



**STAFF REPORT**  
**MASTER PLANNED DEVELOPMENT AMENDMENT & REZONE**  
**445, 605, 705, & 1015 Barnett Shoals Road, 190, 200, &**  
**210 Lakewood Drive, & 162 Park Ridge Court**  
**PD-2024-07-1314**  
**NOVEMBER 7<sup>th</sup>, 2024**

APPLICANT: .....Scott Haines / W&A Engineering

OWNER: .....Dekle Realty Enterprises LLC, Michael Dekle,  
Crystalline Dekle, Beth Tolley, James Dekle, Shari  
Wycheslavzoff, Jodi Kerr, Mohammed Khan &  
Carenage Partners LLC

FUTURE LAND USE REQUEST .....From *Traditional Neighborhood & Mixed Density Residential* to *Traditional Neighborhood*

ZONING REQUEST: .....From C-N (PD), RM-1, & RS-8 to C-N (PD)

TYPE OF REQUEST: .....Type I

LOCATION: .....445, 605, 705, & 1015 BARNETT SHOALS RD,  
190, 200, & 210 LAKEWOOD DR, & 162 PARK RIDGE CT.

TAX MAP NUMBERS: .....174B 002, 174B 001B, 174B 001F, 174B 001C,  
174B 001D, 174B 001A, 174B 017, 174D1 010

COUNTY COMMISSION DISTRICT: .....3 & 8

PROJECT SIZE: .....207 Acres (Subject Area: 90 Acres)

PRESENT USE: .....Undeveloped & Residential Single-Family

PROPOSED USE: .....Residential & Commercial Mixed Use

PUBLIC NOTICE POSTED: .....October 23<sup>rd</sup>, 2024

STAFF RECOMMENDATION: .....**TABLE**

PLANNING COMM. RECOMMENDATION: .....**PENDING**

MAYOR & COMMISSION AGENDA SETTING: ...November 19<sup>th</sup>, 2024 (tentative)

MAYOR & COMMISSION VOTING SESSION: ....December 3<sup>rd</sup>, 2024 (tentative)

## **I. Summary Recommendation**

The applicant is requesting to amend the previously approved Lakewood Planned Development for the purpose of building a new neighborhood with a variety of residential and commercial buildings, including single-family detached houses, townhomes, potential live/work units, mixed-use commercial/residential buildings and multi-family buildings such as duplexes, quadplexes, mansion apartments and courtyard apartments for 540-745 units and a minimum of 15,000 sqft. of commercial space.

The project has compatible aspects with the Comprehensive Plan. The applicant is meeting the expectations of the Comprehensive Plan by providing a variety of housing types that can serve multiple households at multiple price points. The proposal improves upon the original commercial

node by swapping out large surface parking lots for more productive buildings and greens. The project is designed to be connected to the local transportation network, including an expansion of the ACC Greenway Network. The project also treats greenspace as a centerpiece of the neighborhood in a way that will enhance the recreation and social connection opportunities of residents.

The project would meet several objectives in the ACCGov FY23-25 Strategic Plan including Goal Area 4.B.2.'s objective of "creating more flexible housing options in all zones of the County." Providing a variety of housing types and commercial opportunities also helps meet Goal Area 4.B.4.'s objective of "encouraging mixed-income development."

The applicant is asking to rezone the property from C-N (PD), RM-1, and RS-8 to C-N (PD). Additionally, there is a small-scale change to the Future Land Use Map on 445 Barnett Shoals Road from *Mixed Density Residential* to *Traditional Neighborhood* designation to accompany the existing designation that is on the remainder of the project site. The design of the project meets the character area expectations for *Traditional Neighborhood* as specified later in this report. The project is also compatible with the Zoning Map. The properties that are zoned RM-1 and RS-8 would serve solely for stormwater management and a public street connection.

The applicant has requested 13 waivers. Staff supports eight of them, does not support one of them, needs more information on one of them and understands the concept of three of them but not in the form of this current proposal. The ones not supported in the current form are due to the non-binding nature of the proposal. Staff has worked with the applicant to substitute a binding design book in place of ACC Code Chapter 9-25's Design Standards, but sees the proposed Development Standards and Plans falling short of being a full regulatory tool. The applicant has also asked to make the site plan non-binding, which is atypical and inconsistent with standard requirements associated with Planned Developments. Staff is willing to work with the applicant to bind aspects of the project and also be flexible, however broad parameters and development details that were discussed as being binding have not been incorporated into the current submittal. Administration of this proposal, especially over a multi-year development timeline, cannot be guaranteed at this time and too much discretion is being requested to ensure that the resulting construction will align with the proposed design. Furthermore, several ACCGov departments have expressed feedback that plan corrections will need to be made to meet engineering standards. Overall, the plan shows promise, but needs further development and firm commitments to ensure that the resulting development resembles the proposed design.

