



**STAFF REPORT
PRELIMINARY PLANNED
DEVELOPMENT with SPECIAL USE
PERMITS
450 & 460 GAINES SCHOOL
ROAD
PD-2024-12-2482
JANUARY 2, 2025**

APPLICANT:Scott Haines / W&A Engineering
OWNER:Hospital Authority of Clarke County GA
FUTURE LAND USE REQUEST:*Main Street Business & Traditional Neighborhood to Main Street Business*
ZONING REQUEST:C-O & RS-15 to C-N & RM-2 (PD) with Special Use Permits
TYPE OF REQUEST:Type I
LOCATION:450 & 460 Gaines School Road
TAX MAP NUMBERS:233D1 B001 & 233D1 B011
COUNTY COMMISSION DISTRICT:8
PROJECT SIZE:7.90 Acres
PRESENT USE:Undeveloped
PROPOSED USE:Residential/Commercial Mixed-Use
PUBLIC NOTICE POSTED:December 18, 2024
STAFF RECOMMENDATION:**COMMENTS ONLY**
PLANNING COMM. RECOMMENDATION:**COMMENTS ONLY**
MAYOR & COMMISSION AGENDA SETTING: ...March 18, 2025 (tentative)
MAYOR & COMMISSION VOTING SESSION:April 4, 2025 (tentative)

I. Summary Recommendation

This proposal involves the rezone of two parcels from Commercial-Office (C-O) and Single-Family Residential (RS-15) to Commercial-Neighborhood (C-N) and Mixed-Density Residential (RM-2), Planned Development (PD). Additionally, the proposal has two Special Use requests: 1) Requesting additional allowed uses in the Gaines School Overlay to conform with the requirements in a C-N zone; 2) Requesting to allow accessory dwelling units (ADUs) and single-family attached dwellings in the Airport Overlay. The applicant is proposing to build 69 single-family attached dwellings, 10 ADUs, and a 9,745 square foot commercial building across 7.9 acres.

These properties are within the Airport Overlay as well as in the Gaines School Road Corridor Overlay (GSRC), for which the applicant is requesting Special Use approval to accommodate the proposed development. The applicant is also requesting nine total waivers.

The main goals of the proposal as stated by the applicant are to create more housing options,

create more growth, have a vibrant and safe neighborhood, and for residents to feel a strong connection to each other and the community. Staff sees these as community-driven goals and believe that this project hits the mark on achieving much of what it seeks out to do.

From a Comprehensive Plan perspective, this project meets many of the identified criteria. This site has been dormant for decades, and had most recently been intended as the location of an East Side medical hub that never materialized. It is worth noting that this dormancy has left a sizeable parcel in an ideal position for quality infill development.

The project proposes ten of the townhomes to be constructed with ADUs, which would offer more affordability for a wider variety of ownership arrangements. The applicant has not indicated whether some or all of these units will be available for purchase.

The project proposes to extend the street network with a new street from Woody Lane to Gaines School Road, creating another avenue to enter into the surrounding neighborhoods while simultaneously creating alignment with Ponderosa Drive. This new intersection would benefit vehicle-oriented travel and pedestrian and multi-model travel as well. Additionally, there is an existing bus stop at the southern tip of the property. The project proposes a green, with an attractive gathering space for the community that can function as a beneficial third space. While this project does not warrant traffic calming efforts, it should be noted that any updates to Gaines School Road should take this newly created intersection into account.

Staff Evaluation

Staff have identified concerns with waivers #6 and #7 as, the architecture does not seem to fully support the stated goal of forming a neighborhood that engages with the community. The housing materials are code compliant, but are dissimilar from brick and siding used in the surrounding neighborhood. The request for reducing the side fenestration requirement has the potential to make some structures less engaging and more detached from the surrounding community. – Enhancing those facades from being relatively blank walls would strengthen the surrounding area's connection to the development.

Transportation and Public Works Department has a large concern regarding the feasibility of stormwater management for the project. The development is within an area that has substandard stormwater management on the surrounding properties, and the density of the proposed project faces storm water engineering challenges as a result. While the submittal of full engineering for storm water is rare at this stage of the process, Staff believes some additional design effort is warranted in order to address TPW's concerns, both for the surrounding property owners and for the site itself.

