

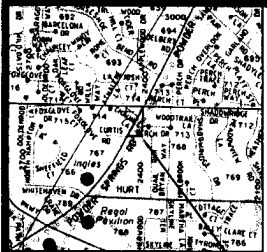
**Z-4
(2010)**

FLOOD STATEMENT

I HAVE EXAMINED THE OFFICIAL FLOOD HAZARD MAP AND FOUND THAT BY GRAPING ONLY, NO PORTION OF THIS PROPERTY IS IN A FLOOD HAZARD AREA ACCORDING TO FIRM MAP 13067C0201G, DATED DEC. 16, 2008.

LEGEND

- IPS IRON PIN SET
- IPF IRON PIN FOUND
- OT OPEN TOP PIN
- CT CRIMP TOP PIN
- RB REINFORCING BAR
- CL CENTERLINE
- R/W RIGHT-OF-WAY
- LL LAND LOT
- CONC CONCRETE
- PP POWER POLE
- GV GAS VALVE
- FC FENCE CORNER
- FENCE FENCE
- X-X- POINT OF BEGINNING
- POB NOW OR FORMERLY
- N/F CURB & GUTTER
- C&G FIRE HYDRANT
- FH POWER POLE
- PP WATER METER
- WM



VICINITY MAP

EXHIBIT "A"

SURVEYOR'S WRITTEN DESCRIPTION

ALL THAT TRACT OR PARCEL OF LAND lying in Land Lot 714 of the 19th District, 2nd Section of Cobb County, Georgia, shown as having a total acreage of 2.25 acres, according to a certain plat of survey for Noorul A. Siddiqui and Shahnez A. Siddiqui dated Oct 21, 2006 prepared by Vedder Surveys & Assoc. (bearing the Seal of George Vedder, GRLS No. 2562), and being more particularly described as follows:

BEGINNING at an iron pin found at the point common to Land Lots 713, 714, 767 and 768, of said district and section; running thence

S89°47'17"W along the lot line common to Land Lots 714 and 767 a distance of 306.57 feet to an iron pin found on the southeastern margin of the right of way of said Powder Springs Road; thence N24°43'29"E along the margin of Powder Springs Road where it intersects with the line common to Land Lots 714 and 713 a distance of 706.32 feet to an iron pin placed; thence continuing S00°59'50"E along the line common to Land Lots 714 and 713 a distance of 190.48 feet to an iron pin found; thence continuing S00°59'50"E along the line common to Land Lots 714 and 713 a distance of 173.48 feet to an iron pin found; thence continuing S00°59'50"E along the line common to Land Lots 714 and 713 a distance of 276.57 feet to an iron pin found at the POINT OF BEGINNING.

Said conveyance is subject to all legal easements, covenants and right of ways, public or private.

ZONING

R-20

FRONT=40'

SIDE=10'

REAR=35'

AREA

98,176 sq. ft.
2.25 acres

ADDRESS:

2433 POWDER SPRINGS ROAD

ZONING

R-20

GRAPHIC SCALE - FEET 1" = 50'

N/F ROBERT & MARGRET KENDALL
TAX ID# 19076700270
DB 9462 PG. 93
#2443 POWDER SPRINGS RD.
LRO WS

N24°40'00"E 38.67' TO THE WIDERED R/W OF PERCH COURT AS PER S/D PLAN

N/BOR'S FENCE

PROPERTY LINE

N/F SHIRLEY J. OWENS
TAX ID# 19071300180
DB 14,585 PG 5838
#2381 PERCH CT.
R-15

N/BOR'S FENCE ENCROACHMENT AREA:
2,684 SQ.FT.
0.06 ACRES

PROPERTY LINE

N/F TIM & JOANNE ROSE
TAX ID# 19071300320
DB 14,364 PG 6497
#3298 PERCH DR.
R-15

EAGLE POINT S/D
PB. 153, PG. 53

N/F DANIEL MALDONADO
TAX ID# 19071300330
DB 14,432 PG 6180
#3299 PERCH DR.
R-15

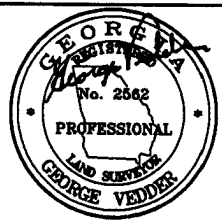
R-15
N/F EDWIN R. REYNA
TAX ID# 19071300340
DB 14,696 PG 6025
#3295 PERCH DR.

