



City of Cumming Planning & Development

100 Main Street

Cumming, Georgia 30040

Phone: (770) 781-2024

Email: [s.morgan@cityofcumming.net](mailto:s.morgan@cityofcumming.net)

Website: [www.cityofcumming.net](http://www.cityofcumming.net)

Annexation Petition  
into the  
City of Cumming, GA

Annexation# 2024212

RECEIVED

SEP 09 2024

CITY OF CUMMING

Please Print Clearly

Applicant's Name:

E-15, LLC

Applicant's Mailing Address: 202 Tribble Gap, Cumming, GA 30040

City: Cumming

State: GA

Zip: 30040

Applicant's Telephone Number(s): 770-781-4100

Address of Property to be Annexed: See Attached List

County Zoning Classification: Commercial Business District (CBD)

Requested City Zoning Classification: Highway Business (HB)

Tax Map # See Attached List Parcel # See Attached List Land Lot # See Attached List

District # 3 Size of Property in Acres: 18.292

Current Use of Property: See Attached List

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:

1. Intended Use of Land:

☐

Residential

☒

Commercial

☒

Existing Structure(s)

☒

Vacant

☐

Other (specify) \_\_\_\_\_

2. Number of persons currently residing on the property: N/A;

Number 18 years or older: N/A; Number registered to vote: N/A

3. The number of all residents occupying the property:

N/A	American Indian	N/A	Alaskan Native
N/A	Asian	N/A	Pacific Islander
N/A	Black, not of Hispanic Origin	N/A	Hispanic
N/A	White, not of Hispanic Origin		

4. The U.S. Department of Commerce requires certain information for the purpose of Population Estimates. Please complete the attached **Exhibit "C"**.

5. Please briefly describe your reason for seeking annexation: See attached Letter of Intent.

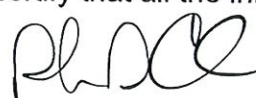
I/We the undersigned, being the owner(s) of real property of the territory described herein, understanding that the City of Cumming has not sought this annexation but that the undersigned files this petition voluntarily of its own free will and volition, respectfully request that the Mayor and City Council 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.



Property Owner's Signature \_\_\_\_\_ Date \_\_\_\_\_

E-15, LLC - Phil Christian  
Property Owner's Printed Name



Applicant's Signature \_\_\_\_\_ Date \_\_\_\_\_

E-15, LLC - Phil Christian  
Applicant's Printed Name

204 Marietta Street, Alpharetta, Georgia 30009  
Applicant's Address

770-781-4100  
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		



3. The number of all residents occupying the property:

N/A	American Indian	N/A	Alaskan Native
N/A	Asian	N/A	Pacific Islander
N/A	Black, not of Hispanic Origin	N/A	Hispanic
N/A	White, not of Hispanic Origin		

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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.

[Signature] 4-29-2024  
Property Owner's Signature Date

M400 Hamilton, LLC - Daniel Garabadian  
Property Owner's Printed Name

[Signature] 4/29/2024  
Applicant's Signature Date

E-15, LLC - Phil Christian  
Applicant's Printed Name

204 Marietta Street, Alpharetta, Georgia 30009  
Applicant's Address

770-781-4100  
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: _____		
Certified Mail: _____ County Board of Commissioner Chairman _____ County Manager _____ County Attorney		Approved: YES NO

3. The number of all residents occupying the property:

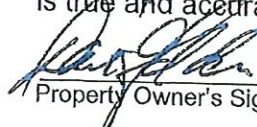
N/A	American Indian	N/A	Alaskan Native
N/A	Asian	N/A	Pacific Islander
N/A	Black, not of Hispanic Origin	N/A	Hispanic
N/A	White, not of Hispanic Origin		

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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.

 4-29-2024  
Property Owner's Signature      Date

Marina Northwoods Land, LLC - Daniel Garabadian  
Property Owner's Printed Name

 4.29.2024  
Applicant's Signature      Date

E-15, LLC - Phil Christian  
Applicant's Printed Name

204 Marietta Street, Alpharetta, Georgia 30009  
Applicant's Address

770-781-4100  
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		



3. The number of all residents occupying the property:

N/A	American Indian	N/A	Alaskan Native
N/A	Asian	N/A	Pacific Islander
N/A	Black, not of Hispanic Origin	N/A	Hispanic
N/A	White, not of Hispanic Origin		

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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.

 4-29-2024  
Property Owner's Signature      Date

M400 Hamilton II, LLC - Daniel Garabadian  
Property Owner's Printed Name

 4.29.2024  
Applicant's Signature      Date

E-15, LLC - Phil Christian  
Applicant's Printed Name

204 Marietta Street, Alpharetta, Georgia 30009  
Applicant's Address

770-781-4100  
Applicant's Telephone Number

Annexation Application Checklist: Date Rec'd _____		Completed Application with Signatures
	Rec'd _____	Exhibit "A" – Current Boundary Survey
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	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		

## Exhibit "C" – Population Estimate Information

A. Number of existing housing units

N/A

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B. List of Addresses for each housing unit in the annexed area at the time of the annexation

N/A

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C. Disposition of existing structures (e.g. to be demolished, moved or converted)

N/A

---

D. Names of affected Subdivision

N/A

---

E. Name of affected Multi-Family Complex

N/A

---

F. Names of Group Quarters (dormitories, nursing homes, jails, etc.)

N/A

---

G. Names of affected Duplexes

N/A

---

H. Names of Mobile Home Parks

N/A

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

202 Tribble Gap Road · Suite 200 · Cumming, GA 30040  
178 S Main Street · Suite 310 · Alpharetta, GA 30009  
Phone 770.781.4100

MilesHansford.com

J. Ethan Underwood  
eunderwood@MilesHansford.com

**Properties To Be Annexed**

**Applicant:** E-15, LLC  
**Subject Property:** 18.292 Acres Designated as Forsyth County Tax Parcel(s): 196-482, 196-498, 196-561, & 196-394  
**Current Zoning:** CBD – Commercial Business District (Forsyth County)  
**Proposed Zoning:** HB – Highway Business District (City)  
**Proposed Use:** Retail/Office/Restaurant  
**Application:** Petition for Annexation  
**ROW Access:** Market Place Blvd  
**Governing Jurisdiction:** City of Cumming

<u>Parcel</u>	<u>Acreage</u>	<u>Land Lot</u>	<u>District</u>	<u>Current Use</u>	<u>Owner</u>
<u>196-482</u>	3.70	1257	3	Medical Office	M400 Hamilton, LLC
<u>196-498</u>	4.432	1257	3	Vacant / Undeveloped	E-15, LLC
<u>196-561</u>	3.66	1257	3	Vacant / Undeveloped	M400 Hamilton II, LLC
<u>196-394</u>	6.50	1257	3	Vacant / Undeveloped	Marina Northwoods Land LLC

Sincerely,

Ethan Underwood  
Attorney for Applicant



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

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178 S Main Street · Suite 310 · Alpharetta, GA 30009  
Phone 770.781.4100

MilesHansford.com

J. Ethan Underwood  
*eunderwood@MilesHansford.com*

February 12, 2023  
Revised – May 02, 2024

**CAMPAIGN DISCLOSURE**

<b>Applicant:</b>	<b>E-15, LLC</b>
<b>Subject Property:</b>	<b>18.292 Acres Designated as Forsyth County Tax Parcel(s): 196-482, 196-498, 196-561, &amp; 196-394</b>
<b>Current Zoning:</b>	<b>CBD – Commercial Business District (Forsyth County)</b>
<b>Proposed Zoning:</b>	<b>HB – Highway Business District (City)</b>
<b>Proposed Use:</b>	<b>Retail/Office/Restaurant</b>
<b>Application:</b>	<b>Petition for Annexation</b>
<b>ROW Access:</b>	<b>Market Place Blvd</b>
<b>Governing Jurisdiction:</b>	<b>City of Cumming</b>

Please be advised that Miles Hansford, LLC, has not given campaign contributions to any City of Cumming government officials.

