

**JULY 17, 2012 ZONING HEARING
“OTHER BUSINESS”
COMMISSION DISTRICT 4**

ITEM # 2

PURPOSE

To consider amending the Temporary Land Use Permit stipulations regarding application LUP-21 (Word of Faith Family Worship Center, Inc.) of 2011, for property located at the northwest intersection of The Bluffs and Riverside Parkway, in Land Lots 697 and 698 of the 18th District.

BACKGROUND

The subject property received a Temporary Land Use Permit for daycare/preschool facility on July 19, 2011. One of the stipulations limited the number of children to a maximum of 100 students. The applicants program has been very successful and they have the need to increase the maximum number of students to 155 students. The applicant has the resources and space to increase the number of students without adversely affecting adjacent properties. If approved, all other stipulations would remain in effect.

FUNDING

N/A

RECOMMENDATION

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

ATTACHMENTS

Other Business Application and stipulations.

2

Application for "Other Business" Cobb County, Georgia

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

BOC Hearing Date Requested: July 17, 2012

Applicant: Word of Faith Family Worship Center, Inc. Phone #: (770) 874-8400
(applicant's name printed)

Address: 212 Riverside Parkway, Austell, GA 30168 **E-Mail:** chardy@woffamily.org

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

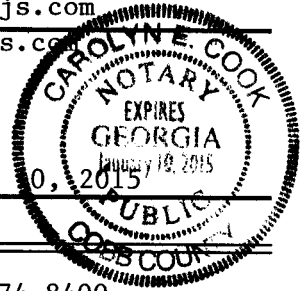
(representative's name, printed)

BY: [Signature] Phone #: (770) 429-1499 E-Mail: jkm@mij.s.com
(representative's signature) w7@mij.s.com

Signed, sealed and delivered in presence of:

[Signature: Carolyn E. Cook]
Notary Public

My commission expires: January 0, 2015



Titleholder(s): Word of Faith Family Worship Center Phone #: (770) 874-8400
(property owner's name printed) Inc.

Address: 212 Riverside Parkway, Austell, GA 30168 **E-Mail:** chardy@woffamily.org

See Exhibit "A" attached hereto for
Applicant/Titleholder's Signature
(Property owner's signature)

AS 3:35
JUN 12 2012

Signed, sealed and delivered in presence of:

Notary Public My commission expires: _____

Commission District: 4 (Thompson) **Zoning Case:** LUP-21 (2011)

Date of Zoning Decision: 07/19/2011 **Original Date of Hearing:** 07/19/2011

Location: 7680 The Bluffs, N.W.
(street address, if applicable; nearest intersection, etc.)

Land Lot(s): 697, 698 **District(s):** 18th

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

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

(List or attach additional information if needed)

EXHIBIT "A" - ATTACHMENT TO APPLICATION FOR "OTHER BUSINESS"

Application No.: LUP-21 (2011)
Original Hearing Date: July 19, 2011
Date of LUP Decision: July 19, 2011
Current Hearing Date: July 17, 2012

Applicant/Titleholder: **Word of Faith Family Worship Center, Inc.**

WORD OF FAITH FAMILY WORSHIP CENTER, INC.

BY: Rev. Cal Hardy
Reverend Cal Hardy
Business Administrator

[Corporate Seal]

Address: 212 Riverside Parkway
Austell, Georgia 30168

Telephone No.: (770) 874-8400

Signed, sealed, and delivered in the presence of:

Jane d. Mims
Notary Public
Commission Expires: August 4, 2012

[Notary Seal]

EXHIBIT "B" - ATTACHMENT TO APPLICATION FOR "OTHER BUSINESS"
(STIPULATION AMENDMENT)

Application No.: LUP-21 (2011)
Original Hearing Date: July 19, 2011
Date of LUP Decision: July 19, 2011
Current Hearing Date: July 17, 2012

Applicant/Titleholder: Word of Faith Family Worship Center, Inc.

On July 19, 2011, the Cobb County Board of Commissioners approved the temporary land use permit allowing Applicant to operate the "Seeds of Excellence" daycare/preschool on the property located at 7680 The Bluffs, subject to a stipulation as follows:

- Maximum of 100 students

Applicant requests the stipulation be amended as follows:

- Maximum of 155 students.

