

**APRIL 21, 2009 ZONING HEARING
"OTHER BUSINESS"
COMMISSION DISTRICT 2**

ITEM #2

PURPOSE

To consider amending the stipulations regarding SLUP-24 (MT. BETHEL UNITED METHODIST CHURCH) of September 20, 2001, for property located in Land Lots 1045 and 1116 of the 16th District on the north side of Lower Roswell Road, east of Fairfield Drive.

BACKGROUND

The subject property was granted a Special Land Use Permit (SLUP) to operate a private school. The Board of Commissioners decision is attached. Stipulation #15 within the September 17, 2001 letter limits the school to grades Kindergarten-8th grade. This request seeks to amend that stipulation to allow the addition of a Pre-Kindergarten but not increase the previously approved maximum number of students which is 640 full time students. The Other Business application is 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 to allow the addition of a Pre-Kindergarten grade which does not increase the previously approved number of students from 640 students. If approved, all other previously approved conditions/stipulations should remain in effect.

ATTACHMENTS

Board of Commissioners Decision
Other Business Application

**MINUTES OF ZONING HEARING
COBB COUNTY BOARD OF COMMISSIONERS
SEPTEMBER 20, 2001
9:00 A.M.**

The Board of Commissioners' Zoning Hearing was held on Thursday, September 20, 2001 at 9:00 a.m. in the second floor public meeting room of the Cobb County building. Present and comprising a quorum of the Commission were:

Chairman William J. Byrne
Commissioner Billy L. Askea
Commissioner Samuel S. Olens
Commissioner G. Woody Thompson, Jr.
Commissioner Joe L. Thompson

SLUP-24 MT. BETHEL UNITED METHODIST CHURCH (Trustees of Mt. Bethel United Methodist Church, owners) for a **Special Land Use Permit** for the purpose of Construction of Education Building for School in Land Lots 1045 and 1116 of the 16th District. Located on the north side of Lower Roswell Road, east of Fairfield Drive.

The public hearing was opened and Ms. Carol Lade and Mr. James M. Ney addressed the Board. Following presentations and discussion, the following motion was made:

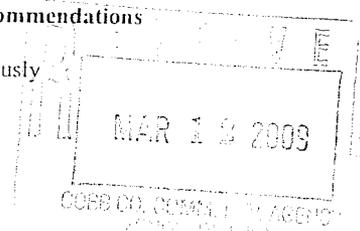
MOTION: Motion by Olens, second by Byrne, to approve Special Land Use Permit subject to:

- master plan dated July 30, 2001 last revised August 27, 2001 (copy attached and made a part of these minutes)
- landscape plan as submitted and drawn upon the master plan (copy attached and made a part of these minutes)
- letter of agreeable stipulations from Mt. Bethel United Methodist Church, Inc. dated September 17, 2001 to include *Parking Study* and *Cut-Through Study* as prepared by URS Corporation dated August 2001, and the Letter of Agreement/Approval from Mr. Nomikos Patellis dated September 20, 2001 (copy of letters and studies attached and made a part of these minutes)
- Stormwater Management Division comments and recommendations
- Cobb DOT comments and recommendations

VOTE: ADOPTED unanimously

EXHIBIT

B





Mt. Bethel United Methodist Church

4385 Lower Roswell Road, Marietta, Georgia 30068-4130

Telephone 770-971-2880 Fax 770-578-4473

E-mail - mtbumc@mtbethel.org - Website - www.mtbethel.org

Ministers

Wilbur D. Parker
Jim Buckman

Dr. Randy Mickler
Senior Minister

Ministers

Maria A. Lopez
David Grady

September 17, 2001

Min. Bk. 18 Petition No. SLUP-24
Doc. Type Letter of Agreeable
Stipulations
Meeting Date Sept. 20, 2001

VIA HAND DELIVERY

Mr. Mark Danneman
Division Manager of Zoning
Cobb County Community Development
191 Lawrence Street, Suite 3000
Marietta, Georgia 30090-9674

RE: Application for Special Land Use Permit (SLUP No. 24) (the "Application"), filed August 1, 2001, by Mt. Bethel United Methodist Church, Inc. ("Mt. Bethel"), pertaining to property located at 4385 Lower Roswell Road, N.E., Marietta, Georgia 30068 ("Property"), coming on before the Cobb County Planning Commission on September 4, 2001, and before the Board of Commissioners on September 20, 2001, as said Application may be amended from time to time.

