

NOVEMBER 19, 2024 ZONING HEARING
“OTHER BUSINESS”
COMMISSION DISTRICT 3

ITEM 063

PURPOSE

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). (*Continued by Staff from the October 15, 2024 hearing*).

BACKGROUND

The subject property was approved for a Special Land Use Permit to operate a private school in 2013. This request is to approve the master plan for the school campus. The temporary classroom buildings on the property would be removed to make way for permanent buildings. The applicant is showing proposed new buildings, drives and parking areas. The tennis court would be relocated next to the baseball field. The applicant is showing a new right-in/ right-out access drive to Post Oak Tritt Road on the eastern side of the property. If approved, all previous stipulations would remain in effect.

STAFF COMMENTS

Fire Department: See attached.

Cobb DOT: See attached.

Water & Sewer Comments: No additional comments

Site Plan Review: No comments.

Stormwater Management: No comments.

RECOMMENDATION

The Board of Commissioners conduct a Public Hearing and consider the proposed stipulation and site plan amendment.

ATTACHMENTS

Other Business application and stipulations.

APPLICANT: Mt. Bethel Christian Academy, Inc.

PETITION NO.: OB-63

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

COMMERCIAL ACCESS:

The fire department must be able to access the long side of any building over 30ft in height.

ACCESS: Fire apparatus access roads shall extend to within 150 feet of all portions of each structure or any portion of the exterior wall of the first floor.

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, 35 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. (IFC D103.2)

Dead-end access roads more than 150 feet shall be provided with a turn-around (IFC 503.2.5).

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 highest roof surface. (IFC: D105.1)

Aerial fire apparatus access roads shall be a minimum width of 26 feet and between 15’ and 30’ from the structure and be positioned parallel to one of the entire long sides 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)

Provide emergency access through all gates securing Fire Department access with a minimum 12 foot 0 inch clear width and approved means of operation www.knoxbox.com.

FIRE HYDRANTS:

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

The road at the fire hydrant must have a minimum width of 26 feet and a minimum length of 40 feet, centered on the hydrant. (IFC D103.1)

Fire Flow Test from all private existing hydrants shall be provided meeting the minimum.* (Required Flow: 1,500 gpm @ 20 psi)

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.

COMMERCIAL AND INDUSTRIAL DEVELOPMENTS:

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. D104.1

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. D104.2

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.

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. D104.3

C/O:

Plans must be submitted to the Cobb County Fire Marshal's Office to initiate the Certificate of Occupancy process. Contact the Cobb County Fire Marshal's Office to initiate the Certificate of Occupancy process.

The above is not an all-inclusive list, all applicable fire and life safety provisions must be met.

Jeff Byrd

(770) 528-8814

jeffrey.byrd@cobbcounty.org

Roadway	Roadway classification	Speed limit (mph)	Jurisdictional control	Min. R.O.W. requirements
Post Oak Tritt Road	Arterial	40	Cobb County	100'

Roadway	Location	Average daily trips (vpd)	Level of service
Post Oak Tritt Road	East of Castle Lane	7,850	C

vpd = vehicles per day, NA = Not Available

Based on 2023 AADT counting data taken by GDOT, as published on their website, for Post Oak Tritt Road

Planning Level of Service based on available Average Daily Trips using GRTA guideline thresholds. Classification thresholds for LOS A and LOS B are not available for collector roads from this data source.

LOS C or D is acceptable based on GDOT Design Policy Manual criteria.

Description	Expected Size (students)	AM			Dismissal			PM			Daily (vpd)
		In (vph)	Out (vph)	Total (vph)	In (vph)	Out (vph)	Total (vph)	In (vph)	Out (vph)	Total (vph)	Two-Way
Existing School Trips	190	175	69	244	65	131	196	26	24	50	471
School Expansion Trips	435	401	158	559	149	300	449	60	55	115	1,079
Total School Trips	625	576	227	803	214	431	645	86	79	165	1,550

vph = vehicles per hour

Trip generation estimates for the project were based on the recorded peak hour traffic counts for the existing school (with 190 students enrolled) that were collected at the school driveway. The pro-rate method was used to increase these volumes by a ratio of 625/190 to account for the higher student enrollment capacity that the expanded school will be able to accommodate.

Observations

Minimum stopping sight distance and intersection sight distance must be available for proposed right-in access. Sight distance has been highlighted as a concern because the proposed driveway is located within a horizontal curve, with heavy vegetation along the Post Oak Tritt Road frontages of both the subject property and the adjacent property of 2605 Holly Springs Road. A profile plan submittal is recommended, including any required sight line easements to be acquired.

A Submittal 2 traffic study (dated May 14, 2024) was received for this development and Cobb DOT provided comments on June 21, 2024. A revised Submittal 2 traffic study (dated June 26, 2024) was received and approved by Cobb DOT on July 2, 2024. The traffic study requirement can be considered satisfied for this zoning case.

(continued)

Recommendations

1. Recommend retaining the following DOT recommendations from OB-26-2020:
 - 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.
2. Recommend all Post Oak Tritt Road access points include deceleration lane, taper and/or improved curve radius to address safety because Post Oak Tritt Road is an arterial roadway. This recommendation is pursuant to Cobb County Development Standard 402.9, Deceleration Lanes/Roadway Improvements Along Existing Streets, and Cobb County Development Standard Detail 401A, Deceleration Lanes as reviewed for potential limited right-of-way availability. Recommend location and design be determined during plan review, subject to Cobb DOT approval.
3. The proposed right-in right-out driveway location coincides with an existing catch basin. Any drainage impacts from installation of the proposed driveway must be mitigated by the developer. Recommend design be determined during plan review, subject to Cobb DOT approval.
4. Recommend applicant verify that minimum intersection sight distance is available for all Post Oak Tritt Road access points. This recommendation is pursuant to Cobb County Development Standard Detail 108, Stopping Sight Distance Requirements. If minimum stopping sight distance is not available, recommend implement remedial measures to address safety, subject to the Department's approval, to achieve the minimum requirement of 305'.
5. Recommend applicant verify that minimum intersection sight distance is available for all Post Oak Tritt Road access points. This recommendation is pursuant to Cobb County Development Standard Detail 401B, Intersection Sight Distance. If minimum intersection sight distance is not available, recommend implement remedial measures to address safety, subject to the Department's approval, to achieve the minimum requirement of 445'.

(continued)

6. Recommend applicant coordinate with Cobb DOT prior to development plan approval to ensure compatibility with intersection improvements under consideration at the intersection of Holly Springs Road and Post Oak Tritt Road.

(Site Plan and Stipulation Amendment)
Application for "Other Business"*

Cobb County, Georgia

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

OB Application No.: OB- 63 (2024)

BOC Hearing Date Requested: October 15, 2024

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, 2027
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:

Notary Public My commission expires: _____

Commission District: 3 (Birrell) **Zoning Case:** SLUP-11 (2013); OB-57 (2014); OB-18 (2017);
OB-28 (2019); OB-26 (2020); OB-75 (2021); OB-34 (2022)
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 and Stipulation Amendment)

Application No.: OB- 63 (2024)
Hearing Date: October 15, 2024

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

Tax Parcel Identification No.: **16059900020**

MT. BETHEL CHRISTIAN ACADEMY, INC.

BY: Steve Colley
Steve Colley
Facilities Director

Date Executed: September 9TH, 2024

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:

Lynette Hulsey Lynette Hulsey
Notary Public
Commission Expires: July 4, 2027

[Notary Seal]

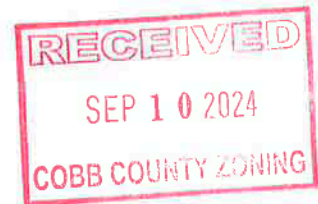
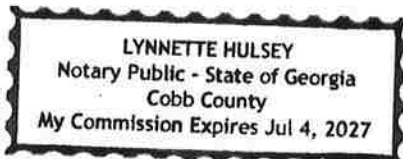


EXHIBIT "B" - ATTACHMENT TO APPLICATION FOR "OTHER BUSINESS"
(Site Plan and Stipulation Amendment)

Application No.: OB- 63 (2024)
Hearing Date: October 15, 2024

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 (hereinafter "Property" or "Subject Property"). 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 overall Campus plan as well as approval for temporary buildings serving as classrooms.

In the filing of this "Other Business" Application, Applicant presents a Master Plan for the Campus which provides for additional school buildings, replacing the existing temporary classrooms and other upgrades to the overall facilities. Applicant proposes the reconfiguration of certain student classroom buildings, parking, and drives; as well as, the addition of structures, together with certain other improvements, and submits for approval in this Application for "Other Business" the Master Plan prepared for Applicant by Croft & Associates, dated June 19, 2024.

Prior to the hearing before the Cobb County Board of Commissioners, Applicant will submit a detailed letter of stipulations and conditions incorporating the proposed Master Plan and setting forth updated stipulations applicable to the improvements for the Campus.

The Master Plan Amendment, together with applicable stipulations, proposed for approval in this Application for "Other Business" in no way adversely impacts or affects the quality or integrity of residential areas proximate to the Campus as the Master Plan does not propose future development any closer to residential areas than what has been previously approved by the Cobb County Board of Commissioners. The Master Plan presented herein is a culmination of years of work by Applicant's staff, architect, and engineers along with area residents. If the Master Plan is approved, as submitted, together with the revised stipulations to be set forth prior to the scheduled hearing before the Board of Commissioners, they shall become an additional part of the final approval and shall be binding upon the Subject Property.



**MASTER PLAN PRESENTED FOR
APPROVAL BY BOARD OF
COMMISSIONERS PURSUANT TO
APPLICATION FOR "OTHER BUSINESS"
– OCTOBER 15, 2024**



THIS SHEET PLOTS
ON 22" X 34" ANSI D
1/2" = 1' ASSOCIATES

C:\Users\AC\hpl\Documents\2024-101 Mt Bethel Master Plan_A24_CENTRAL_colgpa0476.rvt
© Copyright 2023 by CROFT & Associates. All rights reserved. This document is property of CROFT & Associates. It is to be used only for the specific project referred to in specific herein and is not to be used on other projects, in whole or in part, except by the express written agreement of CROFT & Associates.



