

SPECIAL USE APPLICATION SYNOPSIS

Petition Number(s): **SU22-03**

APPLICANT INFORMATION AND PROPERTY DESCRIPTION

Applicant: **Cash Environmental Resources LLC (Kevin Cash)**

Representative: **Brandon Bowen, Esq.**

Property Owner: **3S Investments, LLC**

Property Location: **315 Industrial Park Rd.**

Access to the Property: **Industrial Park Rd.**

Site Characteristics:

Tract Size: Acres: **5** District: **5th** Section: **3rd** LL(S): **201**

Ward: **6** Council Member: **Taff Wren**

LAND USE INFORMATION

Current Zoning: **H-I (Heavy Industrial)**

Proposed Zoning: **H-I (Heavy Industrial)**

Proposed Use: **Trash Transfer Station**

Current Zoning of Adjacent Property:

North: **H-I (Heavy Industrial)**

South: **County A1 (Agriculture) & County I-2 (Heavy Industrial)**

East: **H-I (Heavy Industrial)**

West: **H-I (Heavy Industrial)**

The Future Development Map designates the subject property as: **Workplace Center.**

The Future Land Use Map designates the subject property as: **Industrial.**

2. City Department Comments:

Electric: Takes no exception

Fibercom: Takes no exception

Fire: Cartersville Fire Department takes no exceptions to the special use request for property located at 315 Industrial Park Rd provided all adopted codes and ordinances of the city of Cartersville are followed.

Gas: Takes no exception

Public Works: Public Works does not oppose the special use permit.

Water and Sewer: Bartow County Water & Sewer service area.

3. Public Comments:

8/24: Brenda Goolsby, owner, 329 Industrial park Rd. General Questions. Application provided. SU19-07 application and supporting documents also provided via email.

4. Special Use Review

The applicant, Cash Environmental Resources LLC, is requesting a Special Use permit for property identified as 315 Industrial Park Rd (315) in compliance with the zoning requirements for a Waste Transfer Station in the H-I (Heavy Industrial) zoning district. The applicant is proposing a municipal and construction/ demolition waste transfer facility.

In 2019, the applicant in partnership with Regulated Services, LLC, received a special use permit to operate a municipal waste, construction waste and pharmaceutical waste processing and transfer station on the adjacent property at 375 Industrial Park Rd (375). After the permit approval and in consideration of their business needs, the parties agreed that more space should be given to the municipal waste and construction debris operations. The applicant is planning to relocate the municipal and construction waste operations approved with SU19-07 from the 375 site to the 315 site.

Currently, the site is undeveloped and wooded. There is floodplain present on the southern half of the property and the flood ordinance requirements will have to be met.

Per the conceptual site plan, two new structures, 9,600sf. each, are proposed. No encroachment of the floodplain on the southern half of the property is expected. Site development will be addressed during plan review.

GA EPD also has regulatory oversight over this type of operation.

There are no additional Special Use Standards for a Waste Transfer Station beyond the basic standards addressed in the application.

The operation seems appropriate for the H-I zoning district and location.

5. Zoning Ordinance Findings

Please review the following findings, as stated in the Zoning Ordinance, which are to be utilized in determining justification for approval or denial of special use request(s).

B) Article XVI. Special Uses

Sec. 16.1. Scope and intent.

- A. This article specifies uses which are not classified as permitted uses as a matter of right in zoning districts, and are therefore only allowed through the approval of a Special use. The standards which apply to each use are enumerated and must be met in order for an application to be granted.
- B. In granting a Special use, conditions may be attached as are deemed necessary in the particular case for the protection or benefit of neighbors in order to assimilate the proposed development or use into the neighborhood with minimal impact.

Sec. 16.2. Application of regulations and approval.

Uses allowable with a Special use and the minimum standards for such uses are listed in section 16.4 of this article.

Uses in the districts enumerated herein may be authorized by Special use only. The regulations contained in this article shall not apply to any permitted use as a matter of right in any zoning district.

