

**REZONING APPLICATION FORM
CITY OF CUMMING, GEORGIA**

Rezoning Request # 2026040

Amount Paid _____ Receipt # _____

Property Owner: Name: Central Forsyth Properties LLC

Address: 112 North Main Street, Cumming, GA 30040



Phone: 770-789-7044 - Mark Morgan

Applicant: Name: Shree Real Estate Developers LLC

(if different from owner)

Address: 5400 Laurel Springs Parkway, Bldg. 700, Ste. 702

Suwanee, GA 30024

Phone: 770-789-7044 - Yashesh Shah

Agent: (if applicable)

Name: Lipscomb Johnson LLP - Sean Courtney Phone: 770-887-7761

Existing Zoning: OCMS

Proposed Zoning: R2 with variances as seen in letter of intent

Existing Use: Vacant

Proposed Use: Single Family Age-Restricted Residential Development

Acreage of Site: ~~33.65~~ 32.67

Location of Property: Market Place Blvd. and Sanders Rd.

(street address)

Tax Map and Parcel # P/O C38 013 and P/O C38 140

Applicants shall submit (7) 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 (7) 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.

See Letter of Intent for Items 1-9

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.

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

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

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

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

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.

7. The zoning history of the subject property.

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.

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

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.

Central Forsyth Properties LLC by Mark Morgan

Signature of Property Owner:

Mark Morgan - Central Forsyth Properties LLC

Printed Name of Property Owner:

Mark Morgan / Manager

Date of Signature:

1.27.26

LAW OFFICES
LIPSCOMB JOHNSON LLP

112 NORTH MAIN STREET
CUMMING, GEORGIA 30040
TELEPHONE: 770-887-7761
FAX: 770-889-8123

EMORY LIPSCOMB
PUTNAM CLARK SMITH, P.C.
SEAN COURTNEY
ASHLEY B. MASHBURN
ANDERSON LIPSCOMB

COY R. JOHNSON
(1928-2024)
L. LEE DAILEY
(1939-2013)

March 10, 2026

VIA HAND DELIVERY

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

Re: Letter of Intent as required by Section 113-110(3) of the Zoning Ordinance of the
City of Cumming, Georgia –Rezoning of Shree Real Estate Developers LLC
Request No. 2026 _____

Dear Mr. Morgan:

This letter of intent is submitted pursuant to Section 113-110(3) and by reference section 113-112, of the Zoning Ordinance of the City of Cumming, Georgia, as part of Shree Real Estate Developers LLC (the “Applicant’s”) proposed Rezoning Application (the application and all supplemental documents filed contemporaneously therewith are collectively referred to herein as the “Application”). The Applicant is the agent/authorized representative for the current deed record property owners of the property subject to this rezoning application, commonly known as Forsyth County Tax Parcel Numbers P/O C38-013 and P/O C38-140 (the “Subject Property”). The Applicant seeks to rezone the Subject Property from its existing OCMS (Office-Commercial Multi-Story District) classification to the City of Cumming’s R-2 (Moderate-Density Residential District) zoning classification for the purpose of developing 89 lots on the Subject Property.

The applicant is also requesting the following variances:

1. Variance to allow for a minimum lot size of 5,000 sf instead of the required 15,000 sf.
2. Variance of 20 ft. to allow for a minimum lot width of 50 ft at front setback instead of 70 ft.
3. Variance of 5 ft. to allow for a front setback of 20 ft instead of the required 25 ft.
4. Variance of 5 ft. to allow for a side setback of 5 ft instead of the required 10 ft.
5. Variance of 10 ft. to allow for a rear setback of 10 ft instead of the required 20 ft.
6. Variance of 10 ft. to allow for a minimum distance between homes of 10 ft instead of the required 20 ft.

