A LIMITED LIABILITY PARTNERSHIP

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June 5, 2018

(Letter of Stipulations/Conditions Including Revised Site Plan & Architectural Renderings/Elevations)

VIA HAND DELIVERY & EMAIL

Mr. Ken Suddreth, Director Community Development Department City of Smyrna 3180 Atlanta Road Smyrna, GA 30080

Re: Applications of Quintus Development, L.P. to Annex and Rezone an approximate

8.64 Acre Tract from R-20 & NS (Cobb County) to RM-12 (City of Smyrna) -

No. Z18-010)

Dear Ken:

As you know, I represent Quintus Development, L.P. concerning the above-captioned Applications for Annexation and Rezoning. The applications are scheduled to be heard and considered by the City of Smyrna Planning Commission on June 11, 2018 and, thereafter, the applications are scheduled to be heard and considered for final action by the Mayor and City Council on July 16, 2018.

I appreciate the time which was afforded to us last week by providing time for my client, its consultants and I to meet with the City's Senior Planner, City Engineer, Fire Marshall, Public Works Director and others. The meeting was helpful and has placed us in a position to complete our dialogue with you and your staff in terms of crafting this letter of agreeable stipulations/conditions.¹

¹ To our knowledge and information received to date, Cobb County has not objected to these applications based upon the Intergovernmental Agreements for Service Delivery Strategy between Cobb County and the City of Smyrna.

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The subject property is located within an area which will support higher intensity single-family Townhome housing and is directly adjacent to multi-family apartments and existing commercial, military and industrial type uses. Additionally, the subject property is designated as a "Key Annexation Area" as defined in the City of Smyrna's 2040 Comprehensive Plan. The subject property is surrounded as follows: Heavy Industrially zoned properties on the north; property zoned RM-12 on the east; properties zoned RM-12 and Future Commercial on the south; and, by properties zoned General Commercial on the west.

The balance of this letter will serve as my client's expression of agreement with the following stipulations which, upon the rezoning being approved, as amended and modified hereby, shall become conditions and a part of the grant of the requested rezoning and shall be binding upon the subject property thereafter. The referenced stipulations are as follows, to wit:

- 1. The stipulations and conditions set forth herein shall replace and supersede in full any and all prior stipulations and conditions in whatsoever form which are currently in place concerning the property which constitutes the subject matter of the above-captioned Application for Rezoning.
- 2. The Annexation and Rezoning of the subject property shall be from R-20 & NS (Cobb County) to RM-12 (City of Smyrna) in substantial conformity to the Revised Site Plan prepared by Gaskins Engineering Surveying & Planning, which is being submitted concurrently herewith.
- 3. The subject property shall be developed for attached single-family residences (Townhomes) upon a total of 8.64 acres in order to accommodate 81 Townhomes at a density of 9.38 units per acre. ²

² By way of precedent concerning other recent Rezonings within the City of Smyrna over the past two years, the City has approved townhome developments at 13 units per acre (No. Z16-012); 12.52 units per acre (No. Z17-016); and, 11.39 units per acre (No. Z18-006).

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4. The size of the attached single-family Townhomes shall range from a minimum of 1,700 square feet up to 2,400 square feet and possibly greater.³

5. The architectural style and composition of the Townhomes shall be in substantial conformity to the enclosed copies of Architectural Renderings/Elevations, the composition of which shall consist of a mixture of brick, stone, shake, board and batten and cementitious lap siding in accordance with City of Smyrna Zoning Ordinance provisions. Any home having cementitious lap siding as the dominant building material on the front elevation facing Roswell Street shall also have a covered front porch facing Roswell Street with a brick or stone water table.

Patios, decks and privacy fencing shall be prohibited along or oriented to Roswell Street. Aluminum, wrought iron or wood picket-style fencing shall be permitted, but not required, along Roswell Street. However, covered porches or stoops shall be permitted along Roswell Street, as appropriate to the architectural style of the Townhomes.

