

N/F  
JENNIFER B. DAVIDSON  
JEFFREY BRETT DAVIDSON  
DB 15158 PG 2754-2755

PAGES GREEN  
UNIT III  
PB 157 PG 39

N/F  
JACQUELYN G. HOWARD  
DB 12988 PG 350-353

N/F  
WILLIAM McNIEKLE  
DB 14095 PG 2516-2517

**LEGEND**

|      |                                  |
|------|----------------------------------|
| B    | DENOTES BUILDING LINE            |
| R/W  | DENOTES RIGHT-OF-WAY             |
| C    | DENOTES CENTERLINE               |
| BC   | DENOTES BACK OF CURB             |
| G    | DENOTES GUTTER                   |
| EP   | DENOTES EDGE OF PAVING           |
| TW   | DENOTES TOP OF WALL              |
| BW   | DENOTES BOTTOM OF WALL           |
| X    | DENOTES FENCE                    |
| RCP  | DENOTES REINFORCED CONCRETE PIPE |
| CMP  | DENOTES CORRUGATED METAL PIPE    |
| PP   | DENOTES POWER POLE               |
| LP   | DENOTES LIGHT POLE               |
| GW   | DENOTES GUY WIRE                 |
| P    | DENOTES POWER LINE               |
| PM   | DENOTES POWER METER              |
| PB   | DENOTES POWER BOX                |
| A/C  | DENOTES AIR CONDITION            |
| TB   | DENOTES TELEPHONE BOX            |
| GM   | DENOTES GAS METER                |
| GV   | DENOTES GAS VALVE                |
| CB   | DENOTES CABLE BOX                |
| WM   | DENOTES WATER METER              |
| WV   | DENOTES WATER VALVE              |
| FH   | DENOTES FIRE HYDRANT             |
| MW   | DENOTES MONITORING WELL          |
| HW   | DENOTES HEADWALL                 |
| JB   | DENOTES JUNCTION BOX             |
| DI   | DENOTES DROP INLET               |
| S    | DENOTES SANITARY SEWER LINE      |
| SSMH | DENOTES SANITARY SEWER MANHOLE   |
| CO   | DENOTES CLEAN OUT                |

**SURVEY NOTES**

1. STORM SEWER, SANITARY SEWER AND OTHER BURIED UTILITIES MAY HAVE BEEN PAVED OR COVERED OVER. THE LOCATION OF UNDERGROUND UTILITIES AS SHOWN HEREON ARE BASED ON ABOVE GROUND STRUCTURES AND RECORD DRAWINGS PROVIDED TO THE SURVEYOR. LOCATIONS OF UNDERGROUND UTILITIES MAY VARY FROM LOCATIONS SHOWN HEREON. ADDITIONAL BURIED UTILITIES MAY BE ENCOUNTERED. NO EXCAVATIONS WERE MADE DURING THE PROCESS OF THIS SURVEY TO LOCATE BURIED UTILITIES. BEFORE EXCAVATIONS ARE BEGUN, PLEASE CALL ALL LOCAL UTILITY PROVIDERS.



**THIS PROPERTY SUBJECT TO THE FOLLOWING**

- CURRENT ZONING PER COBB COUNTY, GEORGIA R-20
    - MINIMUM LOT AREA= 20,000 SQ. FT.
    - MINIMUM FLOOR AREA= 1,200 SQ. FT.
    - MINIMUM LOT WIDTH= 75 FEET
    - MINIMUM FRONT YARD SETBACK= 35 FEET (LOCAL)
    - MINIMUM SIDE YARD SETBACK= 10 FEET
    - MINIMUM REAR YARD SETBACK= 35 FEET
    - MAXIMUM COVERAGE= 35%
    - MAXIMUM HEIGHT= 35 FEET
- MUST BE VERIFIED BY COBB COUNTY BEFORE CONSTRUCTION

**REFERENCE MATERIAL**

- OUTCLAIM DEED IN FAVOR OF JULIA GILL AND CORONADO ORTIZ DEED BOOK 14060 PAGE 2372 COBB COUNTY, GEORGIA RECORDS



**McLUNG SURVEYING SERVICES, INC.**  
4833 South Cobb Drive Suite 200  
Smyrna, Georgia 30080 (770) 434-3383  
Certificate of Authorization #LSFD00752

This property is NOT located in a Federal Flood Area as indicated by F.I.R.M. Official Flood Hazard Maps.

This original of this document was sealed and signed by Michael R. Noles L.S. #2646 on 7-7-16. THIS REPRODUCTION IS NOT A CERTIFIED DOCUMENT.

Michael R. Noles  
Georgia RLS #2646  
Member SAMSOC  
JOB#242621SN

TOTAL AREA= 0.235± ACRES  
OR 10,222± SQ.FT.

4232 MANER STREET  
SMYRNA, GEORGIA

SURVEY FOR  
NEW OAK PROPERTIES, LLC

PART OF LOTS 21, 22, 23 AND 24  
BLOCK "E"  
GILMORE HEIGHTS SUBDIVISION

LAND LOT 694  
DISTRICT 17TH. SECTION 2ND  
COBB COUNTY  
GEORGIA

PLAT PREPARED: 7-7-16  
FIELD: 7-7-16 SCALE: 1"=20'

| No. | Revision | Date |
|-----|----------|------|
| 1   |          |      |

In my opinion this plat is a correct representation of the land platted.

PB 3  
PG 78

**APPLICANT:** New Oak Properties LLC  
**PHONE#:** (770) 906-4261 **EMAIL:** HANOCH.D@GMAIL.COM  
**REPRESENTATIVE:** Hanoch Dombek  
**PHONE#:** (770) 906-4261 **EMAIL:** HANOCH.D@GMAIL.COM  
**TITLEHOLDER:** New Oak Properties LLC

**PETITION NO:** Z-76  
**HEARING DATE (PC):** 09-08-16  
**HEARING DATE (BOC):** 09-20-16  
**PRESENT ZONING:** R-20  
**PROPOSED ZONING:** RA-5

**PROPERTY LOCATION:** West side of Maner Street, north of  
Cooper Lake Road  
(4232 Maner Street)

**PROPOSED USE:** Single-family House

**ACCESS TO PROPERTY:** Maner Street

**SIZE OF TRACT:** 0.22 acres

**DISTRICT:** 17

**PHYSICAL CHARACTERISTICS TO SITE:** Single-family house

**LAND LOT(S):** 694

**PARCEL(S):** 66

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

**COMMISSION DISTRICT:** 2

**CONTIGUOUS ZONING/DEVELOPMENT**

**NORTH:** R-20/Gilmore Heights  
**SOUTH:** R-20/Gilmore Heights  
**EAST:** RA-5/Weaver Street at Maner Street  
**WEST:** RM-8/Paces Green

*Adjacent Future Land Use:*

North: Medium Density Residential (MDR)  
 East: Medium Density Residential (MDR)  
 South: Medium Density Residential (MDR)  
 West: Medium Density Residential (MDR)

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

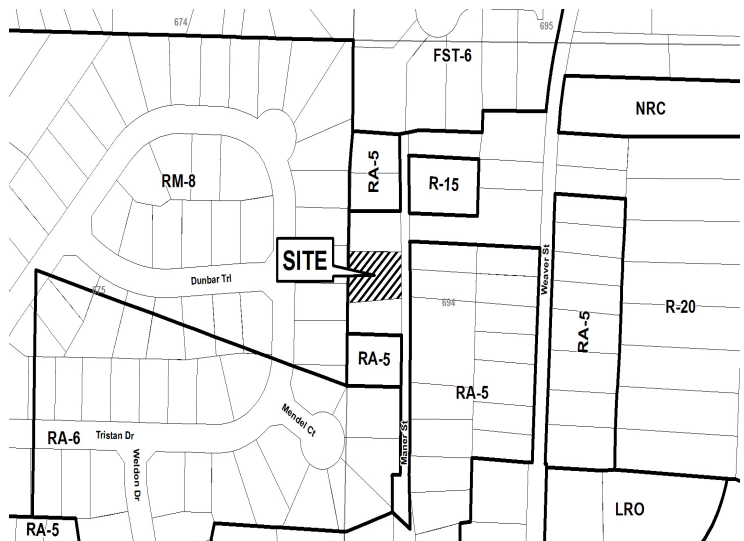
**PLANNING COMMISSION RECOMMENDATION**

**APPROVED** \_\_\_\_\_ **MOTION BY** \_\_\_\_\_  
**REJECTED** \_\_\_\_\_ **SECONDED** \_\_\_\_\_  
**HELD** \_\_\_\_\_ **CARRIED** \_\_\_\_\_

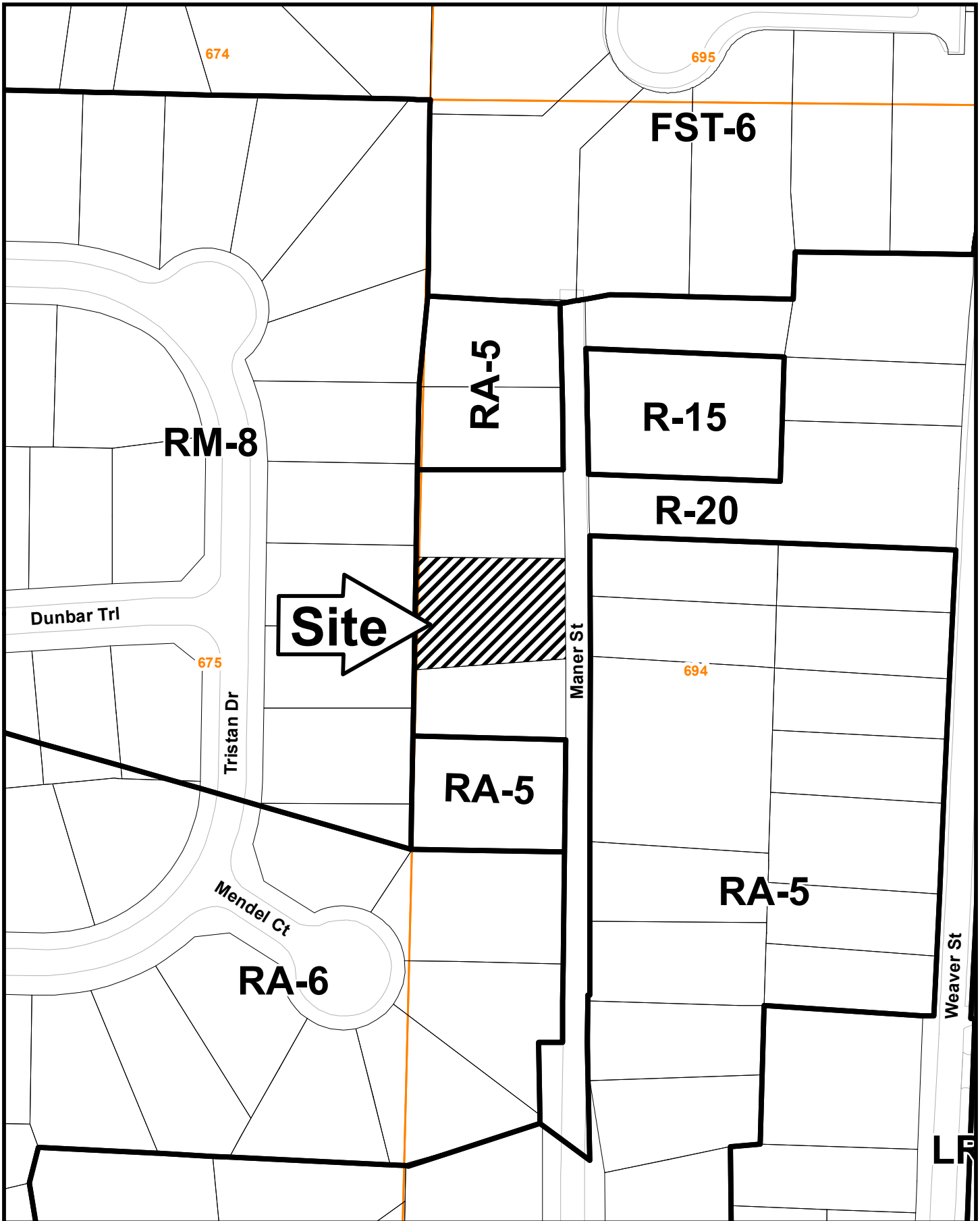
**BOARD OF COMMISSIONERS DECISION**

**APPROVED** \_\_\_\_\_ **MOTION BY** \_\_\_\_\_  
**REJECTED** \_\_\_\_\_ **SECONDED** \_\_\_\_\_  
**HELD** \_\_\_\_\_ **CARRIED** \_\_\_\_\_

