

**SAMS, LARKIN, HUFF & BALLI, LLP**

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June 25, 2014

**VIA HAND DELIVERY**

Mr. John P. Pederson, AICP, Manager  
Cobb County Community Development Agency  
Zoning Division  
1150 Powder Springs Road  
Suite 400  
Marietta, GA 30064

Re: Application of BRED CO., LLC to Rezone a 74.77 Acre Tract from O&I, OHR and GC to RRC Conditional, Land Lots 876, 877, 879, 880, 914, 915, 916, 917, 918, 945 and 946, 17<sup>th</sup> District, 2<sup>nd</sup> Section, Cobb County, Georgia ("Project Site")(Z-44).

Dear John:

As you are aware, the above described Application includes real property that is envisioned to be the future home of the Atlanta Braves ballpark ("Stadium") and an exceptional and unique mixed use development ("Development") on the property owned by Applicant immediately adjacent and in close proximity to the Stadium. To ensure that Staff had appropriate time to evaluate the unique quality control aspects of this Development, I initially filed with the rezoning application a detailed Summary of Project which you have reviewed, approved and made a condition of the rezoning recommendation of approval. That said, I wanted to provide your office and all interested parties some additional information.

**MIXED USE ELEVATIONS**

As you are aware, the mixed use consists of (1) Class A office building(s); (2) upscale retail; (3) select service hotel(s); (4) luxury multi-family residential and (5) a multi-use entertainment facility. While this Development is still within the design phase, I am attaching elevations that depict projects that have been completed by the same design team that is contributing to the design of this Development and other developments that have similar design and architectural attributes. (See Attached). The Applicant states that the architectural

**VIA HAND DELIVERY**

Mr. John P. Pederson, AICP, Manager  
Cobb County Community Development Agency  
June 25, 2014  
Page 2

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components, materials and design of this Development will be comparable to and of the same general character as the elevations attached.

**LOCATION OF USES**

In addition, I am attaching a Master Plan that depicts the planned location of the various uses on the Project Site. (See attached). This Master Plan shall be an informational Site plan to be filed with the Application. As set forth in the Summary of Project recommended as a condition of approval by Staff, the Applicant will be allowed to develop the approved uses throughout the Project Site. However, if there are major relocations of a use during development, Staff has the option to request an updated GRTA analysis. That said, GRTA has stated in its Notice of Decision that changes to the Site Plan will not be considered material or substantial as long as GRTA's conditions are met.

**MASTER ASSOCIATION AND COVENANTS/RESTRICTIONS**

As discussed on numerous occasions, the Applicant will be developing a Ballpark Village consisting of the mixed uses set forth in the Application. As a mandatory and integral part of the Development, Applicant, and/or one of its related entities (collectively "Applicant"), is going to establish a Mandatory Master Property Owners Association which will be controlled by the Applicant and will record master covenants and restrictions ("Covenants") which will bind all subsequent property owners, tenants or residents of the Development. As you can imagine, there are numerous aspects to these Covenants that will address a number of issues from use restrictions, design, architectural and construction requirements, signage restrictions and controls, maintenance standards, landscaping obligations, insurance requirements, broad enforcement powers, quality standards, technology provisions, intellectual property protections and various other subjects/issues. Accordingly, the Applicant does not anticipate having a final draft prior to the final zoning hearing. However, as the Applicant's affiliate company, the Atlanta Braves, has committed to occupy the Stadium on the Project Site for the next three decades, the Covenants will be more comprehensive, and as restrictive, on issues of signage, design, architecture and landscaping than those set forth in the development regulations or County Code. That is, there is no entity or person more concerned with ensuring that the Development is of superior quality and appearance than the Applicant. Accordingly, the Covenants will include provisions that (1) establish an exceptional Ballpark Village standard to protect, enhance and preserve the values, amenities, desirability and attractiveness of the Development; (2) provide for strict architectural, landscaping, construction, development and maintenance controls to maintain the value, aesthetic appearance and architectural harmony of

**VIA HAND DELIVERY**

Mr. John P. Pederson, AICP, Manager  
Cobb County Community Development Agency  
June 25, 2014  
Page 3

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the Development; (3) strictly regulate conduct, appearance, maintenance or other activity via establishment of a Design Review Board which shall also set architectural standards and signage guidelines; (4) establish a design review process that shall govern any and all proposed development before any request is made to Cobb County for any vertical building permits; (5) strictly define “signage” and control all signage within the Development; (6) require any sign to first get approval from the Design Review Board before requesting or seeking a sign permit from Cobb County; (7) broad enforcement powers that, unlike Cobb County Code Enforcement provisions, provide for immediate civil enforcement and severe penalties for any violations; (8) provisions that the “most restrictive standard” contained within the Covenants will govern even if a desired activity, use or architecture is allowed under Cobb County Ordinances; (9) require regular removal of litter/trash, regular landscaping maintenance, maintenance of all parking facilities and parking striping and maintenance of any stormwater controls; (10) require any request for a rezoning of any of the Development to first seek and receive approval of the Design Review Board and/or the Applicant; (11) include comprehensive prohibited uses restrictions to protect the Braves’ brand and to prevent unwanted uses; and (12) include numerous other provisions designed to enhance and protect the entire Development.

**ADDITIONAL STIPULATIONS**

As set forth above, while this development contains quality control mechanisms and master covenants/restrictions that render the Development unique from any other development in this County, certain concerns have been raised regarding limited aspects of the development. To alleviate those concerns, the Applicant has agreed to certain limited additional stipulations. Accordingly, the following stipulations, upon approval by the Board of Commissioners, shall become conditions of the zoning ordinance applicable to this Project Site:

1. The Summary of Project conditions/document that has been recommended as a condition of approval by Staff shall remain in full force and effect as part of the zoning ordinance governing the Project Site. However, the Summary of Project is supplemented by these additional stipulations.
2. Subject to development adjustments between uses within the overall density, the (1) 630,000 square feet of Class A office building(s); (2) 500,000 square feet of upscale retail; (3) 450 key/occupant select service hotel(s); (4) 600 luxury multi-family residential units and (5) 100,000 square feet multi-use entertainment facility shall be the maximum building density allowed on the Project Site.

**VIA HAND DELIVERY**

Mr. John P. Pederson, AICP, Manager  
Cobb County Community Development Agency

June 25, 2014

Page 4

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3. There shall be a Master Property Owners Association which shall be controlled and established by the Applicant. The Applicant shall require that there be Master Covenants and Restrictions (“Covenants”) filed and recorded that govern and restrict the entire Project Site. The Covenants shall be recorded of record and run with the land. All owners, tenants and residents of the Project Site shall be subject to, and restricted by, the Covenants. If any parcel of the Project Site is transferred to any entity, the Covenants shall be a condition of the transfer and shall govern said parcel.
4. The Covenants shall be recorded and delivered to Cobb County Community Development prior to the conveyance of the Stadium Site to the Cobb-Marietta Coliseum and Exhibit Hall Authority, but in no event later than the issuance of any certificates of occupancy for any building on the Project Site.
5. Any exterior signage that faces outward from the Project Site toward a public road shall be restricted to owners, residents, sponsors, partners and tenants of the Development or sponsors and partners of the Atlanta Braves. Any required permits for such signs will be obtained from the Georgia Department of Transportation before installation. Further, instead of “no less than four marquee style signs” there shall be no more than four marquee style signs on the Project Site.
6. In the event that the Applicant does not establish a Master Property Owners Association and/or record the Covenants within two (2) years after opening day in the new Stadium to be built on the Project Site, the variances as to signs and landscaping set forth in the Summary of Project shall expire and all signage and landscaping shall be governed by the applicable portions of the Cobb County Code.
7. The Development will comply with the County Stormwater Ordinance and, regardless of final impervious surface coverage, will not release stormwater at a rate higher than the existing vegetated condition. All construction activity will comply with the National Pollution Discharge Elimination System (NPDES) permit requirements which is to provide for the discharge of clean water from the construction site and will not pollute or muddy the Chattahoochee River.

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Mr. John P. Pederson, AICP, Manager  
Cobb County Community Development Agency  
June 25, 2014  
Page 5

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8. Prior to the first Stadium event, Applicant will work with Cobb County to develop and implement a traffic management plan which shall address numerous factors including, but not limited to, pedestrian accessibility, facilities, and circulation. Further, prior to the first Stadium event, Applicant shall submit a Shared Parking Study as set forth in Paragraph 6 of the Summary of Project.
9. The District Commissioner may approve minor modifications to the Site Plan / Summary of Project except those that
  - (a) increase the height of any of building over 300’;
  - (b) increase the maximum impervious surface from the number set forth in the Summary of Project;
  - (c) increase the floor area ratio;
  - (d) reduce the parking spaces inconsistent with a Shared Parking Study to be submitted by the Applicant as stated as Paragraph 6 of the Summary of Project; or
  - (e) add to the list of permitted uses.

Please contact me with any questions you may have and thank you for your time and assistance.

Sincerely,

SAMS, LARKIN, HUFF & BALLI, LLP



James A. Balli  
[jballi@slhb-law.com](mailto:jballi@slhb-law.com)

Enclosures

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Mr. John P. Pederson, AICP, Manager  
Cobb County Community Development Agency  
June 25, 2014  
Page 6

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cc: Mr. Mike Plant, Executive VP Operations, Atlanta Braves  
Greg Heller, Esq., Senior VP and General Counsel, Atlanta Braves  
Maxine Hicks, Esq., DLA Piper  
Jones Lang LaSalle  
Kimley-Horn & Associates, Inc.  
Chairman Tim Lee  
Commissioner Bob Ott, District 2  
Cobb County Commissioners  
Deborah Dance, Esq., County Attorney  
Cobb County Planning Commission  
Mr. Robert L. Hosack, Jr., AICP Director





















ANN TAYLOR  
**LOFT**

**ORIGINS**

AMERICAN CASINO





POTTERY BARN

POTTERY BARN

St.

PARK

PARK

SALE

STOP





L'OCCITANE  
EN PROVENCE

O&CO.

Wrinkles?  
Loss of firmness?  
Very Precious Cream

Olive Oils  
&  
Specialities  
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the  
Mediterranean

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ROBINA TOWN CENTRE - QUEENSLAND AUSTRALIA  
(DESIGNED BY JERDE)



LA CITTADELLA - KAWASAKI JAPAN  
(DESIGNED BY JERDE)



THE BILTMORE - PHOENIX, AZ



SANTA MONICA PLACE, CA  
(DESIGNED BY JERDE)



THE AMERICANA - GLENDALE, CA



TOWN SQUARE - LAS VEGAS, NV



KIERLAND COMMONS - PHOENIX, AZ



CLARENDON - ARLINGTON, VA



3RD STREET PROMENADE - SANTA MONICA, CA



THE GROVE - LOS ANGELES, CA



