

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 (1190 Indian Hills Parkway).

ACCESS TO PROPERTY: Fairfield Drive and Indian Hills Parkway

PHYSICAL CHARACTERISTICS TO SITE: Existing building

PETITION NO: LUP-10

HEARING DATE (PC): 04-06-10

HEARING DATE (BOC): 04-20-10

PRESENT ZONING: R-20

PROPOSED ZONING: Land Use Permit (Renewal)

PROPOSED USE: Day Care

SIZE OF TRACT: 5.9 acre

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** _____

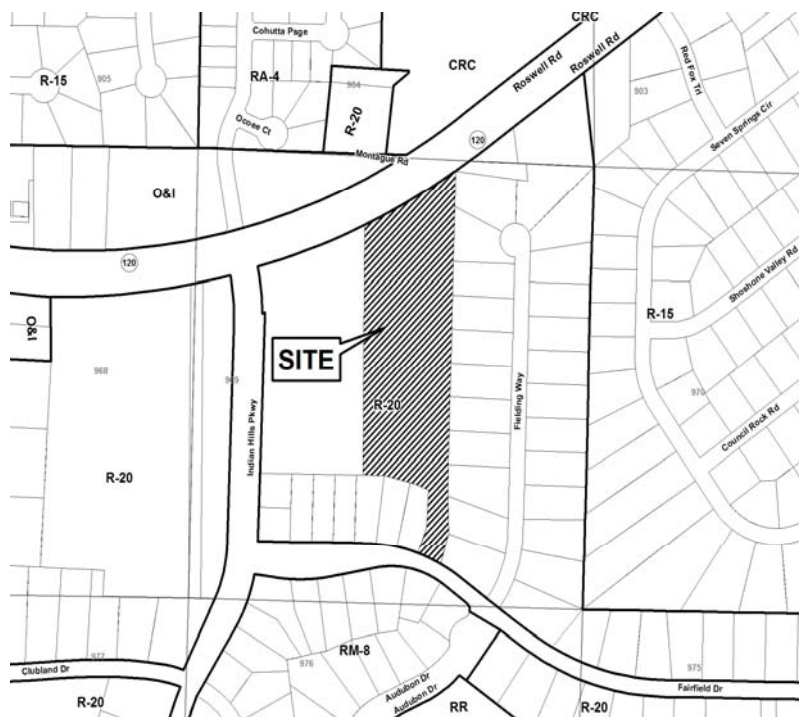
BOARD OF COMMISSIONERS DECISION

APPROVED _____ **MOTION BY** _____

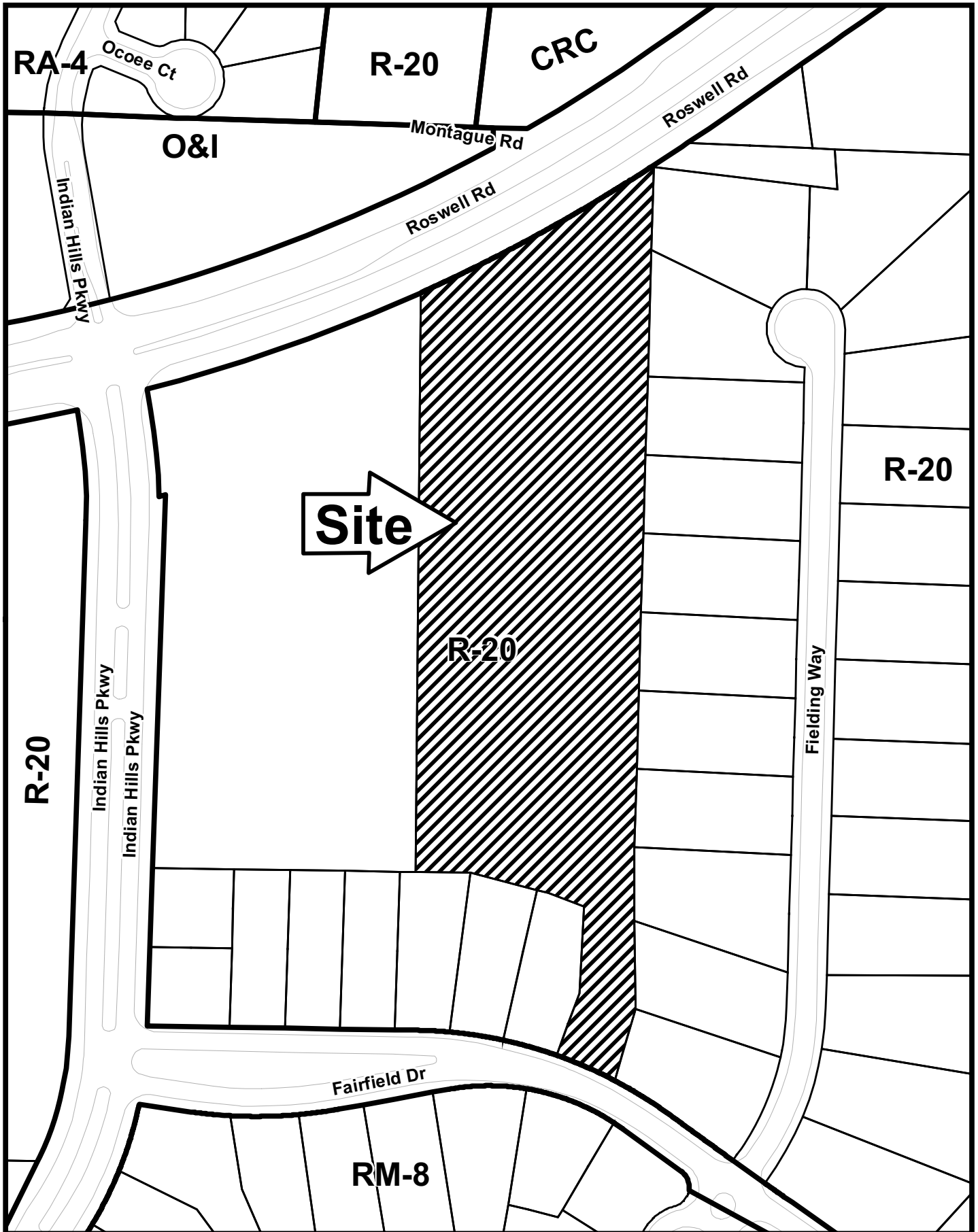
REJECTED _____ **SECONDED** _____

HELD _____ **CARRIED** _____

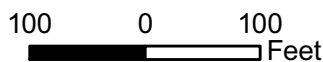
STIPULATIONS:



LUP-10



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-10

PRESENT ZONING: R-20

PETITION FOR: LUP

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

The applicant is requesting a renewal of a Temporary Land Use Permit to provide child daycare to non-members of the congregation. 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. The applicant is amenable to the previous stipulations (see attached Exhibit “A”). The applicant has submitted a letter of agreeable stipulations (see Exhibit “B”).

Historic Preservation: No comment.

Cemetery Preservation: No comment.

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:

No comments.

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-10

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, and staff is not aware of any complaints relating to the previous LUP. Based on the above analysis, Staff recommends APPROVAL for 24 months subject to:

- Site plan received by the Zoning Division on February 3, 2010, with the District Commissioner approving minor changes;
- Letter from Mr. Parks Huff, dated March 15, 2010;
- 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.

MINUTES OF ZONING HEARING
COBB COUNTY BOARD OF COMMISSIONERS
MARCH 17, 2009
PAGE 4

LUP-7 CONGREGATION ETZ CHAIM, INC. (owner) requesting a **Land Use Permit** for the purpose of a Day Care in Land Lot 969 of the 16th District. Located on the south side of Roswell Road and on the north side of Fairfield Drive, east of Indian Hills Parkway.