This project also brings focus to other aspects of the surrounding area, specifically in regards to the Gaines School Road Corridor (GSRC) special district overlay. This overlay was adopted concurrently with the adoption of the revised zoning ordinances in 2000 and has limited the variety of commercial opportunities along Gaines School Road. Looking towards the future, Planning Staff anticipates Gaines School Road to be a corridor capable of significant redevelopment.

Overall, this project meets many of the values that the 2023 Comprehensive Plan calls for, however, Staff encourages the applicant to, at a minimum, hold a stormwater concept meeting with TPW prior to the Master Planned Development submittal in order to adequately address storm water design issues and to coordinate onsite solutions with the realities of the existing stormwater infrastructure needs in the surrounding area.

Planning Commission Recommendation: Comments Only

II. Purpose of Applicant Request

A. Proposal

The proposal is to rezone two properties from RS-15 and C-O to RM-2 and C-N while also requesting a Future Land Use change from *Main Street Business & Traditional Neighborhood* to *Mainstreet Business*. The project would have a commercial outlet at the northeast corner with divided tenant spaces totaling 9,745 square feet. The rest of the project would include 79 townhomes with ten of those townhomes having accessory dwelling units (ADUs).

There is a proposed extension of Woody Lane running through the center of the project and intersecting with Gaines School Road. There is also a large public green flanking half of the south side of the new road. Alley systems would provide access to the townhomes, which have two-bay garages each. The rest of the parking would be either on-street – both through the central road and the secondary roads around the project – behind the commercial building, or in small lots throughout the property.

For open space, there are small paths leading to a large park space in the center of the property. Part of the commercial space renderings show outdoor spaces for businesses.

This proposal also requests relief from seven sections of code as well as relief from two sections of overlay code by requesting special use approvals.

B. Existing Conditions

The proposed parcels are currently undeveloped. The larger of the two parcels is split-zoned between Commercial-Office at the front and Single-Family Residential to the rear. The surrounding properties are also a mix of Commercial-Office and Single-Family Residential.

The property was bought by the Hospital Authority of Clarke County GA in 1998 as a location for an East Side medical facility of some kind. No official plans were ever brought forward. 450 Gaines School Road was rezoned in 2005 from RS-15 to RS-15 and C-O, the current configuration. The intent was to have commercial zoning with a multi-tenant commercial space up front to align with the existing pattern along this section of Gaines School Road. The remaining RS-15 zoning on the back half of the property proposed three lots.

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.*
- *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.*

The proposed design meets many of the criteria laid out by the 2023 Comprehensive Plan. While these properties are underdeveloped, they are along a corridor of importance as well as having access to utilities. The ADUs, particularly if proposed for purchase, allow increased access to a more affordable housing option for a wider range of social/economic backgrounds. They also can create a more affordable pathway through ownership with the rental income. The street through the center of the development creates both intra- and inter-connectivity to the surrounding neighborhood while giving new routes for pedestrians and cars alike. This intra- and inter-connectivity also brings safer options as the project creates multiple pathways for all forms of travel.

Having only one residential unit type beyond the inclusion of ADUs does limit the project's flexibility to deliver housing at multiple price points. It should also be noted that while the project itself has a cohesive design, it does not knit itself into the surrounding neighborhoods from an architectural perspective. As proposed, the townhomes will be in contrast to the existing single-story detached houses in the surrounding area.

Overall, the proposal is compatible with the Comprehensive Plan.

Compatibility with the Future Land Use Map

The 2023 Future Land Use Map designates the subject parcel as *Main Street Business & Traditional Neighborhood*, 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.

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.

The applicant has requested a change to the Future Land Use Map from *Main Street Business & Traditional Neighborhood* to only *Main Street Business*. The requested Future Land Use category 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.

The proposed Future Land Use of *Main Street Business* encourages small-scale business that develops along the street façade as well as providing a pedestrian scale that provides multiple points of access for both vehicles and pedestrians. *Main Street Business* is also compatible with mixed-density residential as the density integrates well when paired with the commercial and developmental necessities like the sidewalks and street trees. Staff considers the request to be compatible with the Future Land Use Map.

