,700	5,500
Average Lot Area	-	6,700
Minimum Lot Width	40	40
Minimum Lot Depth	80	106
Minimum Heated Floor Area Per Dwelling Unit (SF)	1,200	2,200
Minimum Front Yard Setback From Lot Line (FT)	-	-
Minimum Side Setback, Interior Lot Line or Corner Lot, All Principle Buildings (FT)	5	5
Minimum Rear Setback, All Principle Buildings (FT)	25	25
Maximum Coverage of Impervious Surface (Percent of Lot)	45%	Less than 45%
Civic Space	10% Minimum	15.1%
Amenity Space	5% Minimum	6.1%

GROSS DENSITY = 81 LOTS / 19.398 AC =	4.18	Lots/AC
NET AREA = GROSS AREA - 50% of STREAM BUFFERS =	18.873	AC
NET DENSITY = 81 LOTS / 18.873 AC =	4.29	Lots/AC

The majority of the open space provided on the site plan is concentrated in the rear of the subdivision and proposes a mixture of hardscaped walking trail areas, mulched trails through the wooded section of the parcel, as well as seating/viewing areas around the detention pond and a communal pavilion and fire pit area. The site plan also shows a pocket park area near the entrance to the subdivision. The current site plan does not contemplate the location of a mail kiosk, which could impact the proposed open space shown on the site plan. While the proposed open space exceeds the minimum required by code, the proposed location for the majority of the open space raises concerns regarding lack of a centralized location and equitable use for all residents.

The applicant provided the following conceptual images of amenity spaces and trail features:



Traffic Impacts, Vehicular Flow, and Entrances/Exits

The Conceptual Site Plan for the proposed development indicates 81 residential single-family detached units.

1. Site Access

- A single entrance is proposed off Hog Mountain Road.
- The entrance must include both a right-turn and left-turn lane in. The exit shall include both a left and right dedicated lane. These turn lanes will help to alleviate congestion during peak demand periods and maintain the flow of through traffic. All roadway designs shall be in accordance with the GDOT Driveway Manual.

2. Sight Distance

- The driveway design must meet the minimum sight-distance requirements specified in the GDOT Driveway Manual. The engineer shall verify that both stopping-sight distance (SSD) and operational-sight distance (OSD) criteria are satisfied under existing field conditions.

3. Utility Coordination

- Any utilities located beneath the proposed deceleration or turn-lane pavement must be relocated outside of the pavement area.
- All costs associated with utility relocation shall be borne by the developer and coordination with the respective utility owners must be completed prior to construction.

4. Traffic Impact Study

- The current Traffic Study by A&R Engineering dated May 7, 2025, was prepared for the initially proposed townhome development using ITE Land Use Category 215 – Single-Family Attached Housing. It needs to be revised for the current proposed development of single-family detached houses by using category 210 for Single-Family Detached Housing which generates significantly more trips per unit.
- The traffic study should also be revised to include the intersection of Spout Springs Road and the entrance to Stonebridge Village.

All design elements shall comply with GDOT standards. Coordination with Hall County DOT, City of Flowery Branch, and affected utility providers should occur early in the design process to avoid delays.

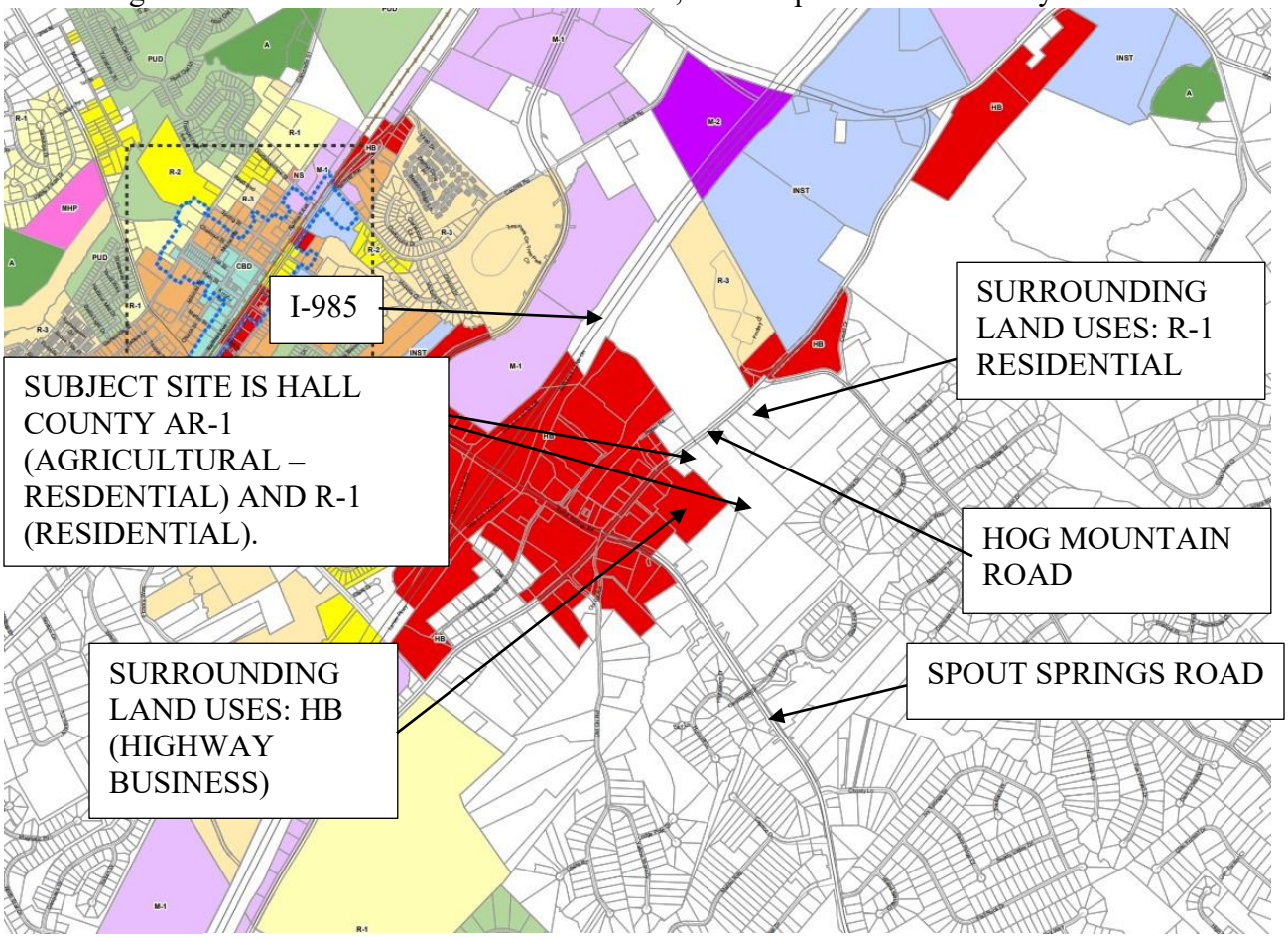
Sewer Design and Capacity Impacts

The proposed development of 81 residential units will generate a peak sanitary sewer demand of **22,275** gallons per day, based on the City's standard rate of 275 gallons per unit. Given the City's current peak capacity of **727,798** gallons per day, bringing these units online would reduce available capacity to approximately **705,523** gallons per day.

Because of the site's topographic constraints, one or more sanitary sewer lift stations will be required; the Engineer of Record must work closely with the Public Utility Department throughout the design process. All pump station plans must comply with Chapter 50 (Utilities), Article II (Standard Specifications), Division 2 (Construction), Subdivision VII (Pump Stations), as well as any additional criteria established by the Public Utilities Director.

Zoning Map:

AR-1 – Agricultural – Residential & R-1 Residential, Unincorporated Hall County.



Legend

Zoning Districts

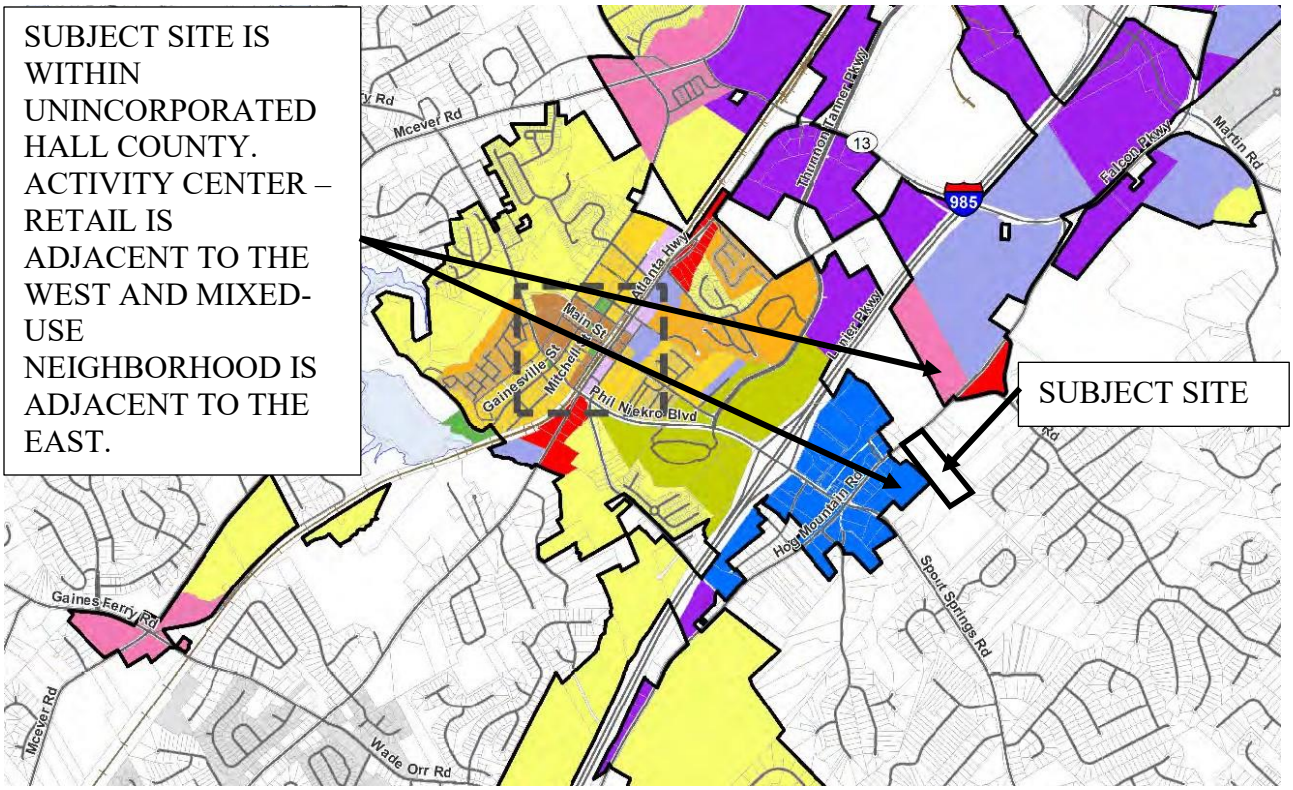
- Residential Low Density (R-1)
- Residential Moderate Density (R-2)
- Residential Multi-family (R-3)
- Traditional Neighborhood Development (TND)
- Planned Unit Development (PUD)
- Manufactured Home Park (MHP)
- Central Business District (CBD)
- Neighborhood Shopping (NS)
- Highway Business (HB)
- Institutional (INST)
- Manufacturing & Industrial, Light (M-1)
- Manufacturing & Industrial, Heavy (M-2)
- Agriculture (A)

Historic Districts

- Local Historic District

Future Development Plan:

SUBJECT SITE IS WITHIN UNINCORPORATED HALL COUNTY. ACTIVITY CENTER – RETAIL IS ADJACENT TO THE WEST AND MIXED-USE NEIGHBORHOOD IS ADJACENT TO THE EAST.



Other City Limits

CHARACTER AREA

- CONSERVATION
- SUBURBAN RESIDENTIAL
- TRADITIONAL NEIGHBORHOOD
- URBAN DENSITY COMMUNITY
- OLD TOWN
- MIXED USE - DOWNTOWN
- MIXED USE - NEIGHBORHOOD
- NEIGHBORHOOD COMMERCIAL
- ACTIVITY CENTER
- ACTIVITY CENTER - RETAIL
- INDUSTRIAL EMPLOYMENT
- INSTITUTIONAL CAMPUS

Site Plan:

The applicant is proposing 81 single-family detached lots on 19.398 acres.



The site is located on Hog Mountain Road north of the intersection with Spout Springs Road. The site is an undeveloped wooded lot with state waters located on the eastern side of the site.

Site Data Table	Required	Provided
Acres	-	19.398
Gross Density	-	4.18
Net Density	6	4.29
Exterior Buffer	-	-
Sidewalks	5', One Side	5', Two Side
Parking	2-Enclosed	2-Enclosed
Minimum Lot Area	6,700	5,500
Average Lot Area	-	6,700
Minimum Lot Width	40	40
Minimum Lot Depth	80	106
Minimum Heated Floor Area Per Dwelling Unit (SF)	1,200	2,200
Minimum Front Yard Setback From Lot Line (FT)	-	-
Minimum Side Setback, Interior Lot Line or Corner Lot, All Principle Buildings (FT)	5	5
Minimum Rear Setback, All Principle Buildings (FT)	25	25
Maximum Coverage of Impervious Surface (Percent of Lot)	45%	Less than 45%
Civic Space	10% Minimum	15.1%
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NET DENSITY = 81 LOTS / 18.873 AC =	4.29	Lots/AC





ARTICLE 2
Section 2.2. Design-Related Definitions.

Density: The number of families, individuals, dwelling units or housing structures per unit of land. Gross density is determined by dividing the number of families, individuals, dwelling units or housing structures by the gross area of the land (i.e. all land within the boundaries of the particular area excluding nothing). Net density is determined by subtracting from the gross area the following conditions identified on the land:

- 50 percent of any land identified as a wetland; and
- 50 percent of any land identified waters of the state including the buffer zones; and
- 50 percent of any land identified as a flood hazard boundary; and
- 50 percent of any land within an electricity transmission easement or right-of-way; and
- 50 percent of any land within a gas transmission easement or right-of-way.

The result of this calculation is the net acreage. The net acreage is divided into the number of units to determine the net density. The applicant provided a net density number but did not provide the areas of the wetlands, state water buffer zones, flood hazard or electric / gas transmission easements or right-of-way.

Sec. 34.7. - Analysis Requirements for Rezoning

Applications to amend the official zoning map shall provide a written analysis comparing the proposed action with the criteria in this Section. A zoning map amendment or conditional use application may be justified only if it bears a reasonable relationship to the public health, safety, morality, or general welfare, and after consideration of the analysis requirements which may in individual cases be considered criteria relevant to the Zoning Administrator in making recommendations and by the City Council in the decision-making process.

a) *Whether the proposal will permit a use that is suitable in view of the use and development of adjacent and nearby property.*
The development of residential single-family detached homes is a suitable use in view of the use and development of adjacent and nearby property.

b) *Whether the proposal will adversely affect the existing use or usability of adjacent or nearby property.*
The proposed use will not adversely affect the existing use or usability of adjacent or nearby property.

c) *Whether the property to be affected by the proposal can be used in accordance with the existing regulations and has reasonable economic use as currently zoned.*
Annexation is necessary to connect the site to Flowery Branch's sanitary sewer system, while rezoning is required to align the site with the city's zoning designations.

d) *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.*
Input from the City's engineer was provided in this staff report.

e) *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 development is directly adjacent to the Activity Center – Retail character area. Mixed Use character area is located adjacent to the northeast on Hog Mountain Road. The proposed residential development would be a transitional zoning from retail to residential.

f) *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 concurrent variances do not demonstrate hardships peculiar to the property which are beyond the applicant's control.

g) *Existing use(s) and zoning of the subject property and nearby properties.*
The proposed development is for detached single-family and no other similar developments are nearby.

h) *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.*
Staff has no information to provide on the value of the subject property.

i) *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.*
Staff has no information to provide on the value of the adjacent property.

j) *The possible creation of an isolated zoning district unrelated to adjacent and nearby districts.*
There are no TND zoning designations in the area. This zoning would create an isolated zoning district.

k) *Possible effects of the change in zoning district map, or change in use, on the character of a zoning district.*
The proposed use is not similar to nearby development.

l) *The possible impact on the environment, including but not limited to, drainage, soil erosion and sedimentation, flooding, air quality and water quality.*
The subsequent LDP will be required to be compliant with all erosion and stormwater regulations.

m) *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 proposed rezoning will have impacts on the purpose of the overall zoning scheme and the purposes of this Zoning Ordinance due to the isolated zoning to TND in this area.

Sec. 37.5. - Criteria for Granting Variances.

Any applicant requesting consideration of a variance to any provision of the zoning ordinance shall provide a written justification that one or more of the following condition(s) exist. The City Council shall not approve a variance application unless it shall have adopted findings that one or more of the following conditions exist:

(a) There are extraordinary and exceptional conditions or practical difficulties pertaining to the particular piece of property in question because of its size, shape or topography that are not applicable to other lands or structures in the same district;

1. Variance Request **Section 1014, Table 10.1** radius of curvature: Topography could be considered a hardship. The variance request could be considered for approval with an alternative solution but was not provided with the application submittal.
2. Variance **Sec 12.7(b)1 – Single-Family Detached Dwellings**. Reduction in minimal porch depth and width: The applicant's stated hardship is due to "architectural style". The variance application does not demonstrate a hardship because of size, shape or topography that is not applicable to other lands or structures in the same district.
3. Variance **to Sec. 7.4 Tabel 7.2** a reduction to the minimum lot size from 6,700 sq.ft. to 5,500 sq.ft. The variance application does not demonstrate a hardship because of size, shape or topography that is not applicable to other lands or structures in the same district.
4. Variance **to Sec. 1021.c** Residential Street Design with streets more than 360 feet in length shall have at least 25 feet of lateral deviation from a straight course: Topography could be considered a hardship. The variance could be approved if a safe and effective traffic-calming alternative is provided. While many well-engineered traffic calming solutions exist, the one currently proposed does not meet acceptable safety standards.

(b) A literal interpretation of the provisions of this ordinance would effectively deprive the applicant of rights commonly enjoyed by other properties of the district in which the property is located;
A literal interpretation of the provisions of this ordinance would not effectively deprive the applicant of rights commonly enjoyed by other properties of the district in which the property is located.

(c) Granting the variance requested will not confer upon the property of the applicant any special privileges that are denied to other properties of the district in which the applicant's property is located;

Each variance request is unique to the proposed development and property. No similar variances were granted or denied similar to the current request on other applicants' property in the district.

(d) The requested variance will be in harmony with the purpose and intent of this ordinance and will not be injurious to the neighborhood or to the general welfare;
Variances 1 and 4 could be considered for approval with alternative design elements.
Variances 2 and 3 will not be in harmony with the purpose and intent of this ordinance due to the lack of hardships peculiar to the property, which is beyond the control of the applicant.

(e) The special circumstances are not the result of the actions of the applicant;
Variances 1 and 4 could be considered for approval with alternative design elements due to the special circumstances that are not the result of the actions of the applicant. However, alternative design elements must be provided for review of the City Engineer.
Variances 2 and 3 do not include special circumstances.

(f) The variance requested is the minimum variance that will make possible the proposed use of the land, building, or structure in the use district proposed; and
Variances 1 and 4 could be considered for approval with alternative design elements showing the variance is the minimum variance that will make possible the proposed use of land, building, or structure in the use district proposed.
Variances 2 and 3 are not the minimum variances that will make possible the proposed use of the land, building, or structure in the use district proposed. The applicant could provide floor plans that meet the requirements of the code and reduce the total number of lots by making every lot a minimum of 6,700 sq.ft.

(g) The variance shall not permit a use of land, buildings or structures, which is not permitted by right in the zoning district or overlay district involved.
With annexation and rezoning to the proper zoning category, residential dwellings would be permitted uses.

Staff Recommendation for Annexation, Rezoning, and Variances

Recommendation:

There are three applications proposed at 4651 and 4665 Hog Mountain Road, parcels **15046 000008B** (3.39 acres); **15046 000008** (16.0 acres). The first consideration for the City Council is the proposed annexation of both parcels. With annexation, the subject site must be rezoned from Hall County AR-1 – Agricultural & Residential - R-1- Residential to a Flowery

Branch zoning category. The applicant is proposing to rezone the property to Traditional Neighborhood Development (TND).

Variance Details:

1. Variance from **Section 1014, Table 10.1** radius of curvature of the center line from 275' to 48'. The applicant states the hardship for the centerline radius curvature is due to topography. A GIS review of the site confirms the site is an undeveloped wooded site with significant topography. The variance request could be considered for approval with an alternative solution.
2. Variance **to Sec. 12.6. - Townhouses.** The applicant requested a variance from Sec. 12.6 however, the correct request should reference **Sec 12.7(b)1 – Single-Family Detached Dwellings**, Entrance Features. The porch shall be at least **6 feet deep** (not including steps, if applicable) and **40% of the width of the front façade or 11 feet**, whichever is greater. The applicant is requesting a **reduction** to this section to allow for **4' x 7.5'** covered porch. The applicant can avoid a variance due to the code allowing for stoops if the front façade is fully brick or stone. The applicant's stated hardship is due to "architectural style". The variance application does not demonstrate a hardship peculiar to the property, which is beyond the control of the applicant.
3. Variance **to Sec. 7.4 Tabel 7.2** a reduction to the minimum lot size from 6,700 square feet in the TND zoning category. The application requests a reduction to a minimum lot size of 5,500 square feet. The site plan provided by the applicant lists a total of 81 lots but does not provide individual square footage for each lot and thus, the total number of lots that would be below 6,700 square feet cannot be adequately determined at this time. The applicant did not demonstrate a hardship peculiar to the property, which is beyond the control of the applicant.
4. Variance **to Sec. 1021.c** Residential Street Design with streets more than 360 feet in length shall have at least 25 feet of lateral deviation from a straight course. The applicant seeks to remove the 25-foot deviation from straight course requirements. The applicant's site plan indicated locations for center landscape islands to break up the straight street but did not include consistent drive lane width through bulb-outs which could pose a danger to the motoring public. The variance could be approved if a safe and effective traffic-calming alternative is provided. While many well-engineered traffic calming solutions exist, the one currently proposed does not meet acceptable safety standards.

Variance Recommendations:

A variance from the Subdivisions Ordinance, Article 10 – Access and Design Requirements for Roads, Sec. 1014 – Road Right-of-Way Widths and Miters, Table 10.1 recommended for approval to reduce radius of curvature of the center line from 275’ to 48’ with a condition that the applicant revise the site plan to show two-way stops in areas that can accommodate to reduce the amount of radii needing a variance. The final alternative design shall be approved by the City Engineer.

A variance from the Zoning Ordinance, Article 12 – Requirements for Specific Residential Principal Buildings and Uses, Sec 12.7(b)1 – Single-Family Detached Dwellings, Entrance Features. The porch is reduced from be 6 feet deep (not including steps, if applicable) and 40% of the width of the front façade or 11 feet, whichever is greater to 4 feet deep and 7.5 feet wide porch is recommended for approval with a condition that the façade of buildings with the porch dimensional reductions shall be have a front façade that is 100% brick or stone. Final elevations shall be approved by the Director of Planning and Community Development Director.

A variance from the Zoning Ordinance, Article 7 – TND, Traditional Neighborhood Development, Sec. 7.4 – Dimensional Requirements, Table 7.2, to reduce minimum lot size from 6,700 to 5,500 square feet is recommended for denial. However, if approval is considered it is recommended that no more than 20% of the total number of lots shall have an area less than 6,700 square feet, and no lot shall have an area less than 5,500 square feet.

A variance from the Zoning Ordinance, Article 10 – Development Requirements and Guidelines, Sec. 10.21(c) – Residential Street Design Requirements, to remove the requirement of all streets more than 360 feet in length shall have at least 25 feet of lateral deviation from a straight course is recommended for approval with a condition that engineering standard traffic calming devices are proposed on a revised site plan. Additionally, each home shall be offset from the front building setback by at least five (5) feet from the neighboring home. The traffic calming devices used, their location and the placement of the homes on each site shall be approved by the City Engineer.

Staff recommends **approval of the Annexation and Rezoning** applications with the conditions provided.

Recommended Conditions of Approval of Annexation and Rezoning:

Please find below the proffered conditions for the proposed rezoning, organized by discipline and drafted to ensure consistency with the submitted concept materials and to protect the public interest:

1. **General Development**
    a. Building Locations and Scope:
    The total number of residential lots within the detached townhome development shall not exceed 81.
    b. Density Measurement:
    Density shall be calculated on a net basis, in accordance with the definition of *Net Density* set forth in Article 2, Section 2.2 (Design-Related Definitions). The applicant is to provide the areas of wetlands, state water buffer zones, flood hazard or electric / gas transmission easements or right-of-way.
    c. Maximum net density shall not exceed 6 units per acre.
2. **Civil Site Engineering**
    a. The final site-grading, stormwater, and utility plans shall be in substantial conformity with the Rezoning Concept Plan, including all delineated amenities, open spaces, and public gathering areas.
    b. No grading, filling, or earthmoving shall occur within the 75-foot impervious setback from state waters without prior approval of the Director of Planning & Community Development; such activities shall be minimized in accordance with Code § 27.6(b).
    c. No residential lot shall contain stream buffers, impervious setbacks or amenity trails.
3. **Building Design**
    a. Exterior elevations shall comply with design requirements in Article 12 of the Flowery Branch Zoning Ordinance.
    b. All buildings shall include a side or rear entry garage per TND standards.
    c. Where brick veneer is shown, only authentic brick or natural stone shall be utilized.
    d. All building facades shall be approved through the Design Review process per Article 40 and shall meet the design requirements in Article 10 and Article 12.
4. **Streets, Sidewalks & Stormwater Facilities**

a. All internal streets and sidewalks shall be public to City design standards and be dedicated at the conclusion of the Final Plat. Stormwater management systems shall remain private and be maintained at the HOA's expense.

5. **Signage, Landscaping & Lighting**
    a. An overall signage program, a detailed landscape plan sealed by a Georgia-registered landscape architect, and a comprehensive site-lighting plan shall be submitted to the Department of Community Development for review and approval.
    b. The landscape plan shall include high-quality treatments for open spaces, trails, pathways, and amenities.
6. **Transportation Improvements**
    a. The developer will prepare and implement a Transportation Improvement Plan to address impacts on Hog Mountain Road. The Transportation Improvement Plan shall be approved by the City Engineer.
    b. The entrance on Hog Mountain Road shall include:
        i. A right-turn deceleration lane, designed per GDOT Driveway Manual Table 4-8 for 45 mph (175 ft full-width storage plus 100 ft taper), constructed at no cost to the City.
        ii. A left-turn lane into the site, built to GDOT Driveway & Encroachment Control Manual standards, also at no cost to the City.
        iii. Exit shall include dedicated lanes for both left and right turns.
        iv. Dedication of all necessary right-of-way for these improvements, conveyed by the developer at no cost.
        v. Relocation of any utilities currently beneath the proposed deceleration lane, at the developer's expense.
    c. Sidewalks shall be located on both sides of the internal streets and along the road frontage of Hog Mountain Road.
7. **Variances**
    a. Approval of the annexation, rezoning and variance applications shall not constitute the granting of any variance from applicable local, state, or federal standards, except as expressly described herein.
    b. A variance from the Subdivisions Ordinance, Article 10 – Access and Design Requirements for Roads, Sec. 1014 – Road Right-of-Way Widths and Miters, Table 10.1 recommended for approval to reduce radius of curvature of the center line from 275' to 48' with a condition that the applicant revise the site plan to show two-way stops in areas that can accommodate to reduce the amount of radii needing a variance. The final alternative design shall be approved by the City Engineer.

c. A variance from article 12 -Requirements for Specific Residential Principal Buildings and Uses, Sec 12.7(b)1 – Single-Family Detached Dwellings, Entrance Features. The porch is reduced from be 6 feet deep (not including steps, if applicable) and 40% of the width of the front façade or 11 feet, whichever is greater to 4 feet deep and 7.5 feet wide porch is recommended for approval with a condition that the façade of buildings with the porch dimensional reductions shall be have a front façade that is 100% brick or stone. Final elevations shall be approved by the Director of Planning and Community Development Director.
d. A variance from the Zoning Ordinance, Article 7 – TND, Traditional Neighborhood Development, Sec. 7.4 – Dimensional Requirements, Table 7.2, to reduce minimum lot size from 6,700 to 5,500 square feet is recommended for approval with a condition that no more than 20% of the total lots shall be less than 6,700 sq. ft. and no lot shall be less than 5,500 sq. ft.
e. A variance from Article 10 – Development Requirements and Guidelines, Sec. 10.21(c) – Residential Street Design Requirements, to remove the requirement of all streets more than 360 feet in length shall have at least 25 feet of lateral deviation from a straight course is recommended for approval with a condition that engineering standard traffic calming devices are proposed on a revised site plan. Additionally, each home shall be offset from the front building setback by at least five (5) feet from the neighboring home. The traffic calming devices used, their location and the placement of the homes on each site shall be approved by the City Engineer.

8. **Public Utilities**
   a. Because of the site's topographic constraints, sanitary sewer lift station(s) are likely required; the Engineer of Record must work closely with the Public Utility Department throughout the design process. All pump station plans must comply with Chapter 50 (Utilities), Article II (Standard Specifications), Division 2 (Construction), Subdivision VII (Pump Stations), as well as any additional criteria established by the Director of Public Utilities.
9. **Open Space**
   a. All Open Space requirements shall meet the minimum requirements of Section 10.22.
   b. The subdivision shall include a conveniently accessible mail kiosk for both motorists and pedestrians.
   c. The mail kiosk area is not included in the open space calculations.
   d. The open space components shall be substantially similar to the examples provided in the application and shown in the staff report.
   e. All walking trail surfaces are to be mulch, compacted crushed rock, or other material approved by the director and be maintained in safe conditions by the HOA.

f. All trails are to maintain a minimum width of 48-inches.
g. A clearly visible sign shall be installed at each point where the amenity trails connect to the public sidewalks, stating that the trail amenity is not designed or constructed to ADA standards.

City of Flowery Branch Community Development Office
5512 Main St
Flowery Branch, GA, 30542
770-967-6378

ANNEXATION COMPLETENESS CHECKLIST

Please review each line item on the Completeness Checklist prior to submitting an application to the City of Flowery Branch. Please initial **each line item** (numerical and alphabetical sub lists) in the initial blocks provided in the left-hand column. Initialed checklist must be included with the completed application and all other required documentation at time of submittal. **All requirements must be provided in digital format via file sharing or on a flash drive.**

Applicant Name: Highpoint Development **Project Name:** The Ridge at Lott Creek

X JT	1.	Completed annexation application with all signatures and notary stamps present and all fields filled out and in compliance with all requirements. (Article 44, Sec. 44.4) Completed concurrent rezoning application with all signatures and notary stamps present and all fields filled out and in compliance with all requirements. (Article 34, Sec. 34.8)
X JT	2.	Legal description of property.
X JT	3.	Current survey of the property.
X JT	4.	Site plan of the property in accordance with the requirements of the Flowery Branch Code of Ordinances (Article 34, Sec 34.4 & 34.5):
		a) Uses an appropriate engineering scale
		b) Shows proposed use and relevant information regarding proposed improvements
		c) All existing AND proposed buildings and/or structures
		d) Parking and internal circulation
		e) Proposed landscaping
		f) Buffers, where required
		g) Other information as required by the Zoning Administrator
X JT	5.	Detailed description of the request.
X JT	6.	Required development statistics (Article 34, Sec 34.6) (separate document):
		a) Maximum and proposed height of any structure
		b) Maximum and proposed gross square footage of the building area (nonresidential only)
		c) Color rendering of any and all proposed structure(s)
		d) Material list (with percentages) of any and all proposed structure(s)
		e) Maximum and proposed number of dwelling units and minimum and proposed square footage of heated floor area for any dwelling unit (residential only)
		f) Maximum and proposed lot coverage of building area (square feet and percent)
		g) Minimum and proposed square footage of landscaped area (square feet and percent)
		h) Minimum, maximum and proposed number of parking spaces

City of Flowery Branch Community Development Office
5512 Main St
Flowery Branch, GA, 30542
770-967-6378
ANNEXATION COMPLETENESS CHECKLIST

		i) Other dimensional information as may be required by the Zoning Administrator
x JH	7.	Written Analysis Requirements (Article 34, Sec. 34.7) (separate document):
		a) Whether the proposal will permit a use that is suitable in view of the use and development of adjacent and nearby properties.
		b) Whether the proposal will adversely affect the existing use or usability of adjacent or nearby properties.
		c) 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.
		d) 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.
		e) 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.
		f) 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.
		g) 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.
		h) 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.
		i) Whether a proposed zoning map amendment or conditional use approval will be a deterrent to the value or improvement of the development of adjacent property in accordance with existing regulations.
		j) The possible creation of an isolated zoning district unrelated to adjacent and nearby districts.
		k) Possible effects of the change in zoning district map, or change in use, on the character of a zoning district.
		l) The possible impact on the environment, including but not limited to, drainage, soil erosion and sedimentation, flooding, air quality and water quality.

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ANNEXATION COMPLETENESS CHECKLIST

		m) 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.
X JF	8.	Conflict of interest disclosure (in body of application).
X JF	9.	Disclosure of campaign contributions (in body of application).
X JF	10.	Names and addresses of adjoining property owners. (separate document)
X JF	11.	Reasons for requesting annexation/rezoning. (separate document)
X JF	12.	Signed statement authorizing City of Flowery Branch staff and/or City Council to inspect subject property. (separate document)
N/A	13.	Annexations > 100 acres of land require an official request to amend the character area and future land use map designation for the subject property.
X JF	14.	Letter of intent describing the proposed use of the property or other action requested. (separate document)
X JF	15.	Hard copy of application with wet seals & signatures

The undersigned does hereby attest that all requirements in the above checklist have been met and that all required documentation has been provided at the time of submittal. The undersigned acknowledges that any application found to be incomplete upon review will be returned to the applicant for completion.

Name (print): HIGHPOINT DEVELOPMENT JAKE FRENCH

Signature: _____

Date: 12/11/2025

FLOWERY BRANCH
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ANNEXATION APPLICATION

Date: 12/11/2025

Address of Request:
4651 & 4665 Hog Mountain 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_____

Applicant Information:

Name: Highpoint Development

Address: 1776 Peachtree Street NW, Atlanta, GA 30309

E-mail address: jfrench@hpdev.com

Phone number: 502-386-7022

Signature: _____ Title (if applicable):_____

Print Name: Jake French

Notary Signature: _____

Notary Seal:

HANNAH HURLEY
Notary Public - State of Georgia
Gwinnett County
My Commission Expires Mar 14, 2028

FLOWERY BRANCH

Property owner information (if different than the applicant)

Property owner (please print): CD II Properties, LLC

Address: P.O. Box 99, Demorest, GA 30535

E-mail address: _____

Phone number: _____

Signature: _____

Notary Seal: _____

HANNAH HURLEY
Notary Public - State of Georgia
Gwinnett County
My Commission Expires Mar 14, 2028

Property Information

Tax Map Number: 15406 000008 & 15046 000008B

Current Zoning: R-1 & AR-1 (Hall County) Total Acres: 19.398

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

Proposed City of Flowery Branch Zoning: TND

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.

FLOWERY BRANCH

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

None to the best of our knowledge

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

None to the best of our knowldedge

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

None to the best of our knowledge

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
NONE	

FLOWERY BRANCH
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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
_____	_____
_____	_____

CITY STAFF ONLY

Application Received By: _____

Date: _____ Total Fee: _____

City of Flowery Branch Community Development Office
5512 Main St
Flowery Branch, GA, 30542
770-967-6378

ANNEXATION/REZONING COMPLETENESS CHECKLIST

Please review each line item on the Completeness Checklist prior to submitting an application to the City of Flowery Branch. Please initial **each line item** (numerical and alphabetical sub lists) in the initial blocks provided in the left-hand column. Initialed checklist must be included with the completed application and all other required documentation at time of submittal. **All requirements must be provided in hard copy form and digital form on a flash drive.**

Applicant Name: Highpoint Development **Project Name:** The Ridge at Lott Creek

X GT	1.	Completed annexation application with all signatures and notary stamps present and all fields filled out and in compliance with all requirements. (Article 44, Sec. 44.4) Completed concurrent rezoning application with all signatures and notary stamps present and all fields filled out and in compliance with all requirements. (Article 34, Sec. 34.8)
X GT	2.	Legal description of property.
X GT	3.	Current survey of the property.
X GT	4.	Site plan of the property in accordance with the requirements of the Flowery Branch Code of Ordinances (Article 34, Sec 34.4 & 34.5):
		a) Uses an appropriate engineering scale
		b) Shows proposed use and relevant information regarding proposed improvements
		c) All existing AND proposed buildings and/or structures
		d) Parking and internal circulation
		e) Proposed landscaping
		f) Buffers, where required
		g) Other information as required by the Zoning Administrator
X GT	5.	Detailed description of the request.
X GT	6.	Required development statistics (Article 34, Sec 34.6) (separate document):
		a) Maximum and proposed height of any structure
		b) Maximum and proposed gross square footage of the building area (nonresidential only)
		c) Color rendering of any and all proposed structure(s)
		d) Material list (with percentages) of any and all proposed structure(s)
		e) Maximum and proposed number of dwelling units and minimum and proposed square footage of heated floor area for any dwelling unit (residential only)
		f) Maximum and proposed lot coverage of building area (square feet and percent)
		g) Minimum and proposed square footage of landscaped area (square feet and percent)
		h) Minimum, maximum and proposed number of parking spaces

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ANNEXATION/REZONING COMPLETENESS CHECKLIST

		i) Other dimensional information as may be required by the Zoning Administrator
x JH	7.	Written Analysis Requirements (Article 34, Sec. 34.7) (separate document):
		a) Whether the proposal will permit a use that is suitable in view of the use and development of adjacent and nearby properties.
		b) Whether the proposal will adversely affect the existing use or usability of adjacent or nearby properties.
		c) 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.
		d) 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.
		e) 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.
		f) 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.
		g) 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.
		h) 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.
		i) Whether a proposed zoning map amendment or conditional use approval will be a deterrent to the value or improvement of the development of adjacent property in accordance with existing regulations.
		j) The possible creation of an isolated zoning district unrelated to adjacent and nearby districts.
		k) Possible effects of the change in zoning district map, or change in use, on the character of a zoning district.
		l) The possible impact on the environment, including but not limited to, drainage, soil erosion and sedimentation, flooding, air quality and water quality.

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ANNEXATION/REZONING COMPLETENESS CHECKLIST

		m) 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.
X JT	8.	Conflict of interest disclosure (in body of application).
X JT	9.	Disclosure of campaign contributions (in body of application).
X JT	10.	Names and addresses of adjoining property owners. (separate document)
X JT	11.	Reasons for requesting annexation/rezoning. (separate document)
X JT	12.	Signed statement authorizing City of Flowery Branch staff and/or City Council to inspect subject property. (separate document)
N/A	13.	Annexations > 100 acres of land require an official request to amend the character area and future land use map designation for the subject property.
X JT	14.	Letter of intent describing the proposed use of the property or other action requested. (separate document)

The undersigned does hereby attest that all requirements in the above checklist have been met and that all required documentation has been provided at the time of submittal. The undersigned acknowledges that any application found to be incomplete upon review will be returned to the applicant for completion.

Name (print): HIGHPOINT DEVELOPMENT JAKE FRENCH

Signature: [signature]

Date: 12/11/2025

FLOWERY BRANCH
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REZONING APPLICATION

Date: 12/11/2025

Address of Request:

4651 & 4665 Hog Mountain Road, Flowery Branch GA 30542

Tax Map # 15046 000008 & 15046 000008B Current Zoning: R-1 & AR-1

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: Highpoint Development

Address: 1776 Peachtree Street NW. Suite 250, Atlanta, GA, 30309

E-mail address: jfrench@hpdev.com

Phone number: 502-386-7022

Signature: _____ Title (if applicable): _____

Print Name: Jake French

Notary Signature: _____

Notary Seal:

HANNAH HURLEY
Notary Public - State of Georgia
Gwinnett County
My Commission Expires Mar 14, 2028

FLOWERY BRANCH

Property owner information (if different than the applicant)

Property owner (please print): CD II Properties, LLC

Address: P.O. Box 99, Demorest, GA 30535

E-mail address: _____

Phone number: _____

Signature: _____

Notary Seal: _____

HANNAH HURLEY
Notary Public - State of Georgia
Gwinnett County
My Commission Expires Mar 14, 2028

Property Information

Tax Map Number: 15406 000008 & 15046 000008B

Current Zoning: R-1 & AR-1 (Hall County) Total Acres: 19.398

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

Proposed City of Flowery Branch Zoning: TND

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.

FLOWERY BRANCH

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

None to the best of our knowledge

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

None to the best of our knowldedge

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

None to the best of our knowledge

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
NONE	

FLOWERY BRANCH

CITY STAFF ONLY

Application Received By: _____

Date: _____ Total Fee: _____

City of Flowery Branch Community Development Office
5512 Main St
Flowery Branch, GA, 30542
770-967-6378
VARIANCE COMPLETENESS CHECKLIST

Please review each line item on the Completeness Checklist prior to submitting an application to the City of Flowery Branch. Please initial **each line item** (numerical and alphabetical sub lists) in the initial blocks provided in the left-hand column. Initialed checklist must be included with the completed application and all other required documentation at time of submittal. **All requirements must be provided in hard copy form and digital form on a flash drive.**

Applicant Name: Highpoint Development **Project Name:** The Ridge at Lott Creek

	1.	Completed application with all signatures and notary seals present and all fields filled out and all supplementary requirements and documents attached. (Article 37, Sec. 37.3)
	2.	Legal description of the property. (separate document)
	3.	Current survey of property sealed by a Georgia registered land surveyor. (separate document)
	4.	Letter of intent describing the proposed use of the property or other action requested. (separate document)
	5.	Site plan of the property at an appropriate engineering scale which shows: (Sec. 37.4) (separate document)
		a) Existing and proposed buildings and structures,
		b) Relevant information regarding proposed improvements,
		c) Other information as required by Zoning Administrator.
	6.	Detailed description of the request. (in body of application but can be attached as separate document)
	7.	Statistics regarding the proposed project or development. (separate document)
	8.	Written analysis of how the proposed action compares to decision criteria specified for deciding on the subject type of application. (separate document)
	9.	Description of any special conditions voluntarily made a part of the request.
	10.	Conflict of interest disclosure. (in body of application)
	11.	Disclosure of campaign contributions. (in body of application)
	12.	Narrative demonstrating that criteria for granting variances has been met: (Article 37, Sec. 37.5) (separate document)
		a) There are extraordinary and exceptional conditions or practical difficulties pertaining to the particular piece of property in question because of its size, shape, or topography that are not applicable to other lands or structures in the same district;
		b) A literal interpretation of the provisions of this ordinance would effectively deprive the applicant of rights commonly enjoyed by other properties of the district in which the property is located;

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VARIANCE COMPLETENESS CHECKLIST

		c) Granting the variance requested will not confer upon the property of the applicant any special privileges that are denied to other properties of the district in which the applicant's property is located;
		d) The requested variance will be in harmony with the purpose and intent of this ordinance and will not be injurious to the neighborhood of to the general welfare;
		e) The special circumstances are not the result of the actions of the applicant;
		f) The variance requested is the minimum variance that will make possible the proposed use of the land, building, or structure in the use district proposed; and
		g) The variance shall not permit a use of land, buildings, or structures which is not permitted by right in the zoning district or overlay district involved.

The undersigned does hereby attest that all requirements in the above checklist have been met and that all required documentation has been provided at the time of submittal. The undersigned acknowledges that any application found to be incomplete upon review will be returned to the applicant for completion.

Name (print): HIGHPOINT DEVELOPMENT JAKE FRENCH

Signature:

Date: 12/11/25

FLOWERY BRANCH
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VARIANCE APPLICATION

Address of Request:
4651 & 4665 Hog Mountain Road, Flowery Branch, GA 30542

Type of Variance Requested

Complete requirements for variances can be found in the Flowery Branch Code of Ordinances; Appendix C, "Zoning Ordinance", Article 37;

Please verify all the requirements of the Flowery Branch Code of Ordinances; Appendix C, "Zoning Ordinance", Article 37, section 37.5 are being met. Explain below:

1. Variance from SECTION 1014 ROW Table 10.1 Radius of curvature of the center line, minimum (feet) Local Street for a reduced radius
2. Variance from SECTION 10.21.c Residential Street Design Requirements to remove 25ft deviation from straight course requirements
3. Variance from Section 7.4 Dimensional Requirements Table 7.2 Minimum lot size requirements
4. Variance from Section 12.6.p.1 to reduce the width & length of the usable covered porch

Applicant: Highpoint Development

Address: 1776 Peachtree Street NW. Suite 250, Atlanta, GA 30309

E-mail address: jfrench@hpdev.com

Phone number: 502-386-7022

Signature:

Notary Seal:

HANNAH HURLEY
Notary Public - State of Georgia
Gwinnett County
My Commission Expires Mar 14, 2028

FLOWERY BRANCH

Property owner information (if different than the applicant)

Property owner (please print): CD II Properties, LLC

Address: P.O. Box 99, Demorest, GA 30535

E-mail address: _____

Phone number: _____

Signature: _____

Notary Seal:

HANNAH HURLEY
Notary Public - State of Georgia
Gwinnett County
My Commission Expires Mar 14, 2028

Property Information

Tax Map Number: 15406 000008 & 15046 000008B

Current Zoning: R-1 & AR-1 (Hall County) Total Acres: 19.398

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

Proposed City of Flowery Branch Zoning: TND

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.

FLOWERY BRANCH

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

None to the best of our knowledge

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

None to the best of our knowldedge

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

None to the best of our knowledge

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
NONE	

Criteria for Granting Variances

1. There are extraordinary and exceptional conditions or practical difficulties pertaining to the particular piece of property in question because of its size, shape, or topography that are not applicable to other lands or structures in the same district;

- Minimum road radius variance is related to the topography of the property and the dimensional restrictions with narrow width across. We will need a variance to a minimum radius of 48' in order to have a viable travel way for residents.
- Streets deviation variance is related to the topography of the site and the width constraints. We understand the concern with line of sight, so we plan to provide varying offsets for homes, different use of materials to break line of sight, and small landscape islands in the road center to provide speed reduction and break in view.
- Minimum lot size is related to the topography of the site and the width constraints. We plan to provide an average lot size of 6,700sf. The minimum lot size will be 5,500sf with only 30% of lots conforming to the minimum lot size.
- The porch size variance is related to achieving an architectural style that relates to the front-loaded garages given the topography and width constraints. We will propose an extending the roof overhang above the garage to extend across to the porch to give the feel of an extended porch. We will also utilize design code relief in Section 12.7 to allow for stoops so that we can use different materials to create architectural relief and provide a truly unique community.

2. A literal interpretation of the provisions of this ordinance would effectively deprive the applicant of rights commonly enjoyed by other properties of the district in which the property is located;

- Similar minimum road radius exists within other single-family communities within the City.
- Similar streets extend longer than 360' without deviation within the City.
- Similar lot sizes exist within other single-family communities within the City.
- Similar porch sizes exist within other single-family communities within the City.

3. Granting the variance requested will not confer upon the property of the applicant any special privileges that are denied to other properties of the district in which the applicant's property is located;

- Based on other existing single-family communities and existing travel ways within the City, it would not appear that these variances would be considered as a special privilege.

4. The requested variance will be in harmony with the purpose and intent of this ordinance and will not be injurious to the neighborhood or to the general welfare;

- The variances will primarily be visible to those living within the community and therefore should not have any injurious impact on others.

5. The special circumstances are not the result of the actions of the applicant;

- The circumstances are requested for the specific product architecture and site plan layout necessary for the community's success due to the extreme constraints of the land.

6. The variance requested is the minimum variance that will make possible the proposed use of the land, building, or structure in the use district proposed; and

- These requests have been studied extensively for over a year and have been minimized to the least impactful magnitude achievable.

7. The variance shall not permit a use of land, buildings, or structures which is not permitted by right in the zoning district or overlay district involved.

- The variances have been noted in other single-family communities and/or existing travel ways within the City and do not convey uses that are not permitted currently.

8. The variances requested do not change the use of the property or the function of any buildings or structures.

- Nothing in the requested variances will impact the use of the property or the function of the single-family community.

December 11, 2025

TO: City of Flowery Branch Community Development Office
FROM: Highpoint Development, Jake French (Applicant)
DATE: December 11, 2025
SUBJECT: 4651 & 4665 Hog Mountain Road Annexation and Rezoning Application

Applicant hereby grants permission to City of Flowery Branch Elected Officials and Staff to enter and inspect property as needed for the purpose of reviewing the request referenced above.

Jake French
Development Lead

LEGAL DESCRIPTION

All that tract or parcel of land lying and being in Georgia Militia District: Flowery Branch #1270, in Hall County, Georgia, and being more particularly described as follows:

Commencing at a mag nail set at the Southerly right of way of Hog Mountain Road (having a variable width, publicly dedicated right of way) and the common corner to property now or formally of Mount Calvary Baptist Church and CD, ii Properties, LLC, said point being the TRUE POINT OF BEGINNING.

Thence continuing along said right of way of Hog Mountain Road the following courses and distances: North 52 degrees 05 minutes 46 seconds East a distance of 300.00 feet to a 5/8 inch capped rebar set; North 52 degrees 05 minutes 46 seconds East a distance of 296.18 feet to a 5/8-inch capped rebar set; Thence leaving said right of way of Hog Mountain Road South 45 degrees 22 minutes 26 seconds East a distance of 1477.18 feet to a concrete marker found; Thence South 44 degrees 38 minutes 15 seconds West a distance of 525.39 feet to a concrete marker found; Thence North 47 degrees 47 minutes 41 seconds West a distance of 519.00 feet to a 1-inch open top pipe found; Thence North 47 degrees 47 minutes 41 seconds West a distance of 150.00 feet to a 1-invh open top pipe found; Thence North 47 degrees 47 minutes 41 seconds West a distance of 386.97 feet to a 5/8-inch capped rebar set; Thence North 47 degrees 47 minutes 41 seconds West a distance of 500.00 feet to a mag nail set at the Southerly right of way of Hog Mountain Road, said mag nail being the TRUE POINT OF BEGINNING.

Said tract or parcel of land containing 19.398 acres (844,974 square feet).



SURVEYOR'S CERTIFICATION

THIS PLAT IS A RETRACEMENT OF AN EXISTING PARCEL OR PARCELS OF LAND AND DOES NOT SUBDIVIDE OR CREATE A NEW PARCEL OR MAKE ANY CHANGES TO ANY REAL PROPERTY BOUNDARIES. THE RECORDING INFORMATION OF THE DOCUMENTS, MAPS, PLATS, OR OTHER INSTRUMENTS WHICH CREATED THE PARCEL OR PARCELS ARE STATED HEREON. RECORDATION OF THIS PLAT DOES NOT IMPLY APPROVAL OF ANY LOCAL JURISDICTION. AVAILABILITY OF PERMITS, COMPLIANCE WITH LOCAL REGULATIONS OR REQUIREMENTS, OR SUITABILITY FOR ANY USE OR PURPOSE OF THE LAND. FURTHERMORE, THE UNDERSIGNED LAND SURVEYOR CERTIFIES THAT THIS PLAT COMPLIES WITH THE MINIMUM TECHNICAL STANDARDS FOR PROPERTY SURVEYS IN GEORGIA AS SET FORTH IN THE RULES AND REGULATIONS OF THE GEORGIA BOARD OF REGISTRATION FOR PROFESSIONAL ENGINEERS AND LAND SURVEYORS AND AS SET FORTH IN O.C.G.A. SECTION 15-6-67.

GEORGIA REGISTERED No. 3109 REGISTERED LAND SURVEYOR MITCHELL LOWERY

MITCHELL LOWERY GEORGIA R.L.S. #3109
DATE OF PLAT OR MAP: JANUARY 10, 2022

LEGAL DESCRIPTION TRACT 1

ALL THAT TRACT OR PARCEL OF LAND LYING AND BEING IN GEORGIA MILITIA DISTRICT: FLOWERY BRANCH #1270, IN HALL COUNTY, GEORGIA, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT A POINT AT THE SOUTHERLY RIGHT OF WAY OF MOUNT CALVARY BAPTIST CHURCH AND CO. II PROPERTIES, LLC; THENCE ALONG SAID RIGHT OF WAY OF HOG MOUNTAIN ROAD (HAVING A VARIABLE WIDTH, PUBLICLY DEDICATED RIGHT OF WAY) AND THE COMMON PROPERTY NOW OR FORMALLY OF MOUNT CALVARY BAPTIST CHURCH AND CO. II PROPERTIES, LLC; THENCE ALONG SAID RIGHT OF WAY OF HOG MOUNTAIN ROAD NORTH 52 DEGREES 05 MINUTES 46 SECONDS EAST A DISTANCE OF 300.00 FEET TO A 5/8-INCH CAPPED REBAR SET, SAID 5/8-INCH CAPPED REBAR BEING THE TRUE POINT OF BEGINNING.

THENCE CONTINUING ALONG SAID RIGHT OF WAY OF HOG MOUNTAIN ROAD NORTH 52 DEGREES 05 MINUTES 46 SECONDS EAST A DISTANCE OF 296.18 FEET TO A 5/8-INCH CAPPED REBAR SET; THENCE LEAVING SAID RIGHT OF WAY OF HOG MOUNTAIN ROAD SOUTH 45 DEGREES 22 MINUTES 26 SECONDS EAST A DISTANCE OF 1477.18 FEET TO A CONCRETE MARKER FOUND; THENCE SOUTH 44 DEGREES 38 MINUTES 15 SECONDS WEST A DISTANCE OF 525.39 FEET TO A CONCRETE MARKER FOUND; THENCE NORTH 47 DEGREES 47 MINUTES 41 SECONDS WEST A DISTANCE OF 519.00 FEET TO A 1-INCH OPEN TOP PIPE FOUND; THENCE NORTH 47 DEGREES 47 MINUTES 41 SECONDS WEST A DISTANCE OF 150.00 FEET TO A 1-INCH OPEN TOP PIPE FOUND; THENCE NORTH 47 DEGREES 47 MINUTES 41 SECONDS WEST A DISTANCE OF 386.97 FEET TO A 5/8-INCH CAPPED REBAR SET; THENCE LEAVING SAID RIGHT OF WAY OF HOG MOUNTAIN ROAD NORTH 52 DEGREES 05 MINUTES 46 SECONDS EAST A DISTANCE OF 300.00 FEET TO A 5/8-INCH CAPPED REBAR SET; THENCE NORTH 47 DEGREES 47 MINUTES 41 SECONDS WEST A DISTANCE OF 500.00 FEET TO A 5/8-INCH CAPPED REBAR SET ON THE SOUTHERLY RIGHT OF WAY OF HOG MOUNTAIN ROAD, SAID 5/8-INCH CAPPED REBAR BEING THE TRUE POINT OF BEGINNING.

(697,203 SQUARE FEET) OR 16.006 ACRES.

SAID TRACT OR PARCEL OF LAND CONTAINING 16.006 ACRES

LEGAL DESCRIPTION TRACT 2

ALL THAT TRACT OR PARCEL OF LAND LYING AND BEING IN GEORGIA MILITIA DISTRICT: FLOWERY BRANCH #1270, IN HALL COUNTY, GEORGIA, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT A MAG NAIL SET AT THE SOUTHERLY RIGHT OF WAY OF HOG MOUNTAIN ROAD (HAVING A VARIABLE WIDTH, PUBLICLY DEDICATED RIGHT OF WAY) AND THE COMMON CORNER TO PROPERTY NOW OR FORMALLY OF MOUNT CALVARY BAPTIST CHURCH AND CO. II PROPERTIES, LLC; SAID POINT BEING THE TRUE POINT OF BEGINNING.

THENCE CONTINUING ALONG SAID RIGHT OF WAY OF HOG MOUNTAIN ROAD NORTH 52 DEGREES 05 MINUTES 46 SECONDS EAST A DISTANCE OF 300.00 FEET TO A 5/8 INCH CAPPED REBAR SET; THENCE LEAVING SAID RIGHT OF WAY OF HOG MOUNTAIN ROAD SOUTH 47 DEGREES 41 SECONDS EAST A DISTANCE OF 500 FEET TO A 5/8 INCH CAPPED REBAR SET; THENCE SOUTH 52 DEGREES 05 MINUTES 46 SECONDS WEST A DISTANCE OF 300.00 FEET TO A 5/8 INCH CAPPED REBAR SET; THENCE NORTH 47 DEGREES 47 MINUTES 41 SECONDS WEST A DISTANCE OF 500 FEET TO A MAG NAIL SET IN THE RIGHT OF WAY OF HOG MOUNTAIN ROAD, SAID MAG NAIL BEING THE TRUE POINT OF BEGINNING.

SAID TRACT OR PARCEL OF LAND CONTAINING 3.392 ACRES (147,771 SQUARE FEET).

ZONING

PER ITEMS 6(A) AND 6(B) OF THE 2021 ALTA/NSPS LAND TITLE SURVEY MINIMUM STANDARD DETAIL REQUIREMENTS, SETBACKS AND OTHER ZONING RESTRICTIONS/REQUIREMENTS CANNOT BE LISTED UNLESS A ZONING REPORT OR LETTER STATING SAID RESTRICTIONS/REQUIREMENTS IS PROVIDED.

SURVEY NOTES

1) *PROPERTY SHOWN HEREON WAS SURVEYED NOVEMBER 16, 2021.*
2) *THE FIELD DATA UPON WHICH THIS PLAT IS BASED HAS A CLOSURE OF 1' IN 41,946' WITH AN ANGULAR ERROR OF 3.21 SECONDS PER ANGLE POINT AND WAS ADJUSTED USING THE LEAST SQUARES METHOD.*
3) *A SOKKIA IX TOTAL STATION, CARLSON BRX7 GPS RECEIVER, AND CARLSON SURVEYOR+ DATA COLLECTOR WERE USED FOR FIELD SURVEY MEASUREMENTS.*
4) *THIS PLAT HAS A MAP CLOSURE OF 1' IN 522,274'.*
5) *SAID DESCRIBED PROPERTY IS LOCATED WITHIN AN AREA HAVING A ZONE DESIGNATION 'X' ON FLOOD INSURANCE RATE MAP NO. 13139C0292F, WITH A DATE OF IDENTIFICATION OF SEPTEMBER 29, 2006, FOR COMMUNITY NUMBER 130466, IN HALL COUNTY UNINCORPORATED AREAS, STATE OF GEORGIA, WHICH IS THE CURRENT FLOOD INSURANCE RATE MAP FOR THE COMMUNITY IN WHICH SAID PROPERTY IS SITUATED.*
6) *CONTROL AND BEARING BASIS FOR THIS SURVEY WERE ESTABLISHED USING A TOPCON HIPER LITE+ GPS RECEIVER UTILIZING OPUS-S FOR POST PROCESSING. THE RELATIVE POSITIONAL ACCURACY, AS CALCULATED ACCORDING TO THE FEDERAL GEOGRAPHIC DATA COMMITTEE PART 3: NATIONAL STANDARD FOR SPATIAL DATA ACCURACY, IS .03 FEET HORIZONTAL AND .06 FEET VERTICAL AT THE 95% CONFIDENCE LEVEL.*
7) *UTILITIES SHOWN PER MARKINGS PLACED BY UTILITY-MARKING, L.L.C. UTILITIES OTHER THAN THOSE SHOWN HEREON MAY EXIST. LOWERY & ASSOCIATES MAKES NO GUARANTEE AS TO THE EXISTENCE OR NON-EXISTENCE OF SAID UTILITIES.*
8) *NO OBSERVED EVIDENCE OF CEMETERIES, GRAVESITES, AND/OR BURIAL GROUNDS AT TIME OF SURVEY.*
9) *PROPERTY SHOWN HEREON LIES WITHIN THE RECORD DESCRIPTION AS STATED IN GENERAL WARRANTY DEED RECORDED IN DEED BOOK 7096, PAGE 307, HALL COUNTY RECORDS.*
10) *NO ENCROACHMENTS OTHER THAN THOSE SHOWN HEREON WERE OBSERVABLE AT TIME OF SURVEY.*
11) *AT THE TIME OF THE SURVEY, THERE WAS NO OBSERVABLE EVIDENCE OF EARTH MOVING WORK, BUILDING CONSTRUCTION OR BUILDING ADDITIONS.*
12) *AT THE TIME OF THE SURVEY, THERE WERE NO PROPOSED CHANGES IN STREET RIGHT OF WAY LINES OR OBSERVABLE EVIDENCE OF STREET OR SIDEWALK REPAIRS.*
13) *AT THE TIME OF THE SURVEY, THERE WAS NO OBSERVABLE EVIDENCE OF THE SITE BEING USED AS A SOLID WASTE DUMP, SUMP OR SANITARY LANDFILL.*
14) *SUBJECT PROPERTY HAS DIRECT ACCESS TO HOG MOUNTAIN ROAD, BEING A PUBLICLY DEDICATED RIGHT OF WAY.*
15) *SUBJECT PROPERTY IS CONTIGUOUS TO ALL ADJACENT PROPERTIES AND RIGHTS OF WAY. NO GAPS, GORES, OR OVERLAPS ARE KNOWN TO EXISTS.*

LEGEND

- PROPERTY LINE
- OVERHANG/AWNING
- (BEARING/DISTANCE)
- RECORD CALLS
- B.S.L. BUILDING SETBACK LINE
- INDEX CONTOUR
- MINOR CONTOUR
- SPOT ELEVATION
- WATER LINE
- OVERHEAD UTILITY LINE
- GAS LINE
- UNDERGROUND TELEPHONE LINE
- SANITARY SEWER LINE
- UNDERGROUND ELECTRIC LINE
- FENCE LINE
- STORM DRAIN PIPE
- WATER VALVE
- WATER METER
- FIRE HYDRANT
- GAS METER
- GAS VALVE
- POWER METER
- SANITARY SEWER MANHOLE
- REBAR
- CAPPED REBAR
- CONCRETE MONUMENT
- OPEN TOP PIPE
- FOUND
- LIGHT POLE
- SIGN
- HARDWOOD TREE
- PINE TREE

DATE: JANUARY 10, 2022	REVISIONS
JOB #: 213481	DATE: DESCRIPTION
SCALE: 1"=60'	
DRAWN BY: D. HALL	

Lowery & Associates
LAND SURVEYING, LLC

BOUNDARY & TOPOGRAPHIC SURVEY OF:
4651 HOG MOUNTAIN ROAD
FLOWERY BRANCH, GEORGIA 30542

STATE: GEORGIA | COUNTY: HALL

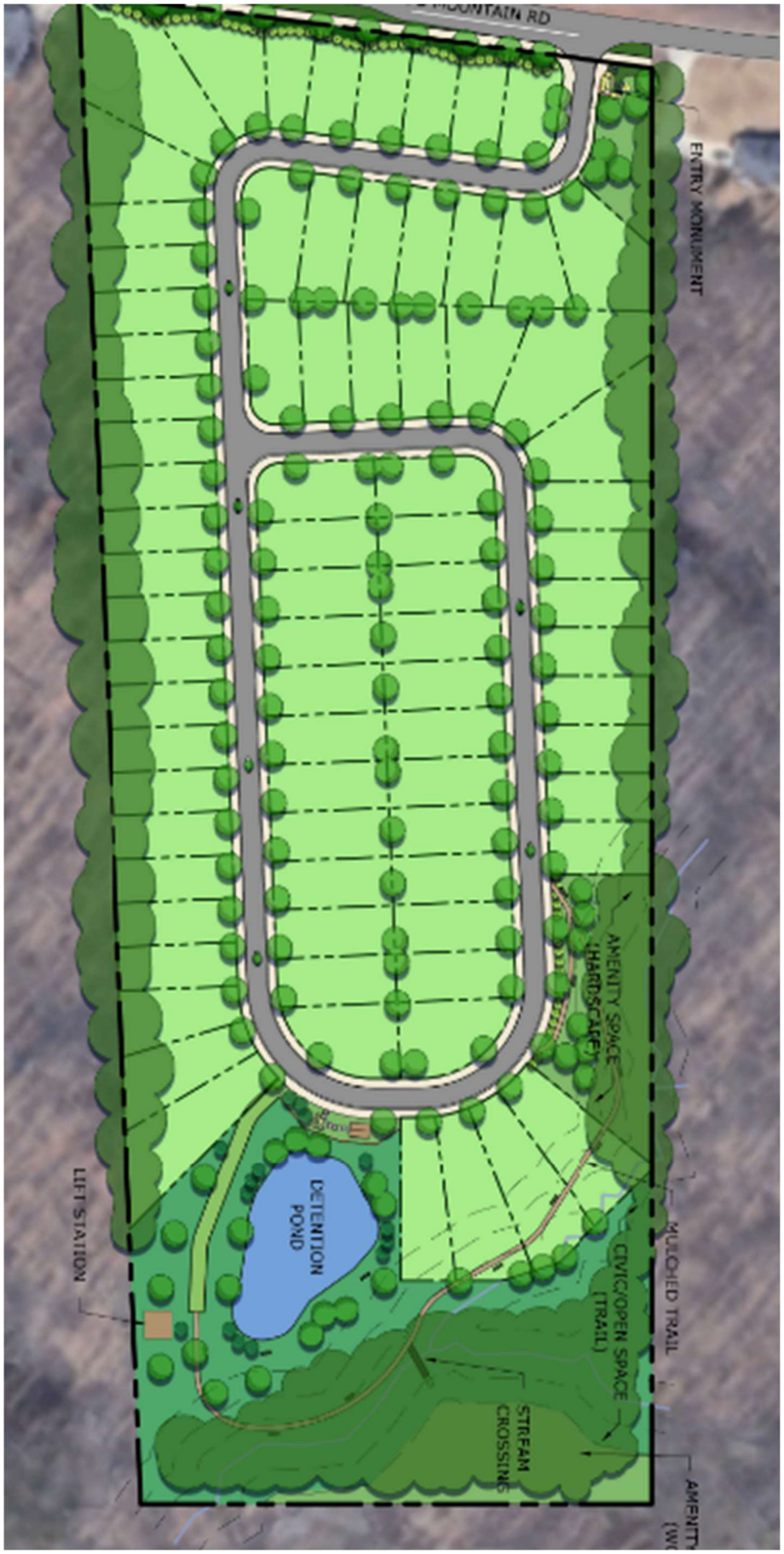
GEORGIA MILITIA DISTRICT: FLOWERY BRANCH DISTRICT (#1270)

PREPARED FOR:
KIMLEY-HORN

LOWERY & ASSOCIATES
LAND SURVEYING, LLC
317 GRASSDALE ROAD
CARTERSVILLE, GA 30121
770-334-8186
WWW.LOWERYLANDSURVEYS.COM
INFO@LOWERYLANDSURVEYS.COM
GEORGIA C.O.A.: LSF-001102

THE RIDGE

AT LOTT CREEK



Project Narrative for Hog Mountain Road Tract

LOCATION – 4651 & 4665 Road, Flowery Branch, GA 30542
ACREAGE – 19.398 acres +/-
APPLICANT – Highpoint Development
PROPOSED ZONING – TND

Summary

The accompanying application seeks annexation and zoning district change from AR-I in Hall County to TND in Flowery Branch for a 19.398-acre tract, consisting of Parcel #'s 15046 000008 & 15046 000008B. The property appears to have been vacant for a number of years. The location is on Hog Mountain Road in south Hall approximately 1300 LF north of Spout Springs Road. The intent is to develop up to 81 units of quality housing (single-family) along with an extensive amount of undeveloped natural area. At least 15% of the site will be maintained as open space. Although not specifically identified, the property is located adjacent to the "Retail Activity Center" Character Area of the 2041 Comprehensive Plan. We believe this property could serve as a transitional use from the retail area to south and the lower density subdivisions to the north and east.

Site Description

The property has approximately 640 LF of frontage along Hog Mountain Road, rectangular and approximately 1,500 LF deep. The site is undeveloped with several dilapidated out buildings and contains a mix of trees and vegetation. A jurisdictional stream (Lott Creek) is located near the rear of the property and appears to be a tributary of Mulberry Creek. Domestic water (24") is provided by the City of Gainesville and is located on the northwest side of Hog Mountain Road. Flowery Branch will provide sanitary Sewer through a new, on-site pump station and force main to nearby gravity lines located within the Stonebridge Village retail center. All other dry utilities are located within a reasonable distance for service extensions.

Adjacencies

The property is surrounded by Hall County residential zonings, AR-III, PRD and R-1 and a small HB property on the west side of Hog Mountain Road. Adjacent Flowery Branch zoning is HB.

Access

Access to the property is proposed from a driveway on Hog Mountain Road approximately 1,800 LF north of Spout Springs Road. The nearest cross street is Cash Road, located approximately 900 LF northeast of the property.

Proximity to Other Uses

- Nearest distance to undeveloped commercial property – parcel #15046 000151-zoned HB located adjacent to southwestern boundary.
- Nearest distance to developed commercial property – parcel #08096 000014 zoned H-B, directly across at 4650 Hog Mountain Road.

- Nearest distance to a single-family home – a single-family home at 4641 Hog Mountain Road is located within 40’ of the northeastern boundary.
- Nearest distance to a subdivision – Hunters Landing S/D is located 0.6 miles away.

Aerial View



Comprehensive Plan Consistency

Since the subject property is currently located in unincorporated Hall County, the Flowery Branch Comprehensive Plan does not specifically identify the future land use for this property. With Retail/Commercial uses directly to the south of the subject property and lower density residential uses to the north, it would be reasonable to assume that the subject property could provide a transitional use and density between the uses identified. Although this specific property is not included in the Comprehensive Plan Future Development Map, it does lie adjacent to the "Activity Center – Retail" character area. It is our opinion that the slightly higher densities offered under the TND zoning district, and the specific use for attached single-family homes, would be applicable for this property.

Traffic Impact Study

A Traffic Impact Study has not been requested by the City but was recommended. We have completed a Traffic Impact Study as a courtesy. The following recommendations were made:

- One entering lane and one exiting lane
- Stop sign controlled on the driveway approach with Hog Mountain Rd remaining free flow
- A right turn lane for entering traffic
- No recommendation for the need of a left turn lane in

Development Strategy

The Concept Plan includes traditional front entry single family homes. The architectural style of the homes will be influenced by the mountain bungalow style to feel more rooted in the community and within the TND design intent. The single-family homes located along the Hog Mountain Road frontage will be facing interior to the development and we will have elevated facades on the rear of these homes to provide a grand appearance along Hog Mountain Rd. We will provide a desirable streetscape for the project's entrance including a professionally landscaped monument sign. The single-family homes will all have front-loaded garages. The community will have amenities including walking trails, a creek bridge crossing, a community gathering pavilion, and a firepit communal area with chairs.

Architectural Materials & Site Improvements

Single-family homes will follow the requirements of Section 12.6.i at a minimum with a general design theme that would include:

- Two-car garages
- Front facades with a combination of masonry and hardi-plank siding materials
- Side & Rear facades with hardi-plank siding, glazing & trim
- Architectural weight shingles
- Sodded yards (4 sides)
- One tree per lot (minimum 2 ½" caliper)
- Variance Requested –
    - Road radius min. at 48'
    - Street deviation distance req. to 850' w/ concessions
    - Minimum lot size avg 6,700sf w/ 30% min lots of 5,500sf
    - Reduce front porch size requirement

Entrance Monumentation

The entrance may include the items listed below with at least one central mail kiosk provided subject to USPS review and approval.

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

Amenities

The community amenities, at a minimum, will contain the following items:

- Pocket Park
- Walking Trails
- Creek Crossing
- Park Benches
- Community gathering pavilion
- Communal firepit with seating

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 Hog Mountain Road.

Model Home Permits

Applicant requests that up to twelve (12) 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 Developer. The HOA will manage the overall management of the property including maintenance, architectural controls and financial management.

Annexation

Hall County has given verbal confirmation they would approve the annexation into Flowery Branch assuming the adjacent parcels are not attempting to annex at the same time.

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.

Project Dimensional Standards

Proposed Dimensional Standards	
Acres	19.398
Number of Lots	81
Gross Density	4.18
Exterior Buffer	-
Height (Feet)	30
Minimum Lot Size (SF)*	5,500
Minimum Lot Width (Ft)	40
Minimum Lot Depth (Ft)	80
Minimum Heated Floor Area (SF)	1,200
Front Yard Setback from Lot Line (Ft)	-
Side Setback, Interior Lot Line or Corner Lot (Ft)	5
Rear Setback (Ft)	25
Maximum Coverage of Impervious Surface	45%
Sidewalks	5', Both Sides
Civic Space	15%
Amenity Space	6%
Parking	2 - Enclosed
**Requires variance approval*	

THE RIDGE
AT LOTT CREEK





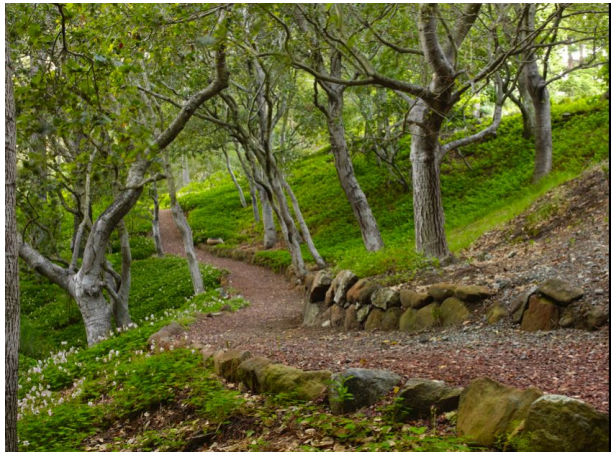


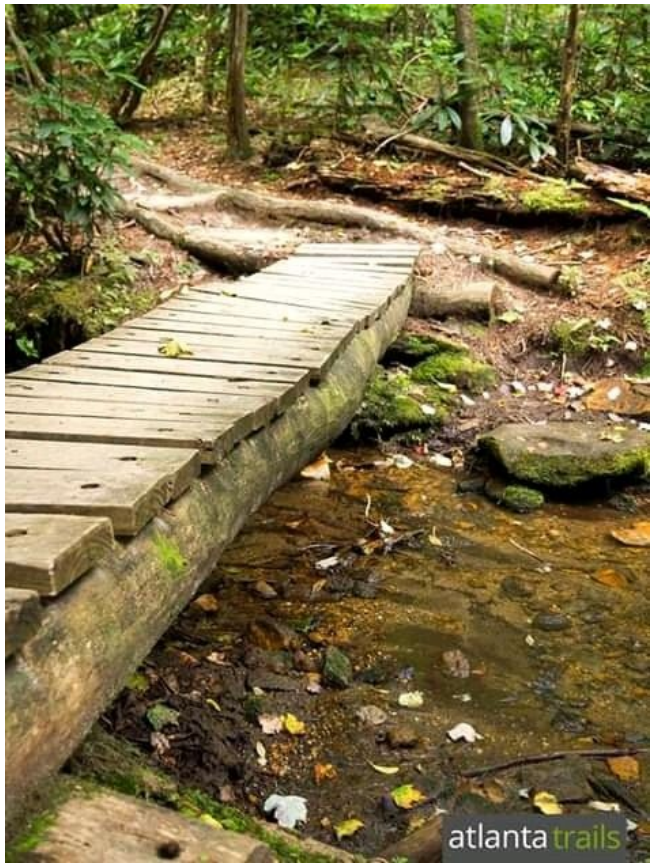
ENTRY GATE IDEAS

The entry conveys a quiet sense of welcome, shaped with natural stone and native plantings that feel authentically tied to Hog Mountain and the creek below. Materials sit comfortably in the landscape, offering a sense of belonging rather than display, creating an approach that is both dignified and genuinely rooted in place.

THE RIDGE
AT LOTT CREEK









AMENITIES

Amenities are designed to feel close to the landscape and quietly integrated. A communal fire pit and pavilion overlooks the stream, and a soft mulched trail guides residents through the trees to a modest wooden bridge across Lott Creek. The experience is simple and welcoming, inviting time outdoors without overshadowing the natural character of the place.

THE RIDGE

AT LOTT CREEK



COLOR PALETTE:

The three offered schemes—light, mid-tone, and dark—are drawn from the muted, earthy tones of the North Georgia landscape. Each palette reflects the surrounding ridge and creek setting, favoring natural hues: soft mineral whites, weathered wood browns, and deeper charcoal colors that echo stone, soil, and shaded canopy. Together, they provide variation without discord, allowing homes to feel individually tailored yet quietly unified within the broader landscape.

THE RIDGE
AT LOTT CREEK







ARCHITECTURAL FEATURES:

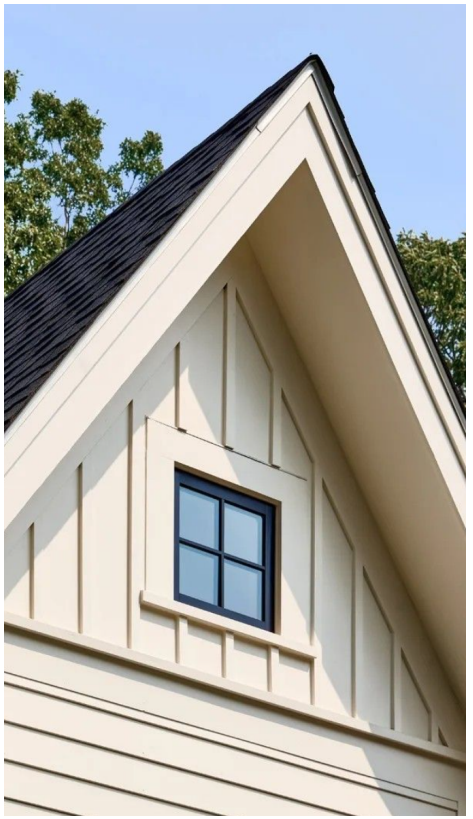
The achitecture leans toward a mountain bungalow style, with forms and finishes that feel sturdy, familiar, and tied to the landscape. Dark charcoal accents sharpen the earthy palette, while carriage-style garage doors and well-placed sconces add character without slipping into ornament. Matching metal gutters bring a clean outline to the façades, and the porch roof extending across the front-facing garage helps keep everything at a comfortable, human scale. The result is a street presence that feels connected, warm, and intentionally crafted—neighbors, not statements.

THE RIDGE
AT LOTT CREEK









ARCHITECTURAL FEATURES:

Details stay simple and purposeful. Porch brackets and extended overhangs provide clear structure and shade without excess. Gable vents, occasional gable windows, and selectively used shutters add just enough dimension to the façades, keeping each home grounded and consistent without feeling repetitive.

Analysis of the Hog Mountain Road Annexation Request

(a) Whether the proposal will permit a use that is suitable in view of the use and development of adjacent and nearby property.

- The requested use is for a residential and is consistent with the many undeveloped nearby properties. The suitability for more intense uses is limited by the property's topography.

(b) Whether the proposal will adversely affect the existing use or usability of adjacent or nearby property.

- The proposed residential use of the property will not negatively impact any adjacent property as there are both commercial and residential uses nearby.

(c) 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.

- The property has been marketed under its current zoning for a number of years and has generated very little interest. Without annexation into Flowery Branch, sewer will not be available.

(d) 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.

- Other than a small increased school impact, the proposed residential use will have minimal impact to the existing infrastructure.

(e) 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.

- Although not specifically identified, the property is located adjacent to the "Retail Activity Center" Character Area of the 2041 Comprehensive Plan. We believe this property could serve as a transitional use from the retail area to south and the lower density subdivisions to the north and east.

(f) 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 availability of suitable land for development is becoming more limited while the demand for residential use in this area continues to increase. The topography of the property is more suitable for residential than for any retail/commercial uses.

(g) Existing use(s) and zoning of the subject property and nearby properties.

- The property is surrounded by Hall County residential zonings, AR-III, PRD and R-1 and a small HB property on the west side of Hog Mountain Road. Adjacent Flowery Branch zoning is HB.

(h) 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.

- Under the existing zoning districts (AR-I & R-1) in Hall County, the property value (2024 Tax Assessment - $363,300) is diminished by the lack of sewer access and the limited development potential. Annexation and rezoning to TND would create a value in excess of $2,000,000. The current property owner has owned the property since 2012 and has been unsuccessful under the current zoning.

(i) 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 change of use is more compatible with the existing single-family development to the north and will have no impact on the other adjacent uses.

(j) The possible creation of an isolated zoning district unrelated to adjacent and nearby districts.

- The property is adjacent to an existing single-family home to the north and therefore would not create an isolated use.

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

- The character of this area already includes residential uses so there should be no impact on the general character of the district.

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

- Residential development is generally less intensive in its impact on the environmental issues mentioned as opposed to adjacent HB zoned uses.

(m) 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.

- This change of use will not be harmful to the overall zoning scheme as other residential uses currently exist adjacent to the property.

Parcel #	Name	Address	Mailing Address
15046 000009A	Mount Calvary Baptist Church	4675 Hog Mountain Road, Flowery Branch, GA 30542	4675 Hog Mountain Road, Flowery Branch, GA 30542
15046 000151	Capstone Gateway 1, LLC	Hog Mountain Road, Flowery Branch, GA 30542	P.O. Box 724, Gainesville, GA 30503
15046 000065	Capstone Acquisitions, LLC	6001 Spout Springs Road, Flowery Branch, GA 30542	P.O. Box 724, Gainesville, GA 30504
15046 000131	Capstone Acquisitions, LLC	6011 Spout Springs Road, Flowery Branch, GA 30542	P.O. Box 724, Gainesville, GA 30505
15046 000070	Capstone Acquisitions, LLC	6065 Spout Springs Road, Flowery Branch, GA 30542	P.O. Box 724, Gainesville, GA 30506
15046E 000013	Blake Alexander Hall	4650 Quail Point Dr., Flowery Branch, GA 30542	4650 Quail Point Dr., Flowery Branch, GA 30542
15046E 000012	Tammy A. Lipscomb	4646 Quail Point Dr., Flowery Branch, GA 30542	4646 Quail Point Dr., Flowery Branch, GA 30542
15046 000002	Florence Cash Smee	4576 Cash Road, Flowery Branch, GA 30542	4576 Cash Road, Flowery Branch, GA 30542
15046 000143	Lucy Cash Barnett	4560 Cash Road, Flowery Branch, GA 30542	4560 Cash Road, Flowery Branch, GA 30542
15046 000008A	Thoren C. Merrow	4666 Hog Mountain Road, Flowery Branch, GA 30542	4646 Hog Mountain Road, Flowery Branch, GA 30542
08096 000008	Pauline Cantrell Roberts	4642 Hog Mountain Road, Flowery Branch, GA 30542	4642 Hog Mountain Road, Flowery Branch, GA 30542
08096 000014	R Squared Rentals, LLC	4650 Hog Mountain Road, Flowery Branch, GA 30542	1406 Mountain Creek Church Road, Pendergrass, GA 30567
08097 000005	Mary Elizabeth Hickman, et al	4560 Hog Mountain Road, Flowery Branch, GA 30542	4847 Parliament Way, Dunwoody, GA 30338

Georgia law and the procedures of Flowery Branch requires the Applicant to raise Federal and State constitutional objections during the TND master plan application process. While the Applicant anticipates a smooth application process, failure to raise constitutional objections at this stage may mean that the Applicant will be barred from raising important legal claims later in the process. Accordingly, the following constitutional objections are stated:

The portions of the Flowery Branch Development Code, facially and as applied to the Property, which restrict the Property to any uses, conditions, land use designations, development standards, or to any zoning district other than that proposed by the Applicant are unconstitutional in that they would destroy the Applicant's property rights without first paying fair, adequate and just compensation for such rights, in violation of Article I, Section I, Paragraph I and Section III, Paragraph I of the Constitution of the State of Georgia of 1983, and the Due Process Clause of the Fourteenth Amendment to the Constitution of the United States.

The application of the Flowery Branch Development Code, facially and as applied to the Property, which restricts the Property to any uses, conditions, land use designations, development standards, or to any zoning district other than in accordance with the application as proposed by the Applicant is unconstitutional, illegal, null and void, constituting a taking of Applicant's Property in violation of the Just Compensation Clause of the Fifth Amendment to the Constitution of the United States; Article I, Section I, Paragraph I, and Section III, Paragraph I of the Constitution of the State of Georgia of 1983; and the Equal Protection and Due Process Clauses of the Fourteenth Amendment to the Constitution of the United States denying the Applicant an economically viable use of its land while not substantially advancing legitimate state interests.

A denial of this Application would be unconstitutional under the Takings Clause of the Fifth Amendment to the Constitution of the United States and the Just Compensation Clause of Article I, Section III, Paragraph I of the Constitution of the State of Georgia of 1983. A refusal by the Flowery Branch City Council to approve the zoning conditions as requested would constitute a taking of the Applicant's property.

A denial of this Application would constitute an arbitrary and capricious act by the Flowery Branch City Council without any rational basis therefore constituting an abuse of discretion in violation of Article I, Section I, Paragraph I and Section III, Paragraph I of the Constitution of the State of Georgia of 1983, and the Due Process Clause of the Fourteenth Amendment to the Constitution of the United States. A refusal to grant the TND zoning request would lack objective justification and would result only from neighborhood opposition, which would constitute an unlawful delegation of the zoning power to non-legislative bodies in violation of the Georgia Constitution, Article IX, Section II, Paragraph 4.

A refusal by the Flowery Branch City Council to approve this Application for the Property in accordance with the criteria as requested by the Applicant would be unconstitutional and discriminate in an arbitrary, capricious and unreasonable manner between the Applicant and owners of the similarly situated property in violation of Article I, Section I, Paragraph II of the Constitution of the State of Georgia of 1983 and the Equal Protection Clause of the Fourteenth Amendment to the Constitution of the United States. Any rezoning of the Property subject to conditions which are different from the conditions requested by the Applicant, to the extent such different conditions would have the effect of further restricting Applicant's utilization of the Property, would also constitute an arbitrary, capricious and discriminatory act in zoning the Property to a unconstitutional classification and would likewise violate each of the provisions of the State and Federal Constitutions set forth hereinabove.

I. CONCLUSION

For the foregoing reasons, the Applicant respectfully requests that this TND master plan application be granted as requested by the Applicant. If there are any questions about this request, you may contact:

Jake French
Highpoint Development
1776 Peachtree Street NW.
Suite 250.
Atlanta, GA 30309
502-386-7022
jfrench@hpdev.com



SURVEYOR'S CERTIFICATION

THIS PLAT IS A RETRACEMENT OF AN EXISTING PARCEL OR PARCELS OF LAND AND DOES NOT SUBDIVIDE OR CREATE A NEW PARCEL OR MAKE ANY CHANGES TO ANY REAL PROPERTY BOUNDARIES. THE RECORDING INFORMATION OF THE DOCUMENTS, MAPS, PLATS, OR OTHER INSTRUMENTS WHICH CREATED THE PARCEL OR PARCELS ARE STATED HEREON. RECORDATION OF THIS PLAT DOES NOT IMPLY APPROVAL OF ANY LOCAL JURISDICTION, AVAILABILITY OF PERMITS, COMPLIANCE WITH LOCAL REGULATIONS OR REQUIREMENTS, OR SUITABILITY FOR ANY USE OR PURPOSE OF THE LAND. FURTHERMORE, THE UNDERSIGNED LAND SURVEYOR CERTIFIES THAT THIS PLAT COMPLIES WITH THE MINIMUM TECHNICAL STANDARDS FOR PROPERTY SURVEYS IN GEORGIA AS SET FORTH IN THE RULES AND REGULATIONS OF THE GEORGIA BOARD OF REGISTRATION FOR PROFESSIONAL ENGINEERS AND LAND SURVEYORS AND AS SET FORTH IN O.C.G.A. SECTION 15-6-67.

GEORGIA REGISTERED No. 3109 REGISTERED LAND SURVEYOR MITCHELL LOWERY

MITCHELL LOWERY GEORGIA R.L.S. #3109
DATE OF PLAT OR MAP: JANUARY 10, 2022

LEGAL DESCRIPTION TRACT 1

ALL THAT TRACT OR PARCEL OF LAND LYING AND BEING IN GEORGIA MILITIA DISTRICT: FLOWERY BRANCH #1270, IN HALL COUNTY, GEORGIA, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT A POINT AT THE SOUTHERLY RIGHT OF WAY OF HOG MOUNTAIN ROAD (HAVING A VARIABLE WIDTH, PUBLICLY DEDICATED RIGHT OF WAY) AND THE COMMON CORNER OF HOG MOUNTAIN ROAD AND PROPERTY NOW OR FORMALLY OF MOUNT CALVARY BAPTIST CHURCH AND CD. II PROPERTIES, LLC; PUBLICLY DEDICATED RIGHT OF WAY OF HOG MOUNTAIN ROAD; THENCE ALONG SAID RIGHT OF WAY OF HOG MOUNTAIN ROAD NORTH 52 DEGREES 05 MINUTES 46 SECONDS EAST A DISTANCE OF 296.18 FEET TO A 5/8-INCH CAPPED REBAR SET; THENCE LEAVING SAID RIGHT OF WAY OF HOG MOUNTAIN ROAD SOUTH 45 DEGREES 22 MINUTES 26 SECONDS EAST A DISTANCE OF 147.18 FEET TO A CONCRETE MARKER FOUND; THENCE SOUTH 44 DEGREES 38 MINUTES 15 SECONDS WEST A DISTANCE OF 525.39 FEET TO A CONCRETE MARKER FOUND; THENCE NORTH 47 DEGREES 47 MINUTES 41 SECONDS WEST A DISTANCE OF 519.00 FEET TO A 1-INCH OPEN TOP PIPE FOUND; THENCE NORTH 47 DEGREES 47 MINUTES 41 SECONDS WEST A DISTANCE OF 150.00 FEET TO A 5/8-INCH CAPPED REBAR SET; THENCE NORTH 47 DEGREES 47 MINUTES 41 SECONDS WEST A DISTANCE OF 386.97 FEET TO A 5/8-INCH CAPPED REBAR SET; THENCE NORTH 52 DEGREES 05 MINUTES 46 SECONDS EAST A DISTANCE OF 300.00 FEET TO A 5/8-INCH CAPPED REBAR SET; THENCE NORTH 47 DEGREES 47 MINUTES 41 SECONDS WEST A DISTANCE OF 500.00 FEET TO A 5/8-INCH CAPPED REBAR SET; THENCE NORTH 52 DEGREES 05 MINUTES 46 SECONDS EAST A DISTANCE OF 300.00 FEET TO A 5/8-INCH CAPPED REBAR SET; SAID 5/8-INCH CAPPED REBAR BEING THE TRUE POINT OF BEGINNING.

SAID TRACT OR PARCEL OF LAND CONTAINING 16.006 ACRES (697,203 SQUARE FEET).

LEGAL DESCRIPTION TRACT 2

ALL THAT TRACT OR PARCEL OF LAND LYING AND BEING IN GEORGIA MILITIA DISTRICT: FLOWERY BRANCH #1270, IN HALL COUNTY, GEORGIA, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT A MAG NAIL SET AT THE SOUTHERLY RIGHT OF WAY OF HOG MOUNTAIN ROAD (HAVING A VARIABLE WIDTH, PUBLICLY DEDICATED RIGHT OF WAY) AND THE COMMON CORNER TO PROPERTY NOW OR FORMALLY OF MOUNT CALVARY BAPTIST CHURCH AND CD. II PROPERTIES, LLC; SAID POINT BEING THE TRUE POINT OF BEGINNING.

THENCE CONTINUING ALONG SAID RIGHT OF WAY OF HOG MOUNTAIN ROAD NORTH 52 DEGREES 05 MINUTES 46 SECONDS EAST A DISTANCE OF 300.00 FEET TO A 5/8-INCH CAPPED REBAR SET; THENCE LEAVING SAID RIGHT OF WAY OF HOG MOUNTAIN ROAD SOUTH 47 DEGREES 47 MINUTES 41 SECONDS EAST A DISTANCE OF 500.00 FEET TO A 5/8 INCH CAPPED REBAR SET; THENCE SOUTH 52 DEGREES 05 MINUTES 46 SECONDS WEST A DISTANCE OF 300.00 FEET TO A 5/8 INCH CAPPED REBAR SET; THENCE NORTH 47 DEGREES 47 MINUTES 41 SECONDS WEST A DISTANCE OF 500 FEET TO A MAG NAIL SET IN THE RIGHT OF WAY OF HOG MOUNTAIN ROAD, SAID MAG NAIL BEING THE TRUE POINT OF BEGINNING.

SAID TRACT OR PARCEL OF LAND CONTAINING 3.392 ACRES (147,771 SQUARE FEET).

ZONING

PER ITEMS 6(A) AND 6(B) OF THE 2021 ALTA/NSPS LAND TITLE SURVEY MINIMUM STANDARD DETAIL REQUIREMENTS, SETBACKS AND OTHER ZONING RESTRICTIONS/REQUIREMENTS CANNOT BE LISTED UNLESS A ZONING REPORT OR LETTER STATING SAID RESTRICTIONS/REQUIREMENTS IS PROVIDED.

SURVEY NOTES

1) PROPERTY SHOWN HEREON WAS SURVEYED NOVEMBER 16, 2021.

2) THE FIELD DATA UPON WHICH THIS PLAT IS BASED HAS A CLOSURE OF 1' IN 41,946' WITH AN ANGULAR ERROR OF 3.21 SECONDS PER ANGLE POINT AND WAS ADJUSTED USING THE LEAST SQUARES METHOD.

3) A SOKKIA IX TOTAL STATION, CARLSON BRX7 GPS RECEIVER, AND CARLSON SURVEYOR+ DATA COLLECTOR WERE USED FOR FIELD SURVEY MEASUREMENTS.

4) THIS PLAT HAS A MAP CLOSURE OF 1' IN 522,274'.

5) SAID DESCRIBED PROPERTY IS LOCATED WITHIN AN AREA HAVING A ZONE DESIGNATION 'X' ON FLOOD INSURANCE RATE MAP NO. 13139C0292F, WITH A DATE OF IDENTIFICATION OF SEPTEMBER 29, 2006, FOR COMMUNITY NUMBER 130466, IN HALL COUNTY UNINCORPORATED AREAS, STATE OF GEORGIA, WHICH IS THE CURRENT FLOOD INSURANCE RATE MAP FOR THE COMMUNITY IN WHICH SAID PROPERTY IS SITUATED.

6) CONTROL AND BEARING BASIS FOR THIS SURVEY WERE ESTABLISHED USING A TOPCON HIPER LITE+ GPS RECEIVER UTILIZING OPUS-S FOR POST PROCESSING. THE RELATIVE POSITIONAL ACCURACY, AS CALCULATED ACCORDING TO THE FEDERAL GEOGRAPHIC DATA COMMITTEE PART 3: NATIONAL STANDARD FOR SPATIAL DATA ACCURACY, IS .03 FEET HORIZONTAL AND .06 FEET VERTICAL AT THE 95% CONFIDENCE LEVEL.

7) UTILITIES SHOWN PER MARKINGS PLACED BY UTILITY-MARKING, L.L.C. UTILITIES OTHER THAN THOSE SHOWN HEREON MAY EXIST. LOWERY & ASSOCIATES MAKES NO GUARANTEE AS TO THE EXISTENCE OR NON-EXISTENCE OF SAID UTILITIES.

8) NO OBSERVED EVIDENCE OF CEMETERIES, GRAVESITES, AND/OR BURIAL GROUNDS AT TIME OF SURVEY.

9) PROPERTY SHOWN HEREON LIES WITHIN THE RECORD DESCRIPTION AS STATED IN GENERAL WARRANTY DEED RECORDED IN DEED BOOK 7096, PAGE 307, HALL COUNTY RECORDS.

10) NO ENCROACHMENTS OTHER THAN THOSE SHOWN HEREON WERE OBSERVABLE AT TIME OF SURVEY.

11) AT THE TIME OF THE SURVEY, THERE WAS NO OBSERVABLE EVIDENCE OF EARTH MOVING WORK, BUILDING CONSTRUCTION OR BUILDING ADDITIONS.

12) AT THE TIME OF THE SURVEY, THERE WERE NO PROPOSED CHANGES IN STREET RIGHT OF WAY LINES OR OBSERVABLE EVIDENCE OF STREET OR SIDEWALK REPAIRS.

13) AT THE TIME OF THE SURVEY, THERE WAS NO OBSERVABLE EVIDENCE OF THE SITE BEING USED AS A SOLID WASTE DUMP, SUMP OR SANITARY LANDFILL.

14) SUBJECT PROPERTY HAS DIRECT ACCESS TO HOG MOUNTAIN ROAD, BEING A PUBLICLY DEDICATED RIGHT OF WAY.

15) SUBJECT PROPERTY IS CONTIGUOUS TO ALL ADJACENT PROPERTIES AND RIGHTS OF WAY. NO GAPS, GORES, OR OVERLAPS ARE KNOWN TO EXISTS.

LEGEND

- PROPERTY LINE
- OVERHANG/AWNING
- (BEARING/DISTANCE)
- RECORD CALLS
- B.S.L. BUILDING SETBACK LINE
- INDEX CONTOUR
- MINOR CONTOUR
- SPOT ELEVATION
- WATER LINE
- OVERHEAD UTILITY LINE
- GAS LINE
- UNDERGROUND TELEPHONE LINE
- SANITARY SEWER LINE
- UNDERGROUND ELECTRIC LINE
- FENCE LINE
- STORM DRAIN PIPE
- WATER VALVE
- WATER METER
- FIRE HYDRANT
- GAS METER
- GAS VALVE
- POWER METER
- SANITARY SEWER MANHOLE
- REBAR
- CAPPED REBAR
- CONCRETE MONUMENT
- OPEN TOP PIPE
- FOUND
- LIGHT POLE
- SIGN
- HARDWOOD TREE
- PINE TREE

VICINITY MAP

BOUNDARY & TOPOGRAPHIC SURVEY OF:
4651 HOG MOUNTAIN ROAD
FLOWERY BRANCH, GEORGIA 30542

STATE: GEORGIA | COUNTY: HALL

GEORGIA MILITIA DISTRICT: FLOWERY BRANCH DISTRICT (#1270)

PREPARED FOR:
KIMLEY-HORN

REVISIONS

DATE:	DESCRIPTION

Lowery & Associates
LAND SURVEYING, LLC

DATE: JANUARY 10, 2022
JOB #: 21348
SCALE: 1"=60'
DRAWN BY: D. HALL

LOWERY & ASSOCIATES
LAND SURVEYING, LLC
317 GRASSDALE ROAD
CARTERSVILLE, GA 30121
770-334-8186
WWW.LOWERYLANDSURVEYS.COM
INFO@LOWERYLANDSURVEYS.COM
GEORGIA C.O.A.: LSF-001102

LEGAL DESCRIPTION

All that tract or parcel of land lying and being in Georgia Militia District: Flowery Branch #1270, in Hall County, Georgia, and being more particularly described as follows:

Commencing at a mag nail set at the Southerly right of way of Hog Mountain Road (having a variable width, publicly dedicated right of way) and the common corner to property now or formally of Mount Calvary Baptist Church and CD, ii Properties, LLC, said point being the TRUE POINT OF BEGINNING.

Thence continuing along said right of way of Hog Mountain Road the following courses and distances: North 52 degrees 05 minutes 46 seconds East a distance of 300.00 feet to a 5/8 inch capped rebar set; North 52 degrees 05 minutes 46 seconds East a distance of 296.18 feet to a 5/8-inch capped rebar set; Thence leaving said right of way of Hog Mountain Road South 45 degrees 22 minutes 26 seconds East a distance of 1477.18 feet to a concrete marker found; Thence South 44 degrees 38 minutes 15 seconds West a distance of 525.39 feet to a concrete marker found; Thence North 47 degrees 47 minutes 41 seconds West a distance of 519.00 feet to a 1-inch open top pipe found; Thence North 47 degrees 47 minutes 41 seconds West a distance of 150.00 feet to a 1-invh open top pipe found; Thence North 47 degrees 47 minutes 41 seconds West a distance of 386.97 feet to a 5/8-inch capped rebar set; Thence North 47 degrees 47 minutes 41 seconds West a distance of 500.00 feet to a mag nail set at the Southerly right of way of Hog Mountain Road, said mag nail being the TRUE POINT OF BEGINNING.

Said tract or parcel of land containing 19.398 acres (844,974 square feet).

ORDINANCE NO. 777

AN ORDINANCE GRANTING VARIANCES FROM THE REQUIREMENTS SET FORTH IN THE CITY OF FLOWERY BRANCH ZONING ORDINANCE, SAID VARIANCES TO BE FROM ARTICLE 7 – TND, TRADITIONAL NEIGHBORHOOD DEVELOPMENT, SEC. 7.4- DIMENSIONAL REQUIREMENTS, TABLE 7.2, FROM ARTICLE 12 - REQUIREMENTS FOR SPECIFIC RESIDENTIAL PRINCIPAL BUILDINGS AND USES, SEC. 12.7 (B)1, FOR 4651 & 4665 HOG MOUNTAIN ROAD, HALL COUNTY TAX PARCELS 15046 000008 AND 15046 000008B, OWNED BY CD II PROPERTIES, LLC; AS SHOWN AND DESCRIBED ON ATTACHED EXHIBIT "A", PROVIDING FOR SEVERABILITY, PROVIDING FOR AN EFFECTIVE DATE, REPEALING CONFLICTING ORDINANCES, AND FOR ALL OTHER LAWFUL PURPOSES.

WHEREAS, CDII Properties LLC owns the subject parcel of land identified as Hall County Tax Parcel Identification No. 15046 000008 and 15046 000008B as shown and described on Exhibit "A"; and

WHEREAS, CDII Properties, LLC has submitted to the City Council of Flowery Branch, Georgia, a written and signed application and affidavit showing consent to apply for variances and whereas a survey and complete description of the subject parcel is included in the application; and

WHEREAS, the City Council held a public hearing at the meeting on February 5th, 2026, duly noticed as prescribed by law and published in the Gainesville Times, regarding said application, as shall be set forth in the minutes of said meeting.

NOW THEREFORE, THE COUNCIL OF THE CITY OF FLOWERY BRANCH HEREBY ORDAINS AS FOLLOWS:

SECTION 1. . CRITERIA FOR GRANTING VARIANCES:

a) There are extraordinary and exceptional conditions or practical difficulties pertaining to the particular piece of property in question because of its size, shape or topography that are not applicable to other lands or structures in the same district;
b) A literal interpretation of the provisions of this ordinance would effectively deprive the applicant of rights commonly enjoyed by other properties of the district in which the property is located;
c) Granting the variance requested will not confer upon the property of the applicant any special privileges that are denied to other properties of the district in which the applicant's property is located;

d) The requested variance will be in harmony with the purpose and intent of this ordinance and will not be injurious to the neighborhood or to the general welfare;
e) The special circumstances are not the result of the actions of the applicant;
f) The variance requested is the minimum variance that will make possible the proposed use of the land, building, or structure in the use district proposed; and
g) The variance shall not permit a use of land, buildings or structures, which is not permitted by right in the zoning district or overlay district involved.

SECTION 2. VARIANCES GRANTED, AND CONDITIONS IMPOSED.

A variance from the Zoning Ordinance, Article 7 – TND, Traditional Neighborhood Development, Sec. 7.4 – Dimensional Requirements, Table 7.2, to reduce minimum lot size from 6,700 to 5,500 square feet is hereby granted with a condition that no more than 20% of the total lots shall be less than 6,700 sq. ft. and no lot shall be less than 5,500 sq. ft.

A variance from article 12 -Requirements for Specific Residential Principal Buildings and Uses, Sec 12.7(b)1 – Single-Family Detached Dwellings, Entrance Features. The porch is reduced from be 6 feet deep (not including steps, if applicable) and 40% of the width of the front façade or 11 feet, whichever is greater to 4 feet deep and 7.5 feet wide porch is hereby granted with a condition that the façade of buildings with the porch dimensional reductions shall be have a front façade that is 100% brick or stone. Final elevations shall be approved by the Director of Planning and Community Development Director.

SECTION 3. SEVERABILITY

Should any section or provision of this Ordinance be declared invalid or unconstitutional by any court of competent jurisdiction, such declaration shall not affect the validity of this Ordinance as a whole or any part thereof which is not specifically declared to be invalid or unconstitutional.

SECTION 4. EFFECTIVE DATE.

The effective date of this Ordinance shall be March 5th, 2026.

SECTION 5. REPEALER.

All ordinances and parts of ordinances in conflict herewith are hereby repealed to the extent of the conflict.

Approved this _____ day of _____ 2026.

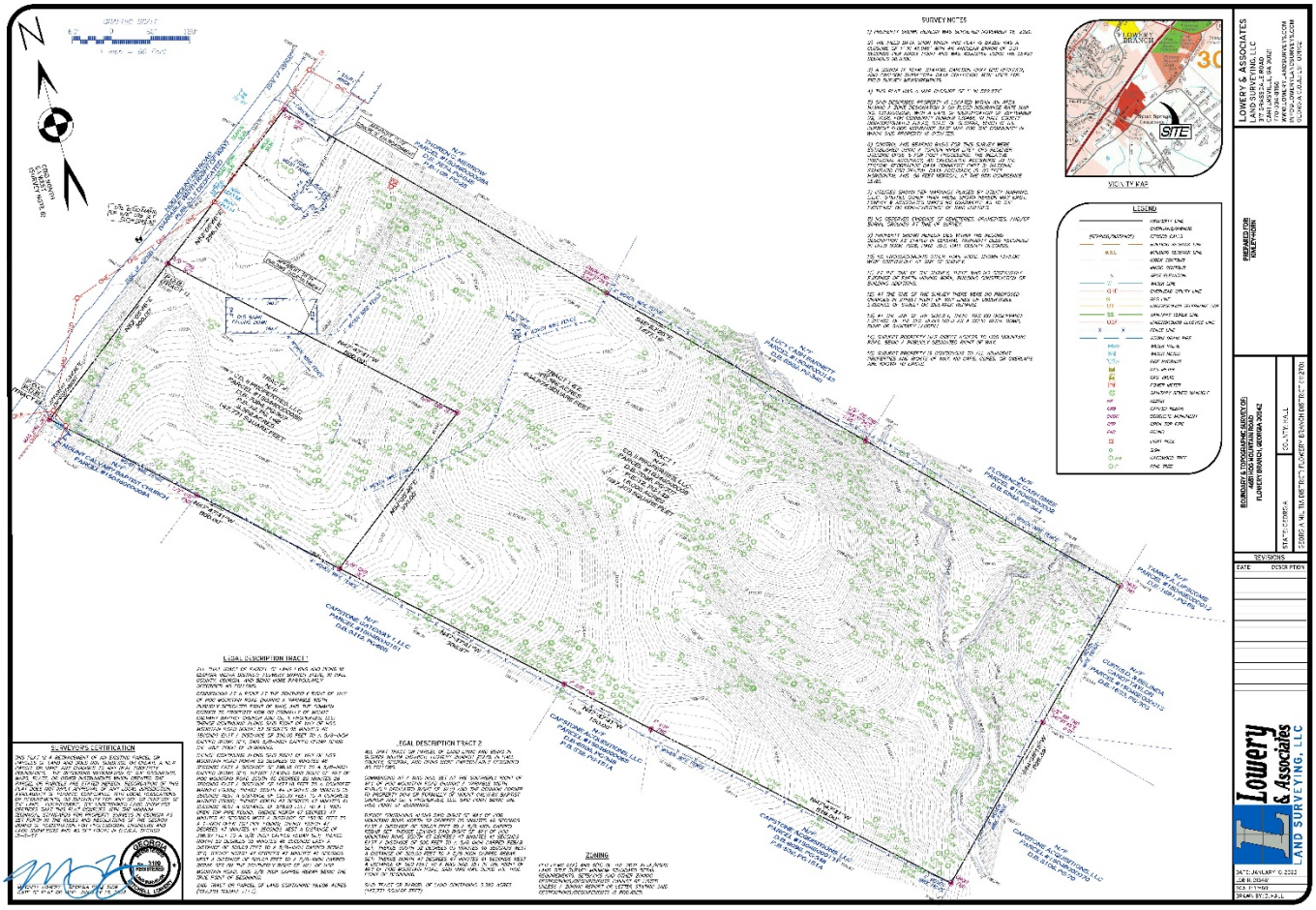
Oliver McClellan, Mayor

Shelia R. Cooper, City Clerk

APPROVED AS TO FORM

Ted C. Baggett, City Attorney

Exhibit A


SURVEY NOTES
VICINITY MAP
SITE
LEGEND
SURVEYOR'S CERTIFICATION
LEGAL DESCRIPTION TRACT 1
LEGAL DESCRIPTION TRACT 2
ZONING
LOWERY & ASSOCIATES
LAND SURVEYING, LLC
PREPARED FOR:
TURLEY HORN
BOUNDARY & TOPOGRAPHIC SURVEY OF:
REVISIONS
DATE
DESCRIPTION
Lowery & Associates
LAND SURVEYING, LLC

LEGAL DESCRIPTION TRACT 1

ALL THAT TRACT OR PARCEL OF LAND LYING AND BEING IN GEORGIA MILITIA DISTRICT: FLOWERY BRANCH #1270, IN HALL COUNTY, GEORGIA, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT A POINT AT THE SOUTHERLY RIGHT OF WAY OF HOG MOUNTAIN ROAD (HAVING A VARIABLE WIDTH, PUBLICLY DEDICATED RIGHT OF WAY) AND THE COMMON CORNER TO PROPERTY NOW OR FORMALLY OF MOUNT CALVARY BAPTIST CHURCH AND CD, II PROPERTIES, LLC; THENCE CONTINUING ALONG SAID RIGHT OF WAY OF HOG MOUNTAIN ROAD NORTH 52 DEGREES 05 MINUTES 46 SECONDS EAST A DISTANCE OF 300.00 FEET TO A 5/8–INCH CAPPED REBAR SET, SAID 5/8–INCH CAPPED REBAR BEING THE TRUE POINT OF BEGINNING.

THENCE CONTINUING ALONG SAID RIGHT OF WAY OF HOG MOUNTAIN ROAD NORTH 52 DEGREES 05 MINUTES 46 SECONDS EAST A DISTANCE OF 296.18 FEET TO A 5/8–INCH CAPPED REBAR SET; THENCE LEAVING SAID RIGHT OF WAY OF HOG MOUNTAIN ROAD SOUTH 45 DEGREES 22 MINUTES 26 SECONDS EAST A DISTANCE OF 1477.18 FEET TO A CONCRETE MARKER FOUND; THENCE SOUTH 44 DEGREES 38 MINUTES 15 SECONDS WEST A DISTANCE OF 525.39 FEET TO A CONCRETE MARKER FOUND; THENCE NORTH 47 DEGREES 47 MINUTES 41 SECONDS WEST A DISTANCE OF 519.00 FEET TO A 1–INCH OPEN TOP PIPE FOUND; THENCE NORTH 47 DEGREES 47 MINUTES 41 SECONDS WEST A DISTANCE OF 150.00 FEET TO A 1–INCH OPEN TOP PIPE FOUND; THENCE NORTH 47 DEGREES 47 MINUTES 41 SECONDS WEST A DISTANCE OF 386.97 FEET TO A 5/8–INCH CAPPED REBAR SET; THENCE NORTH 52 DEGREES 05 MINUTES 46 SECONDS EAST A DISTANCE OF 300.00 FEET TO A 5/8–INCH CAPPED REBAR SET; THENCE NORTH 47 DEGREES 47 MINUTES 41 SECONDS WEST A DISTANCE OF 500.00 FEET TO A 5/8–INCH CAPPED REBAR SET ON THE SOUTHERLY RIGHT OF WAY OF HOG MOUNTAIN ROAD, SAID 5/8–INCH CAPPED REBAR BEING THE TRUE POINT OF BEGINNING.

SAID TRACT OR PARCEL OF LAND CONTAINING 16.006 ACRES (697,203 SQUARE FEET).

LEGAL DESCRIPTION TRACT 2

ALL THAT TRACT OR PARCEL OF LAND LYING AND BEING IN GEORGIA MILITIA DISTRICT: FLOWERY BRANCH #1270, IN HALL COUNTY, GEORGIA, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT A MAG NAIL SET AT THE SOUTHERLY RIGHT OF WAY OF HOG MOUNTAIN ROAD (HAVING A VARIABLE WIDTH, PUBLICLY DEDICATED RIGHT OF WAY) AND THE COMMON CORNER TO PROPERTY NOW OR FORMALLY OF MOUNT CALVARY BAPTIST CHURCH AND CD, II PROPERTIES, LLC, SAID POINT BEING THE TRUE POINT OF BEGINNING.

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SAID TRACT OR PARCEL OF LAND CONTAINING 3.392 ACRES (147,771 SQUARE FEET).

Memorandum

To: City of Flowery Branch, City Manager, and City Council

From: Chris McCrary, Planning and Community Development Director

Date: February 5, 2025

Subject: Annexation, Rezoning, and Variances

Applicant: Highpoint Development
1776 Peachtree Street
Atlanta, GA 30309
502-386-7022

Owner: CD II Properties, LLC
P.O. Box 99
Demorest, GA 30535
502-386-7022

Existing Zoning: AR-1 – Agricultural – Residential & R-1 Residential, Unincorporated Hall County.

Location and Size:

4651 Hog Mountain Road; Parcel 15046 000008; 16.0 Acres
4665 Hog Mountain Road; Parcel 15046 000008B; 3.398
Toal Area: 19.398 Acres

Proposed Annexation:

The applicant proposes the annexation of the above-referenced parcels (19.398 Acres) from unincorporated Hall County into the City limits of Flowery Branch.

Proposed Zoning:

The applicant is proposing to rezone the property from AR-1 (Agricultural-Residential) and R-1 (Residential) in unincorporated Hall County to Traditional Neighborhood Development (TND) in the City of Flowery Branch.

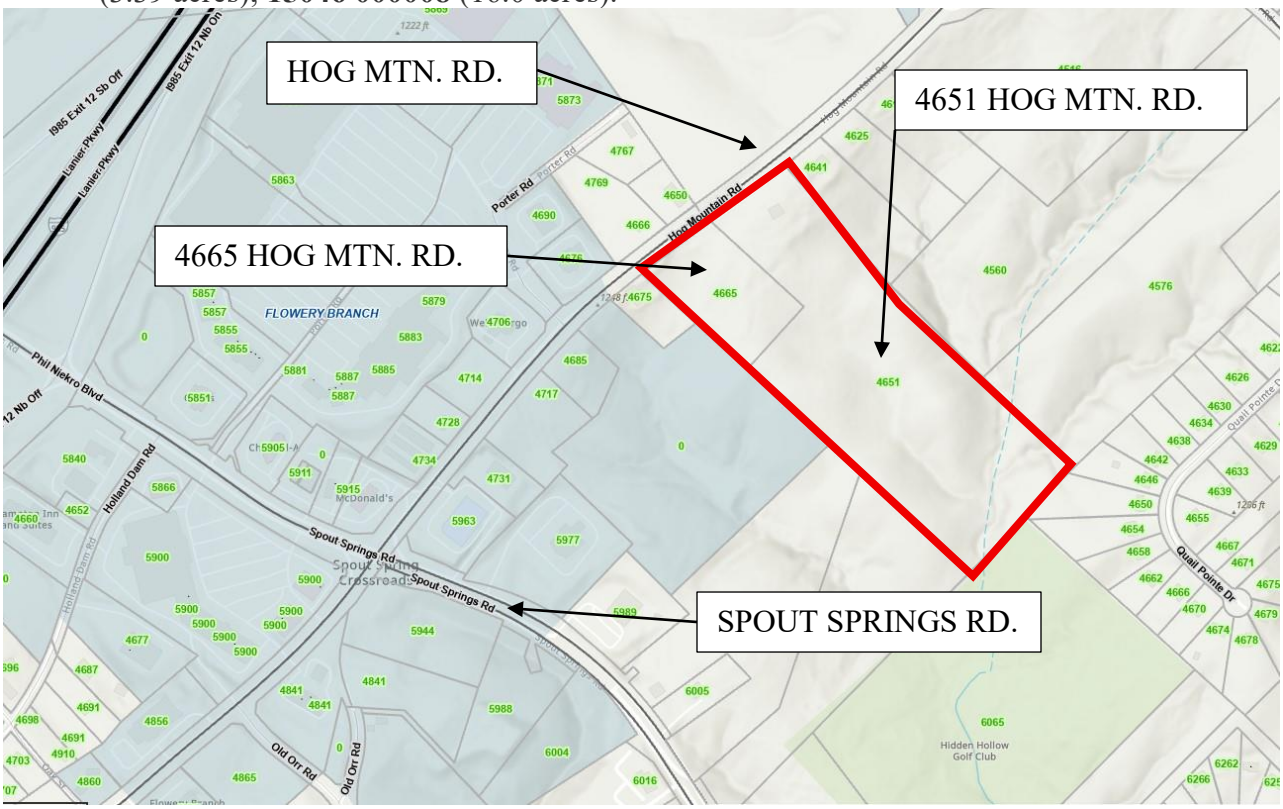
The applicant is proposing single-family detached dwellings with 81 lots. The two parcels are proposed to be rezoned from Hall County AR-1 (Agricultural-Residential) and R-1 (Residential) in unincorporated Hall County to Traditional Neighborhood Development (TND) in the City of Flowery Branch. The applicant is requesting concurrent variances within the TND requirements and dimensional standards.

Concurrent Variances:

1. Variance from **Section 1014, Table 10.1** radius of curvature of the center line from 275' to 48'. The applicant states the hardship for the centerline radius curvature is due to topography. A GIS review of the site confirms the site is an undeveloped wooded site with significant topography. The variance request could be considered for approval with an alternative solution, but no alternative design was provided with the application submittal.
2. Variance **to Sec. 12.6. - Townhouses.** The applicant requested a variance from Sec. 12.6 however, the correct request should reference **Sec 12.7(b)1 – Single-Family Detached Dwellings**, Entrance Features. The porch shall be at least **6 feet deep** (not including steps, if applicable) and **40% of the width of the front façade or 11 feet**, whichever is greater. The applicant is requesting a **reduction** to this section to allow for **4' x 7.5'** covered porch. The applicant can avoid a variance due to the code allowing for stoops if the front façade is fully brick or stone. The applicant's stated hardship is due to "architectural style". The variance application does not demonstrate a hardship peculiar to the property, which is beyond the control of the applicant.
3. Variance **to Sec. 7.4 Tabel 7.2** a reduction to the minimum lot size from 6,700 square feet in the TND zoning category. The application requests a reduction to a minimum lot size of 5,500 square feet. The site plan provided by the applicant lists a total of 81 lots but does not provide individual square footage for each lot and thus, the total number of lots that would be below 6,700 square feet cannot be adequately determined at this time. The applicant did not demonstrate a hardship peculiar to the property, which is beyond the control of the applicant.
4. Variance **to Sec. 1021.c** Residential Street Design with streets more than 360 feet in length shall have at least 25 feet of lateral deviation from a straight course. The applicant seeks to remove the 25-foot deviation from straight course requirements. The applicant's site plan indicated locations for center landscape islands to break up the straight street but did not include consistent drive lane width through bulb-outs which could pose a danger to the motoring public. The variance could be approved if a safe and effective traffic-calming alternative is provided. While many well-engineered traffic calming solutions exist, the one currently proposed does not meet acceptable safety standards.

Location:

- 4665 and 4651 Hog Mountain Road; tax parcel identification numbers **15046 000008B** (3.39 acres); **15046 000008** (16.0 acres).



Architectural Concepts:

The applicant submitted conceptual renderings of the proposed single-family detached architecture. However, without detailed floor plans and a materials list, staff are unable to verify compliance with the City's established architectural treatment and dimensional standards. To facilitate a thorough review, the applicant must provide complete architectural drawings, including architectural material details and floor-plan details, in order to confirm that all requirements are met. A detailed review is done by staff following Article 40 prior to the issuance of permits. The design concepts provided are for illustrative purposes only and were submitted as part of the rezoning case.

All TND zone homes are to have side- or rear- entry garages. The applicant provided architectural examples of front-entry garages. No variance application was submitted for front-entry garages in TND zoning.



ARCHITECTURAL FEATURES:

The achitecture leans toward a mountain bungalow style, with forms and finishes that feel sturdy, familiar, and tied to the landscape. Dark charcoal accents sharpen the earthy palette, while carriage-style garage doors and well-placed sconces add character without slipping into ornament. Matching metal gutters bring a clean outline to the façades, and the porch roof extending across the front-facing garage helps keep everything at a comfortable, human scale. The result is a street presence that feels connected, warm, and intentionally crafted—neighbors, not statements.



COLOR PALETTE:

The three offered schemes—light, mid-tone, and dark—are drawn from the muted, earthy tones of the North Georgia landscape. Each palette reflects the surrounding ridge and creek setting, favoring natural hues: soft mineral whites, weathered wood browns, and deeper charcoal colors that echo stone, soil, and shaded canopy. Together, they provide variation without discord, allowing homes to feel individually tailored yet quietly unified within the broader landscape.






ARCHITECTURAL FEATURES:

Details stay simple and purposeful. Porch brackets and extended overhangs provide clear structure and shade without excess. Gable vents, occasional gable windows, and selectively used shutters add just enough dimension to the façades, keeping each home grounded and consistent without feeling repetitive.

Open Space Analysis:

Pursuant to Article 10 – Development Requirements and Guidelines, Sec. 10.22 – Open Space Requirements, any proposed residential development is required to provide a total minimum of 15% open space, derived from a combination of Civic Space options (10%) and Amenity Space options (5%).
The site data table provided by the applicant lists a total of 21.2% open space with location details shown on the site plan:



Site Data Table	Required	Provided
Acres	-	19.398
Gross Density	-	4.18
Net Density	6	4.29
Exterior Buffer	-	-
Sidewalks	5', One Side	5', Two Side
Parking	2-Enclosed	2-Enclosed
Minimum Lot Area	6,700	5,500
Average Lot Area	-	6,700
Minimum Lot Width	40	40
Minimum Lot Depth	80	106
Minimum Heated Floor Area Per Dwelling Unit (SF)	1,200	2,200
Minimum Front Yard Setback From Lot Line (FT)	-	-
Minimum Side Setback, Interior Lot Line or Corner Lot, All Principle Buildings (FT)	5	5
Minimum Rear Setback, All Principle Buildings (FT)	25	25
Maximum Coverage of Impervious Surface (Percent of Lot)	45%	Less than 45%
Civic Space	10% Minimum	15.1%
Amenity Space	5% Minimum	6.1%

GROSS DENSITY = 81 LOTS / 19.398 AC =	4.18	Lots/AC
NET AREA = GROSS AREA - 50% of STREAM BUFFERS =	18.873	AC
NET DENSITY = 81 LOTS / 18.873 AC =	4.29	Lots/AC

The majority of the open space provided on the site plan is concentrated in the rear of the subdivision and proposes a mixture of hardscaped walking trail areas, mulched trails through the wooded section of the parcel, as well as seating/viewing areas around the detention pond and a communal pavilion and fire pit area. The site plan also shows a pocket park area near the entrance to the subdivision. The current site plan does not contemplate the location of a mail kiosk, which could impact the proposed open space shown on the site plan. While the proposed open space exceeds the minimum required by code, the proposed location for the majority of the open space raises concerns regarding lack of a centralized location and equitable use for all residents.

The applicant provided the following conceptual images of amenity spaces and trail features:



Traffic Impacts, Vehicular Flow, and Entrances/Exits

The Conceptual Site Plan for the proposed development indicates 81 residential single-family detached units.

1. Site Access

- A single entrance is proposed off Hog Mountain Road.
- The entrance must include both a right-turn and left-turn lane in. The exit shall include both a left and right dedicated lane. These turn lanes will help to alleviate congestion during peak demand periods and maintain the flow of through traffic. All roadway designs shall be in accordance with the GDOT Driveway Manual.

2. Sight Distance

- The driveway design must meet the minimum sight-distance requirements specified in the GDOT Driveway Manual. The engineer shall verify that both stopping-sight distance (SSD) and operational-sight distance (OSD) criteria are satisfied under existing field conditions.

3. Utility Coordination

- Any utilities located beneath the proposed deceleration or turn-lane pavement must be relocated outside of the pavement area.
- All costs associated with utility relocation shall be borne by the developer and coordination with the respective utility owners must be completed prior to construction.

4. Traffic Impact Study

- The current Traffic Study by A&R Engineering dated May 7, 2025, was prepared for the initially proposed townhome development using ITE Land Use Category 215 – Single-Family Attached Housing. It needs to be revised for the current proposed development of single-family detached houses by using category 210 for Single-Family Detached Housing which generates significantly more trips per unit.
- The traffic study should also be revised to include the intersection of Spout Springs Road and the entrance to Stonebridge Village.

All design elements shall comply with GDOT standards. Coordination with Hall County DOT, City of Flowery Branch, and affected utility providers should occur early in the design process to avoid delays.

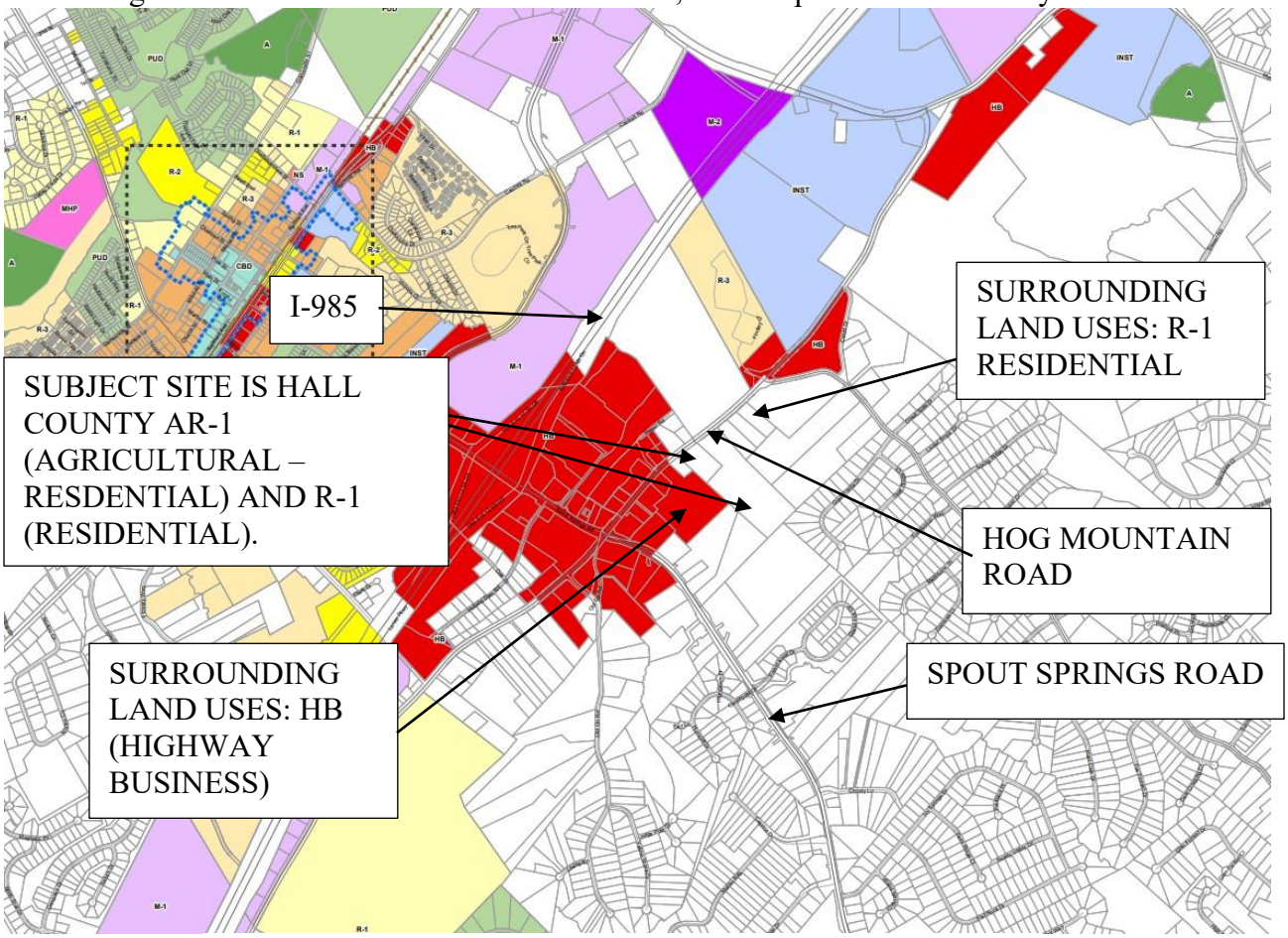
Sewer Design and Capacity Impacts

The proposed development of 81 residential units will generate a peak sanitary sewer demand of **22,275** gallons per day, based on the City's standard rate of 275 gallons per unit. Given the City's current peak capacity of **727,798** gallons per day, bringing these units online would reduce available capacity to approximately **705,523** gallons per day.

Because of the site's topographic constraints, one or more sanitary sewer lift stations will be required; the Engineer of Record must work closely with the Public Utility Department throughout the design process. All pump station plans must comply with Chapter 50 (Utilities), Article II (Standard Specifications), Division 2 (Construction), Subdivision VII (Pump Stations), as well as any additional criteria established by the Public Utilities Director.

Zoning Map:

AR-1 – Agricultural – Residential & R-1 Residential, Unincorporated Hall County.



Legend

Zoning Districts

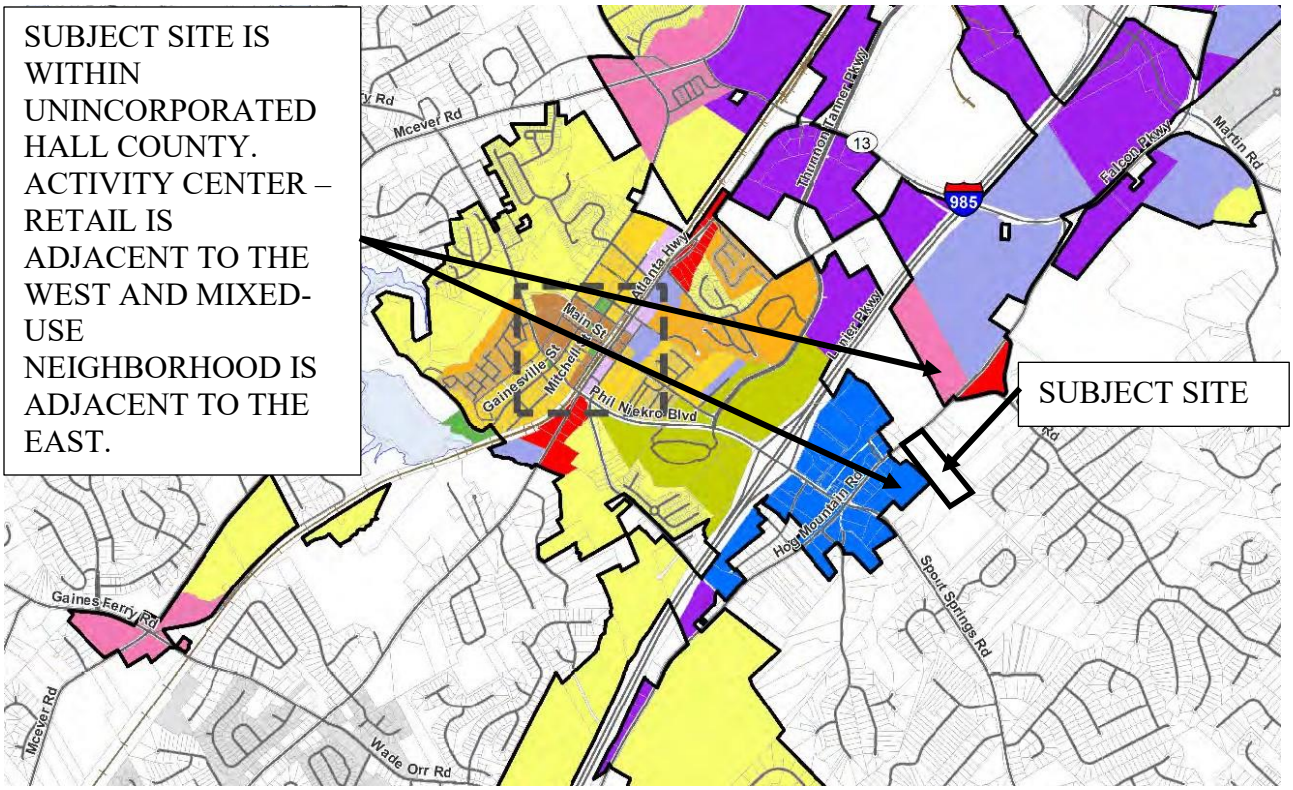
- Residential Low Density (R-1)
- Residential Moderate Density (R-2)
- Residential Multi-family (R-3)
- Traditional Neighborhood Development (TND)
- Planned Unit Development (PUD)
- Manufactured Home Park (MHP)
- Central Business District (CBD)
- Neighborhood Shopping (NS)
- Highway Business (HB)
- Institutional (INST)
- Manufacturing & Industrial, Light (M-1)
- Manufacturing & Industrial, Heavy (M-2)
- Agriculture (A)

Historic Districts

- Local Historic District

Future Development Plan:

SUBJECT SITE IS WITHIN UNINCORPORATED HALL COUNTY. ACTIVITY CENTER – RETAIL IS ADJACENT TO THE WEST AND MIXED-USE NEIGHBORHOOD IS ADJACENT TO THE EAST.



Other City Limits

CHARACTER AREA

- CONSERVATION
- SUBURBAN RESIDENTIAL
- TRADITIONAL NEIGHBORHOOD
- URBAN DENSITY COMMUNITY
- OLD TOWN
- MIXED USE - DOWNTOWN
- MIXED USE - NEIGHBORHOOD
- NEIGHBORHOOD COMMERCIAL
- ACTIVITY CENTER
- ACTIVITY CENTER - RETAIL
- INDUSTRIAL EMPLOYMENT
- INSTITUTIONAL CAMPUS

Site Plan:

The applicant is proposing 81 single-family detached lots on 19.398 acres.



The site is located on Hog Mountain Road north of the intersection with Spout Springs Road. The site is an undeveloped wooded lot with state waters located on the eastern side of the site.





Site Data Table	Required	Provided
Acres	-	19.398
Gross Density	-	4.18
Net Density	6	4.29
Exterior Buffer	-	-
Sidewalks	5', One Side	5', Two Side
Parking	2-Enclosed	2-Enclosed
Minimum Lot Area	6,700	5,500
Average Lot Area	-	6,700
Minimum Lot Width	40	40
Minimum Lot Depth	80	106
Minimum Heated Floor Area Per Dwelling Unit (SF)	1,200	2,200
Minimum Front Yard Setback From Lot Line (FT)	-	-
Minimum Side Setback, Interior Lot Line or Corner Lot, All Principle Buildings (FT)	5	5
Minimum Rear Setback, All Principle Buildings (FT)	25	25
Maximum Coverage of Impervious Surface (Percent of Lot)	45%	Less than 45%
Civic Space	10% Minimum	15.1%
Amenity Space	5% Minimum	6.1%

GROSS DENSITY = 81 LOTS / 19.398 AC =	4.18	Lots/AC
NET AREA = GROSS AREA - 50% of STREAM BUFFERS =	18.873	AC
NET DENSITY = 81 LOTS / 18.873 AC =	4.29	Lots/AC





ARTICLE 2
Section 2.2. Design-Related Definitions.

