

GARVIS L. SAMS, JR.
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April 21, 2021

(REVISED STIPULATION LETTER & REVISED EXHIBITS)

VIA EMAIL:

Mr. Rusty Martin, ACIP, Director
Community Development Department
City of Smyrna
3180 Atlanta Road
Smyrna, GA 30080

Re: Application of EdgeLine, LLC to Rezone a 1.08 Acre Tract from NS to RM-10
(No. Z20-006)

Dear Rusty:

As you know, this firm represents EdgeLine, LLC (“EdgeLine”) regarding the above-captioned Application for Rezoning. The Application is scheduled to be heard and considered for final action by the Mayor and City Council on May 3, 2021.

The property at issue (“Subject Property”) is located within an area under the City’s Future Land Use Map (“FLUM”) which is denominated as Medium High Density Residential (“MHDR”). The Subject Property has direct contiguity on its western side to the Villas of Vinings Condominiums which is zoned RM-12 at a density of 18.4 units per acre. Contiguous and to the east of the Subject Property is the townhome community known as Vintage Square which is zoned in the RTD District at an overall density of 12.2 units per acre. EdgeLine’s proposal includes a requested Rezoning to entitle eight (8) Single-Family detached homes at an overall density of 7.40 units per acre.

The Subject Property is zoned Neighborhood Shopping (“NS”) but has minimal utility for commercial purposes. In fact, being situated between two higher density residential neighborhoods, developing the Subject Property in its commercial classification of NS would be inconsistent with the policy and intent of the City and inconsistent with the type of development along this particular section of the Atlanta Road Corridor. Although as of late we have had interest expressed in the property from a Veterinarian, a Nail Salon/Dry Cleaners combination and various Retail uses which do not necessarily depend on exposure and which could be developed under the Subject Property’s current NS zoning.

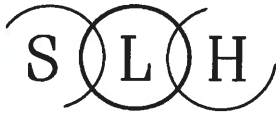


VIA EMAIL:

Mr. Rusty Martin, ACIP, Director
Community Development Department
City of Smyrna
April 21, 2021
Page 2

This letter will serve as EdgeLine's revised expression of agreement with the following stipulations, which, upon the rezoning being approved, shall become conditions and a part of the grant of the requested rezoning and which shall be binding upon the Subject Property thereafter: The referenced stipulations are follows, to wit:

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 NS to RM-10 in substantial conformity to the Revised Zoning exhibits, prepared by Blue Landworks Consulting, Engineers & Surveyors on behalf of EdgeLine, LLC, which are being submitted concurrently herewith.
3. The Subject Property shall be developed for a Single-Family attached, custom, quality-built Residential Community upon a total of 1.08 acres in order to accommodate eight (8) homes at a maximum density of 7.40 units per acre. The size of the detached Single-Family homes shall range from 2,000 sq. ft. to 2,400 sq. ft. and greater.
4. The architectural style and composition of the Single-Family detached homes shall be in substantial conformity to the photographs which are being submitted concurrently herewith. The architecture shall consist of a mixture of brick, stone, shake, board and batten and cementitious siding.
5. As shown on the revised Rezoning Exhibits, the proposed residential community will be able to accommodate the parking of two (2) vehicles within each garage. Fifteen (15) supplemental guest parking spaces will be provided in accordance with direction from the City's Staff.
6. The creation of a Master Mandatory Homeowner Association ("HOA") and the submission of a Declaration of Covenants, Conditions and Restrictions ("CCRs") which shall include, among multiple other components, strict architectural controls in substantial conformity to the concurrently resubmitted architectural style and composition imagery.

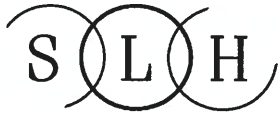


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Mr. Rusty Martin, ACIP, Director
Community Development Department
City of Smyrna
April 21, 2021
Page 3

The HOA shall be responsible for the upkeep and maintenance of all common areas; tree preservation areas; community Open Space; amenities; mail kiosks as required by the USPS; and, landscape buffers.

