

RECEIVED

SEP 07 2023

CITY OF CUMMING

REZONING APPLICATION FORM
CITY OF CUMMING, GEORGIA

Rezoning Request No. 2023216
Date Paid 9.7.2023 Receipt#
Amount Paid 3750.00

\*\*\*\*\*

Property Owner: Name: Forsyth County

Address: 110 East Main Street, Cumming, GA 30040

Phone: 678-643-1250

Applicant: Name: InLine Communities

(if different from owner) Address: 1776 Peachtree St NW, Suite 260S, Atlanta, GA 30309

Phone: 404-895-0913

Agent: ( if applicable ) Name: Phone:

Existing Zoning: HB and M-1

Proposed Zoning: R-3

Existing Use: wooded, undeveloped

Proposed Use: 188 townhomes

Acreage of Site: 31.416 acres

Location of Property: 608 Veterans Memorial

(street address)

Tax Map and Parcel # C19-002 (this application is for a portion of this property, as described in the LOI)

Applicants shall submit (22) sets of application as follows in order; Application 3 pages, letter of intent, legal description with metes and bounds, plat survey, required site plans, developments plans, elevation drawings to the Zoning Administrative Officer for distribution to the applicable bodies and/or review agencies. The Zoning Administrative Officer may require more or less copies depending on the nature and extent of required review.

All 22 sets must be on 8 1/2 x 11 inch paper. Do not staple!

Please be advised of the following:

- 1) The applicant is bound by the submitted site plan and letter of intent if this application is approved.
- 2) It is a legal requirement that the public hearing for this Rezoning, be advertised in the legal County organ in addition to posting a rezoning sign on the subject property.

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Complete the following information. (This section may be addressed in the letter of intent.)

1. The existing uses and zoning of nearby property and whether the proposed zoning will adversely affect the existing use or usability of nearby property.

See Letter of Intent

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2. The extent to which property values are diminished by the particular zoning restrictions.

See Letter of Intent

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3. The extent to which the destruction of property values promotes the health, safety, morals or general welfare of the public.

See Letter of Intent

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4. The relative gain to the public, as compared to the hardship imposed upon the individual property owner.

See Letter of Intent

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5. The physical suitability of the subject property for development as presently zoned and under the proposed zoning district.

See Letter of Intent

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6. The length of time the property has been vacant, considered in the context of land development in the area in the vicinity of the property, and whether there are existing or changed conditions affecting the use and development of the property which give supporting grounds for either approval or disapproval of the rezoning request.

See Letter of Intent

7. The zoning history of the subject property.

See Letter of Intent

8. The extent to which the proposed zoning will result in a use which will or could cause excessive or burdensome use of existing streets, transportation facilities, utilities, schools, parks, or other public facilities.

See Letter of Intent

9. Whether the zoning proposal is in conformity with the policy and intent of the comprehensive plan, land use plan, or other adopted plans.

See Letter of Intent

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**Property Owner's Certification**

I hereby certify that I am the owner of the property described in the attached legal description, that all information contained in this application is true and correct to the best of my knowledge, and that the applicant and/or agent listed above is authorized to act as the applicant and/or agent in the pursuit of the rezoning of this property. I further certify that, within the past two years, the applicant has not made any campaign contributions or made gifts of \$250 or more to members of the Governing Body or Planning Commission who will consider this application, or that if such contributions or gifts have been made, the amount and recipient of such contributions or gifts will be disclosed within ten (10) days after this application is first filed, as required by Title 36, Chapter 85, Georgia Laws.

Sign. of Prop. Owner: 

Printed Name of Property Owner: David McKee, Forsyth County Manager o/b/o Forsyth County, Georgia. \*\*

Date of Signature: \_\_\_\_\_

\*\* Signature authorized via 12/15/22 action of the BOC. Authorization for this rezoning application to be filed is not to be construed as the Board's sanction of the specific zoning request.

August 31, 2023

**Re: Letter-of-Intent**  
Revised zoning application for 608 Veterans Memorial Boulevard (portions of), City of Cumming.  
Parcel IDs: C19 002 (portion of)  
Previously filed zoning application: #2023002

Dear Planning and Zoning Department,

In January 2023, InLine Communities, LLC (the "Applicant") submitted a rezoning application (case #2023002) proposing to rezone 43.507 acres of land located at 608 Veterans Memorial Boulevard and portions of 571 Veterans Memorial Boulevard from HB and M-1 to PUD. The PUD application proposed the development of a mixed-use project consisting of 275 Class-A multi-family units with ground floor retail/commercial, single family detached homes, and attached townhomes. The Applicant withdrew the application before the project was voted on by the BOC.

