

**Planning Commission
November 15, 2022
Senoia Municipal Court
7:00 p.m.
Meeting Agenda**



Members-

John. Wood –Chairman

Tom Nolan – Vice Chairman

Jordan Krabel – Secretary

Cam Williams- Commissioner

Allison Garrett- Commissioner

Jacqueline Smith - Alternate

Staff

Tracy Brady- Council Liaison

Curtis Hindman- Interim Community
Development Director

Dana S. Johnson- P.E., CFM
Integrated Science & Engineering

Meeting Information

Planning Commission Workshop
1st Wednesday of each month @
6:00 pm

**Planning Commission Public
Hearing**
3rd Tuesday of each Month @
7:00pm

Meeting Location
City of Senoia Police Department
/Council Chambers
505 Howard Road, Senoia, GA
30276

1. New Business

- A. **Waffle House** - Variance to reduce landscape strip along Chestlehurst from 25 feet to 11 feet, and to allow all parking in front of the building. Zoning is GC and the site is located within the Corridor Overlay District.

The applicants are seeking variances from the following sections 74-185 (a) and 74-186 (e).

Minor Plat creating new tract for waffle house

- B. **104 Horseshoe Bend** – Rezoning from R40 to RH

Variance for lot size reduction from 0.50 ac to 0.458 ac

Minor Plat creating two lots
Concept Foundation Plan with Setbacks

2. Old Business

None

3. Commission Comments

4. Staff Comments

Staff would like approval to move the work the work session to the first Wednesday of the month at 6:00pm.

Staff will be sending out digital packets as this process is refined moving forward

5. Adjourn

William "Dub" Pearman, III
Mayor

Harold Simmons
City Manager



MEMO

TO: Planning Commission

FROM: Curtis Hindman, Interim Community Development Director

DATE: November 15, 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.

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

Sec. 74-185. - Development regulations.

- (a) 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.

The applicant is to seeking a variance on the required width of the landscape strip along a secondary road from twenty-five (25) feet to eleven (11) feet. Secondly to allow all the parking in front of the building versus a portion on the rear and sides as required by the ordinance. 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 area larger than 12 inches in diameter along the rear of the site.

Staff Report

The combination of these two variances will allow for the reduction of existing tree removal and better location of retention pond on the back of property. The applicant will be able to save 12 of 18 existing trees that are 12" or larger.

The applicant will still be able to maintain a 25' Landscape buffer with the inclusion of the grassed right of way.

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.

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 the 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.

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.

- 2. 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.