Conditions (to be considered if approval is recommended):

As proposed, an inordinate amount of discretion is being provided to the current and future developer(s) and ACCGov staff will complicate the review and permitting of this project, especially considering that this development will have a protracted timeline for buildout.

In an effort to address Staff concerns, the following are proposed minimum project components to be made binding:

- Roadway network, including alignment, interconnections, and design elements;
- Number of residential units;
- Mandate on greenspace/open space/pedestrian network within each pod along with arrangement or frontage on said space;
- Location and timing of Greenway Trail development throughout the project phasing;
- Increased minimum on commercial and/or institutional square footage;
- Parking count and design.

Without additional binding aspects or development expectations, the items below should be considered and added as conditions if approval is sought without changes to the application report and/or plans.

1. All technical aspects outlined below must be met per each department's requirements.
2. Limits on grading, flattening and retaining walls in order to preserve more of the rolling topography and create a natural layout.
3. This project should not allow the potential for auto-oriented uses and should eliminate certain aspects of that development pattern including a restriction on drive-thrus, particularly as a standalone use.
4. Waiver 9 below requires a specific section of the Greenway Trail and sidewalk network to be bound, but the applicant is seeking to not have a binding plan. Applicant must bind these features or the waiver cannot be supported.
5. Portions of this site are landlocked (existing and proposed) and require access easements. These must be recorded prior to any site plan approval.

Planning Commission Recommendation: Pending

## **II. Purpose of Applicant Request**

### **A. Proposal**

The applicant is requesting to amend the previously approved Lakewood Planned Development for the purpose of building a new neighborhood with a variety of residential and commercial buildings, including single-family detached houses, townhomes, live/work units, mixed-use commercial/residential buildings, and multi-family buildings such as duplexes, quadplexes, mansion apartments, and courtyard apartments. The property is primarily zoned Commercial-Neighborhood (Planned Development). One adjacent residential lot, zoned RM-1, is included as a proposed access point for the neighborhood. The project would include approximately 795 bedrooms in a variety of housing types, neighborhood-serving commercial space, a greenway, common greens and parking.

### **B. Existing Conditions**

The subject properties are largely wooded and undeveloped with the exception of single-family houses and a duplex. The property is hilly and includes several streams. The subject area is bound on the north by Dekle Lake (formed by the Lakewood Farm Dam), the remainder of the Lakewood neighborhood, zoned C-N (PD) and a 23-acre tract of undeveloped RS-8-zoned land at 215 Shadybrook Drive. To both the west and the south, the subject properties border a series of duplex and multi-family properties, zoned RM-1 and RM-2. On the south, the subject properties also border a part of the Lakewood Planned Development that was previously developed from 2011-2020 for senior living, multi-family, and condominiums. The properties are bound on the east by Barnett Shoals Road, and on the west side of Barnett Shoals Road sit a series of multi-family developments, zoned RM-1 and RM-2 with an exception for a gas station that is zoned Commercial-Office (PD). The ACC Greenway Network currently terminates at Carriage Lane, but this project proposes to extend the Greenway across Barnett Shoals Road, through the subject parcels, and eventually connect with Lexington Road.

The following information is an overview of the history of the Lakewood Planned Development:

- In 2004, the Lakewood Planned Development was first established as a 206-acre mixed-use project, including single-family detached houses, townhouses, condominium apartments, garden apartments, and “town center” mixed-use buildings with commercial/office on the ground floor and residences above. Specifically, the plan called for 173,000 sq. ft. of commercial, 94 condominium apartments, 198 garden apartments, 162 town center apartments, 88 townhouses, and 330 single-family detached lots for a total of 872 residences. The project was designed as a “traditional neighborhood development” using New Urbanist principles such as alley-loaded garages, a variety of housing types, mixing of compatible commercial and residential uses, public greens, plentiful street trees, and buildings that are close to the street.
- In January and April of 2005, amendments were made to the footprints of some of the condominium apartments in the northwestern corner of the site as well as a revision to the interior block layout of the single-family section to the north of Dekle Lake.
- In 2006, the plan was amended to shrink the buffers around the lake and switch sections of the street network from private to public.
- In 2014, the plan was amended to show the Lakewood Hills (accessed off Cotton Creek Drive) senior apartments in the southern corner of the property, as well as modifying the single-family housing allocation to reduce the single-family detached units from 38 to 15 and increase the single-family attached units from 22 to 38.
- In 2017, the plan was slightly amended to shift the lot layout and setbacks of the same single-family attached units that were amended in 2014.
- In 2020, the plan was amended to remove the proposed condominium apartments and 31 attached and detached single-family houses in the northwest corner of the property (off Dekle Drive near the intersection with Barnett Shoals Road) for a rural event space based on the existing barn and pasture. The project has not been built at the time of this writing. The subject area for this project sits on the north side of Dekle Drive and is not part of the current application.

