

SAMS, LARKIN, HUFF & BALLI

A LIMITED LIABILITY PARTNERSHIP

GARVIS L. SAMS, JR.
JOEL L. LARKIN
PARKS F. HUFF
JAMES A. BALLI

SUITE 100
376 POWDER SPRINGS STREET
MARIETTA, GEORGIA 30064-3448

770•422•7016
TELEPHONE
770•426•6583
FACSIMILE

ADAM J. ROZEN

WWW.SLHB-LAW.COM

July 13, 2018

VIA HAND DELIVERY & EMAIL

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

Re: Rezoning Application of Loyd Development Services 3.05 ± Acre Tract; Land Lot 347 & 348; 17th District, 2nd Section, City of Smyrna, Cobb County, Georgia.

Dear Ken:

This firm has been engaged by and represents Loyd Development Services (“Loyd”) concerning the above-captioned Rezoning Application. By meeting today’s deadline, it is my understanding that the Application will be heard by the Planning & Zoning Board on August 13, 2018, and thereafter heard by the Mayor and City Council on September 17, 2018.

With respect to the foregoing, enclosed please find the original and five (5) copies of the above-captioned Rezoning Application and supplemental documentation as follows:

1. Titleholder signatures and paid tax receipts indicating that taxes are paid on the Subject Property with respect to both the City of Smyrna and Cobb County. Also, enclosed are the Deeds reflecting the current Titleholders.
2. A legal description is included in the above referenced deeds. Also provided is a full overall legal description in Word format.
3. A full-sized copy; an 11” x 17” sized copy; and, an 8½” x 11” copy of the proposed site plan.
4. A full-sized copy; an 11” x 17” sized copy; and, an 8½” x 11” copy of the Tree Protection/Replacement Plan.
5. A rendering/elevation depicting the architectural style and composition of the proposed buildings and the proposed floor plans for the residential development are illustrated on the submitted Site Plan.
6. A Water/Sewer Availability letter from Mr. Frank Martin.

SAMS, LARKIN, HUFF & BALLI

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VIA HAND DELIVERY & EMAIL

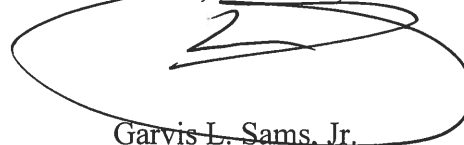
Mr. Kenneth Suddreth, Director
Community Development Department
July 13, 2018
Page 2

7. A Constitutional Challenge.
8. A check made payable to the City of Smyrna in the sum of \$1,200.00 representing the Application fee; a \$500.00 check for the Tree Protection Plan Review fee; and, a check for \$500.00 for the Land Use Change fee.
9. A flash drive containing a pdf copy of this submittal and the legal description in Word format.

I will be contacting you and your Senior Planner Rusty Martin in order to discuss potential stipulations/conditions of the Rezoning Request and to address any concerns which you or the staff may have regarding the Application. In the interim, should you have any questions or need any additional documentation or information, please do not hesitate to contact me.

Sincerely,

SAMS, LARKIN, HUFF & BALLI, LLP



Garvis L. Sams, Jr.
gsams@slhb-law.com

GLS, Jr./klk
Enclosures

cc: Honorable Mayor A. Max Bacon, Mayor (via email w/attachments)
Members, City of Smyrna City Council (via email w/attachments)
Members, City of Smyrna Planning & Zoning Board (via email w/attachments)
Ms. Tammi Saddler Jones, City Administrator (via email w/attachments)
Scott A. Cochran, Esq. (via email w/attachments)
Mr. Eric Randall, P.E., City Engineer (via email w/attachments)
Mr. Timothy Grubaugh, Fire Marshall (via email w/attachments)
Ms. Terri Graham, City Clerk (via email w/attachments)
Mr. Russell Martin, AICP, Senior City Planner (via email w/attachments)
Mr. John Loyd, Loyd Development Services (via email w/attachments)
Mr. Trace Copeland, Trout Land, LLC (via email w/attachments)

**APPLICATION FOR REZONING
TO THE CITY OF SMYRNA**

Type or Print Clearly

(To be completed by City)

Ward: _____

Application No: _____

Hearing Date: _____

APPLICANT: Loyd Development Services

Name: Garvis L. Sams, Jr., Sams, Larkin, Huff & Balli, LLP
(Representative's name, printed)

Address: 376 Powder Springs Street, Suite 100, Marietta, GA 30064

Business Phone: 770-422-7016 Cell Phone: 404-975-7772 Fax Number: 770-426-6583

E-Mail Address: gsams@slhb-law.com

Signature of Representative: 

TITLEHOLDER

Name: See Attached
(Titleholder's name, printed)

Address: _____

Business Phone: _____ Cell Phone: _____ Home Phone: _____

E-mail Address: _____

Signature of Titleholder: _____

(Attach additional signatures, if needed)

(To be completed by City)

Received: _____

Heard by P&Z Board: _____

P&Z Recommendation: _____

Advertised: _____

Posted: _____

Approved/Denied: _____

**APPLICATION FOR REZONING
TO THE CITY OF SMYRNA**

Type or Print Clearly

(To be completed by City)

Ward: _____

Application No: _____

Hearing Date: _____

APPLICANT: _____

Name: _____
(Representative's name, printed)

Address: _____

Business Phone: _____ Cell Phone: _____ Fax Number: _____

E-Mail Address: _____

Signature of Representative: _____


TITLEHOLDER

Name: JOSEPH M-THOMAS
(Titleholder's name, printed)

Address: 1247 COLONY TERRACE, MARIETTA, GA-30068-2822

Business Phone: _____ Cell Phone: 678-215-7102 Home Phone: (770) 992-7559

E-mail Address: thomasjph2015@gmail.com

Signature of Titleholder:  _____
(Print additional signatures, if needed)

(To be completed by City)

Received: _____

Heard by P&Z Board: _____

P&Z Recommendation: _____

Advertised: _____

Posted: _____

Approved/Denied: _____

**APPLICATION FOR REZONING
TO THE CITY OF SMYRNA**

Type or Print Clearly

(To be completed by City)

Ward: _____

Application No: _____

Hearing Date: _____

APPLICANT: _____

Name: _____
(Representative's name, printed)

Address: _____

Business Phone: _____ Cell Phone: _____ Fax Number: _____

E-Mail Address: _____

Signature of Representative: _____

TITLEHOLDER

Name: MARY S. THOMAS
(Titleholder's name, printed)

Address: 1247 COLONY TERRACE

Business Phone: _____ Cell Phone: _____ Home Phone: 770-992-7559

E-mail Address: maryt1247@gmail.com

Signature of Titleholder: Mary Thomas
(Attach additional signatures, if needed)

(To be completed by City)

Received: _____

Heard by P&Z Board: _____

P&Z Recommendation: _____

Advertised: _____

Posted: _____

Approved/Denied: _____

APPLICATION FOR REZONING TO THE CITY OF SMYRNA

Type or Print Clearly

(To be completed by City)

