

ITEM #9

Exhibit A
107

Existing Stipulations
OSC 05-12 (2005)

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

Exhibit A
2 of 7

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
S. 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. RIDDE
JOHNNA M. BOOTH*
KELLI L. WOLK
C. LEE DAVIS
TANYA L. CROSSE*
ROBERT W. BROWN II
VICTOR P. VALMIJS
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 483
406 N. CEDAR BLUFF ROAD
KNOXVILLE, TENNESSEE 37923

TELEPHONE (885) 892-9039
TELECOPIER (885) 892-9071

T. SHANE MAYES
F. MICHAEL VISCUSE™
ANGELA H. SMITH
OPHELIA W. CHAM
STACEY L. STEWART†
MEREDITH M. MILBY
DAVID M. VAN SANT
DARRELL L. BUTTON
KABI 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*
KRISTIE L. KELLY†
RYAN G. PRESCOTT
RICARDO J. DOMEDEROS
L. LAKE JORDAN

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

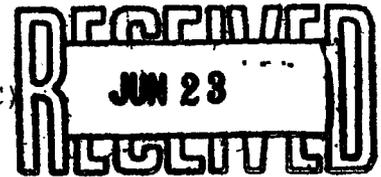
† ALSO ADMITTED IN TN
* ALSO ADMITTED IN FL
** ALSO ADMITTED IN SC
*** ADMITTED ONLY IN NC

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

Exhibit A
3 of 7

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

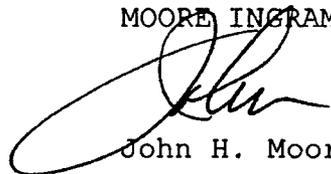
the homes will begin in the high \$400s and range upwards. Enclosed are copies of photographs representing the types of homes to be constructed within this development.

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)

