



# DeKalb County Government

Manuel J. Maloof Center  
1300 Commerce Drive  
Decatur, Georgia 30030

## Agenda Item

**File #:** 2018-2442

9/25/2018

**File Status:** Preliminary Item

**Public Hearing:** YES ☒ NO ☐

**Department:** Planning & Sustainability

**SUBJECT:**

**COMMISSION DISTRICT(S):** 3 & 6

N5 JT Asphalt CZ 18 1235045

**PETITION NO:** CZ 18 1235045

**PROPOSED USE:** Remove condition of SLUP

**LOCATION:** 1139 Fleetwood Drive

**PARCEL NO.:** 15 080 02 069

**INFORMATION CONTACT:** Marian Eisenberg

**PHONE NUMBER:** 404-371-4922

**PURPOSE:**

To remove a condition of a Special Land Use Permit (SLUP 15 19931) which limits hours of operation of an asphalt plant within the M (Light Industrial) District between 7:00 a.m. and 5:00 p.m. The property is located on the south side of Fleetwood Drive, the west side of Sunnyhill Drive, the east side of Almand Road, and the eastern terminus of Ray Street at 1139 Fleetwood Road and 3382 Almand Road in Atlanta, Georgia.

**RECOMMENDATION:**

**COMMUNITY COUNCIL:** APPROVAL WITH CONDITIONS

**PLANNING COMMISSION:** APPROVAL WITH CONDITIONS

**PLANNING STAFF:** APPROVAL WITH CONDITIONS

**PLANNING STAFF ANALYSIS:** (REVISED 9/7/2018) The subject property was approved for a Special Land Use Permit (SLUP) to allow operation of an asphalt plant on August 11, 2015 with twenty-three conditions per SLUP-15-19931 (see attached). Condition # 9 restricted the hours of operation from 7:00 a.m. to 5:00 p.m. on weekdays and Saturdays and closed on Sundays. The applicant proposes to remove the condition limiting hours of operation since the property is in a predominantly Industrial (M) zoned area and there will be compliance with the County's Noise Ordinance. While there are several single-family residential structures surrounding the subject site along Sunnyhill Drive, Fleetwood Drive, and Almand Road, those properties are all

zoned light industrial (M) and are non-conforming uses since single-family residential is not an allowed land use in the M zoning district. Based on research of County records, there have been no noise complaints for the asphalt plant since the SLUP was approved in 2015. Based on input from the Planning Commission meeting, Staff has added a condition requiring that no dumping or deliveries from suppliers and vendors shall occur after 6:00 p.m. (See Condition #24). Therefore, it is the recommendation of the Planning and Sustainability Department that the request be "Approved" subject to this additional condition and all other original 2015 conditions carried forward.

**PLANNING COMMISSION VOTE:** APPROVAL WITH CONDITIONS 5-3-0 M. Butts moved, J. Johnson seconded for approval with Staff's conditions, with an added condition that there be no dumping or deliveries after 6:00 p.m.

**COMMUNITY COUNCIL VOTE/RECOMMENDATION:** APPROVAL WITH CONDITIONS 8-0-1  
Community Council recommended that the request be conditioned so that the hours of operation are subject to the Noise Ordinance.

## **N5 CZ 18 1235045 RECOMMENDED CONDITIONS**

1. Use shall be restricted to an asphalt plant. Proposed structures shall be at least 70 feet from all property lines as shown on the attached Site Plan prepared by Shields Engineering Group dated 6/30/2015. Any changes which expand or move the plant closer than 70 feet from exterior property lines shall require a new Special Land Use Permit (SLUP) to be approved by the Board of Commissioners.
2. Proof of issuance of an air quality permit from the Environmental Protection Division of the Georgia Department of Natural Resources shall be required prior to the issuance of any building permits or land development permits.
3. The asphalt plant must use baghouse technology.
4. The applicant shall continuously use an Ecosorb additive during the production of asphalt to significantly reduce or eliminate odors from the asphalt plant.
5. Applicant must file a Notice of Intent for coverage under the Georgia National Pollutant Discharge Elimination System (NPDES) for Industrial Activity Permit with the Georgia Environment Protection Division of the Georgia Department of Natural Resources, and maintain compliance with NPDES requirements.
6. Compliance with Chapter 14 (Environmental) of the DeKalb County Code, including but not limited to Section 14-40 (Storm Water Management) and Section 14-42 (Storm Water Quality Control) of the DeKalb County Code of Ordinances as approved by the Storm water Management Division of Public Works and the Land Development Division of the Planning and Sustainability Department. A detailed hydrology study is required for the entire parcel (including the existing operations) as part of the land disturbance permit application for a storm water mitigation plan for the area of development. Approval of a Storm Water Pollution Prevention Plan (SWPPP) by the Department of Public Works is required to address any potential water quality impacts from the asphalt plant and outdoor storage areas prior to the issuance of any land development permits. The Department of Public Works shall also take into consideration all stormwater conveyance onto and off the site.
7. A dust management plan shall be submitted and approved by the Department of Planning and Sustainability prior to the issuance of any certificates of occupancy. Compliance with the dust management plan and other appropriate measures to minimize fugitive dust beyond the boundaries of the site shall be required. Conveyor belts must be covered. Outdoor storage areas shall be confined within a three-sided concrete bin. Vehicles delivering materials to and from the site shall be covered to minimize any dust impacts onto adjacent properties and the surrounding area.
8. Any fueling of trucks associated with the asphalt plant shall only occur on dedicated concrete pads with a dedicated collection system to contain any residual oils or liquids.
9. Compliance with the DeKalb County Noise Ordinance shall be maintained.
10. There shall be a maximum of one (1) curb cut along Fleetwood Drive to access the asphalt plant. All raw materials to be delivered to the site shall use a truck route of

Moreland to Baily to Fleetwood. All shipments from the plant shall reverse that route. Vehicles may not queue along Fleetwood Road. Access and circulation shall be subject to approval of the Transportation Division of the Public Works Department and the Development Division of the Planning and Sustainability Department. Sidewalks shall be installed in the County right of way along Fleetwood Drive from Sunnyhill to Almand.

11. Approval from the DeKalb County Fire Marshall regarding fire safety plans shall be required prior to the issuance of any building permits or land disturbance permits. Outdoor storage areas must have a dedicated all weather access drive around the piles for fire equipment access for fire safety.
12. All outdoor lighting on the site shall be designed so that no direct light is cast upon or adversely affects adjacent properties and roadways.
13. Exterior appearance of asphalt plant shall be in general compliance with the submitted conceptual elevation date stamped by the Planning and Sustainability Department on May 7, 2015.
14. The applicant shall comply with Sec 27.764(b) to ensure that all outside storage is screened from adjoining properties and public streets. A fifty (50) foot wide buffer shall be provided along the frontage of Sunnyhill Drive, Fleetwood Drive, and along a portion of the southern property line which is adjacent to the proposed outdoor storage of material stockpiles. Existing trees within the buffer shall be preserved and supplemented with the planting of new trees and an eight (8) foot tall fence to provide an effective visual screen as approved by the County Arborist. A 30-foot wide buffer shall be provided along the remaining portion of the southern property line which is adjacent to the proposed outdoor storage of material stockpiles. Existing trees within the buffer shall be preserved and supplemented with the planting of new trees and an eight (8) foot tall fence to provide an effective visual screen as approved by the County Arborist. A 30-foot wide landscape strip with new trees and an eight (8) foot high fence shall be provided between the western property line and the proposed entrance off of Fleetwood Drive to provide an effective visual screen as approved by the County Arborist. For buffer areas requiring new trees to supplement the existing mature vegetation, the planting of evergreen trees with a minimum height of six feet at planting shall be required or an appropriate alternative as approved by the County Arborist. Detention areas are not allowed within the required buffer areas.
15. Should the specimen tree at the northeast corner of the site be removed, or any other specimen tree, the Applicant shall plant the required number of recompense trees as required by the Tree Ordinance prior to the issuance of any building permits or at a time approved by the County Arborist on the site wherever possible.