Any use which may be authorized by Special use shall be approved by the Mayor and Council in accordance with section 16.1, scope and intent, provided:

- A. The standards for the Special use as specified herein can be met;
- B. Recommendations have been received from the planning and development staff and other appropriate City departments.
- C. A public hearing has been held in relation to the Special use before the Planning Commission in conformance with the advertising standards outlined in article XXIV of this chapter. The Planning Commission shall make recommendations to the Mayor and Council regarding the application for a Special use; and
- D. A public hearing has been held in relation to the Special use before the Mayor and Council in conformance with the advertising standards outlined in article XXIV of this chapter.

Sec. 16.3. Additional restrictions.

- A. In the interest of the public health, safety and welfare, the Mayor and Council may exercise limited discretion in evaluating the site proposed for a use which requires a Special use. In exercising such discretion pertaining to the subject use, the Mayor and Council may consider the following, which shall be stated in writing by the applicant and submitted to the department of planning and development to initiate an application for a Special Use permit:
1. The effect of the proposed activity on traffic flow along adjoining streets;
 2. The availability, number and location of off-street parking;
 3. Protective screening;
 4. Hours and manner of operation of the proposed use;
 5. Outdoor lighting;
 6. Ingress and egress to the property; and
 7. Compatibility with surrounding land use.
- B. Any use which may be authorized by special use shall comply with all other City regulations, zoning district regulations and other regulations contained herein, and conditions of zoning approval if applicable. Whenever a standard contained in this section is in conflict with another provision of this chapter, the more restrictive provision shall prevail.

6. How General Standards Are Met:

Standard #1: The effect of the proposed activity on traffic flow along adjoining streets.

How Standard #1 has / will be met: No negative effect to traffic along Industrial Park Rd. is expected. There will be an increase truck traffic once the facility is operational.

Standard #2: The availability, location, and number of off-street parking.

How Standard #2 has / will be met: Sufficient space exists on site for employee/ client parking.

Standard #3: Protective screening.

How Standard #3 has / will be met: Not required.

Standard #4: Hours and manner of operation:

How Standard #4 has / will be met: The business would operate (2) overlapping shifts, Mon. – Fri., 6am – 8pm.

Standard #5: Outdoor lighting

How Standard #5 has / will be met: No changes to existing conditions required. New lights may be needed for new buildings and will be addressed during plan review.

Standard #6: Ingress and egress to the property.

How Standard #6 has / will be met: Primary access is via Industrial Park Rd.

Standard #7: Compatibility with surrounding land use.

How Standard #7 has / will be met: No negative impact to adjacent properties is expected. Brenda Goolsby, owner, 329 Industrial park Rd. did call the P&D office to request information on the application. The application was provided. Two office/warehouse buildings exist on this property with direct driveway access to Industrial Park Rd.

The properties to the south will be buffered approx. 300ft by the flood plain area.

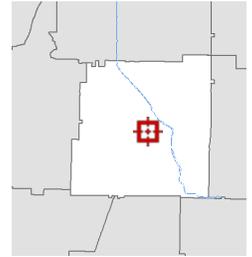
7. Additional standards from Zoning Ordinance section 16.4 for use applied for and how they are met:

N/A

8. Staff Recommendation: Staff does not oppose the application.



Overview



Legend

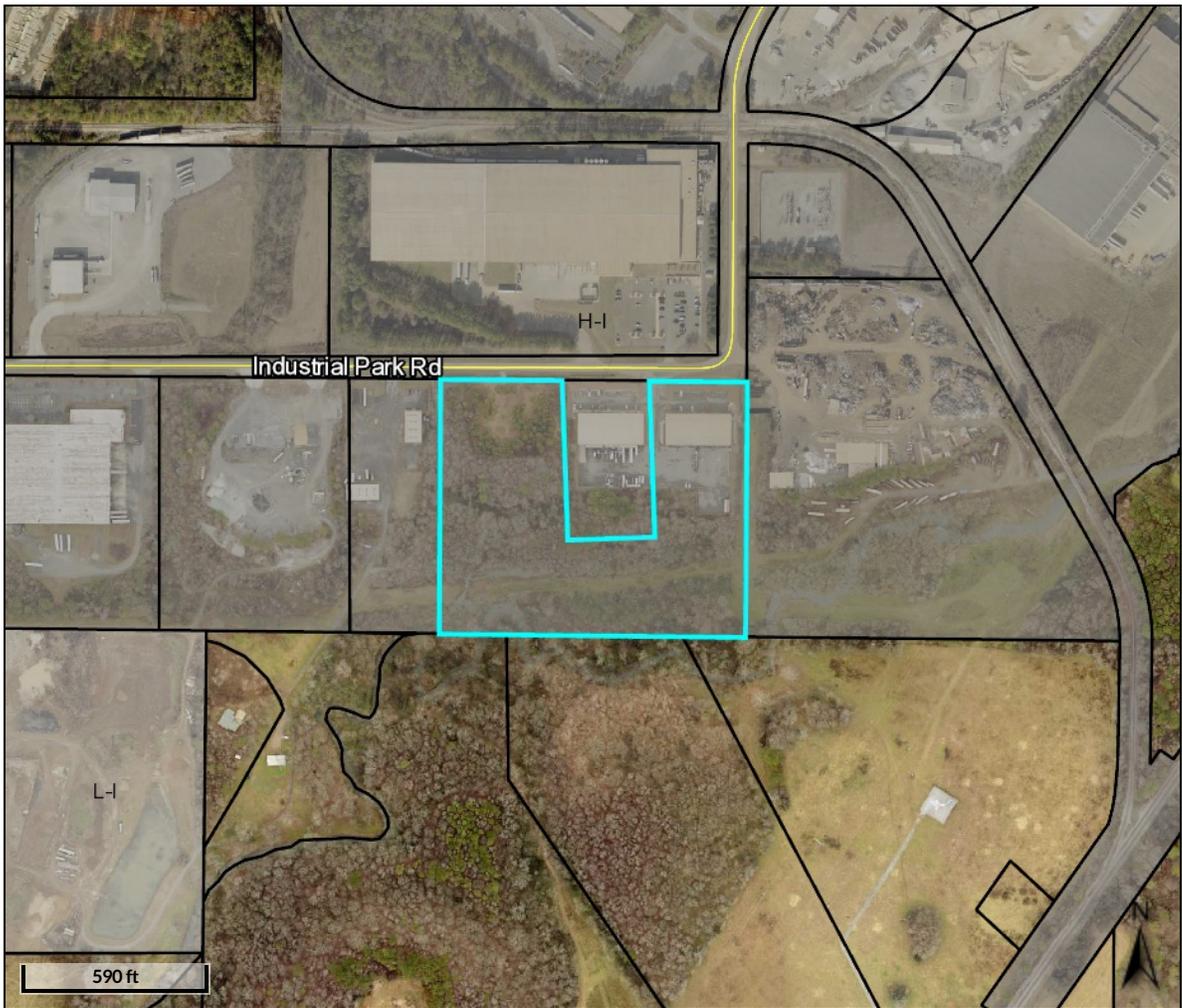
- Parcels
- Roads

Parcel ID	C061-0001-004	Alternate ID	36680	Owner Address	3S INVESTMENTS
Sec/Twp/Rng	n/a	Class	Industrial		PO BOX 4087
Property Address	315 INDUSTRIAL PARK RD	Acreage	14.28		CARTERSVILLE, GA 30120
District	Cartersville				
Brief Tax Description	LL 201 D 5				

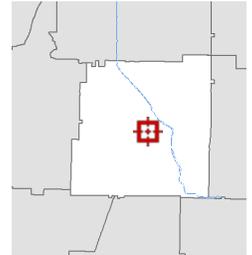
(Note: Not to be used on legal documents)

Date created: 7/27/2022
 Last Data Uploaded: 7/26/2022 10:21:31 PM

Developed by **Schneider**
 GEOSPATIAL



Overview



Legend

- Parcels
- Roads
- Cartersville Zoning**
- AG
- DBD
- G-C
- G-C*
- H-I
- H-I*
- L-I
- L-I*
- M-U
- M-U*
- MF-14
- MF-14*
- MN
- O-C
- O-C*
- P-D
- P-D*
- P-I
- P-S
- P-S*
- R-10
- R-10*
- R-15
- R-15*
- R-20
- R-20*
- R-7
- R-7*
- R-D
- RA-12
- RA-12*
- RSL

Parcel ID C061-0001-004
Sec/Twp/Rng n/a

Alternate ID 36680
Class Industrial

Owner Address 3S INVESTMENTS
 PO BOX 4087

Property Address 315 INDUSTRIAL PARK RD

Acreage 14.28

CARTERSVILLE, GA 30120

District Cartersville

Brief Tax Description LL 201 D 5

(Note: Not to be used on legal documents)

Date created: 7/27/2022

Last Data Uploaded: 7/26/2022 10:21:31 PM

Developed by  Schneider
GEOSPATIAL

Application for Special Use
City of Cartersville

Case Number: 5022-03
Date Received: 7/20/22

Public Hearing Dates:

Planning Commission 9/6/22 5:30pm 1st City Council 9/15/22 7:00pm 2nd City Council 10/6/22 7:00pm

Applicant Cash Environmental Resources LLC Office Phone (770) 656-4031
(printed name)

Address 2859 Paces Ferry Rd., Suite 1150 Mobile/ Other Phone _____

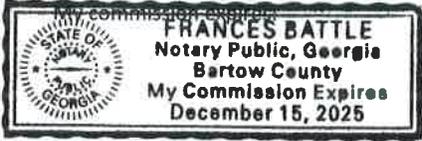
City Atlanta State GA Zip 30339 Email kcash@cashenvironmental.com

Brandon Bowen Phone (Rep) (770) 387-1373
 Representative's printed name (if other than applicant) Email (Rep) bbowen@jbwpc.com

[Signature] Representative Signature _____ Applicant Signature

Signed, sealed and delivered in presence of:

Francis Battle Notary Public



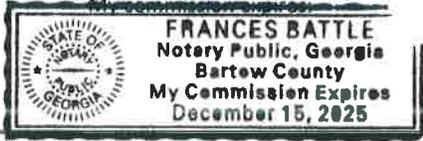
* Titleholder 3S Investments, LLC Phone _____
(titleholder's printed name)

Address 315 Industrial Park Rd. Email _____

Signature [Signature]

Signed, sealed, delivered in presence of:

Francis Battle Notary Public



Present Zoning District H-I

Acreage 14.28 +/- Land Lot(s) 201 District(s) 5 Section(s) 3

Location of Property: 315 Industrial Park Rd.
(street address, nearest intersections, etc.)

Reason for Special Use Request: Transfer Station

(attach additional statement as necessary)

* Attach additional notarized signatures as needed on separate application pages.

**Application for Special Use
City of Cartersville**

Case Number: SU 22-03
Date Received: 7/20/22

Public Hearing Dates:

Planning Commission _____ 1st City Council _____ 2nd City Council _____
5:30pm 7:00pm 7:00pm

Applicant Cash Environmental Resources LLC Office Phone (770) 656-4031
(printed name)

Address 2859 Paces Ferry Rd., Suite 1150 Mobile/ Other Phone _____

City Atlanta State GA Zip 30339 Email kcash@cashenvironmental.com

Brandon Bowen Phone (Rep) (770) 387-1373
 Representative's printed name (if other than applicant) Email (Rep) bbowen@jwpc.com

 Representative Signature Applicant Signature

Signed, sealed and delivered in presence of: _____ My commission expires: _____

 Notary Public

* Titleholder 35 Investments Phone _____
(titleholder's printed name)

Address 315 Industrial Park Rd. Email _____

Signature _____

Signed, sealed, delivered in presence of: _____ My commission expires: _____

 Notary Public

Present Zoning District H-I

Acreage 14.28 +/- Land Lot(s) 201 District(s) 5 Section(s) 3

Location of Property: 315 Industrial Park Rd.
(street address, nearest intersections, etc.)

Reason for Special Use Request: Transfer Station

(attach additional statement as necessary)

*** Attach additional notarized signatures as needed on separate application pages.**

JENKINS, BOWEN & WALKER, P.C.

ATTORNEYS AT LAW

FRANK E. JENKINS, III
BRANDON L. BOWEN
ROBERT L. WALKER
ERIK J. PIROZZI
ELLIOT T. NOLL
C. KIMBERLY PRINE

15 SOUTH PUBLIC SQUARE
CARTERSVILLE, GEORGIA 30120-3350

TELEPHONE
(770) 387-1373

FACSIMILE
(770) 387-2396

www.jbwpc.com

July 20, 2022

Mr. David Hardegree
City Planner
City of Cartersville

Re: Special Use Permit application for Cash Environmental Resources, LLC

Dear David,

I am writing this letter in support of Cash Environmental Resources' application for a special use permit for a municipal solid waste and construction and demolition debris transfer station. This application is related to application SU19-07, in which the Mayor and Council approved the special use permit for the transfer station and a medical waste facility at 375 Industrial Park Road. Cash Environmental Resources was to operate the transfer station component of that project, while Regulated Services LLC was to operate the medical waste component. This application does not affect the Regulated Services' operation; however, Cash Environmental believes that its transfer station would be better operated on the neighboring property – 315 Industrial Drive. Thus, the purpose of this application is not to create a new transfer station, but rather to allow a previously-approved transfer station to be operated on a different property. I am enclosing both the original site plan that the parties contemplated, and also our current proposed site plan, which shows the transfer station to be located on the 315 Industrial Park Road property if the special use permit is approved. Note that all of this property is in the industrial park and is already zoned H-I, so it is well suited for the operation. I will now address the City's special use permit criteria:

Standard # 1 The Effect of the proposed activity on traffic flow along adjoining streets.

Since this special use permit seeks a relocation of a transfer station that was previously approved for the adjacent site, we do not see that there will be any change in the traffic flow along the adjoining streets. The property fronts on Industrial Park Road, which was designed and built for industrial traffic.

Standard # 2 The availability, number, and location of off-street parking.

A proposed site plan is attached; the property will be designed so that the anticipated industrial traffic parks and can queue on-site.

July 20, 2022

Page 2 of 2

Standard # 3 Protective screening.

Since this property is located in the Industrial Park, protective screening is not appropriate. Note too that the rear half of the property has a flood plain approximately 300 feet wide and is expected to remain undisturbed.

Standard # 4 Hours and manner of operation.

This facility will be operated with 2 overlapping shifts, between 6:00 am and 8:00 pm, Monday through Friday, just as proposed with the original special use permit which was approved. It is anticipated that garbage trucks and construction vehicles will bring waste to the transfer station, where it will be sorted and loaded upon tractor trailers to take for disposal. Waste will not remain uncovered or be allowed to be stored on site. All operations will be in compliance with applicable EPD regulations.

Standard # 5: Outdoor lighting.

Security lighting for employee safety only and will not exceed any limits of the Industrial Park.

Standard # 6 Ingress and egress to the property.

The property fronts on Industrial Park Road is readily accessible by Highway 411 / 61 to Interstate 75.

Standard # 7 Compatibility with surrounding uses.

This is a use suitable for an industrial area, and it is compliant with the surrounding industrial uses.

If you have any further questions, I will be happy to get them answered for you.

Very truly yours,

JENKINS, BOWEN & WALKER, P.C.



Brandon L. Bowen

Proposed New site plan
for Cash Environmental Resources, LLC

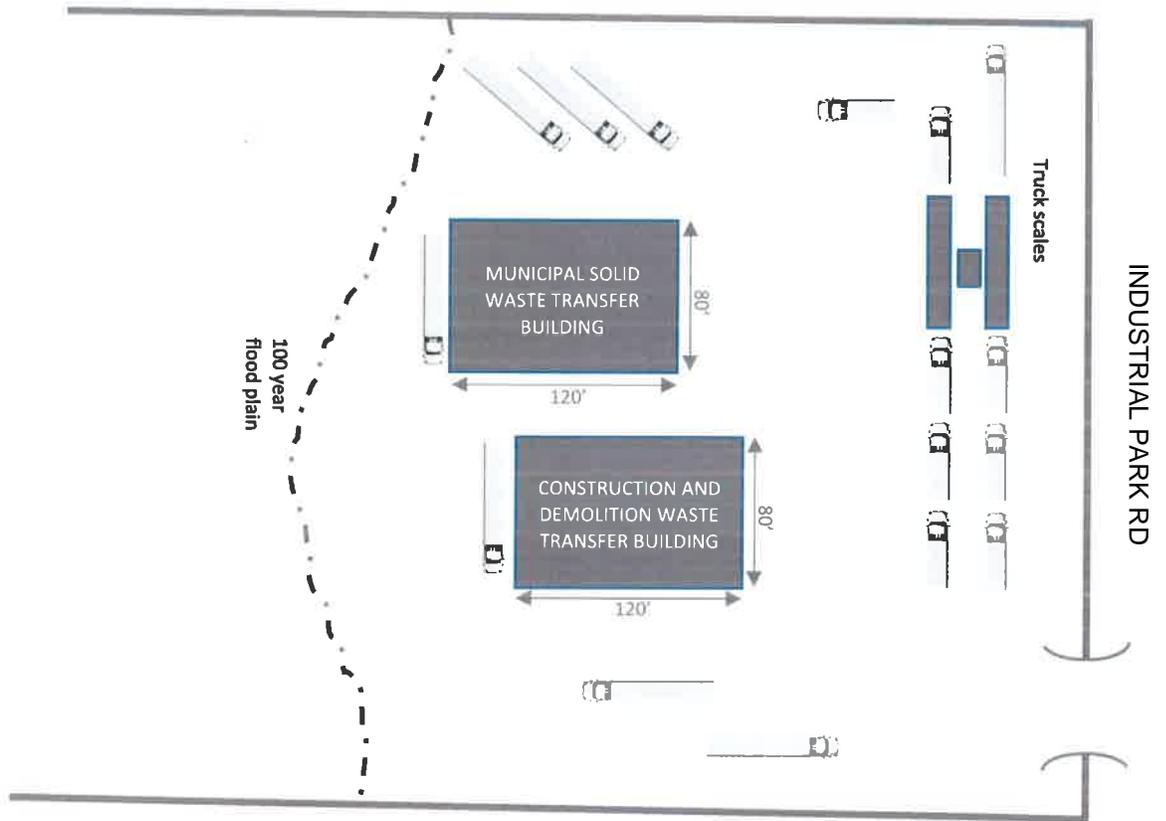


Exhibit "A"

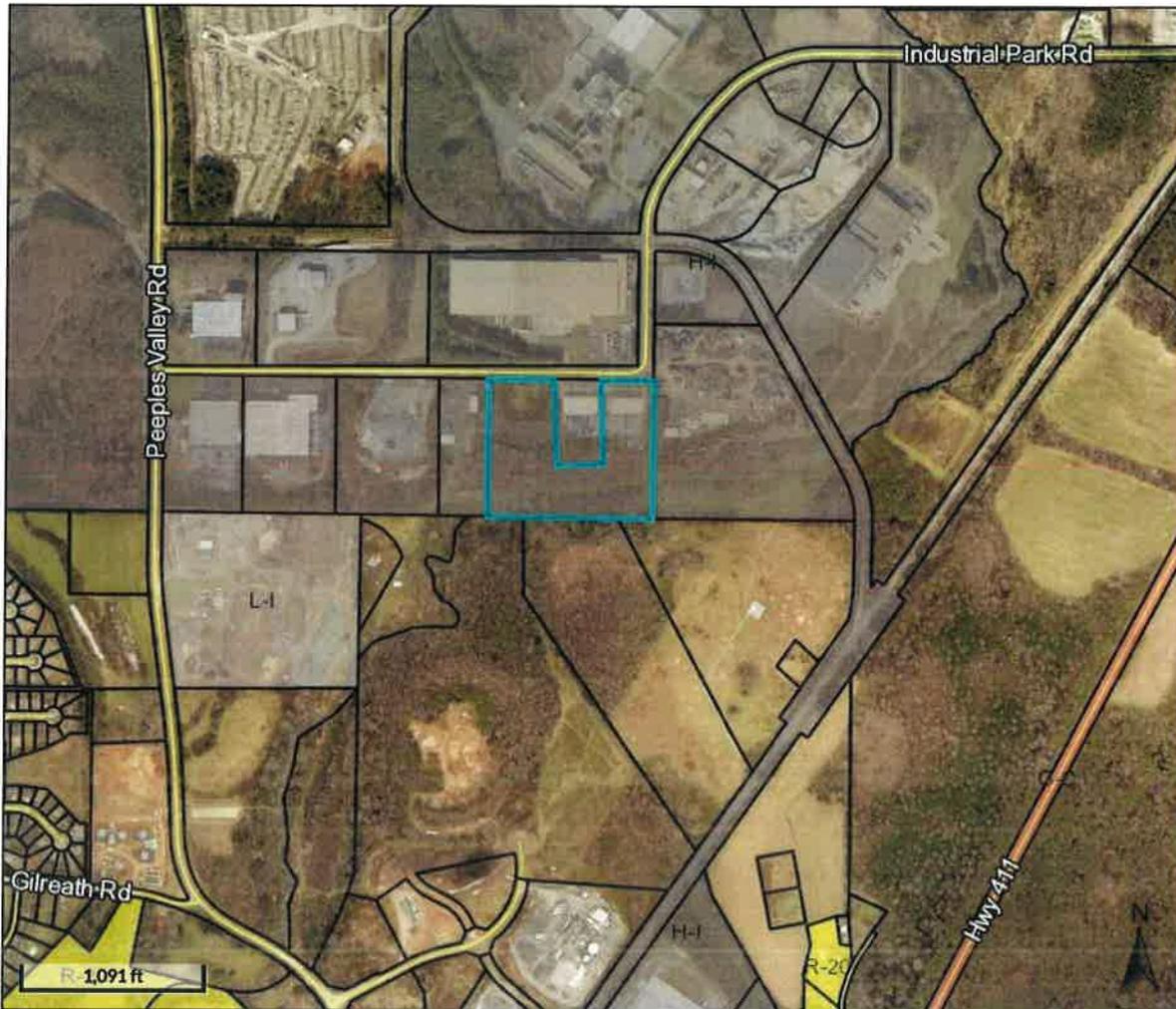
To Limited Warranty Deed

Legal Description of the Land

All that certain tract or parcel of land situate, lying and being at Cartersville, County of Bartow, State of Georgia, and being more particularly described as follows:

All that tract or parcel of land lying and being in Land Lots 196 and 201, Fifth District, Third Section, Bartow County, Georgia, being Lots 13, 14 and 15 of Cartersville Industrial Park, and being more particularly described as follows: Begin at an IPF at the intersection of the eastern right-of-way of Peebles Valley Road (80 foot right-of-way) and the southern right-of-way of Industrial Park Road (80 foot right-of-way); thence N 87°48'54" E 990.00 feet to the true point of beginning, said point being the northeast corner of a conveyance dated December 21, 1985, recorded in Volume 500, Page 273, Public Records of Bartow County, Georgia; thence along the southern right-of-way of Industrial Park Road N 88°00'28" E 1,815.44 feet to an IPF; thence S 01°47'42" E 787.03 feet to an IPS on the land lot line dividing Land Lots 200 and 201; thence along the land lot line S 88°45'22" W 1,672.96 feet to an IPF at the land lot corner of Land Lots 196, 197, 200 and 201; thence continuing along land lot line S 88°13'00" W 139.25 feet to an IPF; thence N 02°02'11" W 764.67 feet along the eastern property line of lot 12 to the point of beginning, said property consisting of 32.28 acres; and being a part of the same property conveyed by deed dated May 20, 1971, recorded in Deed Book 193, Page 441, all instruments filed in the Superior Court Clerk's Office, Bartow County, Georgia.

00177130033



Overview



IMAGES TAKEN 8-23-22

VIEW WEST FROM MIDPOINT



VIEW EAST FROM MIDPOINT



Images Taken 8-18-22