InLine is resubmitting this revised application for the rezoning of only a portion of the land previously proposed for PUD. This revised application is for the rezoning of 31.416 acres located at 608 Veterans Memorial Boulevard ("Subject Property") from HB and M-1 to R-3, to allow the development of an attached townhome community. In its entirety, 608 Veterans Memorial Boulevard is a 33.504-acre parcel of land, but this revised application proposes to rezone only 31.416 acres to R-3. The Applicant will keep the additional 2.088 acres at the front of the property zoned as is (HB) to allow for the future development of neighborhood serving restaurant/retail, as depicted on the site plan.

This document is submitted as the revised Letter of Intent and responses to items 1-9 on the Rezoning Application, and other materials required by the Ordinance.

**Revised Property Description and Proposal:**

The Subject Property is 31.416 acres located on the west side of Veterans Memorial Boulevard, just north of its intersection with Atlanta Road and less than a mile north of the Exit 14-Hwy 20 interchange on GA 400. Veterans Memorial Boulevard is a 5-lane highway, including a dedicated turn lane running the length of the property. The property is shown on the attached survey included with this rezoning application. This property is currently undeveloped and is wooded.

The Subject Property is in an area comprised of a variety of residential and commercial land uses. To the northwest of the Property are properties developed and operating as light industrial. South and west of the site is R-3 zoned property -- attached townhomes are just south of the site and older garden style multifamily is directly west. Across Veterans Memorial is HB zoned land and north of this is Mashburn Village, a large scale PUD development.

The Applicant seeks to rezone the Subject Property from HB and M-1 zoning classifications to R-3 for the purposes of allowing a 188-unit townhome development. The proposed development will provide attractive, attached residences that will appeal to a variety of households, ranging from couples without children, empty nesters, some young families, and young professionals. The project will feature attractive architectural designs and building materials and will provide residential infill development in a manner that is compatible with nearby uses and zoning patterns.

**Sections 1 – 9 of Rezoning Application:**

1. The existing uses and zoning of nearby property and whether the proposed zoning will adversely affect the existing use or usability of nearby property.

The existing zoning of the surrounding properties is M-1 to the north and southwest, with the properties being developed as light industrial uses. There is R-3 property to the south and west of the site, with attached townhomes south of the site and older garden style multifamily to the west. Across Veterans Memorial is HB zoned land that is developed and operating as multiple businesses. In sum, the Subject Property lies in an area made up of a variety of residential and commercial uses and is bordered by a similar zoning and land use, indicating the proposed rezoning will not adversely affect any of the existing uses or usability of nearby properties, but will instead complement existing development patterns.

**2. The extent to which property values are diminished by the particular zoning restrictions.**

The applicant is proposing to develop the site into a high-quality townhome community. Currently the Subject Property sits vacant and is not accessible by anyone in the surrounding community. Therefore, no property values will be diminished by this rezoning, and this development will boost property values in the area by adding a high-quality new development that will increase demand for property in the area.

**3. The extent to which the destruction of property values promotes the health, safety, morals or general welfare of the public.**

The approval of this Application will not reduce property values in the surrounding area nor create any sort of harmful conditions. Therefore, the proposed development would promote the health, safety, morals, and general welfare of the public.

**4. The relative gain to the public, as compared to the hardship imposed upon the individual property owner.**

By adding high quality housing and preserving space for future neighborhood serving retail/restaurant, the proposal will be adding a gain to the public and will blend in well with the existing land uses in the area. Refusal of the rezoning would impose a hardship on the property owners who seek to dispose of and develop their land in a pattern keeping with surrounding development patterns.

**5. The physical suitability of the subject property for development as presently zoned and under the proposed zoning district.**

The subject property is physically suitable for development as requested by the Applicant and is not likely to be developed as currently zoned.

**6. The length of time the property has been vacant, considered in the context of land development in the area in the vicinity of the property, and whether there are existing or changed conditions affecting the use and development of the property which give supporting grounds for either approval or disapproval of the rezoning request.**

The Subject Property has been vacant and not ever developed, to the best of the Applicant's knowledge. And Applicant is not aware of any existing or changing conditions affecting the use or development of the Property that would give support for a disapproval of the rezoning request. Housing inventory levels are at all-time lows and there is a need for high-quality housing in the area, all of which support this rezoning request.

**7. The zoning history of the subject property.**

As far as we are concerned, the property has at all times been zoned HB and M-1

**8. The extent to which the proposed zoning will result in a use which will or could cause excessive or burdensome use of existing streets, transportation facilities, utilities, schools, parks, or other public facilities.**

The proposed rezoning will not result in a use that will or could cause an excessive or burdensome use of existing streets, transportation facilities, utilities, schools, parks or other public facilities. The proposed development will meet or exceed standards for public utilities, and where there are not adequate facilities installed to support the development, the project will provide upgrades. The townhome product planned for the site is anticipated to attract a variety of people, including families with young children, young professional couples, empty nesters, or older couples looking to down-size, so it is not anticipated that there will be a sizable increase in the population of children nearby and therefore will not overly burden the school system.