Dear Mr. Danneman:

As you are aware, Mt. Bethel has been conferring with members of the community surrounding the Property, including, but not limited to, the Indian Hills Country Club Estates Homeowner's Association and the Kings Cove Homeowner's Association. The community has been cooperative and helpful in this matter, and we thank them greatly for their cooperation.

After a good deal of conversation and discussion, Mt. Bethel has been able to achieve an agreement with the community, and we would like to set forth that agreement in this letter and have this letter and each one of the items set forth hereinbelow become conditions to Special Land Use Permit #24, if and when it is passed by the Board of Commissioners. Upon the passage of Special Land Use Permit #24, Mt. Bethel would like to agree expressly to each of the following conditions and that they become a part thereof:

1. Special Land Use Permit #24 would be conditioned generally upon the Master Plan submitted as a part of the Application, designated "Master Plan" revised August 27, 2001, along with each of the notations, recitals, and items shown and depicted thereon.

Mr. Mark Danneman
September 17, 2001
Page 2

2. Mt. Bethel agrees that the Landscaping Plan which was drawn upon the Master Plan dated July 30, 2001, and which was submitted to the Cobb County Planning Department on August 17, 2001, shall be agreed to and complied with in the landscaping of the new development, and this landscaping shall be accomplished during the normal construction of the facility, except for the landscaping shown along the western property line of the Property, which shall be achieved within two hundred seventy (270) days after Special Land Use Permit #24 becomes final, and is not appealed.
3. URS Corporation has prepared a Parking Study dated August, 2001, pertaining to the Property and the proposal set forth in the Application. This Parking Study has been supplied to the community and is being provided to you.
4. URS Corporation has prepared a Drainage Study of the western portion of the Property, adjacent to and near those homes fronting on Fairfield Drive. This Drainage Study is designated "Mount Bethel United Methodist Church - Review of Existing Drainage Patterns," and dated August 24, 2001. This Drainage Study is composed of four pages (two pages of text and two pages of drawings - the drawings are designated "Existing Conditions 1 of 2" and "Proposed Enhancements 2 of 2") which are marked Exhibit "A" attached hereto and made a part hereof. This Drainage Study deals specifically with those parcels located along the western boundary of Property which front on Fairfield Drive. It should be noted on page 2 of 2 of Exhibit A, URS makes two recommendations of steps which could help the drainage circumstance and minimize the amount of drainage that enters the existing swale behind the property located on Fairfield Drive to the west of the Property. Mount Bethel agrees to fulfill and comply with these two recommendations as a part of the construction process.
5. Mt. Bethel is the owner of one (1) lot and is in the process of considering and seeking to acquire three (3) other lots which would constitute the first four (4) lots located along the eastern side of Fairfield Drive at its intersection with Lower Roswell Road, which lots are contiguous to the western boundary of the Property. These four lots are designated by street address as 4345 Lower Roswell Road and 620, 630 and 648 Fairfield Drive, and are hereinafter referred to as "Four Fairfield Lots." Mt. Bethel agrees that to the extent it owns one and may acquire the other three of the Four Fairfield Lots, it will not seek access to Fairfield Drive over any one or all of the Four Fairfield Lots, and on any lot it acquires it will provide for and landscape a thirty (30)-foot buffer along Fairfield Drive to serve as a reasonable visual screen for those activities that may take place on the eastern side of said buffer. Furthermore, if Mt. Bethel were to acquire one or more additional lots along Fairfield Drive, in addition to the Four Fairfield Lots, Mt. Bethel will not seek access to Fairfield Drive over one or more of such lots and will supply the same thirty (30) foot landscape buffer as described herein. Also, said thirty (30) foot landscape buffer shall be supplied by Mt. Bethel on the Lower Roswell Road frontage of the lot at the northeast corner of Fairfield Drive and Lower Roswell Road (4345 Lower Roswell Road), and Mt. Bethel shall landscape the 30-foot buffer along Lower Roswell Road with the same type of plantings as shown on the Landscape Plan referred to in paragraph 2

MT. BETHEL UNITED METHODIST CHURCH

Petition No. SLUP-24
Meeting Date Sept. 20, 2001
Continued

Mr. Mark Danneman
September 17, 2001
Page 3

above. This landscaping shall extend to the second driveway to the east of Fairfield Drive as shown on the Landscape Plan referred to in paragraph 2 hereof.

The thirty (30) foot landscape buffer shall commence at the back of the right of way of Fairfield Drive (or Lower Roswell Road for 4345 Lower Roswell Road) and continue for a depth of thirty (30) feet. This thirty (30) foot landscape buffer shall include non-deciduous or evergreen plantings that provide a twelve (12) month per year reasonable visual screening, from the day it is planted [and all such Leland cypress tree plantings shall be approximately five (5) feet in height as of the date of planting], of the parking on Property to be located behind said landscape buffers. A committee shall be established to review and approve the landscaping for the 30-foot landscape buffer along Fairfield Drive and 4345 Lower Roswell Road. The committee shall be comprised of a representative from Mt. Bethel, Indian Hills Country Club Estates Homeowners Association, and Les Brewer or his designee.

As long as a house is located on a lot owned by Mt. Bethel along Fairfield Drive (or Lower Roswell Road for 4345 Lower Roswell Road), the thirty (30) foot landscape buffer shall not be applicable or necessary, but upon the removal of any such house, the thirty (30) foot landscape buffer shall be installed within a reasonable period thereafter, but no later than the date the parking on such lots behind said removed house is built). Furthermore, upon the removal of a house from a lot on Fairfield Drive owned by Mt. Bethel, Mt. Bethel agrees to also remove the driveway for such house.

6. Mt. Bethel agrees that any new lights which it installs on the west or north side of the Property will be directed downward and inward to avoid light spillage on adjacent neighbors. Any such new lights shall be environmental shoe-box lighting and will not cast any light on adjacent residential properties.
7. Mt. Bethel agrees that during the construction of the buildings and improvements indicated by the Application, no construction traffic or construction office will be permitted on Fairfield Drive; provided, however, Mt. Bethel shall expressly have the right to use any one of the existing houses it owns located on Fairfield Drive, as a temporary construction office provided that the only means of access to said house is from Mt. Bethel's Property (parking lot) and there is no access to Fairfield Drive.
8. During the period of construction of the buildings and improvements indicated by the Application, Mt. Bethel agrees that at night and after 9:00 P.M., there will be no disruption, noise or lights from the construction.
9. Mt. Bethel agrees that during construction of the Education Building it will follow and maintain a "Stacking Plan" as shown on Exhibit "B" hereto.
10. Mt. Bethel agrees that during construction of the Fellowship Hall it will follow and maintain a "Stacking Plan" as shown on Exhibit "C" hereto.

Mt. Bethel United Methodist Church

Petition No. SLUP-24
Meeting Date Sept. 20, 2001
Continued

Mr. Mark Danneman
September 17, 2001
Page 4

- 11. Mt. Bethel acknowledges that the only two (2) buildings to be constructed are shown on the Master Plan, and the possible connection of one or more of the buildings on Property. No other buildings will be constructed.
- 12. Upon commencing construction of the 1) Education Building and 2) Assembly Building (as shown on the Master Plan), Mt. Bethel agrees to place a written notice in the mail boxes of the first twenty (20) homes on Fairfield Drive north of Lower Roswell Road advising a) that construction has begun, b) the party at Mt. Bethel to contact if there are any questions or concerns, and c) the phone number of that party at the Church.
- 13. Mt. Bethel agrees to create a "Community Liaison Committee" to cooperate with, seek to inform, and answer inquiries of the Community in regard to Mt. Bethel's plans. The initial "Community Liaison Committee" shall be composed of 1) Rev. Wil Parker, 2) Charles Lester, and 3) Tad Leithead, and Mt. Bethel agrees that these members of the Community Liaison Committee may from time to time be replaced by new members who are knowledgeable about Mt. Bethel's plans. The Community Liaison Committee will meet twice annually with the leadership of the Indian Hills Country Club Estates Homeowners Association, unless both entities agree such meetings are not necessary.
- 14. It is the intent of Mt. Bethel to add to the Mt. Bethel Christian Academy two (2) grades per year for Kindergarten through 8th grade, and any expansion of the Mt. Bethel Christian Academy above the 8th grade shall require a new Special Land Use Permit. This condition shall not affect Mt. Bethel's preschool program.
- 15. Mt. Bethel shall limit the number of students in the Mt. Bethel Christian Academy (its Private School) - Kindergarten through 8th Grade to 640 full-time students; provided, however this number can be increased up to 655 from time to time to take into consideration variations in admissions procedures and similar causes. In the event Mt. Bethel seeks to expand this number, it will need to seek a new special land use permit. Whenever Mt. Bethel Christian Academy is used herein, it shall mean any Private School (Kindergarten through 8th Grade) operating on Property.

Mt. Bethel agrees that each of the foregoing accords shall, subject to the passage of Special Land Use Permit #24, be made conditions thereof. In the event Special Land Use Permit #24 is not passed, none of these items shall become binding conditions upon Mt. Bethel.

Thank you for your cooperation.

Mt. Bethel United Methodist Church, Inc.

By: R. B. Leithead
Name: Roger B. Leithead Jr
Title: Chairman Building Committee

Application for "Other Business" Cobb County, Georgia

(Cobb County Zoning Division - 770-528-2045)

BOC Hearing Date Requested: April 21, 2009

Applicant: Mt. Bethel United Methodist Church, Inc. Phone #: (770) 971-2880
(applicant's name printed)

Address: 4385 Lower Roswell Road, N.E. E-Mail: n/a
Marietta, Georgia 30068-4130

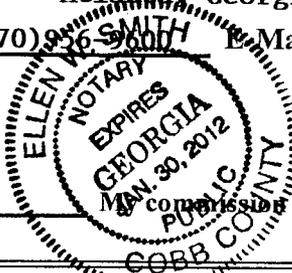
James M. Ney Address: Holt Ney Zatcoff & Wasserman, LLP
(representative's name, printed) 100 Galleria Parkway, Suite 600
Atlanta, Georgia 30339

Phone #: (770) 976-3600 E-Mail: jney@hznzw.com

James M. Ney
(representative's signature)

Signed, sealed and delivered in presence of:

[Signature]
Notary Public



Commission expires: January 30, 2012

Commission District: 2 Zoning Case: SLUP-24 (2001)*

Date of Zoning Decision: 9/20/2001 Original Date of Hearing: 9/20/2001

Location: 4385 Lower Roswell Road, N.E., Marietta, Georgia 30068-4130
(street address, if applicable; nearest intersection, etc.)

Land Lot(s): 1045 and 1116 District(s): 16

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

Mt. Bethel United Methodist Church ("Mt. Bethel") seeks to amend the conditions of its Special Land Use Permit which currently allows Mt. Bethel to operate a Christian school known as the Mt. Bethel Christian Academy (the "Academy") for grades K through 8 (see letter of agreeable conditions dated September 17, 2001, a copy of which is included herewith), to allow the Academy to add pre-school children to its student body. (Mt. Bethel does not seek to increase the maximum number of students attending the Academy.) Accordingly, Mt. Bethel seeks to amend conditions #14 and #15 as set out in its September 17, 2001 letter to reflect a "pre-K through 8th grade" student body composition.

- Attachments:
- (1) Metes and bounds legal description (Exhibit A)
 - (2) SLUP-24 (2001) Approval with conditions (Exhibit B, conditions #14 and 15 proposed to be amended tabbed)
 - (3) 8 1/2 x 11" and full sized Master Plan (for reference only; no change sought to Master Plan)

(List or attach additional information if needed)

*See also SLUP-14(1998)

