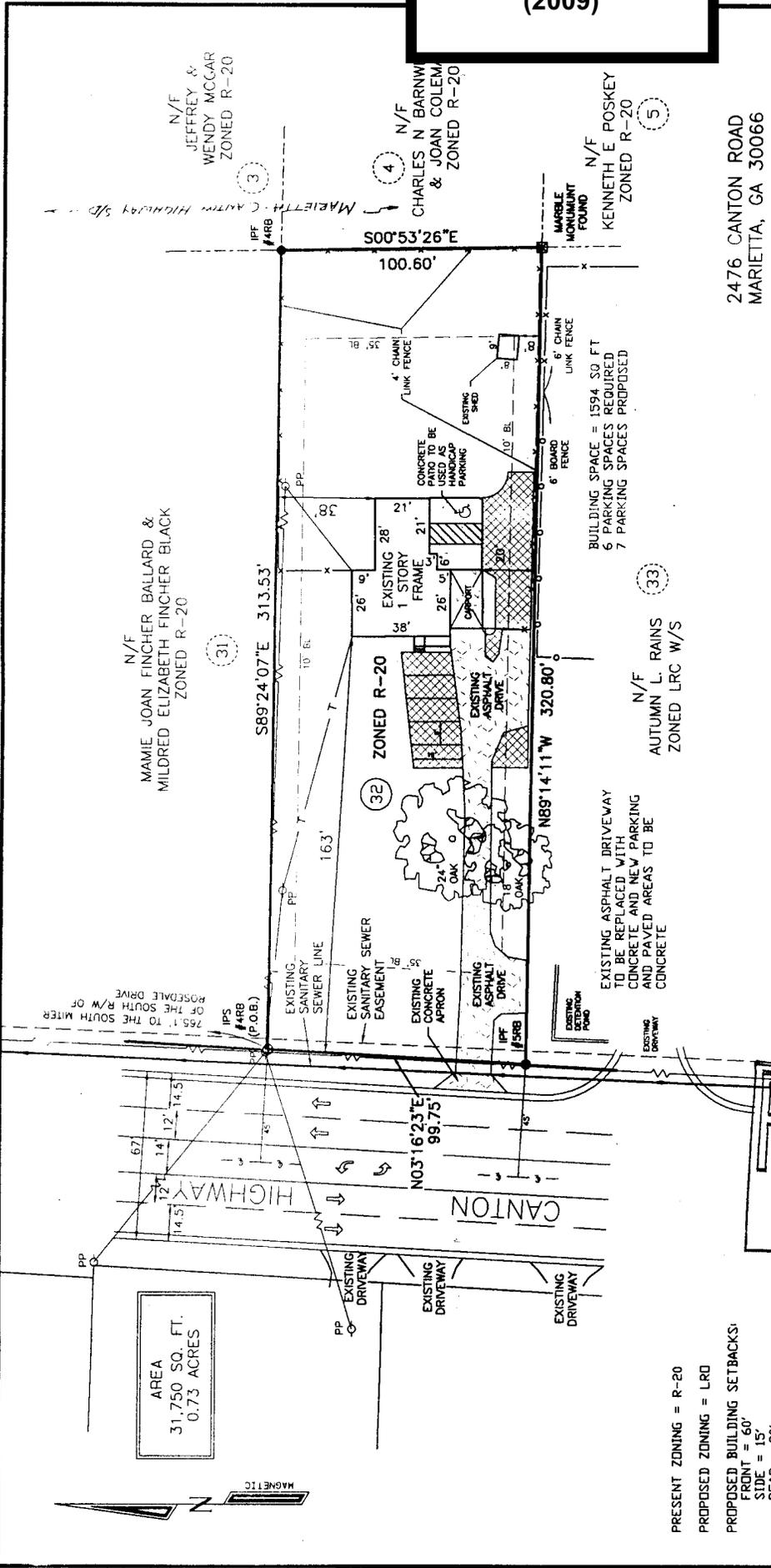


Z-21
(2009)



2476 CANTON ROAD
 MARIETTA, GA 30066

SITE PLAN FOR
JAYESH T. SHETH

SUBD. MRS. EDNA H. OWENSBY
 LAND LOT- 637
 DISTRICT- 16 SECTION-
 COUNTY- COBB STATE- GEORGIA
 DATE- 3-16-09 SCALE 1" = 40'
 REVISED- B 52-08

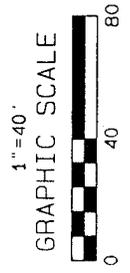
* F. I. A. OFFICIAL FLOOD HAZARD MAP. COUNTY NUMBER J30032 PAGE 466. DATED 12-16-2009 SHOWS THIS PROPERTY NOT TO BE IN AN AREA HAVING SPECIAL FLOOD HAZARDS.

