



**City of Lilburn  
Special Called Zoning Board of Appeals Meeting Agenda**

**December 3, 2025  
Lilburn City Hall, 340 Main St., Lilburn, GA 30047**

*Board Members:  
Calum Lewis, Chair  
John Calhoun, Vice-Chair  
David Hull  
Angie Ballard  
George Churchill*

**I. Call to Order**

**II. Roll Call**

**III. Approval of Agenda**

**IV. Approval of Minutes**

**1. DRAFT March 5, 2025 Zoning board of Appeals Meeting Minutes**

Documents:

[DRAFT ZBA MINUTES - 2025-03-05.PDF](#)

**V. Old Business**

**VI. New Business**

**1. LV-2025-02**

Applicant, Kittle Homes LLC., is requesting a Variance from the requirements of Appendix B, Article 4, Section 4.3 – Building Permits to allow for the construction of 5 model homes for the Preserve Phase 3 on the property located at 327 Killian Hill Rd, R6111 005. The subject property is comprised of 3.33+/- acres. The lot is zoned MU, Mixed Use.

Documents:

[LV-2025-02 - VARIANCE APPLICATION PACKAGE.PDF](#)

[LV-2025-02 - STAFF REPORT AND RECOMMENDATION FINAL.PDF](#)

[LV-2025-02 - SUPPLEMENTAL EXHIBIT - CURRENT DEVELOPMENT](#)

## **VII. Adjournment**

*As set forth in the Americans with Disabilities Act of 1990, the City of Lilburn does not discriminate on the basis of disability in the admission or access to, or treatment or employment in its programs or activities. The City Clerk, 340 Main Street, Lilburn, GA 30047 has been designated to coordinate compliance with the non-discrimination requirements contained in section 35.107 of the Department of Justice regulations, information concerning the provisions of the Americans with Disabilities Act, and the rights provided thereunder, are available from the ADA coordinator.*

*The City of Lilburn will assist citizens with special needs given proper notice (seven working days). Any requests for reasonable accommodations required by individuals to fully participate in any open meeting, program or activity of the City of Lilburn should be directed to the City Clerk, 340 Main Street, Lilburn, GA 30047, telephone number 770-921-2210.*



## ZONING BOARD OF APPEALS MEETING AGENDA

March 5, 2025

Work Session at 7:00 P.M.

Meeting and Public Hearing at 7:30 P.M.

340 Main Street – City Hall Auditorium

### I. Call to Order

Chairman Calls to order at 7:33pm

### II. Roll Call

Present:

- Chairman Calum Lewis
- George Churchill
- David Hull
- Angie Ballard

Absent:

- Vice Chairman John Calhoun

### III. Approval of Agenda

Chair asks for motion

David Hull motions to approve the March 5, 2025 ZBA Meeting Agenda as presented

Seconded by George Churchill

All for

Motion carries 4-0

#### **IV. Approval of ZBA Minutes**

##### 1. DRAFT August 28, 2024 Zoning Board of Appeals Meeting Minutes

Chair asks for motion

George Churchill motions to approve the August 28, 2024 ZBA Meeting Minutes as presented

Seconded by Angie Ballard

All for

Motion carries 4-0

#### **V. Old Business**

##### 1. LV-2025-01.

Chair asks Planning Manager to describe the case.

Planning Manager initially describes the request details, zoning history and location of the subject parcel. Additionally the Mr. Turner describes the instance of Code Enforcement

Planning Manager outlines the application received for the requested variance as well as pertinent building and site plans. Mr. Turner also describes the applicant's efforts with city staff over the past several months to determine the most feasible options for the applicant and property owner

Planning Manager reads into the record the criteria for granting a variance and provides staff's responses to the criteria in the context of the requested Variance. Mr. Turner goes on to read the staff's recommended conditions in the case of approval of the variance

Chair opens the floor to the applicant.

The applicant comes to the podium to speak on behalf of the property owner. Describes their desire and efforts to find a location and plan for the subject property in order to develop the property suitably, mindfully, and correctly. Asks for questions from the board. None heard.

Chair opens the floor for public comment.

None heard

Chair opens the floor for board deliberations.

Angie Ballard makes a motion to approve the variance with an amendment to the suggested conditions

Seconded by George Churchill

All for

Motion carries 4-0

**VI. New Business**

**VII. Adjournment**

Chair asks for motion to adjourn

David Hull motions to adjourn the March 05, 2025 ZBA meeting

Seconded by George Churchill

All for

Motion carries 4-0

Chair adjourns at 7:42pm

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Before application for site development is submitted by the applicant, a written agreement shall be provided detailing a shared parking agreement between the subject property and the adjoining property.



Variance Application
Zoning Board of Appeals OR Administrative Variance

PERMIT NUMBER: SDP-2025-250

Please type or print using BLACK ink

Table with 2 columns: Applicant/Property Owner, Address, City, State & Zip, Phone & Email, Contact Person, Contact Business Phone, Contact Email, Contact Cell Phone. Handwritten entries include Judson Kittle, 412 Seagraves Dr., Athens, GA 30605, 706 206 0148, judson@kittlehomes.com, and 706 340 9186.

APPLICANT IS THE [ ] Owner's Agent [X] Property Owner [ ] Contract Purchaser

ADDRESS OF PROPERTY: 327 Killian Hill Rd Lilburn, GA 30047

SUBDIVISION OR PROJECT NAME: The Preserve at Killian Hill Phase 3

LAND DISTRICT: 6th LAND LOT(S): 111 + 124 PARCEL(S): 6-111-005 ACRE(S): 3.80

PROPOSED DEVELOPMENT:

BUILDING PERMIT NUMBER (if construction has begun): SDP-2025-250

VARIANCE REQUESTED: 5 model home permits

Applicant has filed or intends to file any other variance, rezoning or waiver applications? YES NO.

If YES, please describe:

LETTER OF INTENT REQUIRED

Please attach a "LETTER OF INTENT" explaining what is proposed.

**APPLICANT CERTIFICATION**

The undersigned below is authorized to make this application and is aware that no application or reapplication affecting the same property shall be acted upon within twelve (12) months from the date of last action by the Mayor and Council, unless waived by the Mayor and Council. 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 Mayor and Council. Further, no application may be withdrawn once advertised and must receive final action by the Mayor and Council.

[Signature]  
Signature of Applicant

10/2/25  
Date

Judson Kittle  
Type or Print Name

managing partner - Kittle Homes  
Title

[Signature]  
Notary Public  
(Seal)



10/2/25  
Date

**PROPERTY OWNER CERTIFICATION**

The undersigned below, or as attached, is the record owner of the property considered in this application and is aware that if an application is denied by the Mayor and Council, no application or reapplication affecting the same land shall be acted upon within twelve (12) months from the date of last action by the Mayor and Council, unless waived by the Mayor and Council. 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 Mayor and Council. Further, no application may be withdrawn once advertised and must receive final action by the Mayor and Council.

