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SURVEYS PLUS, INC.

DATE: 1/27/11
 TIME: 10:00 AM
 PROJECT: SLUP-3 (2011)
 CLIENT: SNAPFINGER PROPERTIES, LLC

SCALE: AS SHOWN
 SHEET: 1 OF 1

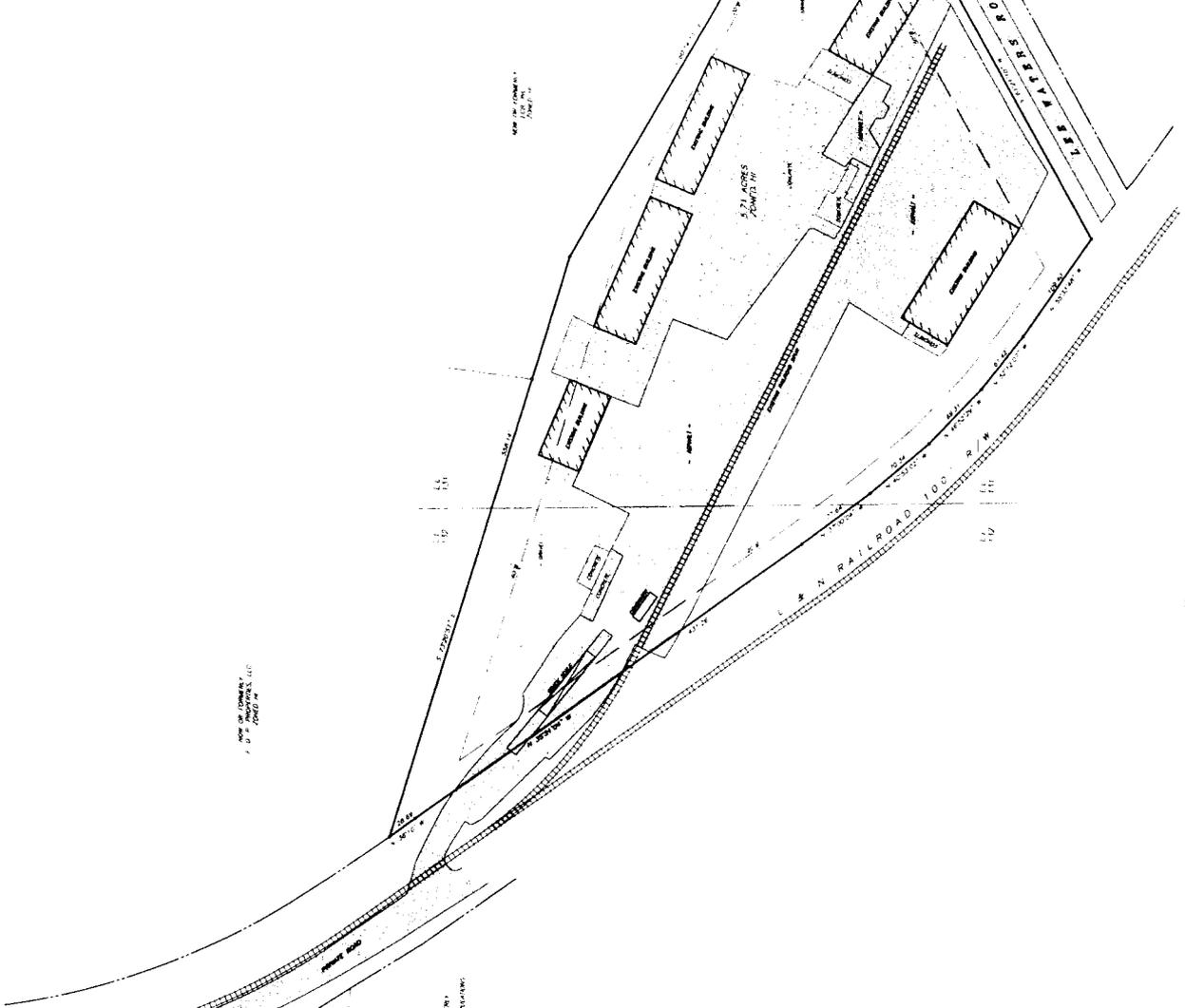
**SLUP-3
(2011)**

**SPECIAL LAND USE PERMIT FOR
SNAPFINGER PROPERTIES, LLC**



GENERAL NOTES AND REFERENCES:

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REVISED

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FEB 24 2011

CLAY CO. COMM. DEV. AGENCY
ZONING DIVISION



APPLICANT: Snapfinger Properties, LLC

Steve Stewart 770-616-8229

REPRESENTATIVE: Sams, Larkin & Huff, LLP

Garvis L. Sams, Jr. 770-422-7016

TITLEHOLDER: Snapfinger Properties, LLC

PROPERTY LOCATION: On the west side of Lee Waters Road,
south of Jamerson Road; and at the northeast intersection of Canton Road
and Fowler Circle.

ACCESS TO PROPERTY: Canton Road and Lee Waters Road

PHYSICAL CHARACTERISTICS TO SITE: Industrial buildings
on the subject tract (east side of railroad).

CONTIGUOUS ZONING/DEVELOPMENT

- NORTH:** HI, R-20/ Concrete plant and East Cobb Baseball Park
- SOUTH:** LI and HI/Undeveloped and Developed Industrial Properties
- EAST:** HI/East Cobb Baseball Park R-20/Single-family Houses across Lee Waters Road
- WEST:** GC & CRC/Developed Commercial Properties LI/Undeveloped Industrial Prop.

PETITION NO: SLUP-3

HEARING DATE (PC): 04-05-11

HEARING DATE (BOC): 04-19-11

PRESENT ZONING: HI, LI, GC

PROPOSED ZONING: Special Land
Use Permit

PROPOSED USE: Operation Of Steel, Metal,
And Iron Processing And Transfer Station

SIZE OF TRACT: 7.37 acres

DISTRICT: 16

LAND LOT(S): 131, 132

PARCEL(S): 2, 9

TAXES: PAID X **DUE** _____

COMMISSION DISTRICT: 3

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

PLANNING COMMISSION RECOMMENDATION

APPROVED _____ **MOTION BY** _____

REJECTED _____ **SECONDED** _____

HELD _____ **CARRIED** _____

BOARD OF COMMISSIONERS DECISION

APPROVED _____ **MOTION BY** _____

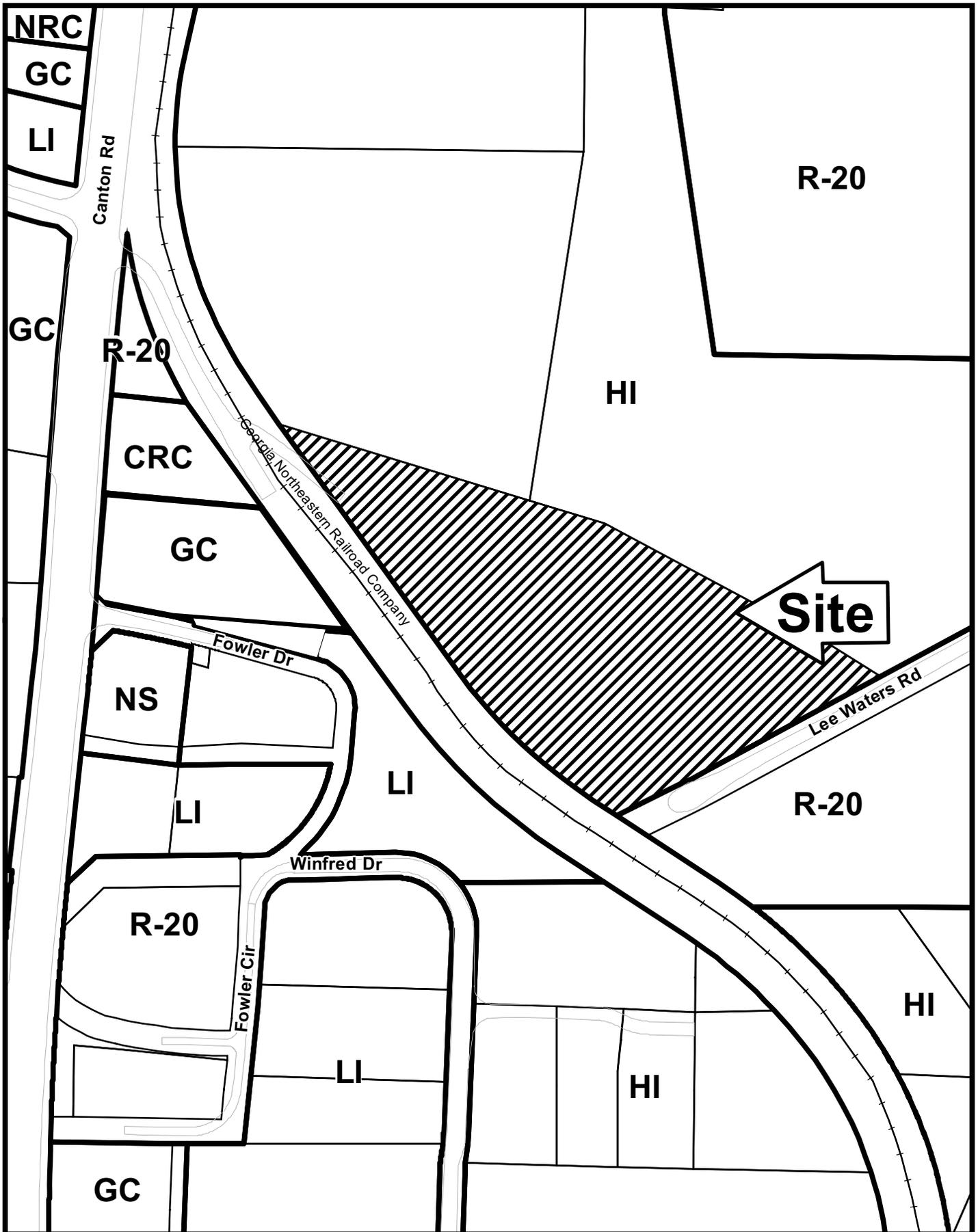
REJECTED _____ **SECONDED** _____

HELD _____ **CARRIED** _____

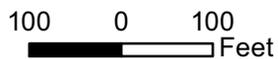
STIPULATIONS:



SLUP-3



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



City Boundary
Zoning Boundary

APPLICANT: Snapfinger Properties, LLC

PETITION NO.: SLUP-3

PRESENT ZONING: HI

PETITION FOR: SLUP

ZONING COMMENTS:

Staff Member Responsible: John P. Pederson, AICP

Applicant is requesting a Special Land Use Permit for the operation of a steel, metal and iron processing and transfer station on the parcel zoned HI that is east of the railroad. Ingress and egress will be from an access road along the railroad right of way fronting on Canton Road. The site plan submitted indicates no access on Lee Waters Road. Applicant’s representative has indicated that materials will be delivered by approximately 5-6 trucks daily and the processed materials will leave by rail on boxcars. The materials will be cut into 4-foot lengths. Applicant plans on using the existing structures and buildings and adding a scale. The applicant plans to erect a privacy fence abutting the ball park. The hours of operation are Monday through Friday from 8 a.m. until 5:30 p.m. There will be two employees, one welding and one working shears. Shears operate 20 times per month. Also, there will be two cranes added to the property, one grapppler and one magnetic. The station will process approximately 1,000 to 1,500 tons per month. Applicant has received favorable findings from the Atlanta Regional Commission and Georgia regional Transportation Authority regarding Development of Regional Impact application #2190.

Historic Preservation: No comment.

Cemetery Preservation: No comment.

WATER & SEWER COMMENTS:

Water available to site on west side and also on east side of RR tracks; records show 4586 Canton Road connected. Sewer available to tract west of RR tracks, and records show 4586 Canton Road connected. Sewer not available to tract east of RR tracks; Health Dept approval required on ongoing basis for any septic system on this tract. No new buildings proposed.

TRAFFIC COMMENTS:

Canton 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. Recommend applicant consider entering into a development agreement pursuant of 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 east side of Canton Road, a minimum of 50’ from the roadway centerline.

Recommend no access to Fowler Drive.

Recommend only emergency access to Lee Waters Drive.

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

APPLICANT: Snapfinger Properties, LLC

PETITION NO.: SLUP-3

PRESENT ZONING: HI

PETITION FOR: SLUP

FIRE COMMENTS:

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

ACCESS: Fire apparatus access roads shall extend to within 150 feet of all portions of the facility or any portion of the exterior wall of the first floor (State Modifications IFC 503.1 2006 Edition).

All access roads shall meet the American Association of State and Highway Transportation Officials (AASHTO) design manual live load standard HS20 (75,000 lbs.) with an unobstructed width of not less than 20 feet, 25 foot inside radius, 50 foot outside turning radius and unobstructed vertical clearance of not less than 13 feet 6 inches.

Maximum slope of the access road in reference to the apparatus is 10% Front to Back and 5% Side to Side. Maximum grade of roadways leading to Fire Access roads refer to the Cobb County Development Standard Section 400: 14% for Non-Residential. Maximum angle of departure is 8.5%.

Dead-end access roads in excess of 150 feet shall be provided with a turn-around (IFC 503.2.5 2006 Edition). Cul-de-sac with or without an island: minimum 60-foot radius to outside curb, measured to inside of curb and a minimum lane width = 24 feet (Cobb County Development Standard 401.09). Single-Family cul-de-sac without island: 38-foot outside radius with island reverts to commercial dimensions. Hammerhead turn-around: total of 110 feet needed (45 feet + 20 feet wide roadway + 45 feet).

Aerial apparatus access shall be required for all structures over 30 feet in height measured from the lowest level of fire department access to the ceiling height of the highest occupied floor level. Aerial fire apparatus access roads shall be a minimum width of 24 feet maximum of 40 feet from the structure and be positioned parallel to one entire side of the building. No overhead utility and power lines shall be located within the aerial fire apparatus access. (Cobb County Development Standards 401.08.02.1)

HYDRANT: Show fire hydrants arranged to have a hydrant available for the distribution of hose to any portion of any building on premises at distances not exceeding 500 feet (driving distance). Hydrants shall be at least 40 feet from the building (steamer connection facing street) (NFPA 24-7.2.3). Fire hydrants shall be spaced not more than 500 feet apart. Hydrants shall not be connected to water lines on the positive side (discharge side) of a fire pump. Minimum 8” supply lines to all hydrants.

APPLICANT: Snapfinger Properties, LLC

PETITION NO.: SLUP-3

PRESENT ZONING: GC, LI, HI

PETITION FOR: SLUP

DRAINAGE COMMENTS

FLOOD HAZARD: YES NO POSSIBLY, NOT VERIFIED

DRAINAGE BASIN: Noonday Creek/Rubes Creek FLOOD HAZARD INFO: Zone X

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

WETLANDS: YES NO POSSIBLY, NOT VERIFIED

Location: _____

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

STREAMBANK BUFFER ZONE: YES NO POSSIBLY, NOT VERIFIED

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

DOWNSTREAM CONDITION

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

APPLICANT: Snapfinger Properties, LLC

PETITION NO.: SLUP-3

PRESENT ZONING: GC, LI, HI

PETITION FOR: SLUP

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.
- Project must comply with the Water Quality requirements of the CWA-NPDES-NPS Permit and County Water Quality Ordinance.
- Water Quality/Quantity contributions of the existing lake/pond on site must be continued as baseline conditions into proposed project.
- Calculate and provide % impervious of project site.
- Revisit design; reduce pavement area to reduce runoff and pollution.

