

GARVIS L. SAMS, JR.
JOEL L. LARKIN
PARKS F. HUFF
ADAM J. ROZEN

SAMS, LARKIN & HUFF
A LIMITED LIABILITY PARTNERSHIP
SUITE 100
376 POWDER SPRINGS STREET
MARIETTA, GEORGIA 30064-3448

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

March 13, 2020

VIA HAND DELIVERY & EMAIL

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

Re: Application for Rezoning of EdgeLine, LLC to Rezone a 1.08 Acre Tract from NS to RM-10; Land Lot 669; 17th District, 2nd Section, City of Smyrna, Cobb County, Georgia.

Dear Rusty:

This firm has been engaged by and represents EdgeLine, LLC 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 April 13, 2020, and thereafter heard by the Mayor and City Council on May 18, 2020.

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. The Titleholder's signature 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 is the Deed reflecting the current Titleholder.
2. A legal description is included in the above referenced deed. Also provided is an overall legal description in Word format.
3. A Survey of the Subject Property prepared by Pioneer Land Surveying.
4. A full-sized copy; an 11" x 17" sized copy; and, an 8½" x 11" copy of the proposed Site Plan.
5. A full-sized copy; an 11" x 17" sized copy; and, an 8½" x 11" copy of the Tree Protection/Replacement Plan.

SAMS, LARKIN & HUFF

A LIMITED LIABILITY PARTNERSHIP

VIA HAND DELIVERY & EMAIL

Mr. Rusty Martin, ACIP, Director
Community Development Department

March 13, 2020

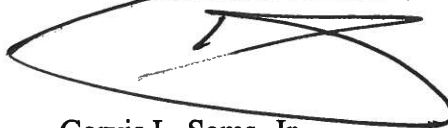
Page 2

6. The Tree Assessment Plan prepared by Arboguard Tree Specialists.
7. Renderings/elevations depicting the architectural style and composition of the proposed Townhome Community.
8. A Water/Sewer letter from Mr. Bo Jones, Assistant Director of Public Works.
9. A Preliminary Hydrology Study prepared by Blue Landworks.
10. A Constitutional Challenge.
11. Checks made payable to the City of Smyrna representing the Application fee and the Tree Protection Plan Review fee. In this instance, a Land Use Change fee is not required.
12. A flash drive containing a pdf copy of this submittal and the legal description in Word format.

I will be contacting you in order to discuss potential stipulations/conditions of the Rezoning request and to address any concerns which you or your 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, LLP

A large, stylized handwritten signature in black ink, appearing to be 'Garvis L. Sams, Jr.', written over the printed name.

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

GLS, Jr./klk
Enclosures/Attachments

cc: Listed on next page

SAMS, LARKIN & HUFF

A LIMITED LIABILITY PARTNERSHIP

VIA HAND DELIVERY & EMAIL

Mr. Rusty Martin, ACIP, Director
Community Development Department
March 13, 2020
Page 3

cc: Honorable Mayor Derek Norton (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. Bo Jones, Assistant Director of Public Works (via email w/attachments)
Mr. Timothy Grubaugh, Fire Marshall (via email w/attachments)
Ms. Terri Graham, City Clerk (via email w/attachments)
Mr. Joey Staubes, Planner II (via email w/attachments)
Mr. Brandon Woods, Edgeline (via email w/attachments)
Mr. Eric McConaghy, Edgeline (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: Edgeline LLC

Name: Garvis L. Sams, Jr., Sams, Larkin & Huff, 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@samslarkin&huff.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 NS to RM-10
Present Zoning Proposed Zoning

LAND USE

From Medium-High Density Residential (MHDR) to Medium-High Density Residential (MHDR)
Present Land Use Proposed Land Use

For the Purpose of Townhomes (Single-Family Attached Residences)

Size of Tract 1.08

Location South side of Atlanta Road (3302 Atlanta Road)
(Street address is required. If not applicable, please provide nearest intersection, etc.)

Land Lot (s) 669 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: PI

East: RTD

South: RTD

West: RM-12

CONTIGUOUS LAND USE

North: PI

East: MHDR

South: MHDR

West: MHDR

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:

See Attached

TRANSPORTATION

Access to Property? Atlanta Road

Improvements proposed by developer? The Applicant proposes the development of a 10 unit Townhome Community with custom, quality-built, single-family attached residences at price points from \$420,000 - \$575,000.

Comments:

The Subject Property is located within a sub-area of the city of Smyrna which is directly adjacent to higher density residential developments, Public Institutional use (Campbell Middle School) and LI uses north of this site along the Atlanta Road Corridor.

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: James Chadwick
(Titleholder's name, printed)

Address: 2210 Cumberland Pl Smyrna, GA 30080

Business Phone: _____ Cell Phone: _____ Home Phone: 770-595-9953

E-mail Address: bethscott3@gmail.com

Signature of Titleholder: James S. Chadwick Sr.
(Attach additional signatures, if needed)

dotloop verified
01/28/20 6:15 PM EST
OG68-QXXR-ECWX-FJFO

(To be completed by City)

executor of the estate of Mary Thompson

Received: _____

Heard by P&Z Board: _____

P&Z Recommendation: _____

Advertised: _____

Posted: _____

Approved/Denied: _____

ZONING DISCLOSURE REPORT

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

NO

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

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

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

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

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

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

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

ZONING DISCLOSURE REPORT (CONTINUED)

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

NO

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

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

NO

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

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

We certify that the foregoing information is true and correct, this ____ day of _____, 20__.



(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 11/7/19 a check in the sum of \$1,500.00 to the Committee to Elect Derek Norton, Mayor.

