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September 30, 2016

Hand Delivered

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

RE: Application for Rezoning - Case No. Z16-002
Applicant: Prime Interest, Inc.
Property Owners: TPB RE Holdings II LLC and Elaine S. Cole
Property: 7.25 acres, more or less, located on the northwesterly side of Camp Highland Road, southerly of the East-West Connector, Land Lot 606, 17th District, 2nd Section, City of Smyrna, Cobb County, Georgia

Dear Ken:

As you know, the undersigned and this firm represent Prime Interest, Inc., as Applicant (hereinafter referred to as "Applicant"), and TPB RE Holdings II LLC and Elaine S. Cole, the Property Owners (hereinafter collectively referred to as "Owners") in the above-referenced Application for Rezoning regarding 7.25 acres, more or less, located northwesterly side of Camp Highland Road, southerly of the East-West Connector, Land Lot 606, 17th District, 2nd Section, City of Smyrna, Cobb County, Georgia (hereinafter the "Property" or the "Subject Property"). After communications, meetings, and discussions with City Staff and meeting with area residents; reviewing the staff comments and recommendations; and reviewing the uses of

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surrounding properties, we have been authorized by the Applicant to submit this letter of agreeable stipulations and conditions, which, if the Application for Rezoning is approved, as submitted, shall become a part of the grant of the requested rezoning and shall be binding upon the Subject Property. 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 on the Subject Property.
- (2) Applicant seeks rezoning of the Subject Property from the existing zoning category of General Commercial ("GC") to the proposed zoning category of TD Multi-Family Residential, site plan specific to the Conceptual Master Site Plan ("Site Plan") prepared for Applicant by Planners and Engineers Collaborative, dated November 13, 2015, last revised September 27, 2016. A reduced copy of the revised Site Plan is attached hereto for ease of reference as Exhibit "A" and incorporated herein by reference.
- (3) The Subject Property consists of 7.25 acres of total site area and shall be developed as a single-family, attached residential townhome community, having a maximum of sixty-eight (68) homes.
- (4) The proposed townhome residences shall be a maximum of three (3) stories, for a maximum of thirty-five (35) feet, in height, and shall have two-car garages.
- (5) The proposed townhome residences shall be traditional in style and architecture; and further Applicant agrees to vary architectural details (e.g. cornices, offsets, etc.) within the "block" to allow for a harmonious, appealing streetscape view of the residences, and thereby avoid aesthetics which tend to create a "single-building" appearance.
- (6) The exterior facades of the proposed townhome residences shall have three-sided, hard surface finishes, consisting of brick, stone, stacked stone, stucco, terra cotta, cedar shake, or other hard-surface Cementous materials, or combinations thereof; with the exterior elevations being substantially similar to those elevations attached hereto as Exhibit "B" and incorporated herein by reference. Applicant agrees the combination of stucco, cedar shake, hardi-plank, or concrete siding shall not exceed thirty-five (35) percent of the materials on the front façades; and, further, shall not exceed twenty-five (25) percent of the materials on the side façades.

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- (7) All residences within the proposed community shall be “for sale” units only.
- (8) Applicant agrees to the recording and enforcement of a Declaration of Restrictive Covenants which shall contain covenants, rules, and regulations applicable to the proposed townhome community.
- (9) Additionally, and in conjunction with the Declaration of Restrictive Covenants, Applicant agrees to the creation of a mandatory homeowners association which shall be responsible for the upkeep and maintenance of the entrance way, all common areas, and the like, contained within the townhome community.
- (10) Applicant agrees that as part of the covenants there shall be a covenant which restricts the number of homes within the proposed community which may be leased at any time to a maximum of twenty (20) percent of the proposed townhome residences.
- (11) Entrance signage shall be ground based, monument style and shall consist of brick, stone, stacked stone, or combinations thereof, and shall be complementary to the exterior facades of the proposed townhome residences. The entrance area shall be professionally designed and landscaped; as shall all common areas facing exterior streets and rights-of-way. Maintenance of the entrance area and street frontage areas shall be by the mandatory homeowners association as set forth in the declaration of covenants, easements, and restrictions.
- (12) All front yard areas, and any side yard areas having frontage on Camp Highland Road surrounding the proposed townhome residences shall be sodded and professionally maintained as more particularly set forth in the Declaration of Covenants and Restrictions.
- (13) Additionally, the yard areas of residences adjacent to Camp Highland Road shall be professionally landscaped and maintained.
- (14) Applicant agrees to the installation of an opaque fence, a minimum of six (6) feet in height between the proposed development and the Wetherbrooke Subdivision. Additionally, there shall be installed a thirty-five (35) foot planted, and landscaped buffer between the proposed development and Wetherbrooke Subdivision.

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- (15) All utilities within the proposed community shall be located underground.
- (16) All streets within the proposed community shall be public.
- (17) Street lighting within the proposed community shall be environmentally sensitive, decorative, and themed to the architecture and style of the townhome residences, as offered by the power provider.
- (18) Additionally, Applicant agrees to the installation of street lights along the frontage of the Subject Property along Camp Highland Road. These street lights shall be in conformance with the City of Smyrna requirements; as well as, any requirements of the power provider.
- (19-) Applicant agrees to the installation of a right turn deceleration lane, into the entrance of the proposed community in accordance with City of Smyrna conditions and restrictions.
- (20) Applicant agrees to provide sidewalk, curb, and gutters along the frontage of the Subject Property on Camp Highland Road. Additionally, Applicant agrees to provide connectivity of the sidewalk to the existing sidewalk at Wetherbrooke Subdivision.
- (21) Applicant agrees parking of either resident or guest vehicles along Camp Highland Road shall be prohibited.
- (22) All landscaping referenced herein shall be approved by the City of Smyrna as part of the Plan Review process and incorporated into the final, overall Landscape Plan for the proposed community.
- (23) All setbacks, landscape, and buffer areas may be penetrated for purposes of access, utilities, and stormwater management, including, but not limited to, drainage facilities and any and all slopes or other required engineering features of the foregoing. Any disturbed areas must be replanted.
- (24) All setbacks shall be as shown on the referenced, revised Site Plan.

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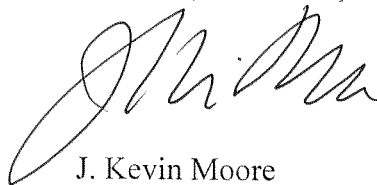
We believe the requested zoning, together with the revised Site Plan and the stipulations set forth herein, is an appropriate use of the Subject Property while taking into consideration the area and existing neighborhoods and residents surrounding the proposed development. The proposed residential community shall be a quality development, shall be compatible with surrounding neighborhoods, and shall be an enhancement to the Subject Property and the community as a whole.

We certainly appreciate your assistance and the consideration by the Mayor and City Council in this request.

With kindest regards, I remain

Very truly yours,

MOORE, INGRAM, JOHNSON & STEELE, LLP

A handwritten signature in black ink, appearing to read 'J. Kevin Moore', is written over the typed name.

J. Kevin Moore

JKM:cc

Attachments

c: Russell G. Martin
Senior Planner
Department of Community Development
(With Copies of Attachments)

Prime Interest, Inc.
(With Copies of Attachments)