



**APPLICANT:** Atlanta Gas Light  
404-584-4449

**REPRESENTATIVE:** Kim Morris  
404-584-4449

**TITLEHOLDER:** Atlanta Gas Light

**PROPERTY LOCATION:** Located on the north side of McCollum Parkway, west of West Duncan Road, and on the south side of Big Shanty Road, west of Lockhart Drive.

**ACCESS TO PROPERTY:** McCollum Parkway, Big Shanty Road

**PHYSICAL CHARACTERISTICS TO SITE:** vacant lot

**PETITION NO:** Z-52

**HEARING DATE (PC):** 11-04-08

**HEARING DATE (BOC):** 11-18-08

**PRESENT ZONING:** LI with Stipulations

**PROPOSED ZONING:** LI with Stipulations

**PROPOSED USE:** Amending Previous Zoning Stipulations

**SIZE OF TRACT:** 4.11 acres

**DISTRICT:** 20

**LAND LOT(S):** 136

**PARCEL(S):** 14

**TAXES: PAID** X **DUE** \_\_\_\_\_

**COMMISSION DISTRICT:** 1

**CONTIGUOUS ZONING/DEVELOPMENT**

- NORTH:** City of Kennesaw/ Fortney Sales, Inc.
- SOUTH:** HI/ Vulcan Materials
- EAST:** LI/ vacant warehouse
- WEST:** City of Kennesaw/ Bellsouth

