Year 2012 Form

1

Application for "Other Business"
Cobb County, Georgia

COBB COUNTY GEORGIA
FILED IN OFFICE
2012 NOV 13 PM 4:33
COBB COUNTY ZONING DIVISION

(Cobb County Zoning Division – 770-528-2035) BOC Hearing Date Requested: 12-18-12

Madison Hills Apartments, LLC

Applicant: Mesa Capital Partners, LLC **Phone #:** (404) 307-6353
(applicant's name printed)

Address: 3399 Peachtree Rd, NE, Suite 1010, Atlanta GA 30326 **E-Mail:** Zschaumburg@mesacp.com

Scott W. Peters **Address:** 1100 Peachtree St., Suite 800 Atlanta, GA 30309
(representative's name, printed)

(representative's signature) **Phone #:** (404) 681-3450 **E-Mail:** spet[illegible]wfllp.com

Signed, sealed and delivered in presence of:

Notary Public **My commission expires:**

MADELEINE WILLIS NOTARY PUBLIC EXPIRES GEORGIA FEB. 5, 2016 DEKALB COUNTY

Titleholder(s): Madison Hills, LLC **Phone #:** (404) 949-0180
(property owner's name printed)

Address: 550 Pharr Road, Suite 550, Atlanta, GA 30305 **E-Mail:** mas@tiamatl.com
By: The Transinvest Group, LLC

(Property owner's signature)

Signed, sealed and delivered in presence of:

Notary Public **My commission expires:**

MADELEINE WILLIS NOTARY PUBLIC EXPIRES GEORGIA FEB. 5, 2016 DEKALB COUNTY

Commission District: Two **Zoning Case:** 2010-Z-22

Date of Zoning Decision: 10-19-10 **Original Date of Hearing:**

Location:
(street address, if applicable; nearest intersection, etc.)

Land Lot(s): 799,800,856,857 **District(s):** 17th

State specifically the need or reason(s) for Other Business: Approval of Interim Site Plan and clarification of zoning conditions in conjunction with sale of the property.

(List or attach additional information if needed)

REVISED December 13, 2011

LAW OFFICES
SCHREEDER, WHEELER & FLINT, LLP
1100 PEACHTREE STREET, NE
SUITE 800
ATLANTA, GEORGIA 30309-4516

(404) 681-3450
FACSIMILE: (404) 681-1046

Scott W. Peters

E-Mail: speters@swfllp.com
Direct Dial: (404) 954-9836

November 13, 2012

COBB COUNTY GEORGIA
FILED IN OFFICE
2012 NOV 13 PM 4: 33
COBB COUNTY ZONING DIVISION

John Pederson
Zoning Division Manger, Cobb County
Cobb County
P.O. Box 649
Marietta, Georgia 30061

Re: Madison Hills Apartment Complex
Zoning Case 2010-Z-22

Dear John:

Please accept this letter as a request for the above referenced matter to be placed on the Board of Commissioners' agenda as an "Other Business Item" at its December 18, 2012 meeting. Specifically, pursuant to the zoning approval for this Property, any site plan for the Property is to come before the Board of Commissioners as an Other Business Item.

This request is due to a change in ownership of the Property and a need to clarify certain zoning conditions in association with such transfer. Specifically, request is made to clarify the conditions upon which the existing apartments may remain in use prior to the ultimate redevelopment of the Property consistent with the current PVC Zoning Plan.

Specifically, we request that the Board of Commissioners approve the following clarifications regarding the zoning for this Property:

1. The site plan attached hereto as Exhibit "A" is approved as an Interim Site Plan during the time period that the Property continues to be utilized for residential apartments. This Site Plan shall remain valid until such time as the Property is substantially redeveloped.

2. During the time period that the existing apartments continue to be utilized, such apartments may be renovated and improved as conforming uses of the Property.

3. If, during the continued use of the existing apartments, any of the existing buildings should burn down, be damaged, or otherwise be required to be reconstructed due to safety or other similar issues, reconstruction consistent with the Site Plan attached hereto is Exhibit "A" shall be permitted.

It is our understanding that these clarifications are consistent with the intent of the zoning as approved on October 19, 2010. Thank you for your consideration in regard to this request.

