

APPLICANT: Dobbins Mill, LLC

PHONE#: (770) 354-5836 **EMAIL:** jim@johnsonandco.net

REPRESENTATIVE: J. Kevin Moore

PHONE#: (770) 429-1499 **EMAIL:** jkm@mijs.com

TITLEHOLDER: East Brook Development, LLC

PROPERTY LOCATION: Terminus of Dunn Avenue, west side of West Atlanta Street.

ACCESS TO PROPERTY: Dunn Avenue

PHYSICAL CHARACTERISTICS TO SITE: Currently used as a mobile home park

CONTIGUOUS ZONING/DEVELOPMENT

- NORTH:** R-20/ Cobb Heights Subdivision
- SOUTH:** R-20, MHP/ Undeveloped, Mobile Home Park
- EAST:** GC, R-20/ Mobile Home Park
- WEST:** GC, LI/ Mobile Home Park, Dobbins Mill Industrial Park

PETITION NO: SLUP-3

HEARING DATE (PC): 04-01-16

HEARING DATE (BOC): 04-19-16

PRESENT ZONING: R-20, MHP, GC

PROPOSED ZONING: Special Land Use Permit

PROPOSED USE: Waste Transfer Station

SIZE OF TRACT: 8.03 acres

DISTRICT: 17

LAND LOT(S): 283

PARCEL(S): 4

TAXES: PAID X **DUE** _____

COMMISSION DISTRICT: 4

Adjacent Future Land Use:

- North: Industrial Compatible (IC)
- East: Industrial Compatible (IC)
- South: Industrial Compatible (IC)
- West: Industrial Compatible (IC)

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

PLANNING COMMISSION RECOMMENDATION

APPROVED _____ **MOTION BY** _____

REJECTED _____ **SECONDED** _____

HELD _____ **CARRIED** _____

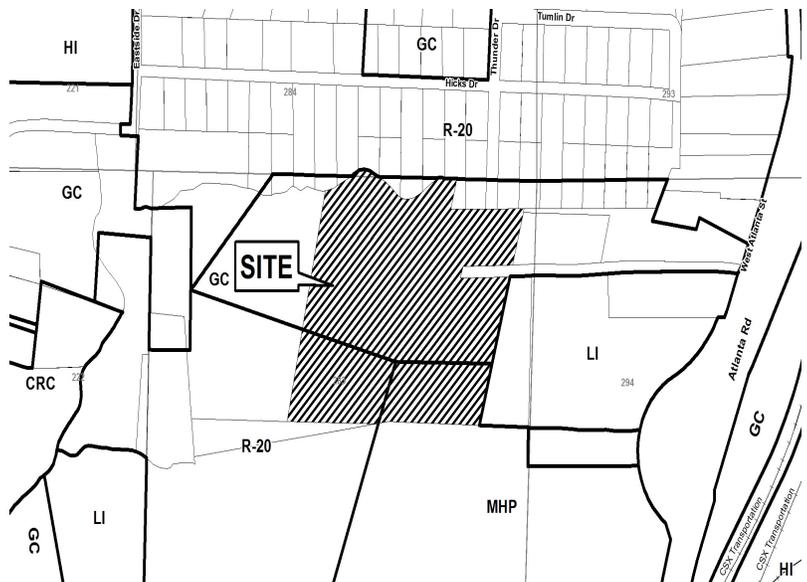
BOARD OF COMMISSIONERS DECISION

APPROVED _____ **MOTION BY** _____

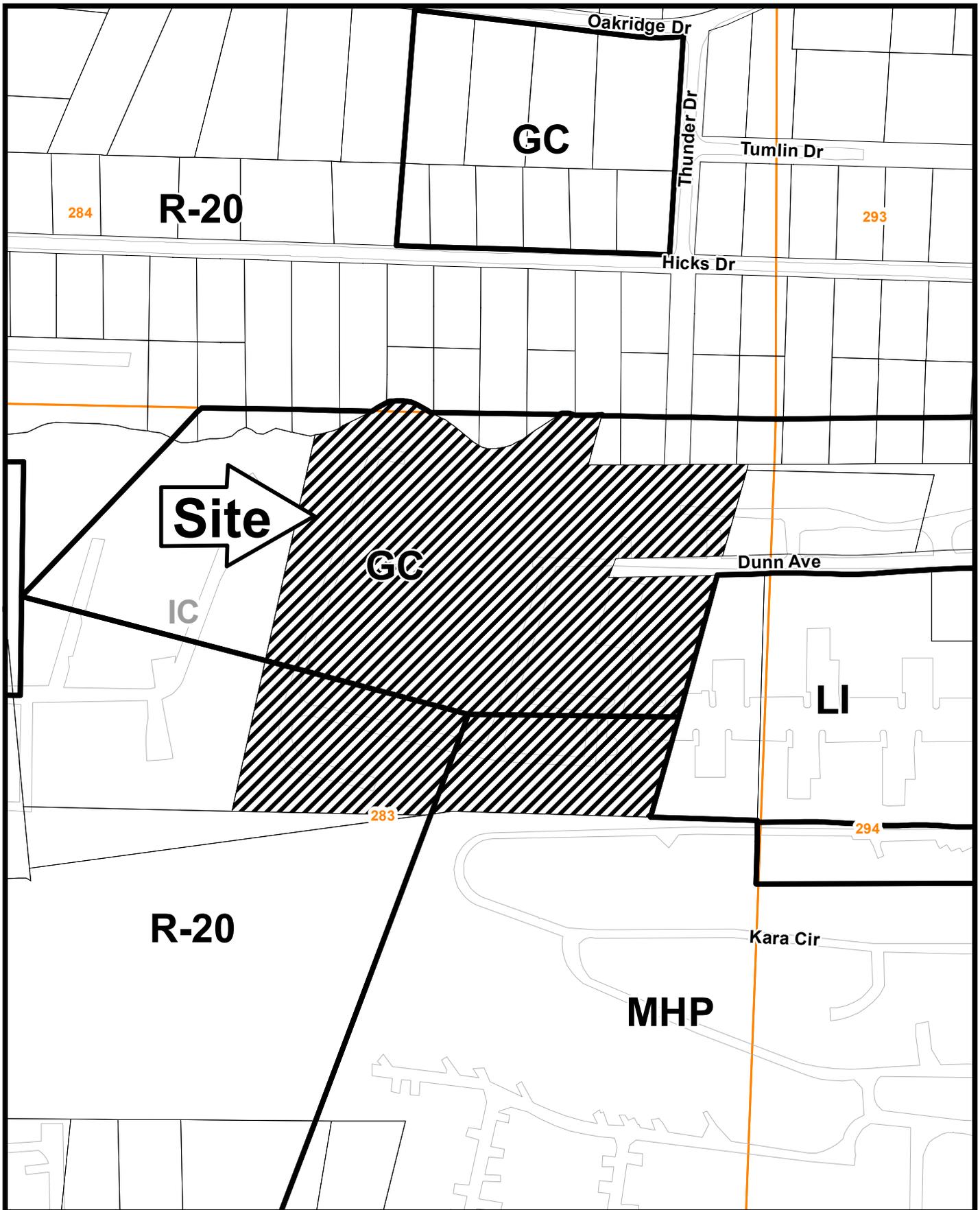
REJECTED _____ **SECONDED** _____

HELD _____ **CARRIED** _____

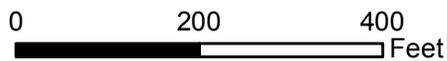
STIPULATIONS:



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: Dobbins Mill, LLC

PETITION NO.: SLUP-3

PRESENT ZONING: R-20, MHP, GC

PETITION FOR: SLUP

ZONING COMMENTS: Staff Member Responsible: Terry Martin, MPA

The applicant is requesting a Special Land Use Permit (SLUP) for a waste transfer facility operation. Also, a rezoning from the current R-20 single-family residential, MHP mobile home park, and GC general commercial districts to the HI heavy industrial district has been filed under concurrent case Z-16 in order to operate an office warehouse space as well as provide for the necessary zoning category for the waste transfer station. The proposed 36,750 square foot office/warehouse will operate as two (2) additional buildings added as an addition to the applicant’s existing Dobbins Mill Industrial Park immediately adjacent to the east. The remainder of the eight acre site will be utilized for the waste transfer facility with the proposed scales, transfer facility and recycle center.

The transfer station will utilize 10-12 full time employees and operate Monday through Friday 7 a.m. to 5 p.m. and Saturday 7 a.m. to 12 p.m. The anticipated 400 tons of waste brought to the site each day will be hauled in by approximately 40 trucks and hauled out to landfills each day by 15 semi-trucks with 53 foot trailers. The applicant will coordinate with Cobb County Department of Transportation in order to improve Dunn Avenue to handle the truck traffic generated by the site. Also, in addition to security fencing, a tree buffer will be maintained between the facility, roads, and equipment at the facility while the office/warehouse buildings are proposed to be positioned similar to those adjacent buildings in the existing industrial park necessitating a waiver of the 50 foot landscape screening buffer.

Historic Preservation: No comment.

Cemetery Preservation: No comment.

WATER & SEWER COMMENTS:

Development to be served by public water and sewer. See comments for Z-16 (2016)

TRAFFIC COMMENTS:

Recommend FAA Study.

Dunn Avenue is a substandard street. Recommend upgrading the roadway to the current standards.

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.

APPLICANT: Dobbins Mill, LLC

PETITION NO.: SLUP-3

PRESENT ZONING: R-20, MHP, GC

PETITION FOR: SLUP

STORMWATER MANAGEMENT COMMENTS

FLOOD HAZARD: YES NO POSSIBLY, NOT VERIFIED

DRAINAGE BASIN: Olley 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 CONDITIONS

- 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 any proposed site improvements on downstream receiving system.

APPLICANT: Dobbins Mill, LLC

PETITION NO.: SLUP-3

PRESENT ZONING: R-20, MHP, GC

PETITION FOR: SLUP

STORMWATER MANAGEMENT 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. 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 (Tract 2) 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. The fueling station is considered a water quality “hot-spot” and will require additional best management practices to prevent contamination of stormwater runoff.

STAFF RECOMMENDATIONS

SLUP-3 DOBBINS MILL, LLC

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.* **As indicated, the waste transfer station will attract numerous trucks each day to the site as they haul in and out an expected 400 tons of waste. This traffic, in addition to being a potential nuisance to surrounding residential neighbors, is acknowledged by the applicant to be more than the current state of Dunn Avenue can handle. Also, the Air Force has expressed interest due to the site's location near Dobbins. However, utilization of the site for an extension of the Dobbins Mill Industrial Park, with its office/warehouses, may not bring along the same adverse effects**
- (2) *Whether or not the use is otherwise compatible with the neighborhood.* **While the proposed office/warehouses as an extension of the existing Dobbins Mill Industrial Park may be able to be integrated and properly buffered from adjacent residences, the proposed waste transfer station is not a proper use for the area due to the surrounding residential properties. Also, due to the site's location partially within the APZ 1 Accident Potential Zone 1 at the west end of Dobbins Air Reserve Base, the Air Force has expressed interest over the intended waste transfer use.**
- (3) *Whether or not the use proposed will result in a nuisance as defined under state law.* **While the applicant outlines the operating procedures of the waste transfer site which are intended to curb potential nuisances, such potential cannot be ruled out.**
- (4) *Whether or not quiet enjoyment of surrounding property will be adversely affected.* **The previously mentioned traffic that will be generated from the site can adversely affect the quiet enjoyment of surrounding residential property.**
- (5) *Whether or not property values of surrounding property will be adversely affected.* **While the proposal's effect upon property values of surrounding property cannot be assuredly determined, surrounding owners have submitted opposition to the request arguing this point.**
- (6) *Whether or not adequate provisions are made for parking and traffic considerations.* **The applicant recognizes that the existing state of Dunn Avenue is not adequate for the intended waste transfer station's traffic and that improvements will be required.**
- (7) *Whether or not the site or intensity of the use is appropriate.* **The use as a waste transfer station is not appropriate for the site due to its intensity and potential adverse effects on the adjacent residential properties as well as expressed concerns by Dobbins Air Reserve Base. An expansion of the existing industrial park, with office/warehouses is a more suitable use and one that is supported by the site's IC industrial compatible future land use category.**
- (8) *Whether or not special or unique conditions overcome the board of commissioners' general presumption that residential neighborhoods should not allow noncompatible business uses.* **As discussed, the site is in an IC future land use category that may support light industrial uses but not the proposed waste transfer station. No special or unique conditions are presented that suggest otherwise.**

- (9) *Whether or not adequate provisions are made regarding hours of operation. In regards to the waste transfer station, the proposed hours of operation are not as much of a concern than is the uses intensity.*
- (10) *Whether or not adequate controls and limits are placed on commercial and business deliveries. It is essentially the “delivery” of the waste by the applicant’s described 40 trucks and hauling away of the same by 15 tractor trailer trucks each day that leads to the uses incompatibility with surrounding properties.*
- (11) *Whether or not adequate landscape plans are incorporated to ensure appropriate transition. The applicant describes the intention of landscaping but no evidence is provided that the use’s intensity cannot be properly screened from adjacent residential properties.*
- (12) *Whether or not the public health, safety, welfare or moral concerns of the surrounding neighborhood will be adversely affected. Due to the nature of the use as a waste transfer station, there are potential health and safety concerns from the materials which will be brought to and from the site.*
- (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. The Code calls for the proposed use of a waste transfer station to be located within an area zoned HI heavy industrial district. While the applicant is requesting this category in the concurrent application Z-16, the future land use for the site is IC industrial compatible which does not support the HI zoning.*
- (14) *Whether the applicant has provided sufficient information to allow a full consideration of all relevant factors. The applicant has provided sufficient information to allow a full consideration of all relevant factors.*
- (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. Though the necessary HI district zoning is being requested by the companion case Z-16, that request is not supported by the site’s IC future land use designation which may better support a LI district zoning and those uses it may allow such as office/warehouses, etc. The proposed use of waste transfer station is too intense for the site and has the potential for adverse effects upon adjacent and surrounding properties.*

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.

