

David C. Kirk, FAICP
david.kirk@troutman.com

March 12, 2021

VIA HAND DELIVERY

Mr. Joey Staubes, AICP, Planner II
Planning & Zoning Department
City of Smyrna
3180 Atlanta Road, SE
Smyrna, Georgia 30080

Re: Rezoning Application for 2044 Lake Park Drive, SE – Parcel Number 17078000080

Dear Mr. Staubes:

On behalf of the property owner 2400 Lake Park Atlanta Office, LLC, a Georgia limited liability company (the "Owner"), and its member Grubb Properties, I am pleased to provide for consideration by the City of Smyrna an application to rezone the above-referenced property (the "Subject Property") from its current GC (General Commercial) zoning classification to the MU (Mixed Use) zoning classification. This rezoning request will also require the Land Use designation of the Subject Property be changed from the current OP (Office/Professional) designation to the MU (Mixed Use) classification. The requested rezoning will allow for the redevelopment of the Subject Property, which currently contains one low-rise office building and an extensive surface parking field with limited pedestrian amenities, into a vibrant mixed-use development providing an attractive, sustainable, functional and bicycle/pedestrian-friendly environment; a mix of office, residential, amenities, and retail uses; along with adequate structured and surface parking, and including significant associated green space, the centerpiece of which will be a new multi-use trail intended to catalyze additional trail development between the Subject Property and the Battery development to the south.

Included with this letter are a copy of a completed Rezoning Application bearing all necessary signatures as well as the following materials required by the City of Smyrna.

- A copy of the Deed reflecting the current property owner (Exhibit "A");
- A copy of the paid tax receipt for the property (Exhibit "B");
- A Water and Sanitary Sewer Availability Letter from the City of Smyrna Department of Public Works (Exhibit "C");
- The Conceptual Building Elevations listing proposed materials (11" x 17") for the proposed residential structures (Exhibit "D");

- A document (11" x 17") showing the floor plan for each level of the proposed new mixed-use structure (Exhibit "E");
- A full-sized scaled Survey and a 11" x 17" copy of the Survey, as well as a Legal Description of the Subject Property (Exhibit "F");
- A full-sized scaled Conceptual Site Plan and a 11" x 17" copy of the Conceptual Site Plan (Exhibit "G");
- A Preliminary Hydrology Study for the Subject Property (Exhibit "H");
- A full-sized scaled Tree Protection Plan and a 11" x 17" copy of the Tree Protection Plan (Exhibit "I");
- A Traffic Impact Study prepared for the Subject Property and proposed development by Pond & Company, dated March 2021 (Exhibit "J");
- A Water & Sewer Impact Statement prepared by Pond & Company (Exhibit "K");
- A School Impact Statement prepared by Grubb Properties (Exhibit "L"); and
- A check in the amount of \$3,200.00, payable to the City of Smyrna for the Rezoning Fee of \$1,200, the Land Use Change Fee of \$500, the Tree Protection Plan Review Fee of \$500, and the Sewer Capacity Analysis Fee of \$1,000.

Electronic copies of the Rezoning Application and all supporting documents have been placed on a flash drive that is being submitted as part of the Application package. As is the case with any proposal of this nature, the Owner and Applicant acknowledge changes may well be made to the conceptual site plan or other elements of the proposed redevelopment through interaction with staff, City officials, and the community, as they consider various aspects of the redevelopment project.

Description of the Proposed Project

The proposed project (the "Project") consists of the redevelopment of a 9.73-acre tract that currently contains a 105,000 square foot multi-story office building and associated surface parking into a unified and vibrant mixed-use development. The Owner acquired the property in 2019 and has invested \$3.5M to renovate the existing office building since acquisition, focusing on corridors, common areas, and outdoor amenity spaces. This office building will remain. New development on the Subject Property will replace much of the exiting surface parking field and will consist of new residential buildings; along with associated amenity, retail, and office space, structured parking, landscaping, green space, and bicycle/pedestrian improvements, including the first "leg" of a multi-use trail that could eventually extend to The Battery. In total, the project is proposed to include 277 residential units, consisting of 213 one-bedroom units and 64 two-bedroom units. In addition, the project will provide approximately 11,000 square feet of new office co-working space and 10,000 square feet of active/retail uses. A total of 545 parking spaces will be provided for all uses, with 409 spaces in a parking deck and 136 surface spaces.

The Subject Property currently is zoned GC (General Commercial), which prevents the redevelopment of the Subject Property as proposed. In order to redevelop the Subject Property in the proposed unified manner and provide the flexibility for the Project to reflect the emerging vision of the area as a more pedestrian-friendly, mixed-use environment with connectivity to other destinations in the area, the Applicant respectfully requests the Subject Property be rezoned to the MU (Mixed Use) zoning classification and that the accompanying Land Use change from OP (Office/Professional) to MU (Mixed Use) be approved as well.

Description of Proposed Multi-Use Path

In anticipation of this project, the Owner retained Copenhagenize Design Co., one of the world's premiere bicycle transportation planning firms, to prepare a white paper examining the potential for enhancing transportation opportunities in the vicinity of the Subject Property in a way that not only has the potential to benefit the project but benefitted the community as a whole. This white paper was previously provided to City staff. Building on the results and recommendations of this white paper and on discussions with staff of the City of Smyrna, Marietta, Cobb County, and the Cumberland CID, the Owner intends to design and construct the initial portions of a multi-use path to serve pedestrians and bicyclists (the "Path"). Envisioned in its entirety, the Path would begin on the Subject Property and could eventually reach The Battery. Currently, the Owner anticipates it would fund and construct the portions of the Path on its property and, potentially, on adjacent property should it secure agreements for control or access. It is the Owners' expectation that the design and construction of the remaining portions of the Path will be funded through public and private means. The Owner remains committed to working with all involved and interested parties in supporting the development of the Path.

Zoning Map Amendment Review and Approval Criteria

As set forth in Section 1508 of The Zoning Ordinance of the City of Smyrna, Georgia (the "Zoning Ordinance"), the following zoning review standards shall be considered by the Planning Commission and Mayor & Council in connection with any zoning proposal.

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 zoning proposal will allow for uses that are not only suitable in light of the use and development of adjacent and nearby properties but also compatible with and supportive of the use and development of such properties. Adjacent and nearby properties currently are developed to include a mix of office buildings, commercial use, and residential buildings (both multi-family and single family). The proposed use of the Subject Property as a high-quality mixed-use development will provide job opportunities for those living in nearby residential developments; residential opportunities for nearby workers; potential customers for the nearby retail uses, and enhanced pedestrian and bicycle connectivity.

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

The zoning proposal will have no adverse impact on adjacent or nearby properties and, in fact, will enhance the use, usability, and value of such properties by allowing for the creation of a high-quality mixed-use development that will provide job opportunities, accessible housing, increased green space, and enhanced pedestrian and bicycle connections to points within the Project, to surrounding developments in the area, and to nearby transit, including the transit stop adjacent to the Subject Property along Cobb Parkway.

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

While the Subject Property has some economic use as currently zoned in the GC classification, such current zoning unnecessarily limits the Owner's ability to create the type of development proposed herein that will support and help achieve many of the City's goals as expressed in the 2040 Comprehensive Development Plan (the "Plan") and benefit the City and its residents as a whole, in addition to the Owner.

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 zoning proposal will not result in a use that overburdens surrounding streets, transportation facilities, utilities, or schools. The impact of the proposed development on surrounding transportation facilities was thoroughly evaluated through the Traffic Impact Study performed by Pond & Company (the "Traffic Study"). The results of the Traffic Study indicate that, while traffic in the area is expected to increase over time, the addition of the traffic associated with the development is not the cause of any unacceptable levels of service. The Traffic Study also recommends certain modifications to improve traffic flow and safety. Enhancements to the pedestrian and bicycle network provided in connection with the Project will allow workers and visitors alike to walk or bike to and from nearby residential, office, and commercial developments. Utilities such as water, sewer, natural gas, electricity, and telecommunications are available in the area, currently serve the 105,000 square foot office building, and are believed to have sufficient capacity to serve the proposed development.

Regarding the anticipated impact on area schools, the Applicant has attached an analysis of the Project's expected impact on nearby public schools. Based on Grubb Properties experience elsewhere and previous studies, and because of the preponderance of one-bedroom units, the analysis indicates the Project is expected to generate only a modest increase in school-aged children and would be expected to have a net positive fiscal impact on the school system.

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

While the proposed rezoning will require the land use of the Subject Property to change from Office/Professional (OP) to Mixed Use (MU), the Applicant respectfully submits both the requested land use and the requested rezoning of the Subject Property support numerous goals and policies of the City's Plan and are, therefore, desirable. The Policy Map within the Plan indicates the Subject Property is located within a "Major Hub" wherein "Higher Density" development is appropriate. In addition, the proposed rezoning would support various Goals and Policies set forth in the Plan for Housing, Economic Development, Land Use, Transportation, and Public Services/Quality of Life including, but not limited to: providing infill housing development that is compatible with surrounding established neighborhoods (Housing Policy 1.2), encouraging housing types and densities to support mixed-use redevelopment (Housing Policy 2.5), encouraging a range of housing choices to meet market demand (Housing Goal 3), encouraging opportunities for mixed-use, live/work housing (Housing Policy 3.5), promoting continued economic development within . . . activity centers as vibrant mixed-use centers . . . (Economic Development Goal 6), continuing development of a bicycle/pedestrian trail network . . . with linkages to parks, schools, and residential areas (Land Use Policy 9.1), supporting a broad range of land uses within the City (Land Use Policy 13.1), providing a safe, efficient, financially supportable transportation system (Transportation Goal 16), promoting the further development of a multi-modal transportation network to maximize access and connectivity for all residents (Transportation Goal 18), promoting transportation alternatives such as transit, bicycle facilities, [and] pedestrian infrastructure . . . (Transportation Policy 18.3), and encouraging infill development in areas with existing infrastructure capacity (Public Services/Quality of Life Policy 19.2).

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

The Cobb Parkway corridor has continued to evolve in recent years, with change accelerated by the ongoing pandemic as retail uses have struggled. At the same time, the inefficient land use pattern associated with traditional suburban office development has become more and more obvious, with large portions of such properties paved solely for parking. As the corridor has evolved, the desire for denser development in appropriate locations has increased and a more urban development form has emerged, both through the natural progression of development and through the guiding hand of a regulatory environment that encourages mixed-use development, provides for housing options, supports the retail environment, and allows for greater pedestrian and bicycle connectivity. All these factors give supporting grounds for the approval of the requested zoning proposal.

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;

As demonstrated by the Elevation Drawings submitted in support of this application, the Applicant respectfully submits the redevelopment of the property as proposed will

enhance the architectural aesthetics of the general neighborhood by providing an attractive, well-designed residential development to complement the recently renovated office building on site.

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

The Applicant and Owner respectfully suggest the proposed zoning classification and redevelopment will not cause a nuisance or be incompatible with the existing office use on the Subject Property or on adjacent or nearby properties. In fact, the proposed uses are complementary and compatible with each other as part of a vibrant, mixed-use development.

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.

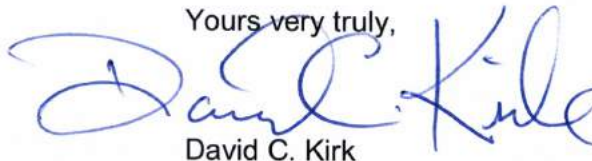
The Applicant and Owner respectfully submit that neither the land area or height of the proposed residential structures on the Subject Property would be anticipated to have a negative impact on any adjoining property, the general area, or other uses in the area. The land area of the proposed redevelopment would not change as a result of the requested rezoning and the building height is compatible with existing building heights both on the Subject Property and on surrounding and nearby properties.

As demonstrated above and through the accompanying documentation, the Applicant and Owner respectfully submit the proposed Rezoning requested in connection with this Project fully meets the review and approval criteria established by the City. Should you believe any additional information would be helpful to your review of this application, please do not hesitate to let me know and I will work with our team to respond in a timely manner.

Conclusion

Accordingly, on behalf of the Applicant and Property Owner, I respectfully request the approval of this request to rezone the Subject Property at 2400 Lake Park Drive from its current GC classification to the proposed MU classification, as well as the approval of the accompanying Land Use change from OP to MU. I appreciate your thoughtful consideration of this request, I would be happy to answer any questions you may have, and I look forward to working with you on this exciting and important redevelopment project.

Yours very truly,

A handwritten signature in blue ink, appearing to read "David C. Kirk".

David C. Kirk

/dck
Attachments