**OPPOSITION:** NO. OPPOSED **PETITION NO:** \_\_\_\_\_ **SPOKESMAN** \_\_\_\_\_

**PLANNING COMMISSION RECOMMENDATION**

**APPROVED** \_\_\_\_\_ **MOTION BY** \_\_\_\_\_

**REJECTED** \_\_\_\_\_ **SECONDED** \_\_\_\_\_

**HELD** \_\_\_\_\_ **CARRIED** \_\_\_\_\_

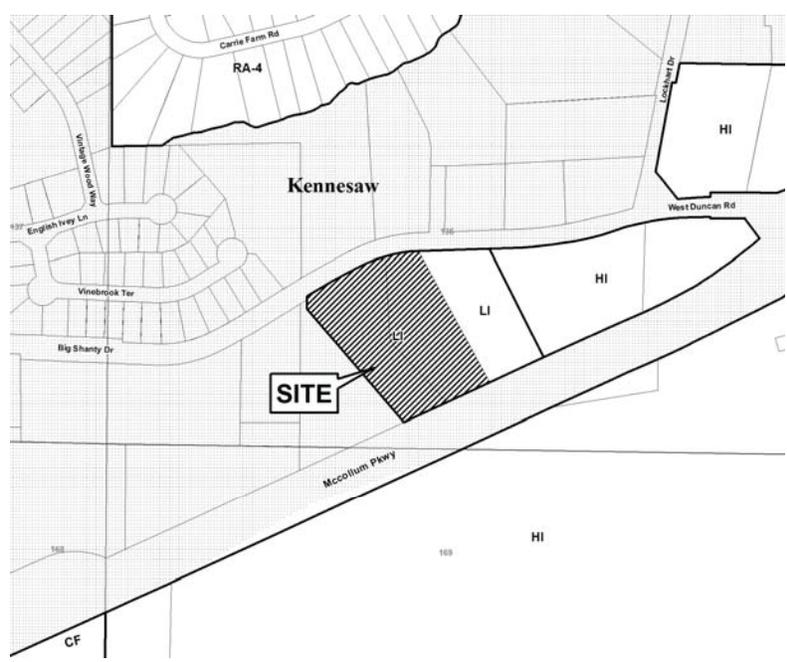
**BOARD OF COMMISSIONERS DECISION**

**APPROVED** \_\_\_\_\_ **MOTION BY** \_\_\_\_\_

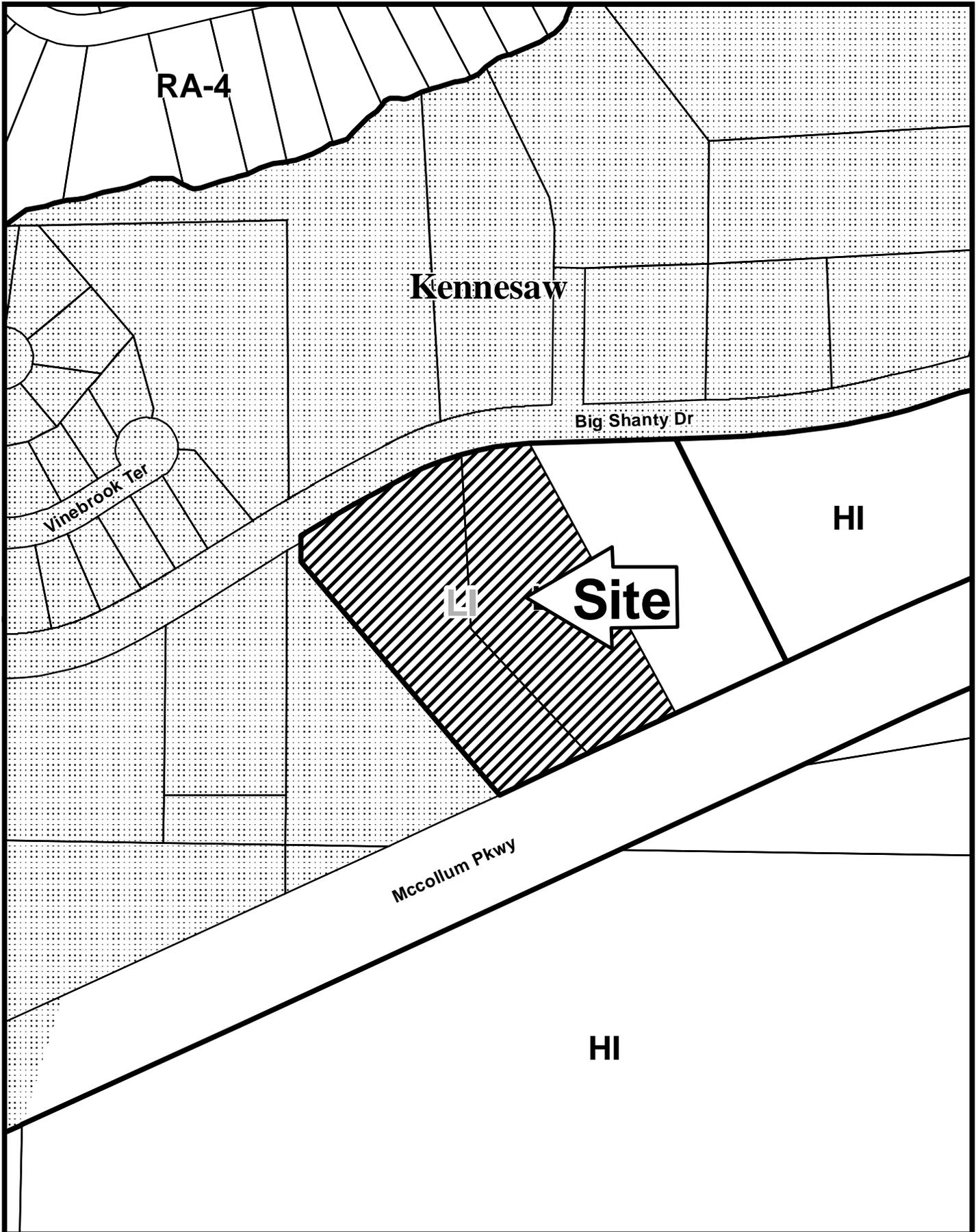
**REJECTED** \_\_\_\_\_ **SECONDED** \_\_\_\_\_

**HELD** \_\_\_\_\_ **CARRIED** \_\_\_\_\_

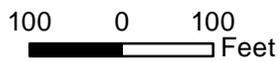
**STIPULATIONS:**



# Z-52



This map is provided for display and planning purposes only. It is not meant to be a legal description.



**APPLICANT:** Atlanta Gas Light

**PETITION NO.:** Z-52

**PRESENT ZONING:** LI with stipulations

**PETITION FOR:** LI with stip.

\*\*\*\*\*

**PLANNING COMMENTS:**

**Staff Member Responsible:** John P. Pederson, AICP

**Land Use Plan Recommendation:** Industrial Compatible

**Proposed Number of Buildings:** 1      **Total Square Footage of Development:** 4,665

**F.A.R.:** 0.026      **Square Footage/Acre:** 1,135

**Parking Spaces Required:** 16      **Parking Spaces Provided:** 32

The applicant is requesting rezoning to amend previous zoning stipulations from 1996 (see Exhibit "B"). The applicant would like to remove the stipulations that prohibit access onto Big Shanty Road; specifically stipulations 1, 4-6 on Exhibit "B". The applicant would like to construct a small building and parking area to serve as a dispatch and storage area for Atlanta Gas Light service trucks. The building would be one-story in height, with a metal and brick exterior. The business would operate Monday through Friday, from 8:00 a.m. to 5:00 p.m. The applicant has submitted a Zoning Impact Analysis, which is attached as Exhibit "A".

**Historic Preservation:** After consulting various county historic resources surveys, historic maps, archaeology surveys and Civil War trench location maps. Staff finds that no known significant historic resources appear to be affected by this application. No further comment. No action by applicant requested at this time.

**Cemetery Preservation:** No comment.

\*\*\*\*\*

**FIRE COMMENTS:**

No comments.

APPLICANT Atlanta Gas Light

PETITION NO. Z-052

PRESENT ZONING LI w/stips

PETITION FOR LI w/stips

\*\*\*\*\*

NOTE: Comments reflect only what facilities appeared of record at the time of this review. Field verification required by developer.

**WATER COMMENTS:**

Available at Development?  Yes  No

Fire Flow Test Required?  Yes  No

Size / Location of Existing Water Main(s) 8" DI / N side McCollum Pkwy

Additional Comments: Records show 2741 McCollum Pkwy connected

Developer may be required to install/upgrade water mains, based on fire flow test results or Fire Department Code. This will be resolved in the Plan Review Process.

\*\*\*\*\*

**SEWER COMMENTS:**

In Drainage Basin?  Yes  No

At Development?  Yes  No

Approximate Distance to Nearest Sewer: On site

Estimated Waste Generation (in G.P.D.): **A D F** 375 **Peak** 940

Treatment Plant: Noonday

Plant Capacity Available?  Yes  No

Line Capacity Available?  Yes  No

Projected Plant Availability:  0 - 5 year  5 - 10 years  over 10 years

Dry Sewers Required?  Yes  No

Off-site Easements Required?  Yes\*  No

Flow Test Required?  Yes  No

Septic Tank Recommended by this Department?  Yes  No

Subject to Health Department Approval?  Yes  No

\* If off-site easements are required, Developer must submit easements to CCWS for review / approval as to form and stipulations prior to the execution of easement(s) by the property owner(s). All easement acquisitions are the responsibility of the Developer.

Additional Comments:

Records show 2741 McCollum Pkwy connected

Notes FYI: *GPD estimate based 15 employees*

Developer will be responsible for connecting to the existing County water and sewer systems, installing and/or upgrading all outfalls and water mains, obtaining on and/or off site easements, dedication of on and/or off site water and sewer to Cobb County, as may be required. Rezoning does not guarantee water/sewer availability/capacity unless so stated in writing by the Cobb County Water System. Permit issuances subject to continued treatment plant compliance with EPD discharge requirements.

**APPLICANT: Atlanta Gas Light**

**PETITION NO.: Z-52**

**PRESENT ZONING: LI w/ stips**

**PETITION FOR: LI w/ stips**

\*\*\*\*\*

<b>DRAINAGE COMMENTS</b>
--------------------------

If approved, a revised LDP must be obtained. The revised hydrology study must account for the additional impervious area of the new drive.

**APPLICANT:** Atlanta Gas Light

**PETITION NO.:** Z-52

**PRESENT ZONING:** LI w/stips

**PETITION FOR:** LI w/stips

\*\*\*\*\*

**TRANSPORTATION COMMENTS**

The following comments and recommendations are based on field investigation and office review of the subject rezoning case:

ROADWAY	AVERAGE DAILY TRIPS	ROADWAY CLASSIFICATION	SPEED LIMIT	JURISDICTIONAL CONTROL	MIN. R.O.W. REQUIREMENTS
McCollum Parkway	24300	Arterial	45 mph	Cobb County	100'
Big Shanty Road	N/A	Major Collector	35 mph	Cobb County	80'

*Based on 2007 traffic counting data taken by GDOT. (McCollum Parkway)*

**COMMENTS AND OBSERVATIONS**

McCollum Parkway is classified as an Arterial and according to the available information, the existing right-of-way does meet the minimum requirements for this classification.

Big Shanty Road is classified as a Major Collector and according to the available information, the existing right-of-way does not meet the minimum requirements for this classification.

As necessitated by this development for egress from Big Shanty Road, a deceleration lane will be required.

The applicant will have to verify that minimum intersection sight distance is available. If it is not, the applicant will have to implement remedial measures, subject to approval be the Department, to achieve the minimum requirement of 390' along Big Shanty Road.

Install sidewalk, curb and gutter along both road frontages.

Locate the sliding gate a minimum of 25' behind the right-of-way along Big Shanty Road.

**RECOMMENDATIONS**

Recommend applicant consider entering into a development agreement pursuant of O.C.G.A. 36-71-13 for dedication of the following system improvements to mitigate traffic concerns: a) donation of right-of-way on the south side of Big Shanty Road, a minimum of 40' from the roadway centerline.

Recommend a deceleration lane on Big Shanty Road.

Recommend applicant verify that minimum intersection sight distance is available and if it is not, implement remedial measures subject to the Department's approval, to achieve the minimum of 390' along Big Shanty Road.

Recommend installing sidewalk, curb and gutter along both road frontages.

Recommend installing the sliding gate a minimum of 25' behind the right-of-way line along Big Shanty Road.

Recommend applicant be required to meet all Cobb County Development Standards and Ordinances related to project improvements.

## STAFF RECOMMENDATIONS

### Z-52            ATLANTA GAS LIGHT

- A.     It is Staff's opinion that the applicant's rezoning proposal will permit a use that is suitable in view of the use and development of adjacent and nearby properties. The area is industrial in nature with industrial land uses on all sides of the applicant's property.
- B.     It is Staff's opinion that the applicant's rezoning proposal will not have an adverse affect on the usability of adjacent or nearby property. The applicant's proposal would be compatible with adjacent properties. Bellsouth has a facility next door that would be very similar to the applicant's proposal.
- C.     It is Staff's opinion that the applicant's rezoning proposal will not result in a use which would cause an excessive or burdensome use of existing streets, transportation facilities, utilities, or schools. This opinion can be supported by the departmental comments contained in this analysis.
- D.     It is Staff's opinion that the applicant's rezoning proposal is in conformity with the policy and intent of the *Cobb County Comprehensive Plan*, which delineates this property to be within an Industrial Compatible Land Use Category.
- E.     It is Staff's opinion that there are existing and changing conditions affecting the use and development of the property which give supporting grounds for approving the applicant's rezoning proposal. The applicant's proposal is in accordance with the *Cobb County Comprehensive Plan*. The applicant's proposal would be compatible to, and consistent with adjacent properties. Staff is amenable to removing the stipulations requiring no access to Big Shanty Road, site plan specific parking, and a 20-foot buffer along Big Shanty Road. There are other industrial properties that have access points onto Big Shanty Road, without any buffers. The "no access" stipulation appears to have been carried over from a 1985 zoning case (Z-80) when the area was not as industrialized as it is today, and when the property across Big Shanty Road was zoned R-20. Staff is not amenable to removing the zoning stipulation calling for a Development Agreement pursuant to O.C.G.A. 36-71-13; this is still needed to mitigate traffic concerns.

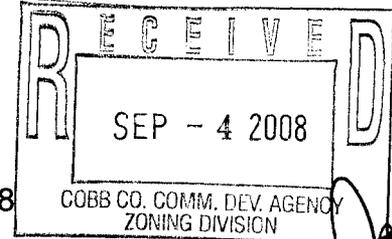
Based on the above analysis, Staff recommends APPROVAL subject to the following conditions:

- Site plan received by the Zoning Division September 4, 2008, with the District Commissioner approving minor modifications;
- Water and Sewer comments and recommendations;
- Stormwater Management comments and recommendations;
- DOT comments and recommendations;
- owner/developer to enter into a Development Agreement pursuant to O.C.G.A. §36-71-13 for dedication of system improvements to mitigate traffic concerns.

**The recommendations made by the Planning and Zoning Staff are only the opinions of the Planning and Zoning Staff and are by no means the final decision. The Cobb County Board of Commissioners makes the final decisions on all Rezoning and Land Use Permits at an advertised public hearing.**

ATTACHMENT TO APPLICATION FOR REZONINGIMPACT ANALYSIS STATEMENT

Application No.: Z-52 (2008)  
 Hearing Dates: November 4, 2008  
 November 18, 2008



Applicant/Titleholder: Atlanta Gas Light

Please be advised that all referenced conditions are those imposed on application Z-68 dated 5/96 provided in part thereof by Cobb County Zoning comments. The referenced plan and reasons were NOT included.

Analysis of impact of the proposed rezoning with respect to the following:

- (a) Applicant is not seeking an actual rezoning of the property located at 2741 McCollum Pkwy. Applicant is seeking removal of conditions 1, 4, 5 and 6. The proposed removal of conditions will not adversely affect the existing use or usability of adjacent or nearby property.
- (b) There would be no effect on the property with regards to zoning. However, removal of the conditions would allow easier flow of traffic on both the North and South of the property.
- (c) The removal of conditions will reduce the impact of traffic on McCollum Pkwy thus improving traffic for this particular site. Having two entrances with adjusted parking will improve the characteristics of the site with regards to traffic flow. Furthermore, it will provide more favorable access and/or mobility for the fire department.
- (d) Since there is no change in zoning, the proposed removal of conditions will not hinder or affect the policy or intent of the land use plan.
- (e) The removal of conditions will not affect the conformity of this lot with the policy and intent of the land use plan.
- (f) The proposed removal of conditions, consist of allowing access onto Big Shanty Road (1), rearranging parking to accommodate the needs of the current developer (4), and either remove or reduce the buffer to allow for the access onto Big Shanty Road (6), the removal of these conditions will significantly enhance the layout and flow of traffic for both the North and South entrances. This Development Agreement (5), was provided by a previous owner and shouldn't have any mitigation toward current traffic concerns.

*Board of Commissioners  
Zoning Hearing Minutes  
May 21, 1996*

**Z-68 SATELLITE SHELTERS, INC.** (E. A. Porter, owner) for Rezoning from **LI with stipulations** to **LI** for the purpose of an Office and Outside Storage of Modular Buildings in Land Lot 136 of the 20th District. 4.25 acres. Located on the north side of McCollum Parkway and the south side of Big Shanty Road. The Board of Commissioners, as part of the Consent Agenda, **approved** rezoning to the **LI zoning district subject to: 1) no access to Big Shanty Road; 2) project subject to Stormwater Management Division comments; 3) project subject to Water and Sewer Department comments; 4) parking allowed as shown on revised site plan submitted (reduced copy attached and made a part hereof); 5) owner/developer to enter into a Development Agreement pursuant to O.C.G.A. 36-71-13 for dedication of system improvements to mitigate traffic concerns; 6) installation of a twenty (20) foot planted buffer along the property's frontage with Big Shanty Road, not in addition to the ten (10) foot no access easement but inclusive therewith. This planted buffer shall consist of the planting of Virginia Pines** . Motion by Poole, second by Wysong, carried 4-0.