Density: The number of families, individuals, dwelling units or housing structures per unit of land. Gross density is determined by dividing the number of families, individuals, dwelling units or housing structures by the gross area of the land (i.e. all land within the boundaries of the particular area excluding nothing). Net density is determined by subtracting from the gross area the following conditions identified on the land:

- 50 percent of any land identified as a wetland; and
- 50 percent of any land identified waters of the state including the buffer zones; and
- 50 percent of any land identified as a flood hazard boundary; and
- 50 percent of any land within an electricity transmission easement or right-of-way; and
- 50 percent of any land within a gas transmission easement or right-of-way.

The result of this calculation is the net acreage. The net acreage is divided into the number of units to determine the net density. The applicant provided a net density number but did not provide the areas of the wetlands, state water buffer zones, flood hazard or electric / gas transmission easements or right-of-way.

Sec. 34.7. - Analysis Requirements for Rezoning

Applications to amend the official zoning map shall provide a written analysis comparing the proposed action with the criteria in this Section. A zoning map amendment or conditional use application may be justified only if it bears a reasonable relationship to the public health, safety, morality, or general welfare, and after consideration of the analysis requirements which may in individual cases be considered criteria relevant to the Zoning Administrator in making recommendations and by the City Council in the decision-making process.

a) *Whether the proposal will permit a use that is suitable in view of the use and development of adjacent and nearby property.*
The development of residential single-family detached homes is a suitable use in view of the use and development of adjacent and nearby property.

b) *Whether the proposal will adversely affect the existing use or usability of adjacent or nearby property.*
The proposed use will not adversely affect the existing use or usability of adjacent or nearby property.

c) *Whether the property to be affected by the proposal can be used in accordance with the existing regulations and has reasonable economic use as currently zoned.*
Annexation is necessary to connect the site to Flowery Branch's sanitary sewer system, while rezoning is required to align the site with the city's zoning designations.

d) *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.*
Input from the City's engineer was provided in this staff report.

e) *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 development is directly adjacent to the Activity Center – Retail character area. Mixed Use character area is located adjacent to the northeast on Hog Mountain Road. The proposed residential development would be a transitional zoning from retail to residential.

f) *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 concurrent variances do not demonstrate hardships peculiar to the property which are beyond the applicant's control.

g) *Existing use(s) and zoning of the subject property and nearby properties.*
The proposed development is for detached single-family and no other similar developments are nearby.

h) *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.*
Staff has no information to provide on the value of the subject property.

i) *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.*
Staff has no information to provide on the value of the adjacent property.

j) *The possible creation of an isolated zoning district unrelated to adjacent and nearby districts.*
There are no TND zoning designations in the area. This zoning would create an isolated zoning district.

k) *Possible effects of the change in zoning district map, or change in use, on the character of a zoning district.*
The proposed use is not similar to nearby development.

l) *The possible impact on the environment, including but not limited to, drainage, soil erosion and sedimentation, flooding, air quality and water quality.*
The subsequent LDP will be required to be compliant with all erosion and stormwater regulations.

m) *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 proposed rezoning will have impacts on the purpose of the overall zoning scheme and the purposes of this Zoning Ordinance due to the isolated zoning to TND in this area.

Sec. 37.5. - Criteria for Granting Variances.

Any applicant requesting consideration of a variance to any provision of the zoning ordinance shall provide a written justification that one or more of the following condition(s) exist. The City Council shall not approve a variance application unless it shall have adopted findings that one or more of the following conditions exist:

(a) There are extraordinary and exceptional conditions or practical difficulties pertaining to the particular piece of property in question because of its size, shape or topography that are not applicable to other lands or structures in the same district;

1. Variance Request **Section 1014, Table 10.1** radius of curvature: Topography could be considered a hardship. The variance request could be considered for approval with an alternative solution but was not provided with the application submittal.
2. Variance **Sec 12.7(b)1 – Single-Family Detached Dwellings**. Reduction in minimal porch depth and width: The applicant's stated hardship is due to "architectural style". The variance application does not demonstrate a hardship because of size, shape or topography that is not applicable to other lands or structures in the same district.
3. Variance **to Sec. 7.4 Tabel 7.2** a reduction to the minimum lot size from 6,700 sq.ft. to 5,500 sq.ft. The variance application does not demonstrate a hardship because of size, shape or topography that is not applicable to other lands or structures in the same district.
4. Variance **to Sec. 1021.c** Residential Street Design with streets more than 360 feet in length shall have at least 25 feet of lateral deviation from a straight course: Topography could be considered a hardship. The variance could be approved if a safe and effective traffic-calming alternative is provided. While many well-engineered traffic calming solutions exist, the one currently proposed does not meet acceptable safety standards.

(b) A literal interpretation of the provisions of this ordinance would effectively deprive the applicant of rights commonly enjoyed by other properties of the district in which the property is located;
A literal interpretation of the provisions of this ordinance would not effectively deprive the applicant of rights commonly enjoyed by other properties of the district in which the property is located.

(c) Granting the variance requested will not confer upon the property of the applicant any special privileges that are denied to other properties of the district in which the applicant's property is located;

Each variance request is unique to the proposed development and property. No similar variances were granted or denied similar to the current request on other applicants' property in the district.

(d) The requested variance will be in harmony with the purpose and intent of this ordinance and will not be injurious to the neighborhood or to the general welfare;
Variances 1 and 4 could be considered for approval with alternative design elements.
Variances 2 and 3 will not be in harmony with the purpose and intent of this ordinance due to the lack of hardships peculiar to the property, which is beyond the control of the applicant.

(e) The special circumstances are not the result of the actions of the applicant;
Variances 1 and 4 could be considered for approval with alternative design elements due to the special circumstances that are not the result of the actions of the applicant. However, alternative design elements must be provided for review of the City Engineer.
Variances 2 and 3 do not include special circumstances.

(f) The variance requested is the minimum variance that will make possible the proposed use of the land, building, or structure in the use district proposed; and
Variances 1 and 4 could be considered for approval with alternative design elements showing the variance is the minimum variance that will make possible the proposed use of land, building, or structure in the use district proposed.
Variances 2 and 3 are not the minimum variances that will make possible the proposed use of the land, building, or structure in the use district proposed. The applicant could provide floor plans that meet the requirements of the code and reduce the total number of lots by making every lot a minimum of 6,700 sq.ft.

(g) The variance shall not permit a use of land, buildings or structures, which is not permitted by right in the zoning district or overlay district involved.
With annexation and rezoning to the proper zoning category, residential dwellings would be permitted uses.

Staff Recommendation for Annexation, Rezoning, and Variances

Recommendation:

There are three applications proposed at 4651 and 4665 Hog Mountain Road, parcels **15046 000008B** (3.39 acres); **15046 000008** (16.0 acres). The first consideration for the City Council is the proposed annexation of both parcels. With annexation, the subject site must be rezoned from Hall County AR-1 – Agricultural & Residential - R-1- Residential to a Flowery

Branch zoning category. The applicant is proposing to rezone the property to Traditional Neighborhood Development (TND).

Variance Details:

1. Variance from **Section 1014, Table 10.1** radius of curvature of the center line from 275' to 48'. The applicant states the hardship for the centerline radius curvature is due to topography. A GIS review of the site confirms the site is an undeveloped wooded site with significant topography. The variance request could be considered for approval with an alternative solution.
2. Variance **to Sec. 12.6. - Townhouses.** The applicant requested a variance from Sec. 12.6 however, the correct request should reference **Sec 12.7(b)1 – Single-Family Detached Dwellings**, Entrance Features. The porch shall be at least **6 feet deep** (not including steps, if applicable) and **40% of the width of the front façade or 11 feet**, whichever is greater. The applicant is requesting a **reduction** to this section to allow for **4' x 7.5'** covered porch. The applicant can avoid a variance due to the code allowing for stoops if the front façade is fully brick or stone. The applicant's stated hardship is due to "architectural style". The variance application does not demonstrate a hardship peculiar to the property, which is beyond the control of the applicant.
3. Variance **to Sec. 7.4 Tabel 7.2** a reduction to the minimum lot size from 6,700 square feet in the TND zoning category. The application requests a reduction to a minimum lot size of 5,500 square feet. The site plan provided by the applicant lists a total of 81 lots but does not provide individual square footage for each lot and thus, the total number of lots that would be below 6,700 square feet cannot be adequately determined at this time. The applicant did not demonstrate a hardship peculiar to the property, which is beyond the control of the applicant.
4. Variance **to Sec. 1021.c** Residential Street Design with streets more than 360 feet in length shall have at least 25 feet of lateral deviation from a straight course. The applicant seeks to remove the 25-foot deviation from straight course requirements. The applicant's site plan indicated locations for center landscape islands to break up the straight street but did not include consistent drive lane width through bulb-outs which could pose a danger to the motoring public. The variance could be approved if a safe and effective traffic-calming alternative is provided. While many well-engineered traffic calming solutions exist, the one currently proposed does not meet acceptable safety standards.

Variance Recommendations:

A variance from the Subdivisions Ordinance, Article 10 – Access and Design Requirements for Roads, Sec. 1014 – Road Right-of-Way Widths and Miters, Table 10.1 recommended for approval to reduce radius of curvature of the center line from 275’ to 48’ with a condition that the applicant revise the site plan to show two-way stops in areas that can accommodate to reduce the amount of radii needing a variance. The final alternative design shall be approved by the City Engineer.

A variance from the Zoning Ordinance, Article 12 – Requirements for Specific Residential Principal Buildings and Uses, Sec 12.7(b)1 – Single-Family Detached Dwellings, Entrance Features. The porch is reduced from be 6 feet deep (not including steps, if applicable) and 40% of the width of the front façade or 11 feet, whichever is greater to 4 feet deep and 7.5 feet wide porch is recommended for approval with a condition that the façade of buildings with the porch dimensional reductions shall be have a front façade that is 100% brick or stone. Final elevations shall be approved by the Director of Planning and Community Development Director.

A variance from the Zoning Ordinance, Article 7 – TND, Traditional Neighborhood Development, Sec. 7.4 – Dimensional Requirements, Table 7.2, to reduce minimum lot size from 6,700 to 5,500 square feet is recommended for denial. However, if approval is considered it is recommended that no more than 20% of the total number of lots shall have an area less than 6,700 square feet, and no lot shall have an area less than 5,500 square feet.

A variance from the Zoning Ordinance, Article 10 – Development Requirements and Guidelines, Sec. 10.21(c) – Residential Street Design Requirements, to remove the requirement of all streets more than 360 feet in length shall have at least 25 feet of lateral deviation from a straight course is recommended for approval with a condition that engineering standard traffic calming devices are proposed on a revised site plan. Additionally, each home shall be offset from the front building setback by at least five (5) feet from the neighboring home. The traffic calming devices used, their location and the placement of the homes on each site shall be approved by the City Engineer.

Staff recommends **approval of the Annexation and Rezoning** applications with the conditions provided.

Recommended Conditions of Approval of Annexation and Rezoning:

Please find below the proffered conditions for the proposed rezoning, organized by discipline and drafted to ensure consistency with the submitted concept materials and to protect the public interest:

1. **General Development**
    a. Building Locations and Scope:
    The total number of residential lots within the detached townhome development shall not exceed 81.
    b. Density Measurement:
    Density shall be calculated on a net basis, in accordance with the definition of *Net Density* set forth in Article 2, Section 2.2 (Design-Related Definitions). The applicant is to provide the areas of wetlands, state water buffer zones, flood hazard or electric / gas transmission easements or right-of-way.
    c. Maximum net density shall not exceed 6 units per acre.
2. **Civil Site Engineering**
    a. The final site-grading, stormwater, and utility plans shall be in substantial conformity with the Rezoning Concept Plan, including all delineated amenities, open spaces, and public gathering areas.
    b. No grading, filling, or earthmoving shall occur within the 75-foot impervious setback from state waters without prior approval of the Director of Planning & Community Development; such activities shall be minimized in accordance with Code § 27.6(b).
    c. No residential lot shall contain stream buffers, impervious setbacks or amenity trails.
3. **Building Design**
    a. Exterior elevations shall comply with design requirements in Article 12 of the Flowery Branch Zoning Ordinance.
    b. All buildings shall include a side or rear entry garage per TND standards.
    c. Where brick veneer is shown, only authentic brick or natural stone shall be utilized.
    d. All building facades shall be approved through the Design Review process per Article 40 and shall meet the design requirements in Article 10 and Article 12.
4. **Streets, Sidewalks & Stormwater Facilities**

a. All internal streets and sidewalks shall be public to City design standards and be dedicated at the conclusion of the Final Plat. Stormwater management systems shall remain private and be maintained at the HOA's expense.

5. **Signage, Landscaping & Lighting**
    a. An overall signage program, a detailed landscape plan sealed by a Georgia-registered landscape architect, and a comprehensive site-lighting plan shall be submitted to the Department of Community Development for review and approval.
    b. The landscape plan shall include high-quality treatments for open spaces, trails, pathways, and amenities.
6. **Transportation Improvements**
    a. The developer will prepare and implement a Transportation Improvement Plan to address impacts on Hog Mountain Road. The Transportation Improvement Plan shall be approved by the City Engineer.
    b. The entrance on Hog Mountain Road shall include:
        i. A right-turn deceleration lane, designed per GDOT Driveway Manual Table 4-8 for 45 mph (175 ft full-width storage plus 100 ft taper), constructed at no cost to the City.
        ii. A left-turn lane into the site, built to GDOT Driveway & Encroachment Control Manual standards, also at no cost to the City.
        iii. Exit shall include dedicated lanes for both left and right turns.
        iv. Dedication of all necessary right-of-way for these improvements, conveyed by the developer at no cost.
        v. Relocation of any utilities currently beneath the proposed deceleration lane, at the developer's expense.
    c. Sidewalks shall be located on both sides of the internal streets and along the road frontage of Hog Mountain Road.
7. **Variances**
    a. Approval of the annexation, rezoning and variance applications shall not constitute the granting of any variance from applicable local, state, or federal standards, except as expressly described herein.
    b. A variance from the Subdivisions Ordinance, Article 10 – Access and Design Requirements for Roads, Sec. 1014 – Road Right-of-Way Widths and Miters, Table 10.1 recommended for approval to reduce radius of curvature of the center line from 275' to 48' with a condition that the applicant revise the site plan to show two-way stops in areas that can accommodate to reduce the amount of radii needing a variance. The final alternative design shall be approved by the City Engineer.

c. A variance from article 12 -Requirements for Specific Residential Principal Buildings and Uses, Sec 12.7(b)1 – Single-Family Detached Dwellings, Entrance Features. The porch is reduced from be 6 feet deep (not including steps, if applicable) and 40% of the width of the front façade or 11 feet, whichever is greater to 4 feet deep and 7.5 feet wide porch is recommended for approval with a condition that the façade of buildings with the porch dimensional reductions shall be have a front façade that is 100% brick or stone. Final elevations shall be approved by the Director of Planning and Community Development Director.
d. A variance from the Zoning Ordinance, Article 7 – TND, Traditional Neighborhood Development, Sec. 7.4 – Dimensional Requirements, Table 7.2, to reduce minimum lot size from 6,700 to 5,500 square feet is recommended for approval with a condition that no more than 20% of the total lots shall be less than 6,700 sq. ft. and no lot shall be less than 5,500 sq. ft.
e. A variance from Article 10 – Development Requirements and Guidelines, Sec. 10.21(c) – Residential Street Design Requirements, to remove the requirement of all streets more than 360 feet in length shall have at least 25 feet of lateral deviation from a straight course is recommended for approval with a condition that engineering standard traffic calming devices are proposed on a revised site plan. Additionally, each home shall be offset from the front building setback by at least five (5) feet from the neighboring home. The traffic calming devices used, their location and the placement of the homes on each site shall be approved by the City Engineer.

8. **Public Utilities**
   a. Because of the site's topographic constraints, sanitary sewer lift station(s) are likely required; the Engineer of Record must work closely with the Public Utility Department throughout the design process. All pump station plans must comply with Chapter 50 (Utilities), Article II (Standard Specifications), Division 2 (Construction), Subdivision VII (Pump Stations), as well as any additional criteria established by the Director of Public Utilities.
9. **Open Space**
   a. All Open Space requirements shall meet the minimum requirements of Section 10.22.
   b. The subdivision shall include a conveniently accessible mail kiosk for both motorists and pedestrians.
   c. The mail kiosk area is not included in the open space calculations.
   d. The open space components shall be substantially similar to the examples provided in the application and shown in the staff report.
   e. All walking trail surfaces are to be mulch, compacted crushed rock, or other material approved by the director and be maintained in safe conditions by the HOA.

f. All trails are to maintain a minimum width of 48-inches.
g. A clearly visible sign shall be installed at each point where the amenity trails connect to the public sidewalks, stating that the trail amenity is not designed or constructed to ADA standards.

City of Flowery Branch Community Development Office
5512 Main St
Flowery Branch, GA, 30542
770-967-6378

ANNEXATION COMPLETENESS CHECKLIST

Please review each line item on the Completeness Checklist prior to submitting an application to the City of Flowery Branch. Please initial **each line item** (numerical and alphabetical sub lists) in the initial blocks provided in the left-hand column. Initialed checklist must be included with the completed application and all other required documentation at time of submittal. **All requirements must be provided in digital format via file sharing or on a flash drive.**

Applicant Name: Highpoint Development **Project Name:** The Ridge at Lott Creek

X	1.	Completed annexation application with all signatures and notary stamps present and all fields filled out and in compliance with all requirements. (Article 44, Sec. 44.4) Completed concurrent rezoning application with all signatures and notary stamps present and all fields filled out and in compliance with all requirements. (Article 34, Sec. 34.8)
X	2.	Legal description of property.
X	3.	Current survey of the property.
X	4.	Site plan of the property in accordance with the requirements of the Flowery Branch Code of Ordinances (Article 34, Sec 34.4 & 34.5):
		a) Uses an appropriate engineering scale
		b) Shows proposed use and relevant information regarding proposed improvements
		c) All existing AND proposed buildings and/or structures
		d) Parking and internal circulation
		e) Proposed landscaping
		f) Buffers, where required
		g) Other information as required by the Zoning Administrator
X	5.	Detailed description of the request.
X	6.	Required development statistics (Article 34, Sec 34.6) (separate document):
		a) Maximum and proposed height of any structure
		b) Maximum and proposed gross square footage of the building area (nonresidential only)
		c) Color rendering of any and all proposed structure(s)
		d) Material list (with percentages) of any and all proposed structure(s)
		e) Maximum and proposed number of dwelling units and minimum and proposed square footage of heated floor area for any dwelling unit (residential only)
		f) Maximum and proposed lot coverage of building area (square feet and percent)
		g) Minimum and proposed square footage of landscaped area (square feet and percent)
		h) Minimum, maximum and proposed number of parking spaces

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ANNEXATION COMPLETENESS CHECKLIST

		i) Other dimensional information as may be required by the Zoning Administrator
x JH	7.	Written Analysis Requirements (Article 34, Sec. 34.7) (separate document):
		a) Whether the proposal will permit a use that is suitable in view of the use and development of adjacent and nearby properties.
		b) Whether the proposal will adversely affect the existing use or usability of adjacent or nearby properties.
		c) 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.
		d) 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.
		e) 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.
		f) 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.
		g) 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.
		h) 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.
		i) Whether a proposed zoning map amendment or conditional use approval will be a deterrent to the value or improvement of the development of adjacent property in accordance with existing regulations.
		j) The possible creation of an isolated zoning district unrelated to adjacent and nearby districts.
		k) Possible effects of the change in zoning district map, or change in use, on the character of a zoning district.
		l) The possible impact on the environment, including but not limited to, drainage, soil erosion and sedimentation, flooding, air quality and water quality.

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ANNEXATION COMPLETENESS CHECKLIST

		m) 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.
X JF	8.	Conflict of interest disclosure (in body of application).
X JF	9.	Disclosure of campaign contributions (in body of application).
X JF	10.	Names and addresses of adjoining property owners. (separate document)
X JF	11.	Reasons for requesting annexation/rezoning. (separate document)
X JF	12.	Signed statement authorizing City of Flowery Branch staff and/or City Council to inspect subject property. (separate document)
N/A	13.	Annexations > 100 acres of land require an official request to amend the character area and future land use map designation for the subject property.
X JF	14.	Letter of intent describing the proposed use of the property or other action requested. (separate document)
X JF	15.	Hard copy of application with wet seals & signatures

The undersigned does hereby attest that all requirements in the above checklist have been met and that all required documentation has been provided at the time of submittal. The undersigned acknowledges that any application found to be incomplete upon review will be returned to the applicant for completion.

Name (print): HIGHPOINT DEVELOPMENT JAKE FRENCH

Signature: _____

Date: 12/11/2025

FLOWERY BRANCH
Always Blooming!

ANNEXATION APPLICATION

Date: 12/11/2025

Address of Request:
4651 & 4665 Hog Mountain 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_____

Applicant Information:

Name: Highpoint Development

Address: 1776 Peachtree Street NW, Atlanta, GA 30309

E-mail address: jfrench@hpdev.com

Phone number: 502-386-7022

Signature: _____ Title (if applicable):_____

Print Name: Jake French

Notary Signature: _____

Notary Seal:

HANNAH HURLEY
Notary Public - State of Georgia
Gwinnett County
My Commission Expires Mar 14, 2028

FLOWERY BRANCH

Property owner information (if different than the applicant)

Property owner (please print): CD II Properties, LLC

Address: P.O. Box 99, Demorest, GA 30535

E-mail address: _____

Phone number: _____

Signature: _____

Notary Seal: _____

HANNAH HURLEY
Notary Public - State of Georgia
Gwinnett County
My Commission Expires Mar 14, 2028

Property Information

Tax Map Number: 15406 000008 & 15046 000008B

Current Zoning: R-1 & AR-1 (Hall County) Total Acres: 19.398

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

Proposed City of Flowery Branch Zoning: TND

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.

FLOWERY BRANCH

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

None to the best of our knowledge

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

None to the best of our knowldedge

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

None to the best of our knowledge

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
NONE	

FLOWERY BRANCH
Always Blooming!

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
_____	_____
_____	_____

CITY STAFF ONLY

Application Received By: _____

Date: _____ Total Fee: _____

City of Flowery Branch Community Development Office
5512 Main St
Flowery Branch, GA, 30542
770-967-6378

ANNEXATION/REZONING COMPLETENESS CHECKLIST

Please review each line item on the Completeness Checklist prior to submitting an application to the City of Flowery Branch. Please initial **each line item** (numerical and alphabetical sub lists) in the initial blocks provided in the left-hand column. Initialed checklist must be included with the completed application and all other required documentation at time of submittal. **All requirements must be provided in hard copy form and digital form on a flash drive.**

Applicant Name: Highpoint Development **Project Name:** The Ridge at Lott Creek

X GT	1.	Completed annexation application with all signatures and notary stamps present and all fields filled out and in compliance with all requirements. (Article 44, Sec. 44.4) Completed concurrent rezoning application with all signatures and notary stamps present and all fields filled out and in compliance with all requirements. (Article 34, Sec. 34.8)
X GT	2.	Legal description of property.
X GT	3.	Current survey of the property.
X GT	4.	Site plan of the property in accordance with the requirements of the Flowery Branch Code of Ordinances (Article 34, Sec 34.4 & 34.5):
		a) Uses an appropriate engineering scale
		b) Shows proposed use and relevant information regarding proposed improvements
		c) All existing AND proposed buildings and/or structures
		d) Parking and internal circulation
		e) Proposed landscaping
		f) Buffers, where required
		g) Other information as required by the Zoning Administrator
X GT	5.	Detailed description of the request.
X GT	6.	Required development statistics (Article 34, Sec 34.6) (separate document):
		a) Maximum and proposed height of any structure
		b) Maximum and proposed gross square footage of the building area (nonresidential only)
		c) Color rendering of any and all proposed structure(s)
		d) Material list (with percentages) of any and all proposed structure(s)
		e) Maximum and proposed number of dwelling units and minimum and proposed square footage of heated floor area for any dwelling unit (residential only)
		f) Maximum and proposed lot coverage of building area (square feet and percent)
		g) Minimum and proposed square footage of landscaped area (square feet and percent)
		h) Minimum, maximum and proposed number of parking spaces

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ANNEXATION/REZONING COMPLETENESS CHECKLIST

		i) Other dimensional information as may be required by the Zoning Administrator
x JH	7.	Written Analysis Requirements (Article 34, Sec. 34.7) (separate document):
		a) Whether the proposal will permit a use that is suitable in view of the use and development of adjacent and nearby properties.
		b) Whether the proposal will adversely affect the existing use or usability of adjacent or nearby properties.
		c) 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.
		d) 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.
		e) 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.
		f) 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.
		g) 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.
		h) 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.
		i) Whether a proposed zoning map amendment or conditional use approval will be a deterrent to the value or improvement of the development of adjacent property in accordance with existing regulations.
		j) The possible creation of an isolated zoning district unrelated to adjacent and nearby districts.
		k) Possible effects of the change in zoning district map, or change in use, on the character of a zoning district.
		l) The possible impact on the environment, including but not limited to, drainage, soil erosion and sedimentation, flooding, air quality and water quality.

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ANNEXATION/REZONING COMPLETENESS CHECKLIST

		m) 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.
X JT	8.	Conflict of interest disclosure (in body of application).
X JT	9.	Disclosure of campaign contributions (in body of application).
X JT	10.	Names and addresses of adjoining property owners. (separate document)
X JT	11.	Reasons for requesting annexation/rezoning. (separate document)
X JT	12.	Signed statement authorizing City of Flowery Branch staff and/or City Council to inspect subject property. (separate document)
N/A	13.	Annexations > 100 acres of land require an official request to amend the character area and future land use map designation for the subject property.
X JT	14.	Letter of intent describing the proposed use of the property or other action requested. (separate document)

The undersigned does hereby attest that all requirements in the above checklist have been met and that all required documentation has been provided at the time of submittal. The undersigned acknowledges that any application found to be incomplete upon review will be returned to the applicant for completion.

Name (print): HIGHPOINT DEVELOPMENT JAKE FRENCH

Signature: [signature]

Date: 12/11/2025

FLOWERY BRANCH
Always Blooming!

REZONING APPLICATION

Date: 12/11/2025

Address of Request:

4651 & 4665 Hog Mountain Road, Flowery Branch GA 30542

Tax Map # 15046 000008 & 15046 000008B Current Zoning: R-1 & AR-1

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: Highpoint Development

Address: 1776 Peachtree Street NW. Suite 250, Atlanta, GA, 30309

E-mail address: jfrench@hpdev.com

Phone number: 502-386-7022

Signature: _____ Title (if applicable): _____

Print Name: Jake French

Notary Signature: _____

Notary Seal:

HANNAH HURLEY
Notary Public - State of Georgia
Gwinnett County
My Commission Expires Mar 14, 2028

FLOWERY BRANCH

Property owner information (if different than the applicant)

Property owner (please print): CD II Properties, LLC

Address: P.O. Box 99, Demorest, GA 30535

E-mail address: _____

Phone number: _____

Signature: _____

Notary Seal: _____

HANNAH HURLEY
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Property Information

Tax Map Number: 15406 000008 & 15046 000008B

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

Proposed City of Flowery Branch Zoning: TND

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.

FLOWERY BRANCH

Conflict of Interest Disclosure

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None to the best of our knowledge

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

None to the best of our knowldedge

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

None to the best of our knowledge

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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
NONE	

FLOWERY BRANCH

CITY STAFF ONLY

Application Received By: _____

Date: _____ Total Fee: _____

City of Flowery Branch Community Development Office
5512 Main St
Flowery Branch, GA, 30542
770-967-6378
VARIANCE COMPLETENESS CHECKLIST

Please review each line item on the Completeness Checklist prior to submitting an application to the City of Flowery Branch. Please initial **each line item** (numerical and alphabetical sub lists) in the initial blocks provided in the left-hand column. Initialed checklist must be included with the completed application and all other required documentation at time of submittal. **All requirements must be provided in hard copy form and digital form on a flash drive.**

Applicant Name: Highpoint Development **Project Name:** The Ridge at Lott Creek

JT	1.	Completed application with all signatures and notary seals present and all fields filled out and all supplementary requirements and documents attached. (Article 37, Sec. 37.3)
JT	2.	Legal description of the property. (separate document)
JT	3.	Current survey of property sealed by a Georgia registered land surveyor. (separate document)
JT	4.	Letter of intent describing the proposed use of the property or other action requested. (separate document)
JT	5.	Site plan of the property at an appropriate engineering scale which shows: (Sec. 37.4) (separate document)
		a) Existing and proposed buildings and structures,
		b) Relevant information regarding proposed improvements,
		c) Other information as required by Zoning Administrator.
JT	6.	Detailed description of the request. (in body of application but can be attached as separate document)
JT	7.	Statistics regarding the proposed project or development. (separate document)
JT	8.	Written analysis of how the proposed action compares to decision criteria specified for deciding on the subject type of application. (separate document)
JT	9.	Description of any special conditions voluntarily made a part of the request.
JT	10.	Conflict of interest disclosure. (in body of application)
JT	11.	Disclosure of campaign contributions. (in body of application)
JT	12.	Narrative demonstrating that criteria for granting variances has been met: (Article 37, Sec. 37.5) (separate document)
		a) There are extraordinary and exceptional conditions or practical difficulties pertaining to the particular piece of property in question because of its size, shape, or topography that are not applicable to other lands or structures in the same district;
		b) A literal interpretation of the provisions of this ordinance would effectively deprive the applicant of rights commonly enjoyed by other properties of the district in which the property is located;

City of Flowery Branch Community Development Office
5512 Main St
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VARIANCE COMPLETENESS CHECKLIST

		c) Granting the variance requested will not confer upon the property of the applicant any special privileges that are denied to other properties of the district in which the applicant's property is located;
		d) The requested variance will be in harmony with the purpose and intent of this ordinance and will not be injurious to the neighborhood of to the general welfare;
		e) The special circumstances are not the result of the actions of the applicant;
		f) The variance requested is the minimum variance that will make possible the proposed use of the land, building, or structure in the use district proposed; and
		g) The variance shall not permit a use of land, buildings, or structures which is not permitted by right in the zoning district or overlay district involved.

The undersigned does hereby attest that all requirements in the above checklist have been met and that all required documentation has been provided at the time of submittal. The undersigned acknowledges that any application found to be incomplete upon review will be returned to the applicant for completion.

Name (print): HIGHPOINT DEVELOPMENT JAKE FRENCH

Signature:

Date: 12/11/25

FLOWERY BRANCH
Always Blooming!

VARIANCE APPLICATION

Address of Request:
4651 & 4665 Hog Mountain Road, Flowery Branch, GA 30542

Type of Variance Requested

Complete requirements for variances can be found in the Flowery Branch Code of Ordinances; Appendix C, "Zoning Ordinance", Article 37;

Please verify all the requirements of the Flowery Branch Code of Ordinances; Appendix C, "Zoning Ordinance", Article 37, section 37.5 are being met. Explain below:

1. Variance from SECTION 1014 ROW Table 10.1 Radius of curvature of the center line, minimum (feet) Local Street for a reduced radius
2. Variance from SECTION 10.21.c Residential Street Design Requirements to remove 25ft deviation from straight course requirements
3. Variance from Section 7.4 Dimensional Requirements Table 7.2 Minimum lot size requirements
4. Variance from Section 12.6.p.1 to reduce the width & length of the usable covered porch

Applicant: Highpoint Development

Address: 1776 Peachtree Street NW. Suite 250, Atlanta, GA 30309

E-mail address: jfrench@hpdev.com

Phone number: 502-386-7022

Signature:

Notary Seal:

HANNAH HURLEY
Notary Public - State of Georgia
Gwinnett County
My Commission Expires Mar 14, 2028

FLOWERY BRANCH

Property owner information (if different than the applicant)

Property owner (please print): CD II Properties, LLC

Address: P.O. Box 99, Demorest, GA 30535

E-mail address: _____

Phone number: _____

Signature: _____

Notary Seal:

HANNAH HURLEY
Notary Public - State of Georgia
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Property Information

Tax Map Number: 15406 000008 & 15046 000008B

Current Zoning: R-1 & AR-1 (Hall County) Total Acres: 19.398

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

Proposed City of Flowery Branch Zoning: TND

Current Use: Vacant

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FLOWERY BRANCH

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

None to the best of our knowledge

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

None to the best of our knowldedge

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

None to the best of our knowledge

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
NONE	

Criteria for Granting Variances

1. There are extraordinary and exceptional conditions or practical difficulties pertaining to the particular piece of property in question because of its size, shape, or topography that are not applicable to other lands or structures in the same district;

- Minimum road radius variance is related to the topography of the property and the dimensional restrictions with narrow width across. We will need a variance to a minimum radius of 48' in order to have a viable travel way for residents.
- Streets deviation variance is related to the topography of the site and the width constraints. We understand the concern with line of sight, so we plan to provide varying offsets for homes, different use of materials to break line of sight, and small landscape islands in the road center to provide speed reduction and break in view.
- Minimum lot size is related to the topography of the site and the width constraints. We plan to provide an average lot size of 6,700sf. The minimum lot size will be 5,500sf with only 30% of lots conforming to the minimum lot size.
- The porch size variance is related to achieving an architectural style that relates to the front-loaded garages given the topography and width constraints. We will propose an extending the roof overhang above the garage to extend across to the porch to give the feel of an extended porch. We will also utilize design code relief in Section 12.7 to allow for stoops so that we can use different materials to create architectural relief and provide a truly unique community.

2. A literal interpretation of the provisions of this ordinance would effectively deprive the applicant of rights commonly enjoyed by other properties of the district in which the property is located;

- Similar minimum road radius exists within other single-family communities within the City.
- Similar streets extend longer than 360' without deviation within the City.
- Similar lot sizes exist within other single-family communities within the City.
- Similar porch sizes exist within other single-family communities within the City.

3. Granting the variance requested will not confer upon the property of the applicant any special privileges that are denied to other properties of the district in which the applicant's property is located;

- Based on other existing single-family communities and existing travel ways within the City, it would not appear that these variances would be considered as a special privilege.

4. The requested variance will be in harmony with the purpose and intent of this ordinance and will not be injurious to the neighborhood or to the general welfare;

- The variances will primarily be visible to those living within the community and therefore should not have any injurious impact on others.

5. The special circumstances are not the result of the actions of the applicant;

- The circumstances are requested for the specific product architecture and site plan layout necessary for the community's success due to the extreme constraints of the land.

6. The variance requested is the minimum variance that will make possible the proposed use of the land, building, or structure in the use district proposed; and

- These requests have been studied extensively for over a year and have been minimized to the least impactful magnitude achievable.

7. The variance shall not permit a use of land, buildings, or structures which is not permitted by right in the zoning district or overlay district involved.

- The variances have been noted in other single-family communities and/or existing travel ways within the City and do not convey uses that are not permitted currently.

8. The variances requested do not change the use of the property or the function of any buildings or structures.

- Nothing in the requested variances will impact the use of the property or the function of the single-family community.

December 11, 2025

TO: City of Flowery Branch Community Development Office
FROM: Highpoint Development, Jake French (Applicant)
DATE: December 11, 2025
SUBJECT: 4651 & 4665 Hog Mountain Road Annexation and Rezoning Application

Applicant hereby grants permission to City of Flowery Branch Elected Officials and Staff to enter and inspect property as needed for the purpose of reviewing the request referenced above.

Jake French
Development Lead

LEGAL DESCRIPTION

All that tract or parcel of land lying and being in Georgia Militia District: Flowery Branch #1270, in Hall County, Georgia, and being more particularly described as follows:

Commencing at a mag nail set at the Southerly right of way of Hog Mountain Road (having a variable width, publicly dedicated right of way) and the common corner to property now or formally of Mount Calvary Baptist Church and CD, ii Properties, LLC, said point being the TRUE POINT OF BEGINNING.

Thence continuing along said right of way of Hog Mountain Road the following courses and distances: North 52 degrees 05 minutes 46 seconds East a distance of 300.00 feet to a 5/8 inch capped rebar set; North 52 degrees 05 minutes 46 seconds East a distance of 296.18 feet to a 5/8-inch capped rebar set; Thence leaving said right of way of Hog Mountain Road South 45 degrees 22 minutes 26 seconds East a distance of 1477.18 feet to a concrete marker found; Thence South 44 degrees 38 minutes 15 seconds West a distance of 525.39 feet to a concrete marker found; Thence North 47 degrees 47 minutes 41 seconds West a distance of 519.00 feet to a 1-inch open top pipe found; Thence North 47 degrees 47 minutes 41 seconds West a distance of 150.00 feet to a 1-invh open top pipe found; Thence North 47 degrees 47 minutes 41 seconds West a distance of 386.97 feet to a 5/8-inch capped rebar set; Thence North 47 degrees 47 minutes 41 seconds West a distance of 500.00 feet to a mag nail set at the Southerly right of way of Hog Mountain Road, said mag nail being the TRUE POINT OF BEGINNING.

Said tract or parcel of land containing 19.398 acres (844,974 square feet).

SURVEYOR'S CERTIFICATION

THIS PLAT IS A RETRACEMENT OF AN EXISTING PARCEL OR PARCELS OF LAND AND DOES NOT SUBDIVIDE OR CREATE A NEW PARCEL OR MAKE ANY CHANGES TO ANY REAL PROPERTY BOUNDARIES. THE RECORDING INFORMATION OF THE DOCUMENTS, MAPS, PLATS, OR OTHER INSTRUMENTS WHICH CREATED THE PARCEL OR PARCELS ARE STATED HEREON. RECORDATION OF THIS PLAT DOES NOT IMPLY APPROVAL OF ANY LOCAL JURISDICTION. AVAILABILITY OF PERMITS, COMPLIANCE WITH LOCAL REGULATIONS OR REQUIREMENTS, OR SUITABILITY FOR ANY USE OR PURPOSE OF THE LAND. FURTHERMORE, THE UNDERSIGNED LAND SURVEYOR CERTIFIES THAT THIS PLAT COMPLIES WITH THE MINIMUM TECHNICAL STANDARDS FOR PROPERTY SURVEYS IN GEORGIA AS SET FORTH IN THE RULES AND REGULATIONS OF THE GEORGIA BOARD OF REGISTRATION FOR PROFESSIONAL ENGINEERS AND LAND SURVEYORS AND AS SET FORTH IN O.C.G.A. SECTION 15-6-67.

GEORGIA REGISTERED No. 3109 REGISTERED LAND SURVEYOR MITCHELL LOWERY

MITCHELL LOWERY GEORGIA R.L.S. #3109
DATE OF PLAT OR MAP: JANUARY 10, 2022

LEGAL DESCRIPTION TRACT 1

ALL THAT TRACT OR PARCEL OF LAND LYING AND BEING IN GEORGIA MILITIA DISTRICT: FLOWERY BRANCH #1270, IN HALL COUNTY, GEORGIA, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT A POINT AT THE SOUTHERLY RIGHT OF WAY OF HOG MOUNTAIN ROAD (HAVING A VARIABLE WIDTH), PUBLICLY DEDICATED RIGHT OF WAY) AND THE COMMON CORNER TO PROPERTY NOW OR FORMALLY OF MOUNT CALVARY BAPTIST CHURCH AND CD, II PROPERTIES, LLC; THENCE CONTINUING ALONG SAID RIGHT OF WAY OF HOG MOUNTAIN ROAD NORTH 52 DEGREES 05 MINUTES 46 SECONDS EAST A DISTANCE OF 296.18 FEET TO A 5/8-INCH CAPPED REBAR SET; THENCE LEAVING SAID RIGHT OF WAY OF HOG MOUNTAIN ROAD SOUTH 45 DEGREES 22 MINUTES 26 SECONDS EAST A DISTANCE OF 147.18 FEET TO A CONCRETE MARKER FOUND; THENCE SOUTH 44 DEGREES 38 MINUTES 15 SECONDS WEST A DISTANCE OF 525.39 FEET TO A CONCRETE MARKER FOUND; THENCE NORTH 47 DEGREES 47 MINUTES 41 SECONDS WEST A DISTANCE OF 519.00 FEET TO A 1-INCH OPEN TOP PIPE FOUND; THENCE NORTH 47 DEGREES 47 MINUTES 41 SECONDS WEST A DISTANCE OF 150.00 FEET TO A 1-INCH OPEN TOP PIPE FOUND; THENCE NORTH 47 DEGREES 47 MINUTES 41 SECONDS WEST A DISTANCE OF 386.97 FEET TO A 5/8-INCH CAPPED REBAR SET; THENCE LEAVING SAID RIGHT OF WAY OF HOG MOUNTAIN ROAD NORTH 47 DEGREES 41 SECONDS EAST A DISTANCE OF 500.00 FEET TO A 5/8-INCH CAPPED REBAR SET; THENCE NORTH 52 DEGREES 05 MINUTES 46 SECONDS EAST A DISTANCE OF 300.00 FEET TO A 5/8-INCH CAPPED REBAR SET; SAID 5/8-INCH CAPPED REBAR BEING THE TRUE POINT OF BEGINNING.

SAID TRACT OR PARCEL OF LAND CONTAINING 16.006 ACRES (697,203 SQUARE FEET).

LEGAL DESCRIPTION TRACT 2

ALL THAT TRACT OR PARCEL OF LAND LYING AND BEING IN GEORGIA MILITIA DISTRICT: FLOWERY BRANCH #1270, IN HALL COUNTY, GEORGIA, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT A MAG NAIL SET AT THE SOUTHERLY RIGHT OF WAY OF HOG MOUNTAIN ROAD (HAVING A VARIABLE WIDTH, PUBLICLY DEDICATED RIGHT OF WAY) AND THE COMMON CORNER TO PROPERTY NOW OR FORMALLY OF MOUNT CALVARY BAPTIST CHURCH AND CD, II PROPERTIES, LLC, SAID POINT BEING THE TRUE POINT OF BEGINNING.

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SAID TRACT OR PARCEL OF LAND CONTAINING 3.392 ACRES (147,771 SQUARE FEET).

ZONING

PER ITEMS 6(A) AND 6(B) OF THE 2021 ALTA/NSPS LAND TITLE SURVEY MINIMUM STANDARD DETAIL REQUIREMENTS, SETBACKS AND OTHER ZONING RESTRICTIONS/REQUIREMENTS CANNOT BE LISTED UNLESS A ZONING REPORT OR LETTER STATING SAID RESTRICTIONS/REQUIREMENTS IS PROVIDED.

SURVEY NOTES

1) PROPERTY SHOWN HEREON WAS SURVEYED NOVEMBER 16, 2021.

2) THE FIELD DATA UPON WHICH THIS PLAT IS BASED HAS A CLOSURE OF 1' IN 41,946' WITH AN ANGULAR ERROR OF 3.21 SECONDS PER ANGLE POINT AND WAS ADJUSTED USING THE LEAST SQUARES METHOD.

3) A SOKKIA IX TOTAL STATION, CARLSON BRX7 GPS RECEIVER, AND CARLSON SURVEYOR+ DATA COLLECTOR WERE USED FOR FIELD SURVEY MEASUREMENTS.

4) THIS PLAT HAS A MAP CLOSURE OF 1' IN 522,274'.

5) SAID DESCRIBED PROPERTY IS LOCATED WITHIN AN AREA HAVING A ZONE DESIGNATION 'X' ON FLOOD INSURANCE RATE MAP NO. 13139C0292F, WITH A DATE OF IDENTIFICATION OF SEPTEMBER 29, 2006, FOR COMMUNITY NUMBER 130466, IN HALL COUNTY UNINCORPORATED AREAS, STATE OF GEORGIA, WHICH IS THE CURRENT FLOOD INSURANCE RATE MAP FOR THE COMMUNITY IN WHICH SAID PROPERTY IS SITUATED.

6) CONTROL AND BEARING BASIS FOR THIS SURVEY WERE ESTABLISHED USING A TOPCON HIPER LITE+ GPS RECEIVER UTILIZING OPUS-S FOR POST PROCESSING. THE RELATIVE POSITIONAL ACCURACY, AS CALCULATED ACCORDING TO THE FEDERAL GEOGRAPHIC DATA COMMITTEE PART 3: NATIONAL STANDARD FOR SPATIAL DATA ACCURACY, IS .03 FEET HORIZONTAL AND .06 FEET VERTICAL AT THE 95% CONFIDENCE LEVEL.

7) UTILITIES SHOWN PER MARKINGS PLACED BY UTILITY-MARKING, L.L.C. UTILITIES OTHER THAN THOSE SHOWN HEREON MAY EXIST. LOWERY & ASSOCIATES MAKES NO GUARANTEE AS TO THE EXISTENCE OR NON-EXISTENCE OF SAID UTILITIES.

8) NO OBSERVED EVIDENCE OF CEMETERIES, GRAVESITES, AND/OR BURIAL GROUNDS AT TIME OF SURVEY.

9) PROPERTY SHOWN HEREON LIES WITHIN THE RECORD DESCRIPTION AS STATED IN GENERAL WARRANTY DEED RECORDED IN DEED BOOK 7096, PAGE 307, HALL COUNTY RECORDS.

10) NO ENCROACHMENTS OTHER THAN THOSE SHOWN HEREON WERE OBSERVABLE AT TIME OF SURVEY.

11) AT THE TIME OF THE SURVEY, THERE WAS NO OBSERVABLE EVIDENCE OF EARTH MOVING WORK, BUILDING CONSTRUCTION OR BUILDING ADDITIONS.

12) AT THE TIME OF THE SURVEY, THERE WERE NO PROPOSED CHANGES IN STREET RIGHT OF WAY LINES OR OBSERVABLE EVIDENCE OF STREET OR SIDEWALK REPAIRS.

13) AT THE TIME OF THE SURVEY, THERE WAS NO OBSERVABLE EVIDENCE OF THE SITE BEING USED AS A SOLID WASTE DUMP, SUMP OR SANITARY LANDFILL.

14) SUBJECT PROPERTY HAS DIRECT ACCESS TO HOG MOUNTAIN ROAD, BEING A PUBLICLY DEDICATED RIGHT OF WAY.

15) SUBJECT PROPERTY IS CONTIGUOUS TO ALL ADJACENT PROPERTIES AND RIGHTS OF WAY. NO GAPS, GORES, OR OVERLAPS ARE KNOWN TO EXISTS.



LEGEND

	PROPERTY LINE
	OVERHANG/AWNING
(BEARING/DISTANCE)	RECORD CALLS
B.S.L.	BUILDING SETBACK LINE
	INDEX CONTOUR
	MINOR CONTOUR
x	SPOT ELEVATION
W	WATER LINE
OHE	OVERHEAD UTILITY LINE
G	GAS LINE
UT	UNDERGROUND TELEPHONE LINE
SS	SANITARY SEWER LINE
UGE	UNDERGROUND ELECTRIC LINE
X X X	FENCE LINE
	STORM DRAIN PIPE
WV	WATER VALVE
WM	WATER METER
FH	FIRE HYDRANT
GM	GAS METER
GV	GAS VALVE
PM	POWER METER
S	SANITARY SEWER MANHOLE
RB	REBAR
CRB	CAPPED REBAR
CMON	CONCRETE MONUMENT
OTP	OPEN TOP PIPE
FND	FOUND
	LIGHT POLE
	SIGN
HW	HARDWOOD TREE
P	PINE TREE

VICINITY MAP

REVISIONS	
DATE:	DESCRIPTION

BOUNDARY & TOPOGRAPHIC SURVEY OF:
4651 HOG MOUNTAIN ROAD
FLOWERY BRANCH, GEORGIA 30542

STATE: GEORGIA | COUNTY: HALL

GEORGIA MILITIA DISTRICT: FLOWERY BRANCH DISTRICT (#1270)

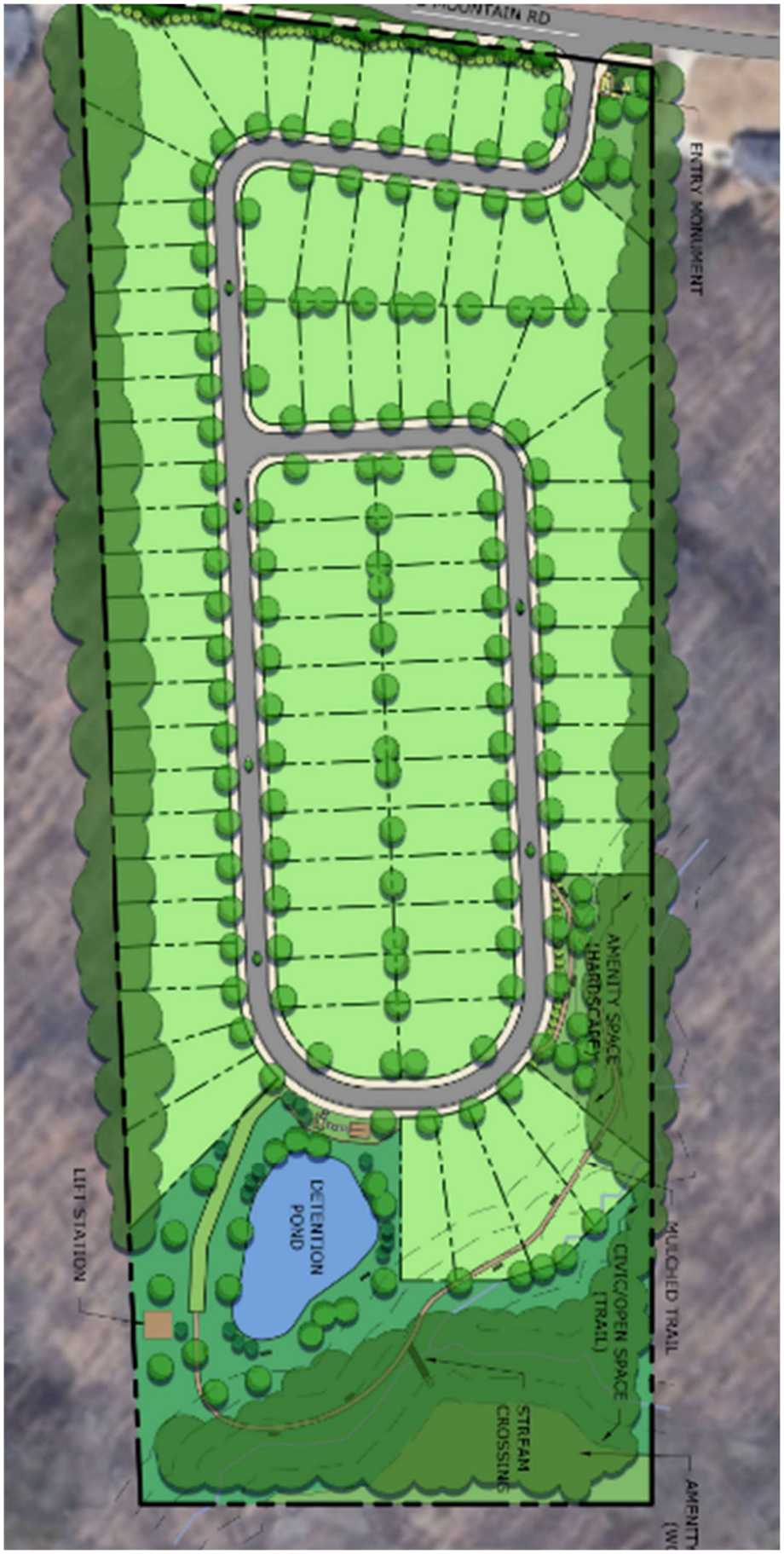
PREPARED FOR:
KIMLEY-HORN

Lowery & Associates
LAND SURVEYING, LLC
317 GRASSDALE ROAD
CARTERSVILLE, GA 30121
770-334-8186
WWW.LOWERYLANDSURVEYS.COM
INFO@LOWERYLANDSURVEYS.COM
GEORGIA C.O.A.: LSF-001102

DATE: JANUARY 10, 2022
JOB #: 21348I
SCALE: 1"=60'
DRAWN BY: D. HALL

THE RIDGE

AT LOTT CREEK



Project Narrative for Hog Mountain Road Tract

LOCATION – 4651 & 4665 Road, Flowery Branch, GA 30542
ACREAGE – 19.398 acres +/-
APPLICANT – Highpoint Development
PROPOSED ZONING – TND

Summary

The accompanying application seeks annexation and zoning district change from AR-I in Hall County to TND in Flowery Branch for a 19.398-acre tract, consisting of Parcel #'s 15046 000008 & 15046 000008B. The property appears to have been vacant for a number of years. The location is on Hog Mountain Road in south Hall approximately 1300 LF north of Spout Springs Road. The intent is to develop up to 81 units of quality housing (single-family) along with an extensive amount of undeveloped natural area. At least 15% of the site will be maintained as open space. Although not specifically identified, the property is located adjacent to the "Retail Activity Center" Character Area of the 2041 Comprehensive Plan. We believe this property could serve as a transitional use from the retail area to south and the lower density subdivisions to the north and east.

Site Description

The property has approximately 640 LF of frontage along Hog Mountain Road, rectangular and approximately 1,500 LF deep. The site is undeveloped with several dilapidated out buildings and contains a mix of trees and vegetation. A jurisdictional stream (Lott Creek) is located near the rear of the property and appears to be a tributary of Mulberry Creek. Domestic water (24") is provided by the City of Gainesville and is located on the northwest side of Hog Mountain Road. Flowery Branch will provide sanitary Sewer through a new, on-site pump station and force main to nearby gravity lines located within the Stonebridge Village retail center. All other dry utilities are located within a reasonable distance for service extensions.

Adjacencies

The property is surrounded by Hall County residential zonings, AR-III, PRD and R-1 and a small HB property on the west side of Hog Mountain Road. Adjacent Flowery Branch zoning is HB.

Access

Access to the property is proposed from a driveway on Hog Mountain Road approximately 1,800 LF north of Spout Springs Road. The nearest cross street is Cash Road, located approximately 900 LF northeast of the property.

Proximity to Other Uses

- Nearest distance to undeveloped commercial property – parcel #15046 000151-zoned HB located adjacent to southwestern boundary.
- Nearest distance to developed commercial property – parcel #08096 000014 zoned H-B, directly across at 4650 Hog Mountain Road.

- Nearest distance to a single-family home – a single-family home at 4641 Hog Mountain Road is located within 40’ of the northeastern boundary.
- Nearest distance to a subdivision – Hunters Landing S/D is located 0.6 miles away.

Aerial View



Comprehensive Plan Consistency

Since the subject property is currently located in unincorporated Hall County, the Flowery Branch Comprehensive Plan does not specifically identify the future land use for this property. With Retail/Commercial uses directly to the south of the subject property and lower density residential uses to the north, it would be reasonable to assume that the subject property could provide a transitional use and density between the uses identified. Although this specific property is not included in the Comprehensive Plan Future Development Map, it does lie adjacent to the "Activity Center – Retail" character area. It is our opinion that the slightly higher densities offered under the TND zoning district, and the specific use for attached single-family homes, would be applicable for this property.

Traffic Impact Study

A Traffic Impact Study has not been requested by the City but was recommended. We have completed a Traffic Impact Study as a courtesy. The following recommendations were made:

- One entering lane and one exiting lane
- Stop sign controlled on the driveway approach with Hog Mountain Rd remaining free flow
- A right turn lane for entering traffic
- No recommendation for the need of a left turn lane in

Development Strategy

The Concept Plan includes traditional front entry single family homes. The architectural style of the homes will be influenced by the mountain bungalow style to feel more rooted in the community and within the TND design intent. The single-family homes located along the Hog Mountain Road frontage will be facing interior to the development and we will have elevated facades on the rear of these homes to provide a grand appearance along Hog Mountain Rd. We will provide a desirable streetscape for the project's entrance including a professionally landscaped monument sign. The single-family homes will all have front-loaded garages. The community will have amenities including walking trails, a creek bridge crossing, a community gathering pavilion, and a firepit communal area with chairs.

Architectural Materials & Site Improvements

Single-family homes will follow the requirements of Section 12.6.i at a minimum with a general design theme that would include:

- Two-car garages
- Front facades with a combination of masonry and hardi-plank siding materials
- Side & Rear facades with hardi-plank siding, glazing & trim
- Architectural weight shingles
- Sodded yards (4 sides)
- One tree per lot (minimum 2 ½" caliper)
- Variance Requested –
    - Road radius min. at 48'
    - Street deviation distance req. to 850' w/ concessions
    - Minimum lot size avg 6,700sf w/ 30% min lots of 5,500sf
    - Reduce front porch size requirement

Entrance Monumentation

The entrance may include the items listed below with at least one central mail kiosk provided subject to USPS review and approval.

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

Amenities

The community amenities, at a minimum, will contain the following items:

- Pocket Park
- Walking Trails
- Creek Crossing
- Park Benches
- Community gathering pavilion
- Communal firepit with seating

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 Hog Mountain Road.

Model Home Permits

Applicant requests that up to twelve (12) 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 Developer. The HOA will manage the overall management of the property including maintenance, architectural controls and financial management.

Annexation

Hall County has given verbal confirmation they would approve the annexation into Flowery Branch assuming the adjacent parcels are not attempting to annex at the same time.

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.

Project Dimensional Standards

Proposed Dimensional Standards	
Acres	19.398
Number of Lots	81
Gross Density	4.18
Exterior Buffer	-
Height (Feet)	30
Minimum Lot Size (SF)*	5,500
Minimum Lot Width (Ft)	40
Minimum Lot Depth (Ft)	80
Minimum Heated Floor Area (SF)	1,200
Front Yard Setback from Lot Line (Ft)	-
Side Setback, Interior Lot Line or Corner Lot (Ft)	5
Rear Setback (Ft)	25
Maximum Coverage of Impervious Surface	45%
Sidewalks	5', Both Sides
Civic Space	15%
Amenity Space	6%
Parking	2 - Enclosed
**Requires variance approval*	

THE RIDGE
AT LOTT CREEK





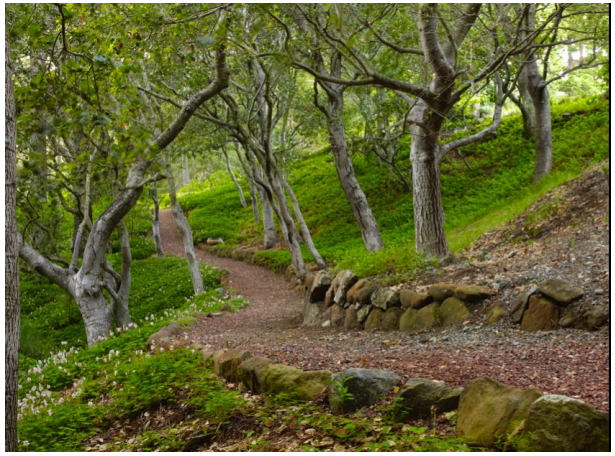


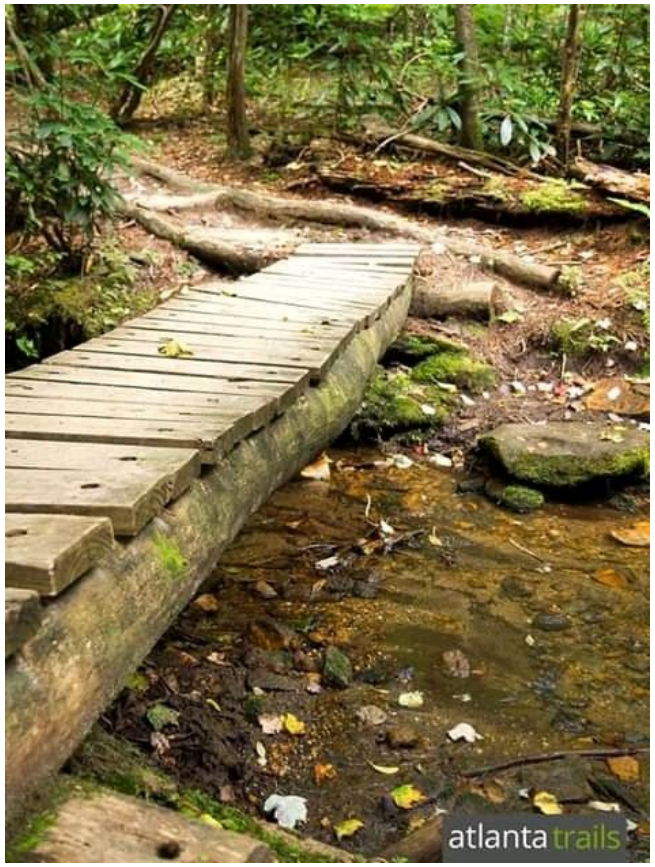
ENTRY GATE IDEAS

The entry conveys a quiet sense of welcome, shaped with natural stone and native plantings that feel authentically tied to Hog Mountain and the creek below. Materials sit comfortably in the landscape, offering a sense of belonging rather than display, creating an approach that is both dignified and genuinely rooted in place.

THE RIDGE
AT LOTT CREEK









AMENITIES

Amenities are designed to feel close to the landscape and quietly integrated. A communal fire pit and pavilion overlooks the stream, and a soft mulched trail guides residents through the trees to a modest wooden bridge across Lott Creek. The experience is simple and welcoming, inviting time outdoors without overshadowing the natural character of the place.

THE RIDGE

AT LOTT CREEK



COLOR PALETTE:

The three offered schemes—light, mid-tone, and dark—are drawn from the muted, earthy tones of the North Georgia landscape. Each palette reflects the surrounding ridge and creek setting, favoring natural hues: soft mineral whites, weathered wood browns, and deeper charcoal colors that echo stone, soil, and shaded canopy. Together, they provide variation without discord, allowing homes to feel individually tailored yet quietly unified within the broader landscape.

THE RIDGE
AT LOTT CREEK







ARCHITECTURAL FEATURES:

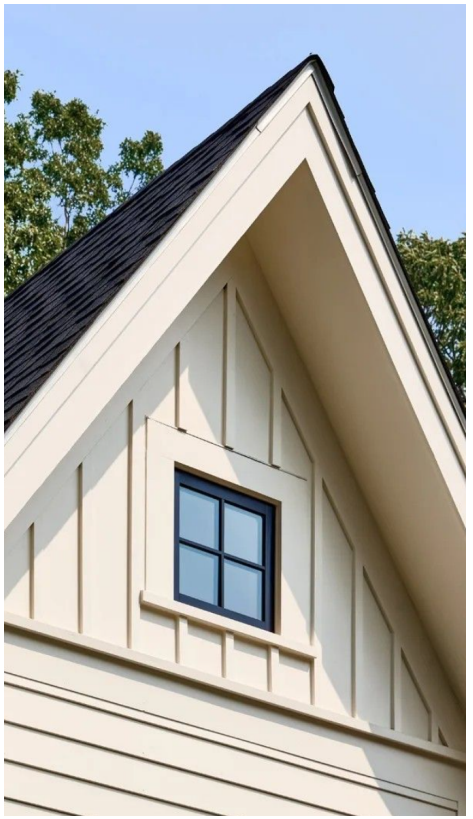
The achitecture leans toward a mountain bungalow style, with forms and finishes that feel sturdy, familiar, and tied to the landscape. Dark charcoal accents sharpen the earthy palette, while carriage-style garage doors and well-placed sconces add character without slipping into ornament. Matching metal gutters bring a clean outline to the façades, and the porch roof extending across the front-facing garage helps keep everything at a comfortable, human scale. The result is a street presence that feels connected, warm, and intentionally crafted—neighbors, not statements.

THE RIDGE
AT LOTT CREEK









ARCHITECTURAL FEATURES:

Details stay simple and purposeful. Porch brackets and extended overhangs provide clear structure and shade without excess. Gable vents, occasional gable windows, and selectively used shutters add just enough dimension to the façades, keeping each home grounded and consistent without feeling repetitive.

Analysis of the Hog Mountain Road Annexation Request

(a) Whether the proposal will permit a use that is suitable in view of the use and development of adjacent and nearby property.

- The requested use is for a residential and is consistent with the many undeveloped nearby properties. The suitability for more intense uses is limited by the property's topography.

(b) Whether the proposal will adversely affect the existing use or usability of adjacent or nearby property.

- The proposed residential use of the property will not negatively impact any adjacent property as there are both commercial and residential uses nearby.

(c) 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.

- The property has been marketed under its current zoning for a number of years and has generated very little interest. Without annexation into Flowery Branch, sewer will not be available.

(d) 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.

- Other than a small increased school impact, the proposed residential use will have minimal impact to the existing infrastructure.

(e) 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.

- Although not specifically identified, the property is located adjacent to the "Retail Activity Center" Character Area of the 2041 Comprehensive Plan. We believe this property could serve as a transitional use from the retail area to south and the lower density subdivisions to the north and east.

(f) 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 availability of suitable land for development is becoming more limited while the demand for residential use in this area continues to increase. The topography of the property is more suitable for residential than for any retail/commercial uses.

(g) Existing use(s) and zoning of the subject property and nearby properties.

- The property is surrounded by Hall County residential zonings, AR-III, PRD and R-1 and a small HB property on the west side of Hog Mountain Road. Adjacent Flowery Branch zoning is HB.

(h) 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.

- Under the existing zoning districts (AR-I & R-1) in Hall County, the property value (2024 Tax Assessment - $363,300) is diminished by the lack of sewer access and the limited development potential. Annexation and rezoning to TND would create a value in excess of $2,000,000. The current property owner has owned the property since 2012 and has been unsuccessful under the current zoning.

(i) 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 change of use is more compatible with the existing single-family development to the north and will have no impact on the other adjacent uses.

(j) The possible creation of an isolated zoning district unrelated to adjacent and nearby districts.

- The property is adjacent to an existing single-family home to the north and therefore would not create an isolated use.

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

- The character of this area already includes residential uses so there should be no impact on the general character of the district.

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

- Residential development is generally less intensive in its impact on the environmental issues mentioned as opposed to adjacent HB zoned uses.

(m) 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.

- This change of use will not be harmful to the overall zoning scheme as other residential uses currently exist adjacent to the property.

Parcel #	Name	Address	Mailing Address
15046 000009A	Mount Calvary Baptist Church	4675 Hog Mountain Road, Flowery Branch, GA 30542	4675 Hog Mountain Road, Flowery Branch, GA 30542
15046 000151	Capstone Gateway 1, LLC	Hog Mountain Road, Flowery Branch, GA 30542	P.O. Box 724, Gainesville, GA 30503
15046 000065	Capstone Acquisitions, LLC	6001 Spout Springs Road, Flowery Branch, GA 30542	P.O. Box 724, Gainesville, GA 30504
15046 000131	Capstone Acquisitions, LLC	6011 Spout Springs Road, Flowery Branch, GA 30542	P.O. Box 724, Gainesville, GA 30505
15046 000070	Capstone Acquisitions, LLC	6065 Spout Springs Road, Flowery Branch, GA 30542	P.O. Box 724, Gainesville, GA 30506
15046E 000013	Blake Alexander Hall	4650 Quail Point Dr., Flowery Branch, GA 30542	4650 Quail Point Dr., Flowery Branch, GA 30542
15046E 000012	Tammy A. Lipscomb	4646 Quail Point Dr., Flowery Branch, GA 30542	4646 Quail Point Dr., Flowery Branch, GA 30542
15046 000002	Florence Cash Smee	4576 Cash Road, Flowery Branch, GA 30542	4576 Cash Road, Flowery Branch, GA 30542
15046 000143	Lucy Cash Barnett	4560 Cash Road, Flowery Branch, GA 30542	4560 Cash Road, Flowery Branch, GA 30542
15046 000008A	Thoren C. Merrow	4666 Hog Mountain Road, Flowery Branch, GA 30542	4646 Hog Mountain Road, Flowery Branch, GA 30542
08096 000008	Pauline Cantrell Roberts	4642 Hog Mountain Road, Flowery Branch, GA 30542	4642 Hog Mountain Road, Flowery Branch, GA 30542
08096 000014	R Squared Rentals, LLC	4650 Hog Mountain Road, Flowery Branch, GA 30542	1406 Mountain Creek Church Road, Pendergrass, GA 30567
08097 000005	Mary Elizabeth Hickman, et al	4560 Hog Mountain Road, Flowery Branch, GA 30542	4847 Parliament Way, Dunwoody, GA 30338

Georgia law and the procedures of Flowery Branch requires the Applicant to raise Federal and State constitutional objections during the TND master plan application process. While the Applicant anticipates a smooth application process, failure to raise constitutional objections at this stage may mean that the Applicant will be barred from raising important legal claims later in the process. Accordingly, the following constitutional objections are stated:

The portions of the Flowery Branch Development Code, facially and as applied to the Property, which restrict the Property to any uses, conditions, land use designations, development standards, or to any zoning district other than that proposed by the Applicant are unconstitutional in that they would destroy the Applicant's property rights without first paying fair, adequate and just compensation for such rights, in violation of Article I, Section I, Paragraph I and Section III, Paragraph I of the Constitution of the State of Georgia of 1983, and the Due Process Clause of the Fourteenth Amendment to the Constitution of the United States.

The application of the Flowery Branch Development Code, facially and as applied to the Property, which restricts the Property to any uses, conditions, land use designations, development standards, or to any zoning district other than in accordance with the application as proposed by the Applicant is unconstitutional, illegal, null and void, constituting a taking of Applicant's Property in violation of the Just Compensation Clause of the Fifth Amendment to the Constitution of the United States; Article I, Section I, Paragraph I, and Section III, Paragraph I of the Constitution of the State of Georgia of 1983; and the Equal Protection and Due Process Clauses of the Fourteenth Amendment to the Constitution of the United States denying the Applicant an economically viable use of its land while not substantially advancing legitimate state interests.

A denial of this Application would be unconstitutional under the Takings Clause of the Fifth Amendment to the Constitution of the United States and the Just Compensation Clause of Article I, Section III, Paragraph I of the Constitution of the State of Georgia of 1983. A refusal by the Flowery Branch City Council to approve the zoning conditions as requested would constitute a taking of the Applicant's property.

A denial of this Application would constitute an arbitrary and capricious act by the Flowery Branch City Council without any rational basis therefore constituting an abuse of discretion in violation of Article I, Section I, Paragraph I and Section III, Paragraph I of the Constitution of the State of Georgia of 1983, and the Due Process Clause of the Fourteenth Amendment to the Constitution of the United States. A refusal to grant the TND zoning request would lack objective justification and would result only from neighborhood opposition, which would constitute an unlawful delegation of the zoning power to non-legislative bodies in violation of the Georgia Constitution, Article IX, Section II, Paragraph 4.

A refusal by the Flowery Branch City Council to approve this Application for the Property in accordance with the criteria as requested by the Applicant would be unconstitutional and discriminate in an arbitrary, capricious and unreasonable manner between the Applicant and owners of the similarly situated property in violation of Article I, Section I, Paragraph II of the Constitution of the State of Georgia of 1983 and the Equal Protection Clause of the Fourteenth Amendment to the Constitution of the United States. Any rezoning of the Property subject to conditions which are different from the conditions requested by the Applicant, to the extent such different conditions would have the effect of further restricting Applicant's utilization of the Property, would also constitute an arbitrary, capricious and discriminatory act in zoning the Property to a unconstitutional classification and would likewise violate each of the provisions of the State and Federal Constitutions set forth hereinabove.

I. CONCLUSION

For the foregoing reasons, the Applicant respectfully requests that this TND master plan application be granted as requested by the Applicant. If there are any questions about this request, you may contact:

Jake French
Highpoint Development
1776 Peachtree Street NW.
Suite 250.
Atlanta, GA 30309
502-386-7022
jfrench@hpdev.com



SURVEYOR'S CERTIFICATION

THIS PLAT IS A RETRACEMENT OF AN EXISTING PARCEL OR PARCELS OF LAND AND DOES NOT SUBDIVIDE OR CREATE A NEW PARCEL OR MAKE ANY CHANGES TO ANY REAL PROPERTY BOUNDARIES. THE RECORDING INFORMATION OF THE DOCUMENTS, MAPS, PLATS, OR OTHER INSTRUMENTS WHICH CREATED THE PARCEL OR PARCELS ARE STATED HEREON. RECORDATION OF THIS PLAT DOES NOT IMPLY APPROVAL OF ANY LOCAL JURISDICTION. AVAILABILITY OF PERMITS, COMPLIANCE WITH LOCAL REGULATIONS OR REQUIREMENTS, OR SUITABILITY FOR ANY USE OR PURPOSE OF THE LAND. FURTHERMORE, THE UNDERSIGNED, LAND SURVEYOR CERTIFIES THAT THIS PLAT COMPLIES WITH THE MINIMUM TECHNICAL STANDARDS FOR PROPERTY SURVEYS IN GEORGIA AS SET FORTH IN THE RULES AND REGULATIONS OF THE GEORGIA BOARD OF REGISTRATION FOR PROFESSIONAL ENGINEERS AND LAND SURVEYORS AND AS SET FORTH IN O.C.G.A. SECTION 15-6-67.

GEORGIA REGISTERED No. 3109 REGISTERED LAND SURVEYOR MITCHELL LOWERY

MITCHELL LOWERY GEORGIA R.L.# 3109
DATE OF PLAT OR MAP: JANUARY 10, 2022

LEGAL DESCRIPTION TRACT 1

ALL THAT TRACT OR PARCEL OF LAND LYING AND BEING IN GEORGIA MILITIA DISTRICT: FLOWERY BRANCH #1270, IN HALL COUNTY, GEORGIA, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT A POINT AT THE SOUTHERLY RIGHT OF WAY OF HOG MOUNTAIN ROAD (HAVING A VARIABLE WIDTH, PUBLICLY DEDICATED RIGHT OF WAY) AND THE COMMON CORNER OF HOG MOUNTAIN ROAD AND MOUNT CALVARY BAPTIST CHURCH AND CD, II PROPERTIES, LLC; SAID POINT BEING THE PUBLICLY DEDICATED RIGHT OF WAY NOW OR FORMALLY OF MOUNT CALVARY BAPTIST CHURCH AND CD, II PROPERTIES, LLC; THENCE LEAVING SAID RIGHT OF WAY OF HOG MOUNTAIN ROAD ALONG SAID RIGHT OF WAY OF HOG MOUNTAIN ROAD NORTH 52 DEGREES 05 MINUTES 46 SECONDS EAST A DISTANCE OF 296.18 FEET TO A 5/8-INCH CAPPED REBAR SET; THENCE LEAVING SAID RIGHT OF WAY OF HOG MOUNTAIN ROAD SOUTH 45 DEGREES 22 MINUTES 26 SECONDS EAST A DISTANCE OF 147.18 FEET TO A CONCRETE MARKER FOUND; THENCE SOUTH 44 DEGREES 38 MINUTES 15 SECONDS WEST A DISTANCE OF 525.39 FEET TO A CONCRETE MARKER FOUND; THENCE NORTH 47 DEGREES 47 MINUTES 41 SECONDS WEST A DISTANCE OF 519.00 FEET TO A 1-INCH OPEN TOP PIPE FOUND; THENCE NORTH 47 DEGREES 47 MINUTES 41 SECONDS WEST A DISTANCE OF 150.00 FEET TO A 5/8-INCH CAPPED REBAR SET; THENCE NORTH 47 DEGREES 47 MINUTES 41 SECONDS WEST A DISTANCE OF 386.97 FEET TO A 5/8-INCH CAPPED REBAR SET; THENCE NORTH 52 DEGREES 05 MINUTES 46 SECONDS EAST A DISTANCE OF 300.00 FEET TO A 5/8-INCH CAPPED REBAR SET; THENCE NORTH 47 DEGREES 47 MINUTES 41 SECONDS WEST A DISTANCE OF 500.00 FEET TO A 5/8-INCH CAPPED REBAR SET; THENCE NORTH 52 DEGREES 05 MINUTES 46 SECONDS EAST A DISTANCE OF 300.00 FEET TO A 5/8-INCH CAPPED REBAR SET; SAID 5/8-INCH CAPPED REBAR BEING THE TRUE POINT OF BEGINNING.

SAID TRACT OR PARCEL OF LAND CONTAINING 16.006 ACRES (697,203 SQUARE FEET).

LEGAL DESCRIPTION TRACT 2

ALL THAT TRACT OR PARCEL OF LAND LYING AND BEING IN GEORGIA MILITIA DISTRICT: FLOWERY BRANCH #1270, IN HALL COUNTY, GEORGIA, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT A MAG NAIL SET AT THE SOUTHERLY RIGHT OF WAY OF HOG MOUNTAIN ROAD (HAVING A VARIABLE WIDTH, PUBLICLY DEDICATED RIGHT OF WAY) AND THE COMMON CORNER TO PROPERTY NOW OR FORMALLY OF MOUNT CALVARY BAPTIST CHURCH AND CD, II PROPERTIES, LLC; SAID POINT BEING THE TRUE POINT OF BEGINNING.

THENCE CONTINUING ALONG SAID RIGHT OF WAY OF HOG MOUNTAIN ROAD NORTH 52 DEGREES 05 MINUTES 46 SECONDS EAST A DISTANCE OF 300.00 FEET TO A 5/8 INCH CAPPED REBAR SET; THENCE LEAVING SAID RIGHT OF WAY OF HOG MOUNTAIN ROAD SOUTH 47 DEGREES 41 SECONDS EAST A DISTANCE OF 500.00 FEET TO A 5/8 INCH CAPPED REBAR SET; THENCE SOUTH 52 DEGREES 05 MINUTES 46 SECONDS WEST A DISTANCE OF 300.00 FEET TO A 5/8 INCH CAPPED REBAR SET; THENCE NORTH 47 DEGREES 41 SECONDS WEST A DISTANCE OF 500 FEET TO A MAG NAIL SET IN THE RIGHT OF WAY OF HOG MOUNTAIN ROAD, SAID MAG NAIL BEING THE TRUE POINT OF BEGINNING.

SAID TRACT OR PARCEL OF LAND CONTAINING 3.392 ACRES (147,771 SQUARE FEET).

ZONING

PER ITEMS 6(A) AND 6(B) OF THE 2021 ALTA/NSPS LAND TITLE SURVEY MINIMUM STANDARD DETAIL REQUIREMENTS, SETBACKS AND OTHER ZONING RESTRICTIONS/REQUIREMENTS CANNOT BE LISTED UNLESS A ZONING REPORT OR LETTER STATING SAID RESTRICTIONS/REQUIREMENTS IS PROVIDED.

SURVEY NOTES

1) PROPERTY SHOWN HEREON WAS SURVEYED NOVEMBER 16, 2021.

2) THE FIELD DATA UPON WHICH THIS PLAT IS BASED HAS A CLOSURE OF 1' IN 41,946' WITH AN ANGULAR ERROR OF 3.21 SECONDS PER ANGLE POINT AND WAS ADJUSTED USING THE LEAST SQUARES METHOD.

3) A SOKKIA IX TOTAL STATION, CARLSON BRX7 GPS RECEIVER, AND CARLSON SURVEYOR+ DATA COLLECTOR WERE USED FOR FIELD SURVEY MEASUREMENTS.

4) THIS PLAT HAS A MAP CLOSURE OF 1' IN 522,274'.

5) SAID DESCRIBED PROPERTY IS LOCATED WITHIN AN AREA HAVING A ZONE DESIGNATION 'X' ON FLOOD INSURANCE RATE MAP NO. 13139C0292F, WITH A DATE OF IDENTIFICATION OF SEPTEMBER 29, 2006, FOR COMMUNITY NUMBER 130466, IN HALL COUNTY UNINCORPORATED AREAS, STATE OF GEORGIA, WHICH IS THE CURRENT FLOOD INSURANCE RATE MAP FOR THE COMMUNITY IN WHICH SAID PROPERTY IS SITUATED.

6) CONTROL AND BEARING BASIS FOR THIS SURVEY WERE ESTABLISHED USING A TOPCON HIPER LITE+ GPS RECEIVER UTILIZING OPUS-S FOR POST PROCESSING. THE RELATIVE POSITIONAL ACCURACY, AS CALCULATED ACCORDING TO THE FEDERAL GEOGRAPHIC DATA COMMITTEE PART 3: NATIONAL STANDARD FOR SPATIAL DATA ACCURACY, IS .03 FEET HORIZONTAL AND .06 FEET VERTICAL AT THE 95% CONFIDENCE LEVEL.

7) UTILITIES SHOWN PER MARKINGS PLACED BY UTILITY-MARKING, L.L.C. UTILITIES OTHER THAN THOSE SHOWN HEREON MAY EXIST. LOWERY & ASSOCIATES MAKES NO GUARANTEE AS TO THE EXISTENCE OR NON-EXISTENCE OF SAID UTILITIES.

8) NO OBSERVED EVIDENCE OF CEMETERIES, GRAVESITES, AND/OR BURIAL GROUNDS AT TIME OF SURVEY.

9) PROPERTY SHOWN HEREON LIES WITHIN THE RECORD DESCRIPTION AS STATED IN GENERAL WARRANTY DEED RECORDED IN DEED BOOK 7096, PAGE 307, HALL COUNTY RECORDS.

10) NO ENCROACHMENTS OTHER THAN THOSE SHOWN HEREON WERE OBSERVABLE AT TIME OF SURVEY.

11) AT THE TIME OF THE SURVEY, THERE WAS NO OBSERVABLE EVIDENCE OF EARTH MOVING WORK, BUILDING CONSTRUCTION OR BUILDING ADDITIONS.

12) AT THE TIME OF THE SURVEY, THERE WERE NO PROPOSED CHANGES IN STREET RIGHT OF WAY LINES OR OBSERVABLE EVIDENCE OF STREET OR SIDEWALK REPAIRS.

13) AT THE TIME OF THE SURVEY, THERE WAS NO OBSERVABLE EVIDENCE OF THE SITE BEING USED AS A SOLID WASTE DUMP, SUMP OR SANITARY LANDFILL.

14) SUBJECT PROPERTY HAS DIRECT ACCESS TO HOG MOUNTAIN ROAD, BEING A PUBLICLY DEDICATED RIGHT OF WAY.

15) SUBJECT PROPERTY IS CONTIGUOUS TO ALL ADJACENT PROPERTIES AND RIGHTS OF WAY. NO GAPS, GORES, OR OVERLAPS ARE KNOWN TO EXISTS.

LEGEND

- PROPERTY LINE
- OVERHANG/AWNING
- (BEARING/DISTANCE)
- RECORD CALLS
- B.S.L. BUILDING SETBACK LINE
- INDEX CONTOUR
- MINOR CONTOUR
- SPOT ELEVATION
- W WATER LINE
- OHE OVERHEAD UTILITY LINE
- G GAS LINE
- UT UNDERGROUND TELEPHONE LINE
- SS SANITARY SEWER LINE
- UGE UNDERGROUND ELECTRIC LINE
- FENCE LINE
- STORM DRAIN PIPE
- WV WATER VALVE
- WM WATER METER
- FH FIRE HYDRANT
- GM GAS METER
- GV GAS VALVE
- PM POWER METER
- S SANITARY SEWER MANHOLE
- RB REBAR
- CRB CAPPED REBAR
- CMON CONCRETE MONUMENT
- OTP OPEN TOP PIPE
- FND FOUND
- LIGHT POLE
- SIGN
- HW HARDWOOD TREE
- P PINE TREE

VICINITY MAP

BOUNDARY & TOPOGRAPHIC SURVEY OF:
4651 HOG MOUNTAIN ROAD
FLOWERY BRANCH, GEORGIA 30542

STATE: GEORGIA | COUNTY: HALL

GEORGIA MILITIA DISTRICT: FLOWERY BRANCH DISTRICT (#1270)

PREPARED FOR:
KIMLEY-HORN

LOWERY & ASSOCIATES
LAND SURVEYING, LLC
317 GRASSDALE ROAD
CARTERSVILLE, GA 30121
770-334-8186
WWW.LOWERYLANDSURVEYS.COM
INFO@LOWERYLANDSURVEYS.COM
GEORGIA C.O.A.: LSF-001102

REVISIONS

DATE:	DESCRIPTION

Lowery & Associates LAND SURVEYING, LLC

DATE: JANUARY 10, 2022
JOB #: 21348I
SCALE: 1"=60'
DRAWN BY: D. HALL

LEGAL DESCRIPTION

All that tract or parcel of land lying and being in Georgia Militia District: Flowery Branch #1270, in Hall County, Georgia, and being more particularly described as follows:

Commencing at a mag nail set at the Southerly right of way of Hog Mountain Road (having a variable width, publicly dedicated right of way) and the common corner to property now or formally of Mount Calvary Baptist Church and CD, ii Properties, LLC, said point being the TRUE POINT OF BEGINNING.

Thence continuing along said right of way of Hog Mountain Road the following courses and distances: North 52 degrees 05 minutes 46 seconds East a distance of 300.00 feet to a 5/8 inch capped rebar set; North 52 degrees 05 minutes 46 seconds East a distance of 296.18 feet to a 5/8-inch capped rebar set; Thence leaving said right of way of Hog Mountain Road South 45 degrees 22 minutes 26 seconds East a distance of 1477.18 feet to a concrete marker found; Thence South 44 degrees 38 minutes 15 seconds West a distance of 525.39 feet to a concrete marker found; Thence North 47 degrees 47 minutes 41 seconds West a distance of 519.00 feet to a 1-inch open top pipe found; Thence North 47 degrees 47 minutes 41 seconds West a distance of 150.00 feet to a 1-invh open top pipe found; Thence North 47 degrees 47 minutes 41 seconds West a distance of 386.97 feet to a 5/8-inch capped rebar set; Thence North 47 degrees 47 minutes 41 seconds West a distance of 500.00 feet to a mag nail set at the Southerly right of way of Hog Mountain Road, said mag nail being the TRUE POINT OF BEGINNING.

Said tract or parcel of land containing 19.398 acres (844,974 square feet).

Memorandum

To: City of Flowery Branch, City Manager, and City Council

From: Chris McCrary, Planning and Community Development Director

Date: February 5th, 2026

Subject: Resolution 25-014 – Public Streets Pod Z

Applicant: Planning and Community Development

Owner: City of Flowery Branch Public Right of Way and Utilities.

EXECUTIVE SUMMARY

During the December 18, 2025, Public Hearing, Councilman McClellan raised concerns regarding the absence of required handicap ramps near the existing HOA-owned connection path between Cherokee Rose Way and Scarlet Oak Way. As a result, consideration of Resolution 25-015 (Knutson Pod KNU Phases 1, 2, and 3) and Resolution 25-014 (Pod Z) was deferred to the January 7, 2026, meeting. Resolution 25-014 were further deferred to the February 5th meeting after several issues were still unresolved by January 7th.

Recommendation for Resolution 25-014:

- Resolution 25-014 shall be denied until such time as all issues regarding the plat and right-of-way are resolved.
- Handicap ramps have been installed however, outstanding issues related to the required re-recording of the plat for Pod Z still exist.
- A Right-of-Way exhibit and legal description encompassing all affected Right-of-Way shall be provided to accompany the Right-of-Way dedication deed.

RESOLUTION NO. 25-014

A RESOLUTION OF THE CITY OF FLOWERY BRANCH CITY COUNCIL ACCEPTING THE DEDICATION OF ROADWAYS AND STORMWATER STRUCTURES THEREIN LOCATED WITHIN POD Z, STERLING ON THE LAKE, FROM NNP-LOOPER LAKE, LLC, FOR PUBLIC PURPOSES. THE ROADWAYS AND STORMWATER STRUCTURES THEREIN ARE IDENTIFIED AS BEING 7.24 ACRES; SAID ROADWAYS AND STORMWATER STRUCTURES THEREIN ARE IDENTIFIED IN EXHIBIT "A" AND AS DESCRIBED ON EXHIBIT "B".

WHEREAS, the City Council of the City of Flowery Branch reviewed roadway dedications and all related aspects of the proposal as required by the Flowery Branch Subdivision and Land Development Regulations at the meeting of December 18th, 2025.

NOW THEREFORE BE IT RESOLVED that the governing authority of the City of Flowery Branch, Georgia hereby accepts the following roadways from NNP-LOOPER LAKE, LLC, for public purposes and hereby places them into the city's maintenance program: the roadways are identified as being 7.24 ACRES within POD Z OF STERLING ON THE LAKE and any stormwater structures located within any portion of the right-of-way of said accepted roadways in Exhibit **"A"** and as described in Exhibit **"B".** Said exhibit is incorporated by reference as if fully set forth herein.

Approved this _____ day of _____ 2025.

_____
Edward R. Asbridge, Mayor

ATTEST:

_____

Shelia R. Cooper, City Clerk

APPROVED AS TO FORM:

_____

Ted Baggett, City Attorney

After recording, please return to:
Michael E. Leavey
Dorough & Dorough, LLC
Attorneys at Law
160 Clairemont Avenue
Suite 650
Decatur, Georgia 30030
(404) 687-9977
D&D File No.: 1775-75

CITY OF FLOWERY BRANCH
RIGHT-OF-WAY DEED

GEORGIA, FLOWERY BRANCH

THIS INDENTURE made this 18th day of December, 2025, between the undersigned (Grantor) and The City of Flowery Branch, a municipal corporation of the State of Georgia (Grantee).

WITNESSETH

That for and in consideration of the sum of One Dollar ($1.00) in hand paid, and the benefits flowing from the project hereinafter described, Grantor does grant and convey unto Grantee, its successors and assigns, the following property, to-wit, 7.240 acres of required right-of-way, located in Georgia Militia District 1270, City of Flowery Branch, Hall County, Georgia, being designated as Winding Canyon Road, Conifer Court, Cherokee Rose Way, Running Deer Court, and Blackbird Court, as shown on that certain Final Plat for Sterling on the Lake – Pod Z, prepared by Hayes, James & Associates, containing the seal of LeRoy W. James, Georgia Registered Land Surveyor No. 1795, and dated November 6, 2006, last revised September 7, 2007, recorded October 9, 2007 at Plat Book 857, Pages 57-65, Hall County, Georgia land records, reference to said plat of survey and the record thereof being hereby made for a more complete description, and as more particularly described on Exhibit "A" attached hereto and incorporated herein by this reference.

To have and to hold the bargained premises unto Grantee, its successors and assigns forever in fee simple.

Grantor will forever warrant and defend the title to the bargained premises unto Grantee, its successors and assign claims of all the persons whomsoever.

IN WITNESS WHEREOF Grantors has hereunto set its hands and seal the day and year above written.

GRANTOR: **NNP-LOOPER LAKE, LLC**, a Delaware limited liability company

By: _____ (SEAL)
Name: E. William Meyer
Title: Regional President

Signed, sealed and delivered
in the presence of

_____
WITNESS

_____
NOTARY PUBLIC

My Commission Expires: 02-11-2026

[AFFIX NOTARY SEAL]

KATHLEEN M. SEPULVEDA, II
Notary Public, State of Texas
Comm. Expires 02-11-2026
Notary ID 133585119

[EXHIBIT "A" BEGINS ON THE FOLLOWING PAGE]

Sterling on the Lake, Pod Z Subdivision
(Right-of-Way Legal Description)

All that tract or parcel of land lying and being in G.M.D. 1270, City of Flowery Branch, Hall County, Georgia and being more particularly described as follows:

Beginning at the intersection of the northern Right-of-Way of Trail Side Drive (50' R/W) and southwestern Right-of-Way of Winding Canyon Road (R/W varies); thence along said Right-of-Way of Winding Canyon Road 25.81 feet along an arc of a curve to the left having a radius of 18.00 feet and a chord bearing and distance of North 26°56'33" East, 23.65 feet to a point; thence North 18°51'29" West, a distance of 124.26 feet to a point; thence 90.64 feet along an arc of a curve to the left having a radius of 179.34 feet and a chord bearing and distance of North 33°58'16" West, 89.68 feet to a point; thence 78.03 feet along an arc of a curve to the left having a radius of 346.56 feet and a chord bearing and distance of North 54°30'02" West, 77.87 feet to a point; thence North 60°51'05" West, a distance of 55.37 feet to a point; thence North 60°51'05" West, a distance of 19.39 feet to a point; thence 102.52 feet along an arc of a curve to the right having a radius of 425.00 feet and a chord bearing and distance of North 53°56'27" West , 102.27 feet to a point; thence North 47°01'49" West, a distance of 58.32 feet to a point on the southwestern Right-of-Way of Cherokee Rose Way (50' R/W); thence along said Right-of-Way 26.70 feet along an arc of a curve to the left having a radius of 17.00 feet and a chord bearing and distance of South 87°58'11" West, 24.04 feet to a point; thence South 42°58'11" West, a distance of 238.51 feet to a point; thence South 42°58'11" West, a distance of 33.02 feet to a point; thence 35.25 feet along an arc of a curve to the right having a radius of 225.00 feet and a chord bearing and distance of South 47°27'29" West, 35.22 feet to a point; thence South 52°28'12" West, a distance of 157.31 feet to a point; thence South 52°28'12" West, a distance of 141.91 feet to a point; thence South 52°28'12" West, a distance of 29.01 feet to a point; thence 13.53 feet along an arc of a curve to the left having a radius of 275.00 feet and a chord bearing and distance of South 51°03'37" West, 13.53 feet to a point; thence 317.36 feet along an arc of a curve to the left having a radius of 16120.68 feet and a chord bearing and distance of South 49°05'11" West, 317.36 feet to a point; thence 4.39 feet along an arc of a curve to the right having a radius of 331.71 feet and a chord bearing and distance of South 56°29'30" West, 4.39 feet to a point; thence 81.00 feet along an arc of a curve to the right having a radius of 50.00 feet and a chord bearing and distance of North 77°49'53" West, 72.43 feet to a point on the northwestern Right-of-Way of said Cherokee Rose Way; thence along said Right-of-Way 50.29 feet along an arc of a curve to the left having a radius of 284.74 feet and a chord bearing and distance of North 58°46'42" East, 50.22 feet to a point; thence 316.21 feet along an arc of a curve to the right having a radius of 16170.68 feet and a chord bearing and distance of North 49°05'25" East, 316.21 feet to a point; thence 16.00 feet along an arc of a curve to the right having a radius of 325.00 feet and a chord bearing and distance of North 51°03'37" East, 15.99 feet to a point; thence North 52°28'13" East, a distance of 19.77 feet to a point; thence North 52°28'13" East, a distance of 220.42 feet to a point; thence North 52°28'13" East, a distance of 87.69 feet to a point; thence 27.42 feet along an arc of a curve to the left having a radius of 175.00 feet and a chord bearing and distance of North 47°27'29" East, 27.39 feet to a point; thence North 42°58'11" East, a distance of 92.60 feet to a point; thence North 42°58'11" East, a distance of 178.93 feet to a point; thence 26.70 feet along an arc of a curve to the left having a radius of 17.00 feet and a chord bearing and distance of North 02°01'49" West, 24.04 feet to a point on the northeastern Right-of-Way of said Winding Canyon Road; thence along said Right-

of-Way North 47°01'49" West, a distance of 165.91 feet to a point; thence 163.94 feet along an arc of a curve to the left having a radius of 375.00 feet ad a chord bearing and distance of North 59°33'15" West, 162.63 feet to a point; thence 6.78 feet along an arc of a curve to the left having a radius of 375.00 feet and a chord bearing and distance of North 72°35'44" West, 6.78 feet to a point; thence North 73°06'47" West, a distance of 153.64 feet to a point; thence 63.37 feet along an arc of a curve to the right having a radius of 425.00 feet and a chord bearing and distance of North 68°50'29" West, 63.31 feet to a point; thence 218.73 feet along an arc of a curve to the right having a radius of 425.00 feet and a chord bearing and distance of North 49°49'33" West, 216.32 feet to a point on the southwestern Right-of-Way of Conifer Court (50' R/W); thence along said Right-of-Way 25.09 feet along an arc of a curve to the left having a radius of 17.00 feet and a chord bearing and distance of North 77°21'20" West, 22.87 feet to a point; thence South 60°22'14" West, a distance of 55.08 feet to a point; thence 110.83 feet along an arc of a curve to the left having a radius of 175.00 feet and a chord bearing and distance of South 42°13'38" West, 108.99 feet to a point; thence South 24°05'01" West, a distance of 51.01 feet to a point; thence South 24°05'01" West, a distance of 182.14 feet to a point; thence 78.39 feet along an arc of a curve to the left having a radius of 375.00 feet and a chord bearing distance of South 18°05'44" West, 78.24 feet to a point; thence 41.33 feet along an arc of a curve to the left having a radius of 17.00 and a chord bearing and distance of South 08°56'58" West, 41.31 feet to a point; thence South 05°47'31" West, a distance of 58.19 feet to a point; thence 13.87 feet along an arc of a curve to the left having a radius of 17.00 feet and a chord bearing and distance of South 17°34'56" East, 13.49 feet to a point; thence 87.93 feet along an arc of a curve to the right having a radius of 50.00 feet and a chord bearing and distance of South 09°25'17" West, 77.03 feet to a point; thence 80.42 feet along an arc of a curve to the right having a radius of 50.00 feet and a chord bearing and distance of North 74°07'26" West, 72.03 feet to a point; thence 77.83 feet along an arc of a curve to the right having a radius of 50.00 feet and a chord bearing and distance of North 16°32'55" East, 70.21 feet to a point; thence 16.42 feet along an arc of a curve to the left having a radius of 17.00 feet and a chord bearing and distance of North 33°28'05" East, 15.79 feet to a point; thence North 05°47'31" East, a distance of 51.87 feet to a point; thence 20.24 feet along an arc of a curve to the right having a radius of 425.00 feet and a chord bearing and distance of North 07°09'23" East, 20.24 feet to a point on the southwestern Right-of-Way of Running Deer Court (50' R/W); thence 25.09 feet along an arc of a curve to the left having a radius of 17.00 feet and a chord bearing and distance of North 33°45'10" West, 22.87 feet to a point; thence North 76°01'35" West, a distance of 13.65 feet to a point; thence 84.95 feet along an arc of a curve to the right having radius of 425.00 feet and a chord bearing and distance of North 70°18'01" West, 84.81 feet to a point; thence North 64°34'26" West, a distance of 28.27 feet to a point; thence North 64°34'26" West, a distance of 181.71 feet to a point; thence North 64°34'26" West, a distance of 153.42 feet to a point; thence 30.47 feet along an arc of curve to the right having a radius of 225.00 feet and chord bearing and distance of North 60°41'41" West 30.44 feet to a point; thence 164.87 feet along an arc of a curve to the right having a radius of 225.00 feet and a chord bearing and distance of North 35°49'25" West, 161.21 feet to a point; thence 88.77 feet along an arc of a curve to the right having a radius of 225.00 feet and a chord bearing and distance of North 03°31'45" West, 88.19 feet to a point; thence 11.59 feet along an arc of a curve to the right having a radius of 225.00 feet and a chord bearing and distance of North 09°14'54" East, 11.59 feet to a point; thence North 10°43'26" East, a distance of 109.71 feet to a point; thence 3.67 feet along an arc of a curve to the left having a radius of 17.00 feet and a chord bearing and distance of North 04°32'37" East, 3.66 feet to a point; thence 62.48 feet along an arc of a curve to the right having a radius of 50.00 feet and a chord bearing and distance of North 34°09'36" East, 58.49 feet to a point; thence 67.23 feet

along an arc of a curve to the right having a radius of 50.00 feet and a chord bearing and distance of South 71°31'34" East, 62.28 feet to a point; thence 31.64 feet along an arc of a curve to the right having a radius of 50.00 feet and a chord bearing and distance of South 14°52'52" East, 31.11 feet to a point; thence 71.04 feet along an arc of a curve to the right having a radius of 50.00 feet and a chord bearing and distance of South 43°56'50" West, 65.21 feet to a point; thence 21.93 feet along an arc of a curve to the left having a radius of 17.00 feet and a chord bearing and distance of South 47°41'09" West, 20.44 feet to a point; thence South 10°43'26" West, a distance of 59.67 feet to a point; thence 229.98 feet along an arc of a curve to the left having a radius of 175.00 feet and a chord bearing and distance of South 26°55'30" East, 213.79 feet to a point; thence South 64°34'26" East, a distance of 25.74 feet to a point; thence South 64°34'26" East, a distance of 231.28 feet to a point; thence South 64°34'26" East, a distance of 106.37 feet to a point; thence 74.96 feet along an arc if a curve to the left having a radius of 375.00 feet and a chord bearing and distance of South 70°18'01" East, 74.83 feet to a point; thence South 76°01'35" East, a distance of 10.94 feet to a point; thence 29.39 feet along an arc of a curve to the left having a radius of 20.00 feet and a chord bearing and distance of North 61°52'32" East and a chord distance of 26.82 feet to a point on the northwestern Right-of-Way of said Conifer Court; thence along said Right-of-Way 31.94 feet along an arc of a curve to the right having a radius of 425.00 feet and a chord bearing and distance of North 21°55'50" East, 31.94 feet to a point; thence North 24°05'01" East, a distance of 142.33 feet to a point; thence North 24°05'01" East, a distance of 90.83 feet to a point; thence 63.80 feet along an arc of a curve to the right having a radius of 225.00 feet and a having a chord bearing and distance of North 32°12'26" East, 63.59 feet to a point; thence 78.70 feet along an arc of a curve to the right having a radius of 225.00 feet and a chord bearing and distance of North 50°21'03" East, 78.30 feet to a point; thence North 60°22'14" East, a distance of 55.08 feet to a point; thence 25.09 feet along an arc of a curve to the left having a radius of 17.00 feet and a chord bearing and distance of North 18°05'49" East, 22.87 feet to a point on the northeastern Right-of-Way of said Winding Canyon Road; thence along said Right-of-Way 35.28 feet along an arc of a curve to the right having a radius of 425.00 feet and a chord bearing and distance of North 21°47'54" West, 35.27 feet to a point; thence North 19°25'13" West, a distance of 203.72 feet to a point; thence 20.08 feet along an arc of a curve to the left having a radius of 475.00 feet and a chord bearing and distance of North 20°37'53" West, 20.08 feet to a point; thence 172.89 feet along an arc of a curve to the left having a radius of 475.00 feet and a chord bearing and distance of North 32°16'12" West, 171.94 feet to a point; thence North 42°41'51" West, a distance of 121.15 feet to a point; thence North 42°41'51" West, a distance of 106.31 feet to a point; thence 244.93 feet along an arc of a curve to the left having a radius of 425.00 feet and a chord bearing and distance of North 59°12'28" West, 241.56 feet to a point; thence 377.07 feet along an arc of a curve to the left having a radius of 425.00 feet and a chord bearing and distance of South 78°51'53" West, 364.83 feet to a point; thence 52.86 feet along an arc of a curve to the left having a radius of 425.00 feet and a chord bearing and distance of South 49°53'05" West, 52.82 feet to a point; thence South 46°19'18" West, a distance of 242.73 feet to a point; thence South 46°19'18" West, a distance of 163.75 feet to a point; thence 15.19 feet along an arc of a curve to the left having a radius of 17.00 feet and a chord bearing and distance of South 20°43'53" West, 14.69 feet to a point; thence 53.86 feet along an arc of a curve to the right having a radius of 50.00 feet and a chord bearing and distance of South 26°00'01" West, 51.29 feet to a point; thence 61.53 feet along an arc of a curve to the right having a radius of 50.00 feet and a chord bearing and distance of North 87°53'08" West, 57.72 feet to a point; thence 53.94 feet along an arc of a curve to the right having a radius of 50.00 feet and a chord bearing and distance of North 21°43'25" West, 51.36 feet to a point; thence 77.07 feet along an arc of a curve to the right having a radius of

50.00 feet and a North 53°20'35" East, 69.67 feet to a point; thence 15.19 feet along an arc of a curve to the left having a radius of 17.00 feet and a chord bearing and distance of North 71°54'44" East 14.69 feet to a point; thence North 46°19'18" East, a distance of 156.89 feet to a point; thence North 46°19'18" East, a distance of 202.73 feet to a point; thence North 46°19'18" East, a distance of 46.87 feet to a point; thence 124.56 feet along an arc of a curve to the right having a radius of 475.00 feet and a chord bearing and distance of North 53°50'03" East, 124.20 feet to a point; thence 149.09 along an arc of a curve to the right having a radius of 475.00 feet and a chord bearing and distance of North 70°20'19" East, 148.48 feet to a point; thence 171.24 feet along an arc of a curve to the right having a radius of 475.00 feet and a chord bearing and distance of North 89°39'30" East, 170.31 feet to a point; thence 141.78 feet along an arc of a curve to the right having a radius of 475.00 feet and a chord bearing and distance of South 71°27'46" East, 141.26 feet to a point; thence 167.58 feet along an arc of a curve to the right having a radius of 475.00 feet and a chord bearing and distance of South 52°48'17" East, 166.71 feet to a point; thence South 42°41'51" East, a distance of 59.86 feet to a point; thence South 42°41'51" East, a distance of 167.60 feet to a point; thence 73.71 feet along an arc of a curve to the right having a radius of 525.00 feet and a chord bearing and distance of South 38°40'32" East, 73.65 feet to a point; thence 139.58 feet along an arc of a curve to the right having a radius of 525.00 feet and a chord bearing and distance of South 27°02'13" East, 139.17 feet to a point; thence South 19°25'13" East, a distance of 61.06 feet to a point; thence South 19°25'13" East, a distance of 142.66 feet to a point; thence 47.07 feet along an arc of a curve to the left having a radius of 375.00 feet and a chord bearing and distance of South 23°00'59" East, 47.04 feet to a point; thence 257.90 feet along an arc of a curve to the left having a radius of 375.00 feet and a chord bearing and distance of South 46°18'52" East, 252.84 feet to a point; thence 46.45 feet a along an arc of a curve to the left having a radius of 375.00 and a chord bearing and distance of South 69°33'53" East, 46.42 feet to a point; thence South 73°06'47" East, a distance of 153.64 feet to a point; thence 45.19 feet along an arc of a curve to the right having a radius of 425.00 feet and a chord bearing and distance of South 70°04'02" East, 45.17 feet to a point; thence 148.29 feet along an arc of a curve to the right having a radius of 425.00 feet and a chord bearing and distance of South 57°01'33" East, 147.54 feet to a point; thence South 47°01'49" East, a distance of 48.87 feet to a point; thence South 47°01'49" East, a distance of 210.87 feet to a point; thence South 47°01'49" East, a distance of 48.66 feet to a point; thence 90.14 feet along an arc of a curve to the left having a radius of 375.00 feet and a chord bearing and distance of South 3°54'59" East, 89.92 feet to a point; thence South 60°48'10" East, a distance of 74.87 feet to a point; thence 205.79 feet along an arc of a curve to the right having a radius of 444.34 feet and a chord bearing and distance of South 47°04'32" East, 203.95 feet to a point; thence 139.71 feet along an arc of a curve to the right having a radius of 444.34 feet and a chord bearing and distance of South 24°48'02" East, 139.14 feet to a point; thence 21.76 feet along an arc of a curve to the left having a radius of 18.23 feet and a chord bearing and distance of South 49°35'39" East, 20.49 feet to a point on the northern Right-of-Way of said Trail Side Drive; thence along said Right-of-Way 107.80 feet along an arc of a curve to the left having a radius of 325.00 feet and a chord bearing and distance of South 77°22'46" West, 107.31 feet feet to the ***Point of Beginning***.

Said tract contains 7.240 Acres.

November 25, 2025

City of Flowery Branch, Georgia
5410 Pine Street
Flowery Branch, Georgia 30542

Re: All that tract or parcel of land lying and being in G.M.D. 1270, Flowery Branch District of Hall County, Georgia, being designated as Winding Canyon Road, Conifer Court, Cherokee Rose Way, Running Deer Court, and Blackbird Court, as more particularly shown on that certain Final Subdivision Plat for Sterling On The Lake – Pod Z, prepared by Hayes, James & Associates, containing the seal of LeRoy W. James, Georgia Registered Land Surveyor No. 1795, dated November 6, 2006, last revised September 7, 2007, recorded on October 9, 2007 in Plat Book 857, Pages 57-65, Hall County, Georgia land records.

Dear Sir or Madam:

In consideration of a fee to be paid, this is to certify that I have examined the properly indexed deed records of Hall County, Georgia, and we find the above captioned property is vested in NNP-Looper Lake, LLC, a Delaware limited liability company, by virtue of that certain Limited Warranty Deed between ANC-Looper Lake, LLC, a Delaware limited liability company, to NNP-Looper Lake, LLC, a Delaware limited liability company, dated June 21, 2002, recorded in Deed Book 4233, page 568, Hall County, Georgia land records and/or that certain Limited Warranty Deed between Jeanelle Knutson a/k/a Jeanelle M. Knutson a/k/a J'Nel Knutson a/k/a J'Nel Jeffreys a/k/a Mary Jnell Jeffreys to NNP-Looper Lake, LLC, a Delaware limited liability company, dated May 4, 2007, recorded in Deed Book 6045, page 188, Hall County, Georgia land records, subject to the following exceptions to-wit:

1. All taxes for the year 2025 and subsequent years not yet due and payable, and any additional taxes for the current year or any prior year resulting from a reassessment, amendment or re-billing of city or county taxes subsequent to the effective date of this letter.

2. Right-of-Way Easement from NNP-Looper Lake, LLC, a Delaware limited liability company, to Jackson Electric Membership Corporation, dated February 20, 2003, filed for record March 24, 2003 at 4:50 p.m., recorded in Deed Book 4505, Page 521, Records of Hall County, Georgia.

3. Easement Agreement by and between Rocky Creek Development, L.L.C., a Georgia limited liability company, Little River Homes, Inc., a Georgia corporation, A & S Builders, Inc., a Georgia corporation, and Darby C.

Crawford, and NNP-Looper Lake, LLC, a Delaware limited liability company, dated November 12, 2003, filed for record December 2, 2003 at 9:28 a.m., recorded in Deed Book 4814, Page 295, Records of Hall County, Georgia.

4. Community Charter for Sterling on the Lake by NNP-Looper Lake, LLC, a Delaware limited liability company, executed December 11, 2003, filed for record December 15, 2003 at 4:05 p.m., recorded in Deed Book 4828, Page 136, Records of Hall County, Georgia; as supplemented by Supplement to the Community Charter for Sterling on the Lake by NNP-Looper Lake, LLC, a Delaware limited liability company, dated June 1, 2004, filed for record June 14, 2004 at 12:20 p.m., recorded in Deed Book 5000, Page 437, Records of Hall County, Georgia; as further supplemented by Supplement to the Community Charter for Sterling on the Lake by NNP-Looper Lake, LLC, a Delaware limited liability company, dated June 1, 2004, filed for record July 28, 2004 at 9:22 a.m., recorded in Deed Book 5043, Page 287, Records of Hall County, Georgia; as further supplemented by Supplement to the Community Charter for Sterling on the Lake by NNP-Looper Lake, LLC, a Delaware limited liability company, dated October 21, 2004, filed for record November 19, 2004 at 4:09 p.m., recorded in Deed Book 5151, Page 421, Records of Hall County, Georgia; as further supplemented by Supplement to the Community Charter for Sterling on the Lake by NNP-Looper Lake, LLC, a Delaware limited liability company, dated March 14, 2005, filed for record March 15, 2005 at 9:08 a.m., recorded in Deed Book 5251, Page 177, Records of Hall County, Georgia; as further supplemented by Corrective Supplement to the Community Charter for Sterling on the Lake by NNP-Looper Lake, LLC, a Delaware limited liability company, dated March 16, 2005, filed for record March 16, 2005 at 9:00 a.m., recorded in Deed Book 5252, Page 298, Records of Hall County, Georgia; as further supplemented by Supplement to the Community Charter for Sterling on the Lake by NNP-Looper Lake, LLC, a Delaware limited liability company, dated June 13, 2005, filed for record June 30, 2005 at 10:12 a.m., recorded in Deed Book 5359, Page 512, Records of Hall County, Georgia; as further supplemented by Supplement to the Community Charter for Sterling on the Lake by NNP-Looper Lake, LLC, a Delaware limited liability company, dated August 2, 2005, filed for record August 2, 2005 at 3:48 p.m., recorded in Deed Book 5394, Page 410, Records of Hall County, Georgia; as further supplemented by Supplement to the Community Charter for Sterling on the Lake by NNP-Looper Lake, LLC, a Delaware limited liability company, dated October 11, 2005, filed for record October 11, 2005 at 4:33 p.m., recorded in Deed Book 5471, Page 350, Records of Hall County, Georgia; as further

supplemented by Supplement to the Community Charter for Sterling on the Lake by NNP-Looper Lake, LLC, a Delaware limited liability company, dated December 2, 2005, filed for record December 20, 2005 at 10:39 a.m., recorded in Deed Book 5543, Page 584, Records of Hall County, Georgia; as amended by Amendment to the Supplement to the Community Charter for Sterling on the Lake (Pod R) by NNP-Looper Lake, LLC, a Delaware limited liability company, dated March 13, 2006, filed for record March 13, 2006 at 4:24 p.m., recorded in Deed Book 5624, Page 462, Records of Hall County, Georgia; as further supplemented by Supplement to the Community Charter for Sterling on the Lake by NNP-Looper Lake, LLC, a Delaware limited liability company, dated March 31, 2006, filed for record April 3, 2006 at 4:31 p.m., recorded in Deed Book 5645, Page 445, Records of Hall County, Georgia; as re-filed for record April 25, 2006 at 9:30 a.m., re-recorded in Deed Book 5665, Page 317, Records of Hall County, Georgia; as further supplemented by Supplement to the Community Charter for Sterling on the Lake by NNP-Looper Lake, LLC, a Delaware limited liability company, dated September 12, 2006, filed for record September 13, 2006 at 4:41 p.m., recorded in Deed Book 5812, Page 290, Records of Hall County, Georgia; as re-filed for record October 4, 2006 at 9:41 a.m., re-recorded in Deed Book 5832, Page 422, Records of Hall County, Georgia; as further supplemented by Supplement to the Community Charter for Sterling on the Lake by NNP-Looper Lake, LLC, a Delaware limited liability company, dated September 12, 2006, filed for record September 13, 2006 at 4:41 p.m., recorded in Deed Book 5812, Page 295, Records of Hall County, Georgia; as re-filed for record October 4, 2006 at 9:41 a.m., re-recorded in Deed Book 5832, Page 417, Records of Hall County, Georgia; as further supplemented by Supplement to the Community Charter for Sterling on the Lake by NNP-Looper Lake, LLC, a Delaware limited liability company, dated September 12, 2006, filed for record October 5, 2006 at 4:36 p.m., recorded in Deed Book 5834, Page 538, Records of Hall County, Georgia; as further amended by Second Amendment to the Supplement to the Community Charter for Sterling on the Lake (Pod R) by NNP-Looper Lake, LLC, a Delaware limited liability company, dated October 3, 2006, filed for record October 5, 2006 at 4:36 p.m., recorded in Deed Book 5834, Page 543, Records of Hall County, Georgia; as further amended by First Amendment to the Community Charter for Sterling on the Lake by NNP-Looper Lake, LLC, a Delaware limited liability company, dated November 6, 2006, filed for record November 8, 2006 at 3:46 p.m., recorded in Deed Book 5868, Page 280, Records of Hall County, Georgia; as further supplemented by Supplement to the Community Charter for Sterling on the Lake by NNP-Looper Lake, LLC, a Delaware limited liability company, dated January 10, 2007, filed for record January 17, 2007 at 4:34 p.m., recorded in Deed Book 5930, Page 69, Records of Hall County, Georgia; as

further supplemented by Supplement to the Community Charter for Sterling on the Lake by NNP-Looper Lake, LLC, a Delaware limited liability company, dated January 10, 2007, filed for record January 12, 2007 at 4:34 p.m., recorded in Deed Book 5930, Page 74, Records of Hall County, Georgia; as further amended by Amendment to the Supplement to the Community Charter for Sterling on the Lake (Pod Z) by NNP-Looper Lake, LLC, a Delaware limited liability company, dated May 30, 2007, filed for record May 31, 2007 at 4:18 p.m., recorded in Deed Book 6066, Page 469, Records of Hall County, Georgia; as further amended by Second Amendment to the Community Charter for Sterling on the Lake by NNP-Looper Lake, LLC, a Delaware limited liability company, dated August 28, 2007, filed for record October 30, 2007 at 9:36 a.m., recorded in Deed Book 6197, Page 132, Records of Hall County, Georgia; as further amended by First Amendment to the By-Laws of Sterling on the Lake Community Association, Inc., by Sterling on the Lake Community Association, Inc., dated February 20, 2008, filed for record February 26, 2008 at 9:41 a.m., recorded in Deed Book 6278, Page 342, Records of Hall County, Georgia; as further amended by Third Amendment to the Community Charter for Sterling on the Lake by NNP-Looper Lake, LLC, a Delaware limited liability company, dated March 26, 2008, filed for record April 2, 2008 at 9:49 a.m., recorded in Deed Book 6306, Page 86, Records of Hall County, Georgia; as further amended by First Amendment to the Bylaws of Sterling on the Lake Community Association, Inc., by Sterling on the Lake Community Association, Inc., effective as of January 16, 2012, filed for record March 9, 2012 at 12:10 p.m., recorded in Deed Book 6968, Page 167, Records of Hall County, Georgia; as further amended by Amendment to the Community Charter for Sterling on the Lake by NNP-Looper Lake, LLC, a Delaware limited liability company, dated as of January 1, 2012, filed for record October 29, 2012 at 1:17 p.m., recorded in Deed Book 7082, Page 643, Records of Hall County, Georgia; as further amended by Third Amendment to the Bylaws of Sterling on the Lake Community Association, Inc., by Sterling on the Lake Community Association, Inc., effective as of January 22, 2013, filed for record February 6, 2013 at 11:05 a.m., recorded in Deed Book 7136, Page 688, Records of Hall County, Georgia; as further amended by Second Amendment to the Bylaws of Sterling on the Lake Community Association, Inc., by Sterling on the Lake Community Association, Inc., effective as of January 16, 2012, filed for record March 18, 2013 at 11:59 a.m., recorded in Deed Book 7156, Page 108, Records of Hall County, Georgia; as further supplemented by Supplement to the Community Charter for Sterling on the Lake (Pod N and Pod O) by NNP-Looper Lake, LLC, a Delaware limited liability company, dated September 23, 2013, filed for record September 26, 2013 at 1:08 p.m., recorded in Deed Book 7262, Page 154, Records of Hall County, Georgia; as further supplemented by Supplement to the Community Charter for Sterling on the Lake (Pod T, Phase 1) by NNP-Looper Lake, LLC, a Delaware limited liability company, dated September 23, 2013, filed for record September 26, 2013 at

1:08 p.m., recorded in Deed Book 7262, Page 167, Records of Hall County, Georgia; as further amended by First Amendment to the Supplement to the Community Charter for Sterling on the Lake (Pod T, Phase I) by NNP-Looper Lake, LLC, a Delaware limited liability company, dated September 25, 2014, filed for record September 29, 2014 at 9:13 a.m., recorded in Deed Book 7423, Page 336, Records of Hall County, Georgia; as further amended and restated by Amended and Restated Supplement to the Community Charter for Sterling on the Lake (Pod N and Pod O), by NNP-Looper Lake, LLC, a Delaware limited liability company, and consenting owners, with joinder and consent of Sterling on the Lake Community Association, Inc., a Georgia nonprofit corporation, dated October 29, 2014, filed for record November 3, 2014 at 9:10 a.m., recorded in Deed Book 7437, Page 97, Records of Hall County, Georgia; as further amended by Second Amendment to the Supplement to the Community Charter for Sterling on the Lake (Pod T, Phases 1 and 2) by NNP-Looper Lake, LLC, a Delaware limited liability company, with the joinder and consent of Vanderbilt Homes, LLC, a Georgia limited liability company, dated as of March 18, 2015, filed for record March 24, 2015 at 10:44 a.m., recorded in Deed Book 7494, Page 724, Records of Hall County, Georgia; as further amended and restated by Amended and Restated Supplement to the Community Charter for Sterling on the Lake (Pod T, Phases 1 and 2), by NNP-Looper Lake, LLC, a Delaware limited liability company, and consenting owners, with joinder and consent of Sterling on the Lake Community Association, Inc., a Georgia nonprofit corporation, dated March 19, 2015, filed for record March 24, 2015 at 10:44 a.m., recorded in Deed Book 7494, Page 732, Records of Hall County, Georgia; as further amended by Second Amended and Restated Supplement to the Community Charter for Sterling on the Lake (Pod T, Phases 1 and 2), by NNP-Looper Lake, LLC, a Delaware limited liability company, with joinder and consent of Sterling on the Lake Community Association, Inc., a Georgia nonprofit corporation, dated October 21, 2015, filed for record October 28, 2015 at 10:34 a.m., recorded in Deed Book 7606, Page 216, Records of Hall County, Georgia; as further amended by Fourth Amendment to the Community Charter for Sterling on the Lake by NNP-Looper Lake, LLC, a Delaware limited liability company, dated December 31, 2015, filed for record January 13, 2016 at 1:15 p.m., recorded in Deed Book 7640, Page 442, Records of Hall County, Georgia; as further amended by Fourth Amendment to the ByLaws of Sterling on the Lake Community Association, Inc., by Sterling on the Lake Community Association, Inc., a Georgia nonprofit corporation, made effective as of December 31, 2015, filed for record January 13, 2016 at 1:15 p.m., recorded in Deed Book 7640, Page 444, Records of Hall County, Georgia; as further supplemented by the Supplement to the Community Charter for Sterling on the Lake (Pod S), by NNP-Looper Lake, LLC, a Delaware limited liability company, with the joinder and consent of Sterling on the Lake Community Association, Inc., a Georgia nonprofit corporation, dated January 21, 2016, filed for record January 26, 2016 at 9:59 a.m., recorded in Deed

Book 7644, Page 730, Records of Hall County, Georgia; as further supplemented by Supplement to the Community Charter for Sterling on the Lake (Pods V & W, Phase 1), by NNP-Looper Lake, LLC, a Delaware limited liability company, dated July 7, 2016, filed for record July 12, 2016 at 9:56 a.m., recorded in Deed Book 7732, Page 235, Records of Hall County, Georgia; as further supplemented by Supplement to the Community Charter for Sterling on the Lake (Pod U, Phase 1), by NNP-Looper Lake, LLC, a Delaware limited liability company, dated October 6, 2016, filed for record October 11, 2016 at 12:13 p.m., recorded in Deed Book 7784, Page 357, Records of Hall County, Georgia; as further supplemented by Supplement to the Community Charter for Sterling On the Lake (Pod Y) by NNP-Looper Lake, LLC, a Delaware limited liability company, dated November 15, 2016, filed for record November 17, 2016 at 10:04 a.m., recorded in Deed Book 7806, Page 87, Records of Hall County, Georgia; as further supplemented by Amended and Restated Supplement to the Community Charter for Sterling on the Lake (Pod V & W, Phase 1 and Phase 2), by NNP-Looper Lake, LLC, a Delaware limited liability company, dated January 30, 2017, filed for record February 9, 2017 at 10:10 a.m., recorded in Deed Book 7849, Page 603, Records of Hall County, Georgia; as further supplemented by Supplement to the Community Charter for Sterling on the Lake (Pod L & M) by NNP-Looper Lake, LLC, a Delaware limited liability company, dated March 23, 2017, filed for record March 29, 2017 at 9:37 a.m., recorded in Deed Book 7873, Page 660, Records of Hall County, Georgia; as further supplemented by Supplement to the Community Charter for Sterling on the Lake (Pod Q) by NNP-Looper Lake, LLC, a Delaware limited liability company, dated December 20, 2017, filed for record December 26, 2017 at 11:13 a.m., recorded in Deed Book 8018, Page 693, Records of Hall County, Georgia; as further supplemented by Supplement to the Community Charter for Sterling on the Lake (Pod Q and Pod P) by NNP-Looper Lake, LLC, a Delaware limited liability company, dated March 28, 2018, filed for record April 3, 2018 at 1:03 p.m., recorded in Deed Book 8064, Page 227, Records of Hall County, Georgia; as further amended by Second Amendment to the Supplement to the Community Charter for Sterling on the Lake (Pod Z) by NNP-Looper Lake, LLC, a Delaware limited liability company, dated March 25, 2018, filed for record April 4, 2018 at 9:58 a.m., recorded in Deed Book 8064, Page 615, Records of Hall County, Georgia; as further supplemented by that certain Supplement to the Community Charter for Sterling on the Lake (Pod Knutson-1) by NNP-Looper Lake, LLC, a Delaware limited liability company, dated December 6, 2018, filed for record December 7, 2018 at 12:17 p.m., recorded in Deed Book 8188, Page 501, Records of Hall County, Georgia; as further supplemented by that certain Supplement to the Community Charter for Sterling on the Lake (Pod Knutson-2) by NNP-Looper Lake, LLC, a Delaware limited liability company, dated February 13, 2020, filed for record February 19, 2020 at 9:58 a.m., recorded in Deed Book 8428, Page 512, Records of Hall County, Georgia; as further amended by that certain Amended and

Restated Supplement to the Community Charter for Sterling on the Lake (Pod Knutson-2) by NNP-Looper Lake, LLC, a Delaware limited liability company, with the joinder and consent of D.R. Horton, Inc., a Delaware corporation, dated June 10, 2020, filed for record June 22, 2020 at 8:42 a.m., recorded in Deed Book 8516, Page 566, Records of Hall County, Georgia; as further supplemented by that certain Supplement to the Community Charter for Sterling on the Lake (Pod Honeycutt, Ph. 1A) by NNP-Looper Lake, LLC, a Delaware limited liability company, dated June 15, 2020, filed for record June 22, 2020 at 8:42 a.m., recorded in Deed Book 8516, Page 575, Records of Hall County, Georgia; as further supplemented by that certain Supplement to the Community Charter for Sterling on the Lake (Pod Knutson-3) by NNP-Looper Lake, LLC, a Delaware limited liability company, dated June 15, 2020, filed for record June 22, 2020 at 8:42 a.m., recorded in Deed Book 8516, Page 582, Records of Hall County, Georgia; as further amended by that certain First Amendment to the Supplement to the Community Charter for Sterling on the Lake (Pod Honeycutt, Ph. 1A-Adding Ph. 1B) by NNP-Looper Lake, LLC, a Delaware limited liability company, dated September 2, 2020, filed for record September 14, 2020 at 9:07 a.m., recorded in Deed Book 8591, Page 21, Records of Hall County, Georgia; as further supplemented by that certain Supplemental Declaration of Covenants, Restrictions and Easements for The Retreat at Sterling on the Lake (Ph. 1B) by NNP-Looper Lake, LLC, a Delaware limited liability company, with the joinder and consent of Weekley Homes, LLC, a Delaware limited liability company, dated September 2, 2020, filed for record September 14, 2020 at 9:07 a.m., recorded in Deed Book 8591, Page 28, Records of Hall County, Georgia; as further amended by that certain Second Amendment to the Supplement to the Community Charter for Sterling on the Lake (Pod Honeycutt, Ph. 1A and Ph. 1B - Adding Ph. 2) by NNP-Looper Lake, LLC, a Delaware limited liability company, dated January 15, 2021, filed for record February 10, 2021 at 10:09 a.m., recorded in Deed Book 8727, Page 359, Records of Hall County, Georgia; as further supplemented by that certain Supplement to the Community Charter for Sterling on the Lake (Pod J2) by NNP-Looper Lake, LLC, a Delaware limited liability company, dated November 15, 2021, filed for record December 7, 2021 at 10:51 a.m., recorded in Deed Book 9006, Page 325, Records of Hall County, Georgia.

5. Declaration of Covenants and Restrictions for Compensatory Mitigation for Sterling on the Lake by NNP-Looper Lake, LLC, a Delaware limited liability company, dated April 30, 2004, and consented, joined and subordinated by Residential Funding Corporation, a Delaware corporation, filed for record May 11, 2004 at 2:38 p.m., recorded in Deed Book 4967, Page 406, Records of Hall County, Georgia.

6. Reciprocal Easement Agreement by and between Patrick W. R. Barry, Tricia Barry, Lonna Barry, Clobher-Ceann, LLC, a Virginia limited liability company, NNP-Looper Lake, LLC, a Delaware limited liability company, and Sterling on the Lake Community Association, Inc., dated December 22, 2004, filed for record January 6, 2005 at 9:57 a.m., recorded in Deed Book 5193, Page 276, Records of Hall County, Georgia.

7. Signage Easement from Spout Springs Water Reclamation, LLC, a Georgia limited liability company, to John Wieland Homes and Neighborhoods, Inc., a Georgia corporation, and NNP-Looper Lake, LLC, a Delaware limited liability company, dated as of December 31, 2007, filed for record January 2, 2008 at 11:19 a.m., recorded in Deed Book 6242, Page 1, Records of Hall County, Georgia.

8. All those matters as disclosed by that certain plat recorded in Plat Book 857, Page 57, Records of Hall County, Georgia.

9. All those matters as disclosed by that certain plat recorded in Plat Book 876, Page 247, Records of Hall County, Georgia.

10. All those matters as disclosed by that certain plat recorded in Plat Book 878, Page 428, Records of Hall County, Georgia.

11. All those matters as disclosed by that certain plat recorded in Plat Book 880, Page 19, Records of Hall County, Georgia.

12. Right-of-way Deed from Mulberry Properties Limited to Hall County, Georgia, recorded at Deed Book 471, page 233, Records of Hall County, Georgia.

13. Right-of-way Deed from L. B. Carter to Hall County, Georgia, recorded at Deed Book 422, page 71, Records of Hall County, Georgia.

14. Easement from Capitola Farm Road Limited Partnership to Hall County, Georgia, recorded at Deed Book 860, page 43, Records of Hall County, Georgia.

15. Right-of-way Easement from Mrs. L. W. Hodges to State Highway of Georgia, recorded at Deed Book 83, page 578, Records of Hall County, Georgia.

16. Right-of-way Easement from H. P. Pirkle and Virginia T. Looper to Hall County, Georgia, recorded at Deed Book 471, page 246, Records of Hall County, Georgia.

17. General Utility Easement from L. B. Carter to Georgia Power Company, recorded at Deed Book 374, page 311, Records of Hall County, Georgia.

18. Right-of-way Easement from Lela Bennett to State Highway Board of Georgia, recorded at Deed Book 83, pages 564-565, Records of Hall County, Georgia.

19. Right-of-way Easement from W. J. Cash to State Highway Board of Georgia, recorded at Deed Book 83, page 570, Records of Hall County, Georgia.

20. Right-of-way Deeds to Hall County, Georgia, recorded at Deed Book 786, page 531, Deed Book 1019, page 267 and Deed Book 1019, page 268, Records of Hall County, Georgia.

21. Driveway crossing the southeast corner of Tract 3 and a driveway crossing the southwest corner of Tract 1, as per plat recorded at Plat Book 130, pages 188-189, Records of Hall County, Georgia, as located on survey prepared by Moreland Altobelli, Inc., dated January 25, 2001.

22. Fence encroachments, driveway encroachments, rights of ingress and egress to cemetery, shown on plat referenced in Exhibit "A" of that certain Limited Warranty Deed recorded at Deed Book 4233, page 568, Records of Hall County, Georgia, as shown on survey prepared by Moreland Altobelli, Inc. dated January 25, 2001, last revised June 12, 2002.

23. Easements granted in the following deeds:

a) Limited Warranty Deed from The Club Shakespeare Atlanta Limited Partnership I to Commonwealth Investments, L.L.C., dated November 24, 1998, recorded at Deed Book 3414, pages 315-319, Records of Hall County, Georgia.

b) Limited Warranty Deed from The Club Shakespeare Atlanta Limited Partnership I to On Eagles Wings, L.L.C., dated November 24, 1998, recorded at Deed Book 3414, pages 320-325, Records of Hall County, Georgia.

c) Limited Warranty Deed from The Club Shakespeare Atlanta Limited Partnership I to Patrick W. R. Barry and Julie Krista Barry, dated November 24, 1998, recorded at Deed Book 3406, pages 337-342, Records of Hall County, Georgia.

d) Limited Warranty Deed from George H. Lane, III to The Club Shakespeare Atlanta, Inc., recorded at Deed Book 1630, page 159, Records of Hall County, Georgia.

24. Easement to Hall County recorded at Deed Book 3097, page 283, Records of Hall County, Georgia.

25. Matters shown on plat recorded at Plat Slide 599, page 71-A, Records of Hall County, Georgia.

26. Rights of others in and to the cemetery located on subject property and the right of ingress and egress thereto via a "field road" as shown on survey by Moreland Altobelli, Inc. dated January 25, 2001, last revised June 12, 2002.

27. Construction/Slope Easement to the Hall County Board of Commissioners dated December 5, 2000 and recorded on December 7, 2000 at Deed Book 3780, pages 411-412, Records of Hall County, Georgia.

28. The survey for Looper Lake, LLC and First American Title Insurance Company by Donald Rex Jones, GRLS No. 2396, dated January 25, 2001, last revised June 12, 2002, reveals the following:

    a) Fence encroachment along Spout Springs Road.
    b) 50 foot Easement for ingress and egress.
    c) Gravel drive encroachment near Lollis Creek Road.
    d) Shed encroachment.
    e) Fence meandering along the property line.
    f) Various power poles, guy wires and guy poles found on the property.

29. Matters shown on that certain plat of survey for Rolling Hills Lake Club by Frederick C. Youngman, R.L.S. No. 2160 dated July 20, 2001.

30. Easement and Right of Way for Construction of Road and Installation of Utility Lines between Looper Lake, LLC and Inland Paperboard and Packaging, Inc. dated June 29, 2001, recorded at Deed Book 3944, pages 109-115, Records of Hall County, Georgia.

31. Construction/Slope Easement to the Hall County Board of Commissioners dated December 5, 2000, recorded on December 7, 2000 at Deed Book 3780, pages 411-412, Records of Hall County, Georgia.

32. Declaration of Reciprocal Easement and Operating Agreement by and between ANC-Looper Lake, LLC, a Delaware limited liability company and NNP-Looper Lake, LLC, a Delaware limited liability company, dated June 21, 2002, recorded at Deed Book 4233, page 501, Records of Hall County, Georgia.

33. Easement from Looper Lake, LLC, a Georgia limited liability company to Commonwealth Investments, LLC, a Virginia limited liability company and On Eagles Wings, LLC, a Virginia limited liability company, filed June 25,

2002, recorded at Deed Book 4233, page 438, Records of Hall County, Georgia.

34. Easements contained in Right of Way Deed from Rayford N. Jeffreys et. al. to Hall County, Georgia, dated April 26, 1982, recorded at Deed Book 765, page 577, Records of Hall County, Georgia.

35. All matters disclosed by that ALTA/ACSM Boundary Survey for First American Title Insurance Company; and NNP-Looper Lake, LLC, prepared by Hayes, James & Associates, Inc. and containing the seal of LeRoy W. James, Georgia Registered Land Surveyor No. 1795, dated April 28, 2007.

This certificate is effective as of October 20, 2025 at 5:00 p.m., and is restricted to the sole use of the addressees herein and is strictly limited to matters set forth in period of time certified.

