

Memo

TO: Mayor and Council

FROM: Dina Rimi, Community Development Director

DATE: March 11, 2020

RE: Public Hearing – Rezoning – 296 Pylant St
Residential R40 to RH/ IIR
Preliminary Plat

Background

The City of Senoia received an application to amend the Zoning Map from Ms. Kathleen Sullivan, owner of 269 Pylant St. The property is currently zoned Residential (R40) in the Senoia Historic District. The application is to rezone and subdivide the lot into two lots with the .6 acre portion adjacent to Pylant St. to be rezoned Residential Historic District (RH) and the portion in the rear fronting Morgan Street to be rezoned to Infill

The subject property is conforming lot in the r-40 district. Table 6.1 of Section 74-96 requires a minimum of 1 acre per lot in the R40 district the lot is 1.02 and by typical standard would be considered conforming to the requirement. The applicant desires to subdivide the property into two lots to accomplish this the applicant has proposed to rezone the rear fronting Morgan Street to be rezoned to Intown Infill Redevelopment. It is reasonable to consider that the lots that are created will be able to accommodate the uses permitted in these two zoning districts.

In 2006, the Planning Commission 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.

According to Sec. 74-82. - Intown infill redevelopment—IIR.

An intown infill redevelopment district would create a special set of standards for some of Senoia's challenging redevelopment sites that are targeted for infill redevelopment. While mayor and council, the historic preservation commission, and the planning commission will provide oversight and guidance to the redevelopment of these properties, the intent is to allow greater flexibility and where appropriate, more compact development, to facilitate the redevelopment of these sites. Specific areas within the city in need of redevelopment under this proposed ordinance are the "old gin site," public housing, the Brantley Institute/Old Public Works site, and the Burn Pit property.

Administrator's Report

The applicant is proposing to rezone the subject property from R40 to Residential Historical (RH) District and Intown Infill Redevelopment. 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 the property for developing two single-family structures, the subject of this report consider the proposed plan.

1. The existing land uses and zoning classification of nearby property.
 - A. *The subject property is located in the City of Senoia Historic District adjoin other similarly zoned residential homes RH and R40 allow for similar uses with the exception of the RH being for a smaller lot. The property is also adjacent to the Gin Street Project the zoning designation with the site is IIR Intown Infill Redevelopment.*
2. The suitability of the subject property for the zoned purpose.
 - A. *The lot is currently in a residential area within the historic neighborhood overlay, the neighboring lots have similar uses to those that are proposed. The .422 lot is adjacent to other Intown Infill Redevelopment.*
3. The extent to which the property values of the subject property are diminished by the particular zoning restrictions.
 - A. *There are none.*
4. The relative gain to the public, as compared to the hardship imposed upon the individual property owner.
 - A. *The applicant is proposing to subdivide the property into two tracts. Though there is no significant public gain, a minor improvement will be a viable residential and or commercial property or live work property where there was none previously.*
5. Whether the subject property has a reasonable economic use as currently zoned.
 - A. *The subject lot is a conforming residential lot in the R40 district. Remaining residential provides a reasonable economic use. If the property*

were used for a live work structure, it would also be a reasonable economic use.

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 lots one will be designated strictly for residential the other can be utilized for either residential or live work. Both of the proposed lots are similar in size to the adjacent single-family lot. The proposed zoning is reasonable.*
7. Whether the zoning proposal will adversely affect the existing use or usability of adjacent or nearby property.
 - A. *If rezoned to RH and developed as proposed, I do not see any adverse effects to adjacent properties.*
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. *No excessive use or burden is recognized in this application.*
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 is 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 are none.*
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 Planning Commission passed a vote to recommend denial of the application as is. The Planning Commission voiced that they would rather see this split into two lots and be given the zoning of Historical Residential for both lots.

APPLICATION TO AMEND THE
OFFICIAL ZONING MAP OF
THE CITY OF SENOIA



City of Senoia
P.O. Box 310
Senoia, GA 30276
770.599.3679

Name of Applicant Kathleen J. Sullivan Phone No. 770-823-4707

Mailing Address 269 Pylant Street, Senoia, GA 30276

Name of Property Owner same Phone No. same
(Attach additional page if there is more than one owner)

Address of Property same

Zoning Classification: Present R40 Requested IIR (Intown Infill
Use of Property: Present Residential Requested Residential Redevelopment)

____ If the requested change is to extend an existing adjacent zoning district to include this property, explain below why the proposed change should be made.
 If the requested change is not to extend an adjacent zoning district, explain below why this property should be placed in a different zoning district than all adjoining property. (How does it differ from adjoining property, and why should it be subject to different restrictions than those applying to adjoining property?)

Property is contiguous to the Gin Property (IIR)

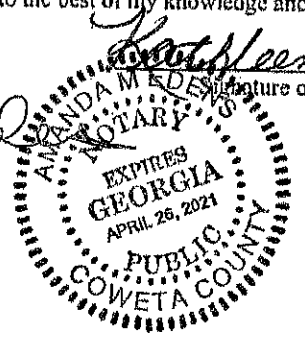
Attach the following documents:

1. Written legal description of the property (copy of deed) – full metes and bounds description rather than plat reference.
2. Plat showing property lines and lengths and bearings, adjoining streets, locations of existing buildings, north arrow and scale. Submit seven copies if the plat is 11" x 17" or smaller. For larger plats, submit twenty (20) copies. Submit on PDF of the plat.
3. List of adjacent property owners
4. Disclosure of Campaign Contributions and Gifts Form.
5. If Property Owner and Applicant are not the same, Authorization by Property Owner Form or Authorization of Attorney Form.
6. Filing fee (\$450) payable to the City of Senoia.
7. Letter of Intent, conceptual plan

I hereby authorize the staff of City of Senoia to inspect the premises of the above – described property. I hereby depose and say that all statements herein and attached statements submitted are true and correct to the best of my knowledge and belief.

Sworn to subscribed before me
This 30 day of Oct., 2019.

[Signature]
Notary Public



Kathleen J. Sullivan
Signature of Applicant

December 17, 2010

Ms. Kathleen Sullivan
269 Pylant Street
Senoia, GA 30276

Re: Proposed Subdivision
1.022 Acres Pylant Street @ Morgan Street
Zoning Letter

Dear Ms. Sullivan:

Thank you for submitting the plat for the above mentioned subdivision. It is my understanding that you are the owner of 1.022 acres located on the east frontage of Pylant Street and on the North frontage of Morgan Street. The lot is improved with a single-family dwelling w/ carport, garage accessory structure, shed accessory structure and green house. A portion of the back yard is fenced, the remainder is open, it should be noted that a sanitary sewer easement runs north to south through a portion of the back yard. It should also be noted that a portion of the fence and shed accessory structure appear to be in the right-of-way of Morgan Street. There may come a time in the future that the city requires use of said right-of-way, at which time you will be notified to properly relocate those structures.

There are four properties to the south across Morgan Street. All properties are zoned Residential (R40). The lot on the southeast corner of Pylant and Morgan Street is 0.37 AC. The lots at 19 Morgan Street and 31 Morgan Street are both 0.95 AC. These lots were subdivided and developed in 2003. The lot at 41 Morgan Street is 1.09 AC. There are two lots to the west across Pylant Street. The first is a 1.48 AC lot zoned R40 split by a public right-of-way that is now called Alley Way. The second is a 1.55 AC lot also zoned R40. North of the subject lot on Pylant Street is a 0.55 AC lot zoned R40. To the east of the subject lot on Morgan Street is lot 69 of the "Gin Property Development". This lot is zoned In-town Infill Redevelopment and is 0.19 AC. This lot is the remaining undeveloped property adjacent to the subject property.

Those lots surrounding the subject property that are smaller than 1.0 AC are considered non-conforming. A non-conforming use is a lawful use of or vested right to use any building, structure, or land existing at the time of the adoption of this Zoning Ordinance

or the adoption of any amendment thereto may be continued subject to the restrictions contained in this Ordinance, even though such use does not conform with the regulations of the zoning ordinance.


The survey by Christopher Brothers Surveyors dated October 4, 2010 shows a plan to subdivide the 1.022 acres into two parcels. The proposed Parcel "A" of 0.4995 AC is located on the corner of Pylant Street and Morgan Street and contains all property improvements. Proposed Parcel "B" of 0.5225 AC is on the north frontage of Morgan Street approximately 290 feet from the intersection of Morgan Street and Pylant Street. Parcel "B" appears vacant. It is my understanding that you desire to market Parcel "B" for development into a single-family residence.

Section 5.1 of the Zoning Ordinance of the City of Senoia establishes districts to accommodate different types of development in the City. Section 5.1-1 defines the Residential (R40) district. It states "A single-family residential district allowing no more than one (1) principal dwelling unit per acre. The purpose of this district is to accommodate low-density single family residential development. Minimum lot size in this district is one (1) acre." Because of this definition, the subdivision you proposed will take additional steps. Both of the steps require legislative approval, which cannot be guaranteed. The first option is to rezone the property from R40 to IIR and the second is to seek variance from the one-acre requirement.

The existing 1.022 AC tract is adjacent to "The Gin Property" Development. This property was rezoned in 2007 to In-town Infill Redevelopment (IIR). The Future Land Development map indicates properties that were identified during the Comprehensive Plan Process as sites that need to be redeveloped. The IIR Ordinance allows those identified properties and adjacent properties to be developed with a higher residential density than is allowed in R40. This ordinance was to encourage redevelopment. To accomplish the subdivision, you would have to apply to rezone the entire 1.022 AC lot to IIR with the proposed plat as the desired layout. This will require a Public Hearing in front of the Planning Commission and another in front of the Mayor and Council. If the rezoning is approved the project can move forward with the platting procedure.

As stated in the above definition of R40, the zoning district requires a one acre minimum lot. You are proposing to subdivide a 1.022 AC tract into two +/- 1/2 AC tracts. To achieve this without a rezoning to IIR, the Mayor and Council would have to approve a variance for the size of the lot. This would require one public hearing with the mayor and council. If the variance is approved the project can move forward with the platting procedure.

The platting procedure requires review of the conceptual plat by the Planning Commission and Mayor and Council. Once approved, the preliminary plat is submitted for review by the Planning Commission and Mayor and Council. Once approved a final plat is submitted and signed for recording with Coweta County Superior Court.



Parcel "B" is now part of the entire tract. City utilities were not stubbed out for development of this lot. If the subdivision is ultimately approved, the developer of the lot will be expected to tie into city water and sewer at no expense to the city. Further, any improvements to the lot will fall under the jurisdiction of the Historic Preservation Commission. Any appurtenant change, new construction or addition to the property will have to be reviewed by the HPC prior to receiving a permit.

After you have reviewed this information, please feel free to contact me to discuss this and begin to file the proper applications.

Thank you,

Richard Ferry
City Administrator
