

OTH 12, LLC
5755 DUPREE DRIVE, SUITE 130
ATLANTA GA 30327

August 10, 2022

Mayor and City Council
Planning Commission
City of Powder Springs
4426 Marietta Street
Powder Springs, Georgia 30127

RE: Application for Rezoning PZ-22-002
Applicant: Parkland Communities, Inc.
Owner: OTH 12, LLC
Property: 3.68 Acres located at southwest corner of C.H. James Parkway and
Florence Road, Land Lots 732 and 749, 19th District, 2nd Section,
City of Powder Springs, Cobb County, Georgia

Dear Mayor, Council Members and Commissioners:

The purpose of this letter is to document the zoning history and sales efforts associated with the above noted property.

The property was purchased as a 28.7 acre tract on March 29, 2004 and has been under our continuous ownership and control through various entities since then. On January 5, 2004; the City of Powder Springs granted a rezoning request to Mixed Use ("MXU") subject to certain conditions and subject to a specific site plan. That site plan provided for 48 single family homes and 94 townhouses with the balance of the property designated as a strip shopping center. The residential portion of the site plan was developed, built and sold some time ago.

The commercial portion of the site plan is the subject of the current rezoning application PZ-22-002. During 2004 and 2005, it was fully developed as a commercial pad and was listed for sale. Under our ownership for the past eighteen years, it has remained unsold. The property has been continuously listed on the commercial Multiple Listing Service since 2004. We have retained Corporate Property Advisors, Cushman and Wakefield and McWhirter Realty Partners (with whom it is currently listed) during this period. Although we have received various expressions of interest, there have been no offers for the planned strip center and we have received no offers of any sort for a commercial use.

Prior to our acquisition, the property was owned by John and Janice Anderson. Under the Anderson's ownership, 24 acres of the property was zoned Light Industrial ("LI") and the remaining 4.7 acres was zoned Community Retail Commercial ("CRC"). We are

uncertain efforts made by the Andersons in selling or developing the commercial portion, however we are confident in stating that the property was not developed as commercial during their ownership. Prior to the Anderson's ownership and as far back as 1981, the property was owned by Atlanta Stoveworks and was not put to a commercial use.

Thus, the subject property has remained an undeveloped commercial property for at least 40 years.

We believe that the primary reason for the lack of commercial interest is that the C. H. James Parkway is a "Developmental Highway" as designated by the Georgia Department of Transportation. As such, no curb cuts are permitted to directly access the commercial site. Notwithstanding this regulation, in 2007 we retained Gaskins Surveying to make an application for a right-in, right-out curb cut. It was denied by the GA DOT. Despite several subsequent calls and meetings with the DOT, they would not reverse their decision.

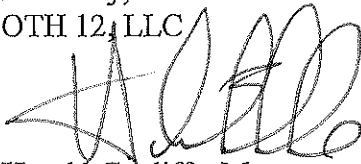
In 2019 acting upon the advice of the Department of Community Development, we contacted the City's development advisor, Mr. Andy Camp of Next Site. After a series of discussions over the past three years, he too has concluded that the subject property is unsuitable for commercial use.

We have had the opportunity of reviewing the Fiscal Impact portion of the Staff Report and we ask that the Mayor, Council and Planning Commission consider one further scenario - that being the impact of the site remaining undeveloped. Assuming that tax revenue to the City remains constant and that the annual costs to the City are zero, the Net Fiscal Impact would be \$1,109 per year (current taxes) and the 20 - Year Cumulative Impact would be \$22,000. This is the least desirable financial outcome and, regretfully, the most likely scenario should the zoning application PZ-22-002 be denied and the current zoning designation be retained.

We have used our best efforts for a considerable period to bring this site to fruition as a commercial property to no avail. We believe that it is now time to consider an alternative use. Please contact the writer should you require further information or clarification.

Sincerely,

OTH 12, LLC



Harold Cunliffe, Manager

[Redacted]

Cc: City of Powder Springs Department of Community Development
Parkland Communities, Inc.