

24 HOUR EMERGENCY CONTACT: DEAN RASCO (301)-482-0300

Prepared By:
 ENGINEERING, LLC
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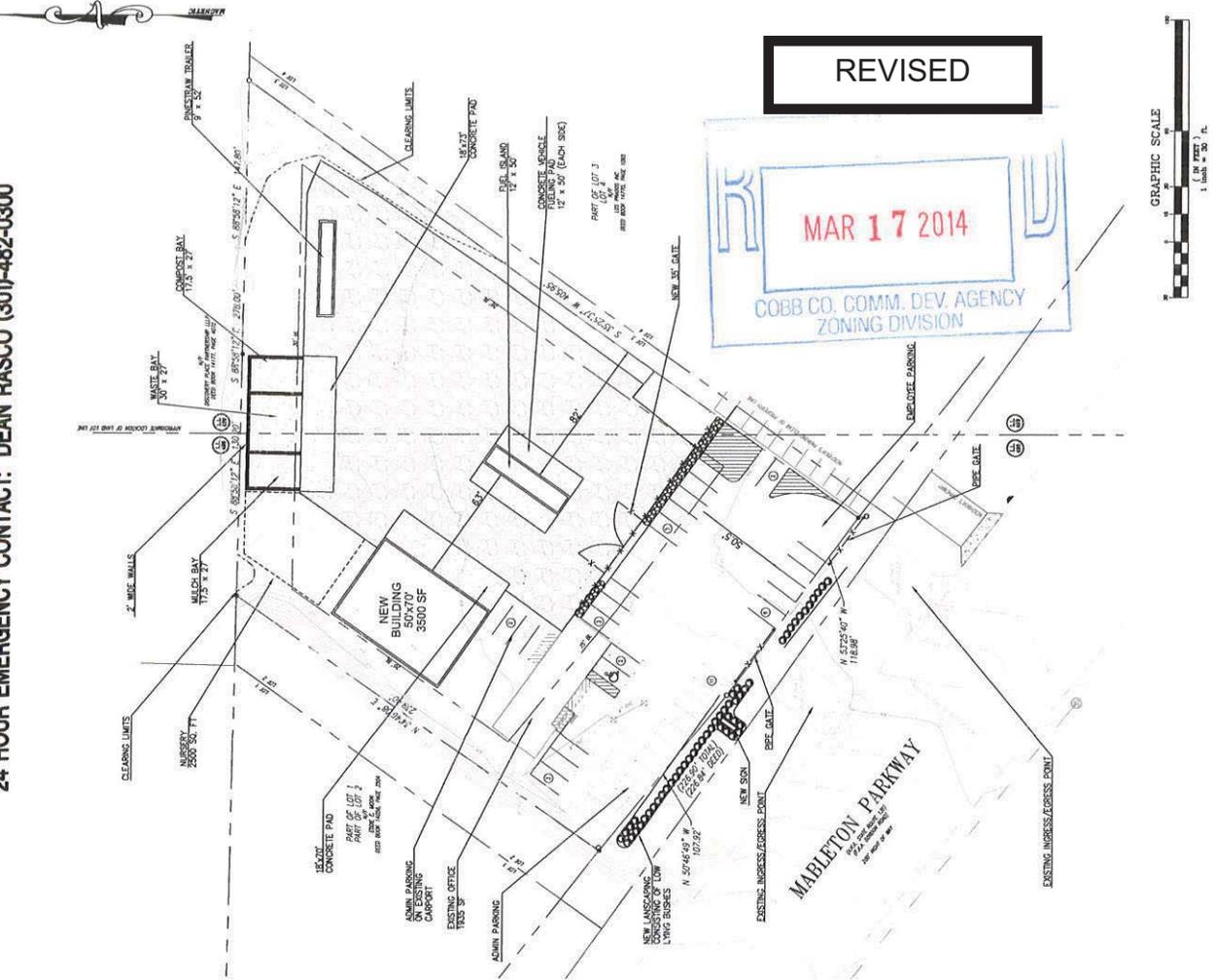
Prepared For:
 Ruppert Properties
 23001 Layton Road
 Laytonville, MD 20828
 301-482-0300

Zoning Plan
 Z-7
 (2014)

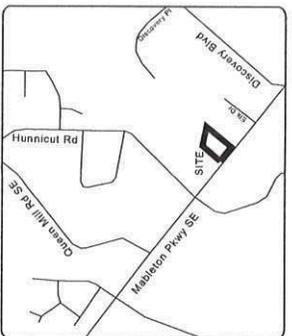


Zoning Plan
 7013-7015 Mableton Parkway
 Cobb County, Georgia
 Land Lot 498, 16th District

Sheet No.
 Z-1



FEMA Map
 N.T.S.



Location Map
 N.T.S.

Site Notes:

1. THE SITE CONTAINS 1894 ACRES (BOTH PARCELS) AND IS DIVIDED INTO 16 LOTS BY MABLETON PARKWAY SE. PARCEL NUMBER: 18049800280 & 18049800280
2. THE NORTH ARROW AND SCALE ARE SHOWN ON THIS PLAN
3. SURVEY INFORMATION TAKEN FROM SURVEY PERFORMED BY GEORGIA LAND SURVEYING, DATED FEBRUARY 21, 2014.
4. NO PORTION OF THIS PROPERTY IS INSIDE DESIGNATED F.I.A. SPECIAL FLOOD HAZARD AREA AS PER THE FLOOD INSURANCE RATE MAP #130702216 H, DATED MARCH 4, 2013.
5. THERE ARE NO WATERS OF THE STATE (LAKES OR STREAMS) WITHIN 200 FEET OF THE SITE.
6. TO THE BEST OF OUR KNOWLEDGE, THERE ARE NO COALFIELDS, ARCHAEOLOGICAL OR HISTORICAL LANDMARKS EXIST ON THIS PROPERTY. IF ANY SUCH AREAS ARE DISCOVERED DURING CONSTRUCTION, THE ENGINEER MUST BE CONTACTED IMMEDIATELY FOR REVIEW AND AMENDING THE CONSTRUCTION PLANS.
7. THERE ARE NO KNOWN WETLANDS PER THE FEMA INVENTORY WITHIN 200 FT OF THE PROJECT SITE.
8. THERE ARE NO STREAMS OR ASSOCIATED STREAM BUFFERS ASSOCIATED WITH THE PROPERTY.
9. THE EXISTING AND PROPOSED PARKING SPACES ARE SHOWN ON THIS PLAN. SEE PARKING CALCULATIONS BELOW.
10. ALL IN-ROAD UTILITY EASEMENTS FOR THE SURVEY ARE SHOWN ON THIS PLAN.
11. THERE ARE TWO EXISTING ACCESS POINTS WHICH WILL NOT BE CHANGED, AND WHICH WILL BE MAINTAINED DURING CONSTRUCTION.
12. SANITARY SEWER WILL BE PROVIDED TO THE EXISTING BUILDING THROUGH AN EXISTING CONNECTION TO COBB COUNTY SEWER SYSTEM. NO ON-SITE SEPTIC SYSTEM IS PROPOSED.
13. THIS PLAN IS SUBJECT TO IAC APPROVAL GUIDELINES. THE EXISTING IMPERVIOUS AREA IS NOT ALLOWED TO BE INCREASED AND THERE IS TO BE NO CHANGE TO THE EXISTING IMPERVIOUS AREA. THE PROPOSED ROOF AREA AND CONCRETE IS LESS THAN 10,000 SF. THEN THE CONSTRUCTION PLANS ARE TO PROVIDE WATER QUALITY FOR A TOTAL VOLUME EQUAL TO THOSE RESPECTIVE AREAS.
14. ANY PROPOSED DRAINAGE AREA WILL BE SUBJECT TO CONTAMINATION AND WATER QUALITY TREATMENT BEST MANAGEMENT PRACTICES APPROVED BY COBB COUNTY STORMWATER DEPARTMENT.

Parking Requirements:

TOTAL EXISTING BUILDING AREA = 24,724 SF (1030 SF OF EXISTING OFFICE AND 23,694 SF OF EXISTING WAREHOUSES)
 COMMERCIAL GREENHOUSES AND PLANT NURSERIES = 1 SPACE PER 200 SQUARE FEET (NET) OF FLOORSPACE, 1 SPACE FOR BAYHUTEL
 TOTAL EMPLOYEES = 12 = 12 SPACES
 TOTAL COMMERCIAL INDOOR NET FLOORSPACE PROPOSED = (1030 EX + 3500 PRKP) = 4535 SF/200 SF = 22 SPACES
 TOTAL REQUIRED = 40 SPACES (INCLUDING 1 HC SPACE)
 TOTAL EXISTING TO REMAIN = 11 SPACES
 TOTAL EXISTING AND PROPOSED = 24 SPACES (INCLUDING 1 HC SPACE)

Zoning Requirements:

PROPOSED ZONING: LIGHT INDUSTRIAL
 MINIMUM LOT AREA: 40,000 SQUARE FEET
 MINIMUM LOT WIDTH AT FRONT SETBACK LINE: 100 FEET
 MINIMUM PUBLIC ROAD FRONTAGE: 50 FEET
 BUILDING SETBACKS
 FRONT YARD: 50 FT (COLLECTOR) OR 75 FT (ARTERIAL)
 REAR YARD: 30 FT
 MAX HEIGHT: 70 FT (4 STORES)
 BUFFER REQUIREMENTS: NONE (PROPERTY DOES NOT ABUT RESIDENTIAL ZONING)

Existing Lot Coverage:

EXISTING BRICK BUILDING + DECK + PORCH + RAMP	2240 SQ. FT.
EXISTING WAREHOUSE + PORCH + RAMP	13406 SQ. FT.
EXISTING ASPHALT DRIVE	2118 SQ. FT.
EXISTING GRAVEL	15033 SQ. FT.
EXISTING ASPHALT DRIVE	15033 SQ. FT.
EXISTING ASPHALT DRIVE	23971 SQ. FT.
EXISTING LOT COVERAGE	75.60%

Proposed Lot Coverage:

EXISTING BRICK BUILDING + DECK + PORCH + RAMP	2240 SQ. FT.
EXISTING CONCRETE	1136 SQ. FT.
PROPOSED CONCRETE	4374 SQ. FT.
PROPOSED GRAVEL	26238 SQ. FT.
PROPOSED ASPHALT DRIVE	1970 SQ. FT.
PROPOSED ASPHALT DRIVE	468 SQ. FT.
PROPOSED ASPHALT DRIVE	23971 SQ. FT.
PROPOSED LOT COVERAGE	75.60%

APPLICANT: RL Mableton, LLC
(301) 482-0300

REPRESENTATIVE: Dean C. Rasco
(301) 672-0166

TITLEHOLDER: Ken A. Harbaugh

PROPERTY LOCATION: Northeast side of Mableton Parkway,
between Hunnicut Road and Discovery Boulevard
(7013 and 7015 Mableton Parkway).

ACCESS TO PROPERTY: Mableton Parkway

PHYSICAL CHARACTERISTICS TO SITE: Brick house and
accessory building converted to commercial/industrial use

PETITION NO: Z-7

HEARING DATE (PC): 02-04-14

HEARING DATE (BOC): 02-18-14

PRESENT ZONING: GC, LI

PROPOSED ZONING: LI

PROPOSED USE: Landscape Contractor
Offices with Repair Shop and Vehicle Repair

SIZE OF TRACT: 1.6 acres

DISTRICT: 18

LAND LOT(S): 498, 499

PARCEL(S): 26, 28

TAXES: PAID X DUE _____

COMMISSION DISTRICT: 4

CONTIGUOUS ZONING/DEVELOPMENT

- NORTH: LI/ Industrial Uses
- SOUTH: LI, HI/ Industrial Uses
- EAST: GC/ Retail Commercial
- WEST: GC/ Automotive Repair

OPPOSITION: NO. OPPOSED _____ PETITION NO: _____ SPOKESMAN _____

PLANNING COMMISSION RECOMMENDATION

APPROVED _____ MOTION BY _____

REJECTED _____ SECONDED _____

HELD _____ CARRIED _____

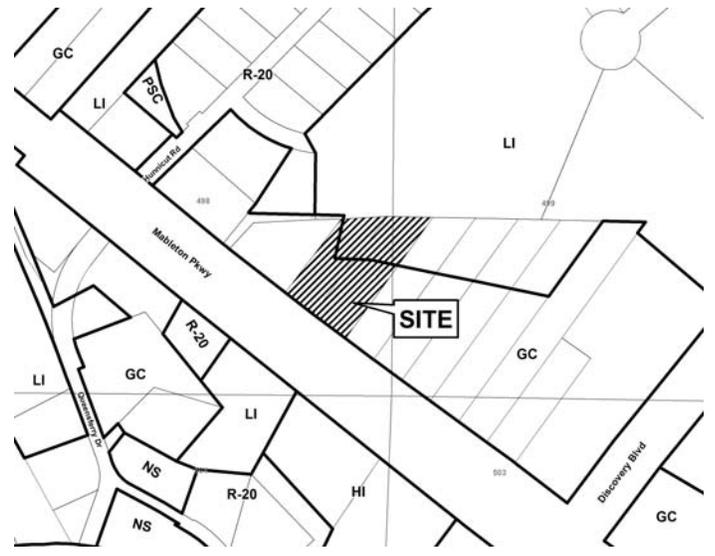
BOARD OF COMMISSIONERS DECISION

APPROVED _____ MOTION BY _____

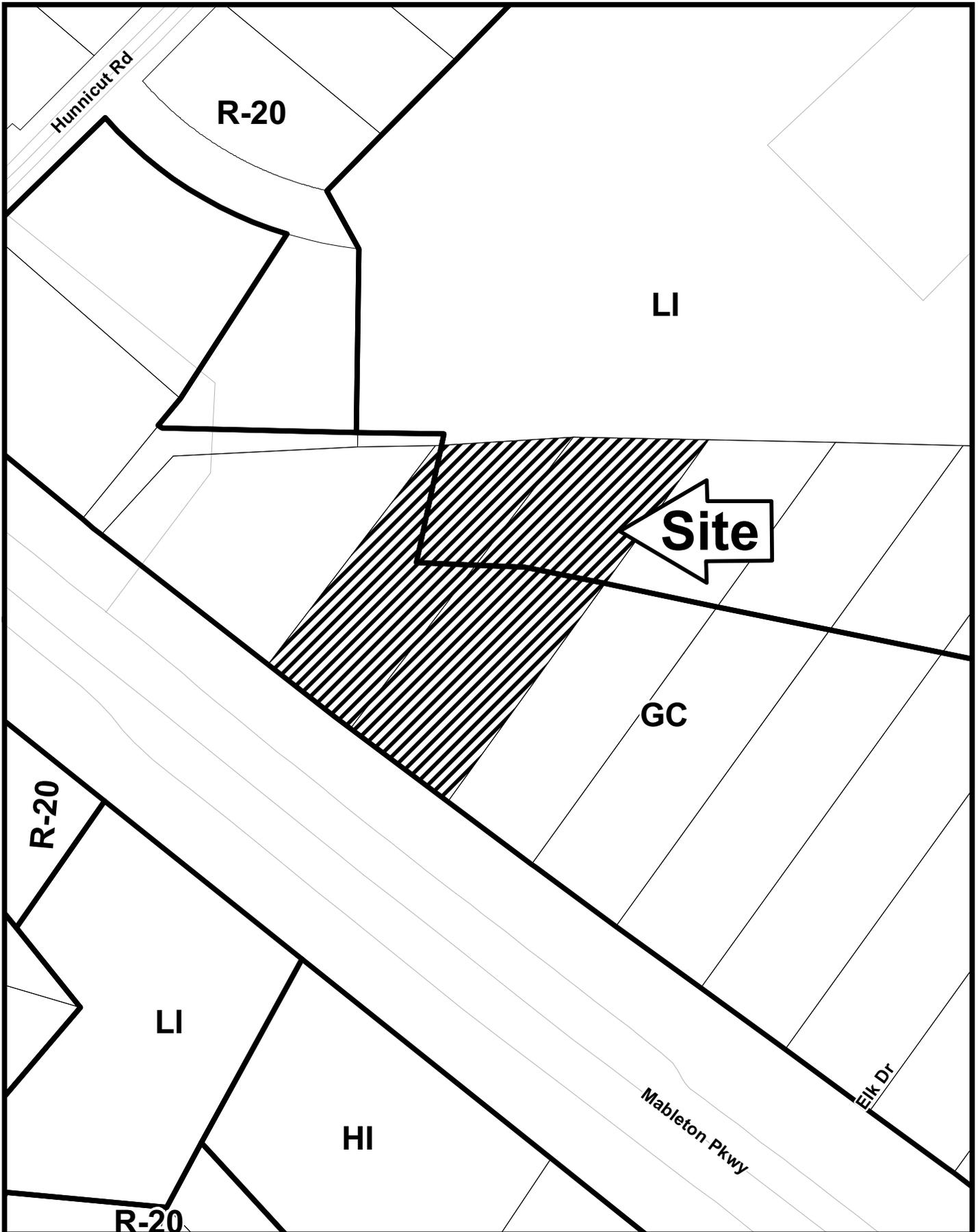
REJECTED _____ SECONDED _____

HELD _____ CARRIED _____

STIPULATIONS:



Z-7



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

0 100 200 Feet



City Boundary
Zoning Boundary

APPLICANT: RL Mableton, LLC

PETITION NO.: Z-7

PRESENT ZONING: GC and LI

PETITION FOR: LI

ZONING COMMENTS:

Staff Member Responsible: Terry Martin, MPA

Land Use Plan Recommendation: PIA (Priority Industrial Area)

Proposed Number of Buildings: 1 **Total Square Footage of Development:** 3,500 sq. ft.

F.A.R.: 0.05 **Square Footage/Acre:** 2,188 sq. ft.

Parking Spaces Required: 45 **Parking Spaces Provided:** 34

The applicant is requesting rezoning to the LI light industrial district in order to operate a landscape contractor and related offices and repair shop for vehicles and equipment. Proposed hours of operation are Monday through Saturday 6 a.m. to 6 p.m. There will be 17 employees to start with more positions anticipated to be filled later. Vehicles associated with the business include one (1) Toyota Tacoma truck, four (4) Isuzu grass body trucks and mowers and other two-cycle equipment. There will be a pine straw trailer stored on site as well as a nursery area where plants in 1-3 gallon containers will be stored. Limited chemicals will be stored on site to include herbicides and fertilizers. A chemical spill prevention plan will be submitted during Plan Review for approval of the Stormwater Management Division.

Cemetery Preservation: No comment.

FIRE COMMENTS:

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

APPLICANT: RL Mableton, LLC

PETITION NO.: Z-7

PRESENT ZONING: GC and LI

PETITION FOR: LI

PLANNING COMMENTS:

The applicant is requesting a rezoning from GC and LI to LI for the purpose of landscape contractor offices with repair shop and vehicle repair. The 1.6 acre site is located at the northeast side of Mableton Parkway between Hunnicut Road and Discovery Boulevard.

Comprehensive Plan

The parcel is within a Priority Industrial Area (PIA) future land use category, with GC and LI zoning designations. The purpose of the PIA is to provide protection for industrial areas that can support future job growth for industrial, manufacturing, office/warehouse, technology, biomedical and distribution uses. Typical uses are determined through the PIA and its subcategories. This parcel is located within the sub category Industrial Compatible which can support light industrial, office/warehouse, and distribution uses.

The following professional evaluation and data analysis should be conducted when the Planning Commission and the Board of Commissioners are considering a land use change that alters a PIA property or areas adjacent to PIA properties from its existing Industrial or Industrial Compatible land use category to any other future land use category. In addition, the same professional evaluation and data analysis should be conducted, by the applicant, when the Planning Commission and the Board of Commissioners are requested to consider a zoning change to a PIA property or areas adjacent to PIA properties that alters its zoning designation to one which is not compatible with its existing industrial future land use category (Industrial or Industrial Compatible). Finally, the policy relating to “Adjacency to viable industrial areas” should be considered by the Planning Commission and the Board of Commissioners when a zoning change occurs to a property adjacent to PIA properties:

- *Job impacts:* Consider the number of existing and future industrial jobs lost, existing and future job opportunities for residents with less than a four-year degree, and job density at the site.
- *Tax Base Impacts:* Evaluate and compare the tax base impacts between potential uses with the existing zoning and the proposed zoning; as well as, comparing tax base impacts to job impacts.
- *Viability:* Prioritize developments with immediate uses over potential uses without users lined up.
- *Transition:* Consider the cost of transitioning a property from one use to another through zoning. Properties made non-conforming may suffer years of deferred maintenance until a viable use surfaces.
- *Adjacency to viable industrial areas:*
Consider negative impacts of residential users on adjacent and viable industrial sites, such as land price uncertainty and conflicts with residents. If a residential project is being considered adjacent to a PIA site, the Planning Commission and Board of Commissioners should consider requiring additional and enhanced buffering and screening requirements on the residential project in order to protect the residential land users as well as the viability of the adjacent industrial users.

Master Plan/Corridor Study

This parcel is located within the boundaries of the Mableton Parkway Corridor Study.

APPLICANT: RL Mableton, LLC

PETITION NO.: Z-7

PRESENT ZONING: GC and LI

PETITION FOR: LI

PLANNING COMMENTS: **Continued**

Historic Preservation

After consulting various county historic resources surveys, historic maps, archaeology surveys and Civil War trench location maps, staff finds that no known significant historic resources appear to be affected by this application. No further comment. No action by applicant requested at this time.

Design Guidelines

Is the parcel in an area with Design Guidelines? Yes No

If yes, design guidelines area _____

Does the current site plan comply with the design requirements?

Incentive Zones

Is the property within an Opportunity Zone? Yes No

The Opportunity Zone is an incentive that provides \$3,500 tax credit per job in eligible areas if two or more jobs are being created. This incentive is available for new or existing businesses.

Is the property within an Enterprise Zone? Yes No

The Enterprise Zone is an incentive that provides tax abatements and other economic incentives for qualifying businesses locating or expanding within designated areas for new jobs and capital investments.

Is the property eligible for incentives through the Commercial and Industrial Property Rehabilitation Program? Yes No

The Commercial and Industrial Property Rehabilitation Program is an incentive that provides a reduction in ad valorem property taxes for qualifying redevelopment in eligible areas.

For more information on incentives, please call the Office of Economic Development at 770-528-2607 or find information online at <http://economic.cobbcountyga.gov>.

YES *indicates applicant has met the corresponding issue.*

NO *indicates applicant has not met the corresponding issue and/or there is not enough information provided.*

N/A *indicates issue is not applicable.*

APPLICANT RL Mableton LLC

PETITION NO. Z-007

PRESENT ZONING GC, LI

PETITION FOR LI

WATER COMMENTS: NOTE: Comments reflect only what facilities were in existence at the time of this review.

Available at Development: Yes No

Fire Flow Test Required: Yes No

Size / Location of Existing Water Main(s): 12" DI / N side of Mableton Pkwy

Additional Comments: Existing water customer(s)

Developer may be required to install/upgrade water mains, based on fire flow test results or Fire Department Code. This will be resolved in the Plan Review Process.

SEWER COMMENTS: NOTE: Comments reflect only what facilities were in existence at the time of this review.

In Drainage Basin: Yes No

At Development: Yes No

Approximate Distance to Nearest Sewer: In Mableton Pkwy ROW

Estimated Waste Generation (in G.P.D.): **A D F** +0 **Peak=** +0

Treatment Plant: **South Cobb**

Plant Capacity: Available Not Available

Line Capacity: Available Not Available

Projected Plant Availability: 0 - 5 years 5 - 10 years over 10 years

Driv Sewers Required: Yes No

Off-site Easements Required: Yes* No *If off-site easements are required, Developer must submit easements to CCWS for review/approval as to form and stipulations prior to the execution of easements by the property owners. All easement acquisitions are the responsibility of the Developer

Flow Test Required: Yes No

Letter of Allocation issued: Yes No

Septic Tank Recommended by this Department: Yes No

Subject to Health Department Approval: Yes No

Additional Existing sewer customer(s) Comments:

Developer will be responsible for connecting to the existing County water and sewer systems, installing and/or upgrading all outfalls and water mains, obtaining on and/or offsite easements, dedication of on and/or offsite water and sewer to Cobb County, as may be required. Rezoning does not guarantee water/sewer availability/capacity unless so stated in writing by the Cobb County Water System. Permit issuances subject to continued treatment plant compliance with EPD discharge requirements.

APPLICANT: RL Mableton, LLC

PETITION NO.: Z-7

PRESENT ZONING: GC, LI

PETITION FOR: LI

STORMWATER MANAGEMENT COMMENTS

FLOOD HAZARD: YES NO POSSIBLY, NOT VERIFIED

DRAINAGE BASIN: Chattahoochee River FLOOD HAZARD INFO: Zone X

- FEMA Designated 100 year Floodplain Flood.
- Flood Damage Prevention Ordinance DESIGNATED FLOOD HAZARD.
- Project subject to the Cobb County Flood Damage Prevention Ordinance Requirements.
- Dam Breach zone from (upstream) (onsite) lake - need to keep residential buildings out of hazard.

WETLANDS: YES NO POSSIBLY, NOT VERIFIED

Location: _____

- The Owner/Developer is responsible for obtaining any required wetland permits from the U.S. Army Corps of Engineer.

STREAMBANK BUFFER ZONE: YES NO POSSIBLY, NOT VERIFIED

- Metropolitan River Protection Area (within 2000' of Chattahoochee River) ARC (review 35' undisturbed buffer each side of waterway).
- Chattahoochee River Corridor Tributary Area - County review (_____ undisturbed buffer each side).
- Georgia Erosion-Sediment Control Law and County Ordinance - **County Review**/State Review.
- Georgia DNR Variance may be required to work in 25 foot streambank buffers.
- County Buffer Ordinance: **50'**, 75', 100' or 200' each side of creek channel.

DOWNSTREAM CONDITION

- Potential or Known drainage problems exist for developments downstream from this site.
- Stormwater discharges must be controlled not to exceed the capacity available in the downstream storm drainage system.
- Minimize runoff into public roads.
- Minimize the effect of concentrated stormwater discharges onto adjacent properties.
- Developer must secure any R.O.W required to receive concentrated discharges where none exist naturally
- Existing Lake Downstream _____.
Additional BMP's for erosion sediment controls will be required.
- Lake Study needed to document sediment levels.
- Stormwater discharges through an established residential neighborhood downstream.
- Project engineer must evaluate the impact of increased volume of runoff generated by the proposed project on downstream receiving system.

APPLICANT: RL Mableton, LLC

PETITION NO.: Z-7

PRESENT ZONING: GC, LI

PETITION FOR: LI

STORMWATER MANAGEMENT COMMENTS – Continued

SPECIAL SITE CONDITIONS

- Provide comprehensive hydrology/stormwater controls to include development of out parcels.
- Submit all proposed site improvements to Plan Review.
- Any **spring activity** uncovered must be addressed by a qualified geotechnical engineer (PE).
- Structural fill _____ must be placed under the direction of a qualified registered Georgia geotechnical engineer (PE).
- Existing facility.
- Project must comply with the Water Quality requirements of the CWA-NPDES-NPS Permit and County Water Quality Ordinance.
- Water Quality/Quantity contributions of the existing lake/pond on site must be continued as baseline conditions into proposed project.
- Calculate and provide % impervious of project site.
- Revisit design; reduce pavement area to reduce runoff and pollution.

INSUFFICIENT INFORMATION

- No Stormwater controls shown _____
- Copy of survey is not current – Additional comments may be forthcoming when current site conditions are exposed.
- No site improvements showing on exhibit.

ADDITIONAL COMMENTS

1. The existing site does not appear to have any stormwater management controls. The proposed improvements would necessitate the site to meet current stormwater management requirements.
2. This site is located within the ARC Chattahoochee River Corridor as well, and will be subject to the provisions of the Metropolitan River Protection Act.

APPLICANT: RL Mableton, LLC

PETITION NO.: Z-7

PRESENT ZONING: GC and LI

PETITION FOR: LI

TRANSPORTATION COMMENTS
(Revised March 20, 2014)

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

ROADWAY	AVERAGE DAILY TRIPS	ROADWAY CLASSIFICATION	SPEED LIMIT	JURISDICTIONAL CONTROL	MIN. R.O.W. REQUIREMENTS
Mableton Parkway	23,600	Arterial	45 mph	Georgia DOT	100'

Based on 2009 traffic counting data taken by Georgia DOT (Mableton Parkway)

COMMENTS AND OBSERVATIONS

Mableton Parkway is classified as an arterial and according to the available information the existing right-of-way does meet the minimum requirements for this classification.

RECOMMENDATIONS

Recommend GDOT permits for all work that encroaches upon State right-of-way.

Recommend curb, gutter, and sidewalk along the Mableton Parkway frontage.

Recommend either one access to Mableton Parkway or converting the existing driveways to one ingress only and one egress only.

Recommend relocating the parking spaces that encroach onto the right-of-way.

Recommend gate location be determined during Plan Review. Need to ensure uninterrupted access meets minimum standards.

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

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STAFF RECOMMENDATIONS

Z-7 RL MABLETON, LLC

- A. It is Staff's opinion that the applicant's rezoning proposal will permit a use that is suitable in view of the use and development of adjacent and nearby properties. Adjacent properties are currently used for general commercial, auto repair, and other industrial oriented uses.
- B. It is Staff's opinion that the applicant's rezoning proposal will not have an adverse affect on the usability of adjacent or nearby property. Newly proposed structures will be situated to the center and rear of the property while new parking will buffered with landscaping adjacent to the right-of-way.
- C. It is Staff's opinion that the applicant's rezoning proposal will not result in a use which would cause an excessive or burdensome use of existing streets, transportation facilities, utilities, or schools. This opinion can be supported by the departmental comments contained in this analysis.
- D. It is Staff's opinion that the applicant's rezoning proposal is in conformity with the policy and intent of the *Cobb County Comprehensive Plan*. Located within a PIA priority industrial area on the future land use map, this request represents a use that furthers the goals of that category of fostering future job growth within industrial type uses.
- E. It is Staff's opinion that there are existing and changing conditions affecting the use and development of the property which give supporting grounds for approving the applicant's rezoning proposal. Located within the PIA priority industrial area category on the future land use map, the applicant's request will result in a use that furthers that category's goals of producing jobs in the industrial sector all the while resulting in a cleanup of the site in new buildings, parking areas and adjacent landscaping.

Based on the above analysis, Staff recommends APPROVAL subject to the following conditions:

- Site plan received by the Zoning Division on March 17, 2014 with District Commissioner approving minor modifications;
- Letter of Agreeable Stipulations from Garvis L. Sams, Jr. dated March 17, 2014;
- Fire Department Comments and Recommendations;
- Water and Sewer Division Comments and Recommendations;
- Stormwater Management Division Comments and Recommendations;
- Department of Transportation Comments and Recommendations.

The recommendations 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.



Application #: Z-7

PC Hearing Date: 2-4-14

BOC Hearing Date: 2-18-14

Summary of Intent for Rezoning

.....
Part 1. Residential Rezoning Information (attach additional information if needed)

- a) Proposed unit square-footage(s): _____
- b) Proposed building architecture: _____
- c) Proposed selling prices(s): _____
- d) List all requested variances: _____

.....
Part 2. Non-residential Rezoning Information (attach additional information if needed)

- a) Proposed use(s): Landscape contractor offices, repair shop and vehicle parking.
- b) Proposed building architecture: Existing
- c) Proposed hours/days of operation: M-S 6am - 6pm
- d) List all requested variances: None

COBB COUNTY ZONING DIVISION
2013 DEC -5 AM 11:45
COBB COUNTY GEORGIA
FILED IN OFFICE

.....
Part 3. Other Pertinent Information (List or attach additional information if needed)

None.

.....
Part 4. Is any of the property included on the proposed site plan owned by the Local, State, or Federal Government?
(Please list all Right-of-Ways, Government owned lots, County owned parcels and/or remnants, etc., and attach a plat clearly showing where these properties are located). NO

.....
Part 5. Is this application a result of a Code Enforcement action? No ; Yes (If yes, attach a copy of the Notice of Violation and/or tickets to this form).

Applicant signature: Dean C Rasco Date: 12/3/13

Applicant name (printed): DEAN C. RASCO



November 12, 2013

Zoning Division
1150 Powder Springs Street
Suite 400
Marietta, Georgia 30064

Re: Application for rezoning, lots 498 and 499 in parcels 26 and 28 in the 18th District of Cobb County

To Whom It May Concern:

This application for rezoning of the lots 498 and 499 is for the purpose of operating a landscape contracting business. The specific uses of the lots include office, storage, contractor yard and vehicle parking which we understand is consistent with the Light Industrial (LI) zoning. The lots are currently zoned both General Commercial (GC) across the front halves of the lots and LI across the rear halves.