- SITE PLAN KEYNOTES**
- EXISTING FOOTBALL FIELD
 - EXISTING ACADEMIC BUILDING
 - PROPOSED ACADEMIC BUILDING
 - PROPOSED ACADEMIC BUILDING ADDITION
 - PROPOSED CONNECTORS
 - EXISTING PARKING
 - PROPOSED PARKING
 - PROPOSED ENTRANCE
 - PLAYGROUNDS
 - EXISTING BASEBALL FIELD
 - RELOCATED BASEBALL FIELD
 - RELOCATED TENNIS COURTS
 - RELOCATED PRACTICE FIELD
 - REDESIGNED DETENTION POND
 - FUTURE ACADEMIC BUILDING EXPANSION
 - RELOCATED POOL
 - EXISTING MAINTENANCE BUILDING
 - PROPOSED MAINTENANCE BUILDING

PARKING CALCULATION

CLASSROOMS	193 TOTAL CLASSROOMS
CODE REQUIREMENT	2 PER 100 CLASSROOMS = 206 SPACES
1 PER 160 STAFF = 95 SPACES	
371 TOTAL SPACE REQUIRED	
TOTAL SPACES PROVIDED	427 SPACES



CROFT & Associates
3340 Blue Springs Road
Kennesaw, Georgia 30144
770.529.7714 gfa
www.croftae.com

NOT FOR
CONSTRUCTION

MT. BETHEL CHRISTIAN
ACADEMY
JIM GANCA
2509 Post Oak Tritt Rd.
Marietta, GA 30062



MT. BETHEL CHRISTIAN
ACADEMY
2509 Post Oak Tritt Rd.
Marietta, GA 30062

RECEIVED
 SEP 10 2024
 COBB COUNTY ZONING

NO	DATE	DESCRIPTION
		ISSUANCE

PROJECT NUMBER
2024-101
DRAWN
CC
CHECKED
DAW
SHEET TITLE
MASTER PLAN

SHEET NO.
AS100

MASTER PLAN

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

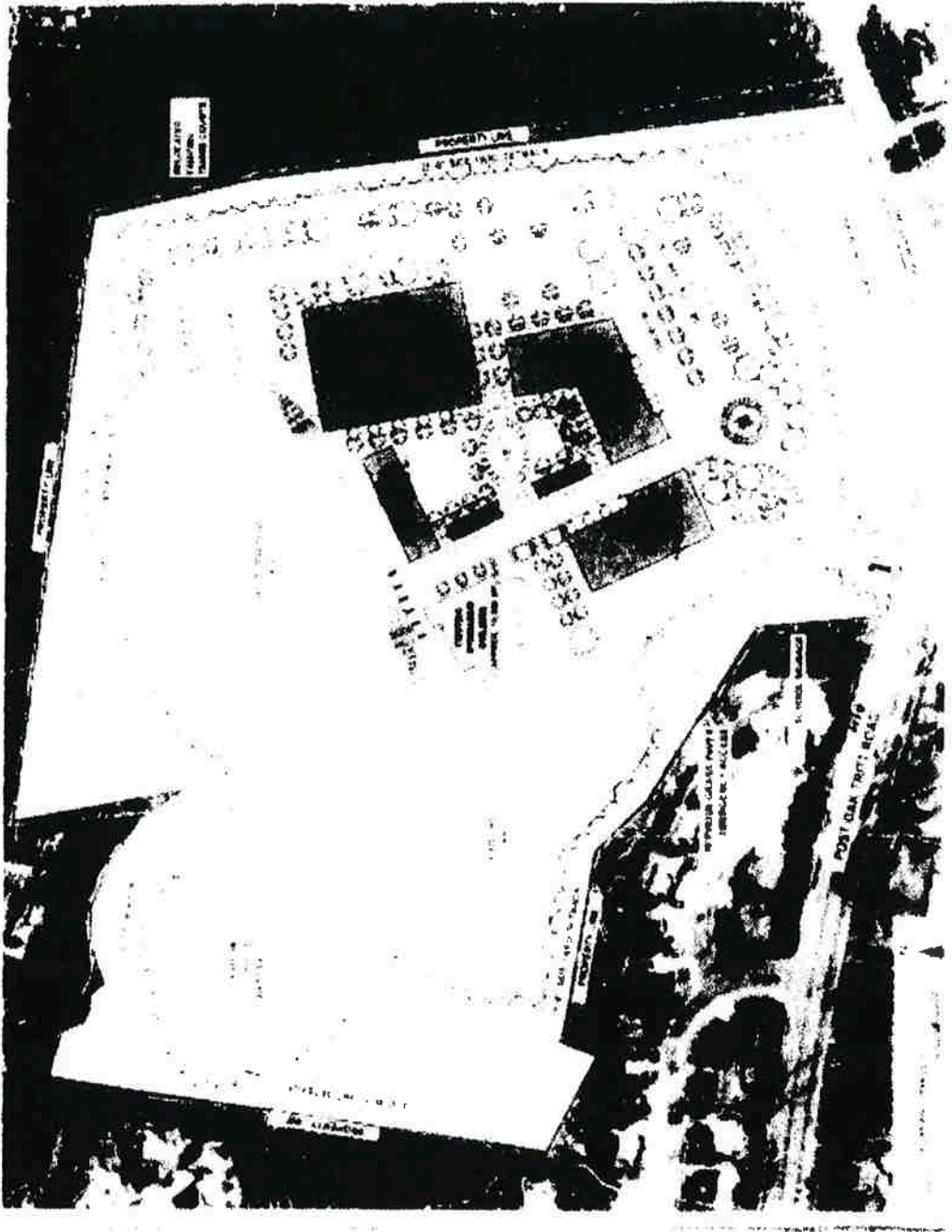


2024
Site Plan
Phase 1

RECEIVED

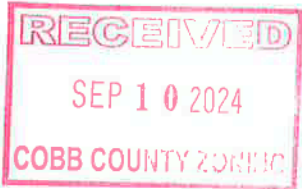
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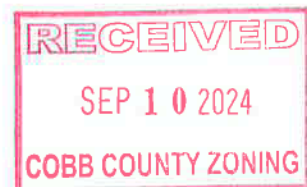


RECEIVED
SEP 10 2024
COBB COUNTY ZONING

**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**



ON SITE
CIVIL GROUP

2024 REVISED BY: STEVE COLLEY
DATE: 08/28/24
PROJECT: MT. BETHEL CHRISTIAN ACADEMY

THESE REVISIONS ARE THE PROPERTY OF THE CLIENT AND WILL BE RETURNED TO THE CLIENT UPON COMPLETION OF THE PROJECT. ANY CHANGES TO THE ORIGINAL PLAN MUST BE APPROVED BY THE CLIENT AND THE DESIGNER.



REVISIONS

NO.	DATE	DESCRIPTION

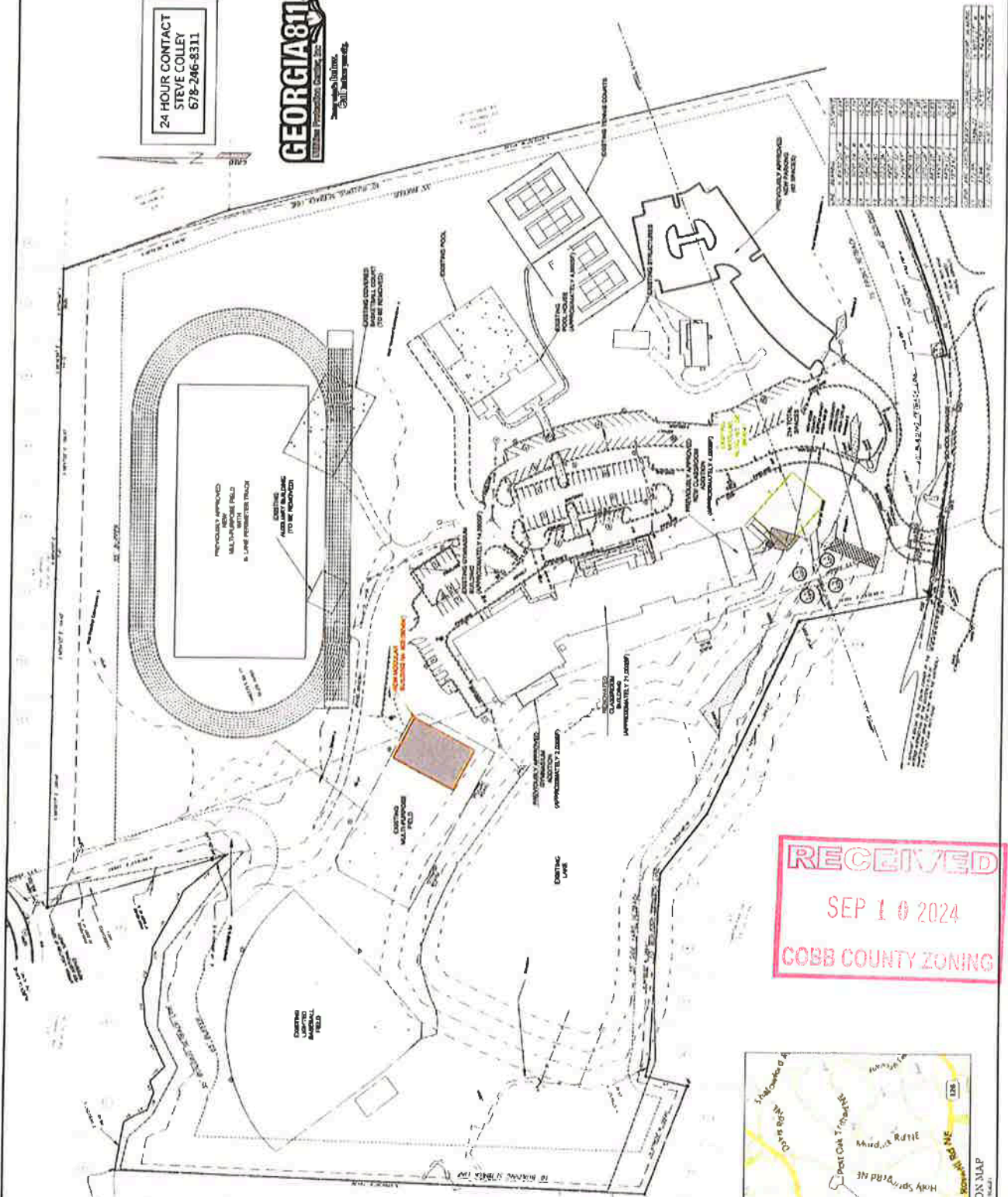
CLIENT:
MT. BETHEL CHRISTIAN ACADEMY
4385 LYNCH ROSWELL RD
MARIETTA, GA