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

1. The existing zoning of surrounding properties are OCMS, R-1A, HB, and R-2 . The City of Cumming Future Land Use Map indicates Commercial, Office Commercial Multi-Story, and Office Professional as the appropriate uses but based on the fact that there are existing residences adjacent to the Subject Property, the proposed rezoning will not adversely affect the existing use or usability of nearby properties, but will rather complement existing use patterns.
2. The existing use of the Subject Property at its current zoning classification is for office and commercial multi-story development, and the Applicant is requesting to convert this land into a vibrant residential development, therefore it is anticipated that approval of the proposed rezoning to the R-2 district will raise and not diminish surrounding property values.
3. Approval of the Applicant's Application would not cause a safety hazard or noxious condition, would not reduce property values in the surrounding area, and therefore would promote the health, safety, morals and general welfare of the public.
4. The relative gain to the public is also estimated to be significant as the proposed residential use will mesh well into the existing land uses in the area.
5. The Subject Property is physically suitable for development as requested by the Applicant under the R-2 zoning district and is not currently suitable for development under its existing zoning designation.
6. The Subject Property is currently vacant and has been for a very long time in the midst of surrounding developments, to the best of the Applicant's knowledge and belief. There are no existing or changed conditions affecting the use or development of the Subject Property which would give supporting grounds for disapproval of the rezoning request.
7. As far as the Subject Property's zoning history is concerned, to the best of the Applicant's knowledge and belief, the Subject Property has at all times been zoned OCMS and has been used as it is currently, based on the Applicant's personal knowledge and belief.
8. The build out and transition of the Subject Property from its current use to the Applicant's proposed use will be gradual and in keeping with current and estimated growth patterns in the City, and it is therefore not anticipated that the proposed rezoning/development will result in or cause excessive or burdensome use of existing streets, transportation facilities, utilities, schools, parks, or other public facilities. In addition, lots will be age restricted, which will not burden the schools.
9. The City of Cumming Future Land Use Map indicates Commercial, Office Commercial Multi-Story, and Office Professional as the appropriate uses but based on the fact that there are existing residences adjacent to the Subject Property, the development meets the purpose

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and intent of the comprehensive plan and land use plan.

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

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

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

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

Sean Courtney,
Attorney for Shree Real Estate Developers LLC

LEGAL DESCRIPTION

MARY ALICE

ALL THAT TRACT OR PARCEL OF LAND LYING AND BEING IN LAND LOTS 77 AND 78, 2ND DISTRICT, 1ST SECTION, CITY OF CUMMING, FORSYTH COUNTY GEORGIA AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS;

TO FIND THE POINT OF BEGINNING, COMMENCE AT A CONCRETE MONUMENT RIGHT-OF-WAY MONUMENT (DISTURBED) FOUND AT THE INTERSECTION OF THE SOUTHWESTERLY RIGHT-OF-WAY LINE OF MARY ALICE PARK ROAD (VARIABLE WIDTH RIGHT-OF-WAY) AND THE NORTHEASTERLY RIGHT-OF-WAY LINE OF MARKET PLACE BOULEVARD (VARIABLE WIDTH RIGHT-OF-WAY); THENCE LEAVING THE CONCRETE MONUMENT THE TIE LINE IS SOUTH 59 DEGREES 8 MINUTES 10 SECONDS EAST, A DISTANCE OF 433.57 FEET TO A POINT. THE PROPERTY THEN BEGINS

SOUTH 76 DEGREES 12 MINUTES 31 SECONDS EAST, A DISTANCE OF 204.15 FEET TO A POINT;

THENCE NORTH 13 DEGREES 47 MINUTES 29 SECONDS EAST, A DISTANCE OF 8.97 FEET TO A POINT;

THENCE SOUTH 76 DEGREES 12 MINUTES 31 SECONDS EAST, A DISTANCE OF 210.07 FEET TO A POINT;

THENCE SOUTH 75 DEGREES 46 MINUTES 21 SECONDS EAST, A DISTANCE OF 164.88 FEET TO A POINT;

THENCE SOUTH 14 DEGREES 10 MINUTES 27 SECONDS WEST, A DISTANCE OF 169.62 FEET TO A POINT;

THENCE SOUTH 70 DEGREES 48 MINUTES 38 SECONDS EAST, A DISTANCE OF 119.17 FEET TO A POINT;

THENCE SOUTH 80 DEGREES 8 MINUTES 42 SECONDS EAST, A DISTANCE OF 243.90 FEET TO A POINT;

THENCE SOUTH 7 DEGREES 32 MINUTES 21 SECONDS WEST, A DISTANCE OF 113.85 FEET TO A POINT;

THENCE ALONG A CURVE TO THE LEFT, SAID CURVE HAVING AN ARC LENGTH OF 127.27 FEET, A RADIUS OF 1475 FEET, AND BEING SUBTENDED BY A CHORD BEARING OF SOUTH 9 DEGREES 40 MINUTES 34 SECONDS WEST A DISTANCE OF 127.19 FEET TO A POINT;

