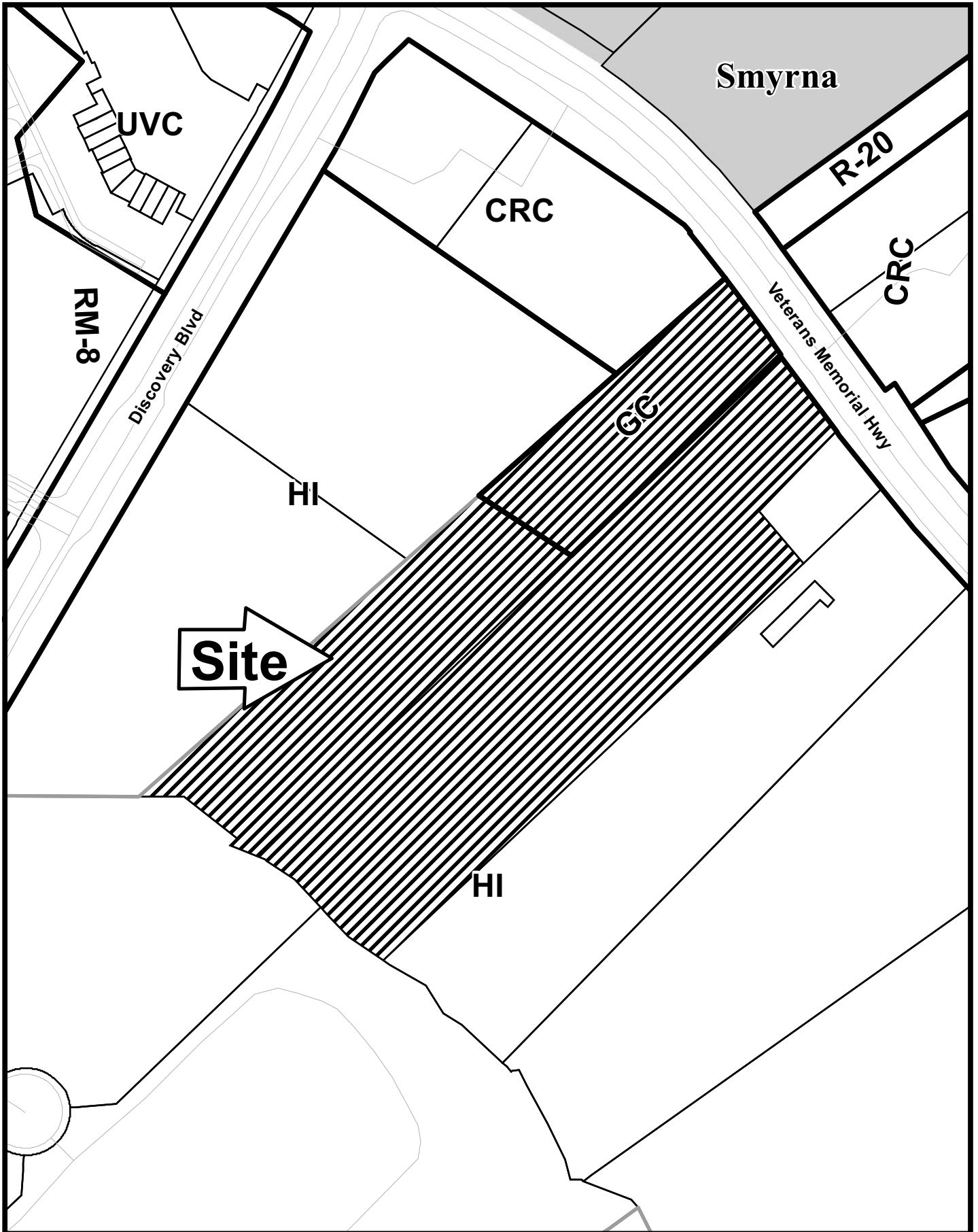
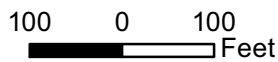


Z-42



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



City Boundary
Zoning Boundary

APPLICANT: Bankhead C & D Transfer Station, LLC

PETITION NO.: Z-42

PRESENT ZONING: GC

PETITION FOR: HI

ZONING COMMENTS:

Staff Member Responsible: Jason A. Campbell

Land Use Plan Recommendation: Industrial

Proposed Number of Buildings: 3

The applicant is requesting rezoning to the Heavy Industrial category and a Special Land Use Permit to develop and operate a waste transfer station. The area for the rezoning actually contains the driveway to the larger overall property that has the buildings and equipment for the business. The GC zoning category is nonconforming and needs to be rezoned to the same HI as the overall property in order to add the additional use of municipal solid waste. The proposal is to add municipal solid waste to the existing construction and demolition transfer station. It is anticipated that the project will transfer 150,000 tons of waste annually. It is also anticipated that improvements to the subject property will be made (on the existing impervious footprint) which will include a Recovered Material Processing Facility (“RMF”). All processing operations of the RMF will be carried on inside the building, including the delivery of materials and the removal of same for transport. The applicant would employ technology to abate and control unpleasant odors, and to eliminate contaminated runoff. The proposed hours of operation for the waste transfer station and recycling facility will be Monday through Friday from 5:00 am to 6:00 pm, and on Saturday from 8:00 am to 1:00 p.m. The applicant previously had a Special Land Use Permit (SLUP-9) in 2004, but the subject property was not included in that request. The applicant has submitted a Statement of Intent which is attached for your review. The Georgia Regional Transportation Authority has issued findings that support the applicant’s request and the Atlanta Regional Commission has indicated it is going to approve the applicant’s request.

Historic Preservation: After consulting various county historic resources surveys, historic maps, archaeology surveys and Civil War trench location maps, staff finds that no known significant historic resources appear to be affected by this application. No further comment. No action by applicant requested at this time.

Cemetery Preservation: The Cobb Cemetery Preservation Commission is satisfied with the current stipulations that were placed on the cemetery land by Bessemer Properties in May 1996. We wish to continue the stipulations and ensure that there will be no parking in the cemetery buffer; also that access to the cemetery is not inhibited by persons parking in or along the cemetery access.

FIRE COMMENTS:

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

APPLICANT Bankhead C & D Transfer Station,LLC

PETITION NO. Z-042

PRESENT ZONING GC

PETITION FOR HI

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

Available at Development: Yes No

Fire Flow Test Required: Yes No

Size / Location of Existing Water Main(s): 8" DI / S side Veterans Memorial Hwy

Additional Comments: Records show property as connected and active

Developer may be required to install/upgrade water mains, based on fire flow test results or Fire Department Code. This will be resolved in the Plan Review Process.

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

In Drainage Basin: Yes No

At Development: Yes No

Approximate Distance to Nearest Sewer: Approximately 20' from NW property line

Estimated Waste Generation (in G.P.D.): **A D F=** TBD* **Peak=** TBD*

Treatment Plant: **South Cobb**

Plant Capacity: Available Not Available

Line Capacity: Available Not Available

Projected Plant Availability: 0 - 5 years 5 - 10 years over 10 years

Drv Sewers Required: Yes No

Off-site Easements Required: Yes* No *If off-site easements are required, Developer must submit easements to CCWS for review/approval as to form and stipulations prior to the execution of easements by the property owners. All easement acquisitions are the responsibility of the Developer

Flow Test Required: Yes No

Letter of Allocation issued: Yes No

Septic Tank Recommended by this Department: Yes No

Subject to Health Department Approval: Yes No

Additional Comments: CCWS Industrial Discharge Permit most likely required for tipping floor washdown

Developer will be responsible for connecting to the existing County water and sewer systems, installing and/or upgrading all outfalls and water mains, obtaining on and/or offsite easements, dedication of on and/or offsite water and sewer to Cobb County, as may be required. Rezoning does not guarantee water/sewer availability/capacity unless so stated in writing by the Cobb County Water System. Permit issuances subject to continued treatment plant compliance with EPD discharge requirements.

