

## N5 CZ 18 1235045 RECOMMENDED CONDITIONS

### SUBSTITUTE (REVISED 9/21/18)

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. The asphalt plant and servicing trucks shall comply with the County noise ordinance. During the hours of night operation from 11 PM to 7 AM, the operator of the asphalt plant will take

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active measures to ensure that there will be no banging of tailgates by dump trucks. Signs will be placed on the property instructing drivers know not to bang their tailgates during night operation. The horn, which is used to signal drivers during the daytime, will not be used during night operation of the asphalt plant. Drivers will be instructed to communicate to the asphalt plant via CB Radio. In the event a driver or customer does not have a CB radio, or the radio is broken, the plant will communicate with the drivers via face to face interaction, and not a horn.

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 que 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.