Sincerely,

Michael E. Leavey

PT-61 (Rev. 2/18) To be filed in **HALL COUNTY** **PT-61 069-2025-008230**

SECTION A – SELLER'S INFORMATION (Do not use agent's information)		SECTION C – TAX COMPUTATION	
SELLER'S BUSINESS / ORGANIZATION / OTHER NAME NNP-LOOPER LAKE, LLC		Exempt Code If no exempt code enter NONE	Public Road Acquisition
MAILING ADDRESS (STREET & NUMBER) 733 EIGHTH AVENUE		1. Actual Value of consideration received by seller Complete Line 1A if actual value unknown	$1.00
CITY, STATE / PROVINCE / REGION, ZIP CODE, COUNTRY SAN DIEGO, CA 92101 USA	DATE OF SALE 12/18/2025	1A. Estimated fair market value of Real and Personal property	$0.00
SECTION B – BUYER'S INFORMATION (Do not use agent's information)		2. Fair market value of Personal Property only	$0.00
BUYERS'S BUSINESS / ORGANIZATION / OTHER NAME CITY OF FLOWERY BRANCH		3. Amount of liens and encumbrances not removed by transfer	$0.00
MAILING ADDRESS (Must use buyer's address for tax billing & notice purposes) 5410 PINE STREET		4. Net Taxable Value (Line 1 or 1A less Lines 2 and 3)	$0.00
CITY, STATE / PROVINCE / REGION, ZIP CODE, COUNTRY FLOWERY BRANCH, GA 30542 USA	Check Buyers Intended Use ( ) Residential ( ) Commercial ( ) Agricultural ( ) Industrial	5. TAX DUE at .10 per $100 or fraction thereof (Minimum $1.00)	$0.00

SECTION D – PROPERTY INFORMATION (Location of Property (Street, Route, Hwy, etc))

HOUSE NUMBER & EXTENSION (ex 265A)	PRE-DIRECTION, STREET NAME AND TYPE, POST DIRECTION		SUITE NUMBER
COUNTY HALL	CITY (IF APPLICABLE)	MAP & PARCEL NUMBER N/A	ACCOUNT NUMBER

TAX DISTRICT	GMD	LAND DISTRICT	ACRES	LAND LOT	SUB LOT & BLOCK

SECTION E – RECORDING INFORMATION (Official Use Only)

DATE	DEED BOOK	DEED PAGE	PLAT BOOK	PLAT PAGE

ADDITIONAL BUYERS

None

GENERAL NOTES

1. OWNER — NNP–LOOPER LAKE, LLC
3885 CRESTWOOD PARKWAY
DULUTH, GEORGIA 30096
SUITE 250
(770) 638–4094

2. DEVELOPER — NNP–LOOPER LAKE, LLC
3885 CRESTWOOD PARKWAY
DULUTH, GEORGIA 30096
SUITE 250
(770) 638–4094
CONTACT: KEVIN O'NEILL

3. ENGINEER: — HAYES, JAMES & ASSOCIATES, INC.
4145 SHAKLEFORD ROAD.
SUITE 300
NORCROSS, GEORGIA 30093
CONTACT: MARK BOND
(770) 923–1600

4. BOUNDARY INFORMATION BASED ON COMPOSITE SURVEY FOR NNP LOOPER LAKE, LLC AND FIRST AMERICAN TITLE INSURANCE COMPANY DATED 6–22–2002 BY MORELAND ALTOBELLI.

5. TOPOGRAPHIC INFORMATION BASED ON AN AERIAL TOPOGRAPHIC SURVEY PROVIDED BY BERRY AND ASSOCIATES FOR MORELAND ALTOBELLI.

6. ALL WORK PERFORMED ON CITY RIGHT–OF–WAYS SHALL BE IN STRICT CONFORMATION WITH APPLICABLE FLOWERY BRANCH STANDARDS AND SPECIFICATIONS.

7. UTILITY SERVICE PROVIDERS:
ELECTRIC: JACKSON EMC
WATER: GAINESVILLE PUBLIC UTILITIES
GAS: ATLANTA GAS LIGHT CO.
TELEPHONE: BELLSOUTH
UPC TICKET NO. 02253–055–007

8. MINIMUM LOT SIZE SETBACKS AND DIMENSIONS ESTABLISHED BY "EXHIBIT A", ORDINANCE NOS. 239 AND 240 OF CITY OF FLOWERY BRANCH AS AMENDED.

9. TOTAL AREA = 115.041 AC. (5,011,187 SQ. FT.)
NUMBER OF LOTS= 61
DENSITY= 0.53 LOTS/ACRE

10. MAXIMUM CUT OR FILL SLOPES IS 2H.:1V.

11. THIS PROPERTY IS ZONED PUD

12. NO LAND DISTURBANCE OUTSIDE OF AREA OF STREETS, DRAINAGE, AND UTILITIES.

13. PROPOSED STREETS SHALL BE 24 FEET BACK TO BACK OF CURB, ASPHALT PAVED WITH 24" STANDARD RAISED CONCRETE CURBS.

14. ALL WORK SHALL COMPLY WITH APPLICABLE STATE, FEDERAL AND LOCAL CODES AND ALL NECESSARY LICENSES AND PERMITS SHALL BE OBTAINED BY THE CONTRACTOR AT HIS EXPENSE UNLESS PREVIOUSLY OBTAINED BY OWNER.

15. CITY OF FLOWERY BRANCH PERSONNEL AND/OR AGENTS SHALL HAVE FREE AND TOTAL ACCESS TO AND ACROSS ALL PUBLIC EASEMENTS.

16. NNP–LOOPER LAKE L.L.C. PERSONNEL AND/OR AGENTS SHALL HAVE FREE AND TOTAL ACCESS TO AND ACROSS ALL PRIVATE EASEMENTS.

17. THERE IS A PERPETUAL EASEMENT TO CITY OF FLOWERY BRANCH DEDICATED ALONG THE RIGHT OF WAY FRONTING ALL LOTS. SEE ZONING CHART FOR EASEMENT WIDTHS.

18. THIS PROPERTY WILL BE SERVED BY PUBLIC WATER.

19. IRON PINS SET AT EVERY LOT CORNER (#4 REBAR UNLESS OTHERWISE NOTED), ALL FRONT PINS ARE TO BE INSTALLED AFTER ALL UNDERGROUND UTILITIES ARE INSTALLED.

20. ALL PERPETUAL & STORM EASEMENTS OF THE SUBDIVISION TO BE DEDICATED TO THE CITY OF FLOWERY BRANCH

21. DEVIATION FROM THESE PLANS WITHOUT THE PRIOR CONSENT OF THE OWNER OR HIS REPRESENTATIVE OR THE ENGINEER MAY BE CAUSE FOR THE WORK TO BE UNACCEPTABLE.

22. THE UTILITIES SHOWN ARE SHOWN FOR THE CONTRACTORS CONVENIENCE ONLY. THERE MAY BE OTHER UTILITIES NOT SHOWN ON THESE PLANS. THE ENGINEER ASSUMES NO RESPONSIBILITY FOR THE LOCATIONS SHOWN AND IT SHALL BE THE CONTRACTORS RESPONSIBILITY TO VERIFY THE LOCATIONS OF ALL UTILITIES WITHIN THE LIMITS OF THE WORK. ALL DAMAGE MADE TO EXISTING UTILITIES BY THE CONTRACTOR SHALL BE THE SOLE RESPONSIBILITY OF THE CONTRACTOR.

23. THE LOTS SHOWN ON THIS PLAT ARE SUBJECT TO THE COVENANTS, CONDITIONS, RESTRICTIONS AND EASEMENTS CONTAINED IN THAT COMMUNITY CHARTER FOR STERLING ON THE LAKE, RECORDED IN DEED BOOK 4828, PAGE 136 HALL COUNTY, GEORGIA RECORDS.

24. TRASH/BURY PIT LOCATIONS MUST BE REPORTED TO HALL COUNTY ENVIROMENTAL HEALTH DEPARTMENT

25. THERE IS NO ABOVE GROUND VISIBLE EVIDENCE OF A CEMETERY LOCATED IN THIS UNIT.

26. SIDEWALKS TO BE INSTALLED ON A LOT BY LOT BASIS BY THE BUILDER AT THE TIME OF HOUSE CONSTRUCTION. THIS DEVELOPMENT WILL UTILIZE A SIDEWALK SYSTEM THROUGHOUT THE PROJECT. THEREFORE PROPERTY OWNERS OF LOTS SHOWN ON THIS PLAT ARE REQUIRED TO CONSTRUCT SIDEWALKS ALONG THE ROAD FRONTAGE OF THIER PROPERTY. SAID SIDEWALKS WILL COMPLY WITH THE CITY OF FLOWERY BRANCH SUBDIVISION REGULATIONS.

27. THE SIDE AND REAR SETBACK OF CORNER LOTS SHALL BE DETERMINED BY THE ORIENTATION OF THE DWELLING.

28. APPROVAL OF THESE PLANS DOES NOT CONSTITUTE APPROVAL BY FLOWERY BRANCH OF ANY LAND DISTURBING ACTIVITIES WITHIN WETLAND AREAS. IT IS THE RESPONSIBILITY OF THE PROPERTY OWNER TO CONTACT THE APPROPRIATE REGULATORY AGENCY FOR APPROVAL OF ANY WETLAND AREA DISTURBANCE.

29. THE FIELD DATA UPON WHICH THIS PLAT IS BASED HAS A CLOSURE PRECISION OF ONE FOOT IN 37,100 FEET AND AN ANGULAR ERROR OF 1.00 SECONDS PER ANGLE POINT, AND WAS ADJUSTED USING LEAST SQUARES. THIS PLAT HAS BEEN CALCULATED FOR CLOSURE AND IS FOUND TO BE ACCURATE WITHIN ONE FOOT IN 471,061 FEET, AND CONTAINS A TOTAL OF 115.041 ACRES, THE EQUIPMENT USED TO OBTAIN THE LINEAR AND ANGULAR MEASUREMENTS HEREIN WAS A NIKON 520 TOTAL STATION ELECTRONIC DISTANCE METER.

30. STERLING ON THE LAKE COMMUNITY ASSOCIATION SHALL BE RESPONSIBLE FOR ALL MAINTENANCE FOR THE OPEN SPACES AND STORMWATER DETENTION FACILITIES.

31. THERE IS A 20' WIDE EASEMENT CENTERED ON STORM AND SANITARY SEWER PIPES AND STRUCTURES LOCATED OUTSIDE OF THE RIGHT–OF–WAY

32. SANITARY SEWER SERVING THIS SITE WILL BE TIED INTO A PRIVATE SEWAGE TREATMENT FACILITY THAT HAS BEEN APPROVED BY THE GEORGIA DEPARTMENT OF NATURAL RESOURCES AND THE ENVIRONMENTAL PROTECTION DIVISION.

33. ALL SANITARY SEWER LINES AND SANITARY SEWER EASEMENTS SHOWN HEREON ARE DEDICATED TO NNP–LOOPER LAKE, L.L.C.

34. NO PORTION OF THIS PHASE IS LOCATED IN THE FLOOD HAZARD ZONE PER THE HALL COUNTY PANEL (F.I.R.M.) NO. 13139C 0294E DATED MARCH 21, 2000.

CERTIFICATE OF RE–RECORDING

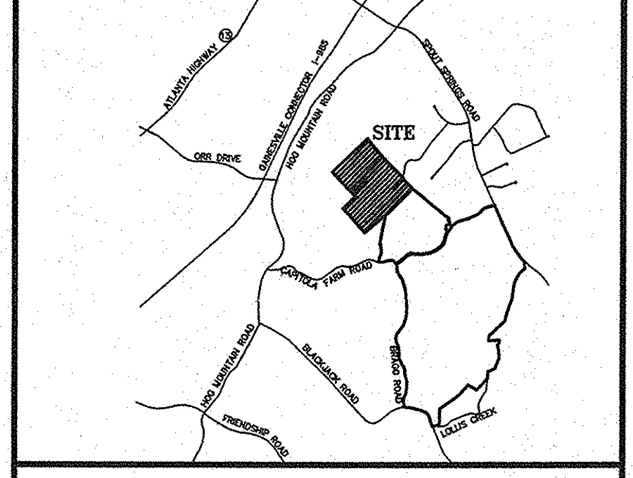
THIS PLAT HAS BEEN RE–RECORDED IN PLATBOOK 857 PAGE 57-65 IN THE RECORDS OF THE CLERK OF SUPERIOR COURT, HALL COUNTY, GEORGIA.

RECORDED 9 OCT 07
CLERK, HALL COUNTY SUPERIOR COURT — DATE

REVISION NO. 1 NOTE:

SEPTEMBER 6, 2007. THIS PLAT SUPERCEDES A PORTION OF THE PLAT RECORDED IN PLAT BOOK 853, PAGES 65–73. THE PURPOSE OF THIS REVISION IS TO CORRECT THE SQUARE FOOTAGE ON OPEN AREA 25. AND TO CORRECT THE SITE LOCATION ON THE VICINITY MAP.

EXHIBIT A



VICINITY MAP

FINAL SUBDIVISION PLAT
STERLING ON THE LAKE
NNP – LOOPER LAKE LLC
NEWLAND COMMUNITIES
POD Z

DISTRICT:
FLOWERY BRANCH DISTRICT
GMD 1270
HALL COUNTY, GEORGIA

FINAL SURVEYOR'S CERTIFICATE:

IT IS HEREBY CERTIFIED THAT THIS PLAT IS TRUE AND CORRECT AND WAS PREPARED FROM AN ACTUAL SURVEY OF THE PROPERTY MADE BY ME OR UNDER MY SUPERVISION; THAT ALL MONUMENTS SHOWN HEREON ACTUALLY EXIST AND THEIR LOCATION, SIZE, TYPE AND MATERIAL ARE CORRECTLY SHOWN; AND THAT ALL REQUIREMENTS OF THE CITY OF FLOWERY BRANCH SUBDIVISION AND LAND DEVELOPMENT REGULATIONS AND THE REQUIREMENTS OF THE FLOWERY BRANCH ZONING ORDINANCE HAVE BEEN FULLY COMPLIED WITH.

LeROY W. JAMES — 9/12/07 DATE
REGISTERED GEORGIA LAND SURVEYOR NO. 1795

CERTIFICATE OF OWNERSHIP:

(STATE OF GEORGIA)
(CITY OF FLOWERY BRANCH)

THE OWNER OF RECORD OF THE LAND SHOWN ON THIS PLAT AND WHOSE NAME IS SUBSCRIBED THERETO, AND IN PERSON OR THROUGH A DULY AUTHORIZED AGENT, ACKNOWLEDGES THAT THIS PLAT WAS MADE FROM AN ACTUAL SURVEY AND DEDICATES TO THE PUBLIC FOREVER THE FOLLOWING:

STREETS	PRIVATE
PUBLIC DRAIN EASEMENTS	3.205 ACRES
PRIVATE SANITARY EASEMENTS	0.769 ACRES

NNP–LOOPER LAKE L.L.C.
KEVIN O'NEILL ITS ASS'T. V.P.
PRINTED NAME OF SUBDIVIDER
SIGNATURE OF SUBDIVIDER
DATE 9/13/07

NNP–LOOPER LAKE L.L.C.
KEVIN O'NEILL ITS ASS'T. V.P.
PRINTED NAME OF OWNER OF RECORD
SIGNATURE OF OWNER OF RECORD
DATE 9/13/07

FINAL PLAT APROVAL:

THE CITY OF FLOWERY BRANCH, GEORGIA CERTIFIES THAT THIS PLAT COMPLIES WITH THE CITY OF FLOWERY BRANCH ZONING ORDINANCE, CONDITIONS OF ZONING, AND THE SUBDIVISION AND LAND DEVELOPMENT REGULATIONS OF THE CITY OF FLOWERY BRANCH, AND THAT THIS PLAT IS HEREBY APPROVED AND RELEASED FOR RECORDING PURPOSES.

MAYOR, CITY OF FLOWERY BRANCH — 9-25-07 DATE

CERTIFICATE OF RECORDING:

THIS PLAT HAS BEEN RECORDED IN PLATBOOK _____, PAGE _____, IN THE RECORDS OF THE CLERK OF SUPERIOR COURT, HALL COUNTY, GEORGIA.

CLERK, HALL COUNTY SUPERIOR COURT — DATE

CERTIFICATE OF OWNERSHIP:

(CITY OF GAINESVILLE)
(HALL COUNTY, GEORGIA)

THE OWNER OF RECORD OF THE LAND SHOWN ON THIS PLAT AND WHOSE NAME IS SUBSCRIBED THERETO, AND IN PERSON OR THROUGH A DULY AUTHORIZED AGENT, ACKNOWLEDGES THAT THIS PLAT WAS MADE FROM AN ACTUAL SURVEY AND DEDICATES TO THE CITY OF GAINESVILLE FOREVER ALL WATER MAINS, EASEMENTS, AND ASSOCIATED APPURTENANCES THEREON SHOWN.

OWNER — 9/13/07 DATE

ENGINEER'S CERTIFICATE

THE UTILITIES, INFRASTRUCTURE AND PHISICAL PLACEMENT OF IMPROVEMENTS REFLECTED ON THIS PLAT HAVE BEEN INSTALLED ACCORDING TO EXHIBIT A OF ORDINANCE NOS. 239 AND 240 OF THE CITY OF FLOWERLY BRANCH (THE CONDITIONS PLACED UPON THE FOR ZONING APPROVALTHE STERLING ON THE LAKE DEVELOPMENT) AND ARE NOT IN CONFLICT WITH THE DEVELOPMENT REQUIREMENTS OF THE CITY OF FLOWERY BRANCH, NOR THE CONDITIONS OF ZONING APPROVAL SET FORTH IN ORDINANCE NOS. 239 AND 240 OF THE CITY OF FLOWERY BRANCH.

ENGINEER

LEGEND

IPF	= IRON PIN FOUND (●)
IPS	= IRON PIN SET (○)
CMF	= CONCRETE MONUMENT FOUND (□)
CMS	= CONCRETE MONUMENT SET (□)
R/W	= RIGHT OF WAY
STA	= STATION NUMBER
LL	= LAND LOT LINE
C/L	= CENTERLINE
P/L	= PROPERTY LINE
BM	= BENCHMARK
PT	= POINT OF TANGENCY
PC	= POINT OF CURVATURE
IE	= INVERT ELEVATION
EL	= ELEVATION (ELEV.)
B/L	= BUILDING LINE
R	= RADIUS
FFE	= FINISHED FLOOR ELEVATION
—→	= FLOW
⊙	= PROPERTY CORNER
-x-	= FENCE
⌀	= POLE
--T--	= TELEPHONE LINE
--TV--	= TELEVISION LINE
--P--	= POWER LINE
--S--	= SANITARY SEWER LINE
SSE	= SANITARY SEWER EASEMENT
MH	= MANHOLE
--G--	= GAS LINE
--W--	= WATER LINE
	= PLUGGED STUB
	= GATE VALVE
F.H.	= EXIST. FIRE HYDRANT
F.H.	= PROP. FIRE HYDRANT
W.M.	= WATER METER (⊗)
--ST--	= STORM SEWER LINE
YI	= YARD INLET
DI	= DROP INLET
CB	= CATCH BASIN
HW	= HEAD WALL
JB	= JUNCTION BOX
DE	= DRAINAGE EASEMENT
FM	= SEWER FORCE MAIN
DS	= DOWNSPOUT
CO	= CLEAN OUT
CMP	= CORRUGATED METAL PIPE
RCP	= REINFORCED CONCRETE PIPE
VCP	= VITRIFIED CLAY PIPE
DIP	= DUCTILE IRON PIPE
PVC	= POLYVINYL CHLORIDE PIPE
C & G	= CURB AND GUTTER
F.I.R.M.	= FEDERAL INSURANCE RATE MAP
T.P.O.B.	= TRUE POINT OF BEGINNING
P.O.B.	= POINT OF BEGINNING
GMD	= GA. MILITIA DISTRICT
	= TREE LINE
	= RIPRAP
	= BRANCH
	= EXISTING CONTOURS (DASHED)
-912-	= PROPOSED CONTOURS (SOLID)
TC	= TOP OF CURB ELEVATION
▲	= TRAVERSE POINT
L.P.	= LIGHT POLE (✲)
	= PLANTED TREE
MT	= MARKED TREE
	= 20' STORM / SANITARY EASEMENT

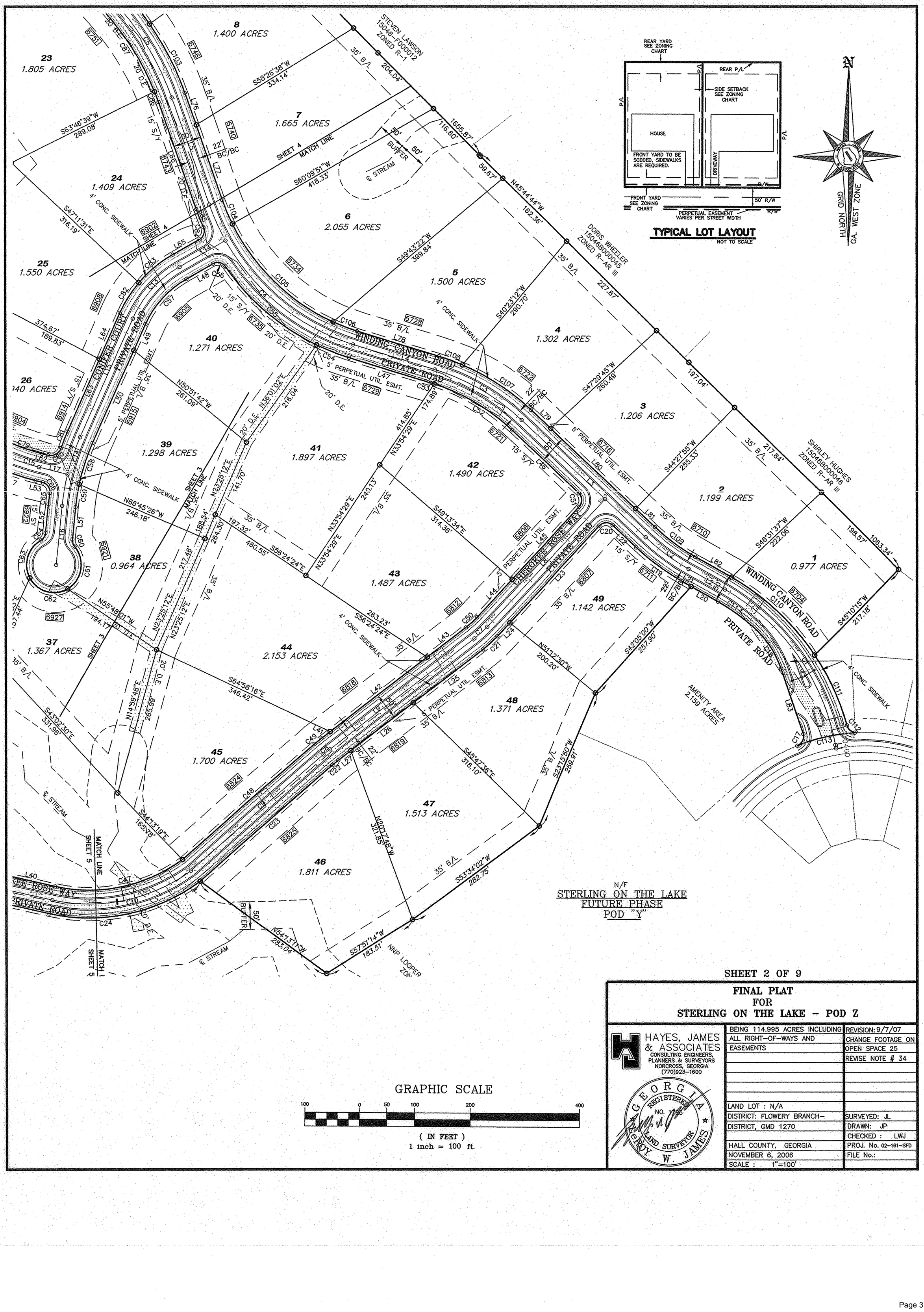
SHEET 1 OF 9

FINAL PLAT
FOR
STERLING ON THE LAKE – POD Z

HAYES, JAMES & ASSOCIATES
CONSULTING ENGINEERS, PLANNERS & SURVEYORS
NORCROSS, GEORGIA
(770)923–1600

GEORGIA REGISTERED NO. 1795 LAND SURVEYOR LeROY W. JAMES

BEING 114.995 ACRES INCLUDING	REVISION: 9/7/07
ALL RIGHT–OF–WAYS AND	CHANGE FOOTAGE ON
EASEMENTS	OPEN SPACE 25
	REVISE NOTE # 34
LAND LOT : N/A	
DISTRICT: FLOWERY BRANCH–	SURVEYED: JL
DISTRICT, GMD 1270	DRAWN: JP
	CHECKED : LWJ
HALL COUNTY, GEORGIA	PROJ. No. 02–161–SFD
NOVEMBER 6, 2006	FILE No.:
SCALE : 1"=100'	



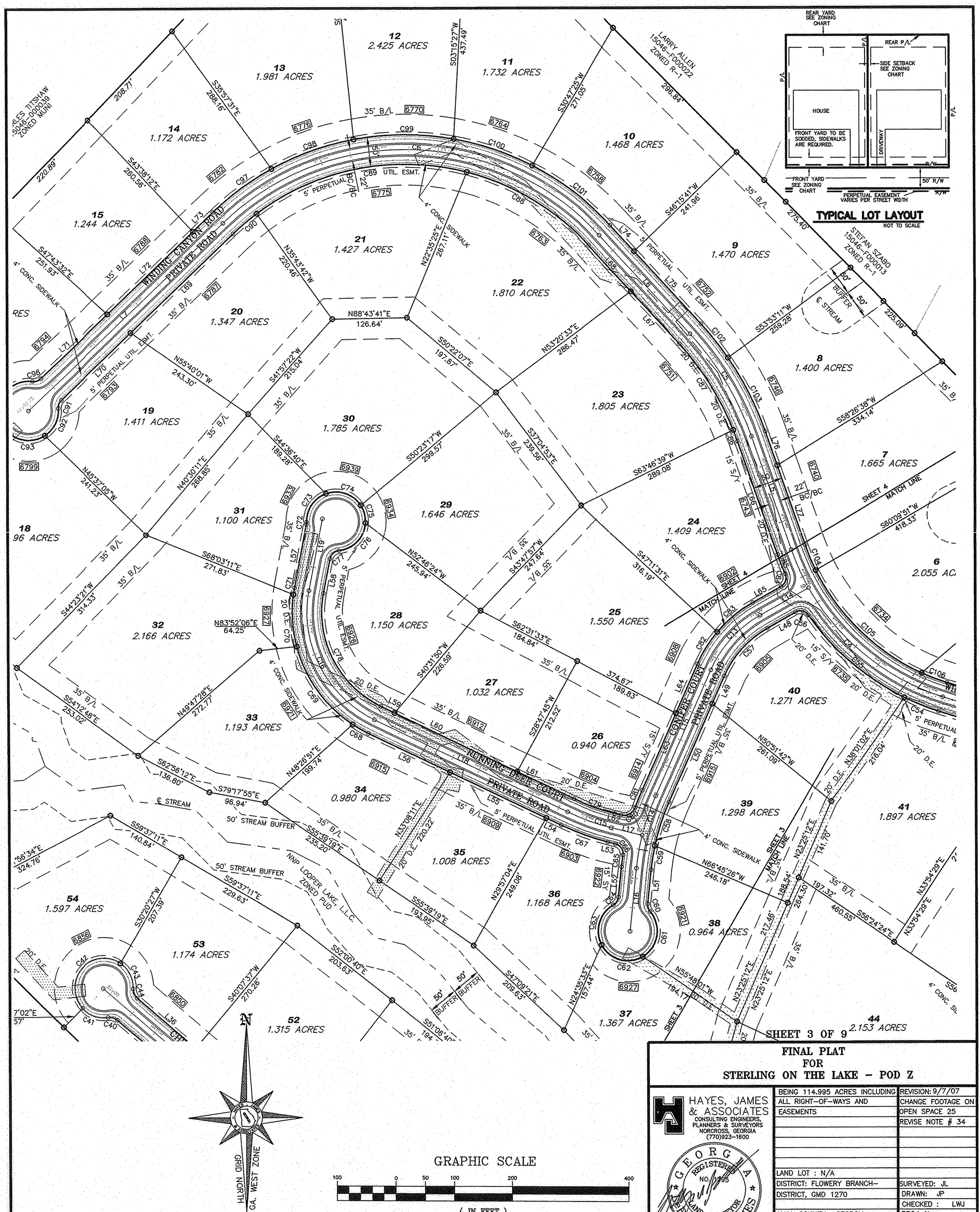
SHEET 2 OF 9

FINAL PLAT
FOR
STERLING ON THE LAKE - POD Z

HAYES, JAMES & ASSOCIATES
CONSULTING ENGINEERS, PLANNERS & SURVEYORS
NORCROSS, GEORGIA
(770)923-1600

GEORGIA REGISTERED NO. 1796 LAND SURVEYOR LEROY W. JAMES

BEING 114.995 ACRES INCLUDING	REVISION: 9/7/07
ALL RIGHT-OF-WAYS AND	CHANGE FOOTAGE ON
EASEMENTS	OPEN SPACE 25
	REVISE NOTE # 34
LAND LOT : N/A	
DISTRICT: FLOWERY BRANCH-	SURVEYED: JL
DISTRICT, GMD 1270	DRAWN: JP
	CHECKED : LWJ
HALL COUNTY, GEORGIA	PROJ. No. 02-161-SFD
NOVEMBER 6, 2006	FILE No.:
SCALE : 1"=100'	

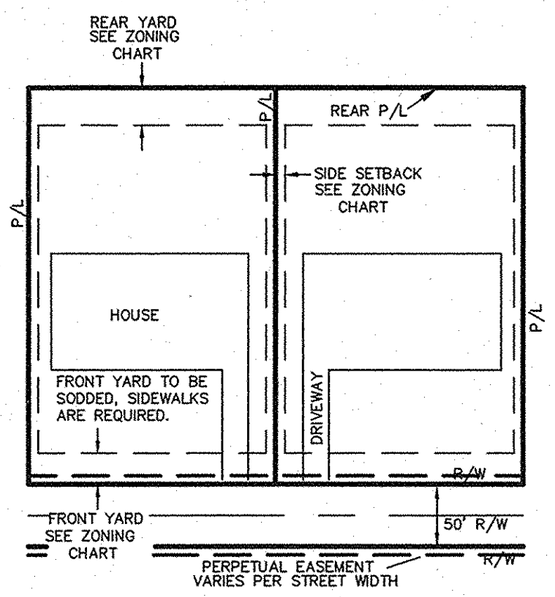


FINAL PLAT
FOR
STERLING ON THE LAKE – POD Z

HAYES, JAMES & ASSOCIATES
CONSULTING ENGINEERS, PLANNERS & SURVEYORS
NORCROSS, GEORGIA
(770)923-1600

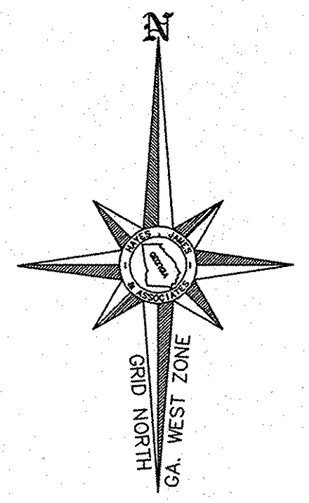
GEORGIA REGISTERED NO. 1795 LAND SURVEYOR LEROY W. JAMES

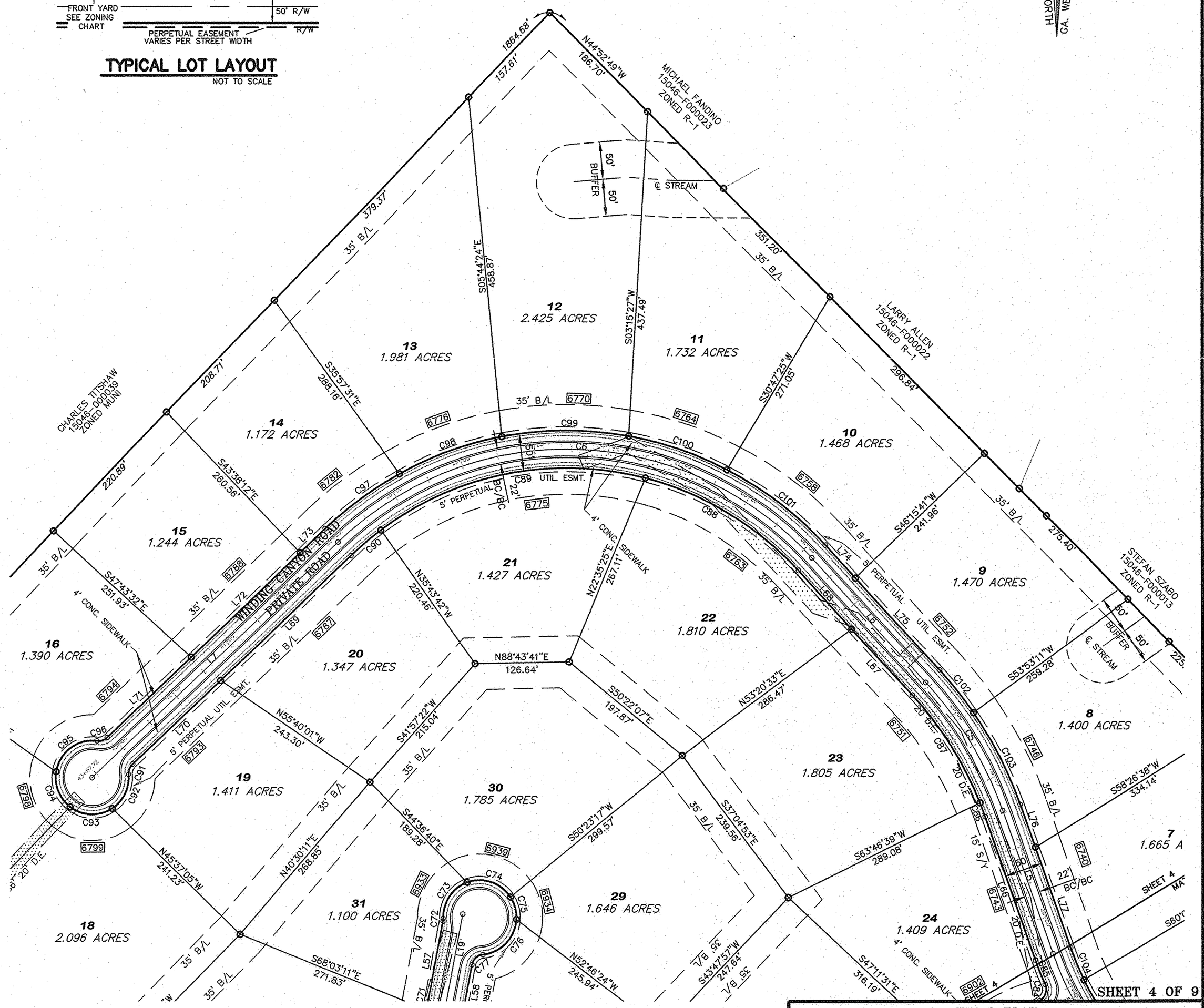
BEING 114.995 ACRES INCLUDING	REVISION: 9/7/07
ALL RIGHT-OF-WAYS AND	CHANGE FOOTAGE ON
EASEMENTS	OPEN SPACE 25
	REVISE NOTE # 34
LAND LOT : N/A	
DISTRICT: FLOWERY BRANCH-	SURVEYED: JL
DISTRICT, GMD 1270	DRAWN: JP
	CHECKED : LWJ
HALL COUNTY, GEORGIA	PROJ. No. 02-161-SFD
NOVEMBER 6, 2006	FILE No.:
SCALE : 1"=100'	



TYPICAL LOT LAYOUT

NOT TO SCALE





GRAPHIC SCALE

100 0 50 100 200 400

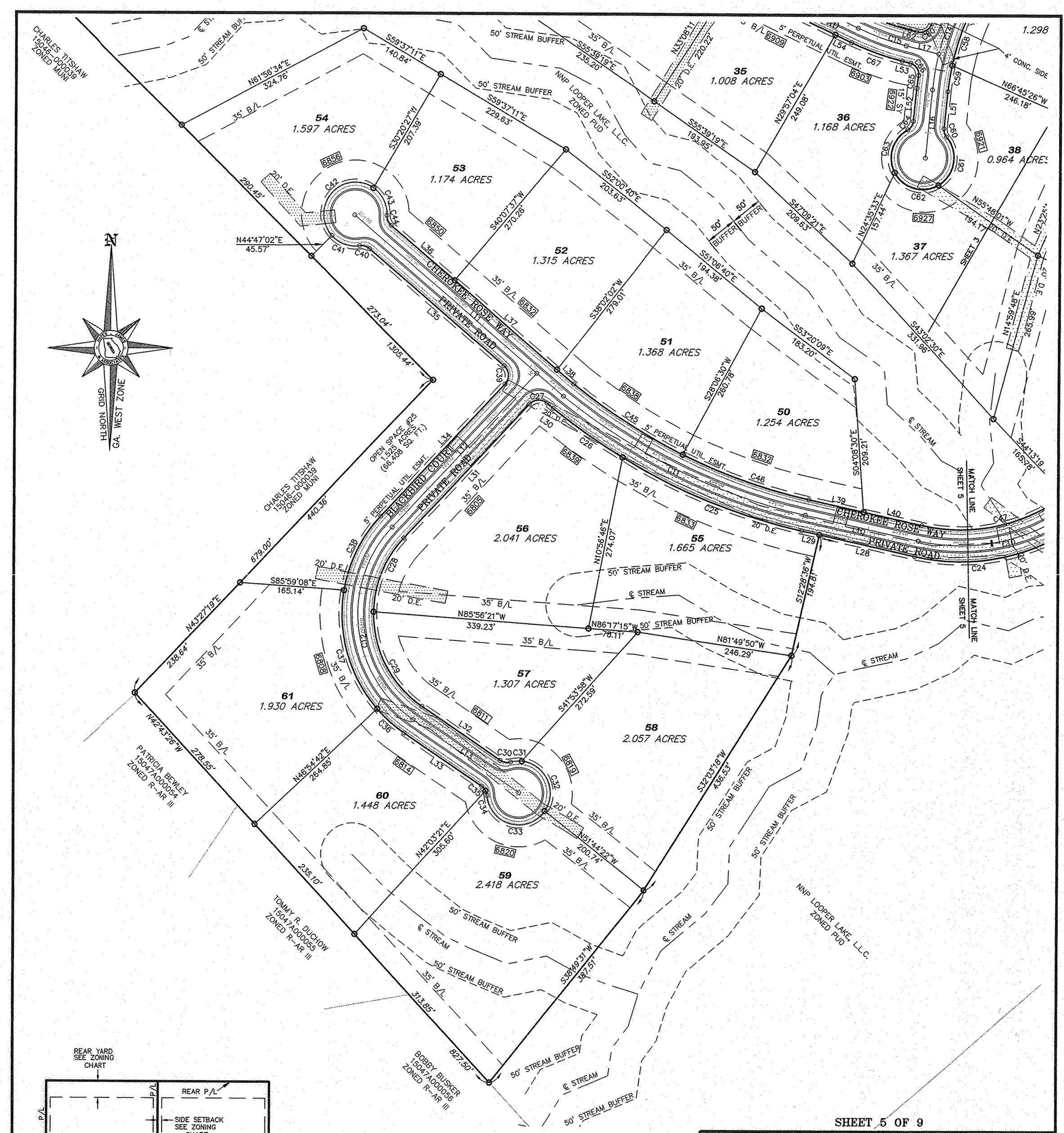
(IN FEET)
1 inch = 100 ft.

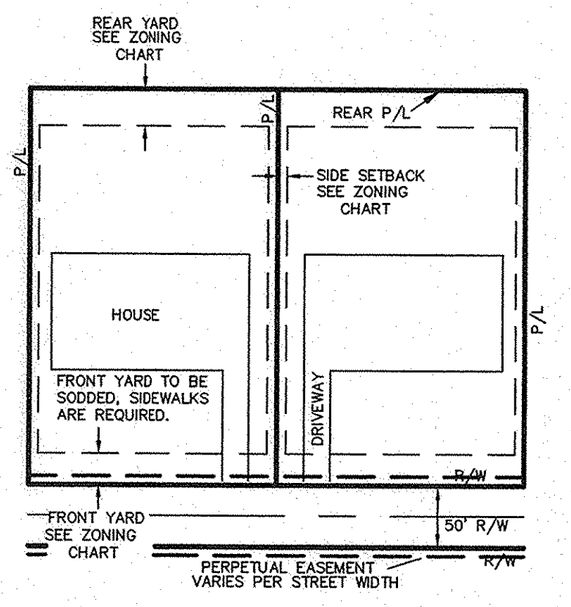
FINAL PLAT
FOR
STERLING ON THE LAKE – POD Z

HAYES, JAMES & ASSOCIATES
CONSULTING ENGINEERS, PLANNERS & SURVEYORS
NORCROSS, GEORGIA
(770)923-1600

GEORGIA REGISTERED NO. 2795 LAND SURVEYOR LEROY W. JAMES

BEING 114.995 ACRES INCLUDING	REVISION: 9/7/07
ALL RIGHT-OF-WAYS AND	CHANGE FOOTAGE ON
EASEMENTS	OPEN SPACE 25
	REVISE NOTE # 34
LAND LOT : N/A	
DISTRICT: FLOWERY BRANCH-	SURVEYED: JL
DISTRICT, GMD 1270	DRAWN: JP
	CHECKED : LWJ
HALL COUNTY, GEORGIA	PROJ. No. 02-161-SFD
NOVEMBER 6, 2006	FILE No.:
SCALE : 1"=100'	





TYPICAL LOT LAYOUT
NOT TO SCALE

GRAPHIC SCALE

100 0 50 100 200 400

(IN FEET)
1 inch = 100 ft.

SHEET 5 OF 9

FINAL PLAT
FOR
STERLING ON THE LAKE – POD Z

HAYES, JAMES & ASSOCIATES
CONSULTING ENGINEERS
PLANNERS & SURVEYORS
NORCROSS, GEORGIA
(770)923-1600

GEORGIA REGISTERED NO. 1795 LAND SURVEYOR NEROY W. JAMES

BEING 114.995 ACRES INCLUDING	REVISION: 9/7/07
ALL RIGHT-OF-WAYS AND	CHANGE FOOTAGE ON
EASEMENTS	OPEN SPACE 25
	REVISE NOTE # 34
LAND LOT : N/A	
DISTRICT: FLOWERY BRANCH-	SURVEYED: JL
DISTRICT, GMD 1270	DRAWN: JP
	CHECKED : LWJ
HALL COUNTY, GEORGIA	PROJ. No. 02-161-SFD
NOVEMBER 6, 2006	FILE No.:
SCALE : N/A	

GRID NORTH
GA. WEST ZONE

CHARLES TITSHAW
15046-000039
ZONED MUNI

NNP LOOPER LAKE, L.L.C.
ZONED PUD

CHARLES TITSHAW
15046-000039
ZONED MUNI

NNP LOOPER LAKE, L.L.C.
ZONED PUD

WINDING CANYON ROAD
PRIVATE ROAD

RUNNING DOG
PRIVATE

OPEN SPACE #24
11.335 ACRES
(493,739 SQ. FT.)

12 2.425 ACRES
13 1.981 ACRES
14 1.172 ACRES
15 1.244 ACRES
16 1.390 ACRES
17 1.955 ACRES
18 2.096 ACRES
19 1.411 ACRES
20 1.347 ACRES
21 1.427 ACRES
22 1.810 A
27 1.032 ACRES
28 1.150 ACRES
29 1.646 ACRES
30 1.785 ACRES
31 1.100 ACRES
32 2.166 ACRES
33 1.193 ACRES
34 0.980 ACRES
35 1.008 ACRES
53 1.174 ACRES
54 1.597 ACRES

S05°44'24"E 458.87'
S03°15'27"W 437.49'
S35°57'31"E 288.16'
S43°38'12"E 260.56'
S47°43'32"E 251.93'
S55°01'44"E 229.73'
N43°55'05"E 306.54'
N43°55'05"E 324.35'
S51°03'19"E 271.58'
N44°31'48"E 297.56'
N45°37'05"W 241.23'
N40°30'11"E 268.85'
S44°36'40"E 189.28'
S50°23'17"W 299.57'
S68°03'11"E 271.83'
S44°23'21"W 314.33'
S50°02'53"E 285.53'
S54°12'48"E 253.02'
N49°47'28"E 272.77'
N83°52'06"E 64.25'
S40°31'50"W 226.59'
N88°43'41"E 126.64'
S50°22'07"E 197.87'
N35°43'42"W 220.46'
N22°35'25"E 267.11'
S41°57'22"W 215.04'
N55°40'01"W 243.30'
S62°56'12"E 136.80'
S79°17'55"E 96.94'
N48°26'51"E 199.74'
S59°37'11"E 140.84'
N61°56'34"E 324.76'
S59°37'11"E 229.63'
S55°39'19"E 235.20'
S55°39'19"E 193.95'
S52°00'40"E 203.63'
S40°07'37"W 270.26'
N33°08'11"E 220.22'
N29°57'04"E 249.08'
S47°09'
209.63'
741.94'
N45°10'40"W
290.45'
208.71'
220.89'
266.94'

35' B/L
50' STREAM BUFFER
℄ STREAM
50' BUFFER
20' D.E.
5' PERPETUAL UTIL. ESMT.
C89 UTIL. ESMT.
4' CONC. SIDEWALK
6770
6776
6764
6782
6788
6794
6798
6799
6787
6793
6775
6939
6933
6934
6927
6926
6921
6912
6915
6909
6856
6850

SHEET 6 OF 9

TYPICAL LOT LAYOUT
NOT TO SCALE

REAR YARD SEE ZONING CHART
REAR P/L
SIDE SETBACK SEE ZONING CHART
P/L
HOUSE
FRONT YARD TO BE SODDED, SIDEWALKS ARE REQUIRED.
DRIVEWAY
R/W
50' R/W
FRONT YARD SEE ZONING CHART
PERPETUAL EASEMENT VARIES PER STREET WIDTH

GRAPHIC SCALE
100 0 50 100 200 400
(IN FEET)
1 inch = 100 ft.

FINAL PLAT
FOR
STERLING ON THE LAKE – POD Z

HAYES, JAMES & ASSOCIATES
CONSULTING ENGINEERS, PLANNERS & SURVEYORS
NORCROSS, GEORGIA
(770)923-1600

GEORGIA REGISTERED NO. 1795 LAND SURVEYOR ARROY W. JAMES

BEING 114.995 ACRES INCLUDING	REVISION: 9/7/07
ALL RIGHT-OF-WAYS AND	CHANGE FOOTAGE ON
EASEMENTS	OPEN SPACE 25
	REVISE NOTE # 34
LAND LOT : N/A	
DISTRICT: FLOWERY BRANCH-	SURVEYED: JL
DISTRICT, GMD 1270	DRAWN: JP
	CHECKED : LWJ
HALL COUNTY, GEORGIA	PROJ. No. 02-161-SFD
NOVEMBER 6, 2006	FILE No.:
SCALE : N/A	

CENTERLINE CURVE AND LINE DATA CHARTS

LINE TABLE		
LINE	BEARING	LENGTH
L1	N10°10'27"W	6.31
L2	N60°51'05"W	74.76
L3	N47°01'49"W	308.23
L4	N73°06'47"W	153.64
L5	N19°25'13"W	203.72
L6	N42°41'51"W	227.46
L7	S46°19'18"W	458.68
L8	S42°58'11"W	313.53
L9	S52°28'13"W	328.00
L10	N77°31'24"W	181.87
L11	N49°37'19"W	434.76
L12	S42°54'56"W	331.78
L13	S55°56'43"E	201.37
L14	S60°22'14"W	95.08
L15	S24°05'01"W	233.16
L16	S05°47'31"W	106.99
L17	N76°01'35"W	53.65
L18	N64°34'26"W	363.39
L19	N10°43'26"E	124.05

CURVE TABLE				
CURVE	LENGTH	RADIUS	CHORD BRG.	CHORD DIST.
C1	353.79	400.00	N35°30'46"W	342.37
C2	96.49	400.00	S53°56'27"E	96.26
C3	182.09	400.00	N60°04'18"W	180.52
C4	374.85	400.00	S46°16'00"E	361.28
C5	203.13	500.00	N31°03'32"W	201.74
C6	714.56	450.00	N88°11'16"W	641.82
C7	31.34	200.00	N47°27'29"E	31.30
C8	14.76	300.00	S51°03'37"W	14.76
C9	317.77	16145.68	S49°05'12"W	317.77
C10	263.75	310.20	N78°07'09"E	255.87
C11	429.13	934.72	S64°22'15"E	425.37
C12	345.09	200.00	S06°30'54"E	303.85
C13	126.67	200.00	S42°13'38"W	124.56
C14	127.70	400.00	S14°56'16"W	127.16
C15	79.95	400.00	S70°18'01"E	79.82
C16	262.84	200.00	S26°55'30"E	244.33

PROPERTY LINE CURVE DATA CHART

CURVE TABLE				
CURVE	LENGTH	RADIUS	CHORD BRG.	CHORD DIST.
C17	25.81	18.00	N26°56'33"E	23.65
C18	90.64	179.34	N33°58'16"W	89.68
C19	102.52	425.00	S53°56'27"E	102.27
C20	26.70	17.00	N87°58'11"E	24.04
C21	35.25	225.00	N47°27'29"E	35.22
C22	13.53	275.00	N51°03'37"E	13.53
C23	317.36	16120.68	N49°05'11"E	317.36
C24	287.19	334.71	N77°54'52"E	278.46
C25	307.25	959.72	S68°21'06"E	305.94
C26	133.71	959.72	S55°11'20"E	133.60
C27	30.54	20.00	N86°39'15"E	27.65
C28	128.43	175.00	N21°53'30"E	125.56
C29	173.53	175.00	N27°32'19"W	166.50
C30	17.17	20.00	S80°32'25"E	16.65
C31	18.09	50.00	S85°13'53"W	18.00
C32	103.39	50.00	N25°09'51"W	85.93
C33	122.85	50.00	S75°32'28"E	94.20
C34	8.16	20.00	S16°50'12"E	8.10
C35	9.57	20.00	S42°13'54"E	9.48
C36	56.72	225.00	S48°43'23"E	56.57
C37	199.41	225.00	S16°06'40"E	192.95
C38	132.09	225.00	S26°05'50"W	130.20
C39	32.30	20.00	N03°20'51"W	28.90
C40	17.30	20.00	N73°19'25"W	16.77
C41	48.63	50.00	S70°14'49"E	46.73
C42	145.59	50.00	S41°01'57"W	99.34
C43	50.12	50.00	N26°50'09"W	48.04
C44	17.60	20.00	N23°19'48"W	17.04
C45	206.12	909.72	N57°43'53"W	205.68
C46	211.19	909.72	N70°52'22"W	210.71
C47	242.24	284.74	N78°07'31"E	235.00
C48	316.21	16170.68	S49°05'25"W	316.21
C49	16.00	325.00	S51°03'37"W	15.99
C50	27.42	175.00	S47°27'29"W	27.39
C51	26.70	17.00	S02°01'49"E	24.04
C52	163.94	375.00	S59°33'15"E	162.63
C53	6.78	375.00	S72°35'44"E	6.78
C54	63.37	425.00	S68°50'29"E	63.31
C55	218.73	425.00	S49°49'33"E	216.32
C56	25.09	17.00	S77°21'20"E	22.87
C57	110.83	175.00	N42°13'38"E	108.99
C58	78.39	375.00	N18°05'44"E	78.24
C59	41.33	375.00	N08°56'58"E	41.31
C60	13.87	17.00	N17°34'56"W	13.49
C61	87.93	50.00	N09°25'17"E	77.03
C62	80.42	50.00	S74°07'26"E	72.03
C63	77.83	50.00	S16°32'55"W	70.21
C64	16.42	17.00	N33°28'05"E	15.79
C65	20.24	425.00	S07°09'23"W	20.24
C66	25.09	17.00	N33°45'10"W	22.87
C67	84.95	425.00	S70°18'01"E	84.81
C68	30.47	225.00	S60°41'41"E	30.44
C69	164.87	225.00	S35°49'25"E	161.21
C70	88.77	225.00	S03°31'45"E	88.19
C71	11.59	225.00	S09°14'54"W	11.59
C72	3.67	17.00	N04°32'37"E	3.66
C73	62.48	50.00	S34°09'36"W	58.49
C74	67.23	50.00	N71°31'34"W	62.28
C75	31.64	50.00	N14°52'52"W	31.11
C76	71.04	50.00	N43°56'50"E	65.21
C77	21.93	17.00	S47°41'09"W	20.44
C78	229.98	175.00	S26°55'30"E	213.79
C79	74.96	375.00	S70°18'01"E	74.83
C80	29.39	20.00	N61°52'32"E	26.82
C81	31.94	425.00	S21°55'50"W	31.94
C82	63.80	225.00	S32°12'26"W	63.59
C83	78.70	225.00	S50°21'03"W	78.30
C84	25.09	17.00	N18°05'49"E	22.87
C85	35.28	425.00	S21°47'54"E	35.27
C86	20.08	475.00	N20°37'53"W	20.08
C87	172.89	475.00	N32°16'12"W	171.94
C88	244.93	425.00	N59°12'28"W	241.56
C89	377.07	425.00	S78°51'53"W	364.83
C90	52.86	425.00	S49°53'05"W	52.82
C91	15.19	17.00	S20°43'53"W	14.69
C92	53.86	50.00	N26°00'01"E	51.29
C93	61.53	50.00	S87°53'08"E	57.72
C94	53.94	50.00	S21°43'25"E	51.36
C95	77.07	50.00	S53°20'35"W	69.67
C96	15.19	17.00	S71°54'44"W	14.69
C97	124.56	475.00	S53°50'03"W	124.20
C98	149.09	475.00	S70°20'19"W	148.48
C99	171.24	475.00	S89°39'30"W	170.31
C100	141.78	475.00	N71°27'46"W	141.26
C101	167.58	475.00	N52°48'17"W	166.71
C102	73.71	525.00	N38°40'32"W	73.65
C103	139.58	525.00	N27°02'13"W	139.17
C104	47.07	375.00	N23°00'59"W	47.04
C105	257.90	375.00	N46°18'52"W	252.84
C106	46.45	375.00	N69°33'53"W	46.42
C107	148.29	425.00	N57°01'33"W	147.54
C108	45.19	425.00	N70°04'02"W	45.17
C109	90.46	375.00	N53°56'27"W	90.24
C110	205.79	444.34	N47°04'32"W	203.95
C111	139.71	444.34	N24°48'02"W	139.14
C112	21.76	18.23	S49°35'39"E	20.49
C113	107.80	325.00	S77°22'46"W	107.31
C114	78.03	346.56	N54°30'02"W	77.87

PROPERTY LINE DATA CHARTS

LINE TABLE		
LINE	BEARING	LENGTH
L20	N60°51'05"W	55.37
L21	S60°51'05"E	19.39
L22	S47°01'49"E	58.32
L23	N42°58'11"E	238.51
L24	N42°58'11"E	33.02
L25	N52°28'12"E	157.31
L26	N52°28'12"E	141.91
L27	N52°28'12"E	29.01
L28	N77°31'24"W	153.78
L29	S77°31'24"E	28.09
L30	S49°36'27"E	12.73
L31	N42°54'56"E	288.73
L32	N55°56'43"W	148.39
L33	S55°56'43"E	147.13
L34	S42°54'56"W	284.76
L35	N49°36'38"W	279.48
L36	N49°36'49"W	131.61
L37	N49°36'49"W	213.68
L38	N49°36'49"W	34.70
L39	N77°31'24"W	87.92
L40	N77°31'24"W	93.94
L41	S52°28'13"W	19.77
L42	S52°28'13"W	220.42
L43	S52°28'13"W	87.69
L44	S42°58'11"W	92.60
L45	S42°58'11"W	178.93
L46	S47°01'49"E	165.91
L47	S73°06'47"E	153.64
L48	N60°22'14"E	55.08
L49	N24°05'01"E	51.01
L50	N24°05'01"E	182.14
L51	N05°47'31"E	58.19
L52	S05°47'31"W	51.87
L53	N76°01'35"W	13.65
L54	N64°34'26"W	28.27
L55	N64°34'26"W	181.71
L56	N64°34'26"W	153.42
L57	N10°43'26"E	109.71
L58	N10°43'26"E	59.67
L59	N64°34'26"W	25.74
L60	N64°34'26"W	231.28
L61	N64°34'26"W	106.37
L62	N76°01'35"W	10.94
L63	N24°05'01"E	142.33
L64	S24°05'01"W	90.83
L65	S60°22'14"W	55.08
L66	N19°25'13"W	203.72
L67	S42°41'51"E	121.15
L68	N42°41'51"W	106.31
L69	N46°19'18"E	242.73
L70	S46°19'18"W	163.75
L71	S46°19'18"W	156.89
L72	N46°19'18"E	202.73
L73	S46°19'18"W	46.87
L74	N42°41'51"W	59.86
L75	N42°41'51"W	167.60
L76	N19°25'13"W	61.06
L77	N19°25'13"W	142.66
L78	N73°06'47"W	153.64
L79	N47°01'49"W	48.87
L80	N47°01'49"W	210.87
L81	N47°01'49"W	48.50
L82	N60°51'05"W	74.76
L83	S18°51'29"E	124.26

FINAL PLAT
FOR
STERLING ON THE LAKE – POD Z

HAYES, JAMES & ASSOCIATES
CONSULTING ENGINEERS, PLANNERS & SURVEYORS
NORCROSS, GEORGIA
(770)923-1600

GEORGIA REGISTERED NO. 1795 LAND SURVEYOR KENDY W. JAMES

BEING 114.995 ACRES INCLUDING	REVISION: 9/7/07
ALL RIGHT-OF-WAYS AND	CHANGE FOOTAGE ON
EASEMENTS	OPEN SPACE 25
	REVISE NOTE # 34
LAND LOT : N/A	
DISTRICT: FLOWERY BRANCH-	SURVEYED: JL
DISTRICT, GMD 1270	DRAWN: JP
	CHECKED : LWJ
HALL COUNTY, GEORGIA	PROJ. No. 02-161-SFD
NOVEMBER 6, 2006	FILE No.:
SCALE : 1"=100'	

LOT SUMMARY TOTAL – NOVEMBER 7, 06				
LOT TYPES	PREVIOUS PODS	POD Z		TOTALS
A	116	–		116
B	124	–		124
C	167	–		242
ESTATE LOTS	–	61		61
E	140	–		219
F	45	–		45
TOTAL	671	61		807

	R/W	PAVING B.O.C.	CURB WIDTH (EACH SIDE)	PLANTING STRIP	SIDEWALK STRIP	UTILITY EASEMENT
COLLECTOR	60'	28'	① 2'	③ 6'	④ 10'	⑥ 7'
SUB–COLLECTOR	50'	24'	② 2'	6'	⑤ 6'	⑥ 6'
NEIGHBORHOOD (ACCESS)	50'	22'	② 2'	6'	⑤ 6'	⑥ 5'

① CONCRETE CURB AND GUTTER
② CONCRETE ROLLED EDGE CURB
③ 6' WIDE PLANTING STRIP ON SIDE WITH SIDEWALK. 16' WIDE SHOULDER AND LANDSCAPE STRIP ON SIDE WITH NO SIDEWALK
④ 8' WIDE CURVILINEAR SIDEWALK MEANDERS ALONG 10' WIDE SIDEWALK STRIP – ONE SIDE OF STREET ONLY
⑤ 4' WIDE CURVILINEAR SIDEWALK MEANDERS ALONG 6' WIDE SIDEWALK STRIP – BOTH SIDES OF STREET
⑥ UTILITY EASEMENT OUTSIDE OF STREET RIGHT–OF–WAY. BOTH SIDES OF STREET

POD Z
LOT DATA CHART

LOT NO.		LOT WIDTH @ B/L	LOT AREA IN S.F.
1		203'	42,542
2		214'	52,227
3		209'	52,534
4		201'	56,734
5		235'	65,334
6		245'	89,496
7		191'	72,521
8		202'	60,997
9		246'	63,937
10		239'	64,438
11		161'	75,354
12		177'	105,615
13		171'	86,297
14		176'	51,034
15		205'	54,223
16		248'	60,564
17		122'	85,161
18		145'	91,293
19		233'	61,462
20		282'	58,659
21		329'	62,141
22		324'	78,846
23		285'	78,605
24		167'	61,363
25		165'	67,499
26		204'	40,955
27		223'	44,934
28		280'	50,077
29		92'	71,689
30		162'	77,747
31		209'	47,916
32		108'	94,340
33		192'	51,960
34		194'	42,696
35		184'	43,910
36		156'	50,877
37		155'	59,568
38		191'	41,976
39		249'	56,552
40		214'	55,369
41		223'	82,619
42		197'	64,895
43		211'	64,788
44		227'	93,786
45		337'	74,044
46		337'	78,901
47		161'	65,904
48		230'	59,715
49		253'	49,740
50		277'	54,615
51		233'	59,587
52		212'	57,281
53		198'	51,146
54		246'	69,544
55		333'	72,545
56		416'	88,908
57		320'	56,934
58		194'	89,615
59		192'	105,315
60		216'	63,089
61		244'	84,090

TOTAL LOT AREA	4,018,412 SQ.FT.
OPEN SPACE 24	493,739 SQ.FT.
OPEN SPACE 25	66,408 SQ.FT.
TOTAL OPEN AREA	560,147 SQ.FT.

SHEET 8 OF 9

FINAL PLAT
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GEORGIA REGISTERED NO. 1795 LAND SURVEYOR LEROY W. JAMES

BEING 114.995 ACRES INCLUDING	REVISION: 9/7/07
ALL RIGHT–OF–WAYS AND	CHANGE FOOTAGE ON
EASEMENTS	OPEN SPACE 25
	REVISE NOTE # 34
LAND LOT : N/A	
DISTRICT: FLOWERY BRANCH–	SURVEYED: JL
DISTRICT, GMD 1270	DRAWN: JP
	CHECKED : LWJ
HALL COUNTY, GEORGIA	PROJ. No. 02–161–SFD
NOVEMBER 6, 2006	FILE No.:
SCALE : 1"=100'	

ZONING CONDITIONS

EXHIBIT "A" TO ORDINANCE NOS. 239 and 240 OF THE CITY OF FLOWERY BRANCH

The Property consisting of 894 acres and more particularly described in the application for annexation and rezoning (hereinafter the "Property") submitted by Looper Lake, L.L.C. (hereinafter "Owner") is zoned P-U-D (Planned Unit Development) subject to the following conditions set forth below:

A. Environmental Conditions

1. Stream buffers. There shall be a fifty (50') foot undisturbed buffer measured from either side of the centerline of those streams identified on pages A-2 and A-3 (in green with a blue line running through it) of the Community Development Plan for Rolling Hills Lake Club prepared by Botich Partnership, dated June 28, 2001 (the "Community Development Plan") presented to City Council on the recorded final plats for the Property. Notwithstanding the above, Owner shall have the limited right to disturb the undisturbed buffer area to install, construct and thereafter maintain sidewalk and road crossings, sewer and storm water runoff lines and re-use water lines, provided that said lines are installed in a direction generally perpendicular to the direction of the stream and are constructed in accordance with State of Georgia Environmental Protection Division ("EPD") guidelines. In addition, Owner and any homeowners association and/or associations created to administer some portion or all of the Property shall have the right, with respect to that portion of the undisturbed buffer which they own, administer or otherwise control to do any of the following: a) remove dead or diseased trees, shrubs or plants; b) install erosion control devices; c) remove any thing or control any condition which represents a potential safety or health hazard.

2. The Property shall be constructed in accordance with the following: a) the State of Georgia National Pollutant Discharge Elimination System (NPDES) requirements regarding storm water discharge from construction sites, and b) all applicable federal wetlands and regulation laws.

3. All construction and development activities within the Property shall be performed in accordance with a master storm water management plan. Each phase of development for which a land disturbance permit has been issued will be developed in conformance with such plan. The plan shall employ sound management practices for both onsite storm water detention and sedimentation and erosion control. Sedimentation and erosion control shall be accomplished through the use of construction siltation fences, temporary, or permanent, settlement ponds and/or check dams which shall be installed, as necessary, prior to and during land disturbance to minimize the potential for sedimentation runoff into the lakes and streams. Storm water detention will be provided in both the existing lakes and through additional detention facilities constructed on the Property. The lakes shall not be used for capture of sedimentation. Except as provided below, the ownership and maintenance responsibility for the storm water detention facilities on the Property shall be that of Owner or a homeowners association and/or associations created to administer some portion or all of the Property. Notwithstanding the above, the City shall own all of those portions of the storm water system within the Property (including but not limited to storm water pipes, inlets, junction boxes, headwalls and catch basins) that are located either within the public rights-of-way or dedicated drainage easements within the Property upon their construction by Owner and inspection and acceptance by the City. The Owner shall post a maintenance bond for each phase of the development for which a final plat has been recorded covering those parts of the storm water drainage system located within such phase. For the purposes of this Agreement, the term "final plat" shall mean a finished drawing of the subdivision or phase thereof that completely and accurately shows the infrastructure improvements constructed within said subdivision or phase. The maintenance bond shall be equal to twenty (20%) percent of the cost of the storm water drainage system improvements located and constructed within such phase and shall be effective for a term of twenty-four (24) months from the recording of the final plat for said phase of the development in the land records office of Hall County. Nothing herein shall abrogate the Owner's responsibility, after the expiration of the maintenance bond, to control sediment to the extent required by State Law. The final plat as recorded in the office of the Clerk of Superior Court of Hall County shall identify and locate all portions of the storm water drainage system that have been constructed in said phase, inspected and approved by the City. Open drainage swales and detention facilities shall be maintained by either the Owner, lot owner and/or a homeowners association and/or associations created to administer some portion or all of the Property as set forth in a recorded declaration of covenants for the Property and as shown on the recorded final plat for the Property. After the expiration of the maintenance bond, all other portions of the storm water drainage system shall be maintained, repaired and replaced within public rights-of-way or dedicated easements within the Property.

4. Owner shall construct infrastructure on the Property designed to allow for the onsite storage and use of treated effluent ("re-use water") for irrigation purposes by Owner, lot owners and/or a homeowners association and/or associations created to administer some portion or all of the Property. The re-use water distribution system shall be designed, based on sound engineering practices, to a) accept and use at a minimum, twenty percent of the average monthly discharge generated from the property, which discharge shall be based upon each residential dwelling unit being deemed to discharge two-hundred forty (240) gallons per day; and b) store, on site, three (3) days volume of required re-use water. Nothing in this condition shall prevent or limit the Owner from accepting, storing and using more than twenty (20 %) percent of the treated effluent. The City shall cause the sewer service authority, utility or other governmental or quasi-governmental body which provides sewer to the Property to provide treated effluent to the Property at no cost, charge, fee or tax to the user for a period of seven (7) years; provided, however, the City may pass along to said users any costs, fees or assessments imposed by the State of Georgia Environmental Protection Division (GAEPD), or other governmental entity.

5. The City shall cause the sewer service authority, utility or other governmental or quasi-governmental body which provides sewer to the Property to be responsible for the maintenance, repair and replacement of all parts of the re-use water distribution system commencing from the sewer treatment plant up to and including the point where the main distribution lines are connected to service stub outs (and to which feeder lines are then connected). Beyond this connection, the lot owners and/or a homeowners association and/or associations created to administer some portion or all of the Property shall be responsible for the maintenance and repair of said lines. The Owner shall post a maintenance bond covering those parts of the re-use water system identified on the recorded plat for each phase of the development to be constructed by the Owner on the Property. The maintenance bond shall be for an amount equal to twenty (20 %) percent of the cost of that portion of the distribution system for re-use water located within that platted phase of the development and shall be for a duration of twenty-four months from the first day of the month following the first month during which certificates of occupancy have been issued on more than fifty (50 %) percent of the residential units in a platted phase of the development. The final plat for each phase of the development shall identify that portion of the re-use water system located within that phase.

6. All residential dwellings on the Property shall be constructed with water-saving fixtures, including but not limited to, low-flow toilets, showerheads, and water faucets. Such water-saving fixtures shall meet all applicable state law requirements.

7. The Owner shall designate at least one-hundred eighty (180) acres of the Property for permanent open space. The permanent open space may consist of and be located on common areas (including, but not limited to, the lakes, buffer areas, and passive and active parks and recreational areas) of the Property administered by a homeowners association or associations or on individually owned lots. The permanent open space (which shall be not less than twenty (20 %) percent of the Property) is shown on the Community Development Plan on pages A-2 and A-3 of said Community Development Plan. The Owner shall have the right to revise the location of the permanent open space, in its discretion, provided that the total acreage of permanent open space is at least one-hundred eighty (180) acres plus any additional open space required due to increased density of six or more units per acre in any separately platted phase. Any portion of the permanent open space constituting an undisturbed buffer area shall be limited to passive uses. Any permanent open space located outside of an undisturbed buffer area may be used for among other things, recreational amenities and other active and passive uses including but not limited to parks, playgrounds, recreation centers, swimming pools and tennis courts for the use by residents of the subdivision.

8. (a) Any other provision of this ordinance notwithstanding, no separately platted phase of this development shall have gross density greater than eight (8) residential units per acre.
(b) In all separately platted phases of this development in which the gross density is fewer than six (6) units per acre, the residential dwelling units therein shall consist of single family detached homes.
(c) In any separately platted phases of this development where the gross density is six (6) or more residential units per acre, there shall be a required twenty-five (25') foot front yard setback and a required twenty-five (25') foot rear yard setback on each attached multi-family building (and on each detached residential unit, if any) and a required fifteen (15') foot side yard setback on each attached multi-family building (and on each detached residential unit, if any) which required front, rear, and side yard setback area shall not be counted toward the open space requirements for that phase of the development. Any setback area in excess of the required minimum shall be counted toward the open space requirement.
(d) If the density of any separately platted phase of development within the Property is more than six (6) or more residential units per acre, based on the number of units and acreage shown on the recorded final plat for that phase, the total permanent open space required for the Property shall be increased over the required 180 acres of permanent open space in accordance with the following formula:
The number of acres in the separately platted phase of development within the property of which the gross density is six or more residential units per acre shall be multiplied by twenty (20%) percent and the resulting product shall be the additional permanent open space to be created for the development.
An example of the application of this formula is set forth below for a 20 acre platted phase were the density is eight (8) residential units per acre:
20 acres x .20 = 4 acres of additional permanent open space in the final platted phase of the development, exclusive of required setback areas, resulting in no more than 160 residential units being constructed on that separately platted twenty (20) acres.

9. Gasoline powered boats and vehicles shall not be permitted on any lake within the Property, provided that, the Association may use or allow to be used gasoline powered boats for construction maintenance and repair of the lakes, dams or docks on the Property. Electric powered boats and vehicles may be permitted on the lakes to the extent, if at all, permitted under the recorded covenants, and rules and regulations adopted pursuant thereto, for the Property.

10. (a) Lake buffers. There shall be a twenty-five (25) foot undisturbed buffer adjacent to the lakes on all lots bordering a lake. The undisturbed buffer shall be measured from the normal pool elevation of the lake. Notwithstanding the above, the buffer may be disturbed in compliance with State EPD guidelines and to do any of the following: (1) perform lake maintenance and repair; (2) remove dead or diseased trees, shrubs and plants; and (3) to control any condition or remove any thing that constitutes a potential health or safety hazard.
(b) In addition, there shall be a twenty-five (25) foot additional undisturbed buffer area immediately to the interior of the undisturbed buffer area immediately to the interior of the undisturbed buffer area described in paragraph 10(a) above on all lots bordering a lake. Notwithstanding the above, this additional buffer area may be disturbed for all of the purposes described in paragraph 10(a) above and for the additional purpose of installing, maintaining and repairing sewer and storm water drainage lines.
(c) In addition to the undisturbed buffers described above, there shall be an additional fifteen (15') foot landscape strip immediately to the interior of the fifty (50) foot undisturbed buffers described in paragraphs 10(a) and 10(b) above on all lots adjacent to a lake which landscape strip may be disturbed, but not improved with impervious materials. For the purposes of these conditions, an "impervious material" shall mean any material that substantially reduces or prevents the infiltration of storm water, including but not limited to buildings, paved roads, paved parking lots and paved driveways, swimming pools and patios. Notwithstanding the above, the term "impervious material" shall not include the following: 1) any deck or fence post, support or foundation, or 2) any deck or similar structure constructed above the grade of the Property.

B. Amenities

1. The recreational amenities described in the Application shall be completed no later than within twenty-four (24) months after recording of the final plat for the first phase of the development containing residential lots or units.

2. Additional recreational amenities may, but shall not be required to be provided by Owner in any phase of development within the Property. Such amenities shall not be required to be completed any sooner than within twenty-four (24) months from the recording of the final plat for the phase in which such amenities are located.

3. The Lower Lake as identified on the Community Development Plan prepared by Botich Partnership dated June 28, 2001 and submitted to the City Council (and found on page A-2 of said Community Development Plan) shall be available for the recreational use of all of the residents within the Property, including boating and fishing, subject to such restrictions as may be contained in the recorded declaration of covenants for the Property and rules and regulations adopted pursuant to said declaration. Access to the Lower Lake through a common area administered by a homeowners association and/or associations shall be provided to the residents of the Property by the Owner no later than by thirty-six (36) months from the recording of the final plat for the first phase of the development containing residential lots or units.

C. Transportation Conditions

1. All roads, including collector roads, neighborhood streets and sub-collector roads, constructed within the Property shall be of a width that meets or exceeds the standards and specifications for such road set forth on page A-6 of the Community Development Plan. All collector roads within a phase of the development shall be identified on the final recorded plat for that phase of the development and shall include on one side of the collector road an eight (8) foot wide sidewalk/path. All neighborhood and sub-collector streets within a phase of the development shall be identified on the final recorded plat for that phase of the development, shall include four (4) foot wide sidewalks on both sides of all neighborhood and sub-collector streets, and shall connect to the eight (8) foot wide sidewalk/path. The exact location of such streets, sidewalks and paths shall be determined by the Owner on the final recorded plat for each phase of the development. Sidewalks and paths located in any phase of the development shall not be required to be constructed prior to the approval of the final plat for the phase within which the sidewalk and/or path is located. All sidewalks and/or paths located within the Property shall in the discretion of the Owner be maintained by either the Association or individual lot owners (but not the City) as specified in a recorded declaration of covenants for the Property.

2. A sidewalk five (5) feet in width shall be constructed by the Owner on that part and side of Spout Springs Road immediately adjacent to the Property and shall be located within the right-of-way of Spout Springs Road. The sidewalk shall be maintained by a homeowners association and/or associations created to administer some portion or all of the Property and shall be constructed within twenty-four (24) months from the recording of the final plat for the first phase of the development containing residential lots or units.

3. Road improvements within the Property including curbs and gutters shall be constructed to City standards and shall be dedicated to and maintained by the City. The Owner shall additionally construct the City's standards and dedicate to the City the appropriate turn lanes on collector roads as described in the Application and the appropriate left turn lanes, acceleration lanes and deceleration lanes on Spout Springs Road to be located at the entrance to the Property; additionally, Owner shall construct to the City's standards the appropriate left turn lanes, acceleration and deceleration lanes at Capitola Road and Bragg Road and as required inside the development.

4. The Owner shall post a maintenance bond for an amount equal to twenty (20%) percent of the cost of constructing the roads within each phase of the development, which bond shall have a duration of thirty-six (36) months with respect to collector roads from the date the City accepts such collector roads within any phase of the development and twenty-four (24) months with respect to sub-collector roads and neighborhood roads from the date the City accepts such sub-collector roads and neighborhood roads within any phase of the development. The City shall use its best efforts to timely inspect and accept all roads constructed within the development. If, not later than thirty (30) days prior to the expiration of the last maintenance bond on any of the roads within a platted phase of the development, all sidewalks within that platted phase have not been constructed, Owner shall construct, or cause to be constructed, said sidewalks and the maintenance bond shall not be released until said sidewalks have been completed by Owner and approved by the City.

5. The landscaping in the street rights-of-way adjacent to lots where a residence has been constructed that does not front the street shall be maintained by a homeowners association and/or associations created to administer some portion or all of the Property. The landscaping in the street rights-of-way adjacent to lots where a dwelling unit has been constructed that fronts the right-of-way shall be maintained by the owner of the lot immediately adjacent to the right-of-way.

6. Owner shall, within twelve (12) months of Zoning Approval, dedicate to the City an additional twenty (20') foot right-of-way immediately adjacent to the current fifty (50') foot right-of-way of Spout Springs Road and the Property. For the purposes of these conditions, the term "Zoning Approval" shall mean thirty (30) days from the date that the City Council of the City of Flowery Branch has approved the ordinance to rezone the Property to a P-U-D zoning classification and the same has been signed and approved by the Mayor and City Council.

D. Infrastructure Improvements

1. Sewer service for the Property shall be provided in accordance with a Development Agreement to be entered into by the Owner and the City.

E. Office/Commercial Parcel

1. That portion of the Property identified on the Community Development Plan as the office/commercial parcel may be used for office, retail and commercial uses and purposes intended to primarily serve the residents within the Property including for illustrative purposes only and without limitation the following: restaurants, cafes and coffee houses; general or convenience stores; child or elder care facilities, except that there shall be no child or elder care facilities providing care for more than fourteen (14) hours during any twenty-four (24) hour period as measured from any 12:00 midnight through the following 12:00 midnight; book or video stores, office support and/or supply stores; and professional offices. Owner shall cooperate with the City to facilitate locating a police sub-station within the

F. Cemetery

1. Within twenty-four (24) months from the recording of the final plat for the first phase of the development containing residential lots or units, Owner shall install a three (3) rail fence around the perimeter of the cemetery, remove any trash and debris from the cemetery, remove any dead or diseased trees or shrubs within the cemetery, and trim, prune and shape all trees and shrubs, as needed, within the cemetery. In performing this work, the Owner shall consult with and follow all reasonable recommendations of the Hall County Historical Society.

G. Density

1. The total number of residential units that may be approved for construction in all phases of the development shall not exceed a maximum of 2,300 residential units to be built on the Property (consisting of 897 acres), or an average density of 2.56 residential units per acre; provided however, that the density on any given acre of land can exceed the 2.56 units per acre so long as the density does not in any instance exceed eight (8) units per acre and the overall density for the Property does not exceed 2.56 units per acre. No portion of the Property shall be divided, sold, or conveyed without the Owner allocating a maximum number of residential dwelling units which may be constructed on said portion of the Property, and Owner notifying the City thereof in which case the allocation shall be made a condition of zoning applicable to said portion of the Property being divided, sold, transferred or conveyed. In no event shall the total number of residential dwelling units constructed on the Property as a whole exceed 2,300.

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NORCROSS, GEORGIA
(770)923-1600

GEORGIA REGISTERED NO. 2795 LAND SURVEYOR LEROY W. JAMES

BEING 114.995 ACRES INCLUDING	REVISION: 9/7/07
ALL RIGHT-OF-WAYS AND	CHANGE FOOTAGE ON
EASEMENTS	OPEN SPACE 25
	REVISE NOTE # 34
LAND LOT : N/A	
DISTRICT: FLOWERY BRANCH-	SURVEYED: JL
DISTRICT, GMD 1270	DRAWN: JP
	CHECKED : LWJ
HALL COUNTY, GEORGIA	PROJ. No. 02-161-SFD
NOVEMBER 6, 2006	FILE No.:
SCALE : 1"=100'	

EXHIBIT 'B'

Sterling on the Lake, Pod Z Subdivision
(Right-of-Way Legal Description)

All that tract or parcel of land lying and being in G.M.D. 1270, City of Flowery Branch, Hall County, Georgia and being more particularly described as follows:

Beginning at the intersection of the northern Right-of-Way of Trail Side Drive (50' R/W) and southwestern Right-of-Way of Winding Canyon Road (R/W varies); thence along said Right-of-Way of Winding Canyon Road 25.81 feet along an arc of a curve to the left having a radius of 18.00 feet and a chord bearing and distance of North 26°56'33" East, 23.65 feet to a point; thence North 18°51'29" West, a distance of 124.26 feet to a point; thence 90.64 feet along an arc of a curve to the left having a radius of 179.34 feet and a chord bearing and distance of North 33°58'16" West, 89.68 feet to a point; thence 78.03 feet along an arc of a curve to the left having a radius of 346.56 feet and a chord bearing and distance of North 54°30'02" West, 77.87 feet to a point; thence North 60°51'05" West, a distance of 55.37 feet to a point; thence North 60°51'05" West, a distance of 19.39 feet to a point; thence 102.52 feet along an arc of a curve to the right having a radius of 425.00 feet and a chord bearing and distance of North 53°56'27" West , 102.27 feet to a point; thence North 47°01'49" West, a distance of 58.32 feet to a point on the southwestern Right-of-Way of Cherokee Rose Way (50' R/W); thence along said Right-of-Way 26.70 feet along an arc of a curve to the left having a radius of 17.00 feet and a chord bearing and distance of South 87°58'11" West, 24.04 feet to a point; thence South 42°58'11" West, a distance of 238.51 feet to a point; thence South 42°58'11" West, a distance of 33.02 feet to a point; thence 35.25 feet along an arc of a curve to the right having a radius of 225.00 feet and a chord bearing and distance of South 47°27'29" West, 35.22 feet to a point; thence South 52°28'12" West, a distance of 157.31 feet to a point; thence South 52°28'12" West, a distance of 141.91 feet to a point; thence South 52°28'12" West, a distance of 29.01 feet to a point; thence 13.53 feet along an arc of a curve to the left having a radius of 275.00 feet and a chord bearing and distance of South 51°03'37" West, 13.53 feet to a point; thence 317.36 feet along an arc of a curve to the left having a radius of 16120.68 feet and a chord bearing and distance of South 49°05'11" West, 317.36 feet to a point; thence 4.39 feet along an arc of a curve to the right having a radius of 331.71 feet and a chord bearing and distance of South 56°29'30" West, 4.39 feet to a point; thence 81.00 feet along an arc of a curve to the right having a radius of 50.00 feet and a chord bearing and distance of North 77°49'53" West, 72.43 feet to a point on the northwestern Right-of-Way of said Cherokee Rose Way; thence along said Right-of-Way 50.29 feet along an arc of a curve to the left having a radius of 284.74 feet and a chord bearing and distance of North 58°46'42" East, 50.22 feet to a point; thence 316.21 feet along an arc of a curve to the right having a radius of 16170.68 feet and a chord bearing and distance of North 49°05'25" East, 316.21 feet to a point; thence 16.00 feet along an arc of a curve to the right having a radius of 325.00 feet and a chord bearing and distance of North 51°03'37" East, 15.99 feet to a point; thence North 52°28'13" East, a distance of 19.77 feet to a point; thence North 52°28'13" East, a distance of 220.42 feet to a point; thence North 52°28'13" East, a distance of 87.69 feet to a point; thence 27.42 feet along an arc of a curve to the left having a radius of 175.00 feet and a chord bearing and distance of North 47°27'29" East, 27.39 feet to a point; thence North 42°58'11" East, a distance of 92.60 feet to a point; thence North 42°58'11" East, a distance of 178.93 feet to a point; thence 26.70 feet along an arc of a curve to the left having a radius of 17.00 feet and a chord bearing and distance of North 02°01'49" West, 24.04 feet to a point on the northeastern Right-of-Way of said Winding Canyon Road; thence along said Right-

of-Way North 47°01'49" West, a distance of 165.91 feet to a point; thence 163.94 feet along an arc of a curve to the left having a radius of 375.00 feet ad a chord bearing and distance of North 59°33'15" West, 162.63 feet to a point; thence 6.78 feet along an arc of a curve to the left having a radius of 375.00 feet and a chord bearing and distance of North 72°35'44" West, 6.78 feet to a point; thence North 73°06'47" West, a distance of 153.64 feet to a point; thence 63.37 feet along an arc of a curve to the right having a radius of 425.00 feet and a chord bearing and distance of North 68°50'29" West, 63.31 feet to a point; thence 218.73 feet along an arc of a curve to the right having a radius of 425.00 feet and a chord bearing and distance of North 49°49'33" West, 216.32 feet to a point on the southwestern Right-of-Way of Conifer Court (50' R/W); thence along said Right-of-Way 25.09 feet along an arc of a curve to the left having a radius of 17.00 feet and a chord bearing and distance of North 77°21'20" West, 22.87 feet to a point; thence South 60°22'14" West, a distance of 55.08 feet to a point; thence 110.83 feet along an arc of a curve to the left having a radius of 175.00 feet and a chord bearing and distance of South 42°13'38" West, 108.99 feet to a point; thence South 24°05'01" West, a distance of 51.01 feet to a point; thence South 24°05'01" West, a distance of 182.14 feet to a point; thence 78.39 feet along an arc of a curve to the left having a radius of 375.00 feet and a chord bearing distance of South 18°05'44" West, 78.24 feet to a point; thence 41.33 feet along an arc of a curve to the left having a radius of 17.00 and a chord bearing and distance of South 08°56'58" West, 41.31 feet to a point; thence South 05°47'31" West, a distance of 58.19 feet to a point; thence 13.87 feet along an arc of a curve to the left having a radius of 17.00 feet and a chord bearing and distance of South 17°34'56" East, 13.49 feet to a point; thence 87.93 feet along an arc of a curve to the right having a radius of 50.00 feet and a chord bearing and distance of South 09°25'17" West, 77.03 feet to a point; thence 80.42 feet along an arc of a curve to the right having a radius of 50.00 feet and a chord bearing and distance of North 74°07'26" West, 72.03 feet to a point; thence 77.83 feet along an arc of a curve to the right having a radius of 50.00 feet and a chord bearing and distance of North 16°32'55" East, 70.21 feet to a point; thence 16.42 feet along an arc of a curve to the left having a radius of 17.00 feet and a chord bearing and distance of North 33°28'05" East, 15.79 feet to a point; thence North 05°47'31" East, a distance of 51.87 feet to a point; thence 20.24 feet along an arc of a curve to the right having a radius of 425.00 feet and a chord bearing and distance of North 07°09'23" East, 20.24 feet to a point on the southwestern Right-of-Way of Running Deer Court (50' R/W); thence 25.09 feet along an arc of a curve to the left having a radius of 17.00 feet and a chord bearing and distance of North 33°45'10" West, 22.87 feet to a point; thence North 76°01'35" West, a distance of 13.65 feet to a point; thence 84.95 feet along an arc of a curve to the right having radius of 425.00 feet and a chord bearing and distance of North 70°18'01" West, 84.81 feet to a point; thence North 64°34'26" West, a distance of 28.27 feet to a point; thence North 64°34'26" West, a distance of 181.71 feet to a point; thence North 64°34'26" West, a distance of 153.42 feet to a point; thence 30.47 feet along an arc of curve to the right having a radius of 225.00 feet and chord bearing and distance of North 60°41'41" West 30.44 feet to a point; thence 164.87 feet along an arc of a curve to the right having a radius of 225.00 feet and a chord bearing and distance of North 35°49'25" West, 161.21 feet to a point; thence 88.77 feet along an arc of a curve to the right having a radius of 225.00 feet and a chord bearing and distance of North 03°31'45" West, 88.19 feet to a point; thence 11.59 feet along an arc of a curve to the right having a radius of 225.00 feet and a chord bearing and distance of North 09°14'54" East, 11.59 feet to a point; thence North 10°43'26" East, a distance of 109.71 feet to a point; thence 3.67 feet along an arc of a curve to the left having a radius of 17.00 feet and a chord bearing and distance of North 04°32'37" East, 3.66 feet to a point; thence 62.48 feet along an arc of a curve to the right having a radius of 50.00 feet and a chord bearing and distance of North 34°09'36" East, 58.49 feet to a point; thence 67.23 feet

along an arc of a curve to the right having a radius of 50.00 feet and a chord bearing and distance of South 71°31'34" East, 62.28 feet to a point; thence 31.64 feet along an arc of a curve to the right having a radius of 50.00 feet and a chord bearing and distance of South 14°52'52" East, 31.11 feet to a point; thence 71.04 feet along an arc of a curve to the right having a radius of 50.00 feet and a chord bearing and distance of South 43°56'50" West, 65.21 feet to a point; thence 21.93 feet along an arc of a curve to the left having a radius of 17.00 feet and a chord bearing and distance of South 47°41'09" West, 20.44 feet to a point; thence South 10°43'26" West, a distance of 59.67 feet to a point; thence 229.98 feet along an arc of a curve to the left having a radius of 175.00 feet and a chord bearing and distance of South 26°55'30" East, 213.79 feet to a point; thence South 64°34'26" East, a distance of 25.74 feet to a point; thence South 64°34'26" East, a distance of 231.28 feet to a point; thence South 64°34'26" East, a distance of 106.37 feet to a point; thence 74.96 feet along an arc if a curve to the left having a radius of 375.00 feet and a chord bearing and distance of South 70°18'01" East, 74.83 feet to a point; thence South 76°01'35" East, a distance of 10.94 feet to a point; thence 29.39 feet along an arc of a curve to the left having a radius of 20.00 feet and a chord bearing and distance of North 61°52'32" East and a chord distance of 26.82 feet to a point on the northwestern Right-of-Way of said Conifer Court; thence along said Right-of-Way 31.94 feet along an arc of a curve to the right having a radius of 425.00 feet and a chord bearing and distance of North 21°55'50" East, 31.94 feet to a point; thence North 24°05'01" East, a distance of 142.33 feet to a point; thence North 24°05'01" East, a distance of 90.83 feet to a point; thence 63.80 feet along an arc of a curve to the right having a radius of 225.00 feet and a having a chord bearing and distance of North 32°12'26" East, 63.59 feet to a point; thence 78.70 feet along an arc of a curve to the right having a radius of 225.00 feet and a chord bearing and distance of North 50°21'03" East, 78.30 feet to a point; thence North 60°22'14" East, a distance of 55.08 feet to a point**;** thence 25.09 feet along an arc of a curve to the left having a radius of 17.00 feet and a chord bearing and distance of North 18°05'49" East, 22.87 feet to a point on the northeastern Right-of-Way of said Winding Canyon Road; thence along said Right-of-Way 35.28 feet along an arc of a curve to the right having a radius of 425.00 feet and a chord bearing and distance of North 21°47'54" West, 35.27 feet to a point; thence North 19°25'13" West, a distance of 203.72 feet to a point; thence 20.08 feet along an arc of a curve to the left having a radius of 475.00 feet and a chord bearing and distance of North 20°37'53" West, 20.08 feet to a point; thence 172.89 feet along an arc of a curve to the left having a radius of 475.00 feet and a chord bearing and distance of North 32°16'12" West, 171.94 feet to a point; thence North 42°41'51" West, a distance of 121.15 feet to a point; thence North 42°41'51" West, a distance of 106.31 feet to a point; thence 244.93 feet along an arc of a curve to the left having a radius of 425.00 feet and a chord bearing and distance of North 59°12'28" West, 241.56 feet to a point; thence 377.07 feet along an arc of a curve to the left having a radius of 425.00 feet and a chord bearing and distance of South 78°51'53" West, 364.83 feet to a point; thence 52.86 feet along an arc of a curve to the left having a radius of 425.00 feet and a chord bearing and distance of South 49°53'05" West, 52.82 feet to a point; thence South 46°19'18" West, a distance of 242.73 feet to a point; thence South 46°19'18" West, a distance of 163.75 feet to a point; thence 15.19 feet along an arc of a curve to the left having a radius of 17.00 feet and a chord bearing and distance of South 20°43'53" West, 14.69 feet to a point; thence 53.86 feet along an arc of a curve to the right having a radius of 50.00 feet and a chord bearing and distance of South 26°00'01" West, 51.29 feet to a point; thence 61.53 feet along an arc of a curve to the right having a radius of 50.00 feet and a chord bearing and distance of North 87°53'08" West, 57.72 feet to a point; thence 53.94 feet along an arc of a curve to the right having a radius of 50.00 feet and a chord bearing and distance of North 21°43'25" West, 51.36 feet to a point; thence 77.07 feet along an arc of a curve to the right having a radius of

50.00 feet and a North 53°20'35" East, 69.67 feet to a point; thence 15.19 feet along an arc of a curve to the left having a radius of 17.00 feet and a chord bearing and distance of North 71°54'44" East 14.69 feet to a point; thence North 46°19'18" East, a distance of 156.89 feet to a point; thence North 46°19'18" East, a distance of 202.73 feet to a point; thence North 46°19'18" East, a distance of 46.87 feet to a point; thence 124.56 feet along an arc of a curve to the right having a radius of 475.00 feet and a chord bearing and distance of North 53°50'03" East, 124.20 feet to a point; thence 149.09 along an arc of a curve to the right having a radius of 475.00 feet and a chord bearing and distance of North 70°20'19" East, 148.48 feet to a point; thence 171.24 feet along an arc of a curve to the right having a radius of 475.00 feet and a chord bearing and distance of North 89°39'30" East, 170.31 feet to a point; thence 141.78 feet along an arc of a curve to the right having a radius of 475.00 feet and a chord bearing and distance of South 71°27'46" East, 141.26 feet to a point; thence 167.58 feet along an arc of a curve to the right having a radius of 475.00 feet and a chord bearing and distance of South 52°48'17" East, 166.71 feet to a point; thence South 42°41'51" East, a distance of 59.86 feet to a point; thence South 42°41'51" East, a distance of 167.60 feet to a point; thence 73.71 feet along an arc of a curve to the right having a radius of 525.00 feet and a chord bearing and distance of South 38°40'32" East, 73.65 feet to a point; thence 139.58 feet along an arc of a curve to the right having a radius of 525.00 feet and a chord bearing and distance of South 27°02'13" East, 139.17 feet to a point; thence South 19°25'13" East, a distance of 61.06 feet to a point; thence South 19°25'13" East, a distance of 142.66 feet to a point; thence 47.07 feet along an arc of a curve to the left having a radius of 375.00 feet and a chord bearing and distance of South 23°00'59" East, 47.04 feet to a point; thence 257.90 feet along an arc of a curve to the left having a radius of 375.00 feet and a chord bearing and distance of South 46°18'52" East, 252.84 feet to a point; thence 46.45 feet a along an arc of a curve to the left having a radius of 375.00 and a chord bearing and distance of South 69°33'53" East, 46.42 feet to a point; thence South 73°06'47" East, a distance of 153.64 feet to a point; thence 45.19 feet along an arc of a curve to the right having a radius of 425.00 feet and a chord bearing and distance of South 70°04'02" East, 45.17 feet to a point; thence 148.29 feet along an arc of a curve to the right having a radius of 425.00 feet and a chord bearing and distance of South 57°01'33" East, 147.54 feet to a point; thence South 47°01'49" East, a distance of 48.87 feet to a point; thence South 47°01'49" East, a distance of 210.87 feet to a point; thence South 47°01'49" East, a distance of 48.66 feet to a point; thence 90.14 feet along an arc of a curve to the left having a radius of 375.00 feet and a chord bearing and distance of South 3°54'59" East, 89.92 feet to a point; thence South 60°48'10" East, a distance of 74.87 feet to a point; thence 205.79 feet along an arc of a curve to the right having a radius of 444.34 feet and a chord bearing and distance of South 47°04'32" East, 203.95 feet to a point; thence 139.71 feet along an arc of a curve to the right having a radius of 444.34 feet and a chord bearing and distance of South 24°48'02" East, 139.14 feet to a point; thence 21.76 feet along an arc of a curve to the left having a radius of 18.23 feet and a chord bearing and distance of South 49°35'39" East, 20.49 feet to a point on the northern Right-of-Way of said Trail Side Drive; thence along said Right-of-Way 107.80 feet along an arc of a curve to the left having a radius of 325.00 feet and a chord bearing and distance of South 77°22'46" West, 107.31 feet feet to the ***Point of Beginning***.

Said tract contains 7.240 Acres.





FLOWERY BRANCH CITY COUNCIL

EXECUTIVE SUMMARY

SUBJECT: CONSIDER AWARDING CONTRACT TO YELLOWSTONE LANDSCAPE, LLC. FOR LANDSCAPING SERVICES.

DATE: January 27, 2026

(X) RECOMMENDATION
( ) POLICY DISCUSSION
( ) STATUS REPORT
( ) OTHER

BUDGET INFORMATION:
ANNUAL- $31,819.00
CAPITAL-

COUNCIL ACTION REQUESTED ON: FEBRUARY 5, 2026

PURPOSE: The Purpose of this agenda item to award a contract for Bid 26-002 Landscaping Services for the City of Flowery Branch to a responsible, responsive bidder.

HISTORY: This is an initiative to have a contract encompass all six locations for services requested. This will simplify and improve landscaping services across six municipal locations by consolidating all services under one contractor. The locations are as follows:

- City Hall & Police Department Grounds
- Amphitheater Grounds
- Main Street (Railroad Ave to Mitchell St.)
- Railroad Avenue Market Pavilion
- Round-a-bout
- Jones Park

FACTS AND ISSUES: Currently, landscaping is maintained through three separate contracts. By moving to a single, comprehensive contract, the City will gain consistency, accountability, and ease of management while ensuring all locations receive the same standard of care.

The proposed contract includes the following services:

Basic Maintenance (52 Visits Per Year): This service provides weekly maintenance throughout the year and includes: Lawn mowing, Trimming and edging of turf areas, parking areas, and landscaped spaces, General upkeep to maintain a clean and orderly appearance.

Turf Program (Annual): This program is designed to maintain healthy, safe, and visually appealing lawn areas and typically includes: Fertilization treatments, weed control, Soil health management.

Flowers – Spring & Fall: Seasonal flower services include: Installation of flowers in the spring, Removal and replacement with fall plantings, Maintenance to ensure plant health and appearance

Mulch – Spring & Fall: Mulching services include: Application of fresh mulch in landscaped beds in spring, Refreshing mulch again in fall

OPTIONS: 1) Award the Contract
2) Do not Award the Contract.

RECOMMENDED SAMPLE MOTION: I make a motion to award Bid 26-002 for Landscaping Services to Yellowstone Landscape, LLC.

DEPARTMENT: Finance
Prepared by: Nancy Rodriguez

CONTRACT AGREEMENT
26-002 LANDSCAPING SERVICES

This Agreement made and entered into this_____ day of _____, in the year 2026, by and between The City of Flowery Branch, Georgia, having its principal place of business at 5410 Pine St, Flowery Branch, Georgia and **YELLOWSTONE LANDSCAPE, LLC** ("Contractor") located at 1536 Fulenwider Rd, Gainesville, GA 30507.

WHEREAS, the City of Flowery Branch is charged with the responsibility for the establishment of contracts for the acquisition of goods, materials, supplies and equipment, and services by the various departments of the City of Flowery Branch; and

WHEREAS, the City of Flowery Branch has caused **BID 26-002** to be issued soliciting proposals from qualified Contractors to furnish all items, labor services, materials and appurtenances called for by them in accordance with this proposal. Selected ("Contractor") is required to provide the services as called for in the specifications; and

WHEREAS, the Contractor submitted a response to the **BID 26-002**; and

WHEREAS, the Contractor's submittal was deemed by the City of Flowery Branch to be the most responsible and responsive per the scope of work; and

NOW THEREFORE, in consideration of the mutual covenant and promises contained herein, the parties agree as follows:

1.0 Scope of Work

That the Contractor has agreed and by these present does agree with the City to furnish all equipment, tools, materials, skill, labor of every description, and all things necessary to carry out as delineated in **"Exhibit A" (Scope of Work)** and complete in a good, firm, substantial and workmanlike manner, the Work in strict conformity with the specifications which shall form an essential part of this agreement. In addition to the foregoing, and notwithstanding anything to the contrary stated herein, the following terms and conditions, amendments, and other documents are incorporated by reference and made a part of the terms and conditions of this Agreement as is fully set out herein:

EXHIBIT A - SCOPE OF SERVICE
EXHIBIT B - COST PROPOSAL
EXHIBIT C - W-9
EXHIBIT D - CERTIFICATE OF INSURANCE
EXHIBIT E - E-VERIFY AFFIDAVIT
EXHIBIT F - CONTACT INFORMATION

EXHIBIT G – ADDENDUMS
EXHIIBT H – CONTRACTOR'S OATH

2.0 Compensation

2.1 Pricing. The Contractor will be paid for the services sold pursuant to the Contract in accordance with the BID and final pricing documents as incorporated into the terms of the Contract. All prices are firm and fixed and are not subject to variation. The prices quoted and listed on the attached Cost Proposal, a copy of which is attached hereto as **"Exhibit B" (Cost Proposal)** and incorporated herein, shall be firm throughout the term of this Contract. The maximum costs owed by the City for the remainder of FY 2026 shall be a prorated cost from the annual amount of $31,819.00 and shall not exceed $12,000.00, unless otherwise agreed to in writing. The annual costs for FY 2027 shall not exceed: $31,819.00 unless otherwise agreed to in writing. Annual costs for fiscal year FY 2028 and for any fiscal years thereafter shall not exceed $31,819.00 plus an additional amount that shall increase annually based on the percentage increase in the Consumer Price Index (CPI-U) for all Urban Consumers (U.S. City Average) over the previous 12-month period, not to exceed 4%, unless otherwise agreed to in writing.

2.2 Billings. If applicable, the Contractor shall submit, on a regular basis, an invoice for services supplied to the City under the Contract at the billing address specified in the Purchase Instrument or Contract. The invoice shall comply with all applicable rules concerning payment of such claims. The City shall pay all approved invoices in arrears and in accordance with applicable provisions of City law. Unless otherwise agreed in writing by the parties, the Contractor shall not be entitled to receive any other payment or compensation from the City for any services provided by or on behalf of the Contractor under the Contract. The Contractor shall be solely responsible for paying all costs, expenses and charges it incurs in connection with its performance under the Contract.

Invoices are to be emailed to APInvoices@flowerybranchga.org. A W-9 Request for Taxpayer Identification Number and Certification Form must be submitted **"Exhibit C" (W-9).**

2.3 Delay of Payment Due to Contractor's Failure. If the City in good faith determines that the Contractor has failed to perform or deliver any service or product as required by the Contract, the Contractor shall not be entitled to any compensation under the Contract until such service or product is performed or delivered. In this event, the City may withhold that portion of the Contractor's compensation which represents payment for services or products that were not performed or delivered. To the extent that the Contractor's failure to perform or deliver in a timely manner causes the City to incur costs, the City may deduct the amount of such incurred costs from any amounts payable to Contractor. The City's authority to deduct such incurred costs shall not in any way affect the City's authority to terminate the Contract.

2.4 Set-Off Against Sums Owed by the Contractor. In the event that the Contractor owes the City any sum under the terms of the Contract, pursuant to any judgment, or pursuant to any law, the City may set off the sum owed to the City against any sum owed by the City to the Contractor in the City's sole discretion.

3.0 Duration of Contract

Contract Term. Pursuant to O.C.G.A. Section 36-60-13, this Contract shall not be deemed to create a debt of the City for the payment of any sum beyond the fiscal year of execution or, in the event of a renewal, beyond the fiscal year of such renewal. The initial term for this contract shall commence on February 16, 2026 and run through June 30, 2026. Thereafter, this contract shall align with the City's fiscal year from July 1 to June 30 and shall automatically renew every year under the same terms and conditions for five successive years (with the year of July 1, 2026 through June 30, 2027 counting as the first such year) unless either party shall notify the other in writing 30 days in advance of June 30 or unless otherwise terminated under the provisions of Paragraph 10. All invoices postmarked by the City during said term shall be filed at the contract price. This Contract may be extended by mutual consent of both the City and the Contractor for reasons of additional time, additional services and/or additional areas of work.

4.0 Independent Contractor

4.1 The Contractor shall be an independent Contractor. The Contractor is not an employee, agent or representative of the City of Flowery Branch. The successful Contractor shall obtain and maintain, at the Contractor's expense, all permits, license or approvals that may be necessary for the performance of the services. The Contractor shall furnish copies of all such permits, licenses or approvals to the City of Flowery Branch Representative within ten (10) day after issuance.

4.2 Inasmuch as the City of Flowery Branch and the Contractor are independent of one another neither has the authority to bind the other to any third person or otherwise to act in any way as the representative of the other, unless otherwise expressly agreed to in writing signed by both parties hereto. The Contractor agrees not to represent itself as the City's agent for any purpose to any party or to allow any employee of the Contractor to do so, unless specifically authorized, in advance and in writing, to do so, and then only for the limited purpose stated in such authorization. The Contractor shall assume full liability for any contracts or agreements the Contractor enters into on behalf of the City of Flowery Branch without the express knowledge and prior written consent of the City.

5.0 Indemnification

5.1 The Contractor agrees to indemnify, hold harmless and defend the City, its public officials, officers, employees, and agents from and against any and all liabilities, suits, actions, legal proceedings, claims, demands, damages, costs and expenses (including reasonable attorney's fees) to the extent rising out of any act or omission of the Contractor, its agents, Subcontractors, Contractors or employees in the performance of this Contract except for such claims that arise from the City's sole negligence or willful misconduct.

5.2 Notwithstanding the foregoing indemnification clause, the City may join in the defense of any claims raised against it in the sole discretion of the City. Additionally, if any claim is raised against the City, said claim(s) cannot be settled or compromised without the City's written consent, which shall not be unreasonably withheld.

6.0 Performance

The Contractor shall assign a primary point of contact to oversee communication regarding all work performed under this Contract. The primary point of contact shall meet with designated City staff at least quarterly to review performance, address any issues, and plan future service schedules.

7.0 Changes

The City, within the general scope of the Agreement, may, by written notice to Contractor, issue additional instructions, require additional services or direct the omission of services covered by this Agreement. In such event, there will be made an equitable adjustment in price, but any claim for such an adjustment must be made within thirty (30) days of the receipt of said written notice.

8.0 Change Order Defined

Change order shall mean a written order to the Contractor executed by the City issued after the execution of this Agreement, authorizing and directing a change in services. The Price and Time may be changed only by a Change Order.

9.0 Insurance

9.1 The Contractor shall, at its own cost and expense, obtain and maintain the following minimum insurance coverage covering the period of this Agreement, such insurance to be obtained from a responsible insurance company legally licensed and authorized to transact business in the State of Georgia.

▪ Workers' Compensation	Statutory Minimum $100,000/accident
▪ Employers Liability	$1,000,000
▪ Bodily Injury Liability	$1,000,000
▪ Except Automobile	$1,000,000 aggregate
▪ Property Damage Liability	$1,000,000 each occurrence
▪ Except Automobile	$1,000,000 each occurrence
▪ Automobile Bodily Injury	$1,000,000 each person
▪ Liability	$1,000,000 each occurrence
▪ Automobile Property Damage Liability	$1,000,000 each occurrence
▪ Excess Umbrella Liability	$2,000,000 each occurrence

9.2 Contractor shall provide certificates of insurance evidencing the coverage requested herein before the execution of this agreement, and at any time during the term of this Agreement, upon the request of the City, Contractor shall provide proof sufficient to the satisfaction of the City that such insurance continues in force and effect. **"Exhibit D" (Certificate of Insurance).**

10.0 Termination

10.1 Immediate Termination. Pursuant to O.C.G.A. Section 36-60-13, this Contract will terminate immediately and absolutely if the City determines that adequate funds are not appropriated or granted or funds are de-appropriated such that the City cannot fulfill its obligations under the Contract, which determination is at the City's sole discretion and shall be conclusive. Further, the City may terminate the Contract for any one or more of the following reasons effective immediately without advance notice:

(a) In the event the Contractor is required to be certified or licensed as a condition precedent to providing goods and services, the revocation or loss of such license or certification may result in immediate termination of the Contract effective as of the date on which the license or certification is no longer in effect;

(b) The City determines that the actions, or failure to act, of the Contractor, its agents, employees or Subcontractors have caused, or reasonably could cause, life, health or safety to be jeopardized;

(c) The Contractor fails to comply with confidentiality laws or provisions; and/or

(d) The Contractor furnished any statement, representation or certification which is materially false, deceptive, incorrect or incomplete.

10.2 Termination for Cause. The occurrence of any one or more of the following events shall constitute cause or the City to declare the Contractor in default of its obligations under the Contract:

(a) The Contractor fails to deliver or has delivered nonconforming goods or services or fails to perform to the City's satisfaction, any material requirement of the Contract or is in violation of a material provision of the Contract, including, but without limitation, the express warranties made by the Contractor;

(b) The City determines that satisfactory performance of the Contract is substantially endangered or that a default is likely to occur;

(c) The Contractor fails to make substantial and timely progress toward performance of the contract;

(d) The Contractor becomes subject to any bankruptcy or insolvency proceeding under federal or state law to the extent allowed by applicable federal or state law including bankruptcy laws; the Contractor terminates or suspends its business; or the City reasonably believes that the Contractor has become insolvent or unable to pay its obligations as they accrue consistent with applicable federal or state law;

(e) The Contractor has failed to comply with applicable federal, state and local laws, rules, ordinances, regulations and orders when performing within the scope of the Contract;

(f) The Contractor has engaged in conduct that has or may expose the City to liability, as

determined in the City's sole discretion; or

(g) The Contractor has infringed any patent, trademark, copyright, trade dress or any other intellectual property rights of the State, the City, or a third party.

10.3 Notice of Default. If there is a default event caused by the Contractor, the City shall provide written notice to the Contractor requesting that the breach or noncompliance be remedied within the period of time specified in the City's written notice to the Contractor. If the breach or noncompliance is not remedied by the date of the written notice, the City may:

(a) Immediately terminate the Contract without additional written notice; and/or

(b) Procure substitute goods or services from another source and charge the difference between the Contract and the substitute contract to the defaulting Contractor; and/or,

(c) Enforce the terms and conditions of the Contract and seek any legal or equitable remedies.

10.4 Termination for Convenience. The City may terminate this Agreement for convenience at any time upon thirty (30) day written notice to the Contractor. In the event of a termination for convenience, Contractor shall take immediate steps to terminate work as quickly and effectively as possible and shall terminate all commitments to third-parties unless otherwise instructed by the City. Provided that no damages are due to the City for Contractor's failure to perform in accordance with this Agreement, the City shall pay Contractor for work performed to date in accordance with Section herein. The City shall have no further liability to Contractor for such termination.

10.5 Payment Limitation in the event of Termination. In the event termination of the Contract for any reason by the City, the City shall pay only those amounts, if any, due and owing to the Contractor goods and services actually rendered up to and including the date of termination of the Contract and for which the City is obligated to pay pursuant to the Contract or Purchase Instrument. Payment will be made only upon submission of invoices and proper proof of the Contractor's claim. This provision in no way limits the remedies available to the City under the Contract in the event of termination. The City shall not be liable for any costs incurred by the Contractor in its performance of the Contract, including, but not limited to, startup costs, overhead or other costs associated with the performance of the Contract.

10.6 The Contractor's Termination Duties. Upon receipt of notice of termination or upon request of the City, the Contractor shall:

(a) Cease work under the Contract and take all necessary or appropriate steps to limit disbursements and minimize costs, and furnish a report within thirty (30) days of the date of notice of termination, describing the status of all work under the Contract, including, without limitation, results accomplished, conclusions resulting therefrom, and any other matters the City may require;

(b) Immediately cease using and return to the City, any personal property or materials, whether tangible or intangible, provided by the City to the Contractor;

(c) Comply with the City's instructions for the timely transfer of any active files and work product produced by the Contractor under the Contract;

(d) Cooperate in good faith with the City, its employees, agents and Contractors during the transition period between the notification of termination and the substitution of any replacement Contractor; and

(e) Immediately return to the City any payments made by the City for goods and services that were not delivered or rendered by the Contractor.

11.0 Claims and Dispute Resolution

11.1 Claims Procedure.

(a) If the parties fail to reach agreement regarding any dispute arising from the Contract Documents, including a failure to reach agreement on the terms of any Change Order for City- directed work as provided in section 8, or on the resolution of any request for an equitable adjustment in the Contract Sum or the Contract Time, Contractor's only remedy shall be to file a Claim with City as provided in this section.

(b) Contractor shall file its Claim within the earlier of: 120 Days from City's final instructions in accordance with section 8; or the date of Final Acceptance,

(c) The Claim shall be deemed to cover all changes in cost and time (including direct, indirect) impact, and consequential) to which Contractor may be entitled. It shall be fully substantiated and documented. The Claim shall contain a detailed factual statement of the Claim for additional compensation and time, if any, providing all necessary dates, locations, and items of work affected by the Claim.

(d) If an adjustment in the Contract Time is sought: the specific Days and dates for which it is sought; the specific reasons Contractor believes an extension in the Contract Time should be granted; and Contractor's analysis of its Progress Schedule to demonstrate the reason for the extension in Contract Time.

(e) If any adjustment in the Contract Sum is sought: the exact amount sought and a breakdown of that amount into the categories; and a statement certifying, under penalty of perjury, that the Claim is made in good faith, that the supporting cost and pricing data are true and accurate to the best of Contractor's knowledge and belief, that the Claim is fully supported by the accompanying data, and that the amount requested accurately reflects the adjustment in the Contract Sum or Contract Time for which Contractor believes City is liable.

(f) After Contractor has submitted a fully-documented Claim, the City shall respond, in writing, to Contractor with a decision within sixty (60) days of the date the Claim is received, or with notice to Contractor of the date by which it will render its decision.

11.2 Arbitration.

(a) If Contractor disagrees with City's decision rendered in accordance with section 12. If, Contractor shall provide City with a written demand for arbitration. No demand for arbitration of any such Claim shall be made later than thirty (30) Days after the date of City's decision on such Claim, failure to demand arbitration with said thirty (30) Day period shall result in City's decision being final and binding upon Contractor and its Subcontractors.

(b) Notice of the demand for arbitration shall be filed with the American Arbitration Association (AAA), with a copy provide to City. The parties shall negotiate or mediate under the Voluntary Construction Mediation Rules of the AAA, or mutually acceptable service, before seeking arbitration in accordance with the Construction Industry Arbitration Rules of AAA as follows:

(1) Disputes involving $30,000 or less shall be conducted in accordance with the Southeast Region Expedited Commercial Arbitration Rules; or
(2) Disputes over $30,000 shall be conducted in accordance with the Construction Industry Arbitration Rules of the AAA, unless the parties agree to use the expedited rules.

a. All Claims arising out of the work shall be resolved by arbitration. The judgment upon the arbitration award may be entered, or review of the award may occur, in the Superior Court of Hall County.

b. If the parties resolve the Claim prior to arbitration judgment, the terms of the resolution shall be incorporated in a Change Order. The Change Order shall constitute full payment and final settlement of the Claim, including all claims for time and for direct, indirect, or consequential costs, including costs of delays, inconvenience, disruption of schedule, or loss of efficiency or productivity.

c. Choice of Law and Forum. The laws of the State of Georgia shall govern and determine all matters arising out of or in connection with this Contract without regard to the choice of law provisions of State law. The Superior Court of Hall County, Georgia shall have exclusive jurisdiction to try disputes arising under or by virtue of this contract. In the event any proceeding of a quasi-judicial or judicial nature is commenced in connection with this Contract, such proceeding shall solely be brought in a court or other forum of competent jurisdiction within Hall County, Georgia. This provision shall not be construed as waiving any immunity to suit or liability, including without limitation sovereign immunity, which may be available to the City.

d. All Claims filed against City shall be subject to audit at any time following the filing of the Claim. Failure of Contractor, or Subcontractor of any tier, to maintain and retain sufficient records to allow City to verify all or a portion of the Claim or to permit City access to the books and records of Contractor, or Subcontractors of any tier, shall constitute a waiver of the Claim and shall bar any recovery.

12.0 Confidential Information

12.1 Access to Confidential Data. The Contractor's employees, agents and Subcontractors may have access to confidential data maintained by the City to the extent necessary to carry out the Contractor's responsibilities under the Contract. The Contractor shall presume that all information received pursuant to the Contract is confidential unless otherwise designated by the City. If it is reasonably likely the Contractor will have access to the City's confidential information, then:

(a) The Contractor shall provide to the City a written description of the Contractor's policies and procedures to safeguard confidential information;

(b) Policies of confidentiality shall address, as appropriate, information conveyed in verbal, written, and electronic formats;

(c) The Contractor must designate one individual who shall remain the responsible authority in charge of all data collected, used, or disseminated by the Contractor in connection with the performance of the Contract; and

(d) The Contractor shall provide adequate supervision and training to its agents, employees and Subcontractors to ensure compliance with the terms of the Contract. The private or confidential data shall remain the property of the City at all times. Some services performed for the City may require the Contractor to sign a nondisclosure agreement. Contractor understands and agrees that refusal or failure to sign such a nondisclosure agreement, if required, may result in termination of the Contract.

12.2 No Dissemination of Confidential Data. No confidential data collected, maintained, or used in the course of performance of the Contract shall be disseminated except as authorized by law and with the written consent of the City, either during the period of the Contract or thereafter. Any data supplied to or created by the Contractor shall be considered the property of the City. The Contractor must return any and all data collected, maintained, created or used in the course of the performance of the Contract, in whatever form it is maintained, promptly at the request of the City.

12.3 Subpoena. In the event that a subpoena or other legal process is served upon the Contractor for records containing confidential information, the Contractor shall promptly notify the City and cooperate with the City in any lawful effort to protect the confidential information.

12.4 Reporting of Unauthorized Disclosure. The Contractor shall immediately report to the City any unauthorized disclosure of confidential information.

12.5 Survives Termination. The Contractor's confidentiality obligation under the Contract shall survive termination of the Contract.

13.0 Inclusion of Documents

Contractor's response submitted in response thereto, including any best and final offer, are incorporated in this Agreement by reference and form an integral part of this agreement. In the event of a conflict in language between this Agreement and the foregoing documents incorporated herein, the provisions and requirements set forth in this Agreement shall govern. In the event of a conflict between the language of the BID, as amended, and the Contractor's submittal, the language in the former shall govern.

13.1 Counterparts: This Agreement may be executed in any number of counterparts, each of which shall be an original, but all of which together shall constitute one and the same instrument.

14.0 Compliance with All Laws and Licenses

The Contractor must obtain all necessary licenses and comply with local, state and federal requirements. The Contractor shall comply with all laws, rules and regulations of any governmental entity pertaining to its performance under this Agreement.

14.1 Federal Requirements.

(a) Federal Compliance Regulations.

Federal regulations apply to all City of Flowery Branch contracts using Federal funds as a source for the solicitation of goods and services. Successful bidders must comply with the following Federal requirement as they apply to:

(1) Equal Employment Opportunity - The Contractor shall not discriminate against any employee or applicant or employment because of race, color, religion, sex, or national origin. The Contractor shall take affirmative action to ensure that applicants are employed, and that employees are treated during employment without regard to their race, color, religion, sex, or national origin. Such action shall include, but not be limited to: employment, upgrading, demotion, transfer, recruitment or recruitment advertising, layoff or termination, rates of pay or other forms of compensation, and selection for training, including apprenticeship. The Contractor shall comply with Executive Order 1 1246, as amended, and the rules, regulations, and orders of the Secretary of Labor.

(2) Reports - The submission of reports to the City on behalf of the U.S. Department of Housing and Urban Development as may be determined necessary for the activities covered by this contract, which is federally funded.

(3) Patents - The U.S. Department of Housing and Urban Development reserves a royalty-free, nonexclusive, and irrevocable right to use, and to authorize others to use, for Federal Government purposes:

a. Any patent that shall result under this contract; and

b. Any patent rights to which the Contractor purchases ownership with grant

support

(4) Copyrights - The U.S. Department of Housing and Urban Development reserves a royalty- free, nonexclusive and irrevocable license to reproduce, publish or otherwise use, and to authorize others to use, for Federal Government purposes:

a. The copyright in any work developed under this contract; and

b. Any rights of copyright to which the Contractor purchases ownership with grant support.

(5) Access to books, documents, papers and records of the Contractor which are directly pertinent to the specific contract for the purposes of making audit, examination, excerpts and transcriptions by Federal agencies, the Comptroller General of the United States, or any of their duly authorized representatives; and

(6) Retention of all required records for three years after the City makes final payment and all other pending matters are closed.

14.2 Georgia Security and Immigration Compliance Act

(a) The parties certify that Contractor has executed an affidavit verifying that Contractor has registered and participates in the federal work authorization program to verify information of all new employees, per O.C.G.A. 13-10-90, et. seq., and Georgia Department of Labor Regulations Rule 300-10-1-02. The appropriate affidavit is attached hereto as **"Exhibit E" (E-Verify Form)** and incorporated herein by reference and made a part of this contract.

(b) The Contractor further certifies that any Subcontractors employed by Contractor for the performance of this agreement has executed an appropriate Subcontractor affidavit verifying its registration and participation in the federal work authorization program and compliance with O.C.G.A. 13-10-90, et. seq., and Georgia Department of Labor Regulations Rule 300-10-1-02, and that all such affidavits are incorporated into and made a part of every contract between the Contractor and each Subcontractor.

(c) Contractor's compliance with O.C.G.A. 13-10-90, et. seq., and Georgia Department of Labor Regulations Rule 300-10-1-02 is a material condition of this agreement and Contractor's failure to comply with said provisions shall constitute a material breach of this agreement.

15.0 Assignment

The Contractor shall not assign or subcontract the whole or any part of this Agreement without the City of Flowery Branch's prior written consent.

16.0 Amendments in Writing

No amendments to this Agreement shall be effective unless it is in writing and signed by duly authorized representatives of the parties.

17.0 Drug-Free and Smoke-Free Workplace

17.1 A drug-free and smoke-free workplace will be provided for the Contractor's employees during the performance of this Agreement; and

17.2 The Contractor will secure from any sub-Contractor hired to work in a drug-free and smoke-free work place a written certification so stating and in accordance with Paragraph 7, subsection B of the Official Code of Georgia Annotated Section 50-24-3.

17.3 The Contractor may be suspended, terminated, or debarred if it is determined that:

(a) The Contractor has made false certification herein; or

(b) The Contractor has violated such certification by failure to carry out the requirements of Official Code of Georgia Annotated Section 50-24-3.

18.0 Additional Terms

Neither the City nor any Department shall be bound by any terms and conditions included in any Contractor packaging, Invoice, catalog, brochure, technical data sheet, or other document which attempts to impose any condition in variance with or in addition to the terms and conditions contained herein.

19.0 Antitrust Actions

For good cause and as consideration for executing this Contract or placing this order, Contractor acting herein by and through its duly authorized agent hereby conveys, sells, assigns, and transfers to the City of Flowery Branch all rights, title, and interest to and to all causes of action it may now or hereafter acquire under the antitrust laws of the United States and the State of Georgia relating to the particular goods or services purchased or acquired by the City of Flowery Branch pursuant hereto.

20.0 Governing Law

This Agreement shall be governed in all respects by the laws of the State of Georgia. The Superior Court of Hall County, Georgia shall have exclusive jurisdiction to try disputes arising under or by virtue of this contract.

21.0 Entire Agreement

This Agreement constitutes the entire Agreement between the parties with respect to the subject matter contained herein; all prior agreements, representations, statement, negotiations, and undertakings are suspended hereby. Neither party has relied on any representation, promise, or inducement not contained herein.

IN WITNESS WHEREOF, the parties hereto have caused this Agreement to be duly executed by their duly authorized officers as of the day and year set forth next to each signature.

CITY OF FLOWERY BRANCH:	CONTRACTOR: YELLOWSTONE LANDSCAPE, LLC
By:_____	By: _____
Title:_____	Title: _____
Name:_____	Name: _____
Date:_____	Date: _____

Attest:

_____
Shelia Cooper, City Clerk (Seal)

Approved as to form:

_____
Ted Baggett, City Attorney

EXHIBIT A

TO CONTRACT
BETWEEN CITY OF FLOWERY BRANCH AND YELLOWSTONE LANDSCAPE, LLC
FOR LANDSCAPING SERVICES

REFERENCE: BID# 26-002

SCOPE OF WORK

The City of Flowery Branch is seeking sealed bids from qualified contractors to provide landscaping services at multiple municipal locations. Services shall include mowing, pruning, weed control, installation of seasonal flowers, mulching, and related maintenance activities.

The Contractor shall furnish all products, tools, construction equipment, skill, labor, and supervision necessary to carry out and complete all landscaping services in a good, firm, substantial, and workmanlike manner. All mowing shall result in a clean and sharp cut with uniform distribution of clippings; any areas determined unsatisfactory by the City shall be re-mowed at no additional cost. The Contractor is responsible for maintaining all areas in a neat and professional condition, including the removal of debris, clippings, and trash during each service. All chemicals must be EPA-approved and applied by licensed personnel. Seasonal flower selection and planting shall be coordinated with the City. Services must not interfere with public access, scheduled events, or City operations, and the Contractor shall submit a monthly service log with each invoice.

The following outlines the services required at each designated location:

SERVICES FOR SITE LOCATIONS

I. City Hall & Police Department Grounds

a. Mow grass regularly to maintain uniform height.
b. Prune shrubs, trees, and ornamental plants as needed.
c. Deadhead flowers.
d. Treat turf for weed growth.
e. Install and maintain seasonal flowers.
f. Apply mulch two (2) times per year.
g. Pull weeds from landscaped beds and paved areas.
h. Edge sidewalks, curbs, and landscape borders.
i. Apply fungicide treatment
j. Treat landscape beds for weeds

II. Amphitheater Grounds

a. Mow grass regularly
b. Prune shrubs, trees, and ornamental plants
c. Deadhead flowers
d. Treat turf for weed growth
e. Install and maintain seasonal flowers
f. Apply mulch two (2) times per year
g. Pull weeds from landscaped beds

h. Blow off leaves, trash, and debris from paved areas.
i. Apply fungicide treatment
j. Treat landscape beds for weeds

III. Main Street (Railroad Ave. to Mitchell St.)

a. Deadhead seasonal plantings
b. Blow off leaves, trash, and debris from sidewalks and street edges
c. Install and maintain seasonal flowers in designated beds and planters
d. Apply mulch two (2) times per year – March and September
e. Pull weeds from beds and paved areas.
f. Apply fungicide treatment
g. Treat landscape beds for weeds

IV. Railroad Avenue Market Pavilion

a. Deadhead flowers
b. Blow off leaves, trash, and debris from paved areas
c. Apply mulch once per year
d. Pull weeds from landscaped areas
e. Apply fungicide treatment
f. Treat landscape beds for weeds

V. Roundabout

a. Deadhead flowers
b. Install and maintain seasonal flowers
c. Mow and treat turf
d. Spray weeds in paver joints and hardscape areas
e. Apply mulch two (2) times per year
f. Apply pine straw two (2) times per year
g. Apply fungicide treatment
h. Treat landscape beds for weeds

VI. Jones Park

a. Mow grass regularly
b. Treat turf for weeds
c. Apply mulch two (2) times per year
d. Apply fungicide treatment
e. Treat landscape beds for weeds

VII. Additional Work

The City may add to these specifications with the joint approval of the Contractor and the City. All modifications shall be in writing.

A. In the event that the City requires additional work outside of these specifications, the Contractor shall perform all work at a competitive industry price.
B. Additional work may be added to the contract as the need arises. The Contractor shall perform all specified and approved additional work.
C. The Contractor must be willing to provide a competitive price for additional work that may be added to the contract. The contractor will be required to demonstrate the ability to properly execute the expanded workload with the necessary increase in labor, materials, and equipment.

END EXHIBIT A

EXHIBIT B

TO CONTRACT
BETWEEN CITY OF FLOWERY BRANCH AND
YELLOWSTONE LANDSCAPE, LLC
FOR LANDSCAPING SERVICES

REFERENCE: BID# 26-002
COST PROPOSAL

Bid Pricing

	Site Location:	Annual Price:
1	City Hall & Police Department Grounds	$ 9,166.00
2	Amphitheater Grounds	$ 6,689.00
3	Main Street (Railroad Ave. to Mitchell St.)	$ 5,181.00
4	Railroad Avenue Market Pavilion	$ 5,059.00
5	Roundabout	$ 2,215.00
6	Jones Park	$ 3,509.00

The contractor must state whether a price increase or escalation is anticipated during the twelve (12) month period. If no increase is expected, the vendor shall confirm this in writing. If an increase or escalation is anticipated, the contractor shall specify the minimum notice period they will provide: 60 Days. The City of Flowery Branch reserves the right to terminate the contract, or any portion thereof, upon receiving notice of any price increase or escalation

Company Name: Yellowstone Landscape, LLC.

Company Address: 1536 Fulenwider Rd, Gainesville, GA 30507

Telephone Number: 404.291.2078 Fax Number: _____

Tax ID Number: 80-0144209 Date: 1/29/2025

Printed Name: Jamie Butler Title: Business Development Manager

Email address: jbutler@yellowstonelandscape.com

Signature: _____

Price Breakdown:

	Basic Maintenance (52 Visits)	Turf Program (Annual)	Flowers (Spring & Fall)	Mulch (Spring & Fall)	Total
City Hall & Police Department Grounds	$ 4,423.00	$ 1,301.00	$ 1,076.00	$ 2,366.00	**$ 9,166.00**
Amphitheater Grounds	$ 1,851.00	$ 451.00	$ 1,075.00	$ 3,312.00	**$ 6,689.00**
Main Street (Railroad Ave to Mitchell St.)	$ 3,460.00	$ -	$ 538.00	$ 1,183.00	**$ 5,181.00**
Railroad Avenue Market Pavilion	$ 2,796.00	$ 193.00	$ -	$ 2,070.00	**$ 5,059.00**
Round-a-bout	$ 495.00	$ -	$ 537.00	$ 1,183.00	**$ 2,215.00**
Jones Park	$ 1,864.00	$ 226.00	$ -	$ 1,419.00	**$ 3,509.00**

END EXHIBIT B

Form **W-9**
(Rev. March 2024)
Department of the Treasury
Internal Revenue Service

Request for Taxpayer Identification Number and Certification

Go to *www.irs.gov/FormW9* for instructions and the latest information.

Give form to the requester. Do not send to the IRS.

Before you begin. For guidance related to the purpose of Form W-9, see *Purpose of Form*, below.

Print or type. See *Specific Instructions* on page 3.

1 Name of entity/individual. An entry is required. (For a sole proprietor or disregarded entity, enter the owner's name on line 1, and enter the business/disregarded entity's name on line 2.)

Yellowstone Landscape, Inc.

2 Business name/disregarded entity name, if different from above.

3a Check the appropriate box for federal tax classification of the entity/individual whose name is entered on line 1. Check only **one** of the following seven boxes.

☐ Individual/sole proprietor ☑ C corporation ☐ S corporation ☐ Partnership ☐ Trust/estate

☐ LLC. Enter the tax classification (C = C corporation, S = S corporation, P = Partnership) _____

Note: Check the "LLC" box above and, in the entry space, enter the appropriate code (C, S, or P) for the tax classification of the LLC, unless it is a disregarded entity. A disregarded entity should instead check the appropriate box for the tax classification of its owner.

☐ Other (see instructions) _____

4 Exemptions (codes apply only to certain entities, not individuals; see instructions on page 3):

Exempt payee code (if any) _____

Exemption from Foreign Account Tax Compliance Act (FATCA) reporting code (if any) _____

(Applies to accounts maintained outside the United States.)

3b If on line 3a you checked "Partnership" or "Trust/estate," or checked "LLC" and entered "P" as its tax classification, and you are providing this form to a partnership, trust, or estate in which you have an ownership interest, check this box if you have any foreign partners, owners, or beneficiaries. See instructions ☐

5 Address (number, street, and apt. or suite no.). See instructions.

PO Box 101017

Requester's name and address (optional)

6 City, state, and ZIP code

Atlanta, GA 30392

7 List account number(s) here (optional)

Part I Taxpayer Identification Number (TIN)

Enter your TIN in the appropriate box. The TIN provided must match the name given on line 1 to avoid backup withholding. For individuals, this is generally your social security number (SSN). However, for a resident alien, sole proprietor, or disregarded entity, see the instructions for Part I, later. For other entities, it is your employer identification number (EIN). If you do not have a number, see *How to get a TIN*, later.

Note: If the account is in more than one name, see the instructions for line 1. See also *What Name and Number To Give the Requester* for guidelines on whose number to enter.

Social security number

[ ][ ][ ] - [ ][ ] - [ ][ ][ ][ ]

or

Employer identification number

8 0 - 0 1 4 4 2 0 9

Part II Certification

Under penalties of perjury, I certify that:

1. The number shown on this form is my correct taxpayer identification number (or I am waiting for a number to be issued to me); and
2. I am not subject to backup withholding because (a) I am exempt from backup withholding, or (b) I have not been notified by the Internal Revenue Service (IRS) that I am subject to backup withholding as a result of a failure to report all interest or dividends, or (c) the IRS has notified me that I am no longer subject to backup withholding; and
3. I am a U.S. citizen or other U.S. person (defined below); and
4. The FATCA code(s) entered on this form (if any) indicating that I am exempt from FATCA reporting is correct.

Certification instructions. You must cross out item 2 above if you have been notified by the IRS that you are currently subject to backup withholding because you have failed to report all interest and dividends on your tax return. For real estate transactions, item 2 does not apply. For mortgage interest paid, acquisition or abandonment of secured property, cancellation of debt, contributions to an individual retirement arrangement (IRA), and, generally, payments other than interest and dividends, you are not required to sign the certification, but you must provide your correct TIN. See the instructions for Part II, later.

Sign Here | **Signature of U.S. person** Chris Eckerth **Date** 4/9/2025

General Instructions

Section references are to the Internal Revenue Code unless otherwise noted.

Future developments. For the latest information about developments related to Form W-9 and its instructions, such as legislation enacted after they were published, go to *www.irs.gov/FormW9*.

What's New

Line 3a has been modified to clarify how a disregarded entity completes this line. An LLC that is a disregarded entity should check the appropriate box for the tax classification of its owner. Otherwise, it should check the "LLC" box and enter its appropriate tax classification.

New line 3b has been added to this form. A flow-through entity is required to complete this line to indicate that it has direct or indirect foreign partners, owners, or beneficiaries when it provides the Form W-9 to another flow-through entity in which it has an ownership interest. This change is intended to provide a flow-through entity with information regarding the status of its indirect foreign partners, owners, or beneficiaries, so that it can satisfy any applicable reporting requirements. For example, a partnership that has any indirect foreign partners may be required to complete Schedules K-2 and K-3. See the Partnership Instructions for Schedules K-2 and K-3 (Form 1065).

Purpose of Form

An individual or entity (Form W-9 requester) who is required to file an information return with the IRS is giving you this form because they

EXHIBIT D

ACORD®

CERTIFICATE OF LIABILITY INSURANCE

4/1/2026

DATE (MM/DD/YYYY) 1/28/2026

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AFFIRMATIVELY OR NEGATIVELY AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW. THIS CERTIFICATE OF INSURANCE DOES NOT CONSTITUTE A CONTRACT BETWEEN THE ISSUING INSURER(S), AUTHORIZED REPRESENTATIVE OR PRODUCER, AND THE CERTIFICATE HOLDER.

IMPORTANT: If the certificate holder is an ADDITIONAL INSURED, the policy(ies) must have ADDITIONAL INSURED provisions or be endorsed. If SUBROGATION IS WAIVED, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

PRODUCER Lockton Companies, LLC DBA Lockton Insurance Brokers, LLC in CA CA license #0F15767 3280 Peachtree Rd. NE, Ste. 1000 Atlanta GA 30305 (404) 460-3600	**CONTACT NAME:** **PHON IE (A/C, N NoExt):** **FAX (A/C, No):** **E-MAIL ADDRESS:**
INSURED 1528310 Yellowstone Landscape, Inc. and all Subsidiaries See Attached List P.O. Box 936347 Atlanta GA 31193	**INSURER(S) AFFORDING COVERAGE** / **NAIC #** **INSURER A :** Safety National Casualty Corporation / 15105 **INSURER B :** ACE Property and Casualty Insurance Company / 20699 **INSURER C :** **INSURER D :** **INSURER E :** **INSURER F :**

COVERAGES **CERTIFICATE NUMBER:** 22951167 **REVISION NUMBER:** XXXXXXX

THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

INSR LTR	TYPE OF INSURANCE	ADDL INSD	SUBR WVD	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS	
A	[X] COMMERCIAL GENERAL LIABILITY [ ] CLAIMS-MADE [X] OCCUR [X] Pesticide&Herbicide [X] SIR $250,000 GEN'L AGGREGATE LIMIT APPLIES PER: [ ] POLICY [X] PRO-JECT [X] LOC [ ] OTHER:	N	N	GL6676218	4/1/2025	4/1/2026	EACH OCCURRENCE DAMAGE TO RENTED PREMISES (Ea occurrence) MED EXP (Any one person) PERSONAL & ADV INJURY GENERAL AGGREGATE PRODUCTS - COMP/OP AGG $	$ 2,000,000 $ 1,000,000 $ 10,000 $ 2,000,000 $ 4,000,000 $ 4,000,000 $
A A	AUTOMOBILE LIABILITY [X] ANY AUTO [ ] OWNED AUTOS ONLY [ ] SCHEDULED AUTOS [ ] HIRED AUTOS ONLY [ ] NON-OWNED AUTOS ONLY	N	N	CA6676217 XEL4069294 - $1M x $1M	4/1/2025 4/1/2025	4/1/2026 4/1/2026	COMBINED SINGLE LIMIT (Ea accident) BODILY INJURY (Per person) BODILY INJURY (Per accident) PROPERTY DAMAGE (Per accident) $	$ 2,000,000 $ XXXXXXX $ XXXXXXX $ XXXXXXX $ XXXXXXX
B	[X] UMBRELLA LIAB [X] OCCUR EXCESS LIAB [ ] CLAIMS-MADE [ ] DED [ ] RETENTION $	N	N	XEUG72569647 004	4/1/2025	4/1/2026	EACH OCCURRENCE AGGREGATE SIR	$ 10,000,000 $ 10,000,000 $ 25,000
A	WORKERS COMPENSATION AND EMPLOYERS' LIABILITY ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? (Mandatory In NH) Y/N [N] N/A If yes, describe under DESCRIPTION OF OPERATIONS below		N	LDS4066360	4/1/2025	4/1/2026	[X] PER STATUTE [ ] OTH-ER E.L. EACH ACCIDENT E.L. DISEASE - EA EMPLOYEE E.L. DISEASE - POLICY LIMIT	 $ 1,000,000 $ 1,000,000 $ 1,000,000

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (ACORD 101, Additional Remarks Schedule, may be attached if more space is required)

CERTIFICATE HOLDER

22951167
City of Flowery Branch
5410 Pine Street
Flowery Branch GA 30542

CANCELLATION See Attachments

SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS.

