

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

(678) 398-6788

PETITION NO: _____ LUP-1

REPRESENTATIVE: Garvis L. Sams, Jr. (770) 422-7016

HEARING DATE (PC): 02-07-12

Sams, Larkin & Huff, LLP

HEARING DATE (BOC): 02-21-12

TITLEHOLDER: Michael A. Pecoraro

PRESENT ZONING: NRC

PROPERTY LOCATION: On the northeast side of Floyd Road, north
of Concord Road

(4391 and 4419 Floyd Road).

PROPOSED ZONING: Land Use Permit

ACCESS TO PROPERTY: Floyd Road

PROPOSED USE: Landscape Supply
Company and Thrift Store

PHYSICAL CHARACTERISTICS TO SITE: Existing thrift store

SIZE OF TRACT: 4.349 acres

DISTRICT: 19

LAND LOT(S): 1000, 1001

PARCEL(S): 2, 58

TAXES: PAID **DUE** _____

CONTIGUOUS ZONING/DEVELOPMENT

COMMISSION DISTRICT: 4

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

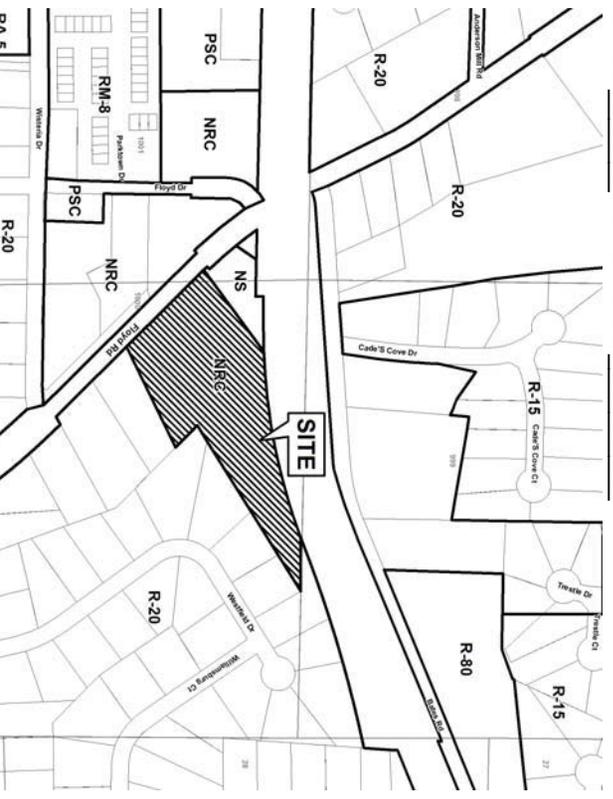
PLANNING COMMISSION RECOMMENDATION

APPROVED _____ **MOTION BY** _____ **REJECTED** _____ **SECONDED** _____
HELD _____ **CARRIED** _____

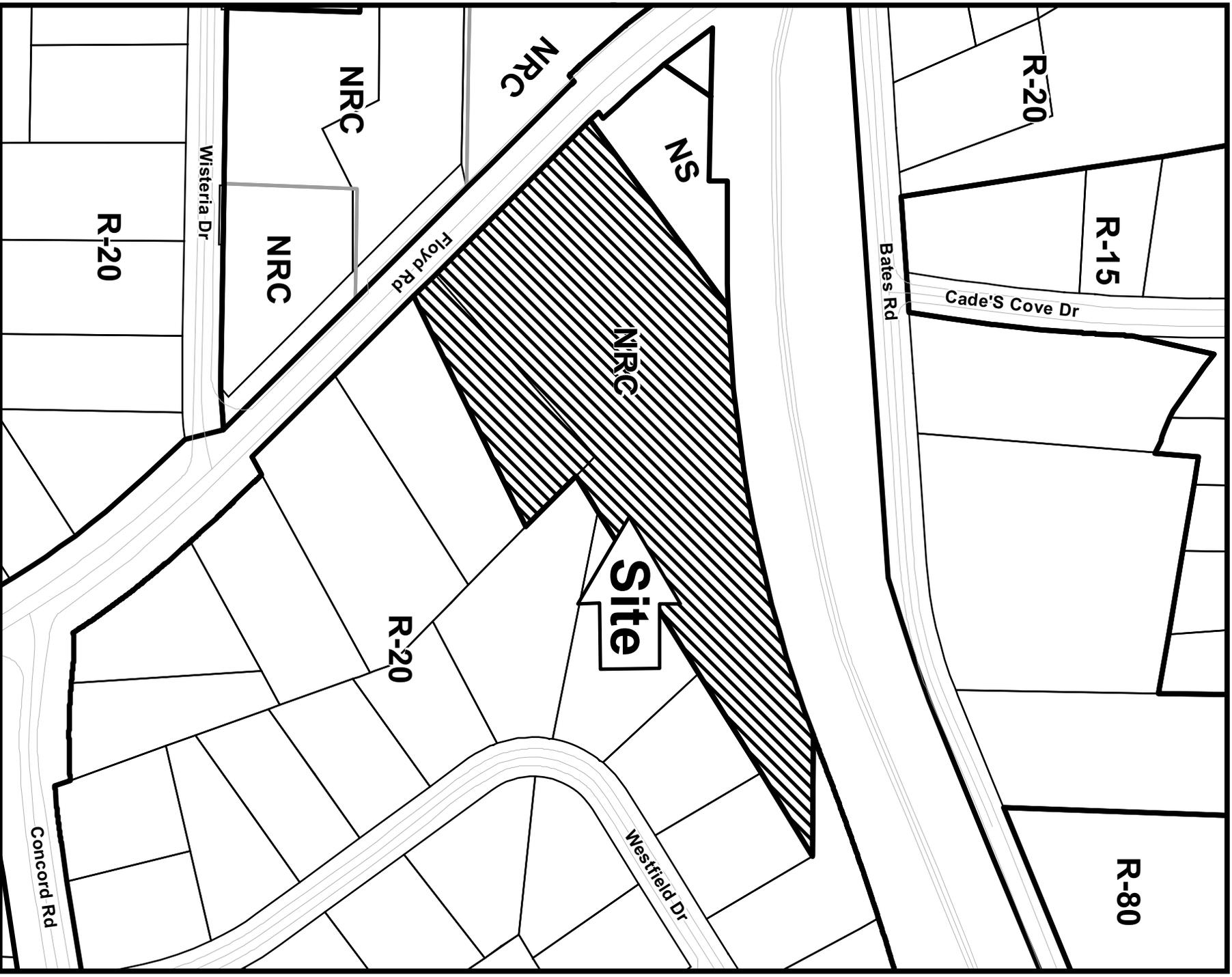
BOARD OF COMMISSIONERS DECISION

APPROVED _____ **MOTION BY** _____
REJECTED _____ **SECONDED** _____
HELD _____ **CARRIED** _____

STIPULATIONS:



LUP-1



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



City Boundary
Zoning Boundary

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

PETITION NO.: LUP-1

PRESENT ZONING: NRC

PETITION FOR: LUP

ZONING COMMENTS:

Staff Member Responsible: Jason A. Campbell

Applicant is requesting a Land Use Permit for the purpose of operating a landscape supply company and a thrift store. The landscape supply company will be open Monday through Saturday from 8 a.m. until 6 p.m. and have seven employees. The applicant anticipates 10 customers per day/50 per week. The attached worksheet indicates that the applicant is requesting one 8' x 5' sign on the property's frontage on Floyd Road. The business will have two dump trucks and 2 trailers at the property. The worksheet also indicates three deliveries per week via semi-truck. The applicant is also requesting outdoor storage of landscaping stones, similar landscape materials and mulch stored in bins. A stipulation letter with a list of materials to be stored at the property is attached for your review. This request if for a period of 24 months. The property was zoned to NRC in 2004 (Z-26) with stipulations that, among other things, the property was to be retail and professional office use only. The minutes from the previous case also stipulated "no overnight parking of heavy equipment, i.e. dump trucks, bobcats, etc." The minutes from Z-126 of 2004 are attached for your review.

Historic Preservation: No comments.

Cemetery Preservation: No comment.

WATER & SEWER COMMENTS:

No comments.

TRAFFIC COMMENTS:

Recommend a deceleration lane on Floyd Road. Recommend applicant be required to meet all Cobb County Development Standards and Ordinances related to project improvements.

FIRE COMMENTS:

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

GATE: Gates securing fire apparatus access shall be a minimum 14 feet in clear width for a single lane and 20 feet for a double lane. Gate shall be swing or sliding type. Electric gates shall be equipped with a means of opening the gate by fire department personnel for emergency access (Knox Switch). Emergency opening devices shall be approved by the Cobb County Fire Marshal's Office. (Cobb County Development Standards 401.08.02.1)

APPLICANT: Paradise Concepts, Inc.

PETITION NO.: LUP-1

PRESENT ZONING: NRC

PETITION FOR: LUP

<p>DRAINAGE COMMENTS</p>

The proposed site includes the outdoor storage of sand, gravel, stone and other landscape materials. A Notice of Intent must be filed with the Georgia Environmental Protection Division for coverage under the NPDES General Permit to discharge stormwater associated with industrial activity. This facility will likely be classified under SIC Code 5211 for building material storage. Any requirements associated with this permit must be addressed. A stormwater pollution prevention plan must be provided to the County to address potential stormwater quality impacts from the site operations. Any new improvements/development must be current stormwater management requirements.

STAFF RECOMMENDATIONS

LUP-1 PARADISE CONCEPTS, INC. d/b/a/ NATURE SUPPLY CENTRE

The subject property was rezoned to the NRC zoning category as Z-126 of 2004, with numerous stipulations such as the uses that were to be allowed on the property and the equipment that was not allowed on the property. The minutes from Z-126 of 2004 are attached to this analysis for review. Those stipulations were very specific and the proposed use of a landscaping business with outside storage of equipment is exactly what is prohibited. Based upon the above analysis, staff recommends DENIAL of this Land Use Permit.

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.

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SAMS, LARKIN & HUFF
A LIMITED LIABILITY PARTNERSHIP

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

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

GARVIS L. SAMS, JR.
JOEL L. LARKIN
PARKS F. HUFF
JAMES A. BALLI
MELISSA P. HAISTEN
JUSTIN H. MEEKS

January 10, 2012

SAMSLARKINHUFF.COM

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:

This firm represents Paradise Concepts, Inc., d/b/a Nature Supply Centre (“Nature Supply Centre”) concerning the above-captioned Application. The Application is scheduled to be heard and considered by the Cobb County Planning Commission on February 7, 2012 and, thereafter, is scheduled to be heard and considered for final action by the Cobb County Board of Commissioners on February 21, 2012.

The property at issue (“subject property”) was rezoned to the NRC classification in 2004 (No. Z-126). However, the mixed-use retail development proposed for the subject property did not commence pending a recovery in the current depressed real estate market. In the interim, Nature Supply Centre has been operating from the site, having been issued a business permit to do so. However, the current utilization of a portion of the subject property is not in compliance with the 2004 zoning stipulations which has necessitated the filing of this Application in order to bring same into compliance.

