

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

February 8, 2019

VIA HAND DELIVERY & EMAIL

COPY

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

Re: Application for Rezoning of Lennar Homes to Rezone a 12.495 ± Acre Tract from GC to RM-12; Land Lots 845 & 846; 17th District, 2nd Section, City of Smyrna, Cobb County, Georgia.

Dear Ken:

This firm has been engaged by and represents Lennar Homes 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 March 11, 2019, and thereafter heard by the Mayor and City Council on April 15, 2019.

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 an 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. Renderings/elevations depicting the architectural style and composition of the proposed Townhome Community.

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Mr. Kenneth Suddreth, Director
Community Development Department
February 8, 2019
Page 2

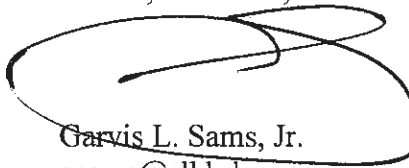
6. A Water/Sewer letter from Mr. Frank Martin, Public Works Director.
7. A Consolidated Impact Statement.
8. A Constitutional Challenge.
9. Checks made payable to the City of Smyrna representing the Application fee, the Tree Protection Plan Review fee; and, Land Use Change fee.
10. A flash drive containing a pdf copy of this submittal and the legal description in Word format.

I will be contacting you and 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.

With kind regards, I am

Very truly yours,

SAMS, LARKIN, HUFF & BALLI, LLP



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

GLS, Jr./klk
Enclosures/Attachments

cc: Listed on next page

SAMS, LARKIN, HUFF & BALLI

A LIMITED LIABILITY PARTNERSHIP

VIA HAND DELIVERY & EMAIL

Mr. Kenneth Suddreth, Director
Community Development Department
February 8, 2019
Page 3

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. Kevin Moore, P.E., City Engineer (via email w/attachments)
Mr. Ernest Frank Martin, Public Works Director (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. Jim Bowersox, Lennar Homes (via email w/attachments)
Mr. T. Daniel Buyers, McWhirter Realty Partners, LLC (via email w/attachments)
Mr. Kenneth Wood, P.E., Planners & Engineers Collaborative (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: Lennar Homes

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: _____

ZONING REQUEST

From GC to RM-12
Present Zoning Proposed Zoning

LAND USE

From Regional Activity Center (RAC) to RAC
Present Land Use Proposed Land Use

For the Purpose of Residential Townhome Community

Size of Tract 12.495 Acres

Location Westerly and easterly sides of Sports Ave.; and, the terminus of Sports Avenue.
(Street address is required. If not applicable, please provide nearest intersection, etc.)

Land Lot (s) 845 & 846 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 & TS (City of Smyrna) _____

East: R-15 & GC (City of Smyrna) _____

South: RM-8 (Cobb County) _____

West: GC & RM-12 (City of Smyrna) _____

CONTIGUOUS LAND USE

North: Regional Activity Center (City of Smyrna) _____

East: Transportation/Communications/Utilities (City of _____)

South: High Density Residential ("HDR") -- Cobb County _____

West: Regional Activity Center (City of Smyrna) _____

INFRASTRUCTURE

WATER AND SEWER

Frank Martin

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.

Frank Martin

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:

Attached is a copy of the a letter from Frank Martin, the Director of Public Works, addressing water and sewer issues.

TRANSPORTATION

Access to Property? Sports Avenue to Spring Road.

Improvements proposed by developer? The construction and development of an upscale Townhome Community consisting of a total number of 108 units at a density of 8.64 units per acre. Additionally, required improvements to Sports Avenue to ensure pedestrian and vehicular connectivity to the Spring Road Corridor and such other improvements as may be required by the City of Smyrna Public Works Department or the Mayor and City Council.

Comments:

The Subject Property is located within a Regional Activity Center and is properly positioned for this proposed land use which is also in compliance with the LCI Study adopted by the City of Smyrna in April, 2017.

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:

_____ N/A _____

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:

_____ N/A _____

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:

_____ N/A _____

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 natural and extent of such interest: _____

_____ N/A _____

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?

NONE

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

N/A

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?

NONE

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

N/A

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 7th day of February, 2019.


(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 7 day of Feb., 2019.

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:

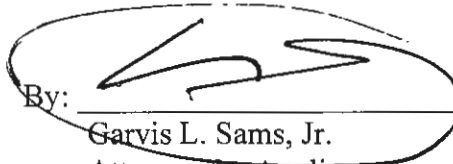
- A) ARE YOU, OR ANYONE ELSE WITH A PROPERTY INTEREST IN THE SUBJECT PROPERTY, A MEMBER OF THE CITY OF SMYRNA PLANNING COMMISSION OR CITY OF SMYRNA MAYOR AND COUNCIL? **NO**

- 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

2-7-19

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.

The Rezoning proposal will permit a use which is suitable in view of the uses and development of adjacent and nearby properties. The totality of the area consisting of the Subject Property as well as a preponderance of the area the Subject Property is located within an area designated as a Regional Activity Center, in both Cobb County and the City of Smyrna, which contemplates the type of use proposed by the Applicant.

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

The Rezoning proposal will not have an adverse impact upon the usability of adjacent or nearby properties. The Applicant, a nationally branded residential developer is proposing the construction and development of an upscale Townhome Community consisting of a total number of 108 Townhomes consisting of 30 rear-loaded Townhomes (20' in width) and 78 front-loaded Townhomes (24' in width). The adjacent properties consist of high-density residential zonings and commercial uses.

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

The Subject Property in its GC zoning classification does not have a reasonable economic use considering the context of market conditions and the lack of exposure to the Spring Road Corridor and the "halo-enhanced" development precipitated by the Braves' SunTrust Park and The Battery.

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 Rezoning proposal will not result in a use which would cause an excessive or burdensome use of existing streets, transportation facilities, utilities or schools.

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

The Rezoning proposal is in conformity with the policy and intent of the City's LCI Master Plan and the City's Comprehensive Plan and Future Land Use Map. The Subject Property is further defined as being located within what is denominated as a "Key Development Node" under the City's LCI Study which anticipates the use proposed by the Applicant.

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.

There are existing and changing conditions affecting the use and development of the property which give supporting grounds for the Rezoning. Moreover, Lennar Homes' proposal constitutes a suitable use of the Subject Property which will not adversely affect adjacent properties; which will be beneficial to the City of Smyrna; and, which will comport with the LCI Study Initiatives.

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 Rezoning proposal will comprehensively enhance architectural standards and aesthetics of the area in which the Subject Property is situated as evidence by the architectural renderings/elevations being submitted concurrently herewith.

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 zoning classification of RM-12 will not create a nuisance; is consistent with the existing RAC designation; consistent with the LCI Study and Master Plan; and, is compatible with existing uses in the area.

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 proposed Rezoning will positively affect the trend of development within this sub-area of the City and will encourage other compatible uses in this area of both the City of Smyrna and Unincorporated Cobb County.