**9. Whether the zoning proposal is in conformity with the policy and intent of the comprehensive plan, land use plan, or other adopted plans.**

The Future Land Use of the property is Public Institutional. The property was categorized as such when the property was expected to be developed as a municipal building. This building has since been developed downtown and there are no future plans for a municipal use on this site.

While R-3 does not fall into a zoning district designated for Public Institutional land use, we believe this site's infill location provides a unique opportunity to create a high-quality neighborhood close to downtown Cumming, and the proposed development is appropriate for this site due to a number of factors. First, the site is situated with frontage on a major thoroughfare, is in close proximity to another major commercial thoroughfare (Highway 9) and is less than one mile to a major interchange on State Route 400. The proximity to the confluence of these major roadways will help mitigate traffic generated by new residents of the development and easily connect them to major job centers in the area.

Second, the site is located adjacent to and nearby other R-3 zoned developments that are similar in size or intensity to the proposed development, which creates a reasonable context for the project. Such developments include the Wyngate townhome community directly south of the site (townhomes built at 7.8 units/acre) and the Aubrey's Landing apartment community directly west of the site (apartments developed at 7.8 units/acre). These developments establish precedent for this type of use and intensity in this area of Cumming. It is also worth noting that the proposed density at the Subject Property is 5.98 units/acre, less dense than the surrounding R-3 zoned properties.

Third, there is a commercial node located just south of this site at the intersection of Highway 9 and Veterans Memorial Boulevard. It is reasonable to assert this development will support these nearby commercial businesses and even bolster their success by focusing density nearby. Similarly, downtown Cumming is one mile north of the site. The new rooftops proposed at the site will support the businesses located here.

And perhaps most importantly, the proposed development will provide additional housing options in the area, which is consistent with Chapter 6 of the "Visions, Goals, and Policies" of the Comprehensive Plan, which is to provide a "range of housing size, cost and density to make it possible for a significant number of people who work in the community to also live in the community".

**Constitutional Objections**

The portions of the Code of Ordinances and Zoning Ordinance for the City of Cumming which classifies or conditions the Property into any more or less intensive zoning classification and/or zoning conditions other than as requested by the Applicant and property owner are unconstitutional, in that they would destroy the Applicant's and property owner's property rights without first paying fair, adequate and just compensation for such rights, in violation of Article I, Section I, Paragraph II of the Constitution of the State of Georgia of 1983, the Due Process Clause of the Fourteenth Amendment to the Constitution of the United States. The application of the Zoning Ordinance which presently restricts the Property's use to the present zoning classification, uses, regulations, requirements, and conditions is unconstitutional, illegal, null and void, and constitutes a taking of the Applicant's and the property owner's property rights in violation of the Just Compensation Clause of the Fifth Amendment and the Due Process

Clause of the Fourteenth Amendment to the Constitution of the United States, Article I, Section I, Paragraphs I and II of the Constitution of the State of Georgia of 1983, and in violation of the Equal Protection Clause of the Fourteenth Amendment to the Constitution of the United States by denying economic and viable use of the Property while not substantially advancing legitimate state interests.

The Property is presently suitable for R-3 as proposed in the requested rezoning, as amended by the Applicant, and is not economically suitable for uses restricted under its present zoning and development classification, conditions, regulations, and restrictions due to its location, shape, size, surrounding development, and other factors. A denial of the requested rezoning and related variances would constitute an arbitrary and capricious act by the City of Cumming, Mayor and Council without any rational basis therefore, constituting an abuse of discretion in violation of Article I, Section I, Paragraphs I and II of the Constitution of the State of Georgia of 1983 and the Due Process Clause of the Fourteenth Amendment. A refusal by the City of Cumming to approve this requested rezoning, with only such additional conditions as agreed to by the Applicant and/or owner, so as to permit the only feasible economic use of the Property, would be unconstitutional between the Applicant, owner, and similarly situated property owners, 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.

Sincerely,

**InLine Communities, LLC**

A handwritten signature in blue ink, appearing to read "Bryan Musolf", written over a horizontal line.

