



Community Development – Zoning Division

John Pederson – Division Manager

ZONING CASE

SLUP-7-2025

SITE BACKGROUND

Applicant	Mt. Bethel Christian Academy, Inc.
Phone	Contact Zoning Office
Email	Contact Zoning Office
Representative Contact	J. Kevin Moore
Phone	Contact Zoning Office
Email	Contact Zoning Office
Titleholder	Mt. Bethel Christian Academy, Inc. and Dodgen Farms, LLC
Property Location	Located at the northwest intersection of Post Oak Tritt Road and Holly Springs Road
Address	2509 Post Oak Tritt Road, 2605 Holly Springs Road
Access to Property	Post Oak Tritt Road and Holly Springs Road

QUICK FACTS

Commission District	3 - Birrell
Current Zoning	R-20
Current Use of Property	Private school, single-family residence
Proposed Zoning	R-20
Proposed Use	Expansion of private school
Future Land Use	LDR
Site Acreage	42.98
District	16
Land Lot	599, 600, 625, 626
Parcel #	16059900020, 16060000060
Taxes Paid	Yes

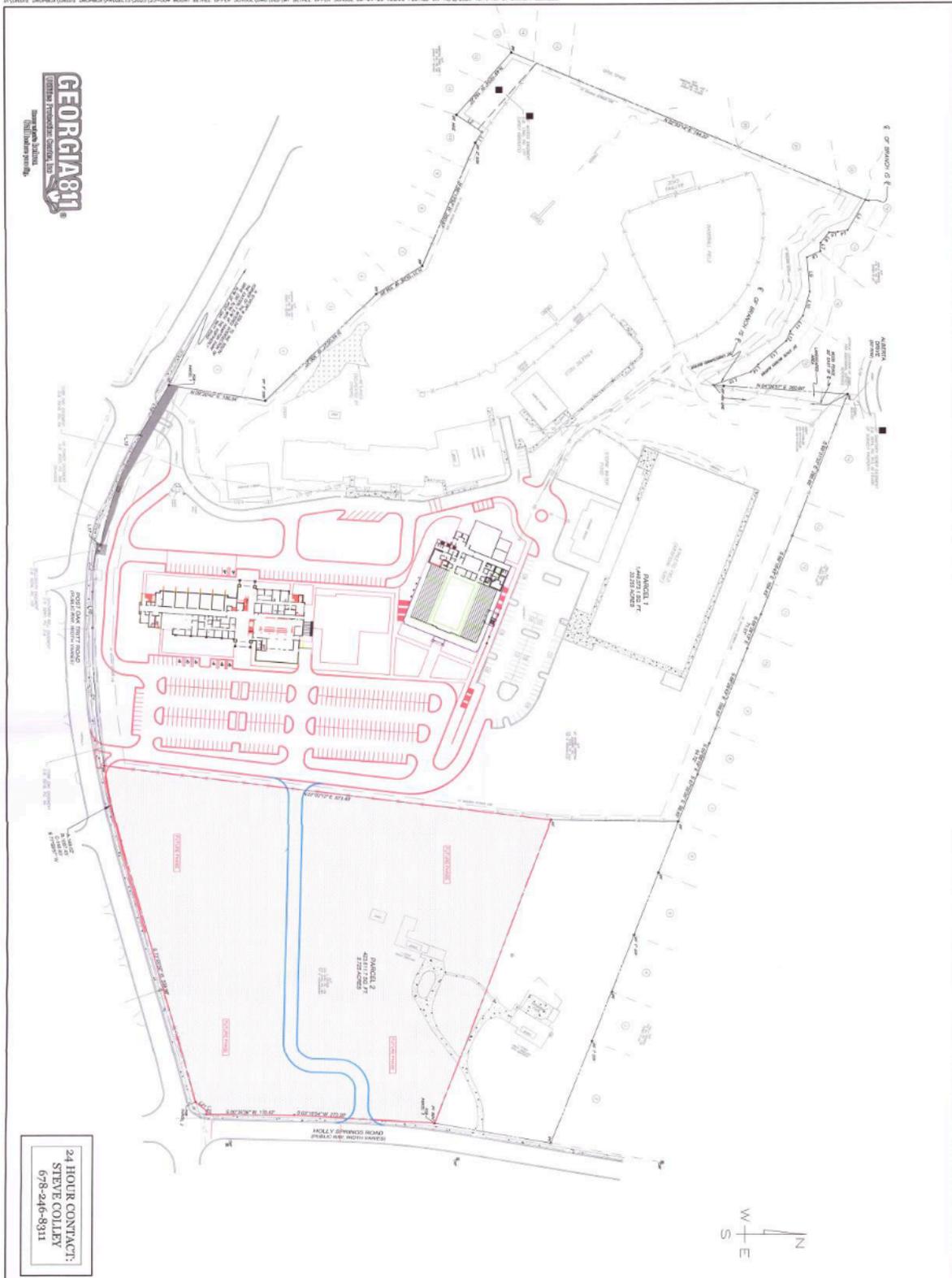
FINAL ZONING STAFF RECOMMENDATIONS

(Zoning staff member: Cameron Jones, CNU-A)

Based on the analysis of the case, Staff recommends **APPROVAL** subject to the following:

1. Site plan received by the Zoning Division on October 2, 2025, with the District Commissioner approving minor modifications
2. Maximum of 1,100 students;
3. Fire Department comments and recommendations;
4. Water and Sewer Division comments and recommendations;
5. Department of Transportation comments and recommendations; and
6. Stormwater Management Division comments and recommendations.

