

## **Memo**

TO: Planning Commission of the City of Senoia  
FROM: Richard Ferry, City Manager  
DATE: February 14, 2014  
RE: Public Hearing – rezoning  
Residential R40 to General Commercial  
Properties on the Corner of Travis Street and Barnes Street

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## **Background**

On January 13, 2014, the City of Senoia received an application to amend the Zoning Map from Randall Cottrill, owner of 0.302 AC located on the northeast corner of Travis Street and Barnes Street. The subject properties consist of two lots. The first is 0.077 AC and has frontage on Travis Street and Barnes Street and is vacant, the second property is 0.225 AC with frontage on Barnes Street. Both properties are currently zoned Residential (R40) and are in the Historic District. The application is to rezone both lots to General Commercial (GC) and develop them with a 3000 square foot building, required parking and other essential infrastructure required for development. To accommodate the parking, the applicant has also requested a front setback variance and a variance to place parking in the 50' buffer required between a GC and residential property.

The only improvement on the property is a model year 1974 mobile home and fence.

In 2006, the Mayor and Council of the City of Senoia approved the Future Land Use Map (FLUM). The FLUM is a guide for future development not a designation of zoning. The map shows the subject properties are zoned R40 in the historic neighborhood overlay.

The purpose of this GC 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 and the traveling public in order to reduce highway traffic congestion, traffic hazards and blight along the highways of the City.

In accordance with the Zoning Ordinance of the City of Senoia, an application to amend the zoning ordinance must be heard by the Planning Commission where a recommendation on the application is made to the Mayor and Council. This hearing is scheduled for Tuesday, February 25, 2014.

## **Administrator's Report**

The applicant is proposing to rezone the subject property from R40 to General Commercial (GC) District. In consideration of this rezoning, the Planning Commission should consider

the items under Section 3.9 of the Zoning Ordinance. The application is to rezone two separate properties. Since the applicant proposes to incorporate both properties in the development, the subject of this report consider both properties.

1. The existing land uses and zoning classification of nearby property.
  - A. *The 0.302 acres is zoned R40 in the historic neighborhood overlay. It is adjacent to two lots that are zoned R40 in the historic district; both contain single-family dwellings. The subject lot is improved by a 1974 model mobile home and fence. The subject lot is across Barnes Street from the rear of the GC lots that front Main Street. The proposed site plan shows an L-shaped building with three bays for retail uses. The plan also includes parking, access and egress. Building elevations and landscape plan were not included in the rezoning application.*
  - B. *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 0.302 acres are currently zoned for single-family residential development. As separate lots they are considered nonconforming in the R40 district based on their 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 0.302 acre 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 not stated the proposed uses and though there are broad uses defined for the GC district, it is not the City's place to dictate the specific use in the proposed building. 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 such as sidewalks, lighting and landscaping.*
  - C. *The subject lot is located on a very important corner of our downtown. That property and the Senoia Coffee and Café are the first properties seen when entering the Main Street area. 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. Since all adjacent properties are residential, and with variances the subject property could be developed as such, I don't see that there is a hardship if the application is denied.*
5. Whether the subject property has a reasonable economic use as currently zoned.
  - A. *The 0.302 acre lot has a reasonable economic use as it is presently zoned.*
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 application asks the city to make a decision about the direction of growth for the commercial district. The City somewhat answered this by*

*placing a parking lot on a nearby lot on Barnes Street. However no formal zoning decision was made by the City. Though I don't see commercial property further east on Travis Street and this is not the specific areas that I imagined where commercial redevelopment would begin to grow, there is a need for more store fronts on Main Street therefore it is appropriate that properties fronting that specific block of Barnes Street are commercial.*

7. Whether the zoning proposal will adversely affect the existing use or usability of adjacent or nearby property.
  - A. *The driveway of the neighboring property on Barnes Street is bisected by the property line with the subject property. This issue needs to be dealt with by the applicant and neighboring homeowner. Other than that there are no impacts on the usability of adjacent or nearby properties.*
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. *Maintaining the proper flow of water and sewer are of utmost importance to the city. 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. Travis and Barnes Streets are sufficient to handle traffic associated with the proposed development.*
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. *There are none.*
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. *There may be areas on the tract that if developed would require permits from the US Army Corps of Engineers. If these areas exist 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.*

When the city purchased the properties north of the subject lot to be developed as a parking lot, the nature of this block of Barnes Street was changed. Parking lots are a use associated more associated with commercial development than residential. Though a commercial application is appropriate on Barnes Street, the impacts of the proposed development need to be mitigated so minimize the impact of the development. It is appropriate to recommend approval of the rezoning with 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.

**Action**

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