

**APPLICATION FOR ZONING AMENDMENT
TO THE CITY OF SMYRNA**

Please Type or Print Clearly

(To be completed by City)

Ward: _____

Application No: _____

Hearing Date: _____

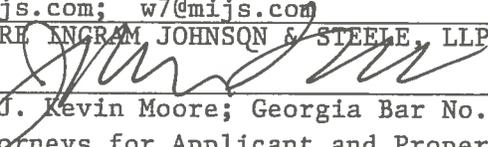
APPLICANT: David Weekley Homes

Representative Name: Moore Ingram Johnson & Steele, LLP - J. Kevin Moore
(Representative's name, printed)

Address: Emerson Overlook, 326 Roswell Street, Marietta, GA 30060

Business Phone: (770) 429-1499 Cell Phone: (678) 516-1609 Fax Number: (770) 429-8631

E-Mail Address: jkm@mijs.com; w7@mijs.com

Signature of Representative BY: 
MOORE INGRAM JOHNSON & STEELE, LLP
J. Kevin Moore; Georgia Bar No. 519728
Attorneys for Applicant and Property Owner

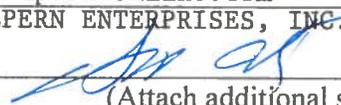
TITLEHOLDER:

Name: Halpern Enterprises, Inc.
(Titleholder's name, printed)

Address: 5269 Buford Highway, Atlanta, GA 30340

Business Phone: (770) 451-0318 Cell Phone: (404) 822-3853 Home Phone: Not Applicable

E-mail Address: swest@halpern-online.com
HALPERN ENTERPRISES, INC.

Signature of Titleholder BY: 
(Attach additional signatures, if needed)
Steve A. West
Vice President - Acquisitions and Development

(To be completed by City)

Received: _____

Heard by P&Z Board: _____

P&Z Recommendation: _____

Advertised: _____

Posted: _____

Approved/Denied: _____

ZONING:

Mixed-Use (MU)

Present Zoning

LAND USE:

Mixed-Use (MU)

Present Land Use

For the Purpose of Single-Family Detached Residential

Size of Tract 10.4 acres

Location Northwesterly intersection of Atlanta Road and Fleming Street
(Street address is required. If not applicable, please provide nearest intersection, etc.)

Land Lot (s) 489, 490, 519, 520 District 17th

We have investigated the site as to the existence of archaeological and/or architectural landmarks. I hereby certify that there are no X ~~there are~~ such assets. If any, they are as follows:
to the best of our knowledge,
information, and belief.

Not Applicable.

DESCRIPTION OF PROPOSED ZONING AMENDMENT:

Applicant proposes to construct a single-family, detached community; as
opposed to, attached townhomes as provided in the current site plan. The
design of Applicant's community delivers innovative land use and detached
homes to the overall mixed-use development.

INFRASTRUCTURE

WATER AND SEWER

A letter from Scott Stokes, Director of Public Works Department is required stating that water is available and the supply is adequate for this project.

A letter from Scott Stokes, Director of Public Works Department is required stating that sewer is available and the capacity is adequate for this project.

- If it is Cobb County Water, Cobb County must then furnish these letters.

Comments:

TRANSPORTATION

Access to Property? Via Atlanta Road, Fleming Street, Belmont Boulevard (future)

Improvements proposed by developer? See attached letter dated January 6, 2014, from Applicant.

Comments:

See attached letter dated January 6, 2014, from Applicant.

ZONING DISCLOSURE REPORT

Has the applicant* made, within two years immediately preceding the filing of this application for zoning amendment, campaign contributions aggregating \$250 or more or made gifts having in the aggregate a value of \$250 or more to the Mayor or any member of the City Council who will consider this application?

No.

If so, the applicant* and the attorney representing the applicant* must file a disclosure report with the Mayor and City Council of the City of Smyrna, within 10 days after this application is filed.

Please supply the following information, which will be considered as the required disclosure:

The name of the Mayor or member of the City Council to whom the campaign contribution or gift was made:

Not Applicable.

The dollar amount of each campaign contribution made by the applicant* to the Mayor or any member of the City Council during the two years immediately preceding the filing of this application, and the date of each such contribution:

Not Applicable.

An enumeration and description of each gift having a value of \$250 or more by the applicant* to the Mayor and any member of the City Council during the two years immediately preceding the filing of this application:

Not Applicable.

Does the Mayor or any member of the City Council have a property interest (direct or indirect ownership including any percentage of ownership less than total) in the subject property?

No, to the best of our knowledge, information, and belief.

If so, describe the natural and extent of such interest: Not Applicable.

ZONING DISCLOSURE REPORT (CONTINUED)

Does the Mayor or any member of the City Council have a financial interest (direct ownership interests of the total assets or capital stock where such ownership interest is 10% or more) of a corporation, partnership, limited partnership, firm, enterprise, franchise, association, or trust, which has a property interest (direct or indirect ownership, including any percentage of ownership less than total) upon the subject property?

No, to the best of our knowledge, information, and belief.

If so, describe the nature and extent of such interest:

Not Applicable.

Does the Mayor or any member of the City Council have a spouse, mother, father, brother, sister, son, or daughter who has any interest as described above?

No, to the best of our knowledge, information, and belief.

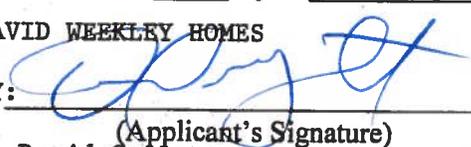
If so, describe the relationship and the nature and extent of such interest:

Not Applicable.

If the answer to any of the above is "Yes", then the Mayor or the member of the City Council must immediately disclose the nature and extent of such interest, in writing, to the Mayor and City Council of the City of Smyrna. A copy should be filed with this application**. Such disclosures shall be public record and available for public inspection any time during normal working hours.

We certify that the foregoing information is true and correct, this 17th day of January, 2014.

DAVID WEEKLEY HOMES

BY: 

(Applicant's Signature)

David Gernatt
Division President
Atlanta Division

(Attorney's Signature, if applicable)

Notes

* Applicant is defined as any individual or business entity (corporation, partnership, limited partnership, firm enterprise, franchise, association or trust) applying for zoning action.

** Copy to be filed with the City of Smyrna Zoning Department and City Clerk along with a copy of the zoning application including a copy of the legal description of the property.

APPLICANT'S AND TITLEHOLDER'S REPRESENTATIVE
ZONING DISCLOSURE REPORT

Has the applicant* made, within two years immediately preceding the filing of this application for zoning amendment, campaign contributions aggregating \$250 or more or made gifts having in the aggregate a value of \$250 or more to the Mayor or any member of the City Council who will consider this application?

No.

If so, the applicant* and the attorney representing the applicant* must file a disclosure report with the Mayor and City Council of the City of Smyrna, within 10 days after this application is filed.

Please supply the following information, which will be considered as the required disclosure:

The name of the Mayor or member of the City Council to whom the campaign contribution or gift was made:

Not Applicable.

The dollar amount of each campaign contribution made by the applicant* to the Mayor or any member of the City Council during the two years immediately preceding the filing of this application, and the date of each such contribution:

Not Applicable.

An enumeration and description of each gift having a value of \$250 or more by the applicant* to the Mayor and any member of the City Council during the two years immediately preceding the filing of this application:

Not Applicable.

Does the Mayor or any member of the City Council have a property interest (direct or indirect ownership including any percentage of ownership less than total) in the subject property?

No, to the best of our knowledge, information, and belief.

If so, describe the natural and extent of such interest: Not Applicable.

**APPLICANT'S AND TITLEHOLDER'S REPRESENTATIVE
ZONING DISCLOSURE REPORT (CONTINUED)**

Does the Mayor or any member of the City Council have a financial interest (direct ownership interests of the total assets or capital stock where such ownership interest is 10% or more) of a corporation, partnership, limited partnership, firm, enterprise, franchise, association, or trust, which has a property interest (direct or indirect ownership, including any percentage of ownership less than total) upon the subject property?

No, to the best of our knowledge, information, and belief.

If so, describe the nature and extent of such interest:

Not Applicable.

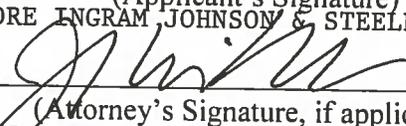
Does the Mayor or any member of the City Council have a spouse, mother, father, brother, sister, son, or daughter who has any interest as described above?
No, to the best of our knowledge, information, and belief.

If so, describe the relationship and the nature and extent of such interest:

Not Applicable.

If the answer to any of the above is "Yes", then the Mayor or the member of the City Council must immediately disclose the nature and extent of such interest, in writing, to the Mayor and City Council of the City of Smyrna. A copy should be filed with this application**. Such disclosures shall be public record and available for public inspection any time during normal working hours.

We certify that the foregoing information is true and correct, this 17th day of January, 20 14.

(Applicant's Signature)
MOORE INGRAM JOHNSON & STEELE, LLP
BY: 

(Attorney's Signature, if applicable)
J. Kevin Moore, Georgia Bar No. 519728
Attorneys for Applicant and Titleholder

Notes

* Applicant is defined as any individual or business entity (corporation, partnership, limited partnership, firm enterprise, franchise, association or trust) applying for zoning action.

** Copy to be filed with the City of Smyrna Zoning Department and City Clerk along with a copy of the zoning application including a copy of the legal description of the property.

ZONING AMENDMENT ANALYSIS

Section 1508 of the Smyrna Zoning Code details nine zoning review factors which must be evaluated by the Mayor and Council when considering a zoning amendment request. Please provide responses to the following using additional pages as necessary. **This section must be filled out by the applicant prior to submittal of the zoning amendment request.**

1. Whether the zoning proposal will permit a use that is suitable in view of the use and development of adjacent and nearby property.

The site plan amendment permits a single-family detached community through innovative land use and product design suitable in view of adjacent uses and development.

2. Whether the zoning proposal or the use proposed will adversely affect the existing use or usability of adjacent or nearby property.

The site plan amendment will enhance the existing use of adjacent property by delivering single-family detached homes to the overall Belmont Hills mixed-use development.

3. Whether the property to be affected by the zoning proposal has a reasonable economic use as currently zoned.

The property which is the subject of this site plan amendment does have reasonable, economic use as zoned; however, this proposal will deliver much desired single-family, detached homes to this mixed-use development.

ZONING AMENDMENT ANALYSIS (CONTINUED)

4. Whether the zoning proposal will result in a use which will or could cause an excessive or burdensome use of existing streets, transportation facilities, utilities or schools.

The proposed site plan amendment will not cause an excessive use of existing infrastructure or schools as the overall density currently approved will not increase.

5. Whether the zoning proposal is in conformity with the policy and intent of the land use plan.

The proposed site plan amendment is consistent with the policy and intent of the Land Use Plan.

6. Whether there are other existing or changing conditions affecting the use and development of the property which give supporting grounds for either approval or disapproval of the zoning proposal.

Existing and changing conditions further support approval of the proposed site plan amendment as this market area lacks detached, quality housing product that can appeal to younger professionals and retirees.

ZONING AMENDMENT ANALYSIS (CONTINUED)

7. Whether the development of the property under the zoning proposal will conform to, be a detriment to or enhance the architectural standards, open space requirements and aesthetics of the general neighborhood, considering the current, historical and planned uses in the area.

The proposal enhances the overall Belmont Hills mixed-use development
by injecting an innovative and high-quality detached residential housing
option.

8. Under any proposed zoning classification, whether the use proposed may create a nuisance or is incompatible with existing uses in the area.

The proposal is compatible with existing uses in the area as existing
zoning currently allows attached residential uses.

9. Whether due to the size of the proposed use, in either land area or building height, the proposed use would affect the adjoining property, general neighborhood and other uses in the area positively or negatively.

The proposal affects surrounding properties positively by delivering
single-family, detached housing on parcels which are currently approved
for attached residential uses.

VESTING DEED(S)

WARRANTY DEED

STATE OF GEORGIA

COBB

County.

THIS INDENTURE, Made this 31st day of October in the year of our Lord One Thousand, Nine Hundred and seventy-two between BERNARD HALPERN

of the County of Atlanta and State of Georgia, party, of the first part, and HALPERN ENTERPRISES, INCORPORATED, a Georgia corporation

of the County of Cobb and State of Georgia party, of the second part, WITNESSETH, That the said part Y of the first part, for and in consideration of the sum of TEN AND NO/100 (\$10.00) DOLLARS, in hand paid at and before the sealing and delivery of these presents, the receipt whereof is hereby acknowledged, has granted, bargained, sold, and conveyed, and by these presents does grant, bargain, sell, and convey unto the said party of the second part, its heirs and assigns, ALL THAT

The property described in the Exhibit attached hereto and made a part hereof.

