

(Stipulation Amendment)

Application for "Other Business" Cobb County, Georgia

OB-029-2015

(Cobb County Zoning Division - 770-528-2035)

BOC Hearing Date Requested: July 21, 2015

Applicant: Palladian, Inc. Phone #: (770) 509-3390
(applicant's name printed)

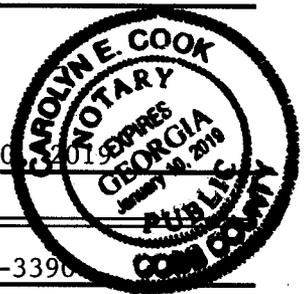
Address: Suite 330, 601 Woodlawn Drive, Marietta, GA 30067 E-Mail: craig@palladianproperties.com

Craig Wrigley Address: Suite 330, 601 Woodlawn Drive, Marietta, GA 30067
(representative's name, printed)

BY: Craig Wrigley, Pres. Phone #: (770) 509-3390 E-Mail: craig@palladianproperties.com
(representative's signature) President

Signed, sealed and delivered in presence of:

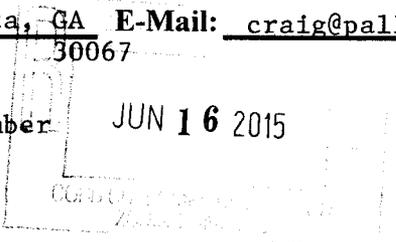
Carolyn E. Cook My commission expires: January 10, 2019
Notary Public



Titleholder(s): Liberty Holdings, LLC Phone #: (770) 509-3390
(property owner's name printed)

Address: Suite 330, 601 Woodlawn Drive, Marietta, GA 30067 E-Mail: craig@palladianproperties.com

BY: Craig Wrigley, Managing Member
(Property owner's signature) Craig Wrigley, Managing Member



Signed, sealed and delivered in presence of:

Carolyn E. Cook My commission expires: January 10, 2019
Notary Public



Commission District: 3 (Birrell) **Zoning Case:** Z-51 (2007)

Date of Zoning Decision: 06/19/2007 **Original Date of Hearing:** 05/15/2007

Location: North side of Sandy Plains Road; west of Scufflegrit Road
(street address, if applicable; nearest intersection, etc.)

Land Lot(s): 778 **District(s):** 16th

State specifically the need or reason(s) for Other Business: _____
See Exhibit "A" attached hereto and incorporated herein by reference.

(List or attach additional information if needed)

EXHIBIT "A" - ATTACHMENT TO APPLICATION FOR "OTHER BUSINESS"
(Stipulation Amendment)

OB Application No.: OB- 029 (2015)
Original Application No.: Z-51 (2007)
Original Hearing Date: May 15, 2007
Date of Zoning Decision: June 19, 2007
Current Hearing Date: July 21, 2015

JUN 16 2015

Applicant: Palladian, Inc.
Titleholder: Liberty Holdings, LLC

Applicant is seeking to amend stipulation no. 6 of the stipulation letter dated April 26, 2007, which reads as follows:

- (6) Additionally, the fronts and sides of the proposed residences shall be brick, stone, stacked stone, accent veneers, or combinations thereof.

Applicant proposes to delete stipulation no. 6 in its entirety and insert in lieu thereof, the following:

- (6) Additionally, the fronts of the proposed residences shall be brick, stone, stacked stone, cedar shake-type, stucco-type, hark-plank type or combinations thereof.

The balance and remainder of the stipulations and conditions specifically enumerated in the final, official minutes, and attachments thereto, of the Board of Commissioners Zoning Hearing held on June 19, 2007, applicable to the Subject Property are unaltered by this request for Stipulation Amendment and shall remain in full force and effect.

**OFFICIAL MINUTES OF BOARD OF
COMMISSIONERS ZONING HEARING
AS TO APPLICATION FOR REZONING
NO. Z-51 (2007) – JUNE 19, 2007**

**MINUTES OF ZONING HEARING
COBB COUNTY BOARD OF COMMISSIONERS
JUNE 19, 2007
9:05 A.M.**

The Board of Commissioners' Zoning Hearing was held on Tuesday, June 19, 2007, at 9:05 a.m. in the second floor public meeting room of the Cobb County building, Marietta, Georgia. Present and comprising a quorum of the Board were:

Chairman Samuel S. Olens
Commissioner Helen Goreham
Commissioner Joe L. Thompson
Commissioner Tim Lee
Commissioner Annette Kesting

JUN 16 2015

Z-51 **PALLADIAN, INC.** (Linda M. Moss, owner) requesting Rezoning from **R-30** to **RA-5** for the purpose of a Subdivision in Land Lot 778 of the 16th District. Located on the north side of Sandy Plains Road, west of Scufflegrit Road.

MOTION: Motion by Lee, second by Goreham, as part of the Consent Agenda, to **approve** Rezoning to the **RA-5** zoning district subject to:

- site plan received by the Zoning Division March 1, 2007, with the District Commissioner approving minor modifications (attached and made a part of these minutes)
- letter of agreeable conditions from Mr. John Moore dated April 25, 2007, *not in conflict with Staff recommendations* (attached and made a part of these minutes)
- Fire Department comments and recommendations
- Water and Sewer Division comments and recommendations
- Stormwater Management Division comments and recommendations
- Cobb DOT comments and recommendations
- 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

VOTE: **ADOPTED** unanimously

MOORE INGRAM JOHNSON & STEELE

A LIMITED LIABILITY PARTNERSHIP

WWW.MIJS.COM

JOHN H. MOORE
STEPHEN C. STEELE
WILLIAM R. JOHNSON†
ROBERT D. INGRAM†
J. BRIAN O'NEIL
G. PHILLIP BEGGS
ELDON L. BASHAM
MATTHEW J. HOWARD
JERE C. SMITH
CLAYTON O. CARMACK
KEVIN B. CARLOCK†
ALEXANDER T. GALLOWAY III†
J. KEVIN MOORE
RODNEY R. MCCOLLOCH
SUSAN S. STUART
DANIEL A. LANDIS***
BRIAN D. SMITH

HARRY R. TEAR III
W. TROY HART†
JEFFREY A. DAXE
JOYCE W. HARPER
AMY K. WEBER
KIM A. ROPER
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KELLI L. WOLK
TANYA L. CROSSE*
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VICTOR P. VALMUS
JEFFERY L. DICKERSON
T. SHANE MAYES
ANGELA H. SMITH
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TENNESSEE OFFICE
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RYAN E. JARRARD*
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JAMES D. BUSCH*
ESTHER VAYMAN
COLE B. STINSON***

SUZANNE E. HENRICKSON
K. MARTINE NELSON*
ANGELA D. CHEATHAM
G. LAMAR SMITH, JR
CAREY E. ATKINS**
STAYCE BURKHART**

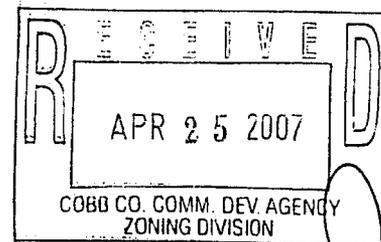
OF COUNSEL:
JOHN L. SKELTON, JR.†

† ALSO ADMITTED IN TN
* ALSO ADMITTED IN FL
** ALSO ADMITTED IN NM
*** ALSO ADMITTED IN NC
**** ALSO ADMITTED IN OH
***** ADMITTED ONLY IN TN
***** ADMITTED ONLY IN FL

April 25, 2007

Mr. John P. Pederson, AICP
Planner III
Zoning Division
Cobb County Community Development Agency
Suite 300
191 Lawrence Street
Marietta, Georgia 30060-1661

Hand Delivered



RE: Application for Rezoning

Application No.: Z-51 (2007)

Applicant: Palladian, Inc.

Property Owners: The Estate of Claude
Alexander Mabry and

Linda Mabry Moss, as Trustee
for the Marital Trust Under the
Last Will and Testament of
Dovie Graham Mabry

Min. Bk. 50 Petition No. Z-51
Doc. Type Letter of
agreeable conditions
Meeting Date June 19, 2007

Property: 3.528 acres located at
1861 Sandy Plains Road,
Land Lot 778, 16th District,
2nd Section, Cobb County, Georgia

Dear John:

As you know, the undersigned and this firm represent Palladian, Inc., the Applicant (hereinafter referred to as "Applicant"), and the Estate of Claude Alexander Mabry and Linda Mabry Moss, as Trustee for the Marital Trust Under the Last Will and Testament of Dovie Graham Mabry, the Property Owners (hereinafter collectively referred to as "Owners"), in their Application for Rezoning regarding a total tract of 3.528 acres located at 1861 Sandy Plains Road, Land Lot 778, 16th District, 2nd Section, Cobb County, Georgia (hereinafter the "Subject

MOORE INGRAM JOHNSON & STEELE

Mr. John P. Pederson, AICP
Planner III
Zoning Division
Cobb County Community Development Agency
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Property"). After meeting with planning and zoning staff, reviewing the staff comments and recommendations, discussions with area residents and homeowners associations, and reviewing the uses of surrounding properties, we have been authorized by the Applicant and Owners to submit this letter of agreeable stipulations and conditions, which, if the Application for Rezoning is approved, as submitted, shall become a part of the grant of the requested zoning and shall be binding upon the Subject Property. The referenced stipulations are as follows:

- (1) The stipulations and conditions set forth herein shall replace and supersede in full any and all prior stipulations and conditions, in whatsoever form, which are currently in place on the Subject Property; together with any and all Departmental Comments and Staff Recommendations relating to the Subject Property from any prior zoning actions.
- (2) Rezoning of the Subject Property shall be from the R-30 zoning category to the proposed RA-5 zoning category, site plan specific, subject to final engineering, to that certain Zoning Plan prepared for Palladian, Inc. by Braswell Engineering, Inc. dated January 29, 2007.
- (3) The Subject Property consists of approximately 3.528 acres of total site area and shall be developed for a maximum of fourteen (14) single-family, detached residences, resulting in a density of 3.97 units per acre.
- (4) Residences to be constructed within the proposed single-family community shall have a minimum of 2,000 square feet, ranging upwards to 3,000 square feet, and greater.

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Mr. John P. Pederson, AICP
Planner III
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- (5) The proposed residences shall be traditional in style and architecture and shall have two-car garages.
- (6) Additionally, the fronts and sides of the proposed residences shall be brick, stone, stacked stone, accent veneers, or combinations thereof.
- (7) The minimum lot size of lots within the proposed single-family community shall be 7,000 square feet, with an average lot size of 8,170 square feet.
- (8) The setbacks for the proposed single-family community shall be as follows:
 - (a) Front setback - Fifteen (15) feet;
 - (b) Rear setback - Twenty-five (25) feet;
 - (c) Side setback - Five (5) feet (with fifteen (15) feet between structures);
 - (d) Major side setback - Twenty-five (25) feet (along Sandy Plains Road).
- (9) All yards of the residences to be constructed within the proposed single-family community shall be sodded.
- (10) The entrance signage shall be ground-based, monument style and the entrance area shall be professionally designed, landscaped, and maintained.
- (11) All utilities servicing the residences within the proposed community shall be underground.
- (12) Lighting within the proposed residential community shall be environmentally sensitive, decorative, and

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themed to the architecture and style of the residences contained therein.

- (13) The street within the proposed residential community shall be public with the construction therefor complying in all respects as to materials, base, and other requirements to the Cobb County Code.
- (14) Applicant agrees to the creation of a mandatory homeowners association consistent with up-scale communities within the area. The mandatory homeowners association shall be responsible for the upkeep and maintenance of all common areas, entrance area, landscaped areas, and landscaping at the stormwater management area contained within the proposed residential community.
- (15) Additionally, and in conjunction with the creation of the mandatory homeowners association, Applicant agrees to the recording and enforcement of protective covenants which will contain covenants, rules, and regulations applicable to the proposed residential community.
- (16) Minor modifications to the referenced Zoning Plan, including, but not limited to, the layout of lots, setbacks, and stormwater control measures may be approved by the District Commissioner, as needed or necessary.
- (17) The stormwater management area shall be, subject to final engineering, as shown and reflected on the referenced Zoning Plan. The area shall be fenced and landscaped for purposes of visual screening.
- (18) There shall be a landscaped area located along the frontage of Sandy Plains Road.

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- (19) All entrance landscaping referenced herein shall be submitted to the Cobb County Arborist prior to installation.
- (20) Applicant agrees to comply with all Cobb County Stormwater Management Code requirements and best management practices applicable to the Subject Property.
- (21) Applicant agrees to comply with all Cobb County development standards and ordinances relating to project improvements, except as approved by the Board of Commissioners or by the Department of Transportation or Community Development Agency, as their authority may allow.
- (22) All buffer areas may be penetrated for purposes of access, utilities, and stormwater management, including, but not limited to, detention/retention facilities, drainage facilities, and any and all slopes or other required engineering features of the foregoing.

We believe the requested zoning, together with the Site Plan and the stipulations set forth herein, is an appropriate use of the Subject Property while taking into consideration the existing conditions of the area surrounding the proposed development. The proposed residential community shall be a high-quality development, shall be compatible with surrounding neighborhoods, and shall be an enhancement to the Subject Property and the community as a whole. Thank you for your consideration in this request.

MOORE INGRAM JOHNSON & STEELE

Mr. John P. Pederson, AICP
Planner III
Zoning Division
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With kindest regards, I remain

Very truly yours,

MOORE INGRAM JOHNSON & STEELE, LLP



John H. Moore

JHM:cc

c: Cobb County Board of Commissioners:
Samuel S. Olens, Chairman
Helen C. Goreham
Annette Kesting
Joe L. Thompson
Tim Lee

Cobb County Planning Commission:
Murray Homan, Chairman
Judy Williams
Bob Hovey
Christi S. Trombetti
Bob Ott

Mark McClellan, President
East Cobb Civic Association, Inc.

Trisha Clements, President
Northeast Cobb Homeowners Group, Inc.

Beverly McMurray
Briarwood Homeowners Association

Robert Morgan
Area Resident

Palladian, Inc.