16. The Rays Street right-of-way shall be closed as approved by the Board of Commissioners prior to the issuance of any land disturbance permits.
17. Applicant agrees to construct a retaining wall along the property frontage or right-of-way of 1081 Fleetwood Drive to stabilize and protect the deteriorating unmarked cemetery prior to the issuance of any building permits for the asphalt plant. A geo-tech study by a qualified professional shall be done to determine the limits of the graves so that the proposed retaining wall shall not encroach onto any grave sites.
18. Primary identification ground signs shall be limited to monument style signs with a base and framework made of brick or stone, no greater than 6 feet in height.
19. Applicant agrees to provide surrounding residents with the name and telephone number of a contact person which may be called twenty-four (24) hours a day, seven (7) days a week during the period of construction of the improvements proposed within this SLUP and operation to address any construction and operational issues. This information shall be permanently posted on the site.
20. If any spill occurs on-site that requires notification of the Georgia EPD, the owner/operator is required to simultaneously notify the County Planning Department and the Parks Department.
21. All quarterly monitoring of storm water outfalls required by the Georgia EPD shall be conducted by qualified independent, third party engineers. Any and all water quality reports sent to the EPD shall also be sent to the Parks Department. Any violation or deficiency acknowledged by the Georgia EPD will be presented to the Parks Department and will be corrected in accordance with Georgia EPD protocol in conjunction with the Parks Department's direction and approval.
22. Any violation (or deficiency) of the facility's Georgia EPD Air Quality Permit will be presented to the Parks Department and will be corrected in accordance with Georgia EPD protocol in conjunction with the Parks Department's direction and approval.
23. To further ensure the protection of Constitution Lakes, the above ground storage tanks holding diesel fuel for delivery vehicles and the above ground storage tanks for other petroleum products used in the manufacturing of asphalt will be constructed with secondary containment basins engineered and built to EPD standards. These basins shall be sufficient in size to hold the capacity of the tanks, plus 10%. The diesel fuel

tank shall be double walled to prevent leaks. Bollards, curbing and other methods approved by EPD shall be installed to prevent damages to the storage tanks.

24. No dumping or deliveries from suppliers and vendors shall occur after 6:00 p.m.

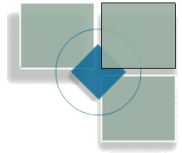


## **DeKalb County Department of Planning & Sustainability**

**330 Ponce De Leon Avenue, Suite 500**

**Decatur, GA 30030**

**(404) 371-2155 / [plandev@dekalbcountyga.gov](mailto:plandev@dekalbcountyga.gov)**



Michael Thurmond  
Chief Executive Officer

**Planning Commission Hearing Date: September 6, 2018, 6:30 P.M.**  
**Board of Commissioners Hearing Date: September 25, 2018, 6:30 P.M.**

### **STAFF ANALYSIS**

<b>Case No.:</b>	CZ-18-1235045	<b>Agenda #:</b> N5
<b>Location/ Address:</b>	1139 Fleetwood Drive and 1149 Ray Street, Atlanta, Georgia	Commission District: 3 Super District: 6
<b>Parcel ID:</b>	15 080 02 069	
<b>Request:</b>	To remove a portion of Condition #9 of a Special Land Use Permit (SLUP 15 19931) which limits hours of operation of an asphalt plant within the M (Light Industrial) District between 7:00 a.m. and 5:00 p.m. Mondays through Saturdays.	
<b>Property Owner:</b>	HEH Paving, Inc.	
<b>Applicant/Agent:</b>	JT Asphalt	
<b>Acreage:</b>	7.2 acres	
<b>Existing Land Use:</b>	Asphalt Plant	
<b>Surrounding Properties:</b>	Industrial uses and single-family homes to the north across Fleetwood Drive including a building materials warehouse (Wriscio Industries) and a truck terminal (Intermodal Express Trucking Company); a truck repair and storage yard and single-family homes to the west across Almand Road; a truck repair business, a building material recycling and storage yard at the intersection of Fleetwood Drive and the CSX Railroad to the east; and single-family homes and vacant land to the east across Sunnyhill Drive.	
<b>Adjacent Zoning:</b>	North: M South: M East: M West: M	
<b>Comprehensive Plan:</b>	LIND	Consistent <input checked="" type="checkbox"/> Inconsistent <input type="checkbox"/>
<b>Proposed Density:</b>	NA	<b>Existing Density:</b> NA
<b>Proposed Units/Square Ft.:</b>	Remove zoning condition restricting hours between 7:00 a.m. and 5:00 p.m.	<b>Existing Units/Square Feet:</b> Asphalt Plant
<b>Proposed Lot Coverage:</b>	NA	<b>Existing Lot Coverage:</b> NA

### **ZONING HISTORY**

The property has been zoned M since the initial adoption of the DeKalb County Zoning Ordinance in 1956.

## **PROJECT ANALYSIS**

The subject property was approved for a Special Land Use Permit (SLUP) to allow operation of an asphalt plant on August 11, 2015 with twenty-three conditions per SLUP-15-19931 (see attached). Condition # 9 restricted the hours of operation as follows:

*"9. Compliance with the DeKalb County Noise Ordinance shall be maintained. Hours of operation for the asphalt plant shall be limited to 7:00am to 5:00p.m. on weekdays and 7:00a.m.to 5:00 p.m. on Saturdays on an emergency as-needed basis. The asphalt plant shall be closed on Sundays."*

Based on information from the applicant, there is a significant amount of Georgia Department of Transportation paving projects that occur on the weekends and at night in metro Atlanta. In order for the applicant to be able to participate in these paving projects and remain competitive in the asphalt industry, the applicant needs to be open at night. Therefore the applicant proposes to remove the portion of Condition #9 relating to hours of operation since the property is in a predominantly Industrial (M) zoned area and there will be compliance with the County's Noise Ordinance. The immediate area is a mix of industrial and heavy commercial uses operating adjacent to a number of single-family residential properties. There are approximately 20 single-family residential structures surrounding the subject site along Sunnyhill Drive, Fleetwood Drive, and Almand Road, although those properties are all zoned light industrial (M) and are non-conforming uses since single-family residential is not an allowed land use in the M zoning district. The tax assessor website indicates that most of the homes were constructed in 1960, and the Zoning Ordinance of 1956 through 1962 permitted single-family residential on M-zoned properties so long as the lot was a legal lot of record in 1956 and developed with residential dwellings (See attached 1956 to 1962 DeKalb County Zoning Ordinance). Based on research of County records, there have been no noise complaints for the asphalt plant since the SLUP was approved in 2015.