Bryan Musolf, Manager

LEGAL DESCRIPTION  
TOWNHOME PORTION

ALL THAT TRACT OR PARCEL OF LAND lying and being in Land Lots of the District, Section, County, Georgia and being more particularly described as follows:

BEGIN at a found 1/2 inch rebar located at the common land lot corner between Land Lots 82, 83, 133, and 134, said rebar being the POINT OF BEGINNING;

THENCE leaving said common land lot corner and proceed North 89 degrees 12 minutes 13 seconds East a distance of 1058.80 feet to a point located on the westerly right of way line of Veterans Memorial Boulevard (variable public right of way); thence along said westerly right of way of Veterans Memorial Boulevard the following courses and distances: South 02 degrees 30 minutes 16 seconds East a distance of 289.86 feet to a point; South 02 degrees 44 minutes 35 seconds East a distance of 71.87 feet to a point; thence leaving said westerly right of way North 85 degrees 04 minutes 21 seconds West a distance of 390.09 feet to a point; thence South 02 degrees 44 minutes 37 seconds East a distance of 174.60 feet to a point; thence South 87 degrees 11 minutes 17 seconds East a distance of 388.43 feet to a point located on said westerly right of way; thence South 2 degrees 43 minutes 29 seconds East, a distance of 147.43 feet; thence South 87 degrees 16 minutes 31 seconds West, a distance of 159.44 feet; thence 37.95 feet along an arc of a curve to the left having a radius of 88.50 feet and a chord bearing and distance of South 74 degrees 59 minutes 31 seconds West 37.66 feet to a point; thence South 62 degrees 42 minutes 31 seconds West, a distance of 55.80 feet; thence 54.46 feet along an arc of a curve to the right having a radius of 175.00 feet and a chord bearing and distance of South 71 degrees 37 minutes 25 seconds West 54.24 feet to a point; thence South 23 degrees 13 minutes 27 seconds East, a distance of 85.80 feet; thence South 01 degree 11 minutes 41 seconds East, a distance of 211.81 feet; thence South 88 degrees 39 minutes 18 seconds West, a distance of 496.12 feet; thence North 01 degree 37 minutes 12 seconds West, a distance of 384.61 feet; thence South 88 degrees 26 minutes 45 seconds West, a distance of 1,067.51 feet; thence North 15 degrees 5 minutes 46 seconds West, a distance of 700.50 feet; thence South 89 degrees 01 minute 45 seconds East, a distance of 925.51 feet to the POINT OF BEGINNING.

Said Tract containing 31.416 acres.





P: (770) 451-2741 F: (770) 451-3015  
WWW.PBCPLUS



Planners & Engineers Collaborative+  
ARCHITECTS, ENGINEERS, PLANNERS  
AND ENVIRONMENTAL SCIENTISTS  
350 RESEARCH COURT, SUITE 300  
FACILITY CORNERS, GA 30092

**VETERANS MEMORIAL BLVD.**  
A MASTER PLANNED MIXED-USE DEVELOPMENT  
AT  
571 & 608 VETERANS MEMORIAL BLVD.  
CUMMING, GEORGIA 30040  
CITY OF CUMMING/  
FORSYTH COUNTY JURISDICTION

FOR  
**INLINE COMMUNITIES**

MUNICIPALITY PROJECT #

NO.	DATE	DESCRIPTION
1	10/18/2023	ISSUED FOR PERMITS
2	10/18/2023	REVISED PERMITS
3	10/18/2023	REVISED PERMITS
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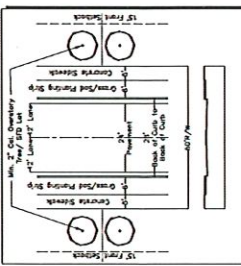
THIS PLAN IS THE PROPERTY OF FORSYTH COUNTY AND IS TO BE USED ONLY FOR THE PROJECT AND DATE WITH AN ORIGINAL SIGNATURE.



