

SAMS, LARKIN, HUFF & BALLI

A LIMITED LIABILITY PARTNERSHIP

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May 3, 2017

VIA HAND DELIVERY & EMAIL

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

Re: Application of Joshua W. Hall to Rezone a 2.22 Acre Tract from R-15 to
Conditional R-15 (No. Z17-005) - King Springs Road at Hayes Drive.

Dear Ken:

As you know, this firm represents Joshua W. Hall ("Applicant") concerning the above-captioned Application for Rezoning. The application was submitted on February 10, 2017 and heard and recommended for approval by the Smyrna Planning & Zoning Board on March 13, 2017. The application was then tabled and is presently scheduled for a final public hearing before the Mayor and City Council on May 15, 2017. Consistent with the dialogue established with you, your professional staff, Planning and Zoning Board Members, and other appointed and elected officials of Smyrna, enclosed please find the requisite number of copies of a revised site plan.

With respect to the foregoing and consistent with the discussions mentioned above and, taking into consideration comments from the public at the Planning and Zoning hearing, the balance of this letter will serve as the Applicant'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 the subject property thereafter. The referenced stipulations are as follows:

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.

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2. The rezoning of the subject property shall be from R-15 to Conditional R-15 in substantial conformity to the Revised Site Plan, prepared by Ridge Planning and Engineering, which is being submitted concurrently herewith and which is attached hereto.
3. The subject property shall be developed for the construction of five (5) single-family detached residences upon a total of 2.2 acres at a density of 2.27 units per acre.¹
4. The size of the single-family detached residences shall range from a minimum of 3,000 square feet to 4,500 square feet and greater.²
5. The architectural style and composition of the single-family detached homes shall be in substantial conformity to architectural renderings/elevations which will be submitted under separate cover. The composition of said homes shall meet City Code requirements and shall consist of a mixture of either brick, stacked stone, cedar shake or hardi plank siding.

Each of the homes shall have an attached, two-car garage which shall be designed to at all times to accommodate two (2) vehicles. 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 proposed residential community shall be "For Sale" homes which shall be reflected in the Master Mandatory Homeowners' Association ("HOA") and the Declaration of Covenants, Conditions and Restrictions ("CCRs") which shall include, among other components, strict architectural controls.

The Mandatory HOA shall be responsible for the upkeep and maintenance of all common areas, tree preservation areas, required community Open Space, the stormwater management facility (detention/water quality) and landscaping.

¹ The subject property is in an area denominated as Suburban Residential on the City's Future Land Use Map; is presently zoned R-15; and, has contiguity and adjacency to both R-15 and RAD residential developments.

² Price points are anticipated ranging from \$600,000 and greater.

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7. 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 HOA makes a determination that it can undertake such responsibilities.
8. 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 be limited to, the following:
 - a. The Landscape Plan shall be prepared, stamped and signed by a Georgia Registered Landscape Architect or a degreed Horticulturist, for common areas and other components of the residential community which shall be identified during the Plan Review process.
 - b. All HVAC systems and home utilities within the community shall either be underground or screened from view by way of fencing and/or landscaping.
 - c. The installation of sod in the front, side and rear yards.
 - d. The stormwater management facilities shall be placed and landscaped appropriately in order to be attractive to homes inside and outside of the proposed residential community.
 - e. Compliance with the City's current Tree Preservation & Replacement Ordinance and substantial conformity to the Tree Survey/Tree Protection/Tree Replacement 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 residential community. Every effort shall be undertaken to preserve specimen trees on the subject property which have not already been designated by the City's Arborist as dead, dying or irrevocably diseased.

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9. 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 of the City stormwater codes, and 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 or concurrently with the Plan Review process.
 - b. Verifying points of discharge with respect to detention/water quality.
10. Compliance with the City of Smyrna's Public Works Director's recommendations, including the following:
 - a. To gain access to water-lines on both King Springs Road and Hayes Drive, the Applicant will be required to bore both roadways and tap existing water-mains to install water service to each lot.
 - b. All existing water service will be used if possible or, in the alternative, abandoned and capped at the water-main.
 - c. Sanitary sewer is available on Hayes Drive; a sewer-main extension from Hayes Drive at King Springs Road; and/or, from King Springs Court at King Springs Road. The Applicant will be required to service the lot on King Springs Road.
 - d. Existing sewer-taps will be used where possible, however; if abandoned, said taps will be capped at the back-of-curb.
 - e. Elevations are the responsibility of the Applicant as are any off-site easements which may be required for access to both water and sewer.
 - f. The installation of sidewalks along the subject property's frontage on King Springs Road and Hayes Drive, respectively.

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11. Compliance with the City of Smyrna Fire Department's recommendations with respect to Life-Safety and Fire Prevention issues, including the following:
 - a. Providing a turning model for the site to ensure that Fire Trucks will be able to access the subject property.
 - b. Compliance with the City's turning performance analysis and the City's specifications with respect to the Fire Department Ladder Truck utilized for this type of single-family detached residential development.
13. The granting of concurrent variances waiving the minimum lot width to fifty-five feet (55') and the interior side setbacks from ten feet (10') to five feet (5').
14. The Ward Council Member and/or the Community Development Director shall have the authority to approve minor modifications with respect to the site plan, the architectural style and composition of the homes and the other issues within these stipulations as the development proposal proceeds through the Plan Review Process and thereafter, except for those that:
 - a. Increase the density of the residential community.
 - b. Reduce the size of an approved buffer adjacent to property which is zoned the same or in a more restrictive zoning district.
 - c. Relocate a structure closer to the property line of an adjacent property which is zoned the same or in a more restrictive district.
 - d. Increase the height of a building which is adjacent to a property which is zoned in the same or a more restrictive zoning district.
 - e. Change access locations to a different right-of-way.

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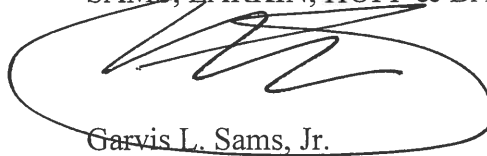
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These revised stipulations and the revised site plan represent the Applicant's acknowledgement of a residential development in keeping with contiguous R-15 lots while exceeding the stipulations/conditions governing the contiguous and adjacent RAD developments. In that regard, the rezoning request to allow the proposed residential community is entirely appropriate from a land use planning perspective.

Please do not hesitate to contact me should you or your staff require further information and/or documentation prior to the Application being heard and considered by the Mayor and City Council. With kind regards, I am

