



4/1/2024

To: Mayor and Council

RE: Staff Report – Forza Development Commercial Corridor Overlay Variances

History:

Per zoning minutes from 3.7.2022 only architectural features of the overlay were applied as condition to the zoning.

The ordinance (No. 2022-04) approved on March 7, 2022 to rezone the parcel to Industrial included three conditions. The first was a 100' undisturbed buffer along Highway 85. The second condition was that "All development occurring [be] in accordance with the architectural and features of the Highway 85 and Highway 16 Commercial Overlay". The third is to grant an access easement to the City.

Condition #1 is in place and #3 "Easement Agreement" under approval process with City Attorney.

Forza has submitted a Variance application for relief from Condition #2 the commercial corridor overlay standards and relief from the 25' Impervious surface; Reduction of the 50' State waters buffer to 25'.

Justification from zoning #2 Condition:

Forza as stated on application "As we have developed plans for our office headquarters and steel fabrication shop, our plans are more in line with contemporary, eclectic style similar to the decorative metals we manufacture with our **MetalTech Global division** that will occupy our shop space. We want to use this style to emphasize our products and act as a showpiece for the products we produce."

This variance approval would relieve the applicant of a possible 15 variances and are all related to building materials. There will be two buildings in this development one for Steel Manufacturing and one Office Headquarters. Each building variance would apply to both buildings. Please refer to the attached Commercial Corridor Overlay Checklist for details.

Street Plans commented "they were neutral on the Architectural Standards due to the building being set far enough away from the road that the architecture doesn't really matter." The argument in the variance request that this is far from the other developed areas and so should not apply should not apply. "The code is in place to create the context that the city wants, not just to respond to what is there. "



2. Wetlands - on this one, I would not grant the variance. As a general city policy and effort, we are trying to encourage conservation. To the extent possible, we want to minimize disruptions to existing natural areas. If possible, there should be some type of riparian trail easement here to connect to our overall trail network. Perhaps as part of granting the variance to #1?

Variance Request for Riparian Buffers to be reduced:

Section 40-325 (a) (1) – to reduce the undisturbed buffer along the edge of the lake (all sides excluding incoming and outgoing stream) from 50 feet down to the minimum GA EPD undisturbed buffer of 25 feet. Also to remove the additional 25 feet impervious surface setback as measured from the edge of the remaining undisturbed buffer.

Per 40-234 (b) (3), the following factors are to be considered in determining whether to issue the variance requested:

- Documentation of unusual hardship should the buffer be maintained
- Whether alternative designs are possible which require less intrusion or no intrusion;
- The location and extent of the proposed buffer or setback intrusion (calculation Sq. Ft of intrusion)
- The long-term and construction water-quality impacts of the proposed variance (stormwater management); and
- Whether issuance of the variance is at least as protective of natural resources and the environment.
- Proposed mitigation.

Justification:

The applicant is requesting the variance in order to clean up the area adjacent the lake and provide an amenity and better access to the lake for his employees and their invited guest to enjoy the recreational use of the lake. There is also an existing old "Fish Camp" structure that will be removed and replaced with a new fishing pier and covered pavilion pending GA EPD approval. In the application, owner states *"By removing the additional city buffers and setbacks listed above this lakefront area will become a gathering place and amenity area for Forza employees and their invited guests to enjoy the lakeside."*

Calculation of Impact:

Using the City's GIS, the total buffer length to be removed would be approximately 2,000 linear feet removed on both sides of the lake and the applicant has already removed approximately one-half this buffer along with the state minimum 25 foot buffer on the western side of the lake. The total area that has been removed to date is 50,000 square feet and if this variance is approved an additional 25,000 square feet will be removed for a total of **75,000 square feet of riparian buffer to be removed.**



Since the applicant has already removed the majority of the 25 foot buffer along the western side of the lake and has not proposed replanting this buffer but has proposed replanting some trees in the buffer and within the site, it is my opinion as City Engineer, that the mitigation as proposed is not sufficient to prevent a long term water quality impact to the lake.

Undisturbed buffers serve many purposes but most notably they provide aquatic lift by protecting habitat for wildlife and water quality enhancement through runoff filtration. Although the development will be providing water quality treatment of runoff produced from impervious areas in the stormwater ponds, there will be some runoff that bypasses the ponds and enters the lake without treatment. Since the 25 foot state buffer along the western side of the lake has already been removed and, as currently stands is not proposed to be re-established, the lake could suffer reduced water quality from this direct overland runoff.

Image from City's GIS showing approximate length of shoreline where buffers have been or are requested to be removed.



William "Dub" Pearman, III
Mayor

Harold Simmons
City Manager



In the drone image below it is clear that the riparian buffer along west side of lake has been removed with exception of a few trees.





Mitigation:

The applicant has proposed to replant a total of 30% of the canopy coverage area of the riparian buffer to be removed. That calculation would be approximately 22,500 square feet of area to be replanted at the standard rate of 245 trees per acre which equates to approximately 125 native trees and shrubs. The preferred mix for replanting is listed below:

1. 15% large canopy trees (2-inches caliper),
2. 30% medium canopy trees (1.0-inch caliper) and the remaining
3. 55% (one year seedlings of at least 1.5 feet tall at the time of planting) evenly distributed and with a mixture of all size trees including large, medium and small native trees and shrubs with no more 15% of one species.
4. Native riparian ground cover mix within entire planting area.

The proposed mitigation should be located within 100 feet of the water's edge except for within areas identified to remain open for recreational access to the lake. Mitigation replanting should be in the form of a riparian buffer strip and include a combination of trees, shrubs, and a variety of ground covers. Ground covers should not include standard sod but rather include a mixture of native ferns, river cane, river oats, shallow sedges, common rush, bluestem, sweet shrub, beautyberry, swamp azalea, elderberry, buttonbush, swamp dogwood, witch-hazel and a variety of wildflowers.

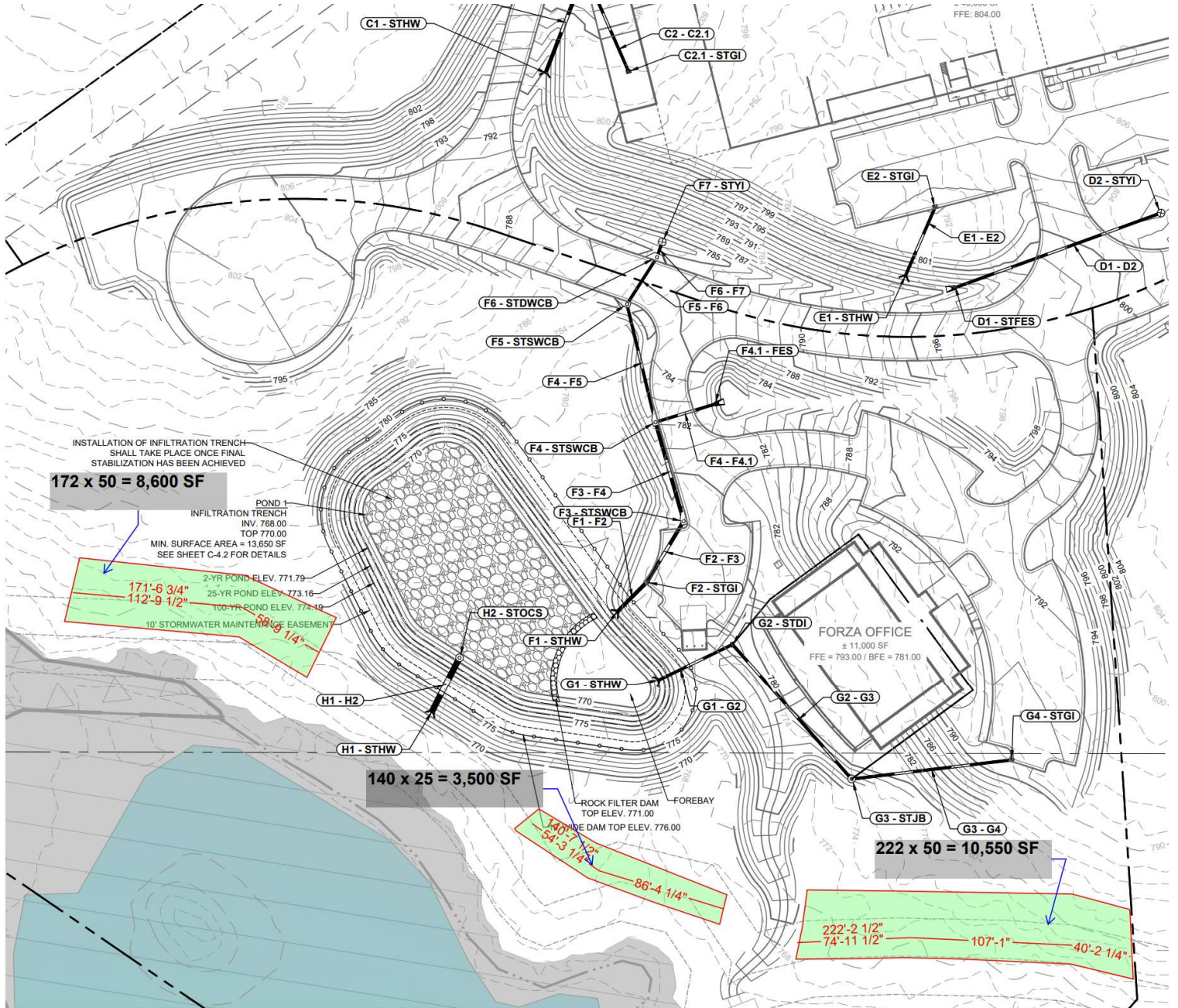
See on the next page the proposed site plan with shaded green areas identified for possible replanting of riparian mix for mitigation. These areas are all located adjacent to the water but at least 50 feet from the water's edge so that the area immediately adjacent to the water can be stabilized with grasses and provide access for recreation. Requiring the mitigation to be located in these areas will allow all runoff to be treated via a riparian buffer strip before entering the lake.

This replanting listed above would be in addition to the landscaping that is required for the development under section 40-229 which will require 1 canopy tree and 1 understory tree for each 1,000 square feet of disturbance.

While the GA EPD has not required the applicant to re-establish the minimum 25 foot riparian buffer that was removed along the western edge of the lake and has opted for a fine instead, that does not mean the city can't consider this in its variance decision. Additionally, allowing the total removal of the riparian buffer along the western edge of the lake does not meet the current stated goals and purpose of the City's stream bank protection regulations nor the environmental standards established by the City. See excerpts attached at the end of this report from Section 40-322 Streambank Protection Standards and Section 40-221 Vegetation Protection and Landscape Requirements.



Proposed Site Plan



Green shaded areas represent possible locations for replanting a riparian strip between the disturbance and the lake while still allowing access and open areas adjacent to the water's edge for recreational use.

Section 40-322 Streambank Protection Standards:



A. Findings.

Whereas, the mayor and council of the city finds that buffers adjacent to streams provide numerous benefits including:

- (1) Protecting, restoring and maintaining the chemical, physical and biological integrity of streams and their water resources.
- (2) Removing pollutants delivered in urban stormwater.
- (3) Reducing erosion and controlling sedimentation.
- (4) Protecting and stabilizing stream banks.
- (5) Providing for infiltration of stormwater runoff.
- (6) Maintaining base flow of streams.
- (7) Contributing organic matter that is a source of food and energy for the aquatic ecosystem.
- (8) Providing tree canopy to shade streams and promote desirable aquatic habitat.
- (9) Providing riparian wildlife habitat.
- (10) Furnishing scenic value and recreational opportunity.
- (11) Providing opportunities for the protection and restoration of greenspace.

B. Purpose.

It is the purpose of this article is to protect the public health, safety, environment and general welfare; to minimize public and private losses due to erosion, siltation and water pollution; and to maintain stream water quality by provisions designed to:

- (1) Create buffer zones along the streams of city for the protection of water resources; and,
- (2) Minimize land development within such buffers by establishing buffer zone requirements and by requiring authorization for any such activities.



Section 40-221- Article X- Environmental Standards of the Land Development Regulations:

Intent of article and declaration of public policy. The guiding presumption behind this chapter is the belief that the natural environment has significant value in and of itself, and that all reasonable measures available should be used in the preservation of that environment, consistent with the continued development of a viable Senoia. The city council, therefore, declares it to be public policy to:

- (1) Aid in stabilizing the environment's ecological balance by contributing to the process of air purification, oxygen regeneration, groundwater recharge and stormwater runoff retardation, while at the same time aiding in noise, glare, and heat abatement;
- (2) Assist in providing adequate light and air by preventing overcrowding of land;
- (3) Provide visual buffering and enhance beautification of the city;
- (4) Safeguard and attempt to enhance property values and, in so doing, protect private and public investment;
- (5) Preserve, protect and further the unique identity and environment of Senoia, and, thereby, preserve the economic base attracted to the city by such factors;
- (6) Recognize that the protection and enhancement of the natural beauty, environment, and greenspace within Senoia contributes to the economy, as well as provides a truly necessary aesthetic balance to the development of an urban setting;
- (7) Conserve an ever-dwindling supply of energy, by the preservation and enhancement of the natural environment;
- (8) Protect the atmosphere, lands, and water from pollution, impairment or unnecessary destruction;
- (9) Protect natural vegetation except where its removal is necessary for responsible property development or control of disease and infestation. This chapter shall serve to dissuade the unnecessary clearing of land and its disturbance, so as to preserve, insofar as possible, the natural and existing growth of vegetation, and to replace whenever possible the removed foliage with new vegetation;
- (10) Protect vegetation within the intermediate regional flood plain and for a minimum ten feet from the banks and those streams not having defined intermediate regional flood plain elevation contour, so as to assist in the retention of stormwater runoff and the control of erosion, including particularly the protection of stream bank stability by vegetation protection or restoration;
- (11) Preserve protected and "specimen" trees or strands of trees which are exceptional representatives of their species either in terms of size, age or unusual botanical quality, and encourage the good care of same through properly applied forestry practices; and
- (12) Protect and supplement existing vegetation within greenbelts, open space, recreation areas and protected area where feasible.