



Fulton County Board of Commissioners
Agenda Item Summary

18-0927

BOC Meeting Date

12-19-18

Requesting Agency

Planning and Community Services

Commission Districts Affected

6, 7,

Requested Action *(Identify appropriate Action or Motion, purpose, cost, timeframe, etc.)*

2018VC-0002 SFC - Bucknell Drive

P&CS Dept. Recommendation:

CZB Recommendation:

CLUP: N/A

Application by Jim Porter for Recycled Materials Inc. seeks a 4-part concurrent variance as follows: to allow for a 24 hour operation of the facility (19.4.37, Section B.1); to allow a recycling facility within 3 miles of an existing recycling facility (19.4.37, Section B.2); to delete the buffer requirements on perimeter property lines (19.4.37, Section B.3) and; to reduce the 50-foot buffer along Bucknell Drive to the M-1A (Industrial Park) district standard 10-foot landscape strip (19.4.37, Section B.4).

The subject 3.231 acre site has approximately 325.93 feet of frontage along the northwest side of Bucknell Drive SW. The site is located in Land Lot 111, District 14F, Fulton County, Georgia.

Requirement for Board Action *(Cite specific Board policy, statute or code requirement)*

The Georgia zoning procedures law requires the Board to take final action on all land use petitions.

Is this Item related to a Strategic Priority Area? *(If yes, note strategic priority area below)*

Yes All People have economic opportunities

Is this a purchasing item?

No

Summary & Background

(First sentence includes Agency recommendation. Provide an executive summary of the action that gives an overview of the relevant details for the item.)

Scope of Work: (Provide a brief project scope of work of the services/work to be provided)

Community Impact: (Provide the overall impact on community health, whether the impact would be Countywide or to a specific District, if applicable)

Department Recommendation: (Provide the user department recommendation)

Project Implications: (What are the future implications of the item in terms of potential changes in budget, service provision, or County policy/operations?)

Community Issues/Concerns: (Identify any issues/concerns raised by constituents or clients concerning the agenda item and if those issues have been addressed?)

Agency Director Approval		County Manager's Approval
Typed Name and Title	Phone	
Signature	Date	

Revised 03/12/09 (Previous versions are obsolete)

Department Issues/Concerns: (Identify any additional department recommendations or concerns including funding, staffing, external/internal partnerships and operational inefficiencies)

History of BOC Agenda Item: (Has this item previously been before the BOC? Yes or No. If yes, for non-purchasing item(s), describe what action(s) were taken.)

(For purchasing items, provide the project history chart or if a new procurement, insert "New Procurement".)

Contract & Compliance Information	<i>(Provide Contractor and Subcontractor details.)</i>
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Agency Director Approval		County Manager's Approval
Typed Name and Title	Phone	
Signature	Date	

Revised 03/12/09 (Previous versions are obsolete)

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Solicitation Information	NON-MFBE	MBE	FBE	TOTAL
No. Bid Notices Sent:				
No. Bids Received:				
Total Contract Value	.			
Total M/FBE Values	.			
Total Prime Value	.			
Fiscal Impact / Funding Source	<i>(Include projected cost, approved budget amount and account number, source of funds, and any future funding requirements.)</i>			
.				
Exhibits Attached	<i>(Provide copies of originals, number exhibits consecutively, and label all exhibits in the upper right corner.)</i>			
Source of Additional Information	<i>(Type Name, Title, Agency and Phone)</i>			

Agency Director Approval		County Manager's Approval
Typed Name and Title	Phone	
Signature	Date	

Revised 03/12/09 (Previous versions are obsolete)

Procurement

Contract Attached: .	Previous Contracts: .		
Solicitation Number: .	Submitting Agency: .	Staff Contact: .	Contact Phone: .

Description:.

FINANCIAL SUMMARY

Total Contract Value:		MBE/FBE Participation:	
Original Approved Amount: .		Amount: .	%: .
Previous Adjustments: .		Amount: .	%: .
This Request: .		Amount: .	%: .
TOTAL: .		Amount: .	%: .

