

SAMS, LARKIN, HUFF & BALLI

A LIMITED LIABILITY PARTNERSHIP

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FACSIMILE

ADAM J. ROZEN

SLHB-LAW.COM

November 7, 2017

VIA EMAIL

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

Re: Applications of Longo Homes, Inc. for Annexation and Rezoning of a 1.32 Acre Tract on Dixie Avenue from R-15 (Cobb County) to RAD – Conditional (City of Smyrna) - No. Z17-024

Dear Ken:

As you know, this firm represents Longo Homes, Inc. which is the applicant and property owner concerning the above-captioned Applications. The Applications are scheduled to be heard and considered by the Smyrna Planning & Zoning Board on November 13, 2017 and, thereafter, the Applications are scheduled to be heard and considered for final action by the Mayor and City Council on December 18, 2017.

Consistent with the discussions we have established with the City's professional staff and others and taking those issues into consideration, this letter will serve as Longo Homes' expression of agreement with the following stipulations which, upon the Applications being approved, shall become conditions and a part of the grant of the requested 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 and conditions 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-15 (Cobb County) to RAD – Conditional (City of Smyrna) in substantial conformity to the site plan which was submitted concurrently with the Applications and which is being resubmitted concurrently herewith and marked as Exhibit "A".

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3. The subject property shall be developed for the construction of five (5) custom, quality-built single-family detached homes upon 1.32 acres at a density of 3.82 units per acre.¹
4. The size of the homes shall range from a minimum of 2,600 square feet and upwards and will contain 3 - 4 full bedrooms and 2.5 to 3 baths.²
5. The architectural style and composition of the homes shall be in substantial conformity to the architectural renderings/elevations which were submitted concurrently with the Applications and which are being resubmitted concurrently and collectively marked as Exhibit "B". The composition of said homes shall meet City Code requirements and shall consist of a mixture of either brick, stacked stone, cedar/hardi shake and/or hardi plank siding.
6. Each of the homes 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 driveways shall be a minimum of twenty-two feet (22') in length to accommodate the parking of two (2) additional vehicles.
7. The homes which Longo Homes will build will be conveniently located in close proximity to Smyrna Market Village; all of the amenities of the City; and across Atlanta Road from the Belmont mixed-use development.
8. All of the homes within the proposed residential community shall be "For Sale" homes which shall be reflected in the Mandatory Homeowners Association ("HOA") and the Declaration of Covenants, Conditions and Restrictions ("CCRs") which shall include, among other components, strict architectural controls.

The Mandatory HOA shall be responsible for the upkeep and maintenance of all common areas, tree preservation areas, required community Open Space, the Stormwater management facility (detention/water quality) and landscaping.

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

² Price points are anticipated ranging from \$450,000.00 to \$550,000.00 and greater.

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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 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.
 - b. All HVAC systems and home utilities within the community 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.
 - d. The stormwater management facilities shall be landscaped and positioned appropriately in order to be attractive to homes inside and outside of the proposed residential community.
 - e. 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 for Rezoning. All required tree protection measures shall be adhered to during the construction and the buildout of the proposed residential community.

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11. Subject to recommendations from the City Engineer concerning hydrology, stormwater management and downstream considerations, including recommendations regarding the ultimate positioning and configuration of on-site detention and water quality. Additionally, detention for the community shall be designed to meet all of the City's stormwater codes, and 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 these applications being heard and considered by the Mayor and City Council.
 - b. Verifying points of discharge with respect to detention/water quality.
12. Compliance with the City of Smyrna's Public Works Director's comments and recommendations concerning water and sewer service and sewer capacity. Sanitary sewer is located within most of the right-of-way of Dixie Avenue; however a sewer main extension may be required. Additionally, water for the proposed development is in the right-of-way of Dixie Avenue.
 13. Compliance with the City of Smyrna Fire Marshall's recommendations with respect to Life-Safety and Fire Prevention issues, including the following:
 - a. Providing a turning model for the site to ensure that Fire Trucks are able to access the subject property.
 - b. Compliance with the City's turning performance analysis utilized for this type of single-family detached residential development.

