

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

March 28, 2018

VIA EMAIL

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

Re: Rezoning Application of The Woodbery Group, LLC concerning a 2.02 Acre Tract (No. Z18-006)

Dear Ken:

As you know, I represent The Woodbery Group, LLC (“Woodbery”) 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 April 9, 2018 and, thereafter, the application is scheduled to be heard and considered for final action by the Mayor and City Council on May 21, 2018.

I appreciate the fact that you, Rusty Martin and Councilmember Blustein took the time to meet with Mr. Woodbery and with me this week. Prior to that meeting, we had spoken with certain area residents and adjacent property owners along Elmwood Drive and this sub-area of the Spring Road Corridor. Additionally, as a result of our meeting this week and prior thereto, the dialogue with you and your staff has been valuable in terms of crafting this letter of agreeable conditions.

The balance of this letter will serve as Woodbery’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.

SAMS, LARKIN, HUFF & BALLI

A LIMITED LIABILITY PARTNERSHIP

VIA EMAIL

Mr. Kenneth Suddreth, Director
Community Development Department
March 28, 2018
Page 2

2. The rezoning of the subject property shall be from Office & Institutional (“O&I”) to the RM-12 zoning district in substantial conformity to the Site Plan which was submitted concurrently with the submission for Rezoning on March 9, 2018. In addition to that black & white filing, attached is color copy of that site plan.
3. The subject property shall be developed for attached single-family residences (Townhomes) upon a total of 2.02 acres in order to accommodate twenty-three (23) Townhomes at a density of 11.39 units per acre.¹
4. The size of the attached single-family Townhomes shall range from a minimum of 1,950 square feet up to 2,550 square feet and possibly greater.²
5. The architectural style and composition of the Townhomes shall be in substantial conformity to the attached copies of architectural renderings/elevations, the composition of which consisting of a mixture of either brick, stacked-stone, cedar shake, Hardipanel and/or Hardiplank. Patios, decks and privacy fencing shall be prohibited along or oriented to Elmwood Drive, except for corner units which will most likely have balconies on the second floor which will wrap the front corner of the units and face Elmwood Drive.
6. As shown on the Site Plan, there will be eleven (11) twenty-four foot (24’) wide Townhomes and twelve (12) twenty foot (20’) wide Townhomes. The Townhomes will consist of a mixture of front and rear loaded with two (2) car garages which shall be designed to accommodate two (2) vehicles at all times.

The driveways of the Townhomes shall be a minimum of twenty-two feet (22’) in length (measured flush from the garage door) in order to accommodate the parking of a minimum of two (2) additional vehicles. The current site plan reflects the requisite amount of guest parking; however, Mr. Woodbery anticipates submitting a revised site plan next week which reflects different positioning of the currently shown guest parking.

¹ By way of precedent concerning other Rezoning previously approved at the behest of Woodbery, the City has approved townhome developments at a density of 13 units per acre (No. Z16-012) and 12.52 units per acre (No. Z17-016) adjacent to the Spring Road Corridor.

² Price points are anticipated ranging from approximately \$380,000 - \$430,000.

SAMS, LARKIN, HUFF & BALLI

A LIMITED LIABILITY PARTNERSHIP

VIA EMAIL

Mr. Kenneth Suddreth, Director
Community Development Department
March 28, 2018
Page 3

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.
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; private streets; tree preservation areas; community Open Space; amenities; mail kiosks as required by the USPS and, landscaped 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.

SAMS, LARKIN, HUFF & BALLI

A LIMITED LIABILITY PARTNERSHIP

VIA EMAIL

Mr. Kenneth Suddreth, Director
Community Development Department
March 28, 2018
Page 4

- 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 Tree Survey/Tree Protection/Tree Replacement plans which were submitted concurrently with the application. All tree protection measures shall be adhered to during the construction and build-out of the proposed Townhome community.
11. The proposed Townhome community will be gated and in compliance with the City of Smyrna regulations regarding same.
12. 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.
13. Compliance with the recommendations from the Public Works Director, as follows:
 - a. The voluntary donation and conveyance of five feet (5') of right-of-way on Elmwood Drive; however, the front setbacks shall be measured from the existing right-of-way of Elmwood Drive.
 - b. The streets to be constructed shall be private; however, said streets shall be built to the City of Smyrna's design and detail standards except as to the width of said streets.
 - c. Each Townhome unit shall be individually metered with respect to water utilization.
 - d. The private streets shall be designed to provide adequate access and maneuverability for public safety services and vehicles and sanitation.

SAMS, LARKIN, HUFF & BALLI

A LIMITED LIABILITY PARTNERSHIP

VIA EMAIL

Mr. Kenneth Suddreth, Director
Community Development Department
March 28, 2018
Page 5

14. 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.
15. Building setbacks shall be as follows:
 - a. Twenty foot (20') front setbacks (from the main structure of each building).
 - b. Fifteen foot (15') front setbacks (for porches, steps and stoops).
 - c. Fifteen foot (15') side setbacks, unless accompanied by a balcony which places this setback at ten feet (10').
 - d. Twenty foot (20') rear setbacks, unless accompanied by a deck which places this setback at fifteen feet (15').
16. Common Open Space areas, mail kiosks, etc. shall be in substantial compliance with ADA regulations with respect to accessibility.
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.
 - 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.

SAMS, LARKIN, HUFF & BALLI

A LIMITED LIABILITY PARTNERSHIP

VIA EMAIL

Mr. Kenneth Suddreth, Director
Community Development Department
March 28, 2018
Page 6

The subject property is located in an area under the City's Future Land Use Map which is denominated as Medium-High Density Residential which contemplates the density requested. The proposed development of the subject property is in keeping with the City of Smyrna's recently adopted "Spring Road Corridor LCI Master Plan" as it is located within an area denominated as an "Area of Development Opportunity".

Finally, Woodbery's Townhome proposal is entirely appropriate from a land use planning perspective and in keeping with the densities, products and price points of other Townhome Communities which have been approved and planned and which have similar adjacency to commercial developments and commercially oriented uses along the Spring Road Corridor.

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 & Zoning Board 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
Attachments

cc: Listed on next page

SAMS, LARKIN, HUFF & BALLI

A LIMITED LIABILITY PARTNERSHIP

VIA EMAIL

Mr. Kenneth Suddreth, Director
Community Development Department
March 28, 2018
Page 7

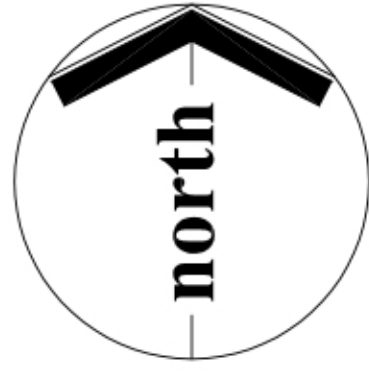
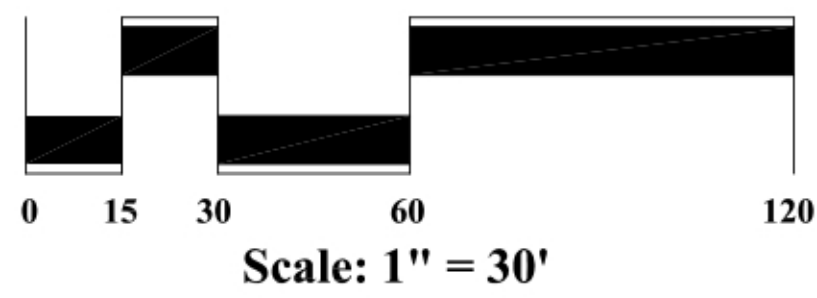
cc: Honorable A. Max Bacon, Mayor (via email w/attachments)
Ms. Andrea Blustein, City Council Member (via email w/attachments)
Members, City of Smyrna City Council (via email w/attachments)
Ms. Tammi Saddler Jones, City Administrator (via email w/attachments)
Members, City of Smyrna Planning & Zoning Board (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. David Meyer, RLA, DGM Land Planning Associates (via email w/attachments)
Mr. David Woodbery, Woodbery Group, LLC (via email w/attachments)

2885 Elmwood Drive

City of Smyrna, Georgia Land Lot 666, 17th District, 17th Section

property owner:

The Woodbery Group, LLC
 950 Lowery Boulevard
 Suite #18
 Atlanta, Georgia 30318
 404-233-1411



