

# SAMS LARKIN HUFF & BALLI, LLP

A LIMITED LIABILITY PARTNERSHIP

GARVIS L. SAMS, JR.

770•422•7016

JOEL L. LARKIN

TELEPHONE

PARKS F. HUFF

770•426•6583

JAMES A. BALLI

FACSIMILE

SUITE 100

376 POWDER SPRINGS STREET

MARIETTA, GEORGIA 30064-3448

---

ADAM J. ROZEN

WWW.SLHB-LAW.COM

February 3, 2016

**VIA EMAIL:**

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

Re: Applications of Nilhan Developers, LLC & Westplan Investors, L.P. to Annex and Rezone an approximate 8.7 Acre Tract from O&I (Cobb County) and NS (City of Smyrna) to Conditional-MU (City of Smyrna); Application No. Z15-005.

Dear Ken:

You will recall that this firm represents Nilhan Developers, LLC ("Nilhan") which is the Property Owner and Westplan Investors Partners, L.P. ("Westplan") which is the Master Developer concerning the above-captioned Applications for Annexation and Rezoning. The Applications are scheduled to be heard and considered by the City of Smyrna Planning & Zoning Board on February 8, 2016 and, thereafter, are scheduled to be heard by the Mayor and City Council for final action on March 7, 2016.

Yesterday, after a meeting with my clients and their respective consultants and after also speaking prior to that meeting with Councilman Derek Norton and with you, this letter will confirm that the Applications are being tabled and that the City's consideration of same will be held in abeyance indefinitely. The underlying purpose for doing so is because of the possibility of adding additional parcels to the development proposal. Among ourselves, my clients and their consultants have agreed that, if said additional parcels are not brought into the fold, so to speak, on or before February 15, 2016, that we will go forward with the development proposal as presently constituted.

Realizing that you and your staff need ample time to analyze the Application, the Traffic Impact Study, the site plan, the architectural renderings/elevations, and the recently submitted schematic diagrams reflecting the profiles of buildings in juxtaposition to each other and to I-285 and Spring Road, if there are any revisions or modifications to the proposal by adding additional parcels, we will ensure that such is done on or before March 13, 2016 and that we make a full and comprehensive submittal. This would place the proposal in a position to have the full amount of time for you and your staff to review the development proposal during the course of a

SAMS LARKIN HUFF & BALLI, LLP

A LIMITED LIABILITY PARTNERSHIP

**VIA EMAIL:**

Mr. Ken Suddreth, Director  
Community Development Department  
February 3, 2016  
Page 2

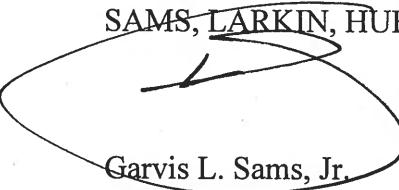
---

complete zoning cycle and most likely place the Applications on course to be heard by the Planning and Zoning Board on April 13, 2016 and by the Mayor and City Council May 18, 2016. However, since those factors are presently unknown, we will simply ask that the Applications be tabled indefinitely until we comply with the above-mentioned articulated time frame.

I want to take this opportunity to personally thank you, your staff and of course, the Planning and Zoning Board Members and the Mayor and City Council for the patience you all have exhibited and for the input and assistance which you have provided during the pendency of these Applications. With kind regards, I am

Very truly yours,

SAMS, LARKIN, HUFF & BALLI, LLP



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

GLS/dsj

cc: Honorable A. Max Bacon, Mayor (via email)  
Mr. Derek Norton, City Council Member (via email)  
Mr. Mike Jones, City Administrator (via email)  
Mr. Tom Boland, Economic Development Manager (via email)  
Mr. Russell Martin, AICP, Senior Planner,  
Smyrna Community Development Department (via email)  
Scott A. Cochran, Esq. (via email)  
Mr. Eric Randall, P.E., City Engineer (via email)  
Mr. Scott Stokes, Public Works Director (via email)  
Ms. Terri Graham, City Clerk (via email)  
Mr. Brad Johnson, Westplan Investors (via email)  
Mr. Chuck Thakkar, Nilhan Developers, LLC (via email)  
Mr. Geoff Warr, A & R Engineering (via email)  
Mr. Abdul Amer, A & R Engineering (via email)  
Mr. Christopher K. Harrell, P.E., Summit Engineering (via email)