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14. 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 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.

These stipulations represent Longo Homes' acknowledgement that this 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 proposed residential community is entirely appropriate from a land use planning perspective.

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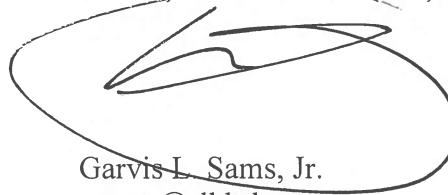
VIA EMAIL

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

Very truly yours,

SAMS, LARKIN & HUFF, LLP

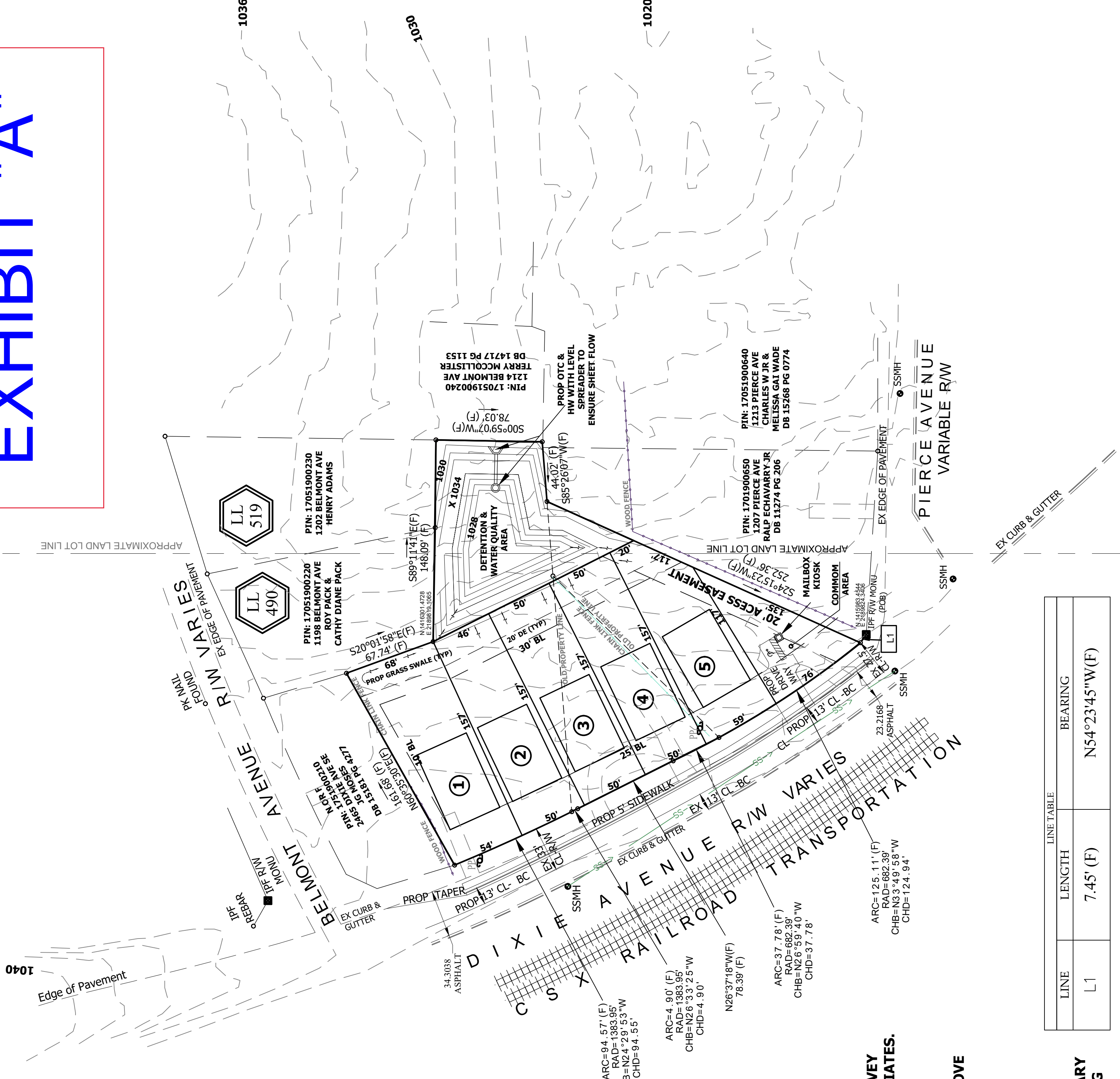


Garvis L. Sams, Jr.
gsams@slhb-law.com

GLS, Jr./klk
Attachments

cc: Honorable 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, 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 Planner (via email w/attachments)
Mr. Vincent Longo (via email w/attachments)

EXHIBIT "A"



LOT NUMBER	AREA SF
1	9,644
2	7,567
3	7,846
4	7,868
5	7,747
COMMON AREA DETENTION	4,458
	12,238

SITE DATA:

TOTAL NO. OF LOTS 5 UNITS
 TOTAL ACREAGE 1.32 ACRES
 DENSITY 3.82 UNITS / ACRE

EXISTING ZONING R-20