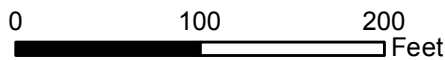
**STIPULATIONS:**





# Z-76-2016 GIS



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



-  City Boundary
-  Zoning Boundary

**APPLICANT:** New Oak Properties LLC

**PETITION NO.:** Z-76

**PRESENT ZONING:** R-20

**PETITION FOR:** RA-5

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**ZONING COMMENTS:**

**Staff Member Responsible:** Jason A. Campbell

**Land Use Plan Recommendation:** Medium Density Residential (2.5-5 units per acre)

**Proposed Number of Units:** 1                      **Overall Density:** 4.255                      **Units/Acre**

**Staff estimate for allowable # of units:** 1 **Units\***                      **Increase of:** 0 **Units/Lots**

\*Estimate could be higher or lower based on engineered plans taking into account topography, shape of property, utilities, roadways, natural features such as creeks, wetlands, etc., and other unforeseen circumstances.

Applicant is requesting the RA-5 zoning category for the purpose of redeveloping the lot with a new two-story home on a basement. The house will be traditional, 3,000 to 4,000 square feet, similar to the newer houses in this area. The house will be in the price range of \$700,000 to \$800,000.

The applicant is requesting a contemporaneous variance to waive the rear setback from the required 40 feet to 30 feet.

**Cemetery Preservation:** No comment

APPLICANT: New Oak Properties LLC

PETITION NO.: Z-76

PRESENT ZONING: R-20

PETITION FOR: RA-5

\*\*\*\*\*

**SCHOOL COMMENTS:**

| <b>Name of School</b> | <b>Enrollment</b> | <b>Capacity Status</b> | <b>Number of Portable Classrooms</b> |
|-----------------------|-------------------|------------------------|--------------------------------------|
| _____                 | _____             | _____                  | _____                                |
| <b>Elementary</b>     |                   |                        |                                      |
| _____                 | _____             | _____                  | _____                                |
| <b>Middle</b>         |                   |                        |                                      |
| _____                 | _____             | _____                  | _____                                |
| <b>High</b>           |                   |                        |                                      |

- School attendance zones are subject to revision at any time.

**Comments:**

Approval of this petition will not have an impact on the enrollment at Cobb County schools.

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**APPLICANT:** New Oak Properties

**PETITION NO.:** Z-76

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**FIRE COMMENTS:**

NO COMMENTS: After analyzing the information presented for a Preliminary Review, the Cobb County Fire Marshal's Office is confident that all other items can be addressed during the Plan Review Stage.

APPLICANT: New Oaks Properties, LLC

PETITION NO.: Z-76

PRESENT ZONING: R-20

PETITION FOR: RA-5

\*\*\*\*\*

**PLANNING COMMENTS:**

The applicant is requesting a rezoning from R-20 to RA-5 for the purpose of a single-family house. The .22 acre site is located on the west side of Maner Street, north of Cooper Lake Road (4232 Maner Street).

HB-489 Intergovernmental Agreement Zoning Amendment Notification:

Is the application site within one half (1/2) mile of a city boundary?  Yes  No  
If yes, has the city of Smyrna been notified?  Yes  No / N/A

Comprehensive Plan

The parcel is within a Medium Density Residential (MDR) future land use category, with R-20 zoning designation. The purpose of the Medium Density Residential (MDR) category is to provide for areas that are suitable for moderate density housing, between two and one-half (2.5) and five (5) dwelling units per acre.

Specific Area Policy Guidelines:

There are no specific policy guidelines for this area in the Comprehensive Plan.

Adjacent Future Land Use:

North: Medium Density Residential (MDR)  
East: Medium Density Residential (MDR)  
South: Medium Density Residential (MDR)  
West: Medium Density Residential (MDR)

Master Plan/Corridor Study

The property is not located within the boundary of a Plan or Corridor Study

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

**APPLICANT: New Oaks Properties, LLC**

**PRESENT ZONING: R-20**

**PETITION NO.: Z-76**

**PETITION FOR: RA-5**

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**PLANNING COMMENTS:**

CONT.

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.

For more information on incentives, please call the Community Development Agency, Planning Division at 770.528.2018 or find information online at <http://economic.cobbcountyga.gov>.

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

Is the property within the Dobbins Airfield Safety Zone?

Yes       No

If so, which particular safety zone is this property within?

CZ (Clear Zone)       APZ I (Accident Potential Zone I)

APZ II (Accident Potential Zone II)

Bird / Wildlife Air Strike Hazard (BASH) area



APPLICANT New Oak Properties LLC

PETITION NO. Z-076

PRESENT ZONING R-20

PETITION FOR RA-5

\*\*\*\*\*

**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): 6" DI / W side of Maner

Additional Comments: Existing 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.

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**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: On site

Estimated Waste Generation (in G.P.D.): A D F= +0 Peak= +0

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

Dry 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 Existing sewer customer  
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: New Oak Properties, LLC**

**PETITION NO.: Z-76**

**PRESENT ZONING: R-20**

**PETITION FOR: RA-5**

\*\*\*\*\*

**STORMWATER MANAGEMENT COMMENTS**

1. Subject to all previous Weaver/Maner Street RA-5 zoning stipulations. Maximum impervious coverage limit is 40%.
2. Site grading plan to be approved by Stormwater Management with front roof area and front yard to drain to the street. Any increase in impervious coverage that must bypass to the rear of the site will require drywell installation.

**APPLICANT:** New Oak Properties LLC

**PETITION NO.:** Z-76

**PRESENT ZONING:** R-20

**PETITION FOR:** RA-5

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**TRANSPORTATION COMMENTS:**

| ROADWAY      | AVERAGE DAILY TRIPS | ROADWAY CLASSIFICATION | SPEED LIMIT | JURISDICTIONAL CONTROL | MIN. R.O.W. REQUIREMENTS |
|--------------|---------------------|------------------------|-------------|------------------------|--------------------------|
| Maner Street | N/A                 | Local                  | 25 mph      | Cobb County            | 50'                      |
|              |                     |                        |             |                        |                          |

**COMMENTS AND OBSERVATIONS**

Maner Street is classified as a local and according to the available information the existing right-of-way does not 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 applicant consider entering into a development agreement pursuant to 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 Maner Street, a minimum of 25' from the roadway centerline.

Recommend applicant reimburse Cobb County DOT \$8000.00 for a proportionate share of infrastructure improvements along Maner Street.

## STAFF RECOMMENDATIONS

### **Z-76 NEW OAK PROPERTIES LLC**

- 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. Other properties within the same subdivision (Gilmore Heights) have been previously rezoned along Maner and Weaver Streets and rebuilt with houses similar to applicant's proposal.
- 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 approval of this request will place the same conditions upon the property as those recent lots brought in for redevelopment and will continue the parcel's use as a single-family property, just as it has been used for several decades.
- 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 as being in the Medium Density Residential (MDR) land use category having densities ranging from 2.5-5 units per acre. The request represents a density of 4.255 units per acre due to the lot size for one lot. This lot will remain similar to others in the area.
- 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 proposed rezoning will allow a decade's old single-family use to continue with a new house in place of the exiting house. Making this request subject to the previous cases in this area will ensure compatibility in the subdivision.

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

1. Site plan to be approved by the Board of Commissioners, with the District Commissioner approving minor modifications;
2. Waiver of the rear setback to 30 feet;
3. Stipulations of previous RA-5 cases for this subdivision (Z-71 and Z-148 of 2006), not otherwise in conflict;
4. Maximum impervious coverage to be 40%;
5. Fire Department comments and recommendations;
6. Water and Sewer Division comments and recommendations;
7. Stormwater Management Division comments and recommendations;
8. Department of Transportation comments and recommendations; and
9. 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.

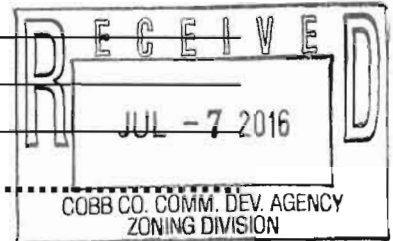
**The recommendations made by the Planning and Zoning Staff are only the opinions of the Planning and Zoning Staff and are by no means the final decision. The Cobb County Board of Commissioners makes the final decisions on all Rezoning and Land Use Permits at an advertised public hearing.**

Sept. 2016

# Summary of Intent for Rezoning

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

- a) Proposed unit square-footage(s): 3500 - 4000 SQF
- b) Proposed building architecture: TRADITIONAL, NEW AMERICAN
- c) Proposed selling prices(s): \$700,000 - \$800,000
- d) List all requested variances: \_\_\_\_\_



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

- a) Proposed use(s): \_\_\_\_\_
- b) Proposed building architecture: \_\_\_\_\_
- c) Proposed hours/days of operation: \_\_\_\_\_
- d) List all requested variances: \_\_\_\_\_

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

\_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

.....  
**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).**

NO

\_\_\_\_\_  
 \_\_\_\_\_