- 6. As shown on the Revised Site Plan, there will be a mixture of both front loaded and rear loaded Townhomes. Each Townhome will be able to accommodate at all times the parking of two (2) vehicles within the garages. Driveways will be twenty-two feet (22') in length to accommodate the parking of a minimum of two (2) additional vehicles, with supplemental guest parking being strategically situated throughout the proposed community.
- 7. All of the Townhomes within the residential community shall be "For Sale" only. The subdivision covenants shall, however, contain a recital stating that the leasing of the Townhomes shall be limited to no more than ten percent (10%) of the total number of Townhomes and for no lease term less than one (1) year in duration.

³ Price points are anticipated ranging from \$365,000 - \$435,000.

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- 8. The creation of a Master Mandatory Homeowners Association ("HOA") and the submission of a Declaration of Covenants, Conditions and Restrictions ("CCRs") which shall include, among multiple other components, strict architectural controls in substantial conformity to the architectural style and composition mentioned above.
 - The HOA shall be responsible for the upkeep and maintenance of all common areas; tree preservation areas; community Open Space; amenities; mail kiosks as required by the USPS and, landscape buffers.
- 9. A third-party management company shall be hired to manage the day-to-day operations of the HOA. The third-party management company shall also be responsible for the management of all association monies as well as ensuring that the association is properly insured until such time as the HOA makes a determination that it can undertake such responsibilities.
- 10. The submission of a landscape plan during the Plan Review process which shall be subject to staff review and approval and which shall include, but not necessarily be limited to, the following:
 - a. The landscape plan, which shall be prepared, stamped and signed by a Georgia Registered Landscape Architect or a Degreed Horticulturist shall identify: open space areas; landscaped common areas; and, other components of the proposed Townhome community which will be identified during the Plan Review process.
 - b. All HVAC and mechanical systems and home utilities within the community shall be screened by way of fencing and/or landscaping.
 - c. Entry signage for the proposed Townhome community shall be ground-based, monument style, landscaped, lighted and irrigated.
 - d. The installation of sodded front, side and rear yards.

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- e. Stormwater detention and water quality components shall be landscaped and fenced appropriately in order to be attractive to homes both inside and outside of the proposed Townhome community.
- f. Compliance with the City's current Tree Preservation & Replacement Ordinance and substantial conformity to the Revised Tree Survey/Tree Protection/Tree Replacement plans which are being submitted concurrently herewith. All tree protection measures shall be adhered to during the construction and build-out of the proposed Townhome community.
- 11. Subject to recommendations from the City of Smyrna Engineer concerning hydrology, stormwater management, detention, water quality and downstream considerations, including recommendations regarding the ultimate positioning and configuration of on-site detention and water quality. Also, compliance with the following engineering considerations:
 - a. Providing the City Engineer with a conceptual hydrology plan for the subject property.
 - b. Verifying point(s) discharge with respect to detention/water quality.
- 12. Compliance with the recommendations from the Public Works Director with respect to the following: ⁴
 - a. The streets to be constructed shall be built to the City's design and detail specifications.
 - b. Each Townhome unit shall be individually metered with respect to water utilization.
 - c. The public streets shall be designed to provide adequate access and maneuverability for public safety services, public safety vehicles and sanitation vehicles.

⁴ A signal Warrant Analysis shall be prepared and submitted by the Foresite Group on or by June 15, 2018.