## **LAND USE AND ZONING ANALYSIS**

**Section 27-832 of the Zoning Ordinance, "Standards and factors governing review of proposed amendments to the official zoning map" states that the following standards and factors shall govern the review of all proposed amendments to the zoning maps.**

### **A. Whether the zoning proposal is in conformity with the policy and intent of the comprehensive plan:**

Located within a Light Industrial (LIND) Character area designated by the 2005-2035 Comprehensive Land Use Plan Map, the proposed use is consistent with the following plan strategies: Protect the encroachment of industrial uses into established residential areas (LIND Policy #3) and minimize the re-zoning of light industrial properties to residential uses (LIND Policy #5).

### **B. Whether the zoning proposal will permit a use that is suitable in view of the use and development of adjacent and nearby properties:**

The proposed use is compatible with adjacent and surrounding properties as the Board of Commissioners approved a SLUP for an asphalt plant for this property on August 11, 2015. The proposed request is to remove a condition relating to operating hours. Since the M zoning district does not permit single-family land use, the single-family homes surrounding the subject property are non-conforming uses and the intent of the Zoning Ordinance is to remove non-conforming uses when the homes become vacant for longer than six months. Notwithstanding the non-conforming status of these single-family homes, based on County records there have



been no noise complaints for the asphalt plant since the SLUP was approved in 2015. The applicant will still be required to comply with the County's noise ordinance which will still remain in Condition #9.

**C. Whether the property to be affected by the zoning proposal has a reasonable economic use as currently zoned:**

The property may have a reasonable economic use as currently zoned since it is developed with an asphalt plant. However, based on information from the applicant, as a service supplier to Georgia Department of Transportation construction projects, the applicant needs to be competitive in the asphalt industry and needs to be open at night. Therefore the applicant proposes to remove the portion of Condition #9 relating to hours of operation since the property is in a predominantly Industrial (M) zoned area and there will be compliance with the County's Noise Ordinance.

**D. Whether the zoning proposal will adversely affect the existing use or usability of adjacent or nearby property:**

It does not appear that the proposed use would create adverse impacts upon adjoining land uses as the Board of Commissioners approved a SLUP for an asphalt plant for this property on August 11, 2015. The proposed request is to remove a condition relating to operating hours. Since the M zoning district does not permit single-family land use, the single-family homes surrounding the subject property are non-conforming uses and the intent of the Zoning Ordinance is to remove non-conforming uses when the homes become vacant for longer than six months. Notwithstanding the non-conforming status of these single-family homes, based on County records there have been no noise complaints for the asphalt plant since the SLUP was approved in 2015. The applicant will still be required to comply with the County's noise ordinance which will still remain in Condition #9.

**E. Whether there are other existing or changing conditions affecting the use and development of the property, which give supporting grounds for either approval or disapproval of the zoning proposal:**

See "C" above.

**F. Whether the zoning proposal will adversely affect historic buildings, sites, districts, or archaeological resources:**

Based on the submitted information, the proposed rezoning request should not have an adverse effect on historic buildings, sites, districts, or archaeological resources.

**G. Whether the zoning proposal will result in a use which will or could cause an excessive or burdensome use of existing streets, transportation facilities, utilities, or schools:**

Based on the submitted information, it does not appear that the zoning proposal will result in a use which would cause an excessive or burdensome use of existing streets or transportation facilities since the asphalt plant was approved on August 11, 2015 by the Board of Commissioners via Special Land Use Permit (SLUP 15 19931). The proposed request is only to remove a condition relating to operating hours.

**Staff Recommendation: (REVISED 9/7/18) APPROVAL WITH CONDITIONS**

The subject property was approved for a Special Land Use Permit (SLUP) to allow operation of an asphalt plant on August 11, 2015 with twenty-three conditions per SLUP-15-19931 (see attached). Condition # 9 restricted the hours of operation from 7:00 a.m. to 5:00 p.m. on weekdays and Saturdays and closed on Sundays. The applicant proposes to remove the condition limiting hours of operation since the property is in a predominantly Industrial (M) zoned area and there will be compliance with the County's Noise Ordinance. While there are several single-family

residential structures surrounding the subject site along Sunnyhill Drive, Fleetwood Drive, and Almand Road, those properties are all zoned light industrial (M) and are non-conforming uses since single-family residential is not an allowed land use in the M zoning district. Based on research of County records, there have been no noise complaints for the asphalt plant since the SLUP was approved in 2015. Based on input from the Planning Commission meeting, Staff has added a condition requiring that no dumping or deliveries from suppliers and vendors shall occur after 6:00 p.m. (See Condition #24). Therefore, it is the recommendation of the Planning and Sustainability Department that the request be "Approved" subject to all other original 2015 conditions carried forward as follows:

1. Use shall be restricted to an asphalt plant. Proposed structures shall be at least 70 feet from all property lines as shown on the attached Site Plan prepared by Shields Engineering Group dated 6/30/2015. Any changes which expand or move the plant closer than 70 feet from exterior property lines shall require a new Special Land Use Permit (SLUP) to be approved by the Board of Commissioners.
2. Proof of issuance of an air quality permit from the Environmental Protection Division of the Georgia Department of Natural Resources shall be required prior to the issuance of any building permits or land development permits.
3. The asphalt plant must use baghouse technology.
4. The applicant shall continuously use an Ecosorb additive during the production of asphalt to significantly reduce or eliminate odors from the asphalt plant.
5. Applicant must file a Notice of Intent for coverage under the Georgia National Pollutant Discharge Elimination System (NPDES) for Industrial Activity Permit with the Georgia Environment Protection Division of the Georgia Department of Natural Resources, and maintain compliance with NPDES requirements.
6. Compliance with Chapter 14 (Environmental) of the DeKalb County Code, including but not limited to Section 14-40 (Storm Water Management) and Section 14-42 (Storm Water Quality Control) of the DeKalb County Code of Ordinances as approved by the Storm water Management Division of Public Works and the Land Development Division of the Planning and Sustainability Department. A detailed hydrology study is required for the entire parcel (including the existing operations) as part of the land disturbance permit application for a storm water mitigation plan for the area of development. Approval of a Storm Water Pollution Prevention Plan (SWPPP) by the Department of Public Works is required to address any potential water quality impacts from the asphalt plant and outdoor storage areas prior to the issuance of any land development permits. The Department of Public Works shall also take into consideration all stormwater conveyance onto and off the site.
7. A dust management plan shall be submitted and approved by the Department of Planning and Sustainability prior to the issuance of any certificates of occupancy. Compliance with the dust management plan and other appropriate measures to minimize fugitive dust beyond the boundaries of

the site shall be required. Conveyor belts must be covered. Outdoor storage areas shall be confined within a three-sided concrete bin. Vehicles delivering materials to and from the site shall be covered to minimize any dust impacts onto adjacent properties and the surrounding area.

