

**DECEMBER 20, 2016 ZONING HEARING  
“OTHER BUSINESS”  
COMMISSION DISTRICT 1**

**ITEM OB-081**

**PURPOSE**

To consider a site plan amendment and stipulation amendment for Cedarcrest Church, Inc. regarding rezoning application Z-164 of 2006 (Johnson Ferry Baptist Church, Inc. and Wellstar Health System, Inc.), for property located on the east side of Cobb Parkway, north of Awtrey Church Road, in Land Lots 36 and 37 of the 20<sup>th</sup> District (4600 Cobb Parkway).

**BACKGROUND**

The subject property was rezoned to OI on July 17, 2007 for a church as part of a mixed use development. One of the many stipulations required any phase II construction to begin 10 years from the date of zoning approval. The applicant would like to construct a portico on the northwestern part of the church’s property which is located near the existing VFW building. Construction would begin in January 2017 if this amendment is approved by the Board of Commissioners. This would represent starting early approximately 6 months before the 10 year phase II date. No other construction will start until after the 10 years period has passed. If approved, all other zoning stipulations would remain in effect.

**STAFF COMMENTS**

**Cobb D.O.T.:** Recommend GDOT permits for all work that encroaches upon State right-of-way.

**RECOMMENDATION**

The Board of Commissioners consider the request for the site plan and stipulation amendments.

**ATTACHMENTS**

Other Business application and stipulations.

(Site Plan and Stipulation Amendment)

# Application for "Other Business" NOV 15 2016

## Cobb County, Georgia

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

Application No.: OB-081-2016

BOC Hearing Date Requested: December 20, 2016

**Applicant:** Cedarcrest Church, Inc. **Phone #:** (678) 460-3500  
(applicant's name printed)

**Address:** 4600 Cobb Parkway, N.W., Acworth, GA 30101 **E-Mail:** \_\_\_\_\_

**Moore Ingram Johnson & Steele, LLP** Emerson Overlook, 326 Roswell Street  
**J. Kevin Moore** **Address:** Marietta, GA 30060

(representative's name, printed)

**BY:** *J. Kevin Moore* **Phone #:** (770) 429-1499 **E-Mail:** jkm@mij.com  
(representative's signature) Georgia Bar No. 519728

Signed, sealed and delivered in presence of:

*Carolyn E. Cook* **My commission expires:** January 10, 2019  
Notary Public



**Titleholder(s):** Cedarcrest Church, Inc. **Phone #:** (678) 460-3500  
(property owner's name printed)

**Address:** 4600 Cobb Parkway, N.W., Acworth, GA 30101 **E-Mail:** \_\_\_\_\_

See Attached Exhibit "A"  
(Property owner's signature)

Signed, sealed and delivered in presence of:

\_\_\_\_\_  
Notary Public **My commission expires:** \_\_\_\_\_

**Commission District:** 1 (Weatherford) **Zoning Case:** Z-164 (2006)

**Size of property in acres:** 31.688± **Original Date of Hearing:** 11/21/2006

**Location:** East side of Cobb Parkway (U.S. Highway 41); north of Awtrey Church Road  
(street address, if applicable; nearest intersection, etc.) (4600 Cobb Parkway)

**Land Lot(s):** 36, 37 **District(s):** 20th

**State specifically the need or reason(s) for Other Business:** \_\_\_\_\_

See Exhibit "B" attached hereto and incorporated herein by reference.

(List or attach additional information if needed)

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

NOV 15 2016

OB Application No.: OB- 081 -2016  
Application No.: Z-164 (2006)  
Original Hearing Date: November 21, 2006  
Date of Zoning Decision: July 17, 2007  
Settlement of Litigation Decision: October 21, 2009  
Current Hearing Date: December 20, 2016

**BEFORE THE COBB COUNTY BOARD OF COMMISSIONERS**

**Applicant/Property Owner: Cedarcrest Church, Inc.**

CEDARCREST CHURCH, INC.

BY: 

TITLE: Senior Pastor / Elder

Printed Name: George Wright


[SEAL]

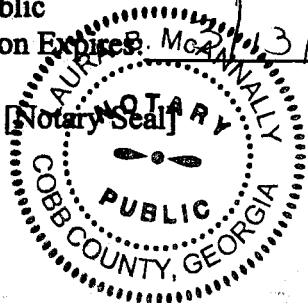
Date Executed: 11/14/2016

Address: 4600 Cobb Parkway, N.W.  
Acworth, Georgia 30101

Telephone No.: (678) 460-3500

Signed, sealed, and delivered in the presence of:

  
Notary Public  
Commission Expires: 03/20



**EXHIBIT "B" - ATTACHMENT TO APPLICATION FOR "OTHER BUSINESS"**  
**(SITE PLAN AND STIPULATION AMENDMENT)**

NOV 15 2016

<b>OB Application No.:</b>	<b>OB- 081 -2016</b>
<b>Application No.:</b>	<b>Z-164 (2006)</b>
<b>Original Hearing Date:</b>	<b>November 21, 2006</b>
<b>Date of Zoning Decision:</b>	<b>July 17, 2007</b>
<b>Settlement of Litigation Decision:</b>	<b>October 21, 2009</b>
<b>Current Hearing Date:</b>	<b>December 20, 2016</b>

**BEFORE THE COBB COUNTY BOARD OF COMMISSIONERS**

**Applicant/Property Owner: Cedarcrest Church, Inc.**

Cedarcrest Church, Inc. is the owner of 31.688 acres, more or less, located on the east side of Cobb Parkway (U.S. Highway 41), north of Awtrey Church Road, being known as 4600 Cobb Parkway, lying in Land Lots 36 and 37, 20<sup>th</sup> District, 2<sup>nd</sup> Section, Cobb County, Georgia (hereinafter "Property" or "Subject Property"). Cedarcrest Church, Inc. as Applicant and Owner in this Application for "Other Business" (hereinafter collectively "Applicant"), proposes amendments to the previously approved site plan and one stipulation, as follows:

Applicant seeks approvals by the Cobb County Board of Commissioners through this Application for "Other Business" as follows:

- (1) Out of an abundance of caution, approval of the Site Plan submitted with this Application for "Other Business," dated November 4, 2016, prepared for Applicant by Wakefield Beasley & Associates, a reduced copy of which is attached hereto as Exhibit "1" and incorporated herein by reference.
- (2) Amendment of stipulation D(1) "Phasing of the Project," as set forth in the letter of agreeable zoning stipulations and conditions dated June 1, 2007, and made a part of the approval by the Board of Commissioners on July 17, 2007, which allows expansion or additional phases to the Church to commence after a period of ten (10) years from the date of zoning approval.

Applicant is seeking approval to begin construction of a portion of the Church project; and more specifically, a proposed drop-off/portico, as more particularly shown and reflected on the Site Plan submitted with this Application. Applicant proposes to commence construction of the proposed drop-off/portico in January 2017, which is approximately six (6) months earlier than the ten-year period set forth in the stipulation. No other construction will commence until the ten-year period has expired.

The amendments proposed and presented herein in no way adversely impact or affect the quality or integrity of the development initially approved by the Cobb County Board of Commissioners. If the requested approval of the Site Plan and the amendment to the stipulations are approved, as submitted, they shall become an additional part of the final rezoning and shall be binding upon the Subject Property.

Unless otherwise specifically set forth herein, the balance and remainder of the stipulations and conditions enumerated in the official minutes, and any attachments thereto, of the Board of Commissioners Zoning Hearing held on July 17, 2007, as to the original rezoning of the Subject Property; and the official minutes held on October 20, 2009, as to the settlement of litigation; as well as any other amendments by Board of Commission approval or District Commissioner approval, which are not otherwise in conflict herein, are unaltered or unchanged by this request for Site Plan and Stipulation Amendment.



**SITE PLAN SUBMITTED FOR APPROVAL BY  
BOARD OF COMMISSIONERS PURSUANT  
TO APPLICATION FOR “OTHER BUSINESS”  
– DECEMBER 20, 2016**

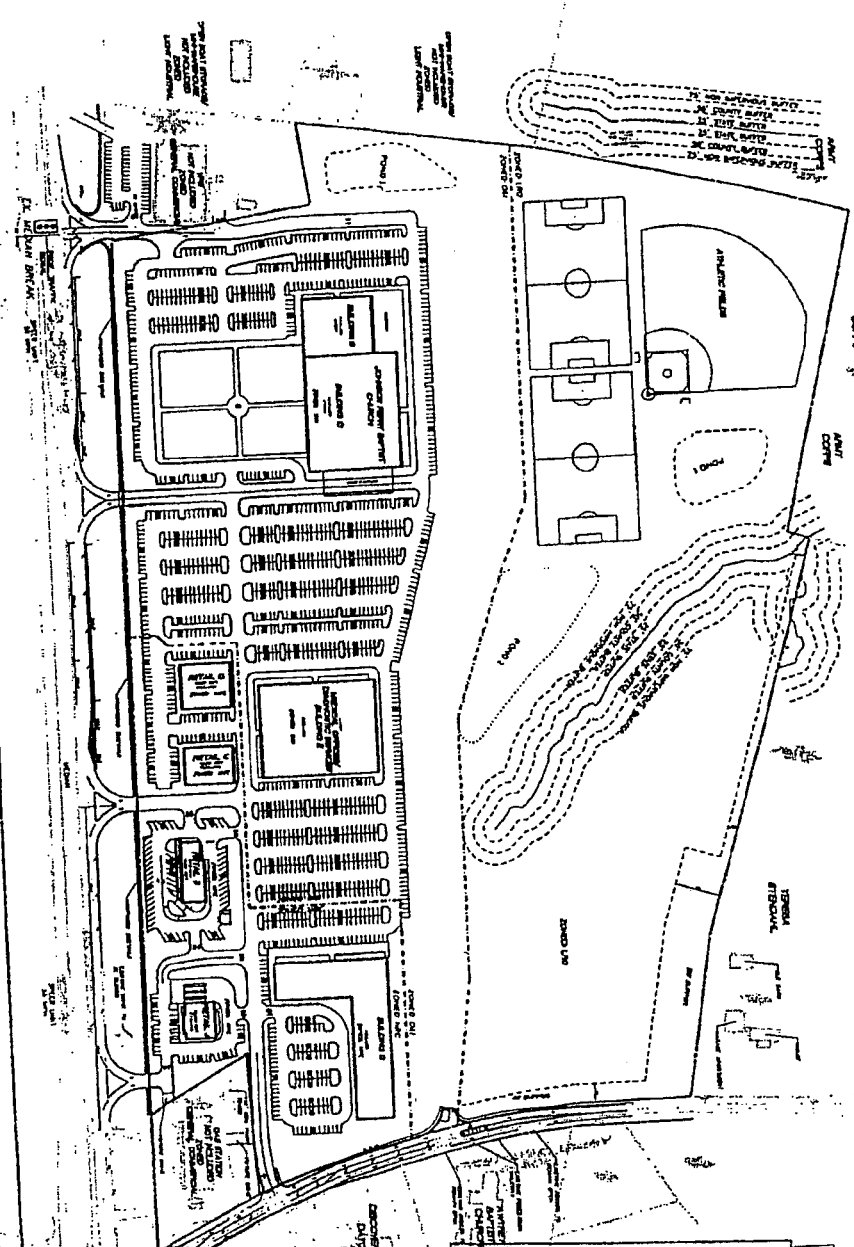




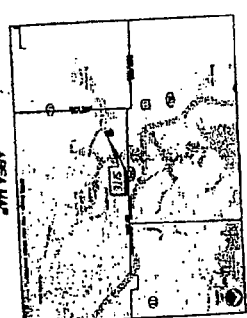
**SITE PLANS APPROVED BY BOARD OF  
COMMISSIONERS AS PART OF  
SETTLEMENT OF LITIGATION -  
OCTOBER 20, 2009**



ENTRANCE TO TRAILER PARK



NO.	DESCRIPTION	AREA (SQ. FT.)	AREA (AC.)
1	...	...	...
2	...	...	...
3	...	...	...
4	...	...	...
5	...	...	...
6	...	...	...
7	...	...	...
8	...	...	...
9	...	...	...
10	...	...	...



RECEIVED  
 JUN 1 2007  
 TM  
 COBB CO. COMM. DEV. AGENCY  
 ZONING DIVISION

Min. Fee 51 Petition No. Z-164  
 Doc. Type Phase 1 plan  
 Meeting Date July 17, 2007

NO.	DESCRIPTION	AREA (SQ. FT.)	AREA (AC.)
1	...	...	...
2	...	...	...
3	...	...	...
4	...	...	...
5	...	...	...
6	...	...	...
7	...	...	...
8	...	...	...
9	...	...	...
10	...	...	...

Petition No. 08 1 B  
 Meeting Date 10 10 2005  
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PAGE 22 OF 22

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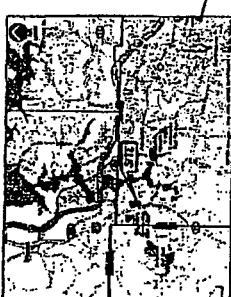
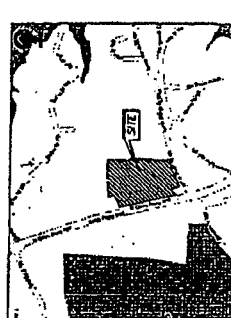
ENGINEERING  
 LAM ENGINEERING  
 PARKWAY CENTER -  
 1800 PARKWAY PL. - STE. 750  
 BAKERSFIELD, CA 93311  
 PHONE: 770-431-0887  
 FAX: 770-431-1111  
 WWW.LAMENGINEERING.COM

JOHNSON FERRY BAPTIST CHURCH  
 JOHNSON FERRY BAPTIST CHURCH  
 AWNEY CHURCH ROAD + US HIGHWAY 8

2007

Mtn. Blt. 51 Petition No. 7-164  
 Doc. type phase 2

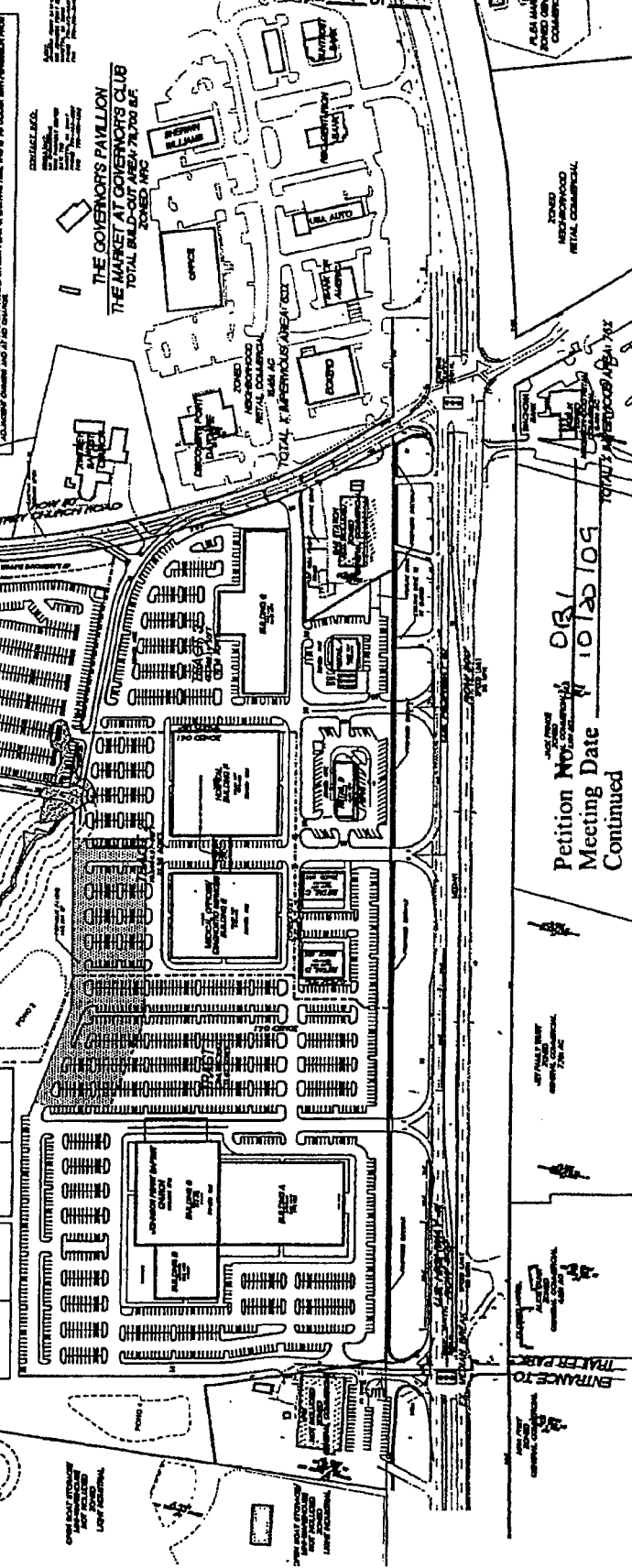
Meeting Date July 17, 2007



**PERFORM THE METRIC AREA CALCULATION NOTE:**  
 SQUARE FOOTAGE AND CALCULATIONS ARE NOT CALCULATED  
 FROM THE PLANS. THE SQUARE FOOTAGE IS BASED ON THE  
 SQUARE FOOTAGE PROVIDED BY THE OWNER. FOR CLARIFICATION OF  
 SQUARE FOOTAGE PLEASE CALL THE ARCHITECT AT 763-433-0667.  
 ARCHITECT: MOUNTAIN BLT  
 DATE: 07/17/07  
 1.000 SQ. FT. = 0.000000 AC  
 1.000000 AC = 13,607.000000 SQ. FT.  
 1.000000 AC = 0.348740 HECTARES  
 1.000000 HECTARE = 2,471,053.814738 SQ. FT.  
 1.000000 HECTARE = 0.845073 AC

RECEIVED  
 FEB - 5 2007

AREA	AREA (SQ. FT.)	AREA (AC)	AREA (HECTARES)
RETAIL	1,000,000	7.34	2.95
OFFICE	500,000	3.67	1.47
RESIDENTIAL	2,000,000	14.68	5.70
PARKING	1,500,000	11.01	4.29
LANDSCAPE	500,000	3.67	1.47
UTILITIES	100,000	0.74	0.29
ROADS	1,000,000	7.34	2.95
WATERWAYS	500,000	3.67	1.47
OPEN SPACE	1,000,000	7.34	2.95
TOTAL	8,500,000	62.07	24.13



PAGE 23 OF

LA ENGINEERING  
 1800 PARKWAY #1 - STE. 700  
 BAYVIEW, TX 75007  
 WWW.LAENGINEERING.COM  
 PHONE: 714.204.1000  
 FAX: 714.204.1001

JOHNSON FERRY BAPTIST CHURCH  
 1800 PARKWAY #1 - STE. 700  
 BAYVIEW, TX 75007  
 WWW.LAENGINEERING.COM  
 PHONE: 714.204.1000  
 FAX: 714.204.1001

PLAN NO. 2  
 SITE PLAN

Petition No. 7-164  
 Meeting Date 07/17/2007  
 Continued

**OFFICIAL MINUTES OF COBB COUNTY  
BOARD OF COMMISSIONERS ZONING  
HEARING FOR Z-164 (2006) –  
JULY 1, 2007**

**MINUTES OF ZONING HEARING  
COBB COUNTY BOARD OF COMMISSIONERS  
JULY 17, 2007  
9:09 A.M.**

The Board of Commissioners' Zoning Hearing was held on Tuesday, July 17, 2007, at 9:09 a.m. in the second floor public meeting room of the Cobb County building, Marietta, Georgia. Present and comprising a quorum of the Board were:

Chairman Samuel S. Olens  
Commissioner Helen Goreham  
Commissioner Joe L. Thompson  
Commissioner Tim Lee  
Commissioner Annette Kesting

Z-164<sup>'06</sup>

**JOHNSON FERRY BAPTIST CHURCH, INC. AND WELLSTAR HEALTH SYSTEM, INC.** (Johnson Ferry Baptist Church, Inc., Ronald A. and Barbara L. Lanier, Nancy K. Lanier, Theresa T. Lee and Regina G. Terry, owners) requesting Rezoning from **R-20, TS, GC and HI** to **OI** and **NRC** for the purpose of Mixed Use Development in Land Lots 36 and 37 of the 20<sup>th</sup> District. Located on the east side of U.S. Highway 41, north of Awtrey Church Road and on the north side of Awtrey Church Road, east of U.S. Highway 41.

The public hearing was opened and Mr. John Moore and Mr. Bill Byrne addressed the Board. Following presentations and discussion, the following motion was made:

**MOTION:** Motion by Thompson, second by Lee, to delete Rezoning to the OI, NRC, LRO and R-20 zoning districts subject to:

- Zoning Districts and use limitations, using the Phase I plan dated June 1, 2007 for reference, as follows (on file in the Zoning Division):
  - the athletic fields and pond #1 in the northeast corner zoned R-20, use specific for athletic facilities and stormwater features
  - the church, its associated parking, and pond #3, zoned O&I, use specific for a church and related facilities
  - the Medical Offices/Diagnostic Services area and associated parking zoned O&I, use specific for hospital and medical facilities
  - the retail buildings labeled "NRC" and their associated parking zoned NRC
  - the southeast corner, south of the ball fields, including pond #2, stream buffers, and perimeter buffers, zoned LRO, use specific for stormwater features, buffers, and parking

**MINUTES OF ZONING HEARING  
COBB COUNTY BOARD OF COMMISSIONERS  
JULY 17, 2007**

**Z-164<sup>'06</sup> JOHNSON FERRY BAPTIST CHURCH, INC. AND WELLSTAR  
HEALTH SYSTEM, INC. (CONTINUED):**

- Phase 2 plan (also known as the Master Plan) received by the Zoning Division on February 5, 2007 (on file in the Zoning Division) where not in conflict with the Phase 1 plan
- Plan Review to assure that any church or medical facility plans are treated as interrelated for parking and stormwater management purposes, with shared parking agreement required
- parking garage design (Phase 2) to be approved by the Board of Commissioners, with request that Applicant explore possibility of moving the parking garage closer to the medical and retail uses, thereby reducing traffic on Awtrey Church Road
- the LRO area will only have interparcel vehicle access to the OI and NRC zoned areas, with no curb cut onto Awtrey Church Road
- all phases of the development, *including (but not limited to) any projects not shown on the Phase 1 plan*, are subject to Plan Review with the District Commissioner allowed to approve minor changes and any "major" changes to be approved by the Board of Commissioners
- public gravity sewer connections must be available for all facilities and approved by the Director of Cobb Water and Sewer before issuance of permits for any phase of the project
- as part of Plan Review of Phase 2, DOT will explore relocation of the median for a traffic signal and major entrance to the project on US 41 (close to the middle of the project)
- the entrance feature to protect the residential properties east along Awtrey Church Road will be completed before issuance of certificates of occupancy for Phase I
- the buffers along the east and southern property lines and the landscaping facing US 41 to be completed before issuance of certificates of occupancy for Phase I
- the water quality ponds, stream buffers/greenspace, and perimeter buffers along the eastern border to be placed into a conservation easement in favor of Cobb County with the stipulation that they will be "maintained natural buffers" as defined in the County Code, and may be penetrated for water quality purposes as approved by the Director of Cobb Water and Sewer
- between phases, undeveloped tracts will be vegetated as approved by Stormwater Management

MINUTES OF ZONING HEARING  
COBB COUNTY BOARD OF COMMISSIONERS  
JULY 17, 2007

Z-164<sup>06</sup>

JOHNSON FERRY BAPTIST CHURCH, INC. AND WELLSTAR  
HEALTH SYSTEM, INC. (CONTINUED):

- letter of agreeable conditions from Mr. John Moore, dated June 1, 2007 *not otherwise in conflict with the above stipulations and with the following changes* (on file in the Zoning Division):
  - Page 5, Item No. I. A. (4) - Change the phrase "west behind the VFW" to "*and east of Pond #1*"
  - Page 5, Item No. I. A. (4) - Add after the first sentence: "*A third party monitor and sampling protocol will be approved by the Director of Cobb Water and Sewer.*"
  - Add a new Item No. I. A. (5) – to read: "*Any buffer/wetland disturbance will be mitigated on site as approved by Stormwater Management.*"
  - Add a new Item No. I. B. (5) – to read: "*The Lake Allatoona Preservation Authority will have a 30 day period to review the site development plans and comment as an input to Plan Review.*"
  - Page 7, Item No. D. (1) – Change first sentence to read: "*The proposed project shall be a "phased" project based upon the Master Plan, with the first phase thereof being shown and reflected on the Phase I plan.*"
  - Page 9, Item No. I. E. (11) – Add after the first sentence: "*matching the materials of the adjoining buildings.*"
  - Page 10, Item No. I. E. (12) – Add at the end: "*except no cleaning on Sunday.*"
  - Page 10, Item No. I. E. (15) – Add at the end: "*provided that the disturbed areas are restored in accord with the approved landscape plan.*"
  - Page 11, Item No. I. E. (20) – Change paragraph to now read: "*Applicants agree that if construction of the initial phase of the proposed project has not commenced (with commenced being defined as land disturbance permits being issued and initiating installation of approved infrastructure) within eighteen (18) months from the date of the final zoning approval by the Cobb County Board of Commissioners or upon availability of public sewer, whichever occurs last, the Board's decision shall be automatically rescinded and of no force and effect. The Board's decision is defined as thirty (30) days following approval by the Board of Commissioners. Additionally, if a lawsuit is filed challenging the zoning approval, then, and in such event, the eighteen-month period (as described and stipulated above) shall begin on the date that any such lawsuit has been terminated in favor of the Applicants.*"



**MINUTES OF ZONING HEARING  
COBB COUNTY BOARD OF COMMISSIONERS  
JULY 17, 2007**

**Z-164<sup>06</sup> JOHNSON FERRY BAPTIST CHURCH, INC. AND WELLSTAR  
HEALTH SYSTEM, INC. (CONTINUED):**

- Development of Regional Impact from the Atlanta Regional Commission and the Georgia Regional Transportation Authority (on file in the Zoning Division)
- Departmental comments and recommendations, *not otherwise in conflict*, as follows:
  - Fire Department comments and recommendations
  - *revised* Water and Sewer Division comments and recommendations dated April 27, 2007 (on file in the Zoning Division)
  - *revised* Stormwater Management Division comments and recommendations dated June 1, 2007 (on file in the Zoning Division)
  - *revised* Cobb DOT comments and recommendations dated April 23, 2007, (on file in the Zoning Division)
  - 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

Following further discussion, and prior to a vote being taken on the motion by Commissioner Thompson, a substitute motion and amendments were made as follows:

**SUBSTITUTE MOTION:**

**MOTION:** Motion by Olens, second by Goreham, to delete Rezoning to the OI, NRC, LRO and R-20 zoning districts subject to:

- if there occurs an impasse as to approvals by the District Commissioner, those issues to come back to the full Board as Other Business Items
- site plan submitted to the Zoning Division July 11, 2007 (except that the second {most easterly} access off Awtrey Church Road to be a right-in/right-out and left-in only "T" design, instead of curved design, with final design of entrance, islands and planted areas to be approved by Staff at Plan Review)
- letter of agreeable conditions submitted by Mr. John Moore on July 11, 2007, *not otherwise in conflict and with the following changes:*
  - Page 6, Item B, third sentence in paragraph – Amend to: *"This Committee shall determine the composition of the buffer, with final approval by the District Commissioner."*

MINUTES OF ZONING HEARING  
COBB COUNTY BOARD OF COMMISSIONERS  
JULY 17, 2007

Z-164<sup>06</sup>

JOHNSON FERRY BAPTIST CHURCH, INC. AND WELLSTAR  
HEALTH SYSTEM, INC. (CONTINUED):

- Page 21, Item A (1) – Amend to: *“The Georgia Department of Transportation shall determine the location of the main entrance for the proposed project off U.S. Highway 41. This entrance shall be a signalized entrance with a median break.”*
- Page 21, Item A (3) – Amend to: *“Until such time as the Applicant has obtained the necessary approvals for relocation of the main entrance, Applicants may utilize the existing median break and entrance as shown and reflected on the referenced Master Site Plan, as their main entrance, the same being the most northerly entrance thereof. If the main entrance is relocated, Applicants may continue to utilize the most northerly entrance as an entrance.”*
- Page 23, Item (1) – Add to end of paragraph: *“The Applicant will grant a conservation easement to Cobb County over the streambanks indicated on the plan in the northeasterly segment of the property that will allow for the planting of a tree canopy by Cobb County.”*
- Planning Commission recommendations of July 3, 2007 *not otherwise in conflict*
- Fire Department comments and recommendations *not otherwise in conflict*
- *revised* Water and Sewer Division comments and recommendations dated April 27, 2007, *not otherwise in conflict*
- *revised* Stormwater Management Division comments and recommendations dated June 1, 2007, *not otherwise in conflict*
- *revised* Cobb DOT comments and recommendations, dated April 23, 2007, *not otherwise in conflict*
- 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:           **FAILED 2-3**, Lee, Kesting and Thompson opposed

**MINUTES OF ZONING HEARING  
COBB COUNTY BOARD OF COMMISSIONERS  
JULY 17, 2007**

**Z-164<sup>06</sup> JOHNSON FERRY BAPTIST CHURCH, INC. AND WELLSTAR  
HEALTH SYSTEM, INC. (CONTINUED):**

Following the failed vote on Z-164, Commissioner Thompson amended his subsequent motion to include language requiring full Board approval if an impasse occurs regarding District Commissioner approvals, and then called the question.

**MOTION:** Motion by Thompson, second by Lee, to delete Rezoning to the OI, NRC, LRO and R-20 zoning districts subject to:

- if there is an impasse between the District Commissioner and issues dealing with the property, decision to be rendered by the Board of Commissioners as an Other Business Item
- Zoning Districts and use limitations, using the Phase I plan dated June 1, 2007 for reference, as follows (attached and made a part of these minutes)
  - the athletic fields and pond #1 in the northeast corner zoned R-20, use specific for athletic facilities and stormwater features
  - the church, its associated parking, and pond #3, zoned O&I, use specific for a church and related facilities
  - the Medical Offices/Diagnostic Services area and associated parking zoned O&I, use specific for hospital and medical facilities
  - the retail buildings labeled "NRC" and their associated parking zoned NRC
  - the southeast corner, south of the ball fields, including pond #2, stream buffers, and perimeter buffers, zoned LRO, use specific for stormwater features, buffers, and parking
- Phase 2 plan (also known as the Master Plan) received by the Zoning Division on February 5, 2007 (attached and made a part of these minutes) where not in conflict with the Phase 1 plan
- Plan Review to assure that any church or medical facility plans are treated as interrelated for parking and stormwater management purposes, with shared parking agreement required
- parking garage design (Phase 2) to be approved by the Board of Commissioners, with request that Applicant explore possibility of moving the parking garage closer to the medical and retail uses, thereby reducing traffic on Awtrey Church Road
- the LRO area will only have interparcel vehicle access to the OI and NRC zoned areas, with no curb cut onto Awtrey Church Road

MINUTES OF ZONING HEARING  
COBB COUNTY BOARD OF COMMISSIONERS  
JULY 17, 2007

Z-164<sup>06</sup>

JOHNSON FERRY BAPTIST CHURCH, INC. AND WELLSTAR  
HEALTH SYSTEM, INC. (CONTINUED):

- all phases of the development, *including (but not limited to) any projects not shown on the Phase 1 plan*, are subject to Plan Review with the District Commissioner allowed to approve minor changes and any “major” changes to be approved by the Board of Commissioners
- public gravity sewer connections must be available for all facilities and approved by the Director of Cobb Water and Sewer before issuance of permits for any phase of the project
- as part of Plan Review of Phase 2, DOT will explore relocation of the median for a traffic signal and major entrance to the project on US 41 (close to the middle of the project)
- the entrance feature to protect the residential properties east along Awtrey Church Road will be completed before issuance of certificates of occupancy for Phase I
- the buffers along the east and southern property lines and the landscaping facing US 41 to be completed before issuance of certificates of occupancy for Phase I
- the water quality ponds, stream buffers/greenspace, and perimeter buffers along the eastern border to be placed into a conservation easement in favor of Cobb County with the stipulation that they will be “maintained natural buffers” as defined in the County Code, and may be penetrated for water quality purposes as approved by the Director of Cobb Water and Sewer
- between phases, undeveloped tracts will be vegetated as approved by Stormwater Management
- letter of agreeable conditions from Mr. John Moore, dated June 1, 2007 *not otherwise in conflict with the above stipulations and with the following changes* (attached and made a part of these minutes):
  - Page 5, Item No. I. A. (4) - Change the phrase “west behind the VFW” to “*and east of Pond #1*”
  - Page 5, Item No. I. A. (4) - Add after the first sentence: “*A third party monitor and sampling protocol will be approved by the Director of Cobb Water and Sewer.*”
  - Add a new Item No. I. A. (5) – to read: “*Any buffer/wetland disturbance will be mitigated on site as approved by Stormwater Management.*”

MINUTES OF ZONING HEARING  
COBB COUNTY BOARD OF COMMISSIONERS  
JULY 17, 2007

Z-164<sup>'06</sup>

JOHNSON FERRY BAPTIST CHURCH, INC. AND WELLSTAR  
HEALTH SYSTEM, INC. (CONTINUED):

- Add a new Item No. I. B. (5) – to read: *“The Lake Allatoona Preservation Authority will have a 30 day period to review the site development plans and comment as an input to Plan Review.”*
- Page 7, Item No. D. (1) – Change first sentence to read: *“The proposed project shall be a “phased” project based upon the Master Plan, with the first phase thereof being shown and reflected on the Phase I plan.”*
- Page 9, Item No. I. E. (11) – Add after the first sentence: *“matching the materials of the adjoining buildings.”*
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- Page 11, Item No. I. E. (20) – Change paragraph to now read: *“Applicants agree that if construction of the initial phase of the proposed project has not commenced (with commenced being defined as land disturbance permits being issued and initiating installation of approved infrastructure) within eighteen (18) months from the date of the final zoning approval by the Cobb County Board of Commissioners or upon availability of public sewer, whichever occurs last, the Board’s decision shall be automatically rescinded and of no force and effect. The Board’s decision is defined as thirty (30) days following approval by the Board of Commissioners. Additionally, if a lawsuit is filed challenging the zoning approval, then, and in such event, the eighteen-month period (as described and stipulated above) shall begin on the date that any such lawsuit has been terminated in favor of the Applicants.”*
- Development of Regional Impact from the Atlanta Regional Commission and the Georgia Regional Transportation Authority (attached and made a part of these minutes)

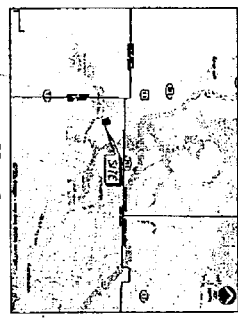
MINUTES OF ZONING HEARING  
COBB COUNTY BOARD OF COMMISSIONERS  
JULY 17, 2007

Z-164<sup>06</sup>      JOHNSON FERRY BAPTIST CHURCH, INC. AND WELLSTAR  
HEALTH SYSTEM, INC. (CONTINUED):

- Departmental comments and recommendations, *not otherwise in conflict*, as follows:
  - Fire Department comments and recommendations
  - *revised* Water and Sewer Division comments and recommendations dated April 27, 2007 (attached and made a part of these minutes)
  - *revised* Stormwater Management Division comments and recommendations dated June 1, 2007 (attached and made a part of these minutes)
  - *revised* Cobb DOT comments and recommendations dated April 23, 2007, *not otherwise in conflict*, (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 3-2, Olens and Goreham opposed

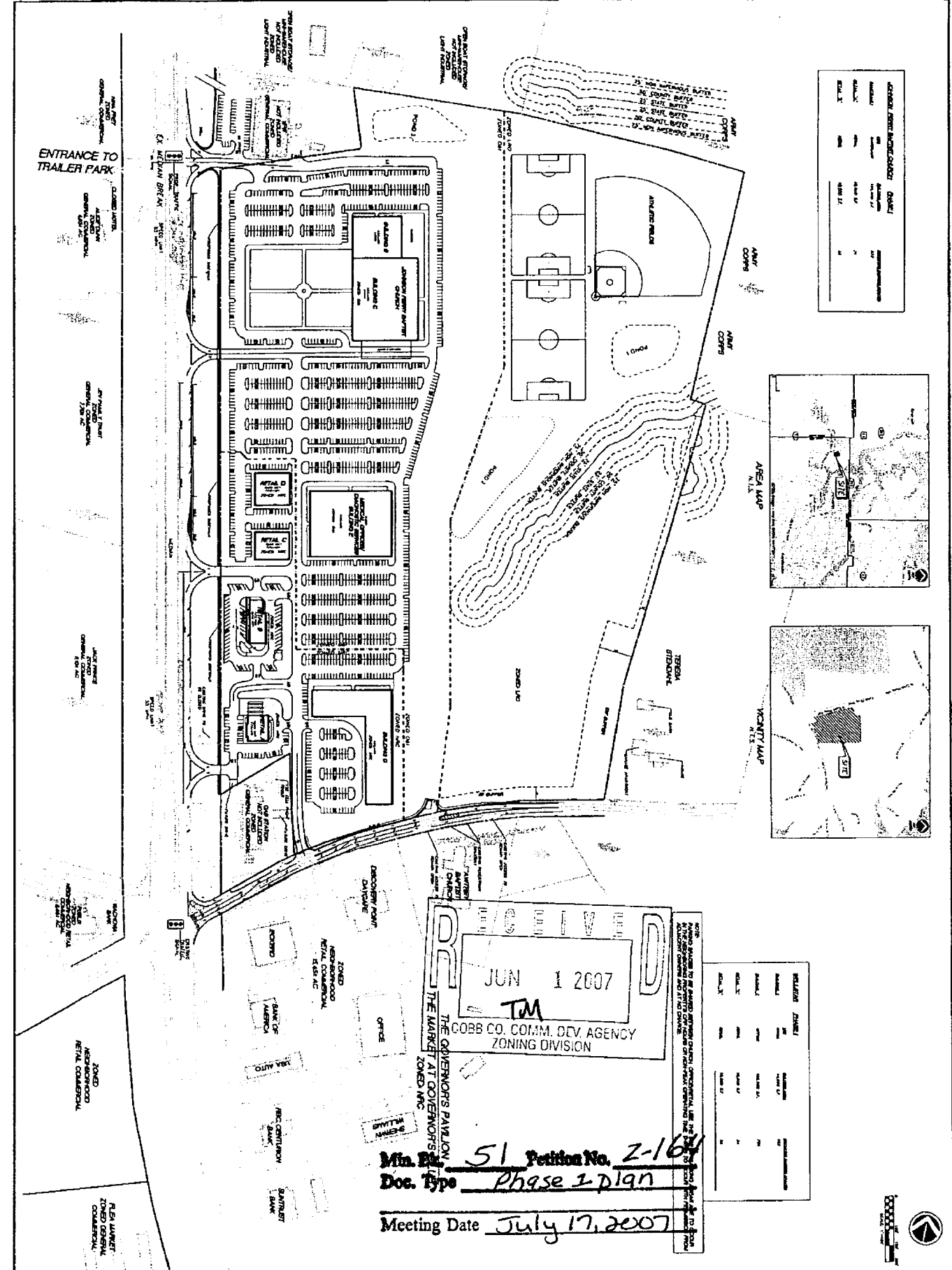
Lot No.	Area (sq. ft.)	Area (sq. ft.)	Area (sq. ft.)
1	10,000	10,000	10,000
2	10,000	10,000	10,000
3	10,000	10,000	10,000
4	10,000	10,000	10,000
5	10,000	10,000	10,000
6	10,000	10,000	10,000
7	10,000	10,000	10,000
8	10,000	10,000	10,000
9	10,000	10,000	10,000
10	10,000	10,000	10,000



RECEIVED  
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 ZONING DIVISION

Min. Fee 51 Petition No. 2-164  
 Doc. Type Phase 1 plan  
 Meeting Date July 17, 2007

Lot No.	Area (sq. ft.)	Area (sq. ft.)	Area (sq. ft.)
1	10,000	10,000	10,000
2	10,000	10,000	10,000
3	10,000	10,000	10,000
4	10,000	10,000	10,000
5	10,000	10,000	10,000
6	10,000	10,000	10,000
7	10,000	10,000	10,000
8	10,000	10,000	10,000
9	10,000	10,000	10,000
10	10,000	10,000	10,000







# MOORE INGRAM JOHNSON & STEELE

A LIMITED LIABILITY PARTNERSHIP  
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\*\* ALSO ADMITTED IN NM  
\*\*\* ALSO ADMITTED IN NC  
\*\*\*\* ALSO ADMITTED IN OH  
♦♦ ADMITTED ONLY IN TN

June 1, 2007

Mr. Mark A. Danneman  
Zoning Administrator  
Zoning Division  
Cobb County Community  
Suite 300  
191 Lawrence Street  
Marietta, Georgia 30060-1661

Min. Bk. 51 Petition No. Z-164 <sup>06</sup> Hand Delivered  
Doc. Type Letter of  
agreeable conditions  
Meeting Date July 17, 2007  
JUN 1 2007  
TM  
COBB CO. COMM. DEV. AGENCY  
ZONING DIVISION

RE: Application for Rezoning

Application No.: Z-164 (2006)

Applicants: Johnson Ferry Baptist Church,  
Inc. and WellStar Health  
System, Inc.

Property Owners: Ronald A. Lanier; Barbara Linda  
Lanier; Nancy K. Lanier; and  
Johnson Ferry Baptist Church,  
Inc.

Property: 65.05± acres located at the  
northeasterly intersection of  
Cobb Parkway (U.S. Highway 41)  
and Awtrey Church Road;  
Land Lots 36 and 37,  
20<sup>th</sup> District, 2<sup>nd</sup> Section,  
Cobb County, Georgia

Dear Mark:

As you know, the undersigned and this firm represent Johnson Ferry Baptist Church, Inc. and WellStar Health System, Inc. (hereinafter collectively referred to as "Applicants"), as well as the referenced Property Owners, in the above-referenced Application for Rezoning with regard to a total tract of

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Meceting Date July 17, 2007  
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approximately 65.05 acres, more or less, located at the northeasterly intersection of Cobb Parkway (U.S. Highway 41) and Awtrey Church Road, Land Lots 36 and 37, 20<sup>th</sup> District, 2nd Section, Cobb County, Georgia (hereinafter referred to as the "Property" or the "Subject Property"). After review and completion of the Development of Regional Impact ("DRI") process by the Atlanta Regional Commission and the Georgia Regional Transportation Authority; meetings with planning and zoning staff; ongoing discussions and meetings with area residents, homeowner representatives, and the Lake Allatoona Preservation Authority; reviewing the zoning staff comments and recommendations; and reviewing the uses of surrounding properties, we have been authorized by the Applicants and Owners to submit this revised 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 that certain letter of agreeable stipulations and conditions dated and filed April 25, 2007. The revised 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; together with any and all Departmental Comments and Staff Recommendations relating to the Subject Property from any prior zoning actions.
  
- (2) Applicants seek rezoning of the Subject Property from the existing zoning categories of R-20, Heavy Industrial ("HI"), and Tourist Services ("TS") to the proposed zoning categories of Office and Institutional ("OI"), Neighborhood Retail Commercial ("NRC"), and Low-Rise Office ("LRO"), with reference to the revised Site Plan prepared

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for Applicants by LAI Engineering dated and last revised May 21, 2007.

- (3) By this letter of agreeable stipulations and conditions, Applicants amend the Application for Rezoning to include the revised Site Plan hereinabove set forth, same being prepared by LAI Engineering dated and last revised May 21, 2007, submitted contemporaneously herewith.
- (4) The Subject Property consists of approximately 65.05 acres of total site area.
- (5) This rezoning proposal is for a mixed-use development consisting of a church and related facilities; medical hospital; medical office, diagnostic, and testing buildings and related facilities; and retail.

**I. STIPULATIONS APPLICABLE TO THE OVERALL DEVELOPMENT**

**A. STORMWATER MANAGEMENT**

- (1) A detention pond is located behind the proposed church facility, adjacent to the athletic fields. This pond is designed to treat only the field areas. All of the proposed drainage from the fields drain to drainage ditches that are planted with vegetation and stony bottoms that will help remove fertilizer and other pollutants (the drainage ditches have been designed to remove 80 percent of suspended solids, 50 percent of phosphorus, 50 percent of nitrogen, and 40 percent of metals). After the stormwater has been treated in the ditches, it will enter a stormwater conveyance system which will employ oil/grit separators (the oil/grit

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separators alone have been designed to remove 40 percent of suspended solids, 5 percent of phosphorus, and 5 percent of nitrogen). The stormwater will then flow into the proposed detention pond that has been designed specifically for the athletic fields. This pond is unique because it has been designed to have internal swales within the pond in a series of baffles, with water quality pools. The water quality volume for this pond was designed as though the fields were all impervious with no infiltration, which results in larger water quality area within the pond. Also, the water quality calculations were designed off of 1.5 inches of rainfall instead of the allowed 1.2 inches. This design is above the recommendations of the Georgia Stormwater Management Manual. This pond has also been designed with channel protection volume so that the stream to which it discharges will not have any erosion due to any high discharge rates. This pond then discharges with very minimal flows to a stream which then discharges to Lake Allatoona, approximately 2,500 linear feet to the east.

- (2) The two remaining ponds on site have been designed to treat the remainder of the project's stormwater. All of these ponds will have an oil/grit separator upstream of them to help assist in any removal of pollutants prior to treatment within the ponds. All of the ponds will contain water quality pools, which will be planted with vegetation that will assist in removal of any pollutants. The ponds have been designed so that any areas that are currently zoned residential will have a water quality calculation of 1.5 inches instead of 1.2 inches for water quality. This also exceeds the Georgia Stormwater Management Manual recommendations.

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- (3) To minimize contamination of site run-off, landscape management will respond to the conditions and needs of the plantings on site. The athletic fields and planting areas will be fertilized with environmentally sensitive materials. Soil tests will be performed to determine the amounts and types of fertilizer needed. All planting areas will be mulched appropriately to minimize weed growth. The majority of weeds will be removed manually. Non-persistent herbicides (e.g., glyphosphate) and pesticides will be used sparingly and selectively. By closely monitoring the amounts and types of chemicals applied to the site, and by having all run-off enter ponds where solids and contaminants can settle and excess nutrients can be absorbed, the stormwater leaving the site should not negatively affect downstream water quality on Lake Allatoona.
  
- (4) Applicants will monitor by remote the turbidity leaving the location of the stream bed and the detention pond west behind the VFW and Applicants will also monitor the turbidity at the point where it enters the lake. This monitoring will be done 24/7 during the initial site development and once Applicants have the site Certificate of Completion, then the turbidity monitoring will be done on a monthly basis. When a new site development permit is issued; e.g., for the activities building for the church or the doctors' buildings, then Applicants would go back to the 24/7 remote monitoring until the site is completed, and after that point it would go back to the monthly monitoring. The monitoring will continue until the project is substantially complete. The Director of Cobb County Community Development Agency, Mr. Robert (Rob) L. Hosack, Jr., AICP, will make the determination when the project has been substantially completed.

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### B. BUFFERS

- (1) Applicants have proposed immediately adjacent to the Teresa Stendahl property a buffer 100 feet in width running from the buffer on Awtrey Church Road along the property line of Ms. Stendahl, reducing as shown on the referenced Site Plan to 20 feet, and continuing to the edge of the non-impervious stream buffer. There shall be established a Landscape Committee consisting of a representative of Applicants, a representative of the opposition, and Mr. Robert (Rob) L. Hoscak, Jr., AICP, Director of the Cobb County Community Development Agency. This Committee shall determine the composition of the buffer. This composition may include a berm, use of existing trees with additional screening vegetation planted to enhance the buffer, or a combination of all.
- (2) A buffer 40 feet in width will be located along Awtrey Church Road from the Stendahl property to the most easterly entrance to the proposed project. This buffer shall be a natural, maintained, and enhanced buffer. The purpose is to maintain existing trees and enhance the buffer with additional trees to provide a visual screening along Awtrey Church Road. The Cobb County Arborist staff shall determine the trees to remain and any enhanced trees and vegetation to be placed within the buffer.
- (3) Applicants agree upon the issuance of the initial land disturbance permit, and once the content of the buffers has been determined as hereinabove set forth, to construct the buffers in compliance with the final determination of the content of the buffers.

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- (4) Applicants agree at the time of the construction of the referenced buffers to construct and install an entrance feature on Awtreys Church Road, just easterly of the most easterly entrance to the proposed project, as shown and reflected on the referenced Site Plan.

### C. PARKING

- (1) Applicants have achieved a reduction in the total number of parking spaces, and thereby a reduction in impervious surface by agreeing to enter into a shared parking agreement between the Church and WellStar by utilizing parking areas of the respective properties at such times as each respective property has non-peak operating time versus peak operating time. Applicants believe that the two uses proposed here complement a shared parking arrangement in that off-peak hours for the Church would be peak hours for the office, medical, and retail; and vice versa.

### D. PHASING OF THE PROJECT

- (1) The proposed project shall be a "phased" project, with the first phase thereof being shown and reflected on the referenced Site Plan. Expansion or additional phases for the Church and WellStar, together with necessary parking therefor, shall be done as desired, needed, and necessary; excepting only, that such expansion or additional phases shall not commence for a period of ten (10) years from the date of zoning approval.

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**E. GENERAL STIPULATIONS**

- (1) The Church and WellStar portions of the proposed project shall be served only by public sewer. The Cobb County Board of Commissioners shall determine the location and method of providing sewer service for the proposed project. If the Board of Commissioners determines to adopt the recommendation of the Cobb County Water and Sewer Department to use an interceptor system, as shown and described in the staff report, then, and in such event, Applicants agree to install the required sewer system; and Cobb County shall provide all necessary and required easements for the construction and installation of the required sewer system.
- (2) There shall be recorded master protective covenants for the entire development which will include all phases of the development; and concurrent therewith a master association, and possibly sub-associations, will be formed which will include all component parts of the proposed project. The master association shall be responsible for the oversight, upkeep, and maintenance of the entrance areas, common areas, landscape buffers, detention ponds, and the like contained within the overall development.
- (3) The master association, and any sub-associations, to be formed hereunder shall have architectural design regulations which shall control such items as signage, as well as other such usual and necessary covenants and restrictions to protect the quality and integrity of the total development.
- (4) Entrances and access to the proposed project shall be as more particularly shown and reflected on the referenced Site Plan. The most easterly entrance to



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the proposed project shall not be constructed and placed in use until such time as an additional phase or phases of the proposed project are begun.

- (5) Entrance signage for the proposed overall development shall be ground based, monument style signage, with the finish, materials, and color being in conformity with the architecture and design of the various components.
- (6) The entrance areas, together with all islands and planted areas, shall be professionally designed, landscaped, and maintained. These areas shall be part of the overall landscape plan approved by staff as part of the plan review process, as more hereinafter particularly set forth.
- (7) Parking area lighting shall be at a maximum height of thirty (30) feet, shall be environmentally sensitive, low-level, shoe-box luminaries so as to prevent light from penetrating outside the Subject Property.
- (8) Hooded security lighting shall be utilized on the buildings within the proposed project as required by Cobb County codes or ordinances only.
- (9) Applicants agree to comply with all Cobb County Zoning Code requirements as to height limitations for the buildings within the proposed project.
- (10) All utilities for the proposed development shall be located underground.
- (11) Dumpsters or sealed compactors shall be placed in locations with screening by berms, landscaping, or walls. Dumpsters shall have rubber lids and bumpers to minimize noise during emptying. Dumpsters or

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sealed compactors shall be emptied Monday through Saturday from 8:00 a.m. to 9:00 p.m.

- (12) Parking lot cleaning by mechanical methods shall be limited to between the hours of 6:00 a.m. and 10:00 p.m.
- (13) Interior setbacks for the proposed parcels shall have zero lot lines.
- (14) Minor modifications to the within stipulations, the referenced Site Plan, lighting, landscaping, architecture, site features, and the like, may be approved by the District Commissioner, as needed or necessary.
- (15) All setbacks and buffer areas may be penetrated for purposes of access, utilities, and stormwater management, including, but not limited to, detention/retention facilities, drainage facilities, and any and all slopes or other required engineering features of the foregoing.
- (16) Applicants agree to comply with all Cobb County development standards and ordinances relating to project improvements, except as approved by the Board of Commissioners or by the Department of Transportation or Community Development Agency, as their authority may allow.
- (17) There shall be interparcel access among the various components of the proposed overall development, as more particularly shown and reflected on the referenced Site Plan.
- (18) Additionally, there shall be access to the currently developed property located at the intersection of Cobb

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Parkway and Awtrey Church Road (presently zoned General Commercial) from the proposed retail and medical/office portions of the proposed overall development.

- (19) All landscaping for the proposed development, including temporary landscaping, shall be professionally designed, implemented, and maintained in "Class A" condition and shall be approved by the Cobb County Arborist as part of the plan review process and incorporated into the overall landscape plan for the proposed development.
  
- (20) Applicants agree that if construction of the initial phase of the proposed project has not commenced within eighteen (18) months from the date of final zoning approval by the Cobb County Board of Commissioners of this project (being defined as thirty (30) days following approval by the Board of Commissioners); or if a lawsuit is filed challenging the zoning approval, then, and in such event, the eighteen-month period shall begin on the date that any such lawsuit has been terminated in favor of Applicants; the Board's decision shall be automatically rescinded and of no force and effect.

**II. STIPULATIONS APPLICABLE TO SPECIFIC USES**

**A. PROPOSED CHURCH DEVELOPMENT**

- (1) The proposed Church site shall be zoned to the OI zoning category, shall contain approximately 32.07 acres, and shall be utilized for a church facility, with related educational, administrative, recreational facilities, and attendant parking to service same.

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- (2) Phase I of the proposed Church development shall consist of church facilities not exceeding 122,500 square feet. In addition, athletic fields, as more particularly shown and reflected on the referenced Site Plan, may be constructed.
- (3) Buildings for the proposed church facility shall have blended architectural design and style. Additionally, the building exteriors shall have four-sided, hard surface finishes consisting of brick, stone, stacked stone, stucco-type, glass, with accents, or combinations thereof. The buildings shall be constructed "first-class" and aesthetically pleasing.
- (4) The proposed athletic fields shall be located to the rear of the church buildings, or the most easterly portion of the Subject Property, immediately adjacent to the U.S. Corps properties. The primary utilization of the fields would be for church intramural play; however, the church is open to working with local schools/organizations for scheduled and compatible use, as available.
- (5) Further, the Church will abide by the Cobb County Parks and Recreation Department's lighting requirements as to the time in which any field may be lighted.

**B. PROPOSED MEDICAL/WELLSTAR FACILITIES**

- (1) The tract comprising a portion of the proposed medical/WellStar facilities shall be zoned to the OI zoning category, shall contain approximately 22.58 acres, and shall be utilized for a hospital facility and medical offices/diagnostic services, and attendant parking to service such facilities.

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- (2) Phase I of the proposed WellStar Health System project shall consist of a building, a maximum of four (4) stories in height, for use as diagnostic, testing, office, and treatment center, containing a maximum of 195,000 square feet.
- (3) The proposed medical/WellStar building shall have blended architectural design and style which shall be compatible to the buildings located within the proposed NRC portion of the overall development and the Church. Additionally, the building exteriors shall have four-sided, hard surface finishes consisting of brick, stone, stacked stone, stucco-type, glass, with accents, or combinations thereof.

### C. PROPOSED RETAIL DEVELOPMENT

- (1) Approximately 10.40 acres shall be zoned to the NRC zoning category.
- (2) There shall be four (4) out parcels located along Cobb Parkway (U.S. Highway 41) on which four (4) approximately 10,000 square foot buildings shall be constructed. These out parcels may be utilized for a restaurant, bank, and other allowable retail uses.
- (3) Additionally, there shall be located an approximately 44,000 square foot retail building associated with the WellStar Health facility.
- (4) The buildings within the proposed NRC area shall have blended architectural design and style which shall be complementary to the buildings located within the proposed WellStar/medical center portion of the overall development. Additionally, the building

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exteriors shall have four-sided, hard surface finishes consisting of brick, stone, stacked stone, stucco-type, glass, with accents, or combinations thereof.

- (5) Any roof-mounted HVAC equipment shall be screened by means of a continuous roof parapet.
- (6) All exhausts from restaurant facilities shall be filtered to minimize grease and odors.
- (7) There shall be no outside paging systems, phone bells, or loudspeakers; excepting only low decibel outdoor music systems.
- (8) Entrance signage for the proposed retail development shall be ground based, monument style signage. The finish, materials, and colors for the signage shall be compatible with the retail buildings as well as the overall development. Further, such signage shall contain no flashing sign components. There shall be no roof signs and no exterior, temporary signs excepting only grand opening signage, leasing signage, and signage indicating the coming development.
- (9) There shall be no tenant vehicles or vehicles of any type parked in front of the proposed retail center containing tenant identification signage or advertising signage. This provision shall be contained within any lease between Applicants and any prospective tenant, and Applicants agree to enforce these provisions against any tenant which violates the foregoing. Additionally, there shall be no vehicles parked in front of the proposed retail center with "for sale" signs posted thereon.
- (10) The following uses shall be prohibited from the proposed overall development:

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- (a) Video arcades as a primary use;
- (b) Adult-themed bookstores as a primary use;
- (c) Automotive sales, repair, and/or service facilities;
- (d) Gas station;
- (e) Truck and trailer leasing facilities;
- (f) Automotive paint and body repair shops;
- (g) Automotive upholstery shops;
- (h) Billiards and pool halls which are the sole or predominant use;
- (i) Bus stations (not to exclude bus stops);
- (j) Fraternity and sorority house;
- (k) Full-service gas stations;
- (l) Light automotive repair;
- (m) Rooming houses and boarding houses;
- (n) Any form of adult entertainment business;
- (o) Nightclubs and bars, except that same would be permitted within a restaurant or hotel provided that they are an integral part of a restaurant or hotel operation;
- (p) Pawn shops;

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- (q) Alcohol beverage package stores; and
  - (r) Animal care facilities.
- (11) The area shown and reflected on the referenced Site Plan as Low-Rise Office ("LRO") shall not be developed or graded during Phase I of the proposed project; excepting only, construction and use of the athletic fields and stormwater facilities denominated as "Ponds 1 and 2" on the referenced Site Plan.
- (12) All future phases of development shall be in compliance with the requirements of the Cobb County Stormwater Management Division. All detention and stormwater facilities shall be located and sized pursuant to the requirements and approval of the Cobb County Stormwater Management Division.

We believe the requested zoning, pursuant to the referenced, revised Site Plan and the revised stipulations contained herein, is an appropriate use of the Subject Property while taking into consideration the significant and on-going changes within the area, the impact of those changes upon existing developments and area properties and owners thereof surrounding the proposed development. Applicants have gone to great detail to mitigate any impact from the overall development on existing and surrounding residential property owners as well as the Lake Allatoona and U.S. Corps properties. Each component of the overall project shall be of the highest quality and shall provide needed services to not only residents of North Cobb County but also to the residents of surrounding areas of southern Paulding and Bartow Counties. Thank you for your thoughtful consideration in this request.



**MOORE INGRAM JOHNSON & STEELE**

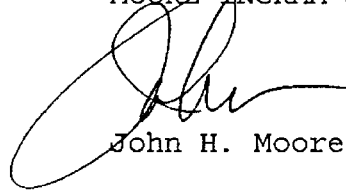
Mr. Mark A. Danneman  
Zoning Administrator  
Zoning Division  
Cobb County Community Development Agency  
Page 17 of 18  
June 1, 2007

Petition No. Z-164 '06  
Meeting Date July 17, 2007  
Continued

With kindest regards, I remain

Very truly yours,

MOORE INGRAM JOHNSON & STEELE, LLP



John H. Moore

JHM:cc

Enclosures

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

Cobb County Planning Commission:  
Murray Homan, Chairman  
Judy Williams  
Bob Hovey  
Christi S. Trombetti  
Bob Ott  
(With Copy of Enclosure)

John P. Pederson, AICP  
Planner III  
Zoning Division  
(With Copy of Enclosure)

William J. Byrne, President  
Byrne Design Group, Inc.  
(With Copy of Enclosure)

**MOORE INGRAM JOHNSON & STEELE**

Mr. Mark A. Danneman  
Zoning Administrator  
Zoning Division  
Cobb County Community Development Agency  
Page 18 of 18  
June 1, 2007

Petition No. Z-164 '06  
Meeting Date July 17, 2007  
Continued

c: Teresa Stendahl  
Area Resident  
(With Copy of Enclosure)

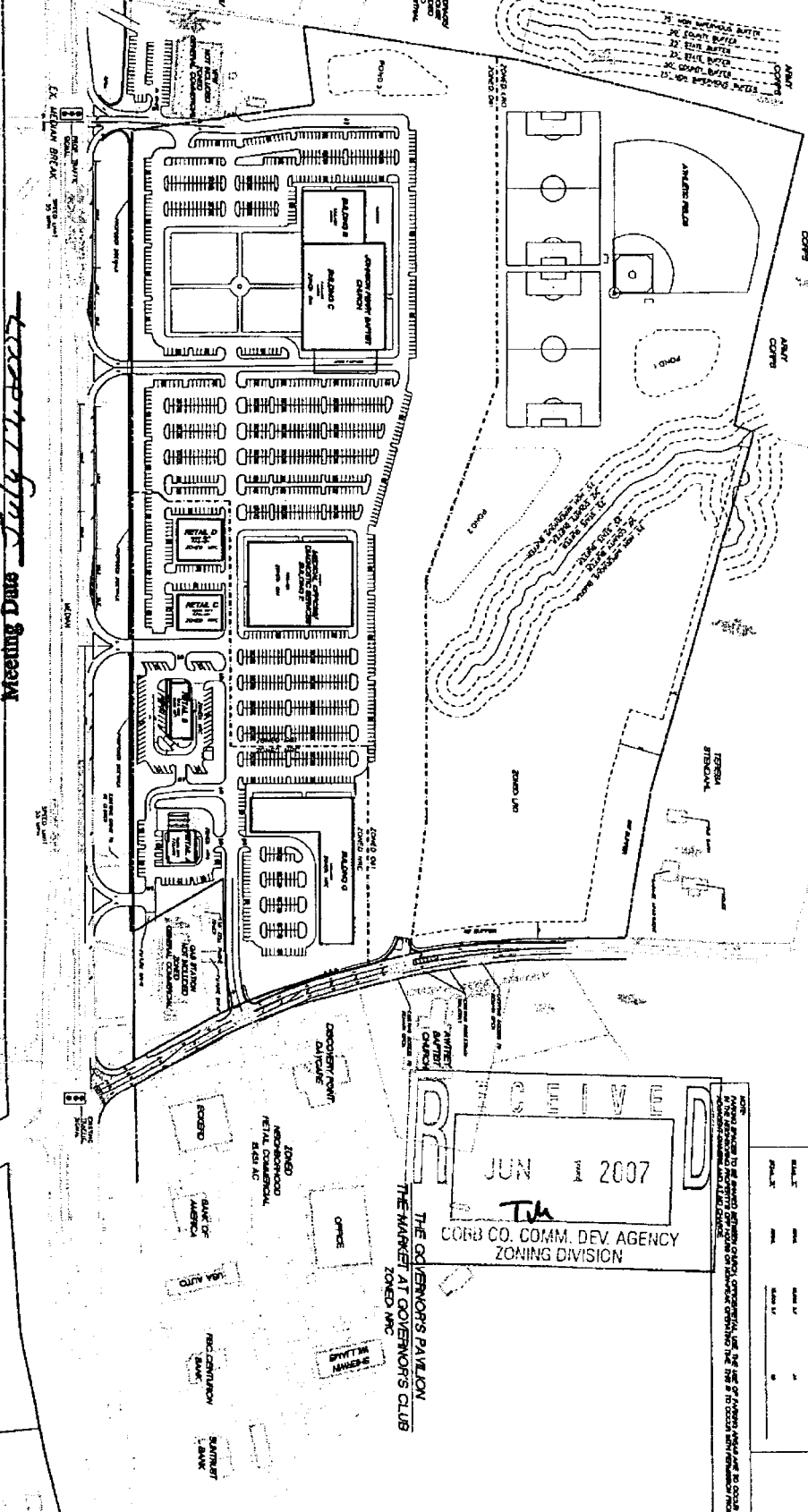
David P. Welden  
Protect Cobb  
(With Copy of Enclosure)

Ron Papaleoni  
Lake Allatoona Preservation Authority  
(With Copy of Enclosure)

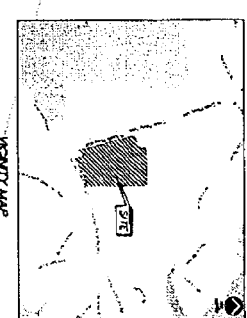
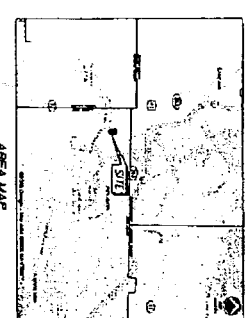
Johnson Ferry Baptist Church, Inc.  
WellStar Health System, Inc.  
(With Copy of Enclosure)

Min. Bk. 51 Petition No. Z-164, 06,  
 Doc. Type Site Plan  
 Attached to 6-1-07 letter  
 Meeting Date July 14, 2007

ENTRANCE TO TRAILER PARK



NO.	DESCRIPTION	DATE	BY
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RECEIVED  
 JUN 14 2007  
 TJK  
 CORP CO. COMM. DEV. AGENCY  
 ZONING DIVISION

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THE GOVERNOR'S PAVILION  
 THE MARKET AT GOVERNOR'S CLUB  
 ZONED MNC

ZONED MNC  
 METRO COMMERCIAL  
 RETAIL COMMERCIAL

ZONED MNC  
 METRO COMMERCIAL  
 RETAIL COMMERCIAL



LAI ENGINEERING  
 PARKWAY CENTER  
 1800 PARKWAY PL. - STE. 720  
 MARIETTA, GA 30067  
 PHONE: 770 423 0807  
 FAX: 770 423 1767  
 WWW.LAIENGINEERING.COM

JOHNSON FERRY BAPTIST CHURCH  
 PREPARED FOR  
 JOHNSON FERRY BAPTIST CHURCH  
 AWREY CHURCH ROAD + US HIGHWAY 41  
 MARIETTA, GA

REVISIONS

2



# REGIONAL REVIEW FINDING

Atlanta Regional Commission • 40 Courtland Street NE, Atlanta, Georgia 30303 • ph: 404.463.3100 • fax: 404.463.3105 • www.atlantaregional.com

DATE: Feb 28 2007

ARC REVIEW CODE: R612201

TO: Chairman Sam Olens  
ATTN TO: John Pederson, Planning Manager  
FROM: Charles Krautler, Director

NOTE: This is digital signature. Original on file.

The Atlanta Regional Commission (ARC) has completed regional review of the following Development of Regional Impact (DRI). Below is the ARC finding. The Atlanta Regional Commission reviewed the DRI with regard to conflicts to regional plans, goals, and policies and impacts it might have on the activities, plans, goals, and policies of other local jurisdictions and state, federal, and other agencies. The finding does not address whether the DRI is or is not in the best interest of the local government.

Submitting Local Government: Cobb County  
Name of Proposal: Johnson Ferry Baptist Church

Min. Bk. 51 Petition No. 7-164<sup>106</sup>  
Doc. Type DRI Report

Review Type: Development of Regional Impact

Date Opened: ~~Dec 27 2006~~

Meeting Date July 17, 2007

Date Closed: Feb 28 2007

**FINDING:** After reviewing the information submitted for the review, and the comments received from affected agencies, the Atlanta Regional Commission finding is that the DRI is in the best interest of the Region, and therefore, of the State.

**Additional Comments:** Through refinement of the development plan, as a mixed use development, the proposed development now consists of a church, retail, medical office, diagnostic and testing services, and a small hospital of up to 150 beds. ARC's Unified Growth Policy Map identifies the area as suburban neighborhood and is located along an urban redevelopment corridor. Suburban neighborhoods are defined as areas located outside central city or activity centers that will be developed at more of a suburban scale with appropriate commercial development and low intensity mixed use serving the local area. Urban Redevelopment Corridors are defined as corridors that have potential to be redeveloped into an activity corridor. The area is rapidly growing with forecasted population growth over the next 25 years. The intersection of US 41 and Awtrey Church Road is developing into a neighborhood commercial node and activity center, with the three other corners of the intersection zoned NRC (neighborhood retail commercial).

Revisions to the site plan included increasing the amount of pervious surface areas on the site. ARC estimated that the impervious surface area in the original submittal was 75% of the total site area. The revised site plan reduced the total impervious area to 49% by increasing the amount of green areas within the site and the addition of pervious parking spaces, according to the developer's site planner. The total number of parking spaces was also reduced. Cobb County requires 3,508 total parking spaces for the entire site. ARC staff recommended that the developer consider shared parking opportunities that are available because of the various uses proposed on site. Given that the church and office uses have different off-peak hours, there are opportunities to create shared parking opportunities between the proposed office uses and church. Secondly, given the environmentally sensitive location of the site to Lake Allatoona, it is important to reduce the total amount of impervious surface. One such way to achieve this is through the shared parking opportunities that are available with this proposed project. The revised site plan includes 2,887 spaces.

Petition No. 2-164 '06  
Meeting Date July 17, 2007  
Continued

Information submitted for the review and included at this end of this report states that measures are being taken to ensure minimal impact of the water quality of Lake Allatoona. Stormwater ponds have been designed to capture and treat site run-off and landscape management will be implemented on site to minimize additional nitrification and contamination of run-off. ARC staff received a significant amount of comments from citizens and residents of the community. The site is surrounded by low density residential homes to the east and north. It is important to minimize the impacts to existing residents and preserve the overall character of the Lake Allatoona community while accommodating for expected growth in an efficient manner. Therefore, it is important that the developer work with the community to minimize the impacts, focusing the intensity of the development along US 41, providing adequate buffers and landscaping, and implementing measures to ensure minimal impacts to Lake Allatoona.

**THE FOLLOWING LOCAL GOVERNMENTS AND AGENCIES RECEIVED NOTICE OF THIS REVIEW:**

- |   |                                      |   |
|---|--------------------------------------|---|
| ARC LAND USE PLANNING                   | ARC TRANSPORTATION PLANNING          | ARC ENVIRONMENTAL PLANNING                |
| ARC DATA RESEARCH                       | ARC AGING DIVISION                   | GEORGIA DEPARTMENT OF COMMUNITY AFFAIRS   |
| GEORGIA DEPARTMENT OF NATURAL RESOURCES | GEORGIA DEPARTMENT OF TRANSPORTATION | GEORGIA REGIONAL TRANSPORTATION AUTHORITY |
| COOSA VALLEY RDC                        | PAULDING COUNTY                      | BARTOW COUNTY                             |
| CITY OF ACWORTH                         | CHEROKEE COUNTY                      | COBB COUNTY SCHOOLS                       |

If you have any questions regarding this review, Please call Haley Fleming, Review Coordinator, at (404) 463-3311. This finding will be published to the ARC website.  
The ARC review website is located at: <http://www.atlantaregional.com/landuse>.

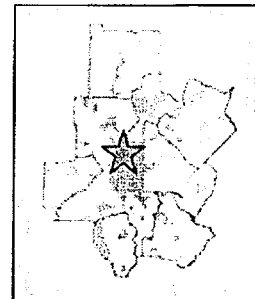
Preliminary Report:	December 21, 2006	<b>DEVELOPMENT OF REGIONAL IMPACT REVIEW REPORT</b>	Project:	Johnson Ferry Baptist Church #1239
Final Report Due:	January 20, 2007		Comments Due By:	January 4, 2007

**FINAL REPORT SUMMARY**

Petition No. Z-1164 '06  
Meeting Date July 17, 2007  
Continued

**PROPOSED DEVELOPMENT:**

Johnson Ferry Baptist Church is a mixed use development located on 65 acres in Cobb County. The proposed development will include a church with a 3,000 seat sanctuary and 330,000 square feet of educational/activities buildings, 94,000 square feet of retail space, and 440,000 square feet of medical office space. Access to the proposed development is along US 41 and Awtry Church Road.



**PROJECT PHASING:**

The project is being proposed in one phase with a project build out date for 2010.

**GENERAL**

According to information on the review form or comments received from potentially affected governments:

**Is the proposed project consistent with the host-local government's comprehensive plan? If not, identify inconsistencies.**

The project site is currently zoned HI (heavy industrial), TS (tourist services), and R20 (single family residential). The proposed zoning is O-I (office/institutional), LRO (low rise office), and NRC (neighborhood retail commercial). Information submitted for the review indicates that the proposed development is inconsistent with Cobb County's Future Land Use Plan, which calls for industrial, rural residential, and neighborhood activity center.

**Is the proposed project consistent with any potentially affected local government's comprehensive plan? If not, identify inconsistencies.**

No comments identifying inconsistencies with any potentially affected local government's comprehensive plan were identified.

**Will the proposed project impact the implementation of any local government's short-term work program? If so, how?**

No comments concerning impacts to the implementation of any local government's short term work program were identified.

**Will the proposed project generate population and/or employment increases in the Region? If yes, what would be the major infrastructure and facilities improvements needed to support the increase?**

Preliminary Report:	December 21, 2006	<b>DEVELOPMENT OF REGIONAL IMPACT REVIEW REPORT</b>	Project:	Johnson Ferry Baptist Church #1239
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Yes, the proposed development would increase the need for services in the area for existing and future residents. The proposed development is expected to generate approximately 1,755 jobs.

**What other major development projects are planned near the proposed project?**

The ARC has reviewed other major development projects, known as Area Plan (1984 to 1991) or as a DRI (1991 to present), within two miles radius of the proposed project.

2001	Governor's Club
------	-----------------

**Will the proposed project displace housing units or community facilities? If yes, identify and give number of units, facilities, etc.**

Based on information submitted for the review, the site is currently undeveloped.

**Will the development cause a loss in jobs? If yes, how many?**

No.

Petition No. 2-164 '06  
Meeting Date July 17, 2006  
Continued

**Is the proposed development consistent with regional plans and policies?**

Through refinement of the development plan, as a mixed use development, the proposed development now consists of a church, retail, medical office, diagnostic and testing services, and a small hospital of up to 150 beds. ARC staff met with the developer and Cobb County to discuss many concerns that were raised during the review.

ARC's Unified Growth Policy Map identifies the area as suburban neighborhood and is located along an urban redevelopment corridor. Suburban neighborhoods are defined as areas located outside central city or activity centers that will be developed at more of a suburban scale with appropriate commercial development and low intensity mixed use serving the local area. Urban Redevelopment Corridors are defined as corridors that have potential to be redeveloped into an activity corridor. The area is rapidly growing with forecasted population growth over the next 25 years. The intersection of US 41 and Awtrey Church Road is developing into a neighborhood commercial node and activity center, with the three other corners of the intersection zoned NRC (neighborhood retail commercial).

Revisions to the site plan included increasing the amount of pervious surface areas on the site. ARC estimated that the impervious surface area in the original submittal was 73% of the total site area. The revised site plan reduced the total impervious area to 49% by increasing the amount of green areas within the site and the addition of pervious parking spaces, according to the developer's site planner.

The total number of parking spaces was also reduced. Cobb County requires 3,508 total parking spaces for the entire site. ARC staff recommended that the developer consider shared parking opportunities that are available because of the various uses proposed on site. Given that the church and office uses have different off-peak hours, there are opportunities to create shared parking opportunities between the proposed office uses and church. Secondly, given the environmentally sensitive location of the site to Lake Allatoona, it is important to reduce the total amount of impervious



Preliminary Report:	December 21, 2006	<b>DEVELOPMENT OF REGIONAL IMPACT REVIEW REPORT</b>	Project:	Johnson Ferry Baptist Church #1239
Final Report Due:	January 20, 2007		Comments Due By:	January 4, 2007

surface. One such way to achieve this is through the shared parking opportunities that are available with this proposed project. The revised site plan includes 2,887 spaces.

The proposed building for the office, hospital, and retail were relocated to be closer to US 41 and to create a 'main street' through the medical space and offices and retail space.

In a letter submitted by the developer's team and included at the end of this report, the development will be phased over at least a 10 year period with the medical office and hospital uses and the rear parking area. The proposed church will also be phased over a 10 year period.

Information submitted for the review and included at this end of this report states that measures are being taken to ensure minimal impact of the water quality of Lake Allatoona. Stormwater ponds have been designed to capture and treat site run-off and landscape management will be implemented on site to minimize additional nitrification and contamination of run-off.

Information submitted for the review states that at full build out of the project, the wastewater will be treated at the Pumpkinville Wastewater Reuse Facility in Paulding County, per the "North Cobb Sewer Agreement" which is scheduled to be signed by December of 2006 or January 2007. There is some wastewater capacity available via the neighboring Governor's Club development. Information submitted for the review states that the Pumpkinville Facility will have adequate capacity to accommodate the entire DRI.

ARC staff received a significant amount of comments from citizens and residents of the community. The site is surrounded by low density residential homes to the east and north. It is important to minimize the impacts to existing residents and preserve the overall character of the Lake Allatoona community while accommodating for expected growth in an efficient manner. Therefore, it is important that the developer work with the community to minimize the impacts, focusing the intensity of the development along US 41, providing adequate buffers and landscaping, and implementing measures to ensure minimal impacts to Lake Allatoona.

Petition No. Z-164 '06  
Meeting Date July 17, 2007  
Continued



Preliminary Report:	December 21, 2006	<b>DEVELOPMENT OF REGIONAL IMPACT REVIEW REPORT</b>	Project:	Johnson Ferry Baptist Church #1239
Final Report Due:	January 20, 2007		Comments Due By:	January 4, 2007

## FINAL REPORT

Petition No. Z-1164 '06  
Meeting Date July 17, 2007  
Continued

### Regional Development Plan Policies

1. Provide sustainable economic growth in all areas of the region.
2. Encourage new homes and jobs within existing developed areas of the region, focusing on principal transportation corridors, the Central Business District, activity centers, and town centers.
3. Increase opportunities for mixed use development, transit-oriented development, infill, and redevelopment.
4. At strategic regional locations, plan and retail industrial and freight land uses.
5. Design transportation infrastructure to protect the context of adjoining development and provide a sense of place appropriate for our communities.
6. Promote the reclamation of Brownfield development sites.
7. Protect the character and integrity of existing neighborhoods, while also meeting the needs of communities to grow.
8. Encourage a variety of homes styles, densities, and price ranges in locations that are accessible to jobs and services to ensure housing for individuals and families of all incomes and age groups.
9. Promote new communities that feature greenspace and neighborhood parks, pedestrian scale, support transportation options, and provide an appropriate mix of uses and housing types.
10. Promote sustainable and energy efficient development.
11. Protect environmentally-sensitive areas including wetlands, floodplains, small water supply watersheds, rivers and stream corridors.
12. Increase the amount, quality, and connectivity, and accessibility of greenspace.
13. Provide strategies to preserve and enhance historic resources
14. Through regional infrastructure planning, limit growth in undeveloped areas of the region
15. Assist local governments to adopt growth management strategies that make more efficient use of existing infrastructure.
16. Inform and involve the public in planning at regional, local, and neighborhood levels.
17. Coordinate local policies and regulations to support Regional Policies
18. Encourage the development of state and regional growth management policy.

### BEST LAND USE PRACTICES

Practice 1: Keep vehicle miles of travel (VMT) below the area average. Infill developments are the best at accomplishing this. The more remote a development the more self contained it must be to stay below the area average VMT.

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Practice 2: Contribute to the area's jobs-housing balance. Strive for a job-housing balance with a three to five mile area around a development site.

Practice 3: Mix land uses at the finest grain the market will bear and include civic uses in the mix.

Practice 4: Develop in clusters and keep the clusters small. This will result in more open space preservation.

Practice 5: Place higher-density housing near commercial centers, transit lines and parks. This will enable more walking, biking and transit use.

Practice 6: Phase convenience shopping and recreational opportunities to keep pace with housing. These are valued amenities and translate into less external travel by residents if located conveniently to housing.

Practice 7: Make subdivisions into neighborhoods with well-defined centers and edges. This is traditional development.

Practice 8: Reserve school sites and donate them if necessary to attract new schools. This will result in neighborhood schools which provide a more supportive learning environment than larger ones.

Practice 9: Concentrate commercial development in compact centers or districts, rather than letting it spread out in strips.

Practice 10: Make shopping centers and business parks into all-purpose activity centers. Suburban shopping centers and their environs could be improved by mixing uses and designing them with the pedestrian amenities of downtowns.

Practice 11: Tame auto-oriented land uses, or at least separate them from pedestrian-oriented uses. Relegate "big box" stores to areas where they will do the least harm to the community fabric.

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## BEST TRANSPORTATION PRACTICES

Practice 1: Design the street network with multiple connections and relatively direct routes.

Practice 2: Space through-streets no more than a half-mile apart or the equivalent route density in a curvilinear network.

Practice 3: Use traffic-calming measures liberally. Use short streets, sharp curves, center islands, traffic circles, textured pavements, speed bumps and raised crosswalks.

Practice 4: Keep speeds on local streets down to 20 mph.

Practice 5: Keep speeds on arterials and collectors down to 35 mph (at least inside communities).

Practice 6: Keep all streets as narrow as possible and never more than four traffic lanes wide. Florida suggests access streets 18 feet, subcollectors 26 feet, and collectors from 28 feet to 36 feet depending on lanes and parking.

Practice 7: Align streets to give buildings energy-efficient orientations. Allow building sites to benefit from sun angles, natural shading and prevailing breezes.

Practice 8: Avoid using traffic signals wherever possible and always space them for good traffic progression.

Practice 9: Provide networks for pedestrians and bicyclists as good as the network for motorists.

Practice 10: Provide pedestrians and bicyclists with shortcuts and alternatives to travel along high-volume streets.

Practice 11: Incorporate transit-oriented design features.

Practice 12: Establish TDM programs for local employees. Ridesharing, modified work hours, telecommuting and others.

## BEST ENVIRONMENTAL PRACTICES

Practice 1: Use a systems approach to environmental planning. Shift from development orientation to basins or ecosystems planning.

Practice 2: Channel development into areas that are already disturbed.

Practice 3: Preserve patches of high-quality habitat, as large and circular as possible, feathered at the edges and connected by wildlife corridors. Stream corridors offer great potential.

Practice 4: Design around significant wetlands.

Practice 5: Establish upland buffers around all retained wetlands and natural water bodies.

Practice 6: Preserve significant uplands, too.

Practice 7: Restore and enhance ecological functions damaged by prior site activities.

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Practice 8: Detain runoff with open, natural drainage systems. The more natural the system the more valuable it will be for wildlife and water quality.

Practice 9: Design man-made lakes and stormwater ponds for maximum environmental value. Recreation, stormwater management, wildlife habitat and others.

Practice 10: Use reclaimed water and integrated pest management on large landscaped areas. Integrated pest management involves controlling pests by introducing their natural enemies and cultivating disease and insect resistant grasses.

Practice 11: Use and require the use of Xeriscape™ landscaping. Xeriscaping™ is water conserving landscape methods and materials.

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### BEST HOUSING PRACTICES

Practice 1: Offer "life cycle" housing. Providing integrated housing for every part of the "life cycle."

Practice 2: Achieve an average net residential density of six to seven units per acre without the appearance of crowding. Cluster housing to achieve open space.

Practice 3: Use cost-effective site development and construction practices. Small frontages and setbacks; rolled curbs or no curbs; shared driveways.

Practice 4: Design of energy-saving features. Natural shading and solar access.

Practice 5: Supply affordable single-family homes for moderate-income households.

Practice 6: Supply affordable multi-family and accessory housing for low-income households.

Practice 7: Tap government housing programs to broaden and deepen the housing/income mix.

Practice 8: Mix housing to the extent the market will bear.

### LOCATION

**Where is the proposed project located within the host-local government's boundaries?**

The project is located in the Cobb County. The project site is approximately 65.05 acres located to the northeast of intersection US 41 and Awtry Church Road/Cedarcrest Road.

**Will the proposed project be located close to the host-local government's boundary with another local government? If yes, identify the other local government.**

The proposed development is entirely within Cobb County. However, the proposed development is less than a mile to Bartow and Paulding County and two miles from the City of Acworth.

**Will the proposed project be located close to land uses in other jurisdictions that would benefit, or be negatively impacted, by the project? Identify those land uses which would benefit and those which would be negatively affected and describe impacts.**

The proposed development is surrounded by large lot residential, commercial and warehouse storage uses.

### ECONOMY OF THE REGION

According to information on the review form or comments received from potentially affected governments:

**What new taxes will be generated by the proposed project?**



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Estimated value of the development is \$151,130,000 with an expected \$1,013,430 in annual local tax revenues.

How many short-term jobs will the development generate in the Region?

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Short-term jobs will depend upon construction schedule.

Is the regional work force sufficient to fill the demand created by the proposed project?

Yes.

In what ways could the proposed development have a positive or negative impact on existing industry or business in the Region?

The proposed development is located in a growing part of the region. ARC forecast a population of over 177,000 in northwest Cobb and over 224,000 in Paulding County by 2030. It is important to provide daily service needs within close proximity to individuals living in the area.

#### NATURAL RESOURCES

Will the proposed project be located in or near wetlands, groundwater recharge area, water supply watershed, protected river corridor, or other environmentally sensitive area of the Region? If yes, identify those areas.

#### Stream Buffers and Watershed Protection

The property is located in the Allatoona Lake watershed. Although this is a water supply watershed, current EPD/DCA Part 5 criteria exempt Corps of Engineers lakes (such as Allatoona) from the water supply watershed minimum criteria. The USGS regional coverage shows no blue-line streams on the property. The site plan shows a stream on the eastern side of the property with a 50-foot undisturbed buffer and 25-foot additional landscaped buffer on either side of the stream which conforms to the Cobb County Buffer Ordinance and to the buffers proposed by the Metropolitan North Georgia Water Planning District's model buffer ordinance. A ramp to the lower level of the parking deck is shown just above the headwater of the stream and about 25 feet from the headwater as shown on the plans. The buffers have been drawn to extend around the headwater. If this area is actually affected by the Cobb ordinance, then the proposed ramp will need to meet County ordinance requirements. All state waters on the property are subject to the Georgia Department of Natural Resources (DNR) 25-foot erosion and sedimentation control buffer, which is shown on the mapped stream. Any intrusions into that buffer will require approval from DNR.

#### Stormwater/Water Quality

The project should adequately address the impacts of the proposed development on stormwater runoff and downstream water quality. During construction, the project should conform to the relevant state and federal erosion and sedimentation control requirements. After construction, water quality will be impacted due to polluted stormwater runoff. ARC has estimated the amount of pollutants that will be

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produced after construction of the proposed development. These estimates are based on some simplifying assumptions for typical pollutant loading factors (lbs/ac/yr) from typical land uses in the Atlanta Region. The loading factors are based on the results of regional stormwater monitoring data from the Atlanta Region. Actual loading factors will depend on the amount of impervious surface and type of use in the specific project design. Because factors were not developed for institutional uses were not developed, office-light industrial and commercial were used for this project. Actual pollutant loadings will depend on the actual impervious coverage developed on the property and may differ from the figures shown. The following table summarizes the results of the analysis:

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**Estimated Pounds of Pollutants per Year**

Land Use	Land Area (ac)	Total Phosphorus	Total Nitrogen	BOD	TSS	Zinc	Lead
Commercial	10.40	17.78	180.96	1123.20	10223.20	12.79	2.29
Office/Light Industrial	54.65	70.50	936.15	6230.10	38692.20	80.88	10.38
<b>TOTAL</b>	<b>65.05</b>	<b>88.28</b>	<b>1117.11</b>	<b>7353.30</b>	<b>48915.40</b>	<b>93.67</b>	<b>12.67</b>

Total impervious: 72%

In order to address post-construction stormwater runoff quality, the project should implement stormwater management controls (structural and/or nonstructural) as found in the Georgia Stormwater Management Manual ([www.georgiastormwater.com](http://www.georgiastormwater.com)) and meet the stormwater management quantity and quality criteria outlined in the Manual. Where possible, the project should utilize the stormwater better site design concepts included in the Manual.

**HISTORIC RESOURCES**

**Will the proposed project be located near a national register site? If yes, identify site.**

None have been identified.

**In what ways could the proposed project create impacts that would damage the resource?**

Not applicable.

**In what ways could the proposed project have a positive influence on efforts to preserve or promote the historic resource?**

Not applicable.

**INFRASTRUCTURE**

**Transportation**

**How many site access points will be associated with the proposed development? What are their locations?**



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Six site access points are associated with this development.

- One full-access driveway will be located on N. Cobb Parkway.
- Three right-in/right-out driveways will be located on N. Cobb Parkway.
- Two full-access driveways will be located on Awtrey Church Road.

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**How much traffic (both average daily and peak am/pm) will be generated by the proposed project?**

A&R Engineering performed the transportation analysis. GRTA and ARC review staff agreed with the methodology and assumptions used in the analysis. The net trip generation is based on the rates published in the 7<sup>th</sup> edition of the Institute of Transportation Engineers (ITE) Trip Generation report; they are listed in the following table:

Land Use	A.M. Peak Hour			P.M. Peak Hour			24-Hour Total	SUN Peak Hour		
	Enter	Exit	2-Way	Enter	Exit	2-Way		Enter	Exit	2-Way
3,000 Seat Church	49	41	90	43	40	83	1142	958	884	1842
380,000 sq ft Office Space	744	198	942	294	796	1090	15323	79	73	152
140,000 sq ft Retail Space	117	75	192	375	407	782	8451	214	223	437
Reductions	-2	-2	-4	-149	-159	-308	-3290	-16	-16	-32
<b>TOTAL NEW TRIPS</b>	<b>908</b>	<b>312</b>	<b>1220</b>	<b>563</b>	<b>1084</b>	<b>1647</b>	<b>21626</b>	<b>1235</b>	<b>1164</b>	<b>2399</b>

**What are the existing traffic patterns and volumes on the local, county, state and interstate roads that serve the site?**

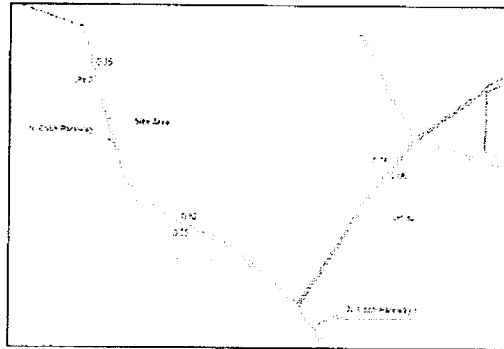
Incorporating the trip generation results, the transportation consultant distributed the traffic on the current roadway network. An assessment of the existing Level of Service (LOS) and projected LOS based on the trip distribution findings helps to determine the study network. The results of this exercise determined the study network, which has been approved by ARC and GRTA. If analysis of an intersection or roadway results in a substandard LOS "D", then the consultant recommends improvements.

Projected traffic volumes from the Regional Travel Demand Model are compared to the assigned capacity of facilities within the study network. This data is used to calculate a volume to capacity (V/C) ratio. The V/C ratio values that define the LOS thresholds vary depending on factors such as the type of terrain traversed and the percent of the road where passing is prohibited. LOS A is free-flow traffic from 0 to 0.3, LOS B is decreased free-flow from 0.31 to 0.5, LOS C is limited mobility from 0.51 to 0.75, LOS D is restricted mobility from 0.76 to 0.9, LOS E is at or near capacity from 0.91 to 1.00, and LOS F is breakdown flow with a V/C ratio of 1.01 or above. As a V/C ratio reaches 0.8, congestion increases. The V/C ratios for traffic in various network years are presented in the following table. Any facilities that have a V/C ratio of 1.0 or above are considered congested.

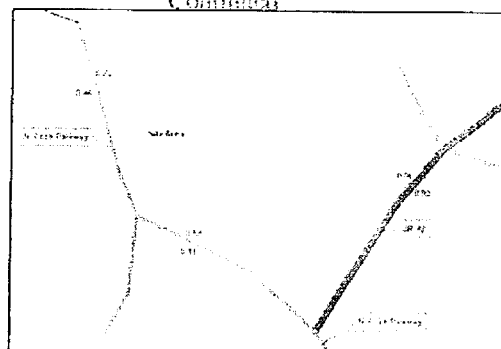
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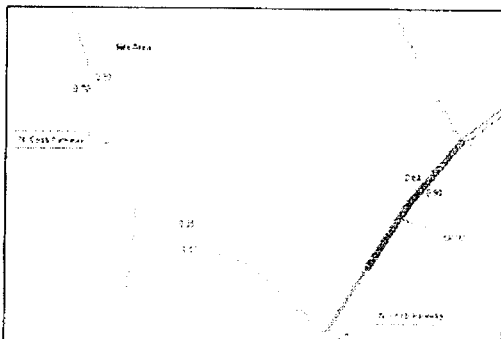
**V/C Ratios**



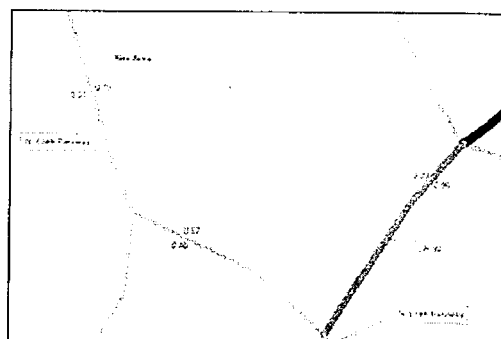
**2005 AM Peak**



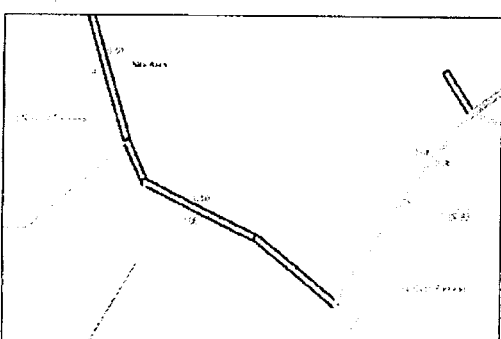
**2005 PM Peak**



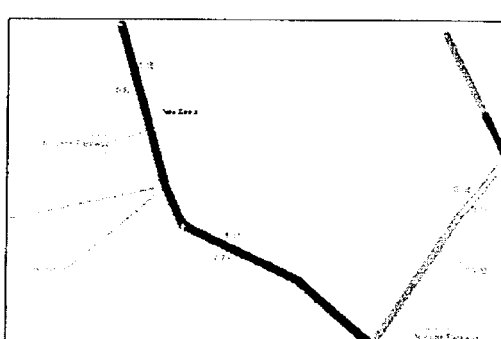
**2010 AM Peak**



**2010 PM Peak**



**2030 AM Peak**



**2030 PM Peak**

Legend						
AM/PM Peak V/C Ratio	LOS A: 0 - 0.3	LOS B: 0.31 - 0.5	LOS C: 0.51 - 0.75	LOS D: 0.76 - 0.90	LOS E: 0.91 - 1.00	LOS F: 1.01+

For the V/C ratio graphic, the data is based on 2005, 2010 and 2030 A.M./P.M. peak volume data generated from ARC's travel demand model for Mobility 2030, the 2030 RTP and the FY 2006-2011 TIP, approved in March of 2006. The travel demand model incorporates lane addition improvements and updates to the network as appropriate. As the life of the RTP progresses, volume and/or V/C ratio



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data may appear inconsistent due to (1) effect of implementation of nearby new or expanded facilities or (2) impact of socio-economic data on facility types.

List the transportation improvements that would affect or be affected by the proposed project.

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**2006-2011 TIP\***

ARC Number	Route	Type of Improvement	Scheduled Completion Year
CO-301	SR 92 (LAKE ACWORTH DRIVE / COWAN ROAD)	Roadway Capacity	2011
CO-311	SR 92 (LAKE ACWORTH DRIVE)	Bridge Capacity	2009
CO-325	SR 176 (LOST MOUNTAIN ROAD / MARS HILL ROAD) INTERSECTION IMPROVEMENTS	Roadway Operations	2008
CO-344A	CEDARCREST ROAD	Roadway Capacity	2011

**2030 RTP\***

ARC Number	Route	Type of Improvement	Scheduled Completion Year
CO-329	SR 92	Roadway Capacity	2012
CO-344B	CEDARCREST ROAD	Roadway Capacity	2015

\*The ARC Board adopted the 2030 RTP and FY 2006-2011 TIP on February 22, 2006. USDOT approved on March 30<sup>th</sup>, 2006.

**Summarize the transportation improvements as recommended by consultant in the traffic study for Johnson Ferry Baptist Church Mixed-Use Development.**

According to the findings, there will be some capacity deficiencies as a result of future year **background** traffic. The transportation consultant has made recommendations for improvements to be carried out in order to upgrade the existing level of service.

**N. Cobb Parkway at Mars Hill Road**

- Convert the existing northbound shared left/through lane to a dedicated left turn lane.
- The existing northbound right turn lane should be converted to a dedicated through lane.

According to the findings, there will be some capacity deficiencies as a result of future year **total** traffic. The transportation consultant has made recommendations for improvements to be carried out in order to upgrade the existing level of service. The recommendations stated in the no-build condition are also applicable to the build condition.

**N. Cobb Parkway at Fairway Villas Driveway/Main Site Driveway**

- Signalize this intersection.
- The westbound approach to the intersection should have separate left and shared through/right turn lanes for traffic exiting the development.
- Add a dedicated northbound right-turn lane on N. Cobb Parkway.



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**Is the site served by transit? If so, describe type and level of service and how it will enhance or be enhanced by the presence of transit? Are there plans to provide or expand transit service in the vicinity of the proposed project?**

There is no transit service currently provided or planned for the area adjacent to the proposed development.

**What transportation demand management strategies does the developer propose (carpool, flex-time, transit subsidy, etc.)?**

None proposed.

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The development **DOES NOT PASS** the ARC's Air Quality Benchmark test.

Air Quality Impacts/Mitigation (based on ARC strategies)	Credits	Total
Where Office is dominant, 10% Residential or 10% Retail	4%	4%
PMP= reserved spaces for carpool vehicles, and monthly discount voucher raffles	3%	3%
Bike/ped networks connecting to land uses within and adjoining the site	4%	4%
<b>Total</b>		<b>11%</b>

**What are the conclusions of this review? Is the transportation system (existing and planned) capable of accommodating these trips?**

According to the impact analysis in the traffic study, one intersection will function below the acceptable level of service in the future year background condition and two intersections function below the acceptable level of service in the future year total condition without implementing the recommended improvements. Implementing the recommended improvements specific to the future year background and future year total conditions allows all three intersections to return to operation at acceptable levels of service. It is suggested that all recommended improvements be implemented prior to construction completion.

**INFRASTRUCTURE**

**Wastewater and Sewage**

Based on regional averages, wastewater is estimated at 0.166 MGD.

**Which facility will treat wastewater from the project?**

Information submitted with the review states that wastewater will be treated at a facility in Paulding County via an intergovernmental agreement between Paulding and Cobb Counties.



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**What is the current permitted capacity and average annual flow to this facility?**

The Pumpkinville facility will serve this plant.

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PERMITTED CAPACITY MMF, MGD <sub>1</sub>	DESIGN CAPACITY MMF, MGD	2001 MMF, MGD	2008 MMF, MGD	2008 CAPACITY AVAILABLE +/-, MGD	PLANNED EXPANSION	REMARKS
0.5	0.5	0.058	1.0	-0.5	1.5mgd by 2005 with 1mgd discharge to Pumpkinville Creek and 0.5 mgd reuse.	2008 flow estimated by BC.

*MMF: Maximum Monthly Flow. Mgd: million of gallons per day.*

*1 Source: Metropolitan North Georgia Water Planning District **SHORT-TERM WASTEWATER CAPACITY PLAN**, August 2002.*

**What other major developments will be served by the plant serving this project?**

N/A

**INFRASTRUCTURE**

**Water Supply and Treatment**

**How much water will the proposed project demand?**

Water demand also is estimated at .133 MGD based on regional averages.

**How will the proposed project's demand for water impact the water supply or treatment facilities of the jurisdiction providing the service?**

Information submitted with the review suggests that there is sufficient water supply capacity available for the proposed project.

**INFRASTRUCTURE**

**Solid Waste**

**How much solid waste will be generated by the project? Where will this waste be disposed?**

Information submitted with the review 999 tons of solid waste per year.

**Will the project create any unusual waste handling or disposal problems?**

No.

**Are there any provisions for recycling this project's solid waste?**



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None stated.

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**INFRASTRUCTURE**  
**Other facilities**

According to information gained in the review process, will there be any unusual intergovernmental impacts on:

- Levels of governmental services?
- Administrative facilities?
- Schools?
- Libraries or cultural facilities?
- Fire, police, or EMS?
- Other government facilities?
- Other community services/resources (day care, health care, low income, non-English speaking, elderly, etc.)?

None were determined during the review.

**HOUSING**

Will the proposed project create a demand for additional housing?

No.

Will the proposed project provide housing opportunities close to existing employment centers?

No.

Is there housing accessible to the project in all price ranges demanded?

The site proposed for the development is located in Census Tract 301.01. This tract had a 32.2 percent increase in number of housing units from 2000 to 2005 according to ARC's Population and Housing Report. The report shows that 88 percent of the housing units are single-family, compared to 69 percent for the region; thus indicating a lack of housing options around the development area.

Is it likely or unlikely that potential employees of the proposed project will be able to find affordable\* housing?

Likely, assuming the development is approved with multiple price ranges of housing.



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\* Defined as 30 percent of the income of a family making 80 percent of the median income of the Region – FY 2000 median income of \$51,649 for family of 4 in Georgia.

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APPLICANT Johnson Ferry Baptist Church & WellStar Health

PETITION NO. Z-164

PRESENT ZONING R-20, TS, GC, HI

PETITION FOR OL, NRC

\*\*\*\*\*

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

**WATER COMMENTS:**

Available at Development?  Yes  No

Fire Flow Test Required?  Yes  No

Size / Location of Existing Water Main(s): 12" DI / E side Hwy 41

Min. Bk. 51 Petition No. Z-164 '06  
Doc. Type Revised WTS  
Comments and recommen-  
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Additional Comments: A master meter at an entrance is approvable for each tract

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: 2000' west for Church & 300' SW for WellStar (gravity flow)

Estimated Waste Generation (in G.P.D.): **A D F** 84,760 **Peak** 211,900

Treatment Plant: PauldingCo

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

Letter of Allocation issued?  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:

Sewerage service is not available as of 4/27/07. Treatment capacity is to be available in phases upon completion and execution of a proposed IGA between Paulding and Cobb. Flow must ultimately be by gravity alone. REVISED 4/27/07

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.

APPLICANT: Johnson Ferry Baptist Church, Inc.

PETITION NO.: Z-164

PRESENT ZONING: R-20, TS, GC, HI

PETITION FOR: OI, NRC

\*\*\*\*\*

DRAINAGE COMMENTS REVISED (RECEIVED 6-1-2007)

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FLOOD HAZARD:  YES  NO  POSSIBLY, NOT VERIFIED

DRAINAGE BASIN: Lake Allatoona/ Pumpkinvine Cr FLOOD HAZARD INFO: Zone X

- FEMA Designated 100 year Floodplain Flood.
- Flood Damage Prevention Ordinance DESIGNATED FLOOD HAZARD.
- Project subject to the Cobb County Flood Damage Prevention Ordinance Requirements.
- Dam Breach zone from (upstream) (onsite) lake - need to keep residential buildings out of hazard.

WETLANDS:  YES  NO  POSSIBLY, NOT VERIFIED

Location: Identified on site plan (along existing stream and east of Office Bldg F)

- The Owner/Developer is responsible for obtaining any required wetland permits from the U.S. Army Corps of Engineer.

STREAMBANK BUFFER ZONE:  YES  NO  POSSIBLY, NOT VERIFIED

- Metropolitan River Protection Area (within 2000' of Chattahoochee River) ARC (review 35' undisturbed buffer each side of waterway).
- Chattahoochee River Corridor Tributary Area - County review (\_\_\_\_\_ undisturbed buffer each side).
- Georgia Erosion-Sediment Control Law and County Ordinance - County Review/State Review.
- Georgia DNR Variance may be required to work in 25 foot streambank buffers.
- County Buffer Ordinance: 50', 75', 100' or 200' each side of creek channel.

DOWNSTREAM CONDITION

- Potential or Known drainage problems exist for developments downstream from this site.
- Stormwater discharges must be controlled not to exceed the capacity available in the downstream storm drainage system.
- Minimize runoff into public roads.
- Minimize the effect of concentrated stormwater discharges onto adjacent properties.
- Developer must secure any R.O.W required to receive concentrated discharges where none exist naturally
- Existing Lake Downstream Lake Allatoona ~ 1800'.  
Additional BMP's for erosion sediment controls will be required.
- Lake Study needed to document sediment levels.
- Stormwater discharges through an established residential neighborhood downstream.
- Project engineer must evaluate the impact of increased volume of runoff generated by the proposed project on downstream \_\_\_\_\_.

APPLICANT: Johnson Ferry Baptist Church, Inc.

PETITION NO.: Z-164

PRESENT ZONING: R-20, TS, GC, HI

PETITION FOR: OL, NRC

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DRAINAGE COMMENTS CONTINUED

Petition No. Z-164 '06  
Meeting Date July 17, 2007  
Continued

SPECIAL SITE CONDITIONS

- Provide comprehensive hydrology/stormwater controls to include development of out parcels.
Submit all proposed site improvements to Plan Review.
Any spring activity uncovered must be addressed by a qualified geotechnical engineer (PE).
Project must comply with the Water Quality requirements of the CWA-NPDES-NPS Permit and County Water Quality Ordinance.
Calculate and provide % impervious of project site.
Revisit design; reduce pavement area to reduce runoff and pollution.

ADDITIONAL COMMENTS/SUGGESTIONS

- The majority of this site (55.8 Ac) drains to the northeast to an unnamed tributary to Lake Allatoona. Approximately 9.3 acres drains to the west to US Highway 41 and the Pumpkinvine Creek Basin. Site topography is gentle to moderate with slopes ranging from 5 to 15%. As indicated in the downstream conditions comments, Lake Allatoona is located approximately 1,800 feet downstream of the site. A pre- and post-development sediment study will be required to verify no impact to the lake during construction.
Lake Allatoona is a significant source of water supply for the metro-Atlanta area. Special measures must be taken during construction as well as post-construction as part of the site design to protect this valuable resource. Erosion control measures must be well-designed and maintained. It is recommended that onsite timber to be disturbed be mulched and used to establish mulch berms around the perimeter of the site, particularly along the northern and eastern boundary and adjacent to the stream buffers. The use of baffle-boxes and other polymer-enhanced BMPs should also be required. The use of low maintenance turf grasses for the athletic fields and xeriscape site landscaping and are recommended to minimize non-point source pollution. All runoff from the athletic fields must be directed to the proposed storm water management ponds for water quality treatment. As outlined in the June 1, 2007 stipulation letter, the conceptual stormwater management plan provides for more than adequate stormwater control and treatment for this site.
The proposed commercial/institutional use will result in more land disturbance and stormwater impact than development under the existing underlying zoning. If approved, the First Flush Water Quality Best Management Practice Requirements must be elevated to the 1.5-inch rainfall event for the existing residentially zoned portion of the site to compensate for the loss of the natural buffering provided by this site area.
The latest revised site plan received on June 1, 2007 significantly reduces the proposed site impacts by eliminating the parking deck as well as a 200-foot strip of surface parking along the entire rear of the development. This revision eliminates all stream buffer and wetland encroachments from the site plan and any need for USACE or EPD permits or variances and significantly increases the green space provided.

APPLICANT: Johnson Ferry Baptist Church, Inc. PETITION NO.: Z-164

PRESENT ZONING: R-20, TS, GC, HI PETITION FOR: OI, LRO, NRC

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**TRANSPORTATION COMMENTS**

Min. Bk. 51 Petition No. Z-164'06  
Doc. Type Revised DOT comments  
and recommendations  
holding investigation and office review  
July 11, 2007

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

ROADWAY	AVERAGE DAILY TRIPS	ROADWAY CLASSIFICATION	SPEED LIMIT	JURISDICTIONAL CONTROL	MIN. R.O.W. REQUIREMENTS
U.S. Highway 41	16380	Arterial	55 mph	GADOT	110'
Awtrey Church Rd	556	Local	35 mph	Cobb County	50'

*Based on 2005 traffic counting data taken by GADOT. (U.S. Highway 41)  
Based on 2000 traffic counting data taken by Cobb County DOT. (Awtrey Church Road)*

**COMMENTS AND OBSERVATIONS**

U.S. Highway 41 is classified as an Arterial and according to the available information, the existing right-of-way does meet the minimum requirements for this classification.

Awtrey Church Road is classified as a Local and according to the available information, the existing right-of-way does meet the minimum requirements for this classification.

Install sidewalk curb and gutter along the entirety of both road frontages.

Access to Awtrey Church Road shall be limited to one driveway. The driveway shall be constructed as right-in, left-in and right-out only with no left turns out.

Shift driveway entrance to allow traffic to flow in front of the buildings.

Construct a left turn lane along Awtrey Church Road at the proposed entrance.

The westbound approach for the intersection of Awtrey Church Road at US 41 should be improved to consist of a three lane section.

Extend the westbound left turn lane along Awtrey Church Road to accommodate the new capacity added to the roadway and construct an auxiliary lane along the south side of Awtrey Church Road at the Governor's Pavillion entrance to help mitigate congestion and traffic concerns due to the eastbound left turn movements into the convenience store. The auxiliary lane will function as a deceleration lane for the Governor's Pavillion and a "run around lane" for traffic to pass cars turning left into the convenience store.

Create a transitional area along Awtrey Church Road to alert drivers of the residential neighborhood beyond the project limits.

Main driveway should consist of a three lane approach.

Right-of-way will be required along the north side of Awtrey Church Road to accommodate the proposed development improvements.

Provide inter-parcel access to the convenience store.

Provide 100% funding for a traffic signal at the main entrance on U.S. Highway 41 and 100% funding for traffic signal upgrades at Awtrey Church Road and U.S. Highway 41 if and when warranted.



APPLICANT: Johnson Ferry Baptist Church, Inc. PETITION NO.: Z-164

PRESENT ZONING: R-20, TS, GC, HI PETITION FOR: OI, LRO, NRC

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**TRANSPORTATION COMMENTS cont.**

Petition No. Z-164 '06  
Meeting Date July 17, 2007  
Continued

**RECOMMENDATIONS**

- Construct a continuous auxiliary lane along the frontage of U.S. Highway 41.
- 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 north side of Awtrey Church Road, a minimum donation to accommodate the development improvements.
- Recommend installing sidewalk, curb and gutter along both road frontages.
- Recommend one access to Awtrey Church Road.
- Recommend the driveway to Awtrey Church Road be constructed to restrict left turns out.
- Recommend shifting the driveway entrance on Awtrey Church Road to allow traffic to flow in front of the buildings.
- Recommend a left turn lane along Awtrey Church Road at the proposed entrance.
- Recommend improving the intersection westbound approach along Awtrey Church Road at US 41 to consist of a three lane approach.
- Recommend extending the westbound left turn lane along Awtrey Church Road and constructing an auxiliary lane along the south side of Awtrey Church Road..
- Recommend constructing the main driveway to consist of a three lane approach.
- Recommend inter-parcel access with the convenience store.
- Recommend developer provide 100% funding for the proposed signal at the development's main entrance along U.S. Highway 41 and 100% funding for traffic signal upgrades at Awtrey Church Road and U.S. Highway 41, if and when warranted.
- Recommend a continuous auxiliary lane along the frontage of U.S. Highway 41.
- Recommend GDOT permits for all work that encroaches upon the State right-of-way.
- Recommend applicant be required to meet all Cobb County Development Standards and Ordinances related to project improvements.

**OFFICIAL MINUTES OF COBB COUNTY  
BOARD OF COMMISSIONERS ZONING  
HEARING FOR SETTLEMENT OF  
LITIGATION – OCTOBER 20, 2009**

**MINUTES OF ZONING HEARING  
COBB COUNTY BOARD OF COMMISSIONERS  
OCTOBER 20, 2009  
9:05 A.M.**

The Board of Commissioners' Zoning Hearing was held on Tuesday, October 20, 2009, at 9:05 a.m. in the second floor public meeting room of the Cobb County building, Marietta, Georgia. Present and comprising a quorum of the Board were:

Chairman Samuel S. Olens  
Commissioner Helen Goreham  
Commissioner Tim Lee  
Commissioner Robert Ott  
Commissioner Woody Thompson

**OTHER BUSINESS:**

**ITEM #1**

To consider Settlement of Litigation regarding Z-164 (JOHNSON FERRY BAPTIST CHURCH, INC. AND WELLSTAR HEALTH SYSTEM, INC.) of November 21, 2006 for Rezoning from R-20, TS, GC and HI to OI, NRC, LRO and R-20 for the purpose of Mixed Use Development in Land Lots 36 and 37 of the 20th District, located on the east side of U.S. Highway 41, north of Awtrey Church Road and on the north side of Awtrey Church Road, east of U.S. Highway 41.

Mr. Mark Danneman, Zoning Division Manager, provided information regarding the proposal for settlement of litigation. The public hearing was opened and there were no speakers. Following discussion, the following motion was made:

**MOTION:** Motion by Goreham, second by Olens, to approve/accept Other Business Item #1, being the Consent Order Remand (attached and made a part of these minutes) for Settlement of Litigation regarding Z-164 (JOHNSON FERRY BAPTIST CHURCH, INC. AND WELLSTAR HEALTH SYSTEM, INC.) of November 21, 2006 **subject to:**

- **filing of Motion of Dismissal With Prejudice regarding Civil Action File Number 07-1-6953-40**

**VOTE:**       **ADOPTED** unanimously

IN THE SUPERIOR COURT FOR THE COUNTY OF COBB

COBB COUNTY, GA  
FILED IN OFFICE

09 SEP 10 AM 11:43

STATE OF GEORGIA

Jay C. Stephenson  
COBB SUPERIOR COURT CLERK

TERESA STENDAHL and  
TIMOTHY CANNON,

Plaintiffs,

-vs-

CIVIL ACTION

COBB COUNTY, GEORGIA;  
BOARD OF COMMISSIONERS OF  
COBB COUNTY, GEORGIA;  
SAMUEL S. OLENS; HELEN  
GOREHAM; JOE L. THOMPSON;  
ANNETTE KESTING; and TIM LEE,  
in their official capacities as  
Chairman and Members of the  
Board of Commissioners of  
Cobb County, Georgia;  
JOHNSON FERRY BAPTIST  
CHURCH, INC.; and WELLSTAR  
HEALTH SYSTEM, INC.,

Defendants.

FILE NUMBER: 07-1-6953-40

Min. Bk. 59 Petition No. 081  
Doc. Type Consent Order  
Remand  
Meeting Date 10/20/09

CONSENT ORDER REMAND

It appearing to the Court that counsel for Plaintiffs and counsel for Defendants have agreed to remand the following specific matters back to the Cobb County Board of Commissioners for consideration of amending the subject Rezoning Decision (said Rezoning Decision being identified as that certain zoning decision rendered by the Cobb County Board of Commissioners

on July 17, 2007, known as Z-164 (2007), which decision is the basis of Plaintiffs' underlying action), it is

HEREBY ORDERED AND DIRECTED that the above-referenced case be remanded back to the Cobb County Board of Commissioners for the purpose of considering the following specific matters as amendments to the underlying, subject Rezoning Decision and that this Court shall retain jurisdiction over the case pursuant to the pleadings previously filed in the event a resolution is not had among the parties. The specific matters to be considered by the Cobb County Board of Commissioners pursuant to the terms of this Order are as follows:

- (1) A 100 foot wide landscaped buffer shall be established along the shared boundary line, excepting those portions within the State and County-mandated stream buffer. (The buffers adjacent to the Stendahl property shown on the Phase I and Phase II Plans referenced in the existing zoning conditions are therefore altered by this condition to reflect a 100-foot wide buffer.) An initial landscape buffer plan will be prepared for JFBC/WellStar by a professionally licensed landscape architect detailing the number, size, and type of planting material to be installed in the buffer, which plan shall be provided to Ms. Stendahl and her designee with a full opportunity for review and input regarding the final composition of the buffer which shall be approved by the Landscape Committee as established pursuant to the existing zoning conditions. This extended buffer shall also be placed within a permanent conservation easement subject to the right to install the landscaping and maintain same. (Note: This paragraph 1 shall supplant the condition establishing the 100 foot buffer contained in the June 1, 2007, letter of agreeable stipulations approved as part of the Rezoning Decision.)

- (2) JFBC/WellStar has provided to Stendahl an initial, proposed landscape buffer plan and conceptual profiles showing post-development perspectives (proposed grade of developed property) from the existing Stendahl home; as well as, possible future home sites on the Stendahl property which were prepared by Bradford & Associates and provided to Stendahl on August 24, 2009 (the referenced landscape buffer plan and profiles are hereinafter collectively referred to as the "Bradford Plan"). The Bradford Plan will be submitted to the Landscape Committee as established pursuant to the existing zoning conditions for approval during the permitting process (and shall be subject to review, input, and proposals for modification to enhance buffer performance by Stendahl through her designee), as well as the recommendations and requirements of Cobb County with reference to Code of Cobb County Section 134-215 (5)(b)(1)(iii) .
- (3) The buffer plan will include drawings for general reference purposes depicting its composition at various maturity stages – specifically, at the 2-year, 5-year, 7-year and 10-year growth stages.
- (4) In addition to review of the written plan, Stendahl and their designee shall be entitled to a walk-through of the buffer with the preparer of the buffer plan. The purpose of the walk-through is so that the precise locations of proposed new plantings can be marked and visualized, and possible changes to either the type or location of plantings can be proposed for consideration by the Landscape Committee.
- (5) JFBC/WellStar; or any future property owner, will be responsible for the perpetual general maintenance of this buffer in accordance with Cobb County rules, regulations, and ordinances. For reference purposes, see Code of Cobb County Section 134-215 (5)(b)(1)(vii).
- (6) Pond 3 as shown on the referenced Phase II Master Plan shall be redesigned so that no portion of it occurs within the 100 foot landscape buffer.

- (7) JFBC/WellStar shall construct and install a gravity sanitary sewer line to the Stendahl property. The sewer line to the Stendahl property will be constructed upon the issuance of land disturbance permit for site development as part of the sewer infrastructure improvements for the overall development project.
- (8) Tie-in by Stendahl shall be as needed or desired; and at Stendahl's sole expense. Cobb County policy is not to waive sanitary sewer tap fees; however, Cobb County may waive up to three residential tap fees for the Stendahl property.
- (9) JFBC/WellStar will provide Stendahl with an engineering drawing depicting the location where the sewer line will enter her property based on the sketch drawing attached hereto as Exhibit "A" and incorporated herein by reference.
- (10) The sewer line to be provided by JFBC/WellStar shall include an 8-inch lateral at the Stendahl front property corner, and an 8-inch lateral at the end manhole.
- (11) Any proposed "minor" modifications to the (i) approved Phase I Site Plan or Phase II Master Plan; or, (ii) the approved conditions and stipulations of zoning (such items hereinafter collectively referred to as the "Zoning Conditions") must be placed on the Cobb County Board of Commissioners' "Other Business" agenda for consideration and notice shall be provided in accordance with the applicable Cobb County ordinance. Any proposed "major" modifications to the Zoning Conditions must be processed according to Cobb County rules and regulations governing a full rezoning. The determination of whether a proposed modification is "minor" or "major" shall be made by the Cobb County Planning and Zoning staff, or Zoning Director, as the case may be. Notice of any hearings on requests for minor or major modifications shall be noticed in accordance with the applicable Cobb County ordinance or regulations with reference to Code of Cobb County Section 134-121(b). (Note: This paragraph 11 shall supersede references in the approved conditions of the Rezoning Decision; including the letter of agreeable conditions dated June 1, 2007, and the minutes of the July 17, 2007, Zoning Hearing of the Cobb County Board of

Commissioners, which provide for District Commissioner approval of "minor" modifications and Board of Commissioners approval if an "impasse" occurs between the District Commissioner and the Applicant.)

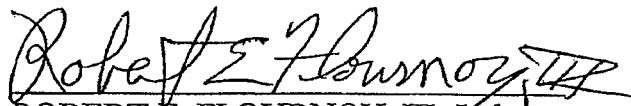
- (12) Silt fencing used for sediment and erosion control shall be removed pursuant to Cobb County standards and ordinances. Subject to Cobb County and State of Georgia requirements, any silt fencing placed within the 100-foot landscaped buffer shall be removed subsequent to the installation of the buffer.
- (13) JFBC/WellStar agrees to plant evergreen trees (minimum 5 feet to 6 feet at planting) along the southerly/southeasterly side of the detention pond labeled as Pond #1 on the Phase I plan.
- (14) Subject to Cobb County staff approval during the Plan Review process, installation of sidewalks shall not be required on Awtrey Church Road east of the location of the second access drive as shown on the Phase II Master Plan. This stipulation applies only to proposed sidewalks east of the second access point and not to any other Awtrey Church Road improvements that may be required under the existing stipulations or Cobb County ordinances.
- (15) JFBC/WellStar will replace any iron surveying pins, where such pins have been removed from the Stendahl property boundary by JFBC/WellStar, in accordance with the metes and bounds description on record with Cobb County.
- (16) The detention ponds for the proposed development shall be hydroseeded with a wetland grass mix subject to approval by Cobb County during the permitting process.
- (17) In the event of a conflict between these stipulations and any prior stipulations and conditions, these stipulations shall control.

All references to "JFBC/WellStar" shall mean the entities known as Johnson Ferry Baptist Church, Inc. and WellStar Health System, Inc., Co-



Defendants in this case. All references to "Stendahl" shall collectively mean the persons known as Teresa Stendahl and Timothy Cannon, named Plaintiffs in this case.

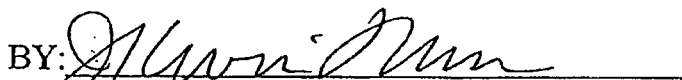
SO ORDERED, this 10<sup>th</sup> day of September, 2009.



ROBERT E. FLOURNOY, III, Judge  
Cobb Superior Court  
Cobb Judicial Circuit

Consented To and Presented By:

MOORE INGRAM JOHNSON & STEELE, LLP

BY:   
J. Kevin Moore  
Georgia Bar No. 519728

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[Signatures continued on page 7]

Petition No. 081  
Meeting Date 10/22/09  
Continued

Consented To By:

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Kurt D. Ebersbach

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(By J. Kevin Moore with express permission)

Attorneys for Defendants

Cobb County, Georgia; Board of Commissioners of

Cobb County, Georgia; Samuel S. Olens; Helen

Goreham; Joe L. Thompson; Annette Kesting; and

Tim Lee, in their official capacities as Chairman

and Members of the Board of Commissioners of

Cobb County, Georgia

**TAX EXEMPTION STATEMENT AS TO  
TAX PARCEL NO. 20003700010**

PARID: 20003700010  
CEDARCREST CHURCH INC

NEIGHBORHOOD: 32C

TAX YEAR: 2016  
4600 COBB PKWY

**Parcel**

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Class	Exempt - Churches
Total Acres	31.688
Total Land Sqft	1380327
Address	4600 COBB PKWY
Neighborhood	32C -

**Owner**

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Owner	CEDARCREST CHURCH INC
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**Legal**

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Tax District	9 - UNINCORPORATED
Subdivision Number	9993