Grant Information Summary:

Amount Requested: .	<input type="checkbox"/>	Cash
Match Required: .	<input type="checkbox"/>	In-Kind
Start Date: .	<input type="checkbox"/>	Approval to Award
End Date: .	<input type="checkbox"/>	Apply & Accept
Match Account \$: .		

Funding Line 1: .	Funding Line 2: .	Funding Line 3: .	Funding Line 4: .
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KEY CONTRACT TERMS

Start Date: .	End Date: .
Cost Adjustment: .	Renewal/Extension Terms: .

ROUTING & APPROVALS
(Do not edit below this line)

X	Originating Department:	Harris, Jesse	Date: 10/4/2018
.	County Attorney:	.	Date: .
.	Purchasing/Contract Compliance:	.	Date: .
.	Finance/Budget Analyst/Grants Admin:	.	Date: .
.	Grants Management:	.	Date: .
.	County Manager:	.	Date: .

PROPOSED ZONING	USE PERMIT - RECYCLING CENTER, REPROCESSING (ARTICLE 19.4.37) – 16,869.4 SQUARE FEET PER ACRE
PROPOSED USE	54,505 SQUARE FOOT PLASTICS RECYCLING AND REPROCESSING FACILITY
EXISTING ZONING	M-1A (INDUSTRIAL PARK) – 1967Z -0161 SFC
EXISTING USE	54,505 SQUARE FOOT PLASTICS RECYCLING AND REPROCESSING FACILITY
LAND USE MAP	INDUSTRIAL
LOCATION	5675 BUCKNELL DRIVE SW (NORTH SIDE): 325.93 FEET OF FRONTAGE PARCEL SIZE 3.231 ACRES LL 111, DISTRICT 14F COMMISSION DISTRICT 6 FULTON INDUSTRIAL OVERLAY DISTRICT SEWER BY PUBLIC SEWER
OWNER	JIM PORTER – RECYCLED MATERIALS INC.
PETITIONER	JIM PORTER – RECYCLED MATERIALS INC.
REPRESENTATIVE	JIM PORTER

APPLICANT’S INTENT To continue to operate a 54,505 square foot existing plastics recycling and reprocessing facility at the location at an overall density of 16,869.4 square feet per acre. The applicant is also requesting a 4-part concurrent variance as follows:

Part 1. To allow for a 24 hour operation of the facility (19.4.37, Section B.1)

Part 2. To allow a recycling facility within 3 miles of an existing recycling facility. (19.4.37, Section B.2)

Part 3. To delete the buffer requirements on perimeter property lines. (19.4.37, Section B.3)

Part 4. To reduce the 50-foot buffer along Bucknell Drive to the M-1A (Industrial Park) district standard 10-foot landscape strip. (19.4.37, Section B.4)

Public Works Planning and Development Division
Recommendation

APPROVAL CONDITIONAL: 2018U -0002 SFC
APPROVAL CONDITIONAL: 2018VC-0002 SFC, All Parts

Community Zoning Board
Recommendation

APPROVAL CONDITIONAL: 2018U -0002 SFC
APPROVAL CONDITIONAL: 2018VC-0002 SFC, All Parts

SUBJECT SITE AND SURROUNDING AREA:

SUBJECT SITE: The subject 3.231 acre site is developed with a 64,505 square foot warehouse building and associated loading docks with truck and auto parking areas. The northeast boundary of the property borders an active rail line. The south west boundary of the property borders a rail spur off the active rail line. The southeast boundary of the property fronts on Bucknell Drive. The northeast boundary of the property abuts the buffer area for Utoy Creek as it flows from the Utoy Creek Water Reclamation Plant to the Chattahoochee River. Further northwest is the Chattahoochee River.

SURROUNDING AREA

To the west of the site on the north side of Bucknell Drive is the Kellogg manufacturing and packaging plant. To the South and southeast across Bucknell Drive is Kor-Chem and Ferguson Fire and Fabrication. To the southwest, across Bucknell Drive is Dexter warehouse, further south and southwest is Diaz Foods. Further West of the west side of Bucknell Drive is the Publix Baking Unit.

The applicant has requested the following concurrent variances:

Part 1. To allow for a 24 hour operation of the facility (19.4.37, Section B.1)

Part 2. To allow a recycling facility within 3 miles of an existing recycling facility. (19.4.37, Section B.2)

Staff notes that the entire surrounding area between the Chattahoochee River to the west and the city limits of Atlanta to the east is zoned for and developed with various industrial warehouse and manufacturing uses many of which operate numerous shifts and 24 hour operations. The applicant's business of recycling and reprocessing plastic at this location is in conformity with the industrial concept of the surrounding area. Staff further notes the large separation standard of the Zoning Resolution between recycling facilities was intended to protect residential uses from too many of the recycling facilities which are also an allowed use in the C-2 (Commercial) district which is also more closely aligned with residential development. Staff is of the opinion the applicant's use is in harmony with the intent and purpose of the Zoning Resolution and therefore recommends APPROVAL of Parts 1 and 2 of the Concurrent Variance Request.

SITE PLAN CONSIDERATIONS

Based on the applicant's site plan submitted to the Department of Environment and Community Development on September 25, 2018, Staff offers the following considerations:

LAND USE AND DENSITY

The existing warehouse at 16,869.4 square feet per acre is consistent with other warehouse development in the entire surrounding area.

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BUILDING SETBACKS

The existing warehouse structure meets the minimum building setbacks of the M-1A (Industrial Park) District.

LANDSCAPE STRIPS AND BUFFERS

Article 19.4.37, Section B.3 requires a 200-foot buffer and 10-foot improvement setback along all property lines except the public right-of-way. Section B.4 requires a 50-foot buffer and 10-foot improvement setback along all public rights-of-way. The applicant has requested the following concurrent variances:

Part 3. To delete the buffer requirements on perimeter property lines. (19.4.37, Section B.3)

Part 4. To reduce the 50-foot buffer along Bucknell Drive to the M-1A (Industrial Park) district standard 10-foot landscape strip. (19.4.37, Section B.4)

Article 22.3.1 of the Fulton County Zoning Resolution recognizes lot size, shape or topography as a valid hardship on which to support a concurrent variance request. Due to the physical size limitations and the irregular shape the applicant is not physically able to provide the required buffers. Staff notes the orientation of the applicant's service area and the existing offsite protected stream buffers which shield the view of this work area. Staff is of the opinion that the applicant has a valid hardship and due to mitigating offsite conditions, granting approval of the concurrent variance request would be in harmony with the intent and purpose of the Zoning Resolution. Staff therefore recommends **APPROVAL** of Parts 3 and 4 of the concurrent variance request.

PARKING

The use is both an industrial and warehouse use for which Article 18 of the Zoning Resolution does not specifically address a minimum parking calculation. The suggested range is between 1 space for every 1,000 to 2,000 square feet of space. Staff notes the existing 20 vehicle parking spaces and an ample truck parking and loading area. Staff is of the opinion that parking onsite is adequate.

OTHER CONSIDERATIONS

The recycling and reprocessing facility has been in operation at this location for a number of years. It is only due to a delay in renewing the business license that the operation was required to go through a zoning review. The zoning review showed that while the zoning of the property was in line with the existing use there was a Use Permit also required that had not been obtained by the business. This application will resolve that oversight.

BOARD OF COMMISSIONERS POLICY

The Board has approved similar uses on 5225 Phillip Lee Road and 4785 Fulton Industrial Blvd.

In the interest of the public health, safety and welfare, the Board of Commissioners may exercise limited discretion in evaluating the site proposed for a use that requires a Use Permit. In exercising such discretion pertaining to the subject use, the Board of Commissioners shall consider each of the following as outlined in Article 19.2.4 of the Zoning Resolution; Use Permit Considerations. Staff has reviewed said items pertaining to the subject use, and, offers the following comments:

(1) WHETHER THE PROPOSED USE IS CONSISTENT WITH THE LAND USE OR ECONOMIC DEVELOPMENT PLANS ADOPTED BY THE BOARD OF COMMISSIONERS:

Provided the applicant complies with the Recommended Conditions of this petition and the Use Permit requirements of Article 19.4.37 of the Zoning Resolution, the plastic recycling and reprocessing use is consistent with the intent and following policies of the Comprehensive Plan:

- Encourage a broad range of business types and an even distribution of employment centers among the major divisions of unincorporated Fulton County.
- Promote environmentally clean industries and manufacturing establishments.

