

APPLICANT: Congregation Etz Chaim, Inc.
770-973-0137

REPRESENTATIVE: Sams, Larkin & Huff, LLP
Parks F. Huff 770-422-7016

TITLEHOLDER: Congregation Etz Chaim, Inc.

PROPERTY LOCATION: Located on the south side of Roswell Road and on the north side of Fairfield Drive, east of Indian Hills Parkway.

ACCESS TO PROPERTY: Fairfield Drive and Indian Hills Parkway

PHYSICAL CHARACTERISTICS TO SITE: Existing building

PETITION NO: LUP-7

HEARING DATE (PC): 03-03-09

HEARING DATE (BOC): 03-17-09

PRESENT ZONING: R-20

PROPOSED ZONING: Land Use Permit

PROPOSED USE: Day Care

SIZE OF TRACT: 5.909 acres

DISTRICT: 16

LAND LOT(S): 969

PARCEL(S): 3

TAXES: PAID Exempt **DUE** _____

COMMISSION DISTRICT: 2

CONTIGUOUS ZONING/DEVELOPMENT

- NORTH:** OI/ Northwestern Mutual office building
- SOUTH:** R-20/ Indian Hills
- EAST:** R-20/ Indian Hills
- WEST:** R-20/ Lutheran Church of the Incarnation

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

PLANNING COMMISSION RECOMMENDATION

APPROVED _____ **MOTION BY** _____

REJECTED _____ **SECONDED** _____

HELD _____ **CARRIED** _____

BOARD OF COMMISSIONERS DECISION

APPROVED _____ **MOTION BY** _____

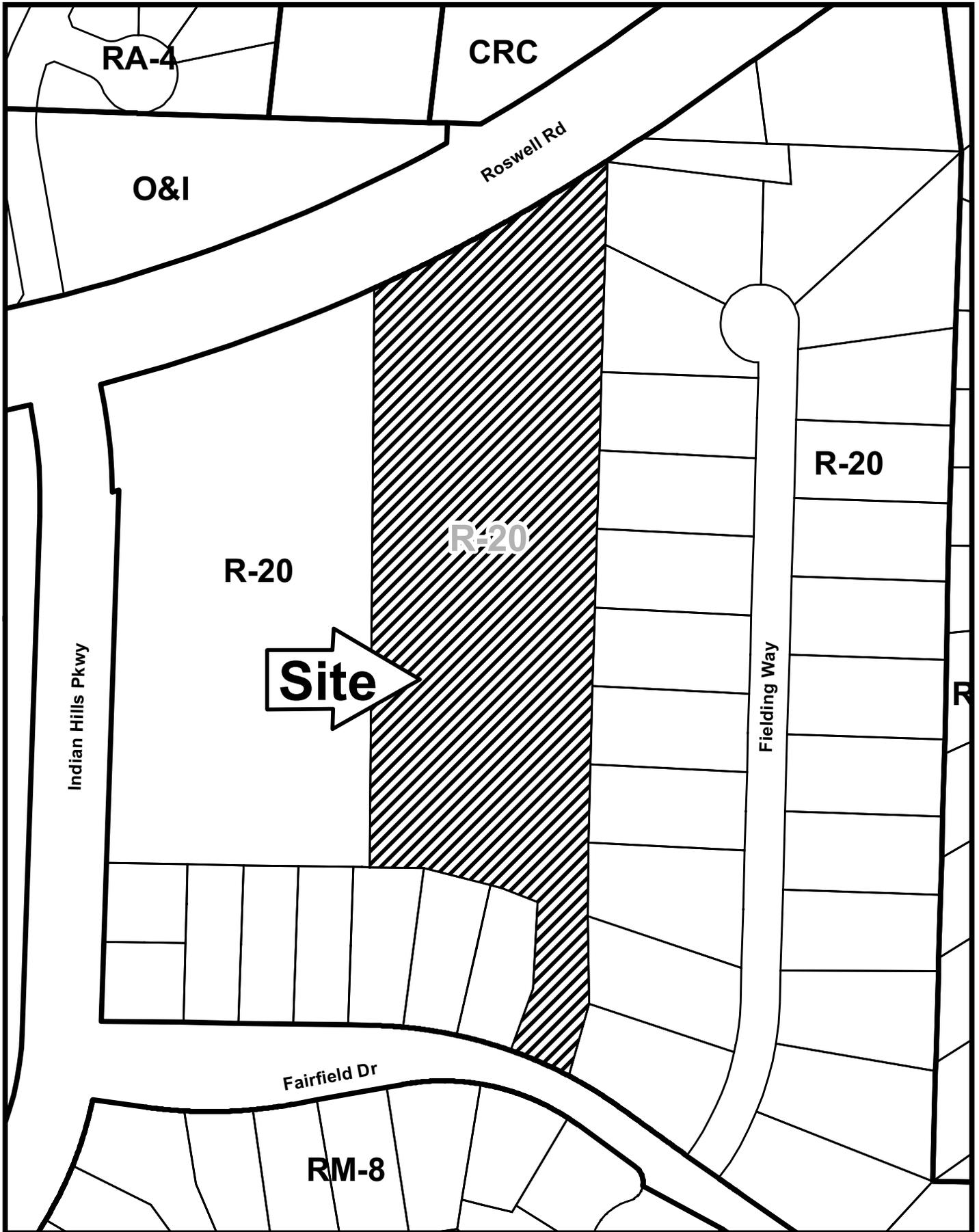
REJECTED _____ **SECONDED** _____

HELD _____ **CARRIED** _____

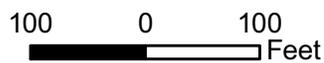
STIPULATIONS:



LUP-7



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



-  City Boundary
-  Zoning Boundary

APPLICANT: Congregation Etz Chaim, Inc.

PETITION NO.: LUP-7

PRESENT ZONING: R-20

PETITION FOR: LUP

PLANNING COMMENTS: Staff Member Responsible: John P. Pederson, AICP

The applicant is requesting a Temporary Land Use Permit to provide child daycare to non-members of the congregation. The congregation currently has a Pre-K daycare program for the members only. The applicant's current daycare program has approximately 70 children, with room for up to 80 children. The ages of the children would range from 1 to 5 years old. The daycare program operates Monday through Friday, from 8:00 a.m. to 4:00 p.m. for the older children, and from 9:30 a.m. to 1:30 p.m. for the younger children. The percentage of non-member children is anticipated to be 35%. The existing facility would be utilized. There will be no new additions, no new signage, and no change in the current pick-up/drop-off operation.

Historic Preservation: No comment.

Cemetery Preservation: There is no significant impact on the cemetery site listed in the Cobb County Cemetery Preservation Commission's Inventory Listing which is located in this, or adjacent land lot.

WATER & SEWER COMMENTS:

Records show address is connected to water and sewer.

TRAFFIC COMMENTS:

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

FIRE COMMENTS:

Must obtain Certificate of Occupancy through Fire Marshal's Office.

STORMWATER MANAGEMENT COMMENTS:

No site improvements are proposed. The current site is served by an existing stormwater management facility that appears to be in good condition and functioning adequately.

STAFF RECOMMENDATIONS

LUP-7 CONGREGATION ETZ CHAIM, INC.

It is Staff's opinion that the applicant's proposal will permit a use that is suitable in view of the use and development of adjacent and nearby properties. The area contains a mixture of residential uses, a public school, another religious facility and some commercially zoned property. The applicant has the required infrastructure relating to parking and drop-off/pick-up facilities. The applicant is already running the Pre-K program for the members of the congregation, and the proposal would add an insignificant number of non-member children to the program. The property has been used for an institutional use for many years prior to this request. Based on the above analysis, Staff recommends APPROVAL for 12 months subject to:

- Site plan received by the Zoning Division on December 31, 2008, with the District Commissioner approving minor changes;
- Fire Department comments; and
- DOT comments and recommendations.

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.