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## **SPECIAL LAND USE PERMIT APPLICATION ANALYSIS**

**ZONING CASE #:** Z2013-28                      **LEGISTAR #:** 20131256

**PROPERTY OWNER:** Thomas & Thomas, LLP  
P. O. Box 6038  
Marietta, GA 30065

**APPLICANT:** Patrick Lombardo  
Richard Tree Experts, Inc.  
903 Tarpley Lane  
Kennesaw, GA 30152

**PROPERTY ADDRESS:** 1356 Cobb Industrial Drive

**PARCEL DESCRIPTION:** Land Lot 09260, District 16, Parcel 0040

**AREA:** 7.00                      **COUNCIL WARD:** 5

**EXISTING ZONING:** HI (Heavy Industrial)

**REQUEST:** Special Land Use Permit (SLUP) for a mulching and chipping facility

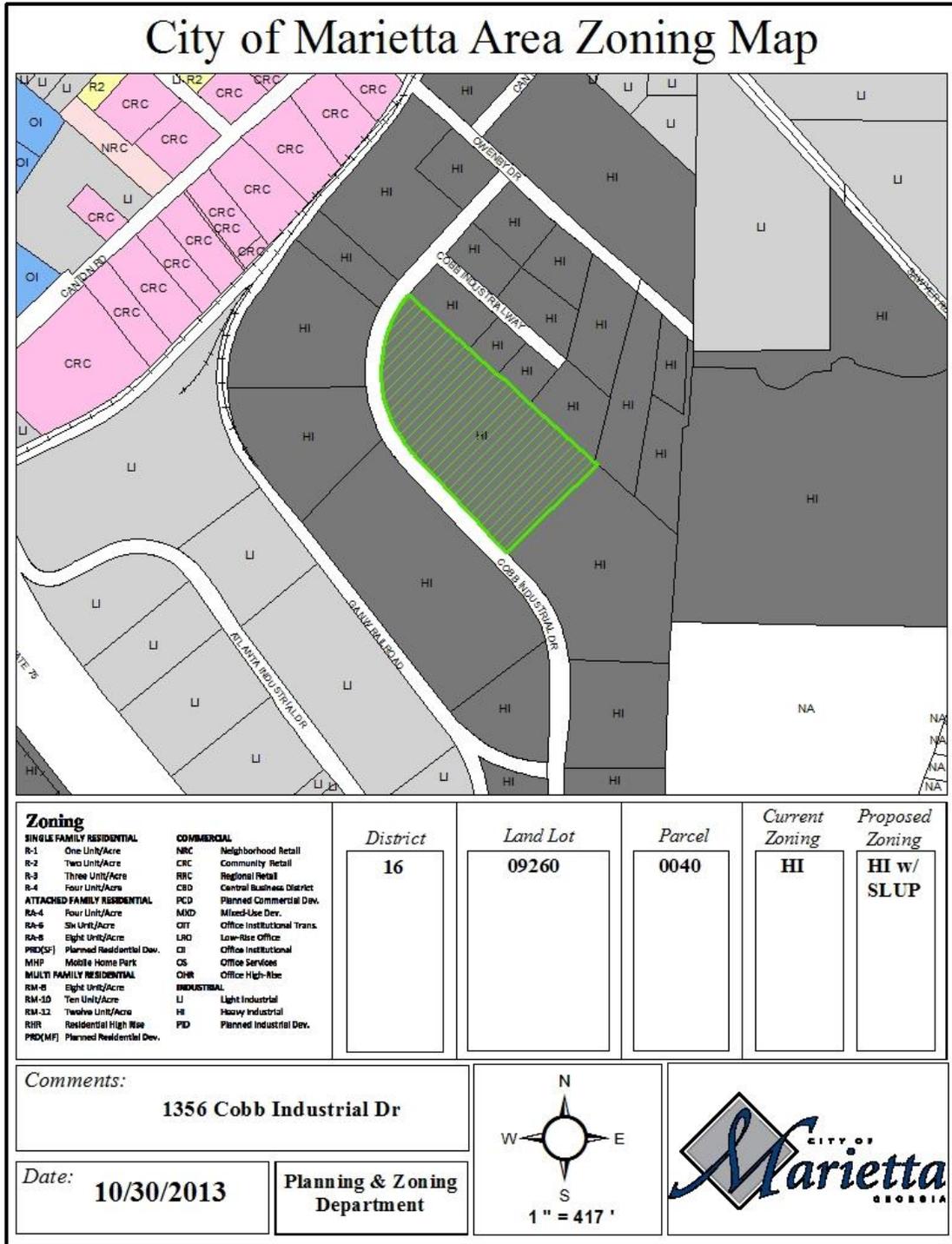
**EXISTING  
FUTURE LAND USE:** IM (Industrial – Manufacturing)

**REASON FOR REQUEST:** The applicant is requesting a Special Land Use Permit (SLUP) in order to operate a mulching and chipping facility on the property.

