

SAMS, LARKIN, HUFF & BALLI

A LIMITED LIABILITY PARTNERSHIP

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March 2, 2018

VIA EMAIL:

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

Re: Applications of Ronald S. Dickinson to Annex and Rezone an approximate 0.426 Acre Tract from R-20 (Cobb County) to RAD Conditional (City of Smyrna); Land Lot 519, 17th District, 2nd Section, City of Smyrna, Cobb County, Georgia.

Dear Ken:

As you know, this firm represents Mr. Ronald S. Dickinson who is both the Applicant and Title Holder concerning the property which is the subject matter of the above-captioned Applications for Annexation and Rezoning. The Applications are scheduled to be heard and considered by the City of Smyrna Planning & Zoning Board on March 12, 2018. Thereafter, the Applications are scheduled to be heard and considered for final action by the Mayor and City Council on April 16, 2018.

Consistent with the discussions we have established with the City's Professional Staff; prior discussions with the City Attorney; and, with nearby property owners and, taking those issues into consideration, this letter will serve as Mr. Dickinson's expression of agreement with the following stipulations. Upon the Applications being approved, the followings stipulations shall become conditions and a part of the grant of the requested Annexation and 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 in whatsoever form which are currently in place concerning the property which constitutes the subject matter of the above-captioned Applications.
2. The Annexation and Rezoning of the subject property shall be from R-20 (Cobb County) to RAD-Conditional (City of Smyrna) in substantial conformity to the site plan which was submitted concurrently with the Applications on February 9, 2018.

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3. The subject property shall be developed for the construction of one (1) new custom, quality-built, single-family residential home and the continued utilization of an existing home on .426 acres at a density of 4.69 units per acre.¹
4. The architectural style and composition of the home shall be in substantial conformity to the revised architectural rendering/elevation which is being submitted concurrently herewith along with floorplans relative thereto. The composition of said home shall meet City Code requirements and shall consist of a mixture of brick, stacked stone, cedar/Hardishake and/or Hardiplank siding.
5. The new home proposed for the site shall have, at a minimum, an attached two-car garage which shall be designed at all times to accommodate at least two (2) vehicles. The driveway of the new home shall be a minimum of twenty-two feet (22') in length to accommodate the parking of two (2) additional vehicles.
6. The home which Mr. Dickinson will build will be conveniently located in close proximity to Smyrna Market Village; all of the amenities of the City of Smyrna; and, across Atlanta Road from the Belmont Mixed-Use Development.
7. The home to be constructed shall be "for sale" and not subject to rental.
8. 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 to be prepared, stamped and signed by a Georgia Registered Landscape Architect or a Degreed Horticulturist.
 - b. All HVAC systems and home utilities shall either be underground or screened from view by way of fencing and/or landscaping.
 - c. The installation of sod in the front, side and rear yards.

¹ The subject property is part of an area under the City's Future Land Use Map which is denominated for potential annexation in order to ameliorate the existence of a sizeable "unincorporated island".

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- d. Compliance with the City's current Tree Preservation Ordinance and in substantial conformity to the Tree Survey/Tree Protection/Tree Replacement plans which were submitted concurrently with the Applications. All required tree protection measures shall be adhered to during the construction and build-out of the proposed home.
9. Subject to recommendations from the City Engineer concerning hydrology, stormwater management and downstream considerations. Additionally, detention (if any required) for the subject property shall be designed to meet all of the City's Stormwater Codes.
10. Compliance with the City of Smyrna's Public Works Director's comments and recommendations concerning water and sewer service and capacity.
11. Compliance with the City of Smyrna Fire Marshal recommendations with respect to life-safety and fire prevention issues.
12. The Community Development Director or his designee shall have the authority to approve minor modifications with respect to the site plan, the architectural style and composition of the home and other issues within these stipulations as the development proposal proceeds through the Plan and Review Process and thereafter except for those that:
 - a. Increase the density.
 - b. Relocate a structure closer to the property line of an adjacent property.
 - c. Increase the height of a building.
 - d. Change access locations to a different right-of-way.

These stipulations represent Mr. Dickinson's acknowledgment that the construction of this new single-family residential development is in keeping with the City's plans for the future of the subject property. In that regard, the Rezoning Request to allow the rezoning of the existing home and the proposed new home is entirely appropriate from a land use planning perspective.

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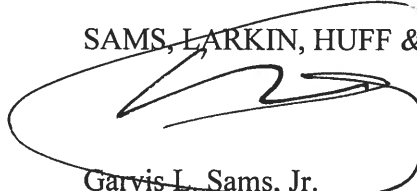
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Please do not hesitate to contact me should you or the staff require further information or documentation prior to the formulation of Staff Analysis and Recommendations and the Applications being heard and considered. With kind regards, I am

Very truly yours,

SAMS, LARKIN, HUFF & BALLI, LLP



Garvis L. Sams, Jr.
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GLS, Jr./dls
Attachments

- cc: Honorable Mayor A. Max Bacon, Mayor (via email w/attachments)
Members, Smyrna City Council (via email w/attachments)
Members, Planning & Zoning Board (via email w/attachments)
Ms. Tammi Saddler Jones, 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 Grubaugh, 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 Planner (via email w/attachments)
Mr. Ronald S. Dickinson (via email w/attachments)