(2) COMPATIBILITY WITH LAND USES AND ZONING DISTRICTS IN THE VICINITY OF THE PROPERTY FOR WHICH THE USE PERMIT IS PROPOSED;

To the west of the site on the north side of Bucknell Drive is the Kellogg manufacturing and packaging plant. To the South and southeast across Bucknell Drive are Kor-Chem and Ferguson Fire and Fabrication. To the southwest, across Bucknell Drive is Dexter warehouse, further south and southwest is Diaz Foods. Further west on the west side of Bucknell Drive is the Publix Baking Unit. The plastic recycling and reprocessing use is consistent with surrounding development.

(3) WHETHER THE PROPOSED USE MAY VIOLATE LOCAL, STATE AND/OR FEDERAL STATUTES, ORDINANCES OR REGULATIONS GOVERNING LAND DEVELOPMENT;

The proposed use does not violate any known statutes, ordinances or regulations governing land development.

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(4) THE EFFECT OF THE PROPOSED USE ON TRAFFIC FLOW, VEHICULAR AND PEDESTRIAN, ALONG ADJOINING STREETS;

The use is existing and will not generate any additional traffic along the adjoining streets.

(5) THE LOCATION AND NUMBER OF OFF-STREET PARKING SPACES;

The site appears to have adequate parking for the proposed use.

(6) THE AMOUNT AND LOCATION OF OPEN SPACE;

Not applicable to the proposed use.

(7) PROTECTIVE SCREENING;

The offsite Chattahoochee River and Utoy Creek stream buffers provided ample screening of the activity area of the facility.

(8) HOURS AND MANNER OF OPERATION;

The use is a proposed 24-hour operation.

(9) OUTDOOR LIGHTING;

Article 4.9 of the Zoning Resolution specifies that outdoor fixtures shall be of full cutoff and shall be placed so as to allow no light above the horizontal as measured at the luminaire, and shall be located, aimed or shielded so as to minimize glare and stray light trespassing across property boundaries and into public right-of-way in accordance with the standards set forth for specific uses. Any exterior lighting that is in compliance with the Zoning Resolution should not negatively impact adjacent properties.

(10) INGRESS AND EGRESS TO THE PROPERTY.

No new curb cuts to the site are required.

CONCLUSION

The recycling and reprocessing facility is consistent with Board action and Plan Policies and is compatible with the surrounding area, if developed subject to the attached Recommended Conditions. Therefore, Staff recommends **APPROVAL CONDITIONAL** of the proposed Use Permit and all parts of the concurrent variance request subject to the attached Recommended Conditions.

COMMUNITY ZONING BOARD HEARING

On November 20, 2018, the Community Zoning Board recommended the applicant's use permit request and all parts of the concurrent variance be **APPROVED CONDITIONAL** per Staff's recommendation. There was no opposition in attendance at the meeting.

RECOMMENDED CONDITIONS

If this petition is approved by the Board of Commissioners, it should be APPROVED USE PERMIT FOR A RECYCLING AND REPROCESSING FACILITY (19.4.37) CONDITIONAL subject to the owner's agreement to the following enumerated conditions. Where these conditions conflict with the stipulations and offerings contained in the Letter of Intent, these conditions shall supersede unless specifically stipulated by the Board of Commissioners.

