

MARCH 15, 2022 ZONING HEARING

“OTHER BUSINESS”

COMMISSION DISTRICT 3

ITEM OB-75-2021

PURPOSE

To consider a stipulation amendment for Mt. Bethel Christian Academy, Inc. regarding case SLUP-11 (Mt. Bethel United Methodist Church, Inc.) of 2013. The property is located on the north side of Post Oak Tritt Road, west of Holly Springs Road, in Land Lots 599, 600, 625 and 626 of the 16th District (2509 Post Oak Tritt Road). *(Held by the Board of Commissioners from the December 21, 2021 hearing until the March 15, 2022 hearing).*

BACKGROUND

The applicant was granted a Special Land Use Permit by the Board of Commissioners in 2013 for a private school, with subsequent approvals for other site plan amendments. One of the stipulations approved the property site plan specific. The applicant would like to revise the site again to do three things: 1) Relocate the athletic field house to the south end of the athletic field; 2) relocate 82 parking spaces to the north end of the tennis courts; and 3) add 39 more parking spaces for a grand total of 121 parking spaces. The applicant has submitted Exhibit B which explains the proposed revision. If approved, all previous zoning stipulations not in conflict with this amendment would remain in effect.

STAFF COMMENTS

Fire comments: See attached.

Cobb DOT: Recommend retaining the following DOT recommendations from OB-26-2021: a. Maintain a maximum school enrollment of 625 students as designated in SLUP-11-2013; and, b. Recommend applicant be required to meet all Cobb County Development Standards and Ordinances related to project improvements.

RECOMMENDATION

The Board of Commissioners conduct a public hearing and consider the proposed stipulation amendment.

ATTACHMENTS

Other Business application and zoning minutes.

APPLICANT: Mt. Bethel Academy

PETITION NO.: OB-75

PRESENT ZONING: _____

PETITION FOR: _____

FIRE COMMENTS:

The owner/tenant maintain the sole responsibility for the design and correcting all errors, omissions, problems, and code (if any) exposed during construction AFTER authorization by Cobb County

FIRE HYDRANTS:

Hydrant location within 500 feet of the most remote portion of the structure.* (Additional hydrant may need to be installed.)

IFC 510- EMERGENCY RESPONDER RADIO COVERAGE. New buildings are required to provide radio coverage for emergency responders per the International Fire Code. Testing is required by a third party and when deemed necessary amplification systems are required before the building will be issued a certificate of occupancy. This message is to serve as an early notification to owners and developers for budgeting purposes.

FIRE ENGINE ACCESS: The fire department must be able to access the long side of the building.

ACCESS: Fire apparatus access roads shall extend to within 150 feet of all portions of the facility or any portion of the exterior wall of the first floor (State Modifications IFC 503.1 2012 Edition).

All access roads shall meet the American Association of State and Highway Transportation Officials (AASHTO) design manual live load standard HS20 (75,000 lbs.) with an unobstructed width of not less than 20 feet, 25 foot inside radius, 50 foot outside turning radius and unobstructed vertical clearance of not less than 13 feet 6 inches.

Maximum slope of the access road in reference to the apparatus is 10% Front to Back and 5% Side to Side. Maximum grade of roadways leading to Fire Access roads refer to the Cobb County Development Standard Section 400: 14% for Non-Residential. Maximum angle of departure is 8.5%.

Dead-end access roads more than 150 feet shall be provided with a turn-around (IFC Chapter-5, 120-3-3 Rules and Regulations, CCDS Section-401 & 402). Refer to APPENDIX-D for dimensional criteria for turn-arounds in commercial developments.

Aerial apparatus access shall be required for all structures over 30 feet in height measured from the lowest level of fire department access to the ceiling height of the highest occupied floor level. Aerial fire apparatus access roads shall be a minimum width of 24 feet maximum of 40 feet from the structure and be positioned parallel to one entire side of the building. No overhead utility and power lines shall be located within the aerial fire apparatus access. (Cobb County Development Standards 401.08.02.1)

C/O: Plans must be submitted to the Cobb County Fire Marshal’s Office to initiate the Certificate of Occupancy process.

APPLICANT: Mt. Bethel Academy

PETITION NO.: OB-75

PRESENT ZONING: _____

PETITION FOR: _____

FIRE COMMENTS:

Gates

Gates securing fire apparatus access shall be a minimum 14 feet in clear width for a single lane and 20 feet for a double lane. The gates shall not reduce the operating width of the roadway. Double lane gates shall be a minimum of 20 feet in clear width. Gates shall be of the swinging or sliding type. Electric gates shall be equipped with a means of opening the gate by fire department personnel for emergency access. Emergency opening devices shall be approved by the Cobb County Fire Marshal’s Office.

Modifications may be required to incorporate the Cobb County Fire Marshal’s Office comments.

International Fire Code (IFC) Appendix D

(Adopted by the State of Georgia at the beginning of 2020. Partially noted below.)

SECTION D103

MINIMUM SPECIFICATIONS

D103.1 Access road width with a hydrant.

Where a fire hydrant is located on a fire apparatus access road, the minimum road width shall be 26 feet, exclusive of shoulders (see Figure D103.1 in Appendix D).

SECTION D104

COMMERCIAL AND INDUSTRIAL DEVELOPMENTS

D104.1 Buildings exceeding three stories or 30 feet in

height. Buildings or facilities exceeding 30 feet (9144 mm) or three stories in height shall have not fewer than two means of fire apparatus access for each structure.

D104.2 Buildings exceeding 62,000 square feet in area.

Buildings or facilities having a gross *building area* of more than 62,000 square feet (5760 m2) shall be provided with two separate and *approved* fire apparatus access roads.

Exception: Projects having a gross *building area* of up to 124,000 square feet (11 520 m2) that have a single *approved* fire apparatus access road where all buildings are equipped throughout with *approved automatic sprinkler systems*.

D104.3 Remoteness. Where two fire apparatus access roads are required, they shall be placed a distance apart equal to not less than one half of the length of the maximum overall diagonal dimension of the lot or area to be served, measured in a straight line between accesses.

Josh Davis

(770) 528-8161

josh.davis@cobbcounty.org

(Site Plan Approval)
Application for "Other Business"*

Cobb County, Georgia

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

OB Application No.: OB- 75 (2021)

BOC Hearing Date Requested: December 21, 2021

Applicant: Mt. Bethel Christian Academy, Inc. Phone #: (678) 246-8311
(applicant's name printed)

Address: 2509 Post Oak Tritt Road, Marietta, GA 30062 E-Mail: steve.colley@mtbethelchristian.org
MOORE INGRAM JOHNSON & STEELE, LLP

J. Kevin Moore Address: Emerson Overlook, Suite 100, 326 Roswell Street
(representative's name, printed) Marietta, GA 30060

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



Signed, sealed and delivered in presence of:

[Signature] My commission expires: January 10, 2023
Notary Public

Titleholder(s): Mt. Bethel Christian Academy, Inc. Phone #: (678) 246-8311
(property owner's name printed)

Address: 2509 Post Oak Tritt Road, Marietta, GA 30062 E-Mail: steve.colley@mtbethelchristian.org

See Attached Exhibit "A" for Titleholder's Signature
(Property owner's signature)



Signed, sealed and delivered in presence of:

My commission expires: _____
Notary Public

Commission District: 3 (Birrell) **Zoning Case:** SLUP-11 (2013); OB-57 (2014); OB-18 (2017);

OB-28 (2019); OB-26 (2020)
Size of property in acres: 33.4+/- **Original Date of Hearing:** 11/19/2013

Location: Northerly side of Post Oak Tritt Road, westerly of Holly Springs Road
(street address, if applicable; nearest intersection, etc.) (2509 Post Oak Tritt Road)

Land Lot(s): 599, 600, 625, 626 **District(s):** 16th

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

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

*Applicant specifically reserves the right to amend any information set forth in this Application for "Other Business," or any other portion of the Application, at any time during the "Other Business" process.

(List or attach additional information if needed)

EXHIBIT "A" - ATTACHMENT TO APPLICATION FOR "OTHER BUSINESS"
(Site Plan Approval)

Application No.: OB- 75 (2021)
Hearing Date: December 21, 2021

Applicant/Titleholder: Mt. Bethel Christian Academy, Inc.

Tax Parcel Identification No.: 16059900020



MT. BETHEL CHRISTIAN ACADEMY, INC.

BY: Steve Colley
TITLE: Facilities Director

Printed Name: Steve Colley

Date Executed: November 15, 2021

Address: 2509 Post Oak Tritt Road, N.E.
Marietta, Georgia 30062

Telephone No.: (678) 246-8311
E-mail: steve.colley@mtbethelchristian.org

Signed, sealed, and delivered in the presence of:

Denise M. Dickerson
Notary Public
Commission Expires: 10/18/2025

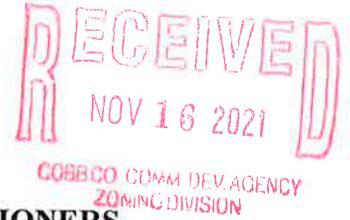
[Notary Seal]

EXHIBIT "B" - ATTACHMENT TO APPLICATION FOR "OTHER BUSINESS"
(Site Plan Approval)

Application No.: OB- 75 (2021)
Hearing Date: December 21, 2021

Applicant/Titleholder: Mt. Bethel Christian Academy, Inc.

Tax Parcel Identification No.: 16059900020



BEFORE THE COBB COUNTY BOARD OF COMMISSIONERS

Applicant and Property Owner, Mt. Bethel Christian Academy, Inc. (hereinafter collectively "Applicant"), is the owner of approximately 33.4 acres located on the northerly side of Post Oak Tritt Road, westerly of Holly Springs Road, Land Lots 599, 600, 625, and 626, 16th District, 2nd Section, Cobb County, Georgia, and being more particularly known as 2509 Post Oak Tritt Road. On November 19, 2013, the Cobb County Board of Commissioners approved a Special Land Use Permit requested by Applicant for the Property. As a result of the approval, Applicant opened its high school campus on the Property in August 2014, which has been in operation since that date. Applicant continues to operate its main church and lower school (pre-school, elementary, and middle) at its campus on Lower Roswell Road. When it received approval of the Special Land Use Permit, Applicant contemplated a phased growth and expansion for its upper (high school) at the North Campus. Since obtaining approval of the Special Land Use Permit in 2013, Applicant has received approvals from the Cobb County Board of Commissioners for modifications to the North Campus.

Applicant now seeks approval of a modification to the Site Plan to allow for construction of the previously approved athletic field and attendant facilities and parking. Modifications to the Site Plan, include, but are not limited to:

- Relocation of the proposed future field house to the south end of the athletic field (approved on the west side of the athletic field in SLUP-11 (2013));
- Relocation of previously approved eighty-two (82) parking spaces from south of the tennis courts to north of the tennis courts;
- Addition of thirty-nine (39) parking spaces, allowing for a total of one hundred twenty-one (121) additional parking spaces.

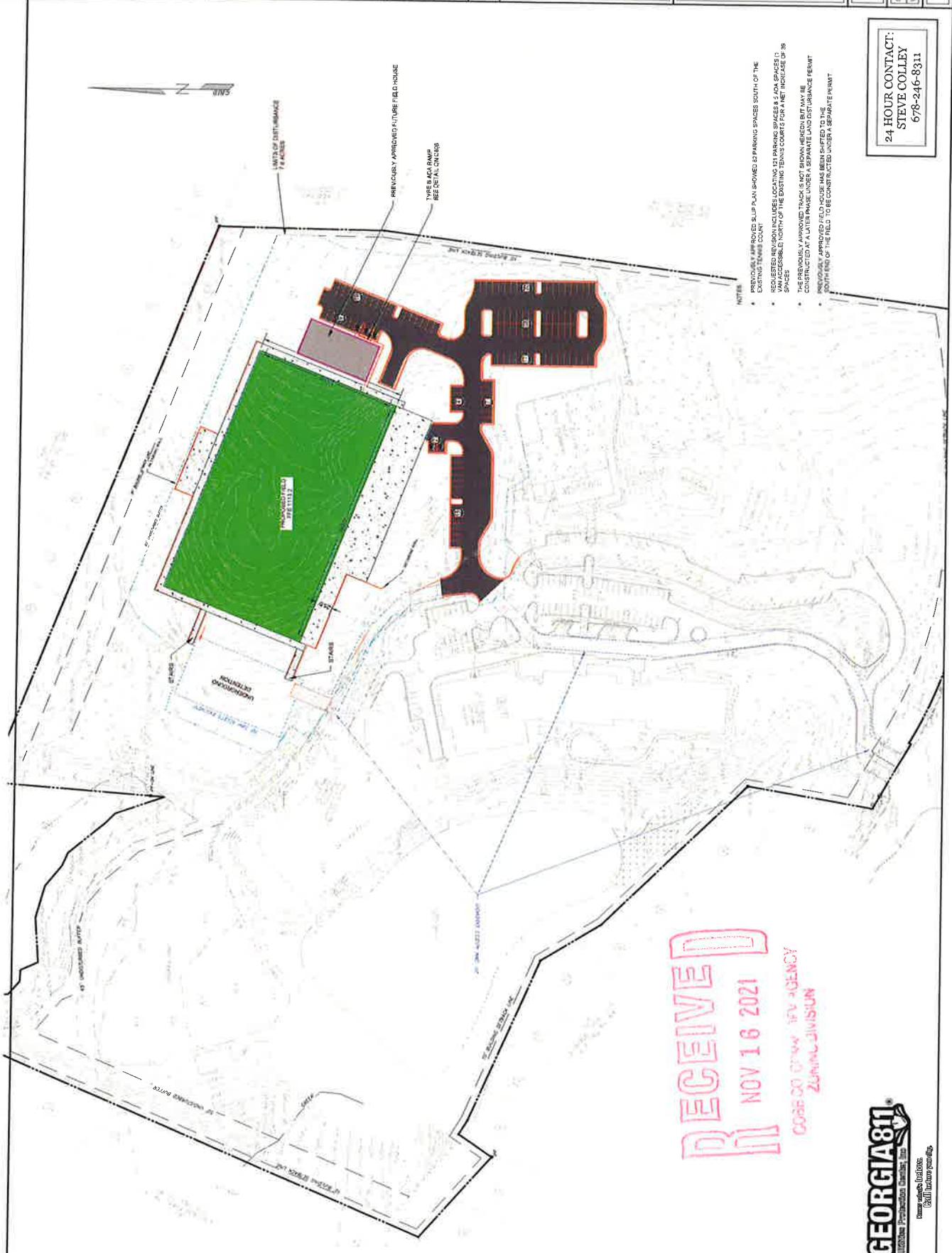
Applicant submits for approval in this Application for "Other Business" the Site Plan prepared by On Site Civil Group, dated September 15, 2021, a reduced copy of which is attached hereto as Exhibit "1."

The proposed athletic field was approved in the original Special Land Use Permit, and the approval of the revised Site Plan will allow for enhancements and improvements to be made to the initial and subsequently approved Site Plans. These modifications are proposed as a result of engineering on the site and to best utilize the Property for now and in future years.

The amended and revised Site Plan proposed for the North Campus in no way adversely impacts or affects the quality or integrity of the Campus and overall development. If the requested, revised Site Plan is approved, as submitted, it shall become an additional part of the final rezoning and shall be binding upon the Subject Property.

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 19, 2013, as to SLUP-11 (2013); as well as, any other amendments approved by the Board of Commissioners through "Other Business" Applications or the District Commissioner, and which are not otherwise in conflict herein, are unaltered or unchanged by this request for Site Plan Approval.

ON SITE CIVIL GROUP 1000 BROADWAY, SUITE 2000, ATLANTA, GA 30309 (404) 525-1234 WWW.ON-SITE.COM		REVISIONS No. DATE DESCRIPTION	CLIENT: MT BETHEL UMC 4385 LOWER ROSWELL RD MARIETTA, GA PIN: 16059900020	MT BETHEL UMC NORTH CAMPUS PROPOSED TRACK & FIELD 2509 POST OAK TRITT ROAD LL 699,609,625,626 16TH DISTRICT PIN: 16059900020	SITE PLAN DATE: 11/16/2021 PROJECT:	SHEET: C 401
		THESE DRAWINGS ARE THE PROPERTY OF CIVIL GROUP AND SHALL REMAIN THE PROPERTY OF CIVIL GROUP. NO PART OF THESE DRAWINGS SHALL BE REPRODUCED OR TRANSMITTED IN ANY FORM OR BY ANY MEANS, ELECTRONIC OR MECHANICAL, INCLUDING PHOTOCOPYING, RECORDING, OR BY ANY INFORMATION STORAGE AND RETRIEVAL SYSTEM, WITHOUT THE WRITTEN PERMISSION OF CIVIL GROUP.			DATE: 11/16/2021 PROJECT:	DATE: 11/16/2021 PROJECT:



- NOTES:
- PREVIOUSLY APPROVED SLIP PLAN SHOWED 12 PARKING SPACES SOUTH OF THE EXISTING TENNIS COURT
 - REQUESTED REVISION INCLUDES LOCATING 121 PARKING SPACES AS 10A SPACES (10 SPACES POSSIBLE) NORTH OF THE EXISTING TENNIS COURTS FOR A NET INCREASE OF 98
 - THE PREVIOUSLY APPROVED TRACK IS NOT BEING REVISIONED BUT WILL BE CONSTRUCTED AT A LATER PHASE UNDER A SEPARATE LAND DISTURBANCE PERMIT
 - PREVIOUSLY APPROVED FIELD HOUSE HAS BEEN SHIFTED TO THE SOUTH END OF THE FIELD TO BE CONSTRUCTED UNDER A SEPARATE PERMIT

24 HOUR CONTACT:
 STEVE COLLEY
 678-246-8311

RECEIVED
 NOV 16 2021
 GEORGIA DEPARTMENT OF TRANSPORTATION
 ZONING DIVISION



EXHIBIT "1"

**REVISED SITE PLAN SUBMITTED FOR
APPROVAL BY BOARD OF
COMMISSIONERS PURSUANT TO
APPLICATION FOR “OTHER BUSINESS” –
DECEMBER 21, 2021**

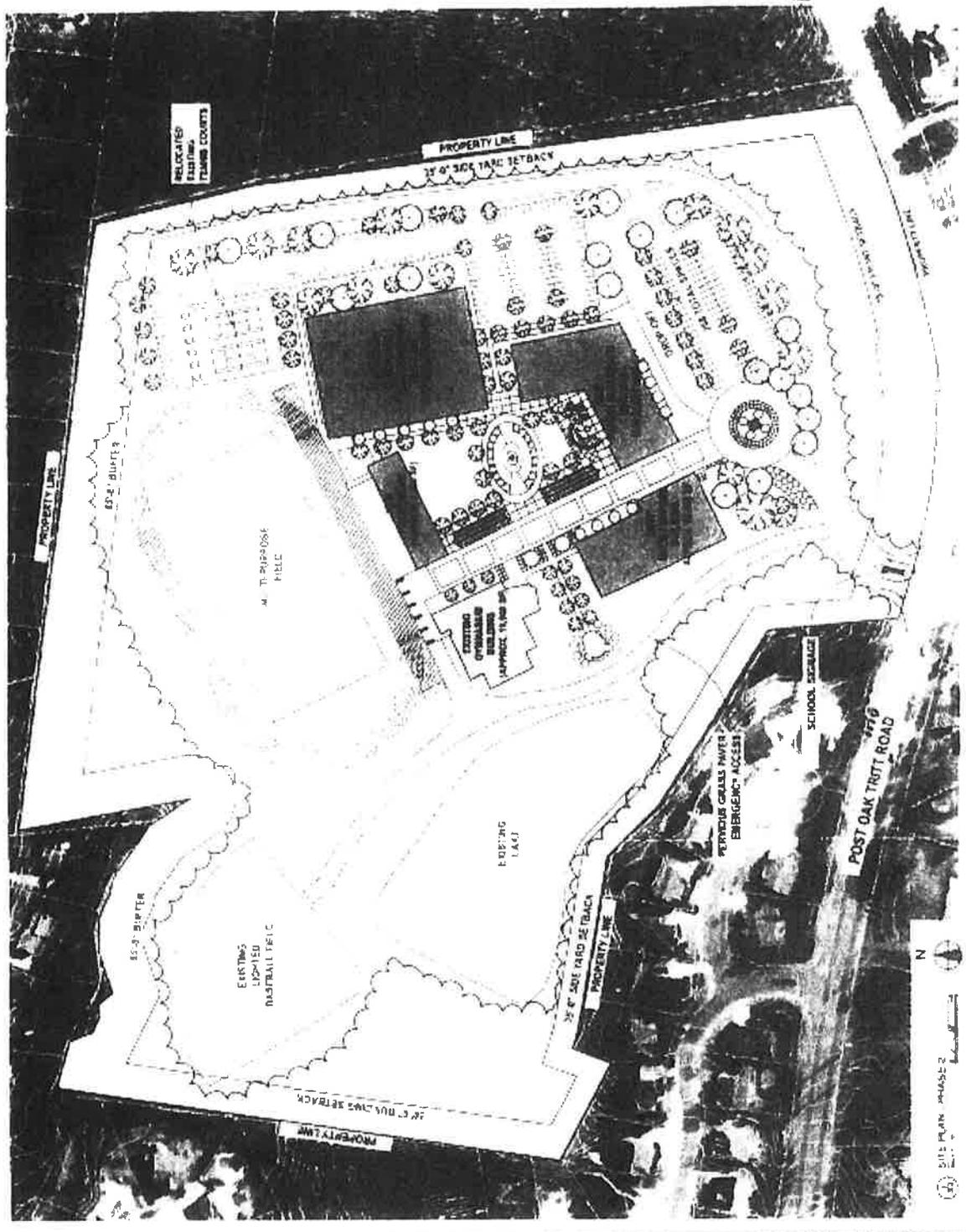
**SITE PLAN APPROVED BY BOARD OF
COMMISSIONERS PURSUANT TO
APPLICATION FOR SPECIAL LAND USE
PERMIT SLUP-11 (2013)
– NOVEMBER 19, 2013**

COLLINS
COOPER
CARRUTHERS

SLUP-11
(2013)
Site Plan -
Phase 2

REVISED
OCT 24 2013

G-2



**REVISED SITE PLAN APPROVED BY
DISTRICT COMMISSIONER –
JANUARY 6, 2016**

**REVISED SITE PLAN APPROVED BY
BOARD OF COMMISSIONERS PURSUANT
TO APPLICATION FOR “OTHER BUSINESS”
NO. OB-28 (2019)
– MAY 21, 2019**

**OFFICIAL MINUTES OF COBB COUNTY
BOARD OF COMMISSIONERS ZONING
HEARING AS TO APPLICATION FOR
SPECIAL LAND USE PERMIT
NO. SLUP-11 (2013)
- NOVEMBER 19, 2013**

~~REGULAR CASES (CONT.)~~

LUP-32 CHANDRA L. YATES (CONT.)

- Occupants to park vehicles only on hardened surface of the driveway
- No on-street parking
- Any further verified code complaints would accelerate enforcement to 30 days from the date of the violation

VOTE: ADOPTED 4-0, Chairman Lee absent

~~A recess was taken from 10:40 a.m. until 10:47 a.m.~~

Commissioner Ott announced that he would recuse himself from SLUP-11, due to his affiliation with Mt. Bethel United Methodist Church, Inc.

SLUP-11 MT. BETHEL UNITED METHODIST CHURCH, INC. (Atlanta Jewish Community Center, Inc., owner) requesting a **Special Land Use Permit** for the purpose of a Private School in Land Lots 599, 600, 625 and 626 of the 16th District. Located on the north side of Post Oak Tritt Road, west of Holly Springs Road (2509 Post Oak Tritt Road).

The public hearing was opened and Mr. Jim Callis and Ms. Ellen Smith addressed the Board. Following presentation and discussion, the following motion was made:

MOTION: Motion by Birrell, second by Goreham, to **approve** Special Land Use Permit **subject to**:

- **Revised Phase I and Phase II site plans dated 10/15/13, with the District Commissioner approving minor modifications (attached and made a part of these minutes)**
- **Traffic flow plans (Phase I and Phase II) received by the Zoning Division September 25, 2013, with the District Commissioner approving minor modifications (attached and made a part of these minutes)**
- **Statement of proposed site improvements dated September 3, 2013 (attached and made a part of these minutes)**
- **Letter of agreeable conditions from Ms. Ellen W. Smith dated November 4, 2013 (attached and made a part of these minutes) with the following changes:**

REGULAR CASES (CONT.)

SLUP-11 MT. BETHEL UNITED METHODIST CHURCH, INC. (CONT.)

- Item No. 7 – amend to read: “... on any day of the week, or before 7:00 a.m. on weekdays and before 9:00 a.m. on Saturdays and Sundays.”
- Item No. 11 – amend second sentence to read: “For purposes of this paragraph, any modifications that increase density or intensity of the proposed uses; reduce the size or composition of an approved buffer....”
- Letter of agreeable conditions from Ms. Ellen W. Smith dated November 11, 2013 (attached and made a part of these minutes)
- Water and Sewer Division comments and recommendations
- Stormwater Management Division comments and recommendations
- Cobb DOT comments and recommendations

VOTE: **ADOPTED** 3-0-1, Chairman Lee absent, Commissioner Ott recused himself

~~OTHER BUSINESS~~

O.B. 1 To consider correcting the zoning hearing minutes relating to rezoning application Z-33 of 2013 (Blake Properties, Inc.), for property located on the west side of West Sandtown Road, southwest of Dallas Highway in Land Lots 331 and 332 of the 20th District.

Mr. Pederson provided information regarding the correction of zoning hearing minutes for Z-33 of 2013. The public hearing was opened and Mr. Bruce Goodman and Ms. Keli Gambriel addressed the Board. Following presentation and discussion, the following motion was made:

MOTION: Motion by Goreham, second by Ott, to **approve** Other Business Item No. 1 for correction of zoning hearing minutes regarding application Z-33 of 2013 (Blake Properties, Inc.), for property located on the west side of West Sandtown Road, southwest of Dallas Highway in Land Lots 331 and 332 of the 20th District **subject to:**

**COLLINS
COOPER
(A RUST)**

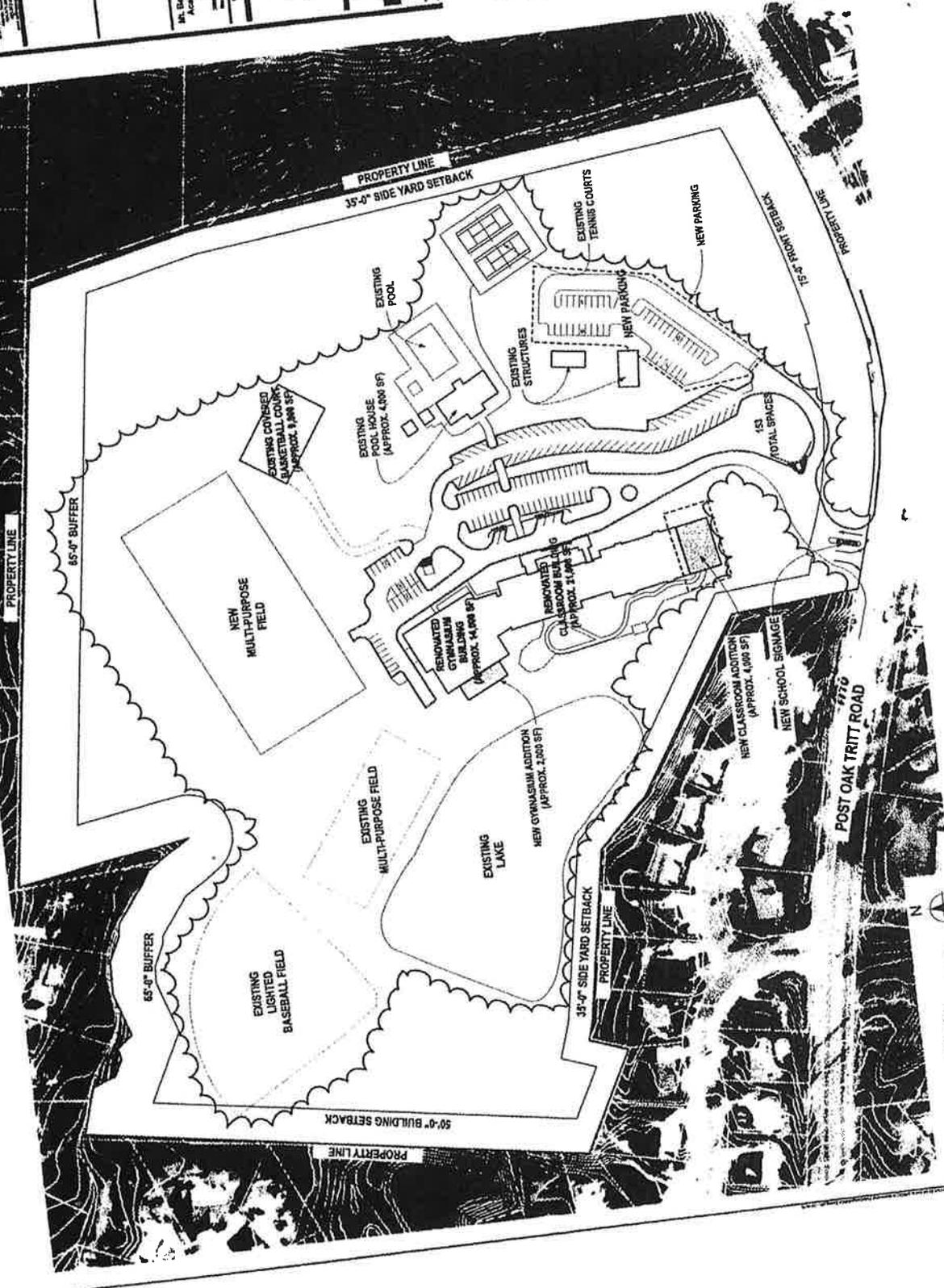
Mr. Bishop Christian
Assistant
Upper
School



PLANNING BOARD
1000 W. BROADWAY
MEMPHIS, TN 38102
901.527.1234

Min. Bk. 70 Petition No. SLUP. 1
 Doc. Type side plan - phase
 Meeting Date 11/19/13

G-1



SITE PLAN - PHASE 1
 11/19/13



HOLT NEY ZATCOFF & WASSERMAN, LLP

ATTORNEYS AT LAW

100 GALLERIA PARKWAY, SUITE 1800

ATLANTA, GEORGIA 30339-5947

TELEPHONE 770-956-9600 FACSIMILE 770-956-1490

James M. Ney, P.C.
e-mail jney@hnzw.com

Ellen W. Smith
e-mail esmith@hnzw.com

September 3, 2013

BY HAND DELIVERY

Zoning Division

Community Development Agency

Cobb County, Georgia

1150 Powder Springs Street, Suite 400

Marietta, Georgia 30064

Re: Application for Special Land Use Permit, Cobb County, Georgia by Mt. Bethel United Methodist Church, Inc. for private school (the "*Application*") on the property now known as the Marcus Community Center at 2509 Post Oak Tritt Road, Marietta, Georgia (the "*Property*")

STATEMENT OF PROPOSED SITE IMPROVEMENTS

Ladies and Gentlemen:

This law firm has the pleasure of representing Mt. Bethel United Methodist Church, Inc. (the "*Mt. Bethel*"), with respect to the Application. Mt. Bethel respectfully submits for your consideration the Application, the approval of which will result in the County's issuance of a special land use permit ("*SLUP*") to allow the Property to be used for a private school.

Background - The Property

The Property, which has been owned and operated by the Marcus Jewish Community Center of Atlanta, Inc. (the "*JCC*") since 1986 ("*Owner*"), is an approximately 33.255-acre tract zoned R-20, which fronts on the north side of Post Oak Tritt Road. The JCC holds a special land use permit for the purpose of a Jewish community center, which was originally granted pursuant to Application No. 357, heard November 18, 1986, and which has been amended several times in the almost thirty years since its original approval. The majority of the adjacent properties are zoned R-20, although there are several neighborhoods to the south of the Property zoned R-15 OSC and RA-4.

Currently, the Property is improved with an approximately 21,000 square foot classroom building, an approximately 14,000 square foot gymnasium, covered basketball courts, an approximately 4,000 square foot pool and an outdoor pool, tennis courts, a lighted baseball field and other existing structures more particularly shown on the survey of the Property submitted with this Application. The Property is served by one large driveway from Post Oak Tritt Road.

Although the JCC discontinued classroom use of the Property several years ago, it continues to use the gymnasium and playing fields on a regular basis. The Property has been marketed for sale for

HOLT NEY ZATCOFF & WASSERMAN, LLP

Zoning Division
Community Development Agency
Cobb County, Georgia
September 3, 2013
Page 2

Petition No. SLUP-11
Meeting Date 11/19/13
Continued

approximately 2 years. The JCC and Mt. Bethel have entered into a sales contract pursuant to which Mt. Bethel has the right to seek a special land use permit application for a private school and to acquire the Property upon the terms and conditions of the parties' sales contract. Mt. Bethel's proposed private school is a permitted use for the Property, upon issuance of the requested SLUP.

Mt. Bethel's Proposed SLUP

Mt. Bethel's currently owns and will continue to operate on its approximately 44-acre campus in East Cobb at 4385 Lower Roswell Road. Mt. Bethel has served the church and community needs at this location since 1971 and in this portion of Cobb County for over 100 years. Since 1998, Mt. Bethel has operated the Mt. Bethel Christian Academy (the "Academy") on its existing church campus. Specifically, on August 21, 1998, the Academy opened with two kindergarten classes. The Academy now serves approximately 500 students in grades Kindergarten through Eighth. The Academy enjoys full dual accreditation through the Southern Association of Independent Schools (SAIS) and Southern Association of Colleges and Schools (SACS).

For a number of years, Mt. Bethel has been committed to expanding its educational outreach by offering high school grades Nine through Twelve, and it is committed to doing so in Cobb County. To that end, Mt. Bethel has been looking for an appropriately sized tract of land that would support an Academy High School. The Property provides an excellent opportunity for this expansion.

Mt. Bethel proposes to operate the Academy's High School on the Property with minimal initial site improvements, and Mt. Bethel has engaged the architectural firm of Collins Cooper Carusi to assist in its site planning and renovations. Specifically, as shown on the Phase I Site Plan enclosed, Mt. Bethel is proposing the following additional improvements: (i) an approximately 4,000 square foot addition to the existing classroom building (with interior renovations as well), (ii) an approximately 2,000 square foot addition to the existing gymnasium building, (iii) a slightly widened driveway, new parking, and (iv) a new multi-purpose field. Mt. Bethel anticipates that these Phase I improvements would serve the Academy's High School for several years, as students matriculate from its existing Eighth Grade and the High School builds its reputation and student population.

Mt. Bethel also is submitting for consideration and approval a Phase II Site Plan, based on an estimated 5 to 10 years of occupancy of the Property and expansion of the Academy's High School. As shown on the Phase II Site Plan, Mt. Bethel would re-orient several of the buildings and uses of buildings on the Property. As shown on the enclosed Phase II Site Plan, all buffers and setback requirements would be maintained, as well as significant vegetation surrounding the Property, with the bulk of structures remaining to the interior of the Property.

HOLT NEY ZATCOFF & WASSERMAN, LLP

Zoning Division
Community Development Agency
Cobb County, Georgia
September 3, 2013
Page 3

Petition No. SLUP-11
Meeting Date 11/19/13
Continued

Zoning Requirements

Chapter 134 of the Official Code of Cobb County, Georgia, as the same is amended from time to time (such Chapter being the "*Zoning Ordinance*"), and specifically, Section 134-271(7) thereof, sets forth the zoning requirements applicable to SLUP applications for private schools on property within the County. In satisfaction of these requirements, and in addition to this Statement, Mt. Bethel submits the following documents for the Division's review:

1. Application for Special Land Use Permit, Cobb County Georgia, including the requisite corporate authorization of Owner;
2. Copies of the Property warranty deeds to Owner;
3. Metes and Bounds legal descriptions of Property and Site;
4. Copy of the paid tax receipt for the Property¹;
5. Zoning Standards Analysis (addressing SLUP considerations);
6. Site Plans (5 full sized copies; 2 copies measuring 8 ½ x 11);
7. Survey;
8. Consent of Contiguous Occupants or Land Owners²;
9. Application Fee (\$1,000.00); and
10. Sign Deposit and Fees (\$318.00).

Mt. Bethel's Application meets and exceeds the minimum requirements of Section 134-271(7) of the Zoning Ordinance. Furthermore, Mt. Bethel is seeking no concurrent variance requests in connection with the Application.

¹Note: the JCC is a tax-exempt entity as is Mt. Bethel. The tax status of the Property will not change.

²Mt. Bethel understands that Cobb County requires applicants seeking special land use permits to discuss the proposed use with the contiguous neighbors and to seek their consent to the proposed use. On Thursday, August 29, 2013, one of Mt. Bethel's members visited all contiguous property owners and attempted to obtain their consent on the petition to accompany this Application. The results of that initial outreach attempt are enclosed. Mt. Bethel will continue to contact these neighbors, and Mt. Bethel will also notify in writing all property owners within a 1,000-foot radius of the subject property as shown on the most current tax records. Such notice will be accomplished by mailing a copy of the Application form and proposed site plans by first class mail. Mt. Bethel will then file with the Zoning Division of Cobb County a certificate of mailing from the United States Post Office.

HOLT NEY ZATCOFF & WASSERMAN, LLP

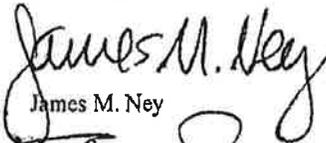
Zoning Division
Community Development Agency
Cobb County, Georgia
September 3, 2013
Page 4

Petition No. SLUP-11
Meeting Date 11/19/13
Continued

The Application and the accompanying documents support Mt. Bethel's request for the Academy High School SLUP and comply with all Cobb County zoning requirements.³ The Owner and Mt. Bethel respectfully request that the Division recommend the approval of the Application to the Board for consideration at the next available public hearing.

We are happy to answer any questions or provide any information that the Division, its consultant or the Board may have with regard to the Application.

Sincerely,


James M. Ney

Ellen W. Smith

JMN/EWS/ews
Enclosures

³ Mt. Bethel notifies Cobb County of its constitutional concerns. If the Board denies the Application in whole or in part, then the Property does not have a reasonable economic use under the Zoning Ordinance. The Application meets the test set out by the Georgia Supreme Court to be used in establishing the constitutional balance between private property rights and zoning and planning as an expression of the government's police power. See Quhl vs. Holcomb Bridge Road, 238 Ga. 322 (1977). If the Board denies the Application in whole or in part, such an action will deprive Mt. Bethel and Owner of the ability to use the Property in accordance with its highest and best use. Similarly, if the Board limits its approval of the SLUP by attaching conditions thereto affecting any portion of the Property or the use thereof, either of such actions being taken without Mt. Bethel's consent, then such action would deprive Mt. Bethel and Owner of any reasonable use and development of the Property. Any such action is unconstitutional and will result in a taking of property rights in violation of the just compensation clause of the Constitution of the State of Georgia (*see Ga. Const. 1983, Art. I, § 3, para. 1(a)*), and the just compensation clause of the Fifth Amendment to the United States Constitution (*see U.S. Const. Amend. 5*). To the extent that the Zoning Ordinance allows such an action by the Board, the Zoning Ordinance is unconstitutional. Any such denial or conditional approval would discriminate between Mt. Bethel and Owner and owners of similarly situated property in an arbitrary, capricious, unreasonable and unconstitutional manner in violation of Article I, Section I, Paragraph 2 of the Georgia Constitution and the Equal Protection Clause of the Fourteenth Amendment to the United States Constitution. Finally, a denial or a conditional approval of the Application (with conditions not expressly approved by Mt. Bethel) would constitute a gross abuse of discretion and an unconstitutional violation of Mt. Bethel's rights to substantive and procedural due process as guaranteed by the Georgia Constitution (*see Ga. Const. 1983, Art. I, § 1, para. 1*) and the Fifth and Fourteenth Amendments of the United States Constitution (*see U.S. Const. Amend. 5 and 14*). Mt. Bethel further challenges the constitutionality and enforceability of the Zoning Ordinance for lack of objective standards, guidelines or criteria limiting the Board's discretion in deciding applications for SLUP.

HOLT NEY ZATCOFF & WASSERMAN, LLP

ATTORNEYS AT LAW

100 GALLERIA PARKWAY, SUITE 1800

ATLANTA, GEORGIA 30339-5960

TELEPHONE 770-956-9600 FACSIMILE 770-956-1490

Ellen W. Smith
e-mail esmith@honzw.com

November 4, 2013

BY HAND DELIVERY

Mr. Jason Campbell
Zoning Division
Community Development Agency
Cobb County, Georgia
1150 Powder Springs Street
Suite 400
Marietta, Georgia 30064

Min. Bk. 70 Petition No. SLUP-11
Doc. Type letter of agreeable
conditions
Meeting Date 11/19/13

2013 NOV -4 AM 10:00
COMMUNITY DEVELOPMENT AGENCY
Cobb County, Georgia

Re: Application for Special Land Use Permit No. SLUP-11 by Mt. Bethel United Methodist Church, Inc. for private school (the "Application")

CONDITIONS TO APPLICATION

Dear Jason:

As you know, this law firm has the pleasure of representing Mt. Bethel¹ with respect to the Application. Mt. Bethel hereby submits the following proposed zoning conditions with respect to the Application. If Mt. Bethel's Application is approved by the Board of Commissioners, as requested, Mt. Bethel agrees to comply with the following conditions:

1. SLUP #11 shall be conditioned generally upon the Phase I and Phase II site plans prepared by Collins Cooper Carusi, dated August 29, 2013, last revised October 15, 2013, and filed with Cobb County on October 24, 2013 (collectively, the "Site Plans").
2. The 85-foot and 65-foot buffers shown on the Site Plans along the northern and northwestern property lines adjacent to properties fronting on Alberta Drive shall be maintained for so long as those properties adjacent to such northern property line but fronting on Alberta Drive are (i) used for single-family residences or (ii) are owned by a party other than Mt. Bethel. Once the conditions of (i) or (ii) are satisfied, then notwithstanding condition #1 above or this condition, such buffers shall be reduced to 35-feet.
3. With respect to traffic and parking related issues:
 - a. Mt. Bethel shall provide, when and as necessary between the hours of 7:00 a.m. to 8:30 a.m., a traffic officer to direct and facilitate traffic ingress and egress to and from the Property.

¹ Capitalized terms not otherwise defined herein shall have the meaning ascribed to them in the Summary of Intent submitted with the Application.

Zoning Division
Community Development Agency
Cobb County, Georgia
November 4, 2013
Page 2

Petition No. SLUP-11
Meeting Date 11/19/13
Continued

- b. Mt. Bethel shall provide, when and as necessary, bi-directional shuttles to and from the Property to its campus at 4385 Lower Roswell Road, Marietta, Georgia, in an effort to mitigate traffic impacts during the academic year.
- 4. The new multi-purpose field with surrounding track shall not be lighted. There shall be no stadium (meaning no permanent, fixed seating) constructed in connection with such multi-purpose field.
- 5. Any new lighting which Mt. Bethel installs either as replacement lighting for existing lighted playing fields, parking or otherwise, or as new lighting in connection with new improvements shown on the Site Plans, including new parking lots and drives, shall be environmentally sensitive and directed downward and inward to minimize light glare and spillage on adjacent neighbors' properties.
- 6. The following shall be honored during any construction activities on the Property (in addition to compliance with all Cobb County construction standards):
 - a. Construction staging (including all equipment, vehicles, materials storage and construction parking) shall take place entirely on the Property. No construction vehicles or equipment shall be parked along Post Oak Tritt Road.
 - b. No construction activities (expressly including deliveries of materials or equipment) shall occur (i) between the hours of 7:00 p.m. to 7:00 a.m., Monday through Friday (provided that the 7:00 p.m. hour may be extended to 8:00 p.m. during Daylight Savings Time); and (ii) at any time on Sunday. Furthermore, construction activities on Saturdays shall be only between the hours of 8:00 a.m. and 5:00 p.m.
 - c. Mt. Bethel shall notify the District Commissioner at least ten (10) days prior to the commencement of construction of new structures on the Property. Also, during the period of construction, Mt. Bethel will provide the District Commissioner and the President of the East Cobb Civic Association of a contact name and telephone number which will be answered 24 hours a day, 7 days a week regarding problems with the construction.
- 7. No equipment or machinery used for landscape maintenance or the cleaning of drives or parking lots shall be allowed to operate past 9:00 p.m. on any day of the week, or before 6:30 a.m. on weekdays and before 9:00 a.m. on Saturdays and Sundays.
- 8. All garbage and refuse containers shall have lids which shall remain closed when not in use. Dumpsters and trash containers shall only be emptied between the hours of 7 a.m. and 6 p.m. on non-holiday week-days (provided that Mt. Bethel shall use commercially reasonable efforts to ensure that emptying of dumpsters shall not occur during carpool drop-off times).
- 9. Once the Phase II new drive and parking have been constructed along the eastern property line of the Property, in the event of damage or destruction of the existing mature trees and buffering

HOLT NEY ZATCOFF & WASSERMAN, LLP

Zoning Division
Community Development Agency
Cobb County, Georgia
November 4, 2013
Page 3

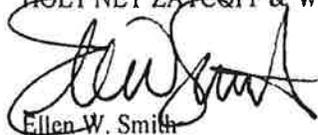
Petition No. SLUP-11
Meeting Date 11/19/13
Continued

along said property line, Mt. Bethel shall replant such buffer with similar types of new vegetation and trees in coordination with the Cobb County Arborist to allow for growth that will mature to replace the buffer against neighboring property owners. Furthermore, Mt. Bethel agrees that there shall be no lighting installed within the buffering adjacent to any such new Phase II drive.

10. Mt. Bethel shall limit the number of students in the Mt. Bethel Christian Academy (its Private School on the Property) to 625 full-time students; provided, however this number shall not impact the Mt. Bethel Christian Academy campus located at 4385 Lower Roswell Road, Marietta, Georgia which operates pursuant to a separate Special Land Use Permit.
11. The District Commissioner shall have the authority to approve minor modifications to these stipulations and the site plan as the development proposal proceeds through the Plan Review process and thereafter. For purposes of this paragraph, any modifications that increase density; reduce the size or composition of an approved buffer or landscape strip to adjacent property; relocate a structure closer to a property line; or, increase the height of a building adjacent to property which are in direct contradiction to or conflict with the foregoing stipulations, will come back through the public hearing process as an "Other Business" Application.
12. The following Staff Recommendations: (a) Water and Sewer Division comments and recommendations; (b) Stormwater Management Division comments and recommendations; and Department of Transportation comments and recommendations. Please note that the first three conditions of the Staff Recommendations are address above. To the extent that there is any conflict between the Staff Recommendations and the 12 enumerated conditions contained in this letter, the 12 enumerated conditions contained herein shall govern.

Mt. Bethel respectfully requests the consideration of these proposed conditions, which have been presented to members of the East Cobb Civic Association Board, and Mt. Bethel respectfully respects approval of this application. Please let me know if you have any questions. Thank you.

Sincerely,
HOLT NEY ZATCOFF & WASSERMAN, LLP



Ellen W. Smith

EWS/JMN/ews

- cc: The Honorable JoAnn Birrell, District Three Commissioner
The Honorable Mike Terry, Planning Commission Chairman
The Honorable Christi Trombetti, Planning Commissioner, District Three
The Honorable Bob Hovey, Planning Commissioner
The Honorable Galt Porter, Planning Commissioner
The Honorable Judy Williams, Planning Commissioner
James M. Ney, Esq.
(all by e-mail only)

HOLT NEY ZATCOFF & WASSERMAN, LLP

ATTORNEYS AT LAW

100 GALLERIA PARKWAY, SUITE 1800

ATLANTA, GEORGIA 30339-5960

TELEPHONE 770-956-9600 FACSIMILE 770-956-1490

Ellen W. Smith
e-mail esmith@honzw.com

November 11, 2013

BY HAND DELIVERY

Mr. Jason Campbell
Zoning Division
Community Development Agency
Cobb County, Georgia
1150 Powder Springs Street
Suite 400
Marietta, Georgia 30064

Min. Bk. 70 Petition No. SLUP-11
Doc. Type letter of agreeable
conditions
Meeting Date 11/14/13

Re: Application for Special Land Use Permit No. SLUP-11 by Mt. Bethel United Methodist Church, Inc. for private school (the "Application")

REVISED CONDITIONS TO APPLICATION

Dear Jason:

As you know, this law firm has the pleasure of representing Mt. Bethel¹ with respect to the Application. Mt. Bethel hereby submits the following proposed zoning conditions (*revised pursuant to the comments by the Planning Commission on November 5, 2013*) with respect to the Application. If Mt. Bethel's Application is approved by the Board of Commissioners, as requested, Mt. Bethel agrees to comply with the following conditions:

1. SLUP #11 shall be conditioned generally upon the Phase I and Phase II site plans prepared by Collins Cooper Carusi, dated August 29, 2013, last revised October 15, 2013, and filed with Cobb County on October 24, 2013 (collectively, the "Site Plans").
2. The 85-foot and 65-foot buffers shown on the Site Plans along the northern and northwestern property lines adjacent to properties fronting on Alberta Drive shall be maintained for so long as those properties adjacent to such northern property line but fronting on Alberta Drive are (i) used for single-family residences or (ii) are owned by a party other than Mt. Bethel. Once the conditions of (i) or (ii) are satisfied, then notwithstanding condition #1 above or this condition, such buffers shall be reduced to 35-feet.
3. With respect to traffic and parking related issues:
 - a. Mt. Bethel shall provide, when and as necessary between the hours of 7:00 a.m. to 8:30 a.m., a traffic officer to direct and facilitate traffic ingress and egress to and from the Property.

¹ Capitalized terms not otherwise defined herein shall have the meaning ascribed to them in the Summary of Intent submitted with the Application.

Zoning Division, Cobb Community Development
November 11, 2013
Page 2

Petition No. SLUP-11
Meeting Date 11/19/13
Council

- b. Mt. Bethel shall provide, when and as necessary, bi-directional shuttles to and from the Property to its campus at 4385 Lower Roswell Road, Marietta, Georgia, in an effort to mitigate traffic impacts during the academic year.
4. The new multi-purpose field with surrounding track shall not be lighted. There shall be no stadium (meaning no permanent, fixed seating) constructed in connection with such multi-purpose field.
5. Any new lighting which Mt. Bethel installs either as replacement lighting for existing lighted playing fields, parking or otherwise, or as new lighting in connection with new improvements shown on the Site Plans, including new parking lots and drives, shall be environmentally sensitive and directed downward and inward to minimize light glare and spillage on adjacent neighbors' properties.
6. The following shall be honored during any construction activities on the Property (in addition to compliance with all Cobb County construction standards):
 - a. Construction staging (including all equipment, vehicles, materials storage and construction parking) shall take place entirely on the Property. No construction vehicles or equipment shall be parked along Post Oak Tritt Road.
 - b. No construction activities (expressly including deliveries of materials or equipment) shall occur (i) between the hours of 7:00 p.m. to 7:00 a.m., Monday through Friday (provided that the 7:00 p.m. hour may be extended to 8:00 p.m. during Daylight Savings Time); and (ii) at any time on Sunday. Furthermore, construction activities on Saturdays shall be only between the hours of 8:00 a.m. and 5:00 p.m.
 - c. Mt. Bethel shall notify the District Commissioner at least ten (10) days prior to the commencement of construction of new structures on the Property. Also, during the period of construction, Mt. Bethel will provide the District Commissioner and the President of the East Cobb Civic Association of a contact name and telephone number which will be answered 24 hours a day, 7 days a week regarding problems with the construction.
7. No equipment or machinery used for landscape maintenance or the cleaning of drives or parking lots shall be allowed to operate past 9:00 p.m. on any day of the week, or before 7:00 a.m. on weekdays and before 9:00 a.m. on Saturdays and Sundays.
8. All garbage and refuse containers shall have lids which shall remain closed when not in use. Dumpsters and trash containers shall only be emptied between the hours of 7 a.m. and 6 p.m. on non-holiday week-days (provided that Mt. Bethel shall use commercially reasonable efforts to ensure that emptying of dumpsters shall not occur during carpool drop-off times).
9. Once the Phase II new drive and parking have been constructed along the eastern property line of the Property, in the event of damage or destruction of the existing mature trees and buffering along said property line, Mt. Bethel shall replant such buffer with similar types of new vegetation

HOLT NEY ZATCOFF & WASSERMAN, LLP

Zoning Division, Cobb Community Development
November 11, 2013
Page 3

Petition No. SLUP-11
Hearing Date 11/19/13
Continued

and trees in coordination with the Cobb County Arborist to allow for growth that will mature to replace the buffer against neighboring property owners. Furthermore, Mt. Bethel agrees that there shall be no lighting installed within the buffering adjacent to any such new Phase II drive.

10. Mt. Bethel shall limit the number of students in the Mt. Bethel Christian Academy (its Private School on the Property) to 625 full-time students; provided, however this number shall not impact the Mt. Bethel Christian Academy campus located at 4385 Lower Roswell Road, Marietta, Georgia which operates pursuant to a separate Special Land Use Permit.
11. The District Commissioner shall have the authority to approve minor modifications to these stipulations and the site plan as the development proposal proceeds through the Plan Review process and thereafter. For purposes of this paragraph, any modifications that increase density and intensity; reduce the size or composition of an approved buffer or landscape strip to adjacent property; relocate a structure closer to a property line; or, increase the height of a building adjacent to property which are in direct contradiction to or conflict with the foregoing stipulations, will come back through the public hearing process as an "Other Business" Application.
12. The following Staff Recommendations: (a) Water and Sewer Division comments and recommendations; (b) Stormwater Management Division comments and recommendations; and Department of Transportation comments and recommendations. Please note that the first three conditions of the Staff Recommendations are address above. To the extent that there is any conflict between the Staff Recommendations and the 12 enumerated conditions contained in this letter, the 12 enumerated conditions contained herein shall govern.

Mt. Bethel respectfully requests the consideration of these proposed conditions, which have been presented to members of the East Cobb Civic Association Board, and Mt. Bethel respectfully respects approval of this application. Please let me know if you have any questions. Thank you.

Sincerely,
HOLT NEY ZATCOFF & WASSERMAN, LLP



Ellen W. Smith

EWS/JMN/ews

cc: The Honorable JoAnn Birrell, District Three Commissioner
The Honorable Tim Lee, Chairman
The Honorable Helen Goreham, District One Commissioner
The Honorable Bob Ott, District Two Commissioner
The Honorable Lisa Cupid, District Four Commissioner
(all by e-mail only)

**OFFICIAL MINUTES OF COBB COUNTY
BOARD OF COMMISSIONERS ZONING
HEARING AS TO APPLICATION FOR
“OTHER BUSINESS” NO. 57 (2014)
- SEPTEMBER 16, 2014**

OTHER BUSINESS

By general consensus, the order of business amended and O.B. 57 was brought forward on the agenda.

Commissioner Ott recused himself from O.B. 57 due to family connections to Mount Bethel Methodist Church.

O.B. 57 To consider a site plan and stipulation amendment for Mount Bethel Christian Academy, Inc. regarding application SLUP-11 of 2013 (Mt. Bethel United Methodist Church, Inc.), for property located on the north side of Post Oak Tritt Road, west of Holly Springs Road in Land Lots 599, 600, 625 and 626 of the 16th District.

Mr. Pederson provided information regarding stipulation and site plan amendments to add four tennis courts and to create community wide programs for swim and tennis facilities on the property. The public hearing was opened and Ms. Ellen Smith and Ms. Jill Flamm addressed the Board. Following presentation and discussion, the following motion was made:

MOTION: Motion by Birrell, second by Goreham, to **approve** site plan and stipulation amendment for Mount Bethel Christian Academy, Inc. regarding application SLUP-11 of 2013 (Mt. Bethel United Methodist Church, Inc.), for property located on the north side of Post Oak Tritt Road, west of Holly Springs Road in Land Lots 599, 600, 625 and 626 of the 16th District, subject to:

- **Site plan received by the Zoning Division August 12, 2014, with District Commissioner approving minor modifications (attached and made a part of these minutes)**
- **Letter from Mr. James M. Ney and Ms. Ellen Smith dated August 12, 2014 (attached and made a part of these minutes)**
- **Pool cover to be approved by the District Commissioner**
- **All previous stipulations and conditions, *not otherwise in conflict*, to remain in effect**

VOTE: **ADOPTED** 4-0, *Ott having recused himself*

HOLT NEY ZATCOFF & WASSERMAN, LLP

ATTORNEYS AT LAW

100 GALLERIA PARKWAY, SUITE 1800
ATLANTA, GEORGIA 30339-5947

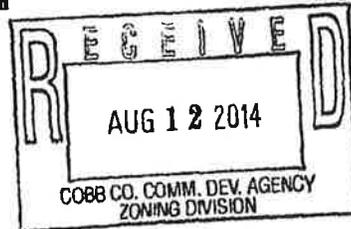
TELEPHONE 770-956-9600 FACSIMILE 770-956-1490

James M. Ney, P.C.
e-mail jney@hnzw.com

Ellen W. Smith
e-mail esmith@hnzw.com

Min. Bk. 74 Petition No. 0857
Doc. Type letter of
agreeable conditions
Meeting Date 9/16/14

August 12, 2014



BY HAND DELIVERY

Zoning Division
Community Development Agency
Cobb County, Georgia
1150 Powder Springs Street, Suite 400
Marietta, Georgia 30064

Re: Application for "Other Business" by Mt. Bethel Christian Academy, Inc. (the "Application") with respect to that certain property commonly known as 2509 Post Oak Tritt Road, Marietta, Georgia (the "Property")

Ladies and Gentlemen:

This law firm has the pleasure of representing Mt. Bethel Christian Academy, Inc. ("Mt. Bethel"), with respect to the Application. Mt. Bethel respectfully submits for your consideration the Application, the approval of which will (i) affirm Mt. Bethel's right to use the Property for a variety of community outreach programs, and (ii) allow for the future installation of up to four (4) additional tennis courts in the areas generally shown on the revised site plan submitted herewith.

Background

In 2013, Mt. Bethel contracted with the Marcus Jewish Community Center of Atlanta, Inc. (the "JCC") to acquire the Property, which is an approximately 33.25-acre tract zoned R-20, and which had been used as a Jewish community center since the mid-1980s (see Application No. 357, heard November 18, 1986). On November 19, 2013, the Cobb County Board of Commissioners granted to Mt. Bethel a Special Land Use Permit to allow the Property to be used for a private school. Mt. Bethel subsequently acquired the Property and last week, on August 7, Mt. Bethel is pleased to have opened the doors of its high school on the Property with 9 Freshmen attendees.

"Other Business" Requests

Mt. Bethel is proposing two modifications to its use of the Property in this Application. Over the past year, Mt. Bethel has continued to conduct due diligence and Mt. Bethel has begun interior renovations of the existing classroom building on the Property. But, Mt. Bethel has also been approached with opportunities to provide community outreach with various programs to be held on the Property including, for example and without limitation, tennis and swim lessons for church and school members. So, first, Mt. Bethel would like to confirm that it can undertake these community outreach opportunities for non-Church or school members as well, in many respects, continuing the community center legacy started by the JCC more than three decades ago.

HOLT NEY ZATCOFF & WASSERMAN, LLP

Zoning Division
Community Development Agency
Cobb County, Georgia
August 12, 2014
Page 2

Petition No. DB57
Meeting Date 9/16/14
Continued

Second, in keeping with its first request, Mt. Bethel also requests a minor amendment to its site plan to allow the location of up to four (4) additional tennis courts on the Property, in the locations generally depicted on the enclosed site plans. These additional tennis courts will be available for use by the school, the Church and, as part of the community outreach programs Mt. Bethel seeks to be able to offer, the community.

Enclosed together with the revised site plan is our law firm's check in the amount of \$359.00 (for Application and sign fees). Also enclosed in connection with the Application are the following:

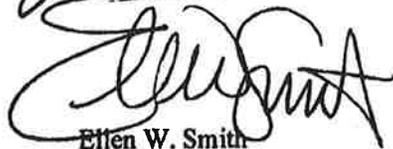
1. A copy of the tax receipt reflecting the exempt status of the Property from the Cobb County Tax Assessor's website; and
2. Copies of the Board's November 19, 2013 minutes and Applicant's zoning conditions letter dated November 11, 2013, reflecting the approval of SLUP-11, the Mt. Bethel private school SLUP.

We confirm that none of the site plan revisions requested impact the conditions of SLUP-11, previously approved and that the proposed location of the new tennis courts meets all of the buffer and setback restrictions applicable to the Property.

Mt. Bethel's Application meets and exceeds the minimum requirements of the Zoning Ordinance. We respectfully request the approval of this Application at the Board's September 16, 2014 hearing.

We are happy to answer any questions or provide any information that the Division, its consultant or the Board may have with regard to the Application.

Sincerely,


James M. Ney

Ellen W. Smith

JMN/EWS/ews
Enclosures

OB-58-2014



SEWER EXHIBIT FOR
CAREY WOODS
LAND LOTS 688 1678 DISTRICT
COBB COUNTY, GEORGIA

Table with 2 columns: Description, Quantity. Includes items like Sewer Main, Manhole, etc.

Table with 2 columns: Description, Quantity. Includes items like Sewer Main, Manhole, etc.

1 OF 1



Table with 2 columns: Description, Quantity. Includes items like Sewer Main, Manhole, etc.

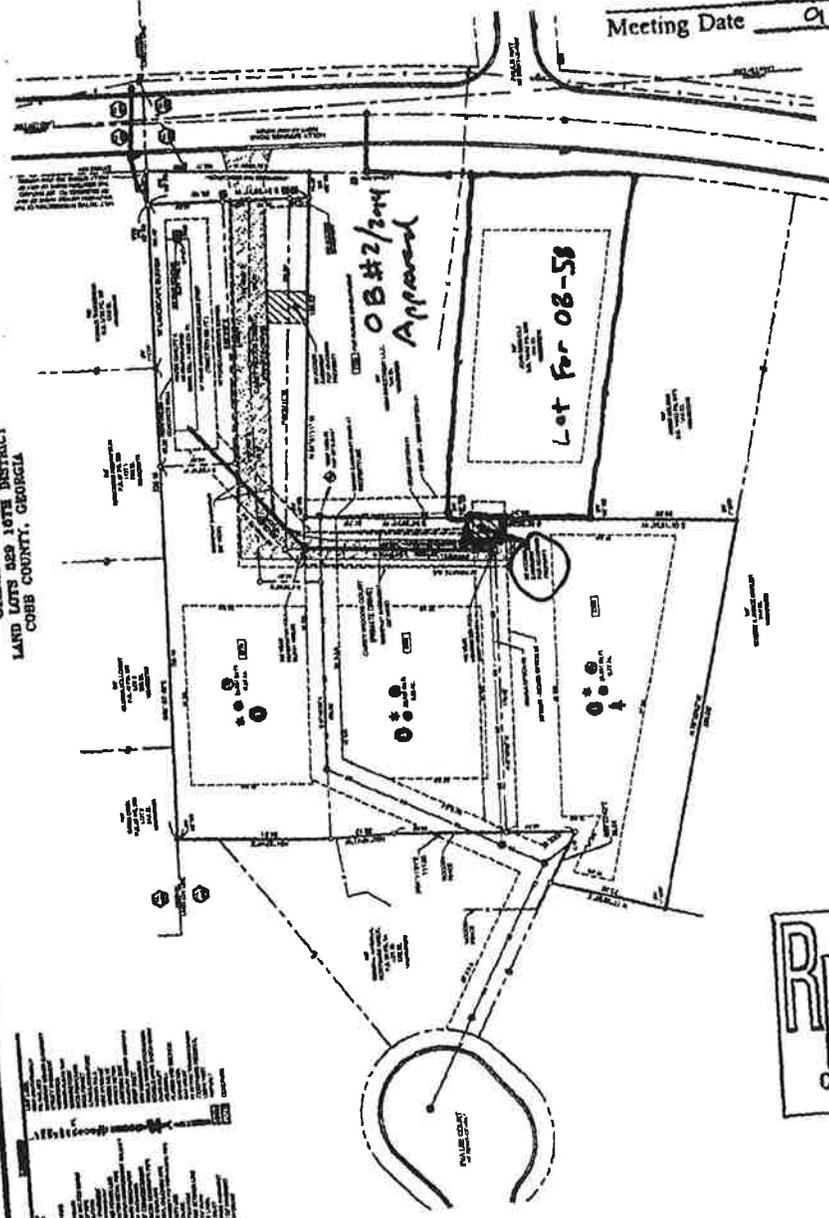
PROPOSED SEWER MAINS
AND MANHOLES
FOR THE
CAREY WOODS
LAND LOTS 688 1678 DISTRICT
COBB COUNTY, GEORGIA

Proposed
plan

Min. Bk. 74 Petition No. OB 58
Doc. Type side plan
Meeting Date 9/16/14



SEWER EXHIBIT FOR
CAREY WOODS
LAND LOTS 688 1678 DISTRICT
COBB COUNTY, GEORGIA



RECEIVED
AUG 13 2014
COBB CO. COMM. DEV. AGENCY
ZONING DIVISION

Table with 2 columns: Description, Quantity. Includes items like Sewer Main, Manhole, etc.

**OFFICIAL MINUTES OF COBB COUNTY
BOARD OF COMMISSIONERS ZONING
HEARING AS TO APPLICATION FOR
“OTHER BUSINESS” NO. 18 (2017)
- MAY 16, 2017**

MINUTES OF ZONING HEARING
COBB COUNTY BOARD OF COMMISSIONERS

MAY 16, 2017

PAGE 8

CONSENT AGENDA (CONT.)

O.B. 18 To consider a site plan and stipulation amendment for Mt. Bethel Christian Academy, Inc. regarding case SLUP-11 (Mt. Bethel United Methodist Church, Inc.) of 2013. The property is located on the north side of Post Oak Tritt Road, west of Holly Springs Road, in Land Lots 599, 600, 625 and 626 of the 16th District.

To approve O.B. 18 for 24 months, subject to:

1. **Temporary classroom to be removed by June 1, 2020**
2. **Stormwater Management Division comments and recommendations**
3. **All previous stipulations and conditions, *not otherwise in conflict*, to remain in effect**

CONSENT VOTE: **ADOPTED** 5-0, *with the exception of O.B. 18, which was a 4-0 vote, Commissioner Ott having recused himself.*

~~CONTINUED, HELD, AND WITHDRAWN (CONT.)~~

O.B. 15 To consider a Settlement of Litigation for T.M. Denome a/k/a Toni Barnes regarding rezoning application Z-35 (Adventur Living, LLC) of 2016, for property located on the east side of Ebenezer Road and at the western terminus of Cedar Ridge Road in Land Lots 304 of the 16th District.

Mr. Lawton Jordan, attorney for adjacent property owner, addressed the Board to request a continuance for O.B. 15; thereafter, the following motion was made:

MOTION: Motion by Birrell, second by Ott, to continue O.B. 15 until the June 20, 2017 Board of Commissioners Zoning Hearing.

VOTE: **ADOPTED** 5-0

**OFFICIAL MINUTES OF COBB COUNTY
BOARD OF COMMISSIONERS ZONING
HEARING AS TO APPLICATION FOR
“OTHER BUSINESS” NO. 28 (2019)
- MAY 21, 2019**

OTHER BUSINESS (CONT.)

~~O.B. 16 CONT.~~

MOTION: Motion by Birrell, second by Ott, to **approve** O.B. 16, subject to:

1. **Reduce the 25' side setback to a 15' landscape buffer on the R-15 side (3011 Shaw Road)**
2. **Fence may be removed if desired by the Applicant**
3. **Staff comments and recommendations, *not otherwise in conflict***
4. **All previous stipulations and conditions, *not otherwise in conflict*, to remain in effect**

~~VOTE: **ADOPTED** 4-0, Gambrill absent~~

Prior to the call for O.B. 28, Commissioner Ott recused himself from this item due to a family affiliation with Mt. Bethel Christian Academy.

O.B. 28 To consider a site plan and stipulation amendment for Mt. Bethel Christian Academy, Inc. regarding case SLUP-11 (Mt. Bethel United Methodist Church, Inc.) of 2013. The property is located on the north side of Post Oak Tritt Road, west of Holly Springs Road, in land lots 599, 600, 625, and 626 of the 16th district (2509 Post Oak Tritt Road).

Mr. Pederson presented the Applicant's request for a site plan and stipulation amendment to add a 6,144 square-foot modular classroom building near the center of the property and to extend the current modular building's approval expiration date. The public hearing was opened, and Mr. James Ney and Ms. Jill Flamm addressed the Board. Following discussion, the following motion was made:

MOTION: Motion by Birrell, second by Boyce, to **approve** O.B. 28, subject to:

1. **Letter of agreeable conditions from Mr. James Nay dated May 15, 2019, with attached site plan (attached and made a part of these minutes), with the following changes:**
 - A. **Item No. 1 – add to the end: “*All previous stipulations to remain in effect, not otherwise in conflict.*”**
2. **Recommendations from East Cobb Civic Association submitted May 17, 2019 (attached and made a part of these minutes)**

**MINUTES OF ZONING HEARING
COBB COUNTY BOARD OF COMMISSIONERS
MAY 21, 2019
PAGE 17**

OTHER BUSINESS (CONT.)

O.B. 28 CONT.

- 3. District Commissioner to have final approval of the landscape plan and the landscape plan surrounding the new modular classroom; to be completed within 60 days**
- 4. New expiration date of June 1, 2020**

VOTE: ADOPTED 3-0, Gambrill absent, Ott recused

ADJOURNMENT

The hearing adjourned at 11:29 a.m.

Rob L. Stone

Robin L. Stone, Deputy County Clerk
Cobb County Board of Commissioners

Min. Bk. 87 Petition No. O.B. 28
Doc. Type letter of agreeable
conditions
Meeting Date 5-21-2019

HOLT NEY ZATCOFF & WASSERMAN, LLP

ATTORNEYS AT LAW

100 GALLERIA PARKWAY, SUITE 1800
ATLANTA, GEORGIA 30339-5960

TELEPHONE 770-956-9600 FACSIMILE 770-956-1490

James M. Ney, Esq.
e-mail jney@hznw.com

May 15, 2019

FILED WITH COUNTY CLERK THIS 21st DAY
OF May 20 19 BY JoAnn Birrell
RE O.B. 28
Rob L Stone
COUNTY CLERK/ASST. COUNTY CLERK/DEPUTY COUNTY CLERK
COBB COUNTY, GEORGIA

By email

Mr. John Pederson, Zoning Division Manager
Cobb County Community Development,
Zoning Division
1150 Powder Springs Street, Suite 400
Marietta, Georgia 30064

Re: Application for "Other Business" filed by Mt. Bethel Christian Academy, Inc. (the "Application") relating to property located 2509 Post Oak Tritt Road, Marietta, Georgia (the "Property").

Dear Mr. Pederson:

This law firm has the pleasure of representing Mt. Bethel Christian Academy, Inc. ("Mt. Bethel"). Mt. Bethel respectfully submits for your consideration and approval the Application which will, among other things, (i) extend the duration of the use of the temporary modular classroom unit approved under OB-018 (2017) which is set to expire on June 1, 2020 (the "Existing Modular"), and (ii) allow for the placement of an additional temporary modular classroom unit on the Property. If Mt. Bethel's Application is approved by the Board of Commissioners, as requested, Mt. Bethel agrees to comply with the following conditions:

1. SLUP 11 is generally conditioned upon and subject to, among other items, the Phase 1 (G-1) and Phase 2 (G-2) site plans prepared by Collins Cooper Carusi Architects, dated August 29, 2013, last revised October 15, 2013, and filed with Cobb County on October 24, 2013 (collectively, the "SLUP 11 Site Plans"). In addition, SLUP 11 shall be expressly conditioned upon that certain Mt. Bethel Christian Academy Upper School Site Plan dated April 4, 2019 and prepared by On Site Civil Group, a copy of which is attached hereto as Exhibit "A" and made a part hereof (the "Modular Site Plan"). In essence, SLUP 11 shall be generally conditioned upon the SLUP 11 Site Plans as the same have been expressly amended and modified by the Modular Site Plan, and all items set forth on these three site plans are approved.
2. As expressly acknowledged and shown on the Modular Site Plan, Mt. Bethel will locate a temporary modular classroom unit at that location indicated in red, and

Mr. John Pederson, Zoning Division Manager
May 15, 2019
Page 2

said modular classroom unit will contain no more than 6,200 square feet (the "New Modular").

3. The underpinning, stabilization and landscaping of the New Modular will be completed, connected and in an operational condition on or before July 29, 2019.
4. Mt. Bethel agrees to comply with and conform to the requirements of the Cobb County noise ordinance codified in Chapter 50, Article VII of the Official Code of Cobb County, Georgia from 11:00 p.m. until 7:00 a.m. each day. The Upper School Facility Manager shall be responsible for responding to notices of alleged violations of the noise ordinances received between the hours of 11:00 p.m. until 7:00 a.m. each day, which such Upper School Facility Manager shall make reasonable efforts to respond to such notices within one (1) hour of receipt of same. The current Upper School Facility Manager is Mr. Steve Colley, with a contact number of (678) 246-8311.
5. The approval of this Application shall provide for (1) extending the duration of the use of the Existing Modular approved under OB-018 (2017), which is set to expire on June 1, 2020 and shown in green on the Modular Site Plan, to June 1, 2023, and (2) allow for the placement of the New Modular on the Property through June 1, 2023. It is clearly acknowledged that these dates may need to be extended.

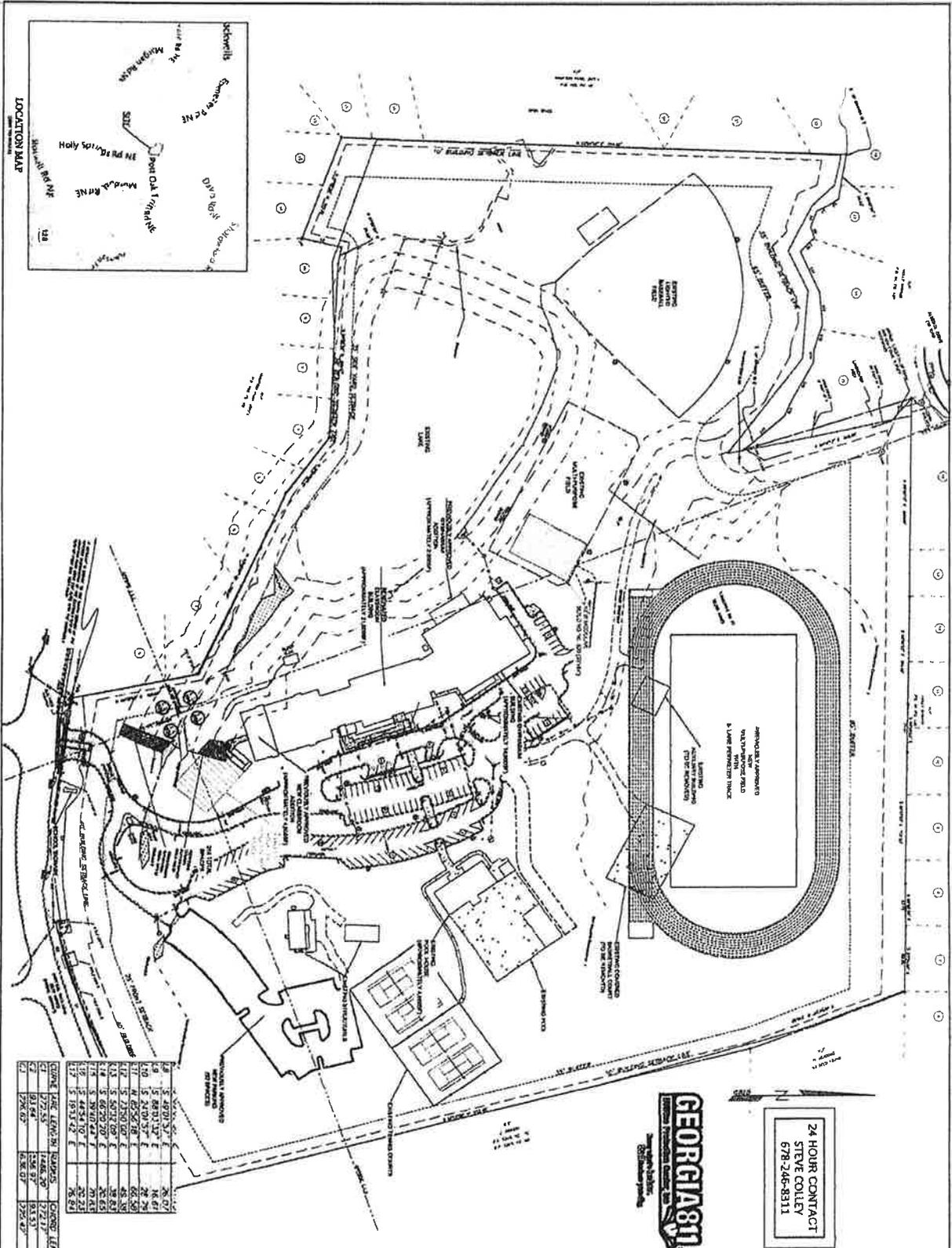
Sincerely,



James M. Ney

JMN/sdo
Enclosure

cc: The Honorable JoAnn Birrell
The Honorable Mike Boyce
The Honorable Lisa Cupid
The Honorable Keli Gambrill
The Honorable Bob Ott



<p>C5.0</p>	<p>MT. BETHEL CHRISTIAN ACADEMY UPPER SCHOOL 2500 POST OAK TRAIL ROAD LL 499,600 605,606 15TH DISTRICT PIN: 16059900020</p>	<p>CLIENT: MT BETHEL CHRISTIAN ACADEMY 4385 LOWER ROSWELL RD MARIETTA, GA</p>	<p>REVISIONS</p> <table border="1"> <tr><td>NO.</td><td>DATE</td><td>DESCRIPTION</td></tr> <tr><td> </td><td> </td><td> </td></tr> <tr><td> </td><td> </td><td> </td></tr> <tr><td> </td><td> </td><td> </td></tr> </table>	NO.	DATE	DESCRIPTION											<p>ON SITE CIVIL GROUP</p> <p>888 WILSONVILLE DRIVE, MARIETTA, GA 30067 PHONE: (404) 875-6267 FAX: (770) 426-6214 www.on-sitecivil.com</p>
NO.	DATE	DESCRIPTION															

24 HOUR CONTACT
 STEVE COLEY
 678-246-8311



COMMISSION DISTRICT 3

EAST COBB CIVIC ASSOCIATION, INC.

Petition OBI 28: Mt. Bethel Christian Academy, represented by Jim Ney, 770/956-7600, requests to amend the site plan to the one dated April 15, 2019 to allow for two additional portable classrooms and to extend the time that the four portable classrooms can remain on the property until June, 1, 2025.

Property is located at the intersection of Post Oak Tritt and Holly Springs Road (2509 Post Oak Tritt).

Case Manager: Trish Steiner/Jill Flamm

FILED WITH COUNTY CLERK THIS 21st DAY
OF May 20 19 BY JoAnn Birrell
RE O.B. 28
Ron L Stone
COUNTY CLERK/ASST. COUNTY CLERK/DEPUTY COUNTY CLERK
COBB COUNTY, GEORGIA

Discussion:

- Discussed with the surrounding neighbors.

This request is a result of a complaint from the neighbors. The new modular classroom is already on the property prior to this OBI application. Despite meeting with the applicant for months prior to this request, the latest being March of 2019, this new classroom was not mentioned nor did it appear on the last site plan. This is begging forgiveness.

In the stipulation letter dated May 15, 2019, Mt. Bethel Christian Academy has now indicated that they want only one modular classroom not two in their original application. They have requested that the period for use be changed from the original application until June 1, 2023.

In addition, they have requested that the existing modular classroom approved in OBI 17 of May 2017 be extended to June 1, 2023 from June 2020.

This is the 3rd time the applicant has petitioned the BOC for changes to their site plan in two years. The plans continue to change even from the time an OBI application is submitted to when it is heard as indicated by the number of modular classrooms originally requested and how long they will be in use. Their plans appear to change quickly.

To that end **ECCA recommends the following changes to the stipulation letter:**

1. **Stipulation #1** add "All previous stipulations to remain in effect."
2. **Stipulation #2** add "District Commissioner to have final approval of the landscape plan surrounding the new modular classroom."
3. **Stipulation #5** Deleted.

In addition, **ECCA recommends that the new modular classroom be approved for 12 months unit June 1, 2020.** This will make the timeframe for both portable classrooms expire at the same time.

ECCA recommends that the requested extension for the existing modular classroom be denied.

Mt. Bethel can come back in with an OBI request for an extension for all portable classrooms at that time when perhaps their plans are more firm.

**OFFICIAL MINUTES OF COBB COUNTY
BOARD OF COMMISSIONERS ZONING
HEARING AS TO APPLICATION FOR
“OTHER BUSINESS” NO. 26 (2020)
- MAY 19, 2020**

MINUTES OF ZONING HEARING
COBB COUNTY BOARD OF COMMISSIONERS
MAY 19, 2020
PAGE 17

CONSENT AGENDA (CONT.)

~~OTHER BUSINESS~~

O.B. 25 To consider a site plan amendment for Steve Ellis regarding case #15 of 1985. The property is located on the east side of Barrett Lakes Boulevard, south of Cobb Place Boulevard in land lot 649 of the 16th district (2310 Barrett Lakes Boulevard).

To approve O.B. 25, subject to:

1. **Site plan received by the Zoning Division on April 15, 2020, with the District Commissioner approving minor modifications (attached and made a part of these minutes)**
2. **All previous stipulations and conditions, *not otherwise in conflict*, to remain in effect**

O.B. 26 To consider a stipulation amendment for Mt. Bethel Christian Academy, Inc. regarding case SLUP-11 (Mt. Bethel United Methodist Church, Inc.) of 2013. The property is located on the north side of Post Oak Tritt Road, west of Holly Springs Road, in land lots 599, 600, 625, and 626 of the 16th district (2509 Post Oak Tritt Road).

To approve O.B. 26, subject to:

1. **The approval for the temporary classroom buildings to expire June 1, 2022**
2. **Email correspondence from Mr. John Pederson dated May 7, 2020 which includes two attached pictures (attached and made a part of these minutes)**
3. **All previous stipulations and conditions, *not otherwise in conflict*, to remain in effect**

Prior to the Consent Vote, Commissioner Ott and Chairman Boyce announced that they would recuse themselves from voting on O.B. 26 (Mt. Bethel Christian Academy, Inc.).

CONSENT VOTE: **ADOPTED** 5-0, *except for O.B. 3 where the vote was 4-0, Chairman Boyce abstained; and O.B. 26, where the vote was 3-0, Commissioner Ott and Chairman Boyce abstained*

Chairman Boyce called for a brief recess from 9:41 a.m. until 9:47 a.m.

Stone, Robin

From: Birrell, JoAnn
Sent: Friday, May 08, 2020 4:58 PM
To: Pederson, John; Boyce, Mike; Gambrill, Keli; Ott, Bob; Cupid, Lisa
Cc: Rogers, Millie; Williams, Ryan; Swanson, Kim; Eberhart, Inger; Drayton, Brunessa; Stone, Robin; Washington, Leila; Johnson, Brian
Subject: RE: OB-28-2019 (May 19th) photos

Correction this is OB -26 Mt Bethel Christian Academy

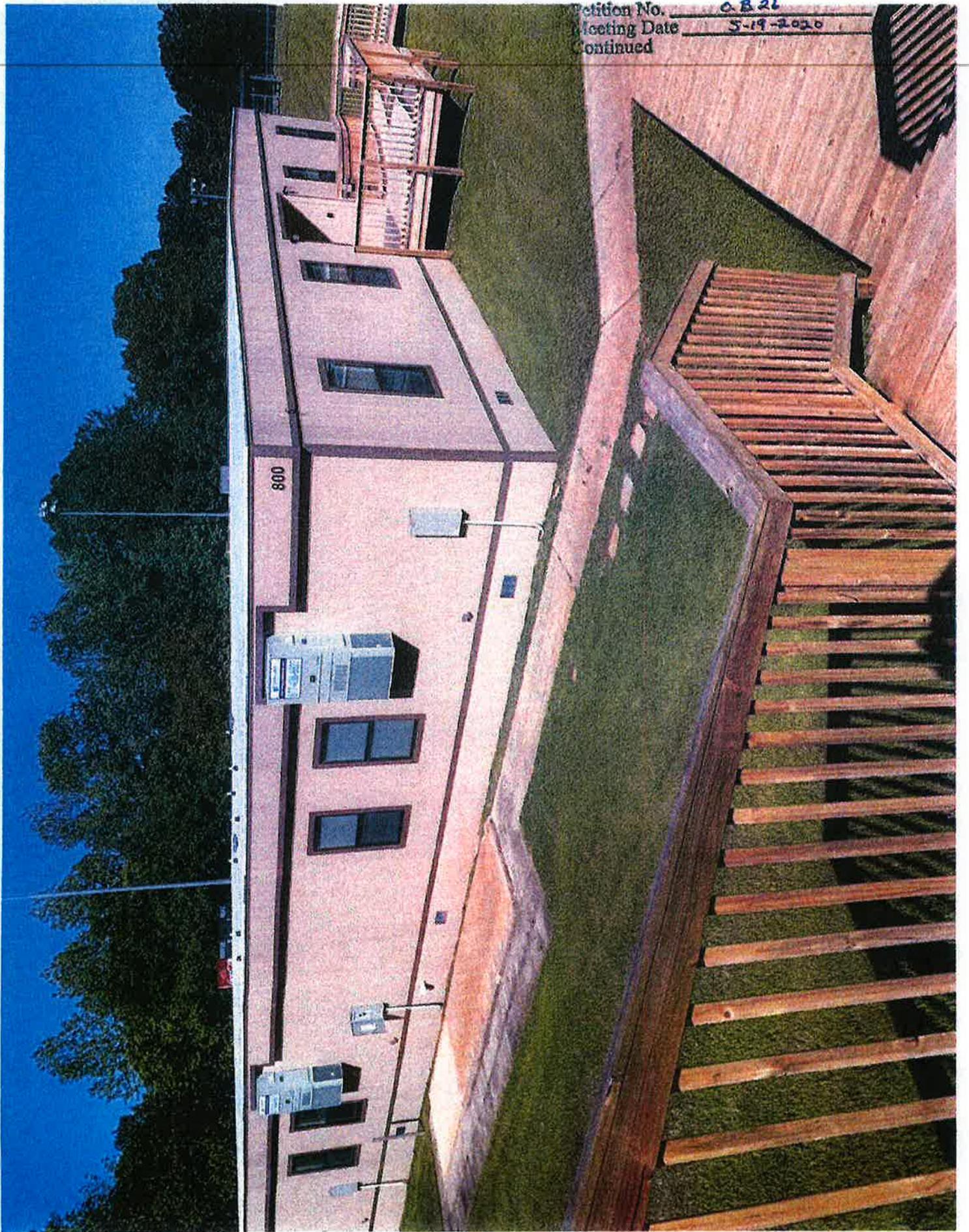
From: Pederson, John
Sent: Thursday, May 7, 2020 11:59 AM
To: Boyce, Mike <Mike.Boyce@cobbcounty.org>; Gambrill, Keli <Keli.Gambrill@cobbcounty.org>; Ott, Bob <Bob.Ott@cobbcounty.org>; Birrell, JoAnn <JoAnn.Birrell@cobbcounty.org>; Cupid, Lisa <Lisa.Cupid@cobbcounty.org>
Cc: Rogers, Millie <Millie.Rogers@cobbcounty.org>; Williams, Ryan <Ryan.Williams@cobbcounty.org>; Swanson, Kim <Kim.Swanson@cobbcounty.org>; Eberhart, Inger <Inger.Eberhart@cobbcounty.org>; Drayton, Brunessa <Brunessa.Drayton@cobbcounty.org>; Stone, Robin <Robin.Stone@cobbcounty.org>; Washington, Leila <Leila.Washington@cobbcounty.org>; Johnson, Brian <Brian.Johnson@cobbcounty.org>
Subject: OB-28-2019 (May 19th) photos

Good afternoon,

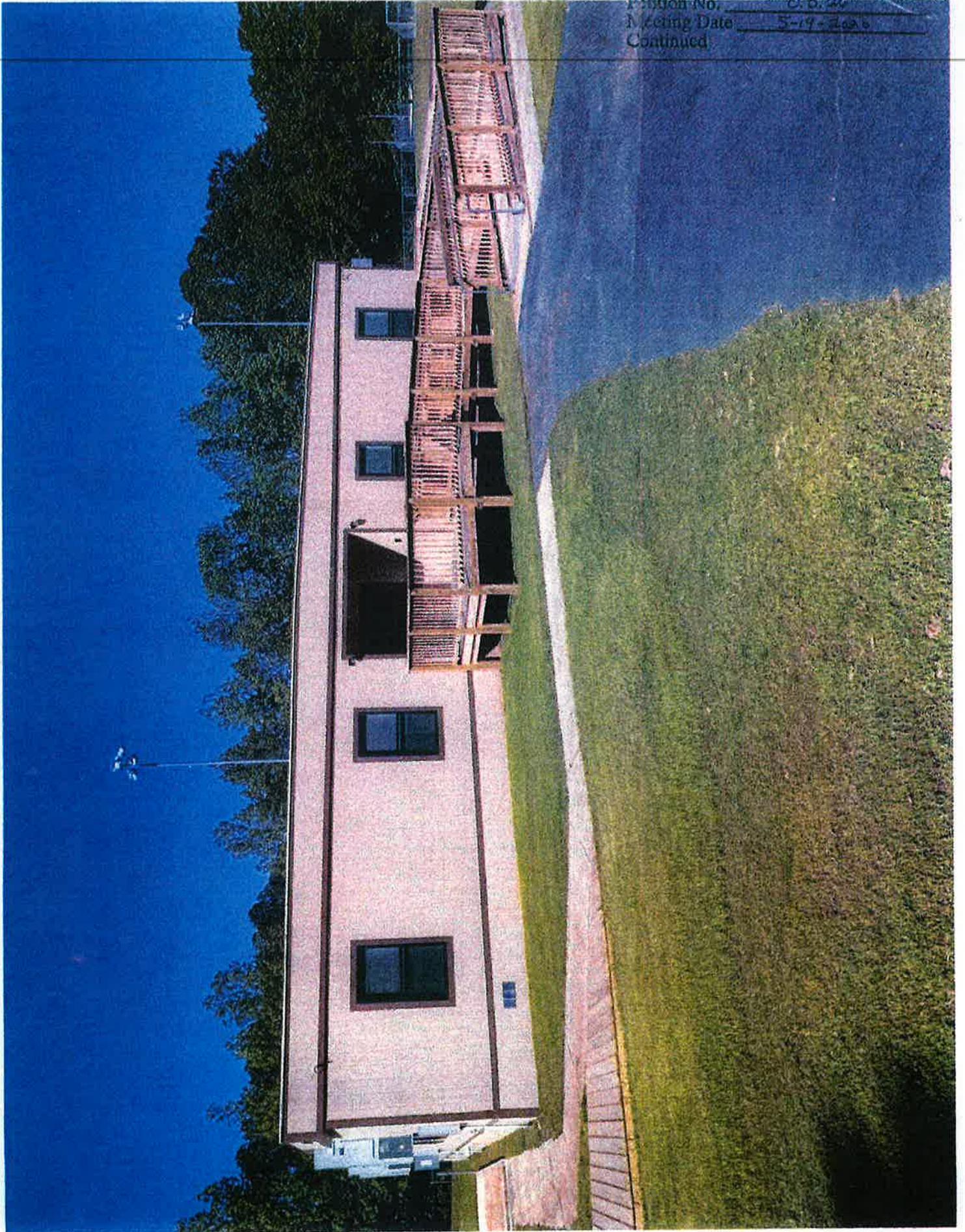
Please see the attached photos for OB-28 which shows the modular building have been skirted around the bottom and sod/grass was installed along the exterior of the building to satisfy the landscaping requirement.

Thanks, John

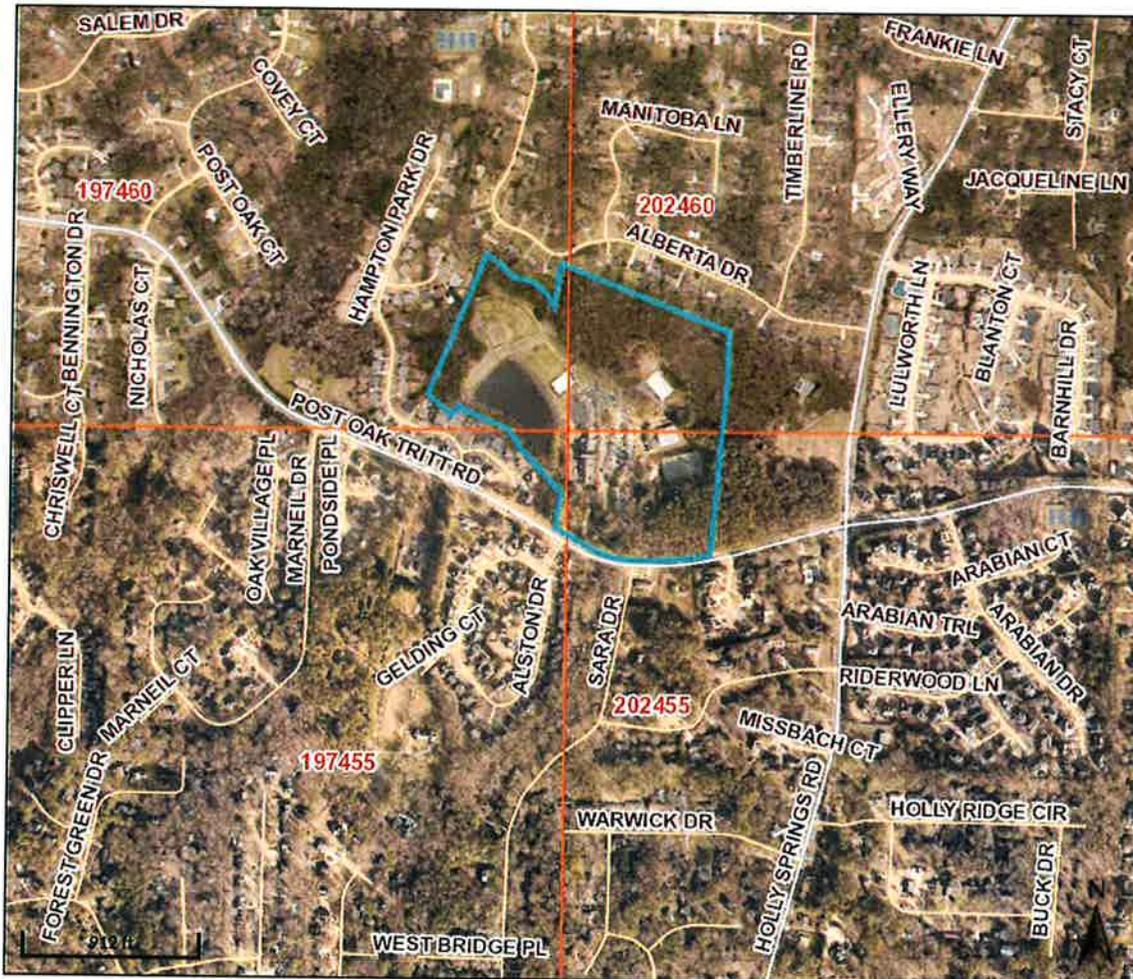
Petition No. 0826
Meeting Date 5-19-2020
Continued



Paragon No. 0-8-26
Meeting Date 5-19-2025
Continued



**2021 COBB COUNTY TAX ASSESSOR
REPORT FOR 2509 POST OAK TRITT ROAD
REFLECTING EXEMPTION STATUS
(PARCEL NO. 16059900020)**



Overview



Legend

- Cobb Tile Index
- Cities**
 - Acworth
 - Austell
 - Kennesaw
 - Marietta
 - Powder Springs
 - Smyrna
 - Unincorporated
- ▲ Administrative Facilities
- 📖 Libraries
- 👮 Police Stations
- 🔥 Fire Stations
- 🌳 County Parks
- 🌳 Federal Parks
- Parcels**
- Roads**
 - ARTERIAL
 - INTERSTATE
 - LOCAL
 - MAJOR
 - MINOR
 - PRIVATE
 - RAMP

Parcel ID	16059900020	Physical Address	2509 POST OAK TRITT RD NE	Last 2 Sales			
Class Code	E6 - Exempt - Schools	Address		Date	Price	Reason	Qual
Taxing District	(9) UNINCORPORATED	Owner	MT BETHEL CHRISTIAN ACADEMY INC	4/30/2014	\$7300000	n/a	U
Acres	33.4		4385 LOWER ROSWELL RD	n/a	0	n/a	n/a
			MARIETTA GA 30068				

Date created: 11/15/2021
 Last Data Uploaded: 11/15/2021 6:33:11 AM