NOVEMBER 21, 2017 ZONING HEARING
“OTHER BUSINESS”
COMMISSION DISTRICT 2

ITEM OB-059

To consider a site plan amendment for Passion City Church, Inc. regarding rezoning application Z-1 of 1990 and Z-48 of 2008 (Prentiss Properties Limited, Inc. and Shi Investments Three, LLC), for property located on the west side of Cumberland Parkway, on the east side of I-285, and on the south side of Mount Wilkinson Parkway in Land Lots 842, 843 and 884 of the 17th District.

BACKGROUND

The subject property is zoned Office High Rise (OHR) and Community Retail Commercial (CRC) per two different zoning cases. The original zoning cases proposed high-rise office and retail development on this property. The applicant amended the site plan and stipulations in November 2016 in order to place a religious facility on this property that would contain worship facilities, offices, educational classrooms and related parking facilities. The existing four-story office building will be remodeled and will be used in the proposed development. The applicant would like to amend the 2016 approved site plan to slightly revise the building layout, and to reposition the phase 1 sanctuary building adjacent to Cumberland parkway. In order to do this the setback for this building along Cumberland parkway would have to be reduced from 50’ to 30’. The applicant’s representative has submitted a summary (Exhibit B) that goes into more detail about this proposed amendment; also, the proposed site plan is also attached for review. If approved, all previous stipulations not in conflict with this amendment should remain in effect.

STAFF COMMENTS

Stormwater Management: Subject to approval of stormwater management plat at Plan Review.
Cobb DOT: 1) Recommend a deceleration lane and left turn lane at each access point; 2) Recommend applicant verify that minimum intersection sight distance is available along Cumberland Parkway. If it is not, the applicant will have to implement remedial measures, subject to approval by the department to achieve the minimum requirement of 440'; 3) Recommend applicant coordinate with GDOT prior to development plan approval to ensure compatibility with the proposed Revive 285 project; and 4) Recommend applicant be required to meet all Cobb County Development Standards and Ordinances related to project improvements.

RECOMMENDATION

The Board of Commissioners consider the request for the site plan and stipulation amendments.

ATTACHMENTS

Other Business application and stipulations.
Application for "Other Business"
Cobb County, Georgia

Applicant: Passion City Church, Inc. Phone #: (404) 231-7080

Address: 515 Garson Drive, Atlanta, GA 30324 E-Mail: aaron.coe@passioncitychurch.com
 MOORE INGRAM JOHNSON & STEELE, LLP Address: Emerson Overlook, Suite 100, 326 Roswell Street
 J. Kevin Moore Marietta, GA 30060

BY: Phone #: (770) 429-1499 E-Mail: jkm@mijs.com
(representative's name printed) Georgia Bar No. 519728

Signed, sealed and delivered in presence of:

Titleholder(s): Cumberland Land, LLC Phone #: (404) 231-7080

Address: 515 Garson Drive, Atlanta, GA 30324 E-Mail: aaron.coe@passioncitychurch.com

See Attached Exhibit "A"
(Property owner’s signature)

Signed, sealed and delivered in presence of:


Size of property in acres: 10.758 +/- Original Date of Hearing: 02/20/1990; 10/21/2008

Location: West side of Cumberland Parkway; east side of I-285; south side of Mt. Wilkinson Parkway
(street address, if applicable; nearest intersection, etc.)

