

SAMS, LARKIN, HUFF & BALLI

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December 12, 2016

VIA EMAIL

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

Re: Application of Waters Edge Group, Inc. to Rezone a 3.35 Acre Tract
from OI-Conditional to RTD-Conditional (No. Z16-018) – King Springs Road
and South Cobb Drive (No. Z16-018)

Dear Ken:

As a follow-up to our meeting with you and Rusty Martin last week, attached is a revised site plan which consists of a redesign of the proposal and a reduction in the number of lots. Also, you will note that the variance requests in terms of the scope of those variances have been revised as well.

With respect to the foregoing, the current revised site plan reflects a total number of 26 rear loaded townhomes at a density of 7.76 units per acre with price points ranging from the mid-300^s to the 400^s. Until now, staff has recommended approval of the overall rezoning request but was not supportive of the scope of the building separation variances. By reducing the number of lots and the scope of the variances, we think we have accomplished the end result which staff was looking for from a land use planning perspective. Additionally, the redesign of the Open Space area has resulted in a more meaningfully positioned area for the residents to enjoy a “sense of space” as a part of the community.

As you know, there is a Colonial Pipeline Easement which traverses the southwestern corner of the subject property. Parallel but in addition to the width of the Colonial Pipeline Easement is an additional strip of property which serves as an access easement which traverses the subject property from the former QuikTrip site to the multi-family development to the subject property's north. These easements, plus the present positioning and configuration of the stormwater management facility constitute issues which have become development impediments, thus “hardships” due and owing to a literal interpretation or enforcement of Ordinance provisions. It is our position that the granting of the presently constituted concurrent variances will allow the positioning of the buildings as currently shown and constitute design-driven as opposed to density-driven components.

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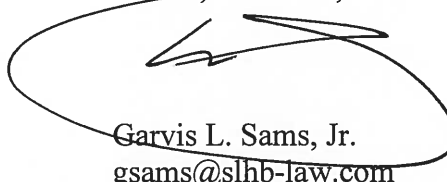
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Please do not hesitate to contact me should you or the staff require any additional information or documentation prior to this application being discussed with the Mayor and City Council Members at the Committee of the Whole Meeting later this week. With kind regards and best wishes for the Holiday Season, I am

Very truly yours,

~~SAMS, LARKIN, HUFF & BALLI, LLP~~



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

GLS/klk
Attachment

cc: Mr. Doug Stoner, City Council Member (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)