Ward: _____

Application No: _____

Hearing Date: _____

APPLICANT: _____

Name: _____
(Representative's name, printed)

Address: _____

Business Phone: _____ Cell Phone: _____ Fax Number: _____

E-Mail Address: _____

Signature of Representative: _____

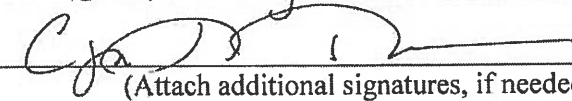
TITLEHOLDER

Name: Cynthia Thomas
(Titleholder's name, printed)

Address: 14157 Yacht Terrace, Milton, GA 30004

Business Phone: _____ Cell Phone: 404-456-2319 Home Phone: _____

E-mail Address: CTHOMAS14157@gmail.com

Signature of Titleholder: 
(Attach additional signatures, if needed)

(To be completed by City)

Received: _____

Heard by P&Z Board: _____

P&Z Recommendation: _____

Advertised: _____

Posted: _____

Approved/Denied: _____

ZONING REQUEST

From GC to RM-12
Present Zoning Proposed Zoning

LAND USE

From Mixed-Use to High Density Residential
Present Land Use Proposed Land Use

For the Purpose of Attached Townhomes

Size of Tract 3.05 Acres

Location On the east side of South Cobb Drive at the terminus of Ventura Road, south of Kennesaw Drive.
(Street address is required. If not applicable, please provide nearest intersection, etc.)

Land Lot (s) 347 & 348 District 17th

We have investigated the site as to the existence of archaeological and/or architectural landmarks. I hereby certify that there are no X there are such assets. If any, they are as follows:

(To be completed by City)

Recommendation of Planning Commission:

Council's Decision:

CONTIGUOUS ZONING

North: GC

East: R-15

South: GC

West: GC

CONTIGUOUS LAND USE

North: Mixed Use

East: Moderate Density Residential

South: Mixed Use

West: Mixed Use

INFRASTRUCTURE

WATER AND SEWER

A letter from Scott Stokes, Director of Public Works Department is required stating that water is available and the supply is adequate for this project.

A letter from Scott Stokes, Director of Public Works Department is required stating that sewer is available and the capacity is adequate for this project.

- If it is Cobb County Water, Cobb County must then furnish these letters.

Comments:

See attached letter from Frank Martin, Assistant Public Works Director.

TRANSPORTATION

Access to Property? South Cobb Drive

Improvements proposed by developer? A high-end Townhome Community with price points ranging from \$385,000.00 to \$450,000.00, and greater.

Comments:

The subject property is located within a sub-area of the City of Smyrna which is directly adjacent to commercial uses and an older residential subdivision (circa 1954).

ZONING DISCLOSURE REPORT

Has the applicant* made, within two years immediately preceding the filing of this application for rezoning, campaign contributions aggregating \$250 or more or made gifts having in the aggregate a value of \$250 or more to the Mayor or any member of the City Council or Planning and Zoning Board who will consider this application?

No

If so, the applicant* and the attorney representing the applicant* must file a disclosure report with the Mayor and City Council of the City of Smyrna, within 10 days after this application is filed.

Please supply the following information, which will be considered as the required disclosure:

The name of the Mayor or member of the City Council or Planning and Zoning Board to whom the campaign contribution or gift was made:

The dollar amount of each campaign contribution made by the applicant* to the Mayor or any member of the City Council or Planning and Zoning Board during the two years immediately preceding the filing of this application, and the date of each such contribution:

0

An enumeration and description of each gift having a value of \$250 or more by the applicant* to the Mayor and any member of the City Council or Planning and Zoning Board during the two years immediately preceding the filing of this application:

Does the Mayor or any member of the City Council or Planning and Zoning Board have a property interest (direct or indirect ownership including any percentage of ownership less than total) in the subject property?

No

If so, describe the nature and extent of such interest: _____

ZONING DISCLOSURE REPORT (CONTINUED)

Does the Mayor or any member of the City Council or Planning and Zoning Board have a financial interest (direct ownership interests of the total assets or capital stock where such ownership interest is 10% or more) of a corporation, partnership, limited partnership, firm, enterprise, franchise, association, or trust, which has a property interest (direct or indirect ownership, including any percentage of ownership less than total) upon the subject property?

No

If so, describe the nature and extent of such interest:

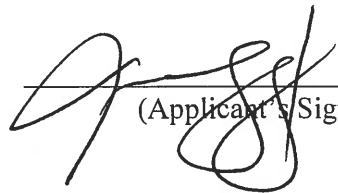
Does the Mayor or any member of the City Council or Planning and Zoning Board have a spouse, mother, father, brother, sister, son, or daughter who has any interest as described above?

No

If so, describe the relationship and the nature and extent of such interest:

If the answer to any of the above is "Yes", then the Mayor or the member of the City Council or Planning and Zoning Board must immediately disclose the nature and extent of such interest, in writing, to the Mayor and City Council of the City of Smyrna. A copy should be filed with this application**. Such disclosures shall be public record and available for public inspection any time during normal working hours.

We certify that the foregoing information is true and correct, this 3 day of JULY, 2018.



(Applicant's Signature)

(Attorney's Signature, if applicable)

Notes

* Applicant is defined as any individual or business entity (corporation, partnership, limited partnership, firm enterprise, franchise, association or trust) applying for rezoning action.

** Copy to be filed with the City of Smyrna Zoning Department and City Clerk along with a copy of the zoning application including a copy of the legal description of the property.

CAMPAIGN DISCLOSURE REPORT¹ BY ATTORNEY FOR APPLICANT²

Has the Applicant made, within two (2) years immediately preceding the filing of this Application for rezoning, campaign contributions aggregating two hundred fifty dollars (\$250.00) or more or made gifts having in the aggregate a value of two hundred fifty dollars (\$250.00) or more to a member or members of the Smyrna City Council or Planning Commission who will consider the Application?

Yes

If so, the Applicant and the attorney representing the Application must file a disclosure report with the Smyrna City Council within ten (10) days after this Application is first filed.

Please supply the following information which will be considered as the required disclosure:

The name of the member(s) of the Smyrna City Council or Planning Commission to whom the campaign contribution or gift was made: Derek A. Norton

The dollar amount of each campaign contribution made by the Applicant to the member(s) of the Smyrna City Council or Planning Commission during the two (2) years immediately preceding the filing of this Application and the date of each such contribution: On 2/21/18, a check in the sum of \$2,000.00 to the Committee to Elect Derek Norton, Mayor.

An enumeration and description of each gift having a value of two hundred fifty dollars (\$250.00) or more made by the Applicant to the member(s) of the Smyrna City Council or Planning Commission during the two (2) years immediately preceding the filing of this Application: N/A

I certify that the foregoing information is true and correct, this the 13 day of July, 2018.