N/F BRENDA A. CHOCHRAN
TAX ID# 19076800560
NO DEED DATA
#3308 QUAL RUN R-20

VEDDER SURVEYS & ASSOCIATES
1648 Juliette Road, Forsyth, Ga. 31029
TELEPHONE (678) 544-2585

**BOUNDARY SURVEY FOR:
NOORUL A. SIDDIQUI AND
SHAHNEZ A. SIDDIQUI**
ADDRESS: 2433 POWDER SPRINGS RD.
DEED BOOK 13,270 PAGE 1801
TAX ID# 19071400010

LAND LOT 714
19TH DISTRICT, 2ND SECTION
COBB COUNTY, GEORGIA
DATE 10/21/2009
SCALE 1" = 50'



The field data upon which this plat is based has a closure of 1 foot in 10,000± feet, an angular error of 93 seconds per angle point and was adjusted using the Least Squares Method. This plat has been calculated for closure and found to be accurate to 1 foot in 100,000± feet. An electronic total station and a 100' chain were used to gather the information used in the preparation of this plat. No State Plane Coordinate Monument found within 500' of this property. All matters pertaining to title are excepted.

APPLICANT: Loretta E. Brown and Noorul A. Siddiqui
678-403-1703

REPRESENTATIVE: Loretta E. Brown
770-846-6515

PETITION NO: Z-4

HEARING DATE (PC): 2-02-10

HEARING DATE (BOC): 2-16-10

PRESENT ZONING: R-20

TITLEHOLDER: Noorul A. Siddiqui and Shahnez A. Siddiqui

PROPOSED ZONING: NRC

PROPERTY LOCATION: Located on the east side of Powder Springs Road, north of Hurt Road.

PROPOSED USE: Assisted Living Facility

ACCESS TO PROPERTY: Powder Springs Road

SIZE OF TRACT: 2.25 acres

PHYSICAL CHARACTERISTICS TO SITE: Existing house

DISTRICT: 19

LAND LOT(S): 714

PARCEL(S): 1

TAXES: PAID X **DUE** _____

COMMISSION DISTRICT: 4

CONTIGUOUS ZONING/DEVELOPMENT

- NORTH:** R-15/ Wevr Run subdivision
- SOUTH:** LRO/ Kendall and Associates
- EAST:** R-15/ Eagle Point subdivision
- WEST:** NS, R-20/ Country Campus Childcare, Single-family house