Very truly yours,

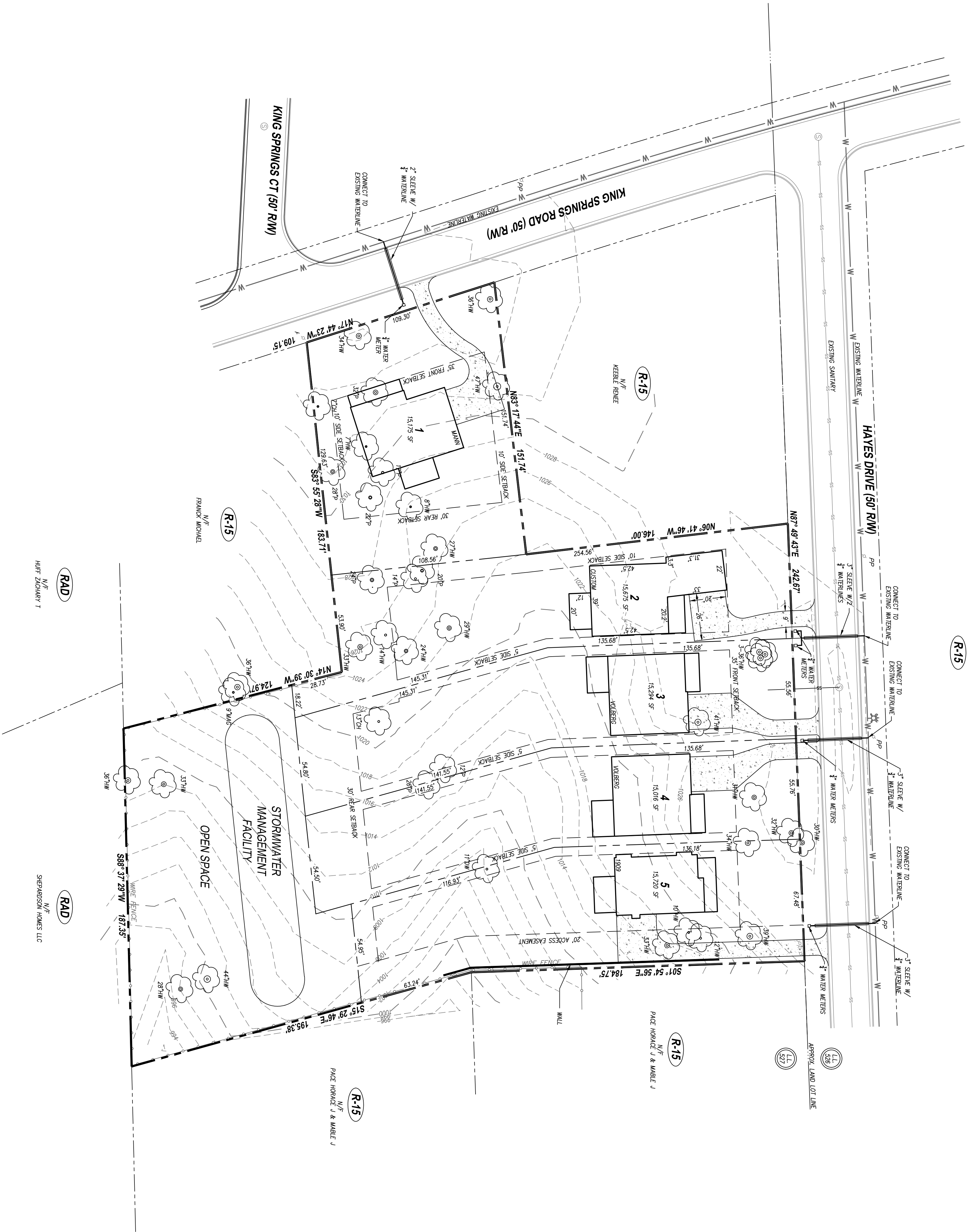
SAMS, LARKIN, HUFF & BALLI, LLP



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)
Ms. Tammi Saddler Jones, Interim 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 Grubaugh, Deputy Fire Marshall (via email w/attachment)
Mr. Scott Stokes, Public Works Director (via email w/attachment)
Ms. Terri Graham, City Clerk (via email w/attachment)
Mr. Russell Martin, AICP, Senior Planner (via email w/attachment)
Mr. Joshua W. Hall (via email w/attachment)
Mr. Jeff Smith, P. E., Ridge Planning and Engineering (via email w/attachment)



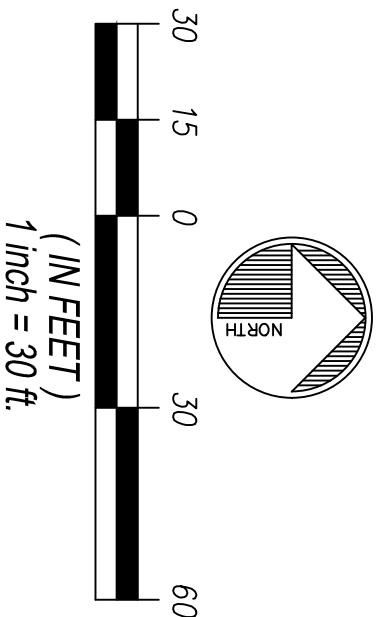
DEVELOPMENT SUMMARY	
ZONING	
EXISTING ZONING	R-15
PROPOSED ZONING	R-15
AREA	
SITE AREA	2.2 ACRES
OPEN SPACE PROVIDED	0.45 ACRES (20%)
OPEN SPACE REQUIRED	0.44 ACRES (20%)
MINIMUM LOT AREA	13,000 SF
MAXIMUM LOT COVERAGE	35%
DENSITY	
NUMBER OF LOTS	5 LOTS
PROPOSED DENSITY	2.3 UNITS/ACRE
MAXIMUM DENSITY ALLOWED	2.7 UNITS/ACRE
MAXIMUM BUILDING HEIGHT	35 FEET
MINIMUM LOT WIDTH	55 FEET*
ACCESS EASEMENT	20 FEET
SETBACKS	
FRONT	35 FEET
SIDE	5 FEET**
REAR	30 FEET

* LOT WIDTH VARIANCE FROM 85' TO 55'

** SIDE SETBACK VARIANCE FROM 10' TO 5'

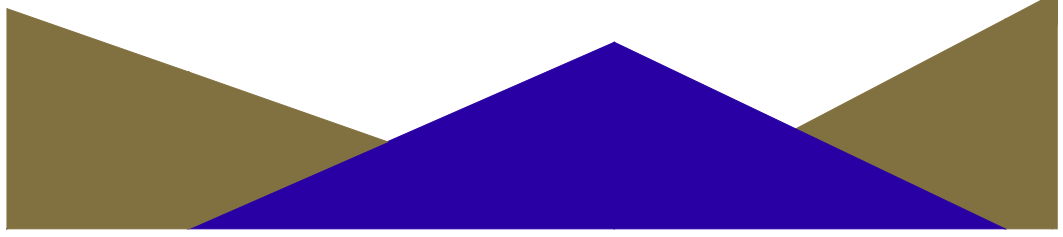
24 HOUR CONTACT:

JEFF SMITH
404.328.6280



Know what's below.
Call before you dig.

THE UTILITIES SHOWN HEREON ARE FOR THE CONTRACTOR'S CONVENIENCE ONLY. THERE MAY BE OTHER UTILITIES NOT SHOWN ON THESE PLANS. THE ENGINEER ASSUMES NO RESPONSIBILITY FOR THE ACCURACY OF THE UTILITIES SHOWN. THE USER OF THESE PLANS ASSUMES ALL RESPONSIBILITY FOR THE UTILITIES SHOWN. THE USER OF THESE PLANS ASSUMES ALL RESPONSIBILITY FOR THE UTILITIES SHOWN. THE USER OF THESE PLANS ASSUMES ALL RESPONSIBILITY FOR THE UTILITIES SHOWN.



1290 KENNESTONE CIRCLE - BLDG A
SUITE 200 - MARIETTA, GA 30066
OFFICE 770.938.9000

ZONING PLAN

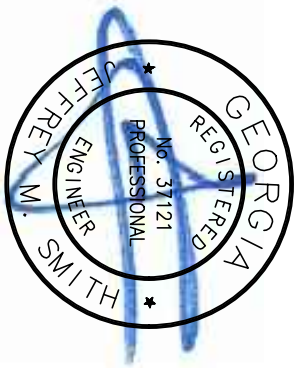
HAYES DRIVE

LAND LOT 527
2ND. SECTION, 17TH. DISTRICT
CITY OF SMYRA, GEORGIA

OWNER/DEVELOPER

JW HALL BUILDING COMPANY
WEST MIDTOWN
ATLANTA, GEORGIA 30318

CSMCC CERTIFICATION NUMBER: 36629
EXPIRATION DATE: 08/01/2018



REVISIONS

ZONING PLAN

Z100

1708 Z100.DWG

05/01/2017

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