Application for "Other Business"
Cobb County, Georgia

OB-015-2018

(Cobb County Zoning Division – 770-528-2035) **BOC Hearing Date Requested:** 4.17.18

Applicant: PALLADIAN, INC **Phone #:** 770.605.2690
(applicant's name printed)

Address: 601 Woodlawn Dr Suite 330 Marietta 30067 **E-Mail:** craig@palladian properties.com

CRAIG WRIGLEY **Address:** 601 Woodlawn Dr Suite 330 Marietta GA 30067
(representative's name, printed)

Craig Wrigley **Phone #:** 770.605.2690 **E-Mail:** craig@palladianproperties.com
(representative's signature)

Signed, sealed and delivered in presence of:

Heather M. Kemp **My commission expires:** 4-8-18
Notary Public

NOTARY PUBLIC
State of Georgia
County of Cobb
Commission Expires
April 8, 2018
HEATHER M. KEMP

Titleholder(s): PALLADIAN, INC **Phone #:** 770.605.2690
(property owner's name printed)

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

Craig Wrigley
(Property owner's signature)

Signed, sealed and delivered in presence of:

Heather M. Kemp **My commission expires:** 4-8-18
Notary Public

NOTARY PUBLIC
State of Georgia
County of Cobb
Commission Expires
April 8, 2018
HEATHER M. KEMP

Commission District: 3 **Zoning Case:** Z-93

Size of property in acres: 3.458 **Original Date of Hearing:** 6.21.05

Location: SOUTHWEST CORNER OF PIEDMONT RD AND MORGAN RD
(street address, if applicable; nearest intersection, etc.)

Land Lot(s): 563 **District(s):** 16

State specifically the need or reason(s) for Other Business:

SEE ATTACHED EXHIBITS A AND B

(List or attach additional information if needed)

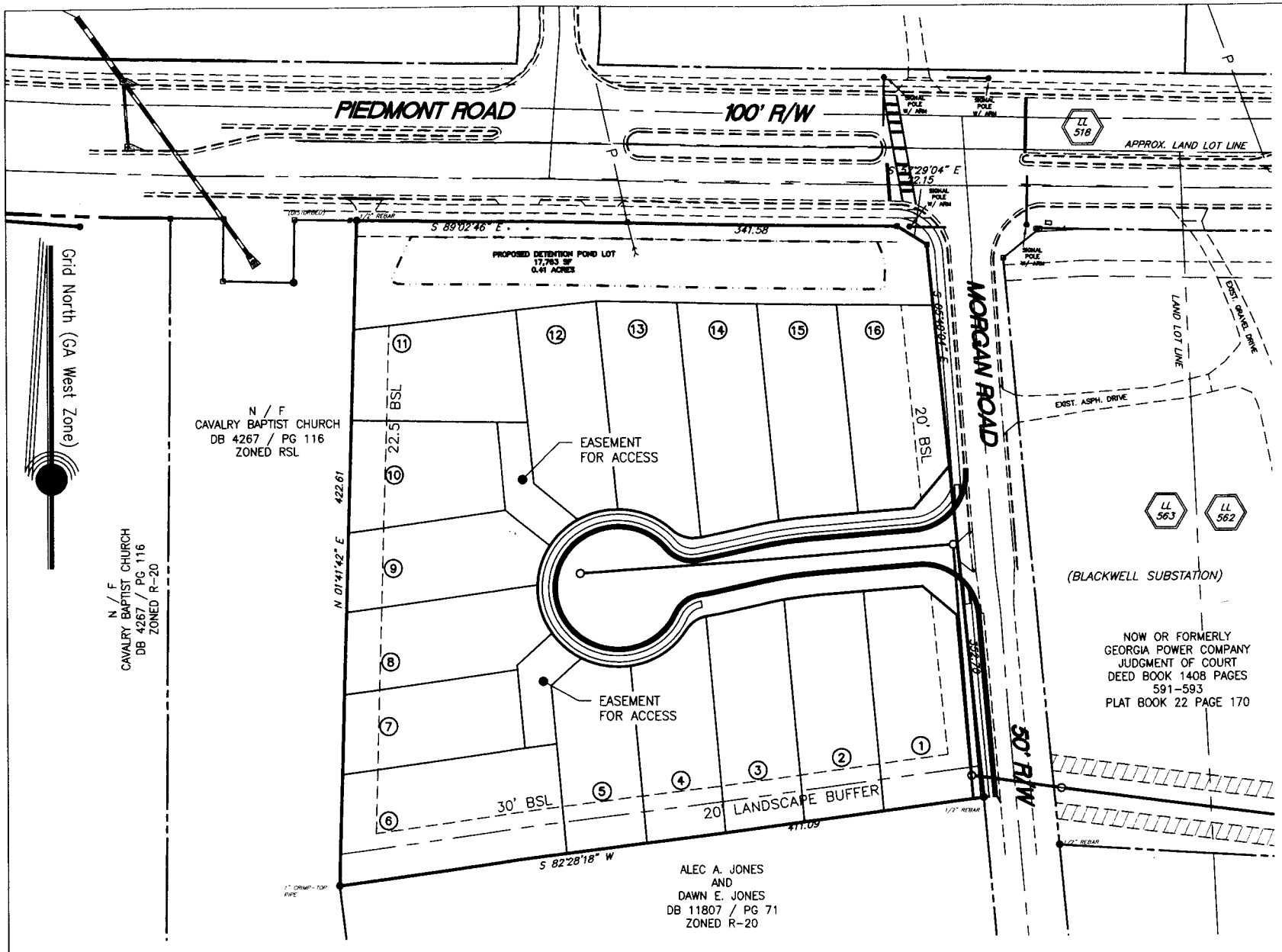
OB-015-2018
Proposed

Exhibit A

A site plan amendment is requested to substitute 16 fee simple detached homes to replace 16 condominium attached homes in order to meet market conditions. All stipulations, variances, and approvals in place under the existing permitted plans shall remain except those that need to change as a result of the amended site plan, submitted as Exhibit B.

Prior stipulations and approvals shall be modified as follows to be consistent with the amended site plan:

1. Ownership of the homes shall be fee simple, not a condominium.
2. Prior approvals, as follows, shall remain in effect:
   a. The interior street and right of way, storm drainage, water lines, sanitary sewer, and detention pond shall be public and dedicated to Cobb County.
   b. The building setback shall remain at 22.5 ft from the west property line.
3. Street lighting shall be as required for public road subdivisions per county development standards.
4. Dedication of right of way and requirements for road improvements shall be subject to approval by the Cobb County DOT.
5. A mandatory HOA and restrictive covenants shall provide for maintenance of the entrance and common landscaping, and enforcement of property use and architectural control.
6. Setbacks for homes shall be as follows:
   Side: 10 feet between homes (the current attached setback is zero).
   Front: 10 feet minimum (the current front set back is zero).
   Rear: Rear setbacks shall be as originally approved.
7. All improvements shall be governed by the requirements of the RSL zoning ordinance and county development standards.
8. Modifications to the plan as needed can be approved by the District Commissioner or by the applicable Cobb County departments.
9. Stipulation #3 in the original 6-21-2005 original zoning minutes which required "Installation of right turn lane on East Piedmont" shall be deleted.
10. Impervious area will be not exceed 55% and will be accounted for in the detention pond.



LEGEND

BSL - BUILDING SETBACK LINE

R/W - RIGHT OF WAY

LL - LAND LOT

SITE INFORMATION

CURRENT ZONING: RSL

- 16 CONDOMINIUM ATTACHED HOMES
- HOME SIZE: 1800-2500 SF

PROPOSED ZONING: RSL (NO CHANGE)

- 16 FEE SIMPLE DETACHED HOMES
- HOME SIZE: 1800-2900 SF (INCREASE)

SITE INFORMATION

LAND LOT 563, 16TH DISTRICT, COBB COUNTY, GEORGIA

SITE AREA = 3.458 ACRES

LAKES AND STREAMS: NONE

100-YEAR FLOODPLAIN: NONE

STREAM BUFFERS: NONE

PUBLIC ROADS, SEWER, WATER, STORM DRAINAGE AND DETENTION POND

EASEMENTS FOR UTILITIES AND ACCESS AS NEEDED

ENTRANCE ON MORGAN ROAD

SETBACKS FOR HOMES:

- EXTERIOR: AS SHOWN
- INTERIOR:
  - FRONT = 10' MINIMUM
  - BETWEEN HOUSES = 10' MINIMUM
  - REAR = 30' ON SOUTH SIDE, 22.5' ON WEST SIDE

STATE OF GEORGIA
CRAIG WRIGLEY
CERTIFIED NO. 002688
REGISTERED ARCHITECT

PROPOSED SITE PLAN
EXHIBIT B

0 20' 40' 60' 120'

1"=60'-0"

OB-015
Proposed Site Plan

Application for Rezoning
Cobb County, Georgia

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

Application No. Z-93 (2005)

PC Hearing Date: 06/07/2005

BOC Hearing Date: 06/21/2005

APR - 7

Applicant Land Trends Development, LLC Business Phone (678) 483-3000
(applicant's name printed)

Address Building 4, Suite 300, 1640 Powers Ferry Road, Marietta, GA 30067 Home Phone Not Applicable

Moore Ingram Johnson & Steele, LLP

J. Kevin Moore Address 192 Anderson Street, Marietta, GA 30060
(representative's name, printed)

Business Phone (770) 429-1499 ~~Business~~ Fax # (770) 429-8631
(representative's signature) Georgia Bar No. 519728

Signed, sealed and delivered in presence of:

Carolyn E. Cook My commission expires: Notary Public, Cobb County, Georgia My Commission Expires Jan. 10, 2007
Notary Public

Titleholder See Attached Business Phone _____ Home Phone _____
(titleholder's name, printed)

Signature _____ Address _____
(attach additional signature, if needed)

Signed, sealed and delivered in presence of:

_____ My commission expires: _____
Notary Public

Zoning Request From R-20 to RSL
(present zoning) (proposed zoning)

For the Purpose of Age-Restricted Senior Condominiums Size of Tract 4.81 Acre(s)
(subdivision, restaurant, warehouse, apt., etc.)

Location Southwesterly intersection of East Piedmont Road and Morgan Road
(street address, if applicable; nearest intersection, etc.)

Land Lot(s) 563 District(s) 16th

We have investigated the site as to the existence of archeological and/or architectural landmarks. I hereby certify that there XXX are no such assets. If any exist, provide documentation with this application.
to the best of our knowledge, information, and belief.

LAND TRENDS DEVELOPMENT, LLC
BY: _____
(applicant's signature)
Judson R. Smith, Managing Member

We have investigated the site as to the existence of any cemetery located on the above property. I hereby certify that there XX is not such a cemetery. If any exist, provide documentation with this application.
to the best of our knowledge, information, and belief.

LAND TRENDS DEVELOPMENT, LLC
BY: _____
(applicant's signature)
Judson R. Smith, Managing Member

MOORE INGRAM JOHNSON & STEELE

A LIMITED LIABILITY PARTNERSHIP
192 ANDERSON STREET
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WWW.MIJS.COM

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

WRITER'S DIRECT DIAL NUMBER

May 19, 2005

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

Hand Delivered

MAY 19 2005
COMMUNITY DEVELOPMENT DEPT.

RE: Application for Rezoning
Application No.: Z-93 (2005)
Applicant: Land Trends Development, LLC
Owners: 1160 Piedmont Rd. NE Land Holding Trust #764; 1180 Piedmont Rd. NE Land Holding Trust #763; and Eastside Baptist Church @ Piedmont, Inc.
Property: 4.81 acres located at the southwesterly intersection of East Piedmont Road and Morgan Road; Land Lot 563, 16th District, 2nd Section, Cobb County, Georgia

Dear John:

As you know, the undersigned and this firm represent Land Trends Development, LLC, the Applicant, and the Property Owners in the above-referenced Application for Rezoning for hearing before the Planning Commission and Board of Commissioners in June 2005. Enclosed are revised Zoning Plans dated May 11, 2005, prepared for the Applicant by Site Development Consultants, Inc. with regard to the pending Application. These revised Zoning Plans supersede those initially submitted with the subject Application on or about April 7, 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.

Thank you for your assistance in this request. If you should have any questions or require additional information, please do not hesitate to contact me.

Very truly yours,

MOORE INGRAM JOHNSON & STEELE, LLP

J. Kevin Moore

JKM:cc
Enclosures
c: Land Trends Development, LLC
(With Copy of Enclosure)

COBB COUNTY WATER SYSTEM

Field Operations Center
680 South Cobb Drive
Marietta, Georgia 30060-3113

Robert L. Brice
Director

RECEIVED
MAY 27 2005
10:25 AM
COBB CO. COM. DEV. DEPT.
ZONING DIVISION

DIVISIONS:
Business Services
Customer Services
Engineering & Records
Solid Waste
Stormwater Management
System Maintenance
Water Protection

Date: May 26, 2005

Memo: Mark Danneman, Manager
Zoning Division, Community Development

Subject: Z-93 (2005) Land Trends Development, LLC
Morgan Road at East Piedmont Road LL 563 / 16th

Reference: Revised Plan received 5-19-05 at Zoning with entrance moved to southeast corner and buildings / pocket park positions shifted and re-numbered.

All previously made Drainage Comments remain in effect as modified by the following:

(A) On the revised plan the current headwater pool / flood hazard encumbers ¾ of building #2, plus a small part of building #4, plus the road network connected thereto. At Plan Review, the mitigation of flow provided by the current storage volume will become a control for the detention output.

(B) Stormwater Management remains concerned over this design on this terrain requiring mass grading of the site. Such grading raises the potential for sediment losses. Preference would be for detention to utilize the natural bottom where water now accumulates rather than grading detention pool into hillside. Anticipate when the grading plan is developed and the hydrology run, then changes to the plan may be required at Plan Review. In such case, recommend the District Commissioner be granted authority to certify any plan changes worked out in Plan Review.

Sincerely,

G.H. Mingledorff, P. E., RLS
Senior Engineer, Stormwater Management

Cc: Planning Commissioner Chairman Murray Homan
Planning Commissioner Bob Hovey
Planning Commissioner Robert Ott
Planning Commissioner Christi Trombetti
Planning Commissioner Judy Williams
David Hankerson, County Manager
Bob Brice, Director, Water System
Bill Higgins, Stormwater Management
Rob Hosack, Director, Community Development
Gail Huff, Assistant County Clerk
Sandra Richardson, Deputy County Clerk
J. Kevin Moore, Esq.

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WRITER'S DIRECT DIAL NUMBER

June 1, 2005

Mr. John P. Pederson
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-93 (2005)
Applicant: Land Trends Development, LLC
Owners: 1160 Piedmont Rd. NE Land Holding Trust #764; 1180 Piedmont Rd. NE Land Holding Trust #763; and Eastside Baptist Church @ Piedmont, Inc.
Property: 4.81 acres located at the southwesterly intersection of East Piedmont Road and Morgan Road; Land Lot 563, 16th District, 2nd Section, Cobb County, Georgia

Dear John:

As you know, the undersigned and this firm represent Land Trends Development, LLC, the Applicant (hereinafter "Applicant"), and 1160 Piedmont Rd. NE Land Holding Trust #764; 1180 Piedmont Rd. NE Land Holding Trust #763; and Eastside Baptist Church @ Piedmont, Inc. the Property Owners (hereinafter collectively referred to as "Owners"), in their Application for Rezoning with regard to a total tract of 4.81 acres located at the southwesterly intersection of East Piedmont Road and Morgan Road, Land Lot 563, 16th District, Cobb County, Georgia (hereinafter the "Subject Property" or, alternatively, the "Property"). After meetings with planning and

zoning staff and various departmental representatives, discussions and meetings with area residents, and reviewing the staff comments and recommendations and 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.

(2) Rezoning of the Subject Property shall be from the existing R-20 zoning category to the Residential Senior Living ("RSL") zoning category, site plan specific to that certain Zoning Plan prepared by Site Development Consultants, Inc. dated May 11, 2005, filed with the Cobb County Zoning Office May 19, 2005.

(3) The Subject Property consists of approximately 4.81 acres of total site area and shall contain a maximum of twenty-four (24) units.

(4) The proposed residential community shall be a condominium development, complying in all respects with the Georgia Condominium Act, and being "for sale" units.

(5) The units within the proposed community shall have a minimum of 1,800 square feet, ranging upwards to a maximum of 2,500 square feet; and each unit shall have an attached two-car garage.

(6) The exteriors of the proposed homes shall be constructed of a combination of brick, stone, stacked stone, stucco, cedar shake siding, masonry siding, or combinations thereof, and shall be substantially similar to the elevations attached hereto as Exhibit "A."

(7) The main living area and master bedroom of each unit shall be located on the main level.

(8) Sales of the units shall be limited to senior citizens fifty-five (55) years of age and older under the Federal Fair Housing Act.

(9) Applicant agrees to comply with the "easy living" standards as set forth in the subject Ordinance.

(10) Applicant agrees to the recording and enforcement of a Declaration of Restrictive Covenants which will contain covenants, rules, and regulations applicable to the proposed residential community.

(11) Additionally, and in conjunction with the Declaration of Restrictive Covenants, Applicant agrees to the creation of a mandatory condominium association which shall be responsible for the upkeep and maintenance of the exteriors, entrance area, signage, amenity area, all common areas, and private streets contained within the proposed residential community.

(12) The yard area around each unit shall be fully sodded and maintained by the mandatory homeowners association to be created through the Declaration of Restrictive Covenants applicable to the residential community.

(13) The entrance into the proposed community shall be professionally designed, landscaped, and maintained with signage being ground-based, monument style.

(14) Applicant agrees to submit a landscape plan for the Subject Property's frontage along East Piedmont Road and Morgan Road, which plan shall incorporate the entrance features as well as be designed to provide visual screening; and such plan shall be approved by the Cobb County Arborist during the plan review process.

(15) All utilities for the proposed residential community shall be located underground.

(16) Access to the proposed residential community shall be limited to Morgan Road, and there shall be no access permitted from East Piedmont Road.

(17) There shall be established a minimum twenty (20) foot landscape buffer along the boundaries of the Subject Property adjacent to all existing residential properties.

(18) Applicant agrees that all lighting within the proposed development shall be limited to no more than eight (8) feet in height and environmentally sensitive, low-level luminous, so as to prevent light from penetrating onto surrounding residential properties.

(19) All landscaping referenced herein shall be approved by the Cobb County Arborist as part of the plan review process and incorporated into the overall landscape plan for the proposed community.

(20) Internal sidewalks shall be constructed providing connectivity to public sidewalks.

(21) All streets within the proposed community shall be private with the construction complying in all respects as to materials, base, and other requirements to the Cobb County Code.

(22) Minor modifications to the referenced Zoning Plan, including, but not limited to, the layout of buildings and stormwater control measures may be approved by the District Commissioner, as needed or necessary.

(23) The stormwater management area shall be appropriately fenced and landscaped for purposes of visual screening. The landscaping shall be approved by the Cobb County Arborist during the plan review process.

(24) All setbacks and 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.

(25) 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.

(26) Applicant agrees to the following system improvements to mitigate traffic concerns:

(a) Donation of right-of-way along the westerly side of Morgan Road a maximum of thirty (30) feet from the existing roadway centerline;

(b) Donation of right-of-way along the southerly side of East Piedmont Road a maximum of thirty (30) feet from the existing roadway centerline;

(c) Installation of sidewalk, curb, and gutter along the frontage of the Subject Property on East Piedmont Road and Morgan Road; and

(d) Construction of a deceleration lane one hundred fifty (150) feet in length along the westerly side of Morgan Road for purposes of ingress into the proposed residential community.

(27) The above stipulations shall bind the Subject Property and the Applicant, and any other future or potential developer of the Subject Property; however, in the event that Applicant, or an affiliated or subsidiary company of Applicant, does not purchase, or close on, the Subject Property within six (6) months of the final rezoning, the zoning category shall revert to its existing R-20 zoning classification and notice shall be filed by Applicant with the Cobb County Planning and Zoning Office.

We believe the requested zoning, pursuant to the revised Zoning Plan and the stipulations set forth herein, is an appropriate use of the Subject Property while taking into consideration the existing conditions of the Property and the area surrounding the proposed development. The proposed residential community shall be a quality development, providing a much-needed and highly sought after type of community within the Cobb County area. Additionally, the proposed community shall be compatible with surrounding developments and be an enhancement to the Subject Property. Thank you for your consideration in this request.

Very truly yours,

MOORE INGRAM JOHNSON & STEELE, LLP

J. Kevin Moore

JKM:cc
Enclosure
c: Cobb County Board of Commissioners:
Samuel S. Olens, Chairman
Helen C. Goreham
Annette Kesting
Joe L. Thompson
Tim Lee
(With Copy of Enclosure)

Cobb County Planning Commission:
Murray Homan, Chairman
Judy Williams
Bob Hovey
Christi S. Trombetti
Bob Ott
(With Copy of Enclosure)

c: Martha Adams, President
East Cobb Civic Association, Inc.
(With Copy of Enclosure)

Don Brundage
Northeast Cobb Homeowners Group
(With Copy of Enclosure)

Carl Carver
(With Copy of Enclosure)

Land Trends Development, LLC
(With Copy of Enclosure)

TYPICAL ELEVATION "A"

TYPICAL ELEVATION "B"

TYPICAL ELEVATION "C"

Landtrends Development

EASTSIDE VILLAGE
CONCEPTUAL HOME DESIGNS

CALDWELL • CLINE
ARCHITECTS • DESIGNERS

Exhibit "A"

RECEIVED
APR
3:10

ATTACHMENT TO APPLICATION FOR REZONING

Application No.: Z-93 (2005)
Hearing Dates: June 7, 2005 and June 21, 2005

BEFORE THE COBB COUNTY BOARD OF COMMISSIONERS OF ROADS AND REVENUES AND THE COBB COUNTY PLANNING COMMISSION

CONSTITUTIONAL CHALLENGE
ATTACHMENT TO APPLICATION FOR REZONING

COME NOW, Applicant, LAND TRENDS DEVELOPMENT, LLC (hereinafter referred to as "Applicant"), and Property Owners, 1160 PIEDMONT RD. NE LAND HOLDING TRUST #764; 1180 PIEDMONT RD. NE LAND HOLDING TRUST #763; and CALVARY BAPTIST CHURCH, COBB COUNTY, INC.; COBB COUNTY, GEORGIA (hereinafter collectively referred to as "Property Owners"), and assert the following:

1.

By Application for Rezoning dated and filed April 7, 2005, Applicant and Property Owners applied for rezoning of certain real property, being approximately 4.81 acres, more or less, lying and being in Cobb County, Georgia, a more particular description and delineation of the subject property being set forth in said Application (hereinafter referred to as the "Property" or the "Subject Property").

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JOHNSON & STEELE
A Limited Liability Partnership
192 Anderson Street
GA 30060
429-1499
FAX (770) 429-8631

2.

The Application for Rezoning of the Property seeks a rezoning from the existing zoning category of R-20 to the proposed zoning category of Residential Senior Living ("RSL"), as established by the governing authority of Cobb County, Georgia, under and pursuant to Ga. Laws 1956, p. 2006, as amended, being hereinafter referred to as the "Zoning and Planning Ordinance of Cobb County."

3.

The Zoning and Planning Ordinance of Cobb County is unconstitutional as applied to the Subject Property currently zoned R-20 in that said Ordinance deprives Applicant and Property Owners of their Property under and pursuant to Art. I, § I, ¶¶ I and II of the Georgia Constitution of 1983, and the Equal Protection and Due Process Clauses of the Fifth and Fourteenth Amendments to the Constitution of the United States of America. This deprivation of Property without due process violates the constitutional prohibition against the taking of private property without just compensation. The R-20 zoning category, as it presently exists, together with any intervening zoning categories between the existing R-20 category and the requested category, violates the Applicant's and Property Owners' rights to unfettered use of their property in that said zoning

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M GA 30060
, 429-1499
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classifications do not bear a substantial relation to the public health, safety, morality, or general welfare and are therefore confiscatory and void. Further, said Ordinance is unconstitutional in that it is arbitrary and unreasonable resulting in relatively little gain or benefit to the public, while inflicting serious injury and loss on the Applicant and Property Owners.

4.

To the extent the Zoning and Planning Ordinance of Cobb County allows or permits the Board of Commissioners to rezone the Subject Property to any category other than as requested, said Ordinance is further unconstitutional in that same violates the Applicant and Property Owners' constitutionally guaranteed rights to due process, both substantive and procedural. Furthermore, any such action by the Board of Commissioners, or as allowed by the Zoning and Planning Ordinance of Cobb County, is an unconstitutional use of the zoning power and would constitute an abuse of discretion with no justification or benefit flowing to the public welfare. Accordingly, said Ordinance or action would likewise represent a taking of private property rights without the payment of just and adequate compensation in violation of the Constitutions of the State of Georgia and the United States of America.

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5.

The Zoning and Planning Ordinance of Cobb County is further unconstitutional in that the procedures contained therein pertaining to the public hearing held in connection with the Zoning Application also violate Art. I, § I, ¶¶ I, II, and XII of the Georgia Constitution of 1983 in that said procedures impose unreasonable time restraints, contain the absence of rebuttal, contain the inability to confront witnesses, contain the lack of procedural and evidentiary safeguards, do not restrict evidence received to the issue at hand and are controlled wholly and solely by political considerations rather than the facts and considerations required by law. These procedures fail to comport with the due process requirements of the Constitution of the State of Georgia 1983 and the due process requirements of the Constitution of the United States of America.

Respectfully submitted, this 7th day of April, 2005.

MOORE INGRAM JOHNSON & STEELE, LLP

BY: J. Kevin Moore
Georgia Bar No. 519728

Attorneys for Applicant and Property Owners

MOORE INGRAM
JOHNSON & STEELE
A Limited Liability Partnership
192 Anderson Street
GA 30060
, 429-1499
FAX (770) 429-8631

ORIGINAL DATE OF APPLICATION: 06-21-05

APPLICANTS NAME: LAND TRENDS DEVELOPMENT, LLC

THE FOLLOWING REPRESENTS THE FINAL DECISIONS OF THE
COBB COUNTY BOARD OF COMMISSIONERS

BOC DECISION OF 06-21-05 ZONING HEARING:

LAND TRENDS DEVELOPMENT, LLC (1160 Piedmont Road NE Land Holding Trust #764, et al., owners) for Rezoning from **R-20** to **RSL** for the purpose of Residential Senior Living in Land Lot 563 of the 16th District. Located at the southwest intersection of East Piedmont Road and Morgan Road.

The public hearing opened and Mr. Kevin Moore, Ms. Carol Brown and Ms. Ethel Hursey addressed the Board. Following presentations and discussion, the following motion was made:

MOTION: Motion by Lee, second by Olens, to **approve** rezoning to the **RSL** zoning district **subject to:**

- **maximum twenty (20) units**
- **letter of agreeable stipulations from Mr. Kevin Moore dated June 1, 2005, *not otherwise in conflict* (copy attached and made a part of these minutes)**
- **installation of right-turn lane on East Piedmont**
- **consideration of pedestrian access to adjacent church**
- **creation of central or common greenspace/park area for the development**
- **final site plan to be approved by District Commissioner**
- **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
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RODNEY R. McCOLLOCH
SUSAN S. STUART
DANIEL A. LANDIS***
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JOYCE W. HARPER
AMY K. WEBER
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VICTOR P. VALMUS
JEFFERY L. DICKERSON
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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

Min. Bk. 35 Petition No. Z-93
Doc. Type Letter of Agreeable Stipulations
Meeting Date 6/21/05

June 1, 2005

Hand Delivered

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

RE: Application for Rezoning
Application No.: Z-93 (2005)
Applicant: Land Trends Development, LLC
Owners: 1160 Piedmont Rd. NE Land Holding Trust #764; 1180 Piedmont Rd. NE Land Holding Trust #763; and Eastside Baptist Church @ Piedmont, Inc.
Property: 4.81 acres located at the southwesterly intersection of East Piedmont Road and Morgan Road; Land Lot 563, 16th District, 2nd Section, Cobb County, Georgia

Dear John:

As you know, the undersigned and this firm represent Land Trends Development, LLC, the Applicant (hereinafter "Applicant"), and 1160 Piedmont Rd. NE Land Holding Trust #764; 1180 Piedmont Rd. NE Land Holding Trust #763; and Eastside Baptist Church @ Piedmont, Inc. the Property Owners (hereinafter collectively referred to as "Owners"), in their Application for Rezoning with regard to a total tract of 4.81 acres located at the southwesterly intersection of East Piedmont Road and Morgan Road, Land Lot 563, 16th District, Cobb County, Georgia (hereinafter the "Subject Property" or, alternatively, the "Property"). After meetings with planning and

MOORE INGRAM JOHNSON & STEELE

Petition No. Z-93
Meeting Date 6/21/05
Continued

zoning staff and various departmental representatives, discussions and meetings with area residents, and reviewing the staff comments and recommendations and 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.

(2) Rezoning of the Subject Property shall be from the existing R-20 zoning category to the Residential Senior Living ("RSL") zoning category, site plan specific to that certain Zoning Plan prepared by Site Development Consultants, Inc. dated May 11, 2005, filed with the Cobb County Zoning Office May 19, 2005.

(3) The Subject Property consists of approximately 4.81 acres of total site area and shall contain a maximum of twenty-four (24) units.

(4) The proposed residential community shall be a condominium development, complying in all respects with the Georgia Condominium Act, and being "for sale" units.

(5) The units within the proposed community shall have a minimum of 1,800 square feet, ranging upwards to a maximum of 2,500 square feet; and each unit shall have an attached two-car garage.

(6) The exteriors of the proposed homes shall be constructed of a combination of brick, stone, stacked stone, stucco, cedar shake siding, masonry siding, or combinations thereof, and shall be substantially similar to the elevations attached hereto as Exhibit "A."

(7) The main living area and master bedroom of each unit shall be located on the main level.

(8) Sales of the units shall be limited to senior citizens fifty-five (55) years of age and older under the Federal Fair Housing Act.

(9) Applicant agrees to comply with the "easy living" standards as set forth in the subject Ordinance.

(10) Applicant agrees to the recording and enforcement of a Declaration of Restrictive Covenants which will contain covenants, rules, and regulations applicable to the proposed residential community.

(11) Additionally, and in conjunction with the Declaration of Restrictive Covenants, Applicant agrees to the creation of a mandatory condominium association which shall be responsible for the upkeep and maintenance of the exteriors, entrance area, signage, amenity area, all common areas, and private streets contained within the proposed residential community.

(12) The yard area around each unit shall be fully sodded and maintained by the mandatory homeowners association to be created through the Declaration of Restrictive Covenants applicable to the residential community.

(13) The entrance into the proposed community shall be professionally designed, landscaped, and maintained with signage being ground-based, monument style.

(14) Applicant agrees to submit a landscape plan for the Subject Property's frontage along East Piedmont Road and Morgan Road, which plan shall incorporate the entrance features as well as be designed to provide visual screening; and such plan shall be approved by the Cobb County Arborist during the plan review process.

(15) All utilities for the proposed residential community shall be located underground.

MOORE INGRAM JOHNSON & STEELE

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Continued

Mr. John P. Pederson
Planner III
Zoning Division
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(16) Access to the proposed residential community shall be limited to Morgan Road, and there shall be no access permitted from East Piedmont Road.

(17) There shall be established a minimum twenty (20) foot landscape buffer along the boundaries of the Subject Property adjacent to all existing residential properties.

(18) Applicant agrees that all lighting within the proposed development shall be limited to no more than eight (8) feet in height and environmentally sensitive, low-level luminous, so as to prevent light from penetrating onto surrounding residential properties.

(19) All landscaping referenced herein shall be approved by the Cobb County Arborist as part of the plan review process and incorporated into the overall landscape plan for the proposed community.

(20) Internal sidewalks shall be constructed providing connectivity to public sidewalks.

(21) All streets within the proposed community shall be private with the construction complying in all respects as to materials, base, and other requirements to the Cobb County Code.

(22) Minor modifications to the referenced Zoning Plan, including, but not limited to, the layout of buildings and stormwater control measures may be approved by the District Commissioner, as needed or necessary.

(23) The stormwater management area shall be appropriately fenced and landscaped for purposes of visual screening. The landscaping shall be approved by the Cobb County Arborist during the plan review process.

(24) All setbacks and 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.

(25) 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.

(26) Applicant agrees to the following system improvements to mitigate traffic concerns:

(a) Donation of right-of-way along the westerly side of Morgan Road a maximum of thirty (30) feet from the existing roadway centerline;

(b) Donation of right-of-way along the southerly side of East Piedmont Road a maximum of thirty (30) feet from the existing roadway centerline;

(c) Installation of sidewalk, curb, and gutter along the frontage of the Subject Property on East Piedmont Road and Morgan Road; and

(d) Construction of a deceleration lane one hundred fifty (150) feet in length along the westerly side of Morgan Road for purposes of ingress into the proposed residential community.

(27) The above stipulations shall bind the Subject Property and the Applicant, and any other future or potential developer of the Subject Property; however, in the event that Applicant, or an affiliated or subsidiary company of Applicant, does not purchase, or close on, the Subject Property within six (6) months of the final rezoning, the zoning category shall revert to its existing R-20 zoning classification and notice shall be filed by Applicant with the Cobb County Planning and Zoning Office.

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Continued

Mr. John P. Pederson
Planner III
Zoning Division
Cobb County Community Development Agency
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We believe the requested zoning, pursuant to the revised Zoning Plan and the stipulations set forth herein, is an appropriate use of the Subject Property while taking into consideration the existing conditions of the Property and the area surrounding the proposed development. The proposed residential community shall be a quality development, providing a much-needed and highly sought after type of community within the Cobb County area. Additionally, the proposed community shall be compatible with surrounding developments and be an enhancement to the Subject Property. Thank you for your consideration in this request.

Very truly yours,

MOORE INGRAM JOHNSON & STEELE, LLP

J. Kevin Moore

JKM:cc
Enclosure
c: Cobb County Board of Commissioners:
Samuel S. Olens, Chairman
Helen C. Goreham
Annette Kesting
Joe L. Thompson
Tim Lee
(With Copy of Enclosure)

Cobb County Planning Commission:
Murray Homan, Chairman
Judy Williams
Bob Hovey
Christi S. Trombetti
Bob Ott
(With Copy of Enclosure)

Petition No. Z-93
Meeting Date 6/21/05
Continued

Mr. John P. Pederson
Planner III
Zoning Division
Cobb County Community Development Agency
Page Seven
June 1, 2005

c: Martha Adams, President
East Cobb Civic Association, Inc.
(With Copy of Enclosure)

Don Brundage
Northeast Cobb Homeowners Group
(With Copy of Enclosure)

Carl Carver
(With Copy of Enclosure)

Land Trends Development, LLC
(With Copy of Enclosure)

Petition No. Z-93
Meeting Date 6/21/05
Continued Elevation referenced in letter

TYPICAL ELEVATION "A"

TYPICAL ELEVATION "B"

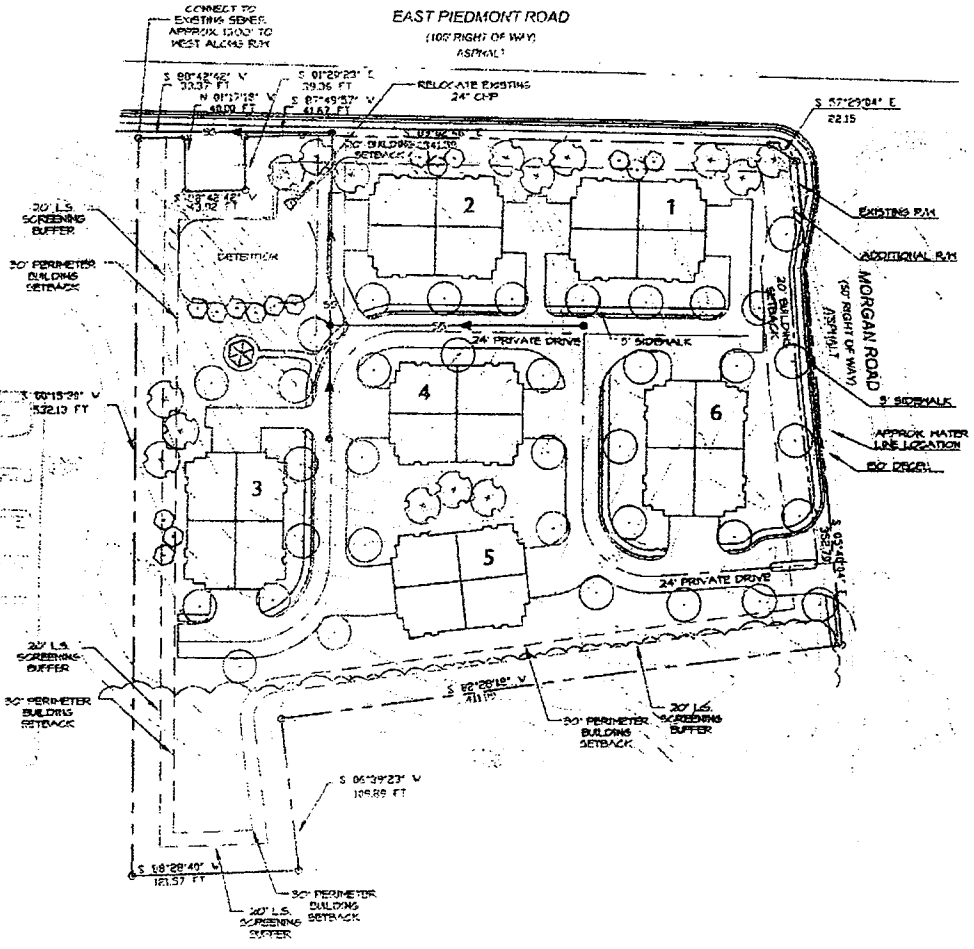
TYPICAL ELEVATION "C"

Landtrends Development

EASTSIDE VILLAGE
CONCEPTUAL HOME DESIGNS

CALDWELL & CLINE
ARCHITECTS • ENGINEERS

Exhibit "A"



SITE SUMMARY

SITE INFORMATION
- CURRENT ZONING: R-20
- PROPOSED ZONING: RSL
- TOTAL SITE AREA: 4.91 ACRES

QUADS
- TOTAL UNITS: 24

ALLOWABLE DENSITY: 5 UNITS/ACRE

PROPOSED DENSITY: 24 UNITS/ 4.91 ACRES= 4.89 UNITS PER ACRE

THIS SITE DOES NOT LIE WITHIN A FLOOD HAZARD AREA PER FIRM PANEL 13067C0085 F, DATED AUG. 18 1992

THIS SITE DOES NOT CONTAIN WETLAND AREAS PER THE NATIONAL WETLANDS INVENTORY ONLINE MAPPING SERVICE.

LOCATION MAP
N.T.S.

EASTSIDE VILLAGE
ZONING PLAN

LOCATED IN L.L. 563
16TH DISTRICT, 2ND SECTION
COBB COUNTY, GEORGIA

Prepared For:
LAND TRENDS DEVELOPMENT LLC.

5/11/05

Prepared By:
Site Development Consultants, Inc.

REVISED MAY 19, 2005

Z-93

6/21/05 BOC Hearing

APPLICANT: Land Trends Development, LLC

678-483-3000

REPRESENTATIVE: Moore Ingram Johnson & Steele, LLP

J. Kevin Moore 770-429-1499

TITLEHOLDER: 1160 Piedmont Road NE Land Holding Trust

#764, et al.

PROPERTY LOCATION: Located at the southwest intersection of East Piedmont Road and Morgan Road.

ACCESS TO PROPERTY: Morgan Road

PHYSICAL CHARACTERISTICS TO SITE: Existing houses

PETITION NO: Z-93

HEARING DATE (PC): 06-07-05

HEARING DATE (BOC): 06-21-05

PRESENT ZONING: R-20

PROPOSED ZONING: RSL

PROPOSED USE: Residential Senior Living

SIZE OF TRACT: 4.81 acres

DISTRICT: 16

LAND LOT(S): 563

PARCEL(S): 2, 5

TAXES: PAID X DUE

COMMISSION DISTRICT: 3

CONTIGUOUS ZONING/DEVELOPMENT

NORTH:	R-20/ Northeast Colony subdivision
SOUTH:	R-20, R-15/ Single-family house, Ramblewood subdivision
EAST:	R-20/ Power substation
WEST:	R-20/ Church

OPPOSITION: NO. OPPOSED____ PETITION NO:____ SPOKESMAN _____

PLANNING COMMISSION RECOMMENDATION

APPROVED_____ MOTION BY_____

REJECTED_____ SECONDED_____

HELD_____ CARRIED_____

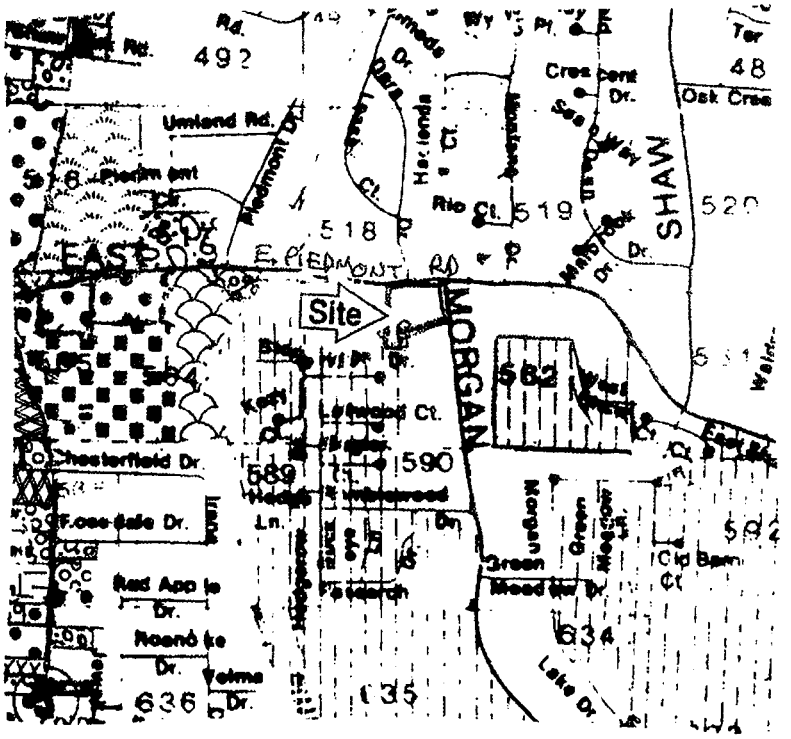
BOARD OF COMMISSIONERS DECISION

APPROVED_____ MOTION BY_____

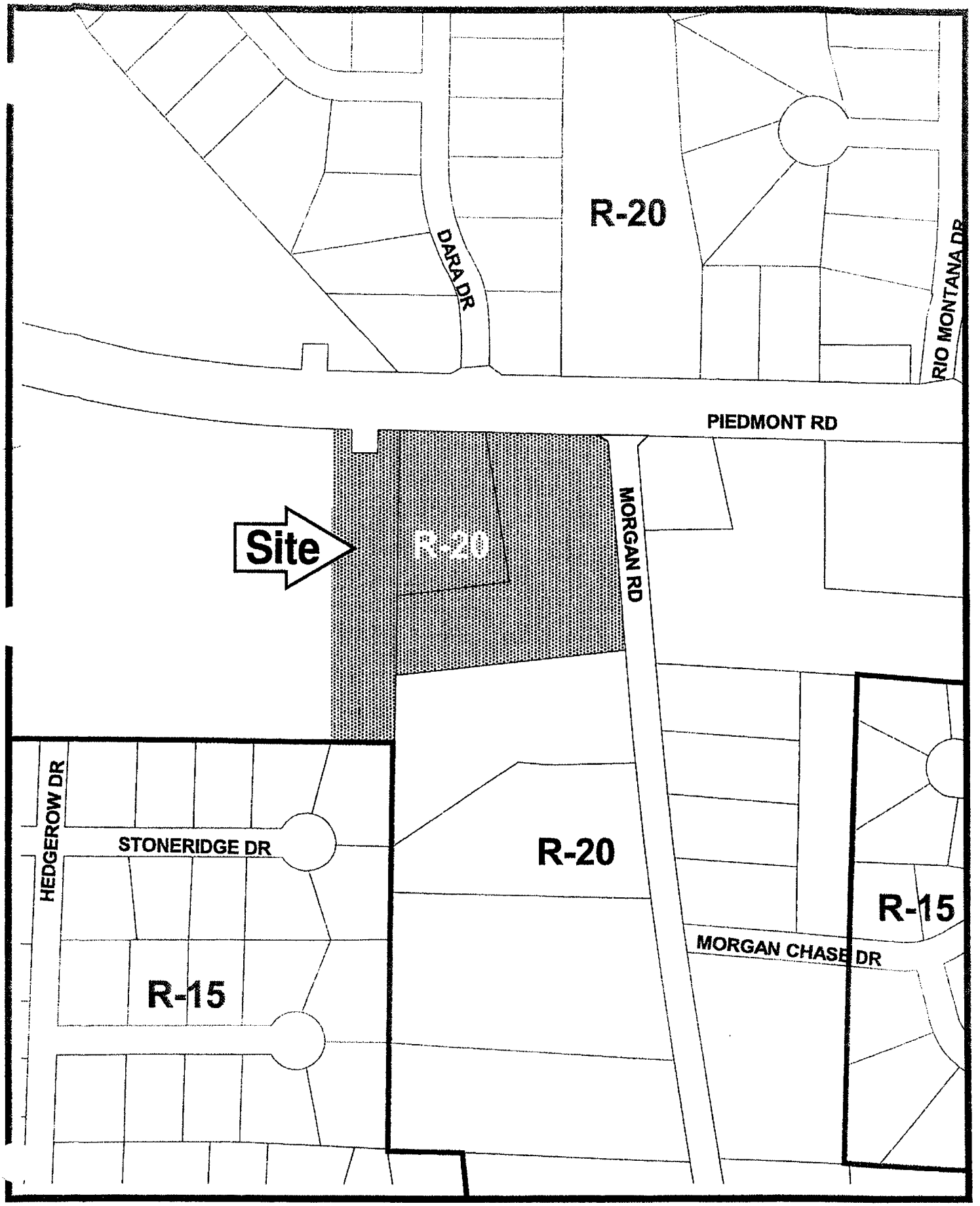
REJECTED_____ SECONDED_____

HELD_____ CARRIED_____

STIPULATIONS:



Z-93



This map is provided for display and planning purposes only. It is not meant to be a legal description.

100 0 100 200 Feet

Approximate Zoning Boundaries

Draft Parcel Boundaries

APPLICANT: Land Trends Development, LLC **PETITION NO.:** Z-93

PRESENT ZONING: R-20 **PETITION FOR:** RSL

* *

PLANNING COMMENTS: **Staff Member Responsible:** John P. Pederson

Land Use Plan Recommendation: Low Density Residential, Public Institutional

Proposed Number of Units: 24 **Overall Density:** 4.99 **Units/Acre**

Present Zoning Would Allow: 8 **Units** **Increase of:** 16 **Units/Lots**

The applicant is requesting the RSL zoning district to develop a small senior condominium community. The buildings would be traditional in styling with hard surface exteriors, and range from 1 to 1½ stories. The units would be a minimum 1,800 square-feet, and would start selling in the high $200,000's. Each home would have an attached two-car garage.

<u>Historic Preservation</u>: After reviewing various county resources including historic and archeological resource surveys, documented Civil War trench maps, and historic aerial maps, staff finds no known historic properties affected by this application. No further comment. No action by applicant requested at this time.

<u>Cemetery Preservation</u>: No comment.

APPLICANT: Land Trends Development, LLC PETITION NO.: Z-93

PRESENT ZONING: R-20 PETITION FOR: RSL

* *

SCHOOL COMMENTS:

Name of School	Enrollment	Capacity Status	Number of Portable Classrooms
______ Elementary	______	______	______
______ Middle	______	______	______
______ High	______	______	______

Additional Comments:

* *

FIRE COMMENTS:

Station No. & Location	Response Time		
1. ______	______	☐adequate	☐inadequate
2. ______	______	☐adequate	☐inadequate
3. ______	______	☐adequate	☐inadequate

GPM Requirements: ______ **Water Main Size Required:** ______

APPLICANT Land Trends Development, LLC **PETITION NO.** Z-093

PRESENT ZONING R-20 **PETITION FOR** RSL

* *

NOTE: Comments reflect only what facilities were in existence at the time of this review.

WATER COMMENTS:

Available at Development?	☑ Yes	☐ No
Fire Flow Test Required?	☑ Yes	☐ No

Size / Location of Existing Water Main(s): ***6" AC / W side Morgan Rd***

Additional Comments: Master meter to be at entrance

Developer may be required to install/upgrade water mains, based on fire flow test results or Fire Department Code. This will be resolved in the Plan Review Process.

* *

SEWER COMMENTS:

In Drainage Basin?	☑ Yes	☐ No
At Development?	☐ Yes	☑ No

Approximate Distance to Nearest Sewer: ***1000' W across creek***

Estimated Waste Generation (in G.P.D.): **A D F** 9,600 **Peak** 24,000

Treatment Plant: **Noonday**

Plant Capacity Available?	☑ Yes	☐ No	
Line Capacity Available?	☑ Yes	☐ No	
Projected Plant Availability:	☑ 0 - 5 year	☐ 5 - 10 years	☐ over 10 years
Dry Sewers Required?	☐ Yes	☑ No	
Off-site Easements Required?	☐ Yes*	☑ No	
Flow Test Required?	☐ Yes	☑ No	
Letter of Allocation issued?	☐ Yes	☑ No	
Septic Tank Recommended by this Department?	☐ Yes	☑ No	
Subject to Health Department Approval?	☐ Yes	☑ No	

* If off-site easements are required, Developer must submit easements to CCWS for review / approval as to form and stipulations prior to the execution of easement(s) by the property owner(s). All easement acquisitions are the responsiblity of the Developer.

Additional Comments:

Developer will be responsible for connecting to the existing County water and sewer systems, installing and/or upgrading all outfalls and water mains, obtaining on and/or off site easements, dedication of on and/or off site water and sewer to Cobb County, as may be required. Rezoning does not guarantee water/sewer availability/capacity unless so stated in writing by the Cobb County Water System. Permit issuances subject to continued treatment plant compliance with EPD discharge requirements.

APPLICANT: Land Trends Development, LLC PETITION NO.: Z-93

PRESENT ZONING: R-20 PETITION FOR: RSL

* *

DRAINAGE COMMENTS

FLOOD HAZARD: ☒ YES ☐ NO ☐ POSSIBLY, NOT VERIFIED

Little Noonday Creek of Noonday Creek / Little River **Undefined-culvert headwater**

DRAINAGE BASIN: Lake Allatoona System FLOOD HAZARD INFO: pool in northwest quarter

☐ FEMA designated 100-year Floodplain Flood.
☒ Flood Damage Prevention Ordinance DESIGNATED FLOOD HAZARD.
☒ Project subject to the Cobb County Flood Damage Prevention Ordinance Requirements.
☐ Dam Breach zone from (upstream) (onsite) lake - need to keep residential buildings out of hazard.

WETLANDS: ☐ YES ☐ NO ☒ POSSIBLY, NOT VERIFIED

Location: **within Flood Hazard**

☒ The Owner/Developer is responsible for obtaining any required wetland permits from the U.S. Army Corps of Engineer.

STREAMBANK BUFFER ZONE: ☐ YES ☒ NO ☐ POSSIBLY, NOT VERIFIED

☐ Metropolitan River Protection Area (within 2000' of Chattahoochee River) ARC (review 35' undisturbed buffer each side of waterway).
☐ Chattahoochee River Corridor Tributary Area - County review (________undisturbed buffer each side).
☐ Georgia Erosion-Sediment Control Law and County Ordinance - County Review/State Review.
☐ Georgia DNR Variance may be required to work in 25-foot stream bank buffers.
☐ County Buffer Ordinance: 50', 75', 100' or 200' each side of creek channel.

DOWNSTREAM CONDITION

☒ Potential or Known drainage problems exist for developments downstream from this site.
☒ Stormwater discharges must be controlled not to exceed the capacity available in the downstream storm drainage system.
☒ Minimize runoff into public roads.
☒ Minimize the effect of concentrated stormwater discharges onto adjacent properties.
☒ Developer must secure any R.O.W required to receive concentrated discharges where none exist naturally
☒ Existing Lake Downstream
Additional BMP's for erosion sediment controls will be required.
☒ Lake Study needed to document sediment levels.
☐ Stormwater discharges through an established residential neighborhood downstream.
☒ Project engineer must evaluate the impact of increased volume of runoff generated by the proposed project on downstream **stormdrainage system**.

APPLICANT: Land Trends Development, LLC PETITION NO.: Z-93

PRESENT ZONING: R-20 PETITION FOR: RSL

* *

DRAINAGE COMMENTS CONTINUED

SPECIAL SITE CONDITIONS

- ☐ Provide comprehensive hydrology/stormwater controls to include development of out parcels.
- ☒ Submit all proposed site improvements to Plan Review.
- ☒ Any **spring activity** uncovered must be addressed by a qualified Geotechnical Engineer (PE).
- ☒ Structural fill **in flood hazard, westland** must be placed under the direction of a qualified registered Georgia Geotechnical Engineer (PE).
- ☐ Existing facility.
- ☒ Project must comply with the Water Quality requirements of the CWA-NPDES-NPS Permit and County Water Quality Ordinance.
- ☐ Water Quality/Quantity contributions of the existing lake/pond on site must be continued as baseline conditions into proposed project.
- ☒ Calculate and provide % impervious of project site.
- ☐ Revisit design, reduce pavement area to reduce runoff and pollution.

INSUFFICIENT INFORMATION

- ☐ No Stormwater controls shown ________
- ☐ Copy of survey is not current - Additional comments may be forthcoming when current site conditions are exposed.
- ☐ No site improvements showing on exhibit.

ADDITIONAL COMMENTS/SUGGESTIONS

1) Tract terrain is dominated by an amphitheater shape centered in the northwest quarter. Ground slopes vary from 8-10% at the top rim along east and south property line, and in the "stage" area, to 21% - 24% on completely circling the "stage". A tree stand, over 100-feet wide, runs continuously along west property line. Remainder of tract is randomly wooded in small clumps and singles.
2) The proposed quad layout will require mass grading the site to remanufacture the terrain to the flat condition mandated and the flat land condition for which the quad concept was created. This is not fitting the development to the natural terrain using minimal grading as called for in State / Local Regulations. This design on this terrain is not supported.
3) The flood hazard / headwater pool at the culvert under Piedmont Road defines how the culvert operates and defines the rate of discharge for any given storm event. Said flood hazard encumbers ¾ of the building #2, and parts of buildings #5 and #3. The only way these buildings and their infrastructure can be built is to fill the pool hole. In doing so, the eliminated volume operation must be folded into the detention, which will grow significantly.
4) Plan calls for perimeter 20-feet landscape buffer through predominantly heavily wooded areas. Recommend this natural growth be utilized with added plantings where needed and as approved by County Arborist.
5) With Lake downstream, recommend higher level Erosion Sediment Control in the bottom of the flood hazard area during construction and elevated Water Quality-Best Management Practice afterward. Recommend Water Quality-Best Management Practice volume be calculated at 1.5 inch water on all impervious areas. This will reduce output to a trickle for approximately 90% of all storm events. The existing flow rate allowed by the culvert and headwater pool combo will establish the allowable to which the detention discharge must conform.

APPLICANT: Land Trends Development, LLC | PETITION NO.: Z-93

PRESENT ZONING: R-20 | PETITION FOR: RSL

* *

TRANSPORTATION COMMENTS

The following comments and recommendations are based on field investigation and office review of the subject rezoning case:

ROADWAY	AVERAGE DAILY TRIPS	CLASSIFICATION	MIN. R.O.W. REQUIREMENTS
East Piedmont Road	23220	Arterial	100'
Morgan Road	2222	Minor Collector	60'

Based on 2003 traffic counting data taken by GDOT. (East Piedmont Road)
Based on 9-9-04 traffic counting data taken by Cobb County DOT.

East Piedmont Road is classified as a Major Collector and according to the available information, the existing right-of-way does meet the minimum requirements for this classification.
Morgan Road is classified as a Minor Collector and according to the available information, the existing right-of-way does not meet the minimum requirements for this classification.

As necessitated by this development for egress from Morgan Road, a deceleration lane will be required.

Install sidewalk, curb and gutter along both road frontages.

No access to East Piedmont Road.

Full driveway access must maintain a minimum of 250' separation from signalized intersections.

RECOMMENDATIONS

Recommend applicant consider entering into a development agreement pursuant of O.C.G.A. 36-71-13 for dedication of the following system improvements to mitigate traffic concerns: a) donation of right-of-way on the west side of Morgan Road, a minimum of 30' from the roadway centerline. Recommend a minimum 150' deceleration lane on South Gordon Road.

Recommend installing sidewalk, curb and gutter along both road frontages.

Recommend a 10' no access easement along East Piedmont Road.

Shift proposed driveway further south to comply with minimum separation requirements.

Recommend applicant be required to meet all Cobb County Development Standards and Ordinances related to project improvements.

STAFF RECOMMENDATIONS

Z-93 LAND TRENDS DEVELOPMENT, LLC

A. It is Staff's opinion that the applicant's rezoning proposal will not permit a use that is suitable in view of the use and development of adjacent and nearby properties. The surrounding area is all low density residential; the proposed density is much higher than adjacent residential densities. There is new R-20 single-family residential development within a short distance on Piedmont Road and Morgan Road

B. It is Staff's opinion that the applicant's rezoning proposal will have an adverse affect on the usability of adjacent or nearby property. The applicant's proposal could encourage other developments that are not consistent with the low density residential character of the area. The RSL zoning code requires that the applicant's proposal be compatible with neighboring residential uses.

C. It is Staff's opinion that the applicant's rezoning proposal will not result in a use which would cause an excessive or burdensome use of existing streets, transportation facilities, utilities, or schools. This opinion can be supported by the departmental comments contained in this analysis.

D. It is Staff's opinion that the applicant's rezoning proposal is not in conformity with the policy and intent of the *Cobb County Comprehensive Plan,* which delineates this property to be within a Low Density Residential and Public Institutional Land Use Category. The density range for Low Density Residential is 1 to 2.5 units per acre; the proposed density is 4.99 units per acre.

E. It is Staff's opinion that there are existing and changing conditions affecting the use and development of the property which give supporting grounds for denying the applicant's rezoning proposal. The applicant's proposal is not consistent with the *Cobb County Comprehensive Plan*. The applicant's proposal is located in an area characterized as R-15 and R-20, and the applicant's proposal would contain much more density then adjacent properties. The applicant's proposal could encourage other applications that are not consistent with the area. The RSL applications that have been approved recently have been located in areas that contain a conglomerate of land uses.

Based on the above analysis, Staff recommends DENIAL.

The recommendations made by the Planning and Zoning Staff are only the opinions of the Planning and Zoning Staff and are by no means the final decision. The Cobb County Board of Commissioners makes the final decisions on all Rezoning and Land Use Permits at an advertised public hearing.

ORIGINAL DATE OF APPLICATION: 06-21-05

APPLICANTS NAME: LAND TRENDS DEVELOPMENT, LLC

THE FOLLOWING REPRESENTS THE FINAL DECISIONS OF THE
COBB COUNTY BOARD OF COMMISSIONERS

BOC DECISION OF 02-21-06 ZONING HEARING:

OTHER BUSINESS ITEM #7 – TO CONSIDER AMENDING THE STIPULATIONS FOR PALLADIAN, INC. REGARDING Z-93 (LAND TRENDS DEVELOPMENT, LLC) OF JUNE 21, 2005

To consider amending the stipulations for Palladian, Inc. regarding Z-93 (LAND TRENDS DEVELOPMENT, LLC) of June 21, 2005 for property in Land Lot 563 of the 16th District. Located at the southwest intersection of East Piedmont Road and Morgan Road.

Mr. Mark Danneman, Zoning Division Manager, provided information regarding request to amend stipulations. The public hearing was opened and Mr. Kevin Moore addressed the Board. Following presentation and discussion, the following motion was made.

MOTION: Motion by Lee, second by Olens, to **reject** request to remove stipulation requiring right-turn lane on East Piedmont Road and to **authorize** removal of stipulation requiring deceleration lane on Morgan Road.

VOTE: **ADOPTED** unanimously

Clerk's Note: Cobb DOT staff to file letter with the Zoning Division stating approval of the changes outlined above.

FEBRUARY 21, 2006 ZONING HEARING
"OTHER BUSINESS"
COMMISSION DISTRICT 3

ITEM #7

PURPOSE

To consider amending the stipulations for Palladian, Inc. regarding Z-93 (LAND TRENDS DEVELOPMENT, LLC) of June 21, 2005 for property in Land Lot 563 of the 16th District. Located at the southwest intersection of East Piedmont Road and Morgan Road.

BACKGROUND

The subject property is zoned RSL, subject to numerous conditions/stipulations that are attached. One of the stipulations requires the developer to install a right-turn lane on East Piedmont Road. This request seeks to remove that stipulation. Cobb D.O.T. has reviewed this request and their comments will be available prior to the meeting. Attached is the final site plan approved by the District Commissioner. The request letter 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 as presented and subject to any requirements Cobb D.O.T. may recommend. If approved, all other previously approved conditions/stipulations should remain in effect.

ATTACHMENTS

Board of Commissioners Decision
Final Site Plan
Request Letter

ORIGINAL DATE OF APPLICATION: 06-21-05

APPLICANTS NAME: LAND TRENDS DEVELOPMENT, LLC

THE FOLLOWING REPRESENTS THE FINAL DECISIONS OF THE COBB COUNTY BOARD OF COMMISSIONERS

BOC DECISION OF 06-21-05 ZONING HEARING:

LAND TRENDS DEVELOPMENT, LLC (1160 Piedmont Road NE Land Holding Trust #764, et al., owners) for Rezoning from **R-20** to **RSL** for the purpose of Residential Senior Living in Land Lot 563 of the 16th District. Located at the southwest intersection of East Piedmont Road and Morgan Road.

The public hearing opened and Mr. Kevin Moore, Ms. Carol Brown and Ms. Ethel Hursey addressed the Board. Following presentations and discussion, the following motion was made:

MOTION: Motion by Lee, second by Olens, to **approve** rezoning to the **RSL** zoning district **subject to:**

- **maximum twenty (20) units**
- **letter of agreeable stipulations from Mr. Kevin Moore dated June 1, 2005, *not otherwise in conflict* (copy attached and made a part of these minutes)**
- **installation of right-turn lane on East Piedmont**
- **consideration of pedestrian access to adjacent church**
- **creation of central or common greenspace/park area for the development**
- **final site plan to be approved by District Commissioner**
- **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
192 ANDERSON STREET
MARIETTA, GEORGIA 30060
WWW.MIJS.COM

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POST OFFICE BOX 3305
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KNOXVILLE, TENNESSEE 37923
TELEPHONE (865) 692-9039
TELECOPIER (865) 692-9071

N H. MOORE
HEN C. STEELE
JAM R. JOHNSON†
ROBERT D. INGRAM†
J. BRIAN O'NEAL
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
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TANYA L. CROSSE*
ROBERT W. BROWN II
VICTOR P. VALMUS
JEFFERY L. DICKERSON

T. SHANE MAYES
F. MICHAEL VISCUSE**
ANGELA H. SMITH
OPHELIA W. CHAN
STACEY L. STEWART†
MEREDITH M. MILBY
DAVID M. VAN SANT
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CHRISTOPHER L. MOORE
JENNIFER S. WHITE*
KIRISTIE 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

Min. Bk. 35 Petition No. Z-93
Doc. Type Letter of Agreeable Stipulations
Meeting Date 6/21/05

June 1, 2005

Hand Delivered

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

RE: Application for Rezoning
Application No.: Z-93 (2005)
Applicant: Land Trends Development, LLC
Owners: 1160 Piedmont Rd. NE Land Holding Trust #764; 1180 Piedmont Rd. NE Land Holding Trust #763; and Eastside Baptist Church @ Piedmont, Inc.
Property: 4.81 acres located at the southwesterly intersection of East Piedmont Road and Morgan Road; Land Lot 563, 16th District, 2nd Section, Cobb County, Georgia

Dear John:

As you know, the undersigned and this firm represent Land Trends Development, LLC, the Applicant (hereinafter "Applicant"), and 1160 Piedmont Rd. NE Land Holding Trust #764; 1180 Piedmont Rd. NE Land Holding Trust #763; and Eastside Baptist Church @ Piedmont, Inc. the Property Owners (hereinafter collectively referred to as "Owners"), in their Application for Rezoning with regard to a total tract of 4.81 acres located at the southwesterly intersection of East Piedmont Road and Morgan Road, Land Lot 563, 16th District, Cobb County, Georgia (hereinafter the "Subject Property" or, alternatively, the "Property"). After meetings with planning and

MOORE INGRAM JOHNSON & STEELE

Petition No. Z-93
Meeting Date 6/21/05
Continued

zoning staff and various departmental representatives, discussions and meetings with area residents, and reviewing the staff comments and recommendations and 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.

(2) Rezoning of the Subject Property shall be from the existing R-20 zoning category to the Residential Senior Living ("RSL") zoning category, site plan specific to that certain Zoning Plan prepared by Site Development Consultants, Inc. dated May 11, 2005, filed with the Cobb County Zoning Office May 19, 2005.

(3) The Subject Property consists of approximately 4.81 acres of total site area and shall contain a maximum of twenty-four (24) units.

(4) The proposed residential community shall be a condominium development, complying in all respects with the Georgia Condominium Act, and being "for sale" units.

(5) The units within the proposed community shall have a minimum of 1,800 square feet, ranging upwards to a maximum of 2,500 square feet; and each unit shall have an attached two-car garage.

(6) The exteriors of the proposed homes shall be constructed of a combination of brick, stone, stacked stone, stucco, cedar shake siding, masonry siding, or combinations thereof, and shall be substantially similar to the elevations attached hereto as Exhibit "A."

(7) The main living area and master bedroom of each unit shall be located on the main level.

(8) Sales of the units shall be limited to senior citizens fifty-five (55) years of age and older under the Federal Fair Housing Act.

(9) Applicant agrees to comply with the "easy living" standards as set forth in the subject Ordinance.

(10) Applicant agrees to the recording and enforcement of a Declaration of Restrictive Covenants which will contain covenants, rules, and regulations applicable to the proposed residential community.

(11) Additionally, and in conjunction with the Declaration of Restrictive Covenants, Applicant agrees to the creation of a mandatory condominium association which shall be responsible for the upkeep and maintenance of the exteriors, entrance area, signage, amenity area, all common areas, and private streets contained within the proposed residential community.

(12) The yard area around each unit shall be fully sodded and maintained by the mandatory homeowners association to be created through the Declaration of Restrictive Covenants applicable to the residential community.

(13) The entrance into the proposed community shall be professionally designed, landscaped, and maintained with signage being ground-based, monument style.

(14) Applicant agrees to submit a landscape plan for the Subject Property's frontage along East Piedmont Road and Morgan Road, which plan shall incorporate the entrance features as well as be designed to provide visual screening; and such plan shall be approved by the Cobb County Arborist during the plan review process.

(15) All utilities for the proposed residential community shall be located underground.

MOORE INGRAM JOHNSON & STEELE

Petition No. Z-93
Meeting Date 6/21/05
Continued

(16) Access to the proposed residential community shall be limited to Morgan Road, and there shall be no access permitted from East Piedmont Road.

(17) There shall be established a minimum twenty (20) foot landscape buffer along the boundaries of the Subject Property adjacent to all existing residential properties.

(18) Applicant agrees that all lighting within the proposed development shall be limited to no more than eight (8) feet in height and environmentally sensitive, low-level luminous, so as to prevent light from penetrating onto surrounding residential properties.

(19) All landscaping referenced herein shall be approved by the Cobb County Arborist as part of the plan review process and incorporated into the overall landscape plan for the proposed community.

(20) Internal sidewalks shall be constructed providing connectivity to public sidewalks.

(21) All streets within the proposed community shall be private with the construction complying in all respects as to materials, base, and other requirements to the Cobb County Code.

(22) Minor modifications to the referenced Zoning Plan, including, but not limited to, the layout of buildings and stormwater control measures may be approved by the District Commissioner, as needed or necessary.

(23) The stormwater management area shall be appropriately fenced and landscaped for purposes of visual screening. The landscaping shall be approved by the Cobb County Arborist during the plan review process.

(24) All setbacks and 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.

(25) 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.

(26) Applicant agrees to the following system improvements to mitigate traffic concerns:

(a) Donation of right-of-way along the westerly side of Morgan Road a maximum of thirty (30) feet from the existing roadway centerline;

(b) Donation of right-of-way along the southerly side of East Piedmont Road a maximum of thirty (30) feet from the existing roadway centerline;

(c) Installation of sidewalk, curb, and gutter along the frontage of the Subject Property on East Piedmont Road and Morgan Road; and

(d) Construction of a deceleration lane one hundred fifty (150) feet in length along the westerly side of Morgan Road for purposes of ingress into the proposed residential community.

(27) The above stipulations shall bind the Subject Property and the Applicant, and any other future or potential developer of the Subject Property; however, in the event that Applicant, or an affiliated or subsidiary company of Applicant, does not purchase, or close on, the Subject Property within six (6) months of the final rezoning, the zoning category shall revert to its existing R-20 zoning classification and notice shall be filed by Applicant with the Cobb County Planning and Zoning Office.

Petition No. Z-93
Meeting Date 6/21/05
Continued

Mr. John P. Pederson
Planner III
Zoning Division
Cobb County Community Development Agency
Page Six
June 1, 2005

We believe the requested zoning, pursuant to the revised Zoning Plan and the stipulations set forth herein, is an appropriate use of the Subject Property while taking into consideration the existing conditions of the Property and the area surrounding the proposed development. The proposed residential community shall be a quality development, providing a much-needed and highly sought after type of community within the Cobb County area. Additionally, the proposed community shall be compatible with surrounding developments and be an enhancement to the Subject Property. Thank you for your consideration in this request.

Very truly yours,

MOORE INGRAM JOHNSON & STEELE, LLP

J. Kevin Moore

JKM:cc
Enclosure
c: Cobb County Board of Commissioners:
Samuel S. Olens, Chairman
Helen C. Goreham
Annette Kesting
Joe L. Thompson
Tim Lee
(With Copy of Enclosure)

Cobb County Planning Commission:
Murray Homan, Chairman
Judy Williams
Bob Hovey
Christi S. Trombetti
Bob Ott
(With Copy of Enclosure)

Mr. John P. Pederson
Planner III
Zoning Division
Cobb County Community Development Agency
Page Seven
June 1, 2005

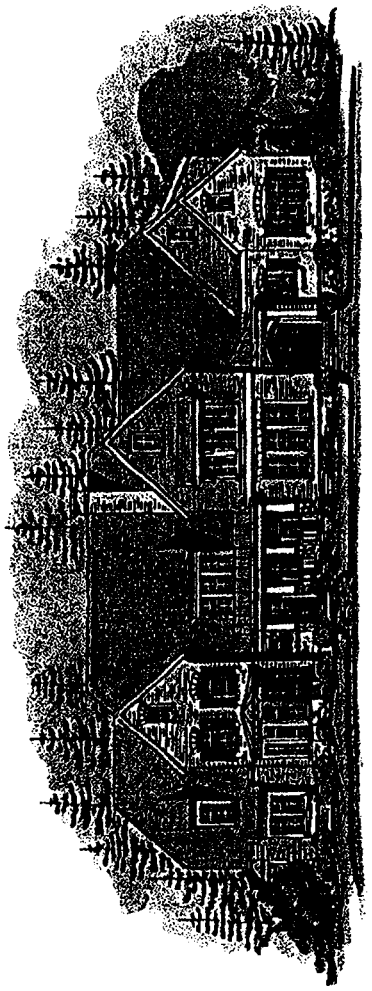
c: Martha Adams, President
East Cobb Civic Association, Inc.
(With Copy of Enclosure)

Don Brundage
Northeast Cobb Homeowners Group
(With Copy of Enclosure)

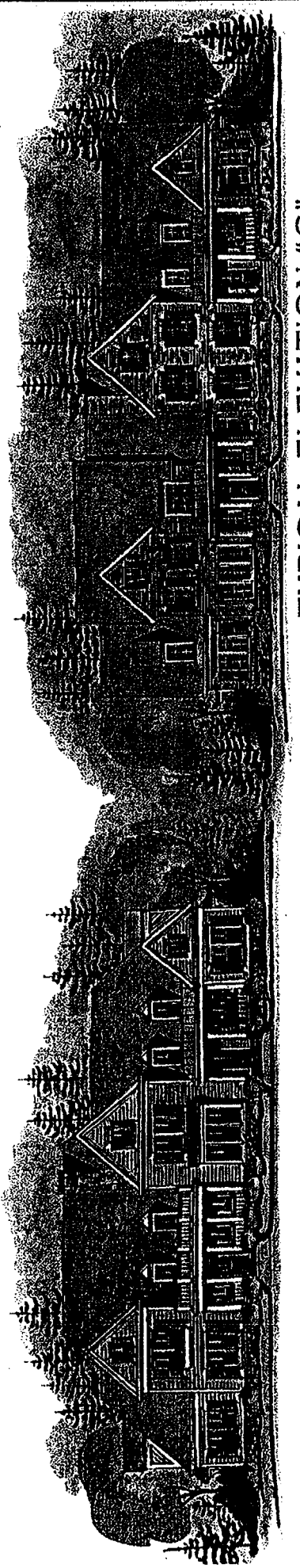
Carl Carver
(With Copy of Enclosure)

Land Trends Development, LLC
(With Copy of Enclosure)

Petition No. Z-93
Meeting Date 6/21/05
Continued Elevation referenced in letter



TYPICAL ELEVATION "A"



TYPICAL ELEVATION "B"

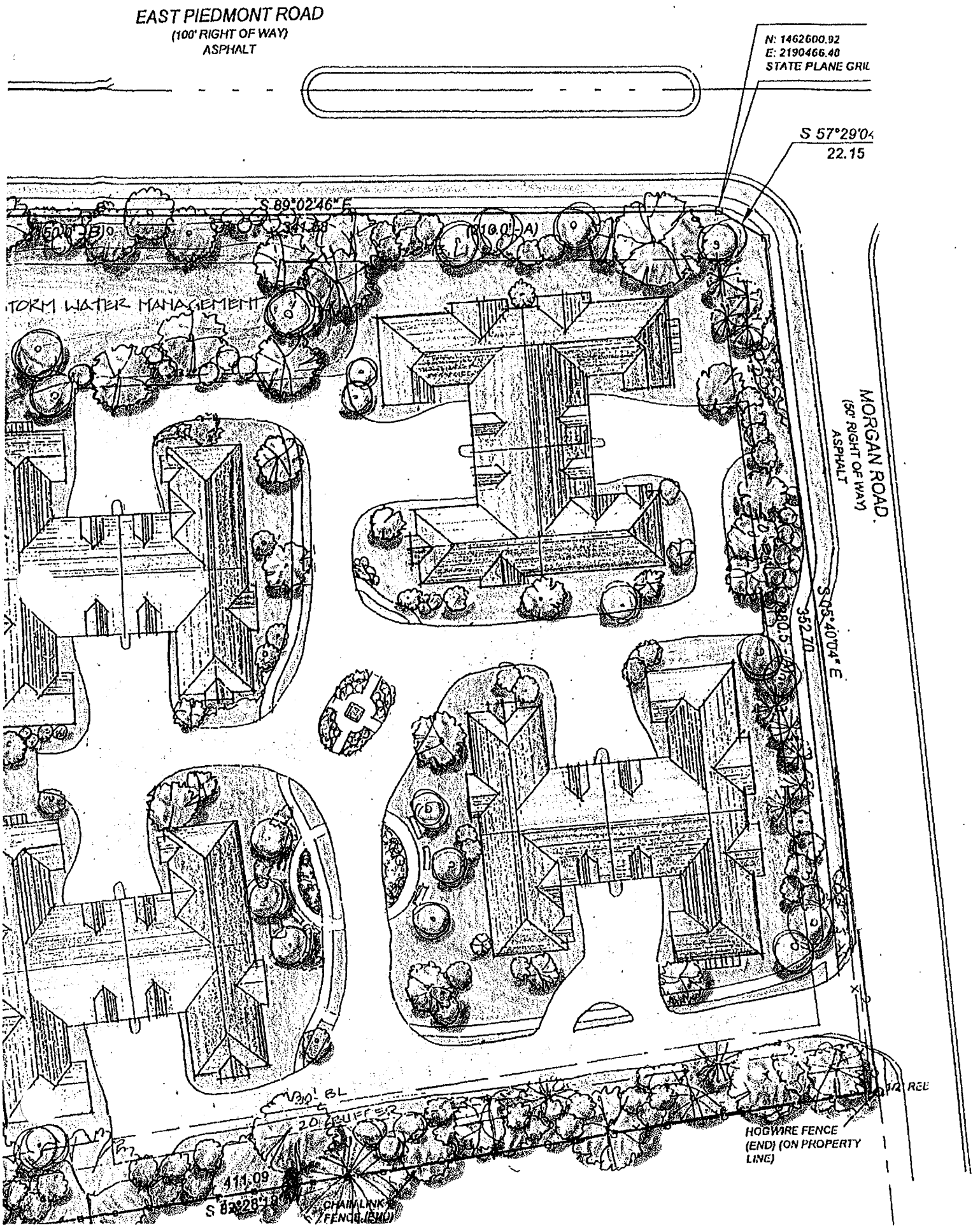
TYPICAL ELEVATION "C"

Landtrends Development

EASTSIDE VILLAGE
CONCEPTUAL HOME DESIGNS

CALDWELL • CLINE
ARCHITECTS • PLANNERS

Exhibit "A"


EAST PIEDMONT ROAD
(100' RIGHT OF WAY)
ASPHALT
N: 1462600.92
E: 2190466.40
STATE PLANE GRIL
S 57°29'04
22.15
S 89°02'46" E
TORM WATER MANAGEMENT
MORGAN ROAD
(50' RIGHT OF WAY)
ASPHALT
S 05°40'04" E
352.70
30' BL
20' BUFFER
HOGWIRE FENCE
(END) (ON PROPERTY
LINE)
411.09
CHAIN LINK
FENCE (END)

MOORE INGRAM JOHNSON & STEELE

A LIMITED LIABILITY PARTNERSHIP
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MARIETTA, GEORGIA 30060
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JOHN H. MOORE
STEPHEN C. STEELE
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RYAN G. PRESCOTT
RICARDO J. DeMEDEIROS

L. LAKE JORDAN
BRETT A. MILLER
JACQUELYN VAN TUYL**
KAREN S. KURTZ

OF COUNSEL:
JOHN L. SKELTON, JR.

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

WRITER'S DIRECT DIAL NUMBER

January 23, 2006

Mr. Mark A. Danneman
Zoning Administrator
Zoning Division
Cobb County Community Development Agency
Suite 300
191 Lawrence Street
Marietta, Georgia 30060-1661

Hand Delivered

JAN 23

RE: Application for Stipulation Amendment
Application No.: Z-93 (2005)
Developer: Palladian, Inc.
Former Applicant: Land Trends Development, LLC
Property: 4.81 acres located at the southwesterly intersection of East Piedmont Road and Morgan Road; Land Lot 563, 16th District, 2nd Section, Cobb County, Georgia

Dear Mark:

As you will recall, the undersigned and this firm represented Land Trends Development, LLC, who was the Applicant in the Application for Rezoning of the approximately 4.81 acre tract located at the southwesterly intersection of East Piedmont Road and Morgan Road, Cobb County, Georgia (hereinafter referred to as the "Property" or the "Subject Property"). Palladian, Inc. (hereinafter referred to as "Developer") will be the developer of the Subject Property pursuant to the Residential Senior Living category approved by the Board of Commissioners on or about June 21, 2005.

In that regard, Developer requests the removal of one stipulation approved by the Cobb County Board of Commissioners requiring the construction of a deceleration lane on East Piedmont Road to Morgan Road. This request is based on the sufficient road improvements to East Piedmont Road and the signalization of the intersection of East Piedmont Road and Morgan Road which adequately address traffic concerns. Additionally, if the deceleration lane is required, there will be unwarranted loss of green space and developable land.

If the amendment is approved, as set forth above, the balance and remainder of the stipulations and conditions specifically enumerated in the official minutes, and attachments thereto, of the Board of Commissioners Zoning Hearing held on June 21, 2005, are unaltered by this request for stipulation amendment.

We respectfully request this Application for Stipulation Amendment be placed on the Board of Commissioners' "Other Business Agenda" for the scheduled Zoning Hearing on February 21, 2006. Thank you for your consideration in this matter. We look forward to confirmation of this item on the requested Zoning Hearing agenda and receipt of the signs in order to meet the requisite posting date.

If you should have any questions or require additional information at this time, please do not hesitate to contact me.

Very truly yours,

MOORE INGRAM JOHNSON & STEELE, LLP

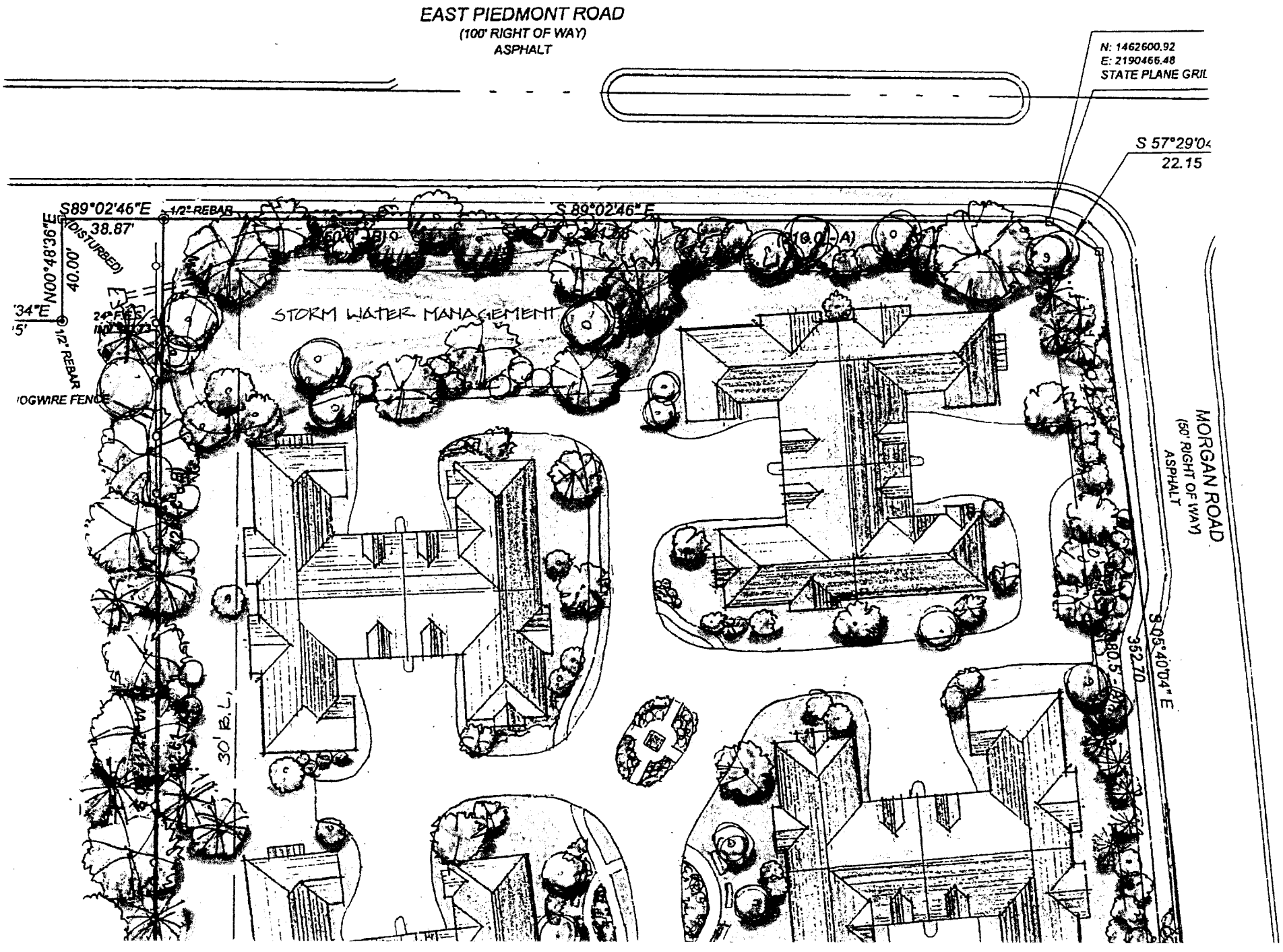
J. Kevin Moore

JKM:cc

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

Ms. Martha Adams, President
East Cobb Civic Association, Inc.

Land Trends Development, LLC
Palladian, Inc.


EAST PIEDMONT ROAD
(100' RIGHT OF WAY)
ASPHALT
N: 1462600.92
E: 2190466.48
STATE PLANE GRID
S 57°29'04
22.15
S89°02'46"E
1/2" REBAR
S 89°02'46" E
38.87'
(DISTURBED)
40.00'
N00°48'36"E
34"E
5'
1/2" REBAR
OGWIRE FENCE
STORM WATER MANAGEMENT
30' B.L.
MORGAN ROAD
(50' RIGHT OF WAY)
ASPHALT
S 05°40'04" E
352.70

ATTACHMENT TO APPLICATION FOR REZONING

Application No.: Z-93 (2005)
Hearing Dates: June 7, 2005 and
June 21, 2005

Applicant: Land Trends Development, LLC
Titleholder: 1160 Piedmont Rd. NE Land Holding
Trust #764

1160 PIEDMONT RD. NE LAND HOLDING
TRUST #764

BY: WMS MANAGEMENT, FIRST TRUSTEE

BY: [signature]
TITLE First Trustee, WMS Management

Address: 3595 Canton Rd. A9339
Marietta GA 30066

Telephone No.: (678) 453-2001

Signed, sealed, and delivered
in the presence of:

Carolyn E. Cook
Notary Public
Commission Expires: Notary Public, Cobb County, Georgia
My Commission Expires Jan. 10, 2007

(Notary Seal)

ATTACHMENT TO APPLICATION FOR REZONING

Application No.: Z-93 (2005)
Hearing Dates: June 7, 2005 and June 21, 2005

Applicant: Land Trends Development, LLC
Titleholder: 1180 Piedmont Rd. NE Land Holding Trust #763

1180 PIEDMONT RD. NE LAND HOLDING TRUST #763

BY: WMS MANAGEMENT, FIRST TRUSTEE

BY: [signature]
TITLE 3595 First Trustee, WMS Management

Address: 3595 Canton Rd. A9339
Marietta GA 30066

Telephone No.: (678) 453-2001

Signed, sealed, and delivered in the presence of:

Carolyn E. Cook
Notary Public
Commission Expires: Notary Public, Cobb County, Georgia My Commission Expires Jan. 10, 2007

(Notary Seal)

ATTACHMENT TO APPLICATION FOR REZONING

Application No.: Z-93 (2005)
Hearing Dates: June 7, 2005 and June 21, 2005

Applicant: Land Trends Development, LLC
Titleholder: Eastside Baptist Church @ Piedmont, Inc.

BY: [signature]
TITLE President

Address: 1100 Piedmont Rd
Marietta, GA 30066

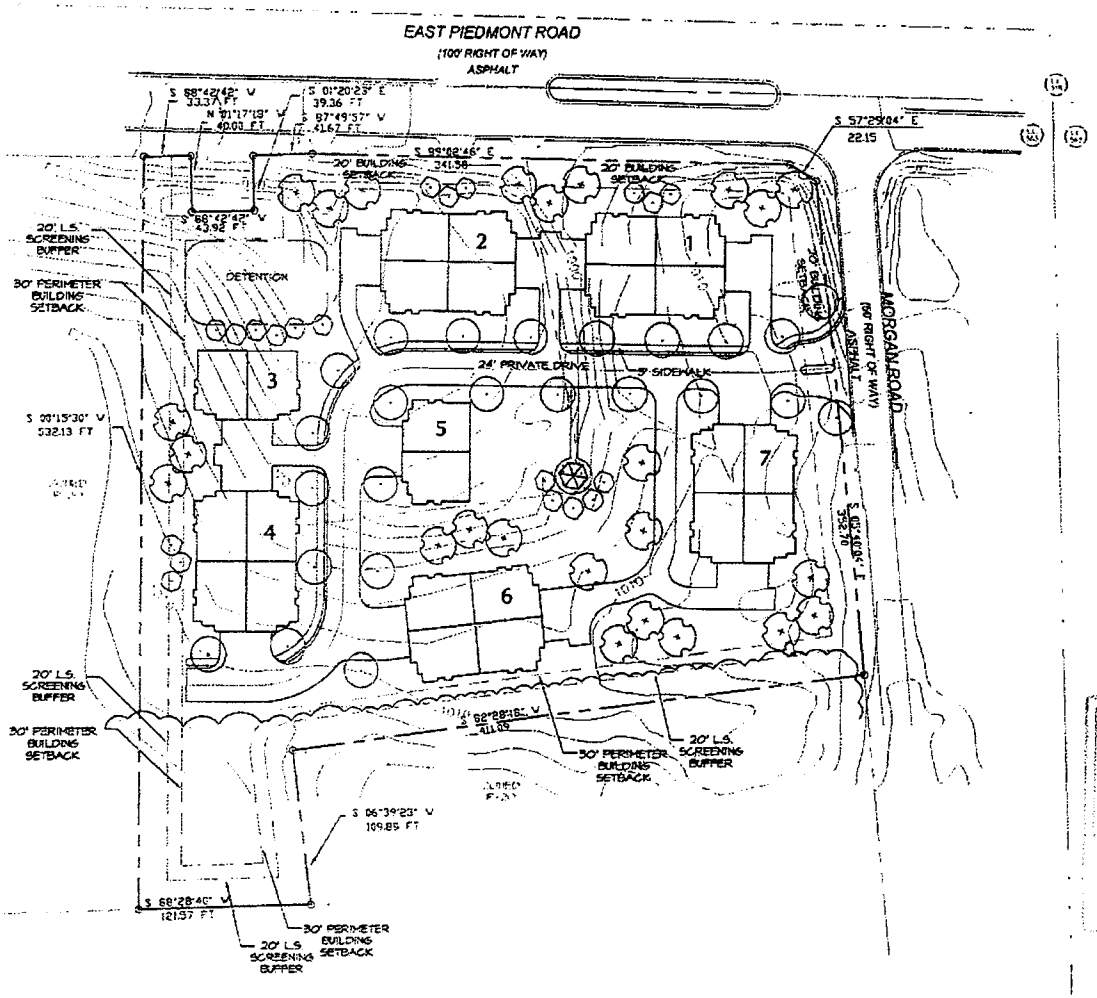
Telephone No.: (770) 973-0063

Signed, sealed, and delivered
in the presence of:

[signature]
Notary Public
Commission Expires:

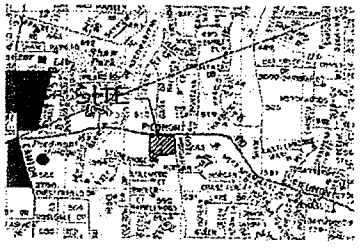
(Notary Seal)

FRANCES ELLEN TWELKEMEIER
NOTARY
GEORGIA
EXPIRES
JULY 20, 2008
PUBLIC
COBB COUNTY



SITE SUMMARY

SITE INFORMATION	
CURRENT ZONING:	R-20
PROPOSED ZONING:	RSL
TOTAL SITE AREA	4.81 ACRES
QUADS	
TOTAL UNITS	24
ALLOWABLE DENSITY	5 UNITS/ACRE
PROPOSED DENSITY	24 UNITS/ 4.81 ACRES= 4.99 UNITS PER ACRE



LOCATION MAP

N.T.S.

RECEIVED

APR - 7 2005

EASTSIDE VILLAGE

ZONING PLAN

LOCATED IN L.L. 563
16TH DISTRICT, 2ND SECTION
COBB COUNTY, GEORGIA

Prepared For:

LAND TRENDS DEVELOPMENT LLC.

Phone 678-766-7001 Fax 678-483-3330
1640 Powers Ferry Rd., Bldg. 84, Suite 300
Marietta, Ga. 30067 Fax 678-483-3330

3/24/05

Prepared By:

Site Development Consultants, Inc.
Land Planning · Site Development · Landscape Architecture
1875 Old Alabama Rd., Suite 430
Roswell, GA 30076
FAX 678-205-7026

0 20 40 80 NORTH

SCALE: 1"=40'-0"

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
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L. LAKE JORDAN
BRETT A. MILLER
JACQUELYN VAN TUYL**
KAREN S. KURTZ

OF COUNSEL
JOHN L. SKELTON, JR.

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

WRITER'S DIRECT DIAL NUMBER

January 23, 2006

Mr. Mark A. Danneman
Zoning Administrator
Zoning Division
Cobb County Community Development Agency
Suite 300
191 Lawrence Street
Marietta, Georgia 30060-1661

Hand Delivered

RE: Application for Stipulation Amendment
Application No.: Z-93 (2005)
Developer: Palladian, Inc.
Former Applicant: Land Trends Development, LLC
Property: 4.81 acres located at the southwesterly intersection of East Piedmont Road and Morgan Road; Land Lot 563, 16th District, 2nd Section, Cobb County, Georgia

Dear Mark:

As you will recall, the undersigned and this firm represented Land Trends Development, LLC, who was the Applicant in the Application for Rezoning of the approximately 4.81 acre tract located at the southwesterly intersection of East Piedmont Road and Morgan Road, Cobb County, Georgia (hereinafter referred to as the "Property" or the "Subject Property"). Palladian, Inc. (hereinafter referred to as "Developer") will be the developer of the Subject Property pursuant to the Residential Senior Living category approved by the Board of Commissioners on or about June 21, 2005.

In that regard, Developer requests the removal of one stipulation approved by the Cobb County Board of Commissioners requiring the construction of a deceleration lane on East Piedmont Road to Morgan Road. This request is based on the sufficient road improvements to East Piedmont Road and the signalization of the intersection of East Piedmont Road and Morgan Road which adequately address traffic concerns. Additionally, if the deceleration lane is required, there will be unwarranted loss of green space and developable land.

If the amendment is approved, as set forth above, the balance and remainder of the stipulations and conditions specifically enumerated in the official minutes, and attachments thereto, of the Board of Commissioners Zoning Hearing held on June 21, 2005, are unaltered by this request for stipulation amendment.

We respectfully request this Application for Stipulation Amendment be placed on the Board of Commissioners' "Other Business Agenda" for the scheduled Zoning Hearing on February 21, 2006. Thank you for your consideration in this matter. We look forward to confirmation of this item on the requested Zoning Hearing agenda and receipt of the signs in order to meet the requisite posting date.

If you should have any questions or require additional information at this time, please do not hesitate to contact me.

Very truly yours,

MOORE INGRAM JOHNSON & STEELE, LLP

J. Kevin Moore

JKM:cc

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

Ms. Martha Adams, President
East Cobb Civic Association, Inc.

Land Trends Development, LLC
Palladian, Inc.

Year 2008 Form

Application for "Other Business"
Cobb County, Georgia

(Cobb County Zoning Division – 770-528-2045) BOC Hearing Date Requested: 12-16-08

Applicant: PALLADIAN, INC Phone #: 770.509.3390
(applicant's name printed)

Address: 601 Woodlawn Dr #330 Marietta GA 30067 E-Mail: info@palladianproperties.com

CRAIG WRIGLEY Address: SAME
(representative's name, printed)

(representative's signature) Phone #: CELL 770.605.[illegible] E-Mail: craig@palladianproperties.com

Signed, sealed and delivered in presence of:

JOELLEN LEVY NOTARY PUBLIC EXP. MAY 6, 2011 COBB COUNTY, GEORGIA

Notary Public My commission expires: 5-6-2011

Commission District: 3 Zoning Case: Z-93

Date of Zoning Decision: 6.21.2005 Original Date of Hearing: 6.21.05

Location: Southwest Corner of the intersection of Morgan Rd and Piedmont Rd
(street address, if applicable; nearest intersection, etc.)

Land Lot(s): 563 District(s): 16

State specifically the need or reason(s) for Other Business:

To approve a modification to the approved site plan to show an interior street right-of-way with reduced front yard setbacks, as shown, that will allow the street, water, sewer and storm drainage to be dedicated to Cobb County.

(List or attach additional information if needed)

ORIGINAL DATE OF APPLICATION: 06-21-05

APPLICANTS NAME: LAND TRENDS DEVELOPMENT, LLC

THE FOLLOWING REPRESENTS THE FINAL DECISIONS OF THE COBB COUNTY BOARD OF COMMISSIONERS

BOC DECISION OF 12-16-08 ZONING HEARING:

OTHER BUSINESS ITEM #3 – TO CONSIDER AMENDING THE SITE PLAN AND STIPULATIONS FOR PALLADIAN, INC. REGARDING Z-93 (LAND TRENDS DEVELOPMENT, LLC) OF JUNE 21, 2005

To consider amending the site plan and stipulations for Palladian, Inc. regarding Z-93 (LAND TRENDS DEVELOPMENT, LLC) of June 21, 2005 for property in Land Lot 563 of the 16th District. Located at the southwest intersection of East Piedmont Road and Morgan Road.

Mr. Mark Danneman, Zoning Division Manager, provided information regarding requested site plan and stipulation amendments (allowing public infrastructure in RSL zoned property). Upon questioning by Commissioner Lee, the representative, Mr. Craig Wrigley, agreed to continue this request until the February 17, 2009 Board of Commissioners Zoning Hearing Other Business Agenda. Those present in opposition were agreeable to this as well. **No formal action was taken by the Board at this time.**

PALLADIAN

Design • Construction • Development

January 13, 2009

Mr. Tim Lee
Cobb County Commissioner
100 Cherokee Street
Marietta, GA 30090

RE: Other Business Item to be heard 02.17.09

Dear Commissioner Lee:

Attached is the site plan for Clarington, the RSL Community we are building on the corner of Piedmont and Morgan Road.

The request I have made is:

To approve a modification to the approved site plan to show an interior street right–of-way with the site plan, as shown, that will allow the street, water, sewer and storm drainage to be dedicated to Cobb County.

At the last hearing on December 12, 2008, you requested that the matter be postponed until February 17, 2009 so that I could address concerns of the DOT, Water, Sewer, and Stormwater staff. A meeting was held on December 30, 2008, and I believe that their requests have been addressed.

I would prefer not to build this community with a private road, sewer, water, storm drains, etc. even though it would be less expensive to do so. This layout and construction complies in all respects with Cobb County development standards. The residents will have a better, more worry-free infrastructure. This will also allow individual water meters instead of a master meter which is more equitable and results in better water conservation. A side benefit to public sewer is that it can be extended to serve adjacent neighbors, if needed.

Because the structures are one story, the front setback on the interior street has to be reduced to that which is shown on the plan. The right of way width is not compromised in any way. This should not trouble or concern any one outside the development. Whatever reasons there are for large, interior front yard setbacks won't apply here. For example, there is ample driveway length and parking area for vehicles to be removed from the street and sidewalk. The double garages and guest parking are a great distance from the street.

The resulting streetscape will not be crowded, particularly because the homes are single level. The courtyards are brick-enclosed, and the entrances are not facing the street. The result will be a charming, intimate scale, befitting this type of neighborhood.

If you have any questions about this, I can meet with you anytime before the hearing. It should take no more than 15 minutes. Or you can call me at 770-605-2690.

Thank you again for your consideration.

Sincerely,

Craig Wrigley

Craig Wrigley, President

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

PALLADIAN

Design • Construction • Development

January 13, 2009

Mr. Mark Danneman
Zoning Administrator
Cobb County Community Development Department
191 Lawrence Street
Marietta, GA 30060

RECEIVED
JAN 13 2009
3:50 PM
CO. COMM. DEV. AGENCY
ZONING DIVISION

Re: Other Business Item Regarding Z-93 of 2005

Dear Mark:

Please accept the attached site plan which has been changed to incorporate changes made in response to requests made in a meeting on 12.30.08 with high level representatives from Cobb County DOT, Stormwater and Sewer Division, and Water Management Division.

At the meeting Palladian, Inc. agreed to an additional stipulation requested by the Water and Sewer Division:

> Each homeowner shall have primary responsibility, rather than the Condominium Association, for the maintenance of that portion of the water line from the meter to the home.

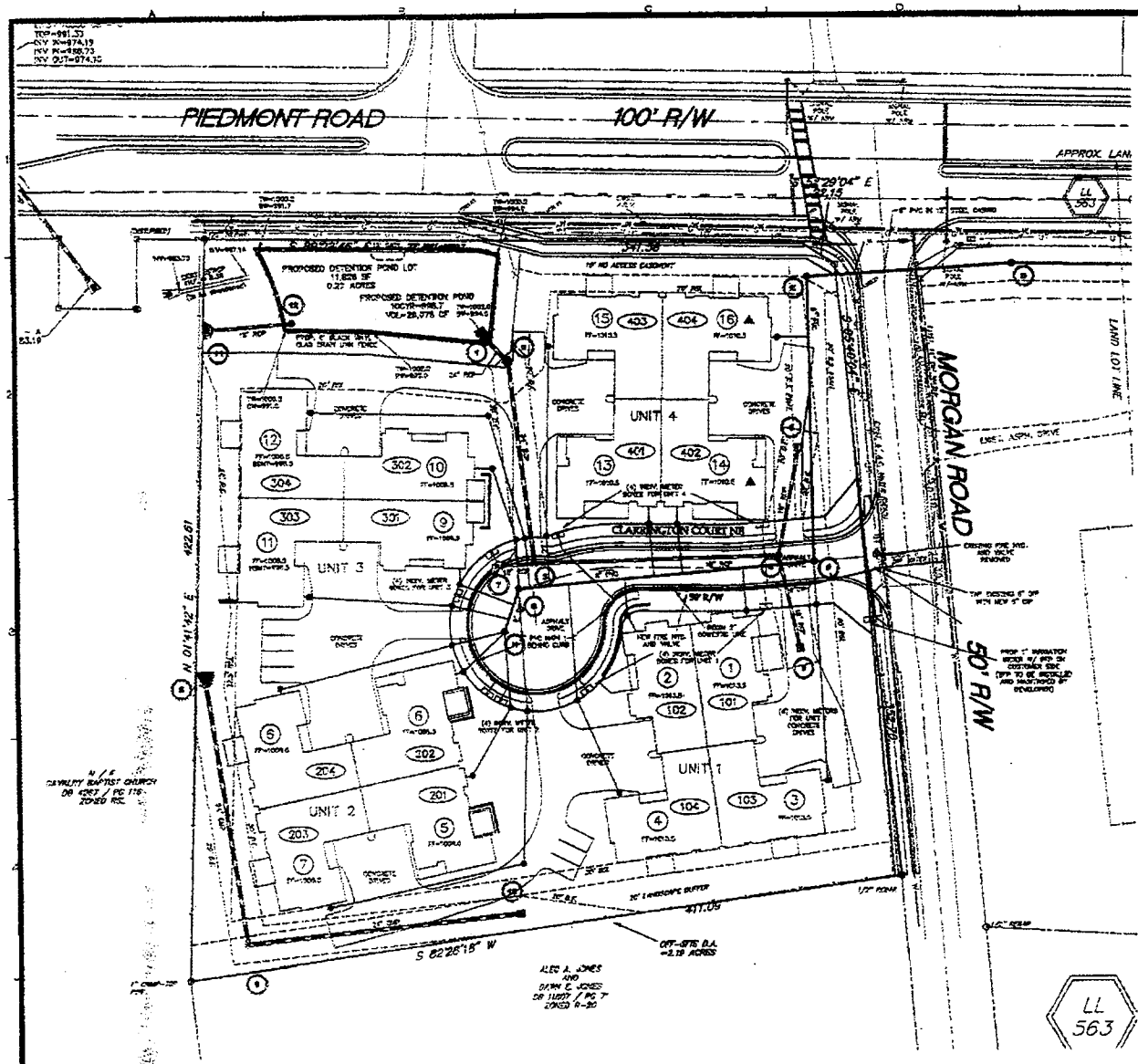
And to a stipulation requested by the Stormwater Management Division:

> There shall be a prohibition against covering patios on the rear of Building 2 (Unit 1 on the Plan) that are on the drainage easement.

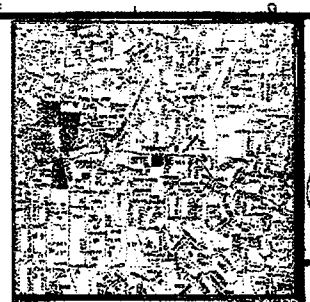
Sincerely,

Craig Wrigley
President

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



Grid North (GA West Zone)



LOCATION MAP
not to scale / ref. dwg. sized

OWNER/DEVELOPER
PALLADIAN, INC.
ATTN: DAVID
(770) 509-3500

PRELIMINARY PLAT
CLARRINGTON
AN RSL DEVELOPMENT
LAND LOT 563 – 16TH DISTRICT – 2ND SECTION – COBB COUNTY

PROJECT DATA:
1. SITE AREA = 3.458
2. ZONING = RSL
3. DISTURBED AREA = 3.22
4. PROPOSED LOTS =15 LOTS
5. MINIMUM UNIT SIZE = 1800 SF
6. UNITS WILL BE ACC=RESTRICTED (55+)
7. DENSITY = 4.5 LOTS/AC.
8. SETBACKS
   FRONT=AS SHOWN
   SIDE=AS SHOWN
   REAR=AS SHOWN
9. BOUNDARY DATA WAS TAKEN FROM A BOUNDARY SURVEY FOR LANDSITES, PREPARED BY NCS CONSULTING ENGINEERS, P.C., AND BEARING THE SEAL AND SIGNATURE OF DOUGLAS P. CRUSE II, GA RLS 2537, DATED 5/22/2006.
10. ALL BEARINGS ARE BASED ON GEORGIA STATE PLANE – WEST ZONE NORTH AND ANGLES TURNED IN THE FIELD.
11. TOPOGRAPHY: COBB COUNTY GIS
12. BENCHMARK: GPS
13. REFERENCE DATUM: NAVD88
14. ALL CONSTRUCTION SHALL CONFORM TO COBB COUNTY STANDARDS AND SPECIFICATIONS.
15. NO OBVIOUS CEMETERY ON OR ADJACENT TO SITE
16. NO ARCHITECTURAL OR ARCHEOLOGICAL LANDMARKS EXISTING ON SITE.
17. NO OBVIOUS WETLANDS ON OR ADJACENT TO SITE.
18. ALL UTILITIES TO BE UNDERGROUND

PRELIMINARY ENGINEERING CERTIFICATE
I hereby certify that this proposed Preliminary Plat correctly represents data compiled or verified through a survey completed by me on _____ 19____ of property shown and described hereon.

By _____
Registered Georgia Engineer No. _____

Date _____

PRELIMINARY PLAT APPROVAL CERTIFICATE
All requirements of the Cobb County Subdivision Regulations relative to the preparation and submission of a Preliminary Plat having been fulfilled, approval of this plat is hereby granted subject to further provisions of said Regulations. This certificate shall expire _____

Development and Inspections Division _____ Date

Zoning Division _____ Date

GRAPHIC SCALE – IN FEET
15 0 30 60 90 120

REV. NO.	SHT. NO.	DESC.	DATE	BY
2	—	—	—	—
3	ALL	REVISE FOR PUBL. INFRASTRUCTURE	1-19-2006	JCC
1	ALL	COUNTY REVIEW COMMENTS	8-19-2005	JWB
0	C4	PROCESS FOR REVIEW ONLY	7-8-2005	JCC

REVISIONS

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DATE 1-18-2005
REV. P-5
DRWG TP2-1-05-01-5
LDEV STC
JOB 2004-
FILE 1-05-0-005
SHEET 6 OF 24

TOTAL AREA = 3.458 ACRES±
DISTURBED AREA = 3.22 ACRES±
PROPOSED IMPERVIOUS AREA = 1.812 ACRES
(52.4%±)

ZONING = LRO 2-45 OF 2005

ROAD DEDICATION TABLE

ROAD NAME	LENGTH
CLARRINGTON COURT NE	237.77'

(000) = ADDRESS
(17) = LOT NUMBER
(303) = CONDO UNIT NUMBER (FOR USE BY PALLADIAN) ONLY

ALL EXISTING BUILDINGS AND DRIVES TO BE REMOVED

PALLADIAN

Design • Construction • Development

RECEIVED
FEB 9 2009
12:30
COBB CO. COMM. DEV. AGENCY
ZONING DIVISION

February 3, 2009

Mr. Mark Danneman
Zoning Administrator
Cobb County Community Development Department
191 Lawrence Street
Marietta, GA 30060

Re: Other Business Item Regarding Z-93 of 2005

Dear Mark:

Please accept these revised stipulations that have resulted from the proposed plan being acceptable for public infrastructure by the Water and Sewer Division and the Stormwater Management Division. These will replace the stipulations in the letter to you on January 13, 2009.

The following is an amended version of the stipulation requested by the Water and Sewer Division:

> Each homeowner shall have primary responsibility, rather than the Condominium Association, for the maintenance of that portion of the water line from the meter to the home and for the maintenance of the sewer lateral from the right of way to the home.

The following is an amended version of the stipulation requested by the Stormwater Management Division:

> There shall be a prohibition against covering patios on the rear of Building 2 (Unit 1 on the Plan) that are on the drainage easement and a hold harmless agreement applying to any patio on a drainage easement.

Sincerely,

Craig Wrigley
President

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

DECEMBER 16, 2008 ZONING HEARING
"OTHER BUSINESS"
COMMISSION DISTRICT 3

ITEM # 3

PURPOSE

To consider amending the stipulations for Palladian, Inc. regarding Z-93 (LAND TRENDS DEVELOPMENT, LLC) of June 21, 2005 for property in Land Lot 563 of the 16th District. Located at the southwest intersection of East Piedmont Road and Morgan Road.

BACKGROUND

The subject property is zoned RSL subject to numerous conditions/stipulations that are attached. This request is to amend the site plan and stipulations to allow construction of a dedicated public street in lieu of the private streets originally approved. The access is still limited to Morgan Road and all of the units are interior to the proposed public street. The proposed site plan is attached. Staff is concerned with this proposal due to the fact all of the units are directly adjacent to the proposed right-of-way only providing nominal setbacks. If the original proposal had proposed public infrastructure, it is unlikely the existing density of 4.99 units per acre would have been granted since staff comments were based on this development utilizing private utilities and streets. The Zoning Analysis prepared for the original application is attached. Easements, setbacks and intersection requirements need to be addressed if the infrastructure is to be public. This project was presented as a condominium and most condominiums don't utilize public infrastructure, they utilize private infrastructure with common areas. The Other Business application is also attached.

FUNDING

N/A

RECOMMENDATION

The Board of Commissioners consider denying this amendment based on the above concerns. However, if approved all other previously approved conditions/stipulations should remain in effect especially the District Commissioner to approve the final site plan after review and comments from plan review.

ATTACHMENTS

Board of Commissioners Decision
Approved Site Plan
Proposed Site Plan
Original Zoning Analysis
Other Business Application

ORIGINAL DATE OF APPLICATION: 06-21-05

APPLICANTS NAME: LAND TRENDS DEVELOPMENT, LLC

THE FOLLOWING REPRESENTS THE FINAL DECISIONS OF THE COBB COUNTY BOARD OF COMMISSIONERS

BOC DECISION OF 06-21-05 ZONING HEARING:

LAND TRENDS DEVELOPMENT, LLC (1160 Piedmont Road NE Land Holding Trust #764, et al., owners) for Rezoning from **R-20** to **RSL** for the purpose of Residential Senior Living in Land Lot 563 of the 16th District. Located at the southwest intersection of East Piedmont Road and Morgan Road.

The public hearing opened and Mr. Kevin Moore, Ms. Carol Brown and Ms. Ethel Hursey addressed the Board. Following presentations and discussion, the following motion was made:

MOTION: Motion by Lee, second by Olens, to **approve** rezoning to the **RSL** zoning district **subject to:**

- **maximum twenty (20) units**
- **letter of agreeable stipulations from Mr. Kevin Moore dated June 1, 2005, *not otherwise in conflict* (copy attached and made a part of these minutes)**
- **installation of right-turn lane on East Piedmont**
- **consideration of pedestrian access to adjacent church**
- **creation of central or common greenspace/park area for the development**
- **final site plan to be approved by District Commissioner**
- **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
192 ANDERSON STREET
MARIETTA, GEORGIA 30060
WWW.MIJS.COM

JOHN H. MOORE
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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

Min. Bk. 35 Petition No. Z-93
Doc. Type Letter of Agreeable Stipulations
Meeting Date 6/21/05

June 1, 2005

Hand Delivered

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

RE: Application for Rezoning
Application No.: Z-93 (2005)
Applicant: Land Trends Development, LLC
Owners: 1160 Piedmont Rd. NE Land Holding Trust #764; 1180 Piedmont Rd. NE Land Holding Trust #763; and Eastside Baptist Church @ Piedmont, Inc.
Property: 4.81 acres located at the southwesterly intersection of East Piedmont Road and Morgan Road; Land Lot 563, 16th District, 2nd Section, Cobb County, Georgia

Dear John:

As you know, the undersigned and this firm represent Land Trends Development, LLC, the Applicant (hereinafter "Applicant"), and 1160 Piedmont Rd. NE Land Holding Trust #764; 1180 Piedmont Rd. NE Land Holding Trust #763; and Eastside Baptist Church @ Piedmont, Inc. the Property Owners (hereinafter collectively referred to as "Owners"), in their Application for Rezoning with regard to a total tract of 4.81 acres located at the southwesterly intersection of East Piedmont Road and Morgan Road, Land Lot 563, 16th District, Cobb County, Georgia (hereinafter the "Subject Property" or, alternatively, the "Property"). After meetings with planning and

MOORE INGRAM JOHNSON & STEELE

Petition No. Z-93
Meeting Date 6/21/05
Continued

zoning staff and various departmental representatives, discussions and meetings with area residents, and reviewing the staff comments and recommendations and 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.

(2) Rezoning of the Subject Property shall be from the existing R-20 zoning category to the Residential Senior Living ("RSL") zoning category, site plan specific to that certain Zoning Plan prepared by Site Development Consultants, Inc. dated May 11, 2005, filed with the Cobb County Zoning Office May 19, 2005.

(3) The Subject Property consists of approximately 4.81 acres of total site area and shall contain a maximum of twenty-four (24) units.

(4) The proposed residential community shall be a condominium development, complying in all respects with the Georgia Condominium Act, and being "for sale" units.

(5) The units within the proposed community shall have a minimum of 1,800 square feet, ranging upwards to a maximum of 2,500 square feet; and each unit shall have an attached two-car garage.

(6) The exteriors of the proposed homes shall be constructed of a combination of brick, stone, stacked stone, stucco, cedar shake siding, masonry siding, or combinations thereof, and shall be substantially similar to the elevations attached hereto as Exhibit "A."

(7) The main living area and master bedroom of each unit shall be located on the main level.

(8) Sales of the units shall be limited to senior citizens fifty-five (55) years of age and older under the Federal Fair Housing Act.

(9) Applicant agrees to comply with the "easy living" standards as set forth in the subject Ordinance.

(10) Applicant agrees to the recording and enforcement of a Declaration of Restrictive Covenants which will contain covenants, rules, and regulations applicable to the proposed residential community.

(11) Additionally, and in conjunction with the Declaration of Restrictive Covenants, Applicant agrees to the creation of a mandatory condominium association which shall be responsible for the upkeep and maintenance of the exteriors, entrance area, signage, amenity area, all common areas, and private streets contained within the proposed residential community.

(12) The yard area around each unit shall be fully sodded and maintained by the mandatory homeowners association to be created through the Declaration of Restrictive Covenants applicable to the residential community.

(13) The entrance into the proposed community shall be professionally designed, landscaped, and maintained with signage being ground-based, monument style.

(14) Applicant agrees to submit a landscape plan for the Subject Property's frontage along East Piedmont Road and Morgan Road, which plan shall incorporate the entrance features as well as be designed to provide visual screening; and such plan shall be approved by the Cobb County Arborist during the plan review process.

(15) All utilities for the proposed residential community shall be located underground.

MOORE INGRAM JOHNSON & STEELE

Petition No. Z-93
Meeting Date 6/21/05
Continued

(16) Access to the proposed residential community shall be limited to Morgan Road, and there shall be no access permitted from East Piedmont Road.

(17) There shall be established a minimum twenty (20) foot landscape buffer along the boundaries of the Subject Property adjacent to all existing residential properties.

(18) Applicant agrees that all lighting within the proposed development shall be limited to no more than eight (8) feet in height and environmentally sensitive, low-level luminous, so as to prevent light from penetrating onto surrounding residential properties.

(19) All landscaping referenced herein shall be approved by the Cobb County Arborist as part of the plan review process and incorporated into the overall landscape plan for the proposed community.

(20) Internal sidewalks shall be constructed providing connectivity to public sidewalks.

(21) All streets within the proposed community shall be private with the construction complying in all respects as to materials, base, and other requirements to the Cobb County Code.

(22) Minor modifications to the referenced Zoning Plan, including, but not limited to, the layout of buildings and stormwater control measures may be approved by the District Commissioner, as needed or necessary.

(23) The stormwater management area shall be appropriately fenced and landscaped for purposes of visual screening. The landscaping shall be approved by the Cobb County Arborist during the plan review process.

(24) All setbacks and 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.

(25) 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.

(26) Applicant agrees to the following system improvements to mitigate traffic concerns:

(a) Donation of right-of-way along the westerly side of Morgan Road a maximum of thirty (30) feet from the existing roadway centerline;

(b) Donation of right-of-way along the southerly side of East Piedmont Road a maximum of thirty (30) feet from the existing roadway centerline;

(c) Installation of sidewalk, curb, and gutter along the frontage of the Subject Property on East Piedmont Road and Morgan Road; and

(d) Construction of a deceleration lane one hundred fifty (150) feet in length along the westerly side of Morgan Road for purposes of ingress into the proposed residential community.

(27) The above stipulations shall bind the Subject Property and the Applicant, and any other future or potential developer of the Subject Property; however, in the event that Applicant, or an affiliated or subsidiary company of Applicant, does not purchase, or close on, the Subject Property within six (6) months of the final rezoning, the zoning category shall revert to its existing R-20 zoning classification and notice shall be filed by Applicant with the Cobb County Planning and Zoning Office.

Mr. John P. Pederson
Planner III
Zoning Division
Cobb County Community Development Agency
Page Six
June 1, 2005

We believe the requested zoning, pursuant to the revised Zoning Plan and the stipulations set forth herein, is an appropriate use of the Subject Property while taking into consideration the existing conditions of the Property and the area surrounding the proposed development. The proposed residential community shall be a quality development, providing a much-needed and highly sought after type of community within the Cobb County area. Additionally, the proposed community shall be compatible with surrounding developments and be an enhancement to the Subject Property. Thank you for your consideration in this request.

Very truly yours,

MOORE INGRAM JOHNSON & STEELE, LLP

J. Kevin Moore

JKM:cc
Enclosure
c: Cobb County Board of Commissioners:
Samuel S. Olens, Chairman
Helen C. Goreham
Annette Kesting
Joe L. Thompson
Tim Lee
(With Copy of Enclosure)

Cobb County Planning Commission:
Murray Homan, Chairman
Judy Williams
Bob Hovey
Christi S. Trombetti
Bob Ott
(With Copy of Enclosure)

Petition No. Z-93
Meeting Date 6/21/05
Continued

Mr. John P. Pederson
Planner III
Zoning Division
Cobb County Community Development Agency
Page Seven
June 1, 2005

c: Martha Adams, President
East Cobb Civic Association, Inc.
(With Copy of Enclosure)

Don Brundage
Northeast Cobb Homeowners Group
(With Copy of Enclosure)

Carl Carver
(With Copy of Enclosure)

Land Trends Development, LLC
(With Copy of Enclosure)

Petition No. Z-93
Meeting Date 6/21/05
Continued Elevation referenced in letter

TYPICAL ELEVATION "A"

TYPICAL ELEVATION "B"

TYPICAL ELEVATION "C"

Landtrends Development

EASTSIDE VILLAGE
CONCEPTUAL HOME DESIGNS

CALDWELL & CLINE
ARCHITECTS & ENGINEERS

Exhibit "A"

ORIGINAL DATE OF APPLICATION: 06-21-05

APPLICANTS NAME: LAND TRENDS DEVELOPMENT, LLC

THE FOLLOWING REPRESENTS THE FINAL DECISIONS OF THE COBB COUNTY BOARD OF COMMISSIONERS

BOC DECISION OF 02-21-06 ZONING HEARING:

OTHER BUSINESS ITEM #7 – TO CONSIDER AMENDING THE STIPULATIONS FOR PALLADIAN, INC. REGARDING Z-93 (LAND TRENDS DEVELOPMENT, LLC) OF JUNE 21, 2005

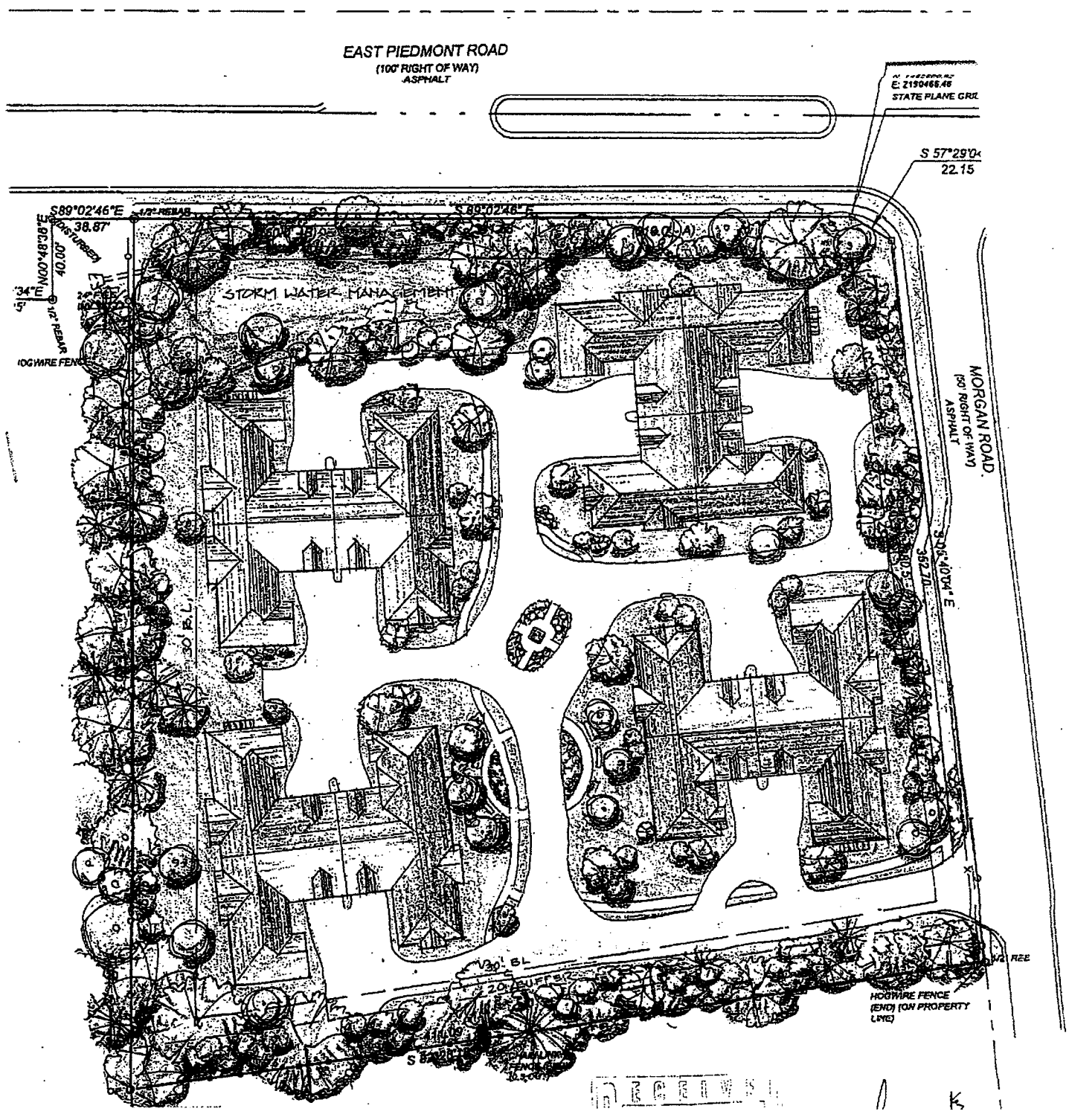
To consider amending the stipulations for Palladian, Inc. regarding Z-93 (LAND TRENDS DEVELOPMENT, LLC) of June 21, 2005 for property in Land Lot 563 of the 16th District. Located at the southwest intersection of East Piedmont Road and Morgan Road.

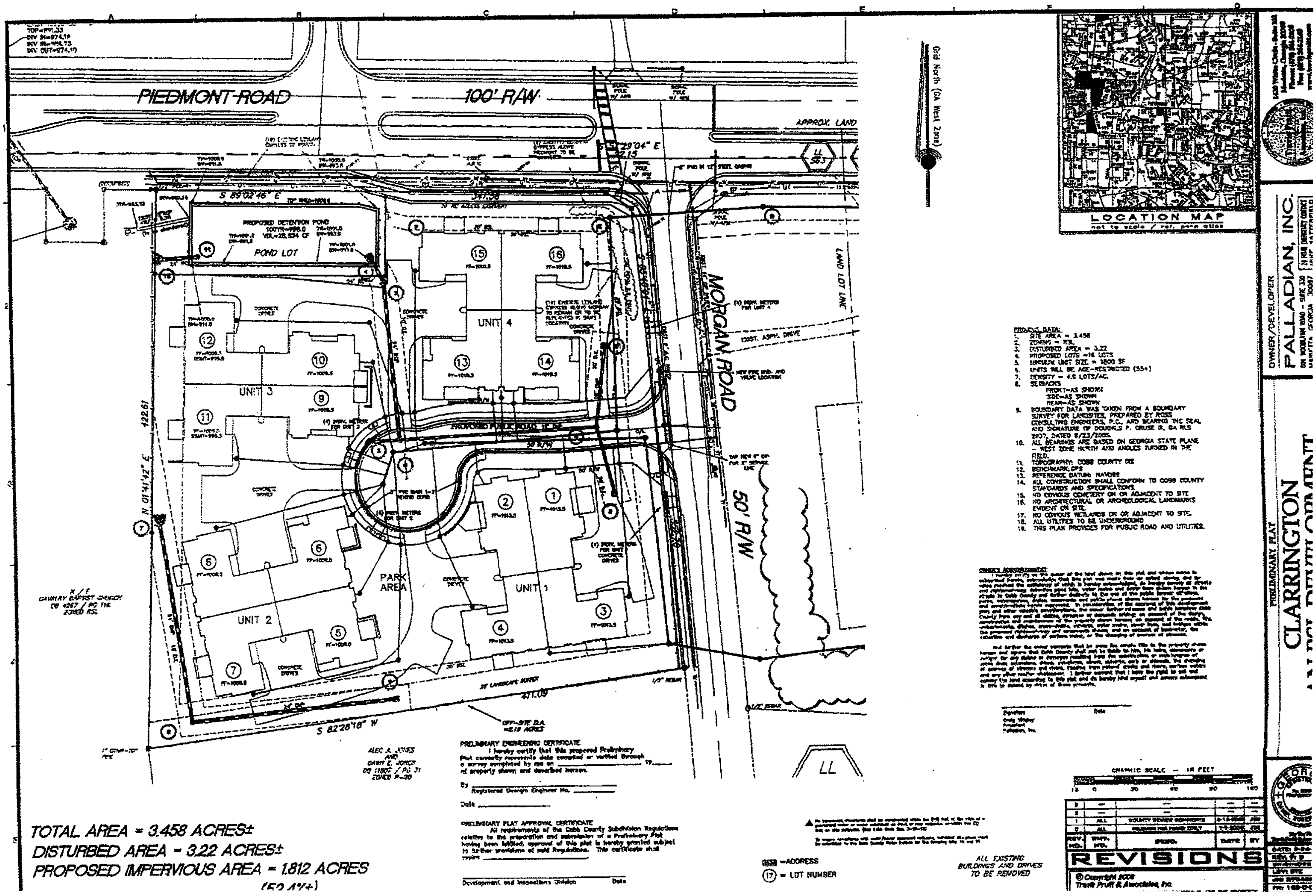
Mr. Mark Danneman, Zoning Division Manager, provided information regarding request to amend stipulations. The public hearing was opened and Mr. Kevin Moore addressed the Board. Following presentation and discussion, the following motion was made.

MOTION: Motion by Lee, second by Olens, to **reject** request to remove stipulation requiring right-turn lane on East Piedmont Road and to **authorize** removal of stipulation requiring deceleration lane on Morgan Road.

VOTE: **ADOPTED** unanimously

Clerk's Note: Cobb DOT staff to file letter with the Zoning Division stating approval of the changes outlined above.

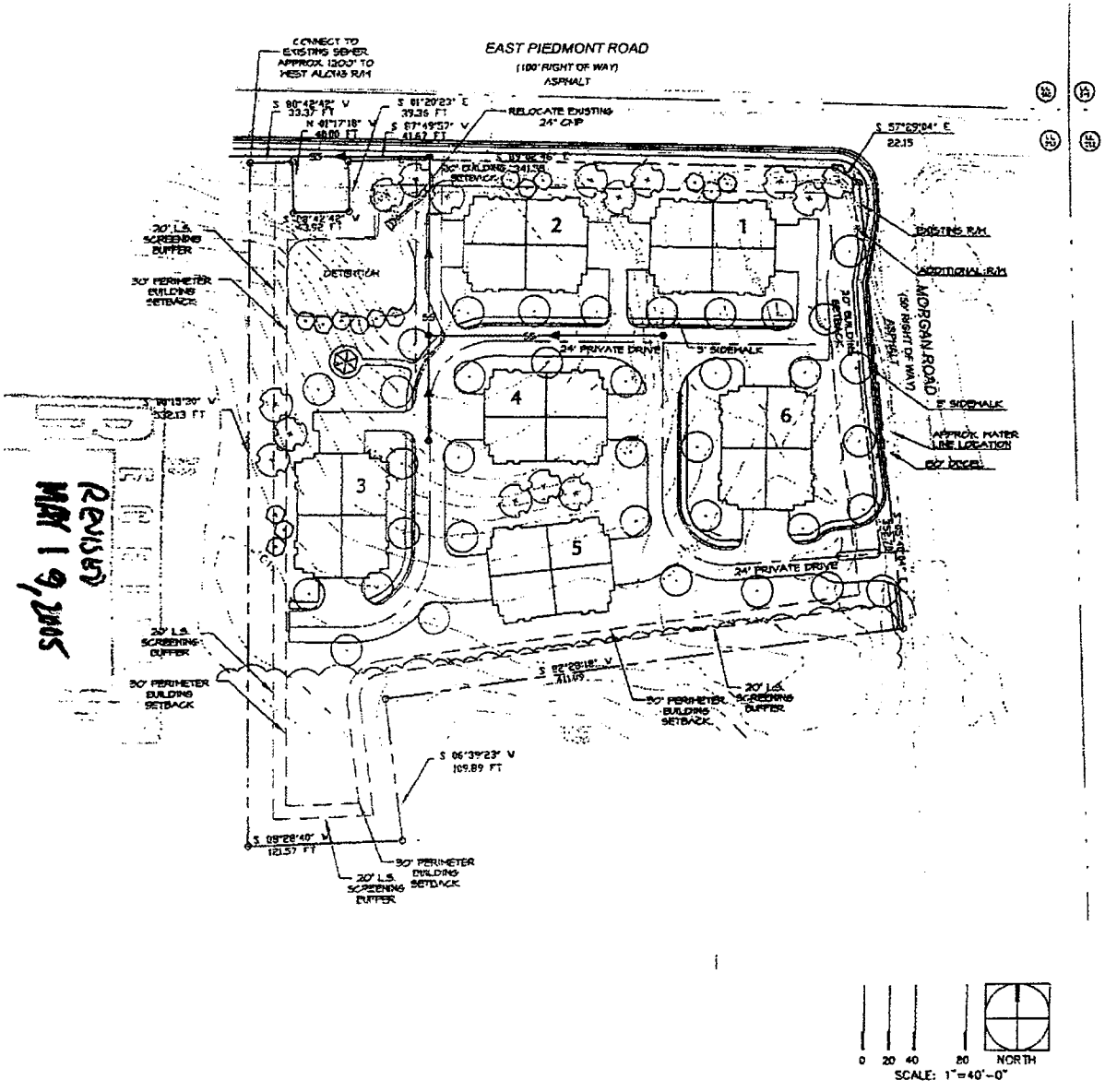

EAST PIEDMONT ROAD
(100' RIGHT OF WAY)
ASPHALT
E: 2190466.46
STATE PLANE GRID
S 57°29'0
22.15
S89°02'46"E
38.87'
1/2" REBAR
S89°02'46"E
N00°48'38"E
40.00'
1/2" REBAR
HOGWIRE FENCE
STORM WATER MANAGEMENT
MORGAN ROAD
(50' RIGHT OF WAY)
ASPHALT
S00°40'04"E
352.70'
30' BL
20' BUFFER
HOGWIRE FENCE
(END) (ON PROPERTY LINE)



PRELIMINARY PLAT
CLARRINGTON
OWNER/DEVELOPER
PALLADIAN, INC.
LOCATION MAP
not to scale / ref. para atlas
Grid North (GA West Zone)
PIEDMONT ROAD
100' R/W
MORGAN ROAD
50' R/W
LAND LOT LINE
APPROX. LAND
LL
UNIT 1
UNIT 2
UNIT 3
UNIT 4
PARK AREA
POND LOT
PROPOSED DETENTION POND
PROPOSED PUBLIC ROAD
S 89°02'46" E
S 82°28'18" W
N 01°41'42" E
422.61
411.09
EXIST. ASPH. DRIVE
OFF-SITE D.A. =2.19 ACRES
N/F CALVARY BAPTIST CHURCH DB 4267 / PG 116 ZONED RSL
ALEC A. JONES AND DAWN E. JONES DB 11807 / PG 71 ZONED R-20
PROJECT DATA:
1. SITE AREA = 3.456
2. ZONING = RSL
3. DISTURBED AREA = 3.22
4. PROPOSED LOTS =16 LOTS
5. MINIMUM UNIT SIZE = 1800 SF
6. UNITS WILL BE AGE-RESTRICTED (55+)
7. DENSITY = 4.8 LOTS/AC.
8. SETBACKS
FRONT=AS SHOWN
SIDE=AS SHOWN
REAR=AS SHOWN
9. BOUNDARY DATA WAS TAKEN FROM A BOUNDARY SURVEY FOR LANDSITES, PREPARED BY ROSS CONSULTING ENGINEERS, P.C., AND BEARING THE SEAL AND SIGNATURE OF DOUGLAS P. CRUSE III, GA RLS 2937, DATED 8/23/2005.
10. ALL BEARINGS ARE BASED ON GEORGIA STATE PLANE - WEST ZONE NORTH AND ANGLES TURNED IN THE FIELD.
11. TOPOGRAPHY: COBB COUNTY GIS
12. BENCHMARK: GPS
13. REFERENCE DATUM: NAVD88
14. ALL CONSTRUCTION SHALL CONFORM TO COBB COUNTY STANDARDS AND SPECIFICATIONS.
15. NO OBVIOUS CEMETERY ON OR ADJACENT TO SITE.
16. NO ARCHITECTURAL OR ARCHEOLOGICAL LANDMARKS EVIDENT ON SITE.
17. NO OBVIOUS WETLANDS ON OR ADJACENT TO SITE.
18. ALL UTILITIES TO BE UNDERGROUND
19. THIS PLAN PROVIDES FOR PUBLIC ROAD AND UTILITIES.
PRELIMINARY ENGINEERING CERTIFICATE
I hereby certify that this proposed Preliminary Plat correctly represents data compiled or verified through a survey completed by me on ______ 19__ of property shown and described hereon.
By ______
Registered Georgia Engineer No. ______
Date ______
PRELIMINARY PLAT APPROVAL CERTIFICATE
All requirements of the Cobb County Subdivision Regulations relative to the preparation and submission of a Preliminary Plat having been fulfilled, approval of this plat is hereby granted subject to further provisions of said Regulations. This certificate shall expire ______
Development and Inspections Division
Date
= ADDRESS
(17) = LOT NUMBER
ALL EXISTING BUILDINGS AND DRIVES TO BE REMOVED
GRAPHIC SCALE — IN FEET
REVISIONS
© Copyright 2006
Travis Pruitt & Associates, Inc.
TOTAL AREA = 3.458 ACRES±
DISTURBED AREA = 3.22 ACRES±
PROPOSED IMPERVIOUS AREA = 1.812 ACRES
(52.4%±)

Z-93

6/21/05 BOC Hearing



REVISED MAY 19, 2005

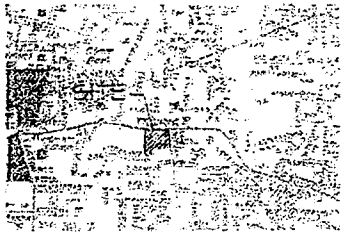
0 20 40 80 NORTH
SCALE: 1"=40'-0"

SITE SUMMARY

SITE INFORMATION	
CURRENT ZONING:	R-20
PROPOSED ZONING:	PSL
TOTAL SITE AREA	4.81 ACRES
QUADS	
TOTAL UNITS	24
ALLOWABLE DENSITY	5 UNITS/ACRE
PROPOSED DENSITY	24 UNITS/ 4.81 ACRES= 4.99 UNITS PER ACRE

THIS SITE DOES NOT LIE WITHIN A FLOOD HAZARD AREA PER FIRM PANEL 13067C0035 F. DATED AUG. 18 1992

THIS SITE DOES NOT CONTAIN WETLAND AREAS PER THE NATIONAL WETLANDS INVENTORY ONLINE MAPPING SERVICE.



LOCATION MAP

N.T.S.

EASTSIDE VILLAGE

ZONING PLAN

LOCATED IN L.L. 563
15TH DISTRICT, 2ND SECTION
COBB COUNTY, GEORGIA

N W E S

Prepared For:

LAND TRENDS DEVELOPMENT LLC.

5/11/05

Prepared By:

Site Development Consultants, Inc.

APPLICANT: Land Trends Development, LLC
678-483-3000

REPRESENTATIVE: Moore Ingram Johnson & Steele, LLP
J. Kevin Moore 770-429-1499

TITLEHOLDER: 1160 Piedmont Road NE Land Holding Trust
#764, et al.

PROPERTY LOCATION: Located at the southwest intersection of East Piedmont Road and Morgan Road.

ACCESS TO PROPERTY: Morgan Road

PHYSICAL CHARACTERISTICS TO SITE: Existing houses

PETITION NO: Z-93

HEARING DATE (PC): 06-07-05

HEARING DATE (BOC): 06-21-05

PRESENT ZONING: R-20

PROPOSED ZONING: RSL

PROPOSED USE: Residential Senior Living

SIZE OF TRACT: 4.81 acres

DISTRICT: 16

LAND LOT(S): 563

PARCEL(S): 2, 5

TAXES: PAID X DUE

COMMISSION DISTRICT: 3

CONTIGUOUS ZONING/DEVELOPMENT

NORTH:	R-20/ Northeast Colony subdivision
SOUTH:	R-20, R-15/ Single-family house, Ramblewood subdivision
EAST:	R-20/ Power substation
WEST:	R-20/ Church

OPPOSITION: NO. OPPOSED ____ PETITION NO: ____ SPOKESMAN _____

PLANNING COMMISSION RECOMMENDATION

APPROVED _____ MOTION BY _____

REJECTED _____ SECONDED _____

HELD _____ CARRIED _____

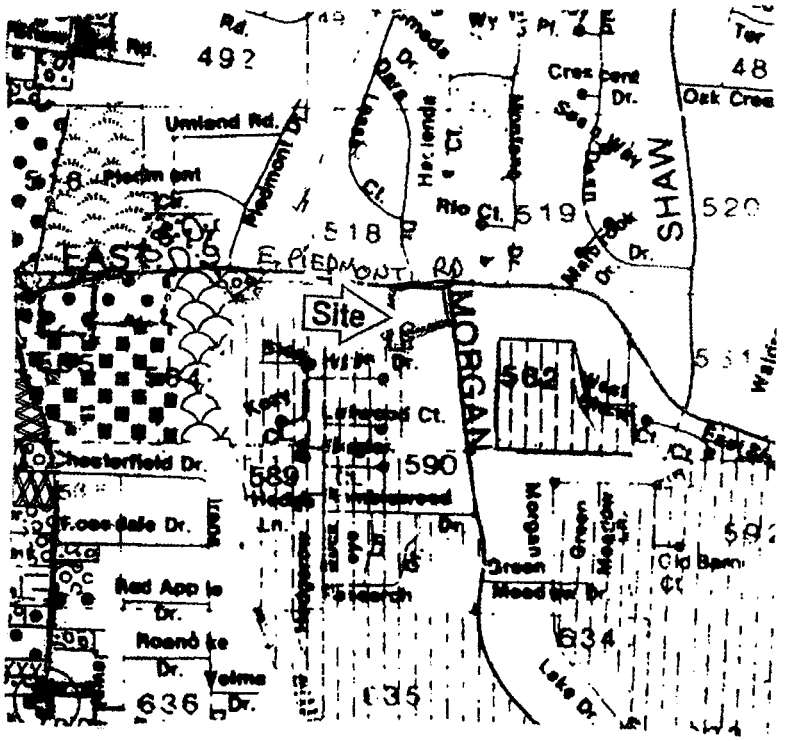
BOARD OF COMMISSIONERS DECISION

APPROVED _____ MOTION BY _____

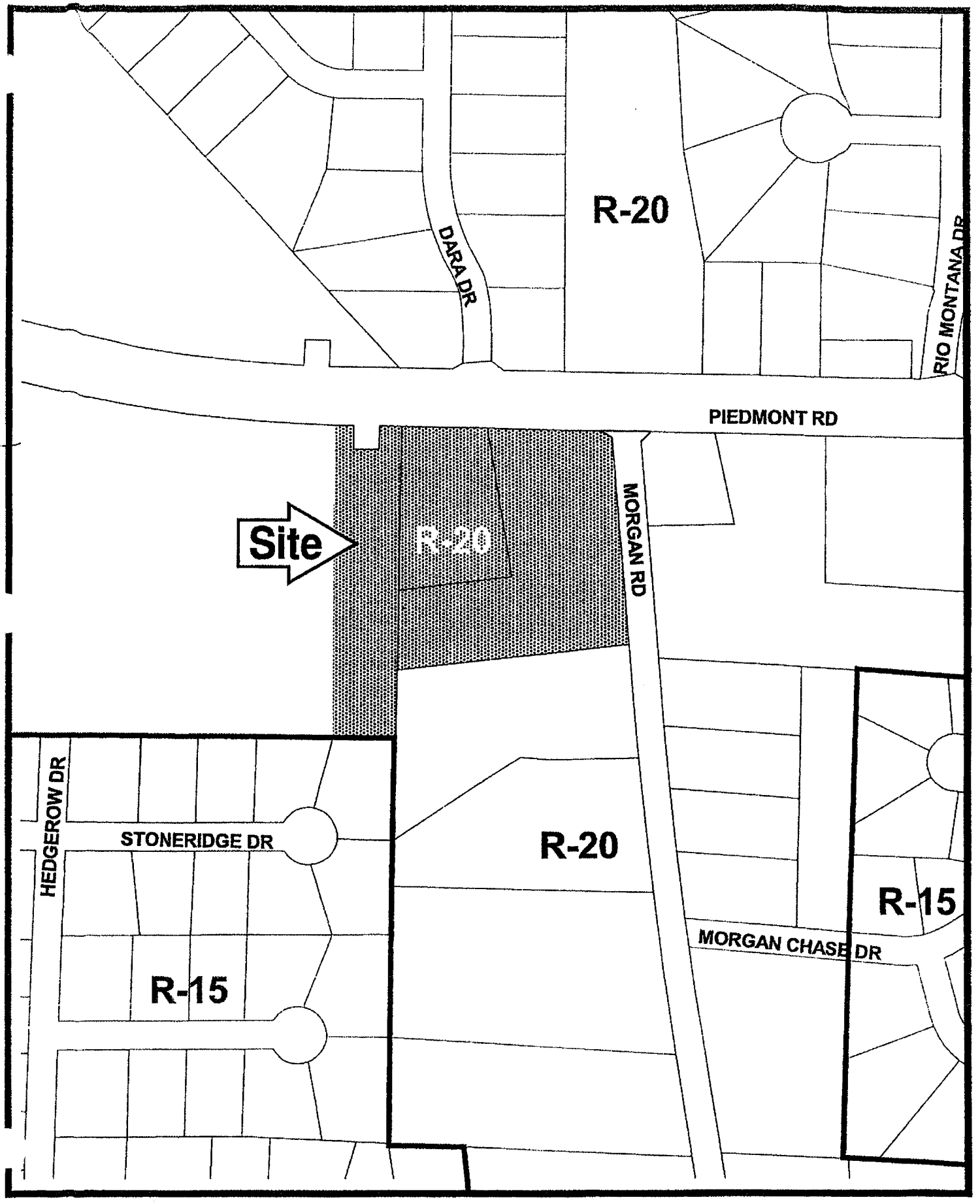
REJECTED _____ SECONDED _____

HELD _____ CARRIED _____

STIPULATIONS:



Z-93



This map is provided for display and planning purposes only. It is not meant to be a legal description.

100 0 100 200 Feet

Approximate Zoning Boundaries

Draft Parcel Boundaries

APPLICANT: Land Trends Development, LLC **PETITION NO.:** Z-93

PRESENT ZONING: R-20 **PETITION FOR:** RSL

* *

PLANNING COMMENTS: **Staff Member Responsible:** John P. Pederson

Land Use Plan Recommendation: Low Density Residential, Public Institutional

Proposed Number of Units: 24 **Overall Density:** 4.99 **Units/Acre**

Present Zoning Would Allow: 8 **Units** **Increase of:** 16 **Units/Lots**

The applicant is requesting the RSL zoning district to develop a small senior condominium community. The buildings would be traditional in styling with hard surface exteriors, and range from 1 to 1½ stories. The units would be a minimum 1,800 square-feet, and would start selling in the high $200,000's. Each home would have an attached two-car garage.

Historic Preservation: After reviewing various county resources including historic and archeological resource surveys, documented Civil War trench maps, and historic aerial maps, staff finds no known historic properties affected by this application. No further comment. No action by applicant requested at this time.

Cemetery Preservation: No comment.

APPLICANT: Land Trends Development, LLC **PETITION NO.:** Z-93

PRESENT ZONING: R-20 **PETITION FOR:** RSL

* *

SCHOOL COMMENTS:

Name of School	Enrollment	Capacity Status	Number of Portable Classrooms
Elementary			
Middle			
High			

Additional Comments:

* *

FIRE COMMENTS:

Station No. & Location	Response Time	
1.		☐adequate ☐inadequate
2.		☐adequate ☐inadequate
3.		☐adequate ☐inadequate

GPM Requirements: ____________ **Water Main Size Required:** ____________

APPLICANT Land Trends Development, LLC **PETITION NO.** Z-093

PRESENT ZONING R-20 **PETITION FOR** RSL

* *

NOTE: Comments reflect only what facilities were in existence at the time of this review.

WATER COMMENTS:

Available at Development?	☑ Yes	☐ No
Fire Flow Test Required?	☑ Yes	☐ No

Size / Location of Existing Water Main(s): ***6" AC / W side Morgan Rd***

Additional Comments: Master meter to be at entrance

Developer may be required to install/upgrade water mains, based on fire flow test results or Fire Department Code. This will be resolved in the Plan Review Process.

* *

SEWER COMMENTS:

In Drainage Basin?	☑ Yes	☐ No	
At Development?	☐ Yes	☑ No	

Approximate Distance to Nearest Sewer: ***1000' W across creek***

Estimated Waste Generation (in G.P.D.): **A D F** 9,600 **Peak** 24,000

Treatment Plant: **Noonday**

Plant Capacity Available?	☑ Yes	☐ No	
Line Capacity Available?	☑ Yes	☐ No	
Projected Plant Availability:	☑ 0 - 5 year	☐ 5 - 10 years	☐ over 10 years
Dry Sewers Required?	☐ Yes	☑ No	
Off-site Easements Required?	☐ Yes*	☑ No	
Flow Test Required?	☐ Yes	☑ No	
Letter of Allocation issued?	☐ Yes	☑ No	
Septic Tank Recommended by this Department?	☐ Yes	☑ No	
Subject to Health Department Approval?	☐ Yes	☑ No	

*** If off-site easements are required, Developer must submit easements to CCWS for review / approval as to form and stipulations prior to the execution of easement(s) by the property owner(s). All easement acquisitions are the responsiblity of the Developer.**

Additional Comments:

Developer will be responsible for connecting to the existing County water and sewer systems, installing and/or upgrading all outfalls and water mains, obtaining on and/or off site easements, dedication of on and/or off site water and sewer to Cobb County, as may be required. Rezoning does not guarantee water/sewer availability/capacity unless so stated in writing by the Cobb County Water System. Permit issuances subject to continued treatment plant compliance with EPD discharge requirements.

APPLICANT: Land Trends Development, LLC PETITION NO.: Z-93

PRESENT ZONING: R-20 PETITION FOR: RSL

* *

DRAINAGE COMMENTS

FLOOD HAZARD: ☒ YES ☐ NO ☐ POSSIBLY, NOT VERIFIED

Little Noonday Creek of Noonday Creek / Little River Undefined-culvert headwater

DRAINAGE BASIN: Lake Allatoona System FLOOD HAZARD INFO: pool in northwest quarter

☐ FEMA designated 100-year Floodplain Flood.
☒ Flood Damage Prevention Ordinance DESIGNATED FLOOD HAZARD.
☒ Project subject to the Cobb County Flood Damage Prevention Ordinance Requirements.
☐ Dam Breach zone from (upstream) (onsite) lake - need to keep residential buildings out of hazard.

WETLANDS: ☐ YES ☐ NO ☒ POSSIBLY, NOT VERIFIED

Location: within Flood Hazard

☒ The Owner/Developer is responsible for obtaining any required wetland permits from the U.S. Army Corps of Engineer.

STREAMBANK BUFFER ZONE: ☐ YES ☒ NO ☐ POSSIBLY, NOT VERIFIED

☐ Metropolitan River Protection Area (within 2000' of Chattahoochee River) ARC (review 35' undisturbed buffer each side of waterway).
☐ Chattahoochee River Corridor Tributary Area - County review (________ undisturbed buffer each side).
☐ Georgia Erosion-Sediment Control Law and County Ordinance - County Review/State Review.
☐ Georgia DNR Variance may be required to work in 25-foot stream bank buffers.
☐ County Buffer Ordinance: 50', 75', 100' or 200' each side of creek channel.

DOWNSTREAM CONDITION

☒ Potential or Known drainage problems exist for developments downstream from this site.
☒ Stormwater discharges must be controlled not to exceed the capacity available in the downstream storm drainage system.
☒ Minimize runoff into public roads.
☒ Minimize the effect of concentrated stormwater discharges onto adjacent properties.
☒ Developer must secure any R.O.W required to receive concentrated discharges where none exist naturally
☒ Existing Lake Downstream
Additional BMP's for erosion sediment controls will be required.
☒ Lake Study needed to document sediment levels.
☐ Stormwater discharges through an established residential neighborhood downstream.
☒ Project engineer must evaluate the impact of increased volume of runoff generated by the proposed project on downstream stormdrainage system.

APPLICANT: Land Trends Development, LLC PETITION NO.: Z-93

PRESENT ZONING: R-20 PETITION FOR: RSL

* *

DRAINAGE COMMENTS CONTINUED

SPECIAL SITE CONDITIONS

- ☐ Provide comprehensive hydrology/stormwater controls to include development of out parcels.
- ☒ Submit all proposed site improvements to Plan Review.
- ☒ Any **spring activity** uncovered must be addressed by a qualified Geotechnical Engineer (PE).
- ☒ Structural fill **in flood hazard, westland** must be placed under the direction of a qualified registered Georgia Geotechnical Engineer (PE).
- ☐ Existing facility.
- ☒ Project must comply with the Water Quality requirements of the CWA-NPDES-NPS Permit and County Water Quality Ordinance.
- ☐ Water Quality/Quantity contributions of the existing lake/pond on site must be continued as baseline conditions into proposed project.
- ☒ Calculate and provide % impervious of project site.
- ☐ Revisit design, reduce pavement area to reduce runoff and pollution.

INSUFFICIENT INFORMATION

- ☐ No Stormwater controls shown _________
- ☐ Copy of survey is not current - Additional comments may be forthcoming when current site conditions are exposed.
- ☐ No site improvements showing on exhibit.

ADDITIONAL COMMENTS/SUGGESTIONS

1) Tract terrain is dominated by an amphitheater shape centered in the northwest quarter. Ground slopes vary from 8-10% at the top rim along east and south property line, and in the "stage" area, to 21% - 24% on completely circling the "stage". A tree stand, over 100-feet wide, runs continuously along west property line. Remainder of tract is randomly wooded in small clumps and singles.
2) The proposed quad layout will require mass grading the site to remanufacture the terrain to the flat condition mandated and the flat land condition for which the quad concept was created. This is not fitting the development to the natural terrain using minimal grading as called for in State / Local Regulations. This design on this terrain is not supported.
3) The flood hazard / headwater pool at the culvert under Piedmont Road defines how the culvert operates and defines the rate of discharge for any given storm event. Said flood hazard encumbers ¾ of the building #2, and parts of buildings #5 and #3. The only way these buildings and their infrastructure can be built is to fill the pool hole. In doing so, the eliminated volume operation must be folded into the detention, which will grow significantly.
4) Plan calls for perimeter 20-feet landscape buffer through predominantly heavily wooded areas. Recommend this natural growth be utilized with added plantings where needed and as approved by County Arborist.
5) With Lake downstream, recommend higher level Erosion Sediment Control in the bottom of the flood hazard area during construction and elevated Water Quality-Best Management Practice afterward. Recommend Water Quality-Best Management Practice volume be calculated at 1.5 inch water on all impervious areas. This will reduce output to a trickle for approximately 90% of all storm events. The existing flow rate allowed by the culvert and headwater pool combo will establish the allowable to which the detention discharge must conform.

APPLICANT: Land Trends Development, LLC PETITION NO.: Z-93

PRESENT ZONING: R-20 PETITION FOR: RSL

* *

TRANSPORTATION COMMENTS

The following comments and recommendations are based on field investigation and office review of the subject rezoning case:

ROADWAY	AVERAGE DAILY TRIPS	CLASSIFICATION	MIN. R.O.W. REQUIREMENTS
East Piedmont Road	23220	Arterial	100'
Morgan Road	2222	Minor Collector	60'

Based on 2003 traffic counting data taken by GDOT. (East Piedmont Road)
Based on 9-9-04 traffic counting data taken by Cobb County DOT.

East Piedmont Road is classified as a Major Collector and according to the available information, the existing right-of-way does meet the minimum requirements for this classification.
Morgan Road is classified as a Minor Collector and according to the available information, the existing right-of-way does not meet the minimum requirements for this classification.

As necessitated by this development for egress from Morgan Road, a deceleration lane will be required.

Install sidewalk, curb and gutter along both road frontages.

No access to East Piedmont Road.

Full driveway access must maintain a minimum of 250' separation from signalized intersections.

RECOMMENDATIONS

Recommend applicant consider entering into a development agreement pursuant of O.C.G.A. 36-71-13 for dedication of the following system improvements to mitigate traffic concerns: a) donation of right-of-way on the west side of Morgan Road, a minimum of 30' from the roadway centerline.
Recommend a minimum 150' deceleration lane on South Gordon Road.

Recommend installing sidewalk, curb and gutter along both road frontages.

Recommend a 10' no access easement along East Piedmont Road.

Shift proposed driveway further south to comply with minimum separation requirements.

Recommend applicant be required to meet all Cobb County Development Standards and Ordinances related to project improvements.

STAFF RECOMMENDATIONS

Z-93 LAND TRENDS DEVELOPMENT, LLC

A. It is Staff's opinion that the applicant's rezoning proposal will not permit a use that is suitable in view of the use and development of adjacent and nearby properties. The surrounding area is all low density residential; the proposed density is much higher than adjacent residential densities. There is new R-20 single-family residential development within a short distance on Piedmont Road and Morgan Road

B. It is Staff's opinion that the applicant's rezoning proposal will have an adverse affect on the usability of adjacent or nearby property. The applicant's proposal could encourage other developments that are not consistent with the low density residential character of the area. The RSL zoning code requires that the applicant's proposal be compatible with neighboring residential uses.

C. It is Staff's opinion that the applicant's rezoning proposal will not result in a use which would cause an excessive or burdensome use of existing streets, transportation facilities, utilities, or schools. This opinion can be supported by the departmental comments contained in this analysis.

D. It is Staff's opinion that the applicant's rezoning proposal is not in conformity with the policy and intent of the *Cobb County Comprehensive Plan,* which delineates this property to be within a Low Density Residential and Public Institutional Land Use Category. The density range for Low Density Residential is 1 to 2.5 units per acre; the proposed density is 4.99 units per acre.

E. It is Staff's opinion that there are existing and changing conditions affecting the use and development of the property which give supporting grounds for denying the applicant's rezoning proposal. The applicant's proposal is not consistent with the *Cobb County Comprehensive Plan.* The applicant's proposal is located in an area characterized as R-15 and R-20, and the applicant's proposal would contain much more density then adjacent properties. The applicant's proposal could encourage other applications that are not consistent with the area. The RSL applications that have been approved recently have been located in areas that contain a conglomerate of land uses.

Based on the above analysis, Staff recommends DENIAL.

The recommendations made by the Planning and Zoning Staff are only the opinions of the Planning and Zoning Staff and are by no means the final decision. The Cobb County Board of Commissioners makes the final decisions on all Rezoning and Land Use Permits at an advertised public hearing.

Year 2008 Form

Application for "Other Business"
Cobb County, Georgia

(Cobb County Zoning Division – 770-528-2045) **BOC Hearing Date Requested:** 12-16-08

Applicant: PALLADIAN, INC **Phone #:** 770.509.3390
(applicant's name printed)

Address: 601 Woodlawn Dr #330 Marietta GA 30067 **E-Mail:** info@palladianproperties.co

CRAIG WRIGLEY **Address:** SAME
(representative's name, printed)

Craig Wrigley **Phone #:** CELL 770.605.2690 **E-Mail:** craig@palladianproperties.com
(representative's signature)

Signed, sealed and delivered in presence of:

JOELLEN LEVY NOTARY PUBLIC EXP. MAY 6, 2011 COBB COUNTY, GEORGIA

Joellen Levy
Notary Public

My commission expires: 5-6-2011

Commission District: 3 **Zoning Case:** Z-93

Date of Zoning Decision: 6.21.2005 **Original Date of Hearing:** 6.21.05

Location: Southwest Corner of the intersection of Morgan Rd and Piedmont Rd
(street address, if applicable; nearest intersection, etc.)

Land Lot(s): 563 **District(s):** 16

State specifically the need or reason(s) for Other Business:

To approve a modification to the approved site plan to show an interior street right-of-way with reduced front yard setbacks, as shown, that will allow the street, water, sewer and storm drainage to be dedicated to Cobb County.

(List or attach additional information if needed)

REVISED September 21, 2007

TRAVIS PRUITT & ASSOCIATES, INC.
CONSULTANTS • ENGINEERS • SURVEYORS
LANDSCAPE ARCHITECTS
1420 WHITE CIRCLE - SUITE 102
MARIETTA, GEORGIA 30060

TELEPHONE: (678) 564-2100
FACSIMILE: (678) 564-2140
www.travispruitt.com

May 8, 2008

Mr. Rob Hosack, AICP
Cobb County Community Development
191 Lawrence Street
Marietta, Georgia 30060

This letter is to serve as a formal request for an Administrative Variance for Palladian, Inc., for the Clarrington development located at the southwest corner of Piedmont Road and Morgan Road. We are requesting a variance for a 25% reduction on the westerly exterior building setback line, from 30 feet to 22-1/2 feet. This is shown on the attached exhibit.

There are several considerations in making this request. First, there are many large evergreens along Morgan Road that we wish to save and remain in place, as well as large cypress trees that we wish to transplant from Piedmont to Morgan to buffer the corner. Along those same lines, by moving the buildings away from Morgan Road, we will be given greater latitude and room for landscaping, providing additional privacy for the residents. On the safety side, by keeping the buildings as far from Morgan Road as possible, we can then place the driveways further from the entrance, alleviating any traffic slowing at the entrance as they pull into the development.

In addition, when considering this request, I will make you aware that the immediate property to the west is also zoned RSL, and is currently, and likely to remain, heavily wooded. Therefore, there would be no impact to any existing residents.

We appreciate your consideration, and if you need any further information, please let me know.

Sincerely,

Charles Steadham
Travis Pruitt and Associates

/attachment

Approved

Year 2008

Application for "Other Business
Cobb County, Georgia

(Cobb County Zoning Division – 77-528-2045

BOC Hearing Date Requested: 02.17.09

Applicant: Palladian, Inc. Phone #. 770.509.3390

Address: 601 Woodlawn Dr, Ste 330, Marietta, GA 30067 info@palladianproperties.com

Craig Wrigley Same as Above

(representative's signature) Phone #- 770.605.2690 E-Mail: craig@palladianproperties.com

Signed, sealed and delivered in presence of:

Notary Public My commission expires

JOELLEN LEVY NOTARY PUBLIC COBB COUNTY, GEORGIA EXP. MAY 6, 2011

Commission District: 3 Zoning Case: Z-93

Original Date of Hearing: 06.21.05

Location: Southwest corner of the intersection of Morgan Rd and Piedmont Rd

Land Lot(s): 563 District(s): 16

State specifically, the need or reason(s) for Other Business:

To approve a modification to the approved site plan to show an interior street right-of-way with the site plan, as shown, that will allow the street, water, sewer, and storm drainage to be dedicated to Cobb County. As requested of the Applicant, a meeting was held on 12.30.08 with representatives of the Cobb County DOT, Water and Sewer Department and the Storm Water Management Department to hear and resolve their concerns. The proposed plan has been modified to incorporate agreed-to Modifications resulting from that meeting

(List or attach additional information if needed)

REVISED September 2007

PALLADIAN

Design • Construction • Development

January 13, 2009

Mr. Mark Danneman
Zoning Administrator
Cobb County Community Development Department
191 Lawrence Street
Marietta, GA 30060

Re: Other Business Item Regarding Z-93 of 2005

Dear Mark:

Please accept the attached site plan which has been changed to incorporate changes made in response to requests made in a meeting on 12.30.08 with high level representatives from Cobb County DOT, Stormwater and Sewer Division, and Water Management Division.

At the meeting Palladian, Inc. agreed to an additional stipulation requested by the Water and Sewer Division:

> Each homeowner shall have primary responsibility, rather than the Condominium Association, for the maintenance of that portion of the water line from the meter to the home.

And to a stipulation requested by the Stormwater Management Division:

> There shall be a prohibition against covering patios on the rear of Building 2 (Unit 1 on the Plan) that are on the drainage easement.

Sincerely,

Craig Wrigley
President

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

PALLADIAN

Design • Construction • Development

February 5, 2009

Mr. Mark Danneman
Zoning Administrator
Cobb County Community Development Department
191 Lawrence Street
Marietta, GA 30060

Re: Other Business Item Regarding Z-93 of 2005

Dear Mark:

Please accept these revised stipulations that have resulted from the proposed plan being acceptable for public infrastructure by the Water and Sewer Division and the Stormwater Management Division. These will replace the stipulations in the letter to you on January 13, 2009.

The following is an amended version of the stipulation requested by the Water and Sewer Division:

> Each homeowner shall have primary responsibility, rather than the Homeowner's Association, for the maintenance of that portion of the water line from the meter to the home and for the maintenance of the sewer lateral from the right of way to the home.

The following is an amended version of the stipulation requested by the Stormwater Management Division:

> There shall be a prohibition against covering patios on the rear of Building 2 (Unit 1 on the Plan) that are on the drainage easement and a hold harmless agreement applying to any patio on a drainage easement.

Sincerely,

Craig Wrigley
President

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