

# SAMS, LARKIN, HUFF & BALLI

A LIMITED LIABILITY PARTNERSHIP

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June 5, 2017

**VIA EMAIL:**

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

Re: Application of J. Carpenter Homes to Rezone a 0.334 Acre Tract from R-15 to RAD Conditional (No. Z17-010) – Southeast Intersection of Mann Street & Stephens Street

Dear Ken:

You will recall that this firm represents J. Carpenter Homes (“JCH”) regarding the above-captioned Application for Rezoning. The Application was submitted on May 12, 2017 and is scheduled to be heard and considered by the Smyrna Planning & Zoning Board on June 12, 2017. Thereafter, it is anticipated that the Application will be heard and considered for final action by the Smyrna Mayor and City Council on July 17, 2017.

Consistent with the dialogue which we have established with you, your staff and area residents from whom we have received inquiries, the balance of this letter will serve as JCH’s agreement with the following stipulations which, upon the Rezoning Application being approved as submitted, shall become conditions and a part of the grant of the requested rezoning and binding upon the subject property thereafter. The referenced stipulations are as follows:

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 rezoning of the subject property shall be from R-15 to RAD Conditional in substantial conformity to that certain site plan prepared by Paul Lee Consulting Engineering Associates, Inc. which was submitted concurrently with the Application for Rezoning.

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3. The existing structures on the subject property shall be demolished with said property being developed for the construction of two (2) Single-Family, Detached Residential Homes with access onto Mann Street (Lot 1) and Stephens Street (Lot 2), respectively.<sup>1</sup>
4. The size of the Single-Family, Detached Residences shall range from a minimum of 2,750 sq. ft. to 4,500 sq. ft. and possibly greater.
5. The architectural style and composition of the homes shall be in substantial conformity to the photographs which were submitted concurrently with the Application for Rezoning (and are attached hereto). The composition of said homes shall meet City Code requirements and shall consist of a mixture of either brick, stacked stone, cedar shake or Hardiplank® siding.

Each of the homes shall have an attached two-car garage which shall be designed at all times to accommodate a minimum of two (2) vehicles. The driveways shall be designed to accommodate, in terms of length and turnaround maneuverability two (2) additional vehicles.

6. 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 shall be prepared, stamped and signed by a Georgia Registered Landscape Architect or a Degreed Horticulturist for common areas and other components identified during the Plan Review Process.
  - b. All HVAC systems and home utilities within the community shall either be underground or screened from view by way of fencing, positioning, and/or landscaping.
  - c. The installation of sod in the front, side and rear yards.

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<sup>1</sup> The subject property is in an area denominated as Medium Density Residential ("MDR") on the City's Future Land Use Map; is presently zoned R-15; and, has contiguity to both RAD Conditional and R-15.

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- d. Compliance with the City's current Tree Preservation & Replacement Ordinance in substantial conformity to the Tree Survey/Tree Protection/Tree Replacement Plans submitted concurrently with the Application for Rezoning.
7. Subject to recommendations from the City of Smyrna Engineer concerning hydrology, stormwater management and downstream considerations, including the ultimate recommendations regarding the positioning and configuration of on-site detention and water quality.  
  
Stormwater shall be handled by way of "flo-wells" placed in stone encasements for water quality and storage. All stone encasements shall be wrapped in a non-woven geotextial material on all sides. All roofs and drive surfaces shall be drained directly to the water quality encasements/flo-wells as shown on the site plan.
8. Compliance with the City of Smyrna Public Works Director's comments and recommendations regarding accessibility to water and sewer to service the site. Water and sanitary sewer are both located on Stephens Street and it is the responsibility of JCH to bore under the right-of-way to gain access to said utilities. Any existing taps are to be used where possible with abandoned taps to be capped at the main line.  
  
The voluntary donation and conveyance of ten feet (10') right-of-way on both Mann Street and Stephens Street, respectively. To the extent that said voluntary donation and conveyance of right-of-way encroaches into required setbacks under the RAD Conditional District, Staff is supportive of the granting of concurrent variances concerning same.
9. Compliance with the City of Smyrna Fire Department's recommendations concerning Life-Safety and Fire Prevention issues.
10. The Ward Council Member and/or the Community Development Director shall have the authority to approve minor modifications concerning the site plan, the architectural style and composition of the homes and other issues within these stipulations as the development proceeds through the Plan and Review Process and thereafter, except for those that:

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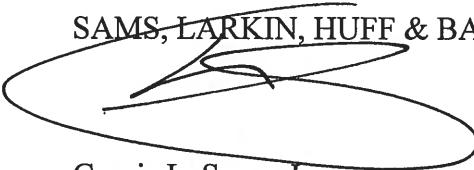
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- a. Increase the density of the residential community.
- b. Reduce the size of an approved buffer adjacent to property which is zoned the same or in a more restrictive zoning district.
- c. Relocate a structure closer to the property of an adjacent property which is zoned the same or in a more restrictive district.
- d. Increase the height of a building which is adjacent to a property which is zoned in the same or a more restrictive zoning district.
- e. Change access locations other than as shown on the site plan submitted concurrently with the Application for Rezoning.

In all respects, the Application for Rezoning and the requested rezoning is in compliance with the City's and its' 'consultants' vision for this sub-area of the City of Smyrna and is consistent with the City's Future Land Use Map and Comprehensive Land Use Plan. Please do not hesitate to contact me should you or your staff require further information or documentation prior the formulation of Staff's Analysis and Recommendations. With kind regards, I am

Very truly yours,

SAMS, LARKIN, HUFF & BALLI, LLP



Garvis L. Sams, Jr.  
[gsams@slhb-law.com](mailto:gsams@slhb-law.com)

GLS/dls  
Attachments

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cc: Honorable Max Bacon, Mayor (via email w/attachments)  
Members, City of Smyrna City Council (via email w/attachments)  
Members, City of Smyrna Planning & Zoning Board (via email w/attachments)  
Ms. Tammi Saddler Jones, Interim City Administrator (via email w/attachments)  
Scott A. Cochran, Esq. (via email w/attachments)  
Mr. Russell Martin, AICP, Senior Planner (via email w/attachments)  
Mr. Eric Randall, P.E., City Engineer (via email w/attachments)  
Mr. Scott Stokes, Public Works Director (via email w/attachments)  
Mr. Timothy Grubaugh, Deputy Fire Marshal (via email w/attachments)  
Ms. Terri Graham, City Clerk (via email w/attachments)  
Mr. Mike Hourihan (via email w/attachments)  
Mr. John Hicks (via email w/attachments)  
Mr. Mark Lee, RLS & P.E., Paul Lee Consulting Engineering Associates, Inc.  
(via email w/attachments)