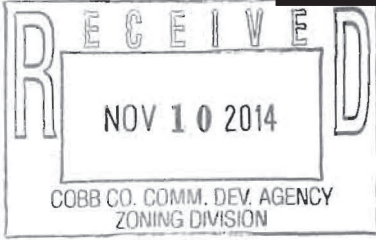
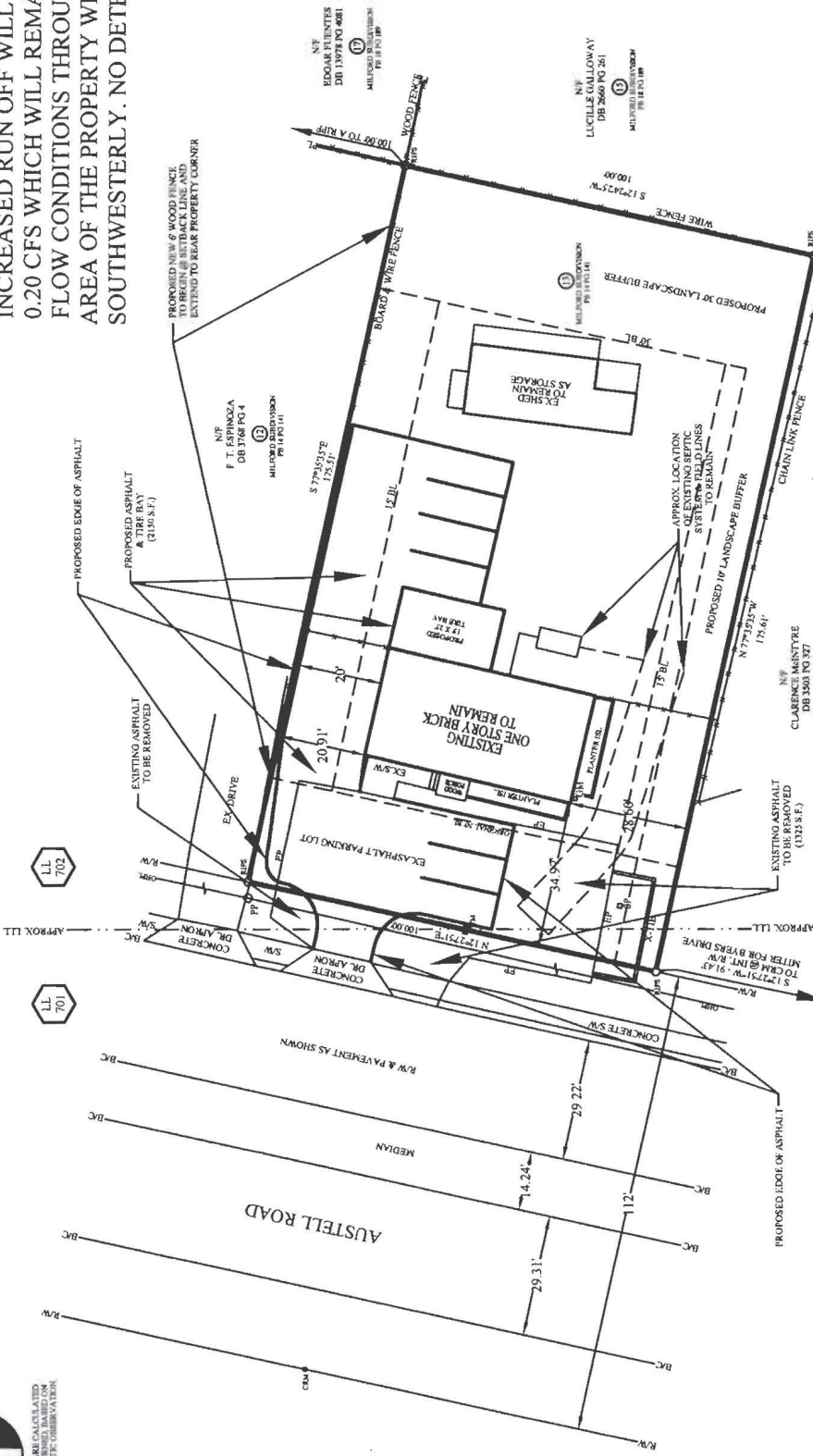


TRACT AREA = 0.403 ACRES (17,556 S.F.)



ALL DIMENSIONS ARE CALCULATED FROM AN UNLINED CENTERLINE, BASED ON A DOUBLE MAGNETIC COMPASS VARIATION



THE FIELD DATA REPRESENTS THE POSITION OF THE POINTS AS SHOWN ON THIS PLAN. THE FIELD DATA WAS OBTAINED BY MEANS OF A TOTAL STATION. THE FIELD DATA WAS CHECKED BY MEANS OF A TOTAL STATION. THE FIELD DATA WAS CHECKED BY MEANS OF A TOTAL STATION. THE FIELD DATA WAS CHECKED BY MEANS OF A TOTAL STATION.



IN ANY CONSTRUCTION THIS PLAN SHALL BE USED AS A GUIDE ONLY. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND FOR VERIFYING THE ACCURACY OF THE FIELD DATA. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND FOR VERIFYING THE ACCURACY OF THE FIELD DATA.

THIS SURVEY WAS MADE WITHOUT THE BENEFIT OF A CURRENT TITLE EXAMINATION. THE SURVEYOR HAS NO KNOWLEDGE OF ANY UNRECORDED ENCUMBRANCES THAT MAY AFFECT THIS PROPERTY.



NOTE; THE PROPOSED PLAN WILL HAVE A NET INCREASE OF 1425 S.F. OF ASPHALT. THE INCREASED RUN OFF WILL BE LESS THAN 0.20 CFS WHICH WILL REMAIN IN SHEET FLOW CONDITIONS THROUGH THE GRASSED AREA OF THE PROPERTY WHICH FLOWS SOUTHWESTERLY. NO DETENTION IS PROPOSED.

- REVISION: 11-7-14 UPDATE SITE PLAN
- REVISION: 1-7-14 ADDED PROPOSED BUFFERS, TWO ADDITIONAL PARKING SPACES, AND EXPANDED TIRE BAY. REVISED FLOW CAL. AND ADDED NOTE FOR NEW FENCE ALONG NORTH PROPERTY LINE.
- GENERAL NOTES:
1. CURRENT ZONING GC
  2. PROPOSED ZONING NRC
  3. PROPOSED VARIANCE FOR FRONT SETBACK TO 34'
  4. PROPOSED VARIANCE FOR LOT SIZE TO 17,556 S.F.
  5. PROPOSED USE A TIRE STORE WITH PARKING AS SHOWN.

3077 AUSTELL ROAD, MARIETTA, GA. 30060 TAX ID # 19070200250 DB 2199 PG 486 LOT 13 BLOCK B MILFORD SUBD. PB 14 PG 141 LAND LOT 702 19TH DISTRICT 2ND SECTION COBB COUNTY, GEORGIA DATE: 9-20-13		3982 AUSTELL-POWDER SPRINGS ROAD - POWDER SPRINGS, GEORGIA 30127 Ph. (770) 435-2576 - Fax. (770) 943-6912
REZONING PL 17 FOR <b>VICTOR NAWALA NGON</b>		PAUL LEE CONSULTING ENGINEERING ASSOCIATES, INC. PLANNING - ENGINEERING - LAND SURVEYING 3982 AUSTELL-POWDER SPRINGS ROAD - POWDER SPRINGS, GEORGIA 30127 Ph. (770) 435-2576 - Fax. (770) 943-6912
COMP.	JOB.	701 NUMBER

**APPLICANT:** Victor Nwala Ngon

**PHONE#:** 404-645-1452 **EMAIL:** victornwall@yahoo.fr

**REPRESENTATIVE:** Garvis L. Sams, Jr.

**PHONE#:** 770-422-7016 **EMAIL:** gsams@slhb-law.com

**TITLEHOLDER:** Victor Nwala Ngon

**PROPERTY LOCATION:** East side of Austell Road, north of Byers

Drive.

(3077 Austell Rd)

**ACCESS TO PROPERTY:** Austell Road

**PHYSICAL CHARACTERISTICS TO SITE:** Existing One Story

Brick House

**PETITION NO:** Z-2

**HEARING DATE (PC):** 02-03-15

**HEARING DATE (BOC):** 02-17-15

**PRESENT ZONING:** LRO

**PROPOSED ZONING:** NRC

**PROPOSED USE:** Tire store

**SIZE OF TRACT:** 0.403 acre

**DISTRICT:** 19

**LAND LOT(S):** 701, 702

**PARCEL(S):** 25

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

**COMMISSION DISTRICT:** 4

**CONTIGUOUS ZONING/DEVELOPMENT**

- NORTH:** CF/Commercial Use
- SOUTH:** GC/Commercial Use
- EAST:** CF/Milford Subdivision
- WEST:** R-20/Church

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

**PLANNING COMMISSION RECOMMENDATION**

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

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

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

**BOARD OF COMMISSIONERS DECISION**

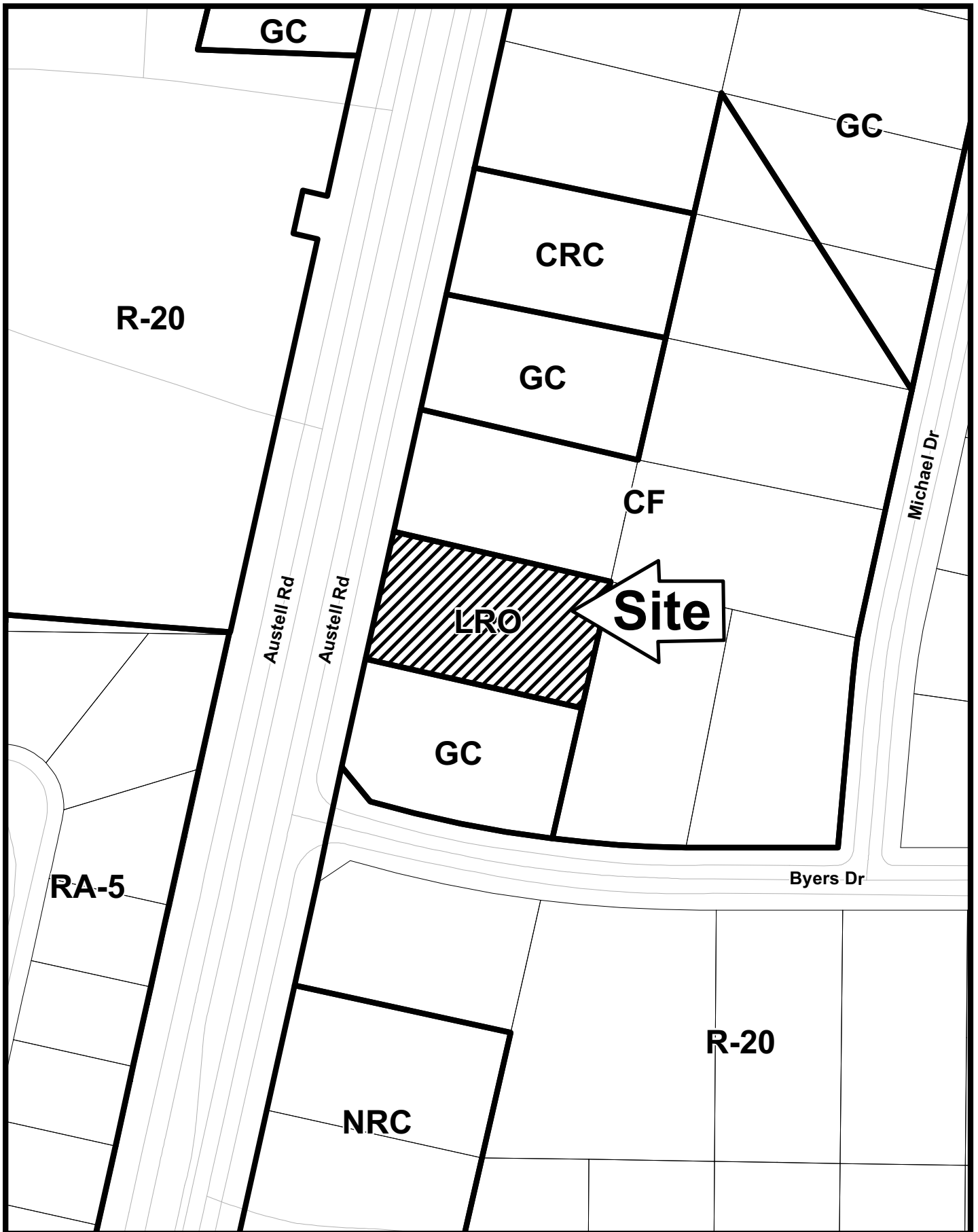
**APPROVED** \_\_\_\_\_ **MOTION BY** \_\_\_\_\_

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

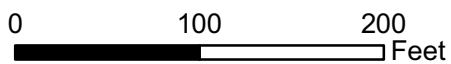
**HELD** \_\_\_\_\_ **CARRIED** \_\_\_\_\_

**STIPULATIONS:**





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



- City Boundary
- Zoning Boundary

APPLICANT: Victor Nwala Ngon

PETITION NO.: Z-2

PRESENT ZONING: LRO

PETITION FOR: NRC

\*\*\*\*\*

**ZONING COMMENTS:**

**Staff Member Responsible:** Kim Wakefield

**Land Use Plan Recommendation:** Neighborhood Activity Center

**Proposed Number of Buildings:** 2      **Total Square Footage of Development:** 2305

**F.A.R.:** 0.13      **Square Footage/Acre:** 5,720

**Parking Spaces Required:** 5      **Parking Spaces Provided:** 5

This property was deleted to LRO low rise office in March, 2014. The applicant proposes to utilize the existing house as an office and the addition of a 13' X 25' building containing a work bay to the rear of the house for a tire store. The existing shed to the rear of the property will remain as storage. The hours of operation will be Monday through Saturday 7 a.m. to 7 p.m. and Sunday 9 a.m. to 4 p.m. The applicant requests a front setback variance from the required 50 feet to an existing 34 feet and a lot size variance from 20,000 to 17,556 square feet. Also, as proposed, the site plan reflects the need for a variance of the drive aisle width from the required 24' to 20.91' and a waiver of the Code-required 8' landscape enhancement strip where the parking area lies adjacent to the right-of-way. There is an existing pole sign on the property.

Applicant's representative has submitted a letter of agreeable conditions outlining proposed improvements to the building facility which are intended to address any noise concerns resulting from the proposed use. These improvements include construction techniques and specialty materials designed to provide maximum noise abatement.

**Cemetery Preservation:** There is no significant impact on the cemetery site listed in the Cobb County Cemetery Preservation Commission's Inventory Listing which is located in this, or adjacent land lot.

\*\*\*\*\*

**FIRE COMMENTS:**

C/O: Plans must be submitted to the Cobb County Fire Marshal's Office to initiate the Certificate of Occupancy process.

ACCESS: Fire apparatus access roads shall extend to within 150 feet of all portions of the facility or any portion of the exterior wall of the first floor (State Modifications IFC 503.1 2006 Edition).

All access roads shall meet the American Association of State and Highway Transportation Officials (AASHTO) design manual live load standard HS20 (75,000 lbs.) with an unobstructed width of not less than 20 feet, 25 foot inside radius, 50 foot outside turning radius and unobstructed vertical clearance of not less than 13 feet 6 inches.

**APPLICANT:** Victor Nwala Ngon

**PETITION NO.:** Z-2

**PRESENT ZONING:** LRO

**PETITION FOR:** NRC

\*\*\*\*\*

**PLANNING COMMENTS:**

The applicant is requesting a rezoning from LRO to NRC for purpose of tire store. The 0.403 acre site is located on the east side of Austell Road, north of Byers Drive.

**Comprehensive Plan**

The parcel is within a Neighborhood Activity Center (NAC) future land use category, with LRO zoning designation. The purpose of the (NAC) category is to provide for areas that serve neighborhood residents and businesses. Typical land uses for these areas include small offices, limited retail and grocery stores.

**Master Plan/Corridor Study**

Not applicable.

**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.

**Design Guidelines**

Is the parcel in an area with Design Guidelines?     Yes         No

If yes, design guidelines area \_\_\_\_\_

Does the current site plan comply with the design requirements?

**Incentive Zones**

Is the property within an Opportunity Zone?     Yes         No

The Opportunity Zone is an incentive that provides \$3,500 tax credit per job in eligible areas if two or more jobs are being created. This incentive is available for new or existing businesses.

Is the property within an Enterprise Zone?     Yes         No

The Enterprise Zone is an incentive that provides tax abatements and other economic incentives for qualifying businesses locating or expanding within designated areas for new jobs and capital investments.

Is the property eligible for incentives through the Commercial and Industrial Property Rehabilitation Program?     Yes         No

The Commercial and Industrial Property Rehabilitation Program is an incentive that provides a reduction in ad valorem property taxes for qualifying redevelopment in eligible areas.

APPLICANT: Victor Nwala Ngon

PETITION NO.: Z-2

PRESENT ZONING: LRO

PETITION FOR: NRC

\*\*\*\*\*

**PLANNING COMMENTS:** (Continued)

***Special Districts***

Is this property within the Cumberland Special District #1 (hotel/motel fee)?

Yes       No

Is this property within the Cumberland Special District #2 (ad valorem tax)?

Yes       No

Is this property within the Six Flags Special Service District?

Yes       No

APPLICANT Victor Nwala Ngon

PETITION NO. Z-002

PRESENT ZONING LRO

PETITION FOR NRC

\*\*\*\*\*

**WATER COMMENTS:** NOTE: Comments reflect only what facilities were in existence at the time of this review.

Available at Development:  Yes  No

Fire Flow Test Required:  Yes  No

Size / Location of Existing Water Main(s): 8" DI / E side of Austell Road

Additional Comments: Existing commercial water customer

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:** NOTE: Comments reflect only what facilities were in existence at the time of this review.

In Drainage Basin:  Yes  No

At Development:  Yes  No

Approximate Distance to Nearest Sewer: W side of Austell Road ROW

Estimated Waste Generation (in G.P.D.): A D F= 166 Peak= 400

Treatment Plant: South Cobb

Plant Capacity:  Available  Not Available

Line Capacity:  Available  Not Available

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

Drv Sewers Required:  Yes  No

Off-site Easements Required:  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 easements by the property owners. All easement acquisitions are the responsibility of the Developer

Flow Test Required:  Yes  No

Letter of Allocation issued:  Yes  No

Septic Tank Recommended by this Department:  Yes  No

Subject to Health Department Approval:  Yes  No

Additional Health Dept approval required for continued use of existing septic system.  
Comments:

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 offsite easements, dedication of on and/or offsite 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: Victor Nwala Ngon

PETITION NO.: Z-2

PRESENT ZONING: LRO

PETITION FOR: NRC

\*\*\*\*\*

**STORMWATER MANAGEMENT COMMENTS**

FLOOD HAZARD:  YES  NO  POSSIBLY, NOT VERIFIED

DRAINAGE BASIN: Mill Creek #2 FLOOD HAZARD INFO: Zone X

- FEMA Designated 100 year Floodplain Flood.
- Flood Damage Prevention Ordinance DESIGNATED FLOOD HAZARD.
- Project subject to the Cobb County Flood Damage Prevention Ordinance Requirements.
- Dam Breach zone from (upstream) (onsite) lake - need to keep residential buildings out of hazard.

WETLANDS:  YES  NO  POSSIBLY, NOT VERIFIED

Location: \_\_\_\_\_

- The Owner/Developer is responsible for obtaining any required wetland permits from the U.S. Army Corps of Engineer.

STREAMBANK BUFFER ZONE:  YES  NO  POSSIBLY, NOT VERIFIED

- Metropolitan River Protection Area (within 2000' of Chattahoochee River) ARC (review 35' undisturbed buffer each side of waterway).
- Chattahoochee River Corridor Tributary Area - County review (\_\_\_\_\_ undisturbed buffer each side).
- Georgia Erosion-Sediment Control Law and County Ordinance - **County Review**/State Review.
- Georgia DNR Variance may be required to work in 25 foot streambank buffers.
- County Buffer Ordinance: **50'**, 75', 100' or 200' each side of creek channel.

DOWNSTREAM CONDITION

- Potential or Known drainage problems exist for developments downstream from this site.
- Stormwater discharges must be controlled not to exceed the capacity available in the downstream storm drainage system.
- Minimize runoff into public roads.
- Minimize the effect of concentrated stormwater discharges onto adjacent properties.
- Developer must secure any R.O.W required to receive concentrated discharges where none exist naturally
- Existing Lake Downstream \_\_\_\_\_.  
Additional BMP's for erosion sediment controls will be required.
- Lake Study needed to document sediment levels.
- Stormwater discharges through an established residential neighborhood downstream.
- Project engineer must evaluate the impact of increased volume of runoff generated by the proposed project on \_\_\_\_\_.



APPLICANT: Victor Nwala Ngon

PETITION NO.: Z-2

PRESENT ZONING: LRO

PETITION FOR: NRC

\*\*\*\*\*

**STORMWATER MANAGEMENT COMMENTS – Continued**

SPECIAL SITE CONDITIONS

- Provide comprehensive hydrology/stormwater controls to include development of out parcels.
- Submit all proposed site improvements to Plan Review.
- Any **spring activity** uncovered must be addressed by a qualified geotechnical engineer (PE).
- Structural fill \_\_\_\_\_ must be placed under the direction of a qualified registered Georgia geotechnical engineer (PE).
- Existing facility.
- Project must comply with the Water Quality requirements of the CWA-NPDES-NPS Permit and County Water Quality Ordinance.
- Water Quality/Quantity contributions of the existing lake/pond on site must be continued as baseline conditions into proposed project.
- Calculate and provide % impervious of project site.
- Revisit design; reduce pavement area to reduce runoff and pollution.

INSUFFICIENT INFORMATION

- No Stormwater controls shown \_\_\_\_\_
- Copy of survey is not current – Additional comments may be forthcoming when current site conditions are exposed.
- No site improvements showing on exhibit.

ADDITIONAL COMMENTS

1. The proposed site modifications do not exceed the threshold to require stormwater management for the site. However, if the site is redeveloped or expanded beyond the 5000 square foot threshold current stormwater management requirements must be met.

**APPLICANT: Victor Nwala Ngon**

**PETITION NO.: Z-2**

**PRESENT ZONING: LRO**

**PETITION FOR: NRC**

\*\*\*\*\*

**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
Austell Road	30,100	Arterial	45	GDOT	100'

*Based on [2012] traffic counting data taken by Cobb County DOT*

**COMMENTS AND OBSERVATIONS**

Austell Road is classified as an arterial, a state route, and according to the available information the existing right-of-way does meet the minimum requirements for this classification.

**RECOMMENDATIONS**

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

Recommend GDOT permits for all work that encroaches upon State right-of-way.

Recommend the driveway apron be upgraded to the commercial standard.

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## STAFF RECOMMENDATIONS

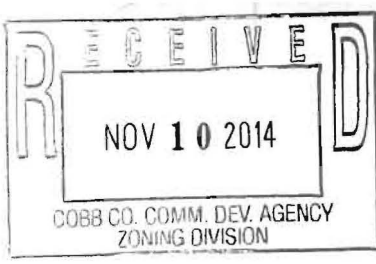
### **Z-2 VICTOR NWALA NGON**

- 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 request proposes upgrades to the property that will allow a use similar to those in the area.
- B. It is Staff's opinion that the applicant's rezoning proposal will not have an adverse effect on the usability of adjacent or nearby property. The property and its proposed upgrades present no adverse effects on the adjacent properties since it is surrounded by commercial users to the north and south. The additional landscape screening to the rear as well as the proposed building improvements aimed at noise abatement further supports this opinion.
- 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*. Located in an area delineated as NAC neighborhood activity center on the future land use map, the proposed use will serve the Plan's intent of uses servicing neighborhood residents and businesses.
- 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 requested rezoning with the improvements to the site may serve to improve the surrounding area and limit any potential adverse effect upon the adjacent properties. With enhancements such as replacing the current existing sign with a ground based monument style sign, allowing for a landscaping enhancement strip along the front parking area and possibly providing a rear 20' landscaped screening buffer, the property can become an asset to the surrounding community.

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

- Final site plan to be approved by the District Commissioner;
- Letter of agreeable conditions from Garvis L. Sams, Jr. dated January 5, 2015;
- Replacement of existing pole sign with a ground based monument style sign;
- Allowance of Code-required 8' landscape enhancement strip where first parking space lies adjacent to the ROW;
- Provision of 20' landscape screening buffer along rear (eastern) property line;
- Fire Department comments and recommendations;
- Water and Sewer Division comments and recommendations;
- Stormwater Management Division comments and recommendations;
- Department of Transportation comments and recommendations.

**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.**



Application #: Z- 2  
PC Hearing Date: February 3, 2015  
BOC Hearing Date: February 17, 2015

## Summary of Intent for Rezoning

.....  
**Part 1. Residential Rezoning Information (attach additional information if needed)**

- a) Proposed unit square-footage(s): \_\_\_\_\_
- b) Proposed building architecture: \_\_\_\_\_
- c) Proposed selling prices(s): \_\_\_\_\_
- d) List all requested variances: \_\_\_\_\_

.....  
**Part 2. Non-residential Rezoning Information (attach additional information if needed)**

- a) Proposed use(s): Continental Tires & Rims shop.
- b) Proposed building architecture: Utilization of the existing house which will be used as an office and the addition of a 13' x 25' building containing work bay to the rear of the house.
- c) Proposed hours/days of operation: Monday thru Saturday 7:00 a.m. to 7:00 p.m.  
Sunday 9:00 a.m. to 4:00 p.m.
- d) List all requested variances: Waive the front setback to 34 feet and waive the lot size from 20,000 square feet to 17,556 square feet (0.403 acres)

.....  
**Part 3. Other Pertinent Information (List or attach additional information if needed)**

The subject property is surrounded by non-residential uses and is located within the confines of a Neighborhood Activities Center ("NAC").

.....  
**Part 4. Is any of the property included on the proposed site plan owned by the Local, State, or Federal Government?**

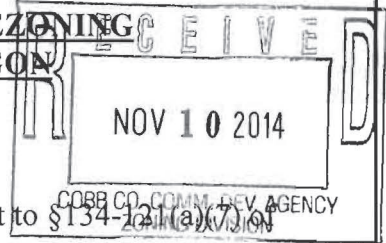
(Please list all Right-of-Ways, Government owned lots, County owned parcels and/or remnants, etc., and attach a plat clearly showing where these properties are located). N/A

.....  
**Part 5. Is this application a result of a Code Enforcement action? No  ; Yes \_\_\_\_\_ (If yes, attach a copy of the Notice of Violation and/or tickets to this form).**

Applicant signature: [Signature] Date: 11/10/14

Applicant name (printed): Garvis L. Sams, Jr., Attorney for Applicant

**ZONING IMPACT STATEMENT FOR THE REZONING  
APPLICATION OF VICTOR NWALA NGON**



COMES NOW, Victor Nwala Ngon, and, pursuant to §134-21(a)(7) of

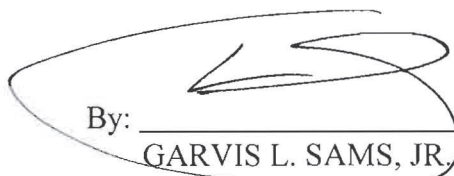
the Cobb County Zoning Ordinance, files this Zoning Impact Statement, as follows:

- A. The zoning proposal will permit a use of the property which is suitable in the context of development and existing zonings along this section of the Austell Road Corridor.
  
- B. The zoning proposal will have no adverse effect or impact upon the existing uses or usability of adjacent or nearby properties. The property is located within a Neighborhood Activity Center (NAC) under Cobb County’s Future Land Use Map. The property has adjoining Commercial properties.
  
- C. The subject property to be affected by the zoning proposal has no reasonable economic use as currently zoned in that the fair market value of same falls below the range of values of similarly zoned and situated properties with equivalent utility. Additionally, the present owner of the subject property is suffering a significant economic detriment by virtue of the continuation of the present classification of LRO.

- D. The zoning proposal will have no adverse impact upon the existing County infrastructure including, but not limited to, existing streets, transportation facilities, utilities or schools.
  
- E. The zoning proposal is located within a Neighborhood Activity Center (NAC) and is consistent with those uses and purposes contemplated under Cobb County's Comprehensive Land Use Plan and Future Land Use Map.
  
- F. There is no substantial relationship between the existing zoning classification of LRO which limits the property in terms of its present utilization and the public health, safety and general welfare. Additionally, considered in the context of development along this section of the Austell Road Corridor, there are no established land use planning principles or political considerations which would vitiate the zoning proposal.

Respectfully submitted, this the 7<sup>th</sup> day of November, 2014.

SAMS, LARKIN, HUFF & BALLI, LLP

By:   
GARVIS L. SAMS, JR.  
Attorney for Applicant  
Ga. Bar No. 623950

**SAMS, LARKIN, HUFF & BALLI**

A LIMITED LIABILITY PARTNERSHIP

GARVIS L. SAMS, JR.  
JOEL L. LARKIN  
PARKS F. HUFF  
JAMES A. BALLI

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770-422-7016  
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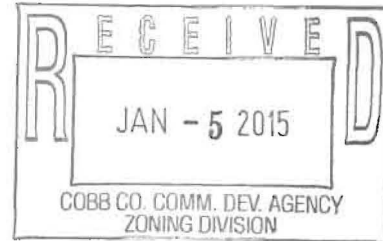
ADAM J. ROZEN

SLHB-LAW.COM

January 5, 2015

**VIA EMAIL**

Mr. John P. Pederson, AICP, Manager  
Cobb County Zoning Division  
Community Development Agency  
1150 Powder Springs Road, Suite 400  
Marietta, GA 30064



Re: Application of Victor Nwala Ngon to Rezone a 0.403 Acre Tract  
from LRO to NRC (No. Z-2)

Dear John:

This firm has been engaged by and represents the Applicant who is also the property owner concerning the above-captioned application for rezoning. In that regard, the application is scheduled to be heard and considered by the Cobb County Planning Commission on February 3, 2015 and, thereafter, the application is scheduled to be heard and considered for final action by the Cobb County Board of Commissioners on February 17, 2015.

While this application has been pending and during the pendency of a previous application for rezoning concerning the same property, a dialogue has been established with the County's professional staff and with others including local residential, office and retail owners in the area. In that regard, we have been authorized to submit this letter of agreeable stipulations which, if the application for rezoning is approved as submitted shall become conditions and a part of the grant of the rezoning and binding upon the subject property thereafter. The referenced stipulations are as follows to wit:

1. The stipulations and conditions set forth herein shall replace and supersede in full any and all prior stipulations and conditions in whatsoever form which are currently in place concerning the property which constitutes the subject matter of the above-captioned application for rezoning.
2. The rezoning of the subject property shall be from the existing zoning category of LRO to NRC for the utilization of the subject property for Continental Tires & Rims and for the other certain permitted uses under the NRC district which are specifically prohibited as set out in paragraph No. 6 below.



**SAMS, LARKIN, HUFF & BALLI**

A LIMITED LIABILITY PARTNERSHIP

**VIA HAND DELIVERY**

Mr. John P. Pederson, AICP, Manager  
Cobb County Zoning Division  
Community Development Agency  
January 5, 2015  
Page 2

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3. The rezoning of the subject property shall be in substantial conformity to that certain rezoning site plan, prepared by Paul Lee Consulting Engineering Associates, Inc. which was filed concurrently with the application for rezoning.

The present intention is to utilize the existing formerly converted residential structure as office space for a tire & rim store while adding a 15' by 25' tire changing and installation bay to the rear of that structure. Additionally, the existing shed to the rear of the building will remain and will be utilized for storage purposes.

4. The proposed hours of operation will be Monday -- Saturday, from 7:00 a.m. until 7:00 p.m. and on Sunday from 9:00 a.m. until 4:00 p.m.
5. The architectural style and composition of the primary building which will be utilized for office purposes on the subject property shall remain as-built. The 15' by 25' tire changing bay to the rear of the primary structure shall be built in conformance with that certain letter from Honest Home Builders, dated March 2, 2014 (attached hereto) and shall include, but not necessarily be limited to, the following:
  - a. Exterior walls will be constructed of 2" by 4" #2 or better wood with a 2" air gap between each wall layout. This constitutes a double-wall system totaling 10" in width including the double drywall system.
  - b. Spray foam 250 Sound Barrier spray foam or its equivalent will be applied to the exterior walls as well as the ceiling of the new tire bay area. The foam sound barrier will reduce noise levels in a standard 2" by 4" wall application.
  - c. Porous expanded polypropylene acoustical ceiling panels (silencers) will be installed where the garage door motors mount to the new ceiling.
  - d. The installation of ThermoCore or equally insulated steel garage doors consisting of a continuous layer of polyurethane insulation between two layers of corrosion resistant steel for maximum thermal efficiency.
6. The uses on the subject property shall be limited to retail automobile tire and rim sales, service and installation or, in the alternative, neighborhood retail uses (as defined in the Cobb County Zoning Ordinance), banks or financial institutions and professional offices.

**SAMS, LARKIN, HUFF & BALLI**

A LIMITED LIABILITY PARTNERSHIP

**VIA HAND DELIVERY**

Mr. John P. Pederson, AICP, Manager  
Cobb County Zoning Division  
Community Development Agency  
January 5, 2015  
Page 3

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7. All tire changing, repair, installation or other work upon the subject property shall be conducted completely inside the existing and proposed structures as shown on the referenced site plan. No such work will be conducted exterior to any such existing or proposed structures.
8. There shall be no outside storage or display of tires, rims, automobile parts, supplies or other inventory, materials or equipment associated with any use of the subject property. All such items, supplies, inventory, materials, and equipment shall be kept indoors at all times.
9. Mechanical and installation activities upon the subject property shall be properly baffled, muffled, and/or attenuated so as not to constitute a nuisance to surrounding or adjacent properties.
10. All activities upon the subject property shall at all times comply with the requirements of the Cobb County Noise Ordinance, as amended.
11. The submission of a formal landscape plan during the Plan Review process which will be subject to the Arborist's review and approval and which will consist, but not necessarily be limited to, the following:
  - a. Fully opaque wooden privacy fence (8' in height) shall be maintained along the northern boundary of the subject property, from the front building setback line to the rear (northeastern) corner of the subject property.

As mentioned above, the fence shall be 8' in height with the following exceptions:

- i) from the front setback, for a distance of 13' the height of the fence shall be 6';
  - ii) from 13' to 26', from the front setback, the height of the fence shall be 7'.
- b. A 30' natural maintained and enhanced landscape buffer shall be installed and maintained along the rear (easterly) property line in order to provide a visual and sound attenuation barrier. Also, along the southern property boundary, from the building's front setback to the rear property line, a 10' landscape buffer shall be installed and maintained.

**SAMS, LARKIN, HUFF & BALLI**

A LIMITED LIABILITY PARTNERSHIP

**VIA HAND DELIVERY**

Mr. John P. Pederson, AICP, Manager  
Cobb County Zoning Division  
Community Development Agency  
January 5, 2015  
Page 4

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- c. Landscaping and vegetation for the buffers described above shall be in substantial conformity to the "Suggested Evergreen Shrub Varieties for Cobb County Landscape Screening Buffer Plantings" which requires a minimum size of 2' in height at the time of installation with spacing varying by variety and/or species of vegetation.
  - d. The installation of the code-required 8' landscape enhancement strip where the first parking space lies adjacent to the right-of-way. As a result thereof, the elimination of the parking space which is closest to Austell Road.
12. Granting of the following contemporaneous variances: waiving the front setback to 34' and waiving the lot size from 20,000 square feet to 17,556 square feet.
13. Subject to recommendations from the Stormwater Management Division with respect to detention, hydrology, water quality and downstream considerations. However, the proposed site modifications do not exceed the threshold which requires stormwater management for the site with the understanding that if the site is redeveloped or expanded beyond the 5,000 square foot threshold that current stormwater management requirements shall be met.
14. Compliance with following recommendations from the Cobb County Department of Transportation:
  - a. Securing GDOT permits for any work encroaching upon Austell Road which is a State right-of-way.
  - b. Upgrading the driveway to commercial standard width.
  - c. Compliance with all Cobb County Development Standards and Ordinances related to project improvements.
  - d. DOT will not be seeking additional right-of-way on Austell Road, nor will DOT or GDOT require the installation of additional lanes.

**SAMS, LARKIN, HUFF & BALLI**

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Mr. John P. Pederson, AICP, Manager  
Cobb County Zoning Division  
Community Development Agency  
January 5, 2015  
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15. Compliance with recommendations from the Cobb County Water System with respect to the availability of water and sewer for the subject property. Currently, the subject property operates by virtue of a septic tank system which was recently inspected by the Cobb & Douglas Public Health, Center for Environmental Health.
16. Compliance with recommendations from the Cobb County Fire Department with respect to Life-Safety and Fire Prevention issues.
17. Signage along Austell Road shall consist of ground-based, monument style signage with materials and colors being complementary and in substantial conformity to the color and design of the existing and proposed buildings. Said signage shall be in lieu of and shall replace the existing pole sign on the subject property.
18. All stipulations/conditions shall be met prior to a Certificate of Occupancy being issued by Cobb County.
19. The District Commissioner shall have the authority to approve certain minor modifications as the development proposal proceeds through the Plan Review process and thereafter, except for those that:
  - a. Reduce the size of an approved buffer to property which is zoned the same or in a more restrictive zoning district.
  - b. Relocate a structure closer to the property line of an adjacent property which is zoned the same or in a more restrictive zoning district.
  - c. Increase the height of a building adjacent to property which is zoned in the same or more restrictive zoning district.
  - d. Change access locations to a different roadway.
  - e. Violate the Cobb County Zoning Ordinance.

**SAMS, LARKIN, HUFF & BALLI**

A LIMITED LIABILITY PARTNERSHIP

**VIA HAND DELIVERY**

Mr. John P. Pederson, AICP, Manager  
Cobb County Zoning Division  
Community Development Agency  
January 5, 2015  
Page 6

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Please do not hesitate to contact me should you or the Staff require any further information or documentation prior to the formulation of the final Zoning Analysis and Staff recommendations. With kind regards and best wishes for the New Year, I am

Very truly yours,

SAMS, LARKIN, HUFF & BALLI, LLP



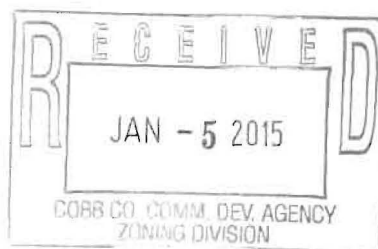
Garvis L. Sams, Jr.  
[gsams@slhb-law.com](mailto:gsams@slhb-law.com)

GLS/klk

- cc: Members, Cobb County Board of Commissioners (via email w/attachment)  
Members, Cobb County Planning Commission (via email w/attachment)  
Mr. Robert L. Hosack, Jr., AICP Director (via email w/attachment)  
Mr. Dana Johnson, AICP Deputy Director (via email w/attachment)  
Mr. Jason Campbell, Planner III (via email w/attachment)  
Mr. Terry Martin, Planner II (via email w/attachment)  
Mr. David Breaden, P.E. (via email w/attachment)  
Mr. Eric Meyer, P.E. (via email w/attachment)  
Mr. Tim Davidson, Cobb County Water System (via email w/attachment)  
Ms. Lori Barton, Deputy County Clerk (via email w/attachment)  
Richard W. Calhoun, Esq. (Attorney for Dr. Frank Espinoza) (via email w/attachment)  
Mr. Victor Ngon (via email w/attachment)  
Mark G. Lee, P.E. (via email w/attachment)

March 02, 2014

**Honest Home Builders**  
334 Harper Drive  
Stockbridge, GA 30281  
(770) 231-9888  
License # 1142  
[joeeddings@gmail.com](mailto:joeeddings@gmail.com)



**Client Information**  
Mr. Victor Nwala Ngon  
3077 Austell Rd. SW  
Marietta, Ga. 30008  
(404) 645-1452

To whom it may concern,

Upon the request of Mr. Victor Nwala Ngon we provided an onsite inspection at the property described above. To analyze and recommend a conclusive system of noise reduction for the adjacent neighbors as well as community. The recommendations to accomplish this goal without fail are as follows.

1. The exterior walls will be constructed of 2" by 4" #2 or better wood with a 2 inch air gap between each wall layout. This is typical in a construction project application where a sound barrier is required such as a recording studio for example. This is a double wall system totaling 10" in width including the double drywall system.
2. Spray foam 250 Sound Barrier Spray foam or equal will be applied to the exterior walls as well as the ceiling of the new tire bay area. Foam Sound Barrier is excellent for sound deadening and reducing noise levels in a standard 2" by 4" wall application. However with the custom wall system described in line # 1 the noise cancellation is guaranteed to be reduced by 75% minimum.
3. Porous Expanded Polypropylene Acoustical Ceiling panels (silencers) will be installed where the garage door motors mount to the new ceiling.

4. **Installation of Thermacore or equal Insulated steel garage doors are the best application for this project. Thermacore doors consist of a continuous layer of Polyurethane insulation between two layers of corrosion resistant steel for maximum thermal efficiency.**

**The system described above in its entirety guarantee's the maximum noise reduction that can be accomplished in an economical yet effective budget.**

**We have 17 plus years of experience in residential as well as commercial construction services and look forward to assisting you in the future.**

**Thanks for the opportunity to serve you.**

**Joe Eddings**

**Manager**

MINUTES OF ZONING HEARING  
COBB COUNTY BOARD OF COMMISSIONERS  
MARCH 18, 2014  
PAGE 8

REGULAR CASES (CONT.)

Z-66<sup>13</sup> VICTOR NWALA NGON (owner) requesting Rezoning from GC to NRC for the purpose of a Tire Store in Land Lots 701 and 702 of the 19<sup>th</sup> District. Located on the east side of Austell Road, north of Byers Drive (3077 Austell Road). *(Previously held by the Planning Commission from their December 3, 2013 and February 4, 2014 hearings)*

The public hearing was opened and Mr. Ken Waldrop and Mr. Victor Nwala Ngon addressed the Board. Following presentation and discussion, the following motion was made:

MOTION: Motion by Cupid, second by Ott, to delete Rezoning to the LRO zoning district subject to:

- Substantial conformity to site plan received January 16, 2014 (attached and made a part of these minutes) *with the following changes/additions:*
  - Deletion of parking space closest to Austell Road
  - Eight foot landscape enhancement strip adjacent to Austell Road right-of-way
  - Final site plan subject to approval by the District Commissioner
- Letter of agreeable conditions from Mr. Richard Calhoun dated February 3, 2014 (attached and made a part of these minutes), *not otherwise in conflict*
- Replacement of existing pole sign with a ground based monument sign
- Fully opaque wooden privacy fence shall be maintained along the northern boundary front building setback to the rear (easterly) corner of the property; fence shall be eight feet in height *with the following exceptions:*
  - From the front setback, for a distance of 13 feet, the height shall be six feet
  - From 13 feet to 26 feet, from the front setback, the height shall be seven feet
- Along the rear (easterly) property line, a 30 foot natural maintained and enhanced landscape buffer shall be installed and maintained (the purpose of the buffer is to provide a visual and sound barrier); along the southerly property boundary from the building front setback to the rear property line, a 10 foot landscape buffer shall be maintained, with final approval by the County Arborist (including time of year that trees will be planted)
- Building shall be constructed in conformance with the letter from Honest Home Builders dated March 2, 2014 (for the purpose of soundproofing) (attached and made a part of these minutes)



MINUTES OF ZONING HEARING  
COBB COUNTY BOARD OF COMMISSIONERS  
MARCH 18, 2014  
PAGE 9

REGULAR CASES (CONT.)

Z-66'<sup>13</sup> VICTOR NWALA NGON (CONT.)

- Permitted uses shall be restricted to banks, financial institutions, cultural facilities, in-home daycare, and professional office
- District Commissioner to approve minor modifications except those that increase the density of the residential project; cause a reduction in the size of the approved buffers adjacent to the properties with the same or more restrictive zoning; cause the relocation of a structure closer to the property line of an adjacent property that is zoned the same or more restrictive zoning; increases the building height that is adjacent to a property that is zoned the same or more restrictive zoning; or changes access location to a different roadway
- All stipulations to be met prior to issuance of Certificate of Occupancy
- Fire Department comments and recommendations, *not otherwise in conflict*
- Water and Sewer Division comments and recommendations, *not otherwise in conflict*
- Stormwater Management Division comments and recommendations, *not otherwise in conflict*
- Cobb DOT comments and recommendations, *not otherwise in conflict*

VOTE: ADOPTED 4-0, Lee absent

Z-12 DUNCAN LAND INVESTMENTS, LLC (Jacqueline J. Stroud and Elois Auito, owners) requesting Rezoning from R-20 and R-30 to R-15 for the purpose of a Residential Subdivision in Land Lot 114 of the 16<sup>th</sup> District. Located on the north side of Mountain Road, west of Outlook Place, east of Outlook Drive (3665 and 3675 Mountain Road).

The public hearing was opened and Mr. Richard Duncan addressed the Board. Following presentation and discussion, the following motion was made:

MOTION: Motion by Birrell, second by Goreham, to approve Rezoning to the R-15 zoning district subject to:

- Site plan received by the Zoning Division January 3, 2014 with the District Commissioner approving minor modifications (attached and made a part of these minutes)





770.426.6155 FAX  
49 ATLANTA STREET  
MARIETTA, GEORGIA 30060  
WWW.GREGORYDOYLEFIRM.COM

Richard W. Calhoun  
rwc@gregorydoylefirm.com

Min. Bk. 71 Petition No. Z-66  
Doc. Type letter of agreeable  
conditions  
Meeting Date 3/18/14

February 3, 2014

Cobb County Planning and Zoning Committee  
P. O. Box 649  
Marietta, GA 30061

Re: Z-66 Victor Nwala Ngon/3077 Austell Rd

Dear Planning Commission Members,

Our firm represents Dr. Frank Espinoza, who owns and operates a medical office adjoining the subject property to the north.

We have been in communication with counsel for the applicant in this matter, and are in agreement with the applicant that the following conditions of zoning should be included as conditions of zoning for the subject property, in addition to the recommended staff conditions:

1. The subject property shall be zoned site plan specific to the to the attached revised "rezoning plat" site plan by Paul Lee Consulting Engineering Associates, Inc. , dated 9-20-13.
2. Uses of the subject property shall be limited to retail automobile tire sales, service and installation, bank or financial institution, professional offices, or neighborhood retail uses (as defined in the Cobb County Zoning Ordinance), only.
3. All tire changing, repair, or other work upon the subject property shall be conducted completely inside the existing or proposed structures shown on the above referenced site plan. No such work shall be conducted exterior to any such existing or proposed structures.
4. There shall be no outside storage or display of tires, automobile parts, supplies, or other inventory, materials or equipment associated with any use of the subject property. All such items, supplies, inventory, materials, and equipment shall be kept indoors at all times.
5. A fully opaque wooden privacy fence 8 feet in height shall be maintained along the northern boundary of the subject property, from the front building setback line to the rear ( northeastern) corner of the property.

February 3, 2014  
Page 2

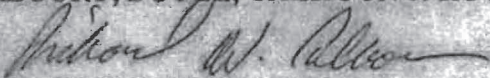
Petition No. Z-666  
Meeting Date 3/18/14  
Continued

6. Mechanical and installation activities upon the subject property shall be properly baffled, muffled, or attenuated so as not to become a nuisance to surrounding properties.

7. All activities upon the subject property shall at all times comply with the requirements of the Cobb County noise ordinance, as amended.

Thank you for your attention to this matter, and if you should have any questions regarding this matter, please do not hesitate to contact me.

Sincerely yours,  
GREGORY, DOYLE, CALHOUN & ROGERS, LLC



Richard W. Calhoun  
For the Firm

RWC/pgc

cc: Dr. Frank Espinoza  
Cobb County Zoning Department  
Ken Waldrop, Esq.

YOUR LOGO  
HERE

Company Name

March 02, 2014

Honest Home Builders  
334 Harper Drive  
Stockbridge, GA 30281  
(770) 231-9888  
License # 1142  
[joceddings@gmail.com](mailto:joceddings@gmail.com)

Client Information  
Mr. Victor Nwala Ngon  
3077 Austell Rd. SW  
Marietta, Ga. 30008  
(404) 645-1452

FILED WITH COUNTY CLERK THIS 4th DAY  
OF March 2014 BY V. Walrop  
RE Z-666  
Joni Paulson  
COUNTY CLERK/ASST. COUNTY CLERK/DEPUTY COUNTY CLERK  
COBB COUNTY, GEORGIA

Min. Bk. 71 Petition No. Z-666  
Doc. Type letter  
Meeting Date 3/18/14

To whom it may concern,

Upon the request of Mr. Victor Nwala Ngon we provided an onsite inspection at the property described above. To analyze and recommend a conclusive system of noise reduction for the adjacent neighbors as well as community. The recommendations to accomplish this goal without fail are as follows.

1. The exterior walls will be constructed of 2" by 4" #2 or better wood with a 2 inch air gap between each wall layout. This is typical in a construction project application where a sound barrier is required such as a recording studio for example. This is a double wall system totaling 10" in width including the double drywall system.
2. Spray foam 250 Sound Barrier Spray foam or equal will be applied to the exterior walls as well as the ceiling of the new tire bay area. Foam Sound Barrier is excellent for sound deadening and reducing noise levels in a standard 2" by 4" wall application. However with the custom wall system described in line # 1 the noise cancellation is guaranteed to be reduced by 75% minimum.
3. Porous Expanded Polypropylene Acoustical Ceiling panels (silencers) will be installed where the garage door motors mount to the new ceiling.

Petition No. 2-606  
Meeting Date 3/18/14  
Continued

4. Installation of Thermacore or equal Insulated steel garage doors are the best application for this project. Thermacore doors consist of a continuous layer of Polyurethane insulation between two layers of corrosion resistant steel for maximum thermal efficiency.

The system described above in its entirety guarantee's the maximum noise reduction that can be accomplished in an economical yet effective budget.

We have 17 plus years of experience in residential as well as commercial construction services and look forward to assisting you in the future.

Thanks for the opportunity to serve you.

Joe Eddings

Manager

APPLICANT: Victor Nwala Ngon

PETITION NO.: Z-66

PRESENT ZONING: GC

PETITION FOR: NRC

\*\*\*\*\*

**ZONING COMMENTS:**

Staff Member Responsible: Terry Martin, MPA

Land Use Plan Recommendation: Neighborhood Activity Center

Proposed Number of Buildings: 2 Total Square Footage of Development: 2,305 sq. ft.

F.A.R.: 0.13 Square Footage/Acre: 5,720

Parking Spaces Required: 5 Parking Spaces Provided: 5

This property, zoned GC general commercial district, is located within a NAC neighborhood activity center future land use area and therefore would be considered to be "grandfathered" as a result. This circumstance has necessitated the current request as the previous use (plumbing company) has been out of business since late 2009 according to County records. The applicant proposes to utilize the existing formerly converted residential structure as office space for a tire store while adding a 13' by 25' tire changing bay to the rear. There is also an existing shed to the rear of the property that will remain as storage. The hours of operation will be Monday through Saturday 7 a.m. to 7 p.m. and Sunday 9 a.m. to 4 p.m. The applicant requests a front setback variance from the required 50 feet to an existing 34 feet and a lot size variance from the required 20,000 sq. ft. to the existing 17,556 sq. ft. Also, as proposed, the site plan reflects the need for a variance of the drive aisle width from the required 24' to 20.91' and a waiver of the Code-required 8' landscape enhancement strip where the parking area lies adjacent to the right-of-way. There is also an existing pole sign on the property.

Cemetery Preservation: There is no significant impact on the cemetery site listed in the Cobb County Cemetery Preservation Commission's Inventory Listing which is located in this, or adjacent land lot.

\*\*\*\*\*

**FIRE COMMENTS:**

Plans must be submitted to the Cobb County Fire Marshal's Office to initiate the Certificate of Occupancy process.

**APPLICANT** Victor Nwala Ngon

**PETITION NO.** Z-066

**PRESENT ZONING** GC

**PETITION FOR** NRC

\*\*\*\*\*

**WATER COMMENTS:**

NOTE: Comments reflect only what facilities were in existence at the time of this review.

Available at Development:  Yes  No

Fire Flow Test Required:  Yes  No

Size / Location of Existing Water Main(s): 8" DI / E side of Austell Road

Additional Comments: existing commercial water customer

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:**

NOTE: Comments reflect only what facilities were in existence at the time of this review.

In Drainage Basin:  Yes  No

At Development:  Yes  No

Approximate Distance to Nearest Sewer: W side of Austell Road ROW

Estimated Waste Generation (in G.P.D.): **A D F** 166 **Peak=** 400

Treatment Plant: **South Cobb**

Plant Capacity:  Available  Not Available

Line Capacity:  Available  Not Available

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

Drv Sewers Required:  Yes  No

Off-site Easements Required:  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 easements by the property owners. All easement acquisitions are the responsibility of the Developer

Flow Test Required:  Yes  No

Letter of Allocation issued:  Yes  No

Septic Tank Recommended by this Department:  Yes  No

Subject to Health Department Approval:  Yes  No

Additional Comments: Health Dept approval required for continued use of existing septic system. If improvements to septic system are necessary, site must connect to sanitary sewer

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 offsite easements, dedication of on and/or offsite 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: Victor Nwala Ngon

PETITION NO.: Z-66

PRESENT ZONING: GC

PETITION FOR: NRC

\*\*\*\*\*

**STORMWATER MANAGEMENT COMMENTS**

FLOOD HAZARD:  YES  NO  POSSIBLY, NOT VERIFIED

DRAINAGE BASIN: Mill Creek #2 FLOOD HAZARD INFO: Zone X

- FEMA Designated 100 year Floodplain Flood.
- Flood Damage Prevention Ordinance DESIGNATED FLOOD HAZARD.
- Project subject to the Cobb County Flood Damage Prevention Ordinance Requirements.
- Dam Breach zone from (upstream) (onsite) lake - need to keep residential buildings out of hazard.

WETLANDS:  YES  NO  POSSIBLY, NOT VERIFIED

Location: \_\_\_\_\_

- The Owner/Developer is responsible for obtaining any required wetland permits from the U.S. Army Corps of Engineer.

STREAMBANK BUFFER ZONE:  YES  NO  POSSIBLY, NOT VERIFIED

- Metropolitan River Protection Area (within 2000' of Chattahoochee River) ARC (review 35' undisturbed buffer each side of waterway).
- Chattahoochee River Corridor Tributary Area - County review (\_\_\_\_\_ undisturbed buffer each side).
- Georgia Erosion-Sediment Control Law and County Ordinance - **County Review/State Review.**
- Georgia DNR Variance may be required to work in 25 foot streambank buffers.
- County Buffer Ordinance: 50', 75', 100' or 200' each side of creek channel.

DOWNSTREAM CONDITION

- Potential or Known drainage problems exist for developments downstream from this site.
- Stormwater discharges must be controlled not to exceed the capacity available in the downstream storm drainage system.
- Minimize runoff into public roads.
- Minimize the effect of concentrated stormwater discharges onto adjacent properties.
- Developer must secure any R.O.W required to receive concentrated discharges where none exist naturally
- Existing Lake Downstream \_\_\_\_\_.  
Additional BMP's for erosion sediment controls will be required.
- Lake Study needed to document sediment levels.
- Stormwater discharges through an established residential neighborhood downstream.
- Project engineer must evaluate the impact of increased volume of runoff generated by the proposed project on \_\_\_\_\_.

APPLICANT: Victor Nwala Ngon

PETITION NO.: Z-66

PRESENT ZONING: GC

PETITION FOR: NRC

\*\*\*\*\*

**STORMWATER MANAGEMENT COMMENTS – Continued**

SPECIAL SITE CONDITIONS

- Provide comprehensive hydrology/stormwater controls to include development of out parcels.
- Submit all proposed site improvements to Plan Review.
- Any **spring activity** uncovered must be addressed by a qualified geotechnical engineer (PE).
- Structural fill \_\_\_\_\_ must be placed under the direction of a qualified registered Georgia geotechnical engineer (PE).
- Existing facility.
- Project must comply with the Water Quality requirements of the CWA-NPDES-NPS Permit and County Water Quality Ordinance.
- Water Quality/Quantity contributions of the existing lake/pond on site must be continued as baseline conditions into proposed project.
- Calculate and provide % impervious of project site.
- Revisit design; reduce pavement area to reduce runoff and pollution.

INSUFFICIENT INFORMATION

- No Stormwater controls shown \_\_\_\_\_
- Copy of survey is not current – Additional comments may be forthcoming when current site conditions are exposed.
- No site improvements showing on exhibit.

ADDITIONAL COMMENTS

1. The proposed site modifications do not exceed the threshold to require stormwater management for the site. However, if the site is redeveloped or expanded beyond the 5000 square foot threshold current stormwater management requirements must be met.

APPLICANT: Victor Nwala Ngon PETITION NO.: Z-66

PRESENT ZONING: GC PETITION FOR: NRC

\*\*\*\*\*

**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
Austell Road		Arterial	45 mph	Georgia DOT	100'

*Based on 2012 traffic counting data taken by Georgia DOT (Austell Road)*

**COMMENTS AND OBSERVATIONS**

Austell Road is classified as an arterial and according to the available information the existing right-of-way does meet the minimum requirements for this classification.

**RECOMMENDATIONS**

Recommend GDOT permits for all work that encroaches upon State right-of-way.

Recommend the driveway apron be upgraded to the commercial standard.

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