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: PSYCHOLOGICAL STUDIES INSTITUTE, INC.
(Titleholder's name, printed)

Address: 1815 McCallie Avenue, Chattanooga, TN 37404

Business Phone: (423) 648-2421 Cell Phone: (423) 309-4611 Home Phone: N/A

E-mail Address: T. QUINNAN@RICHMONT.EDU

Signature of Titleholder: *Timothy Jensen - PRESIDENT*
(Attach additional signatures, if needed)

(To be completed by City)

Received: _____

Heard by P&Z Board: _____

P&Z Recommendation: _____

Advertised: _____

Posted: _____

Approved/Denied: _____



Department of State
Corporate Filings
312 Eighth Avenue North
6th Floor, William R. Snodgrass Tower
Nashville, TN 37243

FILED Office Use Only

ARTICLES OF AMENDMENT
TO THE CHARTER
(Nonprofit)

OCT 21 11 8:23

SECRETARY OF STATE

0331.1802

CORPORATE CONTROL NUMBER (IF KNOWN) 0070208

PURSUANT TO THE PROVISIONS OF SECTION 48-60-105 OF THE TENNESSEE NONPROFIT CORPORATION ACT, THE UNDERSIGNED CORPORATION ADOPTS THE FOLLOWING ARTICLES OF AMENDMENT TO ITS CHARTER:

1. PLEASE INSERT THE NAME OF THE CORPORATION AS IT APPEARS OF RECORD:

Psychological Studies Institute

IF CHANGING THE NAME, INSERT THE NEW NAME ON THE LINE BELOW:

Richmont Graduate University

2. PLEASE MARK THE BLOCK THAT APPLIES:

AMENDMENT IS TO BE EFFECTIVE WHEN FILED BY THE SECRETARY OF STATE.

AMENDMENT IS TO BE EFFECTIVE, _____ (MONTH, DAY, YEAR)

(NOT TO BE LATER THAN THE 90TH DAY AFTER THE DATE THIS DOCUMENT IS FILED.) IF NEITHER BLOCK IS CHECKED, THE AMENDMENT WILL BE EFFECTIVE AT THE TIME OF FILING.

3. PLEASE INSERT ANY CHANGES THAT APPLY:

A. PRINCIPAL ADDRESS: _____

STREET ADDRESS

CITY

STATE/COUNTY

ZIP CODE

B. REGISTERED AGENT: _____

C. REGISTERED ADDRESS: _____

STREET ADDRESS

TN

CITY

STATE

ZIP CODE

COUNTY

D. OTHER CHANGES: _____

4. THE CORPORATION IS A NONPROFIT CORPORATION.

5. THE MANNER (IF NOT SET FORTH IN THE AMENDMENT) FOR IMPLEMENTATION OF ANY EXCHANGE, RECLASSIFICATION, OR CANCELLATION OF MEMBERSHIPS IS AS FOLLOWS:

6. THE AMENDMENT WAS DULY ADOPTED ON September 2, 2008 (MONTH, DAY, YEAR)
BY (Please mark the block that applies):

THE INCORPORATORS WITHOUT MEMBER APPROVAL, AS SUCH WAS NOT REQUIRED.

THE BOARD OF DIRECTORS WITHOUT MEMBER APPROVAL, AS SUCH WAS NOT REQUIRED.

THE MEMBERS

7. INDICATE WHICH OF THE FOLLOWING STATEMENTS APPLIES BY MARKING THE APPLICABLE BLOCK:

ADDITIONAL APPROVAL FOR THE AMENDMENT (AS PERMITTED BY §48-60-301 OF THE TENNESSEE NONPROFIT CORPORATION ACT) WAS NOT REQUIRED.

ADDITIONAL APPROVAL FOR THE AMENDMENT WAS REQUIRED BY THE CHARTER AND WAS OBTAINED.

Chief Financial Officer

SIGNER'S CAPACITY

October 17, 2008

DATE

SIGNATURE

William J. Mueller

NAME OF SIGNER (TYPED OR PRINTED)

Secretary of State
Division of Business Services
312 Eighth Avenue North
6th Floor, William R. Snodgrass Tower
Nashville, Tennessee 37243

ISSUANCE DATE: 10/08/2002
REQUEST NUMBER: 02281516
TELEPHONE CONTACT: (615) 741-6488

CHARTER/QUALIFICATION DATE: 10/27/1933
STATUS: ACTIVE
CORPORATE EXPIRATION DATE: PERPETUAL
CONTROL NUMBER: 0070206
JURISDICTION: TENNESSEE

TO:
DR JEFF TERRELL
PSI/MCCARTY BLDG
2055 MT PARAN RD NW
ATLANTA, GA 30327

REQUESTED BY:
DR JEFF TERRELL
PSI/MCCARTY BLDG
2055 MT PARAN RD NW
ATLANTA, GA 30327

CERTIFICATE OF EXISTENCE

I, RILEY C DARNELL, SECRETARY OF STATE OF THE STATE OF TENNESSEE DO HEREBY CERTIFY THAT

"THE PSYCHOLOGICAL STUDIES INSTITUTE, INC."

IS A CORPORATION DULY INCORPORATED UNDER THE LAW OF THIS STATE WITH DATE OF
INCORPORATION AND DURATION AS GIVEN ABOVE;
THAT ALL FEES, TAXES, AND PENALTIES OWED TO THIS STATE WHICH AFFECT THE
EXISTENCE OF THE CORPORATION HAVE BEEN PAID;
THAT THE MOST RECENT CORPORATION ANNUAL REPORT REQUIRED HAS BEEN FILED
WITH THIS OFFICE; AND
THAT ARTICLES OF DISSOLUTION HAVE NOT BEEN FILED; AND
THAT ARTICLES OF TERMINATION OF CORPORATE EXISTENCE HAVE NOT BEEN FILED

FOR: REQUEST FOR CERTIFICATE

ON DATE: 10/08/02

FROM:
CHATTANOOGA BIBLE INSTITUTE
1001 MCCALLIE AVE
CHATTANOOGA, TN 37403-0000

RECEIVED: FEES \$0.00
 \$20.00 \$0.00
TOTAL PAYMENT RECEIVED: \$20.00

RECEIPT NUMBER: 00003154774
ACCOUNT NUMBER: 00271547



Riley C Darnell

RILEY C. DARNELL
SECRETARY OF STATE

Secretary of State
Division of Business Services
312 Eighth Avenue North
6th Floor, William R. Snodgrass Tower
Nashville, Tennessee 37243

OCT 24 2008

DATE: 10/21/08
REQUEST NUMBER: 6391-1084
TELEPHONE CONTACT: (615) 741-2286
FILE DATE/TIME: 10/21/08 0823
EFFECTIVE DATE/TIME: 10/21/08 1630
CONTROL NUMBER: 0070206

TO:
RICHMONT GRADUATE UNIVERSITY
1815 MCCALLIE AVE

CHATTANOOGA, TN 37404

RE:
RICHMONT GRADUATE UNIVERSITY
ARTICLES OF AMENDMENT TO THE CHARTER

THIS WILL ACKNOWLEDGE THE FILING OF THE ATTACHED DOCUMENT WITH AN EFFECTIVE DATE AS INDICATED ABOVE.

WHEN CORRESPONDING WITH THIS OFFICE OR SUBMITTING DOCUMENTS FOR FILING, PLEASE REFER TO THE CORPORATION CONTROL NUMBER GIVEN ABOVE.