**REZONING SITE PLAN**  
SCALE: 1" = 80'  
DATE: 10/18/2023  
PROJECT: 21102.01



GENERAL NOTES	GENERAL NOTES
1. TOTAL AREA: 1,100,000 SQ. FT.	1. TOTAL AREA: 1,100,000 SQ. FT.
2. COMMERCIAL SITE AREA: 1,100,000 SQ. FT.	2. COMMERCIAL SITE AREA: 1,100,000 SQ. FT.
3. ZONING: N/P	3. ZONING: N/P
4. CITY OF CUMMING, GEORGIA	4. CITY OF CUMMING, GEORGIA
5. 10' FRONT SETBACK	5. 10' FRONT SETBACK
6. 10' SIDE SETBACK	6. 10' SIDE SETBACK
7. 10' REAR SETBACK	7. 10' REAR SETBACK
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9. 10' MIN. LOT DEPTH	9. 10' MIN. LOT DEPTH
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70. 10' MIN. LOT REAR SETBACK	70. 10' MIN. LOT REAR SETBACK
71. 10' MIN. LOT FRONTAGE	71. 10' MIN. LOT FRONTAGE
72. 10' MIN. LOT SIDE SETBACK	72. 10' MIN. LOT SIDE SETBACK
73. 10' MIN. LOT REAR SETBACK	73. 10' MIN. LOT REAR SETBACK
74. 10' MIN. LOT FRONTAGE	74. 10' MIN. LOT FRONTAGE
75. 10' MIN. LOT SIDE SETBACK	75. 10' MIN. LOT SIDE SETBACK
76. 10' MIN. LOT REAR SETBACK	76. 10' MIN. LOT REAR SETBACK
77. 10' MIN. LOT FRONTAGE	77. 10' MIN. LOT FRONTAGE
78. 10' MIN. LOT SIDE SETBACK	78. 10' MIN. LOT SIDE SETBACK
79. 10' MIN. LOT REAR SETBACK	79. 10' MIN. LOT REAR SETBACK
80. 10' MIN. LOT FRONTAGE	80. 10' MIN. LOT FRONTAGE
81. 10' MIN. LOT SIDE SETBACK	81. 10' MIN. LOT SIDE SETBACK
82. 10' MIN. LOT REAR SETBACK	82. 10' MIN. LOT REAR SETBACK
83. 10' MIN. LOT FRONTAGE	83. 10' MIN. LOT FRONTAGE
84. 10' MIN. LOT SIDE SETBACK	84. 10' MIN. LOT SIDE SETBACK
85. 10' MIN. LOT REAR SETBACK	85. 10' MIN. LOT REAR SETBACK
86. 10' MIN. LOT FRONTAGE	86. 10' MIN. LOT FRONTAGE
87. 10' MIN. LOT SIDE SETBACK	87. 10' MIN. LOT SIDE SETBACK
88. 10' MIN. LOT REAR SETBACK	88. 10' MIN. LOT REAR SETBACK
89. 10' MIN. LOT FRONTAGE	89. 10' MIN. LOT FRONTAGE
90. 10' MIN. LOT SIDE SETBACK	90. 10' MIN. LOT SIDE SETBACK
91. 10' MIN. LOT REAR SETBACK	91. 10' MIN. LOT REAR SETBACK
92. 10' MIN. LOT FRONTAGE	92. 10' MIN. LOT FRONTAGE
93. 10' MIN. LOT SIDE SETBACK	93. 10' MIN. LOT SIDE SETBACK
94. 10' MIN. LOT REAR SETBACK	94. 10' MIN. LOT REAR SETBACK
95. 10' MIN. LOT FRONTAGE	95. 10' MIN. LOT FRONTAGE
96. 10' MIN. LOT SIDE SETBACK	96. 10' MIN. LOT SIDE SETBACK
97. 10' MIN. LOT REAR SETBACK	97. 10' MIN. LOT REAR SETBACK
98. 10' MIN. LOT FRONTAGE	98. 10' MIN. LOT FRONTAGE
99. 10' MIN. LOT SIDE SETBACK	99. 10' MIN. LOT SIDE SETBACK
100. 10' MIN. LOT REAR SETBACK	100. 10' MIN. LOT REAR SETBACK



**STREET CROSS SECTION FOR SINGLE FAMILY & TOWNHOMES**  
10' TO SCALE

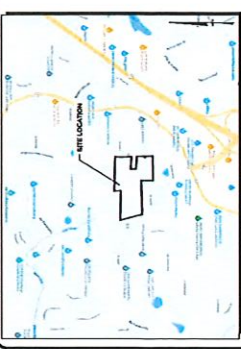
- VARIANCE REQUEST:**
- SINGLE FAMILY DETACHED VARIANCES: 30 FEET SIDE SETBACK FROM 15 FEET TO 0 FEET
  - MAJOR SIDE YARD FROM 25 FEET TO 7.5 FEET ON DETACHED LOT
  - LOT COVERAGE FROM 35% TO 45% FOR DETACHED
  - MIN. LOT FRONTAGE FROM 70 FEET TO 40 FEET
  - MIN. LOT SIDE FROM 12,500 SF TO 4,400 SF
- TOWNHOME VARIANCES:**
- MIN. LOT FRONTAGE TO BE REDUCED FROM 20 FEET TO 10 FEET FROM CURB

