

## **Memo**

TO: Planning Commission of the City of Senoia  
FROM: Richard Ferry, City Manager  
DATE: February 18, 2014  
RE: Public Hearing – rezoning  
Residential R40 to General Commercial  
Properties on Johnson Street and Middle Street

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## **Background**

On January 21, 2014, the City of Senoia received an application to amend the Zoning Map from Joshua and Zachariah Carey, owners of 4.863 AC located at the end of Middle Street with additional frontage on Johnson Street. The subject properties consist of three existing lots formerly owned by Mr. Wilbur Washington. The first is 1.7 AC tract with approximately 150 linear feet of frontage on Johnson Street and approximately 130 linear feet on the undeveloped south frontage of Middle Street. This is the tract that formerly held the Single family dwelling at 174 Johnson Street. The second is 1.17 AC and has approximately 30 linear feet of frontage Johnson Street and approximately 180 linear feet on the undeveloped south frontage of Middle Street. This tract is currently vacant. The third tract is located on the undeveloped northern frontage of Middle Street. All properties are currently zoned Residential (R40) and are in the Historic District. The application is to rezone and subdivide the lots to eight (8) single-family lots zoned Residential Historic District (RH).

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 does not contemplate an RH district, however the goals of the district are very similar to residential R40 zoning.

The purpose of the RH district is to accommodate residential development located within the city's historical neighborhood overlay. This district is delineated on official zoning map and permitted uses are in accordance with residential (R40). This zoning shall only apply to areas of the district that require no additional public infrastructure (new streets). Minimum lot size varies based on the minimum lot width at set back line. The minimum size of the primary dwelling shall be based on the average of the primary structures immediately adjacent and on the same size of the road.

There are four lots of record that are adjacent to the subject properties. The lot at 162 Johnson Street is 0.26 AC. The lot at 192 Johnson Street is 0.47 AC. The lot at 202 Johnson

Street is 0.77AC. The lot at 88 Middle Street is 0.47 AC. The lot at 82 Middle Street is 0.51 AC. The average of these lots determines the minimum lot size for the lots in the proposed RH district. That average is 0.48 AC. Each of the proposed lots exceeds this average.

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 Residential Historical (RH) 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 and subdivide three properties. Since the applicant proposes to incorporate both properties in the development, the subject of this report consider the proposed plan.

1. **The existing** land uses and zoning classification of nearby property.
  - A. *Other than a small portion of the property that adjoins the railroad right-of-way, all adjacent and nearby properties are R40 and improved with single-family dwellings and related accessory structures. The applicant proposes to develop eight +/- 0.5 AC tracts.*
2. The suitability of the subject property for the zoned purpose.
  - A. *The 4.863AC is currently in a residential area within the historic neighborhood overlay. The neighboring lots have similar uses to those that are proposed. The RH district states that no additional public infrastructure is required. In the proposal the right-of-way for Middle Street exists, the applicant will be required to complete it to a cul-d-sac to accommodate emergency vehicles and the city will require that the existing 2-inch water line is upgraded to a 6 inch line and a fire hydrant and valve is set. Those improvements may seem contrary to the statement in the ordinance, however they are improvements to the existing systems that will provide benefits to residents outside of the development.*
3. The extent to which the property values of the subject property are diminished by the particular zoning restrictions.
  - A. *There are none. The RH district provides the property with the highest and best use.*
4. The relative gain to the public, as compared to the hardship imposed upon the individual property owner.
  - A. *Currently Middle Street dead ends without a cul-du-sac. Emergency vehicles, trash trucks and passenger vehicles have a difficult time turning around at the end of Middle Street. There will be some gains in the sense*

*that a cul-du-sac will be required. This will alleviate some issues on Middle Street.*

5. Whether the subject property has a reasonable economic use as currently zoned.
  - A. *The R40 zoning district requires 1 AC tracts. Though much of the acreage would be difficult to access via Middle Street, it is reasonable to think that one tract on either side of Middle Street and one tract on Johnson Street has an economic value and would meet R40 standards.*
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 applicant proposes to develop the property into single-family residences. This is similar to the use of all the surrounding properties.*
7. Whether the zoning proposal will adversely affect the existing use or usability of adjacent or nearby property.
  - A. *The driveway for 192 Johnson Street is on the property of the 0.505 AC tract labeled on the plan as lot 8. The developer and the owner of 193 Johnson Street will have to work out an agreement if this use is to continue.*
8. Whether the zoning proposal is in conformity with the policies and intent of the land use element of the Comprehensive Plan.
  - A. *In the sense that this is residential property to be developed as the same the proposal is 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. Johnson and Middle 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.*

The residential historic district was created to promote infill development on existing city infrastructure. Middle Street will have to be extended to a cul-du-sac on existing right-of-way and water lines will have to be upgraded. Both of these measures are improvements to the existing infrastructure. Emergency vehicles will be better able to use Middle Street and the residents on Middle Street will have better water flow on a 6-inch main. With only these minor improvements, it is appropriate to recommend approval of the rezoning with the following conditions:

1. A cul-du-sac is included in the extension of Middle Street.
2. The water line is improved from a 2-inch line to a 6 inch line
3. A water valve is installed at the junction of the new and old water line on Middle Street.
4. A fire hydrant is installed at the end of the cul-du-sac.
5. All dwellings meet the requirements of the Historic Preservation Commission.

### **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.