

APPLICANT: Barry Wood

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REPRESENTATIVE: Barry Wood

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TITLEHOLDER: B.W.W., Inc.

PROPERTY LOCATION: East side of White Road, south of
Factory Shoals Road.

ACCESS TO PROPERTY: White Road

PHYSICAL CHARACTERISTICS TO SITE: Undeveloped with
security trailer

CONTIGUOUS ZONING/DEVELOPMENT

NORTH: HI/ Wooded

SOUTH: HI/ Wooded

EAST: HI/ Wooded

WEST: LI./ Wooded

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:

PETITION NO: SLUP-21

HEARING DATE (PC): 11-04-14

HEARING DATE (BOC): 11-18-14

PRESENT ZONING: HI

PROPOSED ZONING: Special Land
Use Permit

PROPOSED USE: Crushing Concrete

SIZE OF TRACT: 7.338 acres

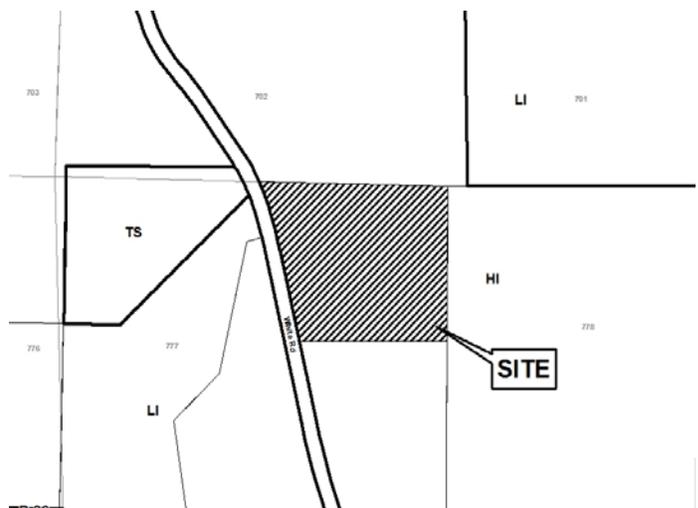
DISTRICT: 18

LAND LOT(S): 777

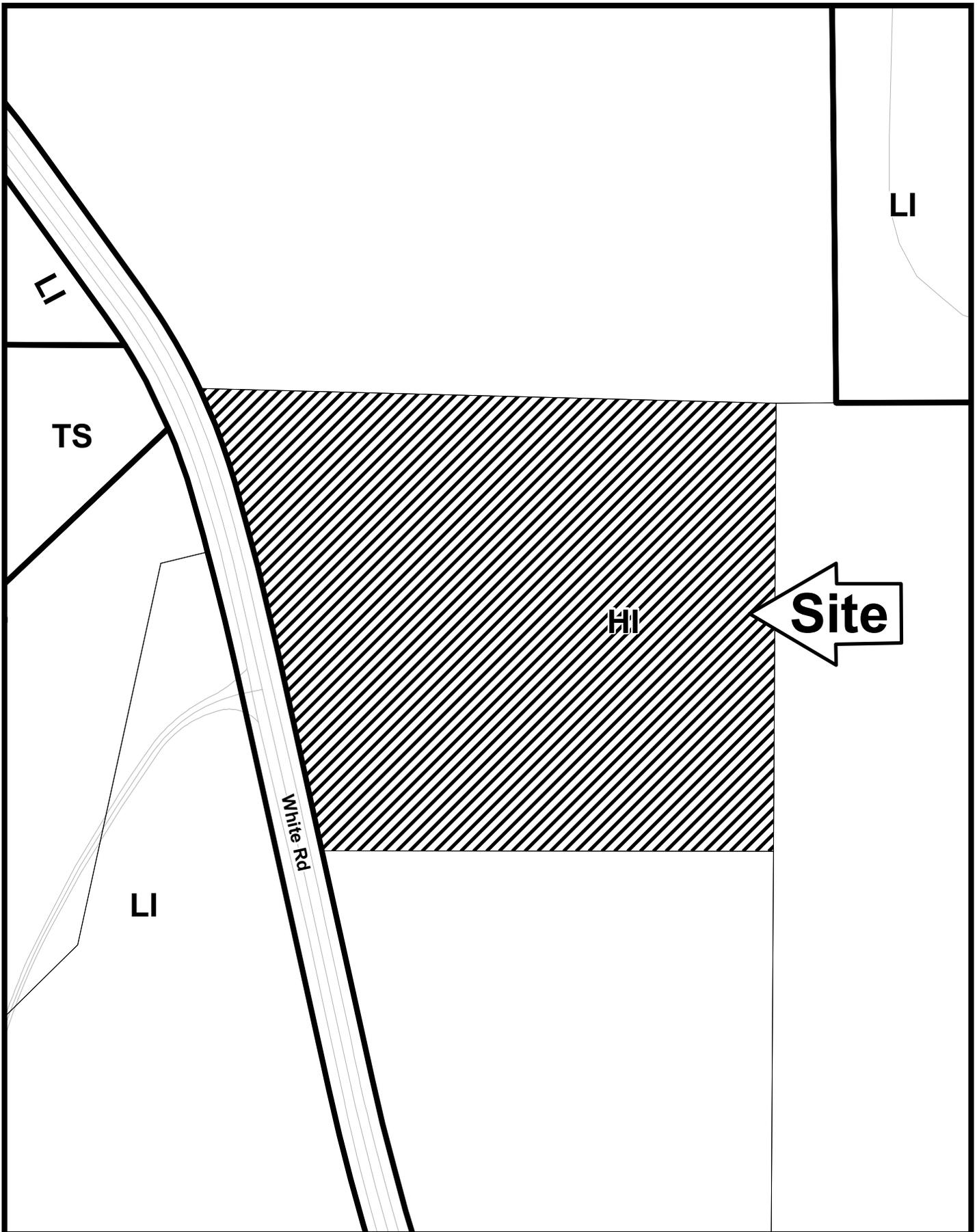
PARCEL(S): 2

TAXES: PAID X **DUE**

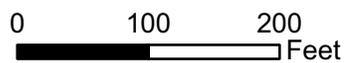
COMMISSION DISTRICT: 4



SLUP-21



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



-  City Boundary
-  Zoning Boundary

APPLICANT: Barry Wood

PETITION NO.: SLUP-21

PRESENT ZONING: HI

PETITION FOR: SLUP

ZONING COMMENTS:

Staff Member Responsible: Terry Martin, MPA

The applicant is requesting a Special Land Use Permit (SLUP) in order to operate a concrete crushing business on the subject property. The County Code, under Sec. 134-37 requires a SLUP for particular uses of property “regardless of the zoning classification or district for the realty.” One of these uses includes “chipping, grinding or reduction of materials, stumps, trees, limbs, construction debris, glass, concrete, asphalt, rock, etc.”

The applicant has stated that the reduced concrete product will be crushed on site. It is anticipated that there will be approximately three (3) deliveries/shipments a day to and from the site by either tandem dump or roll off truck. There are two (2) pieces of equipment on site including an excavator with crushing attachment and a truck loader. The equipment will be operated by two (2) employees on site each day. The applicant anticipates that operations will be conducted two (2) days a week from 8 a.m. to 4 p.m.

Adjacent to other industrially zoned property, no landscape buffer is required or proposed. Much of the lot is wooded. However, the applicant has not presented any means or methods of dust and noise abatement relative to the operation. The property is located within a PIA priority industrial area future land use area and IC industrial compatible subcategory as identified by the *Cobb County Comprehensive Plan*. This designation highlights the property’s value as industrial property aimed at supporting “light industrial, office/warehouse, and distribution uses.” The Cobb County Code requires this use to be within an Industrial Land category.

Historic Preservation: No comments.

Cemetery Preservation: No comment.

WATER & SEWER COMMENTS:

No record of water or sewer service to property.

TRAFFIC COMMENTS:

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

FIRE 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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PETITION NO.: SLUP-21

PRESENT ZONING: HI

PETITION FOR: SLUP

STORMWATER MANAGEMENT COMMENTS

Erosion & Sediment Control Plan including perimeter swale and temporary sediment control pond to be approved through Plan Review. Water quality volume to be provided in pond. Subject to meeting stormwater management requirements for any future site improvements.

STAFF RECOMMENDATIONS

SLUP-21 Barry Wood

There are fifteen criteria that must be considered for a Special Land Use Permit. The criteria are below in italics, with the Staff analysis following in bold.

- (1) *Whether or not there will be a significant adverse effect on the neighborhood or area in which the proposed use will be located.*
It is Staff's opinion that the applicant's proposal may have an adverse affect on the usability of adjacent or nearby property. While the proposed use is small in size and is located in an area surrounded by other industrial uses, the applicant has not addressed how potential noise and dust will be abated. This area is developing into a quality warehouse and distribution area and this use may negatively affect that trend.
- (2) *Whether or not the use is otherwise compatible with the neighborhood.*
It is Staff's opinion that the applicant's proposal will permit a use that is not suitable in view of the use and development of adjacent and nearby properties. The area is predominately oriented to industrial uses but its future land use designation of PIA priority industrial area and IC industrial compatible supports more controlled operations such as "light industrial, office/ warehouse, and distribution uses."
- (3) *Whether or not the use proposed will result in a nuisance as defined under state law.*
The use has the potential to be a nuisance if no noise and dust abatement measures are incorporated. Additionally, the use may cause excessive vibration which may impact other properties.
- (4) *Whether or not quiet enjoyment of surrounding property will be adversely affected.*
The quiet enjoyment of surrounding property may be adversely affected due to the lack of proposed noise abatement measures in the applicant's proposal in relation to surrounding uses.
- (5) *Whether or not property values of surrounding property will be adversely affected.*
This heavy outside use could negatively affect property values.
- (6) *Whether or not adequate provisions are made for parking and traffic considerations.*
There are adequate provisions for parking and traffic considerations. The proposed location of the operation has a drive off of White Road.
- (7) *Whether or not the site or intensity of the use is appropriate.*
The applicant's site is being located within the PIA IC future land use category may be better suited for a more controlled light industrial or warehouse use that has less potential to produce noise, dust, and vibration.
- (8) *Whether or not special or unique conditions overcome the board of commissioners' general presumption that residential neighborhoods should not allow noncompatible business uses.*
The area is already zoned and occupied for industrial uses within the heavy industrial and light industrial districts. There exists a Moose Lodge approximately 900 feet to the west across White Road and a mobile home park over 1,000 feet to the south on the west side of White Road. It is in relation to these uses that noise and dust abatement should be considered.

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STAFF RECOMMENDATIONS

- (9) *Whether or not adequate provisions are made regarding hours of operation.*
The applicant has indicated that hours of operation will be 8 a.m. to 4 p.m. two days a week.
- (10) *Whether or not adequate controls and limits are placed on commercial and business deliveries.*
With three (3) total deliveries/shipments anticipated daily, limits may not be needed.
- (11) *Whether or not adequate landscape plans are incorporated to ensure appropriate transition.*
No landscaping is proposed and based on the use's location should not be necessary.
- (12) *Whether or not the public health, safety, welfare or moral concerns of the surrounding neighborhood will be adversely affected.*
The use may adversely affect the public health, safety, welfare, or moral concerns of the surrounding properties in that no noise or dust abatement is proposed. There are no adjacent neighborhoods, however the area is developing for quality warehouse and distribution centers.
- (13) *Whether the application complies with any applicable specific requirements set forth in this chapter for special land use permits for particular types of uses.*
While the Code does not set out specific requirements for this type of concrete crushing use, it does give requirements for the related use of concrete plant. These requirements center around noise abatement and air pollution abatement plans being approved by County staff. The applicant has not presented any proposal to control noise and dust from the operation.
- (14) *Whether the applicant has provided sufficient information to allow a full consideration of all relevant factors.*
The applicant has not provided details such as noise or dust abatement methods.
- (15) *In all applications for a special land use permit the burden shall be on the applicant both to produce sufficient information to allow the county fully to consider all relevant factors and to demonstrate that the proposal complies with all applicable requirements and is otherwise consistent with the policies reflected in the factors enumerated in this chapter for consideration by the county.*
The applicant has not provided sufficient information to allow a full consideration of the request. Surrounded by other industrial uses, the business which is proposed to operate two (2) days a week during daylight hours only has the potential to become a nuisance to adjacent properties. With only two (2) employees and no more than three (3) anticipated deliveries/shipments a day, the low key operation still lacks methods of noise and dust pollution to protect nearby uses. Also, the future land use category being PIA IC lends more to a light industrial or office/ warehouse/ distribution use than the currently proposed use that may produce noise and dust in an uncontrolled manner.

Based on the above analysis, Staff recommends **DENIAL**.

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.