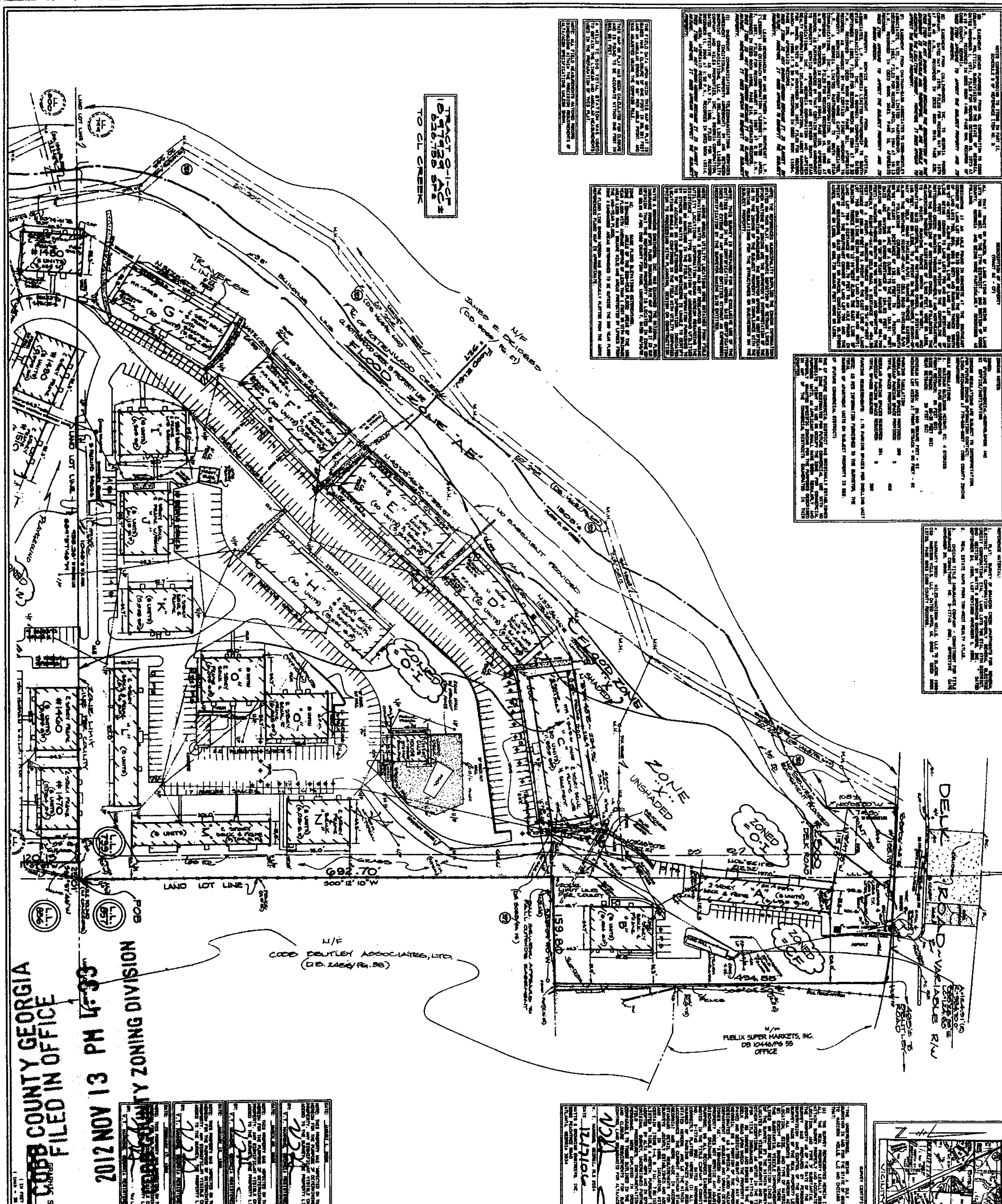
Sincerely,

Scott W. Peters

SWP/maw

cc. Commissioner Bob Ott

CLIENTS:8414:13 - 2560 Delk Road:Zoning:Pederson ltr.revised.doc



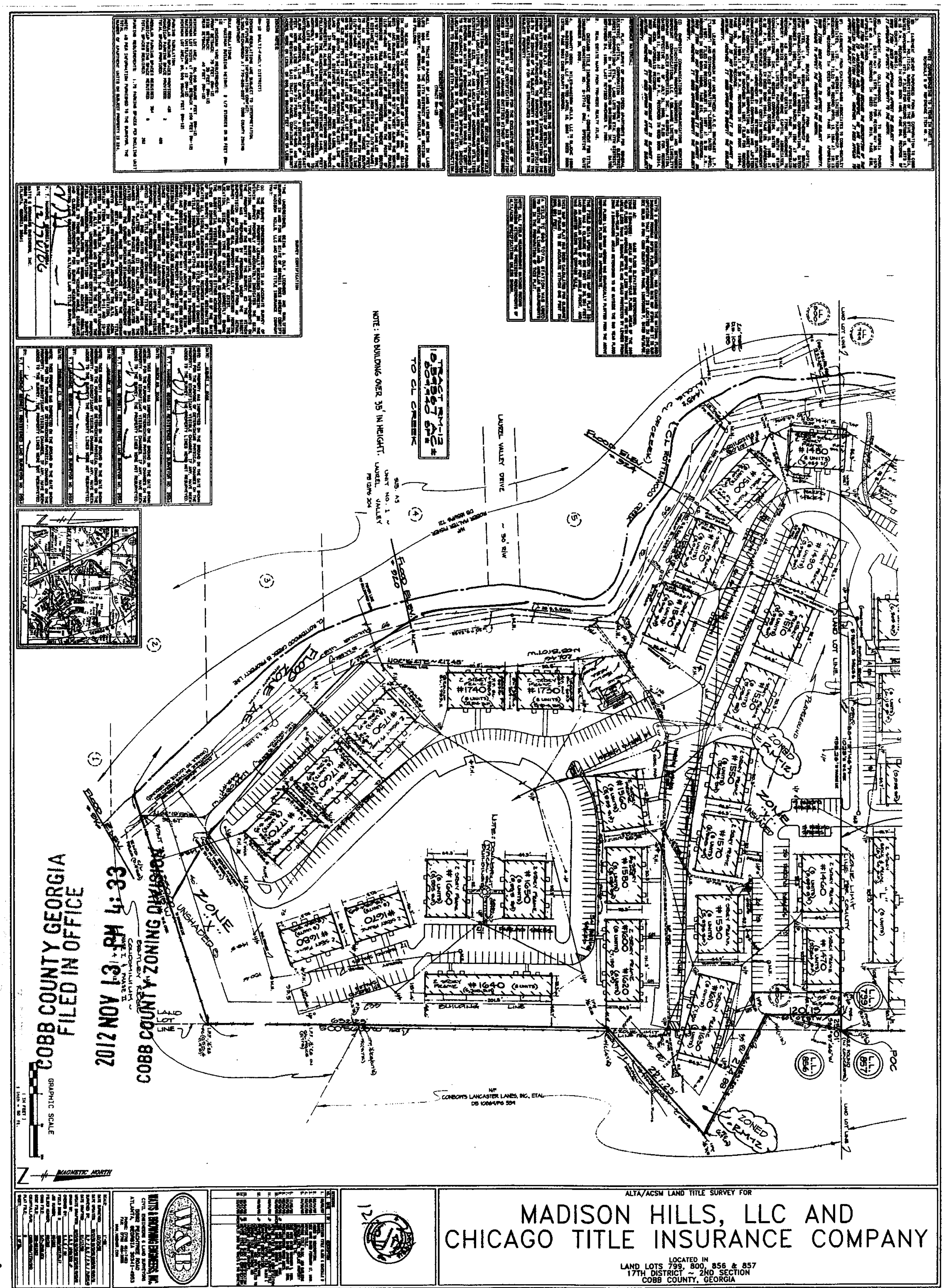
ALTA/ACSM LAND TITLE SURVEY FOR

MADISON HILLS, LLC AND CHICAGO TITLE INSURANCE COMPANY

LOCATED IN
LAND LOTS 789, 800, 856 & 857
17TH DISTRICT ~ 2ND SECTION
COBB COUNTY, GEORGIA

EXHIBIT A 1/2

EXHIBIT A 2/2



ALTA/ACSM LAND TITLE SURVEY FOR
MADISON HILLS, LLC AND
CHICAGO TITLE INSURANCE COMPANY
LOCATED IN
LAND LOTS 799, 800, 856 & 857
17TH DISTRICT ~ 2ND SECTION
COBB COUNTY, GEORGIA
COBB COUNTY GEORGIA
FILED IN OFFICE
2012 NOV 13 PM 4:33
COBB COUNTY ZONING DIVISION
TRACT RM-12
10.8587 AC ±
TO CL CREEK
NOTE: NO BUILDING OVER 35' IN HEIGHT.
LAUREL VALLEY DRIVE
GRAPHIC SCALE
MAGNETIC NORTH
VICINITY MAP
ZONED RM-12
ZONE "X" UNSHADED
FLOOD ZONE "AE"
LAND LOT LINE
POC

~~**CONSENT AGENDA (Continued):**~~

~~**LUP-28**~~ ~~**MELISSA POWELL** (Melissa A. Powell and Alexander C. Powell, owners) requesting a **Land Use Permit** for the purpose of a Hair Salon in Land Lots 269 of the 17th District. Located on the east side of Woodview Drive, south of Church Road (3235 Woodview Drive, S.E.).~~

~~MOTION: Motion by Thompson, second by Powell, as part of the Consent Agenda, to **approve** Land Use Permit for **24 months subject to:**~~

- ~~**no employees**~~
- ~~**no on-street parking**~~
- ~~**no signage**~~

~~VOTE: **ADOPTED** unanimously~~

CONTINUED CASE:

Z-22 **MADISON HILLS, LLC** (owner) requesting Rezoning from **CF, OI** and **RM-12** to **RM-12** for the purpose of Apartments in Land Lots 799, 800, 856 and 857 of the 17th District. Located on the south side of Delk Road, west of Bentley Road.

The public hearing was opened and Ms. Margaret Stagmeier addressed the Board. Following presentation and discussion, the following motion was made:

MOTION: Motion by Ott, second by Goreham, to **delete** Rezoning to the **PVC** zoning district **subject to**:

- **conceptual site plan Scheme C1 submitted to the Clerk on October 19, 2010 (attached and made a part of these minutes)**
- **final site plan to come before the Board of Commissioners as an Other Business Item**
- **final elevations to come before the Board of Commissioners as an Other Business Item**
- **use of existing apartments to continue in their *"as is"* condition**
- **idled apartments that lost grandfathered status to be brought into compliance and then continue their use *"as is"***

CONTINUED CASE (Continued):

Z-22 MADISON HILLS, LLC (Continued)

- **outstanding lawsuits (Cobb Superior Court Civil Action File No. 07-1-2071-35) against the Board of Zoning Appeals and Cobb County to be dismissed within thirty (30) days of the date of this hearing (with prejudice)**
- **Stormwater Management comments and recommendations *not otherwise in conflict***
- **Cobb DOT comments and recommendations *not otherwise in conflict***

VOTE: **ADOPTED** unanimously

~~**REGULAR CASES — NEW BUSINESS:**~~

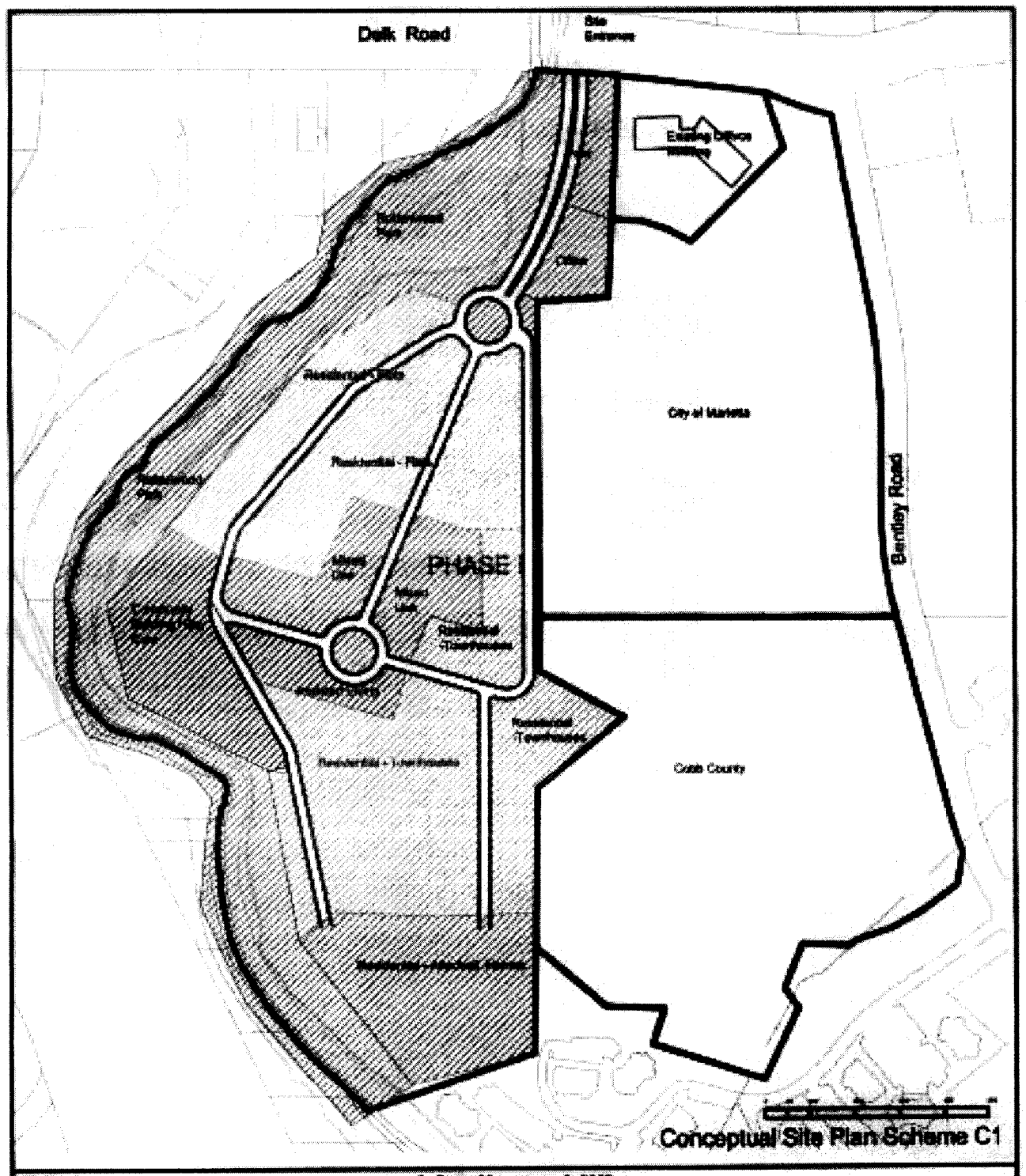
~~**Z-24**~~ **EAST COBB UNITED METHODIST CHURCH, INC.** (Trustees of Camp Ground United Methodist Church f/k/a Trustees of Marietta Camp Ground Methodist Church, owner) requesting Rezoning from **R-20** to **NRC** for the purpose of Religious Facility With An Electronic Reader Board Sign in Land Lot 987 of the 16th District. Located on the north side of Roswell Road, easterly of Sewell Mill Road. ***(Continued by the Planning Commission from their September 9, 2010 and October 5, 2010 hearings; therefore was not considered at this hearing)***

~~**Z-27**~~ **JOHN CARLISLE** (Trust Under the Will of Margaret E. Roberts, James L. Roberts, Sr., Trustee, owner) requesting Rezoning from **GC** to **LI** for the purpose of a Diesel Repair Shop in Land Lot 60 of the 16th District. Located on the west side of Canton Road, north of Jamerson Road and on the north side of Cobb Cherokee Industrial Drive (private road).

The public hearing was opened and Mr. Richard Calhoun addressed the Board. Following presentation and discussion, the following motion was made:

MOTION: Motion by Powell, second by Ott, to **delete** Rezoning to the ~~**NRC zoning district subject to:**~~

Min. Bk. 61 Petition No. Z-22
Doc. Type Conceptual Site Plan
Meeting Date 10/19/10



Ronald C. Wootton
architect atlanta, georgia
770.821.0820 wootonarch@aol.com

Madison Hills
Site Redevelopment
Cobb County, Georgia

5 September 2010