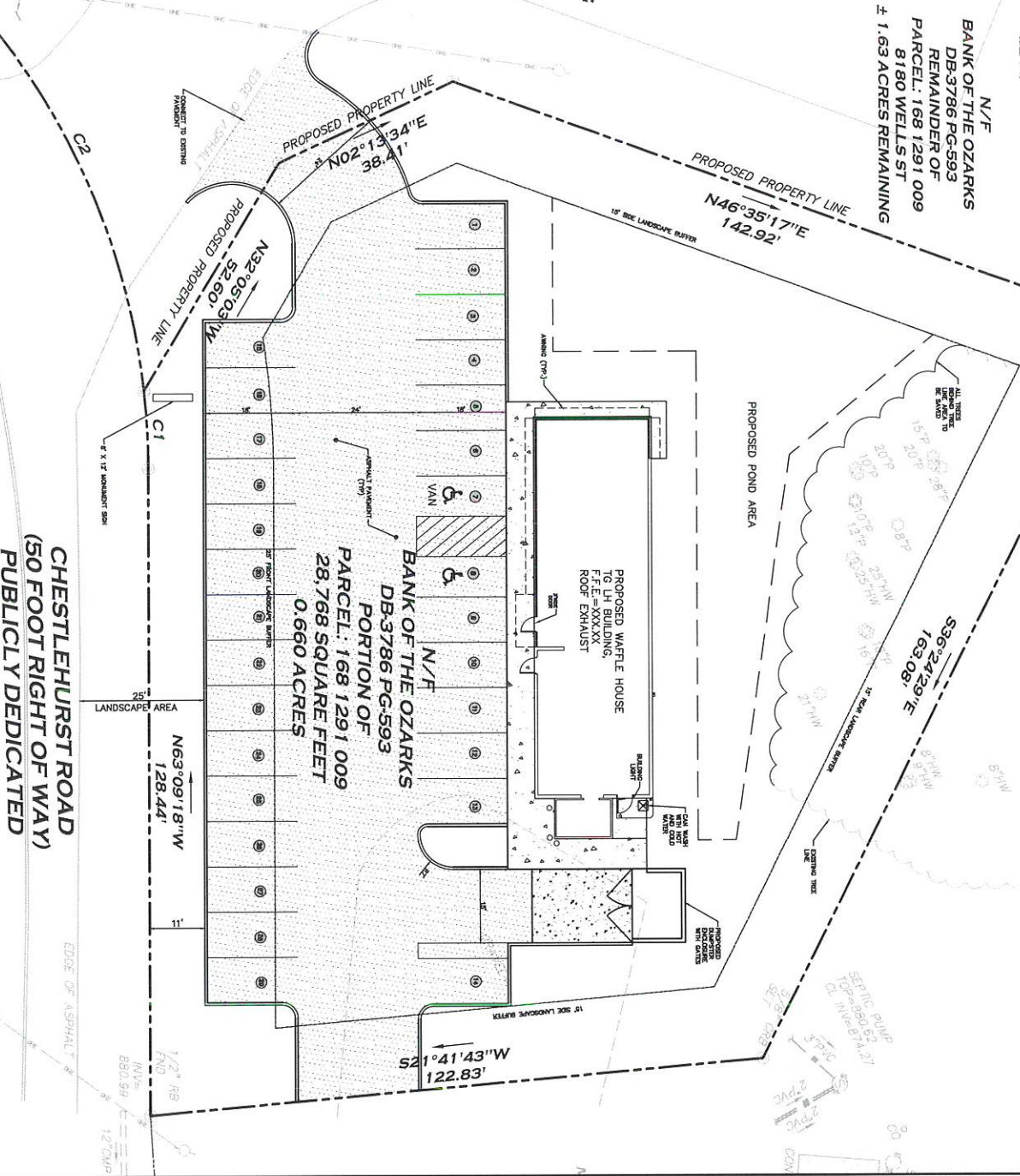
Workshop Comments / Recommendations:

If the Parking and Landscape variance is granted the following recommendations should be considered moving forward.

- *A more dense landscape buffer between the parking lot and the Right of way.*
- *Possible Landscape islands within the parking lot.*
- *Landscape buffer to hide the retention pond from highway*
- *Design the retention pond so chain-link fence can be avoided if possible.*



N/F
 BANK OF THE OZARKS
 DB-3786 PG-593
 REMAINDER OF
 PARCEL: 168 1291 009
 8180 WELLS ST
 ± 1.63 ACRES REMAINING



CHESTLEHURST ROAD
 (50 FOOT RIGHT OF WAY)
 PUBLICLY DEDICATED

SITE SUMMARY

OWNER	DB-3786 PG-593
PROJECT	WASTE HOUSE
LOCATION	8180 WELLS ST, SENOA, GA
DATE	10/03/22
DRAWN BY	CMR
CHECKED BY	BHR
DATE	10/03/22

LEGEND

---	PROPERTY LINE
---	LANDSCAPE LINE
---	SETBACK LINE
---	PROPOSED CURB
---	PROPOSED CONCRETE
---	PROPOSED STALL
---	PROPOSED ASPHALT

LANDSCAPE REGULATIONS:
 PARKING LOT AREA = 4,818 SF
 PARKING LOT LANDSCAPE AREA REQUIRED = 4,818 x .48 = 2,313 SF
 EXISTING TREES WITH 12" DBH OR LARGER (DBH) = 15
 SOLE OF EXISTING TREES WITH 12" DBH OR LARGER (DBH) REQUIRED TO REMAIN = 3
 EXISTING TREES WITH 12" DBH OR LARGER (DBH) PROPOSED TO REMAIN = 12