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

PLANNING COMMISSION RECOMMENDATION

APPROVED _____ **MOTION BY** _____

REJECTED _____ **SECONDED** _____

HELD _____ **CARRIED** _____

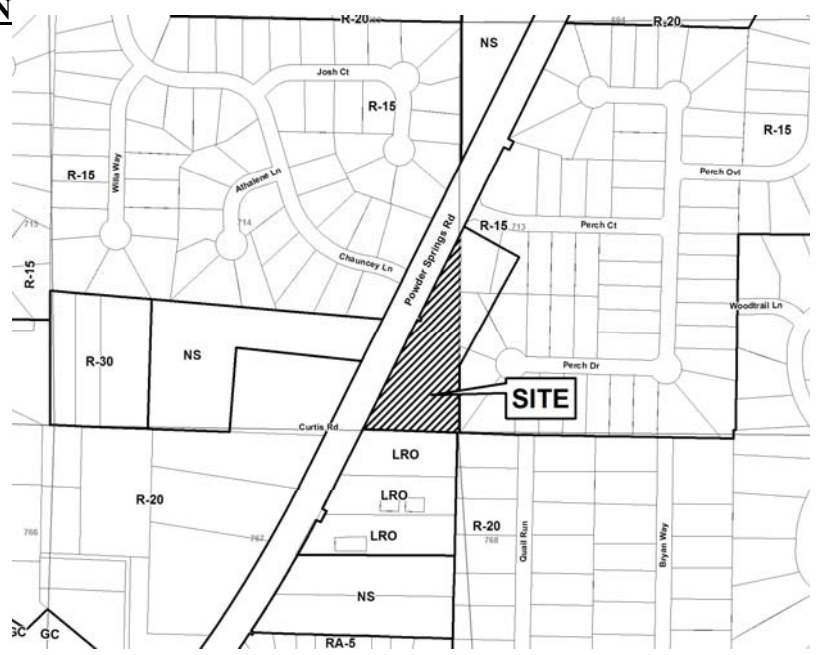
BOARD OF COMMISSIONERS DECISION

APPROVED _____ **MOTION BY** _____

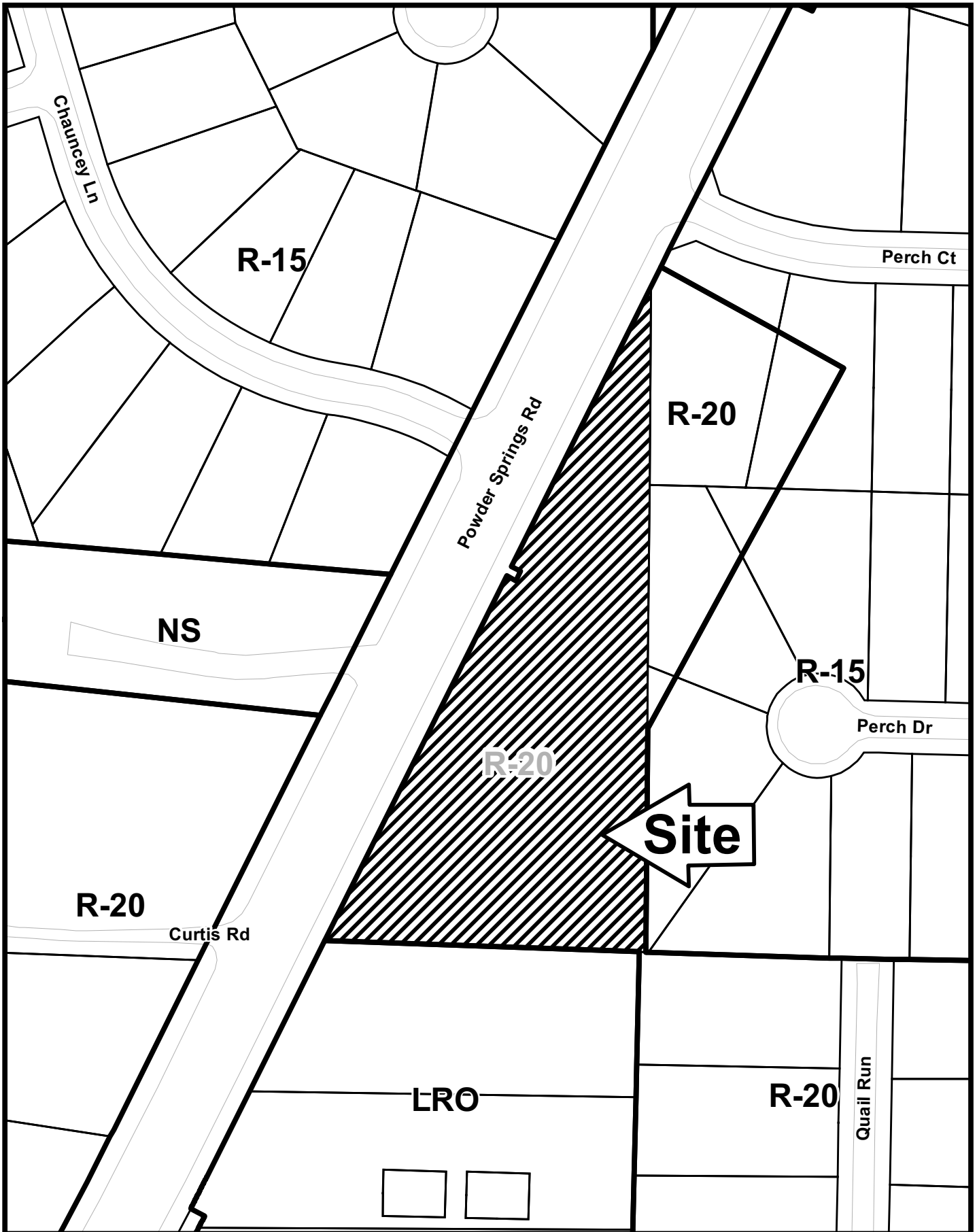
REJECTED _____ **SECONDED** _____

HELD _____ **CARRIED** _____

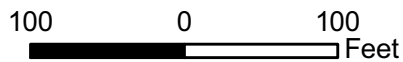
STIPULATIONS:





Z-4



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



-  City Boundary
-  Zoning Boundary

APPLICANT: Loretta E. Brown and Noorul A. Siddiqui

PETITION NO.: Z-4

PRESENT ZONING: R-20

PETITION FOR: NRC

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

Land Use Plan Recommendation: Low Density Residential

Existing Number of Buildings: 1 **Total Square Footage of Development:** 4,362

F.A.R.: 0.04 **Square Footage/Acre:** 1938

Parking Spaces Required: 3 **Parking Spaces Provided:** 6

The applicant is requesting the NRC zoning district to operate an assisted living facility from the property. The facility would be for disabled and elderly adults, mostly veterans. There would be up to 12 residents in the facility, with 3 staff persons. The house is one-story with a full daylight basement; there would be six bedrooms with 4 bathrooms. The house will be renovated and a fire sprinkler system will be installed. The applicant has stated there may not be any signs advertising the assisted living facility. The applicant has submitted a Zoning Impact Analysis which is attached 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:

Plans must be submitted to the Cobb County Fire Marshal's Office to initiate the Certificate of Occupancy process. If 4 or more unrelated occupants, the structure must meet NFPA 101 Occupancy requirements to include a sprinkler system and fire alarm.

APPLICANT Loretta E Brown & Noorul A Siddiqui

PETITION NO. Z-004

PRESENT ZONING R-20

PETITION FOR NRC

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) 12" DI / E side Powder Springs Rd

Additional Comments: Records show address connected (inactive)

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: 140' S; also 165' E / Perch Dr cul-de-sac

Estimated Waste Generation (in G.P.D.): **A D F** 1600 **Peak** 4000

Treatment Plant: S Cobb

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:

Central kitchens require exterior grease traps and architectural plans submittal/approval

Notes FYI: *Sewer connection required*

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: **Loretta E. Brown & Noorul A. Siddiqui**

PETITION NO.: **Z-4**

PRESENT ZONING: **R-20**

PETITION FOR: **NRC**

DRAINAGE COMMENTS

FLOOD HAZARD: YES NO POSSIBLY, NOT VERIFIED

DRAINAGE BASIN: **Olley 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: Loretta E. Brown & Noorul A. Siddiqui

PETITION NO.: Z-4

PRESENT ZONING: R-20

PETITION FOR: NRC

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.

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 applicant proposes to utilize the existing structure and no significant increase in impervious area is anticipated. Any future improvement or redevelopment will be require meeting full stormwater management requirements.

APPLICANT: Loretta E. Brown and Noorul A. Siddiqui

PETITION NO.: Z-4

PRESENT ZONING: R-20

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
Powder Springs Road	26100	Arterial	45 mph	Cobb County	100'

Based on 2008 traffic counting data taken by Cobb County DOT.

COMMENTS AND OBSERVATIONS

Powder Springs 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.