The balance and remainder of the stipulations and conditions specifically enumerated in the official minutes, and attachments thereto, of the Board of Commissioners Zoning Hearing held on July 19, 2011, are unaltered by this request for Stipulation Amendment and shall remain in full force and effect.

The amendment requested and presented above in no way adversely impacts or affects the remainder of the operation of the daycare/preschool. If the requested amendment is approved, as submitted, it shall become a part of the temporary land use permit and shall be binding upon the daycare/preschool.

RESOLUTION OF WORD OF FAITH FAMILY WORSHIP CENTER, INC.

THE UNDERSIGNED, being the Chief Executive Officer and Secretary of WORD OF FAITH FAMILY WORSHIP CENTER, INC., a non-profit corporation organized and existing under the laws of the State of Georgia (hereinafter referred to as the "Church"), does hereby waive notice and waive the furnishing of any material otherwise required to be furnished and adopts the following actions and resolutions on behalf of the Church.

WHEREAS, the Church intends to file an Application for "Other Business" as to real property located at 7680 The Bluffs, N.W., Suite 700, Land Lots 697 and 698, 18th District, 2nd Section, Cobb County, Georgia (hereinafter referred to as the "Subject Property"); and

WHEREAS, in connection with the filing of the Application for "Other Business," the Church must execute certain documents including, without limitation, an Application for "Other Business" and other ancillary documentation (hereinafter collectively referred to as "Application") to consummate the contemplated filing of the Application, and a Resolution is needed to authorize the Application and to specifically authorize the execution on behalf of the Church of all documents necessary to consummate the filing of the Application; and,

WHEREAS, the undersigned has reviewed and approved the form of the Application and related documents; and

WHEREAS, the undersigned are the Chief Executive Officer and Secretary of the Church.

NOW, THEREFORE, BE IT RESOLVED that REVEREND CAL HARDY, Business Administrator of the Church, is hereby authorized to execute the aforesaid Application for "Other Business" and any and all other documents necessary or appropriate to file and complete the approval of an amendment to the previously approved land use permit for the Subject Property.

RESOLVED, FURTHER, that any and all acts related to the filing of the Application and the pursuit of the amendment by REVEREND CAL HARDY are pursuant to the authority hereby presented and are approved, ratified, and accepted as actions of the Church.

RESOLVED, FURTHER, the foregoing resolution was entered upon the minutes of the Church as and for the action of the Church on the date herein specified, and that the foregoing is a true and correct copy of such Resolution as it appears on the records of the Church and that the

signature of the officer is authentic and genuine.

IN WITNESS WHEREOF, the undersigned have hereunto set their hands and seals as of the date set forth below.

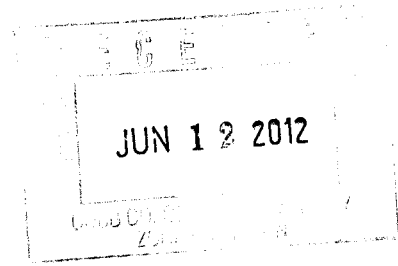
WORD OF FAITH FAMILY WORSHIP
CENTER, INC.

BY: Dale C. Bronner
Dale C. Bronner
Chief Executive Officer

BY: Nina D. Bronner
Nina D. Bronner
Secretary

[S E A L]

Date Executed: June 10, 2012



**OFFICIAL MINUTES OF
COBB COUNTY BOARD OF
COMMISSIONERS ZONING HEARING
HELD ON JULY 19, 2011**

**MINUTES OF ZONING HEARING
COBB COUNTY BOARD OF COMMISSIONERS
JULY 19, 2011
9:00 A.M.**

The Board of Commissioners' Zoning Hearing was held on Tuesday, July 19, 2011 at 10:00 a.m. in the second floor public meeting room of the Cobb County building, Marietta, Georgia. Present and comprising a quorum of the Board were:

Chairman Tim Lee
Commissioner JoAnn Birrell
Commissioner Helen Goreham
Commissioner Robert Ott
Commissioner Woody Thompson

LUP-21 WORD OF FAITH FAMILY WORSHIP CENTER, INC. (owner) requesting a Land Use Permit for the purpose of a Daycare Facility in Land Lots 697 and 698 of the 18th District. Located at the northwest intersection of The Bluffs and Riverside Parkway.

MOTION: Motion by Thompson, second by Birrell, as part of the Consent Agenda, to approve Land Use Permit for 24 months subject to:

- site plan received by the Zoning Division on May 11, 2011 with District Commissioner approving minor modifications (attached and made a part of these minutes)
- letter of agreeable conditions from Mr. Kevin Moore dated July 7, 2011 (attached and made a part of these minutes), *with the following changes:*
 - Item No. 1 – Delete in its entirety
 - Item No. 2 – Add to end: *“No electronic sign elements.”*
- maximum of 100 students
- Cobb DOT to approve traffic circulation plan
- Fire Department comments and recommendations
- Cobb DOT comments and recommendations, *not otherwise on conflict*

VOTE: ADOPTED unanimously

Clerk's Note: Commissioner Goreham directed staff to examine the potential for zoning decisions to create situations where non-profits are in competition with private business, such as daycares in churches.

MOORE INGRAM JOHNSON & STEELE

A LIMITED LIABILITY PARTNERSHIP
WWW.MIJS.COM

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OF COUNSEL:
JOHN L. SKELTON, JR.¹

¹ ALSO ADMITTED IN TN
¹ ALSO ADMITTED IN FL
¹ ALSO ADMITTED IN NM
¹ ALSO ADMITTED IN CA
¹ ALSO ADMITTED IN PA
¹ ALSO ADMITTED IN TX
¹ ALSO ADMITTED IN AL
¹ ALSO ADMITTED IN NY
¹ ALSO ADMITTED IN NV
¹ ADMITTED ONLY IN TN
¹ ADMITTED ONLY IN FL

July 7, 2011

Mr. Terry Martin, MPA
Planner II
Zoning Division
Cobb County Community Development Agency
Suite 400
1150 Powder Springs Road
Marietta, Georgia 30064

Hand Delivered COBB COUNTY CLERK THIS 7th DAY
OF July 2011 BY Kevin Moore
RE LUP 21
Kevin Moore
COUNTY CLERK/ASST. COUNTY CLERK/DEPUTY COUNTY CLERK
COBB COUNTY, GEORGIA
Min. Bk. 603 Petition No. LUP 21
Doc. Type letter of agreeable
conditions
Meeting Date 7/19/11

RE: Application for Temporary Land Use Permit - Application No. LUP-2T (2011)
Applicant/Property Owner: Word of Faith Family Worship Center, Inc.
Property: 7.515± acres located at Suite 700, 7680 The Bluffs, N.W., Land Lots 697 and 698, 18th District, 2nd Section, Cobb County, Georgia

Dear Terry:

The undersigned and this firm represent the Applicant and Property Owner, Word of Faith Family Worship Center, Inc.. (hereinafter collectively referred to as "Applicant"), with respect to the above-referenced Application for Temporary Land Use Permit and the property located at Suite 700, 7680 The Bluffs, Land Lots 697 and 698, 18th District, 2nd Section, Cobb County, Georgia (hereinafter the "Subject Property"). After meeting with planning and zoning staff and various departmental representatives and reviewing the staff comments and recommendations and the uses of surrounding properties, we have been authorized by the Applicant to submit this letter of agreeable stipulations and conditions which, if the Application for Temporary Land Use Permit is approved, as submitted, shall become a part of the grant of the requested land use permit and shall be binding upon the Subject Property. The referenced stipulations are as follows:

MOORE INGRAM JOHNSON & STEELE

Mr. Terry Martin, MPA
Planner II
Zoning Division
Cobb County Community Development Agency
Page 2 of 2
July 7, 2011

Petition No. LUP 21
Meeting Date 7/19/11
Continued

- (1) Applicant agrees to obtain a business license for the daycare/preschool facility to be operated on the Subject Property.

- (2) Any street frontage signage for the proposed facility shall be either a separate ground-based, monument style sign (no larger than three (3) feet by five (5) feet); shall be an addition to any existing signage; or as otherwise permitted by the Cobb County Sign Ordinance.

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

Very truly yours,

MOORE, INGRAM, JOHNSON & STEELE, LLP



J. Kevin Moore

JKM:cc

c: Cobb County Board of Commissioners:
Timothy D. Lee, Chairman
George W. "Woody" Thompson
Helen C. Goreham
Robert Ott
Joann Birrell

Cobb County Planning Commission:
Murray Homan, Chairman
Judy Williams
Robert Hovey
Christi S. Trombetti
Mike Terry

Word of Faith Family Worship Center, Inc.