SAMS, LARKIN, HUFF & BALLI, LLP

By: 

GARVIS L. SAMS, JR.
Attorney for Applicant

¹If the answer to any of the above is "Yes", then the member of the Smyrna City Council or Planning Commission must immediately disclose the nature and extent of such interest, in writing to the Smyrna City Council. A copy should be filed with this Application. Such disclosures shall be a public record and available for public inspection at any time during normal working hours.

²Applicant means any person who applies for a rezoning action and any attorney, or other person representing or acting on behalf of a person who applies for a rezoning action.

DISCLOSURE

IF THE ANSWER TO ANY OF THE FOLLOWING QUESTIONS IS "YES", YOU MAY BE REQUIRED UNDER O.C.G.A. §36-67A-3 TO PROVIDE FURTHER INFORMATION:

- A) ARE YOU, OR ANYONE ELSE WITH A PROPERTY INTEREST IN THE SUBJECT PROPERTY, A MEMBER OF THE CITY OF SMYRNA PLANNING COMMISSION OR CITY OF SMYRNA MAYOR AND COUNCIL? **NO**

- B) DOES AN OFFICIAL OF SUCH PUBLIC BODIES HAVE ANY FINANCIAL INTEREST IN ANY BUSINESS ENTITY WHICH HAS A PROPERTY INTEREST IN THE SUBJECT PROPERTY? **NO**

- C) DOES A MEMBER OF THE FAMILY OF SUCH OFFICIALS HAVE AN INTEREST IN THE SUBJECT PROPERTY AS DESCRIBED IN (A) AND (B)? **NO**

- D) WITHIN TWO (2) YEARS IMMEDIATELY PRECEDING THIS APPLICATION, HAVE YOU MADE CAMPAIGN CONTRIBUTION(S) OR GIVEN GIFTS TO SUCH PUBLIC OFFICIALS AGGREGATING \$250.00 OR MORE? **YES**

SAMS, LARKIN, HUFF & BALLI, LLP

By: _____

Garvis L. Sams, Jr.
Attorney for Applicant

July 13, 2018
DATE

REZONING ANALYSIS

Section 1508 of the Smyrna Zoning Code details nine zoning review factors which must be evaluated by the Planning and Zoning Board and the Mayor and Council when considering a rezoning request. Please provide responses to the following using additional pages as necessary. **This section must be filled out by the applicant prior to submittal of the rezoning request.**

1. Whether the zoning proposal will permit a use that is suitable in view of the use and development of adjacent and nearby property.

Loyd proposes to redevelop an area with new Townhomes that will lead to additional redevelopment in the area. The home prices will be a benefit to the existing homes and bring new home buyers to this sub-area of the City. The subject property contains 3 parcels which are zoned GC; 2249 S. Cobb is an auto repair shop; 2265 is an existing residential structure; and 2217 is an undeveloped tract. The proposed use will provide an appropriate transition from the commercial fronting on S. Cobb Drive and the residential uses located to the east of the site and is therefore suitable in view of the use and development of adjacent and nearby properties.

2. Whether the zoning proposal or the use proposed will adversely affect the existing use or usability of adjacent or nearby property.

The high price points (\$385,000 to \$450,000 and greater) and new home construction in the area will benefit both new and existing homeowners and businesses within this sub-area of the City.

3. Whether the property to be affected by the zoning proposal has a reasonable economic use as currently zoned.

As zoned, the subject property has no reasonable economic use. The existing commercial metal frame structure (circa 1983) no longer adds value to this area. The existing residence located at 2265 S. Cobb Drive (built in 1953) will continue to deteriorate as it is located next door to an "eyesore" commercial property located at the end of Ventura Road.

REZONING ANALYSIS (CONTINUED)

4. Whether the zoning proposal will result in a use which will or could cause an excessive or burdensome use of existing streets, transportation facilities, utilities or schools.

The new homes will not cause an excessive or burdensome use of existing streets, utilities or the schools. The new homes will give stability to the existing school district.

5. Whether the zoning proposal is in conformity with the policy and intent of the land use plan.

The current Comprehensive Land Use Plan designation is Mixed Use which can accommodate infill housing and starter homes, but the proposed higher density residential designation will preserve the character of established neighbors and provide a transitional area between commercial activity and adjoining neighborhoods to the east of the subject property. Additionally, as this community will access off South Cobb Drive, the development will contribute to a more urban setting which promotes a live, work, play environment.

6. Whether there are other existing or changing conditions affecting the use and development of the property which give supporting grounds for either approval or disapproval of the zoning proposal.

The applicant proposes to remove an older commercial building and a deteriorating residential structure and develop a vacant tract to add new homes to an area that will benefit from new housing stock. An increase in density is needed to allow for this redevelopment to occur.

REZONING ANALYSIS (CONTINUED)

7. Whether the development of the property under the zoning proposal will conform to, be a detriment to or enhance the architectural standards, open space requirements and aesthetics of the general neighborhood, considering the current, historical and planned uses in the area.

The proposed development will employ a variety of architectural features and materials which will enhance the existing nearby neighborhoods' aesthetics.

8. Under any proposed zoning classification, whether the use proposed may create a nuisance or is incompatible with existing uses in the area.

The proposed residential use is compatible with existing uses in the area. Additionally, this proposal will shape the transformation of this sub-area to provide a full range of residential options.

9. Whether due to the size of the proposed use, in either land area or building height, the proposed use would affect the adjoining property, general neighborhood and other uses in the area positively or negatively.

The new homes and new homeowners will be a positive addition to the existing community.

The proposed Townhome Community will help eliminate problems and create new options for this area of the City.



Printed: 6/21/2018

Cobb County Online Tax Receipt

Thank you for your payment!

CARLA JACKSON TAX COMMISSIONER
CHELLY MCDUFFIE CHIEF DEPUTY
 Phone: 770-528-8600
 Fax: 770-528-8679

Payer:
 JOSEPH M THOMAS

**THOMAS JOSEPH M & MARY S & CYNTHIA
 ERIN**

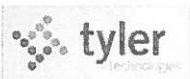
Payment Date: 9/21/2017

Tax Year	Parcel ID	Due Date	Appeal Amount	Taxes Due
2017	17034700610	10/15/2017	Pay: N/A or	\$0.00

Interest	Penalty	Fees	Total Due	Amount Paid	Balance
\$0.00	\$0.00	\$0.00	\$0.00	\$447.51	\$0.00



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Real Estate

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[View bill image](#)

As of

6/21/2018

Bill Year

2017

Bill

16199

Owner

THOMAS JOSEPH M & MARY S & CYNTHIA ERIN

Parcel ID

17034700610

[View payments/adjustments](#)

Installment	Pay By	Amount	Payments/Credits	Balance	Interest	Due
1	11/15/2017	\$155.99	\$155.99	\$0.00	\$0.00	\$0.00
TOTAL		\$155.99	\$155.99	\$0.00	\$0.00	\$0.00

RWH

QUIT CLAIM DEED

STATE OF GEORGIA
COUNTY OF COBB

THIS INDENTURE, made the 22nd day of July, 2011, between Joseph M. Thomas and Mary S. Thomas of the County of Cobb, and State of Georgia, as party or parties of the first part, hereinafter called Grantor, and Joseph M. Thomas, Mary S. Thomas and Cynthia Erin Thomas of the County of Cobb, and State of Georgia, as party or parties of the second part, hereinafter called Grantee (the words "Grantor" and "Grantee" to include their respective heirs, successors and assigns where the context requires or permits).