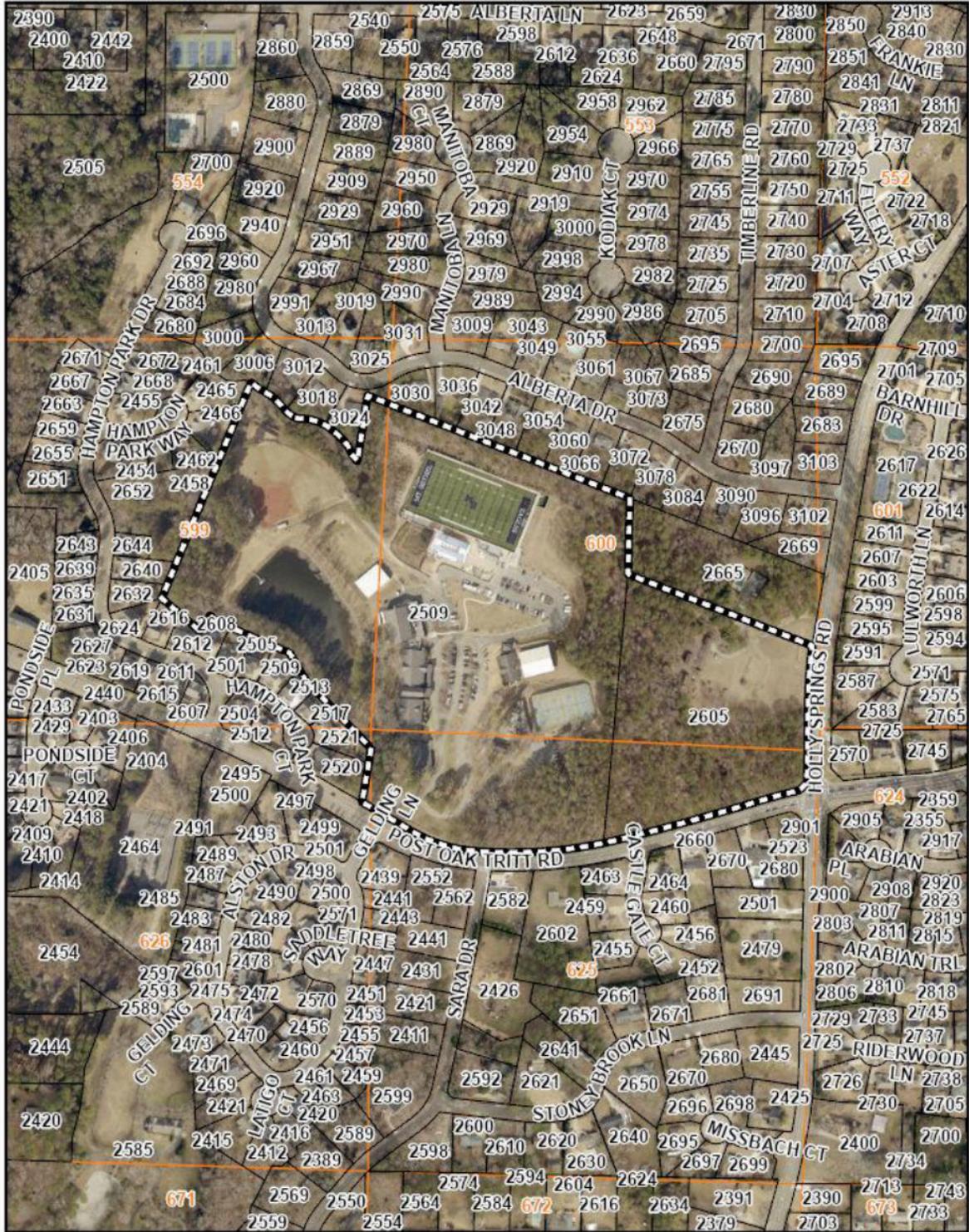
D:\WORK\2025\PROJECTS\2025\25-024 MOUNT BETHEL UPPER SCHOOL\DWG\UPR UPPER SCHOOL_02-04-25 12.249 PLOTTED ON 10/2/2025 10:13 AM BY AJBETT 2230XCL



24 HOUR CONTACT:
STEVE COLLEY
678-246-8311

DATE: 10/02/25 PROJECT: 25-024 SHEET: C 401	SITE PLAN SFR #: 2025-00084	MT BETHEL CHRISTIAN ACADEMY 2509 POST OAK TRITT ROAD LL 599,600,625,626 16TH DISTRICT PIN: 160599000020	CLIENT: MT BETHEL CHRISTIAN ACADEMY 4385 LOWER ROSWELL RD MARIETTA, GA	REVISIONS NO. DATE DESCRIPTION	THESE DOCUMENTS ARE THE PROPERTY OF ON SITE CIVIL GROUP AND SHALL NOT BE REPRODUCED OR TRANSMITTED IN ANY FORM OR BY ANY MEANS, ELECTRONIC OR MECHANICAL, INCLUDING PHOTOCOPYING, RECORDING, OR BY ANY INFORMATION STORAGE AND RETRIEVAL SYSTEM, WITHOUT THE EXPRESS WRITTEN PERMISSION OF ON SITE CIVIL GROUP, LLC.	ON SITE CIVIL GROUP 9460 BREWSTER RD, SUITE 200, MARIETTA, GA 30067 PHONE: 678-652-3142 WWW.ONSITECIVIL.COM INFO@ONSITECIVIL.COM
	3-1-25					

SLUP-7 2025 Aerial Map



This map is provided for display and planning purposes only. It is not meant to be a legal description.



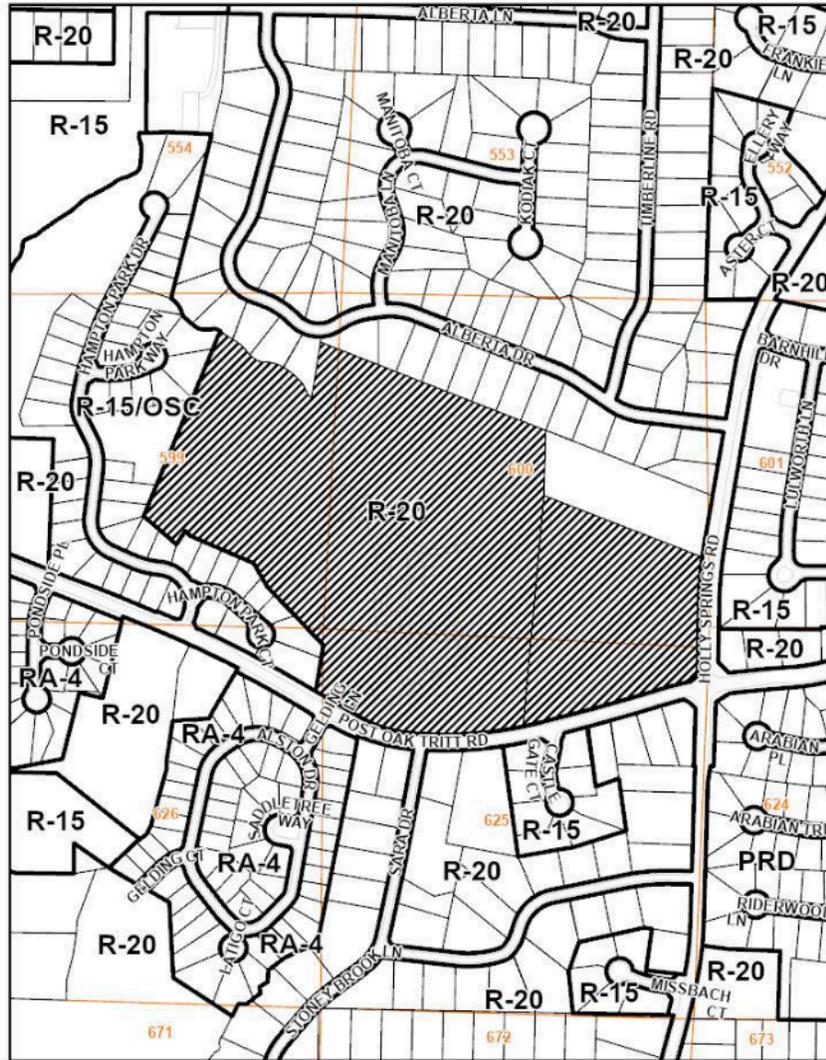
 Zoning Boundary
 City Boundary

North

Zoning: R-20 / Single-Family Homes

Future Land Use: LDR

SLUP-7 2025 Map



This map is provided for display and planning purposes only. It is not meant to be a legal description.