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- 13. Compliance with the City of Smyrna Fire Department recommendations with respect to Life Safety and Fire Prevention Issues during the Plan Review Process, including the following:
 - a. Providing a turning model for the site in order to reflect that fire trucks and related apparatus will be able to access all portions of the subject property.
 - b. Compliance with the City of Smyrna's Turning Performance Analysis with respect to fire safety vehicles and apparatus.
- 14. Building setbacks shall be as follows:
 - a. Fifteen foot (15') front setbacks for the main structure of each building. Ten foot (10') front setbacks for porches, steps and stoops.
 - b. Twenty-five foot (25') side setbacks.
 - c. Twenty-five foot (25') rear setbacks.
- 15. Common Open Space areas, recreational amenities, mail kiosks, etc. shall be in substantial compliance with ADA regulations with respect to accessibility.
- 16. The granting of a concurrent Variance allowing the separation of the buildings to be twenty feet (20') as opposed to the Ordinance requirement of thirty feet (30').
- 17. The Community Development Director shall have the authority to approve minor modifications to these stipulations, the architectural renderings/elevations, the site plan and the overall proposal as it proceeds through the Plan Review Process and thereafter except for those that:
 - a. Increase the density of the Residential Community.
 - b. Relocate a structure closer to the property line of adjacent property which is zoned the same or in a more restrictive zoning district.

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- c. Increase the height of a building which is adjacent to property which is zoned in the same or a more restrictive zoning district.
- d. Change access locations to different rights-of-way.

This Townhome proposal is entirely appropriate from a land use planning perspective; in keeping with the densities, products and price points of other Townhome Communities which have been approved and/or which are planned within the City of Smyrna which have similar adjacency to commercial developments, high density residential and commercially oriented uses.

Please do not hesitate to contact me should you or your staff require additional information or documentation prior to the formulation of Staff's Analysis and Recommendations or prior to the application being heard and considered by the Planning & Commission and the Mayor and City Council. With kind regards, I am

Very truly yours,

SAMS, LARKIN, HUFF & BALLI, LLP

Garvis L. Sams, Jr. gsams@slhb-law.com

GLS, Jr./klk Enclosures/Attachments

cc: Listed on next page

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cc: Honorable A. Max Bacon, Mayor (via email w/attachments)

Members, City of Smyrna City Council (via email w/attachments)

Ms. Tammi Saddler Jones, City Administrator (via email w/attachments)

Members, City of Smyrna Planning Commission (via email w/attachments)

Mr. Russell G. Martin, AICP, Senior City Planner (via email w/attachments)

Mr. Eric Randall, P.E., City Engineer (via email w/attachments)

Mr. Kevin Moore, P.E., Assistant City Engineer (via email w/attachments)

Mr. Scott Stokes, Public Works Director (via email w/attachments)

Mr. Timothy Grubaugh, Fire Marshall (via email w/attachments)

Ms. Terri Graham, City Clerk (via email w/attachments)