Land Lot(s): 842, 843, 884 District(s): 17th

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”
(Site Plan Amendment)

Original Hearing Dates: February 20, 1990
October 21, 2008
Date of BOC Zoning Decisions: February 20, 1990
October 21, 2008
Date of OB Zoning Decision: November 15, 2016
Current Hearing Date: November 21, 2017

Applicant: Passion City Church, Inc.
Titleholder: Cumberland Land, LLC,
a Georgia limited liability company

CUMBERLAND LAND, LLC
a Georgia limited liability company

BY: ____________________________
Louie F. Giglio, III, Manager

Date Executed: October 17, 2017
Address: 515 Garson Drive
Atlanta, Georgia 30324
Telephone No.: (404) 231-7080

Signed, sealed, and delivered in the presence of:

[Stamp] Notary Public
Commission Expires 10/31/2019
EXHIBIT “B” - ATTACHMENT TO APPLICATION FOR “OTHER BUSINESS”

(Site Plan Amendment)

Original Hearing Dates: February 20, 1990
October 21, 2008
Date of BOC Zoning Decisions: February 20, 1990
October 21, 2008
Date of OB Zoning Decision: November 15, 2016
Current Hearing Date: November 21, 2017

Applicant: Passion City Church, Inc.
Titleholder: Cumberland Land, LLC,
a Georgia limited liability company

Passion City Church, Inc., as Applicant in this Application for “Other Business” (hereinafter “Applicant”), proposes to amend the previously approved Site Plan of the three parcels which comprise its Cobb County campus to be known as “Passion City Church Cumberland.” The property was formerly an office park located on the westerly side of Cumberland Parkway, the easterly side of Interstate 285, southerly of Mt. Wilkinson Parkway, Land Lots 842, 843, and 884, 17th District, 2nd Section, Cobb County, Georgia, being known as 2575, 2625, and 2675 Cumberland Parkway (hereinafter collectively the “Property” or the “Subject Property”). On November 15, 2016, the Cobb County Board of Commissioners approved the Site Plan and stipulations for the proposed renovation and redevelopment of the Property for Applicant’s Cobb County campus. As a result of ongoing engineering and design revisions prior to commencement of construction, Applicant presents a revised Zoning Site Plan for approval and consideration by the Board of Commissioners. The proposed Zoning Site Plan reconfigures the Church buildings on the Property; as well as, seeks a reduction of the required fifty (50) foot front setback to thirty (30) feet for the Phase 1 Sanctuary Building to be located on Cumberland Parkway, all as more particularly shown and reflected on the proposed Zoning Site Plan prepared for Applicant by Wakefield Beasley & Associates dated October 16, 2017, a reduced copy of which is attached hereto as Exhibit “1” and incorporated herein by reference.

Unless otherwise specifically set forth herein, the balance and remainder of the stipulations and conditions enumerated in the official minutes, and any attachments thereto, of the Board of Commissioners Zoning Hearing held on November 15, 2016, as to the “Other Business” approval for development of the Subject Property; as well as any subsequent amendments by Board of Commission approval or District Commissioner approval, which are not otherwise in conflict herein, are unaltered or unchanged by this request for Site Plan Amendment.

The amendment of the Zoning Site Plan presented herein in no way adversely impacts or affects the quality or integrity of the overall development initially approved by the Cobb County Board of Commissioners. If the requested amendment to and approval of the Zoning Site Plan is approved, as submitted, it shall become an additional part of the final rezoning and shall be binding upon the Subject Property.
ZONING SITE PLAN SUBMITTED FOR APPROVAL BY BOARD OF COMMISSIONERS PURSUANT TO APPLICATION FOR “OTHER BUSINESS” – NOVEMBER 21, 2017
ZONING SITE PLAN APPROVED BY BOARD OF COMMISSIONERS PURSUANT TO APPLICATION FOR “OTHER BUSINESS” – NOVEMBER 15, 2016
OVERALL MASTER PLAN FOR CUMBERLAND OFFICE PARK
APPROVED BY BOARD OF COMMISSIONERS PURSUANT TO
OFFICIAL MINUTES OF COBB COUNTY
BOARD OF COMMISSIONERS ZONING
HEARING FOR Z-1 (1990) –
FEBRUARY 20, 1990
Application for Rezoning
COBB COUNTY
(type or print clearly)
Application No. Z-1
Hearing Date 2-20-90

Prentiss Properties
Applicant Limited, Inc., Business Phone 892-1616 Home Phone
Richard B. Bradshaw, Jr. Address 1201 W. Peachtree Street, Suite 3600
(representative's name, printed)
Atlanta, Georgia
(representative's signature)
Business Phone 892-1616 Home Phone

Titleholder PREEF USA Fund-III, Business Phone 781-3300 Home Phone
Signature Address 650 California St., San Francisco, CA 94109
Titleholder Business Phone Home Phone
Signature

Zoning Request From Q-1 To OBR
(present zoning) (proposed zoning)

For the Purpose of Redevelopment of Cumberland Office Park Office Size of Tract Approx. 46 acre(s)
(subdivision, restaurant, warehouse, etc.)
Location Cumberland Parkway (east and west of Cumberland Parkway and north of Paces Ferry Road
(street address, if applicable, nearest intersection, etc.)
Land Lot(s) 842, 843, 883, 884, 885, 909, 910 District 17th, 2nd Section

We have investigated the site as to the existence of archeological and/or architectural landmarks. I hereby certify that there are no □ there are □ such assets. If any, they are as follows:

Applicant's Signature

FOR OFFICIAL USE ONLY

Recommendation of Planning Commission 2-20-90 Planning Commission recommended approval of application subject to: 1) Cobb County DOT recommendation as outlined in letter to Mr. Ed Thomas from Bill Peratta, dated Feb. 20, 1990 and marked as Exhibit "A"; 2) Dev. & Inspections Dept. comments; 3) Water & Sewer Dept. comments; 4) landscaping to be reviewed and approved by Staff. Motion by Wise, second by Dawson, carried 4-0.

Chairman

Board of Commissioners' Decision 2-20-90 Board of Commissioners approved application as recommended by the Planning Commission and further subject to: 5) applicant participating in the Suburban Mobility Program. VOTE: 4-1, Burton opposed.
TO:       Ed Thomas, Principal Planner  
          Planning & Zoning Department 
FROM:    Bill Peratta, Traffic Engineer II  
DATE:    February 20, 1990  
SUBJECT: Prentiss Properties Limited, Inc.  
          Petition No. Z-1  
          Date of Hearing: 2-20-90

Cobb County Department of Transportation recommends approval of this application subject to the following conditions:

a. Construction of the specific roadway improvements identified by the developer on the attached Exhibit under the caption "Roadway Improvements" in accordance with the time schedule established therein; and

b. Agreement of the applicant to include the property being rezoned within the Cobb County Community Improvement District; and

c. Cobb County Department of Transportation will retain the right to approve the final site location of Buildings B, D, and E at the time of submission of applications for land disturbance permits for each building for the limited purpose of ensuring that no construction activity is proposed within any reasonable right-of-way which may be required by the Georgia DOT to implement any then existing plans prepared by or on behalf on the Georgia DOT pertaining to a collector/distributor system paralleling I-285. The "reasonableness" standard provided for herein shall take into account the minimum amount of right-of-way necessary to implement the improvements and the impact of the right-of-way requirement upon the proposed development.
PROPOSED STIPULATIONS OF ZONING.

The proposed stipulations of zoning consist of two categories: specific roadway improvements to be required of the developer and coordinated with the completion of the proposed office facilities; and the funding of off-site infrastructure improvements through voluntary participation in the County's CID program.

Roadway Improvements.

Based upon the traffic analysis performed by LRE Engineering, Inc., the developer is agreeable to the following stipulations pertaining to roadway improvements:

(1) Prior to issuance of a certificate of occupancy for Building K, the construction of an additional right lane on Cumberland Parkway at its intersection with Paces Ferry Road for use by vehicles heading northbound on I-285 only; (Estimated cost: $95,300)

(2) Prior to the issuance of a certificate of occupancy for Building E, the realignment and reconstruction to four lanes of Mount Wilkerson Parkway. Additionally, signalizations will be required at the intersection with Cumberland Parkway and Cumberland Club Drive; (Estimated cost: $278,800)
(3) Prior to the issuance of a certificate of occupancy for Building B, the construction of an additional east bound lane on Paces Ferry Road beginning at the I-285 off ramp and ending approximately 600 feet west of the Overlook Parkway intersection; (Estimated cost: $125,300)

(4) Prior to the issuance of a certificate of occupancy for Building L, the realignment and signalization of Burt Adams Road at its intersection with Cumberland Parkway; (Estimated cost: $71,385)

(5) Prior to the issuance of a certificate of occupancy for Building D, Mount Wilkerson Parkway will be widened to six lanes at its Cumberland Parkway intersection; (Estimated cost: $30,400) and

(6) Prior to the issuance of a certificate of occupancy for Building I, an additional right hand lane will be constructed on east bound Hargrove Road at its intersection with Cumberland Parkway. (Estimated cost: $22,900)

(Note: Buildings are identified by the numbers referred to on Plate 16 of the Traffic Impact Study.)

**CID Participation.**

Attached hereto is an analysis of the additional tax funds which will be paid by Prentiss Properties as a result of
electing to participate in the Community Improvement District through the year 2003. The analysis evidences that the total contributions should be in the range of approximately $4,543,570.00.

CONCLUSION

Prentiss Properties is extremely enthusiastic concerning the prospects of developing a high quality office park in Cobb County. The professional team assembled to properly plan this project include the land planning firm of Franzman and Davis, the architectural firm of Cooper Carry and Associates, LRE Traffic Engineers, and the engineering firm of Hensley-Schmidt, Inc. We look forward to continuing the planning process by working with Cobb County and each of the County's affected departments to insure that the final product is a credit to the entire Cobb County community.
MINUTES OF ZONING HEARING
COBB COUNTY BOARD OF COMMISSIONERS
OCTOBER 21, 2008
9:05 A.M.

The Board of Commissioners' Zoning Hearing was held on Tuesday, October 21, 2008, at 9:05 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 Samuel S. Olens
Commissioner Joe L. Thompson
Commissioner Annette Kesting
Commissioner Tim Lee
Commissioner Helen Goreham

Z-48 SHI INVESTMENTS THREE, LLC (owner) requesting Rezoning from OHR to CRC for the purpose of Retail and Restaurants in Land Lots 842 and 843 of the 17th District. Located on the west side of Cumberland Parkway, south of Mount Wilkinson Parkway.

The public hearing was opened and Mr. John Moore addressed the Board. Following presentation and discussion, the following motion was made:

MOTION: Motion by Thompson, second by Lee, to approve Rezoning to the CRC zoning district subject to:

- site plan received by the Zoning Division August 7, 2008, with the District Commissioner approving minor modifications (attached and made a part of these minutes)
- letters of agreeable conditions from Mr. John Moore dated October 1, 2008 and October 16, 2008 (attached and made a part of these minutes)
- Fire Department comments and recommendations
- Cobb County-Marietta Water Authority comments
- Water and Sewer Division comments and recommendations
- Stormwater Management Division comments and recommendations
- Cobb DOT comments and recommendations
- 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
October 1, 2008

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


Applicant/Owner: Shi Investments Three, LLC
Property: 1.280 acres located on the westerly side of Cumberland Parkway, south of Mount Wilkinson Parkway, Land Lots 842 and 843, 17th District, 2nd Section, Cobb County, Georgia

Dear John:

As you know, the undersigned and this firm represent Shi Investments Three, LLC, the Applicant and the Property Owner (hereinafter collectively referred to as “Applicant”), in its Application for Rezoning with respect to a 1.280 tract of property located on the westerly side of Cumberland Parkway, southerly of Mount Wilkinson Parkway, Land Lots 842 and 843, 17th District, 2nd Section, Cobb County, Georgia (hereinafter the “Property” or the “Subject Property”). After meeting with planning and zoning staff and various Cobb County departmental representatives, discussions with area property owners, 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 Rezoning is approved, as submitted, shall become a part of the grant of the requested zoning and shall be binding upon the Subject Property. The referenced stipulations are as follows:

Stipulation No. 57

Petition No. Z-48

Type Letter of Agreeable

Conditions

Date 10/21/08
(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; together with any and all Departmental Comments and Staff Recommendations relating to the Subject Property from any prior zoning actions.

(2) Applicant seeks rezoning of the Subject Property from the existing zoning category of Office High Rise ("OHR") to the proposed zoning category of Community Retail Commercial ("CRC"), with reference to the Rezoning Site Plan prepared for Applicant by SG Consulting, LLC dated July 21, 2008.

(3) The Subject Property consists of approximately 1.280 acres and shall be developed for a maximum of 24,000 square feet of rentable retail space within the existing office park development.

(4) The proposed structure shall be located adjacent to the existing parking deck and fronting Cumberland Parkway so as to provide a shield of the view of the parking deck from Cumberland Parkway.

(5) The one-story structure within the existing office park shall be traditional in style and architecture.

(6) The front façade of the proposed structure shall consist of brick, stone, stacked stone, stucco, stucco-type, steel, glass, and combinations thereof.

(7) Any roof-mounted HVAC equipment shall be screened by means of a continuous roof parapet.

(8) Entrance signage for the proposed retail building shall be ground based, monument style signage. The finish, materials, and colors for the signage shall be compatible with the retail structure as well as the signage for the existing office development. Further, such signage shall contain no flashing sign components.

(9) There shall be no roof signs and no exterior, temporary signs excepting only grand opening signage, leasing signage, and signage indicating the coming business.
(10) There shall be no tenant vehicles or vehicles of any type parked in front of the proposed retail building containing tenant identification signage or advertising signage.

(11) Lighting fixtures for parking areas shall be environmentally sensitive, shoe-box style and shall be fitted with non-glare lenses and cut off shields to prevent light from extending beyond the property line.

(12) Security lighting on the structure shall be wall packs, hooded, environmentally sensitive and shall be fitted with non-glare lenses and cut off shields to prevent light from extending beyond the property line.

(13) All dumpsters servicing the proposed retail building shall be enclosed with a minimum six (6) foot high brick enclosure on three sides with a solid wooden screen gate or doors on the access side. All dumpsters shall contain rubber lids to minimize noise.

(14) Landscaping for the proposed entrance area and surrounding the proposed retail building shall be professionally designed, implemented, and maintained, and shall be compatible with the overall landscaping of the existing office park.

(15) Minor modifications to the within stipulations, the referenced Rezoning Site Plan, landscaping, architecture, site features, and the like, may be approved by the District Commissioner, as needed or necessary.

(16) All utilities for the proposed development shall be located underground.

(17) Applicant agrees to comply with all Cobb County Stormwater Management requirements applicable to the Subject Property.

(18) All landscape and buffer areas may be penetrated for purposes of access, utilities, and stormwater management, including, but not limited to, detention/retention facilities, drainage facilities, and any and all slopes or other required engineering features of the foregoing.

(19) Applicant agrees to comply with all Cobb County development standards and ordinances relating to project improvements, except as approved by the Board of
Commissioners or by the Department of Transportation or Community Development Agency, as their authority may allow.

We believe the requested zoning, pursuant to the referenced Rezoning Site Plan and the stipulations contained herein, is an appropriate use of the Subject Property while taking into consideration the significant changes within the area and the impact of those changes upon surrounding developments and area properties and owners thereof surrounding the proposed development. Thank you for your consideration in this request.

With kindest regards, I remain

Very truly yours,

MOORE, INGRAM, JOHNSON & STEELE, LLP

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

Petition No. 2-458
Meeting Date 10/21/08
Continued

Shi Investments Three, LLC
October 16, 2008

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


Applicant/Owner:  Shi Investments Three, LLC
Property:  1.280 acres located on the westerly side of Cumberland Parkway, south of Mount Wilkinson Parkway, Land Lots 842 and 843, 17th District, 2nd Section, Cobb County, Georgia

Dear John:

On behalf of the Shi Investments Three, LLC, as Applicant and Property Owner in the above-referenced Application for Rezoning, please allow this correspondence to serve as a supplement to the letter of agreeable stipulations and conditions dated and filed with your office on October 1, 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:

1. There shall be no businesses with a drive-thru, excepting only banks.

2. The following uses shall be prohibited from the proposed overall development:

   a. Video arcades as a primary use;

   b. Letter of agreeable conditions

   c. Petition No. Z-48

   d. 597
(b) Adult-themed bookstores as a primary use;
(c) Automotive sales, repair, and/or service facilities;
(d) Gas station;
(e) Truck and trailer leasing facilities;
(f) Automotive paint and body repair shops;
(g) Automotive upholstery shops;
(h) Billiards and pool halls which are the sole or predominant use;
(i) Bus stations (not to exclude bus stops);
(j) Fraternity and sorority house;
(k) Full-service gas stations;
(l) Light automotive repair;
(m) Rooming houses and boarding houses;
(n) Any form of adult entertainment business; and
(o) Nightclubs and bars, except that same would be permitted within a restaurant or hotel provided that they are an integral part of a restaurant or hotel operation.

As previously stated, we believe the requested zoning, pursuant to the referenced Rezoning Site Plan, the stipulations contained in the letter of agreeable stipulations and conditions dated October 1, 2008, and the supplemental stipulations set forth herein, is an appropriate use of the Subject Property while taking into consideration the significant changes within the area and the impact of those changes upon surrounding developments and area properties and owners thereof surrounding the proposed development. Thank you for 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
October 16, 2008

With kindest regards, I remain

Very truly yours,

MOORE, INGRAM, JOHNSON & STEELE, LLP

John H. Moore

JHM:cc

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

Ron Sifen
Vinings Homeowners Association

Shi Investments Three, LLC
OFFICIAL MINUTES OF COBB COUNTY
BOARD OF COMMISSIONERS ZONING
HEARING FOR APPLICATION FOR
“OTHER BUSINESS” OB-075-2016 –
NOVEMBER 15, 2016
MINUTES OF ZONING HEARING
COBB COUNTY BOARD OF COMMISSIONERS
NOVEMBER 15, 2016
9:00 A.M.

The Board of Commissioners Zoning Hearing was held on Tuesday, November 15, 2016 at 9:00 a.m. in the second floor public meeting room of the Cobb County Building A, Marietta, Georgia. Present and comprising a quorum of the Board were:

Chairman Tim Lee
Commissioner JoAnn Birrell
Commissioner Lisa Cupid
Commissioner Bob Ott
Commissioner Bob Weatherford

CONSENT AGENDA

MOTION: Motion by Lee, second by Ott, to approve/delete the following items on the Consent Agenda, as revised:

O.B. 75 To consider a stipulation and site plan amendment for Passion City Church, Inc. regarding rezoning application Z-1 of 1990 and Z-48 of 2008 (Prentiss Properties Limited, Inc. and Shi Investments Three, LLC), for property located on the west side of Cumberland Parkway, on the east side of I-285, and on the south side of Mount Wilkinson Parkway in Land Lots 842, 843 and 884 of the 17th District.

To approve O.B. 75, subject to:

1. Site plan received by the Zoning Division on November 9, 2016, with the District Commissioner approving minor modifications (attached and made a part of these minutes)
2. Letter of agreeable conditions from John Moore dated November 9, 2016 (attached and made a part of these minutes)
3. Water and Sewer Division comments and recommendations
4. Department of Transportation comments and recommendations
5. All previous stipulations and conditions, not otherwise in conflict, to remain in effect

CONSENT VOTE: ADOPTED 5-0
November 9, 2016

Hand Delivered

Min. Bk. 80 Petition No. 0-B-75
Doc. Type Letter
Meeting Date 11-15-16

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-075-2016

Applicant:
Passion City Church, Inc.
Whitehall Investments, LLC

Property Owner:

Property:
10.758 acres, more or less, located on the westerly side of Cumberland Parkway, the easterly side of Interstate 285; south of Mt. Wilkinson Parkway (2575, 2625, 2675 Cumberland Parkway), Land Lots 842, 843, and 884, 17th District, 2nd Section, Cobb County, Georgia

Dear John:

The undersigned and this firm represent Passion City Church, Inc., the Applicant (hereinafter referred to as “Applicant”), Whitehall Investments, LLC, the Property Owner (hereinafter referred to as “Owner” or “Property Owner”), in the referenced Application for “Other Business”
with regard to a total tract of 10.758 acres, more or less, located on the westerly side of Cumberland Parkway, the easterly side of Interstate 285, southerly of Mt. Wilkinson Parkway (being more particularly known as 2575, 2625, and 2675 Cumberland Parkway), Land Lots 842, 843, and 884,, 17th District, 2nd Section, Cobb County, Georgia (hereinafter referred to as the “Property” or the “Subject Property”). On behalf of the Applicant, we have been authorized to submit the following as agreeable stipulations and conditions, which, if the referenced Application for “Other Business” is approved by the Cobb County Board of Commissioners, as submitted, shall become a part of the requested approvals and shall be binding upon the Subject Property. The proposed 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; together with any and all Departmental Comments and Staff Recommendations relating to the Subject Property from any prior zoning actions.

(2) Applicant seeks approval of the revised Zoning Site Plan, site plan specific, prepared by Wakefield Beasley & Associates dated November 1, 2016, which depicts the amendments proposed by Applicant. A reduced copy of the revised Zoning Site Plan is attached hereto as Exhibit “A” and incorporated herein by reference.

(3) By the filing of this letter of agreeable stipulations and conditions, Applicant amends its Application for “Other Business” to submit the revised Zoning Site Plan for the proposed project hereinafore referenced, said revised Zoning Site Plan being prepared by Wakefield Beasley & Associates dated November 1, 2016, and filed with the Zoning Office contemporaneously with the filing of this letter of agreeable stipulations and conditions.

(4) The Subject Property will be redeveloped for use as the Cobb County campus of Passion City Church to allow for Church services and related Church educational, recreational, and ministerial activities and functions.

(5) Redevelopment of the Subject Property shall be as follows:

(a) Renovation of existing four-story office building which shall be utilized for worship services and related Church functions until such time as the campus development is completed;
(b) Construction of a maximum 30,000 square foot addition to the existing building for a maximum 2,000 seat auditorium;

(c) Construction of a worship building, being a maximum of 300,000 square feet, to allow for a maximum of 5,000 seats for worship services;

(d) Construction of a multi-level parking deck to provide for parking as required by Cobb County Code; and

(e) Construction of a Church ministry and Church office building, a maximum of 150,000 square feet, which shall be used for educational and offices related to the Church; together with a multi-level parking deck below surface which shall provide for parking as required by Cobb County Code.

(6) The exterior façade of the existing building shall be completely refurbished utilizing glass, brick, stone, and stucco, or combinations thereof. Additions proposed to the existing structure; as well as, any proposed new structures, shall be complementary in style and architecture to the renovated building to allow for an overall, blended campus appearance.

(7) Architectural elevations for the Church sanctuary shall be approved by the District Commissioner.

(8) Lighting for the Church campus shall be environmentally sensitive, decorative, and themed to the architecture and style of the buildings, as allowed by the power provider.

(9) Additionally, hooded security lighting shall be utilized on the exterior of the buildings and throughout the walkways, surface parking areas, and parking decks.

(10) Entrance signage for the Church campus shall be ground-based, monument-style signage, with the finish, materials, and color being in conformity with the architecture and design of the Church buildings. Applicant shall have building signage as per Cobb County Code.

(11) Additional signage related to the Church and Church functions may be utilized as allowed by Cobb County and Georgia Department of Transportation rules and regulations.
The entrance areas, together with all islands and planted areas, plaza areas, and buffer areas along Cumberland Parkway and Mt. Wilkinson Parkway shall be professionally designed, landscaped, and maintained.

All dumpsters servicing the proposed Church campus shall be located within a minimum six (6) foot high wooden enclosure on three sides with a solid wooden screen gate or doors on the access side. The materials and colors for the enclosure shall match and be complementary to the façade of the structures. The doors shall remain closed except for dumping. All dumpsters shall contain rubber lids to minimize noise.

Access to the proposed Church campus shall be from Cumberland Parkway only, as more fully delineated on the referenced, revised Zoning Site Plan.

There shall be no direct access onto Interstate 285 or Mt. Wilkinson Parkway from the Church campus.

Any existing curb, gutter, and sidewalk along Cumberland Parkway or Mt. Wilkinson Parkway which may be damaged during construction shall be replaced by Applicant following completion of the development of the Church campus.

Minor modifications to the within stipulations, the referenced, revised Zoning Site Plan, lighting, landscaping, architecture, signage, site features, and the like, may be approved by the District Commissioner, as needed or necessary, except for those that:

(a) Increase the density of the overall square footage of the development;

(b) Reduce the size of an approved buffer adjacent to a property that is zoned the same or in a more restrictive zoning district;

(c) Relocate a structure closer to the property line of an adjacent property that is zoned the same or in a more restrictive zoning district;

(d) Increase the height of a building that is adjacent to a property that is zoned the same or in a more restrictive zoning district; or
(e) Change an access location to a different roadway.

(18) All setbacks and buffer areas may be penetrated for purposes of access, utilities, and stormwater management, including, but not limited to, detention/retention facilities, drainage facilities, and any and all slopes or other required engineering features of the foregoing.

(19) Applicant agrees to comply with all Cobb County development standards and ordinances relating to project improvements, except as approved by the Board of Commissioners or by the Department of Transportation or Community Development Agency, as their authority may allow.

(20) All utilities for the proposed development shall be located underground.

(21) Detention for the Subject Property shall be in accordance with Cobb County Stormwater Management standards and regulations.

(22) All construction and employee vehicles and equipment will be parked, and otherwise located on, the Subject Property during development of infrastructure and construction of buildings, and shall not be parked on or along Cumberland Parkway.

(23) There shall be established a fifty (50) foot Cobb County stream bank buffer and a twenty-five (25) foot State of Georgia stream buffer as shown and reflected on the referenced, revised Zoning Site Plan.

(24) Contemporaneously with the approvals of the revised Master Zoning Plan and the stipulations set forth above, Applicant also seeks approval to construct a temporary "clear span" structure on an existing building pad located on the Subject Property. The purpose of the temporary structure is to allow Applicant to begin holding Church services on the Property prior to completion of renovations to the existing office building and completion of additional worship and Church related facilities. Photographs of similar structures are attached hereto collectively as Exhibit "B" and incorporated herein by reference. This approval shall be for a period of twenty-four (24) months, but may be extended by the District Commissioner.
We believe the requested approvals, as presented in the Application for "Other Business," together with the revised Zoning Site Plan submitted herewith and the stipulations set forth above, are an appropriate modification for the Subject Property, and will allow Applicant to expand its ministries into the Cumberland/Vinings area to serve its members and the community as a whole. 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
Attachments
c: Cobb County Board of Commissioners:
   Timothy D. Lee, Chairman
   JoAnn Birrell
   Lisa N. Cupid
   Robert J. Ott
   Bob Weatherford
   (With Copies of Attachments)

   Jason A. Campbell
   Planner III
   Zoning Division
   Cobb County Community Development Agency
   (With Copies of Attachments)

   Passion City Church, Inc.
   (With Copies of Attachments)