Zoning Boundary
 City Boundary

WEST

Zoning: R-15/OSC / Single-Family Homes

Future Land Use: LDR

EAST

Zoning: R-20, R-15 / Single-Family Homes

Future Land Use: LDR

SOUTH

Zoning: R-20, R-15, RA-4 / Single-Family Homes

Future Land Use: LDR, MDR

Current zoning district for the property

The R-20 district is established to provide locations for single-family residential uses or residentially compatible institutional and recreational uses which are within or on the edge of properties delineated for any residential category as defined and shown on the Cobb County Comprehensive Plan: A Policy Guide, adopted November 27, 1990. When residentially compatible institutional and recreational uses are developed within the R-20 district, they should be designed and built to ensure intensity and density compatibility with adjacent single-family detached dwellings and otherwise to implement the stated purpose and intent of this chapter.

Request for a Special Land Use Permit

The Board of Commissioners may grant special land use permits for uses enumerated in Sec. 134-37, subsection (a). The granting of a special land use permit is conditional upon the site plan considered by the Board of Commissioners. The Board of Commissioners may grant special land use permits for any period of time at the discretion of the Board of Commissioners.

Summary of the applicant's proposal

The applicant is requesting a Special Land Use Permit (SLUP) for the purpose of operating a private high school. The current proposal is for 800 students with the maximum students anticipated in the coming years to be 1,100. The property has been utilized pursuant to a previous SLUP for the purpose of the Mt. Bethel Christian Academy. The original application for the previous use was LUP-357 from 1986 and SLUP-11 of 2013 which granted a new SLUP for the current applicant. The property currently has classroom buildings, a gymnasium, athletic courts and fields and other existing structures. The proposed SLUP will give the academy new access to the campus with a new access road off of Holly Springs Rd as indicated on the plans.

Non-residential criteria

Proposed # of buildings: 4 (existing)
Proposed # of stories: N/A
Total sq. footage of development: approximately 158,798 (existing)
Floor area ratio: approximately 0.085
Square footage per acre: approximately 3,695
Required parking spaces: N/A
Proposed parking spaces: N/A
Acres in floodplain or wetlands: 0
Impervious surface shown: Maximum 35%

Are there any zoning variances?

No

Are there any environmental conditions existing or proposed on the site?

None Identified

10/22/25

The proposed zoning case must address the comments listed below by prescriptive code or equivalency, as approved by the Cobb County Fire Marshal's Office

Approval will be based on Professional Engineer-stamped plans that signify overall plan conformance to all Georgia State and Cobb County Codes. Design Professional and Developer maintain the sole responsibility for the design and for correcting all errors, omissions, problems, and code violations (if any) exposed during construction AFTER authorization by Cobb County.

IFC 510- EMERGENCY RESPONDER RADIO COVERAGE:

New proposed buildings will be 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 serves as an early notification to owners and developers for budgeting purposes.

FIRE DEPARTMENT ACCESS:

Fire apparatus access roads required for future structures shall extend to within 150 feet of all portions of the structures or any portion of the exterior wall of the first floor (State Modifications IFC 503.1 2018 Edition and Cobb County Development Standards 402.11). A ten-foot separation, open to sky, is required in order to measure between structures. (CCDS 402.11)

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. (Cobb County Development Standards 402.11)

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

Aerial apparatus access shall be required for all future structures over 30 feet in height measured from the lowest level of fire department access to the ceiling height of the highest occupied floor level.

- Aerial fire apparatus access roads shall have a minimum width of 26 feet
- Aerial fire apparatus access roads shall be at least 15 feet but no more than 30 ft from the structure
- Aerial fire apparatus access roads shall be positioned parallel to one entire side of the building.

(continued)

- No overhead utility and power lines shall be located within the aerial fire apparatus access. (IFC Appendix D105)

COMMERCIAL AND INDUSTRIAL DEVELOPMENTS

Buildings exceeding three stories or 30 ft in height. A minimum of two remote means of fire department access roads must be provided

Buildings exceeding 62,000 square feet in area. A minimum of two remote means of fire department access roads must be provided

Exception: Buildings not exceeding 124,000 sq ft and protected with an approved automatic sprinkler system a single fire department access road is permitted

Remoteness. Where two fire department access road are required, they must be placed a distance apart equal to not less than one half the length of the maximum overall diagonal dimension of the lot or area to be served

CERTIFICATE OF OCCUPANCY:

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

FIRE HYDRANT:

The maximum distance of a hydrant to the most remote portion of a structure shall be 500 feet. Distance shall be measured around the structure and from the fire apparatus access road. A 500-foot radius around the hydrant is not an acceptable measurement for distance. Hydrants on the opposite side of a main ROW is not an acceptable measurement of distance. (Cobb County Development Standards 410.5.2) (Cobb County Development Standards 410.5.2)

Where a fire hydrant is located on a fire apparatus access road, the minimum road width shall be 26 feet for a 40-foot length centered on the fire hydrant, exclusive of shoulders (see Figure D103.1 in Appendix D).

FIRE PROTECTION:

Automatic sprinkler protection must be provided where mandated by the applicable codes.

Jeff Byrd

(678) 229-7059

Jeffrey.Byrd@cobbcounty.org

SLUP-7-2025 DEPARTMENT COMMENTS – Cemetery Preservation

No comment.

SLUP-7-2025 DEPARTMENT COMMENTS – Stormwater Management

10/24/2025

Site Data

1. Applicant: Mt. Bethel Christian Academy
2. Address: 2509 Post Oak Tritt Road and 2605 Holly Springs Road
3. District: 3

- 1) Applicant seeks a SLUP to allow additional property and a proposed roadway to access Holly Springs Road be added to the overall school campus.**
- 2) If the SLUP is approved, the Applicant must submit a plan for the new roadway for permitting with respect to Stormwater Management requirements.**

SLUP-7

December '25 Zoning

Applicant: Mt. Bethel Christian Academy, Inc.

Water & Sewer Comments: No comments.

