

Application for Rezoning Cobb County, Georgia

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

Application No. z-21 (2008)

PC Hearing Date: 05/06/2008

BOC Hearing Date: 05/20/2008

Applicant ST. Benedict's Episcopal Church LLC Business Phone 678-279-4300
(applicant's name printed) Suite 420, 30339

Address 400 Interstate North Parkway Home Phone _____

Rev. Lang Lowry III Address 400 Interstate North Pkwy, Suite 420
(representative's name, printed) Atlanta Ga 30339

Rev. Lang Lowry III Business Phone 678-279-4300 Cell Phone 678-488-8000
(representative's signature)

BERNATHA NELSON
Notary Public, DeKalb Co, GA
My Commission Expires Sept 23, 2011

Signed, sealed and delivered in presence of:

Bernatha Nelson
Notary Public

My commission expires: 9-23-11

Titleholder Cooper Lake Investments LLC Business Phone 678-385-2727 Home Phone 770-973-1861
(titleholder's name, printed)

Signature [Signature] Address 4045 Orchard Road, Bldg. 400 Smyrna
(attach additional signature, if needed) 30080

Barry E. McWhirter, Manager
Signed, sealed and delivered in presence of:

[Signature]
Notary Public

Notary Public Cobb County Georgia
My commission expires: May 6 2010

Zoning Request From RM-12 to O/I
(present zoning) (proposed zoning)

For the Purpose of CHURCH + DAY SCHOOL Size of Tract 3.553 Acre(s)
(subdivision, restaurant, warehouse, apt., etc.)

Location 2160 COOPER LAKE ROAD SMYRNA 30080
(street address, if applicable; nearest intersection, etc.)

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

We have investigated the site as to the existence of archeological and/or architectural landmarks. I hereby certify that there are no such assets. If any exist, provide documentation with this application to the best of our knowledge, information, and belief.

ST. BENEDICT'S EPISCOPAL CHURCH, LLC
BY: Rev. Lang Lowry III
(applicant's signature)

We have investigated the site as to the existence of any cemetery located on the above property. I hereby certify that there is no such a cemetery. If any exist, provide documentation with this application to the best of our knowledge, information, and belief.

ST. BENEDICT'S EPISCOPAL CHURCH, LLC
BY: Rev. Lang Lowry III
(applicant's signature)
Rev. Lang Lowry

ATTACHMENT TO APPLICATION FOR REZONING

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Application No.: Z- 21 (2008)
Hearing Dates: May 6, 2008, and
May 20, 2008

Applicant: St. Benedict's Episcopal Church, LLC
Titleholder: Cooper Lake Investments, LLC

Attorneys for Applicant and Property Owner:

MOORE INGRAM JOHNSON & STEELE, LLP

BY: John H. Moore by ELLK w/ express permission
John H. Moore
Georgia Bar No. 519800

Attorneys for Applicant and Property Owner

John H. Moore, Esq.
Moore Ingram Johnson & Steele, LLP
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192 Anderson Street
Marietta, Georgia 30060
(770) 429-1499
(770) 429-8631 (Telefax)
E-mail Address: jmoore@mijs.com
W7@mijs.com

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

A LIMITED LIABILITY PARTNERSHIP
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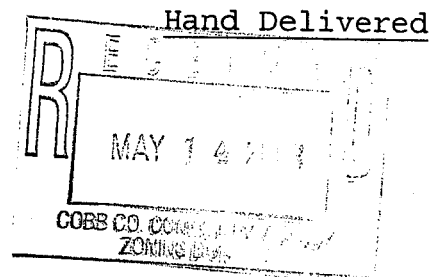
OF COUNSEL:
JOHN L. SKELTON, JR.†

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* 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
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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

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Mr. John P. Pederson, AICP
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Cobb County Community Development Agency
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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

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Mr. John P. Pederson, AICP
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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

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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.

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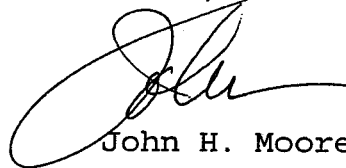
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As always, we greatly appreciate your consideration in this request.

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)

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OF COUNSEL:
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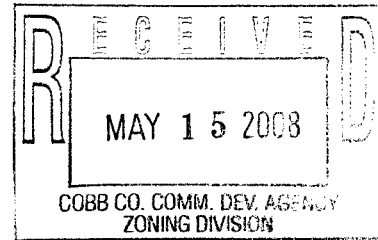
† ALSO ADMITTED IN TN
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May 15, 2008

Min. Bk. 56 Petition No. Z-21
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agreeable conditions
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Mr. John P. Pederson, AICP
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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:

MOORE INGRAM JOHNSON & STEELE

Mr. John P. Pederson, AICP
Planner III
Zoning Division
Cobb County Community Development Agency
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- (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.

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Mr. John P. Pederson, AICP

Planner III

Zoning Division

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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

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- 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

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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
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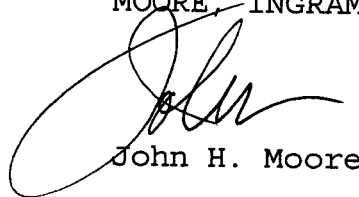
PAGE 6 OF

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

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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 5/20/08

APPLICANT: St. Benedict's Episcopal Church, LLC

PETITION NO.: Z-21

PRESENT ZONING: RM-12

PETITION FOR: O&I

PLANNING COMMENTS:

Staff Member Responsible: John P. Pederson, AICP

Land Use Plan Recommendation: High Density Residential

Proposed Number of Buildings: 1(existing) Total Square Footage of Development: 29,038

F.A.R.: 0.18 Square Footage/Acre: 8,172

Parking Spaces Required: 150 Parking Spaces Provided: 150

The applicant is requesting the O&I zoning district to place a church and related facilities in the closed church building. The property was rezoned in 2005 for condominiums; however, the condominium development plans have been abandoned. The existing building would be renovated to accommodate the new church. The church will have a day school for children up to six years of age. The school will be open seven days a week, from 6:00 a.m. to noon.

Historic Preservation: After consulting various county historic resources surveys, historic maps, archaeology surveys and Civil War trench location maps, staff finds that no known significant historic resources appear to be affected by this application. No further comment. No action by applicant requested at this time.

Cemetery Preservation: No comment.

FIRE COMMENTS:

Fire Apparatus Access Road

All access roads shall have an all weather driving surface capable of supporting 75,000 pounds with an unobstructed width of not less than 20 feet, 25 feet inside turning radius, 50 foot outside turning radius and unobstructed vertical clearance of not less than 13 feet 6 inches.

Access road shall extend to within 150-feet of all portions of the facility or any portion of the exterior wall of the first floor.

Dead-end access roads in excess of 150-feet shall be provided with a turn-around by one of the following methods:

Commercial: Cul-d-sac without an island to have a 60 foot paved radius or Hammerhead turn-around – total of 110 feet needed (45 feet + 20 foot wide roadway + 45 feet).

Fire Hydrant

Commercial: Fire hydrant within 500 feet of most remote part of structure.

APPLICANT St Benedict's Episcopal Church, LLC

PETITION NO. Z-021

PRESENT ZONING RM-12

PETITION FOR OI

NOTE: Comments reflect only what facilities appeared of record at the time of this review. Field verification required by developer.

WATER COMMENTS:

Available at Development? Yes No
Fire Flow Test Required? Yes No

Size / Location of Existing Water Main(s) 8" CI / W side West Atlanta Rd

Additional Comments:

Developer may be required to install/upgrade water mains, based on fire flow test results or Fire Department Code. This will be resolved in the Plan Review Process.

SEWER COMMENTS:

In Drainage Basin? Yes No
At Development? Yes No

Approximate Distance to Nearest Sewer: In street

Estimated Waste Generation (in G.P.D.): **A D F** 3360 add'l **Peak** 8400 add'l

Treatment Plant: Sutton

Plant Capacity Available? Yes No
Line Capacity Available? Yes No
Projected Plant Availability: 0 - 5 year 5 - 10 years over 10 years
Dry Sewers Required? Yes No
Off-site Easements Required? Yes* No
Flow Test Required? Yes No
Septic Tank Recommended by this Department? Yes No
Subject to Health Department Approval? Yes No

* If off-site easements are required, Developer must submit easements to CCWS for review / approval as to form and stipulations prior to the execution of easement(s) by the property owner(s). All easement acquisitions are the responsibility of the Developer.

Additional Comments:

Notes FYI:

Developer will be responsible for connecting to the existing County water and sewer systems, installing and/or upgrading all outfalls and water mains, obtaining on and/or off site easements, dedication of on and/or off site water and sewer to Cobb County, as may be required. Rezoning does not guarantee water/sewer availability/capacity unless so stated in writing by the Cobb County Water System. Permit issuances subject to continued treatment plant compliance with EPD discharge requirements.

APPLICANT: St. Benedict's Episcopal Church, LLC

PETITION NO.: Z-21

PRESENT ZONING: RM-12

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DRAINAGE COMMENTS

No building expansion or site improvements are proposed at this time. Minor parking lot changes may be required to improve circulation or meet DOT access requirements. However, if additional impervious area is less than 5000 square feet then no stormwater management will be required. Any redevelopment or significant site changes will be required to meet current Stormwater Management requirements.