1. To the owner's agreement to restrict the use of the subject property as follows:
 - a. A Plastics Recycling and Reprocessing Facility and accessory uses at a maximum density of 19,964.41 gross square feet per acre zoned or a total of 64,505 square feet, whichever is less.
 - b. To allow for a 24 hour operation of the facility. (2018VC-0002 SFC, Part 1)
2. To the owner's agreement to abide by the following:
 - a. To the site plan received by the Department of Environment and Community Development on September 25, 2018. Said site plan is conceptual only and must meet or exceed the requirements of the Zoning Resolution and these conditions prior to the approval of a Land Disturbance Permit. In the event the Recommended Conditions of Zoning cause the approved site plan to be substantially different, the applicant shall be required to complete the concept review procedure prior to application for a Land Disturbance Permit. Unless otherwise noted herein, compliance with all conditions shall be in place prior to the issuance of the first Certificate of Occupancy.
3. To the owner's agreement to the following site development considerations:
 - a. To allow a recycling facility within 3 miles of an existing recycling facility. (2018VC-0002 SFC, Part 2)
 - b. To delete the buffer requirements on perimeter property lines. (2018VC-0002 SFC, Part 3)
 - c. To reduce the 50-foot buffer along Bucknell Drive to the M-1A (Industrial Park) district standard 10-foot landscape strip. (2018VC-0002 SFC, Part 4)
4. To the owner's agreement to abide by the following traffic requirements, dedications and improvements:
 - a. Dedicate at no cost to Fulton County along the entire property frontage, prior to the approval of a Land Disturbance Permit, sufficient land as necessary to provide the following rights-of-way, and dedicate at no cost to Fulton County such additional right-of-way as may be required to provide at least 10.5 feet

of right-of-way from the back of curb of all abutting road improvements, as well as allow the necessary construction easements while the rights-of-way are being improved:

30 feet from centerline of Bucknell Drive.

5. To the owner's agreement to abide by the following:
 - a. Prior to submitting the application for a (LDP) with the Department of Environment and Community Development, Development Review Division, arrange to meet with the Fulton County Traffic Engineer. A signed copy of the results of these meetings will be required to be submitted along with the application for a Land Disturbance Permit.
 - b. Prior to submitting the application for an LDP, arrange an on-site evaluation of existing specimen trees/stands, buffers, and tree protection zones within the property boundaries with the Fulton County Arborist. A signed copy of the results of these meetings will be required to be submitted along with the application for an LDP.

COMMENTS ON PUBLIC SERVICES AND UTILITIES

NOTE: Various Fulton County departments or divisions that may or may not be affected by the proposed development provide the following information. Comments herein are based on the applicant's conceptual site plan and are intended as general non-binding information and in no manner suggest a final finding by the commenter. All projects, if approved, are required to complete the Fulton County Plan Review process prior to the commencement of any construction activity.

TRANSPORTATION FACILITIES:

Road name: Bucknell Drive SW
Classification: Local Street
Level of Service: A

Anticipated Traffic Generation Rates:
Average: 150< trips per day

EHS COMMENTS:

- Fulton County Board of Health requires that the proposed facility be served by public water and public sanitary sewer which are available to the site.
- This department recommends that the existing building(s) is (are) inspected and the owner/operator is required to provide the internal plumbing and sanitary facilities necessary to serve the existing and proposed uses and building capacity.
- This development must comply with the Fulton County Code of Ordinances and Code of Resolutions, Chapter 34 – Health and Sanitation, Article III – Smokefree Air. If the proposed facilities/establishments will serve persons under the age 18, smoking will not be allowed on the premises at any time.
- This department is requiring that plans indicating the number and location of outside refuse containers along with typical details of the pad and approach area for the refuse containers be submitted for review and approval.

GENERAL PUBLIC HEALTH & EJ COMMENTS:

- Since the proposed use is not an environmentally adverse use according Fulton County Zoning Resolution, EJ Amendment, there is not a required separation distance to residences.

WATER AND WASTEWATER (SEWER):**WATER:**

Anticipated water demand: 1,091 gallons per day

This project is within the City of Atlanta jurisdiction.

