

APPLICANT: Temple Kol Emeth
770-973-9205

REPRESENTATIVE: Steven Cadranel
404-869-7155

TITLEHOLDER: Temple Kol Emeth

PROPERTY LOCATION: Northwest intersection of Old Canton Road and Sewell Mill Road, and at the southeast intersection of Brookcliff Drive and Brookcliff Place (1415 Old Canton Road)

ACCESS TO PROPERTY: Old Canton Road

PHYSICAL CHARACTERISTICS TO SITE: Existing buildings

FUTURE LAND USE MAP: Public Institutional

CONTIGUOUS ZONING/DEVELOPMENT

- NORTH:** R-20/ single-family house
- SOUTH:** RA-4/ Princeton Corners subdivision
- EAST:** R-20/ Eastminister Presbyterian Church
- WEST:** R-20/ Wooded Hills subdivision, single-family houses

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:

PETITION NO: LUP-23

HEARING DATE (PC): 09-08-2011

HEARING DATE (BOC): 09-20-2011

PRESENT ZONING: R-20

PROPOSED ZONING: Land Use Permit (Renewal)

PROPOSED USE: Preschool/Daycare

SIZE OF TRACT: 5.75 acres

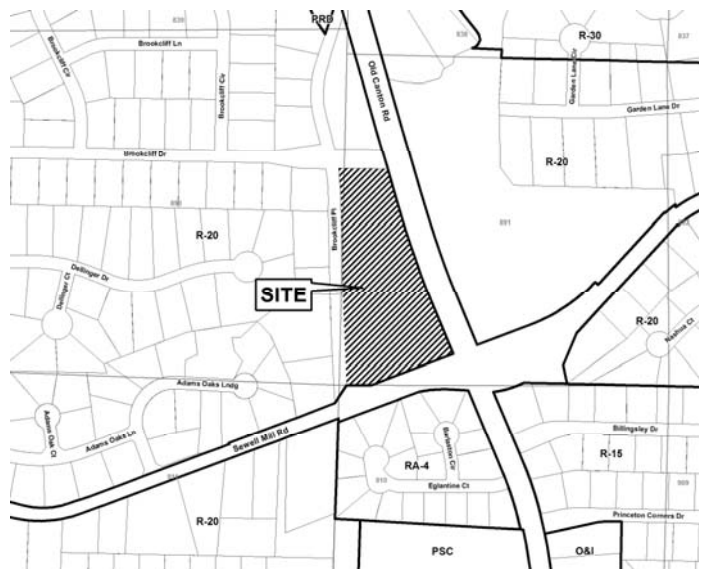
DISTRICT: 16

LAND LOT(S): 890, 891

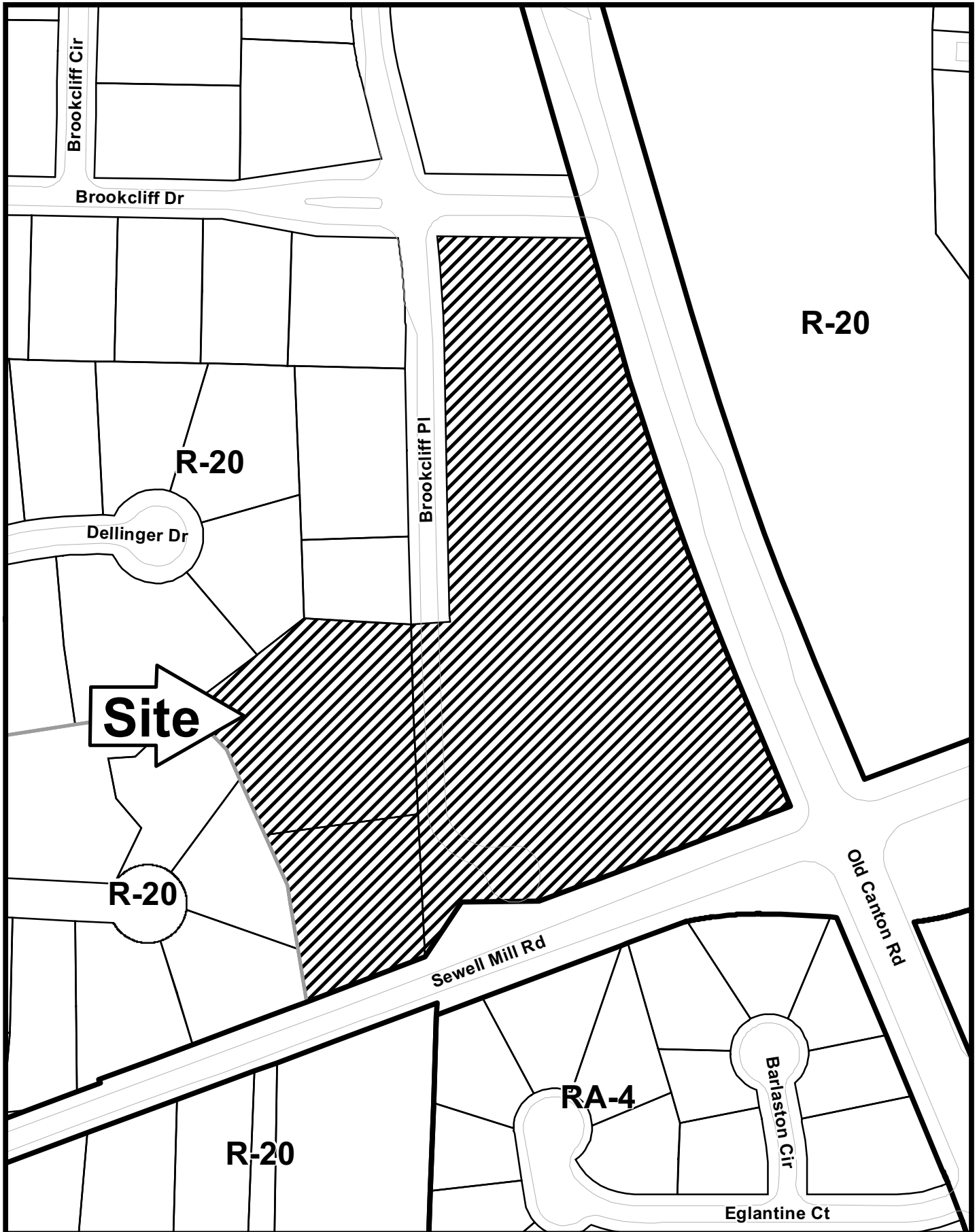
PARCEL(S): 24

TAXES: PAID n/a **DUE**

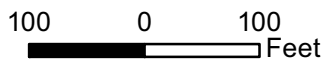
COMMISSION DISTRICT: 3





LUP-23



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



-  City Boundary
-  Zoning Boundary

APPLICANT: Temple Kol Emeth

PETITION No.: LUP-23

PRESENT ZONING: R-20

PETITION FOR: LUP

ZONING COMMENTS:

Staff Member Responsible: Terry Martin, MPA

The applicant is requesting a Temporary Land Use Permit (LUP) renewal to continue providing child daycare and preschool to nonmembers of the facility. The applicant's desire is to continue the program accomodating up to 100 children. The daycare operates Monday through Friday from 7:00 a.m. to 6:00 p.m. The original approval stipulated both a traffic plan for drop off and pick up as well as a site plan which are attached (see Exhibit "A").

Historic Preservation: No comment.

Cemetery Preservation: No comment.

WATER & SEWER COMMENTS:

Address connected to water. No additional comments.

TRAFFIC COMMENTS:

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

FIRE COMMENTS:

NO COMMENTS: After analyzing the information presented for a Preliminary Review, the Cobb County Fire Marshal's Office is confident that all other items can be addressed during the Plan Review Stage.

APPLICANT: Temple Kol Emeth

PETITION NO.: LUP-23

PRESENT ZONING: R-20

PETITION FOR: LUP (Renewal)

DRAINAGE COMMENTS

No comments.

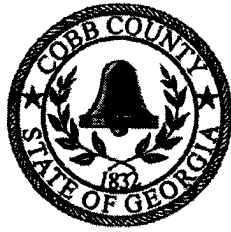
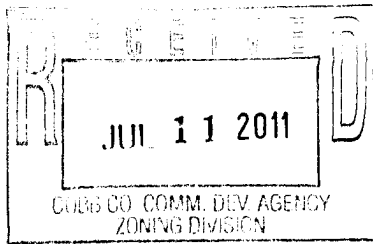
STAFF RECOMMENDATIONS

LUP-23 TEMPLE KOL EMETH

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, other religious facilities and some commercially zoned property to the south. The applicant has the required infrastructure relating to parking and drop off/ pick up facilities. The applicant has already been granted the LUP for the requested program one (1) year ago and simply wishes to renew in order to continue operations. 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 24 months subject to:

- Site plan received by the Zoning Division on July 11, 1011 with the District Commissioner approving minor changes;
- Maximum of 100 children;
- 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.



Application #: LUP-23
PC Hearing Date: 9-8-11 (Thurs.)
BOC Hearing Date: 9-20-11

TEMPORARY LAND USE PERMIT WORKSHEET

1. Type of business? Pre school / day care
2. Number of employees? 30 +/-
3. Days of operation? Monday Thru Friday
4. Hours of operation? 7:00 AM through 6:00 PM
5. Number of clients, customers, or sales persons coming to the house per day? 80 - 100 ; Per week? _____
6. Where do clients, customers and/or employees park?
Driveway: _____ ; Street: _____ ; Other (Explain):
on site parking lot
7. Signs? No: _____ ; Yes: X . (If yes, then how many, size, and location): one; b/s sign for synagogue small in size and in compliance with County Ordinance
8. Number of vehicles related to this request? (Please also state type of vehicle, i.e. dump truck, bobcat, trailer, etc.): N/A

9. Deliveries? No _____ ; Yes X (If yes, then how many per day or week, and is the delivery via semi-truck, USPS, Fedex, UPS, etc.)
Meal / mail one time a day in MTCCA Minibus
10. Does the applicant live in the house? Yes NA ; No NA
11. Any outdoor storage? No X ; Yes _____ (If yes, please state what is kept outside): _____
12. Length of time requested: 5 years to permanent
13. Any additional information? (Please attach additional information if needed):
None. The school has been in operation for nearly a year without any infraction or complaint

Applicant signature: Steven Cadrane Date: 7/6/11

Applicant name (printed): Steven Cadrane

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Min. Bk. 61 Petition No. LUP-23
Doc. Type letter of agreeable
conditions
Filing Date 8/17/10

SMITH, GAMBRELL & RUSSELL, LLP
Attorneys at Law

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Kathryn M. Zickert
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Direct Fax: 404-685-7004
kmzickert@sgrlaw.com

August 16, 2010

VIA E-MAIL (john.pederson@cobbcounty.org)

Mr. John P. Pederson, AICP, Planner III
Cobb County Zoning Division
P.O. Box 649
Marietta, GA 30061

FILED WITH COUNTY CLERK THIS 17th DAY
OF Aug 20 10 BY K. Zickert
RE LUP-23
Stori Russell
COUNTY CLERK/ASST. COUNTY CLERK/DEPUTY COUNTY CLERK
COBB COUNTY, GEORGIA

Re: Application of Temple Kol Emeth for Temporary Land Use
Permit (LUP-23)

Dear John:

As you know, the undersigned and this law firm represent Temple Kol Emeth ("TKE") in relation to its Temporary Land Use Permit application (the "Application") to operate a pre-school program on ± 5.75 acres located in the northwest quadrant of the intersection of Sewell Mill and Old Canton Roads (the "Subject Property"), all as further described in the Application. After meeting with the Planning and Zoning Staff and various departmental representatives, engaging in discussions with area homeowner groups and homeowner representatives, and reviewing Staff comments and recommendations and the uses of surrounding properties, we have been authorized to submit this letter of agreeable stipulations and conditions which, if the Application is approved, as submitted, shall become a part of the requested Temporary Land Use Permit and bind the Subject Property. This letter shall supersede and replace in full the letter with agreeable stipulations and conditions dated and filed August 13, 2010. The referenced stipulations and conditions are as follows:

1. The pre-school program shall be limited to children from six (6) weeks through five (5) years of age and be open to TKE members and non-members.
2. TKE or an affiliated organization, such as the Marcus Jewish Community Center of Atlanta, shall operate the pre-school program.
3. The pre-school shall be limited to a maximum of 100 children at the pre-school facility at any one (1) time.



4. The hours of operation of the pre-school shall be limited to Monday through Friday, from 7:00 a.m. to 6:00 p.m.
5. The operator of the pre-school shall follow a drop-off and pick-up plan which will require ingress and egress exclusively from Old Canton Road, as reflected on the Circulation Plan attached hereto as Exhibit "A". During the hours of operation of the pre-school, the driveway from the Subject Property onto Brookcliff Place shall be blocked, and neither it nor the private road with circle off of Brookcliff Place, shall be used for pre-school access.
6. The pre-school may use the two (2) existing playgrounds on the Subject Property, and the playground closest to Brookcliff Place shall be screened by an opaque wooden fence.
7. TKE shall not use Brookcliff Place for outdoor events and shall take steps, such as by making announcements from the pulpit and in the regular synagogue newsletter, to prohibit TKE members from parking in front of the residences on Brookcliff Place.
8. At the neighborhood's request, TKE will request the County to allow "No Parking" signs to be erected on Brookcliff Place in front of the residences.
9. TKE will work with the County DOT to erect a "No Outlet" sign at the intersection of Brookcliff Place and Brookcliff Drive to discourage use of Brookcliff Place by the general public.
10. The initial term of the Temporary Land Use Permit shall be limited to twelve (12) months, with an anticipated renewal at the end of that time.
11. Minor modifications to any stipulation approved with the Application may be approved by the District Commissioner, as needed or necessary.

TKE also owns ± 5.74 acres of land west of Brookcliff Place which contain, among other improvements, the Doc Lebow Center (the "Western Parcel"). Although the Western Parcel is not part of the Application, the Applicant voluntarily agrees to the following additional stipulations and conditions respecting the Western Parcel:

12. TKE will prohibit staff members in the pre-school program from parking on the Western Parcel during the term of the Temporary Land Use Permit.
13. TKE will prohibit children in the pre-school program from using the Western Parcel during the term of the Temporary Land Use Permit.

14. TKE will not use the Western Parcel for outdoor services during the term of the Temporary Land Use Permit, except for one (1) outdoor service during the summer months to conclude by 9:00 p.m. or except as otherwise may be expressly approved by the District Commissioner.
15. TKE will preserve as an undisturbed buffer the first 35 feet south of and perpendicular to the common boundary line of the Western Parcel and 1415 Brookcliff Place, currently owned by Hassan Bayani, during the term of the Temporary Land Use Permit. However, TKE shall not be required to remove any portion of the driveway that may currently exist within the proposed undisturbed buffer area.
16. TKE may continue to hold synagogue functions, such as worship services, tutoring, board and other meetings, religious school classes, and youth group lounge and lock-ins at the Doc Lebow Center on the Western Parcel and, during the term of the Temporary Land Use Permit, agrees that:
 - a. Organized youth activities at the Doc Lebow Center shall be chaperoned at all times.
 - b. All activities conducted at the Doc Lebow Center shall conclude no later than 9:00 p.m., except as indicated in subparagraph (c) below or as otherwise may be expressly approved by the District Commissioner.
 - c. On no more than twelve (12) occasions per year and strictly limited to a Friday or Saturday night, activities at the Doc Lebow Center on the Western Parcel may extend until 11:00 p.m. Additionally, on no more than four (4) occasions per year and strictly limited to a Friday or Saturday night, TKE may host youth fellowship lock-ins, in which youth spend the night in the Doc Lebow Center on the Western Parcel. In the event of a lock-in, all youth shall be indoors at the Doc Lebow Center no later than 11:00 p.m.
17. TKE will encourage, such as by making announcements from the pulpit and in the regular synagogue newsletter, cars arriving for the organized youth activities at the Doc Lebow Center as referenced in paragraph 16 above to park, drop off and pick up, as applicable, in the main parking lot on the Subject Property, and not on Brookcliff Place.

TKE notes that it already has removed the non-permitted signage on the front of the Lebow Center.

Please do not hesitate to contact me if you have any questions or concerns regarding the application or the stipulations and conditions proposed in this letter.

Mr. John P. Pederson, AICP, Planner III
August 16, 2010
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Petition No. LWP.23
Meeting Date 8/17/10
Continued

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Sincerely,



Kathryn M. Zickert

KMZ/jlp

cc: Members, Cobb County Board of Commissioners

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MJCCA

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Janice.wolf@atlantajcc.org

Ms. Karen King, Deputy County Clerk