THENCE SOUTH 12 DEGREES 14 MINUTES 21 SECONDS WEST, A DISTANCE OF 527.98 FEET TO A POINT;

THENCE ALONG A CURVE TO THE LEFT, SAID CURVE HAVING AN ARC LENGTH OF 279.28 FEET, A RADIUS OF 550 FEET, AND BEING SUBTENDED BY A CHORD

BEARING OF SOUTH 2 DEGREES 45 MINUTES 25 SECONDS EAST A DISTANCE OF 276.29 FEET TO A POINT;
THENCE SOUTH 17 DEGREES 18 MINUTES 13 SECONDS EAST, A DISTANCE OF 46.92 FEET TO A POINT;
THENCE SOUTH 18 DEGREES 14 MINUTES 30 SECONDS EAST, A DISTANCE OF 201.59 FEET TO A POINT;
THENCE ALONG A CURVE TO THE RIGHT, SAID CURVE HAVING AN ARC LENGTH OF 200.15 FEET, A RADIUS OF 5000 FEET, AND BEING SUBTENDED BY A CHORD BEARING OF SOUTH 19 DEGREES 23 MINUTES 18 SECONDS EAST A DISTANCE OF 200.13 FEET TO A POINT;
THENCE SOUTH 20 DEGREES 32 MINUTES 7 SECONDS EAST, A DISTANCE OF 162.41 FEET TO A POINT;
THENCE SOUTH 78 DEGREES 54 MINUTES 29 SECONDS WEST, A DISTANCE OF 14.6 FEET TO A POINT;
THENCE SOUTH 88 DEGREES 23 MINUTES 45 SECONDS WEST, A DISTANCE OF 54.91 FEET TO A POINT;
THENCE NORTH 64 DEGREES 44 MINUTES 08 SECOND WEST, A DISTANCE OF 74.20 FEET TO A POINT;
THENCE SOUTH 51 DEGREES 34 MINUTES 45 SECONDS WEST, A DISTANCE OF 59.95 FEET TO A POINT;
THENCE NORTH 76 DEGREES 9 MINUTES 35 SECOND WEST, A DISTANCE OF 46.87 FEET TO A POINT;
THENCE SOUTH 85 DEGREES 28 MINUTES 2 SECONDS WEST, A DISTANCE OF 16.04 FEET TO A POINT;
THENCE SOUTH 58 DEGREES 57 MINUTES 48 SECONDS WEST, A DISTANCE OF 18.19 FEET TO A POINT;
THENCE SOUTH 38 DEGREES 31 MINUTES 28 SECONDS WEST, A DISTANCE OF 42.68 FEET TO A POINT;
THENCE SOUTH 78 DEGREES 22 MINUTES 54 SECONDS WEST, A DISTANCE OF 8.77 FEET TO A POINT;
THENCE NORTH 84 DEGREES 0 MINUTES 40 SECONDS WEST, A DISTANCE OF 10.57 FEET TO A POINT;
THENCE NORTH 65 DEGREES 52 MINUTES 33 SECONDS WEST, A DISTANCE OF 41.54 FEET TO A POINT;
THENCE NORTH 22 DEGREES 08 MINUTES 30 SECONDS WEST, A DISTANCE OF 31.4 FEET TO A POINT;
THENCE NORTH 4 DEGREES 59 MINUTES 41 SECONDS WEST, A DISTANCE OF 70.17 FEET TO A POINT;
THENCE NORTH 19 DEGREES 03 MINUTES 05 SECONDS EAST, A DISTANCE OF 42.92 FEET TO A POINT;

1 THENCE NORTH 14 DEGREES 38 MINUTES 24 SECONDS WEST, A DISTANCE OF 68.13 FEET TO A POINT;
THENCE NORTH 32 DEGREES 03 MINUTES 19 SECONDS WEST, A DISTANCE OF 40.09 FEET TO A POINT;
THENCE NORTH 3 DEGREES 28 MINUTES 52 SECONDS WEST, A DISTANCE OF 20.92 FEET TO A POINT;
THENCE NORTH 44 DEGREES 05 MINUTES 47 SECONDS WEST, A DISTANCE OF 8.83 FEET TO A POINT;
THENCE NORTH 9 DEGREES 29 MINUTES 07 SECONDS WEST, A DISTANCE OF 11.32 FEET TO A POINT;
THENCE NORTH 50 DEGREES 08 MINUTES 10 SECONDS WEST, A DISTANCE OF 28.25 FEET TO A POINT;
THENCE NORTH 76 DEGREES 11 MINUTES 19 SECONDS WEST, A DISTANCE OF 37.65 FEET TO A POINT;
THENCE NORTH 86 DEGREES 51 MINUTES 03 SECONDS WEST, A DISTANCE OF 19.6 FEET TO A POINT;
THENCE NORTH 10 DEGREES 27 MINUTES 56 SECONDS WEST, A DISTANCE OF 11.19 FEET TO A POINT;
THENCE NORTH 35 DEGREES 51 MINUTES 08 SECONDS WEST, A DISTANCE OF 75.97 FEET TO A POINT;
THENCE NORTH 46 DEGREES 44 MINUTES 04 SECONDS WEST, A DISTANCE OF 52.15 FEET TO A POINT;
THENCE NORTH 59 DEGREES 12 MINUTES 34 SECONDS WEST, A DISTANCE OF 35.65 FEET TO A POINT;
THENCE NORTH 82 DEGREES 45 MINUTES 23 SECONDS WEST, A DISTANCE OF 23.42 FEET TO A POINT;
THENCE SOUTH 81 DEGREES 53 MINUTES 0 SECONDS WEST, A DISTANCE OF 18.41 FEET TO A POINT;
THENCE NORTH 62 DEGREES 35 MINUTES 44 SECONDS WEST, A DISTANCE OF 15.04 FEET TO A POINT;
THENCE NORTH 26 DEGREES 00 MINUTES 15 SECONDS WEST, A DISTANCE OF 28.25 FEET TO A POINT;
THENCE NORTH 34 DEGREES 31 MINUTES 24 SECONDS WEST, A DISTANCE OF 9.09 FEET TO A POINT;
THENCE SOUTH 86 DEGREES 53 MINUTES 54 SECONDS WEST, A DISTANCE OF 13.84 FEET TO A POINT;
THENCE NORTH 60 DEGREES 49 MINUTES 47 SECONDS WEST, A DISTANCE OF 5.54 FEET TO A POINT;
THENCE NORTH 80 DEGREES 45 MINUTES 30 SECONDS WEST, A DISTANCE OF 5.08 FEET TO A POINT;

THENCE NORTH 63 DEGREES 57 MINUTES 29 SECONDS WEST, A DISTANCE OF 44.65 FEET TO A POINT;
THENCE NORTH 64 DEGREES 42 MINUTES 00 SECONDS WEST, A DISTANCE OF 20.39 FEET TO A POINT;
THENCE NORTH 31 DEGREES 09 MINUTES 51 SECONDS WEST, A DISTANCE OF 35.54 FEET TO A POINT;
THENCE NORTH 27 DEGREES 47 MINUTES 52 SECONDS WEST, A DISTANCE OF 41.74 FEET TO A POINT;
THENCE NORTH 27 DEGREES 27 MINUTES 13 SECONDS WEST, A DISTANCE OF 28.15 FEET TO A POINT;
THENCE NORTH 31 DEGREES 54 MINUTES 21 SECONDS WEST, A DISTANCE OF 20.47 FEET TO A POINT;
THENCE NORTH 4 DEGREES 39 MINUTES 51 SECONDS WEST, A DISTANCE OF 26.13 FEET TO A POINT;
THENCE NORTH 3 DEGREES 40 MINUTES 30 SECONDS EAST, A DISTANCE OF 17.39 FEET TO A POINT;
THENCE NORTH 19 DEGREES 16 MINUTES 45 SECONDS EAST, A DISTANCE OF 26.42 FEET TO A POINT;
THENCE NORTH 27 DEGREES 30 MINUTES 24 SECONDS EAST, A DISTANCE OF 33.00 FEET TO A POINT;
THENCE NORTH 35 DEGREES 38 MINUTES 13 SECONDS EAST, A DISTANCE OF 28.00 FEET TO A POINT;
THENCE NORTH 47 DEGREES 00 MINUTES 32 SECONDS EAST, A DISTANCE OF 46.06 FEET TO A POINT;
THENCE NORTH 74 DEGREES 34 MINUTES 29 SECONDS EAST, A DISTANCE OF 20.27 FEET TO A POINT;
THENCE NORTH 36 DEGREES 29 MINUTES 01 SECONDS EAST, A DISTANCE OF 25.61 FEET TO A POINT;
THENCE NORTH 60 DEGREES 21 MINUTES 18 SECONDS EAST, A DISTANCE OF 17.50 FEET TO A POINT;
THENCE NORTH 69 DEGREES 32 MINUTES 37 SECONDS EAST, A DISTANCE OF 18.54 FEET TO A POINT;
THENCE NORTH 72 DEGREES 34 MINUTES 27 SECONDS EAST, A DISTANCE OF 21.62 FEET TO A POINT;
THENCE NORTH 63 DEGREES 32 MINUTES 05 SECONDS EAST, A DISTANCE OF 16.98 FEET TO A POINT;
THENCE NORTH 5 DEGREES 17 MINUTES 37 SECONDS EAST, A DISTANCE OF 11.98 FEET TO A POINT;
THENCE NORTH 33 DEGREES 35 MINUTES 26 SECONDS WEST, A DISTANCE OF 11.74 FEET TO A POINT;

HENCE NORTH 0 DEGREES 05 MINUTES 56 SECONDS EAST, A DISTANCE OF 9.77 FEET TO A POINT;
THENCE NORTH 29 DEGREES 04 MINUTES 03 SECONDS EAST, A DISTANCE OF 17.77 FEET TO A POINT;
THENCE NORTH 29 DEGREES 04 MINUTES 03 SECONDS EAST, A DISTANCE OF 51.68 FEET TO A POINT;
THENCE NORTH 22 DEGREES 55 MINUTES 58 SECONDS EAST, A DISTANCE OF 44.74 FEET TO A POINT;
THENCE NORTH 50 DEGREES 17 MINUTES 37 SECONDS EAST, A DISTANCE OF 16.95 FEET TO A POINT;
THENCE NORTH 33 DEGREES 47 MINUTES 27 SECONDS EAST, A DISTANCE OF 11.74 FEET TO A POINT;
THENCE NORTH 57 DEGREES 37 MINUTES 40 SECONDS EAST, A DISTANCE OF 14.15 FEET TO A POINT;
82 THENCE NORTH 36 DEGREES 46 MINUTES 14 SECONDS WEST, A DISTANCE OF 10.85 FEET TO A POINT;
THENCE NORTH 77 DEGREES 22 MINUTES 20 SECONDS WEST, A DISTANCE OF 10.00 FEET TO A POINT;
THENCE NORTH 49 DEGREES 17 MINUTES 58 SECONDS WEST, A DISTANCE OF 10.00 FEET TO A POINT;
THENCE NORTH 06 DEGREES 14 MINUTES 29 SECONDS WEST, A DISTANCE OF 9.83 FEET TO A POINT;
THENCE NORTH 18 DEGREES 20 MINUTES 03 SECONDS EAST, A DISTANCE OF 6.86 FEET TO A POINT;
THENCE NORTH 9 DEGREES 33 MINUTES 37 SECONDS EAST, A DISTANCE OF 6.60 FEET TO A POINT;
THENCE NORTH 35 DEGREES 38 MINUTES 18 SECONDS EAST, A DISTANCE OF 9.33 FEET TO A POINT;
THENCE NORTH 21 DEGREES 54 MINUTES 03 SECONDS EAST, A DISTANCE OF 11.69 FEET TO A POINT;
THENCE NORTH 28 DEGREES 42 MINUTES 34 SECONDS EAST, A DISTANCE OF 13.60 FEET TO A POINT;
THENCE NORTH 12 DEGREES 37 MINUTES 43 SECONDS EAST, A DISTANCE OF 20.01 FEET TO A POINT;
THENCE NORTH 13 DEGREES 49 MINUTES 25 SECONDS EAST, A DISTANCE OF 45.21 FEET TO A POINT;
THENCE NORTH 76 DEGREES 10 MINUTES 35 SECONDS WEST, A DISTANCE OF 224.70 FEET TO A POINT;
THENCE NORTH 13 DEGREES 49 MINUTES 25 SECONDS EAST, A DISTANCE OF 105.00 FEET TO A POINT;

THENCE NORTH 76 DEGREES 10 MINUTES 35 SECONDS WEST, A DISTANCE OF 158.94 FEET TO A POINT;
THENCE ALONG A CURVE TO THE LEFT, SAID CURVE HAVING AN ARC LENGTH OF 82.61 FEET, A RADIUS OF 75.00 FEET, AND BEING SUBTENDED BY A CHORD BEARING OF SOUTH 72 DEGREES 16 MINUTES 4 SECONDS EAST A DISTANCE OF 78.5 FEET TO A POINT;
THENCE SOUTH 40 DEGREES 42 MINUTES 43 SECONDS, A DISTANCE OF 61.25 FEET TO A POINT;
THENCE ALONG A CURVE TO THE LEFT, SAID CURVE HAVING AN ARC LENGTH OF 107.46 FEET, A RADIUS OF 125.00 FEET, AND BEING SUBTENDED BY A CHORD BEARING OF SOUTH 65 DEGREES 20 MINUTES 25 SECONDS WEST, A DISTANCE OF 104.18 FEET TO A POINT;
SOUTH 89 DEGREES 58 MINUTES 7 SECONDS WEST, A DISTANCE OF 96.61 FEET TO A POINT;
THENCE NORTH 14 DEGREES 27 MINUTES 30 SECONDS EAST, A DISTANCE OF 11.68 FEET TO A POINT;
THENCE NORTH 0 DEGREES 8 MINUTES 8 SECONDS WEST, A DISTANCE OF 152.26 FEET TO A POINT;
THENCE NORTH 0 DEGREES 8 MINUTES 8 SECONDS WEST, A DISTANCE OF 45.61 FEET TO A POINT;
THENCE ALONG A CURVE TO THE RIGHT, SAID CURVE HAVING AN ARC LENGTH OF 158.42 FEET, A RADIUS OF 659.00 FEET, AND BEING SUBTENDED BY A CHORD BEARING OF NORTH 17 DEGREES 7 MINUTES 44 SECONDS EAST, A DISTANCE OF 158.04 FEET TO A POINT;
THENCE NORTH 25 DEGREES 0 MINUTES 56 SECONDS EAST, A DISTANCE OF 17.54 FEET TO A POINT;
THENCE SOUTH 76 DEGREES 10 MINUTES 35 SECONDS EAST, A DISTANCE OF 476.02 FEET TO A POINT;
THENCE NORTH 13 DEGREES 39 MINUTES 54 SECONDS EAST, A DISTANCE OF 220.30 FEET TO THE BEGINNING POINT OF THE PROPERTY.

SAID PARCEL OF LAND CONTAINS 32.67 ACRES OR 1,423,070.17 SQ. FT.

Shree Real Estate Developers, LLC # 2026 _____
33.65 acres Located on Market Place Blvd/Sanders Road
Rezoning from OCMS to R-2

1. There shall be no more than 89 residential units on the subject property, which shall consist of age-restricted single-family homes.
2. The open space, including landscape strips and buffers, as well as the amenity areas shown on the site plan, shall be private and maintained by a Property Owners Association. Lawn maintenance shall be provided by the Association for the age-restricted units.
3. Residential units shall be located on a minimum lot size of not less than 5,000 square feet and shall have a minimum two-car garage. The following minimum standards shall apply:
 - a. Front Setback 20 Side Setback 5 Rear Setback 10
 - b. Minimum Lot width: 50' at front setback
 - c. Minimum house size: 1,600 s.f.
4. The elevations shall be substantially similar to the attached Exhibit "A" which shall be approved by the Design Review Committee (DRC).
5. Internal sidewalks shall be a minimum of 5 ft. wide on both sides of the street.
6. Development shall tie onto City of Cumming sewer and water.
7. All public streets shall comply with City of Cumming Construction Standards and specifications and they may be private streets if permitted by the City Planning Department. The entrance on Sanders Road shall be approved by Forsyth County Engineering.
8. A mailbox kiosk shall be provided to serve the entirety of the development.
9. The detention pond(s) shall be screened with landscaping and a decorative aluminum fence as approved by the DRC.
10. Driveways shall be a minimum of 20 ft. from the back of sidewalk to the garage door allowing 2 parking spaces.
11. The following variances shall be approved:
 1. Variance to allow for a minimum lot size of 5,000 sf instead of the required 15,000 sf.
 2. Variance of 20 ft. to allow for a minimum lot width of 50 ft at front setback instead of 70 ft.
 3. Variance of 5 ft. to allow for a front setback of 20 ft instead of the required 25 ft.
 4. Variance of 5 ft. to allow for a side setback of 5 ft instead of the required 10 ft.
 5. Variance of 10 ft. to allow for a rear setback of 10 ft instead of the required 20 ft.
 6. Variance of 10 ft. to allow for a minimum distance between homes of 10 ft instead of the required 20 ft.

EXHIBIT "A"













