

**APRIL 17, 2018 ZONING HEARING
"OTHER BUSINESS"
COMMISSION DISTRICT 2**

ITEM 017

PURPOSE

To consider amending the stipulations for St. Benedicts Episcopal Church, LLC regarding rezoning case Z-21 of 2008, Z-29 of 2012 and SLUP-9 of 2008 (St. Benedicts Episcopal Church, LLC) located on the east side of Cooper Lake Road and on the west side of Atlanta Road in Land Lots 694 & 695 of the 17th District.

BACKGROUND

The applicant operates a private school as the result of past zoning and special land use permit actions approved by the Board of Commissioners. The church and private school have grown since they were first approved in 2008. One of the stipulations restricts the minimum age of the children to 2 years old, and up. The applicant would like to amend the stipulations to allow children 0-2 years old, which would allow Bright from the Start child daycare. The applicant anticipates this program would have up to 30 children for teachers and members of the community. The carpool plan would not change or increase due to this request, and parents would park in designated parking spaces for this child daycare. The applicant has submitted a detailed summary of their proposal which is attached as Exhibit A. If approved, all previous stipulations not in conflict with this amendment should remain in place.

STAFF COMMENTS

Cobb DOT: 1) Recommend applicant be required to meet all Cobb County Development Standards and Ordinances related to project improvements; 2) Recommend no access on Atlanta Road; 3) Recommend no parking in the right-of-way; and 4) Recommend a deceleration lane for the entrances on Cooper Lake Road upon redevelopment.

RECOMMENDATION

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

ATTACHMENTS

Other Business application and stipulations.

Application for "Other Business" Cobb County, Georgia

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

RECEIVED
MAR - 8 2018
COBB CO. COMM. DEVELOPMENT
ZONING DIVISION

OB-017-2018

BOC Hearing Date Requested: 4-17-18

Applicant: St. Benedict's Episcopal Church, LLC Phone #: 678.279.4300
(applicant's name printed)

Address: 2160 Cooper Lake Road, SE, Smyrna, GA E-Mail: brian@mysaintb.org

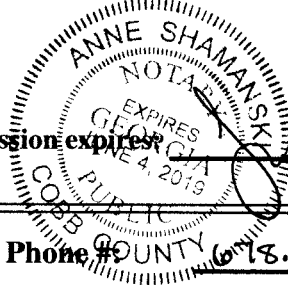
Brian C. Sullivan Address: 2160 Cooper Lake Road
(representative's name, printed)

Brian C. Sullivan Phone #: 678-684-8440 E-Mail: brian@mysaintb.org
(representative's signature)

Signed, sealed and delivered in presence of:

Anne Shamanski
Notary Public

My commission expires: June 04, 2019



Titleholder(s): st. Benedict's Episcopal Church, LLC Phone #: 678.279.4300
(property owner's name printed)

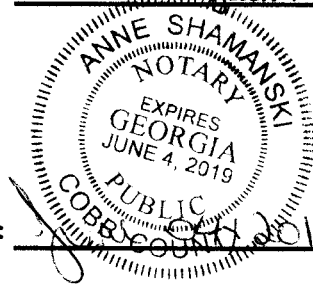
Address: 2160 Cooper Lake Road, SE, Smyrna, GA E-Mail: brian@mysaintb.org

Brian C. Sullivan
(Property owner's signature) Reverend Brian C. Sullivan,
Rector

Signed, sealed and delivered in presence of:

Anne Shamanski
Notary Public

My commission expires: June 04, 2019



Commission District: 2 (0tt)

Zoning Case: Z-21 (2008); SLUP-9 (2008); Z-29 (2012)

Size of property in acres: 5/20/2008*
1/15/2008

Original Date of Hearing: 5/20/2008; 07/15/2008
8/21/2012

Location: East side of Cooper Lake Road and on the West side of Atlanta Road, north of
(street address, if applicable; nearest intersection, etc.)

Land Lot(s): 694, 695 **District(s):** 17th

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

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

* OB Decisions for Z-21 (2008): 12/16/2008; 6/16/2009; 4/20/2010

(List or attach additional information if needed)

OB-017-18

Exhibit "A" – ATTACHMENT TO APPLICATION FOR OTHER BUSINESS
(Stipulation Amendment)

Application Nos.:	Z-21 (2008) and SLUP – 9 (2008)
Original Hearing Dates:	May 20, 2008 July 15, 2008 Aug. 21, 2012
Previous Other Business Hearing Date:	December 16, 2008 December 15, 2015
Current Hearing Date:	April 17, 2018

RECEIVED
MAR - 8 2018
COBB CO. COMM. DEV. AGENCY
ZONING DIVISION

BEFORE THE COBB COUNTY BOARD OF COMMISSIONERS

Applicant: St. Benedict's Episcopal Church, LLC

Applicant requests an amendment to the stipulations and conditions approved by the Cobb County Board of Commissioners in hearings regarding the Application for Rezoning (Z-21 (2008) on May 20, 2008, and application for Special Land Use Permit (SLUP – 9 (2008)) on July 15, 2008. Certain stipulations as to each Application were amended by the Board of Commissioners on December 16, 2008, through an "Other Business" request.

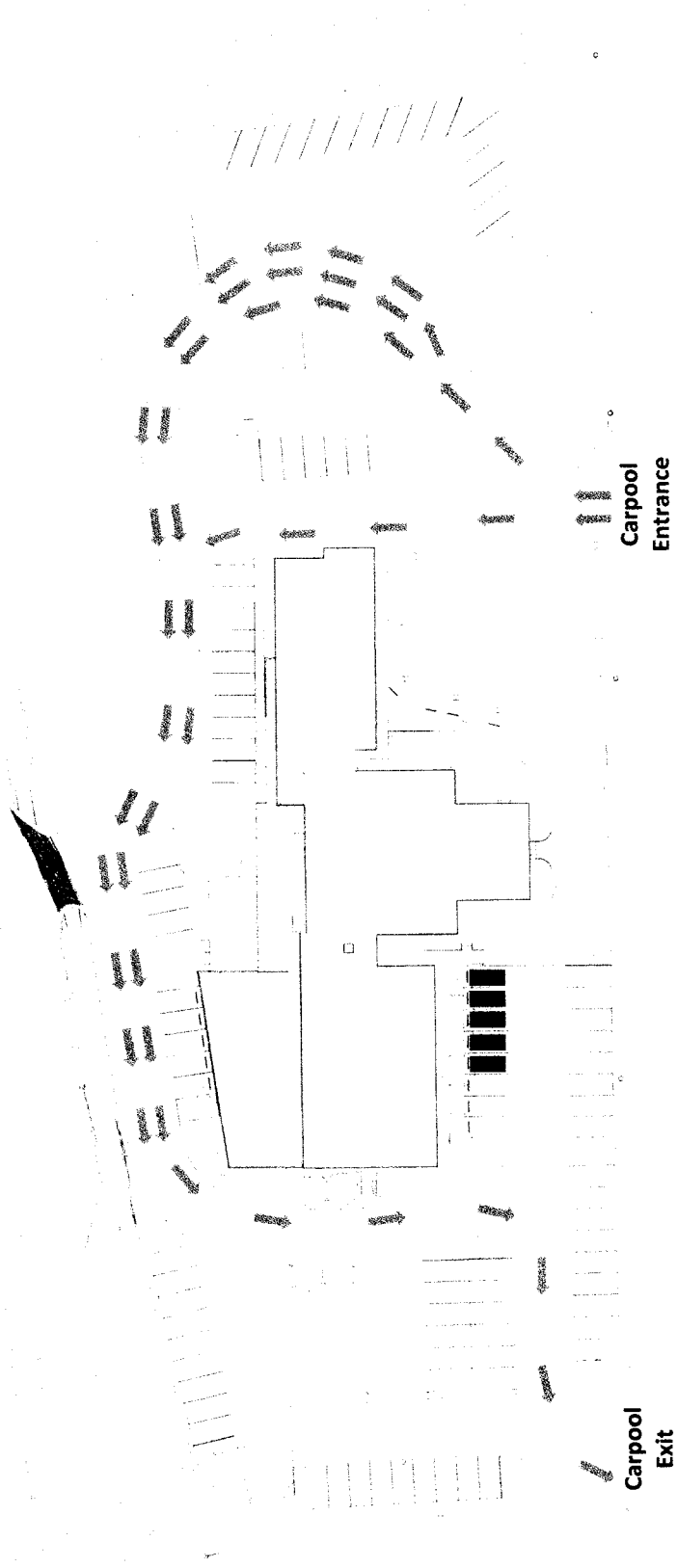
Applicant proposes: A 0 to 2 years old program not exceeding 30 full time equivalent students.

- This change is needed to meet the requirements for Bright from the Start which requires property to be rezoned within the last 12 months and insures that the property is zoned for childcare for 0 to 2 years of age.
- Carpool for 2 years old through 8th grade will stay the same for Z-21 and current attached carpool diagram submitted before 2017-2018 school.
- Number of cars in carpool will not change.
- Designated parking for childcare is between 7 am -5 pm.
- Daycare is provided for teachers and members of the community.
- The program is managed by the church.

Thank you for your consideration. Please let us know if you need anything else.

OB-017, 2018

Carpool Plan for Zoning

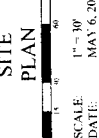



RECEIVED
 COBB CO. COMMUNITY DEVELOPMENT DIVISION
 MAR - 8 2018

- ↔ Carpool direction
- Designated parking for pickup and drop off

REVISIONS:

NO.	DATE	BY	DESCRIPTION

SHEET TITLE
SITE PLAN
 SCALE: 1" = 10'
 DATE: MAY 19, 2008
 PROJECT: IMPROVEMENTS



A
 SHEET

AREA
3.542 ACRES

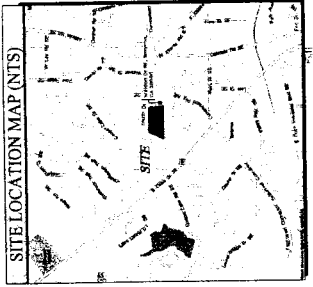
RECEIVED
 MAR 8 2018
 COBB CO. COMM. DEV. AGENCY
 ZONING DIVISION

(S02231467 E 70.15)
 ARC = 69.97'
 RAD = 1440.70'
 CH. = 69.96'
 S0233415 E
 (Ch. to NE)

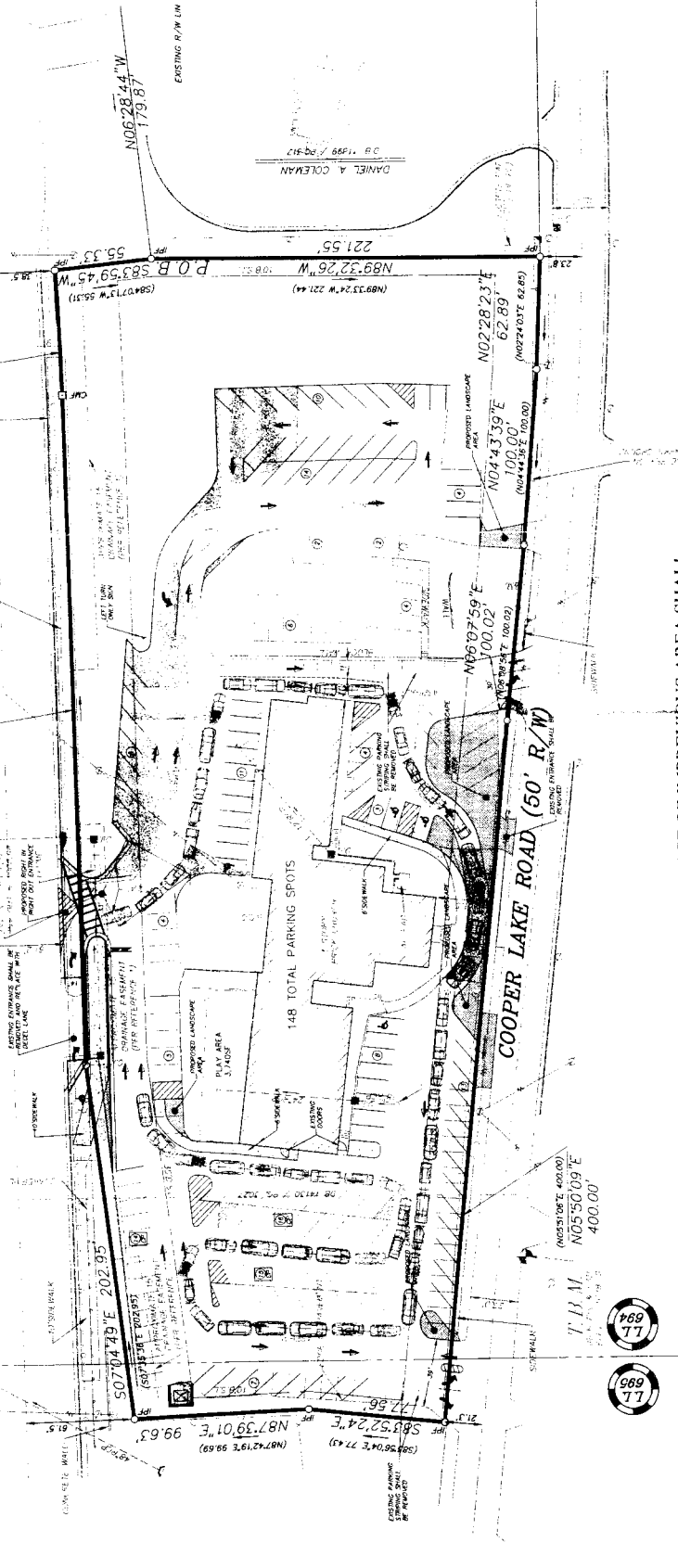
(S01125166 E 110.49)
 380.49'

SITE DATA:

TOTAL SITE AREA	3.543 ACRES
ZONING	PVC (COBB COUNTY) COBB COUNTY
PLAY GROUND	3.76568
PARKING INFORMATION	148 PARKING SPOTS
TOTAL PARKING SPOTS	148
PARKING SPOTS DESIGNATED FOR CAR POOL	45
TOTAL CAR STAKING LENGTH FROM CAR POOL	1,100 LF
STAKABLE AMOUNT OF CAR	516 CARS
STAKABLE AMOUNT OF CAR	516 CARS
USING THE CAR AVERAGE	98 CARS



SOUTH ATLANTA ROAD (R/W VARIES)



THE NET INCREASE OF IMPREVIDUS AREA SHALL
 BE REDUCED TO 5000SQ FT OR LESS

BEFORE YOU DIG
 UTILITIES PROTECTION SERVICE
 CALL FEE IN METRO ATLANTA
 (770) 663-4344
 METRO UTILITIES DEPARTMENT
 1350 N. DECATUR ROAD, SUITE 200
 DECATUR, GA 30030
 WWW.METROUTILITIES.COM

24-HOUR CONTACT: MR. TONY WAYBRIGHT @ 404-317-0046

ORIGINAL DATE OF APPLICATION: 05-20-08APPLICANTS NAME: ST. BENEDICT'S EPISCOPAL CHURCH, LLC

THE FOLLOWING REPRESENTS THE FINAL DECISIONS OF THE
COBB COUNTY BOARD OF COMMISSIONERS

BOC DECISION OF 05-20-08 ZONING HEARING:

ST. BENEDICT'S EPISCOPAL CHURCH, LLC (Cooper Lake Investments, LLC, owner) requesting Rezoning from **RM-12** to **OI** for the purpose of Church and Day School in Land Lots 694 and 695 of the 17th District. Located on the west side of South Atlanta Road and on the east side of West Atlanta Road, south of Daniel Street.

The public hearing was opened and Mr. John Moore, Ms. Mary Rose Barnes, Ms. Suzanne Ballew, and Ms. Joan Thomas addressed the Board. Following presentations and discussion, the following motion was made:

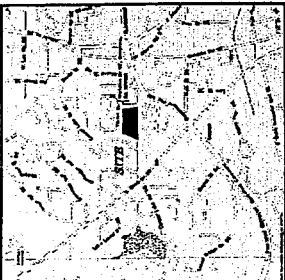
MOTION: Motion by Thompson, second by Olens, to **approve** Rezoning request to the **OI** zoning district **subject to**:

- **site plan/traffic flow plan received by the Zoning Division May 14, 2008 (attached and made a part of these minutes)**
- **letter of agreeable conditions from Mr. John Moore dated May 14, 2008 (attached and made a part of these minutes)**
- **letter of agreeable conditions from Mr. John Moore dated May 15, 2008 (attached and made a part of these minutes)**
- **Fire Department comments and recommendations**
- **Water and Sewer Division comments and recommendations**
- **Stormwater Management Division comments and recommendations**
- **revised Cobb DOT comments and recommendations (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** unanimously

RECEIVED
MAR - 8 2018

SITE LOCATION MAP (NTS)



SITE DATA:	
TOTAL SITE AREA	3.542 ACRES
ZONING	PIC (COBB COUNTY)
EXISTING ZONING	COBB COUNTY
ZONING JURISDICTION	
PLAY GROUND	1,742 SF
PLAY GROUND SQUARE FOOTAGE	
PARKING INFORMATION	
TOTAL PARKING SPOTS	148
TOTAL PAVED AREA FOR CAR POOL	44,100 SF
TOTAL CAR STACKING LENGTH FOR CAR POOL	1,100 LF
STACKABLE AMOUNT OF CAR USING 24' PER CAR AVERAGE	57 CARS
STACKABLE AMOUNT OF CAR USING 14' PER CAR AVERAGE	44 CARS

SOUTH ATLANTA ROAD (R/W VARIES)

COOPER LAKE ROAD (50' R/W)

AREA
3.542 ACRES

ARC = 69.97'
RAD = 1440.70'
CH = 69.96'
SO2'34'15"E
(Ch. to NE)

SO1'23'16"E
380.49'

55.33'
221.55'
N89°32'26"W
109.5L
P.O.B. S81°59'45"W

N06°28'44"W
179.87'

PAGE 4 OF 7

APPROXIMATE 15' DRAINAGE EASMENT

DANIEL A. COLEMAN
D.A. 11899 / P.C.317

NO4°43'18"E
100.00'

NO7°28'23"E
62.89'

N89°57'59"E
100.02'

N05°50'09"E
400.00'

769
77

568
77

Min. Bk. 56 Petition No. 2-2
Doc. Type side plan
Meeting Date 5/22/08

THE NET INCREASE OF IMPREVIOUS AREA SHALL BE REDUCED TO 5000SF OR LESS

24 HOUR CONTACT: MR. TONY WAYBRIGHT @ 404-317-0046

BEFORE YOU DIG
CALL FOR UTILITY INFORMATION
800-4-A-DIG
OR
1-800-368-8683
FOR FREE IN MEMPHIS AREA
OR
(770) 893-4344
MEMPHIS OFFICE
2000 RAYBURN BLVD., SUITE 200
MEMPHIS, TN 38117
GEOGRAPHIC INFORMATION SYSTEMS
MAY 6, 2008
PROJECT: 06099.00A
SCALE: 1" = 30'
DATE: MAY 6, 2008
PROJECT: 06099.00A
THIS DATE IS ONLY A CONVEYANCE DOCUMENT
AND DOES NOT CONSTITUTE A CONTRACT.

PLANNERS AND ENGINEERS COLLABORATIVE
WE PROVIDE SOLUTIONS
200 RAYBURN BLVD., SUITE 200
MEMPHIS, TN 38117
PHONE: 901-317-0046
ATLANTA, GEORGIA 30303
ST. BENEDICT'S EPISCOPAL CHURCH
214 PEACHTREE ROAD
FOR
PROPOSED IMPROVEMENTS PLAN
WEST ATLANTA ROAD @ ATLANTA RD. REDEVELOPMENT

REVISIONS:

NO.	DATE	DESCRIPTION

SHEET TITLE
SITE PLAN
SCALE: 1" = 30'
DATE: MAY 6, 2008
PROJECT: 06099.00A
THIS DATE IS ONLY A CONVEYANCE DOCUMENT AND DOES NOT CONSTITUTE A CONTRACT.

A SHEET

A LIMITED LIABILITY PARTNERSHIP
WWW.MIJS.COM

192 ANDERSON STREET
MARIETTA, GEORGIA 30060

TELEPHONE (770) 429-1499
TELECOPIER (770) 429-8631

BILLING ADDRESS
P.O. BOX 3305 • MARIETTA, GEORGIA 30061

TENNESSEE OFFICE
CEDAR RIDGE OFFICE PARK, SUITE 463
408 N. CEDAR BLUFF ROAD • KNOXVILLE, TENNESSEE 37923

TELEPHONE (865) 692-9039
TELECOPIER (865) 692-9071

JOHN H. MOORE
STEPHEN C. STEELE
WILLIAM R. JOHNSON†
ROBERT D. INGRAM†
J. BRIAN O'NEIL
G. PHILLIP BEGGS
ELDON L. BASHAM
MATTHEW J. HOWARD
JERE C. SMITH
CLAYTON O. CARMACK
KEVIN B. CARLOCK†
ALEXANDER T. GALLOWAY III†
J. KEVIN MOORE
RODNEY R. MCGOLLOCH
SUSAN S. STUART
DANIEL A. LANDIS**

BRIAN D. SMITH
HARRY R. TEAR III
W. TROY HART†
JEFFREY A. DAXE
JOYCE W. HARPER
AMY K. WEBER
KIM A. ROPER
TARA C. RIDDLE
KELLI L. WOLK
TANYA L. CROSSE*
ROBERT W. BROWN II
VICTOR P. VALMUS
T. SHANE MAYES
ANGELA H. SMITH
OPHELIA W. CHAN
DARRELL L. SUTTON

KASI R. WHITAKER
NICHOLAS J. PETERSON*
JAMES D. WALKER III
CHRISTOPHER D. GUNNELS*
JENNIFER S. WHITE*
RYAN G. PRESCOTT
RICARDO J. DeMEDEIROS
BRETT A. MILLER
CHRISTOPHER C. MINGLEDORFF
JAMES D. BUSCH*
COLE B. STINSON**
SUZANNE E. HENRICKSON
ANGELA D. CHEATHAM
CAREY E. ATKINS*
CHARLES PIERCE*
BRANDON C. HARDY

STAYCE M. BURKHART*
CLAY S. O'DANIEL
C. DAMON GUNNELS
GRAHAM E. MCDONALD
KARINE M. POLIS
PHILLIP G. GOMBAR*
SARAH S. GRANT

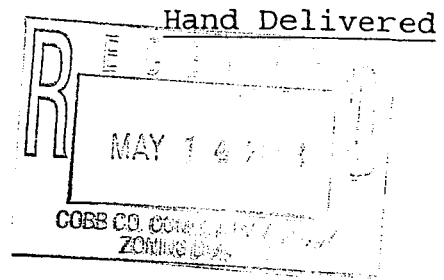
OF COUNSEL:
JOHN L. SKELTON, JR.†

† ALSO ADMITTED IN TN
* ALSO ADMITTED IN FL
** ALSO ADMITTED IN NM
*** ALSO ADMITTED IN NC
• ADMITTED ONLY IN TN

May 14, 2008

Min. Bk. 56 Petition No. Z-21
Doc. Type letter of
agreeable conditions
Meeting Date 5/20/08

Mr. John P. Pederson, AICP
Planner III
Zoning Division
Cobb County Community Development Agency
Suite 300
191 Lawrence Street
Marietta, Georgia 30060-1661



RE: Application for Rezoning
Application No.: Z-21 (2008)
Applicant: St. Benedict's Episcopal Church, LLC
Owner: Cooper Lake Investments, LLC
Property: 3.553 acres located at
2160 Cooper Lake Road,
Land Lots 694 and 695,
17th District, 2nd Section,
Cobb County, Georgia

Dear John:

As you know, the undersigned and this firm represent St. Benedict's Episcopal Church, LLC, the Applicant (hereinafter "Applicant"), and Cooper Lake Investments, LLC, the Property Owner (hereinafter referred to as "Owner"), in their Application for Rezoning with respect to a total tract of 3.553 acres located at 2160 Cooper Lake Road, Land Lots 694 and 695, 17th District, 2nd Section, Cobb County, Georgia (hereinafter the "Subject Property"). After meeting with planning and zoning staff and various departmental representatives, discussions with area homeowner groups and homeowner representatives, and

MOORE INGRAM JOHNSON & STEELE

Mr. John P. Pederson, AICP
Planner III
Zoning Division
Cobb County Community Development Agency
Page 2 of 6
May 14, 2008

Petition No. Z-21
Meeting Date 5/20/08
Continued
PAGE 6 OF

reviewing the staff comments and recommendations and the uses of surrounding properties, we have been authorized by the Applicant and Owner to submit this 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 the letter of agreeable stipulations and conditions dated and filed April 30, 2008. The referenced 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.
- (2) Rezoning of the Subject Property shall be from the existing zoning category of RM-12 to the proposed zoning category of Office and Institutional ("OI"), site plan specific to that certain As-Built Survey prepared by McClung Surveying Services, Inc. dated May 16, 2002.
- (3) The Subject Property consists of a total of 3.553 acres. Applicant proposes to renovate and refurbish the existing church facilities and parking for a church and day school, up to and including pre-kindergarten and kindergarten.
- (4) The maximum number of students enrolled in the proposed day school shall be two hundred eighty (280). Enrollment shall be as follows:
 - (a) There will be a maximum of eighty (80) students during the 2008-2009 school year which is scheduled to begin September 2008 after completion of renovations to approximately 6,500

MOORE INGRAM JOHNSON & STEELE

Mr. John P. Pederson, AICP
Planner III
Zoning Division
Cobb County Community Development Agency
Page 3 of 6
May 14, 2008

Petition No. 2-21
Meeting Date 5/20/08
Continued

PAGE 7 OF

square feet on the first floor of the existing structure;

- (b) There shall be a total maximum number of students of two hundred eighty (280), phased-in over the next few years.
- (5) The hours of operation of the proposed day school shall be 6:30 a.m. to 6:30 p.m. to accommodate single-parent families and as well as families where both parents work. Applicant will present a detailed plan for staggered starting times and ending times at the Board of Commissioners Zoning Hearing on May 20, 2008.
- (6) Applicant proposes completion of renovation and occupation of the existing facilities as follows:
 - (a) The church will begin evening meetings at the location during the fall of 2008;
 - (b) Upon completion of renovations to the second and third floors, church administrative offices presently in Vinings will be moved to the renovated facilities;
 - (c) Renovation of the church fellowship hall will be completed before Christmas 2008. The fellowship hall will accommodate large groups and be available for community meetings; and
 - (d) The church worship services will be moved to the renovated facilities before Easter 2009.
- (7) Applicant will preserve the exterior of the old historical sanctuary. Additionally, the existing northern brick addition (the school space) will be preserved essentially "as is" (new windows, decorative

MOORE INGRAM JOHNSON & STEELE

Mr. John P. Pederson, AICP
Planner III
Zoning Division
Cobb County Community Development Agency
Page 4 of 6
May 14, 2008

Petition No. 2-21
Meeting Date 5/20/08
Continued
PAGE 8 OF

trim, etc.). In the near future, Applicant will make an addition to the center of the existing structure fronting Atlanta Road. The addition will be approximately 1,200 square feet per floor and will increase meeting and office space while making the exterior façade of the building more attractive.

- (8) The "upper hill" area will be preserved as well as the large specimen trees throughout the site. Applicant will attempt, where possible, to reduce the amount of pavement around stressed trees to prolong their life. Additionally, Applicant agrees to walk the site with neighborhood representatives and mark the tree preserve areas.
- (9) Applicant agrees to site improvements to increase circulation and reduce the traffic impact on Cooper Lake Road as more fully shown and reflected on the traffic pattern and queuing plan prepared by Planners and Engineers Collaborative dated May 6, 2008, and submitted contemporaneously with this letter. These improvements will include, but not be limited to, relocating the Atlanta Road entrance slightly to the south, adding a decel lane within the limits of the topography, and reducing access from a full access to a right-in/right-out only. Three of the five entrances on Cooper Lake Road will be closed.
- (10) Applicant has done extensive research into making the proposed school and traffic patterns consistently acceptable for the total number of students planned.

The traffic pattern and queuing plan referenced in paragraph (9) and submitted herewith reflects the traffic patterns for queuing for both pick-ups and drop-offs of students. Each student and parent will be provided with a number which will be placed on a

MOORE INGRAM JOHNSON & STEELE

Mr. John P. Pederson, AICP
Planner III
Zoning Division
Cobb County Community Development Agency
Page 5 of 6
May 14, 2008

Petition No. 2-21
Meeting Date 5/20/08
Continued

PAGE 9 OF

small board which will be required to identify the student and parent, allowing pick-up of the student. A staff member will be stationed at a point in the queuing line closer to Cooper Lake Road armed with a walkie-talkie. As the parent approaches the pick-up, the staff member will notify another staff member stationed at the pick-up point to have that student or students ready for pick-up when the vehicle arrives. This prevents parents waiting in line at the pick-up point for the student to be located. Space will be provided for at least four (4) vehicles to pick-up simultaneously.

Another staff person will be located at the entrance on Atlanta Road to facilitate permitting vehicles to either exit Atlanta Road or proceed around the queue line to Cooper Lake Road to exit. This will avoid needless delay in allowing vehicles to exit the pick-up point. These operational procedures have been investigated and have proven to greatly ease any delay in moving vehicles through the process.

- (11) Minor modifications to the within stipulations, the referenced As-Built Survey, landscaping, architecture, site features, and the like, may be approved by the District Commissioner, as needed or necessary.
- (12) If Applicant does not close on the purchase of the Subject Property on or before December 31, 2009, the zoning on the Subject Property shall revert to its pre-existing category of RM-12.

We believe the requested zoning, pursuant to the As-Built Survey and the revised stipulations set forth herein, is an appropriate use of the Subject Property. The rezoning and the use sought by Applicant shall allow for the existing facilities to be renovated and used for the benefit of the surrounding community.

MOORE INGRAM JOHNSON & STEELE

Mr. John P. Pederson, AICP
Planner III
Zoning Division
Cobb County Community Development Agency
Page 6 of 6
May 14, 2008

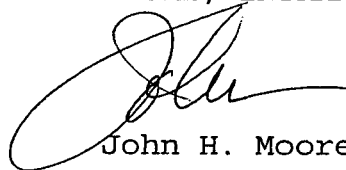
Petition No. 2-21
Meeting Date 5/20/08
Continued
PAGE 10 OF

As always, we greatly appreciate your consideration in this request.

With kindest regards, I remain

Very truly yours,

MOORE, INGRAM, JOHNSON & STEELE, LLP



John H. Moore

JHM:cc

Attachments

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

Shane Coldren
Ron Sifen
Vining's Homeowners Association
(With Copy of Attachment)

Suzanne Ballew
Mary Rose Barnes
(With Copy of Attachment)

St. Benedict's Episcopal Church, LLC
(With Copy of Attachment)

MOORE INGRAM JOHNSON & STEELE

A LIMITED LIABILITY PARTNERSHIP

WWW.MIJS.COM

PAGE 11 OF

JOHN H. MOORE
STEPHEN C. STEELE
WILLIAM R. JOHNSON†
ROBERT D. INGRAM†
J. BRIAN O'NEIL
G. PHILLIP BEGGS
ELDON L. BASHAM
MATTHEW J. HOWARD
JERE C. SMITH
CLAYTON O. CARMACK
KEVIN B. CARLOCK†
ALEXANDER T. GALLOWAY III†
J. KEVIN MOORE
RODNEY R. MCCOLLOCH
SUSAN S. STUART
DANIEL A. LANDIS***

BRIAN D. SMITH
HARRY R. TEAR III
W. TROY HART†
JEFFREY A. DAXE
JOYCE W. HARPER
AMY K. WEBER
KIM A. ROPER
TARA C. RIDDLE
KELLI L. WOLK
TANYA L. CROSSE*
ROBERT W. BROWN II
VICTOR P. VALMUS
T. SHANE MAYES
ANGELA H. SMITH
OPHELIA W. CHAN
DARRELL L. SUTTON

192 ANDERSON STREET
MARIETTA, GEORGIA 30060

TELEPHONE (770) 429-1499
TELECOPIER (770) 429-8631

BILLING ADDRESS

P.O. BOX 3305 • MARIETTA, GEORGIA 30061

TENNESSEE OFFICE

CEDAR RIDGE OFFICE PARK, SUITE 463
408 N. CEDAR BLUFF ROAD • KNOXVILLE, TENNESSEE 37923

TELEPHONE (865) 692-9039
TELECOPIER (865) 692-9071

KASI R. WHITAKER
NICHOLAS J. PETERSON*
JAMES D. WALKER III
CHRISTOPHER D. GUNNELS*
JENNIFER S. WHITE*
RYAN G. PRESCOTT
RICARDO J. D&MEDEIROS
BRETT A. MILLER
CHRISTOPHER C. MINGLEDOORFF
JAMES D. BUSCH*
COLE B. STINSON**
SUZANNE E. HENRICKSON
ANGELA D. CHEATHAM
CAREY E. ATKINS*
CHARLES PIERCE*
BRANDON C. HARDY

STAYCE M. BURKHART*
CLAY S. O'DANIEL
C. DAMON GUNNELS
GRAHAM E. MCDONALD
KARINE M. POLIS
PHILLIP G. GOMBAR*
SARAH S. GRANT

OF COUNSEL:
JOHN L. SKELTON, JR.†

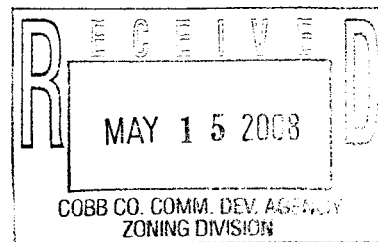
† ALSO ADMITTED IN TN
* ALSO ADMITTED IN FL
** ALSO ADMITTED IN NM
*** ALSO ADMITTED IN NC
♦ ADMITTED ONLY IN TN

May 15, 2008

Min. Bk. 56 Petition No. Z-21
Doc. Type letter of
agreeable conditions
Meeting Date 5/20/08

Mr. John P. Pederson, AICP
Planner III
Zoning Division
Cobb County Community Development Agency
Suite 300
191 Lawrence Street
Marietta, Georgia 30060-1661

Hand Delivered



RE: Application for Rezoning
Application No.: Z-21 (2008)
Applicant: St. Benedict's Episcopal
Church, LLC
Owner: Cooper Lake Investments, LLC
Property: 3.553 acres located at
2160 Cooper Lake Road,
Land Lots 694 and 695,
17th District, 2nd Section,
Cobb County, Georgia

Dear John:

On behalf of the Applicant and Property Owner in the above-referenced Application for Rezoning, please allow this correspondence to serve as a supplement to the revised letter of agreeable stipulations and conditions dated and filed with your office on May 14, 2008, which, if the Application for Rezoning is approved, as submitted, shall become part of the grant of the requested zoning and shall be binding upon the Subject Property. The additional stipulations are as follows:

E INGRAM JOHNSON & STEELE

Mr. John P. Pederson, AICP
Planner III
Zoning Division
Cobb County Community Development Agency
Page 2 of 6
May 15, 2008

Petition No. Z-21
Meeting Date 5/20/08
Continued

PAGE 12 OF

- (1) Applicant has prepared a Daily Carpool Schedule which is proposed as follows:

Projected Morning Start Time:

K - 5th is 8:30 a.m.
Preschool is 9:00 a.m.

These start times are after IAS Charter at 8:00 a.m.

Morning Arrivals:

- 6:30 - 7:45 a.m. - Building open for early arrivers
- Parents park and bring students inside
- Anticipated number of students during this time is 75-100
- 7:45 - 8:20 a.m. - Scheduled Kindergarten and Elementary carpool
- Anticipated number of students during this time is 40
- 8:10 - 8:45 a.m. - Early arrivers for preschool classrooms
- Parents park and bring students inside
- Anticipated number of students during this time is 40
- 8:30 - 8:50 a.m. - Scheduled Preschool carpool (30-45 students)

Any students arriving after 8:50 a.m. must be brought in by their parents.

MOORE INGRAM JOHNSON & STEELE

Mr. John P. Pederson, AICP
Planner III
Zoning Division
Cobb County Community Development Agency
Page 3 of 6
May 15, 2008

Petition No. 2-21
Meeting Date 5/20/08
Continued

PAGE 13 OF

During morning carpool two adults will be at curbside to assist children exiting cars and a third at the entrance to the building as necessary. Younger children will need the most help with seatbelts. Older children will need help with backpacks and other objects.

Projected Afternoon Dismissal Time:

Preschool is 1:00 p.m.
Kindergarten is 2:30 p.m.
Grades 1-5 is 3:20 p.m.

These dismissal times are staggered around IAS Charter

Afternoon Dismissals:

- 1:00 - 1:15 p.m. - Preschool students dismissed
 - Carpool used to load students into cars
 - Anticipated number of students during this time is 20-30

- 2:30 - 2:40 p.m. - Kindergarten students dismissed
 - Carpool line used to load students into cars
 - Anticipated number of students at full enrollment is 15-25

- 2:40 - 3:30 p.m. - Individual pick-ups for preschool and kindergarten
 - Parents park and come inside to get students
 - Anticipated number of students during this time is 10-15

MOORE INGRAM JOHNSON & STEELE

Mr. John P. Pederson, AICP
Planner III
Zoning Division
Cobb County Community Development Agency
Page 4 of 6
May 15, 2008

Petition No. 2-21
Meeting Date 5/20/08
Continued

PAGE 4 OF 6

- 3:20 - 3:40 p.m. - Eventual dismissal period for elementary program students
 - Carpool line used to load students into cars
 - Anticipated number of students at full enrollment is 50-75
 - This timing is later than the IAS Charter School's 3:00 p.m. dismissal to try to minimize traffic on Atlanta Road

- 3:20 - 6:30 p.m. - Extended day/special activity students picked up
 - Parents park and come inside to get students
 - Anticipated number of students at full enrollment is 140
 - Carpool system may be implemented if needed for specific times to help alleviate foot traffic in parking lot

The afternoon is the most likely time for a long carpool queue to form. Based on the maximum projected number of students at the standard elementary dismissal, all 75 parents could arrive at the site and be accommodated in the 45 numbered carpool parking spaces and the carpool queue.

During afternoon carpool times, a spotter will be stationed at the northwest corner of the parking lot and will radio the carpool number of the arriving cars to the carpool coordinator in the building. The coordinator will identify the student(s) based on the carpool number and notify the teachers by intercom to send those students to pickup. By the time the car

MOORE INGRAM JOHNSON & STEELE

Mr. John P. Pederson, AICP
Planner III
Zoning Division
Cobb County Community Development Agency
Page 5 of 6
May 15, 2008

Petition No. 2-21
Meeting Date 5/20/08
Continued

PAGE 15 OF

arrives at the curb the students will be waiting at the "safety" stop on the sidewalk and ready to quickly load.

Similar to the morning, a minimum of two adults will be assisting the students in loading and buckling so that cars may quickly move forward. Our school partners currently use this method at both of their sites and move 50 to 60 children in 15-20 minutes without any problems. Staff can be added as necessary.

Given the maximum of 80 students during the first year, we have the opportunity to fine-tune our process, if necessary, before adding additional students in the fall of 2009. during the first year, every parent could arrive before the start of carpool, the coordination of calling students could be a failure and every car could still be accommodated onsite in parking and the carpool queue.

- (2) Applicant shall have the right to alter, amend, or change the within schedule as needed for operational reasons.
- (3) The stipulation letter of May 14, 2008, reflected that this zoning was "site plan specific" to that certain As-Built Survey prepared by McClung Surveying Services, Inc. dated May 16, 2002. However, Applicant shall have the right to expand the church building facilities to accommodate its growth so long as Applicant complies with all required developmental standards, including parking.
- (4) Any stipulation contained herein, if in conflict with those set forth in the May 14, 2008, letter of agreeable stipulations and conditions, shall control.

MOORE INGRAM JOHNSON & STEELE

Mr. John P. Pederson, AICP
Planner III
Zoning Division
Cobb County Community Development Agency
Page 6 of 6
May 15, 2008

Petition No. Z-21
Meeting Date 5/22/08
Continued

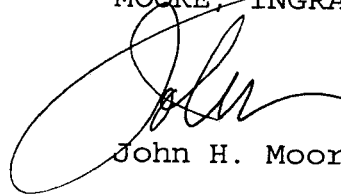
PAGE 6 OF 6

As previously stated, we believe the requested zoning, pursuant to the As-Built Survey and the stipulations previously submitted as well as those set forth herein, is an appropriate use of the Subject Property. The rezoning and the use sought by Applicant shall allow for the existing facilities to be renovated and used for the benefit of the surrounding community. As always, we greatly appreciate your consideration in this request.

With kindest regards, I remain

Very truly yours,

MOORE, INGRAM, JOHNSON & STEELE, LLP



John H. Moore

JHM:cc

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

Shane Coldren
Ron Sifen
Vinings Homeowners Association

Suzanne Ballew
Mary Rose Barnes

St. Benedict's Episcopal Church, LLC

APPLICANT: St. Benedict's Episcopal Church, LLC

PETITION NO.: Z-21

PRESENT ZONING: RM-12

PETITION FOR: O & I

TRANSPORTATION COMMENTS

PAGE 17 OF 17

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

ROADWAY	AVERAGE DAILY TRIPS	ROADWAY CLASSIFICATION	SPEED LIMIT	JURISDICTIONAL CONTROL	MIN. R.O.W. REQUIREMENTS
Cooper Lake Road	3500	Minor Collector	35 mph	Cobb County	60'
Atlanta Road	22100	Arterial	45 mph	Cobb County	100'

*Based on 2006 traffic counting data taken by Cobb County DOT. (Cooper Lake Road)
Based on 2007 traffic counting data taken by Cobb County DOT. (Atlanta Road)*

COMMENTS AND OBSERVATIONS

Cooper Lake Road is classified as a Minor Collector and according to the available information, the existing right-of-way does not meet the minimum requirements for this classification.

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

Access to Atlanta Road shall be right-in only.

As necessitated by this development for access from Atlanta Road, a deceleration lane will be required.

Develop and present a circulation plan that will facilitate student drop offs / pick ups and any other related school activity. The plan should show how on-site queuing will be accommodated.

Minimize the number of curb cuts along Cooper Lake Road.

RECOMMENDATIONS

Recommend right-in only access along Atlanta Road.

Recommend a deceleration lane along Atlanta Road.

Recommend the applicant develop and present a detailed circulation plan describing how traffic will be handled for all school functions.

Recommend minimizing the number of curb cuts along Cooper Lake Road.

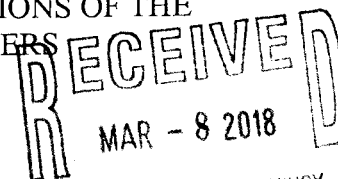
Recommend applicant be required to meet all Cobb County Development Standards and Ordinances related to project improvements.

Min. Bk. 56 Petition No. Z-21
Doc. Type revised DOT
comments
Meeting Date 5/22/08

ORIGINAL DATE OF APPLICATION: 07-15-08

APPLICANTS NAME: ST. BENEDICT'S EPISCOPAL CHURCH, LLC

THE FOLLOWING REPRESENTS THE FINAL DECISIONS OF THE
COBB COUNTY BOARD OF COMMISSIONERS



BOC DECISION OF 07-15-08 ZONING HEARING:

ST. BENEDICT'S EPISCOPAL CHURCH, LLC (Cooper Lake Investments, LLC, Agency Writer) requesting a **Special Land Use Permit** for the purpose of a Private School in Land Lots 694 and 695 of the 17th District. Located on the west side of South Atlanta Road and on the east side of West Atlanta Road, south of Daniel Street.

The public hearing was opened and Mr. John Moore, Mr. Travis Werner, Mr. Harold Johnson, Mr. Stuart Higginbotham, and Mr. William Kring addressed the Board. Following presentations and discussion, the following motion was made:

MOTION: Motion by Thompson, second by Olens, to **approve** Special Land Use Permit subject to:

- letters of agreeable conditions from Mr. John Moore dated May 14, 2008, May 15, 2008 and June 25, 2008 *not otherwise in conflict* (attached and made a part of these minutes)
- mobile classrooms will be removed within six (6) months of the Board of Commissioners' decision; however, the time period may be considered for extension via an Other Business agenda item
- the circulation plan to be reviewed and approved by DOT and the District Commissioner prior to issuance of Land Disturbance Permit
- minimum age of any student is 2 years
- until school reaches planned capacity of 280 students, the church is to consult annually (before opening each school year) with the District Commissioner to review the traffic pattern
- operation of the school subject to zoning stipulations from Z-21 of 2008 (on file in the Zoning Division)
- District Commissioner may make minor changes
- Fire Department comments and recommendations
- Water and Sewer Division comments and recommendations
- Stormwater Management Division comments and recommendations
- revised Cobb DOT comments and recommendations dated June 30, 2008 (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** unanimously

MOORE INGRAM JOHNSON & STEELE

A LIMITED LIABILITY PARTNERSHIP

WWW.MIJS.COM

JOHN H. MOORE
STEPHEN C. STEELE
WILLIAM R. JOHNSON¹
ROBERT D. INGRAM¹
J. BRIAN O'NEIL
G. PHILLIP BEGGS
ELDON L. BASHAM
MATTHEW J. HOWARD
JERE C. SMITH
CLAYTON O. CARMACK
KEVIN B. CARLOCK¹
ALEXANDER T. GALLOWAY III¹
J. KEVIN MOORE
RODNEY R. MCCOLLOCH
SUSAN S. STUART
DANIEL A. LANDIS^{***}

BRIAN D. SMITH
HARRY H. TEAR III
W. TROY HART¹
JEFFREY A. DAXE
JOYCE W. HARPER
AMY K. WEBER
KIM A. ROPER
TARA C. RIDDLE
KELLI L. WOLK
TANYA L. CROSSE*
ROBERT W. BROWN II
VICTOR P. VALMUS
T. SHANE MAYES
ANGELA H. SMITH
OPHELIA W. CHAN
DARRELL L. SUTTON

192 ANDERSON STREET
MARIETTA, GEORGIA 30060

TELEPHONE (770) 429-1499
TELECOPIER (770) 429-8631

BILLING ADDRESS

P.O. BOX 3305 • MARIETTA, GEORGIA 30061

TENNESSEE OFFICE

CEDAR RIDGE OFFICE PARK, SUITE 463
408 N. CEDAR BLUFF ROAD • KNOXVILLE, TENNESSEE 37923

TELEPHONE (865) 692-9039
TELECOPIER (865) 692-9071

KASI R. WHITAKER
NICHOLAS J. PETERSON*
JAMES D. WALKER III
CHRISTOPHER D. GUNNELS*
JENNIFER S. WHITE*
RYAN G. PRESCOTT
RICARDO J. DOMEDEIROS
BRETT A. MILLER
CHRISTOPHER C. MINGLEDORFF
JAMES D. BUSCH*
COLE B. STINSON^{**}
SUZANNE E. HENRICKSON
ANGELA D. CHEATHAM
CAREY E. ATKINS*
CHARLES PIERCE*
BRANDON C. HARDY

STAYCE M. BURKHART
CLAY S. O'DANIEL
C. DAMON GUNNELS
GRAHAM E. MCDONALD
KARINE M. POLIS
PHILLIP G. GOMBAR*
SARAH S. GRANT

OF COUNSEL:
JOHN L. SKELTON, JR.¹

¹ ALSO ADMITTED IN TN
* ALSO ADMITTED IN FL
** ALSO ADMITTED IN NM
*** ALSO ADMITTED IN NC
• ADMITTED ONLY IN TN

May 14, 2008

Min. Bk. 56 Petition No. SLUP-9
Doc. Type Letter of agreeable
Conditions
Meeting Date 7-15-08

Mr. John P. Pederson, AICP
Planner III
Zoning Division
Cobb County Community Development Agency
Suite 300
191 Lawrence Street
Marietta, Georgia 30060-1661

Hand Delivered

PAGE 3 OF

RE: Application for Rezoning
Application No.: Z-21 (2008)
Applicant: St. Benedict's Episcopal
Church, LLC
Owner: Cooper Lake Investments, LLC
Property: 3.553 acres located at
2160 Cooper Lake Road,
Land Lots 694 and 695,
17th District, 2nd Section,
Cobb County, Georgia

Dear John:

As you know, the undersigned and this firm represent St. Benedict's Episcopal Church, LLC, the Applicant (hereinafter "Applicant"), and Cooper Lake Investments, LLC, the Property Owner (hereinafter referred to as "Owner"), in their Application for Rezoning with respect to a total tract of 3.553 acres located at 2160 Cooper Lake Road, Land Lots 694 and 695, 17th District, 2nd Section, Cobb County, Georgia (hereinafter the "Subject Property"). After meeting with planning and zoning staff and various departmental representatives, discussions with area homeowner groups and homeowner representatives, and

MOORE INGRAM JOHNSON & STEELE

Mr. John P. Pederson, AICP
Planner III
Zoning Division
Cobb County Community Development Agency
Page 2 of 6
May 14, 2008

SLUP-9
7-15-08
PAGE 4 OF

reviewing the staff comments and recommendations and the uses of surrounding properties, we have been authorized by the Applicant and Owner to submit this letter of agreeable stipulations and conditions which, if the Application for Rezoning is approved, 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 the letter of agreeable stipulations and conditions dated and filed April 30, 2008. The referenced 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.
- (2) Rezoning of the Subject Property shall be from the existing zoning category of RM-12 to the proposed zoning category of Office and Institutional ("OI"), site plan specific to that certain As-Built Survey prepared by McClung Surveying Services, Inc. dated May 16, 2002.
- (3) The Subject Property consists of a total of 3.553 acres. Applicant proposes to renovate and refurbish the existing church facilities and parking for a church and day school, up to and including pre-kindergarten and kindergarten.
- (4) The maximum number of students enrolled in the proposed day school shall be two hundred eighty (280). Enrollment shall be as follows:
 - (a) There will be a maximum of eighty (80) students during the 2008-2009 school year which is scheduled to begin September 2008 after completion of renovations to approximately 6,500

MOORE INGRAM JOHNSON & STEELE

Mr. John P. Pederson, AICP
Planner III
Zoning Division
Cobb County Community Development Agency
Page 3 of 6
May 14, 2008

SLUP-9
7-15-08

PAGE 5 OF

- square feet on the first floor of the existing structure;
- (b) There shall be a total maximum number of students of two hundred eighty (280), phased-in over the next few years.
- (5) The hours of operation of the proposed day school shall be 6:30 a.m. to 6:30 p.m. to accommodate single-parent families and as well as families where both parents work. Applicant will present a detailed plan for staggered starting times and ending times at the Board of Commissioners Zoning Hearing on May 20, 2008.
- (6) Applicant proposes completion of renovation and occupation of the existing facilities as follows:
- (a) The church will begin evening meetings at the location during the fall of 2008;
- (b) Upon completion of renovations to the second and third floors, church administrative offices presently in Vinings will be moved to the renovated facilities;
- (c) Renovation of the church fellowship hall will be completed before Christmas 2008. The fellowship hall will accommodate large groups and be available for community meetings; and
- (d) The church worship services will be moved to the renovated facilities before Easter 2009.
- (7) Applicant will preserve the exterior of the old historical sanctuary. Additionally, the existing northern brick addition (the school space) will be preserved essentially "as is" (new windows, decorative

MOORE INGRAM JOHNSON & STEELE

Mr. John P. Pederson, AICP
Planner III
Zoning Division
Cobb County Community Development Agency
Page 4 of 6
May 14, 2008

Project No. SLUP-9
Meeting Date 7-15-08
Continued

PAGE 6 OF 6

- trim, etc.). In the near future, Applicant will make an addition to the center of the existing structure fronting Atlanta Road. The addition will be approximately 1,200 square feet per floor and will increase meeting and office space while making the exterior façade of the building more attractive.
- (8) The "upper hill" area will be preserved as well as the large specimen trees throughout the site. Applicant will attempt, where possible, to reduce the amount of pavement around stressed trees to prolong their life. Additionally, Applicant agrees to walk the site with neighborhood representatives and mark the tree preserve areas.
- (9) Applicant agrees to site improvements to increase circulation and reduce the traffic impact on Cooper Lake Road as more fully shown and reflected on the traffic pattern and queuing plan prepared by Planners and Engineers Collaborative dated May 6, 2008, and submitted contemporaneously with this letter. These improvements will include, but not be limited to, relocating the Atlanta Road entrance slightly to the south, adding a decel lane within the limits of the topography, and reducing access from a full access to a right-in/right-out only. Three of the five entrances on Cooper Lake Road will be closed.
- (10) Applicant has done extensive research into making the proposed school and traffic patterns consistently acceptable for the total number of students planned.

The traffic pattern and queuing plan referenced in paragraph (9) and submitted herewith reflects the traffic patterns for queuing for both pick-ups and drop-offs of students. Each student and parent will be provided with a number which will be placed on a

MOORE INGRAM JOHNSON & STEELE

Mr. John P. Pederson, AICP
Planner III
Zoning Division
Cobb County Community Development Agency
Page 5 of 6
May 14, 2008

SLUP-9
7-15-08

PAGE 7 OF

small board which will be required to identify the student and parent, allowing pick-up of the student. A staff member will be stationed at a point in the queuing line closer to Cooper Lake Road armed with a walkie-talkie. As the parent approaches the pick-up, the staff member will notify another staff member stationed at the pick-up point to have that student or students ready for pick-up when the vehicle arrives. This prevents parents waiting in line at the pick-up point for the student to be located. Space will be provided for at least four (4) vehicles to pick-up simultaneously.

Another staff person will be located at the entrance on Atlanta Road to facilitate permitting vehicles to either exit Atlanta Road or proceed around the queue line to Cooper Lake Road to exit. This will avoid needless delay in allowing vehicles to exit the pick-up point. These operational procedures have been investigated and have proven to greatly ease any delay in moving vehicles through the process.

- (11) Minor modifications to the within stipulations, the referenced As-Built Survey, landscaping, architecture, site features, and the like, may be approved by the District Commissioner, as needed or necessary.
- (12) If Applicant does not close on the purchase of the Subject Property on or before December 31, 2009, the zoning on the Subject Property shall revert to its pre-existing category of RM-12.

We believe the requested zoning, pursuant to the As-Built Survey and the revised stipulations set forth herein, is an appropriate use of the Subject Property. The rezoning and the use sought by Applicant shall allow for the existing facilities to be renovated and used for the benefit of the surrounding community.

MOORE INGRAM JOHNSON & STEELE

Mr. John P. Pederson, AICP
Planner III
Zoning Division
Cobb County Community Development Agency
Page 6 of 6
May 14, 2008

SLUP-9
7-15-08

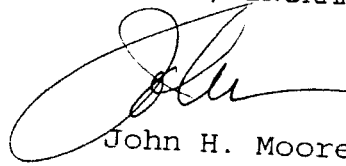
PAGE 6 OF

As always, we greatly appreciate your consideration in this request.

With kindest regards, I remain

Very truly yours,

MOORE, INGRAM, JOHNSON & STEELE, LLP



John H. Moore

JHM:cc

Attachments

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

Shane Coldren
Ron Sifen
Vinings Homeowners Association
(With Copy of Attachment)

Suzanne Ballew
Mary Rose Barnes
(With Copy of Attachment)

St. Benedict's Episcopal Church, LLC
(With Copy of Attachment)

WE PROVIDE SOLUTIONS.
PLANNERS AND ENGINEERS COLLABORATIVE.
 SITE PLANNING ARCHITECTURE CIVIL ENGINEERING AND SURVEYING
 100 RESEARCH COURT • HOUSTON, TEXAS 77060-1178 • WWW.MCKEEL.COM

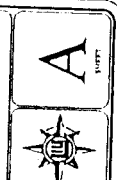
REVISIONS:

NO.	DATE	DESCRIPTION

SITE PLAN

SCALE: 1" = 50'
 DATE: MAY 6, 2008
 PROJECT: 80-51-L

CORC
 COMMUNITY ORGANIZATION REVIEW CENTER
 2000 W. BROAD ST., SUITE 200, ATLANTA, GA 30333
 (404) 525-1234



AREA
3.542 ACRES

Petition No. **9-D-175**
 Meeting Date **80-51-L**
 Continued

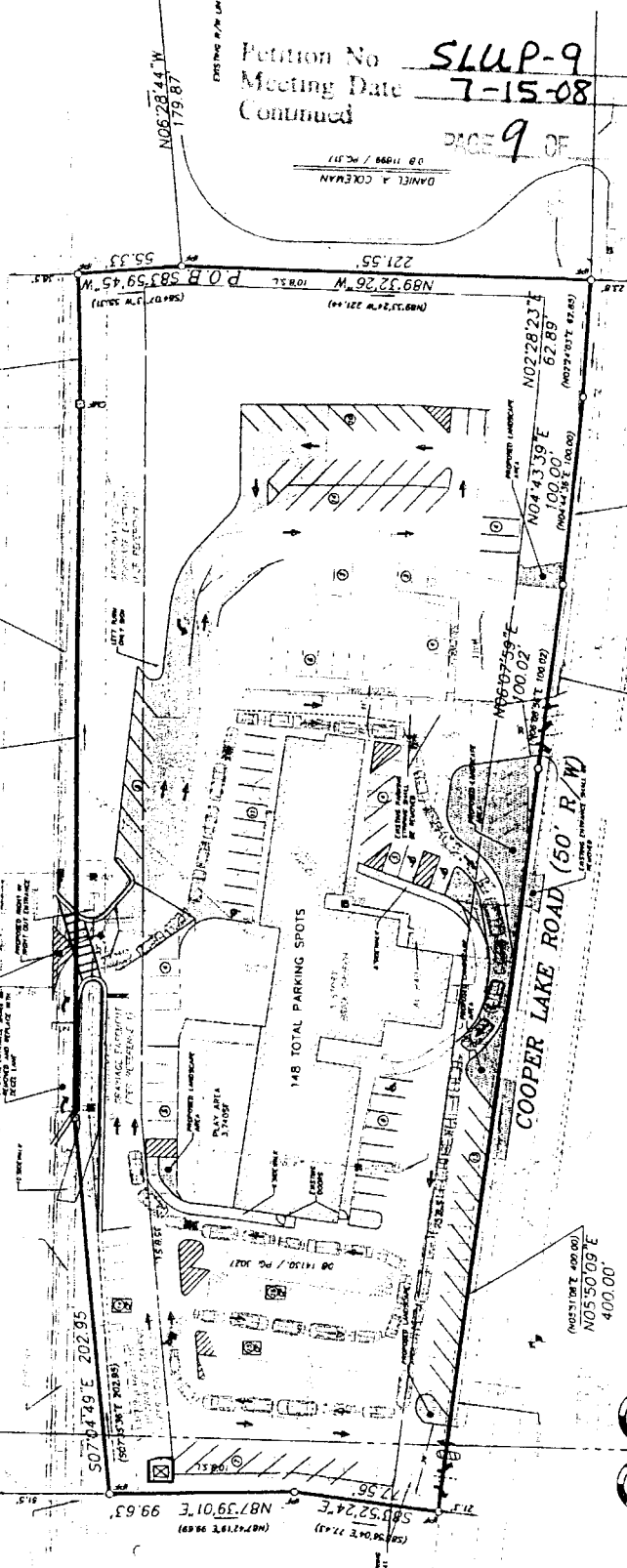
(SOUTH 70' 15")
 ARC = 69.97'
 RAD = 1440.70'
 CH. = 69.96'
 SOZ 34.15° E
 (Ch. to NE)

SITE DATA:

TOTAL SITE AREA	3.533 ACRES
ZONING	PVC (FORB. COUNTY)
EXISTING ZONING	PVC (FORB. COUNTY)
PLAY GROUND	3.746 SF
PLAY GROUND SQUARE FOOTAGE	3.746 SF
PARKING INFORMATION	
TOTAL PARKING SPOTS	148 PARKING SPOTS
DESIGNATED FOR CAR POOL	45 PARKING SPOTS
TOTAL CAR STACK	1,100 LF
STACKABLE PER CAR AVERAGE	35 CARS
USING 70' PER CAR AVERAGE	61 CARS
USING 115' PER CAR AVERAGE	61 CARS

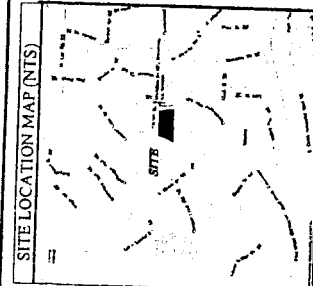
SOUTH ATLANTA ROAD (R/W VARIES)

COOPER LAKE ROAD (50' R/W)



THE NET INCREASE OF IMPREVIOUS AREA SHALL
 BE REDUCED TO 5000SF OR LESS

BEFORE YOU DIG
 CALL FREE IN METRO ATLANTA
 (770) 533-4344
 24 HOUR CONTACT: MR. TONY WAYBRIGHT @ 404-317-0816



169
77

169
77

MOORE INGRAM JOHNSON & STEELE

A LIMITED LIABILITY PARTNERSHIP

WWW.MIJS.COM

192 ANDERSON STREET
MARIETTA, GEORGIA 30060

TELEPHONE (770) 429-1498
TELECOPIER (770) 429-8631

BILLING ADDRESS

P.O. BOX 3305 • MARIETTA, GEORGIA 30061

TENNESSEE OFFICE

CEDAR RIDGE OFFICE PARK, SUITE 463
408 N. CEDAR BLUFF ROAD • KNOXVILLE, TENNESSEE 37923

TELEPHONE (865) 692-9039
TELECOPIER (865) 692-9071

KASHI H. WHITAKER
NICHOLAS J. PETERSON*
JAMES D. WALKER III
CHRISTOPHER D. GUNNELS*
JENNIFER S. WHITE*
RYAN G. PRESCOTT
RICARDO J. D'EMEIROUS
BRETT A. MILLER
CHRISTOPHER C. MINGLEDORFF
JAMES D. BUSCH*
COLE B. STINSON**
SUZANNE E. HENRICKSON
ANGELA D. CHEATHAM
CAREY E. ATKINS*
CHARLES PIERCE*
BRANDON C. HARDY

STAYCE M. BURKHART*
CLAY S. O'DANIEL
C. DAMON GUNNELS
GRAHAM E. McDONALD
KARINE M. POLIS
PHILLIP G. GOMBAR*
SARAH S. GRANT

OF COUNSEL
JOHN L. SKELTON, JR.†

† ALSO ADMITTED IN TN
* ALSO ADMITTED IN FL
** ALSO ADMITTED IN NM
*** ALSO ADMITTED IN NC
♦ ADMITTED ONLY IN TN

JOHN H. MOORE
STEPHEN C. STEELE
WILLIAM R. JOHNSON†
ROBERT D. INGRAM†
J. BRIAN O'NEIL
G. PHILLIP BEGGS
ELDON L. BASHAM
MATTHEW J. HOWARD
JERE C. SMITH
CLAYTON O. CARMACK
KEVIN B. CARLOCK†
ALEXANDER T. GALLOWAY III†
J. KEVIN MOORE
RODNEY R. MCCOLLOCH
SUSAN S. STUART
DANIEL A. LANDIS***

BRIAN D. SMITH
HARRY R. TEAR III
W. TROY HART†
JEFFREY A. DAXE
JOYCE W. HARPER
AMY K. WEBER
KIM A. ROPER
TARA C. RIDOLE
KELLI L. WOLK
TANYA L. CROSSE*
ROBERT W. BROWN II
VICTOR P. VALMUS
T. SHANE MAYES
ANGELA H. SMITH
OPHELIA W. CHAN
DARRELL L. SUTTON

May 15, 2008

Min. Bk. 56 Petition No. SLUP-9
Doc. Type Letter of
agreeable conditions
Meeting Date 7-15-08

PAGE 10 OF _____

Hand Delivered

Mr. John P. Pederson, AICP
Planner III
Zoning Division
Cobb County Community Development Agency
Suite 300
191 Lawrence Street
Marietta, Georgia 30060-1661

RE: Application for Rezoning

Application No.: Z-21 (2008)

Applicant: St. Benedict's Episcopal
Church, LLC

Owner: Cooper Lake Investments, LLC

Property: 3.553 acres located at
2160 Cooper Lake Road,
Land Lots 694 and 695,
17th District, 2nd Section,
Cobb County, Georgia

Dear John:

On behalf of the Applicant and Property Owner in the above-referenced Application for Rezoning, please allow this correspondence to serve as a supplement to the revised letter of agreeable stipulations and conditions dated and filed with your office on May 14, 2008, which, if the Application for Rezoning is approved, as submitted, shall become part of the grant of the requested zoning and shall be binding upon the Subject Property. The additional stipulations are as follows:

MOORE INGRAM JOHNSON & STEELE

Mr. John P. Pederson, AICP
Planner III
Zoning Division
Cobb County Community Development Agency
Page 2 of 6
May 15, 2008

Petition No. SLUP-9
Meeting Date 7-15-08
Continued
PAGE 11 OF

- (1) Applicant has prepared a Daily Carpool Schedule which is proposed as follows:

Projected Morning Start Time:

K - 5th is 8:30 a.m.
Preschool is 9:00 a.m.

These start times are after IAS Charter at 8:00 a.m.

Morning Arrivals:

- 6:30 - 7:45 a.m. - Building open for early arrivers
- Parents park and bring students inside
- Anticipated number of students during this time is 75-100
- 7:45 - 8:20 a.m. - Scheduled Kindergarten and Elementary carpool
- Anticipated number of students during this time is 40
- 8:10 - 8:45 a.m. - Early arrivers for preschool classrooms
- Parents park and bring students inside
- Anticipated number of students during this time is 40
- 8:30 - 8:50 a.m. - Scheduled Preschool carpool (30-45 students)

Any students arriving after 8:50 a.m. must be brought in by their parents.

MOORE INGRAM JOHNSON & STEELE

Mr. John P. Pederson, AICP
Planner III
Zoning Division
Cobb County Community Development Agency
Page 3 of 6
May 15, 2008

Project No. SLUP-9
Meeting Date: 7-15-08
Committee
PAGE 12 OF

During morning carpool two adults will be at curbside to assist children exiting cars and a third at the entrance to the building as necessary. Younger children will need the most help with seatbelts. Older children will need help with backpacks and other objects.

Projected Afternoon Dismissal Time:

Preschool is 1:00 p.m.
Kindergarten is 2:30 p.m.
Grades 1-5 is 3:20 p.m.

These dismissal times are staggered around IAS Charter

Afternoon Dismissals:

- 1:00 - 1:15 p.m. - Preschool students dismissed
 - Carpool used to load students into cars
 - Anticipated number of students during this time is 20-30

- 2:30 - 2:40 p.m. - Kindergarten students dismissed
 - Carpool line used to load students into cars
 - Anticipated number of students at full enrollment is 15-25

- 2:40 - 3:30 p.m. - Individual pick-ups for preschool and kindergarten
 - Parents park and come inside to get students
 - Anticipated number of students during this time is 10-15

MOORE INGRAM JOHNSON & STEELE

Mr. John P. Pederson, AICP
Planner III
Zoning Division
Cobb County Community Development Agency
Page 4 of 6
May 15, 2008

Project No. SLUP-9
Meeting Date 7-15-08
Comments

PAGE 3 OF

- 3:20 - 3:40 p.m. - Eventual dismissal period for elementary program students
- Carpool line used to load students into cars
 - Anticipated number of students at full enrollment is 50-75
 - This timing is later than the
 - IAS Charter School's 3:00 p.m. dismissal to try to minimize traffic on Atlanta Road

- 3:20 - 6:30 p.m. - Extended day/special activity students picked up
- Parents park and come inside to get students
 - Anticipated number of students at full enrollment is 140
 - Carpool system may be implemented if needed for specific times to help alleviate foot traffic in parking lot

The afternoon is the most likely time for a long carpool queue to form. Based on the maximum projected number of students at the standard elementary dismissal, all 75 parents could arrive at the site and be accommodated in the 45 numbered carpool parking spaces and the carpool queue.

During afternoon carpool times, a spotter will be stationed at the northwest corner of the parking lot and will radio the carpool number of the arriving cars to the carpool coordinator in the building. The coordinator will identify the student(s) based on the carpool number and notify the teachers by intercom to send those students to pickup. By the time the car

MOORE INGRAM JOHNSON & STEELE

Mr. John P. Pederson, AICP
Planner III
Zoning Division
Cobb County Community Development Agency
Page 5 of 6
May 15, 2008

Petition No SLUP-9
Meeting Date 7-15-08
Continued

PAGE 14 OF

arrives at the curb the students will be waiting at the "safety" stop on the sidewalk and ready to quickly load.

Similar to the morning, a minimum of two adults will be assisting the students in loading and buckling so that cars may quickly move forward. Our school partners currently use this method at both of their sites and move 50 to 60 children in 15-20 minutes without any problems. Staff can be added as necessary.

Given the maximum of 80 students during the first year, we have the opportunity to fine-tune our process, if necessary, before adding additional students in the fall of 2009. During the first year, every parent could arrive before the start of carpool, the coordination of calling students could be a failure and every car could still be accommodated onsite in parking and the carpool queue.

- (2) Applicant shall have the right to alter, amend, or change the within schedule as needed for operational reasons.
- (3) The stipulation letter of May 14, 2008, reflected that this zoning was "site plan specific" to that certain As-Built Survey prepared by McClung Surveying Services, Inc. dated May 16, 2002. However, Applicant shall have the right to expand the church building facilities to accommodate its growth so long as Applicant complies with all required developmental standards, including parking.
- (4) Any stipulation contained herein, if in conflict with those set forth in the May 14, 2008, letter of agreeable stipulations and conditions, shall control.

MOORE INGRAM JOHNSON & STEELE

Mr. John P. Pederson, AICP
Planner III
Zoning Division
Cobb County Community Development Agency
Page 6 of 6
May 15, 2008

Petition No. SLUP-9
Meeting Date 7-15-08
Continued

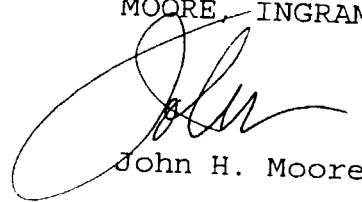
15

As previously stated, we believe the requested zoning, pursuant to the As-Built Survey and the stipulations previously submitted as well as those set forth herein, is an appropriate use of the Subject Property. The rezoning and the use sought by Applicant shall allow for the existing facilities to be renovated and used for the benefit of the surrounding community. As always, we greatly appreciate your consideration in this request.

With kindest regards, I remain

Very truly yours,

MOORE, INGRAM, JOHNSON & STEELE, LLP



John H. Moore

JHM:cc

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

Shane Coldren
Ron Sifen
Vinings Homeowners Association

Suzanne Ballew
Mary Rose Barnes

St. Benedict's Episcopal Church, LLC

MOORE INGRAM JOHNSON & STEELE

A LIMITED LIABILITY PARTNERSHIP

WWW.MIJS.COM

192 ANDERSON STREET
MARIETTA, GEORGIA 30060

TELEPHONE (770) 429-1499
TELECOPIER (770) 429-6631

BILLING ADDRESS

P.O. BOX 3305 • MARIETTA, GEORGIA 30061

TENNESSEE OFFICE

CEDAR RIDGE OFFICE PARK, SUITE 500
408 N. CEDAR BLUFF ROAD • KNOXVILLE TENNESSEE 37923

TELEPHONE (865) 692-9039
TELECOPIER (865) 692-9071

RYAN G. PRESCOTT
CHRISTOPHER C. MINGLEDORFF
COLE B. STINSON***
ANGELA D. CHEATHAM
CAREY E. OLSON*
CHARLES PIERCE*
BRANDON C. HARDY
STAYCE M. BURKHART*
CLAY S. O'DANIEL
GRAHAM E. MCDONALD
KARINE M. POLIS
PHILLIP G. GOMBAR*
SARAH E. STOTTMLEYER
JENNIFER A. RINGSMUTH*
PRESTON D. HOLLOWAY
JENNIFER B. SIMPSON
ASPEN S. RAINS*

MARC E. SIROTKIN
BETH GEARHART****
S. NIKOL RICHARDSON*
SCOTT I. SAIDAK*
JENNIFER L. LAFOUNTAIN*
TIMOTHY H. STALLINGS
PRESTON D. PIERCE*

OF COUNSEL:
JOHN L. SKELTON, JR.†

† ALSO ADMITTED IN TN
* ALSO ADMITTED IN FL
** ALSO ADMITTED IN NM
*** ALSO ADMITTED IN NC
**** ALSO ADMITTED IN CA
• ADMITTED ONLY IN TN

JOHN H. MOORE
STEPHEN C. STEELE
WILLIAM R. JOHNSON†
ROBERT D. INGRAM†
J. BRIAN O'NEIL
G. PHILLIP BEGGS
ELDON L. BASHAM
MATTHEW J. HOWARD
JERE C. SMITH
CLAYTON O. CARMACK
KEVIN B. CARLOCK†
ALEXANDER T. GALLOWAY III†
J. KEVIN MOORE
RODNEY R. MCCOLLOCH
SUSAN S. STUART
DANIEL A. LANDIS***
BRIAN D. SMITH

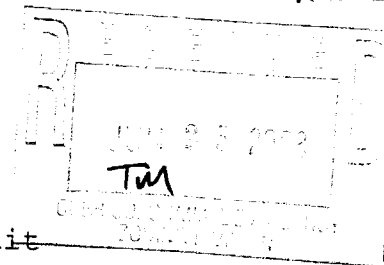
HARRY R. TEAR III
W. TROY HART†
JEFFREY A. DAXE
KIM A. ROPER
JOYCE W. HARPER
AMY K. WEBER
TARA C. RIDDLE
KELLI L. WOLK
VICTOR P. VALMUS
T. SHANE MAYES
ANGELA H. SMITH
OPHELIA W. CHAN
DARRELL L. SUTTON
NICHOLAS J. PETERSON*
JAMES D. WALKER III
CHRISTOPHER D. GUNNELS*
JENNIFER S. WHITE*

June 25, 2008

Min. Bk. 56 Petition No. SLUP-9
Doc. Type Letter of
agreeable conditions
Meeting Date 7-15-08

Hand Delivered

Mr. John P. Pederson, AICP
Planner III
Zoning Division
Cobb County Community Development Agency
Suite 300
191 Lawrence Street
Marietta, Georgia 30060-1661



RE: Application for Special Land Use Permit
Application No.: SLUP-9 (2008)
Applicant: St. Benedict's Episcopal
Church, LLC
Owner: Cooper Lake Investments, LLC
Property: 3.553 acres located at
2160 Cooper Lake Road,
Land Lots 694 and 695,
17th District, 2nd Section,
Cobb County, Georgia

Dear John:

As you know, the undersigned and this firm represent St. Benedict's Episcopal Church, LLC, the Applicant (hereinafter "Applicant"), and Cooper Lake Investments, LLC, the Property Owner (hereinafter referred to as "Owner"), in their Application for Special Land Use Permit with respect to a total tract of 3.553 acres located at 2160 Cooper Lake Road, Land Lots 694 and 695, 17th District, 2nd Section, Cobb County, Georgia (hereinafter the "Subject Property"). After meeting with planning and zoning staff and various departmental representatives, discussions with area homeowner groups and homeowner representatives, and

MOORE INGRAM JOHNSON & STEELE

Mr. John P. Pederson, AICP
Planner III
Zoning Division
Cobb County Community Development Agency
Page 2 of 3
June 25, 2008

Petition No SLUP-9
Meeting Date 7-15-08
Continued

17

reviewing the staff comments and recommendations and the uses of surrounding properties, we have been authorized by the Applicant and Owner to submit this letter of agreeable stipulations and conditions which, if the Application for Special Land Use Permit is approved, as submitted, shall become a part of the grant of the requested approval and shall be binding upon the Subject Property. The referenced stipulations are as follows:

- (1) Applicant seeks a Special Land Use Permit for the Subject Property to allow for the operation of a school for ages 2 through grade 5, with reference to that certain As-Built Survey prepared by McClung Surveying Services, Inc. dated May 16, 2002.
- (2) The maximum number of students enrolled in the proposed day school shall be two hundred eighty (280), phased-in over the next few years.
- (3) Applicant may employ the use of portable classrooms, not to exceed four (4) in number. The classrooms must be removed from the Subject Property on or before six (6) months following the final approval of the Special Land Use Permit by the Board of Commissioners.
- (4) Applicant incorporates by reference the final, official minutes, including referenced attachments, from the Cobb County Board of Commissioners Zoning Hearing held on May 20, 2008, approving Application for Rezoning No. Z-21 (2008).

We believe the requested Special Land Use Permit, together with the stipulations set forth herein, is an appropriate use of the Subject Property. The use proposed by Applicant is beneficial to the surrounding community and will allow for maximum utilization of the existing facilities to be renovated by Applicant. As always, we greatly appreciate your consideration in this request.

MOORE INGRAM JOHNSON & STEELE

Mr. John P. Pederson, AICP
Planner III
Zoning Division
Cobb County Community Development Agency
Page 3 of 3
June 25, 2008

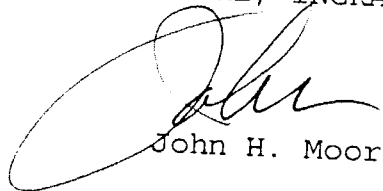
Petition No. SLUP-9
Meeting Date 7-15-08
Continued

18

With kindest regards, I remain

Very truly yours,

MOORE, INGRAM, JOHNSON & STEELE, LLP



John H. Moore

JHM:cc

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

Cobb County Planning Commission:
Murray Homan, Chairman
Judy Williams
Bob Hovey
Christi S. Trombetti
Tom McCleskey

Shane Coldren
Ron Sifen
Vinings Homeowners Association

Suzanne Ballew
Mary Rose Barnes

St. Benedict's Episcopal Church, LLC

LAND USE AND
SPECIAL LAND USE PERMITS
JUNE 2008

Min. Bk. 56 Petition No. SLUP-9
Doc. Type Revised DOT
Comments
Meeting Date 7-15-08

SLUP-9

Per the June 25, 2008 stipulation letter, the Department recommends the applicant provide a plan showing the locations of the temporary classroom trailers, the drop off and pick up locations and any applicable changes to the circulation plan. 19-19

Recommend restricted access along Atlanta Road.

Recommend a deceleration lane along Atlanta Road.

Recommend the applicant develop and present a detailed circulation plan describing how traffic will be handled for all school functions.

Recommend minimizing the number of curb cuts along Cooper Lake Road.

Recommend applicant be required to meet all Cobb County Development Standards and Ordinances related to project improvements.

**MINUTES OF ZONING HEARING
COBB COUNTY BOARD OF COMMISSIONERS
DECEMBER 15, 2015
PAGE 18**

OTHER BUSINESS (CONT.)

~~O.B. 57 To consider amending the stipulations for Elite Auto Collision & Sales regarding rezoning application Z-175 of 1999 (Furniture World, Inc.), for property located on the south side of Veterans Memorial Highway, in Land Lots 46 and 71 of the 18th District.~~

~~Mr. Pederson provided information regarding a stipulation amendment to allow an auto body repair shop. The public hearing was opened, and Mr. Quintin Lewis and Ms. Robin Meyer addressed the Board. Following presentation and discussion, the following motion was made:~~

~~MOTION: Motion by Cupid, second by Lee, to **hold** O.B. 57 until the February 16, 2016 Board of Commissioners' Zoning Hearing.~~

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

O.B. 58 To consider amending the stipulations for St. Benedicts Episcopal Church, LLC regarding rezoning case Z-21 of 2008, Z-29 of 2012 and SLUP-9 of 2008 (St. Benedicts Episcopal Church, LLC) located in Land Lots 694 and 695 of the 17th District.

Mr. Pederson provided information regarding a stipulation amendment to increase the number of students and remove "green building" upon purchase of that parcel. The public hearing was opened and Mr. John Moore and Ms. Mary Rose Barnes addressed the Board. Following presentation and discussion, the following motion was made:

MOTION: Motion by Ott, second by Birrell, to **approve** O.B. 58 for stipulation amendments regarding case Z-21 of 2008, Z-29 of 2012 and SLUP-9 of 2008 (St. Benedicts Episcopal Church, LLC) located in Land Lots 694 and 695 of the 17th District, **subject to:**

1. Letter of agreeable conditions from Mr. John Moore dated December 11, 2015 (attached and made a part of these minutes), with the following changes:

- **Item No. 4 – modify to read: “... Department of Transportation and District Commissioner for approval.”**
- **Item No. 7 – add to end: “To be approved by the District Commissioner.”**
- **Add Item No. 9 – “If the use of any building changes, then it is to come back to the Board of Commissioners as an Other Business Item**

2. “Green building” property to go through the zoning process before use

**MINUTES OF ZONING HEARING
COBB COUNTY BOARD OF COMMISSIONERS
DECEMBER 15, 2015
PAGE 19**

OTHER BUSINESS (CONT.)

O.B. 58 (CONT.)

- 3. Water and Sewer Division comments and recommendations: Increase in student population may be subject to System Development Fees (sewer fee) due to increased expected wastewater discharge.**
- 4. Cobb DOT comments and recommendations: Recommend an internal traffic circulation plan to ensure additional vehicles for the school can be queued on site.**
- 5. All previous stipulations and conditions, *not otherwise in conflict*, to remain in effect**

VOTE: **ADOPTED** unanimously

~~**O.B. 60** To consider granting a Special Exception for a reduction of public road frontage as recommended by the Board of Zoning Appeals from their November 11, 2015 Variance Hearing regarding Variance Application:~~

~~V-136 Michael and Loriann Thibodeaux~~

~~Mr. Pederson provided information regarding granting a Special Exception for a reduction of public road frontage. The public hearing was opened, and there being no speakers, the hearing was closed. Following presentation and discussion, the following motion was made:~~

~~MOTION: Motion by Weatherford, second by Lee, to **approve** O.B. 60 for granting a Special Exception for a reduction of public road frontage.~~

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

~~**O.B. 61** To consider granting a Special Exception for a reduction of public road frontage as recommended by the Board of Zoning Appeals from their November 11, 2015 Variance Hearing regarding Variance Application:~~

~~V-150 AJAY North America, LLC~~

~~Mr. Pederson provided information regarding granting a Special Exception for a reduction of public road frontage. The public hearing was opened, and there being no speakers, the hearing was closed. Following presentation and discussion, the following motion was made:~~

~~MOTION: Motion by Cupid, second by Weatherford, to **approve** O.B. 61 for granting a Special Exception for a reduction of public road frontage.~~

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

MOORE INGRAM JOHNSON & STEELE

A LIMITED LIABILITY PARTNERSHIP
WWW.MIJS.COM

JOHN H. MOORE
STEPHEN C. STEELE
WILLIAM R. JOHNSON†
ROBERT D. INGRAM†
J. BRIAN O'NEIL
G. PHILLIP BEGGS
ELDON L. BASHAM
MATTHEW J. HOWARD
JERE C. SMITH
CLAYTON O. CARMACK
KEVIN B. CARLOCK†
ALEXANDER T. GALLOWAY III†
J. KEVIN MOORE
RODNEY R. MCCOLLOCH
SUSAN S. STUART
BRIAN D. SMITH
HARRY R. TEAR III
W. TROY HART†
JEFFREY A. DAXE
KIM A. ROPER†
VICTOR P. VALMUS
ANGELA H. SMITH†
CHRISTOPHER C. MINGLEDORFF
ANGELA D. TARTLINE
PHILIP C. THOMPSON

SHANE MAYES
ALEXANDER B. MORRISON*
GREGORY H. FULLER*
DOUGLAS W. BUTLER, JR.
JOYCE W. HARPER
CAREY E. OLSON*
CHARLES E. PIERCE*
WILMA R. BUSH
TODD I. HEIRD*
CARLA C. WESTER‡
AMY L. JETT*
RYAN M. INGRAM
SHAWN G. SHELTON
D. AUSTIN GILLIS†
KRISTEN C. STEVENSON*
SARAH H. BEST*†
RYAN C. EDENS*
JULIE C. FULLER*
JODI B. LODEN*
TAMMI L. BROWN
DAVID A. HURTADO
J. MARSHALL WEHUNT
JONATHAN J. SMITH
WILLIAM B. WARIHAY*
COLLEEN K. HORN*....

MARIETTA, GEORGIA
EMERSON OVERLOOK
326 ROSWELL ST • STE 100
MARIETTA, GEORGIA 30060
TELEPHONE (770) 429-1499

KNOXVILLE, TENNESSEE
408 N. CEDAR BLUFF RD • STE 500
KNOXVILLE, TENNESSEE 37923
TELEPHONE (865) 692-9039

JACKSONVILLE, FLORIDA
10151 DEERWOOD PARK BLVD • BLDG 200, STE 250
JACKSONVILLE, FLORIDA 32256
TELEPHONE (904) 426-1465

NASHVILLE, TENNESSEE
3200 WEST END AVE • STE 500
NASHVILLE, TENNESSEE 37203
TELEPHONE (615) 425-7347

LEXINGTON, KENTUCKY
2333 ALEXANDRIA DRIVE
LEXINGTON, KENTUCKY 40504
TELEPHONE (502) 410-6021

CHARLESTON, SOUTH CAROLINA
885 ISLAND PARK DR • STE B
CHARLESTON, SOUTH CAROLINA 29492
TELEPHONE (843) 302-0002

ORLANDO, FLORIDA
7380 W. SAND LAKE RD • STE 500
ORLANDO, FLORIDA 32819
TELEPHONE (407) 367-6233

DAVID J. OTTEN*
JONATHAN S. FUTRELL
NORBERT D. HUMMEL, IV
DAVID P. CONLEY
MARIANNA L. JABLONSKI*
LOURDES M. SANCERNI‡
J. DANIEL COLE
RYAN S. ROBINSON
JOSEPH D. SHELLEY
LESLIE S. NEUBAUER
JENNIFER B. SIMPSON
CHRISTIAN H. LAYCOCK
LIZA D. HARRELL**
JESSICA A. KING
JOHN A. EARLY
CHRISTOPHER W. SHERMAN*
JESS E. MAPLES*
FREDERICK F. FISHER***
KENNETH D. HALL
RAHUL SHETH
GRANT S. TALL
KIMBERLY E. THOMPSON*
BRENT R. LAMAN*
CHRISTOPHER R. BROOKS*
ADAM S. ROSENBERG

CHRISTOPHER D. TROUTMAN
ALLISON M. HELSINGER*
BENJAMIN T. BROTHERS*
MICHAEL R. BEANE‡
N. CRAIG HOLLOWAY*
MICHAEL E. PATTERSON***
MATTHEW L. JONES
NELOFAR AGHARAHIMI*
ANTHONY J. TROMMELLO

OF COUNSEL:

JOHN L. SKELTON, JR.†

† ALSO ADMITTED IN TN

* ALSO ADMITTED IN FL

*** ALSO ADMITTED IN CA

^ ALSO ADMITTED IN TX

• ALSO ADMITTED IN AL

‡ ALSO ADMITTED IN KY

◊ ALSO ADMITTED IN SC

• ALSO ADMITTED IN NC

** ALSO ADMITTED IN IN

‡ ADMITTED ONLY IN TN

◊ ADMITTED ONLY IN FL

*** ADMITTED ONLY IN SC

• ADMITTED ONLY IN KY

December 11, 2015

Hand Delivered

Min. Bk. 77 Petition No. 0.B.58
Doc. Type letter

Meeting Date 12-15-15

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

RE: Application for "Other Business" - OB-058-2015

Applicant/Property Owner:
Property:

(Z-21 (2008), SLUP-9 (2008), Z-29 (2012))
St. Benedict's Episcopal Church, LLC
Property located on the east side of Cooper
Lake Road and one the west side of Atlanta
Road, north of Cumberland Boulevard, Land
Lots 694 and 695, 17th District, 2nd Section,
Cobb County, Georgia

Dear John:

On behalf of the Applicant and Property Owner, St. Benedict's Episcopal Church, LLC (hereinafter collectively referred to as "Applicant"), please accept the following as agreeable stipulations and conditions, which, if the referenced Application for "Other Business" is approved, as submitted, shall become a part of the grant of the requested approvals and shall be binding upon the property located on the east side of Cooper Lake Road and on the west side of Atlanta Road, north of Cumberland Boulevard, Land Lots 694 and 695, 17th District, 2nd Section,

MOORE INGRAM JOHNSON & STEELE

Mr. John P. Pederson, AICP
Zoning Division Manager
Zoning Division
Cobb County Community Development Agency
Page 2 of 3
December 11, 2015

Petition No. 0.B.58
Meeting Date 12-15-15
Continued

Cobb County, Georgia, and being more particularly known as 2160 Cooper Lake Road (hereinafter "Property" or "Subject Property"). The proposed stipulations are as follows:

- (1) Applicant shall purchase, on or before the expiration of one hundred eighty (180) days from final zoning approval, the "green building property" located adjacent to the Subject Property. If the purchase is not completed within the time frame herein stated, then, and in such event, any approval by the Board of Commissioners of the matters herein contained, and as set forth in the pending Application for "Other Business," shall automatically stand revoked.
- (2) If the "green building property" is purchased, Applicant agrees to demolish the building within twelve (12) months from the date of purchase.
- (3) On or before the expiration of thirty (30) days from the date of purchase of the "green building property," Applicant agrees to clean and remove all debris from the property, and maintain it in a clean and orderly fashion thereafter.
- (4) Prior to the first day of school in August 2016, Applicant shall have prepared a traffic flow plan and shall submit it to Cobb County Department of Transportation for approval.
- (5) Applicant agrees to stagger the arrival and dismissal times of students, providing a period of 15 to 20 minutes between each phase of arrival and dismissal.
- (6) Applicant agrees to add an additional stacking lane along the upper and back side of the building to allow increased stacking, and preventing vehicles from backing up on Cooper Lake Road awaiting entry into the Property.
- (7) The new car pool procedure, as set forth above, and as shown and reflected on the traffic flow plan, shall commence on the first day of school in August 2016.
- (8) The balance and remainder of the stipulations and conditions applicable to the overall, existing residential community are unchanged by the approvals requested by Applicant in its Application for "Other Business."

MOORE INGRAM JOHNSON & STEELE

Mr. John P. Pederson, AICP
Zoning Division Manager
Zoning Division
Cobb County Community Development Agency
Page 3 of 3
December 11, 2015

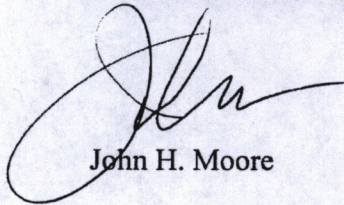
Petition No. 0. B. 58
Meeting Date 12-15-15
Continued

We believe the requested approvals, as presented in the Application for "Other Business," and as memorialized by the stipulations set forth herein, are an appropriate modification for the Subject Property, and will allow Applicant to continue to grow and serve its members and the community. Thank you for your consideration in this request.

With kindest regards, I remain

Very truly yours,

MOORE, INGRAM, JOHNSON & STEELE, LLP



John H. Moore

JHM:cc

c: Cobb County Board of Commissioners:

JoAnn Birrell
Lisa N. Cupid
Robert J. Ott
Bob Weatherford

Jason A. Campbell
Planner III
Timothy D. Lee, Chairman
Zoning Division
Cobb County Community Development Agency

Mary Rose Barnes
Suzanne Ballew
Area Residents

St. Benedict's Episcopal Church, LLC

**MINUTES OF ZONING HEARING
COBB COUNTY BOARD OF COMMISSIONERS
AUGUST 16, 2016
PAGE 18**

OTHER BUSINESS (CONT.)

O.B. 43 To consider amending the site plan and zoning stipulations for Addanki and Lakshmi Hanumantha regarding rezoning application Z-59 (SIR Properties, Inc.) of 2004, for property located on the north side of Thayer Drive, west of Lost Mountain Road in Land Lots 429 and 430 of the 19th District (4210 Thayer Drive).

Mr. Pederson provided information regarding stipulation and site plan amendments to reduce the 30 foot maintained natural buffer to a 10 foot landscape buffer. The public hearing was opened, and Mr. Hanumantha Addanki, Mr. Chris Rehkauf, and Ms. Linda Rehkauf addressed the Board. Following presentation and discussion, the following motion was made:

MOTION: Motion by Weatherford, second by Lee, to **deny** O.B. 43, with the following directive:

- 1. Applicant to meet with County Arborist to determine what scrub vegetation may be disturbed and continue to maintain integrity of the buffer per the current Code**

VOTE: **ADOPTED 5-0**

Clerk's Note: Commissioner Weatherford directed staff to visit the other properties in Lost Mountain Trails approved for buffer reductions to ensure proper maintenance.

O.B. 46 To consider amending the stipulations for St. Benedicts Episcopal Church, LLC regarding rezoning case Z-21 of 2008, Z-29 of 2012 and SLUP-9 of 2008 (St. Benedicts Episcopal Church, LLC) located on the east side of Cooper Lake Road and on the west side of Atlanta Road in Land Lots 694 & 695 of the 17th District.

Mr. Pederson provided information regarding a stipulation amendment to allow the Applicant to lease the "green building." The public hearing was opened, and Mr. John Moore and Ms. Mary Rose Barnes addressed the Board. Following presentation and discussion, the following motion was made:

MOTION: Motion by Ott, second by Birrell, to **approve** O.B. 46 for stipulation amendment regarding application Z-21 of 2008, Z-29 of 2012 and SLUP-9 of 2008 (St. Benedicts Episcopal Church, LLC) located on the east side of Cooper Lake Road and on the west side of Atlanta Road in Land Lots 694 & 695 of the 17th District, subject to:

MINUTES OF ZONING HEARING
COBB COUNTY BOARD OF COMMISSIONERS
AUGUST 16, 2016
PAGE 19

OTHER BUSINESS (CONT.)

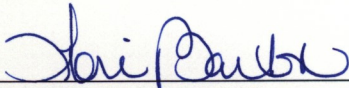
O.B. 46 (CONT.)

1. ***“Exhibit A”*** contained in the Other Business packet (attached and made a part of these minutes), with the following addition:
 - A. ***“Upon commencement of the 2017 school year, as student population increases, Applicant will consult with Cobb DOT to ensure the adequacy of a Traffic Flow Plan.”***
2. The ***“green building”*** to be demolished within six months of this decision or said building will be repainted, with District Commissioner approving color
3. All previous stipulations and conditions, ***not otherwise in conflict***, to remain in effect

VOTE: ADOPTED 5-0

ADJOURNMENT

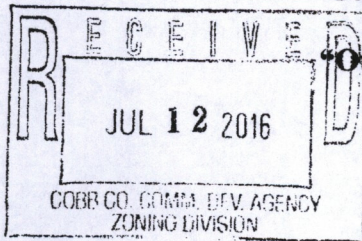
The meeting was adjourned at 1:30 p.m.



Lori Barton, Deputy County Clerk
Board of Commissioners

EXHIBIT "A" - ATTACHMENT TO APPLICATION FOR "OTHER BUSINESS"
(Stipulation Amendment)

Application Nos.: Z-21 (2008); SLUP-9 (2008); Z-29 (2012)
Original Hearing Dates: May 20, 2008; July 15, 2008;
August 21, 2012
Date of Zoning Decisions: May 20, 2008; July 15, 2008;
August 21, 2012
"Other Business" Hearings: December 16, 2008; June 16, 2009;
(as to Z-21 (2008) only) April 20, 2010
"Other Business" Hearing: December 15, 2015
(as to all Applications)
Current Hearing Date: August 16, 2016



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

On May 20, 2008, the Cobb County Board of Commissioners granted a request to rezone property located at 2160 Cooper Lake Road from the RM-12 zoning classification to the Office and Institutional ("OI") zoning classification to renovate and refurbish the existing church facilities and parking area for use as a church and day school. One of the stipulations approved in the original rezoning allowed for a "maximum number of students of two hundred eighty (280), phased-in over the next few years." On December 15, 2015, the Board of Commissioners approved the Applicant's request to increase the maximum number of students on the main campus from the previously approved two hundred eighty (280) students to three hundred eighty (380) students. The approval was based upon certain stipulations and conditions which were set forth in the final minutes.

Applicant now seeks amendment of three stipulations which were set forth in the letter of agreeable stipulations and conditions dated December 11, 2015, attached and made a part of the final minutes of the December 15, 2015, Board of Commissioners Zoning Hearing which approved the increase of the maximum number of enrolled students to three hundred eighty (380), as follows:

- (A) Paragraph 1 of the December 11, 2015, letter of agreeable stipulations and conditions shall be deleted in its entirety and the following inserted in lieu thereof:
- (1) Applicant shall purchase, or lease for its exclusive use, on or before the expiration of one hundred eighty (180) days from final zoning approval, the "green building property" located adjacent to the Subject Property. If the purchase or lease is not completed within the time frame herein stated, then, and in such event, any approval by the Board of Commissioners of the matters herein contained, and as set forth in the pending Application for "Other Business," shall automatically stand revoked.

- (B) Paragraph 2 of the December 11, 2015, letter of agreeable stipulations and conditions shall be deleted in its entirety and the following inserted in lieu thereof:
- (2) If the “green building property” is purchased or leased, Applicant agrees to demolish the building within twelve (12) months from the date of said purchase or lease.
- (C) Paragraph 3 of the December 11, 2015, letter of agreeable stipulations and conditions shall be deleted in its entirety and the following inserted in lieu thereof:
- (3) On or before the expiration of thirty (30) days from the date of purchase or lease of the “green building property,” Applicant agrees to clean and remove all debris from the property , and maintain it in a clean and orderly fashion thereafter.

If the proposed, revised stipulations are approved, as submitted in this Application, they shall become an additional part of the final rezoning and shall be binding upon the Subject Property.

The balance and remainder of the stipulations and conditions specifically enumerated in the final, official minutes, and attachments thereto, of the Board of Commissioners Zoning Hearings held on May 20, 2008; July 15, 2008; and August 21, 2012, together with any “Other Business” decisions applicable to the Subject Property, are unaltered by this request for Stipulation Amendment and shall remain in full force and effect.