[Signature]  
Signature of Owner

10/2/25  
Date

Judson Kittle  
Type or Print Name

managing partner - Kittle Homes  
Title

[Signature]  
Notary Public  
(Seal)

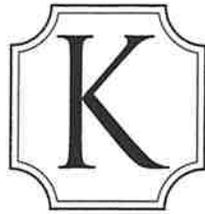


10/2/25  
Date

**ADMINISTRATIVE USE ONLY**

CASE NUMBER: <u>LV-2025-02</u>	DATE COMPLETE: <u>10/03/25</u>	RECEIVED BY: <u>[Signature]</u>
APPLICATION FEE: <u>\$500</u>	PAID BY/RECEIPT#: <u>R00198387</u>	HEARING DATE: <u>12/3/25</u>
ADMINISTRATIVE VARIANCE DIRECTOR'S APPROVAL/DATE: _____		

Conditions of Approval: \_\_\_\_\_



KITTLE HOMES

October 2, 2025

Zoning Board of Appeals  
City of Lilburn Planning Department  
340 Main St.  
Lilburn, GA 30047

RE: Letter of Intent

Kittle Homes LLC is requesting (5) five model home permits for Phase III of The Preserve at Killian Hill Project.

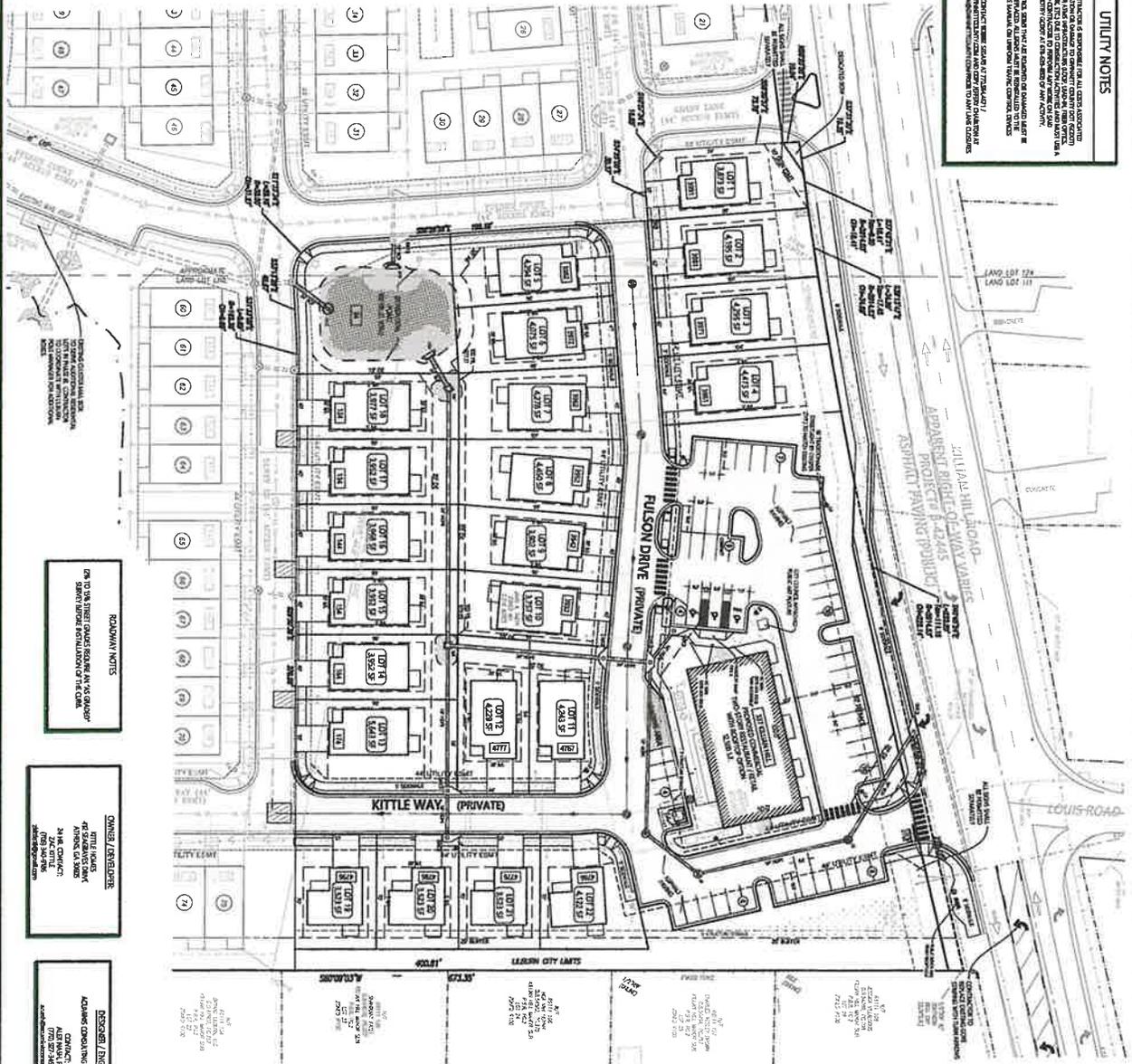
Our goal is to start/finish construction for the commercial building of this development in 2026. By granting these permits, this accomplishes the goal of Kittle Homes being able to construct the commercial building portion of this development five to six months sooner. If our application is not approved, it will cause delays, and construction for the commercial building will be pushed to 2027.

Kittle Homes appreciates the members of this Board for their time and thanks you in advance for your consideration.

Sincerely,  
Kittle Homes, LLC

**UTILITY NOTES**

THE CLIENT CONTRACTOR IS RESPONSIBLE FOR ALL COSTS ASSOCIATED WITH THE DESIGN AND CONSTRUCTION OF ALL UTILITIES. THE CLIENT CONTRACTOR SHALL VERIFY THE LOCATION AND DEPTH OF ALL EXISTING UTILITIES PRIOR TO CONSTRUCTION. THE CLIENT CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE LOCAL GOVERNMENT AGENCIES. THE CLIENT CONTRACTOR SHALL BE RESPONSIBLE FOR THE PROTECTION OF ALL EXISTING UTILITIES. THE CLIENT CONTRACTOR SHALL BE RESPONSIBLE FOR THE INSTALLATION OF ALL NEW UTILITIES. THE CLIENT CONTRACTOR SHALL BE RESPONSIBLE FOR THE MAINTENANCE OF ALL UTILITIES. THE CLIENT CONTRACTOR SHALL BE RESPONSIBLE FOR THE REMOVAL OF ALL UTILITIES. THE CLIENT CONTRACTOR SHALL BE RESPONSIBLE FOR THE REPAIR OF ALL UTILITIES. THE CLIENT CONTRACTOR SHALL BE RESPONSIBLE FOR THE REPLACEMENT OF ALL UTILITIES. THE CLIENT CONTRACTOR SHALL BE RESPONSIBLE FOR THE RELOCATION OF ALL UTILITIES. THE CLIENT CONTRACTOR SHALL BE RESPONSIBLE FOR THE PROTECTION OF ALL UTILITIES. THE CLIENT CONTRACTOR SHALL BE RESPONSIBLE FOR THE INSTALLATION OF ALL NEW UTILITIES. THE CLIENT CONTRACTOR SHALL BE RESPONSIBLE FOR THE MAINTENANCE OF ALL UTILITIES. THE CLIENT CONTRACTOR SHALL BE RESPONSIBLE FOR THE REMOVAL OF ALL UTILITIES. THE CLIENT CONTRACTOR SHALL BE RESPONSIBLE FOR THE REPAIR OF ALL UTILITIES. THE CLIENT CONTRACTOR SHALL BE RESPONSIBLE FOR THE REPLACEMENT OF ALL UTILITIES. THE CLIENT CONTRACTOR SHALL BE RESPONSIBLE FOR THE RELOCATION OF ALL UTILITIES.



**ROADWAY NOTES**

ON THE STREET FRONT SIDE OF THE ROADWAY, THE CLIENT CONTRACTOR SHALL BE RESPONSIBLE FOR THE INSTALLATION OF ALL NECESSARY CURBS, GUTTERS, AND SIDEWALKS. THE CLIENT CONTRACTOR SHALL BE RESPONSIBLE FOR THE MAINTENANCE OF ALL ROADWAYS. THE CLIENT CONTRACTOR SHALL BE RESPONSIBLE FOR THE REPAIR OF ALL ROADWAYS. THE CLIENT CONTRACTOR SHALL BE RESPONSIBLE FOR THE REPLACEMENT OF ALL ROADWAYS. THE CLIENT CONTRACTOR SHALL BE RESPONSIBLE FOR THE RELOCATION OF ALL ROADWAYS.

**OWNER / DEVELOPER**

KITTLE HOMES, LLC  
412 SEAGRAVES DRIVE  
ATHENS, GA 30605  
770.527.3450  
www.kittlehomes.com

**DESIGNER / ENGINEER**

ACUMINIS CONSULTING GROUP, LLC  
1000 W. MARKET STREET, SUITE 100  
ATHENS, GA 30606  
770.527.3450  
www.acuminisconsulting.com



**PAVING LEGEND**

SYMBOL	TYPE	CONSTRUCTION
[Symbol]	ASPHALT	ASPHALT PAVING
[Symbol]	CONCRETE	CONCRETE PAVING
[Symbol]	GRAVEL	GRAVEL PAVING
[Symbol]	DIAMOND PATTERN	DIAMOND PATTERN PAVING

1. ALL PAVING SHALL BE PERFORMED IN ACCORDANCE WITH THE LATEST EDITIONS OF THE STANDARD SPECIFICATIONS FOR CONSTRUCTION OF PUBLIC WORKS, AS APPLICABLE TO THE PROJECT.

**LOCATION MAP**

**SITE INFORMATION**

PROPERTY ADDRESS: 327 KILLIAN HILL ROAD  
CITY AND COUNTY: ATHENS, GA 30606  
PROJECT NAME: THE PRESERVE AT KILLIAN HILL PHASE III  
PROJECT NO.: 2024-00153  
DATE: 05/23/24

**GENERAL NOTES**

1. THE CLIENT CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE LOCAL GOVERNMENT AGENCIES. THE CLIENT CONTRACTOR SHALL BE RESPONSIBLE FOR THE PROTECTION OF ALL EXISTING UTILITIES. THE CLIENT CONTRACTOR SHALL BE RESPONSIBLE FOR THE INSTALLATION OF ALL NEW UTILITIES. THE CLIENT CONTRACTOR SHALL BE RESPONSIBLE FOR THE MAINTENANCE OF ALL UTILITIES. THE CLIENT CONTRACTOR SHALL BE RESPONSIBLE FOR THE REMOVAL OF ALL UTILITIES. THE CLIENT CONTRACTOR SHALL BE RESPONSIBLE FOR THE REPAIR OF ALL UTILITIES. THE CLIENT CONTRACTOR SHALL BE RESPONSIBLE FOR THE REPLACEMENT OF ALL UTILITIES. THE CLIENT CONTRACTOR SHALL BE RESPONSIBLE FOR THE RELOCATION OF ALL UTILITIES.

<p><b>SITE PLAN</b> PHASE III</p> <p>2 OF 23</p> <p>9/20/24 12:31 PM</p>	<p><b>PROJECT NAME:</b> THE PRESERVE AT KILLIAN HILL PHASE III 327 KILLIAN HILL PARCEL 6-111-005 CITY OF ATHENS GWINNETT COUNTY, GEORGIA</p>	<p><b>PREPARED FOR:</b> KITTLE HOMES, LLC 412 SEAGRAVES DRIVE ATHENS, GEORGIA 30605 24-HOUR CONTACT ZAC KITTLE (706) 340-9186</p>	<table border="1"> <thead> <tr> <th>No.</th> <th>REVISION</th> <th>DATE</th> </tr> </thead> <tbody> <tr> <td>1</td> <td>ADDRESS CITY AND COUNTY COMMENTS</td> <td>05/23/24</td> </tr> <tr> <td>2</td> <td></td> <td></td> </tr> <tr> <td>3</td> <td></td> <td></td> </tr> <tr> <td>4</td> <td></td> <td></td> </tr> <tr> <td>5</td> <td></td> <td></td> </tr> <tr> <td>6</td> <td></td> <td></td> </tr> <tr> <td>7</td> <td></td> <td></td> </tr> <tr> <td>8</td> <td></td> <td></td> </tr> </tbody> </table>	No.	REVISION	DATE	1	ADDRESS CITY AND COUNTY COMMENTS	05/23/24	2			3			4			5			6			7			8			<p>PO Box 1074 Athens, Georgia 30617 770.527.3450 www.acuminisconsulting.com</p>
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Small town. Big difference.

**Staff Report and Recommendation  
Variance Case: LV-2025-01**

**Date of Report: November 18, 2025  
Report by: Reid Turner, Planner Director  
Special Called Hearing Date: Wednesday, December 3, 2025**

GENERAL INFORMATION

Applicant: Kittle Homes, LLC.  
Owner: Kittle Homes, LLC.  
Size: 3.33 +/- Acre, District 6, Land Lot 111, Parcel 005  
Location: 327 Killian Hill Rd, Lilburn, GA, 30047  
Existing Zoning: MU, Mixed Use

EXISTING LAND USES & ZONING DISTRICTS

To the North:	Residential/Mixed Use	MU
To the East:	Residential/Mixed Use	MU
To the South:	ROW/Residential	R-100
To the West:	Residential	R-100

ZONING HISTORY

The subject parcel fronts Killian Hill Road and is surrounded by a mix of residential and mixed-use zoning. All parcels adjacent to the properties have been developed with residential uses. Parcel R111 005 was zoned MU in 2014 along with parcels R6124 005, R6124 004, and R6111 357, and all parcels except the subject parcel have been developed as a phased mixed-use development known as The Preserve at Killian Hill. The development currently consists solely of attached townhome units. There has been no commercial development on the site to date. As such, Phase 3 of the Preserve at Killian Hill development must satisfy the requirements of the Mixed-Use Zoning District by providing an adequate mix of commercial and residential uses for the project.

The Preserve at Killian Hill development consists of three phases representing a total land area of 14.32 +/- acres. The Mixed Use Ordinance was amended in 2020 (ORD# 2020-551) and 2022 (ORD# 2022-579), prior to ownership or submittal of development plans for Phase 3, as such Phase 3 must meet updated code requirements not in effect during Phases 1 and 2.

Additionally, the development is subject to the conditions imposed upon the property at the time of the rezoning in 2014 (RZ-2014-02, ORD# 2014-469):

**Conditions of ORD# 2014-469**

1. Provide the Planning and Economic Development Department with more detailed renderings prior to issuance of building permits. To be included in the renderings is a mix of materials, textures, and brick & roof colors.
2. To the maximum extent practical, comply with the requirements of the Lawrenceville Highway [29] Corridor Overlay District.
3. Provide 8-foot-wide sidewalks along the Arcado Road and Killian Hill Road frontages.
4. No deliveries from 10 pm to 7 am, nightly.
5. Commercial development must be limited to 5.5 acres or less.
6. Eliminate use of the curb cut on Arcado Road across from Windsong Drive.
7. Limit parking lot light poles and lights to a height of 20 feet, using cutoff luminaries directed toward commercial.
8. Any out parcels not developed after one year of initiating the project shall be reviewed by the Director of Planning and Economic Development. If development is not forthcoming, the Director may require landscaping of those parcels.
9. If the entire site is not developed simultaneously, the residential component must be given priority.

Finally, in 2021 the developer and the City of Lilburn entered into a Development Agreement, entitled “The Preserve @ Killian Hill Phase 2 – Development Agreement”, to provide a path to compliance with the mixed-use zoning district in Phase 2 upon acknowledgment that they did not yet own the parcel intended for Phase 3 for the non-residential component. The Master Concept Plan, as proposed, could not be approved with the requirements of the October 2021 Development Agreement. As such, the Applicant and City had worked to enter into a “Revised Development Agreement” in March of 2023 to accommodate the remainder of the project after review and approval by the Mayor and City Council.

The most recent Development Agreement stipulates conformance with the Development Regulations and provides for a schedule of how many buildings can be completed and issued a Certificate of Occupancy prior to issuance of the Commercial Component’s building permit issuance. A summary of the Development Agreement can be found as an attachment to this application Package.

**APPLICANT’S INTENT**

The applicant is requesting a variance to allow the construction of 5 model homes, an increase from the two model homes permissible in the development regulations. The applicant states that this is in an effort to accelerate the construction of the commercial component of the Preserve, which has been forthcoming for many years.

**ANALYSIS OF VARIANCE REQUEST**

*Article 10. Section 1005.* – *VariANCES* details the criteria to be considered when granting a variance. Staff responses are provided below in red.

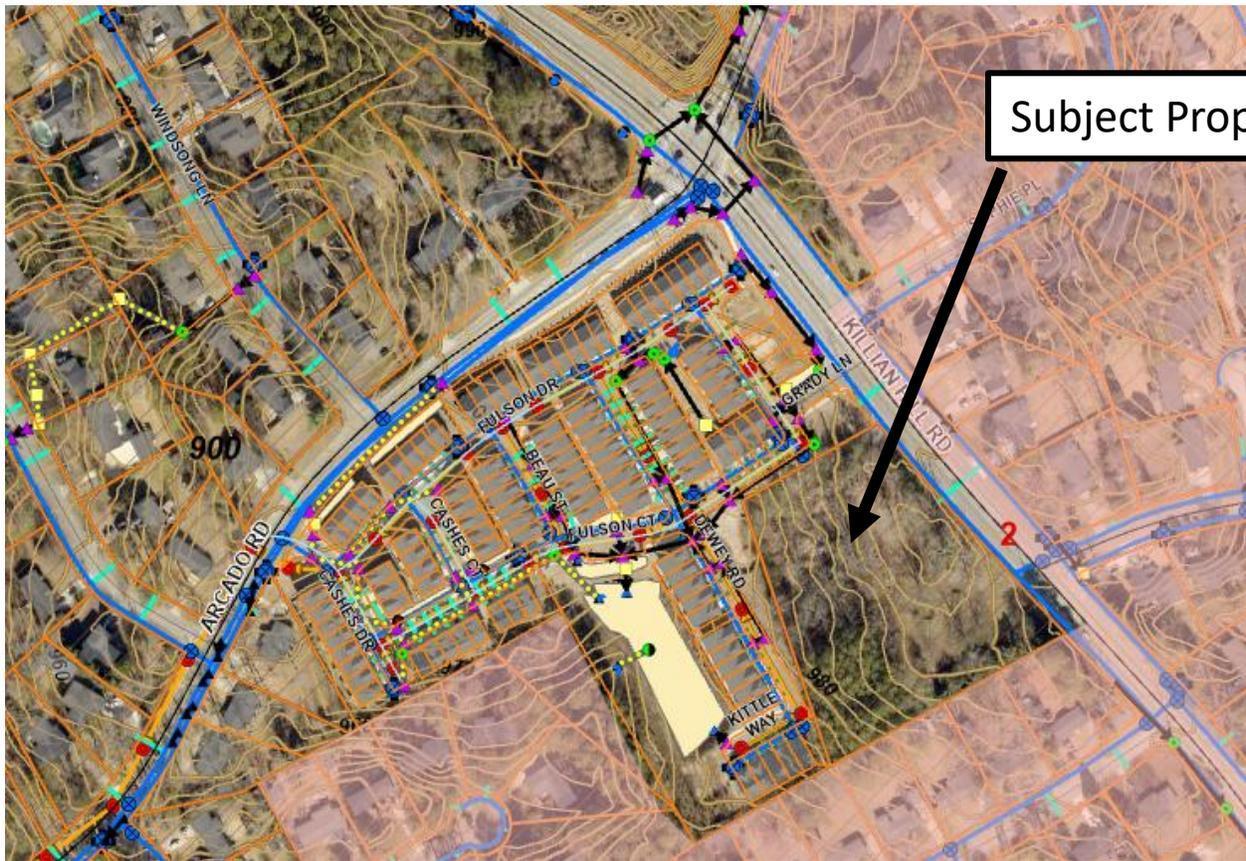
**Variations will be considered only in the following cases:**