REFERENCE PLAT: BOOK PAGE
 ALL MATTERS OF TITLE ARE EXCEPTED

REGISTERED PROFESSIONAL SURVEYOR
 No. 1549
 THOMAS H. GINN, SR.

SOUTHERN SURVEYING & MAPPING CO., INC.
 4076 EBENEZER ROAD, N.E.
 MARIETTA, GEORGIA 30066
 PHONE (770) 926-7759

MAY 7 2009
 COBB CO. COMM. DEV. AGENCY
 ZONING DIVISION



N/F
 JEFFREY &
 WENDY MCCAR
 ZONED R-20

N/F
 CHARLES N BARNWELL
 & JOAN COLEMAN
 ZONED R-20

N/F
 KENNETH E POSKEY
 ZONED R-20

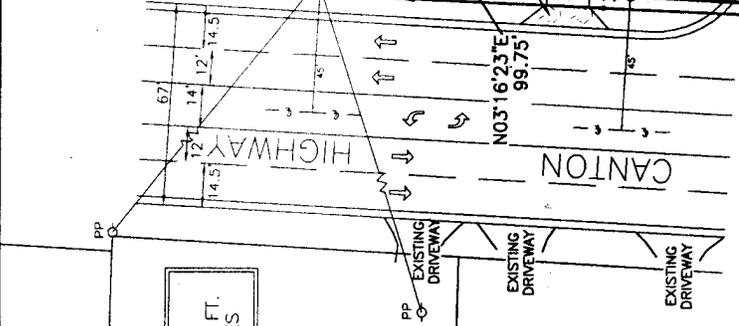
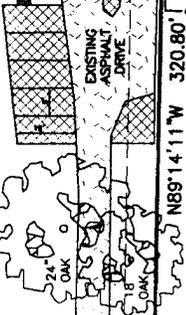
N/F
 MAMIE JOAN FINCHER BALLARD &
 MILDRED ELIZABETH FINCHER BLACK
 ZONED R-20

N/F
 AUTUMN L. RAINS
 ZONED LRC W/S

EXISTING ASPHALT DRIVEWAY
 TO BE REPLACED WITH
 CONCRETE AND NEW PARKING
 AND PAVED AREAS TO BE
 CONCRETE

BUILDING SPACE = 1594 SQ FT
 6 PARKING SPACES REQUIRED
 7 PARKING SPACES PROPOSED

CONCRETE TO BE USED FOR HANDICAP PARKING



APPLICANT: Darshana and Jayesh T. Sheth
770-951-1565

PETITION NO: Z-21
HEARING DATE (PC): 07-07-09

REPRESENTATIVE: Jayesh Sheth
770-951-1565

HEARING DATE (BOC): 07-21-09
PRESENT ZONING: R-20

TITLEHOLDER: Darshana and Jayesh T. Sheth

PROPOSED ZONING: LRO

PROPERTY LOCATION: Located on the east side of Canton Road,
south of Rosedale Drive.

PROPOSED USE: Professional Office

ACCESS TO PROPERTY: Canton Road

SIZE OF TRACT: 0.73 acre
DISTRICT: 16

PHYSICAL CHARACTERISTICS TO SITE: Existing house

LAND LOT(S): 637
PARCEL(S): 20

TAXES: PAID X **DUE** _____
COMMISSION DISTRICT: 3

CONTIGUOUS ZONING/DEVELOPMENT

- NORTH:** R-20/ Single-family house
- SOUTH:** LRC/ Barber Shop
- EAST:** R-20/ Single-family houses
- WEST:** NRC/ Inzer Pianos, Fireplace Store

