



City of Cumming Planning & Development

100 Main Street
Cumming, Georgia 30040
Phone: (770) 781-2024
Email: s.morgan@cityofcumming.net
Website: www.cityofcumming.net

**Annexation Petition
into the
City of Cumming, GA**

RECEIVED

SEP 03 2019

CITY OF CUMMING

Annexation# 2019263

Please Print Clearly

Applicant's Name: 14905 Hopewell Group, LLC

Applicant's Mailing Address: 5665 Atlanta Highway, Suite 103-205

City: Alpharetta State: GA Zip: 30004

Applicant's Telephone Number(s): 678-773-1535

Address of Property to be Annexed: Canton Highway & 519, 521 Canton Highway

County Zoning Classification: A1 and R1

Requested City Zoning Classification: PUD

Tax Map # C06-030, C06-031, C01-009, C06-001, C06-013, C06-015, and C02-008 Parcel # _____ Land Lot # 1128, 1129 and 1177

District # 3rd/ 1st Section Size of Property in Acres: 43.24 acres

Current Use of Property: Residential/Vacant

Petition **MUST** include a completed application with signatures and **ALL** attachments.

- An 8 ½ x 11 copy of the current **RECORDED BOUNDARY SURVEY** of said property showing the contiguity of said property to the existing corporate limits of the City of Cumming, Georgia (**Attached hereto as Exhibit "A"**).
- A copy of the current metes and bounds **LEGAL DESCRIPTION** that matches the boundary survey of the property being annexed (**Attached hereto as Exhibit "B"**).
- Survey must be signed and sealed by a Registered Land Surveyor.
- If property is to be rezoned upon annexation, you must file a separate Re-Zoning Application along with this petition.

Please answer the following questions to meet and comply with the United States Department of Justice, Civil Rights Division, Voting Section, Section 5 of the Voting Rights Act.

1. Intended Use of Land: Residential Commercial
Existing Structure(s) Vacant
 Other (specify) PUD

2. Number of persons currently residing on the property: N/A ;
 Number 18 years or older: N/A ; Number registered to vote: N/A

American Indian
 Asian
 Black, not of Hispanic Origin
 White, not of Hispanic Origin

Alaskan Native
 Pacific Islander
 Hispanic

4. The U.S. Department of Commerce requires this information so that they can provide Population Estimates. Attached information sheet **Exhibit "C"**.
- A. Number of existing housing units
 - B. List of addresses for each housing unit in the annexed area at the time of the annexation
 - C. Disposition of existing structures (e.g. to be demolished, moved, or converted)
 - D. Names of affected sub-division
 - E. Names of affected multi-family complex
 - F. Names of group quarters (such as: school dormitories, nursing homes or jails)
 - G. Names of affected duplexes
 - H. Names of mobile home parks

I/We the undersigned, being the owner(s) of real property of the territory described herein, understanding that the City of Cumming has sought and that Forsyth County does not oppose this annexation, respectfully request that the Mayor and City Council of the City of Cumming, Georgia annex this property into the City and extend the City boundaries to include the same.

Upon signature of this document, I/We the undersigned certify that all the information provided is true and accurate to the best of our knowledge

Life Church, Inc.

Harold G. Sturdy, Jr. 3-9-14
 Property Owner's Signature Date

Harold G. Sturdy, Jr.
 Property Owner's Printed Name

14905 Hopewell Group, LLC & R & B Dawson Area, LLC
 Property Owner's Signature Date

Danny M. Bennett
 Property Owner's Printed Name

DM Bennett 3-9-19
 Applicant's Signature Date

14905 Hopewell Group LLC
 Applicant's Printed Name

5665 Atlanta Hwy, Ste 103-205
 Applicant's Address

Alpharetta, GA 30004
678-773-1535
 Applicant's Telephone Number

Annexation Application Checklist: Date Rec'd _____ Completed Application with Signatures

Rec'd _____ Exhibit "A" – Current Boundary Survey
 Rec'd _____ Exhibit "B" – Legal Description
 Rec'd _____ Exhibit "C" – Population Estimate Information

Date of Planning Commission Meeting (if rezone): _____

Dates Advertised: _____

Date of City Council Reading: _____ Approved: YES NO

Certified Mail _____ County Board of Commissioner Chairman _____ County Manager _____ County Attorney _____

LAW OFFICES
LIPSCOMB, JOHNSON, SLEISTER, DAILEY & SMITH, LLP

112 NORTH MAIN STREET
CUMMING, GEORGIA 30040
TELEPHONE: 770-887-7761
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MICHAEL R. SLEISTER, P.C.
Of Counsel

RICHARD A. NEWTON, P.C.
Of Counsel

L. LEE DAILEY
(1939-2013)

September 3, 2019

VIA HAND DELIVERY

City of Cumming Planning and Zoning Department
Attn: Mr. Scott Morgan, Zoning Administrator
100 Main Street
Cumming, Georgia 30040

Re: Letter of Intent as required by Section 113-110(3) and 113-180 of the Zoning Ordinance of the City of Cumming, Georgia – Annexation and Rezoning of 14905 Hopewell Group, LLC
Request No. 2019263

Dear Mr. Morgan:

This letter of intent is submitted pursuant to Section 113-110(3) and 113-180, and by reference section 113-112, of the Zoning Ordinance of the City of Cumming, Georgia, as part of 14905 Hopewell Group, LLC (the “Applicant’s”) proposed Annexation, Rezoning and Conditional Use Permit Application (the application and all supplemental documents filed contemporaneously therewith are collectively referred to herein as the “Application”). The Applicant is the agent/authorized representative for the current deed record property owners of the property subject to this rezoning and annexation application, commonly known as Forsyth County Tax Parcel Numbers C01-009, C06-001, C06-013, C06-015, C02-008, C06-030 and C06-031 (the “Subject Property”). The Applicant also seeks to rezone the Subject Property from its existing Forsyth County, A1 and R1 (Agricultural and Single Family Residential Districts) and City of Cumming, HB (Highway Business) zoning classification to the City of Cumming’s PUD (Planned Unit Development District) zoning classification for the purpose of allowing commercial and institutional uses, 160 townhomes and 144 condos on the Subject Property. The land area percentage for the residential is expected to be approximately 74% with a minimum of 20% open space. The estimated time to build-out for this use is between 4 and 5 years or longer depending on economic and marketing conditions.

With regard to the specific rezoning criteria and requested information contained in sections 1 through 9 of the Application, the Applicant hereby addresses them as follows:

Page 2 of 3
September 3, 2019

The existing zoning of surrounding properties are City of Cumming PUD, R-1A, HB, INST, R-3 and R-2 and Forsyth County – A1, R1, CBD and RES6. The Subject Property lies mostly in Forsyth County. Given that fact, the City of Cumming Future Land Use Map does not indicate a use for the Subject Property (other than a small part is designated Commercial), but based on the fact that it is already adjacent to existing residential and commercial districts, and the future City of Cumming City Center the proposed rezoning will not adversely affect the existing use or usability of nearby properties, but will rather complement existing use patterns.

Since most of the property has a Forsyth County zoning designation, the City's Comprehensive Plan and Future Land Use Map does not take the subject property or Applicant's proposal into consideration.

