

**DECEMBER 17, 2013 ZONING HEARING
“OTHER BUSINESS”
COMMISSION DISTRICT 2**

ITEM # 3

PURPOSE

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 Atlanta Road and on the east side of Cooper Lake Road, south of Daniel Street.

BACKGROUND

The Board of Commissioners approved the operation of a farmer’s market on the church property on April 20, 2010. Per the stipulations, the operation of the farmer’s market terminates on December 31, 2013. This church operates the farmers markets to fund a ministry that provides free after-school mentoring and tutoring for under-served children. The farmers market has been very popular with area residents, and has become a focal point of the community. The farmers market would provide locally grown, raised or produced food items that include produce, meats, dairy, cheese, baked items, and home made products. Additionally, the farmers market would have other community oriented activities, such as blood bank drives, cooking demonstrations, bounce houses & children’s activities and live acoustic music. The farmer’s market is normally open on Tuesdays from April through November with operating times of 4:30 pm to 8:00 pm.

FUNDING

N/A

RECOMMENDATION

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

ATTACHMENTS

Other Business application with stipulation letter and stipulations.

3

Application for "Other Business" Cobb County, Georgia

(Cobb County Zoning Division - 770-528-2035)

BOC Hearing Date Requested: 12/17/2013

Applicant: St. BENEDICT'S EPISCOPAL CHURCH, LLC Phone #: 678-279-4300
(applicant's name printed) GA

Address: 2160 COOPER LAKE RD, SMYRNA, GA 30080 E-Mail: brian@mysaintb.org

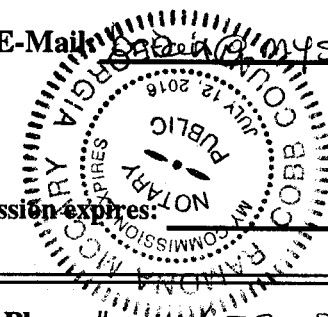
The Rev. BRIAN SULLIVAN Address: 2160 COOPER LAKE RD, SMYRNA, GA 30080
(representative's name, printed)

Brian Sullivan Phone #: 678-279-4300 E-Mail: brian@mysaintb.org
(representative's signature)

Signed, sealed and delivered in presence of:

Ramona McCary
Notary Public

My commission expires: July 12, 2016



Titleholder(s): St. BENEDICT'S EPISCOPAL CHURCH, LLC Phone #: 678-279-4300
(property owner's name printed)

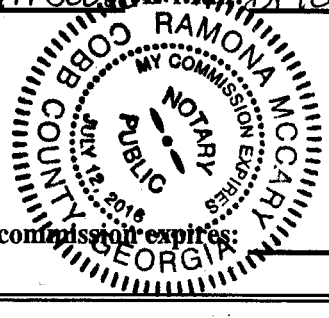
Address: 2160 COOPER LAKE RD, SMYRNA, GA 30080 E-Mail: brian@mysaintb.org

Brian Sullivan
(Property owner's signature)

Signed, sealed and delivered in presence of:

Ramona McCary
Notary Public

My commission expires: July 12, 2016



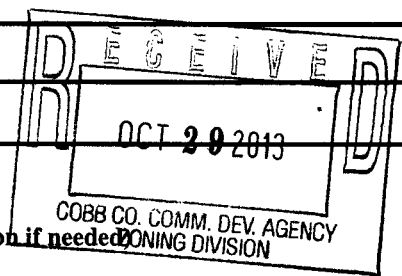
Commission District: 2 Zoning Case: Z-21(2008) SLUP-9(2008)
May 20, 2008 May 20, 2008

Date of Zoning Decision: July 15, 2008 Original Date of Hearing: July 15, 2008
Dec. 16, 2008; June 16, 2009; APRIL 20, 2010 (AMENDMENTS)

Location: 2160 COOPER LAKE ROAD, SMYRNA, COBB COUNTY, GEORGIA
(street address, if applicable; nearest intersection, etc.)

Land Lot(s): 694, 695 District(s): 17H

State specifically the need or reason(s) for Other Business: See Exhibit "A", attached hereto and incorporated herein by reference.



(List or attach additional information if needed)

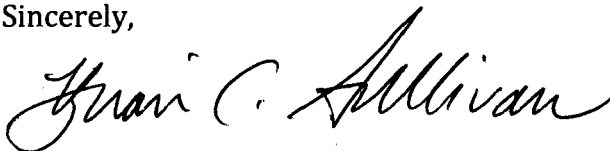
Mr. John Pederson
Zoning Division
Page 2 of 2
November 27, 2013

- 3) There will be no parking for the Farmer's Market on St. Benedict's Middle School Property (Lot 694, District 17, 2nd Section).
- 4) We will limit the use of Bounce houses to four times a season.
- 5) All music will be acoustic, without use of amplification.

As with past zoning endeavors we will continue to meet with neighbors and address any ongoing concerns.

As always, we thank you for considering this request.

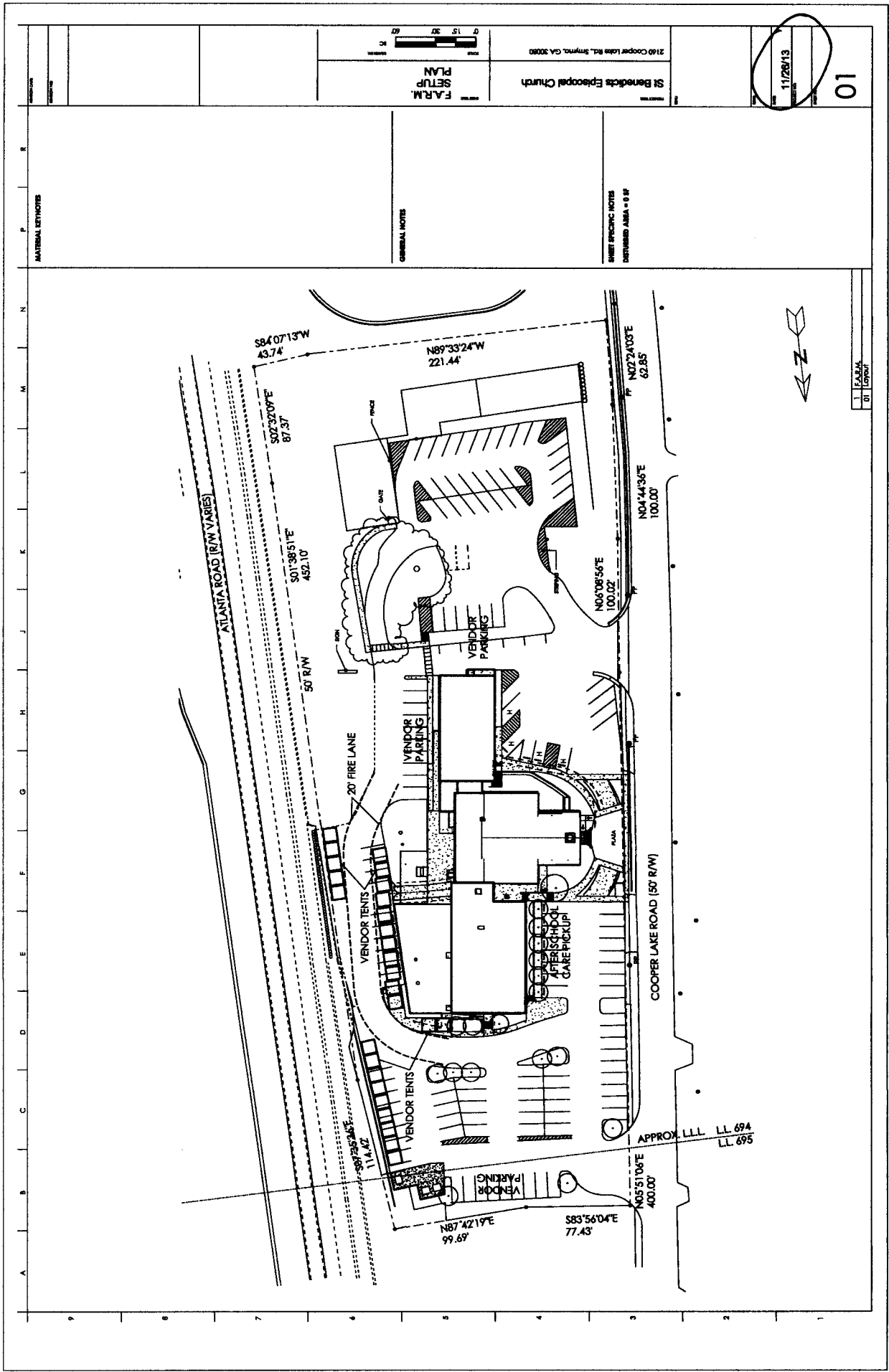
Sincerely,



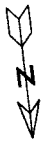
The Rev. Brian C. Sullivan
Rector of St. Benedict's Episcopal Church

Cc: Bob Ott - Bob.Ott@cobbcounty.org
Mike Terry - Mike.Terry@cobbcounty.org
Robert Toler - Rock.Toler@cobbcounty.org
Oakdale Community Association - rose30080@aol.com
West Vinings Neighbors - west-vinings-neighbors@googlegroups.com
The Grove Neighborhood
Ayesha Sirajj - ayasha_siraj@yahoo.com
Amanda Wielring - amanda@awdreamhomes.com
Costy Pawlowski - costy@alphainternalmedicine.com
Bill Kring - kring.bill@gmail.com

*Proposed
Site Plan*



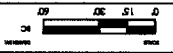
1. FARM
2. SETUP
3. OTHER



11/28/13
10

St. Benedict's Episcopal Church
2149 Cooper Lake Rd., Smyrna, GA 30080

F.A.R.M.
SETUP
PLAN



MATERIAL KEYNOTES

GENERAL NOTES

SHEET SPECIFIC NOTES
DISTURBED AREA = 0.00

A B C D E F G H J K L M N P

1

2

3

4

5

6

7

8

9

APPROX. L.L. LL 694
LL 695

N87°42'19"E
99.69'

S83°54'04"E
77.43'

N05°15'10"E
400.00'

COOPER LAKE ROAD (50' R/W)

ATLANTA ROAD (R/W VARIES)

20' FIRE LANE

VENDOR TENTS

VENDOR TENTS

VENDOR TENTS

VENDOR TENTS

VENDOR TENTS

VENDOR TENTS

VENDOR TENTS

VENDOR TENTS

VENDOR TENTS

VENDOR TENTS

VENDOR TENTS

VENDOR TENTS

VENDOR TENTS

VENDOR TENTS

VENDOR TENTS

VENDOR TENTS

VENDOR TENTS

VENDOR TENTS

VENDOR TENTS

VENDOR TENTS

VENDOR TENTS

VENDOR TENTS

VENDOR TENTS

VENDOR TENTS

VENDOR TENTS

VENDOR TENTS

VENDOR TENTS

VENDOR TENTS

VENDOR TENTS

VENDOR TENTS

VENDOR TENTS

VENDOR TENTS

VENDOR TENTS

VENDOR TENTS

VENDOR TENTS

VENDOR TENTS

VENDOR TENTS

VENDOR TENTS

VENDOR TENTS

VENDOR TENTS

VENDOR TENTS

VENDOR TENTS

VENDOR TENTS

VENDOR TENTS

VENDOR TENTS

VENDOR TENTS

VENDOR TENTS

VENDOR TENTS

VENDOR TENTS

VENDOR TENTS

VENDOR TENTS

VENDOR TENTS

VENDOR TENTS

VENDOR TENTS

VENDOR TENTS

VENDOR TENTS

VENDOR TENTS

VENDOR TENTS

VENDOR TENTS

VENDOR TENTS

VENDOR TENTS

VENDOR TENTS

VENDOR TENTS

VENDOR TENTS

VENDOR TENTS

VENDOR TENTS

VENDOR TENTS

VENDOR TENTS

VENDOR TENTS

VENDOR TENTS

VENDOR TENTS

VENDOR TENTS

VENDOR TENTS

VENDOR TENTS

VENDOR TENTS

VENDOR TENTS

VENDOR TENTS

VENDOR TENTS

VENDOR TENTS

VENDOR TENTS

VENDOR TENTS

VENDOR TENTS

VENDOR TENTS

VENDOR TENTS

VENDOR TENTS

VENDOR TENTS

VENDOR TENTS

VENDOR TENTS

VENDOR TENTS

VENDOR TENTS

VENDOR TENTS

VENDOR TENTS

VENDOR TENTS

VENDOR TENTS

VENDOR TENTS

VENDOR TENTS

VENDOR TENTS

VENDOR TENTS

VENDOR TENTS

VENDOR TENTS

VENDOR TENTS

VENDOR TENTS

VENDOR TENTS

VENDOR TENTS

VENDOR TENTS

VENDOR TENTS

VENDOR TENTS

VENDOR TENTS

VENDOR TENTS

VENDOR TENTS

VENDOR TENTS

VENDOR TENTS

VENDOR TENTS

VENDOR TENTS

VENDOR TENTS

VENDOR TENTS

VENDOR TENTS

VENDOR TENTS

VENDOR TENTS

VENDOR TENTS

VENDOR TENTS

VENDOR TENTS

VENDOR TENTS

VENDOR TENTS

VENDOR TENTS

VENDOR TENTS

VENDOR TENTS

VENDOR TENTS

VENDOR TENTS

VENDOR TENTS

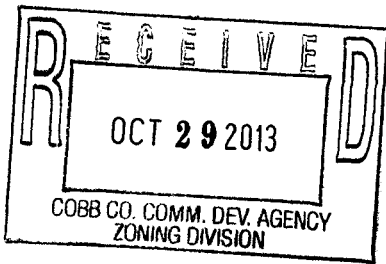
VENDOR TENTS

VENDOR TENTS

VENDOR TENTS

VENDOR TENTS

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; April 20, 2010
Current Hearing Date:	December 17, 2013

BEFORE THE COBB COUNTY BOARD OF COMMISSIONERS

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

On April 20, 2010, the Cobb County Board of Commissioners granted Applicant's request to extend the time limit for operation of a farmer's market on the Subject Property, until December 31, 2013.

Applicant now seeks to amend the stipulation to again allow for the operation of the farmer's market on the Subject Property. The market has been successful since its opening in 2009, and has been used as a ministry and outreach for the Smyrna/Vinings/Oakdale area. Commencing in 2013 the proceeds from vendor fees were directed to the Path To Shine ministry, a free after-school mentoring and tutoring program for under-served children.

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, providing access to healthy, locally grown, raised or produced food items including produce, meats, dairy and cheese, as well as home-made products and baked items.

Additionally there will be activities to enhance the market experience and/or to benefit the community such as Blood Bank drives (no "finger"), cooking demonstrations using FARM produce, Jump Rope demonstrations, a bounce house, and live acoustic music.

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) To ensure a maximum of 30 vendors total at any one market, which may include up to a maximum of 5 food trucks.
- (3) The market day will be Tuesday from 4:30PM until 8:00PM commencing with the first Tuesday in April and ending no later than the last Tuesday in November. Vendors will be allowed to

begin setting up after the car-pool for St. Benedict's Episcopal Day School is completed, as directed by the Market Manager; this will typically be at 3:45PM. Vendors will be required to remove all trash and unsold food items from the Property within thirty (30) minutes of market close.

- (4) Vendors must remove all organic material from the Property and will be prohibited from using the on-site dumpster or trash receptacle.
- (5) Vendors will be restricted to one 10 x 10 foot "plot" within which to display their goods, as illustrated on the map. Vendors will be required to use the pop-up style of tent. Vendors will be held accountable for having all necessary licenses, inspection and permits to sell their goods and report appropriate sales taxes. Applicant will conduct random inspection of these licenses and permits on a regular basis.
- (6) All signage related to the market will be designed professionally to ensure that they are aesthetically appropriate. In addition, they will be posted and removed in a timely fashion. The signage may be placed only on the day of the market.

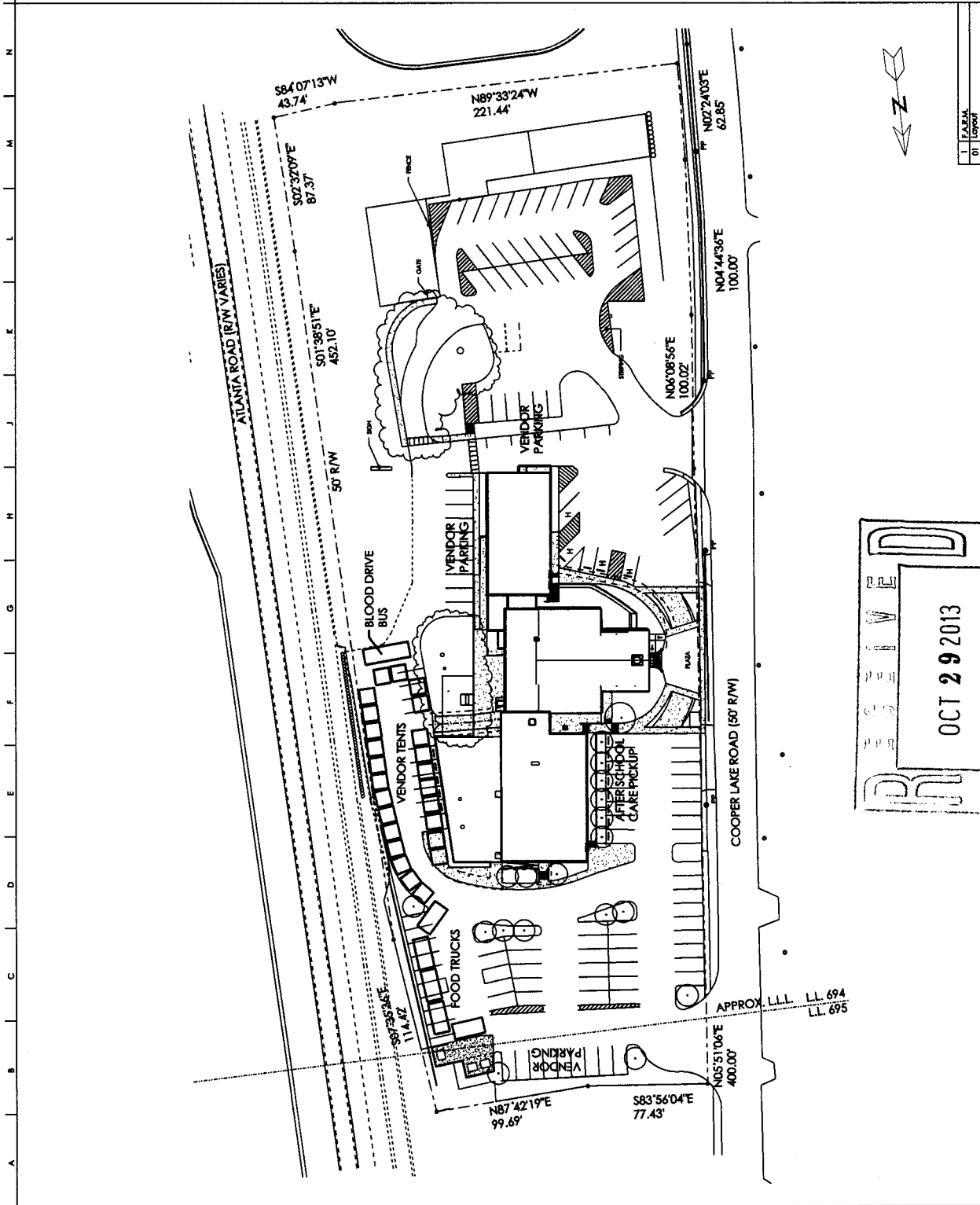
The balance and remainder of the stipulations and conditions specifically enumerated in the official minutes, and attachments thereto, of the Board of Commissioners Zoning Hearings held on May 20, 2008, as to Application No. Z-21 (2008) and July 15, 2008, as to SLUP-9 (2008), as well as the amended official minutes, including attachments, held on December 16, 2008, and the amended official minutes, including attachments for Application for "Other Business" held on June 16, 2009, and also on April 20, 2010, 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.

MATERIAL NOTES

GENERAL NOTES

SHEET SPECIFIC NOTES
 DISTURBED AREA = 0.17



RECEIVED

OCT 29 2013

COBB CO. COMM. DEV. AGENCY
 ZONING DIVISION

ORIGINAL DATE OF APPLICATION: 05-20-08APPLICANTS 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)
PREVIOUS
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.