The approved binding plan currently in effect on the subject properties calls for approximately 150 single-family detached lots, 42 attached single-family (townhouse) lots, and multiple residential-commercial mixed-use buildings. The proposal calls for 795 units across 90 lots including single-family detached houses, townhomes, live/work units, mixed-use commercial/residential buildings, and multi-family buildings such as duplexes, quadplexes, mansion apartments, and courtyard apartments. The applicant has not provided exact square footage estimates for the commercial space, but the plan was originally approved with 173,000 sq. ft. of commercial space. See below for a chart outlining the development yield of the project over time:

BUILDING TYPE	ORIGINALLY PLANNED (207 acres)	BUILT as of July 2024	PROPOSED (90 acres)
<b>Commercial</b>	173,000 sq. ft. ( <i>all of it within the area of the current proposal</i> )	0 sq. ft.	15,000+ sq. ft.
<b>Condominiums</b>	94	0	0
<b>Apartments</b>	360	196	Unspecified
<b>Single-Family Detached</b>	330 (minus 23 w/ amendment)	43	Unspecified
<b>Townhouses</b>	88 (plus 16 w/ amendment)	38 (plus 38 ADUs)	Unspecified

### **III. Policy Analysis**

#### **A. Compatibility with Comprehensive Plan**

The 2023 Comprehensive Plan calls for the following policies that **are** supported in this project:

- *Increase the supply and variety of quality housing units, at multiple price points, in multiple locations, to suit the needs of a variety of households.*
- *Increase access to affordable housing.*
- *Infill and redevelopment should be prioritized over greenfield expansion.*
- *Create nodal development tied to transportation, healthcare, schools, jobs, workforce, and housing.*
- *Promote intra- and inter-connectivity within and between neighborhoods while discouraging cul-de-sac development. This applies to both vehicular and pedestrian pathways and may not always require formal, paved improvements when associated with walkability.*
- *Ensure compatible development along greenways and trails.*
- *Identify areas that could potentially be developed for unique neighborhoods with smaller houses and a cohesive theme.*
- *Encourage the creation of publicly accessible gathering spaces within neighborhoods and development projects.*

This project meets multiple aspects of the Comprehensive Plan's objectives. The project offers considerable potential with its proposed diversity of housing types, which can meet the needs of a variety of households. The units that are designed with smaller square footage and shared walls on small lots are more likely to enter the market at an attainable price. While the 90 acres are largely undeveloped, this location is already well-served by infrastructure and the community would benefit from developing this gap along Barnett Shoals Road with a mixed-use neighborhood. The location of this project also lends itself to nodal development because it is located close to many destinations like schools, grocery stores and existing rooftops. The project, if eventually completed as designed, promotes intra- and inter-connectivity for vehicular and non-vehicular transportation. The walkable nature of the project complements the Greenway that would be built through the site. The applicant has proposed breaking up the project into four pods, each of which has an intentional design approach that adds overall cohesiveness to the project. The project has taken care to design the greenspaces as park-like areas, meant to encourage recreation and social connection, with buildings oriented around them. This project chooses to treat greenspace as a centerpiece rather than an afterthought. Overall, the proposal is compatible with the Comprehensive Plan.

#### **B. Compatibility with the Future Land Use Map**

The 2023 Future Land Use Map designates the Lakewood Planned Development properties as *Traditional Neighborhood* and *Mixed Density Residential*, which are described as follows:

##### *Traditional Neighborhood*

*These are medium density neighborhoods with traditional qualities including well-connected street systems, sidewalks, street trees, and a variety of housing types. Homes are often built close to the street with front porches. Garages are set back farther than the homes and porches. Traditional Neighborhood areas support single-family residences, duplexes which resemble large homes, and townhouses. Strict design standards should be implemented to ensure appropriateness of design and to protect neighborhood character. Limited commercial and other non-residential uses designed at a neighborhood scale are encouraged, but only in areas close to principal and minor arterial routes that have good access to transit.*

### Mixed Density Residential

*These are residential areas where higher density residential development is allowed and intended. Limited non-residential uses designed at a neighborhood scale may be incorporated into these areas (e.g. churches, schools, daycare facilities, small businesses and offices). Buildings should be oriented towards the street and include streetscape enhancements. Their design should include connections between uses, good pedestrian connections, and compatibility with public transit. Auto-oriented uses, such as vehicle repair and maintenance, drive-through restaurants, and vehicle sales, are not included in this designation.*

One minor change to the Future Land Use Map is proposed at 445 Barnett Shoals Road (for stormwater) from *Mixed Density Residential* to *Traditional Neighborhood*. The remainder of the 90 acres that are the subject of this amendment are all in the area designated as *Traditional Neighborhood*. The proposal is compatible with the *Traditional Neighborhood* character description, but the project also fits in the *Mixed Density Residential* character description, as specified above. Overall, the proposal is compatible with the Future Land Use Map and its character area description for these parcels.