APPLICANT: Bankhead C & D Transfer Station, LLC

PETITION NO.: Z-42

PRESENT ZONING: GC

PETITION FOR: HI

DRAINAGE COMMENTS

REVISED

FLOOD HAZARD: YES NO POSSIBLY, NOT VERIFIED

DRAINAGE BASIN: 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: _____

- 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**.

APPLICANT: Bankhead C & D Transfer Station, LLC

PETITION NO.: Z-42

PRESENT ZONING: GC

PETITION FOR: HI

DRAINAGE COMMENTS CONTINUED

REVISED

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. 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 activities. This facility will likely be classified under the Standard Industrial Classification (SIC) Code 4953 as a solid waste transfer operation. Any requirements associated with this permit must be addressed including the development of a written stormwater pollution prevention plan (SWPPP) for the site.
2. This site is located within the Chattahoochee River Corridor and is therefore subject to provisions of the Metropolitan River Protection Act.

APPLICANT: Bankhead C & D Transfer Station, LLC

PETITION NO.: Z-42

PRESENT ZONING: GC

PETITION FOR: HI

TRANSPORTATION COMMENTS

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

ROADWAY	AVERAGE DAILY TRIPS	ROADWAY CLASSIFICATION	SPEED LIMIT	JURISDICTIONAL CONTROL	MIN. R.O.W. REQUIREMENTS
Veterans Memorial Highway	21000	Arterial	45 mph	Georgia DOT	100'

Based on 2010 traffic counting data taken by Georgia DOT (Veterans Memorial Highway)

COMMENTS AND OBSERVATIONS

Veterans Memorial Highway is classified as an arterial and according to the available information the existing right-of-way does meet the minimum requirements for this classification.

RECOMMENDATIONS

Recommend installing sidewalk along the road frontage.

Recommend removing existing unused driveway apron.

Recommend a deceleration lane at the main access driveway.

GDOT permits will be required for all work encroaching upon state right-of-way.

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

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STAFF RECOMMENDATIONS

Z-42 BANKHEAD C & D TRANSFER STATION, LLC

- A. It is Staff's opinion that the applicant's rezoning proposal will permit a use that is suitable in view of the use and development of adjacent and nearby properties. Other properties in the area are zoned HI and developed with industrial uses.
- B. It is Staff's opinion that the applicant's rezoning proposal will not have an adverse affect on the usability of adjacent or nearby property. The property has had a transfer station and is only adding another component (municipal solid waste). The Georgia Regional Transportation Authority has issued findings that support the applicant's request and the Atlanta Regional Commission has indicated it is going to approve the applicant's request.
- C. It is Staff's opinion that the applicant's rezoning proposal will not result in a use which would cause an excessive or burdensome use of existing streets, transportation facilities, utilities, or schools. This opinion can be supported by the departmental comments contained in this analysis.
- D. It is Staff's opinion that the applicant's rezoning proposal is in conformity with the policy and intent of the *Cobb County Comprehensive Plan*, which delineates this property as being in the Industrial land use category. The proposed use is allowed as a special exception with a Special Land Use Permit (SLUP) in the Heavy Industrial land use category (SLUP-10 for this use is being considered concurrently with this reasoning application).
- E. It is Staff's opinion that there are existing and changing conditions affecting the use and development of the property which give supporting grounds for approving the applicant's rezoning proposal. The property is currently used as a transfer station and is adding the municipal solid waste component to its business. Applicant has received favorable findings from the ARC and GRTA.

Based on the above analysis, Staff recommends APPROVAL subject to the following conditions:

- Site plan received by the Zoning Division on September 1, 2011, with the District Commissioner approving minor modifications;
- Applicant to incorporate odor control measures such as odor neutralizing spray systems at each door, overhead odor neutralizing misters throughout the buildings, and high velocity air dispersion exhaust fans;
- All waste transfer and recycling to take place inside the buildings, with the tipping floor to be cleaned at least once daily;
- Water and Sewer comments and recommendations;
- Stormwater Management Division comments and recommendations;
- DOT comments and recommendations; and
- Development of Regional Impact from ARC and GRTA.

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.

Nov.
2011

Summary of Intent for Rezoning*

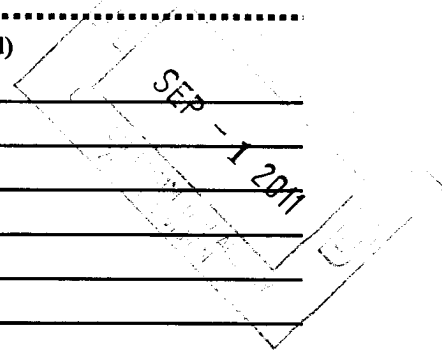
.....
Part 1. Residential Rezoning Information (attach additional information if needed)

Proposed unit square-footage(s): _____

Proposed building architecture: _____

Proposed selling prices(s): _____

a) List all requested variances: _____



.....
Part 2. Non-residential Rezoning Information (attach additional information if needed)

a) Proposed use(s): Continuation and addition of property to an existing transfer station.

b) Proposed building architecture: As-built on-site buildings.

c) Proposed hours/days of operation: Monday - Friday 7:00 a.m. to 7:00 p.m.

d) List all requested variances: None, in view of the fact that this parcel will be assembled with the existing transfer station parcel.

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

The subject property is located in an area that is denominated as industrial on Cobb County's Future Land Use Map. Additionally, an existing Special Land Use Permit was approved for the property in 2004 (No. SLUP-9); however, that application did not include this GC parcel.

.....
Part 4. Is any of the property included on the proposed site plan owned by the Local, State, or Federal Government? (Please list all Right-of-Ways, Government owned lots, County owned parcels and/or remnants, etc., and attach a plat clearly showing where those properties are located.)

N/A

*The applicant reserves the right to amend the Summary of Intent for Rezoning and the preliminary information provided therein at any time during the rezoning process.

**ZONING IMPACT STATEMENT FOR THE REZONING
APPLICATION OF BANKHEAD C & D TRANSFER STATION, LLC**

COMES NOW, BANKHEAD C & D TRANSFER STATION, LLC,
and, pursuant to §134-121(a)(7) of the Cobb County Zoning Ordinance, files this
Zoning Impact Statement, as follows:

SEP - 1 2011

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

- B. The zoning proposal will have no adverse effect or impact upon the existing uses or usability of adjacent or nearby properties, most of which are industrial and commercial developments located within the confines of an industrial area under Cobb County's Future Land Use Map.

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

SEP - 1 2011

- D. The zoning proposal will have no adverse impact upon the existing County infrastructure including, but not limited to, existing streets, transportation facilities, utilities or schools.
- E. The zoning proposal is located within an industrial area and is consistent with those uses and purposes contemplated under Cobb County's Comprehensive Land Use Plan and Future Land Use Map.
- F. There is no substantial relationship between the existing zoning classification of GC which limits the property in terms of its present utilization and the public health, safety and general welfare. Additionally, considered in the context of development along this section of the Veterans Memorial Highway Corridor, there are no established land use planing principles or political considerations which would vitiate the zoning proposal.

Respectfully submitted, this the 1st day of September, 2011.

SAMS, LARKIN & HUFF, LLP

By: 

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

Re: Z-42
+ SLUP-10
Nov. 2011

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

SAMSLARKINHUFF.COM

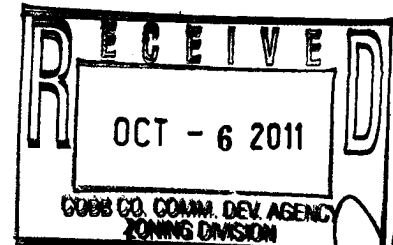
GARVIS L. SAMS, JR.
JOEL L. LARKIN
PARKS F. HUFF
JAMES A. BALLI

MELISSA P. HAISTEN
JUSTIN H. MEEKS

October 6, 2011

VIA EMAIL

Ms. Julie Ann McQueen, AICP, Senior Planner
Georgia Regional Transportation Authority
Suite 900
245 Peachtree Center Avenue, NE
Atlanta, GA 30303



Re: Bankhead C&D Transfer Station, LLC
(Cobb County DRI #2236)

Dear Ms. McQueen:

It was a pleasure meeting with you and representatives of ARC, GDOT and Cobb County earlier this week. In accordance with our discussion, this letter will serve as a request for an expedited review of the case and also provide you with the information which you have requested.