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

I certify that the foregoing information is true and correct, this the 13 day of March, 2020.

SAMS, LARKIN & HUFF, 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, LLP

By: 

Garvis L. Sams, Jr.
Attorney for Applicant

March 13, 2020
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 development proposal will permit a use that is suitable in the context of existing residential developments concerning adjacent and nearby properties.

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

The proposed Rezoning will not adversely impact the existing use or usability of adjacent or nearby properties. The Applicant is proposing a single-family, attached Townhome Community in keeping with the developments along this portion of the Atlanta Road Corridor.

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

The Rezoning of the property constitutes a downzoning from a commercial (NS) designation to a residential (RM-10) designation. Additionally, the Subject Property lies within an area designated for MHDR on the Future Land Use Map.

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 proposed Rezoning will not result in a use that will have an adverse impact upon the existing City of Smyrna's infrastructure and constitutes a proposed use which comports with the tenor of development along this portion of Atlanta Road.

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

The proposed development is for a 10-lot residential community on 1.08 acres which is within the density range of the MHDR designation and is less dense than the adjoining RTD zoned property.

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 Subject Property. The Subject Property is located in an area primarily consisting of attached and detached single-family homes residences and a mix of lower profile retail/commercial and institutional (Campbell Middle School).

REZONING ANALYSIS (CONTINUED)

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

The proposed development will enhance architectural standards and aesthetics in accordance with the attached photographs depicting the architectural style and composition of the proposed Townhome Community.

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 Rezoning will not create a nuisance and is compatible with existing uses and zonings 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 residential development within this area of the City of Smyrna along the Atlanta Road Corridor.

Munis Self Service

Real Estate

View Bill

[View bill image](#)

As of

1/28/2020

Bill Year

2019

Bill

16602

Owner

THOMPSON MARY C

Parcel ID

17066900040

[View payments/adjustments](#)

Installment	Pay By	Amount	Payments/Credits	Balance	Interest	Due
1	11/15/2019	\$2,572.83	\$2,572.83	\$0.00	\$0.00	\$0.00
TOTAL		\$2,572.83	\$2,572.83	\$0.00	\$0.00	\$0.00



Printed: 1/27/2020

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:
MARY C THOMPSON & PHILLIP D & JAMES S CH

THOMPSON MARY C

Payment Date: 10/14/2019

Tax Year	Parcel ID	Due Date	Appeal Amount			Taxes Due
2019	17066900040	10/15/2019	Pay:	N/A	or	\$0.00
Interest	Penalty	Fees	Total Due	Amount Paid	Balance	
\$0.00	\$0.00	\$0.00	\$0.00	\$7,867.30	\$0.00	



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

IN THE PROBATE COURT OF COBB COUNTY
STATE OF GEORGIA

FILED IN OFFICE

2019 SEP -4 PM 3:56

IN RE: ESTATE OF

MARY C. THOMPSON,
DECEASED

ESTATE NO. 19-1275

PROBATE COURT OF
COBB COUNTY, GA

ORDER ADMITTING WILL AND CODICIL TO PROBATE IN SOLEMN FORM

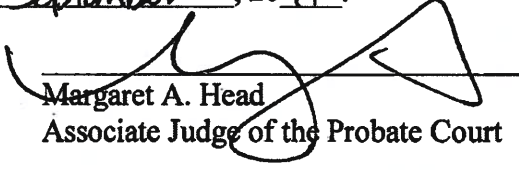
An alleged Last Will and Testament dated **February 7, 2008** and Codicil dated **December 18, 2015** were propounded.

James S. Chadwick and Phillip D. Chadwick were nominated Personal Representatives by the Testator. The Court finds that the Decedent died domiciled within, or domiciled outside the State of Georgia but owning property within, the above County. The Court further finds that all of the heirs at law were served or acknowledged service. The Court further finds that no objection has been filed, and all requirements of law have been fulfilled. The Court further finds that the propounded Will is self-proving.

ACCORDINGLY, IT IS ORDERED that the Will dated **February 7, 2008** and the Codicil dated **December 18, 2015** are established as the Last Will and Testament of the Decedent ("the Decedent's Will"); that the Will be admitted to record as proven in Solemn Form; and, that the nominated Executors named above have leave to qualify as Personal Representatives by taking the required oath, after which Letters Testamentary shall issue. The Clerk shall serve the Personal Representatives with copies of this Order and the Letters upon qualification.

IT IS FURTHER ORDERED that the Personal Representatives shall disburse all property according to the terms of the Decedent's Will and shall maintain all records of income and disbursements until discharged by Order of this Court.

SO ORDERED this 4th day of September, 2019.


Margaret A. Head
Associate Judge of the Probate Court

IN THE PROBATE COURT OF COBB COUNTY
STATE OF GEORGIA

FILED IN OFFICE
2019 SEP -5 AM 11:58

IN RE: ESTATE OF

MARY C. THOMPSON,
DECEASED


)
)
) PROBATE COURT OF
) COBB COUNTY, GA
)

CERTIFICATE OF SERVICE

I certify that I have this date mailed, (unless otherwise noted), in an envelope with the proper postage affixed thereto for first-class mail delivery two copies of the Letters Testamentary and Order Admitting Will to Probate in Solemn Form to the following parties at the addresses below:

Jeffrey L. Tucker
Attorney at Law
2950 Atlanta Road, SE
Smyrna, GA 30080

This 5th day of September, 2019


C Simpson Clerk of the Probate Court

32 Waddell Street

Marietta, GA 30090

770-528-1900

Telephone Number

COBB COUNTY, GEORGIA
REAL ESTATE TAX
PAID 151.05
DATE 8-25-98
JAY C. STEPHENSON
CLERK OF SUPERIOR COURT

FILED & RECORDED
90 AUG 25 PM 1:23
J. C. Thompson
CLOCK DIRECTOR, DIST. CLERK

\$ 10.00

Warranty Deed

AFTER RECORDATION RETURN TO:
E.G. SMITH
COCKRAN, CAMP & SMITH
280 ATLANTA STREET, S.E.
MAYNARD, GEORGIA 30058

STATE OF GEORGIA, COUNTY OF COBB

THIS INDENTURE, Made the 10th day of August, in the year One Thousand Nine Hundred Ninety Eight, between **MARY C. THOMPSON**, of the County of Cobb, and State of Georgia, as party or parties of the first part, hereinafter called Grantor, and **JAMES S. CHADWICK** as party or parties of the second part, hereinafter called Grantee (the words "Grantor" and "Grantee" to include their respective heirs, successor and assigns where the context requires or permits).

WITNESSETH that: Grantor, for and in consideration of the sum of ---TEN DOLLARS & OTHER VALUABLE CONSIDERATIONS--- (\$10.00) DOLLARS in hand paid at and before the signing, sealing and delivery of these presents, the receipt and sufficiency whereof being hereby acknowledged, has granted, bargained, sold, aliened, conveyed and confirmed, and by these presents does grant, bargain, sell, alien, convey and confirm unto the said Grantee, a Ten and 67/100ths (10.067 %) percent undivided interest in and to all of that tract or parcel of land lying and being in Land Lots 668 and 669 of the 17th District, Second Section of Cobb County, Georgia, and being more particularly described as follows:

BEGINNING at an iron pin on the southwesterly side of Atlanta Road (Old U.S. #41, Dixie Highway), eight hundred nine and eight tenths (809.8) feet northwesterly, as measured along the southwesterly side of Atlanta Road, from the point of intersection of the southwesterly side of Atlanta Road and the east line of Land Lot 669; thence running northwesterly along the southwesterly side of Atlanta Road, two hundred and five tenths (200.5) feet to an iron pin; thence southwesterly, five hundred ninety six and five tenths (596.5) feet to an iron pin; thence east, eighty five and six tenths (85.6) feet to an iron pin; thence northeasterly, one hundred forty eight (148) feet to an iron pin; thence continuing northeasterly, three hundred ninety five (395) feet to an iron pin on the southwesterly side of Atlanta Road and the point of beginning, being improved property.

The foregoing conveyance includes all fixtures and accessions on captioned property.

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 anywise appertaining, to the only proper use, benefit and behoof of the said Grantee forever in **FEE SIMPLE**.

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

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

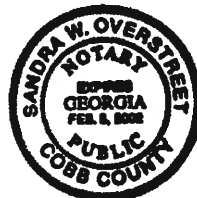
Signed, sealed and delivered in the presence of:

Witness

Notary Public

Mary C. Thompson (Seal)
MARY C. THOMPSON

(Seal)



BK11614PG485

5.00

WARRANTY DEED

STATE OF GEORGIA

COUNTY OF COBB

THIS INDENTURE, Made the 26th day of JULY, in the year one thousand nine hundred ~~one hundred~~ Eighty-Eight, between

GENEVIEVE L. JUSTICE, Estate by LEO S. MORRIS, Executor
of the County of Cobb, and State of Georgia, as party or parties of the first part,
hereinafter called Grantor, and

JAMES B. THOMPSON and MARY C. THOMPSON

as party or parties of the second part, hereinafter called Grantee (the words "Grantor" and "Grantee" to include their respective heirs, successors and assigns where the context requires or permits).

WITNESSETH that Grantor, for and in consideration of the sum of Ten Dollars and other valuable consideration ----- (10.00) DOLLARS in hand paid at and before the sealing and delivery of these presents, the receipt whereof is hereby acknowledged, has granted, bargained, sold, aliened, conveyed and confirmed, and by these presents does grant, bargain, sell, alien, convey and confirm unto the said Grantee,

All that tract or parcel of land lying and being in Land Lot 669 of the 17th District, 2nd Section, Cobb County, Georgia per plat of survey by Mid Atlantic Surveying Co., Inc., dated July 19, 1988 and being more particularly described as follows:

BEGINNING at an iron pin and corner on the southwesterly side of Atlanta Street a distance of 677.45 feet as measured along the southwesterly side of Atlanta Street from its intersection with the right-of-way of Creatwood Trail; thence south 54 degrees 33 minutes 30 seconds east along the southwesterly side of Atlanta Street a distance of 140.55 feet to an iron pin and corner; thence south 30 degrees 22 minutes 27 seconds west a distance of 397.09 feet to an iron pin and corner; thence north 53 degrees 51 minutes 22 seconds west 100 feet to an iron pin and corner; thence north 24 degrees 35 minutes 01 seconds east 401.5 feet to an iron pin on the southwesterly side of Atlanta Street and the point of BEGINNING.

200.00
Cobb County, Georgia

Real Estate Transfer Tax

Paid

Date

208-88-88
Jay C. Stephenson
Clerk of Superior Court

Jay C. Stephenson
Clerk of Superior Court

88 AUG - 8 AM 11:11

COBB COUNTY, GA.
FILED IN OFFICE

SUBJECT TO restrictive covenants and easements of record.

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 anywise appertaining, to the only proper use, benefit and behoof of the said Grantee forever in FEE SIMPLE.

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

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

Signed, sealed and delivered in presence of:

John K. Bence
Witness

N.P.
SEAL

GENEVIEVE L. JUSTICE, Estate

By

LEO S. MORRIS, Executor

(Seal)

(Seal)

(Seal)

Notary Public

BOOK 5028 PAGE 472

LEGAL DESCRIPTION

3302 ATLANTA ROAD, SMYRNA

All that tract or parcel of land lying and being in Land Lot 669 of the 17th Land District, 2nd Section, of Cobb County, City of Smyrna, Georgia, and being more particularly described as follows:

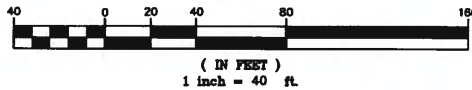
BEGINNING at a concrete monument at the southerly mitered corner of the intersection of the southwest right-of-way of Atlanta Road (right-of-way varies) and the southeast right-of-way of Creatwood Trail (70-foot right-of-way); thence North 68 degrees 54 minutes 18 seconds East, 36.84 feet to a concrete monument on the southwest right-of-way of Atlanta Road (right-of-way varies); thence following said right-of-way South 56 degrees 10 minutes 44 seconds East, 654.57 feet to an iron pin at the TRUE POINT OF BEGINNING; thence continuing to follow said right-of-way of Atlanta Road along the arc of a curve to the right 140.43 feet to an iron pin (said arc have a chord bearing and distance of South 54 degrees 22 minutes 42 seconds East, 140.42 feet); thence departing said right-of-way South 29 degrees, 57 minutes, 46 seconds West, 393.83 feet to an iron pin; thence North 53 degrees 53 minutes 05 seconds West, 100.70 feet to a 1" rod; thence North 24 degrees 11 minutes 39 seconds East, 398.96 feet to the TRUE POINT OF BEGINNING.

Said tract containing 1.08 acres and being the same as shown on a *Survey For: Mary C. Thompson*, prepared by Pioneer Land Surveying, and bearing the seal of Lester E. Bell [Georgia Registered Land Surveyor No. 2935], and dated July 22, 2019.

Plat Book 278 Page 653
Filed and Recorded 10/08/2019 05:20:00 AM
2019-0117379
Rebecca Keaton
Clerk of Superior Court
Cobb County, GA
Participant IDs: 8232071308

RESERVED FOR THE CLERK OF SUPERIOR COURT

GRAPHIC SCALE



GENERAL NOTES:

- 1.) SURVEY DONE WITHOUT BENEFIT OF A CURRENT TITLE SEARCH OR COMMITMENT. AS SUCH, LAND USE RESTRICTIONS, SETBACKS, ZONING, EASEMENTS, RIGHTS OF WAY OR OTHER TITLE FACTS MAY EXIST THAT ARE NOT SHOWN.
- 2.) SPECIAL FLOOD HAZARDS DO NOT EXIST FOR SUBJECT PROPERTY PER FIRM MAP 13067C0226G, EFFECTIVE DATE DECEMBER 16, 2008.
- 3.) UTILITIES SUCH AS ELECTRIC LINES, WATER LINES, GAS LINES, SANITARY SEWER LINES OR WELLS MAY OR MAY NOT EXIST ON SITE AND MAY OR MAY NOT BE SHOWN HEREON.
- 4.) DATE OF FIELD WORK: JULY 19, 2019.
- 5.) CURRENT OWNER & VESTING DEED: JAMES B. THOMPSON & MARY C. THOMPSON - DEED BOOK 5028 PAGE 472.

P.O.C.
CMF At The Southerly Mitered
Corner Of The Intersection Of The
Southwest R/W Of Atlanta Road
(Variable R/W) And The Southeast
R/W Of Crestwood Trail (70' R/W)



Now or Formerly
North Vinings Enterprises, LLC
Deed Book 13263 Page 4698

AREA SHOWN:
1.08 ACRES

Now or Formerly
TI Village, LLC
Deed Book 14757 Page 2204
Plat Book 272 Page 603
Plat Book 273 Page 152

Now or Formerly
TI Village, LLC
Deed Book 14757 Page 2204
Plat Book 272 Page 603
Plat Book 273 Page 152

Gore Between Subject Deed
(Deed Book 5028 Page 472)
And Adjoining Deed (Deed
Book 14757 Page 2204), Also
Plat Book 272 Page 603, And
Plat Book 273 Page 152
Area Of Gore: 192 Sq. Feet

CURVE TABLE				
CURVE	LENGTH	RADIUS	CH. BEARING	CHORD
CT	140.43'	5201.45'	S 54°22'42" E	140.42'

To A CMF At The Intersection
Of The Southwest R/W Of
Atlanta Road (Variable R/W)
And The Approx. East Line
Of Land Lot 689

LEGEND

- ⊙ IPF - Iron Pin Found
(1/2" Rebar Unless Shown Otherwise)
- ⊙ IPF1 - 1/2" Rebar w/ Cap #2935
- ⊙ IPS - Iron Pin Set
(1/2" Rebar w/ Cap #2935)
- ⊙ CMF - Concrete Monument Found
- P.O.C. - Point of Commencement
- P.O.B. - Point of Beginning
- LLC - Land Lot Corner
- LL - Land Lot Line
- R/W - Right of Way
- C/L - Centerline
- ⊙ OHP - Overhead Power Line
- ⊙ Sanitary Sewer Manhole
- ⊙ Utility Pole
- ⊙ Wire Fence
- ⊙ Chain Link Fence
- ⊙ Wood Fence

PROPERTY ADDRESS:
3302 ATLANTA ROAD
SMYRNA, GEORGIA 30080

SURVEY FOR:

MARY C. THOMPSON

BEING IN THE CITY OF SMYRNA
LAND LOT 669 - 17th DISTRICT - 2nd SECTION
COBB COUNTY - GEORGIA

DATE: JULY 22, 2019

REVISIONS

FIELD	DRAFTER	PROJECT NO.
JLR	TFC	219107

NOTE: THIS PLAT WAS PREPARED FOR THE EXCLUSIVE USE OF THE PERSON, PERSONS, OR ENTITY NAMED HEREON. THIS FIRM ASSUMES NO LIABILITY TO THE PERSON, PERSONS, OR ENTITY NOT NAMED HEREON, AND ANY USE BY UNKOWN PARTIES WILL DO SO AT THEIR OWN RISK.

CLOSURE STATEMENT

The field data upon which this plat is based has a closure precision of one foot in 42,257 feet, and an angular error of 2 sec. per angle point, and was adjusted using the Least Square Method.

This plat has been calculated for closure, and is found to be accurate within one foot in 123,597 feet.

This survey was made using a GEOMAX ZOOM30 Total Station, which reads distances to the nearest 0.007 foot and with direct reading to 5 seconds for angular measurement.



PREPARED BY:
PIONEER LAND SURVEYING
963 WHOOPIING CREEK ROAD
CARROLLTON, GEORGIA 30116
PHONE: 770-838-1919
FAX: 888-838-7769
Pioneer Land Surveying is
a DBA for PLWSG, Inc.
www.plwsg.net



SURVEYOR CERTIFICATION:

This plat is a retracement of an existing parcel or parcels of land and does not subdivide or create a new parcel or make changes to any real property boundaries. The recording information of the documents, maps, plats, or other instruments which created the parcel or parcels are stated hereon. RECORDATION OF THIS PLAT DOES NOT IMPLY APPROVAL OF ANY LOCAL JURISDICTION, AVAILABILITY OF PERMITS, COMPLIANCE WITH LOCAL REGULATIONS OR REQUIREMENTS, OR SUITABILITY FOR ANY USE OR PURPOSE OF THE LAND. Furthermore, the undersigned Land Surveyor Certifies that this plat complies with the minimum Technical Standards for Property Surveys in Georgia as set forth in the rules and regulations of the Georgia Board of Registration for Professional Engineers and Land Surveyors and as set forth in O.C.G.A. Section 15-6-67.

Surveyor: Lester E. Bell, LS002935

Lester E. Bell



3302 Atlanta Road

Tree Assessment

For:
Edgeline LLC
PO Box 190313
Atlanta, Georgia 31119

Site Location:
3302 Atlanta Road SE
Smyrna, Georgia 30080

Tree Assessment By:
Ben Kent
ISA Certified Arborist #SO-7070A
Arboreguard Tree Specialists, Inc.
PO Box 477 / 111 North Clarendon Avenue
Avondale Estates, GA 30002

March 2, 2019

Assignment

Survey, tag and record the following data for City of Smyrna trees meeting the size criteria for overstory trees $\geq 24"$ in Diameter at Breast Height (DBH) of the oak and beech genus, overstory trees $\geq 30"$ DBH of the ash, blackgum, cedar, fir, hickory, maple, persimmon, and spruce genus, overstory trees $\geq 36"$ DBH of the pine, poplar, and sweetgum genus, and flowering understory trees $\geq 10"$ DBH (including black cherry) site-wide. Tag numbering begin with 1988.

Methods

Information for the following parameters was recorded for each tree and provided in the following survey.

Term	Description
Tree No.	All trees were tagged on the side of the trunk with an aluminum tag, bearing a unique number to identify trees, at about 5 feet.
DBH	Diameter of trunk in inches, measured at 4.5' feet above average soil level. Measurements were taken using a forestry diameter tape.
Species	Listed as the North American common name.
Condition	<p>Good Tree has excellent vigor and is actively growing without any serious pathogenic problems. Tree exhibits a structural form that is safe and typical of the species.</p> <p>Fair Tree is in moderate health, but may have a minor pathogenic problem. Some insects and disease could be present. Tree may have minor structural defects, but does not exhibit optimal form for the species in an urban environment. A tree in fair condition may not react favorably to site developments or additional stress.</p> <p>Poor Tree's vigor is low to moderate. It may also have moderate to severe structural defects or a form that is undesirable for the species. Some trees in poor condition are not recoverable and could degrade into a state of advanced decline leading to death.</p> <p>Dead Tree is dead.</p> <p>Invasive.... Trees that are non-indigenous to the Atlanta area, Piedmont region.</p> <p>Hazardous. Tree with uncorrectable defects severe enough to pose present danger to people or buildings under normal conditions, as determined by a City Arborist or City Forester.</p>
Comments	Additional information regarding health and condition of the trees.

Tree Assessment Data

Tag #	DBH	Species	Condition	Comments
1988	41	Water Oak	Fair	Severe vine coverage, few large dead limbs
1989	27	Water Oak	Fair	Severe vine coverage, adjacent tree has failed and is resting in canopy
1990	34	Water Oak	Fair	Few large dead limbs, mistletoe
1991	41	Southern Red Oak	Poor	Heavy vine coverage, heavy lean, fungal fruiting body at base, improperly pruned, mistletoe
1992	24	Water Oak	Poor	Severe vine coverage, severe mistletoe, poor vigor
1993	25	Water Oak	Poor	Severe vine coverage, severe mistletoe, poor vigor

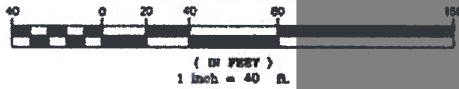
Summary

6 trees were tagged on this site that met the City of Smyrna specimen tree size criteria.

00 trees are in GOOD condition	00.0%
03 trees are in FAIR condition	50.0%
03 trees are in POOR condition	50.0%
00 trees are DEAD	00.0%

Plot Book 278 Page 553
 Filed and Recorded 10/10/2010 05:20:06 AM
 2010 0117310
 Rebecca Kason
 Clerk of Superior Court
 Cobb County, GA
 Participant ID: 623071306

GRAPHIC SCALE



RESERVED FOR THE CLERK OF SUPERIOR COURT

P.O.C.
 CMF At The Southerly Mitered
 Corner Of The Intersection Of The
 Southwest R/W Of Atlanta Road
 (Variable R/W) And The Southeast
 R/W Of Grateford Trail (70' P/W)



Now or Formerly
 North Vindings Enterprises, LLC
 Deed Book 13263 Page 4696

AREA SHO N:
 1.08 ACRES

Now Formerly
 LLC
 Book 14 7 Page 2204
 Plot 272 603
 Deed Book 273 Page 164

Now or Formerly
 TI Village, LLC
 Deed Book 14757 Page 2204
 Plot Book 272 Page 603
 Plot Book 273 Page 152

Core Between Subject Deed
 (Deed Book 5028 Page 472)
 And Adjacent Deed (Deed
 Book 14757 Page 2204). Also
 not shown 272 Page 603, And
 Plot Book 273 Page 152
 Area Of Deed 122 sq. Feet

GENERAL NOTES:

- 1) SURVEY DONE WITHOUT USE OF RESTRICTIONS, SETBACKS, THAT ARE SHOWN.
- 2) SPECIAL FLOOD HAZARDS DO NOT EXIST FOR SUBJECT PROPERTY PER FIRM MAP 1306700226G, DATE DE 16.
- 3) UTILITIES AS ELECTRIC, GAS, ANY SEWER LINES.
- 4) CURRENT OWNER & DEED JAMES B & MARY C THOMPSON DEED BOOK PAGE 472.

CURVE	LENGTH	RADIUS	CHORD	BEARING
1	140.43	5479.43	53472.47	E 40.42

To A CMF At The Intersection
 Of The Southeast Of
 Atlanta Road (Variable R/W)
 And Approx. East
 Land Lot 669

LEGEND

- ① IPF Pin Found
- ② (1/2" Rubber Shown)
- ③ 1 Rubber w/ Cap (#2035)
- ④ IPS Iron Pin Set
- ⑤ (1/2" Rubber w/ Cap (#2035))
- ⑥ Concrete Monument Found
- P.O.C. Point of Commencement
- LL Land w/ Lot
- R/W Right of Way
- C/L
- Sever Manhole
- Utility Pole
- Wire Fence
- Wood Fence

PROPERTY A S
 3702 AT NTA RO
 SMYRNA, GEORGIA 30080



PREPARED BY
PIONEER LAND SURVEYING
 6635 WINDING CREEK ROAD
 CARROLLTON, GEORGIA 30116
 PHONE: 770-838-1919
 FAX: 888-636-7769
 Pioneer Land Surveying is
 a DBA for RLS, Inc.



SURVEY CERTIFICATION

This plat is a retracement of an existing parcel or parcels of land and does not subdivide or create a new parcel or make changes to any real property boundaries. The recording information of the documents, maps, plats, or other instruments which created the parcel or parcels are stated herein. RECORDATION OF THIS PLAT DOES NOT IMPLY APPROVAL OF ANY LOCAL JURISDICTION, AVAILABILITY OF PERMITS, COMPLIANCE WITH LOCAL REGULATIONS OR REQUIREMENTS, OR SUITABILITY FOR ANY USE OR PURPOSE OF THE LAND. Furthermore, the undersigned Land Surveyor certifies that this plat complies with the minimum Technical Standards for Property Surveys in Georgia as set forth in the rules and regulations of the Georgia Board of Registration for Professional Engineers and Land Surveyors and as set forth in G.C.G.A. Sections 15-6-67.

Surveyor: Lester E. Bell, 00062350

CLOSURE STATEMENT

The field data upon which this plat is based were obtained at one foot in 4.5 x 7 inch and was adjusted using the Least Square Method.

This plat was calculated for closure, and is found to be accurate within one foot in 123,567 feet.

This was made by GEOMAX ZOOM30 total Station, and was adjusted by 9 x 7 inch.

SURVEY FOR:
ARY C. THOMPSON

ING IN CITY SMYRNA
 LAND LOT 669 - 17th DISTRICT 2nd SECTION
 COBB COUNTY - GEORGIA

DATE: Y 22, 2019

RE

FIELD

IFC

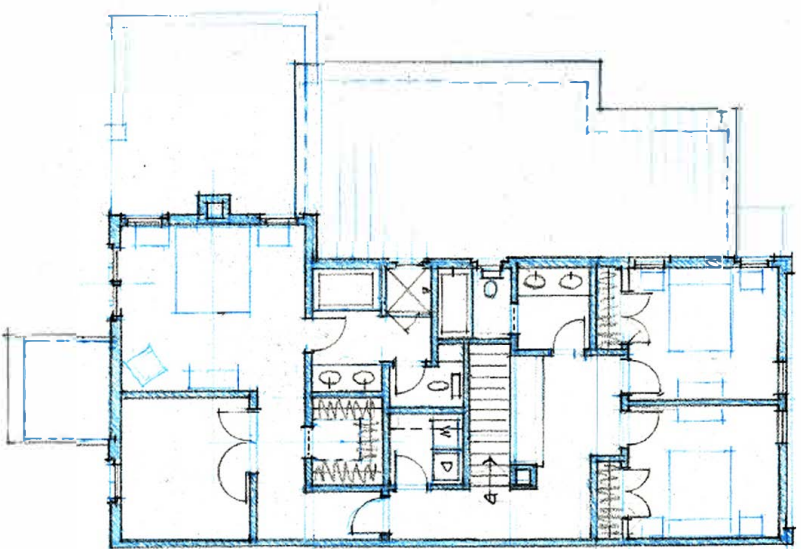
PROJECT

219107

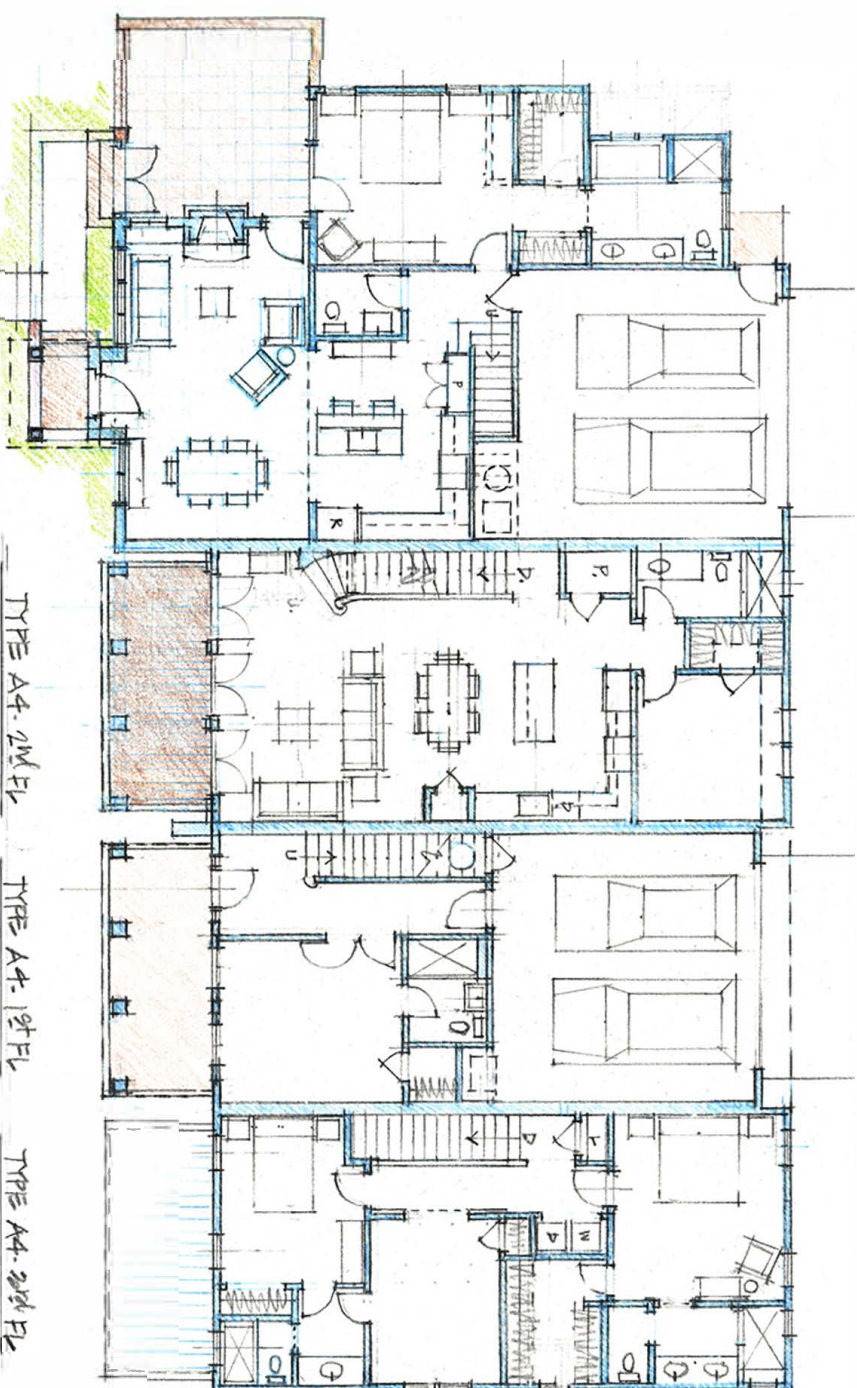
with Book 14757 Page 2204
 MEXICO

FOR THE PROPERTY OF THE
 TO BE

OR CERTIFY BY NAME AND



TYPE A3- 2ND FLR.



TYPE A3- 1ST FLR

TYPE A4- 2ND FL

TYPE A4- 1ST FL

TYPE A4- 3RD FL

AREA SUMMARY

TYPE A3

4 BR 3 1/2 BA + STUDY MASTER ON MAIN

1ST FLR 1,590 SF

2ND FLR 1,201 SF

TOTAL ENCLOSED 2,791 SF

(EXCLUDING GARAGE & BASEMENT)

TYPE A4

5 BR 4BA

1ST FLR 452 SF

2ND FLR 946 SF

3RD FLR 946 SF

TOTAL ENCLOSED 2,344 SF

(EXCLUDING GARAGE & BASEMENT)

FLOOR PLANS



WEST ELEVATION



FRONT ELEVATION

EDGE LINE TOWNHOMES - SMYRNA

(SIMILAR REPRESENTATION OF PLANS & ELEVATIONS)







City of Smyrna

2190 Atlanta Road

Smyrna, Georgia 30080

(770) 431-2850 /City of Smyrna Public Works

City of Smyrna

Water / Sewer availability letter

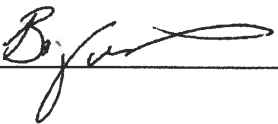
The City of Smyrna has deemed that water is available to the property 3302 Atlanta Rd SE in the City right of way.

City of Smyrna has deemed that there is availability to sewer but is a private sewer system that belongs to the HOA in the subdivision Vintage Square.

The elevations are the responsibility of the developer when tying into the sewer system, along with gaining access to the private sewer through contact with the owner.

Sincerely,
Bo Jones

Assistant Director Public Works

X  _____

Mayor - A. Max Bacon

City Council Ward 1 - Derek Norton / Ward 2 - Andrea Blustein / Ward 3 - Maryline Blackburn / Ward 4 - Charles 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
Municipal Court Judge - Phyllis Gingrey Collins



City of Smyrna
Community Development Office
3180 Atlanta Road
Smyrna, Georgia 30080

RE: **PRELIMINARY HYDROLOGY STUDY**
3302 Atlanta Road
Blue Landworks LLC Project No. 2019.109
March 9, 2020

PROJECT DESCRIPTION

3302 Atlanta Road is a 1.08-acre townhome development (proposed zoning RM-10) located in the City of Smyrna, Cobb County, Georgia, in Land Lot 669 of the 17th Land District, 2nd Section [tax parcel 17066900040]. The subject parcel is bounded by Atlanta Road to the north, *Vintage Square* townhomes to the east and south, and *Villas at Vinings* condominium to the west.

PRE-DEVELOPMENT

The site currently contains mixed woods (average cover) with underbrush and grass. The site slopes moderately (4% – 15%) from Atlanta Road to the south. Runoff from the site currently enters the *Vintage Square* property immediately north of the *Vintage Square* detention pond.

POST-DEVELOPMENT

The site will be developed with 10 townhomes served by a private drive. The private drive will enter the property along Atlanta Road, traverse the property from north to south, and connect with the existing parking area of the *Villas at Vinings* condominium. A stormwater management facility will be constructed along the southern property line adjacent to the *Vintage Square* property.

STORMWATER MANAGEMENT

The CODE OF ORDINANCES, CITY OF SMYRNA, GEORGIA - Sec. 46-144. - *Post-development stormwater management performance criteria* - applies to this project. Stormwater management will be provided in accordance with the following requirements:

- 1) Water Quality: Treat the prescribed water quality treatment volume from the site, as defined in the *Georgia Stormwater Management Manual*. The anticipated method of treatment is an approved propriety device which has been demonstrated to meet the requirements of the Metropolitan North Georgia Water Planning District (Section 46-144-(1)-a.);
- 2) Stream channel protection: 24-hour extended detention storage of the one-year, 24-hour return frequency storm event (Section 46-144-(2)-b.);
- 3) Overbank flooding protection: Downstream overbank flood and property protection shall be provided by controlling (attenuating) the post-development peak discharge rate to a rate at least ten percent less than the pre-development rate for all of the following: the two-year, ten-year, and 25-year, 24-hour return frequency storm events (Section 46-144-(3)); and

Your Project. Successful.

- 4) Extreme flooding protection: Extreme flood and public safety protection shall be provided by controlling (attenuating) the post-development peak discharge rate to a rate at least ten percent less than the pre-development rate for both the 50-year and the 100-year, 24-hour return frequency storm events (Section 46-144-(4)).

A stormwater management facility (occupying approximately 0.1 acre) will be constructed north of the southern property line. The location of this facility is shown on the *Rezoning Exhibit for Edgeline, LLC*.

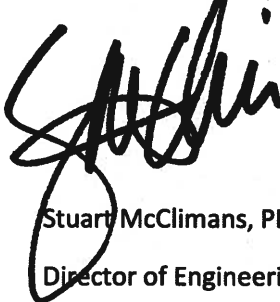
FLOOD HAZARDS

No portion of the property is located within a Special Flood Hazard Area as defined by the Federal Emergency Management Agency (see FIRMette).

NATIONAL WETLANDS INVENTORY

No portion of this property lies in a designated wetland area per the National Wetlands Inventory prepared by the U.S. Fish and Wildlife Service (see map).

BLUE LANDWORKS, LLC



Stuart McClimans, PE
Director of Engineering



Your Project. Successful.

5019 West Broad Street | Suite M230 | Sugar Hill, Georgia 30518 P (678) 804-8586 www.bluelandworks.com

TO THE MAYOR AND CITY COUNCIL
CITY OF SMYRNA, GEORGIA

CONSTITUTIONAL CHALLENGE

COMES NOW, EDGELINE LLC, 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 NS, as established by the governing authority of the City of Smyrna, Georgia to the zoning category of RM-10 for the purposes of a 10-lot, attached Townhome Community.

3.

The current NS zoning classification of the property and all intervening classifications between same and RM-10 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 NS and all intervening classifications between same and RM-10 as they presently exist violate the Applicant's rights to the unfettered use of the property in that the existing zoning classification does not bear a substantial relation to the public health, safety, morality or general welfare and is, therefore, confiscatory and void. Further, said classification is unconstitutional in that it is arbitrary and unreasonable, resulting in relatively little gain or benefit to the public, while inflicting serious injury and loss upon the Applicant.

5.

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

Respectfully submitted, this the 13 day of March, 2020.

SAMS, LARKIN & HUFF, LLP

By: 

GARVIS L. SAMS, JR.

Attorney for Applicant

Ga. Bar No. 623950