Roadway	Roadway classification	Speed limit (mph)	Jurisdictional control	Min. R.O.W. requirements
Post Oak Tritt Road	Arterial	40	Cobb County	100'
Holly Springs Road	Arterial	35	Cobb County	100'

Roadway	Location	Average daily trips (vpd)	Level of service
Post Oak Tritt Road	East of Castle Lane	7,550	C
Holly Springs Road	North or Cedar Forks Drive	14,400	D

vpd = vehicles per day

Based on 2024 AADT counting data taken by GDOT, as published on their website, for Post Oak Tritt and Holly Springs 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	910	663	261	925	246	496	743	99	91	189	1,785
Total School Trips	1,100	838	330	1,169	311	627	939	125	115	239	2,256

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 910/190 to account for the higher student enrollment capacity that the expanded school will be able to accommodate.

Observations

Cobb DOT received a Submittal 1 traffic study (dated September 26, 2025) and provided comments on October 14, 2025. The applicant assumptions were discussed and approved for continuing to the full Submittal 2 traffic study on October 14th. A revised Submittal 1 traffic study was received for this development (dated October 14, 2025) and was approved on October 31, 2025. Cobb DOT recommendations may be revised after the Submittal 2 traffic study’s receipt.

Cobb DOT has a planned intersection improvement project at Post Oak Tritt Road at Holly Springs Road, project Holly Springs Road Corridor Improvements, Project Number B2303. Cobb DOT has had a consultant update the planned intersection improvement project traffic study for the increased development traffic, and the findings will be compared to the Submittal 2 recommendations as part of the preferred alternative selection for the Cobb DOT project.

(continued)

The following recommendations may be revised after an additional traffic study receipt or updated design requirements for planned intersection improvement project Post Oak Tritt Road at Holly Springs Road.

Recommendations

THE RECOMMENDATIONS BELOW SHALL BECOME STIPULATED REQUIREMENTS UPON INCLUSION WITH AND APPROVAL BY THE BOARD OF COMMISSIONERS OF THIS APPLICATION:

1. Recommend retaining the following DOT recommendations from OB-26-2020:
 - a. Recommend applicant be required to meet all Cobb County Development Standards and Ordinances related to project improvements.

2. Recommend retaining the following DOT recommendations from OB-63-2024:
 - a. 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.
 - b. 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.
 - c. Recommend applicant verify that minimum stopping 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'.

(continued)

- d. 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'.
 - e. 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.
3. Recommend applicant complete traffic study prior to approval of the SLUP. Cobb DOT recommendations may be revised after the Submittal 2 traffic study's receipt.
 4. Recommend applicant, PRIOR TO DEVELOPMENT PLAN APPROVAL, coordinate for the property donation of right-of-way required for Holly Springs Road Corridor Improvements, Project Number B2303, to ensure compatibility with planned intersection improvement project.
 5. Recommend proposed Holly Springs Road driveway to be designed and installed as a right-in right-out. The driveway should be placed where left turn movements are prevented by the raised median. Extension of the existing raised median may be considered in the final design to meet this requirement. Recommend location and design be determined during plan review, subject to Cobb DOT approval.
 6. Recommend Holly Springs Road access points include deceleration lane, taper and/or improved curve radius to address safety because Holly Springs 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.

STAFF ANALYSIS

There are fifteen criteria that must be considered for a Special Land Use Permit. The criteria are below in bold, with the staff analysis written unbolded:

- (1) Whether or not there will be a significant adverse effect on the neighborhood or area in which the proposed use will be located.**
It is Staff's opinion that the proposed use will not have a significant adverse effect on the neighborhood or area in which the proposed use will be located. The proposed use as a private school is one typically found within or near neighborhoods. The current use has also been at this locations for a while.
- (2) Whether or not the use is otherwise compatible with the neighborhood.**
It is Staff's opinion that the use is suitable in view of the use and development of adjacent and nearby property. Development in the surrounding area includes single-family residences in neighborhoods.
- (3) Whether or not the use proposed will result in a nuisance as defined under state law.**
The proposed use will not result in a nuisance as defined under state law.
- (4) Whether or not quiet enjoyment of surrounding property will be adversely affected.**
Quiet enjoyment of the surrounding property will not be adversely affected. The property has been a private school for several years. The school will also maintain the code required landscape buffering.
- (5) Whether or not property values of surrounding property will be adversely affected.**
The proposal should not adversely affect the values of surrounding properties.
- (6) Whether or not adequate provisions are made for parking and traffic considerations.**
The site plan submitted provides sufficient parking for the proposed use. The site plan also provides new road access for the gradual increase of students for the private school.
- (7) Whether or not the site or intensity of the use is appropriate.**
The applicant will utilize existing structures and the intensity of the proposed use is appropriate for the area. The proposed use is adjacent to residential development.
- (8) Whether or not special or unique conditions overcome the board of commissioners' general presumption that residential neighborhoods should not allow noncompatible business uses.**
The proposed use of private school is compatible with residential neighborhoods. The property is located in the Public Institutional land use category.

- (9) **Whether or not adequate provisions are made regarding hours of operation.**
The hours of operations proposed will not change with the addition of the new access road.
- (10) **Whether or not adequate controls and limits are placed on commercial and business deliveries.**
Deliveries to the property are proposed to be minimal.
- (11) **Whether or not adequate landscape plans are incorporated to ensure appropriate transition.**
The property is currently landscaped with mature trees, shrubs and other vegetation.
- (12) **Whether or not the public health, safety, welfare or moral concerns of the surrounding neighborhood will be adversely affected.**
This request should not affect the safety, health or welfare of the surrounding properties.
- (13) **Whether the application complies with any applicable specific requirements set forth in this chapter for special land use permits for particular types of uses.**
The proposed use meets the requirements for a Special Land Use Permit.
- (14) **Whether the applicant has provided sufficient information to allow a full consideration of all relevant factors.**
The applicant has provided sufficient information to allow for full consideration of all relevant factors.
- (15) **In all applications for a special land use permit the burden shall be on the applicant both to produce sufficient information to allow the county fully to consider all relevant factors and to demonstrate that the proposal complies with all applicable requirements and is otherwise consistent with the policies reflected in the factors enumerated in this chapter for consideration by the county.**
The applicant has provided required information and the proposal meets the requirements for a private school and a special land use permit.

The staff analysis and recommendation made by the Planning and Zoning Staff are only the opinions of the Planning and Zoning Staff and are by no means the final decision. The Cobb County Board of Commissioners makes the final decisions on all Rezoning and Land Use Permits at an advertised public hearing.

ATTACHMENT TO APPLICATION FOR SPECIAL LAND USE PERMIT

Application No.: SLUP-_____ (2025)
Hearing Dates: December 2, 2025
December 16, 2025



Applicant: Mt. Bethel Christian Academy, Inc.
Titleholders: Mt. Bethel Christian Academy, Inc.;
Dodgen Farms LLC

Tax Parcel Numbers: 16059900020; 16060000060

STATEMENT OF PROPOSED SITE IMPROVEMENTS

Applicant, Mt. Bethel Christian Academy, Inc. (hereinafter "Applicant"), is the owner of approximately 33.255 acres located in Land Lots 599, 600, 625, and 626, 16th District, 2nd Section, Cobb County, Georgia, on which the main campus of its private Christian School is located. The remaining property included in this Application for Special Land Use Permit is approximately 9.725 acres in Land Lot 600, 16th District, 2nd Section, which is located immediately adjacent to the existing Mt. Bethel Christian Academy campus, and which is being added to the overall school campus. Applicant is seeking a Special Land Use Permit for both the main campus property and the additional property (collectively "Property" or "Subject Property") to construct a drive and entrance from Holly Springs Road to the main campus. With the additional property and acreage, Applicant seeks an increase of the current enrollment to a maximum of 1,100 students to be located within the existing main campus area.

APPLICATION FOR LAND USE PERMIT
TO THE
COBB COUNTY BOARD OF COMMISSIONERS OF ROADS AND REVENUES
AND THE
COBB COUNTY PLANNING COMMISSION
(type or print clearly)

Application No. 357

Hearing Date 11-18-86

Applicant Atlanta Jewish Community Center, Inc. Business Phone 875-7881 Home Phone N/A
(business name)

* John D. Popovic Address 1745 Peachtree Rd. Atlanta, GA 30309
(representative's name, printed)

John D. Popovic Business Phone 351-7620 Home Phone 355-8710
(representative's signature)

* Mr. Jack Freedman is also a representative, however, he will not be present

Titleholder (see attached) Business Phone _____ Home Phone _____

Signature _____ Address _____
(attach additional signatures, if needed)

Type of Permit

Present Zoning R-20 Temporary Land Use _____ Medical Hardship _____
Special Use x _____ Construction Hardship _____
Renewal - Yes _____ No x

For the Purpose of Jewish Community Center Size of Tract 35± acre(s)

Location Near the corner of Holly Springs Rd. & Post Oak Tritt
(street address, if applicable, nearest intersection, etc.)

Land Lot(s) 599 & 600 District 16th

Recommendation of Planning Commission 11-18-86 Planning Commission recommended
application be approved. Motion by Brown, seconded by Jones; carried 5-0.

Henry A. Vanover, Jr. Chairman

Board of Commissioners' Decision 11-18-86 Board of Commissioners approved application.
Motion by Smith, seconded by Burton; carried 5-0. 12/27/88 Board of Commissioners approved
revised site plan as submitted marked Exhibit A on file in the Zoning Department.

Carl E. Smith Chairman

See attached page

ORIGINAL DATE OF APPLICATION: 11-18-86

APPLICANT'S NAME: ATLANTA JEWISH COMMUNITY CENTER, INC.

THE FOLLOWING REPRESENTS THE FINAL DECISIONS OF THE COBB COUNTY BOARD OF COMMISSIONERS

THE FOLLOWING IS AN EXCERPT OF THE MINUTES OF THE REGULAR MEETING OF THE COBB COUNTY BOARD OF COMMISSIONERS HELD ON DECEMBER 27, 1988:

ITEM #6: PLANNING DEPARTMENT - APPROVAL OF AMENDMENT TO SITE PLAN FOR THE JEWISH COMMUNITY CENTER - SHIRLEY BLUMENTHAL PARK AND MAX L. KUNIANSKY FAMILY BUILDING:

MOTION: On motion duly made by Commissioner Powell and seconded by Commissioner Paschal, the Commission approved the revised site plan for the Jewish Community Center - Shirley Blumenthal Park and Max L. Kuniansky Family Building, subject of Special Land Use Permit No. 357 granted November 1986 as submitted marked Exhibit A on file in the Zoning Department. Said approval is subject to athletic fields not to be lighted with any revisions to be submitted back to the Board of Commissioners for approval with certified notification sent to adjacent residents of proposed changes.

VOTE: Unanimously carried

Karen L. Hach, Deputy County Clerk
Cobb County Board of Commissioners

PAGE 3 OF 245

APPLICATION NO. #357

ORIGINAL DATE OF APPLICATION: 11-18-86

APPLICANT'S NAME: ATLANTA JEWISH COMMUNITY CENTER, INC.

THE FOLLOWING REPRESENTS THE FINAL DECISIONS OF THE COBB COUNTY BOARD OF COMMISSIONERS

OTHER BUSINESS ITEM #2 OF 5-17-94

REQUEST FOR SITE PLAN AMENDMENT -- SPECIAL LAND USE PERMIT APPLICATION #357 OF MAY 18, 1986 (ATLANTA JEWISH COMMUNITY CENTER, INC., FOR THE SHIRLEY BLUMENTHAL JEWISH COMMUNITY CENTER)

To consider site plan amendment for the Shirley Blumenthal Jewish Community Center, located in Land Lots 599 and 600 of the 16th District, on the north side of Post Oak Tritt Road.

Mr. Danneman reviewed the applicant's request to move the tennis courts/basketball court approximately 250 feet deeper into the property. Following this presentation the Board of Commissioners **approved** site plan amendment for the Shirley Blumenthal Jewish Community Center (Application #357 of 1986 -- Atlanta Jewish Community Center, Inc.) **subject to: 1) site plan submitted dated 4-23-94; 2) all other previously approved conditions/stipulations to remain in effect.** Motion by Wysong, second by Poole, carried 5-0.

See attached page . . .

Karen L. Hach
Karen L. Hach, Deputy County Clerk
Cobb County Board of Commissioners



ED&AW

- DESIGN NOTES:**
1. Existing site of Special Land Use.
 2. Total acreage of development = 33.76.
 3. All parking and paving to be paved and installed per City of Columbus Code Ordinance Section 111.0.
 4. USE OF BUILDINGS:
 - a. See 4.1. Preliminary
 - b. See 4.2. Preliminary
 5. Existing elevations per Board of Commissioners or Planning Commission.

- USE OF BUILDINGS:**
- a. See 4.1. Preliminary
 - b. See 4.2. Preliminary

- DESIGN NOTES:**
1. All buildings to be set back from property line 30'.
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- DESIGN NOTES:**
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#357
8/1986
As presented
on 5-17-94



- LEGEND:**
- A ENTRY
 - B WAY - CLAMANSKY FAMILY BUILDING
 - C PLAY AREAS (101 SPACES + 3 W/SHOUP SP)
 - D FENCED PLAY AREA
 - E BALL FIELD (SHADOW)
 - F CHURCH FLOOR
 - G GRASS, BUT PAVING
 - H BATHS - STRUCTURE TO REMAIN
 - I BATHS - STRUCTURE TO REMAIN
 - J DRIVE - DRIVE
 - K SERVICE AREA
 - L FUTURE PARKING
 - M BATH HOUSE
 - N OFFICE BUILDING
 - O CAMP STAIRS (REMOVED)
 - P DRIVE - DRIVE

SITE PLAN REVISED BY:
CARMERICK FARROW
ARCHITECTS
1000 BROADWAY
N. WASHINGTON, DC 20004

4/23/94 423-94
EXHIBIT A

PAGE 4 OF 45

APPLICATION NO. #357

ORIGINAL DATE OF APPLICATION: 11-18-86

APPLICANT'S NAME: ATLANTA JEWISH COMMUNITY CENTER, INC.

**THE FOLLOWING REPRESENTS THE FINAL DECISIONS OF THE COBB COUNTY
BOARD OF COMMISSIONERS**

OTHER BUSINESS ITEM OF 11-15-94 Item #4

Consider a Site Plan Amendment for the Atlanta Jewish Community Center, Shirley Blumenthal Park, Application #357 of November 18, 1986, for property located on the north side of Post Oak Tritt Road, west of Holly Springs Road.

Mr. Danneman stated that applicant's request for consideration at the November 15, 1994 hearing is to revise the site plan for the ball field located in the northwest corner of the property only, specifically for the purpose of reorienting the home plate to the interior of the property and the outfield toward the exterior of the property, so as to move bleachers, etc. to the interior of the property.

Mr. Danneman further reported that a new Special Land Use Permit application is to be filed regarding this property for the purpose of addressing additional buildings and the lighting of the playing fields.

Following a presentation by Cathy Cutler, the Board of Commissioners held decision regarding revision of the site plan to allow reorientation of the ball field located in the northwest corner of the property. Motion by Wysong, second by Thompson, carried 5-0.


Karen L. Hach, Deputy County Clerk
Cobb County Board of Commissioners

PAGE 5 OF 5

APPLICATION NO. #357

ORIGINAL DATE OF APPLICATION: 11-18-86

APPLICANT'S NAME: ATLANTA JEWISH COMMUNITY CENTER INC.

THE FOLLOWING REPRESENTS THE FINAL DECISIONS OF THE COBB COUNTY BOARD OF COMMISSIONERS

OTHER BUSINESS ITEM OF 12-20-94

Item #1

Consideration of Site Plan Amendment for the Atlanta Jewish Community Center, Shirley Blumenthal Park, Application #357 of November 18, 1986, for property located on the north side of Post Oak Tritt Road, west of Holly Springs Road.

BOC DECISION OF DECEMBER 20, 1994:

The Board of Commissioners held consideration of site plan amendment for the Atlanta Jewish Community Center, Shirley Blumenthal Park, until the February 21, 1994 Zoning Hearing. Motion to hold by Wysong, second by Cooper, carried 5-0.

Clerk's Note: Removed from Agenda -- See Special Land Use Permit Application SLUP-2 (K)

Karen L. Hach

Karen L. Hach, Deputy County Clerk
Cobb County Board of Commissioners

**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
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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
CARUSI**

Mr. Daniel Chatham
Academy Upper
School
2000 Parkway
Middletown, NJ 07940
PH: 908.833.1000
FAX: 908.833.1001

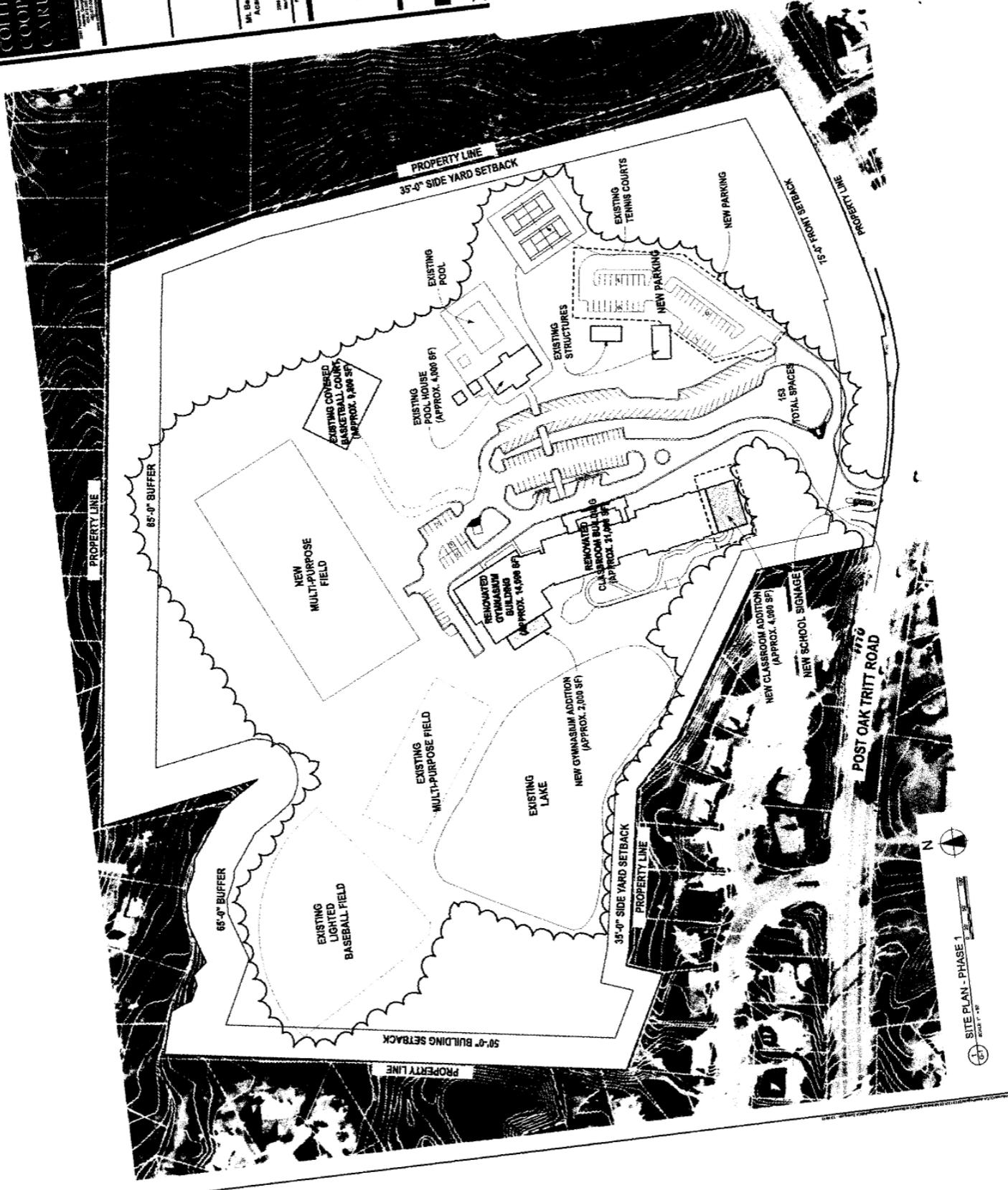


THIS PLAN IS A PRELIMINARY PLAN
AND IS NOT TO BE USED FOR CONSTRUCTION
UNLESS OTHERWISE NOTED
DATE: 11/19/13

Min. Bk. 70 Petition No. 510P.1
Doc. Type Site plan - phase
one
Meeting Date 11/19/13

