



**APPLICANT:** Pasta Bella, Inc.  
**PHONE#:** (770) 296-4375 **EMAIL:** GSRHINO@yahoo.com  
**REPRESENTATIVE:** Dante V. Gurqigno  
**PHONE#:** (770) 296-4375 **EMAIL:** GSRHINO@yahoo.com  
**TITLEHOLDER:** G.B.A. Restaurant, Inc.

**PETITION NO:** Z-2  
**HEARING DATE (PC):** 02-02-16  
**HEARING DATE (BOC):** 02-16-16  
**PRESENT ZONING:** NS

**PROPERTY LOCATION:** East side of Reed Drive, north of  
Hurt Road  
(1561 and 3671 Reed Drive).

**PROPOSED ZONING:** R-15

**PROPOSED USE:** Single-Family  
Residential

**ACCESS TO PROPERTY:** Reed Drive

**SIZE OF TRACT:** 0.88 acre

**DISTRICT:** 19

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

**LAND LOT(S):** 848

**PARCEL(S):** 5, 6

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

**COMMISSION DISTRICT:** 4

**CONTIGUOUS ZONING/DEVELOPMENT**

**NORTH:** NS/Adopted as residential  
**SOUTH:** NS/O'Reilly Auto Parts  
**EAST:** GC/Precision Tune Auto Care; NS/Pasta Bella Restaurant  
**WEST:** RA-4/Heritage Ridge Subdivision; NS/Adopted as Residential

***Adjacent Future Land Use:***

North: Community Activity Center (CAC)  
 East: Community Activity Center (CAC)  
 South: Community Activity Center (CAC)  
 West: Low Density Residential (LDR)