## **C. Compatibility with the Zoning Map**

The applicant has requested a rezone from C-N (PD), RM-1, & RS-8 to C-N (PD). The following information has been provided to compare the difference in development intensity between the baseline C-N zoning and the requested C-N (PD) zoning. Broadly, a comparison of scale, use, and design is offered here to help decision makers evaluate the changes that would be allowed if the request is approved. In terms of building scale, the following chart illustrates the differences in size and scale of buildings that could be constructed:

Standard	CURRENT C-N Zoning	REQUESTED C-N Zoning (PD)
<b>Minimum Lot Size</b>	5,000 sq. ft.	No Minimum
<b>Minimum Lot Width</b>	50 ft.	20-40 ft.
<b>Density</b>	16 beds/acre	9 units or 16 bedrooms/acre
<b>Max Lot Coverage</b>	75%	No Maximum
<b>Max Building Height</b>	65 ft.	45-65 ft.
<b>Setbacks</b>	6-15 ft.	0-7.5 ft.
<b>Max Floor/Area Ratio</b>	0.75	No Maximum
<b>Conserved Canopy</b>	15%	15%
<b>Total Canopy</b>	45%	45%
<b>Parking</b>	Varies	Varies (see waiver section)

The Athens-Clarke County Zoning Ordinance includes a list of defined uses and designates where they can or cannot be established. For this request, the most noticeable difference between baseline C-N zoning and the proposed C-N (PD) zoning is that the applicant wants to allow accessory dwelling units and duplexes as permitted uses. The subject properties are already zoned C-N (PD) (approximately 90 acres) with an exception for the 0.36-acre RS-8 lot and the 0.42-acre RM-1 lot. The RS-8 lot is solely used for stormwater management and is not developable while the RM-1 lot is currently a duplex but would be used solely for a street connection. Given the prevalence of the existing C-N (PD) zoning, the request is compatible with the Zoning Map.

## **D. Consistency with Other Adopted ACCGov Plans, Studies, or Programs**

The project is consistent with the ACCGov FY23-25 Strategic Plan's Goal Area 4: Quality, Stable, Affordable Housing for All. Specifically, this project, by building a large variety of housing types including smaller housing types like ADU's and live/work units, would meet Goal Area 4.B.2.'s objective of "creating more flexible housing options in all zones of the County." Providing a variety of housing types and commercial opportunities also helps meet Goal Area 4.B.4.'s objective of "encouraging mixed-income development." The ACCGov Greenway Network Plan calls for a greenway to traverse the site, and the applicant is proposing to construct the greenway segment as part of the project.

## **IV. Technical Assessment**

### **A. Environment**

The ACCGov Environmental Areas Map identifies creeks and riparian buffers on the property. The applicant's binding site plan respects the buffers required by local and state law.

The Arborist has reviewed the tree management plan and recommended approval with the following comment:

- *ACC Arborist recommends approval. Project will be expected to meet all requirements of the community tree management ordinance at time of plan review.*

### **B. Grading and Drainage**

The Transportation and Public Works Department has reviewed the proposal without grading and drainage-related comments.

## C. Water and Sewer Availability

The Public Utilities Department has reviewed the proposal, recommends denial for plans as shown due to not meeting technical standards. However, PUD is willing to work with the applicant through the plans review process if aspects are flexed and all technical standards are met. Public Utilities offers the following comments:

- *ACC water is available*
- *ACC sanitary sewer is available*
- *Page 13 of the Development Standards references Public Works for utilities. This should be Public Utilities*
- *Note that each utility phase must be permitted separately through Public Utilities.*
- *Where water and sewer mains are located outside the publicly owned ROW, they should be inside an easement extending 10' either side of the mains (Minimum total width of 20' for water or sewer, minimum 30' for combined water and sewer)*
- *Attached dwelling units that are on individual lots require independent water and sewer connections to the publicly owned main*
- *All accessory dwelling units also require independent water and sewer connections to the publicly owned mains*
- *Provide a minimum 10' separation between water/sewer mains and trees.*
- *Provide a minimum 5' separation between water/sewer services and trees.*
- *No structures, including dumpster enclosures, may be located within an existing or proposed water/sewer easement.*

