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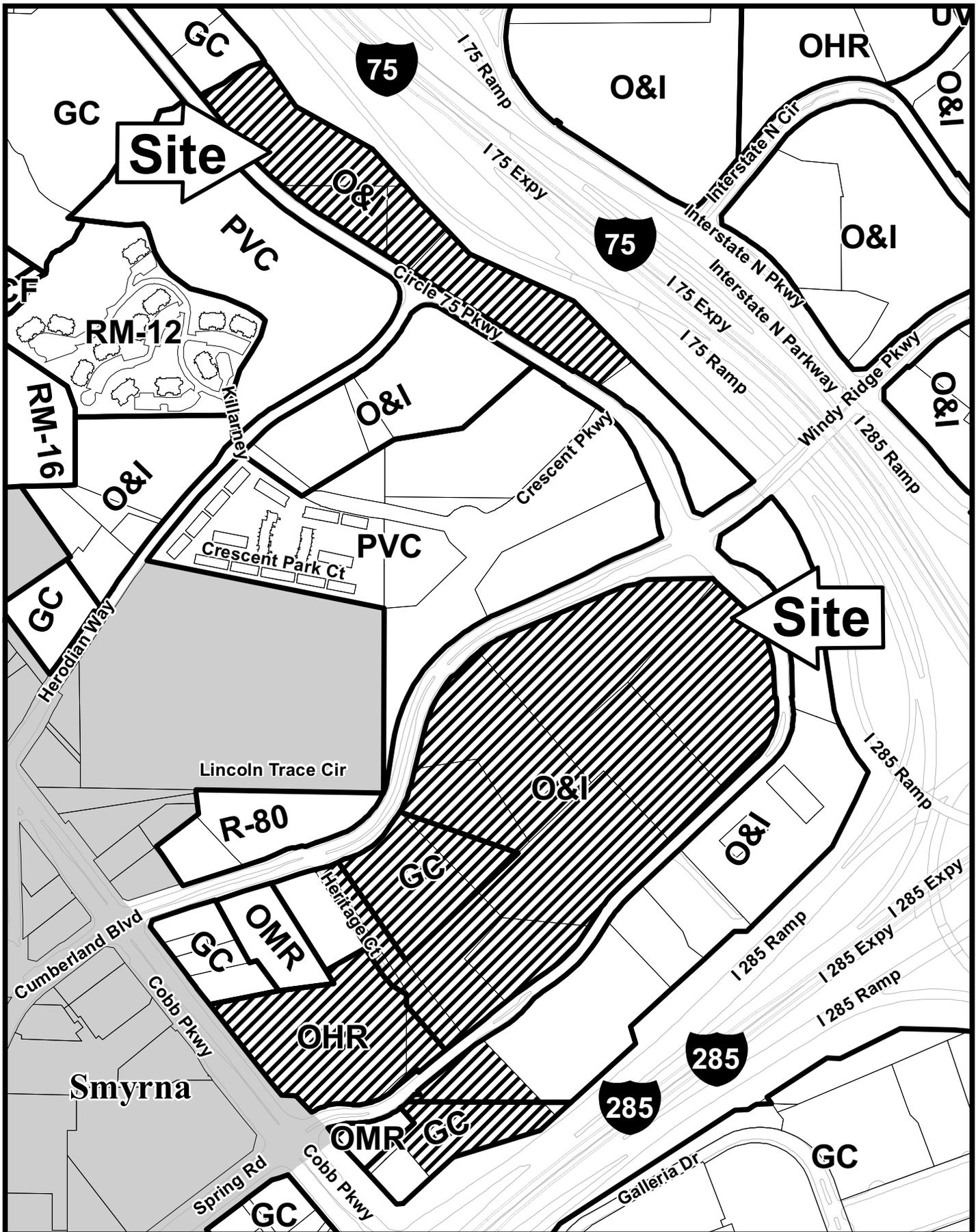
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Z-44



This map is provided for display and planning purposes only. It is not meant to be a legal description.

0 500 1,000 Feet



City Boundary
Zoning Boundary

APPLICANT: BRED CO., LLC

PETITION NO.: Z-44

PRESENT ZONING: O&I, GC, OHR

PETITION FOR: RRC

ZONING COMMENTS:

Staff Member Responsible: John Pederson

Land Use Plan Recommendation: Regional Activity Center (RAC)

Proposed Number of Buildings: TBD **Total Square Footage of Development:** 2,430,000

F.A.R.: 0.74 **Square Footage/Acre:** 32,500

Parking Spaces Required: 21,869* **Parking Spaces Provided:** 6,977

***Based on 6,977 parking spaces for the mixed use and 14,892 parking spaces for the stadium.**

The applicant is requesting the RRC zoning in order to develop a mixed use development consisting of 630,000 square feet of office, 500,000 square feet of retail, 600 residential units, 450 hotel rooms, a 100,000 square foot multi use facility and a professional baseball stadium that would have approximately 44,676 seats. The office square footage is expected to be contained in multiple buildings throughout the property. The retail would be dispersed throughout the development and would contain a mixture of retail and restaurants. The 600 residential units are expected to be dispersed throughout the development. The multi use facility would be used for private events, promotional events, parties and fan experiences. The baseball stadium will be used by the Atlanta Braves and has approximately 9,000 less seats than Turner Field. The entire project would have complimentary building architecture consisting of brick, stone, stucco and glass, and is anticipated to be open by March 2017. The proposal has been reviewed as a Development of Regional Impact by the Atlanta Regional Commission and by the Georgia Regional Transportation Authority. The applicant is requesting contemporaneous variances for:

- Building setbacks;
- Floor Area Ratio;
- Impervious coverage;
- Required parking;
- Signage; and
- Tree ordinance.

These items are more specifically summarized in the applicant’s Summary of Project, which is attached to end of this recommendation. There will be master covenants that will strictly control architecture, signage, lighting and uses.

Cemetery Preservation: No comments.

FIRE COMMENTS:

After analyzing the information presented for a Preliminary Review, the Cobb County Fire Marshal’s Office is confident that all other items can be addressed during the Plan Review Stage.

APPLICANT: BRED CO., LLC

PETITION NO.: Z-44

PRESENT ZONING: O&I, GC, OHR

PETITION FOR: RRC

PLANNING COMMENTS:

The applicant is requesting a rezoning from O&I, GC and OHR to RRC for purposes of Mixed Use Development. The 74.77 acre site is located on the southeast side of Windy Ridge Parkway, northwest side and easterly side of Circle 75 Parkway, east side of Cobb Parkway, easterly side of Circle 75 Parkway, on the westerly side of I-75, and on the easterly, southerly, and westerly side of Heritage Court.

Comprehensive Plan

The parcels are within Regional Activity Center (RAC) area future land use category, with O&I, GC and OHR zoning designations. The purpose of the Regional Activity Center (RAC) category is to provide for areas that can support a high intensity of development which serves a regional market. Typical land uses in these areas include high-rise office buildings, regional malls and varying densities of residential development.

Master Plan/Corridor Study

Cumberland Improvement District

Historic Preservation

After consulting various county historic resources surveys, historic maps, archaeology surveys and Civil War trench location maps, staff finds that no known significant historic resources appear to be affected by this application. No further comment. No action by applicant requested at this time.

Design Guidelines

Is the parcel in an area with Design Guidelines? Yes No

If yes, design guidelines area _____

Does the current site plan comply with the design requirements?

Incentive Zones

Is the property within an Opportunity Zone? Yes No

The Opportunity Zone is an incentive that provides \$3,500 tax credit per job in eligible areas if two or more jobs are being created. This incentive is available for new or existing businesses.

Is the property within an Enterprise Zone? Yes No

The Enterprise Zone is an incentive that provides tax abatements and other economic incentives for qualifying businesses locating or expanding within designated areas for new jobs and capital investments.

Is the property eligible for incentives through the Commercial and Industrial Property Rehabilitation Program? Yes No

The Commercial and Industrial Property Rehabilitation Program is an incentive that provides a reduction in ad valorem property taxes for qualifying redevelopment in eligible areas.

Special Districts

Is this property within the Cumberland Special District #1 (hotel/motel fee)?

Yes No

Is this property within the Cumberland Special District #2 (ad valorem tax)?

Yes No

APPLICANT BRED CO., LLC

PETITION NO. Z-044

PRESENT ZONING O&I, GC, OHR

PETITION FOR RRC

WATER COMMENTS: NOTE: Comments reflect only what facilities were in existence at the time of this review.

Available at Development: Yes No

Fire Flow Test Required: Yes No

Size / Location of Existing Water Main(s): 12" DI / S side of Windy Ridge Pkwy

Additional Comments: Also, water mains on Circle 75 Pkwy and Hwy 41

Developer may be required to install/upgrade water mains, based on fire flow test results or Fire Department Code. This will be resolved in the Plan Review Process.

SEWER COMMENTS: NOTE: Comments reflect only what facilities were in existence at the time of this review.

In Drainage Basin: Yes No

At Development: Yes No

Approximate Distance to Nearest Sewer: on site(s) and in adjacent ROW

Estimated Waste Generation (in G.P.D.): A D F= 1,012,750* Peak= 3,848,454*

Treatment Plant: Sutton

Plant Capacity: Available Not Available

Line Capacity: Available Not Available

Projected Plant Availability: 0 - 5 years 5 - 10 years over 10 years

Drv Sewers Required: Yes No

Off-site Easements Required: Yes* No *If off-site easements are required, Developer must submit easements to CCWS for review/approval as to form and stipulations prior to the execution of easements by the property owners. All easement acquisitions are the responsibility of the Developer

Flow Test Required: Yes No

Letter of Allocation issued: Yes No

Septic Tank Recommended by this Department: Yes No

Subject to Health Department Approval: Yes No

Additional Sewer system capacity study likely required at Plan Review. *Flow calculations provided by
Comments: developer's engineer

Developer will be responsible for connecting to the existing County water and sewer systems, installing and/or upgrading all outfalls and water mains, obtaining on and/or offsite easements, dedication of on and/or offsite water and sewer to Cobb County, as may be required. Rezoning does not guarantee water/sewer availability/capacity unless so stated in writing by the Cobb County Water System. Permit issuances subject to continued treatment plant compliance with EPD discharge requirements.

APPLICANT: BRED CO., LLC

PETITION NO.: Z-44

PRESENT ZONING: GC, O&I and OHR

PETITION FOR: RRC

STORMWATER MANAGEMENT COMMENTS

FLOOD HAZARD: YES NO POSSIBLY, NOT VERIFIED

DRAINAGE BASIN: Poplar Creek/Rottenwood Creek FLOOD HAZARD INFO: Zone AE

- FEMA Designated 100 year Floodplain Flood.
- Flood Damage Prevention Ordinance DESIGNATED FLOOD HAZARD.
- Project subject to the Cobb County Flood Damage Prevention Ordinance Requirements.
- Dam Breach zone from (upstream) (onsite) lake - need to keep residential buildings out of hazard.

WETLANDS: YES NO POSSIBLY, NOT VERIFIED

Location: within and adjacent to stream, buffer and floodplain of Poplar Creek

- The Owner/Developer is responsible for obtaining any required wetland permits from the U.S. Army Corps of Engineer.

STREAMBANK BUFFER ZONE: YES NO POSSIBLY, NOT VERIFIED

- Metropolitan River Protection Area (within 2000' of Chattahoochee River) ARC (review 35' undisturbed buffer each side of waterway).
- Chattahoochee River Corridor Tributary Area - County review (undisturbed buffer each side).
- Georgia Erosion-Sediment Control Law and County Ordinance - **County Review**/State Review.
- Georgia DNR Variance may be required to work in 25 foot streambank buffers.
- County Buffer Ordinance: **50'**, 75', 100' or 200' each side of creek channel.

DOWNSTREAM CONDITION

- Potential or Known drainage problems exist for developments downstream from this site.
- Stormwater discharges must be controlled not to exceed the capacity available in the downstream storm drainage system.
- Minimize runoff into public roads.
- Minimize the effect of concentrated stormwater discharges onto adjacent properties.
- Developer must secure any R.O.W required to receive concentrated discharges where none exist naturally
- Existing Lake Downstream .
Additional BMP's for erosion sediment controls will be required.
- Lake Study needed to document sediment levels.
- Stormwater discharges through an established residential neighborhood downstream.
- Project engineer must evaluate the impact of increased volume of runoff generated by the proposed project on receiving streams and drainage systems.

STORMWATER MANAGEMENT COMMENTS – Continued

SPECIAL SITE CONDITIONS

- Provide comprehensive hydrology/stormwater controls to include development of out parcels.
- Submit all proposed site improvements to Plan Review.
- Any **spring activity** uncovered must be addressed by a qualified geotechnical engineer (PE).
- Structural fill _____ must be placed under the direction of a qualified registered Georgia geotechnical engineer (PE).
- Existing facility.
- Project must comply with the Water Quality requirements of the CWA-NPDES-NPS Permit and County Water Quality Ordinance.
- Water Quality/Quantity contributions of the existing lake/pond on site must be continued as baseline conditions into proposed project.
- Calculate and provide % impervious of project site.
- Revisit design; reduce pavement area to reduce runoff and pollution.

ADDITIONAL COMMENTS

1. The project site is located in the northwest quadrant of the I-75/I-285 interchange. The primary portion of the site is roughly bounded by Cobb Parkway, Circle 75 Parkway and Windy Ridge Parkway. This area is approximately 57 acres and drains generally to the south and east beneath Circle 75 and I-285 and ultimately is conveyed to Rottenwood Creek. There is an additional 13 acre parcel located farther north on Circle 75 Parkway that lies between Circle 75 Parkway and I-75 and drains to Poplar Creek which forms the northern boundary. The existing site is predominately wooded with a mixture of soft and hardwoods. Slopes on the site range from approximately 5 to 25%.
2. Per conversations with the applicants design engineer, it is understood that the primary detention facility for the main site will be located at or adjacent to the existing low point of the site along Circle 75 in an underground system. Infiltration or proprietary water quality devices will be required to meet water quality treatment requirements. Two to three smaller facilities will likely be required at the remaining discharge points. The northern 13 acre parcel will have a stormwater management facility located adjacent to Poplar Creek. This pond must be located above the 100-year floodplain and outside the stream buffer.
3. The applicant’s stipulation letter requests an increase in the allowable impervious coverage limit from 80% to 90%. If this variance is approved, the Stormwater Management Division would recommend that any coverage over 80% be required to utilize pervious pavement and infiltration to mitigate the increase in site runoff volume.

TRANSPORTATION COMMENTS

The following comments and recommendations are based on field investigation and office review of the subject rezoning case:

ROADWAY	AVERAGE DAILY TRIPS	ROADWAY CLASSIFICATION	SPEED LIMIT	JURISDICTIONAL CONTROL	MIN. R.O.W. REQUIREMENTS
Cobb Parkway	54,200	Arterial	45 mph	Georgia DOT	100'
Circle 75 Parkway	8600	Arterial	30 mph	Cobb County	100'
Windy Ridge Parkway	8200	Arterial	35 mph	Cobb County	100'

Based on 2007 traffic counting data taken by Georgia DOT (Cobb Parkway)
Based on 2007 traffic counting data taken by Cobb County DOT (Circle 75 Parkway)
Based on 2011 traffic counting data taken by Cobb County DOT (Windy Ridge Parkway)

COMMENTS AND OBSERVATIONS

Cobb Parkway is classified as an arterial and according to the available information the existing right-of-way does meet the minimum requirements for this classification.

Circle 75 Parkway is classified as an arterial and according to the available information the existing right-of-way does not meet the minimum requirements for this classification.

Windy Ridge Parkway is classified as an arterial and according to the available information the existing right-of-way does meet the minimum requirements for this classification.

RECOMMENDATIONS

Recommend applicant consider entering into a development agreement pursuant to O.C.G.A. 36-71-13 for dedication of the following system improvements to mitigate traffic concerns: a) donation of right-of-way on the applicable side of Circle 75 Parkway, a minimum of 50' from the roadway centerline.

Recommend sidewalk along all road frontages.

Recommend developer comply with all transportation related requirements of GRTA's Notice of Decision recommendations.

Recommend GDOT permits for all work that encroaches upon State right-of-way.

Recommend private streets be constructed to the Cobb County Standard Specifications.

Recommend developer is responsible for 100% of the funding for the traffic signal(s) unless otherwise agreed to.

Recommend applicant be required to meet all Cobb County Development Standards and Ordinances related to project improvements.

STAFF RECOMMENDATIONS

Z-44 BRED CO., LLC

- A. It is Staff's opinion that the applicant's rezoning proposal will permit a use that is suitable in view of the use and development of adjacent and nearby properties. The applicant's proposal is located in an area that contains a large variety of land uses, including restaurants, high rise office buildings, retail, hotels, apartments, condominiums and is very close to intense land uses such as Cumberland Mall, The Galleria and Interstate North office park. The area is mixed used in character. The applicant's proposal would promote better land utilization through this comprehensive mixed use plan. The current and anticipated uses in the area are high intensity uses that serve a regional market.
- B. It is Staff's opinion that the applicant's rezoning proposal will not have an adverse affect on the usability of adjacent or nearby property. Staff believes developing this property as a unified development would be preferable to having a half-dozen (or more) separate developments with many uncoordinated access points and stormwater detention facilities. Master planning this property into one comprehensive development will reduce potential problems in the future, and will result in more efficient land utilization. The applicant's proposal is located in an area that has excellent access, and is in very close proximity to Interstate 75, Interstate 285, and U.S. Highway 41. The property currently is approved for an intense use which includes approximately 3.7 million square feet of high rise office buildings and 24-story hotels. It is common for mixed use projects in Regional Activity Centers to have the types of variances the applicant is requesting. The variances described in the Summary of Project in this case are ameliorated by master restrictive covenants which shall be recorded, and will provide quality and design restrictions and controls.
- C. It is Staff's opinion that the applicant's rezoning proposal will not result in a use which would cause an excessive or burdensome use of existing streets, transportation facilities, schools or utilities. The opinion can be supported by the departmental comments contained in this analysis. There are many projects that Cobb DOT and State DOT are undertaking to improve the transportation network in this area. Additionally, the Georgia Regional Transportation Authority (GRTA) through the DRI process has identified many transportation improvements that the applicant must undertake in order to develop this project. The applicant will account for any increase in impervious surface in their detention ponds, water quality features and devices, and overall project design. Staff was most concerned regarding the number of required parking spaces being reduced. However, Staff has become comfortable with the reduced parking space count due to the fact that GRTA has proposed limiting the stadium event parking to a maximum of 60% of the parking requirement, which encourages offsite shared parking, car-pooling and public transportation such as CCT. Further, the applicant has agreed to complete a shared parking study prior to the issuance of a certificate of occupancy.
- D. It is Staff's opinion that the applicant's rezoning proposal is in conformity with the policy and intent of the *Cobb County Comprehensive Plan (Plan)*, which delineates this property to be within a Regional Activity Center. The *Plan* states "...mixed use developments that include retail... and Mid and high-rise residential developments are appropriate...". Based on the urban characteristics of this area, and the intensity of this particular Regional Activity Center, Staff believes the applicant's proposal meets the intent of the *Cobb County Comprehensive Plan*.

(STAFF RECOMMENDATION CONTINUED ON NEXT PAGE)

STAFF RECOMMENDATIONS

Z-44 BRED CO., LLC (continued)

- E. It is Staff's opinion that there are existing and changing conditions affecting the use and development of the property which give supporting grounds for approving the applicant's rezoning proposal. Staff believes the applicant's proposal would be a suitable use as referenced in paragraph A of this recommendation, and the proposal would not adversely affect adjacent properties, as referenced in paragraph B of this recommendation. The applicant's proposal is located within close proximity to interstate highways and others arterial roads. Developments such as this proposal are allowable in the Future Land Use Categories mentioned in paragraph D. The applicant's proposal would continue to encourage other mixed used projects in the area, which is viewed positively by ARC and GRTA, by encouraging a more a livable region near transportation corridors and activity centers. Additionally, the applicant will place master restrictive covenants on the property that will ensure the project maintains a high level quality throughout the years.

Based on the above analysis, Staff recommends **APPROVAL** subject to the following conditions:

- Applicant's Summary of Project which includes the Special Stipulations;
- Approval is for this applicant only, or for users that are subject to the master restrictive covenants;
- Development of Regional Impact #2381 which includes Atlanta Regional Commission and Georgia Regional Transportation Authority decisions;
- Water and sewer comments;
- Stormwater Management comments;
- Cobb DOT comments and recommendations; and
- Owner/developer to enter into a Development Agreement pursuant to O.C.G.A. 36-71-13 for dedication of system improvements to mitigate traffic concerns.

The recommendations made by the Planning and Zoning Staff are only the opinions of the Planning and Zoning Staff and are by no means the final decision. The Cobb County Board of Commissioners makes the final decisions on all Rezoning and Land Use Permits at an advertised public hearing.

COBB COUNTY GEORGIA
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COBB COUNTY ZONING DIVISION



Application #: Z-44
PC Hearing Date: 7-1-14
BOC Hearing Date: 7-15-14

Summary of Intent for Rezoning

.....
Part 1. Residential Rezoning Information (attach additional information if needed)

- a) Proposed unit square-footage(s): _____
- b) Proposed building architecture: _____
- c) Proposed selling prices(s): _____
- d) List all requested variances: _____

.....
Part 2. Non-residential Rezoning Information (attach additional information if needed)

- a) Proposed use(s): Mixed use development with related Atlanta Braves Sports Complex. (630k sq. ft. Office, 500k sq. ft. retail/entertain., 600 unit res., 450 room/key hotel(s), 100k sq. ft. multiuse facility)
- b) Proposed building architecture: _____
- c) Proposed hours/days of operation: _____
- d) List all requested variances: See attached Summary of Project.

.....
Part 3. Other Pertinent Information (List or attach additional information if needed)

See attached Legal Description, Zoning Impact Statement and Summary of Project Exhibits.

.....
Part 4. Is any of the property included on the proposed site plan owned by the Local, State, or Federal Government?

(Please list all Right-of-Ways, Government owned lots, County owned parcels and/or remnants, etc., and attach a plat clearly showing where these properties are located). Not applicable.

.....
Part 5. Is this application a result of a Code Enforcement action? No ___; Yes ___ (If yes, attach a copy of the Notice of Violation and/or tickets to this form).

Applicant signature: _____

Date: _____

Applicant name (printed): _____

James A. Balli, On Behalf of Applicant

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COBB COUNTY ZONING DIVISION

SUMMARY OF PROJECT

The Project Site¹ as defined in this Application is a unique development designed to bring one of the twenty-nine major league baseball teams in the United States to Cobb County, Georgia. Of the 89,044 local jurisdictions in the United States, Cobb County will become one of the few to have a modern major sports stadium and related development.² Accordingly, rezoning the Project Site to the current RRC zoning code with specialized stipulations will allow the County and the Applicant to address the unique circumstances necessary to enable a development that advances quality of life while bringing exceptional entertainment, office, residential, retail, and a sense of place to the surrounding area. The Braves-controlled mixed use development will be comprised of 500,000 sq. ft. of retail/entertainment, 100,000 sq. ft. multi-use facility; 630,000 sq. ft. of office; one or more hotels with up to a combined total of 450 key/occupant rooms and 600 residential units. The proposed development is consistent with, and supported by, the fact that the Project Site is located within a Regional Activity Center designation on the Cobb County Future Land Use Map.

¹ Defined by Legal Description Exhibit and shall be the same throughout the entire Application and Ordinance.

² U.S. Census Bureau

PROJECT SITE TO BE ZONED RRC CONDITIONAL

Unless otherwise defined, the meaning of the words contained within the special stipulations shall be the same as the definitions set forth at Section 134-1 of the Cobb County Code.

SPECIAL STIPULATIONS

1. There shall be no front, rear or side setbacks applied to the exterior or interior of the Project Site. However, the Project Site shall remain subject to Life Safety and Building Codes to ensure safety of occupants and invitees. The elimination of setbacks on the Project Site shall be perpetual and no subdivision of the Project Site shall serve to create interior or exterior setbacks including, but not limited to, there shall be no setbacks from any property owned by Cobb County (hereinafter "County") or the Cobb-Marietta Coliseum and Exhibit Hall Authority (hereinafter "Authority").³
2. The maximum height for any building on the Project Site shall be three hundred feet (300'). However, all buildings shall be required to comply with the applicable requirements of the Federal Aviation Administration and Dobbins Air Reserve Base as part of the building permit process.
3. The Project Site shall have no greater than ninety percent (90%) maximum impervious surfaces. However, there shall be adequate storm water detention to comply with the 2014 Cobb County Rules and Regulations relating to storm water so as to address and offset the final impervious condition.
4. The Project Site will have an overall Floor Area Ratio of no greater than 3.0. However, no parking structures or parking decks will be included in the calculation of overall Project Site Floor Area Ratio.

³ These definitions of County and Authority shall be the same throughout the entire Application and Ordinance.

5. All parking provided on any portion of the Project Site, including any parking controlled or leased by Applicant or its designee, shall be considered to be “on-premises” parking and shall be included in any calculation to determine the required number of parking spaces for the Project Site. In addition, any County or Authority provided parking shall be included in the calculation and credited toward the total number of parking spaces available on the Project Site. In compliance with the RRC zoning category’s encouragement for shared parking arrangements (134-228(8)), all parking on the Project Site shall be calculated as shared parking between all uses on the Project Site.
6. The total parking requirements for the Project Site may be reduced consistent with a Shared Parking Study to be completed prior to issuance of a Certificate of Occupancy.
7. No parking deck with parking on the roof shall be considered to be a structure requiring a Special Land Use Permit.
8. A Master Landscape Plan shall be prepared by Applicant that shall establish appropriate landscaping and aesthetic enhancements consistent with a modern sports stadium and related development needs on the Project Site. The Master Landscape Plan shall be for the entire Project Site, will be included and recorded in the Master Covenants, and shall be the governing document controlling any and all landscape or planting requirements. In the event of conflict between the Master Landscape Plan and the Cobb County development standards or the landscaping or planting requirements contained within Sections 134-285, 134-272 or 50-216 of the Cobb County Code, the Master Landscape Plan shall govern and any conflicting portions of the Cobb County Code or development standards shall not be applicable to the Project Site.
9. In addition to the list of a permitted or allowed uses on the Project Site, “sports stadium complex” and “free-standing and/or attached parking decks” shall also be explicitly

identified as allowed uses. Any one of the mixed uses identified in this Application may be developed/utilized on any portion of the Project Site.

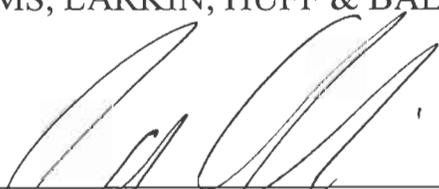
10. Any hotel developed on the Project Site that otherwise meets the definition of 134-228(11)(c) shall be considered a “permitted use” and shall specifically be allowed on the Project Site without requiring a special land use permit or minimum lot size.
11. Subsurface encroachments into the Right of Way or setbacks shall be allowed for development purposes including, but not limited to, utility structures, construction, shoring and tie-back and to facilitate storm water management. However, any subsurface encroachment into the Right of Way shall occur only after issuance of any required permit from the Georgia Department of Transportation or the Cobb County Department of Transportation.
12. Any variances identified by Staff needed to develop the Project Site pursuant to the Site Plan filed by BRED CO., LLC. In the event that any portion of the Project Site is subsequently acquired by the County or Authority such acquisition shall be deemed to be an “acquisition” under Section 134-35 and the Zoning Division Manager or his/her designee shall be empowered to grant administrative variances as needed to develop the Project Site.
13. All signage shall be subject to Master Covenants which shall include strict design guidelines so as to control aesthetic quality, appearance, height, location, maximum signage, illumination, category and other enhanced features and are envisioned to provide superior controls than the current Sign Ordinance. Accordingly, to allow for maximum flexibility and technology advances involved with a modern sports stadium complex and related development, the Master Covenants shall be the governing documents controlling approval of any and all signage on the Project Site. In the event of conflict between the signage provisions of the Master Covenants and the provisions relating to location,

road frontage, height, type, lot size, maximum total sign area, on-off premises and advertising in the Cobb County Sign Ordinances, the Master Covenants shall be the governing document which shall determine approval or disapproval of any exterior sign. All interior signs on the Project Site shall be exempt from the Cobb County Sign Ordinance including, but not limited to, those provisions set forth at Sections 134-311 to 134-320. When utilized in this stipulation, exterior sign shall be defined as any sign that is solely directed toward any public road. When utilized in this stipulation, interior sign shall be defined as any sign that is not an exterior sign and shall include, but not be limited to, signage on the outside of structure. If compliant with the Master Covenants, signage can be utilized throughout the Project Site without consideration of road frontage, lot size, subdivided lots or setbacks. The Project Site shall be approved for no less than four sports stadium style marquee signs (freestanding or attached to a structure) similar in nature to the current marquee signs at Turner Field and/or Cobb Energy Center. Notwithstanding the language of this stipulation, all signage on the Project Site shall comply with safety standards and with applicable building and electrical codes.

14. Applicant reserves the right to amend or supplement special stipulations during the rezoning process.

This the 15th day of May, 2014.

SAMS, LARKIN, HUFF & BALLI, LLP

By: 

JAMES A. BALLI
Attorney for Applicant
Ga. Bar No. 035828

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COBB COUNTY ZONING DIVISION

ZONING IMPACT STATEMENT FOR
THE REZONING APPLICATION OF BRED CO., LLC

COMES NOW, BRED CO., LLC (hereinafter “Applicant”), and, pursuant to Section 134-121(a)(7) of the Cobb County Zoning Ordinance, files this Zoning Impact Statement, as follows:¹

A. *Whether the zoning proposal will permit a use that is suitable in view of the use and development of adjacent and nearby property? Yes.*

The Project Site proposal relates to development of an approximate 41,500 seat modern sports stadium complex for the Atlanta Braves National League Baseball Team and the adjacent Braves-controlled mixed use development (500,000 sq. ft. of retail/entertainment; 100,000 sq. ft. multi-use facility; 630,000 sq. ft. of office; one or more hotels with up to a combined total of 450 key/occupant rooms and 600 residential units) (hereinafter “Development”) that advances quality of life while bringing exceptional entertainment, office, residential, retail and a sense of place to the surrounding area. The Development is seeking the designation of Regional Retail Commercial (“RRC”) which is established by Cobb County to “provide locations for intense retail, commercial, office or mixed uses which exceed 500,000 square feet.” The Development is consistent with, and supported by,

¹ This Development is part of the subject of a study performed by Brailsford & Dunlavey, Inc. and currently available online at www.cobbcounty.org. Also, additional information may also be found regarding the Development at www.cobbcounty.org. Applicant is presenting these facts to comply with the filing requirements but reserves to the right to supplement or amend said statements as appropriate.

the fact that the Project Site is located within a Regional Activity Center (“RAC”) designation on the Cobb County Future Land Use Map. Specifically, the Development is consistent with the purpose of the RAC designation “to provide for areas that can support a high intensity development which serves a regional market...typical land uses include high-rise office buildings, regional malls and varying densities of residential development.” Finally, the Development is consistent with the adjacent uses and with the adjacent uses’ designation for future development consistent with a RAC.

B. *Whether the zoning proposal will adversely affect the existing use or usability of adjacent or nearby property?* No.

The Project Site is currently zoned O&I, GC and OHR and is surrounded by adjacent and nearby property that is already located within a RAC. The Project Site is also already entitled for uses consistent with a Regional Retail Commercial zoning as the Project Site is part of a previously approved Development of Regional Impact (“DRI”). The currently approved DRI encompasses the Project Site and adjacent property and is approved for 3,718,000 sq. ft. of office (9 buildings @ 18 stories, 1 @ 10 stories and 2 @ 6 stories); 3 hotels at 24 stories with 1800 rooms/key; and 1 health club at 2 stories. The existing use and usability of adjacent property is consistent with the Development, located within the Regional Activity Center designation and

the Development will have no adverse effect or impact upon the existing uses or usability of adjacent or nearby properties.

C. *Whether the property to be affected by the zoning proposal has a reasonable economic use as currently zoned?* No.

The Project Site to be affected by the zoning proposal has no reasonable economic use as currently zoned in that the fair market value of same falls below the range of values of similarly zoned and situated properties with equivalent utility. Further, the Project Site was part of a 1984 previously approved Development of Regional Impact that entitled a certain number of high-rise hotel and office buildings to be constructed “as market conditions allow.” Some thirty (30) years later said high-rise buildings have not been constructed thus providing evidence of the lack of “reasonable economic use” as zoned.

D. *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?* No.

The zoning proposal will ultimately be an improvement on the existing County infrastructure including, but not limited to, existing streets, transportation facilities, utilities and schools. There are numerous planned road improvements in the area surrounding the Development. Further, the

Applicant is currently undergoing a significant DRI process with the Atlanta Regional Commission and GRTA to require system improvements that will benefit the transportation issues in the surrounding area and alleviate any impact on existing streets, traffic or transportation facilities. The 600 residential units will not present an excessive or burdensome use of area schools and the Development is expected to generate no less than approximately three (3) million dollars in annual tax revenue for the Cobb County School District.²

E. *Whether the zoning proposal is in conformity with the policy and intent of the land use plan? Yes.*

The Development is consistent with Cobb County's Comprehensive Land Use Plan/Future Land Use Plan. As stated above, the Project Site is located within a Regional Activity Center ("RAC") designation on the Cobb County Future Land Use Map which has a purpose "to provide for areas that can support a high intensity development which serves a regional market...typical land uses include high-rise office buildings, regional malls and varying densities of residential development." The RRC zoning designation sought for the Development conforms to the Cobb County Land Use Plan and is properly located in a RAC.

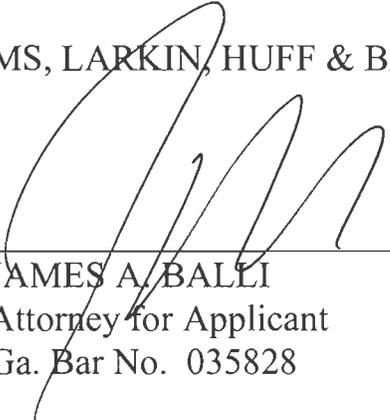
² The mixed use component will likely generate millions more annually that will benefit the CCSD.

F. *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. Yes.*

As set forth in this document, in the various analyses available at www.cobbcounty.org, in the Summary of Project and other filings associated with the Development, the Development is designed to bring mutual benefit to the Applicant and to Cobb County, Georgia. The Development is envisioned to be owner occupied by the Atlanta Braves for decades and will be governed by Master Covenants designed to ensure maximum quality and uses consistent with the Atlanta Braves' standard of excellence. Additionally, the Development is expected to generate thousands of jobs, millions in annual tax revenue and provide a sense of place for the entire County and the surrounding area.

This the 1st day of May, 2014.

SAMS, LARKIN, HUFF & BALLI, LLP

By: 

JAMES A. BALLI
Attorney for Applicant
Ga. Bar No. 035828