B. Compatibility with the Zoning Map

The applicant has requested a rezone from RS-15 and C-O to RM-2 and C-N (Single-Family Residential and Commercial-Office to Mixed-Density Residential and Commercial-Neighborhood). The following information has been provided to compare the difference in development intensity between the existing RS-15 (Single-Family Residential-15) zoning and the requested RM-2 (Mixed-Density Residential-2) 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:

Standard	CURRENT RS-15 Zoning	REQUESTED RM-2 Zoning
Minimum Lot Size	15,000 sq. ft.	5,000 sq. ft.
Density	2 dwellings/acre	24 units/acre
Max Lot Coverage	40%	65%
Max Building Height	30 feet	35 feet
Setbacks	20 front, 10 rear, 8 side	10 front, 10 rear
Conserved Canopy	30%	25%
Total Canopy	60%	50%
Parking	2 spaces/dwelling	Varies on bedroom size

Standard	CURRENT C-O Zoning	REQUESTED C-N Zoning
Minimum Lot Size	5,000 sq. ft.	5,000 sq. ft.
Density	16 bedrooms/acre	16 bedrooms/acre
Max Lot Coverage	65%	75%
Max Building Height	40 feet	65 feet
Setbacks	10 front, 6 side	10 front, 6 side
Conserved Canopy	25%	15%
Total Canopy	50%	45%
Parking	Varies	Varies

The Athens-Clarke County Zoning Ordinance includes a list of defined uses and designates where they can or cannot be established. For this request, some differences between the current RS-15 zoning and the proposed RM-2 zoning are the allowable density, allowance for multi-family units and increased maximum lot coverage. The most notable difference between the C-O zoning and the C-N zoning is the lot coverage requirements as well as the 10% difference in the conserved canopy.

The proposed zoning of RM-2 is partially compatible with the zoning map as there is RM within the general vicinity of the properties, however this project would be relatively isolated. As for the C-N zoning, all of the surrounding commercial zoning is C-O. However the difference between the two zones is relatively small.

ACCGov has two overlays, the Airport Overlay and the Gaines School Road Corridor Special District Overlay (GSRC). They both limit some development intensity; GSRC through potential uses and the Airport in regards to height, materials and illumination. For the Airport Overlay, both properties fall within the Utility Runway Non-precision Approach Zone (AZ3). Staff sees this project meeting the necessary limitations for the airport overlay and can support the request to allow additional uses in the Gaines School Corridor.

C. Consistency with Other Adopted ACCGov Plans, Studies, or Programs

The Growth Concept Map lists Gaines School Road as a corridor of importance. The Future Land Use Steering Committee, community and elected officials will decide whether the corridor should be looked at as a Major or Minor Corridor as it hopefully evolves over the next 20 years. This project could complement potential redevelopment of the corridor.

Technical Assessment

A. Environment

There are no designated environmental areas on the property.

The Arborist has reviewed the tree management plan and offered the following comment(s):

- *While the ACC Arborist supports the applicant's request for a conserved canopy waiver, it is recommended that this be done administratively during Plan Review. When administrative waivers of tree conservation requirements are requested per Sec 8-7-15 (f), there is communication back and forth between the Planning Department and the applicant over the alternative compliance method required by code as a substitute for conserved canopy. This process requires more than 1 draft and can often require 2 or 3 drafts before meeting the requirements of the Community Tree Management ordinance. At this stage, the ACC Arborist believes that the requirements of the Community Tree Management ordinance would be better addressed during Plan Review.*
- *ACC Arborist recommends that the tree management plan be non-binding. 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 and offered the following grading and drainage-related comments:

- *The application notes that stormwater management will be provided by underground facilities of some sort to be determined during site plan review, and this commitment is usually acceptable at this stage. Given the topography in this location most, if not all, of the stormwater discharge will be to existing Springtree Lane and possibly Woody Lane. The existing drainage ditches and driveway pipes along these streets are very substandard and have very little capacity to convey runoff. The additional runoff from this project will cause them to overtop and flood adjacent residential properties. TPW's Technical Standards require private development to improve offsite receiving drainage systems to function according to current standards when the existing system does not. The problem here is that much of the inadequate receiving system lies on single-family residential property and these homeowners may or may not allow the developer to improve drainage channels on their property. The application does not address this issue, and it is uncertain that cooperation from downstream properties can be obtained. The inability to ensure that construction of this project will not result in flooding of downstream properties may make the project infeasible.*