This letter constitutes the disclosure of campaign contributions with respect to the above-referenced application and is forms a part of such application.

Sincerely,

Ethan Underwood  
Attorney for Applicant





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

202 Tribble Gap Road · Suite 200 · Cumming, GA 30040  
178 S Main Street · Suite 310 · Alpharetta, GA 30009  
Phone 770.781.4100

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J. Ethan Underwood  
eunderwood@MilesHansford.com

**LETTER OF INTENT REGARDING LAND USE APPLICATION**

<b>Applicant:</b>	<b>E-15, LLC</b>
<b>Subject Property:</b>	<b>18.292 Acres Designated as Forsyth County Tax Parcel(s): 196-482, 196-498, 196-561, &amp; 196-394</b>
<b>Current Zoning:</b>	<b>CBD – Commercial Business District (Forsyth County)</b>
<b>Proposed Zoning:</b>	<b>HB – Highway Business District (City)</b>
<b>Proposed Use:</b>	<b>Retail/Office/Restaurant</b>
<b>Application:</b>	<b>Petition for Annexation</b>
<b>ROW Access:</b>	<b>Market Place Blvd</b>
<b>Governing Jurisdiction:</b>	<b>City of Cumming</b>

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

The Subject Property is approximately 18.292 acres known as Forsyth County Tax Parcels: 196-482, 196-498, 196-561, & 196-394.

Specifically, the Applicant requests the following:

- a) **Annex the Subject Property into the City of Cumming.**
- b) **Rezone the Subject Property from Commercial Business District (CBD) (County) to Highway Business District (HB) (City).**

Forsyth County Tax Parcel: 196-482 is currently operating as a medical/dental office. Forsyth County Tax Parcel: 196-498 was approved to operate a self-service storage facility by the Forsyth County Board of Commissioners pursuant to CP220055; however, the parcel remains undeveloped. Additionally, Forsyth County Tax Parcels: 196-561 and 196-394 remain undeveloped.

**REASON FOR ANNEXATION**

The Applicant is seeking annexation into the City of Cumming to facilitate the development of the Proposed Use.



## **ZONING CRITERIA**

### **1. The Existing Land Use Pattern**

The Subject Property is adjacent to Central Business District (CBD) (County) West and North and Single Family Residential Restricted District (R2R) (County) to the East. It is also adjacent to Lake Residential District (LR) (County) to the South and Commercial Business District (CBD) (County). The surrounding area is heavily used as office space with the large retail business Costco being located to the northwest of the Subject Property.

The existing land use pattern in this area is for office uses. As such, the Proposed Use is a suitable use for the area and provides a complimentary use to the nearby commercial and residential uses.

### **2. The possible creation of an isolated district unrelated to adjacent and nearby districts.**

The Subject Property is adjacent to Central Business District (CBD) (County) West and North and Single Family Residential Restricted District (R2R) (County) to the East. It is also adjacent to Lake Residential District (LR) (County) to the South and Commercial Business District (CBD) (County). The surrounding area is heavily used as office space with the large retail business Costco being located to the northwest of the Subject Property.

The Proposed Use and Proposed Zoning will not adversely affect the existing use or usability of adjacent or nearby property, nor will they create an isolated district unrelated to adjacent and nearby districts.

### **3. The population density pattern and possible increase or overtaxing of public safety or the load on public facilities including, but not limited to schools, utilities and streets.**

The Applicant does not project the Proposed Use will result in any increase in the population. The Proposed Use will not result in a use that will cause an excessive or burdensome use of existing streets, transportation facilities, utilities or schools. The projected impact on utilities and other facilities will be in keeping with projected growth, and any applicable impact fees and/or taxes from the development will fund necessary infrastructure improvements.

### **4. The cost of the local government in providing, improving, increasing or maintaining public utilities, schools, streets and public safety measures**

The Proposed Use will not result in a use that will cause an excessive or burdensome use of existing streets, transportation facilities, utilities or schools. The projected impact on utilities and other facilities will be in keeping with projected growth, and any applicable impact fees and/or taxes from the development will fund necessary infrastructure improvements.





- 5. Impact on the environment, including, but not limited to, drainage, soil erosion and sedimentation, flooding, air quality and water quality and quantity.**

The Proposed Use will not result in an adverse impact on the environment. The Proposed Use is an existing use that will not have any additional effects on the environment.

- 6. Whether the proposed change will be a deterrent to the value or improvement of development of adjacent property in accordance with existing regulations.**

The Proposed Use is currently in operation outside the City's boundary limits and has had no negative impact on the surrounding area. The Proposed Use is consistent with the developing trend in the area and provides a complementary use to the adjacent and nearby residential and commercial uses.

- 7. Whether there are substantial reasons why the property cannot be used in accordance with existing zoning.**

The Subject Property is currently zoned Commercial Business District (CBD) (County). According to the Zoning Ordinance, the Proposed Use is permitted within Highway Business District (HB). Therefore, pursuant to the City's Zoning Ordinance, the Applicant requests the Subject Property be annexed into the City of Cumming with a Highway Business District (HB) zoning to facilitate the Proposed Use.

- 8. The aesthetic effect of existing and future use of the property as it relates to the surrounding area.**

The Proposed Use will enhance surrounding property values and is consistent with the developing trend in the area by providing a complementary use to the adjacent and nearby residential and commercial uses. Additionally, the Proposed Use is aesthetically similar to other commercial uses in the surrounding area.

- 9. The extent to which the zoning decision is consistent with the Comprehensive Plan of the City.**

The Subject Property is consistent with the Comprehensive Plan. The Subject Property is not currently depicted on the City's Future Land Use Map; however, it is contiguous to the City's boundary and will provide a complementary use to the nearby residential and commercial uses.

- 10. Any other factors relevant to the balancing interest in promoting the public health, safety, morality, or general welfare against a right to unrestricted use of property.**

Approval of the Application will not cause a safety hazard or noxious condition.



**CONCLUSION**

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

Sincerely,

Ethan Underwood  
Attorney for Applicant





# Miles Hansford, LLC

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## ATTORNEYS AT LAW

202 Tribble Gap Road · Suite 200 · Cumming, GA 30040  
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Phone 770.781.4100

MilesHansford.com

J. Ethan Underwood  
[eunderwood@MilesHansford.com](mailto:eunderwood@MilesHansford.com)

### RESERVATION OF CONSTITUTIONAL AND OTHER LEGAL RIGHTS

<b>Applicant:</b>	<b>E-15, LLC</b>
<b>Subject Property:</b>	<b>18.292 Acres Designated as Forsyth County Tax Parcel(s): 196-482, 196-498, 196-561, &amp; 196-394</b>
<b>Current Zoning:</b>	<b>CBD – Commercial Business District (Forsyth County)</b>
<b>Proposed Zoning:</b>	<b>HB – Highway Business District (City)</b>
<b>Proposed Use:</b>	<b>Retail/Office/Restaurant</b>
<b>Application:</b>	<b>Petition for Annexation</b>
<b>ROW Access:</b>	<b>Market Place Blvd</b>
<b>Governing Jurisdiction:</b>	<b>City of Cumming</b>

This Reservation of Constitutional and Other Legal Rights ("the Reservation") is intended to supplement and form a part of the land use application (including any request for zoning, conditional use permit, site plan approval, and variances) (collectively, the "Application") of the Applicant and the owners of the Subject Property (collectively, the "Owner") and to put the Governing Jurisdiction on notice of the Applicant's assertion of its constitutional and legal rights.

The Applicant has filed a timely application, has provided all required information and has submitted the appropriate application fees. The Application meets all judicial and statutory requirements for approval.

The Applicant objects to the standing of any opponents who are not owners of land adjoining the Subject Property and to the consideration by the Governing Jurisdiction of testimony or evidence presented by any party without standing in making its decision regarding the Application. The Applicant also objects to the consideration of testimony or evidence that is hearsay, violates any applicable rules of procedure or evidence, or that is presented by any party who fails to comply with notice and campaign disclosure requirements.

