

City of Norcross

*65 Lawrenceville Street
Norcross, GA 30071*



Meeting Agenda

Monday, February 17, 2020

6:30 PM

2nd Floor Conference Room

Policy Work Session

Mayor Craig Newton

Mayor Pro Tem Josh Bare

Councilmember Andrew Hixson

Councilmember Elaine Puckett

Councilmember Matt Myers

Councilmember Bruce Gaynor

- A. **Roll Call (recorded)**
- B. **Citizen Input**
- C. **Board Updates**
 - *DDA Update
- D. **General Updates**
 - *Smart Meter Updates- Steve Gaines
- E. **Council- General Discussion**
- F. **Board Appointments**
 - Mayor and Council are asked to consider and approve re-appointments to the following board, authority or commission:*
 - Discovery Garden Board*
 - Sustainable Norcross Commission*
 - DDA*
- G. **Items for Discussion**
 - 1. [19-5568](#) **COA2019-0049/REZ2019-0003 0 Pinnacle Way**
 - Request to rezoning an existing M1 zoned property to PRD (Planned Residential District) for a 26 unit town home development.
 - [COA2019-0049 REZ2019-0003 staff report](#)
 - 2. [20-5628](#) **Modification to the Adopted Building Codes Under the UDO**
 - Amendment to Section 303-2 to include the International Existing Building Code (IEBC)
 - [Memo TEXT2020-0002 IEBC Adoption Feb 2020](#)
 - 3. [20-5627](#) **Comp Plan Use Table Amendment**
 - TEXT2020-0001 proposed amendment to the comprehensive plan
 - [Memo Text2020-0001](#)
 - 4. [20-5635](#) **Brunswick/New South Easement**
 - [Easement Sketch](#)
 - [Limited Utility Easement and License Agreement](#)
 - [Agreement to Grant Certain Limited Utility Agreements and General Release of all Claims](#)
 - 5. [20-5636](#) **Proposal Concerning Communication and Media Presence**
 - Proposal for a Media, Marketing and Communications Task Force for the specific purpose of evaluating our current communication processes, print publications, web presence and use of social media platforms and making recommendations for moving into the future.
 - [Proposal Concerning Communication and Media Presence](#)

6. [19-5575](#) **Speed Tables - N. Peachtree Street**

[Memo - Speed Table-Humps](#)

[Long Range Road Classification Map](#)

[Speed Management Techniques for Collectors & Arterial's](#)

H. **Adjourn to Executive Session for Personnel, Real Estate or Legal**

I. **Signed by:** _____ **Mayor Craig Newton**

J. **Attest:** _____ **Monique Lang, City Clerk**



MAYOR **CRAIG NEWTON** • MAYOR PRO TEM **JOSH BARE** • COUNCILMAN **ANDREW HIXSON** • COUNCILWOMAN • **ELAINE PUCKETT**
COUNCILMAN **MATT MYERS** • COUNCILMAN **BRUCE GAYNOR** • CITY MANAGER **RUDOLPH SMITH** • CITY CLERK • **MONIQUE LANG**

City of Norcross

Legislation Details (With Details)

File #:	19-5568	Version:	
Type #:	Agenda Item	Status:	Agenda Ready
On Agenda:	2/17/2020 6:30 PM	In Control:	Architectural Review Board
Title:	COA2019-0049/REZ2019-0003 0 Pinnacle Way		

Sponsors:

Code Sections:

Attachments:

1. [COA2019-0049 REZ2019-0003 staff report](#)

Title

COA2019-0049/REZ2019-0003 0 Pinnacle Way

Drafter

Tracy Rye



Community Development and Planning

TO: Architectural Review Board
 Planning and Zoning Board
 Mayor and Council

FROM: Tracy Rye, AICP, Community Development and Planning Director

DATE: February 17, 2019

SUBJECT: COA2019-0049/REZ2019-0003

CC: Rudolph Smith, City Manager

Background:

In mid-2019, the City of Norcross adopted a new Unified Development Ordinance which included the creation of several new zoning districts, one of which is the PRD (Planned Residential District). The PRD is intended to be a flexible zoning district to allow a variety of housing types, to include single family attached residential, that would not comply with traditional R100, R75 and R60 requirements in terms of setbacks, building heights and maximum impervious surfaces. The PRD has a unique approval process in that architectural elevations are presented to the ARB for review and recommendation first, then advance to the Planning and Zoning Board for review and recommendation before being presented to the Mayor and Council for final public hearing and a vote. The PRD is zoned to an approved concept plan in addition to any conditions subject to the final vote of the Mayor and Council.

The submitted application is for the rezoning and development of an existing vacant and wooded 2.61 acre pie-shaped site with visible rock outcroppings, from M-1, Light Industry, to PRD (Planned Residential District) for the construction of a 26-unit townhome community. Situated in the eastern portions of both the city and the I-85 Activity Center Character Area 13 in the City's Comprehensive Plan on the Future Development Map, the site is easily accessible via either Beaver Ruin Road or Brook Hollow Parkway. Internal access to the site is through a single vehicular entry point at the north end of the parcel that connects to two newly created streets. Pedestrian access to the site will be through the existing sidewalk network on Pinnacle

Way that connects to the Safe Routes to School Multi-purpose Trail on Beaver Ruin Road and Pinnacle Park towards Brook Hollow Parkway.

Recommendation:

Based on the mixed residential, commercial and industrial development pattern for the area as well as the topography of the site, the Community Development Staff recommend approval of the application as follows:

Approved December 17, 2019 Architectural Review Board Conditions:

1. The HVAC equipment shall be appropriately screened from view;
2. In order to create visual separation between units 13-20 and the abutting M1 property, the applicant will need to install either a fence or plantings along the M1 parcel subject to final approval of the City's landscape professional.
3. The applicant is reminded that the project will need to comply with all technical components of the Unified Development Ordinance, including, but not limited to, the tree and street lighting sections.
4. The applicant shall clarify that units 21 to 26 will have a minimum distance of 20ft from garage door to edge of the sidewalk to create a walking area that is not obstructed by parked vehicles.
5. The applicant shall clarify that units 1 to 20 will have a minimum distance of 20ft from garage door to the back of curb so that no vehicle shall over hang into the street.
6. Additional vegetative screening shall be installed along the rear elevations that face Pinnacle Way subject to administrative approval.
7. The applicant shall revise the Preswick and Vickory facade elevation types to include 6ft deep porches per design standard 3.7.3.1.
8. The applicant shall depict and install shutters that will be operable when feasible; and all shutters (inoperable and operable) must be appropriately scaled to cover the window opening per design standard 3.6.1.6. No shutters shall be installed on double windows.
9. The reveal (exposed portion) of siding shall be a minimum of four inches and shall not exceed six (6) inches per design standard 3.5.3.2.
10. Corner boards shall have the same width and depth as the siding reveal, and are not permitted to be greater than two inches of the siding reveal, or less than one inch of the siding reveal per design standard 3.5.3.3.
11. The applicant shall clarify if the column width will be 8 inches.
12. The applicant shall install light divisions that are not removable and will be of adequate depth to convey the proper effect of muntins and mullions per design standard 3.6.1.3.
13. The Composite "A" string elevation dated 12/13/2019 shall be the approved elevation with modifications as called out within these conditions of approval by the Architectural Review Board (enclosed under Exhibit "D").

14. The applicant shall employ band boards with 8 inch widths on the front and required side elevations.
15. The applicant shall have the brick water table extend to the side elevations.
16. The applicant shall be required to install a pent roof over the rear doors for all plans.
17. Rear cladding shall match the façade cladding as submitted in the 12/13/2019 revision.
18. The applicant shall add an architectural feature, such as a faux window on both side elevations to avoid blank expanses greater than 20ft
19. The applicant shall submit four side elevations of the mail kiosk subject to administrative approval.
20. Dwelling units 1, 21 and 26 shall have 4 over 1 windows on the sides as they are end units.
21. Dwelling units 1, 21 and 26 shall have band boards installed to delineate the second floor from the attic.
22. The applicant shall submit a maximum of four color pallets for administrative approval.
23. The applicant is reminded that this approval assumes general conformance with the adopted City of Norcross Architectural and Site Design Standards and Unified Development Ordinance. The applicant and/or builder are responsible for conforming with any specific design standard or UDO code section not addressed in the staff report and Architectural Review Board approval.
24. A final Architectural Review Board inspection shall occur prior to release of the certificate of occupancy to confirm compliance with the above conditions.

The following conditions presented to the Planning and Zoning Board:

Zoning Conditions:

- 1) The PRD zoning designation shall be restricted to only townhome primary uses and allowable home occupations as accessory uses;
- 2) The minimum number of required units shall be 24, which corresponds to a minimum density of 9.1954 du/acre;
- 3) Minimum setbacks for the perimeter of the parcel shall be 15ft for the front, rear and side setbacks to allow for more flexibility in building footprint;
- 4) No allowable encroachments as defined under Section 206-8.B and no administrative variances as defined under 104-7.A shall be allowed;
- 5) Maximum building heights shall be 35ft;
- 6) The applicant shall clarify that units 21 to 26 will have a minimum distance of 20ft from garage door to edge of the sidewalk to create a walking area that is not obstructed by parked vehicles.
- 7) The applicant shall clarify that units 1 to 20 will have a minimum distance of 20ft from garage door to the back of curb so that no vehicle shall over hang into the street.
- 8) The development shall comply with Norcross UDO Sections 203-8 and 203-9 parking minimums and maximums for townhomes and multifamily dwelling developments;

- 9) The development shall comply with the Architectural Review Board's conditions of approval;
- 10) The development shall comply with all technical requirements contained within the Unified Development Ordinance not specifically addressed during the zoning review process;
- 11) The development shall conform generally to the site plan as presented to Mayor and Council, dated 10/26/2019 and electronically labeled as v3 Base Concept B 12-02-19 by the City of Norcross, and attached as part of the rezoning ordinance with setbacks, building heights and parking requirements as modified within these conditions;
- 12) The newly created streets shall be private;
- 13) All common areas, including but not limited to streets and storm water systems, shall be maintained by a mandatory homeowner association;
- 14) The location of any and all crosswalks and traffic calming measures are subject to the approval of the City Engineer;
- 15) Plant material use on site in landscape strips and buffers are subject to final approval of the City's landscape review professional.
- 16) All utilities shall be buried.

Chronological History:

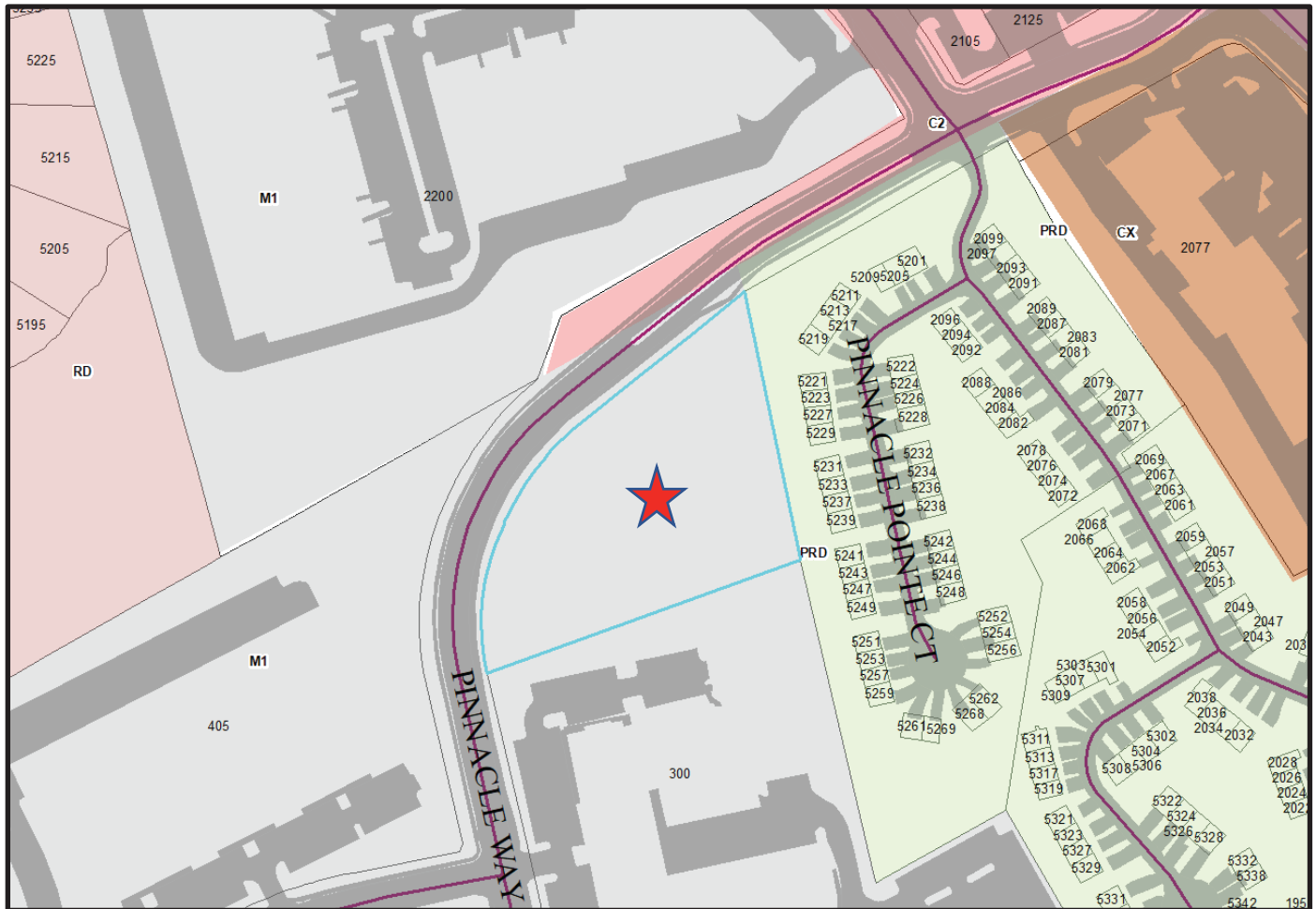
Department/Board	Recommendation	Date	Outcome
Community Dev	Approval with Conditions	12/17/19	Advance to ARB
ARB	yes	12/17/19	Advance to P&Z
P&Z Board	Yes	1/8/20	Advance to M&C Policy
M&C Policy	TBD	2/17/20	TBD
M&C Legislative	TBD	3/2/20	TBD



Meeting Date: 12/17/2019 at 6:00 PM

Petition Number: COA2019-0049 / REZ2019-0003

Project Type:	New residential development
Property Location:	0 Pinnacle Way
Tax Parcel ID:	6213 066
Petitioner:	John R. Yost, c/o Yost Communities, Inc.
Petitioner's Request:	Rezoning from M-1 Light Industrial to Planned Residential District (PRD) to construct a 26 unit single-family attached residential development
Vicinity Map:	



Attachment: COA2019-0049 REZ2019-0003 staff report (19-5568 : COA2019-0049/REZ2019-0003 0 Pinnacle Way)

City of Norcross Architectural Review Board Meeting for December 17, 2019 at 6:00 PM

Property Data Chart: 0 Pinnacle Way, APN 6213 066			
Current Zoning: M1	Requested Zoning: PRD	Acreage: 2.61 acres	2040 Comprehensive Designation: I-85 Activity Center
Adjoining Parcels, Developments, Zoning and Uses	Estimated Lot Dimensions	Topography	
<u>North:</u> M1, C2, warehouse distribution, bus station, title pawn, grocery store, auto & self-car washes	Note: The subject parcel is an irregular shaped polygon/triangle <u>Width:</u> 421 LF <u>Depth:</u> 351 LF	The parcel's high point is at the north and the low point is at the southwest.	
<u>South:</u> M1, churches and shared parking lot	Building Dimensions	Elevation High: 1020ft Low: 960ft	
<u>East:</u> PRD (formerly RM10), CX (Commercial Mixed Use) Pinnacle Pointe townhomes, Maximum Shopping Center.	Note: building dimensions vary based on specific elevation types.	Encumbrances	
<u>West:</u> M1, RD (Residential Duplex), warehouse distribution, Wexford residential development	<u>Preswick Plan</u> Width: 22 LF Length: 50 LF Height: 32 LF	<u>Vickory Plan</u> Width: 22 LF Length: 47 LF Height: 32 LF	<u>Stream buffer:</u> none noted according to the plat and Gwinnett GIS <u>Easements:</u> there are none noted according to the plat and Gwinnett GIS

Applicant's Request

The submitted application is for the rezoning and development of the last privately owned parcel of land in the Pinnacle Center light industrial development from M-1, Light Industry, to PRD (Planned Residential District) for the construction of a 26-unit townhome community. More specifically, the applicant states,

The Applicant is proposing the development of 26 attached townhome units located on 2.616 acres. The subject property is Lot #4 of the Pinnacle Center Industrial Subdivision. The lot remains undeveloped since the plat was recorded on 7-18-1988. To be compliant with the City of Norcross's Unified Development Ordinance the current M-1 Light Industrial category would need to change to support the residential use. The applicant proposes the rezoning of parcel 6-213- 066 from M-1 Light Industrial to PRD Planned Residential District for attached townhomes at a density of 9.962 Units per Acre.

Site Description

Situated in the eastern portions of both the city and the I-85 Activity Center, the subject parcel is an existing vacant 2.61 acre site that is easily accessible by car or by foot via either Beaver Ruin Road or Brook Hollow Parkway. It is within a quarter mile, 1320 feet, of the Safe Routes to School Multi-purpose Trail on Beaver Ruin Road and the newly opened Pinnacle Park, towards Brook Hollow Parkway; it is less than three-quarters of a mile from the I-85 on ramp. The site's topography slopes from a high elevation of 1020ft at the northern portion of the property, closest to Beaver Ruin Road, to a low elevation of 960ft at the southwestern portion of the property, toward Brook Hollow Parkway. During a site visit to the location, staff noted stone outcroppings

and that the property has a significant decline in elevation along the southwestern portion of the property, along Pinnacle Way and the abutting M1 zoned parcel, 300 Pinnacle Way.

Project Description

Vehicular access to the site is proposed to be through a single-entry point at the north end of the parcel that connects to two newly created streets. Pedestrian access to the site will be through northern and western connection points to the existing sidewalk network on Pinnacle Way that wraps the property. Due to the size of the site, the above-mentioned topography and the expectation of twenty-foot deep driveways/parking spaces, only one side of the development will provide internal sidewalks. However, the applicant has depicted a total of six pedestrian crosswalks that will direct residents to safe crossing areas within the development and access to the central mail kiosk on the western portion of the parcel.

The 26 attached dwelling units are components of four separate buildings or “strings”; three of the strings contain six dwelling units and one contains eight dwelling units. The development will have a total of six elevations which are broken down into two types and each type has three variations. Each dwelling is either a Preswick or a Vickory and then will have “A”, “B” or “C” variations. Cladding material to be employed throughout the development will be a combination of brick, siding, board and batten, wood and shake. All units will be two-story, slab on grade and share a primary 6:12 gabled roof pitch that parallels the internal streets. Building facades are composed of a single car garage, a single car width driveway/parking space, a single or double turned second floor gable, appropriately scaled fenestrations and the main entry point. While the facades project towards the internal streets, twenty of the dwellings’ rear elevations will project toward the abutting parcels, the existing PRD and M1 developments, and the remaining six will project toward Pinnacle Way.

Staff Note

Under the UDO Section 104-3.B rezoning applications to the Planned Residential District (PRD) requires the first review to be by the Architectural Review Board, followed by Planning and Zoning Board, Mayor and Council’s policy meeting and the Mayor and Council’s regular meeting for final action. This process is tentatively expected to run 117 days from date of filing deadline to tentative final action. Below is the schedule of dates.

Board	Meeting Type	Meeting Date	Meeting Time
ARB	Hearing	Tuesday, December 17, 2019	6:00 PM
P&Z	Hearing	Wednesday, January 8, 2020	6:30 PM
M&C Policy	Meeting	Monday, February 17, 2020	6:30 PM
M&C Regular	Hearing	Monday, March 2, 2020	6:30 PM

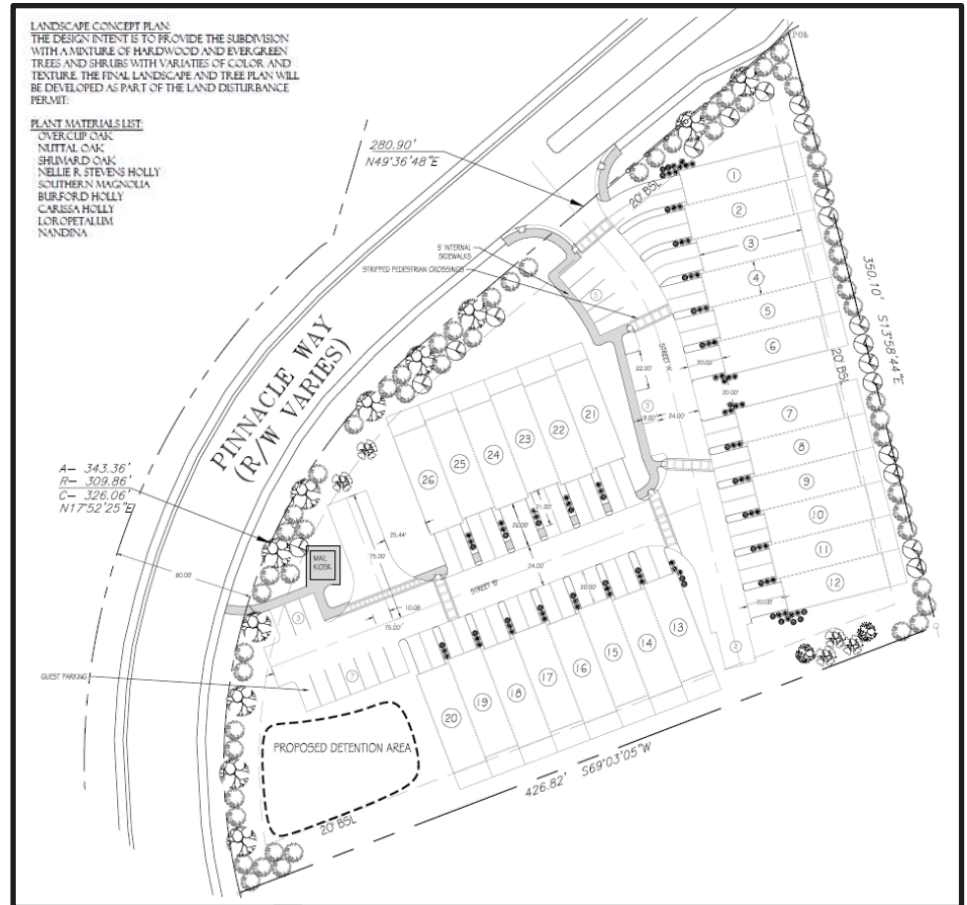
Architectural Review Board Analysis

Landscape Plan Analysis

The submitted concept plan, dated 10/26/2019, depicts a variety of plantings along Pinnacle Way and the portion of the site that abuts the Pinnacle Point subdivision.

However, no plantings are depicted along the parcel that abuts the existing M1 zoned property due to topographical differences. It is felt that plantings will provide a much better visual screening between the dissimilar land uses. It should also be noted that the submitted landscape plan does not fully reflect the City's approved tree species, but will be subject to final approval by the city's landscape professional who is responsible for plan review.

Discussion Item:



- 1) In order to create visual separation between units 13-20 and the M1 development, the applicant will need to install plantings along the M1 parcel.
- 2) The applicant is reminded that the project will need to comply with all technical components of the Unified Development Ordinance, including the tree section.
- 3) The applicant should clarify that units 21 to 26 will have a minimum distance of 20ft from garage door to edge of the sidewalk to create a walking area that is not obstructed by parked vehicles.
- 4) The applicant should clarify that units 1 to 20 will have a minimum distance of 20ft from garage door to the back of curb so that no vehicle shall over hang into the street.
- 5) Should additional vegetative screening be required for the rear elevations that face Pinnacle Way?
- 6) The applicant is reminded that a site lighting plan will be required.

Elevation: Front

The façades will be either the Preswick or Vickory elevation type with the “A-C” variations that are arranged to create architectural differentiation. The Vickory features a first floor window to the right of the entryway and either side by side or shutter separated second floor windows; variation “C” has a third window. While not having a first floor window, the Preswick has side-by-side second floor windows and “A” and “C” variations employ a second floor faux window. Shared elements across both façade types consist of a left oriented one-car garage, a right mounted entryway within a porch and either a single or a double turned gable. Cladding for the façade is a combination of shake, board and batten, lap siding and brick. Each unit’s façade is uniformly composed of a brick water table, first floor lap siding on the garage and entryway while the second floor employs the remaining materials as either a single or a combination of materials (e.g. all board and batten or a combination of shake and siding). As mentioned above, the shared primary roof line is a gabled 6:12 pitch that parallels an internal street. The turned gables appear to be a uniform 10:12 pitch. Windows on each façade are 4 over 1. Architectural features include the use of band boards to delineate the first and second floors, gable corbels/ brackets, a brick water table and a boxed column for each entry porch.

Note: the applicant states that wood will be used on corner boards and windowsills.





**Pinnacle Way
Preswick Plan
Elevation "A"**



**Pinnacle Way
Preswick Plan
Elevation "B"**



**Pinnacle Way
Preswick Plan
Elevation "C"**



**Pinnacle Way
Vickory Plan
Elevation "A"**



**Pinnacle Way
Vickory Plan
Elevation "B"**



**Pinnacle Way
Vickory Plan
Elevation "C"**

Attachment: COA2019-0049 REZ2019-0003 staff report (19-5568 : COA2019-0049/REZ2019-0003 0 Pinnacle Way)

Discussion Items:

- 1) 3.7.3.1 Front porches, verandahs and terraces must be at least six feet deep to accommodate porch furniture as well as the passage of one person. According to the floor plans, depicted below, each entryway has either a 3ft or 4.5ft deep porch.
- 2) 3.6.1.6 Shutters will be operable when feasible; and all shutters (inoperable and operable) must be appropriately scaled to cover the window opening.
- 3) 3.5.3.2 The reveal (exposed portion) of siding will be a minimum of four inches and shall not exceed six (6) inches.
- 4) 3.5.3.3 Corner boards should have the same width and depth as the siding reveal, and are not permitted to be greater than two inches of the siding reveal, or less than one inch of the siding reveal. The applicant should clarify what the column width will be for each unit.
- 5) 3.6.1.3 Snap-in girds for windows are prohibited. Light divisions cannot be removable and will not be of adequate depth to convey the proper effect of muntins and mullions.
- 6) The Composite "A" string elevation dated 10/14/19 depicts the end unit without a garage pent roof while the 10/16/19 version shows it included. The applicant will need to clarify if the pent roof is or is not intended.
- 7) The applicant should clarify the width of the band boards and columns.
- 8) Would a variety of window types be appropriate for the façade, such as 2 over 2, 3 over 1, in addition to the proposed 4 over 1?

Elevation: Rear

The rear elevations of the Preswick and Vickory are clad exclusively in siding and employ 1 over 1 windows and single pane French doors. Preswick elevations include a rear bump out while the Vickory elevations are flush.



Items for discussion:

- 1) Would it be appropriate to have the brick water table extend to the rear elevations?
- 2) Would it be appropriate to require a covered porch on the rear elevation of the Vickory plans?
- 3) Would it be appropriate to require an awning over the rear doors for the Preswick plans?
- 4) Would it be appropriate to require the rear elevation to replicate the façade's cladding?

Elevations: Left/Right Sides

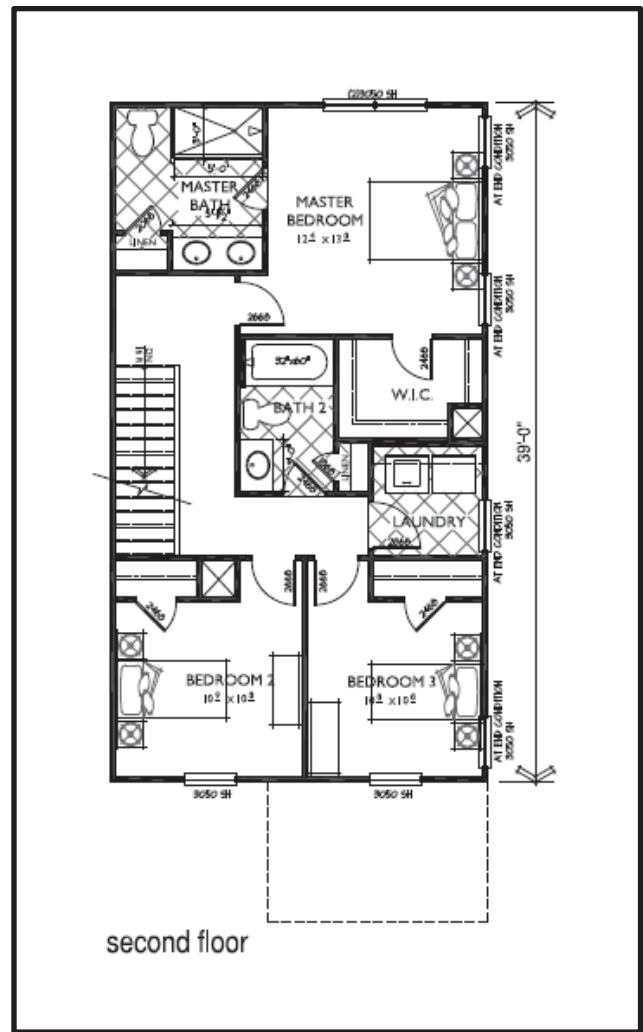
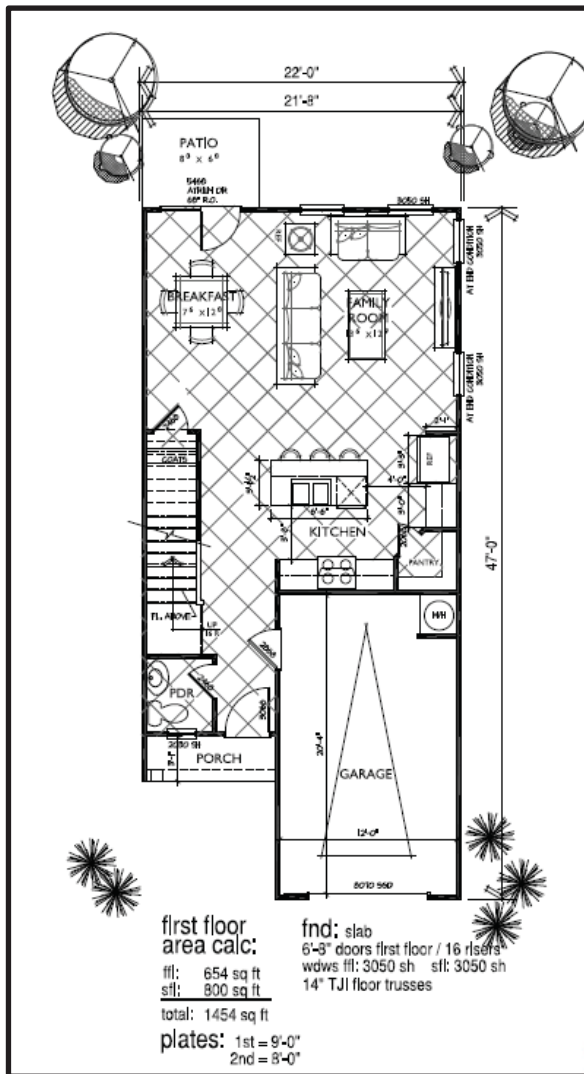
The side elevations are clad exclusively in siding and employ 1 over 1 windows.



Items for discussion:

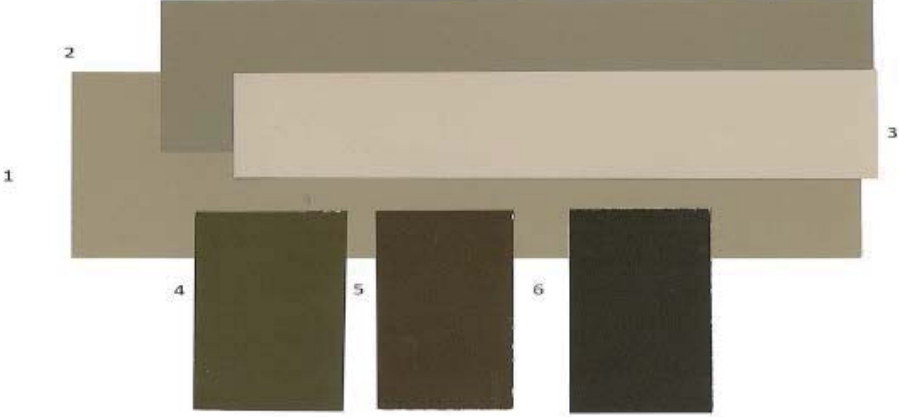
- 1) Should the brick water table wrap the side elevations?
- 2) 3.5.1.2 Blank façades of twenty feet or more shall contain a combination of architectural treatments, windows, and doors.

