

**OCTOBER 20, 2015 ZONING HEARING
“OTHER BUSINESS”
COMMISSION DISTRICT 4**

ITEM # 036

PURPOSE

To consider amending the site plan and zoning stipulations for Paradise Concepts Inc. d/b/a Nature Supply Centre regarding rezoning application Z-80 (Paradise Concepts, Inc. d/b/a Nature Supply Centre) of 2014, for property located on the northeast side of Floyd Road, north of Concord Road in Land Lots 1000 and 1001 of the 19th District. *(Continued from the August 18, 2015 and September 15, 2015 Board of Commissioners hearings).*

BACKGROUND

The subject property was rezoned to Neighborhood Retail Commercial in 2014 for a retail landscape supply business. One of the zoning conditions called for a 50 foot landscaped buffer adjacent to the Silver Comet Trail and adjacent to the residentially zoned property. The applicant would like to amend the buffer due to the severe impact the buffer has on the applicant’s parking spaces and other improvements. The applicant has been working with county staff and the Mableton Improvement Coalition in order to formulate a landscape plan that achieves the goal of visual screening. If the buffer area is deleted or amended, all other zoning stipulations would remain in effect.

FUNDING

N/A

RECOMMENDATION

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

ATTACHMENTS

Other Business application and stipulations.

Application for "Other Business"

Cobb County, Georgia

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

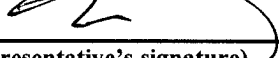
OB-036-2015

BOC Hearing Date Requested: August 18, 2015
~~July 21, 2015~~

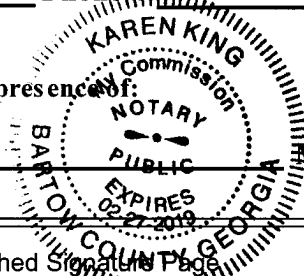
Applicant: Paradise Concepts, Inc. d/b/a Nature Supply Centre Phone #: 678-398-6788
(applicant's name printed)

Address: 4391 Floyd Road, Mableton, GA 30126 E-Mail: pckennerly@yahoo.com
SAMS, LARKIN, HUFF & BALLI, LLP

by: Garvis L. Sams, Jr. Address: 376 Powder Springs Street, Ste. 100, Marietta, GA 30064
(representative's name, printed)

 Phone #: 770-422-7016 E-Mail: gsams@slhb-law.com
(representative's signature)

Signed, sealed and delivered in presence of:
Karen L. King My commission expires: 2-27-15
Notary Public



Titleholder(s): See Attached Signature Page Phone #: _____
(property owner's name printed)

Address: _____ E-Mail: _____

(Property owner's signature)

Signed, sealed and delivered in presence of:

Notary Public My commission expires: _____

Commission District: 4 - Cupid **Zoning Case:** Z-80 [2014]

Date of Zoning Decision: November 18, 2014 **Original Date of Hearing:** November 18, 2014

Location: Northeast side of Floyd Road, north of Concord Road
(street address, if applicable; nearest intersection, etc.)

Land Lot(s): 1000 & 1001 **District(s):** 19th

State specifically the need or reason(s) for Other Business: To amend the stipulation requiring a 50' landscape buffer adjacent to the Silver Comet Trail and residentially zoned property.

(List or attach additional information if needed)

ATTACHMENT TO APPLICATION FOR OTHER BUSINESS

Application No.: O.B.

BOC Hearing Date: ^{August 18,} ~~July 21,~~ 2015

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

Titleholder: Michael A. Pecoraro

PIN#: 1910000020

PROPERTY OWNER'S CERTIFICATION

The undersigned(s) below, or as attached, is the owner of the property considered in this application.

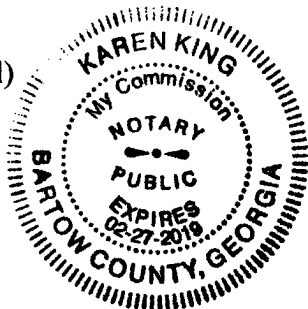
Michael A. Pecoraro 5/27/15
Signature of Owner Date
Michael A. Pecoraro

Address: 619 THE GENERAL AVE.
WOODSTOCK, GA 30189

Telephone No.: (404) 217-7664

Karen L. King 5/27/15
Signature of Notary Public Date

(Notary Seal)