February 25, 2018

DGM
 LAND PLANNING
 CONSULTANTS



975 COBB PLACE
 BLVD SUITE 212
 KENNESAW
 GA 30144
 770 514-9006
 FAX 514-9491



Site Data

Total Site Area: 2.02 AC
Present Zoning: O&I
Proposed Zoning: RM-12
Density: 11.39 UN/AC
Total Units Shown: 23

12- 20' wide units w/2 car garages

11 - 24' wide units w/2 car garages

Proposed Building Setbacks:

front: 20'

side: 15'

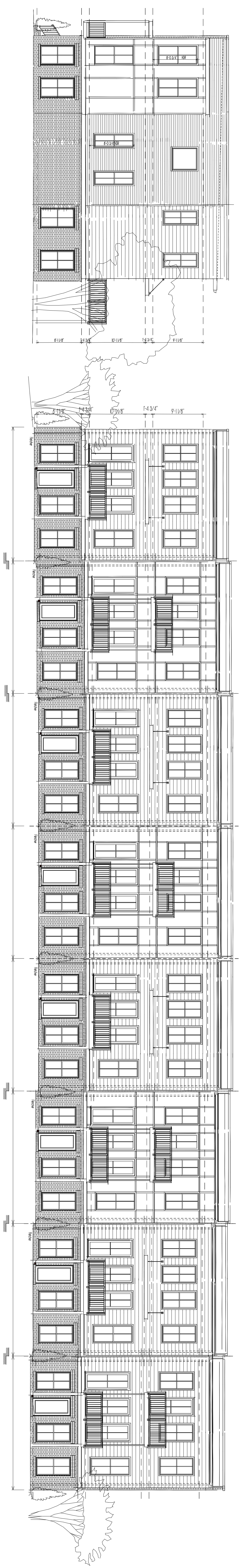
rear: 20'



General Notes:

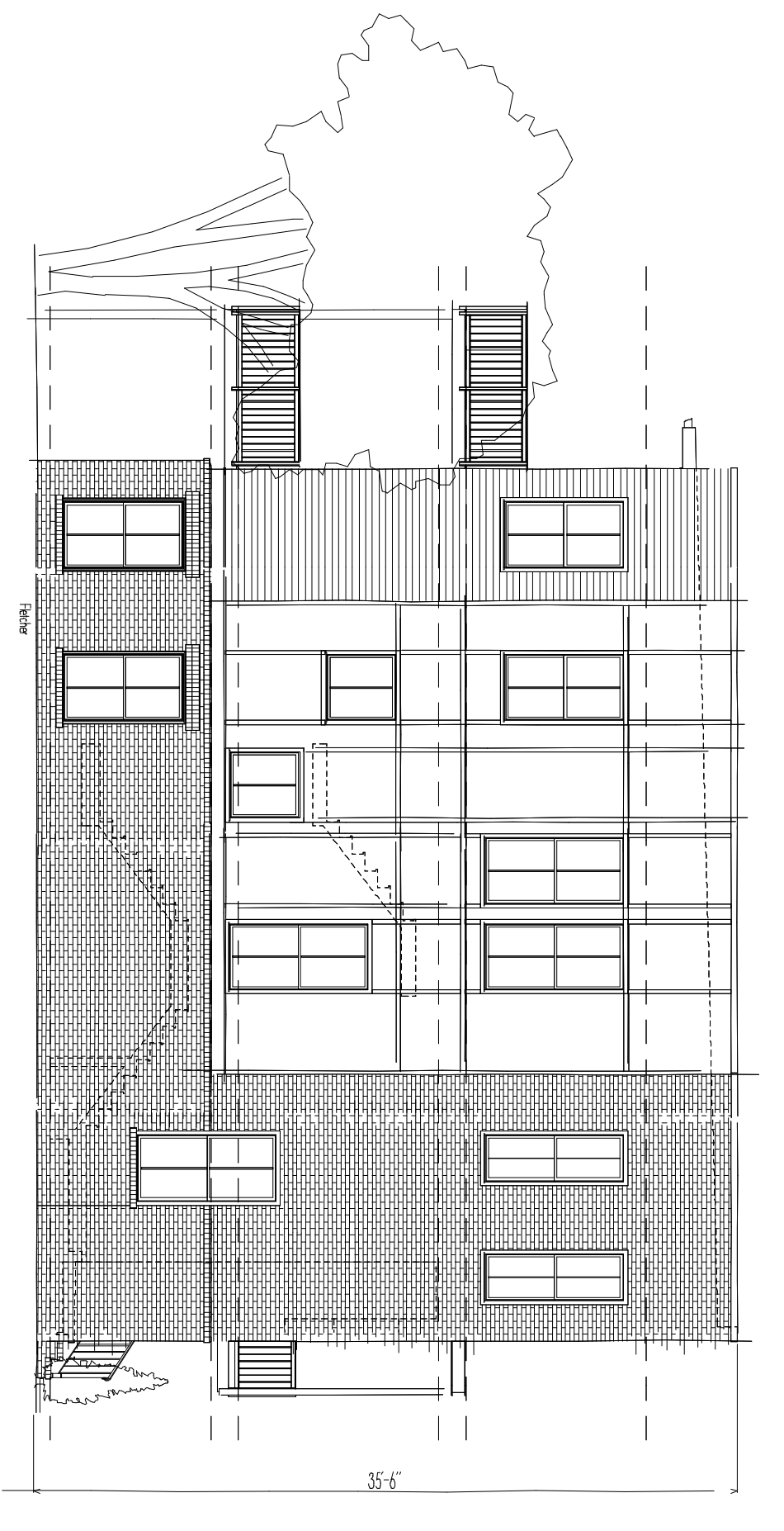
1. Boundary and topographic survey by Gaskins Surveying and Engineering, dated December 20, 2017.
2. According to Flood Insurance Rate Map (FIRM) 1306TC0138G, effective on 12/16/2008 no portion of this site contains floodplain.
3. No cemeteries are known to exist on site.
4. No wetlands are known to exist on site.
5. No state waters are known to exist on site.
6. No archeological or architectural landmarks are known to exist on site.
7. No utility easements are known to exist on site.
8. Stormwater and water quality structures are conceptual and will be designed further based on proposed hydrologic study.