Exhibit A
4 of 7

GLENN PARK

LAND LOT 194 & 195, 1st DISTRICT, 2nd SECTION
COSSA COUNTY, GEORGIA

GASKINS
LANDSCAPING • ENGINEERING • SURVEYING
1208 POWERS BRIDGES ROAD
MARIETTA, GEORGIA 30064

DATE	11/11/11
SCALE	1" = 40'
PROJECT	GLENN PARK
OWNER	JOHN WARD RMDK, INC.
PREPARED BY	GASKINS
CHECKED BY	
DATE	

NOT ISSUED FOR CONSTRUCTION

SEAL OF THE STATE OF GEORGIA
SURVEYOR GENERAL

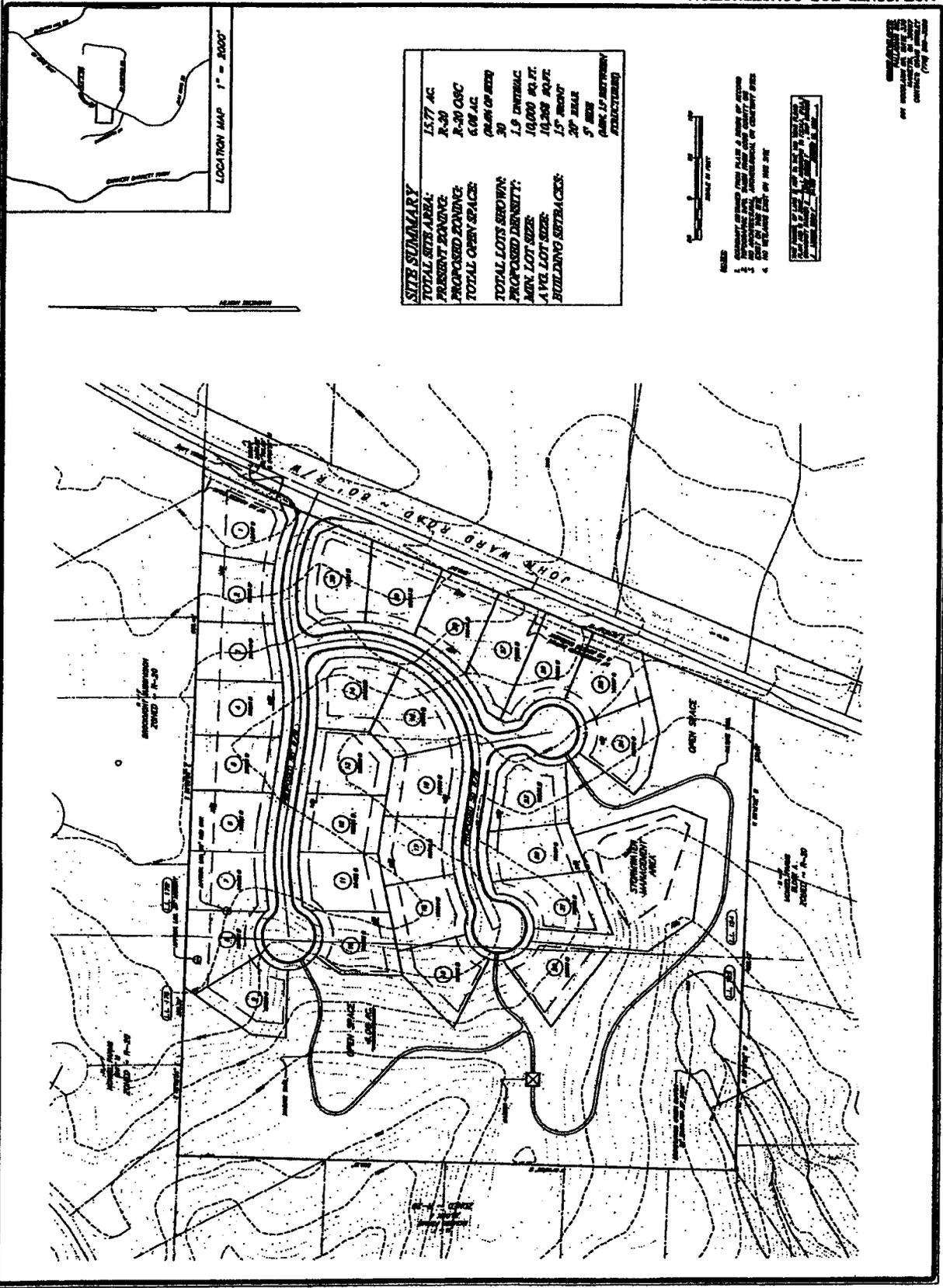
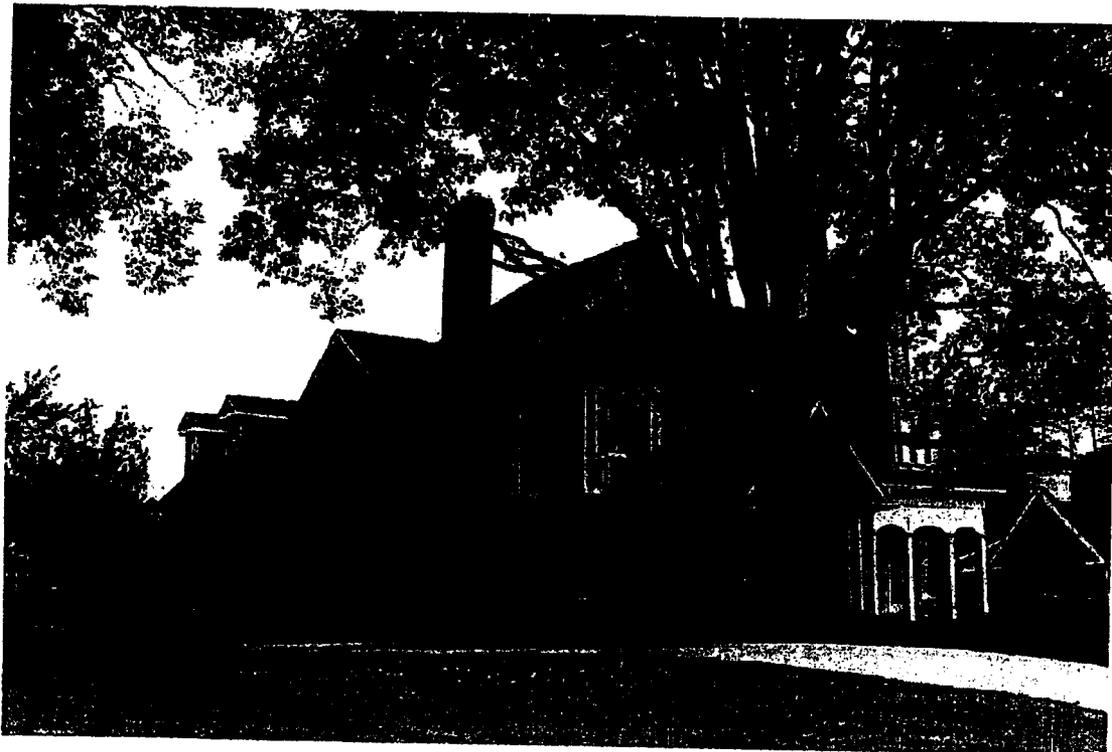


Exhibit A
5 of 7



Exhibit A
6. f 7



Attachment

Reason for "Other Business" (Continued)

Strike paragraph three of the Stipulation Letter dated June 23, 2005, 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 the copies of photographs representing the types of homes to be constructed within this development."

Replace Paragraph Three of the Stipulation Letter dated June 23, 2005 with the attached agreement.

STATE OF GEORGIA

COUNTY OF COBB

AGREEMENT

THIS AGREEMENT, entered into by and among MORRIS PROPERTY ENTERPRISES, LLC; PIEDMONT RESIDENTIAL, LLC; KERLEY FAMILY HOMES, LLC; and CHERYL S. MORRIS (hereinafter collectively referred to as "Owners") and KIMBERLY E. GARY and THOMAS WEST GARY, IV and TAB D. SIEGRIST (hereinafter collectively referred to as "Residents").

WITNESSETH:

WHEREAS, Glenn Park is a residential subdivision lying and being in Land Lot 195, of the 19th District, 2nd Section, Cobb County, Georgia, said subdivision having a total of thirty (30) residential lots and being more particularly described on that certain subdivision plat recorded in Plat Book 261, page 5, Records of Cobb County, Georgia; a reduced copy of said plat being attached hereto as Exhibit "A" and incorporated herein and made a part hereof by reference. The subdivision is hereinafter referred to as "Glenn Park"; and

WHEREAS, Morris Property Enterprises, LLC is the owner of Lots 1, 2, 3, 4, 16, 17, 18, 19, and 21 of Glenn Park; and

WHEREAS, Piedmont Residential, LLC is the owner of Lots 5, 6, 9, 10, and 11 of Glenn Park; and

WHEREAS, Kerley Family Homes, LLC is the owner of Lots 8, 12, 13, 14, and 15 of Glenn Park; and

WHEREAS, Cheryl S. Morris is the owner of Lots 22, 23, 24, 25, 26, 27, 28, 29, and 30 of Glenn Park; and

WHEREAS, KIMBERLY E. GARY and THOMAS WEST GARY, IV are the owners of Lot 7 of Glenn Park; and

WHEREAS, TAB D. SIEGRIST is the owner of Lot 20 of Glenn Park; and

WHEREAS, the parties to this Agreement wish to establish certain terms and conditions which shall apply to any and all homes to be constructed within Glenn Park.

NOW, THEREFORE, for and in consideration of the premises herein contained, and other good and valuable considerations, the receipt and sufficiency of which are hereby acknowledged, the parties do hereby agree as follows:

1.

The parties hereto do wish to establish certain terms and conditions for homes to be constructed within Glenn Park so as to make the subdivision homes and architecture harmonious, and to create a point of pride and value for the existing residents and future residents.

2.

The parties hereby establish and agree that the following terms and conditions shall bind all future homes constructed within Glenn Park:

- (a) Where in conflict, 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 as to Glenn Park.
- (b) Residences to be constructed within Glenn Park shall have a minimum of 2,800 square feet of finished, heated and cooled, living space. Finished basements shall not count toward minimum square footage required.
- (c) Residences to be constructed within the Glenn Park shall be craftsman or traditional in styling and architecture and shall contain a minimum of a two-car front load or side load garages. The front elevations shall have varied roof lines and multiple gables or hips to match the architectural styling of each residence.
- (d) The front elevation exterior facades of the proposed residences shall have brick, stone, field painted or stained shake, field painted fiber cement board vertical siding or field painted fiber cement board horizontal siding with a minimum of three of the five mentioned materials. The side and rear elevation exterior facades of the proposed residences shall have field painted fiber cement board horizontal siding as a minimum. There shall be no pre-finished siding permitted.
- (e) All roofing shall be a minimum of a 30 year architectural style asphalt or fiberglass shingle, color to match existing homes in the community. There shall be no 3-in-1 tab shingles permitted.
- (f) All front and rear doors shall be wood or fiberglass to be stained or painted to match the architectural styling for each residence. There shall be no metal doors permitted.
- (g) All windows shall be wood or vinyl. The front elevation shall have a grid pattern on the top sash and no grid pattern on the bottom sash to match the architectural styling for each residence. There shall be no metal windows permitted.
- (h) All garage doors shall be carriage style doors with applied trim to match the architectural styling for each residence. There shall be no 16 foot wide garage

doors. All garage doors are to be 8 feet in width with a separation between garage doors.

- (i) All shutters shall be solid wood or solid synthetic material to match the architectural styling for each residence. There shall be no hollow vinyl shutters permitted.
- (j) All exterior porch columns shall be solid synthetic material a minimum of 10 inches to match the architectural styling for each residence. When used, all tapered exterior porch columns shall match the existing homes in the community and the architectural styling for each residence.
- (k) All cornice material on the front elevation shall require a fascia board and freeze board with crown mold to match the architectural styling for each residence. All cornice material on the side and rear elevation shall require a fascia board and bed mold. All soffet/gable overhangs shall be a minimum of one foot.
- (l) All wood burning fireplace caps shall match the existing homes in the community. Direct vent fireplaces are permitted.
- (m) All front, side, and rear yards shall be sodded.
- (n) All landscape packages, at a minimum, shall match the existing homes in the community.
- (o) All mail boxes shall match the existing homes in the community.
- (p) All exterior colors shall be commensurate with the existing homes in the community.
- (q) All front elevations shall have a minimum of two (2) coach lights either side of the garage door and a minimum of one (1) porch light to match the architectural styling of each residence.

3.

The Owners and Residents hereby agree to abide by, adhere to, and conform with the within stated terms and conditions which shall be applicable to all future homes to be constructed. This Agreement shall be binding upon the parties hereto, their heirs, successors, successors-in-title, and assigns.

4.

This Agreement shall be recorded in the Deed Records of the Superior Court of Cobb County, Georgia, and may be enforced by the parties hereto; Cobb County, Georgia; and the heirs, successors, successors-in-title, and assigns of any party hereto.

5.

This Agreement shall be construed under the laws of the State of Georgia.

6.

All parties hereto have fully read and understand the terms and conditions contained within this Agreement and further voluntarily agree to be fully bound thereby.

7.

This Agreement may be executed in multiple counterparts, and all such counterparts shall be taken together, so that they may constitute a completely executed Agreement among the parties.

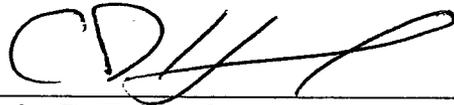
8.

This Agreement shall become effective as of the date it is fully and completely executed by the parties.

IN WITNESS WHEREOF, the parties have set their hands and affixed their seals the day and year written below their respective signature.

“OWNERS”

MORRIS PROPERTY ENTERPRISES, LLC

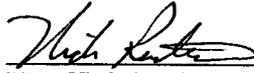
BY: 

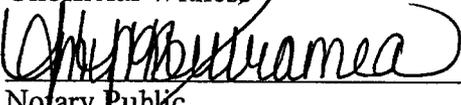
Charles D. Heiser, Jr.

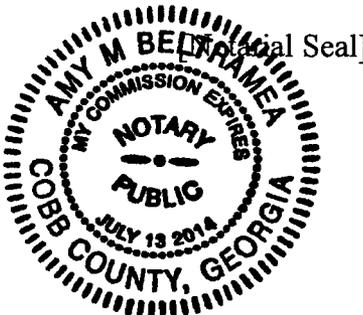
TITLE: Manager

Date Executed: 6/15/11

Signed, sealed, and delivered in the presence of:


Unofficial Witness


Notary Public
My Commission Expires: 7/13/14



[Signatures continued on following pages]

PIEDMONT RESIDENTIAL, LLC

BY: [Signature]
J. D. Espana
TITLE: President / Manager
Date Executed: 6-16-2011

Signed, sealed, and delivered in the presence of:

[Signature]
Unofficial Witness
[Signature]
Notary Public
My Commission Expires: 7/13/14

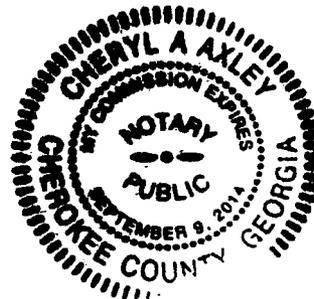


KERLEY FAMILY HOMES, LLC

BY: [Signature]
Gene Kesley
TITLE: Co-owner
Date Executed: 6-21-11

Signed, sealed, and delivered in the presence of:

[Signature]
Unofficial Witness
[Signature]
Notary Public
My Commission Expires: Sept. 9, 2014



[Notarial Seal]

[Signatures continued on following pages]

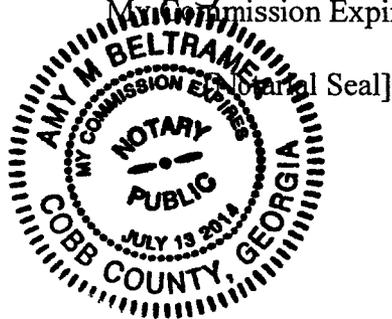
Cheryl S. Morris
Cheryl S. Morris

Date Executed: 6/15/2011

Signed, sealed, and delivered in the presence of:

[Signature]
Unofficial Witness

[Signature]
Notary Public
My Commission Expires: 7/13/14



[Balance of page 6 left intentionally blank]

[Signatures continued on following pages]

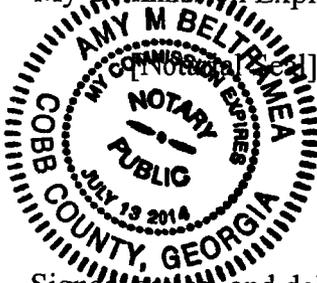
"RESIDENTS"

K. Gary (L.S.)
Kimberly E. Gary
Date Executed: 6/15/11

Signed, sealed, and delivered in the presence of:

Rich Korte
Unofficial Witness

Amy M Beltramea
Notary Public
My Commission Expires: 7/13/14



Thomas West Gary IV (L.S.)
Thomas West Gary, IV
Date Executed: 6/15/11

Signed, sealed, and delivered in the presence of:

Rich Korte
Unofficial Witness

Amy M Beltramea
Notary Public
My Commission Expires: 7/13/14



[Balance of page 7 left intentionally blank]

[Signatures continued and concluded on page 8]

Tab D. Siegrist (L.S.)
Date Executed: 6/15/2011

Signed, sealed, and delivered in the presence of:

[Signature]
Unofficial Witness

[Signature]
Notary Public

My Commission Expires: 7/13/14



[Notary Seal] Seal] _____

Read and Approved By:

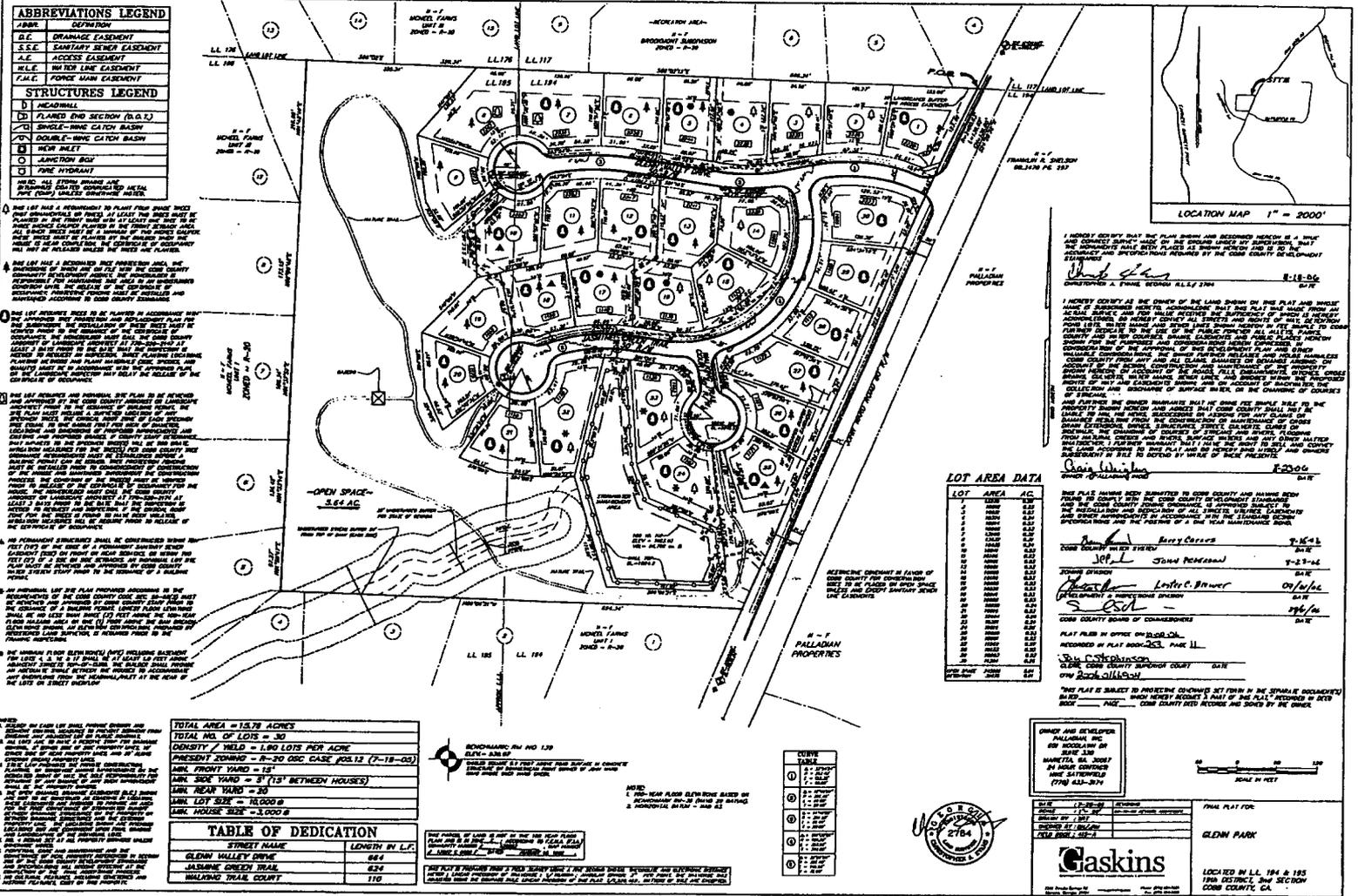
Helen C. Goreham
District 1, Western District Commissioner
Cobb County Board of Commissioners

Date Executed: _____

COBB COUNTY COMMUNITY
DEVELOPMENT AGENCY

BY: _____
Robert L. Hosack, Jr., AICP
Director

Date Executed: _____



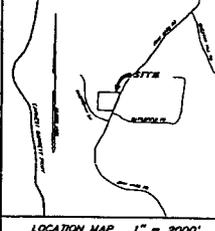
ABBREVIATIONS LEGEND

D.E.	DRAINAGE EASEMENT
S.E.E.	SANITARY SEWER EASEMENT
A.E.	ACCESS EASEMENT
M.L.E.	MOTION LINE EASEMENT
F.L.C.	FORCE MAIN EASEMENT

STRUCTURES LEGEND

M	MAGAZINE
D	FLARED END SECTION (B.G.S.)
Q	SINGLE-WING CATCH BASIN
W	DOUBLE-WING CATCH BASIN
J	JUNCTION BOX
H	FIRE HYDRANT

NOTE: ALL SYMBOLS SHOWN ARE APPROVED BY THE ENGINEER AND SHALL BE USED EXACTLY AS SHOWN UNLESS OTHERWISE NOTED.



I HEREBY CERTIFY THAT THE PLAN SHOWN AND RECORDED HEREON IS A TRUE AND CORRECT COPY OF THE ORIGINAL AS SUBMITTED, THAT THE SAME HAS BEEN FILED AS SUCH WITH THE COUNTY CLERK AND APPROVED AND RECORDED AS SUCH BY THE COUNTY CLERK IN ACCORDANCE WITH THE PROVISIONS OF THE SUBDIVISION ACT.

[Signature] 8-18-56
COUNTY CLERK, COBB COUNTY, GEORGIA

I HEREBY CERTIFY AS THE OWNER OF THE LAND SHOWN ON THIS PLAN AND SUBJECT MATTER OF THE ABOVE MENTIONED REVISION THAT THE PLAN AND SUBJECT MATTER OF THE ABOVE MENTIONED REVISION IS A TRUE AND CORRECT COPY OF THE ORIGINAL AS SUBMITTED, THAT THE SAME HAS BEEN FILED AS SUCH WITH THE COUNTY CLERK AND APPROVED AND RECORDED AS SUCH BY THE COUNTY CLERK IN ACCORDANCE WITH THE PROVISIONS OF THE SUBDIVISION ACT.

[Signature] 8-18-56
OWNER OF LAND SHOWN ON THIS PLAN

LOT AREA DATA

LOT NO.	AREA AC.
1	0.25
2	0.25
3	0.25
4	0.25
5	0.25
6	0.25
7	0.25
8	0.25
9	0.25
10	0.25
11	0.25
12	0.25
13	0.25
14	0.25
15	0.25
16	0.25
17	0.25
18	0.25
19	0.25
20	0.25
21	0.25
22	0.25
23	0.25
24	0.25
25	0.25
26	0.25
27	0.25
28	0.25
29	0.25
30	0.25
31	0.25
32	0.25
33	0.25
34	0.25
35	0.25
36	0.25
37	0.25
38	0.25
39	0.25
40	0.25
41	0.25
42	0.25
43	0.25
44	0.25
45	0.25
46	0.25
47	0.25
48	0.25
49	0.25
50	0.25
51	0.25
52	0.25
53	0.25
54	0.25
55	0.25
56	0.25
57	0.25
58	0.25
59	0.25
60	0.25
61	0.25
62	0.25
63	0.25
64	0.25
65	0.25
66	0.25
67	0.25
68	0.25
69	0.25
70	0.25
71	0.25
72	0.25
73	0.25
74	0.25
75	0.25
76	0.25
77	0.25
78	0.25
79	0.25
80	0.25
81	0.25
82	0.25
83	0.25
84	0.25
85	0.25
86	0.25
87	0.25
88	0.25
89	0.25
90	0.25
91	0.25
92	0.25
93	0.25
94	0.25
95	0.25
96	0.25
97	0.25
98	0.25
99	0.25
100	0.25

TABLE OF DEDICATION

STREET NAME	LENGTH IN L.F.
GLENN VALLEY DRIVE	664
LASARNE GREEN TRAIL	624
MALDEN TRAIL COURT	110

RECORDING AND 1/20
RECORDING AND 1/20
RECORDING AND 1/20

NOTES:
1. PRE-CAST CONCRETE FOUNDATION SHALL BE CONSTRUCTED IN ACCORDANCE WITH THE SPECIFICATIONS OF THE ARCHITECT.
2. FOUNDATION SHALL BE CONSTRUCTED IN ACCORDANCE WITH THE SPECIFICATIONS OF THE ARCHITECT.



OWNER AND DEVELOPER: PALLADIUM INC. 1000 W. BUCKLEUP BLVD. SUITE 200 ATLANTA, GA 30338

ARCHITECT: JAMES H. JOSEPH ARCHITECTS INC. 1000 W. BUCKLEUP BLVD. SUITE 200 ATLANTA, GA 30338

ENGINEER: GASKINS ENGINEERS INC. 1000 W. BUCKLEUP BLVD. SUITE 200 ATLANTA, GA 30338

FINAL PLAN FOR: GLENN PARK

LOCATED IN: L.L. 194 & 195 19TH DISTRICT, 8TH SECTION COBB COUNTY, GA.