8. Any fueling of trucks associated with the asphalt plant shall only occur on dedicated concrete pads with a dedicated collection system to contain any residual oils or liquids.
9. Compliance with the DeKalb County Noise Ordinance shall be maintained.
10. There shall be a maximum of one (1) curb cut along Fleetwood Drive to access the asphalt plant. All raw materials to be delivered to the site shall use a truck route of Moreland to Baily to Fleetwood. All shipments from the plant shall reverse that route. Vehicles may not queue along Fleetwood Road. Access and circulation shall be subject to approval of the Transportation Division of the Public Works Department and the Development Division of the Planning and Sustainability Department. Sidewalks shall be installed in the County right of way along Fleetwood Drive from Sunnyhill to Almand.
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12. All outdoor lighting on the site shall be designed so that no direct light is cast upon or adversely affects adjacent properties and roadways.
13. Exterior appearance of asphalt plant shall be in general compliance with the submitted conceptual elevation date stamped by the Planning and Sustainability Department on May 7, 2015.
14. The applicant shall comply with Sec 27.764(b) to ensure that all outside storage is screened from adjoining properties and public streets. A fifty (50) foot wide buffer shall be provided along the frontage of Sunnyhill Drive, Fleetwood Drive, and along a portion of the southern property line which is adjacent to the proposed outdoor storage of material stockpiles. Existing trees within the buffer shall be preserved and supplemented with the planting of new trees and an eight (8) foot tall fence to provide an effective visual screen as approved by the County Arborist. A 30-foot wide buffer shall be provided along the remaining portion of the southern property line which is adjacent to the proposed outdoor storage of material stockpiles. Existing trees within the buffer shall be preserved and supplemented with the planting of new trees and an eight (8) foot tall fence to provide an effective visual screen as approved by the County Arborist. A 30-foot wide landscape strip with new trees and an eight (8) foot high fence shall be provided between the western property line and the proposed entrance off of Fleetwood Drive to provide an effective visual screen as approved by the

County Arborist. For buffer areas requiring new trees to supplement the existing mature vegetation, the planting of evergreen trees with a minimum height of six feet at planting shall be required or an appropriate alternative as approved by the County Arborist. Detention areas are not allowed within the required buffer areas.

15. Should the specimen tree at the northeast corner of the site be removed, or any other specimen tree, the Applicant shall plant the required number of recompense trees as required by the Tree Ordinance prior to the issuance of any building permits or at a time approved by the County Arborist on the site wherever possible.
16. The Rays Street right-of-way shall be closed as approved by the Board of Commissioners prior to the issuance of any land disturbance permits.
17. Applicant agrees to construct a retaining wall along the property frontage or right-of-way of 1081 Fleetwood Drive to stabilize and protect the deteriorating unmarked cemetery prior to the issuance of any building permits for the asphalt plant. A geo-tech study by a qualified professional shall be done to determine the limits of the graves so that the proposed retaining wall shall not encroach onto any grave sites.
18. Primary identification ground signs shall be limited to monument style signs with a base and framework made of brick or stone, no greater than 6 feet in height.
19. Applicant agrees to provide surrounding residents with the name and telephone number of a contact person which may be called twenty-four (24) hours a day, seven (7) days a week during the period of construction of the improvements proposed within this SLUP and operation to address any construction and operational issues. This information shall be permanently posted on the site.
20. If any spill occurs on-site that requires notification of the Georgia EPD, the owner/operator is required to simultaneously notify the County Planning Department and the Parks Department.
21. All quarterly monitoring of storm water outfalls required by the Georgia EPD shall be conducted by qualified independent, third party engineers. Any and all water quality reports sent to the EPD shall also be sent to the Parks Department. Any violation or deficiency acknowledged by the Georgia EPD will be presented to the Parks Department and will be corrected in accordance with Georgia EPD protocol in conjunction with the Parks Department's direction and approval.

22. Any violation (or deficiency) of the facility's Georgia EPD Air Quality Permit will be presented to the Parks Department and will be corrected in accordance with Georgia EPD protocol in conjunction with the Parks Department's direction and approval.
23. To further ensure the protection of Constitution Lakes, the above ground storage tanks holding diesel fuel for delivery vehicles and the above ground storage tanks for other petroleum products used in the manufacturing of asphalt will be constructed with secondary containment basins engineered and built to EPD standards. These basins shall be sufficient in size to hold the capacity of the tanks, plus 10%. The diesel fuel tank shall be double walled to prevent leaks. Bollards, curbing and other methods approved by EPD shall be installed to prevent damages to the storage tanks.
24. No dumping or deliveries from suppliers and vendors shall occur after 6:00 p.m.

**Attachments:**

1. Departmental Comments
  - a. Land Development Division
  - b. Traffic Engineering Division
  - c. Watershed Management
  - d. Board of Health
2. Application
3. Site Plan
4. Zoning Map
5. Aerial Photograph
6. Location Photographs

**NEXT STEPS:** *Following an approval of this action, one or several of the following approvals or permits may be required:*

- **Land Disturbance Permit** *(Required for of new building construction on non-residential properties, or land disturbance/improvement such as storm water detention, paving, digging, or landscaping.)*
- ✓ **Building Permit** *(New construction or renovation of a building (interior or exterior) may require full plan submittal or other documentation. zoning, site development, watershed and health department standards will be checked for compliance.)*
- ✓ **Certificate of Occupancy** *(Required prior to occupation of a commercial space and for use of property for any business type. The issuance follows the review of submitted plans if required based on the type occupancy.)*

- **Plat Approval** *(Required if any parcel is being subdivided, re-parceled, or combined. Issued “administratively”; no public hearing required.)*
- **Sketch Plat Approval** *(Required for the subdivision of property into three lots or more. Requires a public hearing by the Planning Commission.)*
- **Historic Preservation Certificate of Appropriateness** *(Required for any proposed changes to building exteriors or improvements to land when a property is located within the Druid Hills Historic District or the Soapstone Geological Historic District. Historic Preservation Committee public hearing may be required.)*
- **Variance or Special Exception** *(Required to seek relief from any development standards of the Zoning Ordinance. A public hearing and action by the Board of Appeals are required for most variances.)*
- **Major Modification** *(Required if there are any changes to zoning conditions approved by the Board of Commissioner on a prior rezoning.)*
- **Business License** *(Required for any business or non-residential enterprise operating in Unincorporated DeKalb County, including in-home occupations).*
- ✓ **Alcohol License** *(Required permit to sell alcohol for consumption on-site or packaged for off-site consumption. Signed and sealed distance survey is required. Background checks will be performed.)*

**Each of the approvals and permits listed above require submittal**



## DEKALB COUNTY GOVERNMENT PLANNING DEPARTMENT DISTRIBUTION FORM

The following areas below may warrant comments from the Development Division. Please respond accordingly as the issues relate to the proposed request and the site plan enclosed as it relates to Chapter 14. You may address applicable disciplines.

### DEVELOPMENT ANALYSIS:

- **Transportation/Access/Row**

Consult the Georgia DOT as well as the DeKalb County Transportation Department prior to land development permit. Verify widths from the centerline of the roadways to the property line for possible right-of-way dedication. Improvements within the right-of-way may be required as a condition for land development application review approval. Safe vehicular circulation is required. Paved off-street parking is required.

- **Storm Water Management**

Compliance with the Georgia Stormwater Management Manual, DeKalb County Code of Ordinances 14-40 for Stormwater Management and 14-42 for Storm Water Quality Control, to include Runoff Reduction Volume where applicable is required as a condition of land development permit approval. Use Volume Three of the G.S.M.M. for best maintenance practices. Use the NOAA Atlas 14 Point Precipitation Data set specific to the site. The site is a stormwater hotspot.

- **Flood Hazard Area/Wetlands**

The presence of FEMA Flood Hazard Area was not indicated in the County G.I.S. mapping records for the site; and should be noted in the plans at the time of any land development permit application. Encroachment of flood hazard areas require compliance with Article IV of Chapter 14 and FEMA floodplain regulations.

- **Landscaping/Tree Preservation**

Landscaping and tree preservation plans for any building, or parking lot must comply with DeKalb County Code of Ordinances 14-39 and are subject to approval from the County Arborist.

- **Tributary Buffer**

State water and consequently, State water buffer was not reflected in the G.I.S. records for the site. Typical state waters buffer have a 75' undisturbed stream buffer and land development within the undisturbed creek buffer is prohibited without a variance per DeKalb County Code of Ordinances 14-44.1.

- **Fire Safety**

Plans for land development permit must comply with Chapter 12 DeKalb County Code for fire protection and prevention.

- **Retaining Wall**

Any proposed retaining wall must comply with DeKalb County Code of Ordinances Chapter 27-5.4.7



## Reid, John

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**From:** Hill, LaSondra  
**Sent:** Monday, August 20, 2018 7:26 AM  
**To:** Hill, Karen F.; Reid, John; Furman, Melora L.; Brewer, Brian N.; Washington, Larry  
**Cc:** Alexander, Michelle M.; Eisenberg, Marian  
**Subject:** FW: Request for Inter-Departmental Comments

**From:** Keeter, Patrece  
**Sent:** Friday, August 17, 2018 4:41 PM  
**To:** Hill, LaSondra <lahill@dekalbcountyga.gov>  
**Cc:** Alexander, Michelle M. <mmalexander@dekalbcountyga.gov>  
**Subject:** RE: Request for Inter-Departmental Comments

On Case N.10- The access point on Candler Road should be limited to right in-right out.

**From:** Keeter, Patrece  
**Sent:** Monday, August 13, 2018 12:01 PM  
**To:** Hill, LaSondra <lahill@dekalbcountyga.gov>  
**Cc:** Alexander, Michelle M. <mmalexander@dekalbcountyga.gov>  
**Subject:** RE: Request for Inter-Departmental Comments

- N1. Lawrenceville Hwy is a major arterial on a state route. Dedicate right of way at least 50 from centerline. Install sidewalks along property frontage (ensure sidewalks are within right of way). GDOT review and permits required. Street lights required 1 foot behind sidewalks on right of way.
- N2. Clairmont Road is a major arterial on a state route. Dedicate right of way at least 50 from centerline. GDOT review and permits required.
- N3. Braircliff Road is a minor arterial and state route. GDOT review and permits required. No access allowed onto Braircliff Road.
- N4. No Comments.
- N5. No Comments.
- N6. No Comments.
- N7. No Comments.
- N8 & N9. Columbia Drive is a minor arterial. See Section 5.4.3 of the Zoning Code for required improvements and Section 14-190 of the Land Development Code for required infrastructure improvements at time of permit. . (The Zoning Code trumps the Land Development Code- but when the Zoning Code is silent, the Land Development Code takes effect. Overlay Districts trump both of the above.) 40 foot right of way dedication from centerline. 6 foot sidewalks, 4 foot bike lanes. Street lights behind the sidewalk within right of way. As shown in the application, interior roads must be private.
- N10. Candler Road is a major arterial and a state route. GDOT review and permits required. Kelly Lake Road is a local road. See Section 5.4.3 of the Zoning Code for required improvements and Section 14-190 of the Land Development Code. (The Zoning Code trumps the Land Development Code- but when the Zoning Code is silent, the Land Development Code takes effect. Overlay Districts trump both of the above.) Right of way dedication of 50 from centerline on Candler Road, 6 foot sidewalks. Right of way dedication on Kelly Lake Road 27.5 feet from centerline, 5 foot sidewalks. Extend sidewalks along Kelly Lake Road within existing right of way to Candler Road. Street Lights required on back of sidewalk within right of way along both frontages. See Section 5.4.3 of the Zoning Code for required improvements and Section 14-190 of the Land Development Code for required infrastructure improvements at time of



DEKALB COUNTY GOVERNMENT  
PLANNING DEPARTMENT  
DISTRIBUTION FORM

NOTE: PLEASE RETURN ALL COMMENTS VIA EMAIL OR FAX TO EXPEDITE THE PROCESS TO MICHELLE M ALEXANDER [mmalexander@dekalbcountyga.gov](mailto:mmalexander@dekalbcountyga.gov) OR JOHN REID [jreid@DEKALBCOUNTYGA.GOV](mailto:jreid@DEKALBCOUNTYGA.GOV)

CO COMMENTS FORM:  
PUBLIC WORKS WATER AND SEWER

Case No.: CZ-18-1235045

Parcel I.D. #: 15-080-02-069

Address: 1139 Fleetwood Drive  
Atlanta, GA

WATER:

Size of existing water main: 6" C.I., 6" A.C., 8" D.I. Water Main (adequate/inadequate)

Distance from property to nearest main: Adjacent to Property

Size of line required, if inadequate: N/A

SEWER:

Outfall Servicing Project: Constitution Creek Basin

Is sewer adjacent to property: Yes ( ☐ ) No ( ☒ ) If no, distance to nearest line: Approximately 927 feet Southwest of Property

Water Treatment Facility: Snapsinger Creek WTF ( ) adequate ( ) inadequate

Sewage Capacity; \* (MGPD)

Current Flow: 21.77 (MGPD)

COMMENTS:

\* Please note that the sewer capacity has not been reviewed or approved for this project. A Sewer Capacity Request (SCR) must be completed and submitted for review. This can be a lengthy process and should be addressed early in the process.

Signature: 



(6)

**DEKALB COUNTY GOVERNMENT  
PLANNING DEPARTMENT  
DISTRIBUTION FORM**

**NOTE:** PLEASE RETURN ALL COMMENTS VIA EMAIL OR FAX TO EXPEDITE THE PROCESS TO  
MADOLYN SPANN [MSPANN@DEKALBCOUNTYGA.GOV](mailto:MSPANN@DEKALBCOUNTYGA.GOV) OR JOHN REID [JREID@DEKALBCOUNTYGA.GOV](mailto:JREID@DEKALBCOUNTYGA.GOV)

**COMMENTS FORM:  
PUBLIC WORKS TRAFFIC ENGINEERING**

Case No.: CZ-18-1235045 Parcel I.D. #: 15-08002069

Address: 1139 Fleetwood Dr  
Atlanta Ga.

Adjacent Roadway (s):

_____	_____
_____	_____
(classification)	(classification)

Capacity (TPD) _____	Capacity (TPD) _____
Latest Count (TPD) _____	Latest Count (TPD) _____
Hourly Capacity (VPH) _____	Hourly Capacity (VPH) _____
Peak Hour. Volume (VPH) _____	Peak Hour. Volume (VPH) _____
Existing number of traffic lanes _____	Existing number of traffic lanes _____
Existing right of way width _____	Existing right of way width _____
Proposed number of traffic lanes _____	Proposed number of traffic lanes _____
Proposed right of way width _____	Proposed right of way width _____

Please provide additional information relating to the following statement.

According to studies conducted by the Institute of Traffic Engineers (ITE) 6/7<sup>TH</sup> Edition (whichever is applicable), churches generate an average of fifteen (15) vehicle trip end (VTE) per 1,000 square feet of floor area, with an eight (8%) percent peak hour factor. Based on the above formula, the \_\_\_\_\_ square foot place of worship building would generate \_\_\_\_\_ vehicle trip ends, with approximately \_\_\_\_\_ peak hour vehicle trip ends.

Single Family residence, on the other hand, would generate ten (10) VTE's per day per dwelling unit, with a ten (10%) percent peak hour factor. Based on the above referenced formula, the \_\_\_\_\_ (Single Family Residential) District designation which allows a maximum of \_\_\_\_\_ units per acres, and the given fact that the project site is approximately \_\_\_\_\_ acres in land area, \_\_\_\_\_ daily vehicle trip end, and \_\_\_\_\_ peak hour vehicle trip end would be generated with residential development of the parcel.

**COMMENTS:**

D, d Field REVIEWED, NO problem that would INTERFERE
with traffic flow.

Signature: Jerry White Jr

DeKalb County Board of Health

404.508.7900 • www.dekalbhealth.net

8/24/2018

N.5

CZ-18-1235045/15 080 02 069

1139 Fleetwood Drive, Atlanta, GA

☐ Amendment

- See review comments.

N.6

2018-2433/SLUP-18-1235075/15-009-01-029

2669 Woodfen Drive, Ellenwood, Ga

☐ Amendment

- Please review comments.

- Indication of septic system installed on property 4/15/1974.

N.7

2018-2444/Z-18-1235083/15-183-19-011

3087 Alston Drive, Decatur, Ga

☐ Amendment

- Please review comments.

N.8

LP-18-1235089/15 18601 004

1473 Columbia Drive

☐ Amendment

- Please review comments.

- Indications file in system that an septic system is currently installed on this property as of 01/13/1971.

## DEKALB COUNTY



## Board of Health

8/24/2018

To: Ms. Madolyn Spann, Planning Manager  
Mr. John Reid, Senior Planner  
From: Ryan Cira, Environmental Health Manager  
Cc: Alan Gaines, Technical Services Manager  
Re: Rezone Application Review

### General Comments:

DeKalb County Health Regulations prohibit use of on-site sewage disposal systems for

- multiple dwellings
- food service establishments
- hotels and motels
- commercial laundries
- funeral homes
- schools
- nursing care facilities
- personal care homes with more than six (6) clients
- child or adult day care facilities with more than six (6) clients
- residential facilities containing food service establishments

If proposal will use on-site sewage disposal, please contact the Land Use Section (404) 508-7900.

Any proposal, which will alter wastewater flow to an on-site sewage disposal system, must be reviewed by this office prior to construction.

This office must approve any proposed food service operation or swimming pool prior to starting construction.

Public health recommends the inclusion of sidewalks to continue a preexisting sidewalk network or begin a new sidewalk network. Sidewalks can provide safe and convenient pedestrian access to a community-oriented facility and access to adjacent facilities and neighborhoods.

For a public transportation route, there shall be a 5ft. sidewalk with a buffer between the sidewalk and the road. There shall be enough space next to sidewalk for bus shelter's concrete pad installation.

Since DeKalb County is classified as a Zone 1 radon county, this office recommends the use of radon resistant construction.

DeKalb County Board of Health



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**1139 Fleetwood Dr.  
Atlanta, GA, 30316  
Office: (470)-205-4175  
Fax: (470)-481-0316**

**Letter of Application**

- a. There is no proposed zoning modification however a modification to change operating hours.
- b. The reason for the request is so that the current zoning can be followed.
- c. The existing zoning is M with a SLUP Condition 9 of SLUP-15-19931 on hours of operation from 7am to 5pm and the proposed zoning is M with the hours changing to comply with M zoning hours.
- d. The zoning of the property will not change, we are just requesting a modification in the hours of operation from condition 9 of SLUP-15-19931.

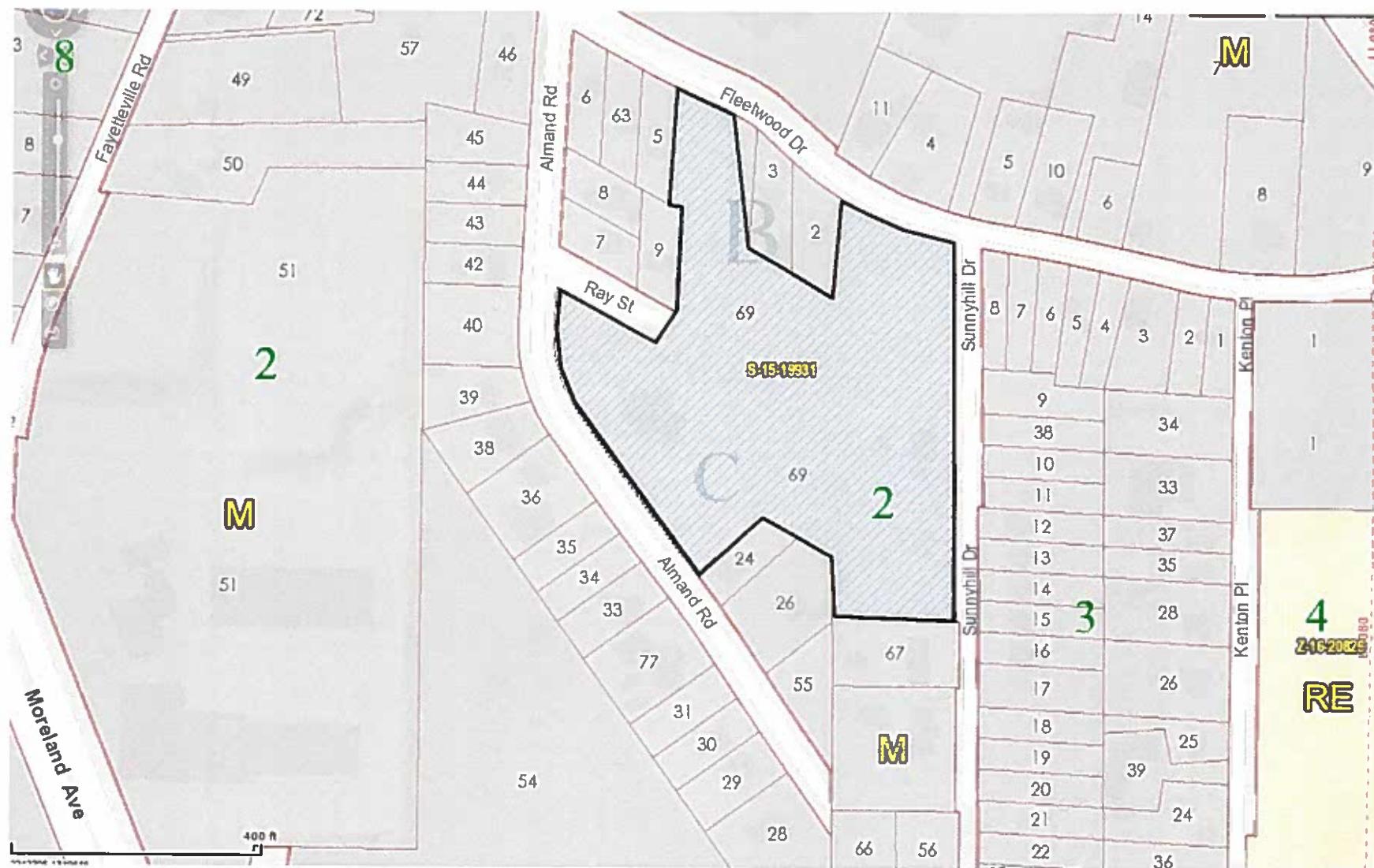


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**1139 Fleetwood Dr.  
Atlanta, GA, 30316  
Office: (470)-205-4175  
Fax: (470)-481-0316**

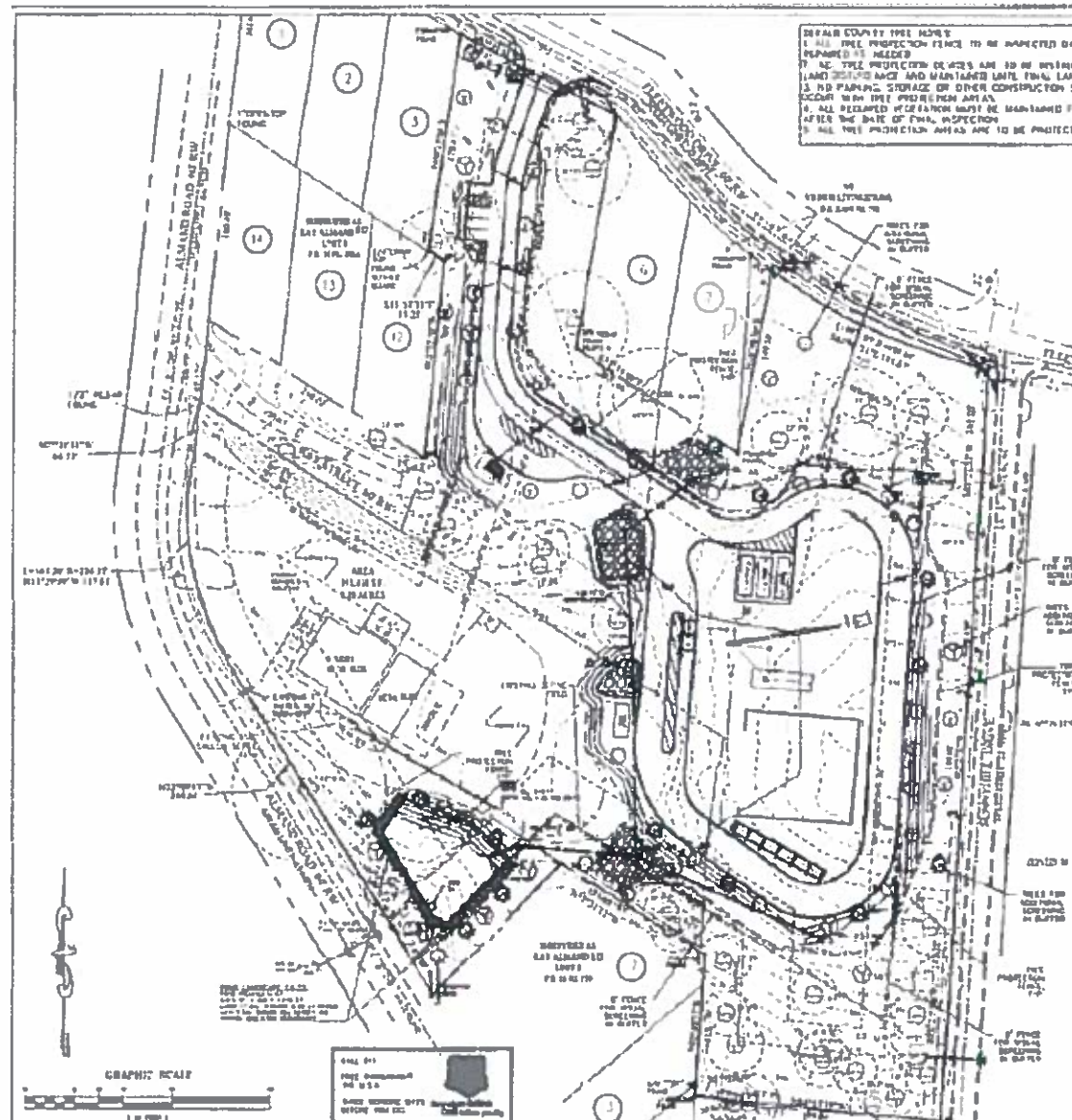
**Impact Analysis**

- A. The zoning proposal is in conformity with the policy and intent of the Comprehensive Plan.**
- B. The zoning proposal will permit a use that is sustainable in view of the use and development of adjacent and nearby properties.**
- C. The affected property by the zoning proposal has a reasonable economic use as currently zoned.**
- D. The zoning proposal will not adversely affect the existing use or usability of adjacent or nearby properties.**
- E. There are no other existing or changing conditions affecting the use and development of the properties which give supporting grounds for either approval or disapproval of the zoning proposal.**
- F. The zoning proposal will not adversely affect any historic building, sites, districts, or archaeological resources.**
- G. The zoning proposal will not result in a use which will or could cause excessive or burdensome use of existing streets, transportation facilities, utilities, or schools.**











N.5

CZ 18 1235045

Aerial









DeKalb County  
GEORGIA

404.371.2155 (o)  
404.371.4556 (f)  
DeKalbCountyGa.gov

Clark Harrison Building  
330 W. Ponce de Leon Ave  
Decatur, GA 30030

DEPARTMENT OF PLANNING & SUSTAINABILITY

MAJOR MODIFICATION APPLICATION

1235045

Date Submitted: \_\_\_\_\_

Case No.: C2-18-~~0005~~

Existing Conditional Zoning No.: \_\_\_\_\_

APPLICANT NAME: ST Asphalt

Daytime Phone#: 470-205-7173 Fax #: 470-481-0316 E-mail: jabi.11@williamsstasphalt.com

Mailing Address: 1139 FREEMAN DRIVE, ATLANTA GA 30316

OWNER NAME: HEH Properties Inc  
(If more than one owner, attach contact information for each owner)

Daytime Phone#: 770-964-4955 Fax #: 770-964-4956 E-mail: richard.wisniewski@hehproperties.com

Mailing Address: 3384 ALHAMBRA ROAD, ATLANTA GA 30316

SUBJECT PROPERTY ADDRESS OR LOCATION: 1139 FREEMAN DRIVE, ATLANTA

\_\_\_\_\_, DeKalb County, GA, 30316

District(s): 15 Land Lot(s): 80 Block(s): \_\_\_\_\_ Parcel(s): 1508002000

Acreage or Square Feet: 3.15 Commission District(s): 3 Existing Zoning: M1

I hereby authorize the staff of the Planning and Development Department to inspect the property that is the subject of this application.

Signature of Applicant: Robert E. Muehle

Printed Name of Applicant: Robert E. Muehle

Notice Date: Monday, May 28, 2018

## **PUBLIC NOTICE**

To

**Request for a Special Land Use Permit (Condition Amendment)**

Filed by: Eric, Ralph – JT Asphalt

Located at: 1139 Fleetwood Dr  
Atlanta , GA 30316  
678-699-0417 / 404-399-0680

**Current Use:** Asphalt Plant

**Proposed Use:** Asphalt Plant (Operating Time Condition Amendment Change)

**Hours of Operation**

Mon-Sat 7am-5pm (Additional time pending)

