

**DECEMBER 16, 2008 ZONING HEARING
"OTHER BUSINESS"
COMMISSION DISTRICT 2**

ITEM #2

PURPOSE

To consider amending the stipulations regarding SLUP-9 (ST.BENEDICT'S EPISCOPAL CHURCH, LLC) of July 15, 2008 for property located 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.

BACKGROUND

A Special Land Use Permit (SLUP) for a Private School was granted for this site on July 15, 2008. The Board of Commissioners decision is attached. One of the conditions required the mobile classrooms to be removed within six (6) months of the Board of Commissioners' decision. This request seeks an extension of sixteen (16) additional months to utilize the mobile classrooms and requires the removal of the mobile classrooms on or before April 15, 2010. The Other Business application is also attached.

FUNDING

N/A

RECOMMENDATION

The Board of Commissioners first determine if the request is minor. If it is determined to be minor, consider the request to amend the stipulation as requested.

ATTACHMENTS

Board of Commissioners Decision
Other Business Application

**MINUTES OF ZONING HEARING
COBB COUNTY BOARD OF COMMISSIONERS
JULY 15, 2008
9:04 A.M.**

The Board of Commissioners' Zoning Hearing was held on Tuesday, July 15, 2008, at 9:04 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

SLUP-9 ST. BENEDICT'S EPISCOPAL CHURCH, LLC (Cooper Lake Investments, LLC, owner) requesting a **Special Land Use Permit** for the purpose of a Private School in Land Lots 694 and 695 of the 17th District. Located on the west side of South Atlanta Road and on the east side of West Atlanta Road, south of Daniel Street.

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

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

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

**MINUTES OF ZONING HEARING
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SLUP-9 ST. BENEDICT'S EPISCOPAL CHURCH, LLC (Cooper Lake Investments, LLC, owner)

- **District Commissioner may make minor changes**
- **Fire Department comments and recommendations**
- **Water and Sewer Division comments and recommendations**
- **Stormwater Management Division comments and recommendations**
- **revised Cobb DOT comments and recommendations dated June 30, 2008 (attached and made a part of these minutes)**
- **owner/developer to enter into a Development Agreement pursuant to O.C.G.A. §36-71-13 for dedication of system improvements to mitigate traffic concerns**

VOTE: ADOPTED unanimously

MOORE INGRAM JOHNSON & STEELE

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§ ADMITTED ONLY IN TN

May 14, 2008

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

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

Hand Delivered

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

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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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- 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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Continued

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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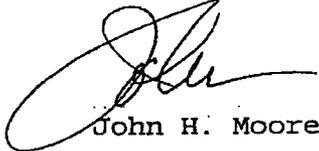
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Continued

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

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Owner: Cooper Lake Investments, LLC
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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:

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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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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

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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.

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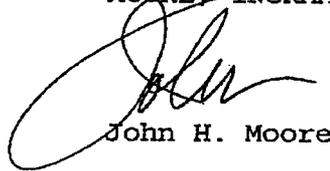
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As previously stated, we believe the requested zoning, pursuant to the As-Built Survey and the stipulations previously submitted as well as those set forth herein, is an appropriate use of the Subject Property. The rezoning and the use sought by Applicant 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,

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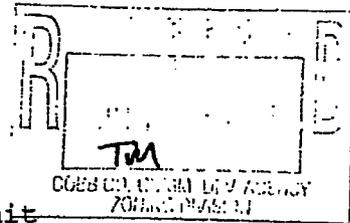
† ALSO ADMITTED IN TN
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• ADMITTED ONLY IN TN

June 25, 2008

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

Hand Delivered

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



RE: Application for Special Land Use Permit

Application No.: SLUP-9 (2008)

Applicant: St. Benedict's Episcopal
Church, LLC

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

Dear John:

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

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Mr. John P. Pederson, AICP
Planner III
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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 Special Land Use Permit is approved, as submitted, shall become a part of the grant of the requested approval and shall be binding upon the Subject Property. The referenced stipulations are as follows:

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

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

MOORE INGRAM JOHNSON & STEELE

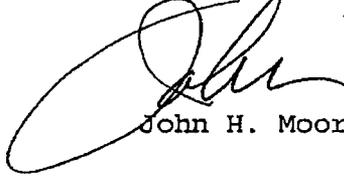
Mr. John P. Pederson, AICP
Planner III
Zoning Division
Cobb County Community Development Agency
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With kindest regards, I remain

Very truly yours,

MOORE, INGRAM, JOHNSON & STEELE, LLP



John H. Moore

JHM:cc

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

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

Shane Coldren
Ron Sifen
Vinings Homeowners Association

Suzanne Ballew
Mary Rose Barnes

St. Benedict's Episcopal Church, LLC

LAND USE AND
SPECIAL LAND USE PERMITS
JUNE 2008

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Comments
Meeting Date 7-15-08

SLUP-9

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

Recommend restricted access along Atlanta Road.

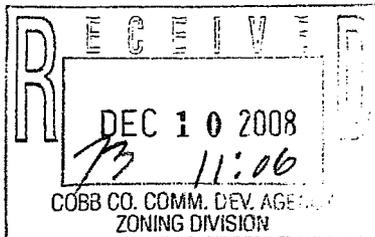
Recommend a deceleration lane along Atlanta Road.

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

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

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

EXHIBIT "A"
**AMENDMENT TO 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
Current Hearing Date: December 16, 2008

BEFORE THE COBB COUNTY BOARD OF COMMISSIONERS

Applicant: St. Benedict's Episcopal Church, LLC

Applicant requests an amendment to one stipulation added by the Cobb County Board of Commissioners in the hearing regarding the Application for Special Land Use Permit (SLUP-9 (2008)) held on July 15, 2008. The approved stipulation is as follows:

[M]obile classrooms will be removed within six (6) months of the Board of Commissioners' decision; however, the time period may be considered for extension via an Other Business agenda item.

Applicant requests an amendment to the referenced stipulation as follows:

[M]obile classrooms will be removed within sixteen (16) months of the Board of Commissioners' decision regarding this Amendment; or on or the date of April 15, 2010; however, the time period may be considered for extension via an "Other Business" agenda item.

Applicant seeks this amendment to accommodate the enrollment of the school while classrooms and offices are being renovated in the existing structure. Once the renovations are completed, the mobile classrooms will not be necessary and will be removed, possibly earlier than the sixteen-month period.

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 July 15, 2008, and May 20, 2008, in Application Nos. Z-21 (2008) and SLUP-9 (2008) are unaltered by this request for stipulation amendment.