

SAMS, LARKIN, HUFF & BALLI

A LIMITED LIABILITY PARTNERSHIP

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November 4, 2016

VIA EMAIL & HAND DELIVERY

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

Re: Application of Waters Edge Group to Rezone a 3.35 Acre Tract from OI to TD
(No. Z16-018)

Dear Ken:

You will recall that this firm has been engaged by and represents Waters Edge Group ("WEG") concerning the above-captioned Application for Rezoning. In that regard, the Application is scheduled to be heard and considered by the City of Smyrna Planning & Zoning Board on November 14, 2016 and, thereafter, is scheduled to be heard and considered for final action by the City of Smyrna Mayor and City Council on December 19, 2016.

With respect to the foregoing and in accordance with our discussions with the City's professional staff and others and based upon the dialogue established with City officials, enclosed please find the requisite number of copies of a Revised Site Plan. The balance of this letter will serve as WEG's expression of agreement with the following stipulations which, upon the rezoning application be approved, shall become conditions and a part of the grant of the requested rezoning and binding upon the subject property thereafter:

1. The stipulations and conditions set forth herein shall replace and supersede in full any and all prior stipulations and conditions in whatsoever form which are currently in place concerning the property which constitutes the subject matter of the above-captioned Application for Rezoning.
2. The Rezoning of the subject property shall be from OI to TD, predicated upon substantial conformity to the Revised Site Plan which is being submitted concurrently herewith.

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3. The subject property shall be developed for attached single-family residences (townhomes) upon a total of 3.35 acres for a total number of 27 townhomes at a density of 8.06 units per acre.¹
4. The size of the attached townhomes shall range from a minimum of 2,170 square feet, 20 foot wide units, and up to 2,350 square feet, 24 foot wide units.²
5. The architectural style and composition of the townhomes shall be in substantial compliance with the architectural renderings/elevations which were submitted concurrently with the Application for Rezoning. The townhomes shall be traditional in style and the composition of said homes shall consist of a mixture of either brick, stacked-stone, cedar shake, and/or Hardiplank siding. Each of the homes shall have an attached, rear-loaded, two (2) car garage which shall be designed to accommodate two (2) vehicles at all times. The driveways shall be a minimum of twenty-two feet (22') in length to accommodate two (2) additional vehicles.
6. All of the homes within the residential community shall be "For Sale" only. The subdivision covenants shall contain a recital stating that the leasing of the townhomes shall be limited to no more than ten percent (10%) of the total number of homes and for no lease term less than one (1) year in duration.
7. The creation of a Master Mandatory Homeowners Association ("HOA") and the submission of a Declaration of Covenants, Conditions and Restrictions which shall include, among other components, strict architectural controls and substantial conformity to the architectural style and composition mentioned above. Additionally, said mandatory HOA shall be responsible for the upkeep and maintenance of all common areas; streets; tree preservation area; required community open space; amenities; mail kiosks as required by the United States Postal Service; landscape buffers; and, other landscaping and signage components within and related to the proposed townhome community.

¹ The subject property, although presently zoned OI, was previously rezoned for townhomes in 2006.

² Price points are anticipated ranging from the mid \$300,000^s to the \$400,000^s (average \$335,000).

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8. A third-party management company shall be hired to manage the day-to-day operations of the Master 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 homeowners association makes a determination that it can undertake such responsibilities.
9. 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 limited to, the following:
 - a. Said landscape plan, which shall be prepared, stamped and signed by a Georgia Registered Landscape Architect or a degreed Horticulturist for common areas, entrances and other components of the townhome community which shall be identified during the Plan Review Process.
 - b. All HVAC systems and home utilities within the community shall be screened by way of fencing and landscaping as required by City Code.
 - c. Entry signage for the community shall be ground-based, monument style, heavily landscaped and irrigated and consistent with the City of Smyrna's Sign Ordinance.
 - d. The installation of sodded front, side and rear yards.
 - e. The detention ponds and/or water quality components shall be placed and landscaped appropriately in order to be attractive to homes inside and outside of the proposed townhome community.
 - f. Compliance with the City's current Tree Preservation and Replacement Ordinance in substantial conformity to the Tree Survey/Tree Protection/Tree Replacements plans which were submitted concurrently with the Application for Rezoning. All required Tree Protection measures shall be adhered to during the construction and buildout of the proposed community.

