JUNE 18, 2013 ZONING HEARING "OTHER BUSINESS" COMMISSION DISTRICT 4

<u>ITEM # 1</u>

PURPOSE

To consider amending the stipulations relating to Special Land Use Permits #147 of 1987 and #97 of 1988 (R. Leroy Moffitt and Barbara J. Moffitt), for property located on the east side of Covered Bridge Place, south of Russell Drive in Land Lots 97 and 120 of the 17th District.

BACKGROUND

The subject property was approved for a couple of Special Land Use Permits (SLUP) in 1987 and 1988 for a Montessori School. One of the stipulations prohibited the use of the third building on the school property, which is 3951 Covered Bridge Place. The applicant would like to amend this stipulation to allow this third building to be used in conjunction with the school. The area has changed over the past twenty five years to include the East-West Connector, the Freeman Poole Senior Center, and additions to Russell Elementary School. The request for additional students was deleted, since this would trigger a new SLUP application. If approved, all previous zoning stipulations would remain in effect.

FUNDING

N/A

RECOMMENDATION

The Board of Commissioners conduct a Public Hearing and consider the proposed stipulation amendment.

ATTACHMENTS

Other Business application and zoning stipulations.

Application for "Other Business" Cobb County, Georgia (Cobb County Zoning Division - 770-528-2035) BOC Hearing Division - 770-528-2035

(1000 00mily 20mily Division = 770-328-2035)	BOC Hearing Date Requested: _	June 18, 2013	
Applicant: Early Education, LLC	Phone #: 4 <u>0</u> 4-416-3	0455	
(applicant's name printed)		1400	
Address: 946 Ashebrooke Place, Marietta, GA 300	068 E-Mail: lauralfang	@yahoo.com	
Richard W. Calhoun, Agent for Applicant Address:			
(representative s name, printed)	To Atlanta Offeet, Manetta, GA 30000		
Welson W. Willes Phone #: 770 45	22.4776		
(representative's signature)	22-1776 E-Mail: rcalhoun@grego	rydoylefirm.com	 -
Signed, sealed and delivered in presence of CO	My commission expires: _ 名力し	1/14	
AU 2A	/	/	
Titleholder(s): SEE ATTACHEGAEXHIBITAN	Phone #:		
Address:	Printed) E-Mail:	201	30.78 1
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(Property owner's signature)		-	
Signed, sealed and delivered in presence of:		8 =	1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1
organes, search and derivered in presence of:		2	
	My commission expires:		
Notary Public		- : - : - : - : - : - :	(7)
Commission District: 4	Zoning Case: <u>Z147 (1987) & Z-97</u>	No.	1.10000
Date of Zoning Decision: 6-18-87 & 5-17-88			
Location: 395 Russell Drive, 3941 & 3951 Covered	Bridge Place		
(street address, if applicable; nearest	intersection, etc.)		
Land Lot(s): 97 & 120	District(s): 17th		
State <u>specifically</u> the need or reason(s) for	Othor Barrier		
Minor amendment to confirm ability to use 3951 Cover	ed Bridge Place as part of Montessori Scho	ool,	
and to allow attendance of 198 pupils per state permit.			
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May 17, 2013

VIA HAND DELIVERY

Cobb County Government Zoning Division Attn: John Peterson 1150 Powder Springs Street Suite 400 Marietta, GA 30064

Re: "Other Business" Application of Early Education, LLC 3951 Covered Bridge Place, Smyrna, GA 30082

3.07 Acres, Land Lots 97 & 120, 17th District, Cobb County, Georgia

Dear John,

Please be advised that our client wishes to delete that portion of its referenced "other business" application which requests an increase in the pupil limit from 150 pupils to 198 pupils.

The only modification now sought is the deletion of the stipulation which prohibited use of the third building at 3951 Covered Bridge Place.

Thank you for your assistance in this matter.

Very truly yours,

Richard W. Calhoun, Esq.

Enclosures

COBB COUNTY ZONING DIVISION

COBB COUNTY GEORGIA

Exhibit "A" **Titleholders**

COBB COUNTY GEORGIA FILED IN OFFICE

2013 MAY 14 PM 12: 28

CORB COUNTY ZONING DIVISION

E-mail Address: rlmoffitt641@gmail.com

E-mail Address: rlmoffitt641@gmail.com

Phone Number: (770) 431-9871

395 Russell Drive, SW

Moffitt Educational Enterprises, Inc., 2175 N. Norcross Tucker Road Norcross, GA 30071

E-mail Address: rlmoffitt641@gmail.com

Phone Number: (770) 431-9871

Property (Owner's	Signature:
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Signed, sealed and delivered in presence of:

minission expires: Laber 06, 2015 3941 Covered Bridge Place

R. Leroy and Barbara J. Moffitt

2175 N. Norcross Tucker Road Norcross, GA 30071

Property Owner's Signature: Property Owner's Signature:

Leroy Moffitt

Signed, sealed and delivered in presence of:

regmmission expires: October 06, 2015 Notary Public

3951 Covered Bridge Place

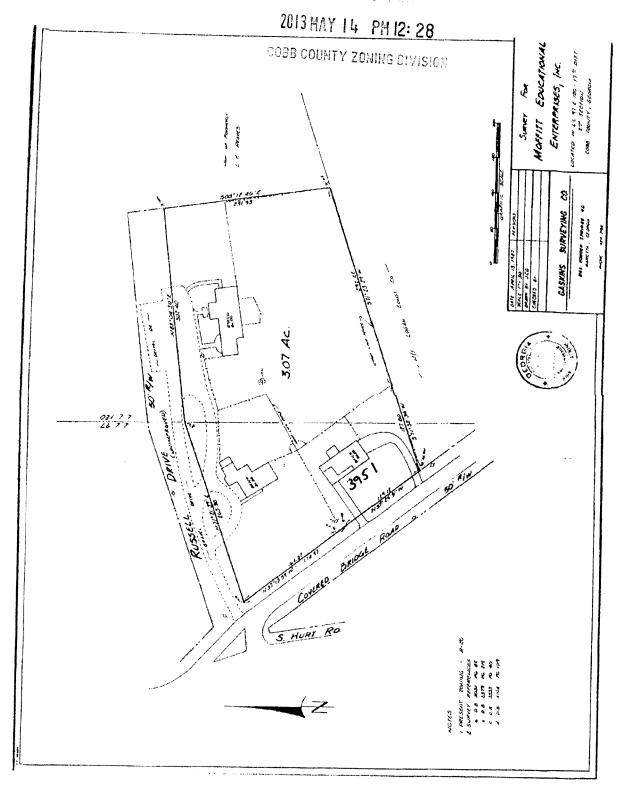
Robert Leroy & Barbara Jane Moffitt 488 Hurt Road Smyrna, GA 30082

Phone Number: (770) 431-9871 Property Owner's Signature: Property Owner's Signature:

Signed, sealed and delivered in presence of

mission expires. Vitaber 06, 2015 Notary Public /

SOBB COUNTY GEORGIA FILED IN OFFICE



COBS COUNTY GEORGIA

APPLICATION FOR LAND USE PERMIT TO THE

2013 MAY 14 PM 12-28 COUNTY BOARD OF COMMISSIONERS OF ROADS AND REVENUES AND THE

COBB COUNTY ZONING DIVISION

COBB COUNTY PLANNING COMMISSION

(type or print clearly)

	J. Moffit	Moffitt, Ba. t, and Moff.	itt		Application No.	147
	= α/b/a Cov∈	al Enterpri ered Bridge	ses, Inc.		Hearing Date	
	Montessor	i School		434-3181	Linna Dhana	1
Applican)E		Business P	hone 101 0101	Home Phone	4 34-7645
	R. Leroy M	mess name) Moffitt	Address 3	95 Russell D	rive, Smyrna ,	
	(representative	e's name, printed) i			
	R. Levoy 1		Business Pl	hane <u>434-31</u>	81 Home Phone	434-7645
	(representat	ive & signature)		7.		
_ ~						
	R. Leroy	Moffitt, Ba	rbara	•		
*****	J. Moffit	t, and Moff	itt Educa-		1 Home Phone	171 7615
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Signature	Bustasa	mollit	Address	3951 Covered	d Bridge Road	Smvrna. GA
(8	ittach additional	signatures, if	needed)			30080
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				I	ype of Permit	
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ror the r	rurpose of <u>Wi</u>	th day care	<u> </u>		; OI 1: Due	
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		(street addre	ess, if applica	ble, nearest inte	rsection, etc.)	
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					use of the 2 existi	ng structures
on the !	property only.	Motion by Brow	vn, seconded b	y Thompson, ca	rried 4-0.	
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Board of	Commissioners	d Decision 6/	16/87 - Board	of Commission	ners approved app	lication as
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COBB COUNTY GEORGIA FILED IN OFFICE

APPLICATION FOR LAND USE PERMIT

TO THE

" 2013 MAY IL PIPE SOUNTY BOARD OF COMMISSIONERS OF ROADS AND REVENUES AND THE

COBB COUNTY ZONING DIVISION

COBB COUNTY PLANNING COMMISSION (type or print clearly)

J. Moffitt, and Moffitt Educational Enterprises. Inc. Applicant Montessory School R. Leroy Moffitt R. Leroy Moffitt, Barbara J. Moffitt, and Moffitt Educational Titleholder Fitterprises Inc. R. Leroy Moffitt, Barbara J. Moffitt, and Moffitt Educational Titleholder Fitterprises Inc. R. Leroy Moffitt, Barbara J. Moffitt, and Moffitt Educational Titleholder Fitterprises Inc. Business Phone R. Leroy Moffitt, Barbara J. Moffitt, and Moffitt Educational Titleholder Fitterprises Inc. R. Leroy Moffitt, Barbara J. Moffitt, and Moffitt Educational Titleholder Fitterprises Inc. Business Phone R. Leroy Moffitt, Barbara J. Moffitt, Barbara J. Moffitt, and Moffitt Educational Titleholder Fitterprises Inc. Resource Address 3951 Covered Bridge Road, Smyrna, 6a. (strath Additional Signature) Amending the Special Use Permit dated 6/16/16/Nomenal Tenterprises, Inc. For the Purpose of permit a 3 by 5 free standing. Size of Treat 3.07 acres. Sign and 2' by 2' signs on the face of each building. Location 395 Russell prive. Smyrna, Cohh County, Georgia, 30082 (street address, If applicable, hearest intersection, etc.) Land Lottel 97 and 120 Dietrict Type of Permit and Moffitt Recommendation of Planning Commission S/17/89 - Planning Commission recommended application be approved subject to the following: I) two building identification signs be approved by staff with emphasis on square foctage, color schemes and no lighting: 2) one free-standing sign to be located by staff twich at least a 35 ft. gathack) and approved by staff with emphasis on size, color scheme. And Lotter President Address Address and Spin Inspector.] Motion Recommendation of Planning Commission by Junes, seconded by Wise, carried 3-0. Chairman Life yabsent from vote, Smith opposed. Clairman Life yabsent from vote, Smith opposed. Chairman Life yabsent from vote, Smith opposed.	R. Leroy Moffitt, Barbara	Application No.	9.7
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R. Leroy Moffitt, Barbara J. Moffitt, and Moffitt Educational Titleholder Enterprises Inc. Business Phone 434-3181 Home Phone 434-7645 R. Leroy Moffitt, Barbara J. Moffitt, and Moffitt Educational Titleholder Enterprises Inc. Business Phone 434-3181 Home Phone 434-7645 Signature Phone Enterprises Inc. Signature Phone Acceptable Address 3951 Covered Bridge Road, Smyrna, 6a. 30082 Present Zoning R-20 Temporary Land Use Nedical Hardship Amending the Special Use Permit dated 5/16/8/Reneal - Yes Nedical Hardship To permit use of the three existing structures and to For the Purpose of Opermit a 3' by 5' free Standing Size of Tract 3.07 acressing and 2' by 2' signs on the face of each building. Location 395 Russell Drive Smyrna, Cohb County Georgia, 30082 (street address, If applicable, nearest intersection, etc.) Land Lot(s) 97 and 120 District 17 Recommendation of Planning Commission 5/17/88 - Planning Commission recommended epplication be approved subject to the following: 1) two building identification signs be approved by staff with emphasis on square foctage, color schemes and no lighting: 2) one free-standing sign to be located by staff (with at least a 35 ft. agribank) and approved by staff with emphasis on size, color scheme. Inc lighting, and height (consistent with rendering on file with Mr. O.C. Dese, Sign Inspector.) Motion failed 2-3, Peschal, Clay, Smith apposed. After further discussion, Board of Commissioners approved the use of one free-standing sign to be approved by staff and rejected any use the third structure on the premises. Motion by Burton, to reject, seconded by Powell, Motion failed 2-3, Peschal, Clay, Smith apposed. After further discussion, Board of Commissioners approved the use of one free-standing sign to be approved by staff and rejected any use the third structure on the premises. Motion by Burton, seconded by Powell, carried 3-1-1,	Applicant Montessori School Business Phone 434-3	Home Phone	434-7645
R. Leroy Moffitt, Barbara J. Moffitt, and Moffitt Educational Titleholder Enterprises Inc. Business Phone 434-3181 Home Phone 434-7645 R. Leroy Moffitt, Barbara J. Moffitt, and Moffitt Educational Titleholder Enterprises Inc. Business Phone 434-3181 Home Phone 434-7645 Signature Andreas 3951 Covered Bridge Road, Smyrna, Ga. (attach additional stignature), if needed) Permanent Special Use Permit Amending the Special Use Permit dated 6/16/8/Renewal - Tes. Amending the Special Use Permit dated 6/16/8/Renewal - Tes. Amending the Special Use Permit dated 6/16/8/Renewal - Tes. Type of Permit Amending the Special Use Permit dated 6/16/8/Renewal - Tes. To permit use of the three existing structures and to For the Purpose of germit a 3' by 5' free standing Size of Tract 3.07 acressing and 2' by 2' signs on the face of each building. Location 395 Russell Drive, Smyrna, Coh County, Georgia, 30082 (street address, If applicable, nearest intersection, etc.) Land Lot(s) 97 and 120 District 17 Recommendation of Planning Commission 5/17/88 - Planning Commission recommended application be approved subject to the following: 1) two building identification signs be approved by staff with emphasis on square footage, color schemes and no lighting: 2) one free-standing sign to be located by staff (with at least a 35 ft. gethack) and approved by staff with emphasis on size, color scheme. And lighting, and height (consistent with rendering on file with Mr. O.C. Dees, Sign Inspector.) Motion by Jones, seconded by Wise, carried 5-0. Chairman by Jones, seconded by Burton, to reject, seconded by Powell, Mation failed 2-3, Paschal, Clay, Smith opposed. After further discussion, Board of Commissioners approved the use of one free-standing sign to be approved by staff and rejected any use the third structure on the premises. Motion by Burton, seconded by Powella arried 3-1-1.	R. Leroy Moffitt Address 395 Russel		
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