

REGIONAL REVIEW NOTIFICATION

Atlanta Regional Commission • 229 Peachtree Street NE | Suite 100 | Atlanta, Georgia 30303 • ph: 404.463.3100 fax: 404.463.3205 • atlantaregional.org

ARC REVIEW CODE: V1802122 DATE: February 12, 2018

TO: Chairman Mike Boyce, Cobb County

ATTN TO: David Breaden, Cobb County Water System FROM:

Douglas R. Hooker, Executive Director, ARC

Digital signature Original on file

The Atlanta Regional Commission (ARC) has received the following proposal and is initiating a regional review to seek comments from potentially impacted jurisdictions and agencies. The ARC requests your comments related to the proposal not addressed by the Commission's regional plans and policies.

Name of Proposal: RC-18-02CC Lee Industrial Drive

Review Type: Metro River MRPA Code: RC-18-02CC

<u>Description:</u> An application for a Metropolitan River Protection Act (MRPA) Certificate for a proposed project that will relocate and replace navigational and light structures on the approach path to Fulton County Airport on the Cobb side of the river, as required by the FAA. The existing approach and structures were in place before the Act took effect in 1998. To meet FAA requirements, three structures in the 500-year river floodplain will be more than 35 feet in height, which will exceed the Plan's height limit in that floodplain. Limitations on signal range between the navigational aids require that one tower be in the 150-foot river setback (it is being relocated from within the 50-foot buffer). While these issues prevent the proposal from being fully consistent with the Plan, it is staff opinion that the signal range limits and FAA requirements are physical and legal hardships that prevent the project from achieving full consistency, and that the proposed design will not increase development or activity intensity over existing levels. For these reasons, staff proposes a finding equivalent to a project that is fully consistent with the Plan.

ARC staff has begun the review of the application for a MRPA Certificate for this proposed project in the Chattahoochee River Corridor.

Preliminary Finding: ARC's preliminary finding is that the proposed development, while not consistent with the Chattahoochee Corridor Plan in all respects, will provide a level of land and water resource protection equivalent to an application consistent with the Plan.

Submitting Local Government: Cobb County Land Lot: 503, 597 District: 18 Section:

Date Opened: February 12, 2018

Deadline for Comments: February 22, 2018

Earliest the Regional Review can be Completed: February 23, 2018

If you have any questions regarding this review, please contact Robert Herrig at Rherrig@atlantaregional.org or (470) 378–1636. If ARC staff does not receive comments from you on or before February 22, 2018, we will assume that your agency has no additional comments and will close the review. Comments by email are strongly encouraged. The ARC review website is located at: http://www.atlantaregional.org/land-use/planreviews.

Attached is information concerning this review.

ARC STAFF NOTICE OF REGIONAL REVIEW AND COMMENT FORM

DATE: February 12, 2018 ARC REVIEW CODE: V1802122

TO: ARC Community Development and Natural Resources Managers

FROM: Robert Herrig, 470–378–1636

Reviewing staff by Jurisdiction:

<u>Community Development:</u> Herrig, Robert <u>Natural Resources:</u> Santo, Jim

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Response:

- 1) Proposal is CONSISTENT with the following regional development guide listed in the comment section.
- 2) While neither specifically consistent nor inconsistent, the proposal relates to the following regional development guide listed in the comment section.
- 3) The proposal is INCONSISTENT with the following regional development guide listed in the comment section.
- 4) The proposal does NOT relate to any development guide for which this division is responsible.
- 5) Staff wishes to confer with the applicant for the reasons listed in the comment section.

COMMENTS:

APPLICATION FOR METROPOLITAN RIVER PROTECTION ACT CERTIFICATE

ı.	Name of Local C	overnment:_	C01313	COUL	<u> </u>		
_	0 () 50						
2.	Owner(s) of Rec			ewed:			
		Fuct		DTAG	- 6. /	CA1 :	-
		dress: 141	PRYOR			SUITE	
		LANTA	(/ 4 (7 - 3		GA		Zip: <u>30303</u>
		one Numbers (E 1/10	w1 00 2	1207
	Other N	Phone: (40 umbers:	4)613-4	203	Fax:(40	4/873-	-628/
	Other N	umbers:					······································
3	Applicant(s) or A	Annlicant's Ac	zent(c)·				
•		BILL	A 1-				
		dress: 170			AVE	 	······
		CLEGE					Zip: 30337
		one Numbers (
	Daytime	Phone: (4c	04) 305-	7409	Fax: /40	4) 305	7497
55	Other N	umbers:		·		4	, , , , ,
				·			
4.	Proposed Land	or Water Use:					
	Name of Development: FULTON CO. AIRPORT - MALSR REPLACEMENT						LACEMENT
	Description	of Proposed U	Jse: MACS	RINA	11GATION	EQUIP	PMENT)
	_FoK	RUNWAY	08				
5.	Property Descrip						
	Land Lot(s), District, Section, County: Land Cots: 503, 597						
		1CT:18					
Subdivision, Lot, Block, Street and Address, Distance to Nearest Intersection:					section:		
	=						
		elopment (Use	as Applicabl	le):			
	Acres:		idor: 4	95 ac	res		
		Outside Co	rridor:_ <i>Ø</i>		· · · · · · · · · · · · · · · · · · ·		<u>.</u>
	~ .	Total:					
	Lots:	Inside Corr	idor:				
		Outside Co	rriaor:		· · · - · · · · · · · · · · · · · · · ·		
		1 OTAI:					
	Units:	mside Corr	1 a or:				
		Outside Col	rridor:				
	_	1 Otal:		_			
	Other Size 1	Descriptor (i.e.	., Length and	l Width of	Easement):		
		Inside Corr	idor:				
		Outside Co					
		Total:					