SEWER:

Basin: Utoy Creek
Treatment Plant: Utoy Creek
Anticipated sewer demand: 982 gallons per day

There are two wastewater manholes just west of the western property boundaries of the 3.23 acre tract (5675 Bucknell Drive) (Sewer manholes # SMUC0207910 and # SMUC0207920) and three are wastewater manholes northeast of the northeastern property boundary of the 3.23 acre tract (5675 Bucknell Drive) (Sewer manholes # SMUC0507890 to #SMUC0507900) all along a 12 inch sanitary sewer line. There are two wastewater manholes

within the right-of-way of Bucknell Drive just east of the 3.23 acre tract (5675 Bucknell Drive) (Sewer manholes # SMUC0510190 and # SMUC0510200) along an 8 inch sanitary sewer line located in Land Lot 111, District 14FF that can service the property.

Comments: This information does not guarantee that adequate sewer capacity is available at this time or will be available upon application of permits. Please contact the Department of Public Works for more information.

DRAINAGE:

Flood Plain: According to Fulton County Geographic Information System (GIS) Map, there is 100-year flood plain on the subject site.

TAX ASSESSOR:

Property Tax ID#: 14F0111 LL0606

Taxes on the subject property are up-to-date.

FIRE MARSHAL:

Fire Station: 19/11
Battalion 3

Impact:

- 1. Increase in traffic and traffic accidents
- 2. Increase in EMC response
- 3. Increase in number of fire safety inspections

POLICE DEPARTMENT ZONING IMPACT STATEMENT:

Beat: 33

Impact Statement on Beat:

Current calls for service: 0

Projected calls for service: 0

Current Average Response Time (minutes): 3

** Increase in the number of residents/persons: 0

* Increase in E-911 calls for service (police, fire, E.M.S.): 0

*** Increase in the number of traffic accidents: slight at most

PROJECTED IMPACT ON DEMAND FOR POLICE SERVICES:

It is the policy of the Fulton County Police Department to answer all calls for service regardless of the impact of a particular development. However, two of the most noticeable indicators of the quality of police service will be as follows: As demands for service increase, response times will increase. Time available for proactive neighborhood/business patrol will decrease and crime prevention efforts will decline.

The Police Department does anticipate a significant impact on demand for police services.

- * Based on 2014 population of 121,000 and 2014 calls for service of 95,850 (67,553 for police services.)
- ** Based on average single family residence population of four, average apartment population of two and 1.96 persons per 1,000 gross square feet of space.
- *** Based on 2014 accident calls of 4,258.
- **** Based on average response time of 8 minutes.
- ***** Based on average of two (2) cars per single family residence.

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Note: The demand for police service is determined by socio-economic, legislative and other forces which do not lend themselves to predictability. Therefore, projections are made from historical data only.

EMERGENCY SERVICES:

If zoning petition is approved there will be an increase in E911 call volume. The increase may negatively affect the Department's call answering speed and service level.

Increased traffic volume without road improvements may increase response times of emergency response vehicles thereby reducing effective delivery of emergency services.

CODE ENFORCEMENT:

There are no open cases for this property.

ECONOMIC DEVELOPMENT: No Comment

EMA:

As long as the parties listed in the previously attached PDF comply with all Tier II reporting (see below) As long as the parties listed in the previously attached PDF comply with all Tier II reporting (see below) EMA has no specific objections based on our knowledge at this point in time.

SARA Title III / EPCRA

Tier II Annual Report Submission Information

Georgia requires the use of E-Plan for all Tier II related reporting.

The State of Georgia does not accept Tier II reports via email or postal mail. All Tier II related reports must be uploaded electronically to the E-Plan website at the link below:

<https://tier2.erplan.net>

The University of Texas at Dallas, administrators of the E-Plan website, will charge a \$25.00 facility filing fee that is paid directly to UT at Dallas during the upload process at time of submission.

To File the Annual Report

Login to E-Plan, update, confirm or copy data from last year's report, or upload data if this is a new facility report.

Once the upload is successful an e-mail confirmation will be sent and the State of Georgia reporting requirements have been fulfilled. No copies, e-mails, notifications, or additional actions are required by the State of Georgia.

Local LEPCs or Fire Departments may have reporting and notification requirements specific to their jurisdictions and they should be contacted individually for guidance.