 PROPOSED ZONING RAD CONDITIONAL

SETBACKS:

FRONT 25'
 SIDE (MIN. 10' BETWEEN HOUSES) 10'
 REAR 30'

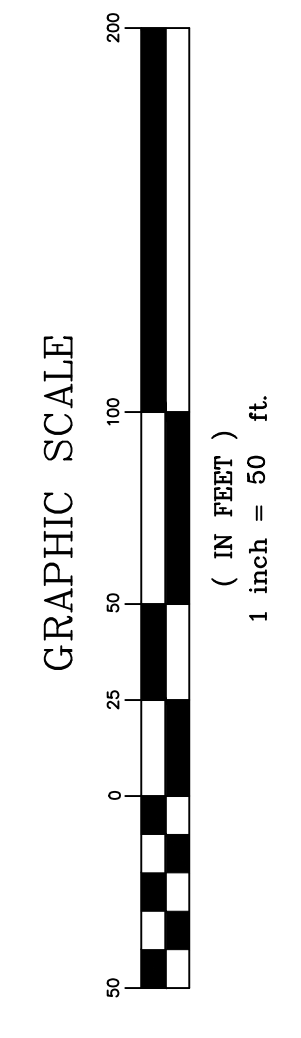
MINIMUM DRIVEWAY LENGTH 22'

MINIMUM LOT SIZE 7,567 SF
 MAXIMUM LOT SIZE 9,644 SF
 AVERAGE LOT SIZE 8,605.5 SF
 MINIMUM HOUSE SIZE 2,400 SF

COMMON AREA REQUIRED 200 SF / LOT x 5 lots = 1,000 SF
 4,458 SF PROVIDED - OPEN SPACE / PASSIVE PARK WITH AMENITY FEATURE) AS PER SECTION 1201 OF THE ZONING ORDINANCE

5' SIDEWALK WITH 2' GRASS BUFFER REQUIRED ALONG THE ENTIRE PROPERTY FRONTAGE ALONG DIXIE AVENUE AS PER SECTION 1201 OF THE ZONING ORDINANCE

OWNER / DEVELOPER
 VINCE LONGO
 LONGO HOMES, INC.
 2451 CUMBERLAND PARKWAY
 SUITE 3408
 ATLANTA, GEORGIA 30339
 404-815-7224



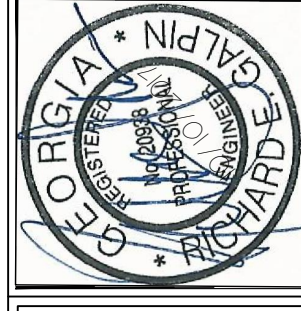
- LEGEND:**
- (F) FIELD MEASUREMENT
 - L LINE
 - IPF IRON PIN FOUND
 - IPP IRON PIN PLACED
 - EX EXISTING
 - PROP PROPOSED
 - BC BACK OF CURB
 - CL CENTERLINE
 - R/W RIGHT OF WAY
 - POB POINT OF BEGINNING
 - TYP TYPICAL
 - HW HEADWALL
 - OTC OUTLET CONTROL STRUCTURE
 - DE DRAINAGE EASEMENT
 - SS SANITARY SEWER
 - MH MANHOLE
 - LL LAND LOT