WITNESSETH: That Grantor for and consideration of the sum value of TEN AND NO/100 DOLLARS (\$10.00) AND OTHER GOOD AND VALUABLE CONSIDERATION, in hand paid at and before the sealing and delivery of these presents, the receipt whereof is hereby acknowledged, has granted, bargained, sold, aliened, conveyed and confirmed, and by these presents does grant, bargain, sell alien, convey and confirm unto said Grantee,

All that tract or parcel of land lying and being in Land Lot 347 of the 17th District, 2nd Section of Cobb County, Georgia, being Lot 40, Block "G" of Unit 2, Belmont Hills as more particularly shown and delineated by that certain plat of survey recorded in Plat Book 10, Page 118, Cobb County, Georgia records.

THIS CONVEYANCE is made subject to all zoning ordinances, easements and restrictions of record affecting said described property.

TO HAVE AND TO HOLD the said described property, with all and singular the rights, members and appurtenances thereof, to the same being, belonging, or in anywise appertaining, to the only proper use, benefit and behalf of the said Grantee forever in FEE SIMPLE.

AND THE SAID Grantor will warrant and forever defend the right and title to the above described property onto said Grantee against the claims of all persons whomsoever.

IN WITNESS WHEREOF, the Grantor has signed and sealed this deed, the day and year first above written

Signed, sealed and delivered in the presence of:

Ueki... Bear

Witness

Lynck... Park

Notary Public

My commission expires:



My Commission Expires
May 20, 2012

[Signature]

Joseph M. Thomas

[Signature]

Mary S. Thomas

Deed Book 14866 Pg 5915
Filed and Recorded Jul-22-2011 10:29am
2011-0093678
Real Estate Transfer Tax \$0.00

J.C. Stephenson

Jay C. Stephenson
Clerk of Superior Court Cobb Cty. Ga.



Printed: 6/21/2018

Cobb County Online Tax Receipt

Thank you for your payment!

CARLA JACKSON TAX COMMISSIONER
CHELLY MCDUFFIE CHIEF DEPUTY
 Phone: 770-528-8600
 Fax: 770-528-8679

Payer:
 JOSEPH M THOMAS

THOMAS JOSEPH M & CYNTHIA ERIN

Payment Date: 9/21/2017

Tax Year	Parcel ID	Due Date	Appeal Amount	Taxes Due
2017	17034801020	10/15/2017	Pay: N/A or	\$0.00

Interest	Penalty	Fees	Total Due	Amount Paid	Balance
\$0.00	\$0.00	\$0.00	\$0.00	\$554.07	\$0.00



Scan this code with your
 mobile phone to view
 this bill!



Real Estate


[View Bill](#)

[View bill image](#)

As of	6/21/2018
Bill Year	2017
Bill	16197
Owner	THOMAS JOSEPH M & CYNTHIA ERIN
Parcel ID	17034801020

[View payments/adjustments](#)

Installment	Pay By	Amount	Payments/Credits	Balance	Interest	Due
1	11/15/2017	\$193.14	\$193.14	\$0.00	\$0.00	\$0.00
TOTAL		\$193.14	\$193.14	\$0.00	\$0.00	\$0.00



Rebecca Keaton
Clerk of Superior Court Cobb Cty. Ga.

[Space above this line reserved for recording information]

After recording return to:
Danny G. Schulman
CUTLER & SCHULMAN, P.C.
1600 South Cobb Drive, Suite 100
Marietta, Ga. 30060
(770) 429-9242
File No. 160264-2

LIMITED WARRANTY DEED

STATE OF GEORGIA
COUNTY OF COBB

THIS INDENTURE is made this 19th day of July, 2016, between **MICHAEL R. LAGESSIE**, (hereinafter referred to as "Grantor") and **JOSEPH M. THOMAS**, (hereinafter referred to as "Grantee") ("Grantor" and "Grantee" to include their respective successors, legal representatives and assigns where the context requires or permits).

WITNESSETH

GRANTOR, for and in consideration of the sum of Ten and No/100 Dollars (\$10.00) and other good and valuable consideration, to Grantor in hand paid, at and before the sealing and delivery of these presents, the receipt and sufficiency whereof are hereby acknowledged, has granted, bargained, sold, aliened, conveyed and confirmed, and does by these presents hereby grant, bargain, sell, alien, convey and confirm unto Grantee, and Grantee's respective heirs, successors and assigns, all of the following described land and interests in land, estates, easements, rights, improvements, property, fixtures, equipment (hereinafter collective referred to as the "Premises"):

- (a) All that tract or parcel of land more particularly described in Exhibit "A" attached

hereto and by this referenced made a part hereof, (hereinafter referred to as the "Land");

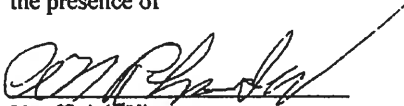
- (b) All buildings, structures and other improvements now located on the Land; and
- (c) All easements, rights-of-way, strips and gores of land, vaults, streets, ways, alleys, passages, sewer rights, water, water courses, water rights and powers, minerals, flowers, shrubs, crops, trees, timber and other emblements now located on the Land or under or above the same or any part or parcel thereof, and all estates, rights, titles, interests, privileges, liberties, tenements, hereditaments and appurtenances, reversion and reversions, remainder and remainders, whatsoever, in any way belonging, relating or appertaining to the Premises or any part thereof, or which hereafter shall in any way belong, relate or be appurtenant thereto, now owned by Grantor.

TO HAVE AND TO HOLD the Premises, and all parts, rights, members and appurtenances thereof, to the use, benefit and behoof of Grantee and the successors and assigns of Grantee, in FEE SIMPLE, forever; and Grantor covenants that Grantor is lawfully seized and possessed of the Premises, as aforesaid, and has good right to convey the same, that the same is unencumbered, except for those matters which are expressly set forth on Exhibit "B" attached hereto and by this reference made a part hereof, and that Grantor does warrant and will forever defend the right and title thereto against the claims of all persons owning, holding or claiming by, through or under Grantor, except as to those matters set forth in said Exhibit "B" attached hereto and by this reference made a part hereof..

IN WITNESS WHEREOF, Grantor has hereunto set Grantor's hand and affixed Grantor's seal the day and year first above written.

