

SAMS, LARKIN, HUFF & BALLI

A LIMITED LIABILITY PARTNERSHIP

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ADAM J. ROZEN

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February 6, 2017

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, 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 Mayor and City Council on February 20, 2017.

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 Waters Edge’s expression of agreement with the following stipulations which, upon the rezoning application being approved, shall become conditions and a part of the grant of the requested rezoning and binding upon the subject property thereafter. The referenced stipulations are as follows, to wit:

1. The revised stipulations and conditions set forth herein shall replace and supersede and replace 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 and which is attached hereto, made a part hereof by reference and marked as Exhibit “A”.

SAMS, LARKIN, HUFF & BALLI

A LIMITED LIABILITY PARTNERSHIP

VIA EMAIL & HAND DELIVERY

Mr. Kenneth Suddreth, Director

Community Development Department

February 6, 2017

Page 2

3. The subject property shall be developed for single-family attached residences (townhomes) upon a total of 3.35 acres for a total number of 26 townhomes at a density of 7.76 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 feet wide units.²
5. The architectural style and composition of the townhomes shall be in substantial conformity to 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. Said architectural style and composition is depicted in the collection of renderings/elevations being collectively marked as Exhibit "B" and attached hereto and made apart hereof by reference.

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 areas; 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-Conditional, 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).

SAMS, LARKIN, HUFF & BALLI

A LIMITED LIABILITY PARTNERSHIP

VIA EMAIL & HAND DELIVERY

Mr. Kenneth Suddreth, Director

Community Development Department

February 6, 2017

Page 3

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 HOA 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 and 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.
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

SAMS, LARKIN, HUFF & BALLI

A LIMITED LIABILITY PARTNERSHIP

VIA EMAIL & HAND DELIVERY

Mr. Kenneth Suddreth, Director
Community Development Department
February 6, 2017
Page 4

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 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, 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 is ADA accessible.
14. Initially, Waters Edge requested certain variances concerning which the City Staff was not supportive. However, by reducing the density and refining/focusing the scope of the variances, the City Staff is now supportive of the following variances based on the hardships inherent to the subject property:
- a. A reduction in the side to side building separation from thirty feet (30') to twenty-six feet (26').

SAMS, LARKIN, HUFF & BALLI

A LIMITED LIABILITY PARTNERSHIP

VIA EMAIL & HAND DELIVERY

Mr. Kenneth Suddreth, Director
Community Development Department
February 6, 2017
Page 5

- b. A reduction in the side to rear building separation from forty feet (40') to thirty (30').
- c. A reduction in the road width from twenty-four feet (24') back of curb to back of curb to twenty feet (20') end of pavement to end of pavement.

A colonial pipeline traverses the southwestern corner of the subject property. Parallel but in addition to the width of the pipeline there is an additional strip of property which serves as an access easement from the former QuikTrip site to the multifamily development to the north. Those circumstances, along with the positioning of stormwater management facilities constitute issues which have become developmental impediments and thus hardships which are due and owing to a literal interpretation or enforcement of Ordinance provisions.

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.

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, 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 responsibility of Waters Edge.
- 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 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 with or lower than 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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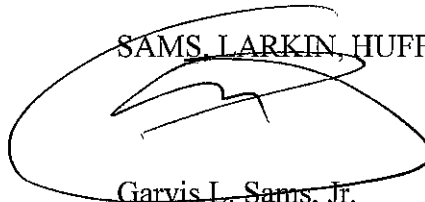
VIA EMAIL & HAND DELIVERY

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

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 February 20, 2017. With kind regards, I am

Very truly yours,

SAMS, LARKIN, HUFF & BALLI, LLP

A handwritten signature in black ink, appearing to read 'Garvis L. Sams, Jr.', is written over the printed name and firm name.

Garvis L. Sams, Jr.

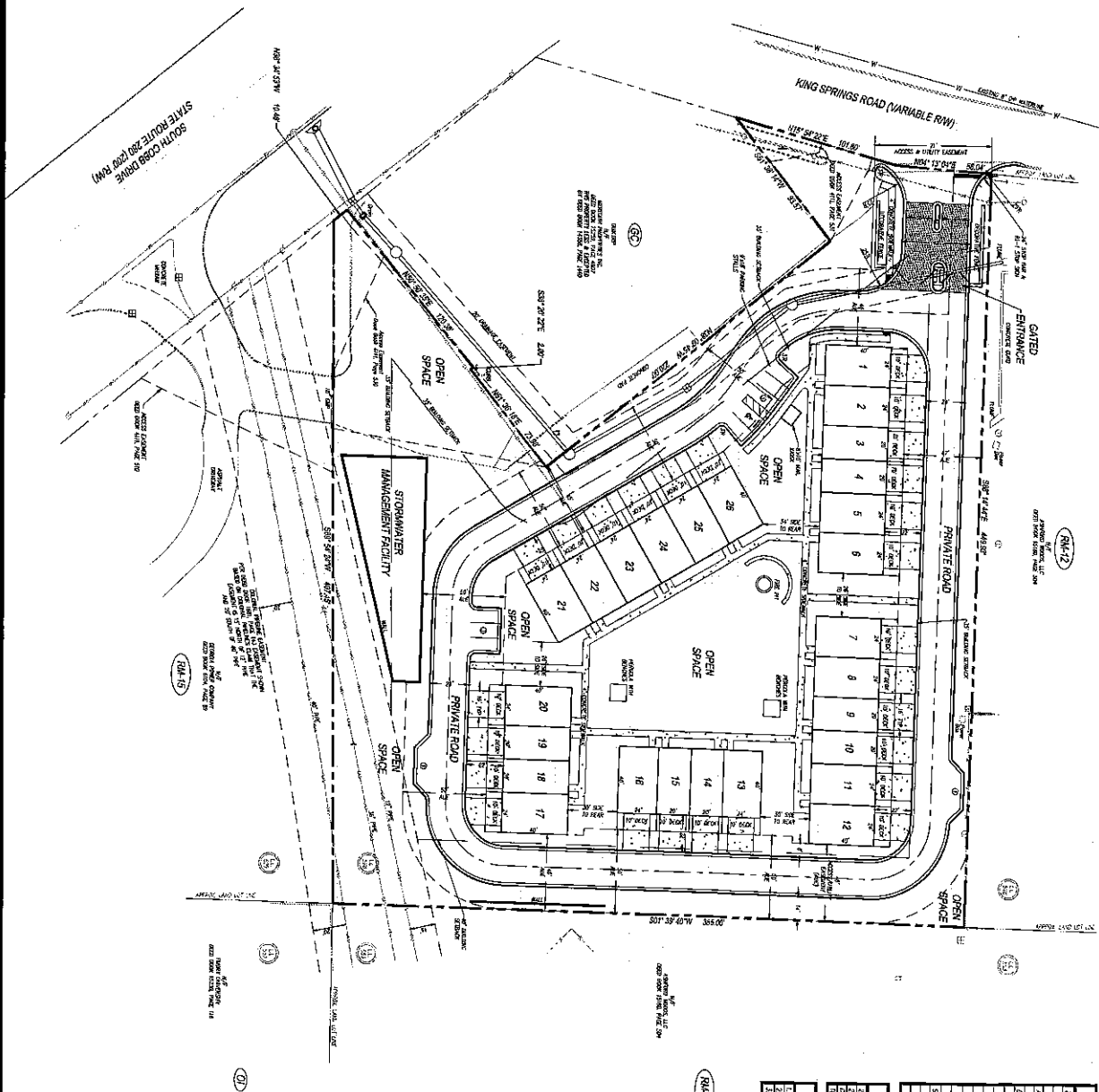
gsams@slhb-law.com

GLS/dvm

Enclosure/Attachment

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)
Mr. Matt Allen, Allen Southern Properties (via email w/attachment)
Mr. Jeff Smith, P.E., Ridge Planning and Engineering (via email w/attachment)

Exhibit “A”



DEVELOPMENT SUMMARY

OWNER	WATERS EDGE GROUP, INC.
DESIGNER	RDG
DATE	10/1/00
TOTAL NUMBER OF LOTS	25 LOTS
NET DENSITY	7.75 UNITS/ACRE
GROSS DENSITY	10.0 UNITS/ACRE
OPEN SPACE (ACRES)	1.00 ACRES (14,400 S.F.)
ACCESS & UTILITY EASEMENT	40' WIDE
STORMWATER MANAGEMENT	15,000 S.F.
STREET	30' WIDE
DRIVE	30' WIDE
ALLEY	10' WIDE

PARKING SUMMARY

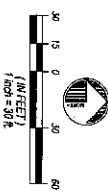
2 SPACES PER UNIT (MINIMUM)	50
2 SPACES PER UNIT (MAXIMUM)	50
TOTAL PARKING SPACES (MINIMUM)	100
TOTAL PARKING SPACES (MAXIMUM)	100

VARIANCE SUMMARY

1. SETBACK FROM FRONT LOT LINE	20 FEET TO 25 FEET
2. SETBACK FROM SIDE LOT LINE	10 FEET TO 15 FEET
3. SETBACK FROM REAR LOT LINE	10 FEET TO 15 FEET
4. DRIVEWAY WIDTH	10 FEET TO 12 FEET

24 HOUR CONTACT:

JEFF SMITH
404.328.6280



GEORGIA811
Unites Protection Center, Inc.
800-955-8111
Call before you dig.

THE DESIGN OF THIS PROJECT HAS BEEN REVIEWED BY THE CITY OF SMYRNA, GEORGIA, AND THE CITY ENGINEER HAS ISSUED A PERMIT TO CONSTRUCT. THE CITY ENGINEER'S REVIEW IS LIMITED TO THE TECHNICAL ASPECTS OF THE PROJECT AND DOES NOT CONSTITUTE A GUARANTEE OF THE ACCURACY OR COMPLETENESS OF THE INFORMATION PROVIDED HEREON. THE CITY ENGINEER'S REVIEW IS LIMITED TO THE TECHNICAL ASPECTS OF THE PROJECT AND DOES NOT CONSTITUTE A GUARANTEE OF THE ACCURACY OR COMPLETENESS OF THE INFORMATION PROVIDED HEREON.

RIDGE PLANNING AND ENGINEERING
1290 KENNEDY DRIVE, SUITE 200
SMYRNA, GA 30080
OFFICE 770.938.9000

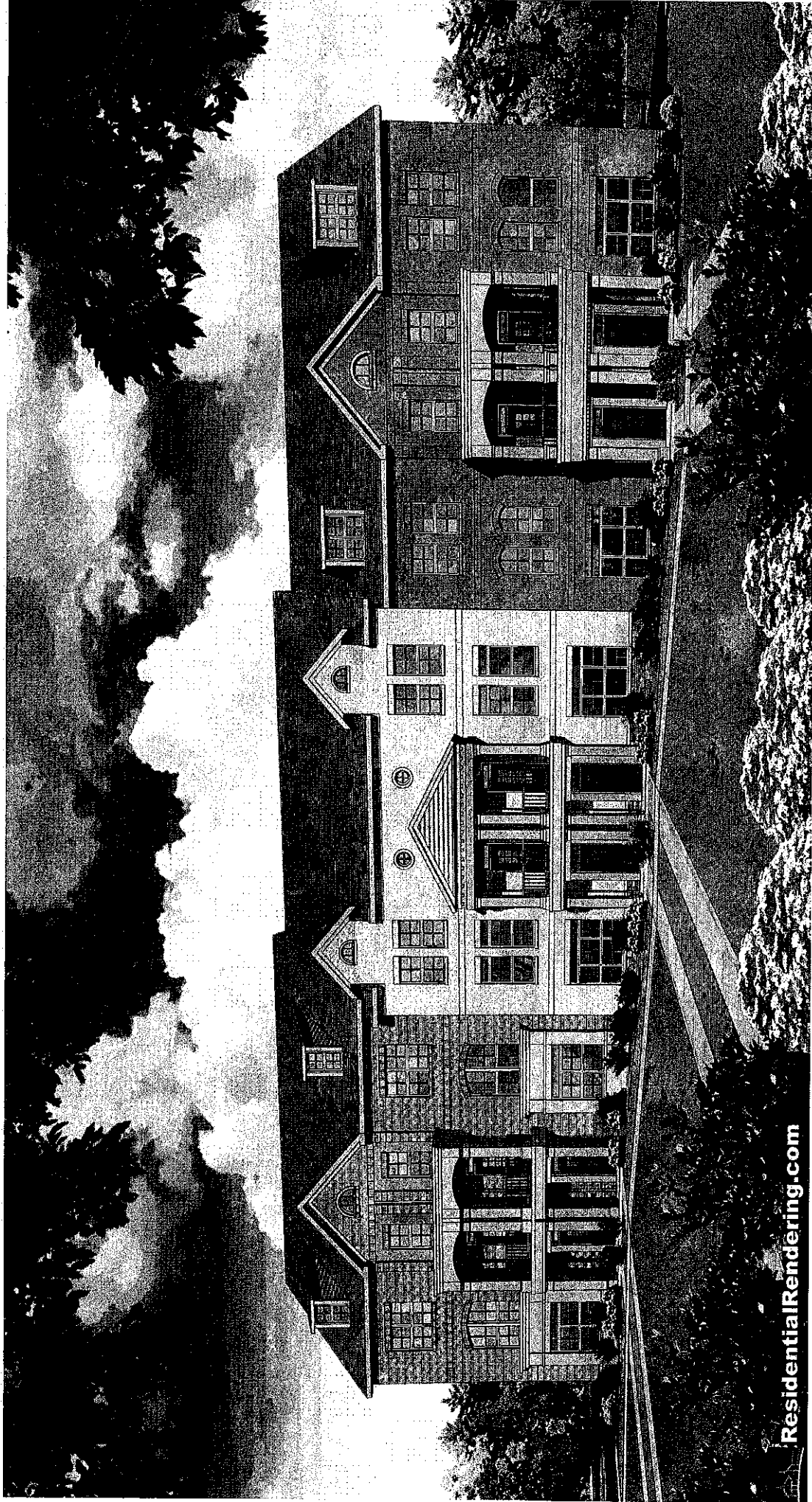
ZONING PLAN
KING SPRINGS
LAND LOT 228
2ND SECTION, 11TH DISTRICT
CITY OF SMYRNA, GEORGIA

