SEPTEMBER 20, 2016 ZONING HEARING "OTHER BUSINESS" COMMISSION DISTRICT 2

ITEM 058

PURPOSE

To consider a stipulation amendment for Audubon Communities regarding rezoning application Z-12 of 2012 (Highland Place Properties, LLC), for property located on the southwest side of Parkwood Circle, west of Windy Ridge Parkway in Land Lots 943 and 984 of the 17th District.

BACKGROUND

The subject property was rezoned to UVC for residential units in 2012. The concept at that time was to renovate the existing apartments into upscale leased units. The letter of agreeable stipulations called for certain interior finishes for the units. The applicant would like revise some of the interior finishes based on how they renovate their properties. The applicant has submitted Exhibit "B" which specifically addresses the applicant's proposed changes to the zoning stipulations. If approved, all previous stipulations not in conflict with this amendment should remain in effect.

RECOMMENDATION

The Board of Commissioners conduct a Public Hearing and consider the proposed stipulation amendment.

ATTACHMENTS

Other Business application and zoning stipulations.

(Stipulation Amendment)

Application for "Other Business" Cobb County Georgia

Cobb County, Georgia	Application No.: $OB-58$ -2016		
(Cobb County Zoning Division - 770-528-2035)	BOC Hearing Date Requested: September 20, 201		
Applicant: Audubon Communities	Phone #: (678) 710-8263		
(applicant's name printed)	E Moile and the same to the same		
Moore Ingram Johnson & Steele, LLP	E-Mail: <u>cedwards@acmapts.com</u> Peachtree City, GA 30092-3350		
	Emerson Overlook, 326 Roswell Street		
(representative's pame, printed)	Marietta, GA 30060		
	29-1499 E-Mail: jmoore@mijs.com		
(representative's signature) Georgia Bar No. 519800	ME E CO		
Signed, sealed and delivered in presence of:	My commission expires: January 10, 2019		
Notary Public /	The contract of the contract o		
Titleholder(s): ACV VIII LLC	Phone #: (678) 710-8263		
(property owner's name property owner's name			
Peachtree City, GA 30092-3350	Away,		
See Attached Exhibit "A"			
(Property owner's signature) Signed, sealed and delivered in presence of:	AUG 1 6 2016 CCOS CO COMMISSION (A NING 1997, SAME) My commission expires:		
Notary Public			
Commission District: 2 (0tt)	Zoning Case: Z-12 (2012)		
Size of property in acres: 12.844	Original Date of Hearing: 03/20/2012		
Location: Southwest side of Parkwood Ci	rcle, west of Windy Ridge Parkway tersection, etc.) (1500 Parkwood Circle)		
Land Lot(s): 943, 984			
State specifically the need or reason(s) for	Other Business:		
See Exhibit "B" attached hereto and inco	rporated herein by reference.		

<u>EXHIBIT "A"</u> - <u>ATTACHMENT TO APPLICATION FOR OTHER BUSINESS</u> (STIPULATION AMENDMENT)

OB Application No.:

OB-____58___-2016

Application No.:

Z-12 (2012)

Original Hearing Date:

March 20, 2012 March 20, 2012

Date of Zoning Decision: Current Hearing Date:

September 20, 2016

BEFORE THE COBB COUNTY BOARD OF COMMISSIONERS

Applicant: Titleholder:

Audubon Communities

ACV VIII LLC

ACV VIII LLC,

a Delaware limited liability company

BY:_(

Christopher Edwards

Manager

Date of Execution: 8/15/16

Address:

Suite 216, 6525 The Corners Parkway

Peachtree Corners, Georgia 30092-3350

Telephone No.:

(678) 710-8263

Telefax No.:

(678) 261-1580

Signed, sealed, and delivered in the presence of:

Notary Public

Commission Expires: 12°6 *

[Notary Seal]



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<u>EXHIBIT "B"</u> - <u>ATTACHMENT TO APPLICATION FOR OTHER BUSINESS</u> (STIPULATION AMENDMENT)

OB Application No.:

OB-<u>58</u>-2016

Application No.:

Z-12 (2012) March 20, 2012

Original Hearing Date: Date of Zoning Decision:

March 20, 2012

Current Hearing Date:

September 20, 2016

BEFORE THE COBB COUNTY BOARD OF COMMISSIONERS

Applicant:

Audubon Communities

Titleholder:

ACV VIII LLC

On March 20, 2012, the Cobb County Board of Commissioners granted a request to rezone property located at 1500 Parkwood Circle ("Property" or "Subject Property") to the Urban Condominium ("UC") zoning classification to allow for the renovation, refurbishing, and conversion of an existing hotel/training facility to a leased, residential community. One of the stipulations approved in the original rezoning enumerated "upgrades and renovations to the existing floor plans and finishes within the existing units."

Applicant seeks clarification, amendment, and approval of specific items enumerated for the interior unit finishes as set forth in stipulation no. 6 of the March 14, 2012, letter of agreeable stipulations and conditions. Stipulation no. 6 is set forth below, with the bolded text being the upgrades which Applicant has installed, or intends to install, within the individual units, and for which Applicant seeks approval in this Application for "Other Business."

(6) Upgrades and renovations to the existing floor plans and finishes within the existing units shall include, but not be limited to, the following:

(a) <u>Living/Dining Area</u>:

(i) Hardwood flooring in the entrance area;

Applicant has installed faux wood PVC backed vinyl flooring with sound proofing underlayment in the following locations within the units: living room, which encompasses the entrance area and in the kitchen.

(b) Kitchen Area:

(i) Replacement of countertops with solid surface materials;

Applicant has replaced all countertops with new granite countertops.

(ii) Replacement of sinks with under slung two-compartment units;

Applicant has replaced all sinks with new single-bowl stainless steel sinks.

(iii) Replacement of all cabinet fronts;

Applicant has installed all new cabinet boxes, including doors and hardware.

(iv) Replacement of all flooring with hardwoods;

Applicant has installed faux wood PVC backed vinyl flooring with sound proofing underlayment in the following locations within the units: living room, which encompasses the entrance area and in the kitchen.

(c) **Bedroom Area:**

(i) Replacement of tops at dressing area with solid surface;

Applicant has replaced all countertops with new granite countertops.

(ii) Replacement of mirror in dressing area with decorative mirror and custom lighting;

Applicant's renovation included gutting the bathroom areas to the studs. All bathrooms have received 100 percent new everything, including new mirrors and custom lighting.

(iii) Replacement of window treatments with wood valances with multiple trim features;

Applicant has replaced all window treatments with new two-inch faux wood blinds.

(d) **Bathroom Area**:

(i) Replacement of all flooring with 18 inch ceramic tile;

Applicant will replace all bathroom flooring with new 12 inch by 24 inch ceramic floor tiles.

(ii) Replacement of all vanity tops with solid surfaces;

Applicant has replaced all countertops with new granite countertops.

- (iii) Replacement of all damaged tubs with new shower units, which shall include:
 - A. Showers will include solid surrounds, custom glass doors and set-in units for soap and shampoo;
 - B. Showers will have recessed ceiling lights;

Applicant has replaced all existing tubs with new steel tubs and all bathroom floors and shower walls contain new ceramic tile. The master baths in two-bedroom units contain custom glass shower doors; bathrooms in all other units contain tubs only.

(iv) Replacement of all hardware.

Applicant has replaced all hardware with new hardware.

If the proposed, revised stipulations are approved, as submitted in this Application, they shall become an additional part of the final rezoning and shall be binding upon the Subject Property.

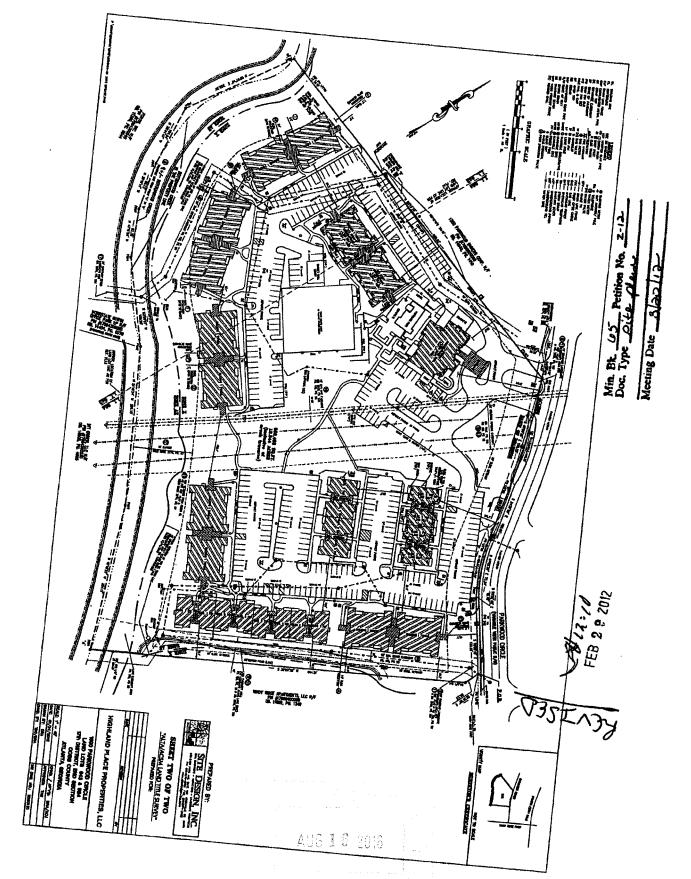
The balance and remainder of the stipulations and conditions specifically enumerated in the final, official minutes, and attachments thereto, of the Board of Commissioners Zoning Hearing held on March 20, 2012, together with any "Other Business" decisions applicable to the Subject Property, are unaltered by this request for Stipulation Amendment and shall remain in full force and effect.

Applicant has performed extensive renovation to the buildings for conversion into leased, residential condominiums. The renovations to the interiors have met, and exceeded, the intent set forth within the stipulations approved by the Board of Commissioners. Any variations have been upgrades, and are comparable in quality, style, and design to those found in new construction within the area. Applicant has worked diligently to redevelop the Property into a first-class residential community and is confident the work, materials, and finishes installed on the Property meet and exceed in every aspect the design requirements envisioned when the rezoning was approved in March 2012.



SITE PLAN APPROVED FOR SUBJECT PROPERTY BY BOARD OF COMMISSIONERS PURSUANT TO APPLICATION NO. Z-12 (2012) MARCH 20, 2012

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OFFICIAL MINUTES OF BOARD OF COMMISSIONERS ZONING HEARING FOR APPLICATION FOR REZONING NO. Z-12 (2012) – MARCH 20, 2012

MINUTES OF ZONING HEARING COBB COUNTY BOARD OF COMMISSIONERS MARCH 20, 2012 9:00 A.M.

The Board of Commissioners' Zoning Hearing was held on Tuesday, March 20, 2012 at 9:00 a.m. in the second floor public meeting room of the Cobb County building, Marietta, Georgia. Present and comprising a quorum of the Board were:

Chairman Tim Lee Commissioner JoAnn Birrell Commissioner Helen Goreham Commissioner Robert Ott Commissioner Woody Thompson

Z-12 HIGHLAND PLACE PROPERTIES, LLC (Northwest Atlanta Hotel Partners, L.P., by HAWATL Associates, LLC, as receiver, owner) requesting Rezoning from O&I to UC for the purpose of Urban Condominiums in Land Lots 943 and 984 of the 17th District. Located on the southwest side of Parkwood Circle, west of Windy Ridge Parkway (1500 Parkwood Circle).

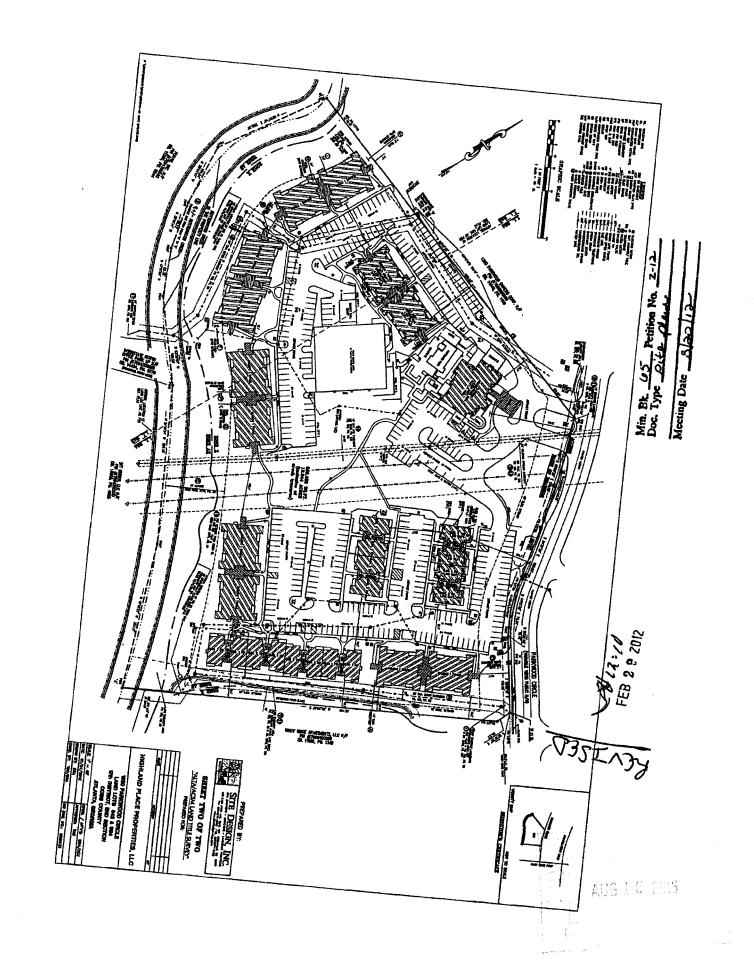
MOTION: Motion by Ott, second by Birrell, as part of the Consent Agenda, to delete Rezoning to the UVC zoning district subject to:

- site plan received by the Zoning Division on February 29, 2012 with District Commissioner approving minor modifications (attached and made a part of these minutes)
- letter of agreeable conditions from Mr. John Moore dated February 29, 2012 March 14, 2012 (attached and made a part of these minutes)
- any future site changes will require verification that existing stormwater management facilities are adequate
- no dry cleaning to be performed on site, pickup and delivery only
- Water and Sewer Division comments and recommendations
- Stormwater Management Division comments and recommendations
- Cobb DOT comments and recommendations

VOTE: ADOPTED unanimously

Stipulation corrected at May 8, 2012 BOC Regular Meeting

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Moore Ingram Johnson & Steele

A LIMITED EMBILITY PARTMERSHIP WWW.MIJS.COM

JOHN H. MOORE STEPHEN C. STEELE WILLIAM N. JOHNSON ROBERT D. INGRAM® J. BRIAN O'NEIL G. PHILLIP BEGGS ELDON L. BASHAM MATTHEW J. HOWARD JERE C. SMITH CLAYTON O. CARMACK KEVIN R. CARLOCK ALEXANDER T. GALLOWAY (1) J. KEVIN MOORE RODNEY R. McCOLLOCH SUSAN S. STUART BINAN D. SMITH HARRY R. TEAR III W. TROY HART TH JEFFREY A. DAXE KIM A. ROPER

VICTOR P. VALMUS

T. SHANE MAYES WILLIAM FI. WINDERS, JR." ANGELA H. SMITH JOYCE W. HARPER CHRISTOPHER C. MINGLEDORFF ANGELA D. TARTLINE CAREY E. OLSON CHARLES E. PIERCE PRESTON D. HOLLOWAY ASPEN & RAINS MARC E. SIROTKIN BETH GEARHART WILMA R. BUSH GREGORY H. FULLER® VERONICA L. RICHARDSON **CALANIT HAYES** TODO 1. HEIRD* DANIEL W. STARNES ALEXANDER B. MORRISON® DOUGLAS W. BUTLER, JR.

APRIL R. HOLLOWAY

MARIETTA, GEORGIA EMERSON OVERLOOK 326 ROSWELL STREET MAMETTA, GEDRGIA 10660 TELEPHONE (775) 429-1480 TELECOPIER (776) 429-8831 KNOXVILLE, TENNESSEE 408 N. GEDAR BLUFF ROAD SUITE 500 KNOXVILLE, TENNESSEE 37923 TELEPHONE (846) 492-9039 TELECOPIER (846) 592-9071 JACKSONVILLE, FLORIDA AETRA BUILDING 841 PRUDENTIAL DRIVE 12TH FLOOR TETH PLOOM JACKSONVILLE, FLORIDA 32207 TELEPHONE (804) 371-1953 TELECOPIER (904) 672-4238 NASHVILLE, TENNESSEE 3200 WEST END AVENUE BUTTE 600 NASHVILLE, TENNESSEE 37203 TELEPHONE (6/6) 426-7347 TELECOPIER (6/15) 783-1485 LOUISVILLE, KENTUCKY 900 CORPORATE CAMPUS DRIVE SUITE 3000

JEFF C. MORMAN RYAN M. INGRAM SHAWN G. SHELTON KRISTEN G. STEVENSON JASON M. BURKA MELISSA B. WHITMAN CARLY M. RECORD SARAH H. BEST*† ERICA C. MITCHELL BRAM L. SCHARF ROY H. SPARKS* RYAN C. EDENS* JULIE C. FULLER® RETHANY C. MORRIS KATIE R. BRANHAM ** JODI B. LODEN* ANASTAGIA W. SHELTON

Min. Bk. 65

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AMY E. BROWN CARLA G. WESTER JAIME E. KNOEBEL® TAMMI L. BROWN TRAVIS R. JACKSON ADON J. SOLOMON DAYRUH A GIVAG AMY L. JETT GREGORY V. REYBOLD OF COUNSEL: JOHN L. SKELTON, JR.[†] T ALSO ADMITTED IN TH ALBO ADMITTED IN FL .. ALSO ADMITTED IN MA --- ALBO ADMITTED IN GA - ALSO ADMITTED IN TX ALBO ADMITTED IN AL A ALSO ADMITTED IN NY W ALSO ADMITTED IN NY ADMITTED ONLY DI TH ADMETTED ONLY IN PL

Petition No. Z-12

March 14, 2012

LOUISVILLE, KENTUCKY 40223 TELEPHONE (502) 410-6021 TELECOPIER (502) 410-6022

Hand Delivered

Mr. Jason A. Campbell Planner III Zoning Division Cobb County Community Development Agency Suite 400 1150 Powder Springs Road Marietta, Georgia 30064

RE:

Application for Rezoning - Application No. Z-12 (2012)

Applicant:

Highland Place Properties, LLC

Property Owner:

Northwest Atlanta Hotel Partners, L.P.,

MAR 1 4 2012

TO THE VALUE OF TAGESTON

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by HAWATL Associates, LLC, as Receiver

Property:

13.0 acres, more or less, located at 1500 Parkwood Circle, Land Lots 943 and 984.

17th District, 2nd Section, Cobb County, Georgia

Dear Jason:

The undersigned and this firm represent Highland Place Properties, LLC, the Applicant (hereinafter "Applicant"), in its Application for Rezoning with regard to property located at 1500 Parkwood Circle, being approximately 13.0 acres, lying in Land Lots 943 and 984, 17th District, 2rd Section, Cobb County, Georgia (hereinafter the "Property" or the "Subject Property"). After the hearing before the Cobb County Planning Commission; additional meetings and discussions with planning and zoning staff and various Cobb County departmental representatives, ongoing discussions and meetings with area civic and homeowner

MOORE INGRAM JOHNSON & STEELE

Mr. Jason A. Campbell Planner III Zoning Division Cobb County Community Development Agency Page 2 of 6 March 14, 2012

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representatives, and reviewing the staff comments and recommendations and the uses of surrounding properties, we have been authorized by the Applicant to submit this revised 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. This letter shall supersede that certain letter of agreeable stipulations and conditions dated and filed on February 29, 2012. The revised 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.
- By submission of this letter of agreeable zoning stipulations and conditions, Applicant hereby deletes its request for rezoning of the Subject Property from the Urban Condominium ("UC") zoning classification; and now seeks rezoning of the Subject Property from the existing Office and Institutional ("OI") zoning classification, with stipulations, to the Urban Village Condominium ("UVC") zoning classification, site plan specific to the revised ALTA/ACSM Land Title Survey prepared for Highland Place Properties, LLC by Site Design, Inc. dated January 24, 2012, and filed February 29, 2012, a reduced copy of which is attached hereto for ease of reference as Exhibit "A" and incorporated herein by reference.
- (3) The rezoning will allow for a redevelopment project in which Applicant proposes to renovate and remodel an existing hotel/training facility into a leased, residential community.
- (4) As a part of this redevelopment, Applicant will reduce the number of units from the existing 288 units to a total not exceeding 200 units. The proposed residential units are to be "leased" units; however, as a part of this request, Applicant retains the flexibility to convert the proposed units to "for sale" or "owned" units at some time in the future.
- (5) There shall be no additional residential buildings or units constructed other than those currently in existence.

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MOORE INGRAM JOHNSON & STEELE

Mr. Jason A. Campbell
Planner III
Zoning Division
Cobb County Community Development Agency
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- B. Showers will have recessed ceiling lights;
- (iv) Replacement of all hardware.
- (7) The amenities within the proposed residential community shall include, but not be limited to, a clubhouse, swimming pool, and tennis courts.
- (8) The proposed residential community shall have a central mail kiosk to accommodate mail service for its residents.
- (9) The Subject Property may continue to be operated, and used for its current use, as a hotel for all purposes (i.e., not as a legal, non-conforming use) prior to the time such renovation project is complete; including, without limitation, in connection with, and in order to effect, repairs, or construction of or to the improvements on the Subject Property following any casualty or condemnation to any portion of the Subject Property.
- (10) In the event that, on or before August 1, 2012, HAWATL Associates, LLC provides written notice by certified mail, return receipt requested, to the Cobb County Community Development Agency, Zoning Division (the "Zoning Division") that the closing of the sale of the Subject Property from Owner to Applicant did not occur, for any or no reason; then, and in such event, the Subject Property shall automatically revert to its previous zoning category, namely Office and Institutional ("OI"), without the need of any further act or action, which reversion shall be effective immediately upon the Zoning Division's receipt of such notice.
- (11) Applicant agrees to provide space for possible retail use, the exact nature of such retail use shall be determined at a later date.
- (12) Landscaping for the entrance area, amenity areas, and all other common areas immediately surrounding the proposed residential community shall be professionally designed, implemented, and maintained.
- (13) All dumpsters or compactors servicing the proposed residential community shall be enclosed within a minimum six (6) foot high brick enclosure on three sides with a solid wooden screen gate or doors on the access side.

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Mr. Jason A. Campbell Planner III Zoning Division Cobb County Community Development Agency Page 5 of 6 March 14, 2012 Petition No. 2-13
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- (14) Minor modifications to the referenced, revised ALTA/ACSM Land Title Survey, including, but not limited to, site layout, stormwater control measures, buffers, and the like, may be approved by the District Commissioner, as needed or necessary.
- (15) Applicant agrees to repair or replacement of any sidewalk, curb, or gutter along the property frontage on Parkwood Circle which may be damaged during development and construction.

We believe the requested rezoning to the UVC zoning classification, together with the revised ALTA/ACSM Land Title Survey and the revised stipulations set forth herein, is an appropriate use of the Subject Property while taking into consideration the previous use of the Subject Property, the surrounding area and the uses of properties located within the area, and the current economic climate. The redevelopment of the Subject Property into a residential condominium community shall allow for an existing development to be upgraded and renovated into a first-class community, being compatible with surrounding neighborhoods and an enhancement to the Subject Property and the community as a whole. Thank you for your consideration in this request.

With kindest regards, I remain

Very truly yours,

MOORE, INGRAM, JOHNSON & STEELE, LLP

John H. Moore

JHM:cc Attachment

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MOORE INGRAM JOHNSON & STEELE

Mr. Jason A. Campbell
Planner III
Zoning Division
Cobb County Community Development Agency
Page 6 of 6
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c: Cobb County Board of Commissioners:
Timothy D. Lee, Chairman
George W. "Woody" Thompson
Helen C. Goreham
Robert J. Ott
Joann Birrell
(With Copy of Attachment)

Eric Jacobsen
East Cobb Civic Association, Inc.
(With Copy of Attachment)

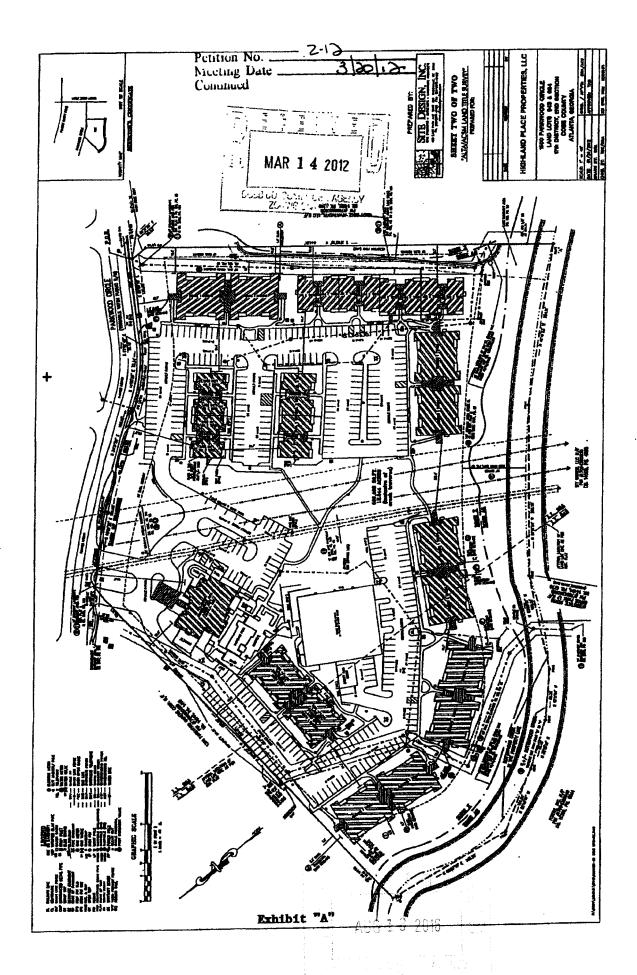
Sally Zangger, President Parkwood Place Condominium Association, Inc. (With Copy of Attachment)

Ron Sifen (With Copy of Attachment)

Highland Place Properties, LLC (With Copy of Attachment)

HAWATL Associates, LLC (With Copy of Attachment)

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2015 PAID AD VALOREM PROPERTY TAX RECEIPT FOR TAX PARCEL NO. 17098400040



CARLA JACKSON
CHELLY MCDUFFIE
Phone:

TAX COMMISSIONER
CHIEF DEPUTY
770-528-8600 770-528-8679

Printed: 8/16/2016 9:58:45 AM

Cobb County Online Tax Receipt

Thank you for your payment!

Payer: ACV VIII LLC

ACV VIII LLC

Payment Date: 11/10/2015

Tax Year	Parcel ID	Due Date	A p	peal Amount		Taxes Due
2015	17098400040	10/15/2015	Pay:	N/A	or	125279.85
Interest	Penalty	Fees	Total Due	Amount Paid		Balance
\$0.00	\$0.00	\$0.00		\$125,279.85		\$0.00