7. All of the homes will be “For Sale” only. The Subdivision CCRs shall, however, contain a recital that the leasing of the homes shall be allowed but limited to no more than one home and for no lease term of less than one (1) year in duration.
8. A Third-Party Management Company shall be hired to manage the day-to-day operations of the HOA. That same company shall also be responsible for the management of all Association monies as well as ensuring that the HOA is properly insured until such time as the HOA makes a determination that it can undertake and assume such responsibilities.
9. Compliance with the following engineering considerations:
 - a. Providing the City Engineer with a Conceptual Hydrology Plan for the Subject Property prior to the final Public Hearing before the Mayor and City Council.
 - b. Verifying point(s) of discharge with respect to detention/water quality.
 - c. Providing the City Engineer and Public Works Director with Certified Final Plans during the Plan Review Process reflecting the manner in which sewer on the Subject Property will be handled; that is, connecting to its present private configuration.
 - d. Stormwater detention and water quality components shall be landscaped and fenced appropriately in order to be attractive to homes both inside and outside of the Residential Community.
 - e. Providing gated inter-parcel access between the Subject Property and Villas of Vinings for the use of Public Safety and Emergency Vehicles only (i.e. Knox Box gate). The private drive will be designed in accordance with the alignment and dimensions presented on the revised Rezoning Exhibits and consistent with turning movements as shown on and depicted within the revised site plan.



VIA EMAIL:

Mr. Rusty Martin, ACIP, Director
Community Development Department
City of Smyrna
April 21, 2021
Page 4

10. Compliance with the City of Smyrna Fire Marshal's recommendations with respect to Life-Safety and Fire-Prevention issues, including compliance with the Fire Truck Vehicle Turning Exhibit, also prepared by Blue Landworks for EdgeLine, which was previously submitted under separate cover.
11. 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 which shall be prepared, stamped and signed by a Georgia Registered Landscape Architect or a Degreed Horticulturist, shall identify the following: Open Space areas; landscaped common areas; and, other components of the proposed Townhome Community which will be identified during the Plan Review Process.
 - b. All HVAC mechanical systems and home utilities within the community shall be screened by way of fencing, landscaping and/or respective positioning.
 - c. Entrance signage for the proposed Residential Community shall be appropriately lighted, landscaped and irrigated and shall consist of a ground-based, monument-style signage in compliance with the City's Sign Ordinance. The architectural style and composition of the entrance signage shall be consistent with the architectural style and composition of the homes and consistent with the type of signage utilized for high-end Residential Developments along the Atlanta Road Corridor and throughout the City of Smyrna.
12. Compliance with interior aspects of the Subject Property, as follows:
 - a. The private drive will be designed in accordance with the alignment and dimensions presented on the revised Rezoning Exhibit.
 - b. The private drive shall be designed to provide adequate access and maneuverability for public safety services, public safety vehicles, fire apparatus and sanitation vehicles. Gated inter-parcel access between the Subject Property and the Villas of Vinings shall be built and configured solely for the uses described above.



VIA EMAIL:

Mr. Rusty Martin, ACIP, Director
Community Development Department
City of Smyrna
April 21, 2021
Page 5

13. Guest parking and mail kiosks shall be designed, constructed and maintained in compliance with ADA Regulations with respect to accessibility.
14. The granting of concurrent Variances as depicted on the revised site plan.
15. The Community Development Director shall have the authority to approve minor modifications to these stipulations/conditions, the architectural renderings/elevations, the site plan and the overall proposal as it proceeds through the Plan Review Process and thereafter, except for those that:
 - a. Increase the density of the homes within the Residential Community.
 - b. Relocate a structure closer to the property line of an adjacent property which is zoned in a more restrictive zoning district.
 - c. Increase the height of a building which is adjacent to a property which is zoned a more restrictive zoning district.

The Subject Property is located within an area under the City's FLUM which is denominated as lying and being within an MHDR area which contemplates both the use and the density which EdgeLine has requested which, at 7.4 units per acre, is significantly lower than the contiguous developments on the east and west side of the Subject Property at 18.4 units per acre and 12.2 units per acre, respectively. Additionally, the proposed Single-Family Residential Development of the Subject Property is in keeping with the type of high-end Residential Communities which the City of Smyrna has come to expect along the Atlanta Road Corridor.