The existing use of the Subject Property at its current zoning classification is for commercial uses, and the Applicant is requesting to convert this land into a vibrant mixed-use development, therefore it is anticipated that approval of the proposed rezoning to the PUD district will raise and not diminish surrounding property values.

Approval of the Applicant's Application would not cause a safety hazard or noxious condition, would not reduce property values in the surrounding area, and therefore would promote the health, safety, morals and general welfare of the public. The relative gain to the public is also estimated to be significant as the proposed commercial and institutional uses will mesh well into the existing commercial land uses in the area.

The Subject Property is physically suitable for development as requested by the Applicant under the PUD zoning district and is not currently suitable for development under its existing zoning designation.

The Subject Property has been occupied residential and is currently vacant, to the best of the Applicant's knowledge and belief, nor are there existing or changed conditions affecting the use or development of the Subject Property which would give supporting grounds for disapproval of the rezoning request. As far as the Subject Property's zoning history is concerned, to the best of the Applicant's knowledge and belief, the Subject Property has at all times been zoned City of Cumming- HB and Forsyth County A1 and R1 and has been used as it is currently, based on the Applicant's personal knowledge and belief.

The build out and transition of the Subject Property from its current use to the Applicant's proposed use will be gradual and in keeping with current and estimated growth patterns in the City, and it is therefore not anticipated that the proposed rezoning/development will result in or cause excessive or burdensome use of existing streets, transportation facilities, utilities, schools, parks, or

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September 3, 2019

other public facilities.

Refusal to grant approval of the requested annexation and rezoning as described in the Rezoning Application would impose a disproportionate hardship on the Applicant without accruing any benefits to any surrounding property owners. The provisions of the Zoning Ordinance that require the development of the property to be different from the Applicant's plan are unconstitutional in that they would constitute a taking of the Applicant's property rights without first paying fair, adequate and just compensation for such rights, in violation of Article I, Section 3, Paragraph 1 of the Constitution of the State of Georgia, and the Fifth and Fourteenth Amendments to the Constitution of the United States.

A refusal by the City of Cumming to approve this Application, so as to permit viable economic use of the property, would be unconstitutional and would discriminate in an arbitrary, capricious and unreasonable manner between the Applicant and the owners of similarly situated property in violation of Article I, Section 1, Paragraph 2 of the Constitution of the State of Georgia and the Equal Protection Clause of the Fourteenth Amendment to the Constitution of the United States. Furthermore, a decision denying the Application would constitute an arbitrary and irrational abuse of discretion and constitute an unreasonable application of local land use authority bearing no relationship to the public health, safety, morality or general welfare of the public in violation of Article I, Section 1, Paragraph 1 of the Constitution of the State of Georgia and the Due Process Clause of the Fifth and Fourteenth Amendments to the Constitution of the United States. The Applicant maintains that a refusal to approve the Application as requested would be an abuse of discretion under the power granted to local governments by the Georgia Constitution and the Zoning Procedures Law, O.C.G.A. Section 36-66-1, et seq.

The Applicant reserves all other rights and privileges under the Constitutions of the United States and the State of Georgia, and available at law and in equity, in the event that the City of Cumming refuses to approve this Application as requested by the Applicant. The Applicant respectfully asks that the Application be approved as requested and reserves the right to amend this Letter of Intent and the Application by supplementing additional responses and documents

Thank you very sincerely and respectfully for your consideration of this request.



Sean Courtney,
Attorney for 14905 Hopewell Group, LLC

LAW OFFICES
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L. LEE DAILEY
(1939-2013)

August 9, 2019

VIA HAND DELIVERY

City of Cumming Planning and Zoning Department
Attn: Mr. Scott Morgan, Zoning Administrator
100 Main Street
Cumming, Georgia 30040

RECEIVED
AUG 09 2019
CITY OF CUMMING

Re: Annexation and Rezoning of 14905 Hopewell Group, LLC
Request No. 2019263

Dear Mr. Morgan:

Please find attached the following revisions to 2019263:

- 1) Updated PUD Checklist
- 2) DRI Form 1
- 3) Revised Site plan
- 4) Colored Rendering of site plan

If you have any questions, please give me a call.



Sean Courtney,
Attorney for 14905 Hopewell Group, LLC

**CITY OF CUMMING
PRE-APPLICATION CHECKLIST FOR
PLANNED UNIT DEVELOPMENT ZONING APPLICATION**

Date of Pre-submission conference (required): March 8, 2019

Is this PUD expected to be considered a Development of Regional Impact (DRI)? No

APPLICATION MATERIALS TO BE SUBMITTED

Submitted?	Application Material or Component Required (Secs. 113-110 and 113-180 Cumming zoning ordinance)	Notes/Comments
YES	Rezoning application form	
YES	Metes and bounds legal description	
YES	Survey plat	
N/A	Application fee	
YES	Copies (specified #) of application materials	
YES	Revised pre-application checklist	
YES	Letter of intent	
YES	PUD Development plan (Sec. 113-180; See also Sec. 113-111)	
YES	Proposed land uses (see further details in this checklist)	
YES	Dimensional requirements (see further details in this checklist)	
	Subdivision plan	
	Phasing plan	
YES	Architectural elevations of principal buildings	
	Street cross-sections	
	Design guidelines (strongly encouraged; not required)	

ALL LAND USES SUMMARY ANALYSIS

Compliant?	Land Use Summary	Notes/Comments
No	Does the development plan provide for vertical mixed use (see definition in Sec. 113-180)? (encouraged/not required)	
Yes	Does the development plan provide for horizontal mixed use (see definition in Sec. 113-180)? (some form of mixed use is required)	

Check all land uses that are included in the development plan:

Included?	Land Use	% land area	Included?	Land Use	% land area
N/A	Detached, single-family		YES	Office- Institutional	
N/A	Dwellings in vertical mixed-use building(s)	PER	YES	Commercial (retail/service)	PER
YES	Fee simple townhouses	SITE		Other (specify)	SITE
N/A	Freestanding multi-family dwellings	PLAN	Yes	Civic space	PLAN
Yes (condos)	Residential, other (specify)		Yes	Open space	
	Institutional Residential				

RESIDENTIAL LAND USE SUMMARY ANALYSIS

Check all types of residential and, if the particular type of residential use is included, complete additional information for residential land uses that are incorporated into the development plan. Note: if there is more than one size (type) of single-family lots, specify for the different types:

Included?	Residential Use	Acreage	% Total Land Area	Total # Units	Density (units per acre)	Notes/ Comments
N/A	Detached, single-family lots (type 1)					
N/A	Detached, single-family lots (type 2)					
N/A	Detached, single-family lots (type 3)					
N/A	Units in vertical mixed-use building(s)					
YES	Fee-simple townhouses	Per Plan	Per Plan	160	Per Plan	
N/A	Free-standing multi-family					
YES	Other (specify) (Condos)	Per Plan	Per Plan	144	Per Plan	
	Subtotal all Residential	Per Plan	Per Plan	304	Per Plan	

DIMENSIONAL REQUIREMENTS FOR LAND USES

For each type of type of land use included, provide the following dimensional requirements that will govern development if approved. Note: if there is more than one size (type) of single-family lots, specify for the different types:

1. Single-family, detached, residential (type 1) (if applicable)

Dimensional Requirement	Requirement	Comment/Note
Building height (max.) (feet)		
Building height (max.) (# stories)		
Lot size (min.)		
Lot width (min.)		
Building coverage (max.)		
Floor area per dwelling (min.)		
Setback, principal building, front (min.)		
Setback, principal building side (min.)		
Setback, principal building, rear (min.)		
Setback, accessory building/structure (min), from side or rear property line		
Open space (min.) (% of land area devoted to this use)		
Parking (min. spaces per unit)		

2. Single-family, detached, residential (type 2) (if applicable)

Dimensional Requirement	Requirement	Comment/Note
Building height (max.) (feet)		
Building height (max.) (# stories)		
Lot size (min.)		
Lot width (min.)		