The property conveyed hereby is transferred subject to all easements, rights of way and encumbrances of record and all outstanding leases on the date of execution hereof. The party of the second part shall pay all obligations incident to the property transferred hereby.

msf

1363/91

To HAVE AND TO HOLD the said bargained premises, together with all and singular the rights, members, and appurtenances thereof, to the same being, belonging, or in anywise appertaining, to the only proper use, benefit, and behoof of Halpern Enterprises, In the said part Y of the second part, its heirs and assigns, forever, in fee simple.

And the said part Y of the first part, for his heirs, executors, and administrators, will warrant and forever defend the right and title of the above described property unto the said party of the second part, its heirs and assigns, against the claims of all persons whomsoever.

IN WITNESS WHEREOF, the said part Y of the first part has hereunto set his hand and affixed his seal, the day and year first above written.

Signed, sealed, and delivered in the presence of

Nathan M. Capital
Eleanor A. Metzger

Bernard Halpern (Seal)

GEORGIA, Cobb County, Clerk's Office - Sealed
Filed for Record 1 day of Nov 1972
at 11 o'clock A.M. Recorded Nov 2 1972

onds west along said right-of-way line of Fleming Street a distance of 149.96 feet to an iron pin; running thence south 66 degrees 48 minutes 30 seconds west along the said right-of-way line of said Fleming Street, a distance of 434.85 to an iron pipe corner; running thence north 45 degrees, 55 minutes 20 seconds west a distance of 168.31 feet to an iron pin; running thence south 70 degrees, 55 minutes 20 seconds west a distance of 110.70 feet to an iron pin; running thence south 70 degrees 55 minutes 20 seconds west a distance of 108.42 feet to a point; running thence north 43 degrees 41 minutes 30 seconds west a distance of 277.19 feet to a point; running thence north 34 degrees, 19 minutes, 40 seconds east along the southeasterly line of a building and its extension a distance of 91.42 feet to a point; running thence north 34 degrees, 19 minutes 40 seconds east along said southeasterly line of said building a distance of 427.56 feet to a point at the eastern-most corner of said building; running thence north 38 degrees, 8 minutes 20 seconds east a distance of 121.02 feet to an iron pin at the western-most corner of the property of Humble Oil Company; running thence south 33 degrees, 19 minutes 00 seconds east along said Humble Oil Company property a distance of 127.20 feet to an iron pin at the southern-most corner of said Humble property; running thence north 48 degrees, 8 minutes 40 seconds east along said Humble property a distance of 149.91 feet to the southwesterly right-of-way line of Atlanta street; thence southeasterly along said right-of-way line of Atlanta Street and following the curvature thereof a distance of 264.64 feet to a point on the original northwesterly line of Lot 1, plat of Mrs. Laura Walker property, recorded in Plat Book 1, page 45, Cobb County Records, said line being the northwesterly line of property of Hood Oil Company, running thence south 57 degrees, 34 minutes 30 seconds west along the northwesterly line of said Hood property and said Lot 1 a distance of 245.47 feet to an iron pin at the western-most corner of said Hood property in the center of the abandoned alley dividing Lots 1 and 7 of Mrs. Laura Walker's property; running thence south 47 degrees, 15 minutes 30 seconds east along said Hood property and along the center of said abandoned alley a distance of 151.21 feet to an iron pin at the southern-most corner of said Hood property; running thence north 61 degrees, 28 minutes 20 seconds east along said Hood property a distance of 248.95 feet to an iron pin on the southwesterly right-of-way line of said Atlanta Street; running thence south 45 degrees, 33 minutes, 50 seconds east along said right-of-way line of Atlanta Street a distance of 141.15 feet to an iron pin; running thence south 45 degrees, 35 minutes 00 seconds east a distance of 161.28 feet to an iron pin at the point of beginning.

BELMONT SHOPPING CENTER (Portion Only)

Tract One

All that tract or parcel of land lying and being in Land Lot 447 and Land Lot 490 of the 17th District, 2nd Section, Cobb County, Georgia, being property formerly of Belmont Hills Company, and more particularly described as follows:

BEGINNING at the southwest corner of Cherokee Road and Atlanta-Marietta Road, (Old U. S. Highway #41); running thence southeasterly along the southwest side of Atlanta-Marietta Road seven hundred (700) feet to a point; thence running south thirty-eight (38) degrees eight (8) minutes and twenty (20) seconds west a distance of two hundred eighty-one and eight-tenths (281.8) feet; thence running south thirty-four (34) degrees, nineteen (19) minutes forty (40) seconds west a distance of two hundred fifteen (215.0) feet to a point; thence running north fifty-five (55) degrees, forty (40) minutes, twenty (20) seconds west a distance of one hundred seventy-two and fifty one-hundredths (172.50) feet to a point; thence running north, sixty-eight (68) degrees, thirty-two (32) minutes, twenty (20) seconds west a distance of six hundred thirty-eight and forty-one one-hundredths (638.41) feet to a point; thence running north thirty-two (32) degrees, forty-eight (48) minutes forty (40) seconds west a distance of four hundred seventy-two and ninety-two hundredths (472.92) feet to a point; thence running north 00° forty-five (45) minutes, forty (40) seconds west a distance of two hundred eighty-seven and eight-tenths (287.8) feet to a point on the south side of Cherokee Road; thence running east along the south side of Cherokee Road a distance of nine hundred ninety (990) feet to the southwest corner of Cherokee Road and Atlanta-Marietta Road to the corner described above and the point of beginning, all according to a plat of said property prepared by Roger L. Cordes & Associates, dated June 15, 1972, revised July 26, 1972, a copy of which plat is on file in the Cobb County Real Estate Recording Office.

Tract Two

All that tract or parcel of land lying and being in Land Lots 489 and 490 of the 17th District, 2nd Section of Cobb County, Georgia, shown and described as Parcels A, B, G and H on a Plat of Property of Bernard Halpern, et al, prepared by Roger L. Cordes & Associates and dated June 15, 1972, revised July 26, 1972, a copy of said plat being on file in the Cobb County Real Estate Recording Office and being more particularly described as follows:

BEGINNING at an iron pin at the intersection of the southwesterly right-of-way line of Atlanta Street (100 ft. right-of-way) with the northwesterly right-of-way of Fleming Street (75 ft. right-of-way) and running thence south 67 degrees 48 minutes 50 sec-

...of applicable...
...shall be limited to \$20,000.00...

1402/151

...HOOD OIL COMPANY...
...IN WITNESS WHEREOF...
...day and year first above written...

George L. Barkley
Secretary

HOOD OIL COMPANY
George W. Hood
President

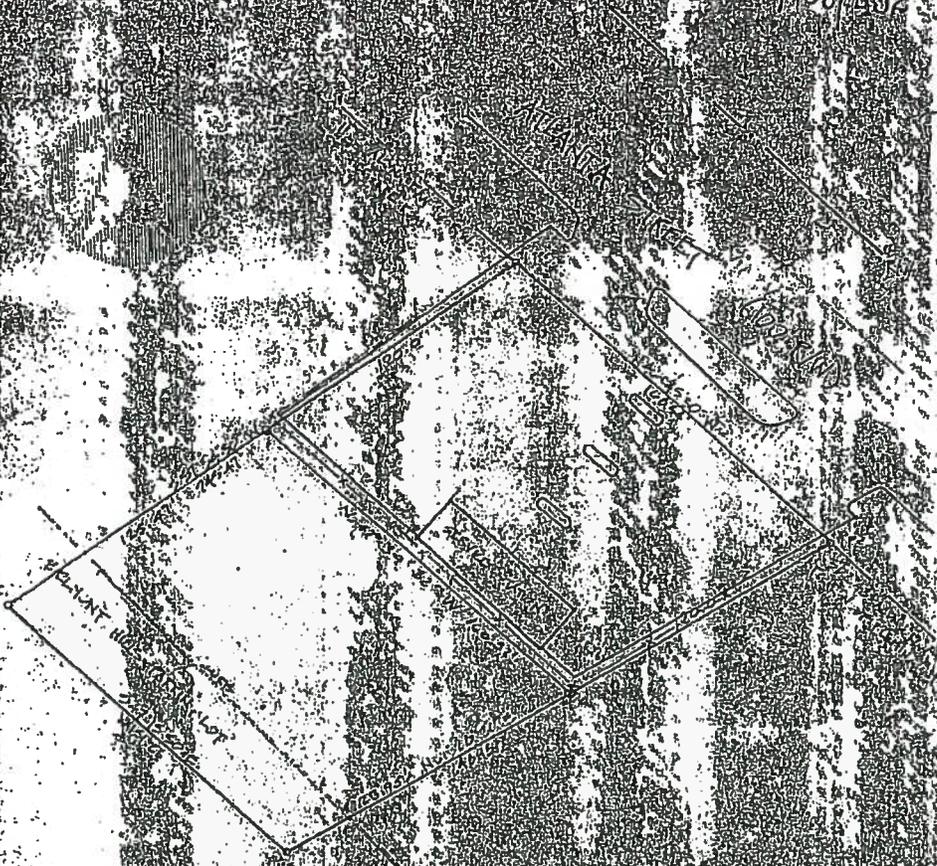
COUNTY OF DEKALB

APR 15 1951
TERRY

Janette A. Allard
I, Janette A. Allard, do hereby certify that George W. Hood, President of Hood Oil Company, who is personally to me known, has duly appeared before me, personally and acknowledged that she did sign, read and deliver the foregoing deed of her own free will and accord for the purposes therein named and expressed.

April 15 1951
Janette A. Allard
Notary Public

1168/452



HOOD OIL COMPANY

SURVEY FOR
 LAND LOT 121 DISTRICT 11895-10

J. S. ROSS & ASSOCIATES
 ENGINEERS & PLANNERS
 P.O. BOX 7111, SEMPERIA, GA 30080

DATE: 11/12/12
 SCALE: 1" = 100'

COUNTY OF GEORGIA
 THIS DOCUMENT IS A CORRECT
 REPRODUCTION OF THE ORIGINAL
 AND HAS BEEN FILED IN ACCORDANCE
 WITH THE MINIMUM STANDARDS AND
 REQUIREMENTS OF THE LAW.

GEORGIA REGISTERED LAND SURVEYOR

1544/158

DEED

THIS DEED made as of this 31st day of May, 1974, between ASHLAND OIL, INC., a Kentucky corporation, having an office at 1409 Winchester Avenue, Ashland, Kentucky, 41101, (hereinafter referred to as "GRANTOR"), and HALPERN ENTERPRISES, INC., a Georgia corporation, with a mailing address of P. O. Box 48227, Atlanta, Georgia, 30340, (hereinafter referred to as "GRANTEE").

WITNESSETH:

That for and in consideration of the sum of Ninety-Two Thousand and 00/100 Dollars (\$92,000.00), the receipt and adequacy of which is hereby acknowledged, GRANTOR does hereby grant and convey unto GRANTEE, his heirs, successors and assigns forever, all that certain tract or parcel of land located in the City of Atlanta, in Cobb County, Georgia, which tract or parcel of land is more particularly described as follows:

All that tract or parcel of land lying and being in Land Lot 490 of the 17th District, 2nd Section, Cobb County, Georgia, and being part of Lots 1 and 2 of Mrs. Laura Walkers' property, more particularly described as follows:

BEGINNING at an iron pin located on the southwesterly right of way of Atlanta Street (SR3) as the same is now located with a 60 ft. right of way, 30 ft. from center line of said highway 1120 feet southeasterly from the intersection of the southwesterly side of Atlanta Street with the southerly side of Cherokee Street, and running thence south 46 degrees 36 minutes east along the southwesterly side of Atlanta Street for a distance of 173.12 feet to an iron pin found and corner located on the northwesterly side of property of the American Oil Corp.; thence running south 60 degrees 11 minutes west along said American Oil Corp. property for a distance of 258.8 feet to an iron pin and corner located on the northeasterly side of an alley; thence running north 48 degrees 59 minutes west along the northeasterly side of said alley for a distance of 154.6 feet to an iron pin and corner; thence running north 55 degrees 50 minutes east for a distance of 260.3 feet to the point of beginning, LESS AND EXCEPT, that certain tract or parcel of land sold to GRANTEE by Hood Oil Company by deed dated April 2, 1973, and recorded in Book 1408 at page 450, records of the Clerk of the Superior Court, Cobb County, Georgia.

Payee / 2-11-74
Cobbs & Superior Court
Cobb Co. Superior Court



WARRANTY DEED

STATE OF TENNESSEE
COUNTY OF HAMILTON

88 APR 11 PM 2:00
Cobb County, Georgia
REC'D

THIS INDENTURE, made this 4th day of April in the year One Thousand Nine Hundred Eighty-Eight between Kayo Oil Company, a Delaware corporation, as party of the first part, hereinafter called Grantor, and Halpern Enterprises, Inc., a Georgia corporation, as party of the second part, hereinafter called Grantee (the words "Grantor" and "Grantee" to include their respective heirs, successors and assigns where the context requires or permits);

WITNESSETH: That Grantor for and in consideration of the sum of Ten Dollars (\$10) in hand paid at and before the sealing and delivery of these presents, the receipt and sufficiency whereof are hereby acknowledged, has granted, bargained, sold, aliened, conveyed and confirmed, and by these presents does grant, bargain, sell, alien, convey and confirm unto the said Grantee, all that tract or parcel of land lying in Cobb County, Georgia and being more particularly described on Exhibit "A" attached hereto and made a part hereof.