MT. BETHEL CHRISTIAN ACADEMY UPPER SCHOOL
2509 POST OAK TRAIL ROAD
16TH DISTRICT
LL 591606.025.026
PH: 16059300020

SITE PLAN

DATE: 8/28/24
PROJECT: 16059300020
SHEET: 1 OF 2
C-50

24 HOUR CONTACT
STEVE COLLEY
678-246-8311



NO.	DATE	DESCRIPTION
1	08/28/24	ISSUED FOR PERMIT
2	08/28/24	ISSUED FOR PERMIT
3	08/28/24	ISSUED FOR PERMIT
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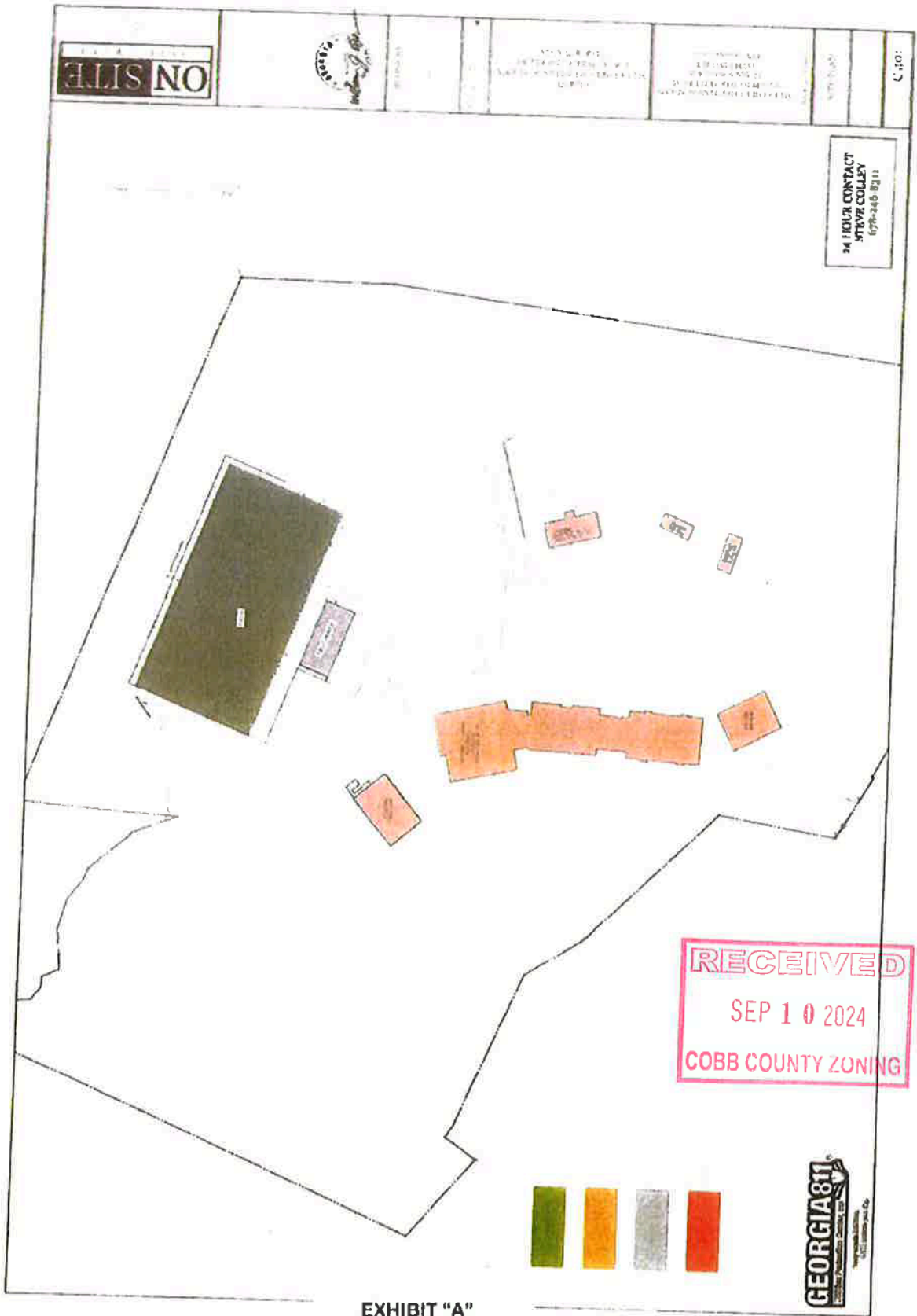
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SEP 10 2024
COBB COUNTY ZONING



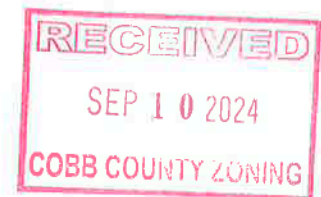
**SITE PLAN APPROVED BY BOARD OF
COMMISSIONERS PURSUANT TO
APPLICATION FOR “OTHER BUSINESS”
OB-75 (2021) – MARCH 15, 2022**



Petition No. O.B.75 '21
Meeting Date 3-15-2022
Continued



**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**



MINUTES OF ZONING HEARING
COBB COUNTY BOARD OF COMMISSIONERS
NOVEMBER 19, 2013
PAGE 10

~~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.~~

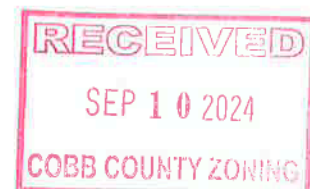
Commissioner Ott announced that he would recuse himself from SLUP-11, due to his affiliation with Mt. Bethel United Methodist Church, Inc.

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:



MINUTES OF ZONING HEARING
COBB COUNTY BOARD OF COMMISSIONERS
NOVEMBER 19, 2013
PAGE 11

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

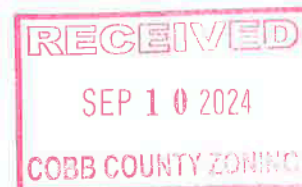
VOTE: **ADOPTED** 3-0-1, Chairman Lee absent, Commissioner Ott recused himself

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
(ARCHIT)

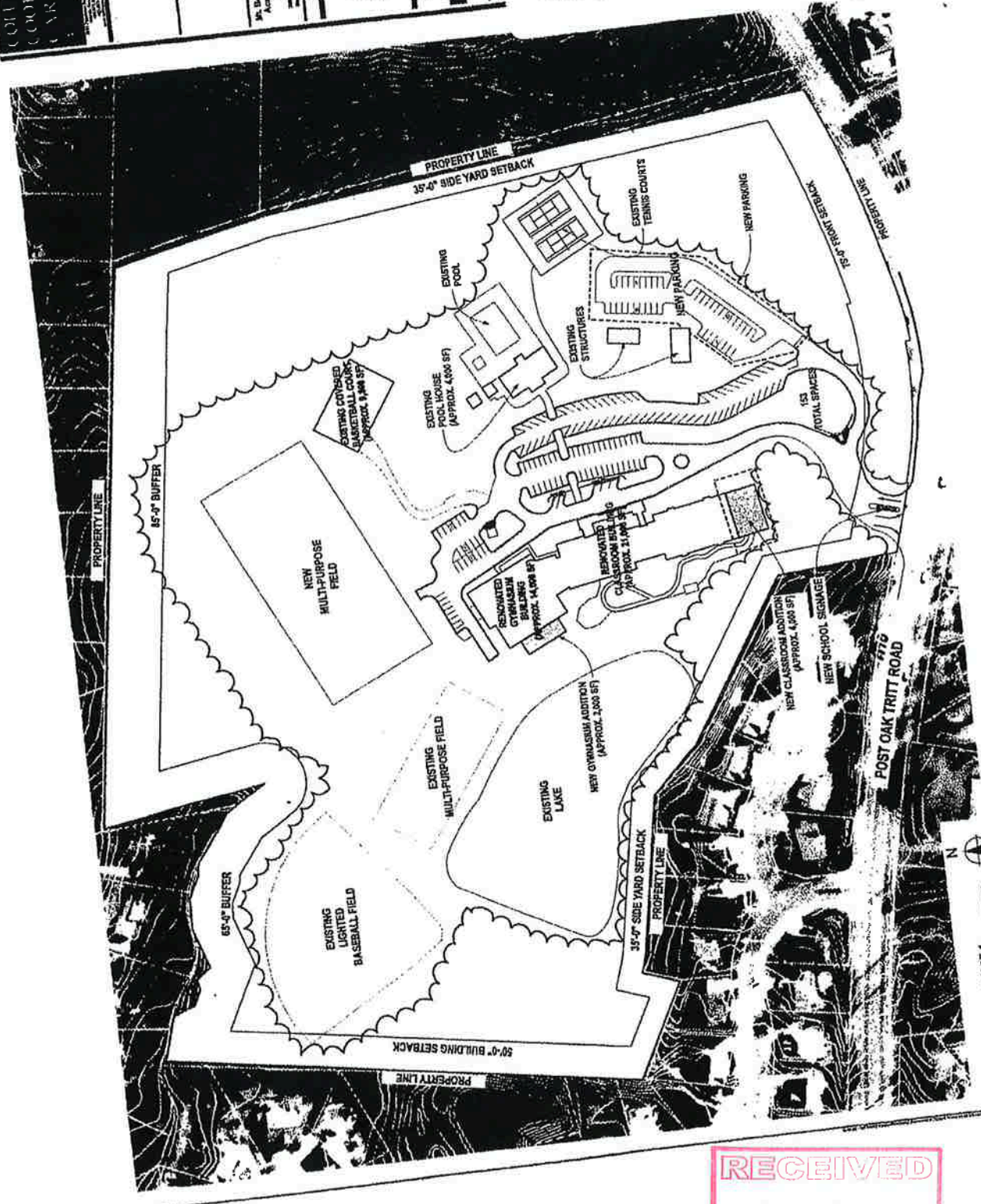
Mr. Rafael Chastain
Academy Upper
School
11000 Peachtree Dunwoody Rd
Dunwoody, GA 30328
770.393.1234



RECEIVED
DATE
BY

Min. Bk. 70 Petition No. 520P-1
Doc. Type Side plan - phase
one
Meeting Date 11/14/13

G-1



RECEIVED
SEP 10 2024
COBB COUNTY ZONING

Min. Bk. 70 Petition No. SLUP-11
Doc. Type statement of
proposed improvements
Meeting Date 11/14/13

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@honzw.com

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

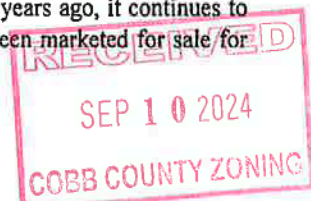
Background - The Property

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

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HOLT NEY ZATCOFF & WASSERMAN, LLP

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Community Development Agency
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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.