11/19/13

G-1

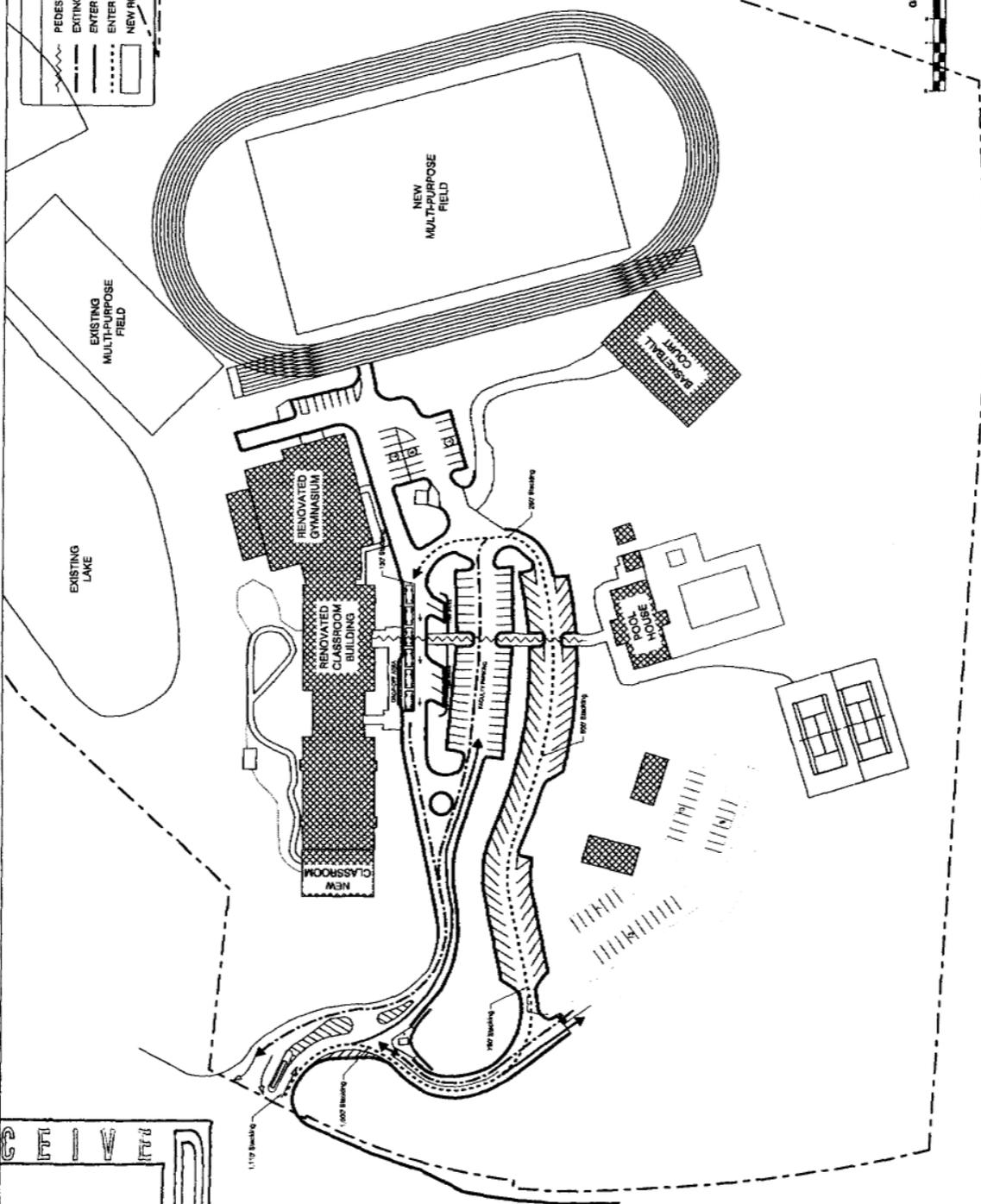
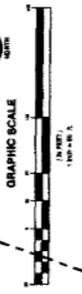


SITE PLAN - PHASE 1
SCALE: 1" = 20'

Min. Bk. 70 Petition No. SLUP-11
 Doc. Type Traffic Flow Plan
 Phase 1
 Meeting Date 11/19/13

LEGEND

- PEDESTRIAN ROUTE
- EXITING ROUTE
- ENTER PARKING ROUTE
- ENTER PICK-UP / DROP-OFF ROUTE
- NEW ROADWAY



RECEIVED
 SEP 25 2013
 COBB CO. COMM. DEV. AGENCY
 ZONING DIVISION

Mr. Bethel Christian Academy High School
 Internal Circulation Plan
 2500 Peach Creek, The Mt. Vernon, GA 30082
 404-271-1111
 A&R Engineering Inc.
 2100 Peach Creek, Suite 10
 The Mt. Vernon, GA 30082
 404-271-1111

