

OFFERING MEMORANDUM REDEVELOPMENT OPPORTUNITY

**FOR MIXED-USE, RETAIL, OFFICE, MEDICAL, RESIDENTIAL,
SENIOR HOUSING, EDUCATIONAL, RELIGIOUS DEVELOPMENT**

37.88± ACRES

12.42±
ACRES

Presented by:



KELLOGG PARTNERS
COMMERCIAL REAL ESTATE



**MCWHIRTER
REALTY
PARTNERS**

50.3± ACRES FOR REDEVELOPMENT
FORMER MAGNOLIA CROSSING APARTMENTS
490 RIVERSIDE PARKWAY (FORMERLY SIX FLAGS DRIVE)
& 7001 FACTORY SHOALS ROAD ASSEMBLED
50± ACRES TOTAL AVAILABLE FOR DEVELOPMENT
AUSTELL (COBB COUNTY), GA 30168



Confidentiality Agreement & Disclaimer

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This is a confidential Memorandum intended solely for your limited use and benefit in determining whether you desire to express further interest in the acquisition of the Property. By receipt of this Memorandum, you agree that this Memorandum and its contents are of a confidential nature, that you will hold and treat it in the strictest confidence and that you will not disclose this Memorandum or any of its contents to any other entity without the prior written authorization of the Owner or McWhirter Realty Partners, LLC or Kellogg Partners ("Brokers"). You also agree that you will not use this Memorandum or any of its contents in any manner detrimental to the interest of the Owner or Brokers.

This Memorandum contains selected information pertaining to the Property and does not purport to be a representation of the state of affairs of the Property or the owner of the Property (the "Owner"), to be all-inclusive or to contain all or part of the information which prospective purchasers may require to evaluate a purchase of real property. All information is provided for general reference purposes only and is based on assumptions relating to the general economy, market conditions, competition and other factors beyond the control of the Owner or Brokers. Therefore, all projections, assumptions, estimates, and other information provided and made herein are subject to material variation. All references to acreages, square footages, and other measurements are approximate. Additional information and an opportunity to inspect the Property will be made available to interested and qualified prospective purchasers. Certain documents within this Memorandum are described in summary form. These summaries do not purport to be complete nor necessarily accurate descriptions of the full agreements referenced. Interested parties are expected to review all such summaries and other documents of whatever nature independently and not rely on the contents of this Memorandum.

Neither the Owner or Brokers, nor any of their respective directors, officers, affiliates, or representatives make any representation or warranty, express or implied, as to the accuracy or completeness of this Memorandum or any of its contents, and no legal commitment or obligation shall arise by reason of your receipt of this Memorandum or use of its contents, and you are to rely solely on your investigations and inspection of the Property in evaluating a possible purchase of the real property.

The Owner expressly reserves the right, at its sole discretion, to reject any or all expressions of interest or offers to purchase the Property, and/or to terminate discussions with any entity at any time with or without notice which may arise as a result of review of this Memorandum. The Owner and Brokers shall have no legal commitment or obligation to any entity reviewing this Memorandum or making an offer to purchase the Property unless and until written agreement(s) for the purchase of the Property have been fully executed, delivered and approved by the Owner and any conditions to the Owner's obligations therein have been satisfied or waived.

The information within this Memorandum has been obtained from sources believed reliable. While we do not doubt its accuracy, we have not verified it and make no guarantee, warranty, or representation about it. Any assumptions, estimates, projections, or opinions used are for example only and do not represent the current or future performance of the property. You and your advisors should conduct a careful, independent investigation of the property to determine to your satisfaction the suitability of the property for your needs.



Photo of Property after demolition – Winter, 2016



Six Flags Over Georgia



Six Flags Over Georgia's
Hurricane Harbor



Photo of Property during demolition – Summer, 2016

50.3± ACRES

FORMER MAGNOLIA CROSSING APARTMENTS
490 RIVERSIDE PARKWAY CONSISTING OF 12.42± ACRES &
7001 FACTORY SHOALS ROAD CONSISTING OF 37.88± ACRES
AUSTELL (COBB CO.), GA 30168

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PROPERTY SUMMARY

Address

490 Riverside Parkway & 7001 Factory Shoals Road
Austell, GA 30168

Location / Summary of Redevelopment Opportunity

We are offering for sale, this strategically located 50.3± acre redevelopment site, located 0.5± miles from the I-20/Riverside Parkway Exit 46A. Redevelopment alternatives include mixed-use, retail/commercial, office, medical, senior housing, public/private educational, workforce development, residential or religious institutions. The site is located in South Cobb, a diverse and easily accessible area of Cobb County, within a short drive to Six Flags Over Georgia, a 290-acre theme park featuring 35 rides, and a 7-acre water park (Six Flags is the largest regional theme park company in the world).

South Cobb County has a good mix of commercial, industrial, and tourism assets as well as a strong base of single-family and multifamily residential. Area residents enjoy some of the best commute times to Metro Atlanta's largest employment markets as detailed on following pages.

The property is being offered by the South Cobb Redevelopment Authority (SCRA) which is committed to driving redevelopment transformation of the South Cobb community. The SCRA acquired an older apartment property on 12.42± acres, formerly known as Magnolia Crossing in 2015, vacated all residents and demolished all buildings on site in 2016. The site has been cleared of all buildings and parking lots, grassed, with a temporary detention pond constructed. The site is now fully prepared for redevelopment. The SCRA next acquired the 37.88± ac 7001 Factory Shoals Road in September 2018. This property has two residential homes and several storage structures on the land. The assembled 50± acres is now being offered for sale by the South Cobb Redevelopment Authority.

The goal of the SCRA is to sell the property for a redevelopment with uses that will further benefit the South Cobb Region.



Photo before demolition – Summer, 2016



Mable House Barnes Amphitheatre



Photo of Property during demolition – Summer 2016



PROPERTY SUMMARY - CONTINUED

Zoning / Future Land Use / Surrounding Properties - Continued

The 50.3± acre property was rezoned by the Cobb County Board of Commissioners ("Cobb B.O.C.") on December 20, 2016 to the PVC, Planned Village Community District. Per the Cobb County Code, "The PVC district is established to provide locations and encourage flexible site plans and building arrangements under a unified plan of development rather than lot-by-lot regulation for retail commercial and service uses which are designed and oriented to be self-sufficient neighborhoods making up a community.

It is important to note than any site plan proposed for the subject property will still require approval by the Cobb B.O.C. See attached minutes, stipulations, and tax plat (for rezoning 2-120 (2016)) in the "Zoning Information" section which follows. See also PVC, Planned Village Community District ordinance (Sec. 134-217) as an addendum at the end of this offering memorandum.

Cobb County Government is very supportive of redevelopment in South Cobb and will consider a variety of desirable redevelopment opportunities and product types.

Access / Frontage

Access to the property is considered very good, facilitated by the I-20 interchanges with Thornton Road (Exit 44) to the west and with Riverside Parkway (Exit 46A) and Six Flags Parkway (Exit 46B) to the east. Interstate 20 is the major east/west artery serving the general market area, providing direct access to Interstate 285 and the Atlanta Central Business District to the east. Interstate 285, Atlanta's Perimeter Highway, is located approximately 5.5 miles east of the subject. Thornton Road is a major arterial road, linking to several of Atlanta's westerly suburban areas, Atlanta Hartsfield-Jackson International Airport and serves as a major commercial corridor for the neighborhood. Within the neighborhood, a network of additional secondary roads and local streets facilitate travel throughout the area.

Description of Improvements

The 12.42± ac property previously consisted of 146 units of older multifamily apartments which were vacated in Spring, 2016 and demolished in Summer and Fall, 2016. The site has been cleared of all buildings and parking lots, grassed, with a temporary detention pond constructed. This site is now fully prepared for redevelopment.

The 37.88± ac 7001 Factory Shoals site has two residential homes, various storage structures and is wooded.



Photo of Property during demolition – Summer 2016



Photo of Property during demolition – Summer 2016

PROPERTY SUMMARY - CONTINUED

Economic Incentives

For strategic projects that fit within the transformational vision of the SCRA, economic incentives may be available.

Topography

Rolling, cleared and grassed after demolition of buildings and parking lots in 2016 of the 12.42± ac property. The 37.88± ac parcel also has rolling topography but is not cleared.

Flood Plain

No portion of the subject tract appears to lie within the 100-year flood plain per FEMA flood insurance rate map panel No. 13067C0214H, effective date March 4, 2013.

Utilities

All public utilities are available.

Schools

The schools that serve the property include:

- Bryant Elementary School
- Lindley Middle School
- Pebblebrook High School (Performing Arts Magnet School)

Proximity to Nearby Major Employment Markets

The Subject Property offers hard to beat commute times to most of Metro Atlanta's largest and most significant employment districts.

- 12± miles to Downtown
- 14± miles to Buckhead
- 14± miles to Cumberland/Galleria/Vinings
- 15± miles to Midtown
- 17± miles to Atlanta's Hartsfield-Jackson Airport; and
- 22± miles to Perimeter



Photo of Property during demolition – Summer 2016



Photo of Property during demolition – Summer 2016

PROPERTY SUMMARY - CONTINUED

Site Demographics *(taken at subject property)*

Population

	<u>1 mile</u>	<u>3 miles</u>	<u>5 miles</u>
2025 Projection	10,482	46,029	121,332
2020 Estimate	9,983	44,503	117,001
2010 Census	7,991	39,993	107,895
Growth 2020-2025	5.00%	3.43%	3.70%
Growth 2010-2020	24.93%	11.28%	8.44%

Income

	<u>1 mile</u>	<u>3 miles</u>	<u>5 miles</u>
2020 Avg Household Income	\$63,807	\$75,209	\$79,145
2020 Med Household Income	\$54,428	\$54,252	\$56,544

Source: CoStar

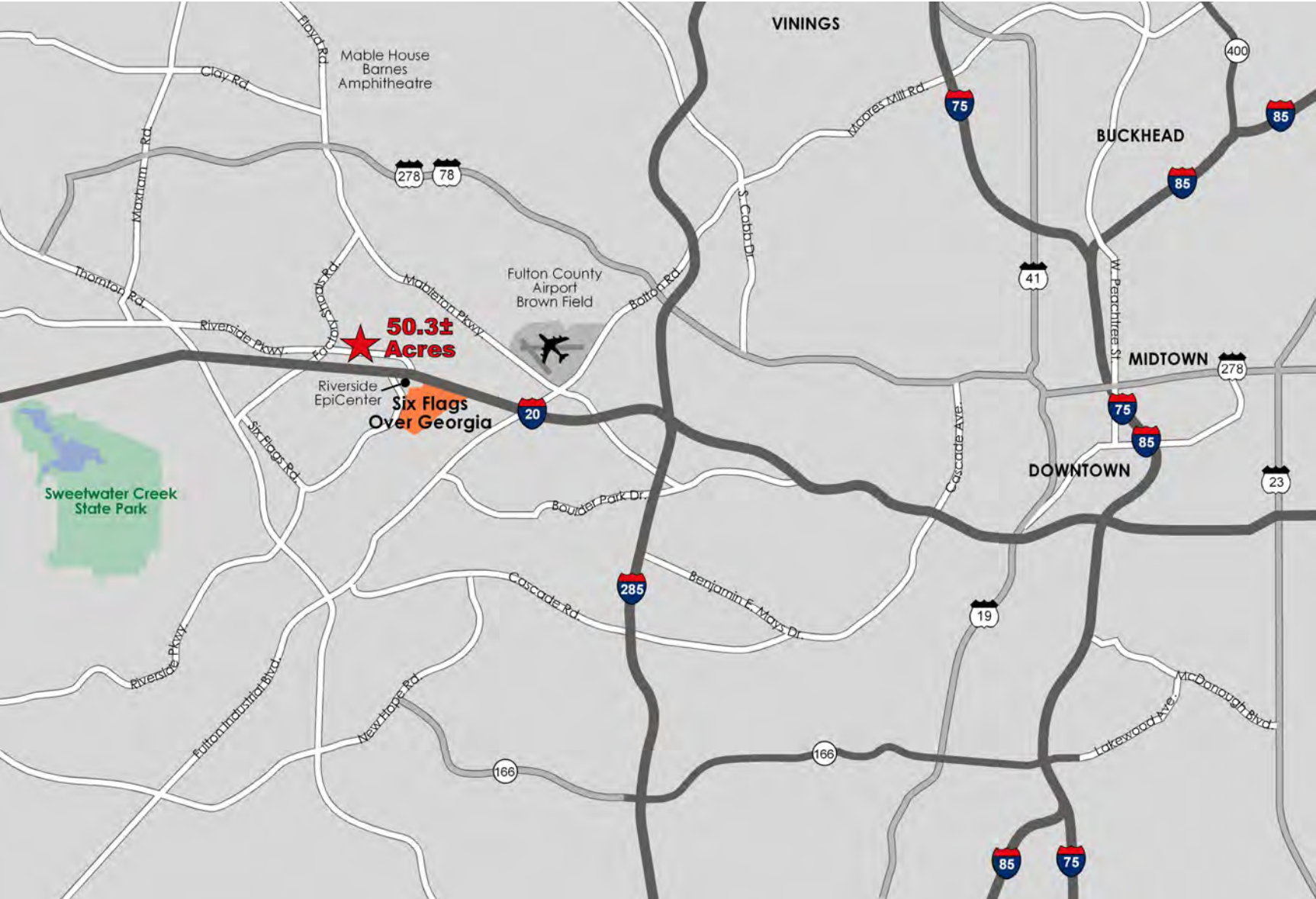
Area Employment Trends

Within the larger boundaries of the South Cobb Redevelopment Authority, the SCRA created the Six Flags Special Services District (SSD). The SSD area is comprised of 130 parcels on 2,593 acres, in the southern edge of the SCRA boundaries with most uses south of I-20 being industrial or tourism related assets.

The SSD has an estimated 9,239 Primary Jobs. This represents the addition of 4,845 primary jobs in the past 10 years.

Jobs increases from 2014 to 2017 doubled nominal employment growth from 2002 to 2014. Much of the growth can be attributed to the growth in the warehousing sector in the area. Nearly all the workers in the SSD commute in from elsewhere in the region.

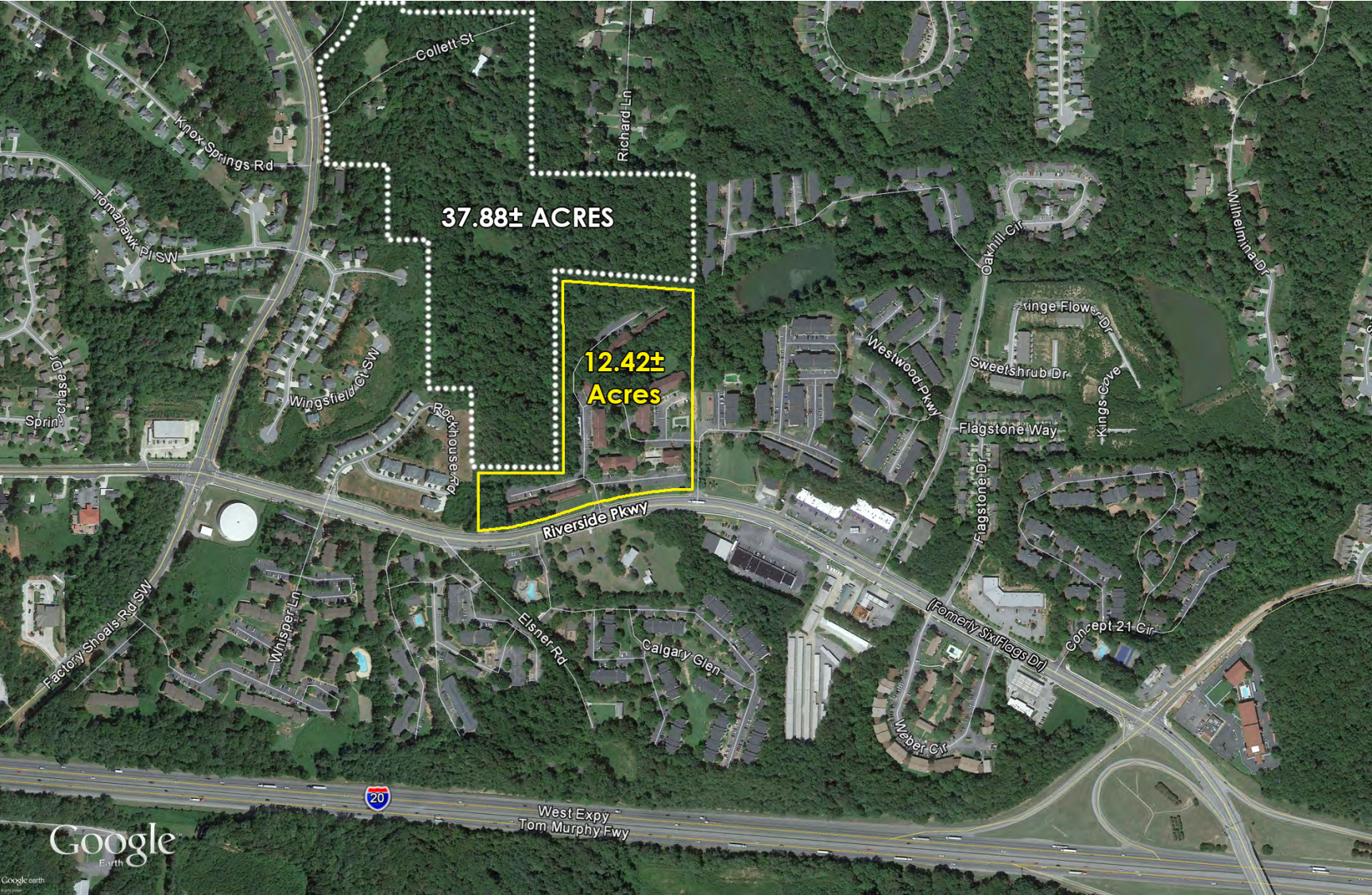
LOCATION MAP



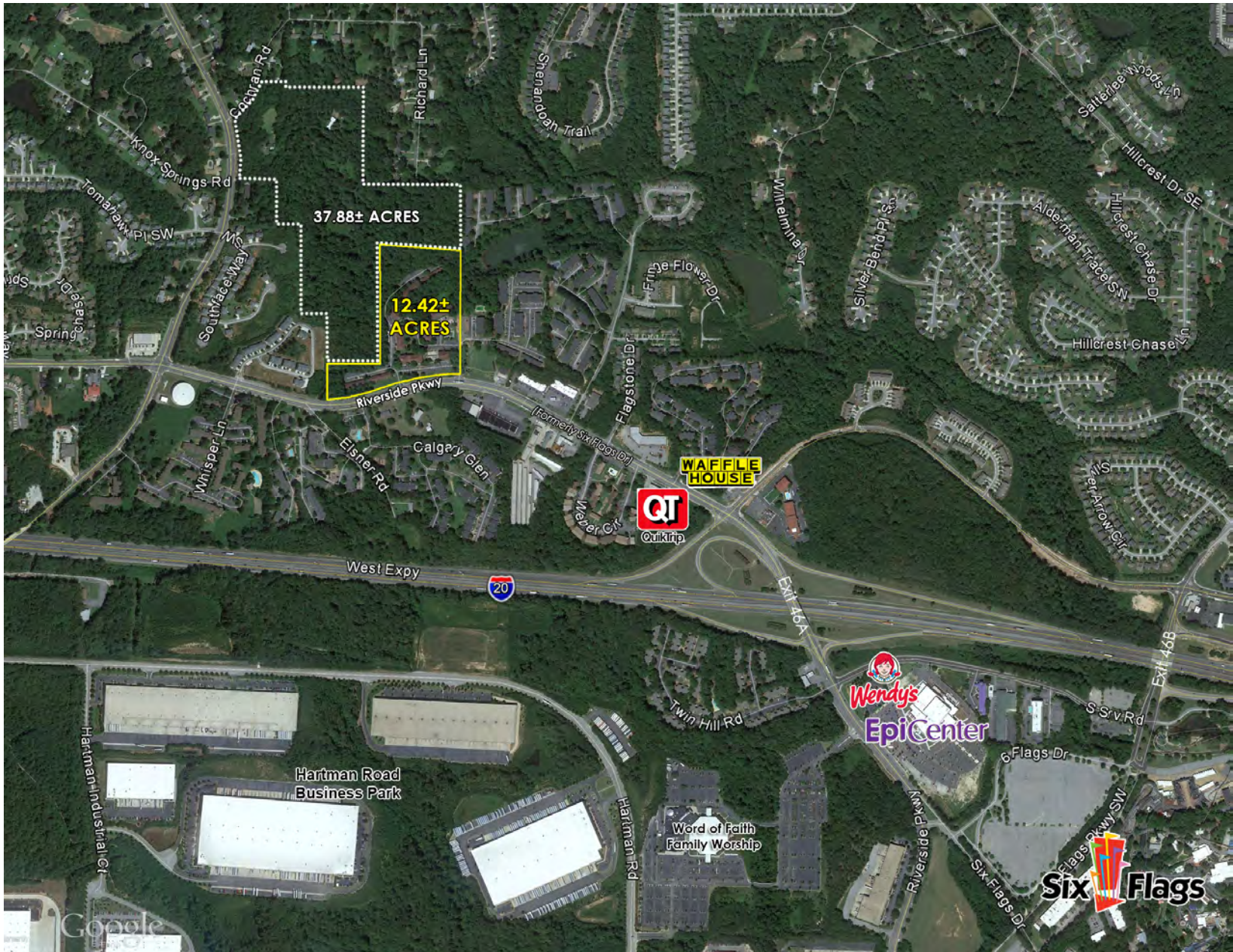
50.3± ACRES

490 RIVERSIDE PARKWAY & 7001 FACTORY SHOALS ROAD
AUSTELL (COBB CO.), GA 30168

PROPERTY AERIAL



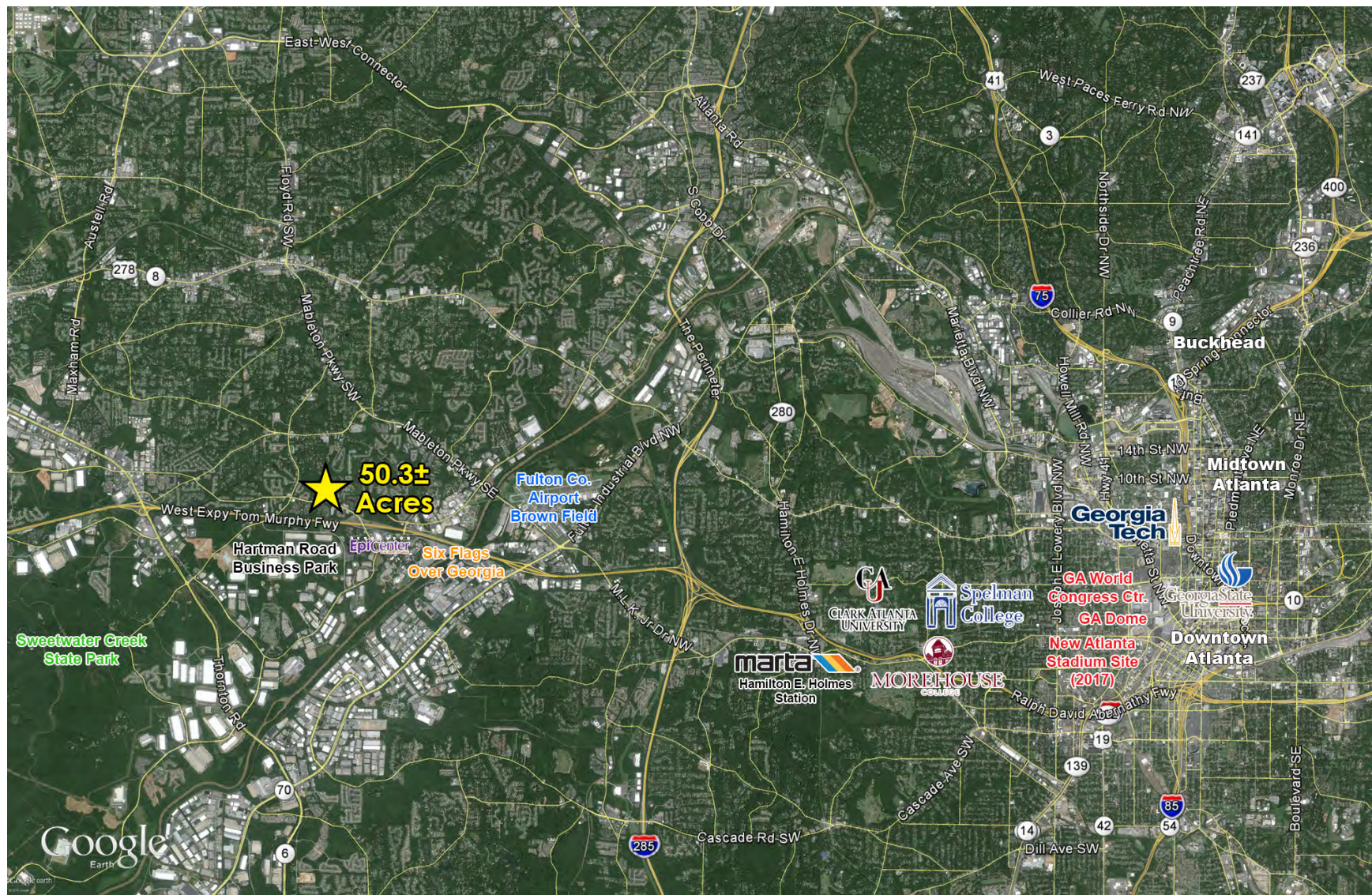
PROPERTY AERIAL



490 RIVERSIDE PARKWAY & 7001 FACTORY SHOALS ROAD
AUSTELL (COBB CO.), GA 30168

8701 FACTORY SHOALS ROAD
AUSTELL (COBB CO.), GA 30168

PROPERTY AERIAL



50.3± ACRES

490 RIVERSIDE PARKWAY & 7001 FACTORY SHOALS ROAD
AUSTELL (COBB CO.), GA 30168

COBB COUNTY OVERVIEW



Cobb County, GA

Strategic Location

Cobb County is located in north metropolitan Atlanta, Georgia, the ninth largest metropolitan area in the United States. Metro Atlanta's economy ranks 15th among world cities and sixth in the nation, with a gross domestic product of \$270 billion. Favorable tax rates and fiscally-sound government help make Cobb County business-friendly. Cobb County is one of only a handful of counties in the U.S. with a triple AAA bond rating by all three agencies.

Strategic Transportation

Cobb County is adjacent to the nation's southeastern transportation hub, including Hartsfield-Jackson International Airport, the nation's busiest, as well as the hub of Georgia's 4,700 miles of super cargo railway. Interstates I-285, I-75, and I-20 bisect the county and interstate I-85 is close by. Georgia's deep water sea ports in Savannah and Brunswick are approximately four hours away.

Strategic Education

According to U. S. News and World Report, Cobb County is home to some of the best public schools in the Nation, with nine nationally ranked high schools that received gold, silver or bronze medals in U.S. News' Best High Schools rankings. Cobb is home to Kennesaw State University, Chattahoochee Technical College and Life University.

Strategic Workforce

Cobb is home to three Fortune 500 companies, including Coca-Cola Enterprises, Genuine Parts, and The Home Depot. Cobb County is also home to the largest health system in the State of Georgia, WellStar health System. The U.S. Census Bureau ranks Cobb County as the most-educated in the state of Georgia and 12th among all counties in the United States. Cobb's long history in manufacturing at Lockheed Martin Aeronautics Company has established a six-county draw area for engineers, technicians, and fabricators. With

nearly one in three Cobb workers between the ages of 25 and 44, Cobb offers a relatively young workforce – and access to Georgia's Quick Start program, the nation's #1 workforce training program.

Strategic Real Estate

Cobb County offers a quality of life unsurpassed in the Southeast, including a wide variety of housing options, such as affordable and luxury apartments and condos, secluded subdivisions in East, South, and West Cobb and horse farms in the northwest corner of the county. The small towns of Acworth, Austell, Kennesaw, Marietta, Powder Springs and Smyrna still retain their Southern charm amidst urban settings.

Strategic Fun

Cobb County offers theme parks such as Six Flags Over Georgia and Six Flags White Water Atlanta, sports parks, walking and biking trails and golf courses. If you prefer climate-controlled fun, Cobb offers numerous indoor swimming pools/aquatic centers, basketball gyms, theaters, museums, and cultural centers. And if you just want to be entertained, world-famous acts regularly stop here to perform at our Cobb Energy Performing Arts Centre, or our outdoor Mable House Barnes Amphitheatre.

Source: Cobb County Chamber of Commerce

COBB COUNTY OVERVIEW

Educational Attainment

Cobb County houses a highly educated workforce, strong public education systems and many opportunities to receive higher education in a multitude of industries. It also ranks as the most-educated county in Georgia and 12th among all counties in the United States.

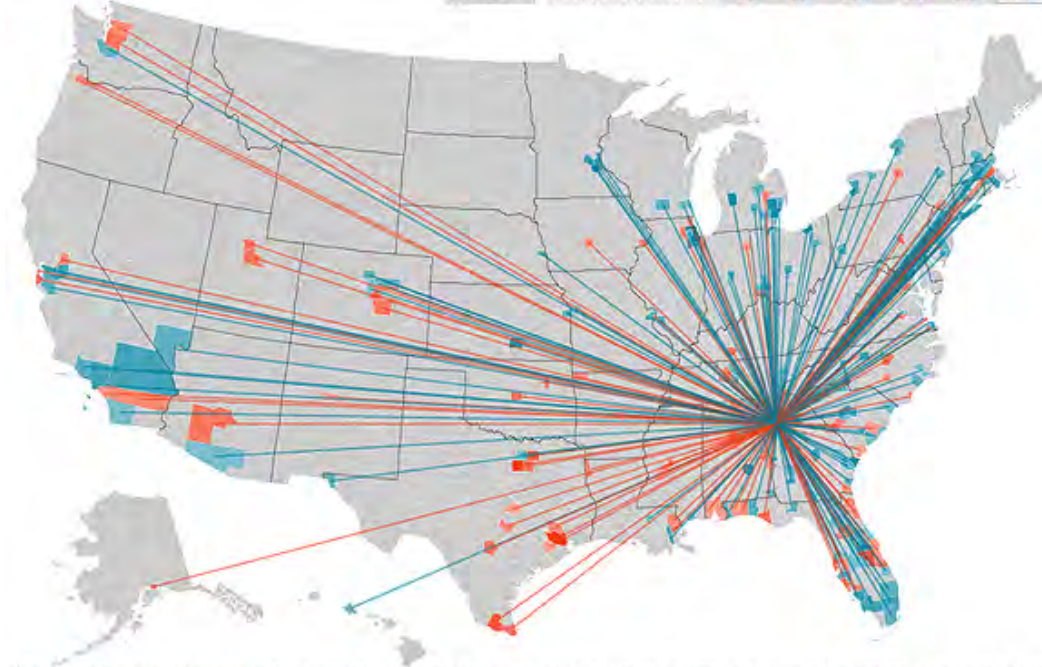
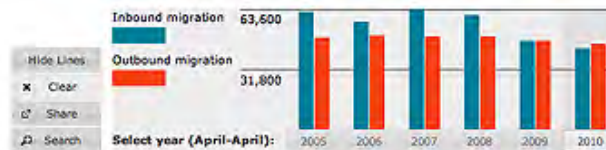
Georgia has a highly educated workforce compared to the national average, ranking 19th among the 50 states for percentage of residents over 18 with a bachelor's degree or higher, at 27.5 percent. In Cobb County, 45.1 percent of residents have a bachelor's degree or higher. As of 2009, there are only 52 counties in the United States with higher percentage of their adult population possessing at least a bachelor's degree than Cobb County.

Cobb County also places strong emphasis on K-12 education excellence in the Cobb County and Marietta City school systems where several of its schools regularly rank among the nation's best according to US News & World Report. 89 percent of Cobb residents have completed high school, well above the state's percentage of only 79 percent. The two systems are continuously receiving awards on student performance and excellence, including producing some of the most recognized school statistics in the state of Georgia and the nation.

Cobb County is home to the third-largest public state university – Kennesaw State University, as well as Life University, Chattahoochee Technical College and Kennesaw State University Marietta Campus (former Southern Polytechnic State University). Together, these colleges and universities account for more than 45,000 students and 7,800 graduates in Cobb County annually producing a pipeline of future educated workers in our own backyard. In addition, Georgia Tech, Emory University, Georgia State University, Morehouse College, Spellman College, Clark Atlanta University, and Agnes Scott College, and more, are less than 30 minutes away. Aside from the many major public state universities, Cobb County is also home to many non-traditional colleges such as Georgia Highlands College and University of Phoenix.

Cobb County (Marietta), Ga.

Population (2010): 688,078
Population (2005): 646,754
Inbound income per cap. (2010): \$22,000
Outbound income per cap. (2010): \$22,200
Non-migrant income per cap. (2010): \$20,000



Source: Internal Revenue Service Tax Stats. The data presented here only include people represented as an exemption on an income tax return. Years represent filing seasons, which for most people end on April 15, but they include returns received as late as the end of September.

Population

Cobb County exceeds 700,000 people, and has a growth rate nearly double that of the nation. The county grew steadily over the past 10 years, with an overall population growth of 13.2 percent from 2000 to 2010. By 2030, Cobb County's population is expected to increase to nearly 764,000 based on the current population trends.

A large portion of Cobb County's population growth is due to in-migration of highly educated workers from around the state, country and world. Twelve percent moved from another county in Georgia, 19 percent from another state, and 5 percent from abroad. The top states for in-migration are California, Florida, Michigan and New York.

Metro Atlanta's 2010 population exceeded 5.6 million in the 28-county Atlanta region, with roughly 12 percent of that population located in Cobb County. Between 2000 and 2010, metro Atlanta's population growth (27 percent) was nearly double the national growth rate, making it the seventh largest city in the nation.

Source: Cobb County Chamber of Commerce

COBB COUNTY OVERVIEW

Income

Metro Atlanta boasts a very strong local economy, with a large portion in Cobb County. The median household income for Cobb County was \$47,996 in 2010 with a growth of 6.3 percent from 2005, and higher than the national median income of \$46,228.

The county's higher household incomes can be attributed to the skilled and highly educated workforce, specialized industries present and high concentration of dual-earner households. This median household income is well above the state and national averages.

Age

Cobb County has a diverse population of young professionals, with 30.5 percent of the population between the ages of 25 and 44, considerably larger than the 26.0 percent between the ages of 45 and 64. The median age in Cobb is 33.2, much younger than the nationwide median age of 36.9 and state's median age of 39.1. While other communities struggle with finding younger works, Cobb County and metro Atlanta can ensure one of the nation's most robust and long-term pipelines of the highly valued "Young and Restless" workforce for our companies for years to come.

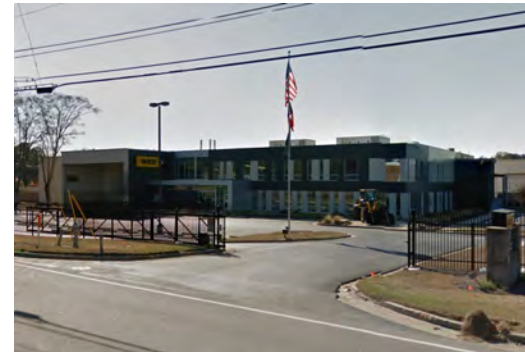
Source: Cobb County Chamber of Commerce



Riverside EpiCenter



Six Flags Over Georgia



Yancey Bros. Company



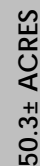
Riverview Landing



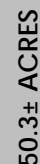
Hartman Business Center

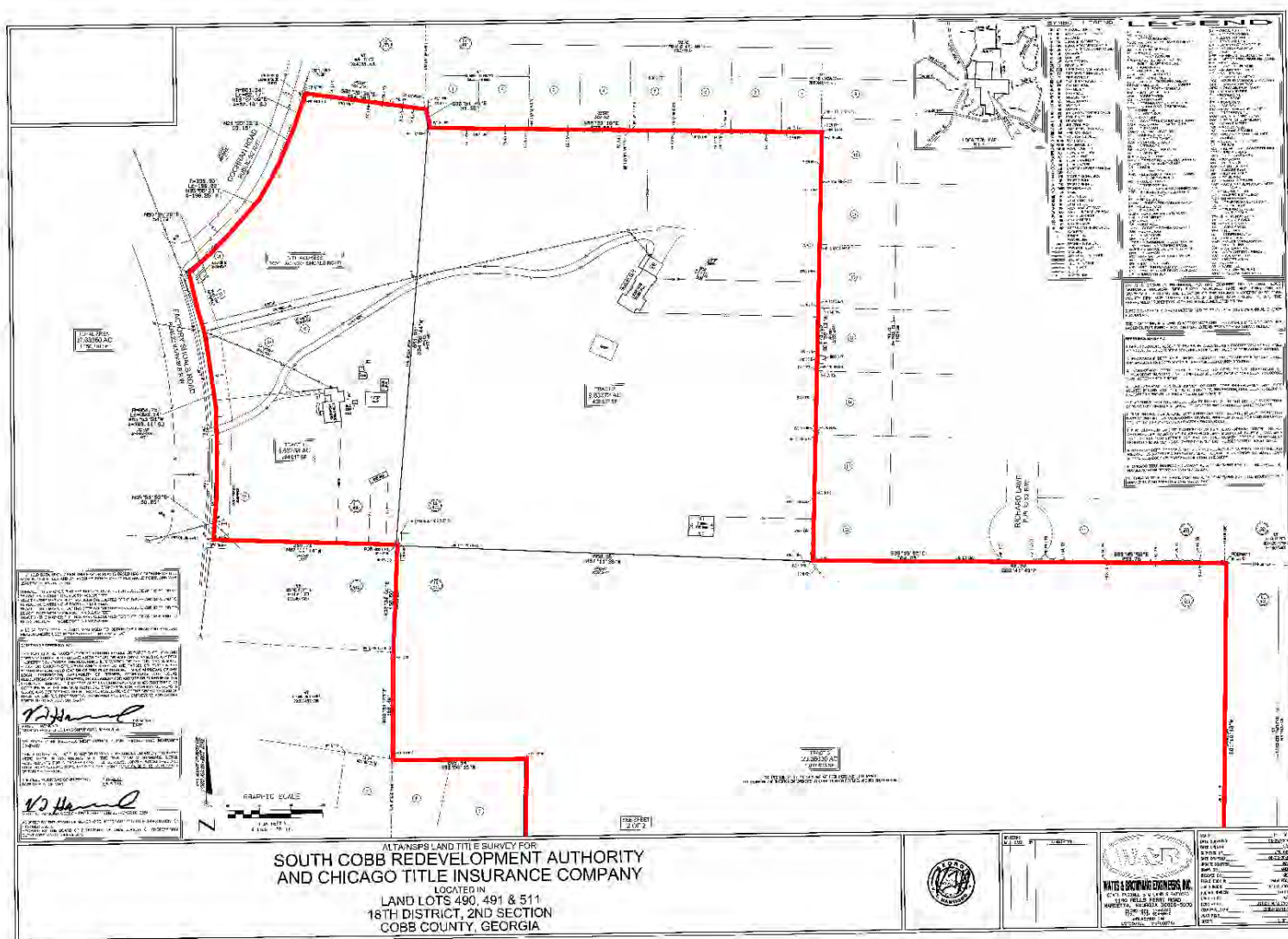


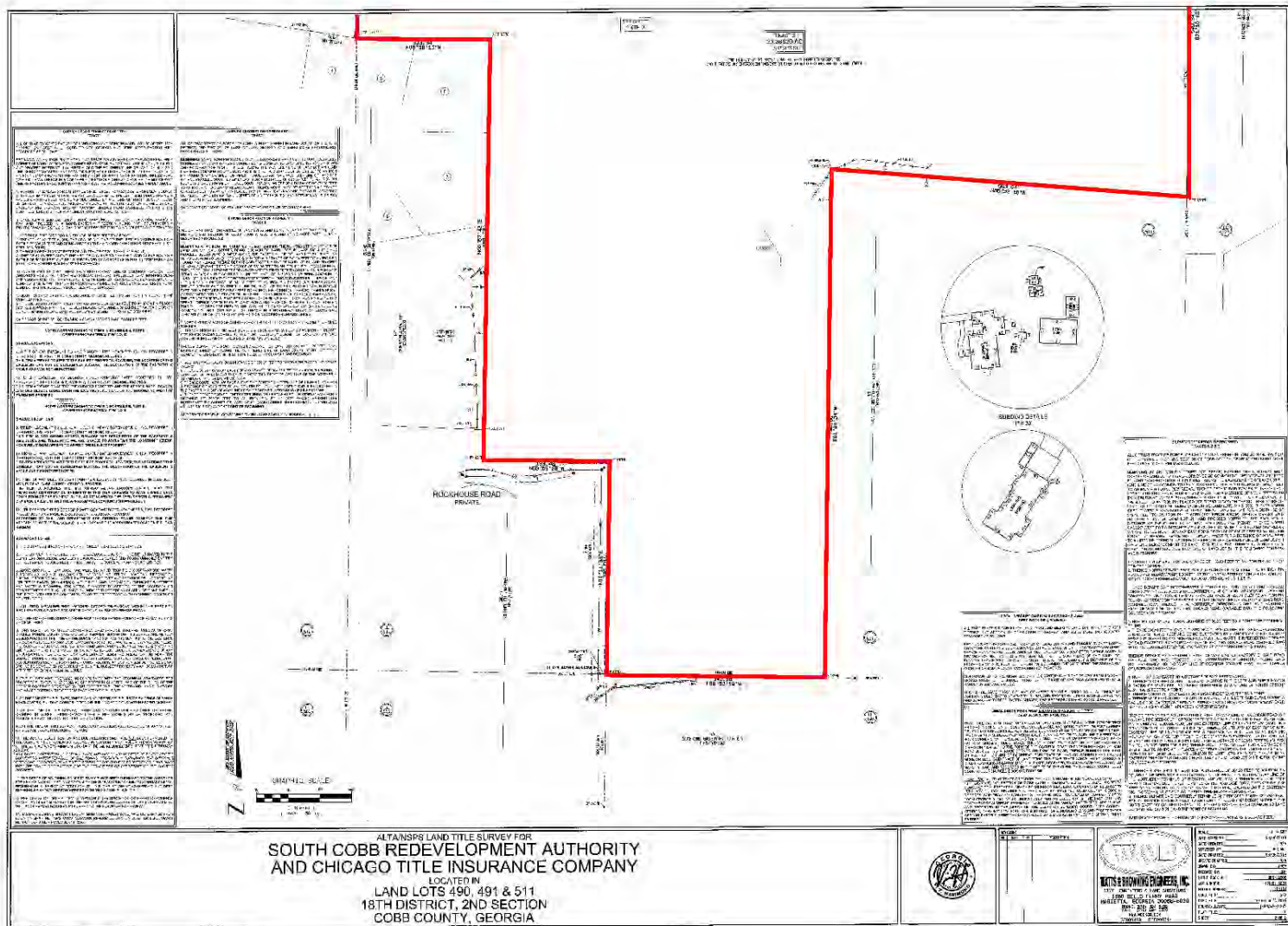
Mable House Barnes Amphitheatre

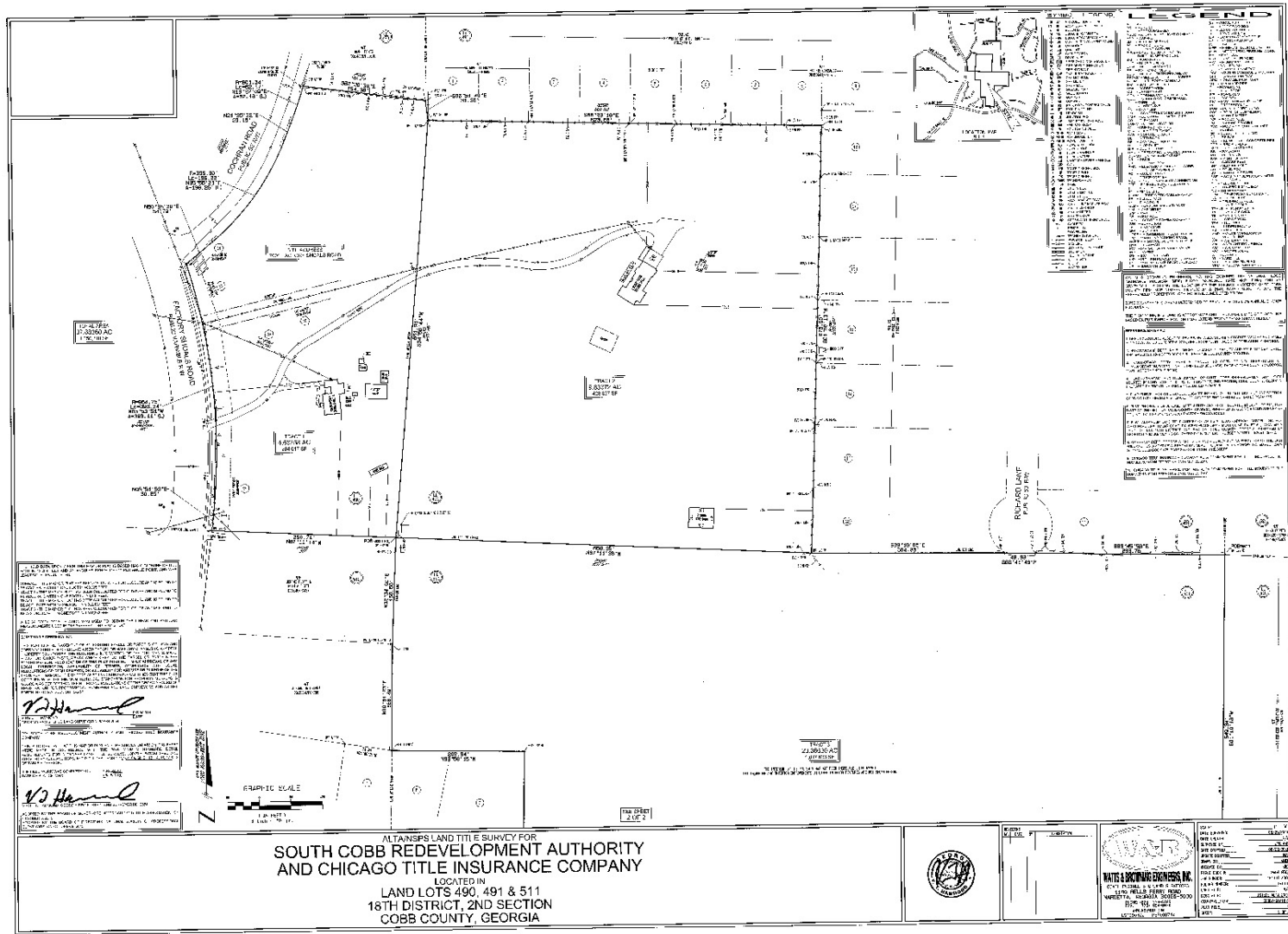


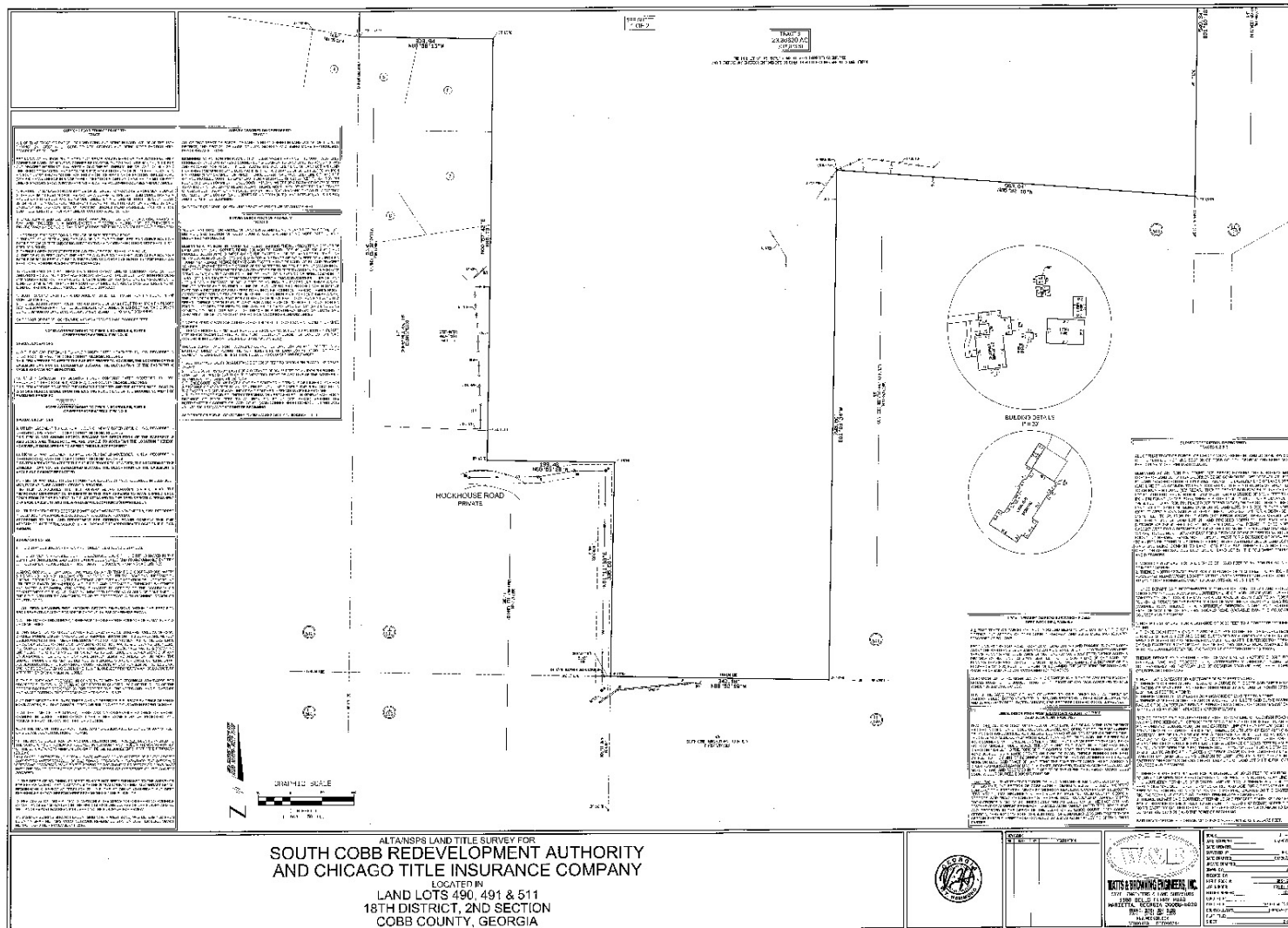
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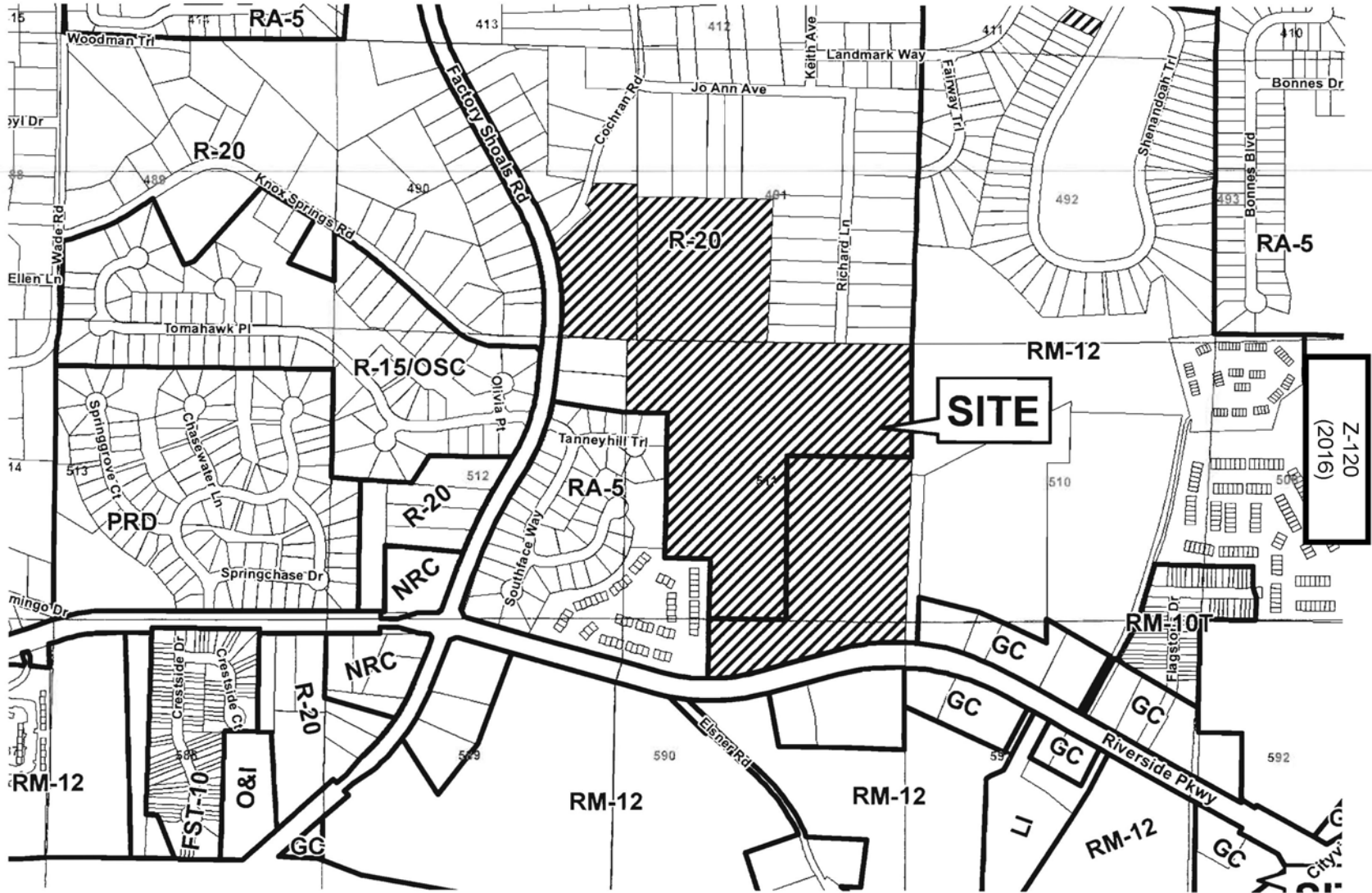




AERIAL TAX PLAT



TAX PLAT FOR REZONING CASE 2-120 (2016)



MINUTES OF REZONING 2-120 (2016) – DECEMBER 20, 2016 COBB COUNTY BOARD OF COMMISSIONERS HEARING

50.3+ ACRES

490 RIVERSIDE PARKWAY & 7001 FACTORY SHOALS ROAD
AUSTELL (COBB CO.), GA 30168

MINUTES OF ZONING HEARING
COBB COUNTY BOARD OF COMMISSIONERS
DECEMBER 20, 2016
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CONSENT AGENDA (CONT.)

- Z-120 SOUTH COBB REDEVELOPMENT AUTHORITY; STEPHEN YANCEY; PHILLIP YANCEY (South Cobb Redevelopment Authority; Stephen Charles Yancey, owner) requesting Rezoning from RM-12 and R-20 to PVC for the purpose of a Mixed-Use Development in Land Lots 511, 512, 490 and 590 of the 18th District. Located on the east side of Factory Shoals Road, the north side of Riverside Parkway (formerly Six Flags Drive), the southeastern side of Cochran Road, and the south end of Richard Lane.
1. Site plan to be approved by the Board of Commissioners
 2. Letter of agreeable conditions from Mr. James A. Balli dated November 30, 2016 (attached and made a part of these minutes), *not otherwise in conflict*, with the following changes:
 - A. Item No. 2 – remove subsections c, g, and l from the list of 134-217(13)
 - B. Item No. 3 – add to the list of prohibited uses: (i) rooming and boarding houses, and (j) fraternity and sorority houses resident halls
 3. Due to the lack of specific conditions of this zoning application to enhance marketability of the subject property, the District Commissioner reserves the right to add conditions to the subject property that bind the approval of the Site Plan and Unified Development Plan upon various factors as they relate to land use, zoning, development and community impact; added stipulations may include but are not to:
 - A. Site plan considerations (building layout, parking and lighting layout, egress/ingress locations, setbacks, display of storage; placement of commercial, residential, and public buildings and amenities)
 - B. Stormwater Management considerations (type, placement, capacity, pervious/ impervious considerations)
 - C. Building architecture considerations (materials, color, height; style, setback)
 - D. Landscaping considerations (buffers, enhancement strips, amount and type of trees, flowers, and shrubs and grass, landscaping maintenance, and irrigation)
 - E. Fencing considerations (placement, type, color, maintenance)
 - F. Construction considerations (hours, staging of materials and equipment, plant removal)
 - G. Vehicular Traffic inside and adjacent the subject property (design, location, use of traffic signals or other traffic flow devices, private or public designation, transit)
 - H. Signage considerations (entrance, building, directional)
 - I. Business types permitted and non-permitted inclusive of consideration of alcohol consumption and sale

MINUTES OF ZONING HEARING
COBB COUNTY BOARD OF COMMISSIONERS
DECEMBER 20, 2016
PAGE 18

CONSENT AGENDA (CONT.)

- Z-120 SOUTH COBB REDEVELOPMENT AUTHORITY; STEPHEN YANCEY; PHILLIP YANCEY (CONT.)
- J. Community covenants and benefit agreements as they related to housing, employment, affordability, rental limits, amenities, use of buildings and services, programs, mitigation efforts and other considerations
 - K. Site security considerations (type inclusive of capital and operational considerations)
 - L. Lighting considerations (type, look, and placement)
 - M. Parking considerations (placement, type, amount, parking islands, pedestrian, and vehicle traffic patterns)
 - N. Transportation alternatives and pedestrian use and safety considerations inclusive of placement, type, look, and amount of sidewalks, crosswalks, pedestrian signals, bike paths, benches, and pedestrian lighting; transit considerations
 - O. Residential considerations (density, architecture, type, amenities and features, covenants, affordability, garage use restrictions, storage restrictions, accessory restrictions, permissible residential restrictions)
 - P. Waste Service considerations inclusive of amount, placement, appearance, and use and maintenance of dumpsters and trash receptacles
4. Boundary survey included with the letter from Mr. James A. Balli dated December 5, 2016 (attached and made a part of these minutes)
 5. Variance to 134-217(13) I. to allow for the three property owners listed on the Zoning Application instead of a single owner as required by the Code
 6. Variance to waive the requirement that the project be a quadrant of a major intersection
 7. Applicant to submit a Unified Development Plan for the entire site to the Board of Commissioners via an Other Business Item
 8. No Land Disturbance Permits are to be issued until the Board of Commissioners has approved the Unified Development Plan and the required private deed covenants have been recorded
 9. If the Applicant fails to obtain approval for a Unified Development Plan within five years of the Board of Commissioners' final decision of this application, then the zoning shall revert back to the previous categories for all parcels; if needed, the Applicant can request an extension of the five year limit via an Other Business Item

MINUTES OF REZONING 2-120 (2016) – DECEMBER 20, 2016 COBB COUNTY BOARD OF COMMISSIONERS HEARING

50.3+ ACRES

490 RIVERSIDE PARKWAY & 7001 FACTORY SHOALS ROAD
AUSTELL (COBB CO.), GA 30168

MINUTES OF ZONING HEARING COBB COUNTY BOARD OF COMMISSIONERS DECEMBER 20, 2016 PAGE 19

CONSENT AGENDA (CONT.)

Z-120 SOUTH COBB REDEVELOPMENT AUTHORITY; STEPHEN YANCEY;
PHILLIP YANCEY (CONT.)

10. Water and Sewer Division comments and recommendations, *not otherwise in conflict*
11. Stormwater Management Division comments and recommendations, *not otherwise in conflict*
12. Department of Transportation comments and recommendations, *not otherwise in conflict*

Z-75 WINDSONG PROPERTIES, LLC (Clarence Luther McConnell, Jr.; Gayle L. Norton, a/k/a/ Gayle L. Richards, owners) requesting Rezoning from R-30 to RSL for the purpose of Residential Senior Living (non-supportive) in Land Lots 139, 140, & 157 of the 19th District. Located on the northwest corner of Lost Mountain Road and Corner Road, on the east side of McConnell Road, and on the north side of Pickens Road. *(Previously continued by the Board of Commissioners from the September 20, 2016, and October 18, 2016 hearings; Held from the November 15, 2016 hearing until the December 20, 2016 hearing).*

To approve Z-75 to the RSL zoning category, subject to:

1. Letter of agreeable conditions from Mr. Parks Huff dated December 20, 2016 (attached and made a part of these minutes)
2. Water and Sewer Division comments and recommendations, *not otherwise in conflict*
3. Stormwater Management Division comments and recommendations, *not otherwise in conflict*
4. Department of Transportation comments and recommendations, *not otherwise in conflict*
5. 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

CONSENT VOTE: **ADOPTED** 5-0

SAMS, LARKIN, HUFF & BALLI, LLP

ATTORNEYS AT LAW

376 POWDER SPRINGS STREET

SUITE 100

MARIETTA, GA 30064-3448

JAMES A. W. BALLI

(Admitted in GA and AL)

JBALLI@SLHB-LAW.COM

TELEPHONE
(770) 422-7016

FACSIMILE
(770) 426-6583
WWW.SLHB-LAW.COM

November 30, 2016

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

Min. Bk. 61 Petition No. Z-120
Doc. Type Letter
Meeting Date 12-20-16

Re: Rezoning and entitlement of property consisting of 51.42 acres (the "Property") located at or near 490 Six Flags Drive (Riverside Parkway) and 7001 Factory Shoals Road from RM-12, R-20 to PVC (Conditional) (the "Project"). (Z-120 of 2016).

Dear John:

As you are aware, I represent the South Cobb Redevelopment Authority ("SCRA") and the Yancey family (collectively "Applicant") regarding the approval of the Project. In keeping with the Six Flags Implementation Strategy ("Strategy") adopted by the Cobb County Board of Commissioners, the Property is being rezoned to allow for a Planned Village Community made possible by the SCRA working with private land owners within the area designated for "mixed-use" by the Strategy. It is envisioned the Project will result in a sufficient land-bank¹ to allow marketing for a unique and innovative development. As part of that process, the following conditions will apply to this Property as part of the zoning ordinance if approved by the Board of Commissioners:

1. Any future development plan shall be required to come back for a full hearing by the Board of Commissioners on the "Other Business" Agenda. The Property will be posted with zoning signs which notify the surrounding community no less than thirty (30) days prior to any public hearing. Notification letters shall also be mailed to all property owners within 1,000 feet and said notification letter will be forwarded to the District Commissioner for inclusion in the District 4 newsletter for broad distribution. No future development plan shall be eligible for a

¹ See Page 18 of the Strategy.

SAMS, LARKIN, HUFF & BALLI, LLP
ATTORNEYS AT LAW

Petition No. 2-120
Meeting Date 12-20-16
Continued

VIA HAND DELIVERY

Mr. John P. Pederson, AICP, Manager
Cobb County Community Development Agency
November 30, 2016
Page 2

public hearing before the Board of Commissioners until there has been a properly advertised public meeting held after normal working hours at the South Cobb Recreation Center to provide information and an opportunity for public input from the surrounding community.

2. To ensure that the Board of Commissioners have maximum discretion to review and make a detailed decision of rejection or approval of any development on the Project, the generic provisions of Section 134-217 (Planned Village Community District) shall not automatically apply to the Property when in conflict with the following: (a) Community Retail Uses shall be allowed if approved by the Board of Commissioners as a special exception use; (b) Use limitations as set forth in Section 134-217(13)(c),(d),(f),(g),(i),(l),(q),(t), (u) and (v) shall be as set by the Board of Commissioners upon approval of any development plan. Notwithstanding any provision of this paragraph, the Board of Commissioners maintains the legislative discretion to impose all or some of the generic provisions verbatim as a part of the approval of any submitted development plan.

3. The following shall be prohibited uses on the Property; (a) no automotive repair establishments or tire shops; (b) no pawn shops; (c) no full service gasoline stations; (d) no adult entertainment or adult bookstores/novelty shops; (e) no nightclubs; (f) no self-service laundry facilities; (g) no suite hotels and/or hotels/motels that have kitchenettes or kitchen facilities and (h) no uses that emit noxious odors or fumes.

4. Subject to approval of a development plan by the Board of Commissioners, water and sewer shall be made available to the entire Property via separate easement agreements consistent with Staff comments and Section 134-217(13)(a)(4).

5. Subject to approval of a development plan by the Board of Commissioners, a full service grocery store or supermarket shall be expressly allowed uses on the Property.

SAMS, LARKIN, HUFF & BALLI, LLP
ATTORNEYS AT LAW

Petition No. 2-120
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Continued

VIA HAND DELIVERY

Mr. John P. Pederson, AICP, Manager
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I believe the stipulations and conditions set forth in this letter will assist in ensuring timely information to the surrounding community of any proposal; establish safeguards against undesired uses and allow the Board of Commissioners design options to facilitate quality development. Thank you for your time and assistance.

Sincerely,

SAMS, LARKIN, HUFF & BALLI, LLP

James A. Balli
jballi@slhb-law.com

cc: South Cobb Redevelopment Authority
Stephen Yancey, Janet Yancey
Commissioner Lisa Cupid, District 4
Planning Commissioner Galt Porter, District 4
Cobb County Planning Commissioners
Dana Johnson, AICP, Director of Community Development
Jason Gaines, AICP, Planning Division Manager

MINUTES OF REZONING 2-120 (2016) – DECEMBER 20, 2016 COBB COUNTY BOARD OF COMMISSIONERS HEARING

50.3± ACRES

490 RIVERSIDE PARKWAY & 7001 FACTORY SHOALS ROAD
AUSTELL (COBB CO.), GA 30168

SAMS, LARKIN, HUFF & BALLI, LLP

ATTORNEYS AT LAW

376 POWDER SPRINGS STREET
SUITE 100
MARIETTA, GA 30064-3448

JAMES A. W. BALLI

(Admitted in GA and AL)

JBALLI@SLHB-LAW.COM

TELEPHONE
(770) 422-7016

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(770) 426-6583
WWW.SLHB-LAW.COM

December 5, 2016

**VIA EMAIL AND
HAND DELIVERY**

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

Min. Bk. 81 Petition No. 2-120
Doc. Type Boundary Survey
included with this letter
Meeting Date 12-20-16

Re: Rezoning and entitlement of property consisting of 51.42 acres (the "Property") located at or near 490 Six Flags Drive (Riverside Parkway) and 7001 Factory Shoals Road from RM-12, R-20 to PVC (Conditional) (the "Project"). (Z-120 of 2016).

Dear John:

Pursuant to our previous discussions, enclosed please find a copy of the boundary survey for the 37.88 acres for submission into the zoning file. We are obtaining large size copies and will provide those to the County's professional staff upon receipt. Of course, the boundary survey does not change any of the zoning analysis but is simply to be included for identification purposes. Thank you for your time and assistance.

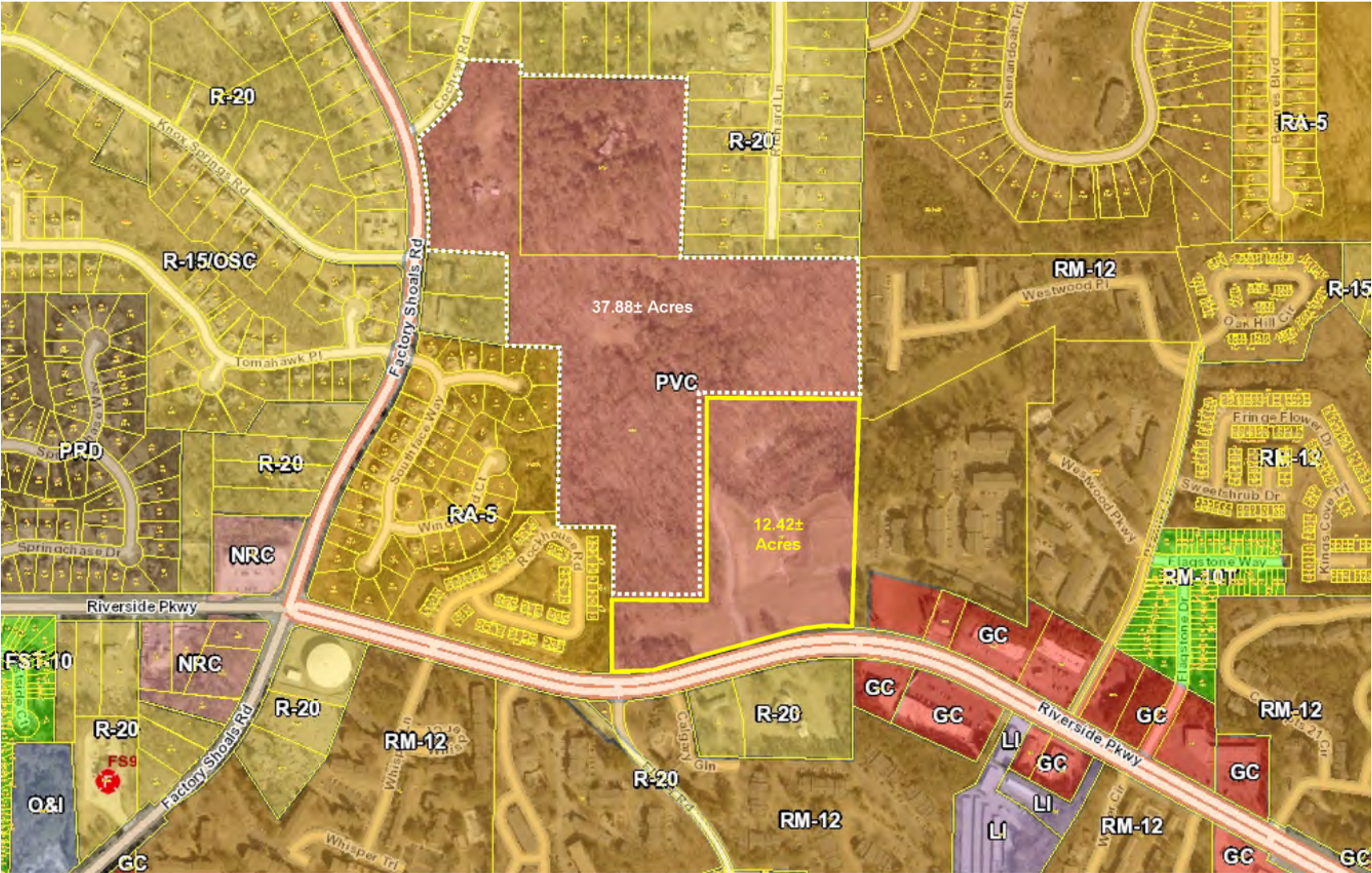
Sincerely,

SAMS, LARKIN, HUFF & BALLI, LLP

James A. Balli
jbali@slhb-law.com

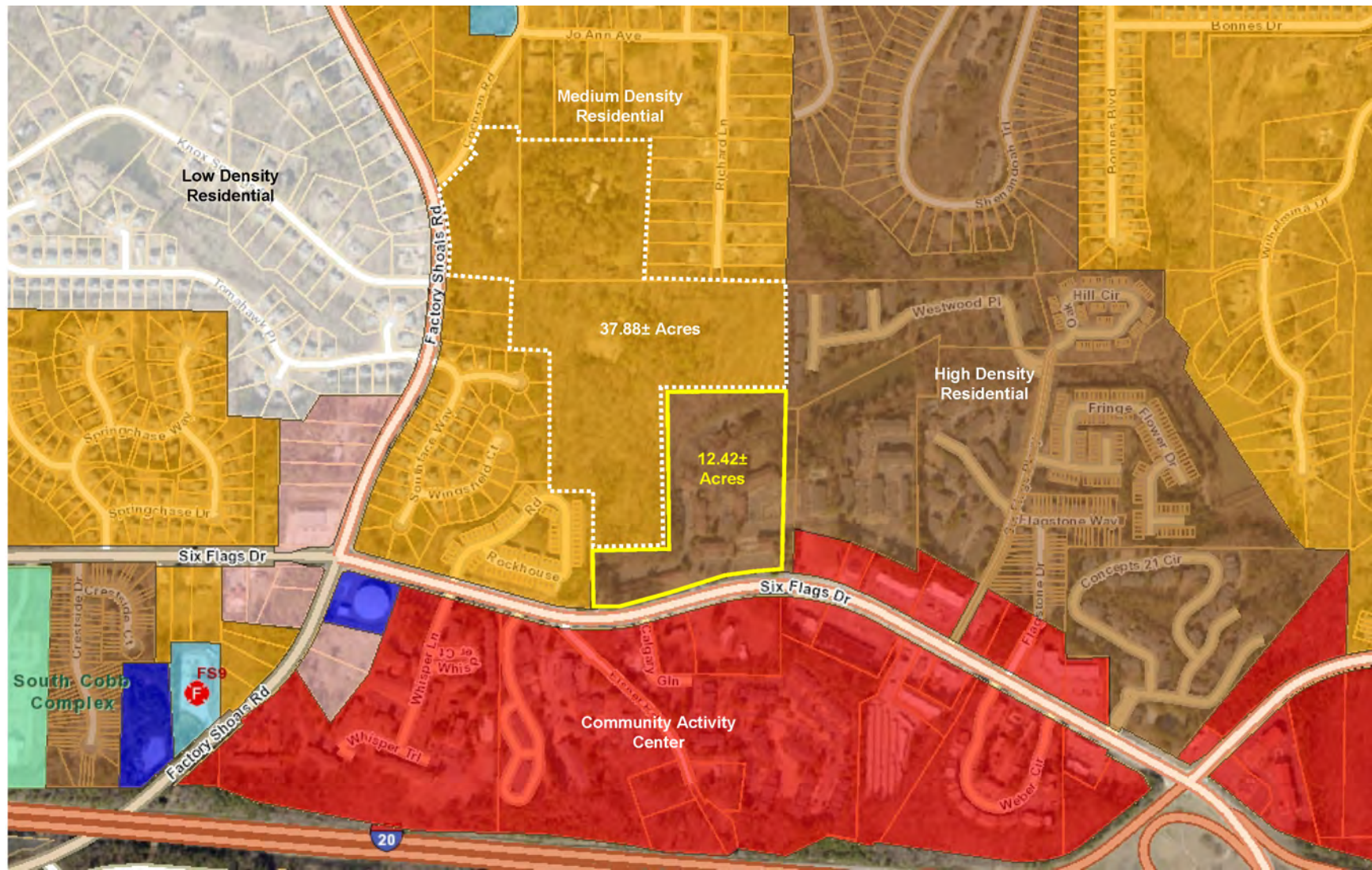
cc: South Cobb Redevelopment Authority
Stephen Yancey, Janet Yancey
Commissioner Lisa Cupid, District 4
Planning Commissioner Galt Porter, District 4
Cobb County Planning Commissioners
Dana Johnson, AICP, Director of Community Development
Jason Gaines, AICP, Planning Division Manager

COBB COUNTY ZONING DISTRICTS
50.3± acres zoned PVC, Planned Village Community



COBB COUNTY FUTURE LAND USE MAP

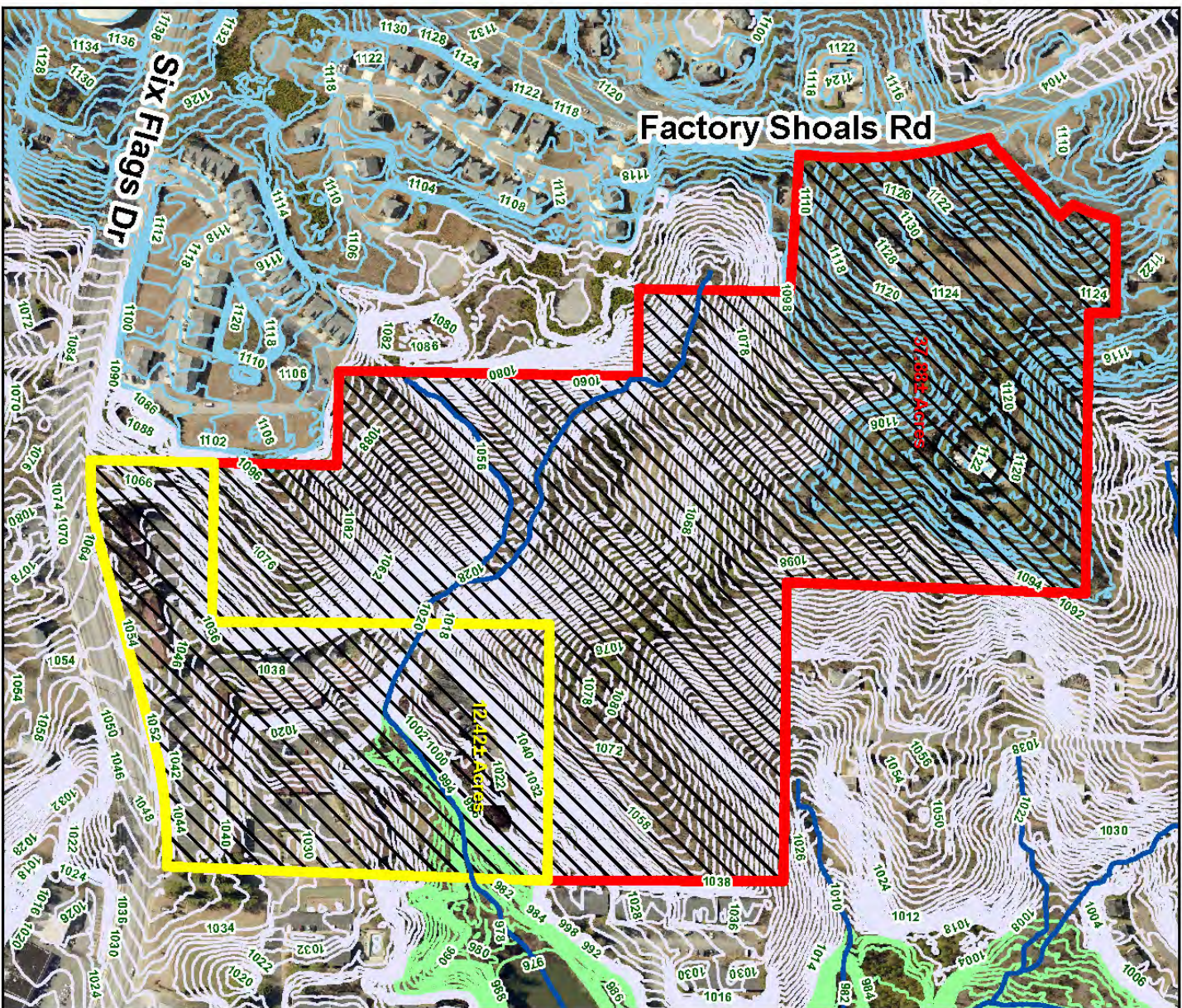
12.42± acres designated as High Density Residential & 37.88± acres designated as Medium Density Residential





COBB COUNTY TOPOGRAPHY & HYDROLOGY MAP



COBB COUNTY TOPOGRAPHY & HYDROLOGY MAP





-  490 Six Flags Dr
-  7001 Factory Shoals Rd

TOPOGRAPHY

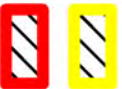
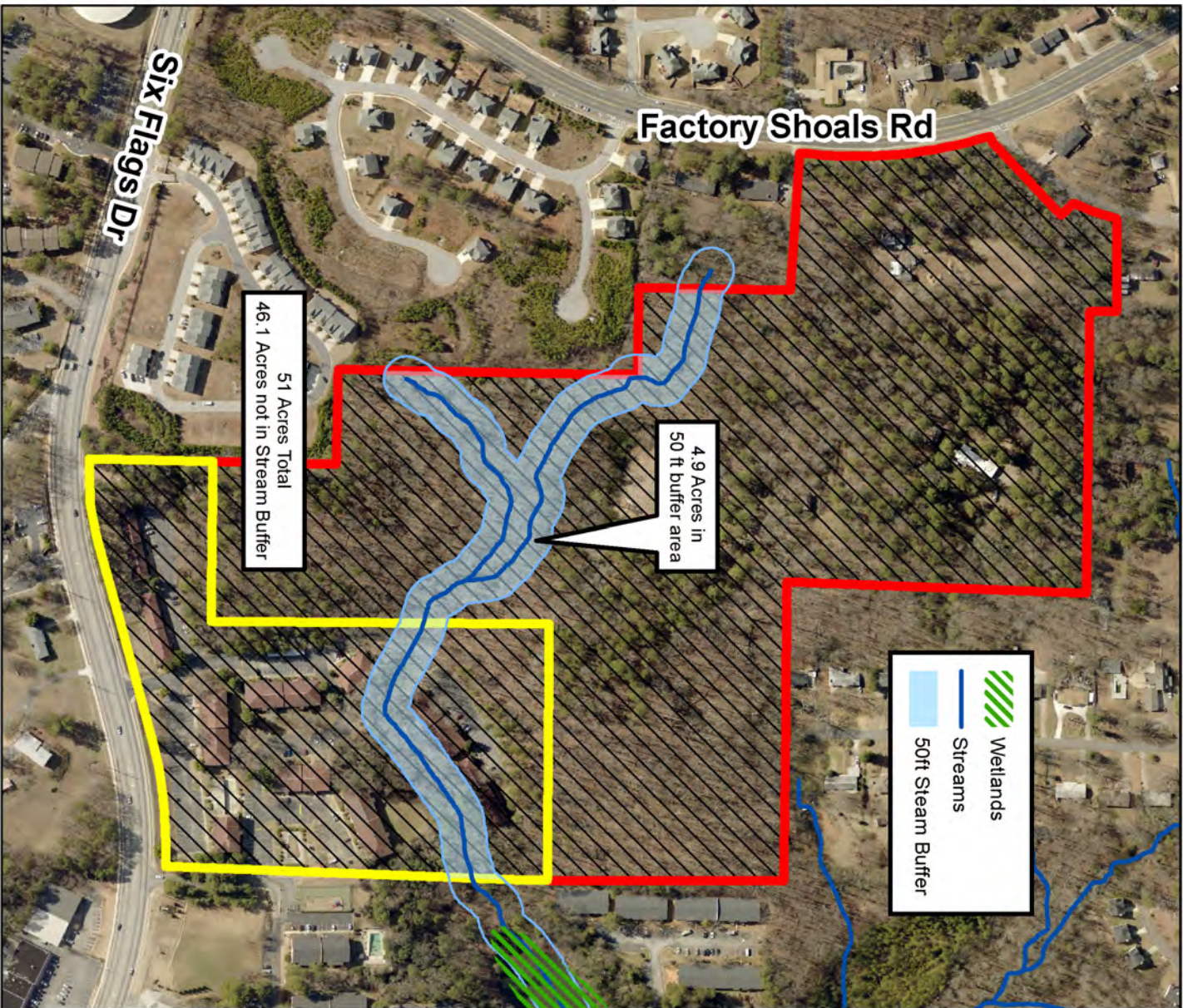
Cobb County
Community Development
P.O. Box 649
Marietta, GA 30061
04/2016

0 200 400 Feet





COBB COUNTY STREAM & STREAM BUFFER MAP

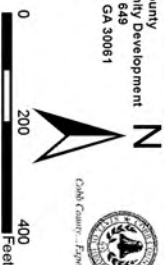


490 Six Flags Dr

7001 Factory Shoals Rd

STREAMS

Cobb County
Community Development
P.O. Box 648
Marietta, GA 30061
04/2016



PROPERTY PHOTOS



50.3± ACRES

490 RIVERSIDE PARKWAY & 7001 FACTORY SHOALS ROAD
AUSTELL (COBB CO.), GA 30168

PROPERTY PHOTOS



PROPERTY PHOTOS



PVC, PLANNED VILLAGE COMMUNITY ORDINANCE

Sec. 134-217. - PVC planned village community district.

Commencing January 1, 1998, no new applications for a Special Land Use Permit for Self-service Storage Facilities (SSSF) are to be accepted by the board of commissioners. The regulations for the PVC planned village community district are as follows:

- (1) *Purpose and intent.* The PVC district is established to provide locations and encourage flexible site plans and building arrangements under a unified plan of development rather than lot-by-lot regulation for retail commercial and service uses which are designed and oriented to be self-sufficient neighborhoods making up a community. The developer benefits from better land utilization and economy in the provision of roads and utilities and overall site design. Projects developed within a PVC district should be designed to compact unified retail centers within the center of the community. Projects developed within a PVC district should occupy a quadrant of an intersection and only have ingress and egress from a major or collector street or state highway which is delineated within any land use category other than industrial or industrial compatible as defined and shown on the Cobb County Comprehensive Plan: A Policy Guide, adopted November 27, 1990. Additionally, the desired quadrant location will provide for planned developments and one-destination shopping and service locations to serve the community, and will minimize traffic congestion.
- (2) *Definitions.* The following words, terms and phrases, when used in this section, shall have the meanings ascribed to them in this subsection, except where the context clearly indicates a different meaning:
 - a. *Clinic.* A medical or dental clinic is an organization of specializing physicians or dentists, or both, who have their offices in a common building. A clinic shall include laboratory facilities in conjunction with normal clinic services.
 - b. *Community fair* means a festival or fair such as the North Georgia State Fair conducted wholly within public areas owned by a local government, provided that any activity is conducted at least 200 feet from any property line. Any event shall not exceed 21 days.
 - c. *Convenience food store with self-service fuel sales* means any retail establishment offering for sale automotive fuels, prepackaged food products, beverages, household items and other goods commonly associated with the such establishments. There shall be no automotive repairs done on-site.
 - d. *Designated recycling collection locations* means metal or heavy duty plastic containers designed for shortterm holding of pre-bagged recyclable items such as tin, aluminum, glass and paper (no perishable or food items allowed) for scheduled minimum monthly pickup, with no on-premises sorting. The center must be maintained in a safe, clean, neat and sanitary fashion and shall not encompass an area larger than 280 square feet.
 1. Such location shall be visually screened and maintained.
 - 2.

Such location shall within the building setbacks unless otherwise approved by the division manager of zoning or his designee due to topography, safety, internal traffic flow, site distance or other site-related circumstances not created by the property owner.

- e. *Group home* means a dwelling shared by six or less persons, excluding resident staff, who live together as a single housekeeping unit and in a longterm, family-like environment in which staff persons provide care, education and participation in community activities for the residents with the primary goal of enabling the residents to live as independently as possible in order to reach their maximum potential. This use shall apply to homes for the handicapped. As used in this subsection, the term "handicapped" shall mean:
 1. Having a physical or mental impairment that substantially limits one or more of such person's major life activities so that such person is incapable of living independently;
 2. Having a record of having such an impairment; or
 3. Being regarded as having such an impairment.However, the term "handicapped" shall not include current illegal use of or addiction to a controlled substance, nor shall it include any person whose residency in the home would constitute a direct threat to the health and safety of other individuals. The term "group home for the handicapped" shall not include alcoholism or drug treatment centers, work release facilities for convicts or ex-convicts, or other housing facilities serving as an alternative to incarceration.
- f. *Light automotive repair establishment* means an indoor repair establishment (no outside storage) for performing light auto and small truck repair (under one ton) such as brake repair, oil changes, lubrication, transmission repair, installation of belts and hoses, inspections and the like.
- g. *Neighborhood retail uses* means commonly found low scale and low intensity retail uses, with square footages not to exceed the limitations established in this specific chapter, that offer basic services and frequently purchased goods to the immediate surrounding residential areas, such as but not limited to the following: auto store, antique shop, appliance store (home use), bakery, barbershop or beauty shop, beverage shop, bookstore (but not including adult bookstores), bridal shop, camera shop, china and pottery store, clothing store, dance studio, delicatessen, dog grooming shop, draperies and interior decorating supplies, drugstore or hardware, dry goods store, florist, furniture store, gifts and stationery store, jewelry store, manicurist shop, meat market or butcher shop, millinery store, mimeograph and letter shop, music store, novelty shop, paint store, pedicurist shop, shoe repair shop, shoe store, sporting goods store, supermarket or grocery, tailor shop, toy store, variety shop or video store.
- h. *Nonautomotive repair uses* means commonly found low intensity repair shops such as jewelry, camera, home appliance, television and videocassette recorder repair shops.
- i.

PVC, PLANNED VILLAGE COMMUNITY ORDINANCE

Office service and supply establishments means wholesale and retail commercial establishments that sell, service and supply small office equipment and supplies, such as stores that offer sales of copiers, facsimile machines, typewriters, ribbons, transcribers, dictation equipment, tape, staplers and other general office equipment.

- j. *Professional office* means a structure wherein services are performed predominately administrative, professional or clerical operations such as the following: law, doctor, optician, audiologist, accounting, tax preparation, real estate, stockbroker, architect, engineer, manufacturer representative, professional counselor, dentist, investigative services, photographer, insurance, contractor, land surveyor, telephone sales, political/campaign, veterinarian or travel bureau.
- (3) *Permitted uses.* Permitted uses are as follows:
- Animal hospitals (only within CAC or RAC).
 - Athletic and health clubs (only within CAC or RAC).
 - Banks and financial institutions with drive-in establishment or automated transfer machines.
 - Churches, chapels, temples, synagogues, and other such places of worship.
 - Clinics.
 - Clubs or lodges (noncommercial) (only within CAC or RAC).
 - Community retail uses (only within CAC or RAC).
 - Convenience food stores with self-service fuel sales, provided that the building shall not exceed 3,000 square feet in gross floor area and that no automotive repairs shall be done on-site.
 - Corporate or administrative offices for any permitted uses (only within CAC or RAC).
 - Cultural facilities.
 - Eating and drinking establishments, subject to use limitations, including no bars or nightclubs.
 - Film developing and printing facilities.
 - Full service gasoline stations (only within CAC or RAC).
 - Funeral homes.
 - Group homes.
 - Hotels (only within CAC or RAC).
 - In-home day care.

Laundry and dry cleaning pickup establishments.

Light automotive repair establishments (only within CAC or RAC).

Multifamily dwelling units.

Neighborhood retail uses.

Nonautomotive repair service establishments.

Nursery schools and child day care centers.

Office service and supply establishments (only within CAC or RAC).

Parking for vehicles.

Photography studios.

Private parks.

Professional offices.

Rest homes, personal care homes and convalescent homes.

Self-service laundry facilities.

Single-family dwelling units (attached).

Single-family dwelling units (detached).

Studios and supplies, provided that no more than 50 percent of total gross floor area will be used for storage.

Temporary uses.

Townhouse dwelling units (attached).

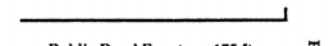
- (4) *Lot size and setback requirements.* Lot size and setback requirements are as follows:

- Minimum lot size: 200,000 square feet.
- Minimum lot width at front setback line: 200 feet.
- Minimum public road frontage: 100 feet.
- Minimum building setbacks: As shown and applied in the following diagram:

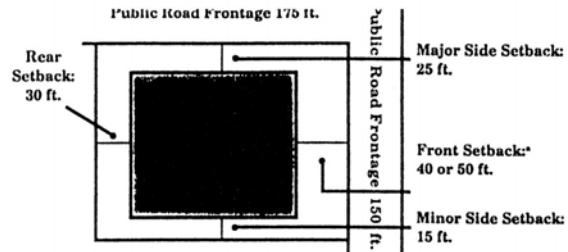
MINIMUM BUILDING SETBACK REQUIREMENTS FOR PVC DISTRICT

Note: All setbacks shall be measured from future right-of-way.

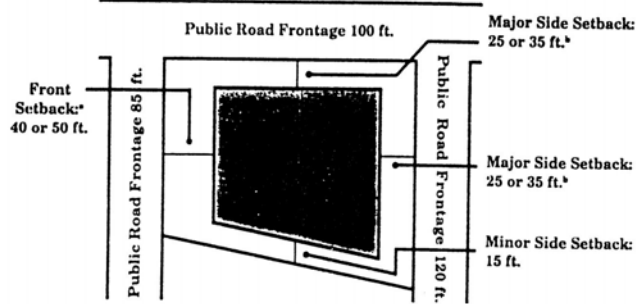
PVC



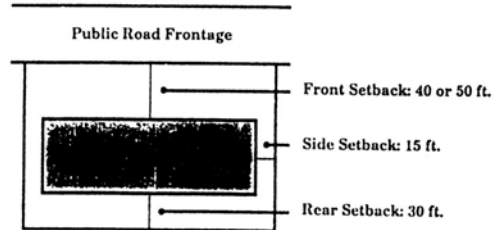
PVC, PLANNED VILLAGE COMMUNITY ORDINANCE



Example for Property with two (2) Public Road Frontages



Example for Property with three (3) Public Road Frontages



Example for Property with one (1) Public Road Frontage

Minimum Building Setback Requirements for PVC District

Notes:

^a Property with shorter amount of road frontage will be the front setback for determining other setbacks (major side, side, rear).

^b If structure fronts a major side setback, major side setback shall be 35 feet.

(5) *Landscape buffer and screening requirements.* Unless otherwise noted within this district's requirements, any property within a PVC district which abuts residentially zoned property shall have a 40-foot landscaped screening buffer adjacent to all residentially zoned property, which will be subject to county staff's approval. The board of commissioners specifically notes that it discourages locating PVC districts and developments adjacent to single-family residential districts, unless in a planned mixed use project with nonresidential development located within the center of the project and residential development, with lot sizes compatible to existing neighborhoods, required on the periphery/exterior of the property. Required buffers may be included within required setbacks; however, in such case that the required buffer is greater than the required setback, the required buffer shall be adhered to. Additionally, necessary private utilities and access drives may be allowed through, over or across a landscaped buffer. Any such uses which are proposed through, over or across a designated undisturbed buffer must be approved pursuant to an original site plan or site plan modification as set forth under [section 134-126](#).

- a. *Objectives.* Undisturbed, planted landscape buffers and berms shall be implemented in connection with a permitted project and shall address the following objectives:
 1. Screening to enhance aesthetic appeal;
 2. Control or direction of vehicular and pedestrian movement;
 3. Reduction of glare;
 4. Buffering of noise; and
 5. Establishment of privacy.
- b. *Standards.* Buffers or berms shall be required when a PVC is located adjacent to a residential district; a minimum 40-foot buffer is required.
 1. *Buffers.* Landscape buffers are subject to review and approval by county staff in accordance with the following standards:
 - i. Plantings are to be a mix of evergreen trees and shrubs.
 - ii. Species are to be ecologically compatible to the site and appropriate for the design situation.
 - iii. Unless public safety concerns dictate otherwise, a buffer should provide a maximum visual barrier to a height of six feet within two years of planting.
 - iv.

PVC, PLANNED VILLAGE COMMUNITY ORDINANCE

Minimum height of plant materials at installation is five feet for trees and two feet for shrubs.

- v. Fencing or walls are to be a minimum of six feet in height as approved by county staff.
 - vi. Trees included in buffer plantings may be counted toward site density calculations as required by chapter 50, article VI, pertaining to tree preservation and replacement, subject to review and approval of county staff.
 - vii. Buffers shall be regularly maintained by the property owner to ensure that the objectives and standards set out in this subsection are met.
 - viii. When topography and existing conditions allow, the required 40-foot buffer should be an undisturbed buffer.
 - ix. Any appeals from a determination by county staff shall be to the board of zoning appeals.
2. *Berms.* Berms are subject to review and approval by county staff in accordance with the following standards:
- i. Berms shall be utilized when consistent with surrounding property features.
 - ii. Berms shall be stabilized.
 - iii. Where possible, berms shall be constructed to be consistent with natural or proposed drainage patterns.
 - iv. Berms shall be regularly maintained by the property owner.
- (6) *Floodplain and wetlands preservation requirements.* Any development must also meet state and federal requirements relating to areas subject to the provisions of section 134-283, regarding mountain and river corridor protection act areas, and section 134-284, regarding metropolitan river protection act areas.
- (7) *Building and structure requirements.* Maximum building height is 75 feet, unless located within a RAC. When located in a RAC, building heights will be approved by the board of commissioners on a case by case basis (RAC—as approved by the board of commissioners, CAC—four stories, NAC and Residential—two stories). The board of commissioners shall consider the RAC's sub area classification and any specific text related to transitional land uses, densities and building heights.
- (8) *Parking requirements.* See section 134-272 for paved parking specifications.
- (9) *Lighting requirements.* Any project permitted within the PVC district which proposes a lighted facility must have a county department of transportation approved lighting plan in accordance with the minimum conditions listed in section 134-269.
- (10) *Special exception uses.* See section 134-271 for special exception use requirements for all districts. Special exception uses for the PVC district are the uses listed in section 134-271.
- (11) *Special exception uses for community activity center only.* The following uses, with the proper scrutiny and conditions, may be considered as special exception uses within the PVC district, only if they are within properties delineated as community activity center as defined and shown on the

Cobb County Comprehensive Plan: A Policy Guide, adopted November 27, 1990. Any special exception use, for community activity centers only, shall adhere to the landscape buffer and screening requirements in subsection (5) of this section.

- a. Animal hospitals;
 - b. Athletic and health clubs;
 - c. Clubs or lodges (noncommercial);
 - d. Community retail uses;
 - e. Corporate or administrative offices for any permitted uses;
 - f. Full service gasoline stations;
 - g. Hotels (non-suite);
 - h. Light automotive repair establishments;
 - i. Office service and supply establishments;
- (12) *Special exception uses for regional activity center only.* The following uses, with the proper scrutiny and conditions, may be considered as special exception uses within the PVC district, only if they are within properties delineated as regional activity centers as defined and shown on the Cobb County Comprehensive Plan: A Policy Guide, adopted November 27, 1990. Any special exception use, for regional activity centers only, shall adhere to the landscape buffer and screening requirements in subsection (5) of this section.
- a. Animal hospitals;
 - b. Athletic and health clubs;
 - c. Clubs or lodges (noncommercial);
 - d. Community retail uses;
 - e. Corporate or administrative offices for any permitted uses;
 - f. Full service gasoline stations;
 - g. Hotels (non-suite);
 - h. Light automotive repair establishments;
 - i. Office service and supply establishments;
- (13) *Use limitations.* A PVC development shall meet at the minimum the following:
- a. General standards are as follows:
 - 1. The development shall be compatible with the topography of the land and shall preserve any unusual topographic or natural features.
 - 2. The development shall not adversely affect developed or undeveloped neighboring properties.
 - 3. The development shall utilize design and development features that would not be possible by the application of lot-by-lot zoning district regulations.
 - 4.

PVC, PLANNED VILLAGE COMMUNITY ORDINANCE

Water, sewerage, highway and school facilities shall be adequate for the proposed development, or there shall be a definite proposal for making them so.

5. Nonresidential uses must be located within the center/interior of the project and compatible residential uses must be on the periphery/exterior of the project so to protect adjacent residential areas.
- b. A PVC may be located within any category other than industrial or industrial-compatible as defined by the Cobb County Comprehensive Plan: A Policy Guide, as amended from time to time, so long as it meets the standards set forth in this section and is compatible with surrounding uses and zoning districts.
- c. A PVC shall require 50 contiguous acres.
- d. Common open space requirements are as follows:
 1. A minimum of 550 square feet per dwelling unit in a PVC shall be reserved for open space, parks, or other recreational or public uses, subject to the following:
 - i. No more than 50 percent of the land so reserved may lie in a floodplain or wetland.
 - ii. While such open space shall not be required to be contiguous, the open space must be useable and functional open space, parks, or other recreational or public uses and must be permanently protected via conservation easement or restrictive covenants in favor of the county for conservation uses.
 2. The required yards, parking and right-of-way areas shall not be credited toward the minimum open space requirements.
 3. The amount of required common open space will be automatically reduced as the density of development is reduced and will be automatically increased as the density of development is increased.
 4. The required open space shall be developed and landscaped by the developer in accordance with an approved landscaping plan.
- e. All PVC developments shall be zoned and subject to a specific site plan.
- f. Commercial uses must be located within the center/interior of the project and compatible residential uses must be on the periphery/exterior of the project so to protect adjacent residential areas.
- g. The entire PVC shall be included within private deed covenants running with the land to ensure the continuance of the PVC in accordance with approved plans and development.
- h. For off-street parking requirements, see the parking standards in [section 134-272](#).
- i. Requirements for retail sales and services are as follows:
 1. *Area requirements.* Area requirements for a PVC within any residential land use category as defined by the county comprehensive plan, as may be amended from time to time. There shall be a maximum of 5,000 square feet of total net floorspace for retail sales and services as permitted in this section for each 100 dwelling units in a PVC district having an

area of not less than 50 contiguous acres. Land may be reserved for the maximum permitted retail sales and service development, but the permitted square feet of retail sales and service floor area may be built only as the required ratio of dwelling units has been constructed.

2. *Structures.* Retail sales and services shall be conducted entirely within a wholly and permanently enclosed building which shall be of an architectural design compatible with the residential structures within the PVC.
3. *Relation to residentially developed property lying outside planned village community.* The sides, rear or front of a lot developed for retail sales and services or multifamily dwellings shall neither abut nor lie across the street from property lying outside the PVC that is developed with one-family houses unless properly buffered in accordance with a landscape plan approved by the board of commissioners.
- j. Any signage for office and commercial uses shall be limited to a single ground-based monument-style sign as provided in article VI of this chapter.
- k. All refuse and designated recycling collection location facilities must be contained within completely enclosed facilities.
- l. All of the land in a PVC shall be owned initially by an individual, corporation, partnership or some other legal entity. Individual properties in a PVC may be sold after a final plat has been duly recorded, with the properties subject to private deed covenants that ensure the continuance of the PVC as originally approved. A PVC may contain a mix of the residential uses permitted in this section together with a limited amount of office and commercial uses limited by the density set forth in this section.
- m. Any emission or automotive inspection station shall be located within a permanent facility. (No temporary buildings/tents are to be utilized after June 30, 1998.) Effective April 1, 2014, any new applications (zoning applications, building permit related applications including tenant finish operations and certificate of occupancy applications) for emission or automotive inspection stations within permanent facilities shall mean an indoor inspection establishment (no outside storage) with fully enclosed service bay(s) with operable door(s) for performing emission and automotive inspections/testing. The permanent facility must be compliant with the adopted building regulations found in chapter 18 of the Cobb County Code.
- n. No uses that emit noxious odors, fumes or sounds are permitted.
- o. The side yard setbacks may be waived except along the exterior boundaries of the development.
- p. No adult entertainment uses are permitted.
- q. A PVC shall have ingress and egress only on a major or collector street or state highway.
- r. Kitchenettes or kitchen facilities are prohibited in motels.
- s. No loading docks or facilities may be located in the front of any primary structure.

- t. Area requirements for a PVC within a NAC, CAC or RAC as defined by the county comprehensive plan, as may be amended from time to time. There shall be a maximum of 70,000 square feet of total net floor space for retail sales and services as permitted in this section for each 100 dwelling units in a PVC district having an area of not less than 50 contiguous acres located within a NAC. There shall be a maximum of 140,000 square feet of total net floor space for retail sales and services as permitted in this section for each 100 dwelling units in a PVC district having an area of not less than 50 contiguous acres located within a CAC. There shall be a maximum of 210,000 square feet of total net floor space for retail sales and services as permitted in this section for each 100 dwelling units in a PVC district having an area of not less than 50 contiguous acres located within a RAC. Land may be reserved for the maximum permitted retail sales and service development, but the permitted square feet of retail sales and service floor area may be built only as the required ratio of dwelling units has been constructed.
 - u. Net residential densities within any PVC should be generally consistent with the density recommended for the property via the county comprehensive plan, as may be amended from time to time. The board of commissioners will consider the character of surrounding land uses when determining whether proposed residential densities are generally consistent with the county comprehensive plan, as may be amended from time to time. The board of commissioners will also consider the amount of open space proposed, as well as width and type of buffers proposed for adjacent residential properties. Residential densities may also be limited in overall acreage due to intense deforestation, drainage, erosion and sedimentation concerns associated with such development.
 - v. Eating and drinking establishments, excluding bars or nightclubs, shall be a maximum of 3000 square feet for a PVC within any residential category as defined by the county comprehensive plan, as may be amended from time to time.
 - w. Maximum impervious surfaces (80 percent—RAC, 70 percent—CAC and NAC) shall be established within activity centers as identified by the Cobb County Comprehensive Plan, as may be amended from time to time.
Required buffers may be included within required setbacks; however, in such case that the required buffer is greater than the required setback, the required buffer shall be adhered to. Additionally, necessary private utilities and access drives may be allowed through, over or across a landscaped buffer. Any such uses which are proposed through, over or across a designated undisturbed buffer must be approved pursuant to an original site plan or site plan modification as set forth under section 134-126.
- (14) *Accessory buildings, structures, uses and decks.* Any accessory building or structure in excess of 1,000 square feet of gross space shall be located to the rear of the primary structure and at least 40 feet from any residential property line. Any accessory building or structure which exceeds 1,000 square feet of gross space must have the approval of the division manager of zoning or his

designee as to the location, architectural design and size prior to commencing construction. The division manager of zoning or his designee shall consider the following criteria for determining the appropriateness of the architectural design and size of the accessory building or structure: compatibility with the surrounding neighborhood, style of exterior (the exterior is to be compatible in style with the primary structure), use of the proposed accessory structure, impact on adjacent properties, and requirements as deemed appropriate by plan review as set forth in this subsection. All accessory buildings, structures and uses in excess of 1,000 gross square feet shall be required to submit for plan review through the community development department or receive approval from the director of the community development department or his designee. Permitted accessory structures and uses are as follows:

- a. Accessory storage buildings, to include parking garages, subject to the following conditions:
 - 1. Maximum height is two stories, not to exceed 35 feet.
 - 2. Such structures shall be located on the same lot as and to the rear of the principal building to which they are accessory.
 - 3. No accessory building shall be constructed upon a lot until construction of the principal building has commenced.
 - 4. On a corner lot, no accessory building shall be located closer to the side street right-of-way line than the principal building.
 - 5. When abutting any other nonresidential district, no garage or other accessory building shall be located closer than five feet to a side or rear lot line.
 - 6. When an accessory building is attached to the principal building by a breezeway, passageway or similar means, it shall comply with the yard requirements of the principal building to which it is accessory.
 - 7. Where any nonresidential lot adjoins the side or rear of a residential lot, an accessory building shall not be located within any required buffers.
- b. Antennas and satellite dishes, which shall meet the requirements set forth in section 134-274.
- c. Carwashes accessory to convenience food stores with self-service fuel.
- d. Freestanding parking garages, subject to the following conditions:
 - 1. Maximum height is 50 feet, with no more than four stories.
 - 2. When abutting any residential property line, freestanding parking garages shall not be located within any required buffers.
 - 3. When abutting any other nonresidential district, no freestanding garage shall be located closer than five feet to a side or rear lot line.
- e. Heating and air conditioning units, subject to the following conditions:
 - 1. When abutting any residential property line, heating and air conditioning units shall not be located within any required buffers.
 - 2.

When abutting any other nonresidential district, no heating and air conditioning units shall be located closer than five feet to a side or rear lot line.

3. Heating and air conditioning units may be installed on the roof of any structure zoned commercially so long as the heating and air conditioning unit does not exceed the height restrictions stated in this section and the units are placed so as to be hidden from a front or side view.
4. No ground-based heating and air conditioning unit shall exceed 35 feet in height.
- f. Incidental storage, provided that the material stored is incidental to the permitted use, as determined by the division manager of zoning or his designee, and stored completely within a portion of the enclosed principal structure permitted within the district, or within a permitted accessory structure.

(Ord. of 12-26-72; Ord. of 9-3-75, §§ 3—5; Ord. of 12-11-90, § 3-28-7.24; Ord. of 8-13-91; Ord. of 6-9-92; Ord. of 7-11-95; Ord. of 6-24-97 (eff. 7-1-97); Ord. of 12-9-97 (eff. 1-1-98); Ord. of 9-12-00; Ord. of 9-10-02; Ord. of 12-9-03; Ord. of 1-13-04; Ord. of 7-27-04; Ord. of 7-26-05; Ord. of 8-9-05; Amd. of 2-25-14)

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