With respect to the foregoing, it is anticipated that there will be approximately forty-eight (48) truck trips per day to and from the subject property predicated upon gaining approval of the Special Land Use Permit from Cobb County. Additionally, it is anticipated that employee car trips to and from the subject property will consist of approximately ten (10) trips per day. Access to the subject property will continue to be from Veterans Memorial Highway with the addition of a deceleration lane and appropriate taper. Sidewalk will be installed along the subject property's frontage on Veterans Memorial Highway.

The hours of operation for the business will continue to be from 5:00 a.m. until 6:00 p.m. Monday through Friday and Saturday from 8:00 a.m. until 1:00 p.m. with the business being closed on Sundays. There will be a total number of five (5) employees who will be going to and from the site which account for the above-mentioned car trips.

The proposal of Bankhead C&D is to expand the existing scope of the Construction and Demolition Transfer Station to include municipal solid waste. It is anticipated that the project will transfer 150,000 tons of waste annually. It is also anticipated that improvements to the subject property will be made (on the existing impervious footprint) which will include a Recovered Material Processing Facility ("RMF"). All processing operations of the RMF will be carried on inside the building, including the delivery of materials and the removal of same for transport. The RMF will contain a dust and odor expression system including overhead misters

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A LIMITED LIABILITY PARTNERSHIP
VIA EMAIL

Ms. Julie Ann McQueen, AICP, Senior Planner
Georgia Regional Transportation Authority
October 6, 2011
Page 2

which will apply water and deodorizer periodically to control dust and odor within the building and will contain air dispersion exhaust fans and provide for the manual application of water from wash down stations within the building. Tipping floors where recyclable materials are deposited will be washed down at least two (2) times per week.

As you know, the subject property is located in an area denominated as Industrial on Cobb County's Future Land Use Map and is zoned Heavy Industrial but requires a Special Land Use Permit for the activities mentioned above. My client's name is noted above and its principal is Terry Nicholson whose contact information is as follows:

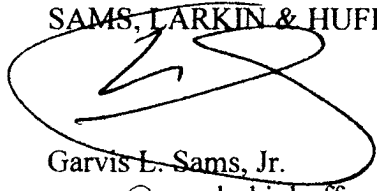
Mr. V. Terry Nicholson, CEO
Bankhead C&D Transfer Station, LLC
1490 Veterans Memorial Highway
Mableton, GA 30126

(678) 296-1888
(256) 260-1344 (fax)
TNicholson@bankheadtransfer.com

Our engineer, Kenneth Wood, of Planners and Engineers Collaborative, Inc. is going to send you a digital copy of the site plan. If, upon your receipt of this letter you have not received same, please let me know and I will ensure that it is electronically forwarded to you. Please do not hesitate to call should you require any further information or documentation concerning these matters. With 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 EMAIL

Ms. Julie Ann McQueen, AICP, Senior Planner
Georgia Regional Transportation Authority
October 6, 2011
Page 3

cc: Mr. John Tuley, Principal Planner, Atlanta Regional Commission (via email)
Mr. Mike Lobdell, P.E., GDOT District Traffic Engineer (via email)
Mr. Patrick Bradshaw, ARC Transportation Planner (via email)
Mr. John P. Pederson, AICP, Zoning Manager, Cobb County Community Development
Department (via email)
Mr. Jason Campbell, County Planner (via email)
Ms. Jane Stricklin, P.E., Development & Review Engineer, Cobb County Department of
Transportation (via email)
Mr. David Breaden, P.E., Cobb County Stormwater Management (via email)
Mr. Kenneth Wood, P.E., LEED AP, Planners Engineers Collaborative (via email)
Mr. Terry Nicholson, Bankhead C&D Transfer Station, LLC (via email)