	ed Chattahoochee Corridor Development: Does the total development include additional land in the Chattahoochee Corridor that Is not part of this application? NO If "yes", describe the additional land and any development plans:									
В.	Has any part of the prop bordering this land, prev Corridor review approva If "yes", please identify to of the review(s):	viously received a ce al? <u>NO</u> the use(s), the review	rtificate or any oth	er Chattahoochee nber(s), and the date(s)						
А.	A. Septic tank N/A Note: For proposals with septic tanks, the application must include the appropriate local government health department approval for the selected site. B. Public sewer system									
Vulnera Catego	· ·	Total Acreage (or Sq. Footage) Land Disturbance	Total Acreage (or Sq. Footage) Imperv. Surface	Percent Percent Land Imperv. <u>Disturb. Surf.</u> (Maximums Shown In Parentheses)						
A B				(90)(75)						
C	146,795 SF	18,686 5	9,322 55							
E F	69,022 55	8,77255		(50) (30) (30) (30) (2)						
	215,81758	27,452 56		(10) (2) N/A N/A						

. .

9.	If "yes"	Land within the 100-Year Floodplain of the Chattahoochee River? YES, indicate the 100-year floodplain elevation: 763,5
	NOTE:	The 100-year river floodplain is defined as the natural land surface below the one hundred- (100) year flood elevations shown in the Flood Profiles of the most recent
	NOTE:	floodplain study for the Chattahoochee River approved by the United States Federal Emergency Management Agency for each Corridor jurisdiction. All river 100-year floodplain is assigned to the "E" Category; its allowable
	NOIE.	allocations can be combined with those of other "E" land in the review. Also, 100-year floodplain cannot be reanalyzed and cannot accept transfers.
10.		is land within the 500-year floodplain of the Chattahoochee River? (ES), indicate the 500-year flood plain elevation: 766.0
	NOTE:	The 500-year floodplain is defined as the natural land surface below the five hundred- (500) year flood elevations shown in the Flood Profiles of the most recent floodplain study for the Chattahoochee River approved by the United States Federal Emergency Management Agency for each Corridor jurisdiction.
	NOTE:	Plan Standards include a 35-foot height limit above the pre-construction grade within the 500-year floodplain (includes the 100-year floodplain). Adherence to this standard must be noted on the submitted plans (see Part 2.B.(4) of the
	*	Chattahoochee Corridor Plan).
11.		ng is a checklist of information required to be attached as part of the Individual items may be combined.
FO	R ALL APPL	ICATIONS:
	_ Description	of land in the application and any additional land in the project (attach legal or surveyed boundaries).
V		ress, and phone number(s) of owner(s) of record of the land in the application. rided on this form)
يا_	_Written con	sent of all owners to this application. (Space provided on this form)
<u> </u>	Name, addr on this forn	ress, and phone number(s) of applicant or applicant's agent. (Space provided
<u> </u>	_Description	of proposed use(s). (Space provided on this form)
	_Existing veg	getation plan.
	Proposed gi	rading plan.
	_ Certified as	-builts of all existing land disturbance and impervious surfaces.
<u>~</u>	_Approved e	rosion control plan.
	_ Detailed tal	ole of land-disturbing activities. (Both on this form and on the plans)

	Plat-level plan showing (as applicable): lot boundaries; any other sub-areas; all easements and rights-of-way; 100- and 500-year river floodplains; vulnerability category boundaries; topography; any other information that will clarify the review.
	Documentation on adjustments, if any.
	Cashier's check or money order (for application fee).
FOR	SINGLE-STEP APPLICATIONS (NON-SUBDIVISION): Site plan.
	Land-disturbance plan.
FOR	TWO-STEP SINGLE-FAMILY SUBDIVISION APPLICATIONS ONLY: Concept plan.
	Lot-by-lot and non-lot allocation tables.
12.	I (we), the undersigned, authorize and request review of this application for a certificate under the provisions of the Metropolitan River Protection Act: (use additional sheets as necessary)
	July 1/31/2018
	Signature(s) of Owner(s) of Record Date
13.	I (we), the undersigned, authorize and request review of this application for a certificate under the provisions of the Metropolitan River Protection Act:
	Bell Prine 1-28-2818
	Signature(s) of Applicant(s) or Agent(s) Date
14.	The governing authority of requests review by the Atlanta Regional Commission of the above-described use under the Provisions of the Metropolitan River Protection Act.
	- Taku Breadan Z-1-18
	Signature of Chief Elected Official or Official's Designee Date

