

MAP AMENDMENT #: PCM090205

APPLICANTS: Kelly Layman and Sandra Lee Miller

**TAX I.D. #: 11-31-20-216-0000
11-31-20-217-0000
11-31-20-218-0000 (±1.22 ACRES)**

CITY X COUNTY

CURRENT DESIGNATION: Residential Preservation

REQUESTED DESIGNATION: Suburban

DATE: February 3, 2009

STAFF RECOMMENDATION: Staff recommends approval. (MJY)

A. SUMMARY:

This request is for a map amendment change from Residential Preservation to the Suburban category on three adjoining parcels with a combined size of ±1.22 acres on Cadiz Street between East Call Street and East Park Avenue.

B. REASONS FOR RECOMMENDATION FOR APPROVAL:

1. The request appears consistent with the Comprehensive Plan promoting a mix of uses at a compatible scale and providing employment opportunities in close proximity to nearby residential areas.
2. The adjacent platted subdivision does appear to meet most of the criteria for Residential Preservation, however the three subject parcels are not a part of the subdivision.
3. The subject parcels and surrounding area are located in the MMTD, which promotes the use of alternative transportation along with mixed-use development and well-designed buildings and public places. Approval of this amendment would promote mixed-use development furthering the goals of the MMTD.

C. APPLICANT'S REASON FOR THE AMENDMENT:

Below is the applicant's stated reason from the application:

“This application is made to change the FLUM in order to provide more land use flexibility for these properties. The parcels are located in an older, more urbanized area of the city and, as evidenced by the existing development patterns along East Park Avenue, are in a state of transition for low-density residential to either office or multi-family development. The presence of two multi-family developments with frontage on Cadiz Street as well as an office at the northeast corner of the intersection with East Park Avenue would support this trend. The presence of the CSX Transportation rail line which adjoins the western two parcels included in this application can be viewed as a detriment to their continued use as quiet, single-family residences given the relatively high frequency of trains passing through town, both day and night. East Call Street remains a stable single-family neighborhood of primarily older single-family homes.”

D. STAFF ANALYSIS:

The request consists of three parcels totaling 1.2 acres located along Cadiz Street between Call Street and East Park Avenue. These parcels currently each have a single residence, constructed in 1940 (east side of Cadiz) and 1945 and 1960 (west side of Cadiz). To the north of these parcels is the CSX rail line and a single-family residence. To the east is a single-family residence. To the south are La Mediterranean Condominiums (two-story, 18 units) and Magnolia Villas (multi-family, 36 units). The CSX rail line is immediately west of the two parcels on the west side of Cadiz Street. The table below shows the future land use, zoning, and existing use of the site and the surrounding area:

Location	Future Land Use	Zoning	Existing Use
<i>SITE</i>	<i>RP</i>	<i>R-3</i>	<i>3 single-family units</i>
NORTH	Suburban, RP	OR-1, R-3	railroad, single-family
EAST	RP	R-3	single-family
SOUTH	Suburban	OR-1	multi-family
WEST	Suburban	OR-1	railroad

In determining whether these parcels should remain in the Residential Preservation Land Use category or be changed to the Suburban category, several issues should be considered: 1) the intent of each of the categories as they relate to the site and surrounding area; 2) the effects the proposed change could have on the residential character of the area; 3) an evaluation of the applicant’s reasons in the context of the Plan; and 4) availability of infrastructure.

1. Review of the Site Relative to the Intent of the Future Land Use Categories

The primary function of the Residential Preservation category is to protect existing stable and viable residential areas from incompatible land use

intensities and density intrusions. Under this category, residential development up to six (6) dwelling units per acre is allowed as well as community facilities, including schools and religious facilities. Commercial, office, and industrial land uses are prohibited. To be included within the Residential Preservation future land use category, an area should meet most, but not necessarily all, of the criteria listed below (in boldface). This request has been evaluated against the Residential Preservation criteria as follows:

A) **Existing land use within the area is predominantly residential.** The request consists of three parcels. The nearby area has been developed with all single-family residences and comprises the East Highlands subdivision. The three subject parcels are not a part of the platted subdivision.

B) **Majority of traffic is local in nature.** East Call Street and Cadiz Street are local streets and both contain mostly local traffic.

i) **Predominance of residential uses front on local streets.** The East Highlands subdivision residences front on East Call Street, which is classified as a local street. The three subject parcels front on Cadiz Street, which is also a local street.

ii) **Relatively safe internal mobility.** There are no existing sidewalks on East Call or Cadiz Streets. The closest sidewalks are located on East Park Avenue.

C) **Densities within the area generally are six units per acre or less.** Residential densities in the Comprehensive Plan are defined as gross densities. The overall gross density currently among this portion of Residential Preservation acreage is about 2.5 DU/acre. The surrounding area has a Suburban future land use map designation and contains a mix of uses including multi-family and office. If this area were included in the density calculation, it would certainly be higher.

D) **Existing residential type and density exhibits relatively homogeneous patterns.** This portion of Residential Preservation area (on both sides of East Call Street, west of a City-owned stormwater facility zoned Open Space and east of CSX rail line) consists of 24 parcels, of which 91% are developed with single-family residences and the remaining 9% are vacant. It should be noted that a condominium is located on East Call Street, however it's future land use designation is Suburban.

E) **Assessment of stability of the residential area, including but not limited to:**

i) **Degree of home ownership.** Approximately 50% of the RP parcels in the subject area receive homestead exemption. The three subject parcels contain single-family structures that are currently being rented; however

the structure located on the east side of Cadiz Street has a Historic Preservation Overlay (HPO), which was approved in 2003.

ii) **Existence of neighborhood organizations.** The subject area is not within a neighborhood association.

iii) **Little or no history of rezoning.** There has not been any recent history of rezoning since 1997.

The test for designating an area as Residential Preservation does not require that all of the criteria be met for inclusion. The subject area does appear to meet most of the criteria for Residential Preservation. However, the three subject parcels are not a part of the platted subdivision (East Highland) located on both sides of East Call Street. Additionally, the East Highland subdivision is comprised of only single-family homes, whereas the composition of Cadiz Street consists of four single-family homes, one duplex, two multi-family structures and one office.

Policy 2.2.5 of the Land Use Element states the intent of the Suburban category is to “create an environment for economic investment or reinvestment through the mutually advantageous placement of employment and shopping opportunities with convenient access to low to medium density residential land uses.” The proposed land use change would allow the uses to be changed from residential to office to create potential employment opportunities to the nearby residential areas.

2. Effects of the proposed change on the residential character of the area

The proposed amendment site is adjacent to Suburban acreage that has Office Residential-1 zoning. The proposed Suburban designation would allow various residential types (4-20 DU/acre) as well as commercial uses. The applicant’s intent, if the change is approved, is to request a change in use of the three existing residential structures and then utilize as offices consistent with the City’s OR-1 zoning district, which is intended to:

...be located in areas designated Suburban on the future land use map of the Comprehensive Plan in areas where employment and residential uses are encouraged to locate in close proximity to one another....provide the district with a residential character to further encourage this mixing of uses at a compatible scale.... The regulations of these districts are not intended to displace viable residential areas.

Two of the subject parcels are adjacent to the CSX Transportation rail line. The application indicates that the subject parcels are losing their viability as residential uses because of their close proximity to the railroad. Currently, all

three single-family structures that sit on the subject parcels are rental properties. The current land use designation of Residential Preservation and the implementing R-3 zoning only allows residential uses.

The subject parcels are located on the edge of an area designated RP. If the proposed future land use change and the implementing zoning district were approved, the change in use from residential to office would require buffers and/or fences. Therefore, the proposed change would require mitigation and would not signify an “encroachment of incompatible uses that are destructive to the character and integrity of the residential environment” pursuant to Land Use Policy 2.1.1.

Multimodal Transportation District

It should be noted that the subject parcels, including the surrounding areas, are located within the boundaries of the first established Multimodal Transportation District (MMTD). The proposed amendment would support and further the goal of the MMTD by promoting a mix of uses that is compatible with the area and will promote employment opportunities that are within walking distance of nearby residential areas. Transit opportunities are also available along Park Avenue further promoting a successful MMTD.

3. Evaluation of the Applicant’s Reason for the Request

The proposed change would allow the applicant to change the use to offices extending the adjacent acreage within the Office Residential-1 zoning district. Although the Suburban land use category would also allow commercial and more intense residential for the subject properties, the applicant is requesting to implement the proposed land use change with Office Residential-1 zoning, which only allows minor office uses. The redesignation of the request parcels to allow office uses is compatible with not only adjacent Office Residential uses, but also with adjacent Single-Family, and will continue an already existing transition occurring in this area of low density residential to office and multi-family development.

Proposed Future Land Use Map Designation: Suburban

If this property is changed to Suburban, various uses could be permitted on this property. Land Use Element Policy 2.2.5 establishes the Suburban land use category to create an environment for economic investment or reinvestment through the mutually advantageous placement of employment and shopping opportunities with convenient access to low to medium density residential land uses. Employment opportunities should be located near residential areas, if possible within walking distance. The Suburban category predominantly consists of single-use projects that are interconnected whenever feasible. Mixed-use projects are encouraged, though not required.

Policy 2.2.5 also states that allowed land uses within Suburban are regulated by zoning districts which implement the intent of the category, and which recognize the unique land use patterns, character, and availability of infrastructure in the different areas within the Suburban Future Land Use Category. The designated zoning district may not exceed the Suburban Intensity Guidelines. Business activities are not intended to be limited to serve area residents; and as a result may attract shoppers from throughout larger portions of the community.

The applicant intends to ask for OR-1 zoning if the land use change to Suburban is granted. The OR-1 district allows 10,000 square feet of non-residential gross floor area per acre or 12,500 square feet of non-residential gross floor area per acre if the project is a mixed-use development. Pursuant to OR-1 regulations, 12,000 square feet of non-residential would be permitted on the subject parcels. The maximum gross density allowed for new residential development in the OR-1 district is 8 dwelling units per acre. The maximum residential density permitted on the site would yield 12 dwelling units.

E. ENVIRONMENTAL FEATURES & IMPACT ON INFRASTRUCTURE:

1. Environmental Features: These three parcels (two are contiguous and one is on the opposite side of a local street) with a combined size of 1.2 acres are located within the Lake Munson watershed. County environmentally sensitive area maps indicate that the easternmost parcel is fringed along the southern property line with significant grades. There are no other known environmentally sensitive features onsite.
2. Water/Sewer: Central water and sewer is available.
3. Transportation:

Automobile Level of Service standards do not apply to parcels contained within the adopted Multimodal Transportation District, as created by Comprehensive Plan amendment PCT080119, because this geographic area is now governed by area wide multimodal level of service standards to be evaluated every other year pursuant to state requirements.

Transit Availability: Routes 12, 22, and 25 serve the subject parcels with each route having a stop at the intersection of Cadiz Street and East Park Avenue.

4. Bicycle/Pedestrian Facilities Availability: There are no sidewalks located on Cadiz or East Call Street and the nearest sidewalks are located along East Park Avenue.

5. Schools: The applicant's intent is to change the land use from residential to office. Nonetheless, these parcels are located within the Hartsfield Elementary, Cobb Middle, and Leon High School zones. Student space is available at all three schools.
6. Optional Sustainable Development Survey:
This year, the amendment application forms included a sustainable development survey that allowed applicants to provide information about the proximity of services to the site under review. The applicant did not complete the survey, but instead included a statement regarding the survey. In summary, the applicant stated that the application promotes energy efficient land use patterns and green house gas reduction strategies by its very location in the center of the city. The essential infrastructure is in place and will not require the extension of any services in order to provide service(s) to the subject properties. The subject site is within the boundaries of the Multimodal Transportation District (MMTD), which will facilitate the use of alternative transportation leading to a reduction in automobile use and vehicle miles traveled. The MMTD will not only promote opportunities for other modes of transportation, but will also promote the mix of uses and well-designed buildings and public places.

F. VESTED / EXEMPT STATUS:

The request parcels are not vested or exempt.

G. CONCLUSION:

Based upon the above data and analysis, Planning Department staff concludes the following:

1. The request appears consistent with the Comprehensive Plan promoting a mix of uses at a compatible scale and providing employment opportunities in close proximity to nearby residential areas.
2. The adjacent subdivision does appear to meet most of the criteria for Residential Preservation, however the three subject parcels are not a part of the platted subdivision.
3. The subject parcels and surrounding area are located in the MMTD, which promotes the use of alternative transportation along with mixed-use development and well-designed buildings and public places. Approval of this amendment would promote mixed-use development furthering the goals of the MMTD.

Therefore, based on the data, analysis, and conclusions, staff is recommending approval of this amendment.