### **PRE-SUBMITTAL COMMUNITY MEETING TO TAKE PLACE**

**Location:** HEH Paving

3384 Almand Road

Atlanta, GA 30316

**Date:** Wednesday June13, 2018 @ 7:00pm

## MEETING SIGN-IN SHEET

Project: H&H PAVING / JT ASPHALT

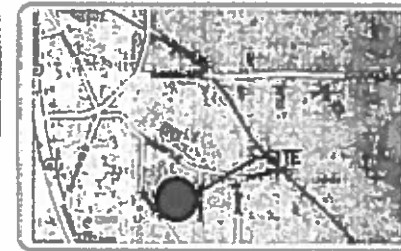
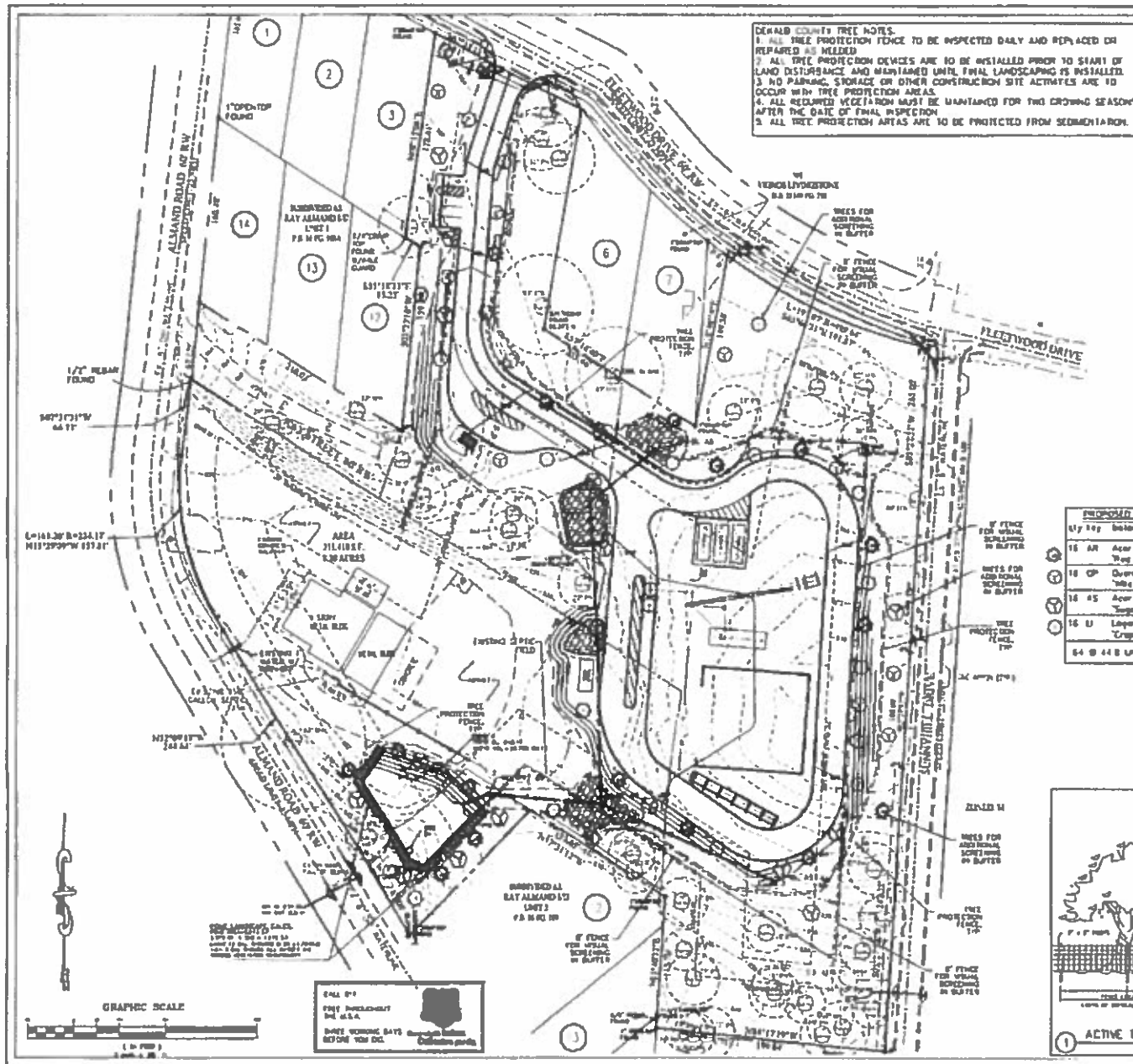
Meeting Date: 4/13/2018

Facilitator: RALPH DEARLES

Location: 3384 ALVARADO ROAD, ATLANTA GA

[illegible]





**LOCATION MAP**  
N.T.S.

**TOTAL: 4 (PROPOSED)**

**SITE PRESERVED TREES REQUIRED:**  
SITE AREA = 7.70 ACRES  
TREES REQUIRED: 7.70 AC x 120 TREES/AC = 924 TREES  
OR  
25% OF ALL SIGNIFICANT TREES SAVED  
30 TREES @ 600 TREES SAVED  
PRESERVATION REQUIREMENT MET: YES

**SITE TREES REQUIRED:**  
SITE AREA = 7.70 ACRES  
TREES REQUIRED: 7.70 AC x 30 TREES/AC = 231 TREES  
EXISTING TREES = 174 TREES  
REPLACEMENT TREES = 64 TREES  
TOTAL TREES = 238 TREES  
REQUIREMENT MET: YES

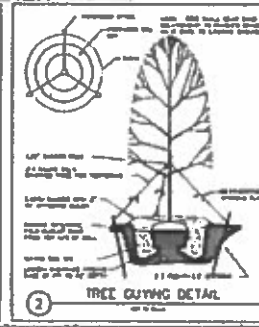
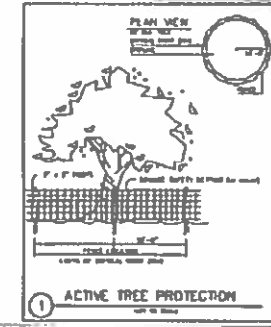
Qty	Botanical Name	Common Name	Remarks	Size	Height	Units	Total
16	AR	Acer rubrum	RED MAPLE	UPRCHT	4" - 10"	0.7	11.2
16	OP	Quercus Phellos	WILLOW OAK	UPRCHT	4" - 10"	0.7	11.2
16	45	Acer Saccharum	SUGAR MAPLE	UPRCHT	4" - 10"	0.7	11.2
16	U	Lagerströmia Indica	CRANE MYRTLE	UPRCHT	4" - 10"	0.7	11.2
64	0	44	0	0	0	0	44.0

**REPLACEMENT TREES (SECTION 16-70)**

- SIZE OF REPLACEMENT TREES OVERSTORY
- NO MORE THAN 25% OF ANY SINGLE SPECIES
- NO MORE THAN 25% OF ANY EVERGREEN SPECIES

**PARKING LOT TREE CALCULATIONS:**  
10 SPACES, 1 TREE PER 6 SPACES  
10/6 = 1.67 TREES  
43 TREES PROVIDED

**PARKING LOT LANDSCAPE AREA CALCULATIONS:**  
21,300 SQ. FT. LANDSCAPE AREA /  
46,561 SQ. FT. PARKING LOT = 0.46



**EEC**  
Environmental Engineering Consultants, LLC  
CIVIL ENGINEERING & LAND PLANNING  
400 WESTERN DRIVE  
LELAND, CA 90743  
PHONE 805 20-0000



**PROJECT:**  
HEH PAVING PLANT  
3304 ALMOND ROAD SE  
LAND LOT 80, 18TH DISTRICT  
DETAILED COUNTY  
AP # 20278

**REVISIONS:**

NO.	DATE	DESCRIPTION

**TREE REPLACEMENT PLAN**

DATE: 11/11/11  
BY: [Signature]  
CHECKED BY: [Signature]  
PROJECT MANAGER: [Signature]  
SCALE: 1" = 50'

**PROJECT NO:**  
09-088.111

**TP2.0**