Floor Plans: Vickory Plan



Colors and Materials

Package 1



1 Siding	Curio Gray	SW0024
2 Shake/ Board and Batten	Virtural Taupe	SW7039
3 Trim	Loggia	SW7506
4 Shutters / Front Door	Best Bronze	SW6160
5 Shutters / Front Door	Well Bred-Brown	SW7027
6 Shutters / Front Door	Sealskin	SW7675

For Elevations with Shake, Siding and Board and Batten – please have either the Siding and Shake or the Siding and Board and Batten be the same color.

Garage Doors – select from Trim Color or Siding Color.



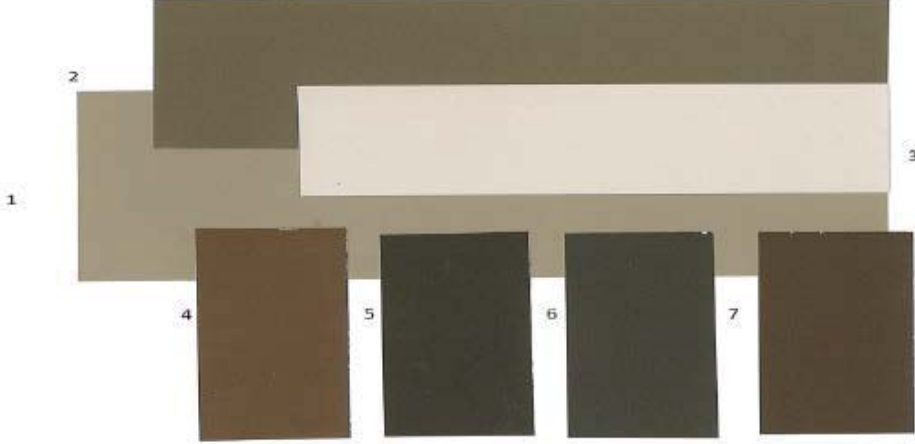
Color samples shown approximate actual paint colors as closely as possible.



Augusta Brick with Coosa Antique Buff Mortar

Colors and Materials

Package 2



1 Siding	Sycamore Tan	SW2855
2 Shake/ Board and Batten	Smokehouse	SW7040
3 Trim	Accessible Beige	SW7036
4 Shutters / Front Door	Rookwood Medium Brown	SW2807
5 Shutters / Front Door	Black Fox	SW7020
6 Shutters / Front Door	Urbane Bronze	SW7048
7 Shutters / Front Door	Sable	SW6083

For Elevations with Shake, Siding and Board and Batten – please have either the Siding and Shake or the Siding and Board and Batten be the same color.

Garage Doors – select from Trim Color or Siding Color.



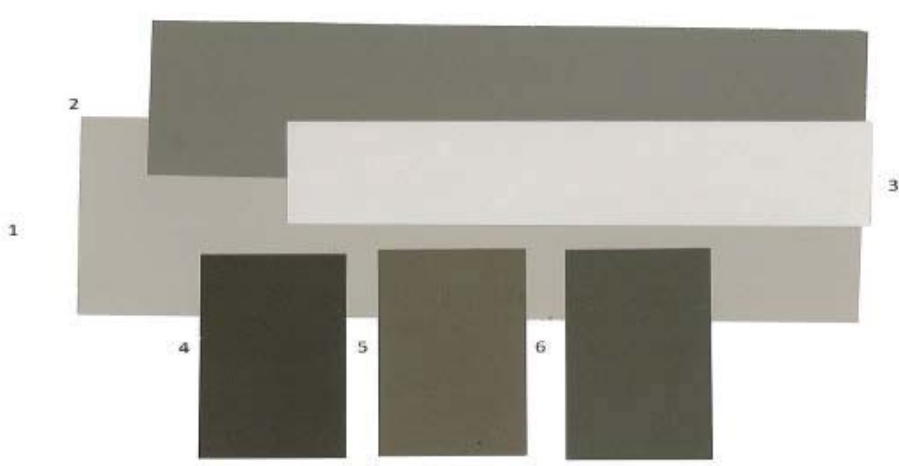
Color samples shown approximate actual paint colors as closely as possible.



Savannah Grays Brick with Coosa Buff Mortar

Colors and Materials

Package 3



1 Siding	Dorian Gray	SW7017
2 Shake/ Board and Batten	Gauntlet Gray	SW7019
3 Trim	Repose Gray	SW7015
4 Shutters / Front Door	Black Fox	SW7020
5 Shutters / Front Door	Griffin	SW7026
6 Shutters / Front Door	Thunder Gray	SW7645

For Elevations with Shake, Siding and Board and Batten – please have either the Siding and Shake or the Siding and Board and Batten be the same color.

Garage Doors – select from Trim Color or Siding Color.



Color samples shown approximate actual paint colors as closely as possible.



Mountain Brooke Brick with Coosa Light Mortar

Colors and Materials

Package 5

1 Siding	Pewter Cast	SW7673
2 Shake/ Board and Batten	Pewter Cast	SW7673
3 Shake / Board and Batten	Gauntlet Gray	SW7019
4 Trim	On the Rocks	SW7671
5 Shutters / Front Door	Peppercorn	SW7674
6 Shutters / Front Door	Thunder Gray	SW7645
7 Shutters / Front Door	Rookwood Dark Brown	SW2808
8 Shutters / Front Door	Sealskin	SW7675

For Elevations with Shake, Siding and Board and Batten – please have either the Siding and Shake or the Siding and Board and Batten be the same color.

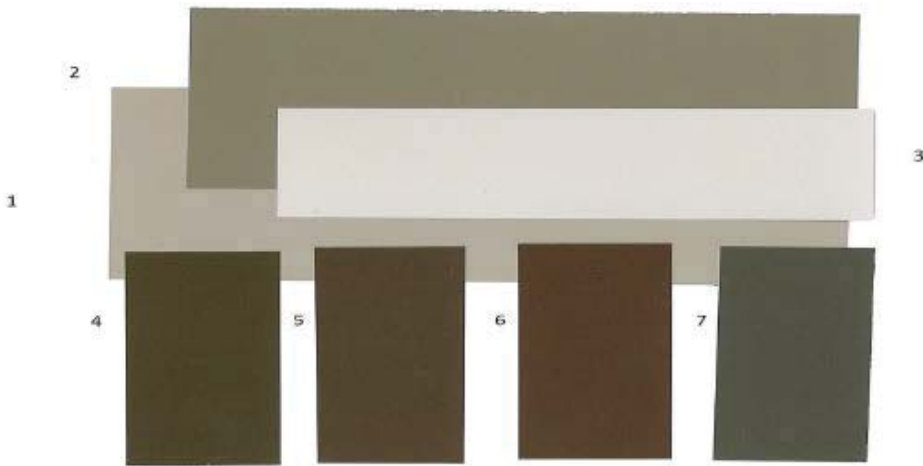
Garage Doors – select from Trim Color or Siding Color.

Color samples shown approximate actual paint colors as closely as possible.

Cypress Cove Brick with Coosa Light Mortar

Colors and Materials

Package 6



1 Siding	Mega Greige	SW7031
2 Shake/ Board and Batten	Warm Stone	SW7032
3 Trim	Agreeable Gray	SW7029
4 Shutters / Front Door	Status Bronze	SW7034
5 Shutters / Front Door	Half-Caff	SW9091
6 Shutters / Front Door	Fairfax Brown	SW2856
7 Shutters / Front Door	Thunder Gray	SW7645

For Elevations with Shake, Siding and Board and Batten – please have either the Siding and Shake or the Siding and Board and Batten be the same color.

Garage Doors – select from Trim Color or Siding Color.



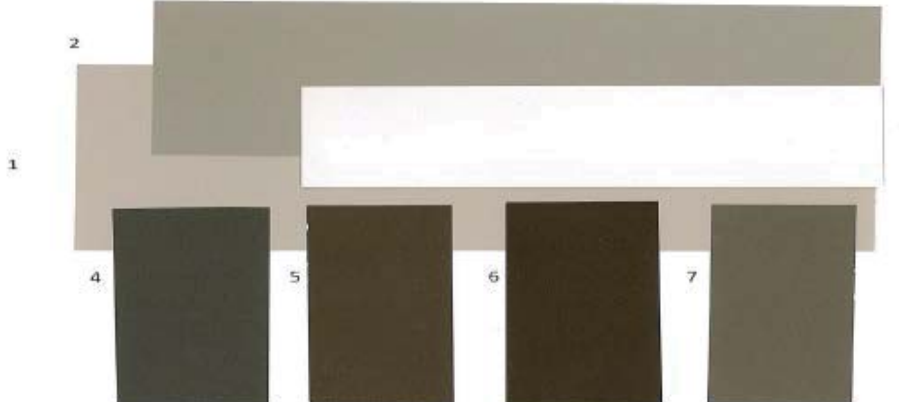
Color samples shown approximate actual paint colors as closely as possible.



Marston Brick with Coosa Antique Buff Mortar

Colors and Materials

Package 8



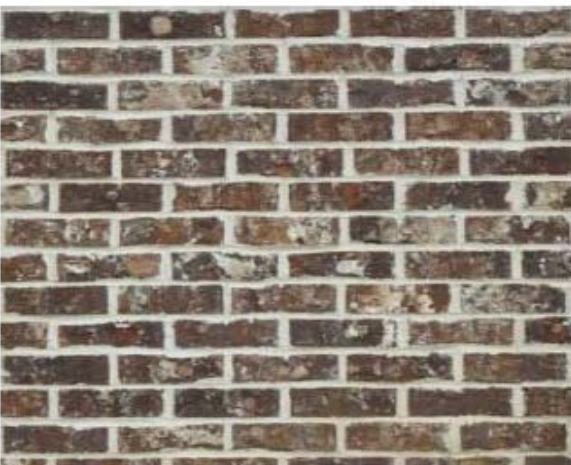
1 Siding	Perfect Greige	SW6073
2 Shake/ Board and Batten	Elephant Ear	SW9168
3 Trim	Divine White	SW6105
4 Shutters / Front Door	Urbane Bronze	SW7048
5 Shutters / Front Door	Well-Bred Brown	SW7027
6 Shutters / Front Door	Dark Clove	SW9183
7 Shutters / Front Door	Griffin	SW7026

For Elevations with Shake, Siding and Board and Batten – please have either the Siding and Shake or the Siding and Board and Batten be the same color.

Garage Doors – select from Trim Color or Siding Color.



Color samples shown approximate actual paint colors as closely as possible.



Savannah Grays Brick with Coosa Antique Buff Mortar

Colors and Materials

Recommendations

Staff recommends the approval of the submitted application subject to the following conditions:

1. The HV AC equipment shall be appropriately screened from view;
2. In order to create visual separation between units 13-20 and the abutting M1 property, the applicant will need to install plantings along the M1 parcel subject to final approval of the City's landscape professional.
3. The applicant is reminded that the project will need to comply with all technical components of the Unified Development Ordinance, including, but not limited to, the tree and street lighting sections.
4. The applicant shall clarify that units 21 to 26 will have a minimum distance of 20ft from garage door to edge of the sidewalk to create a walking area that is not obstructed by parked vehicles.
5. The applicant shall clarify that units 1 to 20 will have a minimum distance of 20ft from garage door to the back of curb so that no vehicle shall over hang into the street.
6. Additional vegetative screening shall be installed along the rear elevations that face Pinnacle Way subject to administrative approval.
7. The applicant shall revise the Preswick and Vickory elevation types to include 6ft deep porches per design standard 3.7.3.1.
8. The applicant shall depict and install shutters that will be operable when feasible; and all shutters (inoperable and operable) must be appropriately scaled to cover the window opening per design standard 3.6.1.6.
9. The reveal (exposed portion) of siding shall be a minimum of four inches and shall not exceed six (6) inches per design standard 3.5.3.2.
10. Corner boards shall have the same width and depth as the siding reveal, and are not permitted to be greater than two inches of the siding reveal, or less than one inch of the siding reveal per design standard 3.5.3.3.
11. The applicant shall clarify if the column width will be 6, 8 or 10 inches.
12. The applicant shall install light divisions that are not removable and will be of adequate depth to convey the proper effect of muntins and mullions per design standard 3.6.1.3.
13. The Composite "A" string elevation dated 10/14/19 depicts the end unit without a garage pent roof while the 10/16/19 version shows it included. The applicant will need to clarify if the pent roof is or is not intended and the specific version intended for construction.
14. The applicant shall clarify if the band board width will be 8 or 10 inches.
15. The applicant shall have the brick water table extend to the rear and side elevations.
16. The applicant shall be required to install a covered porch on the rear elevation of the Vickory plans.
17. The applicant shall be required to install an awning over the rear doors for the Preswick plans.
18. Rear cladding shall match the façade cladding.
19. The applicant shall add an architectural feature, such as a faux window on both side elevations to avoid blank expanses greater than 20ft
20. The façade elevations shall contain a variety of window types, either 2 over 2, 3 over 1, in addition to the proposed 4 over 1.

City of Norcross Architectural Review Board Meeting for December 17, 2019 at 6:00 PM

21. The applicant shall submit four side elevations of the mail kiosk subject to administrative approval.
22. The applicant is reminded that this approval assumes general conformance with the adopted City of Norcross Architectural and Site Design Standards and Unified Development Ordinance. The applicant and/or builder are responsible for conforming with any specific design standard or UDO code section not addressed in the staff report and Architectural Review Board approval.
23. A final Architectural Review Board inspection shall occur prior to release of the certificate of occupancy to confirm compliance with the above conditions.

Attachment: COA2019-0049 REZ2019-0003 staff report (19-5568 : COA2019-0049/REZ2019-0003 0 Pinnacle Way)

ZONING ANALYSIS

Current Zoning

Inquiries since 2017 regarding the subject property have tended to focus on uses allowed by right, such as warehouse distribution facilities and truck terminals. While truck terminals have been removed from the allowable uses under the Unified Development Ordinance's M1 designation, other potential nuisance generating and incompatible uses are still allowable. These include motor vehicle related sales and services, storage and parking and manufacturing, wholesale, and warehousing. Based on the parcel's proximity to existing residential properties zoned PRD and required buffers between dissimilar uses, any development activity under the current zoning designation would reduce the amount of buildable land by nearly 14 percent and potentially create additional nuisances to existing residential properties.

Applicant's Request

The PRD is intended to be a flexible zoning district to allow a variety of housing types that would not comply with tradition R100, R75 and R60 requirements in terms of setbacks, building heights and maximum impervious surfaces.

As mentioned above, the subject parcel is currently zoned M1, Light Industrial, and the applicant is requesting a change to the zoning designation to PRD (planned residential district) to allow for the creation of 26 attached single family residential dwellings units that are accessed from an existing public right of way via an internal street and sidewalk network.

In order to develop this site, the applicant specifically requests the following:

- 1) The PRD zoning designation, to allow for the creation of the residential development,
- 2) A density of 9.962 units per acre, to meet the 26 units on the development and
- 3) Setbacks of 20ft along the front rear and sides of the property.



2040 Comprehensive Plan Analysis

The 2040 Comprehensive Plan, the “Comp Plan”, is a document that reflects the wishes of the community as acknowledged and adopted by the Mayor and Council. The Comp Plan contains four sections to determine the appropriateness of a zoning action. Those sections are: 1) Table 2.4 a matrix that depicts land uses by character area, 2) specific visions for each of the thirteen-character areas, 3) the overarching policy goals for the city, and 4) Land Use Definitions. The subject parcel falls within Character Area 13, the I-85 Activity Center.

A. Land Uses by Character Area

Taken from the matrix, the following uses are either specifically detailed in the character area description or considered appropriate according to the matrix:

- *High Density Residential (over 8 units/acre)*
- *Planned residential community (mixed housing types allowed)*
- *Skilled Nursing Facilities (no rehab)*
- *Community level commercial or office (< 50,000 sf)*
- *Regional level commercial or office (>50,000 sf)*
- *Heavy commercial (auto related, outdoor storage)*
- *Entertainment related commercial*
- *Mixed-use (vertical)*
- *Light industrial and warehousing*
- *Heavy industrial*
- *Places of assembly*
- *Transportation, Communication, Utilities*
- *Parks and Recreation*

B. Policy Goals

Under the policy goals the proposed rezoning meets the following criteria:

- Policy 1-1: Protect the valued community character and aesthetics of existing neighborhoods by discouraging drive-through services, excessive signage, and inadequate screening near residential areas.
- Policy 1-3: Support opportunities for infill development that reflects the neighborhood character.
- Policy 5-1: Accommodate the housing needs of a diverse population by supporting the development of a variety of residential types and densities based on land use patterns.

C. Character Area Vision

The I-85 Activity Center contains ten points that support the area’s vision of which the following applies:

- Preserve industrial properties as an employment center
- The mix of uses and intensities is similar to that of Lindbergh Center in Atlanta, where...offices and numerous restaurants and housing options are located

D. Land Use Definition

High Density Residential - land occupied by residential uses and customary accessory uses at a density over 8 units per acre.

High density residential, as defined as greater than 8 units per acre, and planned residential communities are land uses that comply with all three relevant policy goals. However, those uses also specifically conflict with the I-85 Activity Center's vision of preserving industrial properties, but comply with the vision of a mix of uses and intensities that include making housing options available. It is worth noting again that the property has topographic challenges in addition to its pie shape and numerous visible rock outcroppings that most likely have affected its ability to be developed in a commercial or industrial manner over the years.

Zoning Criteria

Under Section 103-11 of the Norcross UDO and O.C.G.A. § 36-66-5, are the relevant standards when determining the appropriateness of a proposed rezoning:

1) Whether the zoning proposal will permit a use that is suitable in view of the use and development of adjacent and nearby properties?

The request is for a single-family attached townhome development under the City's Planned Residential District (PRD) concept. The area in general has developed in a mix of residential, commercial and industrial uses. Generally, to the east is an existing PRD of townhomes and to the north, south and west are low rise light industrial office and flex space. The Community Development Department feels that given the mix of uses in the development pattern, such as the abutting high density residential, the area that the applicant's proposed use is suitable for the subject site.

2) Whether the zoning proposal will adversely affect the existing use or usability of adjacent or nearby property?

The applicant is requesting a Planned Residential District (PRD) for a single-family attached townhome concept similar to an abutting property. The area in general is built out, and it is not felt that downzoning from the industrial to residential classification will have an effect on those adjacent and nearby parcels.

3) Whether the property to be affected by the zoning proposal has a reasonable economic use as currently zoned?

The subject site is vacant and wooded with notable rock outcroppings and has been this way since the platting of the industrial development in 1988, while the rest of the development has been built out. This site presents some topographic challenges from a high point of 1020ft down to 960ft. There are also development challenges due to its relatively small size at 2.61 acres, buffer requirements that would remove nearly 14% of the land from development, along with its pie shape making it less suitable for industrial or commercial developments.

4) Whether the zoning proposal will result in a use which will or could cause an excessive or burdensome use of existing streets, transportation facilities, utilities or schools?

The proposed use will not generate a greater use of public facilities including streets, transportation facilities or utilities than if developed as zoned. The greatest impact will be the addition of students into the school system if zoned to a residential use, but the impact is not deemed to be burdensome.

5) Whether the zoning proposal is in conformity with the policy and intent of the Comprehensive Plan?

The subject site is located in the I-85 Activity Center character area, the vision of which is a growing regional center that has convenient access to I-85, is supportive of a major transit hub and celebrates the cultural diversity of the area. The proposed zoning is in general conformity with the policy and land use intent of the Comp Plan in that it is a project that is considered both a high density residential and a residential community project. Additionally, it protects the character and aesthetics of existing neighborhoods by discouraging inadequate screening near residential areas as would be likely if the parcel were allowed to develop under the M1 designation. Furthermore, the rezoning supports opportunities for infill development that reflect the character of existing neighborhoods and has the potential to accommodate the housing needs of a diverse population by supporting the development of a variety of residential types and densities based on existing land use patterns.

While the rezoning does conflict with a component of the character area vision of preserving industrial properties as an employment center, it meets several other stated goals of the comprehensive plan and works with the topographical constraints present on site.

6) Whether there are other existing or changing conditions affecting the use and development of the property which give supporting grounds for either approval or disapproval of the zoning proposal?

Aside from the size and topography of the property (2.61-acre pie shaped property), there are no other known conditions affecting the use of the property. It is felt that in the 30+ years since the original zoning if there was going to be an industrial or other commercial development on site, it would have happened. It is felt that the applicant's proposed residential development continues a positive trend for development in the area.

Recommendation

Staff recommends approval of COA2019-0047 and REZ2019-0003, rezoning from M1 Light Industrial to PRD for the property located at 0 Pinnacle Way, tax parcel 6213 066, with the following conditions:

- 1) The PRD zoning designation shall be restricted to only townhome primary uses and allowable home occupations as accessory uses;
- 2) The minimum number of required units shall be 24, which corresponds to a minimum density of 9.1954 du/acre;
- 3) Minimum setbacks for the perimeter of the parcel shall be 15ft for the front, rear and side setbacks to allow for more flexibility in building footprint;
- 4) No allowable encroachments as defined under Section 206-8.B and no administrative variances as defined under 104-7.A shall be allowed;
- 5) Maximum building heights shall be 35ft;
- 6) Units 21 to 26 shall have a minimum distance of 20ft from garage door to edge of the sidewalk to create a walking area that is not obstructed by parked vehicles.
- 7) Units 1 to 20 will have a minimum distance of 20ft from garage door to the back of curb so that no vehicle shall over hang into the street.
- 8) The development shall comply with Norcross UDO Sections 203-8 and 203-9 parking minimums and maximums for townhomes and multifamily dwelling developments;

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- 9) The development shall comply with the Architectural Review Board's conditions of approval;
- 10) The development shall comply with all technical requirements contained within the Unified Development Ordinance not specifically addressed during the zoning review process;
- 11) The development shall conform generally to the site plan as presented to Mayor and Council, dated 10/26/2019 and electronically labeled as v3 Base Concept B 12-02-19 by the City of Norcross, and attached as part of the rezoning ordinance with setbacks, building heights and parking requirements as modified within these conditions;
- 12) The newly created streets shall be private;
- 13) All common areas, including but not limited to streets and storm water systems, shall be maintained by a mandatory homeowner association;
- 14) The location of any and all crosswalks and traffic calming measures within the development are subject to the approval of the City Engineer;
- 15) Plant material use on site in landscape strips and buffers are subject to final approval of the City's landscape review professional.
- 16) All utilities shall be buried.

EXHIBIT A

Attachment: COA2019-0049 REZ2019-0003 staff report (19-5568 : COA2019-0049/REZ2019-0003 0 Pinnacle Way)



CERTIFICATE OF APPROPRIATENESS APPLICATION

(If applicant is not the owner, as listed on the property deed, a letter from the owner authorizing the proposed work must be included along with the owner's phone number and address.)

PROPERTY OWNER'S INFORMATION

Owner's Name: PFS Group LLC

Owner's Address: P.O. Box 1314

Suite: _____ City: Stockbridge State: GA Zip Code: 30281
 Phone: _____ Cell Phone: 770-510-8758 Email: desmond@gmail.com

APPLICANT'S CONTACT INFORMATION

Owner's Name: John R Yost

Owner's Address: 3883 Rogers Bridge Road

Suite: 602 City: Duluth State: GA Zip Code: 30097
 Phone: _____ Cell Phone: 404-558-9684 Email: rickyost@bellsouth.net

PROPERTY LOCATION

Tax Parcel Number(s): 6-213-066 Size in Acres: 2.61

Address(es): 0 Pinnacle Way (Parcel undeveloped, no address assigned)

Number of existing structures: 0

DESCRIPTION OF PROJECT

Project Type ☒ Residential ☐ Commercial ☐ Industrial ☐ Other project.

Briefly, yet accurately, describe all new construction, alterations, repairs or other changes to the exterior appearance or site for the property under consideration. Use additional pages as needed. 26 new attached single family residential townhomes.

STATEMENT

Has this property been before the Mayor and Council, Downtown Development Authority, Architectural Review Board, Board of Appeals or Board of Planning and Zoning within the last 24 months? Yes No

If yes, please list the board and reference number: No. Our understanding is the ARB is to be first then go to Board of Planning and Zoning then to Mayor and City Council.

REQUIRED ATTACHMENTS

☒ Landscape Plan (copies: 1 full size) ☒ An electronic version (pdf) ☒ Vicinity Map ☐ Legal description
☒ Material and Color Samples (x2) ☒ Architectural elevations (1 full size) ☒ Floor plans for each level (1 full size)
☒ Scaled site plan showing existing and proposed improvements. (1 full size) ☒ Completed Application

OWNER'S SIGNATURE

Signature

by: Peter Desmond, PCA

10/25/15
Date

CITY USE ONLY. DO NOT WRITE IN THIS BOX.

Date received: _____ Receipt Number: _____ Application Number: _____ Fee Paid \$ _____

DEADLINE AND HEARING SCHEDULE

The process for obtaining a COA from the ARB are as follows: 1) applications submitted on the 3rd Tuesday of each month 2) will be heard before the Architectural Review Board on the 3rd Tuesday of the following month.

1: Submit on Tuesday, _____, and be heard before the ARB on Tuesday, _____.

2: Submit on Tuesday, _____, and be heard before the ARB on Tuesday, _____.

(THE APPLICANT OR APPLICANT'S AGENT MUST ATTEND ALL MEETINGS REGARDING THE APPLICATION)

Attachment: COA2019-0049 REZ2019-0003 staff report (19-5568 : COA2019-0049/REZ2019-0003 0 Pinnacle Way)



CERTIFICATE OF APPROPRIATENESS APPLICATION

(If applicant is not the owner, as listed on the property deed, a letter from the owner authorizing the proposed work must be included along with the owner's phone number and address.)

Foundation Type: (Circle One)		
Slab	Crawl Space	Basement
Building Dimensions:		
Width: Preswick - 22'	Length: Preswick - 50'	Height: * 32'
Area Dimensions:		
First Floor: 678sf	Second Floor: 798sf	Third Floor:
Basement **: n/a	Front Porch: 36sf	Rear Porch:
Patio: 80sf	Garage: 264sf	
Primary Roof System: (Circle One)		
Gable XXXX	Hip	Grambel
Mansard	Jerkinhead	Flat
Saltbox	Shed	Other:
Roof Pitches:		
Primary Roof Pitch: 6:12		
Secondary Roof Pitch: 12:10		
Additional Roof Pitch: 4:12		
Floor and Elevation Plan information to be included on each page:		
Street Address and Lot Number	Scale with scale bar	Scaled measurement for each floor level and building elevation
Site and Landscape Plan information to be included on each page:		
Scale with scale bar and North Arrow	Building and driveway foot print	HVAC and utility equipment
Location and type of plantings	List of planting materials	
*Height of building means the vertical distance measured from grade to the highest finished roof surface in the case of flat roofs or to a point at the average height of the highest roof having a pitch.		
**Dwellings with a basement and a third story must submit a grade plan elevation to determine if the residential building has a fourth floor.		

DEADLINE AND HEARING SCHEDULE

The process for obtaining a COA from the ARB are as follows: 1) applications submitted on the 3rd Tuesday of each month 2) will be heard before the Architectural Review Board on the 3rd Tuesday of the following month.

1: Submit on Tuesday, _____, and be heard before the ARB on Tuesday, 12054596.

2: Submit on Tuesday, _____, and be heard before the ARB on Tuesday, _____.

(THE APPLICANT OR APPLICANT'S AGENT MUST ATTEND ALL MEETINGS REGARDING THE APPLICATION)



CERTIFICATE OF APPROPRIATENESS APPLICATION

(If applicant is not the owner, as listed on the property deed, a letter from the owner authorizing the proposed work must be included along with the owner's phone number and address.)

ELEVATION COLOR AND MATERIAL PLACEMENT ADDENDUM

Façade and sides

Component	Color (Include manufacturer's ID)	Material
Primary Façade: First Floor	See Sherman Williams Color Packages 1,2,3,5,6 & 8 submitted with the application	Brick / Siding
Primary Façade: Second Floor	See Sherman Williams Color Packages 1,2,3,5,6 & 8 submitted with the application	Siding / Shakes / Board and Batton
Primary Façade: Third Floor	N/A	N/A
Left Side: First Floor	See Sherman Williams Color Packages 1,2,3,5,6 & 8 submitted with the application	Concrete Siding
Left Side: Second Floor	See Sherman Williams Color Packages 1,2,3,5,6 & 8 submitted with the application	Concrete Siding
Left Side: Third Floor	N/A	N/A
Left Side: Basement	N/A	N/A
Right Side: First Floor	See Sherman Williams Color Packages 1,2,3,5,6 & 8 submitted with the application	Concrete Siding
Right Side: Second Floor	See Sherman Williams Color Packages 1,2,3,5,6 & 8 submitted with the application	Concrete Siding
Right Side: Third Floor	N/A	N/A
Right Side: Basement	N/A	N/A
Rear: First Floor	See Sherman Williams Color Packages 1,2,3,5,6 & 8 submitted with the application	Concrete Siding
Rear: Second Floor	See Sherman Williams Color Packages 1,2,3,5,6 & 8 submitted with the application	Concrete Siding
Rear: Third Floor	N/A	N/A
Rear: Basement	N/A	N/A

DEADLINE AND HEARING SCHEDULE

The process for obtaining a COA from the ARB are as follows: 1) applications submitted on the 3rd Tuesday of each month 2) will be heard before the Architectural Review Board on the 3rd Tuesday of the following month.

1: Submit on Tuesday, _____, and be heard before the ARB on Tuesday, _____.

2: Submit on Tuesday, _____, and be heard before the ARB on Tuesday, _____.

(THE APPLICANT OR APPLICANT'S AGENT MUST ATTEND ALL MEETINGS REGARDING THE APPLICATION)



CERTIFICATE OF APPROPRIATENESS APPLICATION

(If applicant is not the owner, as listed on the property deed, a letter from the owner authorizing the proposed work must be included along with the owner's phone number and address.)

COLOR AND MATERIAL PLACEMENT ADDENDUM

Exterior Components

Component	Color (Include manufacturer's ID)	Material
Masonry	See Sherman Williams Color Packages 1,2,3,5,6 & 8 submitted with the application	Brick
Garage Doors	See Sherman Williams Color Packages 1,2,3,5,6 & 8 submitted with the application	Aluminum
Trim	See Sherman Williams Color Packages 1,2,3,5,6 & 8 submitted with the application	Wood
Mortar	See Sherman Williams Color Packages 1,2,3,5,6 & 8 submitted with the application	Mortar
Gutters	Bronze	Aluminum
Corner Board	See Sherman Williams Color Packages 1,2,3,5,6 & 8 submitted with the application	Wood
Railings		
Windows	See Sherman Williams Color Packages 1,2,3,5,6 & 8 submitted with the application	Vinyl
Window Sills	See Sherman Williams Color Packages 1,2,3,5,6 & 8 submitted with the application	Wood
Window Muntin/Mullion	White	Vinyl
Columns	See Sherman Williams Color Packages 1,2,3,5,6 & 8 submitted with the application	PVC
Other Architectural Features		
Other Architectural Features		

DEADLINE AND HEARING SCHEDULE

The process for obtaining a COA from the ARB are as follows: 1) applications submitted on the 3rd Tuesday of each month 2) will be heard before the Architectural Review Board on the 3rd Tuesday of the following month.

1: Submit on Tuesday, _____, and be heard before the ARB on Tuesday, _____.

2: Submit on Tuesday, _____, and be heard before the ARB on Tuesday, _____.

(THE APPLICANT OR APPLICANT'S AGENT MUST ATTEND ALL MEETINGS REGARDING THE APPLICATION)



Ownership Affidavit & Designation of Agent

I. Ownership.

I, Peter Desmond, hereby attest to ownership of the property described below:

Parcel I.D. Number(s) 6-213-006

Location address: 0 Pinnacle Way, Norcross, GA

_____ for which this Application is submitted.

The ownership, as recorded on the deed, is in the name of: _____

PFS Group, LLC

Please complete the appropriate section below:

NOTE: The person signing under section IV Acknowledgement, must be listed below as an officer or partner.