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

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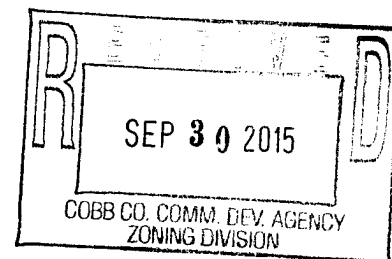
ADAM J. ROZEN

WWW.SLHB-LAW.COM

September 30, 2015

VIA 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: Other Business Application of Paradise Concepts, Inc. (No. Z-80 [2014]) to Amend the Stipulation/Condition regarding the Landscape Buffer (OB No. 36)

Dear John:

You will recall that this firm represents Paradise Concepts, Inc., d/b/a Nature's Supply Centre ("Paradise") concerning the above-captioned Other Business Application. The application was previously scheduled to be heard and considered by the Board of Commissioners on its Other Business Agenda on September 15, 2015; however, by consent of the Applicant and representatives of the Mableton Improvement Coalition ("MIC"), the application was continued until the Board's Other Business Agenda which will immediately follow the regularly scheduled Zoning Hearings on October 20, 2015.

This application originates from the 2014 rezoning of the subject property on Floyd Road (4.34 acres) to the NRC zoning district specific to the use of the subject property for a landscape supply company and specific to Paradise as the user. As a part of that original rezoning process, a Landscape Oversight Committee ("LOC") was formed in order to finalize all landscaping and related issues. As a result of the most recent meeting of the LOC, this letter will serve to memorialize the finalization of all of the remaining landscape related issues.

With respect to the foregoing, enclosed please find the requisite number of copies of the Revised Supplemental Buffer Planting Plan for Paradise Concepts, Inc., prepared by Bilson & Associates ("Revised Plan"). Also, enclosed please find the requisite number of copies of the Cross Section Exhibit prepared for Paradise Concepts, Inc., by Bilson & Associates which shows the respective lines of sight consistent with the components contained within the Revised Plan. By way of background, Paradise's current business has been operating on the subject property for approximately ten (10) years. In that regard, the surrounding neighbors and business owners have been supportive of the business and Paradise's management and operational protocols. Nevertheless, the LOC's goal was to ensure that the

VIA HAND DELIVERY:

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visual appearance of the subject property from Floyd Road, the Silver Comet Trail and adjacent residential properties is sufficiently screened because of the potential incompatibility of utilization of the subject property with surrounding properties.

The original zoning stipulations/conditions for this property required a 50 foot buffer around the perimeter of the property. However, when that 50 foot buffer is actually overlaid on the subject property, it is clear that, in many instances, the buffer is not appropriate, does not fit and that the subject property is better served with a 50 foot buffer and berm along the boundary with the Silver Comet Trail, the berm along the rear of the property and a minimum 20 foot buffer and berm along the property line adjacent to the residential zoning. As shown on the Revised Plan, the actual buffer along residentially zoned properties is greater at several points. For instance, the rear of the subject property already has in excess of a 50 foot buffer due to the fact that there is a stream buffer and the area beyond the stream is heavily wooded and inaccessible. The subject property itself is "pie-shaped" and is narrower towards the back the property than its width as the property comes closer to Floyd Road. The shape and configuration of the subject property has created difficulties because of the existing building, existing and proposed material storage areas and in view of the vehicles which are needed to operate the business. Therefore, Paradise agreed to construct an 8 foot high earthen berm and plant staggered rows of large evergreen trees near the top of the berm and for the balance of said berm to remain natural.

The Revised Plan and its berm and proposed trees have been presented to the Cobb County Arborist for review. The Arborist has agreed that the 8 foot high berm and trees will provide adequate visual and noise buffering for the adjacent properties. In that regard, the trees proposed will be Cryptomeria Japonica which will be 5 to 6 feet tall at the time of planting and which will be spaced 12 feet on center. Typically, these trees grow up to 3 feet in one year and will eventually grow to be 40 - 50 feet in height and 20 feet in width. In reality, the berm alone suffices with respect to a permanent visual and noise attenuation barrier; however, with the trees as described above being placed on top of the berm, a "vegetative wall" will be created around the perimeter of the subject property. As can be noted by the Cross Section Exhibit, the adjacent residential properties are situated well below the subject property so that any activity on the subject property will be completely screened from view by the berm within the buffer and by the trees planted on top of the berm.

In terms of additional screening for the subject property from Floyd Road, Paradise has already constructed an opaque fence with stone columns and planters along most of the business frontage. The only openings are at the driveway and Paradise has agreed to modify its gate to include a 6 foot high gate to help further screen views into the subject property from Floyd Road. The proposed gate will be built with a steel frame with wood pickets and steel posts to screen the view as shown on the Revised Plan.

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The side views from Floyd Road will include new 6 foot wooden fences with the finished face turned to adjacent properties. Paradise has agreed to plant two (2) rows of Cleyera along the outside of the proposed fence on the southern property line. Cleyera is a large evergreen shrub which will be approximately 2 feet in height at the time of planting and will grow up to 10 feet in height and approximately 6 – 8 feet in width. Cleyera does extremely well in sun or shade and will provide an excellent screening device for the subject property.

Also shown on the Revised Plan is improved signage which will utilize the existing stone base with a redesign of the upper portion of the sign to include the company logo. The sign will be permitted through Cobb County and will meet Cobb County Sign Ordinance requirements for this type of sign. The dimensions, composition and rendering of the ground-based monument style sign are shown on the Revised Plan. Any changes to the current design shown shall, of course, be subject to review and approval by the District Commissioner.

In addition to the foregoing and as a result of the latest meeting of the LOC finalizing all landscaping related issues, the following, in addition to the above-mentioned revisions, shall be considered as stipulations which shall become conditions and a part of the grant of the Other Business Application and which shall be binding upon the subject property thereafter:

1. The additional stipulations and conditions set forth herein shall supplement and be in addition to the original stipulations/conditions placed upon the subject property by virtue of the Rezoning of same on November 18, 2014 and shall control where in conflict with said stipulations/conditions.
2. The subject property shall be developed and landscaped in substantial conformity to the Revised Plan and the Cross Section Exhibit prepared by Bilson & Associates which are being submitted concurrently herewith.
3. Except as herein provided and approved by the County's Arborist, the Revised Plan and Cross Section Exhibit shall be implemented in a manner consistent with recommendations from the County Arborist with respect to the genus, species and type of trees, shrubs, vegetation and attendant landscaping and shall be subject to the Arborist's continued review and approval.

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Paradise shall be allowed to implement this stipulation/condition by accomplishing the following within 120 days from the approval of the Other Business Application by the Board of Commissioners:

- a. The landscaping on the southern side of the subject property facing the “Worley” property.
- b. The installation and construction of the three (3) additional bins.
- c. The installation of the signage.
- d. The replacement of the gate.
- e. The fencing separating the subject property from the building on the adjacent tract.
- f. The planting of the Green Giant Arborvitae.¹
- g. The installation of gravel or concrete/asphalt in all areas as shown on the Revised Plan and the extension of that gravel or concrete/asphalt up to the fill-dirt pile so that no vehicular traffic travels on surfaces without gravel, concrete or asphalt.²

Notwithstanding the foregoing, the balance of the planting on the berm and as above described shall be accomplished on or before December 1, 2016.

4. Within 120 days after approval (by which time the items in no. 3 above will have been completed) and on December 1, 2016 (by which time the plantings on the berms will be completed), the subject property will be inspected by a representative of the Community Development Agency who will submit a report to the District Commissioner as to the state of compliance at that time.

¹ This tree is used as an alternative to the Cryptomeria Japonica specifically to shield the existing pine straw trailers in view of the fact that they will provide a more effective shield when planted in a staggered fashion 8 feet on center.

² At all times, there will be a minimum separation of 20 feet between the operational aspects of the business as depicted on the plan and adjacent properties.

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5. Any vegetation which is dying, dead or irrevocably diseased shall be replaced within 90 days by Paradise and said vegetation and berm areas shall be kept in place in perpetuity by Paradise as long as the subject property is utilized as approved. In addition to the vegetation, the berms and landscaping required by the Revised Plan and the stipulations/conditions herein above, the fencing and signage shall also be kept in place by Paradise and, if severely damaged or destroyed, shall be replaced within 90 days.
6. The existing signage on the subject property shall be redesigned as a ground-based monument style sign in substantial conformity to the proposed signage shown on and incorporated into the Revised Plan.
7. Paradise shall replace its existing gate with an opaque gate which shall be in substantial conformity to the photograph depicted on the Revised Plan and described herein above.
8. All empty pallets, trash, litter and debris which is not for sale or directly involved in the operation of the business shall be removed and the property shall be kept free of such in the future.
9. All fencing and gates shall be kept in good repair, including specifically that any broken or missing wooden pickets shall be replaced within 14 days.
10. All planter boxes along the front fence shall be kept free of weeds.
11. Either concrete/asphalt paving or gravel shall be provided in areas in which vehicles drive.
12. Compliance with applicable Cobb County parking ratio requirements which mandate that there be a minimum of 12 usable parking spaces at all times.
13. The District Commissioner shall have the authority to approve certain 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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VIA HAND DELIVERY:

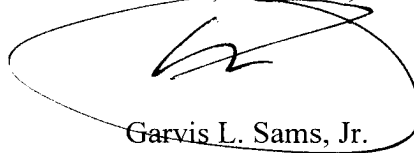
Mr. John P. Pederson, AICP, Manager
Cobb County Zoning Division
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- b. Relocate a structure closer to the property line of an adjacent property that is zoned the same or in a more restrictive zoning district.
- c. Increase the height of a building that is adjacent to property that is zoned in the same or more restrictive zoning district.
- d. Violate the Cobb County Zoning Ordinance.
- e. Change access locations to different roadways.
- f. Would be in direct conflict with, or direct contradiction to, Cobb County regulations or any of the foregoing stipulations.

Please do not hesitate to contact me should you, your staff or the Commissioners have any questions concerning this letter and enclosures prior to the Application being heard and considered by the Board of Commissioners on October 20, 2015. With kind regards, I am

Very truly yours,

SAMS, LARKIN, HUFF & BALLI, LLP



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

GLS/klk
Enclosures
cc: Listed on next page

SAMS, LARKIN, HUFF & BALLI

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VIA HAND DELIVERY:

Mr. John P. Pederson, AICP, Manager

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September 30, 2015

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cc: Ms. Lisa Cupid, District Commissioner (via email w/attachments)
Members, Cobb County Board of Commissioners (via email w/attachments)
BOC Commission Assistants (via email w/attachments)
Mr. Dana Johnson, AICP, Director (via email w/attachments)
Mr. Jerry Lanham, Code Enforcement Division (via email w/attachments)
Mr. Cecil Atchley, Cobb County Landscape Architect (via email w/attachments)
Mr. Terry Martin, Planner II (via email w/attachments)
Mr. Tim Davidson, Cobb County Water System (via email w/attachments)
Mr. David Breaden, P.E., Cobb County Stormwater Management (via email w/attachments)
Ms. Jane Stricklin, P.E., Cobb County DOT (via email w/attachments)
Ms. Lori Barton, Deputy County Clerk (via email w/attachments)
Ms. Robin Meyer, MIC, (via email w/attachments)
Ms. Sonya Wheatley, MIC (via email w/attachments)
Mr. Parks Kennerly (via email w/attachments)
Mr. Pete Bilson, RLA (via email w/attachments)

MINUTES OF ZONING HEARING
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REGULAR AGENDA (CONT.)

Chairman Lee left the meeting at 2:14 p.m.; thereafter, Vice-Chair Ott presided over the hearing.

Z-80 **PARADISE CONCEPTS, INC, d/b/a NATURE SUPPLY CENTRE** (Michael A. Pecoraro, owner) requesting Rezoning from NRC to LI for the purpose of a Landscape Supply Company in Land Lots 1000 and 1001 of the 19th District. Located on the northeast side of Floyd Road, north of Concord Road (4391 Floyd Road).

The public hearing was opened and Mr. Garvis L. Sams, Jr. and Ms. Robin Meyer addressed the Board. Following presentation and discussion, the following motion was made:

MOTION: Motion by Cupid, second by Ott, to delete Z-80 to the NRC zoning category, subject to:

- **Letter of agreeable conditions from Mr. Garvis L. Sams, Jr. dated October 13, 2014, *not otherwise in conflict* (attached and made a part of these minutes) with the following changes:**
 - **Item No. 2 – revise first sentence to read: “...to Conditional NRC zoning...”**
 - **Item No. 6 – add to end of first paragraph: “*The Landscape Oversight Committee shall have at least one meeting in person within 30 days after this hearing. For the purpose of the meeting, the District Commissioner may appoint a designee to represent her, but the District Commissioner will retain final approval of the plan. The Landscape Oversight Committee may make recommendation with respect to outdoor storage, with the District Commissioner having final approval. All landscaping to be installed within 120 days of this decision.*”**
- **Any reference to reversion clause in any prior zoning to be removed and replaced with: *this rezoning is specific to the intended use of a landscape supply company and specific to the tenant of Paradise Concepts, Inc., doing business as Nature Supply Center, requiring any new user or tenant of the property to be subject to the entire rezoning process***
- **Letter from Mr. Garvis L. Sams, Jr. dated November 11, 2014 including petitions, letters, and emails of support (attached and made a part of these minutes)**
- **Letter from Ms. Robin Meyer of the Mableton Improvement Coalition dated November 11, 2014 (attached and made a part of these minutes)**

