

APPLICANT: Redivivus, LLC
(678) 690-8456

REPRESENTATIVE: Garvis L. Sams, Jr. (770) 422-7016
Sams, Larkin & Huff, LLP

TITLEHOLDER: Delores Z. Ferguson and Walter A. Smith

PROPERTY LOCATION: On the west side of Hartman Road, north
of Riverside Parkway.

ACCESS TO PROPERTY: Hartman Road

PHYSICAL CHARACTERISTICS TO SITE: Existing industrial
office/warehouse building

PETITION NO: SLUP-1

HEARING DATE (PC): 02-07-2012

HEARING DATE (BOC): 02-21-2012

PRESENT ZONING: HI

PROPOSED ZONING: Special Land
Use Permit

PROPOSED USE: Metal Recycling Facility
(Collecting And Sorting Only - No Processing)

SIZE OF TRACT: 2.0 ac

DISTRICT: 18

LAND LOT(S): 699

PARCEL(S): 2

TAXES: PAID X **DUE** _____

COMMISSION DISTRICT: 4

CONTIGUOUS ZONING/DEVELOPMENT

- NORTH:** LI and CS/Undeveloped land
- SOUTH:** HI/Undeveloped land
- EAST:** HI/Developed industrial uses
- WEST:** CS/Undeveloped land

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

PLANNING COMMISSION RECOMMENDATION

APPROVED _____ **MOTION BY** _____

REJECTED _____ **SECONDED** _____

HELD _____ **CARRIED** _____

BOARD OF COMMISSIONERS DECISION

APPROVED _____ **MOTION BY** _____

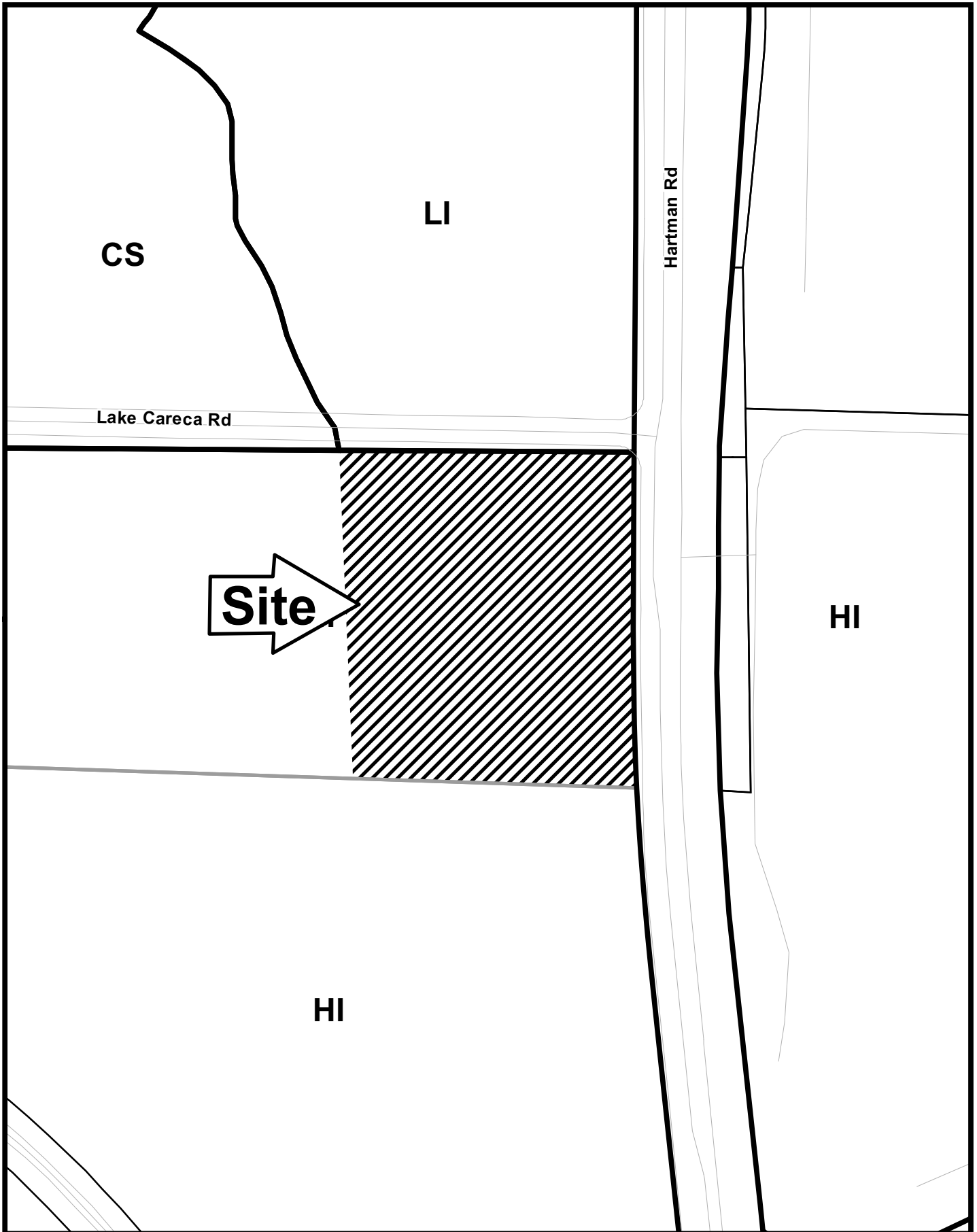
REJECTED _____ **SECONDED** _____

HELD _____ **CARRIED** _____

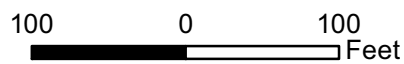
STIPULATIONS:





SLUP-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: Redivivus, LLC

PETITION NO.: SLUP-1

PRESENT ZONING: HI

PETITION FOR: SLUP

PLANNING COMMENTS: Staff Member Responsible: Jason A. Campbell

Applicant is requesting a Special Land Use Permit for the purpose of operating a metal recycling facility for collecting and sorting only – no processing or transporting. The facility will only be operating on a two-acre portion of the overall 10-acre property. The existing building will be used for operations and parking spaces will be added. There will be six employees comprised of a manager, two cashiers, a field/site manager and related workers. The hours of operation will be 9 a.m. until 5 p.m. Monday through Friday and from 9 a.m. until 4 p.m. on Saturday. Metals will be brought to the site for collection and sorting and then will be placed in bins which will be picked up by recycling companies that swap a full bin with an empty bin thus generating approximately seven to 10 trips per week.

Historic Preservation: No comments.

Cemetery Preservation: No comment.

WATER & SEWER COMMENTS:

No comments.

APPLICANT: Bankhead C & D Transfer Station, LLC

PETITION NO.: SLUP-10

PRESENT ZONING: GC & HI

PETITION FOR: SLUP

TRAFFIC COMMENTS:

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

FIRE DEPARTMENT COMMENTS:

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

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DRAINAGE COMMENTS

FLOOD HAZARD: YES NO POSSIBLY, NOT VERIFIED

DRAINAGE BASIN: Trib to Chattahoochee River FLOOD HAZARD INFO: Zone X

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

WETLANDS: YES NO POSSIBLY, NOT VERIFIED

Location: adjacent to stream

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

STREAMBANK BUFFER ZONE: YES NO POSSIBLY, NOT VERIFIED

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

DOWNSTREAM CONDITION

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

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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.
- 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. A significant portion of the site is located within the 100-year approximate floodplain.
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 including providing a copy of the written stormwater pollution prevention plan to the County.

STAFF RECOMMENDATIONS

SLUP-1 REDIVIVUS, LLC

Applicant is requesting a Special Land Use Permit for the purpose of operating a metal recycling facility for collecting and sorting only. The property is zoned Heavy Industrial (HI) in the Industrial Compatible (IC) land use category and the proposal was not required to go through the DRI process. In addition to requiring a Special Land Use Permit, a recycling center is a use that is permitted in the Industrial land use category, not the Industrial Compatible land use category. The proposed facility will not be what is considered a full-fledged recycling plant (reducing products or manufacturing products from reduced materials) and will be less intense than other facilities that have been before the Board of Commissioners recently. While the subject property is not located adjacent to or near schools, parks or residential uses, staff recommends DENIAL of this application based upon the land use requirement of Industrial (not Industrial Compatible) per the Zoning Ordinance.

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.

SAMS, LARKIN & HUFF
A LIMITED LIABILITY PARTNERSHIP

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January 10, 2012

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 Redivivus, LLC for a Special Land Use Permit (No. SLUP-1)

Dear John:

You will recall that this firm represents Redivivus, LLC concerning the above-captioned Application for a Special Land Use Permit ("SLUP"). 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.

Since the filing of the SLUP Application, we have continued our dialogue with the County's professional staff. Additionally, we have also spoken with area business and property owners. In that regard, I have been authorized by my client to submit this letter of agreeable stipulations which, if the SLUP Application is approved as submitted, shall become conditions and a part of the grant of the SLUP and binding upon the subject property in context of the use proposed by the Applicant. The referenced stipulations are as follows, to wit:

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 SLUP Application.
2. The development of the subject property shall be in substantial conformity to the site plan which was filed contemporaneously with the SLUP Application on December 1, 2011.

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3. The total site area of the subject property consists of 2.0 acres with an existing building which shall be modified to be utilized for a metal recycling facility. The facility will collect and sort metals but will not engage in the processing of metals nor will it transport metals to other recycling or transfer locations.
4. There will be a total number of six (6) employees comprised of a manager, two (2) cashiers, a field/site manager and related workers.
5. Metals will be brought to the site for collection and sorting and then will be placed in bins which will be picked up by recycling companies which will swap a full bin with an empty bin thus generating approximately seven to ten (7-10) pickups per week.
6. The hours of operation shall be from 9:00 a.m. until 5:00 p.m. Monday through Friday and from 9:00 a.m. until 4:00 p.m. on Saturday with the business and facility being closed on Sundays.
7. Compliance with recommendations from the Cobb County Water System with respect to the availability of water and sewer to the subject property which includes an allowance for the continuation of the site and the proposed facility to be served by the existing septic system subject to review and approval by the Cobb County Health Department.
8. Compliance with recommendations of the Cobb County Department of Transportation which include the following:
 - A. Widening the existing driveway to commercial standards (24').
 - B. No access to or from the site via Lake Careca Road.
9. Compliance with recommendations from the Stormwater Management Division with respect to hydrology, detention and downstream considerations, including, but not limited to, the construction of a swale along Lake Careca Road going back towards the stream.

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10. Compliance with Cobb County and State stream bank buffers as shown on the site plan. Said stream bank buffers shall remain inviolate except to the extent that encroachments may be allowed by law.
11. There shall be no outdoor storage on the subject property. A black vinyl chain-link fence shall be erected around the perimeter property except with respect to the back property line along the stream situated thereon.
12. Minor modifications to the within stipulations/conditions, the plans filed with the Application and related matters may be approved by the District Commissioner as needed or necessary during the Plan Review process and thereafter.

The subject property, which is presently zoned Heavy Industrial ("HI"), is located in an area which is denominated as Industrial Compatible on Cobb County's Future Land Use Map and is surrounded by properties which are similarly zoned and utilized. The proposal for a metal recycling facility which includes collecting and sorting only (with no processing) is entirely appropriate considered in the context of existing development within which the subject property is situated. Nevertheless, please do not hesitate to call should you or your staff have any questions or require additional information or documentation prior to the formulation of your Zoning Analysis and Staff Recommendations. With kind regards, I am

Very truly yours,

SAMS, LARKIN & HUFF, LLP



Garvis L. Sams, Jr.

gsams@samslarkinhuff.com

GLS, Jr./dsj

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VIA E-MAIL AND
HAND DELIVERY

Mr. John P. Pederson, AICP, Manager
Cobb County Community Development Agency
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cc: Members, Cobb County Board of Commissioners (via email and hand delivery)
Members, Cobb County Planning Commission (via email)
Mr. Robert L. Hosack, Jr., AICP, Director
Cobb County Community Development Agency (via email and hand delivery)
Mr. Jason Campbell, Planner II
Cobb County Community Development Agency (via email and hand delivery)
Ms. Jane Stricklin, PE
Development & Review Engineer, Cobb DOT (via email)
Mr. David Breaden, P.E. (via email)
Ms. Karen King, Assistant County Clerk (via email)
Ms. Lori Presnell, Deputy County Clerk (via email)
Mr. Kenneth J. Wood, P.E., LEED AP
Planners and Engineers Collaborative, Inc. (via email)
Mr. Victor Delorme (via email)