☐ Individual

☒ Corporation/Limited Liability Company (LLC)

☐ Partnership

☐ Government Entity

Provide Names of Officers/Members:

Andrew R. Desmond

Peter Desmond

Provide Names of General Partners:

Secretary of State Registration Number: 12054596

Name/Address of Registered Agent: Andrew R. Desmond

II. Designation of Owner's Agent. (Leave blank if not applicable)

As the owner of the above designated property and the applicant for which this affidavit is submitted, I wish to designate the below named party as my agent in all matters pertaining to the location address. In authorizing the agent named below to represent me, or my company, I attest that the application is made in good faith and that any information contained in the application is accurate and complete to the best of my knowledge and belief. (Note: Prior to the issuance of a building permit, the owner's agent must be the contractor listed on the permit application.)

Owner's Agent: John R. Yost

Address: 3883 Rogers Bridge Road

Contact Person: John R. Yost

Telephone No.: 404-558-9684

III. Notice to Owner.

- A. All changes in Ownership & Applicant's Agent prior to issuance shall require new affidavit. If ownership changes the new owner assumes the obligations and the original applicant is released from responsibility for actions taken by others after the change in ownership.
- B. If the Owner intends the Designation of Applicant's Agent to be limited in any manner, please indicate the limitation below. (i.e., Limited to obtaining a certificate of concurrency for the parcel; limited to obtaining a land use compliance certificate; etc.)

City of Norcross, 65 Lawrenceville Street, Norcross, GA 30071 Community Development Department, 678-421-2027

IV. Acknowledgement.

• Individual

Signature

Print Name: _____
Address: _____
Phone #: _____

• Government Entity

Print Government Name

By: _____
Signature

Print Name: _____
Title: _____
Department: _____

• Corporation/LLC

PFS Group, LLC
Print Corporation/LLC Name

By: Peter Desmond
Signature

Print Name: Peter Desmond, BA
Its: _____
Address: PO Box 669003
Marietta, GA 30066
Phone #: 770-510-8758

• Partnership

Print Partnership Name

By: _____
Signature

Print Name: _____
Its: _____
Address: _____
Phone #: _____

NOTARY INFORMATION (Please use appropriate block.)

STATE OF GEORGIA
COUNTY OF _____

• Individual

Before me, this _____ day of _____, 20____, personally appeared _____ who executed the foregoing instrument, and acknowledged before me that same was executed for the purposes therein expressed.

• Government Entity

Before me, this _____ day of _____, 20____, personally appeared _____ as _____ and on behalf of _____, who executed the foregoing instrument, and acknowledged before me that same was executed for the purposes therein expressed.

• Corporation/LLC

Before me, this 25 day of October, 2019, personally appeared Peter Desmond BA of _____ a GA _____ corporation/LLC, on behalf of the corporation/LLC, who executed the foregoing instrument and acknowledged before me that same was executed for the purposes therein expressed.

• Partnership

Before me, this _____ day of _____, 20____, Of _____, personally appeared _____ partner/agent on behalf of _____ a partnership, who executed the foregoing instrument and acknowledged before me that same was executed for the purposes therein expressed.

Signature of Notary

Michael J. Nichols
Print Notary Name

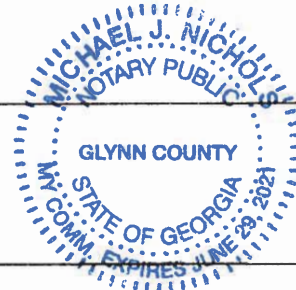
NOTARY STAMP:

My commission expires: 06/29/2021

Identification Method:

Personally known.

☒ Produced I.D. – Type: Drivers License



City of Norcross, 65 Lawrenceville Street, Norcross, GA 30071 Community Development Department, 678-421-2027



REZONING APPLICATION

PROPERTY OWNER'S INFORMATION

Owner's Name:

PFS Group LLC

Owner's Address:

P.O. Box 1314

City: Stockbridge

State: GA

Zip Code: 30281

Phone: Cell Phone: 770-510-8758 Email: desmond@gmail.com

APPLICANT'S CONTACT INFORMATION

Applicant's Name:

Yost Communities, Inc.

Applicant's Address:

3883 Rogers Bridge Road

Suite: 602

City: Duluth

State: GA

Zip Code:

30097

Phone: 770-622-5209

Cell Phone: 404-558-9684

Email: rickyost@bellsouth.net

PROPERTY LOCATION

Tax Parcel Number(s): 6-213-066

Size in acres: 2.61

Address(es): (Vacant Lot No Assigned Address) Pinnacle Way

Number of existing structures: 0

Number of parking spaces: 0

PROPOSED USE

Current Zoning: M-1

Requested Zoning: PRD - Attached Townhomes

Date of Pre-Application Mtg: 10-1-2019

Is the request in conformity with the Current Land Use Plan? ☒ Yes ☐ No

Comp Plan Designation: I-85 Activity Center If No, Comp Plan Amendment is required

Is this site located in the National/Local Historic District? ☐ Yes ☒ No

If yes, what are the plans for the historic resources, if any, onsite

Proposed Use Details:

The Applicant is proposing the development of 26 attached townhome units located on 2.616 acres.

The subject property is Lot #4 of the Pinnacle Center Industrial Subdivision. The lot remains undeveloped since the plat was recorded on 7-18-1988. To be compliant with the City of Norcross's Unified Development Ordinance the current M-1 Light Industrial category would need to change to support the residential use. The applicant proposes the rezoning of parcel 6-213-066 from M-1 Light Industrial to PRD Planned Residential District for attached townhomes at a density of 9.962 Units per Acre.

The entrance is located along Pinnacle Way, near the intersection of Pinnacle Way and Beaver Run.

The property is within the I-85 Activity Center Character Area based on the 2040 Norcross Comprehensive Plan.

The proposed Land Use of attached townhomes is in compliance with the Comprehensive Plan per Table 2.4. I-85 Activity Center supports High Density Residential at 8.0 units per acre and above. The applicant intends to showcase the Architectural approach through details plans, elevations and details that meets the general standards of the City of Norcross. We believe the proposed development is in harmony with the UDO, Comprehensive Plan and Architectural Standards and look forward to a successful project.

ITEMS THAT MUST ACCOMPANY APPLICATION

- A. **Owner's Signature or Affidavit** - If the owner and applicant are not the same, the owner must sign the application or complete the attached affidavit.
- B. **Plat/Survey** – Submit one (1) full size, one (1) 11 x 17 and one (1) digital copy of a plat in JPG or PDF format, drawn by an engineer or land surveyor, describing in detail the tract, parcel or lot of land proposed to be rezoned. The plat must include the following information:
 1. A current boundary survey and plot plan, dimensioned and to scale, prepared by a registered surveyor, architect or engineer showing the seal of such surveyor, architect, or engineer.
 2. This survey shall be a plat of the land in question, or a description by metes and bounds, bearings and distances of the land, or if the boundaries conform to the lot boundaries within a subdivision for which a plat is recorded in the land records of the City of Norcross, then, the lot, block, and subdivision designations with appropriate plat reference.
 3. A description of existing land uses on adjacent and surrounding property.
- C. **Concept Plan** – Submit one (1) full size copy, one (1) 11x17 copy and one (1) digital copy in JPG or PDF format of a concept plan, including but not limited to all items listed on the attached checklist for such plan.
- D. **Impact Analysis** –
 1. If the zoning change has been initiated by an owner or their representative, the application must be accompanied by a written, documented analysis of the proposed zoning change with regard to each of the standards governing consideration attached to this application.
 2. A traffic study, a hydrology study, market study and other studies of the impact of the proposed development prepared by a duly licensed engineer or qualified professional may be required by the Community Development Department, Planning & Zoning Board or the Mayor & City Council as deemed necessary for adequate consideration and a fully-informed decision on the proposed request. The studies shall be prepared under the direction of the City at the applicant's expense.

- E. **Warranty Deed** – A copy of the recorded warranty deed to the property must accompany each application. The owner on the deed must be the same as the owner listed on the application.
- F. **Proof of Taxes Paid** – Proof that all ad valorem taxes due on the property have been paid must accompany each application.
- G. **Certificate Concerning Campaign Contributions** – The applicant must complete the certificate concerning campaign contributions and submit with each application.
- H. **Fees** – See attached fee schedule. Fees are non-refundable.
- I. **Development of Regional Impact** – If your application meets the Atlanta Regional Commission's (ARC) alternative rules for a Development of Regional Impact, additional review will be required by ARC and the State. More information can be found here, <https://atlantaregional.org/community-development/comprehensive-planning/developments-of-regional-impact/>
- J. **Conditional Rezoning** – An applicant may apply for conditional zoning and so state on the application. The conditional zoning applications may be based on written conditions contained within the relevant section of the application only or it may be based on the narrative AND a site plan.
- K. Any other information required by the Community Development Department or any other City department which is deemed necessary or desirable in processing the application which is related to the present or proposed use of the property.

I have read and understand the attached application and zoning procedures. I also hereby authorize the Community Development Staff, Planning & Zoning Board and Mayor & Council to inspect the premises that are the subject of this application.

Yost Communities, Inc.
John R. Yost, President

Signature of Applicant

10/29/19

Date

CITY USE ONLY. DO NOT WRITE BELOW

Date received: _____ Application Number: _____ Fee Paid: _____

Notes: _____

DEADLINE AND HEARING SCHEDULE

The rezoning steps are as follows: 1) applications submitted on the 1st Wednesday of each month, 2) will be heard before the Planning and Zoning Board on the 1st Wednesday of the following month and 3) will be heard before the Mayor and Council on the 1st Monday of the subsequent month.

(THE APPLICANT OR APPLICANT'S AGENT MUST ATTEND ALL HEARINGS REGARDING THE APPLICATION)

Concept Plan Checklist

1. An application shall be accompanied by a concept plan if any new construction or alteration of the site is proposed.
2. A concept plan may be prepared by a professional engineer, a registered land surveyor, a landscape architect, a land planner or any other person familiar with land development.
3. The concept plan shall be drawn on a boundary survey of the property. The boundary survey shall have been prepared by a Georgia registered land surveyor and meet the requirements of the State of Georgia for such a map or plat under O.C.G.A. 15-6-67(b).

The concept plan shall show the following:

1. Zoning district classification of the subject property and all adjacent properties, and zoning district boundaries if they cross the property.
2. Man-made features within and adjacent to the property, including existing and future right-of way of streets, pavement width and street names; political boundary lines; and other significant information such as location of bridges, utility lines, existing buildings to remain, and other features as appropriate to the nature of the request.
3. Natural features, such as the 100-year flood plain, and protected wetlands and stream buffers required under the Buffers, Landscaping and Tree Conservation Article of this Ordinance.
4. Proposed use of the property.

The proposed project layout including:

1. For residential subdivisions, and office or industrial parks, approximate lot lines and street right-of-way lines, along with the front building setback line on each lot.
2. For multi-family and nonresidential development projects, the approximate outline and location of all buildings, and the location of all minimum building setback lines, outdoor storage areas, dumpsters, zoning buffers, parking areas, loading stations, zoning buffers, stormwater detention facilities, and driveways, entrances and exits.
3. Name and address of the property owner.
4. Name, address, and telephone number of the applicant (if different than the owner).
5. Date of concept plan drawing, and revision dates, as appropriate.
6. Location (Land District and Land Lot) and size of the property in acres (or in square feet if less than an acre).
7. Location sketch of the property in relation to the surrounding area with regard to well-known landmarks such as arterial streets or railroads. Sketches may be drawn in freehand and at a scale sufficient to show clearly the information required, but not less than 1 inch equal to 2,000 feet. US. Geological Survey maps may be used as a reference guide for the location concept.
8. A statement as to the source of domestic water supply.
9. A statement as to the provision for sanitary sewage disposal.
10. The approximate location of proposed storm water detention facilities.
11. Such additional information as may be useful to permit an understanding of the proposed use and development of the property.

Criteria and Standards for Considering a Rezoning

The Mayor and City Council find that the following standards are relevant in balancing the interest in promoting the public health, safety, morality, or general welfare against the right to the unrestricted use of property and shall govern the exercise of zoning power. Please address these criteria to the best of your ability. You may use a separate sheet if necessary.

- 1) Whether the zoning proposal will permit a use that is suitable in view of the use and development of adjacent and nearby property;

The proposed use is suitable in view of the nearby residential uses and the provides for housing demand for housing in the Beaver Ruin corridor.

- 2) Whether the zoning proposal will adversely affect the existing use or usability of adjacent or nearby property;

The reletively small number of residential uses should have no adverse affects on existing uses or usability of nearby property.

- 3) Whether the property to be affected by the zoning proposal has a reasonable economic use as currently zoned;

No. The property has remained undeveloped since the final plat recording in 1988

- 4) Whether the zoning proposal will result in a use which will or could cause an excessive or burdensome use of existing streets, transportation facilities, utilities, or schools;

The relatively small number of units proposed should not cause any noticeable changes to existing streets, transportation facilities, utilities or schools.

- 5) Whether the zoning proposal is in conformity with the policy and intent of the Comprehensive Plan; and

Yes. The I-85 Activity Center Character Area supports high density residential. The plan proposes 9.962 Units per Acre.

- 6) Whether there are other existing or changing conditions affecting the use and development of the property which give supporting grounds for either approval or disapproval of the zoning proposal.

The demand for new residential housing in the area is high for quality products. The support for approval is the conformity with the City of Norcross Comprehensive Plan, the demand for the new housing and the proposed quality of the Architectural materials and treatments.

CONFLICT OF INTEREST CERTIFICATION FOR REZONINGS

The undersigned below, making application for rezoning, has complied with the Official Code of Georgia Section 36-67A-1, et seq. Conflict of Interest in Zoning Actions, and has submitted or attached the required information on the forms provided.

John R. Yost, President 10/28/19

John R. Yost, President

SIGNATURE OF APPLICANT

DATE

TYPE OR PRINT NAME AND TITLE

SIGNATURE OF APPLICANT'S
ATTORNEY OR REPRESENTATIVE

DATE

TYPE OR PRINT NAME AND TITLE

DISCLOSURE OF CAMPAIGN CONTRIBUTIONS

Have you, within the two years immediately preceding the filing of this application, made campaign contributions aggregating \$250.00 or more to a City of Norcross Mayor/Council Member or a Member of the Planning and Zoning Board

NO _____ (YES or NO)

John R. Yost

YOUR NAME

If the answer is yes, please complete the following section:

NAME AND OFFICIAL POSITION OF GOVERNMENT OFFICIAL	CONTRIBUTIONS (LIST ALL WHICH AGGREGATE TO \$250.00 OR MORE)	DATE CONTRIBUTION WAS MADE (WITHIN THE LAST TWO YEARS)

Attach additional sheets if necessary to disclose or describe all contributions.

DATE RECEIVED: _____

CASE#: _____

ACCEPTED BY: _____

USE THIS PAGE TO ADD ANY ADDITIONAL INFORMATION

Attachment: COA2019-0049 REZ2019-0003 staff report (19-5568 : COA2019-0049/REZ2019-0003 0 Pinnacle Way)



Ownership Affidavit & Designation of Agent

I. Ownership.

I, Peter Desmond, hereby attest to ownership of the property described below:

Parcel I.D. Number(s) 6-213-006

Location address: 0 Pinnacle Way, Norcross, GA

_____ for which this Application is submitted.

The ownership, as recorded on the deed, is in the name of: _____

PFS Group, LLC

Please complete the appropriate section below:

NOTE: The person signing under section IV Acknowledgement, must be listed below as an officer or partner.

☐ Individual

☒ Corporation/Limited Liability Company (LLC)

☐ Partnership

☐ Government Entity

Provide Names of Officers/Members:

Andrew R. Desmond

Peter Desmond

Provide Names of General Partners:

Secretary of State Registration Number: 12054596

Name/Address of Registered Agent: Andrew R. Desmond

II. Designation of Owner's Agent. (Leave blank if not applicable)

As the owner of the above designated property and the applicant for which this affidavit is submitted, I wish to designate the below named party as my agent in all matters pertaining to the location address. In authorizing the agent named below to represent me, or my company, I attest that the application is made in good faith and that any information contained in the application is accurate and complete to the best of my knowledge and belief. (Note: Prior to the issuance of a building permit, the owner's agent must be the contractor listed on the permit application.)

Owner's Agent: John R. Yost

Address: 3883 Rogers Bridge Road

Contact Person: John R. Yost

Telephone No.: 404-558-9684

III. Notice to Owner.

A. All changes in Ownership & Applicant's Agent prior to issuance shall require new affidavit. If ownership changes the new owner assumes the obligations and the original applicant is released from responsibility for actions taken by others after the change in ownership.

B. If the Owner intends the Designation of Applicant's Agent to be limited in any manner, please indicate the limitation below. (i.e., Limited to obtaining a certificate of concurrency for the parcel; limited to obtaining a land use compliance certificate; etc.)

City of Norcross, 65 Lawrenceville Street, Norcross, GA 30071 Community Development Department, 678-421-2027

IV. Acknowledgement.

• Individual

Signature

Print Name: _____
Address: _____
Phone #: _____

• Government Entity

Print Government Name

By: _____
Signature

Print Name: _____
Title: _____
Department: _____

• Corporation/LLC

PFS Group, LLC
Print Corporation/LLC Name

By: Peter Desmond
Signature

Print Name: Peter Desmond, POA
Its: MAN/LLC
Address: PO Box 669003
Marietta, GA 30066
Phone #: 770-510-8758

• Partnership

Print Partnership Name

By: _____
Signature

Print Name: _____
Its: _____
Address: _____
Phone #: _____

NOTARY INFORMATION (Please use appropriate block.)

STATE OF GEORGIA

COUNTY OF Glynn

• Individual

Before me, this _____ day of _____, 20____, personally appeared _____ who executed the foregoing instrument, and acknowledged before me that same was executed for the purposes therein expressed.

• Government Entity

Before me, this _____ day of _____, 20____, personally appeared _____ as _____ and on behalf of _____, who executed the foregoing instrument, and acknowledged before me that same was executed for the purposes therein expressed.

• Corporation/LLC

Before me, this 25 day of October, 2019, personally appeared Peter Desmond of _____ a GA _____ corporation/LLC, on behalf of the corporation/LLC, who executed the foregoing instrument and acknowledged before me that same was executed for the purposes therein expressed.

• Partnership

Before me, this _____ day of _____, 20____, personally appeared _____, partner/agent on behalf of _____, a partnership, who executed the foregoing instrument and acknowledged before me that same was executed for the purposes therein expressed.

Signature of Notary

Michael J. Nichols
Print Notary Name

NOTARY STAMP:

My commission expires: 06/29/2021

Identification Method: _____

Personally known.

Produced I.D. - Type: Driver's License

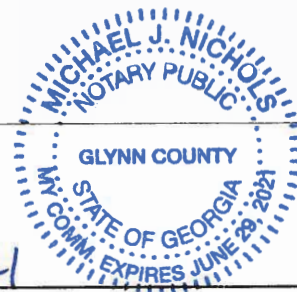


EXHIBIT B

Attachment: COA2019-0049 REZ2019-0003 staff report (19-5568 : COA2019-0049/REZ2019-0003 0 Pinnacle Way)

*Your transaction has been successfully
completed!*

Account Information

Payment Type: Property Tax

Property Taxes: R6213 066 \$3287.65

Payment Details

Amount: \$3287.65

Convenience Fee: \$73.97

Total Amount: \$3361.62

Card Number: XXXXXXXXXXXXXXX3046

Expiration Date: 02/2022

Bill Payer Details

Peter Desmond

2554 Jamerson Rd. Marietta GA 30066 US

Your confirmation number is:

1190395

Friday, October 25, 2019 9:13:34 AM [CST]

Please print this page for your records.

 Print Receipt

Attachment: COA2019-0049 REZ2019-0003 staff report (19-5568 : COA2019-0049/REZ2019-0003 0 Pinnacle Way)



ACCOUNT DETAIL

[View/Pay Your Taxes](#) / [Account Detail](#)

Tax Account

Mailing Address:

PFS GROUP LLC
PO BOX 1413
STOCKBRIDGE, GA 30281-8413

SITUS:

0 PINNACLE WAY

Tax District:

Gateway85 CID 09 Taxable

☒ [Change Mailing Address](#)

Parcel ID	Property Type	Last Update
R6213 066	Real Property	10/25/2019 10:11:12 AM

Legal Description

L4 BA PINNACLE CENTER #1

Pay Now

This item has been paid.

Schedule Payments

[Schedule Future Payments](#)

.....

View or edit your Scheduled
Payments [here](#)

GoPaperless

Click [here](#) to cancel your Paperless
Billing enrollment

Tax Bills

Note: Four years of tax information is available online. Email tax@gwinnettcountry.com to request other years.

Tax Year	Net Tax	Total Paid	Penalty/Fees	Interest	Due Date	Amount Due
2019	\$3,264.47	\$0.00	\$0.00	\$23.18	10/15/2019	\$3,287.65
2018	\$3,277.37	\$3,277.37	\$0.00	\$0.00	10/15/2018	\$0.00
2017	\$3,302.40	\$3,302.40	\$0.00	\$0.00	10/15/2017	\$0.00
2016	\$3,273.68	\$3,292.01	\$0.00	\$0.00	1/1/2017	\$0.00
Total						\$3,287.65

Print Tax Bill

Click to view and print your Aug 2019 tax bill.

* This bill is good through Oct 15, 2019 only.

gwinnettcounty
Assessor's Office
GIS & Property Record Detail



Type: DEED Book: 53001 Page: 00256

BX53001 PG0256

FILED & RECORDED
CLERK SUPERIOR COURT
GWINNETT COUNTY, GA.

2014 JUL -2 AM 11:35

RICHARD ALEXANDER, CLERK

PT-61 # 0167-2014-014230
GWINNETT CO GEORGIA
REAL ESTATE TRANSFER TAX
\$ none
RICHARD T. ALEXANDER, JR. CLERK OF
SUPERIOR COURT

305294

STATE OF GEORGIA,
GWINNETT COUNTY**TAX SALE DEED**

THIS INDENTURE, Made this 3rd day of June, 2014 between

Richard Steele, Ex-Officio Sheriff of Gwinnett County

Party or parties of the first part, hereinafter referred to as "Grantor", and

PFS Group LLC of Clayton County
Post Office Box 3237, Decatur, Georgia 30031

Party or parties of the second part hereinafter referred to as "Grantee", the words "Grantor and Grantee" to include the masculine and feminine gender, the singular and the plural, and the respective heirs, legal representatives, successors and assigns of the parties were where the content requires or permits,

WHEREAS, Richard Steele, Ex-Officio Sheriff of Gwinnett County, Georgia, did levy a writ of fieri facias issued by Richard Steele, Tax Commissioner of Gwinnett County, Georgia against *Transwestern Pinnacle Ctr Land* and,

WHEREAS said levy was made for the purpose of collecting delinquent state and county ad valorem property taxes for the year 2013, 2012; and,

WHEREAS said levy was made on April 17, 2014 on the following described tract of land, to wit:

*All that tract or parcel of land lying and being in Land Lots 213 and 225, of the 6th District, Gwinnett County, Georgia and being more particularly described as follows**To find the point of beginning, begin at a point located at the intersection of the Southwestern right-of-way line of Beaver Run Road and the Southeastern right-of-way line of Pinnacle Way; thence running along the Southeastern right-of-way line of Pinnacle Way the following courses and distances; South 68 degrees 49 minutes 40 seconds West 144.04 feet to a point; South 68 degrees 13 minutes 54 seconds West, 183.59 feet to a point; South 58 degrees 50 minutes 16 seconds West, 390.54 feet to the point of beginning; thence leaving the Southeastern right-of-way line of Pinnacle Way and running South 13 degrees 55 minutes 19 seconds East 350.10 feet to a point, thence South 68 degrees 44 minutes 31 seconds West a distance of 426.91 feet to a point on the Easterly right-of-way line of Pinnacle Way (80 foot right-of-way) thence running in a Northwesterly, Northerly and Northeasterly direction along said right-of-way line which turns into the Southeastern right-of-way line of Pinnacle Way along an arc, an arc distance of 340.16 feet to a point, said arc being subtended by a chord bearing North 17 degrees 34 minutes 43 seconds East, having a chord distance of 323.34 feet; thence continuing along the Southeastern right-of-way line of Pinnacle Way North 49 degrees 12 minutes 35 seconds East 265.26 feet to the point of beginning***SUBJECT TO THE FOLLOWING.***1. Easement for Right of Way from Hyman Auerbach, Bennie Auerbach, Leon Auerbach, Sam Schaffer, Norman Weitz, A. Auerbach, A.J. Block, Jr. and Arnold Zipperman, to Georgia Power Company, dated April 25, 1966, recorded at Deed Book 257, commencing at Page 760, Records of the Clerk of the Superior Court, Gwinnett County, Georgia. NOTE: As shown on that ALTA/ACSM Land Title Survey for Principal Mutual Life Insurance Company, prepared under the supervision of Hayes & Matthews, Inc., dated January 17, 1998, last revised May 14, 1998, bearing the seal of William B. Thompson, Georgia Registered Land Surveyor No. 2027, hereinafter referred to as "Survey" in Tracts 2 and 3.*

0049427

14

Attachment: COA2019-0049 REZ2019-0003 staff report (19-5568 : COA2019-0049/REZ2019-0003 0 Pinnacle Way)

BX53001 PG0257

- 2 Easement from Sam Schaffer, Norman Weitz, Hyman Auerbach, Bennie Auerbach, Leon Auerbach, Abe Auerbach, Arnold Zipperman and A.J. Block, Jr, to Gwinnett County, Georgia, dated November 30, 1970, recorded at Deed Book 367, commencing at Page 347, aforesaid records. NOTE: Shown on survey in Tract 2
- 3 Sewer Line Easements from Julian LeCraw and Fred S. Singer, to David T. Edwards, dated March 23, 1974, recorded at Deed Book 835, commencing at Page 123, aforesaid records NOTE: shown on Survey in Tract 2.
- 4 Protective Covenants for Indian Trail Industrial Park, Norcross, Georgia, dated September 24, 1979, recorded at Deed Book 1811, commencing at Page 109, aforesaid records.
- 5 Easement from Ackerman & Co., to Georgia Power Company, dated April 9, 1987, recorded at Deed Book 4235 commencing at Page 284, aforesaid records.
- 6 Protective Covenants for Indian Trail Industrial Park, Norcross, Georgia, dated September 24, 1979, recorded at Deed Book 1811, commencing at Page 109, aforesaid records
- 7 Declaration of Easement as declared by Ackerman/Indian Trail Associates, Ltd and Petula Associates, Ltd, dated June 15, 1988, recorded at Deed Book 4953, commencing at Page 59, aforesaid records. NOTE Shown on Survey in Tract 2
- 8 Encroachment Agreement by and between Georgia Power Company, Petula Associates, Ltd., and Ackerman/Indian Trail Associates, Ltd., dated July 29, 1988, recorded at Deed Book 5071, commencing at Page 39, aforesaid records. NOTE. This instrument consents to use by Petula Associates, Ltd. and Ackerman/Indian Trail Associates, Ltd., of an area within Georgia Power Company Electric Transmission Line Right of Way to install, operate and maintain parking area, curbing, stairs to building, fence and drainage piping.
- 9 Easement from Ackerman/Indian Trail Associates, Ltd. and Petula Associates, Ltd., to Gwinnett County, a political subdivision of the State of Georgia, dated July 9, 1988, recorded at Deed Book 5555, commencing at Page 255, aforesaid records
- 10 Declaration of Protective Covenants for Pinnacle Center as declared by Ackerman/Indian Trail Associates, Ltd and Petula Associates, Ltd., dated June 5, 1990, recorded at Deed Book 6109, commencing at Page 190, aforesaid records, as assumed by Petula Associates, Ltd, by Assumption Agreement by and between it and Ackerman/Indian Trail Associates, Ltd, dated June 4, 1993, recorded at Deed Book 8873, commencing at Page 246, aforesaid records.
- 11 Those matters as shown by the following. A) Plat of Survey of Unit One, Pinnacle Center, dated October 19, 1987, prepared by Tri-County Land Surveying and Boggus & Associates Engineers, recorded at Plat Book 45, commencing at Page 286, aforesaid records NOTE: shown on Survey in Tracts 1 and 2 B) Plat of Survey of Unit One, Pinnacle Center, dated October 19, 1987, prepared by Tri-County Land Surveying and Boggus & Associates Engineers, recorded at Plat Book 49, commencing at Page 115, aforesaid records NOTE: shown on Survey in Tracts 1 and 2 C) Plat of Survey of Pinnacle Center, Unit II, prepared by P T & B Engineering and Tri-County Surveying, dated May 14, 1990, recorded at Plat Book 51, commencing at Page 138, aforesaid records NOTE. shown on Survey in Tracts 3 and 4
- 12 Declaration of Easement and Maintenance Agreement declared by Petula Associates, Ltd, dated June 9, 1993, recorded at Deed Book 9000, commencing at Page 125, aforesaid records
- 13 Easement from Petula Associates, Ltd, to Georgia Power Company, dated January 3, 1997, recorded at Deed Book 14146, commencing at Page 53, aforesaid records.
- 14 Declaration of Easement and Maintenance Agreement by Petula Associates, Ltd, dated July 24, 1996, recorded at Deed Book 13013, commencing at Page 101, aforesaid records NOTE: shown on Survey in Tract 3
- 15 Those matters set forth on the survey

TO HAVE AND TO HOLD the said tract or parcel of land, with all and singular the rights, members and appurtenances thereof, to the same being, belonging, or in anywise appertaining, to the only proper use, benefit and behoof of the said party of the second part, their heirs and assigns forever in FEE SIMPLE

As described in Deed Book 16117, Page 46. Further described as Map & Parcel R6213066

Type: DEED Book: 53001 Page: 00258

BK53001 PG0258

WHEREAS said property was levied upon as the property of *Transwestern Pinnacle Center Land LLC*, followed by advertisement by due and legal publication as required by law being made in *Gwinnett Daily Post*, a newspaper published in Gwinnett County, Georgia in which Sheriff's sales are published; and,

WHEREAS said Ex-Officio Sheriff did proceed to expose for sale the above described tract during the legal hours of sale in accordance with law, before the courthouse doors of Gwinnett County Courthouse the same being the 3rd day of June, 2014, the same being the date advertised for sale; and,

WHEREAS the above named grantees were the highest and best bidders for the sum of \$70,000.00 (SEVENTY THOUSAND and 00/100) DOLLARS.

WITNESSETH:

For and in consideration of the above payment, in hand paid, the receipt which of is hereby acknowledged, the undersigned Ex-Officio Sheriff does hereby bargain, grant and convey, and sell unto grantees herein, in accordance with his or her lawful authority granted by the laws of the State of Georgia to conduct sheriff's sales, the above described tract or parcel of land together with improvements thereon. To have and to hold the above granted premises unto the grantees herein in as full and ample a manner as the same was held by *Transwestern Pinnacle Center Land LLC* when the said property was levied on and sold.

This conveyance is made without warranty of title and is further made subject to the rights of redemption of *Transwestern Pinnacle Center Land LLC* in accordance with O.C.G.A. sec. 48-4-40 et. Seq.

IN WITNESS WHEREOF, the Grantor has signed and sealed this deed, the day and year above written.

Signed, Sealed and Delivered in the presence of

[Signature]
 Unofficial Witness
[Signature]
 Notary Public, State of Georgia

My commission expires: 2/14/15

[Signature]
 Richard Steele, Ex-Officio Sheriff
 Gwinnett County, Georgia



Attachment: COA2019-0049 REZ2019-0003 staff report (19-5568 : COA2019-0049/REZ2019-0003 0 Pinnacle Way)

Type: DEED Book: 54888 Page: 00228

BK 54888 PG 0228

FILED AND RECORDED
CLERK SUPERIOR COURT
GWINNETT COUNTY, GA

2017 JAN 24 AM 11:17

RICHARD ALEXANDER, CLERK

After recording return to:
James R. Fletcher II Esq
Fletcher Law Firm LLC
191 Roswell St.
Marietta, GA 30060
Phone: 404-409-5665

Cross Reference:
Deed Book 53001 Page 0256
Deed Book 16117 Page 0046
Lien Book 3147 Page 205
Lien Book 3495 Page 94
Lien Book 3788 Page 90

300737

Gwinnett County Georgia Records

IN THE SUPERIOR COURT OF GWINNETT COUNTY
STATE OF GEORGIA

PFS Group LLC,
Plaintiff

v.

Transwestern Pinnacle Center Land LLC,
Capital Equity Tax Fund IV, LLC
Defendants

CIVIL ACTION
FILE NO. 16A 01460-7

FILED IN OFFICE
CLERK SUPERIOR COURT
GWINNETT COUNTY, GA
17 JAN 23 PM 12:12
RICHARD ALEXANDER, CLERK

FINAL JUDGMENT

This matter has come before the Court on the Motion for Default Judgment, Second Motion for Default Judgment and Third Motion for Default Judgment (collectively "Motion") filed by Plaintiff. Finding good cause, the Motion is hereby GRANTED, and a Judgment is entered in favor of Plaintiff PFS Group LLC and against Defendants Transwestern Pinnacle Center Land LLC and Capital Equity Tax Fund IV, LLC.

0007527

Type: DEED Book: 54888 Page: 00229

BK 54888 PG 0229

It is Ordered and Adjudged:

Service was made upon Defendant Transwestern Pinnacle Center Land LLC, a limited liability company orgaqnized under the laws of the State of Delaware, on April 25, 2016 by personal service by process server on the Delaware Secretary of State because the Defendant failed to maintain a registered agent. The Return of Service was filed May 25, 2016. Defendant's deadline to open the default as a matter of right was July 11, 2016. Defendant failed to respond by the legal deadline or at all, or to open default as a matter of right. Defendant is in default, and Plaintiff is entitled to a default judgment. O.C.G.A. § 9-11-55(a).

Service upon Transwestern Pinnacle Center Land LLC, a limited liability company organized under the laws of the State of Georgia, was made pursuant to O.C.G.A. § 9-11-4 by a Fulton County Georgia Deputy upon its Registered Agent: Registered Agent Inc. on October 27, 2016. The Return of Service was filed November 7, 2016. Its initial deadline to respond was December 7, 2016. Its last day to open default as a matter of right was December 22, 2016. This entity also failed to respond by the legal deadline or at all, or to open default as a matter of right.

Service was made upon Defendant Capital Equity Tax Fund IV, LLC on March 8, 2016 by Personal service upon registered agent John Mansour by a Fulton County Deputy Sheriff. The Return of Service was filed March 25, 2016. Defendant's deadline to open the default as a matter of right was May 10, 2016. Defendant failed to respond by the legal deadline or at all, or to open default as a matter of right. Defendant is in default, and Plaintiff is entitled to a default judgment. O.C.G.A. § 9-11-55(a).

Through that Tax Deed in Deed Book 53001 Page 256, Gwinnett County Georgia Records, fee simple title has vested absolutely in Plaintiff and Plaintiff's heirs and assigns to the real property which has the following legal description:

Type: DEED Book: 54888 Page: 00230

BK54888 PG0230

All that tract of land being in the: State of Georgia, County of Gwinnett, City of Norcross, Land Lot 213, 6th District, being 2.61 acres, more or less. Being Lot 4, Block A. As shown in Plat Book 49, Page 115. Or as further described as Undeveloped Parcel A in Deed Book 16117, Page 46. Being known as Tax Map & Parcel R6213066, Gwinnett County, Georgia.
(hereinafter the "Property")

Plaintiff properly barred and equity right of redemption of each Defendant. The Court orders that Defendants and their successors in interest shall have no interest in or lien upon the Property, including but not limited to through the following instruments

- Limited Warranty Deed in favor of Transwestern Pinnacle Center Land LLC recorded in Deed Book 16117 Page 0046
- Writ of Fieri Facias in favor of Capital Equity Tax Fund IV, LLC recorded in Lien Book 3147 Page 205 (originally Lien Book 3058 Page 95)
- Writ of Fieri Facias in favor of Capital Equity Tax Fund IV, LLC recorded in Lien Book 3495 Page 94 (originally Lien Book 3225 Page 98)
- Writ of Fieri Facias in favor of Capital Equity Tax Fund IV, LLC recorded in Lien Book 3788 Page 90 (originally Lien Book 3583 Page 197)

The Clerk of Superior Court is hereby directed to record this Final Judgment in the land records and make the cross-references above.

SO ORDERED this

23rd day of

January

2017

Melodie Snell Conner
Chief Judge Melodie Snell Conner
Superior Court of Gwinnett County

PFS Group LLC v Transwestern Pinnacle, et.al., 16-A-01460-7
Final Judgment

pg. 3 of 3

Attachment: COA2019-0049 REZ2019-0003 staff report (19-5568 : COA2019-0049/REZ2019-0003 0 Pinnacle Way)

EXHIBIT C

Attachment: COA2019-0049 REZ2019-0003 staff report (19-5568 : COA2019-0049/REZ2019-0003 0 Pinnacle Way)

MAYOR, CITY OF MORCROSS

This plat has been submitted to and considered by the mayor of the city of Morcross, Gwinnett County, Georgia, and is approved.

Dated this 15th day of JUNE, 1988.

BY Mayor, City of Morcross, Georgia

OWNER'S ACKNOWLEDGMENT

STATE OF GEORGIA
GWINNETT COUNTY
THE OWNER OF THE LAND SHOWN ON THIS PLAT AND WHOSE NAME IS SUBSCRIBED HEREIN, AND IN PERSON OR THRU A DULY AUTHORIZED AGENT ACKNOWLEDGES THAT THIS PLAT WAS MADE FROM AN ACTUAL SURVEY AND DEDICATES TO THE USE OF THE PUBLIC FOREVER ALL STREETS, ALLEYS, PARKS, WATER COURSES, DRAINAGE, EASEMENTS AND PUBLIC PLACES THEREON SHOWN FOR THE PURPOSES AND CONSIDERATIONS THEREIN EXPRESSED.

OWNER
BR. PROPERTIES, LTD.
OWNER
BR. PROPERTIES, LTD.
OWNER
BR. PROPERTIES, LTD.

CURVE DATA

CURVE NO. 1
P1 STA 34+28.06
Δ = 26° 14' 12"
R = 167.31'
T = 87.50'
L = 30.30'
SE = 0.053741

CURVE NO. 2
P1 STA 34+28.06
Δ = 26° 14' 12"
R = 167.31'
T = 87.50'
L = 30.30'
SE = 0.053741

CURVE NO. 3
P1 STA 62+82.60
Δ = 38° 46' 08"
R = 431.10'
T = 151.68'
D = 13° 17' 26"
L = 291.70'
SE = 0.058741

CURVE NO. 4
P1 STA 70+01.70
Δ = 63° 28' 43"
R = 349.51'
T = 276.44'
D = 16° 22' 28"
L = 387.67'
SE = 0.060741

CURVE NO. 5
P1 STA 74+00.00
Δ = 47° 12' 19"
R = 422.57'
T = 300.00'
D = 14° 15' 24"
L = 395.84'
SE = 0.058741

CURVE NO. 6
P1 STA 78+00.00
Δ = 47° 12' 19"
R = 422.57'
T = 300.00'
D = 14° 15' 24"
L = 395.84'
SE = 0.058741

CURVE NO. 7
P1 STA 78+00.00
Δ = 47° 12' 19"
R = 422.57'
T = 300.00'
D = 14° 15' 24"
L = 395.84'
SE = 0.058741

CURVE NO. 8
P1 STA 123+03.75
Δ = 16° 41' 35"
R = 476.50'
T = 199.83'
D = 18° 28' 10"
L = 488.28'
SE = 0.044117

CURVE DATA

CURVE NO. 9
P1 STA 74+00.00
Δ = 47° 12' 19"
R = 422.57'
T = 300.00'
D = 14° 15' 24"
L = 395.84'
SE = 0.058741

CURVE NO. 10
P1 STA 78+00.00
Δ = 47° 12' 19"
R = 422.57'
T = 300.00'
D = 14° 15' 24"
L = 395.84'
SE = 0.058741

CURVE NO. 11
P1 STA 78+00.00
Δ = 47° 12' 19"
R = 422.57'
T = 300.00'
D = 14° 15' 24"
L = 395.84'
SE = 0.058741

CURVE NO. 12
P1 STA 78+00.00
Δ = 47° 12' 19"
R = 422.57'
T = 300.00'
D = 14° 15' 24"
L = 395.84'
SE = 0.058741

CURVE NO. 13
P1 STA 78+00.00
Δ = 47° 12' 19"
R = 422.57'
T = 300.00'
D = 14° 15' 24"
L = 395.84'
SE = 0.058741

CURVE NO. 14
P1 STA 78+00.00
Δ = 47° 12' 19"
R = 422.57'
T = 300.00'
D = 14° 15' 24"
L = 395.84'
SE = 0.058741

CURVE NO. 15
P1 STA 78+00.00
Δ = 47° 12' 19"
R = 422.57'
T = 300.00'
D = 14° 15' 24"
L = 395.84'
SE = 0.058741

STORM DRAINAGE CHART

NO.	SIZE	SPACING	DEPTH	VELOCITY	DISCHARGE
1	12"	10'	18"	1.48	0.14
2	18"	10'	24"	1.48	0.34
3	24"	10'	30"	1.48	0.59
4	30"	10'	36"	1.48	0.84
5	36"	10'	42"	1.48	1.09
6	42"	10'	48"	1.48	1.34
7	48"	10'	54"	1.48	1.59
8	54"	10'	60"	1.48	1.84
9	60"	10'	66"	1.48	2.09
10	66"	10'	72"	1.48	2.34
11	72"	10'	78"	1.48	2.59
12	78"	10'	84"	1.48	2.84
13	84"	10'	90"	1.48	3.09
14	90"	10'	96"	1.48	3.34
15	96"	10'	102"	1.48	3.59
16	102"	10'	108"	1.48	3.84
17	108"	10'	114"	1.48	4.09
18	114"	10'	120"	1.48	4.34
19	120"	10'	126"	1.48	4.59
20	126"	10'	132"	1.48	4.84

DEVELOPER'S NAME
ACKERMAN & CO
ROUTE 200, GARDEN POINT
ATLANTA, GA 30312
(404) 382-9999

BR. PROPERTIES
1955 LAWYER ROAD
SUITE 102
ATLANTA, GA 30339
(404) 522-8745

NOTES
1. 1/2" RBS AT ALL PROPERTY CORNERS
2. 2" STORM DRAIN EASEMENT ALONG ALL LINES & STREAMS

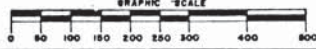
PLAZA CLAIM REGULATION
CASE # 31
DATE 6-18-85

DRAINAGE LIABILITY NOTE
CITY OF MORCROSS ASSUMES NO RESPONSIBILITY FOR OVERFLOW OR EROSION OF NATURAL OR ARTIFICIAL DRAINAGE BEYOND THE RIGHT OF WAY, OR FOR THE EXTENSION OF COLLECTORS BEYOND THE POINT SHOWN ON THE APPROVED AND RECORDED SUBDIVISION PLAT.

SURVEYOR'S CERTIFICATE
Plat of survey certified to ACKERMAN & COMPANY, INDIAN TRAIL ASSOCIATES, LTD. & METULA ASSOCIATES, LTD. & B. PROPERTIES, INC.
I hereby certify that the within plat of survey was made by me personally or under my direct supervision and has been prepared in conformity with the minimum standards and requirements of law, and in my opinion the same is true, accurate and a correct representation of the lines, distances, improvements and other matters purporting to be shown hereon and further that there are no encroachments, rights of way, easements or other matters to the land adjacent as shown on this plat of survey.

This 15th day of JUNE, 1988.

By: [Signature]



100' EQUAL TO 1" ELEVATION 34.0
ACCORDING TO FIA OFFICIAL
FLOOD INSURANCE MAP # 12122E
THIS LOT IS IN A FLOOD
HAZARD AREA.



UNIT I

PINNACLE CENT

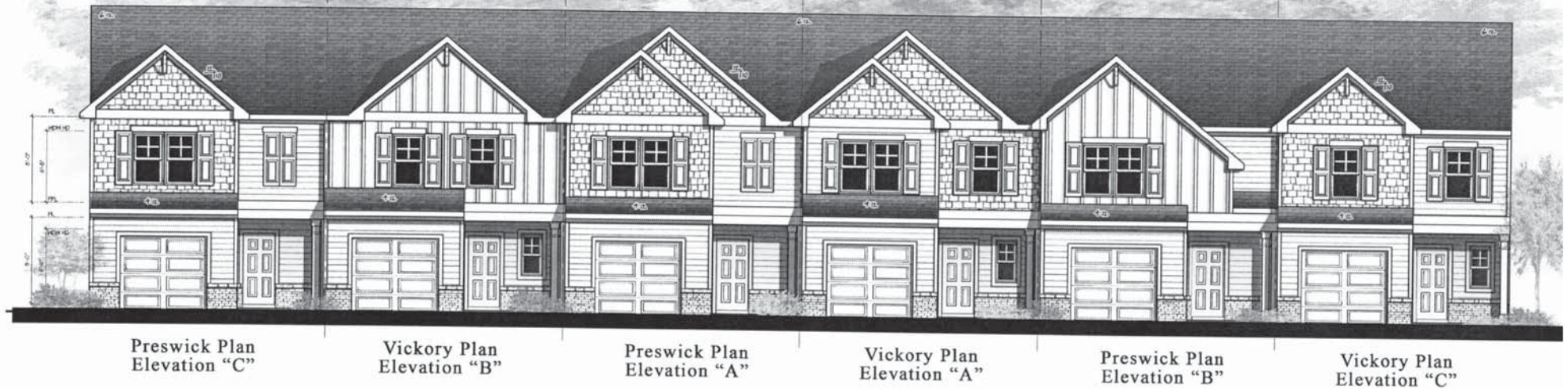
COUNTY GWINNETT
LAND LOT 219 & 220 DIST. 6TH
SCALE 1"=100' DATE 6-2-88

TRI COUNTY LAND SURVEYING
BOGGUS & ASSOCIATES ENGINEERS

Packet Pg. 59

EXHIBIT D

Revised Composite "A" elevations
dated 12/13/2019



CHAFIN
COMMUNITIES
More To Come Home to...

**Pinnacle Way
22' Wide Townhomes
Composite "A"**

12.13.19

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group
of georgia

The drawings presented are illustrations of character and design intent only, and are subject to change based upon final design considerations (i.e., applicable codes, structural, and MEP design requirements, and grant / floor plan changes, etc.)
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Preswick C



Vickory C

CHAFIN
COMMUNITIES
More To Come Home to...

*Pinnacle Way
22' wide townhomes
Composite 'A'*
12.13.19 Norcross, GA.

GMD-GA job#
GMD-GA19060
gmd
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group
of georgia

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© 2019 gmd design group llc



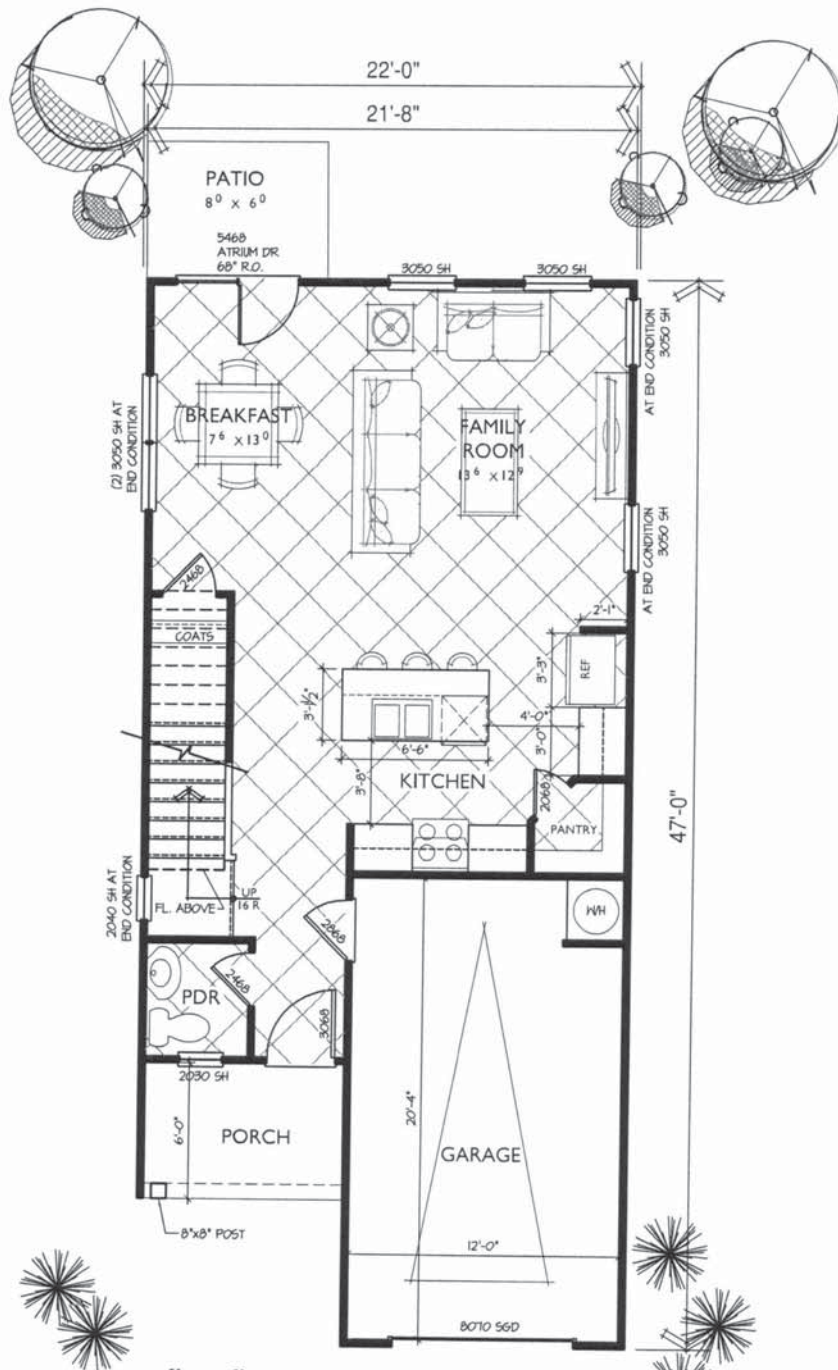
CHAFIN
COMMUNITIES
More To Come Home to...

Pinnacle Way
22' wide townhomes
Composite 'A'
12.13.19 Norcross, GA.

GMD-GA job#
GMD-GA19060

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of georgia

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first floor
area calc:

ffl: 642 sq ft
sfl: 834 sq ft

total: 1476 sq ft

plates: 1st = 9'-0"
2nd = 8'-0"

fnd: slab
6'-8" doors first floor / 16 risers
wdws ffl: 3050 sh sfl: 3050 sh
14" TJI floor trusses

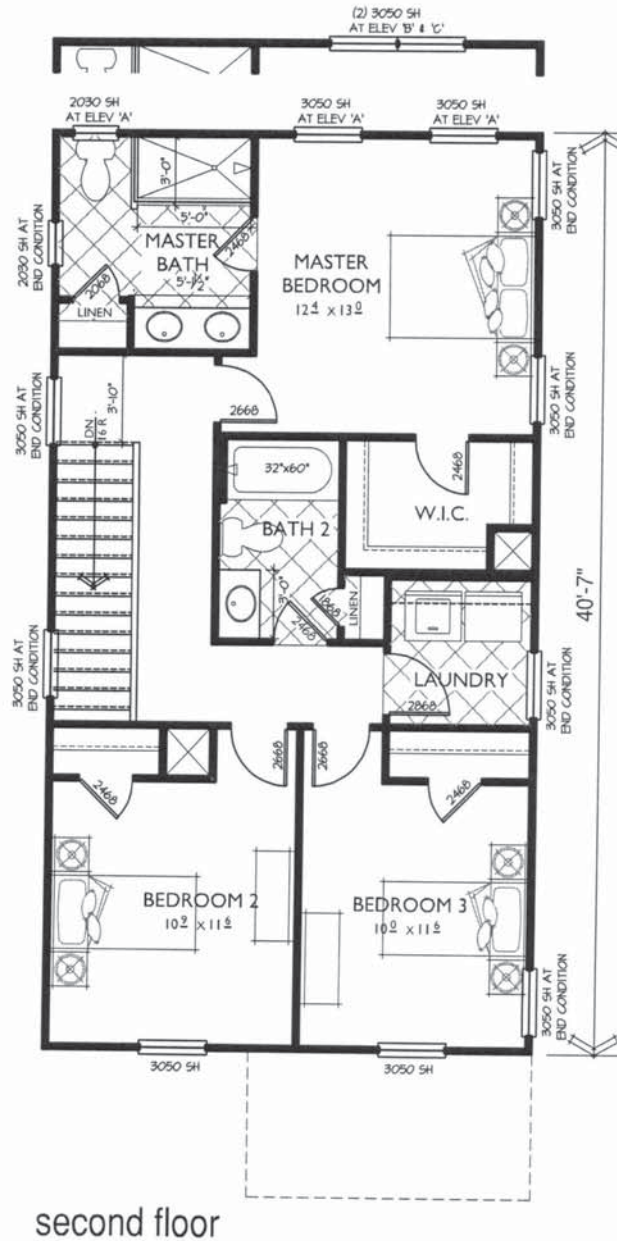
CHAFIN
COMMUNITIES
More To Come Home to...

Vickory Plan
Pinnacle Way
scale: 3/16"=1'-0"
12.13.19 Norcross, GA.

GMD-GA job#
GMD-GA19060

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of georgia

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CHAFIN
COMMUNITIES
More To Come Home to...

Vickory Plan
Pinnacle Way
scale: 3/16"=1'-0"
12.13.19 Norcross, GA.

GMD-GA job#
GMD-GA19060

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Pinnacle Way
Vickory Plan
Elevation "A"

10.16.19

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More To Come Home to...

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COMMUNITIES
More To Come Home to...

**Pinnacle Way
Vickory Plan
Elevation "B"**

10.16.19

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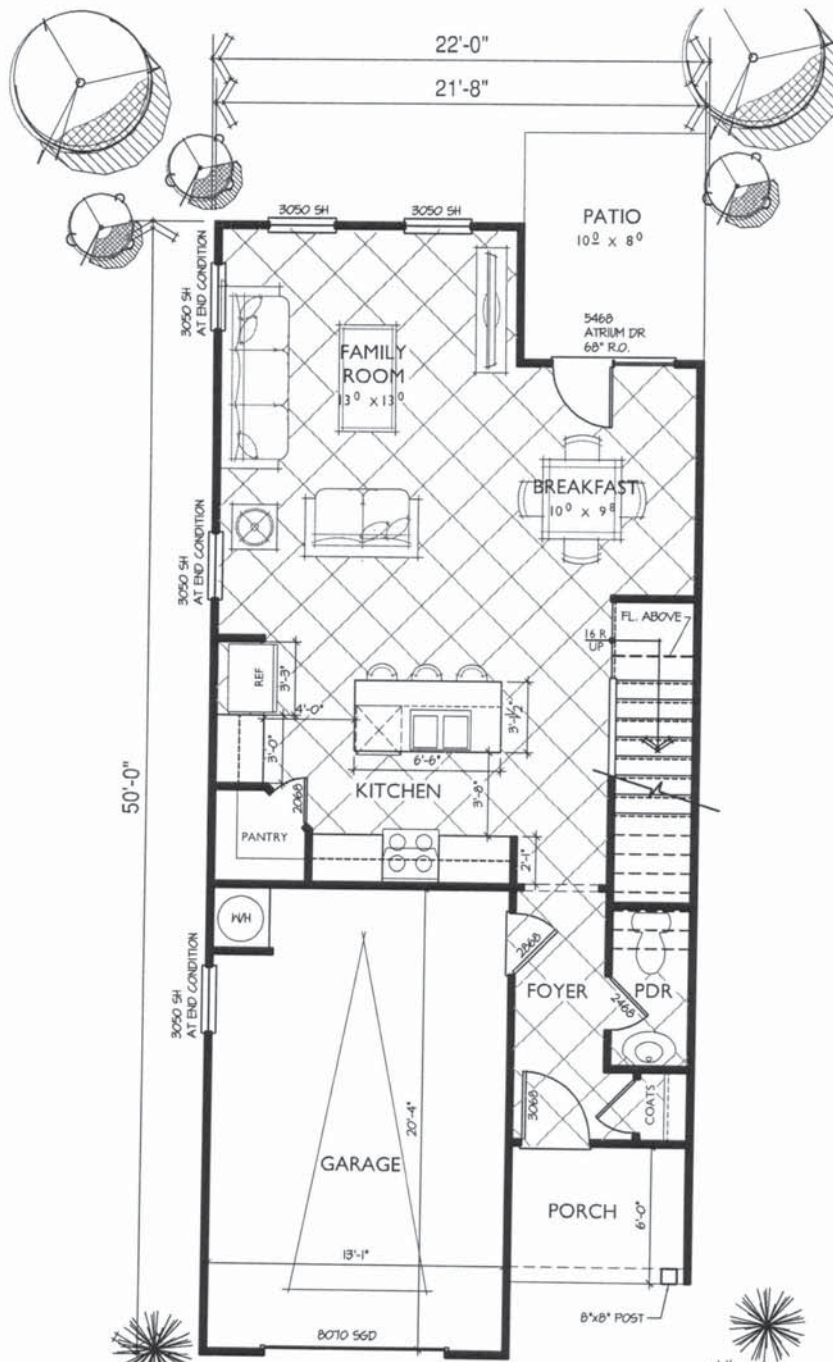
CHAFIN
COMMUNITIES
More To Come Home to...

**Pinnacle Way
Vickory Plan
Elevation "C"**

10.16.19

gmd
design
group
of georgia

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first floor
area calc:

ffl: 678 sq ft
sfl: 832 sq ft

total: 1510 sq ft

plates: 1st = 9'-0"
2nd = 8'-0"

fnd: slab

6'-8" doors first floor / 16 risers
wdws ffl: 3050 sh sfl: 3050 sh
14" TJI floor trusses

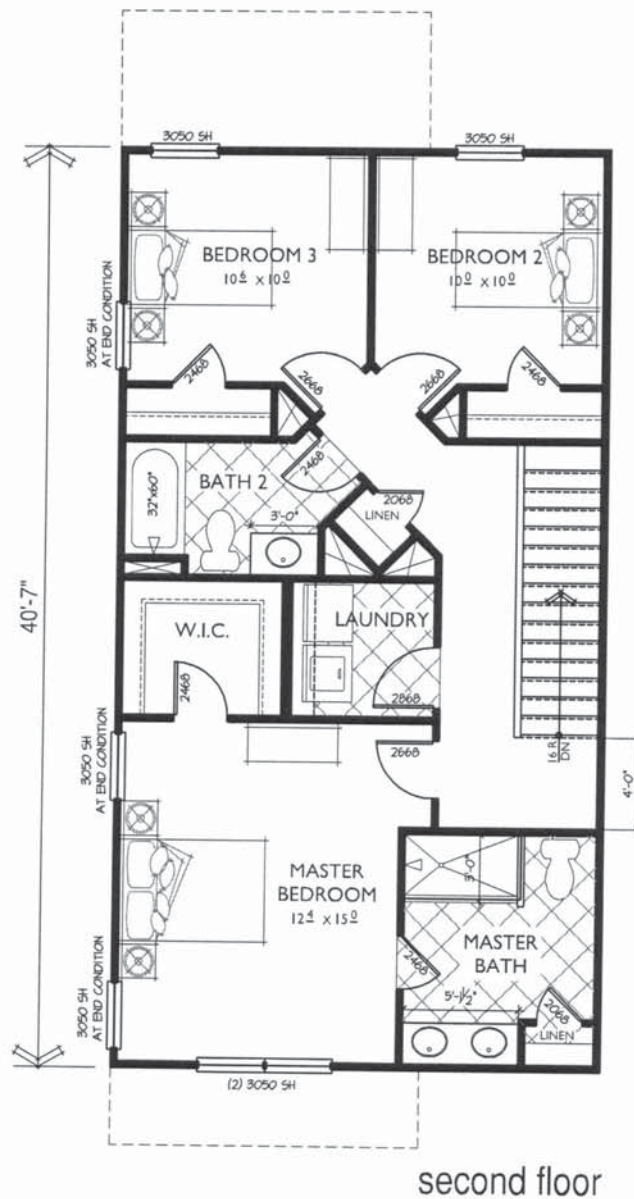
CHAFIN
COMMUNITIES
More To Come Home to...

Preswick Plan
Pinnacle Way
scale: 3/16"=1'-0"
12.13.19 Norcross, GA.

GMD-GA job#
GMD-GA19060

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of georgia

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COMMUNITIES
More To Come Home to...

Preswick Plan
Pinnacle Way
scale: 3/16"=1'-0"
10.14.19 Norcross, GA.

GMD-GA job#
GMD-GA19060

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of georgia

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CHAFIN
COMMUNITIES
More To Come Home to...

**Pinnacle Way
Preswick Plan
Elevation "A"**

10.16.19

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of georgia

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CHAFIN
COMMUNITIES
More To Come Home to...

**Pinnacle Way
Preswick Plan
Elevation "B"**

10.16.19

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of georgia

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CHAFIN
COMMUNITIES
More To Come Home to...

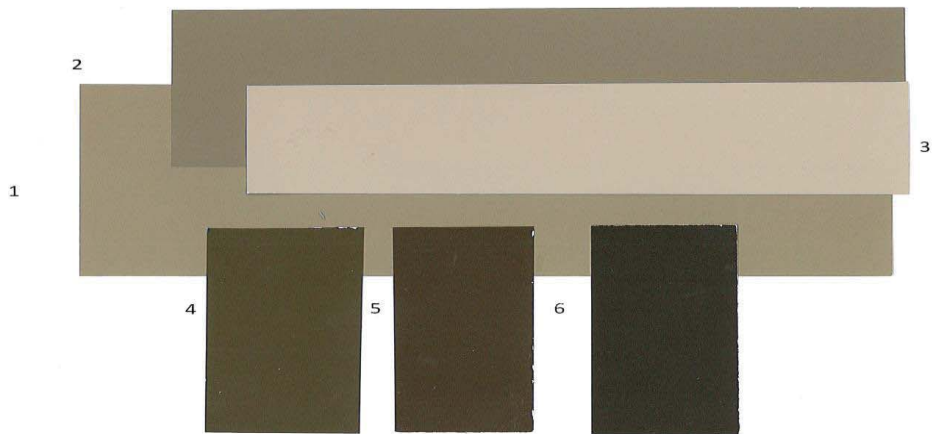
**Pinnacle Way
Preswick Plan
Elevation "C"**

10.16.19

gmd
design
group
of georgia

The drawings presented are illustrative of character and design intent only, and are subject to change based upon final design requirements (i.e., applicable codes, structural, and MEP design requirements, and plan / floor plan changes, etc.)
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Package 1



1 Siding	Curio Gray	SW0024
2 Shake/ Board and Batten	Virtural Taupe	SW7039
3 Trim	Loggia	SW7506
4 Shutters / Front Door	Best Bronze	SW6160
5 Shutters / Front Door	Well Bred-Brown	SW7027
6 Shutters / Front Door	Sealskin	SW7675

For Elevations with Shake, Siding and Board and Batten – please have either the Siding and Shake or the Siding and Board and Batten be the same color.

Garage Doors – select from Trim Color or Siding Color.

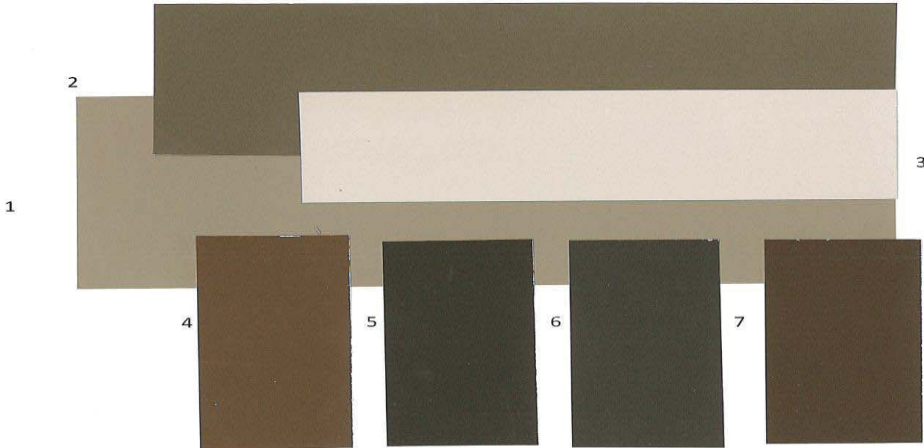


Color samples shown approximate actual paint colors as closely as possible.



