

LUP-11
 (2012)

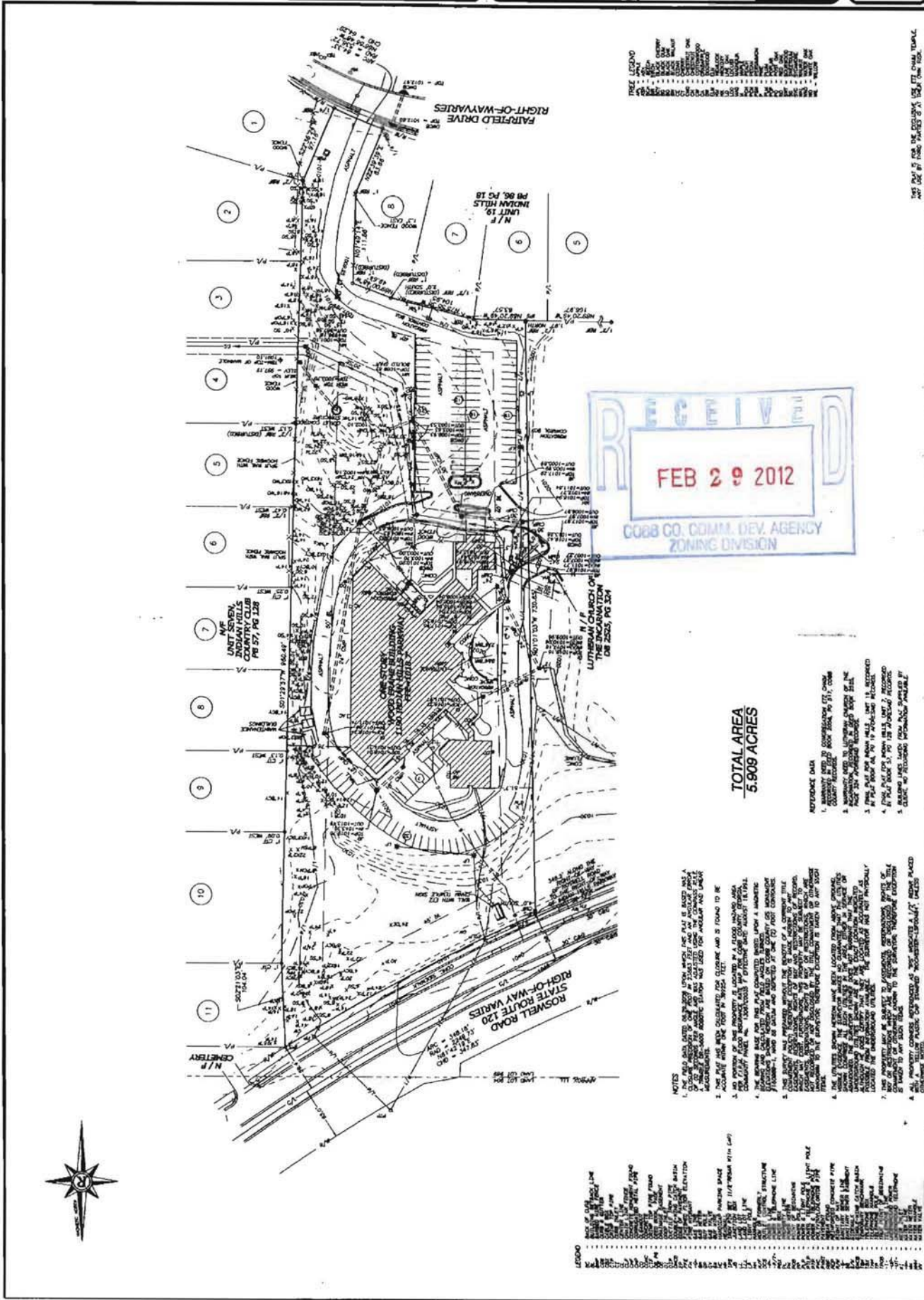
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GRAPHIC SCALE
 1" = 100'

THIS PLAN IS NOT VALID UNLESS IT BEARS THE SEAL AND SIGNATURE OF THE SURVEYOR.

DATE: 02/17/12
 SHEET: 1 OF 1

DATE: 02/17/12	SHEET: 1 OF 1
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RECEIVED
 FEB 29 2012
 COBB CO. COMM. DEV. AGENCY
 ZONING DIVISION

**TOTAL AREA
 5.909 ACRES**

- NOTES**
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APPLICANT: Congregation Etz Chaim, Inc.

(770) 973-0137

REPRESENTATIVE: Parks F. Huff (770) 422-7016

SAMS LARKIN & HUFF, LLP

TITLEHOLDER: Congregation Etz Chaim, Inc.

PROPERTY LOCATION: On the south side of Roswell Road, and
on the north side of Fairfield Drive

(1190 Indian Hills Parkway)

ACCESS TO PROPERTY: Fairfield Drive

PHYSICAL CHARACTERISTICS TO SITE: Existing building

CONTIGUOUS ZONING/DEVELOPMENT

NORTH: O&I/Office Building

SOUTH: R-20/Indian Hills Subdivision

EAST: R-20/Indian Hills Subdivision

WEST: R-20/Lutheran Church

PETITION NO: LUP-11

HEARING DATE (PC): 05-01-12

HEARING DATE (BOC): 05-15-12

PRESENT ZONING: R-20

PROPOSED ZONING: Land Use Permit
(Renewal)

PROPOSED USE: Daycare

SIZE OF TRACT: 5.909 acres

DISTRICT: 16

LAND LOT(S): 969

PARCEL(S): 3

TAXES: PAID X **DUE** _____

COMMISSION DISTRICT: 2

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

PLANNING COMMISSION RECOMMENDATION

APPROVED ____ **MOTION BY** _____

REJECTED ____ **SECONDED** _____

HELD ____ **CARRIED** _____

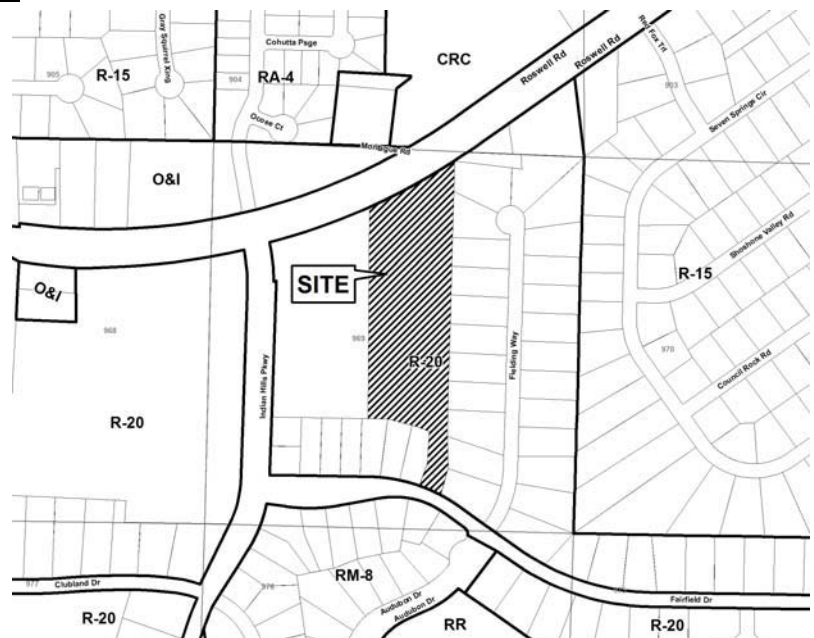
BOARD OF COMMISSIONERS DECISION

APPROVED ____ **MOTION BY** _____

REJECTED ____ **SECONDED** _____

HELD ____ **CARRIED** _____

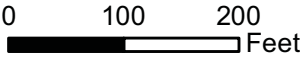
STIPULATIONS:





LUP-11



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-11

PRESENT ZONING: R-20

PETITION FOR: LUP

ZONING COMMENTS: Staff Member Responsible: Jason A. Campbell

The applicant is requesting the renewal of a Temporary Land Use Permit to provide child daycare to non-members of the congregation. The program is for ages 12 months to five years and will be limited to no more than 100 children. The hours of operation will be Monday through Friday from 8 a.m. until 4 p.m. The school will maintain a drop-off and pick-up schedule that ensure there is free flowing ingress and egress to the synagogue and no traffic backing up onto adjacent roadways.

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:

No comments.

TRAFFIC COMMENTS:

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

FIRE COMMENTS:

Plans must be submitted to the Cobb County Fire Marshal's Office to initiate the Certificate of Occupancy process.

APPLICANT: Congregation Etz Chaim, Inc

PETITION NO.: LUP-11

PRESENT ZONING: R-20

PETITION FOR: LUP

STORMWATER MANAGEMENT COMMENTS

No comments.

STAFF RECOMMENDATIONS

LUP-11 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 29, 2012, with the District Commissioner approving minor modifications;
- Previously approved minutes and stipulations from LUP-10 of 2010, attached for reference;
- Fire Department comments and recommendations; 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- 11

PC Hearing Date: 05/01/12

BOC Hearing Date: 05/15/12

TEMPORARY LAND USE PERMIT WORKSHEET

1. Type of business? Day Care Program
2. Number of employees? 10
3. Days of operation? Monday through Friday
4. Hours of operation? 8:00 a.m. to 4:00 p.m.
5. Number of clients, customers, or sales persons coming to the house per day? 41; Per Week? 205
6. Where do clients, customers and/or employees park:
Driveway: _____; Street: _____; Other (Explain): Parking Lot
7. Signs? No: _____; Yes: X. (If yes, then how many, size, and location): _____
8. Number of vehicles related to this request? (Please also state type of vehicle, i.e., dump truck, bobcat, trailer, etc.): up to 41 (cars/vans)
9. Deliveries? No X; Yes _____ (If yes, then how many per day or week, and is the delivery via semi-truck, USPS, FedEx, UPS, etc.)

10. Does the applicant live in the house? Yes _____; No X
11. Any outdoor storage? No X; Yes _____ (If yes, please state what is kept outside): _____

12. Length of time requested: 24 months
13. Any additional information? Please attach additional information if needed):

Applicant Signature: Park F. Huff

Date: 2.28.2012

Applicant name (printed): Parks F. Huff / Attorney for Applicant

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APPLICATION NO. LUP-10

*LUP-11
Previous
Minutes*

ORIGINAL DATE OF APPLICATION: 04-20-10

APPLICANTS NAME: CONGREGATION ETZ CHAIM, INC.

THE FOLLOWING REPRESENTS THE FINAL DECISIONS OF THE
COBB COUNTY BOARD OF COMMISSIONERS

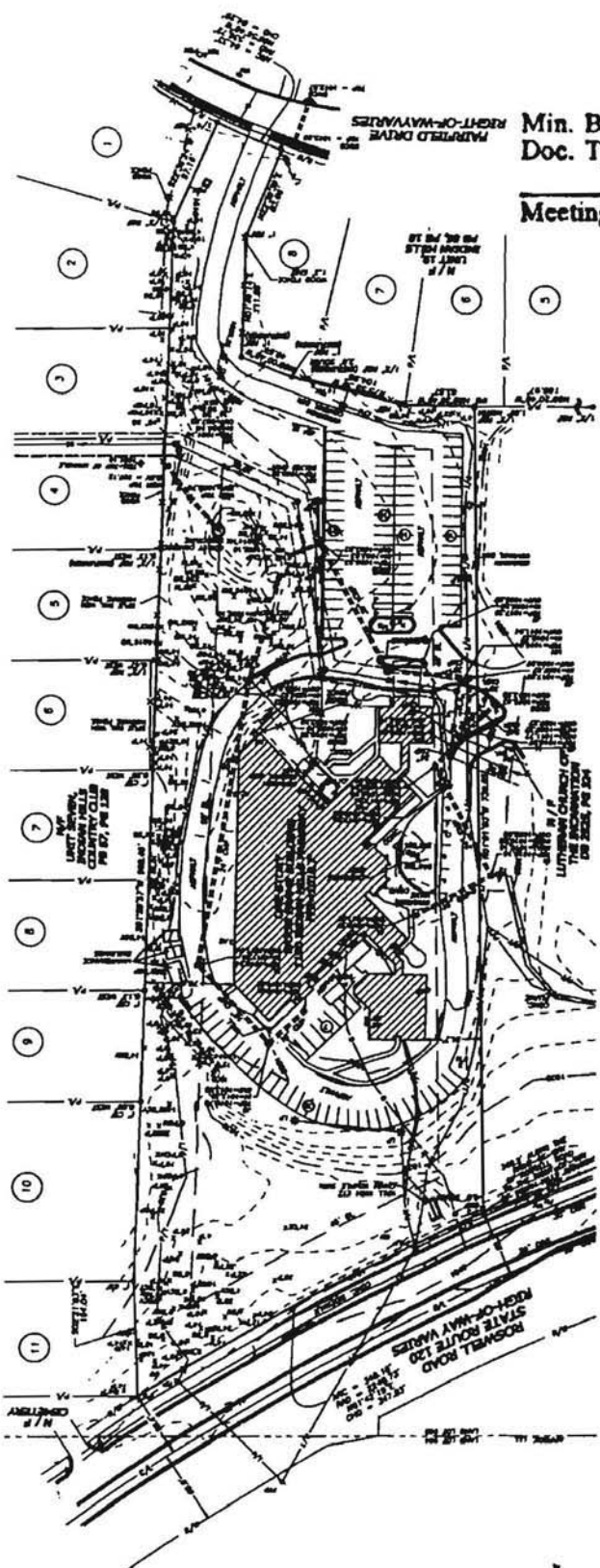
BOC DECISION OF 04-20-10 ZONING HEARING:

CONGREGATION ETZ CHAIM, INC. (owner) requesting a **Land Use Permit (Renewal)** 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 (1190 Indian Hills Parkway).

MOTION: Motion by Ott, second by Goreham, as part of the Consent Agenda, to **approve** Land Use Permit for **24 months subject to:**

- site plan received by the Zoning Division February 3, 2010, with the District Commissioner approving minor changes (attached and made a part of these minutes)
- letter of agreeable conditions from Mr. Parks Huff, dated March 15, 2010 (attached and made a part of these minutes)
- Fire Department comments and recommendations
- Cobb DOT comments and recommendations

VOTE: **ADOPTED 3-0**



Min. Bk. 100 Petition No. LUP10
Doc. Type Site plan
Meeting Date 4/20/10

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RECEIVED
FEB - 3 2010
COBB CO. COMM. DEV. AGENCY
ZONING DIVISION

TOTAL AREA
6.908 ACRES

- REFERENCE MAPS:
- 1. 1991 DISTRICT MAP
 - 2. 1991 DISTRICT MAP
 - 3. 1991 DISTRICT MAP
 - 4. 1991 DISTRICT MAP
 - 5. 1991 DISTRICT MAP

NOTES:

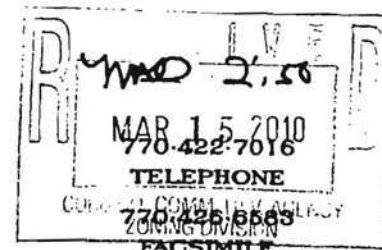
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GARVIS L. SAMS, JR.
JOEL L. LARKIN
PARKS F. HUFF
JAMES A. BALLI

MELISSA P. HAISTEN
JUSTIN H. MEEKS

SAMS, LARKIN & HUFF
A LIMITED LIABILITY PARTNERSHIP

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



SAMSLARKINHUFF.COM

March 15, 2010

Min. Rk. 60 Petition No. LUP-10
Doc. Type letter of agreeable
conditions
Meeting Date 4/20/10

VIA HAND DELIVERY

PAGE 5 OF 5

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:

Petition No. LUP-10
Meeting Date 4/22/10
Continued

PAGE 6 OF

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

Petition No. LUP-10
Meeting Date 4/20/10
Continued

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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

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.