SAMS, LARKIN, HUFF & BALLI, LLP

ATTORNEYS AT LAW

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

JAMES A. W. BALLI

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January 17, 2017

VIA EMAIL: dougstoner@gmail.com
AND REGULAR MAIL

Chairman Doug Stoner
South Cobb Redevelopment Authority
P.O. Box 649
Marietta, Georgia 30061

VIA EMAIL ONLY:
mallen@allensouthernproperties.com

Stephen Yancey, Executor
Janet Yancey
c/o Matt Allen
Allen Southern Properties, Ltd.

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 Mr. Chairman and Matt:

I have enjoyed working with both of you on behalf of the Authority and the Yancey family. I am proud that we were able to obtain a successful rezoning of the site and have enclosed the official minutes as approved by the Cobb County Board of Commissioners. The appeal period for the property will expire on January 20, 2017. For informational purposes, if a closing was eminent I would suggest that you wait an additional ten (10) days but as no closing is scheduled, you can utilize January 20, 2017 as the last date of appeal. I look forward to the site being developed as envisioned by the Chairman and the Yancey family. Please let me know if I can be of any assistance in the future and please do not hesitate to contact me with any questions.

Sincerely,

SAMS, LARKIN, HUFF & BALLI, LLP

James A. Balli
jballi@slhb-law.com

cc: Mr. Dan Buyers
Mr. James Pitts

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**

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) l. 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

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

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November 30, 2016

VIA HAND DELIVERY

Min. Bk. 81 Petition No. Z-120
Doc. Type letter
Meeting Date 12-20-16

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

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-bank[1] 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.

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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.

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

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VIA HAND DELIVERY
Mr. John P. Pederson, AICP, Manager
Cobb County Community Development Agency
November 30, 2016
Page 3

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

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December 5, 2016

VIA EMAIL AND
HAND DELIVERY

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

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

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,

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James A. Balli
jballi@slhb-law.com

cc: South Cobb Redevelopment Authority
Stephen Yancey, Janet Yancey
Commissioner Lisa Cupid, District 4
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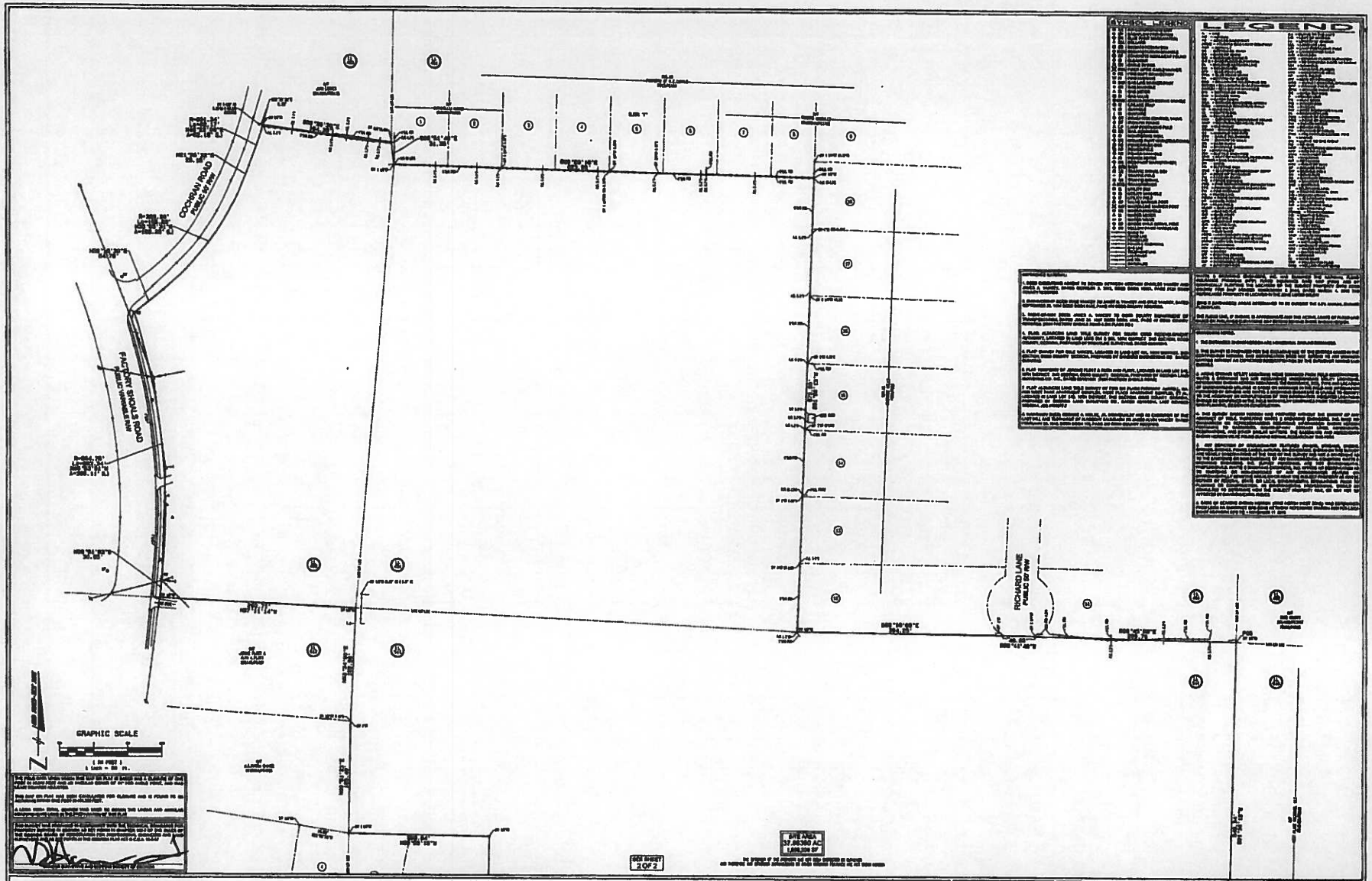
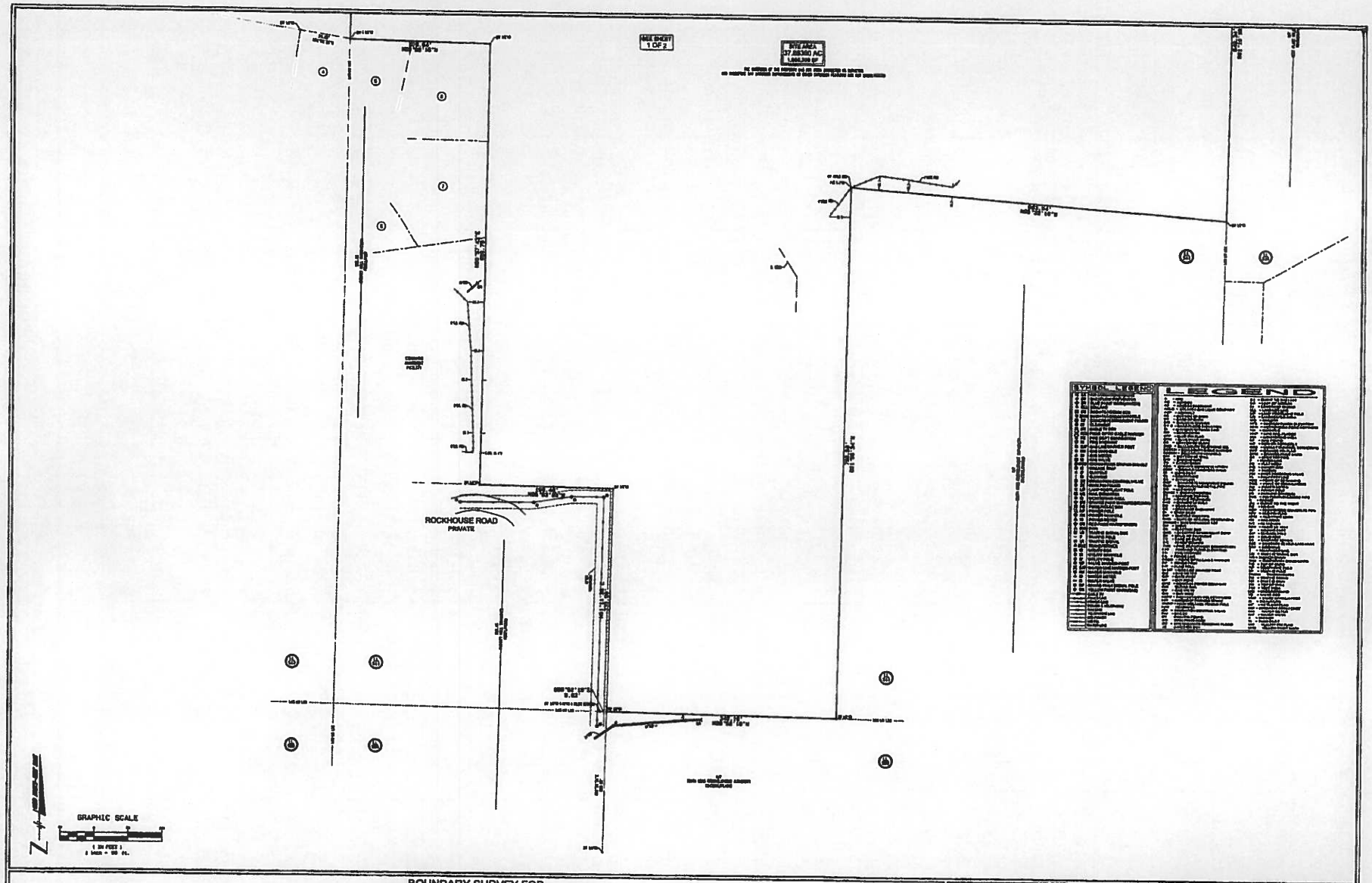


BOUNDARY SURVEY FOR
STEPHEN YANCEY
LOCATED IN
LAND LOTS 490, 491 & 511
18TH DISTRICT, 2ND SECTION
COBB COUNTY, GEORGIA

W&B

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



BOUNDARY SURVEY FOR
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18TH DISTRICT, 2ND SECTION
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Petition No. Z-120
Meeting Date 12-20-16
Continued