OWNER/DEVELOPER
WATERS EDGE GROUP, INC.
10 KING SPRINGS ROAD
SMYRNA, GA 30080

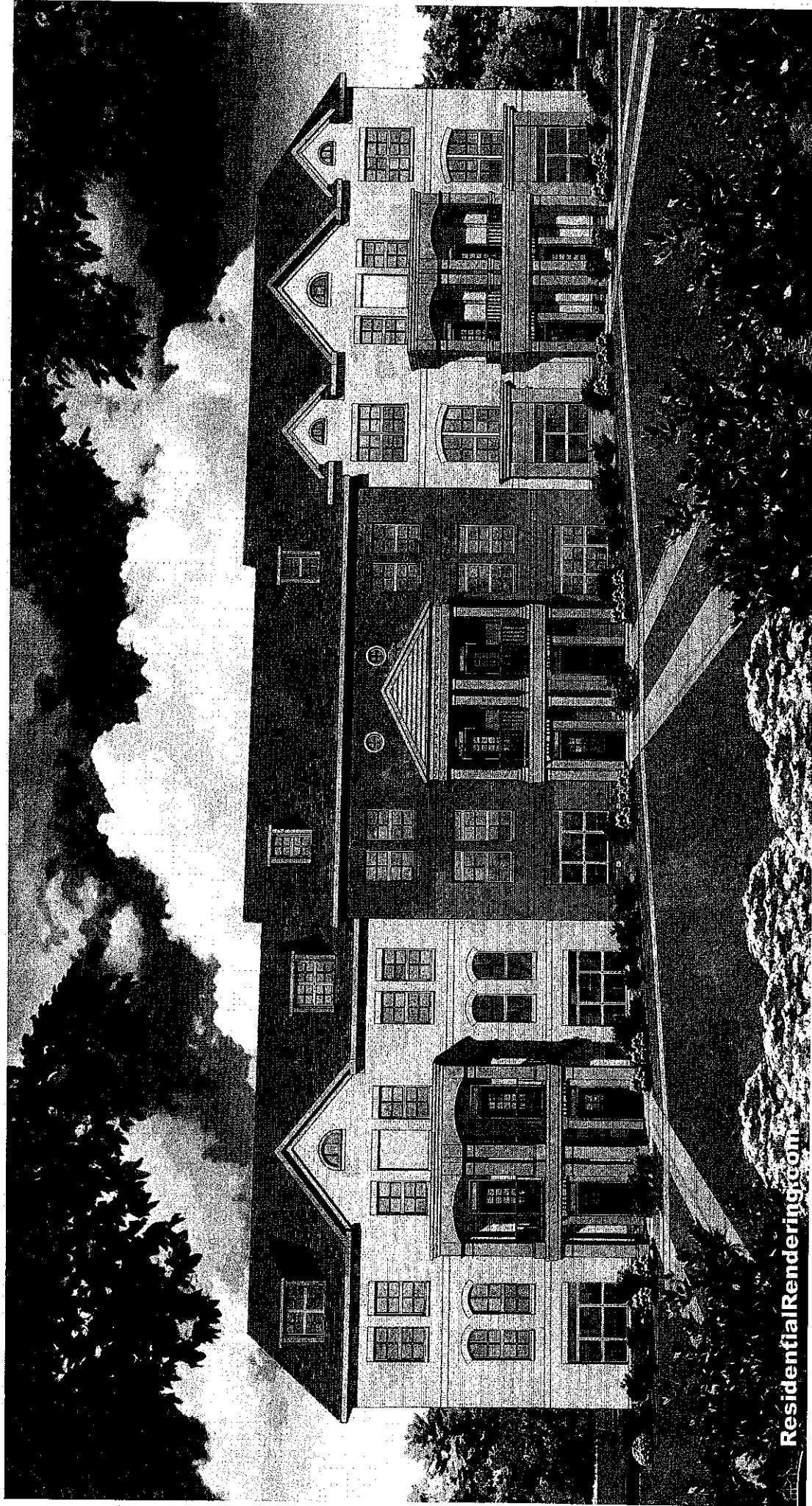
REVISIONS	DATE	BY	DESCRIPTION
1	10/1/00	RDG	FINAL PLAN
2	10/1/00	RDG	FINAL PLAN
3	10/1/00	RDG	FINAL PLAN
4	10/1/00	RDG	FINAL PLAN
5	10/1/00	RDG	FINAL PLAN
6	10/1/00	RDG	FINAL PLAN
7	10/1/00	RDG	FINAL PLAN
8	10/1/00	RDG	FINAL PLAN
9	10/1/00	RDG	FINAL PLAN
10	10/1/00	RDG	FINAL PLAN

ZONING PLAN
Z100

Exhibit “B”



ResidentialRendering.com



ResidentialRendering.com



DATE	NOV 14, 2018	
BY	ARCHITECT	
PROJECT	LAUREL GATE TOWNHOMES	
NO.	1	
DESCRIPTION	PROPOSED FRONT ELEVATION	
SCALE	1/8" = 1'-0"	
REVISIONS		
NO.	DESCRIPTION	DATE
1	ISSUED FOR PERMIT	11/14/18
2	REVISED PER CITY COMMENTS	11/14/18
3	REVISED PER CITY COMMENTS	11/14/18
4	REVISED PER CITY COMMENTS	11/14/18
5	REVISED PER CITY COMMENTS	11/14/18
6	REVISED PER CITY COMMENTS	11/14/18
7	REVISED PER CITY COMMENTS	11/14/18
8	REVISED PER CITY COMMENTS	11/14/18
9	REVISED PER CITY COMMENTS	11/14/18
10	REVISED PER CITY COMMENTS	11/14/18

LAUREL GATE TOWNHOMES
CITY OF SAWYER, GEORGIA
SOUTH CORB DRIVE
WATERS EDGE GROUP



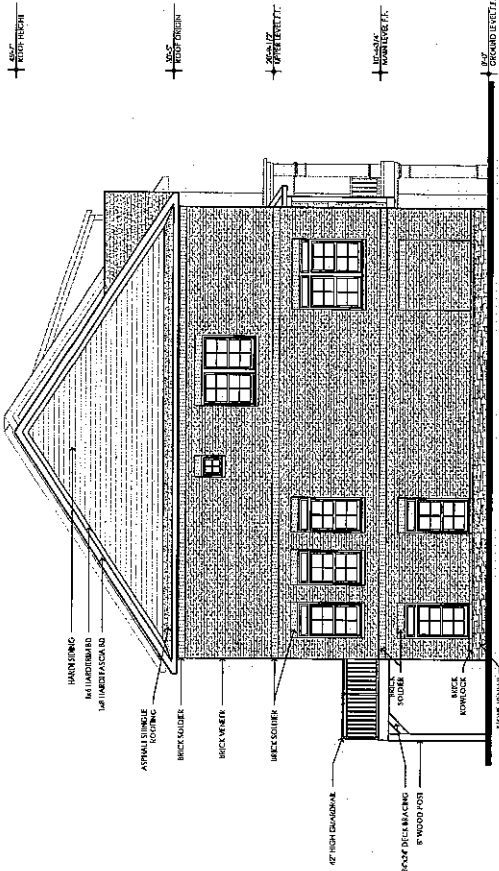
PLACE MAKER DESIGN
4500 PACIFIC STREET, SUITE 100
ALABAMA, GEORGIA 30007
404-590-0000 (P) 404-590-0000 (F)

PROJECT NO. 18-001
SHEET NO. A2.1
DATE: 11/14/18

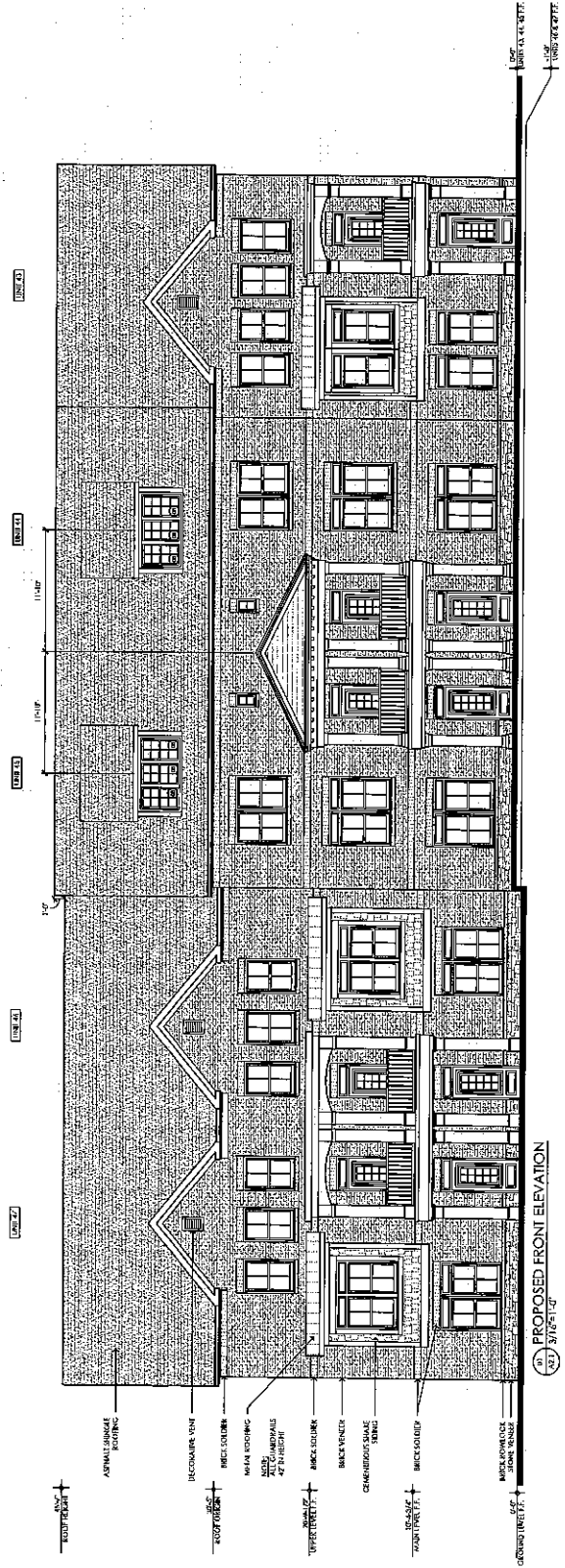
PROPOSED ELEVATIONS
(UNITS 43-47)

A2.1

RELEASED FOR CONSTRUCTION



PROPOSED LEFT SIDE ELEVATION
A2.1 3/16\"/>



PROPOSED FRONT ELEVATION
A2.1 3/16\"/>