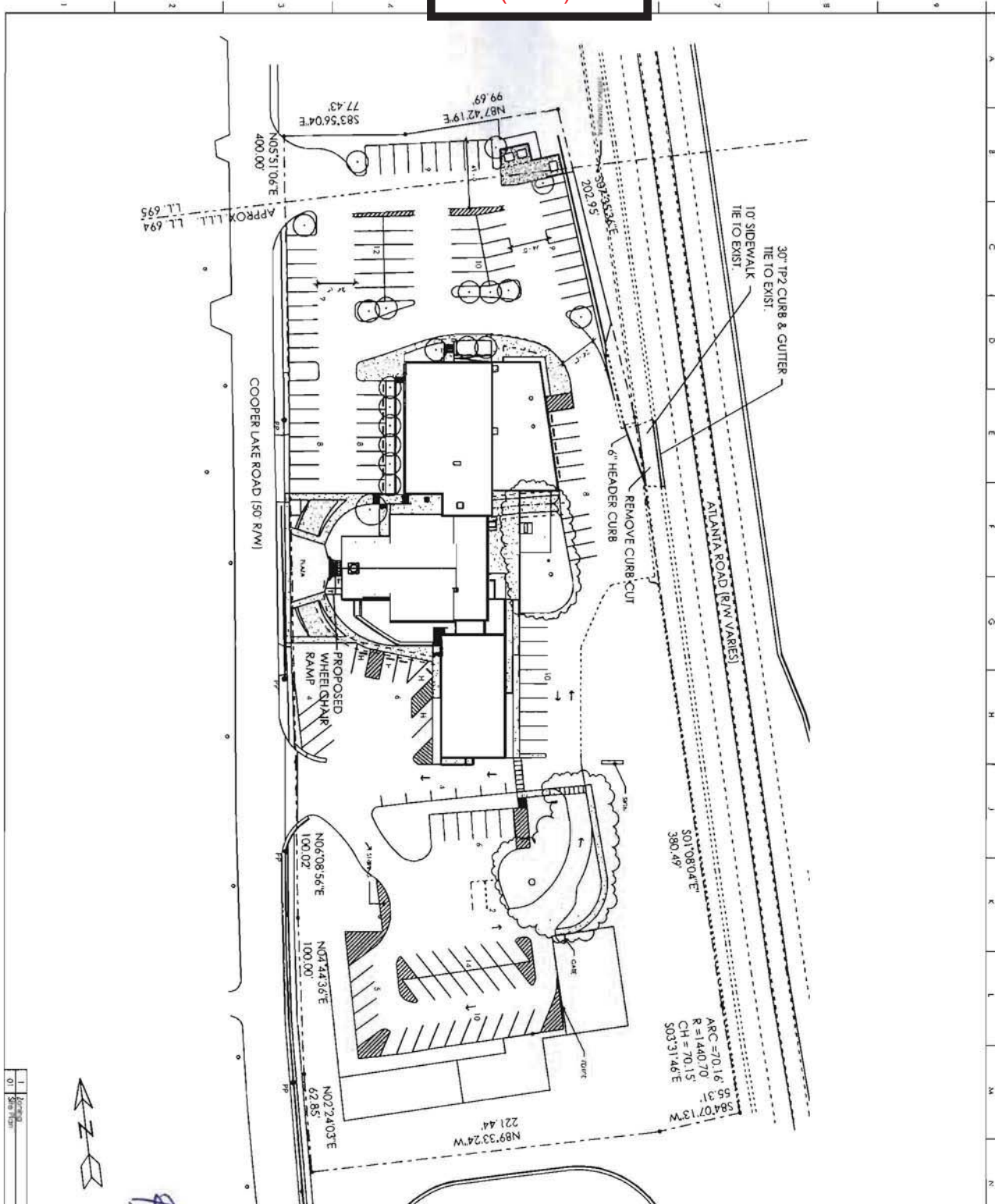


Z-29
(2012)



GENERAL NOTES

SHEET SPECIFIC NOTES



PROJECT NO.	01	DATE	6/6/12
CLIENT	St. Benedict's Episcopal Church	CITY	Site Plan
ADDRESS	2160 Cooper Lake Rd., Smyrna, GA 30080	SCALE	1" = 30'

APPLICANT: St. Benedict's Episcopal Church, LLC
678-279-4300

REPRESENTATIVE: Brian Sullivan
678-279-4300

TITLEHOLDER: St. Benedict's Episcopal Church, LLC

PROPERTY LOCATION: East side of Cooper Lake Road and on the
west side of Atlanta Road, north of Cumberland Parkway
(2160 Cooper Lake Road).

ACCESS TO PROPERTY: Cooper Lake Road

PHYSICAL CHARACTERISTICS TO SITE: Existing church and
private school

PETITION NO: Z-29

HEARING DATE (PC): 08-07-12

HEARING DATE (BOC): 08-21-12

PRESENT ZONING: O&I
with Stipulations

PROPOSED ZONING: O&I
with Stipulations

PROPOSED USE: Church and Private School

SIZE OF TRACT: 3.553 acres

DISTRICT: 17

LAND LOT(S): 694, 695

PARCEL(S): 2

TAXES: PAID X **DUE** _____

COMMISSION DISTRICT: 2

CONTIGUOUS ZONING/DEVELOPMENT

- NORTH:** NS/Commercial Building and Oakdale Park
- SOUTH:** GC/Office Building
- EAST:** UVC/Ivy Walk at Vinings/Mixed Use Development
- WEST:** R-20/Cooper's Point Subdivision and Single-family hosues

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

PLANNING COMMISSION RECOMMENDATION

APPROVED _____ **MOTION BY** _____

REJECTED _____ **SECONDED** _____

HELD _____ **CARRIED** _____

BOARD OF COMMISSIONERS DECISION

APPROVED _____ **MOTION BY** _____

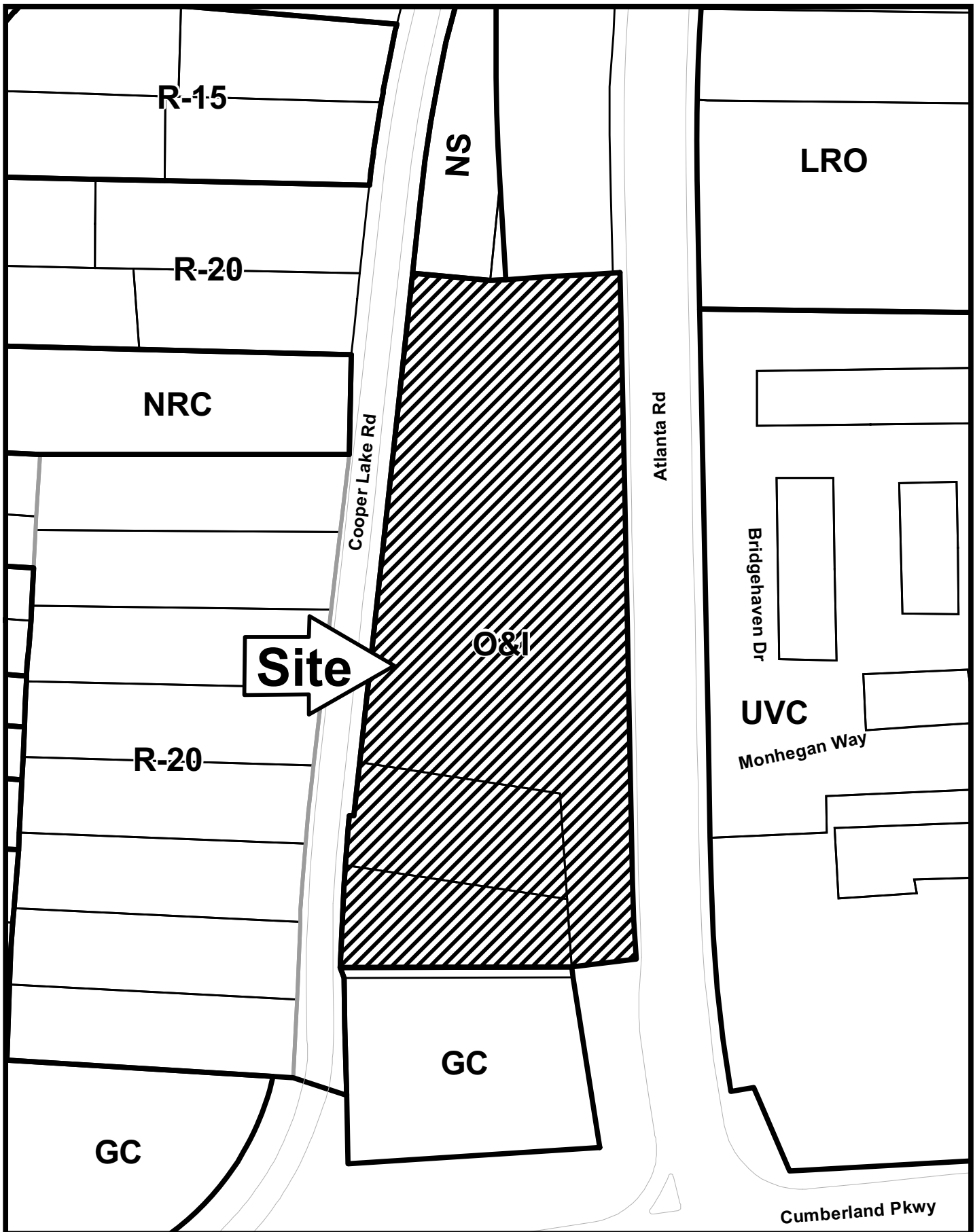
REJECTED _____ **SECONDED** _____

HELD _____ **CARRIED** _____

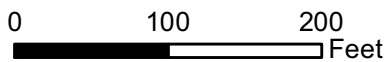
STIPULATIONS:





Z-29



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



-  City Boundary
-  Zoning Boundary

APPLICANT: St. Benedict's Episcopal Church, LLC

PETITION NO.: Z-29

PRESENT ZONING: O&I with Stipulations

PETITION FOR: O&I with Stipulations

ZONING COMMENTS:

Staff Member Responsible: Jason A. Campbell

Land Use Plan Recommendation: Public Institutional

Proposed Number of Buildings: 1(Existing) **Total Square Footage of Development:** 29,038

F.A.R.: 0.18 **Square Footage/Acre:** 8,172

Parking Spaces Required: 134(Existing) **Parking Spaces Provided:** 134(Existing)

Applicant is requesting the Office & Institutional (O&I) category with stipulations in order to remove the previous requirement from Z-21 and SLUP-9 of 2008 (minutes attached) for a deceleration lane along Atlanta Road. The property will continue to be used for the church, private school, and a farmer's market.

Cemetery Preservation: No comment.

FIRE 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.

PLANNING COMMENTS:

The applicant is requesting a rezoning from O&I with stipulations to O&I with stipulations for purposes of church and private school. The 3.553 acre site is located on the East side of Cooper Lake Road and on the west side of Atlanta Road, north of Cumberland Parkway.

Comprehensive Plan

The parcel is within a Public/Institutional (PI) category with O&I zoning designations. The purpose of the (PI) category is to provide for state, federal or local government use and institutional land uses such as government building complexes, police and fire stations, colleges, and churches.

Master Plan/Corridor Study

Not applicable.

Historic Preservation

After consulting various county historic resources surveys, historic maps, archaeology surveys and Civil War trench location maps, staff finds that no known significant historic resources appear to be affected by this application. No further comment. No action by applicant requested at this time.

Design Guidelines

Is the parcel in an area with Design Guidelines? Yes No

If yes, design guidelines area _____

Does the current site plan comply with the design requirements?

Yes No Not applicable

APPLICANT St. Benedict's Episcopal Church, LLC

PETITION NO. Z-029

PRESENT ZONING O&I with Stips

PETITION FOR O&I with Stips

WATER COMMENTS: NOTE: Comments reflect only what facilities were in existence at the time of this review.

Available at Development: Yes No

Fire Flow Test Required: Yes No

Size / Location of Existing Water Main(s): **8" DI / W side of Atlanta Road**

Additional Comments: Existing water customer

Developer may be required to install/upgrade water mains, based on fire flow test results or Fire Department Code. This will be resolved in the Plan Review Process.

SEWER COMMENTS: NOTE: Comments reflect only what facilities were in existence at the time of this review.

In Drainage Basin: Yes No

At Development: Yes No

Approximate Distance to Nearest Sewer: **At site in Atlanta Road R-O-W**

Estimated Waste Generation (in G.P.D.): **A D F +0 Peak= +0**

Treatment Plant: **South Cobb**

Plant Capacity: Available Not Available

Line Capacity: Available Not Available

Projected Plant Availability: 0 - 5 years 5 - 10 years over 10 years

Drv Sewers Required: Yes No

Off-site Easements Required: Yes* No *If off-site easements are required, Developer must submit easements to CCWS for review/approval as to form and stipulations prior to the execution of easements by the property owners. All easement acquisitions are the responsibility of the Developer

Flow Test Required: Yes No

Letter of Allocation issued: Yes No

Septic Tank Recommended by this Department: Yes No

Subject to Health Department Approval: Yes No

Additional Comments: Existing sewer customer. No additional flow anticipated as a result of re-zoning request.

Developer will be responsible for connecting to the existing County water and sewer systems, installing and/or upgrading all outfalls and water mains, obtaining on and/or offsite easements, dedication of on and/or offsite water and sewer to Cobb County, as may be required. Rezoning does not guarantee water/sewer availability/capacity unless so stated in writing by the Cobb County Water System. Permit issuances subject to continued treatment plant compliance with EPD discharge requirements.

APPLICANT: St. Benedict's Episcopal Church, LLC

PETITION NO.: Z-29

PRESENT ZONING: O&I w/ stips

PETITION FOR: O&I w/ stips

DRAINAGE COMMENTS

No comments.

COBB COUNTY DEPARTMENT OF TRANSPORTATION RECOMMENDATIONS

The following comments and recommendations are based on field investigation and office review of the subject rezoning case:

ROADWAY	AVERAGE DAILY TRIPS	ROADWAY CLASSIFICATION	SPEED LIMIT	JURISDICTIONAL CONTROL	MIN. R.O.W. REQUIREMENTS
Atlanta Road	18,810	Arterial	45 mph	Cobb County	100'
Cooper Lake Road	3,500	Minor Collector	35 mph	Cobb County	60'

*Based on 2011 traffic counting data taken by Georgia DOT (Atlanta Road)
Based on 2006 traffic counting data taken by Cobb County DOT (Cooper Lake Road)*

COMMENTS AND OBSERVATIONS

Atlanta Road is classified as an arterial and according to the available information the existing right-of-way does not meet the minimum requirements for this classification.

Cooper Lake Road is classified as a minor collector and according to the available information the existing right-of-way does not meet the minimum requirements for this classification.

RECOMMENDATIONS

Recommend applicant consider entering into a development agreement pursuant of O.C.G.A. 36-71-13 for dedication of the following system improvements to mitigate traffic concerns: a) donation of right-of-way on the west side of Atlanta Road, a minimum of 50' from the roadway centerline.

Recommend applicant consider entering into a development agreement pursuant of O.C.G.A. 36-71-13 for dedication of the following system improvements to mitigate traffic concerns: a) donation of right-of-way on the east side of Cooper Lake Road, a minimum of 30' from the roadway centerline.

Recommend driveway on Atlanta Road to be removed and replaced with curb, gutter, and wide sidewalk.

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

STAFF RECOMMENDATIONS

Z-29 ST. BENEDICT'S EPISCOPAL CHURCH, LLC

- A. It is Staff's opinion that the applicant's rezoning proposal will permit a use that is suitable in view of the use and development of adjacent and nearby properties. Other sites in the area are zoned and developed for commercial and residential uses. The property was previously zoned for the current uses and the only change is removing the requirement for a deceleration lane.
- B. It is Staff's opinion that the applicant's rezoning proposal will not have an adverse affect on the usability of adjacent or nearby property. The property will continue to be utilized for the uses previously approved as part of Z-21 and SLUP-9 of 2008.
- C. It is Staff's opinion that the applicant's rezoning proposal will not result in a use which would cause an excessive or burdensome use of existing streets, transportation facilities, utilities, or schools. This opinion can be supported by the departmental comments contained in this analysis.
- D. It is Staff's opinion that the applicant's rezoning proposal is in conformity with the policy and intent of the *Cobb County Comprehensive Plan*, which delineates this property to be within the Public Institutional (PI) land use category. The *Cobb County Comprehensive Plan* reflects the church/school uses that were part of Z-21 and SLUP-9 of 2008. Since the only change being requested is to remove the requirement for a deceleration lane, the continued uses will be in conformance with the land use plan.
- E. It is Staff's opinion that there are existing and changing conditions affecting the use and development of the property which give supporting grounds for approving the applicant's rezoning proposal. No changes in use are being requested. The only change requested is to remove the deceleration requirement from the previous cases Z-21 and SLUP-9 of 2008.

Based on the above analysis, Staff recommends APPROVAL subject to the following conditions:

- Site plan received by the Zoning Division on June 6, 2012, with the District Commissioner approving minor modifications;
- All previous stipulations not in conflict;
- Water and Sewer comments and recommendations;
- Stormwater Management Division comments and recommendations;
- DOT comments and recommendations; and
- Owner/developer to enter into a Development Agreement pursuant to O.C.G.A. §36-71-13 for dedication of system improvements to mitigate traffic concerns.

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.

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Application No. Z-29

August 2012

Summary of Intent for Rezoning

08/1/12

Part 1. Residential Rezoning Information (attach additional information if needed)

- a) Proposed unit square-footage(s): N/A
- b) Proposed building architecture: _____
- c) Proposed selling prices(s): _____
- d) List all requested variances: _____

Part 2. Non-residential Rezoning Information (attach additional information if needed)

- a) Proposed use(s): Church + Private School
- b) Proposed building architecture: No Changes
- c) Proposed hours/days of operation: Sunday → Saturday 7a.m. to 8p.m.
- d) List all requested variances: None

Part 3. Other Pertinent Information (List or attach additional information if needed)

Applicant is proposing to amend existing stipulations related property requiring construction of a deceleration lane along Atlanta Road.

Part 4. Is any of the property included on the proposed site plan owned by the Local, State, or Federal Government?

(Please list all Right-of-Ways, Government owned lots, County owned parcels and/or remnants, etc., and attach a plat clearly showing where these properties are located).

No



St. Benedicts Episcopal Church

Analysis for Non-Residential Zoning

A. Whether the zoning proposal will permit a use that is suitable in view of the use and development of adjacent and nearby properties.

The property is already zoned O&I as approved previously by the Board of Commissioners. This application does not seek to change the existing uses on the property of a church and private school.

B. Whether the zoning proposal will adversely affect the existing use or usability of adjacent or nearby property.

The proposed change to eliminate the required deceleration lane and close the existing curb cut on Atlanta Road should not adversely affect adjacent properties. This is in effect an existing condition, the church and school have operated with this driveway being closed for several years.

C. Whether property to be affected by the zoning proposal has a reasonable economic use as currently zoned.

No change in use is requested as part of this application

D. Whether the zoning proposal will result in a use which will or could cause an excessive or burdensome use of existing streets, transportation facilities, utilities, or schools.

As noted above, this request is made in order to maintain the status quo, which the church and school have been operating under for several years. The school has developed a carpool plan, approved by the District Commissioner, which minimizes impacts to Cooper Lake Road.

E. Whether the zoning proposal is in conformity with the policy and intent of the land use plan.

The property is located entirely within a Public Institutional area on the Future Land Use Map, a church and private school are appropriate given this designation.

F. Whether there are other existing or changing conditions affecting the use and development of the property, which give supporting grounds for either approval or disapproval of the zoning proposal.

During the initial rezoning for this property to establish St. Benedicts the construction of the deceleration lane along Atlanta Road at the curb cut was postponed for several years until the envisioned filling the school, at that time planned for K through 5th, at which point the entrance along Atlanta Road would be useful for keeping traffic off of Cooper Lake. Since then, the popularity of the school has led St. Benedicts to investigate expanding to a middle school on another campus, a process that is currently underway. It is planned that in a few years the number of students on campus will decrease as classes are shifted to a new location.

In the meantime, St. Benedicts School has intentionally kept enrollment beneath the maximum allowed, despite a very large applicant pool, in part to lessen the impact to our neighbors along Cooper Lake Road. In addition, to maximize the amount of room for carpool queuing it has been determined that the

most effective entrances are those located off of Cooper Lake Road. Even if the driveway on Atlanta Road were open with a decel lane, it would still be more effective to utilize the Cooper Lake entrances.

Finally, St. Benedicts has agreed that as part of this rezoning it will permanently give up the access rights for this property along Atlanta Road. The existing curb cut will be removed and replaced with Cobb DOT approved curb and gutter, at which point it will also be possible to remove the barricades from the existing driveway. Also, in order to better convey to the Board of Commissioner, county staff and neighbors, St. Benedicts is in the process of developing a Master Plan for the property to outline future expected changes and growth.

ORIGINAL DATE OF APPLICATION: 07-15-08APPLICANTS NAME: ST. BENEDICT'S EPISCOPAL CHURCH, LLCTHE FOLLOWING REPRESENTS THE FINAL DECISIONS OF THE
COBB COUNTY BOARD OF COMMISSIONERS**BOC DECISION OF 07-15-08 ZONING HEARING:**

ST. BENEDICT'S EPISCOPAL CHURCH, LLC (Cooper Lake Investments, LLC, owner) requesting a **Special Land Use Permit** for the purpose of a Private School in Land Lots 694 and 695 of the 17th District. Located on the west side of South Atlanta Road and on the east side of West Atlanta Road, south of Daniel Street.

The public hearing was opened and Mr. John Moore, Mr. Travis Werner, Mr. Harold Johnson, Mr. Stuart Higginbotham, and Mr. William Kring addressed the Board. Following presentations and discussion, the following motion was made:

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

- letters of agreeable conditions from Mr. John Moore dated May 14, 2008, May 15, 2008 and June 25, 2008 *not otherwise in conflict* (attached and made a part of these minutes)
- mobile classrooms will be removed within six (6) months of the Board of Commissioners' decision; however, the time period may be considered for extension via an Other Business agenda item
- the circulation plan to be reviewed and approved by DOT and the District Commissioner prior to issuance of Land Disturbance Permit
- minimum age of any student is 2 years
- until school reaches planned capacity of 280 students, the church is to consult annually (before opening each school year) with the District Commissioner to review the traffic pattern
- operation of the school subject to zoning stipulations from Z-21 of 2008 (on file in the Zoning Division)
- District Commissioner may make minor changes
- Fire Department comments and recommendations
- Water and Sewer Division comments and recommendations
- Stormwater Management Division comments and recommendations
- *revised* Cobb DOT comments and recommendations dated June 30, 2008 (attached and made a part of these minutes)
- owner/developer to enter into a Development Agreement pursuant to O.C.G.A. §36-71-13 for dedication of system improvements to mitigate traffic concerns

VOTE: **ADOPTED** unanimously

MOORE INGRAM JOHNSON & STEELE

A LIMITED LIABILITY PARTNERSHIP
WWW.MIJS.COM

Z-29 (2012)
PREVIOUS
MINUTES

JOHN H. MOORE
STEPHEN C. STEELE
WILLIAM R. JOHNSON I
ROBERT D. INGRAM I
J. BRIAN O'NEIL
G. PHILLIP REGGS
ELDON L. BASHAM
MATTHEW J. HOWARD
JERE C. SMITH
CLAYTON O. CARMACK
KEVIN B. CARLOCK I
ALEXANDER T. GALLOWAY III I
J. KEVIN MOORE
RODNEY R. MCCOLLOCH
SUSAN S. STUART
DANIEL A. LANDIS***

BRIAN D. SMITH
HARRY R. TEAR III
W. TROY HART I
JEFFREY A. DAXE
JOYCE W. HARPER
AMY K. WEBER
KIM A. ROPER
TARA C. RIDDLE
KELLI L. WOLK
TANYA L. CROSSE*
ROBERT W. BROWN II
VICTOR P. VALMUS
T. SHANE MAYES
ANGELA H. SMITH
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DARRELL L. SUTTON

192 ANDERSON STREET
MARIETTA, GEORGIA 30060

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BILLING ADDRESS
P.O. BOX 3305 • MARIETTA, GEORGIA 30061

TENNESSEE OFFICE
CEDAR RIDGE OFFICE PARK, SUITE 463
408 N. CEDAR BLUFF ROAD • KNOXVILLE, TENNESSEE 37923
TELEPHONE (865) 692-9039
TELECOPIER (865) 692-9071

KASI R. WHITAKER
NICHOLAS J. PETERSON*
JAMES D. WALKER III
CHRISTOPHER D. GUNNELS*
JENNIFER S. WHITE*
RYAN G. PRESCOTT
RICARDO J. DOMEDEIROS
BRETT A. MILLER
CHRISTOPHER C. MINGLEDORFF
JAMES D. BUSCH*
COLE B. STINSON**
SUZANNE E. HENRICKSON
ANGELA D. CHEATHAM
CAREY E. ATKINS*
CHARLES PIERCE*
BRANDON C. HARDY

STAYCE M. BURKHART*
CLAY S. O'DANIEL
C. DAMON GUNNELS
GRAHAM F. MCDONALD
KARINE M. POLIS
PHILLIP G. GOMBAR*
SARAH S. GRANT

OF COUNSEL:
JOHN L. SKELTON, JR. I

I ALSO ADMITTED IN TN
* ALSO ADMITTED IN FL
** ALSO ADMITTED IN NM
*** ALSO ADMITTED IN NC
**** ADMITTED ONLY IN TN

May 14, 2008

Min. Bk. 56 Petition No. SLUP-9
Doc. Type Letter of agreeable
Conditions
Meeting Date 7-15-08

Mr. John P. Pederson, AICP
Planner III
Zoning Division
Cobb County Community Development Agency
Suite 300
191 Lawrence Street
Marietta, Georgia 30060-1661

Hand Delivered

PAGE 3 OF

RE: Application for Rezoning
Application No.: Z-21 (2008)
Applicant: St. Benedict's Episcopal
Church, LLC
Owner: Cooper Lake Investments, LLC
Property: 3.553 acres located at
2160 Cooper Lake Road,
Land Lots 694 and 695,
17th District, 2nd Section,
Cobb County, Georgia

Dear John:

As you know, the undersigned and this firm represent St. Benedict's Episcopal Church, LLC, the Applicant (hereinafter "Applicant"), and Cooper Lake Investments, LLC, the Property Owner (hereinafter referred to as "Owner"), in their Application for Rezoning with respect to a total tract of 3.553 acres located at 2160 Cooper Lake Road, Land Lots 694 and 695, 17th District, 2nd Section, Cobb County, Georgia (hereinafter the "Subject Property"). After meeting with planning and zoning staff and various departmental representatives, discussions with area homeowner groups and homeowner representatives, and

MOORE INGRAM JOHNSON & STEELE

Mr. John P. Pederson, AICP
Planner III
Zoning Division
Cobb County Community Development Agency
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Meeting Date 7-15-08
Continued

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reviewing the staff comments and recommendations and the uses of surrounding properties, we have been authorized by the Applicant and Owner to submit this letter of agreeable stipulations and conditions which, if the Application for Rezoning is approved, as submitted, shall become a part of the grant of the requested zoning and shall be binding upon the Subject Property. This letter shall supersede and replace in full the letter of agreeable stipulations and conditions dated and filed April 30, 2008. The referenced stipulations are as follows:

- (1) The stipulations and conditions set forth herein shall replace and supersede in full any and all prior stipulations and conditions, in whatsoever form, which are currently in place on the Subject Property.
- (2) Rezoning of the Subject Property shall be from the existing zoning category of RM-12 to the proposed zoning category of Office and Institutional ("OI"), site plan specific to that certain As-Built Survey prepared by McClung Surveying Services, Inc. dated May 16, 2002.
- (3) The Subject Property consists of a total of 3.553 acres. Applicant proposes to renovate and refurbish the existing church facilities and parking for a church and day school, up to and including pre-kindergarten and kindergarten.
- (4) The maximum number of students enrolled in the proposed day school shall be two hundred eighty (280). Enrollment shall be as follows:
 - (a) There will be a maximum of eighty (80) students during the 2008-2009 school year which is scheduled to begin September 2008 after completion of renovations to approximately 6,500

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Mr. John P. Pederson, AICP
Planner III
Zoning Division
Cobb County Community Development Agency
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square feet on the first floor of the existing structure;

- (b) There shall be a total maximum number of students of two hundred eighty (280), phased-in over the next few years.
- (5) The hours of operation of the proposed day school shall be 6:30 a.m. to 6:30 p.m. to accommodate single-parent families and as well as families where both parents work. Applicant will present a detailed plan for staggered starting times and ending times at the Board of Commissioners Zoning Hearing on May 20, 2008.
- (6) Applicant proposes completion of renovation and occupation of the existing facilities as follows:
 - (a) The church will begin evening meetings at the location during the fall of 2008;
 - (b) Upon completion of renovations to the second and third floors, church administrative offices presently in Vinings will be moved to the renovated facilities;
 - (c) Renovation of the church fellowship hall will be completed before Christmas 2008. The fellowship hall will accommodate large groups and be available for community meetings; and
 - (d) The church worship services will be moved to the renovated facilities before Easter 2009.
- (7) Applicant will preserve the exterior of the old historical sanctuary. Additionally, the existing northern brick addition (the school space) will be preserved essentially "as is" (new windows, decorative

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Mr. John P. Pederson, AICP
Planner III
Zoning Division
Cobb County Community Development Agency
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trim, etc.). In the near future, Applicant will make an addition to the center of the existing structure fronting Atlanta Road. The addition will be approximately 1,200 square feet per floor and will increase meeting and office space while making the exterior façade of the building more attractive.

- (8) The "upper hill" area will be preserved as well as the large specimen trees throughout the site. Applicant will attempt, where possible, to reduce the amount of pavement around stressed trees to prolong their life. Additionally, Applicant agrees to walk the site with neighborhood representatives and mark the tree preserve areas.
- (9) Applicant agrees to site improvements to increase circulation and reduce the traffic impact on Cooper Lake Road as more fully shown and reflected on the traffic pattern and queuing plan prepared by Planners and Engineers Collaborative dated May 6, 2008, and submitted contemporaneously with this letter. These improvements will include, but not be limited to, relocating the Atlanta Road entrance slightly to the south, adding a decel lane within the limits of the topography, and reducing access from a full access to a right-in/right-out only. Three of the five entrances on Cooper Lake Road will be closed.
- (10) Applicant has done extensive research into making the proposed school and traffic patterns consistently acceptable for the total number of students planned.

The traffic pattern and queuing plan referenced in paragraph (9) and submitted herewith reflects the traffic patterns for queuing for both pick-ups and drop-offs of students. Each student and parent will be provided with a number which will be placed on a

MOORE INGRAM JOHNSON & STEELE

Mr. John P. Pederson, AICP
Planner III
Zoning Division
Cobb County Community Development Agency
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small board which will be required to identify the student and parent, allowing pick-up of the student. A staff member will be stationed at a point in the queuing line closer to Cooper Lake Road armed with a walkie-talkie. As the parent approaches the pick-up, the staff member will notify another staff member stationed at the pick-up point to have that student or students ready for pick-up when the vehicle arrives. This prevents parents waiting in line at the pick-up point for the student to be located. Space will be provided for at least four (4) vehicles to pick-up simultaneously.

Another staff person will be located at the entrance on Atlanta Road to facilitate permitting vehicles to either exit Atlanta Road or proceed around the queue line to Cooper Lake Road to exit. This will avoid needless delay in allowing vehicles to exit the pick-up point. These operational procedures have been investigated and have proven to greatly ease any delay in moving vehicles through the process.

- (11) Minor modifications to the within stipulations, the referenced As-Built Survey, landscaping, architecture, site features, and the like, may be approved by the District Commissioner, as needed or necessary.
- (12) If Applicant does not close on the purchase of the Subject Property on or before December 31, 2009, the zoning on the Subject Property shall revert to its pre-existing category of RM-12.

We believe the requested zoning, pursuant to the As-Built Survey and the revised stipulations set forth herein, is an appropriate use of the Subject Property. The rezoning and the use sought by Applicant shall allow for the existing facilities to be renovated and used for the benefit of the surrounding community.

MOORE INGRAM JOHNSON & STEELE

Mr. John P. Pederson, AICP
Planner III
Zoning Division
Cobb County Community Development Agency
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May 14, 2008

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Petition No. SLUP-9
Meeting Date 7-15-08
Continued

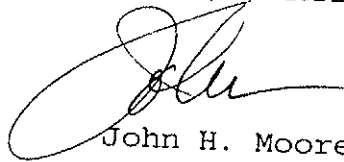
PAGE 8 OF

As always, we greatly appreciate your consideration in this request.

With kindest regards, I remain

Very truly yours,

MOORE, INGRAM, JOHNSON & STEELE, LLP



John H. Moore

JHM:cc

Attachments

c: Cobb County Board of Commissioners:
Samuel S. Olens, Chairman
Helen C. Goreham
Annette Kesting
Joe L. Thompson
Tim Lee
(With Copy of Attachment)

Shane Coldren
Ron Sifen
Vining's Homeowners Association
(With Copy of Attachment)

Suzanne Ballew
Mary Rose Barnes
(With Copy of Attachment)

St. Benedict's Episcopal Church, LLC
(With Copy of Attachment)

**Z-29 (2012)
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MINUTES**

PLANNERS AND ENGINEERS COLLABORATIVE
WE PROVIDE SOLUTIONS
150 RESEARCH COURT, NORCROSS, GEORGIA 30092-4779
WWW.PEACOLLAB.COM

REVISIONS:

NO.	DATE	DESCRIPTION

SHEET TITLE
SITE PLAN
SCALE: 1" = 30'
DATE: MAY 6, 2008
PROJECT: WEST ATLANTA ROAD @ ATLANTA RD. REDEVELOPMENT

AREA
3.542 ACRES

Petition No. 9-P-175
Meeting Date 80-51-7
Continued
PAGE 6 OF

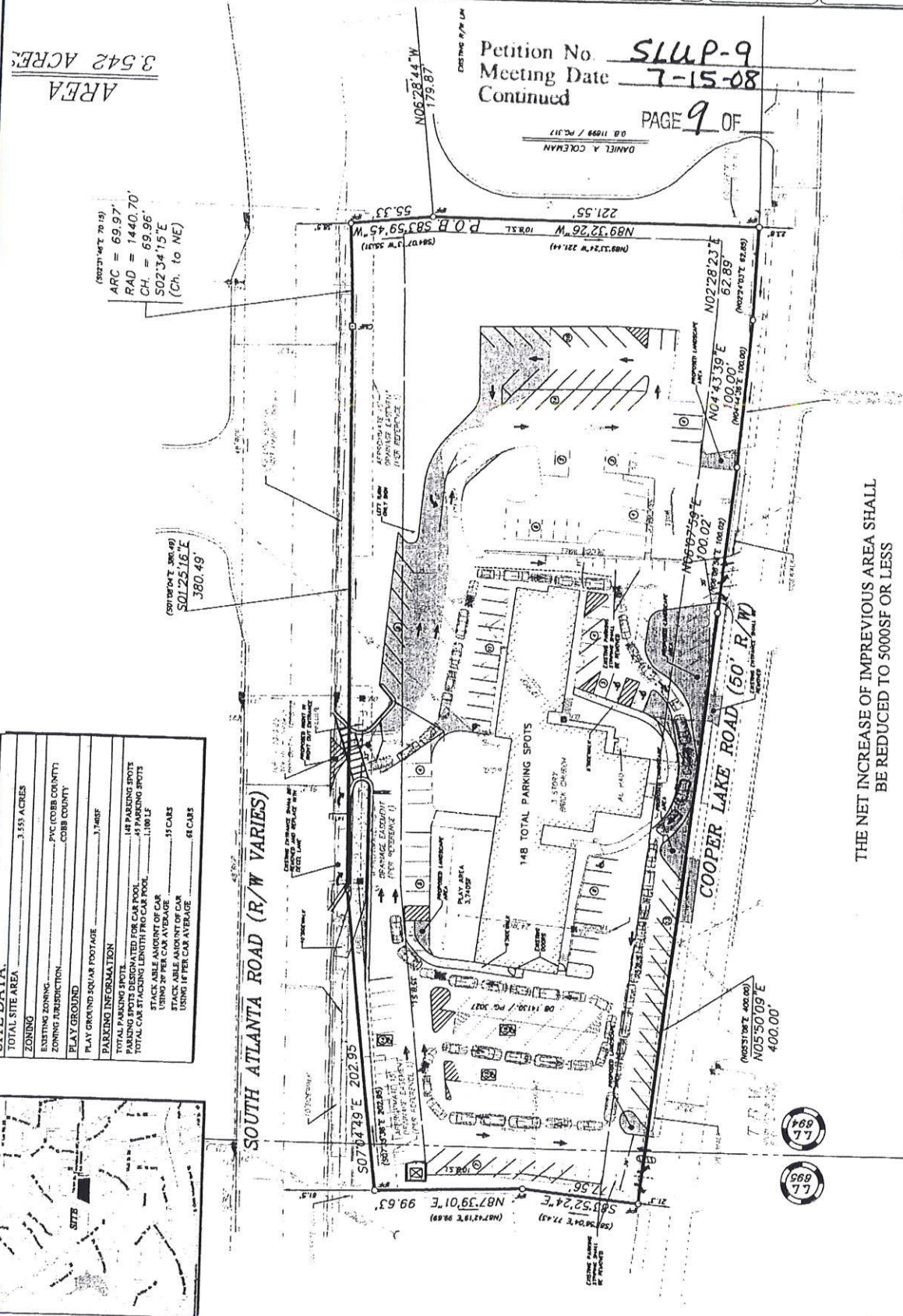
BEFORE YOU DIG
UTILITIES PROTECTION CENTER
CALL FREE IN METRO ATLANTA
(770) 813-4344
TOLL FREE OUTSIDE METRO ATLANTA
(800) 368-8888
METRO WATERWORKS & SEWERAGE DEPARTMENT

24 HOUR CONTACT: MR. TONY WAYBRIGHT @ 404-317-0636

THE NET INCREASE OF IMPREVIOUS AREA SHALL BE REDUCED TO 5000SF OR LESS

SITE DATA:

TOTAL SITE AREA	3.553 ACRES
ZONING	PVC (COBB COUNTY) COBB COUNTY
EXISTING ZONING	PVC (COBB COUNTY) COBB COUNTY
ZONING JURISDICTION	
PLAY GROUND	
PLAY GROUND SQUARE FOOTAGE	17,985 SF
PARKING INFORMATION	
TOTAL PARKING SPOTS	148 PARKING SPOTS
PARKING SPOTS DESIGNATED FOR CAR POOL	43 PARKING SPOTS
TOTAL CAR STACKING LENGTH FROM CAR POOL	11,000 LF
STACKABLE AMOUNT OF CAR USING 20' CAR STACKING PACKAGE	37 CARS
STACKABLE AMOUNT OF CAR USING 15' PER CAR AVERAGE	61 CARS



ARC = 69.97'
RAD = 1440.70'
CH. = 69.96'
S02°34'15"E
(Ch. to NE)

S01°25'16"E
380.49'

(DISTANCE 400.00)
N05°50'09"E
400.00'

779

779

MOORE INGRAM JOHNSON & STEEL

A LIMITED LIABILITY PARTNERSHIP
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Z-29 (2012)
PREVIOUS
MINUTES

JOHN H. MOORE
STEPHEN C. STEELE
WILLIAM H. JOHNSON†
ROBERT D. INGRAM†
J. BRIAN O'NEIL
G. PHILIP BEGGS
ELDON L. BASHAM
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192 ANDERSON STREET
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RYAN G. PRESCOTT
CHRISTOPHER C. MINGLEDORFF
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JENNIFER A. RINGSMUTH*
PRESTON D. HOLLOWAY
JENNIFER B. SIMPSON
ASPEN S. RAINS*

MARC E. SIROTKIN
BETH GEARHART****
S. NIKOL RICHARDSON*
SCOTT I. SAIDAK*
JENNIFER L. LAFONTAINE*
TIMOTHY H. STALLINGS
PRESTON D. PIERCE*

OF COUNSEL:
JOHN L. SKELTON, JR.†

† ALSO ADMITTED IN TN
* ALSO ADMITTED IN FL
** ALSO ADMITTED IN NM
*** ALSO ADMITTED IN NC
**** ALSO ADMITTED IN CA
***** ADMITTED ONLY IN TN

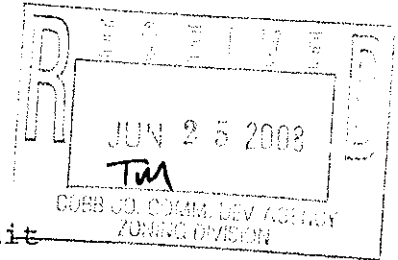
June 25, 2008

Mr. John P. Pederson, AICP
Planner III
Zoning Division
Cobb County Community Development Agency
Suite 300
191 Lawrence Street
Marietta, Georgia 30060-1661

Min. Bk. 56 Petition No. SLUP-9
Doc. Type Letter of
agreeable conditions
Meeting Date 7-15-08

Hand Delivered

PAGE 16 OF _____



RE: Application for Special Land Use Permit
Application No.: SLUP-9 (2008)
Applicant: St. Benedict's Episcopal Church, LLC
Owner: Cooper Lake Investments, LLC
Property: 3.553 acres located at
2160 Cooper Lake Road,
Land Lots 694 and 695,
17th District, 2nd Section,
Cobb County, Georgia

Dear John:

As you know, the undersigned and this firm represent St. Benedict's Episcopal Church, LLC, the Applicant (hereinafter "Applicant"), and Cooper Lake Investments, LLC, the Property Owner (hereinafter referred to as "Owner"), in their Application for Special Land Use Permit with respect to a total tract of 3.553 acres located at 2160 Cooper Lake Road, Land Lots 694 and 695, 17th District, 2nd Section, Cobb County, Georgia (hereinafter the "Subject Property"). After meeting with planning and zoning staff and various departmental representatives, discussions with area homeowner groups and homeowner representatives, and

MOORE INGRAM JOHNSON & STEELE

Mr. John P. Pederson, AICP
Planner III
Zoning Division
Cobb County Community Development Agency
Page 2 of 3
June 25, 2008

**Z-29 (2012)
PREVIOUS
MINUTES**

Petition No. _____
Meeting Date 7-15-08
Continued _____

PAGE 17 OF _____

reviewing the staff comments and recommendations and the uses of surrounding properties, we have been authorized by the Applicant and Owner to submit this letter of agreeable stipulations and conditions which, if the Application for Special Land Use Permit is approved, as submitted, shall become a part of the grant of the requested approval and shall be binding upon the Subject Property. The referenced stipulations are as follows:

- (1) Applicant seeks a Special Land Use Permit for the Subject Property to allow for the operation of a school for ages 2 through grade 5, with reference to that certain As-Built Survey prepared by McClung Surveying Services, Inc. dated May 16, 2002.
- (2) The maximum number of students enrolled in the proposed day school shall be two hundred eighty (280), phased-in over the next few years.
- (3) Applicant may employ the use of portable classrooms, not to exceed four (4) in number. The classrooms must be removed from the Subject Property on or before six (6) months following the final approval of the Special Land Use Permit by the Board of Commissioners.
- (4) Applicant incorporates by reference the final, official minutes, including referenced attachments, from the Cobb County Board of Commissioners Zoning Hearing held on May 20, 2008, approving Application for Rezoning No. Z-21 (2008).

We believe the requested Special Land Use Permit, together with the stipulations set forth herein, is an appropriate use of the Subject Property. The use proposed by Applicant is beneficial to the surrounding community and will allow for maximum utilization of the existing facilities to be renovated by Applicant. As always, we greatly appreciate your consideration in this request.

MOORE INGRAM JOHNSON & STEELE

Mr. John P. Pederson, AICP
Planner III
Zoning Division
Cobb County Community Development Agency
Page 3 of 3
June 25, 2008

Z-29 (2012)
PREVIOUS
MINUTES

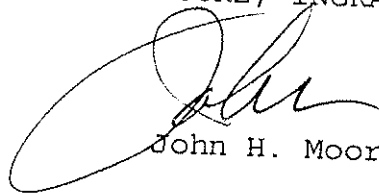
Petition No. SLUP-9
Meeting Date 7-15-08
Continued

PAGE 18 OF

With kindest regards, I remain

Very truly yours,

MOORE, INGRAM, JOHNSON & STEELE, LLP



John H. Moore

JHM:cc

c: Cobb County Board of Commissioners:
Samuel S. Olens, Chairman
Helen C. Goreham
Annette Kesting
Joe L. Thompson
Tim Lee

Cobb County Planning Commission:
Murray Homan, Chairman
Judy Williams
Bob Hovey
Christi S. Trombetti
Tom McCleskey

Shane Coldren
Ron Sifen
Vining's Homeowners Association

Suzanne Ballew
Mary Rose Barnes

St. Benedict's Episcopal Church, LLC

LAND USE AND
SPECIAL LAND USE PERMITS
JUNE 2008

Min. Bk. 56 Petition No. SLUP-9
Doc. Type Revised DOT
comments
Meeting Date 7-15-08

SLUP-9

Per the June 25, 2008 stipulation letter, the Department recommends the applicant provide a plan showing the locations of the temporary classroom trailers, the drop off and pick up locations and any applicable changes to the circulation plan. PAGE 19 OF 19

Recommend restricted access along Atlanta Road.

Recommend a deceleration lane along Atlanta Road.

Recommend the applicant develop and present a detailed circulation plan describing how traffic will be handled for all school functions.

Recommend minimizing the number of curb cuts along Cooper Lake Road.

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

ORIGINAL DATE OF APPLICATION: _____ 05-20-08

APPLICANTS NAME: _____ ST. BENEDICT'S EPISCOPAL CHURCH

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

BOC DECISION OF 04-20-10 ZONING HEARING:

OTHER BUSINESS ITEM #3 – TO CONSIDER AMENDING THE STIPULATIONS FOR Z-21 (ST. BENEDICT'S EPISCOPAL CHURCH) OF MAY 20, 2008

To consider amending the stipulations for Z-21 (ST. BENEDICT'S EPISCOPAL CHURCH, LLC) of May 20, 2008, for property located in Land Lots 694 and 695 of the 17th District on the west side of South Atlanta Road and on the east side of West Atlanta Road, south of Daniel Street.

Mr. Mark Danneman, Zoning Division Manager, provided information regarding request for stipulation amendment. The public hearing was opened and Mr. John Moore and Ms. Mary Rose Barnes addressed the Board. Following presentations and discussions, the following motion was made:

MOTION: Motion by Ott, second by Thompson, to **approve** Other Business Item #3 for stipulation amendment to Z-21 (ST. BENEDICT'S EPISCOPAL CHURCH, LLC) of May 20, 2008, for property located in Land Lots 694 and 695 of the 17th District on the west side of South Atlanta Road and on the east side of West Atlanta Road, south of Daniel Street, **subject to:**

- **time limit extended for operation of a farmer's market on the subject property until December 31, 2013**
- **additional conditions contained in Applicant's submitted document titled *Exhibit A* (attached and made a part of these minutes)**
- **all other previously approved conditions/stipulations not in conflict with this request to remain in effect**

VOTE: ADOPTED 3-0

**EXHIBIT "A" - ATTACHMENT TO APPLICATION FOR OTHER BUSINESS
(STIPULATION AMENDMENT)**

Application Nos.: Z-21 (2008) and SLUP-9 (2008)
Original Hearing Dates: May 20, 2008 and July 15, 2008
Previous Other Business
Hearing Dates: December 16, 2008
June 16, 2009
Current Hearing Date: April 20, 2010

BEFORE THE COBB COUNTY BOARD OF COMMISSIONERS

Applicant/Titleholder: St. Benedict's Episcopal Church, LLC

On June 16, 2009, the Cobb County Board of Commissioners granted Applicant's request to allow for the operation of a farmer's market on the Subject Property. Applicant agreed to stipulations pertaining to the operation of the market, and the Board of Commissioners added stipulations, as well as revised certain stipulations. One stipulation added by the Board of Commissioners was the amendment for the termination of the farmer's market on December 31, 2009.

Applicant now seeks to amend the stipulations to again allow for the operation of the farmer's market on the Subject Property through and including December 31, 2013. The portable classroom units have been removed from the Property, and much of the construction and renovation work has been completed which would allow for additional space to accommodate the public, as well as vendor booths and parking. The market was very successful in its first year of operation in 2009 and was used as a ministry and outreach for the Smyrna/Vinings/Oakdale communities. As in the past, Applicant will use its best efforts to ensure that the market will be a first-class experience for both the vendors and the patrons.

Applicant agrees that should any problems arise during the operation of the farmer's market during the period herein allowed, the District Commissioner may require a "show cause" hearing to have the Applicant respond to the problems presented. Cobb County shall specify the specific problems to be addressed, which shall be included in the notification as to a "show cause" hearing. Cobb County shall provide a minimum of thirty (30) days' prior written notice as to any such hearing. At any hearing, the Applicant may present evidence on its behalf in response to any problem(s) presented. If, upon hearing, the Board of Commissioners determines the problem(s) does exist, the Board of Commissioners may grant a period of time for Applicant to correct the problem; or, if the problem is substantial enough, revoke the permit for the remainder of the term of the Land Use Permit.

Petition No. 08
Meeting Date 4
Continued

Z-29 (2012)
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MINUTES

PAGE TWO - EXHIBIT "A"
ATTACHMENT TO APPLICATION FOR OTHER BUSINESS
(STIPULATION AMENDMENT)

PAGE 29 OF 29

Application Nos.: Z-21 (2008) and SLUP-9 (2008)
Original Hearing Dates: May 20, 2008 and July 15, 2008
Previous Other Business
Hearing Dates: December 16, 2008
June 16, 2009
Current Hearing Date: April 20, 2010

Applicant/Titleholder: St. Benedict's Episcopal Church, LLC

If approved, Applicant will agree to the stipulations and conditions specific to the operation of the farmer's market which were set forth in the official minutes, and attachments thereto, of the Cobb County Board of Commissioners Zoning Hearing held on June 16, 2009, a copy of which is attached to the Application for "Other Business" and incorporated herein by reference.

Additionally, the balance and remainder of the stipulations and conditions specifically enumerated in the official minutes, and attachments thereto, of the Board of Commissioners Zoning Hearings held on May 20, 2008, as to Application No. Z-21 (2008) and July 15, 2008, as to SLUP-9 (2008), as well as the amended official minutes, including attachments, held on December 16, 2008, are unaltered by this request for stipulation amendment.

ORIGINAL DATE OF APPLICATION: _____ 05-20-08

APPLICANTS NAME: _____ ST. BENEDICT'S EPISCOPAL CHURCH, LLC

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

BOC DECISION OF 06-16-09 ZONING HEARING:

OTHER BUSINESS ITEM #3 – TO CONSIDER AMENDING THE STIPULATIONS REGARDING Z-21 (ST. BENEDICT'S EPISCOPAL CHURCH, LLC) OF MAY 20, 2008

To consider amending the stipulations regarding Z-21 (ST. BENEDICT'S EPISCOPAL CHURCH, LLC) of May 20, 2008, for property located in Land Lots 694 and 695 of the 17th District on the west side of South Atlanta Road and on the east side of West Atlanta Road, south of Daniel Street.

Mr. Mark Danneman, Zoning Division Manager, provided information regarding request to amend stipulations to allow a farmer's market on the site. The public hearing was opened and Mr. John Moore, Mr. William Kring, Mr. Tony Waybright, Ms. Mary Rose Barnes and Ms. Cheryl Carson addressed the Board. Following presentations and discussion, the following motion was made:

MOTION: Motion by Ott, second by Olens, to **approve** stipulation amendment for Z-21 (ST. BENEDICT'S EPISCOPAL CHURCH, LLC) of May 20, 2008, for property located in Land Lots 694 and 695 of the 17th District on the west side of South Atlanta Road and on the east side of West Atlanta Road, south of Daniel Street., **subject to:**

- **Applicant's written request contained in Exhibit A, with the following amendments (attached and made part of these minutes):**
 - **Item No. 6 – Change to now read: *“This amendment shall terminate December 31, 2009, with extension request to be considered by the Board of Commissioners as an Other Business Item.”***
 - **Add Item No. 7 – to read: *“The Atlanta Road access will remain closed during the hours of operation of the farmer's market.”***
- **Cobb DOT comments and recommendations regarding this request: no parking allowed within drive aisles**
- **all other applicable previous zoning stipulations and conditions, not otherwise in conflict, to remain in effect**

VOTE: **ADOPTED** unanimously

Clerk's Note: The Applicant's representative was asked to confer with the County Attorney regarding possible Special Land Use Permit application for this use (if application is filed, a reduced fee to be allowed.)

**EXHIBIT "A" - ATTACHMENT TO APPLICATION FOR OTHER BUSINESS
(STIPULATION AMENDMENT)**

PAGE 22 OF _____

Application Nos.: Z-21 (2008) and SLUP-9 (2008)
Original Hearing Dates: May 20, 2008 and July 15, 2008
Previous Other Business
Hearing Date: December 16, 2008
Current Hearing Date: June 16, 2009

BEFORE THE COBB COUNTY BOARD OF COMMISSIONERS

Applicant: St. Benedict's Episcopal Church, LLC

Applicant requests an amendment to the stipulations and conditions approved by the Cobb County Board of Commissioners in hearings regarding the Application for Rezoning (Z-21 (2008)) on May 20, 2008, and Application for Special Land Use Permit (SLUP-9 (2008)) on July 15, 2008. Certain stipulations as to each Application were amended by the Board of Commissioners on December 16, 2008, through an "Other Business" request.

Applicant proposes a farmer's market on its premises. The market will operate as a ministry of the Church to provide the residents of Smyrna/Vinings/Oakdale communities access to health, locally grown, raised or produced food items including produce, meats, cheese, and baked items. Applicant will use its best efforts to ensure that this market will be a first-class experience for both the vendors and the patrons.

Applicant agrees to condition this amendment upon the following:

- (1) To provide local farmers and food purveyors a once a week, seasonal marketplace to sell their goods to the residents of Smyrna/Vinings/Oakdale communities.
- (2) The market day, which is currently proposed for Tuesday, shall be from 4:00 p.m. to 8:00 p.m. Vendors will be allowed to begin setting up at 3:00 p.m. on market days. All vendors will be required to remove all trash and unsold food items from the Property within thirty (30) minutes of market close.
- (3) Vendors must remove all organic material from the Property and will be prohibited from using on-site dumpster or trash receptacle.

- (4) Vendors will be restricted to one 12 x 12 foot "plot" within which to display their goods, and will be required to use the pop-up style tent provided by the Applicant. Vendors will be held accountable for having all necessary licenses, inspections, and permits to sell their goods and report appropriate sales taxes. Applicant will conduct random inspections of these licenses and permits on a regular basis.
- (5) All signage related to the market will be designed professionally to ensure that they are aesthetically appropriate for the intersection. In addition, they will be posted and removed in a timely fashion. The signage may be only placed the day of the market.
- (6) This amendment, if approved, shall terminate September 1, 2009, unless extended by the District Commissioner.

The balance and remainder of the stipulations and conditions specifically enumerated in the official minutes, and attachments thereto, of the Board of Commissioners Zoning Hearings held on May 20, 2008, as to Application No. Z-21 (2008) and July 15, 2008, as to SLUP-9 (2008), as well as the amended official minutes, including attachments, held on December 16, 2008, are unaltered by this request for stipulation amendment.

Applicant believes this to be an important ministry, and one that is very beneficial to the community at large.

ORIGINAL DATE OF APPLICATION: 05-20-08APPLICANTS NAME: ST. BENEDICT'S EPISCOPAL CHURCH, LLCTHE FOLLOWING REPRESENTS THE FINAL DECISIONS OF THE
COBB COUNTY BOARD OF COMMISSIONERS**BOC DECISION OF 05-20-08 ZONING HEARING:**

ST. BENEDICT'S EPISCOPAL CHURCH, LLC (Cooper Lake Investments, LLC, owner) requesting Rezoning from **RM-12** to **OI** for the purpose of Church and Day School in Land Lots 694 and 695 of the 17th District. Located on the west side of South Atlanta Road and on the east side of West Atlanta Road, south of Daniel Street.

The public hearing was opened and Mr. John Moore, Ms. Mary Rose Barnes, Ms. Suzanne Ballew, and Ms. Joan Thomas addressed the Board. Following presentations and discussion, the following motion was made:

MOTION: Motion by Thompson, second by Olens, to **approve** Rezoning request to the **OI** zoning district **subject to:**

- **site plan/traffic flow plan received by the Zoning Division May 14, 2008 (attached and made a part of these minutes)**
- **letter of agreeable conditions from Mr. John Moore dated May 14, 2008 (attached and made a part of these minutes)**
- **letter of agreeable conditions from Mr. John Moore dated May 15, 2008 (attached and made a part of these minutes)**
- **Fire Department comments and recommendations**
- **Water and Sewer Division comments and recommendations**
- **Stormwater Management Division comments and recommendations**
- **revised Cobb DOT comments and recommendations (attached and made a part of these minutes)**
- **owner/developer to enter into a Development Agreement pursuant to O.C.G.A. §36-71-13 for dedication of system improvements to mitigate traffic concerns**

VOTE: **ADOPTED** unanimously

**Z-29 (2012)
PREVIOUS
MINUTES**

PLANNERS AND ENGINEERS COLLABORATIVE
 SITE PLANNING ARCHITECTURE & CIVIL ENGINEERING & LAND SURVEYING
 310 RESEARCH COURT • MONROES, GEORGIA 30902 • (770) 411-2711 • FAX (770) 411-5119 • WWW.PAC-CO.COM

THE PROVIDE SOLUTIONS
 7220 WOODBURN ROAD
 ATLANTA, GEORGIA 30341
 (404) 461-1700

ST. BERNARD'S EPISCOPAL CHURCH
 214 PEACHTER ROAD
 WEST ATLANTA ROAD @ ATLANTA RD. REDEVELOPMENT
 PROPOSED IMPROVEMENTS PLAN

REVISIONS:

NO.	DATE	DESCRIPTION

SITE PLAN
 SCALE: 1" = 30'
 DATE: MAY 6, 2008
 PROJECT: 06059.00A
 THE SITE IS NOT TO BE CONSIDERED SUBJECT TO ANY OTHER PLANNING AGENCIES' REQUIREMENTS

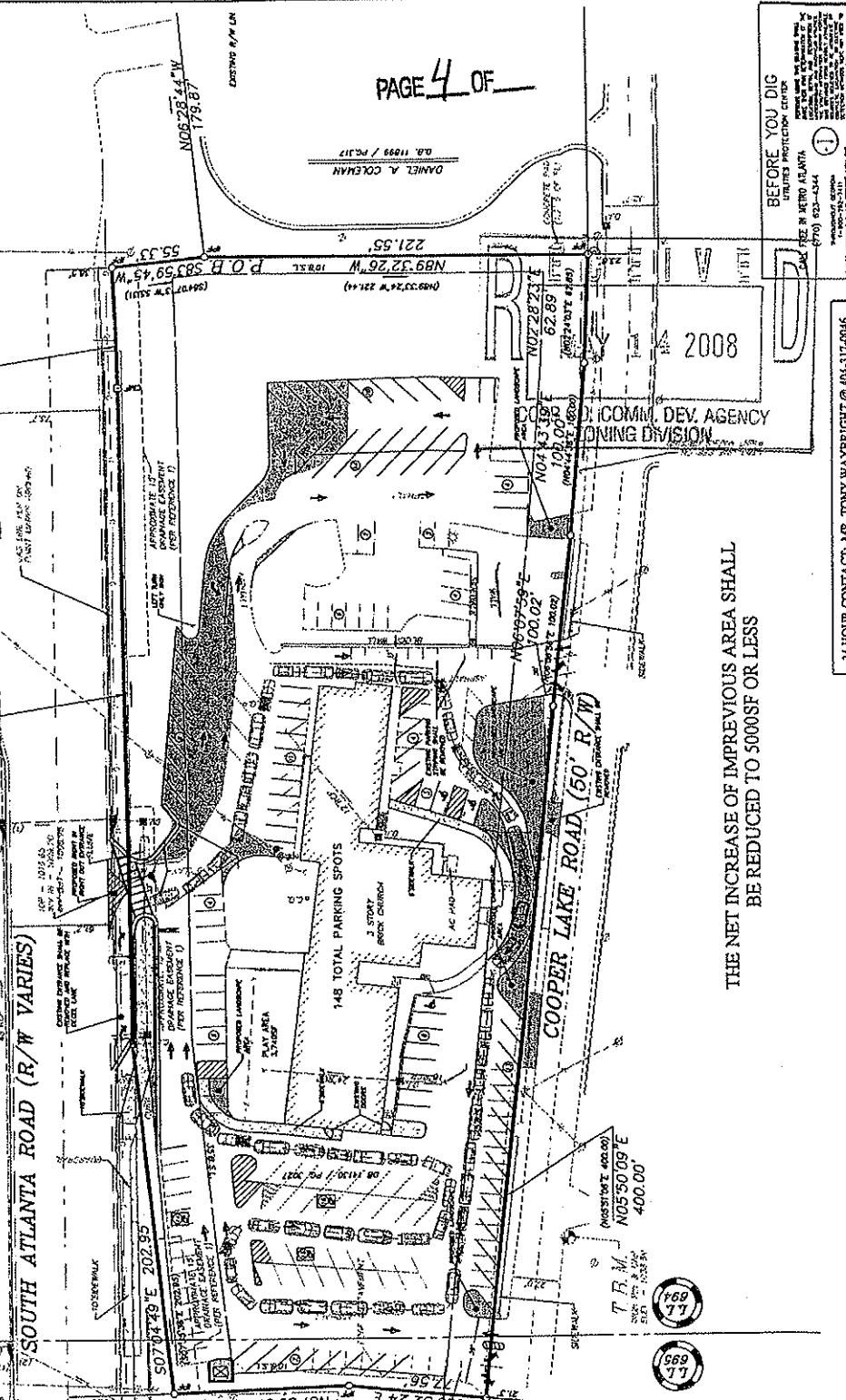
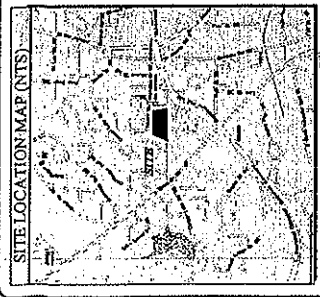
3.542 ACRES
AREA

PAGE 4 OF

(CH. TO NE)
 ARC = 69.97'
 RAD = 1440.70'
 CH. = 69.96'
 S02°34'15" E
 (SEE DET. 300.49')

SITE DATA:

TOTAL SITE AREA:	3.533 ACRES
ZONING:	PC (CDBG COUNTY)
EXISTING ZONING:	PWC (CDBG COUNTY)
ZONING RESTRICTION:	CDBG COUNTY
PLAN: GROUND:	
PLAYGROUND:	37,465 SF
TOTAL PARKING SPOTS:	118 PARKING SPOTS
TOTAL CAR STAGING LENGTH FOR CAR POOL:	1,196 LF
TOTAL CAR STAGING LENGTH FOR CAR POOL:	1,196 LF
STACKABLE AMOUNT OF CAR:	51 CARS
STANDARD CAR AVERAGE:	
LAND PER CAR AVERAGE:	61 CARS



THE NET INCREASE OF IMPREVIOUS AREA SHALL
 BE REDUCED TO 5000SF OR LESS

BEFORE YOU DIG
 UNITED PROTECTION CENTER
 4010 N. BRIDGE AVENUE, SUITE 100
 ATLANTA, GA 30326
 (770) 632-6344

24 HOUR CONTACT: MR. TONY WAYBRIGHT @ 404-317-5046

Min. Bk. 56 Petition No. 12-2
 Doc. Type site plan
 Meeting Date 5/20/08

MOORE INGRAM JOHNSON & STEELE

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Z-29 (2012)
PREVIOUS
MINUTES

JOHN H. MOORE
STEPHEN C. STEELE
WILLIAM R. JOHNSON†
ROBERT D. INGRAM†
J. BRIAN O'NEIL
G. PHILLIP BEGGS
ELDON L. BASHAM
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TELECOPIER (770) 429-8631

BILLING ADDRESS
P.O. BOX 3305 • MARIETTA, GEORGIA 30061

TENNESSEE OFFICE
CEDAR RIDGE OFFICE PARK, SUITE 463
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KASI R. WHITAKER
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JAMES D. BUSCH*
COLE B. STINSON***
SUZANNE E. HENRICKSON
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CAREY E. ATKINS*
CHARLES PIERCE*
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STAYCE M. BURKHART*
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C. DAMON GUNNELS
GRAHAM E. MCDONALD
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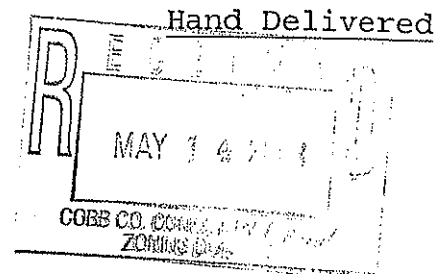
OF COUNSEL:
JOHN L. SKELTON, JR.†

† ALSO ADMITTED IN TN
* ALSO ADMITTED IN FL
** ALSO ADMITTED IN NK
*** ALSO ADMITTED IN NC
• ADMITTED ONLY IN TN

May 14, 2008

Min. Bk. 56 Petition No. Z-21
Doc. Type letter of
agreeable conditions
Meeting Date 5/20/08

Mr. John P. Pederson, AICP
Planner III
Zoning Division
Cobb County Community Development Agency
Suite 300
191 Lawrence Street
Marietta, Georgia 30060-1661



RE: Application for Rezoning
Application No.: Z-21 (2008)
Applicant: St. Benedict's Episcopal
Church, LLC
Owner: Cooper Lake Investments, LLC
Property: 3.553 acres located at
2160 Cooper Lake Road,
Land Lots 694 and 695,
17th District, 2nd Section,
Cobb County, Georgia

Dear John:

As you know, the undersigned and this firm represent St. Benedict's Episcopal Church, LLC, the Applicant (hereinafter "Applicant"), and Cooper Lake Investments, LLC, the Property Owner (hereinafter referred to as "Owner"), in their Application for Rezoning with respect to a total tract of 3.553 acres located at 2160 Cooper Lake Road, Land Lots 694 and 695, 17th District, 2nd Section, Cobb County, Georgia (hereinafter the "Subject Property"). After meeting with planning and zoning staff and various departmental representatives, discussions with area homeowner groups and homeowner representatives, and

MOORE INGRAM JOHNSON & STEELE

Mr. John P. Pederson, AICP
Planner III
Zoning Division
Cobb County Community Development Agency
Page 2 of 6
May 14, 2008

Petition No. _____
Meeting Date _____
Continued

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reviewing the staff comments and recommendations and the uses of surrounding properties, we have been authorized by the Applicant and Owner to submit this letter of agreeable stipulations and conditions which, if the Application for Rezoning is approved, as submitted, shall become a part of the grant of the requested zoning and shall be binding upon the Subject Property. This letter shall supersede and replace in full the letter of agreeable stipulations and conditions dated and filed April 30, 2008. The referenced stipulations are as follows:

- (1) The stipulations and conditions set forth herein shall replace and supersede in full any and all prior stipulations and conditions, in whatsoever form, which are currently in place on the Subject Property.
- (2) Rezoning of the Subject Property shall be from the existing zoning category of RM-12 to the proposed zoning category of Office and Institutional ("OI"), site plan specific to that certain As-Built Survey prepared by McClung Surveying Services, Inc. dated May 16, 2002.
- (3) The Subject Property consists of a total of 3.553 acres. Applicant proposes to renovate and refurbish the existing church facilities and parking for a church and day school, up to and including pre-kindergarten and kindergarten.
- (4) The maximum number of students enrolled in the proposed day school shall be two hundred eighty (280). Enrollment shall be as follows:
 - (a) There will be a maximum of eighty (80) students during the 2008-2009 school year which is scheduled to begin September 2008 after completion of renovations to approximately 6,500

MOORE INGRAM JOHNSON & STEELE

Mr. John P. Pederson, AICP
Planner III
Zoning Division
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square feet on the first floor of the existing structure;

- (b) There shall be a total maximum number of students of two hundred eighty (280), phased-in over the next few years.
- (5) The hours of operation of the proposed day school shall be 6:30 a.m. to 6:30 p.m. to accommodate single-parent families and as well as families where both parents work. Applicant will present a detailed plan for staggered starting times and ending times at the Board of Commissioners Zoning Hearing on May 20, 2008.
- (6) Applicant proposes completion of renovation and occupation of the existing facilities as follows:
 - (a) The church will begin evening meetings at the location during the fall of 2008;
 - (b) Upon completion of renovations to the second and third floors, church administrative offices presently in Vinings will be moved to the renovated facilities;
 - (c) Renovation of the church fellowship hall will be completed before Christmas 2008. The fellowship hall will accommodate large groups and be available for community meetings; and
 - (d) The church worship services will be moved to the renovated facilities before Easter 2009.
- (7) Applicant will preserve the exterior of the old historical sanctuary. Additionally, the existing northern brick addition (the school space) will be preserved essentially "as is" (new windows, decorative

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Mr. John P. Pederson, AICP
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trim, etc.). In the near future, Applicant will make an addition to the center of the existing structure fronting Atlanta Road. The addition will be approximately 1,200 square feet per floor and will increase meeting and office space while making the exterior façade of the building more attractive.

- (8) The "upper hill" area will be preserved as well as the large specimen trees throughout the site. Applicant will attempt, where possible, to reduce the amount of pavement around stressed trees to prolong their life. Additionally, Applicant agrees to walk the site with neighborhood representatives and mark the tree preserve areas.
- (9) Applicant agrees to site improvements to increase circulation and reduce the traffic impact on Cooper Lake Road as more fully shown and reflected on the traffic pattern and queuing plan prepared by Planners and Engineers Collaborative dated May 6, 2008, and submitted contemporaneously with this letter. These improvements will include, but not be limited to, relocating the Atlanta Road entrance slightly to the south, adding a decel lane within the limits of the topography, and reducing access from a full access to a right-in/right-out only. Three of the five entrances on Cooper Lake Road will be closed.
- (10) Applicant has done extensive research into making the proposed school and traffic patterns consistently acceptable for the total number of students planned.

The traffic pattern and queuing plan referenced in paragraph (9) and submitted herewith reflects the traffic patterns for queuing for both pick-ups and drop-offs of students. Each student and parent will be provided with a number which will be placed on a

MOORE INGRAM JOHNSON & STEELE

Mr. John P. Pederson, AICP
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small board which will be required to identify the student and parent, allowing pick-up of the student. A staff member will be stationed at a point in the queuing line closer to Cooper Lake Road armed with a walkie-talkie. As the parent approaches the pick-up, the staff member will notify another staff member stationed at the pick-up point to have that student or students ready for pick-up when the vehicle arrives. This prevents parents waiting in line at the pick-up point for the student to be located. Space will be provided for at least four (4) vehicles to pick-up simultaneously.

Another staff person will be located at the entrance on Atlanta Road to facilitate permitting vehicles to either exit Atlanta Road or proceed around the queue line to Cooper Lake Road to exit. This will avoid needless delay in allowing vehicles to exit the pick-up point. These operational procedures have been investigated and have proven to greatly ease any delay in moving vehicles through the process.

- (11) Minor modifications to the within stipulations, the referenced As-Built Survey, landscaping, architecture, site features, and the like, may be approved by the District Commissioner, as needed or necessary.
- (12) If Applicant does not close on the purchase of the Subject Property on or before December 31, 2009, the zoning on the Subject Property shall revert to its pre-existing category of RM-12.

We believe the requested zoning, pursuant to the As-Built Survey and the revised stipulations set forth herein, is an appropriate use of the Subject Property. The rezoning and the use sought by Applicant shall allow for the existing facilities to be renovated and used for the benefit of the surrounding community.

MOORE INGRAM JOHNSON & STEELE

Mr. John P. Pederson, AICP
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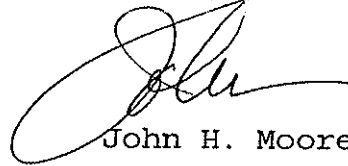
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As always, we greatly appreciate your consideration in this request.

With kindest regards, I remain

Very truly yours,

MOORE, INGRAM, JOHNSON & STEELE, LLP



John H. Moore

JHM:cc

Attachments

c: Cobb County Board of Commissioners:
Samuel S. Olens, Chairman
Helen C. Goreham
Annette Kesting
Joe L. Thompson
Tim Lee
(With Copy of Attachment)

Shane Coldren
Ron Sifen
Vinings Homeowners Association
(With Copy of Attachment)

Suzanne Ballew
Mary Rose Barnes
(With Copy of Attachment)

St. Benedict's Episcopal Church, LLC
(With Copy of Attachment)

MOORE INGRAM JOHNSON & STEELE

A LIMITED LIABILITY PARTNERSHIP
WWW.MIJS.COM

Z-29 (2012)
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MINUTES

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ROBERT D. INGRAM†
J. BRIAN ONEIL
G. PHILLIP BEGGS
ELDON L. BASHAM
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CLAYTON O. CARMACK
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J. KEVIN MOORE
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GRAHAM E. MCDONALD
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SARAH S. GRANT

OF COUNSEL:
JOHN L. SKELTON, JR.†

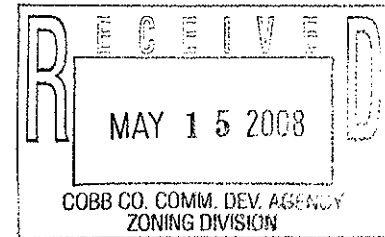
† ALSO ADMITTED IN TN
* ALSO ADMITTED IN FL
** ALSO ADMITTED IN NM
*** ALSO ADMITTED IN NC
♦ ADMITTED ONLY IN TN

May 15, 2008

Min. Bk. 56 Petition No. Z-21
Doc. Type letter of
agreeable conditions
Meeting Date 5/20/08

Mr. John P. Pederson, AICP
Planner III
Zoning Division
Cobb County Community Development Agency
Suite 300
191 Lawrence Street
Marietta, Georgia 30060-1661

Hand Delivered



RE: Application for Rezoning
Application No.: Z-21 (2008)
Applicant: St. Benedict's Episcopal
Church, LLC
Owner: Cooper Lake Investments, LLC
Property: 3.553 acres located at
2160 Cooper Lake Road,
Land Lots 694 and 695,
17th District, 2nd Section,
Cobb County, Georgia

Dear John:

On behalf of the Applicant and Property Owner in the above-referenced Application for Rezoning, please allow this correspondence to serve as a supplement to the revised letter of agreeable stipulations and conditions dated and filed with your office on May 14, 2008, which, if the Application for Rezoning is approved, as submitted, shall become part of the grant of the requested zoning and shall be binding upon the Subject Property. The additional stipulations are as follows:

MOORE INGRAM JOHNSON & STEELE

Mr. John P. Pederson, AICP
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During morning carpool two adults will be at curbside to assist children exiting cars and a third at the entrance to the building as necessary. Younger children will need the most help with seatbelts. Older children will need help with backpacks and other objects.

Projected Afternoon Dismissal Time:

Preschool is 1:00 p.m.
Kindergarten is 2:30 p.m.
Grades 1-5 is 3:20 p.m.

These dismissal times are staggered around IAS Charter

Afternoon Dismissals:

- 1:00 - 1:15 p.m. - Preschool students dismissed
 - Carpool used to load students into cars
 - Anticipated number of students during this time is 20-30

- 2:30 - 2:40 p.m. - Kindergarten students dismissed
 - Carpool line used to load students into cars
 - Anticipated number of students at full enrollment is 15-25

- 2:40 - 3:30 p.m. - Individual pick-ups for preschool and kindergarten
 - Parents park and come inside to get students
 - Anticipated number of students during this time is 10-15

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- 3:20 - 3:40 p.m. - Eventual dismissal period for elementary program students
- Carpool line used to load students into cars
 - Anticipated number of students at full enrollment is 50-75
 - This timing is later than the
 - IAS Charter School's 3:00 p.m. dismissal to try to minimize traffic on Atlanta Road

- 3:20 - 6:30 p.m. - Extended day/special activity students picked up
- Parents park and come inside to get students
 - Anticipated number of students at full enrollment is 140
 - Carpool system may be implemented if needed for specific times to help alleviate foot traffic in parking lot

The afternoon is the most likely time for a long carpool queue to form. Based on the maximum projected number of students at the standard elementary dismissal, all 75 parents could arrive at the site and be accommodated in the 45 numbered carpool parking spaces and the carpool queue.

During afternoon carpool times, a spotter will be stationed at the northwest corner of the parking lot and will radio the carpool number of the arriving cars to the carpool coordinator in the building. The coordinator will identify the student(s) based on the carpool number and notify the teachers by intercom to send those students to pickup. By the time the car

MOORE INGRAM JOHNSON & STEELE

Mr. John P. Pederson, AICP
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arrives at the curb the students will be waiting at the "safety" stop on the sidewalk and ready to quickly load.

Similar to the morning, a minimum of two adults will be assisting the students in loading and buckling so that cars may quickly move forward. Our school partners currently use this method at both of their sites and move 50 to 60 children in 15-20 minutes without any problems. Staff can be added as necessary.

Given the maximum of 80 students during the first year, we have the opportunity to fine-tune our process, if necessary, before adding additional students in the fall of 2009. during the first year, every parent could arrive before the start of carpool, the coordination of calling students could be a failure and every car could still be accommodated onsite in parking and the carpool queue.

- (2) Applicant shall have the right to alter, amend, or change the within schedule as needed for operational reasons.
- (3) The stipulation letter of May 14, 2008, reflected that this zoning was "site plan specific" to that certain As-Built Survey prepared by McClung Surveying Services, Inc. dated May 16, 2002. However, Applicant shall have the right to expand the church building facilities to accommodate its growth so long as Applicant complies with all required developmental standards, including parking.
- (4) Any stipulation contained herein, if in conflict with those set forth in the May 14, 2008, letter of agreeable stipulations and conditions, shall control.

MOORE INGRAM JOHNSON & STEELE

Mr. John P. Pederson, AICP
Planner III
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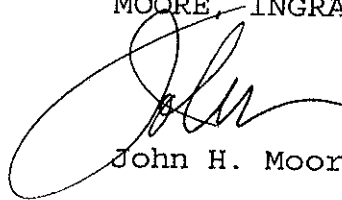
**Z-29 (2012)
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As previously stated, we believe the requested zoning, pursuant to the As-Built Survey and the stipulations previously submitted as well as those set forth herein, is an appropriate use of the Subject Property. The rezoning and the use sought by Applicant shall allow for the existing facilities to be renovated and used for the benefit of the surrounding community. As always, we greatly appreciate your consideration in this request.

With kindest regards, I remain

Very truly yours,

MOORE, INGRAM, JOHNSON & STEELE, LLP



John H. Moore

JHM:cc

c: Cobb County Board of Commissioners:
Samuel S. Olens, Chairman
Helen C. Goreham
Annette Kesting
Joe L. Thompson
Tim Lee

Shane Coldren
Ron Sifen
Vinings Homeowners Association

Suzanne Ballew
Mary Rose Barnes

St. Benedict's Episcopal Church, LLC

APPLICANT: St. Benedict's Episcopal Church, LLC

PETITION NO.:

Z-29 (2012)
PREVIOUS
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PRESENT ZONING: RM-12

PETITION FOR:

TRANSPORTATION COMMENTS

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The following comments and recommendations are based on field investigation and office review of the subject rezoning case:

ROADWAY	AVERAGE DAILY TRIPS	ROADWAY CLASSIFICATION	SPEED LIMIT	JURISDICTIONAL CONTROL	MIN. R.O.W. REQUIREMENTS
Cooper Lake Road	3500	Minor Collector	35 mph	Cobb County	60'
Atlanta Road	22100	Arterial	45 mph	Cobb County	100'

*Based on 2006 traffic counting data taken by Cobb County DOT. (Cooper Lake Road)
Based on 2007 traffic counting data taken by Cobb County DOT. (Atlanta Road)*

COMMENTS AND OBSERVATIONS

Cooper Lake Road is classified as a Minor Collector and according to the available information, the existing right-of-way does not meet the minimum requirements for this classification.

Atlanta Road is classified as an Arterial and according to the available information, the existing right-of-way does meet the minimum requirements for this classification.

Access to Atlanta Road shall be right-in only.

As necessitated by this development for access from Atlanta Road, a deceleration lane will be required.

Develop and present a circulation plan that will facilitate student drop offs / pick ups and any other related school activity. The plan should show how on-site queuing will be accommodated.

Minimize the number of curb cuts along Cooper Lake Road.

RECOMMENDATIONS

Recommend right-in only access along Atlanta Road.

Recommend a deceleration lane along Atlanta Road.

Recommend the applicant develop and present a detailed circulation plan describing how traffic will be handled for all school functions.

Recommend minimizing the number of curb cuts along Cooper Lake Road.

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

Min. Bk. 56 Petition No. Z-21
Doc. Type revised DOT
comments
Meeting Date 5/20/08

APPLICANT: St. Benedict's Episcopal Church, LLC

PETITION NO. _____

PRESENT ZONING: RM-12

PETITION FOR: O&I

PLANNING COMMENTS:

Staff Member Responsible: John P. Pederson, AICP

Land Use Plan Recommendation: High Density Residential

Proposed Number of Buildings: 1(existing) Total Square Footage of Development: 29,038

F.A.R.: 0.18 Square Footage/Acre: 8,172

Parking Spaces Required: 150 Parking Spaces Provided: 150

The applicant is requesting the O&I zoning district to place a church and related facilities in the closed church building. The property was rezoned in 2005 for condominiums; however, the condominium development plans have been abandoned. The existing building would be renovated to accommodate the new church. The church will have a day school for children up to six years of age. The school will be open seven days a week, from 6:00 a.m. to noon.

Historic Preservation: After consulting various county historic resources surveys, historic maps, archaeology surveys and Civil War trench location maps, staff finds that no known significant historic resources appear to be affected by this application. No further comment. No action by applicant requested at this time.

Cemetery Preservation: No comment.

FIRE COMMENTS:

Fire Apparatus Access Road

All access roads shall have an all weather driving surface capable of supporting 75,000 pounds with an unobstructed width of not less than 20 feet, 25 feet inside turning radius, 50 foot outside turning radius and unobstructed vertical clearance of not less than 13 feet 6 inches.

Access road shall extend to within 150-feet of all portions of the facility or any portion of the exterior wall of the first floor.

Dead-end access roads in excess of 150-feet shall be provided with a turn-around by one of the following methods:

Commercial: Cul-d-sac without an island to have a 60 foot paved radius or Hammerhead turn-around – total of 110 feet needed (45 feet + 20 foot wide roadway + 45 feet).

Fire Hydrant

Commercial: Fire hydrant within 500 feet of most remote part of structure.

APPLICANT St Benedict's Episcopal Church, LLC

PETITION

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PRESENT ZONING RM-12

PETITION

NOTE: Comments reflect only what facilities appeared of record at the time of this review. Field verification required by developer.

WATER COMMENTS:

Available at Development? Yes No

Fire Flow Test Required? Yes No

Size / Location of Existing Water Main(s) 8" CI / W side West Atlanta Rd

Additional Comments:

Developer may be required to install/upgrade water mains, based on fire flow test results or Fire Department Code. This will be resolved in the Plan Review Process.

SEWER COMMENTS:

In Drainage Basin? Yes No

At Development? Yes No

Approximate Distance to Nearest Sewer: In street

Estimated Waste Generation (in G.P.D.): **ADF** 3360 add'l **Peak** 8400 add'l

Treatment Plant: Sutton

Plant Capacity Available? Yes No

Line Capacity Available? Yes No

Projected Plant Availability: 0 - 5 year 5 - 10 years over 10 years

Dry Sewers Required? Yes No

Off-site Easements Required? Yes* No

Flow Test Required? Yes No

Septic Tank Recommended by this Department? Yes No

Subject to Health Department Approval? Yes No

* If off-site easements are required, Developer must submit easements to CCWS for review / approval as to form and stipulations prior to the execution of easement(s) by the property owner(s). All easement acquisitions are the responsibility of the Developer.

Additional Comments:

Notes FYI:

Developer will be responsible for connecting to the existing County water and sewer systems, installing and/or upgrading all outfalls and water mains, obtaining on and/or off site easements, dedication of on and/or off site water and sewer to Cobb County, as may be required. Rezoning does not guarantee water/sewer availability/capacity unless so stated in writing by the Cobb County Water System. Permit issuances subject to continued treatment plant compliance with EPD discharge requirements.

Z-29 (2012)
PREVIOUS
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APPLICANT: St. Benedict's Episcopal Church, LLC

PETITION NO.: Z

PRESENT ZONING: RM-12

PETITION FOR: O&I

DRAINAGE COMMENTS

No building expansion or site improvements are proposed at this time. Minor parking lot changes may be required to improve circulation or meet DOT access requirements. However, if additional impervious area is less than 5000 square feet then no stormwater management will be required. Any redevelopment or significant site changes will be required to meet current Stormwater Management requirements.

MINUTES OF ZONING HEARING
COBB COUNTY BOARD OF COMMISSIONERS
APRIL 20, 2010
PAGE 10

OTHER BUSINESS AGENDA (Continued)

ITEM #3

To consider amending the stipulations for Z-21 (ST. BENEDICT'S EPISCOPAL CHURCH, LLC) of May 20, 2008, for property located in Land Lots 694 and 695 of the 17th District on the west side of South Atlanta Road and on the east side of West Atlanta Road, south of Daniel Street.

Mr. Mark Danneman, Zoning Division Manager, provided information regarding request for stipulation amendment. The public hearing was opened and Mr. John Moore and Ms. Mary Rose Barnes addressed the Board. Following presentations and discussions, the following motion was made:

MOTION: Motion by Ott, second by Thompson, to **approve** Other Business Item #3 for stipulation amendment to Z-21 (ST. BENEDICT'S EPISCOPAL CHURCH, LLC) of May 20, 2008, for property located in Land Lots 694 and 695 of the 17th District on the west side of South Atlanta Road and on the east side of West Atlanta Road, south of Daniel Street, **subject to:**

- **time limit extended for operation of a farmer's market on the subject property until December 31, 2013**
- **additional conditions contained in Applicant's submitted document titled *Exhibit A* (attached and made a part of these minutes)**
- **all other previously approved conditions/stipulations not in conflict with this request to remain in effect**

VOTE: **ADOPTED 3-0**