SITE PLAN
 SHEET

#	DATE	REVISIONS

Waffle House
 SENOA, GA
 ISSUED FOR: PERMIT
 JURISDICTION: CITY OF SENOA
 LOCATION: EAST OF 8180 GA-16,
 SENOA, GA 30278

"A UNIQUE AMERICAN PHENOMENON"
Waffle House
 "AMERICA'S PLACE TO EAT, AMERICA'S PLACE TO WORK"
 5885 Phoenix Drive, Norcross, GA 30071
 (770) 729-5700

CONTINEO GROUP
 755 COMMERCE DRIVE
 SUITE 800
 DECATUR, GA 30030
 770.335.9403
 www.tcg.engineer



William "Dub" Pearman, III
Mayor

Harold Simmons
City Manager



MEMO

TO: Planning Commission

FROM: Curtis Hindman, Interim Community Development Director

DATE: November 15, 2022

PROJECT: 104 Horseshoe Bend

RE: Variance/Rezoning and Minor Plat
Zoning - From R40 to RH
Parcel Number – E02 0026 008
Address – 104 Horseshoe Bend

Background

The City of Senoia received an application for variance to allow a reduction in the minimum lot size and for the rezoning and minor subdivision of the tract known as 104 Horseshoe Bend.

The property is currently zoned Residential R40, and the applicant has requested to rezone to RH and to split the lot into two lots. One lot with a minimum lot size of 0.50 acres and the other with 0.458 acres.

The minimum lot size for RH is 0.50 acres therefore the applicant is also seeking a variance to reduce the minimum lot size to allow the 0.458 ac lot.

The applicant is requesting a variance from the Zoning Ordinance, Section 74-85, Residential Historic District – RH

The purpose of this district shall be to accommodate residential development located within the city's historical neighborhood overlay. This district is delineated on the 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. 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 side of the road.

The minimum lot size is 0.5 acres as shown in Sec. 74-96. District, Lot area, yard and height standards.

Staff Report

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.

“The city council shall have the following powers and duties:

*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. To authorize upon application a variance from the terms of the article, but only whereby 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 whereby reason of exceptional topographic conditions or other extraordinary or exceptional conditions of a piece of property, or whereby 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.”

Details of the area

The lot is located within the Historic District at the corner of Horseshoe Bend and Johnson Street as seen in the snapshot below with a red “X” marking the lot.

Along this section of Johnson Street between the railroad and Seavy Street there are currently 3 lots that are zoned RH and 12 lots that are zoned R40.



This second lot being smaller than the required lot size presents a problem for the applicant as it was **not a legal lot of record at the time of this ordinance adoption**, and generally an applicant cannot create their own hardship and then seek a variance.

However, it does appear to be appropriate to rezone to RH since it is within the Residential Historic District, and this will mean that the new homes must comply with the Historic District guidelines. If approved the applicant will need to seek a Certificate of Appropriateness (COA) from the HPC prior to approval of building permits.

Also, previously the lot had two homes on it and does already have two water meters and separate power and sewer hook ups.

Future Land Use



The lot shown marked above with a red “X” is located within the Residential use category as seen in yellow above on a snapshot of the future land use map.

The rezoning to RH is appropriate for the future land use category.

In consideration of this rezoning, the Planning Commission should consider the items under Section 3.9 of the Zoning Ordinance.

1. The existing land uses and zoning classification of nearby property.
 - A. *The subject property is in the City of Senoia adjacent to similarly zoned property and similar uses. The primary difference is the density and the minimum lot size.*
2. The suitability of the subject property for the zoned purpose.
 - A. *The lot is currently zoned R40, the neighboring lots are zoned R40 and RH*
3. The extent to which the property values of the subject property are diminished by the 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. *There is no relative gain to the public and no significant hardship to the individual property owner.*
5. Whether the subject property has a reasonable economic use as currently zoned.
 - A. *The subject property has reasonable economic use as currently zoned.*
6. Whether the proposed zoning will be a use that is suitable in view of the use and development of adjacent and nearby property.
7.
 - A. *The proposed zoning is reasonable.*
8. 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 there will be no adverse impact to the adjacent properties.*
9. Whether the zoning proposal is in conformity with the policies and intent of the land use element of the Comprehensive Plan.
 - A. *The future land use map shows this property as Residential.*
10. 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.
 - A. *No excessive use or burden is recognized in this application.*
11. 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.*
12. 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 is none.*

13. 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.

Workshop Comments: 11. 9.2022

Concerns from Commission considering the overall width of the property in regards to building foundations and proper setbacks. Please see Attached Exhibit

ARTICLE VI ZONING DISTRICT STANDARDS AND PERMITTED USES

Sec. 74-96. District, lot area, yard and height standards.

RH Zoning Setbacks with Arterial Corridor

- Front 15'
- Sides 20'
- Rear 40'

RH Zoning Setback with Local Corridor

- Front 15'
- Sides 20'
- Rear 0

Based on the submitted concept. The Lot size of .50 would face Johnson Street an Arterial Corridor accommodation a 40' Rear set back.

The smaller lot of .458 would face Horseshoe Bend a Local Corridor without a Rear setback.

CLOSURE STATEMENT

THE FIELD DATA UPON WHICH THIS PLAT IS BASED HAS A CLOSURE PRECISION OF ONE FOOT IN 42,167 FEET AND AN ANGULAR ERROR OF 00° 00' 02" PER ANGLE POINT AND HAS BEEN ADJUSTED USING THE COMPASS RULE METHOD.

THIS PLAT HAS BEEN CALCULATED FOR CLOSURE AND IS FOUND TO BE ACCURATE WITHIN ONE FOOT IN 100,000+ FEET.

ANGULAR & LINEAR MEASUREMENTS WERE OBTAINED USING A LIECA 403 TCR TOTAL STATION

S.A. GASKINS & ASSOCIATES, LLC.

SURVEYORS PLANNERS DEVELOPMENT CONSULTANTS

P.O. BOX 321 Brooks, Ga. 30205

sagaskins@bellsouth.net

770-460-9342

JOHN 3:16

N/F
FRANCIS NATIONS CLEVELAND, LP
DEED BK. 1512 PG. 479



A=67.22'
R=235.16'
CH DIST=66.99'
CH=N 07°05'03" W

BROOKS ST. (A.K.A.) HORSESHOE BEND 30' RW

LEGEND

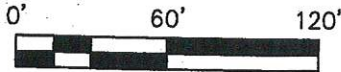
- RBF=REBAR FOUND
- RBS=REBAR SET
- CTP=CRIMP TOP PIPE
- L.L.=LAND LOT
- L.L.L.=LAND LOT LINE
- P.L.=PROPERTY LINE
- U/P=UTILITY POLE
- EP=EDGE OF PAVEMENT
- P.O.B.=POINT OF BEGINNING
- B/L=BUILDING SETBACK LINE
- SSMH=SANITARY SEWER MANHOLE
- N/F=NOW OR FORMERLY
- F.W.P.D.=FIELD WORK PERFORMED DATE
- O/F=OUT OF FLOOD PLAIN
- DB=DEED BOOK
- PG=PAGE
- PB=PLAT BOOK
- ###=HOUSE NUMBER

N/F
JOE P. SPIVEY, JR. &
RHONDA C. SPIVEY
PLAT BK. 47 PG. 48



FLOOD STATEMENT

ACCORDING TO FEMA FLOOD INSURANCE RATE MAP NUMBER 13077C0291D, DATED FEBRUARY 6, 2013, THIS PROPERTY DOES NOT LIE WITHIN A SPECIAL FLOOD HAZARD AREA.



Prepared For:	
Martin Dodson Homes, LLC	
F.W.P.D.: 03/25/16	Date: 08/25/22
Scale: 1" = 60'	CITY OF SENOIA Job No: 22-049
County: COWETA, GA	Land Lot: 279 District: 1ST