The purpose of this letter is to provide the applicant's analysis of the impact of this proposed rezoning as stipulated by paragraph 9 of the "Requirements For Completing Application For Rezoning Cobb County, Georgia."

(a) Whether the zoning proposal will permit a use that is suitable in view of the use and development of the adjacent and nearby property;

-The proposed use appears to be consistent with existing nearby uses.

(b) Whether the zoning proposal will adversely affect the existing use or usability of adjacent or nearby property;

-The proposed use will have no adverse effect on the existing uses or usability of adjacent or nearby property.

(c) Whether the property to be affected by the zoning proposal has a reasonable economic use as currently zoned;

-The current zoning is split between GC and LI across the lots and as such should be rezoned for the purpose of clarity and uniformity.

(d) Whether the zoning proposal will result in a use which will or could cause and excessive or burdensome use of existing streets, transportation facilities, utilities, or schools;



COBB COUNTY GEORGIA
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2013 DEC -5 AM 11:46

COBB COUNTY ZONING DIVISION

RUPPERT
PROPERTIES

-The proposed use as a landscape contractor facility should not pose an excessive or burdensome use as it is consistent with the previous use of the lots and current nearby uses.

(e) *Whether the zoning proposal is in conformity with the policy and intent of the land use plan;*

-It is our understanding from discussions with County zoning staff that this proposal does conform to the policy and intent of the land use plan.

(f) *Whether there are other existing or changing conditions affecting the use and development of the property, which give supporting grounds for either approval or disapproval of the zoning proposal;*

- We are not aware of any existing or changing conditions that would support disapproval of this zoning proposal. The intent of the application is to use the property in substantially the same manner and intent with which the existing improvements had been built which we feel is supporting grounds for approval.

Thank you in advance for your consideration.

Sincerely,

Dean C. Rasco
Applicant

SAMS, LARKIN, HUFF & BALLI

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

JUSTIN H. MEEKS

SLHB-LAW.COM

March 17, 2014

VIA EMAIL & HAND DELIVERY

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

Re: Application of RL Mableton, LLC (No. Z-7)

Dear John:



As you know, this firm represents RL Mableton, LLC which is the Applicant and the Property Owner concerning the above-captioned Application for Rezoning. In that regard, the Application is scheduled to be heard and considered by the Cobb County Planning Commission on April 1, 2014 and, thereafter, will be heard and considered for final action by the Cobb County Board of Commissioners on April 15, 2014.

You will recall that the Application was previously continued by staff based on numerous issues relative to the positioning of the subject property within the Chattahoochee River Corridor and provisions of the Metropolitan River Protection Act (“MRPA”). Last week, in keeping with the ongoing discussions and dialogue established with the Cobb County Stormwater Management Division, the Applicant’s engineer and representatives of the Atlanta Regional Commission (“ARC”) the subject property’s issues regarding impervious surface and soil vulnerability have now been addressed and resolved.

The subject property at issue consists of an approximate 1.6 acre tract of land which is located on the northeast side of Mableton Parkway, situated between Honeycutt Road and Discovery Boulevard. The property is presently zoned General Commercial (GC) and Light Industrial (LI) and is situated within an area along Mableton Parkway which is denominated as Priority Industrial Area (PIA) under Cobb County’s Future Land Use Map and Comprehensive Land Use Plan which contemplates the type of utilization sought by the Applicant.

In addition to establishing a dialogue with the County’s professional staff and representatives of ARC, we have also established and continued a dialogue with representatives of the Mableton Improvement Coalition (“MIC”) and others along the Mableton Parkway Corridor. In that regard, this letter will serve as my client’s agreement with the following

SAMS, LARKIN, HUFF & BALLI

A LIMITED LIABILITY PARTNERSHIP

VIA EMAIL & HAND DELIVERY

Mr. John P. Pederson, AICP, Manager
Cobb County Zoning Division
Community Development Agency
March 17, 2014
Page 2

stipulations which, upon the Application for Rezoning being approved, shall become conditions and a part of the grant of the requested rezoning and binding upon the subject property thereafter. The referenced stipulations are as follows, to wit:

1. The stipulations and conditions set forth herein shall replace and supersede in full any and all prior stipulations and conditions in whatsoever form which are currently in place concerning the property which constitutes the subject matter of the above-captioned Application for Rezoning.
2. Rezoning of the subject property shall be from its existing zoning categories of GC and LI to LI for the purposes of a landscape contractor and related offices and repair shop for those vehicles utilized by the landscaping company.
3. The rezoning of the subject property shall be in substantial conformity to that certain revised site plan prepared by Crescent View Engineering, LLC for Ruppert Properties which is being submitted contemporaneously herewith.
4. The architectural style and composition of any building which is constructed on the subject property shall be in substantial conformity to the photograph being submitted contemporaneously herewith. With respect to the existing office building on the subject property, it shall be retrofitted and rehabbed to accommodate the landscape business, enhanced accordingly and, for the most part, utilized in its as-built circumstances.
5. The days and hours of operation will be Monday through Saturday from 6:00 a.m. until 6:00 p.m., with Saturday operations being dependent upon seasonal circumstances.
6. The business will consist of the following personnel: One (1) area manager, four (4) field managers, eleven (11) crewmen and one (1) shop mechanic on a periodic basis. As the business grows, it is anticipated that a branch manager, branch administrator and shop manager will be added which will require the granting of a contemporaneous variance waiving parking ratio requirements from forty-five (45) parking spaces to thirty-five (35) parking spaces.