During the pendency of the Application, we have continued to interface with the County’s Professional Staff. In that regard, I have been authorized by Nature Supply Centre to submit this letter of agreeable stipulations which, if the Application is approved as submitted, shall become conditions and a part of the grant of the approval and binding upon the subject property thereafter:

LUP-1 (2012)
Stipulation Letter
with List of
Materials

VIA E-MAIL
and HAND DELIVERY

Mr. John P. Pederson, AICP, Manager
Cobb County Community Development Agency
Zoning Division
Page 2
January 10, 2012

LUP-1 (2012)
Stipulation Letter
with List of
Materials

1. The stipulations and conditions set forth herein shall replace and supercede 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.
2. The subject property, a 4.39 acre tract of land which is located contiguous to the Silver Comet Trail and zoned NRC, shall be utilized as a landscape supply center which will include typical landscape materials, most of which will be stored in outside bins (See attached list of materials).
3. Hours of operation shall be Monday through Saturday from 8:00 a.m. until 6:00 p.m.
4. The erection of decorative fencing with a gated/secured point of ingress/egress and heavy landscaping positioned on a berm along the subject property's frontage on Floyd Road subject to review and approval by the County's Arborist.
5. Limiting the vehicles on the subject property related to the landscape supply center to four (4) vehicles which will include two (2) dump trucks and two (2) trailers.
6. There shall be no wood or log splitting or chipping conducted on the subject property.
7. 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 context of a commercial activity node and is shown on Cobb County's Future Land Use Map as being situated within a Neighborhood Activity Center ("NAC"). In that regard, the use proposed to be continued by Nature Supply Centre is entirely appropriate from a land use planning perspective and considering the context of development in which the subject property is situated.

VIA E-MAIL
and HAND DELIVERY

Mr. John P. Pederson, AICP, Manager
Cobb County Community Development Agency
Zoning Division
Page 3
January 10, 2012

Please do not hesitate to contact me should you or members of your staff have any questions whatsoever regarding these matters or if you need additional information or documentation prior to the formulation of the Zoning Analysis and Staff Recommendations. With kind regards, I am

Very truly yours,

SAMS, LARKIN & HUFF, LLP



Garvis L. Sams, Jr.
gsams@samslarkinbuff.com

GLSjr/brl
Enclosure

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

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 Crossies
Landscape Timbers (6x6x8)
Firewood by the piece, 1/2 cord, or full cord
Pine Straw
Wheat Straw
Fill Dirt
Screened Topsoil
Organic Planting Soil



LUP-1 (2012)
Stipulation Letter
with List of
Materials



Application #: LUP- 1
 PC Hearing Date: 02/07/12
 BOC Hearing Date: 02/21/12

TEMPORARY LAND USE PERMIT WORKSHEET

1. Type of business? Landscape supply company
2. Number of employees? 7
3. Days of operation? Monday through Saturday
4. Hours of operation? 8:00 a.m. until 6:00 p.m.
5. Number of clients, customers, or sales persons coming to the house per day? 10 ; Per Week? 50
6. Where do clients, customers and/or employees park:
 Driveway: _____ ; Street: _____ ; Other (Explain): Parking Lot
7. Signs? No: _____ ; Yes: X. (If yes, then how many, size, and location): 1 sign (8' x 5') on the subject property's frontage on Floyd Road.
8. Number of vehicles related to this request? (Please also state type of vehicle, i.e., dump truck, bobcat, trailer, etc.): 4 vehicles (2 dump trucks and 2 trailers)
9. Deliveries? No _____ ; Yes X (If yes, then how many per day or week, and is the delivery via semi-truck, USPS, FedEx, UPS, etc.)
3 deliveries per week via semi-truck

10. Does the applicant live in the house? Yes _____ ; No X

11. Any outdoor storage? No _____ ; Yes X (If yes, please state what is kept outside): landscaping stones, similar landscape materials and mulch stored in bins (see attached List of Materials)

12. Length of time requested: 24 months

13. Any additional information? Please attach additional information if needed):
The subject property was rezoned to the NRC classification in 2004 (Z-126); however, the proposed mixed use retail development for the site has been held in abeyance pending a recovery of the current real estate market. The subject property is located in an area denominated as a Neighborhood Activity Center (NAC) under the Future Land Use Map. The proposal for a Temporary Land Use Permit will include a gated, secure entrance, fencing and heavy landscaping along the subject property's frontage on Floyd Road.

Applicant Signature: Date: 10/25/11
 Applicant name (printed): Garvis L. Sams, Jr. / Attorney for Applicant

ORIGINAL DATE OF APPLICATION: 09-21-04

APPLICANTS 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 (Sopranno 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 19th District. Located on the northeast side of Floyd Road, south of the Silver Comet Trail.

MOTION: Motion by Olen, 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



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

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

CHORD
N77°07'55"E
522.17
R=1901.76
L=223.69

S86°38'47"E
156.42'
LAND LOT LINE

PROPOSED BUILDING USE:
PROFESSIONAL OFFICE SPACE = 3800 SQ. FT.
HIGH-BORHOOD RETAIL / RESTAURANT SPACE = 1800 SQ. FT.

CHORD
N87°48'13"E
218.14
R=1891.76
L=215.39

COBB COUNTY ENHANCED BY
8' STREAM BUFFER AS NEAR, RED
FROM THE TOP OF BANK EACH WAY

PLAT TO ACCOMPANY REZONING
APPLICATION FOR
MICHAEL A. PECORARO

LOCATED IN LAND LOTS 1000 & 1001, 19TH DISTRICT,
2ND SECTION, COBB COUNTY, GEORGIA

AREA = 4.349 ACRES

SUBJECT PROPERTY IS CURRENTLY ZONED GC
PROPOSED ZONING IS NRC

PARKING REQUIREMENTS

PARKING SPACES REQUIRED: 26 EACH
PARKING SPACES PROVIDED: 28 EACH

REVISED
RECEIVED
JUL - 8 2004
COURT OF CLERK OF SUPERIOR COURT
COBB COUNTY, GEORGIA

LEGEND

- X—X— FENCE LINE
- ⊙ 1/2" = 1/2" PER SET
- NR = STEEL REINFORCING ROD
- OTW = OPEN TOP WATER PIPE
- CTP = CAPPED TOP WATER PIPE
- PP = POWER POLE
- CL = CENTERLINE
- BL = BOUNDARY LINE
- RY = RIGHT OF WAY
- LL = LAND LOT LINE
- W—W— WATER MAIN
- P—P— OVERHEAD POWER LINE
- SAS MARKER =
- S—S— SANITARY SEWER MAIN
- HP = HOW OR POSSIBLY OWNED BY
- MSB = MAIL SET AT BASE



71204	HIGH-BORHOOD RETAIL TO USE
DATE	REVISION



THE RUSSELL COMPANY
PROFESSIONAL LAND SURVEYORS
3808 POWERS SPRINGS ROAD
MARIETTA, GEORGIA 30067
(770) 546-5000
G-MAIL: GOSWELLER@RUSSELLCOMP.COM
FAX: 546-5000
FIELD SURVEY DATE: 4/27/04
PLAT DATE: 7/8/04

TECHNICAL DATA
THIS MAP PREPARED BY E.A.M.
SCALE: GRAPHIC 1" = 100'
SURVEY ADJUSTMENTS: LEAST SQUARES
ELEVATIONS: TORQUE 475-367
PLAT PRECISION: 1/100,000

FLOOD STATEMENT
I HAVE THIS DATE EXAMINED THE FLOOD
INSURANCE RATE MAP, COMMUNITY
FLOOD HAZARD ZONING MAP,
EFFECTIVE DATE AUGUST 10, 1992
THE MAP GRAPHICALLY SHOWS THE SUBJECT
PROPERTY TO BE IN ZONE "X"
THE CHARACTERISTICS OF THIS ZONE IS
AN AREA ABOVE THE 100
YEAR FLOOD PLAIN.

Mr. Bk. 30
Doc. Type Site Plan
Section No. 2
LUP-1 (2012)
Previous Minutes

PATRICK RILEY
ATTORNEY AT LAW

LUP-1 (2012)
Previous Minutes

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

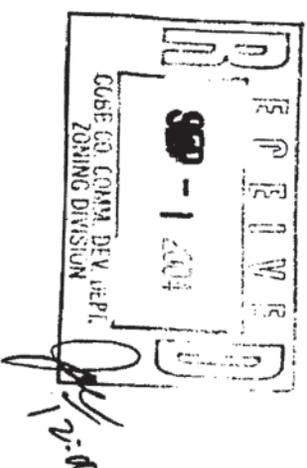
Office: 770-874-7852
Cell: 770-315-6302
Fax: 770-874-1444
priley@patrickrileylaw.com

September 1, 2004

Min. Bl. 30 Petition No. Z-1216
Doc. Type Letter of agreeable
Signatures
Meeting Date Sept. 21, 2004

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

Cobb County Planning Commission
c/o Community Development Agency
Zoning Division
191 Lawrence Street, 3rd 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
Page 2

Petition No. Z-126
Meeting Date Sept. 21, 2004
Continued

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.

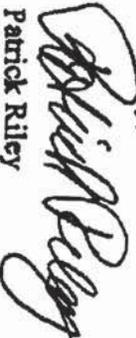
Applicant is concerned with the staff recommendations regarding storm water as they relate to his short term plan. As mentioned previously, applicant intends to use the existing building and other improvements on the property as they are currently constructed and developed. Applicant has no intention 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 1st, 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.

APPLICANT Michael A. Pecoraro

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PRESENT ZONING GC

PETITION FOR NRC

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

WATER COMMENTS:

- Available at Development? Yes No
- Fire Flow Test Required? Yes No

Size / Location of Existing Water Main(s): 6" DI / E side Floyd

Additional Comments:

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: *****

SEWER COMMENTS:

- In Drainage Basin? Yes No
- At Development? Yes No

Approximate Distance to Nearest Sewer: On site in rear

Estimated Waste Generation (in G.P.D.): A D F add'l unkn Peak add'l unkn

Treatment Plant: S Cobb

- Plant Capacity Available? Yes No
- Line Capacity Available? Yes No
- Projected Plant Availability: 0 - 5 year 5 - 10 years over 10 years
- Dry Sewers Required? Yes No
- Off-site Easements Required? Yes* No
- 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

* 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 easement(s) by the property owner(s). All easement acquisitions are the responsibility of the Developer.

Additional Comments:

Sewer also across Floyd. New buildings/businesses subject to code requiring sewer connection

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 off site easements, dedication of on and/or off site 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: Michael A. Pecoraro

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PETITION FOR: NRC

DRAINAGE COMMENTS

FLOOD HAZARD: YES NO POSSIBLY, NOT VERIFIED

Concord Creek of

Undefined in Eastern

DRAINAGE BASIN: Nickajack Creek System FLOOD HAZARD INFO: and Southeast corners

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: within Flood Hazard

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 stormdrainage system.

APPLICANT: Michael A. Pecoraro

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DRAINAGE 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. **(To be re-developed)**
- 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 **must be addressed at Plan Review.**
- 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/SUGGESTIONS

- 1) The exhibit plan is a survey of the current site conditions. Former greenhouse operation existed for a long period starting before any detention or water quality requirements.
- 2) At Staff /Applicant meeting, applicant verbally indicated his intent to re-develop tract but did not produce any proposed plan or other documents concerning a proposed re-development. Stormwater Management cannot provide comments in the absence of any plan. Stormwater Management reserves rights to future comments.

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TRANSPORTATION COMMENTS

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

ROADWAY	AVERAGE DAILY TRIPS	CLASSIFICATION	MIN. R.O.W. REQUIREMENTS
Floyd Road	20171	Arterial	100'

Based on 2002 estimated traffic counting data taken by GADOT.

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.

As necessitated by this development for egress from Floyd Road, a minimum 150' deceleration will be required.

Install sidewalk, curb and gutter along the road frontage.

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 west side of Floyd Road, a minimum of 50' from the roadway centerline.

Recommend a minimum 150' deceleration lane.

Recommend installing sidewalk, curb and gutter along the road frontage.

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