Augusta Brick with Coosa Antique Buff Mortar

Package 2



1 Siding	Sycamore Tan	SW2855
2 Shake/ Board and Batten	Smokehouse	SW7040
3 Trim	Accessible Beige	SW7036
4 Shutters / Front Door	Rookwood Medium Brown	SW2807
5 Shutters / Front Door	Black Fox	SW7020
6 Shutters / Front Door	Urbane Bronze	SW7048
7 Shutters / Front Door	Sable	SW6083

For Elevations with Shake, Siding and Board and Batten – please have either the Siding and Shake or the Siding and Board and Batten be the same color.

Garage Doors – select from Trim Color or Siding Color.

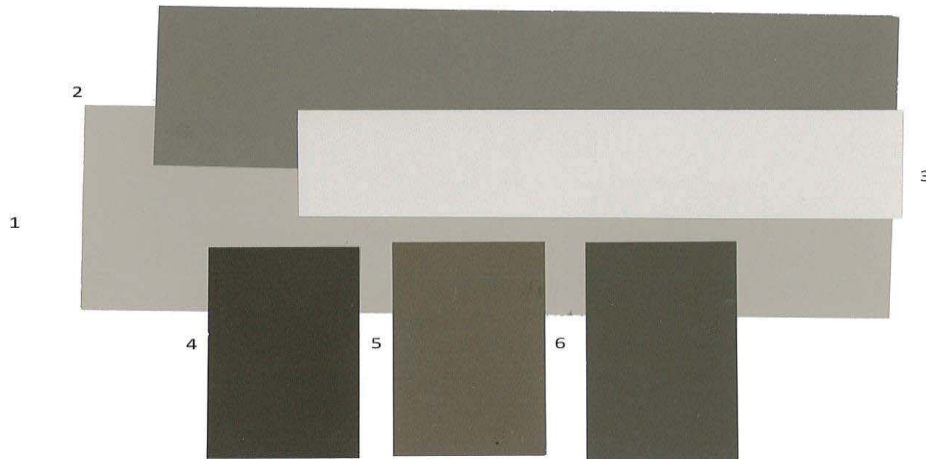


Color samples shown approximate actual paint colors as closely as possible.



Savannah Grays Brick with Coosa Buff Mortar

Package 3



1 Siding	Dorian Gray	SW7017
2 Shake/ Board and Batten	Gauntlet Gray	SW7019
3 Trim	Repose Gray	SW7015
4 Shutters / Front Door	Black Fox	SW7020
5 Shutters / Front Door	Griffin	SW7026
6 Shutters / Front Door	Thunder Gray	SW7645

For Elevations with Shake, Siding and Board and Batten – please have either the Siding and Shake or the Siding and Board and Batten be the same color.

Garage Doors – select from Trim Color or Siding Color.

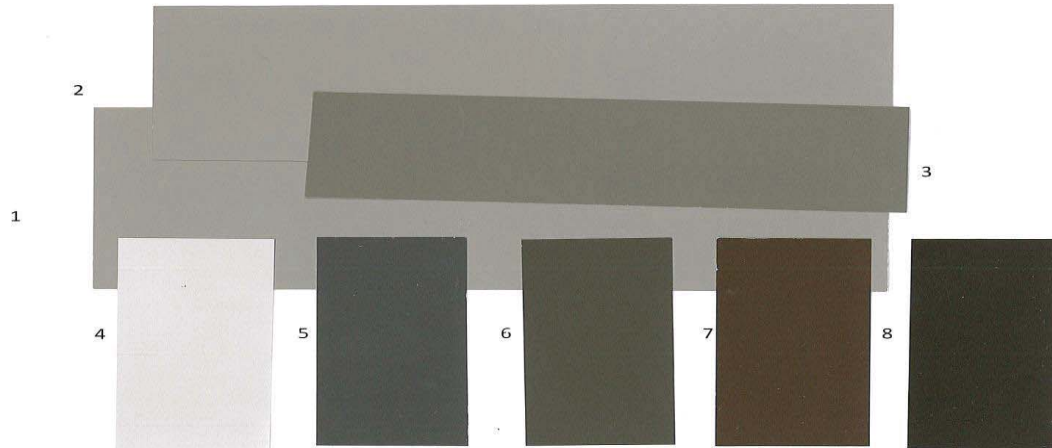
CHAFIN
COMMUNITIES
More To Come Home to...

Color samples shown approximate actual paint colors as closely as possible.



Mountain Brooke Brick with Coosa Light Mortar

Package 5



1 Siding	Pewter Cast	SW7673
2 Shake/ Board and Batten	Pewter Cast	SW7673
3 Shake / Board and Batten	Gauntlet Gray	SW7019
4 Trim	On the Rocks	SW7671
5 Shutters / Front Door	Peppercorn	SW7674
6 Shutters / Front Door	Thunder Gray	SW7645
7 Shutters / Front Door	Rookwood Dark Brown	SW2808
8 Shutters / Front Door	Sealskin	SW7675

For Elevations with Shake, Siding and Board and Batten – please have either the Siding and Shake or the Siding and Board and Batten be the same color.

Garage Doors – select from Trim Color or Siding Color.

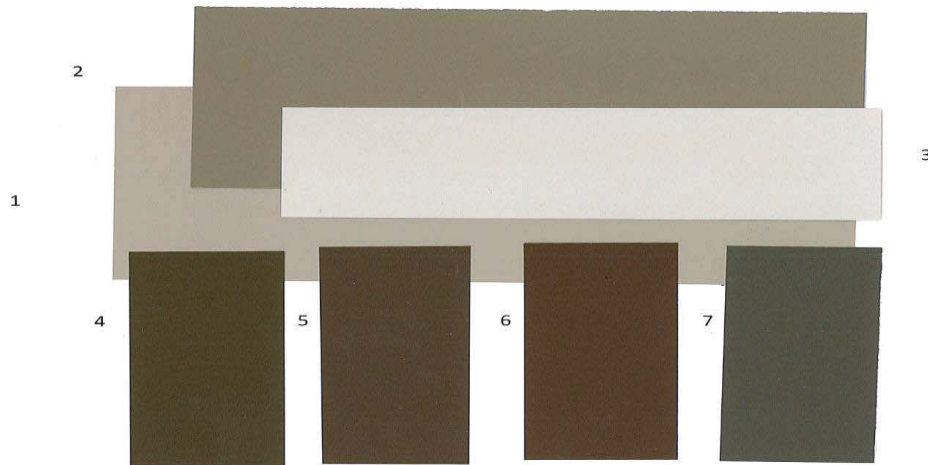
CHAFIN
COMMUNITIES
More To Come Home to...

Color samples shown approximate actual paint colors as closely as possible.



Cypress Cove Brick with Coosa Light Mortar

Package 6



1 Siding	Mega Greige	SW7031
2 Shake/ Board and Batten	Warm Stone	SW7032
3 Trim	Agreeable Gray	SW7029
4 Shutters / Front Door	Status Bronze	SW7034
5 Shutters / Front Door	Half-Caff	SW9091
6 Shutters / Front Door	Fairfax Brown	SW2856
7 Shutters / Front Door	Thunder Gray	SW7645

For Elevations with Shake, Siding and Board and Batten – please have either the Siding and Shake or the Siding and Board and Batten be the same color.

Garage Doors – select from Trim Color or Siding Color.

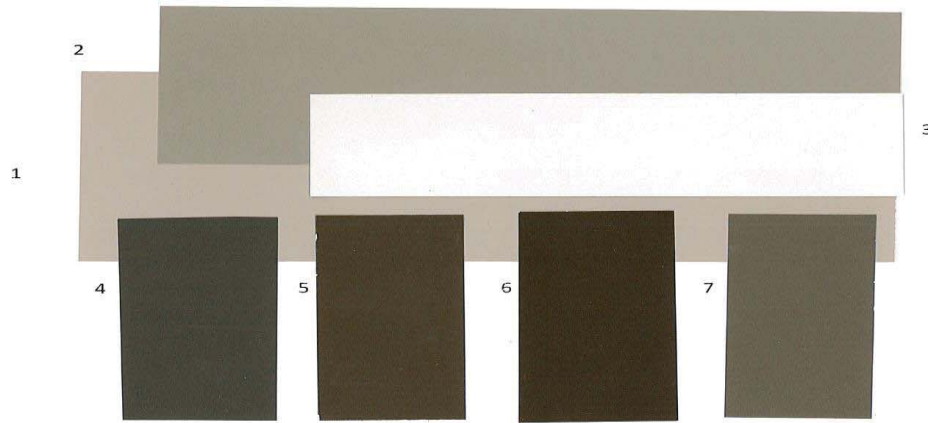
CHAFIN
COMMUNITIES
More To Come Home to...

Color samples shown approximate actual paint colors as closely as possible.



Marshton Brick with Coosa Antique Buff Mortar

Package 8



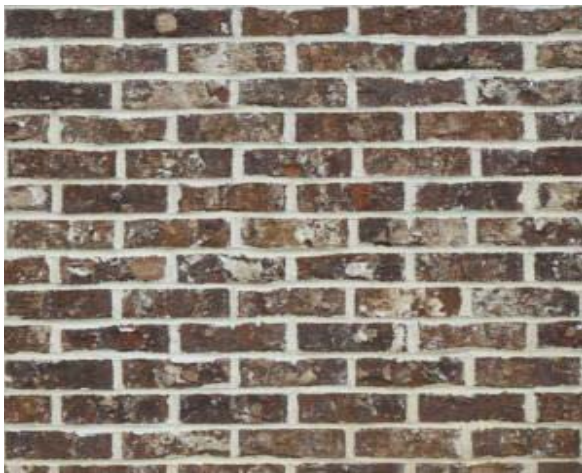
1 Siding	Perfect Greige	SW6073
2 Shake/ Board and Batten	Elephant Ear	SW9168
3 Trim	Divine White	SW6105
4 Shutters / Front Door	Urbane Bronze	SW7048
5 Shutters / Front Door	Well-Bred Brown	SW7027
6 Shutters / Front Door	Dark Clove	SW9183
7 Shutters / Front Door	Griffin	SW7026

For Elevations with Shake, Siding and Board and Batten – please have either the Siding and Shake or the Siding and Board and Batten be the same color.

Garage Doors – select from Trim Color or Siding Color.

CHAFIN
COMMUNITIES
More To Come Home to...

Color samples shown approximate actual paint colors as closely as possible.



Savannah Grays Brick with Coosa Antique Buff Mortar

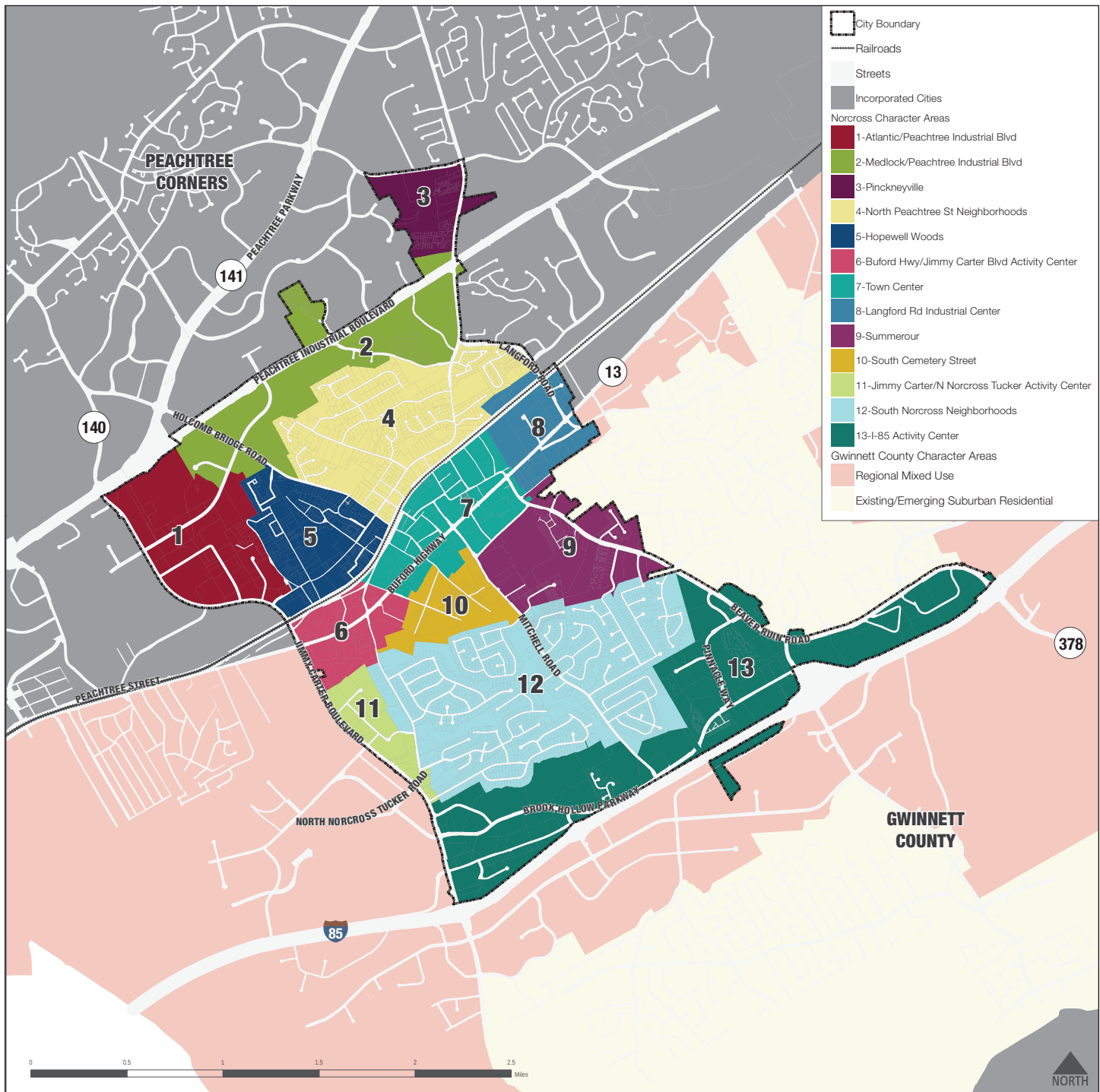


Attachment: COA2019-0049 REZ2019-0003 staff report (19-5568 : COA2019-0049/REZ2019-0003 0 Pinnacle Way)

EXHIBIT E

Attachment: COA2019-0049 REZ2019-0003 staff report (19-5568 : COA2019-0049/REZ2019-0003 0 Pinnacle Way)

Figure 2.1. Future Development Map



Note

Future annexations will maintain the same character area policies and designations as those adopted by Gwinnett County for a period of at least one year following the effective date of the annexation. After which point, City Council may consider changes. The unincorporated areas on this map show the Character Areas of the 2030 Gwinnett Unified Plan, and will be updated to reflect the revised Character Areas upon adoption of the 2040 Gwinnett Unified Plan.

GOAL 1

Continue to Define Norcross' Sense of Place

Norcross is a vibrant small city like no other in the Atlanta metropolitan region; residents and visitors know when they're in Norcross. Higher intensity employment focused developments along the city's edges gives way to well-maintained neighborhoods, attractive commercial nodes, and a quaint historic downtown. Monumental gateway signage, attractive landscaping, streetscaping and context sensitive building design allow the city's distinctive districts to complement one another.

Policy 1-1: Protect the valued community character and aesthetics of existing neighborhoods by discouraging drive-through services, excessive signage, and inadequate screening near residential areas.

Policy 1-2: Redevelop and enhance existing commercial and industrial areas.

Policy 1-3: Support opportunities for infill development that reflects the neighborhood character.

Policy 1-4: Encourage mixed-use development and pedestrian-oriented design standards.

Policy 1-5: Encourage greenspace in all new development.

Policy 1-6: Support and promote the city's multiculturalism through special events.

Policy 1-7: Protect natural resources, mature tree canopy, environmentally sensitive areas, and valuable historic, archaeological or cultural resources from human encroachment through land development regulations and/or incentives.

Policy 1-8: Add value to our community through landscaping, lighting, signage, underground utilities, and building design.

Policy 1-9: Use gateway monuments, signage, and corridor improvements to reinforce the sense of place.

Policy 1-10: Reduce the adverse visual impact of the automobile and auto-related services.

Policy 1-11: Preserve and complement the traditional historic, architectural and landscape character of the Downtown core and surrounding neighborhoods, while guiding reasonable growth.

Policy 1-12: Regularly review code enforcement procedures and training to maintain and improve the community's appearance and overall quality of life.

GOAL 2

Continue to Strengthen Norcross as a Livable, Inclusive, and Safe Environment

Norcross is a welcoming community where all citizens thrive regardless of age, income or ethnicity. There is a wide variety of housing, shopping, recreation, and employment options in the city. Residents and visitors are safe and secure in their homes and on the go in the city.

Policy 2-1: Encourage transit-oriented development, or compact mixed-use areas, near transit hubs.

Policy 2-2: Support existing neighborhoods through regular public investment in recreational amenities and maintenance programs.

Policy 2-3: Promote walkable, bicycle friendly, safe neighborhoods.

Policy 2-4: Encourage walkability, interaction among businesses, clear visibility of entryways and centralized open space.

Policy 2-5: Provide pleasant, accessible public gathering places.

Policy 2-6: Encourage new parks and community facilities to be located as focal points in neighborhoods.

Policy 2-7: Support the increased availability of affordable, local, healthy food.

Policy 2-8: Integrate educational opportunities into parks and recreational services, public libraries, museums, and other cultural amenities.

Policy 2-9: Ensure adequate supplies of quality water through protection of ground and surface water sources.

Policy 2-10: Encourage and incentivize the construction of publicly accessible plazas and greenspace through redevelopment.

GOAL 3

Increase Opportunities for Travel via Different Modes within and Outside the Community

Norcross is connected! Safe pedestrian routes, including sidewalks, crosswalks, and multi-use trails provide connections between the city's activity hubs. The city's development policies and political leadership are supportive of increasing efficient transit services connecting Norcross with destinations throughout the Atlanta region.

Policy 3-1: Promote safe and efficient transportation for pedestrians, cyclists, transit riders, and drivers.

Policy 3-2: Support the expansion of regional transit access in Norcross.

Policy 3-3: Coordinate transportation improvements with existing and planned development.

Policy 3-4: Enhance the existing roadway network to improve safety and limit congestion.

Policy 3-5: Encourage parking to be located behind and to the side of buildings.

Policy 3-6: Improve pedestrian and bicycle access to existing facilities.

Policy 3-7: Create pedestrian-friendly streetscapes through public investment, zoning regulations and design guidelines.

Policy 3-8: Balance the needs of freight traffic with minimizing impacts to the community.

Policy 3-9: Support the Gateway85 CID's investment in local transportation improvements.

Policy 3-10: Work with Gwinnett County regarding congestion on major corridors.

GOAL 4

Maintain a Vibrant Economy and Continue to Facilitate Job Growth

City staff and leaders are responsive to the needs of current businesses and work with owners to support their growth. The wide variety of development options available in Norcross – spaces for lease, purchase, and properties for development and redevelopment are aggressively marketed. City staff and leaders continually work to recruit businesses that support the city's vision and development goals.

Policy 4-1: Support programs for retention, expansion and creation of businesses that enhance our economic well-being, particularly those in target industries.

Policy 4-2: Encourage the development of downtown as a vibrant center for culture, government, dining, residential, and retail diversity.

Policy 4-3: Target reinvestment in declining, existing neighborhoods to further encourage private sector redevelopment and accommodate future growth.

Policy 4-4: Accommodate new development while enhancing existing local assets.

Policy 4-5: Prepare Norcross residents to be work-ready employees.

Policy 4-6: Support local entrepreneurs in building future-ready businesses.

Policy 4-7: Invest in parks and open space to encourage private reinvestment.

Policy 4-8: Maintain and support citywide access to broadband services.

Policy 4-9: Partner with local schools to support parents and enable them to engage in the Norcross economy.

Policy 4-10: Regularly evaluate annexation opportunities to grow the city's labor force and economic base.

Policy 4-11: Enhance tourism development through filming and visitor engagement initiatives

GOAL 5

Ensure that Norcross Residents have a Variety of Attainable, Quality Housing Options

Policy 5-1: Accommodate the housing needs of a diverse population by supporting the development of a variety of residential types and densities based on land use patterns.

Policy 5-2: Support the construction of work force housing to help ensure that all those who work in the community have a viable option to live in the community without spending more than a third of their net income on housing costs.

Policy 5-3: Protect residential areas through continued, targeted code enforcement.

Policy 5-4: Encourage residential development downtown to activate and diversify the area.

Policy 5-5: Assist residents in keeping their homes safe and free from hazards.

Policy 5-6: Collaborate with other jurisdictions to address affordable housing and regional location efficiency needs.

GOAL 6

Further the City's Tradition of Strong Leadership and High Level of Quality Services

Norcross is a well-managed city that works cooperatively with adjacent governments to reach common goals. The city maintains an open-door government that actively strives to positively engage all citizens and community groups. City services not only maintain health, safety and welfare but also promote a well-rounded community.

Policy 6-1: Continue efforts to reach out to the diverse population within Norcross through existing community groups.

Policy 6-2: Maximize the use of existing facilities and services.

Policy 6-3: Do not over commit to long-term operation and maintenance costs in making capital investments.

Policy 6-4: Coordinate public facilities and services with land use planning to promote efficient public investments.

Policy 6-5: Regularly coordinate with adjacent local governments.

Policy 6-6: Support existing schools and encourage new opportunities to expand access to education.

Policy 6-7: Use technology to simplify and expedite city applications and processes for community members.

Policy 6-8: Welcome all members of the community to engage by making materials available in multiple languages, as possible.

Policy 6-9: Lead by example with efficient and resilient City-owned buildings.

Policy 6-10: Ensure comprehensive and convenient recycling opportunities are available to residents and businesses.

Policy 6-11: Contribute to Water Management Plan and enforce plan.

Policy 6-12: Coordinate infrastructure planning with the County for sewer and road improvements.

Policy 6-13: Partner with Norcross school cluster to maximize community access to school sports fields.

Policy 6-14: Continue to support community watch and safety programs such as the Business Watch Program, the Child Safety Seat Program, the Copper theft Initiative, the Citizen Police Academy, the Senior Citizen Check in program, and the Vacation Security Request Program.

Policy 6-15: Continue to support local arts and cultural events through the provision of facilities, logistics and marketing efforts.

Policy 6-16: Regularly evaluate the Comprehensive Plan on an annual basis and use it as a tool in prioritizing the budget and annual work program.

CHARACTER AREA 13

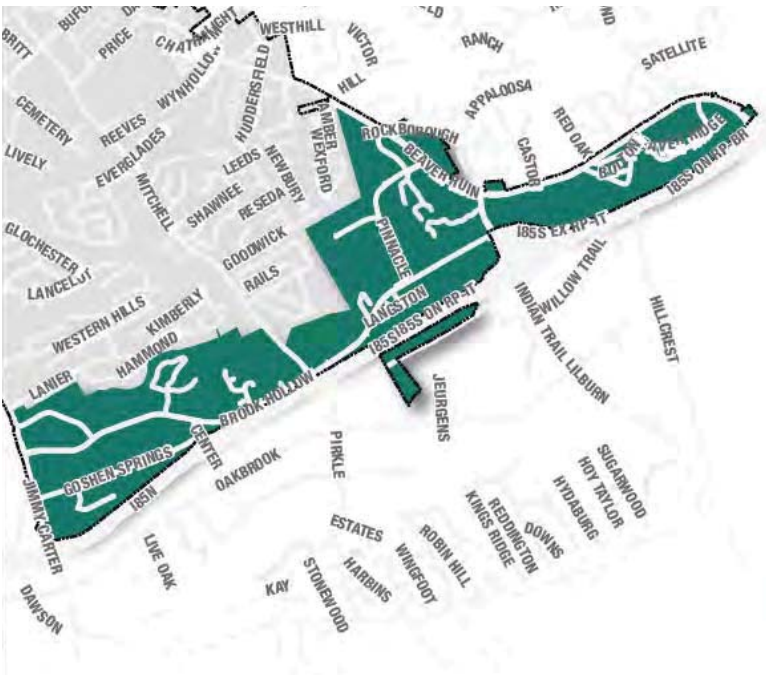
I-85 ACTIVITY CENTER



Vision

A growing regional center that has convenient access to I-85, is supportive of a major transit hub, and celebrates the cultural diversity of the area:

- The area is characterized by master planned developments of mid-rise buildings
- The new transit stop has helped generate a high level of activity at all times
- The mix of uses and intensity is similar to that of Lindbergh Center in Atlanta, where a MARTA station, offices, and numerous restaurants and housing options are located
- Well-designed big box retail structures in this area add architectural interest to the streetscape and are safely accessible to pedestrians
- The area has a multi-cultural element that leverages the diversity of the city's population
- OFS site redevelopment brought investment to the area and transformed Brook Hollow Parkway and Goshen Springs Road into sought after business locations
- Transit investment and nearby station(s) support this major employment center
- Safe pedestrian crossings at Beaver Ruin Road
- Preserve industrial properties as an employment center



Appropriate Scale of development and land use policies

- Building heights should be limited to 72 feet and respectful of abutting residential
- Consider first floor minimum heights in M1 to accommodate future industrial uses
- Highway and transit oriented commercial are preferred
- Industrial uses are allowed; light industrial uses are preferred



Implementation Measures

- Implement gateway signage and landscaping to welcome visitors and residents to the city
- Establish design standards and landscaping to elevate character of the corridor
- Implement complete streets along Brook Hollow Parkway
- Implement the Pinnacle Park Master Plan
- Maintain a high level of “eyes on the street” to increase a sense of safety
- Support regional initiatives that would incorporate regional rail extension to the western side of the Jimmy Carter Boulevard interchange, such as the redevelopment of the OFS Fitel LLC site
- Maintain a strong partnership with the Gateway85 CID to further redevelopment of area
- Implement complete streets along Brook Hollow
- Coordinate development with the Indian Trail-Lilburn Road LCI plan across I-85
- Implement the Beaver Run Creek Greenway Concept
- Take advantage of Jimmy Carter Blvd TAD



LAND USES BY CHARACTER AREA

The following chart indicates the land uses within each character area.

□ = details in character area description

Table 2.4. Land Uses by Character Area

GENERALIZED USES	1 - At-PIB (p. 16)	2 - Medlock-PIB (p. 18)	3 - Pinckneyville (p. 20)	4 - N Peachtree St Nbhds (p. 22)	5 - Hopewell Woods (p. 24)	6 - Buford Hwy/JCB (p. 26)	7 - Town Center (p. 28)	8 - Langford Rd Ind. Ctr. (p. 30)	9 - Summerour (p. 31)	10 - S Cemetery St. (p. 32)	11 - JC/N Nor-Tucker (p. 33)	12 - S Norcross Nbhds (p. 34)	13 - I-85 Activity Ctr. (p. 36)
Low Density Residential			■	□	■		■		■			■	
Medium Density Residential	□	■	■		■		■		■			■	
High Density Residential	□						□		■			■	■
Planned residential community (mixed housing types allowed)	□		■		□							■	■
Skilled Nursing Facilities (no rehab)	■	■	■	■	■	■	■		■			■	■
Neighborhood level commercial, studio or office (<5,000 sf)	■	■	□		□		■	■	■			■	
Community level commercial or office (< 50,000 sf)	■	■				■	■	■			■		□
Regional level commercial or office (>50,000 sf)	■	■				■					■		□
Heavy commercial (auto related, outdoor storage)								■		□	■		□
Entertainment related commercial	■	■				■	■						□
Mixed-use (vertical)	■	■	■		■	□	□		■		■		■
Light industrial and warehousing	■	■				■		■		□	■		■
Heavy industrial													■
Places of assembly	■	■	■	■	■	■	■	■	■	■	■	■	■
Transportation, Communication, Utilities	■	■	■	■	■	■	■	■	■	■	■	■	■
Parks and Recreation	■	■	■	■	■	■	■	■	■	■	■	■	■

Land Use Definitions

Low Density Residential - land used for single family housing and customary accessory structures on individual parcels.

Medium Density Residential - land occupied by residential uses and customary accessory uses at a density up to and including 8 dwelling units per acre.

High Density Residential - land occupied by residential uses and customary accessory uses at a density over 8 units per acre.

Planned residential community (mixed housing types allowed) – a residential development whose essential features are a definable boundary, and a consistent, but not necessarily uniform character. Such developments may include a variety of housing types and typically share common recreational amenities, and private covenants, conditions, and restrictions enforced by a homeowners' association.

Skilled Nursing Facilities (excluding rehabilitation services) - a facility consisting of three or more rooms, the occupancy of which is limited to persons that need assistance with daily activities. The facility may include medical facilities or care.

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Community level commercial or office (< 50,000 sf) - Business oriented developments containing a mix of commercial, professional, civic, or public uses designed to accommodate commercial uses serving several adjacent neighborhoods. Individual structures are less than 50,000 sf

Regional level commercial or office (>50,000 sf) - Business oriented development containing a mix of mid to high rise commercial, professional, civic and public uses accommodating the needs of the community and surrounding region.

Heavy commercial (auto related, outdoor storage) - Auto and truck repair shops, auto sales, and other auto related uses that include outdoor storage.

Entertainment related commercial - Downtown restaurants, brewpubs, small specialty commercial, professional office, civic and public uses. Central gathering places for the community.

Mixed-use (vertical) - A mixed-use, live/work/play district that provides a venue for gatherings, events, and civic activities.

Light industrial and warehousing - Clean, light industrial uses that have minimal impact on nearby residential use are encouraged, as well as transportation/ warehousing/ distribution uses carefully planned to avoid freight traffic impacts on residential areas.

Heavy industrial - Traditional manufacturing, junkyards, intense industrial uses that may generate adverse effects not compatible with residential areas.

Places of assembly - meeting places at which the public or membership groups are assembled regularly, including but not limited to schools, places of worship, theaters, auditoriums, funeral homes, and stadiums.

Transportation, Communication, Utilities - Power Stations, Airports, Public Utility Facilities, communication towers (if located on their own parcel)

Parks and Recreation - Public parks, and private recreation areas held in common ownership, as well as conservations areas legally protected from future land disturbance.

EXHIBIT F

Attachment: COA2019-0049 REZ2019-0003 staff report (19-5568 : COA2019-0049/REZ2019-0003 0 Pinnacle Way)

Sec. 201-13. PRD Planned Residence District**A. PRD Purpose**

The PRD Planned Residence District is intended for higher density, multi-family residences and related uses. Approved PRDs will only contain housing types or densities allowed under the Comprehensive Plan's character area description.

B. PRD Lot Development Standards

The PRD is a flexible district for which plans are developed and submitted for review and approval. The process for establishment, review and approval are found in Chapter 100, Article IV of this UDO.

C. PRD Supplemental Regulations

1. Accessory Use Standards – see Chapter 200, Article II, Supplemental and Accessory Use Standards
2. Landscape and Buffering – see Chapter 200, Article V, Tree Conservation, Buffers, and Landscaping
3. Parking and Loading – see Chapter 200, Article III, Parking and Loading Requirements
4. Signs – see Chapter 200, Article IV, Sign Regulations

D. PRD Density

The overall density for a development in the PRD district is determined by an approved site plan for new development, or in the case of PRD development built before June 1, 2019 is determined by their approved final plats.

E. PRD Permitted Uses

The following uses shall be permitted as of right in this district. Supplemental regulations for uses are in Chapter 200, Article II, Supplemental Use Standards, as applicable.

1. Residential

- a. Single family detached dwelling
- b. Single family detached dwelling; more than one housing unit per lot
- c. Duplex
- d. Townhome
- e. Multi-family

2. Group, Institutional and Social Service Living

- a. Nursing care institutions, intermediate care institutions, handicapped or infirm institutions and child care institutions

3. Services

- a. Existing cemetery

4. Educational, Cultural, Religious, Philanthropic, Social or Fraternal

- a. Places of public assembly

5. Miscellaneous Semi-Public Facilities and Uses

- a. Utility transmission and monitoring facilities

F. PRD Special Permit Uses

The following uses shall be considered Special Permit Uses in this district. Supplemental regulations for uses are in Article II, Supplemental Use Standards, as applicable.

1. Educational, Cultural, Religious, Philanthropic, Social or Fraternal

- a. Elementary and secondary private education

G. PRD Accessory Uses

The following uses shall be considered accessory uses in this district. Supplemental regulations for uses are in Article II, Supplemental Use Standards, as applicable.

1. Customary residential accessory buildings
2. Home occupations

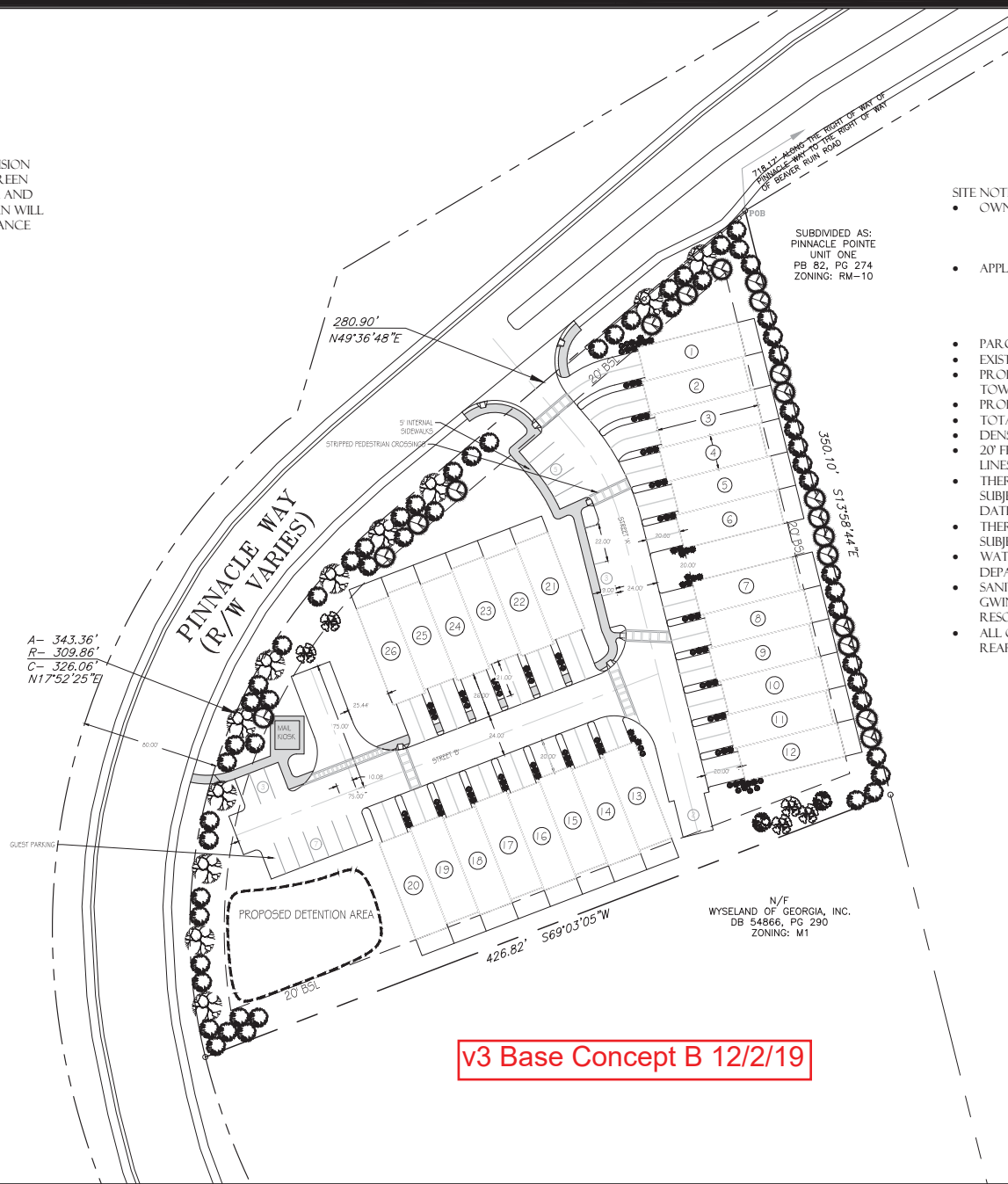
EXHIBIT G

Attachment: COA2019-0049 REZ2019-0003 staff report (19-5568 : COA2019-0049/REZ2019-0003 0 Pinnacle Way)

1. DEED BOOK 53001, PAGE 256
2. DEED BOOK 54866, PAGE 290
3. PLAT BOOK 45, PAGE 286
4. PLAT BOOK 49, PAGE 115

THE DESIGN INTENT IS TO PROVIDE THE SUBDIVISION WITH A MIXTURE OF HARDWOOD AND EVERGREEN TREES AND SHRUBS WITH VARIETIES OF COLOR AND TEXTURE. THE FINAL LANDSCAPE AND TREE PLAN WILL BE DEVELOPED AS PART OF THE LAND DISTURBANCE PERMIT:

OVERCUP OAK
NUTTAL OAK
SHUMARD OAK
NELLIE R. STEVENS HOLLY
SOUTHERN MAGNOLIA
BURFORD HOLLY
CARISSA HOLLY
LOROPETALUM
NANDINA



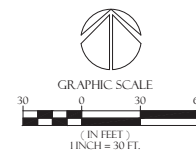
- OWNER:
PFS GROUP LLC
PO BOX 134
STOCKBRIDGE, GA 30281
- APPLICANT:
YOST COMMUNITIES, INC.
3883 ROGERS BRIDGE ROAD
SUITE 602
DULUTH, GA 30097
- PARCEL: 6-213-006
- EXISTING ZONING: MH LIGHT INDUSTRIAL
- PROPOSED ZONING: PRD (ATTACHED TOWNHOMES).
- PROPOSED UNITS: 26
- TOTAL ACREAGE: 2.61
- DENSITY: 9.962 UNITS PER ACRE
- 20' FRONT, REAR AND SIDE BUILDING SETBACK LINES.
- THERE ARE NO FLOOD HAZARD AREAS ON THE SUBJECT PROPERTY PER FIRM PANEL 1315C0083F DATED 9-29-2006
- THERE ARE NO STATE WATERS LOCATED ON THE SUBJECT PROPERTY.
- WATER PROVIDED BY GWINNETT COUNTY DEPARTMENT OF WATER RESOURCES.
- SANITARY SEWER PROVIDED BY GRAVITY SEWER, BY GWINNETT COUNTY DEPARTMENT OF WATER RESOURCES.
- ALL OUTSIDE HVAC UNITS WILL BE LOCATED AT THE REAR OF THE UNITS.



LOCATION MAP N.T.S.

N/F
WYSELAND OF GEORGIA, INC.
DB 54866, PG 290
ZONING: M1

v3 Base Concept B 12/2/19



G.1.a

Attachment: COA2019-0049 REZ2019-0003 staff report (19-5568 : COA2019-0049/REZ2019-0003 0 Pinnacle

PINNACLE WAY

CONCEPT



MAYOR **CRAIG NEWTON** • MAYOR PRO TEM **JOSH BARE** • COUNCILMAN **ANDREW HIXSON** • COUNCILWOMAN • **ELAINE PUCKETT**
COUNCILMAN **MATT MYERS** • COUNCILMAN **BRUCE GAYNOR** • CITY MANAGER **RUDOLPH SMITH** • CITY CLERK • **MONIQUE LANG**

City of Norcross

Legislation Details (With Details)

File #:	20-5628	Version:	
Type #:	Agenda Item	Status:	Agenda Ready
On Agenda:	2/17/2020 6:30 PM	In Control:	Planning and Zoning
Title:	Modification to the Adopted Building Codes Under the UDO		

Sponsors:

Code Sections:

Attachments:

1. [Memo TEXT2020-0002 IEBC Adoption Feb 2020](#)

Title

Modification to the Adopted Building Codes Under the UDO

Drafter

Tracy Rye



Community Development and Planning

TO: Planning and Zoning Board
Mayor and Council

FROM: Tracy Rye, AICP, Community Development and Planning Director

DATE: February 5, 2020

SUBJECT: Recommended changes to Norcross Unified Development Ordinance

CC: Rudolph Smith, City Manager

Background:

The City adopted its first Unified Development Ordinance in June 2019. The City adopted, by reference, all of the International Code Council codes, which are listed as mandatory by the Georgia Department of Community Affairs. The City did not adopt any of the permissive codes, which are not mandatory in the State of Georgia. After conferring with the Chief Building Official and Senior Planner, it has been determined that it would be in the best interest of the City to adopt the permissive code entitled “International Existing Building Code” as adopted by the Georgia Department of Community Affairs. As a point of reference, the International Existing Building Code had once been part of the International Building Code before being separated out as its own stand alone code several years ago.

Staff Recommendation:

The Community Development and Planning Department recommends approval of the changes as presented in the attached.

Ordinance _____-2020**An Amendment to the City Code or Ordinances**

Chapter and Purpose: Appendix, Norcross Unified Development Ordinance, Section as noted.

Enacting Clause; The Mayor and City Council of the City of Norcross, Georgia hereby ordains that the adopted Code of Ordinance is hereby amended as more particularly set forth below. It is the intention of the Mayor and City Council, and it is hereby ordained that all following provisions shall become and be made part of the Code of the City of Norcross.

- I. Amendment to edit the language as noted below, to add those items shown as underlined to provide for corrections to typographical errors and omissions:

Chapter 300 – Buildings and Building Regulations**Article III. Construction Codes****Sec. 303-2. Adopted**

- A. The following codes, as adopted by the Georgia Department of Community Affairs, are adopted by reference as ordinances of the City as fully as though set out at length herein. Copies of the codes listed below shall be maintained on file in the office of the City Clerk where it shall be available for inspection by the public:

1. International Building Code (IBC)
2. International Residential Code (IRC)
3. International Fire Code (IFC)
4. International Plumbing Code (IPC)
5. International Mechanical Code (IMC)
6. International Fuel Gas Code (IFGC)
7. National Electrical Code (NEC)
8. International Energy Conservation Code (IECC)
9. International Swimming Pool and Spa Code
- 10. International Existing Building Code (IEBC)**

- II. Severability: If the provisions of any section, subsection, paragraph, subdivision or clause of his ordinance shall be judged invalid by a court of competent jurisdiction, such order of judgement shall not affect or invalidate the remainder of any ordinance, section, subsection, paragraph, subdivision or clause of this ordinance.
- III. Repealer: All ordinances or parts thereof which are in conflict with any provision or any section, subsection, paragraph, subdivision or clause of this ordinance are hereby repealed to the extent of the conflict.

IN WITNESS WHEREOF, I have hereunto set my hand and cause this seal to be affixed this ____ day of _____, 2020

Craig Newton, Mayor

ATTEST:

Monique Lang, City Clerk



MAYOR **CRAIG NEWTON** • MAYOR PRO TEM **JOSH BARE** • COUNCILMAN **ANDREW HIXSON** • COUNCILWOMAN • **ELAINE PUCKETT**
 COUNCILMAN **MATT MYERS** • COUNCILMAN **BRUCE GAYNOR** • CITY MANAGER **RUDOLPH SMITH** • CITY CLERK • **MONIQUE LANG**

City of Norcross

Legislation Details (With Details)

File #:	20-5627	Version:	
Type #:	Agenda Item	Status:	Agenda Ready
On Agenda:	2/17/2020 6:30 PM	In Control:	Planning and Zoning
Title:	Comp Plan Use Table Amendment		

Sponsors:

Code Sections:

Attachments:

1. [Memo Text2020-0001](#)

Title
Comp Plan Use Table Amendment

Drafter
Tracy Rye



Community Development and Planning

TO: Planning and Zoning Board
Mayor and Council

FROM: Tracy Rye, AICP, Community Development and Planning Director

DATE: February 5, 2020

SUBJECT: Requested Change to the Table 2.4 Land Uses by Character Area/Norcross 2040 Comprehensive Plan

CC: Rudolph Smith, City Manager

Background:

In mid-2019, the City of Norcross adopted a new Comprehensive Plan (*Norcross 2040 Imagine Our Future*) along with a new Unified Development Ordinance (UDO). The New UDO included the creation of several new zoning districts, one of which is the PRD (Planned Residential District). Each generalized use is outlined in Table 2.4 Land Uses by Character Area in the Comprehensive Plan and appropriate land uses are identified for each particular Character Area. Land Use definitions are included to guide appropriate densities for land uses and correspond to zoning districts outlined in the UDO.

The PRD is intended to be a flexible zoning district to allow a variety of housing types where lots might not necessarily conform to traditional R100, R75 and R60 requirements in terms of area, setbacks, building heights and maximum impervious surfaces. If approved, the PRD is tied to the concept plan presented during the zoning process. The PRD is currently identified as an appropriate land use option in Comprehensive Plan Character Areas 1, 3, 5, 12 and 13. As a tradeoff for the enhanced flexibility for design parameters, the PRD has a unique approval process in that architectural elevations are presented to the ARB for review and recommendation first, then the site plan advances to the Planning and Zoning Board for review and recommendation before being presented to the Mayor and Council for final public hearing and a vote. As mentioned before, if successful, the PRD is zoned to an approved concept plan in addition to any conditions subject to the final vote of the Mayor and Council. However, no PRD

development is allowed to exceed the allowable density and housing types in the individual character areas as outlined within the Comprehensive Plan.

At the time of development of both the UDO and Comprehensive Plan, staff took a conservative approach to tying the use of the PRD to land use character areas in the plan for a number of reasons which included getting used to its functionality, ensuring that it was a workable tool and not subject to the ability to be manipulated for the purposes of gaining increased density.

Request:

The Community Development Department, after six months of working with the new UDO and a year of working with the City's new Comprehensive Plan, is confident that the PRD district is an effective tool that can be applied in additional Character Areas. Staff recommends adding the PRD as an available option in Character Area 7 Town Center and Character Area 9 Summerour.

Staff Recommendation:

Consider adopting edits as presented.

Planning and Zoning Board Recommendation:

TBD, Wednesday, February 5, 2020

CHARACTER AREA 7

TOWN CENTER



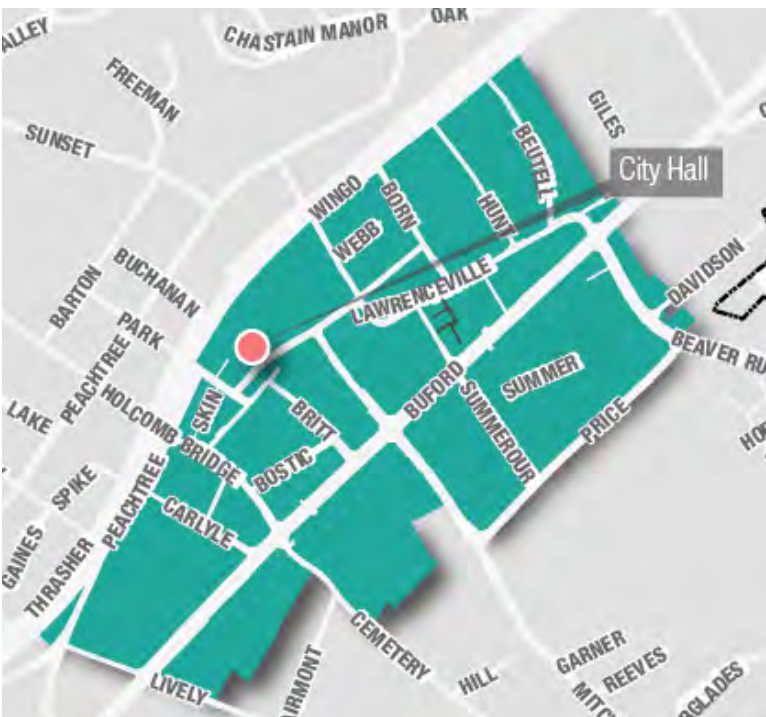
Vision

The civic heart of the community, the Town Center offers a wide variety of entertainment, dining, recreational and shopping options. Through redevelopment and public investment, the Town Center character is a destination for the Greater Norcross community:

- Expanded Town Center Area encompasses the Norcross Town Center Plan and the area immediately south of Lillian Webb Park along Buford Highway
- A compatible blend of historic and modern buildings create an economically and environmentally sustainable place to live, work, and visit
- Buford Highway is a vibrant walkable corridor
- From Town Center LCI: “a compelling destination” that “embraces its history while providing a forward-thinking, socially engaging, inclusive, economically and environmentally sustainable place to live, work and visit.”

Appropriate Scale of development and land use policies

- Building height should be limited to 72 feet along Buford Highway
- Maintain historic character of the downtown with building height limited to 24 feet within 250' of the centerline of the railroad



- Commercial uses are encouraged to be local restaurants, small boutique gift shops, and entertainment-oriented uses such as brewpubs
- Planned residential communities offering a variety of housing options
- High Density Residential south of Buford Hwy is encouraged
- Any High Density Residential North of Buford Hwy shall be limited to the area bound by Lively Ave, Magnolia St, Holcomb Bridge Rd, and Buford Hwy not to exceed 350' north of the Buford Hwy Centerline. High density in this portion will require a market study
- No new auto-oriented commercial



Implementation Measures

- Create pedestrian connection across Buford Highway to Lillian Webb Park
- Continue to assess need for structured parking
- Work with Gwinnett County to construct new library within Downtown Core
- Implement safe, east-west pedestrian and cyclist connections across Buford Highway
- Continue to program downtown events to support families, children, working professionals, and seniors
- Attract additional commercial uses to the Downtown district
- Pursue targeted redevelopment sites identified in the Downtown Norcross Redevelopment Plan Tax Allocation District #1 – City Center East report

CHARACTER AREA 9

SUMMEROUR



Vision

An activity hub serving the common needs of Norcross residents with education, recreation, retail:

- The new path through this area has created a link between the southeastern portion of the city and the central and northwestern sections
- Public and private investment has brought new civic facilities and small scale retail to support the surrounding neighborhood
- A traffic access management strategy and new transit opportunities have increased mobility and safety in the area
- Upgraded and new pedestrian connections to Buford Highway and along Beaver Ruin Road have improved safety

Appropriate Scale of development and land use policies

- Building Height should be limited to 35 feet
- A variety of residential housing options are allowed, as part of a planned residential development
- Small scale office and neighborhood oriented commercial uses are allowed

Implementation Measures

- Pursue recommendations of the Norcross Activity Center LCI and pursue five-year update
- Implement Mitchell Road streetscape project, adding a 10-12-foot multi-use path to link Downtown
- Encourage higher scale, traditional residential development/redevelopment – including townhomes, narrow-lot housing, and cluster homes
- Continue to implement Safe Routes to School recommendations for the Summerour District
- Pursue safe pedestrian connections across Beaver Ruin Road
- Implement the Beaver Ruin Creek Greenway Concept

LAND USES BY CHARACTER AREA

The following chart indicates the land uses within each character area.

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Table 2.4. Land Uses by Character Area

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Entertainment related commercial	■	■				■	■						□
Mixed-use (vertical)	■	■	■		■	□	□		■		■		■
Light industrial and warehousing	■	■				■		■		□	■		■
Heavy industrial													■
Places of assembly	■	■	■	■	■	■	■	■	■	■	■	■	■
Transportation, Communication, Utilities	■	■	■	■	■	■	■	■	■	■	■	■	■
Parks and Recreation	■	■	■	■	■	■	■	■	■	■	■	■	■

Attachment: Memo Text2020-0001 (20-5627 : Comp Plan Use Table Amendment)

Land Use Definitions

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Mixed-use (vertical) - A mixed-use, live/work/play district that provides a venue for gatherings, events, and civic activities.

Light industrial and warehousing - Clean, light industrial uses that have minimal impact on nearby residential use are encouraged, as well as transportation/ warehousing/ distribution uses carefully planned to avoid freight traffic impacts on residential areas.

Heavy industrial - Traditional manufacturing, junkyards, intense industrial uses that may generate adverse effects not compatible with residential areas.

Places of assembly - meeting places at which the public or membership groups are assembled regularly, including but not limited to schools, places of worship, theaters, auditoriums, funeral homes, and stadiums.

Transportation, Communication, Utilities - Power Stations, Airports, Public Utility Facilities, communication towers (if located on their own parcel)

Parks and Recreation - Public parks, and private recreation areas held in common ownership, as well as conservations areas legally protected from future land disturbance.

Sec. 201-13. PRD Planned Residence District**A. PRD Purpose**

The PRD Planned Residence District is intended for higher density, multi-family residences and related uses. Approved PRDs will only contain housing types or densities allowed under the Comprehensive Plan's character area description.

B. PRD Lot Development Standards

The PRD is a flexible district for which plans are developed and submitted for review and approval. The process for establishment, review and approval are found in Chapter 100, Article IV of this UDO.

C. PRD Supplemental Regulations

1. Accessory Use Standards – see Chapter 200, Article II, Supplemental and Accessory Use Standards
2. Landscape and Buffering – see Chapter 200, Article V, Tree Conservation, Buffers, and Landscaping
3. Parking and Loading – see Chapter 200, Article III, Parking and Loading Requirements
4. Signs – see Chapter 200, Article IV, Sign Regulations

D. PRD Density

The overall density for a development in the PRD district is determined by an approved site plan for new development, or in the case of PRD development built before June 1, 2019 is determined by their approved final plats.

E. PRD Permitted Uses

The following uses shall be permitted as of right in this district. Supplemental regulations for uses are in Chapter 200, Article II, Supplemental Use Standards, as applicable.

1. Residential

- a. Single family detached dwelling
- b. Single family detached dwelling; more than one housing unit per lot
- c. Duplex
- d. Townhome
- e. Multi-family

2. Group, Institutional and Social Service Living

- a. Nursing care institutions, intermediate care institutions, handicapped or infirm institutions and child care institutions

3. Services

- a. Existing cemetery

4. Educational, Cultural, Religious, Philanthropic, Social or Fraternal

- a. Places of public assembly

5. Miscellaneous Semi-Public Facilities and Uses

- a. Utility transmission and monitoring facilities

F. PRD Special Permit Uses

The following uses shall be considered Special Permit Uses in this district. Supplemental regulations for uses are in Article II, Supplemental Use Standards, as applicable.

1. Educational, Cultural, Religious, Philanthropic, Social or Fraternal

- a. Elementary and secondary private education

G. PRD Accessory Uses

The following uses shall be considered accessory uses in this district. Supplemental regulations for uses are in Article II, Supplemental Use Standards, as applicable.

1. Customary residential accessory buildings
2. Home occupations



MAYOR **CRAIG NEWTON** • MAYOR PRO TEM **JOSH BARE** • COUNCILMAN **ANDREW HIXSON** • COUNCILWOMAN • **ELAINE PUCKETT**
 COUNCILMAN **MATT MYERS** • COUNCILMAN **BRUCE GAYNOR** • CITY MANAGER **RUDOLPH SMITH** • CITY CLERK • **MONIQUE LANG**

City of Norcross

Legislation Details (With Details)

File #:	20-5635	Version:	
Type #:	Agenda Item	Status:	Agenda Ready
On Agenda:	2/17/2020 6:30 PM	In Control:	Policy Work Session
Title:	Brunswick/New South Easement		

Sponsors:

Code Sections:

Attachments:

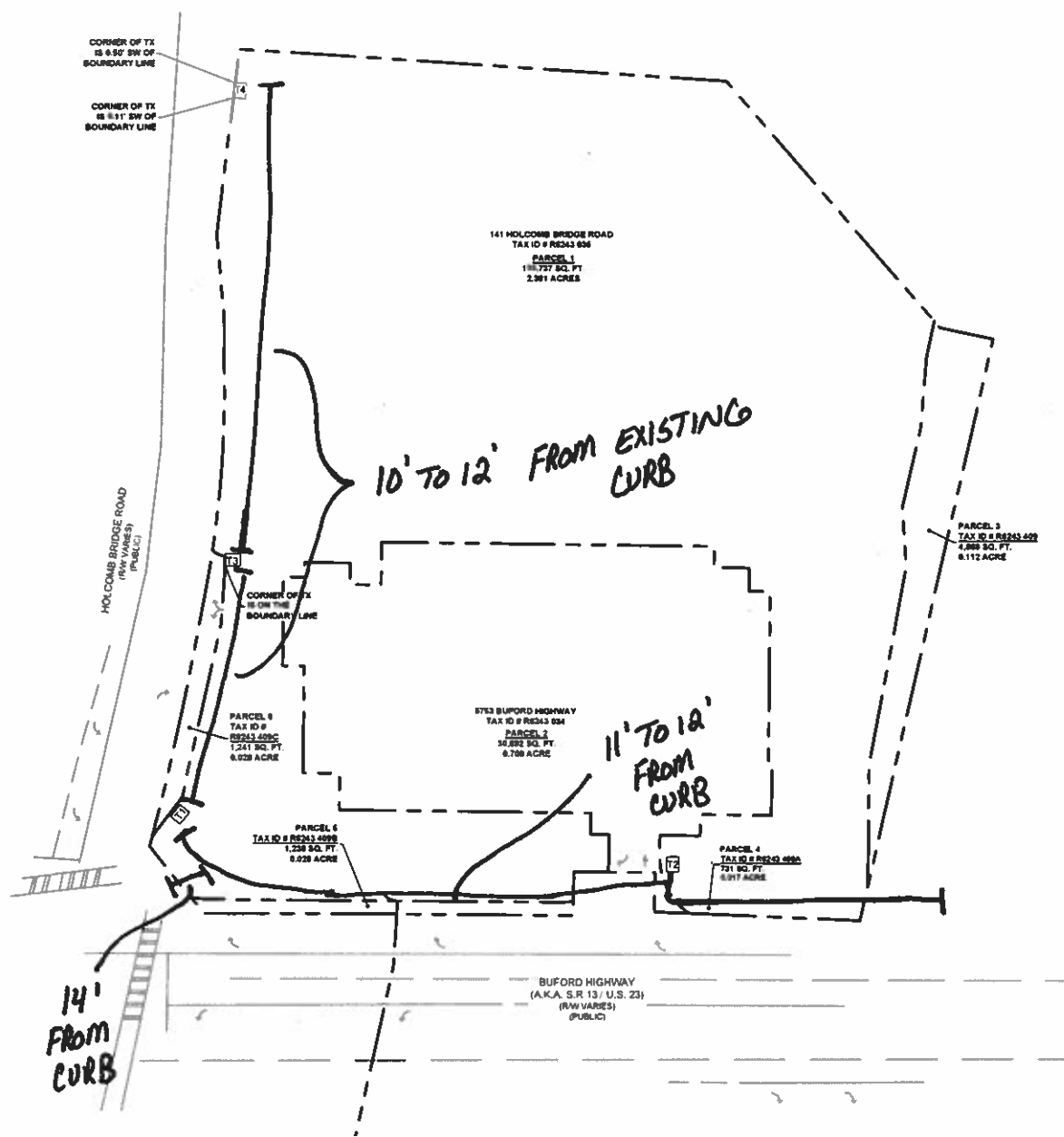
1. [Easement Sketch](#)
2. [Limited Utility Easement and License Agreement](#)
3. [Agreement to Grant Certain Limited Utility Agreements and General Release of all Claims](#)

Title

Brunswick/New South Easement

Drafter

Rudolph Smith



Attachment: Easement Sketch (20-5635 : Brunswick/New South Easement)

ML, LLC DRAFT
2.13.2020

AFTER RECORDING

RETURN TO:

Mattingly Law, LLC

2964 Peachtree Road NW
Buckhead Centre - Suite 300
Atlanta, Georgia 30305

LIMITED UTILITY EASEMENT AND LICENSE AGREEMENT

THIS LIMITED UTILITY EASEMENT AND LICENSE AGREEMENT (this “**Agreement**”) is made and entered into this ____ day of _____, 2020, (“Effective Date”) by and between the **DOWNTOWN DEVELOPMENT AUTHORITY OF THE CITY OF NORCROSS**, a public body corporate and politic created pursuant to O.C.G.A. § 36-42-1 *et. seq.*, as activated by the City of Norcross, Georgia, a Georgia Municipal Corporation (“DDA”), and the **CITY OF NORCROSS, GEORGIA**, a body politic (the “City”) (the “City”; and collectively with DDA, are sometimes called the “Norcross Parties”)), and **CREA LWP NORCROSS OWNER, LLC**, a Delaware limited liability company (“CREA”); CREA and the Norcross Parties being sometimes referred to as the “Parties.”

WITNESSETH:

WHEREAS, CREA HOLDS a usufruct lease interest pursuant to the Rental Agreement dated __, 2018 between DDA and CREA (“Lease”) in certain property located in the City of Norcross, Gwinnett County, Georgia, more particularly described on Exhibit A attached hereto (the “**Overall Property**”), on which CREA is now constructing a mixed use development containing multi-family residential apartment units and associated amenities (collectively, the “**Project**”);

WHEREAS, DDA owns the fee interest in the Overall Property subject to CREA’s rights under the Lease and other agreements by and among DDA, CREA and other parties (“Related Agreements”);

WHEREAS, CREA holds the right to possess and use the Overall Property as stipulated in the Lease and Related Agreements, as well as the right to acquire such Property from DDA and thereafter own the fee simple title thereto;

WHEREAS, the Project and the Overall Property includes an apartment building known as “Building 2000”, a pictorial representation of which is attached hereto as Exhibit “B” (the “2000 Building”);

WHEREAS, within the land area of Building 2000, the City and its Franchisees, (as hereafter defined) previously laid and installed certain utility conduit lines (the “Utility Lines,”) the approximate locations of which are shown on Exhibits “C-1 and the land area over which such Utility Lines are laid is described as a horizontal plane on Exhibit “C-2” attached hereto and herein sometimes referred to as the “Easement Area”;

WHEREAS, CREA and the Norcross Parties entered into that certain Agreement to Grant Limited Utility Easements and General Release of Claims dated _____, 2020, (the “Release Agreement”) pursuant to which CREA and DDA have agreed, pursuant to this Agreement, to grant and convey to the City, a limited non-exclusive easement through the Easement Area, as herein described and limited.

WHEREAS, DDA and CREA are willing to grant to the City certain limited immediate rights in the Easement Area as hereafter described.

NOW, THEREFORE, in consideration of the covenants contained herein and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, CREA and the Norcross Parties (sometimes collectively referred to herein as the “**Parties**” and individually as a “**Party**”) hereby agree as follows:

1. CREA Grant of Easement, License and Conveyance of Easement Area. CREA does hereby license, grant, sell, and convey unto the City, a non-exclusive irrevocable license and easement in and through the Easement Area to be used for the Utility Lines only (the “**CREA Utility Easement**”).

2. DDA Grant of Easement and Conveyance of Easement Area. DDA does hereby grant, sell, and convey unto the City, a non-exclusive easement in and through the Easement Area to be used for the Utility Lines only (the “**DDA Utility Easement**”) as long as such Lines are operational. As used herein, the “Utility Easement” collectively means both the CREA Utility Easement and the DDA Utility Easement.

3. Further Terms – Easement Area; Utility Lines. The following additional terms, covenants, conditions and agreements respecting the Utility Lines, the Easement Area and the Utility Easement shall apply:

(a) (i) The Utility Easement granted herein expressly does not include the right of entry into, under or upon the 2000 Building, the Easement Area or the Overall Property, to access the Easement Area or service, maintain or take other actions respecting the Utility Lines or the Easement Area, except as expressly hereafter provided. DDA

confirms and agrees that such rights are vested in CREA pursuant to the Lease and the Related Agreements.

(ii) It is understood and agreed that any servicing or maintenance of such Lines will be conducted, and all future installation of cable and wiring shall be conducted, solely between underground junction boxes not located on the Overall Property.

(b) Should safety issues arise or exist respecting the Utility Lines, the Easement Area, or both, the Party first becoming aware of such issues, shall afford the other notice thereof. After consultation with CREA, the City, at its sole cost and expense, shall immediately take all steps necessary to remediate any such safety or emergency issues, without interference with the activities being conducted on the Overall Property or damage to any improvements on the Overall Property, including, without limitation, the 2000 Building. CREA may allow the City access to the Overall Property to remediate any such safety issues in such manner as acceptable to CREA and its agents or engineers. If such issues arise because of negligent acts of CREA, it shall bear the cost and expense of remediation.

(c) Pursuant to the Release Agreement, the City is paying CREA an agreed sum for the Pile Work hereafter described.

(d) This Agreement and all rights granted hereunder, replaces and supersedes in all respects any existing easement, license or franchise rights whether arising by use, operation of law, conveyance or grant, to the Norcross Parties, their predecessors in title, or any licensee or franchisee of the Norcross Parties. To this end, except for the Utility Easement rights arising and granted under this Agreement, the Norcross Parties do hereby expressly release unto CREA, (but as to DDA, without limitation of its rights as the fee owner otherwise accruing and relating to other portions of the Overall Property), all right, title and interests that relate in any way to the Utility Lines and the Easement Area, and the Overall Property as the same relate to the location, operation, use or maintenance of the Utility Lines.

3. Reservation of Rights; Pile Work. (a) CREA expressly reserves for itself the right to use the Easement Area for purposes that relate to the 2000 Building and the Overall Property provided such use does not materially interfere with such Easement Area or the Utility Lines. Without limitation of such rights in CREA, it is understood, acknowledged and agreed by the Norcross Parties, that CREA has installed the Pile Improvements (as hereafter described) and is constructing the 2000 Building directly over such Area and the Utility Lines.

(b) At the request of the City, CREA has installed auger piles, a bridge over such piles and other improvements described on Exhibit D attached hereto (the "Pile Improvements"), the plans for which are attached to the Release Agreement ("Pile Plans"). The Norcross Parties have approved the installation of such Pile Improvements in all respects.

4. Releases. The Norcross Parties and CREA have mutually released the other as provided in the Release Agreement.

5. Insurance. (a) The City shall keep and maintain comprehensive general liability insurance on an occurrence basis against claims for personal injury liability, including without limitation bodily injury, death or property damage liability with a limit of not less than

\$1,000,000 per occurrence and \$2,000,000 in the aggregate in the event of personal injury to any number of persons or of damage to property with respect to the use of the Utility Easement. Such insurance may be furnished under a primary policy and an umbrella policy, and may also consist of a combination of (i) coverages provided to the City through its participation in the Georgia Interlocal Risk Management Agency as established by O.C.G.A. § 36-85-1, et seq. (“GIRMA”) and (ii) supplemental insurance coverages obtained and maintained by Norcross Parties to cover any gaps in the coverage provided under GIRMA and the requirements of this Section 5.

(b) The City further agrees that it shall require any and all independent contractors it retains to perform construction or repair of any City owned facilities, including but not limited to the underground conduit located within the easement area to keep and maintain comprehensive general liability insurance (including completed operations and products liability coverage, broad form blanket contractual liability insurance and, explosion, collapse and underground coverage) on an occurrence basis against claims for personal injury liability, including without limitation bodily injury, death or property damage liability with a limit of not less than \$1,000,000 per occurrence and \$2,000,000 in the aggregate in the event of personal injury to any number of persons or of damage to property with respect to the use of the Utility Easement. Such insurance may be furnished under a primary policy and an umbrella policy.

(c) The terms of this Section 5 shall survive the termination of this Agreement.

6. Failure to Perform; Self-Help. (a) In the event the Norcross Parties fail to comply with their obligations under this Agreement in accordance with the terms hereof in any material way, and such failure continues for forty-five (45) days after receipt of written notice from CREA, then CREA may proceed to cure such failure by payment or performance of the Norcross Parties’ obligations, or both. In such event, the Norcross Parties shall reimburse CREA for all reasonable costs and expenses incurred by CREA within fifteen (15) days after receipt from CREA of a reasonably itemized statement of such costs and copies of all paid invoices and bills evidencing such costs. If the Norcross Parties do not make such payment within said time period, such amount due shall accrue interest at the greater of the Synovus Bank prime rate per annum, or six percent (6.0%) per annum. The forty-five (45) day notice period shall not be required in the event of an emergency condition, in which event CREA shall give whatever notice is reasonable under the circumstances. Nothing contained in this Section 6(a) shall create any obligation on the part of CREA to exercise the rights granted herein.

(b) In the event CREA fails to comply with its obligations under this Agreement in accordance with the terms hereof in any material way, and such failure continues for forty-five (45) days after receipt of written notice from the Norcross Parties, then the Norcross Parties may proceed to cure such failure by payment or performance of CREA’s obligations, or both. In such event, CREA shall reimburse the Norcross Parties for all reasonable costs and expenses incurred by Norcross Parties, within fifteen (15) days after receipt from the Norcross Parties of a reasonably itemized statement of such costs and copies of all paid invoices and bills evidencing such costs. If CREA does not make such payment within said time period, such amount due shall accrue interest at the greater of the Synovus Bank prime rate per annum, or six percent (6.0%) per annum. The forty-five (45) day notice period shall not be required in the event of an emergency condition, in which event the Norcross Parties shall give whatever notice is reasonable

under the circumstances. Nothing contained in this Section 6(b) shall create any obligation on the part of the Norcross Parties to exercise the rights granted herein.

7. Notices. All notices shall be in writing and shall be deemed to have been properly given on the earlier of (i) when delivered in person, (ii) when deposited with Federal Express, Express Mail or other overnight delivery service for next day delivery, addressed to the appropriate party at the address set out below, or (iii) when transmitted by e-mail to the e-mail for each party set forth below or by facsimile to the facsimile number for each party set forth below.

The Norcross Parties:

c/o Thompson, O'Brien, Kemp & Nasuti, P.C.
40 Technology Parkway South, Suite 300
Norcross, Georgia 30092
Attention: J. Patrick O'Brien
Telephone: 770-925-0111
Email: pobrien@tokn.com

With a copy to:

Thompson, O'Brien, Kemp & Nasuti, P.C.
40 Technology Parkway South, Suite 300
Norcross, Georgia 30092
Attention: John E. Underwood
Telephone: 770-925-0111
Email: junderwood@tokn.com

CREA:

CREA LWP Norcross Owner, LLC
c/o Gateway Development
75 Fifth St.
Suite 810
Atlanta, GA 30308
Attention: Mack Reese
Email: MackReese@gatewaydevelopmentservices.com
c/o Centro Development
2905 San Gabriel Street
Suite 207
Austin, Texas 78705
Attention: Kent Collins
Email: kcollins@centrodevelopment.com

With a copy to:

Mattingly Law, LLC
2964 Peachtree Road NW
Buckhead Centre
Suite 300
Atlanta, GA 30305
Attention: George Mattingly
Telephone: 404-257-6226

Email: George@mattinglylawllc.com

8. Termination.

(a) This Agreement, the Utility Easement, and all rights, title and interest of the City in the Easement Area, the Utility Lines and the Overall Property as the same arise under this Agreement, or otherwise, shall terminate and be of no further force and affect, at such time as the City abandons the Utility Lines for a period of more than 90 continuous days. In the event of such abandonment, the City shall record a notice of termination of this Agreement in the public records of Gwinnett County, Georgia confirming such termination ("Termination Notice").

(b) The CREA Utility Easement shall not be terminated without the prior written permission or consent of the City, which permission or consent may be withheld in the City's sole discretion.

9. Franchisees. The City confirm that only the following entities are franchisees, licenses or other electric or cable service providers using the Utility Lines: AT & T and Comcast Cable ("Franchisees"). Within one hundred eighty (180) days after the Effective Date, or if earlier, should CREA receive any demand, claim or notice of either from either Franchisee, the City shall provide to CREA either:

(a) The consent of all Franchisees to the terms of this Agreement in the form attached hereto as Exhibit "E" and by reference incorporated herein;

OR

(b) Evidence reasonably acceptable to CREA, that all franchise rights of the Franchisees have been fully terminated with respect to the Extant Conduits (as defined in the Release) and the Easement Area and Utility Lines, together with an agreement from the City to reimburse CREA for any costs relating to any claim by such Franchisees, or either of them, against CREA relative to the Extant Conduits (as defined in the Release), the Extant Conduits, the Easement Area or the Utility Lines, if incurred within one (1) year after the Effective Date.

10. Successors and Assigns. The easements and other rights and benefits contained herein shall run with, and be appurtenant to, as well as constitute a burden upon, the Easement Area, and be binding upon and inure to the benefit of and be enforceable by the legal representatives, successors and assigns of the Norcross Parties and CREA. Any assignment by any Party hereto of its rights under this Agreement shall not relieve the assigning Party of its obligations hereunder without the prior consent of the other Parties hereto.

11. Attorney's Fees. In any litigation, contest, dispute, suit or proceeding in any way relating to this Agreement, and the indemnities described herein, or (iii) to enforce either Party's obligations hereunder, then all of the attorney's fees arising from such services on behalf

of the prosecuting Party (if successful) and all related expenses and court costs shall be payable on demand by the other Party. This provision shall survive the termination of this Agreement.

12. No Merger. Unless all parties hereto expressly agree to the contrary in writing, or as provided in the Lease or Related Agreements, the fee and usufruct estates in and to the Overall Property held by DDA and CREA respectively, will not merge, but will always remain separate and distinct, notwithstanding the limited union of those estates, if any, pursuant to this Agreement, or otherwise.

13. Entire Agreement. This Agreement constitutes the entire agreement and understanding between the Parties relating to the subject matter's hereof and may not be amended, waived or discharged except by an instrument in writing executed by both Parties.

14. Governing Law. This Agreement shall be governed by and construed in accordance with the laws of the State of Georgia.

15. Joint and Several. The Norcross Parties are jointly and severally liable for all obligations imposed on either such Party under this Agreement.

16. Exhibits. All exhibits attached hereto are incorporated into this Agreement as if fully set forth herein.

[SIGNATURES APPEAR ON FOLLOWING PAGE]

IN WITNESS WHEREOF, the Parties have caused their respective and duly authorized officers to execute this Agreement under seal the day and year first above written.

Signed, sealed and delivered
in the presence of:

Unofficial Witness

Notary Public

(NOTARY SEAL)

My Commission Expires:

CREA:

CREA LWP NORCROSS OWNER, LLC, a
Delaware limited liability company

By: _____

Name: M. McKemie Reese

Its: Authorized Signatory

By: _____

Name: Gregory Kent Collins

Its: Authorized Signatory

[SEAL]

[SIGNATURES CONTINUE ON FOLLOWING PAGE]

Attachment: Limited Utility Easement and License Agreement (20-5635 : Brunswick/New South Easement)

Signed, sealed and delivered
in the presence of:

Unofficial Witness

Notary Public

(NOTARY SEAL)

My Commission Expires:

THE DDA:

**DOWNTOWN DEVELOPMENT
AUTHORITY OF THE CITY OF
NORCROSS**

By: _____
Name: James M. McGarrah
Title: Chair

Signed, sealed and delivered
in the presence of:

Unofficial Witness

Notary Public

(NOTARY SEAL)

My Commission Expires:

CITY:

CITY OF NORCROSS GEORGIA

By: _____
Name: _____
Title: _____

ATTACHMENTS AND EXHIBITS:

EXHIBIT	DESCRIPTION
A	OVERALL PROPERTY
B	DEPICTION OF 2000 BUILDING
C-1	DEPICTION OF UTILITY LINES
C-2	LEGAL DESCRIPTION OF EASEMENT AREA
D	DESCRIPTION OF PILE WORK
E	CONSENT OF FRANCHISEES
ATTACHMENT	LENDER CONENT AND SUBORDINATION

CONSENT

The undersigned, SYNOVUS BANK, a Georgia state banking corporation ("Lender"), hereby consents to that certain Limited Utility Easement Agreement, dated _____, 2020, by and between (among others) CREA LWP NORCROSS OWNER, LLC ("CREA") AND THE CITY OF NORCROSS GEORGIA, and to be recorded in Gwinnett Georgia records (the "Easement"), without warranty or representation, by virtue of its rights and interest set forth in the following:

CONSTRUCTION DEED TO SECURE DEBT, ASSIGNMENT OF LEASES AND RENTS, SECURITY AGREEMENT, AND FIXTURE FILING (the "Security Deed")

The Security Deed is dated _____, 2018, and is from CREA to Lender, and being recorded in Deed Book _____, Page _____, Gwinnett County, Georgia records. Lender hereby agrees that said Security Deed and the Loan Documents described therein now of record in Gwinnett County, Georgia (the "Debt Documents") are and shall be subordinate to the terms, conditions and provisions of the foregoing Easement and the rights and benefits thereunder; provided, however, the consent, joinder and subordination effected and confirmed hereby shall in no way otherwise impair, limit, release or otherwise adversely affect the rights and benefits of Lender under said Security Deed and all Debt Documents and instruments executed and delivered in connection therewith.

Executed this _____ day of _____, 2020.

Signed, sealed and delivered

SYNOVUS BANK, a Georgia
State banking corporation

Witness

By: _____

Notary Public

Name: _____

My commission expires:

Title: _____

(SEAL)

(NOTARY SEAL)

--	--

DRAFT

EXHIBIT "A"**LEGAL DESCRIPTION – OVERALL PROPERTY**

ALL THAT TRACT or parcel of land lying and being in Land Lot 243 of the 6th District, City of Norcross, Gwinnett County, Georgia, being 3.276 acres as shown on Combination Plat for LWP Norcross Devco, LLC, prepared by LeCraw Engineering, Inc., James A. Cannington, Georgia Registered Land Surveyor No. 2678, dated October 16, 2018, last revised November 30, 2018, filed for record December 7, 2018, and recorded in Plat Book 143, Page 243, Gwinnett County, Georgia records.

BEING the same property as Parcel 1, Parcel 3, Parcel 4, Parcel 5, and Parcel 6, as shown on Subdivision Plat for CREA LWP Norcross Owner, LLC, prepared by LeCraw Engineering, Inc., James A. Cannington, Georgia Registered Land Surveyor No. 2678, dated December 11, 2018, last revised December 19, 2018, filed for record December 21, 2018, and recorded in Plat Book 143, Page 286, Gwinnett County, Georgia records.

TOGETHER WITH rights under the following:

Temporary Construction Agreement by and between Downtown Development Authority of the City of Norcross, a public body corporate and politic created pursuant to O.C.G.A. § 36-42-1 *et. seq.*, as activated by the City of Norcross, Georgia, a Georgia Municipal Corporation, and CREA LWP Norcross Owner, LLC, a Delaware limited liability company, dated December 27, 2018, recorded in Deed Book _____, Page _____, Gwinnett County, Georgia records.

EXHIBIT B
DEPICTION OF BUILDING 2000

DRAFT

EXHIBIT C-1
DEPICTION OF UILITY LINES

(SEE ATTACHED SHOWING CURRENT LOCATION OF UTILITY LINES AS WELL AS
BUILDING 2000 FOOTPRINT AFTER COMPLETION BUT BEFORE PILE
IMPROVEMENTS)

DRAFT

Attachment: Limited Utility Easement and License Agreement (20-5635 : Brunswick/New South Easement)

EXHIBIT C-2
LEGAL DESCRIPTION OF EASEMENT AREA
SEE ATTACHED

DRAFT

EXHIBIT D-1
PILE WORK
(SEE ATTACHED)

DRAFT

EXHIBIT E**CONSENT OF FRANCHISEES**

The undersigned confirm that:

1. Each entity below named ("Franchisee") currently operates or intends to operate one or more electrical or cable service utility lines in the Easement Area; and
2. Each Franchisee hereby consents and agrees to the terms, limitations and provisions of (i) the foregoing Agreement; and

The party or parties executing this Consent on behalf of each Franchisee has the full power and authority to bind such Franchisee to the terms of this Consent.

Terms used but not defined in this Consent have the meanings ascribed to them in the Agreement.

FRANCHISEES:

(AT&T; COMCAST)

DATE EXECUTED: _____

**AGREEMENT TO GRANT CERTAIN LIMITED UTILITY AGREEMENTS AND
GENERAL RELEASE OF ALL CLAIMS**

This Agreement and General Release (the “Agreement”) is made this ____ day of _____ 2020 (the “Effective Date”) by and between **CREA LWP NORCROSS OWNER, LLC**, a Delaware limited liability company (“CREA LWP”); and **DOWNTOWN DEVELOPMENT AUTHORITY OF THE CITY OF NORCROSS**, a public body corporate and politic created pursuant to O.C.G.A. § 36-42-1 *et. seq.*, as activated by the City of Norcross, Georgia, a Georgia Municipal Corporation (“DDA”), and the **CITY OF NORCROSS, GEORGIA**, a body politic (the “City”; and collectively with DDA, the “Norcross Parties”).

WHEREAS, the DDA made and entered into a certain Agreement of Purchase and Sale on January 26, 2018 to acquire, convey and sell certain tracts of parcels of land consisting of approximately 3.276 acres of land located in the City of Norcross, Georgia to certain individuals who subsequently assigned their rights as purchaser to CREA LWP on December 27, 2018; and

WHEREAS, CREA LWP closed on and purchased from the DDA approximately 3.276 acres located in the City of Norcross at or near the North West corner of the intersection of Buford Highway with Holcomb Bridge Road (the “Overall Property”) on December 27, 2018 for the purpose of constructing a parking garage and a residential and commercial development (the “LWP Project”) on the Overall Property; and

WHEREAS, CREA LWP conveyed the Overall Property to DDA but holds rights to possession and use of such Property pursuant to that certain Rental Agreement dated ,, 2018, by

and between DDA and CREA LWP (the “Lease”);

WHEREAS, in anticipation of such sale and the development of adjacent property for use as a public library (the “Library Project”), and pursuant to a broader plan to move conduits and utility lines below ground, the City, at its own sole expense, contracted with a third party to relocate all electrical power utilities and certain other communications cables from above ground utility Existing Poles to underground conduits along Buford Highway and Holcomb Bridge Road so as to create a more aesthetically appealing appearance for the Library Project, the LWP Project and other nearby developments and provide a suitable gateway to downtown Norcross; and

WHEREAS, prior to the Effective Date, the City caused six underground conduits (two 2” diameter conduits for use by COMCAST; two 4” diameter conduits for use by AT&T; one 4” diameter conduit for use by Norcross Power, and one 4” diameter conduit that was damaged during installation and is currently and permanently abandoned) to be installed along Buford Highway in the approximate location shown on the sketch attached hereto as Exhibit “A” (hereinafter the “Extant Conduits”); and

WHEREAS, the Norcross Parties contend that certain unforeseen soils conditions and underground obstructions prevented the City from installing the Extant Conduits any closer to Buford Highway or any further away from the LWP Project; and

WHEREAS, CREA LWP disputes the reasons such Extant Conduits were installed in their current locations, but are nonetheless entering into this Agreement and the Limited Extant Easement in the spirit of resolving this conflict; and

WHEREAS, the Extant Conduits include (i) one (1) 4” diameter power conduit that is currently in service and providing electrical service to Norcross Power customers (“In

Service Conduit”); and

WHEREAS, during construction of the LWP Project, CREA LWP discovered that certain portions of said Extant Conduits, including, without limitation, the In Service Conduit, are currently located underneath the footprint of the so called “2000 Building,” being constructed along Buford Highway and Holcomb Bridge Road; and

WHEREAS, in order to avoid construction delays or an interruption of electrical service to Norcross Power customers and to mitigate the damages that may be incurred by any and all parties, the Norcross Parties and CREA LWP have agreed that the most expedient solution for all parties is to leave the Extant Conduits in place and CREA LWP is to install certain auger piles and a pile cap to bridge over said Extant Conduits at CREA LWP’s expense (the “Pile Improvements”); and

WHEREAS, the Pile Improvements are intended to enable the Norcross Parties and its customers, to continue current and have future service through the Extant Conduits; and

WHEREAS, the parties hereto, are entering into this Agreement in good faith to achieve a full and final resolution of all claims arising out of the location of the Extant Conduits; and

WHEREAS, in addition to the Extant Conduits, the City will need to install or has already installed certain underground electrical service conduits in the future to provide power and serve the LWP Project in the approximate locations shown on the sketch attached hereto as Exhibit “B” (the “Future Conduits”);

WHEREAS, all future telecommunications services and service connections required to service the LWP Project will be negotiated directly between such providers and CREA LWP or its successors in interest and are not anticipated to involve the Norcross Parties or to require any

future underground conduit to be installed by the City at this time;

WHEREAS, the Parties have cooperated in the removal of certain utility poles and above ground lines now located to the South and Southwest of the LWP Project as shown on Exhibit “C” hereto (the “Existing Poles”) which were inhibiting the completion of such Project by CREA LWP; and

WHEREAS, the Norcross Parties have terminated the rights of any “Franchisees” (as hereafter defined) with respect to such Existing Poles; and

WHEREAS, the Extant Conduits and the Future Conduits will remain on property in the control of CREA LWP; and

WHEREAS, CREA LWP and DDA have each agreed to grant certain limited utility license and easement rights for the Extant Conduits pursuant the Limited Extant Easement hereafter described; and

WHEREAS, CREA LWP has agreed to grant certain limited utility easement and license rights for the Future Conduits pursuant to separate agreement to be entered into by the Parties hereto; and

WHEREAS, the Norcross Parties and CREA LWP are releasing each other on the terms set forth in this Agreement; and

WHEREAS, in exchange for it granting the Norcross Parties the Limited Extant Easement, completing the Pole Improvements and other valuable consideration, the City will make a single payment of \$80,000.00 to CREA LWP upon approval of this Agreement by all parties;

NOW THEREFORE, for Ten Dollars (\$10.00) and other good and valuable

consideration, the receipt and sufficiency of which is hereby expressly acknowledged, CREA LWP and the Norcross Parties agree as follows:

CREA LWP, with respect to the Extant Conduits, the installation thereof, and the operation thereof prior to the Effective Date, (“Extant Conduit Matters”) does hereby release and forever discharge the City, its elected and appointed officials, its officers, representatives, assigns, agents, employees and attorneys, and each of them (collectively the “Norcross Released Parties”), from any and all claims, debts, liabilities, demands, obligations, costs, legal fees, expenses, actions and causes of action of ever nature, character, and description known or unknown if relating to the Extant Conduit Matters, which CREA LWP now owns or holds, or has at any time heretofore owned or held, by reason of any matter, fact, transaction, occurrence, or event whatsoever from the beginning of the world to the Effective Date;

CREA LWP, with respect to the Extant Conduits, the installation thereof, and the operation thereof prior to the Effective Date, (“Extant Conduit Matters”) does hereby release and forever discharge the DDA, its appointed officials, its officers, representatives, assigns, agents, employees and attorneys, and each of them (collectively the “DDA Released Parties”), from any and all claims, debts, liabilities, demands, obligations, costs, legal fees, expenses, actions and causes of action of ever nature, character, and description known or unknown if relating to the Extant Conduit Matters, which CREA LWP now owns or holds, or has at any time heretofore owned or held, by reason of any matter, fact, transaction, occurrence, or event whatsoever from the beginning of the world to the Effective Date; provided however that the DDA is not released from any contract by and between CREA LWP and the DDA;

It is further agreed and understood that CREA LWP at the request of the Norcross Parties,

has installed, auger piles and other improvements described on Exhibit D-1 attached hereto (the “Pile Improvements”), the plans for which are attached to this Agreement as Exhibit D-2 (“Pile Plans”). On or prior to the Effective Date, CREA LWP has provided to the Norcross Parties, a certificate or other confirmation of such the substantial completion from engineers for CREA LWP (“Completion Certificate”). The Norcross Parties have reviewed and approved the Completion Certificate.

With respect to the Extant Conduits, the installation thereof, and the operation thereof prior to the Effective Date (“Extant Conduit Matters”), and also with respect to the Pile Improvements and the installation and completion thereof, (the Pile Matters”) the Norcross Parties do hereby:

(i) Release and forever discharge CREA LWP their officers, managers, members, lenders, partners, representatives, assigns, agents, employees and attorneys, and each of them, (“CREA Released Parties”) from any and all claims, debts, liabilities, demands, obligations, costs, legal fees, expenses, actions and causes of action of ever nature, character, and description known or unknown, which the Norcross Parties now own or hold, or have at any time heretofore owned or held, by reason of any matter, fact, transaction, occurrence, or event whatsoever from the beginning of the world to the Effective Date relating to the Extant Conduit Matters; provided however, that CREA LWP is not released from any contract by and between CREA LWP and the DDA;

(ii) Release and forever discharge the CREA Released Parties, from any and all claims, debts, liabilities, demands, obligations, costs, legal fees, expenses, actions and causes of action of ever nature, character, and description known or unknown, which the Norcross Parties

now own or hold, or have at any time heretofore owned or held, by reason of any matter, fact, transaction, occurrence, or event whatsoever relating to defects in material or workmanship as to the Pile Matters, from the beginning of the world to the end of the World relating to the Pile Improvements.

With respect to matters other than the Extant Conduit Matters or the Pile Improvements Matters, or both, CREA LWP is not released from any duty, legal obligation or duty to comply with the any requirements and limitations in the City Charter, the City Code (including but not limited to, the obligation to obtain permits and certificates pursuant to the building codes and zoning ordinances of the City of Norcross), the laws of the State of Georgia, the laws of the United States, and all other applicable local, state or federal regulations as they apply to improvements made to the Overall Property;

It is further agreed and understood that, as additional consideration of this Agreement, CREA LWP shall grant a limited easement for the Extant Conduits (“Limited Extant Easement”) pursuant to the terms and subject to the limitations of the form of the Limited Utility Easement and License Agreement attached hereto as Exhibit “E” hereto.

It is further agreed and understood that, as additional consideration of this Agreement, CREA LWP shall grant a limited easement for the Future Conduits to the City on terms and conditions reasonably acceptable to the parties thereto.

It is further agreed and understood that CREA LWP and the Norcross Parties, by executing this Agreement on behalf of the CREA LWP and Norcross Parties, respectively, have been voted on and approved by the authorized representatives of CREA LWP; and in the case of the Norcross Parties, by Mayor and Counsel of the City of Norcross and the board of directors of

the Downtown Development Authority of the City of Norcross in full compliance with the Georgia Open Meetings Act, O.C.G.A. § 50-14-1 *et seq.*

It is further agreed and understood that the Norcross Parties in cooperation with CREA LWP's contractors, have removed the Existing Poles and returned the land area around and beneath such Existing Poles to a condition reasonably approved by CREA LWP.

It is the specific intent and purpose of this Agreement to release and discharge any and all claims and causes of action of any kind or nature whatsoever, whether known or unknown and whether specifically mentioned or not, which may exist or might be claimed to exist at or prior to the Effective Date; and as provided with respect to the Pole Improvements thereafter as hereinbefore provided. In furtherance thereof, (i) CREA LWP specifically waives any claim or right to assert that any cause of action or alleged cause of action or claim or demand even though same has been, through oversight or error or intentionally or unintentionally, omitted from this Agreement, subject to the limitations and rights reserved as set forth above; and (ii) the Norcross Parties specifically waive any claim or right to assert that any cause of action or alleged cause of action or claim or demand even though same has been, through oversight or error or intentionally or unintentionally, omitted from this Agreement, subject to the limitations and reserved rights as set forth above.

ALL THE SAID PARTIES HEREBY DECLARE THAT THE TERMS OF THIS AGREEMENT HAVE BEEN COMPLETELY READ AND ARE FULLY UNDERSTOOD AND VOLUNTARILY ACCEPTED FOR THE PURPOSE OF MAKING A FULL AND FINAL COMPROMISE, ADJUSTMENT AND SETTLEMENT OF ANY AND ALL CLAIMS, DISPUTED OR OTHERWISE, AND FOR THE EXPRESS PURPOSE OF PRECLUDING FOREVER ANY CLAIMS WHETHER IN TORT OR ON CONTRACT OR STATUTE.

The Norcross Parties confirm that only the following Franchisees, licensees or other electric or cable service providers using the Extant Conduits: AT & T and Comcast Cable.

The Norcross Parties are jointly and severally liable for any obligations of either such Party hereunder.

Any notices required or permitted to be given under this Agreement shall be given in the manner provided for the same in the Limited Extant Easement.

[SIGNATURES BEGIN ON NEXT PAGE]

CREA LWP:

CREA LWP NORCROSS OWNER, LLC, a

Delaware limited liability company

By: _____

Name: M. McKemie Reese

Its: Authorized Signatory

By: _____

Name: Gregory Kent Collins

Its: Authorized Signatory

[SEAL]

[SIGNATURES CONTINUED NEXT PAGE]

THE DDA:

**DOWNTOWN DEVELOPMENT
AUTHORITY OF THE CITY OF
NORCROSS**

By: _____
Name: James M. McGarrah
Title: Chair

ATTEST:

BY: _____
TITLE: _____

CITY:

CITY OF NORCROSS GEORGIA

By: _____
Name: Craig Newton
Title: Mayor

ATTEST:

BY: _____
TITLE: _____

DRAFT

DRAFT



MAYOR **CRAIG NEWTON** • MAYOR PRO TEM **JOSH BARE** • COUNCILMAN **ANDREW HIXSON** • COUNCILWOMAN • **ELAINE PUCKETT**
 COUNCILMAN **MATT MYERS** • COUNCILMAN **BRUCE GAYNOR** • CITY MANAGER **RUDOLPH SMITH** • CITY CLERK • **MONIQUE LANG**

City of Norcross

Legislation Details (With Details)

File #:	20-5636	Version:	
Type #:	Agenda Item	Status:	Agenda Ready
On Agenda:	2/17/2020 6:30 PM	In Control:	Policy Work Session
Title:	Proposal Concerning Communication and Media Presence		

Sponsors:

Code Sections:

Attachments:

1. [Proposal Concerning Communication and Media Presence](#)

Title
Proposal Concerning Communication and Media Presence

Drafter
Elaine Puckett

Draft

Proposal Concerning Communication and Media Presence

Clear communication and an excellent media presence, including social media, are necessary for any modern city to thrive. While we have made strides in these areas, we continue to hear concerns from citizens indicating that more is needed.

We have many citizens who have expertise in media and marketing whose skills can be leveraged to assess where we are and create a roadmap of where we might need to go.

In order to ensure the city is communicating effectively and has a user friendly and compelling online presence, I am proposing a Media, Marketing and Communications Task Force for the specific purpose of evaluating our current communication processes, print publications, web presence and use of social media platforms and making recommendations for moving into the future.

Members of this Task Force should have expertise in the areas of marketing, media, web design or a related field. If possible, the Task Force should include at least one member for whom English is not first language. In addition, proposals for the future should include a plan for bi-lingual communication across all platforms.



MAYOR **CRAIG NEWTON** • MAYOR PRO TEM **JOSH BARE** • COUNCILMAN **ANDREW HIXSON** • COUNCILWOMAN • **ELAINE PUCKETT**
 COUNCILMAN **MATT MYERS** • COUNCILMAN **BRUCE GAYNOR** • CITY MANAGER **RUDOLPH SMITH** • CITY CLERK • **MONIQUE LANG**

City of Norcross

Legislation Details (With Details)

File #:	19-5575	Version:	
Type #:	Agenda Item	Status:	Agenda Ready
On Agenda:	2/17/2020 6:30 PM	In Control:	Policy Work Session
Title:	Speed Tables - N. Peachtree Street		

Sponsors:

Code Sections:

Attachments:

1. [Memo - Speed Table-Humps](#)
2. [Long Range Road Classification Map](#)
3. [Speed Management Techniques for Collectors & Arterials](#)

Title

Speed Tables - N. Peachtree Street

Drafter

Dan Watch



MEMO

TO: Mayor and City Council

FROM: Erica Madsen, Engineer

DATE: 12/11/2019

SUBJECT: Speed Tables - N. Peachtree Street

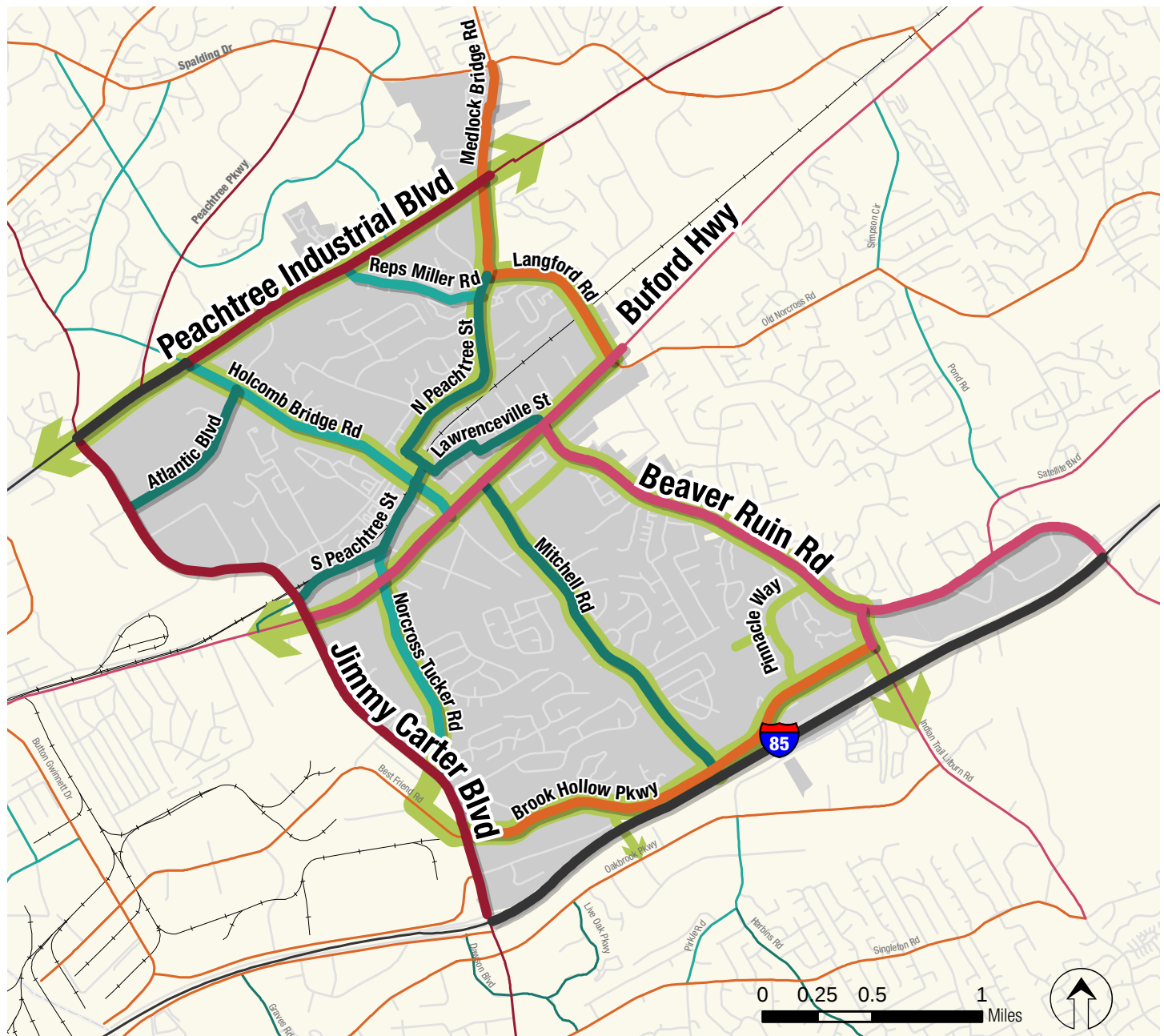
Per the Long Range Road Classification Map (attached) in our recently adopted UDO, N Peachtree is considered a Major Collector. Collectors are major and minor roads that connect local roads and streets with arterials. Collectors provide less mobility than arterials at lower speeds and for shorter distances. They balance mobility with land access. The posted speed limit on collectors is usually between 35 and 55 mi/h. N Peachtree and Mitchell Road are both considered major collectors, and not only serve as access to individual homes, but are routes into town from higher-volume arterial roads.

In my professional opinion, a speed table is not the right solution for N Peachtree because of its purpose to bring business and patrons into downtown Norcross. I found this article (attached) to be very informative and full of good ideas for speed control. See the roadway narrowing techniques on p11, and neckdowns/chokers and central islands/chicanes on p12. These measures require more detailed design and consideration. Speed tables have their place on local/residential streets.

Additionally, it is important that we as staff/Council stay aligned with our Comprehensive Plan to work toward the larger goals.

Attachment: Memo - Speed Table-Humps (19-5575 : Speed Tables - N. Peachtree Street)

Figure 2.3. Long Range Road Classification Map



Long Range Road Classification

- | | | |
|-----------------------|--------------------------------|--------------------|
| — Freeway* | — Major Collector | ■ City of Norcross |
| — Principal Arterial* | — Minor Collector | — Railroads |
| — Major Arterial* | — Local Road | — Stream |
| — Minor Arterial | — Future Bike-friendly Route** | |

* Truck-friendly routes include all roads classified as freeways/expressways, principal arterials, and major arterials.

** Future bike-friendly routes include roads with existing or planned bike lanes or multi-use trails adjacent to the roadway. All future roadway projects and development should incorporate these facilities. Multi-use trails that do not follow existing streets and roads where only sharrows are planned are not included in this designation.

Speed Management Techniques for Collectors and Arterials

ANGELIA H. PARHAM

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ABSTRACT

Speed management goes a step beyond traffic calming by also looking at higher speed facilities such as collectors and arterials. The most frequently used techniques on collectors and arterials were increased enforcement, flashing beacons, speed limit signing, radar trailers, and rumble strips.

INTRODUCTION

Speeding and speed control are often considered critical issues on residential and collector streets. In addition, speeding complaints are a continuing problem for traffic engineers and police departments. Supporting the idea of controlling speeds is the assumption that reducing speeds also reduces accidents.

Residential and collector streets are intended to provide access and to distribute local traffic between neighborhoods and arterial street systems. Low operating speeds are desired on these facilities to accommodate pedestrians, bicyclists, and local access. On arterial streets, the primary function of the road is to carry traffic, which is frequently associated with high speeds. However, speed management is also needed on arterials due to concerns about pedestrian and cyclist safety, excessive speeds in neighboring areas, pedestrian accessibility, and parking availability in retail areas (1). The goal of managing speeds on arterials is safety related: maintaining mobility or capacity but increasing safety by managing speeds.

Traffic calming uses geometric changes to influence travel speed and to perhaps cause drivers to select another route for travel. It is intended to restore local streets to their intended function, thus providing a more livable environment for residents. In most cases, problems on local streets are caused by through traffic, speeding, and/or noise. Speed management goes a step beyond traffic calming by also looking at higher speed facilities, including collectors and arterials. Many of the typical traffic calming techniques used in residential areas to control volume and speed would be difficult to implement on these roadways; however, other techniques need only modifications or a different approach to be effective. Although this area has not had the same amount of attention as traffic calming on residential streets, managing speeds on higher speed

roadways can be an effective part of a neighborhood traffic management plan. Integrating speed management techniques on local, collector, and arterial streets can encourage traffic to use major roadways rather than residential streets and can address needs on an areawide basis rather than for an isolated roadway or intersection.

OBJECTIVES

The goals of a Texas Department of Transportation (TxDOT) project were to identify speed management techniques that are used throughout the country and to develop a handbook documenting these techniques. The project provided one of the first comprehensive approaches to speed management on collector and arterial roadways in addition to providing information regarding the use of traffic calming techniques on local streets. The findings were documented in the *Handbook of Speed Management Techniques* (2).

RESEARCH APPROACH

The research approach included reviewing the literature, processing a written mail-out survey, conducting follow-up telephone interviews, performing site visits, summarizing experiences, and developing the *Handbook*. These tasks are summarized in the following sections.

Literature Review

A literature review identified current state-of-the-practice for various speed management techniques used on collector and arterial facilities. Because information for collector and arterial facilities was limited, techniques used on residential streets were also included. The literature review was used to define the speed management techniques available, to determine how they are being used, and to focus the study on areas that warranted additional study. The major findings from the literature review are documented in the *Handbook's* annotated bibliography.

Written Survey

A mail-out survey was used to identify techniques for speed management and to suggest potential locations for on-site visits. Surveys were mailed or faxed to 400 agencies to identify locations where speed management techniques have been considered or implemented. Emphasis was placed on techniques used for collector or arterial facilities or state highways passing through small towns. Other issues addressed by the survey include: public involvement; criteria for approval by residents or businesses; and locations where speed management techniques have been installed. Additional information was requested on local policies and procedures used when considering speed management techniques. Thirty-nine percent (157 of 400) of the surveys distributed to local and state agencies in the United States and Canada were returned. The responses represented 41 states, three Canadian provinces, 78 state agencies, 50 cities, 4 counties, one transportation research center, and one consulting firm. Approximately 40 percent of

the respondents indicated that they had installed or considered speed management techniques on suburban arterials. The most frequently used techniques on collectors and arterials were:

- Increased enforcement,
- Flashing beacons,
- Speed limit signing,
- Radar trailers, and
- Rumble strips.

Survey respondents also stated that they believed that signal coordination with speed limit signing, photo radar, and narrow lanes and/or chokers would be effective in managing speed on collector and arterial streets.

Twenty-eight agencies indicated that they have a process to handle requests for speed management techniques; 49 agencies indicated that they do not have such a program. Additionally, 56 agencies do not require approval of residents or businesses affected by the installation of speed management techniques, while 14 agencies do require such approval.

Phone Interviews

Telephone interviews were conducted to obtain more information about specific techniques, programs, or policies identified in the written surveys and to further identify locations for site visits. Phone interviews were informal, focusing on the particular experience of the agency being contacted. Some of the issues addressed in the phone interviews included: public involvement and response; approval process for installation of techniques; the input of emergency response agencies; cost sharing; removal of implemented techniques; landscaping and maintenance responsibilities; and any before and after study that had been conducted.

Site Visits

Locations for site visits were selected based upon information from the literature review, written survey, telephone interviews, and related site visits for other purposes. The site visits were used to clarify and expand areas with limited information, to identify useful information about specific techniques and sites, and to take photographs for inclusion in the *Handbook* (2). Because the use of speed management techniques on arterials and collectors was limited, information on techniques for local and residential streets was also collected for inclusion in the *Handbook*. Both in-state and out-of-state visits were made in order to record a broad spectrum of the types of techniques currently in use. Texas sites visited included Austin, San Antonio, College Station, Bryan, Carrollton, Plano, Garland, Arlington, and several towns in the Atlanta District in northeast Texas. Out-of-state visits included various sites within the states of California, Oregon, Washington, Georgia, Maryland, Virginia, and Wisconsin in addition to the Canadian cities of Toronto, Ontario, and Vancouver.

Handbook Development

The information obtained through the written surveys, telephone interviews, and on-site visits was summarized according to technique. Experiences for each technique include descriptions of the technique, characteristics of the technique, notes on its effectiveness or ineffectiveness, maintenance requirements, and advantages and disadvantages. Both successes and problems with various techniques are included in the discussions.

The *Handbook of Speed Management Techniques* (2) was developed as a user-friendly document to provide practitioners with a general overview of speed management techniques. The *Handbook* focuses on collector and arterial streets and also includes techniques used on local streets. The techniques are organized into four chapters: Roadway Design Techniques, Road Surface Techniques, Traffic Control Techniques, and Enforcement Techniques. All the techniques included in the *Handbook* are illustrated in Figure 1.

The Roadway Design Techniques chapter includes physical techniques designed to alter the driver's path. The Road Surface Techniques chapter discusses changing the roadway surface by adding vertical elements such as speed humps, by narrowing the roadway, or by drawing the driver's attention through the use of pavement markings. The Traffic Control Techniques chapter describes the use of traffic control devices such as signs and flashing beacons to reduce speeds or speed variation. The Enforcement Techniques chapter discusses enforcement techniques such as photo radar and speed trailers to remind drivers of the speed limit and of the speed at which they are traveling. Each chapter includes descriptions of the techniques, photographs of the techniques, experiences of agencies that have used the technique, and lessons that have been learned.

SPEED MANAGEMENT TECHNIQUES FOR ARTERIALS AND COLLECTORS

Survey respondents identified five techniques as those most frequently used on arterials and collectors: increased enforcement, flashing beacons, speed limit signing, radar trailers, and rumble strips. The use of these techniques is summarized on the following pages.

Increased Enforcement

Increased enforcement targets specific areas to effectively use public safety and/or police personnel to encourage reduce speeds. Enforcement usually involves the use of radar to identify speeders and the subsequent ticketing of the violators (see Figure 2). Increased enforcement may be handled on a citizen request basis, by a program of alternating locations for added enforcement, or by specific programs funded particularly for this purpose.

Studies have shown that appreciable speed reductions result from enforcement operations. However, speeds are usually reduced only as long as the enforcement is maintained. While speeds are reduced, the number of accidents is generally reduced and overall safety is improved.(3)

The city of Madison, Wisconsin, uses annual 402 Highway Safety Funds to provide increased enforcement through overtime hours for law enforcement officers. One officer uses a radar gun to monitor speeds and then calls ahead with license plate numbers



FIGURE 2 Law enforcement in Texas.

to approximately five other officers who are stationed downstream. Warning signs are installed in targeted areas to notify the public of the “Speed Wave.” The program started with the traffic engineering department and is now with the police department. The Speed Wave was originally used at higher-speed accident locations, with locations now also being determined by citizen requests during the year.

In Texas, the Speed Selective Traffic Enforcement Program (Speed STEP) is used to provide additional enforcement using funds from the Texas Highway Traffic Safety Program (Federal 402 funds). The project description is: “Selective traffic enforcement and information projects designed to bring motorists into compliance with all posted speed limits in order to reduce risk-taking behavior by motorists.” For fiscal year 1997, the city of College Station, Texas, received a \$15,000 grant which was used to target speeders on six roadways in College Station. Citizens were notified of the increased enforcement through articles in the local newspapers.

Flashing Beacons

Flashing beacons are typically used with warning signs and are intended to reduce vehicle speeds prior to an intersection, potential hazard, or unique condition (see example in Figure 3). They are generally used in advance of a downstream traffic control device or hazardous or unique condition. They are also used with school crossing signs to alert drivers that they are entering a school zone. Issues considered for beacon installation include: volume- and crash-based conditions, percentage of repeat users on the roadway, beacon type, placement on post (hardware mounting) and lateral placement, power requirements (for solar options), flash rate, and maintenance requirements.



FIGURE 3 Flashing beacon in Arlington, Texas.

The city of Arlington, Texas, installed flashing sign beacons to reduce vehicle speeds on a 72.5-km/h (45-mph) section of four-lane, divided arterial roadway in advance of an intersection on the crest of a curve. The city was concerned about sight distance for motorists on the minor approach of the intersection and motorists' ability to safely make left and right turns from a stopped position. The major street volume (uncontrolled) is approximately 20,000 vehicles per day, and the minor street volume is significantly less than required to warrant a traffic signal. The city's decision to install the flashing beacon was based on numerous complaints from residents traveling through the intersection on a daily basis. Once the beacons were installed, the agency experienced a significant decline in complaints and received positive feedback from residents.

Speed Limit Signs and Markings

Speed limit signs display the speed limit established by law or by regulation. Drivers generally travel at speeds which they consider reasonable, comfortable, convenient, and safe under the existing conditions, which may or may not be in compliance with the speed limit sign. Therefore, speed limits are most effective when established by an engineering study of the roadway section using the 85th percentile speed approach. Some procedures allow for consideration of horizontal and vertical alignment, sight distance, development, parking and pedestrian activity, and accident history. Speed limits may also be marked on the pavement to reinforce the posted speed limit (see Figure 4). Other horizontal pavement markings, such as arrows or specific words such as "Stop Ahead," may also be used to encourage speed reduction when cars are approaching another traffic control device or unique situation.

A change in a speed limit or the use of a larger sign may result in reduced traffic speeds when used in conjunction with regular enforcement. Officials at the Minnesota Department of Transportation report that larger speed limit signs [91.4 m by 121.9 m (36 in by 48 in)] are more effective when used along with increased enforcement and in locations where normal speed limit signs are being missed.

Researchers with the Insurance for Highway Safety conducted studies to determine if specially designed pavement markings were effective at reducing excessive



FIGURE 4 Speed limit sign and markings in Santa Barbara, California.

speeds on rural and suburban two-lane roadways with sharp horizontal curvatures. These pavement markings consisted of the word “Slow” and a left-curve arrow painted on the roadway. A marginal speed reduction of about 7 percent was attributable to the pavement markings (5).

Speed or Radar Trailers

Speed or radar trailers (also known as speed display boards or mobile radar trailers) are mobile roadside devices that use radar to measure the speed of approaching vehicles by recording and displaying the speed to passing drivers in an effort to decrease speed (see Figure 5). The portable units post the legal speed of the roadway and display the current speed of the approaching vehicle. Speed trailers have been used as an enforcement tool in some areas when police officers enforce the speeds; however, they are mainly used as a public relations measure to inform motorists of their speeds in the hope that the speeding motorists will voluntarily reduce their speed (6). Speed trailers are also used for automated enforcement in a few states, where speeds and license plate numbers are recorded by hidden cameras and citations are issued by the local law enforcement agency. Equipment to collect traffic volumes may also be used within the speed trailer.

A research study in Bryan, Texas, confirmed that speed trailers *are* effective in reducing speeds and the proportion of speeders on low-speed urban roadways for speeders downstream of the trailer. However, the same research study showed that speed trailers *do not* appear effective in reducing speeds and the proportion of speeders *after* the trailer is removed (6). A study in Riverside, California, demonstrated that speed trailers used with enforcement have a carryover effect both alongside and downstream of the device one week after its removal.

Speeds alongside the trailer were reduced by 10.6 km/h (6.6 mph) and speeds downstream of the trailer were reduced by 7 km/h (4.4 mph) one week after the trailer was removed. Other studies in Orange County and Santa Barbara, California, and in North Carolina have also demonstrated positive effects on vehicle speeds. The Santa Barbara study found that speeds were reduced by 10 percent alongside the device and by 7 percent downstream for a distance of up to 0.8 km/h (0.5 mi) (7).



FIGURE 5 Speed trailer in Bryan, Texas.

Rumble Strips

Rumble strips are pavement undulations placed across the driving lane, causing the vehicle to “rumble” or vibrate when crossing them (8). Rumble strips can be an effective attention-getting device where a particular situation exists that warrants alerting the approaching driver. They are generally used in advance of a downstream traffic control device or hazardous or unique condition. Rumble strips can be treatments on top of the pavement surface, including asphalt strips, patterned sections of rough pavement, traffic buttons or dots glued to the pavement, brick paving blocks, or layers of thermoplastic striping material. Rumble strips may also be installed by cutting grooves in the pavement. They have had some applications for speed control in residential areas, but the noise generated by vehicles crossing the strips tends to create more protests from residents than the speeding problems they were intended to solve. Advance warning signs are often installed upstream of rumble strips, and a sign indicating the purpose of the strip may be placed adjacent to it.

Rumble strips have been placed north of Houston, Texas, at a high-speed approach to an isolated signalized intersection. They have also been used in Atlanta, Lubbock, and Austin, Texas, at approaches to rural signalized intersections to alert motorists of the signal. Rumble strips are used on the approach to a roundabout in Taneytown, Maryland. They are also installed at a school crossing near Greenbelt, Maryland. The roadway is a six-lane facility, and the school is located across this roadway from a residential area. The rumble strips are placed at 2.7 m (9 ft) intervals in the first grouping and then at 1.5 m (5 ft) intervals approaching the pedestrian crosswalk. The strips are constructed of layers of yellow thermostatic striping material, and the word “School” is also painted on the pavement. In Catonsville, Maryland, rumble strips have been installed on both approaches to a high-accident horizontal curve in addition to warning signs and a hazardous indication beacon. The strips are constructed of thermoplastic material (see Figure 6).

Other Techniques

Other techniques that are appropriate for use on collectors and arterials are illustrated and described in Table 1.



FIGURE 6 Rumble strips in Maryland.

TABLE 1 Summary of Techniques for Collectors and Arterials (2)

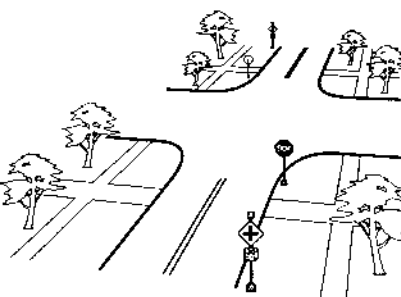
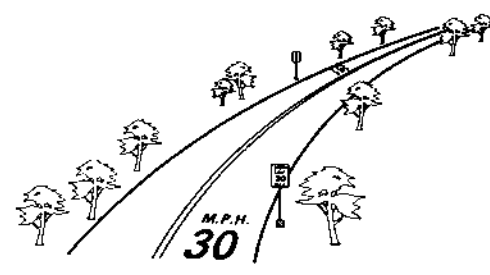
INCREASED ENFORCEMENT (CONVENTIONAL) increases the use of conventional enforcement to reduce speeds in target areas. Key Advantages • Reduces speed during enforcement period • Increases driver awareness of speeding • Makes response quick and effective Key Disadvantages • Requires regular long-term enforcement to gain long-term benefits • Is costly for law enforcement agencies	
FLASHING BEACONS are used to attract drivers' attention and to inform them of right-of-way conditions or potential roadway hazards.  Key Advantages • Are effective in drawing attention to hazards • May be a low-cost solution • Require low maintenance Key Disadvantages • Effect may diminish over time if there is a high number of repeat users • May become over used	
SPEED LIMIT SIGNS display the speed limit established by law or by regulation. PAVEMENT MARKINGS may be used to reinforce the message. Key Advantages • (Signs) are well recognized and understood • (Pavement markings) reinforce speed limits • (Both) are inexpensive to install • (Signs) can reduce speeds with regular enforcement Key Disadvantages • (Signs) have significant non-compliance rates • (Pavement markings) are not proven to be effective • (Pavement markings) may cause concern regarding conspicuity and legibility	

TABLE 1 (continued) Summary of Techniques for Collectors and Arterials (2)

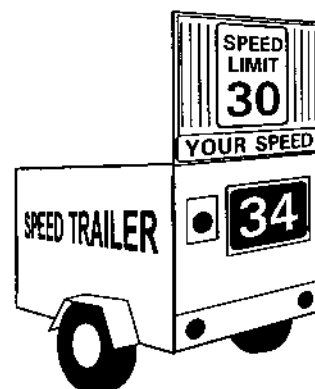
SPEED TRAILERS are mobile roadside devices that use a radar device to detect the speed of approaching vehicles. The devices display the speed limit and the speed of approaching vehicles.

Key Advantages

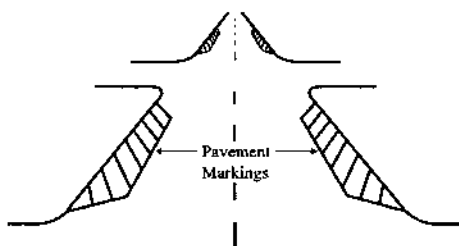
- Educate the public on posted and excessive speeds
- Are a good educational and public relations tool
- Are easily moved from one location to another

Key Disadvantages

- Do not appear effective in reducing speeds after the trailer is removed
- Have limited use unless combined with enforcement
- Have limited use on multi-lane roadways



ROADWAY NARROWING TECHNIQUES narrow the roadway for a continuous length using geometric features, pavement markings, or landscaping.



Key Advantages

- Provide continuous, visual channelization
- Can be inexpensive to install
- Can be quickly implemented

Key Disadvantages

- Require regular maintenance
- Increase cost of roadway resurfacing
- May be expensive to install, depending upon technique

AUTOMATED ENFORCEMENT uses a radar device, processing unit, and camera to record vehicle speeds and photograph those vehicles exceeding the speed limit.

Key Advantages

- Can detect and record information about a large number of speeders
- Can provide enforcement in areas where roadway geometry makes it difficult for police officers
- Targets speeders objectively

Key Disadvantages

- Allows impaired or unsafe drivers to remain on the road because no traffic stop is made
- May be a less effective learning tool than if the violator were stopped and given a citation immediately
- Doesn't allow an officer to give discretion for an emergency situation

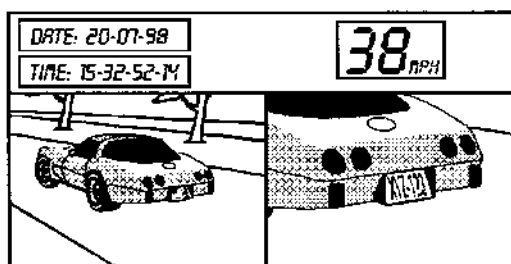


TABLE 1 (continued) Summary of Techniques for Collectors and Arterials (2)

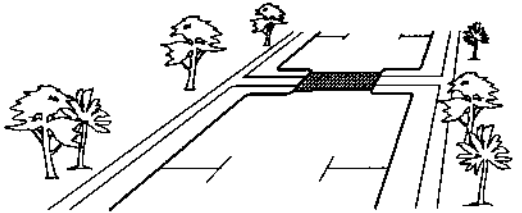
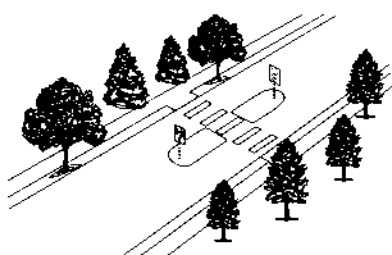
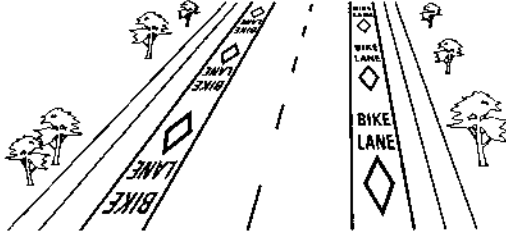
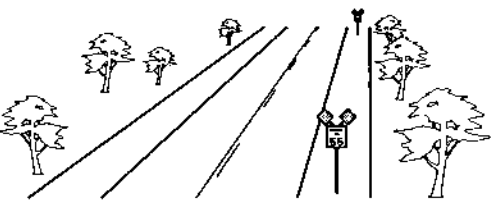
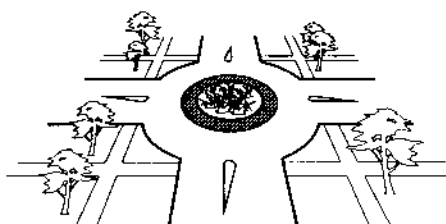
NECKDOWNS/CHOKERS are constrictions of the roadway that reduce the width of the traveled path. Key Advantages • Can shorten the crossing time for pedestrians • Can make pedestrian crossings more visible to drivers • Do not slow emergency vehicles • Can be used as a bus stop Key Disadvantages • May require some parking removal • May create potential crash obstacles • Make it difficult to accommodate full bicycle lanes • May impede trucks	
CENTRAL ISLAND NARROWING ISLANDS are used in the center of the roadway to provide refuge to pedestrians during the crossing maneuver.  Key Advantages • Create a refuge so pedestrians can cross half the street at a time • Make pedestrian crossings more visible to drivers Key Disadvantages • May give pedestrians a false sense of security • May create potential crash obstacles for drivers • May create problems for street-sweeping or snow-plowing efforts	
BICYCLE MOBILITY TECHNIQUES are used to accommodate bicyclists. They include shared lanes, bike lanes, bike paths, or bicycle routes. Key Advantages • Encourage non-motorist travel • Better define where bicyclists are expected Key Disadvantages • Could create additional conflicts between vehicles and bicycles	
UNIQUE TRAFFIC CONTROL SIGNS include regulatory, informational, warning, and guide signs. Such signs are typically designed for a unique situation believed to warrant special attention.  Key Advantages • May be successful in informing drivers of a unique situation Key Disadvantages • May not conform to standards in the MUTCD • Are not easily recognized	

TABLE 1 (continued) Summary of Techniques for Collectors and Arterials (2)

ROUNDBABOUTS are raised islands that create a circular one-way flow of traffic.

Key Advantages

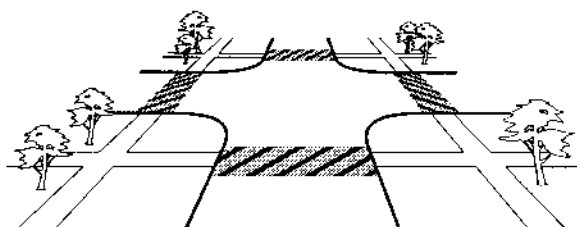
- Can noticeably reduce speeds
- Reduces the number of conflict points at the intersection
- Can increase capacity
- Provides an orderly and continuous flow of traffic
- Are effective at multi-leg intersections



Key Disadvantages

- May be restrictive for some larger emergency and service vehicles
- Require pedestrians and bicyclists to adjust to less traditional crossing patterns
- May have reduced aesthetic value due to safety signage

CROSSWALKS are portions of roadways designated for pedestrians to use in crossing the street. **HIGHER VISIBILITY CROSSWALKS** attract additional attention to pedestrian areas. **WIDER SIDEWALK AREAS** provide additional pedestrian space and streetscaping space off the roadway.



Key Advantages

- (Crosswalks) indicate the preferred crossing locations to pedestrians
- (Higher visibility crosswalks) provide more visibility to drivers than standard crosswalks
- (Wider sidewalks) provide additional space for pedestrians and street furniture
- (Wider sidewalks) can improve the aesthetics of the area

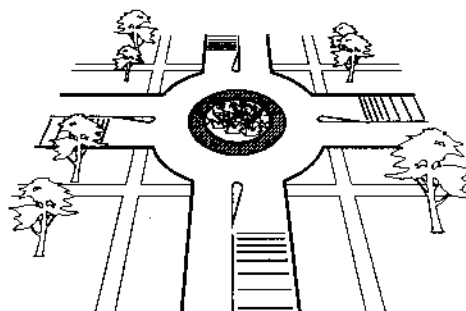
Key Disadvantages

- (Higher visibility crosswalks) may provide a false sense of security to pedestrians
- (Higher visibility crosswalks) require consideration of the effect of the materials on the vehicle tires
- Both may require increased construction and maintenance costs

INNOVATIVE PAVEMENT MARKINGS are used to give drivers the illusion that they are traveling faster than they really are.

Key Advantages

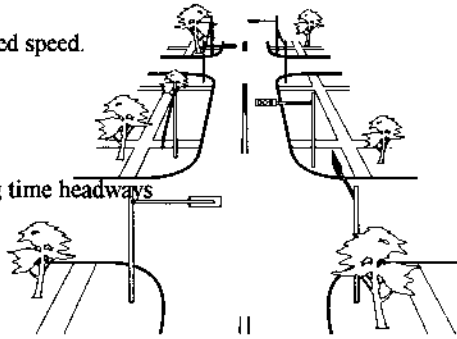
- May serve to reduce traffic speeds and crashes by warning or alerting drivers to an upcoming situation and by causing drivers to perceive that they are traveling too fast
- May give drivers a heightened sense of awareness in which they are better prepared to avoid a crash even if vehicle speeds are not reduced



Key Disadvantages

- Need more research to verify the use of these patterns
- Can be expensive to maintain the complex marking patterns

TABLE 1 (continued) Summary of Techniques for Collectors and Arterials (2)

CITIZEN SPEED WATCH PROGRAMS are public awareness programs involving residents, agency staff, and motorists. Key Advantages • Are an effective public relations and educational tool • Make neighbors feel that they are part of the solution for speed problems • Long-term effects are possible due to resident interaction Key Disadvantages • Are very labor intensive • Are not an enforcement tool	
SCHOOL SPEED ZONES use warning signs, crosswalks, pavement markings, and/or traffic signals to alert drivers of the school zone and to inform them of the beginning and ending of the reduced speed area.   Key Advantages • Alert drivers of possible pedestrian presence • Use uniform colors and symbols for easy recognition • Reduce speed limits for specified hours only Key Disadvantages • Can be costly to implement flashing signs • Can be costly to enforce • May cause confusion if non-uniform devices or enforcement procedures are used	
TRAFFIC SIGNAL COORDINATION allows a platoon of vehicles to progress through a series of intersections at a specified speed. Key Advantages • Can reduce the number of stops and reduce delay • Can encourage a preferred speed • Can send vehicles through intersections in platoons, reducing time headways • Can conserve fuel and minimize air pollution Key Disadvantages • May be difficult to include all intersections within a corridor • May be difficult to optimize both directions	
WARNING SIGNS are used to warn drivers of existing or potentially hazardous conditions on or adjacent to a highway or street.  Key Advantages • Are easily recognizable • Alert drivers of approaching hazards or unique conditions • Can be supplemented with advisory speed plates or flashing beacons to provide drivers with additional guidance Key Disadvantages • Can cause disrespect for signs if used unnecessarily • Can increase roadside clutter	

SUMMARY

A Texas Department of Transportation project identified speed management techniques that are used throughout the country, providing one of the first comprehensive documentations of speed management on arterials and collectors. These techniques are documented in the *Handbook of Speed Management Techniques*, which also provides additional information about techniques on residential streets. The *Handbook* includes descriptions of the techniques, photographs of the techniques in use, experiences of agencies that have used the techniques, and lessons that have been learned. The most frequently used techniques for collectors and arterials include increased enforcement, flashing beacons, speed limit signs and markings, speed or radar trailers, and rumble strips.

ACKNOWLEDGMENTS

The material for this paper is from a study funded by the Texas Department of Transportation (TxDOT). Any opinions, findings, conclusions, or recommendations expressed in the paper are those of the authors and do not necessarily reflect the views of TxDOT.

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