- a. There are extraordinary and exceptional conditions or practical difficulties pertaining to the particular piece of property in question because of its size, shape or topography that are not applicable to other lands or structures in the same district. **There are no specific practical difficulties described or provided in the applicant's letter of intent. Staff is unable to determine any valid hardship that the variance would alleviate beyond being able to build more houses before typical infrastructure is installed and a final plat is recorded.**
- b. A literal interpretation of the provisions of this Article would effectively deprive the applicant of rights commonly enjoyed by other properties of the district in which the property is located, resulting in unnecessary hardship. **Granting this Variance would allow the applicant to operate outside of the requirements of the Development Regulations, which all subdivisions are developed under, and beholden to.**
- c. Such conditions are peculiar to the particular piece of property involved. **Staff is unaware of any conditions on the property that would require the allowance for additional model homes.**
- d. The special circumstances are not the result of any actions of the property owner. **There are no special circumstances that necessitate the construction of more than 2 model homes on the subject property. According to the Applicant's letter of intent, the granting of this variance would allow them to construct the commercial building sooner, though it should be noted that, while this site is zoned MU, no commercial development has occurred on the property to date which required the formulation of the Development agreement to ensure that the Commercial will be constructed in Phase 3.**
- e. Granting the variance requested will not confer upon the property of the applicant any special privileges that are denied to other properties of the district in which the applicant's property is located. **Granting the Variance request would allow the property owner to build more model homes than allowed by code, prior to recordation of a final plat which would help map infrastructure and ensure building does not outpace site development.**
- f. The requested variance will be in harmony with the purpose and intent of this Article and will not be injurious to the neighborhood or to the general welfare. **While not expressly against the intent of the Comprehensive Plan, the Development Regulations are supported by the Comprehensive Plan and the mechanism with which the Comprehensive Plan's intent is executed.**
- g. The variance requested is the minimum variance that will make possible the proposed use of the land, building, or structure in the zoning district in which the development is located. **The applicant's letter of intent does not stipulate whether this is the minimum variance necessary. The applicant is not prohibited from building further buildings, if**

they were to follow the normal subdivision development requirements including recordation of a final plat ensuring proper mapping of infrastructure and establishing the extent of each residential lot.

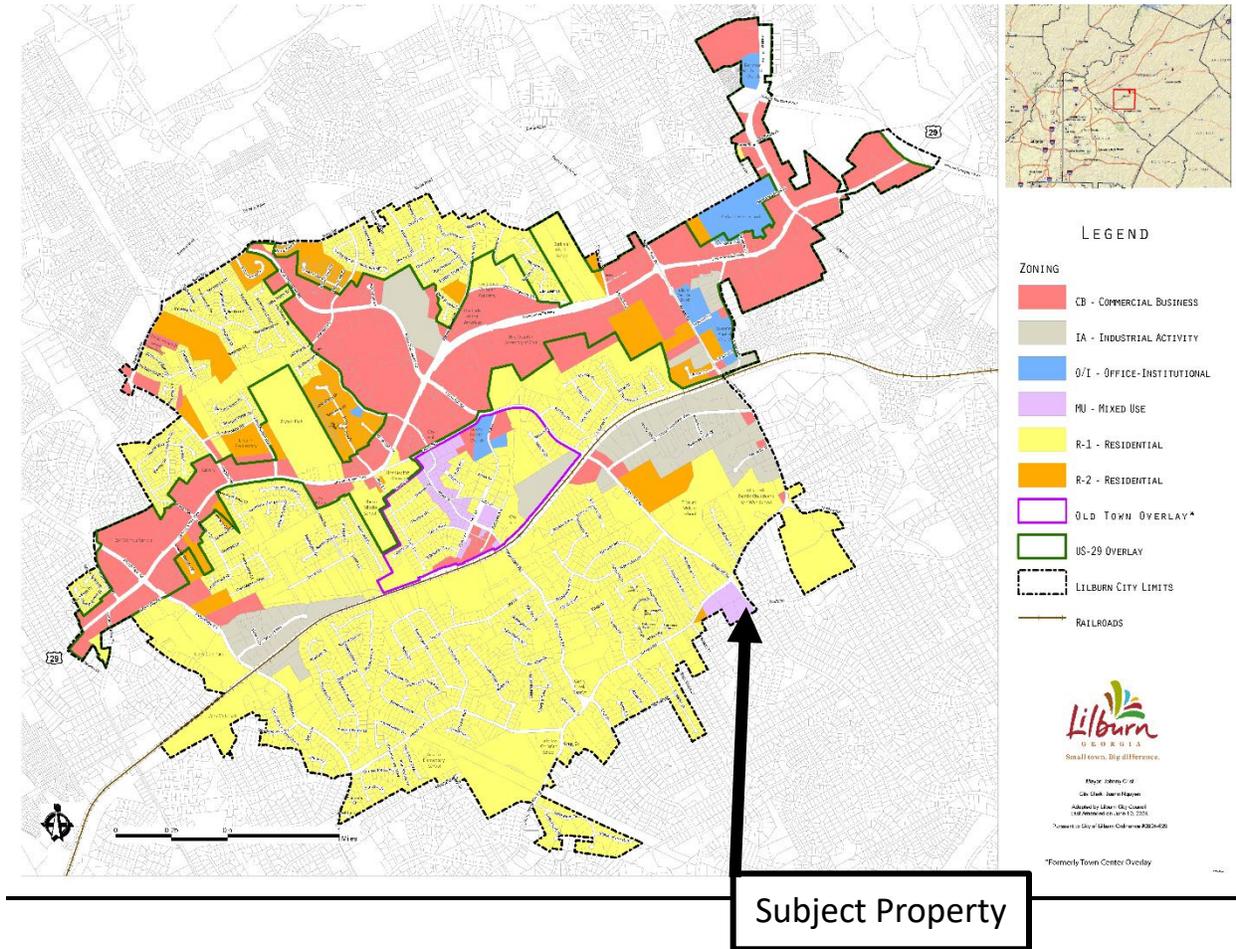
Based on the criteria for approval of a Variance, and in light of the pre-existing Development Agreement between the City and Property Owner, **Staff recommends DENIAL of the requested variance.**