Right Elevation
0" 4" 8"

Rear Elevation
0" 4" 8"



Left Elevation
0" 4" 8"



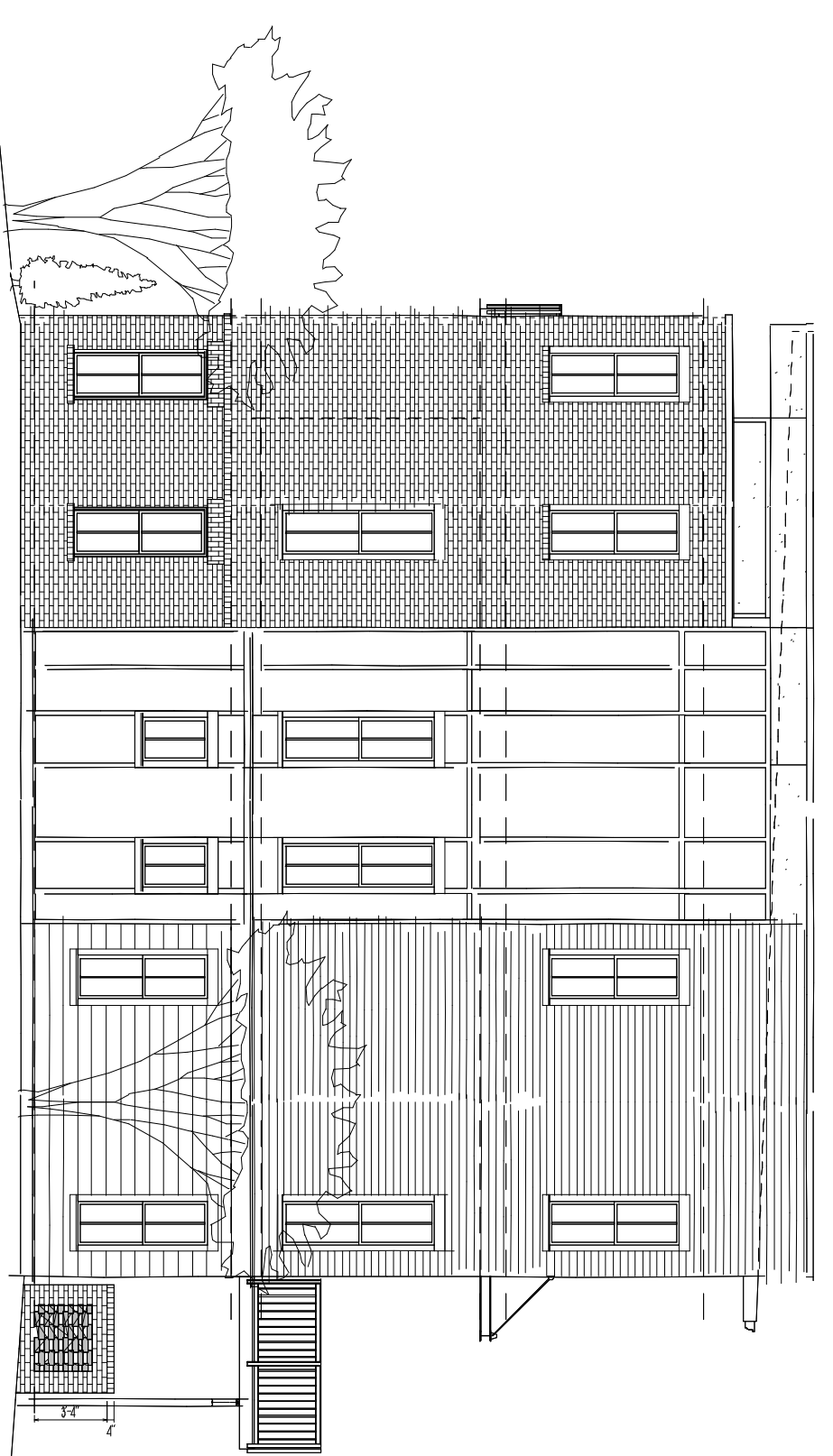
Front Elevation
0" 4" 8"