City of Cumming, Planned Unit Development (PUD) Zoning Pre-Application Checklist

Building coverage (max.)		
Floor area per dwelling (min.)		
Setback, principal building, front (min.)		
Setback, principal building side (min.)		
Setback, principal building, rear (min.)		
Setback, accessory building/structure (min), from side or rear property line		
Open space (min.) (% of land area devoted to this use)		
Parking (min. spaces per unit)		

3. Single-family, detached, residential (type 3) (if applicable)

Dimensional Requirement	Requirement	Comment/Note
Building height (max.) (feet)		
Building height (# stories) (max.)		
Lot size (min.)		
Lot width (min.)		
Building coverage (max.)		
Floor area per dwelling (min.)		
Setback, principal building, front (min.)		
Setback, principal building side (min.)		
Setback, principal building, rear (min.)		
Setback, accessory building/structure (min), from side or rear property line		
Open space (min.) (% of land area devoted to this use)		
Parking (min. spaces per unit)		

4. Vertical mixed-use buildings (if applicable)

Dimensional Requirement	Requirement	Comment/Note
Building height (max.) (feet)		
Building height (max.) (# stories)		
Building height (min.) (feet)		
Building height (min.) (# stories)		
Building coverage (max.)		
Floor-to-area (FAR) ratio, residential component only (max.)		
Floor-to-area (FAR) ratio, non-residential component only (max.)		
Floor-to-area (FAR) ratio, all uses combined in building (max.)		
Floor area per dwelling (min.)		
Floor area per dwelling (avg.)		
Setback, vertical mixed-use building, front (min.)		
Setback, vertical mixed-use building side (min.)		
Setback, vertical mixed-use building, rear (min.)		
Front build-to line, vertical mixed use building (min./max)		
Civic/open space (min.) (% of land area devoted to this use)		
Parking (min. spaces per unit)		
Are any of the parking spaces proposed to be in structured parking?		

5. Fee-simple townhouse (if applicable)

Dimensional Requirement	Requirement	Comment/Note
Building height (max.) (feet)	35'	
Building height (max.) (# stories)	3 stories	
Lot size (min.)	2,250 sq. ft.	

City of Cumming, Planned Unit Development (PUD) Zoning Pre-Application Checklist

Lot width (min.)	26'	
Building coverage (max.)	Per Plan	
Floor area per dwelling (min.)	Min. 2,000 sf	
Setback, principal building, front (min.)	Per	
Setback, principal building side (min.)		
Setback, principal building, rear (min.)	Plan	
Setback, accessory building/structure (min), from side or rear property line		
Open space (min.) (% of land area devoted to this use)		
Parking (min. spaces per unit)		

6. Freestanding multi-family residential (if applicable)

OTHER (CONDOS)

Dimensional Requirement	Requirement	Comment/Note
# of units (1 bedroom) and percent of total units	72 units (50%)	
# of units (2 bedroom) and percent of total units	72 units (50%)	
# of units (3 bedroom) and percent of total units	N/A	
Building height (max.) (feet)	60'	
Building height (max.) (# stories)	4	
Building coverage (max.)	Per	
Principal building separation (min.) (feet)		
Floor area per dwelling (min.)	Plan	
Setback, principal building, front (min.)		
Setback, principal building side (min.)		
Setback, principal building, rear (min.)		
Setback, accessory building/structure (min), from side or rear property line		
Open space (min.) (% of land area devoted to this use)		
Active recreation (specify type) (min.) (% of land are devoted to this use)		
Parking (min. spaces per unit)		

7. Freestanding institutional residential (if applicable) (e.g., nursing home)

Dimensional Requirement	Requirement	Comment/Note
# of beds		
Building height (max.) (feet)		
Building height (max.) (# stories)		
Building height (min.) (feet)		
Building height (min.) (# stories)		
Building coverage (max.)		
Floor-to-area (FAR) ratio (max.)		
Setback, principal building, front (min.)		
Setback, principal building side (min.)		
Setback, principal building, rear (min.)		
Front build-to line, principal building (min./max)		
Civic/open space (min.) (% of land area devoted to this use)		
Parking (min. spaces per 1,000 square feet building or per unit)		

8. Freestanding office-institutional (if applicable)

PER

Dimensional Requirement	Requirement	Comment/Note
Building height (max.) (feet)	PLAN	
Building height (max.) (# stories)		
Building height (min.) (feet)		

City of Cumming, Planned Unit Development (PUD) Zoning Pre-Application Checklist

Building height (min.) (# stories)		
Building coverage (max.)		
Floor-to-area (FAR) ratio (max.)	PER	
Setback, principal building, front (min.)		
Setback, principal building side (min.)	PLAN	
Setback, principal building, rear (min.)		
Front build-to line, principal building (min./max)		
Civic/open space (min.) (% of land area devoted to this use)		
Parking (min. spaces per 1,000 square feet building)		

9. Freestanding commercial/retail/service (if applicable)

Dimensional Requirement	Requirement	Comment/Note
Building height (max.) (feet)		
Building height (max.) (# stories)		
Building height (min.) (feet)		
Building height (min.) (# stories)		
Building coverage (max.)	PER	
Floor-to-area (FAR) ratio (max.)		
Setback, principal building, front (min.)	PLAN	
Setback, principal building side (min.)		
Setback, principal building, rear (min.)		
Front build-to line, principal building (min./max)		
Civic/open space (min.) (% of land area devoted to this use)		
Parking (min. spaces per 1,000 square feet building)		

PUD DESIGN CONSIDERATIONS

Compliant?	Design Consideration (as applicable)	Notes/Comments
YES	Are principles of “new urbanism” and “traditional neighborhood development” incorporated?	
N/A	Is a vertical mixed use building(s) incorporated and are the streetscapes appropriate?	
See Plan	If freestanding commercial or institutional buildings are incorporated, do they abut an existing arterial street, or do they to be located on lots that have direct access to a collector or arterial street?	
YES	If freestanding commercial or institutional buildings are incorporated, is at least 5 percent (5%) of the lot set aside for civic spaces and streetscapes?	
YES	Is there a mixture of housing types provided?	
N/A	Are fee-simple townhouses proposed adjacent to vertical mixed use?	
N/A	For smaller-sized detached single-family residential lots, is a grid pattern of streets incorporated?	
N/A	For smaller-sized detached single-family residential lots are town greens comprising at least 10 percent of the land area devoted to such use incorporated?	
N/A	For larger detached single-family lots, particularly those on the periphery, are principles of “conservation subdivisions” followed?	
N/A	If conservation subdivision design is incorporated, is there at least 30% open space provided for the land area devoted to that use?	
TBD	Does the application provide for phasing such that any free-standing multiple-family residential buildings proposed shall not be	

City of Cumming, Planned Unit Development (PUD) Zoning Pre-Application Checklist

	constructed until after development of one or more vertical mixed-use buildings and/or commercial and institutional buildings?	
YES	Do natural buffers for riparian areas, greenbelts, passive recreation areas, active outdoor recreation areas, village greens, courtyards, pocket parks, civic (hardscape) spaces, landscaping, and other amenity areas, or appropriate combinations thereof, comprise at least 20 percent of the land area within the PUD?	