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7. The vehicles associated with the business will consist of the following: One (1) Toyota Tacoma truck, Four (4) Isuzu grass body trucks which will carry two-cycle equipment and both walk-behind mowers and riding mowers. There will be a pine straw trailer positioned in the northeast portion of the subject property as shown on the revised site plan.
8. The business will include typical landscaping materials, most of which will be in 1-3 gallon containers which will be stored within the nursery area.
9. There will be a limited amount of chemicals stored within closed and secured building areas within the subject property which will include the following: Round-up; pre-emergent herbicide; fertilizers (10-10-10); motor oil; grease guns; and, gasoline/diesel fuel. As a part of the discussions with the Stormwater Management Division, a chemical spill prevention plan will be articulated and submitted to the County during the Plan Review process.
10. The Applicant agrees to the installation of landscaping as reflected on the revised site plan consisting of low-lying shrubs and vegetation and agrees to the formation of a Landscape Oversight Committee consisting of a representative from MIC, a representative from Ruppert and the Director of the Community Development Agency or his designee who shall facilitate agreements between the parties and who shall act as the final arbiter with respect to all landscaping issues concerning circumstances where concurrence among the committee members can not otherwise be achieved.
11. The Applicant agrees that it shall not store on site nor be involved in the transport of construction and/or demolition debris or municipal solid waste materials.
12. Subject to recommendations from the Stormwater Management Division with respect to detention, hydrology, water quality and downstream considerations including, but not necessarily limited to, the following:¹

¹ As a result of discussions with ARC, the Applicant's engineer and others, the Stormwater Management Division has informed the Applicant that, if the subject property is developed in accordance with the revised site plan with respect to existing versus proposed lot coverage, there will be no requirements for the installation of a detention component on the subject property. If, however, detention is required at a later date, then the Applicant agrees to erect fencing with attendant landscaping which will be installed around the detention area to screen/shield said detention area from adjacent property and public rights-of-way.

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- a. In lieu of on-site detention, the Applicant shall only be responsible for water quality treatment as long as new non-gravel impervious surfaces do not exceed 10,000 sq. ft.
 - b. Utilization of the Best Management Practices approved by Cobb County with respect to water quality treatment which may be satisfied by improving the northwest swale.
 - c. Recognition that the subject property is within the Chattahoochee River Corridor and that it will comply with MRPA and ARC regulations.
13. Compliance with Cobb County Department of Transportation recommendations.
 14. Compliance with recommendations from the Water System with respect to the availability of water and sewer to the subject property.
 15. Compliance with recommendations from the Cobb County Fire Department.
 16. All landscaped, buffer areas and setbacks may be penetrated for purposes of access, utilities and stormwater management/water quality areas, including, but not limited to all slopes and other required engineering features.
 17. Signage along Mableton Parkway shall consist of ground-based, monument-style signage.
 18. If fencing components on the subject property's frontage or its perimeter are added at a later date, said new fencing shall be galvanized chain link fencing at a maximum of eight feet (8').
 19. The District Commissioner shall have the authority to approve minor modifications as the development proposal proceeds through the Plan Review process and thereafter, except for those that:
 - a. Reduce the size of an approved buffer adjacent to property that is zoned the same or in a more restrictive zoning district.

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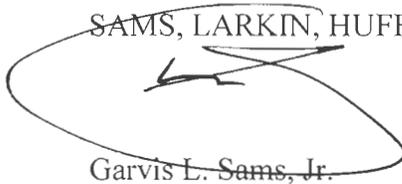
- b. Relocate a structure closer to the property line of an adjacent property that is zoned the same or in a more restrictive zoning district.
- c. Increase the height of a building that is adjacent property that is zoned the same or in a more restrictive zoning district.
- d. Change access location to a different roadway.

With the subject property being located within a long established Priority Industrial Area along the Mableton Parkway Corridor, the Applicant's proposal is entirely appropriate from a land use planning perspective particularly considered in the context of existing and planned development in this area.

Please do not hesitate to contact me should you or your staff need additional information or documentation prior to the formulation of staff's Zoning Analysis and Recommendations. With kind regards, I am

Very truly yours,

SAMS, LARKIN, HUFF & BALLI, LLP



Garvis L. Sams, Jr.

GLS,Jr./dsj

Attachments

- cc: Members, Cobb County Board of Commissioners (via email w/attachments)
Members, Cobb County Planning Commission (via email w/attachments)
Mr. Robert L. Hosack, Jr., AICP Director (via email w/attachments)
Mr. Dana Johnson, AICP, Assistant Director (via email w/attachments)
Mr. Jason Campbell, Planner III (via email w/attachments)
Mr. Terry Martin, Planner II (via email w/attachments)
Mr. David Breaden, P.E. (via email w/attachments)
Ms. Jane Stricklin, P.E. (via email w/attachments)
Ms. Karen King Assistant County Clerk (via email w/attachments)
Ms. Lori Barton, Deputy County Clerk (via email w/attachments)

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- Ms. Robin Meyer, Mableton Improvement Coalition (via email w/attachments)
- Ms. Kay Prescott, Brookview Condominiums (via email w/attachments)
- Mr. Dean C. Rasco, LEED AP BD+C (via email w/attachments)
- Mr. George Henry (Trey) Baltz III, PE, LEED AP, Crescent View Engineering, LLC
(via email w/attachments)



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