MOTION: Motion by Lee, second by Ott, as part of the Consent Agenda, to **approve** Land Use Permit for **12 months subject to:**

- **site plan received by the Zoning Division on December 31, 2008, with the District Commissioner approving minor changes (attached and made a part of these minutes)**
- **letter of agreeable conditions from Mr. Parks Huff dated February 24, 2009 (attached and made part of these minutes)**
- **Fire Department comments and recommendations**
- **Cobb DOT comments and recommendations**

VOTE: **ADOPTED** 4-0 (Olens recused himself)

~~REGULAR AGENDA:~~

~~Z-59^{'08} REALTICORP/THORNTON, LLC (owner) requesting Rezoning from LI and R-20 to CRC for the purpose of Retail and Hotel in Land Lots 583, 584, 613, and 614 of the 18th District. Located on the north side of Interstate West Parkway and on the south side of Interstate 20, east of Thornton Road. *(Previously continued by the Planning Commission from their December 2, 2008 and February 3, 2009 hearings)*
WITHDRAWN WITHOUT PREJUDICE~~

~~Z-5 HARRY BOONE and BILL HUFF (John Stephens, Janet Goethe and Jane L. Wootton, owners) requesting Rezoning from LI, OI and R-20 to CCRC for the purpose of a Retirement Community in Land Lots 584, 585, 586, 611 and 612 of the 18th District. Located on the north side of Factory Shoals Road, southwesterly of Hartman Road and on the south side of Interstate 20, east of Thornton Road. *(Continued by Staff from the February 3, 2009 and March 3, 2009 Planning Commission hearings; therefore was not considered at this hearing)*~~

Meeting Date March 17, 2009

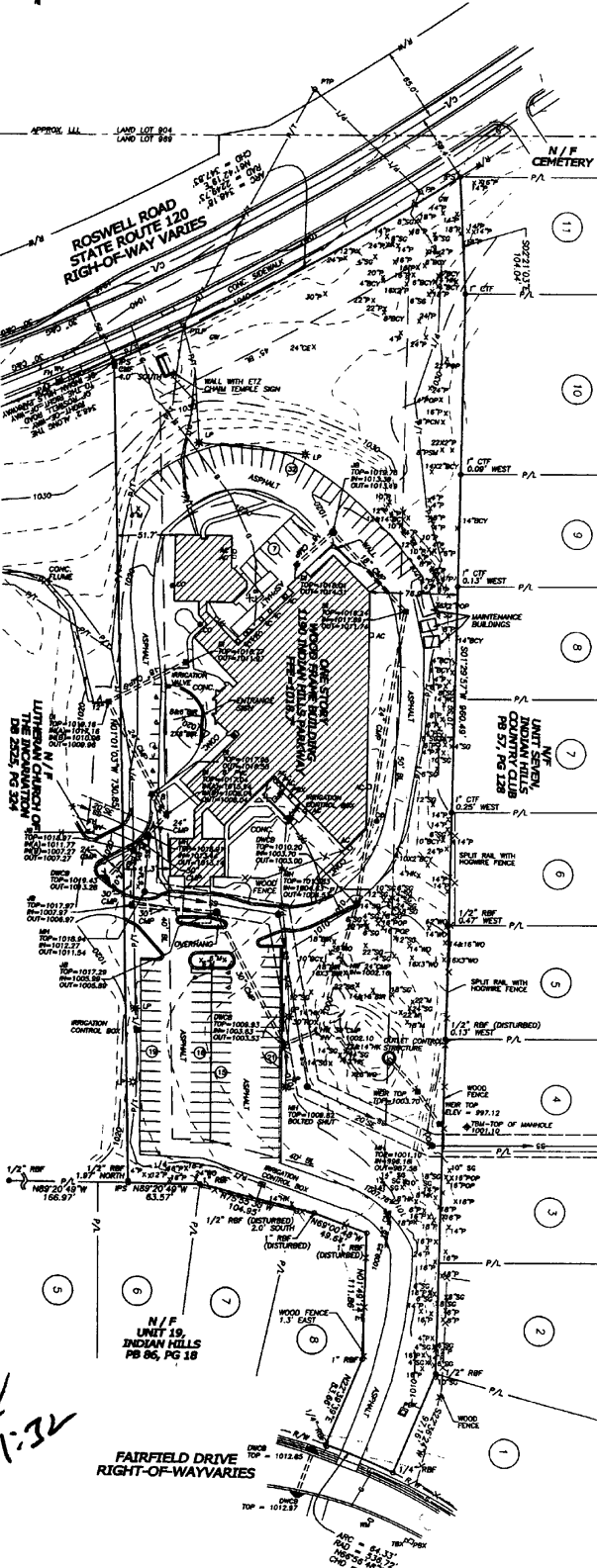


LEGEND
 --- PROPERTY LINE
 --- RIGHT-OF-WAY
 --- ADJACENT PROPERTY
 --- EXISTING LOT LINES
 --- PROPOSED LOT LINES
 --- EXISTING ROADS
 --- PROPOSED ROADS
 --- EXISTING UTILITIES
 --- PROPOSED UTILITIES
 --- EXISTING BUILDINGS
 --- PROPOSED BUILDINGS
 --- EXISTING TREES
 --- PROPOSED TREES
 --- EXISTING DRIVEWAYS
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 --- EXISTING GRASS
 --- PROPOSED GRASS
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 --- EXISTING CONCRETE
 --- PROPOSED CONCRETE
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 --- EXISTING FINISHING
 --- PROPOSED FINISHING
 --- EXISTING MAINTENANCE
 --- PROPOSED MAINTENANCE

NOTES
 1. THE (LUP) DATA LISTED ON THIS MAP IS CURRENT AND IS SUBJECT TO A CHANGE IN THE FUTURE. THE (LUP) DATA IS SUBJECT TO A CHANGE IN THE FUTURE. THE (LUP) DATA IS SUBJECT TO A CHANGE IN THE FUTURE.
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REFERENCE DATA
 1. ZONING MAP NO. 2008-0001
 2. ZONING MAP NO. 2008-0002
 3. ZONING MAP NO. 2008-0003
 4. ZONING MAP NO. 2008-0004
 5. ZONING MAP NO. 2008-0005
 6. ZONING MAP NO. 2008-0006
 7. ZONING MAP NO. 2008-0007
 8. ZONING MAP NO. 2008-0008
 9. ZONING MAP NO. 2008-0009
 10. ZONING MAP NO. 2008-0010

TOTAL AREA
 5.809 ACRES



RECEIVED
 DEC 31 2008
 COBB CO. COMM. DEV. AGENCY
 ZONING DIVISION

JAC
 11-32

THIS PLAN IS TO BE USED IN CONNECTION WITH THE LUP-10 (2010) EXHIBIT "A" ZONING MAP NO. 2008-0001, AS AMENDED BY THE LUP-10 (2010) EXHIBIT "A" ZONING MAP NO. 2008-0002, 2008-0003, 2008-0004, 2008-0005, 2008-0006, 2008-0007, 2008-0008, 2008-0009, AND 2008-0010.

SHEET
 1
 OF
 1



BOUNDARY AND TOPOGRAPHIC SURVEY
 FOR:
ETZ CHAIM TEMPLE
 LOCATED IN
 LAND LOT 989
 16TH DISTRICT
 COBB COUNTY, GEORGIA

GRAPHIC SCALE
 20' 0" 50' 100'

NO. DATE DESCRIPTION
 REVISIONS

BOUNDARY AND TOPOGRAPHIC SURVEY
 FOR:
ETZ CHAIM TEMPLE
 LOCATED IN
 LAND LOT 989
 16TH DISTRICT
 COBB COUNTY, GEORGIA

Rochester
 & Associates, Inc.
 286 Highway 314, Suite A - Fayetteville, Georgia 30214
 (770)716-8123 (770)716-8124 Fax • www.rochester-usac.com

Min. Bk. 58

Doc. Type letter

conditions

Meeting Date March 17, 2009

SAMS, LARKIN & HUFF
A LIMITED LIABILITY PARTNERSHIP

SUITE 100
376 POWDER SPRINGS STREET
MARIETTA, GEORGIA 30064-3448

770-422-7016
TELEPHONE

770-426-6583
FACSIMILE

GARVIS L. SAMS, JR.
JOEL L. LARKIN
PARKS F. HUFF
JAMES A. BALLI

MELISSA P. HAISTEN
JUSTIN H. MEEKS

SAMSLARKINHUFF.COM

February 24, 2009

VIA HAND DELIVERY

Mr. Mark A. Danneman, Manager
Cobb County Zoning Department
Suite 300
191 Lawrence Street
Marietta, Georgia 30060-1661

Re: Application of Congregation Etz Chaim for a TLUP on a tract of property zoned R-20 and located at 1190 Indian Hills Parkway, Marietta, Cobb County, Georgia for the purposes of preschool program affiliated with the Synagogue. (LUP-~~10~~ 10) ¹ *ep*

Dear Mark:

Previously, the applicant submitted a stipulation letter dated February 19, 2009 agreeing to certain stipulations. After a dialogue with the East Cobb Civic Association, please accept this revised letter as superseding the previous letter.

As you know, this firm represents Congregation Etz Chaim in relation to their Temporary Land Use Permit application for their existing preschool program. The application is scheduled to be heard by the Planning Commission at its regular meeting on March 3, 2009 and will then be on the Board of Commissioners agenda for March 17, 2009.

As a service to its congregation and as an outreach program to the community at large, Congregation Etz Chaim operates a preschool program for children from one to five years of age. Although the program mainly serves members of the synagogue, it is open to the general public. The synagogue's location on an arterial road and across the road from a neighborhood activity center makes the proposed use very appropriate in terms of land use planning.

With regard to traffic, the impact on traffic flow is minimal. A majority of the children will continue to attend the current basic nursery program from 9:30 am to 1:30 pm. The one and two year olds have 2 day a week programs while the 3-5 year olds have a 3, 4 or 5-day program. Next year, the Congregation Etz Chaim will offer an optional early drop off time (8:00am) and optional late pick-up time (3:30 or 4:00) for those parents of 2-5 year olds who need additional care beyond the core preschool program. The staggering of the times and the days of the week lessens the already minimal traffic impact dramatically.

Petition No. 1
Meeting Date March 17, 2009
Continued

SAMS, LARKIN & HUFF
A LIMITED LIABILITY PARTNERSHIP

VIA HAND DELIVERY

Mr. Mark Danneman, Manager
Cobb County Zoning Department
Page 2
February 24, 2009

Following is a list of conditions that my client will agree to become a condition on the grant of the Land Use Permit and binding upon the subject property thereafter:

1. The preschool program will continue to serve children from the ages of 12 months through 5 years of age.
2. The program will be limited to no more than 100 children.
3. There isn't anticipated to be any additional signage for the daycare program. Any signage for the preschool program will comply with the county sign ordinance.
4. The school will maintain a drop-off and pick-up schedule and plan that ensures that there is free flowing ingress and egress to the synagogue and no traffic backing up onto adjacent roadways. Carpool lines will continue to be lined up around the back of the synagogue, well away from any county streets.
5. The preschool program will continue to be operated solely from the Education Wing of the main building located at 1190 Indian Hills Parkway.
6. The initial term of the Temporary Land Use Permit will be for 12 months.
7. Minor modifications to the conditions may be approved by the District Commissioner.

Please do not hesitate to contact me should you or the staff require any further information or documentation prior to the formulation of your analysis and recommendation to the Board of Commissioners and Planning Commission.

Very truly yours,

SAMS, LARKIN & HUFF, LLP



Parks F. Huff

PFH

cc: Shown next page

Petition No. 24
Meeting Date March 11, 2009
Continued

SAMS, LARKIN & HUFF
A LIMITED LIABILITY PARTNERSHIP

VIA HAND DELIVERY

Mr. Mark Danneman, Manager
Cobb County Zoning Department
Page 3
February 24, 2009

cc: Members, Cobb County Board of Commissioners - VIA Hand Delivery
Members, Cobb County Planning Commissioners - VIA First Class Mail
Mr. Robert L. Hosack, Jr., AICP, Director - VIA First Class Mail
Ms. Karen King, Deputy County Clerk - VIA Hand Delivery
Ms. Lori Presnell, Deputy County Clerk - VIA Hand Delivery
Ms. Jill Flamm, VP ECCA

**LUP-10 (2010)
Exhibit "B"**

RECEIVED
MAR 15 2010
770-422-7016
TELEPHONE
770-426-6583
FACSIMILE
COBB COUNTY COMMISSIONERS AGENCY
ZONING DIVISION

SAMS, LARKIN & HUFF
A LIMITED LIABILITY PARTNERSHIP
SUITE 100
376 POWDER SPRINGS STREET
MARIETTA, GEORGIA 30064-3448

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MELISSA P. HAISTEN
JUSTIN H. MEEKS

SAMSLARKINHUFF.COM

March 15, 2010

VIA HAND DELIVERY

Mr. Mark A. Danneman, Manager
Cobb County Zoning Department
Suite 300
191 Lawrence Street
Marietta, Georgia 30060-1661

Re: Application of Congregation Etz Chaim for a LUP on a tract of property zoned R-20 and located at 1190 Indian Hills Parkway, Marietta, Cobb County, Georgia for the purposes of preschool program affiliated with the Synagogue. (LUP-10-2010, Renewal of LUP-3-2009).

Dear Mark:

As a service to its congregation and as an outreach program to the community at large, Congregation Etz Chaim operates a preschool program for children from one to five years of age. Although the program mainly serves members of the synagogue, it is open to the general public. To allow this program, the Board of Commissioners approved a twelve-month Temporary Land Use Permit (LUP-3-2009) on March 17, 2009. The approval was subject to:

- 1) The site plan received by the zoning staff dated December 31, 2008, with the district commissioner approving minor modifications.
- 2) A letter of agreeable stipulations dated February 24, 2009.
- 3) Fire Department comments and recommendations.
- 4) DOT comments and recommendations.

Congregation Etz Chaim wishes to renew LUP-3 –2009 for 24 months subject to the same terms and conditions that were approved previously with the District Commissioner approving minor modifications so it can continue this valuable service to the community.

Following is a recitation of the conditions that were included in the previous letter of agreeable stipulations dated February 24, 2009 with the updated term of twenty-four months:

VIA HAND DELIVERY

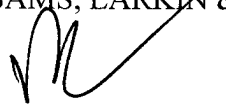
Mr. Mark Danneman, Manager
Cobb County Zoning Department
Page 2
March 15, 2010

1. The preschool program will continue to serve children from the ages of 12 months through 5 years of age.
2. The program will be limited to no more than 100 children.
3. There isn't anticipated to be any additional signage for the daycare program. Any signage for the preschool program will comply with the county sign ordinance.
4. The school will maintain a drop-off and pick-up schedule and plan that ensures that there is free flowing ingress and egress to the synagogue and no traffic backing up onto adjacent roadways. Carpool lines will continue to be lined up around the back of the synagogue, well away from any county streets.
5. The preschool program will continue to be operated solely from the Education Wing of the main building located at 1190 Indian Hills Parkway.
6. The renewal term of the Temporary Land Use Permit will be for 24 months.
7. Minor modifications to the conditions may be approved by the District Commissioner.

Please do not hesitate to contact me should you or the staff require any further information or documentation prior to the formulation of your analysis and recommendation to the Board of Commissioners and Planning Commission.

Very truly yours,

SAMS, LARKIN & HUFF, LLP



Parks F. Huff
phuff@samslarkinhuff.com

PFH

cc: Shown next page

SAMS, LARKIN & HUFF
A LIMITED LIABILITY PARTNERSHIP

VIA HAND DELIVERY

Mr. Mark Danneman, Manager
Cobb County Zoning Department
Page 3
March 15, 2010

cc: Members, Cobb County Board of Commissioners - VIA Hand Delivery
Members, Cobb County Planning Commissioners – VIA First Class Mail
Ms. Karen King, Deputy County Clerk – VIA Hand Delivery
Ms. Lori Presnell, Deputy County Clerk – VIA Hand Delivery
Ms. Jill Flamm, VP ECCA
Jane Stricklin, DOT –VIA Email
David Breaden, Stormwater Division -VIA Email