OPPOSITION: NO. OPPOSED **PETITION NO:** _____ **SPOKESMAN** _____

PLANNING COMMISSION RECOMMENDATION

APPROVED _____ **MOTION BY** _____
REJECTED _____ **SECONDED** _____
HELD _____ **CARRIED** _____

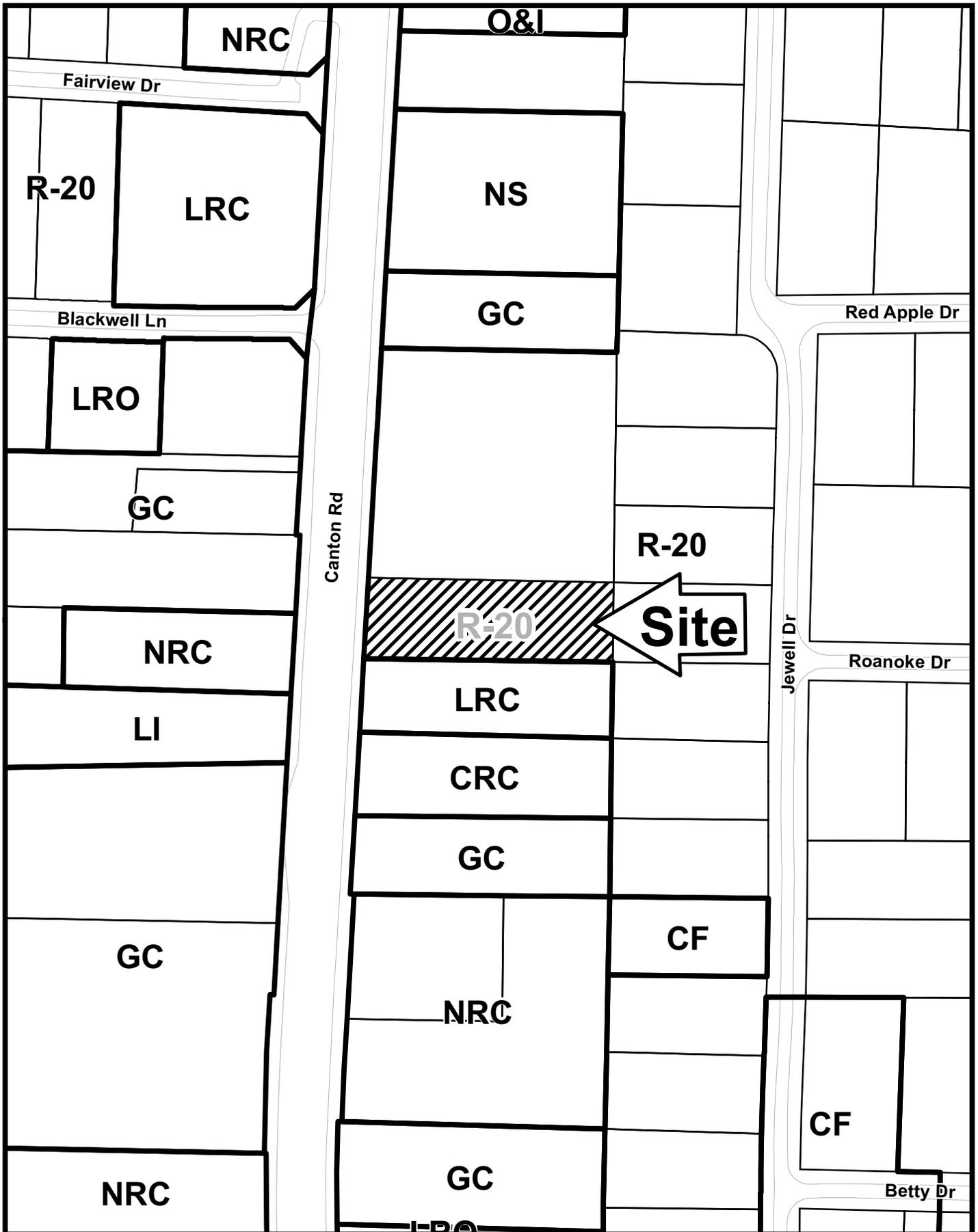
BOARD OF COMMISSIONERS DECISION

APPROVED _____ **MOTION BY** _____
REJECTED _____ **SECONDED** _____
HELD _____ **CARRIED** _____

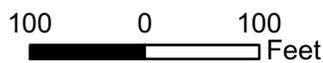
STIPULATIONS:



Z-21



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



- City Boundary
- Zoning Boundary

APPLICANT: Darshana and Jayesh T. Sheth

PETITION NO.: Z-21

PRESENT ZONING: R-20

PETITION FOR: LRO

ZONING DIVISION COMMENTS:

Staff Member Responsible: John P. Pederson, AICP

Land Use Plan Recommendation: Neighborhood Activity Center

Existing Number of Buildings: 1 **Total Square Footage of Development:** 1,594

F.A.R.: 0.05 **Square Footage/Acre:** 2,183

Parking Spaces Required: 6 **Parking Spaces Provided:** 7

The applicant is requesting rezoning to the LRO zoning district to convert this house into a professional office. The applicant is a medical doctor, and would use the building as an office for his practice. The existing building will be utilized. The office will be open Monday through Saturday, from 6:00 am to 11:00 pm. The applicant will add a small parking area for his employees and patients. The applicant has submitted a Zoning Impact Analysis for review (see 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:

Fire Apparatus Access Road

Must obtain a Certificate of Occupancy through the Cobb County Fire Marshal's Office

All access roads shall have an all weather driving surface capable of supporting 75,000 pounds with an unobstructed width of not less than 20 feet, 25 feet inside turning radius, 50 foot outside turning radius and unobstructed vertical clearance of not less than 13 feet 6 inches.

Access road shall extend to within 150-feet of all portions of the facility or any portion of the exterior wall of the first floor.

Dead-end access roads in excess of 150-feet shall be provided with a turn-around by one of the following methods:

Commercial: Cul-de-sac without an island to have a 60 foot paved radius **or** Hammerhead turnaround – total of 110-feet needed (45 feet + 20 foot wide roadway + 45 feet).

Fire Hydrant

Commercial: Fire hydrant within 500 feet of most remote part of structure.

APPLICANT: Darshana and Jayesh T. Sheth

PETITION NO.: Z-21

PRESENT ZONING: R-20

PETITION FOR: LRO

PLANNING DIVISION COMMENTS:

The applicant is requesting a rezoning from R-20 to LRO for professional office use. The 0.73 acre site is located on the east of Canton Road, south of Rosedale Drive.

Comprehensive Plan

The subject parcel is within a Neighborhood Activity Center area on the FLUM and is compatible.

Master Plan/Corridor Study

According to the 2005 Canton Road Corridor Study, the following are items for consideration for the subject parcel:

- The site is in the general vicinity of a “Home Run” site (Map #6)
- Retail and office uses should be restricted so that there are no twenty-four (24) hour establishments along the corridor
- The parcel is outside the area covered by the Main Street Design Principles
- When the property is redeveloped, the NAC designation areas shall allow a maximum building footprint of 35,000 sq. ft. for retail uses (subject to the zoning code for the approved zoning district).
- When the property is redeveloped, all aspects of the Canton Road Design Guidelines will need to be incorporated into the site plan and architecture of the site.
- During the study, the parcel is included in an area designated as Mixed-Use/Loft District. Retrofit designs should consider increased buffers from existing residential communities and possible linear/pocket parks, where appropriate.
- Staff requests that a stipulation be included that has the applicant meet the sidewalk, street tree, and street light standards as detailed in the Canton Road Design Guidelines.

Based upon these criteria, the request to rezone the property from R-20 to LRO to allow a professional office use would be compatible with the purpose and intent of the Canton Road Corridor Study.

Design Guidelines

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

If yes, design guidelines area Canton Road Design Guidelines

Does the current site plan comply with the design requirements?

Yes No Not applicable

APPLICANT Darshana and Jayesh Sheth

PETITION NO. Z-021

PRESENT ZONING R-20

PETITION FOR LRO

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) 6" DI / E side Canton Rd

Additional Comments:

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: At site in road

Estimated Waste Generation (in G.P.D.): **A D F** < 100 **Peak** < 250

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 not connected to sewer. Connection must be made.

Notes FYI:

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: Darshana & Jayesh Sheth

PETITION NO.: Z-21

PRESENT ZONING: R-20

PETITION FOR: LRO

DRAINAGE COMMENTS

FLOOD HAZARD: YES NO POSSIBLY, NOT VERIFIED

DRAINAGE BASIN: **Little Noonday Creek** 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 downstream _____.

APPLICANT: Darshana & Jayesh Sheth

PETITION NO.: Z-21

PRESENT ZONING: R-20

PETITION FOR: LRO

DRAINAGE 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.

ADDITIONAL COMMENTS

1. The proposed medical office use will require additional pavement to meet the parking requirement as indicated on the proposed site plan. The additional impervious area does not exceed the threshold for requiring detention and water quality, however, it is recommended that a stone filter strip be installed along the downstream edge of the proposed parking area. Since the existing driveway will be replaced, the undersized driveway culvert should be replaced as well to adequately accommodate upstream flows.

