

# SAMS, LARKIN, HUFF & BALLI

A LIMITED LIABILITY PARTNERSHIP

GARVIS L. SAMS, JR.  
JOEL L. LARKIN  
PARKS F. HUFF  
JAMES A. BALLI

SUITE 100  
376 POWDER SPRINGS STREET  
MARIETTA, GEORGIA 30064-3448

770•422•7016  
TELEPHONE  
770•426•6583  
FACSIMILE

---

ADAM J. ROZEN

---

SLHB-LAW.COM

June 1, 2017

**VIA HAND DELIVERY & VIA EMAIL:**

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

Re: Application of Craftmark Development, LLC to Rezone a 0.84 acre tract from R-15 to RAD Conditional (No. Z17-008)

Dear Ken:

As you know, this firm represents Craftmark Development, LLC (“Craftmark”) concerning the above-captioned Application for Rezoning. The Application is scheduled to be heard by the Smyrna Planning & Zoning Board on June 12, 2017 and, thereafter, the Application is scheduled to be heard and considered for final action by the Mayor and City Council on July 16, 2017.

Consistent with the dialogue which we have established with the City’s professional staff and certain appointed and elected officials in Smyrna, enclosed please find a revised site plan. The revised site plan also takes into consideration the meaningful dialogue which we have established with residents of Park Place Subdivision. That dialogue is ongoing and will continue throughout the pendency of this Application. However, the revised site plan coupled with the following stipulations/conditions constitute the substance of our agreements with Park Place residents this far.

With respect to the foregoing, the balance of this letter will serve as Craftmark’s expression of agreement with the following stipulations which, upon the Rezoning Application being approved, as amended and revised 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:

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 Subject Property.

# SAMS, LARKIN, HUFF & BALLI

A LIMITED LIABILITY PARTNERSHIP

## VIA HAND DELIVERY & VIA EMAIL:

Mr. Ken Suddreth, Director  
Smyrna Community Development  
June 1, 2017  
Page 2

---

2. The rezoning of the subject property shall be from R-15 to RAD Conditional in substantial conformity to the revised site plan (Park Place Phase 2), prepared by Ridge Planning & Engineering which is attached and which is being submitted concurrently herewith.
3. The subject property (which can be developed as zoned for two additional lots) shall be developed for the construction of three (3) single-family detached residences which are planned to become a part of Park Place Subdivision and its Homeowners Association.<sup>1</sup>
4. The size of the single-family detached residences shall be consistent with the existing square footage of the homes within Park Place and/or greater.<sup>2</sup>
5. The architectural style and composition of the single-family detached homes shall be in substantial conformity to the architectural renderings/elevations which were submitted concurrently with the Application for Rezoning. Most importantly, the architectural style and composition of the homes shall be consistent with the homes constructed within Park Place Subdivision.

Each of the homes shall have an attached, two-car garage which shall be designed at all times to accommodate two (2) vehicles. The driveways shall be a minimum of twenty-two feet (22') in length to accommodate two (2) additional vehicles. All three (3) homes shall be served by the current access easement off of North Cooper Lake Road.

6. All of the stipulations/conditions of the original 2014 rezoning of Park Place shall remain in full force and effect where not in conflict herewith.
7. The homes which are proposed shall be "for sale" homes and the same shall be reflected in the Mandatory Homeowners Association ("HOA") documents and the Declaration of Covenants, Conditions and Restrictions ("CCRs") which shall include, among other components, strict architectural controls.

---

<sup>1</sup> Originally, Park Place was zoned RAD Conditional for twelve (12) homes (No. Z-14-003). However, only eleven (11) homes were constructed.

<sup>2</sup> Price points of the proposed homes are anticipated ranging from \$600,000.00 and above.

# SAMS, LARKIN, HUFF & BALLI

A LIMITED LIABILITY PARTNERSHIP

## VIA HAND DELIVERY & VIA EMAIL:

Mr. Ken Suddreth, Director  
Smyrna Community Development  
June 1, 2017  
Page 3

---

The Mandatory HOA shall be responsible for the upkeep and maintenance of all common areas, tree preservation areas, Community Open Space, the stormwater management facility (detention/water quality) and landscaping not installed/planted on individual lots.

8. The submission of a landscape plan during the Plan Review Process which shall be subject to staff and the City's Arborist's review and approval and which shall include, but not necessarily be limited to, the following:
  - a. A ten foot (10') undisturbed buffer, including additional landscaping and an eight foot (8') fence on the common property line (and partially beyond), between Lot 3 as shown on the revised site plan and the current home of Mr. & Mrs. Hal Higgins (401 Downfield Way). The fence shall be a wooden, opaque, decorative, two-sided privacy fence.<sup>3</sup>
  - b. The overall landscape plan shall be prepared, stamped and signed by a Georgia Registered Landscape Architect or a degreed horticulturist for common areas and other components of the residential community which shall be identified during the Plan Review Process including the undisturbed buffer mentioned above.
  - c. The three (3) new homes shall be oriented toward Spy Glass Court and landscaped accordingly with either rear or side entry garages.
  - d. All HVAC systems and home utilities within the Community shall either be underground or screened from view by way of fencing and/or landscaping.
  - e. The installation of sod in the front, side and rear yards of the proposed homes.
  - f. To the extent not already completed, existing stormwater management facilities shall be landscaped in order to be attractive to homes within Park Place Subdivision.

---

<sup>3</sup> This agreement between Craftmark and Mr. & Mrs. Higgins also constitutes a request to the City for a concurrent variance waiving the maximum height of said fence from six feet to eight feet (6'-8').

# SAMS, LARKIN, HUFF & BALLI

A LIMITED LIABILITY PARTNERSHIP

## VIA HAND DELIVERY & VIA EMAIL:

Mr. Ken Suddreth, Director  
Smyrna Community Development  
June 1, 2017  
Page 4

---

- g. The construction of a pavilion, approximately fifteen feet by fifteen feet (15'x15') in size, which shall be placed within the designated common area at the entrance to Park Place Subdivision. Said pavilion and the construction of same shall be in substantial conformity to the architectural style and composition as mentioned above.<sup>4</sup>
- h. Compliance with the City of Smyrna's Sign Ordinance and Regulations including the construction of ground-based, monument-style signage at the entrance to Park Place Subdivision which shall be lighted, landscaped and irrigated in substantial compliance with the entrance signage of other recent residential developments along North Cooper Lake Road.
- i. Compliance with the City's Tree Preservation & Replacement Ordinance and substantial conformity to the Tree Survey/Protection/Tree Replacement plans which were submitted concurrently with the Application for Rezoning.

All required tree protection measures shall be adhered to during the construction and build out of Park Place Phase 2. Every effort shall be undertaken to preserve any specimen trees (contained within the undisturbed buffer as described above) which are not already designated as dead, dying or irrevocably diseased.

- 9. Craftmark is the current Declarant of Park Place HOA. The control of said HOA shall be conveyed and turned over to the Park Place residents within thirty (30) days of a successful rezoning of the subject property.
- 10. Compliance with recommendations from the City of Smyrna Engineer concerning hydrology, stormwater management and downstream considerations. Additionally, detention for the additional three (3) homes shall be designed to meet the stipulations/conditions of the original rezoning in 2014 subject to additional scrutiny, review and approval by the City Engineer.

---

<sup>4</sup> Craftmark shall set aside the sum of Twenty Thousand Dollars (\$20,000.00) for the construction of the pavilion. To the extent that construction costs of the pavilion are less than Twenty Thousand Dollars (\$20,000.00), any remaining sums shall be deposited within an account designated by Park Place HOA.

# SAMS, LARKIN, HUFF & BALLI

A LIMITED LIABILITY PARTNERSHIP

## VIA HAND DELIVERY & VIA EMAIL:

Mr. Ken Suddreth, Director  
Smyrna Community Development  
June 1, 2017  
Page 5

---

11. Compliance with the City's Public Works Director's recommendations concerning access to water lines; utilization of current water service components; the positioning and utilization of sanitary sewer; and, the installation of sidewalks (where not existing) along the subject property's frontage on both Spy Glass Court and North Cooper Lake Road, respectively.
12. Compliance with the City of Smyrna Fire Department's recommendations with respect to Life-Safety and Fire Prevention Issues, including the following:
  - a. Providing an access model for the subject property to ensure that fire trucks will be able to access same.
  - b. Compliance with the City of Smyrna Fire Department's recommendations regarding the submission of a turning performance analysis and the City's specifications concerning the Fire Department ladder truck utilized for this type of single-family detached residential development.
13. The Ward Council Member and/or the Community Development Director shall have the authority to approve minor modifications with respect to the site plan, the architectural style and composition of the homes and the other issues within these stipulations as the development proposal proceeds through the Plan Review Process and thereafter, except for those that:
  - 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 line 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 to a different right-of-way.

# SAMS, LARKIN, HUFF & BALLI

A LIMITED LIABILITY PARTNERSHIP

## VIA HAND DELIVERY & VIA EMAIL:

Mr. Ken Suddreth, Director  
Smyrna Community Development  
June 1, 2017  
Page 6

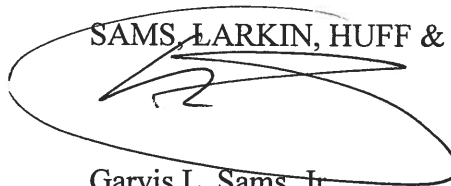
---

Craftmark has worked diligently with both the City Staff and with residents within Park Place in order to reach agreements regarding the foregoing stipulations/conditions. In that regard, Craftmark's request for a rezoning constitutes a reasonable extension of the existing subdivision and the incorporation of three (3) lots within Park Place subject to HOA control and the CCRs which are currently in place.

Please do not hesitate to contact me should you or your staff require further information and/or documentation prior to the Application being heard and considered by the Planning & Zoning Board on June 12, 2017 and later by the Mayor and City Council on July 17, 2017. 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

Enclosures/Attachment

cc: Honorable Max Bacon, Mayor (via email w/attachment)  
Members, City of Smyrna City Council (via email w/attachment)  
Members, City of Smyrna Planning & Zoning Board (via email w/attachment)  
Ms. Tammi Saddler Jones, Interim City Administrator (via email w/attachment)  
Scott A. Cochran, Esq. (via email w/attachment)  
Mr. Eric Randall, P.E., City Engineer (via email w/attachment)  
Mr. Timothy Grubaugh, Deputy Fire Marshal (via email w/attachment)  
Mr. Scott Stokes, Public Works Director (via email w/attachment)  
Ms. Terri Graham, City Clerk (via email w/attachment)  
Mr. Rusty Martin, AICP, Senior Planner (via email w/attachment)  
Mr. Jason Gaines, AICP, Park Place resident (via email w/attachment)  
Hal Higgins, Esq., Park Place resident (via email w/attachment)  
Mr. Jordon Tench, P.E., Land Development Manager, O'Dwyer Properties  
(via email w/attachment)  
Mr. Brent Benson, Craftmark Development, LLC (via email w/attachment)  
Mr. Jeff Smith, P.E., Ridge Planning & Engineering (via email w/attachment)