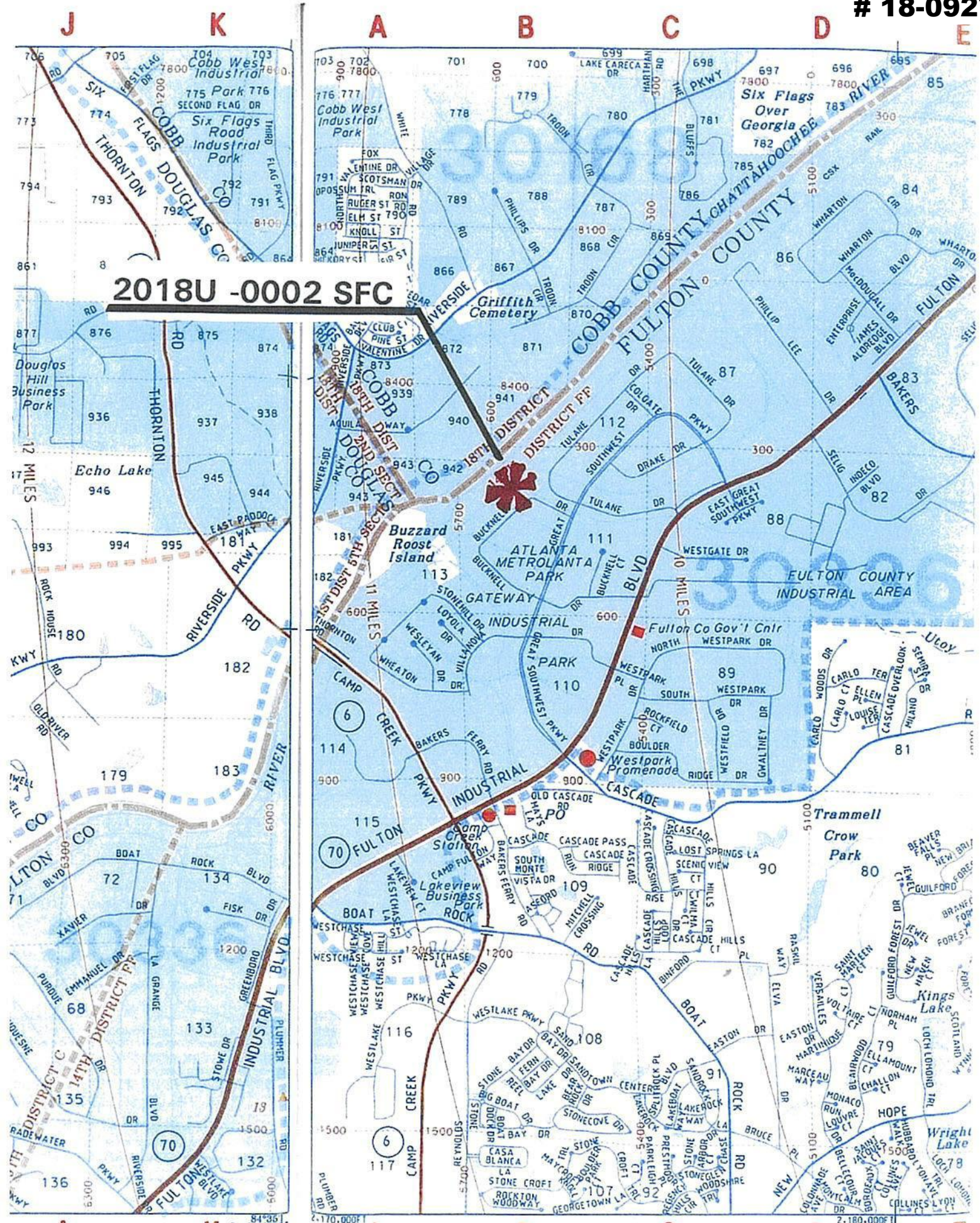
The Submission Guide for filing Tier II reports is available at the link below:

<http://eplannews.utdallas.edu/Tier2SubmitUsersGuide/UsersGuide.html>

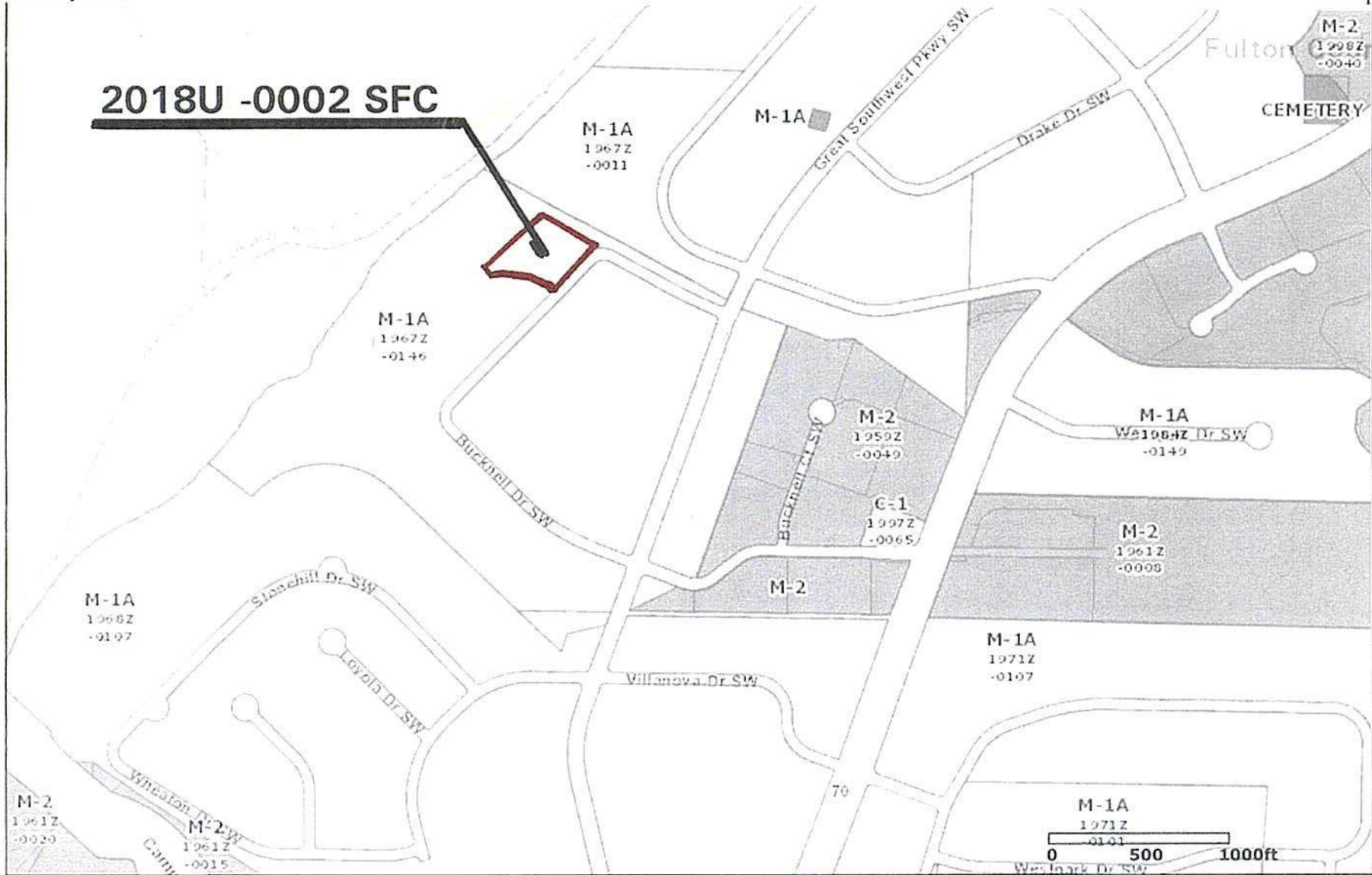
For technical support related to software and upload issues, e-mail your questions directly to the "Contact Us" address provided at the link below:

<https://erplan.net/eplan/support/contactUs.htm>

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Fulton County
Fulton County, Georgia

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