

LUP-3
(2016)

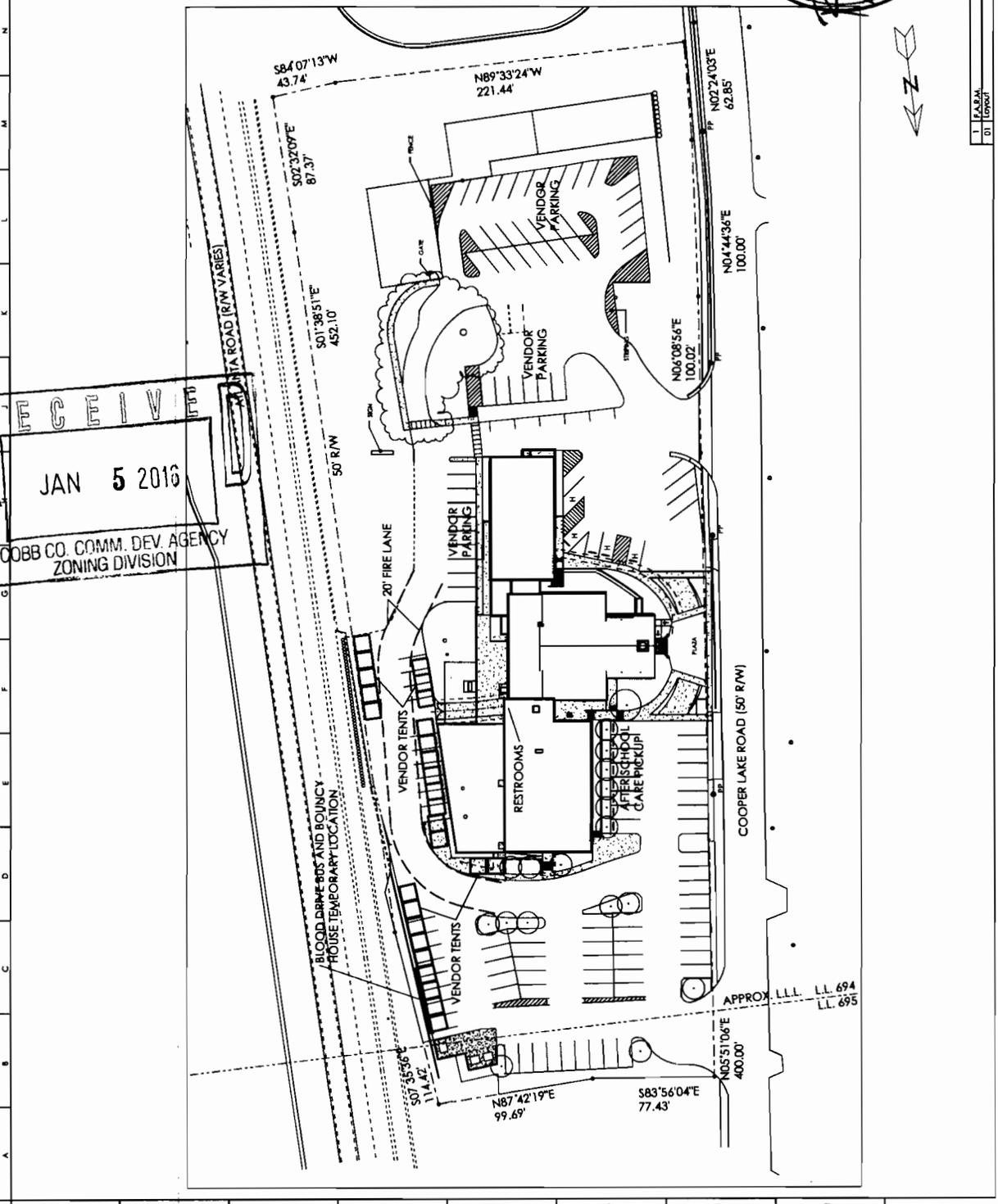
PROJECT	St Benedict's Episcopal Church
DATE	12/10/14
DESCRIPTION	F.A.R.M. PLAN SET UP
ADDRESS	2140 Cooper Lake Rd., Smyrna, GA 30080



01
12/23/2015

GENERAL NOTES
 1. THIS TEMPORARY USE IS A BOUNCY HOUSE (THREE FEET TALL OR BLACK DRIVE BUS) (THREE FEET TALL PER YEAR) MAY BE SUBSTITUTED FOR VENDOR TENTS AT THE LOCATION NOTED.

SHORT SPECIFIC NOTES



RECEIVED
 JAN 5 2016
 COBB CO. COMM. DEV. AGENCY
 ZONING DIVISION

MATERIAL EYEWOTES

1 F.A.R.M.
 01 Layout

APPLICANT: ST. Benedict Episcopal Church LLC
PHONE#: 678-279-4300 **EMAIL:** brian@mysaintb.org
REPRESENTATIVE: The Reverend Brian Sullivan
PHONE#: 678-279-4300 **EMAIL:** brian@mysaintb.org
TITLEHOLDER: Saint Benedict's Episcopal Church, LLC

PETITION NO: LUP-3
HEARING DATE (PC): 03-01-16
HEARING DATE (BOC): 03-15-16
PRESENT ZONING: O&I

PROPERTY LOCATION: East side of Cooper Lake Road, on the west side of Atlanta Road, north of Cumberland Boulevard

PROPOSED ZONING: Land Use Permit (Renewal)

ACCESS TO PROPERTY: Cooper Lake Road

PROPOSED USE: Farmer's Market

PHYSICAL CHARACTERISTICS TO SITE: Existing Church and private school

SIZE OF TRACT: 5.66 acres
DISTRICT: 17
LAND LOT(S): 694, 695
PARCEL(S): 2
TAXES: PAID X **DUE** _____

CONTIGUOUS ZONING/DEVELOPMENT

NORTH: NS/Commercial Building and Oakdale Park
SOUTH: GC/Office Building
EAST: UVC/Ivy Walk at Vinings/Mixed Use Development
WEST: R-20/Cooper's Point Subdiv and Single-family houses

COMMISSION DISTRICT: 2

Adjacent Future Land Use:
 North: Medium Density Residential (MDR) and Park / Recreation / Conservation (PRC)
 East: Neighborhood Activity Center (NAC)
 South: Neighborhood Activity Center (NAC)
 West: Low Density Residential (LDR) and Medium Density

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

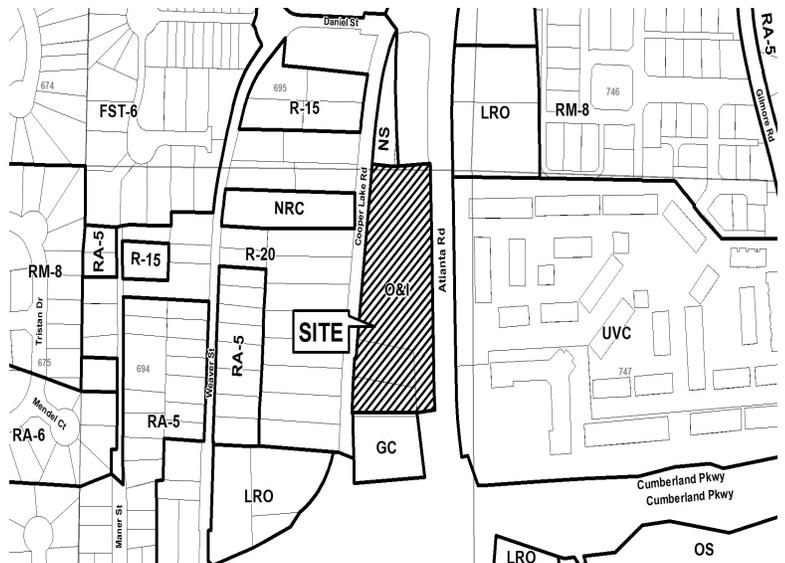
PLANNING COMMISSION RECOMMENDATION

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

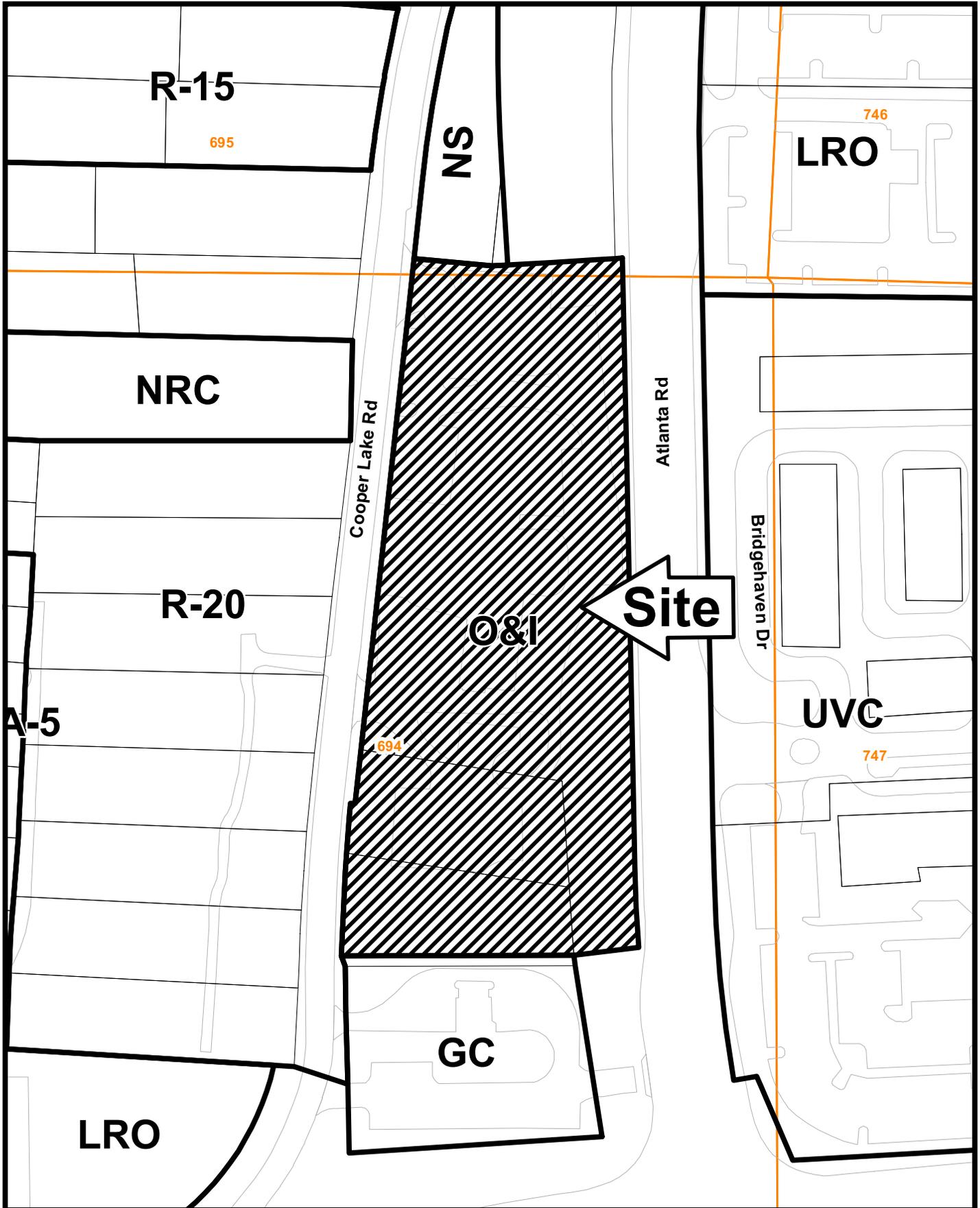
BOARD OF COMMISSIONERS DECISION

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

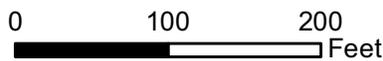
STIPULATIONS:



LUP-3



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



-  City Boundary
-  Zoning Boundary

APPLICANT: ST. Benedict Episcopal Church LLC

PETITION NO.: LUP-3

PRESENT ZONING: O&I

PETITION FOR: LUP

ZONING COMMENTS: Staff Member Responsible: Kim Wakefield

Applicant is requesting to renew their Temporary Land Use Permit for the purpose of operating a farmer’s market. In addition to the church, the property has previously been approved for a private school and a farmer’s market. The applicant has submitted an attachment to this analysis explaining the operations of the farmer’s market, along with a list of the types of items to be sold, and site plans indicating vendor locations, staging areas and parking.

Historic Preservation: No comment

Cemetery Preservation: No comment.

WATER & SEWER COMMENTS:

Property is served by public water and sewer.

TRAFFIC COMMENTS:

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

FIRE COMMENTS:

After analyzing the information presented for a Preliminary Review, the Cobb County Fire Marshal’s Office is confident that all other items can be addressed during the Plan Review Stage.

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APPLICANT: St. Benedict Episcopal Church, LLC

PETITION NO.: LUP-3

PRESENT ZONING: OI

PETITION FOR: LUP

STORMWATER MANAGEMENT COMMENTS

No comments (Renewal).

STAFF RECOMMENDATIONS

LUP- 3 ST. BENEDICT'S EPISCOPAL CHURCH

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

- (1) *Safety, health, welfare and moral concerns involving the surrounding neighborhood.*
This request should not affect the safety, health or welfare of the surrounding properties.
- (2) *Parking and traffic considerations.*
All vendors and visitors will park in the parking lot.
- (3) *Number of nonrelated employees.*
N/A
- (4) *Number of commercial and business deliveries.*
N/A
- (5) *The general presumption of the board of commissioners that residential neighborhoods should not allow noncompatible business uses.*
N/A
- (6) *Compatibility of the business use to the neighborhood.*
This use is located in an area with a variety of commercial and residential uses. This use has been here for two years without any problems.
- (7) *Hours of operation.*
The farmers market will be on Tuesdays from 4:00 – 8:00 p.m.
- (8) *Existing business uses in the vicinity.*
This is an area with a variety of mixed uses.
- (9) *Effect on property values of surrounding property.*
This request should not have an effect on the property values.
- (10) *Circumstances surrounding neighborhood complaints.*
This request is not the result of a complaint of the Code Enforcement Division.
- (11) *Intensity of the proposed business use.*
The application is a renewal of an existing use.
- (12) *Location of the use within the neighborhood.*
N/A

Continued on next page

STAFF RECOMMENDATIONS

LUP- 3 ST. BENEDICT'S EPISCOPAL CHURCH (Continued)

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

1. Site plan received by the Zoning Division dated January 5, 2016;
2. Letter of agreeable conditions from Reverend Brian Sullivan dated December 18, 2015;
3. Applicant to meet code requirements for Farmer's Market found in §134-36 of the Cobb County Zoning Ordinance;
4. Department of Transportation comments and recommendations;
5. Fire Department comments and recommendations;
6. Water and Sewer comments and recommendations;
7. Stormwater Division comments and recommendations.

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



Application #: 4083
PC Hearing Date: 3/1/16
BOC Hearing Date: 3/15/16

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

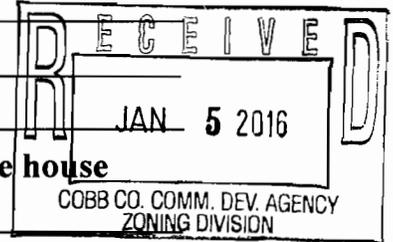
1. Type of business, or request? FARMERS MARKET

2. Number of employees? 0

3. Days of operation? TUESDAYS

4. Hours of operation? 4-8 PM

5. Number of clients, customers, or sales persons coming to the house per day? _____ ; Per week? @ 250.



6. Where do clients, customers and/or employees park?
Driveway: _____ ; Street: _____ ; Other (Explain): PARKING LOT.

7. Signs? No: _____ ; Yes: ✓. (If yes, then how many, size, and location): @ 20, on property, 2' x 3', temporary/day of market only. Banner 8x4 day of market only

8. Number of vehicles related to this request? (Please also state type of vehicle, i.e. dump truck, bobcat, trailer, etc.): Vendor trucks & cars. No more than 27

9. Deliveries? No ✓ ; Yes ✗ (If yes, then how many per day or week, and is the delivery via semi-truck, USPS, Fedex, UPS, etc.)
Vendors bring own produce at market-time of sale.

10. Does the applicant live in the house? Yes _____ ; No ✓ N/A.

11. Any outdoor storage? No ✓ ; Yes _____ (If yes, please state what is kept outside): _____

12. Length of time requested (24 months maximum): 24 months

13. Is this application a result of a Code Enforcement action? No ✓ ; Yes _____ (If yes, attach a copy of the Notice of Violation and/or tickets to this form).

14. Any additional information? (Please attach additional information if needed): _____

Applicant signature: [Signature] Date: 1/5/2016

Applicant name (printed): LESLEY-ANN DRAKE / ST BENEDICTS EPISCOPAL CHURCH

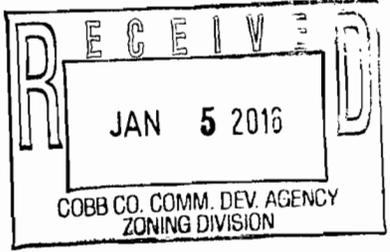


St. Benedict's

EPISCOPAL CHURCH

*We are a
welcoming
Christian
community
spreading
God's love
through
worship,
education,
& outreach.*

Mr. John Pederson
Cobb County Zoning Div. Manager
1150 Powder Springs Street
Suite 400
Marietta, GA 30064



Dec 18, 2015

Dear Mr. Pederson,

Re: LUP-38/St. Benedict's Episcopal Church

You will recall that the Board of Commissioners previously approved the church's request to operate a farmers' market on the church property. The permit for this operation ends soon and we now ask for approval of a Land Use Permit for 24 months, as is allowed under Cobb County Code # 134-36, adopted 8/12/2014.

If granted, the church agrees to the following stipulations:

1. to provide local farmers, and other local vendors of home-made products and baked items, a seasonal marketplace to sell their goods to the residents of Smyrna, Oakdale and Vinings.
2. To ensure a maximum of 27 vendors will be present at any one event, and NO food trucks will be allowed on this site.
3. To ensure that the market day will be on Tuesday from 4:30pm—8pm and will operate from early April to late November each year.
4. To ensure that the market will not be set up until after all car-pool activities are completed for the church's Day School, which is generally 3:45pm each day.
5. To ensure that all trash and unsold goods, whether organic or otherwise, will be removed from the property within 30 minutes of the market close, and that use of the church trash receptacles will be prohibited.
6. To ensure that vendors provide their own pop-up style tents and/or displays, and will be not be allowed to set up until 4:00PM or as directed by the Market Manager. Vendors will only utilize the areas designated on the attached map.
7. Vendors are responsible for having all necessary permits and licenses, and



/cont.

random inspections will be conducted by the Market Manager or his/her designee. All vendors must otherwise comply with all county and state health regulations.

8. The church will provide appropriate, easy to read, signage related to the market use which will include entrance and exit signs, parking designations, start and end times, etc. Signs will be posted and then removed in a timely fashion on the day of the market.

9. To ensure that all goods sold comply with the list of approved goods per county code.

10. To ensure that adequate public restroom facilities are on site per county code.

11. To ensure that NO loudspeakers, bells, or other amplified noise-making will be utilized. Further no rides, video arcades, mechanical games or mechanized games will be utilized, and the sale of firearms, ammunition, or weapons of any kind will be strictly prohibited. However, we may offer no more than 3 blood drives and 2 bounce houses during the season, to be located in the corner of the lot.

12. To ensure that alcoholic beverages will not be sold or consumed on site.

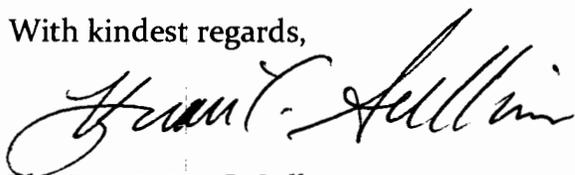
13. The attached drawings and renderings, show the location of parking, vendor sites, restrooms and the like, and are thought to be accurate.

14. The applicant also requests that the District Commissioner be allowed to approve minor modifications to these stipulations, as long as the changes comply with county code.

15. Lastly, the applicant agrees to otherwise fully comply with the county amendment covering FARMERS' Markets, found in chapter #134-36 of the county code that was adopted by the Board of Commissioners on August 12, 2014.

St. Benedict's Episcopal Church firmly believes that this is an important ministry that is beneficial to the community, and we ask for your approval of this land use permit for 24 months.

With kindest regards,



The Rev. Brian C. Sullivan
Rector



**MINUTES OF ZONING HEARING
COBB COUNTY BOARD OF COMMISSIONERS
DECEMBER 16, 2014
PAGE 9**

REGULAR AGENDA (CONT.)

LUP-38 ST. BENEDICT'S EPISCOPAL CHURCH (owner) requesting a **Land Use Permit** for the purpose of a Farmer's Market in Land Lots 694 and 695 of the 17th District. Located on the east side of Cooper Lake Road, west side of Atlanta Road, north of Cumberland Parkway (2160 Cooper Lake Road).

The public hearing was opened and Mr. Brian Sullivan, Deacon Leslie Ann Drake, Ms. Mary Rose Barnes addressed the Board. Following presentation and discussion, the following motion was made:

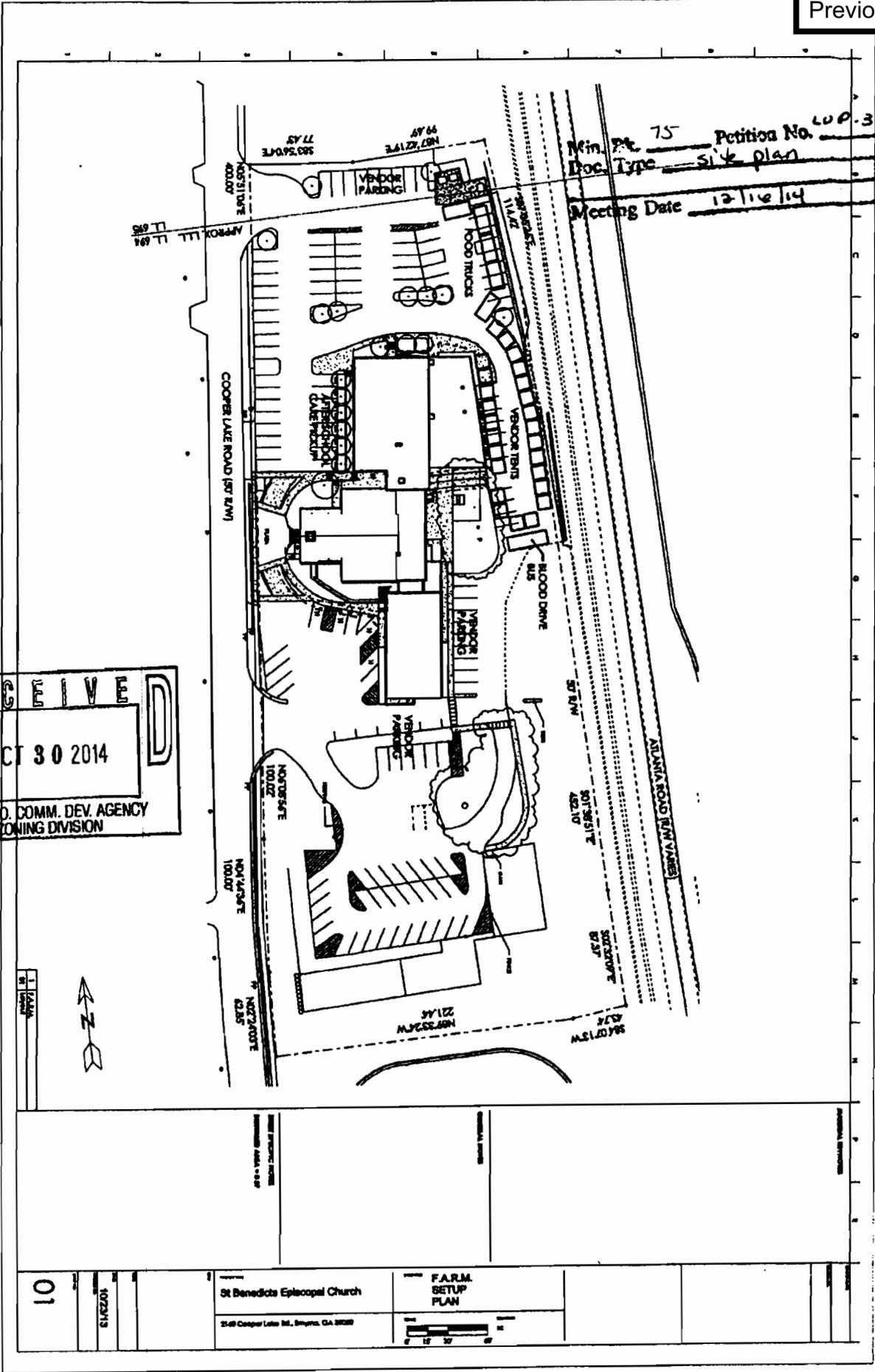
MOTION: Motion by Ott, second by Goreham, to **approve** land use permit for **12 months** subject to:

- **Site plan received by the Zoning Division October 30, 2014 (attached and made a part of these minutes)**
- **Letter of agreeable conditions from Reverend Brian Sullivan dated November 24, 2014 (attached and made a part of these minutes) and with the following changes:**
 - **Item No. 11- add to end: "..., which will be appropriately located as indicated on the site map."**
 - **Item No. 13 - add to end: "Parking for the farmer's market will not be allowed in the school parking lot which is located on opposite side of Cooperlake Road."**
- **Applicant to meet code requirements for Farmer's Markets found in §134-36 of the Zoning Ordinance**
- **Exhibit A received by the Zoning Division October 30, 2014 (attached and made a part of these minutes)**
- **Exhibit B received by the Zoning Division October 30, 2014 (attached and made a part of these minutes)**
- **Letter of agreeable conditions from Reverend Brian Sullivan dated December 9, 2014 (attached and made a part of these minutes)**
- **Cobb DOT comments and recommendations**
- **All previous stipulations and conditions, *not otherwise in conflict*, to remain in effect**
- **Applicant to submit a letter for approval by the Zoning Division Manager and the District Commissioner to include all zoning actions related to the church, the school sites, and the farmers market with footnotes that annotate all the Board of Commissioners approval dates**

VOTE: ADOPTED 4-0 Cupid Absent

Min. Pt. 75 Petition No. LUP-38
Doc. Type Site plan
Meeting Date 12/16/14

RECEIVED
OCT 30 2014
COBB CO. COMM. DEV. AGENCY
ZONING DIVISION



1072215	01	St. Benedict's Episcopal Church	FARM SETUP PLAN
		2549 Cooper Lake Rd., Smyrna, GA 30088	

Min. Bk. 75 Petition No. LUP38
Doc. Type SP letter
Meeting Date 12/16/14

St. Benedict's

EPISCOPAL CHURCH

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Mr. John Pederson
Cobb County Zoning Div. Manager
1150 Powder Springs Street
Suite 400
Marietta, GA 30064

Nov. 24, 2014

Dear Mr. Pederson,

Re: LUP-38/St. Benedict's Episcopal Church

You will recall that the Board of Commissioners previously approved the church's request to operate a farmers' market on the church property. The permit for this operation ends soon and we now ask for approval of a Land Use Permit for 24 months, as is allowed under Cobb County Code # 134-36, adopted 8/12/2014.

If granted, the church agrees to the following stipulations:

1. to provide local farmers, and other local vendors of home-made products and baked items, a seasonal marketplace to sell their goods to the residents of Smyrna, Oakdale and Vinings.
2. To ensure a maximum of 27 vendors will be present at any one event, and NO food trucks will be allowed on this site.
3. To ensure that the market day will be on Tuesday from 4:30pm—8pm and will operate from early April to late November each year.
4. To ensure that the market will not be set up until after all car-pool activities are completed for the church's Day School, which is generally 3:45pm each day.
5. To ensure that all trash and unsold goods, whether organic or otherwise, will be removed from the property within 30 minutes of the market close, and that use of the church trash receptacles will be prohibited.
6. To ensure that vendors provide their own pop-up style tents and/or displays, and will be not be allowed to set up until 4:00PM or as directed by the Market Manager. Vendors will only utilize the areas designated on the attached map.
7. Vendors are responsible for having all necessary permits and licenses, and



Petition No. _____
Meeting Date _____
Continued

LUP 38
12/11/14

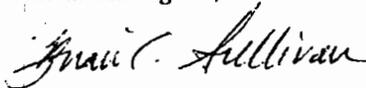
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random inspections will be conducted by the Market Manager or his/her designee. All vendors must otherwise comply with all county and state health regulations.

8. The church will provide appropriate, easy to read, signage related to the market use which will include entrance and exit signs, parking designations, start and end times, etc. Signs will be posted and then removed in a timely fashion on the day of the market.
9. To ensure that all goods sold comply with the list of approved goods per county code.
10. To ensure that adequate public restroom facilities are on site per county code.
11. To ensure that NO loudspeakers, bells, or other amplified noise-making will be utilized. Further no rides, video arcades, mechanical games or mechanized games will be utilized, and the sale of firearms, ammunition, or weapons of any kind will be strictly prohibited. However, we may occasionally offer blood drives and bounce houses during the season.
12. To ensure that alcoholic beverages will not be sold or consumed on site.
13. The attached drawings and renderings, show the location of parking, vendor sites, restrooms and the like, and are thought to be accurate.
14. The applicant also requests that the District Commissioner be allowed to approve minor modifications to these stipulations
15. Lastly, the applicant agrees to otherwise fully comply with the county amendment covering FARMERS' Markets, found in chapter #134-36 of the county code that was adopted by the Board of Commissioners on August 12, 2014.

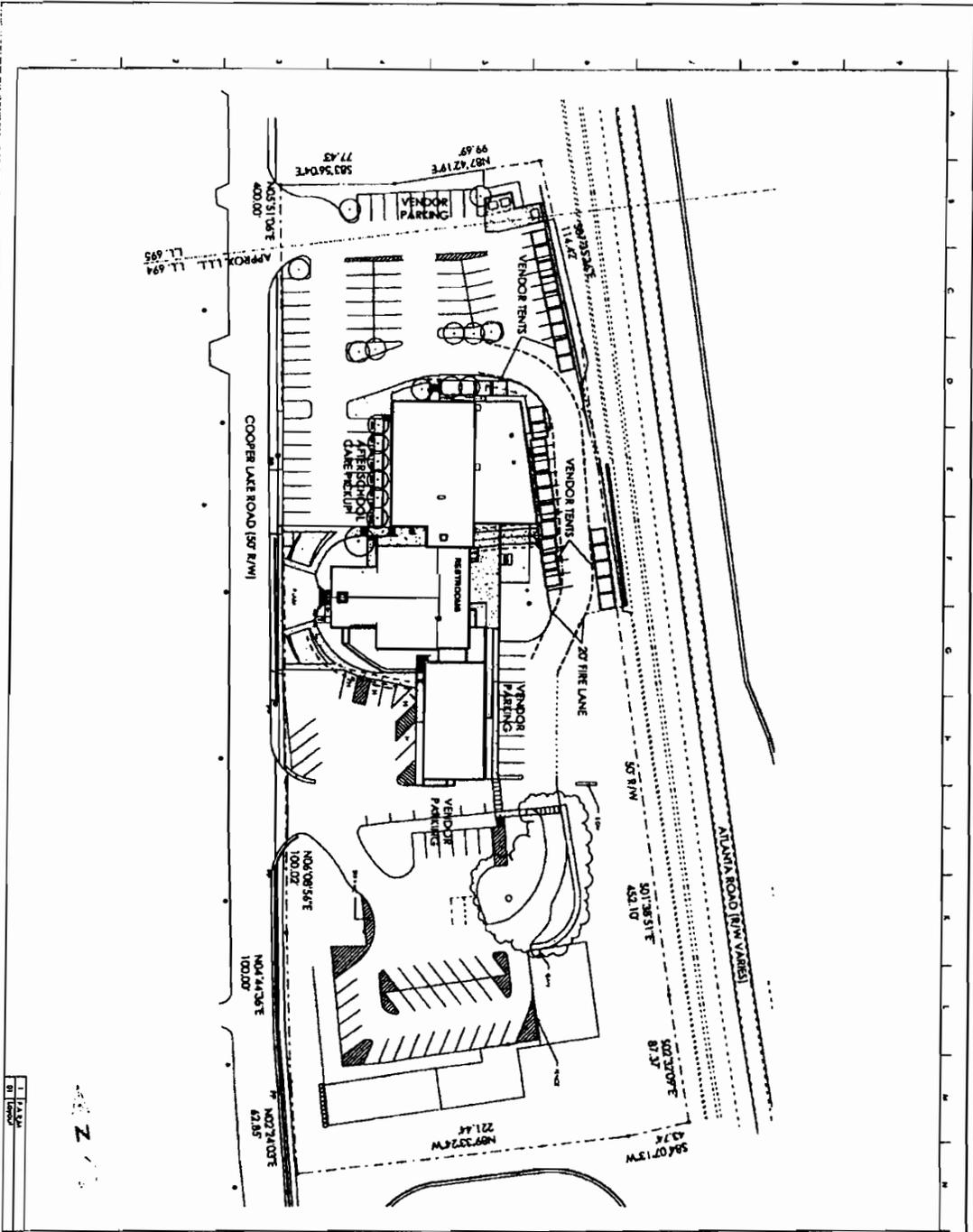
St. Benedict's Episcopal Church firmly believes that this is an important ministry that is beneficial to the community, and we ask for your approval of this land use permit for 24 months.

With kindest regards,



The Rev. Brian C. Sullivan
Rector





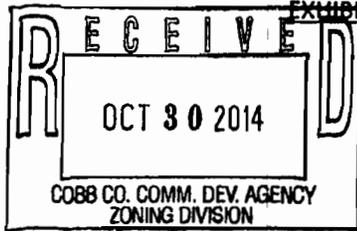
ST. BENEDICT'S EPISCOPAL CHURCH
 7140 Cooper Lake Rd., Simons, GA 30282

<p>DATE: 1/28/19</p> <p>BY: [Signature]</p>	<p>ST. BENEDICT'S EPISCOPAL CHURCH</p> <p>7140 Cooper Lake Rd., Simons, GA 30282</p>	<p>F.A.R.M. SETUP PLAN</p>
	<p>SCALE: 1" = 30'</p> <p>0 15 30 60</p>	

15

Exhibit A

Meeting Date 12/16/11



**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 and July 15, 2008
Previous Other Business
Hearing Dates: December 16, 2008; June 16, 2009;
April 20, 2010
Current Hearing Date: December 17, 2013

BEFORE THE COBB COUNTY BOARD OF COMMISSIONERS

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

On April 20, 2010, the Cobb County Board of Commissioners granted Applicant's request to extend the time limit for operation of a farmer's market on the Subject Property, until December 31, 2013.

Applicant now seeks to amend the stipulation to again allow for the operation of the farmer's market on the Subject Property. The market has been successful since its opening in 2009, and has been used as a ministry and outreach for the Smyrna/Vinings/Oakdale area. Commencing in 2013 the proceeds from vendor fees were directed to the Path To Shine ministry, a free after-school mentoring and tutoring program for under-served children.

As in the past, Applicant will use its best efforts to ensure that the market will be a first-class experience for both the vendors and the patrons, providing access to healthy, locally grown, raised or produced food items including produce, meats, dairy and cheese, as well as home-made products and baked items.

Additionally there will be activities to enhance the market experience and/or to benefit the community such as Blood Bank drives (no "finger"), cooking demonstrations using FARM produce, Jump Rope demonstrations, a bounce house, and live acoustic music.

Applicant agrees to condition this amendment upon the following:

- (1) To provide local farmers and food purveyors a once a week, seasonal marketplace to sell their goods to the residents of Smyrna/Vinings/Oakdale communities.
- (2) To ensure a maximum of 30 vendors total at any one market, which may include up to a maximum of 5 food trucks.
- (3) The market day will be Tuesday from 4:30PM until 8:00PM commencing with the first Tuesday in April and ending no later than the last Tuesday in November. Vendors will be allowed to

- (3) The market day will be Tuesday from 4:30PM until 8:00PM commencing with the first Tuesday in April and ending no later than the last Tuesday in November. Vendors will be allowed to begin setting up after the car-pool for St. Benedict's Episcopal Day School is completed, as directed by the Market Manager; this will typically be at 3:45PM. Vendors will be required to remove all trash and unsold food items from the Property within thirty (30) minutes of market close.
- (4) Vendors must remove all organic material from the Property and will be prohibited from using the on-site dumpster or trash receptacle.
- (5) Vendors will be restricted to one 10 x 10 foot "plot" within which to display their goods, as illustrated on the map. Vendors will be required to use the pop-up style of tent. Vendors will be held accountable for having all necessary licenses, inspection and permits to sell their goods and report appropriate sales taxes. Applicant will conduct random inspection of these licenses and permits on a regular basis.
- (6) All signage related to the market will be designed professionally to ensure that they are aesthetically appropriate. In addition, they will be posted and removed in a timely fashion. The signage may be placed only on the day of the market.

The balance and remainder of the stipulations and conditions specifically enumerated in the official minutes, and attachments thereto, of the Board of Commissioners Zoning Hearings held on May 20, 2008, as to Application No. Z-21 (2008) and July 15, 2008, as to SLUP-9 (2008), as well as the amended official minutes, including attachments, held on December 16, 2008, and the amended official minutes, including attachments for Application for "Other Business" held on June 16, 2009, and also on April 20, 2010, and also on December 17, 2013 are unaltered by this request for stipulation amendment.

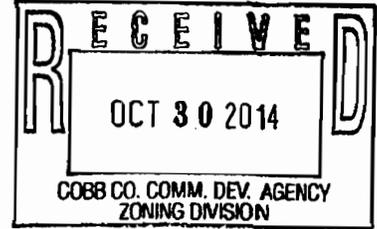
Applicant believes this to be an important ministry, and one that is very beneficial to the community at large.

Min. No. 15 Petition No. _____
Doc. Type Exhibit B
Meeting Date 12/16/14

Exhibit B

Types of Items Sold at St. Benedict's Farmer's Market (F.A.R.M.)

- | | |
|--|--------------------------|
| Breads | Recyclable Shopping Bags |
| Cookies | Pickles |
| Vegetables | Spices |
| Honey | Oils |
| Pretzels | Preserves |
| Tamales | Olives |
| Salsa | Pizza |
| Organic Drinks | Samosas |
| Smoothies | Chips |
| Pimento Cheese | Jewelry |
| Crackers | Coffee |
| Pastas | Tea |
| Frozen Popsicles | |
| Milk | |
| Cheeses | |
| Meats | |
| Health Advice (Chiropractor, etc.) | |
| Homemade/Cottage Soaps & Beauty Products | |
| Flowers | |
| Nuts & Berries | |
| Fruit | |
| Books | |
| Water | |





St. Benedict's

EPISCOPAL CHURCH

We are a
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education,
& outreach.

Mr. John Pederson
Cobb County Zoning Div. Manager
1150 Powder Springs Street
Suite 400
Marietta, GA 30064

Dec. 9, 2014

Dear Mr. Pederson,

Re: LUP-38/St. Benedict's Episcopal Church—Amended

As requested at the Planning Commissioners meeting on December 9th, 2014 we agree to amend items number 11 and 14 to read as follows:

11. To ensure that NO loudspeakers, bells, or other amplified noise-making will be utilized. Further no rides, video arcades, mechanical games or mechanized games will be utilized, and the sale of firearms, ammunition, or weapons of any kind will be strictly prohibited. *However, we may offer no more than 3 blood drives and 2 bounce houses during the season, to be located in the corner of the lot.*

14. The applicant also requests that the District Commissioner be allowed to approve minor modifications to these stipulations; *as long as the changes comply with county code.*

St. Benedict's Episcopal Church firmly believes that this is an important ministry that is beneficial to the community, and we ask for your approval of this land use permit for 24 months.

With kindest regards,

The Rev. Brian C. Sullivan
Rector



Min. 75 Petition No. LUP-38
The type letter of agreeable
conditions
12/14/14