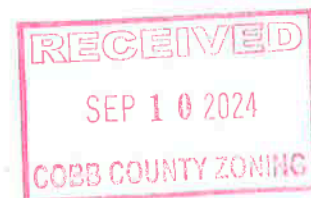
Mt. Bethel's Proposed SLUP

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.



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Page 3

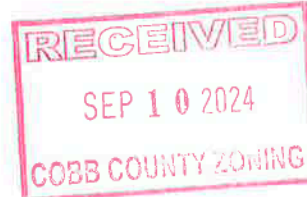
Petition No. SLUP-11
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Continued

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

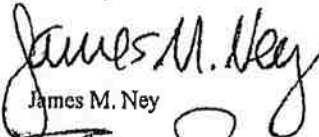

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Community Development Agency
Cobb County, Georgia
September 3, 2013
Page 4

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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.

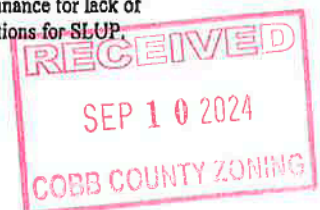
We are happy to answer any questions or provide any information that the Division, its consultant or the Board may have with regard to the Application.

Sincerely,


James M. Ney

Ethen 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 Guhl 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.



SLUP-11 (2013)
Stipulation Letter

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@hnzw.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

NOV 19 2013 10:10 AM
COB COUNTY ZONING

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.

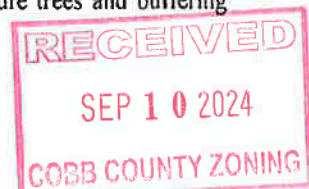
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COBB COUNTY ZONING

HOLT NEY ZATCOFF & WASSERMAN, LLP

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

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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

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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.

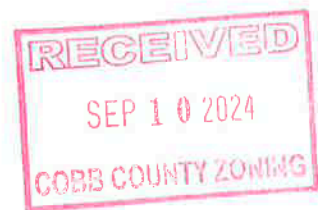
Sincerely,
HOLT NEY ZATCOFF & WASSERMAN, LLP



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

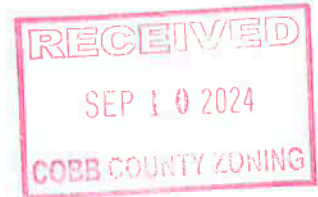
100 GALLERIA PARKWAY, SUITE 1800

ATLANTA, GEORGIA 30339-5960

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

Ellen W. Smith
e-mail esmith@hznzw.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 11/19/13

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

HOLT NEY ZATCOFF & WASSERMAN, LLP

Zoning Division, Cobb Community Development
November 11, 2013

Page 2

Petition No. SLUP-11
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Cancelled



- 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.
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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

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Comment

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.
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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.

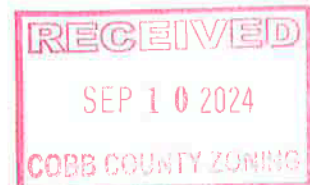
Sincerely,
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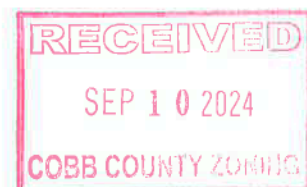
Ellen W. Smith

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**



**MINUTES OF ZONING HEARING
COBB COUNTY BOARD OF COMMISSIONERS
SEPTEMBER 16, 2014
PAGE 7**

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.

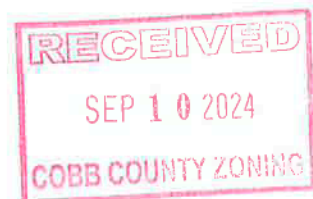
O.B. 57 To consider a site plan and stipulation amendment for Mount Bethel Christian Academy, Inc. regarding application SLUP-11 of 2013 (Mt. Bethel United Methodist Church, Inc.), for property located on the north side of Post Oak Tritt Road, west of Holly Springs Road in Land Lots 599, 600, 625 and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

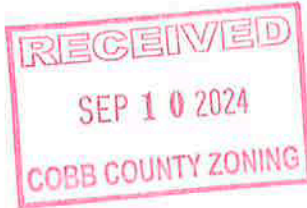
100 GALLERIA PARKWAY, SUITE 1800
ATLANTA, GEORGIA 30339-5947

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

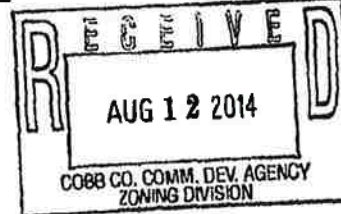
James M. Ney, P.C.
e-mail jney@hnzw.com

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. 0857
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:

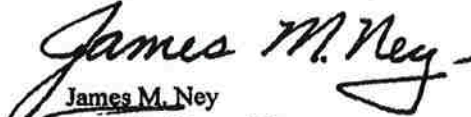

1. A copy of the tax receipt reflecting the exempt status of the Property from the Cobb County Tax Assessor's website; and
2. Copies of the Board's November 19, 2013 minutes and Applicant's zoning conditions letter dated November 11, 2013, reflecting the approval of SLUP-11, the Mt. Bethel private school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

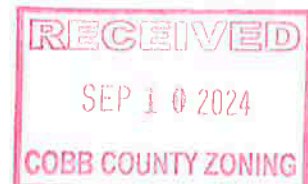
Mt. Bethel's Application meets and exceeds the minimum requirements of the Zoning Ordinance. We respectfully request the approval of this Application at the Board's September 16, 2014 hearing.

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.

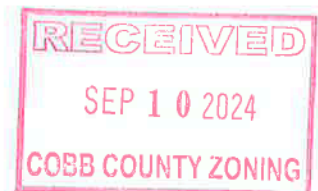
Sincerely,


James M. Ney

Ellen W. Smith

JMN/EWS/ews
Enclosures



**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.

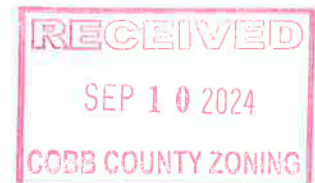
~~CONTINUED, HELD, AND WITHDRAWN (CONT.)~~

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.

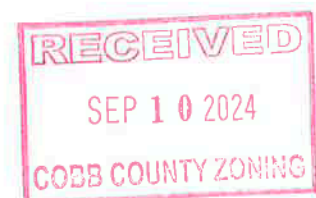
Mr. Lawton Jordan, attorney for adjacent property owner, addressed the Board to request a continuance for O.B. 15; thereafter, the following motion was made:

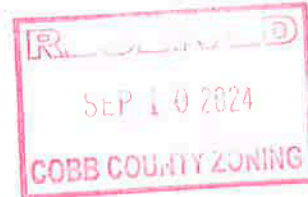
MOTION: Motion by Birrell, second by Ott, to continue O.B. 15 until the June 20, 2017 Board of Commissioners Zoning Hearing.

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**

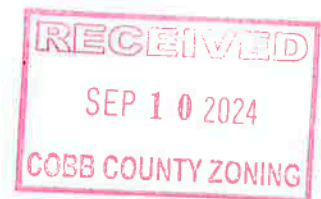
VOTE: ADOPTED 3-0, Gambrill absent, Ott recused

ADJOURNMENT

The hearing adjourned at 11:29 a.m.

Rob L. Stone

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



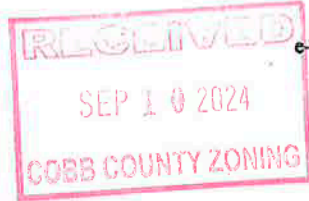
Min. Bk. 87 Petition No. O.B. 28
Doc. Type letter of agreeable
conditions
Meeting Date 5-21-2019

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@hnzw.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

HOLT NEY ZATCOFF & WASSERMAN, LLP

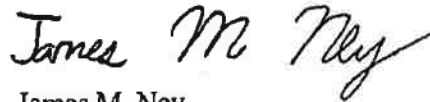
Petition No. OB-28
Meeting Date 5-21-2019
Continued

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.