TO HAVE AND TO HOLD the said tract or parcel of land, with all and singular the rights, members and appurtenances thereof, to the same being, belonging, or in anywise appertaining, to the only proper use, benefit and behoof of the said Grantee forever in SEE SIMPLE subject only to the matters set forth on Exhibit "B" attached hereto and made a part hereof.

AND THE SAID Grantor will warrant and forever defend the right and title to the above described property unto the said Grantee against the claims of all persons whomsoever.

IN WITNESS WHEREOF, the Grantor has signed and sealed this deed, the day and year above written.

Signed, sealed and delivered in the presence of:

KAYO OIL COMPANY

CORPORATE SEAL

Red Craft
Unofficial Witness

By: J. S. Hill
Title: VICE PRESIDENT

Shelby Adams
Notary Public

Attest: W. B. King
Title: ASSURANT

My Commission Expires: 1-26-91

[NOTARIAL SEAL] Cobb County, Georgia

[CORPORATE SEAL]

Payable 600.00 Equal Estate Transfer Tax
Date 4-11-88

Jay C. Stephenson
Clark of Superior Court
BOOK 487, PAGE 345

17-490-14

600

EXHIBIT "A"

COBB COUNTY PROPERTY

All that tract or parcel of land lying and being in Land Lot 490 of the 17th District, 2nd Section of Cobb County, City of Smyrna, Georgia and being more particularly described as follows:

BEGINNING at a right-of-way monument found at the intersection of the southerly right-of-way line of Cherokee Road (having a variable right-of-way) and the westerly right-of-way line of Atlanta Road (having a variable right-of-way); thence running along the westerly right-of-way line of Atlanta Road in a southeasterly direction south 23 degrees 36 minutes 25 seconds east a distance of 156.70 feet to an iron pin set; thence leaving said right-of-way line in a southwesterly direction south 88 degrees 44 minutes 30 seconds west a distance of 149.95 feet to a nail set; thence north 24 degrees 03 minutes 39 seconds west a distance of 150 feet to an iron pin set on the southerly right-of-way line of Cherokee Road; thence running along the southerly right-of-way line of Cherokee Road in a northeasterly direction north 86 degrees 10 minutes 32 seconds east a distance of 148.64 feet to a right-of-way monument, said right-of-way monument also being the POINT OF BEGINNING. Said tract containing 21,327 square feet (.490 acres) as depicted on the survey for Halpern Enterprises, Inc. as prepared by H. E. Harper, Georgia Registered Land Surveyor Number 1321 and dated January 6, 1988, last revised March 29, 1988.

KATO. EEA

parcel 17-490-141

EXHIBIT "B"

1. General or special taxes and assessments required to be paid in the year 1988 and subsequent years.
2. Easements in favor of Georgia Power Company as follows:
 - (a) dated August 27, 1963, recorded in Deed Book 726, page 347;
 - (b) dated August 7, 1967, recorded in Deed Book 1001, page 132;
 - (c) dated June 3, 1959, recorded in Deed Book 499, page 323;
 - (d) dated November 29, 1955, recorded in Deed Book 339, page 95;
 - (e) dated February 11, 1954, recorded in Deed Book 277, page 204;
 - (f) dated October 15, 1954, recorded in Deed Book 293, page 338;
 - (g) dated December 12, 1935, recorded in Deed Book 120, page 293.
3. Restrictive covenants contained in leases between Halpern Enterprises, Inc. and the following tenants of Belmont Hills Shopping Center:
 - Burger King Corporation-- covenant precluding the use of captioned property as the location of a fast food operation similar to Burger King;
 - The Great Atlantic & Pacific Tea Company-- covenant precluding the use of captioned property for a supermarket or self-service grocery store, a grocery store or department, a meat market or department, and/or a produce market or department.
 - K.H. Danaway Drugs-- covenant precluding the use of captioned property for a drugstore or shop for the compounding and sale of drugs or medicine.
4. Easement from Keyo Oil Company to Georgia Power Company, undated, filed 6/29/33, recorded in Deed Book 2832, page 139, aforesaid records.
5. Cross Easement Agreement between Halpern Enterprises, Inc. and Keyo Oil Company, dated 9/4/81, recorded in Deed Book 2422, page 121, aforesaid records. (Upon execution, delivery and recordation of the Warranty Deed set forth in Paragraph I. 2. (a) of Schedule B-1, this exception will be deleted).

Book 4877 Page 346A

Deed Book 14722 Pg 2471
Filed and Recorded Sep-03-2009 04:03pm
2009-0117357
Real Estate Transfer Tax \$485.00

J.C. Stephenson
Jay C. Stephenson
Clerk of Superior Court Cobb Cty. Ga.

AFTER RECORDING RETURN TO:
John A. White, Jr. - Hughes and White
Shadowood Office Park, Suite 440
2110 Powers Ferry Road
Atlanta, Georgia 30339-5058

157011



RR
20.

PLEASE CROSS REFERENCE TO:
DEED BOOK 1579 PAGE 873
DEED BOOK 1654 PAGE 559
DEED BOOK 1653 PAGE 478
DEED BOOK 3024 PAGE 44
DEED BOOK 4502 PAGE 48

LIMITED WARRANTY DEED

THIS LIMITED WARRANTY DEED is made this 3rd day of September, 2009, between PEBBLE HILL ASSOCIATES, a New York general partnership ("Grantor"), whose address is 317 Mill Hill Road, Mill Neck, New York 11765, and HALPERN ENTERPRISES, INC., a Georgia corporation ("Grantee"), whose address is 5269 Buford Highway, Atlanta, Georgia 30340 (the word "Grantor" and "Grantee" to include their respective successors and assigns where the context requires or permits).

WITNESSETH that: Grantor, for Ten Dollars (\$10.00) and other valuable consideration, in hand paid at and before the sealing and delivery of these presents, the receipt whereof is hereby acknowledged, has granted, bargained, sold, aliened, conveyed and confirmed, and by these presents does grant, bargain, sell, alien, convey and confirm unto the said Grantee, its successors and assigns that certain real property legally described on the attached Exhibit A (the "Property"), SUBJECT TO all taxes, assessments, liens, easements, encumbrances and restrictions of record and all matters which an accurate survey or physical inspection of the Property would disclose (the "Permitted Exceptions").

TO HAVE AND TO HOLD the Property, together with all and singular the rights, members and appurtenances thereof, to the same being, belonging or in anywise appertaining to the only proper use, benefit and behalf of Grantee, its successors and assigns forever, in fee simple.

Grantor hereby binds itself, its successors and assigns, to warrant and forever defend all and singular the Property unto Grantee, its successors and assigns, against any person whomsoever lawfully claiming or to claim the same or any part thereof by, through or under Grantor, but not otherwise, and subject to the Permitted Exceptions.

IN WITNESS WHEREOF, the Grantor has signed and sealed this deed this 3rd day of September, 2009.

Signed, sealed and delivered this 3rd day of September, 2009 in the presence of:

[Signature]
Unofficial Witness

[Signature]
Notary Public

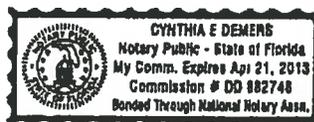
My Commission Expires: April 21, 2013

[NOTARIAL SEAL]

PEBBLE HILL ASSOCIATES,
A New York General Partnership

By: CUSHMAN FAMILY TRUST C
MANAGING GENERAL PARTNER

By [Signature]
H. BARRY SWICKLE, TRUSTEE





Jay C. Stephenson
Clerk of Superior Court Cobb Cty. Ga.

AFTER RECORDING RETURN TO:
John A. White, Jr. - Hughes and White
Shadowood Office Park, Suite 440
2110 Powers Ferry Road
Atlanta, Georgia 30339-5058

10951

STATE OF GEORGIA
COUNTY OF COBB

ER
14.

QUITCLAIM DEED

THIS INDENTURE, made this 3rd day of September, 2009, between PEBBLE HILL ASSOCIATES, a New York general partnership ("Grantor"), whose address is 317 Mill Hill Road, Mill Neck, New York 11765, and HALPERN ENTERPRISES, INC., a Georgia corporation ("Grantee"), whose address is 5269 Buford Highway, Atlanta, Georgia 30340 (the word "Grantor" and "Grantee" to include their respective successors and assigns where the context requires or permits).

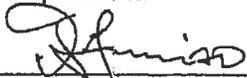
WITNESSETH that: Grantor, for and in consideration of the sum of Ten and No/100 Dollars (\$10.00) and other valuable consideration in hand paid at and before the sealing and delivery of these presents, the receipt and sufficiency whereof are hereby acknowledged, by these presents does hereby remise, convey and forever QUITCLAIM unto the said Grantee, all that tract or parcel of land lying and being in Land Lot 490 of the 17th District, 2nd Section of Cobb County, Georgia as more particularly described on Exhibit A attached hereto and hereby made a part hereof.

This Quitclaim Deed is given without consideration to clear title to the above referenced property and is filed simultaneously with that certain Limited Warranty Deed from Pebble Hill Associates to Halpern Enterprises, Inc. herein upon which transfer tax has been paid.

TO HAVE AND TO HOLD the said described property, so that neither Grantor nor any person or persons claiming under Grantor shall at any time, by any means or ways, have, claim or demand any right or title to said property or appurtenances, or any rights thereof.

IN WITNESS WHEREOF, Grantor has signed, sealed and delivered this deed the day and year first above written.

Signed, sealed and delivered this
5 day of September, 2009
in the presence of:



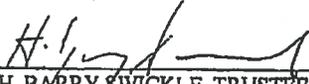
Unofficial Witness

PEBBLE HILL ASSOCIATES,
A New York General Partnership

By: CUSHMAN FAMILY TRUST C
MANAGING GENERAL PARTNER



Notary Public

By 

H. BARRY SWICKLE, TRUSTEE

My Commission Expires: April 21, 2013

[NOTARIAL SEAL]



Exhibit A

All that tract or parcel of land lying and being in Land Lot 490 of the 17th District, 2nd Section, of Cobb County, Georgia, and being more particularly described as follows:

BEGINNING at a ¼ inch rerod corner on the southwesterly right-of-way line of Atlanta Street 302.43 feet northwesterly, as measured along said line of Atlanta Street from the intersection with the northerly right-of-way line of Fleming Street and running thence south 61 degrees 28 minutes 20 seconds west along said Halpern lands 120 feet to a point; thence north 47 degrees 34 minutes 30 seconds west along said Halpern lands 100 feet to a point; thence north 61 degrees 15 minutes 30 seconds east along lands now or formerly owned by Hood Oil Company 121.35 feet to the southwesterly right-of-way line of Atlanta Street; thence south 46 degrees 45 minutes 30 seconds east along said line of Atlanta Street 100 feet to the POINT OF BEGINNING.

Also conveyed herewith is a Easement for ingress and egress as to the above described property to and from the common parking areas of Belmont Hills Shopping Center and the non-exclusive use of said common parking areas for customer parking purposes.

EXHIBIT A

Smyrna, Cobb County,
Georgia
2542 Atlanta Road

All that tract or parcel of land lying and being in Land Lot 490 of the 17th District, 2nd Section of Cobb County, Georgia, being the southwesterly 100 feet of the parcel shown as "Out" adjoining the Western Auto building on plat of survey of property for Halpern Enterprises by Roger L. Curdes and Associates, dated September 11, 1973, and last revised December 19, 1973, and being more particularly described:

BEGINNING at a 1/2 inch rod corner on the southwesterly right-of-way line of Atlanta Street 302.43 feet northwesterly, as measured along said line of Atlanta Street from the intersection with the northerly right-of-way line of Fleming Street and

running thence south $61^{\circ} 28' 20''$ west along said Halpern lands 120 feet to a point;

thence north $47^{\circ} 14' 30''$ west along said Halpern lands 100 feet to a point;

thence north $61^{\circ} 15' 30''$ east along lands now or formerly owned by Hood Oil Company 121.35 feet to the southwesterly right-of-way line of Atlanta Street;

thence south $46^{\circ} 45' 30''$ east along said line of Atlanta Street 100 feet to the POINT OF BEGINNING.

Said property is more fully shown on plat of survey dated May 29, 1975, recorded in Plat Book 63, Page 17, Cobb County Records. 170

410251

Deed Book 14722 Pg 2474

MAUREEN O'CONNELL
NASSAU COUNTY
CLERK



OFFICE OF THE COUNTY CLERK
240 OLD COUNTRY ROAD
MINEOLA, NEW YORK 11501-
4249
TELEPHONE: 516 571-2660

August 11, 2009

Darlene Lacy for John A. White
Hughes and White
2110 Powers Ferry Road, Suite 440
Atlanta, Georgia 30339-5058

Re: Pebble Hill Associates

Dear Ms. Lacy,

Please allow this to serve as acknowledgement of your inquiry regarding the above referenced companies. In response, a search of Nassau County Business records was conducted. We have enclosed the certificate for Pebble Hill Associates dated 12/11/1986 and recorded in this office on 10/08/1998. To date, this is the only certificate we have on record for this entity.