Signed sealed and delivered in the presence of

GRANTOR:
MICHAEL R. LAGESSIE


Unofficial Witness

 (LS)
BY: Michael R. Lagessie



Notary Public
My Commission Expires
[NOTARIAL SEAL]



EXHIBIT "A"

Legal Description

2249 S. Cobb Drive, Smyrna, GA 30080.

All that tract or parcel of land lying and being in Land Lot 348, 17th District, 2nd Section, Cobb County, Georgia, and being more particularly described as follows:

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Property Address: 2249 South Cobb Drive, Smyrna, GA 30080
Cobb Co. Tax Parcel No.: 17034801460

2217 S. Cobb Drive, Smyrna, GA 30080

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Property Address: 2217 South Cobb Drive, Smyrna, GA 30080
Cobb Co. Tax Parcel No.: 17034801020



Printed: 6/7/2018

Cobb County Online Tax Receipt

Thank you for your payment!

CARLA JACKSON TAX COMMISSIONER
CHELLY MCDUFFIE CHIEF DEPUTY
 Phone: 770-528-8600
 Fax: 770-528-8679

Payer:
JOSEPH M THOMAS

THOMAS JOSEPH M & CYNTHIA ERIN

Payment Date: 9/21/2017

Tax Year	Parcel ID	Due Date	Appeal Amount			Taxes Due
2017	17034801460	10/15/2017	Pay:	N/A	or	\$0.00

Interest	Penalty	Fees	Total Due	Amount Paid	Balance
\$0.00	\$0.00	\$0.00	\$0.00	\$1,948.79	\$0.00



Scan this code with your mobile phone to view this bill!!!



Real Estate

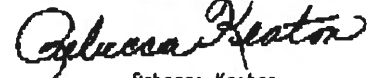
[View Bill](#)

[View bill image](#)

As of	6/28/2018
Bill Year	2017
Bill	16198
Owner	THOMAS JOSEPH M & CYNTHIA ERIN
Parcel ID	17034801460

[View payments/adjustments](#)

Installment	Pay By	Amount	Payments/Credits	Balance	Interest	Due
1	11/15/2017	\$679.32	\$679.32	\$0.00	\$0.00	\$0.00
TOTAL		\$679.32	\$679.32	\$0.00	\$0.00	\$0.00



Rebecca Keaton
Clerk of Superior Court Cobb Cty. Ga.

[Space above this line reserved for recording information]

After recording return to:
Danny G. Schulman
CUTLER & SCHULMAN, P.C.
1600 South Cobb Drive, Suite 100
Marietta, Ga. 30060
(770) 429-9242
File No. 160264-2

LIMITED WARRANTY DEED

STATE OF GEORGIA
COUNTY OF COBB

THIS INDENTURE is made this 19th day of July, 2016, between **MICHAEL R. LAGESSIE**, (hereinafter referred to as "Grantor") and **JOSEPH M. THOMAS**, (hereinafter referred to as "Grantee") ("Grantor" and "Grantee" to include their respective successors, legal representatives and assigns where the context requires or permits).

WITNESSETH

GRANTOR, for and in consideration of the sum of Ten and No/100 Dollars (\$10.00) and other good and valuable consideration, to Grantor in hand paid, at and before the sealing and delivery of these presents, the receipt and sufficiency whereof are hereby acknowledged, has granted, bargained, sold, aliened, conveyed and confirmed, and does by these presents hereby grant, bargain, sell, alien, convey and confirm unto Grantee, and Grantee's respective heirs, successors and assigns, all of the following described land and interests in land, estates, easements, rights, improvements, property, fixtures, equipment (hereinafter collective referred to as the "Premises"):

- (a) All that tract or parcel of land more particularly described in Exhibit "A" attached

[1]

hereto and by this referenced made a part hereof, (hereinafter referred to as the "Land");

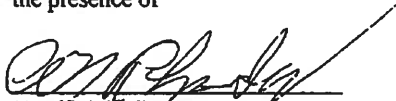
- (b) All buildings, structures and other improvements now located on the Land; and
- (c) All easements, rights-of-way, strips and gores of land, vaults, streets, ways, alleys, passages, sewer rights, water, water courses, water rights and powers, minerals, flowers, shrubs, crops, trees, timber and other emblements now located on the Land or under or above the same or any part or parcel thereof, and all estates, rights, titles, interests, privileges, liberties, tenements, hereditaments and appurtenances, reversion and reversions, remainder and remainders, whatsoever, in any way belonging, relating or appertaining to the Premises or any part thereof, or which hereafter shall in any way belong, relate or be appurtenant thereto, now owned by Grantor.

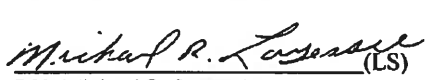
TO HAVE AND TO HOLD the Premises, and all parts, rights, members and appurtenances thereof, to the use, benefit and behoof of Grantee and the successors and assigns of Grantee, in FEE SIMPLE, forever; and Grantor covenants that Grantor is lawfully seized and possessed of the Premises, as aforesaid, and has good right to convey the same, that the same is unencumbered, except for those matters which are expressly set forth on Exhibit "B" attached hereto and by this reference made a part hereof, and that Grantor does warrant and will forever defend the right and title thereto against the claims of all persons owning, holding or claiming by, through or under Grantor, except as to those matters set forth in said Exhibit "B" attached hereto and by this reference made a part hereof..

IN WITNESS WHEREOF, Grantor has hereunto set Grantor's hand and affixed Grantor's seal the day and year first above written.

Signed sealed and delivered in the presence of

GRANTOR:
MICHAEL R. LAGESSIE


Unofficial Witness

 (LS)
BY: Michael R. Lagessie



Notary Public
My Commission Expires
[NOTARIAL SEAL]



EXHIBIT "A"

Legal Description

2249 S. Cobb Drive, Smyrna, GA 30080.

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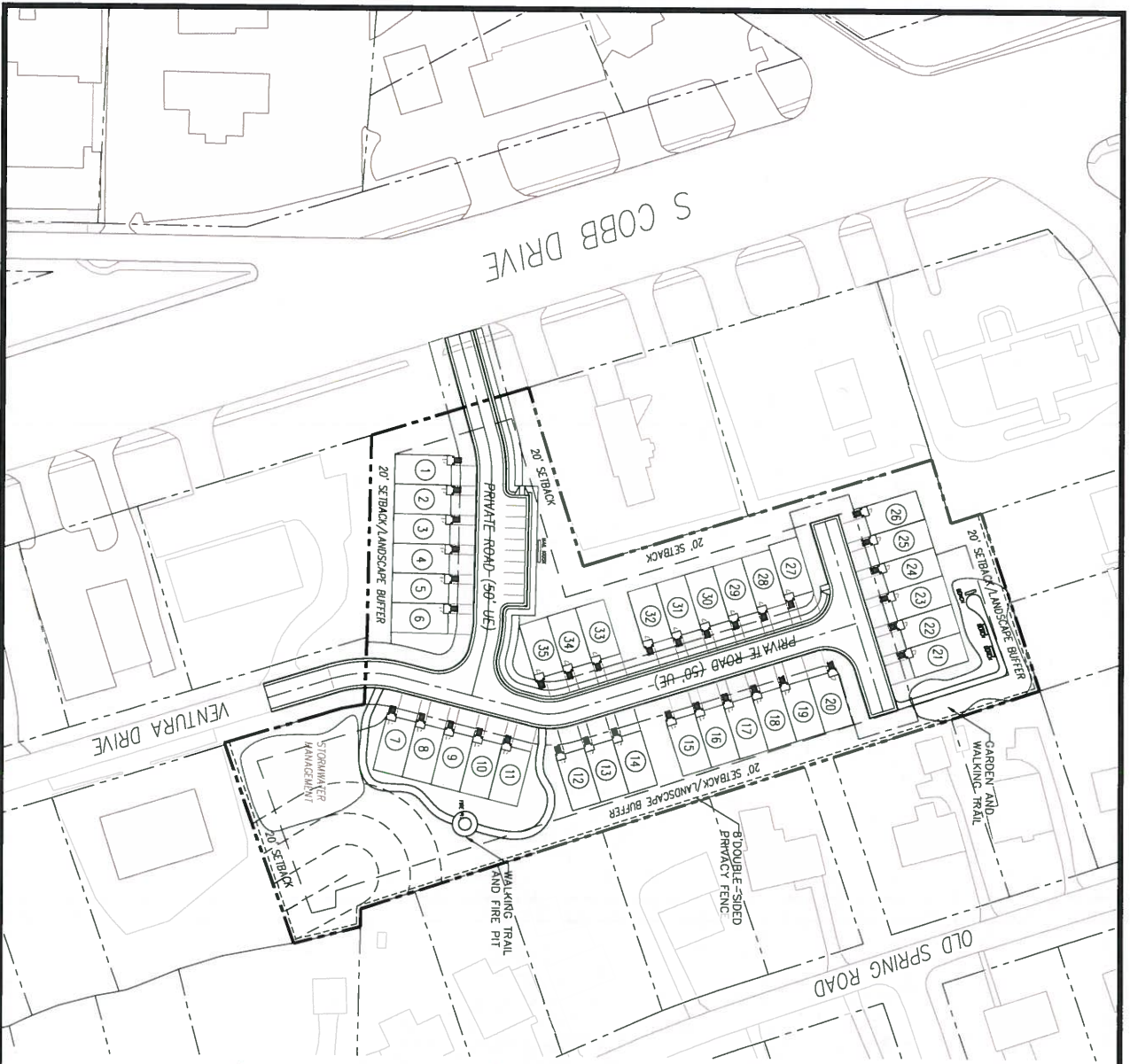
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Cobb Co. Tax Parcel No.: 17034801020

ALL THAT TRACT OR PARCEL OF LAND LYING IN AND BEING A PART OF LAND LOT 348, 17TH DISTRICT, 2ND SECTION, CITY OF SMYRNA, COBB COUNTY, GEORGIA AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT A POINT AT THE INTERSECTION OF KENNESAW DRIVE HAVING A 50' RIGHT OF WAY AND SOUTH COBB DRIVE HAVING A 200' RIGHT OF WAY; THENCE CONTINUING ALONG THE SAID RIGHT OF WAY OF SOUTH COBB DRIVE IN A SOUTHEASTERLY DIRECTION 442.00 FEET TO A POINT; SAID POINT BEING THE TRUE POINT OF BEGINNING;

THENCE FROM THE POINT OF BEGINNING AS THUS ESTABLISHED CONTINUING ALONG THE SAID RIGHT OF WAY OF SOUTH COBB DRIVE THE FOLLOWING COURSES AND DISTANCES: SOUTH 19 DEGREES 51 MINUTES 51 SECONDS EAST A DISTANCE OF 100.00 FEET TO A POINT; SOUTH 19 DEGREES 08 MINUTES 09 SECONDS EAST A DISTANCE OF 34.42 FEET TO A POINT; THENCE LEAVING THE SAID RIGHT OF WAY OF SOUTH COBB DRIVE NORTH 89 DEGREES 04 MINUTES 39 SECONDS EAST A DISTANCE OF 157.76 FEET TO A POINT; THENCE NORTH 88 DEGREES 17 MINUTES 17 SECONDS EAST A DISTANCE OF 52.67 FEET TO A POINT ON THE EAST RIGHT OF WAY OF VENTURE ROAD HAVING A 50' RIGHT OF WAY; THENCE CONTINUING ALONG THE SAID RIGHT OF WAY OF VENTURE DRIVE SOUTH 19 DEGREES 08 MINUTES 09 SECONDS EAST A DISTANCE OF 116.80 FEET TO A POINT; THENCE LEAVING THE SAID RIGHT OF VENTURE DRIVE NORTH 70 DEGREES 59 MINUTES 24 SECONDS EAST A DISTANCE OF 165.00 FEET TO A POINT; THENCE NORTH 19 DEGREES 08 MINUTES 09 SECONDS WEST A DISTANCE OF 61.80 FEET TO A POINT; THENCE SOUTH 89 DEGREES 24 MINUTES 44 SECONDS WEST A DISTANCE OF 9.80 FEET TO A POINT; THENCE NORTH 19 DEGREES 35 MINUTES 50 SECONDS WEST A DISTANCE OF 399.41 FEET TO A POINT; THENCE NORTH 19 DEGREES 46 MINUTES 49 SECONDS WEST A DISTANCE OF 29.90 FEET TO A POINT; THENCE NORTH 20 DEGREES 14 MINUTES 53 SECONDS WEST A DISTANCE OF 74.69 FEET TO A POINT; THENCE NORTH 18 DEGREES 37 MINUTES 03 SECONDS WEST A DISTANCE OF 75.39 FEET TO A POINT; THENCE SOUTH 69 DEGREES 25 MINUTES 20 SECONDS WEST A DISTANCE OF 150.00 FEET TO A POINT; THENCE SOUTH 20 DEGREES 11 MINUTES 15 SECONDS EAST A DISTANCE OF 29.30 FEET TO A POINT; THENCE SOUTH 27 DEGREES 02 MINUTES 33 SECONDS WEST A DISTANCE OF 72.21 FEET TO A POINT; THENCE SOUTH 19 DEGREES 08 MINUTES 09 SECONDS EAST A DISTANCE OF 242.63 FEET TO A POINT; THENCE SOUTH 70 DEGREES 08 MINUTES 09 SECONDS WEST A DISTANCE OF 151.27 FEET TO A POINT; SAID BEING THE TRUE POINT OF BEGINNING.

SAID TRACT OR PARCEL OF LAND CONTAINS 3.05 ACRES MORE OR LESS.



24 HOUR CONTACT:
JOHN LOYD
 770.868.7591



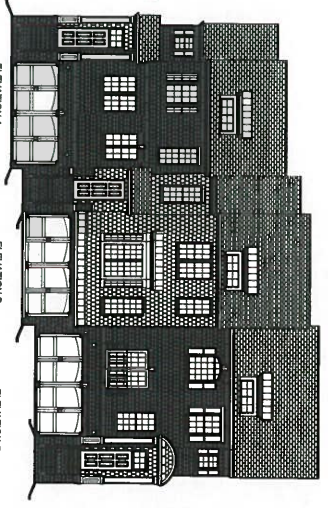
GEORGIA811
 Utilities Protection Center, Inc.
 Keep what's below.
 Call before you dig.

NOT A LICENSED PROFESSIONAL ENGINEER. THE INFORMATION CONTAINED HEREIN IS FOR INFORMATIONAL PURPOSES ONLY AND IS NOT TO BE USED FOR ANY OTHER PURPOSE. THE USER ASSUMES ALL LIABILITY FOR ANY DAMAGE OR INJURY RESULTING FROM THE USE OF THIS INFORMATION. THE USER SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE APPROPRIATE AGENCIES. THE USER SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE APPROPRIATE AGENCIES. THE USER SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE APPROPRIATE AGENCIES.

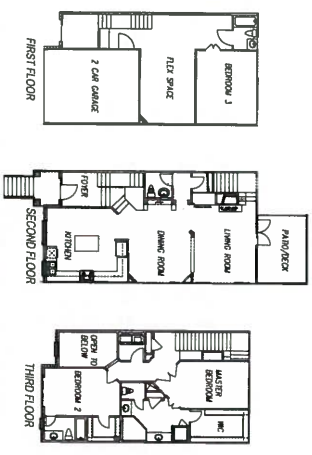
DEVELOPMENT SUMMARY

ZONING	R-12
PROPOSED ZONING	R-12
SITE AREA	1.64 ACRES
NUMBER OF UNITS	35 UNITS
PROPOSED DENSITY	21.4 UNITS/ACRE
MAXIMUM PERMITTED AREA	1,800 SF
MINIMUM PERMITTED AREA	350 SF
FLOOR AREA (TOTAL)	20,700 SF
NET AREA	20,700 SF
NET GROUND COVER	11.200 ACRES

LOCATION MAP



ELEVATIONS



<p>CRESTLINE ENGINEERING</p> <p>4651 WOODSTOCK ROAD SUITE 208-106 - ROSWELL, GA 30075 770.868.7591 F1: 866.319.0872</p>	<p>PROJECT NAME: VENTURA CROSSING</p> <p>LL347 & 348, 17TH DISTRICT CITY OF SMYRNA COBB COUNTY, GEORGIA</p>	<p>OWNER/DEVELOPER</p> <p>Lloyd Development Services</p>	<p>OFFICE: 770.868.7591 FAX: 770.868.7592 1100 WOODSTOCK ROAD, SUITE 208-106, ROSWELL, GA 30075</p>	<p>REVISIONS</p> <table border="1"> <tr> <th>NO.</th> <th>DATE</th> <th>DESCRIPTION</th> </tr> <tr> <td> </td> <td> </td> <td> </td> </tr> </table> <p>ZONING PLAN T100</p>	NO.	DATE	DESCRIPTION			
NO.	DATE	DESCRIPTION								

TREE PROTECTION CALCULATIONS

Total Area: 3.39 Acres
 Required Density Factor (RDF) = 3.29 x 100 inches per Acre = 339 inches RDF
 EDF (Existing Density Factor) = 0
 Replacement Density Factor = 340 Replanted inches + 0 EDF = 339 inches (RDF) = 1 Surplus inches
 SITE DENSITY SATISFIED. See Sheet L101 for Layout and Specifications.

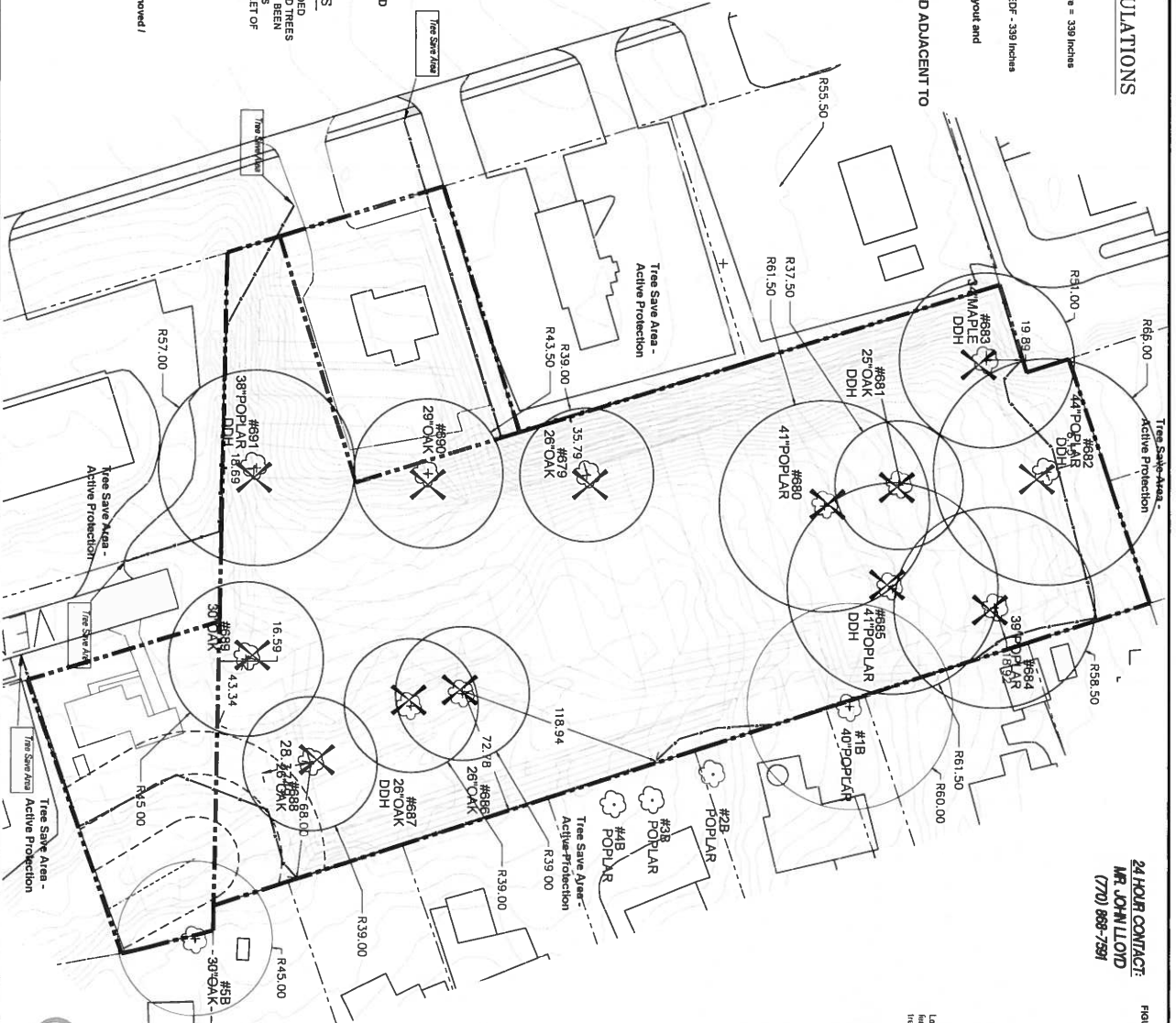
NO BOUNDARY TREES WERE LOCATED ADJACENT TO THE SUBJECT PROPERTY.

