

**AUGUST 19, 2014 ZONING HEARING
“OTHER BUSINESS”
COMMISSION DISTRICT 1**

ITEM OB-53

PURPOSE

To consider amending the stipulations for Riverstone Montessori Academy, LLC regarding Special Land Use Permit application SLUP-17 of 2005 (Korinne Akridge), for property located on the east side of Casteel Road, south of Somerset Drive in Land Lot 57 of the 19th District.

BACKGROUND

The subject property was granted a Special Land Use Permit by the Board of Commissioners to operate a private school. The applicant currently is approved for 120 students from Pre-K to eighth-grade. The applicant would add grades 9-12 so the students can graduate up through the school. The applicant would also like to increase the number of students from 120 students to 150 students. If approved, all other zoning stipulations would remain in effect.

STAFF COMMENTS

Cobb DOT: Recommend a deceleration lane be installed for the ingress on Casteel Road.

Water and Sewer: Department of Environmental Health approval required for continued use of existing septic system. Sewer appears to be available by gravity flow in Ballard Drive.

RECOMMENDATION

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

ATTACHMENTS

Other Business Application and zoning stipulations.

08-53

Application for "Other Business" Cobb County, Georgia

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

BOC Hearing Date Requested: August 19, 2014

Applicant: Riverstone Montessori Academy, LLC
(applicant's name printed)

Phone #: 770 422 9194

Address: 455 Casteel Road, Marietta, GA 30064

E-Mail: riverstonemontessori@comcast.net

Parks F. Huff, Esq.

Address: 376 Powder Springs Street, Suite 100, Marietta, Georgia 30064

(representative's name, printed)

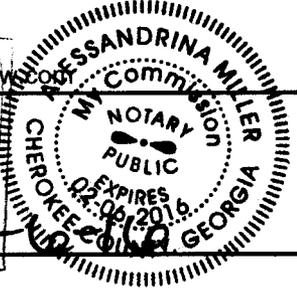
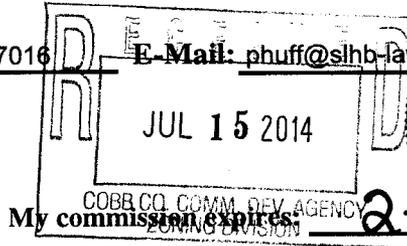
[Signature]
(representative's signature)

Phone #: (770) 422-7016

E-Mail: phuff@slhb-law.com

Signed, sealed and delivered in presence of:

[Signature]
Notary Public



Titleholder(s) : Akridge Educational Services, LLC
(property owner's name printed)

Phone #: 770 422 9194

Address: 455 Casteel Road, Marietta, GA 30064

E-Mail: riverstonemontessori@comcast.net

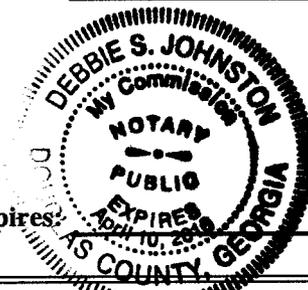
[Signature]
(Property owner's signature)

Representative of Akridge Educational Services, LLC

Signed, sealed and delivered in presence of:

[Signature]
Notary Public

My commission expires:



Commission District: 1st

Zoning Case: SLUP-17 (2005) OBI #2, Sept. 20, 2005 for

Date of Zoning Decision: 09/20/2005

Original Date of Hearing: 09/20/2005 OBI #2

Location: 455 Casteel Road

(street address, if applicable; nearest intersection, etc.)

Land Lot(s): 57

District(s): 19

State specifically the need or reason(s) for Other Business: To increase the maximum number of students from 120 to 150 and to include grades 9 through 12.

(List or attach additional information if needed)

SAMS, LARKIN, HUFF & BALLI
A LIMITED LIABILITY PARTNERSHIP

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

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

770-422-7016
TELEPHONE
770-426-6583
FACSIMILE

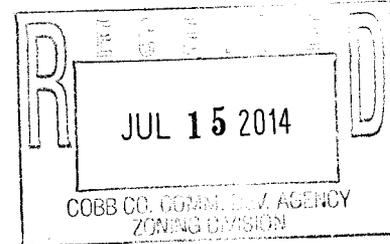
JUSTIN H. MEEKS

WWW.SLHB-LAW.COM

July 15, 2014

VIA HAND DELIVERY

Mr. John P. Pederson, AICP, Manager
Cobb County Community Development Agency
Zoning Division
1150 Powder Springs Road
Suite 400
Marietta, GA 30064



Re: Other Business Application of Riverstone Montessori Academy, LLC amending the Application of Korinne Akridge for a SLUP regarding property known as 455 Casteel Road (No. SLUP-17 [2005] and OBI #2 [2006]).

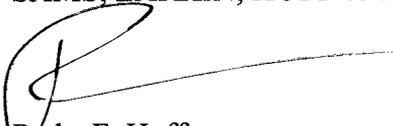
Dear John:

With respect to the foregoing, enclosed please find an Other Business Application which seeks to revise the original site plan to allow an increase in the maximum number of students allowed and to include grades 9-12. Also, enclosed is a copy of the underlying Minutes related to the original Rezoning.

I trust that the Application will appear on the Board's August 19, 2014 Agenda as an Other Business Item. However, please let me know if you need any additional information or documentation. Thank you for your time and assistance.

Sincerely,

SAMS, LARKIN, HUFF & BALLI, LLP


Parks F. Huff
phuff@slhb-law.com

PFH/dvm
Attachment

cc: Riverstone Montessori Academy, LLC

MINUTES OF ZONING HEARING
COBB COUNTY BOARD OF COMMISSIONERS
SEPTEMBER 20, 2005
PAGE 11

~~SLUP-15 CRUISE AMERICA, INC. (Continued)~~

- all exterior lighting be designated to eliminate any stray light onto adjacent properties
- no outdoor speakers or pagers
- prior to permits being issued, Carland Enterprises must sign an agreement at the Zoning Office consenting to the stipulations
- Fire Department comments, *not otherwise in conflict*
- Water and Sewer Division comments and recommendations, *not otherwise in conflict*
- Stormwater Management Division comments and recommendations, *not otherwise in conflict*
- Cobb DOT comments and recommendations, *not otherwise in conflict*

~~VOTE: ADOPTED unanimously~~

SLUP-17 KORINNE AKRIDGE (Lost Mountain Community Church, Inc., owner) requesting a **Special Land Use Permit** for the purpose of a Private School in Land Lot 57 of the 19th District. Located on the east side of Casteel Road, south of Somerset Drive (455 Casteel Road).

MOTION: Motion by Goreham, second by Thompson, as part of the Consent Agenda, to **approve** Special Land Use Permit subject to:

- site plan received by the Zoning Division July 7, 2005, with District Commissioner approving minor modifications (copy attached and made a part of these minutes)
- letter of agreeable stipulations from Mr. Parks Huff dated August 31, 2005, *not otherwise in conflict* (copy attached and made a part of these minutes)
- 25-foot vegetative buffer adjacent to the north property, with the existing vegetation to be undisturbed, and supplemental plantings added where no vegetation exists
- 25-foot undisturbed buffer along the eastern property line
- County Arborist or County Landscape Architect to approve landscape plan and buffers
- contemporaneous variance relevant to lot size requirement for school allowing reduction equal to the amount of property taken for road improvements plus an additional .2 acre
- grades Pre-K (3 year old) through 6th grade only
- maximum of 120 students

MINUTES OF ZONING HEARING
COBB COUNTY BOARD OF COMMISSIONERS
SEPTEMBER 20, 2005
PAGE 12

SLUP-17 KORINNE AKRIDGE (Continued)

- compliance with all requirements for schools in the State of Georgia
- annual testing as determined by the Cobb County Board of Education; Iowa basic school testing until Cobb County Board of Education determination is made
- Fire Department comments
- Water and Sewer Division comments and recommendations
- Stormwater Management Division comments and recommendations
- Cobb DOT comments and recommendations, *including installation of deceleration lane by July, 2006*
- 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

~~Following the vote on the Consent Agenda, a brief recess was taken from 9:35 a.m. to 9:37 a.m.~~

~~Mr. Mark Danneman, Zoning Division Manager, explained the procedures regarding public hearing.~~

REGULAR CASES – NEW BUSINESS:

Rezoning:

~~Z-153 KAIROS DEVELOPMENT CORPORATION (GeorgAnna Thorpe, Beulah Eubanks, Durwood A. Eubanks, Vinings Realty Investments, LLC, Estate of Mary T. Carter, Sue T. Morrison and Carol M. Burgess, Executors, Albert E. Meek, Charles D. Land and William W. Schultz, owners) requesting Rezoning from RD and R-20 to UVC and RM-12 for the purpose of Mixed Use Development in Land Lots 886 and 887 of the 17th District. Located on the south side of Paces Ferry Road, on the east and west sides of Boulevard Hills Drive and on the north, south and west sides of South Loop Lake Road.~~

SAMS, LARKIN & HUFF
A LIMITED LIABILITY PARTNERSHIP
ATTORNEYS AT LAW
SUITE 100
376 POWDER SPRINGS STREET
MARIETTA, GEORGIA 30064-3448

Min. Bk. 37 Petition No. SLUP-17
Doc. Type Letter of Agreeable
Stipulations
Meeting Date 9/20/05

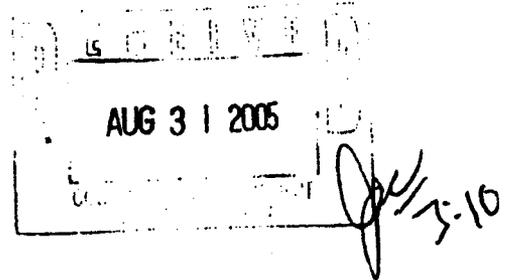
GARVIS L. SAMS, JR.
JOEL L. LARKIN
PARKS F. HUFF
MICHAEL P. PRYOR
JAMES A. BALLI
OF COUNSEL
DAVID P. HARTIN

August 31, 2005

770-422-7016
TELEPHONE
770-426-6583
FACSIMILE
WWW.SAMSLARKINHUFF.COM

VIA HAND DELIVERY

Mr. John P. Pederson, Planner III
Cobb County Zoning Department
191 Lawrence Street, Suite 300
Marietta, Georgia 30060-1661



Re: Application of Korinne Akridge for a Special Land Use Permit for a Montessori School at 455 Casteel Road f/k/a Lost Mountain Community Church (SLUP-17)

Dear John:

The above-styled Special Land Use Permit application is coming before the Planning Commission on September 8, 2005 and thereafter before the Cobb County Board of Commissioners on September 20, 2005. During the pendency of the application, the applicant has received feedback from the County and residents in the neighborhood. The following is a list of agreeable stipulations that my client is agreeable to becoming a condition of the grant of the Special Land Use Permit.

1. The Special Land Use Permit will be limited to the operation of a Montessori Primary School licensed by the Association of Montessori Internationale. The school will also meet all requirements for a private school as required by the state of Georgia.
2. The school will use the existing building and any additions to the building will be reviewed and approved by the Board of Commissioners.
3. Pursuant to the request of Cobb County DOT, the Applicant will dedicate to Cobb County sufficient road frontage to create a 40 ft. half from the centerline of the existing Casteel Road. The subject property is currently 5 acres meeting the minimum requirements for acreage for a Special Land Use Permit for a private school. With the approval of this permit, Cobb County will be granting a contemporaneous variance for the acreage requirement to allow for the donation of this right-of-way.

VIA HAND DELIVERY

Mr. John P. Pederson, Planner III
Cobb County Zoning Department
August 31, 2005
Page 2

4. Also consistent with the request of the Cobb County Department of Transportation, a deceleration lane will be installed at the southern driveway and the southern driveway will be an entrance only with the northern driveway being an exit only. The Applicant will ensure that when children are dropped off there will not be any stacking of vehicles onto Casteel Road and the circular driveway will ensure that a stacking problem does not occur.

Please contact me if you need any additional information or documentation regarding this proposal.

Sincerely,

SAMS, LARKIN & HUFF, LLP



Parks F. Huff

PFH/lmb

cc: Members, Cobb County Board of Commissioners – VIA Hand Delivery
Members, Cobb County Planning Commission
Mr. Robert L. Hosack, Jr., AICP, Director – VIA Hand Delivery
Mr. Mark A. Danneman, Manager – VIA Hand Delivery
Ms. Gail K. Huff, Assistant County Clerk – VIA Hand Delivery
Ms. Sandra Richardson, Deputy County Clerk – VIA Hand Delivery
Ms. Korinne Akridge

MINUTES OF ZONING HEARING
COBB COUNTY BOARD OF COMMISSIONERS
NOVEMBER 21, 2006
PAGE 18

~~OTHER BUSINESS ITEM #1 (Continued):~~

- ~~Owner/Developer to provide signed acknowledgement to Cobb County that any flooding or water damage caused by the Owner/Developer occurring during development shall be rectified by the Developer/Contractor or responsible party as listed on the land disturbance permit for this property (or any portions of phases of this property as may be permitted)~~
- ~~all previous departmental comments and recommendations pertaining to petition Z-167 of 2005, *not otherwise in conflict*~~
- ~~prior to issuance of any Land Disturbance Permits – representatives of the Owner/Developer, County Stormwater Division, and Broadlands Subdivision are to meet with the District Commissioner to discuss the proposed stormwater mitigation for the eastern boundary of the property~~

~~VOTE: ADOPTED unanimously~~

ITEM #2

To consider amending stipulation for the Montessori School regarding SLUP-17 (KORINNE AKRIDGE) of September 20, 2005 for property located in Land Lot 57 of the 19th District. Located on the east side of Casteel Road, south of Somerset Drive (455 Casteel Road).

The Board, by general consensus, determined this to be a minor request. Mr. Mark Danneman, Zoning Division Manager, provided information regarding request to amend stipulation. Following presentation and discussion, the following motion was made:

MOTION: Motion by Goreham, second by Olens, to **approve** amendment of stipulation for the Montessori School regarding SLUP-17 (KORINNE AKRIDGE) of September 20, 2005 for property located in Land Lot 57 of the 19th District, on the east side of Casteel Road, south of Somerset Drive (455 Casteel Road) **as follows:**

- stipulation amended to allow 7th and 8th grade students
- no increase to the maximum of 120 students
- all other previously approved conditions/stipulations to remain in full force and effect

VOTE: **ADOPTED** unanimously