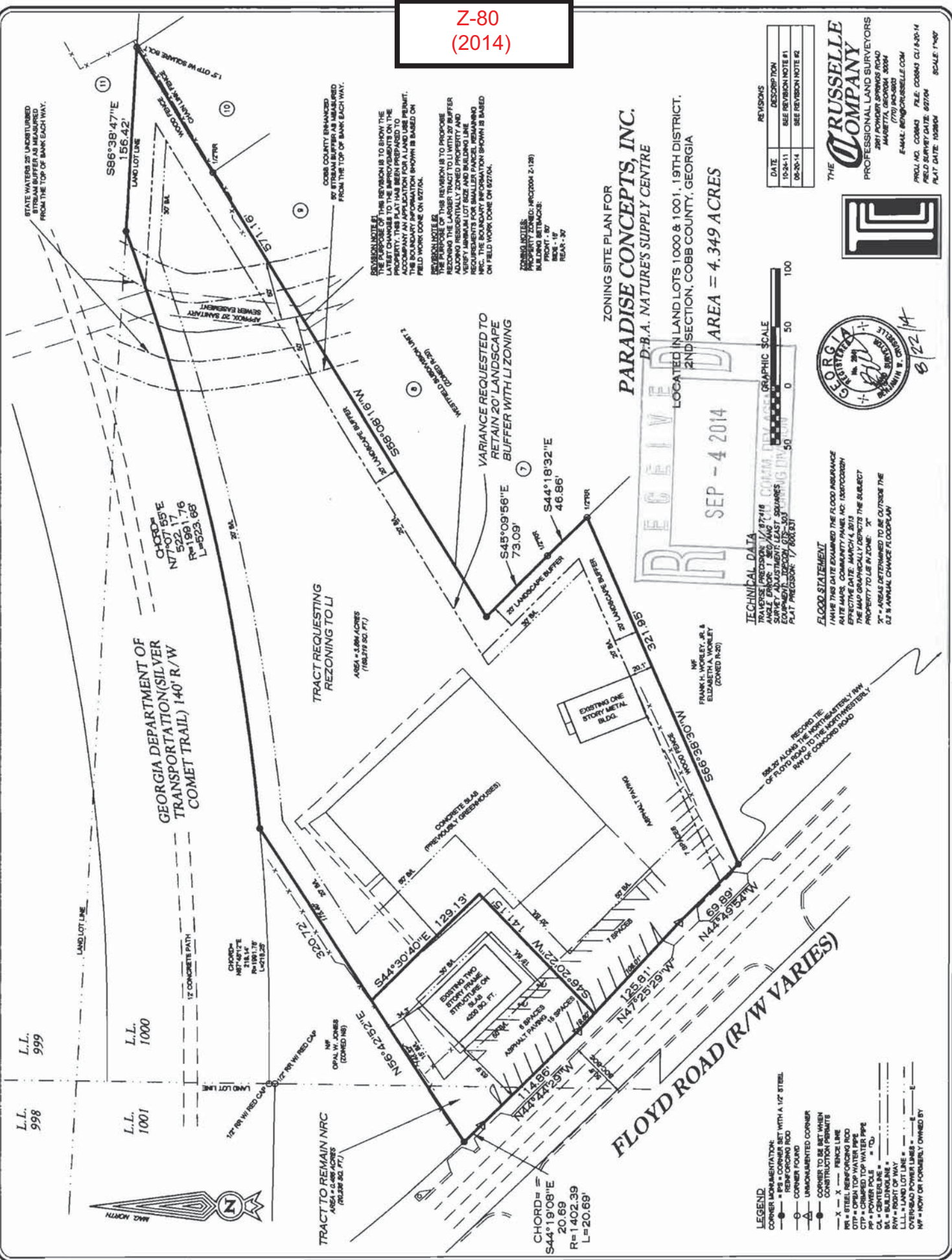


Z-80
(2014)



REVISION NOTE #1:
THE PURPOSE OF THIS REVISION IS TO SHOW THE ADJUSTMENT TO THE PROPERTY. THIS PLAT HAS BEEN PREPARED TO ACCOMPANY AN APPLICATION FOR A LAND USE PERMIT. THE BOUNDARY INFORMATION SHOWN IS BASED ON FIELD WORK DONE ON 02/10/14.

REVISION NOTE #2:
THIS REVISION IS TO PROPOSE THE PLACEMENT OF A 20' LANDSCAPE BUFFER AROUND THE EXISTING METAL BUILDING OFFER ADJOINING RESIDENTIALLY ZONED PROPERTY AND VERY MINIMAL LOT SIZE AND BUILDING LINE REQUIREMENTS FOR SMALLER PARCELS REMAINING ON FIELD WORK DONE ON 02/10/14.

ZONING NOTES:
PROPERTY ZONED: IRC2004 2.120
BUILDING SETBACKS:
FRONT: 30'
SIDE: 10'
REAR: 30'

ZONING SITE PLAN FOR
PARADISE CONCEPTS, INC.
P.B.A. NATURE'S SUPPLY CENTRE
LOCATED IN LAND LOTS 1000 & 1001, 19TH DISTRICT,
2ND SECTION, COBB COUNTY, GEORGIA
AREA = 4.349 ACRES

REVISIONS	DATE	DESCRIPTION
1	10-24-11	SEE REVISION NOTE #1
2	08-20-14	SEE REVISION NOTE #2

THE RUSSELLE COMPANY
PROFESSIONAL LAND SURVEYORS
2807 POWERS SPRINGS ROAD
ALPHARETTA, GA 30204
PHONE: (770) 463-8800
FAX: (770) 463-8803
E-MAIL: RUSSELLE@RUSSELLE.COM
PROJ. NO. COB043 FILE. COB043 CI/130-14
FIELD SURVEY DATE: 02/10/14
PLAT DATE: 10/28/14 SCALE: 1"=80'



TECHNICAL DATA
TRANSFORMED BY: 1/17/14
SCALE: 1"=80' (ANG. 1/8")
ANGLE ERROR: 1.80" (ANG. 1/8")
SURVEY ADJUSTMENT: LEAST SQUARES
EQUIVARIANT: JACOBI (GTS-30)
PLAT PRECISOR: 1/80000



FLOOD STATEMENT
I HAVE THIS DATE EXAMINED THE FLOOD INSURANCE RATE MAPS, COMMUNITY PANEL NO. 10070000N EFFECTIVE DATE: MARCH 4, 2013 THE MAP GRAPHICALLY DEPICTS THE SUBJECT PROPERTY TO BE IN ZONE: "X"
"X" - AREAS DETERMINED TO BE OUTSIDE THE 1% ANNUAL CHANCE FLOODPLAIN

RECEIVED
SEP - 4 2014

6/22/14

L.L. 998
L.L. 999
L.L. 1000
L.L. 1001

GEORGIA DEPARTMENT OF TRANSPORTATION (SILVER COMET TRAIL) 140' R/W

TRACT REQUESTING REZONING TO LI
AREA = 3.08 ACRES (100,719 SQ. FT.)

TRACT TO REMAIN NRC
AREA = 0.88 ACRES (100,800 SQ. FT.)

CHORD = 20.69
S44°19'08"E
R = 1,402.39
L = 20.69

- LEGEND**
- CORNER MONUMENTATION:
 - IR = CORNER SET WITH A 1/2" STEEL REINFORCING ROD
 - CORNER FOUND
 - △ UNMONUMENTED CORNER
 - CONSTRUCTION PERMITS
 - X — X — FENCE LINE
 - RR = STEEL REINFORCING ROD
 - — — — — UNRECORDED EASEMENT
 - CTP = CORNER TOP WATER PIPE
 - CL = CENTERLINE
 - — — — — POWER POLES
 - — — — — R/W = RIGHT OF WAY
 - — — — — L.L.L. = LAND LOT LINE
 - — — — — OVERHEAD POWER LINES
 - MF = NOW OR FORMERLY OWNED BY

APPLICANT: Paradise Concepts, Inc., d/b/a Nature Supply Centre

PHONE#: (678) 398-6788 **EMAIL:** pckennerly@yahoo.com

REPRESENTATIVE: Garvis L. Sams, Jr.

TITLEHOLDER: Michael A. Pecoraro

PROPERTY LOCATION: Northeast side of Floyd Road, north of

Concord Road

(4391Floyd Road).

ACCESS TO PROPERTY: Floyd Road

PHYSICAL CHARACTERISTICS TO SITE: Existing landscape

supply company

PETITION NO: Z-80

HEARING DATE (PC): 11-04-14

HEARING DATE (BOC): 11-18-14

PRESENT ZONING: NRC

PROPOSED ZONING: LI

PROPOSED USE: Landscape Supply

Company

SIZE OF TRACT: 3.884 acres

DISTRICT: 19

LAND LOT(S): 1000, 1001

PARCEL(S): 2, 58

TAXES: PAID X **DUE** _____

COMMISSION DISTRICT: 4

CONTIGUOUS ZONING/DEVELOPMENT

NORTH: Silver Comet Trail and NS/Undeveloped

SOUTH: R-20/Single-family houses

EAST: R-20/Westfield Subdivision

WEST: NRC/Convenience store with fuel sales

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

PLANNING COMMISSION RECOMMENDATION

APPROVED _____ **MOTION BY** _____

REJECTED _____ **SECONDED** _____

HELD _____ **CARRIED** _____

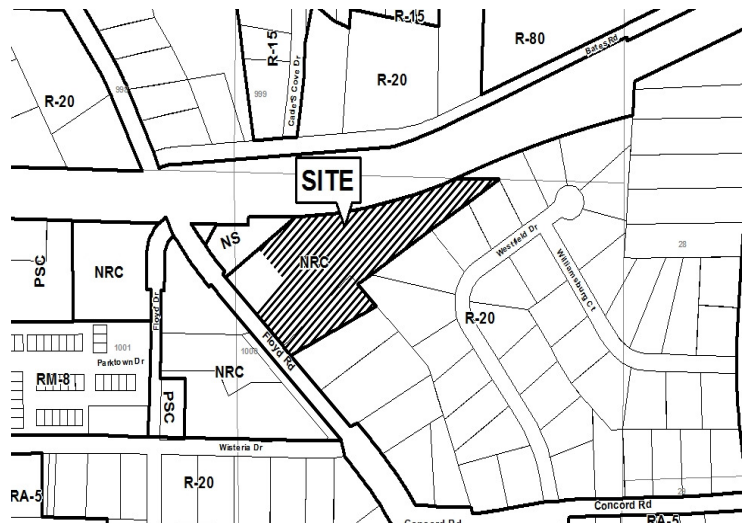
BOARD OF COMMISSIONERS DECISION

APPROVED _____ **MOTION BY** _____

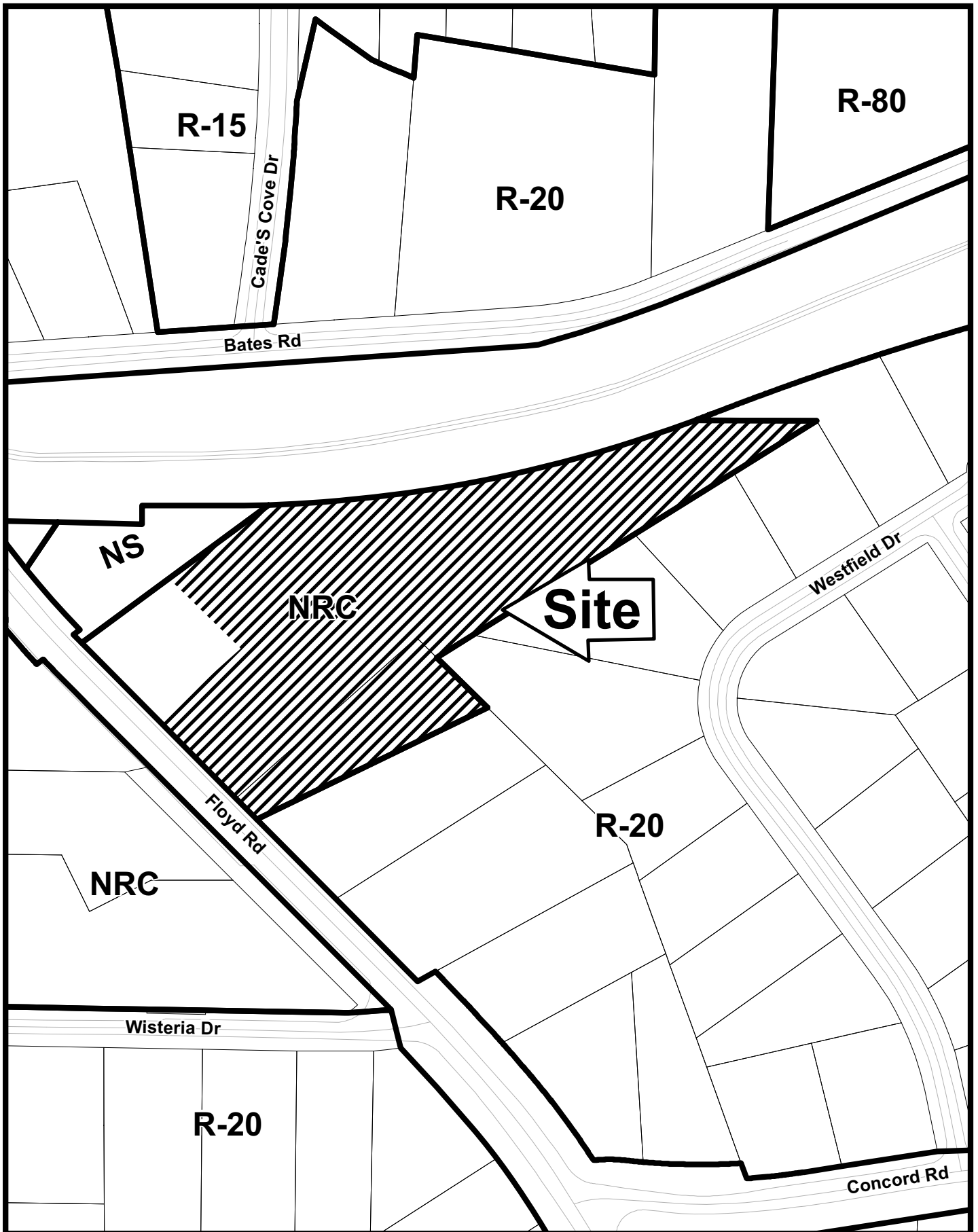
REJECTED _____ **SECONDED** _____

HELD _____ **CARRIED** _____

STIPULATIONS:



Z-80



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: Paradise Concepts, Inc., d/b/a Nature Supply Centre **PETITION NO.:** Z-80

PRESENT ZONING: NRC **PETITION FOR:** LI

ZONING COMMENTS: **Staff Member Responsible:** Jason A. Campbell

Land Use Plan Recommendation: Neighborhood Activity Center (NAC)

Proposed Number of Buildings: 1(Existing) **Total Square Footage of Development:** 2,160

F.A.R.: 0.0127 **Square Footage/Acre:** 556.12

Parking Spaces Required: 12 **Parking Spaces Provided:** 20

Applicant is requesting the Light Industrial (LI) zoning category for the purpose of a landscape supply company, only. The applicant’s attached stipulation letter indicates that all other LI uses will not be permitted. The property will be used as a landscape supply center which will contain typical landscaping materials, most of which will be stored in outside bins as more specifically delineated on the list of materials attached for reference. The hours of operation shall be from 8 a.m. until 6 p.m. Monday through Saturday and closed on Sunday. The property was rezoned to Neighborhood Retail Commercial (NRC) in 2004 as Z-126. The applicant has operated under Land Use Permits, LUP-1 of 2012 and LUP-7 of 2013. LUP-7 of 2013 will expire November 30, 2014. The minutes from the last hearing are attached for your review.

Cemetery Preservation: No comment.

FIRE COMMENTS:

After analyzing the information presented for a Preliminary Review, the Cobb County Fire Marshal’s Office is confident that all other items can be addressed during the Plan Review Stage.

APPLICANT: Paradise Concepts, Inc., d/b/a Nature Supply Centre

PETITION NO.: Z-80

PRESENT ZONING: NRC

PETITION FOR: LI

PLANNING COMMENTS:

The applicant is requesting a rezoning from NRC to LI for purpose of landscape supply company. The 3.884 acre site is located on northeast side of Floyd Road, north of Concord Road.

Comprehensive Plan

The parcel is within a Neighborhood Activity Center (NAC) future land use category, with NRC zoning designation. The purpose of the (NAC) category is to provide for areas that serve neighborhood residents and businesses. Typical land uses for these areas include small offices, limited retail and grocery stores.

Master Plan/Corridor Study

Not applicable.

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.

APPLICANT: Paradise Concepts, Inc., d/b/a Nature Supply Centre **PETITION NO.:** Z-80

PRESENT ZONING: NRC **PETITION FOR:** LI

Special Districts

Is this property within the Cumberland Special District #1 (hotel/motel fee)?

Yes No

Is this property within the Cumberland Special District #2 (ad valorem tax)?

Yes No

APPLICANT Paradise Concepts, Inc.

PETITION NO. Z-080

PRESENT ZONING NRC

PETITION FOR LI (this use only)

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): 6" DI / NE side of Floyd Road

Additional Comments: No utilities proposed

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: On site

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

Drv 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 Comments: No utilities proposed

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: Paradise Concepts, Inc dba Nature Supply Ctr PETITION NO.: Z-80

PRESENT ZONING: NRC

PETITION FOR: LI

STORMWATER MANAGEMENT COMMENTS

No site improvements are proposed to the subject property. Subject to meeting full stormwater management requirements upon redevelopment.

APPLICANT: Paradise Concepts, Inc., d/b/a Nature Supply Store PETITION NO.: Z-80

PRESENT ZONING: NRC PETITION FOR: LI (This Use Only)

TRANSPORTATION COMMENTS

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
Floyd Road	19,700	Arterial	40 mph	Cobb County	100'

Based on 2005 traffic counting data taken by Cobb County DOT (Floyd Road)

COMMENTS AND OBSERVATIONS

Floyd Road is classified as an arterial and according to the available information the existing right-of-way does not meet the minimum requirements for this classification.

RECOMMENDATIONS

Recommend applicant consider entering into a development agreement pursuant to O.C.G.A. 36-71-13 for dedication of the following system improvements to mitigate traffic concerns: a) donation of right-of-way on the northeast side of Floyd Road, a minimum of 50' from the roadway centerline upon redevelopment.

Recommend a deceleration lane for the Floyd Road access upon redevelopment.

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

STAFF RECOMMENDATIONS

Z-80 PARADISE CONCEPTS, INC. d/b/a NATURE SUPPLY CENTRE

- A. It is Staff's opinion that the applicant's rezoning proposal will not permit a use that is suitable in view of the use and development of adjacent and nearby properties. The current use has existed for a few years under a Temporary Land Use Permit. The use would not be allowed under the current zoning of NRC. Some of the other properties in the area are also zoned NRC and have neighborhood retail uses, while other abutting properties are zoned R-20 for single-family residential houses.
- B. It is Staff's opinion that the applicant's rezoning proposal will have an adverse affect on the usability of adjacent or nearby property. The use has outside storage and the property abuts R-20 single-family residential houses along its southern and eastern borders.
- C. It is Staff's opinion that the applicant's rezoning proposal will 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 not conformity with the policy and intent of the *Cobb County Comprehensive Plan*, which delineates this property to be within the Neighborhood Activity Center (NAC) land use category. Although the same business has been granted a Temporary Land Use Permit two times in recent years, the LUP is a temporary approval and the requested LI zoning category is not compatible with the NAC land use category, but the LI zoning category is what would allow the use.
- 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 denying the applicant's rezoning proposal. The existing use that is being requested to remain as the sole use on the property has been approved as a temporary use in the LUP process with a list of stipulations regarding this use that would not otherwise be permitted on this NRC zoned property. In the past, the property has had issues with the adjoining building located in the front and closer to Floyd Road. While that piece is not a part of this request, Staff feels that approval would not be in keeping with the intent of the Neighborhood Activity Center (NAC) land use category.

Based on the above analysis, Staff recommends DENIAL.

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- 80

PC Hearing Date: 11-04-2014

BOC Hearing Date: 11-18-2014



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: N/A
- 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 Supply Company
- b) Proposed building architecture: As-Built
- c) Proposed hours/days of operation: Monday - Saturday / 8:00 a.m. - 6:00 p.m., with the business being closed on Sunday
- d) List all requested variances: Reflected on site plan filed contemporaneously with the application for rezoning

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

The subject property is situated within the confines of a Neighborhood Activity Center ("NAC") under Cobb County's Future Land Use Map and was rezoned to the NRC Classification in 2004. The Landscape Supply Company has been operating under a Land Use Permit which was granted in 2012 and extended in 2013 until November 30, 2014.

.....
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). N/A

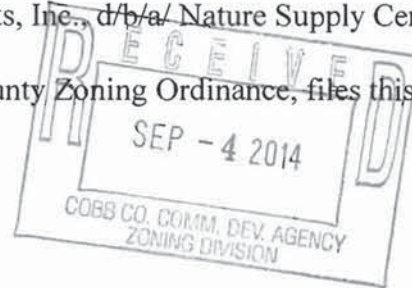
.....
Part 5. Is this application a result of a Code Enforcement action? No ; Yes _____ (If yes, attach a copy of the Notice of Violation and/or tickets to this form).

Applicant signature: [Signature] Date: 9/4/14

Applicant name (printed): Garvis L. Sams, Jr., Applicant's Attorney

**ZONING IMPACT STATEMENT FOR THE REZONING
APPLICATION OF PARADISE CONCEPTS, INC.,
D/B/A NATURE SUPPLY CENTRE**

COMES NOW, Paradise Concepts, Inc., d/b/a/ Nature Supply Centre,
and, pursuant to §134-121(a)(7) of the Cobb County Zoning Ordinance, files this
Zoning Impact Statement, as follows:



- A. The zoning proposal will permit a continuation of the use of the property which is suitable in the context of development and existing zonings along this section of the Floyd Road Corridor.

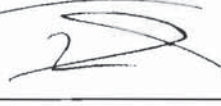
- B. The zoning proposal will have no adverse effect or impact upon the existing uses or usability of adjacent or nearby properties. The property is located within a Neighborhood Activity Center (NAC) under Cobb County's Future Land Use Map. The property has adjoining Commercial and Residential properties.

- C. The subject property to be affected by the zoning proposal has no reasonable economic use as currently zoned in that the fair market value of same falls below the range of values of similarly zoned and situated properties with equivalent utility. Additionally, the present owner of the subject property is suffering a significant economic detriment by virtue of the continuation of the present classification of NRC.

- D. The zoning proposal will have no adverse impact upon the existing County infrastructure including, but not limited to, existing streets, transportation facilities, utilities or schools.
- E. The zoning proposal is located within a Neighborhood Activity Center (NAC) and is consistent with those uses and purposes contemplated under Cobb County's Comprehensive Land Use Plan and Future Land Use Map if limited to the use of a landscape supply company only.
- F. There is no substantial relationship between the existing zoning classification of NRC which limits the property in terms of its present utilization and the public health, safety and general welfare. Additionally, considered in the context of development along this section of the Floyd Road Corridor, there are no established land use planning principles or political considerations which would vitiate the zoning proposal.

Respectfully submitted, this the 4 day of September, 2014.

SAMS, LARKIN, HUFF & BALLI, LLP

By: 
GARVIS L. SAMS, JR.
Attorney for Applicant
Ga. Bar No. 623950

SAMS, LARKIN, HUFF & BALLI

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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

October 13, 2014

VIA EMAIL

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 Paradise Concepts, Inc., d/b/a/ Nature Supply Centre to Rezone a 3.884 Acre Tract from NRC to Conditional LI (No. Z-80)

Dear John:

As you know, this firm represents Paradise Concepts, Inc., d/b/a/ Nature Supply Centre ("Paradise Concepts") concerning the above-captioned Application for Rezoning. The application is scheduled to be heard and considered by the Cobb County Planning Commission on November 4, 2014 and, thereafter, the application is scheduled to be heard and considered for final action by the Cobb County Board of Commissioners on November 18, 2014.

You will recall that we previously submitted a letter of agreeable stipulations /conditions on September 25, 2014. Since that time, we have continued our dialogue with the County's professional staff, area residents and business owners and representatives of the Mableton Improvement Coalition ("MIC").

Significantly prior to the application being filed, representatives of Paradise Concepts established a dialogue with area business owners and area residents (including those in contiguous Westfield Subdivision). Since the application has been filed, we have established a dialogue with Cobb County's Professional Staff regarding the application and the most appropriate approach going forward with respect to the formulation of stipulations/conditions applicable to the subject property as long as Paradise Concepts continues its landscape supply business on the subject property. MIC Representatives have been instrumental in this process.

From an historical perspective, the subject property was originally rezoned to the Neighborhood Retail Commercial ("NRC") classification in 2004 (No. Z-126). However, the Mixed-Use Retail Development proposed for the site at that time never came to fruition for the property owner from whom Paradise Concepts leases the property. In the interim, Paradise Concepts has been operating from the site, which is located within the confines of a Neighborhood Activities Center ("NAC"), as a landscape supply company under a Land Use Permit which was approved in 2012 (No. LUP-1). Later, on April 16, 2013, the Board of

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Mr. John P. Pederson, AICP, Manager
Cobb County Zoning Division
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Page 2

Commissioners extended the time frame for operation for the landscape supply company under its Land Use Permit until November 30, 2014 (No. LUP-7).

With that in mind, and based upon discussions with area residents, business owners, Cobb's professional staff and representatives of MIC, this letter will serve as Paradise Concepts' agreement with the following revised stipulations. This rezoning application seeks to change the classification of the subject property from NRC to Conditional LI (*for this use only*), eliminating all other permitted uses under the LI district which, is the second least restrictive zoning district in the Cobb County Zoning Ordinance. With that in mind, and based upon the discussions mentioned above, this letter will serve as Paradise Concepts' agreement with the following revised 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 revised 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 unless a reversion takes place as described in paragraph 2 below.
2. Rezoning of the subject property shall be from its existing category of NRC to Conditional LI specifically, solely and exclusively for the purposes of a landscape supply company, eliminating all other permitted uses under the LI Zoning District.

Should the subject property cease being utilized as a landscape supply company by Paradise Concepts then, and in such an event, the subject property shall revert to NRC subject to the original stipulations and conditions placed on the property in 2004 without any further action being necessary on the part of Cobb County. Additionally, a reversion to NRC shall also be triggered upon the happening of any other business in addition to Paradise Concepts operating from the subject property under this proposed rezoning.

3. The rezoning of the subject property shall be in substantial conformity to that certain site plan prepared by the Crusselle Company which was submitted concurrently with the application for rezoning on September 4, 2014.

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Mr. John P. Pederson, AICP, Manager
Cobb County Zoning Division
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4. The subject property, which is contiguous to the Silver Comet Trail, shall be utilized as a landscape supply center which will contain typical landscaping materials, most of which will be stored in outside bins as more specifically delineated on the list of materials which is attached hereto and made part of hereof by reference.
5. The hours of operation of the landscape supply center shall be from 8:00 a.m. until 6:00 p.m. Monday through Saturday, with the business being closed on Sunday.
6. The formation of a Landscape Oversight Committee consisting of a representative from the Mableton Improvement Coalition ("MIC"), a representative from Paradise Concepts, the Director of the Community Development Agency or his designee and the District Commissioner who shall be an ex-officio member of the Committee and who will act as final Arbiter with respect to any landscaping or fencing issues in circumstances where concurrence can not otherwise be achieved.

The purpose of the Landscape Oversight Committee shall be to determine the best way to shield from view the vehicles (listed in Paragraph 9 below and specifically including the Pine Straw Trailers) and the materials (specifically listed in Paragraph 4 above) with vegetation and fencing. To accomplish that purpose and goal, the Landscape Oversight Committee shall consider both existing and new fencing and vegetation and the location of said vehicles.

To the extent that as-built circumstances allow same, Paradise Concepts shall comply with landscape buffers required by Cobb County Zoning Ordinance for the District to which the subject property is ultimately rezoned. All landscaping along the subject property's frontage or around its boundaries within the buffer required by the Zoning Ordinance shall be maintained by Paradise Concepts with any dead irrevocably diseased plants, shrubs or trees being replaced.

7. There will a limited amount of chemicals stored on the subject property within a closed and secured building on the subject property which will include the following: Round-up; Pre-emergent Herbicide; and Fertilizers.
8. Paradise Concepts agrees it shall not store on the site nor be involved in the transport of construction and/or demolition debris or municipal solid waste materials.
9. The number of vehicles associated with the landscape supply business on the subject property shall include the existing fork lift truck, the existing skid loader, the existing

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Page 4

small dozer (or the functional equivalence of those three (3) pieces of equipment), two (2) dump trucks and two (2) trailers and one (1) mini-excavator.

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 pick-up and delivery of landscape materials to and from the subject property, shall be screened from view from Floyd Road when not in use.

10. There shall be no wood or log splitting or chipping conducted on the subject property.
11. Except with respect to the outside storage of landscaping materials and products as mentioned above, there shall be no outside storage of other products associated with any other businesses which may operate adjacent to the subject property.
12. Compliance with recommendations from the Storm Water Management Division with respect to the Stormwater detention, hydrology and down-stream considerations. At present, the Stormwater Management Division is not requiring the installation of a detention or water quality pond on the site absent additional development or impervious surfaces being added to the subject property.
13. Compliance with the following recommendations from the Cobb County Department of Transportation:
 - a. Upon a redevelopment of the subject property, the voluntary donation and conveyance of right-of-way on Floyd Road so the county can achieve fifty (50) feet from the centerline.
 - b. Upon a redevelopment of the subject property, the installation of a deceleration lane and an appropriate taper.
14. Compliance with recommendations from the Cobb County Water System with respect to the availability of water and sewer to the subject water.
15. Compliance with recommendations from the Cobb County Fire Department with respect to fire prevention and life-safety issues.
16. All landscape areas, buffer areas and setbacks may be penetrated for purposes for

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Cobb County Zoning Division
Community Development Agency
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Page 5

access, utilities and Stormwater management/water quality areas, including, but not limited to, all the slopes and other required engineering features.

17. Signage along Floyd Road shall consist of ground based, monument style signage consistent with the Cobb County Sign Ordinance. There shall be no electronic, LED or digital signage on the subject property.
18. The District Commissioner and the Landscape Oversight Committee (limited to landscaping and fencing components) shall have the authority to approve certain minor modifications, 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.
 - b. Relocate a structure closer to the property line adjacent property that is zoned the same or in a more restrictive zoning district.
 - c. Increase the height of a building that is adjacent to property that is zoned the same or in a more restrictive zoning district.
 - d. Change the access location to a different roadway.
 - e. Violate the Cobb County Zoning Ordinance or requires a Variance.

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. In that regard, the uses proposed to be continued by Paradise Concepts are entirely appropriate from a land use planning perspective and when considered in the context of development in which the subject property is situated. Moreover, as the County's staff and its elected and appointed officials have learned, there has been an outpouring of support from the community which represents and expanded cross-section of public support from Middle School Principals, Boy Scout leaders, local landscapers, other businesses and contiguous subdivision property owners knowing that Paradise Concepts has served and wants to continue to serve its community well.

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A LIMITED LIABILITY PARTNERSHIP

VIA EMAIL

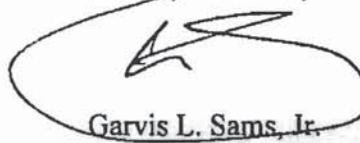
Mr. John P. Pederson, AICP, Manager
Cobb County Zoning Division
Community Development Agency
October 13, 2014
Page 6

Please do not hesitate to contact me should you or members of your staff require any additional information or documentation prior to the formulation of your final Zoning Analysis and Staff Recommendations.

With kind regards, I am

Very truly yours,

SAMS, LARKIN, HUFF & BALLI, LLP



Garvis L. Sams, Jr.
gsams@slhb-law.com

GLS/III

Attachment

- cc: Members, Cobb County Board of Commissioners (via email w/attachment)
Members, Cobb County Planning Commission (via email w/attachment)
Mr. Robert L. Hosack, Jr., AICP, Director (via email w/attachment)
Mr. Dana Johnson, AICP, Deputy Director (via email w/attachment)
Mr. Jason Campbell, Planner III (via email w/attachment)
Mr. Terry Martin, Planner II (via email w/attachment)
Mr. David Breaden, P.E. (via email w/attachment)
Ms. Jane Stricklin, P.E. (via email w/attachment)
Ms. Lori Barton, Deputy County Clerk (via email w/attachment)
Ms. Robin Meyer, Mableton Improvement Coalition (via email w/attachment)
Mr. Parks Kennerly, Paradise Concepts, Inc. (via email w/ attachments)

www.naturesupplycentre.com

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: 04-16-13APPLICANTS NAME: PARADISE CONCEPTS, INC.
D/B/A NATURE SUPPLY CENTERTHE FOLLOWING REPRESENTS THE FINAL DECISIONS OF THE
COBB COUNTY BOARD OF COMMISSIONERS**BOC DECISION OF 04-16-13 ZONING HEARING:**

PARADISE CONCEPTS, INC. D/B/A NATURE SUPPLY CENTER (Michael A. Pecoraro, owner) requesting a **Land Use Permit (Renewal)** for the purpose of a Landscape Supply Company in Land Lots 1000 and 1001 of the 19th District. Located on the east side of Floyd Road, south of Bates Road (4391 and 4419 Floyd Road).

The public hearing was opened and Mr. Parks Kennerly addressed the Board. Following presentation and discussion, the following motion was made:

MOTION: Motion by Cupid, second by Ott, to **deny** Land Use Permit **with extended conditional denial effective date of November 30, 2014, and subject to:**

- **The extended effective date is contingent upon the Applicant meeting the following stipulations:**
 - *If, in the judgment of the District Commissioner, these stipulations are breached, the effective date of the denial will be accelerated to a date 90 days from that finding.*
 - *Previous zoning conditions, not otherwise in conflict, to remain in effect; including Z-126 of 2004, LUP-1 of February 2012 (including related letter from Mr. Garvis L. Sams, Jr.), and the letter from former Commissioner Woody Thompson dated May 14, 2012 concerning the entrance. In a case where the previously agreed to listed documents address the same stipulation, but are not exactly the same, the most recent document will control; as long as the result is not otherwise in conflict with stipulations recorded in this motion.*
- **Letter submitted by the Mableton Improvement Coalition, dated March 26, 2013, not otherwise in conflict (attached and made a part of these minutes)**
- **Sign to be monument style, not electronic, not on the right-of-way and subject to approval by the Zoning Division Manager**
- **Equipment list is expanded to include the existing fork lift truck, the existing skid steer loader, the existing small dozer, or functional equivalents of those three pieces of equipment**
- **Vacant retail building recently used as a thrift store is not part of the land use permit but is limited by the excluded uses in these stipulations**
- **Siltation control measures to be established with the approval of the Stormwater Management Division**
- **District Commissioner approve minor modifications**

VOTE: **ADOPTED** unanimously



March 26, 2013

Mr. Bob Hovey
Cobb County Planning Commission
100 Cherokee Street
Marietta, GA 30090

Min. Bk. 108 Petition No. LUP-7
Doc. Type Letter
Meeting Date 4/10/13

Re: LUP-7 – Nature Supply Company

Dear Mr. Hovey:

On behalf of the Board and Officers of the Mableton Improvement Coalition (MIC), I am writing to offer a list of suggested stipulations for this property. As Ben Clopper mentioned when he spoke with you, he spoke with the applicant by phone and believes Mr. Pecoraro is generally agreeable to these stipulations. In the absence of a letter from the applicant, we are submitting these for your consideration.

This application a renewal of the LUP approved in 2012 for Natures Supply Company to operate a landscape supply business on Mr. Pecoraro's property which is zoned NRC. With that approval, there were stipulations that we would like to see carried forward with this renewal. The stipulations below originate with the February 21, 2012 letter from Mr. Garvis Sams to Mr. John Pederson related to LUP-1 (2012).

1. With the exception of the white building near Floyd Road, the subject property 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).
2. The hours of operation for the landscape supply center shall be from 8:00 am until 6:00 pm Monday through Saturday. The business shall be close for operation on Sunday.
3. The fencing and all landscaping shall be maintained as long as this or any future land use permits are in effect. Any dead trees or shrubs shall be replaced within 90 days.
4. 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.
5. There shall be no wood or log splitting or chipping conducted on the property.
6. Except for 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.
7. The following uses shall be prohibited on the property:

Petition No. LUP-7
Meeting Date 4/16/13
Continued

- a. Automobile related businesses
- b. Check cashing businesses
- c. Retail sales of guns, knives or weapons
- d. Pawn, title pawn, thrift or second hand stores
- e. Tattoo parlors
- f. The burning of wood, trash or debris

These stipulations are the same as those in 2012, except:

- a. The "one time only" stipulations, such as installing the fence and landscaping have been removed
- b. A provision has been added in item 3 related to replacement plants
- c. In item 7.d, thrift and second hand stores have been added to the list. At the time of the 2012 approval there was an existing thrift store operating on the property, which has since closed. When the thrift store was open, it was cited on numerous occasions by code enforcement for failing to comply with the outside display of merchandise restrictions stipulated to for the property. Because of this history we believe the addition of this prohibited use is appropriate.

If these stipulations are adopted, MIC would remain neutral as to the renewal of this Land Use Permit for the requested 24 months.

If you have any questions, please feel free to contact Ben Clopper at 678-361-3542 or me at 770 948-5394

Yours Very Truly,

Robin Meyer
Board Chairman

cc: Mike Pecoraro, Applicant
Lisa Cupid, Cobb County Board of Commissioners
Cobb County Planning Commission
John Pederson, Cobb County Zoning Division Manager
Lori Presnell, Deputy County Clerk
Karen King, Deputy County Clerk
MIC Board of Directors