APPLICANT: Darshana and Jayesh Sheth

PETITION NO.: Z-21

PRESENT ZONING: R-20

PETITION FOR: LRO

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 |
|-----------|---------------------|------------------------|-------------|------------------------|--------------------------|
| Canton Rd | 33500 | Arterial | 45 mph | Cobb County | 100' |
| | | | | | |

Based on 2002 traffic counting data taken by Cobb County DOT.

COMMENTS AND OBSERVATIONS

Canton Road is classified as an Arterial and according to the available information, the existing right-of-way does not meet the minimum requirements for this classification.

Canton Road is identified in the 2005 SPLOST as a roadway safety and operational improvement project.

Install sidewalk along the road frontages.

Proposed driveway shall be built to Cobb County commercial standards.

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 west side of Canton Road, a minimum of 50' from the roadway centerline.

Recommend applicant coordinate with Cobb County DOT prior to development plan approval to ensure compatibility with the proposed roadway improvement project along Canton Road.

Recommend installing sidewalk along the road frontages.

Recommend building the proposed driveway to comply with Cobb County commercial standards.

Recommend applicant verify that minimum intersection sight distance is available and if it is not, implement remedial measures, subject to Department's approval to achieve the minimum requirement of 500 feet.

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

STAFF RECOMMENDATIONS

Z-21 DARSHANA AND JAYESH T. SHETH

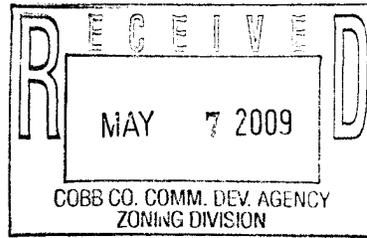
- A. It is Staff's opinion that the applicant's rezoning proposal will permit a use that is suitable in view of the use and development of adjacent and nearby properties. The area contains a variety of commercial properties that include retail, office and restaurant uses.
- B. It is Staff's opinion that 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 consistent with other properties. This section of Canton Road is predominantly commercial.
- 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 a Neighborhood Activity Center.
- 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 with and consistent to other commercially zoned properties in the area.

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

- Site plan received by the Zoning Division May 7, 2009, with the District Commissioner approving minor modifications;
- Property subject to the *Canton Corridor Streetscape and Architectural Guidelines*;
- Planning Division comments;
- Professional office use only;
- Fire Department comments;
- 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.

Darshana and Jayesh Sheth
2476 Canton Road NE
Marietta GA 30066
Date: 05/06/09



RE: Application for rezoning, 2476 Canton Road, Marietta, GA 30066
Parcel ID 16063700200

Following is a written analysis of the impact of the proposed rezoning with respect to each of the following matters:

(a) Whether the zoning proposal will permit a use that is suitable in view of the use and development of adjacent and nearby property: All surrounding properties in use are commercial – with various professions / Businesses like Barber shop, Fabric and Fringe and Engineers offices on South to Jennings music, chiropractor, Landscape service across the road and B&D Auto repair and hardwood flooring store on north. Professional offices at 2476 Canton Road are very much in conformity in view of the use and development of adjacent and nearby property.

(b) Whether the zoning proposal will adversely affect the existing use or usability of adjacent or nearby property: All surrounding properties in use at this time are commercial / Businesses, so there will not be any adverse effect on the existing use or usability of adjacent or nearby property.

(c) Whether the property to be affected by the zoning proposal has a reasonable economic use as currently zoned: This property has been sitting vacant with no economic use at this time. It has also been vandalized twice during these years. Change in zoning will bring economic activity and jobs to Cobb County in this currently blighted property.

(d) Whether the zoning proposal will result in a use which will or could cause an excessive or burdensome use of existing streets, transportation facilities, utilities, or schools: Canton Road is a very busy road and any increase in burden will be negligible from this less than 1600 sq feet of property.

(e) Whether the zoning proposal is in conformity with the policy and intent of the land use plan: This part of Canton Highway has been a declared focus of redevelopment by Cobb County Commissioners and it belongs to MIXED USE in the Land use plan.

(f) Whether there are other existing or changing conditions affecting the use and development of the property, which give supporting grounds for either approval or disapproval of the zoning proposal: There are only a few residential properties left on the Canton Road Corridor, most of which are no longer in use as a residence. All the properties that are in use today has been converted to commercial / business use over last 10 years. Changing conditions of Canton Road Corridor gives strong ground for approval of the requested Zoning.