CONSISTENCY WITH COMPREHENSIVE PLAN POLICIES

Compliant?	Planning Considerations (as applicable)	Notes/Comments
N/A	Is the property to be developed as a PUD designated for mixed use on the future land use plan map of the comprehensive plan?	
YES	Does the PUD design ensure efficient, functional and compatible land use patterns?	
YES	Are office-institutional uses used as a transition between freestanding commercial and residential subdivisions?	
YES	Overall, does the proposed project meet the general environmental policies?	
YES	Does the proposal preserve all or a substantial amount of the flood plains and wetlands on site?	
YES	Have "better stormwater site design practices" been considered and if appropriate, incorporated?	
YES	Does the PUD provide for "life cycle" or "mixed generation" communities?	
YES	Does the PUD mix different types of housing units (detached single family, attached single family, duplex, quadraplex, etc.) on the same site or within the same development?	
YES	Is active recreation incorporated into the PUD? (e.g., community center), appropriate to the context and size of residential development provided?	
TBD	Does the PUD attain a ratio of 1.5 jobs for every housing unit within the development, or alternatively, does nonresidential building floor area equal or exceed the total residential floor area within the PUD?	
TBD	Does the PUD incorporate an extension of the grid street system?	
YES	Does the PUD provide for the connection of streets to provide a local street network that serves as an alternative to the arterial and collector street system?	
YES	Does the PUD provide for inter-parcel vehicle access points, where compatible, between different parts of the development?	
YES	Is there a defined system for pedestrian access appropriate to the context (e.g., sidewalks, streetscapes, trails, etc.), linking all parts of the PUD and to the existing external sidewalk system of the city?	

Developments of Regional Impact

[DRI Home](#)
 [DRI Rules](#)
 [Thresholds](#)
 [Tier Map](#)
 [FAQ](#)
 [Apply](#)
 [View Submissions](#)
 [Login](#)

DEVELOPMENT OF REGIONAL IMPACT Initial DRI Information

This form is to be completed by the city or county government to provide basic project information that will allow the RDC to determine if the project appears to meet or exceed applicable DRI thresholds. Refer to both the [Rules for the DRI Process](#) and the [DRI Tiers and Thresholds](#) for more information.

Local Government Information

Submitting Local Government:	City of Cumming
Individual completing form:	Scott Morgan - Director of Cumming Dept. of Planning & Zoning
Telephone:	770-781-2024
E-mail:	s.morgan@cityofcumming.net

*Note: The local government representative completing this form is responsible for the accuracy of the information contained herein. If a project is to be located in more than one jurisdiction and, in total, the project meets or exceeds a DRI threshold, the local government in which the largest portion of the project is to be located is responsible for initiating the DRI review process.

Proposed Project Information

Name of Proposed Project:	Boling Tract
Location (Street Address, GPS Coordinates, or Legal Land Lot Description):	519 Canton Rd, Cumming, GA 30040; Lat: 34.220 Long: -84.153 Land Lots 1128, 1129, 1177, 3rd District, 1st Section, Forsyth County, GA
Brief Description of Project:	Mixed use residential community with 25% of total area dedicated commercial and institutional.

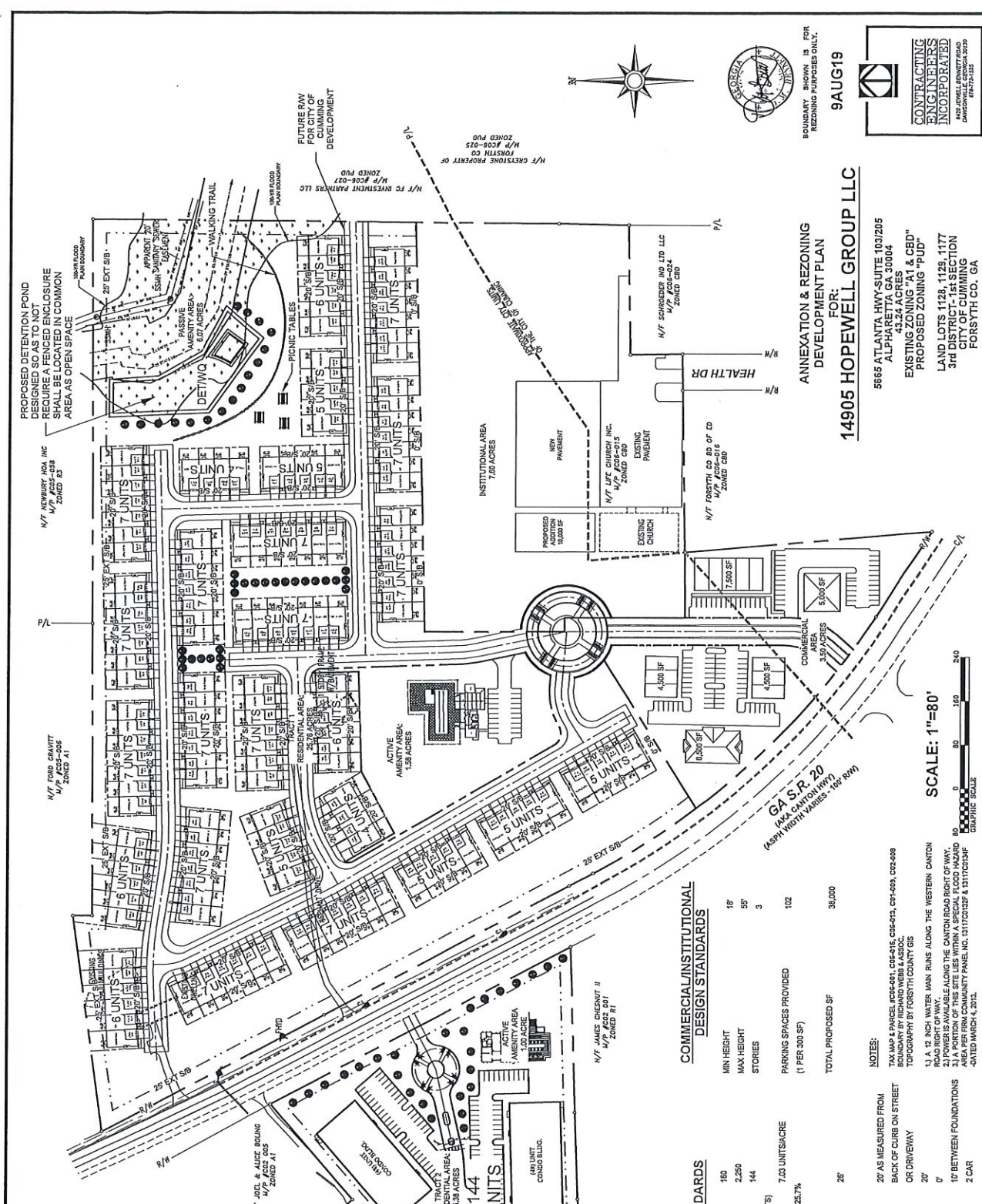
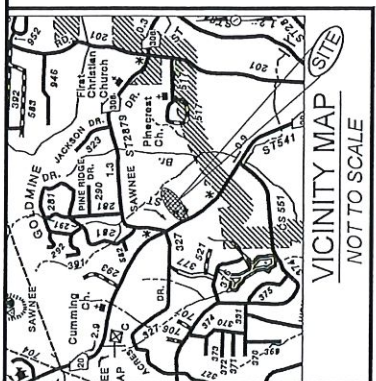
Development Type:

- | | | |
|--|---|---|
| <input type="radio"/> (not selected) | <input type="radio"/> Hotels | <input type="radio"/> Wastewater Treatment Facilities |
| <input type="radio"/> Office | <input checked="" type="radio"/> Mixed Use | <input type="radio"/> Petroleum Storage Facilities |
| <input type="radio"/> Commercial | <input type="radio"/> Airports | <input type="radio"/> Water Supply Intakes/Reservoirs |
| <input type="radio"/> Wholesale & Distribution | <input type="radio"/> Attractions & Recreational Facilities | <input type="radio"/> Intermodal Terminals |
| <input type="radio"/> Hospitals and Health Care Facilities | <input type="radio"/> Post-Secondary Schools | <input type="radio"/> Truck Stops |
| <input type="radio"/> Housing | <input type="radio"/> Waste Handling Facilities | <input type="radio"/> Any other development types |
| <input type="radio"/> Industrial | <input type="radio"/> Quarries, Asphalt & Cement Plants | |

If other development type, describe:

--

Project Size (# of units, floor area, etc.):	304 Units
Developer:	14905 Hopewell Group, LLC
Mailing Address:	5665 Atlanta HWY, Suite 103-205
Address 2:	
City:	Alpharetta
State:	GA
Zip:	30004
Telephone:	678-773-1535
Email:	dmb@dmbennett.com
Is property owner different from developer/applicant?	<input type="radio"/> Yes <input checked="" type="radio"/> No
If yes, property owner:	
Is the proposed project entirely located within your local government's jurisdiction?	<input checked="" type="radio"/> Yes <input type="radio"/> No (Pending annexation)
If no, in what additional jurisdictions is the project located?	
Is the current proposal a continuation or expansion of a previous DRI?	<input type="radio"/> Yes <input checked="" type="radio"/> No
If yes, provide the following information:	Project Name: _____
	Project ID: _____
The initial action being requested of the local government for this project:	<input checked="" type="checkbox"/> Rezoning <input type="checkbox"/> Variance <input type="checkbox"/> Connect Sewer <input type="checkbox"/> Connect Water <input type="checkbox"/> Permit <input checked="" type="checkbox"/> Other _____ Annexation
Is this project a phase or part of a larger overall project?	<input type="radio"/> Yes <input checked="" type="radio"/> No
If yes, what percent of the overall project does this project/phase represent?	
Estimated Project Completion Dates:	This project/phase: N/A Overall project: Dec 31, 2020
<input type="button" value="Submit Application"/> <input type="button" value="Save without Submitting"/> <input type="button" value="Cancel"/>	
Back to Top	



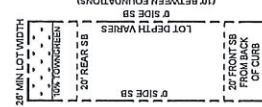
COMMERCIAL/INSTITUTIONAL DESIGN STANDARDS

MIN HEIGHT	18'
MAX HEIGHT	55'
STORIES	3
PARKING SPACES PROVIDED (1 PER 300 SF)	102
TOTAL PROPOSED SF	38,000

RESIDENTIAL DESIGN STANDARDS

TOWNHOMES (MINIMUM LOT SIZE)	150
CONDO UNITS (72 - 1 BEDROOM UNITS / 72 - 2 BEDROOM UNITS)	2,250
PROPOSED DENSITY (144 * 150) = 30443.24	144
PERCENTAGE COMMERCIAL/INSTITUTIONAL = 25.7%	7.03 UNITS/ACRE
(3.5 * 7.5 = 11,143.24 * 100)	
MINIMUM LOT WIDTH BUILDING SETBACK	25'
FRONT	
REAR	
SIDE	
MINIMUM BUILDING SEPARATION	0'
PARKING	2 CAR

TOWNHOME TYPICAL LOT



- 5' CONC SIDEWALK ON ONE SIDE
- 44' RWY
- PROPOSED PUBLIC STREET

NOTES:
 TAX MAP & PARCEL: PCSG-091, CGE-016, CGE-013, CF1-009, CGE-008
 BOUNDARY BY RICHARD WEBB & ASSOC
 TOPOGRAPHY BY FORSYTH COUNTY GS
 1) A 12 INCH WATER MAIN RUNS ALONG THE WESTERN CANTON
 2) POWER AVAILABLE ALONG THE CANTON ROAD RIGHT OF WAY
 3) A PORTION OF THIS SITE LIES WITHIN A SPECIAL FLOOD HAZARD AREA PER FIRM COMMUNITY PANEL NO. 131101022F & 131101025F DATED MARCH 4, 2014.

ANNEXATION & REZONING DEVELOPMENT PLAN FOR: 14905 HOPEWELL GROUP LLC

5665 A ATLANTA HWY SUITE 103/205
 ALPHARETTA GA 30004
 EXISTING ZONING "M3 & CBD"
 PROPOSED ZONING "PUD"
 LAND LOTS 1128, 1129, 1177
 3rd DISTRICT-1st SECTION
 CITY OF CUMMING
 FORSYTH CO., GA

9AUG19



BOUNDARY SHOWN IS FOR REZONING PURPOSES ONLY.

CONTRACTING ENGINEERS INCORPORATED
 460 JEWELL BOWEN ROAD
 DAVENPORT, NC 27834
 (813) 281-1111

Scott Morgan

From: D.M. Bennett <dmb@dmbennett.com>
Sent: Thursday, September 5, 2019 1:17 AM
To: Scott Morgan
Subject: Annexation Boiling Tract

Please add following verbiage to request to County:

The Project will access SR 20 via one full service drive that will align with the Ingles driveway and one right-in/right-out drive accessing the east bound lane. Both proposed drives, the future drives being constructed under the City Center Project, various street intersections with SR 20, and the improvements proposed to SR 20 by the GDOT (the installation of a divided median) are currently being studied in a traffic analysis being prepared under the guidelines of and with technical input from GRTA, GMRC and GDOT. This study addresses the traffic safety as it relates to the development of the Property to be annexed and insures conformance to traffic safety guidelines established for this type of a development.

It is anticipated that the development of the Project will be completed in 2023 which is approximately when GDOT improvements to SR 20 should be completed.

thank-you D.M. Bennett P.E

RECEIVED
SEP 05 2019
CITY OF CUMMING

Developments of Regional Impact

[DRI Home](#)[DRI Rules](#)[Thresholds](#)[Tier Map](#)[FAQ](#)[Apply](#)[View Submissions](#)[Login](#)

DEVELOPMENT OF REGIONAL IMPACT Additional DRI Information

This form is to be completed by the city or county government to provide information needed by the RDC for its review of the proposed DRI. Refer to both the [Rules for the DRI Process](#) and the [DRI Tiers and Thresholds](#) for more information.