GENERAL NOTES:

- 1) A PORTION OF THIS PROPERTY DOES NOT LIE IN A SPECIAL FLOOD HAZARD AREA AS PER COBB COUNTY FIRM MAP NO. 13067C0119H DATED MARCH 04, 2013.
- 2) BOUNDARY INFORMATION SHOWN WAS TAKEN FROM BOUNDARY SURVEY FOR VINCE LONGO LONGO CUSTOM BUILDERS BY J. A. EVANS AND ASSOCIATES. FIELD WORK WAS DONE ON SEPTEMBER 28-30, 2017.
- 3) TOPOGRAPHIC AND EXISTING PLANOMETRIC INFORMATION TAKEN FROM THE COBB COUNTY GIS DATA BASE IN ELECTRONIC MEDIA.
- 4) THIS RE-ZONING PLAN IS A COMPOSITE DRAWING UTILIZING THE ABOVE MENTIONED RESOURCES AND A LAND PLAN BY LONDON PATTERSON ENGINEERING SUPPORT SERVICES.
- 5) UTILITY AVAILABILITY AND CAPACITY HAVE NOT BEEN VERIFIED BY THE ENGINEER.
- 6) STORMWATER MANAGEMENT LOT SIZE MAY VARY PENDING FINAL APPROVED HYDROLOGY STUDY
- 7) ASHFORD ENGINEERS, LLC AS OF THIS DATE HAS NOT DONE A BOUNDARY OR TOPOGRAPHIC SURVEY OF THIS PROPERTY. THIS PLAT IS FOR ZONING AND ANNEXATION PURPOSES ONLY.

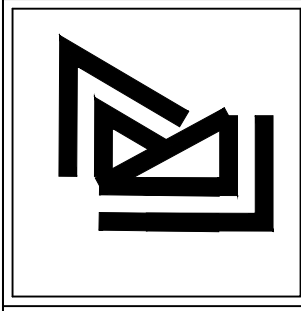
LINE	LENGTH	BEARING
L1	7.45' (F)	N54°23'45"W (F)

ashford engineers LLC
 337 Vintage Bay Dr. #18, Marco Island, FL 34145
 350 Virginia Highlands, Fayetteville, GA 30215
 Tel. (770) 435-2733 - (239) 244-8658
 civil engineers - land planning - development services



DESIGNED BY: S. PATTERSON
 DRAWN BY: J. LONDON
 CHECKED BY: R. E. GALPIN
 APPROVED BY: R. E. GALPIN
 REGISTRATION NO: GA20938

LONDON PATTERSON
ENGINEERING SUPPORT SERVICES
 3350 ATLANTA ROAD
 SMYRNA, GA 30080
 770-874-6365



NO.	DATE	DESCRIPTION	BY

BELMONT STATION
LAND LOT 490 & 519 17TH DISTRICT
2ND SECTION COBB COUNTY
SMYRNA, GEORGIA

ANNEXATION AND REZONING PLAT

SHEET 1 OF 1

SCALE: 1"=50'
 DATE: 10/07/2017
 JOB NO. 2017-102

BELMONT STATION SUBDIVISION - DIXIE AVE - CONCEPT PLANS FOR ZONING
MEETINGS
PLAN #1



EXHIBIT
"B" (collectively)

BELMONT STATION SUBDIVISION - DIXIE AVE - CONCEPT PLANS FOR ZONING
MEETINGS
PLAN #1

Rear Elevation:



BELMONT STATION SUBDIVISION - DIXIE AVE - CONCEPT PLANS FOR ZONING
MEETINGS
PLAN #3

Front Elevation



BELMONT STATION SUBDIVISION - DIXIE AVE - CONCEPT PLANS FOR ZONING
MEETINGS
PLAN #3

Rear Elevation:

