

**FEBRUARY 16, 2010 ZONING HEARING
"OTHER BUSINESS"
COMMISSION DISTRICT 1**

ITEM #2

PURPOSE

To consider amending the stipulations for Palladian, Inc. regarding Application OSC 05-12 of June 6, 2005, for property located on John Ward Road in Land Lots 194 and 195 of the 19th District.

BACKGROUND

The subject property is zoned R-20 OSC subject to numerous conditions/stipulations that are attached. One of the stipulations required the homes to be constructed within the proposed OSC community to be 3,000 square feet or greater. This request seeks to reduce the minimum square footage of the homes from 3,000 square feet to 2,000 square feet. The site plan for this development is attached for your review. The Other Business application is also attached.

FUNDING

N/A

RECOMMENDATION

The Board of Commissioners first determine if the request is minor. If it is determined to be minor, consider the request. If approved, all other previously approved conditions/stipulations should remain in effect.

ATTACHMENTS

Board of Commissioners Decision
Approved Site Plan
Other Business Application

ITEM #9

To consider approval of an R-20 Open Space Community Overlay application for Palladian, Inc. regarding Application OSC 05-12 filed June 06, 2005, for property located on John Ward Road in Land Lots 194 and 195 of the 19th District, Cobb County, Georgia.

Mr. Dana Johnson, Planner III, Community Development, provided information regarding an R-20 Open Space Community Overlay application for Palladian, Inc., regarding Application OSC 05-12 filed June 6, 2005. Mr. John Moore addressed the Board. Following presentations and discussion, the following motion was made:

MOTION: Motion by Lee, second by Thompson, to **approve** an R-20 Open Space Community Overlay application for an R-20 Open Space Community Overlay application for Palladian, Inc. regarding Application OSC 05-12 filed June 06, 2005, for property located on John Ward Road in Land Lots 194 and 195 of the 19th District **subject to:**

- **site plan received in the Planning Division June 23, 2005 (copy attached and made a part of these minutes)**
- **letter of agreeable stipulations from Mr. John Moore dated June 23, 2005, *not otherwise in conflict* (copy attached and made a part of these minutes)**
- **owner/developer to place all property dedicated as open space and all land that contains a slope of 35% or greater into a permanently protected conservation easement or restrictive covenant to be recorded in the mandatory subdivision covenants and Cobb Superior Court, thereby protecting “open space” from development in perpetuity, as owned by the mandatory homeowners association**
- **minor modifications to site plan allowed at Plan Review as long as residential lot lines are not altered and density is not increased**
- **District Commissioner to approve all minor modifications to site layout**
- **Cemetery Preservation comments and recommendations**
- **Stormwater Management Division comments and recommendations**
- **Cobb DOT comments and recommendations**

VOTE: **ADOPTED 4-0, Olens absent**

Copy of Original Letter of Agreeable Stipulations

MOORE INGRAM JOHNSON & STEELE

A LIMITED LIABILITY PARTNERSHIP
192 ANDERSON STREET

MARIETTA, GEORGIA 30060

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
MELISSA W. GILBERT
TIMOTHY W. BAILEY
JOYCE W. HARPER
AMY K. WEBER
COURTNEY H. MOORE
KIM A. ROPER
TARA C. RIDDLE
JOSHUA M. BOOTH*
KELLI L. WOLK
C. LEE DAVIS
TANYA L. CROSSE*
ROBERT W. BROWN II
VICTOR P. VALMUS
JEFFERY L. DICKERSON

MAIN OFFICE

POST OFFICE BOX 3305
MARIETTA, GEORGIA 30061

TELEPHONE (770) 429-1499
TELECOPIER (770) 429-8631

TENNESSEE OFFICE

CEDAR RIDGE OFFICE PARK
SUITE 463
408 N. CEDAR BLUFF ROAD
KNOXVILLE, TENNESSEE 37923

TELEPHONE (865) 692-9039
TELECOPIER (865) 692-9071

T. SHANE MAYES
F. MICHAEL VISCUSE**
ANGELA H. SMITH
OPHELIA W. CHAN
STACEY L. STEWART†
MEREDITH M. MILBY
DAVID M. VAN SANT
DARRELL L. SUTTON
KASI R. WHITAKER
AUTUMN L. VEAZEY
NICHOLAS J. PETERSON*
JEFFREY K. STINSON
BENJAMIN A. WALDEN
DAVID A. COX
ELIZABETH ANN GUERRANT
JAMES D. WALKER III
CHRISTOPHER D. GUNNELS*

CHRISTOPHER L. MOORE
JENNIFER S. WHITE*
KHRISTIE L. KELLY†
RYAN G. PRESCOTT
RICARDO J. DeMEDEIROS
L. LAKE JORDAN

OF COUNSEL:
MICHELLE S. DAVENPORT
JOHN L. SKELTON, JR.

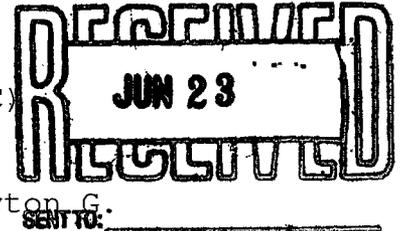
† ALSO ADMITTED IN TN
* ALSO ADMITTED IN FL
** ALSO ADMITTED IN SC
*** ALSO ADMITTED IN NC
• ADMITTED ONLY IN TN

WRITER'S DIRECT
DIAL NUMBER

June 23, 2005

Mr. Dana Johnson
Planning Division
Cobb County Community Development Agency
191 Lawrence Street
Marietta, Georgia 30060-1689

Hand Delivered
Cobb County
Community Development Dept.
PLANNING DIVISION



RE: Application for Open Space Community (OSC)
Application No.: OSC 05-12 (2005)
Applicant: Palladian, Inc.
Property Owner: The Estate of Newton G. Snelson
Property: 15.772 acres located on the westerly side of John Ward Road; southerly of Brookmont Trace, Land Lots 194 and 195, 19th District, 2nd Section, Cobb County, Georgia

Dear Dana:

Pursuant to the discussion with staff during the Concept Review Meeting on June 16, 2005, enclosed are OSC Land Plans, last revised June 22, 2005, with respect to the above-referenced Application for Open Space Community. These Concept Plans supersede those initially submitted with the subject Application on or about June 6, 2005, as well as any other subsequent plans. We, therefore, respectfully request the revised Plans submitted herewith be taken into consideration with the Application from this date forward.

We are further submitting a revised Site Analysis prepared by Gaskins Engineering & Surveying Company with respect to the proposed development. The revised analysis is based on the revised Land Plans submitted herewith.

Additionally, the homes to be constructed within the proposed OSC community will be 3,000 square feet, and greater. The prices for

MOORE INGRAM JOHNSON & STEELE

Mr. Dana Johnson
Planning Division
Cobb County Community Development Agency
Page Two
June 23, 2005

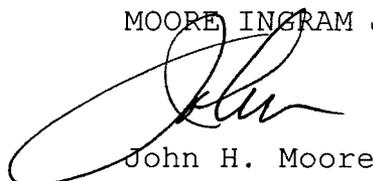
the homes will begin in the high \$400s and range upwards. Enclosed are copies of photographs representing the types of homes to be constructed within this development.

Thank you for your continued assistance in this Application. If you should have any questions or require additional information concerning the pending Application, please contact me at your earliest opportunity. We look forward to confirmation of the placement of the Application for hearing by the Board of Commissioners on the July 19, 2005, Zoning Hearing agenda.

With kindest regards, I remain

Very truly yours,

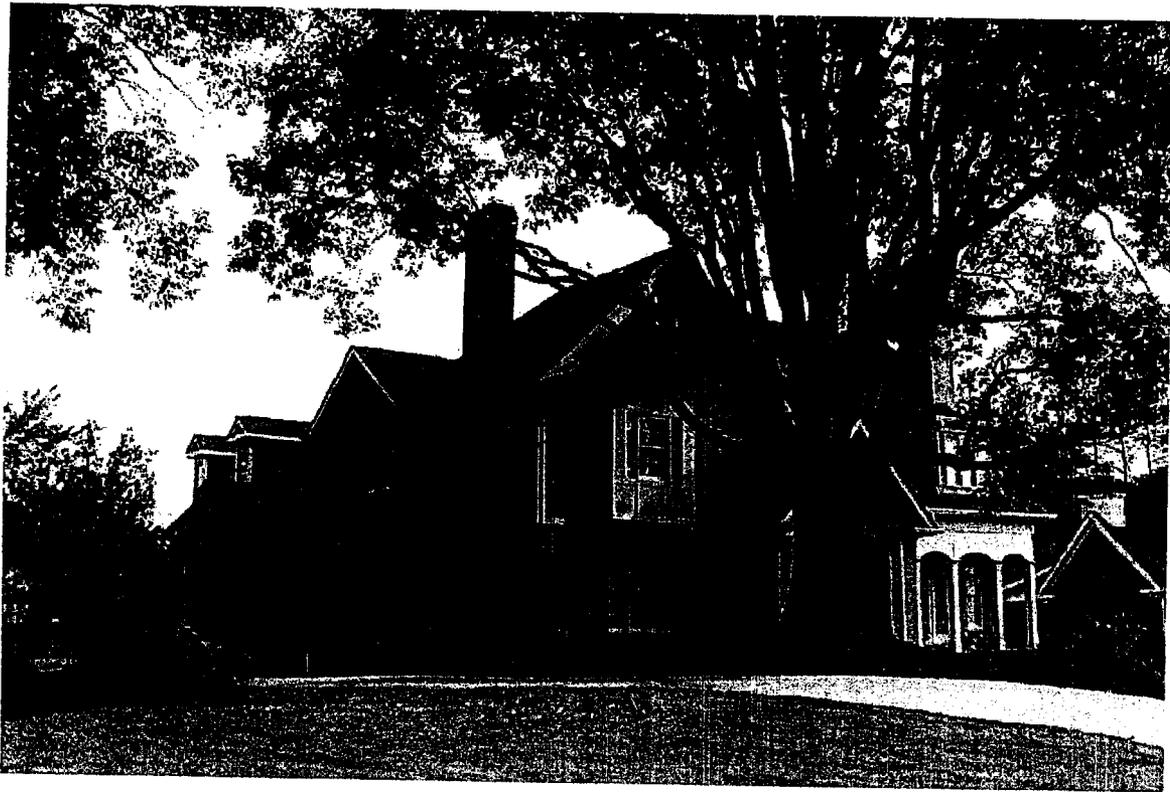
MOORE INGRAM JOHNSON & STEELE, LLP



John H. Moore

JHM:cc
Enclosures
c: Palladian, Inc.
(With Copies of Enclosures)







Application for "Other Business"

Cobb County, Georgia

(Cobb County Zoning Division - 770-528-2045)

BOC Hearing Date Requested: FEB. 16, 2010

Applicant: PALLADIAN INC. Phone #: 770/509-3396
(applicant's name printed)

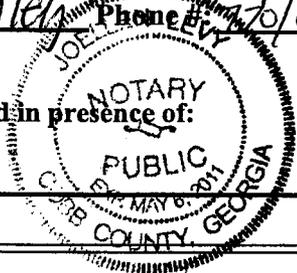
Address: 601 WOODLAWN DR. SUITE 330 E-Mail: info@palladianproperties.com
PAT BITTINGER and/or
CRAIG WRIGLEY Address: "MANETTA, GA 30067"

(representative's name, printed)

Pat Bittinger / Craig Wrigley Phone #: 770/617-6093 E-Mail: pat@palladianproperties.com
(representative's signature) 770/605-2690 E-Mail: craig@palladianproperties.com

Signed, sealed and delivered in presence of:

Ellen Levy My commission expires: 5-6-2011
Notary Public



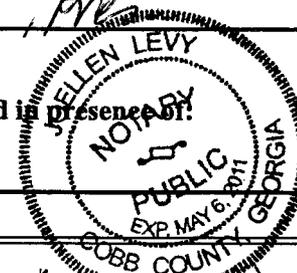
Titleholder(s): PALLADIAN INC. Phone #: 770/509-3390
(property owner's name printed)

Address: (same) E-Mail: _____

Craig Wrigley
(Property owner's signature)

Signed, sealed and delivered in presence of:

Ellen Levy My commission expires: 5-6-2011
Notary Public



Commission District: 1 (Goverman) Zoning Case: OSC 05-12

Date of Zoning Decision: 7.19.05 Original Date of Hearing: 7.19.05

Location: GLENN PARK SDR - GLENN VALLEY DRIVE @ KHN WARD RD.
(street address, if applicable; nearest intersection, etc.)

Land Lot(s): 194 & 195 District(s): 19th

State specifically the need or reason(s) for Other Business: In order to prevent impervious area of lot coverage from exceeding the allowable maximum and in order to not mandate house size and design in a manner more constrained than comparable neighborhoods, the attached change needs to be made to the Letter of Agreeable Stipulations, dated June 23, 2005 :

(List or attach additional information if needed)

Attachment (reason for "other business", continued)

Strike Paragraph Three of the Stipulation Letter, which reads as follows:

Additionally, the homes to be constructed within the proposed OSC community will be 3,000 square feet, and greater. The prices for the homes will begin in the high \$400s and range upwards. Enclosed are copies of photographs representing the types of homes to be constructed within this development.

Replace Paragraph Three of the Stipulation Letter with the following:

"The Floor Area of the homes, as defined by Section 134-1 of the Cobb County Code, shall be a minimum of 2000 square feet. Design of the homes shall be governed by the Architectural Control approval process contained in the recorded Declaration of Covenants for Glenn Park."

PALLADIAN
Design • Construction • Development

January 11, 2010

Mr. Mark Danneman
Manager of Zoning Division
191 Lawrence Street
Marietta, GA 30060

Re: "Other Business" Application

Dear Mark:

Please accept this Application for "Other Business" to be placed on the February 16, 2010 agenda. We believe the information required is included. If additional submittals are needed or would be helpful, please call Craig Wrigley at 770.605.2690 or Patricia J.F. Bittinger at 770.617.6093.

Sincerely,


Craig Wrigley
President


Patricia J.F. Bittinger
Vice President

Enc:

PALLADIAN, INC.
601 Woodlawn Drive, Suite 330, Marietta, GA 30067-3506
770.509.3390 ~ Fax 770.509.3511
email: Info@palladianproperties.com