

## REZONING APPLICATION

AN APPLICATION TO AMEND THE OFFICIAL ZONING MAP OF GWINNETT COUNTY, GEORGIA

APPLICANT INFORMATION	OWNER INFORMATION
NAME: <u>VDC Development Group, LLC</u> <u>c/o Alliance Engineering and Planning</u>	NAME: <u>VDC Development Group, LLC</u>
ADDRESS: <u>6095 Atlanta Hwy, Suite 100</u>	ADDRESS: <u>6122 Brookside Lane</u>
CITY: <u>Flowery Branch</u>	CITY: <u>Hoschton</u>
STATE: <u>GA</u> ZIP: <u>30542</u>	STATE: <u>GA</u> ZIP: <u>30548</u>
PHONE: <u>770-614-6511</u>	PHONE: _____
CONTACT PERSON: <u>MITCH PEEVY</u> PHONE: <u>(770) 614-6511</u> EMAIL ADDRESS: <u>Mitchpeevy@gmail.com</u>	

\*Include any person having a property interest and any person having a financial interest in any business entity having property interest (use additional sheets if necessary).

APPLICANT IS THE:	
<u>      </u> OWNERS AGENT <u>  X  </u> PROPERTY OWNER <u>      </u> CONTRACT PURCHASER	
PRESENT ZONING DISTRICT (S): <u>RA-200</u> REQUESTED ZONING DISTRICT: <u>O &amp; I with</u> <u>SUP for Senior Housing &amp; w/Height Increase</u>	
LAND DISTRICT (S): <u>      3      </u> LAND LOT: <u>006</u> ACREAGE: <u>      6.610      </u>	
ADDRESS OF PROPERTY: <u>Thompson Mill Road</u>	
PROPOSED DEVELOPMENT: <u>Senior Housing</u>	
<b>RESIDENTIAL DEVELOPMENT:</b> NO. OF LOTS/DWELLING UNITS: <u>      </u> DWELLING UNIT SIZE (SQ. FT.): <u>      </u> GROSS DENSITY: <u>      </u> NET DENSITY: <u>      </u>	<b>NON-RESIDENTIAL DEVELOPMENT:</b> NO. OF BUILDINGS/UNITS: <u>      6      </u> TOTAL GROSS SQUARE FEET: <u>233,550</u> <u>Each building is 10,371 sq ft per floor</u> DENSITY: <u>35,332.8 sq. ft. per acre</u> <b>RECEIVED BY</b> <b>PLANNING &amp; DEVELOPMENT</b>

PLEASE ATTACH A LETTER OF INTENT EXPLAINING WHAT IS PROPOSED  
OCTOBER 2, 2020  
RZC2020-00028

Legal Description – TAX ID: 3006 009A

A parcel of land situated in Land Lot 6 of the 3<sup>rd</sup> District of Gwinnett County, Georgia and being more particularly described as follows:

Commence at a found capped rebar marking the easterly most corner of the property described in Plat Book 145, Page 230 in the Gwinnett County Clerk of Courts Office; thence run South 67 Degrees 32 Minutes 59 Seconds West for a distance of 695.57 feet to a point located on the northerly right-of-way of Thompson Mill Road (80' right-of-way) and said point lying on a tangent curve to the right, said curve having a radius of 1,910.00 feet, a central angle of 01 Degrees 17 Minutes 19 Seconds, a chord bearing of South 78 Degrees 41 Minutes 10 Seconds West and a chord length of 42.96 feet, said point being the POINT OF BEGINNING of the parcel herein described; thence run along the arc of said curve and of said right-of-way for a distance of 42.96 feet to a point; thence run South 79 Degrees 19 Minutes 12 Seconds West along said right-of-way for a distance of 84.06 feet to a point; thence run South 82 Degrees 23 Minutes 12 Seconds West along said right-of-way for a distance of 159.66 feet to a point; thence run South 80 Degrees 41 Minutes 12 Seconds West along said right-of-way for a distance of 337.60 feet to a found 1/2" rebar; thence leaving said right-of-way run North 10 Degrees 21 Minutes 13 Seconds West for a distance of 289.06 feet to a point; thence run South 72 Degrees 22 Minutes 19 Seconds West for a distance of 297.04 feet to a point; thence run South 08 Degrees 22 Minutes 41 Seconds East for a distance of 246.15 feet to a found capped rebar lying on the northerly right-of-way of Thompson Mill Road; thence run South 80 Degrees 40 Minutes 19 Seconds West along said right-of-way for a distance of 171.29 feet to a point; thence leaving said right of way run North 14 Degrees 45 Minutes 58 Seconds West for a distance of 279.78 feet to a point; thence run North 75 Degrees 13 Minutes 37 Seconds East for a distance of 1,114.43 feet to a point; thence run South 11 Degrees 39 Minutes 59 Seconds East for a distance of 386.00 feet to the POINT OF BEGINNING. Said parcel containing 287,921 square feet, or 6.610 acres.