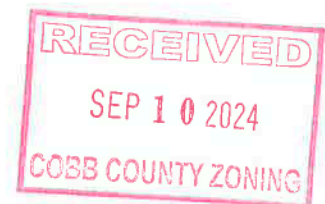
Sincerely,



James M. Ney

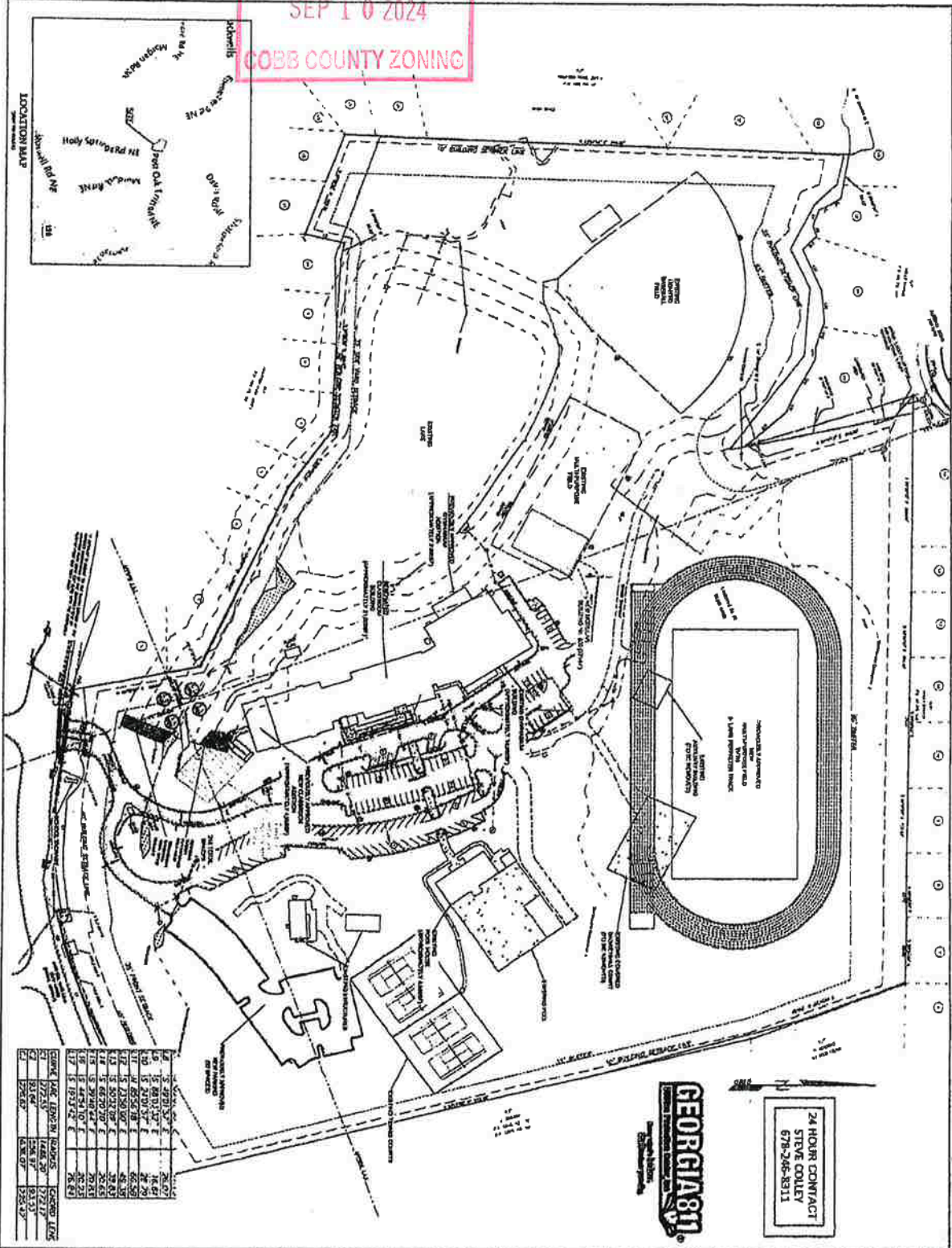
JMN/sdo
Enclosure

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



RECEIVED
 SEP 10 2024
 COBB COUNTY ZONING

Petition No. O.B.-28
 Meeting Date 5-21-2019
 Continued



NO.	DESCRIPTION	AREA (SQ. FT.)	PERCENT
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GEORGIA811

24 HOUR CONTACT
STEVE COLLEY
678-246-8311

C-5.0	SITE PLAN DATE: 4-18-19 DRAWN BY: JH	MT. BETHEL CHRISTIAN ACADEMY UPPER SCHOOL 2309 POST OAK TRUITT ROAD LL 999,600,625,626 16TH DISTRICT PIN: 1609990000	CLIENT: MT BETHEL CHRISTIAN ACADEMY 4385 LOWER ROSWELL RD MARJETTA, GA	REVISIONS <table border="1" style="width: 100%; border-collapse: collapse;"> <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> <tr><td> </td><td> </td><td> </td></tr> </table>	NO.	DATE	DESCRIPTION														ON SITE CIVIL GROUP 1000 WILLOWDALE DRIVE, WILLOWDALE, GA 30180 PHONE: (770) 962-9999 FAX: (770) 962-9999 WWW.ONSITECIVIL.COM
NO.	DATE	DESCRIPTION																			



COMMISSION DISTRICT 3

Mt. Bethel 87 Petition No. O.B. 28
Doc. Type ECCA recommendations
Meeting Date 5-21-2019

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 Brinnell
RE O.B. 28
Paul 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:**

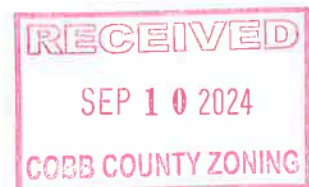
1. **Stipulation #1** add "All previous stipulations to remain in effect."
2. **Stipulation #2** add "District Commissioner to have final approval of the landscape plan surrounding the new modular classroom."
3. **Stipulation #5** Deleted.

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**





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

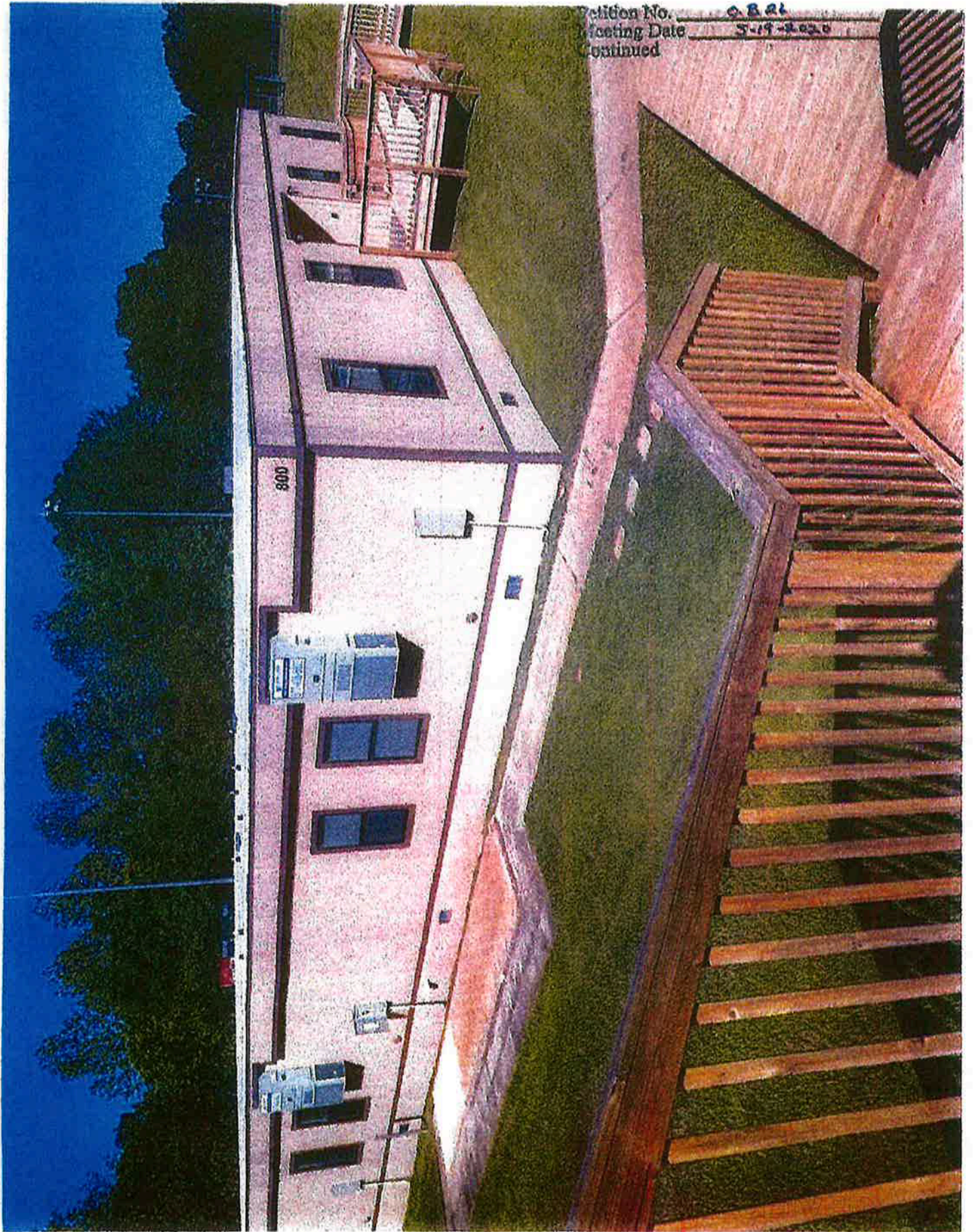
Good afternoon,

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. 0821
Meeting Date 5-19-2020
Continued



SEP 10 2024
COBB COUNTY ZONING

Petition No. 0821
Meeting Date Sept 2024
Continued

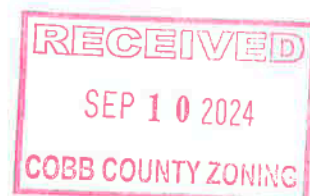


RECEIVED

SEP 10 2024
COBB COUNTY ZONING

COBB COUNTY ZONING

**OFFICIAL MINUTES OF COBB COUNTY
BOARD OF COMMISSIONERS ZONING
HEARING AS TO APPLICATION FOR
“OTHER BUSINESS” NO. 75 (2021)
- MARCH 15, 2022**



**MINUTES OF ZONING HEARING
COBB COUNTY BOARD OF COMMISSIONERS
MARCH 15, 2022
9:00 A.M.**

The Board of Commissioners' Zoning Hearing was held on Tuesday, March 15, 2022, in the second-floor public meeting room of Cobb County Building A, 100 Cherokee Street, Marietta, Georgia. Present and comprising a quorum of the Board were:

Lisa Cupid, Chairwoman
Commissioner Monique Sheffield
Commissioner JoAnn Birrell
Commissioner Keli Gambrill
Commissioner Jerica Richardson

CONSENT AGENDA

MOTION: Motion by Cupid, second by Birrell, to **approve** the following cases on the Consent Agenda, *as revised*:

O.B. 75²¹ To consider a stipulation and site plan amendment for Mt. Bethel Christian Academy, Inc. regarding case SLUP-11 (Mt. Bethel United Methodist Church, Inc.) of 2013. 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). *(Previously held by the Board of Commissioners (BOC) from the December 21, 2021, BOC Zoning hearing until the February 15, 2022, BOC Zoning hearing; continued by Staff until the March 15, 2022, BOC Zoning hearing).*

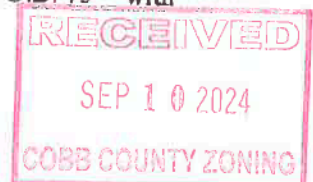
To **approve** O.B. 75²¹, subject to:

1. Letter of agreeable conditions from Kevin Moore dated March 14, 2022, with site plan dated March 15, 2022 as Exhibit A, and including Exhibits B and C (attached and made a part of these minutes)
2. Email correspondence with attached letter containing recommendations from East Cobb Civic Association (ECCA) dated March 14, 2022 (attached and made a part of these minutes)
3. All Staff comments and recommendations, *not otherwise in conflict*
4. Further review from Stormwater Management with Carl Carver to work with the Applicant
5. All previous stipulations and conditions, *not otherwise in conflict*, to remain in effect

MOTION: Motion by Birrell, second by Richardson, to **add** O.B. 75²¹ with stipulations to the Consent Agenda as previously read in.