The Current Zoning (and/or zoning conditions) of the Subject Property is unconstitutional and deprives the Subject Property and all viable economic use thereof. The Proposed Use is the only viable economic use of the Subject Property, and the Governing Jurisdiction has deemed this Application necessary to allow the Proposed Use. As such, the Applicant and Owner file this Application for the purpose of changing the Current Zoning (and/or zoning conditions and requesting variances) to facilitate the Proposed Use, and to exhaust administrative remedies in the event the Application is denied. As such, the filing of this application is not an admission of the need for any such approval of the Applicant's right to develop the property. The Applicant and Owner reserve the right to challenge the Current Zoning and any zoning conditions and other restrictions affecting the Subject Property.

Denial of the Application or approval of the Application in any form that is different than as requested by the Applicant will impose a disproportionate hardship on the Applicant and Owner of the Subject Property without benefiting any surrounding property owners. There is no reasonable use of the Subject Property



other than as proposed by the Application and no resulting benefit to the public from denial of or modification to the Application.

Any provisions in the applicable land use, subdivision, and /or zoning ordinances (collectively the "Zoning Ordinance") that classify, or may classify, the Subject Property into any of the non-requested zoning or use classifications, including the Proposed Zoning District and Proposed Use at a density or intensity less than that requested by the Applicant, are unconstitutional in that they constitute a taking of the Applicant's and Owner's property rights without first paying fair, adequate, and just compensation for such rights in violation of Article I, Section III, Paragraph I of the Georgia Constitution of 1983, as amended and the Fifth and Fourteenth Amendments to the Constitution of the United States.

The Subject Property is suitable for development as proposed in the Application and it is not suitable for development under any other zoning classification, use, or at a density or intensity less than that requested by the Applicant. Failure to approve the Application as requested by the Applicant would be an unreasonable application of local land use authority, which bears no relationship to the public health, safety, morality or general welfare of the public and would constitute an arbitrary and capricious abuse of discretion in violation of Article I, Section I, Paragraph I of the Georgia Constitution of 1983, as amended and the Due Process Clause of the Fifth and Fourteenth Amendments to the Constitution of the United States.

A refusal by the Governing Jurisdiction to approve the Application as requested by the Applicant will prohibit the only viable economic use of the Subject Property, will be unconstitutional and will discriminate in an arbitrary, capricious and unreasonable manner between the Applicant and Owner and the owners of similarly situated properties in violation of Article I, Section I, Paragraph II of the Georgia Constitution of 1983, as amended, and the Equal Protection Clause of the Fourteenth Amendment to the Constitution of the United States.

A refusal by the Governing Jurisdiction to approve the Application as requested by the Applicant without the consent of persons elected to the governing body of the Governing Jurisdiction will amount to an unlawful delegation of the Governing Jurisdiction's authority, in violation of Article IX, Section II, Paragraph IV of the Georgia Constitution of 1983, as amended.

Furthermore, the Governing Jurisdiction cannot lawfully impose more restrictive standards on the Subject Property's development than are presently set forth in the Zoning Ordinance. Any conditions or other restrictions imposed on the Subject Property without the consent of the Applicant and Owner that do not serve to reasonably ameliorate the negative impacts of the development are invalid and void. The imposition of improvements or design requirements unnecessary to facilitate the proposed development constitute an illegal impact fee, an unconstitutional condemnation, or both. As such, the Applicant and Owner reserve the right to challenge any such conditions, restrictions, or design requirements.

The Applicant and Owner assert that each has expended substantial sums and significantly changed its economic position in reliance upon versions of the Zoning Ordinance that allow the development of the Subject Property as proposed by the Applicant. As such, the Applicant has acquired vested rights to develop the property and the filing of this Application shall not constitute a waiver of those vested rights.



Finally, the Applicant and Owner assert that the current Zoning Ordinance, Character Area Map, Future Development Map and Comprehensive Plan were not adopted in compliance with the laws or constitutions of the State of Georgia or of the United States, and a denial of the Applicant's request based upon provisions illegally adopted will deprive the Applicant and Owner of due process under the law.

This Reservation constitutes an Ante Litem Notice pursuant to O.C.G.A. § 36-11-1, which places the Governing Jurisdiction and all other agents of the Governing Jurisdiction, in their official and individual capacities, on notice of the Applicant's and Owner's intent to seek monetary damages and attorney's fees against the Governing Jurisdiction for any rezoning action, zoning condition, illegal impact fee, and any other unlawful restrictions and exactions that are imposed upon the Subject Property, the Applicant, or the Owner.

By filing this Reservation, the Applicant reserves all rights and remedies available to it under the United States Constitution, the Georgia Constitution, all applicable federal, state, and local laws and ordinances, and in equity.

The Applicant and Owner respectfully request that the Application be approved as requested by the Applicant and in the manner shown on the Application, which is incorporated herein by reference. This Reservation forms an integral part of the Application, and we ask that this Reservation be included with the Applicant's other Application materials. The Applicant and Owner reserve the right to amend and supplement this Reservation at any time.

Sincerely,

Ethan Underwood  
Attorney for Applicant



### Legal Description

All that tract or parcel of land lying and being in Land Lots 1257 of the 3rd District, 1st Section Forsyth County, Georgia being identified as Tract 2, containing approximately 4.432 acres, more or less, according to a plat of survey dated January 22, 2013, prepared for 1230 Bald Ridge Marina, LLC, certified by Richard J. Webb, Georgia Registered Land Surveyor No. 2507, recorded in Plat Book 147, Page 195, Forsyth County, Georgia records. Said property is more fully described according to the above referenced plat, which is incorporated herein by this reference. Said property is more particularly described as follows:

To find the **True Point of Beginning**, commence from the intersection of common boundary line of Land Lots 1191, 1192, 1257, and 1258, which is the True Point of Commencement; run thence South 00 degrees 20 minutes 51 seconds West a distance of 146.36 feet to an iron pin found (#4 rebar); Thence South 00 degrees 45 minutes 59 seconds West a distance of 433.17 feet to an iron pin found (#4 rebar), which is the **True Point of Beginning**; run

Thence South 00 degrees 45 minutes 59 seconds West a distance of 270.55 feet to an iron pin found (#4 rebar); run

Thence North 89 degrees 13 minutes 45 seconds West a distance of 477.79 feet to an iron pin found (#4 rebar); run

Thence North 63 degrees 45 minutes 29 seconds West a distance of 211.51 feet to an iron pin found (#4 rebar); run

Thence North 24 degrees 05 minutes 55 seconds East a distance of 144.40 feet to a point; run

Thence North 70 degrees 28 minutes 54 seconds West a distance of 13.10 feet to a point; run

Thence North 25 degrees 59 minutes 54 seconds East a distance of 77.13 feet to a point; run

Thence with a curve to the left having a radius of 330.18 feet, an arc length of 137.46 feet, and a chord bearing of North 13 degrees 52 minutes 21 seconds East a distance of 136.47 feet to a point; run

Thence South 89 degrees 40 minutes 55 seconds East a distance of 157.14 feet to an iron pin found (#4 rebar); run

Thence South 01 degrees 00 minutes 04 seconds West a distance of 163.12 feet to an iron pin found (#4 rebar); run

Thence South 89 degrees 30 minutes 30 seconds East a distance of 403.66 feet to an iron pin found (#4 rebar), which is the **True Point of Beginning**.

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

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

### Legal Description

All that tract or parcel of land lying and being in Land Lots 1257 of the 3rd District, 1st Section Forsyth County, Georgia being identified as Tract 1, containing approximately 3.70 acres, more or less, according to a plat of survey dated April 9, 2008, prepared for M400 Hamilton, LLC, United Community Bank, and Chicago Title Insurance Company by Carmichael Land Surveying, Inc. certified by Robert S. Carmichael, Georgia Registered Land Surveyor No. 2962 and, according to such plat of survey, being more particularly described as follows:

To find the **True Point of Beginning**, commence from an iron pin found (1" OTP) located at the intersection of common boundary line of Land Lots 1256, 1257, 1264, and 1265; run thence North 87 degrees 28 minutes 43 seconds East a distance of 136.59 feet to an iron pin found (rebar); run thence North 04 degrees 27 minutes 08 seconds West a distance of 16.67 feet to a point; Thence North 04 degrees 27 minutes 08 seconds West a distance of 357.65 feet to an iron pin found (1/2" CTP); Thence North 04 degrees 30 minutes 19 seconds West a distance of 334.82 feet to an iron pin found (1/2" CTP), which is the **True Point of Beginning**; run

Thence North 46 degrees 21 minutes 30 seconds East a distance of 337.29 feet to an iron pin found (rebar); run

Thence South 68 degrees 58 minutes 46 seconds East a distance of 273.08 feet to an iron pin found (rebar); run

Thence North 63 degrees 54 minutes 45 seconds East a distance of 104.27 feet to an iron pin found (rebar); run

Thence with a curve to the right having a radius of 950.00 feet, an arc length of 318.26 feet, and a chord bearing of South 16 degrees 19 minutes 41 seconds West a distance of 316.88 feet to a point; run

Thence North 64 degrees 04 minutes 25 seconds West a distance of 5.00 feet to a point; run

Thence South 27 degrees 10 minutes 26 seconds West a distance of 41.10 feet to a point; run

Thence North 61 degrees 32 minutes 05 seconds West a distance of 20.00 feet to a point; run

Thence South 28 degrees 25 minutes 10 seconds West a distance of 104.57 feet to a point; run

Thence North 68 degrees 01 minutes 16 seconds West a distance of 172.59 feet to a point; run

Thence North 55 degrees 13 minutes 14 seconds West a distance of 307.90 feet to an iron pin found (1/2" CTP); run

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

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



### Legal Description

All that tract or parcel of land lying and being in Land Lots 1257 of the 3rd District, 1st Section Forsyth County, Georgia being identified as Tract 2, containing approximately 3.66 acres, more or less, according to a plat of survey dated April 9, 2008, prepared for M400 Hamilton, LLC, United Community Bank, and Chicago Title Insurance Company by Carmichael Land Surveying, Inc. certified by Robert S. Carmichael, Georgia Registered Land Surveyor No. 2962 and, according to such plat of survey, being more particularly described as follows:

To find the True Point of Beginning, commence from an iron pin found (1" OTP) located at the intersection of common boundary line of Land Lots 1256, 1257, 1264, and 1265; run thence North 87 degrees 28 minutes 43 seconds East a distance of 136.59 feet to an iron pin found (rebar); run thence North 04 degrees 27 minutes 08 seconds West a distance of 16.67 feet to a point, which is the True Point of Beginning; run

Thence North 04 degrees 27 minutes 08 seconds West a distance of 357.65 feet to an iron pin found (1/2" CTP); run

Thence North 04 degrees 30 minutes 19 seconds West a distance of 334.82 feet to an iron pin found (1/2" CTP); run

Thence South 55 degrees 13 minutes 14 seconds East a distance of 307.90 feet to a point; run

Thence South 68 degrees 01 minutes 16 seconds East a distance of 172.59 feet to a point; run

Thence South 28 degrees 25 minutes 10 seconds West a distance of 151.95 feet to a point; run

Thence South 61 degrees 34 minutes 50 seconds East a distance of 18.79 feet to a point; run

Thence South 28 degrees 25 minutes 10 seconds West a distance of 56.39 feet to a point; run

Thence South 28 degrees 25 minutes 10 seconds West a distance of 20.00 feet to a point; run

Thence South 15 degrees 16 minutes 47 seconds West a distance of 27.32 feet to a point; run

Thence South 28 degrees 24 minutes 40 seconds West a distance of 188.93 feet to a point; run

Thence South 82 degrees 07 minutes 02 seconds West a distance of 27.55 feet to a point; run

Thence South 79 degrees 11 minutes 20 seconds West a distance of 146.24 feet to an iron pin found (rebar), which is the True Point of Beginning.

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

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



### Legal Description

All that tract or parcel of land lying and being in Land Lots 1257 of the 3rd District, 1st Section Forsyth County, Georgia being identified as Tract 3, containing approximately 6.50 acres, more or less, according to a plat of survey dated April 9, 2008, prepared for M400 Hamilton, LLC, United Community Bank, and Chicago Title Insurance Company by Carmichael Land Surveying, Inc. certified by Robert S. Carmichael, Georgia Registered Land Surveyor No. 2962 and, according to such plat of survey, being more particularly described as follows:

To find the True Point of Beginning, commence from a fence corner located at the intersection of common boundary line of Land Lots 1257, 1258, 1263, and 1264, which is the True Point of Beginning; run

Thence North 89 degrees 18 minutes 37 seconds West a distance of 164.00 feet to a point; run

Thence South 89 degrees 56 minutes 39 seconds West a distance of 243.32 feet to a point; run

Thence North 88 degrees 50 minutes 50 seconds West a distance of 178.77 feet to a point; run

Thence South 87 degrees 58 minutes 00 seconds West a distance of 56.82 feet to a point; run

Thence North 88 degrees 04 minutes 16 seconds West a distance of 87.68 feet to a point; run

Thence South 89 degrees 20 minutes 46 seconds West a distance of 171.94 feet to a point; run

Thence South 83 degrees 48 minutes 37 seconds West a distance of 16.90 feet to a point; run

Thence North 28 degrees 24 minutes 39 seconds East a distance of 368.57 feet to a point; run

Thence South 61 degrees 45 minutes 29 seconds East a distance of 25.00 feet to a point; run

North 28 degrees 24 minutes 17 seconds East a distance of 123.14 feet an iron pin found (rebar); run

Thence South 64 degrees 11 minutes 52 seconds East a distance of 209.20 feet to an iron pin found (rebar); run

Thence South 89 degrees 39 minutes 21 seconds East a distance of 477.80 feet to an iron pin found (rebar); run thence South 00 degrees 30 minutes 24 seconds West to a point, which is the True Point of Beginning.

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

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





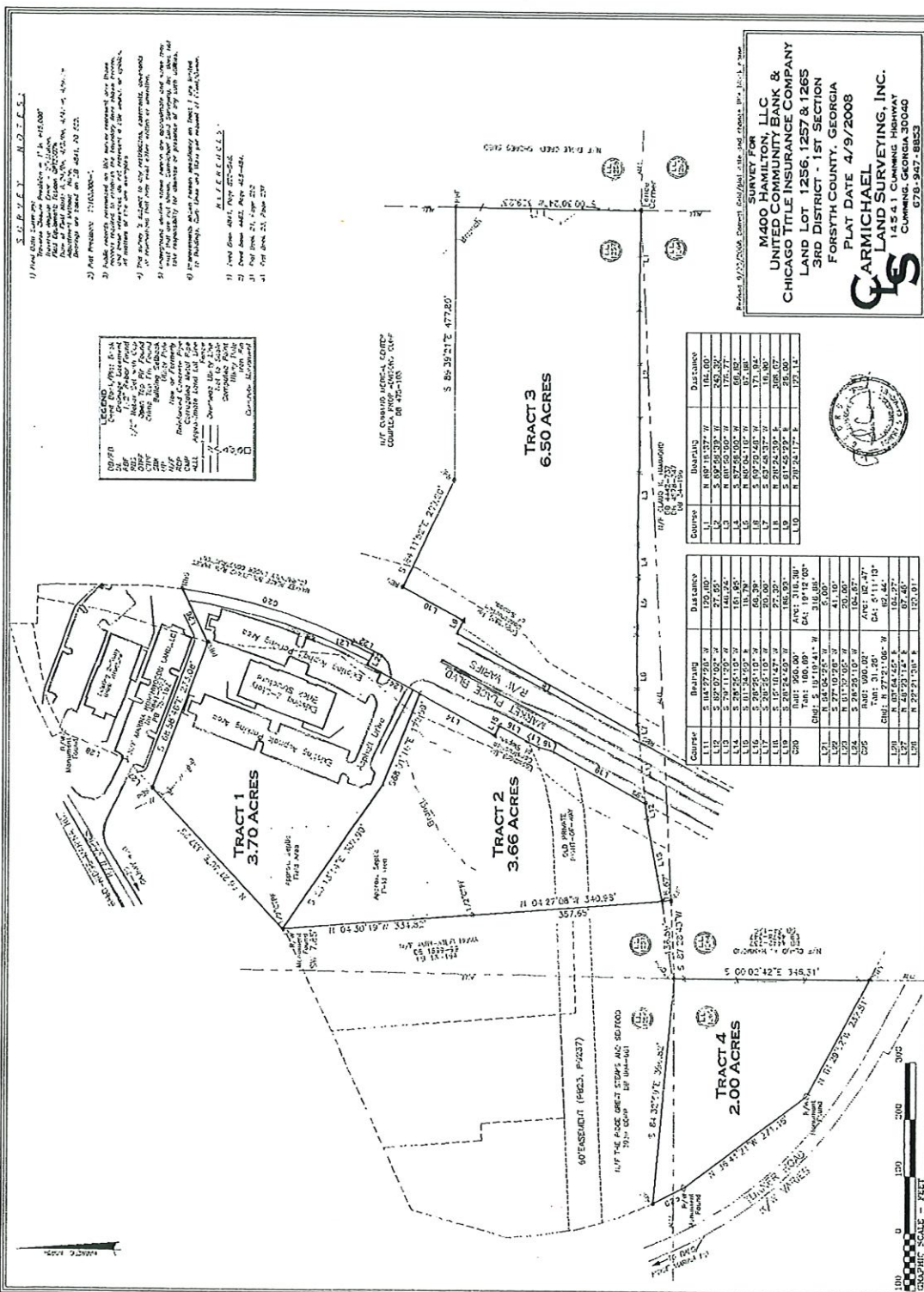


1) Read (2000) Summer 99:  
 Insurance Charge Problem = 1" in +15,000"  
 Insurance Charge Due = 1% of 15,000 = 150  
 Total Payment = 150 + 15,000 = 15,150  
 From at Fall 2001: A. 15,150, 4.4%, 4.4%, 4.4%, 4.4%  
 Adjustment without 4.4%  
 Deductions are taken on "B" 4541, 20, 222.  
 2) Fall Problem: 15,150, 4.4%.

- 1) Read (2000) Summer 99:  
 Insurance Charge Problem = 1" in +15,000"  
 Insurance Charge Due = 1% of 15,000 = 150  
 Total Payments = 1500 + 150 = 1650  
 From at Fall 2001: A. 15,000, 4.4%, 4.4%, 4.4%, 4.4%  
 Adjustment without 4.4%  
 Deductions are taken on "B" 4541, 20, 222.  
 2) Fall Problem: 15,000, 4.4%  
 15,000, 4.4%, 4.4%, 4.4%, 4.4%

- 3) Public records maintained on any survey respondent are those that are required by law, and are not subject to the release or denial of access of the law abiding.
- 4) This policy is subject to the discretion, judgement, approval or disapproval that may result after review or consultation.
- 5) Information obtained from anyone on a confidential basis may not be used for any other purpose, including law enforcement, but may be used for the purpose of damage or prevention of any such action.
- 6) Information obtained from a person reflecting on their law abiding status, including their status as a law abiding person, is not to be released.

	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26	27	28	29	30	31	32	33	34	35	36	37	38	39	40	41	42	43	44	45	46	47	48	49	50	51	52	53	54	55	56	57	58	59	60	61	62	63	64	65	66	67	68	69	70	71	72	73	74	75	76	77	78	79	80	81	82	83	84	85	86	87	88	89	90	91	92	93	94	95	96	97	98	99	100
1	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26	27	28	29	30	31	32	33	34	35	36	37	38	39	40	41	42	43	44	45	46	47	48	49	50	51	52	53	54	55	56	57	58	59	60	61	62	63	64	65	66	67	68	69	70	71	72	73	74	75	76	77	78	79	80	81	82	83	84	85	86	87	88	89	90	91	92	93	94	95	96	97	98	99	100

[illegible]

Course	Boating	Dis. source
1.1	N 89°18.37' W	165.00'
1.2	S 89°04.73' W	242.30'
1.3	N 01°53.10' W	175.27'
1.4	S 87°58.10' W	566.62'
1.5	N 89°04.18' W	871.00'
1.6	S 89°20.48' W	171.04'
1.7	S 53°29.37' W	161.80'
1.8	N 20°24.33' W	308.67'
1.9	S 91°45.72' E	281.60'

Course	Bearing	Distance
L101	S 89° 52' 15" W	250.00'
L102	S 88° 52' 15" W	250.00'
L103	S 87° 52' 15" W	250.00'
L104	S 86° 52' 15" W	250.00'
L105	S 85° 52' 15" W	250.00'
L106	S 84° 52' 15" W	250.00'
L107	S 83° 52' 15" W	250.00'
L108	S 82° 52' 15" W	250.00'
L109	S 81° 52' 15" W	250.00'
L110	S 80° 52' 15" W	250.00'
L111	S 79° 52' 15" W	250.00'
L112	S 78° 52' 15" W	250.00'
L113	S 77° 52' 15" W	250.00'
L114	S 76° 52' 15" W	250.00'
L115	S 75° 52' 15" W	250.00'
L116	S 74° 52' 15" W	250.00'
L117	S 73° 52' 15" W	250.00'
L118	S 72° 52' 15" W	250.00'
L119	S 71° 52' 15" W	250.00'
L120	S 70° 52' 15" W	250.00'
CHG: S 69° 52' 15" W		
L121	S 68° 52' 15" W	250.00'
L122	S 67° 52' 15" W	250.00'
L123	S 66° 52' 15" W	250.00'
L124	S 65° 52' 15" W	250.00'
L125	S 64° 52' 15" W	250.00'
L126	S 63° 52' 15" W	250.00'
L127	S 62° 52' 15" W	250.00'
L128	S 61° 52' 15" W	250.00'
L129	S 60° 52' 15" W	250.00'
L130	S 59° 52' 15" W	250.00'
L131	S 58° 52' 15" W	250.00'
L132	S 57° 52' 15" W	250.00'
L133	S 56° 52' 15" W	250.00'
L134	S 55° 52' 15" W	250.00'
L135	S 54° 52' 15" W	250.00'
L136	S 53° 52' 15" W	250.00'
L137	S 52° 52' 15" W	250.00'
L138	S 51° 52' 15" W	250.00'
L139	S 50° 52' 15" W	250.00'
L140	S 49° 52' 15" W	250.00'
L141	S 48° 52' 15" W	250.00'
L142	S 47° 52' 15" W	250.00'
L143	S 46° 52' 15" W	250.00'
L144	S 45° 52' 15" W	250.00'
L145	S 44° 52' 15" W	250.00'
L146	S 43° 52' 15" W	250.00'
L147	S 42° 52' 15" W	250.00'
L148	S 41° 52' 15" W	250.00'
L149	S 40° 52' 15" W	250.00'
L150	S 39° 52' 15" W	250.00'
L151	S 38° 52' 15" W	250.00'
L152	S 37° 52' 15" W	250.00'
L153	S 36° 52' 15" W	250.00'
L154	S 35° 52' 15" W	250.00'
L155	S 34° 52' 15" W	250.00'
L156	S 33° 52' 15" W	250.00'
L157	S 32° 52' 15" W	250.00'
L158	S 31° 52' 15" W	250.00'
L159	S 30° 52' 15" W	250.00'
L160	S 29° 52' 15" W	250.00'
L161	S 28° 52' 15" W	250.00'
L162	S 27° 52' 15" W	250.00'
L163	S 26° 52' 15" W	250.00'
L164	S 25° 52' 15" W	250.00'
L165	S 24° 52' 15" W	250.00'
L166	S 23° 52' 15" W	250.00'
L167	S 22° 52' 15" W	250.00'
L168	S 21° 52' 15" W	250.00'
L169	S 20° 52' 15" W	250.00'
L170	S 19° 52' 15" W	250.00'
L171	S 18° 52' 15" W	250.00'
L172	S 17° 52' 15" W	250.00'
L173	S 16° 52' 15" W	250.00'
L174	S 15° 52' 15" W	250.00'
L175	S 14° 52' 15" W	250.00'
L176	S 13° 52' 15" W	250.00'
L177	S 12° 52' 15" W	250.00'
L178	S 11° 52' 15" W	250.00'
L179	S 10° 52' 15" W	250.00'
L180	S 9° 52' 15" W	250.00'
L181	S 8° 52' 15" W	250.00'
L182	S 7° 52' 15" W	250.00'
L183	S 6° 52' 15" W	250.00'
L184	S 5° 52' 15" W	250.00'
L185	S 4° 52' 15" W	250.00'
L186	S 3° 52' 15" W	250.00'
L187	S 2° 52' 15" W	250.00'
L188	S 1° 52' 15" W	250.00'
L189	S 0° 52' 15" W	250.00'
L190	S 0° 52' 15" W	250.00'
L191	S 0° 52' 15" W	250.00'
L192	S 0° 52' 15" W	250.00'
L193	S 0° 52' 15" W	250.00'
L194	S 0° 52' 15" W	250.00'
L195	S 0° 52' 15" W	250.00'
L196	S 0° 52' 15" W	250.00'
L197	S 0° 52' 15" W	250.00'
L198	S 0° 52' 15" W	250.00'
L199	S 0° 52' 15" W	250.00'
L200	S 0° 52' 15" W	250.00'

