

**JUNE 18, 2013 ZONING HEARING
“OTHER BUSINESS”
COMMISSION DISTRICT 4**

ITEM # 1

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 Date Requested: June 18, 2013

Applicant: Early Education, LLC

(applicant's name printed)

Phone #: 404-416-3455

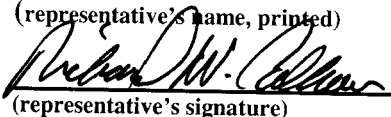
Address: 946 Ashebrooke Place, Marietta, GA 30068

E-Mail: lauralfang@yahoo.com

Richard W. Calhoun, Agent for Applicant

Address: 49 Atlanta Street, Marietta, GA 30060

(representative's name, printed)



(representative's signature)

Phone #: 770-422-1776

E-Mail: rcalhoun@gregorydoylefirm.com

Signed, sealed and delivered in presence of:

Patsy G. Cox
Notary Public

My commission expires: 8/24/14

Titleholder(s): SEE ATTACHED EXHIBIT

Phone #: _____

Address: _____

E-Mail: _____

(Property owner's signature)

Signed, sealed and delivered in presence of:

Notary Public

My commission expires: _____

Commission District: 4

Zoning Case: Z147 (1987) & Z-97 (1988)

Date of Zoning Decision: 6-18-87 & 5-17-88

Original Date of Hearing: 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 specifically the need or reason(s) for Other Business: _____

Minor amendment to confirm ability to use 3951 Covered Bridge Place as part of Montessori School,

and to allow attendance of 198 pupils per state permit.

(List or attach additional information if needed)

May 17, 2013

VIA HAND DELIVERY

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

COBB COUNTY GEORGIA
FILED IN OFFICE
2013 MAY 17 PM 2:06
COBB COUNTY ZONING DIVISION

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

Exhibit "A"
Titleholders

COBB COUNTY GEORGIA
FILED IN OFFICE

2013 MAY 14 PM 12: 28

COBB COUNTY ZONING DIVISION

395 Russell Drive, SW

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

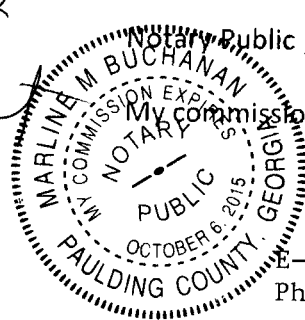
E-mail Address: rlmoffitt641@gmail.com

Phone Number: (770) 431-9871

Property Owner's Signature:

Signed, sealed and delivered in presence of:

By: R. Leroy Moffitt
Title: Vice President

Notary Public [Signature]
My commission expires: October 06, 2015


3941 Covered Bridge Place

R. Leroy and Barbara J. Moffitt
2175 N. Norcross Tucker Road
Norcross, GA 30071

E-mail Address: rlmoffitt641@gmail.com

Phone Number: (770) 431-9871

Property Owner's Signature:

Property Owner's Signature:

R. Leroy Moffitt
R. Leroy Moffitt

Barbara J. Moffitt
Barbara J. Moffitt

Signed, sealed and delivered in presence of:

Notary Public

[Signature]

My commission expires:

October 06, 2015

3951 Covered Bridge Place

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

E-mail Address: rlmoffitt641@gmail.com

Phone Number: (770) 431-9871

Property Owner's Signature:

Property Owner's Signature:

Robert Leroy Moffitt
Robert Leroy

Barbara Jane Moffitt
Barbara Jane Moffitt

Signed, sealed and delivered in presence of:

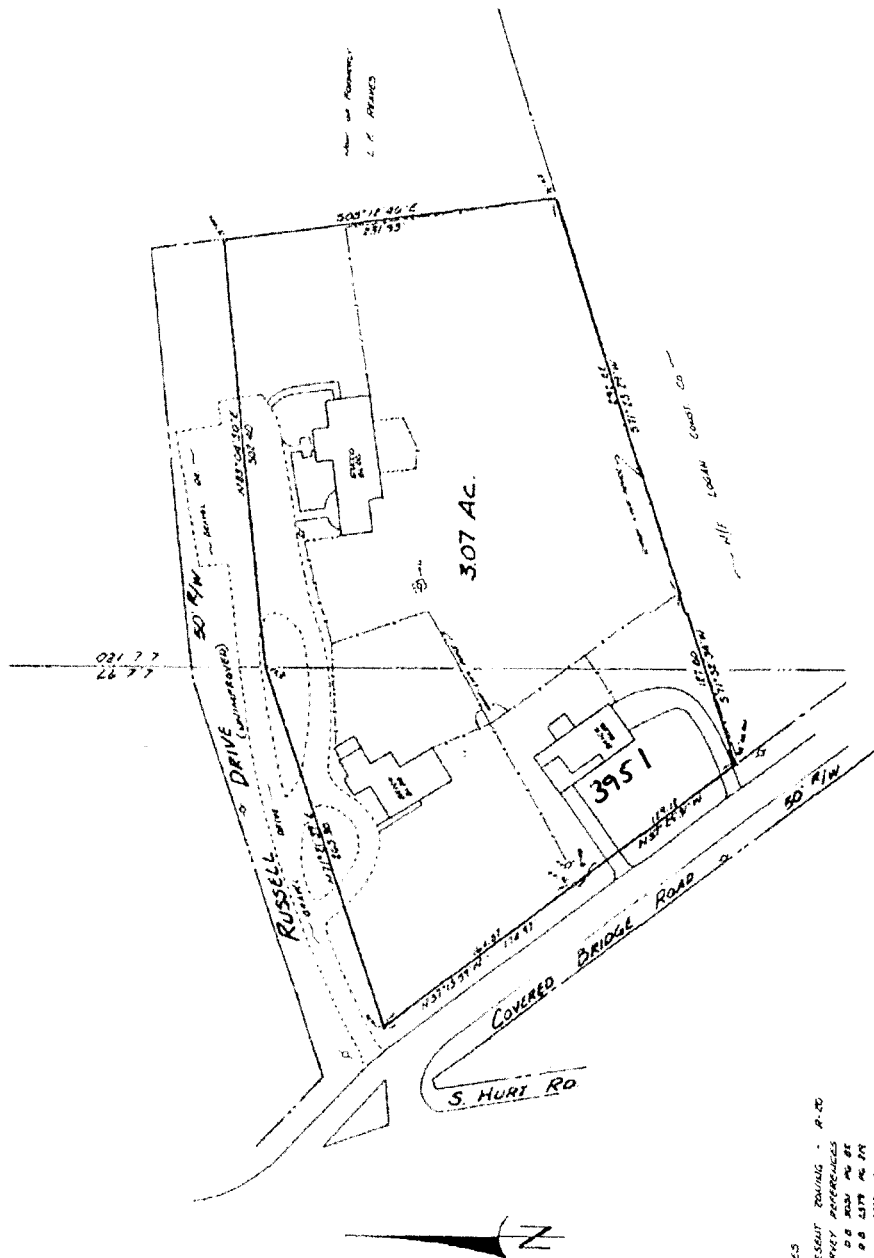
Notary Public

[Signature]

My commission expires:

October 06, 2015

COBB COUNTY ZONING DIVISION



NOTES

1 PRESENT TRAINING - P-20

2 SURVEY PREFERENCES

a	0.8	0.035	0.01
b	0.8	0.179	0.04
c	0.8	0.333	0.03
d	0.8	0.164	0.109

SURVEY FOR
MORRITT EDUCATIONAL
ENTERPRISES, INC.
LOCATED IN 66 91 E 120 - 17 1/2 DIST
2ND SECTION
COOK COUNTY, GEORGIA

GASKINS SURVEYING CO

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED

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COBB COUNTY GEORGIA
FILED IN OFFICE

APPLICATION FOR LAND USE PERMIT
TO THE

2013 MAY 14 PM 12:28

COBB COUNTY BOARD OF COMMISSIONERS OF ROADS AND REVENUES

AND THE

COBB COUNTY PLANNING COMMISSION

COBB COUNTY ZONING DIVISION

(type or print clearly)

R. Leroy Moffitt, Barbara
J. Moffitt, and Moffitt
Educational Enterprises, Inc.
d/b/a Covered Bridge
Montessori School

Application No. 147

Hearing Date _____

Applicant _____ Business Phone 434-3181 Home Phone 434-7645

(business name)

R. Leroy Moffitt Address 395 Russell Drive, Smyrna, Ga. 30080

(representative's name, printed)

R. Leroy Moffitt Business Phone 434-3181 Home Phone 434-7645

(representative's signature)

R. Leroy Moffitt, Barbara
J. Moffitt, and Moffitt Educa-
Titleholder tional Enterprises, Inc. Business Phone 434-3181 Home Phone 434-7645

Signature R. Leroy Moffitt Address 3951 Covered Bridge Road, Smyrna, GA
(attach additional signatures, if needed) 30080

Barbara J. Moffitt President, Moffitt Educational Enterprises, Inc.-----

Type of Permit

Present Zoning R-20 Temporary Land Use _____ Medical Hardship _____
Permanent Special Use x Construction Hardship _____

Private elementary school, grades
kindergarten through 6, Renewal - Yes No

For the Purpose of with day care Size of Tract 3.07 acre(s)

Location 395 Russell Drive, Smyrna, Cobb County, Georgia 30080
(street address, if applicable, nearest intersection, etc.)

Land Lot(s) 97 and 120 District 17

Recommendation of Planning Commission 6/16/87 - Planning Commissioner recommended
application be approved subject to maximum of 150 students with use of the 2 existing structures
on the property only. Motion by Brown, seconded by Thompson, carried 4-0.

Henry A. Vanover Jr. Chairman

Board of Commissioners' Decision 6/16/87 - Board of Commissioners approved application as
stated above and any new development or construction plans to be brought back to the Board of
Commissioners for approval. Motion by Powell, seconded by Burton, carried 5-0.

Paul E. Burton Chairman

COBB COUNTY GEORGIA
FILED IN OFFICE

2013 MAY 14 PM 12:28

COBB COUNTY ZONING DIVISION

APPLICATION FOR LAND USE PERMIT
TO THE

COBB COUNTY BOARD OF COMMISSIONERS OF ROADS AND REVENUES
AND THE

COBB COUNTY PLANNING COMMISSION
(type or print clearly)

R. Leroy Moffitt, Barbara
J. Moffitt, and Moffitt
Educational Enterprises, Inc.
d/b/a Covered Bridge
Applicant Montessori School Business Phone 434-3181 Home Phone 434-7645
(business name)
R. Leroy Moffitt Address 395 Russell Drive, Smyrna, Ga. 30082
(representative's name, printed)
R. Leroy Moffitt Business Phone 434-3181 Home Phone 434-7645
(representative's signature)

R. Leroy Moffitt, Barbara
J. Moffitt, and Moffitt Educational
Titleholder Enterprises Inc. Business Phone 434-3181 Home Phone 434-7645
R. Leroy Moffitt
Signature Barbara J. Moffitt Address 3951 Covered Bridge Road, Smyrna, Ga. 30082
(attach additional signatures, if needed)
Barbara J. Moffitt President, Moffitt Educational Enterprises, Inc.

Type of Permit

Present Zoning R-20 Temporary Land Use _____ Medical Hardship _____
Permanent Special Use X Construction Hardship _____
Amending the Special Use Permit dated 6/16/87 Renewal - Yes _____ No _____
to permit use of the three existing structures and to
for the Purpose of permit a 3' by 5' free standing Size of Tract 3.07 acre(s)
sign and 2' by 2' signs on the face of each building.

Location 395 Russell Drive, Smyrna, Cobb 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. setback) and approved by staff with emphasis on size, color scheme,
no lighting, and height (consistent with rendering on file with Mr. D.C. Dees, Sign Inspector.) Motion
by Jones, seconded by Wise, carried 5-0.

Board of Commissioners' Decision 5/17/88 - Motion was made by Burton, to reject, seconded by
Powell. Motion 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 of the third structure on the premises. Motion by Burton, seconded by Powell, carried 3-1-1,
Clay absent from vote, Smith opposed.