

# SAMS, LARKIN, HUFF & BALLI

A LIMITED LIABILITY PARTNERSHIP

GARVIS L. SAMS, JR.

JOEL L. LARKIN

PARKS F. HUFF

JAMES A. BALLI

SUITE 100

376 POWDER SPRINGS STREET

MARIETTA, GEORGIA 30064-3448

770•422•7016

TELEPHONE

770•426•6583

FACSIMILE

ADAM J. ROZEN

WWW.SLHB-LAW.COM

January 9, 2017

## 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 at  
South Cobb Drive

Dear Ken:

As you know, this firm represents Waters Edge Group, Inc. ("Waters Edge") concerning the above-captioned Application for Rezoning. In that regard, the application was heard and recommended for approval by the Smyrna Planning & Zoning Board, and is now scheduled to be heard and considered for final action by the Smyrna Mayor and City Council on January 17, 2017.

With respect to the foregoing and in accordance with our discussions with the City's professional staff, attached please find a revised site plan. Please note that the revised site plan has eliminated all requests for concurrent variances waiving ordinance requirements.

The balance of this letter will serve as Waters Edge's expression of agreement with the following revised stipulations which, upon the rezoning application being approved, shall become conditions and a part of the grant of the requested rezoning and binding upon subject property thereafter:

1. The Revised 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-Conditional to RTD-Conditional in substantial conformity to the Revised Site Plan which is being submitted concurrently herewith.

# SAMS, LARKIN, HUFF & BALLI

A LIMITED LIABILITY PARTNERSHIP

## VIA EMAIL

Mr. Kenneth Suddreth, Director  
Community Development Department  
January 9, 2017  
Page 2

---

3. The subject property shall be developed for attached single-family residences (townhomes) upon a total of 3.35 acres with a total number of 30 townhomes at an overall density of 8.96 units per acre.<sup>1</sup>
4. The size of the attached townhomes shall range from a minimum of 2,170 square feet up to 2,350 square feet and will consist of townhomes which are 22 feet and 24 feet wide respectively with one (1) townhome being 20 feet in width.<sup>2</sup>
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 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. 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; community open space; amenities; mail kiosks as required by the USPS; landscape buffers; and, other landscaping and signage components within and related to the proposed townhome community.

---

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

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

# SAMS, LARKIN, HUFF & BALLI

A LIMITED LIABILITY PARTNERSHIP

## VIA EMAIL

Mr. Kenneth Suddreth, Director  
Community Development Department  
January 9, 2017  
Page 3

---

8. A third-party management company shall be hired to manage the day-to-day operations of the HOA. The third-party management company shall also be responsible for the management of all association monies as well as ensuring that the association is properly insured, until such time as the 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, 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.

# SAMS, LARKIN, HUFF & BALLI

A LIMITED LIABILITY PARTNERSHIP

## VIA EMAIL

Mr. Kenneth Suddreth, Director  
Community Development Department  
January 9, 2017  
Page 4

---

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 Hydrology Plan for the subject property prior to the Application being considered during the Plan Review process.
  - b. Verifying points of discharge with respect to detention/water quality.
  - c. Providing a five foot (5') sidewalk with two foot (2') grass strip 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 subject property to depict that fire trucks will be able access said property.
  - b. Compliance with the City of Smyrna's specifications with respect to Ladder Truck #4.
  - c. Providing the City with a turning performance analysis.
12. Ensuring that mail kiosks are ADA accessible.
13. Providing access to the Open Space areas and common community features which are ADA accessible and pedestrian-friendly.
14. In accordance with direction from the City of Smyrna Fire Department and as a part of the Plan Review process, the installation of guest parking in addition to the parking spaces provided with the garage and driveway of each townhome.
15. 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:

# SAMS, LARKIN, HUFF & BALLI

A LIMITED LIABILITY PARTNERSHIP

## VIA EMAIL

Mr. Kenneth Suddreth, Director  
Community Development Department  
January 9, 2017  
Page 5

---

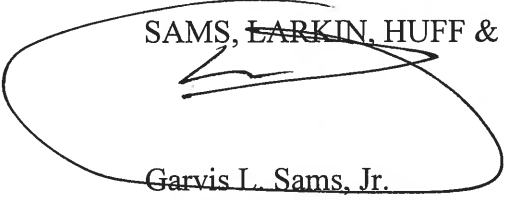
- a. Sanitary sewer is currently available within King Springs Road; however, Waters Edge may be required to conduct a main-extension with each home requiring its own separate sewer tap.
  - b. All water taps and sewer taps shall be shall be responsibility of Waters Edge.
16. Compliance with all staff comments, standard conditions and special conditions as articulated in the Community Development Department's Memorandum, dated December 13, 2016.

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 than adjacent residential densities in the area and in conformity to the City of Smyrna's Future Land Use Map and Comprehensive Land Use Plan.

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 Mayor and City Council on January 17, 2017. With kind regards,

Very truly yours,

SAMS, LARKIN, HUFF & BALLI, LLP



Garvis L. Sams, Jr.  
[gsams@slhb-law.com](mailto:gsams@slhb-law.com)

GLS/klk  
Attachment

cc: Listed on next page

# SAMS, LARKIN, HUFF & BALLI

A LIMITED LIABILITY PARTNERSHIP

## VIA EMAIL

Mr. Kenneth Suddreth, Director  
Community Development Department  
January 9, 2017  
Page 6

---

cc: Honorable Max Bacon, Mayor (via email w/attachment)  
Members, City of Smyrna City Council (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)  
Ms. Ashley Miller, Executive Administrator, 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)



