

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

*Type or Print Clearly*

(To be completed by City)

**Ward:** \_\_\_\_\_

**Application No:** \_\_\_\_\_

**Hearing Date:** \_\_\_\_\_


**APPLICANT:** 2400 Lake Park Atlanta Office LLC, by its Attorney David C. Kirk

Name: David C. Kirk  
(Representative's name, printed)

Address: Troutman Pepper Hamilton Sanders LLP, 600 Peachtree Street, NE, Suite 3000, Atlanta GA 30308

Business Phone: 404-885-3415 Cell Phone: 404-313-3823 Fax Number: N/A

E-Mail Address: david.kirk@troutman.com

Signature of Representative: 

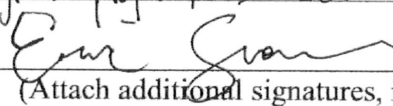
**TITLEHOLDER**

Name: 2400 Lake Park Atlanta Office LLC  
(Titleholder's name, printed)

Address: 4601 Park Road, Suite 450 Charlotte, NC

Business Phone: (919) 655-0348 Cell Phone: (720) 338-0314 Home Phone: (720) 338-0314

E-mail Address: eswan@grubbproperties.com

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

(To be completed by City)

Received: \_\_\_\_\_

Heard by P&Z Board: \_\_\_\_\_

P&Z Recommendation: \_\_\_\_\_

Advertised: \_\_\_\_\_

Posted: \_\_\_\_\_

**Approved/Denied:** \_\_\_\_\_

**ZONING REQUEST**

From GC (General Commercial District) to MU (Mixed Use District)  
Present Zoning Proposed Zoning

**LAND USE**

From OP (Office/Professional) to MU (Mixed Use)  
Present Land Use Proposed Land Use

For the Purpose of Redeveloping the property to replace the surface parking with multi-family residential (with limited commercial/active uses at ground level) and structured parking to complement the existing office use.

Size of Tract 9.73 acres (+/-)

Location 2400 Lake Park Drive  
(Street address is required. If not applicable, please provide nearest intersection, etc.)

Land Lot (s) 779, 780, 805, and 806 District 17th District

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:** City of Marietta - CRC (Community Retail Commercial)  
\_\_\_\_\_

**East:** City of Marietta - CRC (Community Retail Commercial)  
\_\_\_\_\_

**South:** GC (General Commercial)  
\_\_\_\_\_

**West:** GC (General Commercial)  
\_\_\_\_\_

**CONTIGUOUS LAND USE**

**North:** City of Marietta - CAC (Community Activity Center)  
\_\_\_\_\_

**East:** City of Marietta - CAC (Community Activity Center)  
\_\_\_\_\_

**South:** OP (Office/Professional)  
\_\_\_\_\_

**West:** OP (Office/Professional)  
\_\_\_\_\_

**INFRASTRUCTURE**

**WATER AND SEWER**

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

A letter from Frank Martin, 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:

A letter from Mr. Martin regarding the availability of water and sewer service to the subject property is included in the supporting documentation for this application. In addition a water and sanitary sewer impact statement from the Applicant's engineer (Kevin Hendrix, P.E. of Pond & Company) is attached. Because the proposal exceeds 75 residential units, the Applicant has included the sewer capacity analysis fee amount (\$1,000) in the fees for this application.

**TRANSPORTATION**

Access to Property? Access is provided by two existing driveways - one to U.S. Highway 41/Cobb Parkway, which serves as the primary access point, and the other to Lake Park Drive. Details of site access are provided in the Traffic Impact Study prepared for this project by Pond & Company, dated March 2021, and included in the supporting documentation for this application.

Improvements proposed by developer? Proposed improvements are described in the Traffic Impact Study prepared for this project by Pond & Company, dated March 2021, and included in the supporting documentation for this application.

Comments:

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**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

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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:

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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:

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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:

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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

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

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**ZONING DISCLOSURE REPORT (CONTINUED)**

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

NO

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

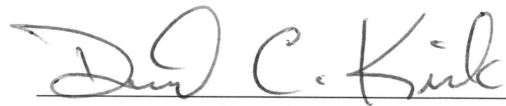
Does the Mayor or any member of the City Council or Planning and Zoning Board have a spouse, mother, father, brother, sister, son, or daughter who has any interest as described above?

NO

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

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

We certify that the foregoing information is true and correct, this 12<sup>th</sup> day of March, 2021.

  
\_\_\_\_\_  
(Applicant's Signature)  
*as Attorney for Applicant*

\_\_\_\_\_  
(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.

**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.

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PLEASE SEE THE ATTACHED LETTER OF INTENT AND JUSTIFICATION

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

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PLEASE SEE THE ATTACHED LETTER OF INTENT AND JUSTIFICATION

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

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PLEASE SEE THE ATTACHED LETTER OF INTENT AND JUSTIFICATION

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**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.

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PLEASE SEE THE ATTACHED LETTER OF INTENT AND JUSTIFICATION

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

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PLEASE SEE THE ATTACHED LETTER OF INTENT AND JUSTIFICATION

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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.

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PLEASE SEE THE ATTACHED LETTER OF INTENT AND JUSTIFICATION

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**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.

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PLEASE SEE THE ATTACHED LETTER OF INTENT AND JUSTIFICATION

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

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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.

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PLEASE SEE THE ATTACHED LETTER OF INTENT AND JUSTIFICATION

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