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

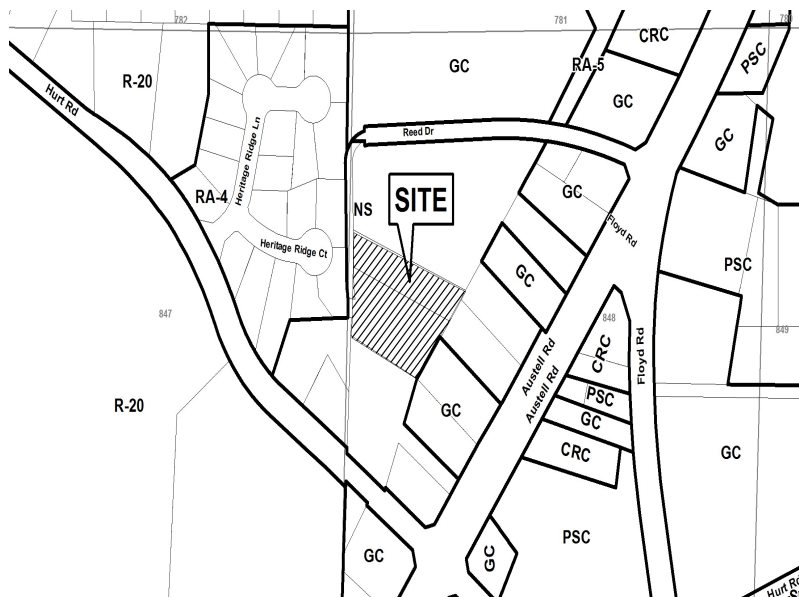
**PLANNING COMMISSION RECOMMENDATION**

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

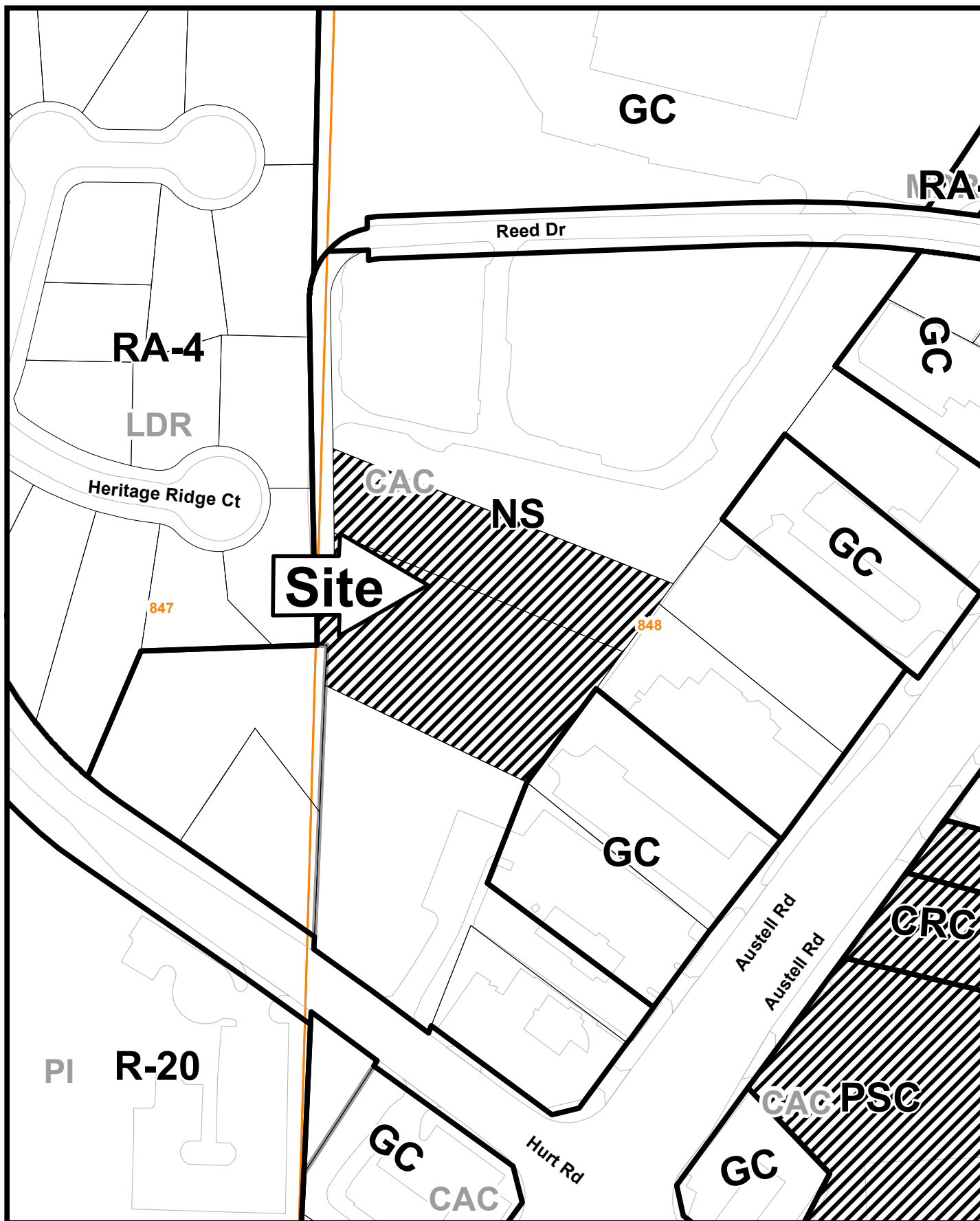
**BOARD OF COMMISSIONERS DECISION**

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

**STIPULATIONS:**



# Z-2



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

0 100 200 Feet



City Boundary  
Zoning Boundary

**APPLICANT:** Pasta Bella, Inc.

**PETITION NO.:** Z-2

**PRESENT ZONING:** NS

**PETITION FOR:** R-15

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**ZONING COMMENTS:**

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

**Land Use Plan Recommendation:** Community Activity Center (CAC)

**Proposed Number of Units:** 2 (Existing)      **Overall Density:** 2.27      **Units/Acre**

**Staff estimate for allowable # of units:** 0      **Units\***      **Increase of:** 2      **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.

The applicant is requesting the R-15 zoning category for the existing two single-family houses that were adopted in 1972 under the Neighborhood Shopping (NS) zoning category. The applicant plans to reconfigure the lots and leave the two houses for residential use. The applicant will add the remaining NS portion of the property to the abutting NS property to the east for the development of additional parking for the applicant's restaurant that fronts on Austell Road.

The portion of the lots being rezoned to R-15 will require a contemporaneous variance to reduce the side setback for the northern property line of Lot 1 from the required 10 feet to zero feet for existing structures and the applicant will also need a contemporaneous variance to allow access and parking on a gravel surface.

**Cemetery Preservation:** No comment.

**APPLICANT:** Pasta Bella, Inc.

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**PETITION FOR:** R-15

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**SCHOOL COMMENTS:**

<u>Name of School</u>	<u>Enrollment</u>	<u>Capacity Status</u>	<u>Number of Portable Classrooms</u>
<u>Elementary</u>	<u>                    </u>	<u>                    </u>	<u>                    </u>
<u>Middle</u>	<u>                    </u>	<u>                    </u>	<u>                    </u>
<u>High</u>	<u>                    </u>	<u>                    </u>	<u>                    </u>

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

**Additional Comments:**

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**FIRE 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: Pasta Bella, Inc.

PETITION NO.: Z-2

PRESENT ZONING: NS

PETITION FOR: R-15

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**PLANNING COMMENTS:**

The applicant is requesting a rezoning from NS to R-15 for the purpose of single family residential. The 0.88 acre site is located on the east side of Reed Drive, north of Hurt Road.

**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 \_\_\_\_\_ been notified?  Yes  No / N/A

**Comprehensive Plan**

The parcel is within a Community Activity Center (CAC) future land use category, with NS zoning designation. The purpose of the Community Activity Center (CAC) category is to provide for areas that can meet the immediate needs of several neighborhoods or communities. Typical land uses for these areas include low to mid-rise office buildings and department stores.

**Specific Area Policy Guidelines:**

In recognition of the need to promote quality redevelopment, create new residential opportunities, and encourage new medical service uses at the intersection of Austell Road and the East West Connector, the properties are placed in the Community Activity Center (CAC) future land use category. The Board of Commissioners, in an effort to develop a long term vision for improvements in this area of Cobb County, funded the creation of the Austell Corridor Livable Centers Initiative Study. These properties were identified in the study as an area appropriate for a mixed-use development in a manner consistent with the findings and acceptance language of the study document. In addition to promoting a combination of residential and office/retail development, a special focus in this area should be on supporting and expanding medical related office and service uses due to the proximity of Cobb General Hospital.

**Adjacent Future Land Use:**

North: Community Activity Center (CAC)  
East: Community Activity Center (CAC)  
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**Master Plan/Corridor Study**

The property is located within the boundary of the Austell Road 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?

APPLICANT: Pasta Bella, Inc.

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PRESENT ZONING: NS

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**PLANNING COMMENTS:** (Continued)

**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 Smyrna-Osborne 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.

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)

APPLICANT Pasta Bella Inc.

PETITION NO. Z-002

PRESENT ZONING NS

PETITION FOR R-15

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**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): 2.5" PVC / W side of Reed Drive

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.

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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:

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

Treatment Plant:

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:

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.



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**STORMWATER MANAGEMENT COMMENTS**

FLOOD HAZARD:  YES  NO  POSSIBLY, NOT VERIFIED

DRAINAGE BASIN: Trib to 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 CONDITIONS

- 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 receiving system.

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**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 applicant is proposing to use pervious pavement for the parking addition. However, the amount of parking proposed will still require additional underground detention to be provided..

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**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
Reed Drive	N/A	Local	25 mph	Cobb County	50'

**COMMENTS AND OBSERVATIONS**

Reed Drive is classified as a local and according to the available information the existing right-of-way may 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 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 east side of Reed Drive, a minimum of 25' from the roadway centerline.

GDOT permits will be required for all work that encroaches upon State right-of-way.

Reed Drive is a substandard street. Recommend improving Reed Drive.

## STAFF RECOMMENDATIONS

### **Z-2 PASTA BELLA, INC.**

- A. It is Staff's opinion that the applicant's rezoning proposal may not permit a use that is suitable in view of the use and development of adjacent and nearby properties. Most of the abutting properties have been zoned and developed for commercial uses. The two subject lots are grandfathered as residential under the Neighborhood Shopping (NS) zoning district.
- B. It is Staff's opinion that the applicant's rezoning proposal may not have an adverse affect on the usability of adjacent or nearby property. The parcels have been utilized many years as single-family houses under the NS zoning. The NS zoning district is not compatible with the Community Activity Center (CAC) land use category.
- 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 entirely in conformity with the policy and intent of the *Cobb County Comprehensive Plan*, which delineates these parcels as being in the Community Activity Center (CAC) land use category. Only a portion of each parcel is proposed to remain residential, the remainder will remain under the NS zoning and become part of the parking space for the abutting restaurant property on Austell Road, which is also owned by the applicant.
- 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 site plan indicates continued use of the residential portion of the property on R-15 sized lots with the balance of the two lots remaining under the same NS zoning district in order to develop additional parking space for the applicant's restaurant fronting on Austell Road.

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

1. Site plan submitted to the Zoning Division on November 19, 2015, with the District Commissioner approving minor modifications;
2. Allowance of variances as stated in Zoning comments;
3. Fire Department comments and recommendations;
4. Water and Sewer Division comments and recommendations;
5. Stormwater Management Division comments and recommendations;
6. Department of Transportation comments and recommendations; and
7. 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.**

NOV 19 2015

Application No. Z-2

Feb. 2016

# Summary of Intent for Rezoning

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

- a) Proposed unit square-footage(s): Lot 1 15,071.3<sup>#</sup> Lot 2 ~~23,321.0<sup>#</sup>~~ 17,280.9
- b) Proposed building architecture: Existing One Story Frame
- c) Proposed selling prices(s): NA
- d) List all requested variances: None Req'd.

.....  
**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).**

\_\_\_\_\_

\_\_\_\_\_