## D. Transportation

The Transportation & Public Works Department has reviewed the proposal and offered the following transportation-related comments:

*The following comments are made under the assumption that the proposed master plan will be binding and so what is shown will not be subject to modification in the site plan review process:*

- *Road C and Road F as shown do not meet the minimum curve radius for the required 25 mph design speed as determined by AASHTO.*
- *A length of sidewalk on Road C, connecting to Barnett Shoals Road, needs to lie located within proposed right-of-way in order to be publicly maintained.*
- *While the subdivision regulations allow it, it has for many years been the policy of the Transportation & Public Works Department that on-street parking spaces on public streets must be parallel. Diagonal parking is less safe. In a residential subdivision, parallel on-street parking spaces are not striped; diagonal spaces will have to be which adds to the infrastructure maintenance cost.*
- *We have reviewed the TIA and believe that the construction of the turning lanes will mitigate the impact to traffic. We prefer Option #2.*
- *We support the use of this site to help implement the important planned connection of the North Oconee River Greenway from Carriage Lane/Barnett Shoals through to Lexington Road. (Greenway Network Plan). On that segment of Lexington Road, there is a planned multi-use path as well as a planned connection to the Firefly Trail.*
- *A protected cycle track on both sides of this segment of Barnett Shoals is a Tier 2 project in the Athens in Motion (AiM) Plan.*
- *We support the reduction in minimum required parking to promote an environment oriented toward active transportation.*

- *The multi-use path seems to detour from the Carriage Lane intersection through the middle entrance of the development rather than provide more direct connectivity to the whole development through the southern entrance.*
- *Some of the proposed street alignments appear to have curves that do not meet the minimum centerline radius (198') needed for the required 25 mph design speed. If the layout is simply conceptual and will be non-binding this is not an issue, but that would need to be made clear on a binding plan.*
- *A length of sidewalk on Road C, connecting to Barnett Shoals Rd, needs to lie located within proposed right-of-way.*

## **E. Fire Protection**

The Fire Marshal has reviewed the proposal and offered the following comments:

- *The Fire Marshal's Office recommends approval. The project will be expected to meet all required fire codes adopted at the time of the plan review*
- *The current plan does not show fire hydrant locations, so we cannot determine if the road widths meet the requirements of the International Fire Code 2018. Additionally, some buildings will be 30 feet or higher and require an aerial access road.*
- *Please indicate which buildings will exceed 30 feet on the plans and show the aerial access road that meets Appendix D of the 2018 IFC.*
- *We understand that the development will be phased. To ensure this phasing works, we need occupancy numbers for the large mansions to determine the necessity for two separate fire department access roads.*
- *On CP06, we need designated access points from the parking lots to the cottages. This will help ensure that fences or other obstructions do not hinder fire department access.*

## **F. Compliance with the Zoning Ordinance and Development Standards**

A Planned Development designation is used to request waivers to the required development standards in an effort to provide design flexibility. Planned Development requests include a binding application report, site plan, and architectural elevations in an effort to guarantee to the community that what is proposed will be constructed, if approved. All exemptions to the zoning and development standards must be identified in the application prior to approval of a binding proposal since the development will otherwise be expected to adhere to the ordinance standards.

The applicant has requested that the plan be made non-binding. The applicant is also proposing to substitute the design standards of Sec. 9-25 with the standards proposed in the design book. Staff supports the use of the design book in lieu of Sec. 9-25's standards, but has no other assurance that the project as proposed will occur in a fashion that is seen throughout the plans and documents. The applicant has left the door open to do the least of every option proposed. Per the information provided, everything could be a single-family house or everything could be an apartment building - no guarantees or methodologies have been proposed to prohibit such an outcome. The plan only commits to 15,000 sq ft of commercial space for the entire 90 acres, that is equivalent to a small drug store and does not guarantee the mix that is shown in all of the non-binding pictures that are in the application. Overly vague language makes it particularly challenging to enforce on a project that will be built-out in phases—especially given the possibility of changes in project ownership and developer involvement over the anticipated multi-year timeline for buildout. Without specific standards, the intent of the designs in the pattern book could be lost over the life of the project. This risk is

compounded by the request for a non-binding site plan. Staff recommends that the applicant work with Staff to clarify the binding elements of their proposal.

## Requested Waivers

### *1. Waiver to make the plan non-binding.*

Applicant's Purpose: Allows the development to be determined at a later time.

Staff Opinion: Staff are concerned that the lack of specificity being requested will result in the development being constructed in a manner that is inconsistent with the illustrated depictions provided with the submittal. Further, without some amount of specificity, the plan review and permitting administration of the project over time will be subject to a inordinate amount of Planning Department discretion. In consultation with the applicant, Planning Staff has recommended multiple suggestions to remedy these concerns along with specific elements that would serve as predictable guidelines to ensure that this project can be constructed and meet community standards. Therefore, Staff does not support the current form of this waiver request.

### *2. Waiver from Sec. 9-10-2 to allow duplexes as a permitted use.*

Applicant's Purpose: Allows duplexes to be included in the project.

Staff Opinion: Duplexes are not permitted in the C-N zone in order to guide development towards higher densities on commercially-zoned lots. C-N zoning is not intended for construction of residential subdivisions, unless they are vertically integrated into a mixed-use building. This project is designed for a horizontal mix of uses in a neighborhood that is complete with a variety of housing, commercial, and live/work/play opportunities meant to serve a diverse set of households. Therefore, Staff supports the waiver.

### *3. Waiver from Sec. 9-10-2(L1) to allow ground floor residential and remove the requirement for 50% of the ground floor space to be commercial space.*

Applicant's Purpose: Allows the proposed site plan, including designing primarily for residential use.

Staff Opinion: This requirement is primarily meant to apply to small lots in developed areas where commercial uses are desired to improve the vitality of the street. This project is utilizing C-N zoning throughout even though it is mostly residential which in such situations does not require the increased level of commercial space. Therefore, Staff supports this waiver.

### *4. Waiver from Sec. 9-10-3's 5,000 sq. ft. minimum lot size requirement*

Applicant's Purpose: Allows a greater variety of housing types to be built and offered at lower prices relative to houses built on standard lots.

Staff Opinion: The project is seeking design flexibility throughout and looking to provide housing options at a variety of price points. Traditional Neighborhood development supports using a mix of residential products that can and historically have required lot size variety. Staff supports the waiver request.

### *5. Waiver from Sec. 9-15-5 to allow Accessory Dwelling Units on individual lots. (Staff notes that this should be a waiver from 9-10-2, 9-15-15 and/or 9-15-12(B).)*

Applicant's Purpose: Allows carriage houses for independent living above the garages on some of the residential lots.

Staff Opinion: The ACCGov Code differentiates between guest suites and accessory dwelling

units by whether one has full cooking facilities (cooktop/stove). Guest suites do not have a full cooktop/stove and are not considered independent living units. Accessory dwellings have a full cooktop/stove and are considered an independent living unit. Accessory dwelling units offer the opportunity for one or two-person households. The request is unique because C-N allows ADU's through the Special Use process. Additionally, the applicant can simply request relief from minimum floor area requirements as these units are not technically "Accessory" if they are on their own parcel. In the interest of providing more housing choices, Staff supports the waiver request.

6. *Waiver from Sec. 9-25-8(C)3's maximum block size of three acres*

Applicant's Purpose: Allows the current site plan layout, based on topography and environmental areas factors.

Staff Opinion: Given the rolling topography of the site and the presence of multiple buffered creeks, flexibility on block size is warranted to accommodate the geography of the site. The applicant has also designed the project with paths and breaks that will allow people to flow through the site and engage each other at multiple common greens. Therefore, Staff supports the waiver.

7. *Waiver from Sec. 9-25-8(F)1.a.'s building length maximum of 300 ft.*

Applicant's Purpose: Allows contiguous groups of buildings on proposed site plan.

Staff Opinion: This standard is written in an effort to create a lively fine-grained street front that attracts people, provides a sense of place and quality visual aesthetics. Additional information has not been provided to demonstrate a need for this request. Staff does not support this waiver.

8. *Waiver from Sec. 9-25-8(B), 9-25-8(C), and 9-25-8(E) design standards.*

Applicant's Purpose: The applicant wishes to substitute the standards of the Architectural Design Book, submitted as part of the application, for the standards in the aforementioned sections.

Staff Opinion: Staff is supportive of the concept of using a pattern book in lieu of the standards in Sec. 9-25. However, staff still has comments about several aspects of the Architectural Design Book (see comments below). Therefore, Staff does not support the current form of this waiver request.

9. *Waiver from Sec. 9-26-3(A)5's requirement for sidewalk on both sides of the street.*

Applicant's Purpose: Allows construction of a multi-use path on one side of the street where it crosses the dam while shrinking the overall width of the street segment to fit on the dam.

Staff Opinion: Staff supports the applicant's point that the roadway needs to be narrower at the point where it crosses the dam. Since the applicant is adding a multi-use path, little to no pedestrian and bike connectivity will be lost when compared to sidewalk on both sides of this street segment. This waiver should state clearly where it applies and where it would not apply. Staff believes the standard sidewalk requirement of having it on both sides of the road should remain where the multi-use path will not be located. Therefore, Staff needs more information before making a recommendation on this waiver.

10. *Waiver from Sec. 9-26-3(C)'s requirement for cul-de-sac and dead-end turnarounds.*

Applicant's Purpose: Allows a dead-end street that will tie-in to any future development on the 215 Shadybrook Drive parcel. The applicant claims that the dead end meets the exemption standards of this Code.

Staff Opinion: Staff sees that the applicant is seeking to have this temporary solution until

connection with 215 Shadybrook can occur. Therefore, Staff supports this waiver.

11. *Waiver from Sec. 9-26-3(Q)'s requirement for a special use permit to connect to local and collector residential streets outside of the subject subdivision.*

Applicant's Purpose: Allows the connection to Park Ridge Court.

Staff Opinion: Generally, having more connections within a transportation network moderates traffic congestion by distributing trips across multiple routes. It also improves emergency access and response times by creating route redundancy and shorter routes. More connections can also reduce trip distances thereby making walking and biking more viable transportation modes. Given these benefits, Staff supports the waiver.

12. *Waiver from Sec. 9-30-2's parking minimums. Specifically, the applicant has asked to set the parking minimums for commercial uses at 1 space / 300 sq. ft. of leasable space, and to reduce the parking minimums for multi-family and single-family cottage units from 1-2 spaces per unit (depending on bedroom count) to just 1 space per unit.*

Applicant's Purpose: Allows the applicant to build a development pattern “that will provide more walkable places, where the automobile will be considered less and people considered more in the design of our neighborhoods.” The applicant would build 1,014 off-street parking spaces instead of the 1,612 currently required by ACCGov Code.

Staff Opinion: The project is located along Barnett Shoals Road, which is served by multiple transit routes, and the project will also tie-in to the Greenway Network which will eventually allow users to access East Athens, Downtown, and the UGA Campus by foot or bicycle. However, most of the plan is not binding and there are no guarantees on unit size, unit amount or additional on or off-street parking locations. Staff does not support the current form of this waiver request.

13. *Waiver from Sec. 9-7-3 no attached dwelling units on individual lots within 100 feet of any property line*

Applicant's Purpose: Allows design flexibility and a range of housing options throughout the site.

Staff Opinion: The project is being proposed in a flexible way that allows housing in a more Traditional Neighborhood pattern. That form often has attached products on the edge of a neighborhood and is consistent with historical patterns. Therefore, Staff supports the waiver.

## Code Compliance Issues & Discussion Points:

1. *The project uses a variety of residential types that are regulated in the ACC code by units (single-family) or bedrooms (multi-family). Please differentiate in the report when possible and when using units provide an average bedroom count.*
2. *The revised plan has boundaries shown on the plan set sheet titled “Rezone Base Plan” please indicate on that sheet and in the application report that the current proposal only pertains to that portion of the Planned Development and state what aspects of the past Planned Development (along with amendments) remain in place.*
3. *Details on where access easements will be necessary should be shown at this step in the process. Said easements must be recorded prior to Certificate of Occupancy (CO) for any structure in that phase of development.*
4. *If project is to be phased, more information on that aspect needs to be defined at this time.*

5. *The plan is using a mix of New Urbanist and Traditional Neighborhood design principles, the project should commit to:*
  - *Porches, Awnings & Recessed Entries – Should be mandatory on all structures*
  - *Mixed Housing – Plan shows a variety of housing types, but does not put minimums on the types or variety to be provided for the overall plan or each district*
  - *Main Street Entrance – This element is foundational to the plan and needs to be binding to ensure that it is implemented as proposed in the design*
  - *Limited front setbacks – Need to be defined, could be based off building type or Neighborhood District*
  - *Pedestrian orientation – Plan needs to require pedestrian elements such as rear-loaded housing products, district pedestrian/greenspace arrangements and plazas*
  - *Neighborhood parks – Plan needs to require some amount of the district greenspaces as shown on concept plan*
6. *Plan needs to mandate the extent of the Greenway multi-use path throughout the project. At what point will the Greenway Network path be built and dedicated? This should occur sooner than the final structure being completed.*
7. *Glazing zone percentage for windows and doors should be higher in the more commercial areas or on the commercial ground-floor structures*
8. *Walk-in dwellings need to be well connected for pedestrian and life safety aspects. Dedicated access needs to be required from parking areas to pods of structures for emergency personnel.*
9. *Main St/Warehouse Design character should not include cement fiber or board and batten siding*
10. *Fiber cement siding is not in line with traditional aspects of Tudor Architectural design*
11. *Some ornamental elements are basic and if pared down could provide overly simplistic facades. The design elements section needs to better consider what will be paired with decorative brickwork, brick paneling and divided lights as only incorporating these elements would provide a flat façade.*
12. *The Architectural Characters section has “Example” Design Elements. Are you intending to propose different options in plans review? More information is needed here and all potential elements should be stated. Additionally, some of the elements provide little to no benefit to the community and are simply ornamentation tacked onto a house and not part of the actual design of the structure as they were in historical building practices.*
13. *Fire/Safety elements:*
  - *Provide construction type of each structure to determine fire/safety needs*
  - *More information about fire hydrant placement is needed*
  - *A development-wide life/safety plan could assist in allowing flexibility while also providing necessary elements for fire and emergency personnel*
14. *Intended minimum commercial space is insufficient for a neighborhood node, hamlet or village center. The project should commit to increasing this minimum amount of commercial space in order to provide legitimate opportunities for neighborhood-scale commercial uses to serve a reasonable amount of the commercial needs shared among the proposed residences. Housing is shown by district in the form of a range, something similar needs to be stated for commercial space as well.*

15. Street trees are shown throughout the development in the verge, more information on the maintenance of such trees and the protection of infrastructure needs to be provided.
16. Staff appreciates the mix of commercial and residential opportunities throughout the districts. Are there any proposed allowances or prohibitions to the use chart in Sec. 9-10-2 for C-N zoned parcels? C-N has many size limitations on commercial uses that might not align with the Arts and Entertainment District. Additionally, there may be practical uses that are not permitted in C-N that could work in this development.
17. Drive-through facilities should be prohibited or at least restricted as standalone uses.
18. The existing Planned Development plan for this portion of Lakewood included a Community Center. Is that intended to be removed? Are there defined aspects throughout the project that are intended to be available to the public? If so, please provide definition to them.
19. How will public transit be accommodated throughout this development? The original PD had transit access intended to traverse through the commercial district. Is any dedication being made to provide facilities?
20. Due to increase in ride-sharing, delivery services and alternative transportation options, the plan should seek to provide room for pick-up/drop-off in key locations. This can be used to justify proposed changes to the minimum parking requirements.
21. Project is missing a sidewalk along Barnett Shoals between Road C and the property line to the south.
22. The Design Elements beginning on pg. 25 of the Architectural Handbook only require 24" of depth to the required covered entryway which is below the ACC standard for covered entryways of at least 48" which would allow a person to get out of the elements when opening a door. It also could allow for very basic entryways that do not provide the front facing interactive space that is typically proposed in traditional neighborhood design.
23. The plan does not discuss topography much and not at all in relation to the resulting development arrangement and form. Staff suggests the rolling nature of the property be maintained and that the project should have limits on grading, flattening and retaining walls.

End of Staff Report.

**Zoning Criteria Considered by Staff**

The following factors have been considered as set forth in *Guhl v. Holcomb Bridge Road Corp.*,  
238 Ga. 322, 232 S.E.2d 830 (1977).

- The proposed zoning action conforms to the Future Land Use map, the general plans for the physical development of Athens-Clarke County, and any master plan or portion thereof adopted by the Mayor and Commission.
- The proposed use meets all objective criteria set forth for that use provided in the zoning ordinance and conforms to the purpose and intent of the Comprehensive Plan and all its elements.
- The proposal will not adversely affect the balance of land uses in Athens-Clarke County.
- The cost of the Unified Government and other governmental entities in providing, improving, increasing or maintaining public utilities, schools, streets and other public safety measures.
- The existing land use pattern surrounding the property in issue.
- The possible creation of an isolated district unrelated to adjacent and nearby districts.
- The aesthetic effect of existing and future use of the property as it relates to the surrounding area.
- Whether the proposed zoning action will be a deterrent to the value or improvement of development of adjacent property in accordance with existing regulations.
- Whether there are substantial reasons why the property cannot be used in accordance with existing zoning; provided, however, evidence that the economic value of the property, as currently zoned, is less than its economic value if zoned as requested will not alone constitute a significant detriment.
- Whether there are other existing or changing conditions affecting the use and development of the property that give supporting grounds for either approval or disapproval of the zoning proposal.
- Public services, which include physical facilities and staff capacity, exist sufficient to service the proposal.
- The population density pattern and possible increase or over-taxing of the load on public facilities including, but not limited to, schools, utilities, and streets.
- The possible impact on the environment, including but not limited to, drainage, soil erosion and sedimentation, flooding, air quality and water quantity.