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SAMS, LARKIN & HUFF

A LIMITED LIABILITY PARTNERSHIP
SUITE 100

376 POWDER SPRINGS STREET
MARIETTA, GEORGIA 30064-3448

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TELEPHONE
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March 18, 2022

**(LETTER OF AGREEABLE STIPULATIONS/CONDITIONS, REVISED SITE PLAN,
FIRE PROTECTION PLAN & ARCHITECTURAL RENDERINGS)**

VIA EMAIL

Mr. Rusty Martin, AICP, Director
Community Development Department
City of Smyrna
3180 Atlanta Road
Smyrna, GA 30080

Re: Application for Rezoning of Mogar Farms Funding, LLC to Rezone a 3.115 Acre Tract from GC and OI to TS (No. Z22-005)

Dear Rusty:

You will recall that this firm represents Mogar Farms Funding, LLC (“Mogar”) concerning the above-captioned Rezoning Application. The Application is scheduled to be heard and considered by the City of Smyrna Planning Commission on April 11, 2022 and, thereafter, is scheduled to be heard and considered for final action by the City of Smyrna Mayor and City Council on May 16, 2022.

This Application was submitted to the City on February 11, 2022. Since that time and as a consequence of the dialogue we have established with Members of the City’s professional staff, area business owners and other area property owners, this letter will serve as Mogar’s comprehensive letter of agreeable stipulations/conditions.

In furtherance thereof, Mogar presently proposes to retrofit and rehab the existing Holiday Inn Express and to construct a new seven-story hotel; under Marriott’s “flags” as Courtyard and Towne Place Suites, respectively. The proposed seven-story hotel will accommodate approximately one-hundred seven (107) rooms and the existing Holiday Inn Express which will be converted and repurposed to one-hundred thirty-five (135) rooms/keys.

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The Subject Property which is zoned GC and OI does not have a fully economically reasonable use considering the context of current market conditions and in light of the halo effect of the development of the Braves Truist Park and The Battery which have precipitated dramatic changes in developmental patterns and circumstances within this sub-area of the City. Mogar's 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. Additionally, the Subject Property is further defined as being within a key development node identified as "The South Spring" area.

This Application for Rezoning for the purposes of both the newly-constructed and newly-renovated/repurposed hotels will accentuate Mogar's ability to target demographics of the travelling and corporate public and will add to the revitalization of properties with aging commercial and office space in order to precipitate quality high-end redevelopment within the City and to provide for top of the line, nationally-branded uses.

In that regard, this letter will serve as Mogar's agreement to the following stipulations which shall become conditions and a part of the grant of the requested Rezoning and which shall be binding upon the Subject Property thereafter. The referenced stipulations are as follows, to wit:

1. The stipulations and conditions set forth herein shall replace and supersede in full any and all prior stipulations and conditions in whatsoever form which are currently in place concerning the property which constitutes the subject matter of the above-captioned Application for Rezoning.
2. Mogar seeks to rezone the Subject Property to allow for the construction of a new seven-story, 107 room hotel and the rehabbing and retrofitting of the existing Holiday Inn Express for 135 rooms/"keys" in substantial conformity to the Revised Site Plan which is being submitted concurrently herewith and which also depicts the connectivity of the two (2) hotels.
3. The Subject Property consists of an approximate 3.115 acre tract of land which shall be developed as described above with ancillary and permitted uses which may also be allowed under the Tourist Services ("TS") zoning district.

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4. The Applicant, which is also the Property Owner, shall be the Master Developer and will be involved in all aspects of the development including, but not limited to, the ownership, management and day-to-day operations of the hotels as it has done with other hotels it owns, operates and manages within the United States, including the City of Smyrna and others within the Metropolitan Atlanta Area.
5. The submission of a Landscape Plan during the Plan Review Process subject to review and approval by the City's Arborist. The previous Tree Preservation Plan is being submitted concurrently herewith.
6. Mogar agrees to construct all of the necessary driveways and infrastructure improvements as more particularly shown and reflected on the Revised Site Plan. Additionally, Mogar agrees to comply in all respects with the City's specifications concerning site interior infrastructure and agrees to the following:
 - a. Locating the dumpster(s) in order to eliminate conflicting and potentially problematic turning/back-up movements by public sanitation vehicles.
 - b. The dumpster will be positioned in order to prevent visual intrusion from streets and adjacent properties by way of screening by landscaping, walls and/or vegetation. The dumpsters shall have rubber lids and bumpers to minimize noise during emptying. At-grade trash compaction shall also be allowed and screened as appropriate.
 - c. The installation of curb and gutter along Spring Hill Parkway which eliminates the ditch presently along the Subject Property's frontage thereon.
7. Entrance signage shall be ground-based, monument-style signage within finish, materials and colors being in substantial conformity to the architectural style and composition embodied within the renderings submitted concurrently herewith.