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10. Subject to recommendations from the City of Smyrna Engineering Department 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 City stormwater codes, 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 this Application being heard and considered for final action by the Mayor and City Council.
 - b. Verifying the point of discharge with respect to detention/water quality.
 - c. Providing a five foot (5') sidewalk with two foot (2') grass strip, except where said buffer is needed to achieve driveways which are twenty-two feet (22') in length.
 - d. The installation of sidewalks within the proposed townhome community.
11. Compliance with the City of Smyrna Fire Department recommendations with respect to Life Safety and Fire Prevention issues, including the following:
 - a. Providing a turning model for the site, as shown on the Revised Site Plan to depict that fire trucks will be able access the subject property.
 - b. Compliance with the City of Smyrna's specifications with respect to Ladder Truck #4.
 - c. Compliance with the City's turning performance analysis.
12. Substantial compliance with the positioning of the mail kiosks and ensuring that said components are ADA accessible.
13. Providing access to the amenity area and common community features which are ADA accessible.

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14. Subject to the granting of the following concurrent variances:
 - a. A reduction of the side to side building separation from thirty feet (30') to twenty feet (20').
 - b. A reduction in the side to rear building separation from forty feet (40') to twenty-two feet (22').
 - c. A reduction in the road width to twenty feet (20') EOP to EOP, twenty-four feet (24') BC to BC.
15. In accordance with direction from the City of Smyrna Fire Department, the installation of sufficient guest parking as shown on the Revised Site Plan which is being submitted concurrently herewith.
16. Subject to recommendations from the City of Smyrna Public Works Department with respect to availability and accessibility of water and sewer and issues attendant thereto, noting that:
 - a. Sanitary sewer is currently available within King Springs Road; however, WEG may be required to conduct a main-extension with each home requiring its own separate sewer tap.
 - b. All water taps and sewer taps shall be responsibility of WEG.
 - c. The proposed townhome community will be gated in accordance with City of Smyrna regulations regarding same.

The subject property is located in an area under the City's Future Land Use Map which reflects that the property is denominated as lying and being within a Community Activity Center ("CAC") which anticipates the proposed townhome community at the density reflected on the Revised Site Plan. In that regard, the proposed townhome community is entirely appropriate from a land use planning perspective, consistent or lower with residential densities in the area and in conformity to the City of Smyrna's Future Land Use Map and Comprehensive Land Use Plan.

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Please do not hesitate to contact me should you or your staff require any further information or documentation prior to the Application being heard and considered by the Planning & Zoning Board later this month and then by the Mayor and City Council in December. With kind regards, I am

Very truly yours,

SAMS, LARKIN, HUFF & BALLI, LLP



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

GLS/klk
Enclosure/Attachment

cc: Honorable Max Bacon, Mayor (via email w/attachment)
Members, City of Smyrna City Council (via email w/attachment)
Members, City of Smyrna Planning & Zoning Board (via email w/attachment)
Mr. Michael L. Jones, P.E., City Administrator (via email w/attachment)
Scott A. Cochran, Esq. (via email w/attachment)
Mr. Eric Randall, P.E., City Engineer (via email w/attachment)
Mr. Timothy W. Grubaugh, Deputy Fire Marshall (via email w/attachment)
Mr. Scott Stokes, Public Works Director (via email w/attachments)
Ms. Terri Graham, City Clerk (via email w/attachment)
Mr. Russell Martin, AICP, Senior City Planner (via email w/attachment)
Mr. Trevor Shonkwiler, President, Waters Edge Group (via email w/attachment)
Mr. Matt Allen, Allen Southern Properties (via email w/attachment)
Mr. Jeff Smith, P.E., Ridge Planning and Engineering (via email w/attachment)