

Russell G. Martin

From: Garvis Sams <gsams@slhb-law.com>
Sent: Friday, August 05, 2016 9:44 AM
To: Russell G. Martin
Subject: Fwd: Bell drive decks

FYI

Sent from my iPhone 6
Garvis Sams, Partner
SLHB, LLC
gsams@slhb-law.com
404.975.7772-cell
770.422.7016-office

Begin forwarded message:

From: David Woodbery <david@wwcompany.com>
Date: August 5, 2016 at 9:28:31 AM EDT
To: Tim Grubaugh <tgrubaugh@smyrnaga.gov>
Cc: Garvis Sams <gsams@slhb-law.com>
Subject: Bell drive decks

Tim,

I wanted to clarify, the decks on the end units where a turning radius is involved are included in the 55' deep pad as shown. For example, the unit would be 45' and the deck would be 10'.

Thanks,

David Woodbery

The Woodbery Group
Development & Investment
950 Lowery Blvd. NW
Puritan Mill #18
Atlanta, GA 30318
404-849-4832

Russell G. Martin

From: Timothy Grubaugh
Sent: Thursday, August 04, 2016 5:16 PM
To: Russell G. Martin
Subject: RE: Bell drive - revised

Rusty,

Land a fire hydrant on the interior road.

Timothy W. Grubaugh

Deputy Fire Marshal
Smyrna Fire Marshal's Office
3180 Atlanta Road
Room #228
Smyrna, Ga.30080
678-631-5480 Office
770-435-6633 BOFP Fax
www.smyrnacityfire.com
www.readysmyrna.com



"A tradition of excellence"

From: Russell G. Martin
Sent: Thursday, August 4, 2016 4:01 PM
To: Timothy Grubaugh <tgrubaugh@smyrnaga.gov>; Scott Stokes <sstokes@smyrnaga.gov>; Eric Randall <erandall@smyrnaga.gov>; Joey Staubes <jstaubes@smyrnaga.gov>
Cc: Ken Suddreth <ksuddreth@smyrnaga.gov>
Subject: FW: Bell drive - revised

Guys:

Here is the new plan. Can you guys give it a review and send back any comments in the morning? I'm going to start my write up and would like to add anything you think you need.

Thank you,

Rusty Martin, AICP
Senior Planner
Community Development Department
3180 Atlanta Road
Smyrna, GA 30080
Phone: 678-631-5354
Fax: 770-431-2808
Email: rgmartin@smyrnaga.gov

Russell G. Martin

From: Scott Stokes
Sent: Thursday, August 04, 2016 4:26 PM
To: Russell G. Martin
Subject: RE: Bell drive - revised

We need enough R/W dedication on both streets to cover the public Improvements including assess for general repair and maintenance. Public sidewalks need to be in the R/W.
Why does Bell Drive have street parking but Woodland Terrace does not.

From: Russell G. Martin
Sent: Thursday, August 04, 2016 4:01 PM
To: Timothy Grubaugh; Scott Stokes; Eric Randall; Joey Staubes
Cc: Ken Suddreth
Subject: FW: Bell drive - revised

Guys:

Here is the new plan. Can you guys give it a review and send back any comments in the morning? I'm going to start my write up and would like to add anything you think you need.

Thank you,

Rusty Martin, AICP
Senior Planner
Community Development Department
3180 Atlanta Road
Smyrna, GA 30080
Phone: 678-631-5354
Fax: 770-431-2808
Email: rgmartin@smyrnaga.gov



From: David Woodbery [<mailto:david@wwcompany.com>]
Sent: Thursday, August 04, 2016 2:24 PM
To: Ken Suddreth <ksuddreth@smyrnaga.gov>; Russell G. Martin <rgmartin@smyrnaga.gov>
Cc: Garvis Sams <gsams@slhb-law.com>; Clif Poston <Clif@tratonhomes.com>; Brandon Wilt <BWilt@tratonhomes.com>; Kelly Davis <kdavis@gscsurvey.com>
Subject: Bell drive - revised

Ken and Rusty,

Attached is the revised plan based on yesterday's meeting.
Garvis will have the sufficient number of hard copies delivered to you tomorrow.

Changes include:

Russell G. Martin

From: David Woodbery <david@wwcompany.com>
Sent: Thursday, August 04, 2016 2:24 PM
To: Ken Suddreth; Russell G. Martin
Cc: Garvis Sams; Clif Poston; Brandon Wilt; Kelly Davis
Subject: Bell drive - revised
Attachments: 2016-8-4 BELL TREE REPLAC 3 OF 3.pdf; 2016-8-4 BELL SURV PROT 2 OF 3.pdf;
2016-8-4 BELL REZONE 1 OF 3.pdf

Ken and Rusty,

Attached is the revised plan based on yesterday's meeting.
Garvis will have the sufficient number of hard copies delivered to you tomorrow.

Changes include:

- Fire and sanitation access to the rear of the units. All turning radius are drawn to the specifications provide by Tim.
- Community Open Space and outdoor fire pit added in Pod B.
- Added parking by both mail kiosks.
- Reduced the unit count to 49 total.
- Reduced the number of 7-unit buildings to one in each pod.

Thank you,

David Woodbery

The Woodbery Group
Development & Investment
950 Lowery Blvd. NW
Puritan Mill #18
Atlanta, GA 30318
404-849-4832

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

WWW.SLHB-LAW.COM

July 21, 2016

VIA EMAIL & HAND DELIVERY:



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

Re: Application of The Woodbery Group, LLC to Rezone a 3.9 Acre Tract from R-15 to RM-15 (No. Z-1612)

Dear Ken:

As you know, this firm has been engaged by and represents The Woodbery Group, LLC and Traton Homes (“Applicants”) concerning the above-captioned Application for Rezoning. The Application is scheduled to be heard and considered by the City of Smyrna Planning & Zoning Board on August 8, 2016 and is scheduled to be heard and considered for final action by the Mayor and City Council on September 19, 2016.

With respect to the foregoing and in accordance with our discussions with the City’s professional staff and others and based upon the dialogue with City officials, enclosed please find the requisite number of copies of a Revised Site Plan. Also enclosed are elevations/renderings depicting the architectural style and composition of the proposed townhomes along with their respective floor plans and a color birds-eye architectural/rendering/elevation of a proposed street scene. In that regard, please let me know if you need additional documentation and information regarding the renderings/elevations or with respect to the Revised Site Plan.

The balance of this letter will serve as the Applicants’ expression of agreement with the following stipulations which, upon the Rezoning being approved, as amended and modified hereby, shall become a conditions and a part of the grant of the requested Rezoning and binding upon the Subject Property thereafter.

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.

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Mr. Kenneth Suddreth, Director
Community Development Department
July 21, 2016
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2. The Rezoning of the Subject Property shall be from R-15 to Conditional RM-15, predicated upon substantial conformity to the Revised Site Plan which is being submitted concurrently herewith.
3. The subject property shall be developed for attached single-family residences (townhomes) upon a total of 3.9 acres for a total number of fifty-one (51) homes at a density of 13.07 units per acre.¹
4. The size of the attached single-family townhomes shall range from a minimum of 1,700 square feet – 3,100 square feet.²
5. The architectural style of the townhomes shall be in substantial compliance with the attached architectural renderings/elevations and shall be traditional and the composition of the homes shall consist of a mixture of either brick, stacked-stone, cedar shake, and/or Hardy Plank and each of the homes shall have an attached two (2) car garage which shall be designed to accommodate two (2) vehicles at all times. The driveways shall be a minimum of twenty-two feet (22') in length to accommodate two (2) additional vehicles.
6. All of the homes within the residential community shall be "For Sale" only. The subdivision covenants shall 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 homes and for no lease term less than one (1) year in duration.
7. The creation of a Master Mandatory Homeowners Association ("HOA") and the submission of a Declaration of Covenants, Conditions and Restrictions which shall include, among other components, strict architectural controls and substantial conformity to the architectural style and composition mentioned above. Additionally, said mandatory HOA shall be responsible for the upkeep and maintenance of all common areas; streets; tree preservation area; required community open space; amenities; mail kiosks as required by the United States Postal Service; landscape buffers; and, other landscaping and signage components within and related to the proposed townhome community.

¹ Afton Downs, Phases I – III, an existing townhome development (circa 1982) were developed in densities ranging from 9.17 – 10.25 units per acre. Additionally, an Assisted Living Facility on Woodland Terrace (Galleria Manor) has been developed at a high density.

² Price points are anticipated ranging from approximately \$360,000.00 - \$450,000.00.

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8. A third-party management company shall be hired to manage the day-to-day operations of the Master 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 homeowners association makes a determination that it can undertake such responsibilities.
9. 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 limited to, the following:
 - a. Said landscape plan, which shall be prepared, stamped and signed by a Georgia Registered Landscape Architect or a degreed Horticulturist for common areas, entrances and other components of the townhome community which shall be identified during the Plan Review Process.
 - b. All HVAC systems and home utilities within the community shall be screened by way of fencing and landscaping as required by City Code.
 - c. Entry signage for the community shall be ground-based, monument style, heavily landscaped and irrigated and consistent with the City of Smyrna's Sign Ordinance.
 - d. The installation of sodded front, side and rear yards.
 - e. The detention ponds and/or water quality components shall be placed and landscaped appropriately in order to be attractive to homes inside and outside of the proposed townhome community.
 - f. Compliance with the City's current Tree Preservation and Replacement Ordinance in substantial conformity to the Tree Survey/Tree Protection/Tree Replacements plans being submitted concurrently herewith. All required Tree Protection measures shall be adhered to during the construction and buildout of the proposed community.
10. Subject to recommendations from the City of Smyrna Engineering Department concerning hydrology, stormwater management and downstream considerations, including recommendations regarding the ultimate positioning and configuration

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of on-site detention and water quality. Additionally, detention for the community shall be designed to meet all City stormwater codes, subject to review and approval by the City Engineer. Also, subject to the following additional engineering considerations:

- a. Providing the City Engineer with a conceptual hydrology plan for the Subject Property prior to this Application being heard and considered.
 - b. Verifying the point of discharge with respect to detention/water quality.
 - c. Providing five feet (5') of right-of-way dedication along Woodland Terrace for both Pods A and B, respectively.
 - d. Widening of Woodland Terrace to thirteen feet (13') from the center of the road for the length of Pod B.
 - e. Providing a five foot (5') sidewalk with two foot (2') grass strip, except where said buffer is needed to achieve driveways which are twenty-two feet (22') in length.
 - f. The private alley shall be designed to provide adequate access for sanitation services.
 - g. The installation of sidewalks as shown on the revised site plan.
11. Compliance with the City of Smyrna Fire Department recommendations with respect to Life Safety and Fire Prevention issues, including the following:
- a. Providing a turning model for the site, as shown on the Revised Site Plan to depict that fire trucks will be able access the Subject Property.
 - b. Compliance with the City of Smyrna's specifications with respect to ladder truck #4.
 - c. Compliance with the City's turning performance analysis.
 - d. The granting of a contemporary Variance regarding the City's regulation of the maximum of six (6) attached units. The Revised Site Plan shows a maximum of seven (7) attached units.

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July 21, 2016
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12. Substantial compliance with the positioning of the mail kiosks and ensuring that said components are ADA accessible.
13. Providing access to the amenity area and common community features which are ADA accessible.
14. Providing a twenty foot (20') side setback on the northern end of Pod B with adequate buffering along the shared property line.
15. Providing guest parking in terms of parallel parking along Bell Drive as shown on the revised site plan.
16. Subject to recommendations from the City of Smyrna Public Works Department with respect to availability and accessibility of water and sewer and issues attendant thereto.³

Sanitary sewer is currently, partially available within Bell Drive and Woodland Terrace; however, the Applicants will be required to conduct a main-extension in both Bell Drive and Woodland Terrace, with each home requiring its own separate sewer tap.

All water taps and sewer taps shall be the responsibility of the Applicants. Existing water taps and sewer taps not used will have to be capped at the main line. The Applicants will be required to repave only the portions of Bell Drive and Woodland Terrace which are disturbed during the construction and build-out of the townhome community.

The Subject Property is located in an area under the City's Future Land Use Map which reflects that the Subject Property is in an area denominated as Urban Residential which contemplates beginning at six (6) units per acre with there being no cap on density required. In that regard, the townhome proposal of the Applicants is entirely appropriate from a land use planning perspective and consistent with the residential densities in this area and is consistent with the transitional nature of the Subject Property which has direct contiguity to commercial development and uses along the Spring Road Corridor.

³ The Applicants have received verification from the Director of Public Works that sewer and water are available and adjacent to the proposed townhome community. In that regard, water is available within the right-of-way of both Bell Drive and Woodland Terrace. Each townhome will require its own separate one inch (1") meter and tap.

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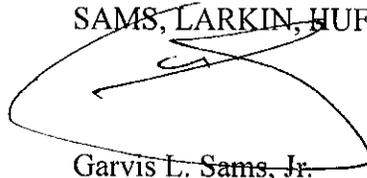
VIA EMAIL & HAND DELIVERY:

Mr. Kenneth Suddreth, Director
Community Development Department
July 21, 2016
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Please do not hesitate to contact me should you or your staff require any further information or documentation prior to the Application's appearance before the Planning & Zoning Board and the Mayor and City Council. With regards, I am

Very truly yours,

SAMS, LARKIN, HUFF & BALLI, LLP



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

GLS/dsj

Attachments/Enclosures

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)
Mr. Michael L. Jones, P.E., City Administrator (via email w/attachments)
Scott A. Cochran, Esq. (via email w/attachments)
Mr. Eric Randall, P.E., City Engineer (via email w/attachments)
Mr. Timothy W. Grubaugh, Deputy Fire Marshall (via email w/attachments)
Mr. Scott Stokes, Public Works Director (via email w/attachments)
Ms. Terri Graham, City Clerk (via email w/attachments)
Mr. Russell Martin, AICP, Senior City Planner (via email w/attachments)
Mr. David Woodbery, Woodbery Group, LLC (via email w/attachments)
Mr. Clif Poston, Traton Homes (via email w/attachments)
Mr. David Meyer, RLA, DGM Land Planning (via email w/attachments)

PAYMENT SUMMARY RECEIPT

City of Smyrna
2800 King Street
Smyrna GA 30080

DATE: 07/14/16 CUSTOMER#: 000000000
TIME: 16:26
CLERK: rgmartin

RECPT#: 504262 PREV BAL:
TP/YR: MS/2017 AMT PAID: 1200.00
BILL: ADJSTMNT:
EFF DT: 06/15/16 BAL DUE:
PERMITS/INSP PAYMENT

-----TOTALS-----

PRINCIPAL PAID:	1200.00
INTEREST PAID:	.00
ADJUSTMENTS:	.00
DISC TAKEN:	.00
AMT TENDERED:	1200.00
AMT APPLIED:	1200.00
CHANGE:	.00

PAID BY:
PAYMENT METH: CHECK
PAYMENT REF: 1128, 56339

Russell G. Martin

From: Russell G. Martin
Sent: Friday, July 01, 2016 3:32 PM
To: 'Parks Huff'; 'Garvis Sams'
Cc: Eric Randall; Timothy Grubaugh; Scott Stokes; Ken Suddreth
Subject: Staff Comments for Woodberry Rezoning (Bell Drive & Woodland Terrace)

Parks & Garvis:

City Staff had a meeting to review all rezoning requests and I wanted to pass along the comments from the meeting. We have a meeting already set up with Garvis for Friday, July 8th at 10 a.m. to discuss this zoning case, so we can discuss these items at meeting as well.

Fire Department

1. Provide adequate access for fire trucks. Pod A does not currently propose acceptable emergency service access. Pod B should also ensure emergency access along the alley ways.
2. Provide turning model for site to show fire trucks can access the site.

Water & Sewer

1. Provide 5' ROW dedication along Woodland Terrace for both Pods A & B.
2. Woodland Terrace shall be widened to 26' for the length of Pod B.
3. Provide 5' sidewalk with 2' grass buffer for the length of Pod B on both Bell Drive and Woodland Terrace.
4. The private alley must be designed to provide adequate access for sanitation services.

Engineering

1. Provide a concept hydrology for the site.
2. Verify point of discharge.

Planning & Zoning

1. Provide location of mail kiosk. The mail kiosk must be ADA accessible.
2. Show access to amenity area and feature. Amenity feature must be ADA accessible.
3. Provide elevation renderings for the 24' wide townhome product.
4. Provide a 20' side setback on either end of the Pod B with adequate buffering along shared property line.
5. Provide guest parking for the development. Your client might want to think about parallel parking along Bell Drive and/or Woodland Terrace.
6. The project will require numerous variances:
 - a. Setback (front, side and rear)
 - b. Units per Building
 - c. Building Separations
7. Density is a concern. Afton Downs and Falling Water have densities of 9.53 upa and 9.17 upa per the recorded plats at the Superior Court Clerk. The density and the number of variances in conjunction raise concerns for staff. Addressing the comments above may bring the density down and more in line with the townhome developments in the immediate area.

Let me know if you need any further information.

Thank you,

Russell G. Martin

From: Russell G. Martin
Sent: Friday, June 24, 2016 5:59 PM
To: Mayor and Council
Cc: Mike L. Jones; Ken Suddreth
Subject: Zoning Notification - Woodberry Terrace & Bell Drive
Attachments: Land Use Vicinity Map_Z16-012.pdf; Zoning Vicinity Map_Z16-012.pdf; Zoning Application_Z16-012.pdf

Dear Mayor and Council:

Community Development has received a rezoning request from R-15 to RM-15 for several properties on Bell Drive and Woodland Terrace for the development of a 51 unit townhome development at a density of 13.07 units per acre. I have attached the zoning application for your reference. The zoning request is scheduled to be heard by the P&Z Board on July 11th and by M&C on August 15th. Please let me know if you need any further information.

Thank you,

Rusty Martin, AICP
Senior Planner
Community Development Department
3180 Atlanta Road
Smyrna, GA 30080
Phone: 678-631-5354
Fax: 770-431-2808
Email: rgmartin@smyrnaga.gov



Russell G. Martin

From: Russell G. Martin
Sent: Friday, June 24, 2016 6:02 PM
To: 'Parks Huff'
Subject: Meeting Date Notification - Woodland Terrace & Bell Drive (Woodberry)

Dear Mr. Huff:

This letter is to certify that an application for rezoning was received on June 10, 2016. The application is currently being processed and your rezoning case will be scheduled and heard on the following dates:

Planning and Zoning Board Meeting: Monday, July 11, 2016, at 6:00 p.m. at City Hall

Mayor and Council Meeting: Monday, August 15, 2016, at 7:00 p.m. at City Hall

If you have any questions regarding the rezoning process, meeting times, or meeting places please contact me at (678) 631-5354.

Thank you,

Rusty Martin, AICP
Senior Planner
Community Development Department
3180 Atlanta Road
Smyrna, GA 30080
Phone: 678-631-5354
Fax: 770-431-2808
Email: rgmartin@smyrnaga.gov



SAMS, LARKIN, HUFF & BALLI

A LIMITED LIABILITY PARTNERSHIP

GARVIS L. SAMS, JR.
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ADAM J. ROZEN

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June 10, 2016

VIA HAND DELIVERY

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

Re: Application of The Woodbery Group, LLC for Zoning concerning a 3.9 Acre Tract; Land Lots 809 and 847, 17th District, 2nd Section, City of Smyrna, Cobb County, Georgia.

Dear Ken:

This firm has been engaged by and represents The Woodbery Group, LLC (“Woodbery”) concerning the above-captioned Rezoning Application.

By meeting today’s deadline, it is my understanding that the Application will be heard by the Planning & Zoning Board on July 11, 2016 and by the Mayor and City Council on August 15, 2016. With respect to the foregoing, enclosed please find the original and five (5) copies of the above-captioned Rezoning Application and supplemental documentation as follows:

1. Titleholder signatures, paid tax receipts indicating that taxes are paid on the subject property with respect to both the City of Smyrna and Cobb County and the deeds reflecting the current Titleholders.
2. The legal descriptions for each tract as included in the above referenced deeds and overall legal descriptions for Tract A and Tract B.
3. A full-sized copy, an 11” x 17” sized copy and an 8½” x 11” copy of the site plan.
4. A full-sized copy, an 11” x 17” sized copy and an 8½” x 11” copy of the Tree Protection/Replacement Plan.
5. A Water/Sewer Availability letter from Mr. Scott Stokes has been requested and will be provided at a later date.

SAMS, LARKIN, HUFF & BALLI

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VIA HAND DELIVERY

Mr. Kenneth Suddreth, Director
Community Development Department
June 10, 2016
Page 2

6. Copies of drawings depicting the architectural style and composition of the proposed residential development.
7. Copies of the floor plans for the residential development.
8. A Constitutional Challenge.
9. A check made payable to the City of Smyrna in the sum of Seven Hundred Dollars (\$700.00) representing the Application fee.
10. A disc containing a pdf copy of this submittal and the legal descriptions for each Tract A and Tract B Word format.

I will be contacting you and your staff to discuss potential stipulations/conditions of the Rezoning Request and to address any concerns which you or the staff may have regarding the Application. In the interim, should you have any questions or need any additional documentation or information, please do not hesitate to contact me.

Sincerely,

SAMS, LARKIN, HUFF & BALLI, LLP



Parks F. Huff
phuff@slhb-law.com

PFH/klk
Enclosures

cc: Mr. Michael L. Jones, P.E., City Administrator (via email w/attachments)
Scott A. Cochran, Esq. (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)
Ms. Terri Graham, City Clerk (via email w/attachments)
Mr. Russell Martin, AICP, Senior City Planner (via email w/attachments)