



## MOORE INGRAM JOHNSON & STEELE

Ms. Shelby Little, AICP  
Zoning Manager  
Department of Planning and Zoning  
City of Marietta  
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grant of the requested zoning and shall be binding upon the Subject Property. This letter shall supersede and replace in full the prior letters of agreeable stipulations and conditions dated and submitted on June 30, 2020, and July 6, 2020. The proposed, revised stipulations are as follows:

- (1) Applicant seeks rezoning of the Subject Property from the existing zoning category of PRD-SF (Planned Residential Development – Single Family) to the proposed zoning category of PRD-MF (Planned Residential Development – Multi-Family), with reference to the revised Site Plan, attached to this revised stipulation letter. A reduced copy of the revised Site Plan is attached as Exhibit “A” and incorporated herein by reference.
- (2) The Subject Property consists of 9.57 acres, more or less, and shall be developed for a student housing development, containing a maximum of one hundred fifty-eight (158) units, and no more than four hundred fifty-five (455) bedrooms.
- (3) Access from Freys Gin Road shall include installation of a deceleration lane; as well as, sidewalk, curb, and gutter.
- (4) The proposed development shall have a minimum of 2.8 acres of open space consisting of passive recreation and buffer areas.
- (5) The proposed development shall have an active recreation area consisting of a clubhouse and pool.
- (6) There shall be no vehicular access to Banberry Road. Vehicular access to the proposed community shall be from Freys Gin Road and Kathleen Drive only.
- (7) The proposed community unit configurations shall be in compliance with The University System of Georgia Guidelines for student housing with respect to health-related protocols and policies.
- (8) Applicant agrees marketing materials; including, but not limited to, electronic and web-based, shall be targeted and directed to student populations at Kennesaw State University and Life University.
- (9) Applicant agrees the proposed community shall be limited to no more than one (1) resident per bedroom, which restriction shall be included in all leases.
- (10) There shall be no drop-off, location or provision for any commercial rental scooter operation or business.

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- (11) Vehicular access to the proposed community from Freys Gin Road and Kathleen Drive shall be secured access, through gates available only to management staff, emergency services, approved maintenance vendors, residents and their acknowledged guests; except for limited access to clubhouse and leasing areas.
- (12) Access to units shall be secured; controlled and available only to residents and management staff through the means of access cards and the like.
- (13) Applicant agrees the proposed community shall have 24-hour, on-site, management and personnel.
- (14) There shall be 24-hour surveillance and security, including coordination with local law enforcement. Applicant shall coordinate a safety and security plan with local law enforcement.
- (15) Applicant agrees the proposed community shall have a policy that all leases shall be a minimum of twelve (12) months based on the academic calendar (except in the case of any potential master lease with the University for student residents or students that sign leases after the start of the fall term on the condition those leases expire at the end of the academic year).
- (16) Applicant agrees the proposed community shall have student directed and oriented amenities and programs.
- (17) Applicant agrees the proposed community shall provide and make available student-oriented programming and study opportunities through coordination with Kennesaw State University and/or Life University, if agreeable, which can provide the opportunity for off-campus learning centers and dedicated space at the proposed community.
- (18) Applicant agrees to utilize best efforts to coordinate with Kennesaw State University regarding any opportunity to honor former University President Betty Siegel. By way of example, naming a street, amenity area, or building in her honor.
- (19) The overall exterior elevations for the proposed community shall be substantially similar to the elevations attached collectively as Exhibit "B" and incorporated herein by reference.

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- (20) There shall be a thirty (30) foot greenbelt buffer located along the northerly boundary of the Property, adjacent to residential properties located along Banberry Road. This greenbelt buffer shall be graded and replanted with landscaping and trees to provide for visual screening.
- (21) There shall be an eight (8) foot decorative brick wall along the Banberry Road frontage and around the corner to the Freys Gin Road entrance.
- (22) There shall be a minimum of a five (5) foot sidewalk and a ten (10) foot landscaping strip along the Banberry Road frontage, outside of the decorative brick wall.
- (23) There shall be a ten (10) foot sidewalk along the Freys Gin Road frontage with a ten (10) foot landscape strip.
- (24) All lighting within the proposed community, including parking lot lighting and exterior lighting for the buildings, shall be designed to not illuminate beyond the Property's boundaries.
- (25) In conjunction with the proposed rezoning, Applicant requests the following variances which shall be deemed approved by the City of Marietta upon approval of the requested rezoning, as referenced and submitted, together with the stipulations set forth herein:
  - (a) Variance to disturb and replant the thirty (30) foot buffer adjacent to residential;
  - (b) Variance to allow thirty-five (35) percent (161 parking spaces) of the provided parking spaces (465 parking spaces) to be eight and one half (8½) feet wide and sixteen (16) feet deep; and
  - (c) Variance to increase the allowable impervious surface coverage from sixty (60) percent to sixty-five (65) percent.

We believe the requested zoning, together with the revised Site Plan and the revised stipulations set forth herein, is an appropriate use of the Subject Property while taking into consideration uses of properties in the surrounding area. The proposed community will be a quality development and will be an asset to the City; as well as, enhancement to the Subject Property and the community as a whole. Thank you for your consideration in this request.

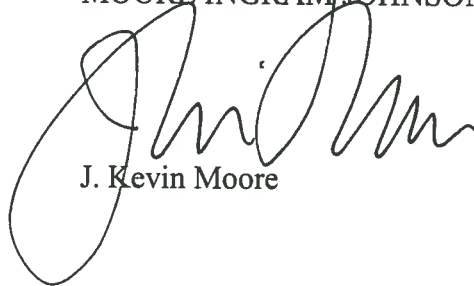
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With kindest regards, I remain

Very truly yours,

MOORE INGRAM JOHNSON & STEELE, LLP

A handwritten signature in black ink, appearing to read "J. Kevin Moore". The signature is fluid and cursive, with a large loop at the beginning and a long tail.

J. Kevin Moore

JKM:cc

Attachments

c: Russell J. Roth, AICP  
Development Director  
City of Marietta  
(With Copies of Attachments)

Campus Realty Advisors, LLC  
(With Copies of Attachments)



