

REZONING APPLICATION FORM
CITY OF CUMMING, GEORGIA

Rezoning Request # 2026026

Amount Paid _____ Receipt # _____

Property Owner: Name: Central Forsyth Properties LLC

Address: 112 North Main Street, Cumming, GA 30040

Phone: 770-296-3809 - Mark Morgan

Applicant: Name: Shree Real Estate Developers LLC

(if different from owner) Address: 5400 Laurel Springs Pkwy., Bldg 700, Ste 702, Suwanee, GA 30024
Suwanee, GA 30024

Phone: 770-789-7044

Agent: (if applicable) Name: Lipscomb Johnson LLP - Sean Courtney Phone: 770-887-7761

Existing Zoning: OCMS

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

Existing Use: Vacant

Proposed Use: Retail

Acreage of Site: 3.5713 acres

Location of Property: Market Place Blvd.

(street address)

Tax Map and Parcel # P/O C38-013

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 Attached 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)

February 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 Number P/O C38-013 (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 HB (Highway Business District) zoning classification for the purpose of the development of a total of approximately 30,420 square feet of retail space. The applicant is also requesting the following variances:

1. A variance to reduce the side setback from the required 10 ft. to 5 ft.
2. A variance to increase the maximum lot coverage from 50% to 62.4%

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, HB, and PSC . The City of Cumming Future Land Use Map indicates Commercial, Office Commercial Multi-Story, and Office Professional as the appropriate uses and therefore, the proposed rezoning will not adversely affect the existing use or usability of nearby properties but will rather complement existing use patterns.

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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 retail development, therefore it is anticipated that approval of the proposed rezoning to the HB 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 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 HB zoning district and is not currently suitable for the 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.

9. The City of Cumming Future Land Use Map indicates Commercial, Office Commercial Multi-Story, and Office Professional as the appropriate uses. Therefore, the development meets the purpose 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.

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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

PROPERTY DESCRIPTION

Proposed Tract "D"

All that tract or parcel of land lying and being in Land Lot 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 right-of-way monument found (disturbed) 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 said point and the said line of Mary Alice Park Road and running with the said line of Market Place Boulevard, South 24° 00' 56" West, 351.74 feet; thence, South 24° 00' 56" West, 17.54 feet; thence, 158.42 feet along the arc of a curve deflecting to the left, having a radius of 659.00 feet and a chord bearing and distance of South 17° 07' 44" West, 158.04 feet to a concrete right-of-way monument found, being the True Point of Beginning of the herein described tract or parcel of land; thence, leaving said point and the said line of Market Place Boulevard and running

1. South 49° 05' 48" East, 163.43 feet; thence,
2. 43.98 feet along the arc of a curve deflecting to the left, having a radius of 28.00 feet and a chord bearing and distance of North 85° 54' 12" East, 39.60 feet; thence,
3. North 40° 54' 12" East, 77.07 feet; thence,
4. South 49° 05' 48" East, 50.02 feet; thence,
5. South 40° 54' 12" West, 71.43 feet; thence,
6. 43.98 feet along the arc of a curve deflecting to the left, having a radius of 28.00 feet and a chord bearing and distance of South 04° 05' 48" East, 39.60 feet; thence,
7. South 49° 05' 48" East, 412.54 feet; thence,
8. South 52° 19' 26" West, 38.65 feet; thence,
9. South 52° 19' 26" West, 12.61 feet; thence,
10. South 61° 52' 56" West, 50.49 feet; thence,
11. South 48° 47' 27" West, 47.67 feet; thence,
12. South 60° 29' 42" West, 54.91 feet; thence,
13. South 72° 34' 28" West, 21.62 feet; thence,
14. North 86° 53' 17" West, 20.64 feet; thence,
15. North 89° 54' 03" West, 10.85 feet; thence,
16. North 66° 42' 08" West, 16.53 feet; thence,
17. North 44° 53' 57" West, 7.67 feet; thence,
18. North 47° 23' 25" West, 17.66 feet; thence,
19. North 37° 28' 09" West, 17.80 feet; thence,
20. North 19° 52' 58" West, 12.70 feet; thence,
21. North 15° 50' 49" West, 15.80 feet; thence,
22. North 24° 03' 38" East, 10.69 feet; thence,
23. North 23° 17' 50" East, 8.26 feet; thence,
24. North 40° 42' 08" East, 10.00 feet; thence,
25. North 63° 20' 10" West, 12.13 feet; thence,
26. South 36° 58' 11" West, 16.28 feet; thence,
27. South 20° 04' 55" West, 12.70 feet; thence,
28. South 23° 17' 54" West, 16.53 feet; thence,
29. South 14° 08' 09" West, 13.42 feet; thence,
30. South 65° 19' 27" West, 15.54 feet; thence,

