

APPLICANT: Living Hope Lutheran Church

PETITION NO: LUP-2

PHONE#: (770) 425-6726 **EMAIL:** office@livinghopega.com

HEARING DATE (PC): 02-07-17

REPRESENTATIVE: John Schubert

HEARING DATE (BOC): 02-21-17

PHONE#: (770) 425-6726 **EMAIL:** office@livinghopega.com

PRESENT ZONING: R-30

TITLEHOLDER: Living Hope Lutheran Church, Inc.

PROPOSED ZONING: Land Use Permit

PROPERTY LOCATION: Northwest corner of Stilesboro Road
and Mack Dobbs Road
(3450 Stilesboro Road)

PROPOSED USE: Early Childhood
Learning Center

ACCESS TO PROPERTY: Mack Dobbs Road

SIZE OF TRACT: 8.12 acres

DISTRICT: 20

PHYSICAL CHARACTERISTICS TO SITE: Existing Church

LAND LOT(S): 201

PARCEL(S): 19

TAXES: PAID X **DUE** _____

COMMISSION DISTRICT: 1

CONTIGUOUS ZONING/DEVELOPMENT

- NORTH:** R-20/ Greyfield North Subdivision
- SOUTH:** R-20/ Hartford Lakes Subdivision
- EAST:** R-30/ Single Family Home
- WEST:** RSL/ Serenade Residential Senior Living (Under Development)

Adjacent Future Land Use:
 North: Low Density Residential (LDR)
 East: Low Density Residential (LDR)
 South: Very Low Density Residential (VLDR)
 West: Low Density Residential (LDR)

OPPOSITION: NO. OPPOSED **PETITION NO:** _____ **SPOKESMAN** _____

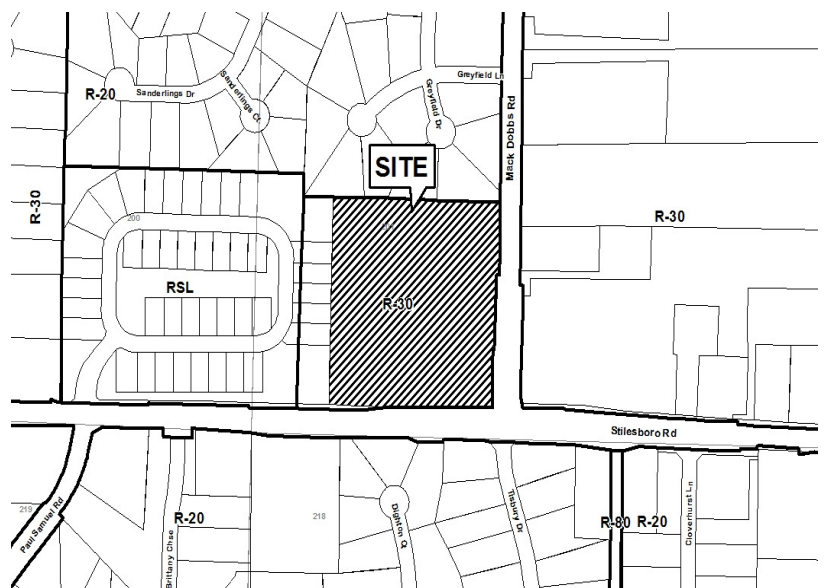
PLANNING COMMISSION RECOMMENDATION

APPROVED _____ **MOTION BY** _____
REJECTED _____ **SECONDED** _____
HELD _____ **CARRIED** _____

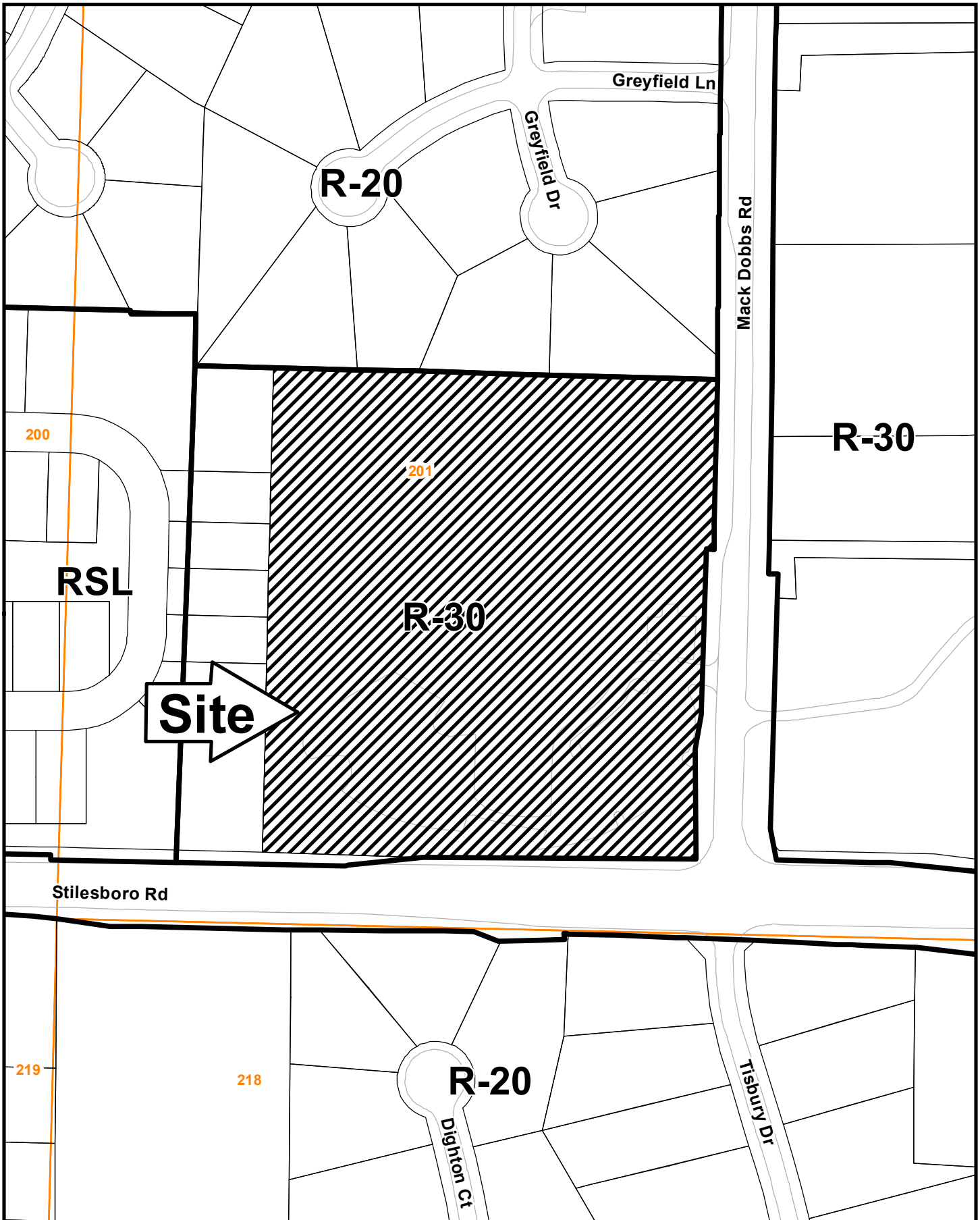
BOARD OF COMMISSIONERS DECISION

APPROVED _____ **MOTION BY** _____
REJECTED _____ **SECONDED** _____
HELD _____ **CARRIED** _____

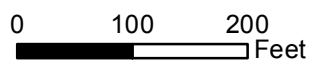
STIPULATIONS:





LUP-2-2017 GIS



This map is provided for display and planning purposes only. It is not meant to be a legal description.



-  City Boundary
-  Zoning Boundary

APPLICANT: Living Hope Lutheran Church

PETITION NO.: LUP-2

PRESENT ZONING: R-30

PETITION FOR: LUP

ZONING COMMENTS: Staff Member Responsible: Donald Wells

The applicant is requesting a Temporary Land Use Permit to allow an early childhood learning center at the existing church. The code allows a child development center for church members and up to 25 percent of non church members. The applicant will exceed that 25 percent threshold. The applicant intends to have no more than 150 customers per day and up to 750 customers per week. There will be no more than 10 employees and they will operate Monday through Friday from 6:30 AM to 6:00 PM. The customers and employees will park in the existing church parking lot. The applicant also is requesting one 45x41 sign advertising the program. This request is the result of a Code Enforcement Notice of Violation. The applicant is requesting approval for 24 months.

Historic Preservation: No Comment.

Cemetery Preservation: No Comments.

WATER & SEWER COMMENTS:

Additional sewer fee due at Building Permitting if calculated school wastewater flow exceeds that of the church. Property served by public water and sewer.

TRAFFIC COMMENTS:

Recommend no parking on the right-of-way.

APPLICANT: Living Hope Lutheran Church

PETITION NO.: LUP-2

FIRE COMMENTS:

NO COMMENTS: After analyzing the information presented for a Preliminary Review, the Cobb County Fire Marshal's Office is confident that all other items can be addressed during the Plan Review Stage.

APPLICANT: Living Hope Lutheran Church

PETITION NO.: LUP-2

PRESENT ZONING: R-30

PETITION FOR: LUP

STORMWATER MANAGEMENT COMMENTS

No comments.

STAFF RECOMMENDATIONS

LUP-2 LIVING HOPE LUTHERAN CHURCH

There are twelve criteria that must be considered for a Temporary Land Use Permit. The criteria are below in italics, with the Staff analysis following in bold.

- (1) *Safety, health, welfare and moral concerns involving the surrounding neighborhood.*
This request should not affect the safety, health or welfare of the surrounding properties.
- (2) *Parking and traffic considerations.*
All clients and visitors will park in the existing church parking lot. There is enough parking lot and service drives to smoothly operate a drop off/ pickup point for the learning center.
- (3) *Number of nonrelated employees.*
The applicant indicates there are 10 employees.
- (4) *Number of commercial and business deliveries.*
There will be no more than one deliveries per day.
- (5) *The general presumption of the board of commissioners that residential neighborhoods should not allow noncompatible business uses.*
N/A
- (6) *Compatibility of the business use to the neighborhood.*
The church is an allowed use in residential areas. The daycare serves the surrounding residential properties.
- (7) *Hours of operation.*
6:30 AM through 6:00 PM, Monday through Friday.
- (8) *Existing business uses in the vicinity.*
There are no known business surrounding the property.
- (9) *Effect on property values of surrounding property.*
This request should not have an effect on the property values.
- (10) *Circumstances surrounding neighborhood complaints.*
This request is a result of a Code Enforcement complaint.
- (11) *Intensity of the proposed business use.*
The proposed use will have little effect on the traffic in the area.

LUP-2 LIVING HOPE LUTHERAN CHURCH (Continued)

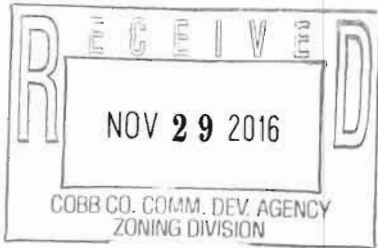
(12)Location of the use within the neighborhood.

The church is zoned residential and surrounded residential uses. The church is at the corner of an arterial road and a major collector.

Based on the above analysis, Staff recommends **APPROVAL** for 24 months subject to:

1. Traffic plan to be approved by D.O.T.;
2. Cobb Department of Transportation comments and recommendations;
3. Fire Department comments and recommendations.

The recommendations made by the Planning and Zoning Staff are only the opinions of the Planning and Zoning Staff and are by no means the final decision. The Cobb County Board of Commissioners makes the final decisions on all Rezoning and Land Use Permits at an advertised public hearing.



Application #: LUP-2
PC Hearing Date: 2-7-17
BOC Hearing Date: 2-21-17

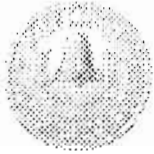
TEMPORARY LAND USE PERMIT WORKSHEET (FOR BUSINESS USE OR FOR A USE NOT PERMITTED)

1. Type of business, or request? Early Childhood Learning Center
2. Number of employees? 10
3. Days of operation? Monday - Friday
4. Hours of operation? 6:30am - 6pm
5. Number of clients, customers, or sales persons coming to the house per day? 43 ; Per week? 215
6. Where do clients, customers and/or employees park?
Driveway: _____ ; Street: _____ ; Other (Explain): Parking lot

7. Signs? No: _____ ; Yes: . (If yes, then how many, size, and location): one (45x41)
8. Number of vehicles related to this request? (Please also state type of vehicle, i.e. dump truck, bobcat, trailer, etc.): 53 - personal vehicles (staff + parents dropping off + picking up)
9. Deliveries? No _____ ; Yes (If yes, then how many per day or week, and is the delivery via semi-truck, USPS, Fedex, UPS, etc.)
1 per day (UPS or Fed Ex)
10. Does the applicant live in the house? Yes _____ ; No
11. Any outdoor storage? No ; Yes _____ (If yes, please state what is kept outside): _____
12. Length of time requested (24 months maximum): 24 months
13. Is this application a result of a Code Enforcement action? No _____ ; Yes (If yes, attach a copy of the Notice of Violation and/or tickets to this form).
14. Any additional information? (Please attach additional information if needed): _____

Applicant signature: _____ Date: _____

Applicant name (printed): John Schubert



COBB COUNTY - COMMUNITY DEVELOPMENT AGENCY
Code Enforcement Division

Mailing Address
P.O. Box 649
Marietta, Ga. 30061

Physical Address
1150 Powder Springs Rd.
Suite 400
Marietta, Ga. 30064

Fax: (770) 528-2092

Notice of Violation

Violation Number: CODE-2016-08989

Date: 10/4/2016

The Cobb County Code Enforcement Division has grounds to believe the property located at:

<u>3450 STILESBORO RD NW</u>	<u>KENNESAW, GA 30152</u>	<u>20</u>	<u>0200</u>	<u>001</u>	<u>false</u>
(Address)	(City/State/Zip)	(Dist)	(Land Ld)	(Par)	(Zoning)

and/or WINTERGREEN DEVELOPMENT LLC (P O BOX 1205 WOODSTOCK, GA 30188)

and/or (Occupant)

may be in violation of the Official Code of Cobb County, Georgia. You have 10 days to bring the violation(s) into compliance. An inspection will be made on or about 10 days from October 4, 2016. Failure to comply could result in a citation being issued for you to appear in the Cobb County Magistrate Court, and you may be subject to a fine, imprisonment or both.

<u>Violation</u>	<u>Code Section</u>	<u>Requirement for Compliance</u>
TEMPORARY LAND USE PERMIT REQUIRED	134-36(d)(2)	A temporary and use permit is required for Churches with accessory day care facilities (commonly known as pre-K, day care school, child development center, "mother's morning out," and the like) programs that have greater than 25 percent non-church members of the total number of children in the day care program will be considered upon each renewal.

SPECIAL EXCEPTIONS

134-271(4) I

A church may have an accessory day care facility (commonly known as pre-K, day care school, child development center, "mother's morning out", and the like) program for the members of the church and up to 25 percent non-church members of the total number of children in the day care program. Any signage for this use shall be incorporated into the main church signage, which cumulatively shall meet the sign requirements of this chapter. The church may be required to submit a traffic circulation and parking plan to the Cobb County Department of Transportation for review and approval if there is a potential the day care facility could negatively affect adjacent roadways. The church day care shall adhere to all State of Georgia requirements relating to the operation of the day care facility. The day care facility shall be located on the same lot as the main church building or facility, and stand alone facilities are not permitted. Any proposed accessory church day care facility that exceeds the 25 percent non-church member clause of this section may file a petition with the board of commissioners for consideration of a temporary land use permit.

Brent Farrell (brent.farrell@cobbcounty.org)

678-581-5421

Officer

Telephone

Contact the Officer listed above by telephone or email for further information. Officer availability 8:00-9:00 a.m. and 3:30-4:30 p.m. Monday through Friday. You may leave voice mail or send email at any time.

A COMPLETE COPY OF THE COBB COUNTY ORDINANCE MAY BE VIEWED AT WWW.COBBCOUNTY.ORG