VOTE: ADOPTED 5-0

CONSENT VOTE: ADOPTED 5-0



MOORE INGRAM JOHNSON & STEELE

A LIMITED LIABILITY CORPORATION
WWW.MIJLS.COM

MARIETTA, GEORGIA
EMERSON OVERLOOK
380 RICHMOND STREET
SUITE 100
MARIETTA, GEORGIA 30060
TELEPHONE (770) 488-1488

KNOXVILLE, TENNESSEE
400 N. CEDAR BLUFF ROAD
SUITE 500
KNOXVILLE, TENNESSEE 37923
TELEPHONE (615) 422-0020

JACKSONVILLE, FLORIDA
1000 CENTURION PARKWAY N.
SUITE 401
JACKSONVILLE, FLORIDA 32209
TELEPHONE (904) 428-1482

SPRINGWOOD, TENNESSEE
6300 HAWKLAND WAY
SUITE 200
SPRINGWOOD, TENNESSEE 37027
TELEPHONE (615) 428-7247

LEXINGTON, KENTUCKY
771 CORPORATE DRIVE
SUITE 400
LEXINGTON, KENTUCKY 40503
TELEPHONE (606) 399-0088

ORLANDO, FLORIDA
7300 WEST BAY LANE ROAD
SUITE 600
ORLANDO, FLORIDA 32819
TELEPHONE (407) 387-0028

HARRISBURG, PENNSYLVANIA
3800 HARTZDALE DRIVE
SUITE 801
CAMP HILL, PENNSYLVANIA 17011
TELEPHONE (717) 792-2854

March 14, 2022

Via E-mail Only

Min. Bk. 95 Petition No. OB-75²⁴
Doc. Type Letter

Meeting Date 3-15-2022

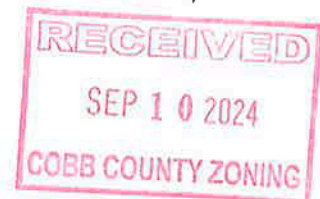
Mr. John P. Pederson, AICP
Zoning Division Manager
Zoning Division
Cobb County Community Development Agency
Suite 400
1150 Powder Springs Road
Marietta, Georgia 30064

RF: Application for "Other Business" - OB-75 (2021)
Applicant/Property Owner: Mt. Bethel Christian Academy, Inc.
Property: 33.4 acres, more or less, located on the northerly side of Post Oak Tritt Road, westerly of Holly Springs Road, being more particularly known as 2509 Post Oak Tritt Road, Land Lots 599, 600, 625, 626, 16th District, 2nd Section, Cobb County, Georgia

Dear John:

On behalf of the Applicant and Property Owner, Mt. Bethel Christian Academy, Inc. (hereinafter collectively "Applicant"), please accept the following as additional agreeable stipulations and conditions, which, if the referenced Application for "Other Business" Item is approved, as submitted, shall become a part of the grant of the requested approval and shall be binding upon the Property. **This letter shall supersede the letters of proposed stipulations dated December 15, 2021; March 9, 2022; and March 11, 2022, with all revisions in bold.** The proposed, revised stipulations are as follows:

- (1) Applicant requests approval of the revised Site Plan dated and last revised March 15, 2022, which is submitted contemporaneously with this revised letter of agreeable stipulations and conditions. A reduced copy of the revised Site Plan is attached to this stipulation letter as Exhibit "A" and incorporated herein by reference. This Site Plan supersedes all previous approved site plans. **In addition,**



MOORE INGRAM JOHNSON & STEELE

Mr. John P. Pederson, AICP
Zoning Division Manager
Zoning Division
Cobb County Community Development Agency
Page 2 of 4
March 14, 2022

Petition No. O.B. 75²¹
Meeting Date 3-15-2022
Continued

sight-line cross-sections are attached as Exhibit "B" for purposes of reference illustrating approximate sight lines from adjoining properties.

In addition to approval of the revised Site Plan, Applicant proposes the following Site Plan revisions from previously approved Site Plans; as well as, additional stipulations:

- (1) Relocation of the parking area, as shown and reflected on the referenced, revised Site Plan.
- (2) Relocation of a field house, as shown on the referenced, revised Site Plan.
- (3) Removal of the athletic track from the previously approved Site Plans.
- (4) Location and placement of a scoreboard as shown on the referenced, revised Site Plan.
- (5) The exterior elevation of the field house shall be subject to District Commissioner final approval. The maximum height of the field house shall be no more than two stories. Any exterior lighting on the field house shall be directed downward with restrictive shades, or focused only to illuminate the concrete area immediately adjacent to, and within thirty (30) feet of the field house.
- (6) Any scoreboard to be installed shall have a maximum height of twenty (20) feet above proposed field grade and a maximum width of twenty-six (26) feet.
- (7) The field shall be fenced with black, vinyl-coated chain link fence, a minimum of four (4) feet in height, with a maximum of six (6) feet in height.
- (8) Any rear retaining wall for the field and facing the Holly Springs Subdivision shall have an exterior aesthetic consistent with the photograph attached as Exhibit "C," and shall utilize a rough-hewn, multicolored face.
- (9) Applicant agrees to repair the existing fence along the common boundary with Holly Springs Subdivision.
- (10) Applicant agrees to remove any dead fall or dead wood within the eighty-five (85) foot undisturbed buffer area.



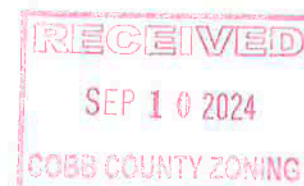
MOORE INGRAM JOHNSON & STEELE

Mr. John P. Pederson, AICP
Zoning Division Manager
Zoning Division
Cobb County Community Development Agency
Page 3 of 4
March 14, 2022

Petition No. 0.B.75²¹
Meeting Date 3-15-2022
Continued

- (11) The final landscape plan shall be subject to District Commissioner approval with review provided to the East Cobb Civic Association ("ECCA"), and interested neighbors through the ECCA. Plantings shall include plantings to enhance the "under canopy" contained within the eighty-five (85) foot buffer and adjacent to the field.
- (12) Any use of a public announcing, loudspeaker, or amplified sound system associated with the field shall be limited in use to the hours of 9:00 a.m. to 10:00 p.m. In addition, any such system shall be projected away from the adjacent Holly Springs Subdivision.
- (13) Public announcing, loudspeaker, or amplified sound system associated with the field shall be limited to no more than a **sustained sixty-five (65) decibels** as measured from adjacent properties in the Holly Springs Subdivision.
- (14) Applicant agrees to the planting, at a minimum, of a row of evergreen trees, a minimum of six (6) feet in height at planting, outside of the eighty-five (85) foot undisturbed buffer located along the northerly boundary of the Subject Property. Said planting shall be located between any proposed retaining wall and the eighty-five foot undisturbed buffer located along the northerly boundary of the Subject Property.
- (15) **Applicant agrees that detention ponds shall be screened from view of adjacent properties through planting of Green Giant Arborvitae trees, or similar evergreen trees, a minimum of six (6) feet in height at planting. Applicant shall be responsible for maintenance of such plantings, including replacement if necessary.**
- (16) The balance and remainder of the stipulations and conditions previously approved relating to the Subject Property and the approved use, which are not otherwise in direct conflict with the additional stipulations set forth herein; as well as the submitted, revised Site Plan, shall remain unaltered and in effect for the Subject Property.

The requested approval of the revised Site Plan, together with the additional revised stipulations set forth herein, will enhance the Subject Property and provide facilities for the Applicant's students. We very much appreciate your consideration; as well as that of the Cobb County Board of Commissioners, in this request.



MOORE INGRAM JOHNSON & STEELE

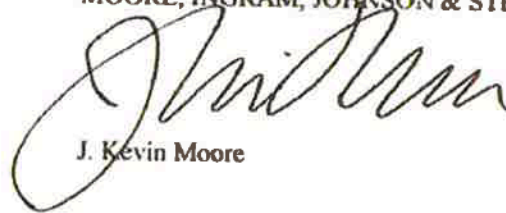
Mr. John P. Pederson, AICP
Zoning Division Manager
Zoning Division
Cobb County Community Development Agency
Page 4 of 4
March 14, 2022

Petition No. 0.8.75 '21
Meeting Date 3-15-2022
Continued

With kindest regards, I remain

Very truly yours,

MOORE, INGRAM, JOHNSON & STEELE, LLP



J. Kevin Moore

JKM:cc

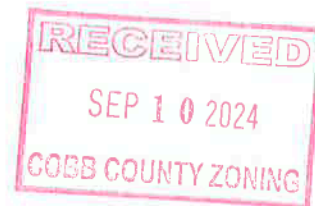
Attachments

c: Cobb County Board of Commissioners:
Lisa N. Cupid, Chairwoman
JoAnn Birrell
Keli A. Gambrill
Jerica Richardson
Monique Sheffield
(With Copies of Attachments)

Jeannie Peyton
Senior Planner
Zoning Division
Cobb County Community Development Agency
(With Copies of Attachments)

Jill Flamm
Rick Grome
East Cobb Civic Association, Inc.
(With Copies of Attachments)

Mt. Bethel Christian Academy, Inc.
(With Copies of Attachments)



Petition No. O.B. 75 '21
Meeting Date 3-15-2022
Continued

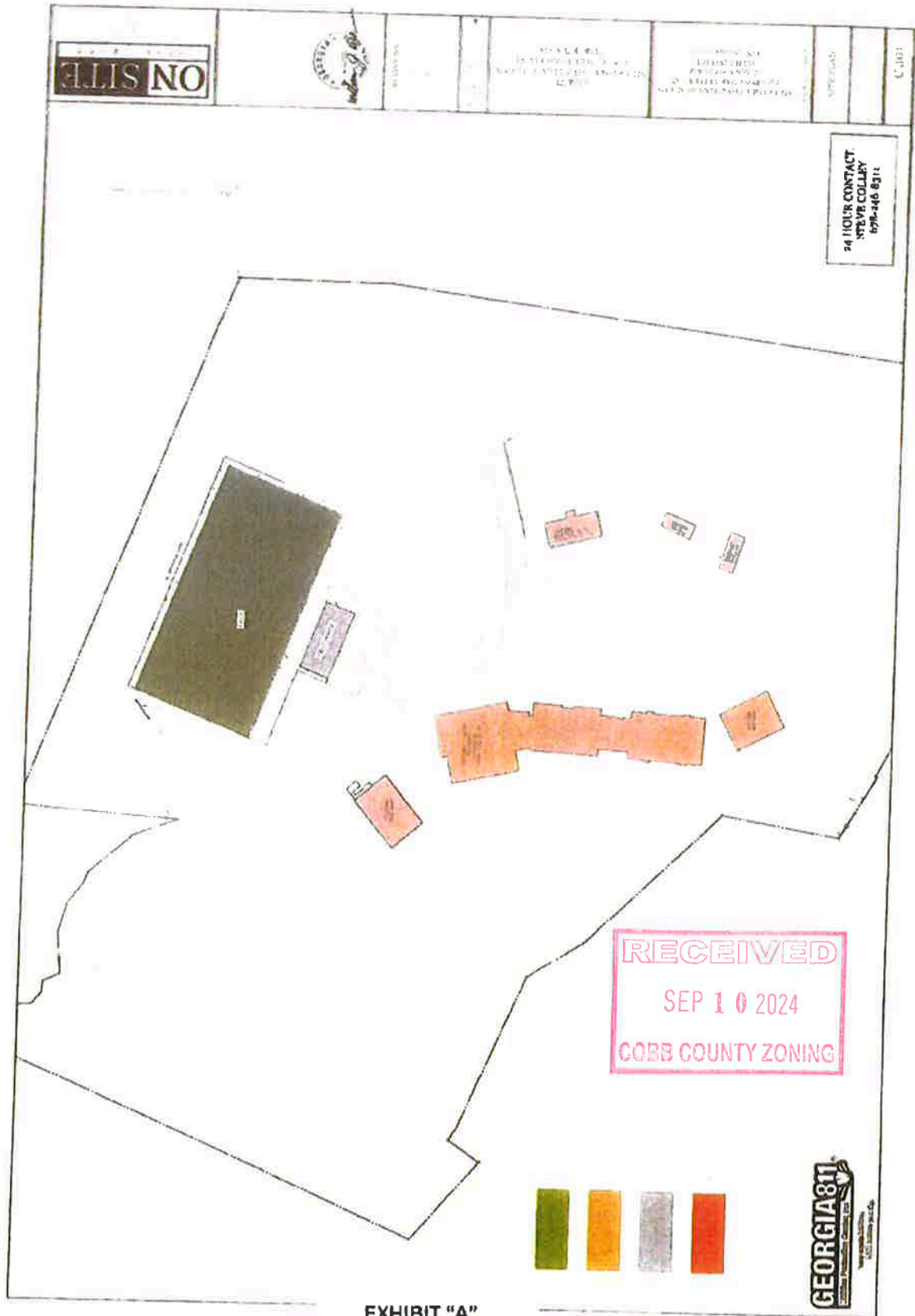


EXHIBIT "A"

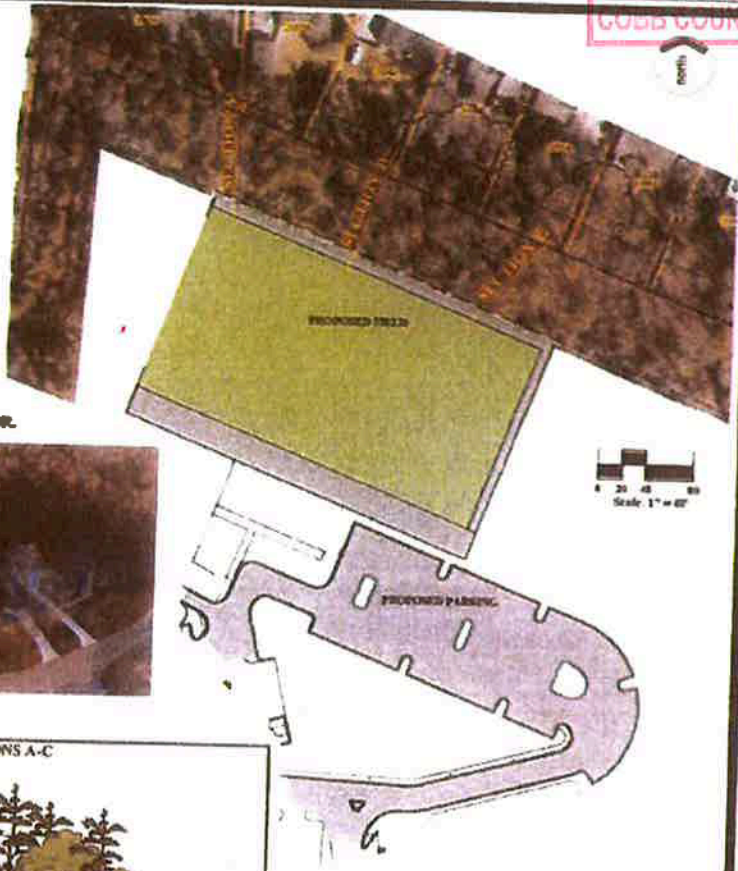
RECEIVED
 SEP 10 2024
 GULF COUNTY ZONING

Cross Section Exhibit
MBCA North Campus
 Cobb County, Georgia

property owner:
 Mount Bethel
 Christian Academy
 March 4, 2022



607 DuRoi Dr
 800 312-2228
 Atlanta, GA 30328
 770-512-8888
 DL-MFC-COR



VIEW FROM ALBERTA DR.



CROSS SECTIONS A-C

HOLLY SPRINGS LOT 13 / 14



SECTION A

HOLLY SPRINGS LOT 11 / 12



SECTION B

HOLLY SPRINGS LOT 9 / 10



SECTION C

PLANTING SCREEN MATERIAL EXAMPLES



EXHIBIT "B"

Petition No. O.B. 75-21
 Meeting Date 3-15-2022
 Continued

Petition No. 0.8.75 '21
Meeting Date 3-15-2022
Continued

Example of Retaining Wall Material



RECEIVED
SEP 10 2024
COBB COUNTY ZONING

EXHIBIT "C"

Min. Pt. 95 Petition No. OB-75²¹
Doc. Type Email correspondence
Containing ECCA recommendations
Meeting Date 3-15-2022

Stone, Robin

From: Vice President ECCA <vicepresidentecca@gmail.com>
Sent: Monday, March 14, 2022 3:27 PM
To: Washington, Leila; Stone, Robin; Richardson, Jerica; Birrell, JoAnn; Pederson, John; Gambrill, Keli; Cupid, Lisa; Sheffield, Monique
Cc: Chris Ensley; Chris Lindstrom; Helga Hong; Jill Flamm; Kelly Ryan; Kris Kilough; Linda Carver; Marvin Shams; Ric Grome; Roger Phelps
Subject: ECCA Recommendation for OB-75
Attachments: 2022.03.14_OB-75 (2021) Recommendation Letter to BOC (1).pdf

Attached is the ECCA recommendation for OB-75. ECCA's recommendation is late due to the applicant's numerous changes which had to be analyzed, discussed and negotiated in a very short amount of time. We reached a conclusion today, March 14, 2022.

Chris Lindstrom
ECCA Vice President, Zoning, Variances and OBIs

CAUTION: This email originated outside Cobb County Government. Please exercise caution when opening links/attachments in this email.



Petition No. 0-8-75 '21
Meeting Date 3-15-2022
Continued

**COMMISSION DISTRICT 3
EAST COBB CIVIC ASSOCIATION, INC.**

PETITION OB-75 (2021): Mt. Bethel Christian Academy (MBCA), represented by J. Kevin Moore, (770) 429-1499, requests approval of:

- 1) additional parking, and
- 2) move the location of the fieldhouse to the east end of the field.

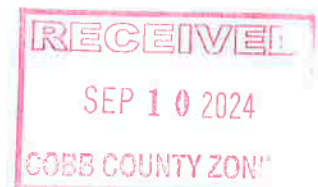
At the December 22, 2021 BOC meeting, the Applicant finally supplied a site plan with all existing buildings shown on the property and ultimately requested:

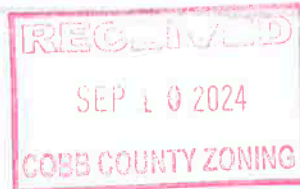
- 1) Relocation of approved eighty-two (82) parking spaces and the addition of thirty-nine (39) added parking spaces from south of the tennis courts to north of the tennis courts, and east of the athletic field.
- 2) The location of the future, one story field house to the east side of the athletic field.
- 3) An additional building for concession stand/restrooms.
- 4) The relocation of the athletic field, larger than that previously approved by the BOC. The athletic field was to be raised with retention walls, a concrete apron, and two (2) substantial concrete pads; one (1) pad on the north side of the field, and one (1) pad on the south side of the field.
- 5) The removal of the previously approved athletic track.
- 6) A newly requested scoreboard.

The NEW substantially different Site Plan dated 3-15-22 now requests:

- 1) A different location for the parking which is still north of the tennis courts but primarily south of the athletic field.
- 2) A different location for a two story field house on the south side of the athletic field.
- 3) The removal of the previously requested concession stand/restrooms building.
- 4) The athletic field has again changed in size and again been moved, shifted substantially to the east and further north to within five (5) feet of the eighty-five (85) foot undisturbed buffer zone.
- 5) The athletic field is still to be raised, with retention walls, a concrete apron, and now only one (1) substantial concrete pad on the south side of the field.
- 6) The removal of the previously approved athletic track.
- 7) Relocation of the newly requested scoreboard.

03/14/2022





Petition No. 0-B.75 '24
Meeting Date 3-15-2022
Continued

The property is located at 2509 Post Oak Tritt Road (nearest intersection is Post Oak Tritt Rd. and Holly Springs Rd.) The entire facility sits on approximately 33.4 acres and functions as a high school.