31. South 85° 20' 09" West, 13.07 feet; thence,
32. North 83° 53' 28" West, 20.73 feet; thence,
33. North 35° 55' 42" West, 14.76 feet; thence,
34. North 41° 19' 26" West, 24.60 feet; thence,
35. North 07° 51' 55" East, 24.09 feet; thence,
36. North 12° 25' 48" West, 30.01 feet; thence,
37. North 07° 29' 42" West, 16.42 feet; thence,
38. North 00° 05' 58" East, 13.02 feet; thence,
39. North 32° 06' 19" East, 10.24 feet; thence,
40. North 14° 08' 06" East, 8.95 feet; thence,
41. South 49° 29' 49" West, 10.00 feet; thence,
42. South 45° 06' 03" West, 13.81 feet; thence,
43. South 20° 39' 18" West, 9.27 feet; thence,
44. South 03° 54' 49" West, 16.31 feet; thence,
45. South 00° 05' 58" West, 15.19 feet; thence,
46. South 12° 25' 47" East, 20.01 feet; thence,
47. South 17° 27' 14" West, 18.19 feet; thence,
48. South 27° 59' 49" West, 20.87 feet; thence,
49. South 50° 48' 38" West, 15.42 feet; thence,
50. South 74° 09' 13" West, 23.70 feet; thence,
51. South 72° 59' 49" West, 14.76 feet; thence,
52. North 68° 05' 56" West, 29.22 feet; thence,
53. North 50° 05' 43" West, 25.42 feet; thence,
54. North 19° 11' 27" West, 22.99 feet; thence,
55. North 27° 30' 26" East, 33.00 feet; thence,
56. North 41° 43' 58" East, 26.13 feet; thence,
57. North 40° 42' 05" East, 20.01 feet; thence,
58. North 15° 01' 51" East, 16.85 feet; thence,
59. North 00° 05' 58" East, 37.98 feet; thence,
60. North 19° 45' 12" East, 32.26 feet; thence,
61. North 57° 37' 40" East, 14.15 feet; thence,
62. North 21° 08' 14" East, 15.11 feet; thence,
63. North 51° 14' 29" West, 6.95 feet; thence,
64. South 76° 03' 48" West, 17.90 feet; thence,
65. South 18° 32' 04" West, 13.73 feet; thence,
66. South 19° 23' 24" West, 22.99 feet; thence,
67. South 28° 10' 19" West, 18.45 feet; thence,
68. South 32° 34' 15" West, 14.15 feet; thence,
69. South 27° 44' 42" West, 25.72 feet; thence,
70. South 24° 03' 42" West, 21.37 feet; thence,
71. South 17° 27' 13" West, 18.19 feet; thence,
72. South 24° 03' 42" West, 10.69 feet; thence,
73. South 36° 58' 15" West, 10.85 feet; thence,
74. South 61° 02' 38" West, 11.17 feet; thence,
75. South 40° 42' 08" West, 10.00 feet; thence,
76. South 00° 05' 56" West, 9.77 feet; thence,
77. South 00° 05' 56" West, 9.77 feet; thence,
78. North 77° 22' 18" West, 7.59 feet to a point on the aforesaid line of Market Place Boulevard; thence, running with the said line of Market Place Boulevard
79. North 00° 41' 51" East, 232.03 feet to a concrete right-of-way monument found; thence,

80. North 14° 27' 30" East, 50.45 feet to a concrete right-of-way monument found (disturbed);
thence,
81. North 00° 08' 08" West, 152.26 feet to a 1/2-inch rebar with cap "LSF000810" found;
thence,
82. North 00° 08' 08" West, 45.61 feet to the Point of Beginning, containing 155,566 square
feet or 3.5713 acres of land, more or less.