**SURVEY FOR**  
M400 HAMILTON, LLC  
UNITED COMMUNITY BANK &  
CHICAGO TITLE INSURANCE COMPANY  
LAND LOT 1256, 1257 & 1265  
3RD DISTRICT - 1ST SECTION  
FORSYTH COUNTY, GEORGIA  
PLAT DATE 4/9/2008

**CARMICHAEL**  
**LAND SURVEYING, INC.**  
145.41 CUMMING HIGHWAY  
CUMMING, GEORGIA 30008  
PHONE 678-344-3300  
FAX 678-344-3301  
WWW.CARMICHAEL-SURVEYING.COM

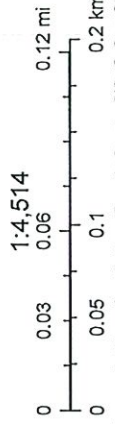


# E-15, LLC Annexation of Any Combination of Parcel(s): 196-482, 196-561, 196-394, & 196-498



8/14/2024, 1:28:07 PM

- Forsyth County Boundary
- Blue: Blue
- Tax Parcel
- 2023 Aerial Imagery
- Subdivision
- Red: Red
- City of Cumming
- Green: Green



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# E-15, LLC Annexation of Any Combination of Parcel(s): 196-482, 196-561, 196-561, 196-394, & 196-498



8/14/2024, 1:29:05 PM

- ☐ Tax Parcel
- ☐ Subdivisions
- ☐ Subdivision
- ☐ City of Cumming
- ☐ Forsyth County Boundary
- ☐ 2023 Aerial Imagery
- ☐ Red: Red
- ☐ Green: Green
- ☐ Blue: Blue

1:4,514

0 0.04 0.09 0.17 mi  
0 0.05 0.1 0.2 km

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OpenStreetMap, Microsoft, Esri, TomTom, Garmin, SafeGraph,  
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Bureau, USDA, USFWS

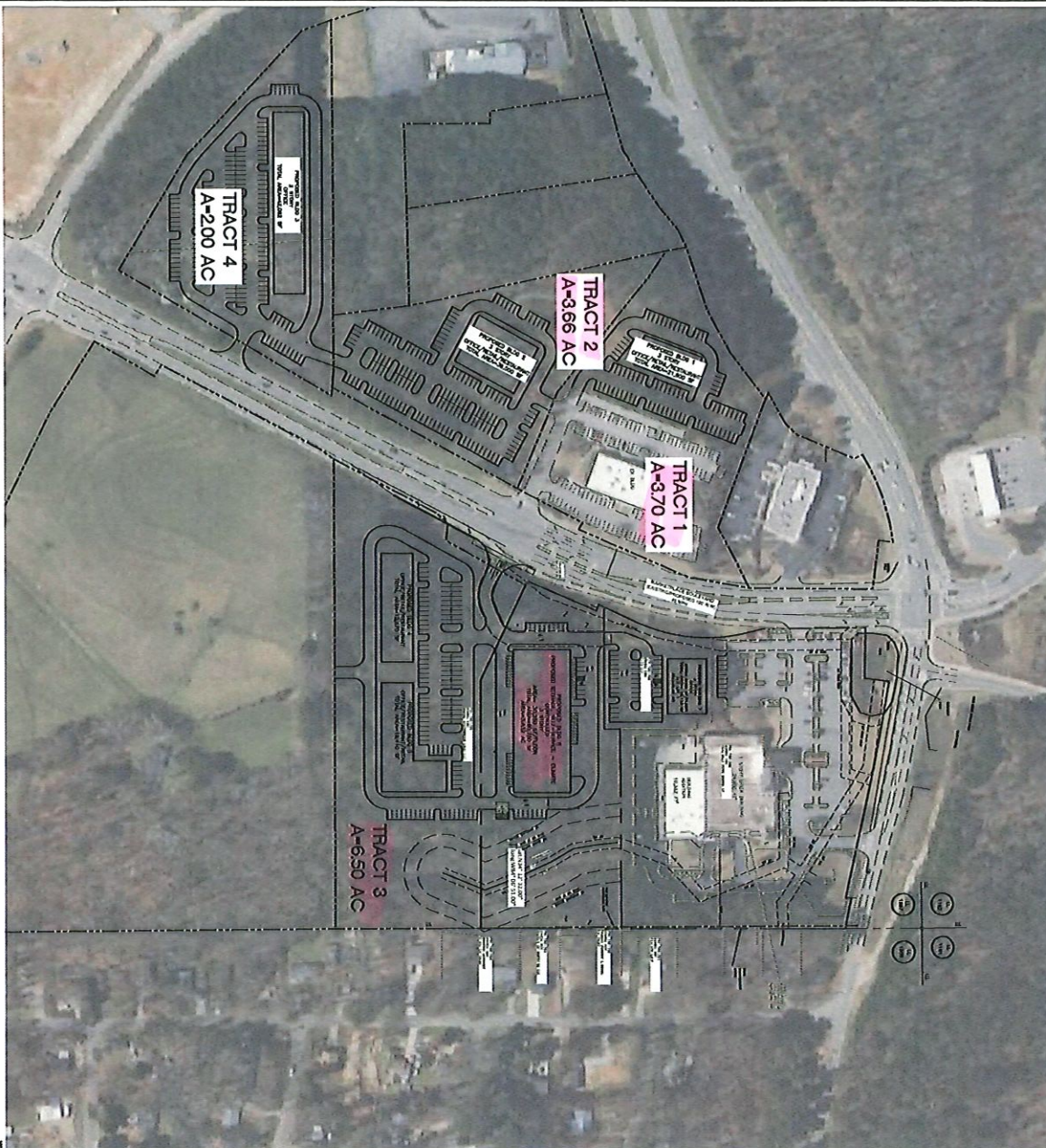
Web AppBuilder for ArcGIS  
Esri, TomTom, Garmin, FAO, NOAA, USGS, EPA, NPS, USFWS | Forsyth County GIS, Atlantic Group, WGI Geospatial | GIS Department, Forsyth County Georgia | City of Cumming City Council, Cumming Georgia | GIS Department, Forsyth County Georgia





**B.C. ENGINEERING, INC.**  
116 NORTH MAIN ST.  
CUMMING, GA 30040  
PHONE: (770) 205-6181  
FAX: (770) 205-6162  
EMAIL: [office@bcengineering-ga.com](mailto:office@bcengineering-ga.com)





Know what's below.  
Call before you dig.



