

APPLICANT: Bankhead C & D Transfer Station, LLC
(678) 296-1888

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

TITLEHOLDER: Bankhead C & D Transfer Station, LLC

PROPERTY LOCATION: On the southwest side of Veterans Memorial Highway, east of Discovery Boulevard

ACCESS TO PROPERTY: Veterans Memorial Highway

PHYSICAL CHARACTERISTICS TO SITE: Existing transfer station

PETITION NO: SLUP-10

HEARING DATE (PC): 11-01-2011

HEARING DATE (BOC): 11-15-2011

PRESENT ZONING: GC & HI

PROPOSED ZONING: Special Land Use Permit

PROPOSED USE: Expanding Existing Transfer Station

SIZE OF TRACT: 8.16 acres

DISTRICT: 18

LAND LOT(S): 282, 286

PARCEL(S): 8

TAXES: PAID X **DUE** _____

COMMISSION DISTRICT: 4

CONTIGUOUS ZONING/DEVELOPMENT

NORTH: CRC Developed Retail Center and HI/Undeveloped

SOUTH: HI/Developed Industrial Uses

EAST: HI/Developed Industrial Uses

WEST: CRC Developed Retail Center and HI/Undeveloped and Developed Industrial Uses

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

PLANNING COMMISSION RECOMMENDATION

APPROVED _____ **MOTION BY** _____

REJECTED _____ **SECONDED** _____

HELD _____ **CARRIED** _____

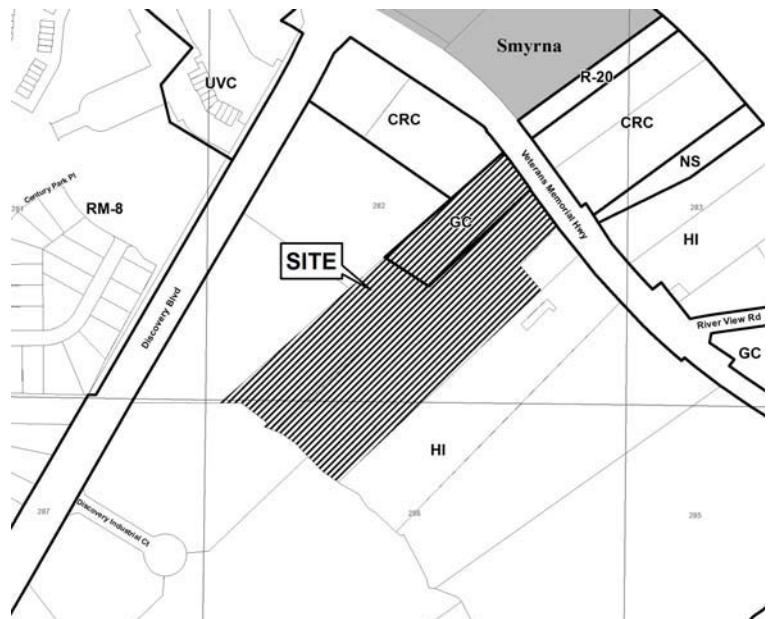
BOARD OF COMMISSIONERS DECISION

APPROVED _____ **MOTION BY** _____

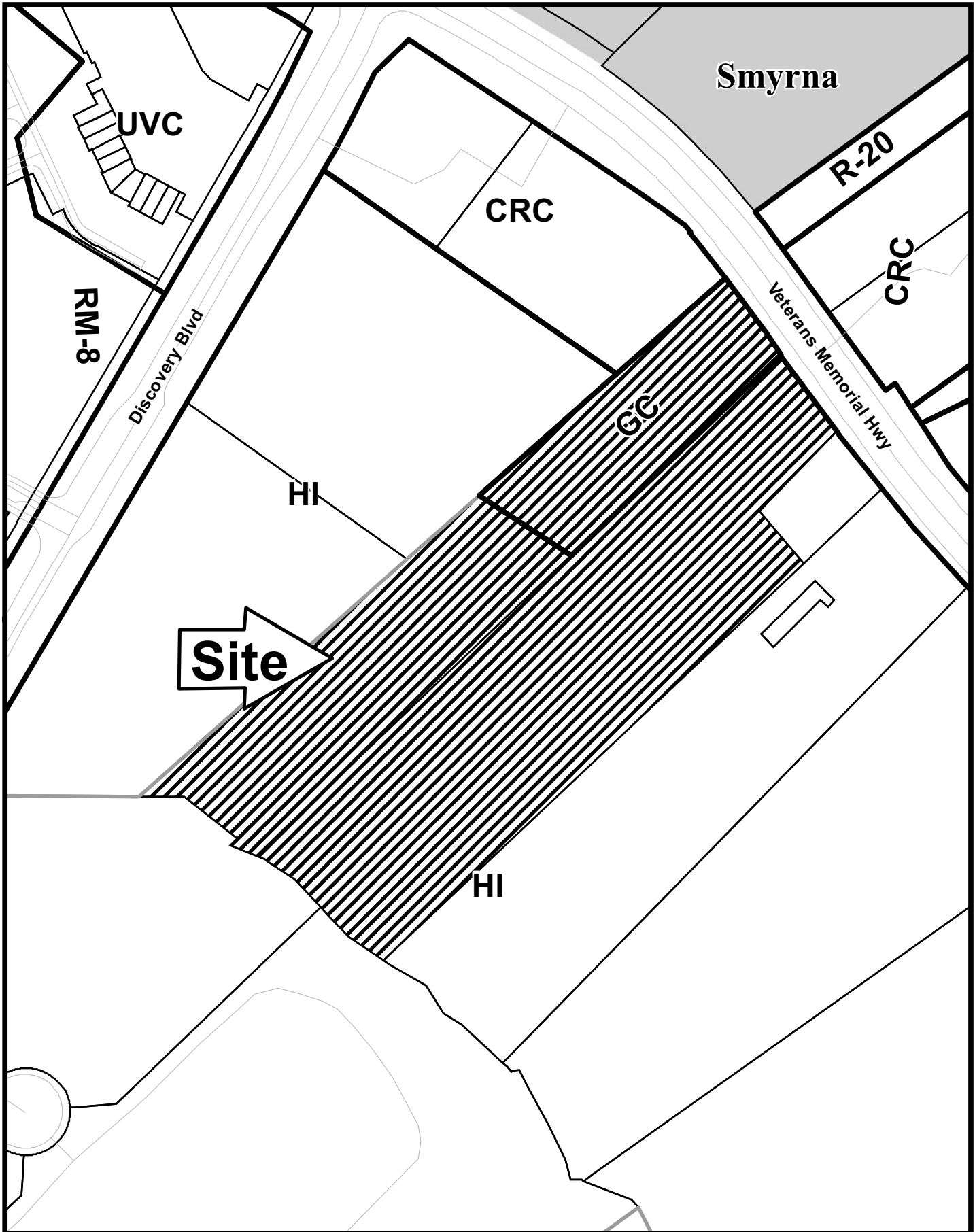
REJECTED _____ **SECONDED** _____

HELD _____ **CARRIED** _____

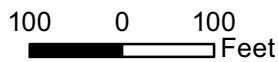
STIPULATIONS:



SLUP-10



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.: SLUP-10

PRESENT ZONING: GC & HI

PETITION FOR: SLUP

PLANNING COMMENTS: Staff Member Responsible: Jason A. Campbell

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: No comments.

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.

WATER & SEWER COMMENTS:

Connection to sanitary sewer required for wash down of tipping floor. Industrial Discharge Permit issued by CCWS most likely required.

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TRAFFIC COMMENTS:

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.

FIRE DEPARTMENT COMMENTS:

NO COMMENTS: After analyzing the information presented for a Preliminary Review, the Cobb County Fire Marshal’s Office is confident that all other items can be addressed during the Plan Review Stage.

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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**.

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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.

STAFF RECOMMENDATIONS

SLUP-10 BANKHEAD TRANSFER STATION, LLC