**GENERAL NOTES:**

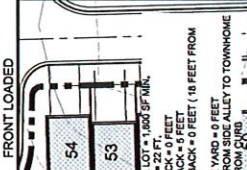
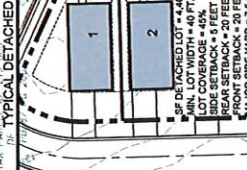
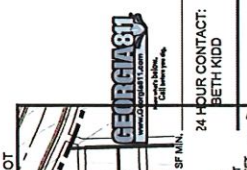
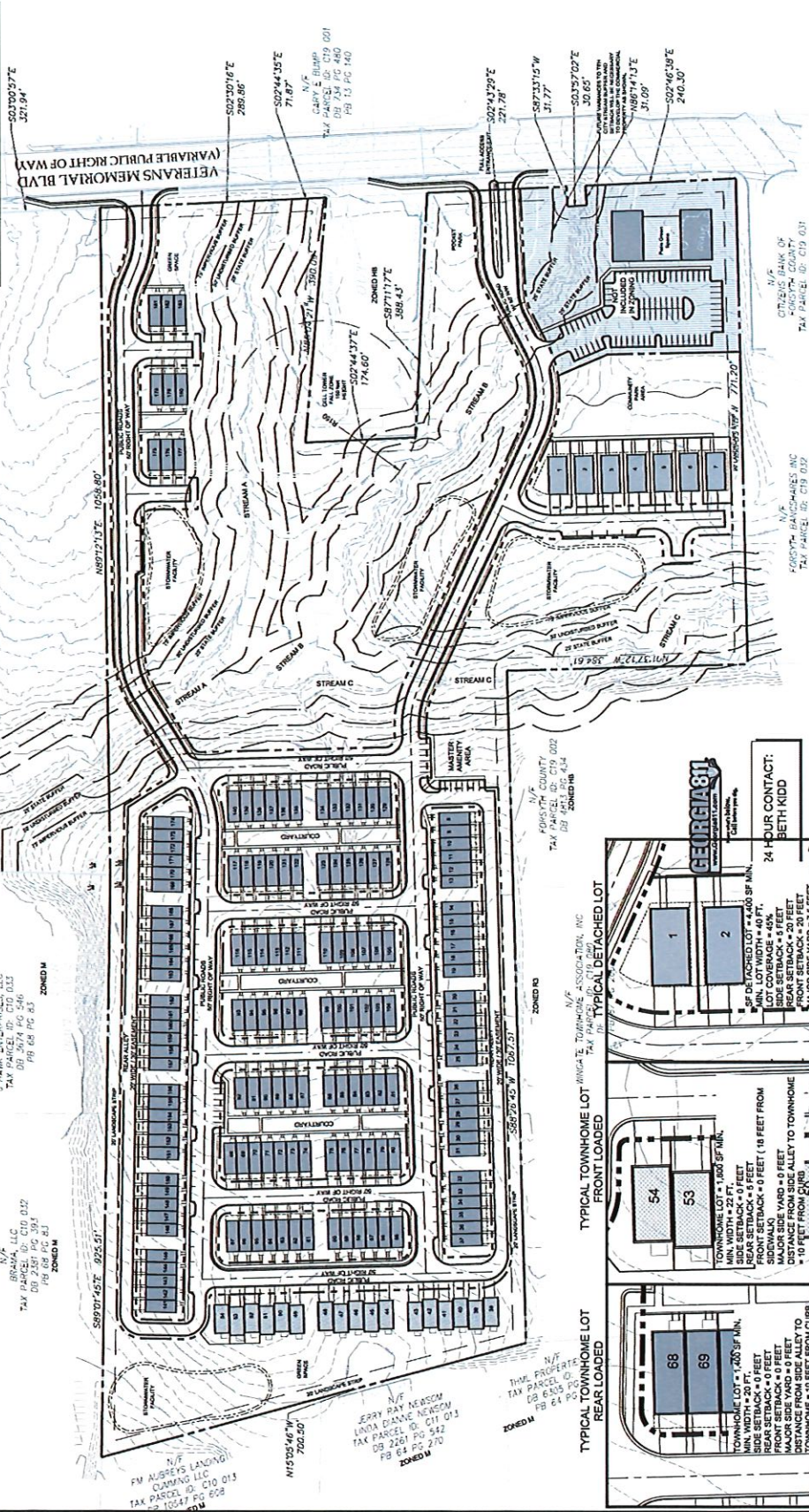
- ALL VARIANCES SHALL BE IN ACCORDANCE WITH THE CITY OF CUMMING ZONING ORDINANCE AND THE CITY OF CUMMING ZONING MAP.
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**FEMA FIRM MAP**  
NOT TO SCALE