**PLANNING COMMISSION HEARING:** Tuesday, December 3, 2013 – 6:00 p.m.

**CITY COUNCIL HEARING:** Wednesday, December 11, 2013 – 7:00 p.m.

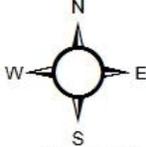
# MAP



## City of Marietta Area FLU Map



Future Land Use	District	Land Lot	Parcel	Current FLU	Proposed FLU
LDR Low Density Residential	16	09260	0040	IM	N/A
MDR Medium Density Residential					
HDR High Density Residential					
NAC Neighborhood Activity					
CAC Community Activity Center					
RAC Regional Activity Center					
CBD Central Business District					
IM Industrial - Manufacturing					
IW Industrial - Warehousing					
OSC Open Space/Conservation					
PR Parks & Recreation					
CSI Community Service & Institutional					
TCU Transportation, Communication & Utilities					
MXD Mixed Use					

<i>Comments:</i> <b>1356 Cobb Industrial Dr</b>		 1" = 417'	
<i>Date:</i> <b>10/30/13</b>	<b>Planning &amp; Zoning Department</b>		

**PICTURES OF PROPERTY**



**Building at 1356 Cobb Industrial Drive**



**Southern corner of 1356 Cobb Industrial Drive**



**Rear of property, along southeastern property line**



**Entrance off of Cobb Industrial Drive**



**Gated parking area along Cobb Industrial Drive**



**North (loading dock) side of building**



**Aerial of subject property & surrounding area**

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## STAFF ANALYSIS

### *Location Compatibility*

Patrick Lombardo with Richard Tree Experts, Inc. is requesting a Special Land Use Permit (SLUP) for the property located at 1356 Cobb Industrial Drive, which is seven (7) acres in size. The subject property and all adjacent properties are zoned HI (Heavy Industrial). This site was formerly used by Atlanta Gas Light. A wholesale and distribution facility is located immediately to the southeast. Business license records show a landscaping company, general contractor's office, real estate company, audio visual equipment rental, and welding contractor as operating along the northeastern (rear) boundary of the subject property. The properties located across Cobb Industrial Drive to the west are zoned LI (Light Industrial) and contain a food manufacturing/processing facility, wholesaler, countertop manufacturer, and warehouse.

### *Use Potential and Impacts*

The applicant is requesting a SLUP to conduct the chipping and grinding of vegetative materials into mulch at 1356 Cobb Industrial Drive. The storage of debris, grinding of debris, mulch storage, and truck parking will all be conducted towards the rear of the property, according to the site plan submitted with the application. The building will be used as business offices and, because of the building's size; the applicant may opt to sublet some of the space to another tenant. Parking for employees will be at the front of the building, near the entrance to the site. There is a large, gated parking area spanning the length of Cobb Industrial Drive that the applicant has stated will be unused. The applicant is also proposing to plant trees along the Cobb Industrial Drive frontage as a way to buffer some of the nearby businesses from the activity being proposed on the site.

The major concern with a facility that chips debris into mulch is the noise generated by the tub grinder. Industrial or manufacturing facilities are limited a decibel level of 70 dbA (decibels - human hearing frequency) or 89 dbC (decibels - low frequency) at all times, per Table 1 in Article 10-6-030. According to the applicant, the tub grinder being used to chip the debris is a Vermeer 6000, which has a decibel level of 90 db(a) at 25 feet away and 70 db(a) at 100 feet away. If this is the case, the tub grinder would need to be placed at least 100 feet away from any property line to ensure that noise level does not exceed city decibel limits. The site plan submitted with the application shows the tub grinder to be approximately 80 feet from the rear property line. Should the SLUP be approved, the tub grinder should be shifted forward in order to minimize the noise effects on the adjacent properties.

Current zoning regulations require that all exterior storage yards must be enclosed by an opaque fence at least 6 feet in height to provide visual screening. However, there are no zoning regulations regarding hours of operation.