- SITE LEGEND**
- EX. CURB AND CUTTER
  - EX. CURE AND CUTTER
  - CONCRETE SIDEWALK
  - EX. SIDEWALK
  - PROPERTY LINE
  - EX. LIGHT
  - EX. COMMUNICATION BOX
  - EX. TRANSFORMER
  - XXXX BUILDING ADDRESS NUMBER



SHEET NO.	JO NO.	2025-004
2	2	

GRANT BY:	JO	REVISION	DATE	DESCRIPTION
CHECKED BY:	BC	1		
DATE:	01/14/25			
SCALE:	AS NOTED			
LAND LOTS:	1257			
DISTRICT:	3RD			
SECTION:	1ST			



**OVERLAY SITE PLAN**  
NORTHWOODS/LAKE POINT MEDICAL CENTER  
BALD RIDGE MARINA RD  
LAND LOT 1257  
3RD DISTRICT, 1ST SECTION  
FORSYTH COUNTY, GEORGIA

**B.C. ENGINEERING, INC.**  
116 NORTH MAIN ST.  
CUMMING, GA 30040  
PHONE: (770) 205-6181  
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EMAIL: office@bcengineering-ga.com



**ZC2024-11-16 - E-15, LLC - Annexation #2024212 (HB Zoning)**

1. Maintenance of Property:
  - a. Lawns, buffers, fences, and landscaped areas shall be continuously maintained, and deceased vegetation shall be replaced.
  - b. Prior to recordation of the initial as-built plat, the property shall be made subject to a declaration of covenants that requires the formation of an owners association responsible for enforcing the covenants and such covenants shall require maintenance of landscaping, signage, open space, common areas, buffer areas, fences, and stormwater management areas.
2. Burglar bars, fiberglass awnings, and security curtains are prohibited.
3. No commercial deliveries or garbage pick-up shall be allowed between the hours of 10:00 p.m. and 5:00 a.m.
4. Outdoor lighting shall be designed to minimize light spillage to not more than one (1) footcandle along any residential or agricultural property line and two (2) foot-candles along any public street right-of-way, commercial, or industrial property line.
5. Dumpster storage area shall be covered with a roof and shall have three solid sides and be constructed of City approved masonry materials and doors that cover the opening to the structure.
6. The following uses shall be prohibited:
  - a. CBD Shops.
  - b. Marijuana or THC dispensaries excluding licensed pharmacies.
  - c. Pawn shops.
  - d. Massage parlors, except massage establishments that provide massage services as well as facials, chemical peels, muscle stretch and therapy services, aromatherapy and foot treatments.
  - e. Smoke shops and vape/e-cigarette stores.
  - f. Tattoo parlors.
  - g. Car dealerships.
  - h. Car washes.
  - i. Billboards.
  - j. Motels.
  - k. Extended stay hotels.
  - l. Open storage yards.
7. The subject property shall utilize water and sanitary sewer services provided by the City of Cumming. Septic service may only be used if authorized by the City's Utility Department.
8. Any above-ground Stormwater Management Ponds shall be landscaped as approve by the Design Review Committee.



9. Minimum performance standards:

<b>Dimensional requirement</b>	<b>HB</b>
Minimum lot size (square feet)	6,000
Maximum number of dwelling units per acre	3
Minimum lot width (feet)	60
Minimum floor area per dwelling unit	800
Maximum floor-area ratio	0.5
Maximum lot coverage (percent of total land area)	50%
Minimum landscaped open space (percent of total land area)	20%
Maximum number of stories (building)	4
Maximum height of building (feet)	40
Minimum setback for principal building from GA 400 right-of-way (feet)	100
Minimum natural buffer width abutting GA 400 right-of-way (feet)	50
Minimum front yard/building setback, arterial or collector street (feet)	20
Minimum front yard/building setback, other street (feet)	20
Minimum side yard/building setback (feet)	10
Minimum rear yard/building setback (feet)	20
Minimum rear or side yard/building setback adjacent to an alley or service drive	10
Minimum setback for principal building when abutting an R district (feet)	40
Minimum buffer when abutting an R district (feet)	30
Minimum landscape strip required along rights-of-way for any nonresidential or multifamily use (width in feet)	10
Minimum distance between principal buildings containing one or more dwellings (feet)	20
Minimum distance between nonresidential principal buildings (feet)	20

10. Building exteriors visible from a public right-of-way or any property line shall be of masonry or decorative type metal construction with a twenty (20) year finish, its equivalent, or superior construction. Uncolored or exposed galvanized iron or aluminum or fiberglass shall not be utilized as an exterior finish. Prohibited construction materials shall include, without limitation, exposed concrete block, weeping mortar joints, unnatural brick tones, uncolored or exposed galvanized iron or aluminum or fiberglass.
11. Developer shall submit a site plan to the City Council for approval prior to the issuance of a land disturbance permit.

12. Design Review Committee approval of the landscape design, architectural design, and building materials must be obtained before issuance of a land disturbance permit.
13. In the event a self-storage facility is constructed on Tax Parcel: 196-498, the following conditions shall apply to the self-storage facility:
  1. *Development shall be substantially in accordance with the site plan on file in the Department;*
  2. *Buildings shall share similar design characteristics to provide repeating patterns, materials, and colors to emphasize design integrity and be substantially in accordance with the Architecture/Building Material/Color Palette Exhibit attached as Exhibit A. Tilt walls are not permitted. Exterior building materials shall comply with the following:*

<i>Allowed</i>	<i>Prohibited</i>
<i>Brick</i> <i>Stone</i> <i>Glass</i> <i>Stucco-</i> <i>Max. 50% per façade</i> <i>Cementitious and Wood Siding-</i> <i>Max. 50% per façade</i> <i>Architectural grade metal: Max 50% per façade</i> <i>Prefabricated steel buildings shall not have vertical corrugated seam metal siding and shall have a variety of materials incorporated into the design.</i>	<i>Tilt/Precast</i> <i>Concrete Block including Smooth and Split-face</i> <i>Non-architectural grade metal, excluding roofs</i> <i>Tiles</i>

3. *A minimum twenty (20) foot wide landscape strip shall be installed along Marketplace Boulevard. Coal Mountain landscaping requirements shall apply to the front landscape strip plantings;*
4. *Roof mounted equipment and other accessories shall be screened from view from the public rights-of-way by a parapet, gable roof, roof screen, or other architectural feature. Roof equipment and roof screens shall be finished to match the roof or parapet wall. When the relationship between building roofs and adjoining public streets and/or residential developments make screening of roof equipment impossible (e.g. road higher than roof), a parapet of no less than five (5) feet in height shall be installed;*
5. *Final building designs shall be approved by the District Commissioner;*
6. *Owner/Operator shall maintain a dumpster for use by customers to deposit solid waste from authorized items stored on premises. Said dumpster shall be no larger than six (6) feet by seven (7) feet. Said dumpster shall be located where it is not visible from any adjacent property or right-of-way. Said dumpster shall be emptied weekly to avoid unpleasant odors and/or attracting insects and/or vermin;*
7. *Business hours shall be from 5:00 a.m. to 11:00 p.m. Customer gate access and any*



*other customer access to the site during closed hours, 11:00 p.m. to 5:00 a.m., shall be prohibited;*

- 8. Signage displaying the hours of operation shall be posted in a visible area located near the entrance(s) of the storage facility;*
- 9. Signage shall comply with sign regulations for the Coal Mountain Overlay District;*
- 10. All lighting shall be individually motion activated and programmed to shut off not more than fifteen (15) minutes after last motion is detected;*
- 11. Freestanding pole lights, if any, shall not exceed eighteen (18) feet;*
- 12. Uplighting is prohibited, except for externally illuminated monument signage upon approval by District Commissioner;*
- 13. All other fixtures shall be full-cutoff or fully shielded;*
- 14. All lighting shall emit a low color temperature light having a Kelvin temperature of no more than three thousand (3,000). Thereby, light emitted from any source on site will be in the "warm" spectrum and light with a bluish color, sometimes referred to as "daylight" lights, which are in the "cool" spectrum is prohibited;*
- 15. Burglar bars, fiberglass awnings, exterior roof access ladders and steel roll down curtains are prohibited;*
- 16. Self-storage bay doors, when visible through windows, shall be painted a neutral earth-tone color;*
- 17. Facades greater than one hundred (100) feet in length, measured horizontally, shall incorporate wall plane projections or recesses having a depth of at least 10-12 inches. No uninterrupted length of any facade shall exceed one hundred (100) horizontal feet.*
- 18. The maximum length for an individual self-service storage building is 275 ft.*
- 19. Facade design shall provide varying wall offsets and other architectural features to create horizontal (wall) and vertical building articulation. Along with the wall plane requirements, at least two of the following treatments shall be incorporated:*
  - a. change in texture or masonry pattern;*
  - b. fenestration (window treatment);*
  - c. an expression of architectural or structural bays through a change in plane no less than twelve inches in width, such as an offset, reveal or projecting rib;*
  - d. an equivalent element that subdivides the wall into pedestrian scale proportions, as approved by the Director of Planning & Community Development;*
- 20. Vehicle rental establishments shall not be permitted.*

Exhibit A







202 Tribble Gap Road | Suite 302 | Cumming, Georgia 30040  
678-672-1234 | [www.tallanthowell.com](http://www.tallanthowell.com)

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Kevin J. Tallant  
[ktallant@tallanthowell.com](mailto:ktallant@tallanthowell.com)

September 30, 2024

**VIA CERTIFIED U.S. MAIL: 9314 7699 0430 0126 7328 99**

Commission Chairman Alfred John  
Forsyth County Commission District 2  
Forsyth County Board of Commissioners  
110 East Main Street, Suite 210  
Cumming, Georgia 30040

**Re: Annexation of Property by E-15, LLC, 18.292 Acres Designated as Forsyth County Tax Parcel(s): 196-482, 196-498, 196-561, & 196-394**

Dear Chairman John:

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. As I trust you are aware, this annexation request has already completed the process agreed to in the LOST IGA between the City of Cumming and Forsyth County. This annexation petition will be heard during a public hearing before the City of Cumming Planning Commission on October 15, 2024, 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, it will then be considered by the governing authority of the City of Cumming, which is at present scheduled for November 19, 2024, 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 owner of each parcel represents 100% of the ownership interest in the subject land. The aggregate external boundary of the subject tract 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.

This letter has been sent to you by certified mail. Please see the attached copy of the Annexation Petition identifying the parcels proposed for annexation, Based upon the understanding of the City of Cumming, the applicant intends to develop the property for retail, office and restaurant purposes. These materials are included to allow you to identify the subject area as well as the intended use of the property. *According to the Applicant*, the property to be annexed is zoned CBD Commercial Business District) under the Forsyth County Zoning

ordinance. The Applicant has requested, if annexed, to be zoned "Highway Business" under the City's Zoning Ordinance.

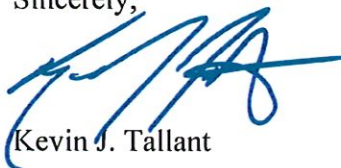
Pursuant to O.C.G.A. § 36-36-113, upon receipt of this notice Forsyth County has until the end of the forty-fifth (45<sup>th</sup>) calendar day from said receipt to raise an objection to the proposed annexation based upon a material increase in burden upon the county as defined by law.

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.

*Finally, the submission of this notice and the information contained herein is made in an effort to comply with Georgia law, as the City of Cumming is required to provide the County notice when someone seeks to annex into the City's corporate limits. This notice is expressly not to be taken as any indication that the City of Cumming has, at this time, considered anything with respect to this Annexation Petition, and is not an indication that the City's governing authority will vote in favor of or against the Petition. The public has a right to petition the government, which in this case was done in the form of an Annexation Petition. As such, the City of Cumming is at this time moving through the process required by law to consider such a Petition.*

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/rm  
enclosures

cc: Mr. Phil Higgins (via email)  
Mr. Scott Morgan (via email)  
Mr. David McKee (via U.S. Mail, w/encl.)  
Mr. Ken Jarrard (via email, w/encl.)  
Dr. James Mitchell Young, Superintendent, Forsyth County Schools (via U.S. Certified Mail, w/ encl.)





# JARRARD & DAVIS, LLP

222 WEBB STREET  
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October 7, 2024

**VIA EMAIL and STATUTORY OVERNIGHT DELIVERY**

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

Kevin J. Tallant, Esq.  
Tallant and Howell, LLC  
202 Tribble Gap Road, Suite 302  
Cumming, Georgia 30040

Re: Annexation of Property by E-15, LLC  
Tax Map Parcels 196-482, 196-498, 196-561, & 196-394 (+/- 18.292 Acres of  
Land)

Dear Mayor Brumbalow & Mr. Tallant:

Forsyth County ("County") is in receipt of your September 30, 2024 letter, received by the County on September 30, 2024, 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 proposed to be annexed. However, please be advised that the proposed annexation will result in the portion of County right of way, specifically that section of Market Place Boulevard running between parcels 196-482 and 196-498, as well as between parcels 196-561 and 196-394, becoming City of Cumming right of way under O.C.G.A. § 36-36-7(c). It will also result in the portion of Bald Ridge Marina Road adjacent to parcel 196-482 becoming City of Cumming right of way under O.C.G.A. § 36-36-7(c).

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

Sincerely,

JARRARD & DAVIS, LLP

Molly N. Esswein

MNE/art

cc: David McKee, County Manager (via email only)



# JARRARD & DAVIS, LLP

222 WEBB STREET  
CUMMING, GEORGIA 30040

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November 12, 2024

**VIA EMAIL**

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

Kevin Tallant, Esq.  
Tallant Howell  
202 Tribble Gap Road, Floor 3, Suite 302  
Cumming, GA 30040

Ethan Underwood, Esq.  
Miles Hansford, LLC  
202 Tribble Gap Road, Suite 200  
Cumming GA 30040

Re: Annexation of Property by E-15, LLC  
Tax Map Parcels 196-482, 196-498, 196-561, & 196-394 (+/- 18.292 Acres of  
Land)

Gentlemen:

At today's Forsyth County Board of Commissioners work session, the Board took up and considered the above-referenced annexation application. Based upon a time sensitive vote of the Board, I have been authorized to report that the Board tenders **no objection** to same. This vote of no objection is conditioned upon the applicant accepting and the City imposing the following conditions on the parcels as they come under the City's regulatory zoning purview.

**Tax Parcel 196-482**

It is the County's understanding that the applicant is proposing to use this parcel for a self-storage facility. It is further the County's understanding that the applicant is agreeable to the City imposing the same conditions on this self-storage facility as were otherwise imposed by the County as part of its CP220055 approval. The County's zoning resolution related to CP220055 is attached, which includes the conditions imposed. The County would respectfully request that those same conditions be required by the City on 196-482.

**Tax Parcels 196-498, 196-561, 196-394**

It is the County's understanding that the applicant is agreeable to the City imposing (via zoning conditions) the following list of **prohibited** uses on these parcels:



- Car dealerships
- Car washes
- Billboards
- Motels
- Extended stay hotels
- Open storage yards

The County understands that the applicant may seek zoning approval for a hotel - but is agreeable to said hotel not being extended stay. The County would request this limitation be a part of the City's zoning conditions. As a final ask, the County would propose to the applicant that the three (3) remaining tax parcels be developed as medical office uses, to follow those development patterns of adjacent and nearby parcels.

The County appreciates your review and action upon the above.

Sincerely,

**JARRARD & DAVIS, LLP**

*/s/ Ken Jarrard*

Ken Jarrard

Enc.

cc: David McKee, County Manager (via email only)  
Cindy Mills, District Commissioner (via email only)