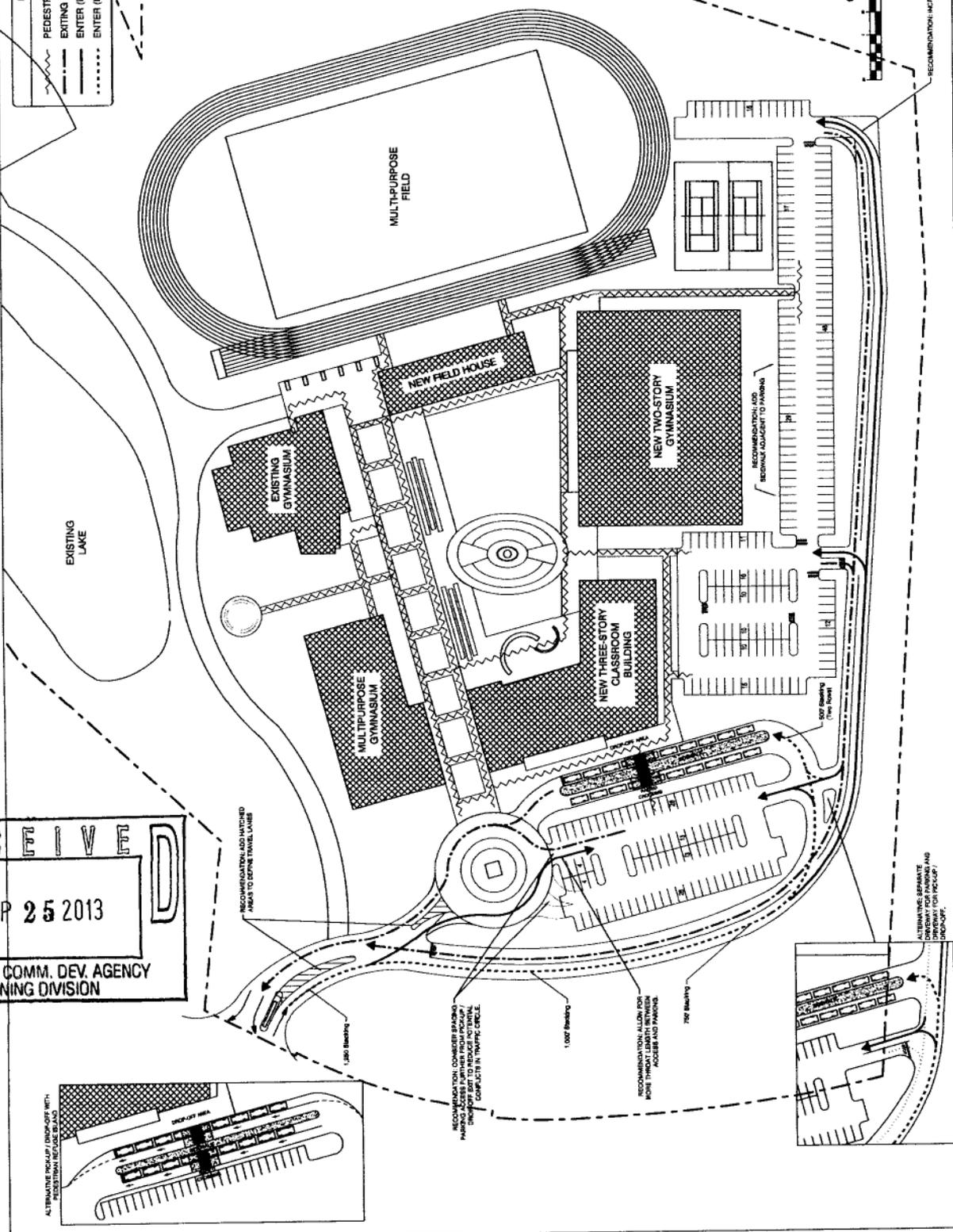
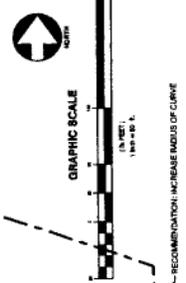
Phase 2 - Circulation Plan

DATE	REVISIONS	DATE	BY	CHKD BY	APP'D BY
11/19/13	Original				

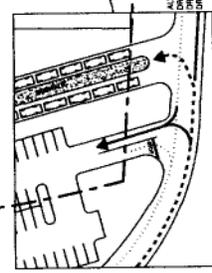
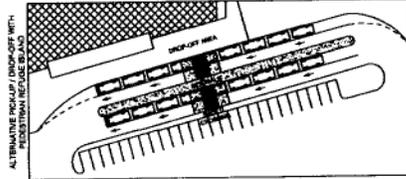
Min. Bk. 70 Petition No. SLDP-11
 Doc. Type traffic flow plan
 Phase 11
 Meeting Date 11/19/13

LEGEND

	PEDESTRIAN ROUTE
	EXITING ROUTE
	ENTER (PARKING) ROUTE
	ENTER (PICK-UP / DROP-OFF) ROUTE



RECEIVED
 SEP 25 2013
 COBB CO. COMM. DEV. AGENCY
 ZONING DIVISION



Min. Bk. 70 Petition No. SLUP-11
Doc. Type statement of
proposed improvements
Meeting Date 11/19/13

HOLT NEY ZATCOFF & WASSERMAN, LLP

ATTORNEYS AT LAW

100 GALLERIA PARKWAY, SUITE 1800

ATLANTA, GEORGIA 30339-5947

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

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

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

September 3, 2013

BY HAND DELIVERY

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

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

STATEMENT OF PROPOSED SITE IMPROVEMENTS

Ladies and Gentlemen:

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

Background - The Property

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

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

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

HOLT NEY ZATCOFF & WASSERMAN, LLP

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

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

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

Mt. Bethel's Proposed SLUP

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

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

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

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

HOLT NEY ZATCOFF & WASSERMAN, LLP

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Community Development Agency
Cobb County, Georgia
September 3, 2013
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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

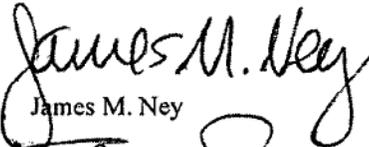
Zoning Division
Community Development Agency
Cobb County, Georgia
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Page 4

Petition No. SLUP-11
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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

Ellen W. Smith

JMN/EWS/ews
Enclosures

³ Mt. Bethel notifies Cobb County of its constitutional concerns. If the Board denies the Application in whole or in part, then the Property does not have a reasonable economic use under the Zoning Ordinance. The Application meets the test set out by the Georgia Supreme Court to be used in establishing the constitutional balance between private property rights and zoning and planning as an expression of the government's police power. See 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 Mt. Bethel's rights to substantive and procedural due process as guaranteed by the Georgia Constitution (see Ga. Const. 1983, Art. I, § 1, para. 1) and the Fifth and Fourteenth Amendments of the United States Constitution (see U.S. Const. Amend. 5 and 14). Mt. Bethel further challenges the constitutionality and enforceability of the Zoning Ordinance for lack of objective standards, guidelines or criteria limiting the Board's discretion in deciding applications for SLUP.

HOLT NEY ZATCOFF & WASSERMAN, LLP

ATTORNEYS AT LAW

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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

RECEIVED
NOV 19 2013
COURT CLERK
COURT HOUSE
COURT HOUSE
COURT HOUSE

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.

HOLT NEY ZATCOFF & WASSERMAN, LLP

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

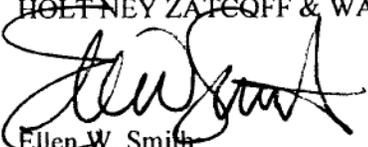
Zoning Division
Community Development Agency
Cobb County, Georgia
November 4, 2013
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Petition No. SLUP-11
Meeting Date 11/19/13
Continued

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

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

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

Sincerely,
HOLT NEY ZATCOFF & WASSERMAN, LLP

Ellen W. Smith

EWS/JMN/ews

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

HOLT NEY ZATCOFF & WASSERMAN, LLP

ATTORNEYS AT LAW

100 GALLERIA PARKWAY, SUITE 1800

ATLANTA, GEORGIA 30339-5960

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

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

HOLT NEY ZATCOFF & WASSERMAN, LLP

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

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

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

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

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

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

Sincerely,
HOLT NEY ZATCOFF & WASSERMAN, LLP



Ellen W. Smith

EWS/JMN/ews

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