I trust this information will be of assistance to you.

Very Truly Yours,

A handwritten signature in cursive script, appearing to read "Debra Marzigliano".

The Office of the County Clerk
By Debra Marzigliano

X 74—Certificate of Conducting Business as Partners.
Individual—Corporation.

COPYRIGHT 1973 BY JULIUS BLASBERG, INC., LAW BLANK PUBLISHERS

Business Certificate for Partners

The undersigned do hereby certify that they are conducting or transacting business as members of a partnership under the name or designation of **PEBBLE HILL ASSOCIATES**

at Mill Hill Road, Mill Neck 11765
in the County of Nassau, State of New York, and do further certify that the full names of all the persons conducting or transacting such partnership including the full names of all the partners with the residence address of each such person, and the age of any who may be infants, are as follows:

3813

NAME Specify which are infants and state ages.	RESIDENCE
Cushman Family Trust A	Mill Hill Road, Mill Neck 11765
Cushman Family Trust B	Mill Hill Road, Mill Neck 11765
Cushman Family Trust C	Mill Hill Road, Mill Neck 11765
Milton Hecht	87 Lefferts Road, Yonkers, New York 10705

1 BC 2531
200

WE DO FURTHER CERTIFY that we are the successors in interest to

the person or persons heretofore using such name or names to carry on or conduct or transact business.

In Witness Whereof, We have this 11th day of December, 1986 made and signed this certificate.

Cushman Family Trust A
By Milton Hecht
Milton Hecht, as Trustee

Cushman Family Trust B
By Milton Hecht
Milton Hecht, as Trustee

Cushman Family Trust C
By Milton Hecht
Milton Hecht, as Trustee

State of New York, County of
On this day of

ss: INDIVIDUAL ACKNOWLEDGMENT
19 , before me personally appeared

to me known and known to me to be the individuals described in, and who executed the foregoing certificate, and they thereupon duly acknowledged to me that they executed the same.

Signature

NOTARY PUBLIC

Legal Description

POD C & D Boundary Survey

Belmont Hills, Smyrna, Georgia

ALL That tract or parcel of land lying or being in Land Lots 489, 490, 519 & 520 of the 17th District, City of Smyrna, Cobb County, Georgia, and being more particularly described as follows:

Commencing at the intersection of the southwesterly right-of-way line of Atlanta Road (right-of-way varies) and the northwesterly right-of-way line of Fleming Street (right-of-way varies) said point being the POINT OF BEGINNING;

THENCE along the said northwesterly right-of-way line of Fleming Street South 69 degrees 25 minutes 15 seconds West, a distance of 152.35 feet to a point;

THENCE continuing along the said northwesterly right-of-way line of Fleming Street South 68 degrees 32 minutes 31 seconds West, a distance of 466.94 feet to a point;

THENCE continuing along the said northwesterly right-of-way line of Fleming Street South 68 degrees 53 minutes 20 seconds West, a distance of 148.68 feet to a point at the intersection of the mitered right-of-way of Belmont Place (64-foot right-of-way);

THENCE leaving the said northwesterly right-of-way line of Fleming Street proceed along the said mitered right-of-way line of Belmont Place (64-foot right-of-way) North 66 degrees 18 minutes 27 seconds West, a distance of 19.75 feet to a point;

THENCE along the northeasterly right-of-way line of Belmont Place (64-foot right-of-way) North 21 degrees 19 minutes 15 seconds West, a distance of 70.59 feet to a point;

THENCE continuing along the northeasterly right-of-way line of Belmont Place a distance of 178.62 feet along the arc of a curve to the left, having a radius of 1034.00 feet and being subtended by a chord which bears North 26 degrees 16 minutes 12 seconds West, for a distance of 178.40 feet, to a point;

THENCE continuing along the northeasterly right-of-way line of Belmont Place North 31 degrees 13 minutes 08 seconds West, a distance of 194.77 feet to a point;

THENCE continuing along the northeasterly right-of-way line of Belmont Place northwesterly a distance of 88.01 feet along the arc of a curve to the right, having a radius of 966.00 feet and being subtended by a chord which bears North 28 degrees 36 minutes 31 seconds West, for a distance of 87.98 feet, to a point;

THENCE continuing along the northeasterly right-of-way line of Belmont Place North 25 degrees 59 minutes 54 seconds West, a distance of 69.18 feet to a point on the mitered right-of-way of Belmont Place (64-foot right-of-way) and a Future Road (90-foot right-of-way);

THENCE along the said mitered right-of-way North 19 degrees 53 minutes 04 seconds East, a distance of 64.59 feet to a point on the southeasterly right-of-way of a Future Road (90-foot right-of-way);

THENCE along the said southeasterly right-of-way of a Future Road (90-foot right-of-way) North 63 degrees 59 minutes 55 seconds East, a distance of 521.35 feet to a point at the mitered intersection of Atlanta Road (right-of-way varies);

THENCE along the said mitered intersection South 83 degrees 49 minutes 28 seconds East, a distance of 33.79 feet to a point on the southwesterly right-of-way line of Atlanta Road (right-of-way varies);

THENCE along the said southwesterly right-of-way line of Atlanta Road southeasterly a distance of 271.83 feet along the arc of a curve to the left, having a radius of 1,573.80 feet and being subtended by a chord which bears South 36 degrees 48 minutes 44 seconds East, for a distance of 271.50 feet, to a point;

THENCE continuing along the said southwesterly right-of-way line of Atlanta Road South 42 degrees 59 minutes 37 seconds East, a distance of 59.17 feet to a point;

THENCE continuing along the said southwesterly right-of-way line of Atlanta Road South 46 degrees 28 minutes 53 seconds East, a distance of 100.73 feet to a point;

THENCE continuing along the said southwesterly right-of-way line of Atlanta Road South 43 degrees 56 minutes 35 seconds East, a distance of 142.27 feet to a point;

THENCE continuing along the said southwesterly right-of-way line of Atlanta Road South 44 degrees 31 minutes 51 seconds East, a distance of 161.25 feet to the POINT OF BEGINNING.

Said tract or parcel of land containing 455,370 Square Feet or 10.454 Acres, more or less.

Printed: 1/16/2014 11:53:58 AM

Phone: (770) 528-8600
Fax: (770) 528-8679

Official Tax Receipt
Gail Downing
Cobb County Tax Commissioner
736 Whitlock Ave Suite 100
Marietta, GA 30064
--Online Receipt--

Parcel	Tax Year	Original Taxes Due	Interest	Penalty	Fees	Amount Paid	Balance
17049000010	2013	\$77,084.64	\$0.00	\$0.00	\$0.00	\$77,084.64	\$0.00



Last Payment Date: 10/11/2013

Property Address: 1030 2538 ATLANTA RD

Payer: HALPERN ENTERPRISES LNC

Real Estate Bills

View Bill

Bill Year	2013
Bill	6222
Owner	HALPERN ENTERPRISES INC •
Parcel ID	17049000010

Installment	Pay By	Amount	Payments/Credits	Balance	Interest	Due
1	11/15/2013	\$31,806.30	\$31,806.30	\$0.00	\$0.00	\$0.00
Interest and Penalties						\$0.00
TOTAL		\$31,806.30	\$31,806.30	\$0.00	\$0.00	\$0.00

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From:

12/05/2013 16:33

#550 P.004/005

CITY OF SMYRNA
Tax Department
PO Box 1226
Smyrna, GA 30081-1226
770-434-8600

2013 Property Tax Notice

HALPERN ENTERPRISES INC
5269 BUFORD HWY
DORAVILLE, GA 30340

Please Make Check or Money Order Payable to:
City of Smyrna Tax Department

HOMESTEAD EXEMPTIONS AVAILABLE:

- 1) \$10,000 Age sixty-two (62) or older by January 1.
- 2) \$22,000 Disabled with limited income.
- 3) As a result of the City of Smyrna Taxpayer Reassessment Relief Act, after proper application has been made, when your homestead property is reassessed your homestead exemption will automatically increase by the same amount.

If you are eligible for one of these exemptions you must apply for the exemption by April 1st in order to receive the exemption in future years.

If you are a new property owner as of January 1, you need to file a change of ownership with the Cobb County Tax Office by April 1st.

2013 City of Smyrna Property Tax Notice								
Bill No.	Property Description	Map Number	Fair Mkt Value	Assessed Value	Exempt Value	Taxable Value	Millage Rate	Tax Amount
6222	1030 2538 ATLANTA RD	17-0490-0-0010	8,844,910	3,537,984		3,637,684	8.980000	31806.30
		200003 6060-0000						
Important Messages - Please Read								Total of Bills by Tax Type
Taxes not paid by due date are subject to a 10% penalty and 1% interest per month (or any portion thereof) figured on the principal plus penalty, FIFA charges 30 Days After The Due Date are \$17.50.			If there is a question concerning the assessment of your property, please contact the Cobb County Tax Assessor's Office at 770-528-3100.			Penalty		0.00
Any questions concerning payment instructions, ownership or mailing address changes should be directed to the Tax Department at 770-434-8600.			Any corrections to name or address should be reported to the Cobb County Tax Commissioner at 770-528-3100.			Int		0.00
						Fees		0.00
						Adjustments		0.00
						Payments		0.00
						Back Taxes		0.00
						TOTAL DUE		31,806.30
						DATE DUE		11/15/2013

PLEASE DETACH HERE AND RETURN THIS PORTION, MAKING SURE THAT OUR RETURN ADDRESS APPEARS THROUGH THE WINDOW IN THE ENVELOPE PRIOR TO SEALING

HALPERN ENTERPRISES INC
5269 BUFORD HWY
DORAVILLE, GA 30340

← If this address is incorrect, please write the correct address on this portion.

PAYMENT INSTRUCTIONS

- Please write the bill number(s) on your check
- For a receipt, please include a stamped, self-addressed envelope.
- If taxes are to be paid by a mortgage company, send them this portion only.
- If ownership has changed, please forward to new owner.

Bill No.	Map Number	Tax Amount
6222	17-0490-0-0010	31806.30
DATE DUE		TOTAL DUE
11/15/2013		31806.30

CITY OF SMYRNA
Tax Department
PO Box 1226
Smyrna, GA 30081-1226



CITY OF SMYRNA

2800 King Street / P.O. Box 1226, Smyrna, Georgia 30081
(770) 434-6600 / www.smyrnacity.com

CITY OF SMYRNA

WATER AND SEWER AVAILABILITY

The City of Smyrna has determined that water and sewer are availability to the proposed development.

As designed the development will be private water and sanitary sewer. There should be an existing water stub on Belmont Place for this development. The development will have an 8 inch master meter and 8 inch DDC. All building/units will be required to be privately individually metered. The sanitary sewer system shall also be accessed on Belmont Place. Utility elevations are the responsibility of the developer.

The information is based upon a land plan titled Belmont Hills by Ridge Planning and Engineering.

MAYOR A. MAX BACON							
CITY COUNCIL	WARD 1 MELLENY PRITCHETT	WARD 2 ANDREA BLUSTEIN	WARD 3 TERI ANULEWICZ	WARD 4 CHARLES A. WELCH	WARD 5 SUSAN WILKINSON	WARD 6 WADE LNENICKA	WARD 7 RON FENNEL
	CITY ADMINISTRATOR ERIC TAYLOR		CITY CLERK TERRI GRAHAM	CITY ATTORNEY SCOTT A. COCHRAN	MUNICIPAL COURT JUDGE F. ALTON CURTIS, JR.		



P.O. Box 1088
Marietta, GA 30061
Telephone: (770) 426-3300
www.cobbk12.org

Empowering Dreams for the Future

January 6, 2014

Mr. Wes Kimbrell
David Weekley Homes
4385 Kimball Bridge Road, Suite 201
Alpharetta, GA 30022

RE: Impact Statement for Rezoning of Belmont Hills Development

Dear Mr. Kimbrell:

In reviewing the plan for the development of the Belmont Hills area on Fleming Road, we have a few concerns:

1. We expect that the development of the 164 homes that you indicated would increase the population of Smyrna Elementary School by as many as 50 to 60 students. Smyrna Elementary is currently under capacity by more than 100 students, but we expect the enrollment to increase to its capacity over the next two years, which does not include the potential 50 to 60 students from this new development.
2. This development would increase the population of Campbell Middle School by approximately 15-20 students. Campbell Middle is currently over capacity by about 100 students, and this development could have a minor impact on that school as well. Campbell High School would not be significantly impacted, as they are under capacity at this time, and could easily accommodate the potential students from this development.
3. The increased traffic on Fleming Road would also be a concern for us, as this road is now heavily used by buses, as well as by parents dropping off and picking up students at certain times of the day. We hope that the development plan would strongly consider traffic patterns with regard to entrances and exits for this development.

While we think that the development of the Belmont area is a good idea and a certain improvement over the current situation, we hope that you give our concerns some consideration in the course of establishing the development.

Thank you for your time and consideration.

Regards,

Dennis L. Campbell
Director, Planning

DLC:cmj

BOARD OF EDUCATION

Randy Scamihorn, *Chair* • Brad Wheeler, *Vice Chair*
Tim Stultz • David Morgan • Kathleen Angelucci • David Banks • Scott Sweeney

SUPERINTENDENT

Michael Hinojosa, Ed.D.

David Weekley Homes

Atlanta Office
4825 Kancall Bridge Road, Ste. 201
Alpharetta, GA 30022
(770) 812-2294
FAX 770 569-3355

January 6, 2014

Mr. Max Bacon, Chairman
Smyrna Urban Design Commission
2800 King Street
Smyrna, GA 30080

Re: Urban Design Commission Review-

Applicant: David Weekley Homes

Property Owner: Halpern Enterprises, Inc.

Property: 10.4 Acres known as Pods C & D of the Belmont Redevelopment Project

Dear Mr. Bacon,

David Weekley Homes has contracted to purchase 10.4 acres in the City of Smyrna known as Pods C and D of the Belmont Redevelopment Project. It is our understanding that the property falls within the boundaries of the Downtown Design District so we would like to request a meeting with the Urban Design Commission to review and approve our proposed development plans. The information below is a brief description of our future plans for the new Belmont community.

David Weekley Homes intends to develop the property described above in to an innovative community of 164 single family detached homes. The homes to be constructed in the community will be zero lot line homes with approximately three feet of separation. There will be three distinct home types built in the new community. The homes on the perimeter of the project will be three story homes with the main living area on the second floor, bedrooms on the third floor, and a ground floor that includes a bonus room and a rear entry garage accessed off private alleyways (i.e. garages will face inward away from the exterior of the project) The second home type will be a traditional layout home with main living area on the ground floor and bedrooms on the second floor. This home type will also have a rear entry garage served by an alley. The third type of home will have the main living area on the ground floor along with the master bedroom. Secondary bedrooms and/or flex space will be located on a second story. This third type of home will all front the community's common green and have rear entry garages with private alleys. To further illustrate the community layout, a site plan is included with this submittal.

The homes to be constructed in the community will have mixed facade materials consisting of board/batten and fibrous cement ("Hardie Plank") siding; along with Brick, Stone, Stucco and Cedar Shake accents. Example elevations and typical materials are illustrated on the conceptual renderings included with this submittal. Square footage of the proposed homes will range from 1500 square feet to over 2000 square feet. Initial price points for the homes will be from the mid \$200,000s to the mid \$300,000s.

Atlanta ♦ Austin ♦ Charleston ♦ Charlotte ♦ Dallas/Ft. Worth ♦ Denver ♦ Greater Hilton Head
Houston ♦ Jacksonville ♦ Orlando ♦ Panama City ♦ Phoenix ♦ Raleigh ♦ San Antonio ♦ Tampa

Our proposed community will be gated. We intend to have vehicular access gates at the community entrances on Flemming Street and Belmont Parkway. The community entrances will also include brick pavers and/or stamped concrete and will be fully landscaped for aesthetic appeal. The remainder of the community will be ringed by black tubular steel fence with masonry columns. We anticipate the fencing will be approximately four feet high. There will be pedestrian gates in the perimeter fencing to allow for connectivity to the neighboring school and other portions of the Belmont project.

Community signage will be prominently displayed at entry gates. Brick and/or stone pedestals will feature the community name and there will be a neighborhood call box that will include emergency access features. All community signage will be in compliance with the Urban Design Standards in terms of materials and lighting and consistent with other new residential development within the Downtown Development District. David Weekley Homes also anticipates the usage of temporary promotional signage when the community begins home sales.

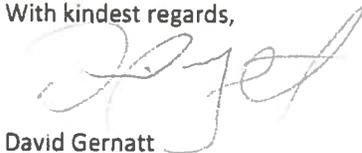
All landscape plans (for any common area or entrances) will be prepared, stamped and signed by a Georgia Registered Landscape Architect. All yards and common areas will be sodded, landscaped and irrigated as appropriate.

Community amenities will include a swimming pool and a covered pavilion with a fireplace and restrooms. There will also be a dog park with multiple benches and a drinking water fountain for both residents and dogs. All amenities will be located in and/or adjacent to the common green located in the center of the community.

There will be protective covenants and architectural guidelines established for the community. A home owners association (HOA) will be established to administer and enforce prescribed architectural controls and protective covenants and restrictions to safeguard the quality and integrity of the residential community. The HOA will be responsible for the oversight, upkeep, and maintenance of all common areas of the project, including entrance and gate areas, open space areas, storm water management areas, private alleys and streets, sidewalks, and amenity areas. The HOA will also handle the landscape maintenance for all the homes within the community.

We are truly excited about the opportunity to develop at Belmont and we believe we will produce a community that makes a positive contribution to the City of Smyrna. We welcome your questions about our proposed community and we look forward to meeting with the UDC. Thank you for the time and consideration.

With kindest regards,



David Gernatt
Division President



RIDGE PLANNING AND ENGINEERING

1785 WHITE CIRCLE, SUITE 202 • SMYRNA, GA 30066 • FAX 866.319.0672
JEFF SMITH, P.E. DIRECT 404.328.6280 • JOHN LOYD DIRECT 770.868.7591

01.15.14

City of Smyrna
2800 King Street
Smyrna, Georgia 30081
770.434.6600

**RE: Belmont Hills Traffic Impact Statement
Smyrna, GA
RPE Project No. 13078**

To Whom It May Concern:

The current zoning for this development allows for a maximum of 902 residential units. The current zoning proposes approximately 464 residential units for Pods C and D.

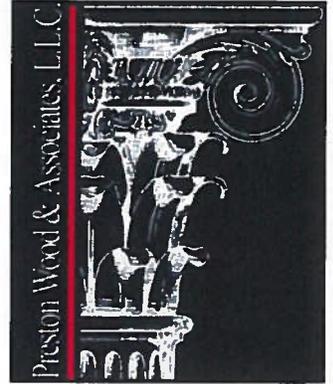
Ridge Planning and Engineering (RPE) prepared a Zoning Plan for Belmont Hills Pods C and D. The project proposes to construct 164 single family homes with an amenity center. This project proposes less residential units than previously planned and will not exceed the 902 residential units allowed for the overall development.

Since this project will not exceed the previously zoned maximum of 902 residential units, there will not be a negative impact to the surrounding transportation system as proposed in the DRI / Traffic Study.

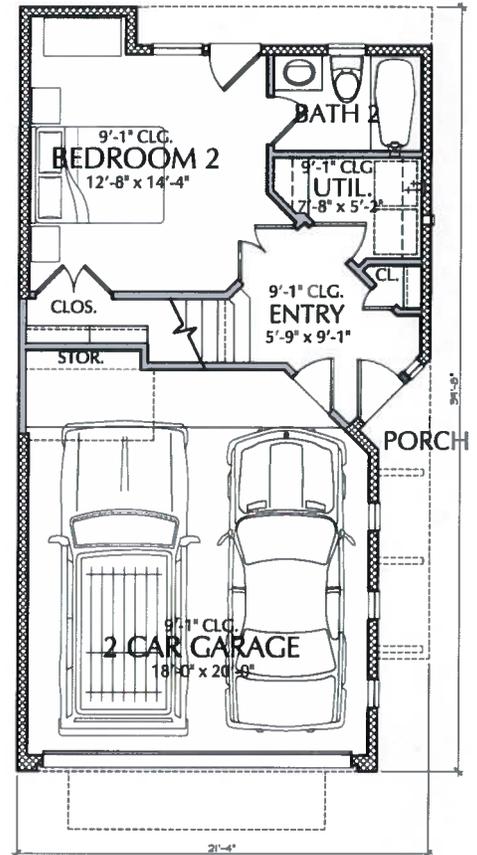
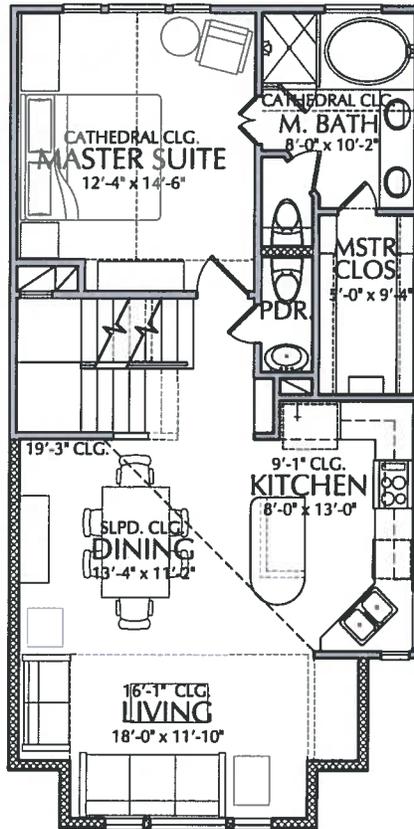
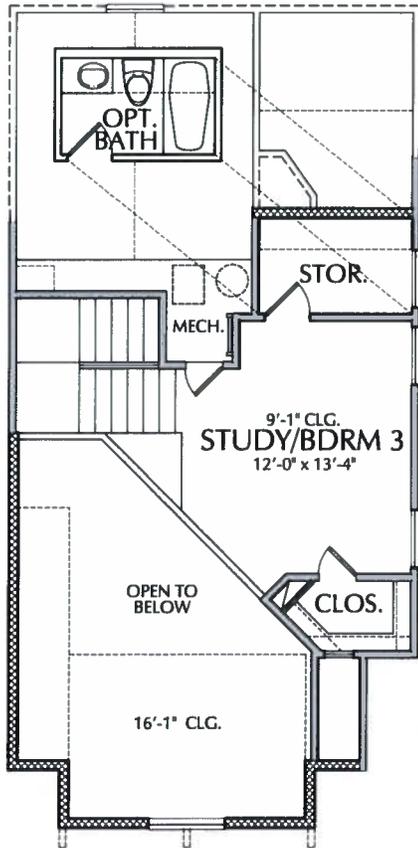
Please contact me should you have any questions.

Best Regards,

Jeff Smith, P.E.
Principal



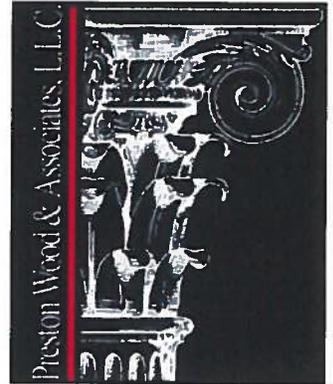
JOB#	E0119-A-1503
LEVEL ONE:	376
LEVEL TWO:	871
LEVEL THREE:	256
TOTAL LIVING:	1503
TOTAL COVERED:	1882
OVERALL WIDTH:	21'-4"
OVERALL DEPTH:	39'-8"



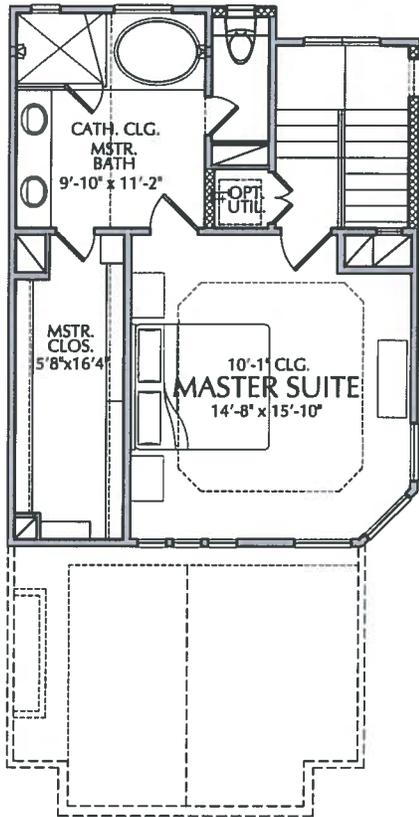
David Weekley Homes

NICHOLSON PLACE

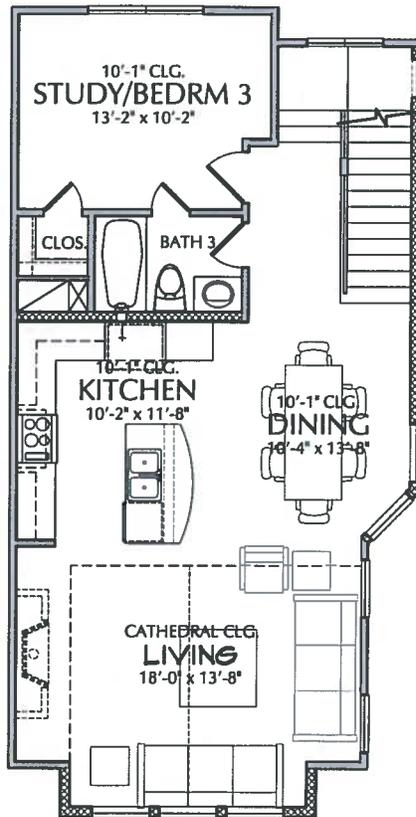
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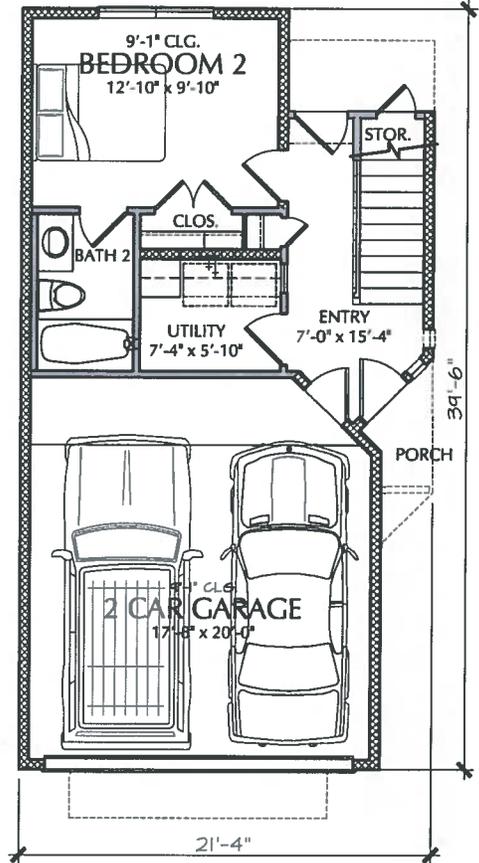
JOB#	E0119-B-1746
LEVEL ONE:	376
LEVEL TWO:	829
LEVEL THREE:	541
TOTAL LIVING:	1746
TOTAL COVERED:	2118
OVERALL WIDTH:	21'-4"
OVERALL DEPTH:	39'-6"