Local Government Information

Submitting Local Government:	City of Cumming
Individual completing form:	Scott Morgan
Telephone:	(770)781-2024
Email:	s.morgan@cityofcumming.net

Project Information

Name of Proposed Project:	Boling Tract
DRI ID Number:	2990
Developer/Applicant:	14905 Hopewell Group, LLC
Telephone:	678-773-1535
Email(s):	dmb@dmbennett.com

Additional Information Requested

Has the RDC identified any additional information required in order to proceed with the official regional review process? (If no, proceed to Economic Impacts.)	<input type="radio"/> Yes <input checked="" type="radio"/> No
If yes, has that additional information been provided to your RDC and, if applicable, GRTA?	<input checked="" type="radio"/> (not selected) <input type="radio"/> Yes <input type="radio"/> No

If no, the official review process can not start until this additional information is provided.

Economic Development

Estimated Value at Build-Out:	\$65 million
Estimated annual local tax revenues (i.e., property tax, sales tax) likely to be generated by the proposed development:	1.5 million
Is the regional work force sufficient to fill the demand created by the proposed project?	<input checked="" type="radio"/> Yes <input type="radio"/> No
Will this development displace any existing uses?	<input type="radio"/> Yes <input checked="" type="radio"/> No

If yes, please describe (including number of units, square feet, etc):

--

Water Supply

Name of water supply provider for this site:	<input type="text" value="City of Cumming."/>
--	---

What is the estimated water supply demand to be generated by the project, measured in Millions of Gallons Per Day (MGD)?	<input type="text" value="0.10 MGD"/>
--	---------------------------------------

Is sufficient water supply capacity available to serve the proposed project?	<input type="radio"/> Yes <input checked="" type="radio"/> No
--	---

If no, describe any plans to expand the existing water supply capacity:	
---	--

Is a water line extension required to serve this project?	<input type="radio"/> Yes <input checked="" type="radio"/> No
---	---

If yes, how much additional line (in miles) will be required?	
---	--

Wastewater Disposal

Name of wastewater treatment provider for this site:	<input type="text" value="City of Cumming"/>
--	--

What is the estimated sewage flow to be generated by the project, measured in Millions of Gallons Per Day (MGD)?	<input type="text" value="0.10 MGD"/>
--	---------------------------------------

Is sufficient wastewater treatment capacity available to serve this proposed project?	<input checked="" type="radio"/> Yes <input type="radio"/> No
---	---

If no, describe any plans to expand existing wastewater treatment capacity:	
---	--

Is a sewer line extension required to serve this project?	<input type="radio"/> Yes <input checked="" type="radio"/> No
---	---

If yes, how much additional line (in miles) will be required?	
---	--

Land Transportation

How much traffic volume is expected to be generated by the proposed development, in peak hour vehicle trips per day? (If only an alternative measure of volume is available, please provide.)	<input type="text" value="SEE PROJECT TRAFFIC STUDY"/>
---	--

Has a traffic study been performed to determine whether or not transportation or access improvements will be needed to serve this project?	<input checked="" type="radio"/> Yes <input type="radio"/> No
--	---

Are transportation improvements needed to serve this project?	<input type="radio"/> Yes <input checked="" type="radio"/> No
---	---

If yes, please describe below:	
--------------------------------	--

--

Solid Waste Disposal

How much solid waste is the project expected to generate annually (in tons)?	1800 tons
--	-----------

Is sufficient landfill capacity available to serve this proposed project?	<input checked="" type="radio"/> Yes <input type="radio"/> No
---	---

If no, describe any plans to expand existing landfill capacity:

--

Will any hazardous waste be generated by the development?	<input checked="" type="radio"/> (not selected) <input type="radio"/> Yes <input checked="" type="radio"/> No
---	---

If yes, please explain:

--

Stormwater Management

What percentage of the site is projected to be impervious surface once the proposed development has been constructed?	<50%
---	------

Describe any measures proposed (such as buffers, detention or retention ponds, pervious parking areas) to mitigate the project's impacts on stormwater management:

The Project will install a Regional Detention/Water Quality Pond plus utilize Best Management Practices during the development phase.

Environmental Quality

Is the development located within, or likely to affect any of the following:

1. Water supply watersheds?	<input type="radio"/> Yes <input checked="" type="radio"/> No
2. Significant groundwater recharge areas?	<input type="radio"/> Yes <input checked="" type="radio"/> No
3. Wetlands?	<input type="radio"/> Yes <input checked="" type="radio"/> No
4. Protected mountains?	<input type="radio"/> Yes <input checked="" type="radio"/> No
5. Protected river corridors?	<input type="radio"/> Yes <input checked="" type="radio"/> No
6. Floodplains?	<input type="radio"/> Yes <input checked="" type="radio"/> No
7. Historic resources?	<input type="radio"/> Yes <input checked="" type="radio"/> No
8. Other environmentally sensitive resources?	<input type="radio"/> Yes <input checked="" type="radio"/> No

If you answered yes to any question above, describe how the identified resource(s) may be affected:

--

[Submit Application](#)

[Save without Submitting](#)

[Cancel](#)

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**Miles Hansford
& Tallant, LLC**
ATTORNEYS AT LAW

202 Tribble Gap Road | Suite 200 | Cumming, Georgia 30040
770-781-4100 | www.mhtlegal.com

Kevin J. Tallant
ktallant@mhtlegal.com

September 9, 2019

VIA CERTIFIED #9414726699042148180106
AND VIA U.S. MAIL

Commission Chairman Laura Semanson
Forsyth County Commission District 5
Forsyth County Board of Commissioners
110 East Main Street, Suite 210
Cumming, Georgia 30040

Re: Application to Annex Property by 14905 Hopewell Group, LLC: Tax Map Parcel C01-009, C06-001, C06-013, C06-015, C06-030, C06-031 and C02-008 (Total Parcel Size: +/- 43.24 Acres of Land)

Dear Chairman Semanson:

Please be advised that the City of Cumming, Georgia, pursuant to authority vested in the Mayor and Council of the City of Cumming by Article 2, Chapter 36, Title 36 of the Official Code of Georgia Annotated, received the attached petition to annex the property referenced above. The annexation petition will be heard during a public hearing before the City of Cumming Planning Commission on October 15, 2019, at 5:00 PM in the Chambers of the City Council of the City of Cumming, located on the third floor of Cumming City Hall, 100 Main Street, Cumming, Georgia 30040. After receiving a recommendation from the Planning Commission, the application will then be considered by the governing authority of the City of Cumming on November 19, 2019, at 6:00 PM in the Chambers of the City Council of the City of Cumming, located on the third floor of Cumming City Hall, 100 Main Street, Cumming, Georgia 30040.

This application proceeds under the 100% method authorized by O.C.G.A. § 36-36-20, *et. seq.* The property owners signing the instant application represent 100% of the ownership interest in the subject land. The aggregate external boundary of the subject tracts which is contiguous with the current City of Cumming political boundary satisfies the 1/8 total or 50 feet contiguity requirement of O.C.G.A. § 36-36-20. A portion of the area covered by the tax map parcels in this Petition lies within the original jurisdictional boundaries of the City of Cumming, and as such that portion of those parcels is not being annexed (as it is already within Cumming's city limits).