EdgeLine's proposal is entirely appropriate from a land use planning perspective and is in keeping with the densities, products and price points of other similarly-situated Residential Communities which have been approved and planned and which have similar adjacency to Commercial Developments and Commercial and Institutionally oriented uses along Atlanta Road.

Please do not hesitate to contact me should you or the City Staff require any additional information or documentation prior to the formulation of Staff's Analysis and Recommendations or prior to the Application being heard and considered for final action by the Mayor and City Council.



VIA EMAIL:

Mr. Rusty Martin, ACIP, Director
Community Development Department
City of Smyrna
April 21, 2021
Page 6

With kind regards, I am

Very truly yours,

SAMS, LARKIN & HUFF, LLP

A handwritten signature in black ink, appearing to read "Garvis L. Sams, Jr.", is enclosed within a large, hand-drawn oval.

Garvis L. Sams, Jr.

gsams@samslarkinhuff.com

GLS, Jr./dls
Attachments

- cc: Honorable Derek Norton, Mayor (via email w/attachments)
Members, City of Smyrna City Council (via email w/attachments)
Members, City of Smyrna Planning Commission (via email w/attachments)
Ms. Tammi Saddler Jones, City Administrator (via email w/attachments)
Mr. Joey Staubes, AICP, City Planner (via email w/attachments)
Scott A. Cochran, Esq. (via email w/attachments)
Mr. Kevin Moore, P.E., City Engineer (via email w/attachments)
Ms. Ashley White, P.E., Assistant City Engineer (via email w/attachments)
Mr. Frank Martin, Public Works Director (via email w/attachments)
Mr. Timothy Grubaugh, Fire Marshall (via email w/attachments)
Ms. Heather Peacon-Corn, City Clerk (via email w/attachments)
Mr. Stuart McClimans, P.E., Blue Landworks (via email w/attachments)
Mr. Bill Tunnell, AICP, TSW (via email w/attachments)
Mr. Eric McConaghy, EdgeLine (via email w/attachments)
Mr. Brandon Woods, EdgeLine (via email w/attachments)



30' min front setback

A=140.43'
R=5201.45'
C=140.42'
N54°22'42"W

UNITS 1 - 2
22'x42' TOWNHOME W/ 8' PORCH
3-STORY

Special "gatehouse"
units - similar but
maybe smaller (?)

Gatehouse guest
parking - 2 spaces each

UNITS 3
35'x50' TOWNHOME W/
SIDE TERRACE 2-STORY

Overflow guest
parking - 5
add'l spaces

Mailbox kiosk
10'x20' guest
park'g - one per
unit (gravel)

N/F
VILLAS OF WINGS
CONDOMINIUMS
PARCEL INFO: 17066901140
ZONING: RM-12

UNITS 5 - 9
HOME W/ 8' PORCH
3-STORY

UNITS 4
35'x50' TOWNHOME W/
SIDE TERRACE 2-STORY

Typ. lot 37'w

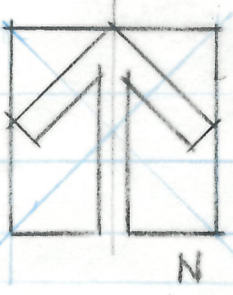
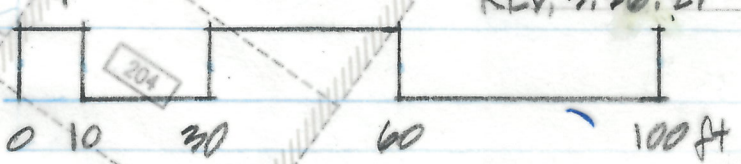
Typ. unit 24'x42' w/ 8'
porch = 50' total depth
2 car garage, ± 2300 sf
heated/cooled

Preserve exist'g trees
where possible

Revised 8-unit Sketch Plan for
2202 ATLANTA ROAD

for Edgeline
by TSW

1" = 30'
3.11.21
REV. 3.26.21



VINTAGE SQUARE
STORMWATER DETENTION
FACILITY