The applicant's property has been used as a transfer station and is seeking to add the additional use of municipal solid waste to its operation. The property is within the Industrial land use category and is zoned Heavy Industrial (with the exception of a 0.30 ac portion currently zoned GC that is the subject of rezoning request Z-42 being considered concurrently with this SLUP application). The applicant's property is located in an area that is predominantly zoned and used for Heavy Industrial uses. The applicant's current designation as Industrial on the *Cobb County Comprehensive Plan* makes the request for the rezoning of the GC portion compatible with the overall zoning and proposed use of the property. These land use and zoning designations provide for the most intense land uses in Cobb County. Those uses may contain large-scale outdoor storage, uses that may be noisy, may cause vibrations, operate constantly, generate heavy truck traffic, emit odors and/or emissions and may require federal and/or state permits. The applicant's proposal will be located within close proximity to major regional transportation corridors such as Veterans Memorial Highway, Discovery Boulevard and River View Road. 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. There are other waste transfer stations in the county that are situated much closer to residential properties than this proposal. Those waste transfer stations have employed various measures to substantially reduce negative effects on nearby properties; these measures have included odor and noise abatement systems and heavy landscaping.

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.

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

SAMS, LARKIN & HUFF
A LIMITED LIABILITY PARTNERSHIP

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

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SAMSLARKINHUFF.COM

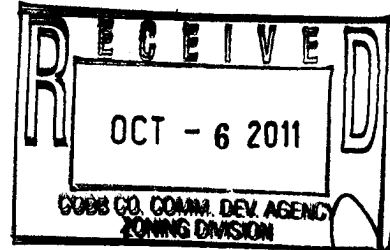
GARVIS L. SAMS, JR.
JOEL L. LARKIN
PARKS F. HUFF
JAMES A. BALLI

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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VIA EMAIL

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

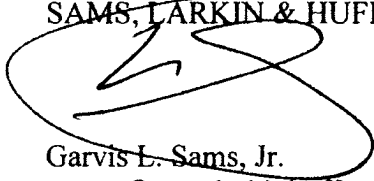
Mr. V. Terry Nicholson, CEO
Bankhead C&D Transfer Station, LLC
1490 Veterans Memorial Highway
Mableton, GA 30126

(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
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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)