PROPOSED ZONING CONDITIONS

SHREE DEVELOPMENT GROUP LLC

1. Any signage used for the commercial area shall be faced with brick or stone.
2. Commercial building entrances shall utilize architectural details such as canopies, overhangs, awnings, recesses, projections, display windows, moldings, integral planters or wing walls that incorporate landscaped or sitting areas.
3. Animated, automated or flashing signs are prohibited.
4. The following uses shall not be permitted on the subject property:
 - a. Convenience stores, with or without gasoline pumps;
 - b. 24 hour businesses;
 - c. bars, lounges or night clubs
 - d. hotels or motels
 - e. theaters
 - f. electronic game playing centers
 - g. adult entertainment centers
 - h. adult novelty stores
 - i. pawn shops;
 - j. pool halls;
 - k. tattoo parlors;
 - l. car dealerships;
 - m. motorized vehicle businesses.
5. Dumpsters shall be enclosed with architectural features that complement the main building.
6. The architectural design of the buildings shall be substantially similar to Exhibit "A." An equivalent or more stringent design quality shall also be permitted, and it shall be approved by the Design Review Committee ("DRC").
7. The landscaping shall be substantially similar to the attached Exhibit "B" which shall be approved by the DRC.
8. The lighting shall be approved by the DRC.

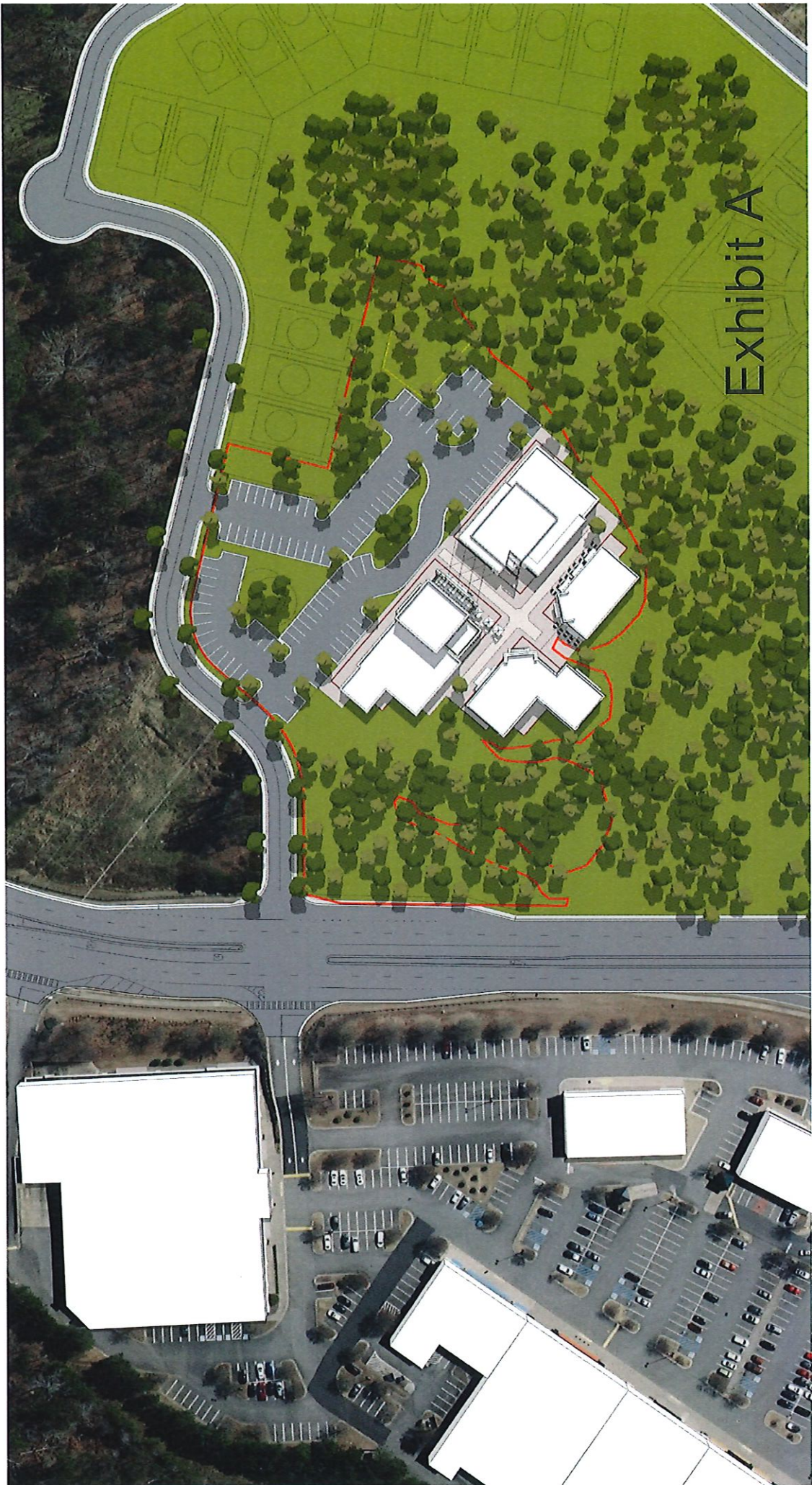
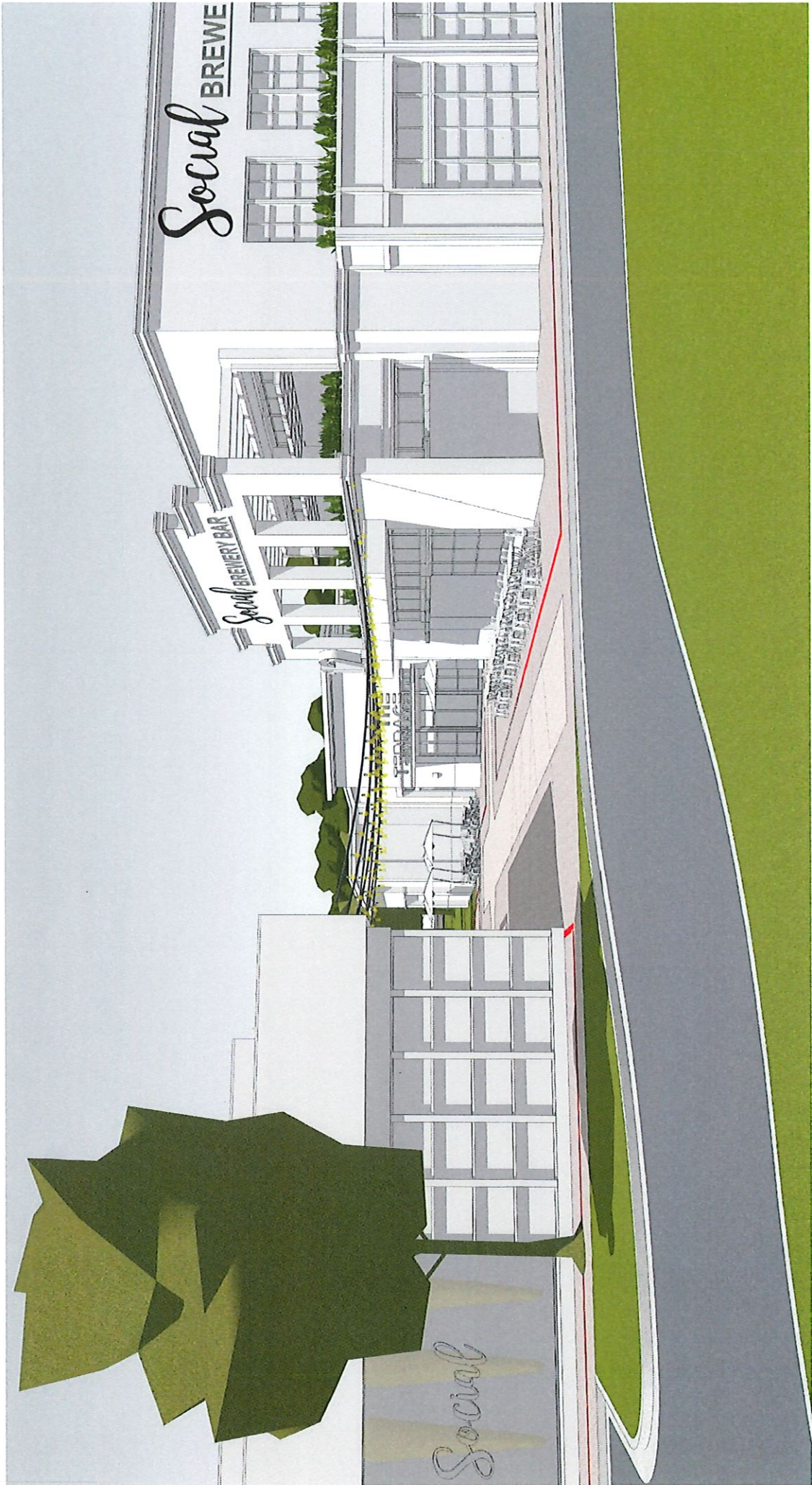


Exhibit A







Social BREWERY

Social BREWERY BAR

Social