AUTHORIZED REPRESENTATIVE

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List of Named Insureds

Yellowstone Parent, L.P
Elk Intermediate Company I, Inc.
Elk Intermediate Company II, Inc.
Elk Buyer, Inc.
YLG Holdings, Inc.
Yellowstone Intermediate Holdings, Inc.
Yellowstone Landscape, Inc.
Yellowstone Landscape – Southeast, LLC
ALSW, LLC
Leaderscape – Palm Beach, LLC
Florida Landscape Consultants, LLC
Southeast Landscape Management Company, LLC
YLA - Midwest, LLC
Crawford Landscaping Group, LLC
Acres Maintenance, LLC
Hayden Landscaping & Maintenance, LLC
Green-Up Landscape, LLC
Acres Enterprises, LLC
Yellowstone Landscape - Central, Inc
BLSW LLC
YLCSW, LLC
Texas Services, LLC
Native Land Design, LLC
Landscape USA- Austin, LLC
Ecoscape Solutions Group LLC
ELSW, LLC
Heads Up Landscape Contractors, LLC
Yellowstone Landscape West, LLC
SLM Holdings , LLC
Somerset Landscape LLC
Park Landscape LLC
Greener Pastures Landscaping LLC
Premier Sports Fields, LLC
Duke's Grounds Maintenance, LLC
Landscape Management Professionals, LLC
RKLT Properties, LLC
Arizona's Best Landscape Management
Bloom Floralscapes, LLC
KCS Landscape Management, LLC
Premier Sports Fields, LLC
Moore Landscapes, LLC
O'Donnell's Landscape Service, LLC
Gleason Johndrow Landscaping, LLC
Davis Landscape Company LLC

Townscapes, LLC
Green Pastures Landscape Company, LLC
Northwest Landscaping, LLC
Greenery NYC, Inc
Elegant Lawn Care, LLC
Rainmaker Irrigation & Landscaping, LLC
Boren's Grass Groomers, LLC
Frank Carson Landscape & Maintenance, LLC
Green Earth Inc. (effective 5/1)
Trisler Landscape Management, LLC - Effective 9/1/25

END EXHIBIT D

EXHIBIT E

Contractor Affidavit under O.C.G.A. § 13-10-91(b)(l)

The undersigned contractor ("Contractor") executes this Affidavit to comply with O.C.G.A § 13-10-91 related to any contract to which Contractor is a party that is subject to O.C.G.A. § 13-10-91 and hereby verifies its compliance with O.C.G.A. § 13-10-91, attesting as follows:

a) The Contractor has registered with, is authorized to use and uses the federal work authorization program commonly known as E-Verify, or any subsequent replacement program;

b) The Contractor will continue to use the federal work authorization program throughout the contract period, including any renewal or extension thereof;

c) The Contractor will notify the public employer in the event the Contractor ceases to utilize the federal work authorization program during the contract period, including renewals or extensions thereof;

d) The Contractor understands that ceasing to utilize the federal work authorization program constitutes a material breach of Contract;

e) The Contractor will contract for the performance of services in satisfaction of such contract only with subcontractors who present an affidavit to the Contractor with the information required by O.C.G.A. § 13-10-91(a), (b), and (c);

f) The Contractor acknowledges and agrees that this Affidavit shall be incorporated into any contract(s) subject to the provisions of O.C.G.A. § 13-10- 91 for the project listed below to which Contractor is a party after the date hereof without further action or consent by Contractor; and

g) Contractor acknowledges its responsibility to submit copies of any affidavits, drivers' licenses, and identification cards required pursuant to O.C.G.A. § 13-10-91 to the public employer within five business days of receipt.

20-3078428
Federal Work Authorization User Identification Number

1-15-2025
Date of Authorization

Yellowstone Landscape Inc.
Name of Contractor

City of Flowery Branch
Name of Project

Yellowstone Landscape Inc.
Name of Public Employer

I hereby declare under penalty of perjury that the foregoing is true and correct.

Executed on 1, 28, 2026 in Commerce (city), GA (state).

Signature of Authorized Officer or Agent

Roy Lawrence Business Development Manager
Printed Name and Title of Authorized Officer or Agent

SUBSCRIBED AND SWORN BEFORE ME
ON THIS THE 28th DAY OF January, 2026.

NOTARY PUBLIC
My Commission Expires: 11/16/2029

Megan Gabrielle Suber
NOTARY PUBLIC
JACKSON COUNTY, GEORGIA
My Commission Expires 11/16/2029

EXHIBIT F

Contact Information Form

Please fill out this form with the appropriate contact information for your company.

Full Legal Name of Company: ____Yellowstone Landscape Inc.

Doing Business As (DBA): _____Yellowstone Landscape Inc.

Federal Employee ID Number (FEIN): ___80-0144209_____

Address:	Mailing Address (if different)
__1536 Fellenwider Road	____PO Box101071_____
__Gainesville, GA 30507_____	___Atlanta, GA 30392_____
_____	_____
_____	_____

Contractor Information:

Primary Contact Person: ___Roy Lawrence
Title: ___Business Development Manager
Telephone Number: ___678-733-5665_____
E-mail Address: ___rlawrence@yellowstonelandscape.com

Secondary Contact Person: __Marcos Castrejon
Title: ____Branch Manager
Telephone Number: ____678-617-6567
E-mail Address: ____mcastrejon2yellowstonelandscape.com

Preferred Contact for Administration (i.e. Document Processing) (Choose One)

☐xxPrimary Contact ☐Secondary Contact

Signature: _____ Date: 1-28-20

EXHIBIT G

CITY OF FLOWERY BRANCH

ADDENDUM ACKNOWLEDGEMENT

BID 26-002

LANDSCAPING SERVICES

I hereby acknowledge receipt of the supplement pertaining to the above referenced bid.

Addendum Number	Dated	Acknowledge Receipt (Initial)
# 1	11/06/2025	

☐ **NO ADDENDA WERE RECEIVED**

COMPANY NAME: Yellowsto ne Landscape, LLC.

CONTACT PERSON: Jamie Butler

ADDRESS: 1536 Fulenwider Road

CITY: Gainesville **STATE:** GA **ZIP:** 30507

PHONE: FAX:

EMAIL ADDRESS: jbutler@yellowstonelandscape.com

SIGNATURE: **DATE:** 11/17/2025

UPON RECEIPT, PLEASE PRINT AND ADD TO YOUR PROPOSAL.

EXHIBIT H

CONTRACTOR'S OATH

COMES NOW, Yellowstone Landscape Inc. ("Contractor"),
[*name of Contractor*]

appearing by and through, Roy Lawrence,
[*name of individual with authority to bind Contractor*]

its Business Development Manager ("Individual And Representative Affiant"), and
[*title*]

_____

_____

_____

_____

[*insert the names of all those required to give the oath*]

(collectively, "Individual Affiants"), and each of the Individual And Representative Affiant and Individual Affiants, after first being duly sworn, deposes and says that:

1. Contractor has not directly or indirectly violated subsection (d) of the Official Code of Georgia Annotated Section 36-91-21, which provides as follows:

   > Whenever a public works construction contract for any governmental entity subject to the requirements of this chapter is to be let out by competitive sealed bid or proposal, no person, by himself or herself or otherwise, shall prevent or attempt to prevent competition in such bidding or proposals by any means whatever. No person who desires to procure such work for himself or herself or for another shall prevent or endeavor to prevent anyone from making a bid or proposal therefor by any means whatever, nor shall such person so desiring the work cause or induce another to withdraw a bid or proposal for the work.

   Code Section 36-91-21(d) also applies to municipal street system contracts pursuant to Official Code of Georgia Annotated Section 32-4-122.

2. Individual And Representative Affiant is the officer of Contractor whose duty it is to make the payment.

3. If Contractor is a partnership, then Individual and Representative Affiant and Individual Affiants together constitute all of the partners and any officer, agent or other person who may have represented or acted for Contractor in bidding for or procuring the contract.

4. If Contractor is a corporation, then Individual and Representative Affiant and Individual Affiants together constitute all officers, agents, or other persons who may have acted for or represented Contractor in bidding for or procuring the contract.

Further affiants sayeth not.

This 28 th day of January, 2026.

By: _____, individually and on behalf of Contractor
[*signature of Individual And Representative Affiant*]

Name: Roy Lawrence Title: Business Development Manager

Individual Affiants' signatures and names:

_____ _____
Name: Name:

_____ _____
Name: Name:

_____ _____
Name: Name:

Subscribed and Sworn before me on this

18th day of January, 2026.

Megan Gabrielle Suber
NOTARY PUBLIC

NOTARY PUBLIC

My Commission Expires:

11/16/2029

Megan Gabrielle Suber
NOTARY PUBLIC
JACKSON COUNTY, GEORGIA
My Commission Expires 11/16/2029

City of Flowery Branch
City Council Meeting
Thursday, January 15, 2026, 6:00 PM
5410 Pine Street
Flowery Branch, GA 30542

Call Work Session to Order:

Mayor McClellan called the meeting to order at 6:00 p.m.

Present: Mayor McClellan and Council Members Chris Mundy, Joseph Mezzanotte, William McDaniel, Charles Vanderbilt, and Pete Lena.

Also present were City Manager Tonya Parrish, City Clerk Shelia Cooper, Finance Director Matthew Hamby, Budget & Purchasing Manager Nancy Rodriguez, Public Utilities Director Peter Woerner, Police Chief Chris Hulsey, and City Attorney Ted Baggett.

Pledge of Allegiance:

Mayor McClellan led the Pledge of Allegiance.

Adoption of Agenda:

There was a motion made to adopt the agenda as presented.

Motion:	Chris Mundy
Second:	William McDaniel
Ayes:	Chris Mundy, Joseph Mezzanotte, William McDaniel, Charles Vanderbilt, Pete Lena
Nays:	None
Result:	passed

Awards & Recognitions: There were no awards or recognitions.

Public Hearing: There were no public hearings.

Unfinished Business - Work Session: There was no unfinished business in the work session.

New Business - Work Session:

a. ***Consider Resolution 26-002 - FY2025 Closure of Local Resources Fund Capital Projects.***

City Clerk Cooper read the caption for Resolution 26-002.

Director Hamby presented Resolution 26-002. Fiscal Year 2025 closure of Local Resources Fund Capital Projects. As capital projects are completed, from time to time, funds remain unspent. In some cases, the remaining funds are classified as restricted assets and must be returned to their associated Fund. In this case, there are no funds remaining that are classified as restricted, but there are funds remaining to use for future allocation.

The remaining funds will remain in the Local Resources Fund to be allocated to future projects.

Council held a discussion with Director Hamby.

b. ***Consider Resolution 26-003 - FY2025 Closure of Water and Wastewater Fund Capital Projects.***

City Clerk Cooper read the caption for Resolution 26-003.

Director Hamby Resolution 26-003. Fiscal Year 2025 closure of Water and Wastewater Fund Capital Projects. As capital projects are completed, from time to time, funds remain unspent. In some cases, the funds remaining are classified as restricted assets and must be returned to its associated Fund. In this case, there are no funds remaining that are classified as restricted, but there are funds remaining to use for future allocation. The remaining funds will remain in the Water and Wastewater Capital Fund to be allocated to future projects.

c. ***Consider Amendment to Dewatered Sludge and Waste Removal Contract with Waste Eliminator, LLC***

Manager Rodriguez presented an amendment to the dewatered sludge and waste removal contract with Waste Eliminator, LLC. The City of Flowery Branch entered into a contract with Waste Eliminator, LLC, on August 7, 2025, after the City sought bids for hauling services. The contract between the City and Waste Eliminator, LLC, includes the hauling of 20-yard dumpsters for dewatered sludge and waste (screenings and grit). The New Head Works at the Wastewater Treatment Plant is estimated to be operational by February 2026 and will require smaller (4-yard) dumpsters. A total of five dumpsters will be needed, which we estimate will be hauled three times per week. At a cost of $125.00 per haul, this results in an estimated weekly cost of $1,875.00. Since the final hauling frequency is currently unknown, an estimated total increase of $37,500.00 for this budget year has been included to conservatively account for this expense.

Council held a discussion with Manager Rodriguez.

Department Reports:

c. Department of Fun Report

City Manager Parrish noted upcoming events in the city.

Adjournment Work Session:

Mayor McClellan adjourned the work session at 6:10 p.m.

Voting Session Agenda

Call Voting Session to Order:

Mayor McClellan called the voting session to order at 6:10 p.m.

Public Comments: There were no public comments.

Consent Agenda:

a. Consider January 7, 2026 City Council Meeting Minutes

There was a motion made to approve the consent agenda.

Motion:	Chris Mundy
Second:	William McDaniel
Ayes:	Chris Mundy, Joseph Mezzanotte, William McDaniel, Charles Vanderbilt, Pete Lena
Nays:	None
Result:	passed

Unfinished Business - Voting Session:

a. ***Consider Second Reading of Ordinance 773 to Augment Section 11.10 — Swimming Pools to Achieve Statewide Uniformity, Enhance Public Safety, and Eliminate Conflicts with Mandatory State Codes***

City Clerk Cooper read the caption for Ordinance 773.

There was a motion made to approve the second reading of Ordinance 773.

Motion:	Chris Mundy
Second:	William McDaniel
Ayes:	Chris Mundy, Joseph Mezzanotte, William McDaniel, Charles Vanderbilt, Pete Lena
Nays:	None
Result:	passed

New Business - Voting Session:

a. ***Consider Resolution 26-002 - FY2025 Closure of Local Resources Fund Capital Projects.***

City Clerk Cooper read the caption for Resolution 26-002.

There was a motion made to approve Resolution 26-002.

Motion:	Joseph Mezzanotte
Second:	Pete Lena
Ayes:	Chris Mundy, Joseph Mezzanotte, William McDaniel, Charles Vanderbilt, Pete Lena
Nays:	None
Result:	passed

b. ***Consider Resolution 26-003 - FY2025 Closure of Water and Wastewater Fund Capital Projects.***

City Clerk Cooper read the caption for Resolution 26-003.

There was a motion made to approve Resolution 26-003.

Motion:	Pete Lena
Second:	Joseph Mezzanotte
Ayes:	Chris Mundy, Joseph Mezzanotte, William McDaniel, Charles Vanderbilt, Pete Lena
Nays:	None
Result:	passed

c. ***Consider Amendment to Dewatered Sludge and Waste Removal Contract with Waste Eliminator, LLC***

There was a motion made to amend the Dewatered Sludge and Waste Removal contract with Waste Eliminator, LLC.

Motion:	William McDaniel
Second:	Pete Lena
Ayes:	Chris Mundy, Joseph Mezzanotte, William McDaniel, Charles Vanderbilt, Pete Lena
Nays:	None
Result:	passed

Executive Session:

There was a motion made to enter executive session for matters related to the acquisition/disposition of real estate, for matters related to certain personnel issues, and for matters related to pending or potential litigation at 6:14 p.m.

Motion:	Chris Mundy
Second:	William McDaniel
Ayes:	Chris Mundy, Jospeh Mezzanotte, William McDaniel, Charles Vanderbilt, Pete Lena
Nays:	None
Result:	passed

There was a motion made to exit executive session at 6:37 p.m.

Motion:	Chris Mundy
Second:	William McDaniel
Ayes:	Chris Mundy, Joseph Mezzanotte, William McDaniel, Charles Vanderbilt, Pete Lena
Nays:	None
Result:	passed

Adjournment:

There was a motion made to adjourn the meeting at 6:37 p.m.

Motion:	Chris Mundy
Second:	William McDaniel
Ayes:	Chris Mundy, Joseph Mezzanotte, William McDaniel, Charles Vanderbilt, Pete Lena
Nays:	None
Result:	adjourn

_____	_____	_____
Oliver McClellan	Date	Shelia Cooper
Mayor		City Clerk

Memorandum

To: City of Flowery Branch, City Manager, and City Council

From: Chris McCrary, Planning and Community Development Director

Date: February 5th, 2026

Subject: Resolution 25-014 – Public Streets Pod Z

Applicant: Planning and Community Development

Owner: City of Flowery Branch Public Right of Way and Utilities.

EXECUTIVE SUMMARY

During the December 18, 2025, Public Hearing, Councilman McClellan raised concerns regarding the absence of required handicap ramps near the existing HOA-owned connection path between Cherokee Rose Way and Scarlet Oak Way. As a result, consideration of Resolution 25-015 (Knutson Pod KNU Phases 1, 2, and 3) and Resolution 25-014 (Pod Z) was deferred to the January 7, 2026, meeting. Resolution 25-014 were further deferred to the February 5th meeting after several issues were still unresolved by January 7th.

Recommendation for Resolution 25-014:

- Resolution 25-014 shall be denied until such time as all issues regarding the plat and right-of-way are resolved.
- Handicap ramps have been installed however, outstanding issues related to the required re-recording of the plat for Pod Z still exist.
- A Right-of-Way exhibit and legal description encompassing all affected Right-of-Way shall be provided to accompany the Right-of-Way dedication deed.

RESOLUTION NO. 25-014

A RESOLUTION OF THE CITY OF FLOWERY BRANCH CITY COUNCIL ACCEPTING THE DEDICATION OF ROADWAYS AND STORMWATER STRUCTURES THEREIN LOCATED WITHIN POD Z, STERLING ON THE LAKE, FROM NNP-LOOPER LAKE, LLC, FOR PUBLIC PURPOSES. THE ROADWAYS AND STORMWATER STRUCTURES THEREIN ARE IDENTIFIED AS BEING 7.24 ACRES; SAID ROADWAYS AND STORMWATER STRUCTURES THEREIN ARE IDENTIFIED IN EXHIBIT "A" AND AS DESCRIBED ON EXHIBIT "B".

WHEREAS, the City Council of the City of Flowery Branch reviewed roadway dedications and all related aspects of the proposal as required by the Flowery Branch Subdivision and Land Development Regulations at the meeting of December 18th, 2025.

NOW THEREFORE BE IT RESOLVED that the governing authority of the City of Flowery Branch, Georgia hereby accepts the following roadways from NNP-LOOPER LAKE, LLC, for public purposes and hereby places them into the city's maintenance program: the roadways are identified as being 7.24 ACRES within POD Z OF STERLING ON THE LAKE and any stormwater structures located within any portion of the right-of-way of said accepted roadways in Exhibit **"A"** and as described in Exhibit **"B".** Said exhibit is incorporated by reference as if fully set forth herein.

Approved this _____ day of _____ 2025.

_____
Edward R. Asbridge, Mayor

ATTEST:

_____

Shelia R. Cooper, City Clerk

APPROVED AS TO FORM:

_____

Ted Baggett, City Attorney

After recording, please return to:
Michael E. Leavey
Dorough & Dorough, LLC
Attorneys at Law
160 Clairemont Avenue
Suite 650
Decatur, Georgia 30030
(404) 687-9977
D&D File No.: 1775-75

CITY OF FLOWERY BRANCH
RIGHT-OF-WAY DEED

GEORGIA, FLOWERY BRANCH

THIS INDENTURE made this 18th day of December, 2025, between the undersigned (Grantor) and The City of Flowery Branch, a municipal corporation of the State of Georgia (Grantee).

WITNESSETH

That for and in consideration of the sum of One Dollar ($1.00) in hand paid, and the benefits flowing from the project hereinafter described, Grantor does grant and convey unto Grantee, its successors and assigns, the following property, to-wit, 7.240 acres of required right-of-way, located in Georgia Militia District 1270, City of Flowery Branch, Hall County, Georgia, being designated as Winding Canyon Road, Conifer Court, Cherokee Rose Way, Running Deer Court, and Blackbird Court, as shown on that certain Final Plat for Sterling on the Lake – Pod Z, prepared by Hayes, James & Associates, containing the seal of LeRoy W. James, Georgia Registered Land Surveyor No. 1795, and dated November 6, 2006, last revised September 7, 2007, recorded October 9, 2007 at Plat Book 857, Pages 57-65, Hall County, Georgia land records, reference to said plat of survey and the record thereof being hereby made for a more complete description, and as more particularly described on Exhibit "A" attached hereto and incorporated herein by this reference.

To have and to hold the bargained premises unto Grantee, its successors and assigns forever in fee simple.

Grantor will forever warrant and defend the title to the bargained premises unto Grantee, its successors and assign claims of all the persons whomsoever.

IN WITNESS WHEREOF Grantors has hereunto set its hands and seal the day and year above written.

GRANTOR: **NNP-LOOPER LAKE, LLC**, a Delaware limited liability company

By: _____ (SEAL)
Name: E. William Meyer
Title: Regional President

Signed, sealed and delivered
in the presence of

_____
WITNESS

_____
NOTARY PUBLIC

My Commission Expires: 02-11-2026

[AFFIX NOTARY SEAL]

KATHLEEN M. SEPULVEDA, II
Notary Public, State of Texas
Comm. Expires 02-11-2026
Notary ID 133585119

[EXHIBIT "A" BEGINS ON THE FOLLOWING PAGE]

Sterling on the Lake, Pod Z Subdivision
(Right-of-Way Legal Description)

All that tract or parcel of land lying and being in G.M.D. 1270, City of Flowery Branch, Hall County, Georgia and being more particularly described as follows:

Beginning at the intersection of the northern Right-of-Way of Trail Side Drive (50' R/W) and southwestern Right-of-Way of Winding Canyon Road (R/W varies); thence along said Right-of-Way of Winding Canyon Road 25.81 feet along an arc of a curve to the left having a radius of 18.00 feet and a chord bearing and distance of North 26°56'33" East, 23.65 feet to a point; thence North 18°51'29" West, a distance of 124.26 feet to a point; thence 90.64 feet along an arc of a curve to the left having a radius of 179.34 feet and a chord bearing and distance of North 33°58'16" West, 89.68 feet to a point; thence 78.03 feet along an arc of a curve to the left having a radius of 346.56 feet and a chord bearing and distance of North 54°30'02" West, 77.87 feet to a point; thence North 60°51'05" West, a distance of 55.37 feet to a point; thence North 60°51'05" West, a distance of 19.39 feet to a point; thence 102.52 feet along an arc of a curve to the right having a radius of 425.00 feet and a chord bearing and distance of North 53°56'27" West , 102.27 feet to a point; thence North 47°01'49" West, a distance of 58.32 feet to a point on the southwestern Right-of-Way of Cherokee Rose Way (50' R/W); thence along said Right-of-Way 26.70 feet along an arc of a curve to the left having a radius of 17.00 feet and a chord bearing and distance of South 87°58'11" West, 24.04 feet to a point; thence South 42°58'11" West, a distance of 238.51 feet to a point; thence South 42°58'11" West, a distance of 33.02 feet to a point; thence 35.25 feet along an arc of a curve to the right having a radius of 225.00 feet and a chord bearing and distance of South 47°27'29" West, 35.22 feet to a point; thence South 52°28'12" West, a distance of 157.31 feet to a point; thence South 52°28'12" West, a distance of 141.91 feet to a point; thence South 52°28'12" West, a distance of 29.01 feet to a point; thence 13.53 feet along an arc of a curve to the left having a radius of 275.00 feet and a chord bearing and distance of South 51°03'37" West, 13.53 feet to a point; thence 317.36 feet along an arc of a curve to the left having a radius of 16120.68 feet and a chord bearing and distance of South 49°05'11" West, 317.36 feet to a point; thence 4.39 feet along an arc of a curve to the right having a radius of 331.71 feet and a chord bearing and distance of South 56°29'30" West, 4.39 feet to a point; thence 81.00 feet along an arc of a curve to the right having a radius of 50.00 feet and a chord bearing and distance of North 77°49'53" West, 72.43 feet to a point on the northwestern Right-of-Way of said Cherokee Rose Way; thence along said Right-of-Way 50.29 feet along an arc of a curve to the left having a radius of 284.74 feet and a chord bearing and distance of North 58°46'42" East, 50.22 feet to a point; thence 316.21 feet along an arc of a curve to the right having a radius of 16170.68 feet and a chord bearing and distance of North 49°05'25" East, 316.21 feet to a point; thence 16.00 feet along an arc of a curve to the right having a radius of 325.00 feet and a chord bearing and distance of North 51°03'37" East, 15.99 feet to a point; thence North 52°28'13" East, a distance of 19.77 feet to a point; thence North 52°28'13" East, a distance of 220.42 feet to a point; thence North 52°28'13" East, a distance of 87.69 feet to a point; thence 27.42 feet along an arc of a curve to the left having a radius of 175.00 feet and a chord bearing and distance of North 47°27'29" East, 27.39 feet to a point; thence North 42°58'11" East, a distance of 92.60 feet to a point; thence North 42°58'11" East, a distance of 178.93 feet to a point; thence 26.70 feet along an arc of a curve to the left having a radius of 17.00 feet and a chord bearing and distance of North 02°01'49" West, 24.04 feet to a point on the northeastern Right-of-Way of said Winding Canyon Road; thence along said Right-

of-Way North 47°01'49" West, a distance of 165.91 feet to a point; thence 163.94 feet along an arc of a curve to the left having a radius of 375.00 feet ad a chord bearing and distance of North 59°33'15" West, 162.63 feet to a point; thence 6.78 feet along an arc of a curve to the left having a radius of 375.00 feet and a chord bearing and distance of North 72°35'44" West, 6.78 feet to a point; thence North 73°06'47" West, a distance of 153.64 feet to a point; thence 63.37 feet along an arc of a curve to the right having a radius of 425.00 feet and a chord bearing and distance of North 68°50'29" West, 63.31 feet to a point; thence 218.73 feet along an arc of a curve to the right having a radius of 425.00 feet and a chord bearing and distance of North 49°49'33" West, 216.32 feet to a point on the southwestern Right-of-Way of Conifer Court (50' R/W); thence along said Right-of-Way 25.09 feet along an arc of a curve to the left having a radius of 17.00 feet and a chord bearing and distance of North 77°21'20" West, 22.87 feet to a point; thence South 60°22'14" West, a distance of 55.08 feet to a point; thence 110.83 feet along an arc of a curve to the left having a radius of 175.00 feet and a chord bearing and distance of South 42°13'38" West, 108.99 feet to a point; thence South 24°05'01" West, a distance of 51.01 feet to a point; thence South 24°05'01" West, a distance of 182.14 feet to a point; thence 78.39 feet along an arc of a curve to the left having a radius of 375.00 feet and a chord bearing distance of South 18°05'44" West, 78.24 feet to a point; thence 41.33 feet along an arc of a curve to the left having a radius of 17.00 and a chord bearing and distance of South 08°56'58" West, 41.31 feet to a point; thence South 05°47'31" West, a distance of 58.19 feet to a point; thence 13.87 feet along an arc of a curve to the left having a radius of 17.00 feet and a chord bearing and distance of South 17°34'56" East, 13.49 feet to a point; thence 87.93 feet along an arc of a curve to the right having a radius of 50.00 feet and a chord bearing and distance of South 09°25'17" West, 77.03 feet to a point; thence 80.42 feet along an arc of a curve to the right having a radius of 50.00 feet and a chord bearing and distance of North 74°07'26" West, 72.03 feet to a point; thence 77.83 feet along an arc of a curve to the right having a radius of 50.00 feet and a chord bearing and distance of North 16°32'55" East, 70.21 feet to a point; thence 16.42 feet along an arc of a curve to the left having a radius of 17.00 feet and a chord bearing and distance of North 33°28'05" East, 15.79 feet to a point; thence North 05°47'31" East, a distance of 51.87 feet to a point; thence 20.24 feet along an arc of a curve to the right having a radius of 425.00 feet and a chord bearing and distance of North 07°09'23" East, 20.24 feet to a point on the southwestern Right-of-Way of Running Deer Court (50' R/W); thence 25.09 feet along an arc of a curve to the left having a radius of 17.00 feet and a chord bearing and distance of North 33°45'10" West, 22.87 feet to a point; thence North 76°01'35" West, a distance of 13.65 feet to a point; thence 84.95 feet along an arc of a curve to the right having radius of 425.00 feet and a chord bearing and distance of North 70°18'01" West, 84.81 feet to a point; thence North 64°34'26" West, a distance of 28.27 feet to a point; thence North 64°34'26" West, a distance of 181.71 feet to a point; thence North 64°34'26" West, a distance of 153.42 feet to a point; thence 30.47 feet along an arc of curve to the right having a radius of 225.00 feet and chord bearing and distance of North 60°41'41" West 30.44 feet to a point; thence 164.87 feet along an arc of a curve to the right having a radius of 225.00 feet and a chord bearing and distance of North 35°49'25" West, 161.21 feet to a point; thence 88.77 feet along an arc of a curve to the right having a radius of 225.00 feet and a chord bearing and distance of North 03°31'45" West, 88.19 feet to a point; thence 11.59 feet along an arc of a curve to the right having a radius of 225.00 feet and a chord bearing and distance of North 09°14'54" East, 11.59 feet to a point; thence North 10°43'26" East, a distance of 109.71 feet to a point; thence 3.67 feet along an arc of a curve to the left having a radius of 17.00 feet and a chord bearing and distance of North 04°32'37" East, 3.66 feet to a point; thence 62.48 feet along an arc of a curve to the right having a radius of 50.00 feet and a chord bearing and distance of North 34°09'36" East, 58.49 feet to a point; thence 67.23 feet

along an arc of a curve to the right having a radius of 50.00 feet and a chord bearing and distance of South 71°31'34" East, 62.28 feet to a point; thence 31.64 feet along an arc of a curve to the right having a radius of 50.00 feet and a chord bearing and distance of South 14°52'52" East, 31.11 feet to a point; thence 71.04 feet along an arc of a curve to the right having a radius of 50.00 feet and a chord bearing and distance of South 43°56'50" West, 65.21 feet to a point; thence 21.93 feet along an arc of a curve to the left having a radius of 17.00 feet and a chord bearing and distance of South 47°41'09" West, 20.44 feet to a point; thence South 10°43'26" West, a distance of 59.67 feet to a point; thence 229.98 feet along an arc of a curve to the left having a radius of 175.00 feet and a chord bearing and distance of South 26°55'30" East, 213.79 feet to a point; thence South 64°34'26" East, a distance of 25.74 feet to a point; thence South 64°34'26" East, a distance of 231.28 feet to a point; thence South 64°34'26" East, a distance of 106.37 feet to a point; thence 74.96 feet along an arc if a curve to the left having a radius of 375.00 feet and a chord bearing and distance of South 70°18'01" East, 74.83 feet to a point; thence South 76°01'35" East, a distance of 10.94 feet to a point; thence 29.39 feet along an arc of a curve to the left having a radius of 20.00 feet and a chord bearing and distance of North 61°52'32" East and a chord distance of 26.82 feet to a point on the northwestern Right-of-Way of said Conifer Court; thence along said Right-of-Way 31.94 feet along an arc of a curve to the right having a radius of 425.00 feet and a chord bearing and distance of North 21°55'50" East, 31.94 feet to a point; thence North 24°05'01" East, a distance of 142.33 feet to a point; thence North 24°05'01" East, a distance of 90.83 feet to a point; thence 63.80 feet along an arc of a curve to the right having a radius of 225.00 feet and a having a chord bearing and distance of North 32°12'26" East, 63.59 feet to a point; thence 78.70 feet along an arc of a curve to the right having a radius of 225.00 feet and a chord bearing and distance of North 50°21'03" East, 78.30 feet to a point; thence North 60°22'14" East, a distance of 55.08 feet to a point; thence 25.09 feet along an arc of a curve to the left having a radius of 17.00 feet and a chord bearing and distance of North 18°05'49" East, 22.87 feet to a point on the northeastern Right-of-Way of said Winding Canyon Road; thence along said Right-of-Way 35.28 feet along an arc of a curve to the right having a radius of 425.00 feet and a chord bearing and distance of North 21°47'54" West, 35.27 feet to a point; thence North 19°25'13" West, a distance of 203.72 feet to a point; thence 20.08 feet along an arc of a curve to the left having a radius of 475.00 feet and a chord bearing and distance of North 20°37'53" West, 20.08 feet to a point; thence 172.89 feet along an arc of a curve to the left having a radius of 475.00 feet and a chord bearing and distance of North 32°16'12" West, 171.94 feet to a point; thence North 42°41'51" West, a distance of 121.15 feet to a point; thence North 42°41'51" West, a distance of 106.31 feet to a point; thence 244.93 feet along an arc of a curve to the left having a radius of 425.00 feet and a chord bearing and distance of North 59°12'28" West, 241.56 feet to a point; thence 377.07 feet along an arc of a curve to the left having a radius of 425.00 feet and a chord bearing and distance of South 78°51'53" West, 364.83 feet to a point; thence 52.86 feet along an arc of a curve to the left having a radius of 425.00 feet and a chord bearing and distance of South 49°53'05" West, 52.82 feet to a point; thence South 46°19'18" West, a distance of 242.73 feet to a point; thence South 46°19'18" West, a distance of 163.75 feet to a point; thence 15.19 feet along an arc of a curve to the left having a radius of 17.00 feet and a chord bearing and distance of South 20°43'53" West, 14.69 feet to a point; thence 53.86 feet along an arc of a curve to the right having a radius of 50.00 feet and a chord bearing and distance of South 26°00'01" West, 51.29 feet to a point; thence 61.53 feet along an arc of a curve to the right having a radius of 50.00 feet and a chord bearing and distance of North 87°53'08" West, 57.72 feet to a point; thence 53.94 feet along an arc of a curve to the right having a radius of 50.00 feet and a chord bearing and distance of North 21°43'25" West, 51.36 feet to a point; thence 77.07 feet along an arc of a curve to the right having a radius of

50.00 feet and a North 53°20'35" East, 69.67 feet to a point; thence 15.19 feet along an arc of a curve to the left having a radius of 17.00 feet and a chord bearing and distance of North 71°54'44" East 14.69 feet to a point; thence North 46°19'18" East, a distance of 156.89 feet to a point; thence North 46°19'18" East, a distance of 202.73 feet to a point; thence North 46°19'18" East, a distance of 46.87 feet to a point; thence 124.56 feet along an arc of a curve to the right having a radius of 475.00 feet and a chord bearing and distance of North 53°50'03" East, 124.20 feet to a point; thence 149.09 along an arc of a curve to the right having a radius of 475.00 feet and a chord bearing and distance of North 70°20'19" East, 148.48 feet to a point; thence 171.24 feet along an arc of a curve to the right having a radius of 475.00 feet and a chord bearing and distance of North 89°39'30" East, 170.31 feet to a point; thence 141.78 feet along an arc of a curve to the right having a radius of 475.00 feet and a chord bearing and distance of South 71°27'46" East, 141.26 feet to a point; thence 167.58 feet along an arc of a curve to the right having a radius of 475.00 feet and a chord bearing and distance of South 52°48'17" East, 166.71 feet to a point; thence South 42°41'51" East, a distance of 59.86 feet to a point; thence South 42°41'51" East, a distance of 167.60 feet to a point; thence 73.71 feet along an arc of a curve to the right having a radius of 525.00 feet and a chord bearing and distance of South 38°40'32" East, 73.65 feet to a point; thence 139.58 feet along an arc of a curve to the right having a radius of 525.00 feet and a chord bearing and distance of South 27°02'13" East, 139.17 feet to a point; thence South 19°25'13" East, a distance of 61.06 feet to a point; thence South 19°25'13" East, a distance of 142.66 feet to a point; thence 47.07 feet along an arc of a curve to the left having a radius of 375.00 feet and a chord bearing and distance of South 23°00'59" East, 47.04 feet to a point; thence 257.90 feet along an arc of a curve to the left having a radius of 375.00 feet and a chord bearing and distance of South 46°18'52" East, 252.84 feet to a point; thence 46.45 feet a along an arc of a curve to the left having a radius of 375.00 and a chord bearing and distance of South 69°33'53" East, 46.42 feet to a point; thence South 73°06'47" East, a distance of 153.64 feet to a point; thence 45.19 feet along an arc of a curve to the right having a radius of 425.00 feet and a chord bearing and distance of South 70°04'02" East, 45.17 feet to a point; thence 148.29 feet along an arc of a curve to the right having a radius of 425.00 feet and a chord bearing and distance of South 57°01'33" East, 147.54 feet to a point; thence South 47°01'49" East, a distance of 48.87 feet to a point; thence South 47°01'49" East, a distance of 210.87 feet to a point; thence South 47°01'49" East, a distance of 48.66 feet to a point; thence 90.14 feet along an arc of a curve to the left having a radius of 375.00 feet and a chord bearing and distance of South 3°54'59" East, 89.92 feet to a point; thence South 60°48'10" East, a distance of 74.87 feet to a point; thence 205.79 feet along an arc of a curve to the right having a radius of 444.34 feet and a chord bearing and distance of South 47°04'32" East, 203.95 feet to a point; thence 139.71 feet along an arc of a curve to the right having a radius of 444.34 feet and a chord bearing and distance of South 24°48'02" East, 139.14 feet to a point; thence 21.76 feet along an arc of a curve to the left having a radius of 18.23 feet and a chord bearing and distance of South 49°35'39" East, 20.49 feet to a point on the northern Right-of-Way of said Trail Side Drive; thence along said Right-of-Way 107.80 feet along an arc of a curve to the left having a radius of 325.00 feet and a chord bearing and distance of South 77°22'46" West, 107.31 feet feet to the ***Point of Beginning***.

Said tract contains 7.240 Acres.

November 25, 2025

City of Flowery Branch, Georgia
5410 Pine Street
Flowery Branch, Georgia 30542

Re: All that tract or parcel of land lying and being in G.M.D. 1270, Flowery Branch District of Hall County, Georgia, being designated as Winding Canyon Road, Conifer Court, Cherokee Rose Way, Running Deer Court, and Blackbird Court, as more particularly shown on that certain Final Subdivision Plat for Sterling On The Lake – Pod Z, prepared by Hayes, James & Associates, containing the seal of LeRoy W. James, Georgia Registered Land Surveyor No. 1795, dated November 6, 2006, last revised September 7, 2007, recorded on October 9, 2007 in Plat Book 857, Pages 57-65, Hall County, Georgia land records.

Dear Sir or Madam:

In consideration of a fee to be paid, this is to certify that I have examined the properly indexed deed records of Hall County, Georgia, and we find the above captioned property is vested in NNP-Looper Lake, LLC, a Delaware limited liability company, by virtue of that certain Limited Warranty Deed between ANC-Looper Lake, LLC, a Delaware limited liability company, to NNP-Looper Lake, LLC, a Delaware limited liability company, dated June 21, 2002, recorded in Deed Book 4233, page 568, Hall County, Georgia land records and/or that certain Limited Warranty Deed between Jeanelle Knutson a/k/a Jeanelle M. Knutson a/k/a J'Nel Knutson a/k/a J'Nel Jeffreys a/k/a Mary Jnell Jeffreys to NNP-Looper Lake, LLC, a Delaware limited liability company, dated May 4, 2007, recorded in Deed Book 6045, page 188, Hall County, Georgia land records, subject to the following exceptions to-wit:

1. All taxes for the year 2025 and subsequent years not yet due and payable, and any additional taxes for the current year or any prior year resulting from a reassessment, amendment or re-billing of city or county taxes subsequent to the effective date of this letter.

2. Right-of-Way Easement from NNP-Looper Lake, LLC, a Delaware limited liability company, to Jackson Electric Membership Corporation, dated February 20, 2003, filed for record March 24, 2003 at 4:50 p.m., recorded in Deed Book 4505, Page 521, Records of Hall County, Georgia.

3. Easement Agreement by and between Rocky Creek Development, L.L.C., a Georgia limited liability company, Little River Homes, Inc., a Georgia corporation, A & S Builders, Inc., a Georgia corporation, and Darby C.

Crawford, and NNP-Looper Lake, LLC, a Delaware limited liability company, dated November 12, 2003, filed for record December 2, 2003 at 9:28 a.m., recorded in Deed Book 4814, Page 295, Records of Hall County, Georgia.

4. Community Charter for Sterling on the Lake by NNP-Looper Lake, LLC, a Delaware limited liability company, executed December 11, 2003, filed for record December 15, 2003 at 4:05 p.m., recorded in Deed Book 4828, Page 136, Records of Hall County, Georgia; as supplemented by Supplement to the Community Charter for Sterling on the Lake by NNP-Looper Lake, LLC, a Delaware limited liability company, dated June 1, 2004, filed for record June 14, 2004 at 12:20 p.m., recorded in Deed Book 5000, Page 437, Records of Hall County, Georgia; as further supplemented by Supplement to the Community Charter for Sterling on the Lake by NNP-Looper Lake, LLC, a Delaware limited liability company, dated June 1, 2004, filed for record July 28, 2004 at 9:22 a.m., recorded in Deed Book 5043, Page 287, Records of Hall County, Georgia; as further supplemented by Supplement to the Community Charter for Sterling on the Lake by NNP-Looper Lake, LLC, a Delaware limited liability company, dated October 21, 2004, filed for record November 19, 2004 at 4:09 p.m., recorded in Deed Book 5151, Page 421, Records of Hall County, Georgia; as further supplemented by Supplement to the Community Charter for Sterling on the Lake by NNP-Looper Lake, LLC, a Delaware limited liability company, dated March 14, 2005, filed for record March 15, 2005 at 9:08 a.m., recorded in Deed Book 5251, Page 177, Records of Hall County, Georgia; as further supplemented by Corrective Supplement to the Community Charter for Sterling on the Lake by NNP-Looper Lake, LLC, a Delaware limited liability company, dated March 16, 2005, filed for record March 16, 2005 at 9:00 a.m., recorded in Deed Book 5252, Page 298, Records of Hall County, Georgia; as further supplemented by Supplement to the Community Charter for Sterling on the Lake by NNP-Looper Lake, LLC, a Delaware limited liability company, dated June 13, 2005, filed for record June 30, 2005 at 10:12 a.m., recorded in Deed Book 5359, Page 512, Records of Hall County, Georgia; as further supplemented by Supplement to the Community Charter for Sterling on the Lake by NNP-Looper Lake, LLC, a Delaware limited liability company, dated August 2, 2005, filed for record August 2, 2005 at 3:48 p.m., recorded in Deed Book 5394, Page 410, Records of Hall County, Georgia; as further supplemented by Supplement to the Community Charter for Sterling on the Lake by NNP-Looper Lake, LLC, a Delaware limited liability company, dated October 11, 2005, filed for record October 11, 2005 at 4:33 p.m., recorded in Deed Book 5471, Page 350, Records of Hall County, Georgia; as further

supplemented by Supplement to the Community Charter for Sterling on the Lake by NNP-Looper Lake, LLC, a Delaware limited liability company, dated December 2, 2005, filed for record December 20, 2005 at 10:39 a.m., recorded in Deed Book 5543, Page 584, Records of Hall County, Georgia; as amended by Amendment to the Supplement to the Community Charter for Sterling on the Lake (Pod R) by NNP-Looper Lake, LLC, a Delaware limited liability company, dated March 13, 2006, filed for record March 13, 2006 at 4:24 p.m., recorded in Deed Book 5624, Page 462, Records of Hall County, Georgia; as further supplemented by Supplement to the Community Charter for Sterling on the Lake by NNP-Looper Lake, LLC, a Delaware limited liability company, dated March 31, 2006, filed for record April 3, 2006 at 4:31 p.m., recorded in Deed Book 5645, Page 445, Records of Hall County, Georgia; as re-filed for record April 25, 2006 at 9:30 a.m., re-recorded in Deed Book 5665, Page 317, Records of Hall County, Georgia; as further supplemented by Supplement to the Community Charter for Sterling on the Lake by NNP-Looper Lake, LLC, a Delaware limited liability company, dated September 12, 2006, filed for record September 13, 2006 at 4:41 p.m., recorded in Deed Book 5812, Page 290, Records of Hall County, Georgia; as re-filed for record October 4, 2006 at 9:41 a.m., re-recorded in Deed Book 5832, Page 422, Records of Hall County, Georgia; as further supplemented by Supplement to the Community Charter for Sterling on the Lake by NNP-Looper Lake, LLC, a Delaware limited liability company, dated September 12, 2006, filed for record September 13, 2006 at 4:41 p.m., recorded in Deed Book 5812, Page 295, Records of Hall County, Georgia; as re-filed for record October 4, 2006 at 9:41 a.m., re-recorded in Deed Book 5832, Page 417, Records of Hall County, Georgia; as further supplemented by Supplement to the Community Charter for Sterling on the Lake by NNP-Looper Lake, LLC, a Delaware limited liability company, dated September 12, 2006, filed for record October 5, 2006 at 4:36 p.m., recorded in Deed Book 5834, Page 538, Records of Hall County, Georgia; as further amended by Second Amendment to the Supplement to the Community Charter for Sterling on the Lake (Pod R) by NNP-Looper Lake, LLC, a Delaware limited liability company, dated October 3, 2006, filed for record October 5, 2006 at 4:36 p.m., recorded in Deed Book 5834, Page 543, Records of Hall County, Georgia; as further amended by First Amendment to the Community Charter for Sterling on the Lake by NNP-Looper Lake, LLC, a Delaware limited liability company, dated November 6, 2006, filed for record November 8, 2006 at 3:46 p.m., recorded in Deed Book 5868, Page 280, Records of Hall County, Georgia; as further supplemented by Supplement to the Community Charter for Sterling on the Lake by NNP-Looper Lake, LLC, a Delaware limited liability company, dated January 10, 2007, filed for record January 17, 2007 at 4:34 p.m., recorded in Deed Book 5930, Page 69, Records of Hall County, Georgia; as

further supplemented by Supplement to the Community Charter for Sterling on the Lake by NNP-Looper Lake, LLC, a Delaware limited liability company, dated January 10, 2007, filed for record January 12, 2007 at 4:34 p.m., recorded in Deed Book 5930, Page 74, Records of Hall County, Georgia; as further amended by Amendment to the Supplement to the Community Charter for Sterling on the Lake (Pod Z) by NNP-Looper Lake, LLC, a Delaware limited liability company, dated May 30, 2007, filed for record May 31, 2007 at 4:18 p.m., recorded in Deed Book 6066, Page 469, Records of Hall County, Georgia; as further amended by Second Amendment to the Community Charter for Sterling on the Lake by NNP-Looper Lake, LLC, a Delaware limited liability company, dated August 28, 2007, filed for record October 30, 2007 at 9:36 a.m., recorded in Deed Book 6197, Page 132, Records of Hall County, Georgia; as further amended by First Amendment to the By-Laws of Sterling on the Lake Community Association, Inc., by Sterling on the Lake Community Association, Inc., dated February 20, 2008, filed for record February 26, 2008 at 9:41 a.m., recorded in Deed Book 6278, Page 342, Records of Hall County, Georgia; as further amended by Third Amendment to the Community Charter for Sterling on the Lake by NNP-Looper Lake, LLC, a Delaware limited liability company, dated March 26, 2008, filed for record April 2, 2008 at 9:49 a.m., recorded in Deed Book 6306, Page 86, Records of Hall County, Georgia; as further amended by First Amendment to the Bylaws of Sterling on the Lake Community Association, Inc., by Sterling on the Lake Community Association, Inc., effective as of January 16, 2012, filed for record March 9, 2012 at 12:10 p.m., recorded in Deed Book 6968, Page 167, Records of Hall County, Georgia; as further amended by Amendment to the Community Charter for Sterling on the Lake by NNP-Looper Lake, LLC, a Delaware limited liability company, dated as of January 1, 2012, filed for record October 29, 2012 at 1:17 p.m., recorded in Deed Book 7082, Page 643, Records of Hall County, Georgia; as further amended by Third Amendment to the Bylaws of Sterling on the Lake Community Association, Inc., by Sterling on the Lake Community Association, Inc., effective as of January 22, 2013, filed for record February 6, 2013 at 11:05 a.m., recorded in Deed Book 7136, Page 688, Records of Hall County, Georgia; as further amended by Second Amendment to the Bylaws of Sterling on the Lake Community Association, Inc., by Sterling on the Lake Community Association, Inc., effective as of January 16, 2012, filed for record March 18, 2013 at 11:59 a.m., recorded in Deed Book 7156, Page 108, Records of Hall County, Georgia; as further supplemented by Supplement to the Community Charter for Sterling on the Lake (Pod N and Pod O) by NNP-Looper Lake, LLC, a Delaware limited liability company, dated September 23, 2013, filed for record September 26, 2013 at 1:08 p.m., recorded in Deed Book 7262, Page 154, Records of Hall County, Georgia; as further supplemented by Supplement to the Community Charter for Sterling on the Lake (Pod T, Phase 1) by NNP-Looper Lake, LLC, a Delaware limited liability company, dated September 23, 2013, filed for record September 26, 2013 at

1:08 p.m., recorded in Deed Book 7262, Page 167, Records of Hall County, Georgia; as further amended by First Amendment to the Supplement to the Community Charter for Sterling on the Lake (Pod T, Phase I) by NNP-Looper Lake, LLC, a Delaware limited liability company, dated September 25, 2014, filed for record September 29, 2014 at 9:13 a.m., recorded in Deed Book 7423, Page 336, Records of Hall County, Georgia; as further amended and restated by Amended and Restated Supplement to the Community Charter for Sterling on the Lake (Pod N and Pod O), by NNP-Looper Lake, LLC, a Delaware limited liability company, and consenting owners, with joinder and consent of Sterling on the Lake Community Association, Inc., a Georgia nonprofit corporation, dated October 29, 2014, filed for record November 3, 2014 at 9:10 a.m., recorded in Deed Book 7437, Page 97, Records of Hall County, Georgia; as further amended by Second Amendment to the Supplement to the Community Charter for Sterling on the Lake (Pod T, Phases 1 and 2) by NNP-Looper Lake, LLC, a Delaware limited liability company, with the joinder and consent of Vanderbilt Homes, LLC, a Georgia limited liability company, dated as of March 18, 2015, filed for record March 24, 2015 at 10:44 a.m., recorded in Deed Book 7494, Page 724, Records of Hall County, Georgia; as further amended and restated by Amended and Restated Supplement to the Community Charter for Sterling on the Lake (Pod T, Phases 1 and 2), by NNP-Looper Lake, LLC, a Delaware limited liability company, and consenting owners, with joinder and consent of Sterling on the Lake Community Association, Inc., a Georgia nonprofit corporation, dated March 19, 2015, filed for record March 24, 2015 at 10:44 a.m., recorded in Deed Book 7494, Page 732, Records of Hall County, Georgia; as further amended by Second Amended and Restated Supplement to the Community Charter for Sterling on the Lake (Pod T, Phases 1 and 2), by NNP-Looper Lake, LLC, a Delaware limited liability company, with joinder and consent of Sterling on the Lake Community Association, Inc., a Georgia nonprofit corporation, dated October 21, 2015, filed for record October 28, 2015 at 10:34 a.m., recorded in Deed Book 7606, Page 216, Records of Hall County, Georgia; as further amended by Fourth Amendment to the Community Charter for Sterling on the Lake by NNP-Looper Lake, LLC, a Delaware limited liability company, dated December 31, 2015, filed for record January 13, 2016 at 1:15 p.m., recorded in Deed Book 7640, Page 442, Records of Hall County, Georgia; as further amended by Fourth Amendment to the ByLaws of Sterling on the Lake Community Association, Inc., by Sterling on the Lake Community Association, Inc., a Georgia nonprofit corporation, made effective as of December 31, 2015, filed for record January 13, 2016 at 1:15 p.m., recorded in Deed Book 7640, Page 444, Records of Hall County, Georgia; as further supplemented by the Supplement to the Community Charter for Sterling on the Lake (Pod S), by NNP-Looper Lake, LLC, a Delaware limited liability company, with the joinder and consent of Sterling on the Lake Community Association, Inc., a Georgia nonprofit corporation, dated January 21, 2016, filed for record January 26, 2016 at 9:59 a.m., recorded in Deed

Book 7644, Page 730, Records of Hall County, Georgia; as further supplemented by Supplement to the Community Charter for Sterling on the Lake (Pods V & W, Phase 1), by NNP-Looper Lake, LLC, a Delaware limited liability company, dated July 7, 2016, filed for record July 12, 2016 at 9:56 a.m., recorded in Deed Book 7732, Page 235, Records of Hall County, Georgia; as further supplemented by Supplement to the Community Charter for Sterling on the Lake (Pod U, Phase 1), by NNP-Looper Lake, LLC, a Delaware limited liability company, dated October 6, 2016, filed for record October 11, 2016 at 12:13 p.m., recorded in Deed Book 7784, Page 357, Records of Hall County, Georgia; as further supplemented by Supplement to the Community Charter for Sterling On the Lake (Pod Y) by NNP-Looper Lake, LLC, a Delaware limited liability company, dated November 15, 2016, filed for record November 17, 2016 at 10:04 a.m., recorded in Deed Book 7806, Page 87, Records of Hall County, Georgia; as further supplemented by Amended and Restated Supplement to the Community Charter for Sterling on the Lake (Pod V & W, Phase 1 and Phase 2), by NNP-Looper Lake, LLC, a Delaware limited liability company, dated January 30, 2017, filed for record February 9, 2017 at 10:10 a.m., recorded in Deed Book 7849, Page 603, Records of Hall County, Georgia; as further supplemented by Supplement to the Community Charter for Sterling on the Lake (Pod L & M) by NNP-Looper Lake, LLC, a Delaware limited liability company, dated March 23, 2017, filed for record March 29, 2017 at 9:37 a.m., recorded in Deed Book 7873, Page 660, Records of Hall County, Georgia; as further supplemented by Supplement to the Community Charter for Sterling on the Lake (Pod Q) by NNP-Looper Lake, LLC, a Delaware limited liability company, dated December 20, 2017, filed for record December 26, 2017 at 11:13 a.m., recorded in Deed Book 8018, Page 693, Records of Hall County, Georgia; as further supplemented by Supplement to the Community Charter for Sterling on the Lake (Pod Q and Pod P) by NNP-Looper Lake, LLC, a Delaware limited liability company, dated March 28, 2018, filed for record April 3, 2018 at 1:03 p.m., recorded in Deed Book 8064, Page 227, Records of Hall County, Georgia; as further amended by Second Amendment to the Supplement to the Community Charter for Sterling on the Lake (Pod Z) by NNP-Looper Lake, LLC, a Delaware limited liability company, dated March 25, 2018, filed for record April 4, 2018 at 9:58 a.m., recorded in Deed Book 8064, Page 615, Records of Hall County, Georgia; as further supplemented by that certain Supplement to the Community Charter for Sterling on the Lake (Pod Knutson-1) by NNP-Looper Lake, LLC, a Delaware limited liability company, dated December 6, 2018, filed for record December 7, 2018 at 12:17 p.m., recorded in Deed Book 8188, Page 501, Records of Hall County, Georgia; as further supplemented by that certain Supplement to the Community Charter for Sterling on the Lake (Pod Knutson-2) by NNP-Looper Lake, LLC, a Delaware limited liability company, dated February 13, 2020, filed for record February 19, 2020 at 9:58 a.m., recorded in Deed Book 8428, Page 512, Records of Hall County, Georgia; as further amended by that certain Amended and

Restated Supplement to the Community Charter for Sterling on the Lake (Pod Knutson-2) by NNP-Looper Lake, LLC, a Delaware limited liability company, with the joinder and consent of D.R. Horton, Inc., a Delaware corporation, dated June 10, 2020, filed for record June 22, 2020 at 8:42 a.m., recorded in Deed Book 8516, Page 566, Records of Hall County, Georgia; as further supplemented by that certain Supplement to the Community Charter for Sterling on the Lake (Pod Honeycutt, Ph. 1A) by NNP-Looper Lake, LLC, a Delaware limited liability company, dated June 15, 2020, filed for record June 22, 2020 at 8:42 a.m., recorded in Deed Book 8516, Page 575, Records of Hall County, Georgia; as further supplemented by that certain Supplement to the Community Charter for Sterling on the Lake (Pod Knutson-3) by NNP-Looper Lake, LLC, a Delaware limited liability company, dated June 15, 2020, filed for record June 22, 2020 at 8:42 a.m., recorded in Deed Book 8516, Page 582, Records of Hall County, Georgia; as further amended by that certain First Amendment to the Supplement to the Community Charter for Sterling on the Lake (Pod Honeycutt, Ph. 1A-Adding Ph. 1B) by NNP-Looper Lake, LLC, a Delaware limited liability company, dated September 2, 2020, filed for record September 14, 2020 at 9:07 a.m., recorded in Deed Book 8591, Page 21, Records of Hall County, Georgia; as further supplemented by that certain Supplemental Declaration of Covenants, Restrictions and Easements for The Retreat at Sterling on the Lake (Ph. 1B) by NNP-Looper Lake, LLC, a Delaware limited liability company, with the joinder and consent of Weekley Homes, LLC, a Delaware limited liability company, dated September 2, 2020, filed for record September 14, 2020 at 9:07 a.m., recorded in Deed Book 8591, Page 28, Records of Hall County, Georgia; as further amended by that certain Second Amendment to the Supplement to the Community Charter for Sterling on the Lake (Pod Honeycutt, Ph. 1A and Ph. 1B - Adding Ph. 2) by NNP-Looper Lake, LLC, a Delaware limited liability company, dated January 15, 2021, filed for record February 10, 2021 at 10:09 a.m., recorded in Deed Book 8727, Page 359, Records of Hall County, Georgia; as further supplemented by that certain Supplement to the Community Charter for Sterling on the Lake (Pod J2) by NNP-Looper Lake, LLC, a Delaware limited liability company, dated November 15, 2021, filed for record December 7, 2021 at 10:51 a.m., recorded in Deed Book 9006, Page 325, Records of Hall County, Georgia.

5. Declaration of Covenants and Restrictions for Compensatory Mitigation for Sterling on the Lake by NNP-Looper Lake, LLC, a Delaware limited liability company, dated April 30, 2004, and consented, joined and subordinated by Residential Funding Corporation, a Delaware corporation, filed for record May 11, 2004 at 2:38 p.m., recorded in Deed Book 4967, Page 406, Records of Hall County, Georgia.

6. Reciprocal Easement Agreement by and between Patrick W. R. Barry, Tricia Barry, Lonna Barry, Clobher-Ceann, LLC, a Virginia limited liability company, NNP-Looper Lake, LLC, a Delaware limited liability company, and Sterling on the Lake Community Association, Inc., dated December 22, 2004, filed for record January 6, 2005 at 9:57 a.m., recorded in Deed Book 5193, Page 276, Records of Hall County, Georgia.

7. Signage Easement from Spout Springs Water Reclamation, LLC, a Georgia limited liability company, to John Wieland Homes and Neighborhoods, Inc., a Georgia corporation, and NNP-Looper Lake, LLC, a Delaware limited liability company, dated as of December 31, 2007, filed for record January 2, 2008 at 11:19 a.m., recorded in Deed Book 6242, Page 1, Records of Hall County, Georgia.

8. All those matters as disclosed by that certain plat recorded in Plat Book 857, Page 57, Records of Hall County, Georgia.

9. All those matters as disclosed by that certain plat recorded in Plat Book 876, Page 247, Records of Hall County, Georgia.

10. All those matters as disclosed by that certain plat recorded in Plat Book 878, Page 428, Records of Hall County, Georgia.

11. All those matters as disclosed by that certain plat recorded in Plat Book 880, Page 19, Records of Hall County, Georgia.

12. Right-of-way Deed from Mulberry Properties Limited to Hall County, Georgia, recorded at Deed Book 471, page 233, Records of Hall County, Georgia.

13. Right-of-way Deed from L. B. Carter to Hall County, Georgia, recorded at Deed Book 422, page 71, Records of Hall County, Georgia.

14. Easement from Capitola Farm Road Limited Partnership to Hall County, Georgia, recorded at Deed Book 860, page 43, Records of Hall County, Georgia.

15. Right-of-way Easement from Mrs. L. W. Hodges to State Highway of Georgia, recorded at Deed Book 83, page 578, Records of Hall County, Georgia.

16. Right-of-way Easement from H. P. Pirkle and Virginia T. Looper to Hall County, Georgia, recorded at Deed Book 471, page 246, Records of Hall County, Georgia.

17. General Utility Easement from L. B. Carter to Georgia Power Company, recorded at Deed Book 374, page 311, Records of Hall County, Georgia.

18. Right-of-way Easement from Lela Bennett to State Highway Board of Georgia, recorded at Deed Book 83, pages 564-565, Records of Hall County, Georgia.

19. Right-of-way Easement from W. J. Cash to State Highway Board of Georgia, recorded at Deed Book 83, page 570, Records of Hall County, Georgia.

20. Right-of-way Deeds to Hall County, Georgia, recorded at Deed Book 786, page 531, Deed Book 1019, page 267 and Deed Book 1019, page 268, Records of Hall County, Georgia.

21. Driveway crossing the southeast corner of Tract 3 and a driveway crossing the southwest corner of Tract 1, as per plat recorded at Plat Book 130, pages 188-189, Records of Hall County, Georgia, as located on survey prepared by Moreland Altobelli, Inc., dated January 25, 2001.

22. Fence encroachments, driveway encroachments, rights of ingress and egress to cemetery, shown on plat referenced in Exhibit "A" of that certain Limited Warranty Deed recorded at Deed Book 4233, page 568, Records of Hall County, Georgia, as shown on survey prepared by Moreland Altobelli, Inc. dated January 25, 2001, last revised June 12, 2002.

23. Easements granted in the following deeds:

a) Limited Warranty Deed from The Club Shakespeare Atlanta Limited Partnership I to Commonwealth Investments, L.L.C., dated November 24, 1998, recorded at Deed Book 3414, pages 315-319, Records of Hall County, Georgia.

b) Limited Warranty Deed from The Club Shakespeare Atlanta Limited Partnership I to On Eagles Wings, L.L.C., dated November 24, 1998, recorded at Deed Book 3414, pages 320-325, Records of Hall County, Georgia.

c) Limited Warranty Deed from The Club Shakespeare Atlanta Limited Partnership I to Patrick W. R. Barry and Julie Krista Barry, dated November 24, 1998, recorded at Deed Book 3406, pages 337-342, Records of Hall County, Georgia.

d) Limited Warranty Deed from George H. Lane, III to The Club Shakespeare Atlanta, Inc., recorded at Deed Book 1630, page 159, Records of Hall County, Georgia.

24. Easement to Hall County recorded at Deed Book 3097, page 283, Records of Hall County, Georgia.

25. Matters shown on plat recorded at Plat Slide 599, page 71-A, Records of Hall County, Georgia.

26. Rights of others in and to the cemetery located on subject property and the right of ingress and egress thereto via a "field road" as shown on survey by Moreland Altobelli, Inc. dated January 25, 2001, last revised June 12, 2002.

27. Construction/Slope Easement to the Hall County Board of Commissioners dated December 5, 2000 and recorded on December 7, 2000 at Deed Book 3780, pages 411-412, Records of Hall County, Georgia.

28. The survey for Looper Lake, LLC and First American Title Insurance Company by Donald Rex Jones, GRLS No. 2396, dated January 25, 2001, last revised June 12, 2002, reveals the following:

    a) Fence encroachment along Spout Springs Road.
    b) 50 foot Easement for ingress and egress.
    c) Gravel drive encroachment near Lollis Creek Road.
    d) Shed encroachment.
    e) Fence meandering along the property line.
    f) Various power poles, guy wires and guy poles found on the property.

29. Matters shown on that certain plat of survey for Rolling Hills Lake Club by Frederick C. Youngman, R.L.S. No. 2160 dated July 20, 2001.

30. Easement and Right of Way for Construction of Road and Installation of Utility Lines between Looper Lake, LLC and Inland Paperboard and Packaging, Inc. dated June 29, 2001, recorded at Deed Book 3944, pages 109-115, Records of Hall County, Georgia.

31. Construction/Slope Easement to the Hall County Board of Commissioners dated December 5, 2000, recorded on December 7, 2000 at Deed Book 3780, pages 411-412, Records of Hall County, Georgia.

32. Declaration of Reciprocal Easement and Operating Agreement by and between ANC-Looper Lake, LLC, a Delaware limited liability company and NNP-Looper Lake, LLC, a Delaware limited liability company, dated June 21, 2002, recorded at Deed Book 4233, page 501, Records of Hall County, Georgia.

33. Easement from Looper Lake, LLC, a Georgia limited liability company to Commonwealth Investments, LLC, a Virginia limited liability company and On Eagles Wings, LLC, a Virginia limited liability company, filed June 25,

2002, recorded at Deed Book 4233, page 438, Records of Hall County, Georgia.

34. Easements contained in Right of Way Deed from Rayford N. Jeffreys et. al. to Hall County, Georgia, dated April 26, 1982, recorded at Deed Book 765, page 577, Records of Hall County, Georgia.

35. All matters disclosed by that ALTA/ACSM Boundary Survey for First American Title Insurance Company; and NNP-Looper Lake, LLC, prepared by Hayes, James & Associates, Inc. and containing the seal of LeRoy W. James, Georgia Registered Land Surveyor No. 1795, dated April 28, 2007.

This certificate is effective as of October 20, 2025 at 5:00 p.m., and is restricted to the sole use of the addressees herein and is strictly limited to matters set forth in period of time certified.

Sincerely,

Michael E. Leavey

PT-61 (Rev. 2/18) To be filed in **HALL COUNTY** **PT-61 069-2025-008230**

SECTION A – SELLER'S INFORMATION (Do not use agent's information)		SECTION C – TAX COMPUTATION	
SELLER'S BUSINESS / ORGANIZATION / OTHER NAME NNP-LOOPER LAKE, LLC		Exempt Code If no exempt code enter NONE	Public Road Acquisition
MAILING ADDRESS (STREET & NUMBER) 733 EIGHTH AVENUE		1. Actual Value of consideration received by seller Complete Line 1A if actual value unknown	$1.00
CITY, STATE / PROVINCE / REGION, ZIP CODE, COUNTRY SAN DIEGO, CA 92101 USA	DATE OF SALE 12/18/2025	1A. Estimated fair market value of Real and Personal property	$0.00
SECTION B – BUYER'S INFORMATION (Do not use agent's information)		2. Fair market value of Personal Property only	$0.00
BUYERS'S BUSINESS / ORGANIZATION / OTHER NAME CITY OF FLOWERY BRANCH		3. Amount of liens and encumbrances not removed by transfer	$0.00
MAILING ADDRESS (Must use buyer's address for tax billing & notice purposes) 5410 PINE STREET		4. Net Taxable Value (Line 1 or 1A less Lines 2 and 3)	$0.00
CITY, STATE / PROVINCE / REGION, ZIP CODE, COUNTRY FLOWERY BRANCH, GA 30542 USA	Check Buyers Intended Use ( ) Residential ( ) Commercial ( ) Agricultural ( ) Industrial	5. TAX DUE at .10 per $100 or fraction thereof (Minimum $1.00)	$0.00

SECTION D – PROPERTY INFORMATION (Location of Property (Street, Route, Hwy, etc))

HOUSE NUMBER & EXTENSION (ex 265A)	PRE-DIRECTION, STREET NAME AND TYPE, POST DIRECTION		SUITE NUMBER
COUNTY HALL	CITY (IF APPLICABLE)	MAP & PARCEL NUMBER N/A	ACCOUNT NUMBER

TAX DISTRICT	GMD	LAND DISTRICT	ACRES	LAND LOT	SUB LOT & BLOCK

SECTION E – RECORDING INFORMATION (Official Use Only)

DATE	DEED BOOK	DEED PAGE	PLAT BOOK	PLAT PAGE

ADDITIONAL BUYERS

None

GENERAL NOTES

1. OWNER — NNP–LOOPER LAKE, LLC
3885 CRESTWOOD PARKWAY
DULUTH, GEORGIA 30096
SUITE 250
(770) 638–4094

2. DEVELOPER — NNP–LOOPER LAKE, LLC
3885 CRESTWOOD PARKWAY
DULUTH, GEORGIA 30096
SUITE 250
(770) 638–4094
CONTACT: KEVIN O'NEILL

3. ENGINEER: — HAYES, JAMES & ASSOCIATES, INC.
4145 SHAKLEFORD ROAD.
SUITE 300
NORCROSS, GEORGIA 30093
CONTACT: MARK BOND
(770) 923–1600

4. BOUNDARY INFORMATION BASED ON COMPOSITE SURVEY FOR NNP LOOPER LAKE, LLC AND FIRST AMERICAN TITLE INSURANCE COMPANY DATED 6–22–2002 BY MORELAND ALTOBELLI.

5. TOPOGRAPHIC INFORMATION BASED ON AN AERIAL TOPOGRAPHIC SURVEY PROVIDED BY BERRY AND ASSOCIATES FOR MORELAND ALTOBELLI.

6. ALL WORK PERFORMED ON CITY RIGHT–OF–WAYS SHALL BE IN STRICT CONFORMATION WITH APPLICABLE FLOWERY BRANCH STANDARDS AND SPECIFICATIONS.

7. UTILITY SERVICE PROVIDERS:
ELECTRIC: JACKSON EMC
WATER: GAINESVILLE PUBLIC UTILITIES
GAS: ATLANTA GAS LIGHT CO.
TELEPHONE: BELLSOUTH
UPC TICKET NO. 02253–055–007

8. MINIMUM LOT SIZE SETBACKS AND DIMENSIONS ESTABLISHED BY "EXHIBIT A", ORDINANCE NOS. 239 AND 240 OF CITY OF FLOWERY BRANCH AS AMENDED.

9. TOTAL AREA = 115.041 AC. (5,011,187 SQ. FT.)
NUMBER OF LOTS= 61
DENSITY= 0.53 LOTS/ACRE

10. MAXIMUM CUT OR FILL SLOPES IS 2H.:1V.

11. THIS PROPERTY IS ZONED PUD

12. NO LAND DISTURBANCE OUTSIDE OF AREA OF STREETS, DRAINAGE, AND UTILITIES.

13. PROPOSED STREETS SHALL BE 24 FEET BACK TO BACK OF CURB, ASPHALT PAVED WITH 24" STANDARD RAISED CONCRETE CURBS.

14. ALL WORK SHALL COMPLY WITH APPLICABLE STATE, FEDERAL AND LOCAL CODES AND ALL NECESSARY LICENSES AND PERMITS SHALL BE OBTAINED BY THE CONTRACTOR AT HIS EXPENSE UNLESS PREVIOUSLY OBTAINED BY OWNER.

15. CITY OF FLOWERY BRANCH PERSONNEL AND/OR AGENTS SHALL HAVE FREE AND TOTAL ACCESS TO AND ACROSS ALL PUBLIC EASEMENTS.

16. NNP–LOOPER LAKE L.L.C. PERSONNEL AND/OR AGENTS SHALL HAVE FREE AND TOTAL ACCESS TO AND ACROSS ALL PRIVATE EASEMENTS.

17. THERE IS A PERPETUAL EASEMENT TO CITY OF FLOWERY BRANCH DEDICATED ALONG THE RIGHT OF WAY FRONTING ALL LOTS. SEE ZONING CHART FOR EASEMENT WIDTHS.

18. THIS PROPERTY WILL BE SERVED BY PUBLIC WATER.

19. IRON PINS SET AT EVERY LOT CORNER (#4 REBAR UNLESS OTHERWISE NOTED), ALL FRONT PINS ARE TO BE INSTALLED AFTER ALL UNDERGROUND UTILITIES ARE INSTALLED.

20. ALL PERPETUAL & STORM EASEMENTS OF THE SUBDIVISION TO BE DEDICATED TO THE CITY OF FLOWERY BRANCH

21. DEVIATION FROM THESE PLANS WITHOUT THE PRIOR CONSENT OF THE OWNER OR HIS REPRESENTATIVE OR THE ENGINEER MAY BE CAUSE FOR THE WORK TO BE UNACCEPTABLE.

22. THE UTILITIES SHOWN ARE SHOWN FOR THE CONTRACTORS CONVENIENCE ONLY. THERE MAY BE OTHER UTILITIES NOT SHOWN ON THESE PLANS. THE ENGINEER ASSUMES NO RESPONSIBILITY FOR THE LOCATIONS SHOWN AND IT SHALL BE THE CONTRACTORS RESPONSIBILITY TO VERIFY THE LOCATIONS OF ALL UTILITIES WITHIN THE LIMITS OF THE WORK. ALL DAMAGE MADE TO EXISTING UTILITIES BY THE CONTRACTOR SHALL BE THE SOLE RESPONSIBILITY OF THE CONTRACTOR.

23. THE LOTS SHOWN ON THIS PLAT ARE SUBJECT TO THE COVENANTS, CONDITIONS, RESTRICTIONS AND EASEMENTS CONTAINED IN THAT COMMUNITY CHARTER FOR STERLING ON THE LAKE, RECORDED IN DEED BOOK 4828, PAGE 136 HALL COUNTY, GEORGIA RECORDS.

24. TRASH/BURY PIT LOCATIONS MUST BE REPORTED TO HALL COUNTY ENVIROMENTAL HEALTH DEPARTMENT

25. THERE IS NO ABOVE GROUND VISIBLE EVIDENCE OF A CEMETERY LOCATED IN THIS UNIT.

26. SIDEWALKS TO BE INSTALLED ON A LOT BY LOT BASIS BY THE BUILDER AT THE TIME OF HOUSE CONSTRUCTION. THIS DEVELOPMENT WILL UTILIZE A SIDEWALK SYSTEM THROUGHOUT THE PROJECT. THEREFORE PROPERTY OWNERS OF LOTS SHOWN ON THIS PLAT ARE REQUIRED TO CONSTRUCT SIDEWALKS ALONG THE ROAD FRONTAGE OF THIER PROPERTY. SAID SIDEWALKS WILL COMPLY WITH THE CITY OF FLOWERY BRANCH SUBDIVISION REGULATIONS.

27. THE SIDE AND REAR SETBACK OF CORNER LOTS SHALL BE DETERMINED BY THE ORIENTATION OF THE DWELLING.

28. APPROVAL OF THESE PLANS DOES NOT CONSTITUTE APPROVAL BY FLOWERY BRANCH OF ANY LAND DISTURBING ACTIVITIES WITHIN WETLAND AREAS. IT IS THE RESPONSIBILITY OF THE PROPERTY OWNER TO CONTACT THE APPROPRIATE REGULATORY AGENCY FOR APPROVAL OF ANY WETLAND AREA DISTURBANCE.

29. THE FIELD DATA UPON WHICH THIS PLAT IS BASED HAS A CLOSURE PRECISION OF ONE FOOT IN 37,100 FEET AND AN ANGULAR ERROR OF 1.00 SECONDS PER ANGLE POINT, AND WAS ADJUSTED USING LEAST SQUARES. THIS PLAT HAS BEEN CALCULATED FOR CLOSURE AND IS FOUND TO BE ACCURATE WITHIN ONE FOOT IN 471,061 FEET, AND CONTAINS A TOTAL OF 115.041 ACRES, THE EQUIPMENT USED TO OBTAIN THE LINEAR AND ANGULAR MEASUREMENTS HEREIN WAS A NIKON 520 TOTAL STATION ELECTRONIC DISTANCE METER.

30. STERLING ON THE LAKE COMMUNITY ASSOCIATION SHALL BE RESPONSIBLE FOR ALL MAINTENANCE FOR THE OPEN SPACES AND STORMWATER DETENTION FACILITIES.

31. THERE IS A 20' WIDE EASEMENT CENTERED ON STORM AND SANITARY SEWER PIPES AND STRUCTURES LOCATED OUTSIDE OF THE RIGHT–OF–WAY

32. SANITARY SEWER SERVING THIS SITE WILL BE TIED INTO A PRIVATE SEWAGE TREATMENT FACILITY THAT HAS BEEN APPROVED BY THE GEORGIA DEPARTMENT OF NATURAL RESOURCES AND THE ENVIRONMENTAL PROTECTION DIVISION.

33. ALL SANITARY SEWER LINES AND SANITARY SEWER EASEMENTS SHOWN HEREON ARE DEDICATED TO NNP–LOOPER LAKE, L.L.C.

34. NO PORTION OF THIS PHASE IS LOCATED IN THE FLOOD HAZARD ZONE PER THE HALL COUNTY PANEL (F.I.R.M.) NO. 13139C 0294E DATED MARCH 21, 2000.

CERTIFICATE OF RE–RECORDING

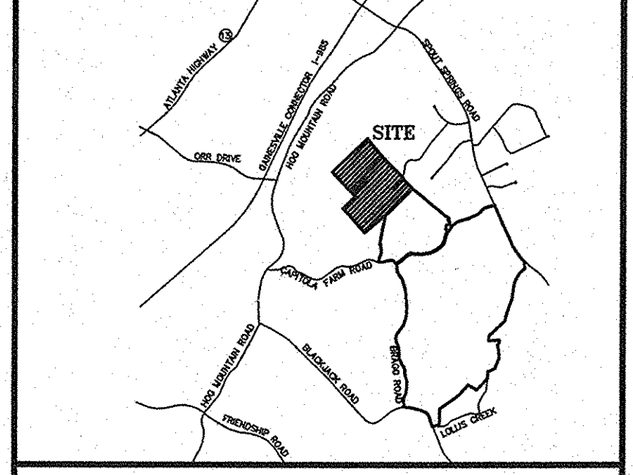
THIS PLAT HAS BEEN RE–RECORDED IN PLATBOOK 857 PAGE 57-65 IN THE RECORDS OF THE CLERK OF SUPERIOR COURT, HALL COUNTY, GEORGIA.

RECORDED 9 OCT 07
CLERK, HALL COUNTY SUPERIOR COURT — DATE

REVISION NO. 1 NOTE:

SEPTEMBER 6, 2007. THIS PLAT SUPERCEDES A PORTION OF THE PLAT RECORDED IN PLAT BOOK 853, PAGES 65–73. THE PURPOSE OF THIS REVISION IS TO CORRECT THE SQUARE FOOTAGE ON OPEN AREA 25. AND TO CORRECT THE SITE LOCATION ON THE VICINITY MAP.

EXHIBIT A



VICINITY MAP

FINAL SUBDIVISION PLAT
STERLING ON THE LAKE
NNP – LOOPER LAKE LLC
NEWLAND COMMUNITIES
POD Z

DISTRICT:
FLOWERY BRANCH DISTRICT
GMD 1270
HALL COUNTY, GEORGIA

FINAL SURVEYOR'S CERTIFICATE:

IT IS HEREBY CERTIFIED THAT THIS PLAT IS TRUE AND CORRECT AND WAS PREPARED FROM AN ACTUAL SURVEY OF THE PROPERTY MADE BY ME OR UNDER MY SUPERVISION; THAT ALL MONUMENTS SHOWN HEREON ACTUALLY EXIST AND THEIR LOCATION, SIZE, TYPE AND MATERIAL ARE CORRECTLY SHOWN; AND THAT ALL REQUIREMENTS OF THE CITY OF FLOWERY BRANCH SUBDIVISION AND LAND DEVELOPMENT REGULATIONS AND THE REQUIREMENTS OF THE FLOWERY BRANCH ZONING ORDINANCE HAVE BEEN FULLY COMPLIED WITH.

LeROY W. JAMES — 9/12/07 DATE
REGISTERED GEORGIA LAND SURVEYOR NO. 1795

CERTIFICATE OF OWNERSHIP:

(STATE OF GEORGIA)
(CITY OF FLOWERY BRANCH)

THE OWNER OF RECORD OF THE LAND SHOWN ON THIS PLAT AND WHOSE NAME IS SUBSCRIBED THERETO, AND IN PERSON OR THROUGH A DULY AUTHORIZED AGENT, ACKNOWLEDGES THAT THIS PLAT WAS MADE FROM AN ACTUAL SURVEY AND DEDICATES TO THE PUBLIC FOREVER THE FOLLOWING:

STREETS	PRIVATE
PUBLIC DRAIN EASEMENTS	3.205 ACRES
PRIVATE SANITARY EASEMENTS	0.769 ACRES

NNP–LOOPER LAKE L.L.C.
KEVIN O'NEILL ITS ASS'T. V.P.
PRINTED NAME OF SUBDIVIDER
SIGNATURE OF SUBDIVIDER
DATE 9/13/07

NNP–LOOPER LAKE L.L.C.
KEVIN O'NEILL ITS ASS'T. V.P.
PRINTED NAME OF OWNER OF RECORD
SIGNATURE OF OWNER OF RECORD
DATE 9/13/07

FINAL PLAT APROVAL:

THE CITY OF FLOWERY BRANCH, GEORGIA CERTIFIES THAT THIS PLAT COMPLIES WITH THE CITY OF FLOWERY BRANCH ZONING ORDINANCE, CONDITIONS OF ZONING, AND THE SUBDIVISION AND LAND DEVELOPMENT REGULATIONS OF THE CITY OF FLOWERY BRANCH, AND THAT THIS PLAT IS HEREBY APPROVED AND RELEASED FOR RECORDING PURPOSES.

MAYOR, CITY OF FLOWERY BRANCH — 9-25-07 DATE

CERTIFICATE OF RECORDING:

THIS PLAT HAS BEEN RECORDED IN PLATBOOK _____, PAGE _____, IN THE RECORDS OF THE CLERK OF SUPERIOR COURT, HALL COUNTY, GEORGIA.

CLERK, HALL COUNTY SUPERIOR COURT — DATE

CERTIFICATE OF OWNERSHIP:

(CITY OF GAINESVILLE)
(HALL COUNTY, GEORGIA)

THE OWNER OF RECORD OF THE LAND SHOWN ON THIS PLAT AND WHOSE NAME IS SUBSCRIBED THERETO, AND IN PERSON OR THROUGH A DULY AUTHORIZED AGENT, ACKNOWLEDGES THAT THIS PLAT WAS MADE FROM AN ACTUAL SURVEY AND DEDICATES TO THE CITY OF GAINESVILLE FOREVER ALL WATER MAINS, EASEMENTS, AND ASSOCIATED APPURTENANCES THEREON SHOWN.

OWNER — 9/13/07 DATE

ENGINEER'S CERTIFICATE

THE UTILITIES, INFRASTRUCTURE AND PHISICAL PLACEMENT OF IMPROVEMENTS REFLECTED ON THIS PLAT HAVE BEEN INSTALLED ACCORDING TO EXHIBIT A OF ORDINANCE NOS. 239 AND 240 OF THE CITY OF FLOWERLY BRANCH (THE CONDITIONS PLACED UPON THE FOR ZONING APPROVALTHE STERLING ON THE LAKE DEVELOPMENT) AND ARE NOT IN CONFLICT WITH THE DEVELOPMENT REQUIREMENTS OF THE CITY OF FLOWERY BRANCH, NOR THE CONDITIONS OF ZONING APPROVAL SET FORTH IN ORDINANCE NOS. 239 AND 240 OF THE CITY OF FLOWERY BRANCH.

ENGINEER

LEGEND

IPF	= IRON PIN FOUND (●)
IPS	= IRON PIN SET (○)
CMF	= CONCRETE MONUMENT FOUND (□)
CMS	= CONCRETE MONUMENT SET (□)
R/W	= RIGHT OF WAY
STA	= STATION NUMBER
LL	= LAND LOT LINE
C/L	= CENTERLINE
P/L	= PROPERTY LINE
BM	= BENCHMARK
PT	= POINT OF TANGENCY
PC	= POINT OF CURVATURE
IE	= INVERT ELEVATION
EL	= ELEVATION (ELEV.)
B/L	= BUILDING LINE
R	= RADIUS
FFE	= FINISHED FLOOR ELEVATION
—→	= FLOW
⊙	= PROPERTY CORNER
-x-	= FENCE
⌀	= POLE
--T--	= TELEPHONE LINE
--TV--	= TELEVISION LINE
--P--	= POWER LINE
--S--	= SANITARY SEWER LINE
SSE	= SANITARY SEWER EASEMENT
MH	= MANHOLE
--G--	= GAS LINE
--W--	= WATER LINE
	= PLUGGED STUB
	= GATE VALVE
F.H.	= EXIST. FIRE HYDRANT
F.H.	= PROP. FIRE HYDRANT
W.M.	= WATER METER (⊗)
--ST--	= STORM SEWER LINE
YI	= YARD INLET
DI	= DROP INLET
CB	= CATCH BASIN
HW	= HEAD WALL
JB	= JUNCTION BOX
DE	= DRAINAGE EASEMENT
FM	= SEWER FORCE MAIN
DS	= DOWNSPOUT
CO	= CLEAN OUT
CMP	= CORRUGATED METAL PIPE
RCP	= REINFORCED CONCRETE PIPE
VCP	= VITRIFIED CLAY PIPE
DIP	= DUCTILE IRON PIPE
PVC	= POLYVINYL CHLORIDE PIPE
C & G	= CURB AND GUTTER
F.I.R.M.	= FEDERAL INSURANCE RATE MAP
T.P.O.B.	= TRUE POINT OF BEGINNING
P.O.B.	= POINT OF BEGINNING
GMD	= GA. MILITIA DISTRICT
	= TREE LINE
	= RIPRAP
	= BRANCH
	= EXISTING CONTOURS (DASHED)
-912-	= PROPOSED CONTOURS (SOLID)
TC	= TOP OF CURB ELEVATION
▲	= TRAVERSE POINT
L.P.	= LIGHT POLE (✲)
	= PLANTED TREE
MT	= MARKED TREE
	= 20' STORM / SANITARY EASEMENT

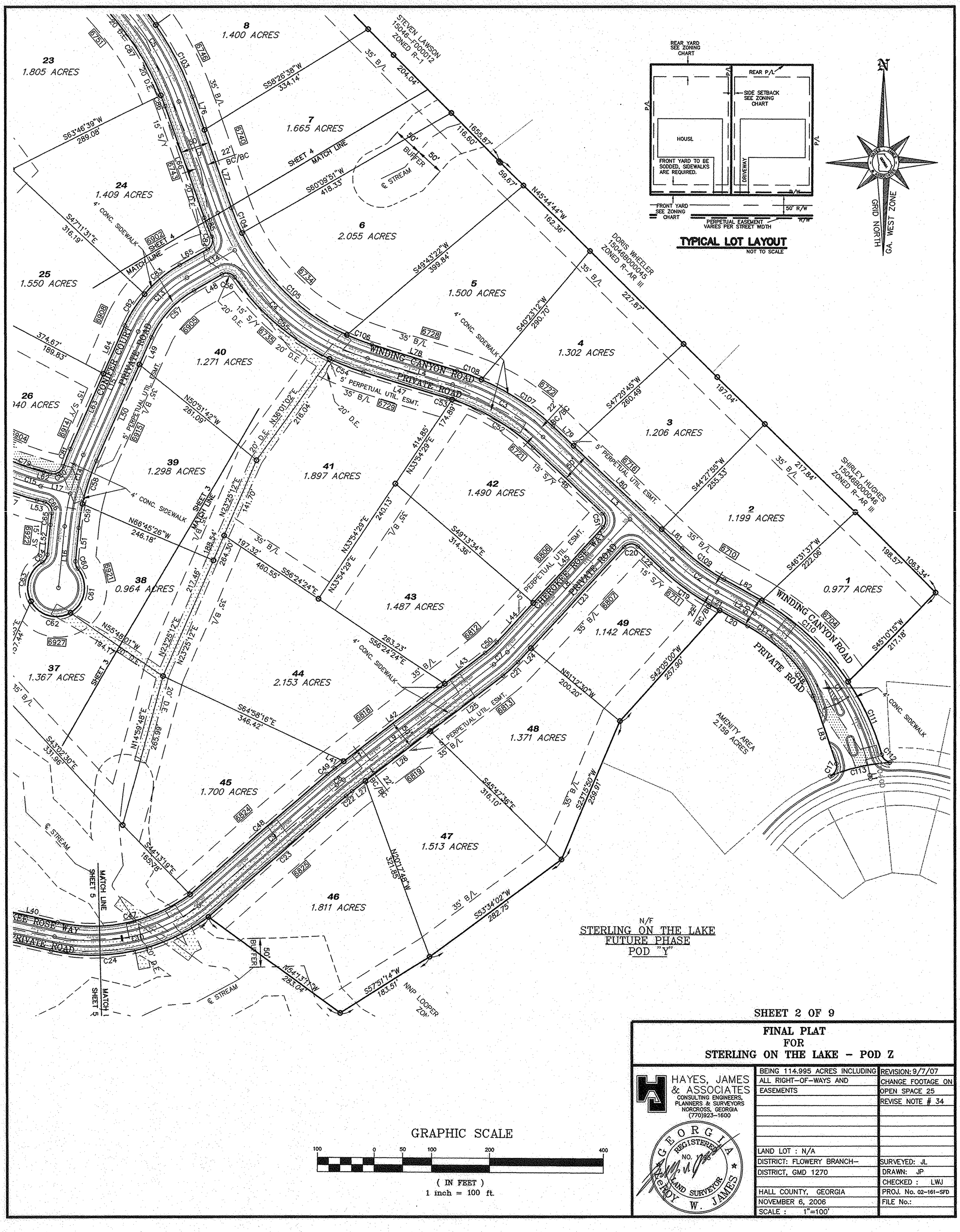
SHEET 1 OF 9

FINAL PLAT
FOR
STERLING ON THE LAKE – POD Z

HAYES, JAMES & ASSOCIATES
CONSULTING ENGINEERS, PLANNERS & SURVEYORS
NORCROSS, GEORGIA
(770)923–1600

GEORGIA REGISTERED NO. 1795 LAND SURVEYOR LeROY W. JAMES

BEING 114.995 ACRES INCLUDING	REVISION: 9/7/07
ALL RIGHT–OF–WAYS AND	CHANGE FOOTAGE ON
EASEMENTS	OPEN SPACE 25
	REVISE NOTE # 34
LAND LOT : N/A	
DISTRICT: FLOWERY BRANCH–	SURVEYED: JL
DISTRICT, GMD 1270	DRAWN: JP
	CHECKED : LWJ
HALL COUNTY, GEORGIA	PROJ. No. 02–161–SFD
NOVEMBER 6, 2006	FILE No.:
SCALE : 1"=100'	



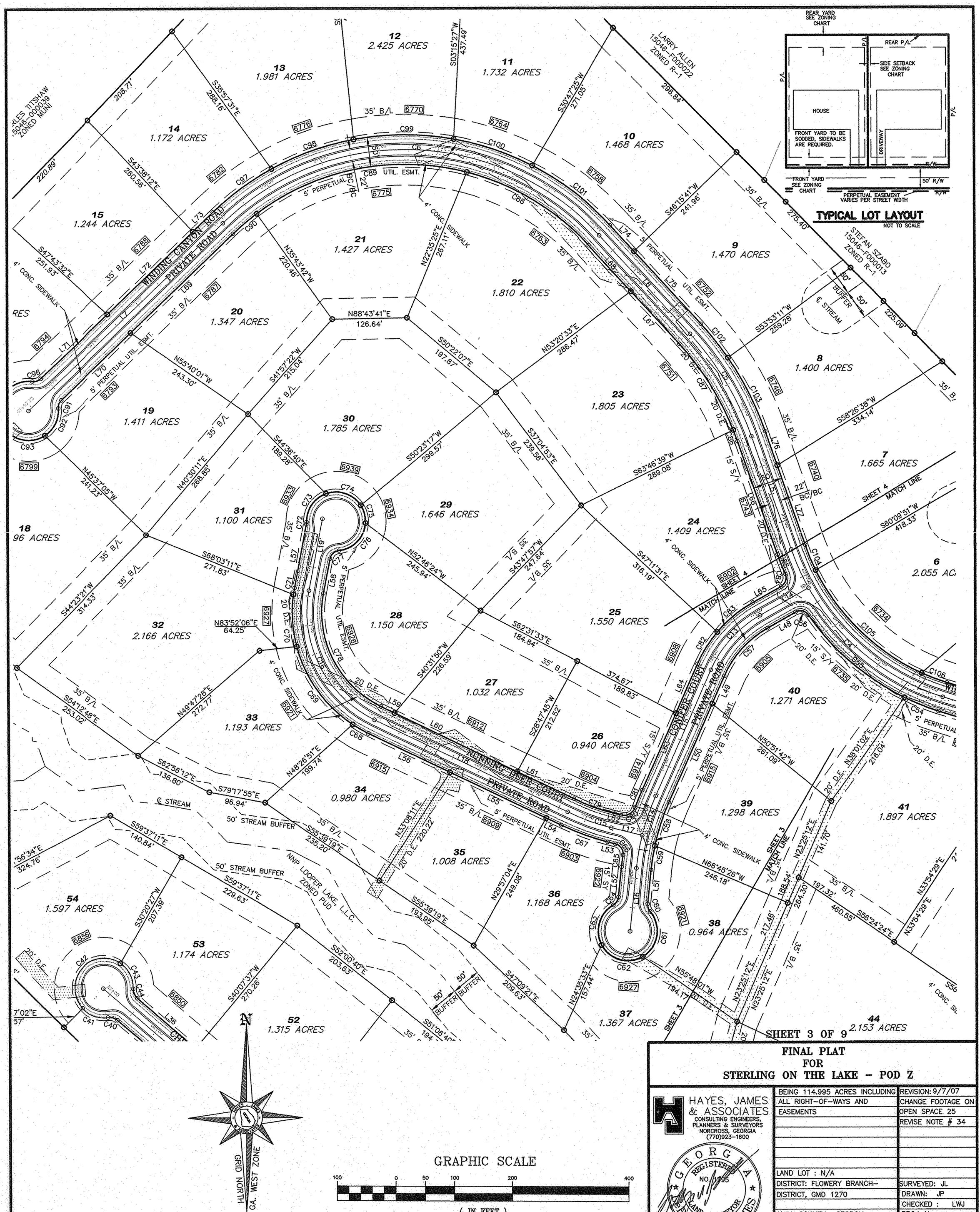
SHEET 2 OF 9

FINAL PLAT
FOR
STERLING ON THE LAKE - POD Z

HAYES, JAMES & ASSOCIATES
CONSULTING ENGINEERS, PLANNERS & SURVEYORS
NORCROSS, GEORGIA
(770)923-1600

GEORGIA REGISTERED NO. 1796 LAND SURVEYOR LeROY W. JAMES

BEING 114.995 ACRES INCLUDING	REVISION: 9/7/07
ALL RIGHT-OF-WAYS AND	CHANGE FOOTAGE ON
EASEMENTS	OPEN SPACE 25
	REVISE NOTE # 34
LAND LOT : N/A	
DISTRICT: FLOWERY BRANCH-	SURVEYED: JL
DISTRICT, GMD 1270	DRAWN: JP
	CHECKED : LWJ
HALL COUNTY, GEORGIA	PROJ. No. 02-161-SFD
NOVEMBER 6, 2006	FILE No.:
SCALE : 1"=100'	

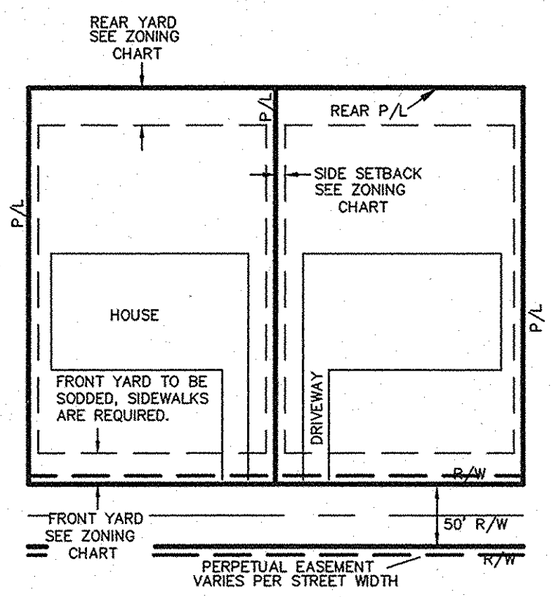


FINAL PLAT
FOR
STERLING ON THE LAKE – POD Z

HAYES, JAMES & ASSOCIATES
CONSULTING ENGINEERS, PLANNERS & SURVEYORS
NORCROSS, GEORGIA
(770)923-1600

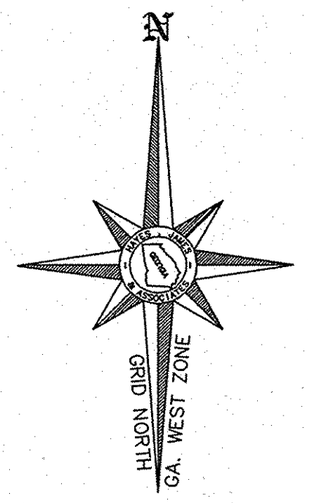
GEORGIA REGISTERED NO. 1795 LAND SURVEYOR LEROY W. JAMES

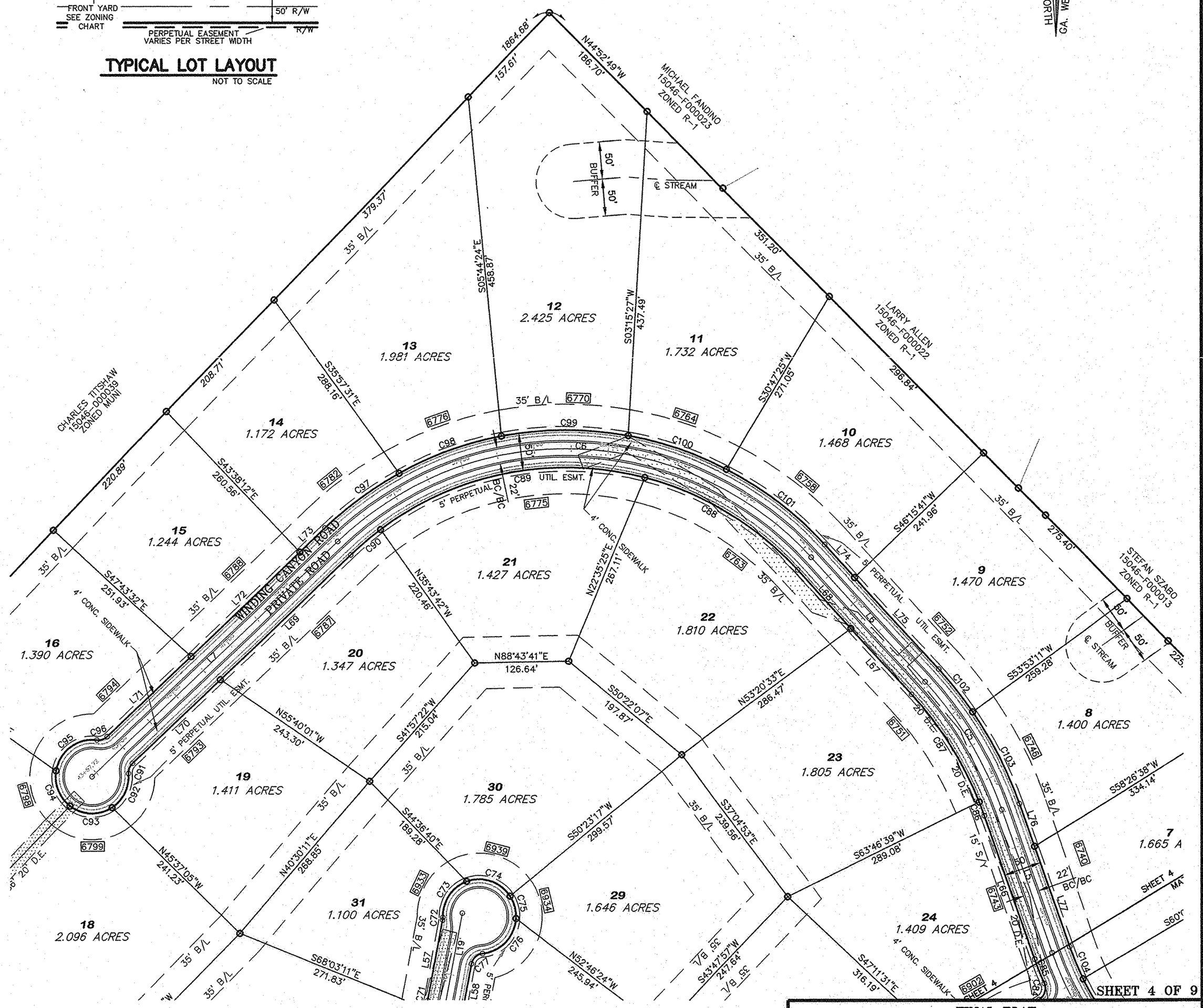
BEING 114.995 ACRES INCLUDING	REVISION: 9/7/07
ALL RIGHT-OF-WAYS AND	CHANGE FOOTAGE ON
EASEMENTS	OPEN SPACE 25
	REVISE NOTE # 34
LAND LOT : N/A	
DISTRICT: FLOWERY BRANCH-	SURVEYED: JL
DISTRICT, GMD 1270	DRAWN: JP
	CHECKED : LWJ
HALL COUNTY, GEORGIA	PROJ. No. 02-161-SFD
NOVEMBER 6, 2006	FILE No.:
SCALE : 1"=100'	



TYPICAL LOT LAYOUT

NOT TO SCALE





GRAPHIC SCALE

100 0 50 100 200 400

(IN FEET)

1 inch = 100 ft.

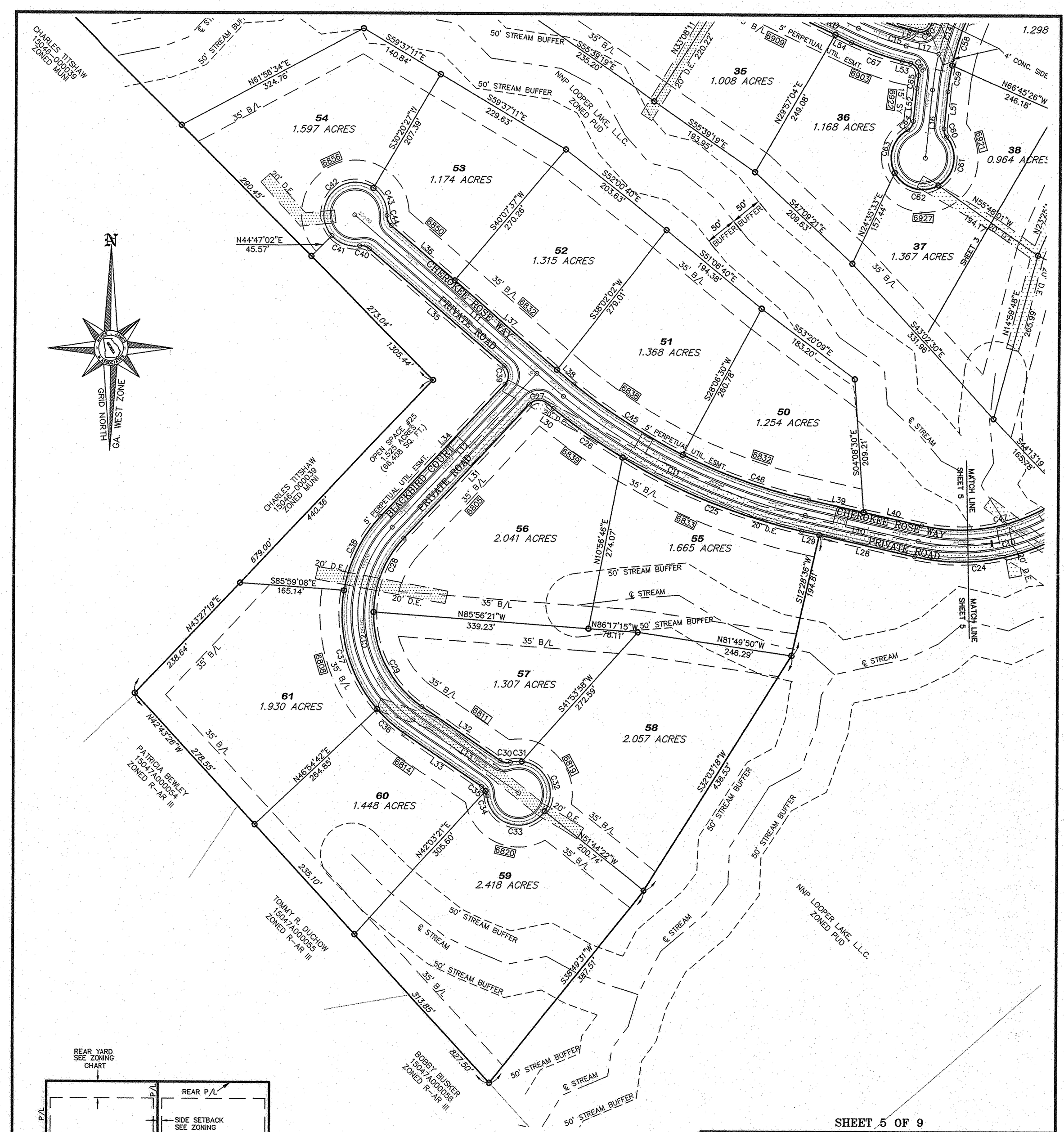
FINAL PLAT
FOR
STERLING ON THE LAKE – POD Z

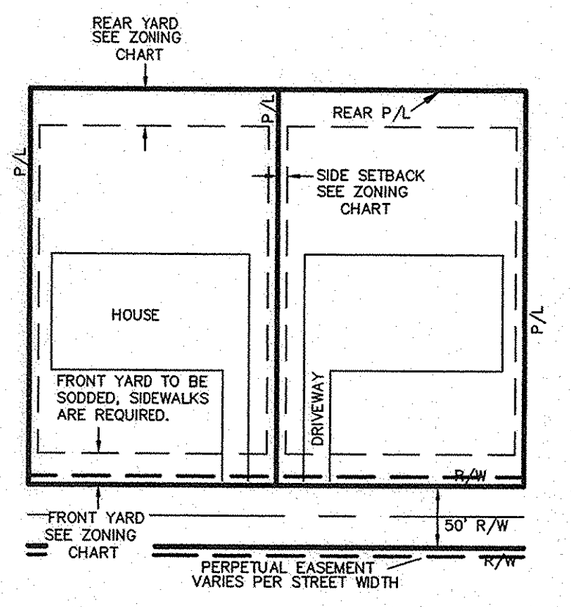
HAYES, JAMES & ASSOCIATES
CONSULTING ENGINEERS, PLANNERS & SURVEYORS
NORCROSS, GEORGIA
(770)923-1600

GEORGIA REGISTERED NO. 2795 LAND SURVEYOR LEROY W. JAMES

BEING 114.995 ACRES INCLUDING	REVISION: 9/7/07
ALL RIGHT-OF-WAYS AND	CHANGE FOOTAGE ON
EASEMENTS	OPEN SPACE 25
	REVISE NOTE # 34
LAND LOT : N/A	
DISTRICT: FLOWERY BRANCH-	SURVEYED: JL
DISTRICT, GMD 1270	DRAWN: JP
	CHECKED : LWJ
HALL COUNTY, GEORGIA	PROJ. No. 02-161-SFD
NOVEMBER 6, 2006	FILE No.:
SCALE : 1"=100'	

SHEET 4 OF 9





TYPICAL LOT LAYOUT
NOT TO SCALE

GRAPHIC SCALE

100 0 50 100 200 400

(IN FEET)
1 inch = 100 ft.

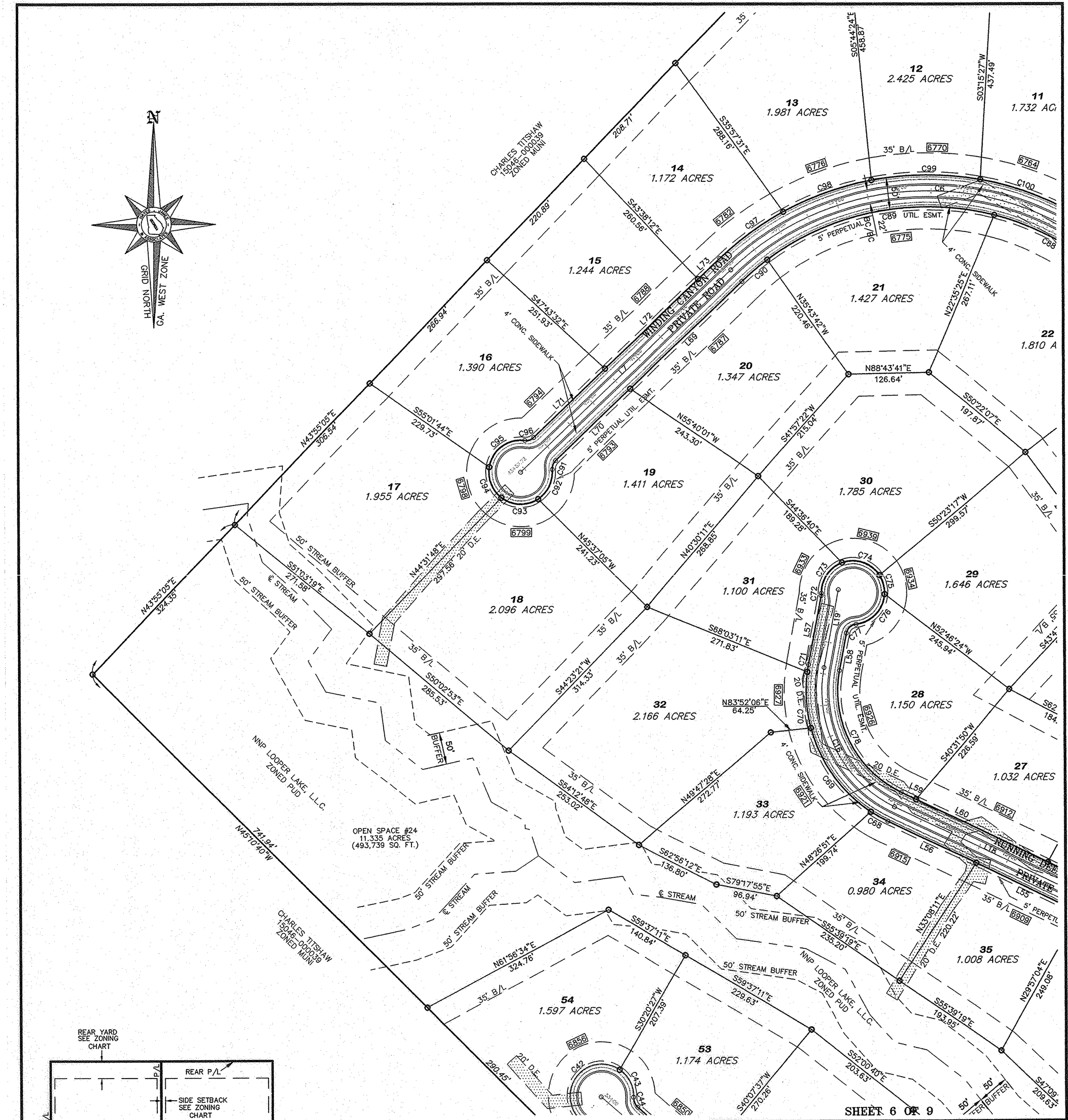
SHEET 5 OF 9

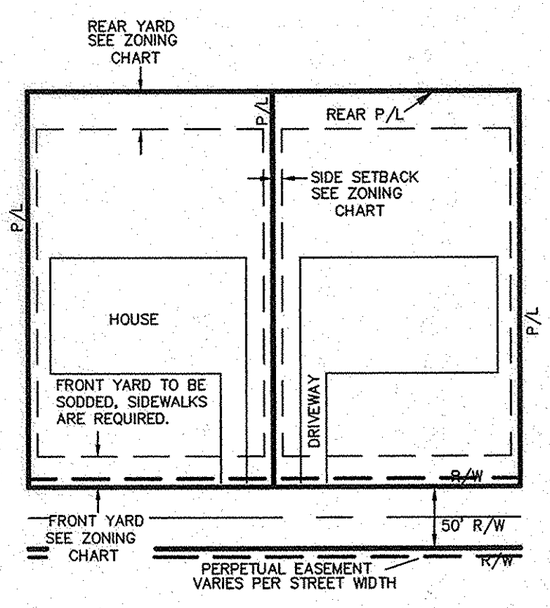
FINAL PLAT
FOR
STERLING ON THE LAKE - POD Z

HAYES, JAMES & ASSOCIATES
CONSULTING ENGINEERS
PLANNERS & SURVEYORS
NORCROSS, GEORGIA
(770)923-1600

GEORGIA REGISTERED NO. 1795 LAND SURVEYOR NEROY W. JAMES

BEING 114.995 ACRES INCLUDING	REVISION: 9/7/07
ALL RIGHT-OF-WAYS AND	CHANGE FOOTAGE ON
EASEMENTS	OPEN SPACE 25
	REVISE NOTE # 34
LAND LOT : N/A	
DISTRICT: FLOWERY BRANCH-	SURVEYED: JL
DISTRICT, GMD 1270	DRAWN: JP
	CHECKED : LWJ
HALL COUNTY, GEORGIA	PROJ. No. 02-161-SFD
NOVEMBER 6, 2006	FILE No.:
SCALE : N/A	





TYPICAL LOT LAYOUT
NOT TO SCALE

GRAPHIC SCALE

100 0 50 100 200 400

(IN FEET)
1 inch = 100 ft.

SHEET 6 OF 9

FINAL PLAT
FOR
STERLING ON THE LAKE – POD Z

HAYES, JAMES & ASSOCIATES
CONSULTING ENGINEERS, PLANNERS & SURVEYORS
NORCROSS, GEORGIA
(770)923-1600

GEORGIA REGISTERED NO. 1795 LAND SURVEYOR AUBREY W. JAMES

BEING 114.995 ACRES INCLUDING	REVISION: 9/7/07
ALL RIGHT-OF-WAYS AND	CHANGE FOOTAGE ON
EASEMENTS	OPEN SPACE 25
	REVISE NOTE # 34
LAND LOT : N/A	
DISTRICT: FLOWERY BRANCH–	SURVEYED: JL
DISTRICT, GMD 1270	DRAWN: JP
	CHECKED : LWJ
HALL COUNTY, GEORGIA	PROJ. No. 02-161-SFD
NOVEMBER 6, 2006	FILE No.:
SCALE : N/A	

CENTERLINE CURVE AND LINE DATA CHARTS

LINE TABLE		
LINE	BEARING	LENGTH
L1	N10°10'27"W	6.31
L2	N60°51'05"W	74.76
L3	N47°01'49"W	308.23
L4	N73°06'47"W	153.64
L5	N19°25'13"W	203.72
L6	N42°41'51"W	227.46
L7	S46°19'18"W	458.68
L8	S42°58'11"W	313.53
L9	S52°28'13"W	328.00
L10	N77°31'24"W	181.87
L11	N49°37'19"W	434.76
L12	S42°54'56"W	331.78
L13	S55°56'43"E	201.37
L14	S60°22'14"W	95.08
L15	S24°05'01"W	233.16
L16	S05°47'31"W	106.99
L17	N76°01'35"W	53.65
L18	N64°34'26"W	363.39
L19	N10°43'26"E	124.05

CURVE TABLE				
CURVE	LENGTH	RADIUS	CHORD BRG.	CHORD DIST.
C1	353.79	400.00	N35°30'46"W	342.37
C2	96.49	400.00	S53°56'27"E	96.26
C3	182.09	400.00	N60°04'18"W	180.52
C4	374.85	400.00	S46°16'00"E	361.28
C5	203.13	500.00	N31°03'32"W	201.74
C6	714.56	450.00	N88°11'16"W	641.82
C7	31.34	200.00	N47°27'29"E	31.30
C8	14.76	300.00	S51°03'37"W	14.76
C9	317.77	16145.68	S49°05'12"W	317.77
C10	263.75	310.20	N78°07'09"E	255.87
C11	429.13	934.72	S64°22'15"E	425.37
C12	345.09	200.00	S06°30'54"E	303.85
C13	126.67	200.00	S42°13'38"W	124.56
C14	127.70	400.00	S14°56'16"W	127.16
C15	79.95	400.00	S70°18'01"E	79.82
C16	262.84	200.00	S26°55'30"E	244.33

PROPERTY LINE CURVE DATA CHART

CURVE TABLE				
CURVE	LENGTH	RADIUS	CHORD BRG.	CHORD DIST.
C17	25.81	18.00	N26°56'33"E	23.65
C18	90.64	179.34	N33°58'16"W	89.68
C19	102.52	425.00	S53°56'27"E	102.27
C20	26.70	17.00	N87°58'11"E	24.04
C21	35.25	225.00	N47°27'29"E	35.22
C22	13.53	275.00	N51°03'37"E	13.53
C23	317.36	16120.68	N49°05'11"E	317.36
C24	287.19	334.71	N77°54'52"E	278.46
C25	307.25	959.72	S68°21'06"E	305.94
C26	133.71	959.72	S55°11'20"E	133.60
C27	30.54	20.00	N86°39'15"E	27.65
C28	128.43	175.00	N21°53'30"E	125.56
C29	173.53	175.00	N27°32'19"W	166.50
C30	17.17	20.00	S80°32'25"E	16.65
C31	18.09	50.00	S85°13'53"W	18.00
C32	103.39	50.00	N25°09'51"W	85.93
C33	122.85	50.00	S75°32'28"E	94.20
C34	8.16	20.00	S16°50'12"E	8.10
C35	9.57	20.00	S42°13'54"E	9.48
C36	56.72	225.00	S48°43'23"E	56.57
C37	199.41	225.00	S16°06'40"E	192.95
C38	132.09	225.00	S26°05'50"W	130.20
C39	32.30	20.00	N03°20'51"W	28.90
C40	17.30	20.00	N73°19'25"W	16.77
C41	48.63	50.00	S70°14'49"E	46.73
C42	145.59	50.00	S41°01'57"W	99.34
C43	50.12	50.00	N26°50'09"W	48.04
C44	17.60	20.00	N23°19'48"W	17.04
C45	206.12	909.72	N57°43'53"W	205.68
C46	211.19	909.72	N70°52'22"W	210.71
C47	242.24	284.74	N78°07'31"E	235.00
C48	316.21	16170.68	S49°05'25"W	316.21
C49	16.00	325.00	S51°03'37"W	15.99
C50	27.42	175.00	S47°27'29"W	27.39
C51	26.70	17.00	S02°01'49"E	24.04
C52	163.94	375.00	S59°33'15"E	162.63
C53	6.78	375.00	S72°35'44"E	6.78
C54	63.37	425.00	S68°50'29"E	63.31
C55	218.73	425.00	S49°49'33"E	216.32
C56	25.09	17.00	S77°21'20"E	22.87
C57	110.83	175.00	N42°13'38"E	108.99
C58	78.39	375.00	N18°05'44"E	78.24
C59	41.33	375.00	N08°56'58"E	41.31
C60	13.87	17.00	N17°34'56"W	13.49
C61	87.93	50.00	N09°25'17"E	77.03
C62	80.42	50.00	S74°07'26"E	72.03
C63	77.83	50.00	S16°32'55"W	70.21
C64	16.42	17.00	N33°28'05"E	15.79
C65	20.24	425.00	S07°09'23"W	20.24
C66	25.09	17.00	N33°45'10"W	22.87
C67	84.95	425.00	S70°18'01"E	84.81
C68	30.47	225.00	S60°41'41"E	30.44
C69	164.87	225.00	S35°49'25"E	161.21
C70	88.77	225.00	S03°31'45"E	88.19
C71	11.59	225.00	S09°14'54"W	11.59
C72	3.67	17.00	N04°32'37"E	3.66
C73	62.48	50.00	S34°09'36"W	58.49
C74	67.23	50.00	N71°31'34"W	62.28
C75	31.64	50.00	N14°52'52"W	31.11
C76	71.04	50.00	N43°56'50"E	65.21
C77	21.93	17.00	S47°41'09"W	20.44
C78	229.98	175.00	S26°55'30"E	213.79
C79	74.96	375.00	S70°18'01"E	74.83
C80	29.39	20.00	N61°52'32"E	26.82
C81	31.94	425.00	S21°55'50"W	31.94
C82	63.80	225.00	S32°12'26"W	63.59
C83	78.70	225.00	S50°21'03"W	78.30
C84	25.09	17.00	N18°05'49"E	22.87
C85	35.28	425.00	S21°47'54"E	35.27
C86	20.08	475.00	N20°37'53"W	20.08
C87	172.89	475.00	N32°16'12"W	171.94
C88	244.93	425.00	N59°12'28"W	241.56
C89	377.07	425.00	S78°51'53"W	364.83
C90	52.86	425.00	S49°53'05"W	52.82
C91	15.19	17.00	S20°43'53"W	14.69
C92	53.86	50.00	N26°00'01"E	51.29
C93	61.53	50.00	S87°53'08"E	57.72
C94	53.94	50.00	S21°43'25"E	51.36
C95	77.07	50.00	S53°20'35"W	69.67
C96	15.19	17.00	S71°54'44"W	14.69
C97	124.56	475.00	S53°50'03"W	124.20
C98	149.09	475.00	S70°20'19"W	148.48
C99	171.24	475.00	S89°39'30"W	170.31
C100	141.78	475.00	N71°27'46"W	141.26
C101	167.58	475.00	N52°48'17"W	166.71
C102	73.71	525.00	N38°40'32"W	73.65
C103	139.58	525.00	N27°02'13"W	139.17
C104	47.07	375.00	N23°00'59"W	47.04
C105	257.90	375.00	N46°18'52"W	252.84
C106	46.45	375.00	N69°33'53"W	46.42
C107	148.29	425.00	N57°01'33"W	147.54
C108	45.19	425.00	N70°04'02"W	45.17
C109	90.46	375.00	N53°56'27"W	90.24
C110	205.79	444.34	N47°04'32"W	203.95
C111	139.71	444.34	N24°48'02"W	139.14
C112	21.76	18.23	S49°35'39"E	20.49
C113	107.80	325.00	S77°22'46"W	107.31
C114	78.03	346.56	N54°30'02"W	77.87

PROPERTY LINE DATA CHARTS

LINE TABLE		
LINE	BEARING	LENGTH
L20	N60°51'05"W	55.37
L21	S60°51'05"E	19.39
L22	S47°01'49"E	58.32
L23	N42°58'11"E	238.51
L24	N42°58'11"E	33.02
L25	N52°28'12"E	157.31
L26	N52°28'12"E	141.91
L27	N52°28'12"E	29.01
L28	N77°31'24"W	153.78
L29	S77°31'24"E	28.09
L30	S49°36'27"E	12.73
L31	N42°54'56"E	288.73
L32	N55°56'43"W	148.39
L33	S55°56'43"E	147.13
L34	S42°54'56"W	284.76
L35	N49°36'38"W	279.48
L36	N49°36'49"W	131.61
L37	N49°36'49"W	213.68
L38	N49°36'49"W	34.70
L39	N77°31'24"W	87.92
L40	N77°31'24"W	93.94
L41	S52°28'13"W	19.77
L42	S52°28'13"W	220.42
L43	S52°28'13"W	87.69
L44	S42°58'11"W	92.60
L45	S42°58'11"W	178.93
L46	S47°01'49"E	165.91
L47	S73°06'47"E	153.64
L48	N60°22'14"E	55.08
L49	N24°05'01"E	51.01
L50	N24°05'01"E	182.14
L51	N05°47'31"E	58.19
L52	S05°47'31"W	51.87
L53	N76°01'35"W	13.65
L54	N64°34'26"W	28.27
L55	N64°34'26"W	181.71
L56	N64°34'26"W	153.42
L57	N10°43'26"E	109.71
L58	N10°43'26"E	59.67
L59	N64°34'26"W	25.74
L60	N64°34'26"W	231.28
L61	N64°34'26"W	106.37
L62	N76°01'35"W	10.94
L63	N24°05'01"E	142.33
L64	S24°05'01"W	90.83
L65	S60°22'14"W	55.08
L66	N19°25'13"W	203.72
L67	S42°41'51"E	121.15
L68	N42°41'51"W	106.31
L69	N46°19'18"E	242.73
L70	S46°19'18"W	163.75
L71	S46°19'18"W	156.89
L72	N46°19'18"E	202.73
L73	S46°19'18"W	46.87
L74	N42°41'51"W	59.86
L75	N42°41'51"W	167.60
L76	N19°25'13"W	61.06
L77	N19°25'13"W	142.66
L78	N73°06'47"W	153.64
L79	N47°01'49"W	48.87
L80	N47°01'49"W	210.87
L81	N47°01'49"W	48.50
L82	N60°51'05"W	74.76
L83	S18°51'29"E	124.26

FINAL PLAT
FOR
STERLING ON THE LAKE – POD Z

HAYES, JAMES & ASSOCIATES
CONSULTING ENGINEERS, PLANNERS & SURVEYORS
NORCROSS, GEORGIA
(770)923-1600

GEORGIA REGISTERED NO. 1795 LAND SURVEYOR KEROY W. JAMES

BEING 114.995 ACRES INCLUDING	REVISION: 9/7/07
ALL RIGHT-OF-WAYS AND	CHANGE FOOTAGE ON
EASEMENTS	OPEN SPACE 25
	REVISE NOTE # 34
LAND LOT : N/A	
DISTRICT: FLOWERY BRANCH-	SURVEYED: JL
DISTRICT, GMD 1270	DRAWN: JP
	CHECKED : LWJ
HALL COUNTY, GEORGIA	PROJ. No. 02-161-SFD
NOVEMBER 6, 2006	FILE No.:
SCALE : 1"=100'	

LOT SUMMARY TOTAL – NOVEMBER 7, 06				
LOT TYPES	PREVIOUS PODS	POD Z		TOTALS
A	116	–		116
B	124	–		124
C	167	–		242
ESTATE LOTS	–	61		61
E	140	–		219
F	45	–		45
TOTAL	671	61		807

	R/W	PAVING B.O.C.	CURB WIDTH (EACH SIDE)	PLANTING STRIP	SIDEWALK STRIP	UTILITY EASEMENT
COLLECTOR	60'	28'	① 2'	③ 6'	④ 10'	⑥ 7'
SUB–COLLECTOR	50'	24'	② 2'	6'	⑤ 6'	⑥ 6'
NEIGHBORHOOD (ACCESS)	50'	22'	② 2'	6'	⑤ 6'	⑥ 5'

① CONCRETE CURB AND GUTTER
② CONCRETE ROLLED EDGE CURB
③ 6' WIDE PLANTING STRIP ON SIDE WITH SIDEWALK. 16' WIDE SHOULDER AND LANDSCAPE STRIP ON SIDE WITH NO SIDEWALK
④ 8' WIDE CURVILINEAR SIDEWALK MEANDERS ALONG 10' WIDE SIDEWALK STRIP – ONE SIDE OF STREET ONLY
⑤ 4' WIDE CURVILINEAR SIDEWALK MEANDERS ALONG 6' WIDE SIDEWALK STRIP – BOTH SIDES OF STREET
⑥ UTILITY EASEMENT OUTSIDE OF STREET RIGHT–OF–WAY. BOTH SIDES OF STREET

POD Z
LOT DATA CHART

LOT NO.		LOT WIDTH @ B/L	LOT AREA IN S.F.
1		203'	42,542
2		214'	52,227
3		209'	52,534
4		201'	56,734
5		235'	65,334
6		245'	89,496
7		191'	72,521
8		202'	60,997
9		246'	63,937
10		239'	64,438
11		161'	75,354
12		177'	105,615
13		171'	86,297
14		176'	51,034
15		205'	54,223
16		248'	60,564
17		122'	85,161
18		145'	91,293
19		233'	61,462
20		282'	58,659
21		329'	62,141
22		324'	78,846
23		285'	78,605
24		167'	61,363
25		165'	67,499
26		204'	40,955
27		223'	44,934
28		280'	50,077
29		92'	71,689
30		162'	77,747
31		209'	47,916
32		108'	94,340
33		192'	51,960
34		194'	42,696
35		184'	43,910
36		156'	50,877
37		155'	59,568
38		191'	41,976
39		249'	56,552
40		214'	55,369
41		223'	82,619
42		197'	64,895
43		211'	64,788
44		227'	93,786
45		337'	74,044
46		337'	78,901
47		161'	65,904
48		230'	59,715
49		253'	49,740
50		277'	54,615
51		233'	59,587
52		212'	57,281
53		198'	51,146
54		246'	69,544
55		333'	72,545
56		416'	88,908
57		320'	56,934
58		194'	89,615
59		192'	105,315
60		216'	63,089
61		244'	84,090

TOTAL LOT AREA	4,018,412 SQ.FT.
OPEN SPACE 24	493,739 SQ.FT.
OPEN SPACE 25	66,408 SQ.FT.
TOTAL OPEN AREA	560,147 SQ.FT.

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GEORGIA REGISTERED NO. 1795 LAND SURVEYOR LEROY W. JAMES

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ALL RIGHT–OF–WAYS AND	CHANGE FOOTAGE ON
EASEMENTS	OPEN SPACE 25
	REVISE NOTE # 34
LAND LOT : N/A	
DISTRICT: FLOWERY BRANCH–	SURVEYED: JL
DISTRICT, GMD 1270	DRAWN: JP
	CHECKED : LWJ
HALL COUNTY, GEORGIA	PROJ. No. 02–161–SFD
NOVEMBER 6, 2006	FILE No.:
SCALE : 1"=100'	

ZONING CONDITIONS

EXHIBIT "A" TO ORDINANCE NOS. 239 and 240 OF THE CITY OF FLOWERY BRANCH

The Property consisting of 894 acres and more particularly described in the application for annexation and rezoning (hereinafter the "Property") submitted by Looper Lake, L.L.C. (hereinafter "Owner") is zoned P-U-D (Planned Unit Development) subject to the following conditions set forth below:

A. Environmental Conditions

1. Stream buffers. There shall be a fifty (50') foot undisturbed buffer measured from either side of the centerline of those streams identified on pages A-2 and A-3 (in green with a blue line running through it) of the Community Development Plan for Rolling Hills Lake Club prepared by Botich Partnership, dated June 28, 2001 (the "Community Development Plan") presented to City Council on the recorded final plats for the Property. Notwithstanding the above, Owner shall have the limited right to disturb the undisturbed buffer area to install, construct and thereafter maintain sidewalk and road crossings, sewer and storm water runoff lines and re-use water lines, provided that said lines are installed in a direction generally perpendicular to the direction of the stream and are constructed in accordance with State of Georgia Environmental Protection Division ("EPD") guidelines. In addition, Owner and any homeowners association and/or associations created to administer some portion or all of the Property shall have the right, with respect to that portion of the undisturbed buffer which they own, administer or otherwise control to do any of the following: a) remove dead or diseased trees, shrubs or plants; b) install erosion control devices; c) remove any thing or control any condition which represents a potential safety or health hazard.

2. The Property shall be constructed in accordance with the following: a) the State of Georgia National Pollutant Discharge Elimination System (NPDES) requirements regarding storm water discharge from construction sites, and b) all applicable federal wetlands and regulation laws.

3. All construction and development activities within the Property shall be performed in accordance with a master storm water management plan. Each phase of development for which a land disturbance permit has been issued will be developed in conformance with such plan. The plan shall employ sound management practices for both onsite storm water detention and sedimentation and erosion control. Sedimentation and erosion control shall be accomplished through the use of construction siltation fences, temporary, or permanent, settlement ponds and/or check dams which shall be installed, as necessary, prior to and during land disturbance to minimize the potential for sedimentation runoff into the lakes and streams. Storm water detention will be provided in both the existing lakes and through additional detention facilities constructed on the Property. The lakes shall not be used for capture of sedimentation. Except as provided below, the ownership and maintenance responsibility for the storm water detention facilities on the Property shall be that of Owner or a homeowners association and/or associations created to administer some portion or all of the Property. Notwithstanding the above, the City shall own all of those portions of the storm water system within the Property (including but not limited to storm water pipes, inlets, junction boxes, headwalls and catch basins) that are located either within the public rights-of-way or dedicated drainage easements within the Property upon their construction by Owner and inspection and acceptance by the City. The Owner shall post a maintenance bond for each phase of the development for which a final plat has been recorded covering those parts of the storm water drainage system located within such phase. For the purposes of this Agreement, the term "final plat" shall mean a finished drawing of the subdivision or phase thereof that completely and accurately shows the infrastructure improvements constructed within said subdivision or phase. The maintenance bond shall be equal to twenty (20%) percent of the cost of the storm water drainage system improvements located and constructed within such phase and shall be effective for a term of twenty-four (24) months from the recording of the final plat for said phase of the development in the land records office of Hall County. Nothing herein shall abrogate the Owner's responsibility, after the expiration of the maintenance bond, to control sediment to the extent required by State Law. The final plat as recorded in the office of the Clerk of Superior Court of Hall County shall identify and locate all portions of the storm water drainage system that have been constructed in said phase, inspected and approved by the City. Open drainage swales and detention facilities shall be maintained by either the Owner, lot owner and/or a homeowners association and/or associations created to administer some portion or all of the Property as set forth in a recorded declaration of covenants for the Property and as shown on the recorded final plat for the Property. After the expiration of the maintenance bond, all other portions of the storm water drainage system shall be maintained, repaired and replaced within public rights-of-way or dedicated easements within the Property.

4. Owner shall construct infrastructure on the Property designed to allow for the onsite storage and use of treated effluent ("re-use water") for irrigation purposes by Owner, lot owners and/or a homeowners association and/or associations created to administer some portion or all of the Property. The re-use water distribution system shall be designed, based on sound engineering practices, to a) accept and use at a minimum, twenty percent of the average monthly discharge generated from the property, which discharge shall be based upon each residential dwelling unit being deemed to discharge two-hundred forty (240) gallons per day; and b) store, on site, three (3) days volume of required re-use water. Nothing in this condition shall prevent or limit the Owner from accepting, storing and using more than twenty (20 %) percent of the treated effluent. The City shall cause the sewer service authority, utility or other governmental or quasi-governmental body which provides sewer to the Property to provide treated effluent to the Property at no cost, charge, fee or tax to the user for a period of seven (7) years; provided, however, the City may pass along to said users any costs, fees or assessments imposed by the State of Georgia Environmental Protection Division (GAEPD), or other governmental entity.

5. The City shall cause the sewer service authority, utility or other governmental or quasi-governmental body which provides sewer to the Property to be responsible for the maintenance, repair and replacement of all parts of the re-use water distribution system commencing from the sewer treatment plant up to and including the point where the main distribution lines are connected to service stub outs (and to which feeder lines are then connected). Beyond this connection, the lot owners and/or a homeowners association and/or associations created to administer some portion or all of the Property shall be responsible for the maintenance and repair of said lines. The Owner shall post a maintenance bond covering those parts of the re-use water system identified on the recorded plat for each phase of the development to be constructed by the Owner on the Property. The maintenance bond shall be for an amount equal to twenty (20 %) percent of the cost of that portion of the distribution system for re-use water located within that platted phase of the development and shall be for a duration of twenty-four months from the first day of the month following the first month during which certificates of occupancy have been issued on more than fifty (50 %) percent of the residential units in a platted phase of the development. The final plat for each phase of the development shall identify that portion of the re-use water system located within that phase.

