

**AUGUST 21, 2012 ZONING HEARING  
“OTHER BUSINESS”  
COMMISSION DISTRICT 4**

**ITEM # 1**

**PURPOSE**

To consider a stipulation amendment for Cathyann Neal regarding Temporary Land Use Permit application LUP-1 (Paradise Concepts, Inc. D/B/A Nature Supply Centre) of 2012, for property located on the northeast side of Floyd Road, north of Concord Road, in Land Lots 1000 and 1001 of the 19<sup>th</sup> District.

**BACKGROUND**

The subject property is zoned Neighborhood Retail Commercial (NRC) with a Temporary Land Use Permit to allow the applicant’s thrift store. One of the stipulations from the March 2012 case prohibited outside storage and sales of retail products associated with this property. The applicant would like to display merchandise outside the building, under the canopy in front of the thrift store. If approved, all other stipulations would remain in effect.

**FUNDING**

N/A

**RECOMMENDATION**

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

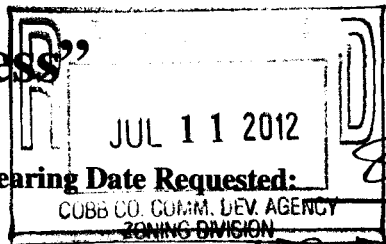
**ATTACHMENTS**

Other Business Application and stipulations.

#1

# Application for "Other Business" Cobb County, Georgia

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



BOC Hearing Date Requested: 8-21-12

Applicant: CATHYANN NEAL  
(applicant's name printed)

Phone #: 678-787-1722

Address: 4419 Floyd Rd Ste 200 Mableton, GA E-Mail: mrs.cnnbooks@gmail

VAN NEAL <sup>CATHYANN Neal</sup> Address: 4419 Floyd Rd Ste 200  
(representative's name, printed)

Phone #: 404-422-1787 E-Mail: vantastikeuts@Comcast.net  
(representative's signature)

Signed, sealed and delivered in presence of:

Notary Public \_\_\_\_\_ My commission expires: \_\_\_\_\_

Titleholder(s): MICHAEL A. PECORARO Phone #: 770.517.4133  
(property owner's name printed)

Address: 451 TOONICKS ROAD E-Mail: MIKE@MIKETHEMECHANIC.COM

Michael Pecoraro  
(Property owner's signature)

Signed, sealed and delivered in presence of:

Notary Public \_\_\_\_\_ My commission expires: October 29 2013

Commission District: 4 Zoning Case: <sup>wp-1</sup> 2/21/12 2-126 of 2004

Date of Zoning Decision: 9-21-04 <sup>3-20-12</sup> Original Date of Hearing: 9-21-04 <sup>2-21-12</sup>

Location: 4419 Floyd Rd Ste 200, Mableton, GA  
(street address, if applicable; nearest intersection, etc.)

Land Lot(s): 1000 District(s): 19

State specifically the need or reason(s) for Other Business: Open business June 2011 with outside display ~~with~~ <sup>until</sup> March of 2012 we had a situation & had to go to court regarding our outside display which we was unaware in the beginning. We just would like to place our ~~item~~ items outside the store. Thanks, Cathyann Neal 7-11-2012

(List or attach additional information if needed)

ORIGINAL DATE OF APPLICATION: 02-21-12APPLICANTS NAME: PARADISE CONCEPTS, INC.  
D/B/A NATURE SUPPLY CENTRETHE FOLLOWING REPRESENTS THE FINAL DECISIONS OF THE  
COBB COUNTY BOARD OF COMMISSIONERS**BOC DECISION OF 03-20-12 ZONING HEARING:**

PARADISE CONCEPTS, INC. D/B/A NATURE SUPPLY CENTRE (Michael A. Pecoraro, owner) requesting a Land Use Permit for the purpose of a Landscape Supply Company and Thrift Store in Land Lots 1000 and 1001 of the 19th District. Located on the northeast side of Floyd Road, north of Concord Road (4391 and 4419 Floyd Road).

MOTION: Motion by Ott, second by Birrell, as part of the Consent Agenda, to **approve** Land Use Permit for 12 months, subject to:

- letter of agreeable conditions from Mr. Garvis L. Sams, Jr. dated February 21, 2012 including attached list of materials (attached and made a part of these minutes), and with the following changes:
  - Item No. 4 – Sentence 4, change to read: *“The berm shall be planted with ornamental bushes and screening landscaping a maximum of every ~~four feet (4)~~ three feet (3’) on center, subject to approval by County Arborist, with minimum plantings to be a height of three feet (3’), and to be completed within sixty (60) days of final approval by the Board of Commissioners.”*
  - Item No. 6 – Change to read: *“The foregoing construction, fencing, and landscaping to commence immediately after the approved Land Use Permit and completed within ~~ninety (90)~~ sixty (60) days from the commencement of same unless an extension of said time period is approved by the Landscape Oversight Committee, and with final approval by the District Commissioner of any and all plans and development on this property.”*
  - Item No. 7 – Add to end: *“No other vehicles allowed on this property, with the exception of a maximum of two (2) bobcats.”*
  - Item No. 9 – Add to end: *“There will be no outside sales related to the thrift store or any stores either under the canopy or on the sidewalk under the canopy. Any signs to be compliant with the Sign Ordinance.”*
  - Item No. 10 – Subset e – revise to read: *“Tattoo parlors or tittle shops.”*
  - Item No. 10 – add Subset g – *“No vehicles of any sort to be used for the purpose of advertising.”*
- no more than two (2) dump truck loads of Granite 57 stone on property
- no more than one (1) trailer of pine straw and wheat straw on property for the purpose of storage
- no more than more than four (4) dump truck loads of tree clippings and/or tree mulch to be on the property
- no more than four (4) dump truck loads of fill dirt on property

Stip to Amend.



ORIGINAL DATE OF APPLICATION: 02-21-12

APPLICANTS NAME: PARADISE CONCEPTS, INC.  
D/B/A NATURE SUPPLY CENTRE

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

**BOC DECISION OF 03-20-12 ZONING HEARING (Continued):**

- landscaping buffer consisting of trees, a minimum of three feet (3') in height, to be planted on a three foot (3') center along the southeast property line (for a total of 571 feet), to be approved by the County Arborist
- Fire Department comments and recommendations
- Stormwater Management Division comments and recommendations
- \*Cobb DOT comments and recommendations, with six (6) months from this date to complete deceleration lane on Floyd Road.

VOTE: **ADOPTED** unanimously

\*NOTE: See letter dated May 14, 2012 from Commissioner Woody Thompson concerning "a modification to reflect that the requirement for the construction of a deceleration lane be effective upon a redevelopment of the subject property." (Copy of letter in LUP-1 zoning file)

**SAMS, LARKIN & HUFF**  
A LIMITED LIABILITY PARTNERSHIP

GARVIS L. SAMS, JR.  
JOEL L. LARKIN  
PARKS F. HUFF  
JAMES A. BALLI

SUITE 100  
376 POWDER SPRINGS STREET  
MARIETTA, GEORGIA 30064-3448

770-422-7016  
TELEPHONE  
770-426-6583  
FACSIMILE

MELISSA P. HAISTEN  
JUSTIN H. MEEKS

SAMSLARKINHUFF.COM

February 21, 2012

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**VIA E-MAIL AND**  
**HAND DELIVERY**

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

Re: Application of Paradise Concepts, Inc., d/b/a Nature Supply Centre for Temporary  
Land Use Permit (No. LUP-1)

Dear John:

As you know, this firm represents Paradise Concepts, Inc., d/b/a Nature Supply Centre ("Nature Supply Centre") concerning the above-captioned Application for a Land Use Permit. The Application was continued earlier this month and is now scheduled to be heard and considered by the Planning Commission and the Board of Commissioners next month on March 6, 2012 and March 20, 2012, respectively.

Since the Application was continued, we have continued our dialogue with the County's staff. Additionally, we have continued our discussions with representatives of the Mableton Improvement Coalition ("MIC"). In that regard, I have been authorized to submit this additional letter of revised stipulations which, if the Application is approved as submitted and revised, shall become conditions and a part of the grant of the approval and binding upon the subject property thereafter. The referenced revised stipulations are as follows, to wit:

1. The revised stipulations and conditions set forth herein shall supercede and control where in conflict with the stipulations/conditions embodied within the original rezoning of the subject property to NRC in 2004 (No. Z-126).

VIA E-MAIL AND  
HAND DELIVERY

Mr. John P. Pederson, AICP, Manager  
Cobb County Community Development Agency  
Zoning Division  
Page 2  
February 21, 2012

2. The subject property, a 4.39 acre tract of land which is contiguous to the Silver Comet Trail and zoned NRC, shall be utilized as a landscape supply center which will include typical landscaping materials, most of which will be stored in outside bins (see attached list of materials).<sup>1</sup>
3. The hours of operation of the landscape supply center shall be from 8:00 a.m. until 6:00 p.m. Monday through Saturday. The business shall be closed for operation on Sunday.
4. The construction of a six foot (6') wood privacy fence with decorative pillars at least every eight feet (8') along the subject property's frontage on Floyd Road. The fence shall be located in line with the front of the building at the north side of the property, behind the parking and in front of the display bins. The fence shall be located on top of an earthen berm with a minimum height of two feet (2'). The berm shall be planted with ornamental bushes and screening landscaping a maximum of every four feet (4') on center.) The fence shall have a gate of a size able to accommodate trucks and shall be kept closed and locked during non-business hours. The fencing and landscaping shall be maintained as long as this or any future land use permits are in effect.
5. The formation of a Landscape Oversight Committee consisting of a representative from MIC, a representative from Nature Supply Centre and the Director of the Community Development Agency who shall facilitate agreements between the parties and who shall act as the final arbiter with respect to all landscaping and fencing issues in circumstances where concurrence can not otherwise be achieved.
6. The foregoing construction, fencing and landscaping shall be commenced immediately after the approved of the Land Use Permit and completed within ninety (90) days from the commencement of same unless an extension of said time period is approved by the Landscape Oversight Committee.

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<sup>1</sup> The subject property was rezoned to NRC in 2004 (No. Z-126); however, the Planned Mixed-Use Retail Development which was proposed did not come to fruition primarily as a result of the depressed real estate market.

**VIA E-MAIL AND  
HAND DELIVERY**

Mr. John P. Pederson, AICP, Manager  
Cobb County Community Development Agency  
Zoning Division  
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7. The number of vehicles associated with the landscape supply center business on the subject property shall be limited to four (4) vehicles which will include two (2) dump trucks and two (2) trailers. The trailers will be used primarily for the storage and protection of pine straw and similar landscaping products and shall be screened from view from Floyd Road. The dump trucks, which are used primarily for the pickup and delivery of landscape materials to and from the subject property, shall be screened from view from Floyd Road when not in use.
8. There shall be no wood or log splitting or chipping conducted on the subject property.
9. Except with respect to the outside storage of landscaping materials and products as mentioned above, there shall be no outside storage of retail products associated with other businesses which may operate from the subject property with said outside storage ceasing upon approval of the Land Use Permit.
10. The following uses shall be prohibited on the subject property:
  - a. Automobile related businesses.
  - b. Check cashing businesses.
  - c. Retail sales of guns, knives or weapons as a principal use.
  - d. Pawn shops; however, this provision shall not prohibit the Thrift Store which is presently operating from the subject property.
  - e. Tattoo parlors.
  - f. The burning of wood, trash or debris.

**VIA E-MAIL AND  
HAND DELIVERY**

Mr. John P. Pederson, AICP, Manager  
Cobb County Community Development Agency  
Zoning Division  
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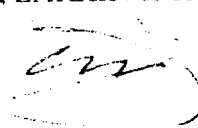
11. The Applicant agrees to limit this initial Land Use Permit to a period of twelve (12) months with the knowledge and understanding that, should circumstances warrant same, the Applicant intends to file a subsequent Application for a Land Use Permit seeking the maximum time frame of twenty-four (24) months.
12. Minor modifications to the within stipulations/conditions may be approved by the District Commissioner as needed or necessary during the Plan Review Process and thereafter.

The subject property is located within the confines of a Commercial Activity Node and is shown on Cobb County's Future Land Use Map as being within a Neighborhood Activity Center ("NAC"). In that regard, the uses proposed to be continued by Nature Supply Centre are entirely appropriate from a land use planning perspective and when considered in the context of development in which the subject property is situated.

Please do not hesitate to contact me should you or members of your staff have any questions concerning these matters or if you need additional information or documentation prior to the Application being heard and considered by the Planning Commissioners and Board of Commissioners next month. With kind regards, I am

Very truly yours,

SAMS, LARKIN & HUFF, LLP

  
Garvis L. Sams, Jr.  
[gsams@samslarkinhuff.com](mailto:gsams@samslarkinhuff.com)

GLS/dsj  
Enclosure/Attachment



**VIA E-MAIL AND**  
**HAND DELIVERY**

Mr. John P. Pederson, AICP, Manager  
Cobb County Community Development Agency  
Zoning Division  
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February 21, 2012

cc: Members, Cobb County Board of Commissioners – (via email w/attachment and hand delivery w/enclosure)  
Members, Cobb County Planning Commission – (via email w/attachment)  
Mr. Robert L. Hosack, Jr., AICP, Director – (via email w/attachment and hand delivery w/enclosure)  
Mr. Jason Campbell, Planner II – (via email w/attachment and hand delivery w/enclosure)  
Ms. Jane Stricklin, P.E. – (via email w/attachment)  
Mr. Dave Breaden, P.E. – (via email w/attachment)  
Ms. Karen King, Assistant County Clerk – (via email w/attachment)  
Ms. Lori Presnell, Deputy County Clerk – (via email w/attachment)  
Mr. Ben Clopper, Mableton Improvement Coalition – (via email w/attachment)  
Ms. Robin Meyer, Mableton Improvement Coalition – (via email w/attachment)  
Mr. Mike Pecoraro – (via email w/attachment)  
Mr. Parks Kennerly – (via email w/attachment)

**LIST OF MATERIALS**

- Creek Rock
- River Slicks
- Slate Chips
- Crimson Stone
- Red Lava Rock
- Marble Chips
- Pea Gravel
- Egg Rock
- Granite 57 stone
- Crusher Run
- Type III Rip Rap
- Masonry Sand
- River Sand
- Granite Sand
- Harwood Mulch
- Cypress Mulch
- Mini Pine Bark Nuggets
- Large Pine Bark Nuggets
- Red, Black, and Brown Dyed Mulch
- Crab Orchard Brown and Grey Flagstone
- Brown and Grey Rubble Strip
- Garden Boulders
- Tenn Fieldstone (thin, medium, and thick)
- Railroad Crossties
- Landscape Timbers (6x6x8)
- Firewood by the piece, 1/2 cord, or full cord
- Pine Straw
- Wheat Straw
- Fill Dirt
- Screened Topsoil
- Organic Planting Soil

ORIGINAL DATE OF APPLICATION: 09-21-04APPLICANTS NAME: MICHAEL A. PECORARO

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

**BOC DECISION OF 09-21-04 ZONING HEARING:**

**MICHAEL A. PECORARO** (Sopramco II, LLC, owner) for Rezoning from **GC** to **NRC** for the purpose of Retail, Office and Restaurant in Land Lots 1000 and 1001 of the 19<sup>th</sup> District. Located on the northeast side of Floyd Road, south of the Silver Comet Trail.

MOTION: Motion by Olens, second by W. Thompson, as part of the Consent Agenda, to **approve** rezoning to the **NRC** zoning district **subject to:**

- **“revised” site plan received by the Zoning Division July 8, 2004, with the District Commissioner approving any modifications to the site layout (copy attached and made a part of these minutes)**
- **District Commissioner to approve the building architecture and site plan for any future changes to the property**
- **letter of agreeable stipulations from Mr. Patrick Riley dated September 20, 2004 (copy attached and made a part of these minutes)**
- **20-foot buffer to be fully planted and approved by County Landscape Architect at Plan Review**
- **property to be used for retail and professional office use only (no automotive uses)**
- **written presentation of Mr. Patrick Riley (copy attached and made a part of these minutes)**
- **building to be cleaned immediately upon Applicant’s ownership of property**
- **greenhouse to be used for the growing of plant material only; if use ceases, then greenhouse to be removed from the property within one year of the cease of business**
- **installation of slats in fencing around greenhouse to provide a visual screen within three (3) months of Applicant’s ownership of property**
- **no overnight parking of heavy equipment, i.e. dump trucks, bobcats, etc.**
- **Water and Sewer Division comments and recommendations**
- **Stormwater Management Division comments and recommendations**
- **Cobb DOT comments and recommendations**
- **owner/developer to enter into a development agreement pursuant to O.C.G.A. 36-71-13 for dedication of system improvements to mitigate traffic concerns**

VOTE: **ADOPTED** unanimously



**PATRICK RILEY  
ATTORNEY AT LAW**

Patrick Riley & Associates, LLC  
965 Piedmont Road  
Suite 115  
Marietta, Georgia 30066

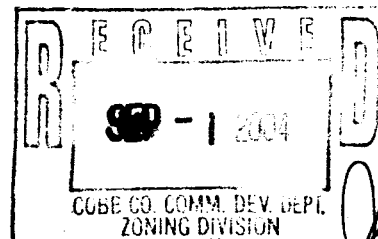
Office: 770-874-7852  
Cell: 770-315-6302  
Fax: 770-874-1444  
priley@patrickrileylaw.com

Min. Bk. 30 Petition No. Z-126  
Doc. Type Letter of agreeable  
Stipulations  
Meeting Date Sept. 21, 2004

September 1, 2004

Jason Campbell  
Zoning Analyst  
Community Development Agency  
Zoning Division  
191 Lawrence Street, 3<sup>rd</sup> Floor  
Marietta, Georgia 30060-1661

Cobb County Planning Commission  
c/o Community Development Agency  
Zoning Division  
191 Lawrence Street, 3<sup>rd</sup> Floor  
Marietta, Georgia 30060-1661



Re: Z-126 - 4419 Floyd road, Mableton, GA

Dear Mr. Campbell:

This firm represents Michael A. Pecoraro in the above-referenced zoning application. As we discussed this morning, I have reviewed the Community Development Agency staff report and recommendations for this rezoning application. While we appreciate the recommendation of the staff approving this application, there are a number of inaccuracies in the report that the applicant would like to clarify, and there are a number of conditions and specific recommendations by the staff that the applicant is not in a position to accept. At your suggestion, I am forwarding this letter outlining the specific concerns of the applicant and request that copies of this letter are provided to each of the Planning Commissioners.

The report states that the short term plan for the property includes the reopening of the plant nursery, and renovating part of the building for a sandwich shop and an ice cream shop. As a matter of clarification, the applicant currently has no specific plans to re-open the nursery or to renovate the building for a sandwich or ice cream shop. While these are possible uses for the property, it is the applicant's intention primarily to renovate part of the interior of the building to lease as professional office space (such as realtor, insurance agency, accountant or similar uses) and the balance of the building interior for retail use. The applicant has considered renovating the balance of the building for use as a sandwich shop as one possible tenant use. Currently, the applicant is negotiating with several prospective tenants for the property, but as of this date has no signed leases with tenants for specific uses of the property.

It is the applicant's intention to use the existing building and the property as presently developed. The applicant does not intend to make any development changes to the exterior of the building, parking lot or property as part of his short-term plan. This intention was discussed at the applicants meeting with the staff. The applicant intends to remove debris and clean up the property to an acceptable office or commercial standard.

Jason Campbell  
September 1, 2004  
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Petition No. Z-126  
Meeting Date Sept. 21, 2004  
Continued

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Applicant is agreeable to connecting the property to existing County water and sewer systems, as recommended by the staff, assuming that such connections are feasible. It is applicant's understanding that a sanitary sewer line crosses the rear of the property, approximately 400-500 feet behind the building. The elevation of the property at that location is significantly different from the rest of the property. Applicant is in the process of determining if, given the topography and other factors on this property, connection to the sanitary sewer facilities is feasible. If so, applicant intends to connect to existing water and sewer systems.

Applicant is concerned with the staff recommendations regarding storm water as they relate to his short term plan. As mentioned previously, applicant intends to use the existing building and other improvements on the property as they are currently constructed and developed. Applicant has no intention as part of his short term plan of modifying impervious surfaces or making any other changes to the property that would alter or increase the flow of storm water from existing conditions on this property. As such, applicant requests that the staff recommendations regarding storm water issues related to redevelopment of the property be addressed at such future time as the property may be redeveloped as part of the long term plans of applicant. Applicant is agreeable to meeting storm water issues raised by the staff at such time as the property is redeveloped.

For similar reasons, applicant is concerned with the DOT staff recommendations regarding Floyd Road, including dedication of right of way, and installation of a deceleration lane, sidewalk, curb and gutter. A dedication of the recommended 50' right of way today would cause the building setback on the property to be nonconforming as the property is proposed to be used by applicant in his short term plan. It would also encroach into the parking lot and the available parking spaces required for use of this property. Moreover, since applicant has no plans to change the property as part of his short term plan, he would request that the DOT staff recommendations regarding Floyd Road be deferred and addressed at such time as the property is actually re-developed.

The concerns outlined above were addressed at the applicant meeting and applicant believed an agreement had been reached with the staff in these regards. We trust that this correspondence is helpful in clarifying the foregoing matters and applicant's concerns.

Please feel free to contact the undersigned if you have any questions or concerns in this regard.

Sincerely,



Patrick Riley

cc: Michael A. Pecoraro

PLANNING COMMISSION HEARING

1. Good morning Chairman Holman and commission members.
2. My name is PR and I represent Michael Pecoraro, the applicant in zoning application Z-126.
3. If you will kindly bear with me I would like to read some preliminary remarks into the record regarding this application.
4. Applicant seeks to rezone the property located 4119 Floyd Road, Mableton Ga
  - from its current zoning of General Commercial, w/special stipulation for plant nursery use only
  - to Neighborhood Retail Commercial District.
5. The property consists of approx. 4.35 acres and is presently improved with an existing 2 story frame building of approx. 4200 sq. ft., a metal out building of approx. 2300 sq. ft and a covered greenhouse area (approx. 28,000 sq. ft.).
6. The proposed rezoning to NRC is consistent with the Cobb County Comprehensive Plan and the Land Use Plan recommendations for this property.
7. Applicant has a pending contract to purchase the property (Sopramco II LLC), and once in title he has both a short term plan and a long term plan for use of the property

Under The Short Term Plan:

8. Upon rezoning and acquiring the property, Applicant desires to lease the building and structures as they are currently constructed to third party tenants for use as professional office space and businesses, retail uses and perhaps a limited offering restaurant.
9. In his short term plan Applicant does not intend to develop or make any material changes to the exterior of the buildings, parking lot or other improvements on the property, but rather just use the property as presently developed.
10. In the short term, he does plan to clean and remove debris and weeds from the property, and bring the overall condition and appearance of the site up to commercially acceptable standards.
11. With respect to the Main Building on the property (4200 sq. ft) Applicant does contemplate making alterations to the interior of the building as leases with tenants are signed, demising walls are erected and the building interior is improved to conditions suitable for office or retail uses.
  - Applicant would like to lease approximately 2550 sq ft of the main building for professional office space uses.

- **The types of professional businesses applicant desires to lease to include realtors, accountants, attorneys, insurance agencies, mortgage lenders and similar uses that would serve the area and surrounding neighborhoods.**
  - **Applicant would like to lease the balance of the building (1650 sq. ft.) for retail use or perhaps a sandwich shop type of restaurant.**
  - **The Applicant is an avid cyclist and has been for over 35 years.**
  - **The proximity of this property to the Silver Comet Trail is a primary reason driving his interest in acquiring this site.**
  - **The types of retail businesses or restaurant contemplated by Applicant include those that would complement the use of the Silver Comet Trail, and meet the needs of cyclists, as well as the general public.**
12. **With respect to the existing Nursery Facilities and Metal Outbuilding (2300 sq. ft.) constructed on the property, Applicant has considered leasing that area in the short term to a tenant in the plant nursery or similar business.**
- **One prospective tenant presently being considered by Applicant is in the business of raising and selling Leyland cypress trees.**
  - **Applicant does not intend to make any modifications to the existing nursery facilities and outbuilding.**
  - **He does plan to perform any repairs or maintenance necessary to restore the facilities to a condition suitable for leasing.**
13. **While Applicant is actively marketing this property, he does not yet have, at this time, any signed leases with third party tenants.**
14. **The uses just outlined would be part of Applicant's short term plan for the property. At some point when circumstances permit, Applicant would like to implement a long term plan for the property.**

**Under the Long Term Plan;**

15. **Applicant contemplates further development of the property. That may include removing some of the existing improvements to the property, such as the nursery facilities or outbuilding, and/or constructing one or more additional buildings. Alternatively, it may entail a complete re-development of this site from the ground up for uses encompassed under NRC zoning.**
- **Applicant's long term plans have not been developed yet.**
16. **Applicant's primary intention at this time, however, is to lease and generate revenue from the existing improvements on the property until such time as his long terms plans have crystallized and he is in a position to further develop or redevelop this site.**



17. In reviewing the Community Development Agency's staff report, Applicant is grateful for the staff's recommendation of approval for this rezoning request and would like to thank the staff for their time and effort in this regard.

- However, there are a number of staff recommendations and conditions in the report regarding approval that are of concern to Applicant.
- I have noted those recommendations and concerns in my letter to the staff and this commission, dated September 1, 2004.
- Without listing all of them now, they include recommendations from:
  - a. the Stormwater Management Division, including obtaining wetland permits, securing required R.O.W's to receive concentrated discharges, and other requirements.
    - As mentioned previously, applicant intends to use the existing building and other improvements on the property as they are currently constructed and developed.
    - Applicant has no intention as part of his short term plan of modifying impervious surfaces or making any other changes to the property that would alter or increase the flow of storm water from existing conditions on this property.
  - b. They also include recommendations from the DOT regarding dedication of a 50' ROW, installation of a 150' deceleration lane and installation of sidewalk, curb and gutters along Floyd Road.
    - As indicated in my letter of September 1<sup>st</sup>, such a R.O.W. dedication would create a number of problems including rendering the property non-conforming as to building setback requirements and encroaching into the parking lot and available parking spaces required for the short term plans for the use of the property.
    - Construction of a deceleration lane and other improvements along Floyd Road also do not seem appropriate at this time, given the Applicants' short term plans for the property.
- The Storm Water and DOT recommendations and conditions would clearly relate to what we have described as Applicant's long term plans for the re-development of this property. They do not appear to be applicable to Applicant's short term plans to use the building and improvements on the property as currently developed.
- As such, it would not seem appropriate to impose these conditions at this time with respect to this application for rezoning.

- Applicant submits that these issues **could be adequately addressed at the plan review and permitting process** at such time in the future, if ever, that Applicant **moves to further develop** or redevelop the property.
- Applicant would **not wish to encumber the property** with such conditions **until such time** as his long term plans have been established and he is actually in a position to move forward with those plans.

Applicant would like to note that he **has met with the Mableton Improvement Association** to discuss this rezoning application and the proposed uses of the property. The meeting **went well** and we understand that the **Association is in support** of this proposed rezoning.

**Based upon the foregoing, Applicant respectfully requests approval of Application No. Z-126.**

**That concludes my formal presentation in this matter.**

Thank you.