**William “Dub” Pearman, III Harold Simmons**

 Mayor City Manager



**MEMO**

TO: Mayor and Council

FROM: Curtis Hindman, Interim Community Development Director

DATE: November 29, 2022

RE: Waffle House

Variance and Minor Plat

 Zoned GC

 Parcel Number – 168 1291 009

 Address - 8180 Wells Street

**Background**

The City of Senoia received application to subdivide (minor plat) for Parcel Number-168 1291 009 at Address 8180 Wells Street. There is also an application to allow variances, for a proposed Waffle House Inc., located at the corner of Cheslehurst Road and Hwy 16.

 The property is currently zoned General Commercial (GC) and its located-on part of the Bank of the Ozarks site within the city limits. The application is to request a subdivision of the 2.29 Acre lot creating a .660 acre parcel for the proposed Waffle House Development.

The variance application is for reduction of landscape buffer width from 25’ to 11’, and a variance for parking to allow no side or rear parking.

Secondly to allow all the parking in front of the building versus a portion on the rear and sides as required by the Commercial Corridor Overlay development requirements.

**Staff Report**

*While the proposed lot was not a legal lot of record when the ordinance was adopted, it could still be developed as proposed without the land division. Therefore, the variance should be considered, as the proposed division of the land does not create the hardship.*

*The hardship is created by the large stand of trees that are along the rear of the site that are required to be saved to the extent practical by the ordinance Section 74-191 (e) Landscaping.*

*If the variance requests are not approved the site layout will change by requiring the building and parking to be moved further back on the lot. This will impact the trees on the rear and also create a situation where the applicant may be required to install underground detention which is substantially more costly than traditional storm water management.*

*These variances will allow the applicant to better align the parking lot with the adjacent uses for inter-parcel access and also save trees that are larger than 12 inches in diameter along the rear of the site and will allow for the reduction of existing tree removal.*

*The combination of these two variances also provide a better location of the retention pond on the back of property.*

*The applicant will still be able to maintain a 25’ Landscape buffer with the inclusion of the grassed right of way and continuous side walk along Cheslehurst Road.*

**Planning Commission Comments and Recommendations**

* **Make the development more reflective of Senoia with it being a gate way**
* **No more than 8 continuous parking without a landscaping island**
* **Commendations for compact cars and bicycle racks for pedestrians**
* **No chain-link fence around detention pond unless required.**
* **Three sided architecture minimum on building; or anything the public can see.**
* **Based on the variances being granted the trees in question must be saved**

**Commission Voted unanimously to approve the subdivision and both variance applications based on the recommendations**

See the Zoning Ordinance Sections 74-185(a) and 74-186 (e) see excerpts below.

*Sec. 74-185. - Development regulations.*

1. *Streetscape. A streetscape plan for all development in the overlay shall be subject to approval by mayor and city council. Front yard landscaping areas shall be as provided herein along the entire property frontage, except where driveways or other openings may be required. Landscaping shall utilize fences, berms, walls, sidewalks, trees and other such methods subject to approval by mayor and city council.*

*The streetscape plan shall accommodate an undisturbed, natural buffer along the frontage of Highway 85 as provided herein. All development on Highway 16 and any secondary road shall maintain a landscaped buffer having a minimum horizontal dimension of 25 feet along all property lines abutting these roadways.*

*Sec. 74-186. - Design requirements.*

 *(e)Parking. Unless a parking courtyard design can be achieved, off-street parking shall be uniformly distributed across the building site. In the case of freestanding buildings or shopping centers that do not have a street along the front and rear of the property, the area between the front of the building and the right-of-way shall be limited to a maximum of 25 percent of the required parking and limited to a maximum of one double row of parking. A maximum of 50 percent of off-street parking shall be located to the sides of the building, with the remaining parking located to the rear of the building.*

 *(1) Development tracts having no public right-of-way to the rear of the site and accommodating truck loading areas to the rear of the principal building shall be exempt from these requirements; however, parking located between the front of the building and the right-of-way shall be limited to a maximum of 50 percent of the required parking.*

In consideration of this variance request, the Mayor and Council should use the standards set forth in section 74-300, Article XIV of the Zoning Ordinance.

 *Sec. 74-300. - Additional powers and duties of the city council.*

 *(1) To hear and decide appeals where it is alleged there is error in any order, requirement, decision or determination made by the zoning administrator in the enforcement of this article.*

 *(2) To authorize upon application a variance from the terms of the article, but only where by reason of exceptional narrowness, shallowness or shape of a specific piece of property, which, at the time of adoption of this article was a lot or plat of record; or where, by reason of exceptional topographic conditions or other extraordinary or exceptional conditions of a piece of property, or where by reason of other extraordinary or exceptional circumstances the strict application of the requirements of this article would result in practical difficulties of, or undue hardship upon, the owner of this property, provided that this relief may be granted without substantially impairing the intent and purpose of this article.*

 *In granting a variance, the city council may attach such conditions regarding the location, character and other features of the proposed building, structure or use as it may deem advisable so that the purpose of this article will be served, public safety and welfare secured and substantial justice done. However, the city council shall not be authorized to grant a use variance to permit a use in a district in which the use is prohibited.*

Additional considerations:

1. *Whether the proposed variance will be suitable in view of the use and development of adjacent and nearby property.*

 This variance, if granted, will represent a more defined and wider landscape strip than what is currently existing on either side. Also, the adjacent uses currently have existing parking lots that are 100% in the front of the buildings so allowing the parking to be in the front will match up with those parking lots better for inter-parcel access.

1. *Whether the variance request will adversely affect the existing use or usability of adjacent or nearby property.*

If granted the variance will not adversely affect adjacent properties use or usability. The variance will actually allow the applicant to align the parking areas better while saving more trees on the rear and creating more room for traditional storm water management to the rear.