6. All residential dwellings on the Property shall be constructed with water-saving fixtures, including but not limited to, low-flow toilets, showerheads, and water faucets. Such water-saving fixtures shall meet all applicable state law requirements.

7. The Owner shall designate at least one-hundred eighty (180) acres of the Property for permanent open space. The permanent open space may consist of and be located on common areas (including, but not limited to, the lakes, buffer areas, and passive and active parks and recreational areas) of the Property administered by a homeowners association or associations or on individually owned lots. The permanent open space (which shall be not less than twenty (20 %) percent of the Property) is shown on the Community Development Plan on pages A-2 and A-3 of said Community Development Plan. The Owner shall have the right to revise the location of the permanent open space, in its discretion, provided that the total acreage of permanent open space is at least one-hundred eighty (180) acres plus any additional open space required due to increased density of six or more units per acre in any separately platted phase. Any portion of the permanent open space constituting an undisturbed buffer area shall be limited to passive uses. Any permanent open space located outside of an undisturbed buffer area may be used for among other things, recreational amenities and other active and passive uses including but not limited to parks, playgrounds, recreation centers, swimming pools and tennis courts for the use by residents of the subdivision.

8. (a) Any other provision of this ordinance notwithstanding, no separately platted phase of this development shall have gross density greater than eight (8) residential units per acre.
(b) In all separately platted phases of this development in which the gross density is fewer than six (6) units per acre, the residential dwelling units therein shall consist of single family detached homes.
(c) In any separately platted phases of this development where the gross density is six (6) or more residential units per acre, there shall be a required twenty-five (25') foot front yard setback and a required twenty-five (25') foot rear yard setback on each attached multi-family building (and on each detached residential unit, if any) and a required fifteen (15') foot side yard setback on each attached multi-family building (and on each detached residential unit, if any) which required front, rear, and side yard setback area shall not be counted toward the open space requirements for that phase of the development. Any setback area in excess of the required minimum shall be counted toward the open space requirement.
(d) If the density of any separately platted phase of development within the Property is more than six (6) or more residential units per acre, based on the number of units and acreage shown on the recorded final plat for that phase, the total permanent open space required for the Property shall be increased over the required 180 acres of permanent open space in accordance with the following formula:
The number of acres in the separately platted phase of development within the property of which the gross density is six or more residential units per acre shall be multiplied by twenty (20%) percent and the resulting product shall be the additional permanent open space to be created for the development.
An example of the application of this formula is set forth below for a 20 acre platted phase were the density is eight (8) residential units per acre:
20 acres x .20 = 4 acres of additional permanent open space in the final platted phase of the development, exclusive of required setback areas, resulting in no more than 160 residential units being constructed on that separately platted twenty (20) acres.

9. Gasoline powered boats and vehicles shall not be permitted on any lake within the Property, provided that, the Association may use or allow to be used gasoline powered boats for construction maintenance and repair of the lakes, dams or docks on the Property. Electric powered boats and vehicles may be permitted on the lakes to the extent, if at all, permitted under the recorded covenants, and rules and regulations adopted pursuant thereto, for the Property.

10. (a) Lake buffers. There shall be a twenty-five (25) foot undisturbed buffer adjacent to the lakes on all lots bordering a lake. The undisturbed buffer shall be measured from the normal pool elevation of the lake. Notwithstanding the above, the buffer may be disturbed in compliance with State EPD guidelines and to do any of the following: (1) perform lake maintenance and repair; (2) remove dead or diseased trees, shrubs and plants; and (3) to control any condition or remove any thing that constitutes a potential health or safety hazard.
(b) In addition, there shall be a twenty-five (25) foot additional undisturbed buffer area immediately to the interior of the undisturbed buffer area immediately to the interior of the undisturbed buffer area described in paragraph 10(a) above on all lots bordering a lake. Notwithstanding the above, this additional buffer area may be disturbed for all of the purposes described in paragraph 10(a) above and for the additional purpose of installing, maintaining and repairing sewer and storm water drainage lines.
(c) In addition to the undisturbed buffers described above, there shall be an additional fifteen (15') foot landscape strip immediately to the interior of the fifty (50) foot undisturbed buffers described in paragraphs 10(a) and 10(b) above on all lots adjacent to a lake which landscape strip may be disturbed, but not improved with impervious materials. For the purposes of these conditions, an "impervious material" shall mean any material that substantially reduces or prevents the infiltration of storm water, including but not limited to buildings, paved roads, paved parking lots and paved driveways, swimming pools and patios. Notwithstanding the above, the term "impervious material" shall not include the following: 1) any deck or fence post, support or foundation, or 2) any deck or similar structure constructed above the grade of the Property.

B. Amenities

1. The recreational amenities described in the Application shall be completed no later than within twenty-four (24) months after recording of the final plat for the first phase of the development containing residential lots or units.

2. Additional recreational amenities may, but shall not be required to be provided by Owner in any phase of development within the Property. Such amenities shall not be required to be completed any sooner than within twenty-four (24) months from the recording of the final plat for the phase in which such amenities are located.

3. The Lower Lake as identified on the Community Development Plan prepared by Botich Partnership dated June 28, 2001 and submitted to the City Council (and found on page A-2 of said Community Development Plan) shall be available for the recreational use of all of the residents within the Property, including boating and fishing, subject to such restrictions as may be contained in the recorded declaration of covenants for the Property and rules and regulations adopted pursuant to said declaration. Access to the Lower Lake through a common area administered by a homeowners association and/or associations shall be provided to the residents of the Property by the Owner no later than by thirty-six (36) months from the recording of the final plat for the first phase of the development containing residential lots or units.

C. Transportation Conditions

1. All roads, including collector roads, neighborhood streets and sub-collector roads, constructed within the Property shall be of a width that meets or exceeds the standards and specifications for such road set forth on page A-6 of the Community Development Plan. All collector roads within a phase of the development shall be identified on the final recorded plat for that phase of the development and shall include on one side of the collector road an eight (8) foot wide sidewalk/path. All neighborhood and sub-collector streets within a phase of the development shall be identified on the final recorded plat for that phase of the development, shall include four (4) foot wide sidewalks on both sides of all neighborhood and sub-collector streets, and shall connect to the eight (8) foot wide sidewalk/path. The exact location of such streets, sidewalks and paths shall be determined by the Owner on the final recorded plat for each phase of the development. Sidewalks and paths located in any phase of the development shall not be required to be constructed prior to the approval of the final plat for the phase within which the sidewalk and/or path is located. All sidewalks and/or paths located within the Property shall in the discretion of the Owner be maintained by either the Association or individual lot owners (but not the City) as specified in a recorded declaration of covenants for the Property.

2. A sidewalk five (5) feet in width shall be constructed by the Owner on that part and side of Spout Springs Road immediately adjacent to the Property and shall be located within the right-of-way of Spout Springs Road. The sidewalk shall be maintained by a homeowners association and/or associations created to administer some portion or all of the Property and shall be constructed within twenty-four (24) months from the recording of the final plat for the first phase of the development containing residential lots or units.

3. Road improvements within the Property including curbs and gutters shall be constructed to City standards and shall be dedicated to and maintained by the City. The Owner shall additionally construct the City's standards and dedicate to the City the appropriate turn lanes on collector roads as described in the Application and the appropriate left turn lanes, acceleration lanes and deceleration lanes on Spout Springs Road to be located at the entrance to the Property; additionally, Owner shall construct to the City's standards the appropriate left turn lanes, acceleration and deceleration lanes at Capitola Road and Bragg Road and as required inside the development.

4. The Owner shall post a maintenance bond for an amount equal to twenty (20%) percent of the cost of constructing the roads within each phase of the development, which bond shall have a duration of thirty-six (36) months with respect to collector roads from the date the City accepts such collector roads within any phase of the development and twenty-four (24) months with respect to sub-collector roads and neighborhood roads from the date the City accepts such sub-collector roads and neighborhood roads within any phase of the development. The City shall use its best efforts to timely inspect and accept all roads constructed within the development. If, not later than thirty (30) days prior to the expiration of the last maintenance bond on any of the roads within a platted phase of the development, all sidewalks within that platted phase have not been constructed, Owner shall construct, or cause to be constructed, said sidewalks and the maintenance bond shall not be released until said sidewalks have been completed by Owner and approved by the City.

5. The landscaping in the street rights-of-way adjacent to lots where a residence has been constructed that does not front the street shall be maintained by a homeowners association and/or associations created to administer some portion or all of the Property. The landscaping in the street rights-of-way adjacent to lots where a dwelling unit has been constructed that fronts the right-of-way shall be maintained by the owner of the lot immediately adjacent to the right-of-way.

6. Owner shall, within twelve (12) months of Zoning Approval, dedicate to the City an additional twenty (20') foot right-of-way immediately adjacent to the current fifty (50') foot right-of-way of Spout Springs Road and the Property. For the purposes of these conditions, the term "Zoning Approval" shall mean thirty (30) days from the date that the City Council of the City of Flowery Branch has approved the ordinance to rezone the Property to a P-U-D zoning classification and the same has been signed and approved by the Mayor and City Council.

D. Infrastructure Improvements

1. Sewer service for the Property shall be provided in accordance with a Development Agreement to be entered into by the Owner and the City.

E. Office/Commercial Parcel

1. That portion of the Property identified on the Community Development Plan as the office/commercial parcel may be used for office, retail and commercial uses and purposes intended to primarily serve the residents within the Property including for illustrative purposes only and without limitation the following: restaurants, cafes and coffee houses; general or convenience stores; child or elder care facilities, except that there shall be no child or elder care facilities providing care for more than fourteen (14) hours during any twenty-four (24) hour period as measured from any 12:00 midnight through the following 12:00 midnight; book or video stores, office support and/or supply stores; and professional offices. Owner shall cooperate with the City to facilitate locating a police sub-station within the

F. Cemetery

1. Within twenty-four (24) months from the recording of the final plat for the first phase of the development containing residential lots or units, Owner shall install a three (3) rail fence around the perimeter of the cemetery, remove any trash and debris from the cemetery, remove any dead or diseased trees or shrubs within the cemetery, and trim, prune and shape all trees and shrubs, as needed, within the cemetery. In performing this work, the Owner shall consult with and follow all reasonable recommendations of the Hall County Historical Society.

G. Density

1. The total number of residential units that may be approved for construction in all phases of the development shall not exceed a maximum of 2,300 residential units to be built on the Property (consisting of 897 acres), or an average density of 2.56 residential units per acre; provided however, that the density on any given acre of land can exceed the 2.56 units per acre so long as the density does not in any instance exceed eight (8) units per acre and the overall density for the Property does not exceed 2.56 units per acre. No portion of the Property shall be divided, sold, or conveyed without the Owner allocating a maximum number of residential dwelling units which may be constructed on said portion of the Property, and Owner notifying the City thereof in which case the allocation shall be made a condition of zoning applicable to said portion of the Property being divided, sold, transferred or conveyed. In no event shall the total number of residential dwelling units constructed on the Property as a whole exceed 2,300.

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GEORGIA REGISTERED NO. 2795 LAND SURVEYOR LEROY W. JAMES

BEING 114.995 ACRES INCLUDING	REVISION: 9/7/07
ALL RIGHT-OF-WAYS AND	CHANGE FOOTAGE ON
EASEMENTS	OPEN SPACE 25
	REVISE NOTE # 34
LAND LOT : N/A	
DISTRICT: FLOWERY BRANCH-	SURVEYED: JL
DISTRICT, GMD 1270	DRAWN: JP
	CHECKED : LWJ
HALL COUNTY, GEORGIA	PROJ. No. 02-161-SFD
NOVEMBER 6, 2006	FILE No.:
SCALE : 1"=100'	

EXHIBIT 'B'

Sterling on the Lake, Pod Z Subdivision
(Right-of-Way Legal Description)

All that tract or parcel of land lying and being in G.M.D. 1270, City of Flowery Branch, Hall County, Georgia and being more particularly described as follows:

Beginning at the intersection of the northern Right-of-Way of Trail Side Drive (50' R/W) and southwestern Right-of-Way of Winding Canyon Road (R/W varies); thence along said Right-of-Way of Winding Canyon Road 25.81 feet along an arc of a curve to the left having a radius of 18.00 feet and a chord bearing and distance of North 26°56'33" East, 23.65 feet to a point; thence North 18°51'29" West, a distance of 124.26 feet to a point; thence 90.64 feet along an arc of a curve to the left having a radius of 179.34 feet and a chord bearing and distance of North 33°58'16" West, 89.68 feet to a point; thence 78.03 feet along an arc of a curve to the left having a radius of 346.56 feet and a chord bearing and distance of North 54°30'02" West, 77.87 feet to a point; thence North 60°51'05" West, a distance of 55.37 feet to a point; thence North 60°51'05" West, a distance of 19.39 feet to a point; thence 102.52 feet along an arc of a curve to the right having a radius of 425.00 feet and a chord bearing and distance of North 53°56'27" West , 102.27 feet to a point; thence North 47°01'49" West, a distance of 58.32 feet to a point on the southwestern Right-of-Way of Cherokee Rose Way (50' R/W); thence along said Right-of-Way 26.70 feet along an arc of a curve to the left having a radius of 17.00 feet and a chord bearing and distance of South 87°58'11" West, 24.04 feet to a point; thence South 42°58'11" West, a distance of 238.51 feet to a point; thence South 42°58'11" West, a distance of 33.02 feet to a point; thence 35.25 feet along an arc of a curve to the right having a radius of 225.00 feet and a chord bearing and distance of South 47°27'29" West, 35.22 feet to a point; thence South 52°28'12" West, a distance of 157.31 feet to a point; thence South 52°28'12" West, a distance of 141.91 feet to a point; thence South 52°28'12" West, a distance of 29.01 feet to a point; thence 13.53 feet along an arc of a curve to the left having a radius of 275.00 feet and a chord bearing and distance of South 51°03'37" West, 13.53 feet to a point; thence 317.36 feet along an arc of a curve to the left having a radius of 16120.68 feet and a chord bearing and distance of South 49°05'11" West, 317.36 feet to a point; thence 4.39 feet along an arc of a curve to the right having a radius of 331.71 feet and a chord bearing and distance of South 56°29'30" West, 4.39 feet to a point; thence 81.00 feet along an arc of a curve to the right having a radius of 50.00 feet and a chord bearing and distance of North 77°49'53" West, 72.43 feet to a point on the northwestern Right-of-Way of said Cherokee Rose Way; thence along said Right-of-Way 50.29 feet along an arc of a curve to the left having a radius of 284.74 feet and a chord bearing and distance of North 58°46'42" East, 50.22 feet to a point; thence 316.21 feet along an arc of a curve to the right having a radius of 16170.68 feet and a chord bearing and distance of North 49°05'25" East, 316.21 feet to a point; thence 16.00 feet along an arc of a curve to the right having a radius of 325.00 feet and a chord bearing and distance of North 51°03'37" East, 15.99 feet to a point; thence North 52°28'13" East, a distance of 19.77 feet to a point; thence North 52°28'13" East, a distance of 220.42 feet to a point; thence North 52°28'13" East, a distance of 87.69 feet to a point; thence 27.42 feet along an arc of a curve to the left having a radius of 175.00 feet and a chord bearing and distance of North 47°27'29" East, 27.39 feet to a point; thence North 42°58'11" East, a distance of 92.60 feet to a point; thence North 42°58'11" East, a distance of 178.93 feet to a point; thence 26.70 feet along an arc of a curve to the left having a radius of 17.00 feet and a chord bearing and distance of North 02°01'49" West, 24.04 feet to a point on the northeastern Right-of-Way of said Winding Canyon Road; thence along said Right-

of-Way North 47°01'49" West, a distance of 165.91 feet to a point; thence 163.94 feet along an arc of a curve to the left having a radius of 375.00 feet ad a chord bearing and distance of North 59°33'15" West, 162.63 feet to a point; thence 6.78 feet along an arc of a curve to the left having a radius of 375.00 feet and a chord bearing and distance of North 72°35'44" West, 6.78 feet to a point; thence North 73°06'47" West, a distance of 153.64 feet to a point; thence 63.37 feet along an arc of a curve to the right having a radius of 425.00 feet and a chord bearing and distance of North 68°50'29" West, 63.31 feet to a point; thence 218.73 feet along an arc of a curve to the right having a radius of 425.00 feet and a chord bearing and distance of North 49°49'33" West, 216.32 feet to a point on the southwestern Right-of-Way of Conifer Court (50' R/W); thence along said Right-of-Way 25.09 feet along an arc of a curve to the left having a radius of 17.00 feet and a chord bearing and distance of North 77°21'20" West, 22.87 feet to a point; thence South 60°22'14" West, a distance of 55.08 feet to a point; thence 110.83 feet along an arc of a curve to the left having a radius of 175.00 feet and a chord bearing and distance of South 42°13'38" West, 108.99 feet to a point; thence South 24°05'01" West, a distance of 51.01 feet to a point; thence South 24°05'01" West, a distance of 182.14 feet to a point; thence 78.39 feet along an arc of a curve to the left having a radius of 375.00 feet and a chord bearing distance of South 18°05'44" West, 78.24 feet to a point; thence 41.33 feet along an arc of a curve to the left having a radius of 17.00 and a chord bearing and distance of South 08°56'58" West, 41.31 feet to a point; thence South 05°47'31" West, a distance of 58.19 feet to a point; thence 13.87 feet along an arc of a curve to the left having a radius of 17.00 feet and a chord bearing and distance of South 17°34'56" East, 13.49 feet to a point; thence 87.93 feet along an arc of a curve to the right having a radius of 50.00 feet and a chord bearing and distance of South 09°25'17" West, 77.03 feet to a point; thence 80.42 feet along an arc of a curve to the right having a radius of 50.00 feet and a chord bearing and distance of North 74°07'26" West, 72.03 feet to a point; thence 77.83 feet along an arc of a curve to the right having a radius of 50.00 feet and a chord bearing and distance of North 16°32'55" East, 70.21 feet to a point; thence 16.42 feet along an arc of a curve to the left having a radius of 17.00 feet and a chord bearing and distance of North 33°28'05" East, 15.79 feet to a point; thence North 05°47'31" East, a distance of 51.87 feet to a point; thence 20.24 feet along an arc of a curve to the right having a radius of 425.00 feet and a chord bearing and distance of North 07°09'23" East, 20.24 feet to a point on the southwestern Right-of-Way of Running Deer Court (50' R/W); thence 25.09 feet along an arc of a curve to the left having a radius of 17.00 feet and a chord bearing and distance of North 33°45'10" West, 22.87 feet to a point; thence North 76°01'35" West, a distance of 13.65 feet to a point; thence 84.95 feet along an arc of a curve to the right having radius of 425.00 feet and a chord bearing and distance of North 70°18'01" West, 84.81 feet to a point; thence North 64°34'26" West, a distance of 28.27 feet to a point; thence North 64°34'26" West, a distance of 181.71 feet to a point; thence North 64°34'26" West, a distance of 153.42 feet to a point; thence 30.47 feet along an arc of curve to the right having a radius of 225.00 feet and chord bearing and distance of North 60°41'41" West 30.44 feet to a point; thence 164.87 feet along an arc of a curve to the right having a radius of 225.00 feet and a chord bearing and distance of North 35°49'25" West, 161.21 feet to a point; thence 88.77 feet along an arc of a curve to the right having a radius of 225.00 feet and a chord bearing and distance of North 03°31'45" West, 88.19 feet to a point; thence 11.59 feet along an arc of a curve to the right having a radius of 225.00 feet and a chord bearing and distance of North 09°14'54" East, 11.59 feet to a point; thence North 10°43'26" East, a distance of 109.71 feet to a point; thence 3.67 feet along an arc of a curve to the left having a radius of 17.00 feet and a chord bearing and distance of North 04°32'37" East, 3.66 feet to a point; thence 62.48 feet along an arc of a curve to the right having a radius of 50.00 feet and a chord bearing and distance of North 34°09'36" East, 58.49 feet to a point; thence 67.23 feet

along an arc of a curve to the right having a radius of 50.00 feet and a chord bearing and distance of South 71°31'34" East, 62.28 feet to a point; thence 31.64 feet along an arc of a curve to the right having a radius of 50.00 feet and a chord bearing and distance of South 14°52'52" East, 31.11 feet to a point; thence 71.04 feet along an arc of a curve to the right having a radius of 50.00 feet and a chord bearing and distance of South 43°56'50" West, 65.21 feet to a point; thence 21.93 feet along an arc of a curve to the left having a radius of 17.00 feet and a chord bearing and distance of South 47°41'09" West, 20.44 feet to a point; thence South 10°43'26" West, a distance of 59.67 feet to a point; thence 229.98 feet along an arc of a curve to the left having a radius of 175.00 feet and a chord bearing and distance of South 26°55'30" East, 213.79 feet to a point; thence South 64°34'26" East, a distance of 25.74 feet to a point; thence South 64°34'26" East, a distance of 231.28 feet to a point; thence South 64°34'26" East, a distance of 106.37 feet to a point; thence 74.96 feet along an arc if a curve to the left having a radius of 375.00 feet and a chord bearing and distance of South 70°18'01" East, 74.83 feet to a point; thence South 76°01'35" East, a distance of 10.94 feet to a point; thence 29.39 feet along an arc of a curve to the left having a radius of 20.00 feet and a chord bearing and distance of North 61°52'32" East and a chord distance of 26.82 feet to a point on the northwestern Right-of-Way of said Conifer Court; thence along said Right-of-Way 31.94 feet along an arc of a curve to the right having a radius of 425.00 feet and a chord bearing and distance of North 21°55'50" East, 31.94 feet to a point; thence North 24°05'01" East, a distance of 142.33 feet to a point; thence North 24°05'01" East, a distance of 90.83 feet to a point; thence 63.80 feet along an arc of a curve to the right having a radius of 225.00 feet and a having a chord bearing and distance of North 32°12'26" East, 63.59 feet to a point; thence 78.70 feet along an arc of a curve to the right having a radius of 225.00 feet and a chord bearing and distance of North 50°21'03" East, 78.30 feet to a point; thence North 60°22'14" East, a distance of 55.08 feet to a point**;** thence 25.09 feet along an arc of a curve to the left having a radius of 17.00 feet and a chord bearing and distance of North 18°05'49" East, 22.87 feet to a point on the northeastern Right-of-Way of said Winding Canyon Road; thence along said Right-of-Way 35.28 feet along an arc of a curve to the right having a radius of 425.00 feet and a chord bearing and distance of North 21°47'54" West, 35.27 feet to a point; thence North 19°25'13" West, a distance of 203.72 feet to a point; thence 20.08 feet along an arc of a curve to the left having a radius of 475.00 feet and a chord bearing and distance of North 20°37'53" West, 20.08 feet to a point; thence 172.89 feet along an arc of a curve to the left having a radius of 475.00 feet and a chord bearing and distance of North 32°16'12" West, 171.94 feet to a point; thence North 42°41'51" West, a distance of 121.15 feet to a point; thence North 42°41'51" West, a distance of 106.31 feet to a point; thence 244.93 feet along an arc of a curve to the left having a radius of 425.00 feet and a chord bearing and distance of North 59°12'28" West, 241.56 feet to a point; thence 377.07 feet along an arc of a curve to the left having a radius of 425.00 feet and a chord bearing and distance of South 78°51'53" West, 364.83 feet to a point; thence 52.86 feet along an arc of a curve to the left having a radius of 425.00 feet and a chord bearing and distance of South 49°53'05" West, 52.82 feet to a point; thence South 46°19'18" West, a distance of 242.73 feet to a point; thence South 46°19'18" West, a distance of 163.75 feet to a point; thence 15.19 feet along an arc of a curve to the left having a radius of 17.00 feet and a chord bearing and distance of South 20°43'53" West, 14.69 feet to a point; thence 53.86 feet along an arc of a curve to the right having a radius of 50.00 feet and a chord bearing and distance of South 26°00'01" West, 51.29 feet to a point; thence 61.53 feet along an arc of a curve to the right having a radius of 50.00 feet and a chord bearing and distance of North 87°53'08" West, 57.72 feet to a point; thence 53.94 feet along an arc of a curve to the right having a radius of 50.00 feet and a chord bearing and distance of North 21°43'25" West, 51.36 feet to a point; thence 77.07 feet along an arc of a curve to the right having a radius of

50.00 feet and a North 53°20'35" East, 69.67 feet to a point; thence 15.19 feet along an arc of a curve to the left having a radius of 17.00 feet and a chord bearing and distance of North 71°54'44" East 14.69 feet to a point; thence North 46°19'18" East, a distance of 156.89 feet to a point; thence North 46°19'18" East, a distance of 202.73 feet to a point; thence North 46°19'18" East, a distance of 46.87 feet to a point; thence 124.56 feet along an arc of a curve to the right having a radius of 475.00 feet and a chord bearing and distance of North 53°50'03" East, 124.20 feet to a point; thence 149.09 along an arc of a curve to the right having a radius of 475.00 feet and a chord bearing and distance of North 70°20'19" East, 148.48 feet to a point; thence 171.24 feet along an arc of a curve to the right having a radius of 475.00 feet and a chord bearing and distance of North 89°39'30" East, 170.31 feet to a point; thence 141.78 feet along an arc of a curve to the right having a radius of 475.00 feet and a chord bearing and distance of South 71°27'46" East, 141.26 feet to a point; thence 167.58 feet along an arc of a curve to the right having a radius of 475.00 feet and a chord bearing and distance of South 52°48'17" East, 166.71 feet to a point; thence South 42°41'51" East, a distance of 59.86 feet to a point; thence South 42°41'51" East, a distance of 167.60 feet to a point; thence 73.71 feet along an arc of a curve to the right having a radius of 525.00 feet and a chord bearing and distance of South 38°40'32" East, 73.65 feet to a point; thence 139.58 feet along an arc of a curve to the right having a radius of 525.00 feet and a chord bearing and distance of South 27°02'13" East, 139.17 feet to a point; thence South 19°25'13" East, a distance of 61.06 feet to a point; thence South 19°25'13" East, a distance of 142.66 feet to a point; thence 47.07 feet along an arc of a curve to the left having a radius of 375.00 feet and a chord bearing and distance of South 23°00'59" East, 47.04 feet to a point; thence 257.90 feet along an arc of a curve to the left having a radius of 375.00 feet and a chord bearing and distance of South 46°18'52" East, 252.84 feet to a point; thence 46.45 feet a along an arc of a curve to the left having a radius of 375.00 and a chord bearing and distance of South 69°33'53" East, 46.42 feet to a point; thence South 73°06'47" East, a distance of 153.64 feet to a point; thence 45.19 feet along an arc of a curve to the right having a radius of 425.00 feet and a chord bearing and distance of South 70°04'02" East, 45.17 feet to a point; thence 148.29 feet along an arc of a curve to the right having a radius of 425.00 feet and a chord bearing and distance of South 57°01'33" East, 147.54 feet to a point; thence South 47°01'49" East, a distance of 48.87 feet to a point; thence South 47°01'49" East, a distance of 210.87 feet to a point; thence South 47°01'49" East, a distance of 48.66 feet to a point; thence 90.14 feet along an arc of a curve to the left having a radius of 375.00 feet and a chord bearing and distance of South 3°54'59" East, 89.92 feet to a point; thence South 60°48'10" East, a distance of 74.87 feet to a point; thence 205.79 feet along an arc of a curve to the right having a radius of 444.34 feet and a chord bearing and distance of South 47°04'32" East, 203.95 feet to a point; thence 139.71 feet along an arc of a curve to the right having a radius of 444.34 feet and a chord bearing and distance of South 24°48'02" East, 139.14 feet to a point; thence 21.76 feet along an arc of a curve to the left having a radius of 18.23 feet and a chord bearing and distance of South 49°35'39" East, 20.49 feet to a point on the northern Right-of-Way of said Trail Side Drive; thence along said Right-of-Way 107.80 feet along an arc of a curve to the left having a radius of 325.00 feet and a chord bearing and distance of South 77°22'46" West, 107.31 feet feet to the ***Point of Beginning***.

Said tract contains 7.240 Acres.





FLOWERY BRANCH CITY COUNCIL

EXECUTIVE SUMMARY

SUBJECT: CONSIDER AWARDING CONTRACT TO YELLOWSTONE LANDSCAPE, LLC. FOR LANDSCAPING SERVICES.

DATE: January 27, 2026

(X) RECOMMENDATION
( ) POLICY DISCUSSION
( ) STATUS REPORT
( ) OTHER

BUDGET INFORMATION:
ANNUAL- $31,819.00
CAPITAL-

COUNCIL ACTION REQUESTED ON: FEBRUARY 5, 2026

PURPOSE: The Purpose of this agenda item to award a contract for Bid 26-002 Landscaping Services for the City of Flowery Branch to a responsible, responsive bidder.

HISTORY: This is an initiative to have a contract encompass all six locations for services requested. This will simplify and improve landscaping services across six municipal locations by consolidating all services under one contractor. The locations are as follows:

- City Hall & Police Department Grounds
- Amphitheater Grounds
- Main Street (Railroad Ave to Mitchell St.)
- Railroad Avenue Market Pavilion
- Round-a-bout
- Jones Park

FACTS AND ISSUES: Currently, landscaping is maintained through three separate contracts. By moving to a single, comprehensive contract, the City will gain consistency, accountability, and ease of management while ensuring all locations receive the same standard of care.

The proposed contract includes the following services:

Basic Maintenance (52 Visits Per Year): This service provides weekly maintenance throughout the year and includes: Lawn mowing, Trimming and edging of turf areas, parking areas, and landscaped spaces, General upkeep to maintain a clean and orderly appearance.

Turf Program (Annual): This program is designed to maintain healthy, safe, and visually appealing lawn areas and typically includes: Fertilization treatments, weed control, Soil health management.

Flowers – Spring & Fall: Seasonal flower services include: Installation of flowers in the spring, Removal and replacement with fall plantings, Maintenance to ensure plant health and appearance

Mulch – Spring & Fall: Mulching services include: Application of fresh mulch in landscaped beds in spring, Refreshing mulch again in fall

OPTIONS: 1) Award the Contract
2) Do not Award the Contract.

RECOMMENDED SAMPLE MOTION: I make a motion to award Bid 26-002 for Landscaping Services to Yellowstone Landscape, LLC.

DEPARTMENT: Finance
Prepared by: Nancy Rodriguez

CONTRACT AGREEMENT
26-002 LANDSCAPING SERVICES

This Agreement made and entered into this_____ day of _____, in the year 2026, by and between The City of Flowery Branch, Georgia, having its principal place of business at 5410 Pine St, Flowery Branch, Georgia and **YELLOWSTONE LANDSCAPE, LLC** ("Contractor") located at 1536 Fulenwider Rd, Gainesville, GA 30507.

WHEREAS, the City of Flowery Branch is charged with the responsibility for the establishment of contracts for the acquisition of goods, materials, supplies and equipment, and services by the various departments of the City of Flowery Branch; and

WHEREAS, the City of Flowery Branch has caused **BID 26-002** to be issued soliciting proposals from qualified Contractors to furnish all items, labor services, materials and appurtenances called for by them in accordance with this proposal. Selected ("Contractor") is required to provide the services as called for in the specifications; and

WHEREAS, the Contractor submitted a response to the **BID 26-002**; and

WHEREAS, the Contractor's submittal was deemed by the City of Flowery Branch to be the most responsible and responsive per the scope of work; and

NOW THEREFORE, in consideration of the mutual covenant and promises contained herein, the parties agree as follows:

1.0 Scope of Work

That the Contractor has agreed and by these present does agree with the City to furnish all equipment, tools, materials, skill, labor of every description, and all things necessary to carry out as delineated in **"Exhibit A" (Scope of Work)** and complete in a good, firm, substantial and workmanlike manner, the Work in strict conformity with the specifications which shall form an essential part of this agreement. In addition to the foregoing, and notwithstanding anything to the contrary stated herein, the following terms and conditions, amendments, and other documents are incorporated by reference and made a part of the terms and conditions of this Agreement as is fully set out herein:

EXHIBIT A - SCOPE OF SERVICE
EXHIBIT B - COST PROPOSAL
EXHIBIT C - W-9
EXHIBIT D - CERTIFICATE OF INSURANCE
EXHIBIT E - E-VERIFY AFFIDAVIT
EXHIBIT F - CONTACT INFORMATION

EXHIBIT G – ADDENDUMS
EXHIIBT H – CONTRACTOR'S OATH

2.0 Compensation

2.1 Pricing. The Contractor will be paid for the services sold pursuant to the Contract in accordance with the BID and final pricing documents as incorporated into the terms of the Contract. All prices are firm and fixed and are not subject to variation. The prices quoted and listed on the attached Cost Proposal, a copy of which is attached hereto as **"Exhibit B" (Cost Proposal)** and incorporated herein, shall be firm throughout the term of this Contract. The maximum costs owed by the City for the remainder of FY 2026 shall be a prorated cost from the annual amount of $31,819.00 and shall not exceed $12,000.00, unless otherwise agreed to in writing. The annual costs for FY 2027 shall not exceed: $31,819.00 unless otherwise agreed to in writing. Annual costs for fiscal year FY 2028 and for any fiscal years thereafter shall not exceed $31,819.00 plus an additional amount that shall increase annually based on the percentage increase in the Consumer Price Index (CPI-U) for all Urban Consumers (U.S. City Average) over the previous 12-month period, not to exceed 4%, unless otherwise agreed to in writing.

2.2 Billings. If applicable, the Contractor shall submit, on a regular basis, an invoice for services supplied to the City under the Contract at the billing address specified in the Purchase Instrument or Contract. The invoice shall comply with all applicable rules concerning payment of such claims. The City shall pay all approved invoices in arrears and in accordance with applicable provisions of City law. Unless otherwise agreed in writing by the parties, the Contractor shall not be entitled to receive any other payment or compensation from the City for any services provided by or on behalf of the Contractor under the Contract. The Contractor shall be solely responsible for paying all costs, expenses and charges it incurs in connection with its performance under the Contract.

Invoices are to be emailed to APInvoices@flowerybranchga.org. A W-9 Request for Taxpayer Identification Number and Certification Form must be submitted **"Exhibit C" (W-9).**

2.3 Delay of Payment Due to Contractor's Failure. If the City in good faith determines that the Contractor has failed to perform or deliver any service or product as required by the Contract, the Contractor shall not be entitled to any compensation under the Contract until such service or product is performed or delivered. In this event, the City may withhold that portion of the Contractor's compensation which represents payment for services or products that were not performed or delivered. To the extent that the Contractor's failure to perform or deliver in a timely manner causes the City to incur costs, the City may deduct the amount of such incurred costs from any amounts payable to Contractor. The City's authority to deduct such incurred costs shall not in any way affect the City's authority to terminate the Contract.

2.4 Set-Off Against Sums Owed by the Contractor. In the event that the Contractor owes the City any sum under the terms of the Contract, pursuant to any judgment, or pursuant to any law, the City may set off the sum owed to the City against any sum owed by the City to the Contractor in the City's sole discretion.

3.0 Duration of Contract

Contract Term. Pursuant to O.C.G.A. Section 36-60-13, this Contract shall not be deemed to create a debt of the City for the payment of any sum beyond the fiscal year of execution or, in the event of a renewal, beyond the fiscal year of such renewal. The initial term for this contract shall commence on February 16, 2026 and run through June 30, 2026. Thereafter, this contract shall align with the City's fiscal year from July 1 to June 30 and shall automatically renew every year under the same terms and conditions for five successive years (with the year of July 1, 2026 through June 30, 2027 counting as the first such year) unless either party shall notify the other in writing 30 days in advance of June 30 or unless otherwise terminated under the provisions of Paragraph 10. All invoices postmarked by the City during said term shall be filed at the contract price. This Contract may be extended by mutual consent of both the City and the Contractor for reasons of additional time, additional services and/or additional areas of work.

4.0 Independent Contractor

4.1 The Contractor shall be an independent Contractor. The Contractor is not an employee, agent or representative of the City of Flowery Branch. The successful Contractor shall obtain and maintain, at the Contractor's expense, all permits, license or approvals that may be necessary for the performance of the services. The Contractor shall furnish copies of all such permits, licenses or approvals to the City of Flowery Branch Representative within ten (10) day after issuance.

4.2 Inasmuch as the City of Flowery Branch and the Contractor are independent of one another neither has the authority to bind the other to any third person or otherwise to act in any way as the representative of the other, unless otherwise expressly agreed to in writing signed by both parties hereto. The Contractor agrees not to represent itself as the City's agent for any purpose to any party or to allow any employee of the Contractor to do so, unless specifically authorized, in advance and in writing, to do so, and then only for the limited purpose stated in such authorization. The Contractor shall assume full liability for any contracts or agreements the Contractor enters into on behalf of the City of Flowery Branch without the express knowledge and prior written consent of the City.

5.0 Indemnification

5.1 The Contractor agrees to indemnify, hold harmless and defend the City, its public officials, officers, employees, and agents from and against any and all liabilities, suits, actions, legal proceedings, claims, demands, damages, costs and expenses (including reasonable attorney's fees) to the extent rising out of any act or omission of the Contractor, its agents, Subcontractors, Contractors or employees in the performance of this Contract except for such claims that arise from the City's sole negligence or willful misconduct.

5.2 Notwithstanding the foregoing indemnification clause, the City may join in the defense of any claims raised against it in the sole discretion of the City. Additionally, if any claim is raised against the City, said claim(s) cannot be settled or compromised without the City's written consent, which shall not be unreasonably withheld.

6.0 Performance

The Contractor shall assign a primary point of contact to oversee communication regarding all work performed under this Contract. The primary point of contact shall meet with designated City staff at least quarterly to review performance, address any issues, and plan future service schedules.

7.0 Changes

The City, within the general scope of the Agreement, may, by written notice to Contractor, issue additional instructions, require additional services or direct the omission of services covered by this Agreement. In such event, there will be made an equitable adjustment in price, but any claim for such an adjustment must be made within thirty (30) days of the receipt of said written notice.

8.0 Change Order Defined

Change order shall mean a written order to the Contractor executed by the City issued after the execution of this Agreement, authorizing and directing a change in services. The Price and Time may be changed only by a Change Order.

9.0 Insurance

9.1 The Contractor shall, at its own cost and expense, obtain and maintain the following minimum insurance coverage covering the period of this Agreement, such insurance to be obtained from a responsible insurance company legally licensed and authorized to transact business in the State of Georgia.

▪ Workers' Compensation	Statutory Minimum $100,000/accident
▪ Employers Liability	$1,000,000
▪ Bodily Injury Liability	$1,000,000
▪ Except Automobile	$1,000,000 aggregate
▪ Property Damage Liability	$1,000,000 each occurrence
▪ Except Automobile	$1,000,000 each occurrence
▪ Automobile Bodily Injury	$1,000,000 each person
▪ Liability	$1,000,000 each occurrence
▪ Automobile Property Damage Liability	$1,000,000 each occurrence
▪ Excess Umbrella Liability	$2,000,000 each occurrence

9.2 Contractor shall provide certificates of insurance evidencing the coverage requested herein before the execution of this agreement, and at any time during the term of this Agreement, upon the request of the City, Contractor shall provide proof sufficient to the satisfaction of the City that such insurance continues in force and effect. **"Exhibit D" (Certificate of Insurance).**

10.0 Termination

10.1 Immediate Termination. Pursuant to O.C.G.A. Section 36-60-13, this Contract will terminate immediately and absolutely if the City determines that adequate funds are not appropriated or granted or funds are de-appropriated such that the City cannot fulfill its obligations under the Contract, which determination is at the City's sole discretion and shall be conclusive. Further, the City may terminate the Contract for any one or more of the following reasons effective immediately without advance notice:

(a) In the event the Contractor is required to be certified or licensed as a condition precedent to providing goods and services, the revocation or loss of such license or certification may result in immediate termination of the Contract effective as of the date on which the license or certification is no longer in effect;

(b) The City determines that the actions, or failure to act, of the Contractor, its agents, employees or Subcontractors have caused, or reasonably could cause, life, health or safety to be jeopardized;

(c) The Contractor fails to comply with confidentiality laws or provisions; and/or

(d) The Contractor furnished any statement, representation or certification which is materially false, deceptive, incorrect or incomplete.

10.2 Termination for Cause. The occurrence of any one or more of the following events shall constitute cause or the City to declare the Contractor in default of its obligations under the Contract:

(a) The Contractor fails to deliver or has delivered nonconforming goods or services or fails to perform to the City's satisfaction, any material requirement of the Contract or is in violation of a material provision of the Contract, including, but without limitation, the express warranties made by the Contractor;

(b) The City determines that satisfactory performance of the Contract is substantially endangered or that a default is likely to occur;

(c) The Contractor fails to make substantial and timely progress toward performance of the contract;

(d) The Contractor becomes subject to any bankruptcy or insolvency proceeding under federal or state law to the extent allowed by applicable federal or state law including bankruptcy laws; the Contractor terminates or suspends its business; or the City reasonably believes that the Contractor has become insolvent or unable to pay its obligations as they accrue consistent with applicable federal or state law;

(e) The Contractor has failed to comply with applicable federal, state and local laws, rules, ordinances, regulations and orders when performing within the scope of the Contract;

(f) The Contractor has engaged in conduct that has or may expose the City to liability, as

determined in the City's sole discretion; or

(g) The Contractor has infringed any patent, trademark, copyright, trade dress or any other intellectual property rights of the State, the City, or a third party.

10.3 Notice of Default. If there is a default event caused by the Contractor, the City shall provide written notice to the Contractor requesting that the breach or noncompliance be remedied within the period of time specified in the City's written notice to the Contractor. If the breach or noncompliance is not remedied by the date of the written notice, the City may:

(a) Immediately terminate the Contract without additional written notice; and/or

(b) Procure substitute goods or services from another source and charge the difference between the Contract and the substitute contract to the defaulting Contractor; and/or,

(c) Enforce the terms and conditions of the Contract and seek any legal or equitable remedies.

10.4 Termination for Convenience. The City may terminate this Agreement for convenience at any time upon thirty (30) day written notice to the Contractor. In the event of a termination for convenience, Contractor shall take immediate steps to terminate work as quickly and effectively as possible and shall terminate all commitments to third-parties unless otherwise instructed by the City. Provided that no damages are due to the City for Contractor's failure to perform in accordance with this Agreement, the City shall pay Contractor for work performed to date in accordance with Section herein. The City shall have no further liability to Contractor for such termination.

10.5 Payment Limitation in the event of Termination. In the event termination of the Contract for any reason by the City, the City shall pay only those amounts, if any, due and owing to the Contractor goods and services actually rendered up to and including the date of termination of the Contract and for which the City is obligated to pay pursuant to the Contract or Purchase Instrument. Payment will be made only upon submission of invoices and proper proof of the Contractor's claim. This provision in no way limits the remedies available to the City under the Contract in the event of termination. The City shall not be liable for any costs incurred by the Contractor in its performance of the Contract, including, but not limited to, startup costs, overhead or other costs associated with the performance of the Contract.

10.6 The Contractor's Termination Duties. Upon receipt of notice of termination or upon request of the City, the Contractor shall:

(a) Cease work under the Contract and take all necessary or appropriate steps to limit disbursements and minimize costs, and furnish a report within thirty (30) days of the date of notice of termination, describing the status of all work under the Contract, including, without limitation, results accomplished, conclusions resulting therefrom, and any other matters the City may require;

(b) Immediately cease using and return to the City, any personal property or materials, whether tangible or intangible, provided by the City to the Contractor;

(c) Comply with the City's instructions for the timely transfer of any active files and work product produced by the Contractor under the Contract;

(d) Cooperate in good faith with the City, its employees, agents and Contractors during the transition period between the notification of termination and the substitution of any replacement Contractor; and

(e) Immediately return to the City any payments made by the City for goods and services that were not delivered or rendered by the Contractor.

11.0 Claims and Dispute Resolution

11.1 Claims Procedure.

(a) If the parties fail to reach agreement regarding any dispute arising from the Contract Documents, including a failure to reach agreement on the terms of any Change Order for City- directed work as provided in section 8, or on the resolution of any request for an equitable adjustment in the Contract Sum or the Contract Time, Contractor's only remedy shall be to file a Claim with City as provided in this section.

(b) Contractor shall file its Claim within the earlier of: 120 Days from City's final instructions in accordance with section 8; or the date of Final Acceptance,

(c) The Claim shall be deemed to cover all changes in cost and time (including direct, indirect) impact, and consequential) to which Contractor may be entitled. It shall be fully substantiated and documented. The Claim shall contain a detailed factual statement of the Claim for additional compensation and time, if any, providing all necessary dates, locations, and items of work affected by the Claim.

(d) If an adjustment in the Contract Time is sought: the specific Days and dates for which it is sought; the specific reasons Contractor believes an extension in the Contract Time should be granted; and Contractor's analysis of its Progress Schedule to demonstrate the reason for the extension in Contract Time.

(e) If any adjustment in the Contract Sum is sought: the exact amount sought and a breakdown of that amount into the categories; and a statement certifying, under penalty of perjury, that the Claim is made in good faith, that the supporting cost and pricing data are true and accurate to the best of Contractor's knowledge and belief, that the Claim is fully supported by the accompanying data, and that the amount requested accurately reflects the adjustment in the Contract Sum or Contract Time for which Contractor believes City is liable.

(f) After Contractor has submitted a fully-documented Claim, the City shall respond, in writing, to Contractor with a decision within sixty (60) days of the date the Claim is received, or with notice to Contractor of the date by which it will render its decision.

11.2 Arbitration.

(a) If Contractor disagrees with City's decision rendered in accordance with section 12. If, Contractor shall provide City with a written demand for arbitration. No demand for arbitration of any such Claim shall be made later than thirty (30) Days after the date of City's decision on such Claim, failure to demand arbitration with said thirty (30) Day period shall result in City's decision being final and binding upon Contractor and its Subcontractors.

(b) Notice of the demand for arbitration shall be filed with the American Arbitration Association (AAA), with a copy provide to City. The parties shall negotiate or mediate under the Voluntary Construction Mediation Rules of the AAA, or mutually acceptable service, before seeking arbitration in accordance with the Construction Industry Arbitration Rules of AAA as follows:

(1) Disputes involving $30,000 or less shall be conducted in accordance with the Southeast Region Expedited Commercial Arbitration Rules; or
(2) Disputes over $30,000 shall be conducted in accordance with the Construction Industry Arbitration Rules of the AAA, unless the parties agree to use the expedited rules.

a. All Claims arising out of the work shall be resolved by arbitration. The judgment upon the arbitration award may be entered, or review of the award may occur, in the Superior Court of Hall County.

b. If the parties resolve the Claim prior to arbitration judgment, the terms of the resolution shall be incorporated in a Change Order. The Change Order shall constitute full payment and final settlement of the Claim, including all claims for time and for direct, indirect, or consequential costs, including costs of delays, inconvenience, disruption of schedule, or loss of efficiency or productivity.

c. Choice of Law and Forum. The laws of the State of Georgia shall govern and determine all matters arising out of or in connection with this Contract without regard to the choice of law provisions of State law. The Superior Court of Hall County, Georgia shall have exclusive jurisdiction to try disputes arising under or by virtue of this contract. In the event any proceeding of a quasi-judicial or judicial nature is commenced in connection with this Contract, such proceeding shall solely be brought in a court or other forum of competent jurisdiction within Hall County, Georgia. This provision shall not be construed as waiving any immunity to suit or liability, including without limitation sovereign immunity, which may be available to the City.

d. All Claims filed against City shall be subject to audit at any time following the filing of the Claim. Failure of Contractor, or Subcontractor of any tier, to maintain and retain sufficient records to allow City to verify all or a portion of the Claim or to permit City access to the books and records of Contractor, or Subcontractors of any tier, shall constitute a waiver of the Claim and shall bar any recovery.

12.0 Confidential Information

12.1 Access to Confidential Data. The Contractor's employees, agents and Subcontractors may have access to confidential data maintained by the City to the extent necessary to carry out the Contractor's responsibilities under the Contract. The Contractor shall presume that all information received pursuant to the Contract is confidential unless otherwise designated by the City. If it is reasonably likely the Contractor will have access to the City's confidential information, then:

(a) The Contractor shall provide to the City a written description of the Contractor's policies and procedures to safeguard confidential information;

(b) Policies of confidentiality shall address, as appropriate, information conveyed in verbal, written, and electronic formats;

(c) The Contractor must designate one individual who shall remain the responsible authority in charge of all data collected, used, or disseminated by the Contractor in connection with the performance of the Contract; and

(d) The Contractor shall provide adequate supervision and training to its agents, employees and Subcontractors to ensure compliance with the terms of the Contract. The private or confidential data shall remain the property of the City at all times. Some services performed for the City may require the Contractor to sign a nondisclosure agreement. Contractor understands and agrees that refusal or failure to sign such a nondisclosure agreement, if required, may result in termination of the Contract.

12.2 No Dissemination of Confidential Data. No confidential data collected, maintained, or used in the course of performance of the Contract shall be disseminated except as authorized by law and with the written consent of the City, either during the period of the Contract or thereafter. Any data supplied to or created by the Contractor shall be considered the property of the City. The Contractor must return any and all data collected, maintained, created or used in the course of the performance of the Contract, in whatever form it is maintained, promptly at the request of the City.

12.3 Subpoena. In the event that a subpoena or other legal process is served upon the Contractor for records containing confidential information, the Contractor shall promptly notify the City and cooperate with the City in any lawful effort to protect the confidential information.

12.4 Reporting of Unauthorized Disclosure. The Contractor shall immediately report to the City any unauthorized disclosure of confidential information.

12.5 Survives Termination. The Contractor's confidentiality obligation under the Contract shall survive termination of the Contract.

13.0 Inclusion of Documents

Contractor's response submitted in response thereto, including any best and final offer, are incorporated in this Agreement by reference and form an integral part of this agreement. In the event of a conflict in language between this Agreement and the foregoing documents incorporated herein, the provisions and requirements set forth in this Agreement shall govern. In the event of a conflict between the language of the BID, as amended, and the Contractor's submittal, the language in the former shall govern.

13.1 Counterparts: This Agreement may be executed in any number of counterparts, each of which shall be an original, but all of which together shall constitute one and the same instrument.

14.0 Compliance with All Laws and Licenses

The Contractor must obtain all necessary licenses and comply with local, state and federal requirements. The Contractor shall comply with all laws, rules and regulations of any governmental entity pertaining to its performance under this Agreement.

14.1 Federal Requirements.

(a) Federal Compliance Regulations.

Federal regulations apply to all City of Flowery Branch contracts using Federal funds as a source for the solicitation of goods and services. Successful bidders must comply with the following Federal requirement as they apply to:

(1) Equal Employment Opportunity - The Contractor shall not discriminate against any employee or applicant or employment because of race, color, religion, sex, or national origin. The Contractor shall take affirmative action to ensure that applicants are employed, and that employees are treated during employment without regard to their race, color, religion, sex, or national origin. Such action shall include, but not be limited to: employment, upgrading, demotion, transfer, recruitment or recruitment advertising, layoff or termination, rates of pay or other forms of compensation, and selection for training, including apprenticeship. The Contractor shall comply with Executive Order 1 1246, as amended, and the rules, regulations, and orders of the Secretary of Labor.

(2) Reports - The submission of reports to the City on behalf of the U.S. Department of Housing and Urban Development as may be determined necessary for the activities covered by this contract, which is federally funded.

(3) Patents - The U.S. Department of Housing and Urban Development reserves a royalty-free, nonexclusive, and irrevocable right to use, and to authorize others to use, for Federal Government purposes:

a. Any patent that shall result under this contract; and

b. Any patent rights to which the Contractor purchases ownership with grant

support

(4) Copyrights - The U.S. Department of Housing and Urban Development reserves a royalty- free, nonexclusive and irrevocable license to reproduce, publish or otherwise use, and to authorize others to use, for Federal Government purposes:

a. The copyright in any work developed under this contract; and

b. Any rights of copyright to which the Contractor purchases ownership with grant support.

(5) Access to books, documents, papers and records of the Contractor which are directly pertinent to the specific contract for the purposes of making audit, examination, excerpts and transcriptions by Federal agencies, the Comptroller General of the United States, or any of their duly authorized representatives; and

(6) Retention of all required records for three years after the City makes final payment and all other pending matters are closed.

14.2 Georgia Security and Immigration Compliance Act

(a) The parties certify that Contractor has executed an affidavit verifying that Contractor has registered and participates in the federal work authorization program to verify information of all new employees, per O.C.G.A. 13-10-90, et. seq., and Georgia Department of Labor Regulations Rule 300-10-1-02. The appropriate affidavit is attached hereto as **"Exhibit E" (E-Verify Form)** and incorporated herein by reference and made a part of this contract.

(b) The Contractor further certifies that any Subcontractors employed by Contractor for the performance of this agreement has executed an appropriate Subcontractor affidavit verifying its registration and participation in the federal work authorization program and compliance with O.C.G.A. 13-10-90, et. seq., and Georgia Department of Labor Regulations Rule 300-10-1-02, and that all such affidavits are incorporated into and made a part of every contract between the Contractor and each Subcontractor.

(c) Contractor's compliance with O.C.G.A. 13-10-90, et. seq., and Georgia Department of Labor Regulations Rule 300-10-1-02 is a material condition of this agreement and Contractor's failure to comply with said provisions shall constitute a material breach of this agreement.

15.0 Assignment

The Contractor shall not assign or subcontract the whole or any part of this Agreement without the City of Flowery Branch's prior written consent.

16.0 Amendments in Writing

No amendments to this Agreement shall be effective unless it is in writing and signed by duly authorized representatives of the parties.

17.0 Drug-Free and Smoke-Free Workplace

17.1 A drug-free and smoke-free workplace will be provided for the Contractor's employees during the performance of this Agreement; and

17.2 The Contractor will secure from any sub-Contractor hired to work in a drug-free and smoke-free work place a written certification so stating and in accordance with Paragraph 7, subsection B of the Official Code of Georgia Annotated Section 50-24-3.

17.3 The Contractor may be suspended, terminated, or debarred if it is determined that:

(a) The Contractor has made false certification herein; or

(b) The Contractor has violated such certification by failure to carry out the requirements of Official Code of Georgia Annotated Section 50-24-3.

18.0 Additional Terms

Neither the City nor any Department shall be bound by any terms and conditions included in any Contractor packaging, Invoice, catalog, brochure, technical data sheet, or other document which attempts to impose any condition in variance with or in addition to the terms and conditions contained herein.

19.0 Antitrust Actions

For good cause and as consideration for executing this Contract or placing this order, Contractor acting herein by and through its duly authorized agent hereby conveys, sells, assigns, and transfers to the City of Flowery Branch all rights, title, and interest to and to all causes of action it may now or hereafter acquire under the antitrust laws of the United States and the State of Georgia relating to the particular goods or services purchased or acquired by the City of Flowery Branch pursuant hereto.

20.0 Governing Law

This Agreement shall be governed in all respects by the laws of the State of Georgia. The Superior Court of Hall County, Georgia shall have exclusive jurisdiction to try disputes arising under or by virtue of this contract.

21.0 Entire Agreement

This Agreement constitutes the entire Agreement between the parties with respect to the subject matter contained herein; all prior agreements, representations, statement, negotiations, and undertakings are suspended hereby. Neither party has relied on any representation, promise, or inducement not contained herein.

IN WITNESS WHEREOF, the parties hereto have caused this Agreement to be duly executed by their duly authorized officers as of the day and year set forth next to each signature.

CITY OF FLOWERY BRANCH:	CONTRACTOR: YELLOWSTONE LANDSCAPE, LLC
By:_____	By: _____
Title:_____	Title: _____
Name:_____	Name: _____
Date:_____	Date: _____

Attest:

_____
Shelia Cooper, City Clerk (Seal)

Approved as to form:

_____
Ted Baggett, City Attorney

EXHIBIT A

TO CONTRACT
BETWEEN CITY OF FLOWERY BRANCH AND YELLOWSTONE LANDSCAPE, LLC
FOR LANDSCAPING SERVICES

REFERENCE: BID# 26-002

SCOPE OF WORK

The City of Flowery Branch is seeking sealed bids from qualified contractors to provide landscaping services at multiple municipal locations. Services shall include mowing, pruning, weed control, installation of seasonal flowers, mulching, and related maintenance activities.

The Contractor shall furnish all products, tools, construction equipment, skill, labor, and supervision necessary to carry out and complete all landscaping services in a good, firm, substantial, and workmanlike manner. All mowing shall result in a clean and sharp cut with uniform distribution of clippings; any areas determined unsatisfactory by the City shall be re-mowed at no additional cost. The Contractor is responsible for maintaining all areas in a neat and professional condition, including the removal of debris, clippings, and trash during each service. All chemicals must be EPA-approved and applied by licensed personnel. Seasonal flower selection and planting shall be coordinated with the City. Services must not interfere with public access, scheduled events, or City operations, and the Contractor shall submit a monthly service log with each invoice.

The following outlines the services required at each designated location:

SERVICES FOR SITE LOCATIONS

I. City Hall & Police Department Grounds

a. Mow grass regularly to maintain uniform height.
b. Prune shrubs, trees, and ornamental plants as needed.
c. Deadhead flowers.
d. Treat turf for weed growth.
e. Install and maintain seasonal flowers.
f. Apply mulch two (2) times per year.
g. Pull weeds from landscaped beds and paved areas.
h. Edge sidewalks, curbs, and landscape borders.
i. Apply fungicide treatment
j. Treat landscape beds for weeds

II. Amphitheater Grounds

a. Mow grass regularly
b. Prune shrubs, trees, and ornamental plants
c. Deadhead flowers
d. Treat turf for weed growth
e. Install and maintain seasonal flowers
f. Apply mulch two (2) times per year
g. Pull weeds from landscaped beds

h. Blow off leaves, trash, and debris from paved areas.
i. Apply fungicide treatment
j. Treat landscape beds for weeds

III. Main Street (Railroad Ave. to Mitchell St.)

a. Deadhead seasonal plantings
b. Blow off leaves, trash, and debris from sidewalks and street edges
c. Install and maintain seasonal flowers in designated beds and planters
d. Apply mulch two (2) times per year – March and September
e. Pull weeds from beds and paved areas.
f. Apply fungicide treatment
g. Treat landscape beds for weeds

IV. Railroad Avenue Market Pavilion

a. Deadhead flowers
b. Blow off leaves, trash, and debris from paved areas
c. Apply mulch once per year
d. Pull weeds from landscaped areas
e. Apply fungicide treatment
f. Treat landscape beds for weeds

V. Roundabout

a. Deadhead flowers
b. Install and maintain seasonal flowers
c. Mow and treat turf
d. Spray weeds in paver joints and hardscape areas
e. Apply mulch two (2) times per year
f. Apply pine straw two (2) times per year
g. Apply fungicide treatment
h. Treat landscape beds for weeds

VI. Jones Park

a. Mow grass regularly
b. Treat turf for weeds
c. Apply mulch two (2) times per year
d. Apply fungicide treatment
e. Treat landscape beds for weeds

VII. Additional Work

The City may add to these specifications with the joint approval of the Contractor and the City. All modifications shall be in writing.

A. In the event that the City requires additional work outside of these specifications, the Contractor shall perform all work at a competitive industry price.
B. Additional work may be added to the contract as the need arises. The Contractor shall perform all specified and approved additional work.
C. The Contractor must be willing to provide a competitive price for additional work that may be added to the contract. The contractor will be required to demonstrate the ability to properly execute the expanded workload with the necessary increase in labor, materials, and equipment.

END EXHIBIT A

EXHIBIT B

TO CONTRACT
BETWEEN CITY OF FLOWERY BRANCH AND
YELLOWSTONE LANDSCAPE, LLC
FOR LANDSCAPING SERVICES

REFERENCE: BID# 26-002
COST PROPOSAL

Bid Pricing

	Site Location:	Annual Price:
1	City Hall & Police Department Grounds	$ 9,166.00
2	Amphitheater Grounds	$ 6,689.00
3	Main Street (Railroad Ave. to Mitchell St.)	$ 5,181.00
4	Railroad Avenue Market Pavilion	$ 5,059.00
5	Roundabout	$ 2,215.00
6	Jones Park	$ 3,509.00

The contractor must state whether a price increase or escalation is anticipated during the twelve (12) month period. If no increase is expected, the vendor shall confirm this in writing. If an increase or escalation is anticipated, the contractor shall specify the minimum notice period they will provide: 60 Days. The City of Flowery Branch reserves the right to terminate the contract, or any portion thereof, upon receiving notice of any price increase or escalation

Company Name: Yellowstone Landscape, LLC.

Company Address: 1536 Fulenwider Rd, Gainesville, GA 30507

Telephone Number: 404.291.2078 Fax Number: _____

Tax ID Number: 80-0144209 Date: 1/29/2025

Printed Name: Jamie Butler Title: Business Development Manager

Email address: jbutler@yellowstonelandscape.com

Signature: _____

Price Breakdown:

	Basic Maintenance (52 Visits)	Turf Program (Annual)	Flowers (Spring & Fall)	Mulch (Spring & Fall)	Total
City Hall & Police Department Grounds	$ 4,423.00	$ 1,301.00	$ 1,076.00	$ 2,366.00	**$ 9,166.00**
Amphitheater Grounds	$ 1,851.00	$ 451.00	$ 1,075.00	$ 3,312.00	**$ 6,689.00**
Main Street (Railroad Ave to Mitchell St.)	$ 3,460.00	$ -	$ 538.00	$ 1,183.00	**$ 5,181.00**
Railroad Avenue Market Pavilion	$ 2,796.00	$ 193.00	$ -	$ 2,070.00	**$ 5,059.00**
Round-a-bout	$ 495.00	$ -	$ 537.00	$ 1,183.00	**$ 2,215.00**
Jones Park	$ 1,864.00	$ 226.00	$ -	$ 1,419.00	**$ 3,509.00**

END EXHIBIT B

Form **W-9**
(Rev. March 2024)
Department of the Treasury
Internal Revenue Service

Request for Taxpayer Identification Number and Certification

Go to *www.irs.gov/FormW9* for instructions and the latest information.

Give form to the requester. Do not send to the IRS.

Before you begin. For guidance related to the purpose of Form W-9, see *Purpose of Form*, below.

Print or type. See *Specific Instructions* on page 3.

1 Name of entity/individual. An entry is required. (For a sole proprietor or disregarded entity, enter the owner's name on line 1, and enter the business/disregarded entity's name on line 2.)

Yellowstone Landscape, Inc.

2 Business name/disregarded entity name, if different from above.

3a Check the appropriate box for federal tax classification of the entity/individual whose name is entered on line 1. Check only **one** of the following seven boxes.

☐ Individual/sole proprietor ☑ C corporation ☐ S corporation ☐ Partnership ☐ Trust/estate

☐ LLC. Enter the tax classification (C = C corporation, S = S corporation, P = Partnership) _____

Note: Check the "LLC" box above and, in the entry space, enter the appropriate code (C, S, or P) for the tax classification of the LLC, unless it is a disregarded entity. A disregarded entity should instead check the appropriate box for the tax classification of its owner.

☐ Other (see instructions) _____

4 Exemptions (codes apply only to certain entities, not individuals; see instructions on page 3):

Exempt payee code (if any) _____

Exemption from Foreign Account Tax Compliance Act (FATCA) reporting code (if any) _____

(Applies to accounts maintained outside the United States.)

3b If on line 3a you checked "Partnership" or "Trust/estate," or checked "LLC" and entered "P" as its tax classification, and you are providing this form to a partnership, trust, or estate in which you have an ownership interest, check this box if you have any foreign partners, owners, or beneficiaries. See instructions ☐

5 Address (number, street, and apt. or suite no.). See instructions.

PO Box 101017

Requester's name and address (optional)

6 City, state, and ZIP code

Atlanta, GA 30392

7 List account number(s) here (optional)

Part I Taxpayer Identification Number (TIN)

Enter your TIN in the appropriate box. The TIN provided must match the name given on line 1 to avoid backup withholding. For individuals, this is generally your social security number (SSN). However, for a resident alien, sole proprietor, or disregarded entity, see the instructions for Part I, later. For other entities, it is your employer identification number (EIN). If you do not have a number, see *How to get a TIN*, later.

Note: If the account is in more than one name, see the instructions for line 1. See also *What Name and Number To Give the Requester* for guidelines on whose number to enter.

Social security number

[ ][ ][ ] - [ ][ ] - [ ][ ][ ][ ]

or

Employer identification number

8 0 - 0 1 4 4 2 0 9

Part II Certification

Under penalties of perjury, I certify that:

1. The number shown on this form is my correct taxpayer identification number (or I am waiting for a number to be issued to me); and
2. I am not subject to backup withholding because (a) I am exempt from backup withholding, or (b) I have not been notified by the Internal Revenue Service (IRS) that I am subject to backup withholding as a result of a failure to report all interest or dividends, or (c) the IRS has notified me that I am no longer subject to backup withholding; and
3. I am a U.S. citizen or other U.S. person (defined below); and
4. The FATCA code(s) entered on this form (if any) indicating that I am exempt from FATCA reporting is correct.

Certification instructions. You must cross out item 2 above if you have been notified by the IRS that you are currently subject to backup withholding because you have failed to report all interest and dividends on your tax return. For real estate transactions, item 2 does not apply. For mortgage interest paid, acquisition or abandonment of secured property, cancellation of debt, contributions to an individual retirement arrangement (IRA), and, generally, payments other than interest and dividends, you are not required to sign the certification, but you must provide your correct TIN. See the instructions for Part II, later.

Sign Here | **Signature of U.S. person** Chris Eckerth **Date** 4/9/2025

General Instructions

Section references are to the Internal Revenue Code unless otherwise noted.

Future developments. For the latest information about developments related to Form W-9 and its instructions, such as legislation enacted after they were published, go to *www.irs.gov/FormW9*.

What's New

Line 3a has been modified to clarify how a disregarded entity completes this line. An LLC that is a disregarded entity should check the appropriate box for the tax classification of its owner. Otherwise, it should check the "LLC" box and enter its appropriate tax classification.

New line 3b has been added to this form. A flow-through entity is required to complete this line to indicate that it has direct or indirect foreign partners, owners, or beneficiaries when it provides the Form W-9 to another flow-through entity in which it has an ownership interest. This change is intended to provide a flow-through entity with information regarding the status of its indirect foreign partners, owners, or beneficiaries, so that it can satisfy any applicable reporting requirements. For example, a partnership that has any indirect foreign partners may be required to complete Schedules K-2 and K-3. See the Partnership Instructions for Schedules K-2 and K-3 (Form 1065).

Purpose of Form

An individual or entity (Form W-9 requester) who is required to file an information return with the IRS is giving you this form because they

EXHIBIT D

ACORD®

CERTIFICATE OF LIABILITY INSURANCE

4/1/2026

DATE (MM/DD/YYYY) 1/28/2026

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AFFIRMATIVELY OR NEGATIVELY AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW. THIS CERTIFICATE OF INSURANCE DOES NOT CONSTITUTE A CONTRACT BETWEEN THE ISSUING INSURER(S), AUTHORIZED REPRESENTATIVE OR PRODUCER, AND THE CERTIFICATE HOLDER.

IMPORTANT: If the certificate holder is an ADDITIONAL INSURED, the policy(ies) must have ADDITIONAL INSURED provisions or be endorsed. If SUBROGATION IS WAIVED, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

PRODUCER Lockton Companies, LLC DBA Lockton Insurance Brokers, LLC in CA CA license #0F15767 3280 Peachtree Rd. NE, Ste. 1000 Atlanta GA 30305 (404) 460-3600	**CONTACT NAME:** **PHON IE (A/C, N NoExt):** **FAX (A/C, No):** **E-MAIL ADDRESS:**
INSURED 1528310 Yellowstone Landscape, Inc. and all Subsidiaries See Attached List P.O. Box 936347 Atlanta GA 31193	**INSURER(S) AFFORDING COVERAGE** / **NAIC #** **INSURER A :** Safety National Casualty Corporation — 15105 **INSURER B :** ACE Property and Casualty Insurance Company — 20699 **INSURER C :** **INSURER D :** **INSURER E :** **INSURER F :**

COVERAGES **CERTIFICATE NUMBER:** 22951167 **REVISION NUMBER:** XXXXXXX

THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

INSR LTR	TYPE OF INSURANCE	ADDL INSD	SUBR WVD	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS	
A	[X] COMMERCIAL GENERAL LIABILITY [ ] CLAIMS-MADE [X] OCCUR [X] Pesticide&Herbicide [X] SIR $250,000 GEN'L AGGREGATE LIMIT APPLIES PER: [ ] POLICY [X] PRO-JECT [X] LOC [ ] OTHER:	N	N	GL6676218	4/1/2025	4/1/2026	EACH OCCURRENCE DAMAGE TO RENTED PREMISES (Ea occurrence) MED EXP (Any one person) PERSONAL & ADV INJURY GENERAL AGGREGATE PRODUCTS - COMP/OP AGG $	$ 2,000,000 $ 1,000,000 $ 10,000 $ 2,000,000 $ 4,000,000 $ 4,000,000 $
A A	**AUTOMOBILE LIABILITY** [X] ANY AUTO [ ] OWNED AUTOS ONLY [ ] SCHEDULED AUTOS [ ] HIRED AUTOS ONLY [ ] NON-OWNED AUTOS ONLY	N	N	CA6676217 XEL4069294 - $1M x $1M	4/1/2025 4/1/2025	4/1/2026 4/1/2026	COMBINED SINGLE LIMIT (Ea accident) BODILY INJURY (Per person) BODILY INJURY (Per accident) PROPERTY DAMAGE (Per accident) $	$ 2,000,000 $ XXXXXXX $ XXXXXXX $ XXXXXXX $ XXXXXXX
B	[X] **UMBRELLA LIAB** [X] OCCUR **EXCESS LIAB** [ ] CLAIMS-MADE [ ] DED [ ] RETENTION $	N	N	XEUG72569647 004	4/1/2025	4/1/2026	EACH OCCURRENCE AGGREGATE SIR	$ 10,000,000 $ 10,000,000 $ 25,000
A	**WORKERS COMPENSATION AND EMPLOYERS' LIABILITY** Y/N ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? [N] N/A **(Mandatory In NH)** If yes, describe under DESCRIPTION OF OPERATIONS below		N	LDS4066360	4/1/2025	4/1/2026	[X] PER STATUTE [ ] OTH-ER E.L. EACH ACCIDENT E.L. DISEASE - EA EMPLOYEE E.L. DISEASE - POLICY LIMIT	 $ 1,000,000 $ 1,000,000 $ 1,000,000

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (ACORD 101, Additional Remarks Schedule, may be attached if more space is required)

CERTIFICATE HOLDER

22951167
City of Flowery Branch
5410 Pine Street
Flowery Branch GA 30542

CANCELLATION See Attachments

SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS.

AUTHORIZED REPRESENTATIVE

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List of Named Insureds

Yellowstone Parent, L.P
Elk Intermediate Company I, Inc.
Elk Intermediate Company II, Inc.
Elk Buyer, Inc.
YLG Holdings, Inc.
Yellowstone Intermediate Holdings, Inc.
Yellowstone Landscape, Inc.
Yellowstone Landscape – Southeast, LLC
ALSW, LLC
Leaderscape – Palm Beach, LLC
Florida Landscape Consultants, LLC
Southeast Landscape Management Company, LLC
YLA - Midwest, LLC
Crawford Landscaping Group, LLC
Acres Maintenance, LLC
Hayden Landscaping & Maintenance, LLC
Green-Up Landscape, LLC
Acres Enterprises, LLC
Yellowstone Landscape - Central, Inc
BLSW LLC
YLCSW, LLC
Texas Services, LLC
Native Land Design, LLC
Landscape USA- Austin, LLC
Ecoscape Solutions Group LLC
ELSW, LLC
Heads Up Landscape Contractors, LLC
Yellowstone Landscape West, LLC
SLM Holdings , LLC
Somerset Landscape LLC
Park Landscape LLC
Greener Pastures Landscaping LLC
Premier Sports Fields, LLC
Duke's Grounds Maintenance, LLC
Landscape Management Professionals, LLC
RKLT Properties, LLC
Arizona's Best Landscape Management
Bloom Floralscapes, LLC
KCS Landscape Management, LLC
Premier Sports Fields, LLC
Moore Landscapes, LLC
O'Donnell's Landscape Service, LLC
Gleason Johndrow Landscaping, LLC
Davis Landscape Company LLC

Townscapes, LLC
Green Pastures Landscape Company, LLC
Northwest Landscaping, LLC
Greenery NYC, Inc
Elegant Lawn Care, LLC
Rainmaker Irrigation & Landscaping, LLC
Boren's Grass Groomers, LLC
Frank Carson Landscape & Maintenance, LLC
Green Earth Inc. (effective 5/1)
Trisler Landscape Management, LLC - Effective 9/1/25

END EXHIBIT D

EXHIBIT E

Contractor Affidavit under O.C.G.A. § 13-10-91(b)(l)

The undersigned contractor ("Contractor") executes this Affidavit to comply with O.C.G.A § 13-10-91 related to any contract to which Contractor is a party that is subject to O.C.G.A. § 13-10-91 and hereby verifies its compliance with O.C.G.A. § 13-10-91, attesting as follows:

a) The Contractor has registered with, is authorized to use and uses the federal work authorization program commonly known as E-Verify, or any subsequent replacement program;

b) The Contractor will continue to use the federal work authorization program throughout the contract period, including any renewal or extension thereof;

c) The Contractor will notify the public employer in the event the Contractor ceases to utilize the federal work authorization program during the contract period, including renewals or extensions thereof;

d) The Contractor understands that ceasing to utilize the federal work authorization program constitutes a material breach of Contract;

e) The Contractor will contract for the performance of services in satisfaction of such contract only with subcontractors who present an affidavit to the Contractor with the information required by O.C.G.A. § 13-10-91(a), (b), and (c);

f) The Contractor acknowledges and agrees that this Affidavit shall be incorporated into any contract(s) subject to the provisions of O.C.G.A. § 13-10- 91 for the project listed below to which Contractor is a party after the date hereof without further action or consent by Contractor; and

g) Contractor acknowledges its responsibility to submit copies of any affidavits, drivers' licenses, and identification cards required pursuant to O.C.G.A. § 13-10-91 to the public employer within five business days of receipt.

20-3078428
Federal Work Authorization User Identification Number

1-15-2025
Date of Authorization

Yellowstone Landscape Inc.
Name of Contractor

City of Flowery Branch
Name of Project

Yellowstone Landscape Inc.
Name of Public Employer

I hereby declare under penalty of perjury that the foregoing is true and correct.

Executed on 1, 28, 2026 in Gainesville (city), GA (state).

Signature of Authorized Officer or Agent

Roy Lawrence Business Development Manager
Printed Name and Title of Authorized Officer or Agent

SUBSCRIBED AND SWORN BEFORE ME
ON THIS THE 28th DAY OF January, 2026.

NOTARY PUBLIC
My Commission Expires: 11/16/2029

Megan Gabrielle Suber
NOTARY PUBLIC
JACKSON COUNTY, GEORGIA
My Commission Expires 11/16/2029

EXHIBIT F

Contact Information Form

Please fill out this form with the appropriate contact information for your company.

Full Legal Name of Company: ____Yellowstone Landscape Inc.

Doing Business As (DBA): _____Yellowstone Landscape Inc.

Federal Employee ID Number (FEIN): ___80-0144209_____

Address:
__1536 Fellenwider Road
__Gainesville, GA 30507_____

Mailing Address (if different)
____PO Box101071_____
___Atlanta, GA 30392_____

Contractor Information:

Primary Contact Person: ___Roy Lawrence
Title: ___Business Development Manager
Telephone Number: ___678-733-5665_____
E-mail Address: ___rlawrence@yellowstonelandscape.com

Secondary Contact Person: __Marcos Castrejon
Title: ____Branch Manager
Telephone Number: ____678-617-6567
E-mail Address: ____mcastrejon2yellowstonelandscape.com

Preferred Contact for Administration (i.e. Document Processing) (Choose One)

☐xxPrimary Contact ☐Secondary Contact

Signature: _____ Date: 1-28-20

EXHIBIT G

CITY OF FLOWERY BRANCH

ADDENDUM ACKNOWLEDGEMENT

BID 26-002

LANDSCAPING SERVICES

I hereby acknowledge receipt of the supplement pertaining to the above referenced bid.

Addendum Number	Dated	Acknowledge Receipt (Initial)
# 1	11/06/2025	

☐ **NO ADDENDA WERE RECEIVED**

COMPANY NAME: Yellowstone Landscape, LLC.

CONTACT PERSON: Jamie Butler

ADDRESS: 1536 Fulenwider Road

CITY: Gainesville **STATE:** GA **ZIP:** 30507

PHONE: FAX:

EMAIL ADDRESS: jbutler@yellowstonelandscape.com

SIGNATURE: _____ **DATE:** 11/17/2025

UPON RECEIPT, PLEASE PRINT AND ADD TO YOUR PROPOSAL.

EXHIBIT H

CONTRACTOR'S OATH

COMES NOW, Yellowstone Landscape Inc. ("Contractor"),
[*name of Contractor*]

appearing by and through, Roy Lawrence,
[*name of individual with authority to bind Contractor*]

its Business Development Manager ("Individual And Representative Affiant"), and
[*title*]

_____

_____

_____

_____

[*insert the names of all those required to give the oath*]

(collectively, "Individual Affiants"), and each of the Individual And Representative Affiant and Individual Affiants, after first being duly sworn, deposes and says that:

1. Contractor has not directly or indirectly violated subsection (d) of the Official Code of Georgia Annotated Section 36-91-21, which provides as follows:

   > Whenever a public works construction contract for any governmental entity subject to the requirements of this chapter is to be let out by competitive sealed bid or proposal, no person, by himself or herself or otherwise, shall prevent or attempt to prevent competition in such bidding or proposals by any means whatever. No person who desires to procure such work for himself or herself or for another shall prevent or endeavor to prevent anyone from making a bid or proposal therefor by any means whatever, nor shall such person so desiring the work cause or induce another to withdraw a bid or proposal for the work.

   Code Section 36-91-21(d) also applies to municipal street system contracts pursuant to Official Code of Georgia Annotated Section 32-4-122.

2. Individual And Representative Affiant is the officer of Contractor whose duty it is to make the payment.

3. If Contractor is a partnership, then Individual and Representative Affiant and Individual Affiants together constitute all of the partners and any officer, agent or other person who may have represented or acted for Contractor in bidding for or procuring the contract.

4. If Contractor is a corporation, then Individual and Representative Affiant and Individual Affiants together constitute all officers, agents, or other persons who may have acted for or represented Contractor in bidding for or procuring the contract.

Further affiants sayeth not.

This 28 th day of January, 2026.

By: _____, individually and on behalf of Contractor
[*signature of Individual And Representative Affiant*]

Name: Roy Lawrence Title: Business Development Manager

Individual Affiants' signatures and names:

_____ _____
Name: Name:

_____ _____
Name: Name:

_____ _____
Name: Name:

Subscribed and Sworn before me on this

15th day of January, 2026.

_____
NOTARY PUBLIC

Megan Gabrielle Suber
NOTARY PUBLIC
JACKSON COUNTY, GEORGIA
My Commission Expires 11/16/2029

My Commission Expires:

11/16/2029

ORDINANCE NO. 774

AN ORDINANCE TO ANNEX AND BRING WITHIN THE CORPORATE LIMITS OF THE CITY OF FLOWERY BRANCH, STATE OF GEORGIA, REAL PROPERTY TOTALING 19.398 +/- ACRES OF LAND, OWNED BY CDII PROPERTIES, LLC, IDENTIFIED AS 4651 & 4665 HOG MOUNTAIN ROAD, HALL COUNTY TAX PARCELS 15046 000008B AND 15046 000008 AND AS SHOWN AND DESCRIBED ON ATTACHED EXHIBIT "A", PROVIDING FOR CERTIFICATION AND FILING BY THE CITY CLERK, PROVIDING FOR SEVERABILITY, REPEALING CONFLICTING ORDINANCES, PROVIDING FOR AN EFFECTIVE DATE AND FOR ALL OTHER LAWFUL PURPOSES.

WHEREAS, CDII Properties, LLC owns the subject parcels of land identified as Hall County Tax Parcel Identification No. 15046 000008B and 15046 000008 as shown and described on Exhibit "A"; and

WHEREAS, the City Council of the City of Flowery Branch has considered the application of CDII Properties, LLC and in conjunction with the standards set forth in O.C.G.A. §§ 36-36-1 through 36-36-110, O.C.G.A.§ 36-60-111, and the City of Flowery Branch Community Agenda for annexation into the City's corporate limits; and

WHEREAS, said parcels of land identified as Hall County Tax Parcel Identification No. 15046 000008B and 15046 000008 are within the unincorporated area of Hall County, State of Georgia, and are contiguous to the existing corporate limits of the City of Flowery Branch, Georgia at this time; and

WHEREAS, CDII Properties, LLC has submitted to the City Council of Flowery Branch, Georgia, a written application and affidavit signed by all the owners of the land evidencing their desire to have their property annexed, and whereas a survey and complete description of the subject parcel being considered to be annexed, is included in the application; and

WHEREAS, the City Council held a public hearing at the meeting on February 5th, 2026, duly noticed as prescribed by law and published in the Gainesville Times, regarding said application, as shall be set forth in the minutes of said meeting.

NOW THEREFORE, THE COUNCIL OF THE CITY OF FLOWERY BRANCH HEREBY ORDAINS AS FOLLOWS:

SECTION 1. RECITALS.

All of the foregoing recitals of this Ordinance are incorporated by reference as if fully set forth herein and are made part of this annexation ordinance.

SECTION 2. ANNEXATION.

The City Council of Flowery Branch, Georgia, does hereby annex and include within the

corporate limits of the City of Flowery Branch, Georgia real parcels of land known as Hall County Tax Parcel Identification No. 15046 000008B and 15046 000008 as shown and described on Exhibit "A". Said Exhibit is incorporated by reference as if fully set forth herein.

SECTION 3. CERTIFICATION BY THE CITY CLERK

The City Council of Flowery Branch, Georgia, authorizes and directs the City Clerk of Flowery Branch, Georgia to certify this Ordinance and attached Exhibit and have a certified copy of this Ordinance and its Exhibits filed with the Department of Community Affairs and any other public official or agencies as required by law.

SECTION 4. SEVERABILITY.

Should any section or provision of this Ordinance be declared invalid or unconstitutional by any court of competent jurisdiction, such declaration shall not affect the validity of this Ordinance as a whole or any part thereof which is not specifically declared to be invalid or unconstitutional.

SECTION 5. EFFECTIVE DATE.

The effective date of this Ordinance shall be March 5th, 2026.

SECTION 6. REPEALER.

All ordinances and parts of ordinances in conflict herewith are hereby repealed to the extent of the conflict.

Approved this _____ day of _____, 2026.

_____
Oliver McClellan, Mayor

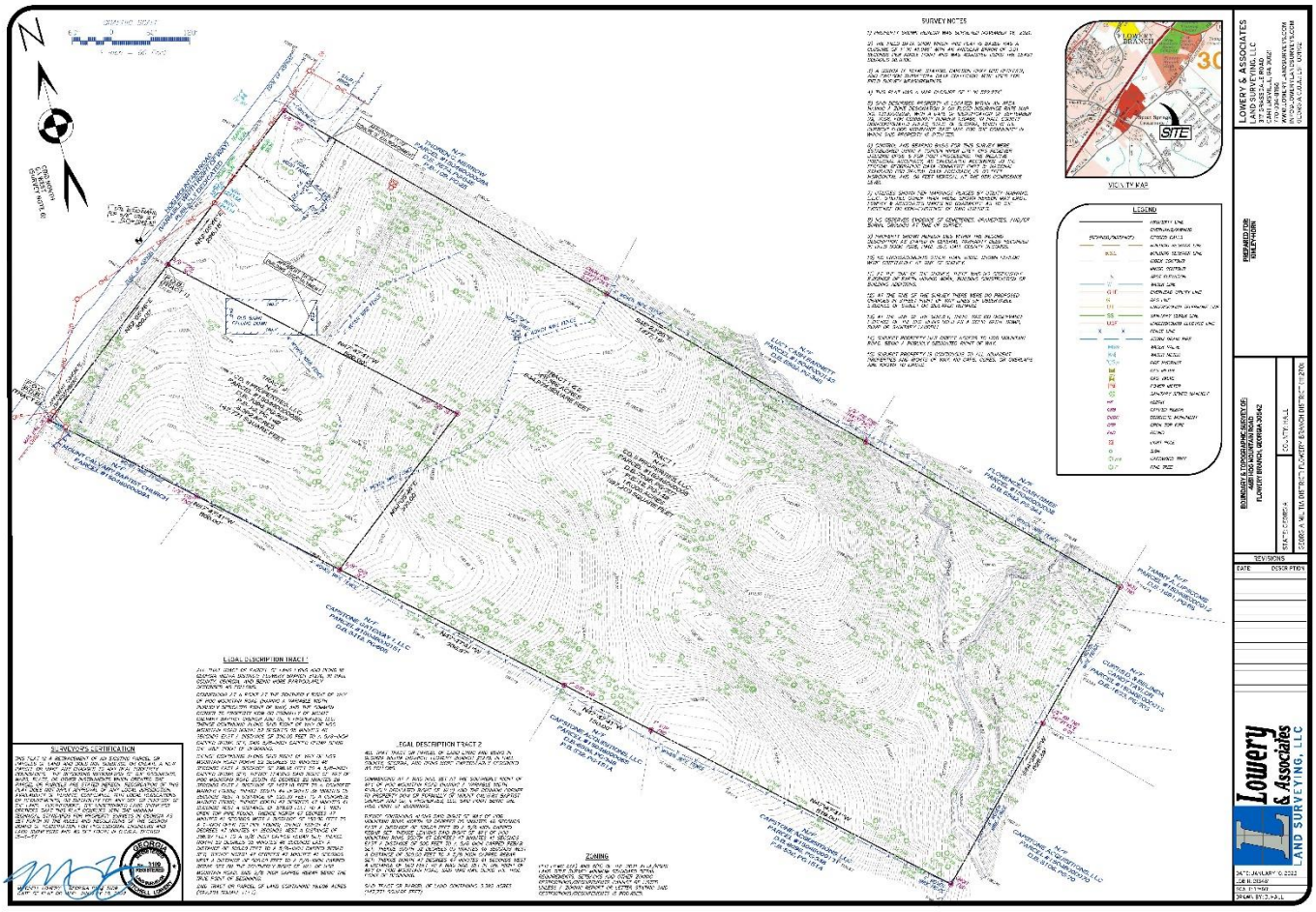
ATTEST

_____
Shelia R. Cooper, City Clerk

APPROVED AS TO FORM

_____
Ted C. Baggett, City Attorney

Exhibit A


SURVEY NOTES
VICINITY MAP
SITE
LEGEND
LEGAL DESCRIPTION TRACT 1
LEGAL DESCRIPTION TRACT 2
SURVEYOR'S CERTIFICATION
ZONING
LOWERY & ASSOCIATES
LAND SURVEYING, LLC
Lowery & Associates
LAND SURVEYING, LLC

LEGAL DESCRIPTION TRACT 1

ALL THAT TRACT OR PARCEL OF LAND LYING AND BEING IN GEORGIA MILITIA DISTRICT: FLOWERY BRANCH #1270, IN HALL COUNTY, GEORGIA, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT A POINT AT THE SOUTHERLY RIGHT OF WAY OF HOG MOUNTAIN ROAD (HAVING A VARIABLE WIDTH, PUBLICLY DEDICATED RIGHT OF WAY) AND THE COMMON CORNER TO PROPERTY NOW OR FORMALLY OF MOUNT CALVARY BAPTIST CHURCH AND CD, II PROPERTIES, LLC; THENCE CONTINUING ALONG SAID RIGHT OF WAY OF HOG MOUNTAIN ROAD NORTH 52 DEGREES 05 MINUTES 46 SECONDS EAST A DISTANCE OF 300.00 FEET TO A 5/8–INCH CAPPED REBAR SET, SAID 5/8–INCH CAPPED REBAR BEING THE TRUE POINT OF BEGINNING.

THENCE CONTINUING ALONG SAID RIGHT OF WAY OF HOG MOUNTAIN ROAD NORTH 52 DEGREES 05 MINUTES 46 SECONDS EAST A DISTANCE OF 296.18 FEET TO A 5/8–INCH CAPPED REBAR SET; THENCE LEAVING SAID RIGHT OF WAY OF HOG MOUNTAIN ROAD SOUTH 45 DEGREES 22 MINUTES 26 SECONDS EAST A DISTANCE OF 1477.18 FEET TO A CONCRETE MARKER FOUND; THENCE SOUTH 44 DEGREES 38 MINUTES 15 SECONDS WEST A DISTANCE OF 525.39 FEET TO A CONCRETE MARKER FOUND; THENCE NORTH 47 DEGREES 47 MINUTES 41 SECONDS WEST A DISTANCE OF 519.00 FEET TO A 1–INCH OPEN TOP PIPE FOUND; THENCE NORTH 47 DEGREES 47 MINUTES 41 SECONDS WEST A DISTANCE OF 150.00 FEET TO A 1–INCH OPEN TOP PIPE FOUND; THENCE NORTH 47 DEGREES 47 MINUTES 41 SECONDS WEST A DISTANCE OF 386.97 FEET TO A 5/8–INCH CAPPED REBAR SET; THENCE NORTH 52 DEGREES 05 MINUTES 46 SECONDS EAST A DISTANCE OF 300.00 FEET TO A 5/8–INCH CAPPED REBAR SET; THENCE NORTH 47 DEGREES 47 MINUTES 41 SECONDS WEST A DISTANCE OF 500.00 FEET TO A 5/8–INCH CAPPED REBAR SET ON THE SOUTHERLY RIGHT OF WAY OF HOG MOUNTAIN ROAD, SAID 5/8–INCH CAPPED REBAR BEING THE TRUE POINT OF BEGINNING.

SAID TRACT OR PARCEL OF LAND CONTAINING 16.006 ACRES (697,203 SQUARE FEET).

LEGAL DESCRIPTION TRACT 2

ALL THAT TRACT OR PARCEL OF LAND LYING AND BEING IN GEORGIA MILITIA DISTRICT: FLOWERY BRANCH #1270, IN HALL COUNTY, GEORGIA, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT A MAG NAIL SET AT THE SOUTHERLY RIGHT OF WAY OF HOG MOUNTAIN ROAD (HAVING A VARIABLE WIDTH, PUBLICLY DEDICATED RIGHT OF WAY) AND THE COMMON CORNER TO PROPERTY NOW OR FORMALLY OF MOUNT CALVARY BAPTIST CHURCH AND CD, II PROPERTIES, LLC, SAID POINT BEING THE TRUE POINT OF BEGINNING.

THENCE CONTINUING ALONG SAID RIGHT OF WAY OF HOG MOUNTAIN ROAD NORTH 52 DEGREES 05 MINUTES 46 SECONDS EAST A DISTANCE OF 300.00 FEET TO A 5/8 INCH CAPPED REBAR SET. THENCE LEAVING SAID RIGHT OF WAY OF HOG MOUNTAIN ROAD SOUTH 47 DEGREES 47 MINUTES 41 SECONDS EAST A DISTANCE OF 500 FEET TO A 5/8 INCH CAPPED REBAR SET; THENCE SOUTH 52 DEGREES 05 MINUTES 46 SECONDS WEST A DISTANCE OF 300.00 FEET TO A 5/8 INCH CAPPED REBAR SET; THENCE NORTH 47 DEGREES 47 MINUTES 41 SECONDS WEST A DISTANCE OF 500 FEET TO A MAG NAIL SET IN THE RIGHT OF WAY OF HOG MOUNTAIN ROAD, SAID MAG NAIL BEING THE TRUE POINT OF BEGINNING.

SAID TRACT OR PARCEL OF LAND CONTAINING 3.392 ACRES (147,771 SQUARE FEET).

Memorandum

To: City of Flowery Branch, City Manager, and City Council

From: Chris McCrary, Planning and Community Development Director

Date: February 5, 2025

Subject: Annexation, Rezoning, and Variances

Applicant: Highpoint Development
1776 Peachtree Street
Atlanta, GA 30309
502-386-7022

Owner: CD II Properties, LLC
P.O. Box 99
Demorest, GA 30535
502-386-7022

Existing Zoning: AR-1 – Agricultural – Residential & R-1 Residential, Unincorporated Hall County.

Location and Size:

4651 Hog Mountain Road; Parcel 15046 000008; 16.0 Acres
4665 Hog Mountain Road; Parcel 15046 000008B; 3.398
Toal Area: 19.398 Acres

Proposed Annexation:

The applicant proposes the annexation of the above-referenced parcels (19.398 Acres) from unincorporated Hall County into the City limits of Flowery Branch.

Proposed Zoning:

The applicant is proposing to rezone the property from AR-1 (Agricultural-Residential) and R-1 (Residential) in unincorporated Hall County to Traditional Neighborhood Development (TND) in the City of Flowery Branch.

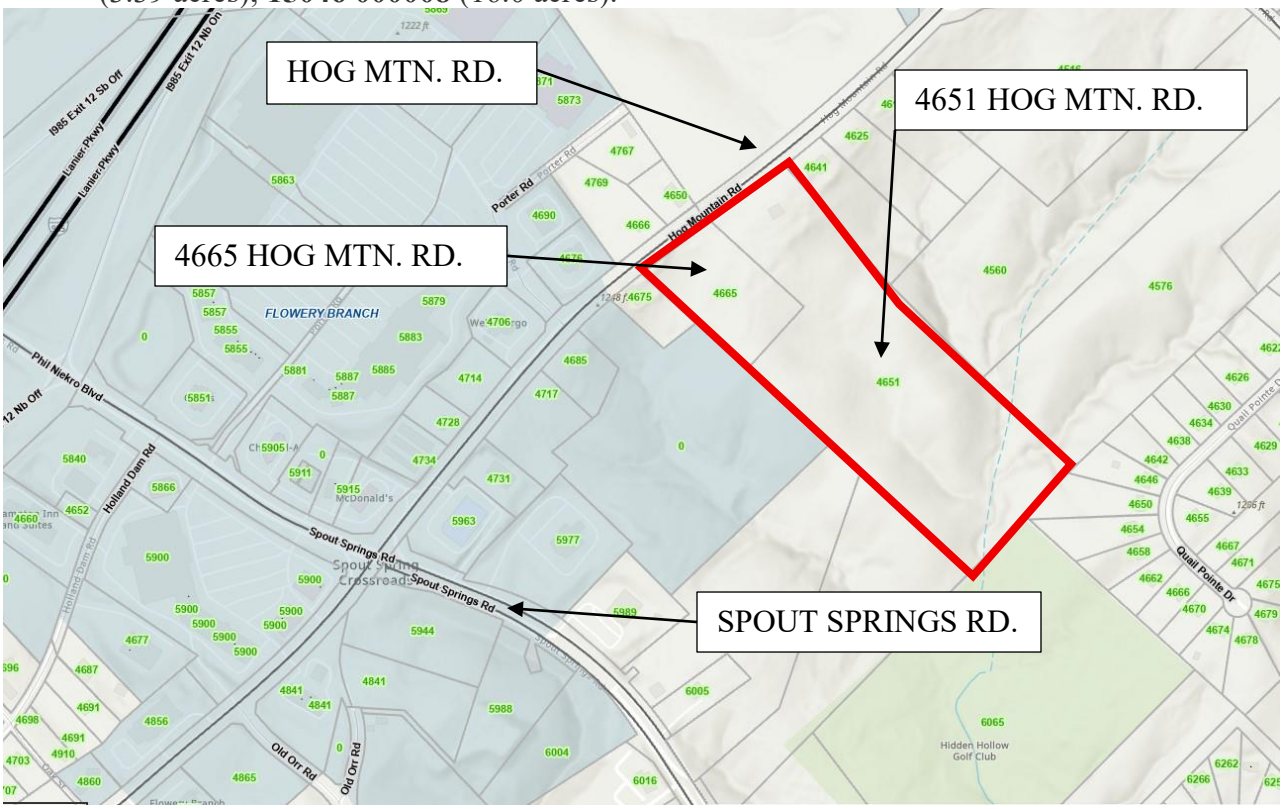
The applicant is proposing single-family detached dwellings with 81 lots. The two parcels are proposed to be rezoned from Hall County AR-1 (Agricultural-Residential) and R-1 (Residential) in unincorporated Hall County to Traditional Neighborhood Development (TND) in the City of Flowery Branch. The applicant is requesting concurrent variances within the TND requirements and dimensional standards.

Concurrent Variances:

1. Variance from **Section 1014, Table 10.1** radius of curvature of the center line from 275' to 48'. The applicant states the hardship for the centerline radius curvature is due to topography. A GIS review of the site confirms the site is an undeveloped wooded site with significant topography. The variance request could be considered for approval with an alternative solution, but no alternative design was provided with the application submittal.
2. Variance **to Sec. 12.6. - Townhouses.** The applicant requested a variance from Sec. 12.6 however, the correct request should reference **Sec 12.7(b)1 – Single-Family Detached Dwellings**, Entrance Features. The porch shall be at least **6 feet deep** (not including steps, if applicable) and **40% of the width of the front façade or 11 feet**, whichever is greater. The applicant is requesting a **reduction** to this section to allow for **4' x 7.5'** covered porch. The applicant can avoid a variance due to the code allowing for stoops if the front façade is fully brick or stone. The applicant's stated hardship is due to "architectural style". The variance application does not demonstrate a hardship peculiar to the property, which is beyond the control of the applicant.
3. Variance **to Sec. 7.4 Tabel 7.2** a reduction to the minimum lot size from 6,700 square feet in the TND zoning category. The application requests a reduction to a minimum lot size of 5,500 square feet. The site plan provided by the applicant lists a total of 81 lots but does not provide individual square footage for each lot and thus, the total number of lots that would be below 6,700 square feet cannot be adequately determined at this time. The applicant did not demonstrate a hardship peculiar to the property, which is beyond the control of the applicant.
4. Variance **to Sec. 1021.c** Residential Street Design with streets more than 360 feet in length shall have at least 25 feet of lateral deviation from a straight course. The applicant seeks to remove the 25-foot deviation from straight course requirements. The applicant's site plan indicated locations for center landscape islands to break up the straight street but did not include consistent drive lane width through bulb-outs which could pose a danger to the motoring public. The variance could be approved if a safe and effective traffic-calming alternative is provided. While many well-engineered traffic calming solutions exist, the one currently proposed does not meet acceptable safety standards.

Location:

- 4665 and 4651 Hog Mountain Road; tax parcel identification numbers **15046 000008B** (3.39 acres); **15046 000008** (16.0 acres).



Architectural Concepts:

The applicant submitted conceptual renderings of the proposed single-family detached architecture. However, without detailed floor plans and a materials list, staff are unable to verify compliance with the City's established architectural treatment and dimensional standards. To facilitate a thorough review, the applicant must provide complete architectural drawings, including architectural material details and floor-plan details, in order to confirm that all requirements are met. A detailed review is done by staff following Article 40 prior to the issuance of permits. The design concepts provided are for illustrative purposes only and were submitted as part of the rezoning case.

All TND zone homes are to have side- or rear- entry garages. The applicant provided architectural examples of front-entry garages. No variance application was submitted for front-entry garages in TND zoning.



ARCHITECTURAL FEATURES:

The achitecture leans toward a mountain bungalow style, with forms and finishes that feel sturdy, familiar, and tied to the landscape. Dark charcoal accents sharpen the earthy palette, while carriage-style garage doors and well-placed sconces add character without slipping into ornament. Matching metal gutters bring a clean outline to the façades, and the porch roof extending across the front-facing garage helps keep everything at a comfortable, human scale. The result is a street presence that feels connected, warm, and intentionally crafted—neighbors, not statements.



COLOR PALETTE:

The three offered schemes—light, mid-tone, and dark—are drawn from the muted, earthy tones of the North Georgia landscape. Each palette reflects the surrounding ridge and creek setting, favoring natural hues: soft mineral whites, weathered wood browns, and deeper charcoal colors that echo stone, soil, and shaded canopy. Together, they provide variation without discord, allowing homes to feel individually tailored yet quietly unified within the broader landscape.









ARCHITECTURAL FEATURES:

Details stay simple and purposeful. Porch brackets and extended overhangs provide clear structure and shade without excess. Gable vents, occasional gable windows, and selectively used shutters add just enough dimension to the façades, keeping each home grounded and consistent without feeling repetitive.

Open Space Analysis:

Pursuant to Article 10 – Development Requirements and Guidelines, Sec. 10.22 – Open Space Requirements, any proposed residential development is required to provide a total minimum of 15% open space, derived from a combination of Civic Space options (10%) and Amenity Space options (5%).
The site data table provided by the applicant lists a total of 21.2% open space with location details shown on the site plan:



Site Data Table	Required	Provided
Acres	-	19.398
Gross Density	-	4.18
Net Density	6	4.29
Exterior Buffer	-	-
Sidewalks	5', One Side	5', Two Side
Parking	2-Enclosed	2-Enclosed
Minimum Lot Area	6,700	5,500
Average Lot Area	-	6,700
Minimum Lot Width	40	40
Minimum Lot Depth	80	106
Minimum Heated Floor Area Per Dwelling Unit (SF)	1,200	2,200
Minimum Front Yard Setback From Lot Line (FT)	-	-
Minimum Side Setback, Interior Lot Line or Corner Lot, All Principle Buildings (FT)	5	5
Minimum Rear Setback, All Principle Buildings (FT)	25	25
Maximum Coverage of Impervious Surface (Percent of Lot)	45%	Less than 45%
Civic Space	10% Minimum	15.1%
Amenity Space	5% Minimum	6.1%

GROSS DENSITY = 81 LOTS / 19.398 AC =	4.18	Lots/AC
NET AREA = GROSS AREA - 50% of STREAM BUFFERS =	18.873	AC
NET DENSITY = 81 LOTS / 18.873 AC =	4.29	Lots/AC

The majority of the open space provided on the site plan is concentrated in the rear of the subdivision and proposes a mixture of hardscaped walking trail areas, mulched trails through the wooded section of the parcel, as well as seating/viewing areas around the detention pond and a communal pavilion and fire pit area. The site plan also shows a pocket park area near the entrance to the subdivision. The current site plan does not contemplate the location of a mail kiosk, which could impact the proposed open space shown on the site plan. While the proposed open space exceeds the minimum required by code, the proposed location for the majority of the open space raises concerns regarding lack of a centralized location and equitable use for all residents.

The applicant provided the following conceptual images of amenity spaces and trail features:



Traffic Impacts, Vehicular Flow, and Entrances/Exits

The Conceptual Site Plan for the proposed development indicates 81 residential single-family detached units.

1. Site Access

- A single entrance is proposed off Hog Mountain Road.
- The entrance must include both a right-turn and left-turn lane in. The exit shall include both a left and right dedicated lane. These turn lanes will help to alleviate congestion during peak demand periods and maintain the flow of through traffic. All roadway designs shall be in accordance with the GDOT Driveway Manual.

2. Sight Distance

- The driveway design must meet the minimum sight-distance requirements specified in the GDOT Driveway Manual. The engineer shall verify that both stopping-sight distance (SSD) and operational-sight distance (OSD) criteria are satisfied under existing field conditions.

3. Utility Coordination

- Any utilities located beneath the proposed deceleration or turn-lane pavement must be relocated outside of the pavement area.
- All costs associated with utility relocation shall be borne by the developer and coordination with the respective utility owners must be completed prior to construction.

4. Traffic Impact Study

- The current Traffic Study by A&R Engineering dated May 7, 2025, was prepared for the initially proposed townhome development using ITE Land Use Category 215 – Single-Family Attached Housing. It needs to be revised for the current proposed development of single-family detached houses by using category 210 for Single-Family Detached Housing which generates significantly more trips per unit.
- The traffic study should also be revised to include the intersection of Spout Springs Road and the entrance to Stonebridge Village.

All design elements shall comply with GDOT standards. Coordination with Hall County DOT, City of Flowery Branch, and affected utility providers should occur early in the design process to avoid delays.

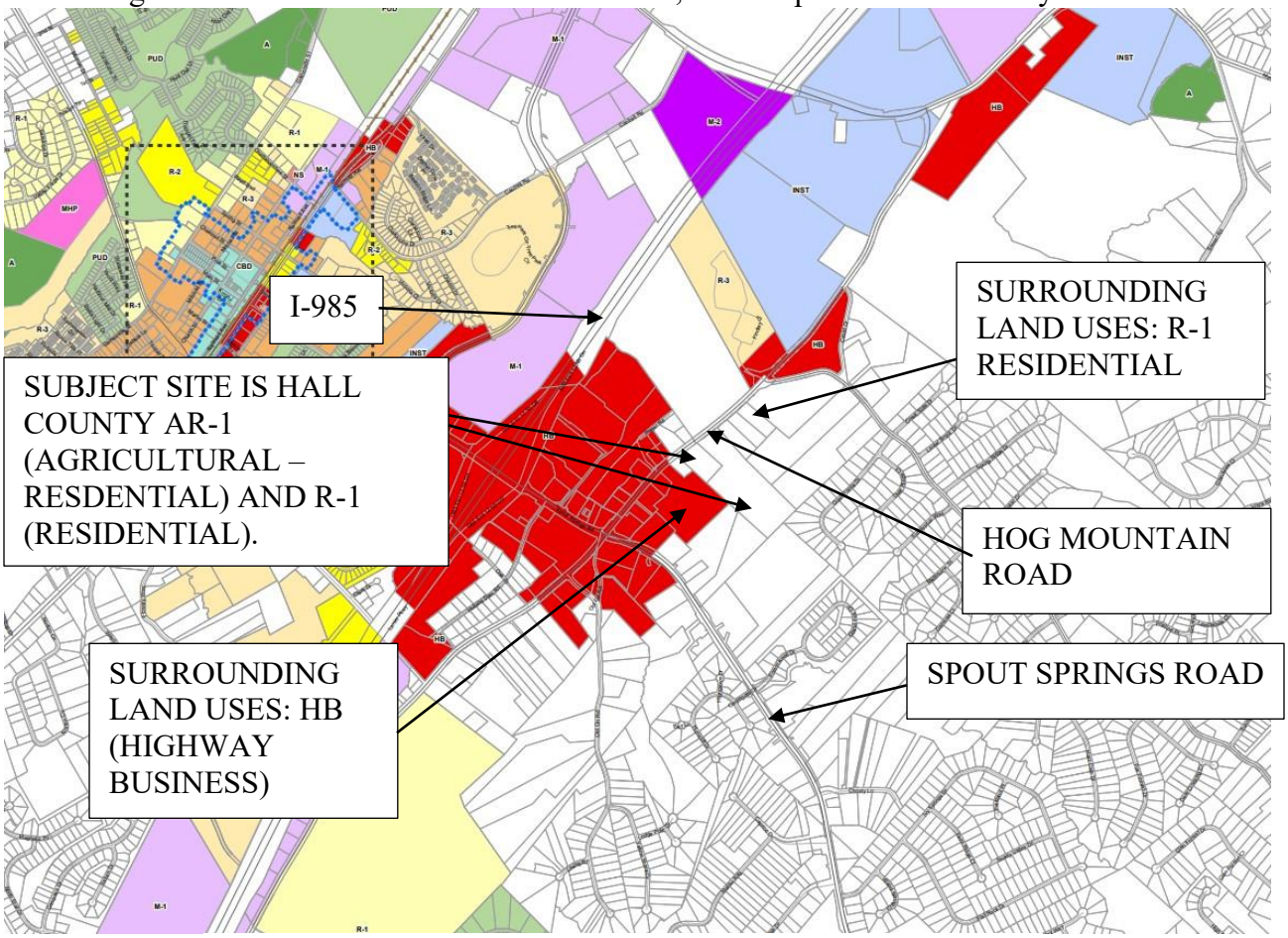
Sewer Design and Capacity Impacts

The proposed development of 81 residential units will generate a peak sanitary sewer demand of **22,275** gallons per day, based on the City's standard rate of 275 gallons per unit. Given the City's current peak capacity of **727,798** gallons per day, bringing these units online would reduce available capacity to approximately **705,523** gallons per day.

Because of the site's topographic constraints, one or more sanitary sewer lift stations will be required; the Engineer of Record must work closely with the Public Utility Department throughout the design process. All pump station plans must comply with Chapter 50 (Utilities), Article II (Standard Specifications), Division 2 (Construction), Subdivision VII (Pump Stations), as well as any additional criteria established by the Public Utilities Director.

Zoning Map:

AR-1 – Agricultural – Residential & R-1 Residential, Unincorporated Hall County.



Legend

Zoning Districts

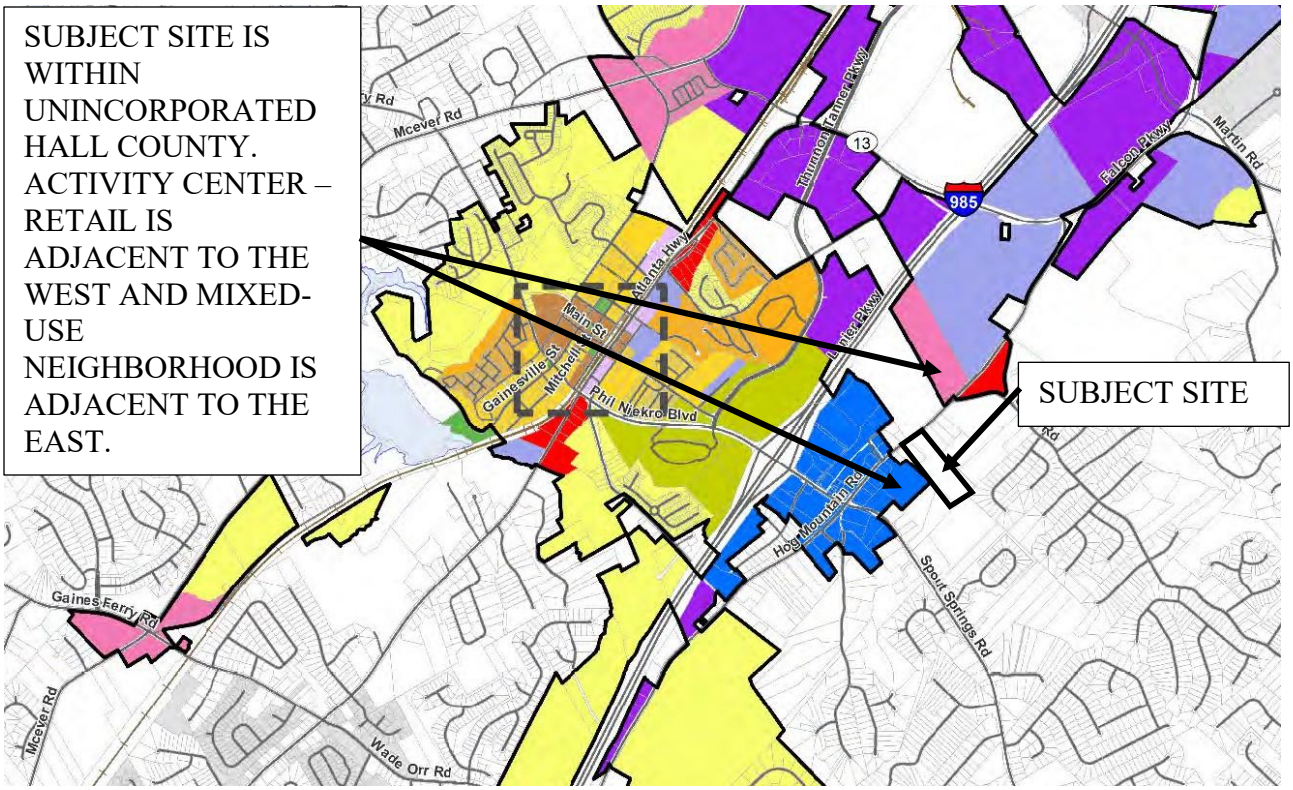
- Residential Low Density (R-1)
- Residential Moderate Density (R-2)
- Residential Multi-family (R-3)
- Traditional Neighborhood Development (TND)
- Planned Unit Development (PUD)
- Manufactured Home Park (MHP)
- Central Business District (CBD)
- Neighborhood Shopping (NS)
- Highway Business (HB)
- Institutional (INST)
- Manufacturing & Industrial, Light (M-1)
- Manufacturing & Industrial, Heavy (M-2)
- Agriculture (A)

Historic Districts

- Local Historic District

Future Development Plan:

SUBJECT SITE IS WITHIN UNINCORPORATED HALL COUNTY. ACTIVITY CENTER – RETAIL IS ADJACENT TO THE WEST AND MIXED-USE NEIGHBORHOOD IS ADJACENT TO THE EAST.



Other City Limits

CHARACTER AREA

- CONSERVATION
- SUBURBAN RESIDENTIAL
- TRADITIONAL NEIGHBORHOOD
- URBAN DENSITY COMMUNITY
- OLD TOWN
- MIXED USE - DOWNTOWN
- MIXED USE - NEIGHBORHOOD
- NEIGHBORHOOD COMMERCIAL
- ACTIVITY CENTER
- ACTIVITY CENTER - RETAIL
- INDUSTRIAL EMPLOYMENT
- INSTITUTIONAL CAMPUS

Site Plan:

The applicant is proposing 81 single-family detached lots on 19.398 acres.



The site is located on Hog Mountain Road north of the intersection with Spout Springs Road. The site is an undeveloped wooded lot with state waters located on the eastern side of the site.

Site Data Table	Required	Provided
Acres	-	19.398
Gross Density	-	4.18
Net Density	6	4.29
Exterior Buffer	-	-
Sidewalks	5', One Side	5', Two Side
Parking	2-Enclosed	2-Enclosed
Minimum Lot Area	6,700	5,500
Average Lot Area	-	6,700
Minimum Lot Width	40	40
Minimum Lot Depth	80	106
Minimum Heated Floor Area Per Dwelling Unit (SF)	1,200	2,200
Minimum Front Yard Setback From Lot Line (FT)	-	-
Minimum Side Setback, Interior Lot Line or Corner Lot, All Principle Buildings (FT)	5	5
Minimum Rear Setback, All Principle Buildings (FT)	25	25
Maximum Coverage of Impervious Surface (Percent of Lot)	45%	Less than 45%
Civic Space	10% Minimum	15.1%
Amenity Space	5% Minimum	6.1%

GROSS DENSITY = 81 LOTS / 19.398 AC =	4.18	Lots/AC
NET AREA = GROSS AREA - 50% of STREAM BUFFERS =	18.873	AC
NET DENSITY = 81 LOTS / 18.873 AC =	4.29	Lots/AC





ARTICLE 2
Section 2.2. Design-Related Definitions.

Density: The number of families, individuals, dwelling units or housing structures per unit of land. Gross density is determined by dividing the number of families, individuals, dwelling units or housing structures by the gross area of the land (i.e. all land within the boundaries of the particular area excluding nothing). Net density is determined by subtracting from the gross area the following conditions identified on the land:

- 50 percent of any land identified as a wetland; and
- 50 percent of any land identified waters of the state including the buffer zones; and
- 50 percent of any land identified as a flood hazard boundary; and
- 50 percent of any land within an electricity transmission easement or right-of-way; and
- 50 percent of any land within a gas transmission easement or right-of-way.

The result of this calculation is the net acreage. The net acreage is divided into the number of units to determine the net density. The applicant provided a net density number but did not provide the areas of the wetlands, state water buffer zones, flood hazard or electric / gas transmission easements or right-of-way.

Sec. 34.7. - Analysis Requirements for Rezoning

Applications to amend the official zoning map shall provide a written analysis comparing the proposed action with the criteria in this Section. A zoning map amendment or conditional use application may be justified only if it bears a reasonable relationship to the public health, safety, morality, or general welfare, and after consideration of the analysis requirements which may in individual cases be considered criteria relevant to the Zoning Administrator in making recommendations and by the City Council in the decision-making process.

a) *Whether the proposal will permit a use that is suitable in view of the use and development of adjacent and nearby property.*
The development of residential single-family detached homes is a suitable use in view of the use and development of adjacent and nearby property.

b) *Whether the proposal will adversely affect the existing use or usability of adjacent or nearby property.*
The proposed use will not adversely affect the existing use or usability of adjacent or nearby property.

c) *Whether the property to be affected by the proposal can be used in accordance with the existing regulations and has reasonable economic use as currently zoned.*
Annexation is necessary to connect the site to Flowery Branch's sanitary sewer system, while rezoning is required to align the site with the city's zoning designations.

d) *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.*
Input from the City's engineer was provided in this staff report.

e) *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 development is directly adjacent to the Activity Center – Retail character area. Mixed Use character area is located adjacent to the northeast on Hog Mountain Road. The proposed residential development would be a transitional zoning from retail to residential.

f) *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 concurrent variances do not demonstrate hardships peculiar to the property which are beyond the applicant's control.

g) *Existing use(s) and zoning of the subject property and nearby properties.*
The proposed development is for detached single-family and no other similar developments are nearby.

h) *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.*
Staff has no information to provide on the value of the subject property.

i) *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.*
Staff has no information to provide on the value of the adjacent property.

j) *The possible creation of an isolated zoning district unrelated to adjacent and nearby districts.*
There are no TND zoning designations in the area. This zoning would create an isolated zoning district.

k) *Possible effects of the change in zoning district map, or change in use, on the character of a zoning district.*
The proposed use is not similar to nearby development.

l) *The possible impact on the environment, including but not limited to, drainage, soil erosion and sedimentation, flooding, air quality and water quality.*
The subsequent LDP will be required to be compliant with all erosion and stormwater regulations.

m) *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 proposed rezoning will have impacts on the purpose of the overall zoning scheme and the purposes of this Zoning Ordinance due to the isolated zoning to TND in this area.

Sec. 37.5. - Criteria for Granting Variances.

Any applicant requesting consideration of a variance to any provision of the zoning ordinance shall provide a written justification that one or more of the following condition(s) exist. The City Council shall not approve a variance application unless it shall have adopted findings that one or more of the following conditions exist:

(a) There are extraordinary and exceptional conditions or practical difficulties pertaining to the particular piece of property in question because of its size, shape or topography that are not applicable to other lands or structures in the same district;

1. Variance Request **Section 1014, Table 10.1** radius of curvature: Topography could be considered a hardship. The variance request could be considered for approval with an alternative solution but was not provided with the application submittal.
2. Variance **Sec 12.7(b)1 – Single-Family Detached Dwellings**. Reduction in minimal porch depth and width: The applicant's stated hardship is due to "architectural style". The variance application does not demonstrate a hardship because of size, shape or topography that is not applicable to other lands or structures in the same district.
3. Variance **to Sec. 7.4 Tabel 7.2** a reduction to the minimum lot size from 6,700 sq.ft. to 5,500 sq.ft. The variance application does not demonstrate a hardship because of size, shape or topography that is not applicable to other lands or structures in the same district.
4. Variance **to Sec. 1021.c** Residential Street Design with streets more than 360 feet in length shall have at least 25 feet of lateral deviation from a straight course: Topography could be considered a hardship. The variance could be approved if a safe and effective traffic-calming alternative is provided. While many well-engineered traffic calming solutions exist, the one currently proposed does not meet acceptable safety standards.

(b) A literal interpretation of the provisions of this ordinance would effectively deprive the applicant of rights commonly enjoyed by other properties of the district in which the property is located;
A literal interpretation of the provisions of this ordinance would not effectively deprive the applicant of rights commonly enjoyed by other properties of the district in which the property is located.

(c) Granting the variance requested will not confer upon the property of the applicant any special privileges that are denied to other properties of the district in which the applicant's property is located;

Each variance request is unique to the proposed development and property. No similar variances were granted or denied similar to the current request on other applicants' property in the district.

(d) The requested variance will be in harmony with the purpose and intent of this ordinance and will not be injurious to the neighborhood or to the general welfare;
Variances 1 and 4 could be considered for approval with alternative design elements.
Variances 2 and 3 will not be in harmony with the purpose and intent of this ordinance due to the lack of hardships peculiar to the property, which is beyond the control of the applicant.

(e) The special circumstances are not the result of the actions of the applicant;
Variances 1 and 4 could be considered for approval with alternative design elements due to the special circumstances that are not the result of the actions of the applicant. However, alternative design elements must be provided for review of the City Engineer.
Variances 2 and 3 do not include special circumstances.

(f) The variance requested is the minimum variance that will make possible the proposed use of the land, building, or structure in the use district proposed; and
Variances 1 and 4 could be considered for approval with alternative design elements showing the variance is the minimum variance that will make possible the proposed use of land, building, or structure in the use district proposed.
Variances 2 and 3 are not the minimum variances that will make possible the proposed use of the land, building, or structure in the use district proposed. The applicant could provide floor plans that meet the requirements of the code and reduce the total number of lots by making every lot a minimum of 6,700 sq.ft.

(g) The variance shall not permit a use of land, buildings or structures, which is not permitted by right in the zoning district or overlay district involved.
With annexation and rezoning to the proper zoning category, residential dwellings would be permitted uses.

Staff Recommendation for Annexation, Rezoning, and Variances

Recommendation:

There are three applications proposed at 4651 and 4665 Hog Mountain Road, parcels **15046 000008B** (3.39 acres); **15046 000008** (16.0 acres). The first consideration for the City Council is the proposed annexation of both parcels. With annexation, the subject site must be rezoned from Hall County AR-1 – Agricultural & Residential - R-1- Residential to a Flowery

Branch zoning category. The applicant is proposing to rezone the property to Traditional Neighborhood Development (TND).

Variance Details:

1. Variance from **Section 1014, Table 10.1** radius of curvature of the center line from 275' to 48'. The applicant states the hardship for the centerline radius curvature is due to topography. A GIS review of the site confirms the site is an undeveloped wooded site with significant topography. The variance request could be considered for approval with an alternative solution.
2. Variance **to Sec. 12.6. - Townhouses.** The applicant requested a variance from Sec. 12.6 however, the correct request should reference **Sec 12.7(b)1 – Single-Family Detached Dwellings**, Entrance Features. The porch shall be at least **6 feet deep** (not including steps, if applicable) and **40% of the width of the front façade or 11 feet**, whichever is greater. The applicant is requesting a **reduction** to this section to allow for **4' x 7.5'** covered porch. The applicant can avoid a variance due to the code allowing for stoops if the front façade is fully brick or stone. The applicant's stated hardship is due to "architectural style". The variance application does not demonstrate a hardship peculiar to the property, which is beyond the control of the applicant.
3. Variance **to Sec. 7.4 Tabel 7.2** a reduction to the minimum lot size from 6,700 square feet in the TND zoning category. The application requests a reduction to a minimum lot size of 5,500 square feet. The site plan provided by the applicant lists a total of 81 lots but does not provide individual square footage for each lot and thus, the total number of lots that would be below 6,700 square feet cannot be adequately determined at this time. The applicant did not demonstrate a hardship peculiar to the property, which is beyond the control of the applicant.
4. Variance **to Sec. 1021.c** Residential Street Design with streets more than 360 feet in length shall have at least 25 feet of lateral deviation from a straight course. The applicant seeks to remove the 25-foot deviation from straight course requirements. The applicant's site plan indicated locations for center landscape islands to break up the straight street but did not include consistent drive lane width through bulb-outs which could pose a danger to the motoring public. The variance could be approved if a safe and effective traffic-calming alternative is provided. While many well-engineered traffic calming solutions exist, the one currently proposed does not meet acceptable safety standards.

Variance Recommendations:

A variance from the Subdivisions Ordinance, Article 10 – Access and Design Requirements for Roads, Sec. 1014 – Road Right-of-Way Widths and Miters, Table 10.1 recommended for approval to reduce radius of curvature of the center line from 275’ to 48’ with a condition that the applicant revise the site plan to show two-way stops in areas that can accommodate to reduce the amount of radii needing a variance. The final alternative design shall be approved by the City Engineer.

A variance from the Zoning Ordinance, Article 12 – Requirements for Specific Residential Principal Buildings and Uses, Sec 12.7(b)1 – Single-Family Detached Dwellings, Entrance Features. The porch is reduced from be 6 feet deep (not including steps, if applicable) and 40% of the width of the front façade or 11 feet, whichever is greater to 4 feet deep and 7.5 feet wide porch is recommended for approval with a condition that the façade of buildings with the porch dimensional reductions shall be have a front façade that is 100% brick or stone. Final elevations shall be approved by the Director of Planning and Community Development Director.

A variance from the Zoning Ordinance, Article 7 – TND, Traditional Neighborhood Development, Sec. 7.4 – Dimensional Requirements, Table 7.2, to reduce minimum lot size from 6,700 to 5,500 square feet is recommended for denial. However, if approval is considered it is recommended that no more than 20% of the total number of lots shall have an area less than 6,700 square feet, and no lot shall have an area less than 5,500 square feet.

A variance from the Zoning Ordinance, Article 10 – Development Requirements and Guidelines, Sec. 10.21(c) – Residential Street Design Requirements, to remove the requirement of all streets more than 360 feet in length shall have at least 25 feet of lateral deviation from a straight course is recommended for approval with a condition that engineering standard traffic calming devices are proposed on a revised site plan. Additionally, each home shall be offset from the front building setback by at least five (5) feet from the neighboring home. The traffic calming devices used, their location and the placement of the homes on each site shall be approved by the City Engineer.

Staff recommends **approval of the Annexation and Rezoning** applications with the conditions provided.

Recommended Conditions of Approval of Annexation and Rezoning:

Please find below the proffered conditions for the proposed rezoning, organized by discipline and drafted to ensure consistency with the submitted concept materials and to protect the public interest:

1. **General Development**
    a. Building Locations and Scope:
    The total number of residential lots within the detached townhome development shall not exceed 81.
    b. Density Measurement:
    Density shall be calculated on a net basis, in accordance with the definition of *Net Density* set forth in Article 2, Section 2.2 (Design-Related Definitions). The applicant is to provide the areas of wetlands, state water buffer zones, flood hazard or electric / gas transmission easements or right-of-way.
    c. Maximum net density shall not exceed 6 units per acre.
2. **Civil Site Engineering**
    a. The final site-grading, stormwater, and utility plans shall be in substantial conformity with the Rezoning Concept Plan, including all delineated amenities, open spaces, and public gathering areas.
    b. No grading, filling, or earthmoving shall occur within the 75-foot impervious setback from state waters without prior approval of the Director of Planning & Community Development; such activities shall be minimized in accordance with Code § 27.6(b).
    c. No residential lot shall contain stream buffers, impervious setbacks or amenity trails.
3. **Building Design**
    a. Exterior elevations shall comply with design requirements in Article 12 of the Flowery Branch Zoning Ordinance.
    b. All buildings shall include a side or rear entry garage per TND standards.
    c. Where brick veneer is shown, only authentic brick or natural stone shall be utilized.
    d. All building facades shall be approved through the Design Review process per Article 40 and shall meet the design requirements in Article 10 and Article 12.
4. **Streets, Sidewalks & Stormwater Facilities**

a. All internal streets and sidewalks shall be public to City design standards and be dedicated at the conclusion of the Final Plat. Stormwater management systems shall remain private and be maintained at the HOA's expense.

5. **Signage, Landscaping & Lighting**
    a. An overall signage program, a detailed landscape plan sealed by a Georgia-registered landscape architect, and a comprehensive site-lighting plan shall be submitted to the Department of Community Development for review and approval.
    b. The landscape plan shall include high-quality treatments for open spaces, trails, pathways, and amenities.
6. **Transportation Improvements**
    a. The developer will prepare and implement a Transportation Improvement Plan to address impacts on Hog Mountain Road. The Transportation Improvement Plan shall be approved by the City Engineer.
    b. The entrance on Hog Mountain Road shall include:
        i. A right-turn deceleration lane, designed per GDOT Driveway Manual Table 4-8 for 45 mph (175 ft full-width storage plus 100 ft taper), constructed at no cost to the City.
        ii. A left-turn lane into the site, built to GDOT Driveway & Encroachment Control Manual standards, also at no cost to the City.
        iii. Exit shall include dedicated lanes for both left and right turns.
        iv. Dedication of all necessary right-of-way for these improvements, conveyed by the developer at no cost.
        v. Relocation of any utilities currently beneath the proposed deceleration lane, at the developer's expense.
    c. Sidewalks shall be located on both sides of the internal streets and along the road frontage of Hog Mountain Road.
7. **Variances**
    a. Approval of the annexation, rezoning and variance applications shall not constitute the granting of any variance from applicable local, state, or federal standards, except as expressly described herein.
    b. A variance from the Subdivisions Ordinance, Article 10 – Access and Design Requirements for Roads, Sec. 1014 – Road Right-of-Way Widths and Miters, Table 10.1 recommended for approval to reduce radius of curvature of the center line from 275' to 48' with a condition that the applicant revise the site plan to show two-way stops in areas that can accommodate to reduce the amount of radii needing a variance. The final alternative design shall be approved by the City Engineer.

c. A variance from article 12 -Requirements for Specific Residential Principal Buildings and Uses, Sec 12.7(b)1 – Single-Family Detached Dwellings, Entrance Features. The porch is reduced from be 6 feet deep (not including steps, if applicable) and 40% of the width of the front façade or 11 feet, whichever is greater to 4 feet deep and 7.5 feet wide porch is recommended for approval with a condition that the façade of buildings with the porch dimensional reductions shall be have a front façade that is 100% brick or stone. Final elevations shall be approved by the Director of Planning and Community Development Director.
d. A variance from the Zoning Ordinance, Article 7 – TND, Traditional Neighborhood Development, Sec. 7.4 – Dimensional Requirements, Table 7.2, to reduce minimum lot size from 6,700 to 5,500 square feet is recommended for approval with a condition that no more than 20% of the total lots shall be less than 6,700 sq. ft. and no lot shall be less than 5,500 sq. ft.
e. A variance from Article 10 – Development Requirements and Guidelines, Sec. 10.21(c) – Residential Street Design Requirements, to remove the requirement of all streets more than 360 feet in length shall have at least 25 feet of lateral deviation from a straight course is recommended for approval with a condition that engineering standard traffic calming devices are proposed on a revised site plan. Additionally, each home shall be offset from the front building setback by at least five (5) feet from the neighboring home. The traffic calming devices used, their location and the placement of the homes on each site shall be approved by the City Engineer.

8. **Public Utilities**
   a. Because of the site's topographic constraints, sanitary sewer lift station(s) are likely required; the Engineer of Record must work closely with the Public Utility Department throughout the design process. All pump station plans must comply with Chapter 50 (Utilities), Article II (Standard Specifications), Division 2 (Construction), Subdivision VII (Pump Stations), as well as any additional criteria established by the Director of Public Utilities.
9. **Open Space**
   a. All Open Space requirements shall meet the minimum requirements of Section 10.22.
   b. The subdivision shall include a conveniently accessible mail kiosk for both motorists and pedestrians.
   c. The mail kiosk area is not included in the open space calculations.
   d. The open space components shall be substantially similar to the examples provided in the application and shown in the staff report.
   e. All walking trail surfaces are to be mulch, compacted crushed rock, or other material approved by the director and be maintained in safe conditions by the HOA.

f. All trails are to maintain a minimum width of 48-inches.
g. A clearly visible sign shall be installed at each point where the amenity trails connect to the public sidewalks, stating that the trail amenity is not designed or constructed to ADA standards.

City of Flowery Branch Community Development Office
5512 Main St
Flowery Branch, GA, 30542
770-967-6378

ANNEXATION COMPLETENESS CHECKLIST

Please review each line item on the Completeness Checklist prior to submitting an application to the City of Flowery Branch. Please initial **each line item** (numerical and alphabetical sub lists) in the initial blocks provided in the left-hand column. Initialed checklist must be included with the completed application and all other required documentation at time of submittal. **All requirements must be provided in digital format via file sharing or on a flash drive.**

Applicant Name: Highpoint Development **Project Name:** The Ridge at Lott Creek

X	1.	Completed annexation application with all signatures and notary stamps present and all fields filled out and in compliance with all requirements. (Article 44, Sec. 44.4) Completed concurrent rezoning application with all signatures and notary stamps present and all fields filled out and in compliance with all requirements. (Article 34, Sec. 34.8)
X	2.	Legal description of property.
X	3.	Current survey of the property.
X	4.	Site plan of the property in accordance with the requirements of the Flowery Branch Code of Ordinances (Article 34, Sec 34.4 & 34.5):
		a) Uses an appropriate engineering scale
		b) Shows proposed use and relevant information regarding proposed improvements
		c) All existing AND proposed buildings and/or structures
		d) Parking and internal circulation
		e) Proposed landscaping
		f) Buffers, where required
		g) Other information as required by the Zoning Administrator
X	5.	Detailed description of the request.
X	6.	Required development statistics (Article 34, Sec 34.6) (separate document):
		a) Maximum and proposed height of any structure
		b) Maximum and proposed gross square footage of the building area (nonresidential only)
		c) Color rendering of any and all proposed structure(s)
		d) Material list (with percentages) of any and all proposed structure(s)
		e) Maximum and proposed number of dwelling units and minimum and proposed square footage of heated floor area for any dwelling unit (residential only)
		f) Maximum and proposed lot coverage of building area (square feet and percent)
		g) Minimum and proposed square footage of landscaped area (square feet and percent)
		h) Minimum, maximum and proposed number of parking spaces

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ANNEXATION COMPLETENESS CHECKLIST

		i) Other dimensional information as may be required by the Zoning Administrator
x JH	7.	Written Analysis Requirements (Article 34, Sec. 34.7) (separate document):
		a) Whether the proposal will permit a use that is suitable in view of the use and development of adjacent and nearby properties.
		b) Whether the proposal will adversely affect the existing use or usability of adjacent or nearby properties.
		c) 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.
		d) 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.
		e) 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.
		f) 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.
		g) 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.
		h) 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.
		i) Whether a proposed zoning map amendment or conditional use approval will be a deterrent to the value or improvement of the development of adjacent property in accordance with existing regulations.
		j) The possible creation of an isolated zoning district unrelated to adjacent and nearby districts.
		k) Possible effects of the change in zoning district map, or change in use, on the character of a zoning district.
		l) The possible impact on the environment, including but not limited to, drainage, soil erosion and sedimentation, flooding, air quality and water quality.

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ANNEXATION COMPLETENESS CHECKLIST

		m) 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.
X JF	8.	Conflict of interest disclosure (in body of application).
X JF	9.	Disclosure of campaign contributions (in body of application).
X JF	10.	Names and addresses of adjoining property owners. (separate document)
X JF	11.	Reasons for requesting annexation/rezoning. (separate document)
X JF	12.	Signed statement authorizing City of Flowery Branch staff and/or City Council to inspect subject property. (separate document)
N/A	13.	Annexations > 100 acres of land require an official request to amend the character area and future land use map designation for the subject property.
X JF	14.	Letter of intent describing the proposed use of the property or other action requested. (separate document)
X JF	15.	Hard copy of application with wet seals & signatures

The undersigned does hereby attest that all requirements in the above checklist have been met and that all required documentation has been provided at the time of submittal. The undersigned acknowledges that any application found to be incomplete upon review will be returned to the applicant for completion.

Name (print): HIGHPOINT DEVELOPMENT JAKE FRENCH

Signature: _____

Date: 12/11/2025

FLOWERY BRANCH
Always Blooming!

ANNEXATION APPLICATION

Date: 12/11/2025

Address of Request:
4651 & 4665 Hog Mountain 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_____

Applicant Information:

Name: Highpoint Development

Address: 1776 Peachtree Street NW, Atlanta, GA 30309

E-mail address: jfrench@hpdev.com

Phone number: 502-386-7022

Signature: _____ Title (if applicable):_____

Print Name: Jake French

Notary Signature: _____

Notary Seal:

HANNAH HURLEY
Notary Public - State of Georgia
Gwinnett County
My Commission Expires Mar 14, 2028

FLOWERY BRANCH

Property owner information (if different than the applicant)

Property owner (please print): CD II Properties, LLC

Address: P.O. Box 99, Demorest, GA 30535

E-mail address: _____

Phone number: _____

Signature: _____

Notary Seal: _____

HANNAH HURLEY
Notary Public - State of Georgia
Gwinnett County
My Commission Expires Mar 14, 2028

Property Information

Tax Map Number: 15406 000008 & 15046 000008B

Current Zoning: R-1 & AR-1 (Hall County) Total Acres: 19.398

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

Proposed City of Flowery Branch Zoning: TND

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.

FLOWERY BRANCH

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

None to the best of our knowledge

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

None to the best of our knowldedge

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

None to the best of our knowledge

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
NONE	

FLOWERY BRANCH
Always Blooming!

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
_____	_____
_____	_____

CITY STAFF ONLY

Application Received By: _____

Date: _____ Total Fee: _____

City of Flowery Branch Community Development Office
5512 Main St
Flowery Branch, GA, 30542
770-967-6378

ANNEXATION/REZONING COMPLETENESS CHECKLIST

Please review each line item on the Completeness Checklist prior to submitting an application to the City of Flowery Branch. Please initial **each line item** (numerical and alphabetical sub lists) in the initial blocks provided in the left-hand column. Initialed checklist must be included with the completed application and all other required documentation at time of submittal. **All requirements must be provided in hard copy form and digital form on a flash drive.**

Applicant Name: Highpoint Development **Project Name:** The Ridge at Lott Creek

X GT	1.	Completed annexation application with all signatures and notary stamps present and all fields filled out and in compliance with all requirements. (Article 44, Sec. 44.4) Completed concurrent rezoning application with all signatures and notary stamps present and all fields filled out and in compliance with all requirements. (Article 34, Sec. 34.8)
X GT	2.	Legal description of property.
X GT	3.	Current survey of the property.
X GT	4.	Site plan of the property in accordance with the requirements of the Flowery Branch Code of Ordinances (Article 34, Sec 34.4 & 34.5):
		a) Uses an appropriate engineering scale
		b) Shows proposed use and relevant information regarding proposed improvements
		c) All existing AND proposed buildings and/or structures
		d) Parking and internal circulation
		e) Proposed landscaping
		f) Buffers, where required
		g) Other information as required by the Zoning Administrator
X GT	5.	Detailed description of the request.
X GT	6.	Required development statistics (Article 34, Sec 34.6) (separate document):
		a) Maximum and proposed height of any structure
		b) Maximum and proposed gross square footage of the building area (nonresidential only)
		c) Color rendering of any and all proposed structure(s)
		d) Material list (with percentages) of any and all proposed structure(s)
		e) Maximum and proposed number of dwelling units and minimum and proposed square footage of heated floor area for any dwelling unit (residential only)
		f) Maximum and proposed lot coverage of building area (square feet and percent)
		g) Minimum and proposed square footage of landscaped area (square feet and percent)
		h) Minimum, maximum and proposed number of parking spaces

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ANNEXATION/REZONING COMPLETENESS CHECKLIST

		i) Other dimensional information as may be required by the Zoning Administrator
x JH	7.	Written Analysis Requirements (Article 34, Sec. 34.7) (separate document):
		a) Whether the proposal will permit a use that is suitable in view of the use and development of adjacent and nearby properties.
		b) Whether the proposal will adversely affect the existing use or usability of adjacent or nearby properties.
		c) 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.
		d) 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.
		e) 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.
		f) 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.
		g) 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.
		h) 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.
		i) Whether a proposed zoning map amendment or conditional use approval will be a deterrent to the value or improvement of the development of adjacent property in accordance with existing regulations.
		j) The possible creation of an isolated zoning district unrelated to adjacent and nearby districts.
		k) Possible effects of the change in zoning district map, or change in use, on the character of a zoning district.
		l) The possible impact on the environment, including but not limited to, drainage, soil erosion and sedimentation, flooding, air quality and water quality.

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ANNEXATION/REZONING COMPLETENESS CHECKLIST

		m) 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.
X JT	8.	Conflict of interest disclosure (in body of application).
X JT	9.	Disclosure of campaign contributions (in body of application).
X JT	10.	Names and addresses of adjoining property owners. (separate document)
X JT	11.	Reasons for requesting annexation/rezoning. (separate document)
X JT	12.	Signed statement authorizing City of Flowery Branch staff and/or City Council to inspect subject property. (separate document)
N/A	13.	Annexations > 100 acres of land require an official request to amend the character area and future land use map designation for the subject property.
X JT	14.	Letter of intent describing the proposed use of the property or other action requested. (separate document)

The undersigned does hereby attest that all requirements in the above checklist have been met and that all required documentation has been provided at the time of submittal. The undersigned acknowledges that any application found to be incomplete upon review will be returned to the applicant for completion.

Name (print): HIGHPOINT DEVELOPMENT JAKE FRENCH

Signature: [signature]

Date: 12/11/2025

FLOWERY BRANCH
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REZONING APPLICATION

Date: 12/11/2025

Address of Request:

4651 & 4665 Hog Mountain Road, Flowery Branch GA 30542

Tax Map # 15046 000008 & 15046 000008B Current Zoning: R-1 & AR-1

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: Highpoint Development

Address: 1776 Peachtree Street NW. Suite 250, Atlanta, GA, 30309

E-mail address: jfrench@hpdev.com

Phone number: 502-386-7022

Signature: _____ Title (if applicable): _____

Print Name: Jake French

Notary Signature: _____

Notary Seal:

HANNAH HURLEY
Notary Public - State of Georgia
Gwinnett County
My Commission Expires Mar 14, 2028

FLOWERY BRANCH

Property owner information (if different than the applicant)

Property owner (please print): CD II Properties, LLC

Address: P.O. Box 99, Demorest, GA 30535

E-mail address: _____

Phone number: _____

Signature: _____

Notary Seal: _____

HANNAH HURLEY
Notary Public - State of Georgia
Gwinnett County
My Commission Expires Mar 14, 2028

Property Information

Tax Map Number: 15406 000008 & 15046 000008B

Current Zoning: R-1 & AR-1 (Hall County) Total Acres: 19.398

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

Proposed City of Flowery Branch Zoning: TND

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.

FLOWERY BRANCH

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

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None to the best of our knowledge

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

None to the best of our knowldedge

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

None to the best of our knowledge

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Elected Officials Name	Amount of Description of Gift
NONE	

FLOWERY BRANCH

CITY STAFF ONLY

Application Received By: _____

Date: _____ Total Fee: _____

City of Flowery Branch Community Development Office
5512 Main St
Flowery Branch, GA, 30542
770-967-6378

VARIANCE COMPLETENESS CHECKLIST

Please review each line item on the Completeness Checklist prior to submitting an application to the City of Flowery Branch. Please initial **each line item** (numerical and alphabetical sub lists) in the initial blocks provided in the left-hand column. Initialed checklist must be included with the completed application and all other required documentation at time of submittal. **All requirements must be provided in hard copy form and digital form on a flash drive.**

Applicant Name: Highpoint Development **Project Name:** The Ridge at Lott Creek

JT	1.	Completed application with all signatures and notary seals present and all fields filled out and all supplementary requirements and documents attached. (Article 37, Sec. 37.3)
JT	2.	Legal description of the property. (separate document)
JT	3.	Current survey of property sealed by a Georgia registered land surveyor. (separate document)
JT	4.	Letter of intent describing the proposed use of the property or other action requested. (separate document)
JT	5.	Site plan of the property at an appropriate engineering scale which shows: (Sec. 37.4) (separate document)
		a) Existing and proposed buildings and structures,
		b) Relevant information regarding proposed improvements,
		c) Other information as required by Zoning Administrator.
JT	6.	Detailed description of the request. (in body of application but can be attached as separate document)
JT	7.	Statistics regarding the proposed project or development. (separate document)
JT	8.	Written analysis of how the proposed action compares to decision criteria specified for deciding on the subject type of application. (separate document)
JT	9.	Description of any special conditions voluntarily made a part of the request.
JT	10.	Conflict of interest disclosure. (in body of application)
JT	11.	Disclosure of campaign contributions. (in body of application)
JT	12.	Narrative demonstrating that criteria for granting variances has been met: (Article 37, Sec. 37.5) (separate document)
		a) There are extraordinary and exceptional conditions or practical difficulties pertaining to the particular piece of property in question because of its size, shape, or topography that are not applicable to other lands or structures in the same district;
		b) A literal interpretation of the provisions of this ordinance would effectively deprive the applicant of rights commonly enjoyed by other properties of the district in which the property is located;

City of Flowery Branch Community Development Office
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VARIANCE COMPLETENESS CHECKLIST

		c) Granting the variance requested will not confer upon the property of the applicant any special privileges that are denied to other properties of the district in which the applicant's property is located;
		d) The requested variance will be in harmony with the purpose and intent of this ordinance and will not be injurious to the neighborhood of to the general welfare;
		e) The special circumstances are not the result of the actions of the applicant;
		f) The variance requested is the minimum variance that will make possible the proposed use of the land, building, or structure in the use district proposed; and
		g) The variance shall not permit a use of land, buildings, or structures which is not permitted by right in the zoning district or overlay district involved.

The undersigned does hereby attest that all requirements in the above checklist have been met and that all required documentation has been provided at the time of submittal. The undersigned acknowledges that any application found to be incomplete upon review will be returned to the applicant for completion.

Name (print): HIGHPOINT DEVELOPMENT JAKE FRENCH

Signature:

Date: 12/11/25

FLOWERY BRANCH
Always Blooming!

VARIANCE APPLICATION

Address of Request:
4651 & 4665 Hog Mountain Road, Flowery Branch, GA 30542

Type of Variance Requested

Complete requirements for variances can be found in the Flowery Branch Code of Ordinances; Appendix C, "Zoning Ordinance", Article 37;

Please verify all the requirements of the Flowery Branch Code of Ordinances; Appendix C, "Zoning Ordinance", Article 37, section 37.5 are being met. Explain below:

1. Variance from SECTION 1014 ROW Table 10.1 Radius of curvature of the center line, minimum (feet) Local Street for a reduced radius
2. Variance from SECTION 10.21.c Residential Street Design Requirements to remove 25ft deviation from straight course requirements
3. Variance from Section 7.4 Dimensional Requirements Table 7.2 Minimum lot size requirements
4. Variance from Section 12.6.p.1 to reduce the width & length of the usable covered porch

Applicant: Highpoint Development

Address: 1776 Peachtree Street NW. Suite 250, Atlanta, GA 30309

E-mail address: jfrench@hpdev.com

Phone number: 502-386-7022

Signature:

Notary Seal:

HANNAH HURLEY
Notary Public - State of Georgia
Gwinnett County
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FLOWERY BRANCH

Property owner information (if different than the applicant)

Property owner (please print): CD II Properties, LLC

Address: P.O. Box 99, Demorest, GA 30535

E-mail address: _____

Phone number: _____

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Notary Seal:

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Property Information

Tax Map Number: 15406 000008 & 15046 000008B

Current Zoning: R-1 & AR-1 (Hall County) Total Acres: 19.398

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

Proposed City of Flowery Branch Zoning: TND

Current Use: Vacant

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FLOWERY BRANCH

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

None to the best of our knowledge

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

None to the best of our knowldedge

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

None to the best of our knowledge

Disclosure of Campaign Contributions

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Elected Officials Name	Amount of Description of Gift
NONE	

Criteria for Granting Variances

1. There are extraordinary and exceptional conditions or practical difficulties pertaining to the particular piece of property in question because of its size, shape, or topography that are not applicable to other lands or structures in the same district;

- Minimum road radius variance is related to the topography of the property and the dimensional restrictions with narrow width across. We will need a variance to a minimum radius of 48' in order to have a viable travel way for residents.
- Streets deviation variance is related to the topography of the site and the width constraints. We understand the concern with line of sight, so we plan to provide varying offsets for homes, different use of materials to break line of sight, and small landscape islands in the road center to provide speed reduction and break in view.
- Minimum lot size is related to the topography of the site and the width constraints. We plan to provide an average lot size of 6,700sf. The minimum lot size will be 5,500sf with only 30% of lots conforming to the minimum lot size.
- The porch size variance is related to achieving an architectural style that relates to the front-loaded garages given the topography and width constraints. We will propose an extending the roof overhang above the garage to extend across to the porch to give the feel of an extended porch. We will also utilize design code relief in Section 12.7 to allow for stoops so that we can use different materials to create architectural relief and provide a truly unique community.

2. A literal interpretation of the provisions of this ordinance would effectively deprive the applicant of rights commonly enjoyed by other properties of the district in which the property is located;

- Similar minimum road radius exists within other single-family communities within the City.
- Similar streets extend longer than 360' without deviation within the City.
- Similar lot sizes exist within other single-family communities within the City.
- Similar porch sizes exist within other single-family communities within the City.

3. Granting the variance requested will not confer upon the property of the applicant any special privileges that are denied to other properties of the district in which the applicant's property is located;

- Based on other existing single-family communities and existing travel ways within the City, it would not appear that these variances would be considered as a special privilege.

4. The requested variance will be in harmony with the purpose and intent of this ordinance and will not be injurious to the neighborhood or to the general welfare;

- The variances will primarily be visible to those living within the community and therefore should not have any injurious impact on others.

5. The special circumstances are not the result of the actions of the applicant;

- The circumstances are requested for the specific product architecture and site plan layout necessary for the community's success due to the extreme constraints of the land.

6. The variance requested is the minimum variance that will make possible the proposed use of the land, building, or structure in the use district proposed; and

- These requests have been studied extensively for over a year and have been minimized to the least impactful magnitude achievable.

7. The variance shall not permit a use of land, buildings, or structures which is not permitted by right in the zoning district or overlay district involved.

- The variances have been noted in other single-family communities and/or existing travel ways within the City and do not convey uses that are not permitted currently.

8. The variances requested do not change the use of the property or the function of any buildings or structures.

- Nothing in the requested variances will impact the use of the property or the function of the single-family community.

December 11, 2025

TO: City of Flowery Branch Community Development Office
FROM: Highpoint Development, Jake French (Applicant)
DATE: December 11, 2025
SUBJECT: 4651 & 4665 Hog Mountain Road Annexation and Rezoning Application

Applicant hereby grants permission to City of Flowery Branch Elected Officials and Staff to enter and inspect property as needed for the purpose of reviewing the request referenced above.

Jake French
Development Lead

LEGAL DESCRIPTION

All that tract or parcel of land lying and being in Georgia Militia District: Flowery Branch #1270, in Hall County, Georgia, and being more particularly described as follows:

Commencing at a mag nail set at the Southerly right of way of Hog Mountain Road (having a variable width, publicly dedicated right of way) and the common corner to property now or formally of Mount Calvary Baptist Church and CD, ii Properties, LLC, said point being the TRUE POINT OF BEGINNING.

Thence continuing along said right of way of Hog Mountain Road the following courses and distances: North 52 degrees 05 minutes 46 seconds East a distance of 300.00 feet to a 5/8 inch capped rebar set; North 52 degrees 05 minutes 46 seconds East a distance of 296.18 feet to a 5/8-inch capped rebar set; Thence leaving said right of way of Hog Mountain Road South 45 degrees 22 minutes 26 seconds East a distance of 1477.18 feet to a concrete marker found; Thence South 44 degrees 38 minutes 15 seconds West a distance of 525.39 feet to a concrete marker found; Thence North 47 degrees 47 minutes 41 seconds West a distance of 519.00 feet to a 1-inch open top pipe found; Thence North 47 degrees 47 minutes 41 seconds West a distance of 150.00 feet to a 1-invh open top pipe found; Thence North 47 degrees 47 minutes 41 seconds West a distance of 386.97 feet to a 5/8-inch capped rebar set; Thence North 47 degrees 47 minutes 41 seconds West a distance of 500.00 feet to a mag nail set at the Southerly right of way of Hog Mountain Road, said mag nail being the TRUE POINT OF BEGINNING.

Said tract or parcel of land containing 19.398 acres (844,974 square feet).



SURVEYOR'S CERTIFICATION

THIS PLAT IS A RETRACEMENT OF AN EXISTING PARCEL OR PARCELS OF LAND AND DOES NOT SUBDIVIDE OR CREATE A NEW PARCEL OR MAKE ANY CHANGES TO ANY REAL PROPERTY BOUNDARIES. THE RECORDING INFORMATION OF THE DOCUMENTS, MAPS, PLATS, OR OTHER INSTRUMENTS WHICH CREATED THE PARCEL OR PARCELS ARE STATED HEREON. RECORDATION OF THIS PLAT DOES NOT IMPLY APPROVAL OF ANY LOCAL JURISDICTION. AVAILABILITY OF PERMITS, COMPLIANCE WITH LOCAL REGULATIONS OR REQUIREMENTS, OR SUITABILITY FOR ANY USE OR PURPOSE OF THE LAND. FURTHERMORE, THE UNDERSIGNED LAND SURVEYOR CERTIFIES THAT THIS PLAT COMPLIES WITH THE MINIMUM TECHNICAL STANDARDS FOR PROPERTY SURVEYS IN GEORGIA AS SET FORTH IN THE RULES AND REGULATIONS OF THE GEORGIA BOARD OF REGISTRATION FOR PROFESSIONAL ENGINEERS AND LAND SURVEYORS AND AS SET FORTH IN O.C.G.A. SECTION 15-6-67.

GEORGIA REGISTERED No. 3109 REGISTERED LAND SURVEYOR MITCHELL LOWERY

MITCHELL LOWERY GEORGIA R.L.# 3109
DATE OF PLAT OR MAP: JANUARY 10, 2022

LEGAL DESCRIPTION TRACT 1

ALL THAT TRACT OR PARCEL OF LAND LYING AND BEING IN GEORGIA MILITIA DISTRICT: FLOWERY BRANCH #1270, IN HALL COUNTY, GEORGIA, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT A POINT AT THE SOUTHERLY RIGHT OF WAY OF HOG MOUNTAIN ROAD (HAVING A VARIABLE WIDTH, PUBLICLY DEDICATED RIGHT OF WAY) AND THE COMMON CORNER OF HOG MOUNTAIN ROAD AND PROPERTY NOW OR FORMALLY OF MOUNT CALVARY BAPTIST CHURCH AND CD. II PROPERTIES, LLC; PUBLICLY DEDICATED RIGHT OF WAY OF HOG MOUNTAIN ROAD; THENCE ALONG SAID RIGHT OF WAY OF HOG MOUNTAIN ROAD NORTH 52 DEGREES 05 MINUTES 46 SECONDS EAST A DISTANCE OF 296.18 FEET TO A 5/8-INCH CAPPED REBAR SET; THENCE LEAVING SAID RIGHT OF WAY OF HOG MOUNTAIN ROAD SOUTH 45 DEGREES 22 MINUTES 26 SECONDS EAST A DISTANCE OF 147.18 FEET TO A CONCRETE MARKER FOUND; THENCE SOUTH 44 DEGREES 38 MINUTES 15 SECONDS WEST A DISTANCE OF 525.39 FEET TO A CONCRETE MARKER FOUND; THENCE NORTH 47 DEGREES 47 MINUTES 41 SECONDS WEST A DISTANCE OF 519.00 FEET TO A 1-INCH OPEN TOP PIPE FOUND; THENCE NORTH 47 DEGREES 47 MINUTES 41 SECONDS WEST A DISTANCE OF 150.00 FEET TO A 5/8-INCH CAPPED REBAR SET; THENCE NORTH 47 DEGREES 47 MINUTES 41 SECONDS WEST A DISTANCE OF 386.97 FEET TO A 5/8-INCH CAPPED REBAR SET; THENCE NORTH 52 DEGREES 05 MINUTES 46 SECONDS EAST A DISTANCE OF 300.00 FEET TO A 5/8-INCH CAPPED REBAR SET; THENCE NORTH 47 DEGREES 47 MINUTES 41 SECONDS WEST A DISTANCE OF 500.00 FEET TO A 5/8-INCH CAPPED REBAR SET; THENCE NORTH 52 DEGREES 05 MINUTES 46 SECONDS EAST A DISTANCE OF 300.00 FEET TO A 5/8-INCH CAPPED REBAR SET; SAID 5/8-INCH CAPPED REBAR BEING THE TRUE POINT OF BEGINNING.

SAID TRACT OR PARCEL OF LAND CONTAINING 16.006 ACRES (697,203 SQUARE FEET).

LEGAL DESCRIPTION TRACT 2

ALL THAT TRACT OR PARCEL OF LAND LYING AND BEING IN GEORGIA MILITIA DISTRICT: FLOWERY BRANCH #1270, IN HALL COUNTY, GEORGIA, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT A MAG NAIL SET AT THE SOUTHERLY RIGHT OF WAY OF HOG MOUNTAIN ROAD (HAVING A VARIABLE WIDTH, PUBLICLY DEDICATED RIGHT OF WAY) AND THE COMMON CORNER TO PROPERTY NOW OR FORMALLY OF MOUNT CALVARY BAPTIST CHURCH AND CD. II PROPERTIES, LLC; SAID POINT BEING THE TRUE POINT OF BEGINNING.

THENCE CONTINUING ALONG SAID RIGHT OF WAY OF HOG MOUNTAIN ROAD NORTH 52 DEGREES 05 MINUTES 46 SECONDS EAST A DISTANCE OF 300.00 FEET TO A 5/8 INCH CAPPED REBAR SET; THENCE LEAVING SAID RIGHT OF WAY OF HOG MOUNTAIN ROAD SOUTH 47 DEGREES 47 MINUTES 41 SECONDS EAST A DISTANCE OF 500 FEET TO A 5/8 INCH CAPPED REBAR SET; THENCE SOUTH 52 DEGREES 05 MINUTES 46 SECONDS WEST A DISTANCE OF 300.00 FEET TO A 5/8 INCH CAPPED REBAR SET; THENCE NORTH 47 DEGREES 47 MINUTES 41 SECONDS WEST A DISTANCE OF 500 FEET TO A MAG NAIL SET IN THE RIGHT OF WAY OF HOG MOUNTAIN ROAD, SAID MAG NAIL BEING THE TRUE POINT OF BEGINNING.

SAID TRACT OR PARCEL OF LAND CONTAINING 3.392 ACRES (147,771 SQUARE FEET).

ZONING

PER ITEMS 6(A) AND 6(B) OF THE 2021 ALTA/NSPS LAND TITLE SURVEY MINIMUM STANDARD DETAIL REQUIREMENTS, SETBACKS AND OTHER ZONING RESTRICTIONS/REQUIREMENTS CANNOT BE LISTED UNLESS A ZONING REPORT OR LETTER STATING SAID RESTRICTIONS/REQUIREMENTS IS PROVIDED.

SURVEY NOTES

1) PROPERTY SHOWN HEREON WAS SURVEYED NOVEMBER 16, 2021.

2) THE FIELD DATA UPON WHICH THIS PLAT IS BASED HAS A CLOSURE OF 1' IN 41,946' WITH AN ANGULAR ERROR OF 3.21 SECONDS PER ANGLE POINT AND WAS ADJUSTED USING THE LEAST SQUARES METHOD.

3) A SOKKIA IX TOTAL STATION, CARLSON BRX7 GPS RECEIVER, AND CARLSON SURVEYOR+ DATA COLLECTOR WERE USED FOR FIELD SURVEY MEASUREMENTS.

4) THIS PLAT HAS A MAP CLOSURE OF 1' IN 522,274'.

5) SAID DESCRIBED PROPERTY IS LOCATED WITHIN AN AREA HAVING A ZONE DESIGNATION 'X' ON FLOOD INSURANCE RATE MAP NO. 13139C0292F, WITH A DATE OF IDENTIFICATION OF SEPTEMBER 29, 2006, FOR COMMUNITY NUMBER 130466, IN HALL COUNTY UNINCORPORATED AREAS, STATE OF GEORGIA, WHICH IS THE CURRENT FLOOD INSURANCE RATE MAP FOR THE COMMUNITY IN WHICH SAID PROPERTY IS SITUATED.

6) CONTROL AND BEARING BASIS FOR THIS SURVEY WERE ESTABLISHED USING A TOPCON HIPER LITE+ GPS RECEIVER UTILIZING OPUS-S FOR POST PROCESSING. THE RELATIVE POSITIONAL ACCURACY, AS CALCULATED ACCORDING TO THE FEDERAL GEOGRAPHIC DATA COMMITTEE PART 3: NATIONAL STANDARD FOR SPATIAL DATA ACCURACY, IS .03 FEET HORIZONTAL AND .06 FEET VERTICAL AT THE 95% CONFIDENCE LEVEL.

7) UTILITIES SHOWN PER MARKINGS PLACED BY UTILITY-MARKING, L.L.C. UTILITIES OTHER THAN THOSE SHOWN HEREON MAY EXIST. LOWERY & ASSOCIATES MAKES NO GUARANTEE AS TO THE EXISTENCE OR NON-EXISTENCE OF SAID UTILITIES.

8) NO OBSERVED EVIDENCE OF CEMETERIES, GRAVESITES, AND/OR BURIAL GROUNDS AT TIME OF SURVEY.

9) PROPERTY SHOWN HEREON LIES WITHIN THE RECORD DESCRIPTION AS STATED IN GENERAL WARRANTY DEED RECORDED IN DEED BOOK 7096, PAGE 307, HALL COUNTY RECORDS.

10) NO ENCROACHMENTS OTHER THAN THOSE SHOWN HEREON WERE OBSERVABLE AT TIME OF SURVEY.

11) AT THE TIME OF THE SURVEY, THERE WAS NO OBSERVABLE EVIDENCE OF EARTH MOVING WORK, BUILDING CONSTRUCTION OR BUILDING ADDITIONS.

12) AT THE TIME OF THE SURVEY, THERE WERE NO PROPOSED CHANGES IN STREET RIGHT OF WAY LINES OR OBSERVABLE EVIDENCE OF STREET OR SIDEWALK REPAIRS.

13) AT THE TIME OF THE SURVEY, THERE WAS NO OBSERVABLE EVIDENCE OF THE SITE BEING USED AS A SOLID WASTE DUMP, SUMP OR SANITARY LANDFILL.

14) SUBJECT PROPERTY HAS DIRECT ACCESS TO HOG MOUNTAIN ROAD, BEING A PUBLICLY DEDICATED RIGHT OF WAY.

15) SUBJECT PROPERTY IS CONTIGUOUS TO ALL ADJACENT PROPERTIES AND RIGHTS OF WAY. NO GAPS, GORES, OR OVERLAPS ARE KNOWN TO EXISTS.

LEGEND

- PROPERTY LINE
- OVERHANG/AWNING
- (BEARING/DISTANCE)
- RECORD CALLS
- B.S.L. BUILDING SETBACK LINE
- INDEX CONTOUR
- MINOR CONTOUR
- SPOT ELEVATION
- WATER LINE
- OVERHEAD UTILITY LINE
- GAS LINE
- UNDERGROUND TELEPHONE LINE
- SANITARY SEWER LINE
- UNDERGROUND ELECTRIC LINE
- FENCE LINE
- STORM DRAIN PIPE
- WATER VALVE
- WATER METER
- FIRE HYDRANT
- GAS METER
- GAS VALVE
- POWER METER
- SANITARY SEWER MANHOLE
- REBAR
- CAPPED REBAR
- CONCRETE MONUMENT
- OPEN TOP PIPE
- FOUND
- LIGHT POLE
- SIGN
- HARDWOOD TREE
- PINE TREE

VICINITY MAP

BOUNDARY & TOPOGRAPHIC SURVEY OF:
4651 HOG MOUNTAIN ROAD
FLOWERY BRANCH, GEORGIA 30542

STATE: GEORGIA | COUNTY: HALL

GEORGIA MILITIA DISTRICT: FLOWERY BRANCH DISTRICT (#1270)

PREPARED FOR:
KIMLEY-HORN

REVISIONS

DATE:	DESCRIPTION

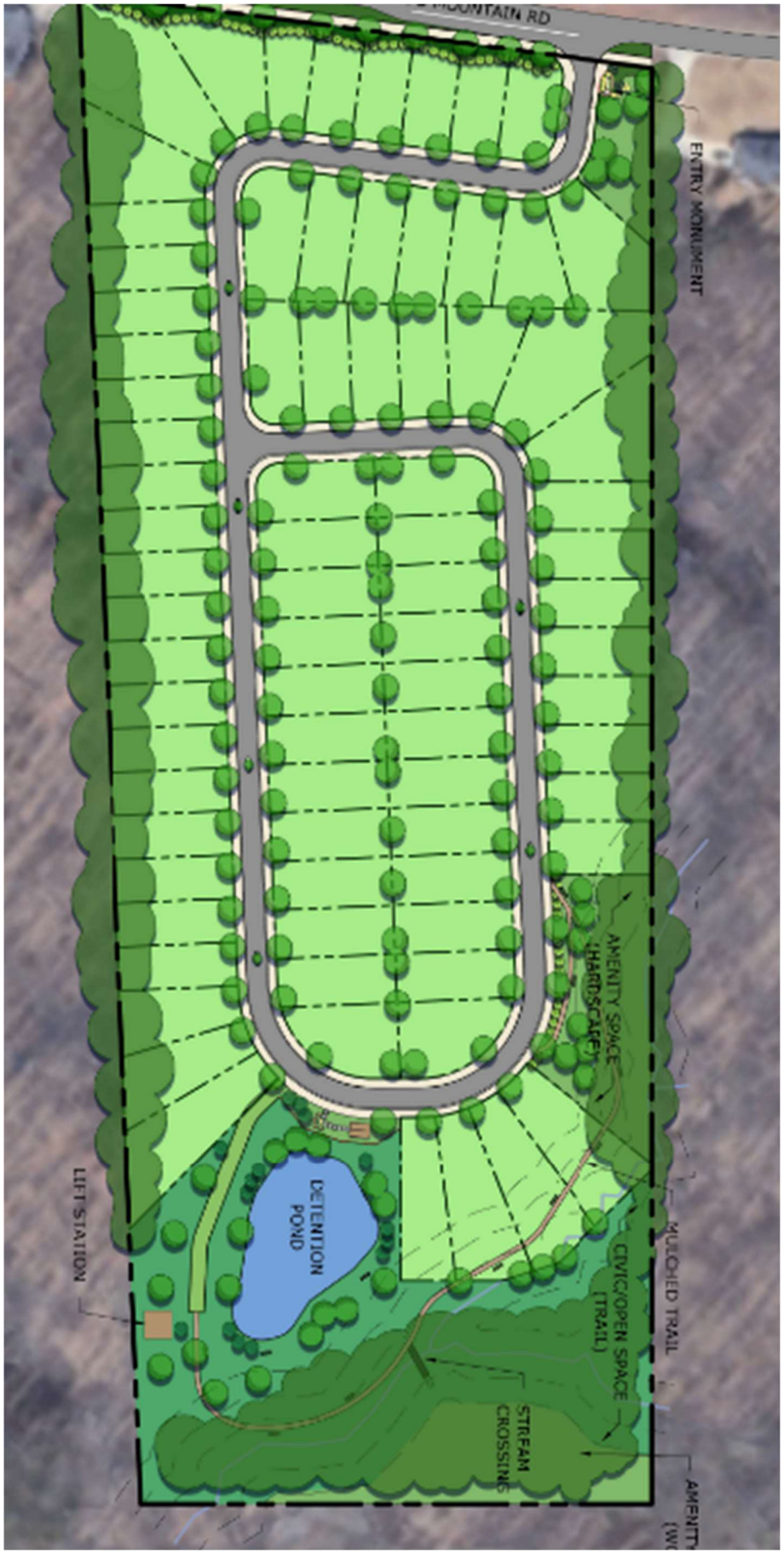
Lowery & Associates
LAND SURVEYING, LLC

DATE: JANUARY 10, 2022
JOB #: 21348I
SCALE: 1"=60'
DRAWN BY: D. HALL

LOWERY & ASSOCIATES
LAND SURVEYING, LLC
317 GRASSDALE ROAD
CARTERSVILLE, GA 30121
770-334-8186
WWW.LOWERYLANDSURVEYS.COM
INFO@LOWERYLANDSURVEYS.COM
GEORGIA C.O.A.: LSF-001102

THE RIDGE

AT LOTT CREEK



Project Narrative for Hog Mountain Road Tract

LOCATION – 4651 & 4665 Road, Flowery Branch, GA 30542
ACREAGE – 19.398 acres +/-
APPLICANT – Highpoint Development
PROPOSED ZONING – TND

Summary

The accompanying application seeks annexation and zoning district change from AR-I in Hall County to TND in Flowery Branch for a 19.398-acre tract, consisting of Parcel #'s 15046 000008 & 15046 000008B. The property appears to have been vacant for a number of years. The location is on Hog Mountain Road in south Hall approximately 1300 LF north of Spout Springs Road. The intent is to develop up to 81 units of quality housing (single-family) along with an extensive amount of undeveloped natural area. At least 15% of the site will be maintained as open space. Although not specifically identified, the property is located adjacent to the "Retail Activity Center" Character Area of the 2041 Comprehensive Plan. We believe this property could serve as a transitional use from the retail area to south and the lower density subdivisions to the north and east.

Site Description

The property has approximately 640 LF of frontage along Hog Mountain Road, rectangular and approximately 1,500 LF deep. The site is undeveloped with several dilapidated out buildings and contains a mix of trees and vegetation. A jurisdictional stream (Lott Creek) is located near the rear of the property and appears to be a tributary of Mulberry Creek. Domestic water (24") is provided by the City of Gainesville and is located on the northwest side of Hog Mountain Road. Flowery Branch will provide sanitary Sewer through a new, on-site pump station and force main to nearby gravity lines located within the Stonebridge Village retail center. All other dry utilities are located within a reasonable distance for service extensions.

Adjacencies

The property is surrounded by Hall County residential zonings, AR-III, PRD and R-1 and a small HB property on the west side of Hog Mountain Road. Adjacent Flowery Branch zoning is HB.

Access

Access to the property is proposed from a driveway on Hog Mountain Road approximately 1,800 LF north of Spout Springs Road. The nearest cross street is Cash Road, located approximately 900 LF northeast of the property.

Proximity to Other Uses

- Nearest distance to undeveloped commercial property – parcel #15046 000151-zoned HB located adjacent to southwestern boundary.
- Nearest distance to developed commercial property – parcel #08096 000014 zoned H-B, directly across at 4650 Hog Mountain Road.

- Nearest distance to a single-family home – a single-family home at 4641 Hog Mountain Road is located within 40’ of the northeastern boundary.
- Nearest distance to a subdivision – Hunters Landing S/D is located 0.6 miles away.

Aerial View



Comprehensive Plan Consistency

Since the subject property is currently located in unincorporated Hall County, the Flowery Branch Comprehensive Plan does not specifically identify the future land use for this property. With Retail/Commercial uses directly to the south of the subject property and lower density residential uses to the north, it would be reasonable to assume that the subject property could provide a transitional use and density between the uses identified. Although this specific property is not included in the Comprehensive Plan Future Development Map, it does lie adjacent to the "Activity Center – Retail" character area. It is our opinion that the slightly higher densities offered under the TND zoning district, and the specific use for attached single-family homes, would be applicable for this property.

Traffic Impact Study

A Traffic Impact Study has not been requested by the City but was recommended. We have completed a Traffic Impact Study as a courtesy. The following recommendations were made:

- One entering lane and one exiting lane
- Stop sign controlled on the driveway approach with Hog Mountain Rd remaining free flow
- A right turn lane for entering traffic
- No recommendation for the need of a left turn lane in

Development Strategy

The Concept Plan includes traditional front entry single family homes. The architectural style of the homes will be influenced by the mountain bungalow style to feel more rooted in the community and within the TND design intent. The single-family homes located along the Hog Mountain Road frontage will be facing interior to the development and we will have elevated facades on the rear of these homes to provide a grand appearance along Hog Mountain Rd. We will provide a desirable streetscape for the project's entrance including a professionally landscaped monument sign. The single-family homes will all have front-loaded garages. The community will have amenities including walking trails, a creek bridge crossing, a community gathering pavilion, and a firepit communal area with chairs.

Architectural Materials & Site Improvements

Single-family homes will follow the requirements of Section 12.6.i at a minimum with a general design theme that would include:

- Two-car garages
- Front facades with a combination of masonry and hardi-plank siding materials
- Side & Rear facades with hardi-plank siding, glazing & trim
- Architectural weight shingles
- Sodded yards (4 sides)
- One tree per lot (minimum 2 ½" caliper)
- Variance Requested –
    - Road radius min. at 48'
    - Street deviation distance req. to 850' w/ concessions
    - Minimum lot size avg 6,700sf w/ 30% min lots of 5,500sf
    - Reduce front porch size requirement

Entrance Monumentation

The entrance may include the items listed below with at least one central mail kiosk provided subject to USPS review and approval.

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

Amenities

The community amenities, at a minimum, will contain the following items:

- Pocket Park
- Walking Trails
- Creek Crossing
- Park Benches
- Community gathering pavilion
- Communal firepit with seating

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 Hog Mountain Road.

Model Home Permits

Applicant requests that up to twelve (12) 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 Developer. The HOA will manage the overall management of the property including maintenance, architectural controls and financial management.

Annexation

Hall County has given verbal confirmation they would approve the annexation into Flowery Branch assuming the adjacent parcels are not attempting to annex at the same time.

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.

Project Dimensional Standards

Proposed Dimensional Standards	
Acres	19.398
Number of Lots	81
Gross Density	4.18
Exterior Buffer	-
Height (Feet)	30
Minimum Lot Size (SF)*	5,500
Minimum Lot Width (Ft)	40
Minimum Lot Depth (Ft)	80
Minimum Heated Floor Area (SF)	1,200
Front Yard Setback from Lot Line (Ft)	-
Side Setback, Interior Lot Line or Corner Lot (Ft)	5
Rear Setback (Ft)	25
Maximum Coverage of Impervious Surface	45%
Sidewalks	5', Both Sides
Civic Space	15%
Amenity Space	6%
Parking	2 - Enclosed
**Requires variance approval*	

THE RIDGE
AT LOTT CREEK





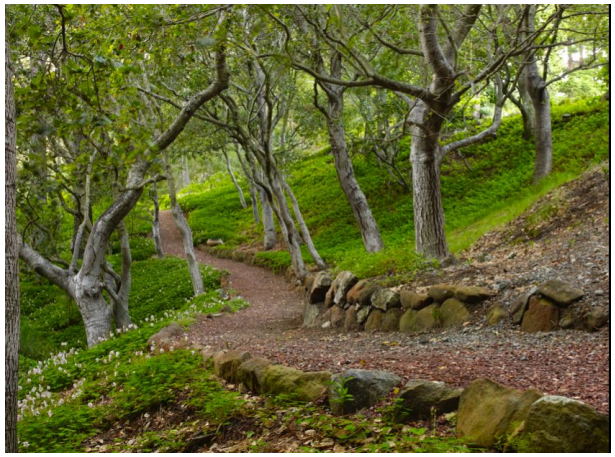


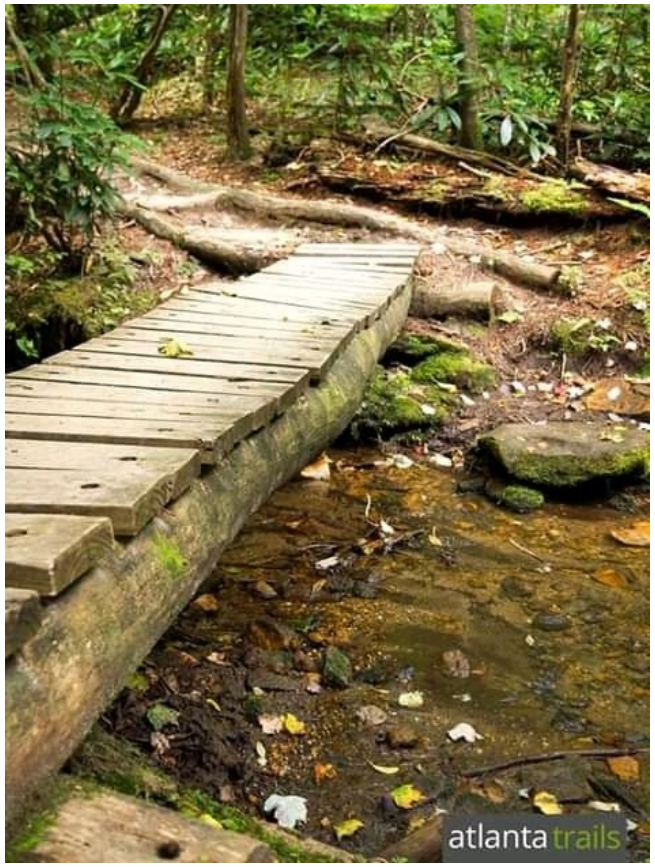
ENTRY GATE IDEAS

The entry conveys a quiet sense of welcome, shaped with natural stone and native plantings that feel authentically tied to Hog Mountain and the creek below. Materials sit comfortably in the landscape, offering a sense of belonging rather than display, creating an approach that is both dignified and genuinely rooted in place.

THE RIDGE
AT LOTT CREEK









AMENITIES

Amenities are designed to feel close to the landscape and quietly integrated. A communal fire pit and pavilion overlooks the stream, and a soft mulched trail guides residents through the trees to a modest wooden bridge across Lott Creek. The experience is simple and welcoming, inviting time outdoors without overshadowing the natural character of the place.

THE RIDGE

AT LOTT CREEK



COLOR PALETTE:

The three offered schemes—light, mid-tone, and dark—are drawn from the muted, earthy tones of the North Georgia landscape. Each palette reflects the surrounding ridge and creek setting, favoring natural hues: soft mineral whites, weathered wood browns, and deeper charcoal colors that echo stone, soil, and shaded canopy. Together, they provide variation without discord, allowing homes to feel individually tailored yet quietly unified within the broader landscape.

THE RIDGE
AT LOTT CREEK







ARCHITECTURAL FEATURES:

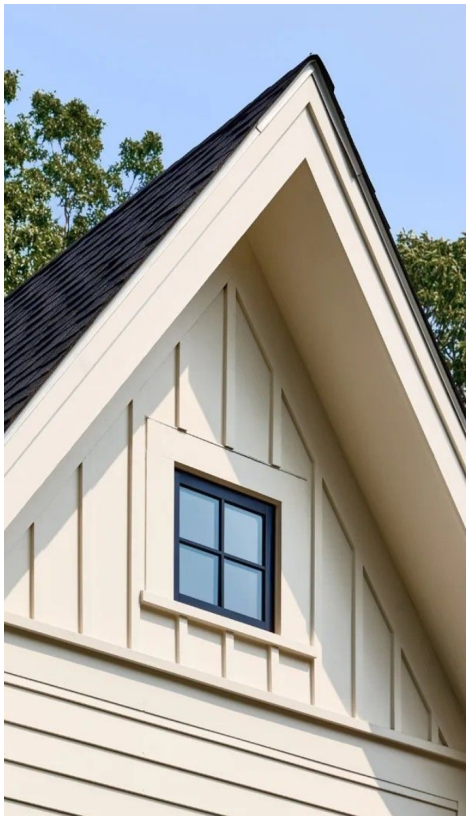
The achitecture leans toward a mountain bungalow style, with forms and finishes that feel sturdy, familiar, and tied to the landscape. Dark charcoal accents sharpen the earthy palette, while carriage-style garage doors and well-placed sconces add character without slipping into ornament. Matching metal gutters bring a clean outline to the façades, and the porch roof extending across the front-facing garage helps keep everything at a comfortable, human scale. The result is a street presence that feels connected, warm, and intentionally crafted—neighbors, not statements.

THE RIDGE
AT LOTT CREEK









ARCHITECTURAL FEATURES:

Details stay simple and purposeful. Porch brackets and extended overhangs provide clear structure and shade without excess. Gable vents, occasional gable windows, and selectively used shutters add just enough dimension to the façades, keeping each home grounded and consistent without feeling repetitive.

Analysis of the Hog Mountain Road Annexation Request

(a) Whether the proposal will permit a use that is suitable in view of the use and development of adjacent and nearby property.

- The requested use is for a residential and is consistent with the many undeveloped nearby properties. The suitability for more intense uses is limited by the property's topography.

(b) Whether the proposal will adversely affect the existing use or usability of adjacent or nearby property.

- The proposed residential use of the property will not negatively impact any adjacent property as there are both commercial and residential uses nearby.

(c) 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.

- The property has been marketed under its current zoning for a number of years and has generated very little interest. Without annexation into Flowery Branch, sewer will not be available.

(d) 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.

- Other than a small increased school impact, the proposed residential use will have minimal impact to the existing infrastructure.

(e) 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.

- Although not specifically identified, the property is located adjacent to the "Retail Activity Center" Character Area of the 2041 Comprehensive Plan. We believe this property could serve as a transitional use from the retail area to south and the lower density subdivisions to the north and east.

(f) 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 availability of suitable land for development is becoming more limited while the demand for residential use in this area continues to increase. The topography of the property is more suitable for residential than for any retail/commercial uses.

(g) Existing use(s) and zoning of the subject property and nearby properties.

- The property is surrounded by Hall County residential zonings, AR-III, PRD and R-1 and a small HB property on the west side of Hog Mountain Road. Adjacent Flowery Branch zoning is HB.

(h) 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.

- Under the existing zoning districts (AR-I & R-1) in Hall County, the property value (2024 Tax Assessment - $363,300) is diminished by the lack of sewer access and the limited development potential. Annexation and rezoning to TND would create a value in excess of $2,000,000. The current property owner has owned the property since 2012 and has been unsuccessful under the current zoning.

(i) 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 change of use is more compatible with the existing single-family development to the north and will have no impact on the other adjacent uses.

(j) The possible creation of an isolated zoning district unrelated to adjacent and nearby districts.

- The property is adjacent to an existing single-family home to the north and therefore would not create an isolated use.

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

- The character of this area already includes residential uses so there should be no impact on the general character of the district.

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

- Residential development is generally less intensive in its impact on the environmental issues mentioned as opposed to adjacent HB zoned uses.

(m) 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.

- This change of use will not be harmful to the overall zoning scheme as other residential uses currently exist adjacent to the property.

Parcel #	Name	Address	Mailing Address
15046 000009A	Mount Calvary Baptist Church	4675 Hog Mountain Road, Flowery Branch, GA 30542	4675 Hog Mountain Road, Flowery Branch, GA 30542
15046 000151	Capstone Gateway 1, LLC	Hog Mountain Road, Flowery Branch, GA 30542	P.O. Box 724, Gainesville, GA 30503
15046 000065	Capstone Acquisitions, LLC	6001 Spout Springs Road, Flowery Branch, GA 30542	P.O. Box 724, Gainesville, GA 30504
15046 000131	Capstone Acquisitions, LLC	6011 Spout Springs Road, Flowery Branch, GA 30542	P.O. Box 724, Gainesville, GA 30505
15046 000070	Capstone Acquisitions, LLC	6065 Spout Springs Road, Flowery Branch, GA 30542	P.O. Box 724, Gainesville, GA 30506
15046E 000013	Blake Alexander Hall	4650 Quail Point Dr., Flowery Branch, GA 30542	4650 Quail Point Dr., Flowery Branch, GA 30542
15046E 000012	Tammy A. Lipscomb	4646 Quail Point Dr., Flowery Branch, GA 30542	4646 Quail Point Dr., Flowery Branch, GA 30542
15046 000002	Florence Cash Smee	4576 Cash Road, Flowery Branch, GA 30542	4576 Cash Road, Flowery Branch, GA 30542
15046 000143	Lucy Cash Barnett	4560 Cash Road, Flowery Branch, GA 30542	4560 Cash Road, Flowery Branch, GA 30542
15046 000008A	Thoren C. Merrow	4666 Hog Mountain Road, Flowery Branch, GA 30542	4646 Hog Mountain Road, Flowery Branch, GA 30542
08096 000008	Pauline Cantrell Roberts	4642 Hog Mountain Road, Flowery Branch, GA 30542	4642 Hog Mountain Road, Flowery Branch, GA 30542
08096 000014	R Squared Rentals, LLC	4650 Hog Mountain Road, Flowery Branch, GA 30542	1406 Mountain Creek Church Road, Pendergrass, GA 30567
08097 000005	Mary Elizabeth Hickman, et al	4560 Hog Mountain Road, Flowery Branch, GA 30542	4847 Parliament Way, Dunwoody, GA 30338

Georgia law and the procedures of Flowery Branch requires the Applicant to raise Federal and State constitutional objections during the TND master plan application process. While the Applicant anticipates a smooth application process, failure to raise constitutional objections at this stage may mean that the Applicant will be barred from raising important legal claims later in the process. Accordingly, the following constitutional objections are stated:

The portions of the Flowery Branch Development Code, facially and as applied to the Property, which restrict the Property to any uses, conditions, land use designations, development standards, or to any zoning district other than that proposed by the Applicant are unconstitutional in that they would destroy the Applicant's property rights without first paying fair, adequate and just compensation for such rights, in violation of Article I, Section I, Paragraph I and Section III, Paragraph I of the Constitution of the State of Georgia of 1983, and the Due Process Clause of the Fourteenth Amendment to the Constitution of the United States.

The application of the Flowery Branch Development Code, facially and as applied to the Property, which restricts the Property to any uses, conditions, land use designations, development standards, or to any zoning district other than in accordance with the application as proposed by the Applicant is unconstitutional, illegal, null and void, constituting a taking of Applicant's Property in violation of the Just Compensation Clause of the Fifth Amendment to the Constitution of the United States; Article I, Section I, Paragraph I, and Section III, Paragraph I of the Constitution of the State of Georgia of 1983; and the Equal Protection and Due Process Clauses of the Fourteenth Amendment to the Constitution of the United States denying the Applicant an economically viable use of its land while not substantially advancing legitimate state interests.

A denial of this Application would be unconstitutional under the Takings Clause of the Fifth Amendment to the Constitution of the United States and the Just Compensation Clause of Article I, Section III, Paragraph I of the Constitution of the State of Georgia of 1983. A refusal by the Flowery Branch City Council to approve the zoning conditions as requested would constitute a taking of the Applicant's property.

A denial of this Application would constitute an arbitrary and capricious act by the Flowery Branch City Council without any rational basis therefore constituting an abuse of discretion in violation of Article I, Section I, Paragraph I and Section III, Paragraph I of the Constitution of the State of Georgia of 1983, and the Due Process Clause of the Fourteenth Amendment to the Constitution of the United States. A refusal to grant the TND zoning request would lack objective justification and would result only from neighborhood opposition, which would constitute an unlawful delegation of the zoning power to non-legislative bodies in violation of the Georgia Constitution, Article IX, Section II, Paragraph 4.

A refusal by the Flowery Branch City Council to approve this Application for the Property in accordance with the criteria as requested by the Applicant would be unconstitutional and discriminate in an arbitrary, capricious and unreasonable manner between the Applicant and owners of the similarly situated property in violation of Article I, Section I, Paragraph II of the Constitution of the State of Georgia of 1983 and the Equal Protection Clause of the Fourteenth Amendment to the Constitution of the United States. Any rezoning of the Property subject to conditions which are different from the conditions requested by the Applicant, to the extent such different conditions would have the effect of further restricting Applicant's utilization of the Property, would also constitute an arbitrary, capricious and discriminatory act in zoning the Property to a unconstitutional classification and would likewise violate each of the provisions of the State and Federal Constitutions set forth hereinabove.

I. CONCLUSION

For the foregoing reasons, the Applicant respectfully requests that this TND master plan application be granted as requested by the Applicant. If there are any questions about this request, you may contact:

Jake French
Highpoint Development
1776 Peachtree Street NW.
Suite 250.
Atlanta, GA 30309
502-386-7022
jfrench@hpdev.com


GRAPHIC SCALE
60' 0 60' 120'
1 Inch = 60 Feet
GRID NORTH
GA WEST
(SURVEY NOTE 6)
HOG MOUNTAIN ROAD
(VARIABLE WIDTH RIGHT OF WAY)
PUBLICLY DEDICATED
EDGE OF ASPHALT
SITE BENCHMARK
TOP S/8" CRB SET
ELEV=1242.83
P.O.C. TRACT 2
P.O.B. TRACT 1
APPARENT CONCRETE ENCROACHMENT
MAG NAIL SET
OHE
N52°05'46"E
300.00'
N52°05'46"E
296.18'
N47°47'41"W
500.00'
N47°47'41"W
386.97'
N47°47'41"W
150.00'
S45°22'26"E
147.18'
S44°38'15"W
525.39'
N47°47'41"W
519.00'
TRACT 1
N/F
MOUNT CALVARY BAPTIST CHURCH
PARCEL #1504600009A
D.B.-, PG.-
WOVEN WIRE FENCE
TRACT 2
N/F
PARCEL #1504600015
D.B.-, PG.-
OLD BARN FALLING DOWN
APPARENT ENCROACHMENT
BUILDING
1 STORY WOOD FRAME
CONCRETE
1 STORY BRICK
APPARENT 11.02' CONCRETE ENCROACHMENT
CAPSTONE GATEWAY 1, LLC
PARCEL #1504600151
D.B.-841, PG.-605
CAPSTONE ACQUISITIONS, LLC
PARCEL #1504600009
D.B.-841, PG.-605
CAPSTONE ACQUISITIONS, LLC
PARCEL #1504600131
D.B.-841, PG.-605
CAPSTONE ACQUISITIONS, LLC
PARCEL #1504600070
D.B.-810, PG.-70
CD, II PROPERTIES, LLC
PARCEL #1504600008
D.B.-709, PG.-142
PARCEL #1504600008B
D.B.-709, PG.-307
3.392 ACRES
147,771 SQUARE FEET
TRACT 1
N/F
CD, II PROPERTIES, LLC
PARCEL #1504600008
D.B.-709, PG.-142
PARCEL #1504600008B
D.B.-709, PG.-307
16.006 ACRES
697,203 SQUARE FEET
TRACT 1, 2
16.398 ACRES
844,974 SQUARE FEET
THORENE C. MERROW
N/F
PARCEL #1504600008A
D.B.-787A, PG.-109, PG.-25
P.B.-109, PG.-625
LUCY CASH BARNETT
N/F
PARCEL #1504600143
D.B.-556Z, PG.-346
FLORENCE CASH SMEE
N/F
PARCEL #1504600002
D.B.-556Z, PG.-344
TAMMY A. LIPSCOMB
N/F
PARCEL #1504600012
D.B.-169, PG.-65
CURTIS D. & BELINDA
N/F
PARCEL #1504600013
CANDY TAYLOR
D.B.-163, PG.-303
4' WOVEN WIRE FENCE
CMON FND
1/2" RB FND
S45°37'54"E
0.09'
S45°21'45"E
0.01'
N44°37'54"E
0.05'
5/8" CRB SET
CHISELED SQUARE IN CONCRETE
SET
OTP FND
1" OTP FND
1/2" OTP FND
1/2" RB FND
CMON FND
4' WOVEN WIRE FENCE
4' WOVEN WIRE FENCE
1 1/2" OTP FND
4' WOVEN WIRE FENCE
WOVEN WIRE FENCE
4' WOVEN WIRE FENCE
4' WOVEN WIRE FENCE
4'

LEGAL DESCRIPTION

All that tract or parcel of land lying and being in Georgia Militia District: Flowery Branch #1270, in Hall County, Georgia, and being more particularly described as follows:

Commencing at a mag nail set at the Southerly right of way of Hog Mountain Road (having a variable width, publicly dedicated right of way) and the common corner to property now or formally of Mount Calvary Baptist Church and CD, ii Properties, LLC, said point being the TRUE POINT OF BEGINNING.

Thence continuing along said right of way of Hog Mountain Road the following courses and distances: North 52 degrees 05 minutes 46 seconds East a distance of 300.00 feet to a 5/8 inch capped rebar set; North 52 degrees 05 minutes 46 seconds East a distance of 296.18 feet to a 5/8-inch capped rebar set; Thence leaving said right of way of Hog Mountain Road South 45 degrees 22 minutes 26 seconds East a distance of 1477.18 feet to a concrete marker found; Thence South 44 degrees 38 minutes 15 seconds West a distance of 525.39 feet to a concrete marker found; Thence North 47 degrees 47 minutes 41 seconds West a distance of 519.00 feet to a 1-inch open top pipe found; Thence North 47 degrees 47 minutes 41 seconds West a distance of 150.00 feet to a 1-invh open top pipe found; Thence North 47 degrees 47 minutes 41 seconds West a distance of 386.97 feet to a 5/8-inch capped rebar set; Thence North 47 degrees 47 minutes 41 seconds West a distance of 500.00 feet to a mag nail set at the Southerly right of way of Hog Mountain Road, said mag nail being the TRUE POINT OF BEGINNING.

Said tract or parcel of land containing 19.398 acres (844,974 square feet).

ORDINANCE NO. 775

AN ORDINANCE TO REZONE, REAL PROPERTY TOTALING 19.398 +/- ACRES OF LAND, OWNED BY CDII PROPERTIES, LLC, IDENTIFIED AS 4651 & 4665 HOG MOUNTAIN ROAD, HALL COUNTY TAX PARCELS 15046 000008B AND 15046 000008 FROM HALL COUNTY RESIDENTIAL 1 (R-1) AND AGRICULTURAL RESIDENTIAL 1 (AR-1) TO FLOWERY BRANCH TRADITIONAL NEIGHBORHOOD DEVELOPMENT (TND) AND AS SHOWN AND DESCRIBED ON ATTACHED EXHIBIT "A", AS CONDITIONED IN EXHIBIT "B", TO AUTHORIZE AN UPDATE TO THE OFFICIAL ZONING MAP, PROVIDING FOR SEVERABILITY, , PROVIDING FOR AN EFFECTIVE DATE, REPEALING CONFLICTING ORDINANCES, AND FOR ALL OTHER LAWFUL PURPOSES.

WHEREAS, CDII Properties LLC owns the subject parcels of land identified as Hall County Tax Parcel Identification No. 15046 000008B and 15046 000008 as shown and described on Exhibit "A"; and

WHEREAS, a complete description of the subject property being rezoned is included herein; and

WHEREAS, the City Council held a public hearing at the meeting on February 5th, 2026, duly noticed as prescribed by law and published in the Gainesville Times, regarding said application, as shall be set forth in the minutes of said meeting; and,

WHEREAS, the City Council of the City of Flowery Branch, Georgia has considered the appropriate zoning classification of the subject property in light of the comprehensive plan,

NOW THEREFORE, THE COUNCIL OF THE CITY OF FLOWERY BRANCH HEREBY ORDAINS AS FOLLOWS:

SECTION 1. FINDINGS.

The City Council finds that the proposed rezoning from Hall County AR-1 & R-1 to City of the Flowery Branch TND is consistent with the adopted standards for governing the exercise of the zoning power consistent with O.C.G.A. § 36-66-5 and requirements of the Zoning Ordinance as identified below.

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

2. The proposal is not expected to adversely affect the existing use or usability of adjacent or nearby property.

3. Use as TND is appropriate given the size of the property and it is reasonable to believe the property will have reasonable economic value so zoned.

4. The development if approved and constructed is not expected to result in a use which will or could cause an excessive or burdensome use of existing streets, transportation facilities, utilities, or schools.

5. The proposal is generally in conformity with the policy and intent of the comprehensive plan including the character area map and future land use plan map.

6. The proposal is considered appropriate in view of existing use(s) and zoning of the subject property and nearby properties.

7. No precise determination has been made by staff with regard to the value differential between development under the current zoning as opposed to TND, although it is reasonable to believe value would increase as a result of the rezoning.

8. A proposed development will not be a deterrent to the value or improvement of development of adjacent property in accordance with existing regulations.

9. There are no known adverse effects that would result from the change in zoning district map, or change in use, on the character of a zoning district.

10. Development as proposed is not expected to impact on the environment, including but not limited to, drainage, soil erosion and sedimentation, flooding, air quality and water quality. Compliance with city subdivision and land development regulations will be required, which include but are not limited to soil erosion and sedimentation, stormwater, and flood damage prevention.

SECTION 2. REZONING.

The subject parcel, as shown and described on Exhibit "A" and as conditioned in Exhibit "B", is hereby rezoned from Hall County AR-1 & R-1 to Flowery Branch TND.

SECTION 3. AMENDMENT OF THE ZONING MAP.

This Ordinance is enacted as an amendment to the Zoning Map of Flowery Branch, Georgia. Accordingly, the Zoning Administrator is hereby authorized to update the Official Map consistent with Article 3 of the Zoning Ordinance.

SECTION 4. SEVERABILITY.

Should any section or provision of this Ordinance be declared invalid or unconstitutional by any court of competent jurisdiction, such declaration shall not affect the validity of this Ordinance as a whole or any part thereof which is not specifically declared to be invalid or unconstitutional.

SECTION 5. EFFECTIVE DATE.

The effective date of this Ordinance shall be March 5th, 2026.

SECTION 6. REPEALER.

All ordinances and parts of ordinances in conflict herewith are hereby repealed to the extent of the conflict.

Approved this _____ day of _____, 2026.

_____
Oliver McClellan, Mayor

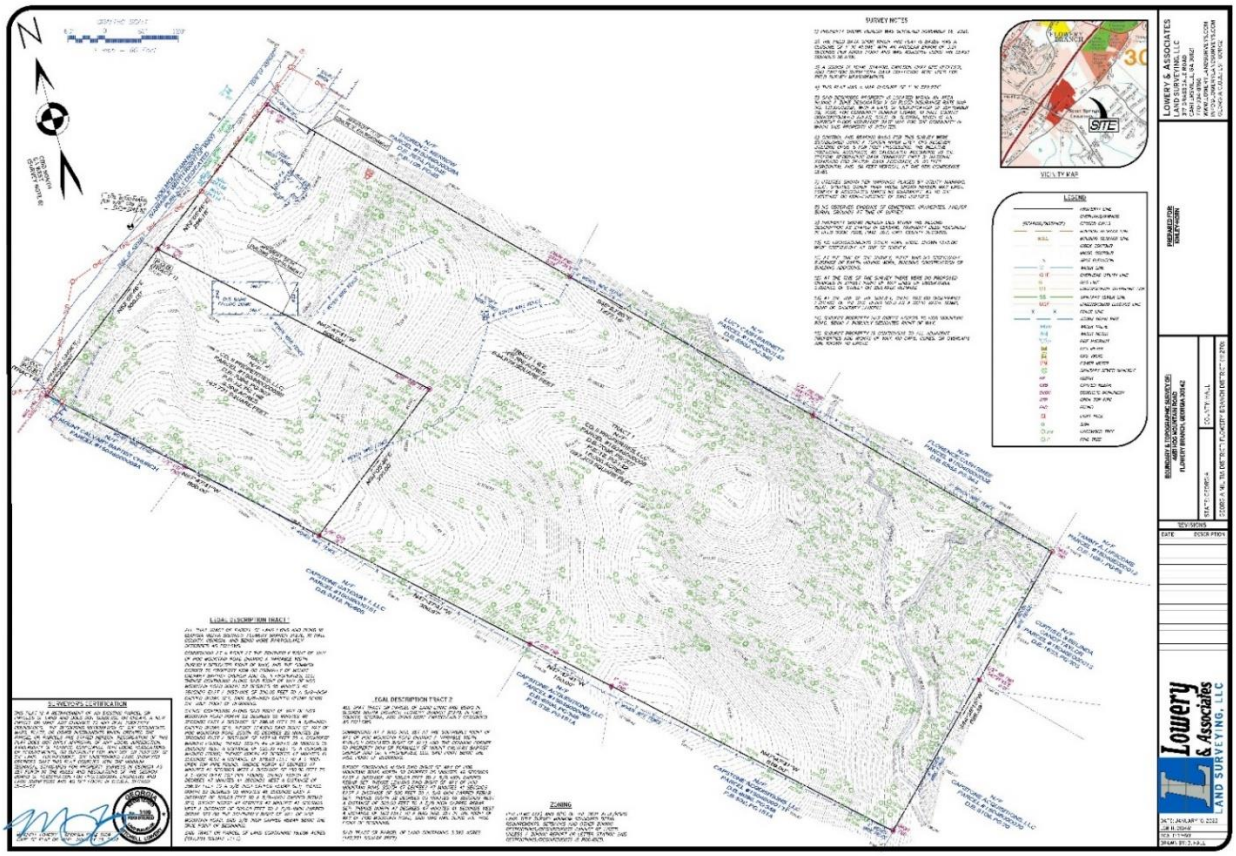
ATTEST

_____
Shelia R. Cooper, City Clerk

APPROVED AS TO FORM

_____
Ted C. Baggett, City Attorney

Exhibit A


SURVEY NOTES
LEGEND
VICINITY MAP
SITE
LEGAL DESCRIPTION TRACT 1
LEGAL DESCRIPTION TRACT 2
ZONING
Lowery & Associates
LAND SURVEYING, LLC

LEGAL DESCRIPTION TRACT 1

ALL THAT TRACT OR PARCEL OF LAND LYING AND BEING IN GEORGIA MILITIA DISTRICT: FLOWERY BRANCH #1270, IN HALL COUNTY, GEORGIA, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT A POINT AT THE SOUTHERLY RIGHT OF WAY OF HOG MOUNTAIN ROAD (HAVING A VARIABLE WIDTH, PUBLICLY DEDICATED RIGHT OF WAY) AND THE COMMON CORNER TO PROPERTY NOW OR FORMALLY OF MOUNT CALVARY BAPTIST CHURCH AND CD, II PROPERTIES, LLC; THENCE CONTINUING ALONG SAID RIGHT OF WAY OF HOG MOUNTAIN ROAD NORTH 52 DEGREES 05 MINUTES 46 SECONDS EAST A DISTANCE OF 300.00 FEET TO A 5/8–INCH CAPPED REBAR SET, SAID 5/8–INCH CAPPED REBAR BEING THE TRUE POINT OF BEGINNING.

THENCE CONTINUING ALONG SAID RIGHT OF WAY OF HOG MOUNTAIN ROAD NORTH 52 DEGREES 05 MINUTES 46 SECONDS EAST A DISTANCE OF 296.18 FEET TO A 5/8–INCH CAPPED REBAR SET; THENCE LEAVING SAID RIGHT OF WAY OF HOG MOUNTAIN ROAD SOUTH 45 DEGREES 22 MINUTES 26 SECONDS EAST A DISTANCE OF 1477.18 FEET TO A CONCRETE MARKER FOUND; THENCE SOUTH 44 DEGREES 38 MINUTES 15 SECONDS WEST A DISTANCE OF 525.39 FEET TO A CONCRETE MARKER FOUND; THENCE NORTH 47 DEGREES 47 MINUTES 41 SECONDS WEST A DISTANCE OF 519.00 FEET TO A 1–INCH OPEN TOP PIPE FOUND; THENCE NORTH 47 DEGREES 47 MINUTES 41 SECONDS WEST A DISTANCE OF 150.00 FEET TO A 1–INCH OPEN TOP PIPE FOUND; THENCE NORTH 47 DEGREES 47 MINUTES 41 SECONDS WEST A DISTANCE OF 386.97 FEET TO A 5/8–INCH CAPPED REBAR SET; THENCE NORTH 52 DEGREES 05 MINUTES 46 SECONDS EAST A DISTANCE OF 300.00 FEET TO A 5/8–INCH CAPPED REBAR SET; THENCE NORTH 47 DEGREES 47 MINUTES 41 SECONDS WEST A DISTANCE OF 500.00 FEET TO A 5/8–INCH CAPPED REBAR SET ON THE SOUTHERLY RIGHT OF WAY OF HOG MOUNTAIN ROAD, SAID 5/8–INCH CAPPED REBAR BEING THE TRUE POINT OF BEGINNING.

SAID TRACT OR PARCEL OF LAND CONTAINING 16.006 ACRES (697,203 SQUARE FEET).

LEGAL DESCRIPTION TRACT 2

ALL THAT TRACT OR PARCEL OF LAND LYING AND BEING IN GEORGIA MILITIA DISTRICT: FLOWERY BRANCH #1270, IN HALL COUNTY, GEORGIA, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT A MAG NAIL SET AT THE SOUTHERLY RIGHT OF WAY OF HOG MOUNTAIN ROAD (HAVING A VARIABLE WIDTH, PUBLICLY DEDICATED RIGHT OF WAY) AND THE COMMON CORNER TO PROPERTY NOW OR FORMALLY OF MOUNT CALVARY BAPTIST CHURCH AND CD, II PROPERTIES, LLC, SAID POINT BEING THE TRUE POINT OF BEGINNING.

THENCE CONTINUING ALONG SAID RIGHT OF WAY OF HOG MOUNTAIN ROAD NORTH 52 DEGREES 05 MINUTES 46 SECONDS EAST A DISTANCE OF 300.00 FEET TO A 5/8 INCH CAPPED REBAR SET. THENCE LEAVING SAID RIGHT OF WAY OF HOG MOUNTAIN ROAD SOUTH 47 DEGREES 47 MINUTES 41 SECONDS EAST A DISTANCE OF 500 FEET TO A 5/8 INCH CAPPED REBAR SET; THENCE SOUTH 52 DEGREES 05 MINUTES 46 SECONDS WEST A DISTANCE OF 300.00 FEET TO A 5/8 INCH CAPPED REBAR SET; THENCE NORTH 47 DEGREES 47 MINUTES 41 SECONDS WEST A DISTANCE OF 500 FEET TO A MAG NAIL SET IN THE RIGHT OF WAY OF HOG MOUNTAIN ROAD, SAID MAG NAIL BEING THE TRUE POINT OF BEGINNING.

SAID TRACT OR PARCEL OF LAND CONTAINING 3.392 ACRES (147,771 SQUARE FEET).

Exhibit 'B'

Conditions of Use:

1. **General Development**
   a. Building Locations and Scope:
      The total number of residential lots within the detached townhome development shall not exceed 81.
   b. Density Measurement:
      Density shall be calculated on a net basis, in accordance with the definition of *Net Density* set forth in Article 2, Section 2.2 (Design-Related Definitions). The applicant is to provide the areas of wetlands, state water buffer zones, flood hazard or electric / gas transmission easements or right-of-way.
   c. Maximum net density shall not exceed 6 units per acre.
2. **Civil Site Engineering**
   a. The final site-grading, stormwater, and utility plans shall be in substantial conformity with the Rezoning Concept Plan, including all delineated amenities, open spaces, and public gathering areas.
   b. No grading, filling, or earthmoving shall occur within the 75-foot impervious setback from state waters without prior approval of the Director of Planning & Community Development; such activities shall be minimized in accordance with Code § 27.6(b).
   c. No residential lot shall contain stream buffers, impervious setbacks or amenity trails.
3. **Building Design**
   a. Exterior elevations shall comply with design requirements in Article 12 of the Flowery Branch Zoning Ordinance.
   b. All buildings shall include a side or rear entry garage per TND standards.
   c. Where brick veneer is shown, only authentic brick or natural stone shall be utilized.
   d. All building facades shall be approved through the Design Review process per Article 40 and shall meet the design requirements in Article 10 and Article 12.
4. **Streets, Sidewalks & Stormwater Facilities**
   a. All internal streets and sidewalks shall be public to City design standards, including but not limited to the current standards of the federal Americans with Disabilities Act, and be dedicated at the conclusion of the Final Plat. Stormwater management systems shall remain private and be maintained at the HOA's expense.
5. **Signage, Landscaping & Lighting**
   a. An overall signage program, a detailed landscape plan sealed by a Georgia-registered landscape architect, and a comprehensive site-lighting plan shall be submitted to the Department of Community Development for review and approval.
   b. The landscape plan shall include high-quality treatments for open spaces, trails, pathways, and amenities.
6. **Transportation Improvements**

a. The developer will prepare and implement a Transportation Improvement Plan to address impacts on Hog Mountain Road. The Transportation Improvement Plan shall be approved by the City Engineer.
b. The entrance on Hog Mountain Road shall include:
    i. A right-turn deceleration lane, designed per GDOT Driveway Manual Table 4-8 for 45 mph (175 ft full-width storage plus 100 ft taper), constructed at no cost to the City.
    ii. A left-turn lane into the site, built to GDOT Driveway & Encroachment Control Manual standards, also at no cost to the City.
    iii. Exit shall include dedicated lanes for both left and right turns.
    iv. Dedication of all necessary right-of-way for these improvements, conveyed by the developer at no cost.
    v. Relocation of any utilities currently beneath the proposed deceleration lane, at the developer's expense.
c. Sidewalks shall be located on both sides of the internal streets and along the road frontage of Hog Mountain Road.

7. **Variances**
    a. Approval shall not constitute the granting of any variance from applicable local, state, or federal standards, except as expressly described in Ordinances 776 and 777.
8. **Public Utilities**
    a. Because of the site's topographic constraints, sanitary sewer lift station(s) are likely required; the Engineer of Record must work closely with the Public Utility Department throughout the design process. All pump station plans must comply with Chapter 50 (Utilities), Article II (Standard Specifications), Division 2 (Construction), Subdivision VII (Pump Stations), as well as any additional criteria established by the Director of Public Utilities.
9. **Open Space**
    a. All Open Space requirements shall meet the minimum requirements of Section 10.22.
    b. The subdivision shall include a conveniently accessible mail kiosk for both motorists and pedestrians.
    c. The mail kiosk area is not included in the open space calculations.
    d. The open space components shall be substantially similar to the examples provided in the application and shown in the staff report.
    e. All walking trail surfaces are to be mulch, compacted crushed rock, or other material approved by the director and be maintained in safe conditions by the HOA.
    f. All trails are to maintain a minimum width of 48-inches.

Memorandum

To: City of Flowery Branch, City Manager, and City Council

From: Chris McCrary, Planning and Community Development Director

Date: February 5, 2025

Subject: Annexation, Rezoning, and Variances

Applicant: Highpoint Development
1776 Peachtree Street
Atlanta, GA 30309
502-386-7022

Owner: CD II Properties, LLC
P.O. Box 99
Demorest, GA 30535
502-386-7022

Existing Zoning: AR-1 – Agricultural – Residential & R-1 Residential, Unincorporated Hall County.

Location and Size:

4651 Hog Mountain Road; Parcel 15046 000008; 16.0 Acres
4665 Hog Mountain Road; Parcel 15046 000008B; 3.398
Toal Area: 19.398 Acres

Proposed Annexation:

The applicant proposes the annexation of the above-referenced parcels (19.398 Acres) from unincorporated Hall County into the City limits of Flowery Branch.

Proposed Zoning:

The applicant is proposing to rezone the property from AR-1 (Agricultural-Residential) and R-1 (Residential) in unincorporated Hall County to Traditional Neighborhood Development (TND) in the City of Flowery Branch.

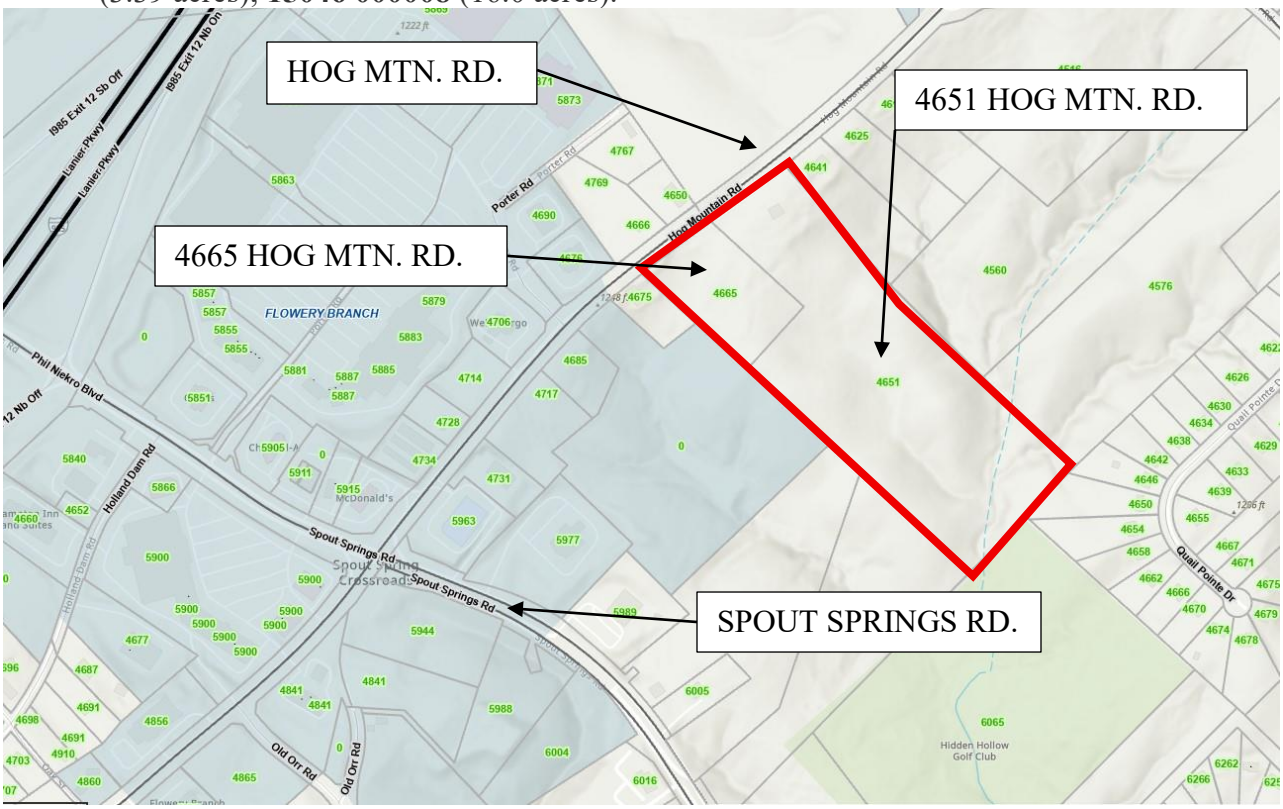
The applicant is proposing single-family detached dwellings with 81 lots. The two parcels are proposed to be rezoned from Hall County AR-1 (Agricultural-Residential) and R-1 (Residential) in unincorporated Hall County to Traditional Neighborhood Development (TND) in the City of Flowery Branch. The applicant is requesting concurrent variances within the TND requirements and dimensional standards.

Concurrent Variances:

1. Variance from **Section 1014, Table 10.1** radius of curvature of the center line from 275' to 48'. The applicant states the hardship for the centerline radius curvature is due to topography. A GIS review of the site confirms the site is an undeveloped wooded site with significant topography. The variance request could be considered for approval with an alternative solution, but no alternative design was provided with the application submittal.
2. Variance **to Sec. 12.6. - Townhouses.** The applicant requested a variance from Sec. 12.6 however, the correct request should reference **Sec 12.7(b)1 – Single-Family Detached Dwellings**, Entrance Features. The porch shall be at least **6 feet deep** (not including steps, if applicable) and **40% of the width of the front façade or 11 feet**, whichever is greater. The applicant is requesting a **reduction** to this section to allow for **4' x 7.5'** covered porch. The applicant can avoid a variance due to the code allowing for stoops if the front façade is fully brick or stone. The applicant's stated hardship is due to "architectural style". The variance application does not demonstrate a hardship peculiar to the property, which is beyond the control of the applicant.
3. Variance **to Sec. 7.4 Tabel 7.2** a reduction to the minimum lot size from 6,700 square feet in the TND zoning category. The application requests a reduction to a minimum lot size of 5,500 square feet. The site plan provided by the applicant lists a total of 81 lots but does not provide individual square footage for each lot and thus, the total number of lots that would be below 6,700 square feet cannot be adequately determined at this time. The applicant did not demonstrate a hardship peculiar to the property, which is beyond the control of the applicant.
4. Variance **to Sec. 1021.c** Residential Street Design with streets more than 360 feet in length shall have at least 25 feet of lateral deviation from a straight course. The applicant seeks to remove the 25-foot deviation from straight course requirements. The applicant's site plan indicated locations for center landscape islands to break up the straight street but did not include consistent drive lane width through bulb-outs which could pose a danger to the motoring public. The variance could be approved if a safe and effective traffic-calming alternative is provided. While many well-engineered traffic calming solutions exist, the one currently proposed does not meet acceptable safety standards.

Location:

- 4665 and 4651 Hog Mountain Road; tax parcel identification numbers **15046 000008B** (3.39 acres); **15046 000008** (16.0 acres).



Architectural Concepts:

The applicant submitted conceptual renderings of the proposed single-family detached architecture. However, without detailed floor plans and a materials list, staff are unable to verify compliance with the City's established architectural treatment and dimensional standards. To facilitate a thorough review, the applicant must provide complete architectural drawings, including architectural material details and floor-plan details, in order to confirm that all requirements are met. A detailed review is done by staff following Article 40 prior to the issuance of permits. The design concepts provided are for illustrative purposes only and were submitted as part of the rezoning case.

All TND zone homes are to have side- or rear- entry garages. The applicant provided architectural examples of front-entry garages. No variance application was submitted for front-entry garages in TND zoning.



ARCHITECTURAL FEATURES:

The achitecture leans toward a mountain bungalow style, with forms and finishes that feel sturdy, familiar, and tied to the landscape. Dark charcoal accents sharpen the earthy palette, while carriage-style garage doors and well-placed sconces add character without slipping into ornament. Matching metal gutters bring a clean outline to the façades, and the porch roof extending across the front-facing garage helps keep everything at a comfortable, human scale. The result is a street presence that feels connected, warm, and intentionally crafted—neighbors, not statements.



COLOR PALETTE:

The three offered schemes—light, mid-tone, and dark—are drawn from the muted, earthy tones of the North Georgia landscape. Each palette reflects the surrounding ridge and creek setting, favoring natural hues: soft mineral whites, weathered wood browns, and deeper charcoal colors that echo stone, soil, and shaded canopy. Together, they provide variation without discord, allowing homes to feel individually tailored yet quietly unified within the broader landscape.






ARCHITECTURAL FEATURES:

Details stay simple and purposeful. Porch brackets and extended overhangs provide clear structure and shade without excess. Gable vents, occasional gable windows, and selectively used shutters add just enough dimension to the façades, keeping each home grounded and consistent without feeling repetitive.

Open Space Analysis:

Pursuant to Article 10 – Development Requirements and Guidelines, Sec. 10.22 – Open Space Requirements, any proposed residential development is required to provide a total minimum of 15% open space, derived from a combination of Civic Space options (10%) and Amenity Space options (5%).
The site data table provided by the applicant lists a total of 21.2% open space with location details shown on the site plan:



Site Data Table	Required	Provided
Acres	-	19.398
Gross Density	-	4.18
Net Density	6	4.29
Exterior Buffer	-	-
Sidewalks	5', One Side	5', Two Side
Parking	2-Enclosed	2-Enclosed
Minimum Lot Area	6,700	5,500
Average Lot Area	-	6,700
Minimum Lot Width	40	40
Minimum Lot Depth	80	106
Minimum Heated Floor Area Per Dwelling Unit (SF)	1,200	2,200
Minimum Front Yard Setback From Lot Line (FT)	-	-
Minimum Side Setback, Interior Lot Line or Corner Lot, All Principle Buildings (FT)	5	5
Minimum Rear Setback, All Principle Buildings (FT)	25	25
Maximum Coverage of Impervious Surface (Percent of Lot)	45%	Less than 45%
Civic Space	10% Minimum	15.1%
Amenity Space	5% Minimum	6.1%

GROSS DENSITY = 81 LOTS / 19.398 AC =	4.18	Lots/AC
NET AREA = GROSS AREA - 50% of STREAM BUFFERS =	18.873	AC
NET DENSITY = 81 LOTS / 18.873 AC =	4.29	Lots/AC

The majority of the open space provided on the site plan is concentrated in the rear of the subdivision and proposes a mixture of hardscaped walking trail areas, mulched trails through the wooded section of the parcel, as well as seating/viewing areas around the detention pond and a communal pavilion and fire pit area. The site plan also shows a pocket park area near the entrance to the subdivision. The current site plan does not contemplate the location of a mail kiosk, which could impact the proposed open space shown on the site plan. While the proposed open space exceeds the minimum required by code, the proposed location for the majority of the open space raises concerns regarding lack of a centralized location and equitable use for all residents.

The applicant provided the following conceptual images of amenity spaces and trail features:



Traffic Impacts, Vehicular Flow, and Entrances/Exits

The Conceptual Site Plan for the proposed development indicates 81 residential single-family detached units.

1. Site Access

- A single entrance is proposed off Hog Mountain Road.
- The entrance must include both a right-turn and left-turn lane in. The exit shall include both a left and right dedicated lane. These turn lanes will help to alleviate congestion during peak demand periods and maintain the flow of through traffic. All roadway designs shall be in accordance with the GDOT Driveway Manual.

2. Sight Distance

- The driveway design must meet the minimum sight-distance requirements specified in the GDOT Driveway Manual. The engineer shall verify that both stopping-sight distance (SSD) and operational-sight distance (OSD) criteria are satisfied under existing field conditions.

3. Utility Coordination

- Any utilities located beneath the proposed deceleration or turn-lane pavement must be relocated outside of the pavement area.
- All costs associated with utility relocation shall be borne by the developer and coordination with the respective utility owners must be completed prior to construction.

4. Traffic Impact Study

- The current Traffic Study by A&R Engineering dated May 7, 2025, was prepared for the initially proposed townhome development using ITE Land Use Category 215 – Single-Family Attached Housing. It needs to be revised for the current proposed development of single-family detached houses by using category 210 for Single-Family Detached Housing which generates significantly more trips per unit.
- The traffic study should also be revised to include the intersection of Spout Springs Road and the entrance to Stonebridge Village.

All design elements shall comply with GDOT standards. Coordination with Hall County DOT, City of Flowery Branch, and affected utility providers should occur early in the design process to avoid delays.

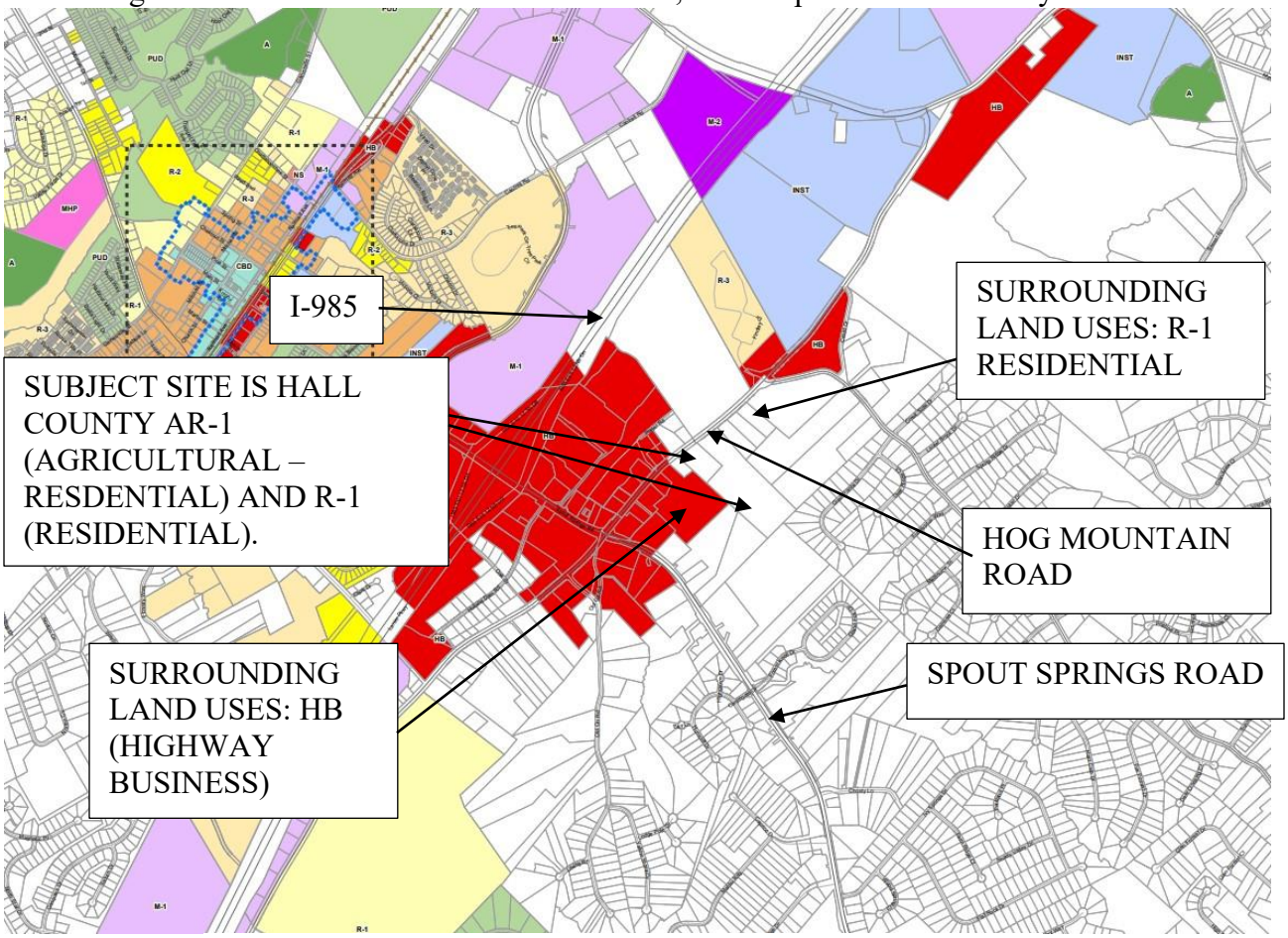
Sewer Design and Capacity Impacts

The proposed development of 81 residential units will generate a peak sanitary sewer demand of **22,275** gallons per day, based on the City's standard rate of 275 gallons per unit. Given the City's current peak capacity of **727,798** gallons per day, bringing these units online would reduce available capacity to approximately **705,523** gallons per day.

Because of the site's topographic constraints, one or more sanitary sewer lift stations will be required; the Engineer of Record must work closely with the Public Utility Department throughout the design process. All pump station plans must comply with Chapter 50 (Utilities), Article II (Standard Specifications), Division 2 (Construction), Subdivision VII (Pump Stations), as well as any additional criteria established by the Public Utilities Director.

Zoning Map:

AR-1 – Agricultural – Residential & R-1 Residential, Unincorporated Hall County.



Legend

Zoning Districts

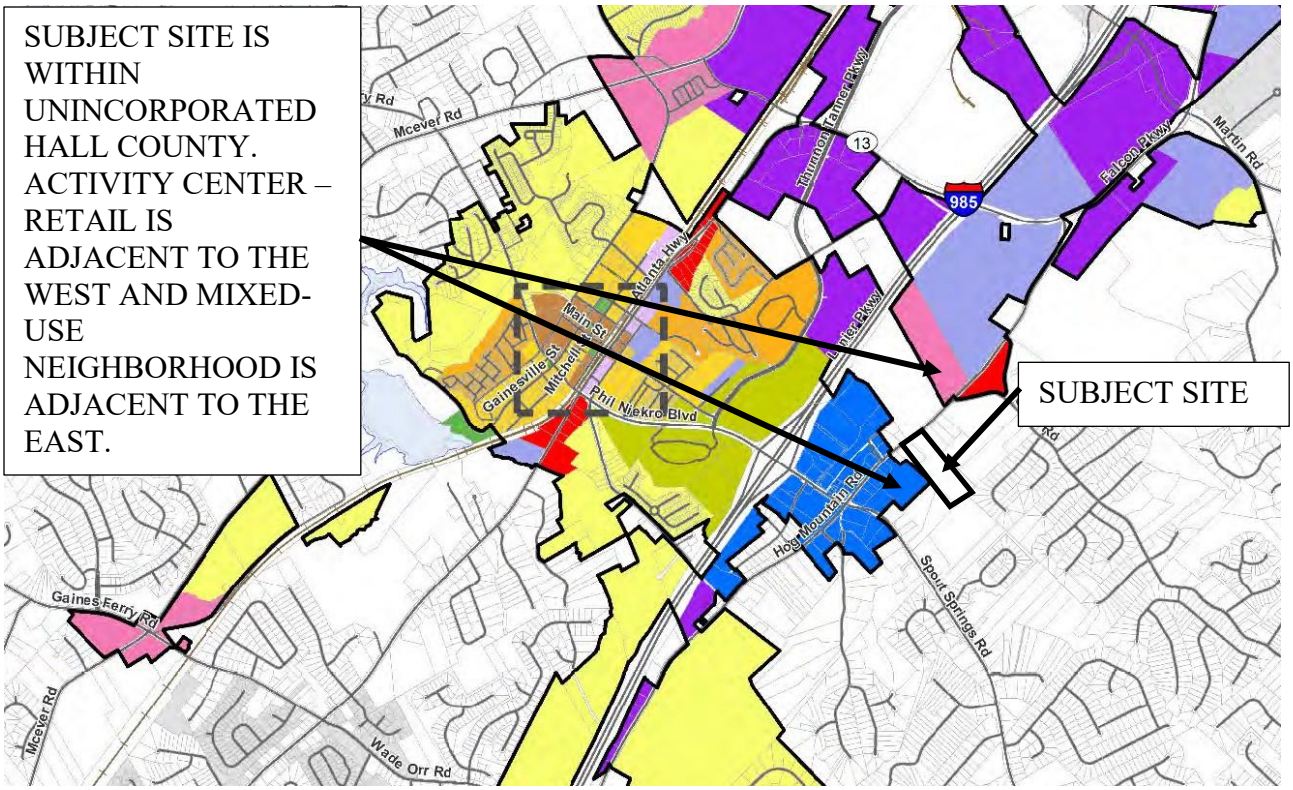
- Residential Low Density (R-1)
- Residential Moderate Density (R-2)
- Residential Multi-family (R-3)
- Traditional Neighborhood Development (TND)
- Planned Unit Development (PUD)
- Manufactured Home Park (MHP)
- Central Business District (CBD)
- Neighborhood Shopping (NS)
- Highway Business (HB)
- Institutional (INST)
- Manufacturing & Industrial, Light (M-1)
- Manufacturing & Industrial, Heavy (M-2)
- Agriculture (A)

Historic Districts

- Local Historic District

Future Development Plan:

SUBJECT SITE IS WITHIN UNINCORPORATED HALL COUNTY. ACTIVITY CENTER – RETAIL IS ADJACENT TO THE WEST AND MIXED-USE NEIGHBORHOOD IS ADJACENT TO THE EAST.



Other City Limits

CHARACTER AREA

- CONSERVATION
- SUBURBAN RESIDENTIAL
- TRADITIONAL NEIGHBORHOOD
- URBAN DENSITY COMMUNITY
- OLD TOWN
- MIXED USE - DOWNTOWN
- MIXED USE - NEIGHBORHOOD
- NEIGHBORHOOD COMMERCIAL
- ACTIVITY CENTER
- ACTIVITY CENTER - RETAIL
- INDUSTRIAL EMPLOYMENT
- INSTITUTIONAL CAMPUS

Site Plan:

The applicant is proposing 81 single-family detached lots on 19.398 acres.



The site is located on Hog Mountain Road north of the intersection with Spout Springs Road. The site is an undeveloped wooded lot with state waters located on the eastern side of the site.





Site Data Table	Required	Provided
Acres	-	19.398
Gross Density	-	4.18
Net Density	6	4.29
Exterior Buffer	-	-
Sidewalks	5', One Side	5', Two Side
Parking	2-Enclosed	2-Enclosed
Minimum Lot Area	6,700	5,500
Average Lot Area	-	6,700
Minimum Lot Width	40	40
Minimum Lot Depth	80	106
Minimum Heated Floor Area Per Dwelling Unit (SF)	1,200	2,200
Minimum Front Yard Setback From Lot Line (FT)	-	-
Minimum Side Setback, Interior Lot Line or Corner Lot, All Principle Buildings (FT)	5	5
Minimum Rear Setback, All Principle Buildings (FT)	25	25
Maximum Coverage of Impervious Surface (Percent of Lot)	45%	Less than 45%
Civic Space	10% Minimum	15.1%
Amenity Space	5% Minimum	6.1%

GROSS DENSITY = 81 LOTS / 19.398 AC =	4.18	Lots/AC
NET AREA = GROSS AREA - 50% of STREAM BUFFERS =	18.873	AC
NET DENSITY = 81 LOTS / 18.873 AC =	4.29	Lots/AC





ARTICLE 2
Section 2.2. Design-Related Definitions.

Density: The number of families, individuals, dwelling units or housing structures per unit of land. Gross density is determined by dividing the number of families, individuals, dwelling units or housing structures by the gross area of the land (i.e. all land within the boundaries of the particular area excluding nothing). Net density is determined by subtracting from the gross area the following conditions identified on the land:

- 50 percent of any land identified as a wetland; and
- 50 percent of any land identified waters of the state including the buffer zones; and
- 50 percent of any land identified as a flood hazard boundary; and
- 50 percent of any land within an electricity transmission easement or right-of-way; and
- 50 percent of any land within a gas transmission easement or right-of-way.

The result of this calculation is the net acreage. The net acreage is divided into the number of units to determine the net density. The applicant provided a net density number but did not provide the areas of the wetlands, state water buffer zones, flood hazard or electric / gas transmission easements or right-of-way.

Sec. 34.7. - Analysis Requirements for Rezoning

Applications to amend the official zoning map shall provide a written analysis comparing the proposed action with the criteria in this Section. A zoning map amendment or conditional use application may be justified only if it bears a reasonable relationship to the public health, safety, morality, or general welfare, and after consideration of the analysis requirements which may in individual cases be considered criteria relevant to the Zoning Administrator in making recommendations and by the City Council in the decision-making process.

a) *Whether the proposal will permit a use that is suitable in view of the use and development of adjacent and nearby property.*
The development of residential single-family detached homes is a suitable use in view of the use and development of adjacent and nearby property.

b) *Whether the proposal will adversely affect the existing use or usability of adjacent or nearby property.*
The proposed use will not adversely affect the existing use or usability of adjacent or nearby property.

c) *Whether the property to be affected by the proposal can be used in accordance with the existing regulations and has reasonable economic use as currently zoned.*
Annexation is necessary to connect the site to Flowery Branch's sanitary sewer system, while rezoning is required to align the site with the city's zoning designations.

d) *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.*
Input from the City's engineer was provided in this staff report.

e) *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 development is directly adjacent to the Activity Center – Retail character area. Mixed Use character area is located adjacent to the northeast on Hog Mountain Road. The proposed residential development would be a transitional zoning from retail to residential.

f) *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 concurrent variances do not demonstrate hardships peculiar to the property which are beyond the applicant's control.

g) *Existing use(s) and zoning of the subject property and nearby properties.*
The proposed development is for detached single-family and no other similar developments are nearby.

h) *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.*
Staff has no information to provide on the value of the subject property.

i) *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.*
Staff has no information to provide on the value of the adjacent property.

j) *The possible creation of an isolated zoning district unrelated to adjacent and nearby districts.*
There are no TND zoning designations in the area. This zoning would create an isolated zoning district.

k) *Possible effects of the change in zoning district map, or change in use, on the character of a zoning district.*
The proposed use is not similar to nearby development.

l) *The possible impact on the environment, including but not limited to, drainage, soil erosion and sedimentation, flooding, air quality and water quality.*
The subsequent LDP will be required to be compliant with all erosion and stormwater regulations.

m) *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 proposed rezoning will have impacts on the purpose of the overall zoning scheme and the purposes of this Zoning Ordinance due to the isolated zoning to TND in this area.

Sec. 37.5. - Criteria for Granting Variances.

Any applicant requesting consideration of a variance to any provision of the zoning ordinance shall provide a written justification that one or more of the following condition(s) exist. The City Council shall not approve a variance application unless it shall have adopted findings that one or more of the following conditions exist:

(a) There are extraordinary and exceptional conditions or practical difficulties pertaining to the particular piece of property in question because of its size, shape or topography that are not applicable to other lands or structures in the same district;

1. Variance Request **Section 1014, Table 10.1** radius of curvature: Topography could be considered a hardship. The variance request could be considered for approval with an alternative solution but was not provided with the application submittal.
2. Variance **Sec 12.7(b)1 – Single-Family Detached Dwellings**. Reduction in minimal porch depth and width: The applicant's stated hardship is due to "architectural style". The variance application does not demonstrate a hardship because of size, shape or topography that is not applicable to other lands or structures in the same district.
3. Variance **to Sec. 7.4 Tabel 7.2** a reduction to the minimum lot size from 6,700 sq.ft. to 5,500 sq.ft. The variance application does not demonstrate a hardship because of size, shape or topography that is not applicable to other lands or structures in the same district.
4. Variance **to Sec. 1021.c** Residential Street Design with streets more than 360 feet in length shall have at least 25 feet of lateral deviation from a straight course: Topography could be considered a hardship. The variance could be approved if a safe and effective traffic-calming alternative is provided. While many well-engineered traffic calming solutions exist, the one currently proposed does not meet acceptable safety standards.

(b) A literal interpretation of the provisions of this ordinance would effectively deprive the applicant of rights commonly enjoyed by other properties of the district in which the property is located;
A literal interpretation of the provisions of this ordinance would not effectively deprive the applicant of rights commonly enjoyed by other properties of the district in which the property is located.

(c) Granting the variance requested will not confer upon the property of the applicant any special privileges that are denied to other properties of the district in which the applicant's property is located;

Each variance request is unique to the proposed development and property. No similar variances were granted or denied similar to the current request on other applicants' property in the district.

(d) The requested variance will be in harmony with the purpose and intent of this ordinance and will not be injurious to the neighborhood or to the general welfare;
Variances 1 and 4 could be considered for approval with alternative design elements.
Variances 2 and 3 will not be in harmony with the purpose and intent of this ordinance due to the lack of hardships peculiar to the property, which is beyond the control of the applicant.

(e) The special circumstances are not the result of the actions of the applicant;
Variances 1 and 4 could be considered for approval with alternative design elements due to the special circumstances that are not the result of the actions of the applicant. However, alternative design elements must be provided for review of the City Engineer.
Variances 2 and 3 do not include special circumstances.

(f) The variance requested is the minimum variance that will make possible the proposed use of the land, building, or structure in the use district proposed; and
Variances 1 and 4 could be considered for approval with alternative design elements showing the variance is the minimum variance that will make possible the proposed use of land, building, or structure in the use district proposed.
Variances 2 and 3 are not the minimum variances that will make possible the proposed use of the land, building, or structure in the use district proposed. The applicant could provide floor plans that meet the requirements of the code and reduce the total number of lots by making every lot a minimum of 6,700 sq.ft.

(g) The variance shall not permit a use of land, buildings or structures, which is not permitted by right in the zoning district or overlay district involved.
With annexation and rezoning to the proper zoning category, residential dwellings would be permitted uses.

Staff Recommendation for Annexation, Rezoning, and Variances

Recommendation:

There are three applications proposed at 4651 and 4665 Hog Mountain Road, parcels **15046 000008B** (3.39 acres); **15046 000008** (16.0 acres). The first consideration for the City Council is the proposed annexation of both parcels. With annexation, the subject site must be rezoned from Hall County AR-1 – Agricultural & Residential - R-1- Residential to a Flowery

Branch zoning category. The applicant is proposing to rezone the property to Traditional Neighborhood Development (TND).

Variance Details:

1. Variance from **Section 1014, Table 10.1** radius of curvature of the center line from 275' to 48'. The applicant states the hardship for the centerline radius curvature is due to topography. A GIS review of the site confirms the site is an undeveloped wooded site with significant topography. The variance request could be considered for approval with an alternative solution.
2. Variance **to Sec. 12.6. - Townhouses.** The applicant requested a variance from Sec. 12.6 however, the correct request should reference **Sec 12.7(b)1 – Single-Family Detached Dwellings**, Entrance Features. The porch shall be at least **6 feet deep** (not including steps, if applicable) and **40% of the width of the front façade or 11 feet**, whichever is greater. The applicant is requesting a **reduction** to this section to allow for **4' x 7.5'** covered porch. The applicant can avoid a variance due to the code allowing for stoops if the front façade is fully brick or stone. The applicant's stated hardship is due to "architectural style". The variance application does not demonstrate a hardship peculiar to the property, which is beyond the control of the applicant.
3. Variance **to Sec. 7.4 Tabel 7.2** a reduction to the minimum lot size from 6,700 square feet in the TND zoning category. The application requests a reduction to a minimum lot size of 5,500 square feet. The site plan provided by the applicant lists a total of 81 lots but does not provide individual square footage for each lot and thus, the total number of lots that would be below 6,700 square feet cannot be adequately determined at this time. The applicant did not demonstrate a hardship peculiar to the property, which is beyond the control of the applicant.
4. Variance **to Sec. 1021.c** Residential Street Design with streets more than 360 feet in length shall have at least 25 feet of lateral deviation from a straight course. The applicant seeks to remove the 25-foot deviation from straight course requirements. The applicant's site plan indicated locations for center landscape islands to break up the straight street but did not include consistent drive lane width through bulb-outs which could pose a danger to the motoring public. The variance could be approved if a safe and effective traffic-calming alternative is provided. While many well-engineered traffic calming solutions exist, the one currently proposed does not meet acceptable safety standards.

Variance Recommendations:

A variance from the Subdivisions Ordinance, Article 10 – Access and Design Requirements for Roads, Sec. 1014 – Road Right-of-Way Widths and Miters, Table 10.1 recommended for approval to reduce radius of curvature of the center line from 275’ to 48’ with a condition that the applicant revise the site plan to show two-way stops in areas that can accommodate to reduce the amount of radii needing a variance. The final alternative design shall be approved by the City Engineer.

A variance from the Zoning Ordinance, Article 12 – Requirements for Specific Residential Principal Buildings and Uses, Sec 12.7(b)1 – Single-Family Detached Dwellings, Entrance Features. The porch is reduced from be 6 feet deep (not including steps, if applicable) and 40% of the width of the front façade or 11 feet, whichever is greater to 4 feet deep and 7.5 feet wide porch is recommended for approval with a condition that the façade of buildings with the porch dimensional reductions shall be have a front façade that is 100% brick or stone. Final elevations shall be approved by the Director of Planning and Community Development Director.

A variance from the Zoning Ordinance, Article 7 – TND, Traditional Neighborhood Development, Sec. 7.4 – Dimensional Requirements, Table 7.2, to reduce minimum lot size from 6,700 to 5,500 square feet is recommended for denial. However, if approval is considered it is recommended that no more than 20% of the total number of lots shall have an area less than 6,700 square feet, and no lot shall have an area less than 5,500 square feet.

A variance from the Zoning Ordinance, Article 10 – Development Requirements and Guidelines, Sec. 10.21(c) – Residential Street Design Requirements, to remove the requirement of all streets more than 360 feet in length shall have at least 25 feet of lateral deviation from a straight course is recommended for approval with a condition that engineering standard traffic calming devices are proposed on a revised site plan. Additionally, each home shall be offset from the front building setback by at least five (5) feet from the neighboring home. The traffic calming devices used, their location and the placement of the homes on each site shall be approved by the City Engineer.

Staff recommends **approval of the Annexation and Rezoning** applications with the conditions provided.

Recommended Conditions of Approval of Annexation and Rezoning:

Please find below the proffered conditions for the proposed rezoning, organized by discipline and drafted to ensure consistency with the submitted concept materials and to protect the public interest:

1. **General Development**
    a. Building Locations and Scope:
    The total number of residential lots within the detached townhome development shall not exceed 81.
    b. Density Measurement:
    Density shall be calculated on a net basis, in accordance with the definition of *Net Density* set forth in Article 2, Section 2.2 (Design-Related Definitions). The applicant is to provide the areas of wetlands, state water buffer zones, flood hazard or electric / gas transmission easements or right-of-way.
    c. Maximum net density shall not exceed 6 units per acre.
2. **Civil Site Engineering**
    a. The final site-grading, stormwater, and utility plans shall be in substantial conformity with the Rezoning Concept Plan, including all delineated amenities, open spaces, and public gathering areas.
    b. No grading, filling, or earthmoving shall occur within the 75-foot impervious setback from state waters without prior approval of the Director of Planning & Community Development; such activities shall be minimized in accordance with Code § 27.6(b).
    c. No residential lot shall contain stream buffers, impervious setbacks or amenity trails.
3. **Building Design**
    a. Exterior elevations shall comply with design requirements in Article 12 of the Flowery Branch Zoning Ordinance.
    b. All buildings shall include a side or rear entry garage per TND standards.
    c. Where brick veneer is shown, only authentic brick or natural stone shall be utilized.
    d. All building facades shall be approved through the Design Review process per Article 40 and shall meet the design requirements in Article 10 and Article 12.
4. **Streets, Sidewalks & Stormwater Facilities**

a. All internal streets and sidewalks shall be public to City design standards and be dedicated at the conclusion of the Final Plat. Stormwater management systems shall remain private and be maintained at the HOA's expense.

5. **Signage, Landscaping & Lighting**
    a. An overall signage program, a detailed landscape plan sealed by a Georgia-registered landscape architect, and a comprehensive site-lighting plan shall be submitted to the Department of Community Development for review and approval.
    b. The landscape plan shall include high-quality treatments for open spaces, trails, pathways, and amenities.
6. **Transportation Improvements**
    a. The developer will prepare and implement a Transportation Improvement Plan to address impacts on Hog Mountain Road. The Transportation Improvement Plan shall be approved by the City Engineer.
    b. The entrance on Hog Mountain Road shall include:
        i. A right-turn deceleration lane, designed per GDOT Driveway Manual Table 4-8 for 45 mph (175 ft full-width storage plus 100 ft taper), constructed at no cost to the City.
        ii. A left-turn lane into the site, built to GDOT Driveway & Encroachment Control Manual standards, also at no cost to the City.
        iii. Exit shall include dedicated lanes for both left and right turns.
        iv. Dedication of all necessary right-of-way for these improvements, conveyed by the developer at no cost.
        v. Relocation of any utilities currently beneath the proposed deceleration lane, at the developer's expense.
    c. Sidewalks shall be located on both sides of the internal streets and along the road frontage of Hog Mountain Road.
7. **Variances**
    a. Approval of the annexation, rezoning and variance applications shall not constitute the granting of any variance from applicable local, state, or federal standards, except as expressly described herein.
    b. A variance from the Subdivisions Ordinance, Article 10 – Access and Design Requirements for Roads, Sec. 1014 – Road Right-of-Way Widths and Miters, Table 10.1 recommended for approval to reduce radius of curvature of the center line from 275' to 48' with a condition that the applicant revise the site plan to show two-way stops in areas that can accommodate to reduce the amount of radii needing a variance. The final alternative design shall be approved by the City Engineer.

c. A variance from article 12 -Requirements for Specific Residential Principal Buildings and Uses, Sec 12.7(b)1 – Single-Family Detached Dwellings, Entrance Features. The porch is reduced from be 6 feet deep (not including steps, if applicable) and 40% of the width of the front façade or 11 feet, whichever is greater to 4 feet deep and 7.5 feet wide porch is recommended for approval with a condition that the façade of buildings with the porch dimensional reductions shall be have a front façade that is 100% brick or stone. Final elevations shall be approved by the Director of Planning and Community Development Director.
d. A variance from the Zoning Ordinance, Article 7 – TND, Traditional Neighborhood Development, Sec. 7.4 – Dimensional Requirements, Table 7.2, to reduce minimum lot size from 6,700 to 5,500 square feet is recommended for approval with a condition that no more than 20% of the total lots shall be less than 6,700 sq. ft. and no lot shall be less than 5,500 sq. ft.
e. A variance from Article 10 – Development Requirements and Guidelines, Sec. 10.21(c) – Residential Street Design Requirements, to remove the requirement of all streets more than 360 feet in length shall have at least 25 feet of lateral deviation from a straight course is recommended for approval with a condition that engineering standard traffic calming devices are proposed on a revised site plan. Additionally, each home shall be offset from the front building setback by at least five (5) feet from the neighboring home. The traffic calming devices used, their location and the placement of the homes on each site shall be approved by the City Engineer.

8. **Public Utilities**
   a. Because of the site's topographic constraints, sanitary sewer lift station(s) are likely required; the Engineer of Record must work closely with the Public Utility Department throughout the design process. All pump station plans must comply with Chapter 50 (Utilities), Article II (Standard Specifications), Division 2 (Construction), Subdivision VII (Pump Stations), as well as any additional criteria established by the Director of Public Utilities.
9. **Open Space**
   a. All Open Space requirements shall meet the minimum requirements of Section 10.22.
   b. The subdivision shall include a conveniently accessible mail kiosk for both motorists and pedestrians.
   c. The mail kiosk area is not included in the open space calculations.
   d. The open space components shall be substantially similar to the examples provided in the application and shown in the staff report.
   e. All walking trail surfaces are to be mulch, compacted crushed rock, or other material approved by the director and be maintained in safe conditions by the HOA.

f. All trails are to maintain a minimum width of 48-inches.
g. A clearly visible sign shall be installed at each point where the amenity trails connect to the public sidewalks, stating that the trail amenity is not designed or constructed to ADA standards.

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ANNEXATION COMPLETENESS CHECKLIST

Please review each line item on the Completeness Checklist prior to submitting an application to the City of Flowery Branch. Please initial **each line item** (numerical and alphabetical sub lists) in the initial blocks provided in the left-hand column. Initialed checklist must be included with the completed application and all other required documentation at time of submittal. **All requirements must be provided in digital format via file sharing or on a flash drive.**

Applicant Name: Highpoint Development **Project Name:** The Ridge at Lott Creek

	1.	Completed annexation application with all signatures and notary stamps present and all fields filled out and in compliance with all requirements. (Article 44, Sec. 44.4) Completed concurrent rezoning application with all signatures and notary stamps present and all fields filled out and in compliance with all requirements. (Article 34, Sec. 34.8)
	2.	Legal description of property.
	3.	Current survey of the property.
	4.	Site plan of the property in accordance with the requirements of the Flowery Branch Code of Ordinances (Article 34, Sec 34.4 & 34.5):
		a) Uses an appropriate engineering scale
		b) Shows proposed use and relevant information regarding proposed improvements
		c) All existing AND proposed buildings and/or structures
		d) Parking and internal circulation
		e) Proposed landscaping
		f) Buffers, where required
		g) Other information as required by the Zoning Administrator
	5.	Detailed description of the request.
	6.	Required development statistics (Article 34, Sec 34.6) (separate document):
		a) Maximum and proposed height of any structure
		b) Maximum and proposed gross square footage of the building area (nonresidential only)
		c) Color rendering of any and all proposed structure(s)
		d) Material list (with percentages) of any and all proposed structure(s)
		e) Maximum and proposed number of dwelling units and minimum and proposed square footage of heated floor area for any dwelling unit (residential only)
		f) Maximum and proposed lot coverage of building area (square feet and percent)
		g) Minimum and proposed square footage of landscaped area (square feet and percent)
		h) Minimum, maximum and proposed number of parking spaces

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ANNEXATION COMPLETENESS CHECKLIST

		i) Other dimensional information as may be required by the Zoning Administrator
x JH	7.	Written Analysis Requirements (Article 34, Sec. 34.7) (separate document):
		a) Whether the proposal will permit a use that is suitable in view of the use and development of adjacent and nearby properties.
		b) Whether the proposal will adversely affect the existing use or usability of adjacent or nearby properties.
		c) 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.
		d) 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.
		e) 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.
		f) 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.
		g) 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.
		h) 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.
		i) Whether a proposed zoning map amendment or conditional use approval will be a deterrent to the value or improvement of the development of adjacent property in accordance with existing regulations.
		j) The possible creation of an isolated zoning district unrelated to adjacent and nearby districts.
		k) Possible effects of the change in zoning district map, or change in use, on the character of a zoning district.
		l) The possible impact on the environment, including but not limited to, drainage, soil erosion and sedimentation, flooding, air quality and water quality.

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ANNEXATION COMPLETENESS CHECKLIST

		m) 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.
X JF	8.	Conflict of interest disclosure (in body of application).
X JF	9.	Disclosure of campaign contributions (in body of application).
X JF	10.	Names and addresses of adjoining property owners. (separate document)
X JF	11.	Reasons for requesting annexation/rezoning. (separate document)
X JF	12.	Signed statement authorizing City of Flowery Branch staff and/or City Council to inspect subject property. (separate document)
N/A	13.	Annexations > 100 acres of land require an official request to amend the character area and future land use map designation for the subject property.
X JF	14.	Letter of intent describing the proposed use of the property or other action requested. (separate document)
X JF	15.	Hard copy of application with wet seals & signatures

The undersigned does hereby attest that all requirements in the above checklist have been met and that all required documentation has been provided at the time of submittal. The undersigned acknowledges that any application found to be incomplete upon review will be returned to the applicant for completion.

Name (print): HIGHPOINT DEVELOPMENT JAKE FRENCH

Signature: _____

Date: 12/11/2025

FLOWERY BRANCH
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ANNEXATION APPLICATION

Date: 12/11/2025

Address of Request:
4651 & 4665 Hog Mountain 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_____

Applicant Information:

Name: Highpoint Development

Address: 1776 Peachtree Street NW, Atlanta, GA 30309

E-mail address: jfrench@hpdev.com

Phone number: 502-386-7022

Signature: _____ Title (if applicable):_____

Print Name: Jake French

Notary Signature: _____

Notary Seal:

HANNAH HURLEY
Notary Public - State of Georgia
Gwinnett County
My Commission Expires Mar 14, 2028

FLOWERY BRANCH

Property owner information (if different than the applicant)

Property owner (please print): CD II Properties, LLC

Address: P.O. Box 99, Demorest, GA 30535

E-mail address: _____

Phone number: _____

Signature: _____

Notary Seal: _____

HANNAH HURLEY
Notary Public - State of Georgia
Gwinnett County
My Commission Expires Mar 14, 2028

Property Information

Tax Map Number: 15406 000008 & 15046 000008B

Current Zoning: R-1 & AR-1 (Hall County) Total Acres: 19.398

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

Proposed City of Flowery Branch Zoning: TND

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.

FLOWERY BRANCH

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

None to the best of our knowledge

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

None to the best of our knowldedge

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

None to the best of our knowledge

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
NONE	

FLOWERY BRANCH
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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
_____	_____
_____	_____

CITY STAFF ONLY

Application Received By: _____

Date: _____ Total Fee: _____

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ANNEXATION/REZONING COMPLETENESS CHECKLIST

Please review each line item on the Completeness Checklist prior to submitting an application to the City of Flowery Branch. Please initial **each line item** (numerical and alphabetical sub lists) in the initial blocks provided in the left-hand column. Initialed checklist must be included with the completed application and all other required documentation at time of submittal. **All requirements must be provided in hard copy form and digital form on a flash drive.**

Applicant Name: Highpoint Development **Project Name:** The Ridge at Lott Creek

X gf	1.	Completed annexation application with all signatures and notary stamps present and all fields filled out and in compliance with all requirements. (Article 44, Sec. 44.4) Completed concurrent rezoning application with all signatures and notary stamps present and all fields filled out and in compliance with all requirements. (Article 34, Sec. 34.8)
X gf	2.	Legal description of property.
X gf	3.	Current survey of the property.
X gf	4.	Site plan of the property in accordance with the requirements of the Flowery Branch Code of Ordinances (Article 34, Sec 34.4 & 34.5):
		a) Uses an appropriate engineering scale
		b) Shows proposed use and relevant information regarding proposed improvements
		c) All existing AND proposed buildings and/or structures
		d) Parking and internal circulation
		e) Proposed landscaping
		f) Buffers, where required
		g) Other information as required by the Zoning Administrator
X gf	5.	Detailed description of the request.
X gf	6.	Required development statistics (Article 34, Sec 34.6) (separate document):
		a) Maximum and proposed height of any structure
		b) Maximum and proposed gross square footage of the building area (nonresidential only)
		c) Color rendering of any and all proposed structure(s)
		d) Material list (with percentages) of any and all proposed structure(s)
		e) Maximum and proposed number of dwelling units and minimum and proposed square footage of heated floor area for any dwelling unit (residential only)
		f) Maximum and proposed lot coverage of building area (square feet and percent)
		g) Minimum and proposed square footage of landscaped area (square feet and percent)
		h) Minimum, maximum and proposed number of parking spaces

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ANNEXATION/REZONING COMPLETENESS CHECKLIST

		i) Other dimensional information as may be required by the Zoning Administrator
x JH	7.	Written Analysis Requirements (Article 34, Sec. 34.7) (separate document):
		a) Whether the proposal will permit a use that is suitable in view of the use and development of adjacent and nearby properties.
		b) Whether the proposal will adversely affect the existing use or usability of adjacent or nearby properties.
		c) 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.
		d) 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.
		e) 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.
		f) 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.
		g) 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.
		h) 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.
		i) Whether a proposed zoning map amendment or conditional use approval will be a deterrent to the value or improvement of the development of adjacent property in accordance with existing regulations.
		j) The possible creation of an isolated zoning district unrelated to adjacent and nearby districts.
		k) Possible effects of the change in zoning district map, or change in use, on the character of a zoning district.
		l) The possible impact on the environment, including but not limited to, drainage, soil erosion and sedimentation, flooding, air quality and water quality.

City of Flowery Branch Community Development Office
5512 Main St
Flowery Branch, GA, 30542
770-967-6378

ANNEXATION/REZONING COMPLETENESS CHECKLIST

		m) 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.
X JT	8.	Conflict of interest disclosure (in body of application).
X JT	9.	Disclosure of campaign contributions (in body of application).
X JT	10.	Names and addresses of adjoining property owners. (separate document)
X JT	11.	Reasons for requesting annexation/rezoning. (separate document)
X JT	12.	Signed statement authorizing City of Flowery Branch staff and/or City Council to inspect subject property. (separate document)
N/A	13.	Annexations > 100 acres of land require an official request to amend the character area and future land use map designation for the subject property.
X JT	14.	Letter of intent describing the proposed use of the property or other action requested. (separate document)

The undersigned does hereby attest that all requirements in the above checklist have been met and that all required documentation has been provided at the time of submittal. The undersigned acknowledges that any application found to be incomplete upon review will be returned to the applicant for completion.

Name (print): HIGHPOINT DEVELOPMENT JAKE FRENCH

Signature: [signature]

Date: 12/11/2025

FLOWERY BRANCH
Always Blooming!

REZONING APPLICATION

Date: 12/11/2025

Address of Request:

4651 & 4665 Hog Mountain Road, Flowery Branch GA 30542

Tax Map # 15046 000008 & 15046 000008B Current Zoning: R-1 & AR-1

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: Highpoint Development

Address: 1776 Peachtree Street NW. Suite 250, Atlanta, GA, 30309

E-mail address: jfrench@hpdev.com

Phone number: 502-386-7022

Signature: _____ Title (if applicable): _____

Print Name: Jake French

Notary Signature: _____

Notary Seal:

HANNAH HURLEY
Notary Public - State of Georgia
Gwinnett County
My Commission Expires Mar 14, 2028

FLOWERY BRANCH

Property owner information (if different than the applicant)

Property owner (please print): CD II Properties, LLC

Address: P.O. Box 99, Demorest, GA 30535

E-mail address: _____

Phone number: _____

Signature: _____

Notary Seal: _____

HANNAH HURLEY
Notary Public - State of Georgia
Gwinnett County
My Commission Expires Mar 14, 2028

Property Information

Tax Map Number: 15406 000008 & 15046 000008B

Current Zoning: R-1 & AR-1 (Hall County) Total Acres: 19.398

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

Proposed City of Flowery Branch Zoning: TND

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.

FLOWERY BRANCH

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

None to the best of our knowledge

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

None to the best of our knowldedge

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

None to the best of our knowledge

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
NONE	

FLOWERY BRANCH

CITY STAFF ONLY

Application Received By: _____

Date: _____ Total Fee: _____

City of Flowery Branch Community Development Office
5512 Main St
Flowery Branch, GA, 30542
770-967-6378
VARIANCE COMPLETENESS CHECKLIST

Please review each line item on the Completeness Checklist prior to submitting an application to the City of Flowery Branch. Please initial **each line item** (numerical and alphabetical sub lists) in the initial blocks provided in the left-hand column. Initialed checklist must be included with the completed application and all other required documentation at time of submittal. **All requirements must be provided in hard copy form and digital form on a flash drive.**

Applicant Name: Highpoint Development **Project Name:** The Ridge at Lott Creek

	1.	Completed application with all signatures and notary seals present and all fields filled out and all supplementary requirements and documents attached. (Article 37, Sec. 37.3)
	2.	Legal description of the property. (separate document)
	3.	Current survey of property sealed by a Georgia registered land surveyor. (separate document)
	4.	Letter of intent describing the proposed use of the property or other action requested. (separate document)
	5.	Site plan of the property at an appropriate engineering scale which shows: (Sec. 37.4) (separate document)
		a) Existing and proposed buildings and structures,
		b) Relevant information regarding proposed improvements,
		c) Other information as required by Zoning Administrator.
	6.	Detailed description of the request. (in body of application but can be attached as separate document)
	7.	Statistics regarding the proposed project or development. (separate document)
	8.	Written analysis of how the proposed action compares to decision criteria specified for deciding on the subject type of application. (separate document)
	9.	Description of any special conditions voluntarily made a part of the request.
	10.	Conflict of interest disclosure. (in body of application)
	11.	Disclosure of campaign contributions. (in body of application)
	12.	Narrative demonstrating that criteria for granting variances has been met: (Article 37, Sec. 37.5) (separate document)
		a) There are extraordinary and exceptional conditions or practical difficulties pertaining to the particular piece of property in question because of its size, shape, or topography that are not applicable to other lands or structures in the same district;
		b) A literal interpretation of the provisions of this ordinance would effectively deprive the applicant of rights commonly enjoyed by other properties of the district in which the property is located;

City of Flowery Branch Community Development Office
5512 Main St
Flowery Branch, GA, 30542
770-967-6378
VARIANCE COMPLETENESS CHECKLIST

		c) Granting the variance requested will not confer upon the property of the applicant any special privileges that are denied to other properties of the district in which the applicant's property is located;
		d) The requested variance will be in harmony with the purpose and intent of this ordinance and will not be injurious to the neighborhood of to the general welfare;
		e) The special circumstances are not the result of the actions of the applicant;
		f) The variance requested is the minimum variance that will make possible the proposed use of the land, building, or structure in the use district proposed; and
		g) The variance shall not permit a use of land, buildings, or structures which is not permitted by right in the zoning district or overlay district involved.

The undersigned does hereby attest that all requirements in the above checklist have been met and that all required documentation has been provided at the time of submittal. The undersigned acknowledges that any application found to be incomplete upon review will be returned to the applicant for completion.

Name (print): HIGHPOINT DEVELOPMENT JAKE FRENCH

Signature:

Date: 12/11/25

FLOWERY BRANCH
Always Blooming!

VARIANCE APPLICATION

Address of Request:
4651 & 4665 Hog Mountain Road, Flowery Branch, GA 30542

Type of Variance Requested

Complete requirements for variances can be found in the Flowery Branch Code of Ordinances; Appendix C, "Zoning Ordinance", Article 37;

Please verify all the requirements of the Flowery Branch Code of Ordinances; Appendix C, "Zoning Ordinance", Article 37, section 37.5 are being met. Explain below:

1. Variance from SECTION 1014 ROW Table 10.1 Radius of curvature of the center line, minimum (feet) Local Street for a reduced radius
2. Variance from SECTION 10.21.c Residential Street Design Requirements to remove 25ft deviation from straight course requirements
3. Variance from Section 7.4 Dimensional Requirements Table 7.2 Minimum lot size requirements
4. Variance from Section 12.6.p.1 to reduce the width & length of the usable covered porch

Applicant: Highpoint Development

Address: 1776 Peachtree Street NW. Suite 250, Atlanta, GA 30309

E-mail address: jfrench@hpdev.com

Phone number: 502-386-7022

Signature:

Notary Seal:

HANNAH HURLEY
Notary Public - State of Georgia
Gwinnett County
My Commission Expires Mar 14, 2028

FLOWERY BRANCH

Property owner information (if different than the applicant)

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Address: P.O. Box 99, Demorest, GA 30535

E-mail address: _____

Phone number: _____

Signature: _____

Notary Seal:

HANNAH HURLEY
Notary Public - State of Georgia
Gwinnett County
My Commission Expires Mar 14, 2028

Property Information

Tax Map Number: 15406 000008 & 15046 000008B

Current Zoning: R-1 & AR-1 (Hall County) Total Acres: 19.398

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

Proposed City of Flowery Branch Zoning: TND

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.

FLOWERY BRANCH

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

None to the best of our knowledge

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

None to the best of our knowldedge

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

None to the best of our knowledge

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
NONE	

Criteria for Granting Variances

1. There are extraordinary and exceptional conditions or practical difficulties pertaining to the particular piece of property in question because of its size, shape, or topography that are not applicable to other lands or structures in the same district;

- Minimum road radius variance is related to the topography of the property and the dimensional restrictions with narrow width across. We will need a variance to a minimum radius of 48' in order to have a viable travel way for residents.
- Streets deviation variance is related to the topography of the site and the width constraints. We understand the concern with line of sight, so we plan to provide varying offsets for homes, different use of materials to break line of sight, and small landscape islands in the road center to provide speed reduction and break in view.
- Minimum lot size is related to the topography of the site and the width constraints. We plan to provide an average lot size of 6,700sf. The minimum lot size will be 5,500sf with only 30% of lots conforming to the minimum lot size.
- The porch size variance is related to achieving an architectural style that relates to the front-loaded garages given the topography and width constraints. We will propose an extending the roof overhang above the garage to extend across to the porch to give the feel of an extended porch. We will also utilize design code relief in Section 12.7 to allow for stoops so that we can use different materials to create architectural relief and provide a truly unique community.

2. A literal interpretation of the provisions of this ordinance would effectively deprive the applicant of rights commonly enjoyed by other properties of the district in which the property is located;

- Similar minimum road radius exists within other single-family communities within the City.
- Similar streets extend longer than 360' without deviation within the City.
- Similar lot sizes exist within other single-family communities within the City.
- Similar porch sizes exist within other single-family communities within the City.

3. Granting the variance requested will not confer upon the property of the applicant any special privileges that are denied to other properties of the district in which the applicant's property is located;

- Based on other existing single-family communities and existing travel ways within the City, it would not appear that these variances would be considered as a special privilege.

4. The requested variance will be in harmony with the purpose and intent of this ordinance and will not be injurious to the neighborhood or to the general welfare;

- The variances will primarily be visible to those living within the community and therefore should not have any injurious impact on others.

5. The special circumstances are not the result of the actions of the applicant;

- The circumstances are requested for the specific product architecture and site plan layout necessary for the community's success due to the extreme constraints of the land.

6. The variance requested is the minimum variance that will make possible the proposed use of the land, building, or structure in the use district proposed; and

- These requests have been studied extensively for over a year and have been minimized to the least impactful magnitude achievable.

7. The variance shall not permit a use of land, buildings, or structures which is not permitted by right in the zoning district or overlay district involved.

- The variances have been noted in other single-family communities and/or existing travel ways within the City and do not convey uses that are not permitted currently.

8. The variances requested do not change the use of the property or the function of any buildings or structures.

- Nothing in the requested variances will impact the use of the property or the function of the single-family community.

December 11, 2025

TO: City of Flowery Branch Community Development Office
FROM: Highpoint Development, Jake French (Applicant)
DATE: December 11, 2025
SUBJECT: 4651 & 4665 Hog Mountain Road Annexation and Rezoning Application

Applicant hereby grants permission to City of Flowery Branch Elected Officials and Staff to enter and inspect property as needed for the purpose of reviewing the request referenced above.

Jake French
Development Lead

LEGAL DESCRIPTION

All that tract or parcel of land lying and being in Georgia Militia District: Flowery Branch #1270, in Hall County, Georgia, and being more particularly described as follows:

Commencing at a mag nail set at the Southerly right of way of Hog Mountain Road (having a variable width, publicly dedicated right of way) and the common corner to property now or formally of Mount Calvary Baptist Church and CD, ii Properties, LLC, said point being the TRUE POINT OF BEGINNING.

Thence continuing along said right of way of Hog Mountain Road the following courses and distances: North 52 degrees 05 minutes 46 seconds East a distance of 300.00 feet to a 5/8 inch capped rebar set; North 52 degrees 05 minutes 46 seconds East a distance of 296.18 feet to a 5/8-inch capped rebar set; Thence leaving said right of way of Hog Mountain Road South 45 degrees 22 minutes 26 seconds East a distance of 1477.18 feet to a concrete marker found; Thence South 44 degrees 38 minutes 15 seconds West a distance of 525.39 feet to a concrete marker found; Thence North 47 degrees 47 minutes 41 seconds West a distance of 519.00 feet to a 1-inch open top pipe found; Thence North 47 degrees 47 minutes 41 seconds West a distance of 150.00 feet to a 1-invh open top pipe found; Thence North 47 degrees 47 minutes 41 seconds West a distance of 386.97 feet to a 5/8-inch capped rebar set; Thence North 47 degrees 47 minutes 41 seconds West a distance of 500.00 feet to a mag nail set at the Southerly right of way of Hog Mountain Road, said mag nail being the TRUE POINT OF BEGINNING.

Said tract or parcel of land containing 19.398 acres (844,974 square feet).

SURVEYOR'S CERTIFICATION

THIS PLAT IS A RETRACEMENT OF AN EXISTING PARCEL OR PARCELS OF LAND AND DOES NOT SUBDIVIDE OR CREATE A NEW PARCEL OR MAKE ANY CHANGES TO ANY REAL PROPERTY BOUNDARIES. THE RECORDING INFORMATION OF THE DOCUMENTS, MAPS, PLATS, OR OTHER INSTRUMENTS WHICH CREATED THE PARCEL OR PARCELS ARE STATED HEREON. RECORDATION OF THIS PLAT DOES NOT IMPLY APPROVAL OF ANY LOCAL JURISDICTION AVAILABILITY OF PERMITS, COMPLIANCE WITH LOCAL REGULATIONS OR REQUIREMENTS, OR SUITABILITY FOR ANY USE OR PURPOSE OF THE LAND. FURTHERMORE, THE UNDERSIGNED LAND SURVEYOR CERTIFIES THAT THIS PLAT COMPLIES WITH THE MINIMUM TECHNICAL STANDARDS FOR PROPERTY SURVEYS IN GEORGIA AS SET FORTH IN THE RULES AND REGULATIONS OF THE GEORGIA BOARD OF REGISTRATION FOR PROFESSIONAL ENGINEERS AND LAND SURVEYORS AND AS SET FORTH IN O.C.G.A. SECTION 15-6-67.

GEORGIA REGISTERED No. 3109 REGISTERED LAND SURVEYOR MITCHELL LOWERY

MITCHELL LOWERY GEORGIA R.L.S. #3109
DATE OF PLAT OR MAP: JANUARY 10, 2022

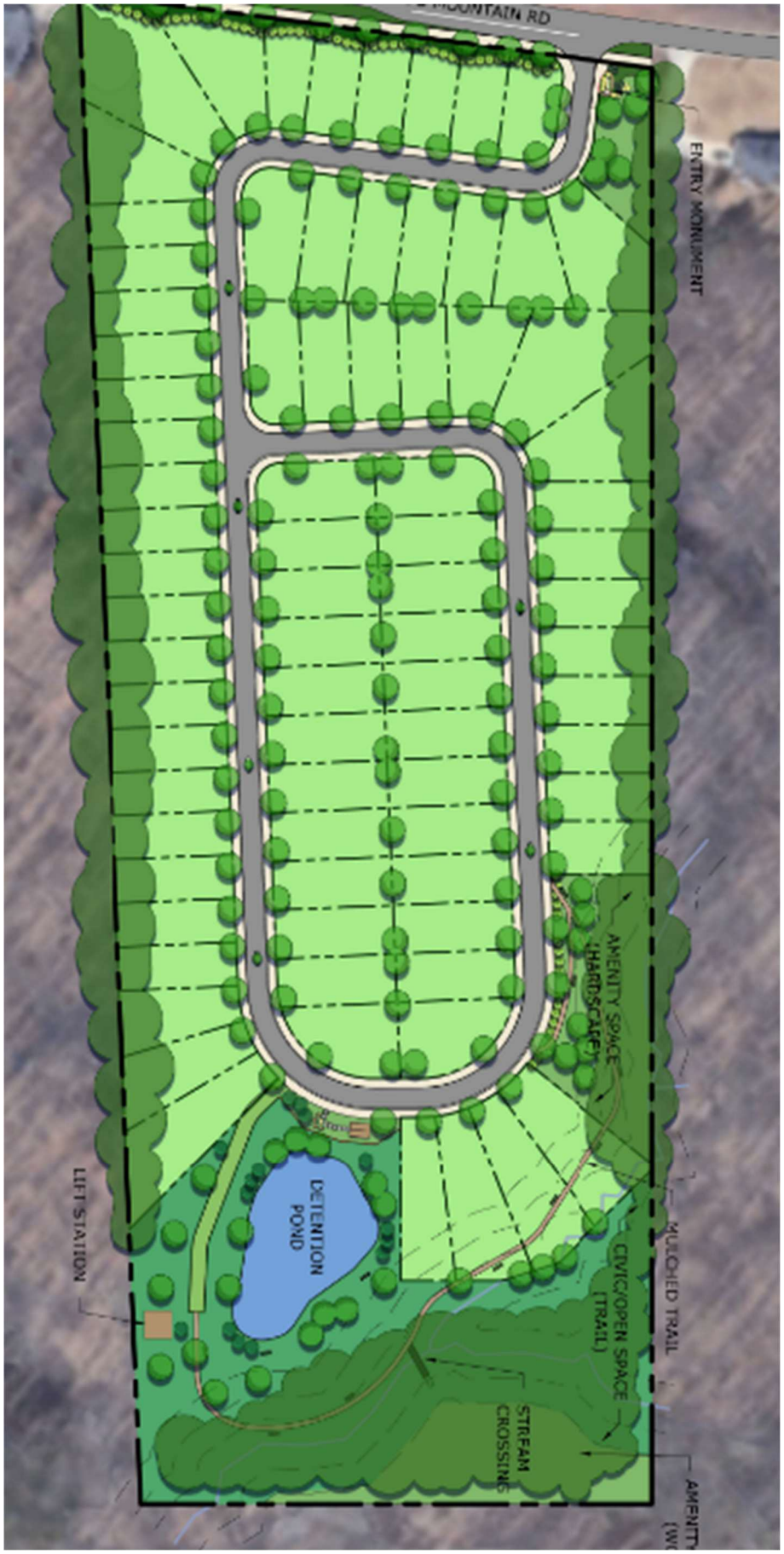
LEGAL DESCRIPTION TRACT 1

ALL THAT TRACT OR PARCEL OF LAND LYING AND BEING IN GEORGIA MILITIA DISTRICT: FLOWERY BRANCH #1270, IN HALL COUNTY, GEORGIA, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT A POINT AT THE SOUTHERLY RIGHT OF WAY OF HOG MOUNTAIN ROAD (HAVING A VARIABLE WIDTH), PUBLICLY DEDICATED RIGHT OF WAY) AND THE COMMON CORNER TO PROPERTY NOW OR FORMALLY OF MOUNT CALVARY BAPTIST CHURCH AND CD, II PROPERTIES, LLC; THENCE CONTINUING ALONG SAID RIGHT OF WAY OF HOG MOUNTAIN ROAD NORTH 52 DEGREES 05 MINUTES 46 SECONDS EAST A DISTANCE OF 296.18 FEET TO A 5/8-INCH CAPPED REBAR SET; THENCE LEAVING SAID RIGHT OF WAY OF HOG MOUNTAIN ROAD SOUTH 45 DEGREES 22 MINUTES 26 SECONDS EAST A DISTANCE OF 147.18 FEET TO A CONCRETE MARKER FOUND; THENCE SOUTH 44 DEGREES 38 MINUTES 15 SECONDS WEST A DISTANCE OF 525.39 FEET TO A CONCRETE MARKER FOUND; THENCE NORTH 47 DEGREES 47 MINUTES 41 SECONDS WEST A DISTANCE OF 519.00 FEET TO A 1-INCH OPEN TOP PIPE FOUND; THENCE NORTH 47 DEGREES 47 MINUTES 41 SECONDS WEST A DISTANCE OF 150.00 FEET TO A 1-INCH OPEN TOP PIPE FOUND; THENCE NORTH 47 DEGREES 47 MINUTES 41 SECONDS WEST A DISTANCE OF 386.97 FEET TO A 5/8-INCH CAPPED REBAR SET; THENCE LEAVING SAID RIGHT OF WAY OF HOG MOUNTAIN ROAD NORTH 47 DEGREES 41 SECONDS EAST A DISTANCE OF 500.00 FEET TO A 5/8-INCH CAPPED REBAR SET; THENCE NORTH 52 DEGREES 05 MINUTES 46 SECONDS EAST A DISTANCE OF 300.00 FEET TO A 5/8-INCH CAPPED REBAR SET; THENCE SOUTH 47 DEGREES 47 MINUTES 41 SECONDS EAST A DISTANCE OF 500.00 FEET TO A 5/8-INCH CAPPED REBAR SET; THENCE SOUTH 52 DEGREES 05 MINUTES 46 SECONDS WEST A DISTANCE OF 300.00 FEET TO A 5/8-INCH CAPPED REBAR SET; THENCE NORTH 47 DEGREES 47 MINUTES 41 SECONDS WEST A DISTANCE OF 519.00 FEET TO A 1-INCH OPEN TOP PIPE FOUND; THENCE NORTH 47 DEGREES 47 MINUTES 41 SECONDS WEST A DISTANCE OF 150.00 FEET TO A 1-INCH OPEN TOP PIPE FOUND; THENCE NORTH 47 DEGREES 47 MINUTES 41 SECONDS WEST A DISTANCE OF 386.97 FEET TO A 5/8-INCH CAPPED REBAR SET; THENCE LEAVING SAID RIGHT OF WAY OF HOG MOUNTAIN ROAD NORTH 47 DEGREES 41 SECONDS EAST A DISTANCE OF 500.00 FEET TO A 5/8-INCH CAPPED REBAR SET; THENCE NORTH 52 DEGREES 05 MINUTES 46 SECONDS EAST A DISTANCE OF 300.00 FEET TO A 5/8-INCH CAPPED REBAR SET; THENCE SOUTH 47 DEGREES 47 MINUTES 41 SECONDS EA

THE RIDGE

AT LOTT CREEK



Project Narrative for Hog Mountain Road Tract

LOCATION – 4651 & 4665 Road, Flowery Branch, GA 30542
ACREAGE – 19.398 acres +/-
APPLICANT – Highpoint Development
PROPOSED ZONING – TND

Summary

The accompanying application seeks annexation and zoning district change from AR-I in Hall County to TND in Flowery Branch for a 19.398-acre tract, consisting of Parcel #'s 15046 000008 & 15046 000008B. The property appears to have been vacant for a number of years. The location is on Hog Mountain Road in south Hall approximately 1300 LF north of Spout Springs Road. The intent is to develop up to 81 units of quality housing (single-family) along with an extensive amount of undeveloped natural area. At least 15% of the site will be maintained as open space. Although not specifically identified, the property is located adjacent to the "Retail Activity Center" Character Area of the 2041 Comprehensive Plan. We believe this property could serve as a transitional use from the retail area to south and the lower density subdivisions to the north and east.

Site Description

The property has approximately 640 LF of frontage along Hog Mountain Road, rectangular and approximately 1,500 LF deep. The site is undeveloped with several dilapidated out buildings and contains a mix of trees and vegetation. A jurisdictional stream (Lott Creek) is located near the rear of the property and appears to be a tributary of Mulberry Creek. Domestic water (24") is provided by the City of Gainesville and is located on the northwest side of Hog Mountain Road. Flowery Branch will provide sanitary Sewer through a new, on-site pump station and force main to nearby gravity lines located within the Stonebridge Village retail center. All other dry utilities are located within a reasonable distance for service extensions.

Adjacencies

The property is surrounded by Hall County residential zonings, AR-III, PRD and R-1 and a small HB property on the west side of Hog Mountain Road. Adjacent Flowery Branch zoning is HB.

Access

Access to the property is proposed from a driveway on Hog Mountain Road approximately 1,800 LF north of Spout Springs Road. The nearest cross street is Cash Road, located approximately 900 LF northeast of the property.

Proximity to Other Uses

- Nearest distance to undeveloped commercial property – parcel #15046 000151-zoned HB located adjacent to southwestern boundary.
- Nearest distance to developed commercial property – parcel #08096 000014 zoned H-B, directly across at 4650 Hog Mountain Road.

- Nearest distance to a single-family home – a single-family home at 4641 Hog Mountain Road is located within 40’ of the northeastern boundary.
- Nearest distance to a subdivision – Hunters Landing S/D is located 0.6 miles away.

Aerial View



Comprehensive Plan Consistency

Since the subject property is currently located in unincorporated Hall County, the Flowery Branch Comprehensive Plan does not specifically identify the future land use for this property. With Retail/Commercial uses directly to the south of the subject property and lower density residential uses to the north, it would be reasonable to assume that the subject property could provide a transitional use and density between the uses identified. Although this specific property is not included in the Comprehensive Plan Future Development Map, it does lie adjacent to the "Activity Center – Retail" character area. It is our opinion that the slightly higher densities offered under the TND zoning district, and the specific use for attached single-family homes, would be applicable for this property.

Traffic Impact Study

A Traffic Impact Study has not been requested by the City but was recommended. We have completed a Traffic Impact Study as a courtesy. The following recommendations were made:

- One entering lane and one exiting lane
- Stop sign controlled on the driveway approach with Hog Mountain Rd remaining free flow
- A right turn lane for entering traffic
- No recommendation for the need of a left turn lane in

Development Strategy

The Concept Plan includes traditional front entry single family homes. The architectural style of the homes will be influenced by the mountain bungalow style to feel more rooted in the community and within the TND design intent. The single-family homes located along the Hog Mountain Road frontage will be facing interior to the development and we will have elevated facades on the rear of these homes to provide a grand appearance along Hog Mountain Rd. We will provide a desirable streetscape for the project's entrance including a professionally landscaped monument sign. The single-family homes will all have front-loaded garages. The community will have amenities including walking trails, a creek bridge crossing, a community gathering pavilion, and a firepit communal area with chairs.

Architectural Materials & Site Improvements

Single-family homes will follow the requirements of Section 12.6.i at a minimum with a general design theme that would include:

- Two-car garages
- Front facades with a combination of masonry and hardi-plank siding materials
- Side & Rear facades with hardi-plank siding, glazing & trim
- Architectural weight shingles
- Sodded yards (4 sides)
- One tree per lot (minimum 2 ½" caliper)
- Variance Requested –
    - Road radius min. at 48'
    - Street deviation distance req. to 850' w/ concessions
    - Minimum lot size avg 6,700sf w/ 30% min lots of 5,500sf
    - Reduce front porch size requirement

Entrance Monumentation

The entrance may include the items listed below with at least one central mail kiosk provided subject to USPS review and approval.

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

Amenities

The community amenities, at a minimum, will contain the following items:

- Pocket Park
- Walking Trails
- Creek Crossing
- Park Benches
- Community gathering pavilion
- Communal firepit with seating

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 Hog Mountain Road.

Model Home Permits

Applicant requests that up to twelve (12) 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 Developer. The HOA will manage the overall management of the property including maintenance, architectural controls and financial management.

Annexation

Hall County has given verbal confirmation they would approve the annexation into Flowery Branch assuming the adjacent parcels are not attempting to annex at the same time.

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.

Project Dimensional Standards

Proposed Dimensional Standards	
Acres	19.398
Number of Lots	81
Gross Density	4.18
Exterior Buffer	-
Height (Feet)	30
Minimum Lot Size (SF)*	5,500
Minimum Lot Width (Ft)	40
Minimum Lot Depth (Ft)	80
Minimum Heated Floor Area (SF)	1,200
Front Yard Setback from Lot Line (Ft)	-
Side Setback, Interior Lot Line or Corner Lot (Ft)	5
Rear Setback (Ft)	25
Maximum Coverage of Impervious Surface	45%
Sidewalks	5', Both Sides
Civic Space	15%
Amenity Space	6%
Parking	2 - Enclosed
**Requires variance approval*	

THE RIDGE
AT LOTT CREEK





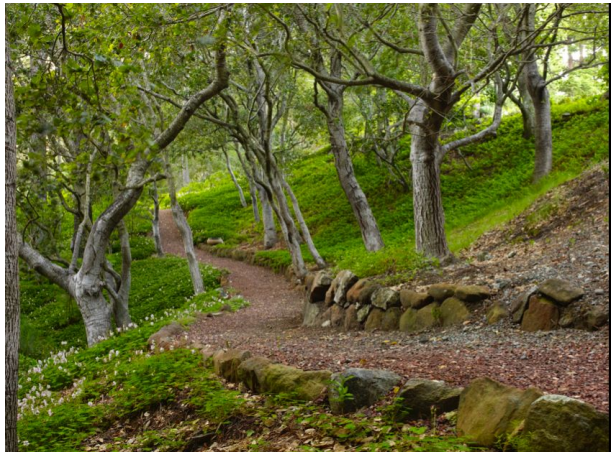


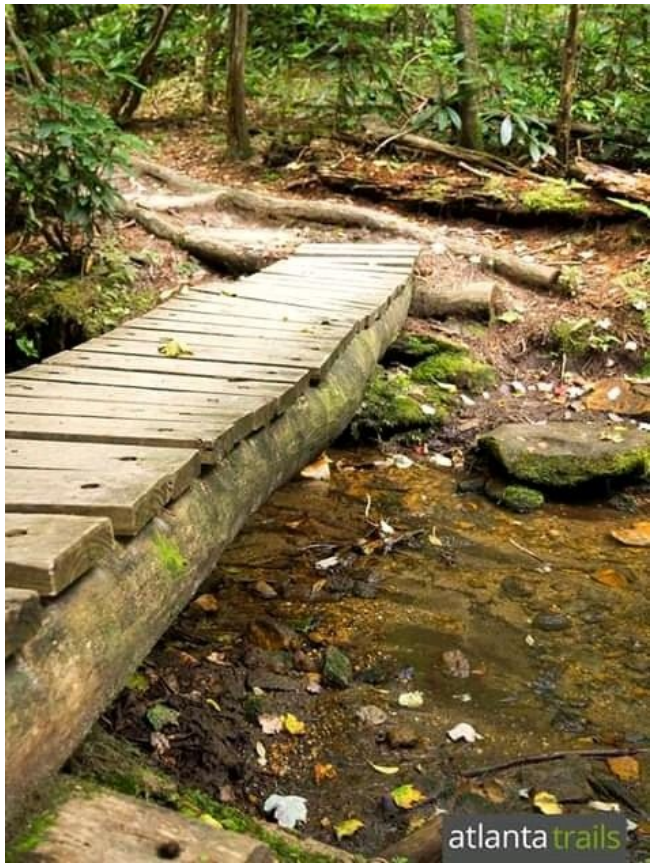
ENTRY GATE IDEAS

The entry conveys a quiet sense of welcome, shaped with natural stone and native plantings that feel authentically tied to Hog Mountain and the creek below. Materials sit comfortably in the landscape, offering a sense of belonging rather than display, creating an approach that is both dignified and genuinely rooted in place.

THE RIDGE
AT LOTT CREEK









AMENITIES

Amenities are designed to feel close to the landscape and quietly integrated. A communal fire pit and pavilion overlooks the stream, and a soft mulched trail guides residents through the trees to a modest wooden bridge across Lott Creek. The experience is simple and welcoming, inviting time outdoors without overshadowing the natural character of the place.

THE RIDGE

AT LOTT CREEK



COLOR PALETTE:

The three offered schemes—light, mid-tone, and dark—are drawn from the muted, earthy tones of the North Georgia landscape. Each palette reflects the surrounding ridge and creek setting, favoring natural hues: soft mineral whites, weathered wood browns, and deeper charcoal colors that echo stone, soil, and shaded canopy. Together, they provide variation without discord, allowing homes to feel individually tailored yet quietly unified within the broader landscape.

THE RIDGE
AT LOTT CREEK







ARCHITECTURAL FEATURES:

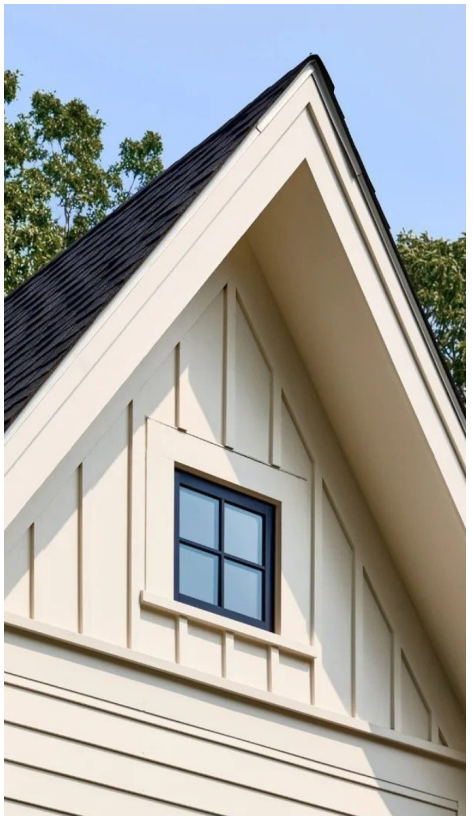
The achitecture leans toward a mountain bungalow style, with forms and finishes that feel sturdy, familiar, and tied to the landscape. Dark charcoal accents sharpen the earthy palette, while carriage-style garage doors and well-placed sconces add character without slipping into ornament. Matching metal gutters bring a clean outline to the façades, and the porch roof extending across the front-facing garage helps keep everything at a comfortable, human scale. The result is a street presence that feels connected, warm, and intentionally crafted—neighbors, not statements.

THE RIDGE
AT LOTT CREEK









ARCHITECTURAL FEATURES:

Details stay simple and purposeful. Porch brackets and extended overhangs provide clear structure and shade without excess. Gable vents, occasional gable windows, and selectively used shutters add just enough dimension to the façades, keeping each home grounded and consistent without feeling repetitive.

Analysis of the Hog Mountain Road Annexation Request

(a) Whether the proposal will permit a use that is suitable in view of the use and development of adjacent and nearby property.

- The requested use is for a residential and is consistent with the many undeveloped nearby properties. The suitability for more intense uses is limited by the property's topography.

(b) Whether the proposal will adversely affect the existing use or usability of adjacent or nearby property.

- The proposed residential use of the property will not negatively impact any adjacent property as there are both commercial and residential uses nearby.

(c) 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.

- The property has been marketed under its current zoning for a number of years and has generated very little interest. Without annexation into Flowery Branch, sewer will not be available.

(d) 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.

- Other than a small increased school impact, the proposed residential use will have minimal impact to the existing infrastructure.

(e) 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.

- Although not specifically identified, the property is located adjacent to the "Retail Activity Center" Character Area of the 2041 Comprehensive Plan. We believe this property could serve as a transitional use from the retail area to south and the lower density subdivisions to the north and east.

(f) 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 availability of suitable land for development is becoming more limited while the demand for residential use in this area continues to increase. The topography of the property is more suitable for residential than for any retail/commercial uses.

(g) Existing use(s) and zoning of the subject property and nearby properties.

- The property is surrounded by Hall County residential zonings, AR-III, PRD and R-1 and a small HB property on the west side of Hog Mountain Road. Adjacent Flowery Branch zoning is HB.

(h) 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.

- Under the existing zoning districts (AR-I & R-1) in Hall County, the property value (2024 Tax Assessment - $363,300) is diminished by the lack of sewer access and the limited development potential. Annexation and rezoning to TND would create a value in excess of $2,000,000. The current property owner has owned the property since 2012 and has been unsuccessful under the current zoning.

(i) 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 change of use is more compatible with the existing single-family development to the north and will have no impact on the other adjacent uses.

(j) The possible creation of an isolated zoning district unrelated to adjacent and nearby districts.

- The property is adjacent to an existing single-family home to the north and therefore would not create an isolated use.

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

- The character of this area already includes residential uses so there should be no impact on the general character of the district.

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

- Residential development is generally less intensive in its impact on the environmental issues mentioned as opposed to adjacent HB zoned uses.

(m) 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.

- This change of use will not be harmful to the overall zoning scheme as other residential uses currently exist adjacent to the property.

Parcel #	Name	Address	Mailing Address
15046 000009A	Mount Calvary Baptist Church	4675 Hog Mountain Road, Flowery Branch, GA 30542	4675 Hog Mountain Road, Flowery Branch, GA 30542
15046 000151	Capstone Gateway 1, LLC	Hog Mountain Road, Flowery Branch, GA 30542	P.O. Box 724, Gainesville, GA 30503
15046 000065	Capstone Acquisitions, LLC	6001 Spout Springs Road, Flowery Branch, GA 30542	P.O. Box 724, Gainesville, GA 30504
15046 000131	Capstone Acquisitions, LLC	6011 Spout Springs Road, Flowery Branch, GA 30542	P.O. Box 724, Gainesville, GA 30505
15046 000070	Capstone Acquisitions, LLC	6065 Spout Springs Road, Flowery Branch, GA 30542	P.O. Box 724, Gainesville, GA 30506
15046E 000013	Blake Alexander Hall	4650 Quail Point Dr., Flowery Branch, GA 30542	4650 Quail Point Dr., Flowery Branch, GA 30542
15046E 000012	Tammy A. Lipscomb	4646 Quail Point Dr., Flowery Branch, GA 30542	4646 Quail Point Dr., Flowery Branch, GA 30542
15046 000002	Florence Cash Smee	4576 Cash Road, Flowery Branch, GA 30542	4576 Cash Road, Flowery Branch, GA 30542
15046 000143	Lucy Cash Barnett	4560 Cash Road, Flowery Branch, GA 30542	4560 Cash Road, Flowery Branch, GA 30542
15046 000008A	Thoren C. Merrow	4666 Hog Mountain Road, Flowery Branch, GA 30542	4646 Hog Mountain Road, Flowery Branch, GA 30542
08096 000008	Pauline Cantrell Roberts	4642 Hog Mountain Road, Flowery Branch, GA 30542	4642 Hog Mountain Road, Flowery Branch, GA 30542
08096 000014	R Squared Rentals, LLC	4650 Hog Mountain Road, Flowery Branch, GA 30542	1406 Mountain Creek Church Road, Pendergrass, GA 30567
08097 000005	Mary Elizabeth Hickman, et al	4560 Hog Mountain Road, Flowery Branch, GA 30542	4847 Parliament Way, Dunwoody, GA 30338

Georgia law and the procedures of Flowery Branch requires the Applicant to raise Federal and State constitutional objections during the TND master plan application process. While the Applicant anticipates a smooth application process, failure to raise constitutional objections at this stage may mean that the Applicant will be barred from raising important legal claims later in the process. Accordingly, the following constitutional objections are stated:

The portions of the Flowery Branch Development Code, facially and as applied to the Property, which restrict the Property to any uses, conditions, land use designations, development standards, or to any zoning district other than that proposed by the Applicant are unconstitutional in that they would destroy the Applicant's property rights without first paying fair, adequate and just compensation for such rights, in violation of Article I, Section I, Paragraph I and Section III, Paragraph I of the Constitution of the State of Georgia of 1983, and the Due Process Clause of the Fourteenth Amendment to the Constitution of the United States.

The application of the Flowery Branch Development Code, facially and as applied to the Property, which restricts the Property to any uses, conditions, land use designations, development standards, or to any zoning district other than in accordance with the application as proposed by the Applicant is unconstitutional, illegal, null and void, constituting a taking of Applicant's Property in violation of the Just Compensation Clause of the Fifth Amendment to the Constitution of the United States; Article I, Section I, Paragraph I, and Section III, Paragraph I of the Constitution of the State of Georgia of 1983; and the Equal Protection and Due Process Clauses of the Fourteenth Amendment to the Constitution of the United States denying the Applicant an economically viable use of its land while not substantially advancing legitimate state interests.

A denial of this Application would be unconstitutional under the Takings Clause of the Fifth Amendment to the Constitution of the United States and the Just Compensation Clause of Article I, Section III, Paragraph I of the Constitution of the State of Georgia of 1983. A refusal by the Flowery Branch City Council to approve the zoning conditions as requested would constitute a taking of the Applicant's property.

A denial of this Application would constitute an arbitrary and capricious act by the Flowery Branch City Council without any rational basis therefore constituting an abuse of discretion in violation of Article I, Section I, Paragraph I and Section III, Paragraph I of the Constitution of the State of Georgia of 1983, and the Due Process Clause of the Fourteenth Amendment to the Constitution of the United States. A refusal to grant the TND zoning request would lack objective justification and would result only from neighborhood opposition, which would constitute an unlawful delegation of the zoning power to non-legislative bodies in violation of the Georgia Constitution, Article IX, Section II, Paragraph 4.

A refusal by the Flowery Branch City Council to approve this Application for the Property in accordance with the criteria as requested by the Applicant would be unconstitutional and discriminate in an arbitrary, capricious and unreasonable manner between the Applicant and owners of the similarly situated property in violation of Article I, Section I, Paragraph II of the Constitution of the State of Georgia of 1983 and the Equal Protection Clause of the Fourteenth Amendment to the Constitution of the United States. Any rezoning of the Property subject to conditions which are different from the conditions requested by the Applicant, to the extent such different conditions would have the effect of further restricting Applicant's utilization of the Property, would also constitute an arbitrary, capricious and discriminatory act in zoning the Property to a unconstitutional classification and would likewise violate each of the provisions of the State and Federal Constitutions set forth hereinabove.

I. CONCLUSION

For the foregoing reasons, the Applicant respectfully requests that this TND master plan application be granted as requested by the Applicant. If there are any questions about this request, you may contact:

Jake French
Highpoint Development
1776 Peachtree Street NW.
Suite 250.
Atlanta, GA 30309
502-386-7022
jfrench@hpdev.com



SURVEYOR'S CERTIFICATION

THIS PLAT IS A RETRACEMENT OF AN EXISTING PARCEL OR PARCELS OF LAND AND DOES NOT SUBDIVIDE OR CREATE A NEW PARCEL OR MAKE ANY CHANGES TO ANY REAL PROPERTY BOUNDARIES. THE RECORDING INFORMATION OF THE DOCUMENTS, MAPS, PLATS, OR OTHER INSTRUMENTS WHICH CREATED THE PARCEL OR PARCELS ARE STATED HEREON. RECORDATION OF THIS PLAT DOES NOT IMPLY APPROVAL OF ANY LOCAL JURISDICTION, AVAILABILITY OF PERMITS, COMPLIANCE WITH LOCAL REGULATIONS OR REQUIREMENTS, OR SUITABILITY FOR ANY USE OR PURPOSE OF THE LAND. FURTHERMORE, THE UNDERSIGNED LAND SURVEYOR CERTIFIES THAT THIS PLAT COMPLIES WITH THE MINIMUM TECHNICAL STANDARDS FOR PROPERTY SURVEYS IN GEORGIA AS SET FORTH IN THE RULES AND REGULATIONS OF THE GEORGIA BOARD OF REGISTRATION FOR PROFESSIONAL ENGINEERS AND LAND SURVEYORS AND AS SET FORTH IN O.C.G.A. SECTION 15-6-67.

GEORGIA REGISTERED No. 3109 REGISTERED LAND SURVEYOR MITCHELL LOWERY

MITCHELL LOWERY GEORGIA R.L.S. #3109
DATE OF PLAT OR MAP: JANUARY 10, 2022

LEGAL DESCRIPTION TRACT 1

ALL THAT TRACT OR PARCEL OF LAND LYING AND BEING IN GEORGIA MILITIA DISTRICT: FLOWERY BRANCH #1270, IN HALL COUNTY, GEORGIA, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT A POINT AT THE SOUTHERLY RIGHT OF WAY OF HOG MOUNTAIN ROAD (HAVING A VARIABLE WIDTH, PUBLICLY DEDICATED RIGHT OF WAY) AND THE COMMON PUBLICLY DEDICATED RIGHT OF WAY OF MOUNT CALVARY BAPTIST CHURCH AND CD. II PROPERTIES, LLC; CORNER TO PROPERTY NOW OR FORMALLY OF MOUNT CALVARY BAPTIST CHURCH AND CD. II PROPERTIES, LLC; THENCE CONTINUING ALONG SAID RIGHT OF WAY OF HOG MOUNTAIN ROAD NORTH 52 DEGREES 05 MINUTES 46 SECONDS EAST A DISTANCE OF 296.18 FEET TO A 5/8-INCH CAPPED REBAR SET; THENCE LEAVING SAID RIGHT OF WAY OF HOG MOUNTAIN ROAD SOUTH 45 DEGREES 22 MINUTES 26 SECONDS EAST A DISTANCE OF 147.18 FEET TO A CONCRETE MARKER FOUND; THENCE SOUTH 44 DEGREES 38 MINUTES 15 SECONDS WEST A DISTANCE OF 525.39 FEET TO A CONCRETE MARKER FOUND; THENCE NORTH 47 DEGREES 47 MINUTES 41 SECONDS WEST A DISTANCE OF 519.00 FEET TO A 1-INCH OPEN TOP PIPE FOUND; THENCE NORTH 47 DEGREES 47 MINUTES 41 SECONDS WEST A DISTANCE OF 150.00 FEET TO A 1-INCH OPEN TOP PIPE FOUND; THENCE NORTH 47 DEGREES 47 MINUTES 41 SECONDS WEST A DISTANCE OF 386.97 FEET TO A 5/8-INCH CAPPED REBAR SET; THENCE NORTH 52 DEGREES 05 MINUTES 46 SECONDS EAST A DISTANCE OF 300.00 FEET TO A 5/8-INCH CAPPED REBAR SET; THENCE NORTH 47 DEGREES 47 MINUTES 41 SECONDS WEST A DISTANCE OF 500.00 FEET TO A 5/8-INCH CAPPED REBAR SET ON THE SOUTHERLY RIGHT OF WAY OF HOG MOUNTAIN ROAD, SAID 5/8-INCH CAPPED REBAR BEING THE TRUE POINT OF BEGINNING.

(697,203 SQUARE FEET) OR 16.006 ACRES OF LAND CONTAINING

LEGAL DESCRIPTION TRACT 2

ALL THAT TRACT OR PARCEL OF LAND LYING AND BEING IN GEORGIA MILITIA DISTRICT: FLOWERY BRANCH #1270, IN HALL COUNTY, GEORGIA, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT A MAG NAIL SET AT THE SOUTHERLY RIGHT OF WAY OF HOG MOUNTAIN ROAD (HAVING A VARIABLE WIDTH, PUBLICLY DEDICATED RIGHT OF WAY) AND THE COMMON CORNER TO PROPERTY NOW OR FORMALLY OF MOUNT CALVARY BAPTIST CHURCH AND CD. II PROPERTIES, LLC, SAID POINT BEING THE TRUE POINT OF BEGINNING.

THENCE CONTINUING ALONG SAID RIGHT OF WAY OF HOG MOUNTAIN ROAD NORTH 52 DEGREES 05 MINUTES 46 SECONDS EAST A DISTANCE OF 300.00 FEET TO A 5/8 INCH CAPPED REBAR SET; THENCE LEAVING SAID RIGHT OF WAY OF HOG MOUNTAIN ROAD SOUTH 47 DEGREES 47 MINUTES 41 SECONDS EAST A DISTANCE OF 500 FEET TO A 5/8 INCH CAPPED REBAR SET; THENCE SOUTH 52 DEGREES 05 MINUTES 46 SECONDS WEST A DISTANCE OF 300.00 FEET TO A 5/8 INCH CAPPED REBAR SET; THENCE NORTH 47 DEGREES 47 MINUTES 41 SECONDS WEST A DISTANCE OF 500 FEET TO A MAG NAIL SET IN THE RIGHT OF WAY OF HOG MOUNTAIN ROAD, SAID MAG NAIL BEING THE TRUE POINT OF BEGINNING.

SAID TRACT OR PARCEL OF LAND CONTAINING 3.392 ACRES (147,771 SQUARE FEET).

ZONING

PER ITEMS 6(A) AND 6(B) OF THE 2021 ALTA/NSPS LAND TITLE SURVEY MINIMUM STANDARD DETAIL REQUIREMENTS, SETBACKS AND OTHER ZONING RESTRICTIONS/REQUIREMENTS CANNOT BE LISTED UNLESS A ZONING REPORT OR LETTER STATING SAID RESTRICTIONS/REQUIREMENTS IS PROVIDED.

SURVEY NOTES

1) PROPERTY SHOWN HEREON WAS SURVEYED NOVEMBER 16, 2021.

2) THE FIELD DATA UPON WHICH THIS PLAT IS BASED HAS A CLOSURE OF 1' IN 41,946' WITH AN ANGULAR ERROR OF 3.21 SECONDS PER ANGLE POINT AND WAS ADJUSTED USING THE LEAST SQUARES METHOD.

3) A SOKKIA IX TOTAL STATION, CARLSON BRX7 GPS RECEIVER, AND CARLSON SURVEYOR+ DATA COLLECTOR WERE USED FOR FIELD SURVEY MEASUREMENTS.

4) THIS PLAT HAS A MAP CLOSURE OF 1' IN 522,274'.

5) SAID DESCRIBED PROPERTY IS LOCATED WITHIN AN AREA HAVING A ZONE DESIGNATION 'X' ON FLOOD INSURANCE RATE MAP NO. 13139C0292F, WITH A DATE OF IDENTIFICATION OF SEPTEMBER 29, 2006, FOR COMMUNITY NUMBER 130466, IN HALL COUNTY UNINCORPORATED AREAS, STATE OF GEORGIA, WHICH IS THE CURRENT FLOOD INSURANCE RATE MAP FOR THE COMMUNITY IN WHICH SAID PROPERTY IS SITUATED.

6) CONTROL AND BEARING BASIS FOR THIS SURVEY WERE ESTABLISHED USING A TOPCON HIPER LITE+ GPS RECEIVER UTILIZING OPUS-S FOR POST PROCESSING. THE RELATIVE POSITIONAL ACCURACY, AS CALCULATED ACCORDING TO THE FEDERAL GEOGRAPHIC DATA COMMITTEE PART 3: NATIONAL STANDARD FOR SPATIAL DATA ACCURACY, IS .03 FEET HORIZONTAL AND .06 FEET VERTICAL AT THE 95% CONFIDENCE LEVEL.

7) UTILITIES SHOWN PER MARKINGS PLACED BY UTILITY-MARKING, L.L.C. UTILITIES OTHER THAN THOSE SHOWN HEREON MAY EXIST. LOWERY & ASSOCIATES MAKES NO GUARANTEE AS TO THE EXISTENCE OR NON-EXISTENCE OF SAID UTILITIES.

8) NO OBSERVED EVIDENCE OF CEMETERIES, GRAVESITES, AND/OR BURIAL GROUNDS AT TIME OF SURVEY.

9) PROPERTY SHOWN HEREON LIES WITHIN THE RECORD DESCRIPTION AS STATED IN GENERAL WARRANTY DEED RECORDED IN DEED BOOK 7096, PAGE 307, HALL COUNTY RECORDS.

10) NO ENCROACHMENTS OTHER THAN THOSE SHOWN HEREON WERE OBSERVABLE AT TIME OF SURVEY.

11) AT THE TIME OF THE SURVEY, THERE WAS NO OBSERVABLE EVIDENCE OF EARTH MOVING WORK, BUILDING CONSTRUCTION OR BUILDING ADDITIONS.

12) AT THE TIME OF THE SURVEY, THERE WERE NO PROPOSED CHANGES IN STREET RIGHT OF WAY LINES OR OBSERVABLE EVIDENCE OF STREET OR SIDEWALK REPAIRS.

13) AT THE TIME OF THE SURVEY, THERE WAS NO OBSERVABLE EVIDENCE OF THE SITE BEING USED AS A SOLID WASTE DUMP, SUMP OR SANITARY LANDFILL.

14) SUBJECT PROPERTY HAS DIRECT ACCESS TO HOG MOUNTAIN ROAD, BEING A PUBLICLY DEDICATED RIGHT OF WAY.

15) SUBJECT PROPERTY IS CONTIGUOUS TO ALL ADJACENT PROPERTIES AND RIGHTS OF WAY. NO GAPS, GORES, OR OVERLAPS ARE KNOWN TO EXISTS.

LEGEND

- PROPERTY LINE
- OVERHANG/AWNING
- (BEARING/DISTANCE)
- RECORD CALLS
- B.S.L. BUILDING SETBACK LINE
- INDEX CONTOUR
- MINOR CONTOUR
- SPOT ELEVATION
- WATER LINE
- OVERHEAD UTILITY LINE
- GAS LINE
- UNDERGROUND TELEPHONE LINE
- SANITARY SEWER LINE
- UNDERGROUND ELECTRIC LINE
- FENCE LINE
- STORM DRAIN PIPE
- WATER VALVE
- WATER METER
- FIRE HYDRANT
- GAS METER
- GAS VALVE
- POWER METER
- SANITARY SEWER MANHOLE
- REBAR
- CAPPED REBAR
- CONCRETE MONUMENT
- OPEN TOP PIPE
- FOUND
- LIGHT POLE
- SIGN
- HARDWOOD TREE
- PINE TREE

VICINITY MAP

BOUNDARY & TOPOGRAPHIC SURVEY OF:
4651 HOG MOUNTAIN ROAD
FLOWERY BRANCH, GEORGIA 30542

STATE: GEORGIA | COUNTY: HALL

GEORGIA MILITIA DISTRICT: FLOWERY BRANCH DISTRICT (#1270)

PREPARED FOR:
KIMLEY-HORN

REVISIONS

DATE:	DESCRIPTION

Lowery & Associates
LAND SURVEYING, LLC

DATE: JANUARY 10, 2022
JOB #: 21348I
SCALE: 1"=60'
DRAWN BY: D. HALL

LOWERY & ASSOCIATES
LAND SURVEYING, LLC
317 GRASSDALE ROAD
CARTERSVILLE, GA 30121
770-334-8186
WWW.LOWERYLANDSURVEYS.COM
INFO@LOWERYLANDSURVEYS.COM
GEORGIA C.O.A.: LSF-001102

LEGAL DESCRIPTION

All that tract or parcel of land lying and being in Georgia Militia District: Flowery Branch #1270, in Hall County, Georgia, and being more particularly described as follows:

Commencing at a mag nail set at the Southerly right of way of Hog Mountain Road (having a variable width, publicly dedicated right of way) and the common corner to property now or formally of Mount Calvary Baptist Church and CD, ii Properties, LLC, said point being the TRUE POINT OF BEGINNING.

Thence continuing along said right of way of Hog Mountain Road the following courses and distances: North 52 degrees 05 minutes 46 seconds East a distance of 300.00 feet to a 5/8 inch capped rebar set; North 52 degrees 05 minutes 46 seconds East a distance of 296.18 feet to a 5/8-inch capped rebar set; Thence leaving said right of way of Hog Mountain Road South 45 degrees 22 minutes 26 seconds East a distance of 1477.18 feet to a concrete marker found; Thence South 44 degrees 38 minutes 15 seconds West a distance of 525.39 feet to a concrete marker found; Thence North 47 degrees 47 minutes 41 seconds West a distance of 519.00 feet to a 1-inch open top pipe found; Thence North 47 degrees 47 minutes 41 seconds West a distance of 150.00 feet to a 1-invh open top pipe found; Thence North 47 degrees 47 minutes 41 seconds West a distance of 386.97 feet to a 5/8-inch capped rebar set; Thence North 47 degrees 47 minutes 41 seconds West a distance of 500.00 feet to a mag nail set at the Southerly right of way of Hog Mountain Road, said mag nail being the TRUE POINT OF BEGINNING.

Said tract or parcel of land containing 19.398 acres (844,974 square feet).

ORDINANCE NO. 776

AN ORDINANCE GRANTING VARIANCES FROM THE REQUIREMENTS SET FORTH IN THE CITY OF FLOWERY BRANCH SUBDIVISION ORDINANCE, SAID VARIANCE TO BE FROM ARTICLE 10 – ACCESS AND DESIGN REQUIREMENTS FOR ROADS, SEC. 1014 – ROAD RIGHT-OF-WAY WIDTHS AND MITERS, TABLE 10.1, & A VARIANCE FROM THE REQUIREMENTS SET FORTH IN THE ZONING ORDINANCE FROM ARTICLE 10 – DEVELOPMENT REQUIREMENTS AND GUIDELINES, SEC. 10.21C – RESIDENTIAL STREET DESIGN REQUIREMENTS, FOR 4651 & 4665 HOG MOUNTAIN ROAD, HALL COUNTY TAX PARCELS 15046 000008 AND 15046 000008B, OWNED BY CD II PROPERTIES, LLC; AS SHOWN AND DESCRIBED ON ATTACHED EXHIBIT "A", PROVIDING FOR SEVERABILITY, PROVIDING FOR AN EFFECTIVE DATE, REPEALING CONFLICTING ORDINANCES, AND FOR ALL OTHER LAWFUL PURPOSES.

WHEREAS, CDII Properties LLC owns the subject parcel of land identified as Hall County Tax Parcel Identification No. 15046 000008 and 15046 000008B as shown and described on Exhibit "A"; and

WHEREAS, CDII Properties, LLC has submitted to the City Council of Flowery Branch, Georgia, a written and signed application and affidavit showing consent to apply for variances and whereas a survey and complete description of the subject parcel is included in the application; and

WHEREAS, the City Council held a public hearing at the meeting on February 5th, 2026, duly noticed as prescribed by law and published in the Gainesville Times, regarding said application, as shall be set forth in the minutes of said meeting.

NOW THEREFORE, THE COUNCIL OF THE CITY OF FLOWERY BRANCH HEREBY ORDAINS AS FOLLOWS:

SECTION 1. . CRITERIA FOR GRANTING VARIANCES:

a) There are extraordinary and exceptional conditions or practical difficulties pertaining to the particular piece of property in question because of its size, shape or topography that are not applicable to other lands or structures in the same district;
b) A literal interpretation of the provisions of this ordinance would effectively deprive the applicant of rights commonly enjoyed by other properties of the district in which the property is located;

c) Granting the variance requested will not confer upon the property of the applicant any special privileges that are denied to other properties of the district in which the applicant's property is located;
d) The requested variance will be in harmony with the purpose and intent of this ordinance and will not be injurious to the neighborhood or to the general welfare;
e) The special circumstances are not the result of the actions of the applicant;
f) The variance requested is the minimum variance that will make possible the proposed use of the land, building, or structure in the use district proposed; and
g) The variance shall not permit a use of land, buildings or structures, which is not permitted by right in the zoning district or overlay district involved.

SECTION 2. VARIANCES GRANTED, AND CONDITIONS IMPOSED.

A Variance from the Subdivisions Ordinance, Article 10 – Access and Design Requirements for Roads, Sec. 1014 – Road Right-of-Way Widths and Miters, Table 10.1 is hereby granted to reduce radius of curvature of the center line from 275' to 48' with a condition that the applicant revise the site plan to show two-way stops in areas that can accommodate to reduce the amount of radii needing a variance. The final alternative design shall be approved by the City Engineer.

A variance from the Zoning Ordinance, Article 10 – Development Requirements and Guidelines, Sec. 10.21(c) – Residential Street Design Requirements, to remove the requirement of all streets more than 360 feet in length shall have at least 25 feet of lateral deviation from a straight course is hereby granted with a condition that engineering standard traffic calming devices are proposed on a revised site plan. Additionally, each home shall be offset from the front building setback by at least five (5) feet from the neighboring home. The traffic calming devices used, their location and the placement of the homes on each site shall be approved by the City Engineer.

SECTION 3. SEVERABILITY

Should any section or provision of this Ordinance be declared invalid or unconstitutional by any court of competent jurisdiction, such declaration shall not affect the validity of this Ordinance as a whole or any part thereof which is not specifically declared to be invalid or unconstitutional.

SECTION 4. EFFECTIVE DATE.

The effective date of this Ordinance shall be March 5th, 2026.

SECTION 5. REPEALER.

All ordinances and parts of ordinances in conflict herewith are hereby repealed to the extent of the conflict.

Approved this _____ day of _____ 2026.

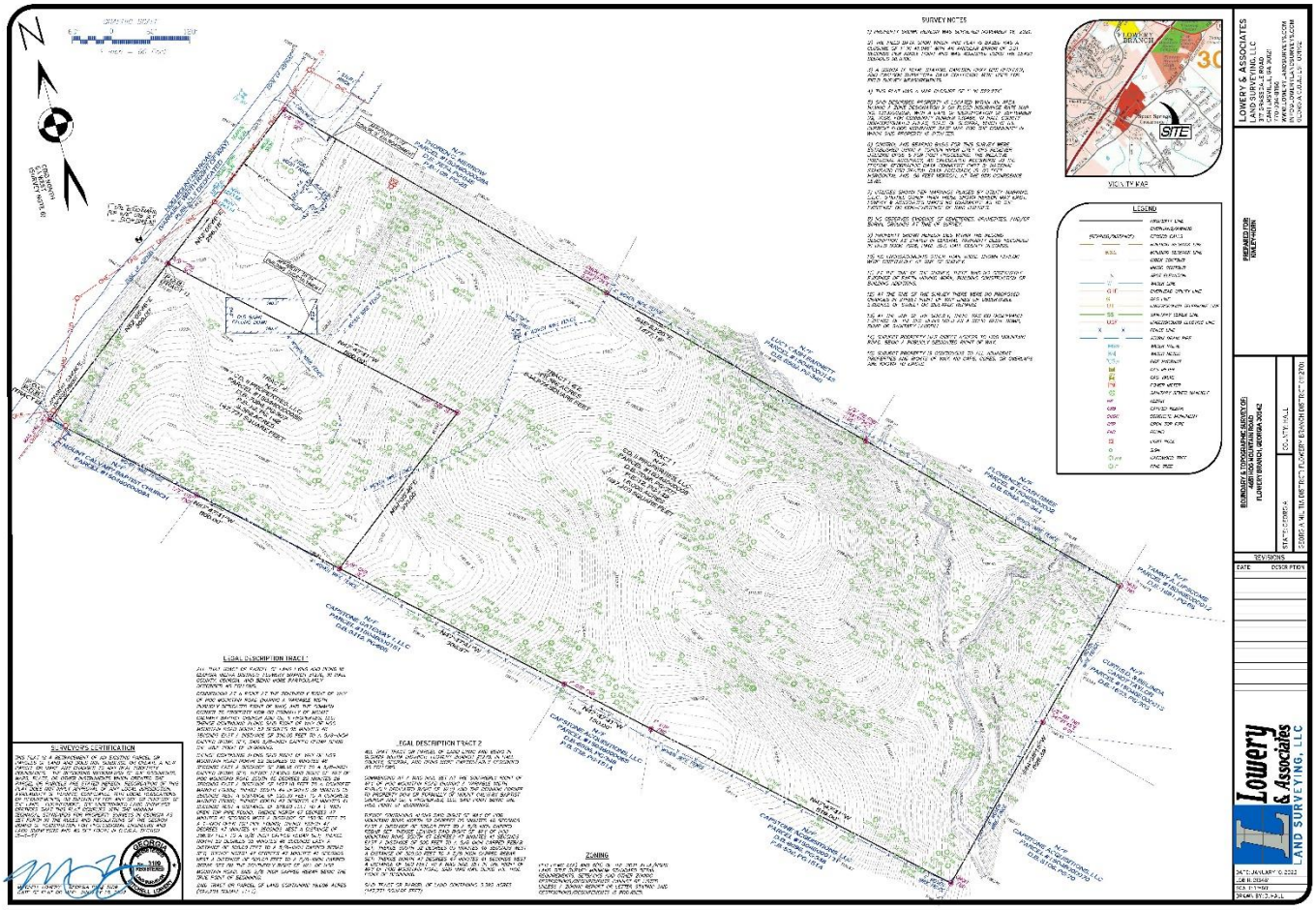
_____
Oliver McClellan, Mayor

_____
Shelia R. Cooper, City Clerk

APPROVED AS TO FORM

_____
Ted C. Baggett, City Attorney

Exhibit A


SURVEY NOTES
VICINITY MAP
LEGEND
LEGAL DESCRIPTION TRACT 1
LEGAL DESCRIPTION TRACT 2
SURVEYOR'S CERTIFICATION
ZONING
LOWERY & ASSOCIATES
LAND SURVEYING, LLC
Lowery & Associates
LAND SURVEYING, LLC

LEGAL DESCRIPTION TRACT 1

ALL THAT TRACT OR PARCEL OF LAND LYING AND BEING IN GEORGIA MILITIA DISTRICT: FLOWERY BRANCH #1270, IN HALL COUNTY, GEORGIA, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT A POINT AT THE SOUTHERLY RIGHT OF WAY OF HOG MOUNTAIN ROAD (HAVING A VARIABLE WIDTH, PUBLICLY DEDICATED RIGHT OF WAY) AND THE COMMON CORNER TO PROPERTY NOW OR FORMALLY OF MOUNT CALVARY BAPTIST CHURCH AND CD, II PROPERTIES, LLC; THENCE CONTINUING ALONG SAID RIGHT OF WAY OF HOG MOUNTAIN ROAD NORTH 52 DEGREES 05 MINUTES 46 SECONDS EAST A DISTANCE OF 300.00 FEET TO A 5/8–INCH CAPPED REBAR SET, SAID 5/8–INCH CAPPED REBAR BEING THE TRUE POINT OF BEGINNING.

THENCE CONTINUING ALONG SAID RIGHT OF WAY OF HOG MOUNTAIN ROAD NORTH 52 DEGREES 05 MINUTES 46 SECONDS EAST A DISTANCE OF 296.18 FEET TO A 5/8–INCH CAPPED REBAR SET; THENCE LEAVING SAID RIGHT OF WAY OF HOG MOUNTAIN ROAD SOUTH 45 DEGREES 22 MINUTES 26 SECONDS EAST A DISTANCE OF 1477.18 FEET TO A CONCRETE MARKER FOUND; THENCE SOUTH 44 DEGREES 38 MINUTES 15 SECONDS WEST A DISTANCE OF 525.39 FEET TO A CONCRETE MARKER FOUND; THENCE NORTH 47 DEGREES 47 MINUTES 41 SECONDS WEST A DISTANCE OF 519.00 FEET TO A 1–INCH OPEN TOP PIPE FOUND; THENCE NORTH 47 DEGREES 47 MINUTES 41 SECONDS WEST A DISTANCE OF 150.00 FEET TO A 1–INCH OPEN TOP PIPE FOUND; THENCE NORTH 47 DEGREES 47 MINUTES 41 SECONDS WEST A DISTANCE OF 386.97 FEET TO A 5/8–INCH CAPPED REBAR SET; THENCE NORTH 52 DEGREES 05 MINUTES 46 SECONDS EAST A DISTANCE OF 300.00 FEET TO A 5/8–INCH CAPPED REBAR SET; THENCE NORTH 47 DEGREES 47 MINUTES 41 SECONDS WEST A DISTANCE OF 500.00 FEET TO A 5/8–INCH CAPPED REBAR SET ON THE SOUTHERLY RIGHT OF WAY OF HOG MOUNTAIN ROAD, SAID 5/8–INCH CAPPED REBAR BEING THE TRUE POINT OF BEGINNING.

SAID TRACT OR PARCEL OF LAND CONTAINING 16.006 ACRES (697,203 SQUARE FEET).

LEGAL DESCRIPTION TRACT 2

ALL THAT TRACT OR PARCEL OF LAND LYING AND BEING IN GEORGIA MILITIA DISTRICT: FLOWERY BRANCH #1270, IN HALL COUNTY, GEORGIA, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT A MAG NAIL SET AT THE SOUTHERLY RIGHT OF WAY OF HOG MOUNTAIN ROAD (HAVING A VARIABLE WIDTH, PUBLICLY DEDICATED RIGHT OF WAY) AND THE COMMON CORNER TO PROPERTY NOW OR FORMALLY OF MOUNT CALVARY BAPTIST CHURCH AND CD, II PROPERTIES, LLC, SAID POINT BEING THE TRUE POINT OF BEGINNING.

THENCE CONTINUING ALONG SAID RIGHT OF WAY OF HOG MOUNTAIN ROAD NORTH 52 DEGREES 05 MINUTES 46 SECONDS EAST A DISTANCE OF 300.00 FEET TO A 5/8 INCH CAPPED REBAR SET. THENCE LEAVING SAID RIGHT OF WAY OF HOG MOUNTAIN ROAD SOUTH 47 DEGREES 47 MINUTES 41 SECONDS EAST A DISTANCE OF 500 FEET TO A 5/8 INCH CAPPED REBAR SET; THENCE SOUTH 52 DEGREES 05 MINUTES 46 SECONDS WEST A DISTANCE OF 300.00 FEET TO A 5/8 INCH CAPPED REBAR SET; THENCE NORTH 47 DEGREES 47 MINUTES 41 SECONDS WEST A DISTANCE OF 500 FEET TO A MAG NAIL SET IN THE RIGHT OF WAY OF HOG MOUNTAIN ROAD, SAID MAG NAIL BEING THE TRUE POINT OF BEGINNING.

SAID TRACT OR PARCEL OF LAND CONTAINING 3.392 ACRES (147,771 SQUARE FEET).

Memorandum

To: City of Flowery Branch, City Manager, and City Council

From: Chris McCrary, Planning and Community Development Director

Date: February 5, 2025

Subject: Annexation, Rezoning, and Variances

Applicant: Highpoint Development
1776 Peachtree Street
Atlanta, GA 30309
502-386-7022

Owner: CD II Properties, LLC
P.O. Box 99
Demorest, GA 30535
502-386-7022

Existing Zoning: AR-1 – Agricultural – Residential & R-1 Residential, Unincorporated Hall County.

Location and Size:

4651 Hog Mountain Road; Parcel 15046 000008; 16.0 Acres
4665 Hog Mountain Road; Parcel 15046 000008B; 3.398
Toal Area: 19.398 Acres

Proposed Annexation:

The applicant proposes the annexation of the above-referenced parcels (19.398 Acres) from unincorporated Hall County into the City limits of Flowery Branch.

Proposed Zoning:

The applicant is proposing to rezone the property from AR-1 (Agricultural-Residential) and R-1 (Residential) in unincorporated Hall County to Traditional Neighborhood Development (TND) in the City of Flowery Branch.

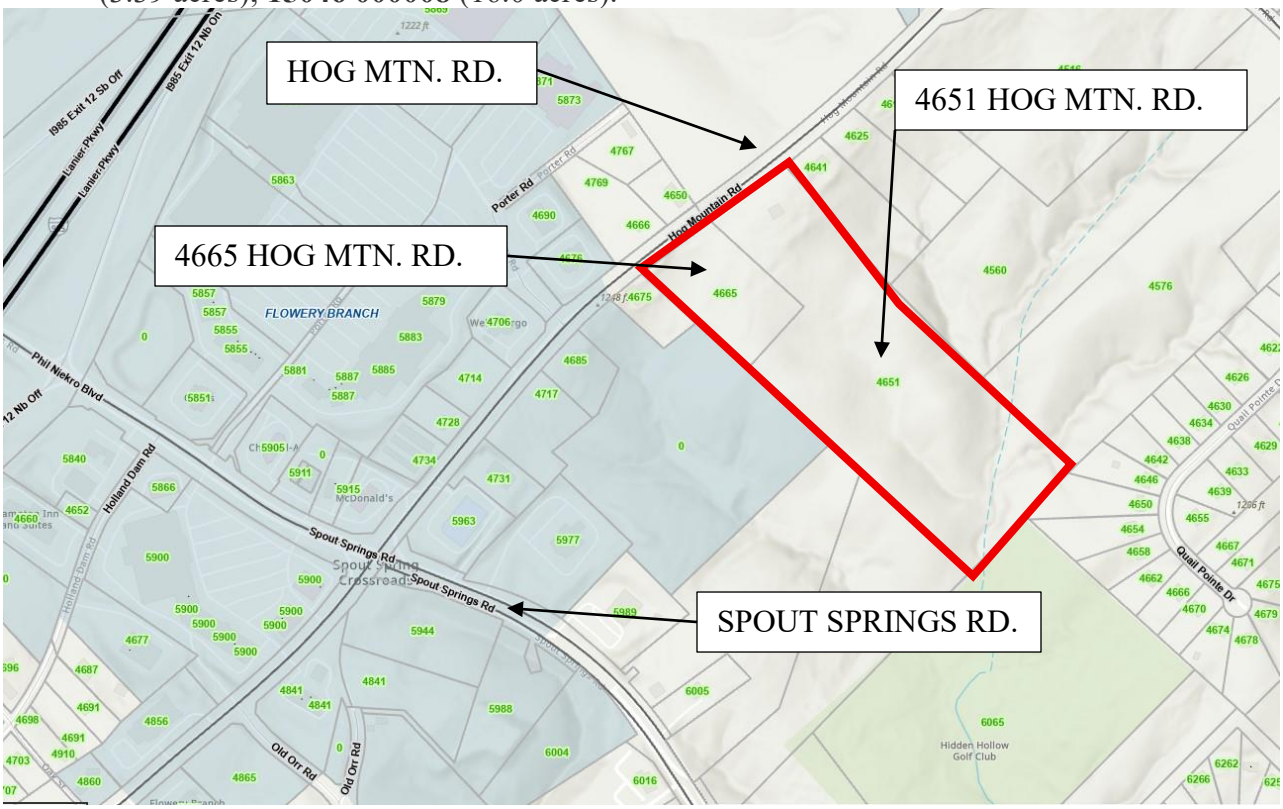
The applicant is proposing single-family detached dwellings with 81 lots. The two parcels are proposed to be rezoned from Hall County AR-1 (Agricultural-Residential) and R-1 (Residential) in unincorporated Hall County to Traditional Neighborhood Development (TND) in the City of Flowery Branch. The applicant is requesting concurrent variances within the TND requirements and dimensional standards.

Concurrent Variances:

1. Variance from **Section 1014, Table 10.1** radius of curvature of the center line from 275' to 48'. The applicant states the hardship for the centerline radius curvature is due to topography. A GIS review of the site confirms the site is an undeveloped wooded site with significant topography. The variance request could be considered for approval with an alternative solution, but no alternative design was provided with the application submittal.
2. Variance **to Sec. 12.6. - Townhouses.** The applicant requested a variance from Sec. 12.6 however, the correct request should reference **Sec 12.7(b)1 – Single-Family Detached Dwellings**, Entrance Features. The porch shall be at least **6 feet deep** (not including steps, if applicable) and **40% of the width of the front façade or 11 feet**, whichever is greater. The applicant is requesting a **reduction** to this section to allow for **4' x 7.5'** covered porch. The applicant can avoid a variance due to the code allowing for stoops if the front façade is fully brick or stone. The applicant's stated hardship is due to "architectural style". The variance application does not demonstrate a hardship peculiar to the property, which is beyond the control of the applicant.
3. Variance **to Sec. 7.4 Tabel 7.2** a reduction to the minimum lot size from 6,700 square feet in the TND zoning category. The application requests a reduction to a minimum lot size of 5,500 square feet. The site plan provided by the applicant lists a total of 81 lots but does not provide individual square footage for each lot and thus, the total number of lots that would be below 6,700 square feet cannot be adequately determined at this time. The applicant did not demonstrate a hardship peculiar to the property, which is beyond the control of the applicant.
4. Variance **to Sec. 1021.c** Residential Street Design with streets more than 360 feet in length shall have at least 25 feet of lateral deviation from a straight course. The applicant seeks to remove the 25-foot deviation from straight course requirements. The applicant's site plan indicated locations for center landscape islands to break up the straight street but did not include consistent drive lane width through bulb-outs which could pose a danger to the motoring public. The variance could be approved if a safe and effective traffic-calming alternative is provided. While many well-engineered traffic calming solutions exist, the one currently proposed does not meet acceptable safety standards.

Location:

- 4665 and 4651 Hog Mountain Road; tax parcel identification numbers **15046 000008B** (3.39 acres); **15046 000008** (16.0 acres).



Architectural Concepts:

The applicant submitted conceptual renderings of the proposed single-family detached architecture. However, without detailed floor plans and a materials list, staff are unable to verify compliance with the City's established architectural treatment and dimensional standards. To facilitate a thorough review, the applicant must provide complete architectural drawings, including architectural material details and floor-plan details, in order to confirm that all requirements are met. A detailed review is done by staff following Article 40 prior to the issuance of permits. The design concepts provided are for illustrative purposes only and were submitted as part of the rezoning case.

All TND zone homes are to have side- or rear- entry garages. The applicant provided architectural examples of front-entry garages. No variance application was submitted for front-entry garages in TND zoning.



ARCHITECTURAL FEATURES:

The achitecture leans toward a mountain bungalow style, with forms and finishes that feel sturdy, familiar, and tied to the landscape. Dark charcoal accents sharpen the earthy palette, while carriage-style garage doors and well-placed sconces add character without slipping into ornament. Matching metal gutters bring a clean outline to the façades, and the porch roof extending across the front-facing garage helps keep everything at a comfortable, human scale. The result is a street presence that feels connected, warm, and intentionally crafted—neighbors, not statements.



COLOR PALETTE:

The three offered schemes—light, mid-tone, and dark—are drawn from the muted, earthy tones of the North Georgia landscape. Each palette reflects the surrounding ridge and creek setting, favoring natural hues: soft mineral whites, weathered wood browns, and deeper charcoal colors that echo stone, soil, and shaded canopy. Together, they provide variation without discord, allowing homes to feel individually tailored yet quietly unified within the broader landscape.






ARCHITECTURAL FEATURES:

Details stay simple and purposeful. Porch brackets and extended overhangs provide clear structure and shade without excess. Gable vents, occasional gable windows, and selectively used shutters add just enough dimension to the façades, keeping each home grounded and consistent without feeling repetitive.

Open Space Analysis:

Pursuant to Article 10 – Development Requirements and Guidelines, Sec. 10.22 – Open Space Requirements, any proposed residential development is required to provide a total minimum of 15% open space, derived from a combination of Civic Space options (10%) and Amenity Space options (5%).
The site data table provided by the applicant lists a total of 21.2% open space with location details shown on the site plan:



Site Data Table	Required	Provided
Acres	-	19.398
Gross Density	-	4.18
Net Density	6	4.29
Exterior Buffer	-	-
Sidewalks	5', One Side	5', Two Side
Parking	2-Enclosed	2-Enclosed
Minimum Lot Area	6,700	5,500
Average Lot Area	-	6,700
Minimum Lot Width	40	40
Minimum Lot Depth	80	106
Minimum Heated Floor Area Per Dwelling Unit (SF)	1,200	2,200
Minimum Front Yard Setback From Lot Line (FT)	-	-
Minimum Side Setback, Interior Lot Line or Corner Lot, All Principle Buildings (FT)	5	5
Minimum Rear Setback, All Principle Buildings (FT)	25	25
Maximum Coverage of Impervious Surface (Percent of Lot)	45%	Less than 45%
Civic Space	10% Minimum	15.1%
Amenity Space	5% Minimum	6.1%

GROSS DENSITY = 81 LOTS / 19.398 AC =	4.18	Lots/AC
NET AREA = GROSS AREA - 50% of STREAM BUFFERS =	18.873	AC
NET DENSITY = 81 LOTS / 18.873 AC =	4.29	Lots/AC

The majority of the open space provided on the site plan is concentrated in the rear of the subdivision and proposes a mixture of hardscaped walking trail areas, mulched trails through the wooded section of the parcel, as well as seating/viewing areas around the detention pond and a communal pavilion and fire pit area. The site plan also shows a pocket park area near the entrance to the subdivision. The current site plan does not contemplate the location of a mail kiosk, which could impact the proposed open space shown on the site plan. While the proposed open space exceeds the minimum required by code, the proposed location for the majority of the open space raises concerns regarding lack of a centralized location and equitable use for all residents.

The applicant provided the following conceptual images of amenity spaces and trail features:



Traffic Impacts, Vehicular Flow, and Entrances/Exits

The Conceptual Site Plan for the proposed development indicates 81 residential single-family detached units.

1. Site Access

- A single entrance is proposed off Hog Mountain Road.
- The entrance must include both a right-turn and left-turn lane in. The exit shall include both a left and right dedicated lane. These turn lanes will help to alleviate congestion during peak demand periods and maintain the flow of through traffic. All roadway designs shall be in accordance with the GDOT Driveway Manual.

2. Sight Distance

- The driveway design must meet the minimum sight-distance requirements specified in the GDOT Driveway Manual. The engineer shall verify that both stopping-sight distance (SSD) and operational-sight distance (OSD) criteria are satisfied under existing field conditions.

3. Utility Coordination

- Any utilities located beneath the proposed deceleration or turn-lane pavement must be relocated outside of the pavement area.
- All costs associated with utility relocation shall be borne by the developer and coordination with the respective utility owners must be completed prior to construction.

4. Traffic Impact Study

- The current Traffic Study by A&R Engineering dated May 7, 2025, was prepared for the initially proposed townhome development using ITE Land Use Category 215 – Single-Family Attached Housing. It needs to be revised for the current proposed development of single-family detached houses by using category 210 for Single-Family Detached Housing which generates significantly more trips per unit.
- The traffic study should also be revised to include the intersection of Spout Springs Road and the entrance to Stonebridge Village.

All design elements shall comply with GDOT standards. Coordination with Hall County DOT, City of Flowery Branch, and affected utility providers should occur early in the design process to avoid delays.

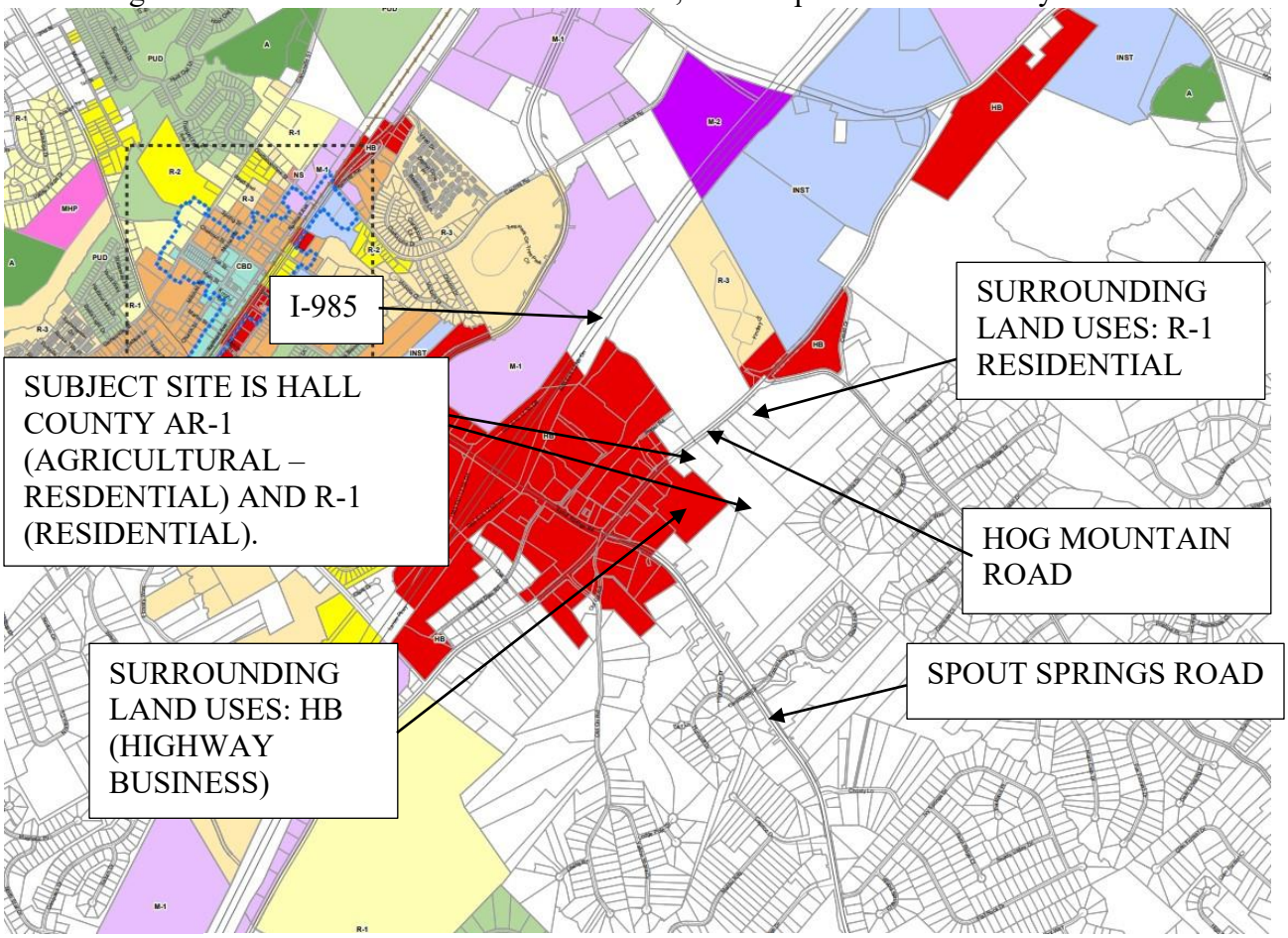
Sewer Design and Capacity Impacts

The proposed development of 81 residential units will generate a peak sanitary sewer demand of **22,275** gallons per day, based on the City's standard rate of 275 gallons per unit. Given the City's current peak capacity of **727,798** gallons per day, bringing these units online would reduce available capacity to approximately **705,523** gallons per day.

Because of the site's topographic constraints, one or more sanitary sewer lift stations will be required; the Engineer of Record must work closely with the Public Utility Department throughout the design process. All pump station plans must comply with Chapter 50 (Utilities), Article II (Standard Specifications), Division 2 (Construction), Subdivision VII (Pump Stations), as well as any additional criteria established by the Public Utilities Director.

Zoning Map:

AR-1 – Agricultural – Residential & R-1 Residential, Unincorporated Hall County.



Legend

Zoning Districts

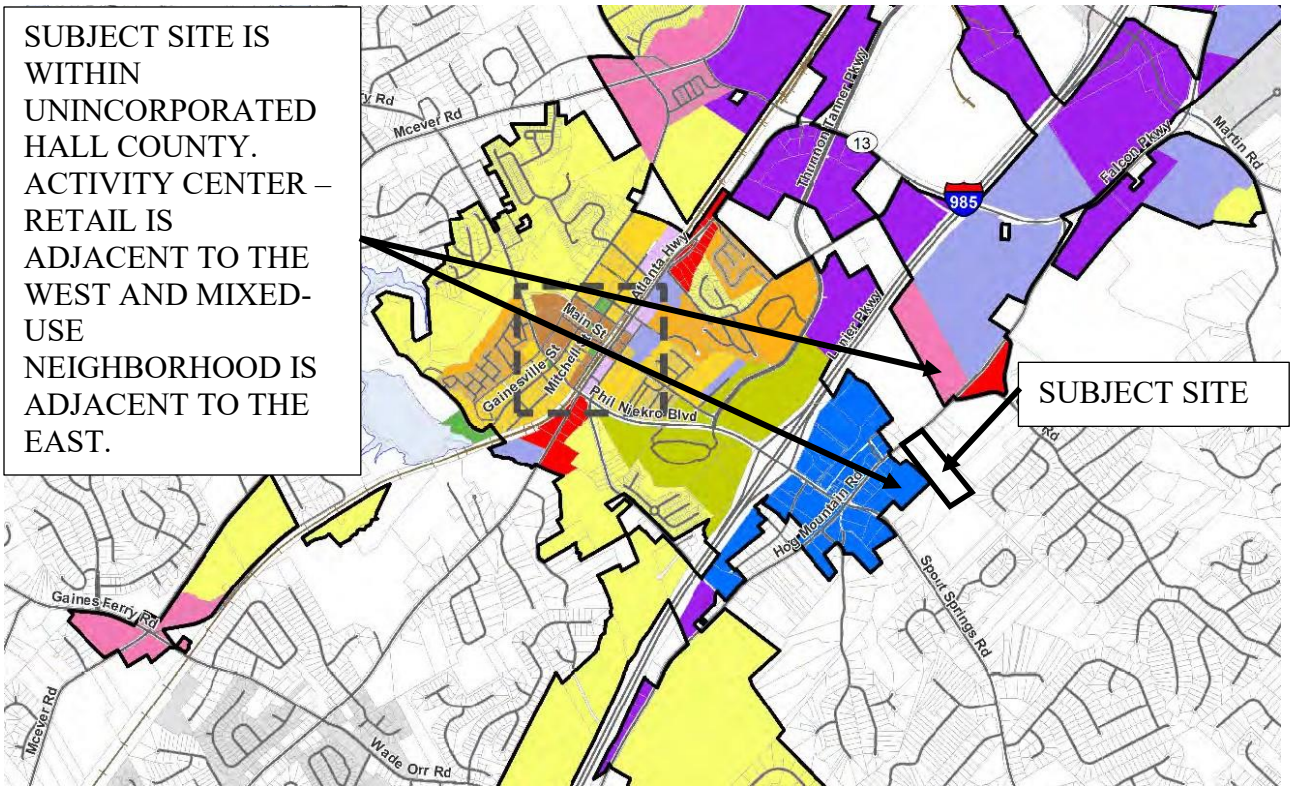
- Residential Low Density (R-1)
- Residential Moderate Density (R-2)
- Residential Multi-family (R-3)
- Traditional Neighborhood Development (TND)
- Planned Unit Development (PUD)
- Manufactured Home Park (MHP)
- Central Business District (CBD)
- Neighborhood Shopping (NS)
- Highway Business (HB)
- Institutional (INST)
- Manufacturing & Industrial, Light (M-1)
- Manufacturing & Industrial, Heavy (M-2)
- Agriculture (A)

Historic Districts

- Local Historic District

Future Development Plan:

SUBJECT SITE IS WITHIN UNINCORPORATED HALL COUNTY. ACTIVITY CENTER – RETAIL IS ADJACENT TO THE WEST AND MIXED-USE NEIGHBORHOOD IS ADJACENT TO THE EAST.



Other City Limits

CHARACTER AREA

- CONSERVATION
- SUBURBAN RESIDENTIAL
- TRADITIONAL NEIGHBORHOOD
- URBAN DENSITY COMMUNITY
- OLD TOWN
- MIXED USE - DOWNTOWN
- MIXED USE - NEIGHBORHOOD
- NEIGHBORHOOD COMMERCIAL
- ACTIVITY CENTER
- ACTIVITY CENTER - RETAIL
- INDUSTRIAL EMPLOYMENT
- INSTITUTIONAL CAMPUS

Site Plan:

The applicant is proposing 81 single-family detached lots on 19.398 acres.



The site is located on Hog Mountain Road north of the intersection with Spout Springs Road. The site is an undeveloped wooded lot with state waters located on the eastern side of the site.

Site Data Table	Required	Provided
Acres	-	19.398
Gross Density	-	4.18
Net Density	6	4.29
Exterior Buffer	-	-
Sidewalks	5', One Side	5', Two Side
Parking	2-Enclosed	2-Enclosed
Minimum Lot Area	6,700	5,500
Average Lot Area	-	6,700
Minimum Lot Width	40	40
Minimum Lot Depth	80	106
Minimum Heated Floor Area Per Dwelling Unit (SF)	1,200	2,200
Minimum Front Yard Setback From Lot Line (FT)	-	-
Minimum Side Setback, Interior Lot Line or Corner Lot, All Principle Buildings (FT)	5	5
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Maximum Coverage of Impervious Surface (Percent of Lot)	45%	Less than 45%
Civic Space	10% Minimum	15.1%
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GROSS DENSITY = 81 LOTS / 19.398 AC =	4.18	Lots/AC
NET AREA = GROSS AREA - 50% of STREAM BUFFERS =	18.873	AC
NET DENSITY = 81 LOTS / 18.873 AC =	4.29	Lots/AC





ARTICLE 2
Section 2.2. Design-Related Definitions.

Density: The number of families, individuals, dwelling units or housing structures per unit of land. Gross density is determined by dividing the number of families, individuals, dwelling units or housing structures by the gross area of the land (i.e. all land within the boundaries of the particular area excluding nothing). Net density is determined by subtracting from the gross area the following conditions identified on the land:

- 50 percent of any land identified as a wetland; and
- 50 percent of any land identified waters of the state including the buffer zones; and
- 50 percent of any land identified as a flood hazard boundary; and
- 50 percent of any land within an electricity transmission easement or right-of-way; and
- 50 percent of any land within a gas transmission easement or right-of-way.

The result of this calculation is the net acreage. The net acreage is divided into the number of units to determine the net density. The applicant provided a net density number but did not provide the areas of the wetlands, state water buffer zones, flood hazard or electric / gas transmission easements or right-of-way.

Sec. 34.7. - Analysis Requirements for Rezoning

Applications to amend the official zoning map shall provide a written analysis comparing the proposed action with the criteria in this Section. A zoning map amendment or conditional use application may be justified only if it bears a reasonable relationship to the public health, safety, morality, or general welfare, and after consideration of the analysis requirements which may in individual cases be considered criteria relevant to the Zoning Administrator in making recommendations and by the City Council in the decision-making process.

a) *Whether the proposal will permit a use that is suitable in view of the use and development of adjacent and nearby property.*
The development of residential single-family detached homes is a suitable use in view of the use and development of adjacent and nearby property.

b) *Whether the proposal will adversely affect the existing use or usability of adjacent or nearby property.*
The proposed use will not adversely affect the existing use or usability of adjacent or nearby property.

c) *Whether the property to be affected by the proposal can be used in accordance with the existing regulations and has reasonable economic use as currently zoned.*
Annexation is necessary to connect the site to Flowery Branch's sanitary sewer system, while rezoning is required to align the site with the city's zoning designations.

d) *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.*
Input from the City's engineer was provided in this staff report.

e) *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 development is directly adjacent to the Activity Center – Retail character area. Mixed Use character area is located adjacent to the northeast on Hog Mountain Road. The proposed residential development would be a transitional zoning from retail to residential.

f) *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 concurrent variances do not demonstrate hardships peculiar to the property which are beyond the applicant's control.

g) *Existing use(s) and zoning of the subject property and nearby properties.*
The proposed development is for detached single-family and no other similar developments are nearby.

h) *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.*
Staff has no information to provide on the value of the subject property.

i) *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.*
Staff has no information to provide on the value of the adjacent property.

j) *The possible creation of an isolated zoning district unrelated to adjacent and nearby districts.*
There are no TND zoning designations in the area. This zoning would create an isolated zoning district.

k) *Possible effects of the change in zoning district map, or change in use, on the character of a zoning district.*
The proposed use is not similar to nearby development.

l) *The possible impact on the environment, including but not limited to, drainage, soil erosion and sedimentation, flooding, air quality and water quality.*
The subsequent LDP will be required to be compliant with all erosion and stormwater regulations.

m) *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 proposed rezoning will have impacts on the purpose of the overall zoning scheme and the purposes of this Zoning Ordinance due to the isolated zoning to TND in this area.

Sec. 37.5. - Criteria for Granting Variances.

Any applicant requesting consideration of a variance to any provision of the zoning ordinance shall provide a written justification that one or more of the following condition(s) exist. The City Council shall not approve a variance application unless it shall have adopted findings that one or more of the following conditions exist:

(a) There are extraordinary and exceptional conditions or practical difficulties pertaining to the particular piece of property in question because of its size, shape or topography that are not applicable to other lands or structures in the same district;

1. Variance Request **Section 1014, Table 10.1** radius of curvature: Topography could be considered a hardship. The variance request could be considered for approval with an alternative solution but was not provided with the application submittal.
2. Variance **Sec 12.7(b)1 – Single-Family Detached Dwellings**. Reduction in minimal porch depth and width: The applicant's stated hardship is due to "architectural style". The variance application does not demonstrate a hardship because of size, shape or topography that is not applicable to other lands or structures in the same district.
3. Variance **to Sec. 7.4 Tabel 7.2** a reduction to the minimum lot size from 6,700 sq.ft. to 5,500 sq.ft. The variance application does not demonstrate a hardship because of size, shape or topography that is not applicable to other lands or structures in the same district.
4. Variance **to Sec. 1021.c** Residential Street Design with streets more than 360 feet in length shall have at least 25 feet of lateral deviation from a straight course: Topography could be considered a hardship. The variance could be approved if a safe and effective traffic-calming alternative is provided. While many well-engineered traffic calming solutions exist, the one currently proposed does not meet acceptable safety standards.

(b) A literal interpretation of the provisions of this ordinance would effectively deprive the applicant of rights commonly enjoyed by other properties of the district in which the property is located;
A literal interpretation of the provisions of this ordinance would not effectively deprive the applicant of rights commonly enjoyed by other properties of the district in which the property is located.

(c) Granting the variance requested will not confer upon the property of the applicant any special privileges that are denied to other properties of the district in which the applicant's property is located;

Each variance request is unique to the proposed development and property. No similar variances were granted or denied similar to the current request on other applicants' property in the district.

(d) The requested variance will be in harmony with the purpose and intent of this ordinance and will not be injurious to the neighborhood or to the general welfare;
Variances 1 and 4 could be considered for approval with alternative design elements.
Variances 2 and 3 will not be in harmony with the purpose and intent of this ordinance due to the lack of hardships peculiar to the property, which is beyond the control of the applicant.

(e) The special circumstances are not the result of the actions of the applicant;
Variances 1 and 4 could be considered for approval with alternative design elements due to the special circumstances that are not the result of the actions of the applicant. However, alternative design elements must be provided for review of the City Engineer.
Variances 2 and 3 do not include special circumstances.

(f) The variance requested is the minimum variance that will make possible the proposed use of the land, building, or structure in the use district proposed; and
Variances 1 and 4 could be considered for approval with alternative design elements showing the variance is the minimum variance that will make possible the proposed use of land, building, or structure in the use district proposed.
Variances 2 and 3 are not the minimum variances that will make possible the proposed use of the land, building, or structure in the use district proposed. The applicant could provide floor plans that meet the requirements of the code and reduce the total number of lots by making every lot a minimum of 6,700 sq.ft.

(g) The variance shall not permit a use of land, buildings or structures, which is not permitted by right in the zoning district or overlay district involved.
With annexation and rezoning to the proper zoning category, residential dwellings would be permitted uses.

Staff Recommendation for Annexation, Rezoning, and Variances

Recommendation:

There are three applications proposed at 4651 and 4665 Hog Mountain Road, parcels **15046 000008B** (3.39 acres); **15046 000008** (16.0 acres). The first consideration for the City Council is the proposed annexation of both parcels. With annexation, the subject site must be rezoned from Hall County AR-1 – Agricultural & Residential - R-1- Residential to a Flowery

Branch zoning category. The applicant is proposing to rezone the property to Traditional Neighborhood Development (TND).

Variance Details:

1. Variance from **Section 1014, Table 10.1** radius of curvature of the center line from 275' to 48'. The applicant states the hardship for the centerline radius curvature is due to topography. A GIS review of the site confirms the site is an undeveloped wooded site with significant topography. The variance request could be considered for approval with an alternative solution.
2. Variance **to Sec. 12.6. - Townhouses.** The applicant requested a variance from Sec. 12.6 however, the correct request should reference **Sec 12.7(b)1 – Single-Family Detached Dwellings**, Entrance Features. The porch shall be at least **6 feet deep** (not including steps, if applicable) and **40% of the width of the front façade or 11 feet**, whichever is greater. The applicant is requesting a **reduction** to this section to allow for **4' x 7.5'** covered porch. The applicant can avoid a variance due to the code allowing for stoops if the front façade is fully brick or stone. The applicant's stated hardship is due to "architectural style". The variance application does not demonstrate a hardship peculiar to the property, which is beyond the control of the applicant.
3. Variance **to Sec. 7.4 Tabel 7.2** a reduction to the minimum lot size from 6,700 square feet in the TND zoning category. The application requests a reduction to a minimum lot size of 5,500 square feet. The site plan provided by the applicant lists a total of 81 lots but does not provide individual square footage for each lot and thus, the total number of lots that would be below 6,700 square feet cannot be adequately determined at this time. The applicant did not demonstrate a hardship peculiar to the property, which is beyond the control of the applicant.
4. Variance **to Sec. 1021.c** Residential Street Design with streets more than 360 feet in length shall have at least 25 feet of lateral deviation from a straight course. The applicant seeks to remove the 25-foot deviation from straight course requirements. The applicant's site plan indicated locations for center landscape islands to break up the straight street but did not include consistent drive lane width through bulb-outs which could pose a danger to the motoring public. The variance could be approved if a safe and effective traffic-calming alternative is provided. While many well-engineered traffic calming solutions exist, the one currently proposed does not meet acceptable safety standards.

Variance Recommendations:

A variance from the Subdivisions Ordinance, Article 10 – Access and Design Requirements for Roads, Sec. 1014 – Road Right-of-Way Widths and Miters, Table 10.1 recommended for approval to reduce radius of curvature of the center line from 275’ to 48’ with a condition that the applicant revise the site plan to show two-way stops in areas that can accommodate to reduce the amount of radii needing a variance. The final alternative design shall be approved by the City Engineer.

A variance from the Zoning Ordinance, Article 12 – Requirements for Specific Residential Principal Buildings and Uses, Sec 12.7(b)1 – Single-Family Detached Dwellings, Entrance Features. The porch is reduced from be 6 feet deep (not including steps, if applicable) and 40% of the width of the front façade or 11 feet, whichever is greater to 4 feet deep and 7.5 feet wide porch is recommended for approval with a condition that the façade of buildings with the porch dimensional reductions shall be have a front façade that is 100% brick or stone. Final elevations shall be approved by the Director of Planning and Community Development Director.

A variance from the Zoning Ordinance, Article 7 – TND, Traditional Neighborhood Development, Sec. 7.4 – Dimensional Requirements, Table 7.2, to reduce minimum lot size from 6,700 to 5,500 square feet is recommended for denial. However, if approval is considered it is recommended that no more than 20% of the total number of lots shall have an area less than 6,700 square feet, and no lot shall have an area less than 5,500 square feet.

A variance from the Zoning Ordinance, Article 10 – Development Requirements and Guidelines, Sec. 10.21(c) – Residential Street Design Requirements, to remove the requirement of all streets more than 360 feet in length shall have at least 25 feet of lateral deviation from a straight course is recommended for approval with a condition that engineering standard traffic calming devices are proposed on a revised site plan. Additionally, each home shall be offset from the front building setback by at least five (5) feet from the neighboring home. The traffic calming devices used, their location and the placement of the homes on each site shall be approved by the City Engineer.

Staff recommends **approval of the Annexation and Rezoning** applications with the conditions provided.

Recommended Conditions of Approval of Annexation and Rezoning:

Please find below the proffered conditions for the proposed rezoning, organized by discipline and drafted to ensure consistency with the submitted concept materials and to protect the public interest:

1. **General Development**
    a. Building Locations and Scope:
    The total number of residential lots within the detached townhome development shall not exceed 81.
    b. Density Measurement:
    Density shall be calculated on a net basis, in accordance with the definition of *Net Density* set forth in Article 2, Section 2.2 (Design-Related Definitions). The applicant is to provide the areas of wetlands, state water buffer zones, flood hazard or electric / gas transmission easements or right-of-way.
    c. Maximum net density shall not exceed 6 units per acre.
2. **Civil Site Engineering**
    a. The final site-grading, stormwater, and utility plans shall be in substantial conformity with the Rezoning Concept Plan, including all delineated amenities, open spaces, and public gathering areas.
    b. No grading, filling, or earthmoving shall occur within the 75-foot impervious setback from state waters without prior approval of the Director of Planning & Community Development; such activities shall be minimized in accordance with Code § 27.6(b).
    c. No residential lot shall contain stream buffers, impervious setbacks or amenity trails.
3. **Building Design**
    a. Exterior elevations shall comply with design requirements in Article 12 of the Flowery Branch Zoning Ordinance.
    b. All buildings shall include a side or rear entry garage per TND standards.
    c. Where brick veneer is shown, only authentic brick or natural stone shall be utilized.
    d. All building facades shall be approved through the Design Review process per Article 40 and shall meet the design requirements in Article 10 and Article 12.
4. **Streets, Sidewalks & Stormwater Facilities**

a. All internal streets and sidewalks shall be public to City design standards and be dedicated at the conclusion of the Final Plat. Stormwater management systems shall remain private and be maintained at the HOA's expense.

5. **Signage, Landscaping & Lighting**
    a. An overall signage program, a detailed landscape plan sealed by a Georgia-registered landscape architect, and a comprehensive site-lighting plan shall be submitted to the Department of Community Development for review and approval.
    b. The landscape plan shall include high-quality treatments for open spaces, trails, pathways, and amenities.
6. **Transportation Improvements**
    a. The developer will prepare and implement a Transportation Improvement Plan to address impacts on Hog Mountain Road. The Transportation Improvement Plan shall be approved by the City Engineer.
    b. The entrance on Hog Mountain Road shall include:
        i. A right-turn deceleration lane, designed per GDOT Driveway Manual Table 4-8 for 45 mph (175 ft full-width storage plus 100 ft taper), constructed at no cost to the City.
        ii. A left-turn lane into the site, built to GDOT Driveway & Encroachment Control Manual standards, also at no cost to the City.
        iii. Exit shall include dedicated lanes for both left and right turns.
        iv. Dedication of all necessary right-of-way for these improvements, conveyed by the developer at no cost.
        v. Relocation of any utilities currently beneath the proposed deceleration lane, at the developer's expense.
    c. Sidewalks shall be located on both sides of the internal streets and along the road frontage of Hog Mountain Road.
7. **Variances**
    a. Approval of the annexation, rezoning and variance applications shall not constitute the granting of any variance from applicable local, state, or federal standards, except as expressly described herein.
    b. A variance from the Subdivisions Ordinance, Article 10 – Access and Design Requirements for Roads, Sec. 1014 – Road Right-of-Way Widths and Miters, Table 10.1 recommended for approval to reduce radius of curvature of the center line from 275' to 48' with a condition that the applicant revise the site plan to show two-way stops in areas that can accommodate to reduce the amount of radii needing a variance. The final alternative design shall be approved by the City Engineer.

c. A variance from article 12 -Requirements for Specific Residential Principal Buildings and Uses, Sec 12.7(b)1 – Single-Family Detached Dwellings, Entrance Features. The porch is reduced from be 6 feet deep (not including steps, if applicable) and 40% of the width of the front façade or 11 feet, whichever is greater to 4 feet deep and 7.5 feet wide porch is recommended for approval with a condition that the façade of buildings with the porch dimensional reductions shall be have a front façade that is 100% brick or stone. Final elevations shall be approved by the Director of Planning and Community Development Director.
d. A variance from the Zoning Ordinance, Article 7 – TND, Traditional Neighborhood Development, Sec. 7.4 – Dimensional Requirements, Table 7.2, to reduce minimum lot size from 6,700 to 5,500 square feet is recommended for approval with a condition that no more than 20% of the total lots shall be less than 6,700 sq. ft. and no lot shall be less than 5,500 sq. ft.
e. A variance from Article 10 – Development Requirements and Guidelines, Sec. 10.21(c) – Residential Street Design Requirements, to remove the requirement of all streets more than 360 feet in length shall have at least 25 feet of lateral deviation from a straight course is recommended for approval with a condition that engineering standard traffic calming devices are proposed on a revised site plan. Additionally, each home shall be offset from the front building setback by at least five (5) feet from the neighboring home. The traffic calming devices used, their location and the placement of the homes on each site shall be approved by the City Engineer.

8. **Public Utilities**
   a. Because of the site's topographic constraints, sanitary sewer lift station(s) are likely required; the Engineer of Record must work closely with the Public Utility Department throughout the design process. All pump station plans must comply with Chapter 50 (Utilities), Article II (Standard Specifications), Division 2 (Construction), Subdivision VII (Pump Stations), as well as any additional criteria established by the Director of Public Utilities.
9. **Open Space**
   a. All Open Space requirements shall meet the minimum requirements of Section 10.22.
   b. The subdivision shall include a conveniently accessible mail kiosk for both motorists and pedestrians.
   c. The mail kiosk area is not included in the open space calculations.
   d. The open space components shall be substantially similar to the examples provided in the application and shown in the staff report.
   e. All walking trail surfaces are to be mulch, compacted crushed rock, or other material approved by the director and be maintained in safe conditions by the HOA.

f. All trails are to maintain a minimum width of 48-inches.
g. A clearly visible sign shall be installed at each point where the amenity trails connect to the public sidewalks, stating that the trail amenity is not designed or constructed to ADA standards.

City of Flowery Branch Community Development Office
5512 Main St
Flowery Branch, GA, 30542
770-967-6378

ANNEXATION COMPLETENESS CHECKLIST

Please review each line item on the Completeness Checklist prior to submitting an application to the City of Flowery Branch. Please initial **each line item** (numerical and alphabetical sub lists) in the initial blocks provided in the left-hand column. Initialed checklist must be included with the completed application and all other required documentation at time of submittal. **All requirements must be provided in digital format via file sharing or on a flash drive.**

Applicant Name: Highpoint Development **Project Name:** The Ridge at Lott Creek

X GT	1.	Completed annexation application with all signatures and notary stamps present and all fields filled out and in compliance with all requirements. (Article 44, Sec. 44.4) Completed concurrent rezoning application with all signatures and notary stamps present and all fields filled out and in compliance with all requirements. (Article 34, Sec. 34.8)
X GT	2.	Legal description of property.
X GT	3.	Current survey of the property.
X GT	4.	Site plan of the property in accordance with the requirements of the Flowery Branch Code of Ordinances (Article 34, Sec 34.4 & 34.5):
		a) Uses an appropriate engineering scale
		b) Shows proposed use and relevant information regarding proposed improvements
		c) All existing AND proposed buildings and/or structures
		d) Parking and internal circulation
		e) Proposed landscaping
		f) Buffers, where required
		g) Other information as required by the Zoning Administrator
X GT	5.	Detailed description of the request.
X GT	6.	Required development statistics (Article 34, Sec 34.6) (separate document):
		a) Maximum and proposed height of any structure
		b) Maximum and proposed gross square footage of the building area (nonresidential only)
		c) Color rendering of any and all proposed structure(s)
		d) Material list (with percentages) of any and all proposed structure(s)
		e) Maximum and proposed number of dwelling units and minimum and proposed square footage of heated floor area for any dwelling unit (residential only)
		f) Maximum and proposed lot coverage of building area (square feet and percent)
		g) Minimum and proposed square footage of landscaped area (square feet and percent)
		h) Minimum, maximum and proposed number of parking spaces

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Flowery Branch, GA, 30542
770-967-6378
ANNEXATION COMPLETENESS CHECKLIST

		i) Other dimensional information as may be required by the Zoning Administrator
x JH	7.	Written Analysis Requirements (Article 34, Sec. 34.7) (separate document):
		a) Whether the proposal will permit a use that is suitable in view of the use and development of adjacent and nearby properties.
		b) Whether the proposal will adversely affect the existing use or usability of adjacent or nearby properties.
		c) 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.
		d) 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.
		e) 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.
		f) 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.
		g) 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.
		h) 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.
		i) Whether a proposed zoning map amendment or conditional use approval will be a deterrent to the value or improvement of the development of adjacent property in accordance with existing regulations.
		j) The possible creation of an isolated zoning district unrelated to adjacent and nearby districts.
		k) Possible effects of the change in zoning district map, or change in use, on the character of a zoning district.
		l) The possible impact on the environment, including but not limited to, drainage, soil erosion and sedimentation, flooding, air quality and water quality.

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ANNEXATION COMPLETENESS CHECKLIST

		m) 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.
X JF	8.	Conflict of interest disclosure (in body of application).
X JF	9.	Disclosure of campaign contributions (in body of application).
X JF	10.	Names and addresses of adjoining property owners. (separate document)
X JF	11.	Reasons for requesting annexation/rezoning. (separate document)
X JF	12.	Signed statement authorizing City of Flowery Branch staff and/or City Council to inspect subject property. (separate document)
N/A	13.	Annexations > 100 acres of land require an official request to amend the character area and future land use map designation for the subject property.
X JF	14.	Letter of intent describing the proposed use of the property or other action requested. (separate document)
X JF	15.	Hard copy of application with wet seals & signatures

The undersigned does hereby attest that all requirements in the above checklist have been met and that all required documentation has been provided at the time of submittal. The undersigned acknowledges that any application found to be incomplete upon review will be returned to the applicant for completion.

Name (print): HIGHPOINT DEVELOPMENT JAKE FRENCH

Signature: _____

Date: 12/11/2025

FLOWERY BRANCH
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ANNEXATION APPLICATION

Date: 12/11/2025

Address of Request:
4651 & 4665 Hog Mountain 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_____

Applicant Information:

Name: Highpoint Development

Address: 1776 Peachtree Street NW, Atlanta, GA 30309

E-mail address: jfrench@hpdev.com

Phone number: 502-386-7022

Signature: _____ Title (if applicable):_____

Print Name: Jake French

Notary Signature: _____

Notary Seal:

HANNAH HURLEY
Notary Public - State of Georgia
Gwinnett County
My Commission Expires Mar 14, 2028

FLOWERY BRANCH

Property owner information (if different than the applicant)

Property owner (please print): CD II Properties, LLC

Address: P.O. Box 99, Demorest, GA 30535

E-mail address: _____

Phone number: _____

Signature: _____

Notary Seal: _____

HANNAH HURLEY
Notary Public - State of Georgia
Gwinnett County
My Commission Expires Mar 14, 2028

Property Information

Tax Map Number: 15406 000008 & 15046 000008B

Current Zoning: R-1 & AR-1 (Hall County) Total Acres: 19.398

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

Proposed City of Flowery Branch Zoning: TND

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.

FLOWERY BRANCH

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

None to the best of our knowledge

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

None to the best of our knowldedge

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

None to the best of our knowledge

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
NONE	

FLOWERY BRANCH
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Elected Officials Name	Amount of Description of Gift
_____	_____
_____	_____

CITY STAFF ONLY

Application Received By: _____

Date: _____ Total Fee: _____

City of Flowery Branch Community Development Office
5512 Main St
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ANNEXATION/REZONING COMPLETENESS CHECKLIST

Please review each line item on the Completeness Checklist prior to submitting an application to the City of Flowery Branch. Please initial **each line item** (numerical and alphabetical sub lists) in the initial blocks provided in the left-hand column. Initialed checklist must be included with the completed application and all other required documentation at time of submittal. **All requirements must be provided in hard copy form and digital form on a flash drive.**

Applicant Name: Highpoint Development **Project Name:** The Ridge at Lott Creek

X GT	1.	Completed annexation application with all signatures and notary stamps present and all fields filled out and in compliance with all requirements. (Article 44, Sec. 44.4) Completed concurrent rezoning application with all signatures and notary stamps present and all fields filled out and in compliance with all requirements. (Article 34, Sec. 34.8)
X GT	2.	Legal description of property.
X GT	3.	Current survey of the property.
X GT	4.	Site plan of the property in accordance with the requirements of the Flowery Branch Code of Ordinances (Article 34, Sec 34.4 & 34.5):
		a) Uses an appropriate engineering scale
		b) Shows proposed use and relevant information regarding proposed improvements
		c) All existing AND proposed buildings and/or structures
		d) Parking and internal circulation
		e) Proposed landscaping
		f) Buffers, where required
		g) Other information as required by the Zoning Administrator
X GT	5.	Detailed description of the request.
X GT	6.	Required development statistics (Article 34, Sec 34.6) (separate document):
		a) Maximum and proposed height of any structure
		b) Maximum and proposed gross square footage of the building area (nonresidential only)
		c) Color rendering of any and all proposed structure(s)
		d) Material list (with percentages) of any and all proposed structure(s)
		e) Maximum and proposed number of dwelling units and minimum and proposed square footage of heated floor area for any dwelling unit (residential only)
		f) Maximum and proposed lot coverage of building area (square feet and percent)
		g) Minimum and proposed square footage of landscaped area (square feet and percent)
		h) Minimum, maximum and proposed number of parking spaces

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5512 Main St
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ANNEXATION/REZONING COMPLETENESS CHECKLIST

		i) Other dimensional information as may be required by the Zoning Administrator
x JH	7.	Written Analysis Requirements (Article 34, Sec. 34.7) (separate document):
		a) Whether the proposal will permit a use that is suitable in view of the use and development of adjacent and nearby properties.
		b) Whether the proposal will adversely affect the existing use or usability of adjacent or nearby properties.
		c) 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.
		d) 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.
		e) 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.
		f) 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.
		g) 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.
		h) 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.
		i) Whether a proposed zoning map amendment or conditional use approval will be a deterrent to the value or improvement of the development of adjacent property in accordance with existing regulations.
		j) The possible creation of an isolated zoning district unrelated to adjacent and nearby districts.
		k) Possible effects of the change in zoning district map, or change in use, on the character of a zoning district.
		l) The possible impact on the environment, including but not limited to, drainage, soil erosion and sedimentation, flooding, air quality and water quality.

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ANNEXATION/REZONING COMPLETENESS CHECKLIST

		m) 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.
X JT	8.	Conflict of interest disclosure (in body of application).
X JT	9.	Disclosure of campaign contributions (in body of application).
X JT	10.	Names and addresses of adjoining property owners. (separate document)
X JT	11.	Reasons for requesting annexation/rezoning. (separate document)
X JT	12.	Signed statement authorizing City of Flowery Branch staff and/or City Council to inspect subject property. (separate document)
N/A	13.	Annexations > 100 acres of land require an official request to amend the character area and future land use map designation for the subject property.
X JT	14.	Letter of intent describing the proposed use of the property or other action requested. (separate document)

The undersigned does hereby attest that all requirements in the above checklist have been met and that all required documentation has been provided at the time of submittal. The undersigned acknowledges that any application found to be incomplete upon review will be returned to the applicant for completion.

Name (print): HIGHPOINT DEVELOPMENT JAKE FRENCH

Signature: [signature]

Date: 12/11/2025

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REZONING APPLICATION

Date: 12/11/2025

Address of Request:

4651 & 4665 Hog Mountain Road, Flowery Branch GA 30542

Tax Map # 15046 000008 & 15046 000008B Current Zoning: R-1 & AR-1

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: Highpoint Development

Address: 1776 Peachtree Street NW. Suite 250, Atlanta, GA, 30309

E-mail address: jfrench@hpdev.com

Phone number: 502-386-7022

Signature: _____ Title (if applicable): _____

Print Name: Jake French

Notary Signature: _____

Notary Seal:

HANNAH HURLEY
Notary Public - State of Georgia
Gwinnett County
My Commission Expires Mar 14, 2028

FLOWERY BRANCH

Property owner information (if different than the applicant)

Property owner (please print): CD II Properties, LLC

Address: P.O. Box 99, Demorest, GA 30535

E-mail address: _____

Phone number: _____

Signature: _____

Notary Seal: _____

HANNAH HURLEY
Notary Public - State of Georgia
Gwinnett County
My Commission Expires Mar 14, 2028

Property Information

Tax Map Number: 15406 000008 & 15046 000008B

Current Zoning: R-1 & AR-1 (Hall County) Total Acres: 19.398

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

Proposed City of Flowery Branch Zoning: TND

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.

FLOWERY BRANCH

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

None to the best of our knowledge

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

None to the best of our knowldedge

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

None to the best of our knowledge

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
NONE	

FLOWERY BRANCH

CITY STAFF ONLY

Application Received By: _____

Date: _____ Total Fee: _____

City of Flowery Branch Community Development Office
5512 Main St
Flowery Branch, GA, 30542
770-967-6378
VARIANCE COMPLETENESS CHECKLIST

Please review each line item on the Completeness Checklist prior to submitting an application to the City of Flowery Branch. Please initial **each line item** (numerical and alphabetical sub lists) in the initial blocks provided in the left-hand column. Initialed checklist must be included with the completed application and all other required documentation at time of submittal. **All requirements must be provided in hard copy form and digital form on a flash drive.**

Applicant Name: Highpoint Development **Project Name:** The Ridge at Lott Creek

	1.	Completed application with all signatures and notary seals present and all fields filled out and all supplementary requirements and documents attached. (Article 37, Sec. 37.3)
	2.	Legal description of the property. (separate document)
	3.	Current survey of property sealed by a Georgia registered land surveyor. (separate document)
	4.	Letter of intent describing the proposed use of the property or other action requested. (separate document)
	5.	Site plan of the property at an appropriate engineering scale which shows: (Sec. 37.4) (separate document)
		a) Existing and proposed buildings and structures,
		b) Relevant information regarding proposed improvements,
		c) Other information as required by Zoning Administrator.
	6.	Detailed description of the request. (in body of application but can be attached as separate document)
	7.	Statistics regarding the proposed project or development. (separate document)
	8.	Written analysis of how the proposed action compares to decision criteria specified for deciding on the subject type of application. (separate document)
	9.	Description of any special conditions voluntarily made a part of the request.
	10.	Conflict of interest disclosure. (in body of application)
	11.	Disclosure of campaign contributions. (in body of application)
	12.	Narrative demonstrating that criteria for granting variances has been met: (Article 37, Sec. 37.5) (separate document)
		a) There are extraordinary and exceptional conditions or practical difficulties pertaining to the particular piece of property in question because of its size, shape, or topography that are not applicable to other lands or structures in the same district;
		b) A literal interpretation of the provisions of this ordinance would effectively deprive the applicant of rights commonly enjoyed by other properties of the district in which the property is located;

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VARIANCE COMPLETENESS CHECKLIST

		c) Granting the variance requested will not confer upon the property of the applicant any special privileges that are denied to other properties of the district in which the applicant's property is located;
		d) The requested variance will be in harmony with the purpose and intent of this ordinance and will not be injurious to the neighborhood of to the general welfare;
		e) The special circumstances are not the result of the actions of the applicant;
		f) The variance requested is the minimum variance that will make possible the proposed use of the land, building, or structure in the use district proposed; and
		g) The variance shall not permit a use of land, buildings, or structures which is not permitted by right in the zoning district or overlay district involved.

The undersigned does hereby attest that all requirements in the above checklist have been met and that all required documentation has been provided at the time of submittal. The undersigned acknowledges that any application found to be incomplete upon review will be returned to the applicant for completion.

Name (print): HIGHPOINT DEVELOPMENT JAKE FRENCH

Signature:

Date: 12/11/25

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VARIANCE APPLICATION

Address of Request:
4651 & 4665 Hog Mountain Road, Flowery Branch, GA 30542

Type of Variance Requested

Complete requirements for variances can be found in the Flowery Branch Code of Ordinances; Appendix C, "Zoning Ordinance", Article 37;

Please verify all the requirements of the Flowery Branch Code of Ordinances; Appendix C, "Zoning Ordinance", Article 37, section 37.5 are being met. Explain below:

1. Variance from SECTION 1014 ROW Table 10.1 Radius of curvature of the center line, minimum (feet) Local Street for a reduced radius
2. Variance from SECTION 10.21.c Residential Street Design Requirements to remove 25ft deviation from straight course requirements
3. Variance from Section 7.4 Dimensional Requirements Table 7.2 Minimum lot size requirements
4. Variance from Section 12.6.p.1 to reduce the width & length of the usable covered porch

Applicant: Highpoint Development

Address: 1776 Peachtree Street NW. Suite 250, Atlanta, GA 30309

E-mail address: jfrench@hpdev.com

Phone number: 502-386-7022

Signature:

Notary Seal:

HANNAH HURLEY
Notary Public - State of Georgia
Gwinnett County
My Commission Expires Mar 14, 2028

FLOWERY BRANCH

Property owner information (if different than the applicant)

Property owner (please print): CD II Properties, LLC

Address: P.O. Box 99, Demorest, GA 30535

E-mail address: _____

Phone number: _____

Signature: _____

Notary Seal:

HANNAH HURLEY
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Gwinnett County
My Commission Expires Mar 14, 2028

Property Information

Tax Map Number: 15406 000008 & 15046 000008B

Current Zoning: R-1 & AR-1 (Hall County) Total Acres: 19.398

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

Proposed City of Flowery Branch Zoning: TND

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.

FLOWERY BRANCH

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

None to the best of our knowledge

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

None to the best of our knowldedge

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

None to the best of our knowledge

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
NONE	

Criteria for Granting Variances

1. There are extraordinary and exceptional conditions or practical difficulties pertaining to the particular piece of property in question because of its size, shape, or topography that are not applicable to other lands or structures in the same district;

- Minimum road radius variance is related to the topography of the property and the dimensional restrictions with narrow width across. We will need a variance to a minimum radius of 48' in order to have a viable travel way for residents.
- Streets deviation variance is related to the topography of the site and the width constraints. We understand the concern with line of sight, so we plan to provide varying offsets for homes, different use of materials to break line of sight, and small landscape islands in the road center to provide speed reduction and break in view.
- Minimum lot size is related to the topography of the site and the width constraints. We plan to provide an average lot size of 6,700sf. The minimum lot size will be 5,500sf with only 30% of lots conforming to the minimum lot size.
- The porch size variance is related to achieving an architectural style that relates to the front-loaded garages given the topography and width constraints. We will propose an extending the roof overhang above the garage to extend across to the porch to give the feel of an extended porch. We will also utilize design code relief in Section 12.7 to allow for stoops so that we can use different materials to create architectural relief and provide a truly unique community.

2. A literal interpretation of the provisions of this ordinance would effectively deprive the applicant of rights commonly enjoyed by other properties of the district in which the property is located;

- Similar minimum road radius exists within other single-family communities within the City.
- Similar streets extend longer than 360' without deviation within the City.
- Similar lot sizes exist within other single-family communities within the City.
- Similar porch sizes exist within other single-family communities within the City.

3. Granting the variance requested will not confer upon the property of the applicant any special privileges that are denied to other properties of the district in which the applicant's property is located;

- Based on other existing single-family communities and existing travel ways within the City, it would not appear that these variances would be considered as a special privilege.

4. The requested variance will be in harmony with the purpose and intent of this ordinance and will not be injurious to the neighborhood or to the general welfare;

- The variances will primarily be visible to those living within the community and therefore should not have any injurious impact on others.

5. The special circumstances are not the result of the actions of the applicant;

- The circumstances are requested for the specific product architecture and site plan layout necessary for the community's success due to the extreme constraints of the land.

6. The variance requested is the minimum variance that will make possible the proposed use of the land, building, or structure in the use district proposed; and

- These requests have been studied extensively for over a year and have been minimized to the least impactful magnitude achievable.

7. The variance shall not permit a use of land, buildings, or structures which is not permitted by right in the zoning district or overlay district involved.

- The variances have been noted in other single-family communities and/or existing travel ways within the City and do not convey uses that are not permitted currently.

8. The variances requested do not change the use of the property or the function of any buildings or structures.

- Nothing in the requested variances will impact the use of the property or the function of the single-family community.

December 11, 2025

TO: City of Flowery Branch Community Development Office
FROM: Highpoint Development, Jake French (Applicant)
DATE: December 11, 2025
SUBJECT: 4651 & 4665 Hog Mountain Road Annexation and Rezoning Application

Applicant hereby grants permission to City of Flowery Branch Elected Officials and Staff to enter and inspect property as needed for the purpose of reviewing the request referenced above.

Jake French
Development Lead

LEGAL DESCRIPTION

All that tract or parcel of land lying and being in Georgia Militia District: Flowery Branch #1270, in Hall County, Georgia, and being more particularly described as follows:

Commencing at a mag nail set at the Southerly right of way of Hog Mountain Road (having a variable width, publicly dedicated right of way) and the common corner to property now or formally of Mount Calvary Baptist Church and CD, ii Properties, LLC, said point being the TRUE POINT OF BEGINNING.

Thence continuing along said right of way of Hog Mountain Road the following courses and distances: North 52 degrees 05 minutes 46 seconds East a distance of 300.00 feet to a 5/8 inch capped rebar set; North 52 degrees 05 minutes 46 seconds East a distance of 296.18 feet to a 5/8-inch capped rebar set; Thence leaving said right of way of Hog Mountain Road South 45 degrees 22 minutes 26 seconds East a distance of 1477.18 feet to a concrete marker found; Thence South 44 degrees 38 minutes 15 seconds West a distance of 525.39 feet to a concrete marker found; Thence North 47 degrees 47 minutes 41 seconds West a distance of 519.00 feet to a 1-inch open top pipe found; Thence North 47 degrees 47 minutes 41 seconds West a distance of 150.00 feet to a 1-invh open top pipe found; Thence North 47 degrees 47 minutes 41 seconds West a distance of 386.97 feet to a 5/8-inch capped rebar set; Thence North 47 degrees 47 minutes 41 seconds West a distance of 500.00 feet to a mag nail set at the Southerly right of way of Hog Mountain Road, said mag nail being the TRUE POINT OF BEGINNING.

Said tract or parcel of land containing 19.398 acres (844,974 square feet).

SURVEYOR'S CERTIFICATION

THIS PLAT IS A RETRACEMENT OF AN EXISTING PARCEL OR PARCELS OF LAND AND DOES NOT SUBDIVIDE OR CREATE A NEW PARCEL OR MAKE ANY CHANGES TO ANY REAL PROPERTY BOUNDARIES. THE RECORDING INFORMATION OF THE DOCUMENTS, MAPS, PLATS, OR OTHER INSTRUMENTS WHICH CREATED THE PARCEL OR PARCELS ARE STATED HEREON. RECORDATION OF THIS PLAT DOES NOT IMPLY APPROVAL OF ANY LOCAL JURISDICTION AVAILABILITY OF PERMITS, COMPLIANCE WITH LOCAL REGULATIONS OR REQUIREMENTS, OR SUITABILITY FOR ANY USE OR PURPOSE OF THE LAND. FURTHERMORE, THE UNDERSIGNED, LAND SURVEYOR CERTIFIES THAT THIS PLAT COMPLIES WITH THE MINIMUM TECHNICAL STANDARDS FOR PROPERTY SURVEYS IN GEORGIA AS SET FORTH IN THE RULES AND REGULATIONS OF THE GEORGIA BOARD OF REGISTRATION FOR PROFESSIONAL ENGINEERS AND LAND SURVEYORS AND AS SET FORTH IN O.C.G.A. SECTION 15-6-67.

GEORGIA REGISTERED No. 3109 REGISTERED LAND SURVEYOR MITCHELL LOWERY

MITCHELL LOWERY GEORGIA R.L.# 3109
DATE OF PLAT OR MAP: JANUARY 10, 2022

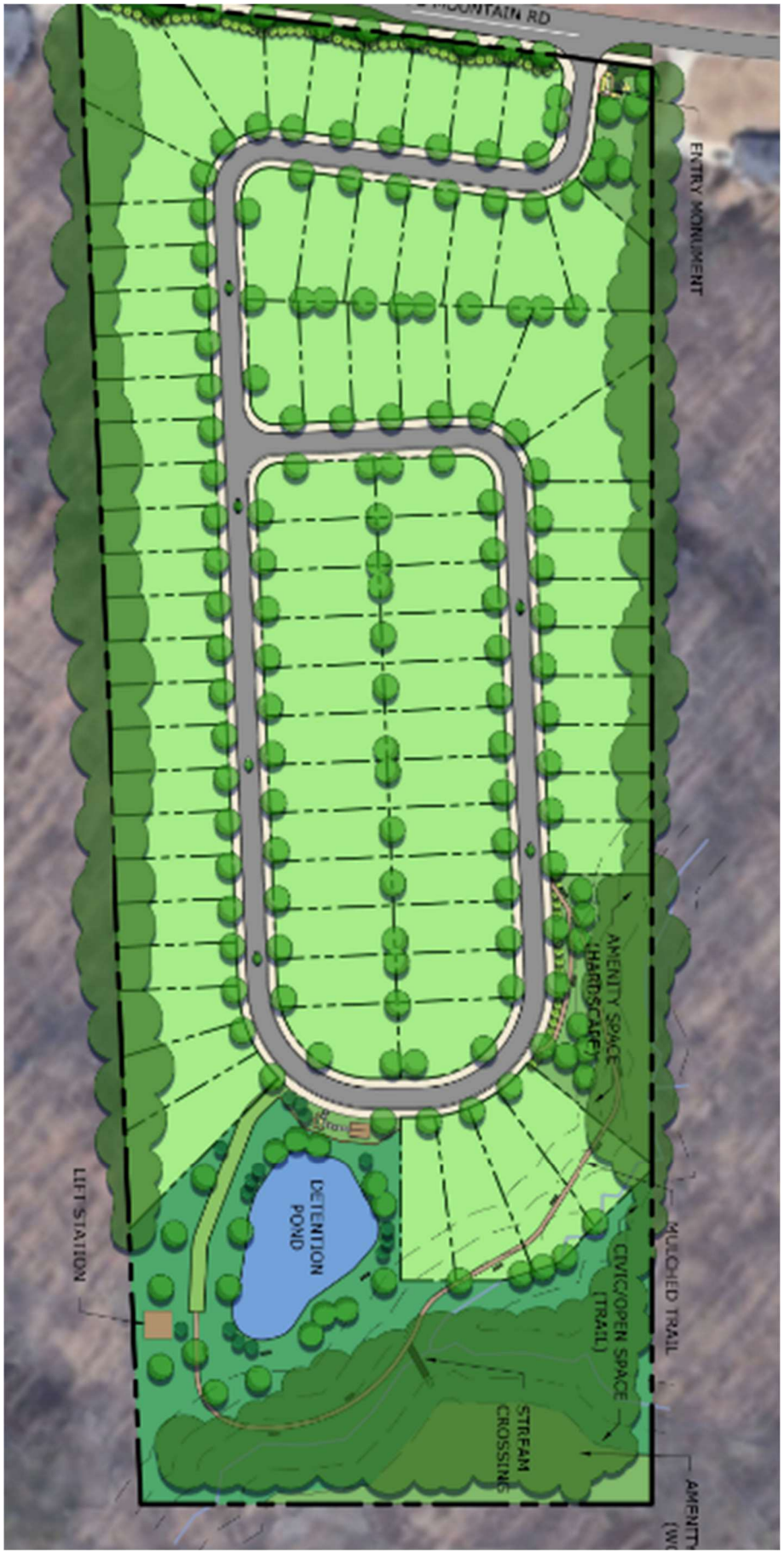
LEGAL DESCRIPTION TRACT 1

ALL THAT TRACT OR PARCEL OF LAND LYING AND BEING IN GEORGIA MILITIA DISTRICT: FLOWERY BRANCH #1270, IN HALL COUNTY, GEORGIA, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT A POINT AT THE SOUTHERLY RIGHT OF WAY OF HOG MOUNTAIN ROAD (HAVING A VARIABLE WIDTH), PUBLICLY DEDICATED RIGHT OF WAY) AND THE COMMON CORNER TO PROPERTY NOW OR FORMALLY OF MOUNT CALVARY BAPTIST CHURCH AND CD, II PROPERTIES, LLC; THENCE CONTINUING ALONG SAID RIGHT OF WAY OF HOG MOUNTAIN ROAD NORTH 52 DEGREES 05 MINUTES 46 SECONDS EAST A DISTANCE OF 296.18 FEET TO A 5/8-INCH CAPPED REBAR SET; THENCE LEAVING SAID RIGHT OF WAY OF HOG MOUNTAIN ROAD SOUTH 45 DEGREES 22 MINUTES 26 SECONDS EAST A DISTANCE OF 147.18 FEET TO A CONCRETE MARKER FOUND; THENCE SOUTH 44 DEGREES 38 MINUTES 15 SECONDS WEST A DISTANCE OF 525.39 FEET TO A CONCRETE MARKER FOUND; THENCE NORTH 47 DEGREES 47 MINUTES 41 SECONDS WEST A DISTANCE OF 519.00 FEET TO A 1-INCH OPEN TOP PIPE FOUND; THENCE NORTH 47 DEGREES 47 MINUTES 41 SECONDS WEST A DISTANCE OF 150.00 FEET TO A 1-INCH OPEN TOP PIPE FOUND; THENCE NORTH 47 DEGREES 47 MINUTES 41 SECONDS WEST A DISTANCE OF 386.97 FEET TO A 5/8-INCH CAPPED REBAR SET; THENCE LEAVING SAID RIGHT OF WAY OF HOG MOUNTAIN ROAD NORTH 47 DEGREES 41 SECONDS EAST A DISTANCE OF 500.00 FEET TO A 5/8-INCH CAPPED REBAR SET; THENCE NORTH 52 DEGREES 05 MINUTES 46 SECONDS EAST A DISTANCE OF 300.00 FEET TO A 5/8-INCH CAPPED REBAR SET; THENCE NORTH 47 DEGREES 47 MINUTES 41 SECONDS WEST A DISTANCE OF 500.00 FEET TO A 5/8-INCH CAPPED REBAR SET; THENCE NORTH 52 DEGREES 05 MINUTES 46 SECONDS EAST A DISTANCE OF 300.00 FEET TO A 5/8-INCH CAPPED REBAR SET; THENCE SOUTH 47 DEGREES 47 MINUTES 41 SECONDS EAST A DISTANCE OF 519.00 FEET TO A 1-INCH OPEN TOP PIPE FOUND; THENCE SOUTH 47 DEGREES 47 MINUTES 41 SECONDS EAST A DISTANCE OF 150.00 FEET TO A 1-INCH OPEN TOP PIPE FOUND; THENCE SOUTH 47 DEGREES 47 MINUTES 41 SECONDS EAST A DISTANCE OF 386.97 FEET TO A 5/8-INCH CAPPED REBAR SET; THENCE NORTH 52 DEGREES 05 MINUTES 46 SECONDS EAST A DISTANCE OF 296.18 FEET TO A 5/8-INCH CAPPED REBAR SET; THENCE SOUTH 45 DEGREES 22 MINUTES 26 SECONDS EAST A DISTANCE OF 147.18 FEET TO A CONCRETE MARKER FOUND; THENCE SOUTH 44 DEGREES 38 MINUTES 15 SECONDS WEST A DISTANCE OF 525.39 FEET TO A CONCRETE MARKER FOUND; THENCE NORTH 47 DEGREES 47 MINUTES 41 SECONDS WEST A DISTANCE OF 519.00 FEET TO A 1-INCH OPEN TOP PIPE FOUND; THENCE NORTH 47 DEGREES 47 MINUTES 41 SECONDS WEST A DISTANCE OF 150.00 FEET TO A 1-INCH OPEN TOP PIPE FOUND; THENCE NORTH 47 DEGREES 47 MINUTES 41 SECONDS WEST A DISTANCE OF 386.97 FEET TO A 5/8-INCH CAPPED REBAR SET; THENCE LEAVING SAID RIGHT OF WAY OF HOG MOUNTAIN ROAD NORTH 47 DEGREES 41 SECONDS EAST A DISTANCE OF 500.00 FEET TO A 5/8-INCH CAPPED REBAR SET; THENCE NORTH 52 DEGREES 05 MINUTES 46 SECONDS EAST A DISTANCE OF 300.00 FEET TO A 5/8-INCH CAPPED REBAR SET; THENCE NORTH 47 DEGREES 47 MINUTES 41 SECONDS WEST A DISTANCE OF 519.00 FEET TO A 1-INCH OPEN TOP PIPE FOUND; THENCE NORTH 47 DEGREES 47 MINUTES 41 SECONDS WEST A DISTANCE OF 150.00 FEET TO A 1-INCH OPEN TOP PIPE FOUND; THENCE NORTH 47 DEGREES 47 MINUTES 41 SECONDS WEST A DISTANCE OF 386.97 FEET TO A 5/8-INCH CAPPED REBAR SET; THENCE LEAVING SAID RIGHT OF WAY OF HOG MOUNTAIN ROAD NORTH 47 DEGREES 41 SECONDS EAST A DISTANCE OF 500.00 FEET TO A 5/8-INCH CAPPED REBAR SET; THENCE NORTH 52 DEGREES 05 MINUTES 46 SECONDS EAST A DISTANCE OF 300.00 FEET TO A 5/8-INCH CAPPED REBAR SET; THENCE SOUTH 47 DEGREES 47 MINUTES 41 SECONDS EAST A DISTANCE OF 519.00 FEET TO A 1-INCH OPEN TOP PIPE FOUND; THENCE SOUTH 47 DEGREES 47 MINUTES 41 SECONDS EAST A DISTANCE OF 150.00 FEET TO A 1-INCH OPEN TOP PIPE FOUND; THENCE SOUTH 47 DEGREES 47 MINUTES 41 SECONDS EA

THE RIDGE

AT LOTT CREEK



Project Narrative for Hog Mountain Road Tract

LOCATION – 4651 & 4665 Road, Flowery Branch, GA 30542
ACREAGE – 19.398 acres +/-
APPLICANT – Highpoint Development
PROPOSED ZONING – TND

Summary

The accompanying application seeks annexation and zoning district change from AR-I in Hall County to TND in Flowery Branch for a 19.398-acre tract, consisting of Parcel #'s 15046 000008 & 15046 000008B. The property appears to have been vacant for a number of years. The location is on Hog Mountain Road in south Hall approximately 1300 LF north of Spout Springs Road. The intent is to develop up to 81 units of quality housing (single-family) along with an extensive amount of undeveloped natural area. At least 15% of the site will be maintained as open space. Although not specifically identified, the property is located adjacent to the "Retail Activity Center" Character Area of the 2041 Comprehensive Plan. We believe this property could serve as a transitional use from the retail area to south and the lower density subdivisions to the north and east.

Site Description

The property has approximately 640 LF of frontage along Hog Mountain Road, rectangular and approximately 1,500 LF deep. The site is undeveloped with several dilapidated out buildings and contains a mix of trees and vegetation. A jurisdictional stream (Lott Creek) is located near the rear of the property and appears to be a tributary of Mulberry Creek. Domestic water (24") is provided by the City of Gainesville and is located on the northwest side of Hog Mountain Road. Flowery Branch will provide sanitary Sewer through a new, on-site pump station and force main to nearby gravity lines located within the Stonebridge Village retail center. All other dry utilities are located within a reasonable distance for service extensions.

Adjacencies

The property is surrounded by Hall County residential zonings, AR-III, PRD and R-1 and a small HB property on the west side of Hog Mountain Road. Adjacent Flowery Branch zoning is HB.

Access

Access to the property is proposed from a driveway on Hog Mountain Road approximately 1,800 LF north of Spout Springs Road. The nearest cross street is Cash Road, located approximately 900 LF northeast of the property.

Proximity to Other Uses

- Nearest distance to undeveloped commercial property – parcel #15046 000151-zoned HB located adjacent to southwestern boundary.
- Nearest distance to developed commercial property – parcel #08096 000014 zoned H-B, directly across at 4650 Hog Mountain Road.

- Nearest distance to a single-family home – a single-family home at 4641 Hog Mountain Road is located within 40’ of the northeastern boundary.
- Nearest distance to a subdivision – Hunters Landing S/D is located 0.6 miles away.

Aerial View



Comprehensive Plan Consistency

Since the subject property is currently located in unincorporated Hall County, the Flowery Branch Comprehensive Plan does not specifically identify the future land use for this property. With Retail/Commercial uses directly to the south of the subject property and lower density residential uses to the north, it would be reasonable to assume that the subject property could provide a transitional use and density between the uses identified. Although this specific property is not included in the Comprehensive Plan Future Development Map, it does lie adjacent to the "Activity Center – Retail" character area. It is our opinion that the slightly higher densities offered under the TND zoning district, and the specific use for attached single-family homes, would be applicable for this property.

Traffic Impact Study

A Traffic Impact Study has not been requested by the City but was recommended. We have completed a Traffic Impact Study as a courtesy. The following recommendations were made:

- One entering lane and one exiting lane
- Stop sign controlled on the driveway approach with Hog Mountain Rd remaining free flow
- A right turn lane for entering traffic
- No recommendation for the need of a left turn lane in

Development Strategy

The Concept Plan includes traditional front entry single family homes. The architectural style of the homes will be influenced by the mountain bungalow style to feel more rooted in the community and within the TND design intent. The single-family homes located along the Hog Mountain Road frontage will be facing interior to the development and we will have elevated facades on the rear of these homes to provide a grand appearance along Hog Mountain Rd. We will provide a desirable streetscape for the project's entrance including a professionally landscaped monument sign. The single-family homes will all have front-loaded garages. The community will have amenities including walking trails, a creek bridge crossing, a community gathering pavilion, and a firepit communal area with chairs.

Architectural Materials & Site Improvements

Single-family homes will follow the requirements of Section 12.6.i at a minimum with a general design theme that would include:

- Two-car garages
- Front facades with a combination of masonry and hardi-plank siding materials
- Side & Rear facades with hardi-plank siding, glazing & trim
- Architectural weight shingles
- Sodded yards (4 sides)
- One tree per lot (minimum 2 ½" caliper)
- Variance Requested –
    - Road radius min. at 48'
    - Street deviation distance req. to 850' w/ concessions
    - Minimum lot size avg 6,700sf w/ 30% min lots of 5,500sf
    - Reduce front porch size requirement

Entrance Monumentation

The entrance may include the items listed below with at least one central mail kiosk provided subject to USPS review and approval.

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

Amenities

The community amenities, at a minimum, will contain the following items:

- Pocket Park
- Walking Trails
- Creek Crossing
- Park Benches
- Community gathering pavilion
- Communal firepit with seating

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 Hog Mountain Road.

Model Home Permits

Applicant requests that up to twelve (12) 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 Developer. The HOA will manage the overall management of the property including maintenance, architectural controls and financial management.

Annexation

Hall County has given verbal confirmation they would approve the annexation into Flowery Branch assuming the adjacent parcels are not attempting to annex at the same time.

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.

Project Dimensional Standards

Proposed Dimensional Standards	
Acres	19.398
Number of Lots	81
Gross Density	4.18
Exterior Buffer	-
Height (Feet)	30
Minimum Lot Size (SF)*	5,500
Minimum Lot Width (Ft)	40
Minimum Lot Depth (Ft)	80
Minimum Heated Floor Area (SF)	1,200
Front Yard Setback from Lot Line (Ft)	-
Side Setback, Interior Lot Line or Corner Lot (Ft)	5
Rear Setback (Ft)	25
Maximum Coverage of Impervious Surface	45%
Sidewalks	5', Both Sides
Civic Space	15%
Amenity Space	6%
Parking	2 - Enclosed
**Requires variance approval*	

THE RIDGE
AT LOTT CREEK





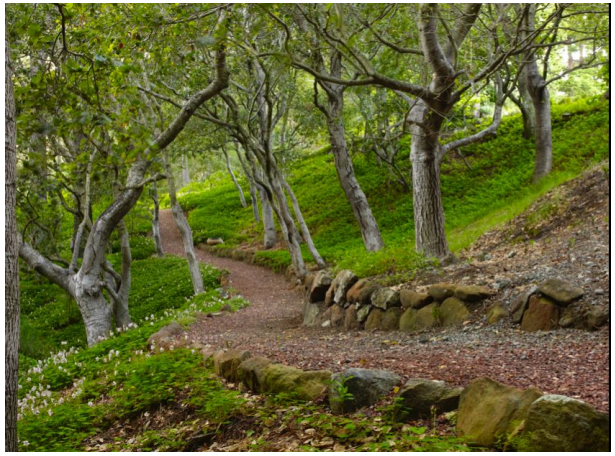


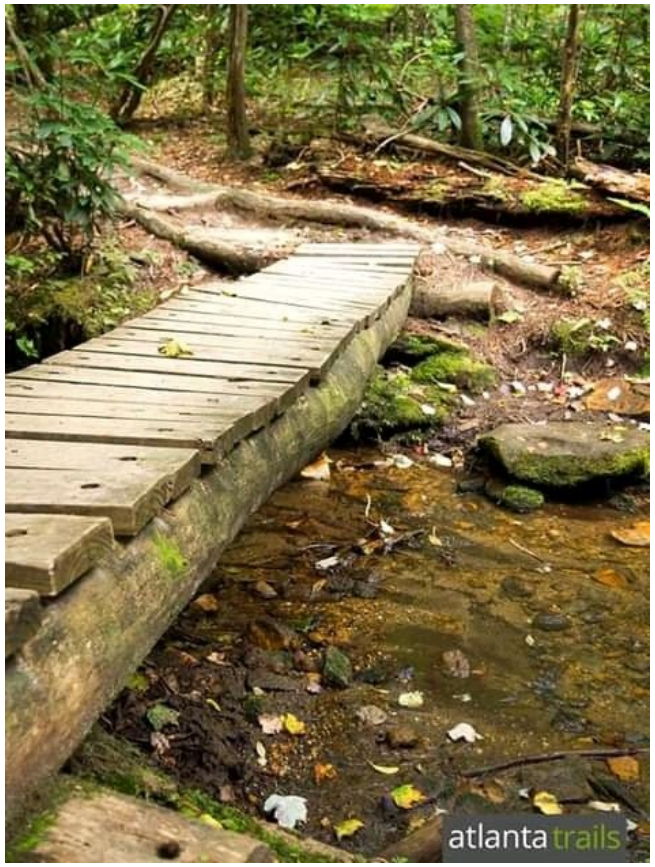
ENTRY GATE IDEAS

The entry conveys a quiet sense of welcome, shaped with natural stone and native plantings that feel authentically tied to Hog Mountain and the creek below. Materials sit comfortably in the landscape, offering a sense of belonging rather than display, creating an approach that is both dignified and genuinely rooted in place.

THE RIDGE
AT LOTT CREEK









AMENITIES

Amenities are designed to feel close to the landscape and quietly integrated. A communal fire pit and pavilion overlooks the stream, and a soft mulched trail guides residents through the trees to a modest wooden bridge across Lott Creek. The experience is simple and welcoming, inviting time outdoors without overshadowing the natural character of the place.

THE RIDGE

AT LOTT CREEK



COLOR PALETTE:

The three offered schemes—light, mid-tone, and dark—are drawn from the muted, earthy tones of the North Georgia landscape. Each palette reflects the surrounding ridge and creek setting, favoring natural hues: soft mineral whites, weathered wood browns, and deeper charcoal colors that echo stone, soil, and shaded canopy. Together, they provide variation without discord, allowing homes to feel individually tailored yet quietly unified within the broader landscape.

THE RIDGE
AT LOTT CREEK







ARCHITECTURAL FEATURES:

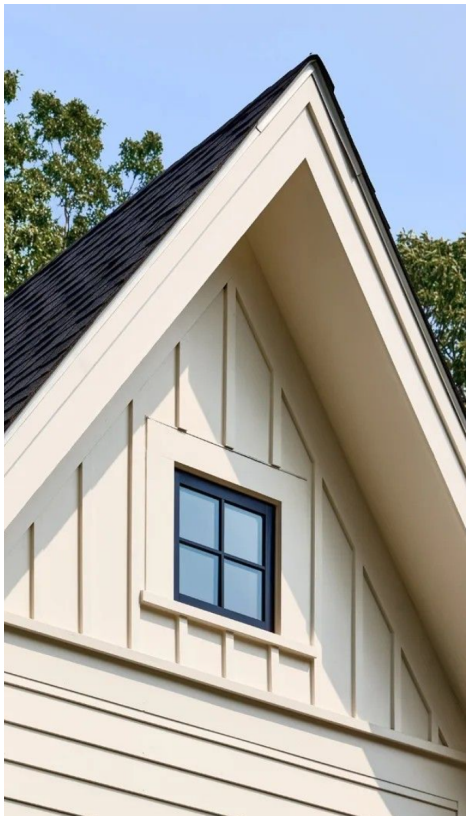
The achitecture leans toward a mountain bungalow style, with forms and finishes that feel sturdy, familiar, and tied to the landscape. Dark charcoal accents sharpen the earthy palette, while carriage-style garage doors and well-placed sconces add character without slipping into ornament. Matching metal gutters bring a clean outline to the façades, and the porch roof extending across the front-facing garage helps keep everything at a comfortable, human scale. The result is a street presence that feels connected, warm, and intentionally crafted—neighbors, not statements.

THE RIDGE
AT LOTT CREEK









ARCHITECTURAL FEATURES:

Details stay simple and purposeful. Porch brackets and extended overhangs provide clear structure and shade without excess. Gable vents, occasional gable windows, and selectively used shutters add just enough dimension to the façades, keeping each home grounded and consistent without feeling repetitive.

