

**VARIANCE(S):**

**V-2017-001**

**CITY OF SUWANEE  
VARIANCE ANALYSIS**

CASE NUMBER: **V-2017-001**

REQUEST: STREAM BUFFER ELIMINATION

APPLICABLE SECTION: SECTION 4.1 OF THE STREAM BUFFER PROTECTION ORDINANCE  
SECTION 34-209 OF THE SOIL EROSION, SEDIMENTATION AND POLLUTION CONTROL ORDINANCE

LOCATION: SOUTHEASTERN CORNER OF BUFORD HIGHWAY AND CHICAGO STREET

PARCEL(S): 7-236-002, 003, 004, 204, 430

ZONING: PMUD (PLANNED MIXED USE DISTRICT)

APPLICANT: TERWILLIGER PAPPAS  
3565 PIEDMONT ROAD  
ATLANTA, GA 30305

OWNERS: CITY OF SUWANEE  
330 TOWN CENTER AVENUE  
SUWANEE, GA 30024  
CITY OF SUWANEE DDA  
330 TOWN CENTER AVENUE  
SUWANEE, GA 30024  
MYRON BAYNES  
3200 SUWANEE CREEK ROAD  
SUWANEE, GA 30024  
DONALD JOHNSA  
450 BUFORD HIGHWAY  
SUWANEE, GA 30024

CONTACT: GREG POWER  
CONTACT PHONE: 404-500-5766

STAFF RECOMMENDATION: **APPROVAL WITH CONDITIONS**

## ANALYSIS:

The applicant, Terwilliger Pappas, seeks a variance from Section 4.1 of the City of Suwanee Stream Buffer Protection Ordinance and Section 34-209 of the Soil Erosion, Sedimentation and Pollution Control Ordinance to allow for development within required undisturbed stream buffers associated with a mixed-use project that includes up to 240 multi-family units, 12,000 square feet of commercial space, and 71 townhomes.

The project would be built on an assemblage of 6 tracts of land at the intersection of Buford Highway and Chicago Street, although only 5 of the tracts are impacted by the stream buffer requirements. The total site is approximately 25 acres, although much of this includes future development. The 5 affected tracts total approximately 12.4 acres. A portion of the assemblage is encumbered by two unnamed tributaries of Suwanee Creek. Disturbance of these streams and the associated buffers require a variance from the stream buffer requirements for the portions of these streams shown in "Exhibit A."

The City of Suwanee Stream Buffer Protection Ordinance requires a 50-foot wide undisturbed buffer (Section 4.1.1) supplemented by an additional 25-foot wide buffer (Section 4.1.2) that may be graded but cannot include any impervious cover (examples of impervious cover include buildings, parking lots, driveways, etc.). The Soil Erosion, Sedimentation and Pollution Control Ordinance requires a 25-foot wide stream buffer adjacent to all streams (Sec. 34-209).

The subject property is zoned PMUD (Planned Mixed-Use District) and is located one block south of Town Center along Buford Highway. The applicant is proposing to develop an intensive mixed-use project including a parking deck as an extension of Town Center. To the west across Buford Highway is the Shoppes at Olde Towne, a multi-tenant retail/office building. To the north of the subject property is Town Center. To the south and east is lightly developed single family residential property zoned R-140 (Single Family Residential District).

The topography on the subject property drastically slopes away from Buford Highway. Development of the site will require a significant amount of fill to accomplish the City's goal to have the buildings sit close to the street and create a pedestrian friendly environment along Buford Highway as expressed in the Downtown Suwanee Master Plan. The Downtown Suwanee Master Plan calls for more intensive development with buildings located directly adjacent to roads. This style of development in northeast Georgia is generally not compatible with the maintenance of stream buffers. Often streams and buffers will need to be eliminated and piped in order to accommodate this more "downtown" style of development.

Filling the site will require regrading along the edges of the property to meet existing grade on adjacent property. One of the impacted streams (stream 3) is at the edge of the property where this grading transition would need to be done. Approximately, 251 linear feet and 7,980 square feet of stream and buffer are impacted at this location. The second stream (stream 1) is located within the area that would need to be filled to create buildings level with Buford Highway and Chicago Street. Approximately 519 linear feet and 21,910 square feet of stream and buffer are impacted at this location.

As required, the applicant has applied for a variance from the State EPD (Environmental Protection Division of the Department of Natural Resources) in order to encroach on the 25-foot undisturbed buffers. The State will also be reviewing the request and determining if any additional mitigation is required. The state's decision to approve or deny a buffer variance is independent of the City's decision to approve or deny a stream buffer variance. The applicant has also applied for permits with the Army Corp of Engineers for permission to fill in these streams. The applicant will need approvals from both of these entities and the City in order to have permission to impact the streams as proposed.

In addition to meeting the requirements of these other regulatory agencies, the subject property will still need to meet the City's storm water requirements. The subject property will need to demonstrate through a hydrology study that the quantity and quality of storm water coming off the site will meet City requirements. This study will be prepared by a professional engineer and reviewed by the City's consulting engineer, also a professional engineer, prior to issuance of development permit for the property.

The City's Stream Buffer Ordinance and Soil Erosion, Sedimentation and Pollution Control Ordinance grant the Zoning Board of Appeals the authority to grant variances. In this case, the grading is essential to meet the goals of the City.

In conclusion, the subject properties are impacted severely by topography and the existence of the streams. The location of the subject tributaries impedes the style and intensity of development called for by the City's plans on the subject property. Finally the subject tributaries natural function of carrying runoff from the site to Suwanee Creek will no longer be necessary with the proposed development. The site would be regraded and stormwater would be handled on-site by a master storm water detention facility; therefore, the proposed buffer reductions should not have a negative impact down stream. Staff recommends **APPROVAL WITH CONDITIONS** of V-2017-001.

Recommended Conditions

**V-2017-001**

The Planning Department recommends approval of the requested variance to allow for a reduction/elimination of stream buffers subject to the following conditions:

1. Comply with any conditions of approval associated with approvals from the state Environmental Protection Division and the United States Army Corp of Engineers, as applicable.
2. The limits of disturbance within streams and required stream buffers shall be generally consistent with the areas indicated in "Exhibit A."

## Standards for Consideration

**Pursuant to Section 2009A of the City of Suwanee Zoning Ordinance, the City finds the following standards are relevant in considering all applications for a Variance.**

**A. Will approval of the variances unreasonably increase the congestion in public streets?**

Approval of the variances would not increase the congestion in public streets.

**B. Will approval increase the danger of fire or endanger public safety?**

Approval of the variances would not increase the danger of fire or endanger public safety.

**C. Will approval unreasonably diminish or impair established property values within the surrounding area?**

Approval of the variances would not unreasonably diminish or impair property values within the surrounding area.

**D. Will approval in any other aspect impair the public health, safety, comfort, morals or welfare of the inhabitants of the City?**

Approval of the variance would not impair the public health, safety, comfort, morals or welfare of the inhabitants of the City.



February 20, 2017

Mr. Daniel Robinson  
City Planner  
City of Suwanee  
330 Suwanee Town Center  
Suwanee, Georgia 30024

**RE: *City of Suwanee Stream Buffer Variance Application  
Solis – Mixed Use Development Project  
City of Suwanee, Gwinnett County, Georgia***

Dear Mr. Robinson:

On behalf of our client, Terwilliger Pappas, please find the enclosed application for a 50-foot 'undisturbed' and 75-foot 'no-impervious' City of Suwanee stream buffer encroachment on designated buffered waters of the City for your review and approval. The project will take place on an approximately 11.5-acre site and will include a mixed-use development zoned PMUD-M1 that will supplement the expansion of the Suwanee Town Center.

The proposed project will result in permanent impacts of 29,890 square feet of City regulated stream buffer (13,170 SF of 50-foot buffer and 16,720 SF of 75-foot buffer). Permanent impacts to the buffer of Stream 1 and Stream 3 will require coordination with the City through its stream buffer variance process. Impacts situated within the 25-foot buffer of these streams are currently being reviewed by the Georgia Environmental Protection Division (GAEPD) through the State's stream buffer variance process.

The attached supporting documentation includes the City's Variance Application Documents, supporting figures, project site photos, and supporting mitigation documents.

By way of this correspondence, and in accordance with Section 4.1 of the City of Suwanee Stream Buffer Protection Ordinance and Section 34-209 of the Soil Erosion, Sedimentation, and Pollution Control Ordinance, we request your review and authorization of this buffer variance application. Please do not hesitate to contact me at your convenience if you have any questions.

Respectfully,

**KIMLEY-HORN AND ASSOCIATES, INC.**

Marcus Rubenstein, CPESC  
Senior Project Manager

**GRADING & DRAINAGE NOTES:**

1. UNLESS OTHERWISE NOTED, ALL DIMENSIONS SHALL BE TO FACE UNLESS OTHERWISE NOTED.
2. CONTRACTOR SHALL VERIFY ALL DIMENSIONS AND CONDITIONS ON THE FIELD BEFORE BEGINNING CONSTRUCTION. CONTRACTOR SHALL VERIFY ALL DIMENSIONS AND CONDITIONS ON THE FIELD BEFORE BEGINNING CONSTRUCTION.
3. ALL DIMENSIONS SHALL BE TO FACE UNLESS OTHERWISE NOTED.
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9. ALL DIMENSIONS SHALL BE TO FACE UNLESS OTHERWISE NOTED.
10. ALL DIMENSIONS SHALL BE TO FACE UNLESS OTHERWISE NOTED.

**GRADING & DRAINAGE LEGEND:**

EXISTING MAJOR CONTOUR  
 EXISTING MINOR CONTOUR  
 PROPOSED MAJOR CONTOUR  
 PROPOSED MINOR CONTOUR  
 PROPOSED STORM PUMP  
 PROPOSED STORM PUMP  
 PROPOSED STORM PUMP  
 PROPOSED STORM PUMP

**CITY OF SWANEE NOTES:**

THIS PLAN IS SUBMITTED TO THE CITY OF SWANEE FOR REVIEW AND APPROVAL. THE CITY ENGINEER'S REVIEW IS LIMITED TO THE TECHNICAL ASPECTS OF THE PLAN AND DOES NOT CONSTITUTE A GUARANTEE OF THE ACCURACY OR COMPLETENESS OF THE INFORMATION PROVIDED. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS FROM THE CITY OF SWANEE AND ANY OTHER AGENCIES. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS FROM THE CITY OF SWANEE AND ANY OTHER AGENCIES.

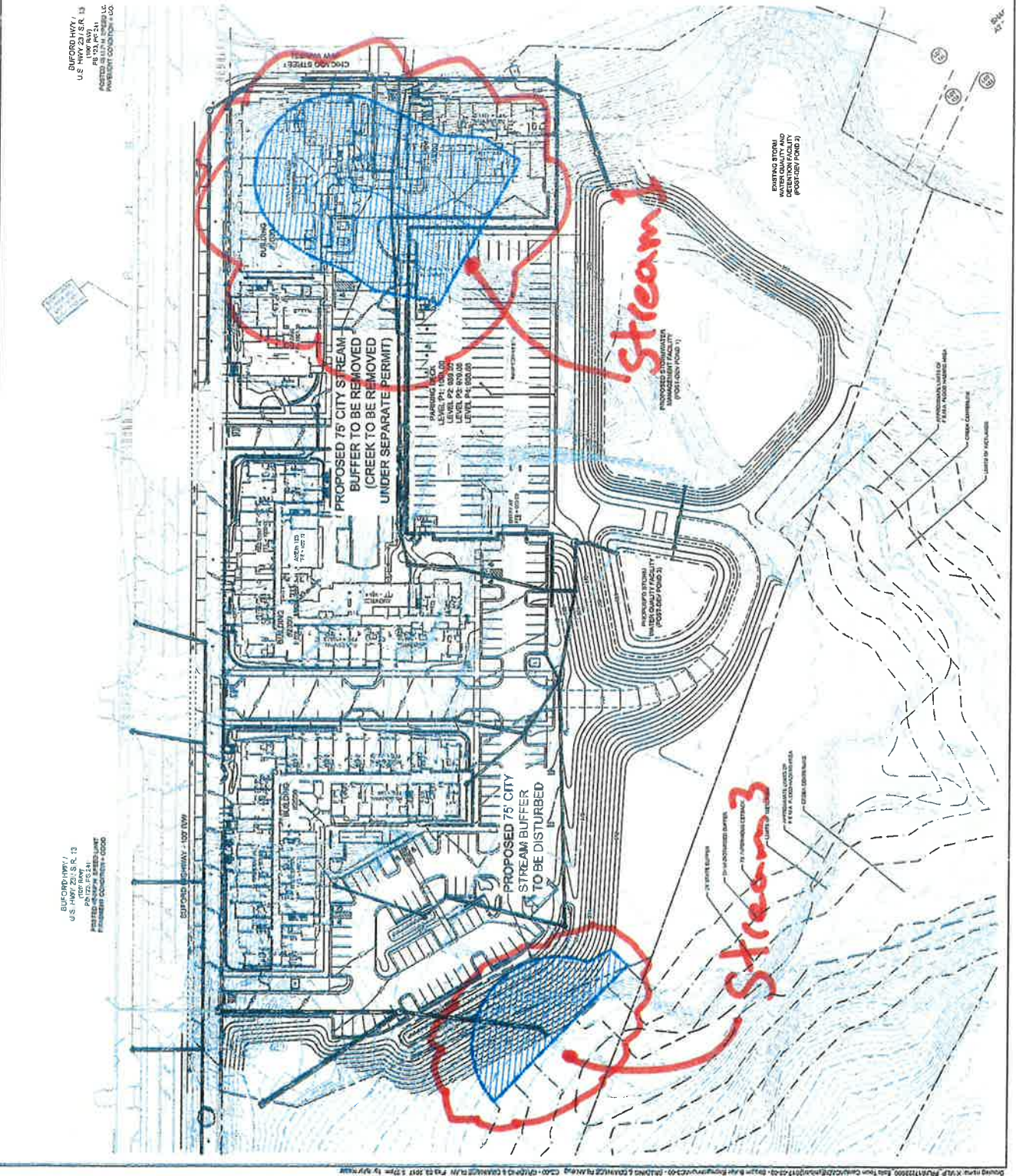
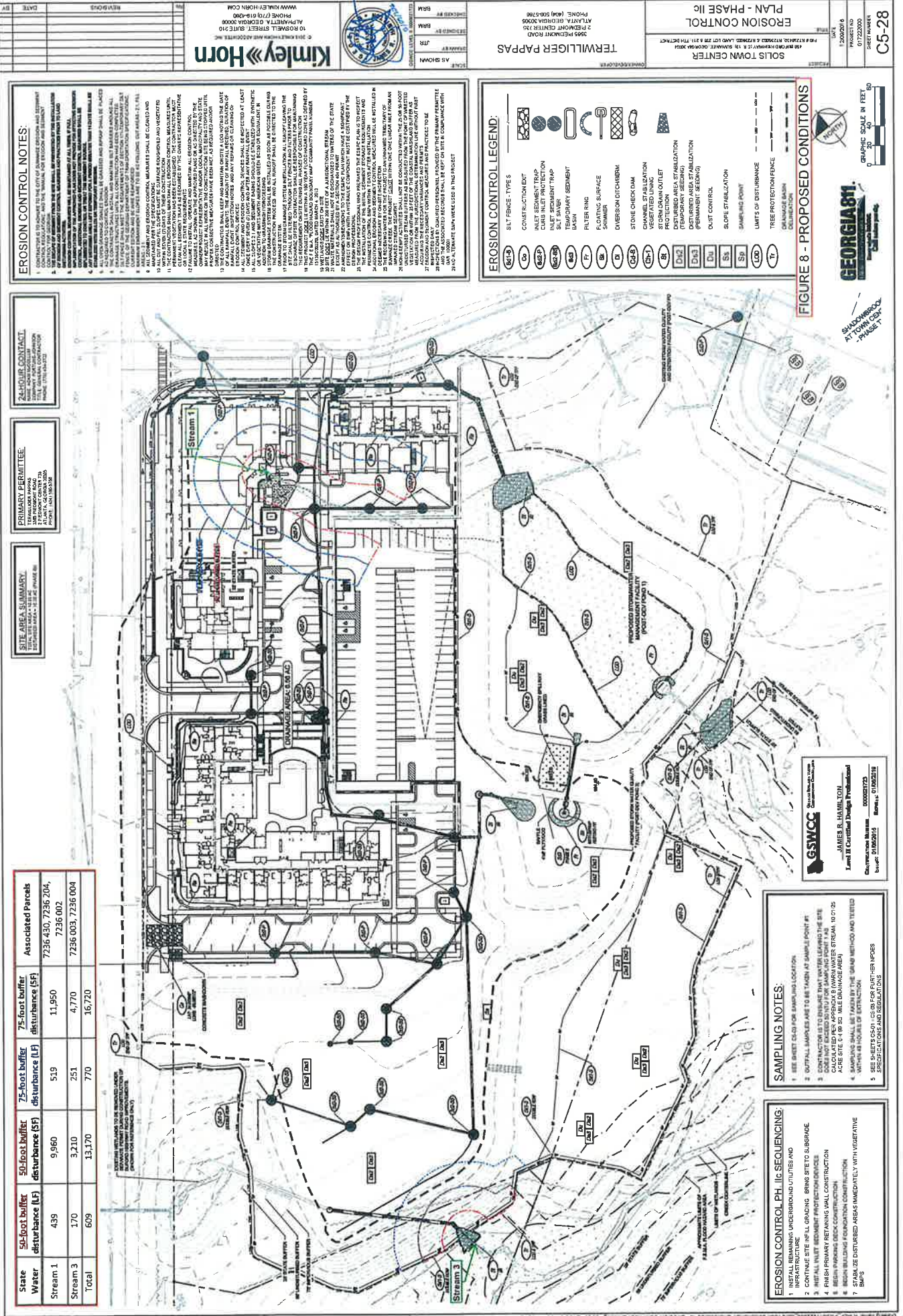


Exhibit A

U-2017-001





State Water	50-foot buffer disturbance (LF)	50-foot buffer disturbance (SF)	75-foot buffer disturbance (LF)	75-foot buffer disturbance (SF)	Associated Parcels
Stream 1	439	9,980	519	11,950	7236 430, 7236 204, 7236 002
Stream 3	170	3,210	251	4,770	7236 003, 7236 004
<b>Total</b>	<b>609</b>	<b>13,170</b>	<b>770</b>	<b>16,720</b>	

**EROSION CONTROL PH. IIC SEQUENCING:**

1. INSTALL BARRIERS AROUND UTILITY AND INFRASTRUCTURE
2. CONTINUE SITE INFIL GRADING BRING SITE TO SUBGRADE
3. INITIAL INLET SEDIMENT PROTECTION DEVICES
4. FINISH PRIMARY RETAINING WALL CONSTRUCTION
5. BEGIN FINISHING, RECONSTRUCTION AND/OR GRADING, RECONSTRUCTION CONSTRUCTION
6. STABILIZE DISTURBED AREAS IMMEDIATELY WITH VEGETATIVE BMPs

**SAMPLING NOTES:**

1. SEE SHEET C5-01 FOR SAMPLING LOCATION
2. OUTPUT SAMPLES ARE TO BE TAKEN AT SAMPLE POINT A
3. CONTRACTOR IS TO ENSURE THAT WATER LEAVING THE SITE IS CALLED PER APPROX. 0.8 MGD WATERS STREAM, 10 0' x 25' ACRE SITE 0.4 88 53 MILE DRAINAGE AREA
4. SAMPLING SHALL BE TAKEN BY THE USNM METHOD AND TESTED WITHIN 48 HOURS OF EXTENSION
5. SEE SHEETS C5-01 - C5-08 FOR FURTHER NOTES SPECIFICATIONS AND REGULATIONS

**GSWCC** Georgia Storm Water Control Center  
 JAMES R. HAMILTON  
 Level III Certified Design Professional  
 Registration Number: 000001723  
 Date: 01/06/2016

**FIGURE 8 - PROPOSED CONDITIONS**  
 GRAPHIC SCALE IN FEET  
 0 20 40 80

- EROSION CONTROL LEGEND:**
- 81/3 SILT FENCE - TYPES
  - 82/3 CONSTRUCTION EXIT
  - 83/3 CURB INLET PROTECTION
  - 84/3 INLET SEDIMENT TRAP
  - 85/3 SILT SAVER
  - 86/3 SPARTY SEDIMENT BASIN
  - 87/3 FILTER RING
  - 88/3 COATING SURFACE SKIMMER
  - 89/3 OVERFLOW DITCH/DAM
  - 90/3 STONE CHECK DAM
  - 91/3 CHANNEL STABILIZATION
  - 92/3 STORM DRAIN OUTLET PROTECTION
  - 93/3 VEGETATION PROTECTION (PERMANENT SEEDING)
  - 94/3 DISTURBED AREA STABILIZATION (PERMANENT SEEDING)
  - 95/3 DUST CONTROL
  - 96/3 SLOPE STABILIZATION
  - 97/3 SAMPLING POINT
  - 98/3 LIMITS OF DISTURBANCE
  - 99/3 TREE PROTECTION FENCE
  - 100/3 CHANNELIZE BASIN

**EROSION CONTROL NOTES:**

1. CONTRACTOR TO OBTAIN THE CITY OF ATLANTA EROSION AND SEDIMENT CONTROL PERMIT AND THE NECESSARY EROSION AND SEDIMENT CONTROL PLAN FROM THE CITY OF ATLANTA PERMITS DEPARTMENT.
2. ALL EROSION CONTROL MEASURES SHALL BE INSTALLED AND MAINTAINED THROUGHOUT THE CONSTRUCTION PERIOD.
3. ALL EROSION CONTROL MEASURES SHALL BE MAINTAINED AT ALL TIMES.
4. ALL EROSION CONTROL MEASURES SHALL BE INSTALLED AND MAINTAINED THROUGHOUT THE CONSTRUCTION PERIOD.
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30. ALL EROSION CONTROL MEASURES SHALL BE INSTALLED AND MAINTAINED THROUGHOUT THE CONSTRUCTION PERIOD.

**OWNER CONTACT:**  
 JAMES R. HAMILTON  
 PROJECT MANAGER  
 1111 SOUTH WASHINGTON AVENUE  
 ATLANTA, GEORGIA 30309  
 PHONE: (770) 491-1234

**PRIMARY PERMITTEE:**  
 JAMES R. HAMILTON  
 PROJECT MANAGER  
 1111 SOUTH WASHINGTON AVENUE  
 ATLANTA, GEORGIA 30309  
 PHONE: (770) 491-1234

**SITE AREA SUMMARY:**  
 TOTAL SITE AREA: 10.5 ACRES  
 DISTURBED AREA: 1.2 ACRES  
 UNDISTURBED AREA: 9.3 ACRES

**TERWILLIGER PAPPAS**  
 3505 PIEDMONT ROAD  
 ATLANTA, GEORGIA 30345  
 PHONE: (404) 506-5700  
 FAX: (404) 506-5701  
 WWW.TERWILLIGER.COM

**Kimley-Horn**  
 401 KIMLEY-HORN AVENUE, SUITE 200  
 ALPHARETTA, GEORGIA 30009  
 PHONE: (770) 618-2900  
 WWW.KIMLEY-HORN.COM

AS SHOWN  
 CHECKED BY: JTR  
 DRAWN BY: JTR  
 DATE: 01/06/2016

PLAN - PHASE IIC  
 SOLIS TOWN CENTER  
 10000 JAMES R. HAMILTON AVENUE, SUITE 1000  
 ATLANTA, GEORGIA 30339

SHEET NUMBER: C5-28  
 PROJECT NO: 017220003  
 DATE: 12/06/2016

Exhibit C

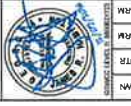
C5-30

PROJECT NUMBER  
017122000

DATE  
12/20/2018

EROSION CONTROL  
PLAN - PHASE III

TERWILLIGER PAPPAS  
3055 FREDRICK ROAD  
ALPHARETTA, GEORGIA 30005  
PHONE: (404) 500-5700



Kimley-Horn  
10 ROSSLEY STREET, SUITE 210  
ALPHARETTA, GEORGIA 30009  
PHONE: (770) 918-2900  
WWW.KIMLEY-HORN.COM

NO.	REVISIONS	DATE

**EROSION CONTROL NOTES:**

- CONTRACTOR TO OBTAIN THE CITY OF ATLANTA EROSION CONTROL PERMIT AND EROSION CONTROL PLAN APPROVAL FROM THE CITY OF ATLANTA DEPARTMENT OF PUBLIC WORKS AND STREETS AND THE NATIONAL FIRE PROTECTION ASSOCIATION (NFPA) BEFORE COMMENCING CONSTRUCTION.
- CONTRACTOR SHALL MAINTAIN ALL EXISTING AND PROPOSED EROSION CONTROL MEASURES THROUGHOUT THE CONSTRUCTION PERIOD AND SHALL MAINTAIN THEM UNTIL THE PROJECT IS COMPLETE AND ALL EROSION CONTROL MEASURES HAVE BEEN REMOVED.
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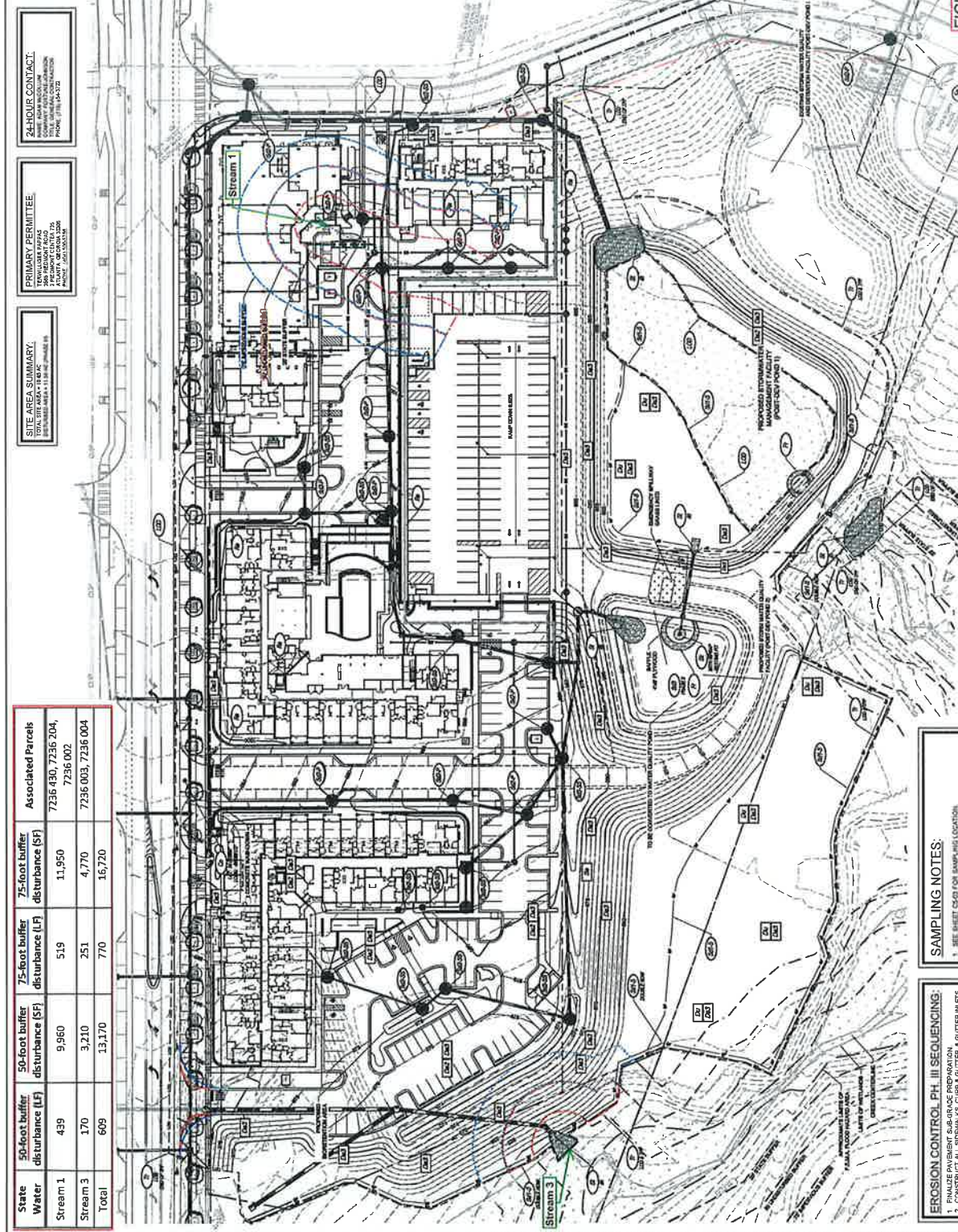
**EROSION CONTROL LEGEND:**

- SIT FENCE - TYPE A
- INLET SEDIMENT TRAP
- CURB INLET PROTECTION
- VEGETATED SWALE
- SILT SAVER
- TEMPORARY SEDIMENT BASIN
- FILTER RING
- FLOATING SURFACE SUMMER
- OVERSALDITCHES
- STONE CHECK DAM
- CHANNEL STABILIZATION
- VEGETATED LINING
- SCOUR PROTECTION
- SCOUR PROTECTION (TEMPORARY SEEDING)
- SCOUR PROTECTION (PERMANENT SEEDING)
- DUST CONTROL
- SLOPE STABILIZATION
- SAMPLING POINT
- LIMITS OF DISTURBANCE
- TREE PROTECTION FENCE
- DRAINAGE BASIN DELINEATION

**FIGURE 8 - PROPOSED CONDITIONS**

GRAPHIC SCALE IN FEET  
0 30 60 90

NORTH



State Water	50-foot buffer disturbance (LF)	50-foot buffer disturbance (SF)	75-foot buffer disturbance (LF)	75-foot buffer disturbance (SF)	Associated Parcels
Stream 1	439	9,960	519	11,950	7236 430, 7236 204, 7236 002
Stream 3	170	3,210	251	4,770	7236 003, 7236 004
Total	609	13,170	770	16,720	

**24-HOUR CONTACT:**  
TERRY HAMILTON  
PHONE: (404) 500-5700  
CELL: (404) 500-5700

**PRIMARY PERMITTEE:**  
TERWILLIGER PAPPAS  
3055 FREDRICK ROAD  
ALPHARETTA, GEORGIA 30005  
PHONE: (404) 500-5700

**SITE AREA SUMMARY:**  
TOTAL SITE AREA: 18.8 AC  
DISTURBED AREA: 11.8 AC (PHASE III)

**GSWC**  
Geotechnical Services  
JAMES E. HAMILTON  
Level III Certified Design Professional  
Geotechnical Engineer  
Project: 01/06/2018  
Stamp #: 01/06/2018

**SAMPLING NOTES:**

- SEE SHEET C-2 FOR SAMPLING LOCATION.
- INITIAL SAMPLES ARE TO BE TAKEN AT SAMPLING POINT #1.
- CONTRACTOR IS TO ENSURE THAT WATER LEAVING THE SITE IS CLEAN AND FREE OF DEBRIS AND TO BE COLLECTED PER APPENDIX B (PARALLEL WATER STREAM, 10 FT x 25 FT) AND STORED IN A 50 GALLON DRUM.
- SAMPLING SHALL BE TAKEN BY THE GRAB METHOD AND TESTED WITHIN 48 HOURS OF COLLECTION.
- RESULTS TO BE SUBMITTED TO THE CITY OF ATLANTA.

**EROSION CONTROL PH III SEQUENCING:**

- FINALIZE PAVEMENT SUB-GRADE PREPARATION.
- INSTALL BASE COURSE REQUIRED FOR PAVEMENT. REMOVE INLET PROTECTION TEMPORARILY AS BASE COURSE IS BEING LAYED.
- INSTALL ASPHALT BINDER. REMOVE TEMPORARY CONSTRUCTION EROSION CONTROL MEASURES AND RE-INSTALL PERMANENT EROSION CONTROL MEASURES.
- INSPECT AND CLEAN STORM DRAINAGE SYSTEM.
- UPON COMPLETION OF THE PROJECT AND RECEPT OF THE PERMIT, REMOVE ALL TEMPORARY EROSION CONTROL MEASURES AND DISPOSE OF THEM UNLESS NOTES OTHERWISE ON PLAN.

V-2017-001

FIGURE 8: BUFFER ENCROACHMENT BY PARCEL

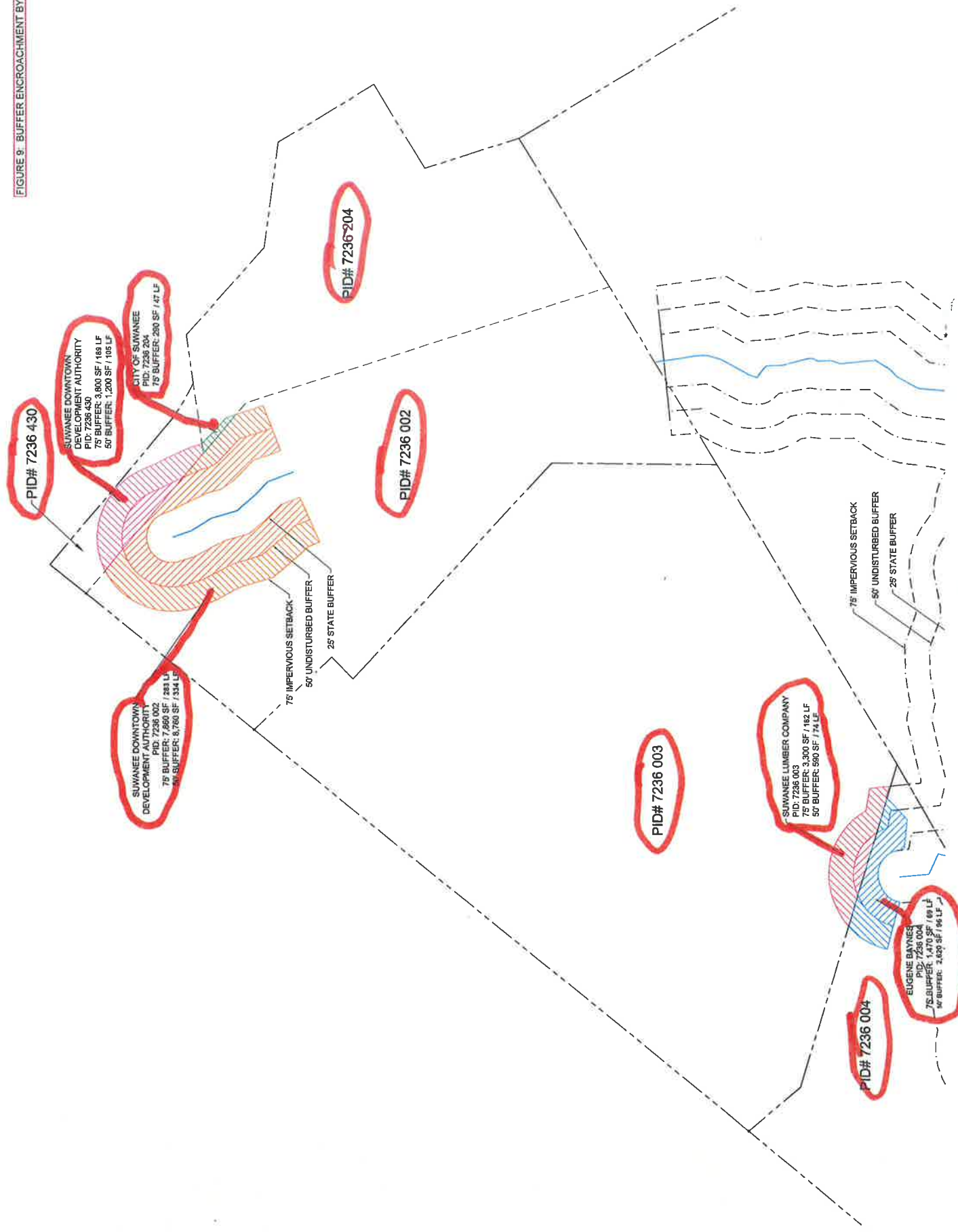


Exhibit D



# EXHIBIT E V-2017-001

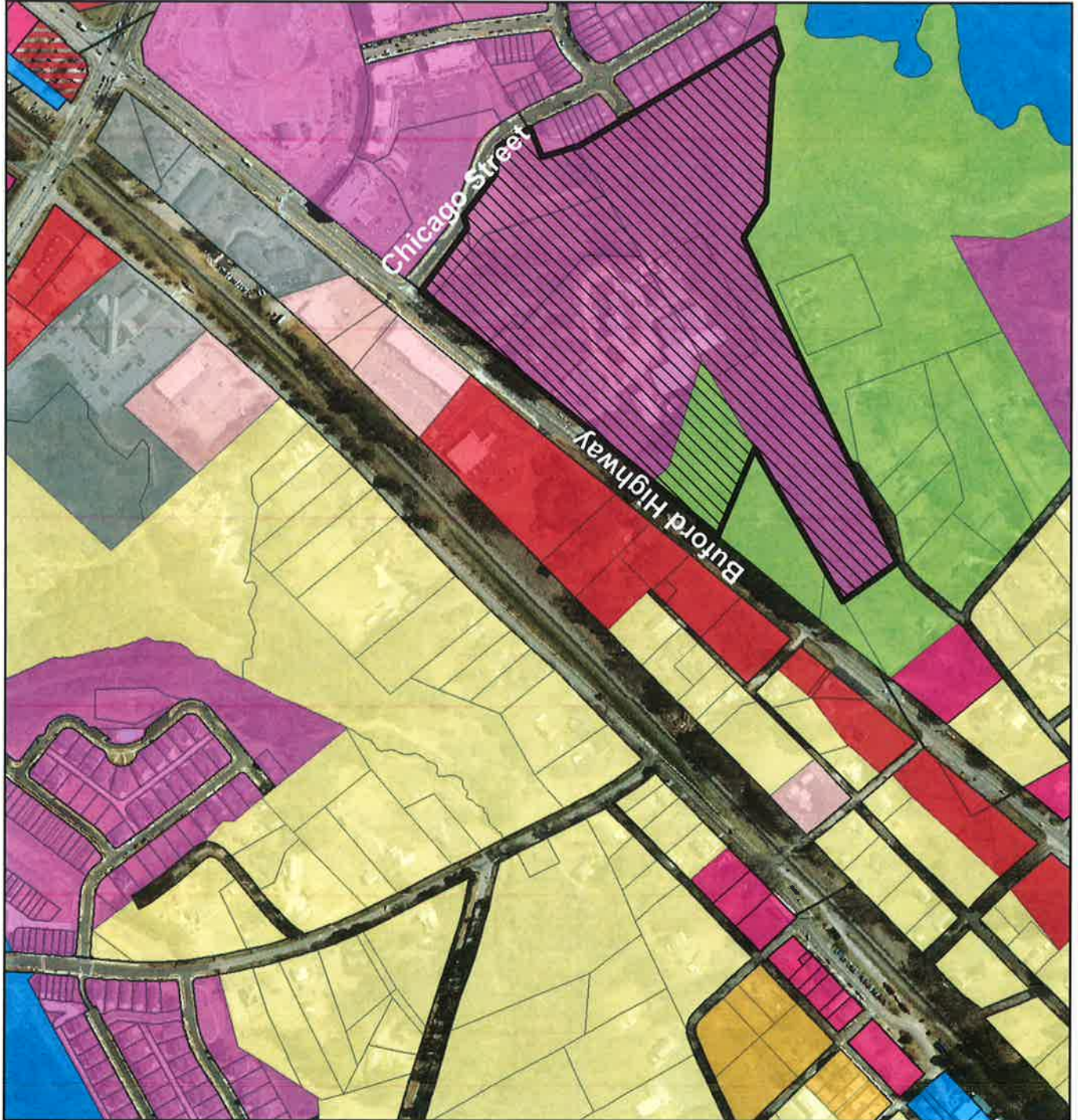
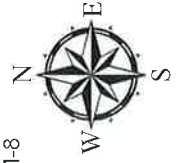
## Legend



V-2017-001

## ZONING

- OTCD
- C-1
- C-2
- C-2A
- C-3
- M-1
- O-1
- PMUD
- GCA
- R-140
- R-100
- R-85
- R-75
- IRD
- RM-6
- RM-8





# EXHIBIT F V-2017-001

Aerial Map

## Legend