There shall be no temporary signs excepting only "Grand Opening" signage and signage indicating the coming hotel(s) development. Free-standing signs and other signage such as building-attached, vertical marquee signage shall be permitted in accordance with the terms and provisions of the City of Smyrna Sign Ordinance.

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8. The primary entrance to the hotels shall be professionally designed, landscaped, maintained and themed to the architectural style and composition of the development
9. Architecture for the strategically-connected hotels shall be in substantial conformity to the specific architectural renderings/elevations and floor-plans which are being submitted concurrently herewith.
10. Lighting within the hotel properties shall be environmentally sensitive, decorative and themed to the architectural style and composition of the hotels. There shall be shielded security lighting and automatic cut-off components.

Mogar agrees to install and construct site lighting pursuant to a Site Lighting/Photometric Plan which shall be submitted to the City Staff for review and approval during the Plan Review Process.

11. All set-back areas may be penetrated for purposes of detention, utilities and stormwater management as well as life-safety/fire prevention components or any other encroachments which are necessary in order to satisfy the City of Smyrna requirements. To further emphasis this statement, a Fire Protection Plan, dated March 1, 2022, is being submitted concurrently herewith.
12. Compliance with the City of Smyrna Developmental Standards and Ordinances related to project improvements, except as hereinafter approved by the Mayor and City Council and the Community Development Director as a respective authority may allow.
13. Parking for the hotels shall be by way of surface parking as shown on the Revised Site Plan. In light of empirical evidence which Mogar has with respect to other hotels which it has built, owns and is presently operating, the following components obviate the necessity for specific compliance with parking ratio requirements, as follows:
 - a. The hotels will provide a regularly scheduled shuttle service to Truist Park, The Battery, Cumberland Mall, The Galleria and other featured destinations within this Regional Activity Center unless market conditions later dictate otherwise.
 - b. An agreement to submit a Reciprocal Parking Easement Agreement between the hotel sites which, as mentioned above, are owned and operated by Mogar.

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- c. Prevalent utilization of Uber/Lyft shared transportation/traffic concepts and shared corporate travel to and from other destinations including other hotels within this area.
 - d. Utilization of the Cumberland Area Circulator Route.
- 14. Prior to the issuance of Building Permits, the City Staff shall review and approve all architecture which shall be in substantial conformity to the architecture depicted in the architectural renderings/elevations herewith.
- 15. Compliance with recommendations from the City Fire Marshal including, but not necessarily limited to:
 - a. Providing a turning model for fire apparatus vehicle access both into and out of the Subject Property.
 - b. The buildings shall have a sprinklers and fire suppression systems installed therein.
 - c. Compliance with International Fire Code (“IFC”) No. 510 regarding required emergency radio communications.
- 16. Compliance with recommendations from the City Engineer with respect to detention, hydrology, water quality and downstream considerations including, but not necessarily limited to:
 - a. Providing a Conceptual Hydrology Study to the City Engineer prior to the public hearing before the Mayor and City Council.
 - b. An agreement to follow the recommendations from the City Engineer with respect to ensuring that detention and water quality components shall be placed within and under the surface of the Subject Property in a vault which has appropriate access to it.
- 17. Minor modifications the within and foregoing stipulations/conditions, lighting, landscaping, signage, architecture, site fixtures and the like may be approved by the City’s Community Development Director and/or his designee as needed or necessary.

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Mogar's Application is in conformity with the policy and intent of the City of Smyrna, its Comprehensive Land Use Plan, the dictates of the Future Land Use Map, and meets the intent of the City's LCI Study which renders the proposal appropriate from a land use planning perspective.

Please do not hesitate to contact me should you, the City's Staff, Planning Commission Members, Mayor or City Council require any further information or documentation prior to the formulation of your Zoning Analysis and Staff Recommendations. With kind regards, I am

Very truly yours,

SAMS, LARKIN & HUFF, LLP



Garvis L. Sams, Jr.
gsams@samslarkinhuff.com

GLS, Jr./jac
Enclosures/Attachments

cc: Honorable Derek Norton, Mayor (via email w/attachments)
Members, Smyrna City Council (via email w/attachments)
Members, City of Smyrna Planning Commission (via email w/attachments)
Chief Joseph Bennett, City Administration (via email w/attachments)
Ms. Andrea Worthy, Economic Development Director (via email w/attachments)
Mr. Joey Staubes, AICP, Planner II (via email w/attachments)
Scott A. Cochran, Esq. (via email w/attachments)
Mr. Frank Martin, Public Works Director (via email w/attachments)
Captain Timothy Grubaugh, Deputy Fire Marshal (via email w/attachments)
Ms. Heather Peacon-Corn, City Clerk (via email w/attachments)
Mr. Chetan Patel, Chief Operating Officer, Buckhead America Hospitality (via email w/attachments)
Mr. Sachin Desai, Director of Finance, Buckhead America Hospitality (via email w/attachments)