Case Manager: Richard S. Grome

Discussion:

- This petition was first heard on December 22, 2021, and was continued by the BOC until February 15, 2022. The applicant was told to develop a complete Site Plan, meet with the neighbors and East Cobb Civic Association, Inc. (ECCA) concerning the new Site Plan and Stipulation Letter, show viewsheds from the neighboring properties and submit these documents to the BOC in a timely fashion for the February 15th meeting. On February 8, 2022, the Applicant requested a continuance to March 15, 2022.

ECCA and the neighbors waited for ten (10) weeks from the December BOC meeting for additional information. Finally on:

- **February 28, 2022**, Kevin Moore informed ECCA that the Applicant had a new Site Plan and requested ECCA coordinate a meeting with the neighbors. ECCA contacted the neighbors.
- **March 2nd**, ECCA received the new Site Plan with less information than originally supplied in December, 2021.
- **March 7th**, Kevin Moore, attorney MBCA; Jim Cianca, Head of School MBCA; Richard Grome, President, ECCA; and two (2) of the neighbors met at Mr. Moore's offices to discuss changes to site plan and discuss stipulations. We were also finally shown some site-line viewsheds from three (3) different adjacent neighbor locations.
- **March 8th**, a draft Stipulation letter was sent to ECCA for our review. ECCA distributed this stipulation letter to the participating neighbors.
- **March 9th**, the above Stipulation Letter dated March 9, 2021 with Site Plan as Exhibit A and Exhibit B (a rough-hewn, multicolored face retaining wall) was filed by the Applicant.
- **March 11th**, the same people who met March 7th, met again to discuss the potential noise level of the amplified sound system and other changes to the March 9, 2021 stipulation letter. Kevin Moore filed a revised Stipulation Letter dated March 11 with Site Plan as Exhibit A and Exhibit B (a rough-hewn, multicolored face retaining wall). The Stipulation Letter dated March 11, 2021, was not as agreed to at the meeting and therefore unacceptable to ECCA and the neighbors. In addition, the Site-Lines were not attached as an exhibit. Kevin said he would correct and re-file.
- **March 14th**, Kevin Moore filed another revised Stipulation Letter dated March 14, 2022, which includes the current Site Plan attached as Exhibit A (dated

03/14/2022

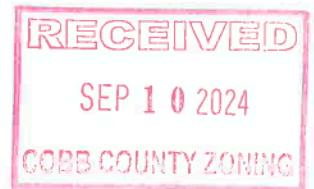
Petition No. O.B. 75 '21
Meeting Date 3-15-2022
Continued

3-15-22), attached Exhibit B (site lines, sections A, B and C from the adjacent properties) and the attached Exhibit C (a rough-hewn, multicolored face retaining wall).

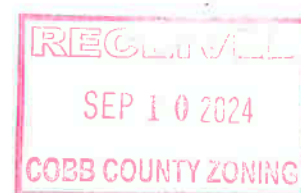
The correspondence and meetings have clarified and resolved the concerns arising from this petition.

RECOMMENDATION:

ECCA recommends approval of this petition subject to the Stipulation Letter dated March 14, 2022, Site Plan Exhibit A dated 3-15-22, with Exhibits B and C, all Staff comments. Due to the shift in the Athletic Field, parking lot locations and the removal of underground detention from the plan, ECCA recommends further review by stormwater management.



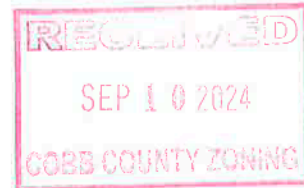
**OFFICIAL MINUTES OF COBB COUNTY
BOARD OF COMMISSIONERS ZONING
HEARING AS TO APPLICATION FOR
“OTHER BUSINESS” NO. 34 (2022)
- JULY 19, 2022**



**MINUTES OF ZONING HEARING
COBB COUNTY BOARD OF COMMISSIONERS
JULY 19, 2022
9:00 A.M.**

The Board of Commissioners' Zoning Hearing was held on Tuesday, July 19, 2022, in the second-floor public meeting room of Cobb County Building A, 100 Cherokee Street, Marietta, Georgia. Present and comprising a quorum of the Board were:

Lisa Cupid, Chairwoman
Commissioner JoAnn Birrell
Commissioner Keli Gambrill
Commissioner Jerica Richardson
Commissioner Monique Sheffield



CONSENT AGENDA

MOTION: Motion by Cupid, second by Birrell, to **approve** the following cases on the Consent Agenda, *as revised*:

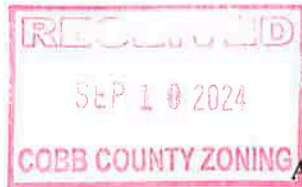
O.B. 34 To consider a stipulation amendment for Mt. Bethel Christian Academy, Inc. regarding case SLUP-11 (Mt. Bethel United Methodist Church, Inc.) of 2013. Property is located on the north side of Post Oak Tritt Road, west of Holly Springs Road, in land lots 599, 600, 625, and 626 of the 16th district (2509 Post Oak Tritt Road).

To **approve** O.B. 34, subject to:

1. **From an email received on July 13, 2022, from the East Cobb Civic Association (ECCA), make the following changes to Exhibit "B" of petition O.B. 34 (2022) (attached and made a part of these minutes):**
 - A. **Page 1, Paragraph 1, Line 7 – delete the words: "*its main church and*"**
 - B. **Page 1, Paragraph 4 – delete: "*The location of the temporary classroom buildings is shown on the recently approved Site Plan*" and insert: "*The location of the two (2) temporary classroom buildings labeled as 'Existing Modular', are shown on the recently approved Site Plan*"**
2. **The temporary classroom buildings are approved for a two-year period through August 1, 2024; the Applicant will have to come back for renewal at that time, if they continue**
3. **Fire Department comments and recommendations contained in the Other Business packet (attached and made a part of these minutes)**
4. **Cobb DOT comments and recommendations contained in the Other Business packet (attached and made a part of these minutes)**
5. **All previous stipulations and conditions, *not otherwise in conflict with this amendment*, to remain in effect**

CONSENT VOTE: **ADOPTED 5-0**

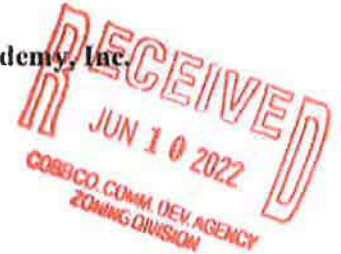
EXHIBIT "B" - ATTACHMENT TO APPLICATION FOR "OTHER BUSINESS"
(Stipulation Amendment)



Application No.: **OB- 34 (2022)**
Hearing Date: **July 19, 2022**

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 the renewal of its approval to allow for continued use of the temporary classroom buildings on the North Campus, which was approved by the Cobb County Board of Commissioners on May 19, 2020, in Application for "Other Business" OB 26 (2020). The approval of the temporary classroom buildings was for a twenty-four (24) month period which expired on June 1, 2022. Applicant seeks to extend the use of the temporary classroom buildings, as follows:

- Extend the approval for the temporary classroom buildings for a period of twenty-four (24) months, to expire on August 1, 2024.

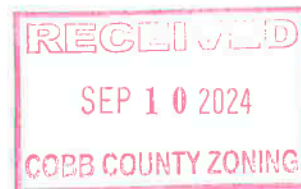
Applicant includes as part of this Application for "Other Business" a copy of the most recently approved Site Plan for Applicant's North Campus, same being prepared by On Site Civil Group, dated and submitted to Cobb Zoning Division on March 15, 2022, and approved in OB-75 (2021), a reduced copy of which is attached hereto for reference as Exhibit "1." **The location of the temporary classroom buildings is shown on the recently approved Site Plan,** and Applicant does not propose any changes or revisions to the location of the buildings.

The proposed stipulation amendment to allow continue use of temporary classroom buildings on the North Campus in no way adversely impacts or affects the quality or integrity of the School, the Campus, and the overall development. If the requested amendment is approved, as submitted, it will allow Applicant to continue to use the temporary classroom buildings until such time as the buildings can be replaced with permanent structures. The approval shall also become an additional part of the final rezoning and shall be binding upon the Subject Property.

Petition No. OB-34
Meeting Date 7-19-2022
Continued

Page 2 of 2

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 Stipulation Amendment.



**JULY 19, 2022 ZONING HEARING
"OTHER BUSINESS"
COMMISSION DISTRICT 3**

Min. Bk. 96 Petition No. OB-34
Doc. Type Fire Dept & Cobb DOT
Comments and recommendations
Meeting Date 7-19-2022



ITEM 034

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.

BACKGROUND

The subject property was approved for a Special Land Use Permit to operate a private school in 2013. The applicant has had a temporary classroom building on the property for many years to accommodate their growing school. The classrooms are in the front of the school building and would have six classrooms. The applicant anticipates needing the temporary classrooms through August 1, 2024. If approved, all previous stipulations would remain in effect.

STAFF COMMENTS

Fire Department: 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. CCFMO does not have any objections to OB-34-2022 as presented.

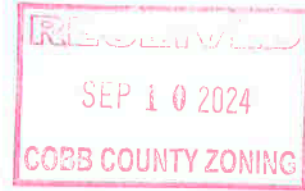
Cobb DOT: Recommend retaining the following DOT recommendations from OB-26-2020: A. Maintain a maximum school enrollment of 625 students as designated in SLUP-11-2013; and B. Recommend applicant be required to meet all Cobb County Development Standards and Ordinances related to project improvements.

RECOMMENDATION

The Board of Commissioners conduct a Public Hearing and consider the proposed stipulation amendment.

ATTACHMENTS

Other Business application and stipulations.



**2024 COBB COUNTY TAX ASSESSOR
REPORT FOR 2509 POST OAK TRITT ROAD
REFLECTING EXEMPTION STATUS
(PARCEL NO. 16059900020)**



Overview



Legend

Cities

- Acworth
- Austell
- Kennesaw
- Marietta
- Powder Springs
- Smyrna
- Unincorporated
- Mableton

- Administrative Facilities
- Libraries
- Police Stations
- Fire Stations
- County Parks
- Federal Parks
- House Number Labels
- 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	Owner	MT BETHEL CHRISTIAN ACADEMY INC	Date	4/30/2014	Price	\$7300000	Reason	n/a
Taxing	(9)		4385 LOWER ROSWELL RD		n/a		0		U
District	UNINCORPORATED		MARIETTA GA 30068						n/a
Acres	33.4								

Date created: 9/9/2024
 Last Data Uploaded: 9/8/2024 7:51:16 AM