PLEASE BE ADVISED THAT THIS DOCUMENT MUST ALSO BE FILED IN THE OFFICE OF THE REGISTER OF DEEDS IN THE COUNTY WHEREIN A CORPORATION HAS ITS PRINCIPAL OFFICE IF SUCH PRINCIPAL OFFICE IS IN TENNESSEE.

FOR: ARTICLES OF AMENDMENT TO THE CHARTER

ON DATE: 10/21/08

FROM:
PSYCHOLOGICAL STUDIES INSTITUTE/1815 MCC
1815 MCCALLIE AVE

	RECEIVED:	FEES	
		\$20.00	\$0.00
	TOTAL PAYMENT RECEIVED:		\$20.00

CHATTANOOGA, TN 37404-0000

RECEIPT NUMBER: 00004489119
ACCOUNT NUMBER: 00376545



SS-4458

Riley C. Darnell

RILEY C. DARNELL
SECRETARY OF STATE

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: Cumberland Community Church, Inc.
(Titleholder's name, printed)

Address: 3110 Sports ave, S.E., Smyrna, Ga 30080

Business Phone: 770-952-9829 Cell Phone: _____ Home Phone: _____

E-mail Address: _____

Signature of Titleholder:  Administrative Pastor
(Attach additional signatures, if needed)
D. Herb Zabel

(To be completed by City)

Received: _____

Heard by P&Z Board: _____

P&Z Recommendation: _____

Advertised: _____

Posted: _____

Approved/Denied: _____



Real Estate

[View Bill](#)

[View bill image](#)

As of	1/25/2019
Bill Year	2018
Bill	13298
Owner	PSYCHOLOGICAL STUDIES INSTITUTE INC
Parcel ID	17084600110

[View payments/adjustments](#)

Installment	Pay By	Amount	Payments/Credits	Balance	Interest	Due
1	11/15/2018	\$2,012.50	\$2,012.50	\$0.00	\$0.00	\$0.00
TOTAL		\$2,012.50	\$2,012.50	\$0.00	\$0.00	\$0.00



Printed: 1/25/2019

Cobb County Online Tax Receipt

Thank you for your payment!

CARLA JACKSON TAX COMMISSIONER
HEATHER WALKER CHIEF DEPUTY
Phone: 770-528-8600
Fax: 770-528-8679

Payer:
RICHMONT GRADUATE UNIVERSITY

**PSYCHOLOGICAL STUDIES INSTITUTE
INC**

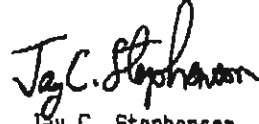
Payment Date: 10/9/2018

Tax Year	Parcel ID	Due Date	Appeal Amount	Taxes Due
2018	17084600110	10/15/2018	Pay: N/A or	\$0.00

Interest	Penalty	Fees	Total Due	Amount Paid	Balance
\$0.00	\$0.00	\$0.00	\$0.00	\$6,153.91	\$0.00



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



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

After Recording Return to:
Henry Henegar
Psychological Studies Institute
1815 McCallie Avenue
Chattanooga, TN 37404

RF
5/18

DEED OF GIFT

STATE OF GEORGIA,
COUNTY OF COBB

THIS INDENTURE, made this 18th day of October, in the Year of our Lord Two Thousand Two between **LPC HOLDINGS, LLLP**, a Georgia limited liability limited partnership of the State of Georgia and County of Cobb, party of the first part, and **PSYCHOLOGICAL STUDIES INSTITUTE, INC.**, a Tennessee non-profit corporation, party of the second part,

WITNESSETH: That the said party of the first part, for and as a completed gift to party of the second part, the receipt of which is hereby acknowledged, has granted, bargained, sold and conveyed, and by these presents does grant, bargain, sell and convey unto the said party of the second part, its successors and assigns, ALL THAT TRACT OR PARCEL OF LAND lying and being in Land Lot 846, 17th District, 2nd Section, Cobb County, Georgia and being more particularly described on Exhibit "A" attached hereto and incorporated herein by reference, together with all buildings and other improvements located thereon, and together with all fixtures, rights, members, easements, minerals, flowers, shrubs, crops, trees, timber, emblements, tenements, hereditaments, reversions, remainders, rents, issues, profits, leases, condemnation awards and payments, and appurtenances in any manner appertaining or belonging to said property and free and clear of all liens and encumbrances except those set forth on Exhibit "B" which is attached hereto and incorporated by reference herein.

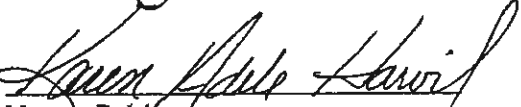
TO HAVE AND TO HOLD the said tract or parcel of land, with all and singular the rights, members and appurtenances thereof, to the same being, belonging, or in any wise appertaining, to the only proper use, benefit and behoof of the said party of the second part, its successors and assigns, forever, in Fee Simple, so that neither the said party of the first part, nor any other person or persons claiming under said party of the first part shall at any time, claim or demand any right, title or interest to the aforesaid described premises or its appurtenances.

IN WITNESS WHEREOF, the said party of the first part has hereunto caused this deed to be executed under seal by its duly authorized officers, the day and year first above written.

Signed, sealed and delivered
in the presence of:



Witness



Notary Public

Notary Public, Cobb County, Georgia
My Commission Expires April 10, 2008



LPC HOLDINGS, LLLP, a Georgia limited liability limited partnership

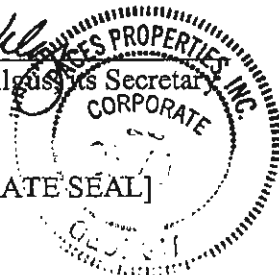
BY: PACES HOLDINGS, LLC, a Georgia limited liability company, its sole general partner

BY: PACES PROPERTIES, INC., a Georgia corporation, its Manager

BY: 

W. Michael Hammer, its President

ATTEST 
Paul C. Wilgus, its Secretary



[CORPORATE SEAL]

EXHIBIT A
(Legal Description)

TRACT E:

All of that tract or parcel of land lying and being in Land Lots 846, 17th District, 2nd Section Cobb County, Georgia containing 2.454 acres (106910 sq. ft.) and being more particularly described as follows:

Beginning at the intersection of the easternmost right of way line of Sports Avenue (50' right-of-way) with the southernmost right of way line of Spring Road, thence running along the easternmost right of way of Sports Avenue South 15°04'53" West a distance of 187.85' to a point; thence continuing along the easternmost right of way of Sports Avenue South 08°06'44" West a distance of 80.08' to a ½" rebar placed; thence continuing along said easternmost right of way of Sports Avenue and a curve to the right having a radius of 330.00 feet and an arc distance of 13.67 feet and being subtended by a chord bearing South 00°02'38" East a distance of 13.67 feet to a ½" rebar placed; thence continuing along said easternmost right of way of Sports Avenue South 01°13'50" East a distance of 50.00 feet to a ½" rebar placed; thence continuing along said easternmost right of way of Sports Avenue South 88°46'10" West a distance of 5.00 feet to a ½" rebar placed; thence continuing along said easternmost right of way of Sports Avenue South 01°13'50" East a distance of 384.88 feet to a ½" rebar placed; thence along the easternmost right of way of Sports Avenue and a curve to the left having a radius of 64.00 feet and an arc distance of 50.26 feet and being subtended by a chord bearing South 21°16'10" West a distance of 48.98 feet to a ½" rebar placed; thence along the easternmost right of way of Sports Avenue and a curve to the left having a radius of 64.00 feet and an arc distance of 100.53 feet and being subtended by a chord bearing South 88°46'10" West a distance of 90.51 feet to a ½" rebar placed and the TRUE POINT OF BEGINNING; thence South 43°46'10" West a distance of 26.29 feet to a ½" rebar placed; thence South 88°55'10" West a distance of 355.80 feet to a ½" rebar found; thence North 00°41'27" West a distance of 238.35 feet to a ½" rebar found; thence North 89°00'47" East a distance of 22.54 feet to a ½" rebar found; thence North 00°50'49" West a distance of 32.06 feet to a ½" rebar found; thence North 89°15'15" East a distance of 408.66 feet to a ½" rebar found on the westernmost right of way of Sports Avenue; thence South 01°13'50" East a distance of 115.61 feet to a ½" rebar placed; thence along the westernmost right of way of Sports Avenue and a curve to the left having a radius of 25.00 feet and an arc distance of 36.17 feet and being subtended by a chord bearing South 40°13'11" West a distance of 33.10 feet to a ½" rebar placed; thence along the easternmost right of way of Sports Avenue and a curve to the right having a radius of 64.00 feet and an arc distance of 142.88 feet and being subtended by a chord bearing South 17°43'12" West a distance of 115.00 feet to a ½" rebar placed and the TRUE POINT OF BEGINNING, said tract being shown on that Survey for Cumberland Community Church, Inc., Psychological Studies Institute, Inc., LPC Holdings, LLLP, Marshall & Ilsley Trust Company National Association and M. F. Hron, as Trustees and Chicago Title Insurance Company, prepared by Chester M. Smith, Jr., Georgia Registered Land Surveyor No. 1445, of Metro Engineering and Surveying Co., Inc., dated August 14, 2002, last revised September 20, 2002 being the same property shown as Tract E on that certain Exemption Plat for Springland, Ltd., prepared by G.M Gillespie, Georgia Registered Land Surveyor No. 2121 of Watts & Browning Engineers, Inc., dated May 28, 1991, last revised January 7, 1993, last filed January 15, 1993, recorded in Plat Book 142, page 43, Cobb County, Georgia records.

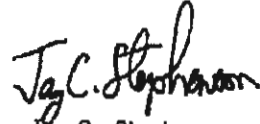
EXHIBIT B
PERMITTED EXCEPTIONS

1. Taxes and assessments for the year 2003 and subsequent years.
2. Easement from S. W. Power to Georgia Railway and Power Company, dated October 22, 1912, filed November 19, 1912, recorded in **Deed Book PP, page 490**, Cobb County, Georgia records.
3. Easement from Mrs. W. D. Deaton to Georgia Power Company, dated March 14, 1956, filed April 24, 1956, recorded in **Deed Book 356, page 46**, aforesaid records.
4. Right-of-Way Easement from Mrs. Alice I. Deaton to Colonial Pipeline Company, dated June 23, 1962, filed December 7, 1962, recorded in **Deed Book 675, page 660**, aforesaid records; as affected by that certain QuitClaim Deed of Partial Release from Colonial Pipeline Company, a Delaware corporation, to Tadpole Holdings, LLC, a Georgia limited liability company, dated August 10, 1995, filed August 11, 1995, recorded in **Deed Book 9033, page 77**, aforesaid records.
5. Easement from Mrs. W. D. Deaton to Cobb County, dated July 25, 1962, filed January 7, 1963, recorded in **Deed Book 681, page 93**, aforesaid records.
6. Easement from Mrs. Alice I. Deaton to Georgia Power Company, dated October 10, 1966, filed November 28, 1966, recorded in **Deed Book 947, page 338**, aforesaid records.
7. Easement from Mrs. Alice I. Deaton to Georgia Power Company, dated October 10, 1966, filed November 28, 1966, recorded in **Deed Book 948, page 520**, aforesaid records.
13. Encroachment Agreement between Springland, Ltd. and Georgia Power Company, dated October 8, 1990, filed January 11, 1991, recorded in **Deed Book 5982, page 381**, aforesaid records.
14. Right-of-Way Deed from Springland, Ltd., a Georgia limited partnership, to Cobb County, dated April 15, 1991, filed April 22, 1991, recorded in **Deed Book 6082, page 353**, aforesaid records.
15. Declaration of Easements by Springland, Ltd., a Georgia limited partnership whose sole general partner is Hiram S. Cochran, dated October 28, 1991, filed October 29, 1991, recorded in **Deed Book 6322, page 445**, aforesaid records.
16. Reciprocal Easement and Operation Agreement between Springland, Ltd., a Georgia limited partnership, and Chicago Sports Bar, Inc., a Georgia corporation, dated as of

January 29, 1993, filed February 1, 1993, recorded in **Deed Book 7126, page 157**, aforesaid records; as amended by that First Amendment to Reciprocal Easement and Operation Agreement by and between Springland, Ltd., a Georgia limited partnership, and Perry Tratten, as authorized agent to The Individual Owners of "the CSB Parcel" and to the extent of any ownership interest of Tratten in said property, dated as of December 8, 1995, filed January 24, 1996, recorded in **Deed Book 9372, page 493**, aforesaid records.

17. Tri-Party Agreement by and among Tadpole Holdings, LLC, a Georgia limited liability company, Perry Tratten, as authorized agent for The Individual Owners of "Parcel F" and to the extent of any ownership interest of Tratten in said property and Springland, Ltd., a Georgia limited partnership, dated August 10, 1995, filed October 2, 1995, recorded in **Deed Book 9145, page 431**, aforesaid records.
18. All matters disclosed on that Exemption Plat for Springland, Ltd., recorded in **Plat Book 142, page 43**, aforesaid records.
19. All matters disclosed on that certain Survey for Cumberland Community Church, Inc., Psychological Studies Institute, Inc., LPC Holdings, LLLP, Marshall & Ilsley Trust Company National Association and M. F. Hron, as Trustees and Chicago Title Insurance Company, prepared by Chester M. Smith, Jr., Georgia Registered Land Surveyor No. 1445, of Metro Engineering and Surveying Co., Inc., dated August 14, 2002, last revised September 20, 2002.

Deed Book 13613 Pg 1291
Jay C. Stephenson
Clerk of Superior Court Cobb Cty. Ga.