INSUFFICIENT INFORMATION

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

ADDITIONAL COMMENTS

1. It is anticipated that the site will be utilized with no significant modifications. However, any site changes must be approved through the County's Plan Review Process and meet all County Code and Development Standards.
2. 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 5093 for metal scrap and waste material operations. Any requirements associated with this permit must be addressed.

STAFF RECOMMENDATIONS

SLUP- 3 SNAPPINGER PROPERTIES, LLC

The applicant's property is located in a section of Canton Road that contains commercial and industrial uses; on Lee Waters Road there are single family houses, a park and a school. The applicant's property has been designated as Industrial Compatible on the *Cobb County Comprehensive Plan*. A recycling center not only requires a Special Land Use Permit and a Development of Regional Impact, the Zoning Ordinance also describes a recycling center as a use that is permitted in the Industrial land use category only, not Industrial Compatible. While the Heavy Industrial zoning district allows intense land uses in Cobb County, the Board of Commissioners have found the proposed use is one that should be located within the Industrial Land Use Category due to the negative affects and nuisances it has on adjacent and nearby properties. The proposed use contains large-scale outdoor storage that will be noisy, may cause vibrations and may create additionally traffic and may lower property values. Staff believes the proposed use is not compatible with other properties in the area which are includes residential houses, a park and a public school. One of the requirements of the granting of a Special Land Use Permit requires the applicant to demonstrate that the proposal complies with all applicable requirements and policies of the County. Staff does not believe the applicant has satisfied this requirement based on the information submitted, and based on the fact that they have commenced operation this business without the required approval from the Board of Commissioners.

The applicant has received favorable findings from the Atlanta Regional Commission and Georgia Regional Transportation Authority regarding Development of Regional Impact application #2190. The ARC acknowledges that the local government makes the final decision in land use issues. The ARC review has found the project to be in the best interest of the Region/State, but the ARC acknowledges that the finding does not address whether the finding is in the best interest of the local government. Based on the ARC Regional Review Finding, County Staff would take the position that the project is not in the best interest of the local government based on the following excerpts from the ARC findings report:

- “The trucks pulling out of this facility and taking a left, in particular, might present a safety hazard”. (from page 3 of the ARC Regional Review Finding Memorandum dated March 1, 2011).
- ARC Staff recommends using Fowler Drive for primary access. (from page 3 of the ARC Regional Review Finding Memorandum dated March 1, 2011). This is not a good idea due to the fact that Fowler Drive is a small curvy road on an incline.
- ARC Staff recommend that trucks have only a right out onto Canton Road, but not a left turn onto Canton Road. (from page 3 of the ARC Regional Review Finding Memorandum dated March 1, 2011).
- The ARC's own planning maps are contradictory. The ARC's Unified Growth Policy Map designates this property to be within a “Suburban Neighborhood” with suburban scale development, and within a “Freight Area”.
- The ARC Finding report says “...*water quality will be impacted due to polluted stormwater runoff.*” ARC estimates that the proposed use would produce pounds of stormwater pollutants per year including phosphorus, nitrogen, zinc and lead. (from the Environmental Planning Division comments of the ARC Regional Review Finding dated March 2, 2011).

Staff is concerned the proposed use will negatively affect the public health, safety and welfare of adjacent and nearby properties that include single family houses on the other side of Lee Waters Road, the youth baseball park to the north, the public school on Lee Waters Road, and the commercially zoned property along Canton Road. Staff is aware of the applicant's operation located in the City of Marietta on Marble Mill Road and all the complaints from the adjacent residential properties; there are residential properties located right across the street from the applicant's proposal that would be negatively impacted. Based upon the above analysis, staff recommends DENIAL of this application.

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.