✕ SPECIMEN SIZE TREE TO BE IMPACTED OR REMOVED PER PROPOSED SCOPE OF WORK

SPECIMENS REMOVED (Specimen Quantity)		TOTAL	
26"	3	75.00	
29"	1	29.00	
30"	1	30.00	
39"	1	39.00	
41"	1	41.00	
TOTAL:		212.00	

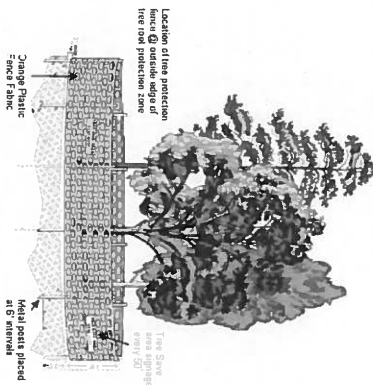
SPECIMENS TREES
 APPROX REPORT PROVIDED COVERING SPECIMEN SIZED TREES EXISTING ON THE SITE HAS BEEN PROVIDED AS PART OF THIS SUBMITTAL. SEE LAST SHEET OF TREE PLAN SET.

217 inches Specimen Quality Trees Proposed to be Removed / Impacted Greater than 20%
 Max 100" RECOMPENSE REQUIRED
 100" Recompense Provided.
 SEE SHEET L101 FOR SPECIFICATIONS.

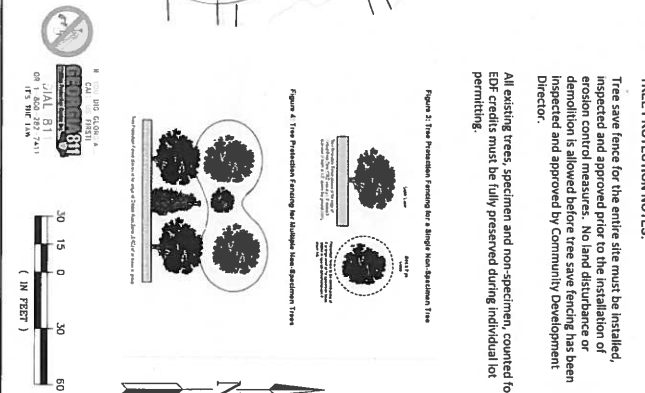


24 HOUR CONTACT:
 MR. JOHN LLOYD
 (770) 899-7591

FIGURE 2: Tree Protection Fence Installation Detail



*** SPECIMEN TREE PROTECTION REQUIRES ORANGE POLYETHYLENE FENCE BE INSTALLED WITH ORANGE LINER. ***
 TREE FENCE TYPES - AS NOTED ON ADJACENT PLAN - ALL TYPE A'S, WHERE SHOWN ON EITHER SIDE OF ACCESS WALK FROM EXISTING SIDEWALK TO FRONT PORCH OF HOMES - PROVIDE WHITE BACK TYPE TREE FENCE.
 TYPE A - ORANGE FENCING AS SHOWN ABOVE
 TREE SAVE AREA -
 HEAVY MET. PLASTIC
 DARK LETTERING
 ON BRIGHT BACKGROUND
 TREE PROTECTION NOTES:
 Tree save fence for the entire site must be installed, inspected and approved prior to the installation of erosion control measures. No land disturbance or demolition is allowed before tree save fencing has been inspected and approved by Community Development Director.
 All existing trees, specimen and non-specimen, counted for EDF credits must be fully preserved during individual lot permitting.





CITY OF SMYRNA

2800 King Street / P.O. Box 1226, Smyrna, Georgia 30081
(770) 434-6600 / www.smyrnacity.com

City Of Smyrna

Water and Sewer Availability

The City of Smyrna has determined that water and sanitary sewer are available to the proposed development. Both water and sanitary sewer are located within the right of way of Ventura Road. All water and sanitary sewer taps are the responsibility of the developer. Elevations are the responsibility of the Developer.

This information is based upon proposed rezoning-Parcels 17034700610, 17034801020, 17034700610 preliminary/draft/concept site plan.

Sincerely,


Ernest Martin

Assistant Director Public Works

			MAYOR A. MAX BACON				
CITY COUNCIL	WARD 1 DEREK NORTON	WARD 2 ANDREA BLUSTEIN	WARD 3 TERI ANJULEWICZ	WARD 4 CHARLES A. WELCH	WARD 5 SUSAN WILKINSON	WARD 6 DOUG STONER	WARD 7 RON FENNEL
	CITY ADMINISTRATOR MICHAEL L. JONES, PE.		CITY CLERK TERRI GRAHAM	CITY ATTORNEY SCOTT A. COCHRAN	MUNICIPAL COURT JUDGE L. ALTON CURTIS, JR.		

TO THE MAYOR AND CITY COUNCIL
CITY OF SMYRNA, GEORGIA

CONSTITUTIONAL CHALLENGE

COMES NOW, LOYD DEVELOPMENT SERVICES, hereinafter referred to as the "Applicant" for Rezoning and asserts the following, to wit:

1.

By application to which this exhibit relates, the Applicant has applied for a rezoning of certain real property lying and being in the City of Smyrna, Cobb County, Georgia, a more particular description and delineation of the subject property, hereinafter referred to as the "Property", being set forth in said Application.

2.

The Application for Zoning of the property seeks a rezoning from the existing category of GC, as established by the governing authority of the City of Smyrna, Georgia to the zoning category of RM-12 for a Townhome Community.

3.

The current GC zoning classification of the property and all intervening classifications between same and RM-12 are unconstitutional in that they deprive the Applicant under and pursuant to Article 1, Section I, Paragraphs I and II of the Georgia Constitution of 1983 and the Equal Protection and Due Process clauses of the Fifth and Fourteenth Amendments to the Constitution of the United States. This deprivation of property without due process violates constitutional prohibitions against the taking of private property without just compensation.

4.

The zoning classification of GC and all intervening classifications between same and RM-12 as they presently exist violate the Applicant's rights to the unfettered use of the property in that the existing zoning classification does not bear a substantial relation to the public health, safety, morality or general welfare and is, therefore, confiscatory and void. Further, said classification is unconstitutional in that it is arbitrary and unreasonable, resulting in relatively little gain or benefit to the public, while inflicting serious injury and loss upon the Applicant.

5.

The City of Smyrna Zoning Ordinance is further unconstitutional in that the procedures contained therein pertaining to the public hearing held in connection with zoning applications also violates the aforementioned constitutional provisions in that said procedures contain the lack of procedural and evidentiary safeguards, do not restrict evidence received to the issues at hand, and are in many instances controlled by political considerations rather than the facts and considerations required by law.

Respectfully submitted, this the 13 day of July, 2018.

SAMS, LARKIN, HUFF & BALLI, LLP

By: 

GARVIS L. SAMS, JR.
Attorney for Applicant
Ga. Bar No. 623950