2018 © BDI Architects, Inc
February 19, 2018

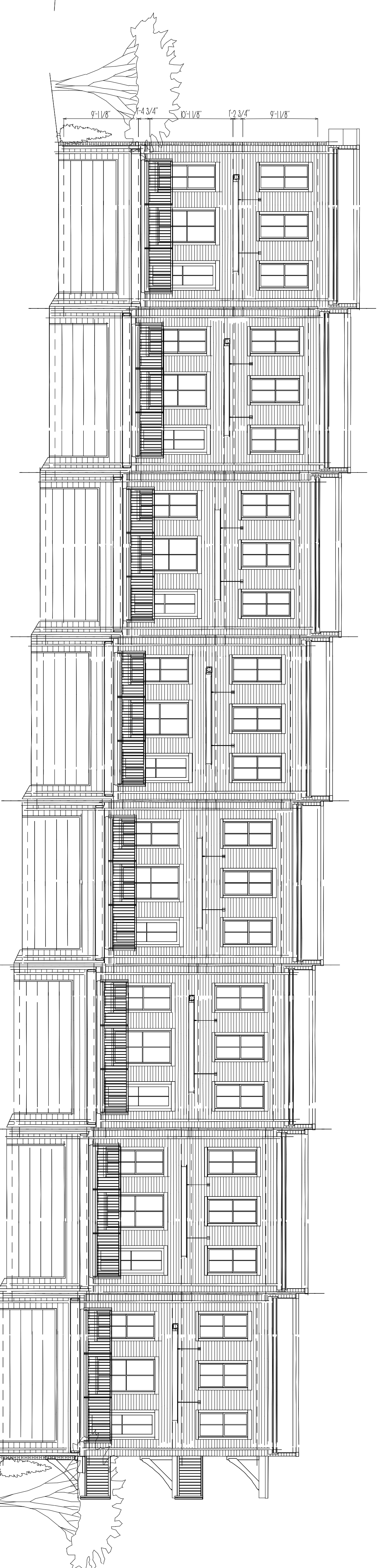


The Providence Group of Georgia

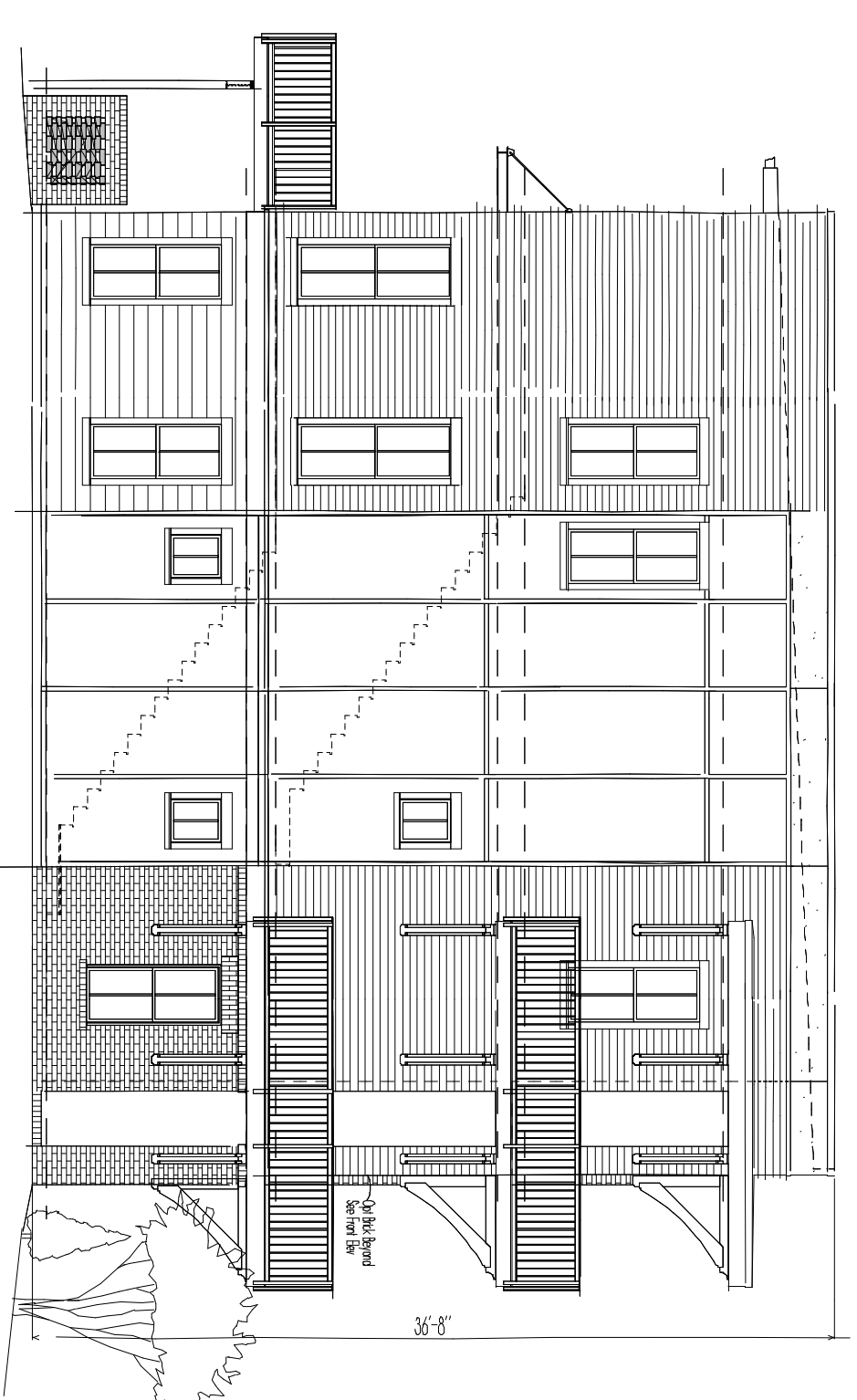
2018 © BDI Architects, Inc
Architectural drawings prepared by BDI Architects, Inc.
No part of this drawing may be reproduced or transmitted in any form or by any means, electronic or mechanical, including photocopying, recording, or by any information storage and retrieval system, without written permission from BDI Architects, Inc. All rights reserved.



Right Elevation
0" 4" 8"



Rear Elevation
0" 4" 8"



Left Elevation
0" 4" 8"



Front Elevation
0" 4" 8"

2018 © BDI Architects, Inc
February 19, 2018



The Providence Group of Georgia

2018 © BDI Architects, Inc
This drawing and its content is copyrighted by the
architectural firm of BDI Architects, Inc.
The City of the United States Code and Chapter 37
is a U.S. Code, to view copies without further permission
from the architect, see 17 USC 101.