**MINUTES OF ZONING HEARING
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REGULAR AGENDA (CONT.)

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

- **Applicant will be allowed to utilize gravel for driveways and parking, but Applicant will be required to control dust created by vehicles at all times; if dust is noticeably created by any vehicle, the Applicant will be required to adhere to NRC district regulations requiring hardened surfaces for all parking and driveways.**
- **A 50 foot landscape buffer shall be required adjacent to the Silver Comet Trail and all residentially zoned properties, except where the existing building prohibit the buffer**
- **A six foot privacy fence with outward facing landscaping will be placed along the boundary to the portions of the parcel not included in this zoning**
- **Water and Sewer Division comments and recommendations, *not otherwise in conflict***
- **Stormwater Management Division comments and recommendations, *not otherwise in conflict***
- **Cobb DOT comments and recommendations, *not otherwise in conflict***

VOTE: ADOPTED 3-0 (Lee, Goreham absent)

Case No. 74 Petition No. Z-80
Case Type Stip. Letter
Dated 10/13/14
Filing Date 11/18/14

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A LIMITED LIABILITY PARTNERSHIP

GARVIS L. SAMS, JR.
JOEL L. LARKIN
PARKS F. HUFF
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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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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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Petition No 2-80
Meeting Date 11/10/14
Continued

VIA EMAIL

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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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VIA EMAIL

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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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Continued

VIA EMAIL

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Cobb County Zoning Division
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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.

SAMS, LARKIN, HUFF & BALLI
A LIMITED LIABILITY PARTNERSHIP

Petition No. 2-80
Hearing Date 11/18/14
Continued

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 Breden, 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)

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

File No. 74 Petition No. Z-80
File Type Letter Posted
11/11/14
Date: 11/18/14

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

ADAM J. ROSEN

SLHB-LAW.COM

November 11, 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, the above captioned application for rezoning was unanimously recommended for approval by the Planning Commission on November 4, 2014. In that regard, one of the primary purposes of this letter is to state that the Applicant and I concur with the Planning Commission's recommendation to delete the request to the Conditional Neighborhood Retail Commercial ("NRC") Classification. Additionally, the Applicant accepts each and every condition imposed by the Planning Commission's recommendation and those previously agreed to and submitted to staff.

You will recall, that on three prior occasions, I have submitted supportive letters and emails from individuals representing a vast cross-section of members of the public, all of whom are in support of the above captioned application for rezoning. In that regard, attached are additional copies of a petition, letters and emails which brings the total number of individuals in support to 164. Of course, each signature represents a different story or experience concerning Paradise Concepts' interaction with the community and the wonderful job it does from its location on Floyd Road.

Please do not hesitate to contact me should you or your staff require any additional information or documentation prior to the Board of Commissioners' Hearing next week.

SAMS, LARKIN, HUFF & BALLI
A LIMITED LIABILITY PARTNERSHIP

Petition No 2-80
Meeting Date 11/18/14
Continued

VIA EMAIL

Mr. John P. Pederson, AICP, Manager
Cobb County Zoning Division
Community Development Agency
November 11, 2014
Page 2

With kind regards, I am

Very truly yours,

SAMS, LARKIN, HUFF & BALLI, LLP



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

GLS/III

Attachments

cc: Members, Cobb County Board of Commissioners (via email w/attachments)
Mr. Robert L. Hosack, Jr., AICP, Director (via email w/attachments)
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Ms. Jane Stricklin, P.E. (via email w/attachments)
Ms. Lori Barton, Deputy County Clerk (via email w/attachments)
Ms. Robin Meyer, Mableton Improvement Coalition (via email w/attachments)
Mr. Parks Kennerly, Paradise Concepts, Inc. (via email w/ attachments)

Garvis Sams

Petition No
Meeting Date
Continued

2-80

11/18/14

From: pckennerly@yahoo.com
Sent: Tuesday, November 04, 2014 12:15 AM
To: Garvis Sams
Subject: Fwd: Support for rezoning 4419 Floyd Rd. so Nature's Supply Centre can stay

FYI....

Sent from my Verizon Wireless 4G LTE smartphone

----- Original message -----

From: Larry King
Date: 11/03/2014 10:33 PM (GMT-05:00)
To: pckennerly@yahoo.com
Subject: Support for rezoning 4419 Floyd Rd. so Nature's Supply Centre can stay

To Whom it may Concern:

I have done Business with Nature Supply Center for over Eight years. I buy my supplies from Nature Supply Center and they are the only Business of their kind within a 20 mile radius. Additionally I live in Mableton and they are an excellent Business.

We need to keep this Business of this caliber in place.

They offer a fair price and Quality products.

Let this Business stay where they are, We need them in our Community..

If you want to enhance Mableton, get rid of the used car Business on Veterans Memorial, Don't pick on the business that their products enhance every home and Business.

Thanks, Larry

LRG Landscaping

770-823-5580

Garvis Sams

Petition No 2-80
Meeting Date 11/18/14
Continued

From: pckennerly@yahoo.com
Sent: Tuesday, November 04, 2014 9:49 AM
To: Garvis Sams
Subject: Fwd: Thank you

FYI.....

Sent from my Verizon Wireless LG LTL smartpix:ac

----- Original message -----

From: Stacey Walker
Date: 11/04/2014 8:32 AM (GMT-05:00)
To: pckennerly@yahoo.com
Subject: Thank you

I just wanted to take a minute to thank you for all that you have done for our business!! If it wasn't for you being where you are our business would not run as smoothly as it does. You are always willing to help get us whatever we need when we need it. Your prices are very reasonable and your location is convenient. We need more small businesses like you!!

Russell and Stacey Walker

Sent from my iPad

Garvis Sams

Petition No 2-80
Meeting Date 11/14/14
Continued

From: pckennery@yahoo.com
Sent: Tuesday, November 04, 2014 12:12 AM
To: Garvis Sams
Subject: Fwd: "Support for Rezoning 4419 Floyd Road so Nature's Supply Centre can stay"

FYI.....

Sent from my Verizon Wireless 4G LTE smartphone

----- Original message -----

From: Gregory Collier
Date: 11/03/2014 10:12 PM (GMT-05:00)
To: tlee@cobbcounty.org, horeham@cobbcounty.org, bob.hovey@cobbcounty.org,
bob.ott@cobbcounty.org, mike.terry@cobbcounty.org,
joann.birrell@cobbcounty.org, christi.trombetti@cobbcounty.org,
lisa.cupid@cobbcounty.org, galt.porter@cobbcounty.org, judy.williams@cobbcounty.org
Subject: "Support for Rezoning 4419 Floyd Road so Nature's Supply Centre can stay"

To whom it may concern:

As a long time customer of Nature's Supply Centre I would like to ask that all involved in the rezoning would reconsider and allow them to stay in the area. Nature's Supply Centre has been a vital part of the growth of Collier Landscaping for many years. With no other Landscaping material vendors in the area Nature's Supply Centre moving would have a tremendous economic impact on my business. As a business owner and resident of Cobb County I respectfully ask that you allow Natures Supply Centre to remain in the area.

Regards,

—
Greg Collier
Collier Landscaping
PO Box 1862
Powder Springs, GA 30127
Mobile: (770) 656-9635
Office: (770) 609-9342
email: greg@collierlandscaping.net
web: www.collierlandscaping.net

Garvis Sams

Petition No. 2-80
Filing Date 11/14/14
Continued

From: Garvis Sams
Sent: Monday, November 03, 2014 8:27 PM
To: Porter Galt; Williams Judy D.; Trombetti Christi; Hovey Bob; Terry Mike
Cc: Kennerly Parks; Pederson, AICP John P.; Campbell Jason A.; Cupid Lisa
Subject: Fwd: Job Well Done

Here is another email in support of the application which you will hear tomorrow for nature supply center on Floyd Road. The support which the application has received is amazing... And I've got another petition tomorrow which brings the support to over 160...gls

Garvis L. Sams, Jr.
Sams, Larkin, Huff & Balli
770.422.7016 off
404.975.7772 cell

gsams@slhb-law.com
Sent from my iPhone 5

Begin forwarded message:

From: Parks Kennerly <pckennerly@yahoo.com>
Date: November 3, 2014 at 7:35:09 PM EST
To: Garvis Sams <gsams@slhb-law.com>
Subject: Fw: Job Well Done
Reply-To: Parks Kennerly <pckennerly@yahoo.com>

FYI.....

On Monday, November 3, 2014 7:16 PM, James Elwood <jeiwood117@yahoo.com> wrote:

Parks,

I wanted to express my gratitude on the great job you and your team have provided me over the years. You have always gone above and beyond on the great services you have extended to me. You always have the right materials for the job, or make sure that you have them in a timely manner. Because of that I have been able to keep my customers very satisfied as well. I have been a Smyrna resident for about 15 years, and until Nature's Supply Center moved in I found myself having to drive all over town to get supplies that you provide in a one stop shop. You provide a great, easy, and convenient location for me and my customers. You and your team have always provided me with great customer service. I wanted to commend you on a great job well done over the years. Keep up the good work!

Thank You,
James Elwood

Map No. 74 Petition No. Z-80
Map Type letter
Dated 11/11/14 (MIC)
Effective Date 11/18/14



November 11, 2014

Cobb County Board of Commissioners
100 Cherokee Street
Marietta, GA 30090

Re: Z-80, Paradise Concepts, Inc. d/b/a Nature Supply Centre, Floyd Road

Dear Mr. Chairman and Commissioners:

On behalf of the Board of the Mableton Improvement Coalition (MIC), I am writing to express our support for the Planning Commission's recommendation on this zoning case and request one additional stipulation. As you know, the Planning Commission recommended conditional NRC zoning for this parcel, with a reversion clause that would come into effect at such time as Nature Supply Centre no longer occupies this property. We would ask that you also require that the property come back for rezoning at that time, prior to its use by another business.

Rezoning if/when Nature Supply leaves the property is needed because of the reversionary clause now included in the Planning Commission recommendation and the applicant's stipulation letter. If Nature Supply leaves the property and the zoning stipulations revert to the 2004 zoning conditions, there would be no requirements related to buffers, outside storage, landscaping and screening, or limitations on types of businesses, except that automotive businesses would be disallowed. This prior zoning was aimed at solving the problems that existed in 2004. Whenever the next business considers operating at this location, appropriate up-to-date stipulations will be needed to protect this critical area. So much effort has gone into crafting a solution for this property; please do not create a situation in which this progress is lost when/if this business relocates.

We are supportive of the Planning Commission's recommendation for three major reasons:

1) It avoids Light Industrial zoning for this parcel, located at a gateway to Mableton adjacent to the Silver Comet Trail and the soon-to-be-built Floyd Road Trail. Even with the reversionary clause agreed to in the stipulations letter, the appearance of the LI category on zoning maps is in direct conflict with the Future Land Use Map and the surrounding existing zoning. The LI category gives the wrong signal about this area.

Mableton Improvement Coalition P.O. Box 491 Mableton, GA 30126 www.mableton.org
MIC is a nonprofit, nonpartisan organization and does not endorse political parties or candidates.

Petition No. 2-80
Meeting Date 11/18/14
Continued

2) It establishes a landscaped 50' buffer between this property and the adjacent R-20 neighborhood and the Silver Comet Trail. Nature Supply uses heavy equipment to move bulk landscape materials. This is an activity that requires at least a 50' separation from someone's backyard. Additionally, the heavy equipment used by Nature Supply is easily visible from the Silver Comet Trail.

3) It expands the membership of the Landscape Oversight Committee and requires at least one in-person meeting. This situation calls for creativity and interaction in order to develop a solution that shields the Nature Supply business operations from view of the Silver Comet Trail and the Floyd Road Trail at a reasonable cost.

We have appreciated the communication with Mr. Sams and the applicant and we look forward to the continued success of this well-supported neighborhood business. We urge you to consider this application from all aspects: the needs of the applicant, as well as the crucial need to support the existing homes and businesses around this entrance into the Mableton Community. The Silver Comet Trail is so important to South Cobb; we must protect it for everyone's benefit and ensure compatible development and usage nearby.

As always, we appreciate the opportunity to be a part of this public comment process. If you have any questions, please feel free to contact me at 770 948-5394.

Sincerely,

Robin Meyer
Board Chairman

cc: Garvis Sams, Attorney for the Applicant
Cobb County Planning Commission
John Pederson, Cobb County Zoning Division Manager
Lori Barton, Deputy County Clerk
MIC Board of Directors and Zoning Committee