As necessitated by this development for egress from Powder Springs Road a deceleration lane(s) will be required to be determined at plan review at time of redevelopment.

Proposed driveway shall be built to Cobb County commercial standards.

RECOMMENDATIONS

Recommend deceleration lane(s) as determined at plan review when site is redeveloped.

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

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

STAFF RECOMMENDATIONS

Z-4 LORETTA E. BROWN AND NOORUL A. SIDDIQUI

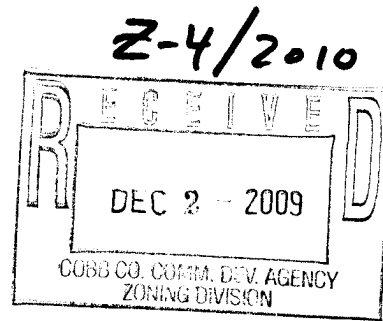
- A. It is Staff's opinion that the applicant's rezoning proposal will permit a use that is suitable in view of the use and development of adjacent and nearby properties. The area contains a mixture of residential, office, and childcare businesses.
- B. It is Staff's opinion that the applicant's rezoning proposal will not have an adverse affect on the usability of adjacent or nearby property. The applicant's proposal will utilize the existing house, and will keep the property residential in character.
- 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 not in conformity with the policy and intent of the *Cobb County Comprehensive Plan*, which delineates this property to be within a Low Density Residential 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 deleting the applicant's rezoning proposal to LRO. The applicant's proposal would be consistent with the character of the area which has a mixture of residential and non-residential uses. The applicant's proposal would not change the look of the property from its current residential zoning district. Deletion to LRO would provide a better transition in zoning intensity for the adjacent residential properties, and would provide a better fit for the proposed use. Also, the applicant's proposal would be less intense than other LRO uses, such a child care facility, bank, or professional office.

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

- Site plan received by the Zoning Division December 2, 2009, with the District Commissioner approving minor modifications;
- Assisted living facility use only, with a maximum of 12 residents;
- 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.

Cobblestone PCH
1237 Winsley Court ,SW
Marietta, Ga 30064



Rezoning Application Questions (9)

Every application for rezoning involving a request for a non-residential zoning district shall include a complete written, documented 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.

The property in question is situated on 2.25 acres the frontage of the property sets approximately 80 ft on the right of way and approximately 100 ft from the road. There is ample vegetation on both sides of this property. The next property to 2433 Powdersprings road is a commercial property as well.

(b) Whether the zoning proposal will adversely affect the existing use or usability of adjacent or nearby property,

As stated in the previous answer the property at 2435 is a commercial property as well. There exist a vacant lot directly to the right of this property. There is a subdivision approximately 120.5 ft behind the property. the subdivision is divided by two fences before you can access the property at 2433 Powdersprings Rd.

(c) Whether the property to be affected by the zoning proposal has a reasonable economic use as currently zoned.

Page 2

The property at 2433 Powdersprings rd, is currently a residential property. The proposal for rezoning this property will enhance not only the property but has the possibility to provide substantial employment for a number of people within the community.

(d) Whether the zoning proposal will result in a use which or could cause an excessive or burdensome use of existing streets, transportation facilities, utilities, or schools;

This is highly impossible because the property is currently situated next to a commercial business. That particular business is a land surveying firm. The property is situated well away from the main thoroughfare as well.

(e) Whether the zoning proposal is in conformity with the policy and intent of the land use plan.

The plan for this particular property will not affect the current exterior of the existing property at all, except to adequately modify the driveway to safely accommodate the vehicles for the facility and its staff. The premise of this type of facility is to keep it as a home type atmosphere. It will comfortably accommodate its residents. There will be no encroachment at all to its surrounding residents and businesses.

(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 currently no other facilities similar to our plan, to which we are aware of. As stated before because this type of facility is designed as a based facility, there will be no encroachment to neighboring homes and or businesses.

We would like to thank you in advance for your attention to our application.