

Memo

TO: City of Senoia Planning Commission
FROM: Richard Ferry, City Administrator
DATE: March 8, 2013
RE: Public Hearing – rezoning
Residential R40 to General Commercial
7746 Wells Street

Background

In March 2014, the City of Senoia rezoned 0.302 AC on the corner of Barnes and Travis Streets from Residential (R40) to General Commercial (GC) for the purpose of approximately 3000 square feet of retail space. The approval included variances to front and rear setback, reduction in the parking requirement and allowed parking in the buffer. The approval had the following conditions:

1. Fencing and landscaping sufficient to block light and noise from the proposed development shall be placed along the property line with neighboring residential properties.
2. Light from the subject property shall not escape into the neighboring lot.
3. Sidewalks similar to those redeveloped in downtown Senoia shall be developed on the right-of-way adjacent to the proposed building. Sidewalks shall meet all ADA requirements.
4. Street lights in accordance with GA Power standards shall be placed on the right-of-way.
5. Building shall meet all requirements of the City of Senoia Historic Preservation Commission.
6. Storm water shall be detained on property in accordance with the Georgia Storm Water Manual.
7. Dumpster facilities shall be placed on property in a screen structure designed to match the building.
8. Landscaping in accordance with City of Senoia standards shall be installed.
9. All public improvements shall be bonded for one year.
10. A berm shall be constructed along the property line to elevate the required landscaping.

Currently, the owners have only removed the trailer from the property.

On September 24, 2014, the City received applications to amend the above mentioned proposal as well as all of the neighboring property and a portion of the city owned lot to the north. The applications requested the following:

1. Rezoning of the 0.36 AC on Barnes Street from R40 to GC for the purpose of a restaurant. Said tract was formerly owned by Mary Jane Storey.
2. Rezoning of a _____ AC portion of the tract owned by the City of Senoia from R40 to GC. The applicant requests that the City trade this with him for a similarly sized tract to the rear of the 0.36 AC tract formerly owned by Ms. Storey.
3. Preliminary Plat approval of 4 GC lots.
4. Site plan review of the properties on Barnes Street as well as the property on at 9 Main Street. The application includes variances for:
 - a. Required lot size in a GC district
 - b. Development of the property with a zero lot building line.
 - c. Reduction and removal of parking requirements.

The 0.36 AC tract that was formerly owned by Mary Jane Storey is improved by a single-family dwelling constructed in 1950 and a small accessory structure. These structures have been approved by the Historic Preservation commission to be demolished. The other subject tracts are vacant.

In 2006, the Mayor and Council of the City of Senoia approved the Future Land Use Map. The Future Land Use Map is a guide for future development not a designation of zoning. The Map shows the northern properties as Residential (R40), and, as stated, the southern tracts have been previously rezoned to GC to provide additional commercial space in downtown.

Section 74-77 of the Senoia Code of Ordinances states the purpose of this district shall be to provide for and encourage the proper grouping and development of uses which include a wide variety of sales and services that will best accommodate the needs of the city.

The Applicant states in the Letter of Intent that the purpose of the rezoning is to expand the footprint of Senoia's downtown commercial center. The letter indicates that this is consistent with the recent rezoning of properties on the corner of Barnes and Travis Streets. It is also consistent with the recent visioning exercise that was done and reported on earlier this summer. The development will add needed retail space and a site for a fine dining restaurant.

It should be noted that the applicant has requested that the City consider a property swap of similarly sized properties. The developer will receive _____ AC with frontage on Barnes Street and the City will receive _____ AC located to the rear of the property formerly owned by Ms. Storey.

Rezoning

The applicant is proposing to rezone the subject properties from R40 to General Commercial (GC) District. In consideration of this rezoning, the Mayor and Council should consider the items under Section 3.9 of the Zoning Ordinance. The application is to rezone one entire tract and a portion of a second. Since the applicant proposes to incorporate all properties in the development, the subject of this report consider the proposal.

1. The existing land uses and zoning classification of nearby property.
 - A. *The lot is zoned R40 in the historic neighborhood overlay. It is adjacent to four lots located within the Historic Neighborhood Overlay. The lot to the south on the corner of Travis and Barnes Streets was previously rezoned from R40 to GC earlier this year. To the north on Barnes Street is property purchased by the City to provide parking for the Main Street businesses. The remaining lots are single-family residential lots fronting bridge Street and in the Historic Neighborhood Overlay. The subject lot is across Barnes Street facing the rear of the GC lots that front Main Street. The proposed site plan shows three buildings developed for the purpose of a restaurant and retail use, pedestrian facilities and landscaping. No parking is provided in the subject lot. Building elevations and landscape plan were not included in the rezoning application.*
 - B. *In addition to the rezoning from R40 to GC of the lot on the corner of Travis and Barnes Streets earlier this year, in 2013, the City of Senoia purchased property to the north of the subject property for the purpose of developing a parking lot. In 2007, a zoning application was approved by the Mayor and Council to rezone a lot on Seavy Street from R40 to GC. The proposed and current use of the lot was for parking. This previous zoning decision affirms that use of the new city lot is primarily commercial. I think it can be argued that the City of Senoia by its purchase of the property and its intended use has begun the transformation of this block of Barnes Street from R40 to GC.*
2. The suitability of the subject property for the zoned purpose.
 - A. *The lot is currently zoned for single-family residential development. As a separate lot, it is considered nonconforming in the R40 district based on its size. The R40 district requires lots that are minimum 1 AC. However, developing these lots individually or together would require variance from the rear and side setbacks. As lots of record, past variance applications have shown that the Mayor and Council would be compelled to grant such variances. With variances, it appears that the residential use designated by the FLUM is suitable.*
 - B. *The applicant has requested to rezone the property to GC. The proposed use is contrary to the FLUM. According to Table 6.1 of the Zoning Ordinance of the City of Senoia, the minimum lot size for GC zoning is 1.0 AC. Though the subject lot is able to meet the minimum width standards of the ordinance, the proposal violates the setback and buffer requirements of the ordinances. The applicant has applied for variance from these requirements. In the past, the mayor and council have granted setback and buffer variances to develop a commercial lot on Broad Street. The Mayor and Council would like a recommendation from the Planning Commission on the project as proposed.*

3. The extent to which the property values of the subject property are diminished by the particular zoning restrictions.
 - A. *Without special variance by the Mayor and Council, the property is difficult to develop for the residential use or the proposed GC use. As stated earlier, the Mayor and Council have granted the necessary variances to develop the nonconforming lots of record as residential property. With variances the value of the subject property is not diminished by the R40 zoning restrictions.*

4. The relative gain to the public, as compared to the hardship imposed upon the individual property owner.
 - A. *When looking at rezoning a residential property to commercial, the relative gain to the public can be measured on the impact to nearby properties and the need for the services that are being proposed. In this case the adjacent residential properties will be negatively impacted by the proposed commercial development. By nature, commercial uses are more intense than residential uses. **With proper conditions placed on an approval these can be somewhat mitigated.** However, additional traffic, light and noise will be associated with a rezoning and commercial development.*
 - B. *The applicant has stated that the property will be used for a restaurant and retail uses. Since it is in the historic district, many of the design features will be controlled by the Historic Preservation Commission. Currently, the store fronts on Main Street are virtually full. Staff at city hall and landlords on Main Street have received questions about available space in our downtown. Fortunately for our city, there is very little available and when space becomes available it is quickly occupied. The proposed application will meet the need for additional retail space. The applicant will be required to meet all land development codes. Further, the applicant should be required **to make public improvements** to accommodate the development. .*
 - C. *As with all commercial development in downtown, it will be essential for the Historic Preservation Commission to **follow Senoia's commercial guidelines** to ensure conformity with the rest of downtown.*
 - D. *The owners purchased the property as residential with the knowledge that a rezoning application may be denied. However the property to the north was purchased by the City for the purpose of a parking lot and the property to the south was rezoned to GC. It is not reasonable for this property to remain residential.*

5. Whether the subject property has a reasonable economic use as currently zoned.
 - A. *The property is currently zoned R40. With the neighboring uses, it is not reasonable that a single-family home is constructed on the lot.*

6. Whether the proposed zoning will be a use that is suitable in view of the use and development of adjacent and nearby property.
 - A. *The City answered this by placing a parking lot on a nearby lot on Barnes Street and zoning the property to the south GC.*

7. Whether the zoning proposal will adversely affect the existing use or usability of adjacent or nearby property.
 - A. *The proposal creates impacts to plans on the neighboring properties but their usability. The lot to the south was originally proposed to be accessed by one-way drive from Barnes Street that exits onto Travis Street. This will be amended to do away with the entrance from Barnes in favor of another store front, and a one-way entrance from Travis Street. This entrance also accesses the rear parking on the Storey lot and egress from the City owned property. Though the City intends to develop the property as a parking lot, no allocation has been made to that end. This proposal limits any options the City may look at in the future. Further, the applicant is requesting a land swap with the City. The City Council will have to look at this closely and determine if there is an equitable exchange.*

8. Whether the zoning proposal is in conformity with the policies and intent of the land use element of the Comprehensive Plan.
 - A. *The proposed zoning is not in accordance with the policies and intent of the land use element of the comprehensive plan.*

9. Whether the zoning proposal will result in a use which will or could cause an excessive or burdensome use of existing street, transportation facilities, utilities, or schools.
 - A. *Any proposal that changes the use of a lot from R40 to GC requires that the City look at its infrastructure to ensure that the needs can be met. Maintaining the proper flow of water and sewer are of utmost importance to the city. Public works has reviewed the plan and concluded that the 2 inch water line on Barnes Street is not sufficient to provide flow and fire protection to the development. **The line will need to be upgraded to a 6-inch line.** If developed according to the proposed zoning, the plans submitted by the applicant will have to be reviewed by the city engineer who can require that a study be completed to ensure storage and capacity within the city's current infrastructure.*
 - B. *Development of this sort has an impact on the traffic and parking in downtown. The city has not determined the plan for traffic improvement downtown. The City has also held that it would not require parking for developments on Main Street. This was not extended to Barnes. When the adjacent lot was rezoned, parking was a requirement. If that is enforced consistently there are several ramifications. **First, the land swap is not practical, second the site plan will have to be resubmitted showing the parking improvement.***

- C. To accommodate the flow of stormwater from the property, there will need to be improvements to the MS4 on Barnes Street.*
10. 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.
 - A. Caution should be taken with this and any rezoning. The City is now an MS4. Therefore several stormwater improvements need to be made to accommodate water quantity and water quality on the property and to convey the stormwater from the property.*

 11. Whether the subject property contains jurisdictional wetlands of the United States. If so, the applicant will be required to document permit approval for the proposed development from the U.S. Army Corps of Engineers before any formal action can be taken on the zoning proposal.
 - A. If permits from the US Army Corps of Engineers, they will be dealt with during the permitting procedure.*

 12. Whether the subject property may be large enough to qualify as a Development of Regional Impact. If so, then an application for Review must be filed with the Regional Development Center.
 - A. The development is not big enough to qualify.*

The applicant is applying for a map amendment from R40 to GC. A review of the information above indicates that a redevelopment into a use approved under the current zoning is inappropriate. However, several issues need to be addressed:

1. The applicant has applied for a variance from requirement for parking. In accordance with Section 74-287, 41 parking spaces should be provided based upon a scaled drawing of floor space. The applicant is proposing 5 for the new development and is reducing the number in the corner lot from 12 to 7. The parking on the corner lot was to accommodate employees. Originally there were three store fronts and twelve parking spots or four per store. The retail space is increased to six fronts. Based on the ration 24 spaces should be made available to accommodate employees. Perhaps a discussion about staffing in the proposed restaurant can determine a suitable number of spaces for the developer to provide. If parking is required, the site plan will have to be amended accordingly.
2. The water line on Barnes Street needs to be improved from a 2 inch line to a 6 inch line.
3. The stormwater system on Barnes Street needs to be improved to handle the flow from the subject property into the City's MS4.
4. Pedestrian access to the site should be developed in accordance with ADA requirements. If it is on the public right-of-way, the design should be approved by the City.

5. The design of all buildings shall meet the requirements of the City of Senoia Commercial Guidelines and be approved by the Historic Preservation Commission.
6. The landscaping of the development shall meet the minimum requirements of the City of Senoia land development ordinance and be approved by the Planning Commission.
7. Fencing and landscaping sufficient to block light and noise from the proposed development shall be placed along the property line with neighboring residential properties. Light shall not spill on to neighboring properties.
8. If street lights are proposed, they shall be installed in accordance with GA Power standards.
9. Any public improvement constructed by the developer shall be bonded for one year.

After review of the application and the material contained herein, it is appropriate to grant the rezoning. However, the issues mentioned above should be considered as conditions.

Preliminary Plat/Variances

The applicant has requested to subdivide three tracts in their entirety and a portion of a fourth into four tracts for GC uses. The portion is currently owned by the City. As previously discussed, none of the tracts are in compliance with Table 6.1 of Section 74-96. However, the applicant has requested variances from the City to make the development feasible. These variances are:

1. Required lot size in a GC district
2. Development of the property with a zero lot building line.
3. Reduction and removal of parking requirements.

The Planning Commission should consider the variances and make a recommendation on the proposal to the Mayor and Council.

Site Plan

There are five existing properties that are affected by the site plan. The first is located on the western frontage of Barnes Street and the eastern frontage of Main Street. The applicant is proposing to develop two commercial buildings that face inward toward a center courtyard. The buildings will be built with zero lot line and extend from the right-of-way of Main Street to the right-of-way of Barnes Street. As a building proposed on Main Street, parking is located on Main Street and no additional parking is required. Stormwater will have to be controlled underground. The plan shows pedestrian improvements along the Barnes Street right-of-way. The center courtyard will act as a way to convey pedestrians to the commercial development proposed on the eastern frontage of Barnes Street. This plan is in compliance with the regulations of the City of Senoia.

The center lot created on Barnes Street will be developed as a fine dining restaurant and approximately 5 parking spots. If scaled correctly, the proposed restaurant is approximately

3000 square feet. According to section 74-287 of the Senoia Code of Ordinances 30 parking spots are required, 1 spot is required for every 100 sq. feet of gross floor space. The applicant has applied for a variance to waive the parking requirement. The developer will donate a portion of the property to the City to be developed as parking by the City at a later date. If designed as proposed storm water cannot be detained through typical means. The proposal shows pedestrian improvements on Barnes Street.

To the north of the restaurant is a 3300 sq. foot property to have two retail establishments. Again no parking is provided. It is suggested that the city develop the lot it owns to accommodate parking for this development as well. Storm water structures cannot be located on this property. Easements will need to be provided to convey stormwater to a facility elsewhere. The proposal shows pedestrian improvements on Barnes Street.

To the south of the restaurant is the corner lot of Travis and Barnes Streets that was rezoned earlier this year. The application adds another storefront to the building replacing the entrance to the rear of the building from Barnes Street. Instead the parking will be accessed via entrance only from Travis Street. The proposal also decreases the number of parking spaces from 12 to 7.

Action

Following the Public Hearing, a motion should be made to recommend approval the proposal, deny the proposal or recommend the proposal with conditions not yet discussed.