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

After Recording Return to:
Thomas K. Anderson, Esq.
Holt Ney Zatzoff & Wasserman, LLP
100 Galleria Parkway, Suite 600
Atlanta, GA 30339-5911

RR
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DEED OF GIFT

STATE OF GEORGIA,
COUNTY OF COBB

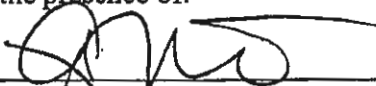
THIS INDENTURE, made this 18th day of October, in the Year of our Lord Two Thousand Two between **LPC HOLDINGS, LLLP**, a Georgia limited liability limited partnership of the State of Georgia and County of Cobb, party of the first part, and **CUMBERLAND COMMUNITY CHURCH, INC.**, a Georgia non-profit corporation of the State of Georgia and County of Cobb, party of the second part,

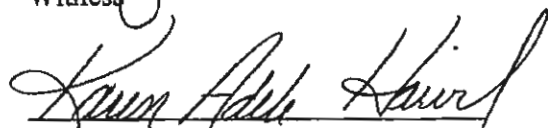
WITNESSETH: That the said party of the first part, for and as a completed gift to party of the second part, the receipt of which is hereby acknowledged, has granted, bargained, sold and conveyed, and by these presents does grant, bargain, sell and convey unto the said party of the second part, its successors and assigns, **ALL THAT TRACT OR PARCEL OF LAND** lying and being in Land Lot 846, 17th District, 2nd Section, Cobb County, Georgia and being more particularly described on Exhibit "A" attached hereto and incorporated herein by reference, together with all buildings and other improvements located thereon, and together with all fixtures, rights, members, easements, minerals, flowers, shrubs, crops, trees, timber, emblements, tenements, hereditaments, reversions, remainders, rents, issues, profits, leases, condemnation awards and payments, and appurtenances in any manner appertaining or belonging to said property and free and clear of all liens and encumbrances except those set forth on Exhibit "B" which is attached hereto and incorporated by reference herein.

TO HAVE AND TO HOLD the said tract or parcel of land, with all and singular the rights, members and appurtenances thereof, to the same being, belonging, or in any wise appertaining, to the only proper use, benefit and behoof of the said party of the second part, its successors and assigns, forever, in Fee Simple, so that neither the said party of the first part, nor any other person or persons claiming under said party of the first part shall at any time, claim or demand any right, title or interest to the aforesaid described premises or its appurtenances.

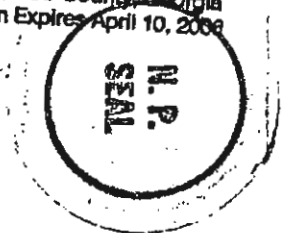
IN WITNESS WHEREOF, the said party of the first part has hereunto caused this deed to be executed under seal by its duly authorized officers, the day and year first above written.

Signed, sealed and delivered in the presence of:


Witness


Notary Public

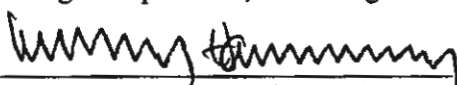
Notary Public, Cobb County, Georgia
My Commission Expires April 10, 2008



LPC HOLDINGS, LLLP, a Georgia limited liability limited partnership

BY: PACES HOLDINGS, LLC, a Georgia limited liability company, its sole general partner

BY: PACES PROPERTIES, INC., a Georgia corporation, its Manager

BY: 
W. Michael Hammer, its President

ATTEST: 
Paul C. Wilgus

Paul C. Wilgus



[CORPORATE SEAL]

EXHIBIT A
(Legal Description)

TRACT D:

All that tract or parcel of land lying and being in Land Lot 846, 17th District, 2nd Section Cobb County, Georgia containing 2.594 acres (112,974 sq. ft.) and being more particularly described as follows:

BEGINNING at the intersection of the easternmost right-of-way line of Sports Avenue (50' right-of-way) with the southernmost right-of-way line of Spring Road, thence running along the easternmost right-of-way of Sports Avenue South 15°04'53" West a distance of 187.85 feet to a point; thence continuing along the easternmost right-of-way of Sports Avenue South 08°06'44" West a distance of 80.08 feet to a ½" rebar placed and the TRUE POINT OF BEGINNING; thence running North 88°46'10" East a distance of 214.72 feet to a ½" rebar found; thence running South 01°13'50" East a distance of 513.24 feet to ½" rebar found; thence running South 88°54'33" West a distance of 219.84 feet to a ½" rebar placed; thence running North 46°13'50" West a distance of 26.73 feet to a ½" rebar placed on the easternmost right-of-way of Sports Avenue; thence running along the easternmost right-of-way of Sports Avenue and a curve to the right having a radius of 64.00 feet and an arc distance of 50.26 feet and being subtended by a chord bearing North 21°16'10" East a distance of 48.98 feet to a ½" rebar placed; thence continuing along said easternmost right-of-way of Sports Avenue North 01°13'50" West a distance of 384.88 feet to a ½" rebar placed; thence continuing along said easternmost right-of-way of Sports Avenue North 88°46'10" East a distance of 5.00 feet to a ½" rebar placed; thence continuing along said easternmost right-of-way of Sports Avenue North 01°13'50" West a distance of 50.00 feet to a ½" rebar placed; thence continuing along said easternmost right-of-way of Sports Avenue and a curve to the left having a radius of 330.00 feet and an arc distance of 13.67 feet and being subtended by a chord bearing North 00°02'38" West, a distance of 13.67 feet to a ½" rebar placed and the TRUE POINT OF BEGINNING; said tract being shown on that Survey for Cumberland Community Church, Inc., Psychological Studies Institute, Inc., LPC Holdings, LLLP, Marshall & Ilsley Trust Company National Association and M. F. Hron, as Trustees and Chicago Title Insurance Company, prepared by Chester M. Smith, Jr., Georgia Registered Land Surveyor No. 1445, of Metro Engineering and Surveying Co., Inc., dated August 14, 2002, last revised September 20, 2002 being the same property shown as Tract D on that certain Exemption Plat for Springland, Ltd., prepared by G.M Gillespie, Georgia Registered Land Surveyor No. 2121 of Watts & Browning Engineers, Inc., dated May 28, 1991, last revised January 7, 1993, last filed January 15, 1993, recorded in **Plat Book 142, page 43**, Cobb County, Georgia records.

EXHIBIT A

(page 2 of 2)

TOGETHER WITH any and all easements (the "Appurtenant Easements") which benefit the property as contained in the following:

1. Declaration of Easements by Springland, Ltd., a Georgia limited partnership whose sole general partner is Hiram S. Cochran, dated October 28, 1991, filed October 29, 1991, recorded in **Deed Book 6322, page 445**, aforesaid records.

2. Reciprocal Easement and Operation Agreement between Springland, Ltd., a Georgia limited partnership and Chicago Sports Bar, Inc., a Georgia corporation, dated as of January 29, 1993, filed February 1, 1993, recorded in **Deed Book 7126, page 157**, aforesaid records; as amended by that certain Tri-Party Agreement by and among Tadpole Holdings, LLC, a Georgia limited liability company; Perry Tratten, as authorized agent for The Individual Owners of "Parcel F" and to the extent of any ownership interest of Tratten in said property, and Springland, Ltd., a Georgia limited partnership, dated August 10, 1995, filed October 2, 1995, recorded in **Deed Book 9145, page 431**, aforesaid records; as amended by that First Amendment to Reciprocal Easement and Operation Agreement by and between Springland, Ltd., a Georgia limited partnership, and Perry Tratten, as authorized agent for The Individual Owners of "the CSB Parcel" and to the extent of any ownership interest of Tratten in said property, dated as of December 8, 1995, filed January 24, 1996, recorded in **Deed Book 9372, page 493**, aforesaid records; as affected by that certain ~~Mutual~~ Release Agreement between Cumberland Community Church, Inc. and LPC Holdings, LLLP, dated October 18, 2002, filed October 18, 2002, recorded in **Deed Book 13613, page 1272**, aforesaid records.

EXHIBIT B

PERMITTED EXCEPTIONS

1. Taxes and assessments for the year 2003 and subsequent years.
2. Easement from S. W. Power to Georgia Railway and Power Company, dated October 22, 1912, filed November 19, 1912, recorded in **Deed Book PP, page 490**, Cobb County, Georgia records.
3. Easement from Mrs. W. D. Deaton to Georgia Power Company, dated March 14, 1956, filed April 24, 1956, recorded in **Deed Book 356, page 46**, aforesaid records.
4. Right-of-Way Easement from Mrs. Alice I. Deaton to Colonial Pipeline Company, dated June 23, 1962, filed December 7, 1962, recorded in **Deed Book 675, page 660**, aforesaid records; as affected by that certain QuitClaim Deed of Partial Release from Colonial Pipeline Company, a Delaware corporation, to Tadpole Holdings, LLC, a Georgia limited liability company, dated August 10, 1995, filed August 11, 1995, recorded in **Deed Book 9033, page 77**, aforesaid records.
5. Easement from Mrs. W. D. Deaton to Cobb County, dated July 25, 1962, filed January 7, 1963, recorded in **Deed Book 681, page 93**, aforesaid records.
6. Easement from Mrs. Alice I. Deaton to Georgia Power Company, dated October 10, 1966, filed November 28, 1966, recorded in **Deed Book 947, page 338**, aforesaid records.
7. Easement from Mrs. Alice I. Deaton to Georgia Power Company, dated October 10, 1966, filed November 28, 1966, recorded in **Deed Book 948, page 520**, aforesaid records.
13. Encroachment Agreement between Springland, Ltd. and Georgia Power Company, dated October 8, 1990, filed January 11, 1991, recorded in **Deed Book 5982, page 381**, aforesaid records.
14. Right-of-Way Deed from Springland, Ltd., a Georgia limited partnership, to Cobb County, dated April 15, 1991, filed April 22, 1991, recorded in **Deed Book 6082, page 353**, aforesaid records.
15. Declaration of Easements by Springland, Ltd., a Georgia limited partnership whose sole general partner is Hiram S. Cochran, dated October 28, 1991, filed October 29, 1991, recorded in **Deed Book 6322, page 445**, aforesaid records.
16. Reciprocal Easement and Operation Agreement between Springland, Ltd., a Georgia limited partnership, and Chicago Sports Bar, Inc., a Georgia corporation, dated as of

January 29, 1993, filed February 1, 1993, recorded in **Deed Book 7126, page 157**, aforesaid records; as amended by that First Amendment to Reciprocal Easement and Operation Agreement by and between Springland, Ltd., a Georgia limited partnership, and Perry Tratten, as authorized agent to The Individual Owners of "the CSB Parcel" and to the extent of any ownership interest of Tratten in said property, dated as of December 8, 1995, filed January 24, 1996, recorded in **Deed Book 9372, page 493**, aforesaid records.

17. Tri-Party Agreement by and among Tadpole Holdings, LLC, a Georgia limited liability company, Perry Tratten, as authorized agent for The Individual Owners of "Parcel F" and to the extent of any ownership interest of Tratten in said property and Springland, Ltd., a Georgia limited partnership, dated August 10, 1995, filed October 2, 1995, recorded in **Deed Book 9145, page 431**, aforesaid records.
18. All matters disclosed on that Exemption Plat for Springland, Ltd., recorded in **Plat Book 142, page 43**, aforesaid records.
19. All matters disclosed on that certain Survey for Cumberland Community Church, Inc., Psychological Studies Institute, Inc., LPC Holdings, LLLP, Marshall & Ilsley Trust Company National Association and M. F. Hron, as Trustees and Chicago Title Insurance Company, prepared by Chester M. Smith, Jr., Georgia Registered Land Surveyor No. 1445, of Metro Engineering and Surveying Co., Inc., dated August 14, 2002, last revised September 20, 2002.

Deed Book 13613 Pg 1286
Jay C. Stephenson
Clerk of Superior Court Cobb Cty. Ga.

Legal Description

ALL THAT TRACT OR PARCEL OF LAND lying and being in Land Lots 845 & 846, 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 the Southerly Right of Way of Spring Road (R/W Varies) and the Easterly Right of Way of Sports Avenue (R/W Varies); thence leaving said intersection and following along the Easterly Right of Way of Sports Avenue 176.79 feet +/- to a point, said point being the TRUE POINT OF BEGINNING.

Thence leaving said Easterly Right of Way of Sports Avenue South 89 degrees 33 minutes 45 seconds East, a distance of 214.68 feet to a point; thence South 00 degrees 21 minutes 23 seconds West, a distance of 512.86 feet to a point; thence South 00 degrees 21 minutes 27 seconds West, a distance of 275.15 feet to a point on the Northern Right of Way of Louisville & Nashville Railroad (R/W Varies); thence following along the Northern Right of Way of Louisville & Nashville Railroad the following courses and distances: 528.31 feet along the arc of a curve to the left, said curve having a radius of 1403.52 feet and a chord bearing and distance of South 62 degrees 58 minutes 28 seconds West 525.20 feet to a point; thence South 52 degrees 11 degrees 16 seconds West, a distance of 310.15 feet to a point at the intersection of the Northern Right of Way of Louisville & Nashville Railroad and the Western line of Land Lot 845; thence leaving said Northern Right of Way of Louisville & Nashville Railroad and following along the Western line of Land Lots 845 & 846 North 00 degrees 53 minutes 09 seconds East, a distance of 709.91 feet to a point; Thence continuing along said Western Line of Land Lot 846 North 00 degrees 55 minutes 47 seconds East, a distance of 238.32 feet to a point; thence leaving said land lot line South 89 degrees 25 minutes 51 seconds East, a distance of 22.49 feet to a point; thence North 00 degrees 46 minutes 19 seconds East, a distance of 32.28 feet to a point; thence South 89 degrees 07 minutes 37 seconds East a distance of 408.73 feet to a point on the Westerly Right of Way of Sports Avenue; thence following along said Westerly Right of Way of Sports Avenue South 00 degrees 23 minutes 09 seconds West, a distance of 115.45 feet to a point; thence following along the Curved Mitered Right of Way of Sports Avenue 36.17 feet along the arc of a curve to the right, said curve having a radius of 25.00 feet and a chord bearing and distance of South 41 degrees 50 minutes 19 seconds West 33.10 feet to a point; thence following along the Cul-De-Sac Right of Way of Sports Avenue the following courses and distances: 142.87 feet along the arc of a curve to the left, said curve having a radius of 64.00 feet and a chord bearing and distance of South 19 degrees 20 minutes 20 seconds West 115.00 feet to a point; thence 100.53 feet along the arc of a curve to the left, said curve having a radius of 64.00 feet and a chord bearing and distance of South 89 degrees 39 minutes 36 seconds East 90.51 feet to a point; thence 50.26 feet along the arc of a curve to the left, said curve having a radius of 64.00 feet and a chord bearing and distance of North 22 degrees 51 minutes 23 seconds East 48.98 feet to a point on said Easterly Right of Way of Sports Avenue; thence following along said Easterly Right of Way of Sports Avenue the following courses: North 00 degrees 21 minutes 23 seconds East, a distance of 384.88 feet to a point; thence South 89 degrees 38 minutes 37 seconds East, a distance of 5.00 feet to a point; thence North 00 degrees 21 minutes 23 seconds West a distance of 50.00 feet to a point; thence 13.67 feet along the arc of a curve to the right, said curve having a radius of 330.00 feet and a chord bearing and distance of North 01 degrees 32 minutes 35 seconds East 13.67 feet to a point, said point being the True Point of Beginning.

Said Tract or Parcel contains 12.495 Acres more or less.



Front Elevation

20' Townhomes

Residential Design by:
Main Street Designs of Georgia, LLC
3050 Royal Blvd. South, Suite 135
Alpharetta, GA 30022
404.480.3881

3110 Sports Avenue
City of Smyrna
January 30, 2019

LENNAR®
Lennar
1000 Holcomb Woods Parkway, Building 200
Roswell, GA 30076



Left Elevation



Rear Elevation

20' Townhomes

Residential Design by:
Main Street Designs of Georgia, LLC
3050 Royal Blvd. South, Suite 135
Alpharetta, GA 30022
404.480.3881



3110 Sports Avenue
City of Smyrna
January 30, 2019

LENNAR
Lennar
1000 Holcomb Woods Parkway, Building 200
Roswell GA 30076



Front Elevation

24' Townhomes

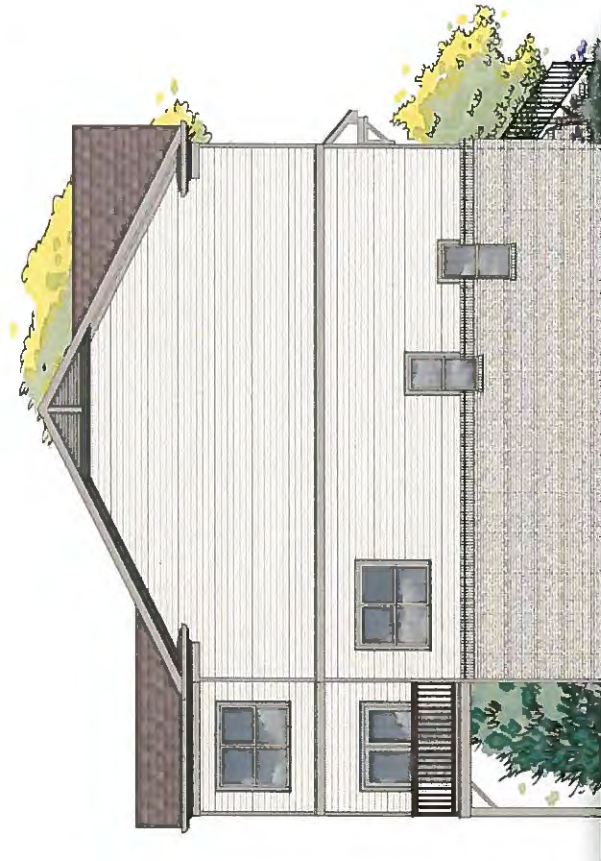
Residential Design by:
Main Street Designs of Georgia, LLC
3050 Royal Blvd. South, Suite 135
Alpharetta, GA 30022
404.480-3881



3110 Sports Avenue

City of Smyrna
January 30, 2019

LENNAR
Lennar
1000 Holcomb Woods Parkway, Building 200
Roswell GA 30076



Left Elevation



Rear Elevation

24' Townhomes

3110 Sports Avenue
 City of Smyrna
 January 30, 2019

Residential Design by:
Main Street Designs of Georgia, LLC
 3050 Royal Blvd. South, Suite 135
 Alpharetta, GA 30022
 404-480-3481



LENNAR
 Lennar
 1000 Holcomb Woods Parkway, Building 200
 Roswell GA 30076



Water Sewer Availability

The City of Smyrna has determined the sanitary sewer system associated with 3110 Sports Avenue. (parcels 17084600030, 17084600100 & 17084600110) is a private system and the City does not own, operate, or maintain any sanitary sewer facilities on the property.

The City of Smyrna maintained water main is located within the right-of-way (ROW) of Spring Road and Sports Avenue.

Prior to the issuance of any land disturbance or building permits, the owner/developer will provide the following information to the City:

- Written verification that the development has the legal right to use, maintain and discharge into the sewer main from their site through the adjacent apartment community, under the R/R, through the apartment community on the south side of the R/R until it discharges into the Cobb County Sewer system.
- A written report from a credential professional; that the sewer main(s) stated above has been inspected and has no defects to preclude the conveyance of the anticipated sanitary sewer load from this new development and the sewer main(S) stated above is of sufficient size and capacity to handle this additional sewer load.
- A written document describing the repair and maintenance responsible party for such line.
- A plan signed and sealed by a professional engineer registered in the state of Georgia showing the locations, elevations, materials and construction specifications for any proposed assertions, connections or revisions to the existing private system.

Any ongoing maintenance for the system will be the responsibility of the property owner(s).

A handwritten signature in black ink, appearing to read "Ernest Frank Martin".

Ernest Frank Martin
Director Public Works, WWCO/WDO

Mayor - A. Max Bacon

City Council: Ward 1 - Derek Norton & Mayor Pro Tem / Ward 2 - Andrea Blustein / Ward 3 - Maryline Blackburn /
Ward 4 - Charles (Corky) Welch / Ward 5 - Susan Wilkinson / Ward 6 - Tim Gould / Ward 7 - Ron Fennel
City Administrator - Tammi Saddler Jones / City Clerk - Terri Graham / City Attorney - Scott Cochran

CONSOLIDATED IMPACT STATEMENT

APPLICATION OF LENNAR HOMES TO REZONE AN APPROXIMATE 12.495 ACRE TRACT FROM GC TO RM-12; LAND LOTS 845 & 846 OF THE 17TH DISTRICT, 2ND SECTION, CITY OF SMYRNA, COBB COUNTY, GEORGIA

INTRODUCTION

Lennar Homes proposes to Rezone an approximate 12.495 Acre Tract of land (“Subject Property”) to allow for the construction and development of 108 Townhomes at a maximum density of 8.64 units per acre.

The Subject Property, is located within the City Limits of Smyrna, and has direct access to Spring Road via Sports Avenue. The Subject Property is located within the confines of the Cumberland – Galleria Regional Activity Center (“RAC”) and within sub-designations under the Future Land Use Map (“FLUM”) denominated for the type of residential uses proposed by Lennar Homes. To make way for Lennar Homes’ proposed development, the buildings located on the Subject Property will be demolished in their entirety.

Lennar Homes’ proposal is largely attributable to the surge of redevelopment within this sub-area of the City of Smyrna, and as a result of recent development, including the Braves’ SunTrust Park and The Battery, a nearby mixed-use development which includes approximately 3 million square feet of various office, residential, commercial and recreational oriented uses.

This Application for Rezoning presents a significant shift in the use of the property in terms of its appropriateness and is consistent with the City's LCI Study & Master Plan which was adopted by the City of Smyrna in April 2017 ("LCI"). Lennar Homes' proposal is dynamic when viewed in concert with the character of the area which will continue to be established with the ability to target certain market demographics and in order to provide "rooftops" to accommodate the existing and planned development within this sub-area. Lennar Homes' proposal is also in keeping with the City's Comprehensive Plan for the area; its LCI; and, allows for the revitalization of the Subject Property which has aging institutional space in order to precipitate additional development and redevelopment within the City and provides a strategic inclusion within the LCI Study boundaries with the construction of quality, high-end, nationally branded Townhomes.

Lennar Homes' proposal will also enhance standards and aesthetics in this general neighborhood based upon the stipulations and conditions of zoning which will be self-imposed by Lennar Homes and/or added by the City of Smyrna in terms of architecture as evidenced by the architectural renderings/elevations and site plan which are submitted concurrently herewith. Additionally, the proposed Rezoning will constitute an event which will encourage appropriate LCI-driven development within this Key Development Node and Character Area as shown within the LCI.

This Consolidated Impact Statement is being submitted contemporaneously with Lennar Homes' Application for Rezoning along with architectural renderings/elevations depicting the architectural style and composition of the proposed Townhome Community. The Application will be heard and considered by the City's professional staff; the Smyrna Planning Commission; and, thereafter, heard and considered for final action by the Mayor and City Council according to the timeframe dictated by provisions of the Community Development Department.

TRAFFIC IMPACT ANALYSIS

While Sports Avenue is not a well-studied traffic corridor, Spring Road and rights-of-way feeding into Spring Road are corridors which have been fully scrutinized and are either denominated as Arterials or Major Collectors. The Subject Property is solely served by Spring Road via Sports Avenue with ultimate access to Cumberland Boulevard, Cobb Parkway and other major rights-of-way and Transit Corridors. Once the Application for Rezoning is approved, the access onto Spring Road via Sports Avenue will meet sight distance requirements and distancing/positioning from nearby crossroads and signalized intersections.

The proposed development, in terms of the road network mentioned above, is anticipated to meet acceptable Levels of Service ("LOS"). In fact, in a previously submitted Traffic Impact Study (A&R Engineering), regarding a previously proposed mixed-use development, it was concluded that the infrastructure in place was satisfactory under that proposal which proposed three (3) time the residential traffic and traffic from commercial uses. The mixture of commercial, office, high-density residential and retail uses in and along both Spring Road and the Arterials feeding into Spring Road, provide a

variety of uses, which, taking into consideration a five percent (5%) increase in traffic volume each year, should have minimal impact upon the City's and Cobb County's current and planned infrastructure with respect to road and operational improvements. Most of the improvements to Spring Road and its adjacent intersections having been undertaken and completed within the past two years.

Taking into account existing 2019 peak hour traffic volumes and increasing those at five percent (5%) for 2 years to account for background growth and traffic within this sub-area of the City, the affected intersections, particularly focusing on the intersections of Spring Road, Cumberland Boulevard and Cobb Parkway, will maintain satisfactory LOS in both a.m. and p.m. peak traffic hours.

Assuming the Application for Rezoning for the Subject Property is approved; in order to allow for the proposed construction and development as mentioned above; and, based upon the Institute of Transportation Engineers ("ITE") Trip Generation Manual, the trips generated by this proposed Townhome Community, based upon a full build-out (in 2021) will not impair LOS conditions during a.m. and p.m. peak traffic hours. This LOS analysis is used to describe the operating characteristics of these segments of Spring Road at its respective junctures with Sports Avenue, Cumberland Boulevard and Cobb Parkway in relation to capacity and is defined as a qualitative measure which describes operational conditions and motorists' perceptions, as well as those of the travelling public.

The Highway Capacity Manual defines six levels of service ranging from A through F, with “A” being the best and with “F” being the worst. For a more detailed analysis in terms of specific LOS analyzes regarding the Subject Property, this analysis may be supplemented under separate cover with traffic generation figures in a “build” and a “no-build” scenario.

The recommendations and conclusions of this analysis are that Lennar Homes will ensure that there is sufficient pedestrian connectivity and vehicular accessibility from Sports Avenue to Spring Road to the extent that such additional operational improvements may be required, such as the restoration or the installation of sidewalk, curb and gutter on Sports Avenue where same may be deficient or where same may be impaired during the construction and build-out process.

WATER & SEWER ANALYSIS

Water service for the Subject Property is provided by the City of Smyrna and located within the right-of-way of Spring Road. Whereas, sewage or waste water flow from the site consists of a private facility which currently has sufficient capacity. Of course, permit issuances are subject to EPD discharge requirements.

Because the City of Smyrna will continue to own and maintain water facilities within the public rights-of-way and public easements there will be no infrastructure loss or problems incurred in the development and re-development of the Subject Property for the purposes sought.

Pursuant to City of Smyrna regulations, water taps are the responsibility of Lennar Homes, including elevations. Although not anticipated under the proposed circumstances with respect to the availability and accessibility of water, Lennar Homes may be required to conduct a Fire Flow test which will be submitted during the Plan Review Process. In that regard, although same is not anticipated, there may be requirements to install/upgrade water mains based upon the Fire Flow test results and/or based upon Fire Marshall directives.

Concerning the availability and accessibility of sewer, it appears that private line capacities are available and that no additional off-site easements will be required. Additionally, Lennar Homes will be responsible for connecting to the existing water and sewer systems; installing and/or upgrading outfalls and water mains; obtaining on-site and/or off-site easements; and, responsible for the dedication of on-site and/or off-site water and sewer easements. Prior to the issuance of any land disturbance or building permits, the owner/developer will meet the requirements of the Public Works Director, Frank Martin, as contained in his Water Sewer Availability letter, which is being submitted concurrently herewith as an attachment to Lennar Homes' Rezoning Application.

It is understood that the approval of Lennar Homes' Application for Rezoning does not guarantee water or sewer availability or capacity beyond the extent stated above and that all permit issuances are subject to EPD discharge requirements relative to the private sanitary sewer system which is located on site.


SCHOOL IMPACT ANALYSIS

Lennar Home's Application for Rezoning will encourage the type of demographics within this sub-area of the City of Smyrna which will have little impact upon the Cobb County School District. More specifically, the target market demographic for this Townhome Community will be white collar professionals and/or double-income millennials and upwardly mobile executives with nominal impact upon the school system which consists currently of Argyle Elementary School, Campbell Middle School and Campbell High School.

The core facilities such as school media centers, athletic facilities, cafeterias and other components of the School District (which presently does not utilize long-range planning protocols) will not be burdened and will, in fact, benefit from the higher-end nature of Townhomes which will be constructed on the Subject Property.

Respectfully submitted, this the 7 day of February, 2019.

SAMS, LARKIN, HUFF & BALLI, LLP

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

TO THE MAYOR AND CITY COUNCIL

CITY OF SMYRNA, GEORGIA

CONSTITUTIONAL CHALLENGE

COMES NOW, LENNAR HOMES, 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 General Commercial ("GC"), as established by the governing authority of the City of Smyrna, Georgia to the zoning category of RM-12 for the purposes of 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 7 day of Feb, 2019.

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