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**FLOOD MAP N.T.S.**  
THIS PROPERTY IS NOT LOCATED IN A FLOOD HAZARD ZONE PER F.E.M.A. FLOOD INSURANCE RATE MAP OF HALL COUNTY, GEORGIA, FIRM PANEL NO. 13139C0377F, EFFECTIVE DATE SEPTEMBER 29, 2006. GWINNETT COUNTY, GEORGIA, FIRM PANEL NO. 13139C0377F, EFFECTIVE DATE MARCH 4, 2013.



VICINITY MAP - NOT TO SCALE



- Use Legend**
- Retail
  - Minor Anchor
  - Major Anchor
  - Mixed MF over Retail
  - MD MF
  - LD TH 8-10 acre
  - Live-Work
  - Hotel
  - Office over Retail
  - Wellness
  - Office/Institution Special Use

**SITE PLAN DESCRIPTION**

**TOTAL SITE ACREAGE = 6.610 ACRES**  
**4 BLDGS X 23 UNITS = 92**  
**2 BLDGS X 20 UNITS = 40**  
**TOTAL UNITS = 132**

23 PARKING SPACES UNDER EACH BLDG UNIT = 138 SPACES  
EXTERIOR PARKING SPACES = 104  
TOTAL PARKING SPACES = 242  
1.5 PARKING SPACE PER UNIT

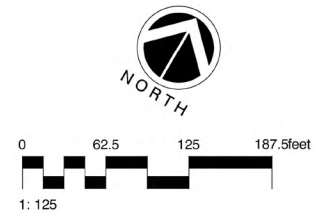
**SETBACKS REQUIRED:**  
FRONT = 50' (50' SHOWN)  
SIDE = 0' (25' SHOWN)  
REAR = 0' (0' SHOWN)

**BUFFERS:**  
REQUIRED BUFFER = 50'  
PROPOSED BUFFER = 25' (WEST, EAST, AND NORTH OF CHURCH PROPERTY)

**BUILDING FOOTPRINT:**  
10,371 GSF (FIRST FLOOR) X 6 BLDGS = 62,226 GSF

**BUILDING AREA:**  
38,925 GSF/BLDG X 6 BLDGS = 233,550 GSF

**INDEPENDENT LIVING RESIDENCES**  
**132 IL UNITS OVER PARKING GARAGE**  
**(2) 3 STORY BUILDING FACING THOMPSON MILL RD.;**  
**REMAINING ARE 4 STORIES EACH**