C. Water and Sewer Availability

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

- *ACC water is available*
- *ACC sanitary sewer is available*
- *10 feet of separation is required between water and sewer mains and bio-retention ponds*
- *Water and Sewer must be in easement. Ensure easements extend to touch property lines.*

D. Transportation

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

- *All crosswalks must be installed in front of stop bars per the MUTCD*

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*

F. Airport Authority

The Airport Authority is scheduled to see this project in late January.

G. Compliance with the Zoning Ordinance and Development Standards

A Planned Development designation is intended to encourage development of compatible land uses on a scale larger than that of individual small parcels. This designation is used to request waivers to the required development standards in an effort to provide design flexibility to account for special circumstances unique to the design or lot, as long as the proposal meets the spirit and intent of the code. 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.

Requested Special Uses

The applicant is asking for the following Special Use Permits:

1. *Requested Special Use per Section 9-13-4-C-2, to allow Single-Family Attached Dwellings and Restaurant/Bars within the Airport Overlay.*
2. *Requested Special Use per Section 9-12-6-C, to allow all uses of the underlying zone (C-N) in the Gaines School Road Corridor Overlay.*

Special Use requests are evaluated using the following criteria:

- a) *Similarity in scale, bulk, and coverage.*

1. The proposed development aligns mostly with the scale of the surrounding neighborhoods, with the exception being the three-story townhomes. This is an incremental change that should be considered, however, concentrating that along Gaines School Road or to the interior of the property could assist in transitioning to the surrounding neighborhood. The surrounding neighborhoods are typically older, and smaller in size to the point where the proposed ADUs are more in line than any of the townhouses.
2. The proposed commercial structures fit in with the other commercial buildings along Gaines School Road

- b) *Character and volume of traffic and vehicular parking generated by the proposed use and the effects on surrounding streets. Increases in pedestrian, bicycle, and mass transit use are considered beneficial regardless of capacity of facilities.*
 - 1. This proposal has parking mainly concentrated to the alleys and small amount of parking at the commercial out lot. There is on-street parking through the central road, which should give some level of traffic calming. This proposal will also create a limited release valve with giving new options for both vehicular and pedestrian traffic to enter/exit the neighborhood. The bus stop will also serve a benefit, allowing another way for residents to commute without the need of a vehicle.
 - 2. The proposal provides some commercial specific parking along with on-street parking. Additionally, staff appreciates seeing commercial integrated into a community so that neighbors can access it at times without needing a parking space.
- c) *Architectural compatibility with the surrounding area.*
 - 3. 1. There are two distinct architecture styles proposed, one for the commercial and one for the residential. The commercial architecture focuses on a brick façade, which is compatible with the surrounding area, particularly with the office building on the north side of Sunnyside Road. However, this brick is almost entirely used on the front elevation with only a small amount throughout the other sides. The proposed architecture for the commercial area is more modern than what has been seen along Gaines School Road, however, it does look compatible and has a consistent scale
- d) *The possible impact on the environment, including, but not limited to, drainage, soil erosion and sedimentation, flooding, air quality and water quality, including the generation of smoke, dust, odors, or environmental pollutants.*
 - 1. There are no environmental areas on these properties and it is Staff's understanding that all water drainage must be contained on site, which would limit the proposals impact on the surrounding areas.
 - 2. There are no environmental areas on these properties and it is Staff's understanding that all water drainage must be contained on site, which would limit the proposals impact on the surrounding areas.
- e) *Generation of noise, light, and glare.*
 - 1. In general, this corridor, like many well trafficked ones is noisy, this proposal will not add to that elevated level. The Airport Overlay standards on glare and light will ensure this proposal is not a detriment in either case.
 - 2. The commercial uses might add additional traffic including trucks, this needs to be cautiously screened or buffered.
- f) *The development of adjacent properties compatible with the future development map and the zoning district.*
 - 1. The adjacent properties that front Gaines School Road are compatible with the proposal as they are also *Main Street Business* in the FLU Map. However, these properties are also zoned Commercial-Office. For the properties that do not front Gaines School Rd, this change would be mostly compatible with the FLU Map as *Main Street Business* is a natural step up from *Traditional Neighborhood*. From the zoning district perspective, RM-2 is a larger step up in intensity as there is no developments in the area that have this level of density.

2. Staff believes that the switch to Commercial-Neighborhood is appropriate, but it would be an isolated zoning district.

g) *Impact on future transportation corridors.*

1. The proposal is along a corridor of importance and currently has a bus stop in front of the property. If Gaines School Road evolves into a boulevard in the coming years, this proposal could complement such a redesign.
2. Increased commercial uses along this stretch of Gaines School Road could help naturally have a calming effect on the corridor. Allowing increased opportunities closer to residents is also a benefit, especially as they can be access in a variety of transportation modes.

h) *Impact on the character of the neighborhood by the establishment or expansion of the proposed use in conjunction with similar uses.*

1. Much of the housing in the area, to the east and north, is lower income while the housing to the south in the Cedar Creek subdivision has a wider range of socio/economic demographics. This development could bridge that gap and provide a less seen housing type along this corridor.
2. The commercial portion of the project does fit the character of Gaines School Road. The additional use allowance is a natural request as this road seeks to meet the various needs of adjacent residents and customers.

i) *Other factors found to be relevant by the hearing authority for review of the proposed use.*

1. Currently the interior roads around 450 Gaines School Road are sub-standard and any update to them would ultimately be a benefit to the surrounding neighborhoods.
2. Our Growth Concept Map and Comprehensive Plan are seeking to put adaptable commercial uses closer to the people that need them. This proposal provides some of that opportunity without overwhelming the neighborhood.

Overall, the proposal does meet most of the criteria. The primary areas Staff believes criteria is not met is with the architecture and the potential negative ripple effect this development may have on the surrounding neighborhoods.

Requested Waivers

1. *Waiver from Section 8-7-15 (Table 1), to waive the required percentage of conserved canopy from 25% (RM-2) and 15% (C-N) to 0%.*

Applicant's Purpose: To achieve the development pattern proposed without the use of retaining walls.

Staff Opinion: Staff agree that the site has a minimally wooded site, however more information is needed about how proposed tree replanting can offset the request.

2. *Waiver from Section 9-12-6-E-2, to waive the requirement to provide either a landscape buffer strip or buffer wall between the commercial building and the residential uses.*

Applicant's Purpose: Allows current site layout; fosters a sense of community between the residential and commercial uses of the mixed density site.

Staff Opinion: This waiver would primarily affect the north and west side of the commercial

outlot where there is a parking lot that interconnects between the existing Sunnyview Road and the new central road. The side elevations of the townhomes would face the commercial outlot and, as proposed, the townhomes' side elevations would not meet the required fenestration calculation typically required by Code. As a result, Staff finds that the proposed design creates an uninviting space within the development that could be an asset for the residents. The waiver request could be justified if the site plan design incorporated enhanced plantings (trees and shrubs) in lieu of a wall in the space between the townhomes and sidewalk to screen the parking area.

3. *Waiver from Section 9-8-3, to increase the maximum lot coverage of RM-2 from 65% to 66%*

Applicant's Purpose: To achieve the moderate density and use of alleys to create a more appealing aesthetic throughout the project.

Staff Opinion: Staff support the idea of this waiver; however, Staff needs clarification on the difference in lot coverage allotment requested by Waiver 4. Staff also notes that many of the new fee-simple lots being proposed appear to exceed the 65% maximum lot coverage. Therefore, Staff needs more information before making a recommendation on the waiver.

4. *Waiver from Section 9-12-6, to waive the maximum lot coverage of the Gaines School Overlay District from 60% to 71%*

Applicant's Purpose: To achieve the moderate density the project proposes.

Staff Opinion: Staff support this waiver, but needs clarification on the difference in lot coverage allotment requested by the waiver. If this is for the project as a whole including the commercial out lot, then that must be specified. Therefore, Staff needs more information before making a recommendation on the waiver.

5. *Waiver from Section 9-30-2, to change the parking calculation of Restaurant and Bars from, "1 per 100 square feet or 1 per four seats, whichever is less," to "1 per 300 square feet or 1 per four seats, whichever is less."*

Applicant's Purpose: To give flexibility to potential commercial tenants.

Staff Opinion: Staff supports the intention of this waiver, but does have concerns. This change would bring Restaurants/Bars to the same requirements as general retail businesses, making a more even parking distribution that would allow for a greater flexibility in potential businesses. However, Staff's questions whether there would be adequate parking if the commercial spaces are filled. Eight on-street spaces are credited towards the commercial uses, but there is no specific designation on the site plan for these spaces. Also, those spaces would be a 2:1 ratio, which is not part of the waiver request. If it is the closest four on Sunnyview Road and the closest four on the internal road, those need to be clearly stated.

Separately, but equally related to parking relief, there is no explanation on the off-site parking within the RM-2 zone, which the applicant must address.

In all, Staff does not think this waiver would fully achieve the flexibility needed. If the applicant were to go one step further and have the parking be shared between commercial uses and have overlapping hours, Staff would be more willing to support this waiver.

6. *Waiver from Section 9-25-8-C-1-b, to waive the requirement that "All buildings located within 75 feet of a public or private street must include front entry porches oriented towards the street and provide direct access to said street."*

Applicant's Purpose: To achieve the desired neighborhood feel and to ensure vehicles are parked at the rear of buildings, concealed in garages.

Staff Opinion: Staff support the intention of this waiver; however, Staff would fully support this waiver if the sides of the townhomes that cause this waiver to be requested have a heightened level of architecture to offset this code. Staff does not support the idea that landscaping and trees will make up for this waiver.

7. *Waiver from Section 9-25-8-C-1-c, to waive this requirement which states “Buildings which are located within 75 feet of a front yard property line or 20 feet of any yard adjacent to a public or private street shall have at least 25 percent of the wall facing the street in functional window and functional door areas.”*

Applicant's Purpose: To achieve the architectural design requested.

Staff Opinion: Staff does not support this waiver. If the stated core goal of this project is to create a moderately dense neighborhood that feels shared and connected, then the architecture should complement or enhance that desire, not the opposite. Staff understand that not everyone wants a passerby to be able to look into their home and that the applicant is trying to avoid retaining walls due to the topography, but with some of these elevations only showing 12% fenestration, the outcome will be a blank or nearly blank wall. Staff believes these specific units that front a street can be oriented towards the street and still keep their alley garage. This would create a more unified result along the spine of the project as well as better achieve the applicants' primary goals of a vibrant and connected community.

Code Compliance Issues:

1. *Sec. 9-8-3 – Minimum lot area in square feet must be 5,000 sq. ft. or more. Maximum lot coverage of each fee-simple lot created cannot exceed 65%.*
2. *Sec. 9-25-8-B-3 – No adjacent single-family homes or contiguous groups of attached single family homes may be of the same design and floorplan.*
3. *Sec. 9-25-8-B-4 – Walls which face a street other than an alley must contain at least 20 percent of the wall space in windows or doors.*
4. *Sec. 9-25-8-B-6 – Windows shall not be flush with exterior wall treatment.*
5. *Sec. 9-25-8-C-8 – Special standards for large scale multifamily developments.*
 - *The same exterior design cannot be used for more than 30 units in a project.*
6. *Sec. 9-26-3-O-2 – Block sizes must be under three acres.*
 - *The southern block as proposed is over three acres. The park space is 50 feet wide, the minimum acceptable width to break up the block. This must be approved by the Planning Director, which has not been requested.*
7. *Sec. 9-25-8-C-3 – A project may not contain a block of greater than three acres.*
 - *This is the same as the previous code compliance issue, however there is no relief by using open space.*
8. *Sec. 9-25-8-C-7-c – Play areas for children are required for projects of greater than 20 units that are not designed as age limited or student housing.*

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.