

**JUNE 16, 2009 ZONING HEARING  
“OTHER BUSINESS”  
COMMISSION DISTRICT 2**

**ITEM # 3**

**PURPOSE**

To consider amending the Site Plan and Stipulations regarding Z-21 (ST. BENEDICT’S EPISCOPAL CHURCH, LLC) of May 20, 2008, for property located in Land Lots 694 and 695 of the 17<sup>th</sup> District on the west side of South Atlanta Road and on the east side of West Atlanta Road, south of Daniel Street.

**BACKGROUND**

The subject property is zoned OI subject to numerous conditions/stipulations that are attached. It should be noted that many of the conditions/stipulations apply to the private school and are not being amended by this request. This request is to allow the St. Benedict’s Episcopal Church to operate a seasonal farmer’s market one day a week (Tuesday) as a ministry of the church. A site plan is attached indicating the areas where the marketplace could potentially operate. The Other Business application is attached which includes agreeable stipulations regarding the operation of the marketplace.

**FUNDING**

N/A

**RECOMMENDATION**

The Board of Commissioners review the site plan and stipulations and consider amending the stipulations. If approved, all other previously approved conditions/stipulations should remain in effect.

**ATTACHMENTS**

Board of Commissioners Decision  
Site Plan  
Other Business Application/Stipulations

**MINUTES OF ZONING HEARING  
COBB COUNTY BOARD OF COMMISSIONERS  
MAY 20, 2008  
9:04 A.M.**

The Board of Commissioners' Zoning Hearing was held on Tuesday, May 20, 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, absent

**Z-21**

**ST. BENEDICT'S EPISCOPAL CHURCH, LLC** (Cooper Lake Investments, LLC, owner) requesting Rezoning from **RM-12** to **OI** for the purpose of Church and Day School in Land Lots 694 and 695 of the 17<sup>th</sup> District. Located on the west side of South Atlanta Road and on the east side of West Atlanta Road, south of Daniel Street.

The public hearing was opened and Mr. John Moore, Ms. Mary Rose Barnes, Ms. Suzanne Ballew, and Ms. Joan Thomas addressed the Board. Following presentations and discussion, the following motion was made:

**MOTION:** Motion by Thompson, second by Olens, to approve Rezoning request to the **OI** zoning district **subject to:**

- **site plan/traffic flow plan received by the Zoning Division May 14, 2008 (attached and made a part of these minutes)**
- **letter of agreeable conditions from Mr. John Moore dated May 14, 2008 (attached and made a part of these minutes)**
- **letter of agreeable conditions from Mr. John Moore dated May 15, 2008 (attached and made a part of these minutes)**
- **Fire Department comments and recommendations**
- **Water and Sewer Division comments and recommendations**
- **Stormwater Management Division comments and recommendations**
- **revised Cobb DOT comments and recommendations (attached and made a part of these minutes)**
- **owner/developer to enter into a Development Agreement pursuant to O.C.G.A. §36-71-13 for dedication of system improvements to mitigate traffic concerns**

**VOTE:** **ADOPTED** unanimously



# MOORE INGRAM JOHNSON & STEELE

A LIMITED LIABILITY PARTNERSHIP  
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OF COUNSEL:  
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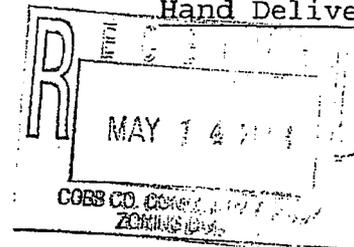
† ALSO ADMITTED IN TN  
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• ADMITTED ONLY IN TN

May 14, 2008

Min. Bk. 56 Petition No. Z-21  
Doc. Type letter of  
agreeable conditions  
Meeting Date 5/20/08

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

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,  
17<sup>th</sup> District, 2<sup>nd</sup> 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, 17<sup>th</sup> District, 2<sup>nd</sup> 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  
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reviewing the staff comments and recommendations and the uses of surrounding properties, we have been authorized by the Applicant and Owner to submit this letter of agreeable stipulations and conditions which, if the Application for Rezoning is approved, as submitted, shall become a part of the grant of the requested zoning and shall be binding upon the Subject Property. This letter shall supersede and replace in full the letter of agreeable stipulations and conditions dated and filed April 30, 2008. The referenced stipulations are as follows:

- (1) The stipulations and conditions set forth herein shall replace and supersede in full any and all prior stipulations and conditions, in whatsoever form, which are currently in place on the Subject Property.
- (2) Rezoning of the Subject Property shall be from the existing zoning category of RM-12 to the proposed zoning category of Office and Institutional ("OI"), site plan specific to that certain As-Built Survey prepared by McClung Surveying Services, Inc. dated May 16, 2002.
- (3) The Subject Property consists of a total of 3.553 acres. Applicant proposes to renovate and refurbish the existing church facilities and parking for a church and day school, up to and including pre-kindergarten and kindergarten.
- (4) The maximum number of students enrolled in the proposed day school shall be two hundred eighty (280). Enrollment shall be as follows:
  - (a) There will be a maximum of eighty (80) students during the 2008-2009 school year which is scheduled to begin September 2008 after completion of renovations to approximately 6,500

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Mr. John P. Pederson, AICP  
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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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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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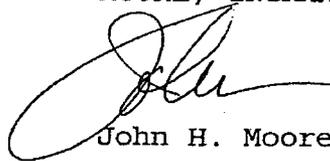
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Continued

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  
Ron Sifen  
Vinings Homeowners Association  
(With Copy of Attachment)

Suzanne Ballew  
Mary Rose Barnes  
(With Copy of Attachment)

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

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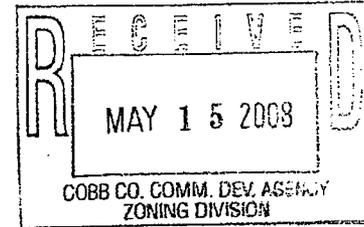
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May 15, 2008

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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,  
17<sup>th</sup> District, 2<sup>nd</sup> Section,  
Cobb County, Georgia

Dear John:

On behalf of the Applicant and Property Owner in the above-referenced Application for Rezoning, please allow this correspondence to serve as a supplement to the revised letter of agreeable stipulations and conditions dated and filed with your office on May 14, 2008, which, if the Application for Rezoning is approved, as submitted, shall become part of the grant of the requested zoning and shall be binding upon the Subject Property. The additional stipulations are as follows:

**MOORE INGRAM JOHNSON & STEELE**

Mr. John P. Pederson, AICP  
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- (1) Applicant has prepared a Daily Carpool Schedule which is proposed as follows:

Projected Morning Start Time:

K - 5<sup>th</sup> 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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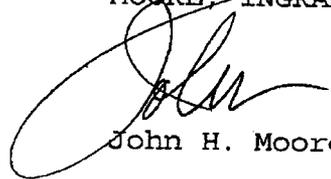
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As previously stated, we believe the requested zoning, pursuant to the As-Built Survey and the stipulations previously submitted as well as those set forth herein, is an appropriate use of the Subject Property. The rezoning and the use sought by Applicant 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,

MOORE, INGRAM, JOHNSON & STEELE, LLP



John H. Moore

JHM:cc

c: Cobb County Board of Commissioners:

- Samuel S. Olens, Chairman
- Helen C. Goreham
- Annette Kesting
- Joe L. Thompson
- Tim Lee

- Shane Coldren
- Ron Sifen
- Vinings Homeowners Association

- Suzanne Ballew
- Mary Rose Barnes

St. Benedict's Episcopal Church, LLC

APPLICANT: St. Benedict's Episcopal Church, LLC

PETITION NO.: Z-21

PRESENT ZONING: RM-12

PETITION FOR: O & I

\*\*\*\*\*

**TRANSPORTATION COMMENTS**

The following comments and recommendations are based on field investigation and office review of the subject rezoning case:

ROADWAY	AVERAGE DAILY TRIPS	ROADWAY CLASSIFICATION	SPEED LIMIT	JURISDICTIONAL CONTROL	MIN. R.O.W. REQUIREMENTS
Cooper Lake Road	3500	Minor Collector	35 mph	Cobb County	60'
Atlanta Road	22100	Arterial	45 mph	Cobb County	100'

*Based on 2006 traffic counting data taken by Cobb County DOT. (Cooper Lake Road)  
Based on 2007 traffic counting data taken by Cobb County DOT. (Atlanta Road)*

**COMMENTS AND OBSERVATIONS**

Cooper Lake Road is classified as a Minor Collector and according to the available information, the existing right-of-way does not meet the minimum requirements for this classification.

Atlanta Road is classified as an Arterial and according to the available information, the existing right-of-way does meet the minimum requirements for this classification.

Access to Atlanta Road shall be right-in only.

As necessitated by this development for access from Atlanta Road, a deceleration lane will be required.

Develop and present a circulation plan that will facilitate student drop offs / pick ups and any other related school activity. The plan should show how on-site queuing will be accommodated.

Minimize the number of curb cuts along Cooper Lake Road.

**RECOMMENDATIONS**

Recommend right-in only access along Atlanta Road.

Recommend a deceleration lane along Atlanta Road.

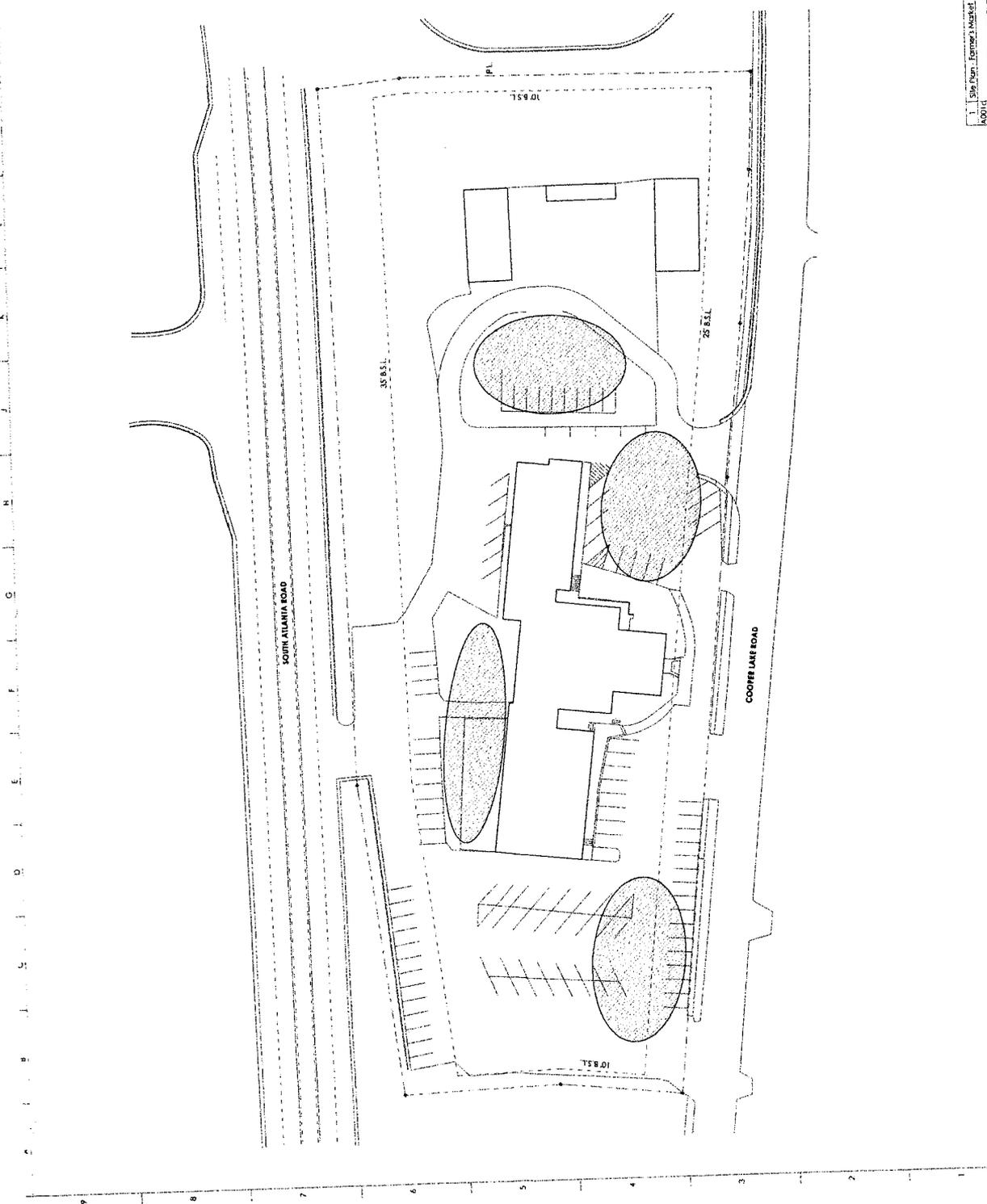
Recommend the applicant develop and present a detailed circulation plan describing how traffic will be handled for all school functions.

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

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

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Doc. Type revised DOT  
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Meeting Date 5/20/08

MATERIAL KEYNOTES

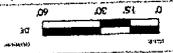


1. Site Plan - Farmer's Market  
A001C

**HOUSER  
WALKER  
ARCHITECTURE**  
1425 Spring St. NW  
Atlanta, GA 30309  
404.433.4244  
404.433.7327  
www.houserwalker.com

**CONSULTANTS:**  
**Pratt & Engineer**  
Collaborative  
350 Research Court  
Smyrna, GA 30080  
404.433.4244  
**Pratt & Engineer**  
1000 Peachtree Street, NE  
Atlanta, GA 30309  
404.433.4244  
**Melick Engineering**  
1000 Peachtree Street, NE  
Atlanta, GA 30309  
404.433.4244

**Farmer's Market Locations**



**St. Benedict's Episcopal Church  
Renovations**  
2160 Cooper Lane Rd., Smyrna, GA 30080

For Construction  
**06/05/09**  
**0635**

**A001C**

**GENERAL NOTES**  
A. This drawing is intended to show the possible location on the church property to have the Farmer's Market.

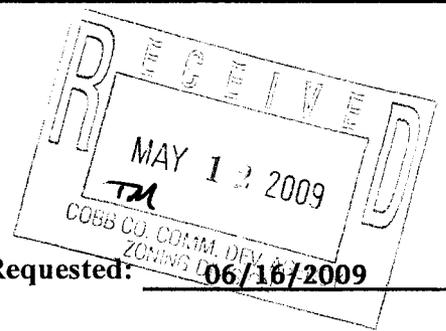


**SHEET SPECIFIC NOTES**

# Application for "Other Business" Cobb County, Georgia

(Cobb County Zoning Division - 770-528-2045)

BOC Hearing Date Requested: 06/16/2009



**Applicant:** St. Benedict's Episcopal Church, LLC Phone #: (678) 279-4300  
(applicant's name printed)

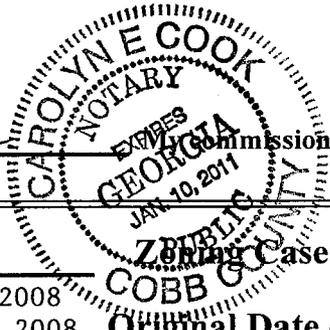
**Address:** Suite 200, Building D, 2900 Paces Ferry **E-Mail:** \_\_\_\_\_  
Moore Ingram Johnson & Steele, LLP Road, Atlanta, GA 30339

**John H. Moore** **Address:** Emerson Overlook, 326 Roswell Street  
(representative's name, printed) Marietta, GA 30060

**BY:** [Signature] Phone #: (770) 429-1499 **E-Mail:** jmoore@mijcs.com; w7@mijcs.com  
(representative's signature)

Signed, sealed and delivered in presence of:

Carolyn E. Cook Commission expires: January 10, 2011  
Notary Public



**Commission District:** 2 **Zoning Case:** Z-21 (2008)  
SLUP-9 (2008)

**Date of Zoning Decision:** May 20, 2008 **Original Date of Hearing:** May 20, 2008  
July 15, 2008 December 16, 2008 (Amendment)

**Location:** 2160 Cooper Lake Road, Smyrna, GA 30080  
(street address, if applicable; nearest intersection, etc.)

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

**State specifically the need or reason(s) for Other Business:** \_\_\_\_\_

See Exhibit "A" attached hereto and incorporated herein by reference

\_\_\_\_\_  
\_\_\_\_\_  
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\_\_\_\_\_  
\_\_\_\_\_

(List or attach additional information if needed)

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

<b>Application Nos.:</b>	<b>Z-21 (2008) and SLUP-9 (2008)</b>
<b>Original Hearing Dates:</b>	<b>May 20, 2008 and July 15, 2008</b>
<b>Previous Other Business Hearing Date:</b>	<b>December 16, 2008</b>
<b>Current Hearing Date:</b>	<b>June 16, 2009</b>

**BEFORE THE COBB COUNTY BOARD OF COMMISSIONERS**

**Applicant: St. Benedict's Episcopal Church, LLC**

Applicant requests an amendment to the stipulations and conditions approved by the Cobb County Board of Commissioners in hearings regarding the Application for Rezoning (Z-21 (2008)) on May 20, 2008, and Application for Special Land Use Permit (SLUP-9 (2008)) on July 15, 2008. Certain stipulations as to each Application were amended by the Board of Commissioners on December 16, 2008, through an "Other Business" request.

Applicant proposes a farmer's market on its premises. The market will operate as a ministry of the Church to provide the residents of Smyrna/Vinings/Oakdale communities access to health, locally grown, raised or produced food items including produce, meats, cheese, and baked items. Applicant will use its best efforts to ensure that this market will be a first-class experience for both the vendors and the patrons.

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) The market day, which is currently proposed for Tuesday, shall be from 4:00 p.m. to 8:00 p.m. Vendors will be allowed to begin setting up at 3:00 p.m. on market days. All vendors will be required to remove all trash and unsold food items from the Property within thirty (30) minutes of market close.
- (3) Vendors must remove all organic material from the Property and will be prohibited from using on-site dumpster or trash receptacle.

- (4) Vendors will be restricted to one 12 x 12 foot "plot" within which to display their goods, and will be required to use the pop-up style tent provided by the Applicant. Vendors will be held accountable for having all necessary licenses, inspections, and permits to sell their goods and report appropriate sales taxes. Applicant will conduct random inspections of these licenses and permits on a regular basis.
- (5) All signage related to the market will be designed professionally to ensure that they are aesthetically appropriate for the intersection. In addition, they will be posted and removed in a timely fashion. The signage may be only placed the day of the market.
- (6) This amendment, if approved, shall terminate September 1, 2009, unless extended by the District Commissioner.

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, 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.