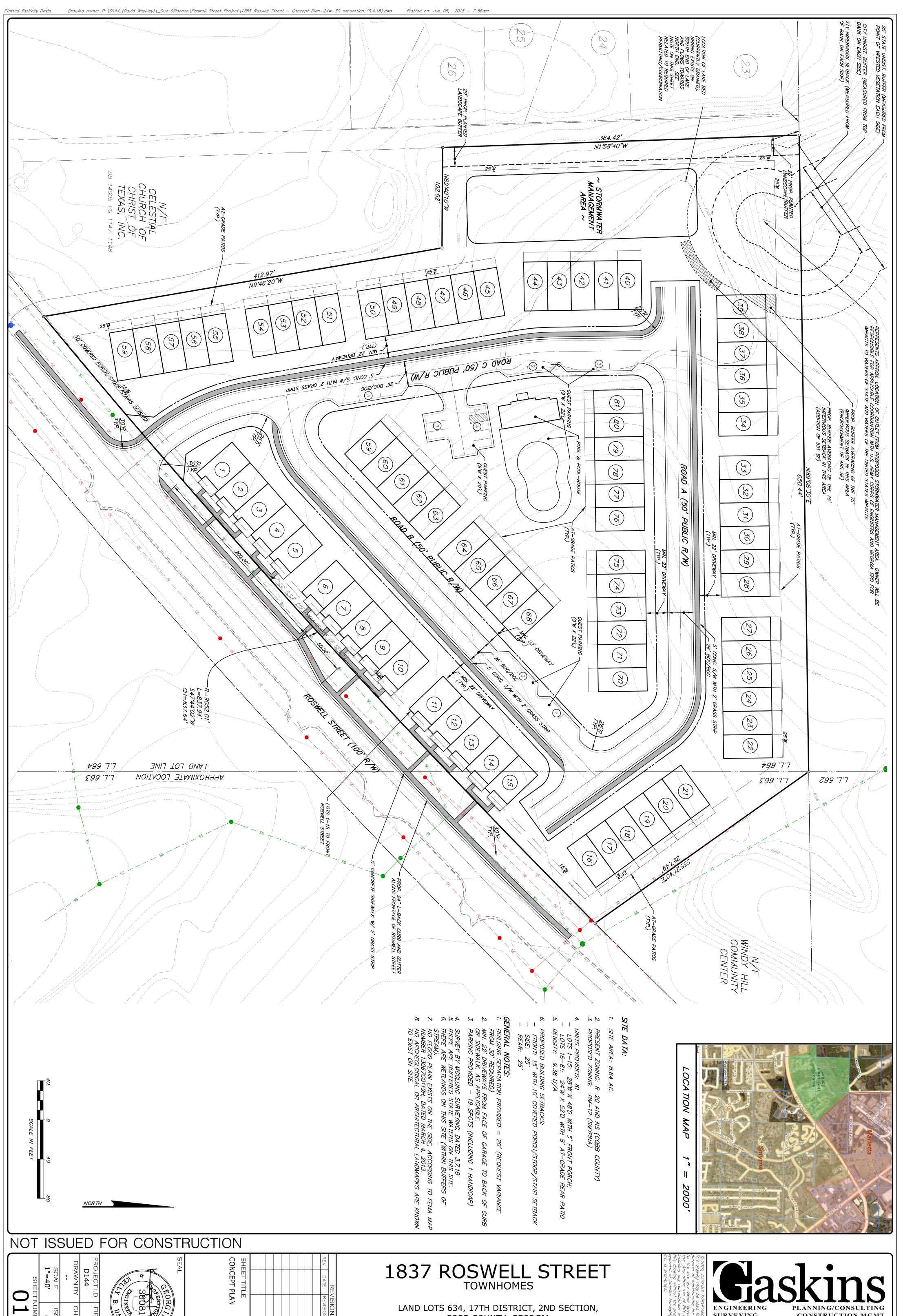
Scott A. Cochran, Esq. (via email w/attachments)

Mr. Keith Bentley, Williams Park HOA (via email w/attachments)

Mr. Kelly Davis, P.E., Gaskins Engineering (via email w/attachments)

Mr. Jeff Carter, Quintus Development L.P. (via email w/attachments)

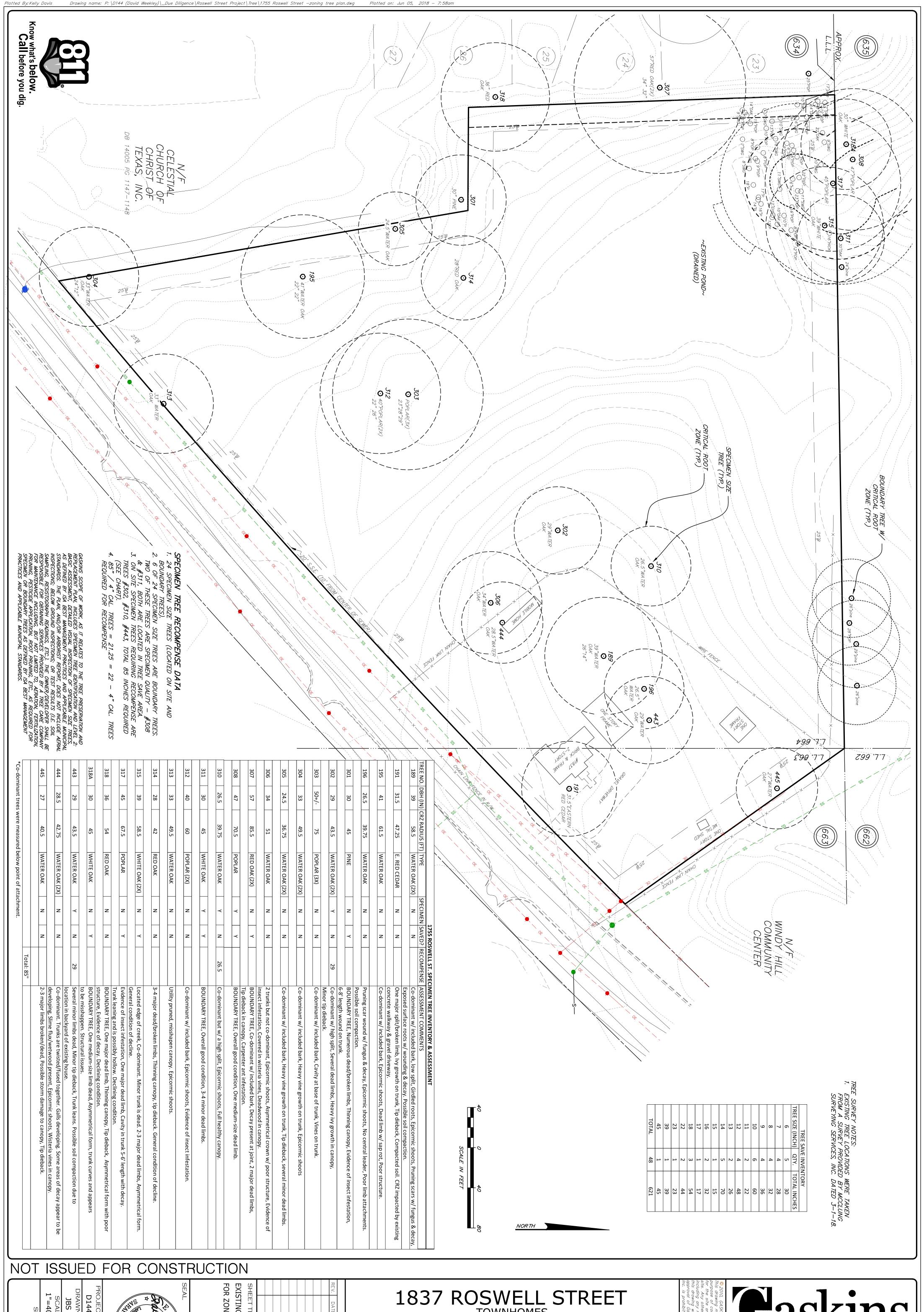
Mr. Brandon Wilt, David Weekley Homes (via email w/attachments)



COBB COUNTY, GEORGIA

CONSTRUCTION MGMT **SURVEYING** 1266 Powder Springs Road Marietta, Georgia 30064 Phone: (770) 424-7168 Fax: (770) 424-7593

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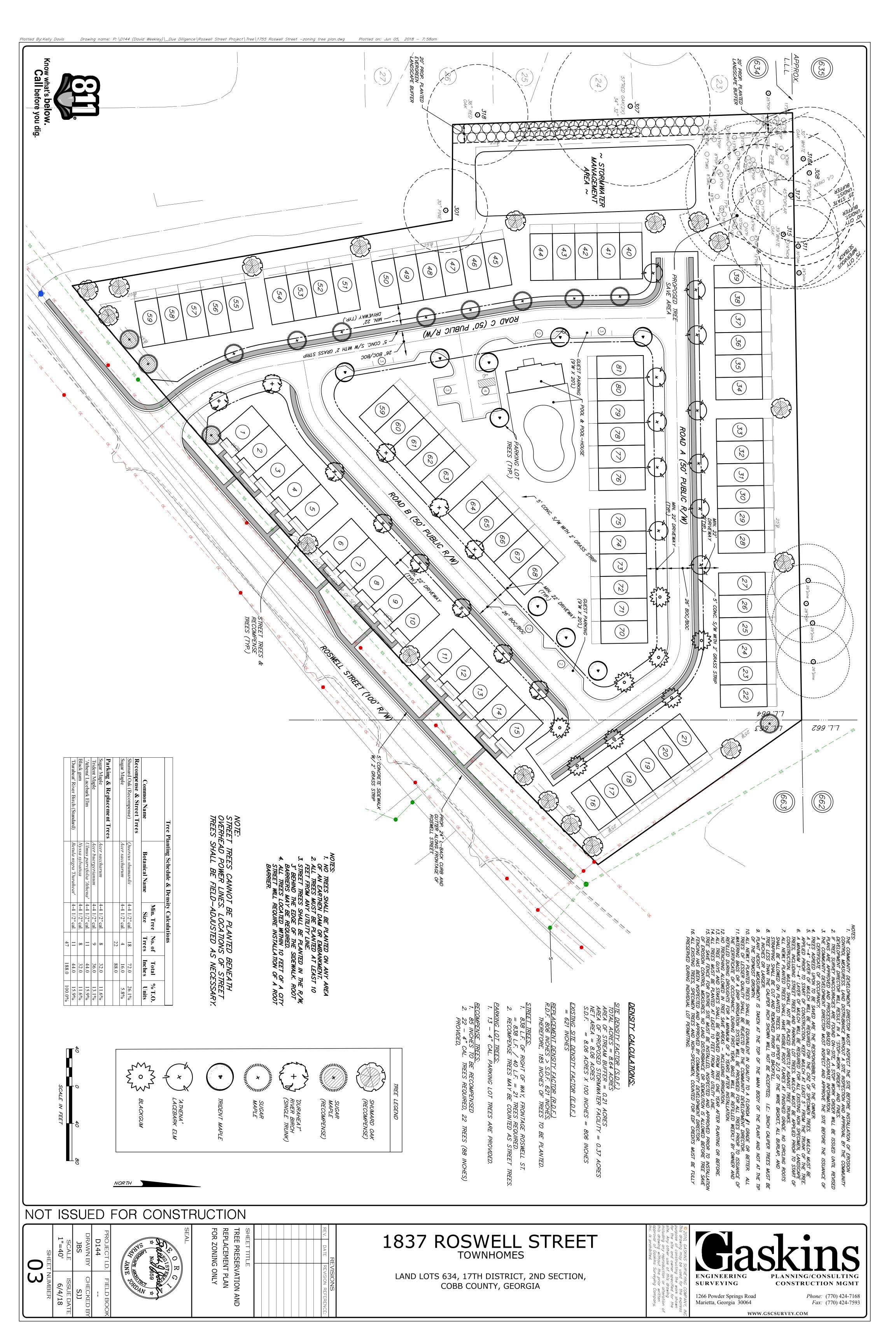
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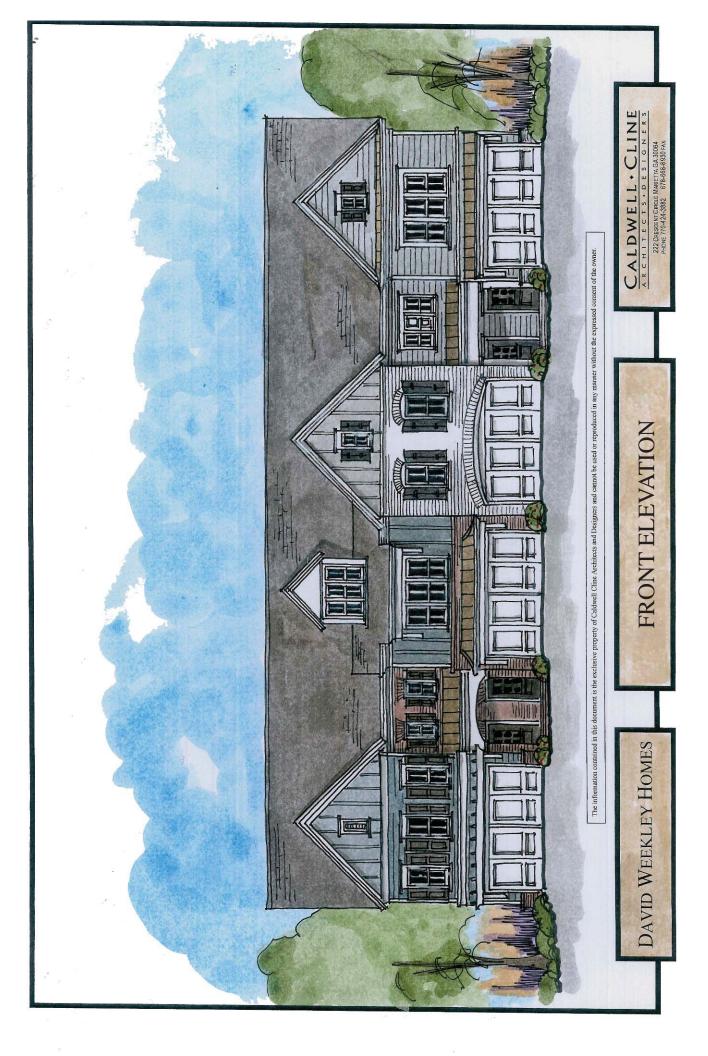
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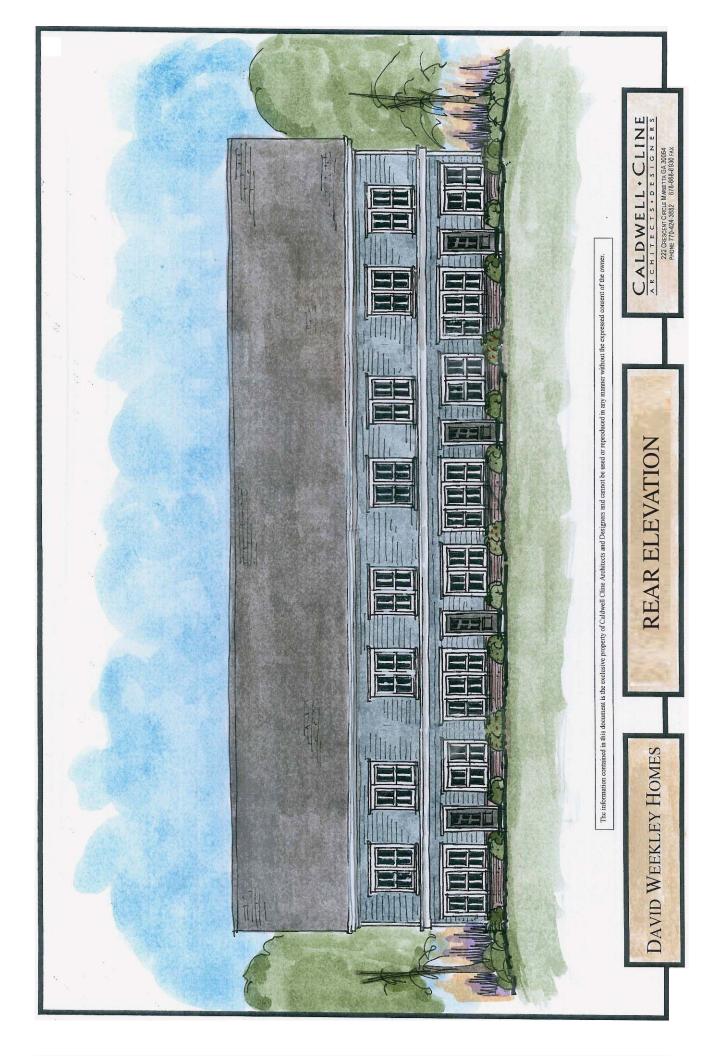
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SIDE ELEVATION

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DAVID WEEKLEY HOMES