**SITE LOCATION MAP**  
NOT TO SCALE



N/P  
J MARK ENTERPRISES, LLC  
TAX PARCEL ID: C10 033  
DB 1261 PG 434  
FB 65 PG 83  
ZONED M

N/P  
BRAMA, LLC  
TAX PARCEL ID: C10 012  
DB 1261 PG 434  
FB 65 PG 83  
ZONED M

N/P  
JERRY RAY NEWSOM  
LINDA DIANE NEWSOM  
TAX PARCEL ID: C11 013  
DB 1261 PG 434  
FB 65 PG 270  
ZONED M

N/P  
FM ASSOCIATES LANDING  
CUMMING, LLC  
TAX PARCEL ID: C10 013  
DB 10041 PG 608  
ZONED M

N/P  
TAX PARCEL ID: C19 002  
DB 421 PG 434  
ZONED M

N/P  
TAX PARCEL ID: C19 002  
DB 421 PG 434  
ZONED M

N/P  
TAX PARCEL ID: C19 002  
DB 421 PG 434  
ZONED M

N/P  
TAX PARCEL ID: C19 002  
DB 421 PG 434  
ZONED M

24 HOUR CONTACT:  
BETH KIDD

24 HOUR CONTACT:  
BETH KIDD

24 HOUR CONTACT:  
BETH KIDD

24 HOUR CONTACT:  
BETH KIDD

24 HOUR CONTACT:  
BETH KIDD



0' 80' 160' 240'  
 SCALE: 1" = 80'