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cc: Mr. Dipan Patel, President/CEO, Buckhead America Hospitality (via email w/attachments)
Ms. Kate Triplett, P.E., Kimley-Horn (via email w/attachments)
Mr. Harrison Aiken, P.E., Kimley-Horn (via email w/attachments)



Buckhead America

H O S P I T A L I T Y

COURTYARD & TOWNE PLACE SUITES BY MARRIOTT

SMYRNA, GA

RENDERING

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Buckhead America

H O S P I T A L I T Y

COURTYARD & TOWNE PLACE SUITES BY MARRIOTT
SMYRNA, GA

18 FEBRUARY 2022

RENDERING

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Buckhead America

H O S P I T A L I T Y

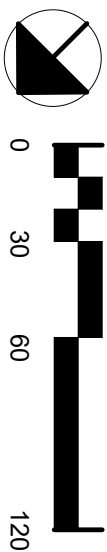
COURTYARD & TOWNE PLACE SUITES BY MARRIOTT
SMYRNA, GA

18 FEBRUARY 2022

RENDERING

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HOTEL INFORMATION

COURTYARD

6 STORY
135 KEYS
55% KING
45% QUEEN / QUEEN

TOWNEPLACE SUITES

7 STORY
108 KEYS
25% KING
75% QUEEN / QUEEN
5% ONE BEDROOM

SHARED:

DROP OFF
CHECK-IN
POOL
OUTDOOR AREAS
DUMPSTER & OUTDOOR STORAGE

COURTYARD INCLUDES SEPARATE
PATIO FOR MEETING ROOMS AND
PRIVATE COURTYARD

+/- 180 PARKING SPACES
(0.75 / 1 RATIO)



Buckhead America

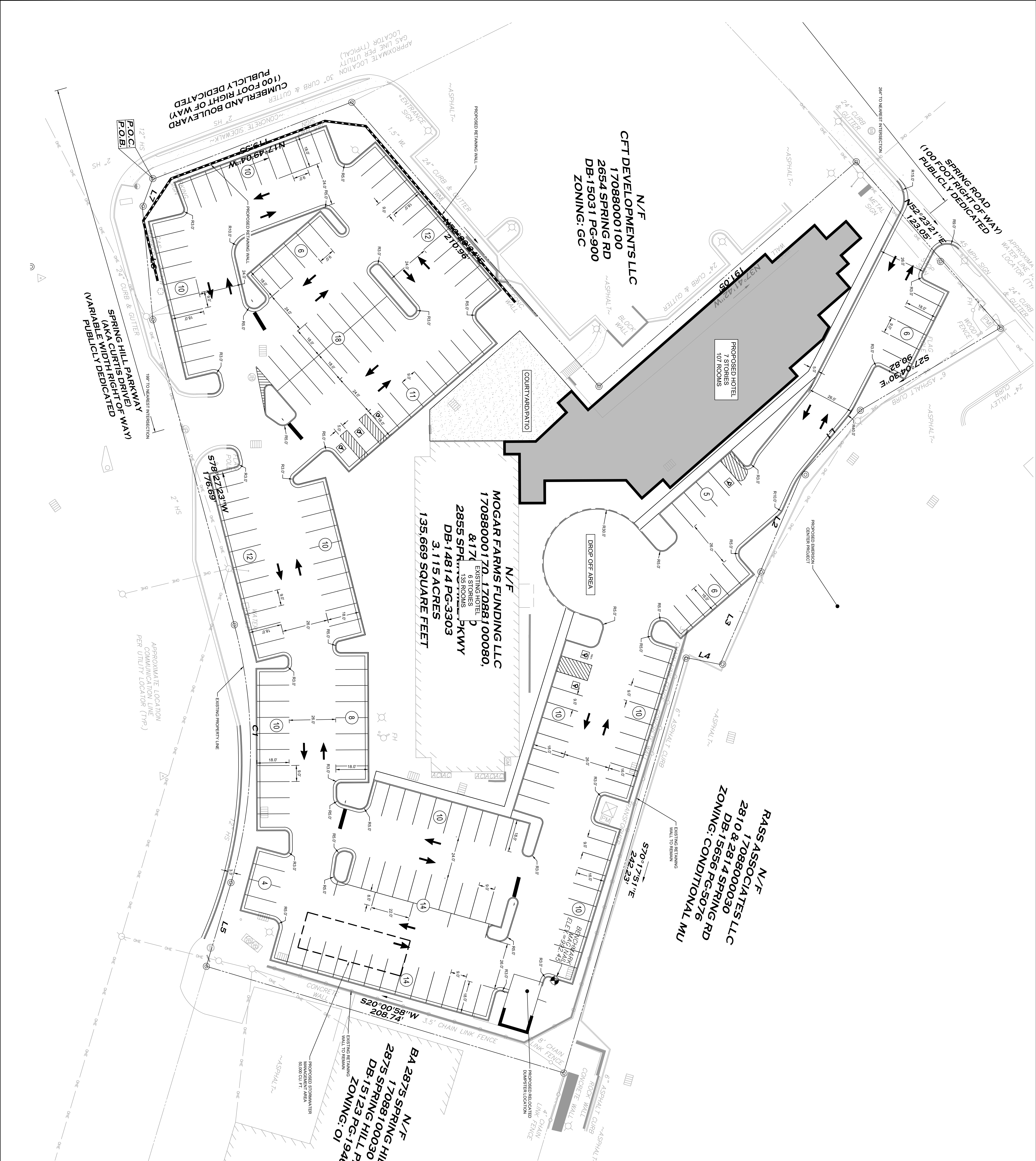
18 FEBRUARY 2022

210302 - COURTYARD + TOWNEPLACE SUITES

COURTYARD + TOWNEPLACE SUITES
SMYRNA, GEORGIA

SITE PLAN





VARIANCE NOTES:

SITE SUMMARY:

PARCEL: 17088-000170 & 17088-000180
SECTION: 17
17TH DISTRICT
CURRENT ZONING: GC & O1
PROPOSED ZONING: IS
SITE AREA: 3.12 AC
PROPOSED LAND USES AND DENSITIES:
HOTEL (EXISTING):
HOTEL (PROPOSED):
HOTEL (TOTAL):
107 ROOMS
135 ROOMS
242 ROOMS

PARKING SUMMARY:

REQUIRED PARKING:
HOTEL:
121 SPACES (0.5 SPACES / ROOM)
PROPOSED PARKING:
STANDARD
198 SPACES (TOTAL)
158 SPACES (ROOM)
28 SPACES
PARALLEL
6 SPACES
HANDICAP
6 SPACES

1. THIS SITE IS NOT IN A FLOODPLAIN.
2. THE SITE DOES NOT CONTAIN LAKES, STREAMS, OR STREAM BUFFERS.
3. THIS SITE DOES NOT CONTAIN A CEMETERY.
4. THE PROPOSED BUILDING INFORMATION SHOWN HEREON IS APPROXIMATE AND SUBJECT TO CHANGE AS DESIGN DEVELOPS.
5. ALL PARKING COUNTS ARE APPROXIMATE AND SUBJECT TO CHANGE AS DESIGN DEVELOPS. PARKING COUNTS WILL EXCEED TOTALS SHOWN ABOVE.
6. IT IS UNDERSTOOD THAT THE SITE MUST COMPLY WITH ALL APPLICABLE ADA STANDARDS, INCLUDING PARKING AND CONNECTIVITY, AND WILL BE DESIGNED AND DETAILED AS SUCH.
7. SEE ARCHITECTURAL PLANS FOR ADDITIONAL INFORMATION ON PLAZA DESIGN.

SITE PLAN LEGEND:

10 EXISTING RIGHT-OF-WAY LINE
PARKING COUNT

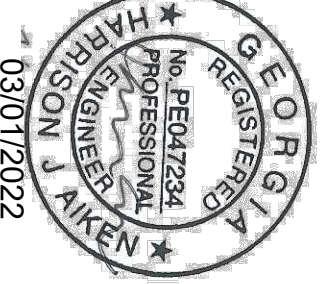
Kimley»Horn
© 2022 KIMLEY-HORN AND ASSOCIATES, INC.
817 W. PEACHTREE STREET, NW
THE BILTMORE, SUITE 601
ATLANTA, GEORGIA 30308
PHONE (404) 419-8700
WWW.KIMLEY-HORN.COM

**BUCKHEAD
AMERICA**

2675 SPRING HILL PARKWAY, SUITE NUMBER
8080
BAYVIEW, CA 92008
PHONE: 000.000.0000

**2685 SPRING HILL
HOTEL**

2685 & 2685 SPRING HILL PKWY, PROJECT CITY
STATE ZIP
LAND LOT 846, 880, & 881, 17TH DISTRICT



03/07/2022

GNAC CERT 000008268

DESIGNED BY HJA

REVIEWED BY KRT

DATE 03/01/2022

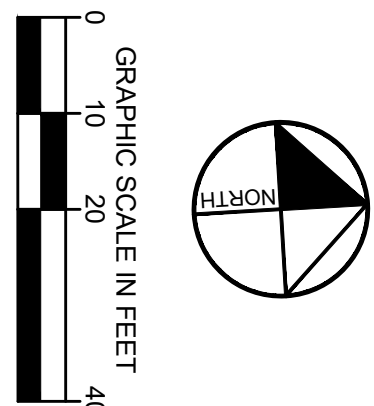
PROJECT NO 013077002

**REZONING SITE
PLAN**

SHEET NUMBER

C0-10

GEORGIA811
UNLAWFUL TO BUILD OR
REPAIR WITHOUT PERMIT
Call before you dig.



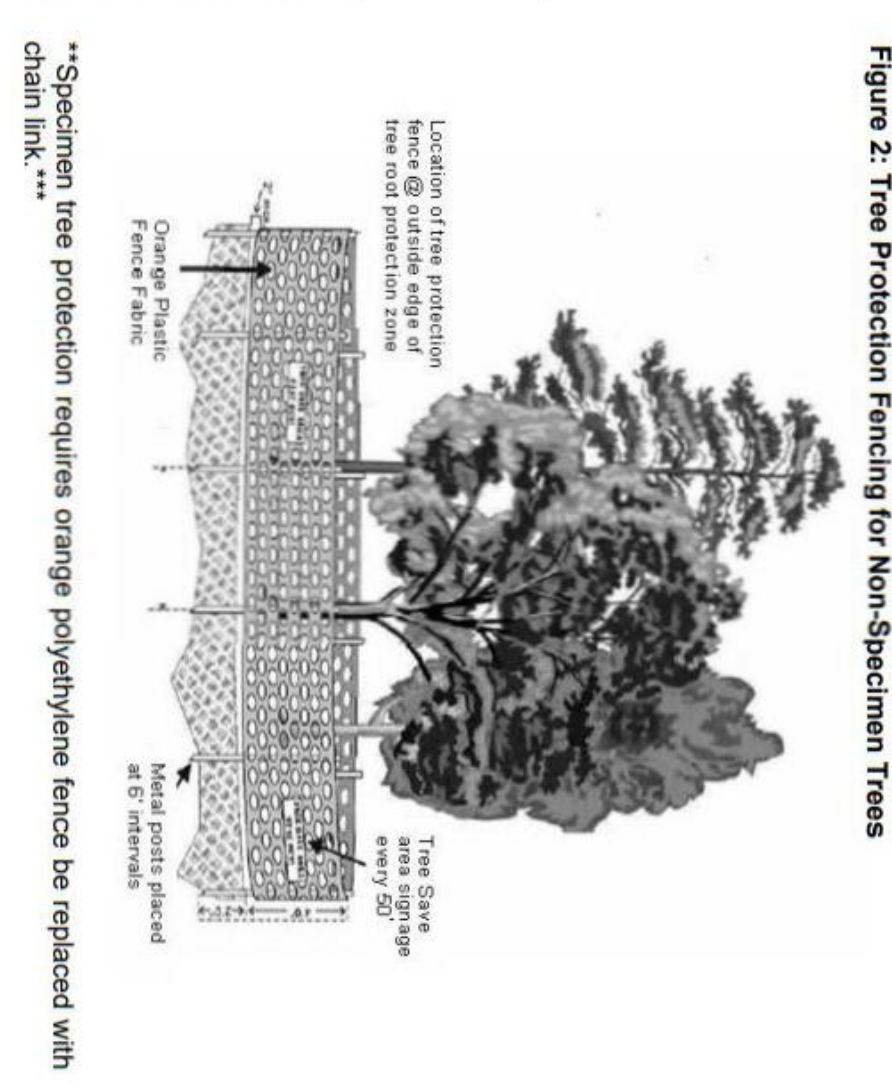


Figure 2: Tree Protection Fencing for Non-Specimen Trees

CITY OF SMYRNA TREE PROTECTION NOTES

1. CONTACT THE COVAINITY DEVELOPMENT DEPARTMENT (770.331.3897) TO ARRANGE A PRECONSTRUCTION CONFERENCE PRIOR TO ANY LAND DISTURBANCE. NO PERMIT SHALL BE ISSUED UNTIL PLANS ARE APPROVED AND AN ON-SITE INSPECTION WITH CITY REPRESENTATIVES.
2. ALL TREE PROTECTION MEASURES SHALL BE INSTALLED PRIOR TO GRADING OR THE REMOVAL OF INTERMEDIARY SURFACES OR STRUCTURES.
3. BUFFER STRIPS MUST BE REPAIRED SUBJECT TO COMMUNITY DEVELOPMENT DEPARTMENT APPROVAL.
4. THE GRZ OF STEEPNESS WHEN RECEIVING A X-CREPT SHALL BE PROTECTED WITH 6-FOOT CHAIN LINK FENCE SAVED SPACED 6 FEET FROM THE TRUNK OF THE TREE.
5. SITES OF ORGANIC MATERIALS OVER 6 INCHES AND 18 INCHES IN GROUND DISPOSITION ASYSTE
6. TREE SAVELIVE FENCING 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.
7. TREES THAT ARE NOT IDENTIFIED AS PROTECTED TREES MAY BE REMOVED IF THEY ARE NOT NEARLY PRESERVED DURING INDIVIDUAL LOT PERMITTING.

Figure 13: Acceptable Grade Fills Within Root Zones

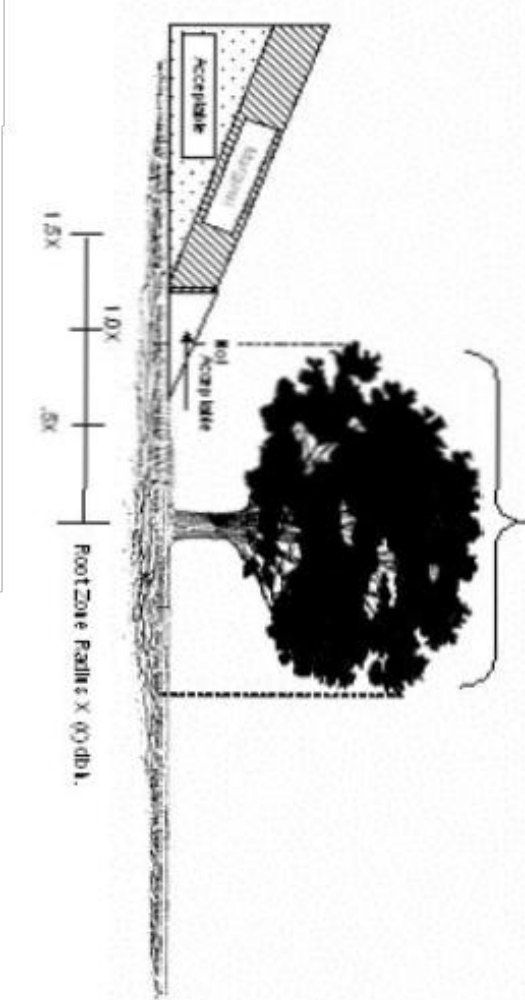
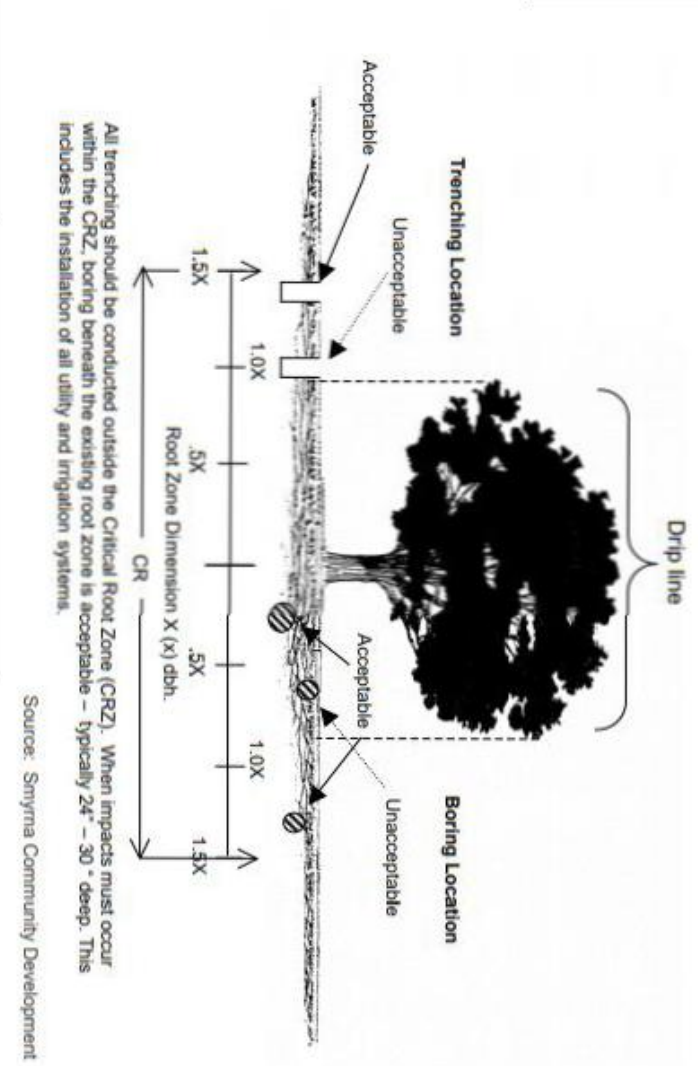


Figure 12: Tunneling or Boring within Tree Root Zones:



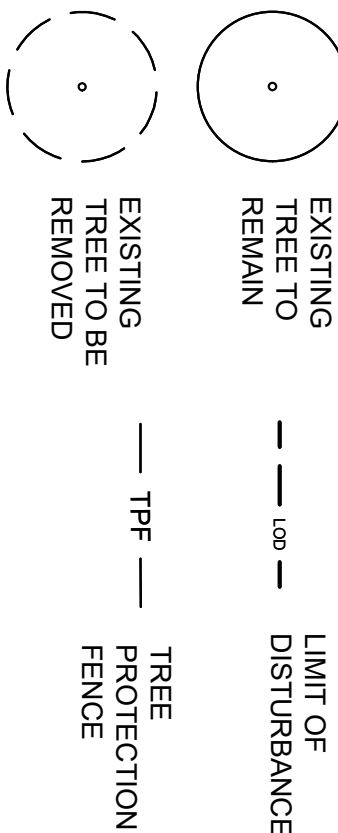
NOTE:
NO BOUNDARY TREES IMPACTED.

2855 & 2685 SPRING HILL PKWY EXISTING TREES TO REMOVE	
TREE #	DBH SPECIES

TREE DENSITY CALCULATIONS

$SDSDF = 3.12 \text{ AC. X } 100 = 312 \text{ REQUIRED SITE DENSITY INCHES}$
 $EDF = 37 \text{ EXISTING DENSITY INCHES}$
 $RDF = SDSDF - EDF$
 $RDF = 312 - 37 = 275 \text{ DEF. AGREEMENT DENSITY INCHES REQUIRED}$

TREE PROTECTION LEGEND



35	36	37	38	39	40	41	42	43	44	45	46	47	48	49	50	51	52	53	54	55	56	57	58	59	60	61	62	63	64	65	66	67	68	69	70	71	72	73	74	75	76	77	78	79	80	81	82	83	84	85	86	87	88	89	90	91	92	93	94	95	96	97	98	99	100	101	102	103	104	105	106	107	108	109	110	111	112	113	114	115	116	117	118	119	120	121	122	123	124	125	126	127	128	129	130	131	132	133	134	135	136	137	138	139	140	141	142	143	144	145	146	147	148	149	150	151	152	153	154	155	156	157	158	159	160	161	162	163	164	165	166	167	168	169	170	171	172	173	174	175	176	177	178	179	180	181	182	183	184	185	186	187	188	189	190	191	192	193	194	195	196	197	198	199	200	201	202	203	204	205	206	207	208	209	210	211	212	213	214	215	216	217	218	219	220	221	222	223	224	225	226	227	228	229	230	231	232	233	234	235	236	237	238	239	240	241	242	243	244	245	246	247	248	249	250	251	252	253	254	255	256	257	258	259	260	261	262	263	264	265	266	267	268	269	270	271	272	273	274	275	276	277	278	279	280	281	282	283	284	285	286	287	288	289	290	291	292	293	294	295	296	297	298	299	300	301	302	303	304	305	306	307	308	309	310	311	312	313	314	315	316	317	318	319	320	321	322	323	324	325	326	327	328	329	330	331	332	333	334	335	336	337	338	339	340	341	342	343	344	345	346	347	348	349	350	351	352	353	354	355	356	357	358	359	360	361	362	363	364	365	366	367	368	369	370	371	372	373	374	375	376	377	378	379	380	381	382	383	384	385	386	387	388	389	390	391	392	393	394	395	396	397	398	399	400	401	402	403	404	405	406	407	408	409	410	411	412	413	414	415	416	417	418	419	420	421	422	423	424	425	426	427	428	429	430	431	432	433	434	435	436	437	438	439	440	441	442	443	444	445	446	447	448	449	450	451	452	453	454	455	456	457	458	459	460	461	462	463	464	465	466	467	468	469	470	471	472	473	474	475	476	477	478	479	480	481	482	483	484	485	486	487	488	489	490	491	492	493	494	495	496	497	498	499	500	501	502	503	504	505	506	507	508	509	510	511	512	513	514	515	516	517	518	519	520	521	522	523	524	525	526	527	528	529	530	531	532	533	534	535	536	537	538	539	540	541	542	543	544	545	546	547	548	549	550	551	552	553	554	555	556	557	558	559	560	561	562	563	564	565	566	567	568	569	570	571	572	573	574	575	576	577	578	579	580	581	582	583	584	585	586	587	588	589	590	591	592	593	594	595	596	597	598	599	600	601	602	603	604	605	606	607	608	609	610	611	612	613	614	615	616	617	618	619	620	621	622	623	624	625	626	627	628	629	630	631	632	633	634	635	636	637	638	639	640	641	642	643	644	645	646	647	648	649	650	651	652	653	654	655	656	657	658	659	660	661	662	663	664	665	666	667	668	669	670	671	672	673	674	675	676	677	678	679	680	681	682	683	684	685	686	687	688	689	690	691	692	693	694	695	696	697	698	699	700	701	702	703	704	705	706	707	708	709	710	711	712	713	714	715	716	717	718	719	720	721	722	723	724	725	726	727	728	729	730	731	732	733	734	735	736	737	738	739	740	741	742	743	744	745	746	747	748	749	750	751	752	753	754	755	756	757	758	759	760	761	762	763	764	765	766	767	768	769	770	771	772	773	774	775	776	777	778	779	780	781	782	783	784	785	786	787	788	789	790	791	792	793	794	795	796	797	798	799	800	801	802	803	804	805	806	807	808	809	810	811	812	813	814	815	816	817	818	819	820	821	822	823	824	825	826	827	828	829	830	831	832	833	834	835	836	837	838	839	840	841	842	843	844	845	846	847	848	849	850	851	852	853	854	855	856	857	858	859	860	861	862	863	864	865	866	867	868	869	870	871	872	873	874	875	876	877	878	879	880	881	882	883	884	885	886	887	888	889	890	891	892	893	894	895	896	897	898	899	900	901	902	903	904	905	906	907	908	909	910	911	912	913	914	915	916	917	918	919	920	921	922	923	924	925	926	927	928	929	930	931	932	933	934	935	936	937	938	939	940	941	942	943	944	945	946	947	948	949	950	951	952	953	954	955	956	957	958	959	960	961	962	963	964	965	966	967	968	969	970	971	972	973	974	975	976	977	978	979	980	981	982	983	984	985	986	987	988	989	990	991	992	993	994	995	996	997	998	999	1000	1001	1002	1003	1004	1005	1006	1007	1008	1009	1010	1011	1012	1013	1014	1015	1016	1017	1018	1019	1020	1021	1022	1023	1024	1025	1026	1027	1028	1029	1030	1031	1032	1033	1034	1035	1036	1037	1038	1039	1040	1041	1042	1043	1044	1045	1046	1047	1048	1049	1050	1051	1052	1053	1054	1055	1056	1057	1058	1059	1060	1061	1062	1063	1064	1065	1066	1067	1068	1069	1070	1071	1072	1073	1074	1075	1076	1077	1078	1079	1080	1081	1082	1083	1084	1085	1086	1087	1088	1089	1090	1091	1092	1093	1094	1095	1096	1097	1098	1099	1100	1101	1102	1103	1104	1105	1106	1107	1108	1109	1110	1111	1112	1113	1114	1115	1116	1117	1118	1119	1120	1121	1122	1123	1124	1125	1126	1127	1128	1129	1130	1131	1132	1133	1134	1135	1136	1137	1138	1139	1140	1141	1142	1143	1144	1145	1146	1147	1148	1149	1150	1151	1152	1153	1154	1155	1156	1157	1158	1159	1160	1161	1162	1163	1164	1165	1166	1167	1168	1169	1170	1171	1172	1173	1174	1175	1176	1177	1178	1179	1180	1181	1182	1183	1184	1185	1186	1187	1188	1189	1190	1191	1192	1193	1194	1195	1196	1197	1198	1199	1200	1201	1202	1203	1204	1205	1206	1207	1208	1209	1210	1211	1212	1213	1214	1215	1216	1217	1218	1219	1220	1221	1222	1223	1224	1225	1226	1227	1228	1229	1230	1231	1232	1233	1234	1235	1236	1237	1238	1239	1240	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2865 & 2685 SPRING HILL Pkwy SPECIMEN TREES TO REMOVE			
TREE #	DBH	SPECIES	
55	36	HARDWOOD	
72	25	HARDWOOD	
89	28	HARDWOOD	
3	89	2865 & 2685 SPRING HILL Pkwy TREES TO BE SAVED	
TREE #	DBH	SPECIES	
34	17	HARDWOOD	
39	6	HARDWOOD	
40	14	HARDWOOD	
3	37		