This letter has been sent to you by certified mail. Please see the attached copies of the annexation petitions and materials identifying the parcels proposed for annexation. The annexation application was originally submitted earlier this year but was not processed until recently because of the need to begin development of regional impact review. Additionally, it is my understanding that in working with one of your fellow commissioners, the Applicant was

asked to include a brief narrative regarding access to and future improvements of Georgia Highway 20. That material is now included with the petition as it has been received.

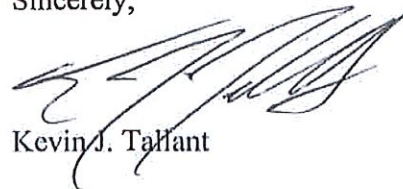
To facilitate your review, a legal description and plats have been provided describing the tracts. These materials are included to allow you to identify the subject area as well as the intended use of the property. The property as a whole is currently used for residential purposes, and is otherwise vacant. According to the applicants, the property to be annexed is zoned A1 and R1 under the Forsyth County Zoning ordinance. The Applicant has requested, if annexed, to be zoned PUD (Planned Unit Development) under the City of Cumming Zoning Ordinance.

Pursuant to O.C.G.A. § 36-36-113, upon receipt of this notice Forsyth County has until the end of the thirtieth (30) calendar day from said receipt to raise an objection to the proposed use of the above referenced land, and to specify the basis therefore.

Finally, in accord with O.C.G.A. § 36-36-7, Forsyth County has five (5) business days from the receipt of this notice to notify the City that there are County-owned public facilities within the area proposed for annexation.

Thank you for your time and attention to this matter, and I look forward to hearing from you regarding this issue. If I may be of any assistance in this regard or any other, please do not hesitate to contact me.

Sincerely,



Kevin J. Tallant

KJT/ams
enclosures

cc: Mr. Phil Higgins (*via email*)
Mr. Scott Morgan (*via email*)
Mr. Eric Johnson (*via U.S. Mail, w/encl.*)
Mr. Ken Jarrard (*via hand delivery, w/encl.*)



JARRARD & DAVIS, LLP

Limited Liability Partnership

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CHRISTOPHER J. HAMILTON
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† Also Admitted in Illinois & California
* Also Admitted in Tennessee † Also Admitted in Florida

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MOLLY N. ESSWEIN
SAM P. VANVOLKENBURGH
JEFFREY M. STRICKLAND
PATRICK DOYLE DODSON*
MELISSA A. KLATZKOW

September 16, 2019

VIA EMAIL and STATUTORY OVERNIGHT DELIVERY

The Honorable Troy Brumbalow
Mayor, City of Cumming
100 Main Street
Cumming, GA 30040

Kevin J. Tallant, Esq.
Miles Hansford & Tallant, LLC
202 Tribble Gap Road, Suite 200
Cumming, Georgia 30040

Re: Annexation of Property by 14905 Hopewell Group, LLC
Tax Map Parcels C01-009; C06-001; C06-013; C06-015; C06-030; C06-031; and
C02-008 (+/- 43.24 Acres of Land)

Dear Mayor Brumbalow & Mr. Tallant:

Forsyth County ("County") is in receipt of your September 9, 2019 letter, received by the County on September 12, 2019, providing notice of the above-referenced proposed annexation. Please accept this correspondence as notice within five (5) business days of the County's receipt of your letter, pursuant to O.C.G.A. § 36-36-7(a), that the County is unaware of any County-owned public facilities being located within the parcel(s) proposed to be annexed.

Please do not hesitate to contact me with any questions regarding this matter.

Sincerely,

JARRARD & DAVIS, LLP

Molly N. Esswein
Molly N. Esswein

MNE:kgs

cc: Eric Johnson, County Manager
Tim Merritt, Deputy County Manager



JARRARD & DAVIS, LLP

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OF COUNSEL:
DEBORAH L. DANCE

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MOLLY N. ESSWEIN
SAM P. VANVOLKENBURGH
JEFFREY M. STRICKLAND
PATRICK DOYLE DODSON*
MELISSA A. KLATZKOW[†]

October 9, 2019

VIA EMAIL and STATUTORY OVERNIGHT DELIVERY

The Honorable Troy Brumbalow
Mayor, City of Cumming
100 Main Street
Cumming, GA 30040

Kevin J. Tallant, Esq.
Miles Hansford & Tallant, LLC
202 Tribble Gap Road, Suite 200
Cumming, Georgia 30040

Re: Annexation of Property by 14905 Hopewell Group, LLC
Tax Map Parcels C01-009; C06-001; C06-013; C06-015; C06-030; C06-031; and
C02-008 (+/- 43.24 Acres of Land)

Dear Mayor Brumbalow & Mr. Tallant:

Regarding your September 9, 2019 letter providing notice of the above-referenced proposed annexation, please be advised that the Forsyth County Board of Commissioners considered this matter at its work session on October 8, 2019. At that meeting, the Board of Commissioners – by way of formal vote on a time sensitive basis – affirmed having no land use objection to same. However, the County’s District 1 Commissioner has discussed this annexation with City Council members, with those conversations including possible conditions to be imposed upon this development by the City. As such, and pursuant to those conversations, the Board of Commissioners (via formal vote) would respectfully requests that the following conditions be considered and imposed should the annexation otherwise be approved by the City:

1. For both sides of the development adjacent to Highway 20, the developer shall install a 20’ wide landscape strip to contain at least two (2) of the following elements:
 - a. Vegetative ground cover
 - b. Herbaceous ornamentals
 - c. Low to mid-level shrubs

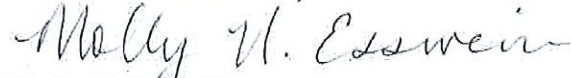
The landscape strip shall include a combination of large canopy trees with either understory trees or large shrubs with 1/3 of landscaping plantings being evergreen.

2. There shall be a 50' buffer separating the development property from the adjacent (northern) property owner on that side of the development that is on the City Center side of Highway 20.
3. The District 1 Commissioner has further requested that the above 50' buffer (in condition no. 2) have a fence installed. While this request was intended to be a part of the conditions set forth in 1 and 2, above, it was inadvertently omitted from the motion. Nonetheless, the District 1 Commissioner would respectfully request that a fence be installed within the 50' buffer set forth in condition 2.

Please do not hesitate to contact me with any questions regarding this matter.

Sincerely,

JARRARD & DAVIS, LLP



Molly N. Esswein

MNE:kgs

cc: Eric Johnson, County Manager (via email)
Tim Merritt, Deputy County Manager (via email)
Forsyth County Board of Commissioners (via email)

Scott Morgan

From: Andrew Spiliotis <aspiliotis@srta.ga.gov>
Sent: Monday, October 21, 2019 9:23 AM
To: Jon West; kimberly@lipscombjohnson.com; sean@lipscombjohnson.com; Stevie Berryman; J Alan Neal; Andrew Antweiler; FangmannR@pondco.com; Everett Thompson; Scott Morgan; cdavidson@gmrc.ga.gov; Adam Hazell; Allen, Tim L.; Cunard, John V.; Dykes, Jason; 'Peevy, Jonathan'; 'Giles, Shane'; dmb@dmbennett.com
Cc: Parker Martin; Annie Gillespie
Subject: GRTA Notice of Decision - Boling Tract DRI #2990
Attachments: 2990_Boling Tract_NOD_20191022_signed.pdf

All,

Please find attached the **GRTA Notice of Decision (NOD) approved with conditions for the Boling Tract (DRI # 2990)**. The project is located in the City of Cumming at 517 Canton Road northwest of downtown Cumming on SR 20 / Canton Road. The project is planned as a 43 acre mixed-use development. The proposed project will consist of 304 multifamily units (144 condominiums and 160 townhomes), 28,000 square feet of retail and an 10,000 square feet expansion of an existing church. The condos are located on a 6 acre tract east of SR 20 and the remainder of the development is on a larger tract west of SR 20. The projected build-out is one phase, to be completed by 2023. The DRI triggers for this development are a rezoning and annexation. The proposed development is not currently within the city limits but has been requested for annexation into the City.

