



**NOTICE OF DECISION**

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**To:** Doug Hooker, ARC  
**(via electronic mail)** Sonny Deriso, GRTA  
Dick Anderson, GRTA

Al Nash, GRTA  
Bob Voyles, GRTA

**To:** Brad Johnson, Westplan Investors  
**(via electronic mail)** City of Smyrna

**From:** Christopher Tomlinson, GRTA Executive Director

**Copy:** Jon West, DCA  
**(via electronic mail)** Annie Gillespie, SRTA/GRTA  
Andrew Smith, ARC  
Marquitrice Mangham, ARC  
Paul DeNard, GDOT District 7  
Tim Mathews, GDOT District 7  
Karyn Matthew, Cobb County DOT  
Amy Diaz, Cobb County DOT  
Kevin Moore, City of Smyrna  
Russell Martin, City of Smyrna  
Ken Suddreth, City of Smyrna  
Eric Randall, City of Smyrna

Garvis Sams, Sams, Larkin, Huff and Balli LLP  
Abdul Amer, A & R Engineering, Inc.  
Abby Rettig, A & R Engineering, Inc.  
Chris Harrell, Summit Engineering

**Date:** February 5, 2018

**Re:** DRI 2764 Emerson Center

## Notice of Decision for Request for Non-Expedited Review of DRI 2764 Emerson Center

The purpose of this notice is to inform Westplan Investors (the Applicant), City of Smyrna (the local government), the GRTA Land Development Committee, the Georgia Department of Community Affairs (DCA), the Georgia Department of Transportation (GDOT), and the Atlanta Regional Commission (ARC) of GRTA's decision regarding DRI 2764 Emerson Center (the DRI Plan of Development). GRTA has completed a non-expedited review for the DRI Plan of Development pursuant to sections 3-101 and 3-103.A of the *Procedures and Principles for GRTA Development of Regional Impact Review* and has determined that the DRI Plan of Development meets the GRTA review criteria set forth in Sections 3-101 and 3-103.A. The DRI Plan of Development as proposed is **approved subject to conditions**, as provided in Attachment A and subject to the limitations placed on allowable modifications to the DRI Plan of Development, as described in Attachment B.

Subject to the conditions set forth in Attachment A and Attachment B, GRTA will approve the expenditure of state and/or federal funds for providing the Land Transportation Services and Access improvements listed in Section 2 of Attachment C. The need for said approval shall terminate and be of no further force and effect after ten (10) years from the date of this Notice of Decision, unless the local government has issued a permit for the construction of any part of the proposed DRI Plan of Development prior to the end of the ten-year period.

The notice of decision is based on a review of the applicant's DRI review package received by GRTA. The review package includes: (1) the site development plan (Site Plan) dated December 8, 2017 titled "Emerson Center" prepared by Summit Engineering Consultants and received by GRTA on December 19, 2017 (2) the transportation analysis dated December 11, 2017 prepared by A& R Engineering, received by GRTA on December 12, 2017.

Pursuant to Section 2-501 of the *Procedures and Principles for GRTA Development of Regional Impact Review*, the Applicant, the GRTA Land Development Committee and the local government have a right to appeal this decision within five (5) working days of the date on this letter by filing a Notice of Appeal with the GRTA Land Development Committee. A Notice of Appeal must specify the grounds for the appeal and present any argument or analysis in support of the appeal. For further information regarding the right to appeal, consult Part 5 of the *Procedures and Principles for GRTA Development of Regional Impact Review*, available from GRTA. If GRTA staff receives an appeal, you will receive another notice from GRTA and the Land Development Committee will hear the appeal at its March 14, 2018 meeting.

DocuSigned by:  
  
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Christopher Tomlinson  
Executive Director  
Georgia Regional Transportation Authority

## **Attachment A – General Conditions**

### **General Conditions of Approval to GRTA Notice of Decision:**

- Provide sidewalks on both sides of all internal roads connecting all buildings and site access points.
- Provide sidewalks along all property frontages.
- Provide pedestrian facilities internally connecting all structures and land uses creating a network throughout DRI project site
- Provide bike racks at all non-residential or multi-family buildings.
- Provide internal pedestrian connectivity between pedestrian bridges on site.

### **Road Improvements for GRTA Notice of Decision:**

None

## **Attachment B – Required Elements of the DRI Plan of Development**

### **Conditions Related to Altering Site Plan after GRTA Notice of Decision:**

The on-site development will be constructed materially (substantially) in accordance with the Site Plan. Changes to the Site Plan will not be considered material or substantial so long as the following conditions are included as part of any changes:

- All of the “Conditions to GRTA Notice of Decision” set forth in Attachment A are satisfied.
- All of the “Roadway Improvements as Conditions to GRTA Notice of Decision” set forth in Attachment A are satisfied.

## **Attachment C – Required Improvements to Serve the DRI**

Pursuant to Section 1-201.R. of the *Procedures and Principles for GRTA Development of Regional Impact Review*, a “Required Improvement means a land transportation service [def. in Section 1-201.N] or access [def. in Section 1-201.A.] improvement which is necessary in order to provide a safe and efficient level of service to residents, employees and visitors of a proposed DRI.”

The Required Improvements in the study network were identified in the Review Package as necessary to bring the level of service up to an applicable standard before the build-out of the proposed project. These requirements are identified in Sections 1 and 2 of this Attachment. Section 1 contains improvements that do not require GRTA approval at this time because they are to be constructed prior to the completion of the DRI Plan of Development. However, GRTA approval shall be required in the event state and/or federal funds are proposed at a later date to be used for any portion of the improvements described in Section 1. Section 2 contains improvements that require GRTA approval prior to the expenditure of state and/or federal funding. Subject to the conditions set forth in Attachment A and Attachment B, GRTA approves the expenditure of state/and or federal funding for the improvements contained in Section 2.

### Section 1:

None

### Section 2:

- Replace the existing eastbound protected left turn phase with protected + permissive phasing at the intersection of Spring Road at Cumberland Boulevard.
- Create a channelized island on the southbound right turn lane at the intersection of Spring Road at Cumberland Boulevard.
- Create a channelized island for westbound right turn movements at Cumberland Boulevard and Spring Hill Parkway.