GIS Aerial of Subject Site

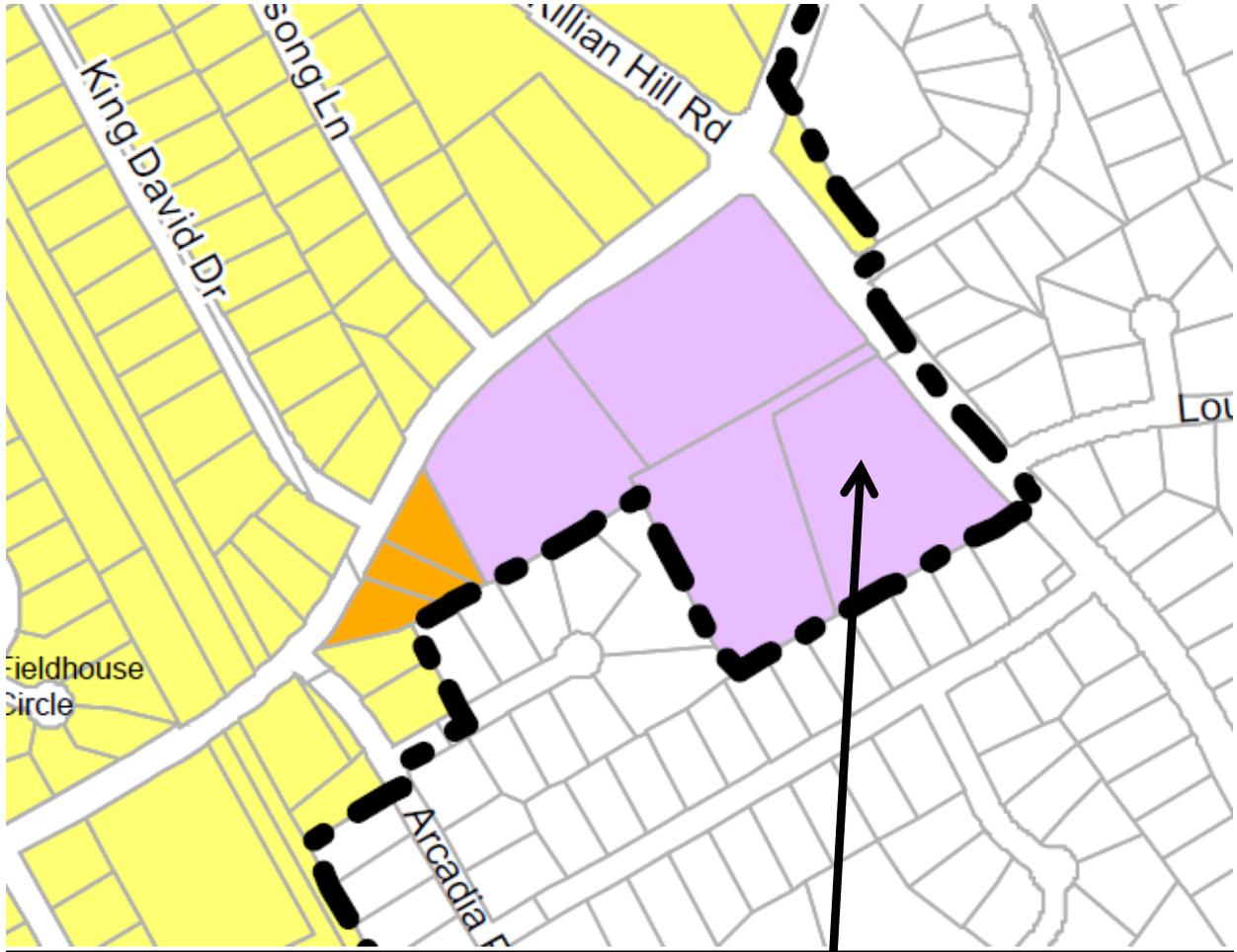


Subject Property

# Official 2024 Zoning Map



Official Zoning Map cont.



Subject Property

**REVISED DEVELOPMENT AGREEMENT**

**THIS REVISED DEVELOPMENT AGREEMENT** (the “**Agreement**”) is entered into as of the Effective Date set forth below by and among the **CITY OF LILBURN, GEORGIA** (the “**City**”), a municipal corporation of the State of Georgia (the “**State**”) and **THE PRESERVE AT KILLIAN HILL LLC** (the “**Developer**”), a Georgia limited liability company, each a “**Party**” and collectively the “**Parties.**”

**WITNESSETH**

**WHEREAS**, the Parties entered into a Development Agreement dated October 12, 2021 (the “**Original Agreement**”) relating to Phases II and III of The Preserve at Killian Hill (the “**Preserve**”) prior to the Developer’s acquisition of Parcel No. 6111 005, the 3.33-acre parcel required for Phase III; and

**WHEREAS**, the Developer acquired title to Parcel No. 6111 005 on September 2, 2022 and has requested revisions to the Original Agreement; and

**WHEREAS**, revisions to the Original Agreement are required for the Developer to request approval of the Proposed Master Concept Plan for Phase III, prepared by Acuminis Consulting, and dated January 17, 2023 (the “**Master Concept Plan**”, attached as Exhibit A), from City Council as required by the Mixed-Use Zoning District regulations.

**NOW, THEREFORE**, in consideration of the respective representations and agreements hereinafter contained, the City and the Developer agree as follows:

**ARTICLE I  
AGREEMENTS**

- The Parties agree to replace the Original Agreement with this Agreement dated February 22, 2023.
- The Parties agree that, once constructed, the 1.18-acre retail tract (the “**Commercial Tract**”) and proposed two-story restaurant/retail with rooftop dining option (the “**Commercial Building**”) shown on the Master Concept Plan will satisfy the non-residential component of the Mixed-Use (“**MU**”) Zoning District for the Preserve. Therefore, the requirement in the Original Agreement for four live/work units in building 12, shown as units 18 – 21 in Exhibit A, is removed in this Agreement. Building 12 may be up to five townhomes, subject to satisfying all open space requirements of the MU Zoning District for Phase II.
- Prior to submitting the preliminary plat for Phase III to the City for review and approval, the Developer agrees:
  - (1) To engineer Phase III of the Preserve to accommodate a Commercial Tract that is a minimum of 1.18 acre with a Commercial Building that is a minimum of 10,040 square feet; and
  - (2) To meet all stormwater requirements; and

- (3) To seek approval for either full access or right-in/right out access to the Commercial Tract from Killian Hill Road from Gwinnett County Department of Transportation.

If the Developer is unable to obtain dedicated access to the Commercial Tract from Killian Hill Road, the Developer agrees to revise the Master Concept Plan and obtain City Council approval.

- Prior to submitting the final plats for Phases II and III to the City for review and approval, the Developer agrees:
  - (1) To obtain approval of water and sewer as-builts from Gwinnett County; and
  - (2) To obtain approval of stormwater as-builts by the City; and
  - (3) To amend covenants to address additional utility easements and inter-parcel access between phases; and
  - (4) To obtain the standard applicable performance surety bond or letter of credit; and
  - (5) To schedule all unfinished site work, including but not limited to, stormwater facilities, Killian Hill Road improvements, sidewalks, street lights, and landscaping; and
  - (6) To obtain certification of all stormwater best management practices from the City.
- Prior to submitting a site development permit application for Phase III to the City for review and approval, the Developer agrees:
  - (1) To record the final plat for Phase II; and
  - (2) To obtain the City's approval for the proposed architectural elevations for building 12 in Phase II and the buildings in Phase III that are visible from Killian Hill Road to feature more than four paint colors, designs consistent with existing structures, and a mixture of brick, stone, and hardiplank siding. Facades visible from Killian Hill Road shall feature elevated building materials and architectural features consistent with buildings in Phase II that are visible from a public street.
- The Parties agree that once the Site Development Permit for Phase III has been issued, the Developer may then apply to permit, construct, and CO not more than 50% of the Phase III residences according to standard development regulations.
- The Parties agree that the Developer may start construction of the remaining 50% of Phase III residences but may not CO said residences until the building permit is acquired for the Commercial Building.
- The Parties agree that the Developer shall not receive Certificates of Occupancy for the units in Building 12 of Phase II or Units 1, 2, 3, and 4 in Phase III, as shown in Exhibit A, until infrastructure as-builts are approved and a Certificate of Occupancy has been issued for the Commercial Building in Phase III by the City.

- The Parties agree that any modifications to this agreement or the Master Concept Plan, once approved, require approval from the Mayor and Council of the City of Lilburn.

IN WITNESS WHEREOF, the parties have executed this Agreement on the date set forth below:

The Preserve at Killian Hill, LLC

By:   
Zac Kittle, Manager

Date: 3/1/2023

The City of Lilburn, Georgia

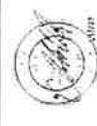
By:   
Tim Dunn, Mayor

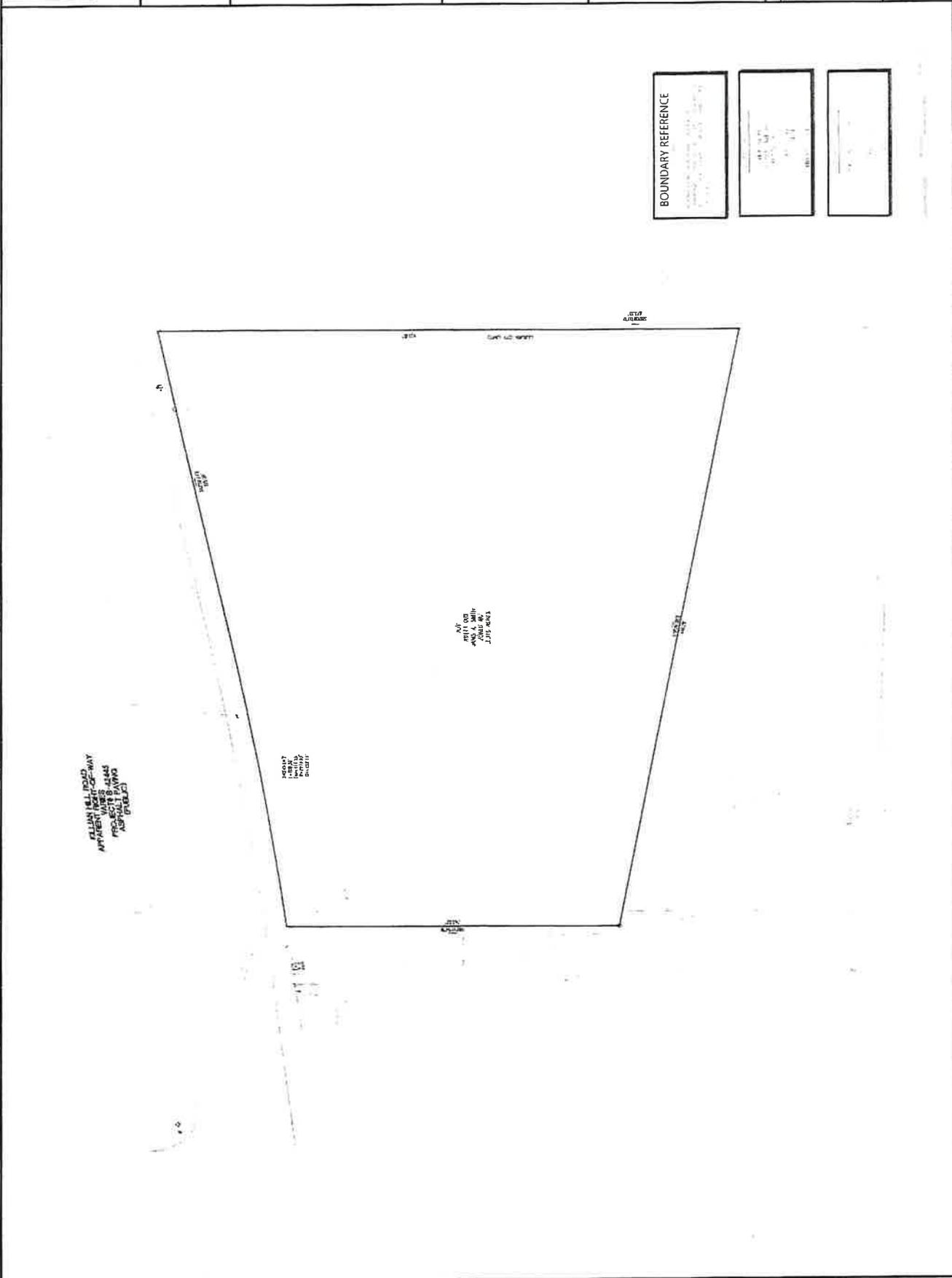
Date: 2/22/2023

Attest: \_\_\_\_\_  
Rick Badie, City Clerk

Date: \_\_\_\_\_



 <p>acuminis consulting group</p> <p>910 New 1024 Gresham, Georgia 30307 770.527.4638 www.acuminisconsulting.com</p>	 <p>STATE OF GEORGIA Professional Engineer No. 12345 Exp. 12/31/2024</p>	<p>DATE</p>	<p>REVISION</p>	<p>No</p>	<p>PREPARED FOR:</p> <p>KITTLE HOMES, LLC 412 SEAGRAVES DRIVE ATHENS, GEORGIA 30605 24-HOUR CONTACT ZAC KITTLE (706) 340-9186</p>	<p>PROJECT NAME</p> <p>THE PRESERVE AT KILLIAN HILL PHASE III 327 KILLIAN HILL PARCEL 6-11-005 CITY OF LILBURN GWINNETT COUNTY, GEORGIA</p>	<p>1-2024</p>	<p>EXISTING CONDITIONS</p>	<p>1 of 3</p>
		<p>BOUNDARY REFERENCE</p> <div style="display: flex; justify-content: space-around;"> <div style="border: 1px solid black; padding: 5px; width: 20%;"> <p>BOUNDARY REFERENCE</p> </div> <div style="border: 1px solid black; padding: 5px; width: 20%;"> <p>BOUNDARY REFERENCE</p> </div> <div style="border: 1px solid black; padding: 5px; width: 20%;"> <p>BOUNDARY REFERENCE</p> </div> </div>							



1/15/24

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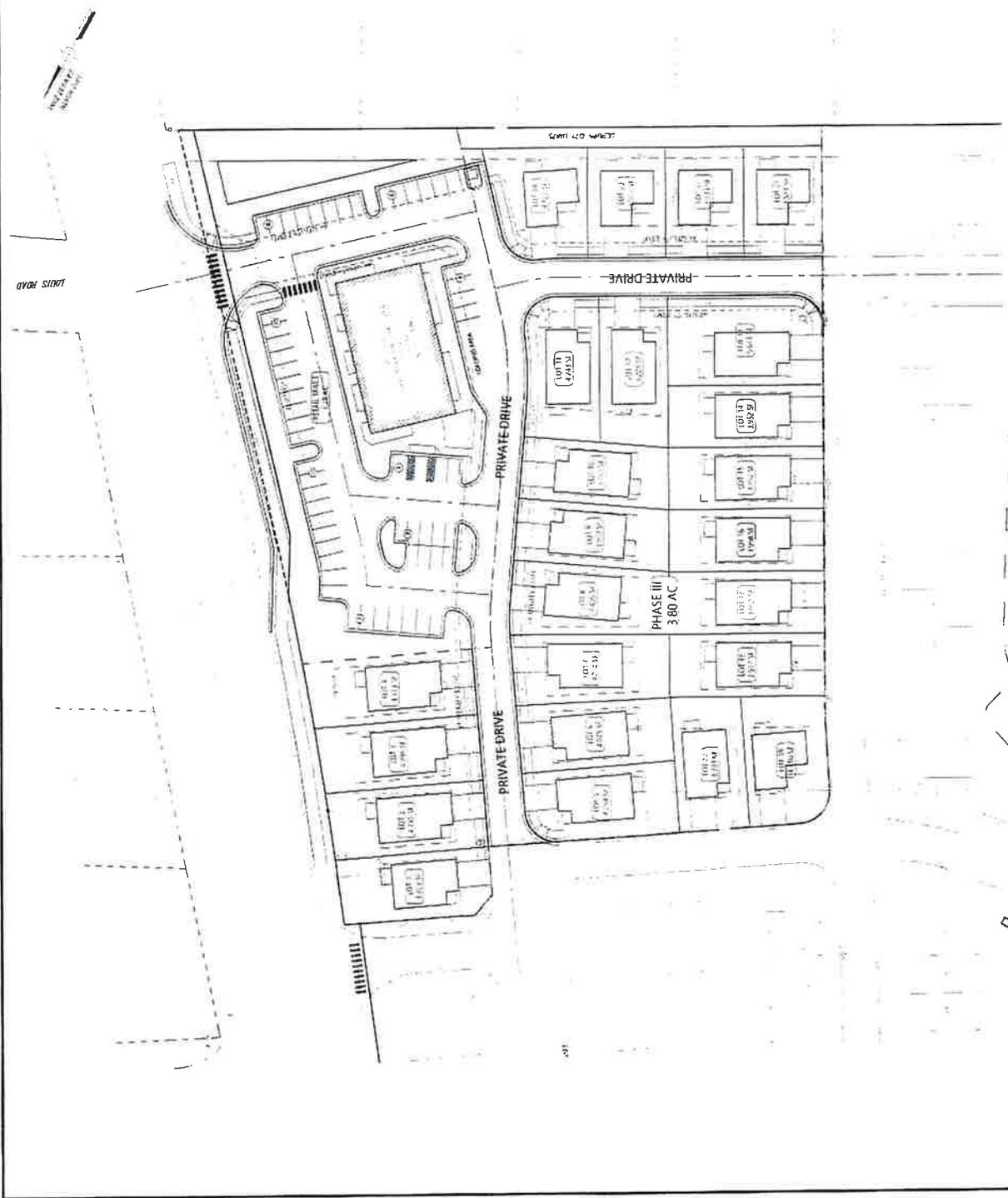
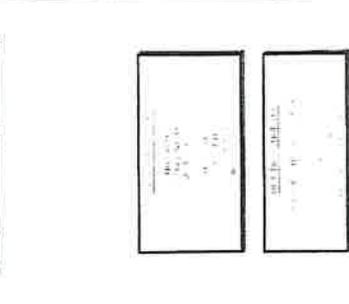
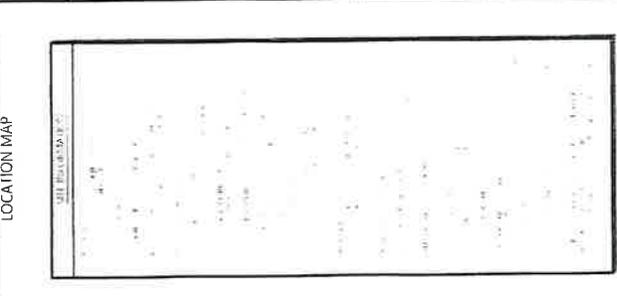
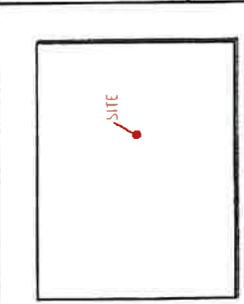


DATE	REVISION

PREPARED FOR  
KITTE HOMES, LLC  
412 SEGRAVY'S DRIVE  
ATLANTA, GEORGIA 30309  
24-HOUR CONTACT  
242 KITTLE  
(770) 540-9186

PROJECT NAME  
THE PRESERVE AT  
KILLIAN HILL  
PHASE III  
327 KILLIAN HILL  
PARCEL 6-11-005  
CITY OF LISBURN  
WINNETT COUNTY, GEORGIA

TASK  
CONCEPT  
PLAN  
PHASE III



6/7  
2010