Please contact me if you have any questions.

Thanks,
Andrew

Andrew Spiliotis

Transportation Planner

Georgia Regional Transportation Authority / State Road & Tollway Authority

245 Peachtree Center Avenue, Suite 2200, Atlanta, GA 30303

o: 404-893-6171 | aspiliotis@srta.ga.gov





NOTICE OF DECISION

To: Doug Hooker, ARC
(via electronic mail) Bob Voyles, GRTA
Dick Anderson, GRTA

Kathryn Zickert, GRTA
Sharon Mason, GRTA
Sonny Deriso, GRTA

To: City of Cumming
(via electronic mail and certified mail) D.M. Bennett, 14905 Hopewell Group, LLC

From: Christopher Tomlinson, GRTA Executive Director

Copy: Jon West, DCA
(via electronic mail) Annie Gillespie, GRTA
Parker Martin, GRTA
Kimberly McBrayer, Lipscomb Johnson
Sean Courtney, Lipscomb Johnson
Stevie Berryman, Forsite Group
Alan Neal, Foresite Group
Andrew Antweiler, Pond / KCI
Richard Fangmann, Pond

Everett Thompson, City of Cumming
Scott Morgan, City of Cumming
Caleb Davidson, GMRC
Adam Hazell, GMRC
Tim Allen, Forsyth County
John Cunard, Forsyth County
Jason Dykes, GDOT
Jonathan Peevy, GDOT
Shane Giles, GDOT

Date: October 22, 2019

Re: DRI 2990 Boling Tract

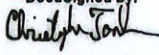
Notice of Decision for Request for Non-Expedited Review of DRI 2990 Boling Tract

The purpose of this notice is to inform 14905 Hopewell Group, LLC (the Applicant), City of Cumming (the local government), the GRTA Land Development Committee, the Georgia Department of Community Affairs (DCA), the Georgia Department of Transportation (GDOT), and the Georgia Mountains Regional Commission (GMRC) of GRTA's decision regarding DRI 2990 Boling Tract (the DRI Plan of Development). GRTA has completed a non-expedited Review for the DRI Plan of Development pursuant to sections 3-101 and 3-103.A of the *Procedures and Principles for GRTA Development of Regional Impact Review* and has determined that the DRI Plan of Development meets the GRTA review criteria set forth in Sections 3-101 and 3-103 A. The DRI Plan of Development as proposed is **approved subject to conditions**, as provided in Attachment A and subject to the limitations placed on allowable modifications to the DRI Plan of Development, as described in Attachment B.

Subject to the conditions set forth in Attachment A and Attachment B, GRTA will approve the expenditure of state and/or federal funds for providing the Land Transportation Services and Access improvements listed in Section 2 of Attachment C. The need for said approval shall terminate and be of no further force and effect after ten (10) years from the date of this Notice of Decision, unless the local government has issued a permit for the construction of any part of the proposed DRI Plan of Development prior to the end of the ten-year period.

The notice of decision is based on a review of the applicant's DRI review package received by GRTA on September 17, 2019. The review package includes: (1) the site development plan (Site Plan) dated September 13, 2019 titled "DRI # 2990 Boling Tract" prepared by Contracting Engineers Incorporated, the transportation analysis dated September 2019 prepared by Pond & Company received by GRTA on September 17, 2019.

Pursuant to Section 2-501 of the *Procedures and Principles for GRTA Development of Regional Impact Review*, the Applicant, the GRTA Land Development Committee and the local government have a right to appeal this decision within five (5) working days of the date on this letter by filing a Notice of Appeal with the GRTA Land Development Committee. A Notice of Appeal must specify the grounds for the appeal and present any argument or analysis in support of the appeal. For further information regarding the right to appeal, consult Part 5 of the *Procedures and Principles for GRTA Development of Regional Impact Review*, available from GRTA. If GRTA staff receives an appeal, you will receive another notice from GRTA and the Land Development Committee will hear the appeal at its November 13, 2019 meeting.

DocuSigned by:

5409E9A65D48478...

Christopher Tomlinson
Executive Director
Georgia Regional Transportation Authority

Attachment A – General Conditions

General Conditions of Approval to GRTA Notice of Decision:

Pedestrian, Bicycle and Transit Facilities

- Connect the sidewalk on Street F to the sidewalks on the eastern side of SR 20, if approved by the Georgia Department of Transportation
- Include a sidewalk along the driveway accessing the condominium portion of the project located west of SR 20

Street D

- Extend Street D from the development to connect to connect to Vision Drive in the Center City development. Provide a continuous sidewalk connection between the DRI project and the Center City project.

Attachment B – Required Elements of the DRI Plan of Development

Conditions Related to Altering Site Plan after GRTA Notice of Decision:

The on-site development will be constructed materially (substantially) in accordance with the Site Plan. Changes to the Site Plan will not be considered material or substantial so long as the following conditions are included as part of any changes:

- All “Proposed Conditions of Approval to GRTA Notice of Decision” set forth in Attachment A are provided.

Attachment C – Required Improvements to Serve the DRI

Pursuant to Section 1-201.R. of the *Procedures and Principles for GRTA Development of Regional Impact Review*, a “Required Improvement means a land transportation service [def. in Section 1-201.N] or access [def. in Section 1-201.A.] improvement which is necessary in order to provide a safe and efficient level of service to residents, employees and visitors of a proposed DRI.”

The Required Improvements in the study network were identified in the Review Package as necessary to bring the level of service up to an applicable standard before the build-out of the proposed project. These requirements are identified in Sections 1 and 2 of this Attachment. Section 1 contains improvements that do not require GRTA approval at this time because they are to be constructed prior to the completion of the DRI Plan of Development. However, GRTA approval shall be required in the event state and/or federal funds are proposed at a later date to be used for any portion of the improvements described in Section 1. Section 2 contains improvements that require GRTA approval prior to the expenditure of state and/or federal funding. Subject to the conditions set forth in Attachment A and Attachment B, GRTA approves the expenditure of state/and or federal funding for the improvements contained in Section 2.

Section 1:

General Conditions of Approval to GRTA Notice of Decision:

Pedestrian, Bicycle and Transit Facilities

- Connect the sidewalk on Street F to the sidewalks on the eastern side of SR 20, if approved by the Georgia Department of Transportation
- Include a sidewalk along the driveway accessing the condominium portion of the project located west of SR 20

Street D

- Extend Street D from the development to connect to connect to Vision Drive in the Center City development. Provide a continuous sidewalk connection between the DRI project and the Center City project.

Section 2: