



**STAFF REPORT  
REZONE  
218 NORTH AVE  
ZONE-2024-12-2475  
JANUARY 2, 2024**

APPLICANT: .....Brett Nave / Studio BNA Architects  
OWNER: .....Three Rivers Farm  
ZONING REQUEST: .....From C-N to RM-3  
TYPE OF REQUEST: .....Type II  
LOCATION: .....218 North Avenue  
TAX MAP NUMBERS: .....163D2 B001  
COUNTY COMMISSION DISTRICT: .....2  
PROJECT SIZE: .....4.5 Acres  
PRESENT USE: .....Manufactured Home Park  
PROPOSED USE: .....Multi-Family Residential  
PUBLIC NOTICE POSTED: .....December 18, 2024  
STAFF RECOMMENDATION: .....**APPROVAL**  
PLANNING COMM. RECOMMENDATION: .....**PENDING**  
MAYOR & COMMISSION AGENDA SETTING: ...January 21, 2025 (tentative)  
MAYOR & COMMISSION VOTING SESSION: .....February 4, 2025 (tentative)

**I. Summary Recommendation**

The request is seeking to rezone a 4.5-acre parcel from Commercial-Neighborhood (C-N) to Mixed-Density Residential (RM-3) at the intersection of North Avenue and Strickland Avenue. The North Avenue corridor has seen increased development, mostly in the form of multi-family residential and also is seeking to make transportation improvements. This corridor is highlighted for redevelopment on the Growth Concept Map and has a Tax Allocation District (TAD) to help spur redevelopment near the intersection with the Loop 10 highway. North Avenue is a mix of multi-family structures, institutional offices and commercial as it approaches the Loop 10 highway.

The site has had a manufactured home park for many decades, which has been existing as a legal non-conforming use and predates the adoption of the 2000 zoning code. The non-binding plan proposes eight structures for housing 228 bedrooms, a clubhouse and amenity area that includes a pool. The proposed architecture has a unique look with larger, modern windows, porches facing the street fronts and to the interior of the property, split building layouts to utilize the topography and a slight industrial feel. The uses are proposed to be served by 218 surface and on-street parking spaces.

The site has close connections to the Greenway (along MLK Jr Pkwy) and Walker Park (Trail Creek Street) in under ½ mile. This site is also close to Downtown (Southwest) & the business district toward the Loop 10 (North) interchange.

This proposal aligns with many of the ideas in the Comprehensive Plan and the on-going Future Land Use Map effort. It proposes to increase housing density and opportunity along a corridor that is actively being studied for revitalization. It is close to downtown, a major park, the Greenway, Loop 10 and the gateway to the industrial job center to the northeast. Staff applauds the architectural detail

that is shown and would like to encourage the applicant's commitment to keeping that intentional design, however the project is non-binding in that regard. Due to items stated above, Staff recommends **Approval** of the rezone request.

**Planning Commission Recommendation:** Pending

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

### **A. Proposal**

The request is seeking to rezone a 4.5-acre parcel from Commercial-Neighborhood (C-N) to Mixed-Density Residential (RM-3) at the intersection of North Avenue and Strickland Avenue. The non-binding plan proposes eight structures for housing 228 bedrooms, a clubhouse and amenity area that includes a pool. The proposed architecture has a unique look with larger, modern windows, porches facing the street fronts and to the interior of the property, split building to utilize the topography and a slight industrial feel. It is also proposing 218 surface and on-street parking spaces.

Surrounding parcels along the corridor are mostly a mix of RM-2 and Commercial-General (C-G). Connection to the Greenway and Walker Park are approximately 1/3 of a mile and 1/2 of a mile away respectively. This site is also close to Downtown (southwest), Loop 10 (north) and the business district that is adjacent to highway interchange.

This North Avenue corridor has seen increased development, mostly in the form of multi-family residential, and also is seeking to make transportation improvements to provide safe multi-modal transportation options. The Growth Concept Map proposes a potential Town Center at the business district closest to the Loop 10 highway (currently Piggly Wiggly and U-haul).

### **B. Existing Conditions**

The subject parcel sits at the northeast corner of North Avenue and Strickland Avenue. This is the first signalized intersection coming up from Martin Luther King Drive and provides access into the two adjacent residential neighborhoods. North Avenue is predominantly developed with multi-family residential and institutional uses until the corridor approaches the commercial node at Loop 10. The adjacent properties are all RM-2 or C-G-zoned. The North Oconee River Greenway and Walker Park are both under 1/2 mile from this location and provide connections and recreational opportunities.

The subject property has a mobile home park that has been in place for decades. Under current zoning regulations it is deemed as legal non-conforming and cannot be administratively reviewed for expansion. As this area has developed, the properties have increased in value and created critical mass for additional residential density, a multi-modal transportation network, and commercial renovation.

## **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.*
- *Infill and redevelopment should be prioritized over greenfield expansion.*

- *Improve safety and accessibility for people walking, biking, and busing around Athens.*

This proposal is seeking to redevelop an in-town location with a multi-family complex. It is in close proximity to alternative transportation and recreation options.

Overall, the proposal is compatible with the Comprehensive Plan. This corridor is developed in a way that can handle the proposed amount of housing and help it continue to grow for new transportation modes and population density to revitalize the commercial spaces.

## B. Compatibility with the Future Land Use Map

The 2023 Future Land Use Map designates the subject parcel as *Main Street Business*, which is described as follows:

### Main Street Business

*These are commercial areas where development of a storefront commercial type is encouraged. The uses are generally small-scale, but larger-scale uses can be integrated within a Main Street Business classification if a small-scale storefront is developed along the street facade, with the larger development located behind. Larger-scale uses should only be developed in instances where they are compatible with the adjacent uses. Retail and office uses should dominate the ground floors of the Main Street Business facades, with residential uses encouraged on second and third stories. Auto-oriented uses, such as vehicle repair and maintenance, drive-through restaurants, and vehicle sales, are not included in this designation. Walkability and pedestrian scale are important and the development should be oriented to the street with sidewalks, street trees, and pedestrian access provided.*

No change to the Future Land Use Map is required since the proposed zoning action is already compatible with the Map. The proposal is compatible with the Future Land Use description for this area.

## C. Compatibility with the Zoning Map

The applicant has requested a rezone from C-N to RM-3. The following information has been provided to compare the difference in development intensity between the existing Commercial-Neighborhood zoning and the requested Mixed-Density Residential zone. 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:

	CURRENT	REQUESTED
Standard	C-N Zoning	RM-3 Zoning
Minimum Lot Size	5,000 sqft	5,000 sqft
Density	16 bd/acre	50 bd/acre
Max Lot Coverage	75%	75%
Max Building Height	65 ft	40 ft
Setbacks	6-10 ft	6-10 ft
Conserved Canopy	15%	15%
Total Canopy	45%	45%
Parking	Use dependent	1-2/dwelling

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 the current

C-N zoning and the proposed RM-3 zoning is swapping the commercial allowances for increased residential allowance. The underlying parcel requirements are quite similar except for allowable height and residential density.

The proposal is compatible with the Zoning Map due to the multi-family and more intensive commercial property that surrounds this site. RM-3 is not very common on the zoning map, so requests for this zoning designation are often considered to be looking forward and can fit in well as an incremental increase among existing multi-family and commercial zoning. This request fits that scenario and is enhanced by the transportation potential as well as access to downtown and nearby amenities.

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

The ACC Transportation and Public Works Department has received a grant to enhance this corridor and add multi-modal improvements. The proposed increase in density serves that effort well by increasing potential transit riders and likely catering to folks who might seek alternatives in this proposed urban format development.

The site location is also just south of TAD District 5 and north of TAD District 4 which could provide more residents in the area to enjoy the upgrades or redevelopment that will follow from those efforts.

### **IV. Technical Assessment**

#### **A. Environment**

There are no designated environmental areas on the property. However, there is a noticeable amount of slope from the northern property line falling toward Strickland Avenue.

The Arborist has reviewed the tree management plan, recommended approval and offered the following comments:

- *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 & Public Works Department has reviewed the proposal, recommended approval and offered the following grading and drainage-related comments:

- *Access to the stormwater management must be in accordance with all ACC regulations current at the time of permit application.*

#### **C. Water and Sewer Availability**

The Public Utilities Department has reviewed the proposal, recommended approval and offered the following comments:

- *ACC water is available*
- *ACC sanitary sewer is available*
- *Capacity is available for proposed concept of 21,893 GPD*
- *Capacity is available for max allowable build-out of 27,367 GPD per proposed zoning*
- *The max allowable build-out for the current zoning is 8,757 GPD*

## **D. Transportation**

The Transportation & Public Works Department has reviewed the proposal, recommended approval and offered the following transportation-related comment:

- *Access to the public streets and must be in accordance with all ACC regulations current at the time of permit application.*

## **E. Fire Protection**

The Fire Marshal has reviewed the proposal, recommended approval and offered the following comment:

- *The project will be expected to meet all required fire codes adopted at the time of the plan review.*

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

Since a binding plan is not required or proposed with this request, Staff reviewed the plan for general compliance with the code. If approved the proposal will be reviewed for code compliance at the time of permitting review. The applicant has not made any waiver requests, so they will be expected to comply with all of the applicable standards. Signage and lighting are not reviewed at this stage, but the applicant is expected to adhere to those standards as well. The following general code compliance issues have been identified for correction, should the rezone request be approved:

### Code Compliance Issues:

1. *Play area for children is required per Sec. 9-25-8 C. 7. c.*
2. *Sidewalks are typically installed in the Right-of-Way; applicant would need to work with TPW to have sidewalks on private property along Strickland.*
3. *Show Block sizes in compliance with Sec. 9-25-8 C. 3.*

End of Staff Report.

## Reviewed

## 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.