**VETERANS MEMORIAL BOULEVARD**

THE CITY OF CUMMING, GA

Planners & Engineers  
 Collaborative+

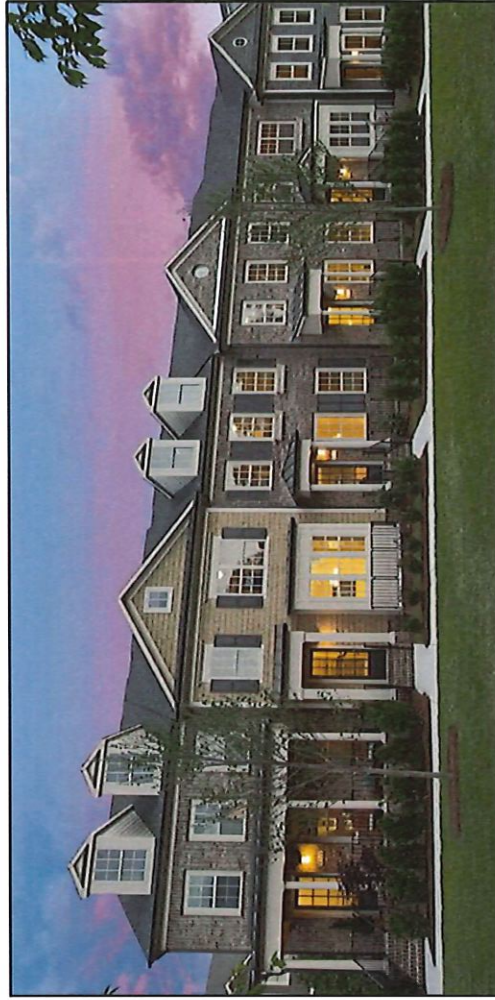


**Proffered Conditions for 608 Veterans Memorial (Inline Communities Rezoning # 2023216)**

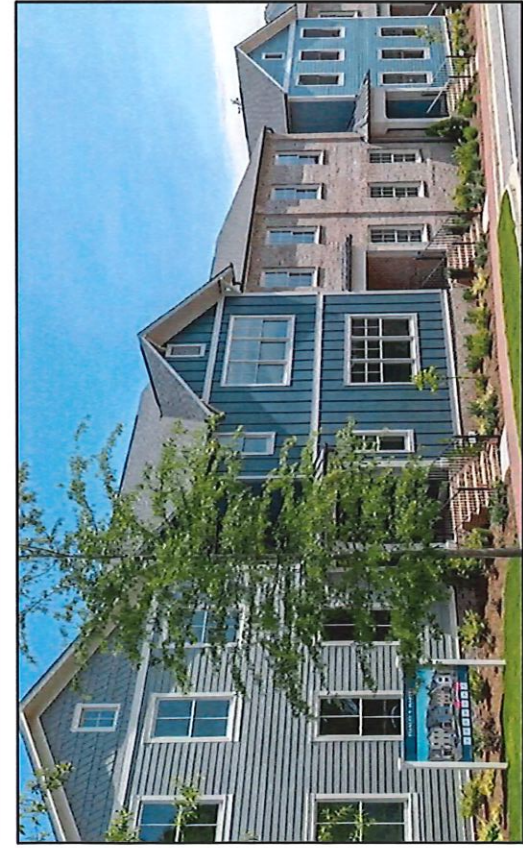
1. The Project will be developed in substantial compliance with the conceptual site plan, density, project data, amenities, and architectural details as provided as a part of the submitted zoning application and site plan dated 10/16/2023 and last revised 1/30/2024. Whether a deviation from the site plan, density, project data, amenities and architectural details is substantially compliant, shall be determined by the Design Review Board. A change determined to not be in substantial compliance, shall be submitted to the Mayor & Council for consideration.
2. Two points of entrance/exit to the community will be provided generally as shown on the conceptual site plan and as recommended by the traffic study completed by A&R Engineering In addition, provided to the City for review on September 13, 2023.
3. The project shall consist of a maximum of 183 residential units – seven (7) rear loaded single-family detached units, 159 rear-loaded townhome units, and 17 front-loaded townhome units.
4. Homes shall be a minimum of 1,800 heated square feet.
5. The minimum lot width for townhomes will be 20 feet.
6. The minimum lot width for single-family detached lots will be 40 feet and the minimum lot size 4,400 square feet.
7. **Single-Family Setbacks: (all other setbacks are per code)**
  - a. Front Setback: 20 feet
  - b. Side Setback: 5 feet
  - c. Major Side Yard Setback: 7.5 feet
  - d. Rear Yard: 20 feet**Single-Family Attached – Front-Loaded Towns Setbacks**
  - a. Front Setback: 0 feet (18 feet from Sidewalk)
  - b. Side Setback: 0 feet
  - c. Major Side Yard Setback: 0 feet
  - d. Rear Yard: 5 feet**Single-Family Attached – Rear-Loaded Towns Setbacks**
  - a. Front Setback: 0 feet
  - b. Side Setback: 0 feet
  - c. Major Side Yard Setback: 0 feet
  - d. Rear Yard: 0 feet (Driveway Min is 20 feet)
8. The exterior of any residential units constructed on the Property shall consist of brick, stone, stucco, or masonry siding (including shake and board-and-batten style siding) or any combination thereof, and will be in general conformance with the elevations presented at the City Council meeting dated January 16, 2024. If there are any questions whether the elevations are in general conformance, the *Design Review Board* will make that determination.
9. Amenities inclusive of green space, walking trails, and sidewalks throughout the neighborhood shall be interconnected and will be constructed as part of the overall project.
10. All storm water facilities, common areas, landscape strips, and open space shall be maintained by the Homeowners Association (“HOA”) with a professional landscaping company being employed to keep all grass fertilized and mowed on a regular basis and all landscaping properly maintain.
11. The Covenants, Conditions, and Restrictions shall include a clause that limits the maximum number of units that can be rented or leased within the development at any one time to 5% or less of the total homes.
12. The Design Review Board shall approve landscape plan for the entire development.

13. The proposed 20 ft. landscape strip must be planted along the northern boundary as shown on the site plan west of the creek and the 10 ft. landscape strip along the northeastern boundary on east side of creek.
14. The proposed landscape strip and six-foot (6') high privacy fence must be along the entire southern boundary with the Wyngate development.
15. Details of the master amenity area must be provided prior to rezoning approval and must be constructed concurrent with the SF and TH units.
16. All streets throughout the development will be private.
17. On-street parking is allowed within the development, so long as it is parallel parking on private streets or perpendicular parking in designated areas.
18. All driveways for the SF and TH units must be a minimum twenty feet (20') in length, from the back of the sidewalk, except for rear-loaded townhomes. The sidewalk for rear-loaded townhomes is located along the front of the units.
19. Minimum five-foot (5') wide sidewalks must be provided on both sides of the streets with a two-foot (2') landscape strip throughout the entire development except for rear-loaded townhomes. For rear-loaded townhomes, the sidewalk will be located along the front of the homes. The sidewalks are to connect to the commercial frontage area, as well as past units 175-183, out to Veterans Memorial Boulevard.
20. Decorative street lighting must be provided along all streets in the development, including both connector streets, out to Veterans Memorial Boulevard, to be paid for and installed by the developer.

# Townhome Conceptual Elevations

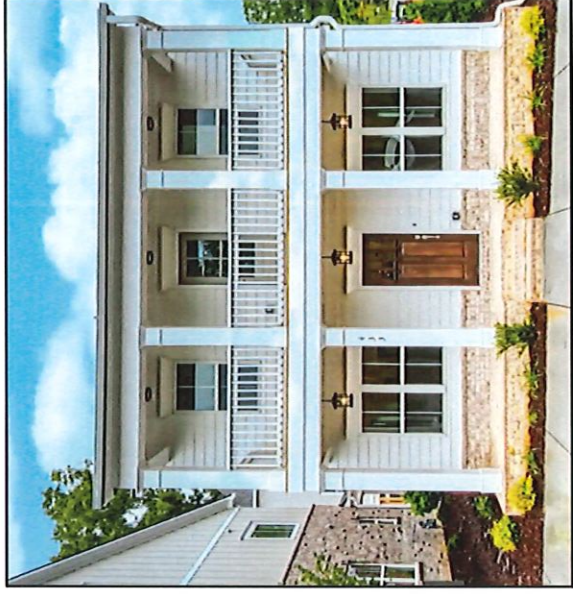


# Townhome Conceptual Elevations



**IN LINE**  
COMMUNITIES

# Single Family Conceptual Elevations



**INLINE**  
COMMUNITIES