THIRD FLOOR



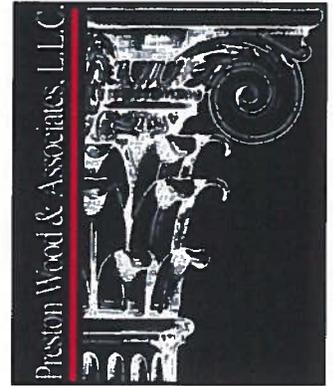
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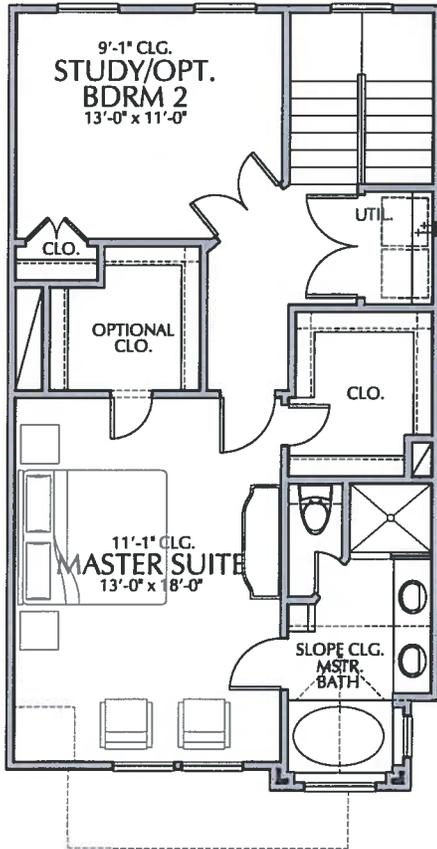
FIRST FLOOR

David Weekley Homes

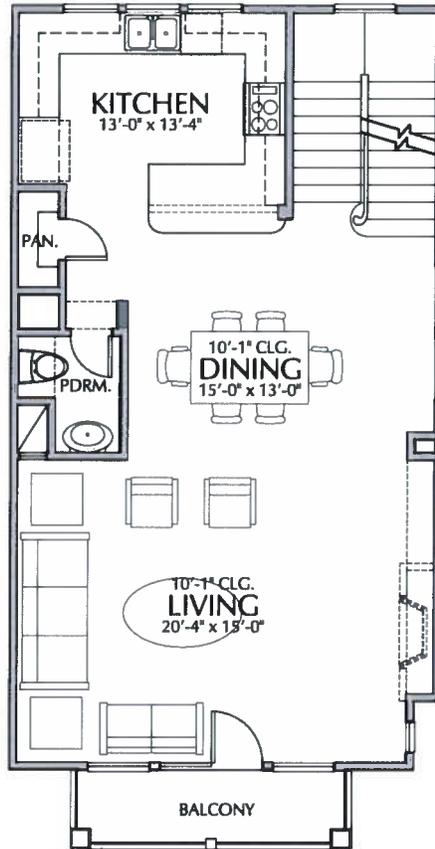
NICHOLSON PLACE



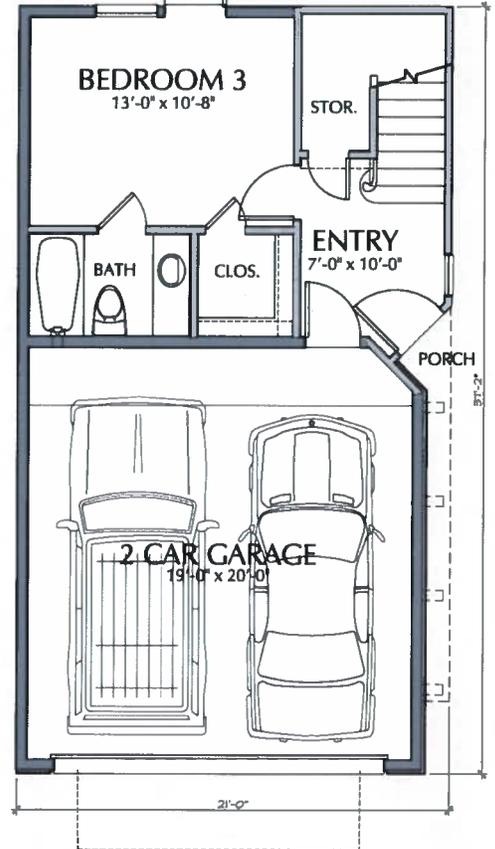
JOB#	E0119-C-1900
LEVEL ONE:	345
LEVEL TWO:	773
LEVEL THREE:	779
TOTAL LIVING:	1897
TOTAL COVERED:	2356
OVERALL WIDTH:	21'-0"
OVERALL DEPTH:	37'-2"



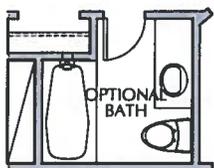
THIRD FLOOR



SECOND FLOOR



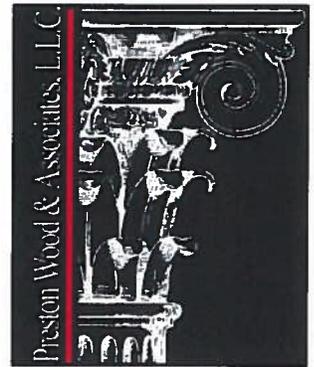
FIRST FLOOR



David Weekley Homes

NICHOLSON PLACE

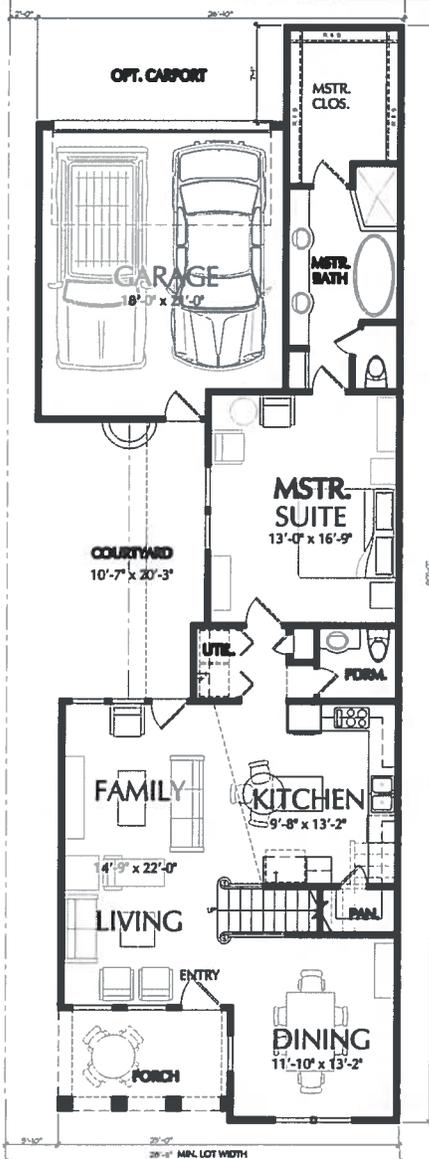
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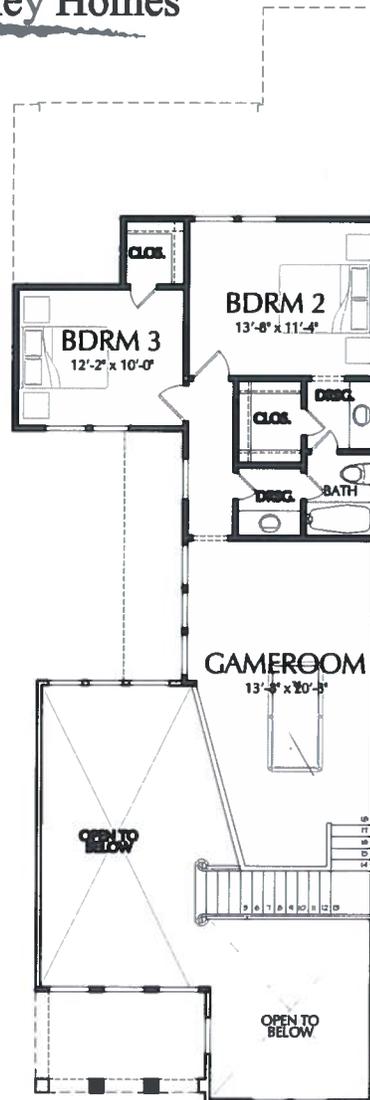
JOB# E3-338-2015
LEVEL ONE: 1228
LEVEL TWO: 787
TOTAL LIVING: 2015
TOTAL COVERED: 2490
OVERALL WIDTH: 26'-10"
OVERALL DEPTH: 80'-0"
1st FLOOR CLG.: 10'-0" U.O.N.
2nd FLOOR CLG.: 9'-0" U.O.N.

David Weekley Homes

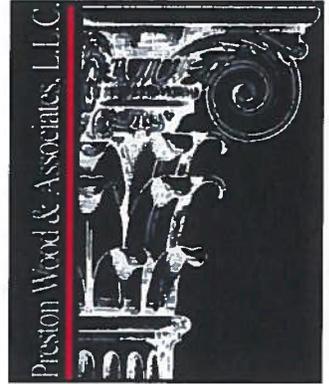
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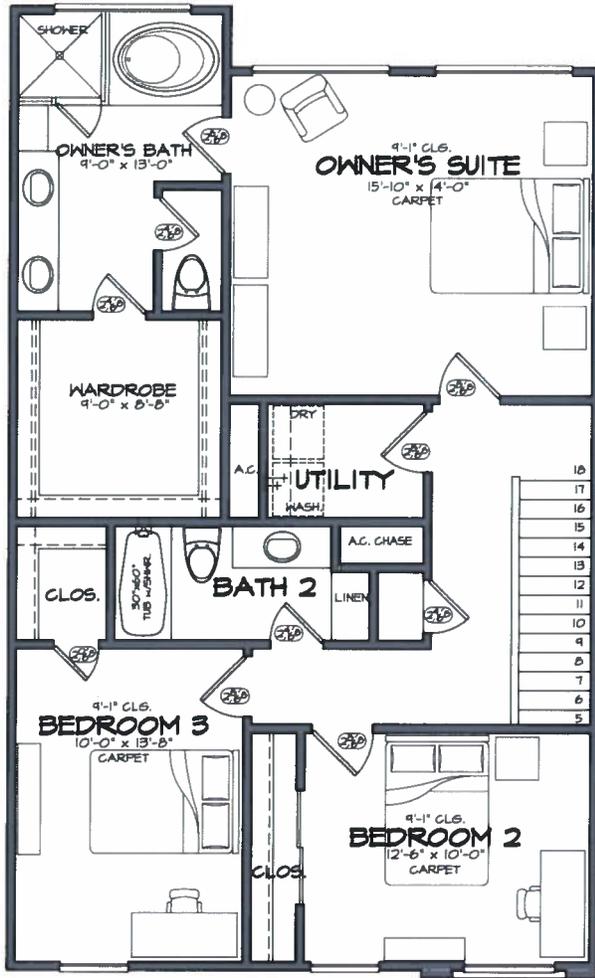
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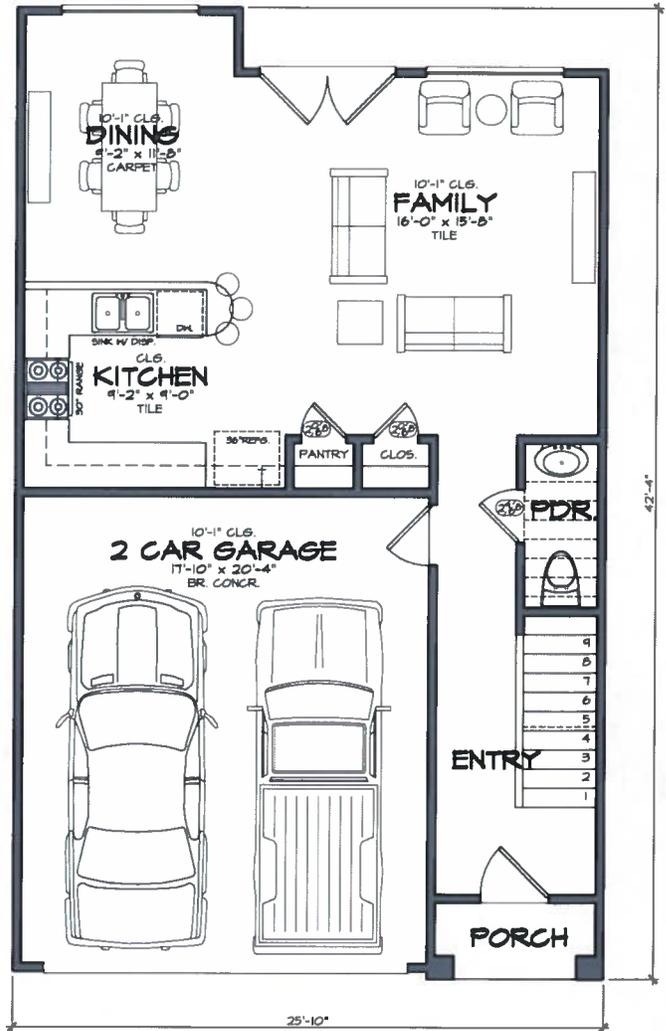
DWG NAME: L:\XXXX Acad Drawings\JOB#\FILENAME.DWG



JOB# D9020\D9020-A
LEVEL ONE: 644
LEVEL TWO: 1005
TOTAL LIVING: 1649
TOTAL COVERED: 2051
OVERALL WIDTH: 25'-10"
OVERALL DEPTH: 42'-4"
1st FLOOR CLG.: 10'-1" CLG.
2nd FLOOR CLG.: 9'-1" CLG.



SECOND FLOOR PLAN



FIRST FLOOR PLAN

**APPLICATION FOR ZONING AMENDMENT
TO THE CITY OF SMYRNA, GEORGIA**

**ELEVATIONS AND
EXTERIOR WALL COVERINGS AND FINISHES**

Applicant: David Weekley Homes
Titleholder: Halpern Enterprises, Inc.

Homes within the proposed single-family, detached, residential development shall be two and three stories in height, shall have two-car garages, and shall have pitched roofs. The exterior finishes shall be a combination of brick, stone, stucco-type, stacked stone, hardi-plank, board/batten, and combinations thereof, and shall be consistent with those architectural elevations and renderings to be submitted in conjunction with the Application for Zoning Amendment.

- LEGEND**
- 24'-6" x 99'-0" Nicholson 86 UNITS
 - 24'-0" x 93'-0" LINE DOWN 192 UNITS
 - 30'-0" x 90'-0" MASTER DOWN 26 UNITS

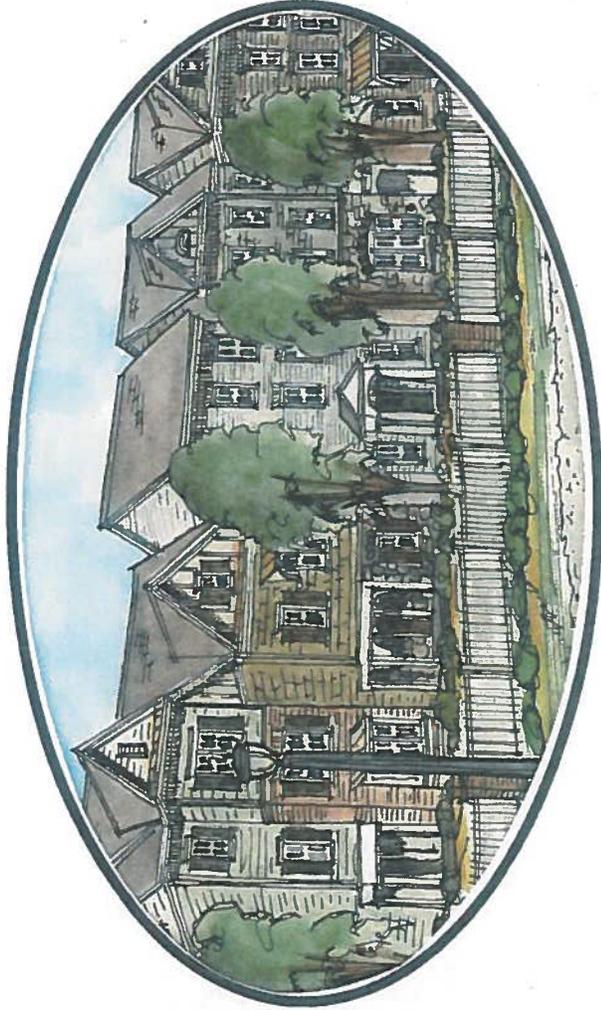


SITE PLAN

DAVID WEEKLEY HOMES
AT BELMONT HILLS

SITE PLAN

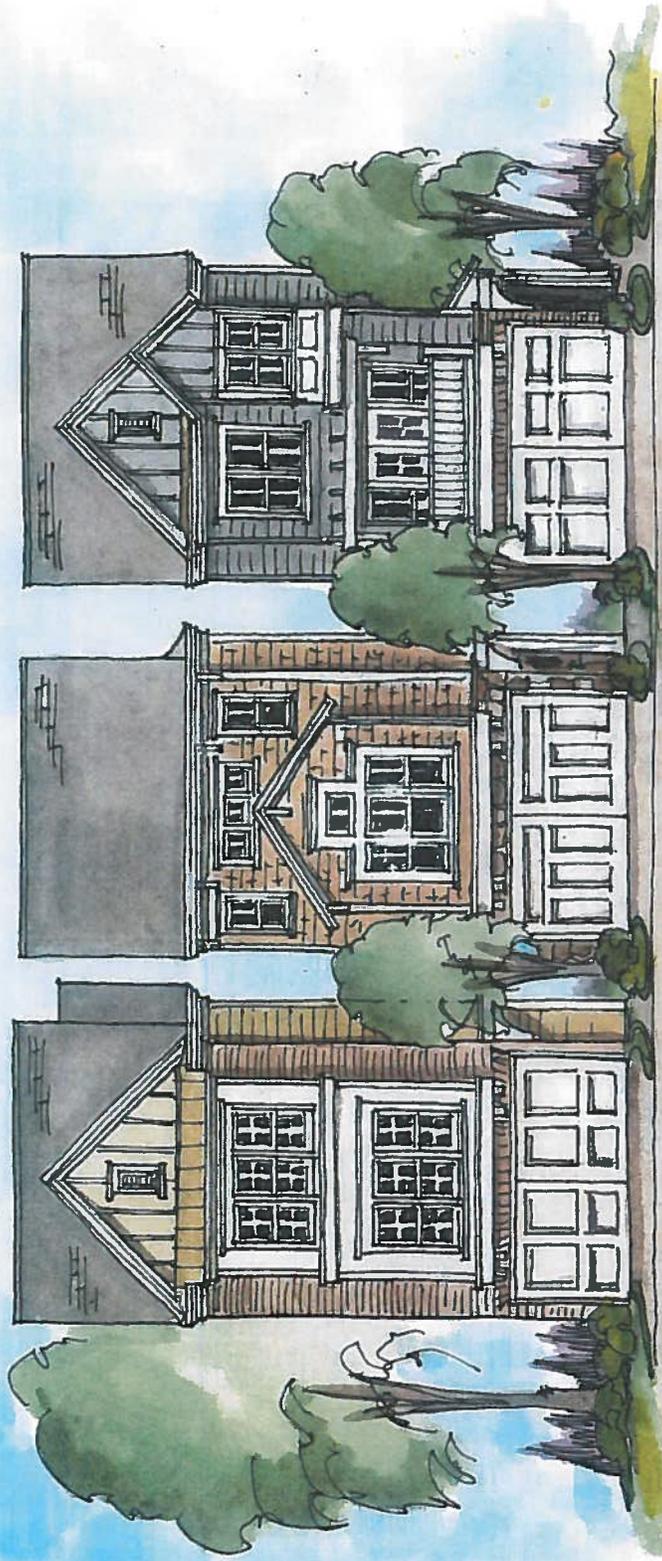
CALDWELL • CLINE
ARCHITECTS • DESIGNERS
311 EASTBAY AVENUE, SUITE 100, COLUMBIA, SC 29204
TELEPHONE: (703) 421-1001 FAX: (703) 421-1002



DAVID WEEKLEY HOMES

AT BELMONT HILLS

CALDWELL • CLINE
ARCHITECTS • DESIGNERS



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DAVID WEEKLEY HOMES
AT BELMONT HILLS

FRONT ELEVATION
NICHOLSON ELEVATION STUDY

CALDWELL • CLINE
ARCHITECTS • DESIGNERS
222 CHEEKERT CIRCLE MARETTA GA 30064
PHONE 770-421-3882 678-866-8930 FAX



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DAVID WEEKLEY HOMES
AT BELMONT HILLS

REAR ELEVATION
NICHOLSON ELEVATION STUDY

CALDWELL • CLINE
ARCHITECTS • DESIGNERS
222 CRESCENT CIRCLE MARNETTA GA 30064
PHONE 770-424-3882 678-688-8930 FAX



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DAVID WEEKLEY HOMES

FRONT ELEVATION
MASTER DOWN PLAN

CALDWELL • CLINE
ARCHITECTS • DESIGNERS
222 CRENSHAW CIRCLE MARETTA GA 30064
PHONE 770-424-3882 878-886-3930 FAX



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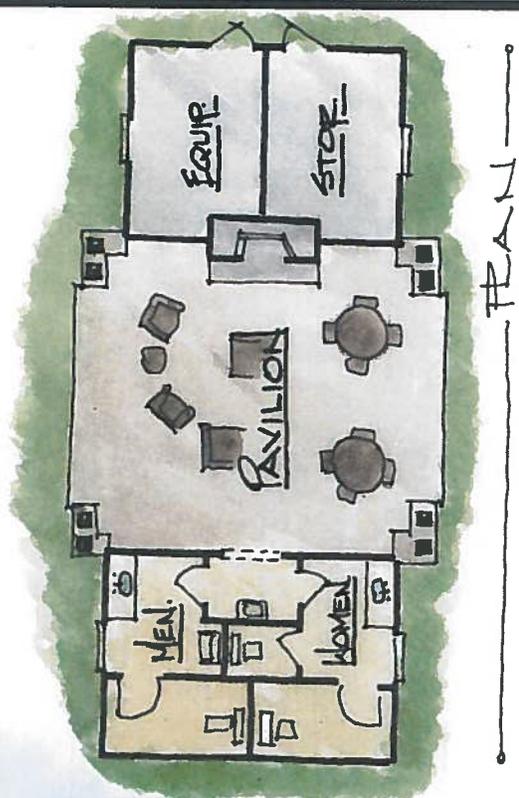
DAVID WEEKLEY HOMES
AT BELMONT HILLS

FRONT ELEVATION
LIVE DOWN PLAN

CALDWELL·CLINE
ARCHITECTS·DESIGNERS
222 CRESCENT CIRCLE MARETTA, GA 30064
PHONE 770-724-3082 FAX 678-868-6950



ARRIVAL ELEVATION



PLAN

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DAVID WEEKLEY HOMES
AT BELMONT HILLS

PAVILION

CALDWELL·CLINE
ARCHITECTS·DESIGNERS
222 CRESCENT CIRCLE MARETTA, GA 30084
PHONE: 770-424-3882 878-808-8330 FAX

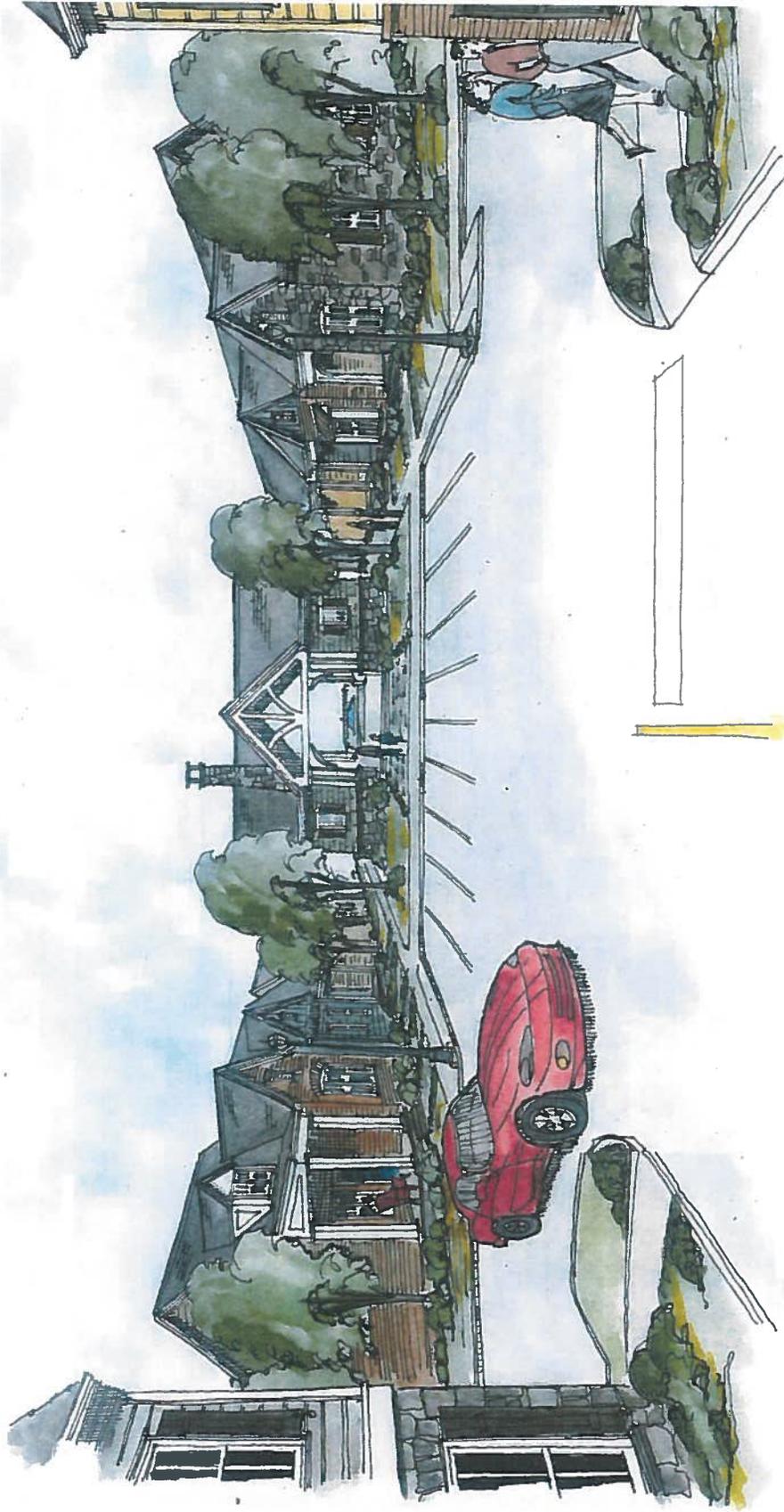


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DAVID WEEKLEY HOMES
AT BELMONT HILLS

STREETSCAPE
ATLANTA ROAD

CALDWELL·CLINE
ARCHITECTS·DESIGNERS
222 CRESCENT CIRCLE MARIETTA GA 30064
PHONE 770-424-3842 678-864-8350 FAX

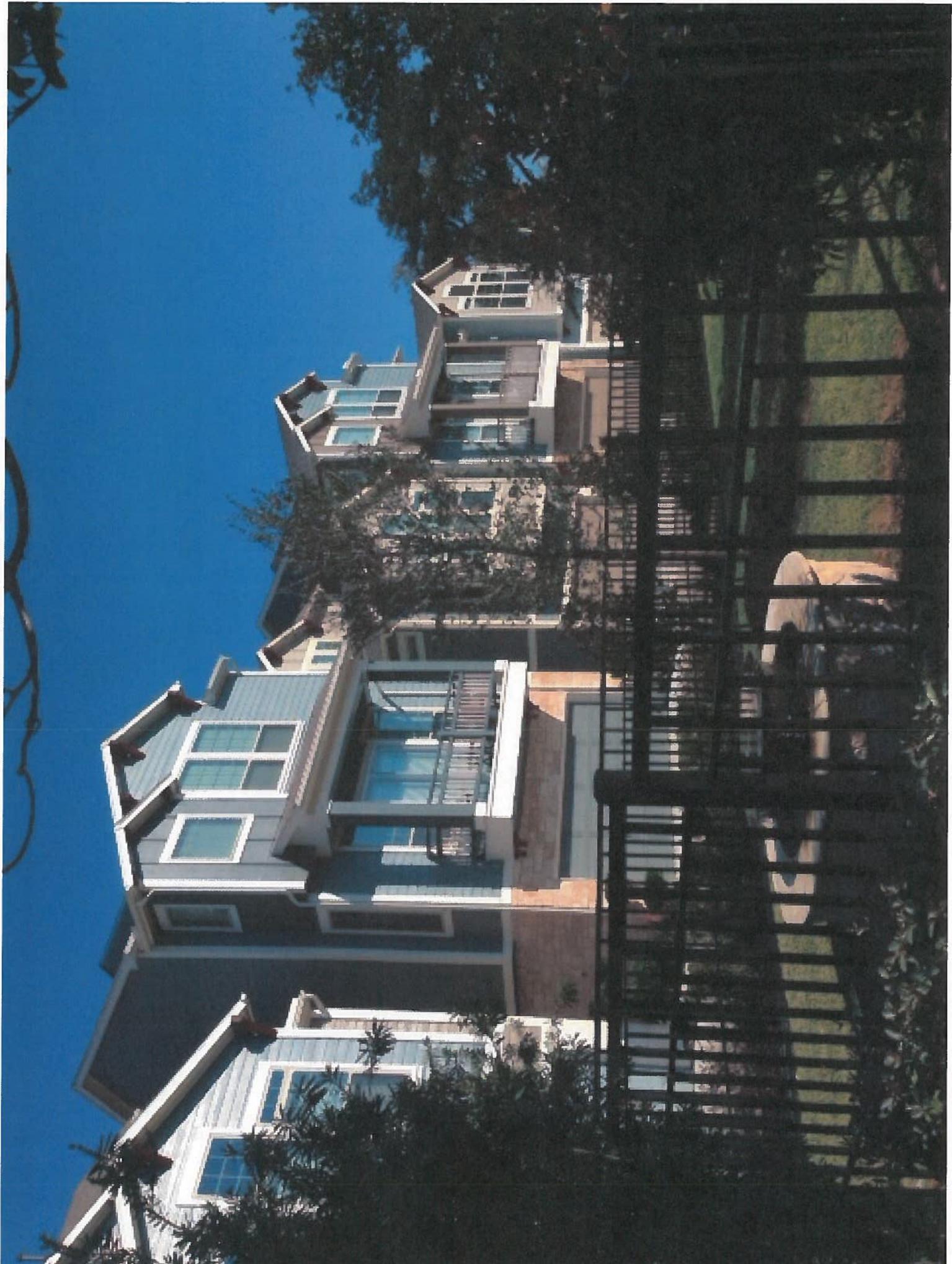


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DAVID WEEKLEY HOMES
AT BELMONT HILLS

STREETSCAPE

CALDWELL • CLINE
ARCHITECTS • DESIGNERS
222 CRESCENT CIRCLE MARBETTA GA 30064
PHONE 770-424-3882 678-666-9330 FAX





Lot Number	Lot Area	Lot Number	Lot Area	Lot Number	Lot Area
1	1,512 Sq Ft	56	1,348 Sq Ft	111	1,537 Sq Ft
2	1,347 Sq Ft	57	1,348 Sq Ft	112	1,537 Sq Ft
3	1,347 Sq Ft	58	1,341 Sq Ft	113	1,537 Sq Ft
4	1,347 Sq Ft	59	1,370 Sq Ft	114	1,696 Sq Ft
5	1,347 Sq Ft	60	1,370 Sq Ft	115	1,696 Sq Ft
6	1,347 Sq Ft	61	1,370 Sq Ft	116	1,537 Sq Ft
7	1,347 Sq Ft	62	1,370 Sq Ft	117	1,537 Sq Ft
8	1,347 Sq Ft	63	1,370 Sq Ft	118	1,537 Sq Ft
9	1,512 Sq Ft	64	1,370 Sq Ft	119	1,544 Sq Ft
10	1,340 Sq Ft	65	1,370 Sq Ft	120	1,537 Sq Ft
11	1,362 Sq Ft	66	1,341 Sq Ft	121	1,696 Sq Ft
12	1,362 Sq Ft	67	1,347 Sq Ft	122	1,834 Sq Ft
13	1,362 Sq Ft	68	1,347 Sq Ft	123	1,741 Sq Ft
14	1,362 Sq Ft	69	1,347 Sq Ft	124	1,718 Sq Ft
15	1,362 Sq Ft	70	1,347 Sq Ft	125	1,718 Sq Ft
16	1,362 Sq Ft	71	1,347 Sq Ft	126	1,858 Sq Ft
17	1,362 Sq Ft	72	1,347 Sq Ft	127	1,856 Sq Ft
18	1,387 Sq Ft	73	1,380 Sq Ft	128	1,682 Sq Ft
19	1,348 Sq Ft	74	1,388 Sq Ft	129	1,682 Sq Ft
20	1,354 Sq Ft	75	1,383 Sq Ft	130	1,682 Sq Ft
21	1,388 Sq Ft	76	1,376 Sq Ft	131	1,682 Sq Ft
22	1,344 Sq Ft	77	1,817 Sq Ft	132	1,893 Sq Ft
23	1,348 Sq Ft	78	1,347 Sq Ft	133	1,692 Sq Ft
24	1,352 Sq Ft	79	1,347 Sq Ft	134	1,537 Sq Ft
25	1,377 Sq Ft	80	1,347 Sq Ft	135	1,537 Sq Ft
26	1,375 Sq Ft	81	1,347 Sq Ft	136	1,537 Sq Ft
27	1,347 Sq Ft	82	1,347 Sq Ft	137	1,537 Sq Ft
28	1,347 Sq Ft	83	1,347 Sq Ft	138	1,695 Sq Ft
29	1,347 Sq Ft	84	1,347 Sq Ft	139	3,014 Sq Ft
30	1,347 Sq Ft	85	1,347 Sq Ft	140	3,023 Sq Ft
31	1,351 Sq Ft	86	1,485 Sq Ft	141	2,804 Sq Ft
32	1,603 Sq Ft	87	1,602 Sq Ft	142	2,806 Sq Ft
33	1,549 Sq Ft	88	1,537 Sq Ft	143	2,817 Sq Ft
34	1,370 Sq Ft	89	1,537 Sq Ft	144	2,886 Sq Ft
35	1,361 Sq Ft	90	1,537 Sq Ft	145	2,760 Sq Ft
36	1,351 Sq Ft	91	1,537 Sq Ft	146	2,763 Sq Ft
37	1,348 Sq Ft	92	1,756 Sq Ft	147	2,769 Sq Ft
38	1,348 Sq Ft	93	1,885 Sq Ft	148	2,770 Sq Ft
39	1,348 Sq Ft	94	1,702 Sq Ft	149	2,731 Sq Ft
40	1,348 Sq Ft	95	1,700 Sq Ft	150	3,266 Sq Ft
41	1,348 Sq Ft	96	1,700 Sq Ft	151	2,700 Sq Ft
42	1,348 Sq Ft	97	1,700 Sq Ft	152	2,700 Sq Ft
43	1,348 Sq Ft	98	1,716 Sq Ft	153	2,977 Sq Ft
44	1,348 Sq Ft	99	1,718 Sq Ft	154	2,719 Sq Ft
45	1,348 Sq Ft	100	1,798 Sq Ft	155	2,781 Sq Ft
46	1,348 Sq Ft	101	1,682 Sq Ft	156	2,773 Sq Ft
47	1,512 Sq Ft	102	1,682 Sq Ft	157	2,772 Sq Ft
48	1,513 Sq Ft	103	1,697 Sq Ft	158	3,002 Sq Ft
49	1,348 Sq Ft	104	1,716 Sq Ft	159	2,700 Sq Ft
50	1,348 Sq Ft	105	1,970 Sq Ft	160	2,700 Sq Ft
51	1,348 Sq Ft	106	1,944 Sq Ft	161	2,700 Sq Ft
52	1,355 Sq Ft	107	1,556 Sq Ft	162	2,700 Sq Ft
53	1,348 Sq Ft	108	1,537 Sq Ft	163	2,700 Sq Ft
54	1,347 Sq Ft	109	1,537 Sq Ft	164	2,969 Sq Ft
55	1,506 Sq Ft	110	1,537 Sq Ft		119,574

75,678

82,938

Average Lot Size:

1696 SF