# REZONING EXHIBIT

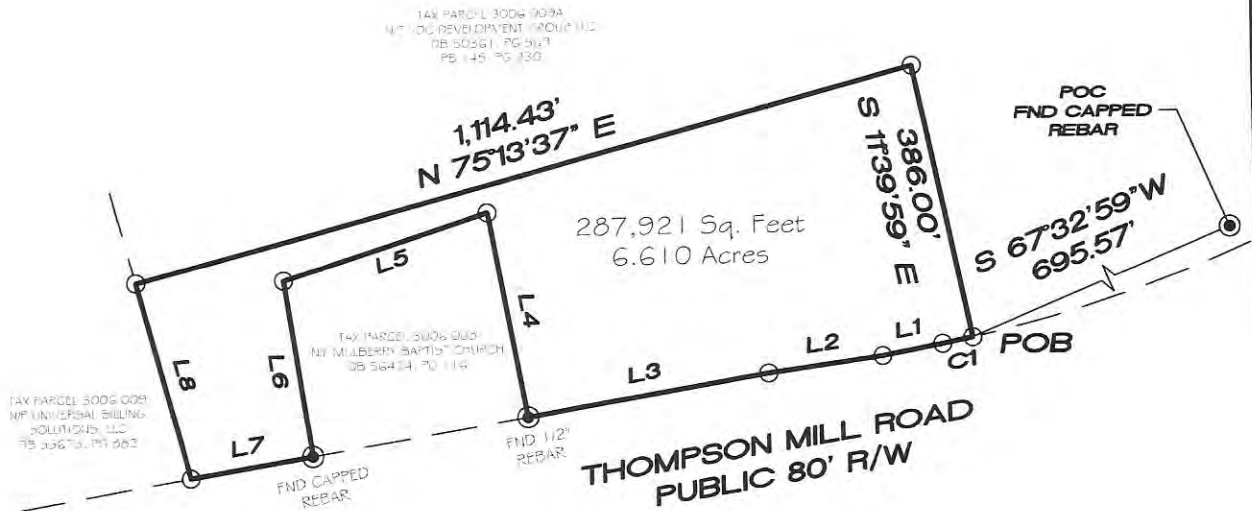
LOCATED IN  
LAND LOT 6, 3RD DISTRICT  
GWINNETT COUNTY, GEORGIA  
TAX ID: 3006 009A

MAD 83 (2011)  
GEORGIA WEST STATE PLANE  
GRID NORTH



LINE	BEARING	DISTANCE
L1	S 79°19'12" W	84.06'
L2	S 82°23'12" W	159.66'
L3	S 80°41'12" W	337.60'
L4	N 10°21'13" W	289.06'
L5	S 72°22'19" W	297.04'
L6	S 08°22'41" E	246.15'
L7	S 80°40'19" W	171.29'
L8	N 14°45'58" W	279.78'

CURVE	RADIUS	ARC LENGTH	CHORD LENGTH	CHORD BEARING	DELTA ANGLE
C1	1,910.00'	42.96'	42.96'	S 78°41'10" W	1°17'19"



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SHEET 1 OF 1

REFERENCES:  
PLAT BOOK 145, PAGE 230

THIS EXHIBIT IS NOT TO SCALE

DRAFTED: 9/29/2020  
BY: MCB

## LEGEND

- IRON PIN FOUND
- IRON PIN SET

**ALS ALLIANCE**  
LAND SURVEYING

L.S.F. 1322  
6095 ATLANTA HIGHWAY SUITE 100  
FLOWERY BRANCH, GA. 30542  
678.828.9424 | www.aepatl.com

STANDARDS GOVERNING EXERCISE OF THE ZONING POWER

PURSUANT TO SECTION 1702 OF THE 1985 ZONING RESOLUTION, THE BOARD OF COMMISSIONERS FINDS 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 THE ZONING POWER.

PLEASE RESPOND TO THE FOLLOWING STANDARDS IN THE SPACE PROVIDED OR USE AN ATTACHMENT AS NECESSARY:

(A) WHETHER A PROPOSED REZONING WILL PERMIT A USE THAT IS SUITABLE IN VIEW OF THE USE AND DEVELOPMENT OF ADJACENT AND NEARBY PROPERTY:

THE APPLICANT BELIEVES THE PROPOSED USE IS SUITABLE.

(B) WHETHER A PROPOSED REZONING WILL ADVERSELY AFFECT THE EXISTING USE OR USABILITY OF ADJACENT OR NEARBY PROPERTY:

THE PROPOSED USE WILL NOT ADVERSELY AFFECT THE USE OF THE SURROUNDING PROPERTIES.

(C) WHETHER THE PROPERTY TO BE AFFECTED BY A PROPOSED REZONING HAS A REASONABLE ECONOMIC USE AS CURRENTLY ZONED:

THE APPLICANT BELIEVES THAT THE SUBJECT PROPERTY DOES NOT HAVE A REASONABLE ECONOMIC USE AS CURRENTLY ZONED.

(D) WHETHER THE PROPOSED REZONING WILL RESULT IN A USE WHICH WILL OR COULD CAUSE AN EXCESSIVE OR BURDENSOME USE OF EXISTING STREET, TRANSPORTATION FACILITIES, UTILITIES OR SCHOOLS:

THE PROPOSED USE WILL NOT PRODUCE AN ADVERSE AFFECT ON THE EXISTING INFRASTRUCTURE.

(E) WHETHER THE PROPOSED REZONING IS IN CONFORMITY WITH THE POLICY AND INTENT OF THE LAND USE PLAN:

YES, THE SUBJECT PROPERTY IS SHOWN AS EMERGING SUBURBAN

(F) 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 PROPOSED REZONING:

SEE LETTER OF INTENT.

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Based upon the above reasons, the applicant feels that this is a reasonable request and that action contradictory to the zoning request will constitute a taking of property in violation of the Just Compensation Clause of the Fifth Amendment and the Due Process Clause of the Fourteenth Amendment to the Constitution of the United States, and Article 1, Section 1, Paragraph 1, and Article 1, Section 3, Paragraph 1 of the Constitution of Georgia, denying the owner viable use of its land.

.....  
PLANNING DIVISION USE ONLY

CASE NUMBER \_\_\_\_\_

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## LETTER OF INTENT

The Applicant's vision and primary focus for the area under consideration for this rezoning is to provide opportunities for housing, wellness, services and lifestyle for a segment of the senior population that is sixty-two years and older. Consequently, the Applicant—VDC Development Group, LLC—requests a rezoning from RA200 to O & I with a Special Use Permit to allow a Senior Living offering for residents 62 and older. The neighboring MUO (Mixed Use Overlay) was approved by Gwinnett County in 2008 prior to the construction of Northeast Georgia Medical Center. The subject property is surrounded by MUO (Mixed Use Overlay) property, church property and Assisted Living property (Braselton jurisdiction). Del Webb also developed two Active Adult housing communities in the immediate area—other senior housing facilities are also opening in the area. The request is to replace the current zoning to allow the Applicant to build 132 units of Independent Living space containing mostly 1- and 2-bedroom units. Additionally, the property located between the planned Assisted Living and the church property will be used for parking.

Instead of a massive multi-story building, this offering will consist of multiple buildings. **a)** The site plan depicts the number and size of the buildings; the most typical building contains 22 units. Each building will be 10,371 square feet of heated space per floor. **b)** The number of resident units per building may vary based upon market requirements and building site conditions, **c)** underground parking below each building, **d)** a large lobby area on the first floor for entertaining guests and having activities and meetings with other residents, **d)** four residence units on the first floor—six on the other floors, **e)** each building will have an elevator, **f)** the average heated space for each unit will be 1,163 sq. ft., **g)** each residence unit will have a full kitchen, dining area, living area, bedrooms, bathroom(s) with walk-in shower, outdoor patio/balcony and additional features, **h)** buildings will be modeled after large elegant homes, using French Provincial, English Manor and other architectural styles, **i)** by using an architectural review process, each building will have distinctive features and colors, complementing the neighboring buildings.

As the buildings are occupied, future plans are for **a)** a catering restaurant located in the commercial area of the MUO so residents can have a full dining experience—or can have meals delivered to them on an as-needed basis, **b)** a community Wellness/ Clubhouse facility for exercise and social group activities, **c)** optional A la Carte services offered to residents including concierge, a wellness coordinator, linen and dry cleaning service, weekly house cleaning service, transportation coordination and 3<sup>rd</sup> party healthcare services.

All residential units will be only for Independent Living residents as no assisted or memory care facilities are being proposed.

The Applicant's second request is for a height increase to a maximum height of 57 feet 10 inches—and an average height of 50 feet for the buildings throughout this proposed development. .

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**REZONING APPLICANT'S CERTIFICATION**

THE UNDERSIGNED BELOW IS AUTHORIZED TO MAKE THIS APPLICATION. THE UNDERSIGNED IS AWARE THAT NO APPLICATION OR REAPPLICATION AFFECTING THE SAME LAND SHALL BE ACTED UPON WITHIN 12 MONTHS FROM THE DATE OF LAST ACTION BY THE BOARD OF COMMISSIONERS UNLESS WAIVED BY THE BOARD OF COMMISSIONERS. IN NO CASE SHALL AN APPLICATION OR REAPPLICATION BE ACTED UPON IN LESS THAN SIX (6) MONTHS FROM THE DATE OF LAST ACTION BY THE BOARD OF COMMISSIONERS.

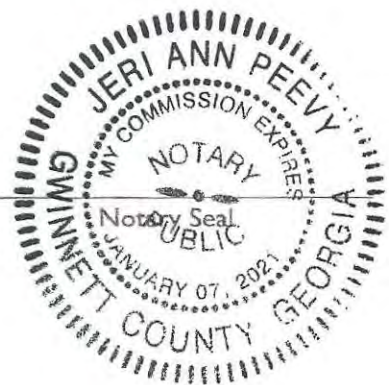
X Linton N. Swindle  
Signature of Applicant

9-29-2020  
Date

LINTON N. SWINDELL, MGR./OWNER VDC DEVELOPMENT GROUP, LLC  
Type or Print Name and Title

Jeri Ann Peavy  
Signature of Notary Public

9/29/20  
Date



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**REZONING PROPERTY OWNER'S CERTIFICATION**

THE UNDERSIGNED BELOW, OR AS ATTACHED, IS THE OWNER OF THE PROPERTY CONSIDERED IN THIS APPLICATION. THE UNDERSIGNED IS AWARE THAT NO APPLICATION OR REAPPLICATION AFFECTING THE SAME LAND SHALL BE ACTED UPON WITHIN 12 MONTHS FROM THE DATE OF LAST ACTION BY THE BOARD OF COMMISSIONERS UNLESS WAIVED BY THE BOARD OF COMMISSIONERS. IN NO CASE SHALL AN APPLICATION OR REAPPLICATION BE ACTED UPON IN LESS THAN SIX (6) MONTHS FROM THE DATE OF LAST ACTION BY THE BOARD OF COMMISSIONERS.

X Linton N. Swindell  
Signature of Property Owner

9-29-2020  
Date

LINTON N. SWINDELL, MGR/OWNER VDC DEVELOPMENT GROUP, LLC  
Type or Print Name and Title

Jeri Ann Peavy  
Signature of Notary Public

Date



**CONFLICT OF INTEREST CERTIFICATION FOR REZONING**

The undersigned below, making application for a 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.

X Linton N. Swindell  
SIGNATURE OF APPLICANT

9-29-2020  
DATE

LINTON N. SWIND ELL MGR./OWNER  
VDC DEVELOPMENT & ROOF, LLC  
TYPE OR PRINT NAME AND TITLE

SIGNATURE OF APPLICANT'S  
ATTORNEY OR REPRESENTATIVE

DATE

TYPE OR PRINT NAME AND TITLE

Jeri Ann Peavy  
SIGNATURE OF NOTARY PUBLIC

9/29/20  
DATE



**DISCLOSURE OF CAMPAIGN CONTRIBUTION**

Have you, within the two years immediately preceding the filing of this application, made campaign contributions aggregating \$250.00 or more to a member of the Board of Commissioners or member of the Gwinnett County Planning Commission?

☐

YES

☒

NO

X Linton N. Swindell

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 or More)	DATE CONTRIBUTION WAS MADE (Within last two years)

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



VERIFICATION OF CURRENT PAID PROPERTY TAXES FOR SPECIAL USE PERMIT

THE UNDERSIGNED BELOW IS AUTHORIZED TO MAKE THIS APPLICATION. THE UNDERSIGNED CERTIFIES THAT ALL GWINNETT COUNTY PROPERTY TAXES BILLED TO DATE FOR THE PARCEL LISTED BELOW HAVE BEEN PAID IN FULL TO THE TAX COMMISSIONER OF GWINNETT COUNTY, GEORGIA. IN NO CASE SHALL AN APPLICATION OR REAPPLICATION FOR REZONING BE PROCESSED WITHOUT SUCH PROPERTY VERIFICATION.

**\*Note: A SEPARATE VERIFICATION FORM MUST BE COMPLETED FOR EACH TAX PARCEL INCLUDED IN THE SPECIAL USE PERMIT REQUEST.**

PARCEL I.D. NUMBER:  
(Map Reference Number)

3 - R3006 - 009A  
District Land Lot Parcel

Linton N. Swindell  
Signature of Applicant

9-29-2020  
Date

LINTON N. SWINDELL, MGR./OWNER  
Type or Print Name and Title

**\*\*\*PLEASE TAKE THIS FORM TO THE TAX COMMISSIONERS OFFICE AT THE GWINNETT JUSTICE AND ADMINISTRATION CENTER, 75 LANGLEY DRIVE, FOR THEIR APPROVAL BELOW.\*\*\***

TAX COMMISSIONERS USE ONLY

(PAYMENT OF ALL PROPERTY TAXES BILLED TO DATE FOR THE ABOVE REFERENCED PARCEL HAVE BEEN VERIFIED AS PAID CURRENT AND CONFIRMED BY THE SIGNATURE BELOW)

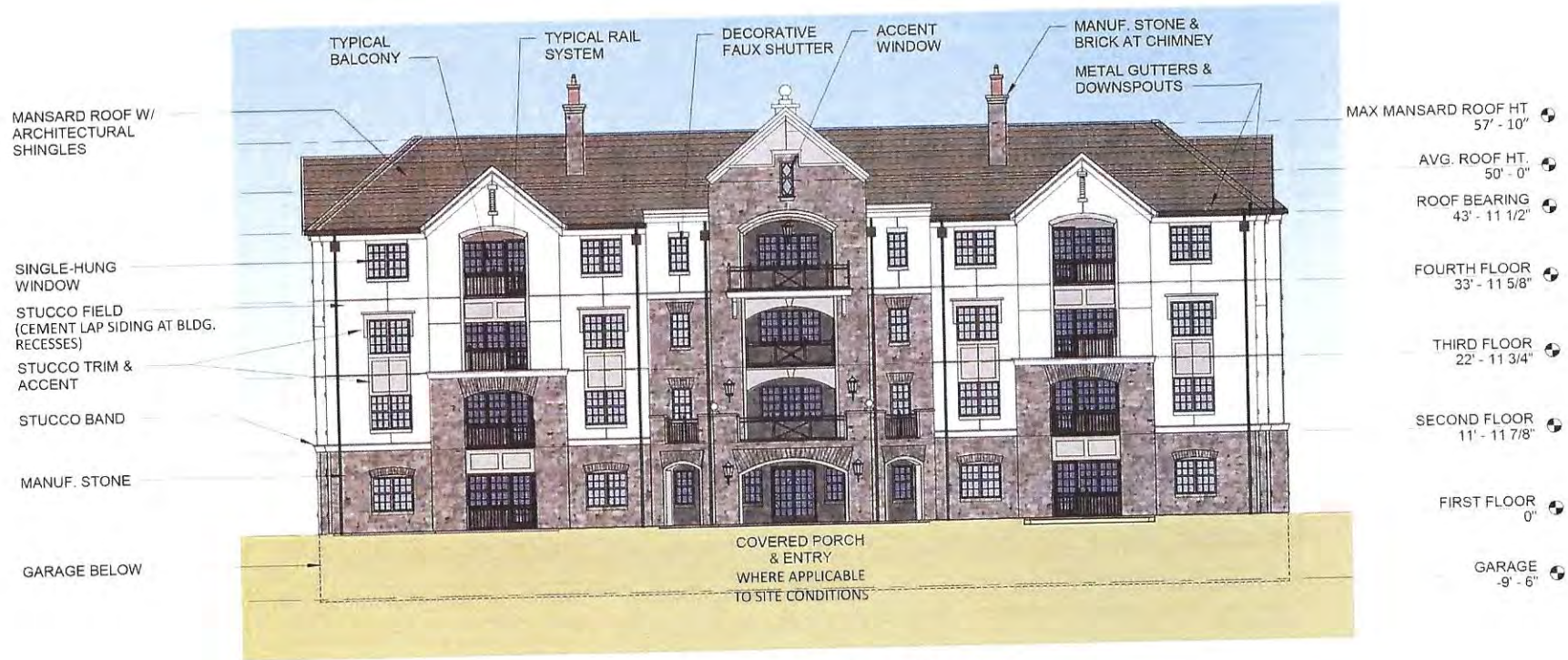
Megan Kittrell  
NAME

Assistant Manager  
TITLE

9-30-2020

DATE

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**ENGLISH MANOR-FRONT ELEVATION**

PROPOSED ADDITIONAL COLOR OPTIONS  
MATERIAL AND COLOR CONCEPT FOR VDC SENIOR INDEPENDENT LIVING IS TO PROVIDE TWO ARCHITECTURAL STYLES, ENGLISH MANOR AND ENGLISH TUDOR, THAT ALLOWS STYLE VARIATION WITHIN THE SENIOR COMMUNITY AND AVOIDS THE REPETITIVE HOUSING EFFECT. THIS VARIATION IS FURTHER REINFORCED BY PROVIDING AN ADDITIONAL COLOR OPTION FOR EACH STYLE WHILE MAINTAINING THE CURRENT MATERIAL PALETTE SHOWN. THE COLOR OPTIONS FOR BOTH STYLES WOULD BE WITHIN THE SAME COLOR FAMILY AND COMPLEMENTARY TO THE PROPOSED BASE COLOR OPTION SHOWN ABOVE. THIS ADDITIONAL COLOR OPTION FOR EACH STYLE WOULD STRENGTHEN THE BUILDING VARIATION AND INCREASE A MORE VILLAGE-LIKE EXPERIENCE FOR THIS NEIGHBORHOOD WHICH TIES INTO THE OVERALL MASTER PLANNED COMMUNITY.

0 8 16 32  
SCALE: 1/16" = 1'-0"

10.01.2020

FOLEY DESIGN  
www.foleydesign.com

ENGLISH MANOR-FRONT ELEVATION  
**VDC SENIOR INDEPENDENT LIVING**  
BRASELTON, GA

VDC Development Group LLC

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**ENGLISH MANOR-REAR ELEVATION**

PROPOSED ADDITIONAL COLOR OPTIONS:  
MATERIAL AND COLOR CONCEPT FOR VDC SENIOR INDEPENDENT LIVING IS TO PROVIDE TWO ARCHITECTURAL STYLES, ENGLISH MANOR AND ENGLISH TUDOR, THAT ALLOWS STYLE VARIATION WITHIN THE SENIOR COMMUNITY AND AVOIDS THE REPETITIVE HOUSING EFFECT. THIS VARIATION IS FURTHER REINFORCED BY PROVIDING AN ADDITIONAL COLOR OPTION FOR EACH STYLE WHILE MAINTAINING THE CURRENT MATERIAL PALETTE SHOWN. THE COLOR OPTIONS FOR BOTH STYLES WOULD BE WITHIN THE SAME COLOR FAMILY AND COMPLEMENTARY TO THE PROPOSED BASE COLOR OPTION SHOWN ABOVE. THIS ADDITIONAL COLOR OPTION FOR EACH STYLE WOULD STRENGTHEN THE BUILDING VARIATION AND INCREASE A MORE VILLAGE-LIKE EXPERIENCE FOR THIS NEIGHBORHOOD WHICH TIES INTO THE OVERALL MASTER PLANNED COMMUNITY.

0 8 16 32  
SCALE: 1/16" = 1'-0"

10.01.2020

FOLEY DESIGN  
www.foleydesign.com

ENGLISH MANOR-REAR ELEVATION  
**VDC SENIOR INDEPENDENT LIVING**  
BRASELTON, GA

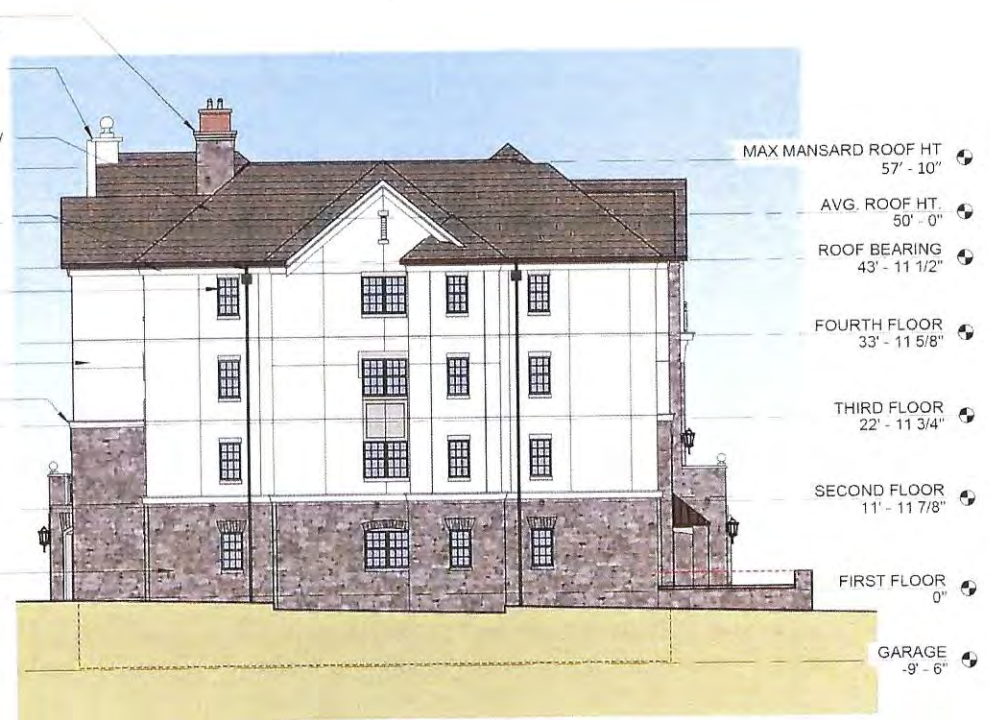
VDC Development Group LLC

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**ENGLISH MANOR-LEFT ELEVATION**



**ENGLISH MANOR-RIGHT ELEVATION**

PROPOSED ADDITIONAL COLOR OPTIONS  
MATERIAL AND COLOR CONCEPT FOR VDC SENIOR INDEPENDENT LIVING IS TO PROVIDE TWO ARCHITECTURAL STYLES, ENGLISH MANOR AND ENGLISH TUDOR, THAT ALLOWS STYLE VARIATION WITHIN THE SENIOR COMMUNITY AND AVOIDS THE REPETITIVE HOUSING EFFECT. THIS VARIATION IS FURTHER REINFORCED BY PROVIDING AN ADDITIONAL COLOR OPTION FOR EACH STYLE WHILE MAINTAINING THE CURRENT MATERIAL PALETTE SHOWN. THE COLOR OPTIONS FOR BOTH STYLES WOULD BE WITHIN THE SAME COLOR FAMILY AND COMPLEMENTARY TO THE PROPOSED BASE COLOR OPTION SHOWN ABOVE. THIS ADDITIONAL COLOR OPTION FOR EACH STYLE WOULD STRENGTHEN THE BUILDING VARIATION AND INCREASE A MORE VILLAGE LIKE EXPERIENCE FOR THIS NEIGHBORHOOD WHICH TIES INTO THE OVERALL MASTER PLANNED COMMUNITY.

0 8 16 32  
SCALE: 1/16" = 1'-0"

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ENGLISH MANOR-SIDE ELEVATIONS  
**VDC SENIOR INDEPENDENT LIVING**  
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