Analysis of the Hog Mountain Road Annexation Request

(a) Whether the proposal will permit a use that is suitable in view of the use and development of adjacent and nearby property.

- The requested use is for a residential and is consistent with the many undeveloped nearby properties. The suitability for more intense uses is limited by the property's topography.

(b) Whether the proposal will adversely affect the existing use or usability of adjacent or nearby property.

- The proposed residential use of the property will not negatively impact any adjacent property as there are both commercial and residential uses nearby.

(c) 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.

- The property has been marketed under its current zoning for a number of years and has generated very little interest. Without annexation into Flowery Branch, sewer will not be available.

(d) 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.

- Other than a small increased school impact, the proposed residential use will have minimal impact to the existing infrastructure.

(e) 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.

- Although not specifically identified, the property is located adjacent to the "Retail Activity Center" Character Area of the 2041 Comprehensive Plan. We believe this property could serve as a transitional use from the retail area to south and the lower density subdivisions to the north and east.

(f) 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 availability of suitable land for development is becoming more limited while the demand for residential use in this area continues to increase. The topography of the property is more suitable for residential than for any retail/commercial uses.

(g) Existing use(s) and zoning of the subject property and nearby properties.

- The property is surrounded by Hall County residential zonings, AR-III, PRD and R-1 and a small HB property on the west side of Hog Mountain Road. Adjacent Flowery Branch zoning is HB.

(h) 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.

- Under the existing zoning districts (AR-I & R-1) in Hall County, the property value (2024 Tax Assessment - $363,300) is diminished by the lack of sewer access and the limited development potential. Annexation and rezoning to TND would create a value in excess of $2,000,000. The current property owner has owned the property since 2012 and has been unsuccessful under the current zoning.

(i) 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 change of use is more compatible with the existing single-family development to the north and will have no impact on the other adjacent uses.

(j) The possible creation of an isolated zoning district unrelated to adjacent and nearby districts.

- The property is adjacent to an existing single-family home to the north and therefore would not create an isolated use.

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

- The character of this area already includes residential uses so there should be no impact on the general character of the district.

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

- Residential development is generally less intensive in its impact on the environmental issues mentioned as opposed to adjacent HB zoned uses.

(m) 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.

- This change of use will not be harmful to the overall zoning scheme as other residential uses currently exist adjacent to the property.

Parcel #	Name	Address	Mailing Address
15046 000009A	Mount Calvary Baptist Church	4675 Hog Mountain Road, Flowery Branch, GA 30542	4675 Hog Mountain Road, Flowery Branch, GA 30542
15046 000151	Capstone Gateway 1, LLC	Hog Mountain Road, Flowery Branch, GA 30542	P.O. Box 724, Gainesville, GA 30503
15046 000065	Capstone Acquisitions, LLC	6001 Spout Springs Road, Flowery Branch, GA 30542	P.O. Box 724, Gainesville, GA 30504
15046 000131	Capstone Acquisitions, LLC	6011 Spout Springs Road, Flowery Branch, GA 30542	P.O. Box 724, Gainesville, GA 30505
15046 000070	Capstone Acquisitions, LLC	6065 Spout Springs Road, Flowery Branch, GA 30542	P.O. Box 724, Gainesville, GA 30506
15046E 000013	Blake Alexander Hall	4650 Quail Point Dr., Flowery Branch, GA 30542	4650 Quail Point Dr., Flowery Branch, GA 30542
15046E 000012	Tammy A. Lipscomb	4646 Quail Point Dr., Flowery Branch, GA 30542	4646 Quail Point Dr., Flowery Branch, GA 30542
15046 000002	Florence Cash Smee	4576 Cash Road, Flowery Branch, GA 30542	4576 Cash Road, Flowery Branch, GA 30542
15046 000143	Lucy Cash Barnett	4560 Cash Road, Flowery Branch, GA 30542	4560 Cash Road, Flowery Branch, GA 30542
15046 000008A	Thoren C. Merrow	4666 Hog Mountain Road, Flowery Branch, GA 30542	4646 Hog Mountain Road, Flowery Branch, GA 30542
08096 000008	Pauline Cantrell Roberts	4642 Hog Mountain Road, Flowery Branch, GA 30542	4642 Hog Mountain Road, Flowery Branch, GA 30542
08096 000014	R Squared Rentals, LLC	4650 Hog Mountain Road, Flowery Branch, GA 30542	1406 Mountain Creek Church Road, Pendergrass, GA 30567
08097 000005	Mary Elizabeth Hickman, et al	4560 Hog Mountain Road, Flowery Branch, GA 30542	4847 Parliament Way, Dunwoody, GA 30338

Georgia law and the procedures of Flowery Branch requires the Applicant to raise Federal and State constitutional objections during the TND master plan application process. While the Applicant anticipates a smooth application process, failure to raise constitutional objections at this stage may mean that the Applicant will be barred from raising important legal claims later in the process. Accordingly, the following constitutional objections are stated:

The portions of the Flowery Branch Development Code, facially and as applied to the Property, which restrict the Property to any uses, conditions, land use designations, development standards, or to any zoning district other than that proposed by the Applicant are unconstitutional in that they would destroy the Applicant's property rights without first paying fair, adequate and just compensation for such rights, in violation of Article I, Section I, Paragraph I and Section III, Paragraph I of the Constitution of the State of Georgia of 1983, and the Due Process Clause of the Fourteenth Amendment to the Constitution of the United States.

The application of the Flowery Branch Development Code, facially and as applied to the Property, which restricts the Property to any uses, conditions, land use designations, development standards, or to any zoning district other than in accordance with the application as proposed by the Applicant is unconstitutional, illegal, null and void, constituting a taking of Applicant's Property in violation of the Just Compensation Clause of the Fifth Amendment to the Constitution of the United States; Article I, Section I, Paragraph I, and Section III, Paragraph I of the Constitution of the State of Georgia of 1983; and the Equal Protection and Due Process Clauses of the Fourteenth Amendment to the Constitution of the United States denying the Applicant an economically viable use of its land while not substantially advancing legitimate state interests.

A denial of this Application would be unconstitutional under the Takings Clause of the Fifth Amendment to the Constitution of the United States and the Just Compensation Clause of Article I, Section III, Paragraph I of the Constitution of the State of Georgia of 1983. A refusal by the Flowery Branch City Council to approve the zoning conditions as requested would constitute a taking of the Applicant's property.

A denial of this Application would constitute an arbitrary and capricious act by the Flowery Branch City Council without any rational basis therefore constituting an abuse of discretion in violation of Article I, Section I, Paragraph I and Section III, Paragraph I of the Constitution of the State of Georgia of 1983, and the Due Process Clause of the Fourteenth Amendment to the Constitution of the United States. A refusal to grant the TND zoning request would lack objective justification and would result only from neighborhood opposition, which would constitute an unlawful delegation of the zoning power to non-legislative bodies in violation of the Georgia Constitution, Article IX, Section II, Paragraph 4.

A refusal by the Flowery Branch City Council to approve this Application for the Property in accordance with the criteria as requested by the Applicant would be unconstitutional and discriminate in an arbitrary, capricious and unreasonable manner between the Applicant and owners of the similarly situated property in violation of Article I, Section I, Paragraph II of the Constitution of the State of Georgia of 1983 and the Equal Protection Clause of the Fourteenth Amendment to the Constitution of the United States. Any rezoning of the Property subject to conditions which are different from the conditions requested by the Applicant, to the extent such different conditions would have the effect of further restricting Applicant's utilization of the Property, would also constitute an arbitrary, capricious and discriminatory act in zoning the Property to a unconstitutional classification and would likewise violate each of the provisions of the State and Federal Constitutions set forth hereinabove.

I. CONCLUSION

For the foregoing reasons, the Applicant respectfully requests that this TND master plan application be granted as requested by the Applicant. If there are any questions about this request, you may contact:

Jake French
Highpoint Development
1776 Peachtree Street NW.
Suite 250.
Atlanta, GA 30309
502-386-7022
jfrench@hpdev.com



SURVEYOR'S CERTIFICATION

THIS PLAT IS A RETRACEMENT OF AN EXISTING PARCEL OR PARCELS OF LAND AND DOES NOT SUBDIVIDE OR CREATE A NEW PARCEL OR MAKE ANY CHANGES TO ANY REAL PROPERTY BOUNDARIES. THE RECORDING INFORMATION OF THE DOCUMENTS, MAPS, PLATS, OR OTHER INSTRUMENTS WHICH CREATED THE PARCEL OR PARCELS ARE STATED HEREON. RECORDATION OF THIS PLAT DOES NOT IMPLY APPROVAL OF ANY LOCAL JURISDICTION. AVAILABILITY OF PERMITS, COMPLIANCE WITH LOCAL REGULATIONS OR REQUIREMENTS, OR SUITABILITY FOR ANY USE OR PURPOSE OF THE LAND. FURTHERMORE, THE UNDERSIGNED LAND SURVEYOR CERTIFIES THAT THIS PLAT COMPLIES WITH THE MINIMUM TECHNICAL STANDARDS FOR PROPERTY SURVEYS IN GEORGIA AS SET FORTH IN THE RULES AND REGULATIONS OF THE GEORGIA BOARD OF REGISTRATION FOR PROFESSIONAL ENGINEERS AND LAND SURVEYORS AND AS SET FORTH IN O.C.G.A. SECTION 15-6-67.

GEORGIA REGISTERED No. 3109 REGISTERED LAND SURVEYOR MITCHELL LOWERY

MITCHELL LOWERY GEORGIA R.L.S. #3109
DATE OF PLAT OR MAP: JANUARY 10, 2022

LEGAL DESCRIPTION TRACT 1

ALL THAT TRACT OR PARCEL OF LAND LYING AND BEING IN GEORGIA MILITIA DISTRICT: FLOWERY BRANCH #1270, IN HALL COUNTY, GEORGIA, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT A POINT AT THE SOUTHERLY RIGHT OF WAY OF HOG MOUNTAIN ROAD (HAVING A VARIABLE WIDTH, PUBLICLY DEDICATED RIGHT OF WAY) AND THE COMMON CORNER TO PROPERTY NOW OR FORMALLY OF MOUNT CALVARY BAPTIST CHURCH AND CD. II PROPERTIES, LLC; THENCE ALONG SAID RIGHT OF WAY OF HOG MOUNTAIN ROAD NORTH 52 DEGREES 05 MINUTES 46 SECONDS EAST A DISTANCE OF 296.18 FEET TO A 5/8-INCH CAPPED REBAR SET; THENCE LEAVING SAID RIGHT OF WAY OF HOG MOUNTAIN ROAD SOUTH 45 DEGREES 22 MINUTES 26 SECONDS EAST A DISTANCE OF 1477.18 FEET TO A CONCRETE MARKER FOUND; THENCE SOUTH 44 DEGREES 38 MINUTES 15 SECONDS WEST A DISTANCE OF 525.39 FEET TO A CONCRETE MARKER FOUND; THENCE NORTH 47 DEGREES 47 MINUTES 41 SECONDS WEST A DISTANCE OF 519.00 FEET TO A 1-INCH OPEN TOP PIPE FOUND; THENCE NORTH 47 DEGREES 47 MINUTES 41 SECONDS WEST A DISTANCE OF 150.00 FEET TO A 5/8-INCH CAPPED REBAR SET; THENCE NORTH 47 DEGREES 47 MINUTES 41 SECONDS WEST A DISTANCE OF 386.97 FEET TO A 5/8-INCH CAPPED REBAR SET; THENCE NORTH 52 DEGREES 05 MINUTES 46 SECONDS EAST A DISTANCE OF 300.00 FEET TO A 5/8-INCH CAPPED REBAR SET; THENCE NORTH 47 DEGREES 47 MINUTES 41 SECONDS WEST A DISTANCE OF 500.00 FEET TO A 5/8-INCH CAPPED REBAR SET; THENCE NORTH 52 DEGREES 05 MINUTES 46 SECONDS EAST A DISTANCE OF 300.00 FEET TO A 5/8-INCH CAPPED REBAR SET, SAID 5/8-INCH CAPPED REBAR BEING THE TRUE POINT OF BEGINNING.

(697,203 SQUARE FEET).

LEGAL DESCRIPTION TRACT 2

ALL THAT TRACT OR PARCEL OF LAND LYING AND BEING IN GEORGIA MILITIA DISTRICT: FLOWERY BRANCH #1270, IN HALL COUNTY, GEORGIA, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT A MAG NAIL SET AT THE SOUTHERLY RIGHT OF WAY OF HOG MOUNTAIN ROAD (HAVING A VARIABLE WIDTH, PUBLICLY DEDICATED RIGHT OF WAY) AND THE COMMON CORNER TO PROPERTY NOW OR FORMALLY OF MOUNT CALVARY BAPTIST CHURCH AND CD. II PROPERTIES, LLC; SAID POINT BEING THE TRUE POINT OF BEGINNING.

THENCE CONTINUING ALONG SAID RIGHT OF WAY OF HOG MOUNTAIN ROAD NORTH 52 DEGREES 05 MINUTES 46 SECONDS EAST A DISTANCE OF 300.00 FEET TO A 5/8 INCH CAPPED REBAR SET; THENCE LEAVING SAID RIGHT OF WAY OF HOG MOUNTAIN ROAD SOUTH 47 DEGREES 47 MINUTES 41 SECONDS EAST A DISTANCE OF 500 FEET TO A 5/8 INCH CAPPED REBAR SET; THENCE SOUTH 52 DEGREES 05 MINUTES 46 SECONDS WEST A DISTANCE OF 300.00 FEET TO A 5/8 INCH CAPPED REBAR SET; THENCE NORTH 47 DEGREES 47 MINUTES 41 SECONDS WEST A DISTANCE OF 500 FEET TO A MAG NAIL SET IN THE RIGHT OF WAY OF HOG MOUNTAIN ROAD, SAID MAG NAIL BEING THE TRUE POINT OF BEGINNING.

SAID TRACT OR PARCEL OF LAND CONTAINING 3.392 ACRES (147,771 SQUARE FEET).

ZONING

PER ITEMS 6(A) AND 6(B) OF THE 2021 ALTA/NSPS LAND TITLE SURVEY MINIMUM STANDARD DETAIL REQUIREMENTS, SETBACKS AND OTHER ZONING RESTRICTIONS/REQUIREMENTS CANNOT BE LISTED UNLESS A ZONING REPORT OR LETTER STATING SAID RESTRICTIONS/REQUIREMENTS IS PROVIDED.

SURVEY NOTES

1) PROPERTY SHOWN HEREON WAS SURVEYED NOVEMBER 16, 2021.

2) THE FIELD DATA UPON WHICH THIS PLAT IS BASED HAS A CLOSURE OF 1' IN 41,946' WITH AN ANGULAR ERROR OF 3.21 SECONDS PER ANGLE POINT AND WAS ADJUSTED USING THE LEAST SQUARES METHOD.

3) A SOKKIA IX TOTAL STATION, CARLSON BRX7 GPS RECEIVER, AND CARLSON SURVEYOR+ DATA COLLECTOR WERE USED FOR FIELD SURVEY MEASUREMENTS.

4) THIS PLAT HAS A MAP CLOSURE OF 1' IN 522,274'.

5) SAID DESCRIBED PROPERTY IS LOCATED WITHIN AN AREA HAVING A ZONE DESIGNATION 'X' ON FLOOD INSURANCE RATE MAP NO. 13139C0292F, WITH A DATE OF IDENTIFICATION OF SEPTEMBER 29, 2006, FOR COMMUNITY NUMBER 130466, IN HALL COUNTY UNINCORPORATED AREAS, STATE OF GEORGIA, WHICH IS THE CURRENT FLOOD INSURANCE RATE MAP FOR THE COMMUNITY IN WHICH SAID PROPERTY IS SITUATED.

6) CONTROL AND BEARING BASIS FOR THIS SURVEY WERE ESTABLISHED USING A TOPCON HIPER LITE+ GPS RECEIVER UTILIZING OPUS-S FOR POST PROCESSING. THE RELATIVE POSITIONAL ACCURACY, AS CALCULATED ACCORDING TO THE FEDERAL GEOGRAPHIC DATA COMMITTEE PART 3: NATIONAL STANDARD FOR SPATIAL DATA ACCURACY, IS .03 FEET HORIZONTAL AND .06 FEET VERTICAL AT THE 95% CONFIDENCE LEVEL.

7) UTILITIES SHOWN PER MARKINGS PLACED BY UTILITY-MARKING, L.L.C. UTILITIES OTHER THAN THOSE SHOWN HEREON MAY EXIST. LOWERY & ASSOCIATES MAKES NO GUARANTEE AS TO THE EXISTENCE OR NON-EXISTENCE OF SAID UTILITIES.

8) NO OBSERVED EVIDENCE OF CEMETERIES, GRAVESITES, AND/OR BURIAL GROUNDS AT TIME OF SURVEY.

9) PROPERTY SHOWN HEREON LIES WITHIN THE RECORD DESCRIPTION AS STATED IN GENERAL WARRANTY DEED RECORDED IN DEED BOOK 7096, PAGE 307, HALL COUNTY RECORDS.

10) NO ENCROACHMENTS OTHER THAN THOSE SHOWN HEREON WERE OBSERVABLE AT TIME OF SURVEY.

11) AT THE TIME OF THE SURVEY, THERE WAS NO OBSERVABLE EVIDENCE OF EARTH MOVING WORK, BUILDING CONSTRUCTION OR BUILDING ADDITIONS.

12) AT THE TIME OF THE SURVEY, THERE WERE NO PROPOSED CHANGES IN STREET RIGHT OF WAY LINES OR OBSERVABLE EVIDENCE OF STREET OR SIDEWALK REPAIRS.

13) AT THE TIME OF THE SURVEY, THERE WAS NO OBSERVABLE EVIDENCE OF THE SITE BEING USED AS A SOLID WASTE DUMP, SUMP OR SANITARY LANDFILL.

14) SUBJECT PROPERTY HAS DIRECT ACCESS TO HOG MOUNTAIN ROAD, BEING A PUBLICLY DEDICATED RIGHT OF WAY.

15) SUBJECT PROPERTY IS CONTIGUOUS TO ALL ADJACENT PROPERTIES AND RIGHTS OF WAY. NO GAPS, GORES, OR OVERLAPS ARE KNOWN TO EXISTS.

LEGEND

- PROPERTY LINE
- OVERHANG/AWNING
- (BEARING/DISTANCE) RECORD CALLS
- B.S.L. BUILDING SETBACK LINE
- INDEX CONTOUR
- MINOR CONTOUR
- SPOT ELEVATION
- W WATER LINE
- OHE OVERHEAD UTILITY LINE
- G GAS LINE
- UT UNDERGROUND TELEPHONE LINE
- SS SANITARY SEWER LINE
- UGE UNDERGROUND ELECTRIC LINE
- FENCE LINE
- STORM DRAIN PIPE
- WV WATER VALVE
- WM WATER METER
- FH FIRE HYDRANT
- GM GAS METER
- GV GAS VALVE
- PM POWER METER
- S SANITARY SEWER MANHOLE
- RB REBAR
- CRB CAPPED REBAR
- CMON CONCRETE MONUMENT
- OTP OPEN TOP PIPE
- FND FOUND
- LIGHT POLE
- SIGN
- HW HARDWOOD TREE
- P PINE TREE

VICINITY MAP

BOUNDARY & TOPOGRAPHIC SURVEY OF:
4651 HOG MOUNTAIN ROAD
FLOWERY BRANCH, GEORGIA 30542

STATE: GEORGIA | COUNTY: HALL

GEORGIA MILITIA DISTRICT: FLOWERY BRANCH DISTRICT (#1270)

PREPARED FOR:
KIMLEY-HORN

LOWERY & ASSOCIATES
LAND SURVEYING, LLC
317 GRASSDALE ROAD
CARTERSVILLE, GA 30121
770-334-8186
WWW.LOWERYLANDSURVEYS.COM
INFO@LOWERYLANDSURVEYS.COM
GEORGIA C.O.A.: LSF-001102

REVISIONS

DATE:	DESCRIPTION

Lowery & Associates LAND SURVEYING, LLC

DATE: JANUARY 10, 2022
JOB #: 21348
SCALE: 1"=60'
DRAWN BY: D. HALL

LEGAL DESCRIPTION

All that tract or parcel of land lying and being in Georgia Militia District: Flowery Branch #1270, in Hall County, Georgia, and being more particularly described as follows:

Commencing at a mag nail set at the Southerly right of way of Hog Mountain Road (having a variable width, publicly dedicated right of way) and the common corner to property now or formally of Mount Calvary Baptist Church and CD, ii Properties, LLC, said point being the TRUE POINT OF BEGINNING.

Thence continuing along said right of way of Hog Mountain Road the following courses and distances: North 52 degrees 05 minutes 46 seconds East a distance of 300.00 feet to a 5/8 inch capped rebar set; North 52 degrees 05 minutes 46 seconds East a distance of 296.18 feet to a 5/8-inch capped rebar set; Thence leaving said right of way of Hog Mountain Road South 45 degrees 22 minutes 26 seconds East a distance of 1477.18 feet to a concrete marker found; Thence South 44 degrees 38 minutes 15 seconds West a distance of 525.39 feet to a concrete marker found; Thence North 47 degrees 47 minutes 41 seconds West a distance of 519.00 feet to a 1-inch open top pipe found; Thence North 47 degrees 47 minutes 41 seconds West a distance of 150.00 feet to a 1-invh open top pipe found; Thence North 47 degrees 47 minutes 41 seconds West a distance of 386.97 feet to a 5/8-inch capped rebar set; Thence North 47 degrees 47 minutes 41 seconds West a distance of 500.00 feet to a mag nail set at the Southerly right of way of Hog Mountain Road, said mag nail being the TRUE POINT OF BEGINNING.

Said tract or parcel of land containing 19.398 acres (844,974 square feet).

ORDINANCE NO. 777

AN ORDINANCE GRANTING VARIANCES FROM THE REQUIREMENTS SET FORTH IN THE CITY OF FLOWERY BRANCH ZONING ORDINANCE, SAID VARIANCES TO BE FROM ARTICLE 7 – TND, TRADITIONAL NEIGHBORHOOD DEVELOPMENT, SEC. 7.4- DIMENSIONAL REQUIREMENTS, TABLE 7.2, FROM ARTICLE 12 - REQUIREMENTS FOR SPECIFIC RESIDENTIAL PRINCIPAL BUILDINGS AND USES, SEC. 12.7 (B)1, FOR 4651 & 4665 HOG MOUNTAIN ROAD, HALL COUNTY TAX PARCELS 15046 000008 AND 15046 000008B, OWNED BY CD II PROPERTIES, LLC; AS SHOWN AND DESCRIBED ON ATTACHED EXHIBIT "A", PROVIDING FOR SEVERABILITY, PROVIDING FOR AN EFFECTIVE DATE, REPEALING CONFLICTING ORDINANCES, AND FOR ALL OTHER LAWFUL PURPOSES.

WHEREAS, CDII Properties LLC owns the subject parcel of land identified as Hall County Tax Parcel Identification No. 15046 000008 and 15046 000008B as shown and described on Exhibit "A"; and

WHEREAS, CDII Properties, LLC has submitted to the City Council of Flowery Branch, Georgia, a written and signed application and affidavit showing consent to apply for variances and whereas a survey and complete description of the subject parcel is included in the application; and

WHEREAS, the City Council held a public hearing at the meeting on February 5th, 2026, duly noticed as prescribed by law and published in the Gainesville Times, regarding said application, as shall be set forth in the minutes of said meeting.

NOW THEREFORE, THE COUNCIL OF THE CITY OF FLOWERY BRANCH HEREBY ORDAINS AS FOLLOWS:

SECTION 1. . CRITERIA FOR GRANTING VARIANCES:

a) There are extraordinary and exceptional conditions or practical difficulties pertaining to the particular piece of property in question because of its size, shape or topography that are not applicable to other lands or structures in the same district;
b) A literal interpretation of the provisions of this ordinance would effectively deprive the applicant of rights commonly enjoyed by other properties of the district in which the property is located;
c) Granting the variance requested will not confer upon the property of the applicant any special privileges that are denied to other properties of the district in which the applicant's property is located;

d) The requested variance will be in harmony with the purpose and intent of this ordinance and will not be injurious to the neighborhood or to the general welfare;
e) The special circumstances are not the result of the actions of the applicant;
f) The variance requested is the minimum variance that will make possible the proposed use of the land, building, or structure in the use district proposed; and
g) The variance shall not permit a use of land, buildings or structures, which is not permitted by right in the zoning district or overlay district involved.

SECTION 2. VARIANCES GRANTED, AND CONDITIONS IMPOSED.

A variance from the Zoning Ordinance, Article 7 – TND, Traditional Neighborhood Development, Sec. 7.4 – Dimensional Requirements, Table 7.2, to reduce minimum lot size from 6,700 to 5,500 square feet is hereby granted with a condition that no more than 20% of the total lots shall be less than 6,700 sq. ft. and no lot shall be less than 5,500 sq. ft.

A variance from article 12 -Requirements for Specific Residential Principal Buildings and Uses, Sec 12.7(b)1 – Single-Family Detached Dwellings, Entrance Features. The porch is reduced from be 6 feet deep (not including steps, if applicable) and 40% of the width of the front façade or 11 feet, whichever is greater to 4 feet deep and 7.5 feet wide porch is hereby granted with a condition that the façade of buildings with the porch dimensional reductions shall be have a front façade that is 100% brick or stone. Final elevations shall be approved by the Director of Planning and Community Development Director.

SECTION 3. SEVERABILITY

Should any section or provision of this Ordinance be declared invalid or unconstitutional by any court of competent jurisdiction, such declaration shall not affect the validity of this Ordinance as a whole or any part thereof which is not specifically declared to be invalid or unconstitutional.

SECTION 4. EFFECTIVE DATE.

The effective date of this Ordinance shall be March 5th, 2026.

SECTION 5. REPEALER.

All ordinances and parts of ordinances in conflict herewith are hereby repealed to the extent of the conflict.

Approved this _____ day of _____ 2026.

Oliver McClellan, Mayor

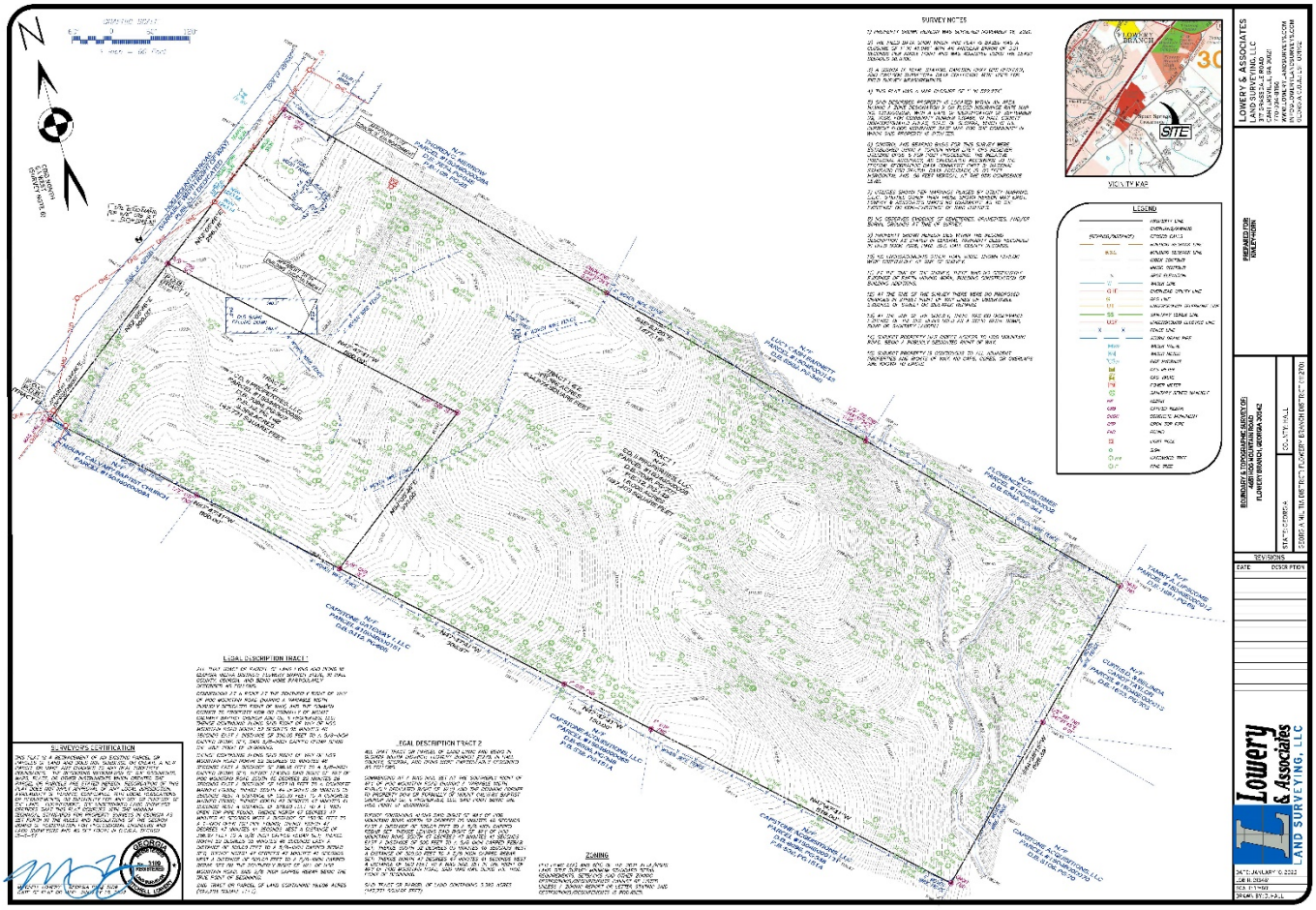
Shelia R. Cooper, City Clerk

APPROVED AS TO FORM

Ted C. Baggett, City Attorney

Public Hearing Published 01/14/2026 First Reading 02/05/2026
Public Hearing 02/05/2026 Second Reading TBD

Exhibit A



LEGAL DESCRIPTION TRACT 1

ALL THAT TRACT OR PARCEL OF LAND LYING AND BEING IN GEORGIA MILITIA DISTRICT: FLOWERY BRANCH #1270, IN HALL COUNTY, GEORGIA, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT A POINT AT THE SOUTHERLY RIGHT OF WAY OF HOG MOUNTAIN ROAD (HAVING A VARIABLE WIDTH, PUBLICLY DEDICATED RIGHT OF WAY) AND THE COMMON CORNER TO PROPERTY NOW OR FORMALLY OF MOUNT CALVARY BAPTIST CHURCH AND CD, II PROPERTIES, LLC; THENCE CONTINUING ALONG SAID RIGHT OF WAY OF HOG MOUNTAIN ROAD NORTH 52 DEGREES 05 MINUTES 46 SECONDS EAST A DISTANCE OF 300.00 FEET TO A 5/8–INCH CAPPED REBAR SET, SAID 5/8–INCH CAPPED REBAR BEING THE TRUE POINT OF BEGINNING.

THENCE CONTINUING ALONG SAID RIGHT OF WAY OF HOG MOUNTAIN ROAD NORTH 52 DEGREES 05 MINUTES 46 SECONDS EAST A DISTANCE OF 296.18 FEET TO A 5/8–INCH CAPPED REBAR SET; THENCE LEAVING SAID RIGHT OF WAY OF HOG MOUNTAIN ROAD SOUTH 45 DEGREES 22 MINUTES 26 SECONDS EAST A DISTANCE OF 1477.18 FEET TO A CONCRETE MARKER FOUND; THENCE SOUTH 44 DEGREES 38 MINUTES 15 SECONDS WEST A DISTANCE OF 525.39 FEET TO A CONCRETE MARKER FOUND; THENCE NORTH 47 DEGREES 47 MINUTES 41 SECONDS WEST A DISTANCE OF 519.00 FEET TO A 1–INCH OPEN TOP PIPE FOUND; THENCE NORTH 47 DEGREES 47 MINUTES 41 SECONDS WEST A DISTANCE OF 150.00 FEET TO A 1–INCH OPEN TOP PIPE FOUND; THENCE NORTH 47 DEGREES 47 MINUTES 41 SECONDS WEST A DISTANCE OF 386.97 FEET TO A 5/8–INCH CAPPED REBAR SET; THENCE NORTH 52 DEGREES 05 MINUTES 46 SECONDS EAST A DISTANCE OF 300.00 FEET TO A 5/8–INCH CAPPED REBAR SET; THENCE NORTH 47 DEGREES 47 MINUTES 41 SECONDS WEST A DISTANCE OF 500.00 FEET TO A 5/8–INCH CAPPED REBAR SET ON THE SOUTHERLY RIGHT OF WAY OF HOG MOUNTAIN ROAD, SAID 5/8–INCH CAPPED REBAR BEING THE TRUE POINT OF BEGINNING.

SAID TRACT OR PARCEL OF LAND CONTAINING 16.006 ACRES (697,203 SQUARE FEET).

LEGAL DESCRIPTION TRACT 2

ALL THAT TRACT OR PARCEL OF LAND LYING AND BEING IN GEORGIA MILITIA DISTRICT: FLOWERY BRANCH #1270, IN HALL COUNTY, GEORGIA, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT A MAG NAIL SET AT THE SOUTHERLY RIGHT OF WAY OF HOG MOUNTAIN ROAD (HAVING A VARIABLE WIDTH, PUBLICLY DEDICATED RIGHT OF WAY) AND THE COMMON CORNER TO PROPERTY NOW OR FORMALLY OF MOUNT CALVARY BAPTIST CHURCH AND CD, II PROPERTIES, LLC, SAID POINT BEING THE TRUE POINT OF BEGINNING.

THENCE CONTINUING ALONG SAID RIGHT OF WAY OF HOG MOUNTAIN ROAD NORTH 52 DEGREES 05 MINUTES 46 SECONDS EAST A DISTANCE OF 300.00 FEET TO A 5/8 INCH CAPPED REBAR SET. THENCE LEAVING SAID RIGHT OF WAY OF HOG MOUNTAIN ROAD SOUTH 47 DEGREES 47 MINUTES 41 SECONDS EAST A DISTANCE OF 500 FEET TO A 5/8 INCH CAPPED REBAR SET; THENCE SOUTH 52 DEGREES 05 MINUTES 46 SECONDS WEST A DISTANCE OF 300.00 FEET TO A 5/8 INCH CAPPED REBAR SET; THENCE NORTH 47 DEGREES 47 MINUTES 41 SECONDS WEST A DISTANCE OF 500 FEET TO A MAG NAIL SET IN THE RIGHT OF WAY OF HOG MOUNTAIN ROAD, SAID MAG NAIL BEING THE TRUE POINT OF BEGINNING.

SAID TRACT OR PARCEL OF LAND CONTAINING 3.392 ACRES (147,771 SQUARE FEET).

Memorandum

To: City of Flowery Branch, City Manager, and City Council

From: Chris McCrary, Planning and Community Development Director

Date: February 5, 2025

Subject: Annexation, Rezoning, and Variances

Applicant: Highpoint Development
1776 Peachtree Street
Atlanta, GA 30309
502-386-7022

Owner: CD II Properties, LLC
P.O. Box 99
Demorest, GA 30535
502-386-7022

Existing Zoning: AR-1 – Agricultural – Residential & R-1 Residential, Unincorporated Hall County.

Location and Size:

4651 Hog Mountain Road; Parcel 15046 000008; 16.0 Acres
4665 Hog Mountain Road; Parcel 15046 000008B; 3.398
Toal Area: 19.398 Acres

Proposed Annexation:

The applicant proposes the annexation of the above-referenced parcels (19.398 Acres) from unincorporated Hall County into the City limits of Flowery Branch.

Proposed Zoning:

The applicant is proposing to rezone the property from AR-1 (Agricultural-Residential) and R-1 (Residential) in unincorporated Hall County to Traditional Neighborhood Development (TND) in the City of Flowery Branch.

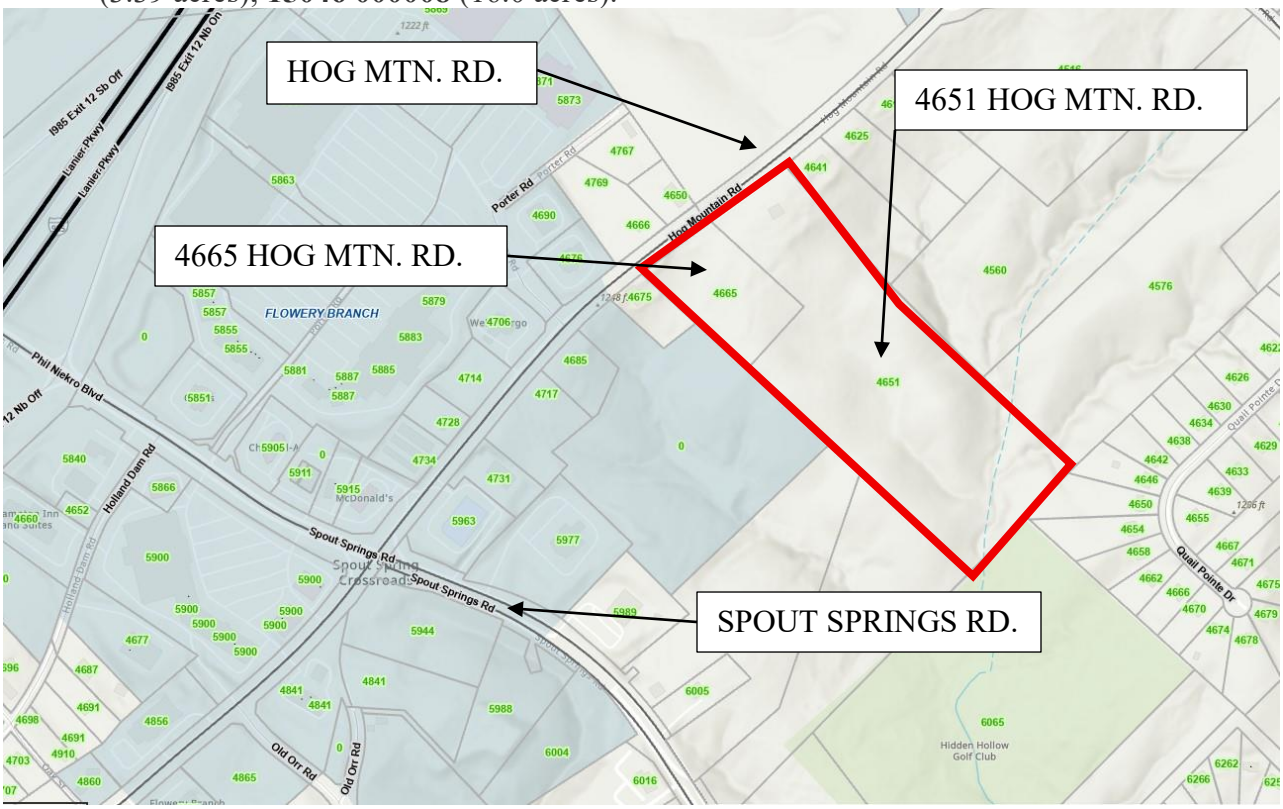
The applicant is proposing single-family detached dwellings with 81 lots. The two parcels are proposed to be rezoned from Hall County AR-1 (Agricultural-Residential) and R-1 (Residential) in unincorporated Hall County to Traditional Neighborhood Development (TND) in the City of Flowery Branch. The applicant is requesting concurrent variances within the TND requirements and dimensional standards.

Concurrent Variances:

1. Variance from **Section 1014, Table 10.1** radius of curvature of the center line from 275' to 48'. The applicant states the hardship for the centerline radius curvature is due to topography. A GIS review of the site confirms the site is an undeveloped wooded site with significant topography. The variance request could be considered for approval with an alternative solution, but no alternative design was provided with the application submittal.
2. Variance **to Sec. 12.6. - Townhouses.** The applicant requested a variance from Sec. 12.6 however, the correct request should reference **Sec 12.7(b)1 – Single-Family Detached Dwellings**, Entrance Features. The porch shall be at least **6 feet deep** (not including steps, if applicable) and **40% of the width of the front façade or 11 feet**, whichever is greater. The applicant is requesting a **reduction** to this section to allow for **4' x 7.5'** covered porch. The applicant can avoid a variance due to the code allowing for stoops if the front façade is fully brick or stone. The applicant's stated hardship is due to "architectural style". The variance application does not demonstrate a hardship peculiar to the property, which is beyond the control of the applicant.
3. Variance **to Sec. 7.4 Tabel 7.2** a reduction to the minimum lot size from 6,700 square feet in the TND zoning category. The application requests a reduction to a minimum lot size of 5,500 square feet. The site plan provided by the applicant lists a total of 81 lots but does not provide individual square footage for each lot and thus, the total number of lots that would be below 6,700 square feet cannot be adequately determined at this time. The applicant did not demonstrate a hardship peculiar to the property, which is beyond the control of the applicant.
4. Variance **to Sec. 1021.c** Residential Street Design with streets more than 360 feet in length shall have at least 25 feet of lateral deviation from a straight course. The applicant seeks to remove the 25-foot deviation from straight course requirements. The applicant's site plan indicated locations for center landscape islands to break up the straight street but did not include consistent drive lane width through bulb-outs which could pose a danger to the motoring public. The variance could be approved if a safe and effective traffic-calming alternative is provided. While many well-engineered traffic calming solutions exist, the one currently proposed does not meet acceptable safety standards.

Location:

- 4665 and 4651 Hog Mountain Road; tax parcel identification numbers **15046 000008B** (3.39 acres); **15046 000008** (16.0 acres).



Architectural Concepts:

The applicant submitted conceptual renderings of the proposed single-family detached architecture. However, without detailed floor plans and a materials list, staff are unable to verify compliance with the City's established architectural treatment and dimensional standards. To facilitate a thorough review, the applicant must provide complete architectural drawings, including architectural material details and floor-plan details, in order to confirm that all requirements are met. A detailed review is done by staff following Article 40 prior to the issuance of permits. The design concepts provided are for illustrative purposes only and were submitted as part of the rezoning case.

All TND zone homes are to have side- or rear- entry garages. The applicant provided architectural examples of front-entry garages. No variance application was submitted for front-entry garages in TND zoning.



ARCHITECTURAL FEATURES:

The achitecture leans toward a mountain bungalow style, with forms and finishes that feel sturdy, familiar, and tied to the landscape. Dark charcoal accents sharpen the earthy palette, while carriage-style garage doors and well-placed sconces add character without slipping into ornament. Matching metal gutters bring a clean outline to the façades, and the porch roof extending across the front-facing garage helps keep everything at a comfortable, human scale. The result is a street presence that feels connected, warm, and intentionally crafted—neighbors, not statements.



COLOR PALETTE:

The three offered schemes—light, mid-tone, and dark—are drawn from the muted, earthy tones of the North Georgia landscape. Each palette reflects the surrounding ridge and creek setting, favoring natural hues: soft mineral whites, weathered wood browns, and deeper charcoal colors that echo stone, soil, and shaded canopy. Together, they provide variation without discord, allowing homes to feel individually tailored yet quietly unified within the broader landscape.









ARCHITECTURAL FEATURES:

Details stay simple and purposeful. Porch brackets and extended overhangs provide clear structure and shade without excess. Gable vents, occasional gable windows, and selectively used shutters add just enough dimension to the façades, keeping each home grounded and consistent without feeling repetitive.

Open Space Analysis:

Pursuant to Article 10 – Development Requirements and Guidelines, Sec. 10.22 – Open Space Requirements, any proposed residential development is required to provide a total minimum of 15% open space, derived from a combination of Civic Space options (10%) and Amenity Space options (5%).
The site data table provided by the applicant lists a total of 21.2% open space with location details shown on the site plan:



Site Data Table	Required	Provided
Acres	-	19.398
Gross Density	-	4.18
Net Density	6	4.29
Exterior Buffer	-	-
Sidewalks	5', One Side	5', Two Side
Parking	2-Enclosed	2-Enclosed
Minimum Lot Area	6,700	5,500
Average Lot Area	-	6,700
Minimum Lot Width	40	40
Minimum Lot Depth	80	106
Minimum Heated Floor Area Per Dwelling Unit (SF)	1,200	2,200
Minimum Front Yard Setback From Lot Line (FT)	-	-
Minimum Side Setback, Interior Lot Line or Corner Lot, All Principle Buildings (FT)	5	5
Minimum Rear Setback, All Principle Buildings (FT)	25	25
Maximum Coverage of Impervious Surface (Percent of Lot)	45%	Less than 45%
Civic Space	10% Minimum	15.1%
Amenity Space	5% Minimum	6.1%

GROSS DENSITY = 81 LOTS / 19.398 AC =	4.18	Lots/AC
NET AREA = GROSS AREA - 50% of STREAM BUFFERS =	18.873	AC
NET DENSITY = 81 LOTS / 18.873 AC =	4.29	Lots/AC

The majority of the open space provided on the site plan is concentrated in the rear of the subdivision and proposes a mixture of hardscaped walking trail areas, mulched trails through the wooded section of the parcel, as well as seating/viewing areas around the detention pond and a communal pavilion and fire pit area. The site plan also shows a pocket park area near the entrance to the subdivision. The current site plan does not contemplate the location of a mail kiosk, which could impact the proposed open space shown on the site plan. While the proposed open space exceeds the minimum required by code, the proposed location for the majority of the open space raises concerns regarding lack of a centralized location and equitable use for all residents.

The applicant provided the following conceptual images of amenity spaces and trail features:



Traffic Impacts, Vehicular Flow, and Entrances/Exits

The Conceptual Site Plan for the proposed development indicates 81 residential single-family detached units.

1. Site Access

- A single entrance is proposed off Hog Mountain Road.
- The entrance must include both a right-turn and left-turn lane in. The exit shall include both a left and right dedicated lane. These turn lanes will help to alleviate congestion during peak demand periods and maintain the flow of through traffic. All roadway designs shall be in accordance with the GDOT Driveway Manual.

2. Sight Distance

- The driveway design must meet the minimum sight-distance requirements specified in the GDOT Driveway Manual. The engineer shall verify that both stopping-sight distance (SSD) and operational-sight distance (OSD) criteria are satisfied under existing field conditions.

3. Utility Coordination

- Any utilities located beneath the proposed deceleration or turn-lane pavement must be relocated outside of the pavement area.
- All costs associated with utility relocation shall be borne by the developer and coordination with the respective utility owners must be completed prior to construction.

4. Traffic Impact Study

- The current Traffic Study by A&R Engineering dated May 7, 2025, was prepared for the initially proposed townhome development using ITE Land Use Category 215 – Single-Family Attached Housing. It needs to be revised for the current proposed development of single-family detached houses by using category 210 for Single-Family Detached Housing which generates significantly more trips per unit.
- The traffic study should also be revised to include the intersection of Spout Springs Road and the entrance to Stonebridge Village.

All design elements shall comply with GDOT standards. Coordination with Hall County DOT, City of Flowery Branch, and affected utility providers should occur early in the design process to avoid delays.

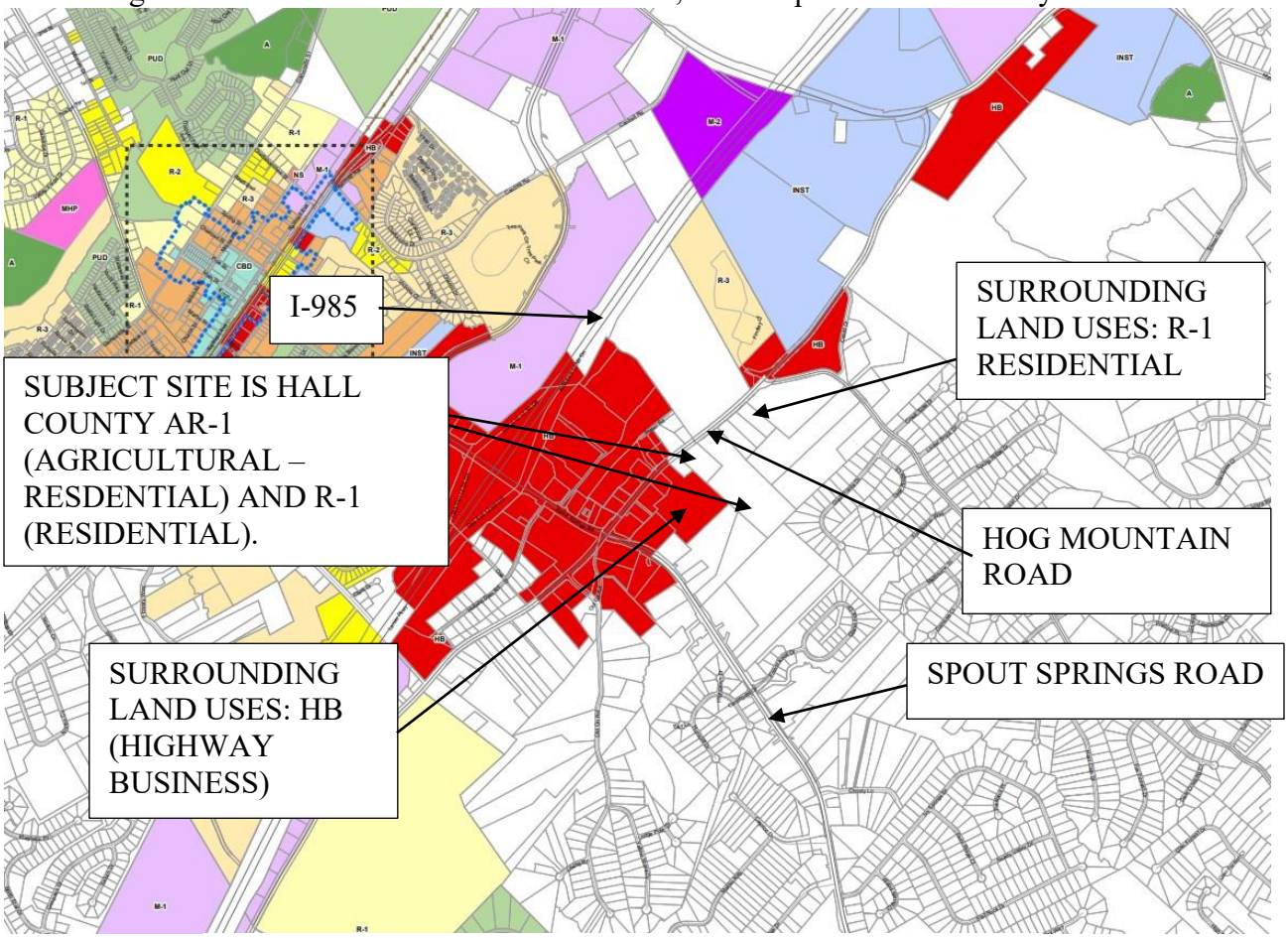
Sewer Design and Capacity Impacts

The proposed development of 81 residential units will generate a peak sanitary sewer demand of **22,275** gallons per day, based on the City's standard rate of 275 gallons per unit. Given the City's current peak capacity of **727,798** gallons per day, bringing these units online would reduce available capacity to approximately **705,523** gallons per day.

Because of the site's topographic constraints, one or more sanitary sewer lift stations will be required; the Engineer of Record must work closely with the Public Utility Department throughout the design process. All pump station plans must comply with Chapter 50 (Utilities), Article II (Standard Specifications), Division 2 (Construction), Subdivision VII (Pump Stations), as well as any additional criteria established by the Public Utilities Director.

Zoning Map:

AR-1 – Agricultural – Residential & R-1 Residential, Unincorporated Hall County.



Legend

Zoning Districts

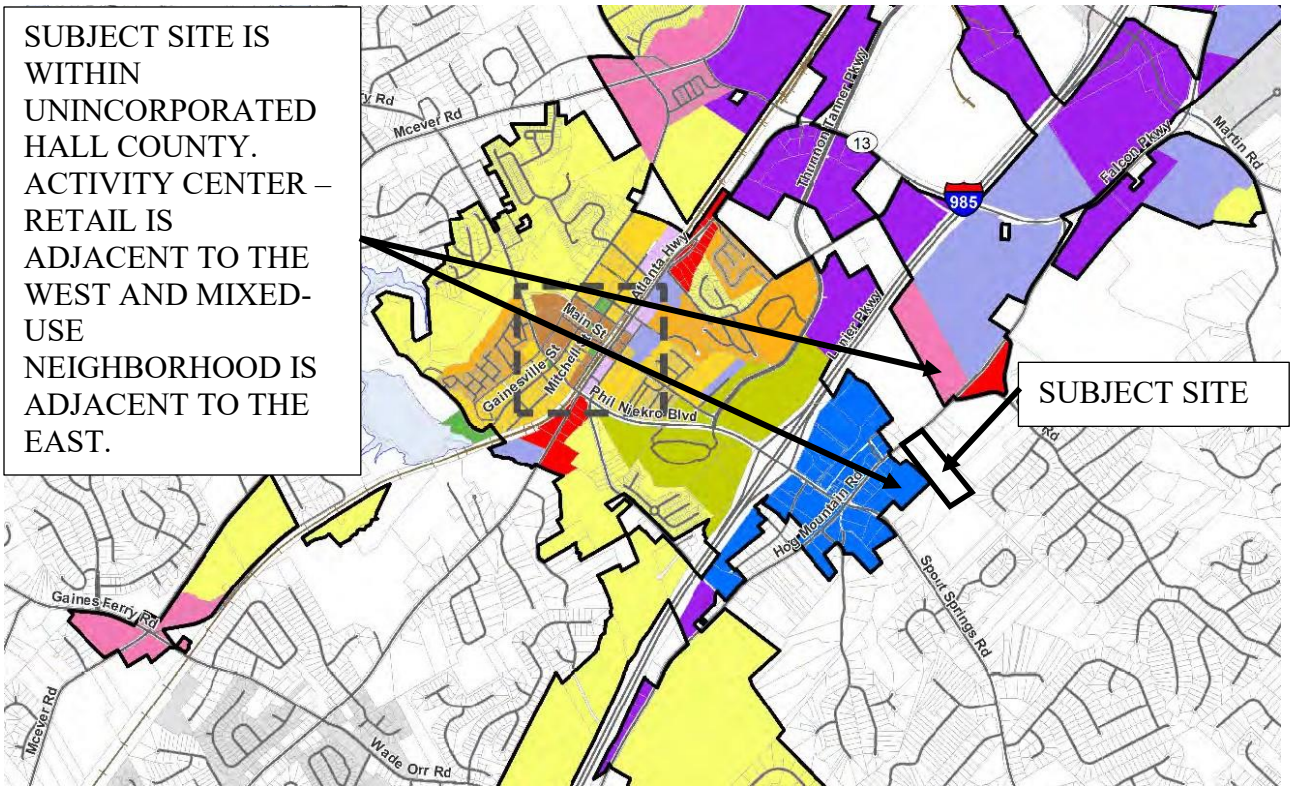
- Residential Low Density (R-1)
- Residential Moderate Density (R-2)
- Residential Multi-family (R-3)
- Traditional Neighborhood Development (TND)
- Planned Unit Development (PUD)
- Manufactured Home Park (MHP)
- Central Business District (CBD)
- Neighborhood Shopping (NS)
- Highway Business (HB)
- Institutional (INST)
- Manufacturing & Industrial, Light (M-1)
- Manufacturing & Industrial, Heavy (M-2)
- Agriculture (A)

Historic Districts

- Local Historic District

Future Development Plan:

SUBJECT SITE IS WITHIN UNINCORPORATED HALL COUNTY. ACTIVITY CENTER – RETAIL IS ADJACENT TO THE WEST AND MIXED-USE NEIGHBORHOOD IS ADJACENT TO THE EAST.



Other City Limits

CHARACTER AREA

- CONSERVATION
- SUBURBAN RESIDENTIAL
- TRADITIONAL NEIGHBORHOOD
- URBAN DENSITY COMMUNITY
- OLD TOWN
- MIXED USE - DOWNTOWN
- MIXED USE - NEIGHBORHOOD
- NEIGHBORHOOD COMMERCIAL
- ACTIVITY CENTER
- ACTIVITY CENTER - RETAIL
- INDUSTRIAL EMPLOYMENT
- INSTITUTIONAL CAMPUS

Site Plan:

The applicant is proposing 81 single-family detached lots on 19.398 acres.



The site is located on Hog Mountain Road north of the intersection with Spout Springs Road. The site is an undeveloped wooded lot with state waters located on the eastern side of the site.

Site Data Table	Required	Provided
Acres	-	19.398
Gross Density	-	4.18
Net Density	6	4.29
Exterior Buffer	-	-
Sidewalks	5', One Side	5', Two Side
Parking	2-Enclosed	2-Enclosed
Minimum Lot Area	6,700	5,500
Average Lot Area	-	6,700
Minimum Lot Width	40	40
Minimum Lot Depth	80	106
Minimum Heated Floor Area Per Dwelling Unit (SF)	1,200	2,200
Minimum Front Yard Setback From Lot Line (FT)	-	-
Minimum Side Setback, Interior Lot Line or Corner Lot, All Principle Buildings (FT)	5	5
Minimum Rear Setback, All Principle Buildings (FT)	25	25
Maximum Coverage of Impervious Surface (Percent of Lot)	45%	Less than 45%
Civic Space	10% Minimum	15.1%
Amenity Space	5% Minimum	6.1%

GROSS DENSITY = 81 LOTS / 19.398 AC =	4.18	Lots/AC
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NET DENSITY = 81 LOTS / 18.873 AC =	4.29	Lots/AC





ARTICLE 2
Section 2.2. Design-Related Definitions.

Density: The number of families, individuals, dwelling units or housing structures per unit of land. Gross density is determined by dividing the number of families, individuals, dwelling units or housing structures by the gross area of the land (i.e. all land within the boundaries of the particular area excluding nothing). Net density is determined by subtracting from the gross area the following conditions identified on the land:

- 50 percent of any land identified as a wetland; and
- 50 percent of any land identified waters of the state including the buffer zones; and
- 50 percent of any land identified as a flood hazard boundary; and
- 50 percent of any land within an electricity transmission easement or right-of-way; and
- 50 percent of any land within a gas transmission easement or right-of-way.

The result of this calculation is the net acreage. The net acreage is divided into the number of units to determine the net density. The applicant provided a net density number but did not provide the areas of the wetlands, state water buffer zones, flood hazard or electric / gas transmission easements or right-of-way.

Sec. 34.7. - Analysis Requirements for Rezoning

Applications to amend the official zoning map shall provide a written analysis comparing the proposed action with the criteria in this Section. A zoning map amendment or conditional use application may be justified only if it bears a reasonable relationship to the public health, safety, morality, or general welfare, and after consideration of the analysis requirements which may in individual cases be considered criteria relevant to the Zoning Administrator in making recommendations and by the City Council in the decision-making process.

a) *Whether the proposal will permit a use that is suitable in view of the use and development of adjacent and nearby property.*
The development of residential single-family detached homes is a suitable use in view of the use and development of adjacent and nearby property.

b) *Whether the proposal will adversely affect the existing use or usability of adjacent or nearby property.*
The proposed use will not adversely affect the existing use or usability of adjacent or nearby property.

c) *Whether the property to be affected by the proposal can be used in accordance with the existing regulations and has reasonable economic use as currently zoned.*
Annexation is necessary to connect the site to Flowery Branch's sanitary sewer system, while rezoning is required to align the site with the city's zoning designations.

d) *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.*
Input from the City's engineer was provided in this staff report.

e) *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 development is directly adjacent to the Activity Center – Retail character area. Mixed Use character area is located adjacent to the northeast on Hog Mountain Road. The proposed residential development would be a transitional zoning from retail to residential.

f) *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 concurrent variances do not demonstrate hardships peculiar to the property which are beyond the applicant's control.

g) *Existing use(s) and zoning of the subject property and nearby properties.*
The proposed development is for detached single-family and no other similar developments are nearby.

h) *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.*
Staff has no information to provide on the value of the subject property.

i) *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.*
Staff has no information to provide on the value of the adjacent property.

j) *The possible creation of an isolated zoning district unrelated to adjacent and nearby districts.*
There are no TND zoning designations in the area. This zoning would create an isolated zoning district.

k) *Possible effects of the change in zoning district map, or change in use, on the character of a zoning district.*
The proposed use is not similar to nearby development.

l) *The possible impact on the environment, including but not limited to, drainage, soil erosion and sedimentation, flooding, air quality and water quality.*
The subsequent LDP will be required to be compliant with all erosion and stormwater regulations.

m) *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 proposed rezoning will have impacts on the purpose of the overall zoning scheme and the purposes of this Zoning Ordinance due to the isolated zoning to TND in this area.

Sec. 37.5. - Criteria for Granting Variances.

Any applicant requesting consideration of a variance to any provision of the zoning ordinance shall provide a written justification that one or more of the following condition(s) exist. The City Council shall not approve a variance application unless it shall have adopted findings that one or more of the following conditions exist:

(a) There are extraordinary and exceptional conditions or practical difficulties pertaining to the particular piece of property in question because of its size, shape or topography that are not applicable to other lands or structures in the same district;

1. Variance Request **Section 1014, Table 10.1** radius of curvature: Topography could be considered a hardship. The variance request could be considered for approval with an alternative solution but was not provided with the application submittal.
2. Variance **Sec 12.7(b)1 – Single-Family Detached Dwellings**. Reduction in minimal porch depth and width: The applicant's stated hardship is due to "architectural style". The variance application does not demonstrate a hardship because of size, shape or topography that is not applicable to other lands or structures in the same district.
3. Variance **to Sec. 7.4 Tabel 7.2** a reduction to the minimum lot size from 6,700 sq.ft. to 5,500 sq.ft. The variance application does not demonstrate a hardship because of size, shape or topography that is not applicable to other lands or structures in the same district.
4. Variance **to Sec. 1021.c** Residential Street Design with streets more than 360 feet in length shall have at least 25 feet of lateral deviation from a straight course: Topography could be considered a hardship. The variance could be approved if a safe and effective traffic-calming alternative is provided. While many well-engineered traffic calming solutions exist, the one currently proposed does not meet acceptable safety standards.

(b) A literal interpretation of the provisions of this ordinance would effectively deprive the applicant of rights commonly enjoyed by other properties of the district in which the property is located;
A literal interpretation of the provisions of this ordinance would not effectively deprive the applicant of rights commonly enjoyed by other properties of the district in which the property is located.

(c) Granting the variance requested will not confer upon the property of the applicant any special privileges that are denied to other properties of the district in which the applicant's property is located;

Each variance request is unique to the proposed development and property. No similar variances were granted or denied similar to the current request on other applicants' property in the district.

(d) The requested variance will be in harmony with the purpose and intent of this ordinance and will not be injurious to the neighborhood or to the general welfare;
Variances 1 and 4 could be considered for approval with alternative design elements.
Variances 2 and 3 will not be in harmony with the purpose and intent of this ordinance due to the lack of hardships peculiar to the property, which is beyond the control of the applicant.

(e) The special circumstances are not the result of the actions of the applicant;
Variances 1 and 4 could be considered for approval with alternative design elements due to the special circumstances that are not the result of the actions of the applicant. However, alternative design elements must be provided for review of the City Engineer.
Variances 2 and 3 do not include special circumstances.

(f) The variance requested is the minimum variance that will make possible the proposed use of the land, building, or structure in the use district proposed; and
Variances 1 and 4 could be considered for approval with alternative design elements showing the variance is the minimum variance that will make possible the proposed use of land, building, or structure in the use district proposed.
Variances 2 and 3 are not the minimum variances that will make possible the proposed use of the land, building, or structure in the use district proposed. The applicant could provide floor plans that meet the requirements of the code and reduce the total number of lots by making every lot a minimum of 6,700 sq.ft.

(g) The variance shall not permit a use of land, buildings or structures, which is not permitted by right in the zoning district or overlay district involved.
With annexation and rezoning to the proper zoning category, residential dwellings would be permitted uses.

Staff Recommendation for Annexation, Rezoning, and Variances

Recommendation:

There are three applications proposed at 4651 and 4665 Hog Mountain Road, parcels **15046 000008B** (3.39 acres); **15046 000008** (16.0 acres). The first consideration for the City Council is the proposed annexation of both parcels. With annexation, the subject site must be rezoned from Hall County AR-1 – Agricultural & Residential - R-1- Residential to a Flowery

Branch zoning category. The applicant is proposing to rezone the property to Traditional Neighborhood Development (TND).

Variance Details:

1. Variance from **Section 1014, Table 10.1** radius of curvature of the center line from 275' to 48'. The applicant states the hardship for the centerline radius curvature is due to topography. A GIS review of the site confirms the site is an undeveloped wooded site with significant topography. The variance request could be considered for approval with an alternative solution.
2. Variance **to Sec. 12.6. - Townhouses.** The applicant requested a variance from Sec. 12.6 however, the correct request should reference **Sec 12.7(b)1 – Single-Family Detached Dwellings**, Entrance Features. The porch shall be at least **6 feet deep** (not including steps, if applicable) and **40% of the width of the front façade or 11 feet**, whichever is greater. The applicant is requesting a **reduction** to this section to allow for **4' x 7.5'** covered porch. The applicant can avoid a variance due to the code allowing for stoops if the front façade is fully brick or stone. The applicant's stated hardship is due to "architectural style". The variance application does not demonstrate a hardship peculiar to the property, which is beyond the control of the applicant.
3. Variance **to Sec. 7.4 Tabel 7.2** a reduction to the minimum lot size from 6,700 square feet in the TND zoning category. The application requests a reduction to a minimum lot size of 5,500 square feet. The site plan provided by the applicant lists a total of 81 lots but does not provide individual square footage for each lot and thus, the total number of lots that would be below 6,700 square feet cannot be adequately determined at this time. The applicant did not demonstrate a hardship peculiar to the property, which is beyond the control of the applicant.
4. Variance **to Sec. 1021.c** Residential Street Design with streets more than 360 feet in length shall have at least 25 feet of lateral deviation from a straight course. The applicant seeks to remove the 25-foot deviation from straight course requirements. The applicant's site plan indicated locations for center landscape islands to break up the straight street but did not include consistent drive lane width through bulb-outs which could pose a danger to the motoring public. The variance could be approved if a safe and effective traffic-calming alternative is provided. While many well-engineered traffic calming solutions exist, the one currently proposed does not meet acceptable safety standards.

Variance Recommendations:

A variance from the Subdivisions Ordinance, Article 10 – Access and Design Requirements for Roads, Sec. 1014 – Road Right-of-Way Widths and Miters, Table 10.1 recommended for approval to reduce radius of curvature of the center line from 275’ to 48’ with a condition that the applicant revise the site plan to show two-way stops in areas that can accommodate to reduce the amount of radii needing a variance. The final alternative design shall be approved by the City Engineer.

A variance from the Zoning Ordinance, Article 12 – Requirements for Specific Residential Principal Buildings and Uses, Sec 12.7(b)1 – Single-Family Detached Dwellings, Entrance Features. The porch is reduced from be 6 feet deep (not including steps, if applicable) and 40% of the width of the front façade or 11 feet, whichever is greater to 4 feet deep and 7.5 feet wide porch is recommended for approval with a condition that the façade of buildings with the porch dimensional reductions shall be have a front façade that is 100% brick or stone. Final elevations shall be approved by the Director of Planning and Community Development Director.

A variance from the Zoning Ordinance, Article 7 – TND, Traditional Neighborhood Development, Sec. 7.4 – Dimensional Requirements, Table 7.2, to reduce minimum lot size from 6,700 to 5,500 square feet is recommended for denial. However, if approval is considered it is recommended that no more than 20% of the total number of lots shall have an area less than 6,700 square feet, and no lot shall have an area less than 5,500 square feet.

A variance from the Zoning Ordinance, Article 10 – Development Requirements and Guidelines, Sec. 10.21(c) – Residential Street Design Requirements, to remove the requirement of all streets more than 360 feet in length shall have at least 25 feet of lateral deviation from a straight course is recommended for approval with a condition that engineering standard traffic calming devices are proposed on a revised site plan. Additionally, each home shall be offset from the front building setback by at least five (5) feet from the neighboring home. The traffic calming devices used, their location and the placement of the homes on each site shall be approved by the City Engineer.

Staff recommends **approval of the Annexation and Rezoning** applications with the conditions provided.

Recommended Conditions of Approval of Annexation and Rezoning:

Please find below the proffered conditions for the proposed rezoning, organized by discipline and drafted to ensure consistency with the submitted concept materials and to protect the public interest:

1. **General Development**
    a. Building Locations and Scope:
    The total number of residential lots within the detached townhome development shall not exceed 81.
    b. Density Measurement:
    Density shall be calculated on a net basis, in accordance with the definition of *Net Density* set forth in Article 2, Section 2.2 (Design-Related Definitions). The applicant is to provide the areas of wetlands, state water buffer zones, flood hazard or electric / gas transmission easements or right-of-way.
    c. Maximum net density shall not exceed 6 units per acre.
2. **Civil Site Engineering**
    a. The final site-grading, stormwater, and utility plans shall be in substantial conformity with the Rezoning Concept Plan, including all delineated amenities, open spaces, and public gathering areas.
    b. No grading, filling, or earthmoving shall occur within the 75-foot impervious setback from state waters without prior approval of the Director of Planning & Community Development; such activities shall be minimized in accordance with Code § 27.6(b).
    c. No residential lot shall contain stream buffers, impervious setbacks or amenity trails.
3. **Building Design**
    a. Exterior elevations shall comply with design requirements in Article 12 of the Flowery Branch Zoning Ordinance.
    b. All buildings shall include a side or rear entry garage per TND standards.
    c. Where brick veneer is shown, only authentic brick or natural stone shall be utilized.
    d. All building facades shall be approved through the Design Review process per Article 40 and shall meet the design requirements in Article 10 and Article 12.
4. **Streets, Sidewalks & Stormwater Facilities**

a. All internal streets and sidewalks shall be public to City design standards and be dedicated at the conclusion of the Final Plat. Stormwater management systems shall remain private and be maintained at the HOA's expense.

5. **Signage, Landscaping & Lighting**
    a. An overall signage program, a detailed landscape plan sealed by a Georgia-registered landscape architect, and a comprehensive site-lighting plan shall be submitted to the Department of Community Development for review and approval.
    b. The landscape plan shall include high-quality treatments for open spaces, trails, pathways, and amenities.
6. **Transportation Improvements**
    a. The developer will prepare and implement a Transportation Improvement Plan to address impacts on Hog Mountain Road. The Transportation Improvement Plan shall be approved by the City Engineer.
    b. The entrance on Hog Mountain Road shall include:
        i. A right-turn deceleration lane, designed per GDOT Driveway Manual Table 4-8 for 45 mph (175 ft full-width storage plus 100 ft taper), constructed at no cost to the City.
        ii. A left-turn lane into the site, built to GDOT Driveway & Encroachment Control Manual standards, also at no cost to the City.
        iii. Exit shall include dedicated lanes for both left and right turns.
        iv. Dedication of all necessary right-of-way for these improvements, conveyed by the developer at no cost.
        v. Relocation of any utilities currently beneath the proposed deceleration lane, at the developer's expense.
    c. Sidewalks shall be located on both sides of the internal streets and along the road frontage of Hog Mountain Road.
7. **Variances**
    a. Approval of the annexation, rezoning and variance applications shall not constitute the granting of any variance from applicable local, state, or federal standards, except as expressly described herein.
    b. A variance from the Subdivisions Ordinance, Article 10 – Access and Design Requirements for Roads, Sec. 1014 – Road Right-of-Way Widths and Miters, Table 10.1 recommended for approval to reduce radius of curvature of the center line from 275' to 48' with a condition that the applicant revise the site plan to show two-way stops in areas that can accommodate to reduce the amount of radii needing a variance. The final alternative design shall be approved by the City Engineer.

c. A variance from article 12 -Requirements for Specific Residential Principal Buildings and Uses, Sec 12.7(b)1 – Single-Family Detached Dwellings, Entrance Features. The porch is reduced from be 6 feet deep (not including steps, if applicable) and 40% of the width of the front façade or 11 feet, whichever is greater to 4 feet deep and 7.5 feet wide porch is recommended for approval with a condition that the façade of buildings with the porch dimensional reductions shall be have a front façade that is 100% brick or stone. Final elevations shall be approved by the Director of Planning and Community Development Director.
d. A variance from the Zoning Ordinance, Article 7 – TND, Traditional Neighborhood Development, Sec. 7.4 – Dimensional Requirements, Table 7.2, to reduce minimum lot size from 6,700 to 5,500 square feet is recommended for approval with a condition that no more than 20% of the total lots shall be less than 6,700 sq. ft. and no lot shall be less than 5,500 sq. ft.
e. A variance from Article 10 – Development Requirements and Guidelines, Sec. 10.21(c) – Residential Street Design Requirements, to remove the requirement of all streets more than 360 feet in length shall have at least 25 feet of lateral deviation from a straight course is recommended for approval with a condition that engineering standard traffic calming devices are proposed on a revised site plan. Additionally, each home shall be offset from the front building setback by at least five (5) feet from the neighboring home. The traffic calming devices used, their location and the placement of the homes on each site shall be approved by the City Engineer.

8. **Public Utilities**
   a. Because of the site's topographic constraints, sanitary sewer lift station(s) are likely required; the Engineer of Record must work closely with the Public Utility Department throughout the design process. All pump station plans must comply with Chapter 50 (Utilities), Article II (Standard Specifications), Division 2 (Construction), Subdivision VII (Pump Stations), as well as any additional criteria established by the Director of Public Utilities.
9. **Open Space**
   a. All Open Space requirements shall meet the minimum requirements of Section 10.22.
   b. The subdivision shall include a conveniently accessible mail kiosk for both motorists and pedestrians.
   c. The mail kiosk area is not included in the open space calculations.
   d. The open space components shall be substantially similar to the examples provided in the application and shown in the staff report.
   e. All walking trail surfaces are to be mulch, compacted crushed rock, or other material approved by the director and be maintained in safe conditions by the HOA.

f. All trails are to maintain a minimum width of 48-inches.
g. A clearly visible sign shall be installed at each point where the amenity trails connect to the public sidewalks, stating that the trail amenity is not designed or constructed to ADA standards.

City of Flowery Branch Community Development Office
5512 Main St
Flowery Branch, GA, 30542
770-967-6378

ANNEXATION COMPLETENESS CHECKLIST

Please review each line item on the Completeness Checklist prior to submitting an application to the City of Flowery Branch. Please initial **each line item** (numerical and alphabetical sub lists) in the initial blocks provided in the left-hand column. Initialed checklist must be included with the completed application and all other required documentation at time of submittal. **All requirements must be provided in digital format via file sharing or on a flash drive.**

Applicant Name: Highpoint Development **Project Name:** The Ridge at Lott Creek

X	1.	Completed annexation application with all signatures and notary stamps present and all fields filled out and in compliance with all requirements. (Article 44, Sec. 44.4) Completed concurrent rezoning application with all signatures and notary stamps present and all fields filled out and in compliance with all requirements. (Article 34, Sec. 34.8)
X	2.	Legal description of property.
X	3.	Current survey of the property.
X	4.	Site plan of the property in accordance with the requirements of the Flowery Branch Code of Ordinances (Article 34, Sec 34.4 & 34.5):
		a) Uses an appropriate engineering scale
		b) Shows proposed use and relevant information regarding proposed improvements
		c) All existing AND proposed buildings and/or structures
		d) Parking and internal circulation
		e) Proposed landscaping
		f) Buffers, where required
		g) Other information as required by the Zoning Administrator
X	5.	Detailed description of the request.
X	6.	Required development statistics (Article 34, Sec 34.6) (separate document):
		a) Maximum and proposed height of any structure
		b) Maximum and proposed gross square footage of the building area (nonresidential only)
		c) Color rendering of any and all proposed structure(s)
		d) Material list (with percentages) of any and all proposed structure(s)
		e) Maximum and proposed number of dwelling units and minimum and proposed square footage of heated floor area for any dwelling unit (residential only)
		f) Maximum and proposed lot coverage of building area (square feet and percent)
		g) Minimum and proposed square footage of landscaped area (square feet and percent)
		h) Minimum, maximum and proposed number of parking spaces

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ANNEXATION COMPLETENESS CHECKLIST

		i) Other dimensional information as may be required by the Zoning Administrator
x JH	7.	Written Analysis Requirements (Article 34, Sec. 34.7) (separate document):
		a) Whether the proposal will permit a use that is suitable in view of the use and development of adjacent and nearby properties.
		b) Whether the proposal will adversely affect the existing use or usability of adjacent or nearby properties.
		c) 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.
		d) 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.
		e) 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.
		f) 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.
		g) 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.
		h) 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.
		i) Whether a proposed zoning map amendment or conditional use approval will be a deterrent to the value or improvement of the development of adjacent property in accordance with existing regulations.
		j) The possible creation of an isolated zoning district unrelated to adjacent and nearby districts.
		k) Possible effects of the change in zoning district map, or change in use, on the character of a zoning district.
		l) The possible impact on the environment, including but not limited to, drainage, soil erosion and sedimentation, flooding, air quality and water quality.

City of Flowery Branch Community Development Office
5512 Main St
Flowery Branch, GA, 30542
770-967-6378
ANNEXATION COMPLETENESS CHECKLIST

		m) 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.
X JF	8.	Conflict of interest disclosure (in body of application).
X JF	9.	Disclosure of campaign contributions (in body of application).
X JF	10.	Names and addresses of adjoining property owners. (separate document)
X JF	11.	Reasons for requesting annexation/rezoning. (separate document)
X JF	12.	Signed statement authorizing City of Flowery Branch staff and/or City Council to inspect subject property. (separate document)
N/A	13.	Annexations > 100 acres of land require an official request to amend the character area and future land use map designation for the subject property.
X JF	14.	Letter of intent describing the proposed use of the property or other action requested. (separate document)
X JF	15.	Hard copy of application with wet seals & signatures

The undersigned does hereby attest that all requirements in the above checklist have been met and that all required documentation has been provided at the time of submittal. The undersigned acknowledges that any application found to be incomplete upon review will be returned to the applicant for completion.

Name (print): HIGHPOINT DEVELOPMENT JAKE FRENCH

Signature: _____

Date: 12/11/2025

FLOWERY BRANCH
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ANNEXATION APPLICATION

Date: 12/11/2025

Address of Request:
4651 & 4665 Hog Mountain 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_____

Applicant Information:

Name: Highpoint Development

Address: 1776 Peachtree Street NW, Atlanta, GA 30309

E-mail address: jfrench@hpdev.com

Phone number: 502-386-7022

Signature: _____ Title (if applicable):_____

Print Name: Jake French

Notary Signature: _____

Notary Seal:

HANNAH HURLEY
Notary Public - State of Georgia
Gwinnett County
My Commission Expires Mar 14, 2028

FLOWERY BRANCH

Property owner information (if different than the applicant)

Property owner (please print): CD II Properties, LLC

Address: P.O. Box 99, Demorest, GA 30535

E-mail address: _____

Phone number: _____

Signature: _____

Notary Seal: _____

HANNAH HURLEY
Notary Public - State of Georgia
Gwinnett County
My Commission Expires Mar 14, 2028

Property Information

Tax Map Number: 15406 000008 & 15046 000008B

Current Zoning: R-1 & AR-1 (Hall County) Total Acres: 19.398

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

Proposed City of Flowery Branch Zoning: TND

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.

FLOWERY BRANCH

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

None to the best of our knowledge

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

None to the best of our knowldedge

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

None to the best of our knowledge

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
NONE	

FLOWERY BRANCH
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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
_____	_____
_____	_____

CITY STAFF ONLY

Application Received By: _____

Date: _____ Total Fee: _____

City of Flowery Branch Community Development Office
5512 Main St
Flowery Branch, GA, 30542
770-967-6378

ANNEXATION/REZONING COMPLETENESS CHECKLIST

Please review each line item on the Completeness Checklist prior to submitting an application to the City of Flowery Branch. Please initial **each line item** (numerical and alphabetical sub lists) in the initial blocks provided in the left-hand column. Initialed checklist must be included with the completed application and all other required documentation at time of submittal. **All requirements must be provided in hard copy form and digital form on a flash drive.**

Applicant Name: Highpoint Development **Project Name:** The Ridge at Lott Creek

X GT	1.	Completed annexation application with all signatures and notary stamps present and all fields filled out and in compliance with all requirements. (Article 44, Sec. 44.4) Completed concurrent rezoning application with all signatures and notary stamps present and all fields filled out and in compliance with all requirements. (Article 34, Sec. 34.8)
X GT	2.	Legal description of property.
X GT	3.	Current survey of the property.
X GT	4.	Site plan of the property in accordance with the requirements of the Flowery Branch Code of Ordinances (Article 34, Sec 34.4 & 34.5):
		a) Uses an appropriate engineering scale
		b) Shows proposed use and relevant information regarding proposed improvements
		c) All existing AND proposed buildings and/or structures
		d) Parking and internal circulation
		e) Proposed landscaping
		f) Buffers, where required
		g) Other information as required by the Zoning Administrator
X GT	5.	Detailed description of the request.
X GT	6.	Required development statistics (Article 34, Sec 34.6) (separate document):
		a) Maximum and proposed height of any structure
		b) Maximum and proposed gross square footage of the building area (nonresidential only)
		c) Color rendering of any and all proposed structure(s)
		d) Material list (with percentages) of any and all proposed structure(s)
		e) Maximum and proposed number of dwelling units and minimum and proposed square footage of heated floor area for any dwelling unit (residential only)
		f) Maximum and proposed lot coverage of building area (square feet and percent)
		g) Minimum and proposed square footage of landscaped area (square feet and percent)
		h) Minimum, maximum and proposed number of parking spaces

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ANNEXATION/REZONING COMPLETENESS CHECKLIST

		i) Other dimensional information as may be required by the Zoning Administrator
x JH	7.	Written Analysis Requirements (Article 34, Sec. 34.7) (separate document):
		a) Whether the proposal will permit a use that is suitable in view of the use and development of adjacent and nearby properties.
		b) Whether the proposal will adversely affect the existing use or usability of adjacent or nearby properties.
		c) 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.
		d) 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.
		e) 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.
		f) 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.
		g) 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.
		h) 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.
		i) Whether a proposed zoning map amendment or conditional use approval will be a deterrent to the value or improvement of the development of adjacent property in accordance with existing regulations.
		j) The possible creation of an isolated zoning district unrelated to adjacent and nearby districts.
		k) Possible effects of the change in zoning district map, or change in use, on the character of a zoning district.
		l) The possible impact on the environment, including but not limited to, drainage, soil erosion and sedimentation, flooding, air quality and water quality.

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ANNEXATION/REZONING COMPLETENESS CHECKLIST

		m) 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.
X JT	8.	Conflict of interest disclosure (in body of application).
X JT	9.	Disclosure of campaign contributions (in body of application).
X JT	10.	Names and addresses of adjoining property owners. (separate document)
X JT	11.	Reasons for requesting annexation/rezoning. (separate document)
X JT	12.	Signed statement authorizing City of Flowery Branch staff and/or City Council to inspect subject property. (separate document)
N/A	13.	Annexations > 100 acres of land require an official request to amend the character area and future land use map designation for the subject property.
X JT	14.	Letter of intent describing the proposed use of the property or other action requested. (separate document)

The undersigned does hereby attest that all requirements in the above checklist have been met and that all required documentation has been provided at the time of submittal. The undersigned acknowledges that any application found to be incomplete upon review will be returned to the applicant for completion.

Name (print): HIGHPOINT DEVELOPMENT JAKE FRENCH

Signature: [signature]

Date: 12/11/2025

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REZONING APPLICATION

Date: 12/11/2025

Address of Request:

4651 & 4665 Hog Mountain Road, Flowery Branch GA 30542

Tax Map # 15046 000008 & 15046 000008B Current Zoning: R-1 & AR-1

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: Highpoint Development

Address: 1776 Peachtree Street NW. Suite 250, Atlanta, GA, 30309

E-mail address: jfrench@hpdev.com

Phone number: 502-386-7022

Signature: _____ Title (if applicable): _____

Print Name: Jake French

Notary Signature: _____

Notary Seal:

HANNAH HURLEY
Notary Public - State of Georgia
Gwinnett County
My Commission Expires Mar 14, 2028

FLOWERY BRANCH

Property owner information (if different than the applicant)

Property owner (please print): CD II Properties, LLC

Address: P.O. Box 99, Demorest, GA 30535

E-mail address: _____

Phone number: _____

Signature: _____

Notary Seal: _____

HANNAH HURLEY
Notary Public - State of Georgia
Gwinnett County
My Commission Expires Mar 14, 2028

Property Information

Tax Map Number: 15406 000008 & 15046 000008B

Current Zoning: R-1 & AR-1 (Hall County) Total Acres: 19.398

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

Proposed City of Flowery Branch Zoning: TND

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.

FLOWERY BRANCH

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

None to the best of our knowledge

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

None to the best of our knowldedge

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

None to the best of our knowledge

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
NONE	

FLOWERY BRANCH

CITY STAFF ONLY

Application Received By: _____

Date: _____ Total Fee: _____

City of Flowery Branch Community Development Office
5512 Main St
Flowery Branch, GA, 30542
770-967-6378

VARIANCE COMPLETENESS CHECKLIST

Please review each line item on the Completeness Checklist prior to submitting an application to the City of Flowery Branch. Please initial **each line item** (numerical and alphabetical sub lists) in the initial blocks provided in the left-hand column. Initialed checklist must be included with the completed application and all other required documentation at time of submittal. **All requirements must be provided in hard copy form and digital form on a flash drive.**

Applicant Name: Highpoint Development **Project Name:** The Ridge at Lott Creek

JT	1.	Completed application with all signatures and notary seals present and all fields filled out and all supplementary requirements and documents attached. (Article 37, Sec. 37.3)
JT	2.	Legal description of the property. (separate document)
JT	3.	Current survey of property sealed by a Georgia registered land surveyor. (separate document)
JT	4.	Letter of intent describing the proposed use of the property or other action requested. (separate document)
JT	5.	Site plan of the property at an appropriate engineering scale which shows: (Sec. 37.4) (separate document)
		a) Existing and proposed buildings and structures,
		b) Relevant information regarding proposed improvements,
		c) Other information as required by Zoning Administrator.
JT	6.	Detailed description of the request. (in body of application but can be attached as separate document)
JT	7.	Statistics regarding the proposed project or development. (separate document)
JT	8.	Written analysis of how the proposed action compares to decision criteria specified for deciding on the subject type of application. (separate document)
JT	9.	Description of any special conditions voluntarily made a part of the request.
JT	10.	Conflict of interest disclosure. (in body of application)
JT	11.	Disclosure of campaign contributions. (in body of application)
JT	12.	Narrative demonstrating that criteria for granting variances has been met: (Article 37, Sec. 37.5) (separate document)
		a) There are extraordinary and exceptional conditions or practical difficulties pertaining to the particular piece of property in question because of its size, shape, or topography that are not applicable to other lands or structures in the same district;
		b) A literal interpretation of the provisions of this ordinance would effectively deprive the applicant of rights commonly enjoyed by other properties of the district in which the property is located;

City of Flowery Branch Community Development Office
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Flowery Branch, GA, 30542
770-967-6378
VARIANCE COMPLETENESS CHECKLIST

		c) Granting the variance requested will not confer upon the property of the applicant any special privileges that are denied to other properties of the district in which the applicant's property is located;
		d) The requested variance will be in harmony with the purpose and intent of this ordinance and will not be injurious to the neighborhood of to the general welfare;
		e) The special circumstances are not the result of the actions of the applicant;
		f) The variance requested is the minimum variance that will make possible the proposed use of the land, building, or structure in the use district proposed; and
		g) The variance shall not permit a use of land, buildings, or structures which is not permitted by right in the zoning district or overlay district involved.

The undersigned does hereby attest that all requirements in the above checklist have been met and that all required documentation has been provided at the time of submittal. The undersigned acknowledges that any application found to be incomplete upon review will be returned to the applicant for completion.

Name (print): HIGHPOINT DEVELOPMENT JAKE FRENCH

Signature:

Date: 12/11/25

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VARIANCE APPLICATION

Address of Request:
4651 & 4665 Hog Mountain Road, Flowery Branch, GA 30542

Type of Variance Requested

Complete requirements for variances can be found in the Flowery Branch Code of Ordinances; Appendix C, "Zoning Ordinance", Article 37;

Please verify all the requirements of the Flowery Branch Code of Ordinances; Appendix C, "Zoning Ordinance", Article 37, section 37.5 are being met. Explain below:

1. Variance from SECTION 1014 ROW Table 10.1 Radius of curvature of the center line, minimum (feet) Local Street for a reduced radius
2. Variance from SECTION 10.21.c Residential Street Design Requirements to remove 25ft deviation from straight course requirements
3. Variance from Section 7.4 Dimensional Requirements Table 7.2 Minimum lot size requirements
4. Variance from Section 12.6.p.1 to reduce the width & length of the usable covered porch

Applicant: Highpoint Development

Address: 1776 Peachtree Street NW. Suite 250, Atlanta, GA 30309

E-mail address: jfrench@hpdev.com

Phone number: 502-386-7022

Signature:

Notary Seal:

HANNAH HURLEY
Notary Public - State of Georgia
Gwinnett County
My Commission Expires Mar 14, 2028

FLOWERY BRANCH

Property owner information (if different than the applicant)

Property owner (please print): CD II Properties, LLC

Address: P.O. Box 99, Demorest, GA 30535

E-mail address: _____

Phone number: _____

Signature: _____

Notary Seal:

HANNAH HURLEY
Notary Public - State of Georgia
Gwinnett County
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Property Information

Tax Map Number: 15406 000008 & 15046 000008B

Current Zoning: R-1 & AR-1 (Hall County) Total Acres: 19.398

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

Proposed City of Flowery Branch Zoning: TND

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.

FLOWERY BRANCH

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

None to the best of our knowledge

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

None to the best of our knowldedge

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

None to the best of our knowledge

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
NONE	

Criteria for Granting Variances

1. There are extraordinary and exceptional conditions or practical difficulties pertaining to the particular piece of property in question because of its size, shape, or topography that are not applicable to other lands or structures in the same district;

- Minimum road radius variance is related to the topography of the property and the dimensional restrictions with narrow width across. We will need a variance to a minimum radius of 48' in order to have a viable travel way for residents.
- Streets deviation variance is related to the topography of the site and the width constraints. We understand the concern with line of sight, so we plan to provide varying offsets for homes, different use of materials to break line of sight, and small landscape islands in the road center to provide speed reduction and break in view.
- Minimum lot size is related to the topography of the site and the width constraints. We plan to provide an average lot size of 6,700sf. The minimum lot size will be 5,500sf with only 30% of lots conforming to the minimum lot size.
- The porch size variance is related to achieving an architectural style that relates to the front-loaded garages given the topography and width constraints. We will propose an extending the roof overhang above the garage to extend across to the porch to give the feel of an extended porch. We will also utilize design code relief in Section 12.7 to allow for stoops so that we can use different materials to create architectural relief and provide a truly unique community.

2. A literal interpretation of the provisions of this ordinance would effectively deprive the applicant of rights commonly enjoyed by other properties of the district in which the property is located;

- Similar minimum road radius exists within other single-family communities within the City.
- Similar streets extend longer than 360' without deviation within the City.
- Similar lot sizes exist within other single-family communities within the City.
- Similar porch sizes exist within other single-family communities within the City.

3. Granting the variance requested will not confer upon the property of the applicant any special privileges that are denied to other properties of the district in which the applicant's property is located;

- Based on other existing single-family communities and existing travel ways within the City, it would not appear that these variances would be considered as a special privilege.

4. The requested variance will be in harmony with the purpose and intent of this ordinance and will not be injurious to the neighborhood or to the general welfare;

- The variances will primarily be visible to those living within the community and therefore should not have any injurious impact on others.

5. The special circumstances are not the result of the actions of the applicant;

- The circumstances are requested for the specific product architecture and site plan layout necessary for the community's success due to the extreme constraints of the land.

6. The variance requested is the minimum variance that will make possible the proposed use of the land, building, or structure in the use district proposed; and

- These requests have been studied extensively for over a year and have been minimized to the least impactful magnitude achievable.

7. The variance shall not permit a use of land, buildings, or structures which is not permitted by right in the zoning district or overlay district involved.

- The variances have been noted in other single-family communities and/or existing travel ways within the City and do not convey uses that are not permitted currently.

8. The variances requested do not change the use of the property or the function of any buildings or structures.

- Nothing in the requested variances will impact the use of the property or the function of the single-family community.

December 11, 2025

TO: City of Flowery Branch Community Development Office
FROM: Highpoint Development, Jake French (Applicant)
DATE: December 11, 2025
SUBJECT: 4651 & 4665 Hog Mountain Road Annexation and Rezoning Application

Applicant hereby grants permission to City of Flowery Branch Elected Officials and Staff to enter and inspect property as needed for the purpose of reviewing the request referenced above.

Jake French
Development Lead

LEGAL DESCRIPTION

All that tract or parcel of land lying and being in Georgia Militia District: Flowery Branch #1270, in Hall County, Georgia, and being more particularly described as follows:

Commencing at a mag nail set at the Southerly right of way of Hog Mountain Road (having a variable width, publicly dedicated right of way) and the common corner to property now or formally of Mount Calvary Baptist Church and CD, ii Properties, LLC, said point being the TRUE POINT OF BEGINNING.

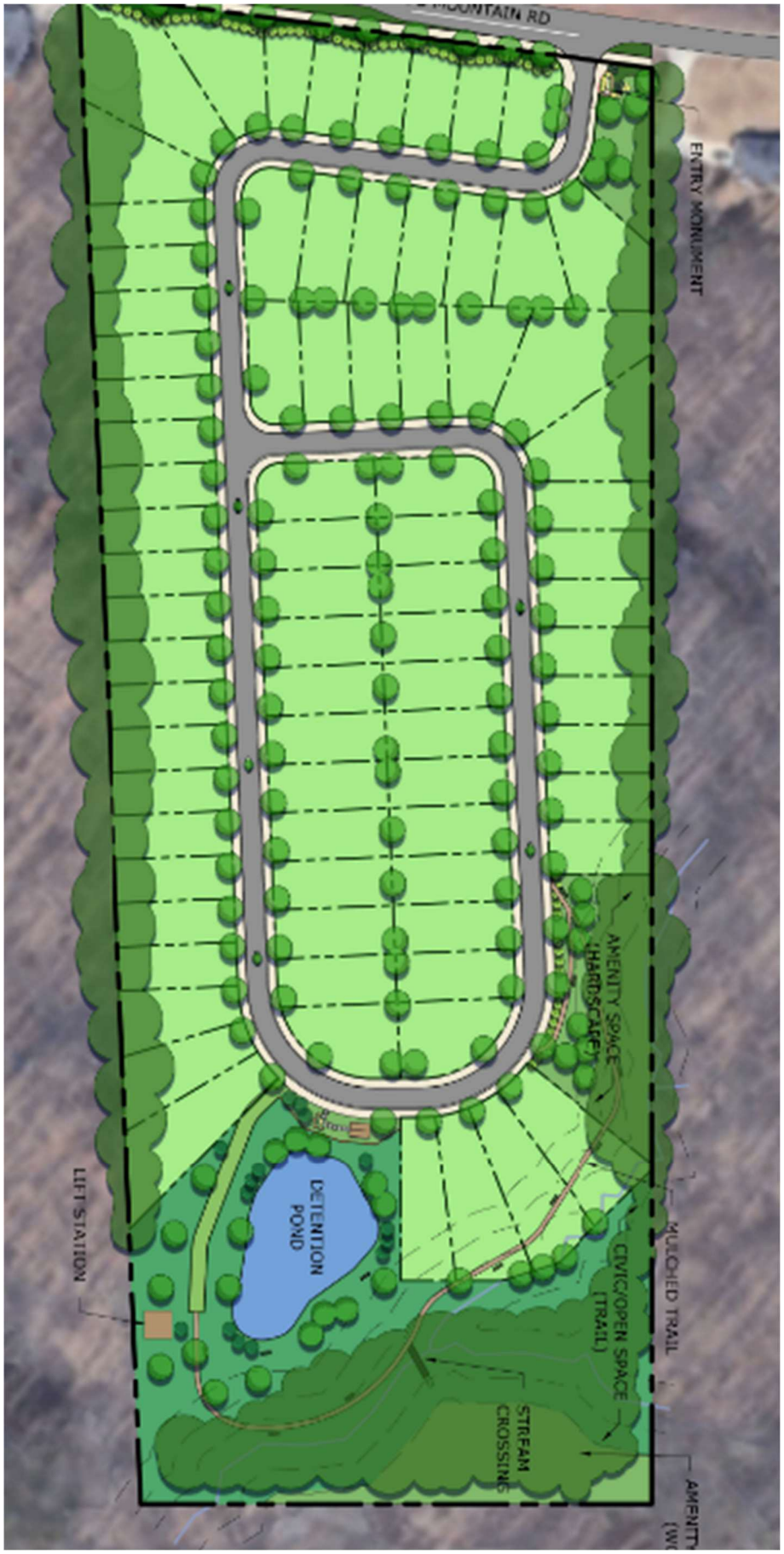
Thence continuing along said right of way of Hog Mountain Road the following courses and distances: North 52 degrees 05 minutes 46 seconds East a distance of 300.00 feet to a 5/8 inch capped rebar set; North 52 degrees 05 minutes 46 seconds East a distance of 296.18 feet to a 5/8-inch capped rebar set; Thence leaving said right of way of Hog Mountain Road South 45 degrees 22 minutes 26 seconds East a distance of 1477.18 feet to a concrete marker found; Thence South 44 degrees 38 minutes 15 seconds West a distance of 525.39 feet to a concrete marker found; Thence North 47 degrees 47 minutes 41 seconds West a distance of 519.00 feet to a 1-inch open top pipe found; Thence North 47 degrees 47 minutes 41 seconds West a distance of 150.00 feet to a 1-invh open top pipe found; Thence North 47 degrees 47 minutes 41 seconds West a distance of 386.97 feet to a 5/8-inch capped rebar set; Thence North 47 degrees 47 minutes 41 seconds West a distance of 500.00 feet to a mag nail set at the Southerly right of way of Hog Mountain Road, said mag nail being the TRUE POINT OF BEGINNING.

Said tract or parcel of land containing 19.398 acres (844,974 square feet).


GRAPHIC SCALE
60' 0 60' 120'
1 Inch = 60 Feet
GRID NORTH
GA WEST
(SURVEY NOTE 6)
N
HOG MOUNTAIN ROAD
(VARIABLE WIDTH RIGHT OF WAY)
PUBLICLY DEDICATED
EDGE OF ASPHALT
SITE BENCHMARK
TOP S/8" CRB SET
ELEV=1242.83
P.O.C. TRACT 2
P.O.B. TRACT 1
APPARENT CONCRETE ENCROACHMENT
MAG NAIL SET
OHE
N52°05'46"E
300.00'
N52°05'46"E
296.18'
N47°47'41"W
500.00'
N47°47'41"W
386.97'
N47°47'41"W
150.00'
S45°22'26"E
147.18'
S44°38'15"W
525.39'
N47°47'41"W
519.00'
TRACT 1
N/F
MOUNT CALVARY BAPTIST CHURCH
PARCEL #1504600009A
D.B.7096, PG-307
TRACT 2
N/F
CD. #PROPERTIES, LLC
PARCEL #1504600008
D.B.7096, PG-142
3.392 ACRES
147,771 SQUARE FEET
TRACT 1
N/F
CD II PROPERTIES, LLC
PARCEL #1504600006
D.B.7096, PG-142
16.006 ACRES
697,203 SQUARE FEET
TRACT 1, 2
N/F
THOREN C. MERROW
PARCEL #1504600008A
D.B.7874, PG-109, PG-25
19.398 ACRES
844,974 SQUARE FEET
N/F
CAPSTONE GATEWAY 1, LLC
PARCEL #1504600015I
D.B.8412, PG-605
N/F
CAPSTONE ACQUISITIONS, LLC
PARCEL #1504600009B
D.B.8096, PG-348
D.B.532, PG-151A
N/F
CAPSTONE ACQUISITIONS, LLC
PARCEL #1504600013A
D.B.8096, PG-348
D.B.532, PG-151A
N/F
CAPSTONE ACQUISITIONS LLC
PARCEL #1504600070
D.B.8106, PG-70
N/F
LUCY CASH BARNETT
D.B.5562, PG-346
N/F
FLORENCE CASH SMEE
PARCEL #1504600002
D.B.5562, PG-344
N/F
TAMMY A. LIPSCOMB
PARCEL #1504600001Z
D.B.1691, PG-65
N/F
CURTIS D. & BELINDA
CANDY TAYLOR
PARCEL #1504600001J
D.B.1633, PG-303
N/F
THOREN C. MERROW
PARCEL #1504600008A
D.B.7874, PG-109, PG-25
APPARENT 11.02' ENCROACHMENT
CONCRETE
BUILDING ENCROACHMENT
APPARENT 56.54'
OLD BARN FALLING DOWN
140.4'
140.7'
54.0'
63.9'
1 STORY WOOD FRAME
1 STORY BRICK
WOOD SHED
1 STORY
WOOD SIGN
TRAFFIC SIGN
ROAD WORK SIGN
EDGE OF ASPHALT
~CONCRETE~
5/8" CRB SET
4' WOVEN WIRE FENCE
WOVEN WIRE FENCE
1" OTP FND
1/2" RB FND
CMON FND
1/2" RB FND
0.09'
N44°37'54"E
1/2" RB FND
0.01'
S45°21'45"E
1/2" RB FND
0.24'
S45°37'54"E
CMON FND
5/8" CRB SET
1" OTP FND
CMON FND
1/2" RB FND
0.18'
N44°37'54"E
1/2" RB FND
0.05'
N44°37'54"E
1/2" RB FND
0.24'
S45°37'54"E

THE RIDGE

AT LOTT CREEK



Project Narrative for Hog Mountain Road Tract

LOCATION – 4651 & 4665 Road, Flowery Branch, GA 30542
ACREAGE – 19.398 acres +/-
APPLICANT – Highpoint Development
PROPOSED ZONING – TND

Summary

The accompanying application seeks annexation and zoning district change from AR-I in Hall County to TND in Flowery Branch for a 19.398-acre tract, consisting of Parcel #'s 15046 000008 & 15046 000008B. The property appears to have been vacant for a number of years. The location is on Hog Mountain Road in south Hall approximately 1300 LF north of Spout Springs Road. The intent is to develop up to 81 units of quality housing (single-family) along with an extensive amount of undeveloped natural area. At least 15% of the site will be maintained as open space. Although not specifically identified, the property is located adjacent to the "Retail Activity Center" Character Area of the 2041 Comprehensive Plan. We believe this property could serve as a transitional use from the retail area to south and the lower density subdivisions to the north and east.

Site Description

The property has approximately 640 LF of frontage along Hog Mountain Road, rectangular and approximately 1,500 LF deep. The site is undeveloped with several dilapidated out buildings and contains a mix of trees and vegetation. A jurisdictional stream (Lott Creek) is located near the rear of the property and appears to be a tributary of Mulberry Creek. Domestic water (24") is provided by the City of Gainesville and is located on the northwest side of Hog Mountain Road. Flowery Branch will provide sanitary Sewer through a new, on-site pump station and force main to nearby gravity lines located within the Stonebridge Village retail center. All other dry utilities are located within a reasonable distance for service extensions.

Adjacencies

The property is surrounded by Hall County residential zonings, AR-III, PRD and R-1 and a small HB property on the west side of Hog Mountain Road. Adjacent Flowery Branch zoning is HB.

Access

Access to the property is proposed from a driveway on Hog Mountain Road approximately 1,800 LF north of Spout Springs Road. The nearest cross street is Cash Road, located approximately 900 LF northeast of the property.

Proximity to Other Uses

- Nearest distance to undeveloped commercial property – parcel #15046 000151-zoned HB located adjacent to southwestern boundary.
- Nearest distance to developed commercial property – parcel #08096 000014 zoned H-B, directly across at 4650 Hog Mountain Road.

- Nearest distance to a single-family home – a single-family home at 4641 Hog Mountain Road is located within 40’ of the northeastern boundary.
- Nearest distance to a subdivision – Hunters Landing S/D is located 0.6 miles away.

Aerial View



Comprehensive Plan Consistency

Since the subject property is currently located in unincorporated Hall County, the Flowery Branch Comprehensive Plan does not specifically identify the future land use for this property. With Retail/Commercial uses directly to the south of the subject property and lower density residential uses to the north, it would be reasonable to assume that the subject property could provide a transitional use and density between the uses identified. Although this specific property is not included in the Comprehensive Plan Future Development Map, it does lie adjacent to the "Activity Center – Retail" character area. It is our opinion that the slightly higher densities offered under the TND zoning district, and the specific use for attached single-family homes, would be applicable for this property.

Traffic Impact Study

A Traffic Impact Study has not been requested by the City but was recommended. We have completed a Traffic Impact Study as a courtesy. The following recommendations were made:

- One entering lane and one exiting lane
- Stop sign controlled on the driveway approach with Hog Mountain Rd remaining free flow
- A right turn lane for entering traffic
- No recommendation for the need of a left turn lane in

Development Strategy

The Concept Plan includes traditional front entry single family homes. The architectural style of the homes will be influenced by the mountain bungalow style to feel more rooted in the community and within the TND design intent. The single-family homes located along the Hog Mountain Road frontage will be facing interior to the development and we will have elevated facades on the rear of these homes to provide a grand appearance along Hog Mountain Rd. We will provide a desirable streetscape for the project's entrance including a professionally landscaped monument sign. The single-family homes will all have front-loaded garages. The community will have amenities including walking trails, a creek bridge crossing, a community gathering pavilion, and a firepit communal area with chairs.

Architectural Materials & Site Improvements

Single-family homes will follow the requirements of Section 12.6.i at a minimum with a general design theme that would include:

- Two-car garages
- Front facades with a combination of masonry and hardi-plank siding materials
- Side & Rear facades with hardi-plank siding, glazing & trim
- Architectural weight shingles
- Sodded yards (4 sides)
- One tree per lot (minimum 2 ½" caliper)
- Variance Requested –
    - Road radius min. at 48'
    - Street deviation distance req. to 850' w/ concessions
    - Minimum lot size avg 6,700sf w/ 30% min lots of 5,500sf
    - Reduce front porch size requirement

Entrance Monumentation

The entrance may include the items listed below with at least one central mail kiosk provided subject to USPS review and approval.

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

Amenities

The community amenities, at a minimum, will contain the following items:

- Pocket Park
- Walking Trails
- Creek Crossing
- Park Benches
- Community gathering pavilion
- Communal firepit with seating

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 Hog Mountain Road.

Model Home Permits

Applicant requests that up to twelve (12) 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 Developer. The HOA will manage the overall management of the property including maintenance, architectural controls and financial management.

Annexation

Hall County has given verbal confirmation they would approve the annexation into Flowery Branch assuming the adjacent parcels are not attempting to annex at the same time.

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.

Project Dimensional Standards

Proposed Dimensional Standards	
Acres	19.398
Number of Lots	81
Gross Density	4.18
Exterior Buffer	-
Height (Feet)	30
Minimum Lot Size (SF)*	5,500
Minimum Lot Width (Ft)	40
Minimum Lot Depth (Ft)	80
Minimum Heated Floor Area (SF)	1,200
Front Yard Setback from Lot Line (Ft)	-
Side Setback, Interior Lot Line or Corner Lot (Ft)	5
Rear Setback (Ft)	25
Maximum Coverage of Impervious Surface	45%
Sidewalks	5', Both Sides
Civic Space	15%
Amenity Space	6%
Parking	2 - Enclosed
**Requires variance approval*	

THE RIDGE
AT LOTT CREEK





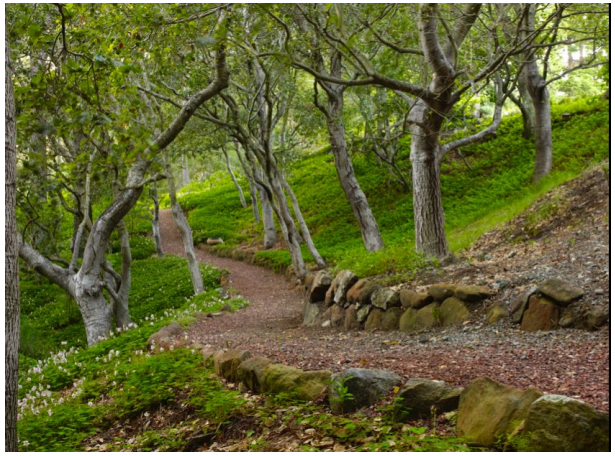


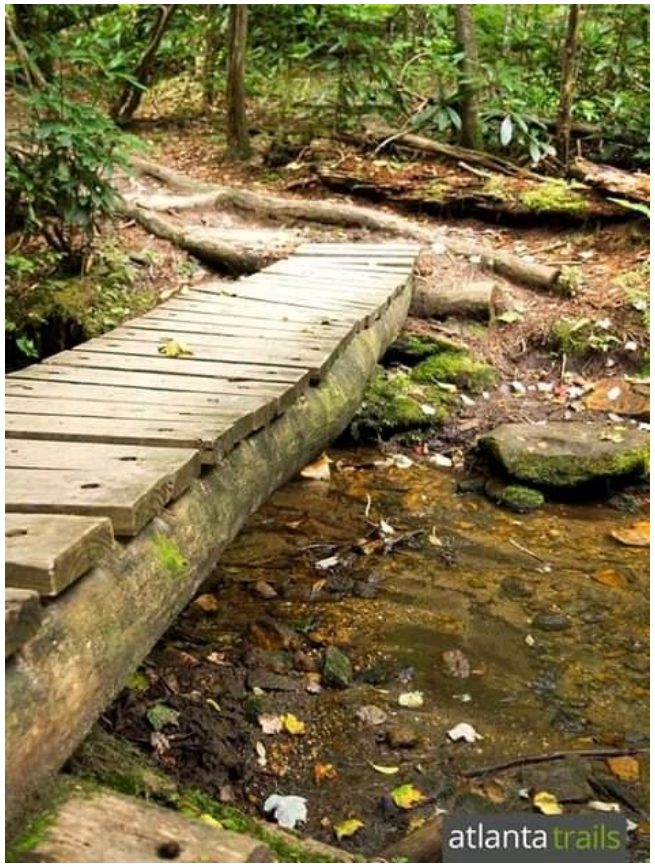
ENTRY GATE IDEAS

The entry conveys a quiet sense of welcome, shaped with natural stone and native plantings that feel authentically tied to Hog Mountain and the creek below. Materials sit comfortably in the landscape, offering a sense of belonging rather than display, creating an approach that is both dignified and genuinely rooted in place.

THE RIDGE
AT LOTT CREEK









AMENITIES

Amenities are designed to feel close to the landscape and quietly integrated. A communal fire pit and pavilion overlooks the stream, and a soft mulched trail guides residents through the trees to a modest wooden bridge across Lott Creek. The experience is simple and welcoming, inviting time outdoors without overshadowing the natural character of the place.

THE RIDGE

AT LOTT CREEK



COLOR PALETTE:

The three offered schemes—light, mid-tone, and dark—are drawn from the muted, earthy tones of the North Georgia landscape. Each palette reflects the surrounding ridge and creek setting, favoring natural hues: soft mineral whites, weathered wood browns, and deeper charcoal colors that echo stone, soil, and shaded canopy. Together, they provide variation without discord, allowing homes to feel individually tailored yet quietly unified within the broader landscape.

THE RIDGE
AT LOTT CREEK







ARCHITECTURAL FEATURES:

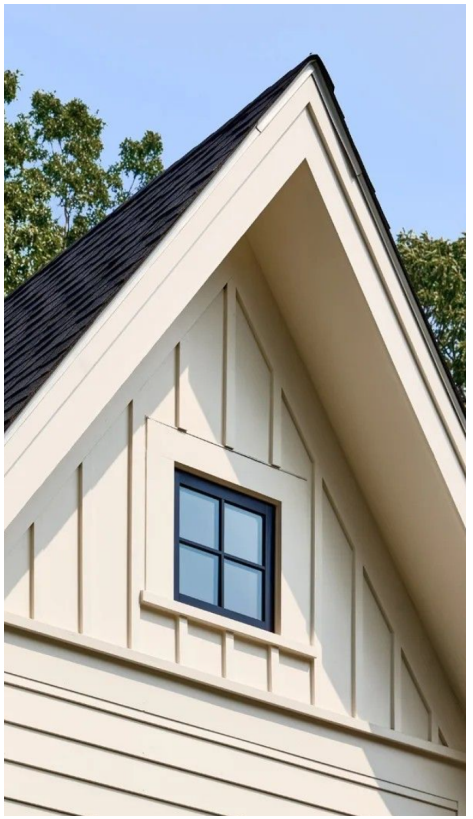
The achitecture leans toward a mountain bungalow style, with forms and finishes that feel sturdy, familiar, and tied to the landscape. Dark charcoal accents sharpen the earthy palette, while carriage-style garage doors and well-placed sconces add character without slipping into ornament. Matching metal gutters bring a clean outline to the façades, and the porch roof extending across the front-facing garage helps keep everything at a comfortable, human scale. The result is a street presence that feels connected, warm, and intentionally crafted—neighbors, not statements.

THE RIDGE
AT LOTT CREEK









ARCHITECTURAL FEATURES:

Details stay simple and purposeful. Porch brackets and extended overhangs provide clear structure and shade without excess. Gable vents, occasional gable windows, and selectively used shutters add just enough dimension to the façades, keeping each home grounded and consistent without feeling repetitive.

Analysis of the Hog Mountain Road Annexation Request

(a) Whether the proposal will permit a use that is suitable in view of the use and development of adjacent and nearby property.

- The requested use is for a residential and is consistent with the many undeveloped nearby properties. The suitability for more intense uses is limited by the property's topography.

(b) Whether the proposal will adversely affect the existing use or usability of adjacent or nearby property.

- The proposed residential use of the property will not negatively impact any adjacent property as there are both commercial and residential uses nearby.

(c) 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.

- The property has been marketed under its current zoning for a number of years and has generated very little interest. Without annexation into Flowery Branch, sewer will not be available.

(d) 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.

- Other than a small increased school impact, the proposed residential use will have minimal impact to the existing infrastructure.

(e) 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.

- Although not specifically identified, the property is located adjacent to the "Retail Activity Center" Character Area of the 2041 Comprehensive Plan. We believe this property could serve as a transitional use from the retail area to south and the lower density subdivisions to the north and east.

(f) 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 availability of suitable land for development is becoming more limited while the demand for residential use in this area continues to increase. The topography of the property is more suitable for residential than for any retail/commercial uses.

(g) Existing use(s) and zoning of the subject property and nearby properties.

- The property is surrounded by Hall County residential zonings, AR-III, PRD and R-1 and a small HB property on the west side of Hog Mountain Road. Adjacent Flowery Branch zoning is HB.

(h) 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.

- Under the existing zoning districts (AR-I & R-1) in Hall County, the property value (2024 Tax Assessment - $363,300) is diminished by the lack of sewer access and the limited development potential. Annexation and rezoning to TND would create a value in excess of $2,000,000. The current property owner has owned the property since 2012 and has been unsuccessful under the current zoning.

(i) 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 change of use is more compatible with the existing single-family development to the north and will have no impact on the other adjacent uses.

(j) The possible creation of an isolated zoning district unrelated to adjacent and nearby districts.

- The property is adjacent to an existing single-family home to the north and therefore would not create an isolated use.

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

- The character of this area already includes residential uses so there should be no impact on the general character of the district.

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

- Residential development is generally less intensive in its impact on the environmental issues mentioned as opposed to adjacent HB zoned uses.

(m) 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.

- This change of use will not be harmful to the overall zoning scheme as other residential uses currently exist adjacent to the property.

Parcel #	Name	Address	Mailing Address
15046 000009A	Mount Calvary Baptist Church	4675 Hog Mountain Road, Flowery Branch, GA 30542	4675 Hog Mountain Road, Flowery Branch, GA 30542
15046 000151	Capstone Gateway 1, LLC	Hog Mountain Road, Flowery Branch, GA 30542	P.O. Box 724, Gainesville, GA 30503
15046 000065	Capstone Acquisitions, LLC	6001 Spout Springs Road, Flowery Branch, GA 30542	P.O. Box 724, Gainesville, GA 30504
15046 000131	Capstone Acquisitions, LLC	6011 Spout Springs Road, Flowery Branch, GA 30542	P.O. Box 724, Gainesville, GA 30505
15046 000070	Capstone Acquisitions, LLC	6065 Spout Springs Road, Flowery Branch, GA 30542	P.O. Box 724, Gainesville, GA 30506
15046E 000013	Blake Alexander Hall	4650 Quail Point Dr., Flowery Branch, GA 30542	4650 Quail Point Dr., Flowery Branch, GA 30542
15046E 000012	Tammy A. Lipscomb	4646 Quail Point Dr., Flowery Branch, GA 30542	4646 Quail Point Dr., Flowery Branch, GA 30542
15046 000002	Florence Cash Smee	4576 Cash Road, Flowery Branch, GA 30542	4576 Cash Road, Flowery Branch, GA 30542
15046 000143	Lucy Cash Barnett	4560 Cash Road, Flowery Branch, GA 30542	4560 Cash Road, Flowery Branch, GA 30542
15046 000008A	Thoren C. Merrow	4666 Hog Mountain Road, Flowery Branch, GA 30542	4646 Hog Mountain Road, Flowery Branch, GA 30542
08096 000008	Pauline Cantrell Roberts	4642 Hog Mountain Road, Flowery Branch, GA 30542	4642 Hog Mountain Road, Flowery Branch, GA 30542
08096 000014	R Squared Rentals, LLC	4650 Hog Mountain Road, Flowery Branch, GA 30542	1406 Mountain Creek Church Road, Pendergrass, GA 30567
08097 000005	Mary Elizabeth Hickman, et al	4560 Hog Mountain Road, Flowery Branch, GA 30542	4847 Parliament Way, Dunwoody, GA 30338

Georgia law and the procedures of Flowery Branch requires the Applicant to raise Federal and State constitutional objections during the TND master plan application process. While the Applicant anticipates a smooth application process, failure to raise constitutional objections at this stage may mean that the Applicant will be barred from raising important legal claims later in the process. Accordingly, the following constitutional objections are stated:

The portions of the Flowery Branch Development Code, facially and as applied to the Property, which restrict the Property to any uses, conditions, land use designations, development standards, or to any zoning district other than that proposed by the Applicant are unconstitutional in that they would destroy the Applicant's property rights without first paying fair, adequate and just compensation for such rights, in violation of Article I, Section I, Paragraph I and Section III, Paragraph I of the Constitution of the State of Georgia of 1983, and the Due Process Clause of the Fourteenth Amendment to the Constitution of the United States.

The application of the Flowery Branch Development Code, facially and as applied to the Property, which restricts the Property to any uses, conditions, land use designations, development standards, or to any zoning district other than in accordance with the application as proposed by the Applicant is unconstitutional, illegal, null and void, constituting a taking of Applicant's Property in violation of the Just Compensation Clause of the Fifth Amendment to the Constitution of the United States; Article I, Section I, Paragraph I, and Section III, Paragraph I of the Constitution of the State of Georgia of 1983; and the Equal Protection and Due Process Clauses of the Fourteenth Amendment to the Constitution of the United States denying the Applicant an economically viable use of its land while not substantially advancing legitimate state interests.

A denial of this Application would be unconstitutional under the Takings Clause of the Fifth Amendment to the Constitution of the United States and the Just Compensation Clause of Article I, Section III, Paragraph I of the Constitution of the State of Georgia of 1983. A refusal by the Flowery Branch City Council to approve the zoning conditions as requested would constitute a taking of the Applicant's property.

A denial of this Application would constitute an arbitrary and capricious act by the Flowery Branch City Council without any rational basis therefore constituting an abuse of discretion in violation of Article I, Section I, Paragraph I and Section III, Paragraph I of the Constitution of the State of Georgia of 1983, and the Due Process Clause of the Fourteenth Amendment to the Constitution of the United States. A refusal to grant the TND zoning request would lack objective justification and would result only from neighborhood opposition, which would constitute an unlawful delegation of the zoning power to non-legislative bodies in violation of the Georgia Constitution, Article IX, Section II, Paragraph 4.

A refusal by the Flowery Branch City Council to approve this Application for the Property in accordance with the criteria as requested by the Applicant would be unconstitutional and discriminate in an arbitrary, capricious and unreasonable manner between the Applicant and owners of the similarly situated property in violation of Article I, Section I, Paragraph II of the Constitution of the State of Georgia of 1983 and the Equal Protection Clause of the Fourteenth Amendment to the Constitution of the United States. Any rezoning of the Property subject to conditions which are different from the conditions requested by the Applicant, to the extent such different conditions would have the effect of further restricting Applicant's utilization of the Property, would also constitute an arbitrary, capricious and discriminatory act in zoning the Property to a unconstitutional classification and would likewise violate each of the provisions of the State and Federal Constitutions set forth hereinabove.

I. CONCLUSION

For the foregoing reasons, the Applicant respectfully requests that this TND master plan application be granted as requested by the Applicant. If there are any questions about this request, you may contact:

Jake French
Highpoint Development
1776 Peachtree Street NW.
Suite 250.
Atlanta, GA 30309
502-386-7022
jfrench@hpdev.com

SURVEYOR'S CERTIFICATION

THIS PLAT IS A RETRACEMENT OF AN EXISTING PARCEL OR PARCELS OF LAND AND DOES NOT SUBDIVIDE OR CREATE A NEW PARCEL OR MAKE ANY CHANGES TO ANY REAL PROPERTY BOUNDARIES. THE RECORDING INFORMATION OF THE DOCUMENTS, MAPS, PLATS, OR OTHER INSTRUMENTS WHICH CREATED THE PARCEL OR PARCELS ARE STATED HEREON. RECORDATION OF THIS PLAT DOES NOT IMPLY APPROVAL OF ANY LOCAL JURISDICTION AVAILABILITY OF PERMITS, COMPLIANCE WITH LOCAL REGULATIONS OR REQUIREMENTS, OR SUITABILITY FOR ANY USE OR PURPOSE OF THE LAND. FURTHERMORE, THE UNDERSIGNED LAND SURVEYOR CERTIFIES THAT THIS PLAT COMPLIES WITH THE MINIMUM TECHNICAL STANDARDS FOR PROPERTY SURVEYS IN GEORGIA AS SET FORTH IN THE RULES AND REGULATIONS OF THE GEORGIA BOARD OF REGISTRATION FOR PROFESSIONAL ENGINEERS AND LAND SURVEYORS AND AS SET FORTH IN O.C.G.A. SECTION 15-6-67.

GEORGIA REGISTERED No. 3109 REGISTERED LAND SURVEYOR MITCHELL LOWERY

MITCHELL LOWERY GEORGIA R.L.S. #3109
DATE OF PLAT OR MAP: JANUARY 10, 2022

LEGAL DESCRIPTION TRACT 1

ALL THAT TRACT OR PARCEL OF LAND LYING AND BEING IN GEORGIA MILITIA DISTRICT: FLOWERY BRANCH #1270, IN HALL COUNTY, GEORGIA, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT A POINT AT THE SOUTHERLY RIGHT OF WAY OF HOG MOUNTAIN ROAD (HAVING A VARIABLE WIDTH), PUBLICLY DEDICATED RIGHT OF WAY) AND THE COMMON CORNER TO PROPERTY NOW OR FORMALLY OF MOUNT CALVARY BAPTIST CHURCH AND CD, II PROPERTIES, LLC; THENCE CONTINUING ALONG SAID RIGHT OF WAY OF HOG MOUNTAIN ROAD NORTH 52 DEGREES 05 MINUTES 46 SECONDS EAST A DISTANCE OF 296.18 FEET TO A 5/8-INCH CAPPED REBAR SET; THENCE LEAVING SAID RIGHT OF WAY OF HOG MOUNTAIN ROAD SOUTH 45 DEGREES 22 MINUTES 26 SECONDS EAST A DISTANCE OF 147.18 FEET TO A CONCRETE MARKER FOUND; THENCE SOUTH 44 DEGREES 38 MINUTES 15 SECONDS WEST A DISTANCE OF 525.39 FEET TO A CONCRETE MARKER FOUND; THENCE NORTH 47 DEGREES 47 MINUTES 41 SECONDS WEST A DISTANCE OF 519.00 FEET TO A 1-INCH OPEN TOP PIPE FOUND; THENCE NORTH 47 DEGREES 47 MINUTES 41 SECONDS WEST A DISTANCE OF 150.00 FEET TO A 1-INCH OPEN TOP PIPE FOUND; THENCE NORTH 47 DEGREES 47 MINUTES 41 SECONDS WEST A DISTANCE OF 386.97 FEET TO A 5/8-INCH CAPPED REBAR SET; THENCE LEAVING SAID RIGHT OF WAY OF HOG MOUNTAIN ROAD, SAID 5/8-INCH CAPPED REBAR BEING THE TRUE POINT OF BEGINNING.

(697,203 SQUARE FEET).

LEGAL DESCRIPTION TRACT 2

ALL THAT TRACT OR PARCEL OF LAND LYING AND BEING IN GEORGIA MILITIA DISTRICT: FLOWERY BRANCH #1270, IN HALL COUNTY, GEORGIA, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT A MAG NAIL SET AT THE SOUTHERLY RIGHT OF WAY OF HOG MOUNTAIN ROAD (HAVING A VARIABLE WIDTH, PUBLICLY DEDICATED RIGHT OF WAY) AND THE COMMON CORNER TO PROPERTY NOW OR FORMALLY OF MOUNT CALVARY BAPTIST CHURCH AND CD, II PROPERTIES, LLC; SAID POINT BEING THE TRUE POINT OF BEGINNING.

THENCE CONTINUING ALONG SAID RIGHT OF WAY OF HOG MOUNTAIN ROAD NORTH 52 DEGREES 05 MINUTES 46 SECONDS EAST A DISTANCE OF 300.00 FEET TO A 5/8-INCH CAPPED REBAR SET; THENCE LEAVING SAID RIGHT OF WAY OF HOG MOUNTAIN ROAD SOUTH 47 DEGREES 41 SECONDS EAST A DISTANCE OF 386.97 FEET TO A 5/8-INCH CAPPED REBAR SET; THENCE SOUTH 47 DEGREES 47 MINUTES 41 SECONDS EAST A DISTANCE OF 500.00 FEET TO A 5/8-INCH CAPPED REBAR SET; THENCE SOUTH 47 DEGREES 47 MINUTES 41 SECONDS EAST A DISTANCE OF 150.00 FEET TO A 5/8-INCH CAPPED REBAR SET; THENCE SOUTH 47 DEGREES 47 MINUTES 41 SECONDS EAST A DISTANCE OF 519.00 FEET TO A 5/8-INCH CAPPED REBAR SET; THENCE SOUTH 44 DEGREES 38 MINUTES 15 SECONDS WEST A DISTANCE OF 525.39 FEET TO A CONCRETE MARKER FOUND; THENCE NORTH 47 DEGREES 47 MINUTES 41 SECONDS WEST A DISTANCE OF 519.00 FEET TO A 1-INCH OPEN TOP PIPE FOUND; THENCE NORTH 47 DEGREES 47 MINUTES 41 SECONDS WEST A DISTANCE OF 150.00 FEET TO A 1-INCH OPEN TOP PIPE FOUND; THENCE NORTH 47 DEGREES 47 MINUTES 41 SECONDS WEST A DISTANCE OF 386.97 FEET TO A 5/8-INCH CAPPED REBAR SET; THENCE LEAVING SAID RIGHT OF WAY OF HOG MOUNTAIN ROAD, SAID MAG NAIL BEING THE TRUE POINT OF BEGINNING.

SAID TRACT OR PARCEL OF LAND CONTAINING 3.392 ACRES (147,771 SQUARE FEET).

ZONING

PER ITEMS 6(A) AND 6(B) OF THE 2021 ALTA/NSPS LAND TITLE SURVEY MINIMUM STANDARD DETAIL REQUIREMENTS, SETBACKS AND OTHER ZONING RESTRICTIONS/REQUIREMENTS CANNOT BE LISTED UNLESS A ZONING REPORT OR LETTER STATING SAID RESTRICTIONS/REQUIREMENTS IS PROVIDED.

SURVEY NOTES

1) PROPERTY SHOWN HEREON WAS SURVEYED NOVEMBER 16, 2021.

2) THE FIELD DATA UPON WHICH THIS PLAT IS BASED HAS A CLOSURE OF 1' IN 41,946' WITH AN ANGULAR ERROR OF 3.21 SECONDS PER ANGLE POINT AND WAS ADJUSTED USING THE LEAST SQUARES METHOD.

3) A SOKKIA IX TOTAL STATION, CARLSON BRX7 GPS RECEIVER, AND CARLSON SURVEYOR+ DATA COLLECTOR WERE USED FOR FIELD SURVEY MEASUREMENTS.

4) THIS PLAT HAS A MAP CLOSURE OF 1' IN 522,274'.

5) SAID DESCRIBED PROPERTY IS LOCATED WITHIN AN AREA HAVING A ZONE DESIGNATION 'X' ON FLOOD INSURANCE RATE MAP NO. 13139C0292F, WITH A DATE OF IDENTIFICATION OF SEPTEMBER 29, 2006, FOR COMMUNITY NUMBER 130466, IN HALL COUNTY UNINCORPORATED AREAS, STATE OF GEORGIA, WHICH IS THE CURRENT FLOOD INSURANCE RATE MAP FOR THE COMMUNITY IN WHICH SAID PROPERTY IS SITUATED.

6) CONTROL AND BEARING BASIS FOR THIS SURVEY WERE ESTABLISHED USING A TOPCON HIPER LITE+ GPS RECEIVER UTILIZING OPUS-S FOR POST PROCESSING. THE RELATIVE POSITIONAL ACCURACY, AS CALCULATED ACCORDING TO THE FEDERAL GEOGRAPHIC DATA COMMITTEE PART 3: NATIONAL STANDARD FOR SPATIAL DATA ACCURACY, IS .03 FEET HORIZONTAL AND .06 FEET VERTICAL AT THE 95% CONFIDENCE LEVEL.

7) UTILITIES SHOWN PER MARKINGS PLACED BY UTILITY-MARKING, L.L.C. UTILITIES OTHER THAN THOSE SHOWN HEREON MAY EXIST. LOWERY & ASSOCIATES MAKES NO GUARANTEE AS TO THE EXISTENCE OR NON-EXISTENCE OF SAID UTILITIES.

8) NO OBSERVED EVIDENCE OF CEMETERIES, GRAVESITES, AND/OR BURIAL GROUNDS AT TIME OF SURVEY.

9) PROPERTY SHOWN HEREON LIES WITHIN THE RECORD DESCRIPTION AS STATED IN GENERAL WARRANTY DEED RECORDED IN DEED BOOK 7096, PAGE 307, HALL COUNTY RECORDS.

10) NO ENCROACHMENTS OTHER THAN THOSE SHOWN HEREON WERE OBSERVABLE AT TIME OF SURVEY.

11) AT THE TIME OF THE SURVEY, THERE WAS NO OBSERVABLE EVIDENCE OF EARTH MOVING WORK, BUILDING CONSTRUCTION OR BUILDING ADDITIONS.

12) AT THE TIME OF THE SURVEY, THERE WERE NO PROPOSED CHANGES IN STREET RIGHT OF WAY LINES OR OBSERVABLE EVIDENCE OF STREET OR SIDEWALK REPAIRS.

13) AT THE TIME OF THE SURVEY, THERE WAS NO OBSERVABLE EVIDENCE OF THE SITE BEING USED AS A SOLID WASTE DUMP, SUMP OR SANITARY LANDFILL.

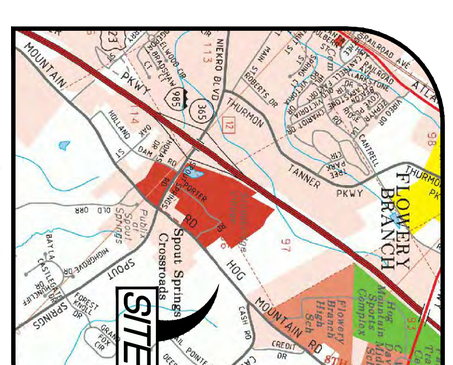
14) SUBJECT PROPERTY HAS DIRECT ACCESS TO HOG MOUNTAIN ROAD, BEING A PUBLICLY DEDICATED RIGHT OF WAY.

15) SUBJECT PROPERTY IS CONTIGUOUS TO ALL ADJACENT PROPERTIES AND RIGHTS OF WAY. NO GAPS, GORES, OR OVERLAPS ARE KNOWN TO EXISTS.

LEGEND

PROPERTY LINE
OVERHANG/AWNING
(BEARING/DISTANCE)
RECORD CALLS
B.S.L. BUILDING SETBACK LINE
INDEX CONTOUR
MINOR CONTOUR
SPOT ELEVATION
WATER LINE
OVERHEAD UTILITY LINE
GAS LINE
UNDERGROUND TELEPHONE LINE
SANITARY SEWER LINE
UNDERGROUND ELECTRIC LINE
FENCE LINE
STORM DRAIN PIPE
WATER VALVE
WATER METER
FIRE HYDRANT
GAS METER
GAS VALVE
POWER METER
SANITARY SEWER MANHOLE
REBAR
CAPPED REBAR
CONCRETE MONUMENT
OPEN TOP PIPE
FOUND
LIGHT POLE
SIGN
HARDWOOD TREE
PINE TREE

VICINITY MAP



LOWERY & ASSOCIATES
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CARTERSVILLE, GA 30121
770-334-8186
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INFO@LOWERYLANDSURVEYS.COM
GEORGIA C.O.A.: LSF-001102

PREPARED FOR:
KIMLEY-HORN

BOUNDARY & TOPOGRAPHIC SURVEY OF:
4651 HOG MOUNTAIN ROAD
FLOWERY BRANCH, GEORGIA 30542

STATE: GEORGIA | COUNTY: HALL

GEORGIA MILITIA DISTRICT: FLOWERY BRANCH DISTRICT (#1270)

REVISIONS

DATE:	DESCRIPTION

Lowery & Associates LAND SURVEYING, LLC

DATE: JANUARY 10, 2022
JOB #: 21348I
SCALE: 1"=60'
DRAWN BY: D. HALL

LEGAL DESCRIPTION

All that tract or parcel of land lying and being in Georgia Militia District: Flowery Branch #1270, in Hall County, Georgia, and being more particularly described as follows:

Commencing at a mag nail set at the Southerly right of way of Hog Mountain Road (having a variable width, publicly dedicated right of way) and the common corner to property now or formally of Mount Calvary Baptist Church and CD, ii Properties, LLC, said point being the TRUE POINT OF BEGINNING.

Thence continuing along said right of way of Hog Mountain Road the following courses and distances: North 52 degrees 05 minutes 46 seconds East a distance of 300.00 feet to a 5/8 inch capped rebar set; North 52 degrees 05 minutes 46 seconds East a distance of 296.18 feet to a 5/8-inch capped rebar set; Thence leaving said right of way of Hog Mountain Road South 45 degrees 22 minutes 26 seconds East a distance of 1477.18 feet to a concrete marker found; Thence South 44 degrees 38 minutes 15 seconds West a distance of 525.39 feet to a concrete marker found; Thence North 47 degrees 47 minutes 41 seconds West a distance of 519.00 feet to a 1-inch open top pipe found; Thence North 47 degrees 47 minutes 41 seconds West a distance of 150.00 feet to a 1-invh open top pipe found; Thence North 47 degrees 47 minutes 41 seconds West a distance of 386.97 feet to a 5/8-inch capped rebar set; Thence North 47 degrees 47 minutes 41 seconds West a distance of 500.00 feet to a mag nail set at the Southerly right of way of Hog Mountain Road, said mag nail being the TRUE POINT OF BEGINNING.

Said tract or parcel of land containing 19.398 acres (844,974 square feet).