(Stipulation Amendment)

Application for "Other Business"

Cobb County, Georgia

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

Application No.: OB- 58 -2016

BOC Hearing Date Requested: September 20, 2016

Applicant: Audubon Communities **Phone #:** (678) 710-8263
(applicant's name printed)

Address: Suite 216, 6525 The Corners Parkway, Peachtree City, GA 30092-3350 **E-Mail:** cedwards@acmapts.com

Moore Ingram Johnson & Steele, LLP
John H. Moore **Address:** Emerson Overlook, 326 Roswell Street
(representative's name, printed) Marietta, GA 30060

BY: _____ **Phone #:** (770) 429-1499 **E-Mail:** jmoore@mijs.com
(representative's signature) Georgia Bar No. 519800

Signed, sealed and delivered in presence of:

Carolyn E. Cook
Notary Public **My commission expires:** January 10, 2019

CAROLYN E. COOK NOTARY PUBLIC EXPIRES GEORGIA JAN 10, 2019 COBB COUNTY

Titleholder(s): ACV VIII LLC **Phone #:** (678) 710-8263
(property owner's name printed)

Address: Suite 216, 6525 The Corners Parkway, Peachtree City, GA 30092-3350 **E-Mail:** cedwards@acmapts.com

See Attached Exhibit "A"
(Property owner's signature)

RECEIVED
AUG 16 2016
COBB CO. COMMUNITY DEVELOPMENT
ZONING DIVISION

Signed, sealed and delivered in presence of:

_____ **My commission expires:** _____
Notary Public

Commission District: 2 (Ott) **Zoning Case:** Z-12 (2012)

Size of property in acres: 12.844 **Original Date of Hearing:** 03/20/2012

Location: Southwest side of Parkwood Circle, west of Windy Ridge Parkway
(street address, if applicable; nearest intersection, etc.) (1500 Parkwood Circle)

Land Lot(s): 943, 984 **District(s):** 17th

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

See Exhibit "B" attached hereto and incorporated herein by reference.

(List or attach additional information if needed)

EXHIBIT "A" - ATTACHMENT TO APPLICATION FOR OTHER BUSINESS
(STIPULATION AMENDMENT)

OB Application No.:	**OB-58-2016**
Application No.:	**Z-12 (2012)**
Original Hearing Date:	**March 20, 2012**
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**

ACV VIII LLC,
a Delaware limited liability company

BY: Christopher Edwards
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:

Laura Butler
Notary Public
Commission Expires: 12·6·19

[Notary Seal]

Laura Butler
My Commission Expires
Notary
Public
December 6, 2019
Forsyth County, Georgia

AUG 16 2016

EXHIBIT "B" - ATTACHMENT TO APPLICATION FOR OTHER BUSINESS
(STIPULATION AMENDMENT)

OB Application No.:	**OB-58-2016**
Application No.:	**Z-12 (2012)**
Original Hearing Date:	**March 20, 2012**
Date of Zoning Decision:	**March 20, 2012**
Current Hearing Date:	**September 20, 2016**

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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) **Living/Dining Area:**

(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.

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(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.

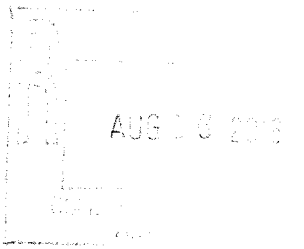
(iv) Replacement of all hardware.

Applicant has replaced all hardware with new hardware.

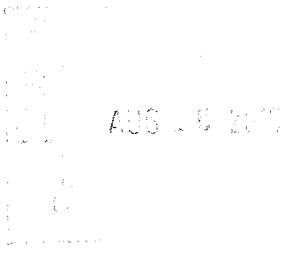
If the proposed, revised stipulations are approved, as submitted in this Application, they shall become an additional part of the final rezoning and shall be binding upon the Subject Property.

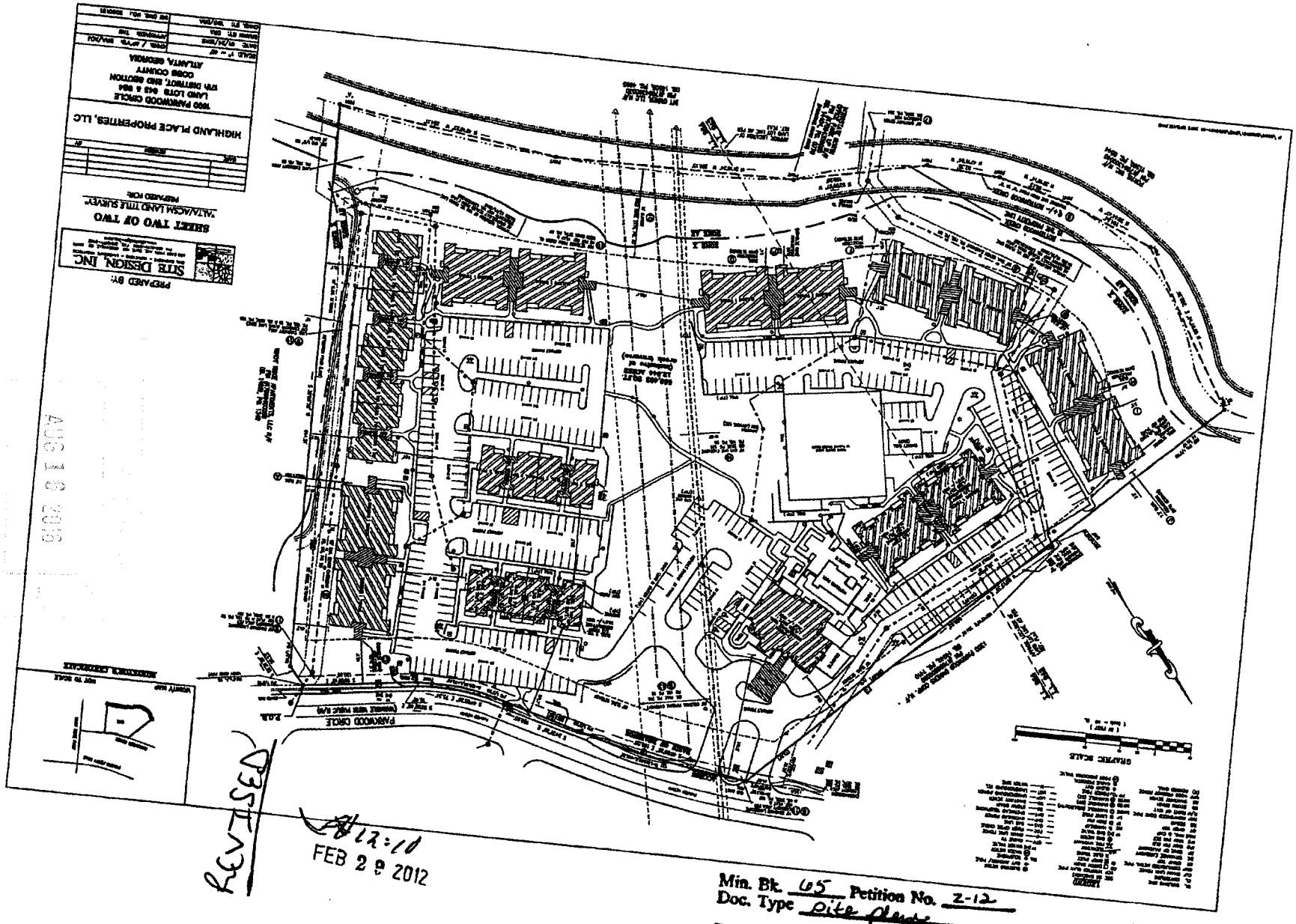
The balance and remainder of the stipulations and conditions specifically enumerated in the final, official minutes, and attachments thereto, of the Board of Commissioners Zoning Hearing held on March 20, 2012, together with any "Other Business" decisions applicable to the Subject Property, are unaltered 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



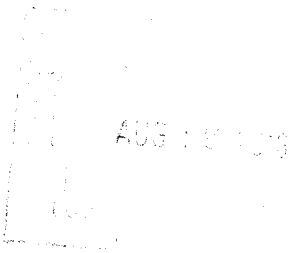


REVISED

FEB 29 2012

Min. Bk. 65 Petition No. Z-12
Doc. Type Site Plans
Meeting Date 3/22/12

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).

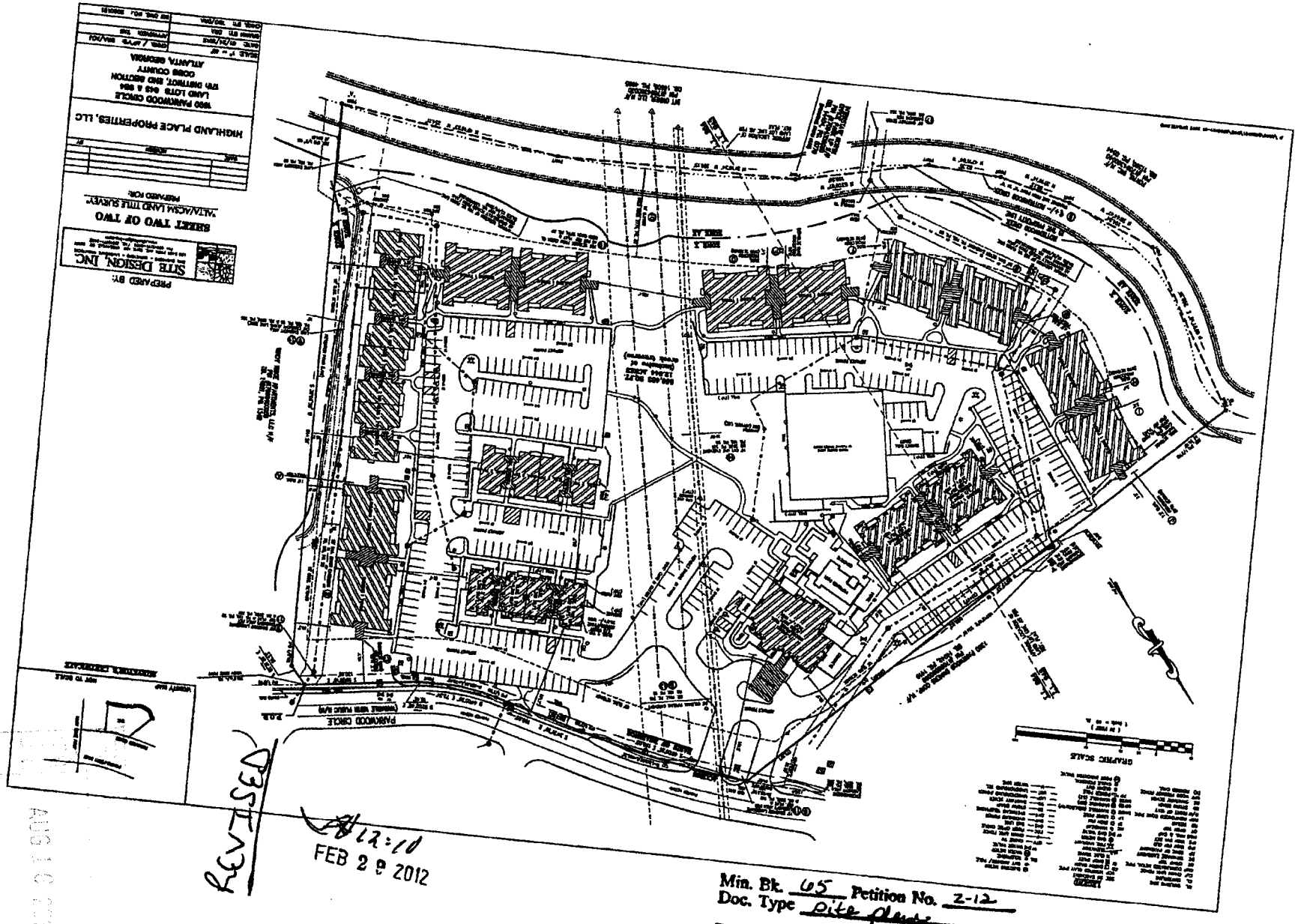
MOTION: Motion by Ott, second by Birrell, as part of the Consent Agenda, to **delete** Rezoning to the **UVC** zoning district **subject to:**

- **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**

Stipulation corrected at May 8, 2012 BOC Regular Meeting →

VOTE: **ADOPTED** unanimously

AUG 16 2012



REVISED
FEB 29 2012

Min. Bk. 65 Petition No. Z-12
Doc. Type Site Plans
Meeting Date 3/20/12

MOORE INGRAM JOHNSON & STEELE

A LIMITED LIABILITY PARTNERSHIP
WWW.MIJS.COM

JOHN H. MOORE
STEPHEN C. STEELE
WILLIAM R. JOHNSON†
ROBERT D. INGRAM†
J. BRIAN O'NEIL
G. PHILLIP BEGGS
ELDON L. BASHAM
MATTHEW J. HOWARD
JERE C. SMITH
CLAYTON O. CARMACK
KEVIN B. CARLOCK†
ALEXANDER T. GALLOWAY III†
J. KEVIN MOORE
RODNEY R. McCOLLOCH
SUSAN S. STUART
BRIAN D. SMITH
HARRY R. TEAR III
W. TROY HART†‡
JEFFREY A. DAXE
KIM A. ROPER
VICTOR P. VALMUS

T. SHANE MAYES
WILLIAM R. WINDERS, JR.^
ANGELA H. SMITH†
JOYCE W. HARPER
CHRISTOPHER C. MINGLEDORFF
ANGELA D. TARTLINE
CAREY E. OLSON*
CHARLES E. PIERCE*
PRESTON D. HOLLOWAY
ASPEN S. RAINS*
MARC E. SIROTKIN
BETH GEARHART*••••
WILMA R. BUSH
GREGORY H. FULLER*
VERONICA L. RICHARDSON
CALANIT HAYES
TODD I. HEIRD*
DANIEL W. STARNES*
ALEXANDER B. MORRISON*
DOUGLAS W. BUTLER, JR.
APRIL R. HOLLOWAY

MARIETTA, GEORGIA
EMERSON OVERLOOK
326 ROSWELL STREET
MARIETTA, GEORGIA 30060
TELEPHONE (770) 429-1499
TELECOPIER (770) 429-8631

KNOXVILLE, TENNESSEE
408 N. CEDAR BLUFF ROAD
SUITE 500
KNOXVILLE, TENNESSEE 37923
TELEPHONE (865) 692-9038
TELECOPIER (865) 692-9071

JACKSONVILLE, FLORIDA
AETNA BUILDING
841 PRUDENTIAL DRIVE
12TH FLOOR
JACKSONVILLE, FLORIDA 32207
TELEPHONE (904) 371-1953
TELECOPIER (904) 672-4236

NASHVILLE, TENNESSEE
3200 WEST END AVENUE
SUITE 500
NASHVILLE, TENNESSEE 37203
TELEPHONE (615) 425-7347
TELECOPIER (615) 783-1465

LOUISVILLE, KENTUCKY
9300 CORPORATE CAMPUS DRIVE
SUITE 3000
LOUISVILLE, KENTUCKY 40223
TELEPHONE (502) 410-6021
TELECOPIER (502) 410-6022

CARLA C. WESTER*
JAIME E. KNOEBEL*
ADON J. SOLOMON*
AMY L. JETT*
JEFF C. MORMAN*
RYAN M. INGRAM
SHAWN G. SHELTON
KRISTEN C. STEVENSON*
JASON M. BURK*
MELISSA B. WHITMAN*
CARLY M. RECORD
SARAH H. BEST*‡
ERICA C. MITCHELL
BRAM L. SCHARF*
ROY H. SPARKS*
RYAN C. EDENS*
JULIE C. FULLER*
BETHANY C. MORRIS
KATIE R. BRANHAM*•
JODI B. LODEN*
ANASTACIA W. SHELTON*

AMY E. BROWN*
TAMMI L. BROWN
TRAVIS R. JACKSON
DAVID A. HURTADO
GREGORY V. REYBOLD

OF COUNSEL:
JOHN L. SKELTON, JR.†

† ALSO ADMITTED IN TN
* ALSO ADMITTED IN FL
** ALSO ADMITTED IN SC
**** ALSO ADMITTED IN CA
^ ALSO ADMITTED IN TX
• ALSO ADMITTED IN AL
‡ ALSO ADMITTED IN KY
▲ ALSO ADMITTED IN NV
▼ ALSO ADMITTED IN NY
◆ ADMITTED ONLY IN TN
◊ ADMITTED ONLY IN FL

March 14, 2012

Min. Bk. 65 Petition No. Z-12
Doc. Type letter of agreeable conditions
Meeting Date 3/20/12

Hand Delivered

MAR 14 2012
COBB COUNTY COMMUNITY DEVELOPMENT AGENCY
PLANNING DIVISION

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., 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, 2nd 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

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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.

(2) 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.

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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Petition No. Z-12
Meeting Date 3/20/12
Continued

(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

Petition No. 2-12
Meeting Date 3/20/12
Continued

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)

AUG 1 6 2012

Petition No. 2-12
Meeting Date 3/20/12
Continued

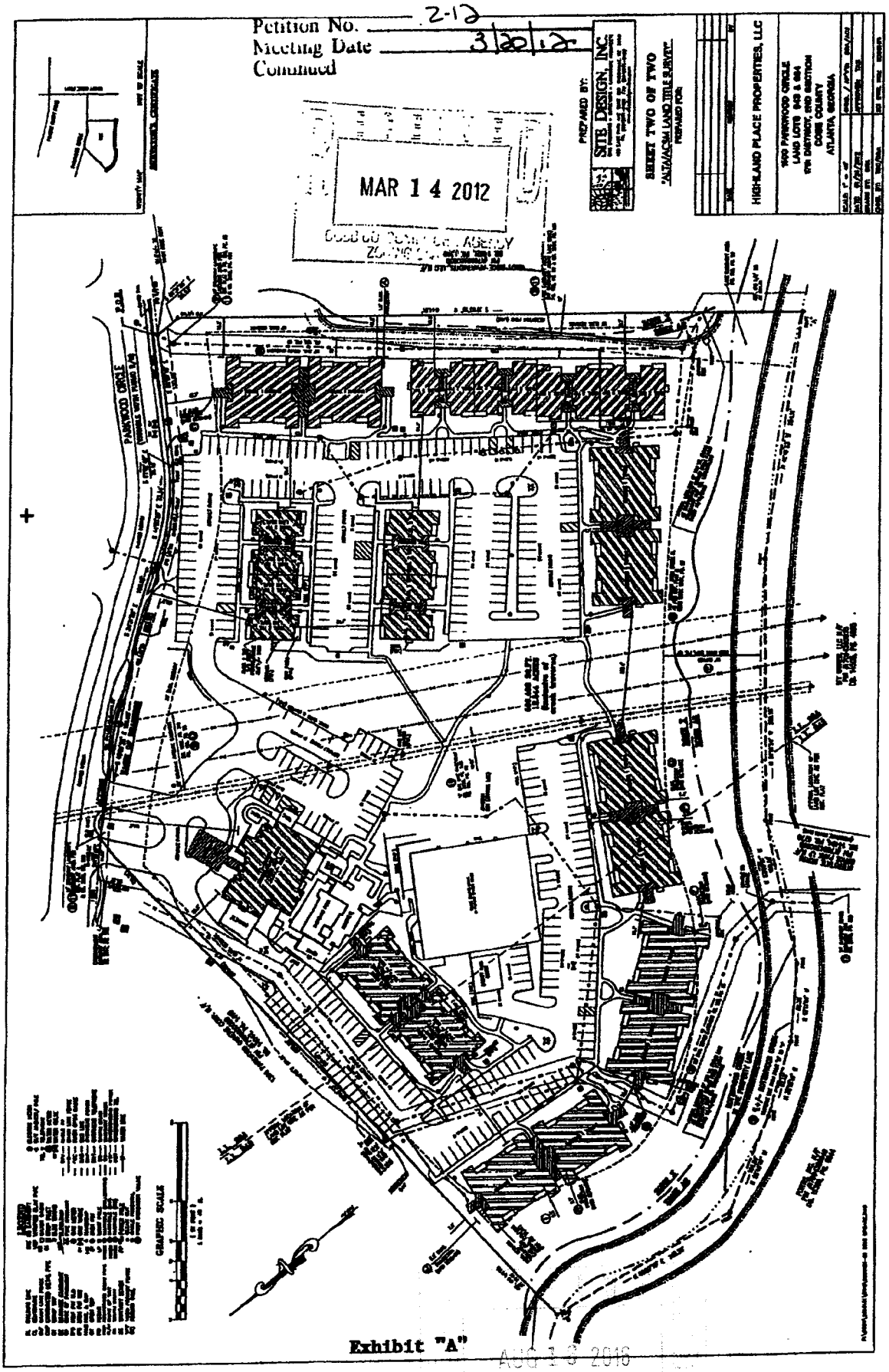
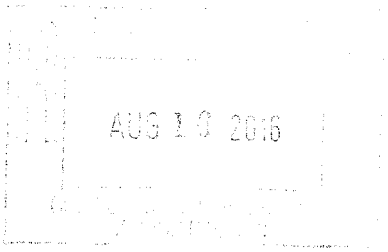


Exhibit "A"

AUG 13 2016

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



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

Cobb County Online Tax Receipt

Thank you for your payment!

CARLA JACKSON TAX COMMISSIONER
CHELLY MCDUFFIE CHIEF DEPUTY
Phone: 770-528-8600
Fax: 770-528-8679

Payer:
ACV VIII LLC

ACV VIII LLC

Payment Date: 11/10/2015

Tax Year	Parcel ID	Due Date		Appeal 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	$125,279.85	**$0.00**