Memorandum

Date:

February 9, 2018

To:

File

From:

Jim Santo

Subject:

Explanation of the Equivalent Consistency Finding for the Replacement of

Navigation Equipment for Runway Approach to Fulton County Airport in Cobb

County Metro River Review

The Metropolitan River Protection Act (in Georgia Code 12-5-445(b)(1)(B)) allows ARC the option to find that an application that is not fully consistent with the Chattahoochee Corridor Plan does provide a level of land and water protection equivalent to an application that is consistent with the Plan. This finding, which is also referred to informally as "equivalent consistency, has only been used in limited circumstances. Under Part 1. B. 9. of the Chattahoochee Corridor Plan, ARC must consider any legal, physical, biological or hydrologic conditions that prevent achievement of full consistency with the Plan, regardless of any other measured taken, which is considered a hardship.

In prior equivalent findings, the hardship was usually pre-existing land disturbance that was in place when the Act took effect and was, by definition, disturbed (such as a 100-foot wide utility easement crossing a property), creating a situation where the property exceeded the allowed land disturbance before any other development activity was started. In these cases, an average weighted runoff coefficient test has been used to compare the coefficients of the proposed project (with the existing disturbance against a hypothetical project built to the maximums allowed on the property without the existing disturbance. If the proposed weighted coefficient was the same or less than the that of the maximum consistent project, it was considered to be equivalent to a consistent project.

This application is for the replacement of navigation equipment for the runway approach to Fulton County Airport (AKA Charley Brown Field). The approach path extends across the river into Cobb County. Because two jurisdictions are involved, the Cobb and Fulton portions of the project are being handled as separate reviews. The Cobb review has been submitted first. The amounts of land disturbance and impervious surface proposed are well below the maximums for the project properties. But, while excess land disturbance is not an issue in this proposal, there are other issues that prevent achievement of full consistency and that, in staff's opinion, are verifiable hardships that can be addressed by the equivalent finding.

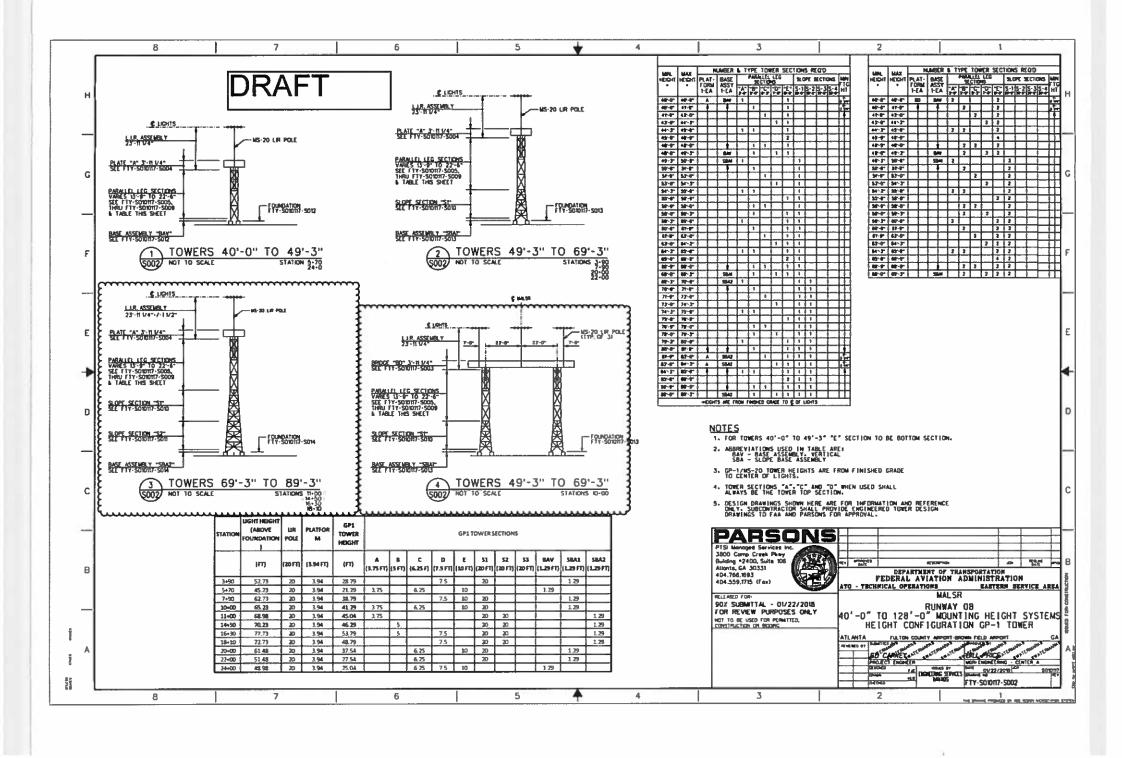
In this situation, the approach light and navigation structures were in place before the Act took effect in this area in 1998. The existing structure closest to the river on the Cobb side is well within the 50-foot buffer. The proposed new location of the structure is outside the 50-foot buffer but is still within the 150-foot impervious surface setback. It is staff's understanding from the consultants that the navigation equipment used communicates with each other, and that the proposed location of this structure is near the maximum distance from the next structure across the river that will insure full functioning of the system.