Staff also suggests that a noise reducing buffer, either through the placement of a wall or fence, along with a row of evergreen trees (minimum of 6 ft. in height and planted 8 ft. apart), should be required along the rear property line as an additional layer of sound diffusion.

The future land use of this parcel, as well as all the properties to the east of Cobb Industrial Drive, is IM (Industrial Manufacturing), which is described as being appropriate for “*areas that can support industrial uses which may create by-products, i.e. fumes, noise, etc., that are known to negatively impact adjacent uses.*” As a result, the property’s existing zoning (HI) and SLUP request for a chipping and grinding facility would be supported by the city’s Comprehensive Plan.

### *Environmental Impacts*

There is no indication of any streams, floodplain, or endangered species on the site. However, the Marietta Public Works has the following comment regarding storm water runoff from the site:

*Proximity to storm water drainage systems will necessitate an Industrial Stormwater Permit from the Georgia Environmental Protection Division. Care must be taken to cover materials and mulch or otherwise treat the stormwater runoff from the site – consult a professional engineer that is skilled in this work and permitting. It is likely that an annual industrial stormwater inspection will be performed by the City in compliance with GA EPD regulations, and the City’s Stormwater Permit. Runoff from materials storage or finished mulch sites must be contained and treated prior to entry into stormwater drainage system.*

### *Economic Functionality*

This property appears to have been vacant or unused since Atlanta Gas Light sold the property in 2007. Despite this, the City does not have a large amount of HI zoned property, which is the most intensive zoning district. Since HI is one of the most intensive zoning categories the City has, the property is functional as zoned.

### *Infrastructure*

A mulching facility should not adversely impact the education, water, or electricity infrastructure in the area. There will be additional truck traffic generated by the business hauling in the material and hauling mulch away. However, the applicant has stated that the trucks will primarily enter the industrial park from Canton Road, rather than off of Allgood Road, in an attempt to isolate the truck traffic to the industrial corridors. The facility may also impact the storm sewer system (see comments under the Environmental Impacts section).

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### *History of Property*

There is no prior history of any variances, rezonings, or SLUPs granted for this property.

### *Other Issues*

Section 712.01 (E.) outlines specific considerations when deliberating the issuance of a SLUP. These considerations include:

1. Whether or not there will be a significant adverse effect on the neighborhood or area in which the proposed use will be located.
2. Whether or not the use is compatible with the neighborhood.
3. Whether or not the proposed use will constitute a nuisance as defined by state law.
4. Whether or not property values of surrounding property will be adversely affected.
5. Whether or not adequate provisions are made for parking and traffic considerations.
6. Whether or not the site or intensity of the use is appropriate.
7. Whether or not adequate provisions are made regarding hours of operation.
8. The location or proximity of other similar uses (whether conforming or nonconforming).
9. Whether or not adequate controls and limits are placed upon commercial deliveries.
10. Whether or not adequate landscaping plans are incorporated to ensure appropriate transition.
11. Whether or not the public health, safety and welfare of the surrounding neighborhoods will be adversely affected.



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## ANALYSIS & CONCLUSION

Patrick Lombardo is requesting a Special Land Use Permit for a mulching and grinding facility at 1356 Cobb Industrial Drive. The property is zoned HI and is surrounded by properties that are also zoned HI and LI. The storage of debris, grinding of debris, mulch storage, and truck parking will all be conducted towards the rear of the property, with employee parking taking place in the lot along Cobb Industrial Drive.

The major concern with a facility that chips debris into mulch is the noise generated by the tub grinder. Industrial or manufacturing facilities are limited a decibel level of 70 dBA (decibels - human hearing frequency) or 89 dBC (decibels - low frequency) at all times, per Table 1 in Article 10-6-030. According to the applicant, the tub grinder being used to chip the debris is a Vermeer 6000, which has a decibel level of 90 dBA at 25 feet away and 70 dBA at 100 feet away. If this is the case, the tub grinder would need to be placed at least 100 feet away from any property line to ensure that noise level does not exceed city decibel limits. The site plan submitted with the application shows the tub grinder to be approximately 80 feet from the properties to the rear. Should the SLUP be approved, the tub grinder should be shifted forward in order to minimize the noise effects on the adjacent properties and keep the noise within regulations. Staff also suggests that a noise reducing buffer, either through the placement of a wall or fence, along with a row of evergreen trees (minimum of 6 ft. in height and planted 8 ft. apart), should be required along the rear property line as an additional layer of sound diffusion.

Another major concern is the property’s effect on the storm water system, as evidenced by the following comment by the Marietta Public Works Department:

*Proximity to storm water drainage systems will necessitate an Industrial Stormwater Permit from the Georgia Environmental Protection Division. Care must be taken to cover materials and mulch or otherwise treat the stormwater runoff from the site – consult a professional engineer that is skilled in this work and permitting. It is likely that an annual industrial stormwater inspection will be performed by the City in compliance with GA EPD regulations, and the City’s Stormwater Permit. Runoff from materials storage or finished mulch sites must be contained and treated prior to entry into stormwater drainage system.*

The future land use of this parcel, as well as all the properties to the east of Cobb Industrial Drive, is IM (Industrial Manufacturing), which is described as being appropriate for “areas that can support industrial uses which may create by-products, i.e. fumes, noise, etc., that are known to negatively impact adjacent uses.” As a result, the property’s existing zoning (HI) and SLUP request for a chipping and grinding facility would be supported by the city’s Comprehensive Plan.

**Prepared by:** \_\_\_\_\_

**Approved by:** \_\_\_\_\_



## DATA APPENDIX

### ***CITY OF MARIETTA - WATER***

Is a water line adjacent to the property?	Yes
If not, how far is the closest water line?	n/a
Size of the water line?	10-inch
Capacity of the water line?	Flow test required
Approximate water usage by proposed use?	Not provided

### ***CITY OF MARIETTA - SEWER***

Is a sewer line adjacent to the property?	Yes
If not, how far is the closest sewer line?	n/a
Size of the sewer line?	8-inch
Capacity of the sewer line?	Available
Estimated waste generated by proposed development?	A.D.F                      Peak Not provided
Treatment Plant Name?	Cobb County
Treatment Plant Capacity?	Cobb County
Future Plant Availability?	Cobb County



***DRAINAGE AND ENVIRONMENTAL CONCERNS***

Does flood plain exist on the property?	NO
What percentage of the property is in a floodplain?	---
What is the drainage basin for the property?	Sope Creek
Is there potential for the presence of wetlands as determined by the U.S. Environmental Protection Agency?	NO
If so, is the use compatible with the possible presence of wetlands?	---
Do stream bank buffers exist on the parcel?	NO
Are there other topographical concerns on the parcel?	NO
Are there storm water issues related to the application?	NO
Potential presence of endangered species in the area?	NO

**Transportation**

What is the road affected by the proposed change?	Cobb Industrial Drive
What is the classification of the road?	Local
What is the traffic count for the road?	No Data Available
Estimated number of cars generated by the proposed development? **	---
Estimated number of trips generated by the proposed development? **	---
Do sidewalks exist in the area?	NO
Transportation improvements in the area?	NO
If yes, what are they?	---

*\*\* The above Trip Generation numbers are estimated from an ITE list. We make these estimates in good faith using known data at the time of the review.*



- Site plans may be required for construction. If necessary, site plans may include parking, driveways, streets, as well as erosion-sedimentation-and pollution control plan, stormwater management (preventing concentrated flows from adjacent lots roads, and areas), stormwater quality (bioretention or other on each lot), and any other applicable improvements required by City Code and Georgia Stormwater Management Manual. Additional comments will be made at time of site plan submittal. There can be no point discharge onto adjacent property which is not into a stream, defined drainageway, or storm sewer. Discharge will not be allowable at the property line, or into the street R.O.W. If easements are required for drainage through adjacent property, then the owner is to obtain.
• Proximity to storm water drainage systems will necessitate an Industrial Stormwater Permit from the Georgia Environmental Protection Division. Care must be taken to cover materials and mulch or otherwise treat the stormwater runoff from the site – consult a professional engineer that is skilled in this work and permitting. It is likely that an annual industrial stormwater inspection will be performed by the City in compliance with GA EPD regulations, and the City’s Stormwater Permit. Runoff from materials storage or finished mulch sites must be contained and treated prior to entry into stormwater drainage system.

EMERGENCY SERVICES

Table with 2 columns: Question and Answer. Questions include: Nearest city or county fire station from the development?, Distance of the nearest station?, Most likely station for 1st response?, Service burdens at the nearest city fire station (under, at, or above capacity)?

MARIETTA POWER - ELECTRICAL

Does Marietta Power serve this site? Yes [X] No
If not, can this site be served? Yes No

What special conditions would be involved in serving this site?

Additional comments: