**Memo**

TO: Planning Commission

FROM: Curtis Hindman, Interim Community Development Director

DATE: January 17, 2023

RE: 3980 Highway 85 (167 1311 001) – Newberry Estates

Rezoning from Residential R-40 to Residential R25C

**Background**

The applicant (Beer Store, LLC) requests to amend the Zoning Map for the property located at 3980 Highway 85 from Residential (R-40C) to Residential (R25C).

The subject property is currently zoned (R-40C) and is approximately 168.52 acres with several existing utility easements traversing the tract as well as an unnamed tributary to Line Creek and associated floodplain impacting the northeastern corner of the tract.

According to the Comprehensive Plan amended and adopted in 2021 this property has been shown in the “Future Land Use Plan” as Single Family Residential.

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**Administrator's Report**

In consideration of the requested zoning change, the Planning Commission should consider the zoning ordinance, section 74-46, which lists the following twelve standards governing the exercise of the zoning power of the City of Senoia.

1. The existing land uses and zoning classification of nearby property.

*The subject property is located within the city limits and adjacent to similarly zoned property. The neighboring lots to the North, East and South are located within Coweta County and zoned residential (RC). To the West the tract adjoins Ivey Ridge and Morningside, both of which are zoned (R-40C) Residential.*

1. The suitability of the subject property for the zoned purpose.

*The land is suitable for development as proposed. There are several utility easements that traverse the land as well as state waters and floodplain that impact a portion of the site. There are no other known factors that will affect the suitability of the property for the zoned purpose.*

1. The extent to which the property values of the subject property are diminished by the zoning restrictions.

*There is no reduction in value of the land due to the existing or proposed residential zoning. The R-25C zoning will simply allow a denser development by right.*

* *R-25C allows a maximum of 2.5 units per acre which would be approximately* ***421 units*** *(168.52 \* 2.5).*
* *R-40C allows a maximum of* ***151 units*** *using the density factor of 0.9 in the ordinance (168.52 \* 0.9). The density factor can be increased with Mayor and Council approval if the applicant contributes elements specifically mentioned as goals and objectives in the City of Senoia Comprehensive Plan, including but not limited to street connectivity and greenways.*
* *Applicant is seeking* ***278 lots****, (density proposed 1.65)**see site summary below:*

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1. The relative gain to the public, as compared to the hardship imposed upon the individual property owner.

*The gain to the public is that the developer has agreed donate to the City of Senoia land for an onsite water treatment package plant for withdrawal from Line Creek. This land will be included in the development greenspace area but not count towards the overall greenspace calculations required by ordinance.*

*There is no recognized hardship for any individual property owners.*

1. Whether the subject property has a reasonable economic use as currently zoned.

*The subject property does have a reasonable economic use for residential development as currently zoned. The cost of public infrastructure to serve the site has drastically increased due to inflation in recent years therefore, the increased density of R-25C will help offset the upfront costs of developing the land with no additional financial obligation except the donation of land mentioned in number 4 above.*

1. Whether the proposed zoning will be a use that is suitable in view of the use

and development of adjacent and nearby property.

*The proposed zoning and use as residential development are reasonable and like the existing zoning and uses adjacent to the subject property.*

1. Whether the zoning proposal will adversely affect the existing use or usability of adjacent or nearby property.

*The zoning of R-25C will not negatively impact the adjacent properties existing use or usability. The development will be required to extend public infrastructure to serve the development regardless of the zoning. The water and sewer mains in the adjacent development (Ivey Ridge) were designed and installed with this development in consideration and are therefore sized accordingly.*

1. Whether the zoning proposal is in conformity with the policies and intent of the land use element of the Comprehensive Plan.

*The future character map shows this property as Residential.*

1. Whether the zoning proposal will result in a use, which will or could cause excessive or burdensome use of existing streets, transportation facilities, utilities, or schools.

*No excessive use or burden is recognized in this application. A traffic study was completed, and the development will adhere to the required transportation improvements indicated within the traffic study.*

1. 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.

*There is none.*

1. 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.

*Yes. Prior to any permit issuance, State Waters and Jurisdictional Wetland delineation and permitting is required by city ordinance.*

1. 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.

*The development is not big enough to qualify.*

**Action by Planning Commission**

The planning commission may recommend approval or denial of the application or may recommend changes to the applicants request which would reduce the land for which the application is made, change the district from that requested to another district, or recommend conditions of zoning which may be deemed advisable so that the purpose of the ordinance is served, and the health, public safety and general welfare of the City of Senoia is secured.

The Planning Commission must make a recommendation to the City Council within 30 days of the public hearing.