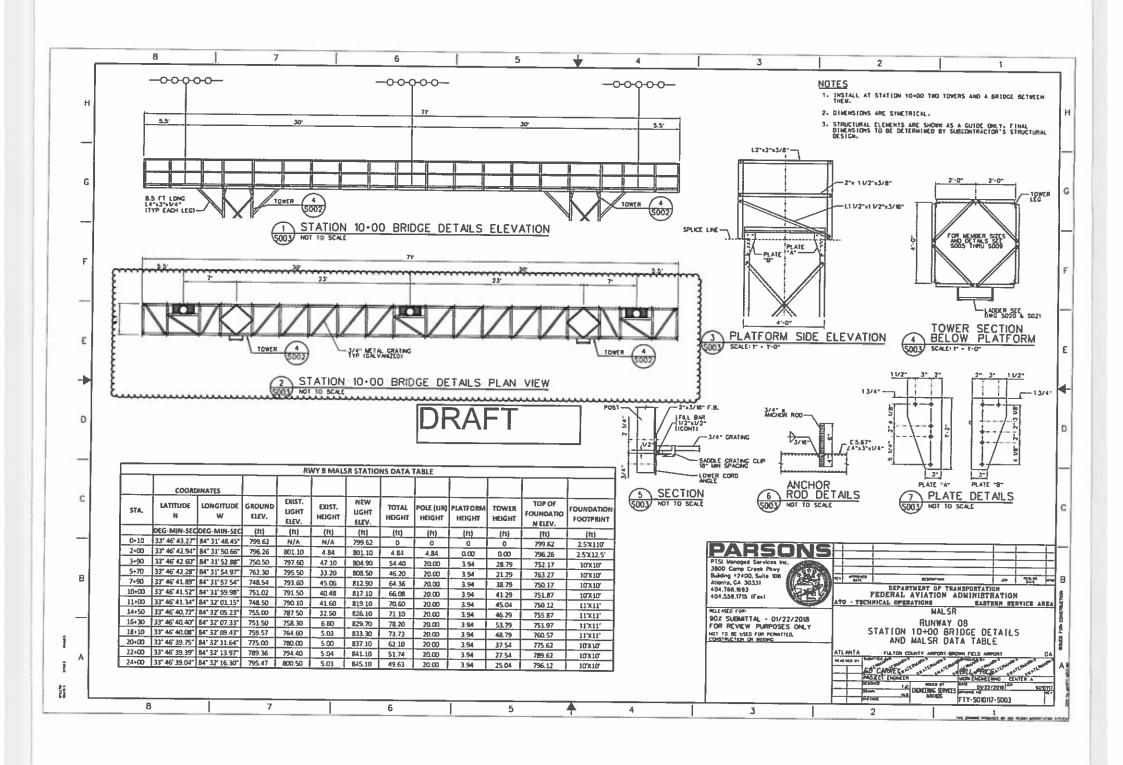
Memorandum February 9, 2018 Page Two

This restriction on distance between structures, and the FAA requirements for upgrade, constitute physical and legal hardships in staff's opinion. The applicant is proposing to remove existing impervious in the setback to offset the new structures.

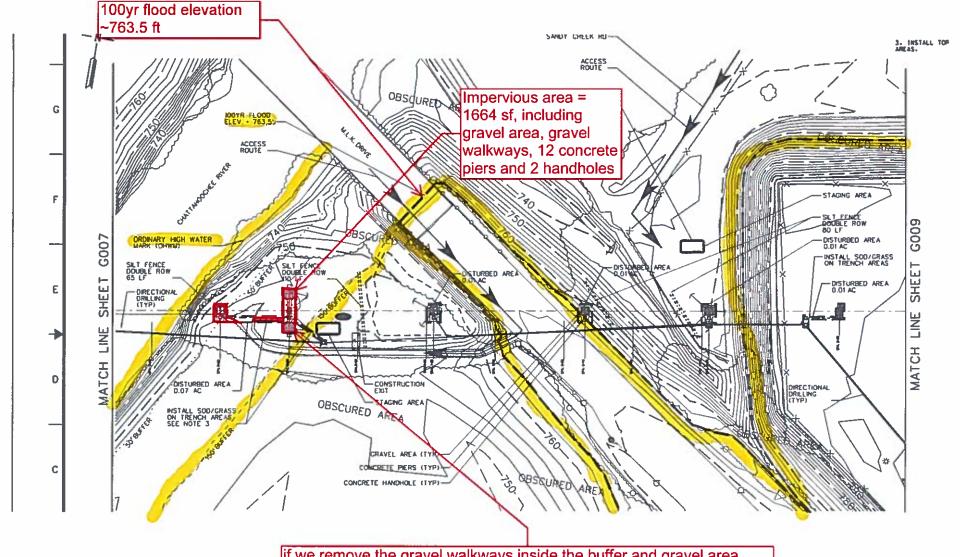
The second issue is the mandated height of the navigation structures. Three of the structures on the Cobb property are within the 500-year floodplain of the river. Under the Plan's Floodplain Standards, structures other than bridges are to be limited to no more than 35 feet above the existing grade (Part 2.B.4 of the Plan). While the existing structures in the 500-year floodplain exceed the 35-foot height limit and are grandfathered, the new structures will need to be taller to meet FAA regulations. There is no mitigation available to offset the increases, but because they will not increase density or activity in the project floodplain, and are required under Federal law, it is staff's opinion that this constitutes a legal hardship.

Because of these hardships, and because the project has minimal impact on the existing conditions on the property, staff is proposing a finding of equivalent to a consistent project. The finding is processed administratively and does not require Board action.



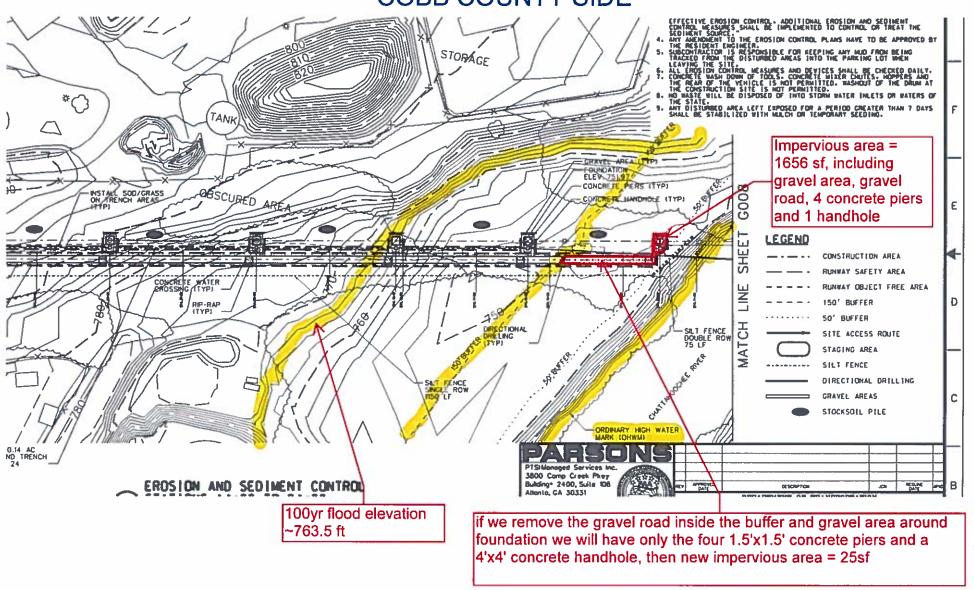


---DRAFT--IMPERVIOUS AREA INSIDE 150' BUFFER, FULTON COUNTY SIDE



if we remove the gravel walkways inside the buffer and gravel area around foundations we will have only the 12 - 1.5'x1.5' concrete piers and 2 - 4'x4' concrete handholes, then new impervious area = 59sf

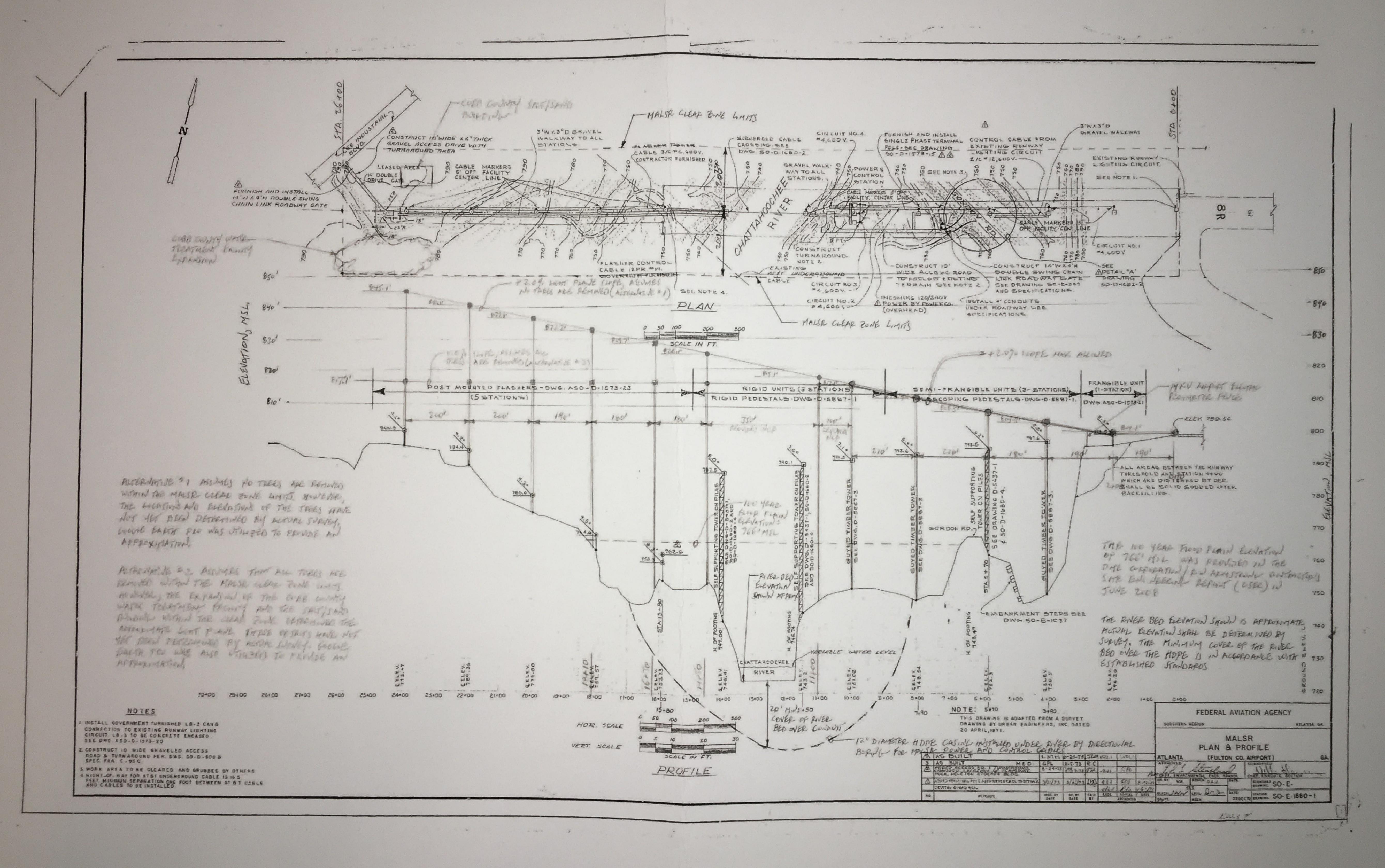
---DRAFT--IMPERVIOUS AREA INSIDE 150' BUFFER, COBB COUNTY SIDE

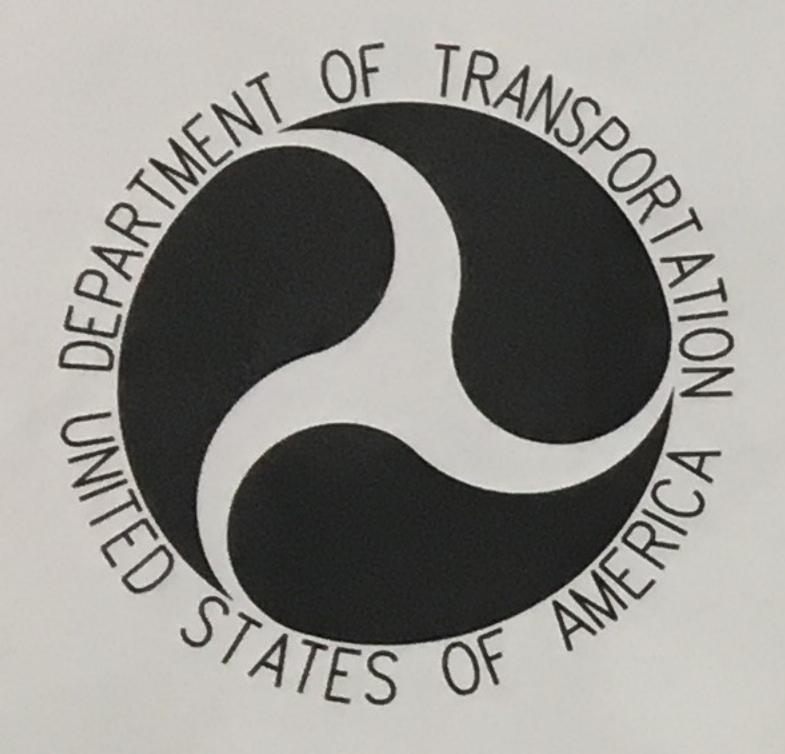


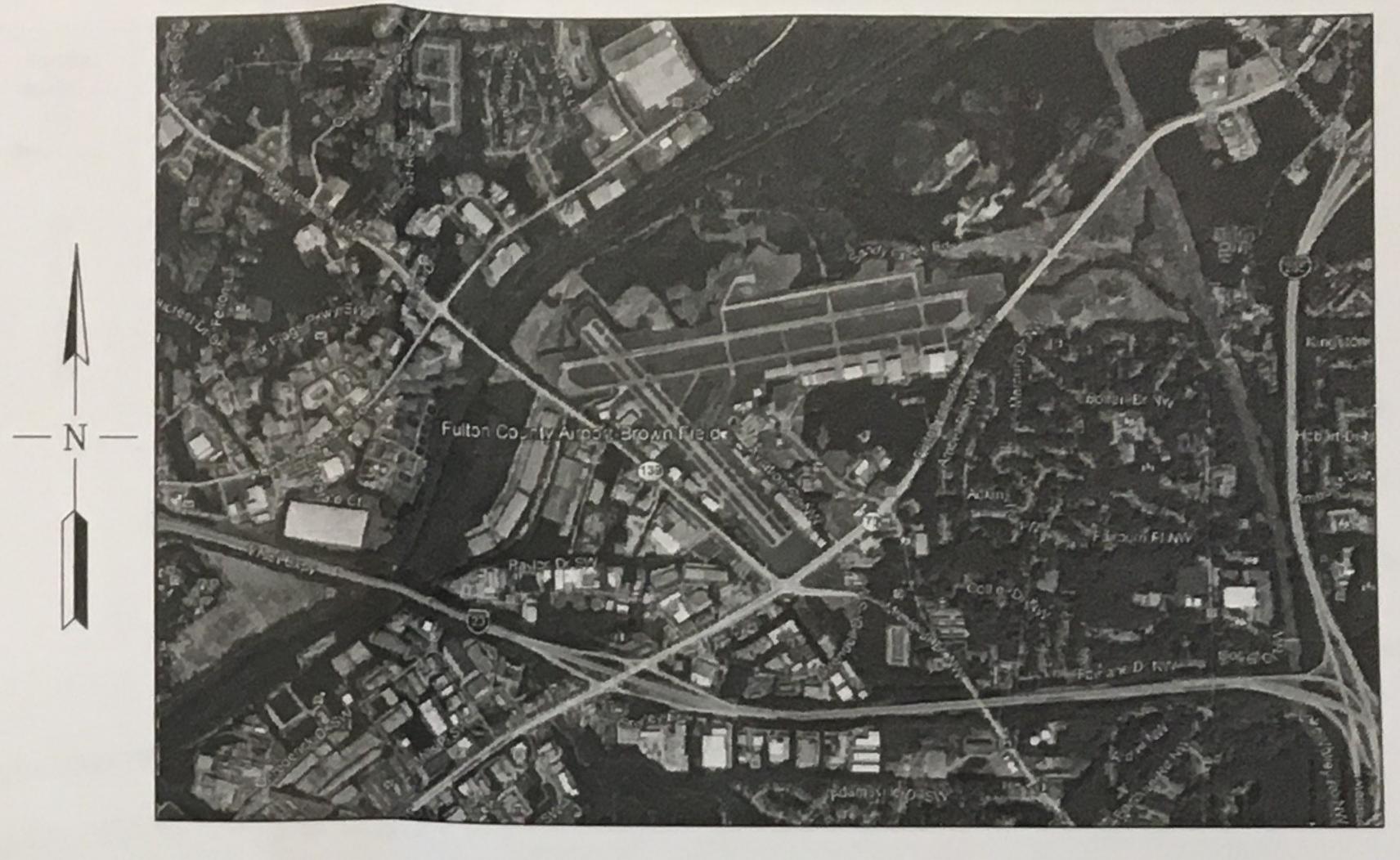


Fulton County Airport MALSR Site

0 100 200 400 Fe

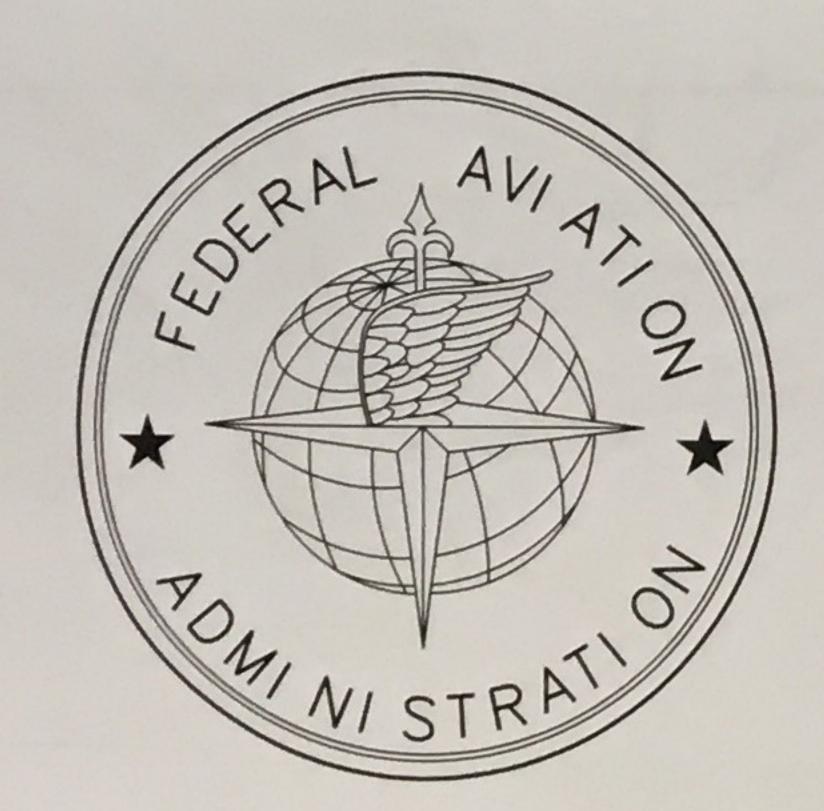






VICINITY MAP NOT TO SCALE

MALSR - ATLANTA, GA FULTON COUNTY AIRPORT AT BROWN FIELD GRADING, EROSION & SEDIMENT CONTROL RUNWAY 8 MALSR REPLACEMENT



FTY-COBB-GOO3 EROSION CONTROL DETAILS

TOTAL SITE AREA: 4.95 AC TOTAL DISTURBED AREA: 0.63 AC IMPERVIOUS AREA EXISTING: 0.25 AC IMPERVIOUS AREA PROPOSED: 0.29 AC

PROPERTY INFO

- 1. PART OF THIS PROPERTY IS IN A FLOOD HAZARD AREA ACCORDING TO F.I.R.M. PANEL 218 OF 252, MAP 13067CO218H LAST REVISED ON MARCH 4, 2013. 100YR ELEVATION 763.5 FT.
- 2. PARCEL 18050300140, OWNER: FULTON COUNTY, ADDRESS: LEE INDUSTRIAL BLVD, ATLANTA, GA 30303. DISTRICT NO. 18, LAND LOT 503, TAX DISTRICT: 9.
- 3. PARCEL 18059700070, OWNER: FULTON COUNTY, ADDRESS: LEE INDUSTRIAL BLVD, ATLANTA, GA 30303. DISTRICT NO. 18, LAND LOT 597, TAX DISTRICT: 9.
- 4. PARCEL 18059700010, OWNER: FULTON COUNTY, ADDRESS: LEE INDUSTRIAL BLVD, ATLANTA, GA 30303. DISTRICT NO. 18, LAND LOT 597, TAX DISTRICT: 9.

APPLICANT: OWNER: ENGINEER: CONTRACTOR:

BILL PRICE FULTON COUNTY PARSONS, ALAN HENNINGTON, PE 404-209-5581 PARSONS

24 HR CONTACT: STEVE STOKER 770-772-1151

PTSI Managed Services Inc. 3800 Camp Creek Pkwy Building* 2400, Suite 106 APPROVED REDLINE DESCRIPTION Atlanta, GA 30331 DEPARTMENT OF TRANSPORTATION 404.766.1693 FEDERAL AVIATION ADMINISTRATION 404.559.1715 (Fax) - TECHNICAL OPERATIONS

> MALSR RUNWAY 08 COVERSHEET AND VICINITY MAP

ATLANTA FULTON COUNTY AIRPORT-BROWN FIELD AIRPORT REVIEWED BY PROJECT ENGINEER MGR: ENGINEERING - CENTER A DRAWN CHECKED FTY-COBB-G001

EASTERN SERVICE AREA

A. THIS PROPERTY IS COMPLETELY OR PARTIALLY WITHIN THE CHATTAHOOCHEE RIVER CORRIDOR. NO LAND DISTURBANCE SHALL OCCUR OUTSIDE THE APPROVED LIMITS.

B. ALL CONSTRUCTION MUST CONFORM TO COBB COUNTY STANDARDS.

C. PRIOR TO COMMENCING LAND DISTURBING ACTIVITY, THE LIMITS OF LAND DISTURBANCE SHALL BE CLEARLY AND ACCURATELY DEMARCATED WITH TREE SAVE FENCE, AND SHALL REMAIN MARKED THROUGHOUT CONSTRUCTION, UNTIL FINAL STABILIZATION.

D. ALL EROSION CONTROL MEASURES SHALL BE IN PLACE PRIOR TO COMMENCING CONSTRUCTION AND SHALL BE MAINTAINED IN PROPER WORKING ORDER UNTIL ALL DISTURBED AREAS ARE STABILIZED.

E. A COPY OF THE APPROVED LAND DISTURBANCE PLAN AND RIVER CORRIDOR

CERTIFICATE/PERMIT SHALL BE PRESENT ONSITE WHENEVER LAND DISTURBING ACTIVITY IS IN PROGRESS. F. A FINAL ON-SITE INSPECTION BY THE ENVIRONMENTAL PLANNER OR COUNTY ARBORIST IS REQUIRED PRIOR TO THE RELEASE OF THE CERTIFICATE OF OCCUPANCY. A CERTIFIED AS-BUILT SURVEY MAY BE REQUIRED.

G. THIS PLAN IS APPROVED FOR RIVER CORRIDOR ONLY, IT DOES NOT ENTITLE LAND DISTURBING ACTIVITY OR CONSTRUCTION OF STRUCTURE WITHOUT FIRST OBTAINING THE PROPER PERMITS.

FINAL SUBMITTAL - 1/31/2018

FOR REVIEW PURPOSES ONLY

NOT TO BE USED FOR PERMITTING.

CONSTRUCTION, OR BIDDING

RELEASED FOR:

