

SAMS, LARKIN, HUFF & BALLI

A LIMITED LIABILITY PARTNERSHIP

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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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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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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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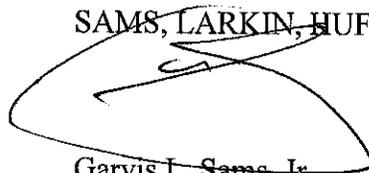
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Please do not hesitate to contact me should you or your staff require any further information or documentation prior to the Application's appearance before the Planning & Zoning Board and the Mayor and City Council. With regards, I am

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)