

SLUP-15
(2016)

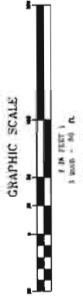
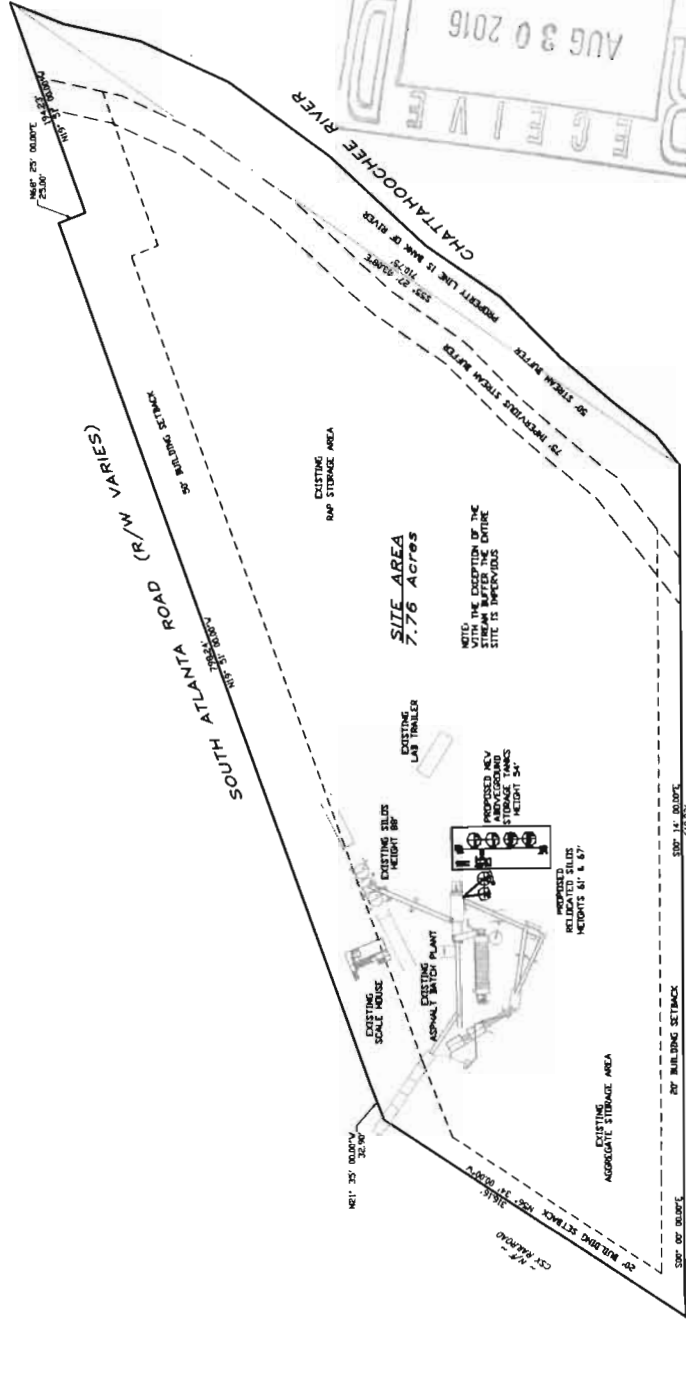
SITE PLAN
BOLTON ASPHALT BATCH PLANT
 518D South Atlanta Road
 COBB COUNTY, GEORGIA
 LAND LOT 964 - 17TH DISTRICT - 2ND SECTION

Drawing No. _____
 Site Plan



C. W. MATTHEWS CONTRACTING COMPANY, INC.
 P.O. BOX 870
 MARKET, GA 30081
 OFFICE 770-423-7100
 FAX 770-423-7104

Project No.	1114
Design By	BOU
Drawn By	BOU
Checked By	LS
Date	
Scale	
Requested By	Reston
Requested Date	



APPLICANT: C.W. Matthews Contracting Company, Inc.
PHONE# 770-422-7520 **EMAIL:** bjohnson@cwmatthews.com
REPRESENTATIVE: Brian Johnson
PHONE# 770-235-9992 **EMAIL:** bjohnson@cwmatthews.com
TITLEHOLDER: CWM Contracting Co., Inc.

PETITION NO: SLUP-15
HEARING DATE (PC): 11-01-16
HEARING DATE (BOC): 11-15-16
PRESENT ZONING: HI
PROPOSED ZONING: Special Land

PROPERTY LOCATION: West side of South Atlanta Road
Road, north side of Chattahoochee River
(5180 South Atlanta Road SE)
ACCESS TO PROPERTY: South Atlanta Road
PHYSICAL CHARACTERISTICS TO SITE: Existing asphalt batch
plant with storage areas

Use Permit
PROPOSED USE: Existing Asphalt Batch
Plant
SIZE OF TRACT: 7.76 acre(s)
DISTRICT: 17
LAND LOT(S): 964
PARCEL(S): 4
TAXES: PAID X **DUE** _____
COMMISSION DISTRICT: 2

CONTIGUOUS ZONING/DEVELOPMENT

NORTH: HI/Industrial Development
SOUTH: Chattahoochee River
EAST: HI/Industrial
WEST: HI/Industrial

Adjacent Future Land Use:
Northeast: Transportation / Communication / Utilities (TCU)
East: Industrial (IND)
Southwest: Chattahoochee River and Fulton County
West: Industrial (IND)

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

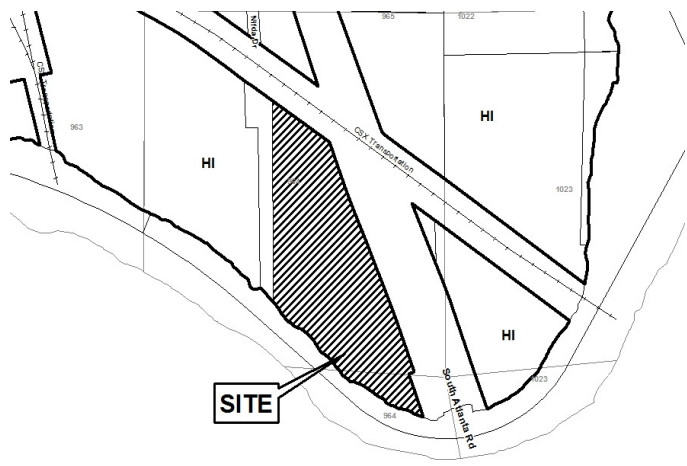
PLANNING COMMISSION RECOMMENDATION

APPROVED _____ **MOTION BY** _____
REJECTED _____ **SECONDED** _____
HELD _____ **CARRIED** _____

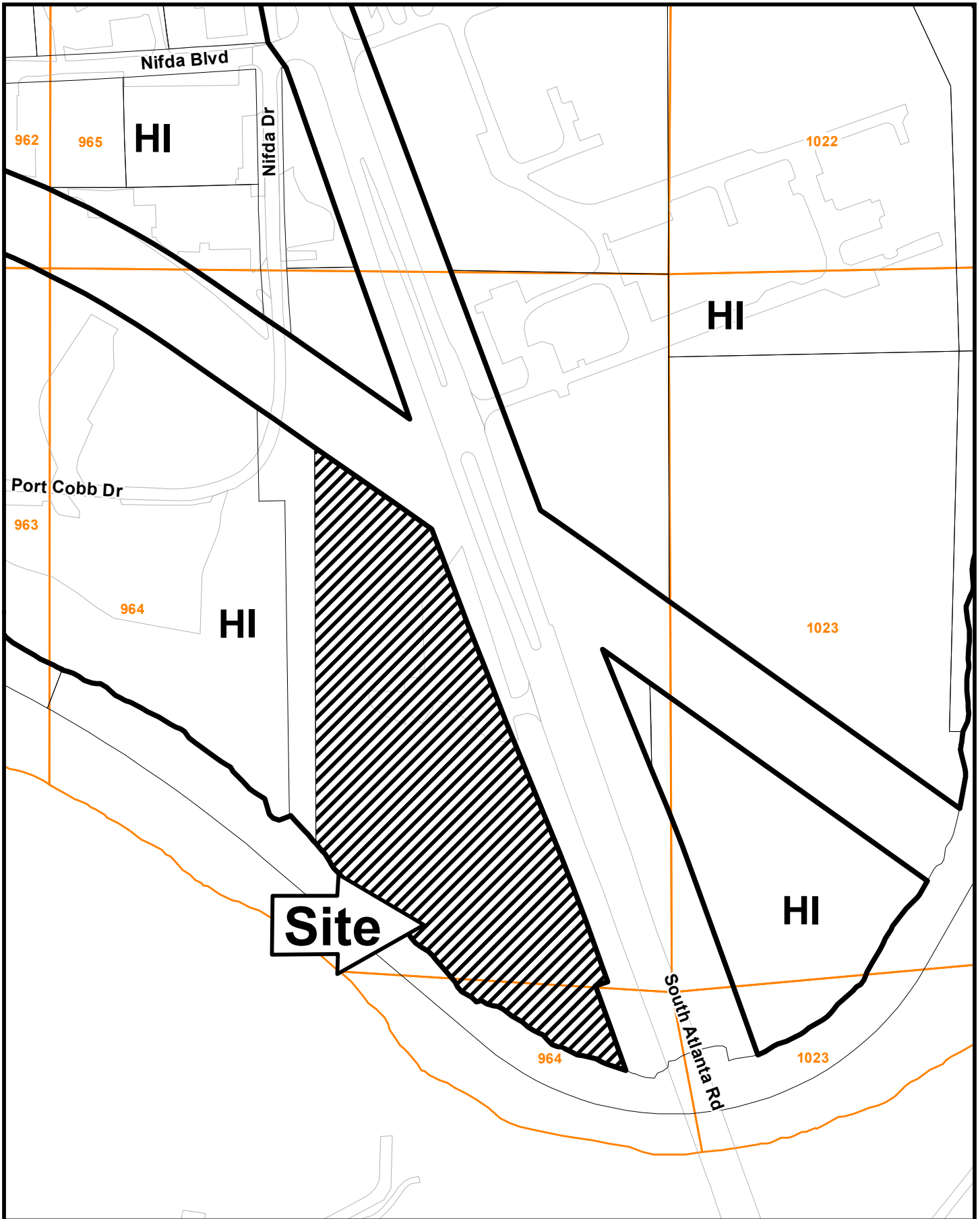
BOARD OF COMMISSIONERS DECISION

APPROVED _____ **MOTION BY** _____
REJECTED _____ **SECONDED** _____
HELD _____ **CARRIED** _____

STIPULATIONS:



SLUP-15-2016 GIS



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

0 200 400 Feet

City Boundary
Zoning Boundary

APPLICANT: C.W. Matthews Contracting Company, Inc.

PETITION NO.: SLUP-15

PRESENT ZONING: HI

PETITION FOR: SLUP

ZONING COMMENTS:

Staff Member Responsible: Jason A. Campbell

Applicant is requesting a Special Land Use Permit (SLUP) for the purpose of an asphalt batch plant. The plant has been at this location since the 1960s when it had a zoning case in 1962, prior to the adoption of the zoning map in 1972. This application is submitted in order to bring the existing business into compliance with the SLUP requirement of today's ordinance and to allow proposed storage tanks and relocating silos on the property.

The proposal will require the following contemporaneous variances:

1. Allowing existing silos at 88 feet tall;
2. Allowing the proposed storage tanks at 54 feet tall; and
3. Allowing the relocated silos to be 61 and 67 feet tall, as indicated on the site plan submitted.

Historic Preservation: No comment.

Cemetery Preservation: There is no significant impact on the cemetery site listed in the Cobb County Cemetery Preservation Commission's Inventory Listing which is located in this, or adjacent land lot.

WATER & SEWER COMMENTS:

No comments. Property served by public water and on-site septic system.

TRAFFIC COMMENTS:

This request will not have an adverse impact on the transportation network.

APPLICANT: C.W. Matthews

PETITION NO.: SLUP-15

FIRE 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.

APPLICANT: C.W. Matthews Contracting Company, Inc.

PETITION NO.: SLUP-15

PRESENT ZONING: HI

PETITION FOR: SLUP

STORMWATER MANAGEMENT COMMENTS

FLOOD HAZARD: YES NO POSSIBLY, NOT VERIFIED

DRAINAGE BASIN: Chattahoochee River FLOOD HAZARD INFO: Zone AE

- 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: not on active portion of site.

- 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 the proposed project on .

APPLICANT: C.W. Matthews Contracting Company, Inc.

PETITION NO.: SLUP-15

PRESENT ZONING: HI

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. This is an existing facility. No site land disturbance or change in impervious coverage is proposed. The facility has a current NPDES Commercial Stormwater Permit in place. All site modifications must comply with the current permit.

STAFF RECOMMENDATIONS

SLUP-15 C.W. MATTHEWS CONTRACTING COMPANY, INC.

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 will not have an adverse effect on the usability of adjacent or nearby property. The existing use with the addition storage tanks and silos is located on a Heavy Industrial property that is bordered to the east and west by other HI properties. The business has been operating since the 1960s.
- (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 suitable in view of the use and development of adjacent and nearby properties. This area is predominantly developed with industrial uses and this area is designated as Industrial on the future land use plan.
- (3) Whether or not the use proposed will result in a nuisance as defined under state law.*
The use should not be a nuisance. The property has been used for the same business for many years and the current request is to bring the operation into compliance with today's ordinance and allow taller heights on storage tanks and silos, some existing and some proposed.
- (4) Whether or not quiet enjoyment of surrounding property will be adversely affected.*
The quiet enjoyment of surrounding property will not be adversely affected given the applicant's longevity of running the existing business at this location and Staff did not find any Code Enforcement violations.
- (5) Whether or not property values of surrounding property will be adversely affected.*
The use should not adversely affect property values of surrounding properties. The existing property and those abutting in the county are all zoned HI.
- (6) Whether or not adequate provisions are made for parking and traffic considerations.*
The site plan does not indicate parking spaces, however, the property is accessed on South Atlanta Road and some of the property has gravel areas to park, while other parts have concrete.
- (7) Whether or not the site or intensity of the use is appropriate.*
The applicant's existing use on this site is located within the Industrial future land use category and is well situated in an existing industrially developed area of the county.
- (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 predominately zoned and occupied for industrial uses within the Heavy Industrial zoning category. The applicant was operating the business prior to the adoption of the 1972 zoning map and has been at this location ever since. As previously stated, the surrounding area is area is zoned and developed as industrial.

SLUP-15 C.W. MATTHEWS CONTRACTING COMPANY, INC. (Continued)

(9) Whether or not adequate provisions are made regarding hours of operation.

The applicant has indicated that the hours of operation are 24 hours per day and there are four or five employees.

(10) Whether or not adequate controls and limits are placed on commercial and business deliveries.

Vehicles enter from South Atlanta Road in area developed for industrial uses.

(11) Whether or not adequate landscape plans are incorporated to ensure appropriate transition.

No landscaping is required abutting other HI properties, but does the property does have a stream buffer.

(12) Whether or not the public health, safety, welfare or moral concerns of the surrounding neighborhood will be adversely affected.

The use should not adversely affect the public health, safety, welfare, or moral concerns of the surrounding properties in this are populated with industrial uses.

(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 requires compliance with state and federal laws, obtaining all necessary state and federal permits.

(14) Whether the applicant has provided sufficient information to allow a full consideration of all relevant factors.

The applicant has provided details necessary to review the request.

(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 provided sufficient information that demonstrates the proposal's compliance with all applicable requirements.

Based upon the above analysis, Staff recommends APPROVAL, subject to:

1. Site plan received by the Zoning Division on August 30, 2016, with the District Commissioner approving minor modifications;
2. Variances referenced in the Zoning Comments; and
3. Stormwater Management Division comments and recommendations.

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.



C. W. MATTHEWS CONTRACTING COMPANY

DRAWER 970

MARIETTA, GEORGIA 30061

TELEPHONE (770) 422-7520

FAX (770) 422-1068

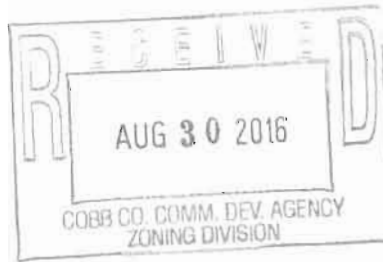
August 26, 2016

Cobb County Zoning Department

1150 Powder Springs Street

Suite 400

Marietta, GA 30064



Dear Sir/Madam,

C. W. Matthews Contracting Company, Inc. is requesting a Special Land Use Permit for their property located at 5170 South Atlanta Road. C. W. Matthews is requesting a Special Land Use Permit for the construction of new aboveground storage tanks and asphalt plant silo modifications. C. W. Matthews has an existing asphalt batch plant on the property, zoned HI, which was constructed in the 1960's. C. W. Matthews is requesting a special land use permit to both bring the existing property into compliance for the existing asphalt batch plant, and to also allow for the replacement of dated equipment with newer more efficient storage vessels.

In addition to the Special Land Use Permit, C. W. Matthews is requesting that the following conditions to be granted;

1. The existing plant has various material silos constructed in the 1960's measuring up to 88' in height, which is higher than the required 50' as per the county zoning ordinance. The new aboveground storage tanks would be shorter than the existing silos. C. W. Matthews requests that as part of the special land use permit a condition would allow for the existing silos and new tanks to be in exceedance of the 50'.

Thank you for your consideration in the special land use permit for the subject property. Should you have any questions regarding the above please feel free to contact me (Cell 770-235-9992).

With kindest regards,

A handwritten signature in black ink, appearing to read 'B. Johnson'.

Brian Johnson, CPESC
Environmental Manager